

SCHEDULE C

Widows' Awards

Regulation C1

Part I

Widow's Ordinary Pension

1.—(1) Subject to paragraphs 2 and 3, the annual amount of a widow's ordinary pension shall be whichever is the greater of the two following amounts, namely—

- (a) an amount equal to a half of the pension or notional pension mentioned in sub-paragraph (2), and
 - (b) an amount equal to her husband's average pensionable pay divided by 160 and multiplied by the period in years of so much of his pensionable service as is reckonable by reason of service or employment after 5th April 1978.
- (2) The pension or notional pension referred to in sub-paragraph (1)(a) is—
- (a) where the husband 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, having retired with an ill-health gratuity, he died as a result of the same injury as resulted in his disablement, 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 (3).

(3) For the purposes of sub-paragraph (1)(a), the pension or notional pension referred to in sub-paragraph (2)(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);
- (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).

Where the husband died before 1st April 1987, any reference in this sub-paragraph to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

2. The amount of a widow's ordinary pension calculated in accordance with paragraph 1 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

3. Where in respect of any period a widow so elects, the weekly amount of her ordinary pension in respect of that period shall not be calculated as aforesaid but shall be determined by reference to the rank held by her husband in accordance with Regulation E10 (*flat-rate award*).

4. This Part has effect subject to paragraphs 2 to 5 of Part II of Schedule J.
Regulations C2 and C3

Status: This is the original version (as it was originally made).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

Part II

Widow's Special Pension

1. Subject to paragraphs 2 and 3, the weekly amount of a widow's special pension calculated in accordance with this Part of this Schedule shall be equal to 45% of her husband's average pensionable pay for a week.

2.—(1) Where, in respect of any week, a pension is payable to the widow in pursuance of section 67 of the Social Security Act 1975(1) in consequence of her husband's death and the amount of that pension exceeds that of a widow's pension under section 26 of that Act as specified in Part I of Schedule 4 thereto at the time of the husband's death, then the amount of her special pension in respect of that week shall be reduced by that excess.

(2) Where the provisions governing the amount of pensions under section 67 of the Social Security Act 1975 have changed after the death of the husband, the reduction under sub-paragraph (1) in respect of any week shall not exceed the amount which would have been the amount thereof in respect of that week had those provisions not changed.

3. The weekly amount of a widow's special pension calculated in accordance with paragraphs 1 and 2, shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

4. Paragraph 2 has effect subject to paragraph 4 of Part VII of Schedule J.
Regulation C4

Part III

Widow's Accrued Pension

1.—(1) Subject to paragraphs 2 and 3, the annual amount of a widow's accrued pension shall equal a half of her husband's deferred pension.

(2) For the purposes of sub-paragraph (1), the husband's deferred pension shall be calculated without regard to—

- (a) the restrictions on payments contained in Regulation B5(4), 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),

and, where the pension has been commuted for a lump sum under Regulation B8 (*commutation of small pensions*), as if it had not been so commuted.

Where the husband died before 1st April 1987, any reference in this sub-paragraph to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

2. The amount of a widow's accrued pension calculated in accordance with paragraph 1 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

3.—(1) Subject to sub-paragraph (2), where in respect of any period a widow so elects, the weekly amount of her accrued pension in respect of that period shall not be calculated as aforesaid but shall

(1) 1975 c. 14, amended (as respects the provisions mentioned in this paragraph) by 1975 c. 18, Sch. 3, Pt.III; 1975 c. 60, Sch. 4, Pt. I; by virtue of 1986 c. 50, Sch. 3, para. 8, s.67 ceases to have effect on a day to be appointed, subject to the transitional provisions in para. 9.

be determined by reference to the rank held by her husband in accordance with Regulation E10 (*flat-rate award*).

(2) This paragraph shall only apply in the case of a widow whose husband was such a regular policeman entitled to reckon less than 5 years' pensionable service as is mentioned in Regulation B5(1)(b) (*policeman's deferred pension*) if, by reason of the period of service or employment otherwise than as a regular policeman there mentioned, he was entitled to reckon a period of pensionable service which was not shorter than that period of service or employment.

4. Paragraph 1(1) has effect subject to paragraphs 7 and 8 of Part II of Schedule J. Regulation C5(3)

Part IV

Widow's Pension in Case of Post-Retirement Marriage

1. Where under Regulation C5(3) the widow of a regular policeman is entitled to such a pension as is there mentioned instead of a widow's ordinary pension or special award under Regulation C1 or C2, the annual amount of that pension shall be calculated in accordance with Part I of this Schedule in like manner as the annual amount of a widow's ordinary pension except that, for the purposes hereof, the said Part I shall have effect—

- (a) as if the reference in paragraph 1(1)(a) thereof to a half of a pension or notional pension were a reference to a half of the appropriate proportion thereof within the meaning of paragraph 3 of this Part;
- (b) as if paragraph 3 thereof (*election for flat-rate award*) were omitted, and
- (c) where the pension is instead of a widow's special award under Regulation C2, as if the pension or notional pension referred to in paragraph 1(1)(a) were the ill-health pension to which the husband would have been entitled had he, when he ceased to serve, retired because he was disabled in circumstances entitling him to such a pension.

2. Where under Regulation C5(3) the widow of a regular policeman is entitled to such a pension as is there mentioned instead of a widow's accrued pension under Regulation C4, the annual amount of that pension shall be calculated in accordance with Part III of this Schedule in like manner as the annual amount of a widow's accrued pension except that, for the purposes hereof, the said Part III shall have effect as if—

- (a) the reference in paragraph 1(1) thereof to a half of the husband's deferred pension were a reference to whichever is the greater of the two following amounts, namely—
 - (i) an amount equal to a half of the appropriate proportion of that pension within the meaning of paragraph 3 of this Part, and
 - (ii) an amount equal to the husband's average pensionable pay divided by 160 and multiplied by the period in years of so much of his pensionable service as is reckonable by reason of service or employment after 5th April 1978, and
- (b) paragraph 3 thereof (*election for flat-rate award*) were omitted.

3. In this Part the appropriate proportion means the proportion which the husband's pensionable service reckonable by reason of service or employment after 5th April 1978 bears to his total pensionable service.

Regulations C6 and C8

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

Part V

Widow's Requisite Benefit Pension

1. Subject to paragraph 2, the annual amount of a widow's requisite benefit pension shall be an amount equal to her husband's average pensionable pay divided by 160 and multiplied by the period in years of his pensionable service reckonable by reason of service or employment after 5th April 1978.

2. The amount of a pension calculated in accordance with paragraph 1 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).