
STATUTORY INSTRUMENTS

1987 No. 257

The Police Pensions Regulations 1987

Part D

Children's Awards

Child's ordinary allowance

D1.—(1) This Regulation shall apply to a child of a regular policeman—

- (a) who, having retired with an ordinary, short service or ill-health pension, dies or has died while in receipt of that pension;
- (b) who, having retired with both an ill-health and an injury pension, dies or has died otherwise than while in receipt of the ill-health pension but while in receipt of the injury pension;
- (c) who dies or has died having retired with a gratuity when entitled to reckon at least 3 years' pensionable service, or
- (d) who dies or has died while serving as a regular policeman,

except that this Regulation shall not apply by virtue of sub-paragraph (c) to the child of a regular policeman in respect of whom a transfer value was, or was required to be, paid following his retirement, in pursuance of Regulation F9.

(2) Subject to Regulations D5 (*limitations*) and E8 (*increase during first 13 weeks*), a child to whom this Regulation applies shall be entitled to an ordinary allowance calculated in accordance with Part I of Schedule D.

(3) Paragraph (1) has effect subject to paragraph 1(2) of Part III of Schedule J.

Child's special allowance

D2.—(1) This Regulation shall apply to a child of a member of a police force who dies or has died as the result of an injury received without his own default in the execution of his duty.

(2) Subject to Regulations D5 (*limitations*) and E8 (*increase during first 13 weeks*), a child to whom this Regulation applies shall be entitled to a special allowance calculated in accordance with Part II of Schedule D.

Child's special gratuity

D3.—(1) This Regulation shall apply to a child of a member of a police force who dies or has died as the result of an injury received without his own default in the execution of his duty where one of the conditions set out in Regulation C3(1) is satisfied and—

- (a) in the case of a man, does not leave a widow entitled to a gratuity in pursuance of Regulations C2 and C3, or
- (b) in the case of a woman, was the child's only surviving parent.

(2) Subject to Regulation D5 (*limitations*) but without prejudice to the provisions of Regulation D2 (*child's special allowance*), a child to whom this Regulation applies shall be entitled to a gratuity as hereinafter provided.

(3) The gratuity under paragraph (2) shall be of the amount mentioned in paragraph (4) except that, where two or more such gratuities are payable in respect of the same person, each gratuity shall be of the said amount divided by the number of such gratuities.

(4) The said amount shall be of an amount equal to twice the annual pensionable pay, at the date of that parent's death, of a man—

- (a) holding the rank of constable in the metropolitan police force, and
- (b) entitled to reckon 30 years' service for the purposes of pay.

Child's accrued allowance

D4.—(1) This Regulation shall apply to a child of a regular policeman who dies while entitled to a deferred pension, whether or not that pension has come into payment.

(2) Subject to Regulations D5 (*limitations*) and E8 (*increase during first 13 weeks*), a child to whom this Regulation applies shall be entitled to an accrued allowance calculated in accordance with Part III of Schedule D.

Child's allowance or special gratuity—limitations

D5.—(1) A child's allowance or gratuity under any of the preceding provisions of this Part ("an allowance" and "a special gratuity") shall not be granted—

- (a) to a child born on or after the relevant date specified in paragraph (2) otherwise than of a marriage which took place before the relevant date;
 - (b) by reason of his being a step-child, to the child of a spouse whose marriage to the relevant parent took place on or after the relevant date;
 - (c) by reason of his being substantially dependent on the relevant parent, to a child who was not so dependent before the relevant date;
 - (d) by reason of his being an adopted child, to a child adopted on or after the relevant date;
 - (e) except in the case of a legitimate or adopted child of the relevant parent, to a child who was not substantially dependent on that parent at the time of his death.
- (2) For the purposes of paragraph (1) the relevant date—
- (a) in the case of an ordinary or accrued allowance, is the date on which the relevant parent last ceased to be a regular policeman;
 - (b) in the case of a special allowance or a special gratuity—
 - (i) if the relevant parent received the injury while serving as a regular policeman, is the date on which he last ceased to be a regular policeman,
 - (ii) if he received the injury while called up for service as an auxiliary policeman, is the date of the end of the continuous period of active service during which he received the injury,
 - (iii) if he received the injury while serving as a member of an overseas corps otherwise than as a regular policeman, is the date of the end of the tour of overseas service during which he received the injury.

(3) In the case of a child who has attained the age of 16 years but not that of 17 years, an allowance shall not be payable in respect of any period for which he is in full-time employment unless that

employment constitutes full-time training, of at least a year's duration, for a trade, profession or calling.

(4) In the case of a child who has attained the age of 17 years but not that of 19 years, an allowance shall only be payable in respect of a period throughout which he satisfies one of the conditions set out in paragraph (8).

(5) Without prejudice to paragraph (1), in the case of a child who has attained the age of 19 years, an allowance shall not be payable (and, where he attained that age before the date of the relevant parent's death, shall not be granted) unless—

- (a) he satisfies one of the conditions set out in paragraph (8), and
- (b) in the case of condition (a), also satisfied that condition immediately before he attained the age of 19 years and throughout the entire period thereafter,

except that the payment (or granting) of an allowance shall not be precluded by reason only of subparagraph (b) if the police authority, having regard to all the circumstances of the case, in their discretion so decide.

(6) Without prejudice to paragraphs (3), (4) and (5), in the case of a child entitled to an allowance who is—

- (a) in full-time training for a trade, profession or calling, and
- (b) in receipt of remuneration in respect thereof,

and in the case of any other child entitled to an allowance in respect of the death of the same person, Part IV of Schedule D shall have effect in relation to their allowances.

(7) A special gratuity shall not be granted to a child who attained the age of 17 years before the date of the relevant parent's death unless at that date he satisfied one of the conditions set out in paragraph (8) (disregarding conditions (b)(ii) and (iii)).

(8) The conditions referred to in paragraphs (4), (5) and (7) are that the child—

- (a) is or was undergoing full-time education or in full-time training of at least a year's duration for a trade, profession or calling, or
- (b) is or was permanently disabled and either—
 - (i) was both so disabled and substantially dependent on the relevant parent at the time of his death,
 - (ii) became so disabled while in receipt of an allowance, or
 - (iii) the police authority, having regard to all the circumstances of the case, in their discretion decide to pay (or grant) an allowance to him.

(9) Any reference in this Regulation to the relevant parent is a reference to the parent in respect of whose death the allowance or special gratuity is or, but for the provisions thereof, would be payable.

(10) This Regulation has effect subject to paragraph 5 of Part III of Schedule J.