



## CHAPTER 24.

An Act to make provision as to the pensions to be paid to and in respect of members of police forces and as to the length of the period of their service, to amend and repeal with savings certain statutory provisions relating to the pensions to be paid to and in respect of members of police forces and as to the length of their service, and for purposes connected with the matters aforesaid. [24th March 1948.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Regulations to be made by the Secretary of State, with the consent of the Treasury and after consultation with the Police Council, shall make provision—

- (a) as to the pensions which are to be paid to and in respect of members of police forces, whether as of right or otherwise; and
- (b) as to the contributions in respect of pension rights which are to be made by members of police forces; and
- (c) as to the times at which and the circumstances in which members of police forces are or may be required to retire otherwise than on the ground of misconduct.

(2) Without prejudice to the generality of the provisions of the preceding subsection, any such regulations shall provide for the payment subject to the provisions of the regulations—

- (i) of pensions to and in respect of persons who cease to be members of a police force after having served for such period as may be prescribed by the regulations ;
- (ii) of pensions to and in respect of persons who cease to be members of a police force after such shorter period as may be prescribed by the regulations by reason of infirmity of mind or body ;
- (iii) of pensions to and in respect of persons who cease to be members of a police force by reason of injury received in the execution of their duty ;
- (iv) of pensions to and in respect of persons who cease to be members of a police force on the ground of age ; and
- (v) of pensions in respect of persons who die while serving as members of police forces,

and may provide that where a person ceases to be a member of a police force in order to undertake compulsory national service, the period of his compulsory national service and such further period, if any, as may be specified in the regulations may be treated, in such manner, to such extent and on such conditions as to contributions or otherwise as may be so specified, as a period of service as a member of a police force.

(3) Regulations made under this section may contain such consequential or incidental provisions as appear to the Secretary of State to be necessary or expedient, including, in particular, provision as to the cases in which pensions are to be varied, suspended or terminated, or are to be applied otherwise than by being paid to the persons to whom they were awarded.

(4) Without prejudice to the generality of the preceding provisions of this section, regulations made under this section may contain such provision as appears to the Secretary of State to be necessary or expedient in relation to a person who transfers from or to service in a police force to or from other service or employment, whether in a police force or not, including provisions enabling that other service or employment to be reckoned in whole or in part as service in a police force and provisions authorising or requiring payments to be made by or to the person or into or out of the fund out of which a pension may become or might have become payable to or in respect of the person in question as a member of a police force, including payments of contributions, payments of transfer values, payments towards the burden of a pension payable by another person or out of another fund, or other payments directed to the creation or preservation of pension rights of the person in question.

(5) Regulations made under this section shall specify the persons by and to whom and the funds into or out of which pensions and contributions in respect of pension rights are to be payable, may provide for the establishment or continuance of special funds for the purpose, and, subject to the provisions of this subsection, may provide for payments of contributions or pensions, and such other payments as are mentioned in subsection (4) of this section, being made into the Exchequer or out of moneys provided by Parliament :

Provided that no regulations shall provide for payments into the Exchequer or out of moneys provided by Parliament except in relation to a person who is or has been such a person as is mentioned in subsection (1) of section one of the Police (Overseas Service) Act, 1945, or any other person whose salary or remuneration is or was wholly or partly payable out of moneys provided by Parliament or who is or may become entitled to or eligible for a pension so payable, so, however, that regulations shall not be treated for the purpose of this proviso as providing for payments out of moneys provided by Parliament by reason only that, as a result of the making of the regulations, an increased sum may be payable out of moneys provided by way of a grant towards the expenses of a police force.

(6) Nothing in this section or in any regulations made thereunder shall affect any of the provisions of the National Insurance Act, 1946, or the National Insurance (Industrial Injuries) Act, 1946.

(7) Any power to make regulations under this section shall be exercisable by statutory instrument, and before any such instrument is made, a draft of the regulations shall be laid before each House of Parliament, and the instrument shall not be made until that draft has been approved by resolution of each House.

2.—(1) Any regulations made under section one of this Act shall be so framed as to ensure—

(a) that the times at which an existing member of a police force is or may be required under those regulations to retire on the ground of age do not, unless he at any time elects otherwise, differ from those which would have been applicable in his case if those regulations had not come into force ; and

(b) that the scale of pensions payable under those regulations to an existing member of a police force who ceases to be a member of that police force either—

(i) after having served for any period prescribed by those regulations ; or

Protection  
of serving  
members.

(ii) by reason of infirmity of mind or body after having served for any shorter period so prescribed, not being infirmity due to injury received in the execution of his duty,  
is not, unless he elects otherwise within such time and in such manner as may be prescribed in those regulations, less favourable than the scale applicable in his case immediately before the coming into force of those regulations.

In this subsection, the expression "existing member," in relation to any police force, means a person who is serving in that police force at the date when the regulations in question come into force.

(2) Regulations made under the said section one shall not be invalid by reason that in fact they do not secure the results specified in the preceding subsection, but if the Secretary of State is satisfied, or it is held by the High Court or by the Court of Session, that any such regulations have failed to secure those results, the Secretary of State shall so soon as may be make under the said section one the necessary amending regulations, and any such amending regulations shall have effect as from the date of the coming into force of the regulations which they amend.

Application  
of regulations.

3.—(1) Subject to the provisions of the last preceding section and of this subsection, any regulations made under section one of this Act may be so framed as to apply in relation to persons who, at the date when the regulations come into force are, or thereafter become, members of any police force, and also so as to apply to pensions granted on the death of a person who had ceased to be a member of a police force before the said date, where the death occurs on or after the said date and also so as to authorise or require the payment of pensions or increased pensions to widows and children of persons dying before the said date (whether before or after the passing of this Act) where the deceased had been a member of a police force and, in the case of a widow, where the marriage was in existence when he ceased (whether on death or otherwise) to be a member thereof :

Provided that nothing in any such regulations shall—

- (a) affect any pension granted on the retirement of any person if the retirement occurred before the said date, notwithstanding that that person is on the said date, or thereafter becomes, again a member of a police force ; or
- (b) affect any pension granted by virtue of subsection (3) of section four of the Police and Firemen (War Service) Act, 1939, if the expiration of the period (or last period, if more than one) which, by virtue of subsection (1)

2 & 3 Geo. 6.  
c. 103.

of section two of that Act, is treated as a period of approved service in the case of the person in question is before the date of the coming into force of the first regulations so made as aforesaid ; or

- (c) apply to any pension to or in respect of a person to whom the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations, 1941, apply ; or
- (d) apply to any pension to any person who, having formerly been a member of a police force, is at the date of the coming into force of the first regulations so made as aforesaid serving in any capacity mentioned in paragraph (i) of subsection (1) of section ten of the Police Pensions Act, 1921, and does not thereafter again become a member of a police force ;

11 & 12 Geo. 5  
c. 31.

and the pensions enactments in force immediately before the coming into force of the first regulations so made as aforesaid shall (subject, in the case of the pensions mentioned in paragraph (c) of this proviso, to the provisions of any regulations made under the Fire Services Act, 1947) continue to apply in relation to such pensions as are mentioned in this proviso as though the provisions of this Act (other than the two next succeeding sections) had not been passed.

10 & 11 Geo. 6  
c. 41.

(2) A person who, before the date of the coming into force of the first regulations made under section one of this Act, has ceased to be a member of a police force in order to undertake any service by virtue of which he is a person to whom section one of the Police and Firemen (War Service) Act, 1939, applies, or in order to undertake compulsory national service, shall, in such circumstances and to such extent as may be provided by regulations so made, be treated as if he were at that date still a member of a police force.

(3) The provisions of this Act shall—

- (a) have effect as if commissioners and assistant commissioners of the metropolitan police force and commissioners of the City of London police force were members of those forces respectively ; and
- (b) in relation to any person who at the date of the coming into force of the first regulations made under section one of this Act is or has been the surgeon of the City of London police force or a clerk or other person employed in or in connection with that force, have effect as if such surgeons, clerks or other persons employed in or in connection with that force were members thereof ;

and references in this Act to membership of a police force shall be construed accordingly.

(4) On the coming into force of the first regulations made under section one of this Act, the Acts specified in Part I of the First Schedule to this Act and the rules and regulations specified in Part II of that Schedule, shall, save as provided in the proviso to subsection (1) of this section, cease to have effect to the extent specified in those Parts of that Schedule respectively, except so far as the contrary may be provided by the first mentioned regulations; and the enactments mentioned in Part III of that Schedule shall, save as aforesaid and except so far as the contrary may be so provided, have effect subject to the provisions of the said Part III, being provisions consequential on the repeals effected by the preceding provisions of this subsection.

Forfeiture  
of pensions.

4.—(1) Every pension granted under regulations made under this Act is granted, and every pension (whether described as a pension or as an allowance) granted under any of the enactments specified in Part I of the First Schedule to this Act shall be deemed to have been granted, only upon condition that it may be forfeited by the police authority in any of the following cases, that is to say, if the grantee—

- (a) is convicted of any offence and is sentenced to penal servitude or to imprisonment for a term exceeding twelve months; or
- (b) enters into or continues to carry on any business, occupation or employment which is illegal, or in which the grantee has made use of the fact of former employment in a police force in a manner which is discreditable or improper; or
- (c) supplies to any person or publishes in a manner which is discreditable or improper any information which the grantee had obtained in the course of employment in a police force; or
- (d) solicits or, without the consent of the police authority, accepts directly or indirectly any testimonial or gift having any pecuniary value on retirement from the police force or otherwise in connection with his service in a police force; or
- (e) enters into or continues in any business, occupation or employment as a private detective, after the police authority have given him notice in writing requiring him on any reasonable grounds not to do so:

Provided that a pension shall not be forfeited under paragraph (b) of this subsection unless reasonable warning has previously been given in writing by the police authority.

(2) A forfeiture under this section may affect the pension wholly or in part, and may be permanent or temporary as the police authority may determine.

(3) Save as aforesaid, such a pension as aforesaid shall not be capable of being forfeited :

Provided that where a pension granted under any of the enactments specified in Part I of the First Schedule to this Act has been forfeited before the passing of this Act, nothing in this Act shall affect the validity of the forfeiture, and the provisions of the Police Pensions Act, 1921, shall apply in relation to the forfeiture as if this Act had not passed.

(4) The preceding provisions of this section shall apply in relation to the rules and regulations specified in Part II of the First Schedule to this Act as it applies in relation to the enactments specified in Part I of that Schedule, subject, however, to any necessary adaptations.

(5) Section fifteen of the Police Pensions Act, 1921, is hereby repealed.

5.—(1) If any person (other than a person such as is mentioned Appeals. in subsection (1) of section one of the Police (Overseas Service) Act, 1945), is aggrieved by—

- (a) the refusal of the police authority to admit a claim to receive as of right a pension, or a larger pension than that granted, under the regulations made under this Act ; or
- (b) the forfeiture, under the provisions in that behalf contained in this Act, of any pension granted to him, whether under the regulations made under this Act or under any of the enactments specified in Part I of the First Schedule to this Act,

he may appeal to a court of quarter sessions and that court, after enquiring into the case, may make such order in the matter as appears to the court to be just :

Provided that—

- (a) nothing in this section shall confer a right to appeal against anything done by the police authority in the exercise of any power which is conferred on them by regulations under this Act and is expressly declared by those regulations to be a power which they are to exercise in their discretion ;
- (b) regulations made under this Act may provide, in relation to questions arising out of those regulations, for the reference of any such matter as is specified in the regulations, either by the police authority or by the court, to a medical practitioner, whose decision thereon shall, subject to such rights of appeal as may be provided by the regulations to such tribunal as may be constituted thereunder, be final on the matter so referred.

(2) The court of quarter sessions to which a person may appeal under the preceding subsection shall be—

- (a) if he last served in the metropolitan police force, the court of quarter sessions for the County of London ;
- (b) if he last served in the City of London police force, the court of quarter sessions for the City of London ;
- (c) if he last served in the police force of a borough having a separate police force and a separate court of quarter sessions, the court of quarter sessions for that borough ;  
or
- (d) in any other case, the court of quarter sessions for the county in which he last served in a police force.

(3) An appeal shall lie on a point of law from any decision of a court of quarter sessions under this section to the High Court in accordance with rules of court and the decision of the High Court shall be final.

(4) The Secretary of State shall by regulations made under section one of this Act make provision as to the court or other person by whom appeals by persons such as are mentioned in subsection (1) of section one of the Police (Overseas Service) Act, 1945, who are aggrieved by any refusal of the Secretary of State to admit such a claim, or by any such forfeiture, as is mentioned in subsection (1) of this section are to be heard and determined, and the proviso to subsection (1) of this section shall with any necessary adaptations apply in relation to any such appeal.

(5) In the application of this section to Scotland, for any reference to a court of quarter sessions there shall be substituted a reference to the sheriff having jurisdiction in the place where the person concerned last served as a member of a police force, and for any reference to the High Court, there shall be substituted a reference to the Court of Session.

(6) Paragraph (a) of subsection (1) of section seventeen of the Police Pensions Act, 1921, is hereby repealed.

Amendment of  
Metropolitan Police  
Act, 1933.  
23 & 24 Geo. 5.  
c. 33.

6. Subsection (1) of section four of the Metropolitan Police Act, 1933 (which authorises the appointment of short service constables) is hereby repealed.

Miscellaneous  
provisions.

7.—(1) Every assignment of or charge on a pension granted under the regulations made under section one of this Act, and every agreement to assign or charge such a pension, shall, except so far as it is made for the benefit of the family of the pensioner, be void, and on the bankruptcy of the pensioner such a pension shall not pass to any trustee or other person acting on behalf of the creditors.



(2) If any person obtains or attempts to obtain for himself or any other person any pension under any such regulations as aforesaid by means of any false declaration, false certificate, false representation, false evidence or personation, or by malingering or feigning disease or infirmity, or by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, or by any other fraudulent conduct, he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds.

8.—(1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say— Interpretation.

“ compulsory national service ” means service in any of the armed forces of the Crown undertaken by virtue of an enlistment notice or a training notice served under the National Service Acts, 1939 to 1947, or work or training in pursuance of an order of a tribunal under section five of the National Service (Armed Forces) Act, 1939 (which relates to conscientious objectors); 2 & 3 Geo. 6.  
c. 81.

“ injury ” includes disease ;

“ pension ”, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a lump sum or a gratuity so payable and a return of contributions ;

“ pension rights ” includes, in relation to any person, all forms of right to, or eligibility for, the present or future payment of a pension to or in respect of that person ;

“ police authority,” in relation to any regulations made under the Police (Overseas Service) Act, 1945, means the Secretary of State, and in any other case has the same meaning as in section thirty of the Police Pensions Act, 1921 ;

“ police force ” means any police force maintained for any police area mentioned in the Third Schedule to the Police Pensions Act, 1921, or maintained by virtue of any scheme under the Police Act, 1946, or under the Police (Scotland) Act, 1946, and, in respect of persons such as are mentioned in subsection (1) of section one of the Police (Overseas Service) Act, 1945, any body in which such persons are serving. 9 & 10 Geo. 6.  
c. 46.  
9 & 10 Geo. 6.  
c. 71.

(2) Except so far as the context otherwise requires, any reference in this Act to any other Act or to any rules or regulations shall be construed as a reference to that Act or those rules or regulations as amended by or under any other Act, including this Act.

Short title,  
repeals and  
extent.

9.—(1) This Act may be cited as the Police Pensions Act, 1948.

(2) The enactments specified in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule with effect from the passing of this Act.

(3) This Act shall not extend to Northern Ireland:

Provided that this subsection shall not be construed as preventing any regulations such as are referred to in subsection (4) of section one of this Act from requiring payments to be made to a person or into a fund in Northern Ireland.

## SCHEDULES.

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### FIRST SCHEDULE.

Section 3.

REPEALS TO COME INTO EFFECT WITH SAVINGS ON MAKING OF  
REGULATIONS AND PROVISIONS CONSEQUENTIAL ON  
THOSE REPEALS.

#### PART I.

##### *Acts Repealed.*

- |  |                              |
|--|------------------------------|
| 1. <i>The Metropolitan Police Act, 1829.</i><br>In section twelve, the words "or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service." | 10 Geo. 4. c. 44.            |
| 2. <i>The County and Borough Police Act, 1859.</i><br>Section twenty-two.  | 22 & 23 Vict.<br>c. 32.      |
| 3. <i>The Police Superannuation Act, 1865.</i><br>The whole Act.   | 28 & 29 Vict.<br>c. 35.      |
| 4. <i>The Lincolnshire Police Superannuation Act, 1888.</i><br>Sections four and five.   | 51 Vict. c. ix.              |
| 5. <i>The Police Reservists (Allowances) Act, 1914.</i><br>Subsection (2) of section one.  | 4 & 5 Geo. 5.<br>c. 34.      |
| 6. <i>The Police Constables (Naval and Military Service) Act, 1914.</i><br>The whole Act.  | 4 & 5 Geo. 5.<br>c. 80.      |
| 7. <i>The Police (Emergency Provisions) Act, 1915.</i><br>The whole Act.   | 5 & 6 Geo. 5.<br>c. 41.      |
| 8. <i>The Police (Pensions) Act, 1918.</i><br>The whole Act.   | 8 & 9 Geo. 5.<br>c. 51.      |
| 9. <i>The Police Act, 1919.</i><br>In subsection (1) of section four the word "pensions"; section five; and in section fourteen the word "pensions".   | 9 & 10 Geo. 5.<br>c. 40.     |
| 10. <i>The City of London (Various Powers) Act, 1920.</i><br>Sections twelve and thirteen.   | 10 & 11 Geo. 5.<br>c. xxvii. |
| 11. <i>The Police Pensions Act, 1921.</i><br>The whole Act except so much of section thirty as precedes the provisos thereto, subsection (1) of section thirty-five and the Third Schedule.  | 11 & 12 Geo. 5.<br>c. 31.    |
| 12. <i>The Police Pensions Act, 1926.</i><br>The whole Act.  | 16 & 17 Geo. 5.<br>c. 34.    |
| 13. <i>The Metropolitan Police Act, 1933.</i><br>Section two and subsection (2) of section four.   | 23 & 24 Geo. 5.<br>c. 33.    |

1ST SCH.  
—cont.  
2 & 3 Geo. 6.  
c. 103.

14. *The Police and Firemen (War Service) Act, 1939.*

In section two, the words "police force or", in both places where those words occur, the words "constable or" wherever those words occur, and the words "sections nine and twenty of the Police Pensions Act 1921 and"; in section three the words "constable or" wherever those words occur; subsection (1) of section four; in subsection (3) of section four, the words "police force or", the words "constable or" wherever those words occur, and the words "in the case of a constable, by an injury received in the execution of his duty as a constable without his own default and"; in subsection (4) of section four, the words "constable or" in both places where those words occur, and paragraph (i); in subsection (5) of section four, the words "(1) or", the words "constable or" in both places where those words occur and the words "subsection (1) or"; in section five, the words "constable or" in both places where those words occur; subsection (1) of section six; in subsection (2) of section ten the words "police force or", wherever those words occur, and the words "constable or"; in section eleven, the words "the Police Pensions Act, 1921 and"; in subsection (3) of section thirteen the words "constable or", wherever those words occur; and in section fourteen, in the definition of "appropriate pension enactment", the words "in relation to a person who has ceased to serve as a constable, means the Police Pensions Act, 1921, as amended by any subsequent enactment and".

7 & 8 Geo. 6.  
c. 21.

15. *The Pensions (Increase) Act, 1944.*

Paragraph 2 of Part II of the First Schedule.

7 & 8 Geo. 6.  
c. 22.

16. *The Police and Firemen (War Service) Act, 1944.*

In subsection (1) of section one (which substitutes a new section four for section four of the Police and Firemen (War Service) Act, 1939) the same words as are specified in paragraph 14 of this Part of this Schedule in relation to section four; in subsection (1) of section two the words "(1) or" and the words "constable or"; in subsection (2) of section two the words "constable or"; paragraph (a) of subsection (3) of section two; in subsection (1) of section three, the words "(1) and"; in subsection (3) of section three the words "police force or" and the words "constable or"; in subsection (1) of section four the words "constable or"; in section five the words "police force or" wherever those words occur and the words "constable or"; in subsection (2) of section six the words "constables or" in both places where they occur.

9 & 10 Geo. 6.  
c. 17.

17. *The Police (Overseas Service) Act, 1945.*

In subsection (2) of section one the words from "and may" to the end of the subsection; subsections (3) and (4) of the said section one; in subsection (1) of section two the words "subject to the provisions of any regulations made under section one of this Act" and the words "the Police Pensions Act, 1921, and of".

9 & 10 Geo. 6.  
c. 46.

18. *The Police Act, 1946.*

Paragraphs (b) and (c) of, and the proviso to, subsection (3) of section eleven, and subsections (4) and (5) of that section; paragraph 10 of the Second Schedule; and in the Third Schedule, paragraph 3 and sub-paragraph (2) of paragraph 5.

19. *The Police (Scotland) Act, 1946.*

Paragraphs (b) and (c) of, and the proviso to, subsection (2) of section seven, and subsections (3) and (4) of that section; paragraph 7 of the First Schedule; and paragraphs 3 and 4 of the Third Schedule.

1ST SCH.

—cont.

9 & 10 Geo. 6.  
c. 71.

20. *The Pensions (Increase) Act, 1947.*

Subsection (3) of section two.

10 & 11 Geo. 6.  
c. 7.

PART II.

*Rules and regulations repealed.*

1. *The Police War Reserve Rules, 1945.*

Rule 31.

2. *The Police War Reserve (Scotland) Rules, 1945.*

Rule 35.

3. *The Women's Auxiliary Police Corps Rules, 1945.*

Part VII.

4. *The Women's Auxiliary Police Corps (Scotland) Rules, 1945.*

Part VII.

5. *The Police (Overseas Service) (Germany) Regulations, 1947.*

Part II and the Second Schedule.

6. *The Police (Overseas Service) (Austria) Regulations, 1947.*

Part II and the Second Schedule.

7. *The Police (Overseas Service) (Greece) Regulations, 1948.*

Part II and the Second Schedule.

PART III.

*Provisions consequent on repeals.*

1. Regulations under this Act may amend subsection (4) of section four of the Police and Firemen (War Service) Act, 1944, (which relates to the period within which a constable may resume service without making a fresh declaration on accepting office as a constable) by substituting for the reference to any period which is to be treated as a period of approved service in his case by virtue of subsection (1) of section two of the Police and Firemen (War Service) Act, 1939, a reference to such other period as may be prescribed by or under the regulations.

2. The reference in subsection (1) of section two of the Police (Overseas Service) Act, 1945, to a pension, allowance or gratuity becoming payable to a person out of moneys provided by Parliament by virtue of regulations made under that Act shall be construed as including a reference to a pension (as defined for the purposes of this Act) payable by virtue of regulations made under this Act, being a pension which becomes payable in such circumstances as may be specified for the purposes of this paragraph by the last-mentioned regulations.

## Section 9.

## SECOND SCHEDULE.

ENACTMENTS REPEALED AS FROM THE PASSING  
OF THIS ACT.

Session and Chapter.	Short Title.	Extent of repeal.
11 & 12 Geo. 5. c. 31.	The Police Pensions Act, 1921.	Section fifteen and paragraph (a) of subsection (1) of section seventeen.
23 & 24 Geo. 5. c. 33.	The Metropolitan Police Act, 1933.	Subsection (1) of section four.

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