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STATUTORY INSTRUMENTS

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**1987 No. 257**

**The Police Pensions Regulations 1987**

**Part E**

**Awards on Death—Additional Provisions**

*Dependent relatives and estate*

**Adult dependent relative's special pension**

**E1.**—(1) This Regulation shall apply in the case of a member of a police force who dies as the result of an injury received without his own default in the execution of his duty and, in such case, shall apply—

- (a) to a parent or (without prejudice to the following sub-paragraph) to a brother or sister of the member who had attained the age of 19 years before the member's death;
- (b) subject to his having attained the age of 19 years, to any child of the member whether or not he had attained that age before the member's death, or
- (c) where the member was a married woman whose husband was permanently disabled at the time she died, to her widower,

subject, in each case, to the person in question being substantially dependent on the member immediately before the member's death.

(2) If the police authority, having regard to all the circumstances of the case, so determine, they may grant a special pension to any such dependent relative.

(3) A dependent relative's special pension shall be calculated in accordance with Part I of Schedule E and, subject to paragraph 4 thereof, shall be payable for such period or periods as the police authority may, in their discretion, from time to time determine.

**Gratuities—dependent relatives**

**E2.**—(1) This Regulation shall apply in the case of a regular policeman—

- (a) who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, if death—
  - (i) results from an injury received in the execution of his duty, or
  - (ii) takes place within 2 years of his becoming entitled to his pension, or
- (b) who dies while serving as such and in respect of whom no award is payable otherwise than by virtue of this or the next following Regulation or by virtue of Regulation B9(9) (*allocation*).

(2) In the case of such a regular policeman the police authority may, in their discretion, grant a gratuity to any relative of the policeman who was dependent on him to any degree at the time of his death but the aggregate amount of any gratuities granted under this Regulation shall not exceed the aggregate pension contributions in respect of the policeman's relevant period of service.

### **Gratuity—estate**

- E3.**—(1) This Regulation shall apply in the case of a regular policeman—
- (a) who dies while entitled to an ordinary, short service, ill-health or deferred pension, whether or not that pension has come into payment, or
  - (b) who dies while serving as such.
- (2) If, in the case of such a regular policeman, the aggregate of—
- (a) any payments made or due to him on account of his ordinary, short service, ill-health or deferred pension or by way of a lump sum under Regulation B7 where a portion of such a pension has been commuted, or on account of an injury pension, together with any increase therein under the Pensions (Increase) Acts;
  - (b) where he has, or is deemed to have, exercised the right of election conferred by paragraph 8 of Part I of Schedule J (*award in certain cases in lieu of deferred pension under Regulation B5*), any payment made or due to him (or his estate) on account of the award mentioned in sub-paragraph (6)(a) of that paragraph;
  - (c) the capitalised value (calculated in accordance with tables prepared from time to time by the Government Actuary) of any pension or allowance granted in respect of his death (including, where he has allocated a portion of his pension under Regulation B9, any pension payable thereunder to the beneficiary of that allocation); and
  - (d) any gratuity granted in respect of his death otherwise than under this Regulation,

is less than his aggregate pension contributions in respect of his relevant period of service, the police authority shall pay a gratuity equal to the difference to his legal personal representative.

### *Supplementary provisions relating to awards on death*

### **Gratuity in lieu of widow’s pension**

**E4.**—(1) Save as provided in paragraph (2), this Regulation shall apply to any pension under Part C (“a widow’s pension”).

(2) Where on the death of her husband before he attained state pensionable age a woman became entitled to a widow’s ordinary or special pension under Regulation C1 or C2, the police authority may, subject to Regulation E6, commute for a gratuity that part of the pension (expressed as a weekly amount) which is in excess of her guaranteed minimum pension or so much of that part as may be commuted without contravening Regulation E6:

Provided that a police authority shall not exercise their discretion under this paragraph unless—

- (a) the widow consents, and
- (b) they are satisfied that there are sufficient reasons for so doing.

(3) Where the annual amount of any widow’s pension does not exceed £104 (other than a pension which does not exceed that amount by reason of the commutation of part thereof under paragraph (2)), the police authority may, at their discretion, commute it for a gratuity.

(4) The provisions of Regulation C9 relating to the termination of a widow’s award on remarriage and certain other matters shall apply in relation to a gratuity under this Regulation as they apply in relation to a gratuity under Part C.

(5) A gratuity under this Regulation shall be calculated in accordance with Part II of Schedule E.

(6) Where a widow is entitled to more than one widow’s pension in respect of the death of the same person but, in pursuance of Regulation E7, is not entitled to receive, in respect of any particular period, payment on account of more than one of those pensions, those widow’s pensions shall be treated for the purposes of this Regulation and of Part II of Schedule E as a single widow’s pension

and, where one of those pensions is a widow's ordinary or special pension, that single pension shall be treated for the purposes of paragraph(2) as if it were a widow's ordinary or special pension.

(7) This Regulation has effect subject to Regulation J1(6)(b) and paragraph 9 of Part II of Schedule J.

### **Gratuity in lieu of child's allowance**

**E5.**—(1) This Regulation shall apply to any allowance under Part D (“a child's allowance”).

(2) Where a child is entitled to a child's allowance, the police authority may, subject to Regulation E6, commute it for a gratuity:

Provided that a police authority shall not exercise their discretion under this paragraph unless—

- (a) the child's surviving parent or guardian consents or, where he has no such parent or guardian, the child himself consents, and
- (b) they are satisfied that there are sufficient reasons for so doing.

(3) Where the police authority are precluded by reason of the provisions of Regulation E6 from exercising their discretion under the preceding paragraph but otherwise would exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the allowance.

(4) A gratuity under this Regulation shall be calculated in accordance with Part III of Schedule E.

(5) Where a child is entitled to more than one child's allowance in respect of the death of the same person but, in pursuance of Regulation E7, is not entitled to receive, in respect of any particular period, payment on account of more than one of the allowances, those child's allowances shall be treated for the purposes of this Regulation and of Part III of Schedule E as a single child's allowance.

(6) Paragraph (5) has effect subject to paragraph 6 of Part III of Schedule J.

### **Limitation on discretion to grant a gratuity in lieu of a pension or allowance**

**E6.**—(1) This Regulation shall apply in the case of a regular policeman who has died while in receipt of an ordinary, short service, ill-health or deferred pension (“the principal pension”).

(2) The police authority shall not under Regulation E4(2) or E5 substitute for the whole or any part of a widow's pension or child's allowance payable in respect of such a policeman a gratuity the actuarial equivalent of which (within the meaning of paragraph (3)) when added to that of—

- (a) any other gratuity so substituted under Regulation E4(2) or E5, and
- (b) any lump sum paid or payable under Regulation B7, where a portion of the principal pension has been commuted,

exceeds a quarter of the capitalised value of the principal pension, any reduction therein under Regulation B7 being ignored.

(3) For the purposes of this Regulation the actuarial equivalent of a gratuity or lump sum and the capitalised value of the principal pension shall, in each case, be that at the time of the husband's or parent's retirement, as calculated by the Government Actuary.

### **Prevention of duplication**

**E7.**—(1) Subject to paragraph (2), where, but for this Regulation, a person would be entitled to receive, in respect of any particular period, payments on account of more than one award in respect of the death of the same person—

- (a) each of the awards being a widow's pension under Part C, or
- (b) each of the awards being either a child's allowance under Part D or an adult dependent relative's pension under Regulation E1,

he shall be entitled to receive, in respect of that period, payment on account of one only of those awards; and the award payable shall be that from time to time selected by the person concerned or, in default of such selection where one award is for the time being greater than any other such award, the award which is for the time being the greater.

(2) Nothing in paragraph (1) shall prevent a person from being entitled to receive more than one such pension or allowance as is mentioned in sub-paragraph (a) or (b) thereof if—

- (a) the awards in question are calculated, directly or indirectly, by reference to different periods of pensionable service, and
- (b) no award in question falls to be increased in accordance with Regulation E8 or to be determined in accordance with Regulation E10 (*flat-rate award*).

### **Increase of widow's pension or child's allowance during first 13 weeks**

**E8.**—(1) This Regulation shall apply to a widow's ordinary, special or accrued pension or a pension under Regulation C5(3) (*pension in case of post-retirement marriage*) and to a child's ordinary, special or accrued allowance where the person in respect of whose death the award is payable was, immediately before his death—

- (a) serving as a member of a police force and, in the case of an auxiliary policeman, called up for service as such, or
- (b) in receipt of a pension,

and, for the purposes of sub-paragraph (b), the provisions of Regulation A8 relating to persons treated as being in receipt of an ordinary pension shall be disregarded.

(2) A widow's pension to which this Regulation applies shall, so far as necessary, be increased in respect of the first 13 weeks for which it is payable so as to secure that, in respect of each such week, the aggregate amount of the pension and of any children's allowances payable in respect of the same person's death is not less than—

- (a) in the case mentioned in paragraph (1)(a), the policeman's pensionable pay for a week immediately before he died, or
- (b) in the case mentioned in paragraph (1)(b), the weekly amount of his pension together with any increase therein, immediately before he died, under the Pensions (Increase) Acts;

and, for the purposes of sub-paragraph (b)—

- (i) there shall be disregarded any reduction in the policeman's pension in consequence of Part VIII of Schedule B (*reduction of pension related to uprating of widow's pension*) or his entitlement to any additional benefit within the meaning of paragraph 4 of Part V of that Schedule (*policeman's injury award*), and
- (ii) where the policeman died while in receipt of both an ordinary, short service or ill-health pension and of an injury pension, the reference therein to the weekly amount of his pension shall be construed as a reference to the aggregate weekly amount of those pensions.

(3) Where a child's allowance to which this Regulation applies is payable in respect of the death of a person who—

- (a) in the case of a man, did not leave a widow entitled to a pension which was payable for a continuous period of 13 weeks, or
- (b) in the case of a woman, was the child's only surviving parent,

the allowance shall, so far as necessary, be increased in respect of the first 13 weeks for which it is payable so as to secure that, in respect of each such week, it is not less than the amount specified in paragraph (2)(a) or (b) except that, where 2 or more such allowances are payable in respect of the death of the same person, each allowance shall be so increased that it is of that amount divided by the number of such allowances:

Provided that where a widow's pension is payable in respect of any such week, a child's allowance in respect of the death of the same person shall not be so increased in respect of that week.

(4) Paragraph (1) has effect subject to paragraph 10 of Part II of Schedule J.

#### **Increase of awards (other than flat-rate awards) by reference to the Pensions (Increase) Acts**

**E9.**—(1) Where it is provided that, for the purpose of calculating an award by way of periodical payments or a gratuity (“the relevant award”), an amount shall be increased in accordance with this Regulation, it shall be increased by the amount, if any, by which a corresponding pension, within the meaning of the Pensions (Increase) Act 1971(1), of the amount first mentioned would from time to time be increased under the Pensions (Increase) Acts if—

- (a) it were payable to the person entitled to the relevant award and, in relation thereto, he had the like guaranteed minimum pension (if any) as he has in relation to the relevant award;
- (b) it were one of the pensions specified in paragraph 43 of Part II of Schedule 2 to the said Act of 1971;
- (c) it were not a pension to which section 1(2)(a) of the Pensions (Increase) Act 1974(2) applies, and
- (d) it began, within the meaning of the said Act of 1971, and became payable when the relevant award so began and became payable.

(2) Where the relevant award is a child's allowance, the Pensions (Increase) Acts as applied by paragraph (1) shall have effect as if section 3 were omitted from the Pensions (Increase) Act 1971 and, accordingly, the amount first mentioned in paragraph (1) shall be increased so long as the allowance is payable.

#### **Determination of amount of widow's or child's flat-rate award and increase thereof by reference to the Pensions (Increase) Act 1971**

**E10.**—(1) Where, in respect of any week, the amount of a widow's ordinary or accrued pension or a child's ordinary or accrued allowance falls to be determined by reference to the husband's or relevant parent's rank by reason of an election under paragraph 3 of Part I or paragraph 3 of Part III of Schedule C or under paragraph 5 of Part I, or that paragraph as applied by Part III, of Schedule D, the amount of the award (“the relevant award”) shall be the appropriate sum for the purposes of this Regulation increased in accordance with paragraph (6).

(2) In the case of a widow's pension the appropriate sum for the purposes of this Regulation shall be, subject to paragraphs (3) and (5)—

- (a) where the husband at the time when he ceased to be a regular policeman held a rank higher than that of inspector, £11.39;
- (b) where he so held the rank of inspector, £9.48, or
- (c) where he so held a rank lower than inspector, £7.28.

(3) Each of the sums mentioned in paragraph (2) shall be increased by 56p where the relevant award is—

- (a) a widow's ordinary pension and the husband was entitled to reckon at least 10 years' pensionable service, or
- (b) a widow's accrued pension and the husband ceased to serve as a regular policeman on or after 6th April 1975 and would, had he continued so to serve until he could have been

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(1) 1971 c. 56.

(2) 1974 c. 9.

required to retire on account of age, have become entitled to reckon at least 10 years' pensionable service.

(4) In the case of a child's allowance the appropriate sum for the purposes of this Regulation shall be, subject to paragraph (5)—

- (a) where the relevant parent at the time when he ceased to be a regular policeman held a rank higher than that of inspector, £3.01 if the allowance would otherwise be determined in accordance with paragraph 1 of Part I of Schedule D or £4.47 if it would otherwise be determined in accordance with paragraph 2 of that Part;
- (b) where he so held the rank of inspector, £2.44 if the allowance would otherwise be determined in accordance with the said paragraph 1 or £3.62 if it would otherwise be determined in accordance with the said paragraph 2, or
- (c) where he so held a rank lower than that of inspector, £2.07 if the allowance would otherwise be determined in accordance with the said paragraph 1 or £3.05 if it would otherwise be determined in accordance with the said paragraph 2,

and in this paragraph any reference to Part I of Schedule D includes a reference to that Part as applied by Part III of that Schedule.

(5) For the purposes of paragraphs (2) and (4) a chief inspector in the City of London police force shall be treated as if he held a rank higher than that of inspector.

(6) The appropriate sum shall be increased by the amount by which a corresponding pension, within the meaning of the Pensions (Increase) Act 1971, of a weekly amount equal to the said sum would from time to time be increased under the said Act of 1971 in respect of a week if—

- (a) it were payable to the person entitled to the relevant award, in relation thereto he had the like guaranteed minimum pension (if any) as he has in relation to the relevant award and he satisfied the qualifying conditions within the meaning of the said Act of 1971;
- (b) it were an official pension within the meaning aforesaid;
- (c) it began, within the meaning aforesaid, on 30th June 1978, and
- (d) no account were taken of the provisions of the Pensions Increase (Annual Review) Order 1978(3),

but, in performing the necessary calculations, sums shall be expressed to the nearest penny (a half penny counting as a whole penny).