

1971 No. 1466

POLICE

The Police Pensions (Amendment) (No. 3) Regulations 1971

<i>Made</i> - - -	2nd September 1971
<i>Laid before Parliament</i>	14th September 1971
<i>Coming into Operation</i>	20th September 1971

In exercise of the powers conferred on me by sections 1 and 3 of the Police Pensions Act 1948(a) (read with Article 2(1) of the Minister for the Civil Service Order 1968(b)), as extended and amended by section 43 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(c), section 5(3) of the Overseas Service Act 1958(d) and Schedule 2 thereto, section 1(1) of the Police Pensions Act 1961(e), sections 40, 43(4), 45(4) and 63 of the Police Act 1964(f) and Schedules 6 and 9 thereto, sections 35 and 38(4) of the Police (Scotland) Act 1967(g), section 4(5) of the Police Act 1969(h) and paragraphs 2(2) and 3(2) of Schedule 6 to the National Insurance Act 1971(i), and after consultation with the Police Council for the United Kingdom, I hereby, with the consent of the Minister for the Civil Service, make the following Regulations in consequence of the said Act of 1971 and, in the case of Regulation 3, in consequence of section 3 of that Act and section 13A of the National Insurance (Industrial Injuries) Act 1965(j):—

1. These Regulations may be cited as the Police Pensions (Amendment) (No. 3) Regulations 1971 and shall come into operation on 20th September 1971.

2. In these Regulations any reference to the principal Regulations is a reference to the Police Pensions Regulations 1971(k), as amended (l).

3. For Regulation 22(4)(b) and (c) of the principal Regulations (policeman's supplemental pension) there shall be substituted the following provision:—

“(b) any disablement pension payable under section 12 of the National Insurance (Industrial Injuries) Act 1965 in respect of the relevant injury or so much of any such pension as relates to that injury, together with—

(i) any increase in such pension payable by way of unemployability supplement under section 13 of the said Act or so much of any such increase as is proportionate to that part of the said pension which relates to that injury so, however, that, where he is entitled to an unemployability supplement which is increased under section 13A of the said Act, the unemployability supplement shall be deemed not to have been so increased,

(a) 1948 c. 24.
 (c) 1951 c. 65.
 (e) 1961 c. 35.
 (g) 1967 c. 77.
 (i) 1971 c. 50.

(b) S.I. 1968/1656 (1968 III, p. 4485).
 (d) 1958 c. 14.
 (f) 1964 c. 48.
 (h) 1969 c. 63.
 (j) 1965 c. 52.

(k) S.I. 1971/232 (1971 I, p. 700).
 (l) S.I. 1971/583,1327 (1971 I, p. 1573; II, p. 3794).

- (ii) any increase in such pension payable under section 14, 17 or 18 of the said Act or so much of any such increase as is proportionate to that part of the said pension which relates to that injury, and
- (iii) so long as he is receiving treatment as an in-patient at a hospital as a result of that injury, any increase in such pension payable under section 16, 17 or 18 of the said Act;
- (c) until the first day after his retirement which is not or is deemed not to be a day of incapacity for work under section 20 of the National Insurance Act 1965(a)—
 - (i) any sickness benefit payable under the said Act of 1965, together with, where he ceases to be a member of a police force on or after 6th October 1966, any supplement thereto payable under section 2 of the National Insurance Act 1966(b), or
 - (ii) any invalidity pension payable under the said Act of 1965; and”.

4. For Regulation 30(3) and (4) of the principal Regulations (discretionary increase in widow's ordinary pension) there shall be substituted the following provisions:—

“(3) The rate of a pension increased under this Regulation shall be increased by a weekly rate determined in accordance with paragraphs 1, 3 and 5 of Part VI of Schedule 3 for the first 26 weeks that the pension is payable and thereafter by a weekly rate determined in accordance with paragraphs 2, 3, 4 and 5 thereof during the periods and in the conditions set out in paragraph 6 thereof:

Provided that where a pension calculated in accordance with Scheme II of Part II of Schedule 3 is increased under this Regulation, the increased pension shall not be at a higher rate than it would have been if it had been calculated in accordance with Scheme I of the said Part II and increased in accordance with the provisions of this Regulation.

(4) In this Regulation a reference to widow's benefit or a retirement pension under the National Insurance Act 1965 does not include a reference to such benefit or pension payable by virtue of section 1 of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970(c) or by virtue of section 5(1) of the National Insurance Act 1971; but the amount of any increase in a widow's pension under this Regulation in respect of any week shall be abated by the amount of any retirement pension received by the widow in respect of that week by virtue of either of the said sections:

Provided that where the retirement pension so received is increased by virtue of section 40 of the National Insurance Act 1965, it shall be deemed not to have been so increased.”.

5. For Regulation 33(3) and (4) of the principal Regulations (discretionary increase in widow's special pension) there shall be substituted the following provisions:—

“(3) The weekly amount up to which the pension may be increased shall be a sixth of her husband's average pensionable pay for a week increased in accordance with Part XIII of these Regulations together with an amount at a weekly rate determined in accordance with paragraphs 1, 3 and 5 of Part VI of Schedule 3 for the first 26 weeks that the pension is payable and thereafter together with an amount at a weekly rate determined in accordance with paragraphs 2, 3, 4 and 5 thereof during the periods and in the conditions set out in paragraph 6 thereof.

(a) 1965 c. 51.

(c) 1970 c. 51.

(b) 1966 c. 6.

(4) Paragraph (4) of Regulation 30 shall have effect for the purposes of this Regulation as it has effect for the purposes of Regulation 30.”.

6. For Regulation 35(3) and (4) of the principal Regulations (discretionary increase in widow's award under former Acts) there shall be substituted the following provisions:—

“(3) A pension increased under this Regulation shall be payable at a rate increased by a weekly rate determined in accordance with paragraphs 2, 3, 4 and 5 of Part VI of Schedule 3 during the periods and in the conditions set out in paragraph 6 thereof:

Provided that where a pension calculated in accordance with Regulation 34(3)(b), otherwise than by reference to the non-accidental rate specified in paragraph 7 of Part II of Schedule 1 to the Police Pensions Act 1921(a), is increased under this Regulation, the increased pension shall not be at a higher rate than it would have been if it had been calculated in accordance with Regulation 34(3)(a) and increased in accordance with the provisions of this Regulation.

(4) Paragraph (4) of Regulation 30 shall have effect for the purposes of this Regulation as it has effect for the purposes of Regulation 30.”.

7. For Part VI of Schedule 3 to the principal Regulations (discretionary increase in widow's pension) there shall be substituted the Part set out in the Schedule hereto.

8.—(1) In paragraph 1(4) of Part III of Schedule 4 to the principal Regulations (discretionary increase in child's allowance) for the words “not exceeding £2·45” there shall be substituted the words “not exceeding the amount of a guardian's allowance under the National Insurance Act 1965 as from time to time specified in Part I of Schedule 3 thereto so, however, that the amount up to which the allowance may be increased, as aforesaid, shall not be less than £2·95”.

(2) For paragraph 2(2) of the said Part III there shall be substituted the following provision:—

“(2) The appropriate amount referred to in the preceding sub-paragraph shall be—

- (a) in the case of the only or eldest child included in a family within the meaning of the Family Allowances Act 1965(b) or of the Family Allowances Act 1945(c) (either as originally enacted or as amended by any subsequent enactment), the amount of an increase in a retirement pension under the National Insurance Act 1965 for an only, elder or eldest qualifying child as from time to time specified in Part II of Schedule 3 to that Act;
- (b) in the case of the second child so included, the amount of such an increase for a second qualifying child as from time to time so specified, together with £0·25, and
- (c) in the case of each subsequent child so included, the amount of such an increase for each additional qualifying child as from time to time so specified, together with £0·25,

(a) 1921 c. 31.

(b) 1965 c. 53.

(c) 1945 c. 41.

so, however, that the appropriate amount determined in accordance with sub-paragraph (a), (b) or (c) hereof shall not, respectively, be less than £2.95, £2.30 or £2.20."

R. Maudling,

One of Her Majesty's Principal
Secretaries of State.

2nd September 1971.

Consent of the Minister for the Civil Service given under his Official Seal on
2nd September 1971.

(L.S.)

K. H. McNeill,

Authorised by the
Minister for the Civil Service.

SCHEDULE

PART SUBSTITUTED FOR PART VI OF SCHEDULE 3 TO THE PRINCIPAL REGULATIONS
PART VI Regulations 30, 33 and 35
DISCRETIONARY INCREASE IN WIDOWS' PENSIONS

1. In respect of the first 26 weeks that the pension is payable the weekly rate referred to in Regulations 30(3) and 33(3) shall, subject to paragraphs 3 and 5, be the same as the weekly rate of a widow's allowance under the National Insurance Act 1965 as from time to time specified in Part I of Schedule 3 thereto.

2. Except where paragraph 1 applies, during the periods and in the conditions set out in paragraph 6, the weekly rate referred to in Regulations 30(3), 33(3) and 35(3) shall, subject to paragraphs 3, 4 and 5 be the same as the weekly rate of a widow's pension under the National Insurance Act 1965 as from time to time specified in Part I of Schedule 3 thereto.

3. In the case of a person over the age of 80 years the weekly rate determined in accordance with paragraph 1 or 2 shall be increased by an addition at the weekly rate of an age addition under the National Insurance Act 1965, as from time to time specified in Part I of Schedule 3 thereto.

4. In the case of a person to whom an increase would not be payable if in sub-paragraph (b) or (f) of paragraph 6 for the reference to the age of 40 years there were substituted a reference to the age of 50 years, the weekly rate determined in accordance with paragraph 2 shall be reduced by 7% for each year by which the widow's age at the time mentioned in sub-paragraph (b) or, as the case may be, in sub-paragraph (f) of paragraph 6 was less than 50 years (any part of a year being reckoned as a year) without prejudice, however, to any addition to the reduced weekly rate in accordance with paragraph 3.

5. The weekly rate determined in accordance with paragraph 1 or 2 shall not, respectively, be less than £8.40 or £6.00 a week, without prejudice, however, to any reduction in accordance with paragraph 4.

6. The periods referred to in Regulations 30, 33 and 35 and in paragraph 2 are as follows:—

- (a) where the husband died before 5th July 1948, the period after the widow has attained the age of 60 years;
- (b) where the husband died on or after the said date, the rest of the widow's life if, at the date of the husband's death, she had attained the age of 40 years;

- (c) any period during which the widow—
- (i) is pregnant by her late husband,
 - (ii) has a child resident with her who is entitled to an allowance under these Regulations, or
 - (iii) has a family within the meaning of the Family Allowances Act 1965 or of the Family Allowances Act 1945, either as originally enacted or as amended by any subsequent enactment, which includes a child not resident with her who is entitled to an allowance under these Regulations and (in a case where the child is not included in the family within the meaning of the said Act of 1945 as originally enacted) to the cost of providing for whom the widow is contributing at the rate of 82p a week or more;
- (d) any period during which the widow is incapable of self-support within the meaning of section 34(6)(a) of the National Insurance (Industrial Injuries) Act 1965, by reason of any infirmity which rendered her so incapable at the expiry of the period specified in sub-paragraph (c) or—
- (i) where the husband died before 5th July 1948, on that date;
 - (ii) where the husband died on or after 5th July 1948 but before 6th July 1966, at the expiry of the first 13 weeks that the pension is payable; or
 - (iii) where the husband died on or after 6th July 1966, at the expiry of the first 26 weeks that the pension is payable;
- (e) if the conditions specified in sub-paragraph (c) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of the period mentioned in sub-paragraph (c) if at the expiry of that period the widow has attained the age of 40 years;
- (f) if the conditions specified in sub-paragraph (d) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of any period of incapability of self-support within the meaning of sub-paragraph (d) which expires at a date when the widow has attained the age of 40 years.

7. In this Part of this Schedule any reference to a child being entitled to an allowance shall be construed as including a reference to a child who would be in receipt of an allowance but for the provisions of the proviso to Regulation 77(3)(b) or of Part IV of Schedule 4.

8. For the purposes of sub-paragraph (e) of paragraph 6 the conditions specified in sub-paragraph (c) thereof shall be treated as having been fulfilled if, on any day in the period between the passing of the Family Allowances and National Insurance Act 1964(a) and the coming into operation of section 1 of that Act, those conditions would have been fulfilled had that section and these Regulations come into operation at the passing of the said Act, and the reference in the said sub-paragraph (e) to the period mentioned in sub-paragraph (c) shall be construed accordingly.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations contain amendments to the Police Pensions Regulations 1971 consequential on the National Insurance Act 1971. They come into operation on 20th September 1971 (the date on which the relevant provisions of that Act come into force).

The principal changes are described below.

The Regulations of 1971 provide that, for the purpose of calculating a policeman's supplemental pension, account shall be taken of certain national insurance benefits affected by the Act of 1971, namely, disablement pension (including unemployability supplement) and sickness benefit. Regulation 3 of the present Regulations provides that, for this purpose, no account shall be taken of an increase in an unemployability supplement under section 13A of the National Insurance (Industrial Injuries) Act 1965 (as amended by section 9 of the Act of 1971) but that account shall be taken of an invalidity pension under section 3 of the Act of 1971 to the like extent as the sickness benefit which that pension replaces.

Regulations 4 to 8 of the present Regulations amend the provisions of the Regulations of 1971 relating to the discretionary increase of widows' pensions and children's allowances. They provide that a national insurance retirement pension under section 5 of the Act of 1971 shall be taken into account in the like manner as is such a pension under section 1 of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970. They also adjust the amounts of discretionary increases in line with the changes in the rates of corresponding national insurance benefits made by the Act of 1971.