

SCHEDULE J

Special Cases—Exceptions and Modifications

Part III

Children's Awards

Child's ordinary allowance

Child whose parent retired before 1st April 1987

1.—(1) This paragraph shall apply in the case of the child of a regular policeman who retired before 1st April 1987.

(2) In the case of such a child, Regulation D1(1) (*child's ordinary allowance*) shall have effect as if the words "except that" to the end were omitted.

(3) In the case of such a child, paragraph 1 of Part I of Schedule D (*child's ordinary allowance*) shall have effect as if the provisions for the reduction of a pension to be ignored for the purposes of sub-paragraph (4) in pursuance of sub-paragraph (5)(b)(ii) thereof included those of Regulation B7(8)(b) (*commutation*).

Transitional modification of Part I of Schedule D

2.—(1) This paragraph shall apply in the case of a child whose father was serving as a regular policeman or entitled to a pension other than a deferred pension either—

- (a) on 1st April 1973, or
- (b) at the date of his death where that date is before 1st July 1973,

where neither he nor his widow exercised any right of election accorded by Regulation 58, 59, 60 or 61 of the Regulations of 1973.

(2) Where this paragraph applies, Part I of Schedule D shall have effect as if for any reference in paragraph 1 or 2 thereof to the relevant parent's pension or notional pension there were substituted a reference to the amount specified in the following sub-paragraph and as if paragraph 3 were omitted.

(3) The reference in sub-paragraph (2) to the amount specified in this sub-paragraph is, subject to sub-paragraph (4), the difference between the two following amounts, namely—

- (a) an amount which is the aggregate of—
 - (i) an amount equal to a sixtieth of the father's average pensionable pay multiplied by the period in years of his pensionable service up to 20 years,
 - (ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;
- (b) an amount calculated as aforesaid but by reference only to the father's pre-1972 pensionable service.

(4) Where the father's pensionable service exceeds 30 years, then there shall be reduced by that excess—

- (a) his pensionable service taken into account for the purposes of sub-paragraph (3)(a);
- (b) his pre-1972 pensionable service taken into account for the purposes of sub-paragraph (3)(b).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) In this paragraph “pre-1972 pensionable service” has the meaning assigned thereto by paragraph 5(4) of Part II of this Schedule.

Child whose relevant parent died before 1st April 1973

3.—(1) This paragraph shall apply in the case of the child of a regular policeman who died before 1st April 1973.

(2) 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 determined—

- (a) in accordance with paragraphs 2 and 4 of Part I of Schedule D, or
- (b) in accordance with paragraph 5 of the said Part I,

may be increased in accordance with Part III of Schedule 4 to the Police Pensions Regulations 1971(1).

Child’s accrued allowance

Transitional modification of Part III of Schedule D

4.—(1) This paragraph shall apply in the case of a child where the relevant parent is the father and he both—

- (a) was not entitled to his deferred pension in pursuance of paragraph 8(6)(b) of Part I of this Schedule, and
- (b) was entitled to reckon pensionable service otherwise than—
 - (i) by reason of service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972,
 - (ii) by virtue of Regulation F7 (*preserved interchange arrangements*) where the conditions specified in paragraph (1) thereof are satisfied on or after 1st April 1973,
 - (iii) by virtue of Regulation I7(1) and the proviso to Regulation I8(1) by reason of a period of relevant service in the armed forces on or after 1st April 1956, or
 - (iv) by virtue of section 10 of the Police Pensions Act 1921(2).

(2) Where this paragraph applies, Part III of Schedule D shall have effect as if for any reference in paragraph 2(1) thereof to the relevant parent’s deferred pension were a reference to the proportion thereof specified in sub-paragraph (4).

(3) In accordance with sub-paragraph (2), where this paragraph applies, paragraphs 1(2) and (3) and 2(2) and (3) of Part I of Schedule D as applied by Part III thereof shall have effect without regard to paragraph 2 of this Part but as if for any reference therein to the relevant parent’s pension or notional pension there were substituted a reference to the proportion specified in the following sub-paragraph of a deferred pension calculated in accordance with paragraph 2(2) of the said Part III.

(4) The reference in sub-paragraphs (2) and (3) to the proportion specified in this sub-paragraph are references to the proportion which the relevant parent’s half-rate service (within the meaning of paragraph 7(2) of Part II of this Schedule) bears to the pensionable service reckonable by him.

(1) S.I. 1971/232.
(2) 1921 c. 31.

Limitations on child's award

Child's allowance or special gratuity

5.—(1) This paragraph shall apply in the case of a child who is permanently disabled where the relevant parent (within the meaning of Regulation D5) ceased to be a member of a police force before 15th August 1983.

(2) Where this paragraph applies nothing in Regulation D5 shall preclude the grant of a child's allowance or special gratuity if the child was permanently disabled at the date of the relevant parent's death.

(3) Where this paragraph applies nothing in Regulation D5 shall preclude the payment of a child's allowance if—

- (a) he has not attained the age of 19 years, or
- (b) he has attained the age of 19 years and has been permanently disabled throughout the period after his attaining that age or, where later, after the death of the relevant parent.

Gratuity in lieu of child's allowance

Child whose relevant parent ceased to serve before 1st April 1987

6.—(1) This paragraph shall apply in the case of the child of a member of a police force who ceased to serve before 1st April 1987.

(2) In the case of such a child, Regulation E5 shall have effect as if paragraph (5) were omitted.