

## 1988 No. 374

## POLICE

## The Royal Ulster Constabulary Pensions Regulations 1988

*Made* . . . . . 3rd October 1988

*Coming into operation* . . . . . 1st January 1989

*To be laid before Parliament*

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The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(a), read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(b), and after consulting, in accordance with section 34(2) of the said Act of 1970, the Police Authority for Northern Ireland and the Police Association for Northern Ireland, and, in accordance with section 2(3) of the Police Negotiating Board Act 1980(c), the Police Negotiating Board for the United Kingdom, hereby, with the concurrence of the Treasury, makes the following regulations:—

## PART A

## GENERAL PROVISIONS AND RETIREMENT

*Citation and commencement*

**A1.** These regulations may be cited as the Royal Ulster Constabulary Pensions Regulations 1988 and shall come into operation on the date specified

(a) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and S.I. 1981/1670

(b) S.I. 1972/1073 (N.I. 10)

(c) 1980 c. 10

in that behalf in the Royal Ulster Constabulary Pensions (Supplementary Provisions) Regulations 1988(a).

*Supplementary provisions*

**A2.** These regulations have effect subject to—

- (a) the transitional provisions set out in Part II of Schedule 1 to the Royal Ulster Constabulary Pensions (Supplementary Provisions) Regulations 1988 (“the supplementary regulations”), and
- (b) Royal Ulster Constabulary Reserve (Pensions) Regulations 1973(b), the Police Cadets (Pensions) (No. 2) Regulations (Northern Ireland) 1973(c), the Royal Ulster Constabulary Pensions (War Service) Regulations 1980(d) and the Royal Ulster Constabulary Pensions (War Service) (Transferees) Regulations 1986(e) as amended by regulations 5, 6, 7 and 8 of the supplementary regulations.

*Exclusion of old cases*

**A3.**—(1) Nothing in these regulations shall apply in a case in which the old cases regulations apply, that is to say, in the case of an award or payment to or in respect of, or relating to—

- (a) a person who retired or otherwise ceased to be a member before 1st April 1972, or
- (b) a person, being a serviceman who did not resume duty as a member, whose period of relevant service in the armed forces ended before 1st April 1972.

(2) The reference in paragraph (1) to the old cases regulations is a reference to the Royal Ulster Constabulary Pensions Order 1949(f) (hereafter referred to as “the 1949 Order”) and other Orders and regulations set out in Part I of Schedule 2 to the Royal Ulster Constabulary Pensions (Supplementary Provisions) Regulations 1988, as amended by Part II of that Schedule.

*Meaning of certain expressions and references — general provisions*

**A4.** In these regulations, unless the context otherwise requires—

- (a) the expressions contained in the glossary set out in Schedule A shall be construed as therein provided;
- (b) any reference to a member, however expressed, includes a reference to a person who has been such a member;
- (c) any reference to an award, however expressed, is a reference to an award under these regulations.

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(a) S.R. 1988 No. 375: regulation 3 provides that the present regulations shall come into operation on 1st January 1989.

(b) S.R. & O. (N.I.) 1973 No. 314

(c) S.R. & O. (N.I.) 1973 No. 316

(d) S.R. 1980 No. 334

(e) S.R. 1986 No. 200

(f) S.R. & O. (N.I.) 1949 No. 211 (p. 379)

*Meaning of certain expressions related to the National Insurance and Social Security Acts*

**A5.**—(1) In these regulations the following expressions shall have the meanings respectively which they had for the purposes of the National Insurance Act (Northern Ireland) 1966(a) immediately before its repeal by the Social Security (Consequential Provisions) Act 1975(b)—

- “employed contributor’s employment”;
- “graduated contribution”;
- “graduated retirement benefit”;
- “non-participating employment”;
- “payment in lieu of contributions”.

(2) In these regulations any reference to state pensionable age is a reference to the age of 65 years in the case of a man, or 60 years in the case of a woman.

(3) In these regulations any reference to a participating period of relevant employment is a reference to a period of employed contributor’s employment after 5th April 1961 and before state pensionable age other than—

- (a) service in the armed forces, and
- (b) non-participating employment at the end of which no payment in lieu of contributions fell to be made;

and for the purposes of this paragraph a period of employed contributor’s employment or of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(4) In these regulations any reference to the secured portion of a pension is a reference to the portion of the pension which equals the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining state pensionable age, in return for a payment in lieu of contributions in respect of the whole of any period of non-participating employment by reason of which he is entitled to reckon pensionable service for the purposes of the pension, being a period of non-participating employment at the end of which no payment in lieu of contributions in fact fell to be made; and any reference to the unsecured portion of a pension shall be construed accordingly.

For the purposes of this paragraph a period of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(5) For the purposes of these regulations the annual rate of graduated retirement benefit shall be calculated as if there were  $52\frac{1}{6}$  weeks in each year.

(6) In these regulations the following expressions shall have the meanings respectively which they have for the purposes of the Social Security Pensions (Northern Ireland) Order 1975(c)—

- “contracted-out employment”;

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(a) 1966 c. 6 (N.I.)

(b) 1975 c. 18

(c) S.I. 1975/1503 (N.I. 15)



- “contracted-out scheme”;  
 “guaranteed minimum” and “guaranteed minimum pension”;  
 “contributions equivalent premium”.

(7) In these regulations any reference to a case in which a contributions equivalent premium has been paid includes a reference to a case in which such a premium is payable but has not been paid by virtue of regulations under Schedule 2 to the Social Security Pensions (Northern Ireland) Order 1975 dispensing with the payment of such a premium where its amount would be inconsiderable.

(8) In these regulations any reference to the guaranteed minimum in relation to a pension under a pension scheme at a particular time is a reference to the amount certified by the Department of Health and Social Services as that minimum at that time.

*Weekly rate of pensions and allowances*

**A6.** Where the rate at which a pension or allowance is payable or the amount thereof is expressed as an annual rate or amount then, for the purposes of these regulations, the weekly rate or amount of that pension or allowance shall be determined as if there were  $52\frac{1}{6}$  weeks in each year.

*Persons treated as being in receipt of a pension*

**A7.** For the purposes of these regulations, except where otherwise expressly provided, a person shall be treated as being in receipt of an ordinary, short service, ill-health or, as the case may be, injury pension if he would be in receipt of such a pension—

- (a) in the case of an ordinary pension—
  - (i) had he attained the age of 50 years, or
  - (ii) had it not been wholly withdrawn under regulation K4 (*withdrawal of pension during service as a policeman*);
- (b) in the case of a short service or ill-health pension, had it not been withdrawn as mentioned in sub-paragraph (a)(ii);
- (c) in the case of an injury pension, had the aggregate reductions therein under paragraphs 3 and 4 of Part V of Schedule B not exceeded the amount of the pension calculated in accordance with paragraph 2 thereof.

*Reckoning of service for purposes of awards*

**A8.**—(1) Subject to paragraph (3), for the purpose of calculating an award payable to or in respect of a member by reference to any period in years (including a period of pensionable or other service)—

- (a) that period shall be reckoned in completed years and a fraction of a year;
- (b) a part of a year shall be taken to be that fraction of a year whereof the denominator is 365 and the numerator is the number of completed days in that part and, accordingly, a part of a year which includes 29th February in a leap-year and comprises 365 days shall be treated as a whole year.

(2) Where for the purpose of calculating an award to or in respect of a member—

- (a) it is necessary to determine his pensionable service reckonable by reason of service or employment before or after a particular date, and
- (b) by virtue of the receipt of a transfer value, he is entitled to reckon a period of pensionable service by reason of service or employment for a period which includes the date in question,

then that part of the said period of pensionable service shall be deemed to be reckonable by reason of service or employment before or after the date in question which bears the same proportion to the whole of that period as the part of the previous service or employment before, or as the case may be after, that date bears to the whole thereof.

(3) Paragraph (1) has effect subject to paragraphs 1, 2 and 3 of Part IV of Schedule J.

*Aggregate pension contributions for purposes of awards*

**A9.**—(1) For the purpose of calculating the amount of an award by reference to the aggregate pension contributions of a member in respect of the relevant period of service, the relevant period of service shall be taken to be the period ending in the retirement, dismissal or death on which the award is payable and beginning with the date on which he last joined the force otherwise than as a serviceman resuming service within a month of the end of his period of relevant service in the armed forces.

(2) For the purpose aforesaid the aggregate pension contributions in respect of the relevant period of service shall be taken to be the sum of the following amounts—

- (a) the aggregate of the pension contributions (including additional, further or special contributions) made in respect of that period by the person concerned and any rateable deductions made in respect of that period from his pay;
- (b) any additional, further or special payment by way of a lump sum made during the relevant period by that person;
- (c) the amount of any sums paid by the person concerned (including sums paid in pursuance of an undertaking) as a condition of being entitled to reckon pensionable service or, as the case may be, approved service, by reason of service before the said period;
- (d) where the person concerned has transferred to the force from a police force in Great Britain, any sum which had he retired instead of transferring would have been calculable under regulations made under the Police Pensions Act 1976(a) as aggregate pension contributions at the time of transfer;
- (e) where the person concerned, while a member, became entitled, in the circumstances mentioned in regulation F6, to reckon pensionable service by reason of a period of previous service or employment otherwise than as a member, the amount of any award by way of return of contributions or of any analogous payment which would have been

made to him at the end of that period of previous service or employment had he voluntarily retired therefrom in circumstances entitling him to such an award or payment under the superannuation arrangements applicable thereto;

- (f) where the person concerned previously retired with an ill-health pension which was terminated in whole or in part under regulation K1 or any corresponding provision of the former regulations and he rejoined the force, any sum which would have been calculable under this paragraph as aggregate pension contributions at the time of the previous retirement, and
- (g) all payments made by him to the Police Authority in accordance with an election under regulation 3 of the Royal Ulster Constabulary Pensions (Purchase of Increased Benefits) Regulations 1988(a).

(3) The references in paragraph (2)(a) and (b) to additional, further or special contributions or payments are references to such contributions or payments made in pursuance of an election under any of the provisions mentioned under regulation 51 of the regulations of 1973 subject however, to regulation F5(3) (*previous service reckonable on payment*).

#### *Injury received in the execution of duty*

**A10.**—(1) A reference in these regulations to an injury received in the execution of duty by a member means an injury received in the execution of that person's duty as a member.

(2) For the purposes of these regulations an injury shall be treated as received by a person in the execution of his duty as a member if—

- (a) the member concerned received the injury while on duty or while on a journey necessary to enable him to report for duty or return home after duty, or
- (b) he would not have received the injury had he not been known to be a member, or
- (c) the Police Authority are of the opinion that the preceding condition may be satisfied and that the injury should be treated as one received as aforesaid.

(3) For the purposes of these regulations an injury shall be treated as received without the default of the member concerned unless the injury is wholly or mainly due to his own serious and culpable negligence or misconduct.

(4) Notwithstanding anything in these regulations relating to a period of service in the armed forces, an injury received in the execution of duty as a member of the armed forces shall not be deemed to be an injury received in the execution of duty as a member.

(5) In the case of a member who has served as a police cadet in relation to whom Part III of the Police Cadets (Pensions) (No. 2) Regulations (Northern Ireland) 1973(b) had taken effect, a qualifying injury within the meaning of

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(a) S.R. 1988 No. 379

(b) S.R. & O. (N.I.) 1973 No. 316

those regulations shall be treated as if it had been received by him as mentioned in paragraph (1); and, where such a qualifying injury is so treated, any reference to duties in regulation C3(1) (*widow's augmented award*) shall be construed as including a reference to duties as a police cadet.

### *Disablement*

**A11.**—(1) A reference in these regulations to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision and to that disablement being at that time likely to be permanent.

(2) Subject to paragraph (3), disablement means inability, occasioned by infirmity of mind or body, to perform the ordinary duties of a male or female member, as the case may be, except that, in relation to a child or the widower of a member, it means inability, occasioned as aforesaid, to earn a living.

(3) Where it is necessary to determine the degree of a person's disablement it shall be determined by reference to the degree to which his earning capacity has been affected as a result of an injury received without his own default in the execution of his duty as a member:

Provided that a person shall be deemed to be totally disabled if, as a result of such an injury, he is receiving treatment as an in-patient at a hospital.

(4) Where a person has retired before becoming disabled and the date on which he becomes disabled cannot be ascertained, it shall be taken to be the date on which the claim that he is disabled is first made known to the Police Authority.

### *Disablement, death or treatment in hospital the result of an injury*

**A12.** For the purposes of these regulations disablement or death or treatment at a hospital shall be deemed to be the result of an injury if the injury has caused or substantially contributed to the disablement or death or the condition for which treatment is being received.

### *Relevant service in the armed forces*

**A13.** A reference in these regulations to relevant service in the armed forces shall be construed as a reference to any period of training or any embodied service in any of the armed forces immediately succeeding a period of service as a member.

### *Transfers*

**A14.**—(1) A reference in these regulations to a member transferring to a police force in Great Britain shall be construed as a reference to his leaving the force with the consent of the chief constable, or in the case of a senior officer, with the consent of the Police Authority and the approval of the Secretary of State, for the purpose of becoming a regular policeman in Great Britain, and becoming such a regular policeman.

(2) A reference in these regulations to a member having transferred from a police force in Great Britain shall be construed as a reference to his having ceased to be a regular policeman in Great Britain with such consent as is mentioned in paragraph (3) for the purpose of becoming a member, and his becoming a member.

- (3) The consent referred to in paragraph (2) is—
- (a) in the case of a chief officer of police, an assistant chief constable or deputy chief constable, the consent of the police authority in Great Britain concerned;
  - (b) in any other case, the consent of the chief officer of police, acting with the consent of the police authority in Great Britain concerned.

### *Retirement*

**A15.**—(1) A reference in these regulations to retirement includes a reference to the services of a member being dispensed with under regulations for the time being in force under section 25 of the Police Act (Northern Ireland) 1970(a) (other than regulations relating to the maintenance of discipline or to dismissal) but does not include a reference to leaving the force on transferring to a police force in Great Britain, and a reference to a continuous period of service is a reference to a period of service uninterrupted by any such retirement.

(2) If a member is dismissed but is entitled to an ordinary pension by virtue of regulation B1(5), these regulations shall apply in his case as if he had retired as mentioned in regulation B1(5)(b).

### *Compulsory retirement on account of age*

**A16.**—(1) Subject to paragraph (2) every member shall be required to retire—

- (a) if he is the chief constable or a deputy chief constable or assistant chief constable, on attaining the age of 65 years,
- (b) if he is a superintendent or inspector, on attaining the age of 60 years,
- (c) if he is a sergeant or constable, on attaining the age of 55 years:

Provided that, in the case of a member holding a rank not higher than that of inspector who was serving on 5th July 1972, the time at which he shall be required to retire shall, unless at any time he elects or has elected by notice in writing to the Police Authority that this proviso shall not apply to him, be on attaining the age of 57 years.

(2) The time at which, under paragraph (1), a person shall be required to retire may be postponed, if the person concerned holds a rank above that of superintendent, by the Police Authority, and, if he holds the rank of superintendent or any lower rank, by the chief constable with the approval of the Police Authority:

Provided that no such postponement or postponements shall extend beyond 5 years from the time at which, under paragraph (1), he would have been required to retire.

### *Compulsory retirement on grounds of efficiency of the force*

**A17.**—(1) This regulation shall apply to a member, other than a chief constable, deputy chief constable or assistant chief constable, who if required to retire would be entitled to receive a pension of an amount not less than 2 third of his average pensionable pay or would not be entitled to receive a

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(a) 1970 c. 9 (N.I.)

pension of such an amount if it did not fall to be reduced in accordance with Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*).

(2) If the Police Authority determine that the retention in the force of a member to whom this regulation applies would not be in the general interests of efficiency, he may be required to retire on such date as the Police Authority determine.

#### *Compulsory retirement on grounds of disablement*

**A18.** Every member may be required to retire on the date on which the Police Authority determine that he ought to retire on the ground that he is permanently disabled for the performance of his duty:

Provided that a retirement under this regulation shall be void if, after the said date, on an appeal against the medical opinion on which the Police Authority acted in determining that he ought to retire, the medical referee decides that the appellant is not permanently disabled.

#### *Effective date of retirement*

**A19.**—(1) For the purpose of these regulations—

- (a) a member shall be taken to retire or cease to serve immediately following his last day of service;
- (b) a member required to retire under regulation A16, A17 or A18 shall be deemed to retire on the date on which he is so required to retire and his last day of service shall be the immediately preceding day.

(2) The references in paragraph (1) to a person's last day of service are references to his last such day during the relevant period of service.

## PART B

### PERSONAL AWARDS

#### *Member's ordinary pension*

**B1.**—(1) Subject to paragraphs (2) and (5), this regulation shall apply to a member who retires or has retired when entitled to reckon at least 25 years' pensionable service unless regulation B3 (*member's ill-health award*) applies in his case.

(2) Except in the circumstances mentioned in paragraph (3), this regulation shall not apply to a member where—

- (a) he retires or retired without having given to the Police Authority a month's written notice of his intention to retire or such shorter notice as may have been accepted by the Police Authority, or
- (b) being a chief constable or deputy chief constable or an assistant chief constable other than one holding that rank on 5th July 1972, he retires before attaining the age of 60 years.

(3) The circumstances referred to in paragraph (2) are that—

- (a) the Police Authority have decided that this regulation should apply in his case, or

- (b) being such a member as is mentioned in paragraph (2)(b), he retires or retired on or after attaining the age of 55 years having given to the Police Authority 3 months' written notice of his intention to retire, or
- (c) he is or was required to retire on account of age, or on the ground that his retention in the force would not be in the general interests of efficiency, or as an alternative to dismissal.

(4) Subject to the provisions of these regulations, a member to whom this regulation applies shall be entitled to an ordinary pension of an amount calculated in accordance with Part I of Schedule B, subject however to Parts VII and VIII of that Schedule; but, in the case of a person entitled to reckon less than 30 years' pensionable service, no payments shall be made on account of the pension in respect of the period (if any) after his retirement before he has attained the age of 50 years or, if he sooner becomes permanently disabled, before he becomes so disabled.

- (5) If a member entitled to reckon at least 25 years' pensionable service—
  - (a) is dismissed otherwise than for a cause for which, if a pension were granted to him, it could be forfeited under regulation K5, and
  - (b) would have been entitled to an ordinary pension if he had retired on the date his dismissal took effect, having given such notice to the Police Authority of his intention to retire as is mentioned in paragraph (2)(a) or (3)(b),

this regulation shall apply to him, and accordingly, he shall be entitled to an ordinary pension under paragraph (4).

(6) Paragraphs (2), (3) or (4) have effect subject to paragraphs 1 and 2 of Part I of Schedule J.

#### *Member's short service award*

**B2.**—(1) This regulation shall apply to a member who retires or has retired when entitled to reckon less than 25 years' pensionable service and who is or was required to retire on account of age.

(2) A member to whom this regulation applies shall be entitled to a short service award as hereinafter provided.

(3) In the case of a member entitled at the time of his retirement to reckon at least 5 years' pensionable service, the award under paragraph (2) shall be a short service pension calculated in accordance with Part II of Schedule B, subject however to Parts VII and VIII of that Schedule.

(4) In the case of any other member, the award under paragraph (2) shall be a short service gratuity calculated in accordance with Part IV of Schedule B.

#### *Member's ill-health award*

**B3.**—(1) This regulation shall apply to a member who retires or has retired on the ground that he is or was permanently disabled.

(2) A member to whom this regulation applies shall be entitled to an ill-health award as hereinafter provided.

- (3) In the case of a member who is or was at the time of his retirement—
  - (a) entitled to reckon at least 5 years' pensionable service, or

(b) disabled as the result of an injury received in the execution of his duty, the award under paragraph (2) shall be an ill-health pension calculated in accordance with Part III of Schedule B, subject however to Parts VII and VIII of that Schedule.

(4) In the case of any other member the award under paragraph (2) shall be an ill-health gratuity calculated in accordance with Part IV of Schedule B.

*Member's injury award*

**B4.**—(1) This regulation shall apply to a member who ceases or has ceased to be a member and is permanently disabled as a result of an injury received without his own default in the execution of his duty as a member (in Part V of Schedule B referred to as the “relevant injury”).

(2) A member to whom this regulation applies shall be entitled to a gratuity and, in addition, to an injury pension, in both cases calculated in accordance with Part V of Schedule B; but payment of an injury pension shall be subject to the provisions of paragraph 5 of the said Part V and, where the member concerned ceased to serve before becoming disabled, no payment shall be made on account of the pension in respect of any period before he became disabled.

*Member's deferred pension*

**B5.**—(1) This regulation shall apply to a member who—

- (a) is entitled to reckon at least 2 years' pensionable service, or
- (b) though not so entitled, has service as a member which, disregarding breaks in service of not more than a month, is continuous and which, when aggregated with any period of other service or employment by reason of which he is entitled to reckon pensionable service, is at least 2 years.

(2) A member to whom this regulation applies who ceases or has ceased to be such in circumstances—

- (a) in which no transfer value is payable in respect of him, and
- (b) which do not entitle him to any award under any of the preceding provisions of this Part,

shall, on so ceasing to be a member, be entitled to a deferred pension as hereinafter provided.

(3) Where the unsecured portion of the ill-health pension of a member to whom this regulation applies—

- (a) is terminated under regulation K1(4), or
- (b) has been terminated on or after 1st September 1973 under regulation 59(4) of the regulations of 1973,

otherwise than on his rejoining the force he shall, as from the date of termination, be entitled to a deferred pension as hereinafter provided.

(4) A deferred pension under paragraph (2) or (3) shall be calculated in accordance with Part VI of Schedule B, subject however to Parts VII and VIII of that Schedule; but no payment shall be made on account of the pension—

- (a) in respect of the period before the member attains the age of 60 years



or, if he sooner becomes permanently disabled, before he becomes so disabled, or

- (b) where he has relinquished his entitlement as mentioned in regulation F5(3) (*previous service reckonable on payment*), by written notice to the Police Authority, in respect of any period after the giving of that notice.

(5) This regulation has effect subject to paragraph 7 of Part I of Schedule J.

*Award by way of repayment of aggregate pension contributions*

**B6.**—(1) This regulation shall apply to a member who ceases to serve as such in circumstances—

- (a) in which no transfer value is payable in respect of him, and  
 (b) which do not entitle him to an award under any of the preceding provisions of this Part or to an award under regulation J1 or paragraph 8 of Part I of Schedule J.

(2) A member to whom this regulation applies shall be entitled to an award by way of repayment of his aggregate pensions contributions in respect of his relevant period of service.

*Commutation — general provision*

**B7.**—(1) This regulation shall apply to an ordinary, short service, ill-health or deferred pension under this Part, but in relation to—

- (a) a deferred pension, or  
 (b) an ordinary pension which is not payable as from the date of the member's retirement,

paragraphs (5), (6) and (7) shall have effect as if any reference therein to retirement or the date thereof were a reference to the coming into payment of the pension or the date thereof.

(2) A member may, subject to and in accordance with this regulation, commute for a lump sum a portion of any pension to which this regulation applies to which he is or may become entitled.

(3) For the purpose of commuting a portion of his pension in accordance with this regulation a member shall give notice in writing to the Police Authority ("notice of commutation") of his wish to surrender and commute for a lump sum so much of his pension as, subject to the limitations contained in paragraph (4) and in regulation B10, he may specify ("the surrendered portion").

(4) The surrendered portion shall be such that—

- (a) the basic rate of the pension does not fall to be reduced in accordance with this regulation by more than a quarter and, for the purposes hereof, that rate shall be taken to be the rate at which the pension would be payable not only if it did not fall to be so reduced but also disregarding any reduction—
- (i) in accordance with regulation B9 (*allocation*),  
 (ii) in accordance with Part VII of Schedule B (*reduction of pension at state pensionable age*),

- (iii) as provided in paragraph 6(1) of Part VIII of Schedule B (*reduction of pension equivalent to outstanding additional or further contributions*), in accordance therewith, and
- (b) in the case of a member who retires or retired with an ordinary pension when entitled to reckon less than 30 years' pensionable service otherwise than in the circumstances mentioned in regulation B2(1), the lump sum calculated in accordance with paragraph (7), (disregarding any reduction in accordance with the proviso thereto) does not exceed an amount equal to  $2\frac{1}{4}$  times the annual amount of his pension calculated in accordance with Part I of Schedule B (disregarding any reduction therein under paragraph (7) of this regulation or any other provision of these regulations):

Provided that, where a member wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under paragraph (8)(b), the portion which, in accordance with the preceding provisions of this paragraph, may be surrendered shall be reduced by the reduction under paragraph (8)(b) expressed in like manner.

(5) The notice of commutation shall be given by a person not earlier than 4 months before his intended retirement nor later than 6 months after his retirement.

(6) The notice of commutation given by a person shall become effective—

(a) as from the date of his retirement, or

(b) as from the date on which the notice is received by the Police Authority,

whichever is the later:

Provided that the notice of commutation shall not become effective if—

(i) it was given more than 4 months before his retirement, or

(ii) it relates to an ill-health pension and the unsecured portion of that pension has sooner been terminated under regulation K1.

(7) Where the person retires or has retired and a notice of commutation given by him becomes or has become effective, the Police Authority shall reduce the pension to which the notice relates in accordance with the notice as from the time from which the notice is effective and shall pay him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Government Actuary:

Provided that where the notice is effective as from the date mentioned in paragraph (6)(b), the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement.

(8) Where the unsecured portion of an ill-health pension is terminated under regulation K1 after a notice of commutation in relation to the pension has become effective—

(a) no reduction shall be made under paragraph (7) in the secured portion of the pension, insofar as it is payable under regulation K1;

(b) if thereafter the person concerned becomes entitled to a pension, other than an injury pension, and is entitled to reckon for the purposes thereof the period of pensionable service reckonable for the purposes of the ill-health pension first mentioned in this paragraph, the unsecured portion of the other pension shall be reduced, in respect of any period, by the amount by which the ill-health pension would have been reduced under paragraph (7) if it had not been terminated as aforesaid but had been payable in respect of that period.

(9) This regulation has effect subject to paragraphs 3 and 7(11) of Part I of Schedule J.

#### *Commutation — small pensions*

**B8.**—(1) Where the annual amount of any pension payable under this Part to a member who has attained state pensionable age, together with any increase under the Pensions (Increase) Acts, does not exceed £140, the Police Authority may, at their discretion, commute the pension for a gratuity.

(2) A gratuity under this regulation shall be of such amount as is the actuarial equivalent of the pension, calculated from tables prepared by the Government Actuary.

(3) Where the member is entitled to more than one pension, those pensions shall be treated as one for the purposes of this regulation.

(4) This regulation has effect subject to regulation J1(6)(a) and paragraphs 7(11) and 8(4) of Part I of Schedule J.

#### *Allocation*

**B9.**—(1) This regulation shall apply to an ordinary, short service, ill-health or deferred pension under this Part.

(2) A member who is entitled to reckon not less than 25 years' pensionable service may, subject to and in accordance with this regulation, allocate a portion of any ordinary or ill-health pension to which he is or may become entitled and, notwithstanding that he has already allocated a portion of such a pension, he may—

- (a) allocate a further portion of that pension in favour of the beneficiary of a previous allocation;
- (b) where that beneficiary has died, allocate a further portion of that pension in favour of some other beneficiary, or
- (c) where (not having attained the age of 70 years) he proposes to marry or remarry, allocate a further portion of that pension in favour of his spouse by that marriage.

(3) A member may, subject to and in accordance with this regulation, allocate a portion of any short service pension to which he is or may become entitled or of a deferred pension and, notwithstanding that he has already allocated a portion of such a pension, he may, where (not having attained the age of 70 years) he proposes to marry or remarry, allocate a further portion of that pension in favour of his spouse by that marriage.

(4) For the purpose of allocating a portion of his pension a person shall—

- (a) within the time limits mentioned in paragraph (5), give notice in writing to the Police Authority (“notice of allocation”) stating—

- (i) his wish to surrender so much of his pension as, subject to the limitations contained in regulation B10, he may specify,
  - (ii) the person in whose favour the surrender is to take effect (“the beneficiary”) being his wife or some other person who the Police Authority are satisfied is substantially dependent upon him,
  - (iii) in the case of a person entitled to reckon not less than 25 years’ pensionable service who has not retired, whether or not he wishes the notice to become effective while he is serving, and
- (b) satisfy the Police Authority of his good health and for that purpose submit himself to such medical examination as they may require.
- (5) Notice of allocation shall be given—
- (a) where in such case as is mentioned in paragraph (4)(a)(iii) the person wishes the notice to become effective while he is serving, before his intended retirement;
  - (b) where a person in receipt of a pension who has not attained the age of 70 years proposes to marry or remarry and the beneficiary is his spouse by that marriage, before but not earlier than 4 months before his intended marriage;
  - (c) where the pension is a deferred pension but the preceding sub-paragraph does not apply, before but not earlier than 4 months before the pension comes into payment;
  - (d) in any other case, before but not earlier than 4 months before the person’s intended retirement.
- (6) Where a person has complied with the provisions of sub-paragraphs (a) and (b) of paragraph (4), the Police Authority shall forthwith send to him a written notification that they have accepted the notice of allocation, which shall become effective—
- (a) in any such case as is mentioned in paragraph (5)(a) where he wishes the notice of allocation to become effective while he is serving, as from the time when the notification is received by him or, if sent by post, as from the time when it would be received by him in the ordinary course of post, except that it shall have effect as from the date of his retirement if that is earlier;
  - (b) in any such case as is mentioned in paragraph (5)(b), if, and only if, the proposed marriage takes place within 4 months of giving the notice of allocation and in that event as from the date of the marriage;
  - (c) in any such case as is mentioned in paragraph (5)(c), if, and only if, the deferred pension comes into payment within 4 months of giving the notice of allocation and in that event as from the date it comes into payment;
  - (d) in any other case, if, and only if, the person retires within 4 months of giving the notice of allocation and in that event as from the date of retirement.
- (7) Where a person retires or has retired in circumstances entitling him to a pension to which a notice of allocation given by him relates and that notice becomes effective—
- (a) that pension shall be reduced in accordance with the notice

(notwithstanding the previous death of the beneficiary) as from the date from which the pension is payable or on which the notice becomes effective, whichever is the later, and

- (b) the Police Authority shall, as from the person's death, pay to the beneficiary specified in the notice, if that person survives him, a pension of such amount as is the actuarial equivalent of the surrendered portion of the pension.

(8) For the purposes of paragraph (7)(b) the actuarial equivalent of the surrendered portion of the pension shall be calculated from tables prepared by the Government Actuary and in force at the time when the notice of allocation became effective, which tables shall—

- (a) take account of the age of the member and of the age of the beneficiary at that time, and  
(b) make different provision according to whether or not the notice of allocation became effective in accordance with paragraph (6)(a),

and separate calculations shall be made in respect of separate allocations.

(9) Where a person was entitled to reckon at least 25 years' pensionable service when he gave the notice of allocation and stated therein his wish that it should become effective while he was serving, then, if he dies before retiring, the Police Authority shall pay to the beneficiary the like pension that they would have paid by virtue of that notice if he had retired with a pension immediately before he died.

(10) Any reference in these regulations to a widow's pension, however expressed, shall be construed as excluding a reference to a pension payable to a widow under this regulation.

(11) This regulation has effect subject to paragraph 7(11) of Part I of Schedule J.

*Limitation of surrendered portion of a pension for the purposes of regulation B7 or B9*

**B10.** The portion of a pension which a member may surrender under either regulation B7 or regulation B9 shall be limited as hereinafter provided, namely, it shall not be—

- (a) in the case of any pension, such that the pension becomes payable at a rate less than two-thirds of the rate at which it would have been payable but for the provisions of the said regulations and of Parts VII and VIII of Schedule B;  
(b) in the case of a deferred pension, where the member has a guaranteed minimum in relation to the pension on the date on which it becomes payable, such that the weekly amount of the pension at that date, including any increase under the Pensions (Increase) Act 1971(a), is less than that guaranteed minimum;

and the limitation contained in sub-paragraph (b) is without prejudice to that contained in sub-paragraph (a).

*Deduction of tax from certain awards*

**B11.**—(1) This regulation shall apply to any payment on account of an award made to a member during his lifetime which constitutes a repayment of contributions within the meaning of paragraph 2 of Part II of Schedule 5 of the Finance Act 1970(a).

(2) The Police Authority may deduct from any payment to which this regulation applies the tax for the time being chargeable thereon under paragraph 2 of the said Part II.

## PART C

## WIDOWS' AWARDS

*Widow's ordinary pension*

**C1.**—(1) This regulation shall apply to a widow of a member entitled to reckon at least 3 years' pensionable service—

- (a) who, having retired with an ordinary, short service or ill-health pension, dies or has died while in receipt of that pension;
- (b) who, having retired with both an ill-health and an injury pension, dies or has died otherwise than while in receipt of the ill-health pension but while in receipt of the injury pension;
- (c) who, having retired with an ill-health gratuity, dies or has died as a result of the same injury as resulted in his disablement, or
- (d) who dies or has died while serving as a member,

except that this regulation shall not apply by virtue of sub-paragraph (c) to the widow of a member in respect of whom a transfer value was, or was required to be, paid, following his retirement, in pursuance of regulation F8 (*interchange arrangements*).

(2) A widow to whom this regulation applies shall be entitled to an ordinary pension calculated in accordance with Part I of Schedule C subject, however, to regulation E8 (*increase during first 13 weeks*).

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

*Widow's special award*

**C2.**—(1) This regulation shall apply to a widow of a member who dies or has died as the result of an injury received without his own default in the execution of his duty.

(2) A widow to whom this regulation applies shall be entitled to an award which shall comprise—

- (a) a widow's special pension calculated in accordance with Part II of Schedule C subject, however, to regulation E8 (*increase during first 13 weeks*), and
- (b) subject to paragraphs (3) and (4), a gratuity of an amount equal to 25% of her husband's average pensionable pay together with, where he died while serving as a member, an amount equal to whichever is the greater of the following amounts—

- (i) her husband's average pensionable pay,
  - (ii)  $2\frac{1}{4}$  times the annual amount of the ill-health pension which would have been payable under regulation B3 to her husband had he retired on the ground that he was permanently disabled on the day on which he died.
- (3) Where the husband was entitled to an injury gratuity under regulation B4 then—
- (a) if it equalled, or exceeded, the gratuity under paragraph (2)(b), the gratuity under paragraph (2)(b) shall not be payable, and
  - (b) in any other case, the gratuity under paragraph (2)(b) shall be reduced by the amount of the husband's gratuity.
- (4) The amount of a widow's gratuity determined in accordance with the preceding provisions of this regulation shall be increased in accordance with regulation E9 (*increase by reference to the Pensions (Increase) Acts*).
- (5) Paragraph (2)(b) has effect subject to paragraph 6 of Part II of Schedule J.

#### *Widow's augmented award*

**C3.**—(1) This regulation shall apply to a widow of a member whose death is the result of an injury received without his own default in the execution of his duty where one of the following conditions is satisfied, namely that—

- (a) he was attacked by a person or persons in a manner which was intrinsically likely to cause death and death ensued as a result of the attack, or
  - (b) the injury was received in the course of duties performed for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody, or
  - (c) the injury was received in the course of duties performed—
    - (i) for the immediate purpose of saving the life of another person or of preventing loss of human life, and
    - (ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury, or
  - (d) the Police Authority are of the opinion that one of the preceding conditions may be satisfied and that this regulation should apply, or
  - (e) the Police Authority are of the opinion that the injury was received otherwise than as aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would have been payable had one of the conditions specified in sub-paragraphs (a), (b) and (c) been satisfied.
- (2) An award under regulation C2(2) to a widow to whom this regulation applies shall comprise—
- (a) a widow's special pension calculated as provided in regulation C2(2)(a) but as if for the reference in paragraph 1 of Part II of Schedule C to 45% of the husband's average pensionable pay for a week there were substituted a reference to 50% thereof, and

- (b) a gratuity of an amount equal to twice the annual pensionable pay, at the date of her husband's death, of a man—
- (i) holding the rank of constable in the London Metropolitan Police, and
  - (ii) entitled to reckon 30 years' service for the purposes of pay, and the provisions of regulation C2(2)(b), (3) and (4) shall not apply except that where those provisions are more favourable in her case the gratuity shall be of an amount determined in accordance therewith.

*Widow's accrued pension*

**C4.**—(1) This regulation shall apply to a widow of a member who dies or has died while entitled to a deferred pension, whether or not that pension has or had come into payment.

(2) For the purposes of paragraph (1) a member shall be treated as entitled to a deferred pension if he would have been so entitled but for its commutation for a lump sum under regulation B8.

(3) A widow to whom this regulation applies shall be entitled to an accrued pension calculated in accordance with Part III of Schedule C subject, however, to regulation E8 (*increase during first 13 weeks*).

*Limitation on award to widow with reference to date of marriage and pension in case of post-retirement marriage*

**C5.**—(1) A widow shall not be entitled to an award under any provisions of this Part unless she was married to her husband during a period before he last ceased to serve as a member.

(2) A widow of a member who, but for paragraph (1), would be entitled to an award under regulation C1, C2 or C4 shall, instead, be entitled to a pension calculated in accordance with Part IV of Schedule C subject, however, to regulation E8 (*increase during first 13 weeks*).

*Widow's requisite benefit and temporary pension*

**C6.**—(1) This regulation shall apply to a widow of a member not mentioned in regulation C1(1), C2(1) or C4(1) where, after the beginning of the tax year in which he attained or would have attained state pensionable age, the husband either—

- (a) has died while serving as a member, or
- (b) has ceased to serve as such.

(2) A widow to whom this regulation applies shall be entitled to an award which, subject to paragraph (3), shall comprise—

- (a) if the husband died while serving as a member or in receipt of a pension, a temporary pension in respect of the first 13 weeks following his death of such amount in respect of each such week as, when aggregated with that of any children's allowances payable in respect of the husband's death, is of the like weekly amount as was his pensionable pay or, as the case may be, as was his pension, together with an increase therein, immediately before he died, under the Pensions (Increase) Acts;



- (b) where such a temporary pension is not payable, or after the 13 weeks for which it is payable, a widow's requisite benefit pension calculated in accordance with Part V of Schedule C;

and, for the purposes of sub-paragraph (a), where the husband died while in receipt of both an ordinary, short service or ill-health pension and 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) If the capitalised value of the pension payable under paragraph (2)(b) to a widow whose husband died while serving as a member, as calculated by the Government Actuary, is less than the husband's average pensionable pay, the widow shall also be entitled to a gratuity equal to the amount by which that capitalised value falls short of the husband's average pensionable pay.

(4) For the purposes of paragraph (2)(a)—

- (a) the provisions of regulation A7 shall be disregarded, and, accordingly, a person shall not by virtue thereof be treated as in receipt of an injury pension, but
- (b) he shall be treated as in receipt of an injury pension if he would have been in receipt of such a pension but for his entitlement to additional benefit within the meaning of paragraph 4 of Part V of Schedule B and, where he is, or is so treated as being, in receipt of such a pension, the provisions of the said paragraph 4 shall be disregarded in determining the weekly amount of that pension.

#### *Widow's award where no other award payable*

**C7.**—(1) This regulation shall apply to a widow of a member to whom neither regulation C1, C2 nor C6 applies where the husband has died while serving as a member.

(2) A widow to whom this regulation applies shall be entitled to an award which shall comprise—

- (a) in respect of the first 13 weeks following the husband's death, a temporary pension of such amount as secures that, in respect of each such week, the aggregate amount of the payment under this sub-paragraph and of any children's allowances payable in respect of the husband's death is of the like amount as his pensionable pay for a week immediately before he died, and
- (b) an ordinary gratuity of an amount equal to the husband's average pensionable pay.

#### *Limitation on award to widow living apart from her husband and widow's requisite benefit pension*

**C8.**—(1) A widow shall not be entitled to an award under any of the preceding provisions of this Part if, at the time of her husband's death—

- (a) she was separated from him by an order or decree of a competent court, and
- (b) he was not required by an order or decree of a competent court to contribute to her support and was not in fact regularly contributing to her support;

and, for the purposes hereof, contributions to a woman for the support of her child shall be treated as contributions for her support.

(2) A widow of a member who, but for paragraph (1), would be entitled to an award under any of the preceding provisions of this Part shall, instead, be entitled to a widow's requisite benefit pension calculated in accordance with Part V of Schedule C.

*Termination of widow's award on remarriage*

**C9.**—(1) Where a widow entitled to a pension under this Part remarries or has remarried, she shall not be entitled to receive any payment on account of the pension in respect of any period after her remarriage:

Provided that if at any time after her remarriage she has again become a widow or that marriage has been dissolved, the Police Authority may, in their discretion, bring the pension into payment.

(2) Where a widow entitled to a gratuity under this Part remarries or has remarried, so much of the gratuity as has not been paid before her remarriage shall not be payable thereafter:

Provided that if at any time after her remarriage she has again become a widow or that marriage has been dissolved, the Police Authority may, in their discretion, pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage.

(3) Where, after her husband's death, a woman and a man to whom she is not married are living together as husband and wife, this regulation shall apply as if for the period for which they so live together she were married to him and any reference therein to her remarriage, her again becoming a widow or the marriage being dissolved shall be construed accordingly.

PART D

CHILDREN'S AWARDS

*Child's ordinary allowance*

**D1.**—(1) This regulation shall apply to a child of a member—

- (a) who, having retired with an ordinary, short service or ill-health pension, dies or has died while in receipt of that pension;
- (b) who, having retired with both an ill-health and an injury pension, dies or has died otherwise than while in receipt of the ill-health pension but while in receipt of the injury pension;
- (c) who dies or has died having retired with a gratuity when entitled to reckon at least 3 years' pensionable service, or
- (d) who dies or has died while serving as a member,

except that this regulation shall not apply by virtue of sub-paragraph (c) to the child of a member in respect of whom a transfer value was, or was required to be, paid following his retirement, in pursuance of regulation F8.

(2) Subject to regulations D5 (*limitations*) and E8 (*increase during first 13 weeks*), a child to whom this regulation applies shall be entitled to an ordinary allowance calculated in accordance with Part I of Schedule D.

(3) Paragraph (1) has effect subject to paragraph 1(2) of Part III of Schedule J.

*Child's special allowance*

**D2.**—(1) This regulation shall apply to a child of a member who dies or has died as the result of an injury received without his own default in the execution of his duty.

(2) Subject to regulations D5 (*limitations*) and E8 (*increase during first 13 weeks*), a child to whom this regulation applies shall be entitled to a special allowance calculated in accordance with Part II of Schedule D.

*Child's special gratuity*

**D3.**—(1) This regulation shall apply to a child of a member who dies or has died as the result of an injury received without his own default in the execution of his duty where one of the conditions set out in regulation C3(1) is satisfied and—

(a) in the case of a man, does not leave a widow entitled to a gratuity in pursuance of regulations C2 and C3, or

(b) in the case of a woman, was the child's only surviving parent.

(2) Subject to regulation D5 (*limitations*) but without prejudice to the provisions of regulation D2 (*child's special allowance*), a child to whom this regulation applies shall be entitled to a gratuity as hereinafter provided.

(3) The gratuity under paragraph (2) shall be of the amount mentioned in paragraph (4) except that, where two or more such gratuities are payable in respect of the same person, each gratuity shall be of the said amount divided by the number of such gratuities.

(4) The said amount shall be of an amount equal to twice the annual pensionable pay, at the date of that parent's death, of a man—

(a) holding the rank of constable in the London Metropolitan Police, and

(b) entitled to reckon 30 years' service for the purposes of pay.

*Child's accrued allowance*

**D4.**—(1) This regulation shall apply to a child of a member who dies while entitled to a deferred pension, whether or not that pension has come into payment.

(2) Subject to regulations D5 (*limitations*) and E8 (*increase during first 13 weeks*), a child to whom this regulation applies shall be entitled to an accrued allowance calculated in accordance with Part III of Schedule D.

*Child's allowance or special gratuity — limitations*

**D5.**—(1) A child's allowance or gratuity under any of the preceding provisions of this Part ("an allowance" and "a special gratuity") shall not be granted—

(a) to a child born on or after the relevant date specified in paragraph (2) otherwise than of a marriage which took place before the relevant date;

(b) by reason of his being a step-child, to the child of a spouse whose marriage to the relevant parent took place on or after the relevant date;

(c) by reason of his being substantially dependent on the relevant parent, to a child who was not so dependent before the relevant date;

- (d) by reason of his being an adopted child, to a child adopted on or after the relevant date;
- (e) except in the case of a legitimate or adopted child of the relevant parent, to a child who was not substantially dependent on that parent at the time of his death.

(2) For the purposes of paragraph (1) the relevant date is the date on which the relevant parent last ceased to serve as a member.

(3) In the case of a child who has attained the age of 16 years but not that of 17 years, an allowance shall not be payable in respect of any period for which he is in full-time employment unless that employment constitutes full-time training, of at least a year's duration, for a trade, profession or calling.

(4) In the case of a child who has attained the age of 17 years but not that of 19 years, an allowance shall only be payable in respect of a period throughout which he satisfies one of the conditions set out in paragraph (8).

(5) Without prejudice to paragraph (1), in the case of a child who has attained the age of 19 years, an allowance shall not be payable (and, where he attained that age before the date of the relevant parent's death, shall not be granted) unless—

- (a) he satisfies one of the conditions set out in paragraph (8), and
- (b) in the case of condition (a), also satisfied that condition immediately before he attained the age of 19 years and throughout the entire period thereafter,

except that the payment (or granting) of an allowance shall not be precluded by reason only of sub-paragraph (b) if the Police Authority, having regard to all the circumstances of the case, in their discretion so decide.

(6) Without prejudice to paragraphs (3), (4) and (5), in the case of a child entitled to an allowance who is—

- (a) in full-time training for a trade, profession or calling, and
- (b) in receipt of remuneration in respect thereof,

and in the case of any other child entitled to an allowance in respect of the death of the same person, Part IV of Schedule D shall have effect in relation to their allowances.

(7) A special gratuity shall not be granted to a child who attained the age of 17 years before the date of the relevant parent's death unless at that date he satisfied one of the conditions set out in paragraph (8) (disregarding conditions (b)(ii) and (iii)).

(8) The conditions referred to in paragraphs (4), (5) and (7) are that the child—

- (a) is or was undergoing full-time education or in full-time training of at least a year's duration for a trade, profession or calling, or
- (b) is or was permanently disabled and either—
  - (i) was both so disabled and substantially dependent on the relevant parent at the time of his death,
  - (ii) became so disabled while in receipt of an allowance, or
  - (iii) the Police Authority, having regard to all the circumstances of the case, in their discretion decide to pay (or grant) an allowance to him.

(9) Any reference in this regulation to the relevant parent is a reference to the parent in respect of whose death the allowance or special gratuity is or, but for the provisions thereof, would be payable.

(10) This regulation has effect subject to paragraph 5 of Part III of Schedule J.

## 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 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 member—

- (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 member the Police Authority may, in their discretion, grant a gratuity to any relative of the member 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 member's relevant period of service.

*Gratuity — estate*

**E3.**—(1) This regulation shall apply in the case of a member—

- (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 member, 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 7 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 the 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 the 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 member 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 member 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 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, on 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 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(2) (*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, or
- (b) in receipt of a pension,

and, for the purposes of sub-paragraph (b), the provisions of regulation A7 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 member'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 member'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 (*member's injury award*), and
- (ii) where the member 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(a), 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(a) 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 (5).

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

- (a) where the husband at the time when he ceased to be a member held a rank higher than that of inspector, £11·39;
- (b) where he so held the rank of inspector, £9·87, or
- (c) where he so held a rank lower than inspector, £8·43.

(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 member on or after 6th April 1975 and would, had he continued so to serve until he could have been 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—

- (a) where the relevant parent at the time when he ceased to be a member held a rank higher than that of inspector, £3·48 if the allowance would otherwise be determined in accordance with paragraph 1 of Part I of Schedule D or £5·20 if it would otherwise be determined in accordance with paragraph 2 of that Part;

- (b) where he so held the rank of inspector, £3·02 if the allowance would otherwise be determined in accordance with the said paragraph 1 or £4·53 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, £2·77 if the allowance would otherwise be determined in accordance with the said paragraph 1 or £4·15 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) 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(a),

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

## PART F

### PENSIONABLE SERVICE AND TRANSFER VALUES

#### *Reckoning of pensionable service*

**F1.** The pensionable service reckonable by a member at any date (in these regulations referred to as the "relevant date") shall be determined in accordance with the succeeding provisions of this Part:

Provided that there shall not be reckonable by a member any period of unpaid maternity leave granted in the case of a woman.

#### *Current service*

**F2.** Subject to the provisions of these regulations, there shall be reckonable by a member in respect of his service in the force, being service since he last joined or rejoined the force before the relevant date—

- (a) all such service on or after 1st April 1972, and
- (b) where he last joined or rejoined the force before 1st April 1972, any period before that date which he was entitled to reckon as pensionable service under the 1949 Order.

*Previous service reckonable without payment*

**F3.**—(1) Subject to regulation F4, there shall be reckonable by a member as pensionable service—

- (a) where from being a regular policeman in Great Britain he has transferred to the force, any period of pensionable service reckonable by him, immediately before the transfer, for the purposes of the legislation for the time being in force relating to the pensions of regular policemen in Great Britain;
- (b) where he previously retired with an ill-health pension, including such a pension payable under the former regulations, that pension was terminated in whole or in part under regulation K1 or any corresponding provision of the former regulations, any period of pensionable service (including such service before 1st April 1972) reckonable by him at the time he retired.

(2) Where a member transferred as mentioned in paragraph (1)(a) during a leap-year beginning on or after 1st January 1988 and throughout the leap-year in question had continuous service as a member or, as the case may be, as either a member or a regular policeman in Great Britain then, notwithstanding anything in paragraph (1)(a), the pensionable service reckonable by him by reason of his continuous service in that year shall be a year's, and not 366 days', pensionable service.

*Reckoning of service reckonable in Great Britain under interchange arrangements in respect of service other than police service*

**F4.** Where a member to whom regulation F3(1)(a) applies becomes a member on or after 14th February 1977 and has not discharged an undertaking given in accordance with paragraph (1)(e)(i) of regulation F7 of the Police Pension Regulations 1987(a), former service taken into account in accordance with that regulation shall not be reckonable by that member as pensionable service unless he pays or undertakes to pay to the Police Authority in accordance with Part I of Schedule F a sum equal to the outstanding balance of the sum payable under the undertaking.

*Previous service reckonable on payment*

**F5.**—(1) Subject to regulation F8(4) (*interchange arrangements*), there shall be reckonable by a member as pensionable service, in the circumstances specified in this regulation, the periods so specified before he last joined or rejoined the force before the relevant date, subject, in the case of any such period, to his having applied to the Police Authority, within 3 months from the date when he last joined or rejoined the force (or such longer period as the Police Authority may allow in the circumstances of his case), to have the period so reckoned and to his having made to the Police Authority the appropriate payment.

(2) Where before the relevant date a member retired from the force without a pension (including a pension under the 1949 Order)—

- (a) the period shall be any period of pensionable service (including service before 1st April 1972) reckonable by him at the time he retired, and

(b) the appropriate payment shall be an amount equal to any gratuity or return of pension contributions, as the case may be, which he may have received on his retirement, so, however, that where before his retirement and in pursuance of an election under regulation 51 or 52 of the regulations of 1973 or under any corresponding provision of the 1949 Order, he had paid additional or further contributions or had made an additional or further payment by way of a lump sum, the appropriate payment shall be reduced by the amount he had paid by way of such contributions or lump sum and he shall be treated for the purposes of these regulations as having neither paid nor elected to pay such contributions or lump sum.

(3) Where before the relevant date he retired with a deferred pension but has relinquished his entitlement thereto by written notice given to the Police Authority for the purposes of this regulation (or of the corresponding provisions of the regulations of 1973), paragraph (2) shall have effect as though he had retired without a pension and, where immediately before his retirement he was paying such additional or further contributions as are mentioned in paragraph (2)(b), the amount he had paid by way of such contributions shall be repaid to him and he shall be treated for the purposes of these regulations as having neither paid nor elected to pay contributions.

(4) Where a member previously served as (i) a permanent member of the Ulster Special Constabulary or (ii) an auxiliary member who immediately before 1st May 1970 was such a permanent member—

(a) the period shall be any period of pensionable service (including service before 1st April 1972) which he was, when he ceased to serve as such permanent or, as the case may be, auxiliary member entitled to reckon for the purposes of an ordinary pension;

(b) the appropriate payment shall be an amount equal to any gratuity or, as the case may be, return of pension contributions which he may have received on ceasing so to serve.

(5) Where a member previously served as (i) a member of the Ulster Special Constabulary in a whole-time paid capacity (not being a permanent member) or (ii) an auxiliary member other than such as is mentioned in paragraph (4)—

(a) the period shall be half of any period of pensionable service (including service before 1st April 1972) which he was, when he ceased to serve as such a member of the Ulster Special Constabulary or, as the case may be, as such an auxiliary member, entitled to reckon for the purposes of a gratuity;

(b) the appropriate payment shall be an amount equal to half of any gratuity or, as the case may be, return of pension contributions which he may have received on ceasing so to serve.

(6) paragraph (3) has effect subject to paragraph 4 of Part IV of Schedule J.

*Previous service reckonable under current interchange arrangements*

**F6.**—(1) Save as provided in paragraphs (2) and (4), this regulation shall apply to a member—

- (a) who before he last became a member before the relevant date was in service or employment (otherwise than as a member) by reason of which he was subject to superannuation arrangements in pursuance of which a transfer value may be paid to the Police Authority (in this regulation and in Section 2 of Part II of Schedule F such service or employment and such superannuation arrangements are referred to as “former service” and “former superannuation arrangements”);
- (b) subject to paragraph (2), who, before the relevant date, last became a member on or after 1st April 1972, and
- (c) in respect of whom a transfer value relating to his former service has, in pursuance of his former superannuation arrangements, been paid to the Police Authority.

(2) If the Police Authority have so determined in the case of a particular member who, before the relevant date, last became such on or after 5th July 1948 but before 1st April 1972, this regulation shall have effect as if paragraph (1)(b) were omitted.

(3) There shall be reckonable by a member to whom this regulation applies, in respect of his former service, a period of pensionable service calculated in accordance with Sections 2 and 3 of Part II of Schedule F.

(4) Notwithstanding anything in this regulation, the provisions thereof shall not apply—

- (a) where the member concerned is entitled to reckon pensionable service under regulation F3(1)(a) by reason of former service as a regular policeman in Great Britain; or
- (b) where the member concerned had a guaranteed minimum in relation to the pension provided by the former superannuation arrangements unless—
  - (i) those arrangements are of a kind mentioned in paragraph 1(2) of Section 2 of Part II of Schedule F, or
  - (ii) that guaranteed minimum is no greater than a notional deferred pension calculated by reference to the pensionable service which, under the said Section 2, would be reckonable if the transfer value were paid.

*Transfer values payable on transfer from the force to a police force in Great Britain*

**F7.**—(1) This regulation shall apply where a member has transferred to a police force in Great Britain and the police authority for that force is contingently liable to make payments to or in respect of him under any legislation for the time being in force relating to the pensions of members of police forces in Great Britain.

(2) Where this regulation applies the police authority in Great Britain mentioned in paragraph (1) shall be entitled to receive from the Police Authority a transfer value calculated in accordance with Sections 1 and 3 of Part II of Schedule F.

*Transfer values payable under interchange arrangements*

**F8.**—(1) Save as provided in paragraph (2) and subject to paragraph (5), this regulation shall apply to a member—

- (a) who, not having attained state pensionable age, retires or retired on or after 1st April 1972 and—
- (i) was not entitled to a pension on so retiring or, if so entitled, has neither received any payment in respect thereof nor given any notice of commutation relating thereto which has become effective, and
  - (ii) has not received any award on so retiring by way of repayment of his aggregate pension contributions or a gratuity;
- (b) who subsequently enters or entered service or employment (otherwise than as a member) by reason of which he is subject to superannuation arrangements (hereafter in this regulation referred to as “new service”) and in his new service is, or subject to the payment of a transfer value would be, entitled to reckon service for superannuation purposes by reason of his service as a member; and
- (c) who, within 6 months of entering the new service, or within such longer period as the Police Authority may allow in the circumstances of the particular case, has given written notice to the Police Authority of his desire that this regulation should apply in his case.
- (2) Nothing in this regulation shall apply to a member—
- (a) in whose case a transfer value is payable or has been paid on transfer to a police force in Great Britain under regulation F7 or regulation 75 of the regulations of 1973, or
  - (b) who has a guaranteed minimum in relation to the pension provided by these regulations unless either—
    - (i) the superannuation arrangements applicable to the new service constitute a contracted-out scheme in relation to him when the transfer value is paid, or
    - (ii) a contributions equivalent premium relating to the period ending with his retirement has been paid in respect of him by the Police Authority and not repaid.
- (3) Where this regulation applies the Police Authority may pay a transfer value calculated in accordance with Sections 1 and 3 of Part II of Schedule F to the authority or person empowered to receive such payments for the purposes of the superannuation arrangements applicable to the new service and shall so pay such a transfer value where those superannuation arrangements—
- (a) are contained in a public general Act of Parliament or were made under such an Act by a Minister of the Crown, or
  - (b) are contained in a public general Act of the Parliament of Northern Ireland or Measure of the Northern Ireland Assembly or were made under such an Act or Measure by a Minister of the Crown (including a Northern Ireland Minister) or by a Northern Ireland ministry, department or head of department, or
  - (c) are contained in a retirement benefits scheme approved under Chapter II of Part II of the Finance Act 1970(a) or section 222 of the Income and Corporation Taxes Act 1979(b), or

- (d) provide for the purposes thereof for a superannuation fund which is wholly approved under section 208 of the Income and Corporation Taxes Act 1970, or
  - (e) provide, in the event of the member again becoming such, for the payment of a transfer value which the Police Authority are satisfied would be calculated in like manner as under any superannuation arrangements contained in, or made by a Minister of the Crown under, a public general Act of Parliament.
- (4) Where the Police Authority decided, or were required, to pay a transfer value as mentioned in paragraph (3)—
- (a) if the member concerned was, on retiring, entitled to a pension or such an award as is mentioned in paragraph (1)(a)(ii), he shall cease to be so entitled, and
  - (b) if he again becomes a member, regulation F5 (*reckoning of previous service on payment*) shall not apply in relation to the pensionable service which he was entitled to reckon at the time he retired unless before 1st January 1989 the Police Authority has decided, or were required, to pay a transfer value in pursuance of regulation 75A of the regulations of 1973.
- (5) In the case of a member who has received such an award as is mentioned in paragraph (1)(a)(ii) but has—
- (a) entered the new service within 12 months of retiring or such longer period as the Police Authority may allow in the circumstances of his case, and
  - (b) within 6 months of entering the new service, or within such longer period as the Police Authority may allow in the circumstances of his case, has paid to the Authority an amount equal to that of the said award,
- paragraph (1) shall have effect as if sub-paragraph (a)(ii) were omitted.

#### PART G PENSIONABLE PAY AND CONTRIBUTIONS

##### *Pensionable and average pensionable pay*

**G1.**—(1) The pensionable pay of a member at any time means his pay at the rate to which he is or was then entitled, account being taken of any retrospective increase in that rate.

(2) The average pensionable pay of a member shall, subject to paragraphs (3) and (4), be the aggregate of his pensionable pay in respect of the period of a year ending with the relevant date:

Provided that where he was entitled to pensionable pay for part only of that period, the said aggregate shall be multiplied by the reciprocal of the fraction of the year for which he was entitled to pensionable pay.

(3) Where the amount of a member's average pensionable pay, determined in accordance with paragraph (2), is less than the amount it would have been had he not suffered a temporary reduction in rate of pay by way of punishment, it shall be increased by the difference between the two said amounts.



(4) Where the amount of a member's average pensionable pay, determined in accordance with paragraphs (2) and (3), is less than it would have been had the relevant date been the corresponding date in one of the two preceding years (whichever year yields the higher amount), it shall be increased by the difference between the two said amounts.

(5) Where an award is to be made to or in respect of a member the relevant date for the purpose of determining his average pensionable pay shall be the date of his last day of service in the force.

(6) Where a member has served as a member of a police force in Great Britain during part of the period of 3 years ending with the date mentioned in paragraph (5), and if such part is reckonable as pensionable service under regulation F3, then paragraphs (2), (3) and (4) shall have effect as if any reference in paragraph (2) to pensionable pay included a reference to such pay within the meaning of the legislation relating to the pensions of regular policemen in Great Britain.

(7) For the purposes of these regulations, a serviceman shall be deemed to be entitled, in respect of his period of relevant service in the armed forces, to the pay to which he would have been entitled if he had continued to serve in the force.

(8) Where for the purpose of calculating an award to a widow, child or dependent relative it is necessary to determine average pensionable pay for a week, it shall be taken to be average pensionable pay divided by  $52\frac{1}{6}$ .

#### *Pension contributions payable by member*

**G2.**—(1) A member shall pay to the Police Authority pension contributions at the rate of 1p a week less than—

- (a) in the case of a man, 11% of his pensionable pay, or
- (b) in the case of a woman, 8% of her pensionable pay.

(2) The pension contributions payable under paragraph (1) upon each instalment of pay shall fall due at the same time as that instalment and may, without prejudice to any other method of payment, be discharged by way of a reduction of the appropriate amount made by the Police Authority from the said instalment:

Provided that the Police Authority may allow additional or further contributions due in respect of a past period by reason of an election under regulation G3 to be discharged by deductions from instalments of pay over such period not exceeding 6 months as they consider reasonable.

#### *Additional and further contributions*

**G3.**—(1) This regulation shall apply to a member who elected, in accordance with regulation 51(2) or (3) of the regulations of 1973, to pay additional or further pension contributions, and whose liability thereunder to pay those contributions did not cease before 1st January 1989.

(2) A man to whom this regulation applies shall continue to pay additional or, as the case may be, further pension contributions until, subject to paragraph (4), the relevant date mentioned in paragraph (3), and Schedule G shall have effect for the purpose of calculating the amount of such additional or further pension contributions.

(3) For the purposes of paragraph (2), the relevant date is the date on which the man becomes entitled to reckon 25 years' pensionable service.

(4) Additional or further pension contributions payable under this regulation shall cease to be payable on retirement; but where a member was paying such contributions immediately before retiring with an ordinary pension that pension shall be reduced in accordance with paragraph 6 of Part VIII of Schedule B.

(5) Regulation G2(2) shall apply in relation to the payment of additional or further contributions under this regulation as it applies in relation to the payment of pension contributions under regulation G2(1).

## PART H

### APPEALS AND MEDICAL QUESTIONS

#### *Reference of medical questions*

**H1.**—(1) Subject as hereinafter provided, the question whether a person is entitled to any and, if so, what awards under these regulations shall be determined in the first instance by the Police Authority.

(2) Where the Police Authority are considering whether a person is permanently disabled, they shall refer for decision to a duly qualified medical practitioner selected by them the following questions—

- (a) whether the person concerned is disabled;
- (b) whether the disablement is likely to be permanent;

and, if they are further considering whether to grant an injury pension, shall so refer the following questions:—

- (c) whether the disablement is the result of an injury received in the execution of duty, and
- (d) the degree of the person's disablement;

and, if they are considering whether to revise an injury pension, shall so refer question (d) above.

(3) The Police Authority, if they are considering the exercise of their powers under regulation K3 (*reduction of pension in case of default*), shall refer for decision to a duly qualified medical practitioner selected by them the question whether the person concerned has brought about or substantially contributed to the disablement by his own default.

(4) The decision of the selected medical practitioner on the questions referred to him under this regulation shall be expressed in the form of a certificate and shall, subject to regulations H2 and H3, be final.

#### *Appeal to medical referee*

**H2.**—(1) Where a person has been informed of the determination of the Police Authority on any question which involves the reference of questions under regulation H1 to a selected medical practitioner, he shall, if, within 14 days after being so informed or such further period as the Police Authority may allow, he applies to the Police Authority for a copy of the certificate of the selected medical practitioner, be supplied with such a copy.

(2) If the person concerned is dissatisfied with the decision of the selected medical practitioner as set out in his certificate, he may, within 14 days after

being supplied with the certificate or such longer period as the Police Authority may allow, and subject to and in accordance with the provisions of Schedule H, give notice to the Police Authority that he appeals against the said decision.

(3) An appeal under paragraph (2) shall be decided by a medical referee appointed in accordance with Schedule H (hereafter in these regulations referred to as the "medical referee"). The decision of the medical referee shall, if he disagrees with any part of the certificate of the selected medical practitioner, be expressed in the form of a certificate of his decision on any of the questions referred to the selected medical practitioner on which he disagrees with the latter's decision, and the decision of the medical referee shall, subject to the provisions of regulation H3, be final.

*Further reference to medical authority*

**H3.**—(1) A tribunal hearing an appeal under regulation H5 may, if they consider that the evidence before the medical authority who has given the final decision was inaccurate or inadequate, refer the decision of that authority to him for reconsideration in the light of such facts as the tribunal may direct, and the medical authority shall accordingly reconsider his decision and, if necessary, issue a fresh certificate which, subject to any further reconsideration under this paragraph, shall be final.

(2) The Police Authority and the claimant may, by agreement, refer any final decision of a medical authority who has given such a decision to him for reconsideration on fresh evidence, and he shall accordingly reconsider his decision and, if necessary, issue a fresh certificate, which, subject to any further reconsideration under this paragraph or paragraph (1), shall be final.

(3) If a tribunal decide, or a claimant and the Police Authority agree, to refer a decision to the medical authority for reconsideration under this regulation and that medical authority is unable or unwilling to act, the decision may be referred to a duly qualified medical practitioner selected by the tribunal or, as the case may be, agreed upon by the claimant and the Police Authority, and his decision shall have effect as if it were that of the medical authority who gave the decision which is to be reconsidered.

(4) In this regulation a medical authority who has given a final decision means the selected medical practitioner, if the time for appeal from his decision has expired without an appeal to a medical referee being made, and the medical referee, if there has been such an appeal.

*Refusal to be medically examined*

**H4.** If a question is referred to a medical authority under regulation H1, H2 or H3 and the person concerned wilfully or negligently fails to submit himself to such medical examination or to attend such interviews as the medical authority may consider necessary in order to enable him to make his decision, then—

- (a) if the question arises otherwise than on an appeal to a medical referee, the Police Authority may make their determination on such evidence and medical advice as they in their discretion think necessary;
- (b) if the question arises on an appeal to a medical referee, the appeal shall be deemed to be withdrawn.

*Appeals*

**H5.**—(1) Where a member or a person claiming an award in respect of a member is aggrieved by the refusal of the Police Authority to admit a claim to receive as of right an award or a larger award than that granted or by the forfeiture under regulation K5 by the Police Authority, of any award granted to or in respect of that member, he may, subject to regulation H6, give notice of appeal to the Department.

(2) The Department, on receiving such notice of appeal, shall appoint an appeal tribunal (hereinafter in this regulation referred to as “the tribunal”) consisting of 3 persons, including a barrister or solicitor of not less than 7 years’ standing who shall act as chairman, and a retired member of the force or of a police force in Great Britain who, before he retired, held a rank not lower than that of superintendent or district inspector.

(3) The time and place for the hearing, or any postponed or adjourned hearing, of the appeal shall be determined by the tribunal, which shall give reasonable notice thereof to the appellant and to the Police Authority (hereinafter in this regulation described as “the parties”).

(4) Either party may be represented before the tribunal by counsel or by a solicitor, or by some other person approved by the tribunal, and may adduce evidence and cross-examine witnesses.

(5) The rules of evidence applicable in the case of an appeal to a county court under Article 28 of the County Courts (Northern Ireland) Order 1980(a) shall apply in the case of an appeal under this regulation.

(6) Subject to the preceding provisions of this regulation the tribunal shall determine its own procedure.

(7) The tribunal, after enquiring into the case, shall make such order in the matter as appears to it to be just.

(8) An appeal shall lie on a point of law from any decision of a tribunal under this regulation to the High Court in accordance with rules of court.

*Limitations on appeals*

**H6.**—(1) An appeal shall not lie under regulation H5 against anything done by the Police Authority in the exercise of a power conferred by these regulations which is expressly declared thereby to be a power which they are to exercise in their discretion.

(2) Subject to regulation H3(1), in any proceedings under regulation H5 the tribunal shall be bound by any final decision of a medical authority within the meaning of regulation H3.

## PART I

## SERVICEMEN

*Awards to servicemen*

**II.**—(1) This regulation shall apply to a serviceman who at the end of his period of relevant service in the armed forces is or was permanently disabled for the performance of duty as a member.

(2) A serviceman to whom this regulation applies shall be entitled to an ill-health award under regulation B3 on the same conditions in all respects as if he were such a member as is mentioned in paragraph (1) of that regulation, subject, however, to the following paragraphs.

(3) Where the disablement is the result of an injury received during the serviceman's period of relevant service in the armed forces, in lieu of an ill-health gratuity in pursuance of paragraph (2) (or, where the period of relevant service in the armed forces ended before 1st January 1989, in pursuance of the corresponding provision of the former regulation), the Police Authority may, in their discretion, pay him a pension at the rate of a twelfth of his average pensionable pay, subject, however, to paragraph (4).

(4) Where the disablement is the result of such an injury as aforesaid, any pension payable to the serviceman in pursuance of paragraph (2) or (3) may, subject to the limitation in paragraph 1 of Schedule 1, from time to time be increased at the discretion of the Police Authority but, where an ill-health pension payable in pursuance of paragraph (2) is so increased, no account of the increase shall be taken for the purposes of regulation B7 or B9 (*commutation and allocation*) or of Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*).

#### *Awards on death of servicemen*

**12.—(1)** If a serviceman entitled to reckon 3 years' pensionable service—

- (a) dies or has died during his period of relevant service in the armed forces, or
- (b) having been permanently disabled for duty as a member at the end of the said period (without any intervening period of service as such) dies or has died either as a result of the same injury as resulted in his disablement or while in receipt of a pension,

his widow shall be entitled to a widow's ordinary pension under regulation C1 on the same conditions in all respects as if he were such a member as is mentioned in paragraph (1) of that regulation, subject, however, to paragraphs (5) and (6) of this regulation.

(2) If a serviceman dies during his relevant period of service in the armed forces and his widow is not entitled to a pension under paragraph (1), she shall, subject to paragraph (3), be entitled to a gratuity of an amount equal to her husband's average pensionable pay.

(3) Where the death of a serviceman is the result of an injury received during his period of relevant service in the armed forces, in lieu of a gratuity under paragraph (2) (or, where he died before 1st January 1989, in lieu of a gratuity under the corresponding provision of the former regulations) the Police Authority may, in their discretion, pay his widow a pension the amount whereof shall be the appropriate sum for the purposes of this paragraph, that is to say £8.43, increased in accordance with regulation E10(5) (*increase of flat-rate award*), subject, however, to paragraphs (5) and (6) of this regulation.

(4) If a serviceman—

- (a) dies or has died during the period of relevant service in the armed forces, or

- (b) having been permanently disabled for duty as a member at the end of the said period (without any intervening period of service as such) dies or has died while in receipt of a pension, or, being a person entitled to reckon not less than 3 years' pensionable service, dies or has died having received a gratuity,

then each of his children shall be entitled to a child's ordinary allowance under regulation D1 on the same conditions in all respects as if he were such a member as is mentioned in paragraph (1) of that regulation, subject, however, to paragraphs (5) and (6) of this regulation.

(5) Where the death of a serviceman is the result of an injury received during his period of relevant service in the armed forces, any pension or allowance payable in respect of him in pursuance of paragraph (1), (3) or (4) may, subject to the limitation in paragraph 2 or 3 of Schedule I, from time to time be increased at the discretion of the Police Authority.

(6) Without prejudice to anything in paragraph (1) or (4)—

- (a) in relation to a widow's pension or gratuity in pursuance of paragraph (1), (2) or (3), regulation C8 (*limitation on award to widow living apart from her husband and widow's requisite benefit pension*) and regulation E7 (*prevention of duplication*) shall apply, and
- (b) in relation to a child's allowance in pursuance of paragraph (4), regulation E7 shall apply,

as those regulations apply in relation to the awards therein mentioned.

#### *Application of regulations E2 and E3*

**I3.** In the case of a serviceman—

- (a) who dies in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, and whose death results from an injury received during his relevant period of service in the armed forces, regulation E2 (*gratuities — dependent relatives*) shall apply as it applies in the case of a member who so dies and whose death results from an injury received in the execution of his duty;
- (b) who dies during his relevant period of service in the armed forces, regulation E2 and regulation E3 (*gratuity — estate*) shall apply as they apply in the case of a member who dies while serving as such.

#### *Servicemen who resume service as members*

**I4.** If a serviceman, after resuming service, or returning to duty, as a member—

- (a) is permanently disabled as a result of an injury received during his period of relevant service in the armed forces, the Police Authority may, in relation to any pension payable to him, other than a deferred pension, exercise the like discretion as that conferred by regulation I1(4) but, where a pension is increased in pursuance of this sub-paragraph, no account of the increase shall be taken for the purposes of regulation B7 or B9 (*commutation and allocation*) or of Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*);

- (b) dies or has died as a result of such an injury, the Police Authority may, in relation to any widow's pension or gratuity and any child's allowance payable in respect of him, exercise the like discretions as those conferred by regulation I2(3) and (5).

*Servicemen who do not resume service as members*

**15.** Where a serviceman who ceased to serve as a member in order to undertake a period of relevant service in the armed forces does not or did not resume service as a member within a month of the end of that period, he shall be treated for the purposes of regulations A9, B5(2), B6, F3 and F5 as having left the force at the end of his period of relevant service in the armed forces.

*Pensionable service*

**16.** A serviceman who ceased to serve as a member in order to undertake a period of relevant service in the armed forces shall be entitled to reckon as pensionable service his period of relevant service in the armed forces.

*Pension contributions etc.*

**17.—(1)** This Part shall have effect in the case of a serviceman who ceased to serve as a member in order to undertake a period of relevant service in the armed forces only if he pays or has paid pension contributions (other than additional or further pension contributions) to the Police Authority, as though he had remained a member, in respect of his period of relevant service in the armed forces:

Provided that this Part shall have effect notwithstanding that pension contributions are not or have not been paid as aforesaid by a serviceman in respect of any period during which his service pay when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(a) is less than his pensionable pay.

(2) In the case of a serviceman any reference in these regulations to service as a member or as a regular policeman in Great Britain on or after 1st April 1972 or in respect of which he has paid contributions at a rate related to 6.25% of his pensionable pay shall be construed as including a reference to his period of relevant service in the armed forces on or after that date or, as the case may be, in respect of which he has paid, or is deemed to have paid, pension contributions at that rate.

## PART J

### SPECIAL CASES

*Member with a guaranteed minimum for the purposes of the Social Security Pensions (Northern Ireland) Order 1975*

**J1.—(1)** This regulation shall apply in the case of a member who, for the purposes of the Social Security Pensions (Northern Ireland) Order 1975(b), has a guaranteed minimum in relation to the pension provided by these regulations by reason of service which is contracted-out employment by reference thereto:

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(a) 1951 c. 65

(b) S.I. 1975/1503 (N.I. 15)

Provided that it shall not apply in the case of a member in respect of whom a transfer value has been, or is required to be, paid under regulation F8.

(2) In a case in which this regulation applies the member shall be entitled to a pension of a weekly amount equal to his guaranteed minimum but no payment shall be made on account of the pension—

- (a) in respect of any period before he attains state pensionable age;
- (b) if he is also entitled to a pension under Part B, in respect of any period for which that pension, together with any increase therein under the Pensions (Increase) Act 1971(a), exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder subject, however, to paragraph (3)(a), or
- (c) in respect of any period within the 5 years following his attaining state pensionable age during which he is serving as a member if either—
  - (i) he has so served for a continuous period beginning before he attained that age, or
  - (ii) he is entitled to a pension under Part B but for the period in question that pension has been withdrawn, in whole or in part, in pursuance of a decision taken by the Police Authority for the purposes of regulation K4 before he attained state pensionable age.

(3) Where a member is entitled both to a pension under Part B and a pension under paragraph (2) then—

- (a) for the purposes of paragraph (2)(b), in the case of a pension under Part B other than an injury pension, any secured portion thereof shall be disregarded but, subject as aforesaid, where he is entitled to both an injury pension and some other pension under Part B, those pensions shall be treated as a single pension;
- (b) in respect of any period in respect of which a payment is made on account of the pension under paragraph (2), no payment shall be made on account of the pension under Part B otherwise than, in the case of a pension other than an injury pension, on account of any secured portion thereof.

(4) In a case in which this regulation applies, where the member dies or has died at any time leaving a widow then, unless any pension to which he has been entitled has been forfeited under regulation K5(2), she shall be entitled to a pension of a weekly amount equal to a half of his guaranteed minimum increased in accordance with regulation E9 (*increase by reference to the Pensions (Increase) Acts*) but that entitlement shall cease if she remarries or has remarried before attaining the age of 60 years and no payment shall be made on account of the pension—

- (a) if she is also entitled to a pension under Part C, in respect of any period for which the amount of that pension exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder, or
- (b) in respect of any period before she attains the age of 60 years during which she and a man to whom she is not married are living together as husband and wife.



(5) Where a widow is entitled both to a pension under Part C and a pension under paragraph (4) then, in respect of any period in respect of which a payment is made on account of the pension under paragraph (4), no payment shall be made on account of the pension under Part C.

(6) The following provisions shall apply in relation to a pension under this regulation as hereinafter provided, that is to say—

- (a) regulation B8 (*commutation—small pensions*) shall apply in relation to a pension under paragraph (2) as it applies in relation to a pension under Part B;
- (b) regulation E4(3) (*gratuity in lieu of widow's pension*) shall apply in relation to a pension under paragraph (4) as it applies in relation to a pension under Part C, and
- (c) regulation K5 (*forfeiture of pension*) shall apply in relation to a pension under paragraph (2) or (4) as it applies in relation to a pension under Part B or C but as if paragraph (4) thereof were omitted,

but, save as aforesaid or as provided in paragraph (2) or (4), nothing in any other regulation shall affect a person's entitlement to a pension under this regulation, the amount of such a pension or the circumstances in which it may be withdrawn or forfeited.

#### *Members who were formerly regular policemen in Great Britain*

**J2.**—(1) This regulation shall apply in the case of a member who has been a member of a police force in Great Britain.

(2) Where such a member is entitled to reckon pensionable service by reason of previous service as a regular policeman in Great Britain then, except where the context otherwise requires, these regulations shall have effect as if anything done by him or in his case under, or for the purposes of, a provision of the legislation relating to the pensions of regular policemen in Great Britain which corresponds to a provision of these regulations or of the former regulations had been done under, or for the purposes of, that corresponding provision.

(3) Without prejudice to the generality of paragraph (2), if such a member elected to pay additional or further contributions under any provision of the legislation relating to pensions of regular policemen in Great Britain corresponding to regulation 51(2) or (3) of the regulations of 1973 and his liability to pay such contributions, either under that legislation or by reason of regulation 57 of the regulations of 1973, did not cease before 1st January 1989 or, if later, the date on which he became a member then, notwithstanding that he is not such a member as is mentioned in paragraph (1) of regulation G3 (*additional and further contributions*), that regulation shall apply to him and Schedule G shall have effect subject to any necessary modifications.

#### *Certain members with service on or after 1st August 1975*

**J3.**—(1) This regulation shall apply in the case of a member of a rank above that of superintendent who has served as such during a period beginning on or after 1st August 1975 (“the relevant period”).

(2) Notwithstanding anything in these regulations, an award to or in respect of a member to whom this regulation applies shall not be less than it

would have been had the pay to which he was entitled as a member, in respect of the relevant period, fallen to be calculated in accordance with the scale of pay in force immediately before 1st August 1975 for a member holding the rank, or the rank and office, held by him during the relevant period:

Provided that where the award is an ordinary pension which falls to be reduced in accordance with paragraph 6 of Part VIII of Schedule B, the reduction shall be calculated without regard to this paragraph.

*Other special provisions*

**J4.** The provisions of Schedule J shall have effect in the cases, and as respects the matters, mentioned therein.

PART K

REVISION AND WITHDRAWAL OR FORFEITURE OF AWARDS

*Cancellation of ill-health and injury pensions*

**K1.**—(1) As long as a person—

- (a) is in receipt of an ill-health pension;
- (b) would not, if he had continued to serve as a member instead of retiring with an ill-health pension, have been entitled to reckon 25 years' pensionable service, and
- (c) if he had continued so to serve, could not have been required to retire on account of age,

the Police Authority may, if they wish to exercise the powers conferred by this regulation, consider, at such intervals as they in their discretion think proper, whether his disability has ceased.

(2) If on any such consideration it is found that his disability has ceased, the Police Authority may give the person concerned notice that if he wishes to rejoin the force within a period of not less than 3 months from the date on which he has been given such notice he will be permitted to do so.

(3) If the person concerned within the period referred to in paragraph (2) offers to rejoin the force, he shall be permitted to do so in a rank not lower than that he held immediately before he retired with the ill-health pension.

(4) On the person concerned rejoining the force as mentioned in paragraph (3) or, where he does not offer to rejoin within the period referred to in paragraph (2), at the end of that period, there shall be terminated—

- (a) the unsecured portion of his ill-health pension, and
- (b) any injury pension to which he is entitled;

and where the unsecured portion of an ill-health pension is terminated under this paragraph, the secured portion of that pension shall not be payable in respect of any period before state pensionable age.

(5) Where the unsecured portion of an ill-health pension is terminated under paragraph (4) otherwise than on the member rejoining the force, but he is not a member to whom regulation B5 applies, then, if the aggregate of—

- (a) the sums paid in respect of the pension;

- (b) the actuarial value of the secured portion of the pension (in so far as it is payable under paragraph (4)) determined in accordance with tables prepared by the Government Actuary, and
- (c) the actuarial value of any pension to which he is entitled under regulation J1 determined as aforesaid,

is less than his aggregate pension contributions in respect of the relevant period of service, the Police Authority shall pay the difference to the member.

(6) Paragraph (5) has effect subject to paragraph 4 of Part I of Schedule J.

#### *Reassessment of injury pension*

**K2.** Subject as hereinafter provided, where an injury pension is payable under these regulations, the Police Authority shall, at such intervals as may be suitable, consider whether the degree of the pensioner's disablement has altered; and if after such consideration the Police Authority find that the degree of disablement has substantially altered, the pension shall be revised accordingly.

#### *Reduction of pension in case of default*

**K3.** Where a member or a person who has been a member becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the Police Authority may reduce the amount of any ill-health or injury award payable to him by an amount not exceeding a half of that to which he would otherwise be entitled:

Provided that—

- (a) this regulation shall not apply where the person concerned has been a member and is in receipt of an ill-health pension and would, if he had continued to serve instead of retiring with that pension, have been entitled to reckon 25 years' pensionable service; and
- (b) where the pension of a member has been reduced under this regulation, then if when he attains the age of 60 years the reduced pension is less than the amount of the deferred pension which would have been payable had he been granted such a pension on the date of his ceasing to serve it shall be increased to that amount.

#### *Withdrawal of pension during service as a policeman*

**K4.**—(1) Subject to paragraph (2), the Police Authority may, in respect of a pension payable under Part B of these regulations or under regulation E1 (*adult dependent relative's special pension*), in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is—

- (a) a member, or
- (b) a reserve constable under the Act appointed on a full-time basis, or
- (c) a regular policeman in Great Britain,

and, where they have done so, they shall be discharged from all actual or contingent liability in respect of the pension or the part thereof withdrawn for the period in question.

(2) This regulation does not apply to a pension under regulation B9(7)(b) (*allocation*).

*Forfeiture of pension*

**K5.**—(1) This regulation shall apply to a pension payable to or in respect of a member under Part B or C or under regulation E1 (*adult dependent relative's special pension*).

(2) Subject to paragraph (5), the Police Authority may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the pensioner has been convicted of an offence mentioned in paragraph (3) and, in the case of a widow's pension, that offence was committed after the death of the pensioner's husband.

(3) The offences referred to in paragraph (2) are—

(a) an offence of treason;

(b) one or more offences under the Official Secrets Acts 1911 to 1939(a) for which the grantee has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.

(4) Subject to paragraph (5), the Police Authority may determine that the pension to which this regulation applies be forfeited, in whole or in part and permanently or temporarily as they may specify, if the grantee has been convicted of an offence committed in connection with his service as a member which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(5) In the case of a pension to which this regulation applies, other than an injury pension, the Police Authority in determining whether a forfeiture should be permanent or temporary and affect a pension in whole or in part, may make different determinations in respect of the secured and unsecured portions of the pension; but the secured portion of such a pension shall not be forfeited permanently and may be only forfeited temporarily for a period expiring before the grantee attains state pensionable age or for which he is imprisoned or otherwise detained in legal custody.

(6) To the extent to which a pension is forfeited under this regulation, the Police Authority shall be discharged from all actual or contingent liability in respect thereof.

(7) This regulation has effect subject to regulation J1(6)(c).

## PART L

## PAYMENTS AND ASSIGNMENT

*Payments by and to the Police Authority*

**L1.**—(1) Awards under these regulations shall be paid by the Police Authority as part of the cost of carrying out their functions under the Act.

(2) Pension contributions and other payments to the Police Authority by way of contributions or lump sum under these regulations shall for the purposes of section 31(2) of the Act be deemed to be receipts by the Authority which are not required to be applied in a particular manner or for a particular purpose.

*Payment and duration of awards*

**L2.**—(1) Subject to the provisions of these regulations, in particular, of—

- (a) regulation B1(4) (*limitation on payment of an ordinary pension to a person entitled to reckon less than 30 years' pensionable service*);
- (b) regulation B4(2) (*limitation on payment of an injury pension to a person who ceased to serve before becoming disabled*);
- (c) regulation B5(4) (*limitation on payment of a deferred pension*);
- (d) regulation J1 (*member with a guaranteed minimum for the purposes of the Social Security Pensions (Northern Ireland) Order 1975*);
- (e) Part K (*revision and withdrawal or forfeiture of awards*), and
- (f) paragraph 8(3)(a) of Part I of Schedule J (*pension by way of equivalent pension benefit*),

the pension of a member shall be payable in respect of each year as from the date of his retirement.

(2) Subject to the provisions of these regulations, in particular, of—

- (a) regulation D5(3) to (6) (*limitation on child's allowance*), and
- (b) regulation J1 (*member with a guaranteed minimum for the purposes of the Social Security Pensions (Northern Ireland) Order 1975*),

a widow's pension or child's allowance shall be payable in respect of each week as from the death of the husband or, as the case may be, the parent or, in the case of an allowance payable to a posthumous child, as from the birth of the child, except—

- (i) where the husband or parent was in receipt of a pension and dies during a period in respect of which he has already received his pension, in which case the pension or allowance shall not be payable before the end of that period;
- (ii) where the husband or parent has received a gratuity other than an injury gratuity under regulation B4, in which case the pension or allowance shall be payable as from such time as the Police Authority may, in their discretion, determine to be reasonable, not being more than a year after his death, having regard to all the circumstances, including the amount of the gratuity.

(3) Subject to the provisions of these regulations, in particular, of—

- (a) regulation C7(2)(a) (*widow's temporary pension*);
- (b) regulation C9 (*termination of widow's award on remarriage etc.*);
- (c) regulation D5(3) to (6) (*limitations on child's allowance*);
- (d) regulation E1(3) (*adult dependent relative's special pension*);
- (e) regulation J1(2), (3)(b) and (4) (*member with a guaranteed minimum for the purposes of the Social Security Pensions (Northern Ireland) Order 1975*); and
- (f) Part K (*revision and withdrawal or forfeiture of awards*),

a pension or allowance shall be payable for life and shall be discharged by payments in advance at such reasonable intervals as the Police Authority may, in their discretion, determine except that payment on account of a pension or allowance may be delayed, in whole or in part, pending the determination of

any question as to the liability of the Police Authority in respect thereof, including any question as to the continuance of that liability.

(4) Where a person dies after receiving a sum paid in advance on account of a pension or allowance, neither the said sum nor any part thereof shall be recoverable although referable to a period after his death.

(5) Where a widow remarries after receiving a sum paid in advance on account of a pension, neither the said sum nor any part thereof shall be recoverable although referable to a period after her remarriage.

(6) Subject to the provisions of these regulations, a gratuity, lump sum or award by way of repayment of aggregate pension contributions shall become payable as soon as the entitlement thereto arises and shall be paid forthwith in one sum except that—

- (a) payment on account thereof may be delayed, in whole or in part, pending the determination of any question as to the liability of the Police Authority in respect thereof, and
- (b) where the Police Authority are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amount and over such reasonable period as they think fit.

#### *Assignment of awards*

**L3.** Every assignment of or charge on an award granted under these regulations and every agreement to assign or charge such an award shall, except so far as it is made for the benefit of a dependant of the pensioner, be void and, on the bankruptcy of the pensioner such an award shall not pass to any trustee or other person acting on behalf of the creditors.

#### *Payment of awards otherwise than to beneficiary and application of payments*

**L4.—(1)** This regulation shall apply to the payment of any award to or in respect of a member, whether a pension, allowance, gratuity or other award, and any reference therein to the beneficiary is a reference to the person to whom, this regulation apart, the award is payable.

(2) Where the beneficiary is a minor, the Police Authority may, if they think fit, in lieu of paying any sum on account of an award to the minor, pay it to such other person as they may determine.

A person who receives any sum in pursuance of this paragraph shall, subject to and in accordance with any directions of the Police Authority, apply the said sum for the benefit of the minor.

(3) On the death of the beneficiary to whom a sum is due on account of an award which does not exceed £5,000 or such higher amount as may from time to time be prescribed for the purposes of section 6 of the Administration of Estates (Small Payments) Act 1965(a), the Police Authority may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the Authority to be beneficially entitled to the personal estate of the deceased or, as the Authority may think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the Authority may determine.

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(a) 1965 c. 32

(4) Where it appears to the Police Authority that a beneficiary is by reason of mental disorder incapable of managing his affairs, the Authority shall consult the Office of Care and Protection, Royal Courts of Justice, Belfast, as to whether a Committee of his estate has been, or ought to be appointed; and if such a Committee has been appointed, or as soon as such an appointment has been made, the Authority shall comply with the directions of the said Office as to how payments in respect of the award are to be made. If such a Committee has not been appointed and no application is in contemplation regarding the appointment of such a Committee, the Authority may, in lieu of paying any sum on account of an award to that beneficiary, after consultation with the said Office—

- (a) in their discretion, pay it in whole or in part to a person having the care of the beneficiary or such other person as they may determine, and
- (b) in so far as they do not so discharge their liability in respect thereof, apply it in such manner as they think fit for the benefit of the beneficiary or his dependants.

A person who receives any sum in pursuance of sub-paragraph (a) shall, subject to and in accordance with any directions of the Police Authority, apply the said sum for the benefit of the beneficiary or his dependants.

(5) Where it appears to the Police Authority that a beneficiary is for some reason other than mental disorder incapable of managing his affairs, the Authority may in their discretion deal with the award as in paragraph (4) where a Committee of the pensioner's estate has not been appointed and no application is in contemplation regarding the appointment of such a Committee, except that they need not consult the Office of Care and Protection.

(6) Where, as a result of any fraud, theft or negligence on the part of a member in connection with his service as such, a loss has occurred to the fund out of which an award is payable to him, in lieu of paying the whole or any part of any sum on account of the award to that beneficiary, the Police Authority may, if they think fit but subject to paragraph (7), apply it in making good the loss by retaining it in that fund:

Provided that the aggregate amount retained in pursuance of this paragraph shall not exceed whichever is the lesser of the following amounts, namely—

- (a) the amount which is the actuarial value, at the time of the first retention, of the sums then or prospectively due to the member on account of the award, and
- (b) the amount of the said loss,

and, in the event of any dispute as to the amount of that loss, the power conferred by this paragraph shall not be exercisable save to the extent of any sum adjudged due to the Police Authority in respect of the loss by an order of a competent court.

(7) Where the Police Authority exercise the power conferred by paragraph (6) they shall furnish the member concerned with a certificate showing the amount retained and the effect on the award and—

- (a) where the award is an ordinary, short service or ill-health pension and the sum due on account thereof is in respect of a period beyond state

pensionable age, only so much of that sum as is due on account of the unsecured portion of the pension may be retained and applied as mentioned in paragraph (6), and

- (b) where the member is entitled to reckon pensionable service otherwise than by reason of service as a member, only the following proportion of any sum due on account of the award may be so retained and applied, that is to say, the proportion which his pensionable service reckonable by reason of service as a member bears to his total pensionable service.

(8) The Police Authority shall obtain a good discharge by paying or applying any sum in the manner provided by this regulation.

## PART M

### AUXILIARY MEMBERS

#### *Pensionable service*

**M1.** An auxiliary member shall be entitled to reckon as pensionable service all his service as such on or after 1st May 1970, together with such service as he was entitled to reckon immediately before that date as pensionable service under the Ulster Special Constabulary Pensions Regulations 1950(a).

#### *Pensionable pay*

**M2.** Regulation G1 (except paragraphs (6) and (7)) shall apply to an auxiliary member as it applies to a member.

#### *Pensionable contributions, etc.*

**M3.**—(1) Regulations G2 and G3 shall apply to an auxiliary member who immediately before 1st May 1970 was a permanent member of the Ulster Special Constabulary within the meaning of the Ulster Special Constabulary Pensions Regulations 1950 as they apply to a member and as if references to service as a member were references to service as an auxiliary member.

(2) An auxiliary member other than such an auxiliary member as is mentioned in paragraph (1) shall pay pension contributions to the Police Authority at the rate of 6p a week less than 5% of his pensionable pay.

#### *Aggregate pension contributions*

**M4.**—(1) For the purpose of calculating the amount of an award to or in respect of an auxiliary member by reference to his aggregate pension contributions in respect of the relevant period of service, the relevant period of service shall be taken to be the period ending in the retirement, dismissal or death on which the award is payable and beginning with the date on which he last began a period of service in the Ulster Special Constabulary in a whole-time paid capacity.

(2) For the purpose aforesaid the aggregate pension contributions in the relevant period of service shall be taken to be the sum of the following amounts—

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(a) S.R. & O. (N.I.) 1950 No. 97 (p. 617)



- (a) the aggregate of the pension contributions made by the person concerned as a member of the Ulster Special Constabulary in respect of that part of the relevant period of service ending on 30th April 1970 and any rateable deductions made in respect of the said part from his pay;
- (b) the amount of any sum paid by him (including any sum paid in pursuance of an undertaking) as a condition of being allowed to reckon pensionable service by virtue of service in the Ulster Special Constabulary before the said period; and
- (c) the aggregate of the pension contributions made by that person as an auxiliary member, including any such additional contributions as are mentioned in regulation G3.

Provided that if the person concerned has been repaid part of such pension contributions or rateable deductions as are mentioned in sub-paragraph (a), the said sum shall be reduced by the amount repaid.

#### *Compulsory retirement*

**M5.**—(1) An auxiliary member holding the rank he held on 1st May 1970 who immediately before that date was such a member of the Ulster Special Constabulary as is mentioned in regulation M3(1) shall be required to retire on attaining the age of 60 years, but the date on which he shall be so required may be postponed by the chief constable with the approval of the Police Authority:

Provided that no postponement or postponements shall extend beyond 5 years.

(2) The provisions of regulation A16 shall apply to an auxiliary member other than such as is mentioned in paragraph (1) as if he were a member.

(3) An auxiliary member may be required to retire on the date on which the Police Authority determine that he ought so to retire on the ground that he is permanently disabled for the performance of his duty:

Provided that a requirement under this paragraph shall be void if, after the said date, on an appeal against the medical opinion on which the Police Authority acted in determining that he ought to retire, the medical referee decides that the appellant is not permanently disabled.

(4) The provisions of regulation A17 shall apply to an auxiliary member as if he were a member.

(5) Where a person is required to retire under this regulation he shall be deemed to retire on the date on which he is so required to retire.

#### *Awards — auxiliary members who have been permanent members of the Ulster Special Constabulary*

**M6.**—(1) This regulation shall apply in the case of an auxiliary member who, immediately before 1st May 1970, was a permanent member of the Ulster Special Constabulary

(2) Subject to this Part, an award shall be made (or, if appropriate, may at the discretion of the Police Authority be made) to or in respect of an auxiliary member in whose case this regulation applies in the circumstances and subject to the conditions in which an award would (or could) be made if he were a member, and the relevant provisions of these regulations shall accordingly apply.

*Awards — other auxiliary members*

**M7.**—(1) This regulation shall apply in the case of an auxiliary member other than such as is mentioned in regulation M6(1).

(2) Subject to this Part, an award shall be made (or, if appropriate, may at the discretion of the Police Authority be made) to or in respect of an auxiliary member in whose case this regulation applies if he is permanently disabled as a result of an injury received without his own default in the execution of his duty as an auxiliary member or dies as a result of such an injury, subject to the conditions in which an award would (or could) be made if he were a member, and the relevant provisions of these regulations shall accordingly apply:

Provided that, if he is entitled to a gratuity under paragraph (3), paragraph 3(1) of Part V of Schedule B shall apply as if for the reference to any other pension under these regulations there were substituted a reference to such an amount as would be produced by converting the said gratuity into an annuity for life from the date of payment thereof.

(3) Subject to this Part, if an auxiliary member in whose case this regulation applies retires when entitled to reckon at least 7 years' pensionable service, including any mobilised service which he was so entitled to reckon under regulation 37B of the Ulster Special Constabulary Pension Regulations 1950(a) then he shall be entitled to a gratuity of an amount equal to a twelfth of his average pensionable pay multiplied by the period in years of his pensionable service as mentioned in this paragraph:

Provided that for the purposes of this paragraph there shall be added to his pensionable service a period appropriate to his circumstances as follows:—

- |   |         |
|---|---------|
| (a) if he is unmarried or widowed without dependants  | 2 years |
| (b) if he is married or is unmarried or widowed with one dependant  | 3 years |
| (c) if he is married with one dependent child or is unmarried or widowed with 2 dependants                  | 4 years |
| (d) if he is married with more than one dependent child or unmarried or widowed with more than 2 dependants | 5 years |

(4) If an auxiliary member in whose case this regulation applies retires and is not entitled to an award under paragraph (2) or (3), he shall be entitled to an award of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service.

(5) If an auxiliary member in whose case this regulation applies is dismissed the Police Authority shall grant an award of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service to such one of the persons hereinafter described as, in their discretion, they may think fit or, if in their discretion they think fit, shall distribute that award among such of those persons in such shares and in such manner as they may think fit.

The persons referred to above are the said auxiliary member and all his dependants.

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(a) Regulation 37B inserted by S.R. & O. (N.I.) 1951 No. 123 (p. 486)

(6) If an auxiliary member in whose case this regulation applies dies while serving as such and his widow is not entitled to an award under paragraph (2) she shall, subject to this Part, be entitled to an award as if regulation C7 applied to her.

(7) If an auxiliary member in whose case this regulation applies dies while serving as such and no other award is payable under these regulations, then, subject to this Part, the Police Authority may, if in their discretion they think fit, grant a gratuity to any of his relatives who were dependent on him to any degree as if regulation E2 applied, and shall, if appropriate, pay his legal personal representative a gratuity as if regulation E3 applied.

*Awards — general*

**M8.**—(1) The relevant provisions mentioned in regulation M6(2) or M7(2) mean the provisions of these regulations relating to such an award as is appropriate in the circumstances on which an auxiliary member retires, is dismissed, is disabled or dies.

(2) For the purposes of an award to or in respect of an auxiliary member references in the relevant provisions mentioned in paragraph (1) to the pensionable service, pensionable pay or pension contributions of the member concerned or to his aggregate pension contributions in respect of the relevant period of service or to an injury received without his own default in the execution of his duty as a member shall be construed as references to corresponding matters in relation to the auxiliary member concerned.

(3) In relation to awards to or in respect of auxiliary members the following regulations shall apply as they apply in relation to awards to or in respect of members, that is to say: regulations A1, A4, A5, A7, A8, A10 to A12, A15(1), B7 to B11, C5, C8, C9, D5, E4 to E7, E9, H1 to H6, K1 to K5 and L1 to L4.

*Award where award is payable in respect of service in the Royal Ulster Constabulary*

**M9.** If a person entitled to an award in respect of service in the Royal Ulster Constabulary, whether rendered by that person or by some other person, satisfies the conditions for an award under this Part, the first-mentioned award may be taken into account in the assessment of the other award, which may be reduced, suspended or disallowed accordingly.

*Tom King*

Northern Ireland Office  
3rd October 1988

One of Her Majesty's Principal  
Secretaries of State

*David Lightbown*  
*Tony Durant*

We concur,  
19th October 1988

Two of the Lords Commissioners  
of Her Majesty's Treasury

**Glossary of Expressions**

In these regulations, unless the context otherwise requires, the following expressions shall be construed as hereinafter provided, that is to say:—

- “the Act” means the Police Act (Northern Ireland) 1970(a);
- “aggregate pension contributions”, for the purpose of calculating an award, has the meaning assigned to it by regulation A9;
- “approved service” has the same meaning as in the 1949 Order;
- “armed forces” means the naval, military or air forces of the Crown, including any women’s service administered by the Defence Council or formerly administered by the Admiralty, Army Council or Air Council;
- “assistant chief constable” includes senior assistant chief constable;
- “auxiliary member” means a person who immediately before 1st May 1970 was a member of the Ulster Special Constabulary performing full-time duty with the Royal Ulster Constabulary and who are embodied in the Royal Ulster Constabulary with effect from that date;
- “average pensionable pay” has the meaning assigned to it by regulation G1;
- “child” means (without regard to age) legitimate or illegitimate child, step-child or adopted child and any other child who is substantially dependent on a member and either is related to him or is the child of his spouse; and the expression “father”, “mother” and “parent” shall be construed accordingly;
- “contracted-out employment” and “contracted-out scheme” have the meanings assigned to them by regulation A5(6);
- “contributions equivalent premium” has the meaning assigned to it by regulation A5(6) (subject however, to regulation A5(7));
- “the Department” means the Northern Ireland Office;
- “disablement” and cognate expressions have the meanings assigned to them by regulation A11;
- “employed contributor’s employment” has the meaning assigned to it by regulation A5(1);
- “the force” means the Royal Ulster Constabulary;
- “former regulations” means the 1949 Order or the regulations relating to pensions made under the Act before the making of these regulations;
- “graduated contribution” and “graduated retirement benefit” have the meanings assigned to them by regulation A5(1);
- “guaranteed minimum” and “guaranteed minimum pension” have the meanings assigned to them by regulation A5(6) (subject, however, to regulation A5(8));
- “injury” includes any injury or disease, whether of body or of mind, “injury received in the execution of duty” has the meaning assigned to it by regulation A10 and “the result of an injury” shall be construed in accordance with regulation A12;
- “inspector” includes chief inspector;
- “medical referee” has the meaning assigned to it by regulation H2(3);

- “member” means a member of the Royal Ulster Constabulary other than an auxiliary member and includes the chief constable and the deputy chief constable;
- “non-participating employment” has the meaning assigned to it by regulation A5(1);
- “the 1949 Order” has the meaning assigned to it by regulation A3(2);
- “participating period of relevant employment” has the meaning assigned to it by regulation A5(3);
- “payment in lieu of contributions” has the meaning assigned to it by regulation A5(1);
- “pensionable pay” has the meaning assigned to it by regulation G1;
- “the Pensions (Increase) Acts” means the Pensions (Increase) Act 1971(a) and the Pensions (Increase) Act 1974(b);
- “police authority in Great Britain” has the same meaning as “police authority” in the Police Pensions Act 1976(c) and accordingly in relation to a Scottish police force has the same meaning as in the Police (Scotland) Act 1967(d);
- “the Police Authority” has the same meaning as in the Act;
- “police force in Great Britain” means any police force within the meaning of the Police Act 1964(e) or the Police (Scotland) Act 1967;
- “rateable deductions” means any deductions made from pay made as a contribution towards the general pension charge of the Royal Ulster Constabulary under the Royal Ulster Constabulary Pay Order 1922(f) or the Royal Ulster Constabulary (Women Members) Pay Order 1944(g) or any Order amending or re-enacting either of these Orders; and in the case of an auxiliary member means any corresponding deductions made from his pay as a member of the Ulster Special Constabulary;
- “regular policeman in Great Britain” means a member of a police force in Great Britain who is not, within the meaning of any legislation for the time being in force relating to the pensions of members of police forces in Great Britain, an auxiliary policeman;
- “the regulations of 1973” means the Royal Ulster Constabulary Pensions Regulations 1973(h) as from time to time in force;
- “relevant service in the armed forces” has the meaning assigned to it by regulation A13;
- “retirement” and cognate expressions shall be construed in accordance with regulations A15 to A19;
- “secured portion” and “unsecured portion”, in relation to a pension, have the meanings assigned to them by regulation A5(4);
- “serviceman” means a person who has ceased to do duty as a member by reason of being required for training or called into actual service or called out for training or for permanent service in the armed forces of the Crown in pursuance of his obligations as a member of any reserve of the said armed forces;

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(a) 1971 c. 56

(b) 1974 c. 9

(c) 1976 c. 35

(d) 1967 c. 77

(e) 1964 c. 48

(f) S.R. & O. (N.I.) 1922 No. 68 (p. 105)

(g) S.R. & O. (N.I.) 1944 No. 19 (p. 151)

(h) S.R. & O. (N.I.) 1973 No. 317

“state pensionable age” has the meaning assigned to it by regulation A5(2);

“superintendent” includes chief superintendent;

“tax year” means the 12 months beginning with 6th April in any year;

“transfer” shall be construed in accordance with regulation A14.

**Personal Awards**

## PART I

## MEMBER'S ORDINARY PENSIONS

1. Subject to paragraph 2 and Parts VII and VIII of this Schedule (*reductions at state pensionable age and related to up-rating of widow's pension*), the pension shall be of an amount equal to 30 sixtieths of the member's average pensionable pay with the addition, subject to a maximum of 40 sixtieths, of an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 25 years.

2. If the amount of the pension calculated in accordance with the preceding paragraph would be less than the amount it would have been had the member become entitled to receive an ordinary pension by retiring after due notice at an earlier date, then, subject to Parts VII and VIII of this Schedule, the pension shall be of the last-mentioned amount.

## PART II

Regulation B2

## MEMBER'S SHORT SERVICE PENSION

Subject to Parts VII and VIII of this Schedule (*reductions at state pensionable age and related to up-rating of widow's pension*), the pension shall be of an amount which is the aggregate of—

- (a) an amount equal to a sixtieth of the member's average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and
- (b) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years.

## PART III

Regulation B3

## MEMBER'S ILL-HEALTH PENSION

1. Subject to regulation K1(5) (*termination of unsecured portion of ill-health pension*) and to Parts VII and VIII of this Schedule (*reductions at state pensionable age and related to up-rating of widow's pension*), the amount of the pension shall be determined in accordance with paragraph 2, 3 or 4 as the case may require.

2. Where the member has less than 5 years' pensionable service, the amount of the pension shall not be less than a sixtieth of his average pensionable pay and, subject as aforesaid, shall be of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service.

3. Where the member has 5 or more years', but not more than 10 years' pensionable service, subject to paragraph 5, the pension shall be of an amount equal to 2 sixtieths of his average pensionable pay multiplied by the period in years of his pensionable service.

4. Where the member has more than 10 years' pensionable service, the pension shall be not less than 20 sixtieths, nor more than 40 sixtieths, of his average

pensionable pay and, subject as aforesaid and to paragraph 5, shall be equal to 7 sixtieths of that pay with the addition—

- (a) of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service up to 20 years, and
- (b) of an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years.

5. In the case of a member who, had he continued to serve until he could be required to retire on account of age, would have become entitled to an ordinary or short service pension, a pension calculated in accordance with paragraph 3 or 4 shall not exceed the pension to which he would so have become entitled calculated, however, by reference to the average pensionable pay by reference to which the ill-health pension is calculated.

#### Regulations B2 and B3

#### PART IV

#### MEMBER'S SHORT SERVICE OR ILL-HEALTH GRATUITY

1. Where the member has not completed a year's pensionable service, the gratuity shall be of an amount equal to the member's aggregate pension contributions in respect of the relevant period of service subject, however, to paragraph 3.

2. Where the member has completed at least a year's pensionable service, the gratuity shall be of an amount equal to whichever is the greater of the two following amounts—

- (a) a twelfth of the member's average pensionable pay multiplied by the period in years of his pensionable service;
- (b) the member's aggregate pension contributions in respect of the relevant period of service,

subject, however, to paragraph 3.

3. Where the member retired after the beginning of the tax year in which he attains state pensionable age, the gratuity calculated in accordance with the preceding provisions of this Part shall be reduced by an amount equal to the capitalised value, as calculated by the Government Actuary, of the annual rate of any pension paid to him under regulation J1(2) (*member with a guaranteed minimum for the purposes of the Social Security Pensions (Northern Ireland) Order 1975*).

#### Regulation B4

#### PART V

#### MEMBER'S INJURY AWARD

1. A gratuity under regulation B4 shall be calculated by reference to the member's degree of disablement and his average pensionable pay and shall be the amount specified as appropriate to his degree of disablement in column (2) of the following table.

2. An injury pension shall be calculated by reference to the member's degree of disablement, his average pensionable pay and the period in years of his pensionable service, and, subject to the following paragraphs, shall be of the amount of his minimum income guarantee specified as appropriate to his degree of disablement in column (3), (4), (5) or (6) of the following table, whichever is applicable to his period of pensionable service.



TABLE

Degree of disablement	Gratuity expressed as % of average pensionable pay	Minimum income guarantee expressed as % of average pensionable pay			
		Less than 5 years' service	5 or more but less than 15 years' service	15 or more but less than 25 years' service	25 or more years' service
(1)	(2)	(3)	(4)	(5)	(6)
25% or less (slight disablement)	12.5%	15%	30%	45%	60%
More than 25% but not more than 50% (minor disablement)	25%	40%	50%	60%	70%
More than 50% but not more than 75% (major disablement)	37.5%	65%	70%	75%	80%
More than 75% (severe disablement)	50%	85%	85%	85%	85%

3.—(1) The amount of an injury pension, calculated as aforesaid, shall be reduced by three-quarters of any other pension to which the person concerned is entitled under these regulations.

(2) For the purposes of sub-paragraph (1), such other pension as is there mentioned which is reduced in accordance with the provisions of regulation B7 or B9 (*commutation and allocation*) or of Part VIII of this Schedule (*reduction related to up-rating of widow's pension*) shall be deemed not to have been so reduced.

4.—(1) The amount of the injury pension in respect of any week, calculated as aforesaid, shall be reduced on account of any such additional benefit as is mentioned in sub-paragraph (3) to which the person concerned is entitled in respect of the same week and, subject to sub-paragraph (2), the said reduction shall be of an amount equal to that of the additional benefit or, in the case of benefit mentioned in sub-paragraph (3)(a) or (b), of so much thereof as is there mentioned.

(2) Where the provisions governing scales of additional benefits have changed after the person concerned ceased to be a member, the amount of the reduction in respect of any week on account of a particular benefit shall not exceed the amount which would have been the amount thereof in respect of that week had those provisions not changed, it being assumed, in the case of such benefit as is mentioned in sub-paragraph (3)(a)(ii), that it would have borne the same relationship to the former maximum amount thereof.

(3) The following benefits are the additional benefits referred to in this paragraph—

- (a) any disablement pension under section 57 of the Social Security (Northern Ireland) Act 1975(a) in respect of the relevant injury or so much of any such pension as relates to that injury (hereinafter referred to as the relevant part of the pension), together with—
- (i) any increase in such pension by way of unemployability supplement under section 58 of that Act or so much of any such increase as is proportionate to the relevant part of the said pension so, however, that where the person concerned is entitled to an unemployability supplement which is increased under section 59 of that Act, the unemployability supplement shall be deemed not to have been so increased,
  - (ii) any increase in such pension under section 60 of that Act (*special hardship*) or so much of any such increase as is proportionate to the relevant part of the said pension,
  - (iii) any increase in such pension under section 64 or 66 of that Act (*dependants*) or so much of any such increase as is proportionate to the relevant part of the said pension, and
  - (iv) so long as the person concerned is receiving treatment as an in-patient at a hospital as a result of the relevant injury, any increase in such pension under section 62 of that Act (*hospital treatment*);
- (b) any reduced earnings allowance under section 59A of the said Act of 1975(b) in respect of the relevant injury or so much of any such allowance as relates to that injury;
- (c) until the first day after his retirement which is not, or is deemed not to be, a day of incapacity for work within the meaning of section 14 or 15, or, as the case may be, a day on which he is incapable of work within the meaning of section 36, of the said Act of 1975—
- (i) any sickness benefit under the said section 14, including such benefit to which the person concerned is only entitled by virtue of section 50A(c) of that Act,
  - (ii) any invalidity pension under the said section 15, including any additional component comprised therein in pursuance of Article 16 of the Social Security Pensions (Northern Ireland) Order 1975(d), or
  - (iii) any severe disablement allowance under the said section 36, including, in each case, any increase under any provision of Chapter III of the Social Security (Northern Ireland) Act 1975 (*dependants*).

(4) Where a person has become entitled to a disablement gratuity under section 57 of the Social Security (Northern Ireland) Act 1975 in respect of the relevant injury, this paragraph shall have effect as if he were entitled during the relevant period to a disablement pension of such amount as would be produced by converting the gratuity into an annuity for the said period.

In this sub-paragraph the expression “the relevant period” means the period taken into account, in accordance with section 57 of the said Act of 1975, for the purpose of making the assessment by reference to which the gratuity became payable.

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(a) 1975 c. 15, amended (as respects the provisions mentioned in this paragraph) by S.I. 1975/1503 (N.I. 15), Art. 20(1) and Sch. 5, Pt. 1; S.I. 1975/1504 (N.I. 16), Schs. 4 and 5; S.I. 1977/610 (N.I. 11) Art. 6 and the Sch.; S.I. 1979/396 (N.I. 5), Schs. 1 and 3; S.I. 1980/870 (N.I. 8), Schs. 1 and 4; S.I. 1980/1087 (N.I. 13), Art. 3 and the Sch.; S.I. 1982/1084 (N.I. 16), Art. 32 and Schs. 2, 4, Pt. 1 and 5; S.I. 1984/1158 (N.I. 8), Art. 5 and Schs. 3 and 6, Pt. II; S.I. 1985/1209 (N.I. 16), Arts. 11 and 15 and Sch. 4 and S.I. 1986/1888 (N.I. 18), Schs. 3, 9 and 10

(b) S. 59A inserted by S.I. 1986/1888 (N.I. 18), Sch. 3, para. 5

(c) S. 50A inserted by S.I. 1982/1084 (N.I. 16), Art. 32

(d) S.I. 1975/1503 (N.I. 15)

5. No payment shall be made in respect of an injury pension for any week in which the aggregate reductions under paragraphs 3 and 4 exceed the amount of the pension calculated in accordance with paragraph 2.

6. This Part has effect subject to paragraphs 5 and 6 of Part I, and Part VII, of Schedule J.

## Regulation B5

## PART VI

## MEMBER'S DEFERRED PENSION

1. The amount of a member's deferred pension shall be calculated by reference to—

- (a) the pensionable service he is entitled to reckon (here referred to as "actual service");
- (b) the pensionable service he would have become entitled to reckon had he continued to serve until he could retire with a maximum ordinary pension (disregarding regulation B1(2)) or until he could be required to retire on account of age, whichever is the earlier, (here referred to as "hypothetical service"), and
- (c) his average pensionable pay.

2. Subject to Parts VII and VIII of this Schedule (*reductions at state pensionable age and related to up-rating of widow's pension*), the member's pension shall be such that it is the same proportion of the hypothetical pension mentioned in paragraph 3 as his actual service is of his hypothetical service except that it shall not exceed 40 sixtieths of his average pensionable pay.

3. The hypothetical pension referred to in paragraph 2 is a pension of an amount which is the aggregate of—

- (a) an amount equal to a sixtieth of his average pensionable pay multiplied by the period in years of his hypothetical service up to 20 years, and
- (b) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his hypothetical service exceeds 20 years.

## Regulations B1, B2, B3 and B5

## PART VII

## REDUCTION OF PENSION AT STATE PENSIONABLE AGE

*Pension modifications connected with state flat-rate retirement benefit*

1.—(1) Where, in respect of service as a member or as a member of a police force in Great Britain before 1st April 1980, a person has paid pension contributions at a rate of 6p a week (or 1s. 2d. a week) less than the appropriate percentage of his pensionable pay then, in respect of any period beyond state pensionable age, the unsecured portion of any ordinary, short service, ill-health or deferred pension payable to him shall be reduced in accordance with sub-paragraph (2) or, as the case may be, sub-paragraph (3).

(2) In the case of a person who paid contributions as aforesaid by reason of the giving of a notice—

- (a) in accordance with paragraph 36(3) of the Schedule to the 1949 Order, or

(b) without prejudice to the generality of regulation J2(2), under any corresponding provision of the legislation relating to the pensions of regular policemen in Great Britain,

the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying the sum in the second column of the following table set opposite to the age in the first column of the said table which he had attained at the appropriate date by the number of years specified in sub-paragraph (4):—

TABLE

<i>Age in years at appropriate date</i>	<i>Sums to be multiplied</i>
	£
Under 23 .....	1·70
23 .....	1·65
24 .....	1·60
25 .....	1·55
26 .....	1·525
27 .....	1·50
28 .....	1·475
29 .....	1·45
30 .....	1·425
31 .....	1·40
32 .....	1·375
33 .....	1·35
34 .....	1·325
35 .....	1·30
36 .....	1·30
37 .....	1·275
38 .....	1·25
39 .....	1·25
40 .....	1·225
41 .....	1·225
42 .....	1·20
43 .....	1·20
44 or over .....	1·175

In this sub-paragraph the expression “appropriate date” means 5th July 1948.

(3) In the case of a person who paid contributions as aforesaid, otherwise than as mentioned in sub-paragraph (2), the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying £1·70 by the number of years specified in sub-paragraph (4).

(4) The number of years referred to in sub-paragraph (2) or (3) is the period in years of service in respect of which the person concerned paid pension contributions before 1st April 1980 as a member or as a member of a police force in Great Britain at such a rate as is mentioned in sub-paragraph (1):

Provided that there shall be excluded from the said period any period or periods—

(a) by reason of which the person concerned is not entitled to reckon pensionable service for the purposes of the pension in question, or

- (b) which fell after the date on which the person concerned would have been entitled, if he had retired, to a pension equal to two thirds of his average pensionable pay.

*Pension modifications connected with state graduated retirement benefit*

2.—(1) Where a person in receipt of an ordinary, short service, ill-health or deferred pension has been in service or employment otherwise than as a member or as a member of the Ulster Special Constabulary—

- (a) in respect of which he was subject to superannuation arrangements;
- (b) by reason of which he is entitled to reckon pensionable service for the purposes of the pension; and
- (c) the period of which includes a participating period of relevant employment,

then, for the purpose of abating the pension in relation to that participating period of relevant employment, any provision of the said arrangements in operation when he left the said service or employment the effect of which is that pensions payable thereunder are to be reduced in connection with the operation of the National Insurance Act 1959(a) or the National Insurance Act (Northern Ireland) 1959(b) or of any provision of the National Insurance Act 1965(c) or the National Insurance Act (Northern Ireland) 1966(d) relating to graduated contributions or graduated retirement benefit shall apply, subject to the necessary adaptations and modifications, as though the provision were contained in this paragraph and as if—

- (i) the pension were payable under the said arrangements, and
- (ii) any other period of service or employment by reason of which he is entitled to reckon pensionable service for the purposes of the pension were a period of non-participating employment at the end of which no payment in lieu of contributions falls to be made.

(2) The Police Authority, in determining any question arising under sub-paragraph (1) and relating to a particular service or employment, shall be entitled to treat as conclusive any relevant certificate issued, with the agreement of the person concerned, by his employer in that service or employment.

(3) Where for the purposes of the superannuation arrangements applicable to such service or employment as is mentioned in sub-paragraph (1) the person concerned was entitled to reckon service by reason of some previous service or employment, that previous service or employment shall be treated for the purposes of this paragraph as if it were part of the service or employment first mentioned in this sub-paragraph.

3.—(1) Where a person in receipt of an ordinary, short service, ill-health or deferred pension is entitled to reckon pensionable service for the purposes thereof by reason of a period of service as a member or as a member of the Ulster Special Constabulary which is a participating period of relevant employment then, in respect of any period beyond state pensionable age, the unsecured portion of that pension shall be reduced in accordance with sub-paragraph (2).

(2) The reduction shall be calculated at the annual rate which is that of the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment or attaining state pensionable age, in return for a payment in lieu of contributions in respect of the whole of the period referred to in sub-paragraph (1), whether or not such a payment was made:

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(a) 1959 c. 47  
 (b) 1959 c. 21 (N.I.)  
 (c) 1965 c. 51  
 (d) 1966 c. 6 (N.I.)

Provided that where only part of the period mentioned in sub-paragraph (1) is reckonable as pensionable service for the purpose of a pension the annual rate of the unsecured portion of the pension shall be reduced by that portion of the annual rate of the graduated retirement benefit which the said part bears to the whole period.

4.—(1) Where a person in receipt of the secured portion of an ill-health pension, the unsecured portion of which has been terminated in the circumstances mentioned in regulation K1(4), is also in receipt of some other pension, being an ordinary, short service, ill-health or deferred pension, and is entitled to reckon for the purposes of that other pension the period of pensionable service reckonable for the purposes of the ill-health pension then, in respect of any period beyond state pensionable age, the unsecured portion of that other pension shall be reduced in accordance with sub-paragraph (2).

(2) The reduction shall be calculated at the annual rate which is that of the secured portion of the ill-health pension.

Regulations B1, B2, B3 and B5

## PART VIII

### REDUCTION OF PENSION RELATED TO UP-RATING OF WIDOW'S PENSION

1.—(1) An ordinary, short service, ill-health or deferred pension payable to a man shall, in the cases hereinafter mentioned, be reduced in accordance with this Part except that a deferred pension payable in pursuance of paragraph 7(6)(b) of Part I of Schedule J shall not be so reduced.

(2) Any reference in this Part to a pension is a reference to a pension which falls to be reduced as aforesaid and any reference to service is a reference to service as a member or as a regular policeman in Great Britain.

2.—(1) Subject to sub-paragraph (2), this paragraph shall apply in the case of a man entitled to reckon pensionable service otherwise than—

- (a) by reason of service on or after 1st April 1972;
- (b) by reason of service before that date in respect of which he paid pension contributions at a rate related to 6.25% of his pensionable pay; or
- (c) by virtue of regulation F6 (*current interchange arrangements*).

(2) Where the man was a member to whom regulation 52 or 54 of the regulations of 1973 applied (that is to say, where on 1st September 1973 either he was serving as such or, having retired on or after 1st April 1972, he was entitled to a pension) and he last paid pension contributions before 1st April 1972 at a rate related to 5% of his pensionable pay, this paragraph shall not apply unless either—

- (a) he elected or agreed, under paragraph (2)(b) or (4)(a) of the said regulation 52 or under paragraph (2)(b) of the said regulation 54, that his pension be reduced, or
- (b) pensionable service became reckonable by him on or after 1st January 1989 by virtue of regulation F5 (*previous service reckonable on payment*).

(3) The pension of a man in whose case this paragraph applies shall, subject to the provisions of this Part, be reduced by the percentage specified in the second column of the table in paragraph 7 opposite the number of completed years of pensionable service he is entitled to reckon other than pensionable service falling within either or both of the following sub-paragraphs, namely—

- (a) pensionable service reckonable as mentioned in sub-paragraph (1), and

- (b) where (subject to regulations F5(3)) he elected under regulation 51(3) or 52(3) of the regulations of 1973 to pay further pension contributions or to make a further payment by way of a lump sum, pensionable service reckonable by him immediately before 1st September 1973 otherwise than by reason of service on or after 1st April 1972.

3.—(1) Subject to sub-paragraph (2), this paragraph shall apply in the case of a man entitled to reckon pensionable service otherwise than—

- (a) by reason of service on or after 1st April 1972; or  
(b) by virtue of regulation F6.

(2) Where the man was a member to whom regulation 52 or 54 of the regulations of 1973 applied, this paragraph shall not apply unless either—

- (a) he selected or agreed, under paragraph (3)(b) or (4)(b) of the said regulation 52 or paragraph (3)(b) of the said regulation 54, that his pension be reduced, or  
(b) pensionable service became reckonable by him, on or after 1st January 1989, by virtue of regulation F5.

(3) The pension of a man in whose case this paragraph applies shall be reduced by the percentage specified in the third column of the table in paragraph 7 opposite the number of completed years of pensionable service he is entitled to reckon other than pensionable service falling within either or both of the following sub-paragraphs, namely—

- (a) pensionable service reckonable as mentioned in sub-paragraph (1), and  
(b) where (subject to regulation F5(3)) he elected under regulation 51(2) or 52(3) of the regulations of 1973 to pay additional contributions or to make an additional payment by way of a lump sum, pensionable service reckonable by him immediately before 1st September 1973 otherwise than by reason of service on or after 1st April 1972.

4. In calculating the amount of a reduction in a man's pension under paragraph 2 or 3 no account shall be taken of any service on or after 1st April 1956 which he is entitled to reckon as pensionable service by virtue of regulation I6 and the proviso to regulation I7(1) (*relevant service in the armed forces*).

5. In calculating the amount of a reduction in a man's pension under paragraph 2 or 3 no account shall be taken of any reduction in the amount of the pension in accordance with the provisions of regulation B7 or B9 (*commutation and allocation*) or of Part VII of this Schedule (*reduction at state pensionable age*); and, where the pension falls to be reduced under both those paragraphs, for the purpose of calculating each reduction, no account shall be taken of the other reduction.

6.—(1) Where a man entitled to an ordinary pension was, immediately before he retired, paying additional or further contributions in pursuance of an election under regulation 51(2) or (3) of the regulations of 1973, the annual amount of his ordinary pension shall be reduced for the period mentioned in sub-paragraph (2) by the annual amount of those contributions immediately before his retirement, calculated by reference to his pensionable pay at that time so, however, that no account of the said reduction shall be taken for the purpose of calculating any other reduction in the pension under these regulations.

(2) The period referred to in sub-paragraph (1) shall be one corresponding to that for which the additional or further contributions would have remained payable had the man not retired but starting, where the pension is not payable as from the date of his retirement, with the date from which it is payable.

7. The following table is that referred to in paragraphs 2 and 3:—

TABLE

<i>Completed years of pensionable service taken into account</i>	<i>Percentage reduction in pension</i>	
	<i>Under paragraph 2</i>	<i>Under paragraph 3</i>
1 .....	0·2	0·2
2 .....	0·4	0·4
3 .....	0·5	0·5
4 .....	0·6	0·7
5 .....	0·8	0·8
6 .....	0·9	0·9
7 .....	1·0	1·0
8 .....	1·2	1·1
9 .....	1·3	1·2
10 .....	1·5	1·3
11 .....	1·6	1·4
12 .....	1·7	1·5
13 .....	1·8	1·6
14 .....	1·9	1·6
15 .....	2·0	1·7
16 .....	2·1	1·8
17 .....	2·2	1·9
18 .....	2·3	2·0
19 .....	2·4	2·0
20 .....	2·5	2·1
21 .....	2·6	2·1
22 .....	2·7	2·2
23 .....	2·8	2·2
24 .....	2·9	2·3
25 .....	2·9	2·3
26 .....	3·0	2·4
27 .....	3·1	2·4
28 .....	3·1	2·5
29 .....	3·2	2·5
30 or more .....	3·3	2·5



## SCHEDULE C

Regulation C1

## Widow's Awards

## 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 member, 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(4);
- (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 January 1989, 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.

## 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 (Northern Ireland) Act 1975(a) 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 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 (Northern Ireland) 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 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 January 1989, 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*).

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(a) 1975 c. 15, amended (as respects the provisions mentioned in this paragraph) by 1975 c. 18, Sch. 3, Pt. III; S.I. 1975/1503 (N.I. 15), Sch. 5; S.I. 1977/610 (N.I. 11), Art. 18; by virtue of S.I. 1986/1888 (N.I. 18), Sch. 3, para. 8, s. 67 ceases to have effect on 11th April 1988, subject to the transitional provisions in para. 9

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 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 member entitled to reckon less than 5 years' pensionable service as is mentioned in regulation B5(1)(b) (*member's deferred pension*) if, by reason of the period of service or employment otherwise than as a member 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(2)

#### PART IV

##### WIDOW'S PENSION IN CASE OF POST-RETIREMENT MARRIAGE

1. Where under regulation C5(2) the widow of a member 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(2) the widow of a member 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.

## 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*).

## SCHEDULE D

## Children's Award

## PART I

## CHILD'S ORDINARY ALLOWANCE

1.—(1) Where one of the child's parents is alive, the child's ordinary allowance in respect of the death of a member ("the relevant parent") shall, subject to paragraphs 4 and 5, be determined in accordance with this paragraph.

(2) Subject to sub-paragraphs (3) and (4), an allowance determined in accordance herewith shall be of an annual amount equal to 18.75% of the amount of the relevant parent's pension or notional pension mentioned in paragraph 3.

(3) Subject to sub-paragraph (4), where 3 or more children's allowances are for the time being payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 37.5% of the relevant parent's pension or notional pension mentioned in paragraph 3 divided by the total number of allowances so payable.

(4) Where in respect of any week the aggregate rate at which—

(a) any widow's ordinary pension, and

(b) any children's allowances determined in accordance herewith,

would be payable in respect of a person who died while entitled to an ordinary, short service, ill-health or injury pension ("the principal pension") exceeds the rate at which the principal pension was payable immediately before that person's death, the children's allowances shall be reduced by such factor as will ensure that the said aggregate rate does not exceed the rate at which the principal pension was so payable.

(5) For the purposes of sub-paragraph (4) there shall be ignored—

(a) in the case of a widow's pension or child's allowance, any increase therein in accordance with regulation E9 (*increase by reference to the Pensions (Increase) Acts*), and

(b) in the case of the principal pension—

(i) the restrictions on payments on account of an ordinary pension contained in regulation B1(4), and

(ii) the provisions for the reduction of a pension contained 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 relevant parent was entitled both to an ordinary, short service or ill-health pension and to an injury pension, the reference in sub-paragraph (4) to the rate at which the principal pension was payable shall be construed (subject to sub-paragraph (b)) as a reference to the aggregate rate at which those pensions were payable.

2.—(1) Where the relevant parent was the child's only surviving parent or in respect of any period after the death of the child's other parent, the child's ordinary allowance shall, subject to paragraphs 4 and 5, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an annual amount equal to 25% of the relevant parent's pension or notional pension mentioned in paragraph 3.

(3) Where 3 or more children's ordinary allowances are for the time being payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 50% of the relevant parent's pension or notional pension mentioned in paragraph 3 divided by the total number of allowances so payable.

3.—(1) The pension or notional pension referred to in paragraphs 1 and 2 is—

- (a) where the relevant parent 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 he retired with a gratuity when entitled to reckon at least 3 years' pensionable service, 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 member, 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 (2).

(2) The pension or notional pension referred to in sub-paragraph (1)(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(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*).

4. The amount of a child's ordinary allowance determined in accordance with sub-paragraph (2) or (3) of paragraph 1 or, as the case may be, of paragraph 2 shall be increased in accordance with regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

5. Where in respect of any period a person to whom a child's ordinary allowance is paid so elects, the amount of that allowance in respect of that period shall not be calculated as aforesaid but shall be determined by reference to the rank held by the relevant parent in accordance with regulation E10 (*flat-rate award*).

6. Where the relevant parent died before 1st January 1989, any reference in paragraph 1(5)(b) or 3(2) to a provision of these regulations shall be construed as including a reference to the corresponding provision of the former regulations.

7. This Part has effect subject to paragraph 1(3), 2 and 3 of Part III of Schedule J.

Regulation D2

## PART II

### CHILD'S SPECIAL ALLOWANCE

1.—(1) Where one of the child's parents is alive, the child's special allowance in respect of the death of a member ("the relevant parent") shall, subject to paragraph 3, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an amount equal to 10% of the average pensionable pay for a week of the relevant parent.

(3) Where 5 or more children's special allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an amount equal to 40% of the average pensionable pay for a week of the relevant parent divided by the total number of allowances so payable.

2.—(1) Where the relevant parent was the child's only surviving parent, or in respect of the period after the death of the child's other parent, the child's special allowance shall, subject to paragraph 3, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an amount equal to 20% of the average pensionable pay for a week of the relevant parent.

(3) Where 5 or more children's special allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an amount equal to 80% of the average pensionable pay for a week of the relevant parent divided by the total number of allowances so payable.

3. The amount of a child's special allowance determined in accordance with paragraph 1 or 2 shall be increased in accordance with regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

Regulation D4

### PART III

#### CHILD'S ACCRUED ALLOWANCE

1. Subject to paragraphs 2 and 3, a child's accrued allowance shall be determined in like manner as an ordinary allowance would be determined under Part I of this Schedule ("Part I") if the child were entitled to such an allowance.

2.—(1) Paragraphs 1(2) and (3) and 2(2) and (3) of Part I as applied hereby shall have effect without regard to paragraph 2 of Part III of Schedule J but as if for any reference in the said paragraphs of Part I to the relevant parent's pension or notional pension there were substituted a reference to his deferred pension calculated in accordance with the following sub-paragraph.

(2) For the purposes of paragraph 1(2) and (3) or 2(2) and (3) of Part I as so applied, the relevant parent's deferred pension shall be calculated without regard to—

- (a) the restrictions on payments contained in regulation B5(4);
- (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*).

3.—(1) Paragraph 1(4) and (5) of Part I as applied hereby shall have effect as if—

- (a) the reference to a widow's ordinary pension were a reference to a widow's accrued pension, and
- (b) any reference to an ordinary pension or to the principal pension were a reference to the relevant parent's deferred pension calculated in accordance with the following sub-paragraph.

(2) For the purposes of paragraph 1(4) of Part I as so applied, the relevant parent's deferred pension shall be calculated without regard to the restrictions on payments contained in regulation B5(4).

4. Where the relevant parent died before 1st January 1989, and reference in paragraph 2(2) or 3(2) to a provision of these regulations shall be construed as including a reference to the corresponding provision of the former regulations.

5. Paragraph 2 has effect subject to paragraph 4 of Part III of Schedule J.

Regulation D5

#### PART IV

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

1.—(1) In this Part—

“relevant child” means, subject to sub-paragraph (2), a child entitled to an allowance who is—

- (a) in full-time training for a trade, profession or calling, and
- (b) in receipt of remuneration in respect of that training at an annual rate in excess of the specified rate;

“specified rate” means the annual rate (rounded up to the nearest £1) at which an official pension within the meaning of the Pensions (Increase) Act 1971(a) would be payable when increased under that Act if, within the meaning thereof, the basic rate of the pension were £250, it began on 1st June 1972 and the pensioner satisfied the qualifying conditions and if the pension fell to be paid in respect of periods for which the relevant child's remuneration falls to be paid;

“excess remuneration” means the annual amount by which the annual rate of the relevant child's remuneration exceeds the specified rate;

“relevant provision” means paragraph 1(3) or 2(3) of Part I of this Schedule (including those provisions as applied by Part III thereof) or paragraph 1(3) or 2(3) of Part II thereof.

(2) A child shall not be a relevant child for the purposes of this Part—

- (a) if he is entitled to an allowance in respect of the death of a member who ceased to be such before 15th March 1984, unless and until he has attained the age of 19 years;
- (b) if and so long as his allowance falls to be increased in accordance with regulation E8 (*increase during first 13 weeks*).

2. In the case of any relevant child—

- (a) if the annual amount of the allowance is greater than the amount of his excess remuneration, it shall be reduced by the amount of that excess remuneration, or
- (b) if the amount of that excess remuneration is equal to or greater than the annual amount of the allowance which, but for this sub-paragraph, would be payable to him, the allowance shall not be payable.



3.—(1) Where as well as any relevant child there are other children to whom allowances are payable in respect of the death of the same person and any of the relevant provisions apply, the allowances payable to those other children (“the other allowances”) shall be increased as hereinafter provided.

(2) If paragraph 2(a) applies in the case of any relevant child, then, without prejudice to sub-paragraph (3), the annual amount of each of the other allowances shall be increased by an amount equal to his excess remuneration divided by the number of other allowances.

(3) If paragraph 2(b) applies in the case of any relevant child, then, without prejudice to sub-paragraph (2), each of the other allowances shall be recalculated as if the relevant child were not entitled to an allowance.

(4) Notwithstanding the provisions of sub-paragraphs (2) and (3), no child shall by virtue of those provisions receive an allowance greater than that to which he would be entitled if no relevant provision applied in his case.

**Awards on Death — Additional Provisions**

## PART I

## DEPENDENT RELATIVE'S SPECIAL PENSION

1. Subject to paragraphs 2, 3 and 4, a dependent relative's special pension shall be of a weekly amount equal to 45% of the average pensionable pay for a week of the member in respect of whose death it was granted ("the deceased").

2. In respect of any week for which there are payable in respect of the deceased's death both—

- (a) a widow's special pension or, where the deceased was a married woman, a dependent relative's special pension granted to her widower, and
- (b) a dependent relative's special pension other than, where the deceased was a married woman, one granted as aforesaid,

the dependent relative's special pension mentioned in sub-paragraph (b) shall not be of the amount mentioned in paragraph 1 but, subject to paragraphs 3 and 4, of an amount equal to 20% of the deceased's average pensionable pay for a week.

3. The amount of a dependent relative's special pension determined in accordance with paragraph 1 or 2 shall be increased in accordance with regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

4.—(1) Where in respect of any week the aggregate amount of—

- (a) any widow's special pension, and
- (b) any child's special allowance,

payable in respect of the deceased's death equals or exceeds the amount of the deceased's average pensionable pay for a week, no dependent relative's special pension shall be payable in respect of that week.

(2) Where in respect of any week the aggregate amount of—

- (a) any widow's special pension,
- (b) any child's special allowance, and
- (c) any dependent relative's special pension,

payable in respect of the deceased's death would exceed the amount of the deceased's average pensionable pay for a week, the dependent relative's pension shall be reduced by such factor as will ensure that the said aggregate does not exceed the said amount.

(3) For the purposes of this paragraph any increase in a pension or allowance in accordance with regulation E9 (*increase by reference to the Pensions (Increase) Acts*) shall be ignored.

Regulation E4

## PART II

## GRATUITY IN LIEU OF WIDOW'S PENSION

The gratuity referred to in regulation E4 shall be of an amount equal to 11 times the annual value of the pension or, as the case may be, of that part thereof which is commuted or of such greater amount as may be agreed between the Police Authority and the widow, not exceeding the capitalised value of the pension or, as the case may

be, that part thereof which is commuted, calculated in accordance with tables prepared from time to time for the purpose by the Government Actuary.

Regulation E5

PART III

GRATUITY IN LIEU OF CHILD'S ALLOWANCE

The gratuity referred to in regulation E5 shall be of such amount as may be agreed between the Police Authority and the child's surviving parent or guardian, or between the Police Authority and the child where he has no such parent or guardian, not exceeding the capitalised value of the allowance or, as the case may be, of that part thereof which is commuted, calculated in accordance with tables prepared from time to time for the purpose by the Government Actuary.

**Pensionable Service and Transfer Values****PART I****PAYMENT OF SUMS PURSUANT TO UNDERTAKING GIVEN UNDER REGULATION F4**

1.—(1) Where a member undertakes to pay a sum in accordance with regulation F4 he shall, subject as hereafter in this Part provided, pay the sum to the Police Authority by regular instalments of such amount that the payment of the sum will be completed within a period of 5 years beginning with the date of the first instalment paid to the police authority in Great Britain in accordance with Part I of Schedule F to the Police Pensions Regulations 1987(a) and before he becomes liable to be required to retire on account of age:

Provided that he may at any time discharge his liability under the undertaking in whole or in part, by paying the whole or part of the balance of the sum then outstanding.

(2) Without prejudice to any other method of payment which may be authorised by the Police Authority, the liability to make any such payment may be discharged by way of a deduction by the said Authority from his pay.

2. If before he has discharged his liability under the undertaking a member—
- (a) retires without an award other than one of the amount of his aggregate pension contributions in respect of the relevant period of service;
  - (b) leaves the force on joining a police force in Great Britain with the consent of the Police Authority;
  - (c) dies, or
  - (d) is dismissed,

all further liability under that undertaking shall cease.

3. If, before he has discharged his liability under the undertaking a member retires with an award other than one of the amount of his aggregate pension contributions in respect of the relevant period of service, the Police Authority shall be empowered to deduct the balance of the sum then outstanding from payments on account of the award:

Provided that where a payment is made on account of an ordinary or ill-health pension and in respect of a period beyond state pensionable age no deduction shall be made from so much of the payment as is on account of the secured portion of the pension.

Regulations F6, F7 and F8

**PART II****TRANSFERS AND CURRENT INTERCHANGE ARRANGEMENTS***Section 1 — Transfer value payable by Police Authority under regulation F7 or F8*

1.—(1) A transfer value payable by the Police Authority under regulation F7 or F8 in respect of a member shall be calculated in accordance with this Section and the table set out in Section 3 of this Part of this Schedule by reference to—

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(a) S.I. 1987/257

- (a) his age in years on ceasing to be a member;
- (b) his notional deferred pension, that is to say the deferred pension to which he would have been entitled had he, on so ceasing, been entitled to such a pension, and any reduction therein in accordance with Part VII of Schedule B (*reduction at state pensionable age*);
- (c) in the case of a man, his widow's notional accrued pension, that is to say the widow's accrued pension to which, on the assumption aforesaid, his widow would become entitled were he to die while entitled to a deferred pension leaving a widow entitled to an accrued pension;
- (d) in the case of a member who had undertaken to make payments by way of regular instalments as mentioned in Part I of this Schedule, the payments not completed before he ceased to be a member;
- (e) in the case of a member who, at the time of his ceasing to be a member, has a guaranteed minimum in relation to the pension provided by these regulations, the amount of that guaranteed minimum, and
- (f) the amount of any contributions equivalent premium relating to the period ending with his retirement which has been paid by the Police Authority and not repaid,

and any reference in this Section to the member's notional deferred pension or widow's notional accrued pension shall be construed accordingly.

(2) In this Section any reference to the table is a reference to the table set out in Section 3 of this Part of this Schedule and any reference to the appropriate factor specified in a column of that table is a reference to the factor specified in the column in question in relation to the member's age within the meaning of sub-paragraph (1)(a).

2.—(1) The annual amount of the member's notional deferred pension, disregarding any reduction therein at state pensionable age, shall be multiplied by the appropriate factor specified in the second column of the table or, in the case of a woman, in the fifth column thereof.

(2) Where the member's notional deferred pension would fall to be reduced under paragraph 1 of Part VII of Schedule B (*reduction connected with state flat-rate benefit*), the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount of that reduction multiplied by the appropriate factor specified in the third column of the table or, in the case of a woman, in the sixth column thereof.

(3) In the case of a member entitled to reckon pensionable service, immediately before he ceased to be a member, by reason of a participating period of relevant employment, the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount by which the member's notional deferred pension would fall to be reduced under paragraphs 2 and 3 of Part VII of Schedule B (*reduction connected with state graduated retirement benefit*) multiplied by the appropriate factor specified in the third column of the table or, in the case of a woman, in the sixth column thereof.

(4) For the purposes of sub-paragraph (3) a period shall be treated as a participating period of relevant employment notwithstanding that a payment in lieu of contributions only fell to be made after the member ceased to be a member.

(5) The product under sub-paragraph (1), subject to any reduction under sub-paragraphs (2) and (3), is in paragraph 5 referred to as the basic element of the transfer value.

3.—(1) In the case of a man, the annual amount of the member's widow's notional accrued pension, disregarding paragraphs 2 and 3 of Part III of Schedule C (*increase by reference to the Pensions (Increase) Acts and flat-rate award*), shall be multiplied by the factor 4.

(2) The said product is in paragraph 5 referred to as the widow's element of the transfer value.

4. For the purpose of calculating a transfer value payable as mentioned in paragraph 1, Part VI of Schedule B (*member's deferred pension*) shall apply as if references to the member's average pensionable pay were references to his average pensionable pay immediately before he ceased to serve except that in the case of a transfer value which falls to be paid in pursuance of regulation F7 or of regulation F8(3)(a) or (b) no account shall be taken of any retrospective increase in pay granted after the transfer value has been paid.

5. Subject to the following paragraphs, the transfer value shall be of an amount:—

- (a) in the case of a man, equal to the sum of the basic element calculated in accordance with paragraph 2 and the widow's element calculated in accordance with paragraph 3,
- (b) in the case of a woman, equal to the basic element calculated in accordance with paragraph 2.

6.—(1) This paragraph shall apply in the case of a member who had undertaken to make payments by regular instalments in accordance with Part I of this Schedule but had not completed those payments before he ceased to be a member; and the payments not completed before he so ceased are, in this paragraph, referred to as the outstanding instalments.

(2) The transfer value shall be reduced by the actuarial equivalent of the outstanding instalments calculated, in accordance with tables prepared by the Government Actuary, by reference to the amount of each instalment, the interval at which instalments were payable and the number of outstanding instalments.

7. Where a member at the time of ceasing to be a member has a guaranteed minimum in relation to the pension provided by these regulations, the transfer value shall be reduced by the amount of that guaranteed minimum, expressed as an annual pension, multiplied by the appropriate factor specified in the fourth column of the table or, in the case of a woman, in the seventh column thereof.

8. Where a contributions equivalent premium relating to the period ending with the member's retirement has been paid by the Police Authority and has not been repaid, the transfer value shall be reduced by the amount of that premium.

9.—(1) This paragraph shall apply where a transfer value is payable under regulation F8 in respect of a member who has given a notice of allocation under regulation B9(4)(a) and that notice has become effective under regulation B9(6).

(2) Where this paragraph applies the transfer value shall be adjusted by such amount, calculated by the Government Actuary, as takes account of the effect which the notice of allocation had on the benefits prospectively payable to or in respect of the member as at the time when the transfer value became payable.

10.—(1) This paragraph shall apply where a transfer value is not paid within 6 months of the member ceasing to be a member.

(2) The transfer value calculated in accordance with the preceding provisions of this Section shall be increased by an amount equal to compound interest thereon at the rate of 2¼ per cent for each completed 3 months of the period beginning with the date he ceased to be a member and ending with the date of payment of the transfer value (disregarding any residual period of less than 3 months).

11. This Section has effect subject to paragraphs 1 and 2 of Part V of Schedule J.

*Section 2 — Pensionable service reckonable on receipt of transfer value*

1.—(1) The period of pensionable service reckonable by a member under regulation F6 by virtue of the receipt of a transfer value by the Police Authority shall be calculated in accordance with this Section and the table set out in Section 3 of this Part of this Schedule by reference to—

- (a) the amount of the transfer value and of any increase therein by way of interest subject, however, to sub-paragraph (4);
- (b) his age in years at the date mentioned in sub-paragraph (2), (3) or (4), whichever applies in his case;
- (c) his pensionable emoluments within the meaning of the sub-paragraph in question;
- (d) the provisions of Part VII of Schedule B relating to reduction of pension at state pensionable age, and
- (e) where he, on ceasing to be in his former service, had a guaranteed minimum in relation to the pension provided by his former superannuation arrangements, the amount of that guaranteed minimum;

and any reference in this Section to the member's age or pensionable emoluments shall be construed accordingly.

(2) Subject to sub-paragraph (4), this sub-paragraph shall apply where—

- (a) by reason of his former service the member was subject to superannuation arrangements which—
  - (i) were contained in a public general Act of Parliament or were made under such an Act by a Minister of the Crown, or
  - (ii) were contained in a public general Act of the Parliament of Northern Ireland or Measure of the Northern Ireland Assembly or were made under such an Act or Measure by a Minister of the Crown (including a Northern Ireland Minister) or by a Northern Ireland ministry, department or head of department, or

(b) the Police Authority are satisfied that the transfer value was calculated in like manner as under some such superannuation arrangements as aforesaid;

and in such case, the member's age for the purposes of sub-paragraph (1)(b) shall be his age on ceasing to be in his former service and his pensionable emoluments for the purposes of sub-paragraph (1)(c) shall be the annual value of the emoluments (including averaged emoluments) in relation to which the transfer value was calculated or would have been calculated if part thereof had not been disregarded on account of provisions of the superannuation arrangements connected with state retirement pensions under section 28 of the Social Security (Northern Ireland) Act 1975(a).

(3) Subject to sub-paragraph (4), in a case in which sub-paragraph (2) does not apply, the member's age for the purposes of sub-paragraph (1)(b) and his pensionable emoluments for the purposes of sub-paragraph (1)(c) shall be, respectively, his age and his annual pensionable pay as a member—

- (a) on his becoming such, where the transfer value is received within 12 months of his ceasing to be in his former service, or
- (b) on the date the transfer value is received, where it is received later.

(4) Where pensionable service reckonable under regulation F6 is so reckonable by virtue of paragraph (2) of that regulation in the case of a member who became such

(a) 1975 c. 15, amended by S.I. 1975/1503 (N.I. 15), Schs. 5 and 6; S.I. 1980/1087 (N.I. 13), Art. 3(3); S.I. 1985/1209 (N.I. 16), Art. 11(2) and Sch. 6; S.I. 1986/1888 (N.I. 18), Sch. 10

before 1st April 1972, then, notwithstanding the preceding provisions of this paragraph—

- (a) if, before or within 3 months of receiving the transfer value the Police Authority are notified that, inclusive of any increase by way of interest, it would have been of a different amount, specified by the payer thereof, had it been calculated and paid on 21st January 1977, then, for the purposes of this Section the transfer value shall be treated as though it were of the amount so specified;
- (b) the member's age for the purposes of sub-paragraph (1)(b) shall be his age on 21st January 1977; and
- (c) his pensionable emoluments for the purposes of sub-paragraph (1)(c) shall be his annual pensionable pay as a member on 21st January 1977 or, if he was not serving as such on that date, on the date on which he first thereafter became a member.

(5) In this Section any reference to the table is a reference to the table set out in Section 3 of this Part of this Schedule and any reference to the appropriate factor specified in a column of that table is a reference to the factor specified in the column in question in relation to the member's age within the meaning of sub-paragraph (1)(b).

(6) In this Section any reference to a member's former service is a reference to the service in respect of which the transfer value is paid.

2.—(1) Where in a case to which paragraph 1(2) applies the transfer value was increased by the inclusion therein of interest calculated from the date when the member ceased to be in his former service, it shall be adjusted by the deduction of that interest.

(2) Where in any case any such pension as is mentioned in paragraph 2 of Part VII of Schedule B (*reduction connected with state graduated retirement benefit*) as might become payable to the member would fall to be abated in accordance with that paragraph, the annual amount of that abatement shall be calculated and multiplied by the appropriate factor specified in the third column of the table or, in the case of a woman, in the sixth column thereof; and the transfer value shall be adjusted by the addition of that product.

(3) Where on the date that the member ceased to be in his former service he had a guaranteed minimum in relation to the pension provided by his former superannuation arrangements, the amount of that guaranteed minimum, expressed as an annual pension, shall be multiplied by the appropriate factor specified in the fourth column of the table or, in the case of a woman, in the seventh column thereof; and the transfer value shall be adjusted by the addition of that product.

(4) The transfer value, subject to any such adjustment as aforesaid, is in paragraph 4 referred to as the adjusted transfer value.

3.—(1) The member's pensionable emoluments shall be multiplied by a factor 2.00 greater than the appropriate factor specified in the second column of the table or, in the case of a woman, by the appropriate factor specified in the fifth column thereof.

(2) The said product shall be divided by 45.

(3) Where any such pension as is mentioned in paragraph 1 of Part VII of Schedule B (*reduction connected with state flat-rate retirement benefit*) as might become payable to the member would fall to be reduced in accordance with that paragraph, the amount of the reduction for each year of service relevant for the purposes of that paragraph shall be multiplied by the appropriate factor specified in the third column of the table or, in the case of a woman, in the sixth column thereof; and the quotient under sub-paragraph (2) shall be adjusted by the deduction of the said product.



(4) The quotient under sub-paragraph (2), subject to any such adjustment as aforesaid, is in paragraph 4 referred to as the divisor.

4. The adjusted transfer value calculated in accordance with paragraph 2 shall be divided by the divisor calculated in accordance with paragraph 3 and the quotient (including any fraction) shall be the number of years reckonable as pensionable service.

5. Paragraph 1(2) has effect subject to paragraph 5 of Part IV of Schedule J.

*Section 3 — Table referred to in Sections 1 and 2*

<i>Age last Birthday before date of cessation</i>	<i>Men</i>			<i>Women</i>		
	<i>Basic factor</i>	<i>NI factor</i>	<i>GMP factor</i>	<i>Basic Factor</i>	<i>NI factor</i>	<i>GMP factor</i>
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Less than 20	5·00	·25	1·47	7·00	·50	2·20
20	5·05	·25	1·50	7·05	·50	2·24
21	5·10	·25	1·53	7·10	·55	2·28
22	5·15	·30	1·56	7·15	·60	2·32
23	5·20	·30	1·59	7·20	·65	2·36
24	5·25	·30	1·62	7·25	·70	2·40
25	5·30	·35	1·65	7·35	·75	2·45
26	5·35	·40	1·68	7·40	·80	2·50
27	5·40	·40	1·71	7·45	·85	2·55
28	5·45	·45	1·74	7·50	·90	2·60
29	5·50	·50	1·78	7·55	·95	2·66
30	5·55	·50	1·81	7·65	1·05	2·71
31	5·60	·55	1·85	7·70	1·15	2·77
32	5·65	·60	1·88	7·80	1·25	2·82
33	5·70	·65	1·92	7·90	1·35	2·88
34	5·75	·70	1·95	7·95	1·45	2·93
35	5·80	·80	1·99	8·05	1·55	2·99
36	5·85	·90	2·02	8·15	1·65	3·05
37	5·90	1·00	2·06	8·25	1·75	3·11
38	5·95	1·10	2·10	8·35	1·85	3·17
39	6·00	1·20	2·14	8·45	1·95	3·24
40	6·05	1·30	2·18	8·55	2·10	3·31
41	6·10	1·40	2·22	8·65	2·25	3·38
42	6·15	1·50	2·26	8·75	2·45	3·45
43	6·20	1·60	2·30	8·85	2·65	3·52
44	6·25	1·70	2·34	8·95	2·90	3·59
45	6·30	1·80	2·39	9·05	3·15	3·66
46	6·40	1·90	2·44	9·15	3·40	3·74
47	6·50	2·00	2·48	9·25	3·70	3·82
48	6·60	2·20	2·53	9·35	4·00	3·90
49	6·70	2·40	2·58	9·45	4·35	3·98
50	6·80	2·60	2·62	9·55	4·75	4·06
51	6·90	2·90	2·67	9·65	5·15	4·15
52	7·10	3·20	2·72	9·80	5·60	4·24
53	7·30	3·50	2·78	9·95	6·10	4·33
54	7·50	3·80	2·84	10·10	6·65	4·43

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55	7·70	4·20	2·90	10·30	7·25	4·53
56	8·00	4·60	2·97	10·50	7·95	4·63
57	8·30	5·00	3·04	10·75	8·75	4·74
58	8·60	5·40	3·12	11·05	9·65	4·85
59	9·00	5·80	3·20	11·40	10·65	4·97
60	9·50	6·30	3·28	11·75	11·75	—
61	9·50	6·80	3·36	11·75	11·75	—
62	9·50	7·40	3·44	11·75	11·75	—
63	9·50	8·10	3·53	11·75	11·75	—
64	9·50	9·00	3·64	11·75	11·75	—
65	9·50	9·50	—	11·75	11·75	—

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**Additional and Further Contributions**

Where, in pursuance of paragraph (2) of Regulation G3 and such an election as is mentioned in paragraph (1) of that regulation, additional or further pension contributions continue to be payable by a member, those contributions shall be payable at the rate specified in the second or, as the case may be, in the third column of the following table opposite to the number of completed years of pensionable service in the first column thereof reckonable by the member immediately before 1st September 1973 otherwise than by reason of service on or after 1st April 1972 as a member or as a regular policeman in Great Britain.

TABLE

<i>Completed years of pensionable service taken into account</i>	<i>Rate expressed as a percentage of pensionable pay</i>	
	<i>Additional contributions</i>	<i>Further contributions</i>
1	0.1	0.1
2	0.1	0.1
3	0.2	0.2
4	0.3	0.2
5	0.3	0.3
6	0.4	0.3
7	0.5	0.4
8	0.6	0.5
9	0.7	0.6
10	0.9	0.7
11	1.1	0.8

## SCHEDULE H

## Regulation H2

**Medical Appeals**

1. Every notice of appeal under regulation H2(2) shall be in writing.

2. On receipt of the notice of appeal the Police Authority shall forward to the Department 2 copies thereof and of the certificate appealed against, with the name and address of the appellant.

3. The Department shall appoint an independent person or persons (hereafter in this Schedule referred to as the "medical referee") to decide the appeal.

4. A medical referee shall appoint a time and place for interviewing the appellant and for any such further interviews or examinations as he may consider necessary and shall give reasonable notice thereof to the appellant and the Police Authority.

5. At any time before any interview with the medical referee the appellant or the Police Authority may submit to the medical referee a statement relating to the subject matter of the appeal, and if they so submit a statement they shall send a copy thereof to the other party.

6. Any interview or examination may be attended by—

(a) the selected medical practitioner; and

(b) any duly qualified medical practitioner appointed for the purpose by either party.

7. The medical referee shall give written notice to the Police Authority and appellant of his decision and, if that decision is that he disagrees with any part of the certificate of the selected medical practitioner, shall send a copy of his certificate to the Police Authority and the appellant.

8.—(1) The medical referee shall be entitled to such fees and allowances as the Department may, with the approval of Treasury, from time to time determine.

(2) The said fees and allowances shall be paid by the Police Authority.

9.—(1) Save as hereinafter provided, the expenses of each party to the appeal shall be borne by that party.

(2) Where the medical referee decides in favour of the Police Authority, the Authority may require the appellant to pay towards the cost of the appeal such sum not exceeding the referee's total fees and allowances as the Authority think fit.

(3) Where the medical referee decides in favour of the appellant, the Police Authority shall refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of any such interview or examination as is mentioned in paragraph 4.

## SCHEDULE I

## Regulations I1 and I2

**Servicemen — INCREASE OF AWARDS**

1.—(1) This paragraph shall apply where a pension payable to a serviceman in pursuance of paragraph (2) or (3) of regulation I1 is increased in pursuance of paragraph (4) of that regulation.

(2) The increased amount of the pension payable to the serviceman for any period shall not, when aggregated with the amount of any armed forces award which is also payable to or in respect of him for that period, exceed the amount of the award which would have been payable for that period if the injury as a result of which he is permanently disabled had been treated as if it were an injury received without his own default in the execution of his duty as a member.

(3) The reference in the preceding sub-paragraph to an armed forces award shall not include an allowance for constant attendance, wear and tear of clothing or comforts.

2.—(1) This paragraph shall apply where a pension payable to the widow of a serviceman in pursuance of paragraph (1) or (3) of regulation I2 is increased in pursuance of paragraph (5) of that regulation.

(2) The increased amount of the pension payable to the widow for any period shall not, when aggregated with the amount of any armed forces award which is also so payable for that period in respect of her husband, exceed the amount of the pension which would have been payable for that period if the injury as a result of which her husband had died had been treated as if it were an injury received without his own default in the execution of his duty as a member.

3.—(1) This paragraph shall apply when an allowance payable to the child of a serviceman in pursuance of paragraph (4) of regulation I2 is increased in pursuance of paragraph (5) of that regulation.

(2) The increased amount of the allowance payable to the child for any period shall not, when aggregated with the amount of any armed forces award payable to or for the child for that period in respect of the serviceman, exceed the amount of the allowance which would have been payable for that period if the injury as a result of which he had died had been treated as if it were an injury received without his own default in the execution of his duty as a member.

4.—(1) In this Schedule a reference to an armed forces award is a reference to an armed forces pension or other award payable in pursuance of a Royal Warrant or other instrument.

(2) Where such an armed forces award as mentioned in paragraph 1(2), 2(2) or 3(2) is a gratuity, the amount thereof payable for any period shall, for the purposes of the provision in question, be deemed to be the amount which would have been payable for that period in respect of such an annuity as is hereinafter mentioned if, at the date on which the gratuity became payable, it had been applied in the purchase of such an annuity.

The annuity referred to in this sub-paragraph is an immediate life annuity, dependent on the life of the serviceman, the widow or, as the case may be, the child concerned, granted under Part I of the Government Annuities Act 1929(a).

**Special Cases — Exceptions and Modifications**

## PART I

## PERSONAL AWARDS

**Member's ordinary pension***Member with service before 8th August 1961*

1. In the case of a member who served as such before 8th August 1961, regulation B1(4) shall have effect as if the words "but, in the case of" to the end were omitted.

*Member who retired before 25th October 1984*

2. In the case of a member who retired before 25th October 1984, regulation B1(3) shall have effect as if sub-paragraph (b) thereof were omitted.

*Commutation by member who retires or retired before 1st January 1989 plus 6 months*

3.—(1) This paragraph shall apply in the case of a member who—

- (a) retired with an ordinary pension under the regulations of 1973, or
- (b) retires with an ordinary pension under these regulations before 1st January 1989 plus 6 months.

(2) Regulation B7(1) shall have effect as if sub-paragraph (b) thereof were omitted in the case of such a member—

- (a) who retired as mentioned in sub-paragraph (1)(a) of this paragraph and commuted a portion of his pension under the regulations of 1973, or
- (b) other than a member such as is referred to in paragraph (a) of this sub-paragraph who not later than 6 months after his retirement elects that this sub-paragraph should apply in his case;

and any election under paragraph (b) of this sub-paragraph shall be made by notice in writing given to the Police Authority.

**Member's ill-health pension***Member who is serving on 1st January 1989 or retired before that date*

4. In the case of a member who either is serving as such on 1st January 1989 or retired before that date, regulation K1(5) shall have effect as if the words "but he is not a member to whom regulation B5 applies" and sub-paragraph (c) were omitted therefrom.

**Member's injury award***Member serving on 1st April 1972 or ceasing to serve before 1st September 1973 who has less than 5 years' pensionable service*

5.—(1) This paragraph shall apply in the case of a member who—

- (a) received a relevant injury (within the meaning of regulation B4) during a period of service which included 1st April 1972 or ended before 1st September 1973, and
- (b) is entitled to reckon less than 5 years' pensionable service.

(2) In the case of such a member an injury pension shall be calculated and payable either in accordance with Part V of Schedule B (where the next following paragraph

also applies, as modified thereby) or in accordance with the provisions of paragraph 6 of the Schedule to the 1949 Order as from time to time amended (*supplemental pension*), whichever would have been the more favourable in his case if applied thereto when he first became entitled to the pension.

*Member ceasing to serve before 1st January 1989*

6.—(1) This paragraph shall apply in the case of a member who received a relevant injury (within the meaning of regulation B4) during a period of service which ended before 1st January 1989.

(2) In the case of such a member paragraph 4 of Part V of Schedule B shall have effect as if—

- (a) the sickness benefit referred to in sub-paragraph (3)(c)(i) thereof did not include such benefit to which the member is only entitled by virtue of section 50A of the Social Security (Northern Ireland) Act 1975(a), and
- (b) sub-paragraph 3(c)(iii) thereof were omitted.

**Member's deferred pension**

*Member with service or employment both before, and on or after, 6th April 1978*

7.—(1) This paragraph shall apply in the case of a member who (subject to the provisions hereof) is entitled to a deferred pension under regulation B5 where—

- (a) the period of pensionable service referred to in paragraph (1)(a) of that regulation is reckonable by reason of service or employment partly before, and partly on or after, 6th April 1978, or
- (b) the aggregate period of service or employment referred to in paragraph (1)(b) of that regulation includes service or employment partly before, and partly on or after, that date.

(2) Such a member may elect that regulation B5 shall not apply in his case by notice in writing given to the Police Authority, subject to sub-paragraph (4), within 3 months of his ceasing to be a member.

(3) Where immediately before his death such a member enjoyed, but had not exercised, the right of election conferred by sub-paragraph (2), his widow may request that these regulations should have effect as if he had exercised that right by notice in writing given to the Police Authority, subject to sub-paragraph (4), within 3 months of his death; and, in such case, the member shall be deemed to have exercised that right.

(4) Where the Police Authority so allow, a notice for the purpose of sub-paragraph (2) or (3) may be given after the expiry of the 3 month period there mentioned if it is given within such longer period as they may allow in the circumstances of the case; and, without prejudice to regulation 3 of the Royal Ulster Constabulary Pensions (Supplementary Provisions) Regulations 1988(b), a notice duly given for the purposes of paragraph (2) or (3) of regulation 20D of the regulations of 1973 shall be effective for the purposes of sub-paragraph (2) or (3) of this paragraph.

(5) Where such a member has, or is deemed to have, exercised the right of election conferred by sub-paragraph (2)—

- (a) regulation B5 shall not apply in his case and, accordingly, he shall not thereunder be entitled to a deferred pension, but
- (b) in lieu thereof he (or his estate) shall be entitled to an award under this paragraph.

(a) 1975 c. 15; s. 50A inserted by S.I. 1982/1084 (N.I. 16), Art. 32

(b) S.R. 1988 No. 375

(6) Subject to sub-paragraph (7), an award under this paragraph shall comprise—

(a) an award by way of repayment of the member's aggregate pension contributions in respect of the relevant period of service calculated, however, in accordance with sub-paragraph (8), and

(b) a deferred pension calculated and payable as provided in sub-paragraph (9).

(7) Where a member whose contracted-out employment is less than 5 years ceases to serve before he has attained the age of 26 years—

(a) sub-paragraph (8) shall not apply for the purposes of calculating the award by way of repayment of his aggregate contributions, but

(b) he shall not be entitled to a deferred pension in pursuance of sub-paragraph (6)(b).

(8) Save where sub-paragraph (7) applies, for the purpose of calculating the award mentioned in sub-paragraph (6)(a)—

(a) account shall be taken of such contributions or payments as are mentioned in sub-paragraph (a), (b) or (c) of regulation A9(2) only to the extent that either—

(i) they were made by the member before the end of the service appropriate in his case mentioned in sub-paragraph (10), or

(ii) they were made otherwise than as aforesaid but account was taken in their calculation of that service.

and sub-paragraph (d) thereof shall have effect accordingly, and

(b) in the circumstances mentioned in sub-paragraph (e) of regulation A9(2), the award there mentioned shall be that which would have been made if it took into account only contributions or analogous payments—

(i) made by the person concerned before the end of the service appropriate in his case, or

(ii) made otherwise than as aforesaid but specified by the person responsible for the superannuation arrangements applicable to the previous service or employment mentioned in the said sub-paragraph (e) as having been made for the purpose of increasing any benefit which might become payable in respect of so much of that previous service or employment as forms part of the service appropriate in the member's case.

(9) A deferred pension in pursuance of sub-paragraph (6)(b) shall be calculated and be payable as mentioned in regulation B5(4) except that in calculating the pension no account shall be taken of so much of the member's pensionable service as is reckonable by reason of the service appropriate in his case mentioned in sub-paragraph (10).

(10) The appropriate service referred to in sub-paragraphs (8) and (9) is—

(a) service or employment before 6th April 1978, in the case of a member who either—

(i) ceases to serve before he has attained the age of 26 years, or

(ii) would not be such a member as is mentioned in regulation B5(1)(a) or (b) if, for the purposes thereof, there were disregarded any period of pensionable service reckonable by reason of, or any period of, service or employment before the said date;

(b) service or employment before 6th April 1975, in any other case.

(11) Regulations B7 to B11 (*commutation, allocation and deduction of tax*) shall apply in relation to an award in pursuance of sub-paragraph (6)(a) or (b) as though this paragraph were included in Part B of these regulations.



**Pension by way of equivalent pension benefit***Member serving on 5th April 1975*

8.—(1) This paragraph shall apply in the case of a member who was serving as such on 5th April 1975 and ceases or has ceased so to serve in circumstances—

- (a) which do not entitle him to a pension otherwise than in pursuance of paragraph 7(6)(b) or of this paragraph, and
- (b) in which no payment in lieu of contributions has been made.

(2) This paragraph shall also apply in the case of a member who was serving as such on 5th April 1975 and ceases or has ceased so to serve in circumstances in which either a transfer value is payable under regulations F7 or F8 or a transfer value was payable under regulations 75 or 75A of the regulations of 1973 if, but only if, he satisfies the Police Authority that he is not entitled under any superannuation arrangements (including these regulations) to a pension—

- (a) in the calculation of which account would be taken of the service which would be taken into account in calculating a pension under this paragraph, and
  - (b) which would be at least as favourable in his case as a pension under this paragraph.
- (3) Such a member as is mentioned in sub-paragraph (1) or (2)—
- (a) on attaining state pensionable age, and
  - (b) in the case mentioned in sub-paragraph (2), satisfying the Police Authority as there mentioned,

shall be entitled to a pension which equals the graduated retirement benefit mentioned in regulation A5(4).

(4) Regulation B8 (*commutation — small pensions*) shall apply in relation to a pension in pursuance of sub-paragraph (3) as though this paragraph were included in Part B of these regulations.

## PART II

## WIDOWS' AWARDS

**Widow's ordinary pension***Widow whose husband retired before 1st January 1989*

1.—(1) This paragraph shall apply in the case of the widow of a member who retired before 1st January 1989.

(2) In the case of such a widow, regulation C1(1) shall have effect as if the words "except that" to the end were omitted.

*Application of paragraphs 3, 4 and 5*

2. Paragraphs 3, 4 and 5 shall only apply in the case of a widow whose husband either was serving as a member or was entitled to a pension other than a deferred pension—

- (a) on 1st September 1973, or
- (b) at the date of his death where that date was before 1st September 1973.

*Pre-1972 pensionable service not up-rated*

3.—(1) This paragraph shall apply in the case of such a widow as is mentioned in paragraph 2 where—

- (a) her husband last before 1st April 1972 paid pension contributions at a rate related to 5% of his pensionable pay, and
- (b) neither he nor the widow exercised any right of election accorded by regulation 51(2), 52(2), 54(2) or 55(2) of the regulations of 1973,

and in such a case Part I of Schedule C ("Part I") shall have effect as if for sub-paragraphs (1), (2) or (3) of paragraph 1 thereof there were substituted the like provisions as is made by the following sub-paragraph.

(2) Where this paragraph applies the annual amount of the widow's ordinary pension shall, subject to paragraphs 2 and 3 of Part I, equal a half of the amount specified in paragraph 5(1) of this Part:

Provided that the amount payable in respect of any week on account of the pension shall not be less than it would have been either—

- (a) had the weekly amount thereof fallen to be calculated as provided in Scheme II of Part I of Appendix 11 to the Schedule to the 1949 Order, or
- (b) had the annual amount thereof fallen to be calculated in accordance with Part V of Schedule C in like manner as a widow's requisite benefit pension.

*Pre-1972 pensionable service up-rated to third but not to half rate*

4.—(1) This paragraph shall apply in the case of such a widow as is mentioned in paragraph 2 where—

- (a) paragraph 3 does not apply, and
- (b) neither her husband nor the widow exercised any right of election accorded by regulation 51(3), 52(3), 54(3) or 55(3) of the regulations of 1973,

and, in such a case, Part I of Schedule C ("Part I") shall have effect as if for sub-paragraph (1) of paragraph 1 thereof there were substituted the like provision as is made by the following sub-paragraph.

(2) Where this paragraph applies, the annual amount of the widow's ordinary pension shall, subject to paragraphs 2 and 3 of Part I, be the aggregate of—

- (a) an amount equal to a third of the annual amount of the pension or notional pension mentioned in sub-paragraph (2) of paragraph 1 of Part I, and
- (b) a sixth of the amount specified in paragraph 5(1) of this Part,

except that, where the husband died otherwise than while in receipt of an ordinary or short service pension and the said aggregate is less than a half of the amount specified in paragraph 5(2) of this Part, the annual amount of the widow's ordinary pension shall equal a half of the amount so specified:

Provided that the annual amount of the widow's ordinary pension shall not be less than it would have been had it fallen to be calculated in accordance with Part V of Schedule C in like manner as a widow's requisite benefit pension.

*Specified amounts for purposes of paragraphs 3 and 4*

5.—(1) The references in paragraphs 3(2) and 4(2) to the amount specified in this sub-paragraph are references to the amount which is, subject to sub-paragraph (3) of this paragraph, the difference between the two following amounts, namely—

- (a) an amount which is the aggregate of—
  - (i) an amount equal to a sixtieth of the husband's average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and

(ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;

(b) an amount calculated as aforesaid but by reference only to the husband's pre-1972 pensionable service.

(2) The reference in paragraph 4(2) to the amount specified in this sub-paragraph is a reference to the annual amount of the pension or notional pension mentioned in sub-paragraph (2) of paragraph 1 of Part I of Schedule C calculated in accordance with sub-paragraph (3) thereof but, subject to sub-paragraph (3) of this paragraph—

(a) where the husband's weighted relevant pensionable service does not exceed 20 years, by reference thereto;

(b) where that service exceeds 20 years, by reference to his relevant pensionable service with the addition of a half of his pre-1972 pensionable service, instead of by reference to his pensionable service.

(3) Where the husband's pensionable service exceeds 30 years there shall be reduced by that excess—

(a) his pensionable service taken into account for the purposes of sub-paragraph (1)(a);

(b) his pre-1972 pensionable service taken into account for the purposes of sub-paragraph (1)(b);

(c) his pre-1972 pensionable service taken into account for the purposes of sub-paragraph (2)(b) (otherwise than for the purpose of determining his relevant pensionable service).

(4) Subject to sub-paragraph (5), in this paragraph—

“pre-1972 pensionable service” means the period of pensionable service in years reckonable by the husband—

(a) otherwise than by reason of service as a member or as a regular policeman in Great Britain on or after 1st April 1972;

(b) otherwise than by virtue of—

(i) regulation F5 (*previous service reckonable on payment*) where the conditions specified in the regulation in question were satisfied on or after 1st September 1973, or

(ii) regulation F6 (*current interchange arrangements*), and

(c) other than pensionable service reckonable by him immediately before 1st September 1973, which was reckonable otherwise than as mentioned in sub-paragraph (a) above and did not exceed a year;

“relevant pensionable service” means the period in years of the husband's pensionable service reduced by his pre-1972 pensionable service;

“weighted relevant pensionable service” means the husband's relevant pensionable service, so much of such service as exceeds his relevant number of years (if any) being counted twice and, for the purposes hereof, “relevant number of years” means the period in years by which his pre-1972 pensionable service falls short of 20 years.

(5) Where the husband ceased to serve as a member before 24th January 1975 (without prejudice to the provisions of paragraphs 1, 2 and 3 of Part IV of this Schedule), sub-paragraph (4) shall have effect as if for the definitions therein of “relevant pensionable service” and “weighted relevant pensionable service” there were substituted the following definitions:—

“relevant pensionable service” means the period in years of the husband's pensionable service reduced by his completed years of pre-1972 pensionable service;

“weighted relevant pensionable service” means the husband’s completed years of relevant pensionable service up to the relevant number of years with the addition of a year for each completed half-year by which his relevant pensionable service exceeds the relevant number of years and, for the purposes hereof, “relevant number of years” means the period in years by which his completed years of pre-1972 pensionable service fall short of 20 years.

**Widow’s special gratuity**

*Widow whose husband died before 25th November 1982*

6.—(1) This paragraph shall apply in the case of a widow of a member who died while serving as such before 25th November 1982.

(2) In the case of such a widow, regulation C2(2)(b) shall have effect as if the words “together with” to the end were omitted.

**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 member—

- (a) who was not entitled to his deferred pension in pursuance of paragraph 7(6)(b) of Part I of this Schedule, and
- (b) in relation to whom any of the conditions specified in the first column of Table B 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 or B 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

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

<i>Condition</i>	<i>Half-rate service</i>	<i>Mixed-rate service</i>
(c) If he has pensionable service reckonable by virtue of regulation I6 and the proviso to regulation I7(1) by reason of a period of relevant service in the armed forces on or after 1st April 1956.	„	„
(d) If he has pensionable service which immediately before 1st September 1973, was reckonable by him otherwise than by reason of service on or after 1st April 1972 and was for a period of less than a complete year.	„	„

TABLE B: SERVICE COUNTING FULLY OR IN PART EITHER AS HALF-RATE OR AS MIXED-RATE SERVICE

<i>Condition</i>	<i>Half-rate service</i>	<i>Mixed-rate service</i>
(a) If the husband has pensionable service reckonable by reason of service in respect of which he paid pension contributions at a rate related to 6.25% of his pensionable pay.	—	That pensionable service
(b) If he has pensionable service not mentioned in the first column of Table A which, immediately before 1st September 1973, was reckonable by him and he had elected as mentioned in regulation 52(3)(a) of the regulations of 1973 to make a further payment by way of a lump sum.	That pensionable service	—

<i>Condition</i>	<i>Half-rate service</i>	<i>Mixed-rate service</i>
(c) If he has such pensionable service as aforesaid and he had elected as mentioned in regulation 52(2)(a) of the regulations of 1973 to make an additional payment by way of a lump sum.	—	That pensionable service
(d) If he has such pensionable service as aforesaid, he had elected as mentioned in regulation 51(3) of the regulations of 1973 and, immediately before he retired, was paying further contributions in pursuance of that election.	The proportion specified in subparagraph (6) below of that pensionable service.	—
(e) If he has such pensionable service as aforesaid, he had elected as mentioned in regulation 50 and 51(2) of the regulations of 1973 and, immediately before he retired, was paying additional contributions in pursuance of that election.	—	The proportion specified in subparagraph (6) 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).
(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.	The proportion mentioned in subparagraph (5) 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).	—
(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 subparagraph (5) below of the period of pensionable service by reference to which that reduction was

<i>Condition</i>	<i>Half-rate service</i>	<i>Mixed-rate service</i>
		determined (including any fraction of a year disregarded for that purpose).

(4) In this paragraph (including the tables) any reference to service is a reference to service as a member or as a regular policeman in Great Britain.

(5) The proportion referred to in entries (f) and (g) in Table B shall be the proportion which the husband's actual service—

(a) on or after 1st April 1972, in the case of entry (f) in Table B, or

(b) on or after 1st April 1956, in the case of entry (g) in Table B,

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 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 member he had already served as aforesaid, the said proportion shall be the whole.

(6) The proportion referred to in entries (d) and (e) in Table B 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 member 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 member before 1st January 1989 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.

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

*Widow whose husband ceased to serve before 1st January 1989*

9.—(1) This paragraph shall apply in the case of a widow of a member who ceased to serve before 1st January 1989.

(2) In the case of such a widow, regulation E4 shall have effect as if paragraph (6) thereof were omitted.

### **Widow's pension in case of post-retirement marriage**

*Widow whose husband ceased to serve before 1st January 1989*

10.—(1) This paragraph shall apply in the case of a widow of a member who ceased to serve before 1st January 1989.

(2) Where such a widow is entitled to a pension under regulation C5(2), regulation E8 shall apply in relation to that pension as if, in paragraph (1) thereof, the words "and, for the purposes" to the end were omitted.

## **PART III**

### **CHILDREN'S AWARDS**

#### **Child's ordinary allowance**

*Child whose parent retired before 1st January 1989*

1.—(1) This paragraph shall apply in the case of the child of a member who retired before 1st January 1989.

(2) In the case of such a child, regulation D1(1) (*child's ordinary allowance*) shall have effect as if the words "except that" to the end were omitted.

(3) In the case of such a child, paragraph 1 of Part I of Schedule D (*child's ordinary allowance*) shall have effect as if the provisions for the reduction of a pension to be ignored for the purposes of sub-paragraph (4) in pursuance of sub-paragraph (5)(b)(ii) thereof included those of regulation B7(8)(b) (*commutation*).

*Transitional modification of Part I of Schedule D*

2.—(1) This paragraph shall apply in the case of a child whose father was serving as a member or entitled to a pension other than a deferred pension either—

(a) on 1st September 1973, or

(b) at the date of his death where that date is before 1st December 1973,

where neither he nor his widow exercised any right of election accorded by regulation 51, 52, 54 and 55 of the regulations of 1973.

(2) Where this paragraph applies, Part I of Schedule D shall have effect as if for any reference in paragraph 1 or 2 thereof to the relevant parent's pension or notional pension there were substituted a reference to the amount specified in the following sub-paragraph and as if paragraph 3 were omitted.

(3) The reference in sub-paragraph (2) to the amount specified in this sub-paragraph is, subject to sub-paragraph (4), the difference between the two following amounts, namely—

(a) an amount which is the aggregate of—



- (i) an amount equal to a sixtieth of the father's average pensionable pay multiplied by the period in years of his pensionable service up to 20 years,
  - (ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;
  - (b) an amount calculated as aforesaid but by reference only to the father's pre-1972 pensionable service.
- (4) Where the father's pensionable service exceeds 30 years, then there shall be reduced by that excess—
- (a) his pensionable service taken into account for the purposes of sub-paragraph (3)(a);
  - (b) his pre-1972 pensionable service taken into account for the purposes of sub-paragraph (3)(b).
- (5) In this paragraph 'pre-1972 pensionable service' has the meaning assigned thereto by paragraph 5(4) of Part II of this Schedule.

*Child whose relevant parent died before 1st September 1973*

3.—(1) This paragraph shall apply in the case of the child of a member who died before 1st September 1973.

(2) Where the relevant parent was the child's only surviving parent or in respect of any period after the death of the child's other parent, the child's ordinary allowance determined—

- (a) in accordance with paragraphs 2 and 4 of Part I of Schedule D, or
- (b) in accordance with paragraph 5 of the said Part I,

may be paid in accordance with paragraph 2 of Part I of Appendix III to the Schedule to the 1949 Order.

**Child's accrued allowance**

*Transitional modification of Part III of Schedule D*

4.—(1) This paragraph shall apply in the case of a child where the relevant parent is the father and he both—

- (a) was not entitled to his deferred pension in pursuance of paragraph 7(6)(b) of Part I of this Schedule, and
- (b) was entitled to reckon pensionable service otherwise than—
  - (i) by reason of service as a member or as a regular policeman in Great Britain on or after 1st April 1972, or
  - (ii) by virtue of regulation 16 and the proviso to regulation 17(1) by reason of a period of relevant service in the armed forces on or after 1st April 1956.

(2) Where this paragraph applies, Part III of Schedule D shall have effect as if for any reference in paragraph 2(1) thereof to the relevant parent's deferred pension were a reference to the proportion thereof specified in sub-paragraph (4).

(3) In accordance with sub-paragraph (2), where this paragraph applies, paragraphs 1(2) and (3) and 2(2) and (3) of Part I of Schedule D as applied by Part III thereof shall have effect without regard to paragraph 2 of this Part but as if for any reference therein to the relevant parent's pension or notional pension there were substituted a reference to the proportion specified in the following sub-paragraph of a deferred pension calculated in accordance with paragraph 2(2) of the said Part III.

(4) The reference in sub-paragraphs (2) and (3) to the proportion specified in this sub-paragraph are references to the proportion which the relevant parent's half-rate service (within the meaning of paragraph 7(2) of Part II of this Schedule) bears to the pensionable service reckonable by him.

### Limitations on child's award

#### *Child's allowance or special gratuity*

5.—(1) This paragraph shall apply in the case of a child who is permanently disabled where the relevant parent (within the meaning of regulation D5) ceased to be a member before 15th March 1984.

(2) Where this paragraph applies nothing in regulation D5 shall preclude the grant of a child's allowance or special gratuity if the child was permanently disabled at the date of the relevant parent's death.

(3) Where this paragraph applies nothing in regulation D5 shall preclude the payment of a child's allowance if—

- (a) he has not attained the age of 19 years, or
- (b) he has attained the age of 19 years and has been permanently disabled throughout the period after his attaining that age or, where later, after the death of the relevant parent.

### Gratuity in lieu of child's allowance

#### *Child whose relevant parent ceased to serve before 1st January 1989*

6.—(1) This paragraph shall apply in the case of the child of a member who ceased to serve before 1st January 1989.

(2) In the case of such a child, regulation E5 shall have effect as if paragraph (5) were omitted.

## PART IV

### PENSIONABLE SERVICE

#### Member who ceased to serve before 24th January 1975

#### *Application of paragraphs 2 and 3 and reckoning of service etc for purposes of awards*

1.—(1) This paragraph and paragraphs 2 and 3 shall apply in the case of a member who ceased to serve as such before 24th January 1975.

(2) For the purposes of calculating an award payable to or in respect of such a member, regulation A8 shall have effect subject to paragraphs 2 and 3 (without prejudice, however, in the case of an ordinary pension payable to such a widow as is mentioned in paragraph 2 of Part II of this Schedule, to the provisions of paragraph 5(5) of that Part).

#### *Periods to be computed in completed years*

2.—(1) This paragraph shall apply for the purposes mentioned in paragraph 1(2)—

- (a) in the case of—
  - paragraphs 2 and 3 of Part III of Schedule B,
  - Part IV of Schedule B,
  - paragraph 1(4) of Part VII of Schedule B,
  - paragraph 5(3) of Part II of this Schedule, and
  - paragraph 2(4) of Part III of this Schedule;
- (b) without prejudice to paragraph 3(3), in the case of—
  - Part II of Schedule B,
  - paragraph 4 of Part III of Schedule B,
  - paragraph 3 of Part VI of Schedule B,

paragraph 5(1) of Part II of this Schedule, and paragraph 2(3) of Part III of this Schedule;

- (c) without prejudice to paragraph 3(5), in the case of—  
 paragraph 8 of Part II of this Schedule,  
 paragraph 3 of Part III of this Schedule,

(2) Save as otherwise provided in paragraph 3(3) or (5), in the case of the provisions listed in sub-paragraph (1), a period shall be computed in completed years, and, accordingly, a part of a year shall be ignored.

*Periods to be computed in completed half-years*

3.—(1) This paragraph shall, in the case of the provisions hereinafter mentioned, apply for the purposes mentioned in paragraph 1(2).

(2) In the case of paragraph 1 of Part I of Schedule B, the period in years by which a period exceeds 25 years shall be computed in half-years.

(3) In the case of the provisions listed in paragraph 2(1)(b) of this Part, the period in years by which a period exceeds 20 years shall be computed in half-years.

(4) In the case of paragraph 5(2)(b) of Part II of this Schedule, a half of a person's pre-1972 pensionable service shall be computed in half-years.

(5) In the case of the provisions listed in paragraph 2(1)(c) of this Part, in so far as a period exceeds 20 years it shall be computed in half-years.

(6) Where in accordance with any of the preceding sub-paragraphs a period falls to be computed in half-years, it shall be computed in completed half-years and accordingly—

- (a) a part of a year less than half shall be ignored, and  
 (b) a period of a year exceeding a half shall be treated as a half.

**Member with service or employment both before, and on or after 6th April 1978**

*Application of regulation F5 to member who has relinquished deferred pension under paragraph 7 of Part I of this Schedule*

4.—(1) This paragraph shall apply in the case of such a member as is mentioned in sub-paragraph (1) of paragraph 7 of Part I of this Schedule ("the principal paragraph") who—

- (a) has exercised the right of election conferred by sub-paragraph (2) of that paragraph and has become entitled to such a deferred pension as is mentioned in sub-paragraph (6)(b) thereof, but  
 (b) has relinquished his entitlement to that pension by written notice given to the Police Authority for the purposes of regulation F5 (*previous service reckonable on payment*).

(2) In the case of such a member, no account shall be taken for the purposes of regulation F5(3) of any additional or further contributions or of any additional or further payment by way of a lump sum of which account was taken for the purposes of an award under the principal paragraph by way of repayment of his aggregate contributions.

**Member who became such before 1st January 1989**

*Calculation of pensionable service reckonable under regulation F6*

5.—(1) This paragraph shall apply in the case of a member entitled to reckon pensionable service under regulation F6 by virtue of the receipt by the Police Authority of a transfer value which was paid or became payable before 1st January 1989.

(2) In relation to such a member the reference in paragraph 1(2) of Section 2 of Part II of Schedule F to state retirement pensions shall be construed as a reference to state retirement pensions under section 28 of the Social Security (Northern Ireland) Act 1975(a), section 24 of the Social Security Act 1973(b) or section 29 of the National Insurance Act (Northern Ireland) 1966(c).

#### PART V

#### TRANSFER VALUES

##### Person who ceased to be a member before 1st April 1977

*Transfer value in respect of person who ceased to be a member before 1st April 1977*

1.—(1) This paragraph shall apply in the case of a member who ceased to serve as a member before 1st April 1977 and in respect of whom a transfer value is payable.

(2) In the case of such a member, in calculating a transfer value in accordance with Sections 1 and 3 of Part II of Schedule F, he shall be treated for the purposes of determining the increase in the transfer value under paragraph 10(2) of the said Section 1 as if he had ceased to be a member on 1st April 1977 but the transfer value shall be further increased by an amount equal to compound interest thereon (disregarding the increase under the said paragraph 10(2)) at the rate of 6% for each complete year in the period beginning with the date he ceased to be a member and ending with 31st March 1977 (disregarding any fraction of a year).

*Transfer value in respect of a member who ceased to serve before 24th January 1975*

2.—(1) This paragraph shall apply in the case of a member who—

- (a) ceased to serve as a member before 24th January 1975;
- (b) was entitled to reckon less than a year's pensionable service immediately before he ceased so to serve, and
- (c) in respect of whom a transfer value is payable under regulation F7 or F8.

(2) In respect of such a member a transfer value calculated in accordance with Sections 1 and 3 of Part II of Schedule F shall be the appropriate proportion of the transfer value which would have been payable under regulation F7 or F8 if he had been so entitled to reckon a year's pensionable service, that is to say, the proportion which the pensionable service he was so entitled to reckon bears to a year.

#### PART VI

#### PENSIONABLE PAY AND CONTRIBUTIONS ETC

##### Notional pensionable pay

*Certain senior officers with service on or after 1st August 1975*

1.—(1) This paragraph shall apply in the case of a member of a rank above that of superintendent who has served as such during a period beginning on or after 1st August 1975 ("the relevant period").

(2) Notwithstanding anything in these regulations, an award to or in respect of such a member shall not be less than it would have been had the pay to which he was entitled as a member, in respect of the relevant period, fallen to be calculated in accordance with the scale of pay in force immediately before 1st August 1975 for a member holding the rank, or the rank and office, held by him during the relevant period:

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(a) 1975 c. 15  
 (b) 1973 c. 38  
 (c) 1966 c. 6 (N.I.)

Provided that where the award is an ordinary pension which falls to be reduced in accordance with paragraph 6 of Part VIII of Schedule B, the reduction shall be calculated without regard to this paragraph.

*Member with service between 31st August 1978 and 1st May 1979*

2.—(1) This paragraph shall apply in the case of a member who has served as such for any period beginning on or after 1st September 1978 and ending before 1st May 1979 (“the relevant period”).

(2) Notwithstanding anything in these regulations, an award to or in respect of such a member shall be calculated as if the pay to which he was entitled in respect of the relevant period had been that to which a member would have been entitled in respect of a corresponding period beginning with 1st May 1979, disregarding any increase in pay which took effect after that date, if his circumstances had been identical to those during the relevant period of the member concerned.

## PART VII

### GENERAL PROVISION

*References to Social Security (Northern Ireland) Act 1975 in relation to time before its coming into force*

1. This part shall apply in the case of—

- (a) a member who ceased to serve as such before the coming into force of the provisions of the Social Security (Northern Ireland) Act 1975 referred to in paragraph 4 of Part V of Schedule B (*member's injury award*), or
- (b) a widow whose husband died before the coming into force of the provisions of that Act referred to in paragraph 2 of Part II of Schedule C (*widow's special pension*).

2. In the case of any such member or any such widow, any reference in paragraph 4 of Part V of Schedule B or, as the case may be, paragraph 2 of Part II of Schedule C to a provision of the said Act of 1975 shall, in relation to a time before the coming into force thereof, be construed as including a reference to the corresponding enactment then in force and, accordingly, any such reference to a provision of the said Act of 1975 specified in the first column of the following table shall be so construed as including a reference to the enactment specified opposite thereto in the second column of that table.

TABLE

<i>Provision of Social Security (Northern Ireland) Act 1975</i>	<i>Corresponding earlier enactment</i>
Section 14	Section 18 of the National Insurance Act (Northern Ireland) 1966(a) or section 10 of the Social Security Act 1973(b)
Section 15	Article 3 of the Social Services (Parity) Order (Northern Ireland) 1971(c) or section 11 of the Social Security Act 1973

(a) 1966 c. 6 (N.I.)

(b) 1973 c. 38

(c) S.R. & O. (N.I.) 1971 No. 224

Section 26	Section 27 of the National Insurance Act (Northern Ireland) 1966 or section 21 of the Social Security Act 1973
Section 57	Section 12 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(a)
Section 58	Section 13 of the said Act of 1966
Section 59	Section 13A of the said Act of 1966
Section 60	Section 14 of the said Act of 1966
Section 62	Section 16 of the said Act of 1966
Section 64	Section 17 of the said Act of 1966
Section 66	Section 18 of the said Act of 1966
Section 67	Section 19 of the said Act of 1966
Part I of Schedule 4	Schedule 3 to the National Insurance Act (Northern Ireland) 1966 or Part I of Schedule 4 to the Social Security Act 1973

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(a) 1966 c. 9 (N.I.); s. 13A inserted by S.R. & O. (N.I.) 1971 No. 224, Art. 9

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations consolidate, with amendments, the Royal Ulster Constabulary Pensions Regulations 1973 and the regulations amending those regulations. Those regulations are revoked by the Royal Ulster Constabulary Pensions (Supplementary Provisions) Regulations 1988 (S.R. 1988 No. 375), which also provide for the present regulations to come into operation on 1st January 1989 and contain transitional provisions.

Some apparent changes constitute no more than the omission of spent provisions. For example, Part G is considerably shorter than Part VI of the 1973 regulations, because all the provisions which related to the making of elections and the payment of lump sums (which had to be completed in 1973) have been omitted.

There are apparent changes which constitute no more than the spelling out of something which was to be implied in the regulations of 1973. Regulation A8(2) is an example of such an express provision.

A number of changes however, affect the substance of the regulations.

Under regulation B1, senior officers who have reached the age of 55 years will, if they give the Police Authority 3 months' notice, be entitled to retire without seeking the consent of the Police Authority. Regulations A15, B7 and B9 have been changed to take account of this entitlement. These changes are effective from 25th October 1984 (paragraph 2 of Part I of Schedule J makes provision for the treatment of members who retired before that date).

Under regulation B7, the time at which a member of the Constabulary may commute a portion of a pension which does not come into payment immediately on his retirement is related to the date on which it comes into payment and not his retirement date (transitory provisions are contained in paragraph 3 of Part I of Schedule J). Paragraph (4)(a)(ii) of that regulation provides that, in determining the portion of a pension which may be commuted, any reduction at state pensionable age is to be disregarded (see, also, as respects both commutation and allocation, regulation B10). The provisions of regulation B8 relating to the commutation of small pensions apply to pensions of an annual amount not exceeding £104, instead of £52.

Where a member retired with an entitlement to an ill-health gratuity which he relinquished on transferring his pension rights to some other scheme, under regulation C1 his widow is no longer entitled to an ordinary pension should he die from the disablement which occasioned his retirement (the widows of members who have already retired are protected by paragraph 1 of Part II of Schedule J). Regulation D1 (and paragraph 1 of Part III of Schedule J) provides similarly in the case of a child's ordinary allowance.

The amount of the gratuity payable under regulation C2 to the widow of a serving member who dies from injuries received in the execution of duty is

increased from an amount equal to one quarter of his average pensionable pay to an amount equal to either (a)  $1\frac{1}{4}$  times his average pensionable pay or (b) one quarter of his average pensionable pay together with an amount equal to  $2\frac{1}{4}$  times the annual rate of pension he would have received had he retired on the ground of permanent disability, whichever would be the greater. Provision is made for abating the gratuity where the husband was entitled to an injury gratuity under regulation B4. This increase is effective from 25th November 1982 (Paragraph 6 of Part II of Schedule J makes provision for the treatment of a widow whose husband died in service before that date).

Under regulation C4, a widow is entitled to an accrued pension even though her husband's deferred pension may have been commuted under regulation B8.

Regulation E2 permits the granting of a gratuity to a dependent relative notwithstanding that an award is payable under regulation B9(9).

Changes are made in regulations E4, E5 and E6 as respects the commutation of a widow's pension or child's allowance for a gratuity (paragraph 9 of Part II, and paragraph 6 of Part III, of Schedule J contain safeguards where the husband or parent has already ceased to serve).

Regulation E7 relaxes the provisions as respects the non-duplication of awards to widows and children where the awards are in respect of different members or different periods of service.

Changes are made in regulation E8 affecting the increase of a widow's pension during the first 13 weeks of widowhood (see, also, regulation C6 and paragraph 10 of Part II of Schedule J).

A member who is entitled to a deferred pension is excluded from the benefit of regulation K1(5) and a payment thereunder takes account of any pension entitlement under regulation J1 (see, however, paragraph 4 of Part I of Schedule J).

Regulation L4 increases the amount which may be paid without probate where a person entitled to an award dies.

Part V of Schedule B provides (subject to paragraph 6 of Part I of Schedule J in the case of a member who has already ceased to serve) that in calculating an injury award account shall be taken of a social security severe disablement allowance or of sickness benefit payable by virtue of section 50A of the Social Security (Northern Ireland) Act 1975 (1975 c. 15, as amended by S.I. 1982/1084 (N.I. 16), Art. 32).

The provisions of Part IV of Schedule C relating to a widow's award in case of a post-retirement marriage deal with an exceptional case not dealt with by the regulations of 1973.

Paragraph 1(2) of Part I of Schedule D increases the maximum rate of child's ordinary allowance to 18.75% of the relevant parent's pension or notional pension. This increase is effective from 25th October 1984.



Paragraph 1(5)(b) of Part I of Schedule D incorporates changes which, in particular circumstances, are favourable to a child entitled to an ordinary allowance. (Where changes might prove unfavourable, paragraph 1(3) of Part III of Schedule J contains safeguards where the parent has already ceased to serve).

Part III of Schedule E enables a child with no parent or guardian himself to agree the amount of a gratuity under regulation E5.

A change of limited application is made in paragraph 8 of Part I of Schedule J as respects members who might become entitled to a pension by way of equivalent pension benefit.

Changes of limited application are made in Part II of Schedule J as respects widow's ordinary pensions.

Where applicable retrospective effect is authorised by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972.

The regulations apply to auxiliary members who were permanent members of the Ulster Special Constabulary as they apply to members of the Royal Ulster Constabulary. The pension contributions of other auxiliary members and the range of awards for which their service qualifies are the same as when the persons concerned were "mobilised" members of the Ulster Special Constabulary.