

SCHEDULE J

Special Cases—Exceptions and Modifications

Part II

Widows' Awards

Widow's accrued pension

Application of paragraph 8 and service for the purposes thereof

7.—(1) Paragraph 8 shall apply in the case of the widow of a regular policeman—

- (a) who was not entitled to his deferred pension in pursuance of paragraph 8(6)(b) of Part I of this Schedule, and
- (b) in relation to whom any of the conditions specified in the first column of either Table B or C are satisfied.

(2) The husband's half-rate and mixed-rate service for the purposes of paragraph 8 shall depend upon the conditions specified in the first column of Table A, B or C which are satisfied in relation to him and shall be the aggregate of the periods of pensionable service specified opposite the conditions which are so satisfied—

- (a) in the case of half-rate service, in the second column of the Table in question, and
- (b) in the case of mixed-rate service, in the third column thereof,

so, however, that where a period of pensionable service falls within more than one of the entries in Table A it shall not be taken into account more than once.

(3) The following Tables are those referred to in sub-paragraphs (1) and (2):—

Table A:

Service Counting Fully as both Half-Rate and Mixed-Rate Service

Condition	Half-rate service	Mixed-rate service
(a) (a) If the husband has pensionable service reckonable by reason of police service on or after 1st April 1972.	That pensionable service	That pensionable service
(b) (b) If he has pensionable service reckonable by virtue of Regulation F6 (<i>current interchange arrangements</i>).	That pensionable service	That pensionable service
(c) (c) If he has pensionable service reckonable by virtue of	That pensionable service	That pensionable service

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Condition	Half-rate service	Mixed-rate service
section 10 of the Police Pensions Act 1921.		
(d) (d) If he has pensionable service reckonable by virtue of Regulation 17(1) and the proviso to Regulation 18(1) by reason of a period of relevant service in the armed forces on or after 1st April 1956.	That pensionable service	That pensionable service
(e) (e) If he has pensionable service which, immediately before 1st April 1973, was reckonable by him otherwise than by reason of police service on or after 1st April 1972 and was for a period of less than a complete year.	That pensionable service	That pensionable service
(f) (f) If he has pensionable service reckonable by virtue of Regulation F3(1) (f) (<i>British Airports Authority constabulary service</i>) otherwise, where he has been granted a back service credit, than by reason of that credit (subject, however, to subparagraph (5) below).	That pensionable service	That pensionable service
(g) (g) If he has pensionable service reckonable by virtue of Regulation F3(1)(f) by reason that he had been granted a back service credit and he had elected as mentioned in Regulation 61A(2) (a) of the Regulations of 1973 to make a special payment by way of a lump sum (subject, however, to subparagraphs (5) and (6) below).	That pensionable service	That pensionable service

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Table B:

Service Counting in Part as both Half-Rate and Mixed-Rate Service

Condition	Half-rate service	Mixed-rate service
(a) (a) If the husband has pensionable service reckonable by virtue of Regulation F3(1)(f) by reason that he had been granted a back service credit and he had elected as mentioned in Regulation 61A(2) (b) of the Regulations of 1973 to pay special contributions (subject, however, to subparagraphs (5) and (6) below).	The proportion specified in subparagraph (7) below of that pensionable service.	The proportion specified in subparagraph (7) below of that pensionable service.
(b) (b) If he has pensionable service reckonable by virtue of Regulation F3(1)(f) by reason that he had been granted a back service credit and his deferred pension fell to be reduced as mentioned in paragraph 3 of Part VI of this Schedule (subject, however, to subparagraph (5) below).	The proportion specified in subparagraph (8) below of that pensionable service.	The proportion specified in subparagraph (8) below of that pensionable service.

Table C:

Service Counting Fully or in Part either as Half-Rate or as Mixed-Rate Service

Condition	Half-rate service	Mixed-rate service
(a) (a) If the husband has pensionable service reckonable by reason of police service in respect of which he paid pension contributions at a rate related to 6.25% of his pensionable pay.	—	That pensionable service.
(b) (b) If he has pensionable service not mentioned in the first column of Table	That pensionable service.	—

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Condition	Half-rate service	Mixed-rate service
<p>A which, immediately before 1st April 1973, was reckonable by him and he had elected as mentioned in Regulation 59(3)(a) of the Regulations of 1973 to make a further payment by way of a lump sum.</p>		
<p>(c) (c) If he has such pensionable service as aforesaid and he had elected as mentioned in Regulation 59(2)(a) of the Regulations of 1973 to make an additional payment by way of a lump sum.</p>	—	That pensionable service.
<p>(d) (d) If he has such pensionable service as aforesaid, he had elected as mentioned in Regulation 58(3) of the Regulations of 1973 and, immediately before he retired, was paying further contributions in pursuance of that election.</p>	The proportion specified in sub-paragraph (9) below of that pensionable service.	—
<p>(e) (e) If he has such pensionable service as aforesaid, he had elected as mentioned in Regulation 57 and 58(2) of the Regulations of 1973 and, immediately before he retired, was paying additional contributions in pursuance of that election.</p>	—	The proportion specified in sub-paragraph (9) below of the period of pensionable service by reference to which the rate of payment of additional contributions was determined (including any fraction of a year disregarded for that purpose).
<p>(f) (f) If he has such pensionable service as aforesaid and his deferred pension fell to be reduced as mentioned in paragraph 3 of Part VIII of Schedule B.</p>	The proportion mentioned in sub-paragraph (8) below of the period of pensionable service by reference to which that reduction was determined (including any fraction of a year disregarded for that purpose).	—

Condition	Half-rate service	Mixed-rate service
(g) (g) If he has such service as aforesaid and his deferred pension fell to be reduced as mentioned in paragraph 2 of Part VIII of Schedule B.	—	The proportion specified in sub-paragraph (8) below of the period of pensionable service by reference to which that reduction was determined (including any fraction of a year disregarded for that purpose).

(4) In this paragraph (including the Tables)—

- (a) any reference to police service is a reference to service as a member of a police force or of the Royal Ulster Constabulary;
- (b) the expressions “Airports Scheme” and “Scheme deduction” have the same meanings as in Regulation 61A of the Regulations of 1973 and the proviso to paragraph (3) of that Regulation shall have effect for the purposes of sub-paragraph (5) as it has effect for the purposes of the said paragraph (3), and
- (c) any reference to a person having been granted a back service credit is a reference to his having been granted such a credit, within the meaning of the Airports Scheme, before his transfer from the British Airports Authority constabulary.

(5) Where, for the purposes of the Airports Scheme, any payments were made by, or on behalf of, the husband for securing family benefits thereunder in respect of a back service credit, entries (f) and (g) in Table A and the entries in Table B shall have effect as though, by virtue of Regulation F3(1)(f), there were reckonable by him, by reason of the back service credit, only that part of the pensionable service so reckonable which bears the same proportion to the whole as the Scheme deduction in his case bears to what BAA plc certifies it would have been if the payments first mentioned in this sub-paragraph had not been made so, however, that, where the Scheme deduction is zero, entry (f) in Table A shall have effect as though the husband had no back service credit.

(6) Without prejudice to sub-paragraph (5), where the husband satisfies the conditions specified in both entry (g) in Table A and entry (a) in Table B, the references in those entries to his pensionable service reckonable by virtue of Regulation F3(1)(f) by reason of a back service credit shall be construed—

- (a) in the case of entry (g) in Table A, as a reference to that part of that service which bears the same proportion to the whole as the lump sum payment under Regulation 61A of the Regulations of 1973 bears to the Scheme deduction;
- (b) in the case of entry (a) in Table B, as a reference to the other part of that service.

(7) The proportion referred to in entry (a) in Table B shall be the proportion which the period for which the husband paid special contributions under Regulation 61A of the Regulations of 1973 bore to the period from the date of his transfer from the British Airports Authority constabulary until the date mentioned in paragraph (4)(a) or (b) of that Regulation.

(8) The proportion referred to in entry (b) in Table B and in entries (f) and (g) in Table C shall be the proportion which the husband’s actual police service—

- (a) on or after his transfer from the British Airports constabulary, in the case of entry (b) in Table B,
- (b) on or after 1st April 1972, in the case entry (f) in Table C, or
- (c) on or after 1st April 1956, in the case of entry (g) in Table C,

bears to the period of such service as he would have had if (irrespective of the date of his death) he had continued to serve until entitled to an immediately payable ordinary pension or until he could be

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required to retire on account of age, whichever is the earlier, each period being reckoned in completed years and completed months:

Provided that where on ceasing to serve as a regular policeman he had already served as aforesaid, the said proportion shall be the whole.

(9) The proportion referred to in entries (d) and (e) in Table C shall be the proportion which the period for which the husband paid further contributions or, as the case may be, additional contributions, bore to the period by which the pensionable service he was entitled to reckon on the relevant date fell short of 25 years or, where that period is less than 5 years, to a period of 5 years, each period being reckoned in completed years and completed months. In this sub-paragraph “the relevant date” means—

- (a) where the husband last served as a regular policeman before 6th April 1978, the date on which he made the election referred to in the entry in question;
- (b) in any other case, the date from which the further contributions or, as the case may be, additional contributions were payable in pursuance of the election referred to in the entry in question.

Husband’s pensionable service not fully up-rated

8.—(1) In the case of such a widow as is mentioned in paragraph 7(1), Part III of Schedule C shall have effect as if paragraph 1(1) thereof provided that the annual amount of her accrued pension should equal the aggregate of the following amounts namely—

- (a) in respect of her husband’s half-rate service, a sixth of the corresponding proportion of his deferred pension;
- (b) in respect of his mixed-rate service, a third of the corresponding proportion of his deferred pension.

(2) For the purposes of sub-paragraph (1) “the corresponding proportion”, in relation to the husband’s deferred pension, means the proportion which his half-rate or, as the case may be, his mixed-rate service bears to the pensionable service reckonable by him.

(3) Unless the husband ceased to serve as a regular policeman before 1st April 1987 where—

- (a) the husband’s half-rate service;
- (b) his mixed-rate service, or
- (c) the pensionable service reckonable by him,

exceeds 30 years, then, for the purposes of this paragraph, the period by which, in each case, it exceeds 30 years shall be disregarded.