

SCHEDULE D

Children's Awards

Regulation D1

Part I

Child's Ordinary Allowance

1.—(1) Where one of the child's parents is alive, the child's ordinary allowance in respect of the death of a regular policeman ("the relevant parent") shall, subject to paragraphs 4 and 5, be determined in accordance with this paragraph.

(2) Subject to sub-paragraphs (3) and (4), an allowance determined in accordance herewith shall be of an annual amount equal to 18.75% of the amount of the relevant parent's pension or notional pension mentioned in paragraph 3.

(3) Subject to sub-paragraph (4), where 3 or more children's allowances are for the time being payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 37.5% of the relevant parent's pension or notional pension mentioned in paragraph 3 divided by the total number of allowances so payable.

(4) Where in respect of any week the aggregate rate at which—

- (a) any widow's ordinary pension, and
- (b) any children's allowances determined in accordance herewith,

would be payable in respect of a person who died while entitled to an ordinary, short service, ill-health or injury pension ("the principal pension") exceeds the rate at which the principal pension was payable immediately before that person's death, the children's allowances shall be reduced by such factor as will ensure that the said aggregate rate does not exceed the rate at which the principal pension was so payable.

(5) For the purposes of sub-paragraph (4) there shall be ignored—

- (a) in the case of a widow's pension or child's allowance, any increase therein in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*), and
- (b) in the case of the principal pension—
 - (i) the restrictions on payments on account of an ordinary pension contained in Regulation B1(5), and
 - (ii) the provisions for the reduction of a pension contained in Parts VII and VIII of Schedule B (reductions at state pensionable age and related to up-rating of widow's pension),

and where the relevant parent was entitled both to an ordinary, short service or ill-health pension and to an injury pension, the reference in sub-paragraph (4) to the rate at which the principal pension was payable shall be construed (subject to sub-paragraph (b)) as a reference to the aggregate rate at which those pensions were payable.

2.—(1) Where the relevant parent was the child's only surviving parent or in respect of any period after the death of the child's other parent, the child's ordinary allowance shall, subject to paragraphs 4 and 5, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an annual amount equal to 25% of the relevant parent's pension or notional pension mentioned in paragraph 3.

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(3) Where 3 or more children's ordinary allowances are for the time being payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 50% of the relevant parent's pension or notional pension mentioned in paragraph 3 divided by the total number of allowances so payable.

3.—(1) The pension or notional pension referred to in paragraphs 1 and 2 is—

- (a) where the relevant parent died while entitled to an ordinary, short service or ill-health pension, that pension;
- (b) where, having retired with both an ill-health and an injury pension, he died while no longer entitled to the ill-health pension but while entitled to the injury pension, the ill-health pension to which he would have been entitled had he not ceased to be entitled thereto;
- (c) where he retired with a gratuity when entitled to reckon at least 3 years' pensionable service, the ill-health pension to which he would have been entitled had he retired in circumstances entitling him to such a pension, or
- (d) where he died while serving as a regular policeman, the ill-health pension to which he would have been entitled had he retired immediately before he died in circumstances entitling him to such a pension,

calculated, in each case, in accordance with sub-paragraph (2).

(2) The pension or notional pension referred to in sub-paragraph (1)(a), (b), (c) or (d) shall be calculated without regard to—

- (a) the restrictions on payments on account of an ordinary pension contained in Regulation B1(5), and
- (b) the provisions for the reduction of a pension contained in Regulation B7(7) and (8)(b) (*commutation*), in Regulation B9(7) (*allocation*) and in Parts VII and VIII of Schedule B (*reductions at state pensionable age and related to up-rating of widow's pension*).

4. The amount of a child's ordinary allowance determined in accordance with sub-paragraph (2) or (3) of paragraph 1 or, as the case may be, of paragraph 2 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

5. Where in respect of any period a person to whom a child's ordinary allowance is paid so elects, the amount of that allowance in respect of that period shall not be calculated as aforesaid but shall be determined by reference to the rank held by the relevant parent in accordance with Regulation E10 (*flat-rate award*).

6. Where the relevant parent died before 1st April 1987, any reference in paragraph 1(5)(b) or 3(2) to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

7. This Part has effect subject to paragraphs 1(3), 2 and 3 of Part III of Schedule J.