

1966 No. 1589

PENSIONS

**The Superannuation (Transfers between Police and
Metropolitan Police Staffs) Rules 1966**

Made - - - - - 17th December 1966

Laid before Parliament 30th December 1966

Coming into Operation 1st January 1967

The Secretary of State, in exercise of the powers conferred upon him by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948^(a) and of all other powers enabling him in that behalf, hereby makes the following Rules:—

PART I

 PROVISIONS RELATING TO OFFICERS TRANSFERRING FROM
POLICE SERVICE TO SERVICE WITH THE
METROPOLITAN POLICE STAFFS

- 1.—(1) This Part of these Rules shall apply to any person who—
- (a) becomes employed in relevant employment within twelve months after ceasing to be a regular policeman, or within twelve months after the date of the making of these Rules, whichever period last expires, or within such longer period as the Secretary of State may allow in any particular case; and
 - (b) has not become entitled to a pension other than a gratuity or a return of contributions in respect of his service as a regular policeman; and
 - (c) within three months after the date on which he becomes employed in relevant employment, or within six months after the date of the making of these Rules, whichever period last expires, or within such longer period as the Secretary of State may allow in any particular case, notifies the Secretary of State that he desires these Rules to apply to him and furnishes particulars of his previous pensionable employment; and
 - (d) within three months after the date on which he becomes employed in relevant employment or within six months after the date of the making of these Rules, whichever period last expires, or within such longer period as the Secretary of State may allow in any particular case, pays to the Secretary of State a sum equal to the amount of any award payable to him on ceasing to be a regular policeman, so however that where under

(a) 1948 c. 33.

the Police Pensions Regulations he had paid pension contributions at a rate related to 6¼% of his pensionable pay, or had paid additional contributions, within the meaning of those Regulations, the payment shall be of an amount equal to so much of the award as would have been payable had he paid such pension contributions at a rate related to 5% of his pensionable pay and had not paid such additional contributions.

(2) This Part of these Rules shall apply to such person as aforesaid notwithstanding that he ceased to be a regular policeman before the coming into operation of these Rules:

Provided that he has not become employed in relevant employment before the coming into operation of these Rules.

(3) In this Part of these Rules, a person to whom this Part of these Rules applies is referred to as "the officer", and the police authority maintaining the police force of which the officer was last a member is referred to as "the police authority".

2. If the Secretary of State receives from the police authority a transfer value in respect of the officer, then the pensionable service reckonable by him under the Police Pensions Regulations immediately before he ceased to be a regular policeman, increased by one-third, shall be reckoned for the purposes of the relevant Acts as service in relevant employment.

3.—(1) Where, by virtue of the officer's having undertaken to pay a sum by regular instalments under the Police Pensions Regulations, any period of previous service is reckonable by him as pensionable service for the purposes of those Regulations, that period of service shall not be taken into account for the purposes of the last preceding Rule, unless he pays to the Secretary of State by the instalments specified in paragraph (2) of this Rule a sum equal to the amount of any balance of the said sum which was outstanding immediately before he ceased to be a regular policeman or so much thereof as has not been deducted from any gratuity payable to him under the said Regulations on his ceasing to be a regular policeman.

(2) The sum payable by the officer under the preceding paragraph shall be paid by instalments of such amounts and payable at such times as the Secretary of State may determine in his case, being instalments which appear to the Secretary of State to correspond as nearly as may be with the instalments which would have been payable by him if he had continued to be a regular policeman.

4. Where the officer ceases to be employed in relevant employment in circumstances which do not render him eligible for a superannuation allowance under the relevant Acts, the Secretary of State may, provided that he has not been dismissed in consequence of an offence of a fraudulent character or of grave misconduct, pay to or in respect of him whichever is the greater of the following sums:—

- (a) a sum equal to the aggregate of the sum paid by him to the Secretary of State in accordance with Rule 1(1)(d) of these Rules and of any sum paid by him to the Secretary of State in accordance with Rule 3 of these Rules; or
- (b) such a sum as the officer may be eligible to receive or as may be paid in respect of him under the relevant Acts by way of a short service gratuity or a death gratuity.

PART II

PROVISIONS RELATING TO OFFICERS TRANSFERRING

FROM THE METROPOLITAN POLICE STAFFS TO POLICE SERVICE

5.—(1) This Part of these Rules shall apply to any person who—

- (a) becomes a regular policeman within twelve months after ceasing to be

employed in relevant employment, or within twelve months after the date of the making of these Rules, whichever period last expires, or within such longer period as the Secretary of State may allow in any particular case; and

- (b) has before or after becoming a regular policeman as aforesaid obtained the consent of the Secretary of State; and
- (c) has not become eligible for a pension under the relevant Acts; and
- (d) within three months after the date on which he becomes a regular policeman, or within six months after the date of the making of these Rules, whichever period last expires, or within such longer period as the Secretary of State may allow in any particular case, notifies the police authority maintaining the police force of which he is a member that he desires these Rules to apply to him.

(2) This Part of these Rules shall apply to such person as aforesaid notwithstanding that he ceased to be employed in relevant employment before the coming into operation of these Rules:

Provided that he has not become a regular policeman before the coming into operation of these Rules.

(3) In this Part of these Rules, a person to whom this Part of these Rules applies is referred to as "the officer".

6. The Secretary of State may, upon these Rules becoming applicable to the officer, pay to the said police authority a transfer value calculated in accordance with tables approved by the Treasury in respect of such of the officer's service as is reckonable for the purposes of the relevant Acts.

PART III

GENERAL AND SUPPLEMENTAL PROVISIONS

7.—(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"pension" has the meaning assigned to it by section 17(1) of the Superannuation (Miscellaneous Provisions) Act 1948;

"pensionable employment" has the meaning assigned to it by section 17(1) of the Superannuation (Miscellaneous Provisions) Act 1948;

"police authority" has the same meaning as in the Police Pensions Regulations;

"police force" has the same meaning as in the Police Pensions Regulations;

"Police Pensions Regulations" means the regulations from time to time in force under the Police Pension Act 1948(a);

"regular policeman" has the meaning assigned to it by the Police Pensions Regulations;

"relevant employment" means employment of a kind which is pensionable under the relevant Acts;

"the relevant Acts" means the Metropolitan Police Staff (Superannuation) Acts 1875 to 1931(b).

(2) Any reference in these Rules to the provisions of any enactment shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

(a) 1948 c. 24.

(b) 1875 c. 28; 1885 c. 68; 1909 c. 40; 1931 c. 12.

(c) 1889 c. 63

8. These Rules may be cited as the Superannuation (Transfers between Police and Metropolitan Police Staffs) Rules 1966 and shall come into operation on 1st January 1967.

Roy Jenkins,

One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
17th December 1966.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make provision, in connection with superannuation, in relation to a person who transfers from service as a regular policeman to service which is pensionable under the Metropolitan Police Staff (Superannuation) Acts 1875 to 1931, or from the latter service to the former.

The provision made is similar to that made in the case of the Civil Service by the Superannuation (Transfers between the Civil Service and the Police) Rules 1966 (S.I. 1966/1586).