

STATUTORY INSTRUMENTS

1985 No. 2029

POLICE

The Police Pensions (War Service) (Transferees) Regulations 1985

<i>Made</i>	- - - -	16th December 1985
<i>Laid before Parliament</i>		10th January 1986
<i>Coming into Operation</i>		31st January 1986

In exercise of the powers conferred upon 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 Treasury(b), make the following Regulations:—

PART I

CITATION, OPERATION AND INTERPRETATION

1.—(1) These Regulations may be cited as the Police Pensions (War Service) (Transferees) Regulations 1985.

(2) These Regulations shall come into operation on 31st January 1986 and shall have effect as from 1st April 1978.

2.—(1) In these Regulations any reference to the 1979 Regulations is a reference to the Police Pensions (War Service) Regulations 1979(c), which shall have effect subject to Schedule 1.

(2) In these Regulations any reference to the appropriate police authority is a reference—

- (a) to the police authority of the force in which the policeman concerned is serving; or
- (b) where the policeman is entitled to a pension, to the police authority liable for that pension; or
- (c) in the case of a policeman not falling within either sub-paragraph(a) or sub-paragraph(b), and in respect of whom a transfer value is payable, or has at any time been paid, by a police authority, to the

(a) 1976 c. 35, as amended by section 2(3) of the Police Negotiating Board Act 1980 (c. 10).

(b) Formerly the Minister for the Civil Service: see S.I. 1981/1670.

(c) S.I. 1979/1259; there are no amending instruments.

latest police authority to have paid or to be liable to pay the transfer value.

(3) Expressions used in these Regulations and in the Police Pensions Regulations 1973(a) or the 1979 Regulations shall have the same meaning as in the said Regulations of 1973 or, as the case may be, the 1979 Regulations.

(4) Without prejudice to paragraph (3), in these Regulations any reference to a policeman includes a reference to a deceased policeman, and, except where the context otherwise requires, in relation to a deceased policeman, where he died before 1st April 1978, any reference to his age on that date is a reference to the age he would have been on that date had he not so died.

3. The public service pension scheme referred to in Regulations 6 and 9 is an occupational pension scheme, other than one relating to service mentioned in Schedule 2, being a scheme which cannot come into force, or be amended, without the scheme or amendment being approved by a Minister of the Crown or government department; and, for the purposes hereof, the Universities Superannuation Scheme shall be treated as if it were such an occupational pension scheme.

PART II

WAR SERVICE RECKONABLE WITHOUT RECEIPT OF ADDITIONAL TRANSFER VALUE

4.— (1) This Part shall apply in the case of a person who—

- (a) on 1st April 1978 or, where he died before that date, immediately before his death, was serving as a regular policeman or, having ceased so to serve, had retired with an entitlement to a pension; and
- (b) was on 1st April 1978, or immediately before his retirement or death if earlier, entitled to reckon pensionable service for the purposes of the principal Regulations or, as the case may be, the old cases Regulations by virtue of any such period of service or employment as is mentioned in Schedule 2 (“qualifying service”); and
- (c) was not on 1st April 1978, or immediately before his retirement or death if earlier, entitled to reckon pensionable service in respect of qualifying service under the war service provisions of the pension scheme applicable thereto but who would have been so entitled if he had remained in that scheme until 1st April 1978, or the date of his death if earlier;

so, however, that in the case of a regular policeman with more than one period of qualifying service, any such period other than the first shall be disregarded for the purposes of this Regulation and references to his qualifying service shall be construed accordingly.

(a) S.I. 1973/428.

(2) In relation to such a policeman, in these Regulations references to the war service provisions of a pension scheme are references to the provisions of the scheme analogous to those of the 1979 Regulations, and "war service" has the same meaning as in those provisions.

(3) The appropriate police authority may require that any claim that a regular policeman satisfies the condition referred to in paragraph (1)(c), and as to the duration of his war service, be supported by a certificate given by or on behalf of the person responsible for the management of the pension scheme appropriate to his qualifying service, and the police authority shall be entitled to rely upon a certificate so given.

5.— (1) Subject to the following provisions of this Regulation, the 1979 Regulations shall apply in the case of a regular policeman to whom this Part applies as if references in those Regulations to a qualified policeman were references to a regular policeman to whom this Part applies.

(2) Where a regular policeman to whom this Part applies elects only as mentioned in Regulation 8(1) of the 1979 Regulations, the principal Regulations or, as the case may be, the old cases Regulations shall have effect as though he had been entitled, immediately before his retirement (or death while serving) to reckon an additional period of pensionable service equal to

the following proportion of his war service, namely—

- (a) 47.75% thereof, where the qualifying service is fire service or Northern Ireland police or fire service;
- (b) 35.25% thereof, where the qualifying service is National Health Service or service in health and personal social services in Northern Ireland, or local government service or Northern Ireland local government service; and
- (c) 34.875% thereof, where the qualifying service is teaching service or Northern Ireland teaching service.

(3) Where a policeman so elects, his pension shall, notwithstanding the preceding paragraph, be deemed for the purposes excepted in the said Regulation 8(1) to be the pension to which he would be entitled without his additional period of pensionable service under that paragraph, save that that period shall count for the purposes of Part II of Schedule 3 to the old cases Regulations (preserved rate of widow's pension calculated by reference to the husband's pensionable service).

PART III

WAR SERVICE RECKONABLE ON RECEIPT OF AN ADDITIONAL TRANSFER VALUE

6.— (1) This Part shall apply in the case of a person—

- (a) who on 1st April 1978 or, where he died before that date, immediately before his death, was serving as a regular policeman or, having ceased so to serve, had retired with an entitlement to a pension;
- (b) with war service within the meaning of such a public service pension scheme as is mentioned in Regulation 3;

- (c) in respect of whom a transfer value has been paid to the appropriate police authority which took account of service or employment in the scheme referred to in sub-paragraph(b);
- (d) who, by reason of that transfer value, was on 1st April 1978, or immediately before his retirement or death if earlier, entitled to reckon pensionable service for the purposes of the principal Regulations or, as the case may be, the old cases Regulations; and
- (e) in respect of whom an additional transfer value calculated by reference to his war service is paid to the appropriate police authority.

(2) For the purposes of paragraph (1)(e), where a transfer value is calculated partly by reference to war service and partly by reference to other service, the amount of the transfer value referable to the war service shall be treated as an additional transfer value as mentioned therein.

7.— (1) Subject to the following provisions of this Regulation, the 1979 Regulations shall apply in the case of a regular policeman to whom this Part applies as if references in those Regulations to a qualified policeman were references to a regular policeman to whom this Part applies.

(2) Where a regular policeman to whom this Part applies elects only as mentioned in Regulation 8(1) of the 1979 Regulations, the principal Regulations or, as the case may be, the old cases Regulations shall have effect as though he had been entitled immediately before his retirement (or death while serving) to reckon an additional period of pensionable service calculated as hereinafter provided, namely—

- (a) the basic transfer value shall be determined by deducting from the additional transfer value, such amount, if any, as represents compound interest on the basic amount thereof;
- (b) the policeman's adjusted pensionable emoluments shall be determined by multiplying by the factor set opposite his age in completed years on 1st April 1978 in the second column, or in the case of a woman, the third column, of the Table in Schedule 3 the annual value of the emoluments (including averaged emoluments and any element for pensions increase) in relation to which the transfer value was calculated;
- (c) the amount of the adjusted pensionable emoluments shall be multiplied by four-thirds;
- (d) the basic transfer value shall be divided by the amount obtained under sub-paragraph(c) and the resulting number shall be the number of years comprising the period.

(3) Where a policeman so elects, his pension shall, notwithstanding the preceding paragraph, be deemed for the purposes excepted in the said Regulation 8(1), to be the pension to which he would be entitled without his additional period of pensionable service under that paragraph, save that that period shall count for the purposes of Part II of Schedule 3 to the old cases Regulations (preserved rate of widow's pension calculated by reference to the husband's pensionable service).

PART IV

ELECTION FOR THE PURPOSES OF
WIDOWS' AND CHILDREN'S BENEFITS

8.—(1) Where a regular policeman to whom Part II or Part III applies elects for the purposes excepted in Regulation 8(1) of the 1979 Regulations (calculation of widow's pension and child's allowance) as well as under that paragraph, the principal Regulations or, as the case may be, the old cases Regulations shall have effect as though he had been entitled immediately before his retirement (or death while serving) to reckon an additional amount of pensionable service calculated in accordance with Regulation 5 or 7, as the case may be, reduced—

- (a) in the case of a regular policeman without pensionable service reckonable by virtue of service as a member of a police force or the Royal Ulster Constabulary before 1st April 1972, by 10%;
- (b) in the case of a regular policeman with half-rate service (within the meaning of paragraph 1(1) of Part IV of Schedule 3 to the principal Regulations) before 1st April 1972, by 10%; and
- (c) in any other case, by 7.5%:

(2) Where the additional period of pensionable service reckonable by a policeman falls to be reduced by reason of paragraph (1)(a)—

- (a) Regulation 27(3) and paragraph 4 of Part I of Schedule 4 to the principal Regulations shall not apply in his case; and
- (b) for the purposes of Part IV of Schedule 3 to the principal Regulations and Regulation 12 of the 1979 Regulations, any additional service reckoning by virtue of these Regulations shall be deemed to be half-rate and mixed rate service.

PART V

ADDITIONAL TRANSFER VALUE
PAYABLE IN RESPECT OF WAR SERVICE

9.—(1) Subject to paragraph (3), this Part shall apply in the case of a former policeman who—

- (a) on 1st April 1978 or, where he died before that date, immediately before his death, was a serving member of a public service pension scheme such as is mentioned in Regulation 3 or, having ceased to be such a member, had retired therefrom with an entitlement to a pension; and
- (b) satisfies the conditions in paragraph (2),

and in relation to such a person the expression "1978 scheme" means the public service pension scheme referred to in sub-paragraph(a).

(2) The conditions referred to in paragraph (1)(b) are—

- (a) that if he had not retired before 1st April 1975 without a pension, he would have been a qualified policeman within the meaning of Regulation 6 of the 1979 Regulations;

- (b) that a transfer value has been paid in respect of him under Regulation 85 of the principal Regulations (or the corresponding provisions of any previous Regulations), or under section 11(8) of the Superannuation (Miscellaneous Provisions) Act 1967(a); and
- (c) that, by reason of that transfer value, he was on 1st April 1978, or immediately before his retirement or death, if earlier, entitled to reckon service for the purposes of the 1978 scheme.

(3) In the case of a former policeman who had a period of public service which—

- (a) was completed before his police service, and
- (b) reckoned as service for the purposes of the 1978 scheme,

(hereinafter referred to as his earlier service), a transfer value shall not be payable under this Part unless it appears to the appropriate authority that he has not had, and will not have, any opportunity to reckon war service for the purposes of a superannuation scheme applicable to his earlier service.

(4) In paragraph (3), “public service” means public service within the meaning of section 53(1)(b) of the Social Security Act 1973(b).

10.— (1) Where the conditions specified in paragraph (2) are satisfied, the appropriate police authority shall pay an additional transfer value in respect of a policeman to whom this Part applies to the person responsible for the management of the 1978 scheme (“the 1978 pension authority”) and any such transfer value shall be calculated in accordance with Regulation 11.

(2) The conditions referred to in paragraph (1) are that the 1978 pension authority applies for the transfer value and furnishes the relevant police authority with a statement—

- (a) certifying that, subject to the payment of the transfer value, the policeman will be entitled to reckon service for the purposes of the 1978 scheme by reason of his war service;
- (b) certifying—
 - (i) if the policeman was on 1st April 1978 a serving member of the 1978 scheme, the pensionable emoluments by reference to which a transfer value in respect of him which fell to be paid on that date would have been calculated under that scheme, or
 - (ii) if he was on 1st April 1978 or, where he died before that date, immediately before his death, entitled to a pension under the 1978 scheme, the pensionable emoluments by reference to which the pension was calculated (or, if the pension was not in payment, would have been calculated had it been put into payment on that date) increased by the pensions increase factor that was appropriate to that pension on that date (or that would have been appropriate if the pension had been in payment on that date); and
- (c) certifying that he was alive on 1st April 1975;

(a) 1967 c. 28.

(b) 1973 c. 38.

and the police authority shall be entitled to rely upon any such statement so furnished.

(3) In paragraph (2)(b)(ii) "the pensions increase factor" means the rate by which a pension was increased (or would have been increased if the pension had been in payment and had qualified to be so increased) by virtue of orders made under section 2 of the Pensions (Increase) Act 1971(a) or section 59 of the Social Security Pensions Act 1975(b).

11. The additional transfer value shall be calculated as hereinafter provided, namely—

- (a) the policeman's emoluments (as certified under Regulation 10) shall be multiplied by 47.75% of the period of his war service (expressed in years and a fraction of a year);
- (b) the resulting amount shall be multiplied by the factor set opposite his age in completed years on 1st April 1978 in the second column, or in the case of a woman, the third column, of the Table in Schedule 3, and the resulting product shall be multiplied by four-thirds;
- (c) to the amount obtained in accordance with the foregoing paragraphs there shall be added an amount equal to compound interest thereon calculated at the same rate in respect of such periods between 1st April 1978 and the day on which the transfer payment is made as would be applicable under the provisions of paragraph 8(2) of Part I of Schedule 9 to the principal Regulations.

Douglas Hurd,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
13th December 1985.

We consent,

Donald Thompson,
Tristan Garel-Jones,
Two of the Lords Commissioners
of Her Majesty's Treasury.

16th December 1985.

(a) 1971 c. 56.
(b) 1975 c. 60.

SCHEDULE 1

Regulation 2(1)

APPLICATION OF 1979 REGULATIONS

1. Where by virtue of Part II or III of these Regulations the 1979 Regulations apply in the case of a regular policeman, references in those Regulations to Regulation 8(3) thereof, and to pensionable service as mentioned in the said paragraph (3), shall be construed as references to Parts II to IV of these Regulations and the appropriate period of pensionable service reckonable by virtue thereof; and

- (a) in Regulation 7(1), for the words "1st April 1975" there shall be substituted the words "1st April 1978";
- (b) no provision of those Regulations relating to payment conditions shall have any application to additional pensionable service reckonable under Part II or III;
- (c) in Regulation 10(1) and (7) and in Regulation 14(3) there shall in each case for the words "6th November 1979" be substituted the words "31st January 1986";
- (d) in Regulation 10(2) the words after "so elected" shall be omitted;
- (e) Regulation 10(8) shall be omitted; and
- (f) for Regulation 8 there shall be substituted the following provision:—

"8—(1) A qualified policeman may, in accordance with this Regulation, by notice elect to reckon pensionable service by virtue of his war service for all the purposes of the principal Regulations or, as the case may be, of the old cases Regulations except for the purposes of the calculation of a widow's pension or child's allowance (whether or not by reference to his own pension or notional pension).

(2) A qualified policeman who elects under paragraph (1) may also elect to reckon pensionable service for the purposes excepted in paragraph (1).

(3) Notice for the purposes of paragraphs (1) or (2) shall be given by a qualified policeman not later than three months, or such longer period as the police authority may allow in the circumstances of his case, after 31st January 1986.

(4) Where under paragraph (3) the police authority allow notice to be given more than three months after 31st January 1986, then unless the police authority are satisfied that the delay was due to circumstances beyond his control—

- (a) he shall not be entitled to any payment under these Regulations in respect of the period before his application is received by the police authority; and
- (b) Regulation 14 shall not apply to him.

(5) A qualified policeman who ceased to be a member of the metropolitan police force on taking employment overseas in a dissimilar public office

within the meaning of the Superannuation (Public Offices) Rules 1967(a) and who retired before 31st January 1986 from such employment overseas, shall not be entitled under this Regulation to reckon an additional period of pensionable service greater than that which, together with his other pensionable service, will give him a pension which, when added to his pension under the pension scheme applicable to that employment, is equal to the maximum pension which could be paid to him under that scheme however long his pensionable service.”

Regulation 4(1)

SCHEDULE 2

QUALIFYING SERVICE

1. Fire service, that is to say, service pensionable in pursuance of the Firemen's Pension Scheme from time to time in force under section 26 of the Fire Services Act 1947(b).

2. Teaching service, that is to say, service pensionable in pursuance of regulations from time to time in force under section 9 of the Superannuation Act 1972(c), the Teachers' Superannuation (Scotland) Act 1968(d), the Teachers' Superannuation Act 1967(e), the Teachers' Superannuation Act 1965(f), section 102 of the Education (Scotland) Act 1962(g) or under the Teachers' (Superannuation) Act 1925(h), or under a scheme comprised in a Teachers' Superannuation Scheme (within the meaning of section 145(47) of the said Act of 1962) from time to time in force.

3. National Health Service, that is to say, service pensionable in pursuance of regulations from time to time in force under section 10 of the Superannuation Act 1972, section 67 of the National Health Service Act 1946(i), or section 66 of the National Health Service (Scotland) Act 1947(j).

4. Local Government service, that is to say, service pensionable:—

(a) under the Local Government Superannuation Act 1937(k) (the 1937 Act) or the Local Government Superannuation (Scotland) Act 1937(l) or in pursuance of regulations from time to time in force under the Local Government Superannuation Act 1953(m) or section 7 of the Superannuation Act 1972 (the 1972 Act); or

(b) under a local Act scheme within the meaning of the 1937 Act or the 1972 Act.

5. Northern Ireland fire service, that is to say, service pensionable in pursuance of the Firemen's Pension Scheme from time to time in force under section 10 of the Fire Services (Amendment) Act (Northern Ireland) 1950(n) or section 17 of the Fire Services Act (Northern Ireland) 1969(o) or, as respects the Belfast fire brigade, the scheme so in force under section 13 of the said Act of 1950 or section 26 of the said Act of 1969.

(a) S.I. 1967/364; there are no relevant amending instruments.

(b) 1947 c. 41.

(e) 1967 c. 12.

(h) 1925 c. 59.

(k) 1937 c. 68.

(n) 1950 c. 4 (N.I.).

(c) 1972 c. 11.

(f) 1965 c. 83.

(i) 1946 c. 81.

(l) 1937 c. 69.

(o) 1969 c. 13 (N.I.).

(d) 1968 c. 12.

(g) 1962 c. 47.

(j) 1947 c. 27.

(m) 1953 c. 25.

6. Northern Ireland police service, that is to say, service pensionable in pursuance of an order or regulations from time to time in force under the Constabulary Acts (Northern Ireland) 1922 to 1949(a) or section 25 of the Police Act (Northern Ireland) 1970(b).

7. Service in health and personal social services in Northern Ireland, that is to say, service pensionable in pursuance of regulations from time to time in force under section 61 of the Health Services Act (Northern Ireland) 1948(c), section 67 of the Health Services Act (Northern Ireland) 1971(d) and Schedule 8 thereto, or Article 12 of the Superannuation (Northern Ireland) Order 1972(e).

8. Northern Ireland teaching service, that is to say, service pensionable in pursuance of a scheme comprised in, or in regulations or rules from time to time in force under, Article 11 of the Superannuation (Northern Ireland) Order 1972 or the Teachers' Superannuation Acts (Northern Ireland), 1950 to 1967(f) or a 1923 Act Scheme (within the meaning of the Teachers' Superannuation Act (Northern Ireland) 1950.

9. Northern Ireland local government service, that is to say, service pensionable in pursuance of regulations from time to time in force under section 2 of the Local Government (Superannuation) Act (Northern Ireland) 1950(g) or Article 9 of the Superannuation (Northern Ireland) Order 1972.

(a) 1922 c. 8 (N.I.), 1924 c. 17 (N.I.), 1928 c. 4 (N.I.), 1930 c. 18 (N.I.), 1933 c. 27 (N.I.), 1934 c. 10 (N.I.), 1949 c. 9 (N.I.).

(b) 1970 c. 9 (N.I.). (c) 1948 c. 3 (N.I.). (d) 1971 c. 1 (N.I.).

(e) S.I. 1972/1073 (N.I. 10). (f) 1950 c. 33 (N.I.), 1951 c. 28 (N.I.) (in part), 1956 c. 22 (N.I.), 1963 c. 7 (N.I.), 1967 c. 3 (N.I.). Partially repealed with savings by Article 23 of the Superannuation (Northern Ireland) Order 1972.

(g) 1950 c. 10 (N.I.).

Regulations 7(2)
and 11

SCHEDULE 3

AGE FACTOR

Age in completed years on 1st April 1978	Factor	
	Men	Women
40	0.1009	0.1328
41	0.1018	0.1344
42	0.1024	0.1357
43	0.1031	0.1372
44	0.1038	0.1389
45	0.1045	0.1405
46	0.1058	0.1422
47	0.1073	0.1437
48	0.1085	0.1454
49	0.1099	0.1470
50	0.1111	0.1487
51	0.1125	0.1502
52	0.1150	0.1525
53	0.1176	0.1548
54	0.1203	0.1571
55	0.1229	0.1599
56	0.1267	0.1628
57	0.1306	0.1663
58	0.1345	0.1707
59	0.1397	0.1759
60	0.1463	0.1810
61	0.1465	0.1818
62	0.1469	0.1825
63	0.1473	0.1833
64	0.1478	0.1840
65	0.1480	0.1844
66	0.1436	0.1800
67	0.1392	0.1756
68	0.1355	0.1713
69	0.1311	0.1669
70	0.1267	0.1625
71	0.1230	0.1575
72	0.1190	0.1519
73	0.1144	0.1463
74	0.1106	0.1406
75	0.1063	0.1350
76	0.1019	0.1294
77	0.0981	0.1238
78	0.0938	0.1181
79	0.0900	0.1131
80	0.0854	0.1088
81	0.0815	0.1044
82	0.0775	0.1006
83	0.0735	0.0969
84	0.0698	0.0931
85	0.0661	0.0894
86	0.0623	0.0856
87	0.0585	0.0825
88	0.0554	0.0794
89	0.0525	0.0769
90	0.0496	0.0744

SCHEDULE 3

Regulations 7(2)
and 11AGE FACTOR (*Cont'd.*)

Age in completed years on 1st April 1978	Factor	
	Men	Women
91	0.0467	0.0719
92	0.0440	0.0694
93	0.0419	0.0669
94	0.0398	0.0644
95	0.0377	0.0625
96	0.0356	0.0600
97	0.0342	0.0581
98	0.0321	0.0556
99	0.0306	0.0531

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations supplement the Police Pensions Regulations 1973 and the Police Pensions (War Service) Regulations 1979 ("the 1979 Regulations"). The Regulations make provision for policemen and former policemen who have been unable to reckon their war service for pension purposes under the 1979 Regulations solely because they have transferred between the police pension scheme and other pension schemes of the kinds referred to in Regulation 3 of and Schedule 2 to these Regulations.

Regulation 3 identifies those public service pension schemes in respect of which police authorities can pay or receive additional transfer values to enable war service to be reckoned.

Regulation 4 identifies by reference to the kinds of service mentioned in Schedule 2 those policemen who are qualified to elect to count war service without the receipt by the police authority of a transfer value.

Regulation 5 provides for the reckoning of war service in the case of personal benefits only by policemen to whom Regulation 4 applies. Regulation 6 identifies those policemen who are eligible to reckon war service by virtue of the payment of a transfer value. Regulation 7 provides for the reckoning of war service in the case of personal benefits only by policemen to whom Regulation 6 applies.

Regulation 8 makes provision in the case of an election to reckon war service for widows' and children's benefits as well as for personal benefits.

Regulation 9 identifies those policemen in respect of whom, on receipt of the information specified in Regulation 10, a police authority may pay an additional transfer value to permit their war service to reckon in another scheme. Regulation 10 provides for the payment of an additional transfer value, calculated in accordance with Regulation 11.

Schedule 1 modifies the 1979 Regulations in their application to policemen by virtue of these Regulations. Schedule 2 sets out the categories of qualifying service for the purposes of Regulation 4. Schedule 3 lists the age factors referred to in Regulations 7(2)(b) and 11(b) for the purpose of calculating respectively the amount of war service reckonable under Regulation 7 and the additional transfer value payable under Regulation 10(1).

The Regulations have effect from 1st April 1978 (retrospection is authorised by section 1(5) of the Police Pensions Act 1976).