

WIDOWS PENSIONS/REGULATION C9 POLICE PENSIONS REGULATIONS 1987

As you are aware, NARPO have been supporting the ongoing legal challenge to Regulation C9 of the Police Pensions Regulations 1987.

Regulation C9 prevents a Widow or Widower of a former serving Police Officer to claim their loved one's Police Pension after their death, where the Widow or Widower decides to cohabit or remarry. The view of NARPO and all of its members has always been that Regulation C9 discriminates against those Widows or Widowers who find themselves in that situation. NARPO's view, based upon legal advice, is that Regulation C9 also breaches the fundamental Human Rights of the Widow or Widower and their families.

The legal challenge continues. There was a Hearing in May 2021. Since that Hearing those individuals who are raising this issue with the Court were ordered to provide certain documents to the Court setting out the claims that they bring. The Secretary of State responded to those documents. On 20th August 2021, the documents were considered by the Court and a decision of the Court was handed down by His Honour Judge Sephton QC, sitting as a Judge of the High Court in Manchester.

HHJ Sephton QC determined that the claims brought by the three individuals who now challenge the legality of Regulation C9 can and should be allowed to proceed to a full and final Hearing. That Hearing will now take place in Manchester on 5th and 6th April 2022. As well as our Solicitors and Counsel who represent the individuals bringing the challenge, the Commissioner of Police of the Metropolis and the Secretary of State for the Home Department will also be represented at Court, through their Lawyers.

Significantly the Court allowed the claims of both the Widows and Widowers who feel unable to remarry or cohabit because of the financial implications of Regulation C9 and those Widows and Widowers who have remarried or cohabited, who now endure continuing financial losses because of Regulation C9, to have their claims determined by the Court. What that means is that if the claims are successful and the Court does determine that Regulation C9 should no longer stand, then all individuals who are affected on a daily basis by the operation of this unjust Regulation will be affected by this legal ruling.

Currently our Legal Team are preparing for the final Hearing. There is a lot of work for the Legal Team to do now, to prepare for the Hearing. NARPO and the Police Federation are and will continue to work closely with the Legal Team and the individuals bringing this claim, to make sure that the claim is fully prepared and that all issues that need to be put to the Court at the final Hearing, are put before the Court in the best possible way.

We will of course update you closer to the time about any developments in the claim and the arrangements for the final Hearing. At this stage, however, we can at least now be confident that, for the first time, there will be a full Judicial determination about the legality of Regulation C9. We and all of our members together with all serving Police Officers say that Regulation C9 is and always was, discriminatory, unfair and in breach of families' fundamental Human Rights. Those claims will now be determined by the High Court in April 2022.