
 STATUTORY INSTRUMENTS

1980 No. 1616

POLICE

The Police Pensions (Amendment) (No. 3) Regulations 1980

Made - - - - 27th October 1980

Laid before Parliament 3rd November 1980

Coming into Operation 24th November 1980

In exercise of the powers conferred on me by sections 1, 3 and 4 of the Police Pensions Act 1976(a), and after consultation with the Police Negotiating Board for the United Kingdom, I hereby, with the consent of the Minister for the Civil Service, make the following Regulations:—

1. These Regulations may be cited as the Police Pensions (Amendment) (No. 3) Regulations 1980 and shall come into operation on 24th November 1980 but Regulation 5 shall have effect from 12th November 1979.

2. In these Regulations references to the principal Regulations are references to the Police Pensions Regulations 1973(b), and references to the old cases Regulations are references to the Police Pensions Regulations 1971(c) in so far as they continue to have effect(d).

3. There shall be inserted in the principal Regulations (as Regulation 42A under the heading “General”) and in the old cases Regulations (as Regulation 46A under the heading “General”) the following provision:—

“Awards not based on pension or notional pension

Schedule 12 shall have effect for the purpose of calculating the amount of certain awards to widows or children under these Regulations which are not calculated by reference to the pension or notional pension of the husband or parent.”.

4.—(1) This Regulation shall have effect for the purpose of the amendment of the following Regulations (Awards on death of servicemen), namely:—

Regulation 93 of the principal Regulations;

Regulation 90 of the old cases Regulations.

(2) In paragraph (4)(a) of each of the said Regulations there shall be inserted at the end the words “calculated in accordance with paragraph 4 of Schedule 12”.

(3) Paragraph (5) of each of the said Regulations shall be omitted.

(a) 1976 c. 35.

(b) S.I. 1973/428; the relevant amending instrument is S.I. 1979/1287.

(c) S.I. 1971/232; the relevant amending instrument is S.I. 1979/1287.

(d) See S.I. 1973/428.

5.—(1) In Regulation 106 of the old cases Regulations (increase by reference to Pensions (Increase) Act 1971(a)) after the words “section 2 of that Act” there shall be inserted the words “or section 59 of the Social Security Pensions Act 1975(b)”.

(2) In sub-paragraphs (b), (c) and (d) of the said Regulation 106 for the words “that Act”, in each place where they occur, there shall be substituted the words “the said Act of 1971”.

6. In Regulation 108A of the principal Regulations paragraph (7A) shall be omitted.

7.—(1) This Regulation shall have effect for the purpose of the amendment of the following provisions (Widow's ordinary pension), namely:—

Part I of Schedule 3 to the principal Regulations;

Part I of Schedule 3 to the old cases Regulations.

(2) For paragraph 3 of each of the said provisions there shall be substituted the following provisions:—

“3.—(1) Where in respect of any period a widow so elects, then, subject to sub-paragraph (2), the weekly amount of her ordinary pension in respect of that period shall be calculated in accordance with paragraph 1 of Schedule 12 by reference to the rank held by her husband at the time when he ceased to be a regular policeman.

(2) Where the husband held the rank of chief inspector in the City of London police force, paragraph 1 of Schedule 12 shall apply as if he had held a rank higher than that of inspector.”.

8.—(1) For paragraph 1 of Scheme 1 of Part II of Schedule 3 to the old cases Regulations (Widow's ordinary pension—preserved rate) there shall be substituted the following provision:—

“1. Subject to paragraphs 2 and 3 of this Scheme, the weekly amount of a widow's ordinary pension shall be calculated in accordance with paragraph 1 of Schedule 12 by reference to the rank held by her husband at the time when he ceased to be a regular policeman.”.

(2) In paragraph 2 of the said Scheme after the words “then paragraph 1” there shall be inserted the words “of Schedule 12”.

9. For paragraph 4 of Part IV of Schedule 3 to the principal Regulations (Widow's accrued pension) there shall be substituted the following provisions:—

“4.—(1) Where in respect of any period a widow so elects, then, subject to sub-paragraph (2), the weekly amount of her accrued pension in respect of that period shall be calculated in accordance with paragraph 1 of Schedule 12 by reference to the rank held by her husband at the time when he ceased to be a regular policeman:

Provided that this sub-paragraph shall not apply to the widow of a regular policeman where the pensionable service which reckoned for the purpose of calculating his deferred pension was less than five years, unless he was entitled to reckon pensionable service by virtue of the whole of his qualifying service.

(2) Where the husband held the rank of chief inspector in the City of London police force, paragraph 1 of Schedule 12 shall apply as if he had held a rank higher than that of inspector.”.

(a) 1971 c. 56.

(b) 1975 c. 60.

10.—(1) In Part I of Schedule 4 to the principal Regulations for paragraph 1 (4) there shall be substituted the following provision:—

“(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the allowance shall be calculated in accordance with paragraph 2 of Schedule 12 by reference to the rank which the relevant parent held at the time when he ceased to be a regular policeman.”.

(2) For paragraph 2(4) of the said Part I there shall be substituted the following provision:—

“(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the weekly amount of the allowance shall be calculated in accordance with paragraph 3 of Schedule 12 by reference to the rank which the relevant parent held when he ceased to be a regular policeman.”.

11. In Part I of Schedule 4 to the old cases Regulations for paragraphs 1 and 2 there shall be substituted the following provisions:—

“1. Subject to this Part and to Part III of this Schedule, where one of a child's parents is alive, the child's ordinary allowance shall be the weekly amount calculated in accordance with paragraph 2 of Schedule 12 by reference to the rank which the relevant parent held at the time when he ceased to be a regular policeman.

2. Subject to this Part and to Part III of this Schedule, where the parent in respect of whose death the allowance is payable 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 ordinary allowance shall be the weekly amount calculated in accordance with paragraph 3 of Schedule 12 by reference to the rank which the parent in respect of whose death the allowance is payable held at the time when he ceased to be a regular policeman.”.

12. In Part III of Schedule 4 to the old cases Regulations for paragraph 1 (1)(a) there shall be substituted the following provision:—

“(a) subject to the provisions of the following sub-paragraphs, the weekly amount of a child's ordinary allowance may be increased to an amount not exceeding the amount calculated in accordance with paragraph 5 of Schedule 12 by reference to the rank which the parent in respect of whose death the allowance is payable held at the time when he ceased to be a regular policeman;”.

13. After Schedule 11 to the principal Regulations there shall be inserted the following provisions:—

“SCHEDULE 12

SPECIAL PROVISIONS ABOUT
AWARDS NOT BASED ON PENSION OR NOTIONAL PENSION

1.—(1) In any week the amount of a widow's pension under paragraph 3 of Part I or paragraph 4 of Part IV of Schedule 3 shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 5.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be, where her husband at the time he ceased to be a regular policeman—

- (a) held a rank higher than that of inspector, £11·39,
- (b) held a rank of inspector, £9·48,

(c) held a rank lower than that of inspector, £7·28, increased in each case by 56p if—

- (i) the pension is payable under the said paragraph 3 and the husband was entitled to reckon at least 10 years' pensionable service; or
- (ii) the pension is payable under the said paragraph 4 and the husband ceased to serve on or after 6th April 1975 and would, had he continued to serve until he could be required to retire on account of age, have become entitled to reckon at least 10 years' pensionable service.

2.—(1) In any week the amount of an allowance under paragraph 1(4) of Part I of Schedule 4 shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 5.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be, if the relevant parent at the time he ceased to be a regular policeman—

- (i) held a rank higher than that of inspector, £3·01;
- (ii) held the rank of inspector, £2·44;
- (iii) held a rank lower than that of inspector, £2·07.

3.—(1) In any week the amount of an allowance under paragraph 2(4) of Part I of Schedule 4 shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 5.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be, if the relevant parent at the time he ceased to be a regular policeman—

- (i) held a rank higher than that of inspector, £4·47;
- (ii) held the rank of inspector, £3·62;
- (iii) held a rank lower than that of inspector, £3·05.

4.—(1) In any week the amount of a widow's pension under Regulation 93(4)(a) shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 5.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be £7·28.

5.—(1) Subject to sub-paragraph (2) a sum specified in a preceding paragraph shall be increased to the amount which would be payable in the relevant week in respect of a corresponding official pension having regard to relevant orders under section 59 of the Social Security Pensions Act 1975 and as if for any reference to an annual rate in the relevant orders there were substituted a reference to a weekly rate.

(2) For the purposes of sub-paragraph (1) above—

- (a) the reference to an official pension means an official pension, within the meaning of the Pensions (Increase) Act 1971, which began on 30th June 1978, and
- (b) in performing the necessary calculations sums shall be expressed to the nearest penny (a half penny to count as one penny)."

14. After Schedule 11 to the old cases Regulations there shall be inserted the following provisions:—

"SCHEDULE 12

SPECIAL PROVISIONS ABOUT AWARDS NOT BASED ON
PENSION OR NOTIONAL PENSION

1.—(1) In any week the amount of a widow's pension under paragraph 3 of Part I of Schedule 3 or under paragraph 1 of Scheme 1 of Part II of that Schedule shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 6.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be, where her husband at the time he ceased to be a regular policeman—

- (a) held a rank higher than that of inspector, £11·39;
- (b) held the rank of inspector, £9·48;
- (c) held a rank lower than that of inspector, £7·28,

increased in each case by 56p if the pension is payable under the said paragraph 3 and the husband was entitled to reckon at least 10 years' pensionable service.

2.—(1) In any week the amount of an allowance under paragraph 1 of Part I of Schedule 4 shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 6.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be, if the relevant parent at the time he ceased to be a regular policeman—

- (i) held a rank higher than that of inspector, £3·01;
- (ii) held the rank of inspector, £2·44;
- (iii) held a rank lower than that of inspector, £2·07.

3.—(1) In any week the amount of an allowance under paragraph 2 of Part I of Schedule 4 shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 6.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be, if the relevant parent at the time he ceased to be a regular policeman—

- (i) held a rank higher than that of inspector, £4·47;
- (ii) held the rank of inspector, £3·62;
- (iii) held a rank lower than that of inspector, £3·05.

4.—(1) In any week the amount of a widow's pension under Regulation 90(4)(a) shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 6.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be £7·28.

5.—(1) The maximum weekly amount to which a child's ordinary allowance may be increased under paragraph 1(1)(a) of Part III of Schedule 4 shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 6.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be, if the relevant parent at the time he ceased to be a regular policeman—

- (i) held a rank higher than that of inspector, £5·97;
- (ii) held the rank of inspector, £4·79;
- (iii) held a rank lower than that of inspector, £4·01.

6.—(1) Subject to sub-paragraph (2) a sum specified in a preceding paragraph shall be increased to the amount which would be payable in the relevant week in respect of a corresponding official pension having regard to relevant orders under section 59 of the Social Security Pensions Act 1975 and as if for any reference to an annual rate in the relevant orders there were substituted a reference to a weekly rate.

(2) For the purposes of sub-paragraph (1) above—

- (a) the reference to an official pension means an official pension, within the meaning of the Pensions (Increase) Act 1971, which began on 30th June 1978, and
- (b) in performing the necessary calculations sums shall be expressed to the nearest penny (a half penny to count as one penny).”.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
24th October 1980.

Consent of the Minister for the Civil Service given under her Official Seal on 27th October 1980.

(L.S.)

T. A. A. Hart,
Authorised by the Minister for
the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police Pensions Regulations 1973 and the Police Pensions Regulations 1971 (which have ceased to have effect except in the case of an award or payment to or in respect of, or relating to a person who ceased to be a member of a police force before 1st April 1972). Regulation 5 has effect from 12th November 1979 but the other Regulations have effect from the date on which these Regulations as a whole come into operation (retrospection is authorised by section 1(5) of the Police Pensions Act 1976).

Regulation 5 amends Regulation 106 of the 1971 Regulations which provides for certain awards under those Regulations to be increased by reference to the Pensions (Increase) Act 1971. The increases under that Regulation are calculated by reference to Orders made under section 2 of the 1971 Act but with effect from 12th November 1979 the relevant Orders are made under section 59 of the Social Security Pensions Act 1975. Regulation 5 inserts a reference to Orders under the 1975 Act with effect from 12th November 1979.

The amendments to the 1973 Regulations and the remaining amendments to the 1971 Regulations are concerned with awards under those Regulations which are at present of specified amounts. These amounts have been increased by amending Regulations in line with the increases in pensions made by the Pensions (Increase) Act 1971 and the Social Security Pensions Act 1975. The amendments made by these Regulations ensure that the amounts of these awards will increase automatically in line with increases in pensions under the 1975 Act and will so avoid the need for frequent amending Regulations.

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