

SCHEDULE 4

AWARDS ON DEATH – CHILDREN

Article 35(6)

PART III

REDUCTION IN CHILD'S ALLOWANCE DURING FULL-TIME REMUNERATED TRAINING

1.—(1) Subject to sub-paragraph (2), this Part applies where a child entitled to an allowance under article 33 or 34 (“the relevant allowance”)—

- (a) is undergoing full-time vocational training within the meaning of article 35; and
- (b) is receiving in respect of that training remuneration at an annual rate which exceeds the rate specified in paragraph 3(1) (“the specified rate”).

(2) Where the deceased died or ceased to be a regular firefighter before 10th October 1983, this Part applies only when the child has attained the age of 19.

2.—(1) Where this Part applies—

- (a) if the amount by which the annual rate of the remuneration exceeds the specified rate (“the excess remuneration”) is the same as or larger than the effective amount of the relevant allowance, the allowance shall not be paid; and
- (b) in any other case, the amount of the relevant allowance shall be reduced by that of the excess remuneration.

(2) Where other children are also entitled to allowances and either sub-paragraph (2)(b) or (3) (b) of paragraph 1 of Part I applies—

- (a) where sub-paragraph (1)(a) applies, each of the other allowances shall be re-calculated as if there were no entitlement to the relevant allowance; and
- (b) where sub-paragraph (1)(b) applies, each of the other allowances shall be increased by the amount of the excess remuneration divided by the number of those allowances.

(3) Notwithstanding anything in sub-paragraph (2)—

- (a) no child shall by virtue of that sub-paragraph receive an allowance greater than that to which he would be entitled if no relevant provision applied in his case; and
- (b) the total of the effective amounts of the allowances to be paid under a relevant provision shall not by virtue of that sub-paragraph exceed what would otherwise have been payable under the relevant provision.

3.—(1) The specified rate is the annual rate (rounded up to the nearest £1) at which an official pension, within the meaning of the Pensions (Increase) Act (Northern Ireland) 1971 (“the 1971 Act”), would for the time being be payable if it had begun, and first qualified for increases under the 1971 Act, on 1st June 1972 and had been payable at an annual rate of £250.

(2) The effective amount of an allowance is its amount together with that of any increase in it under the 1971 Act.