
STATUTORY INSTRUMENTS

1987 No. 257

POLICE

The Police Pensions Regulations 1987

Made - - - - 20th February 1987

Laid before Parliament 9th March 1987

Coming into force - - 1st April 1987

In exercise of the powers conferred on me by sections 1 to 8 of the Police Pensions Act 1976⁽¹⁾, and after consultation with the Police Negotiating Board for the United Kingdom and, so far as Regulation H6 is concerned, with the Council on Tribunals in pursuance of section 10 of the Tribunals and Inquiries Act 1971⁽²⁾, I hereby, with the consent of the Treasury⁽³⁾, make the following Regulations:—

Part A

General Provisions and Retirement

Citation and commencement

A1. These Regulations may be cited as the Police Pensions Regulations 1987 and come into force on the date specified in that behalf in the Police Pensions (Supplementary Provisions) Regulations 1987⁽⁴⁾.

Supplementary provisions

A2. These Regulations have effect subject to—

- (a) the transitional provisions set out in Part III of Schedule 1 to the Police Pensions (Supplementary Provisions) Regulations 1987 (“the Supplementary Regulations”), and
- (b) the Police Pensions (War Service) Regulations 1979⁽⁵⁾, the Police Pensions (War Service) (Transferees) Regulations 1985⁽⁶⁾ and the Police (Injury Benefit) Regulations 1987⁽⁷⁾ as amended by Regulations 5, 6 and 7 of the Supplementary Regulations.

(1) 1976 c. 35, as amended by section 2(3) of the Police Negotiating Board Act 1980 (c. 10).

(2) 1971 c. 62.

(3) Formerly the Minister for the Civil Service; see S.I. 1981/1670.

(4) S.I. 1987/256; Regulation 3 provides that the present Regulations shall come into force on 1st April 1987.

(5) S.I. 1979/1259.

Exclusion of old cases

A3.—(1) Nothing in these Regulations shall apply in a case in which the old cases Regulations apply, that is to say, in the case of an award or payment to or in respect of, or relating to—

- (a) a person who retired or otherwise ceased to be a member of a police force before 1st April 1972, or
- (b) a person, being a serviceman who did not resume service as a regular policeman, whose period of relevant service in the armed forces ended before 1st April 1972.

(2) The reference in paragraph (1) to the old cases Regulations is a reference to the Police Pensions Regulations 1971⁽⁸⁾ and other Regulations set out in Part I of Schedule 2 to the Police Pensions (Supplementary Provisions) Regulations 1987, as amended by Part II of that Schedule.

Meaning of certain expressions and references—general provisions

A4.—(1) In these Regulations, unless the context otherwise requires—

- (a) the expressions contained in the glossary set out in Schedule A shall be construed as therein provided;
- (b) any reference to a member of a police force, however expressed, includes a reference to a person who has been such a member;
- (c) any reference to an award, however expressed, is a reference to an award under these Regulations.

(2) In these Regulations, unless the context otherwise requires, a reference to a Regulation or a Part shall be construed as a reference to a Regulation contained in these Regulations or a Part thereof, a reference to a Schedule shall be construed as a reference to a Schedule to these Regulations, a reference to a paragraph shall be construed as a reference to a paragraph in the same Regulation or, as the case may be, the same Part of the same Schedule or the same Section thereof and a reference to a sub-paragraph shall be construed as a reference to a sub-paragraph contained in the same paragraph.

Meaning of certain expressions related to the National Insurance and Social Security Acts

A5.—(1) In these Regulations the following expressions shall have the meanings respectively which they had for the purposes of the National Insurance Act 1965⁽⁹⁾ immediately before its repeal by the Social Security (Consequential Provisions) Act 1975⁽¹⁰⁾—

- “employed contributor’s employment”;
- “graduated contribution”;
- “graduated retirement benefit”;
- “non-participating employment”;
- “payment in lieu of contributions”.

(2) In these Regulations any reference to state pensionable age is a reference to the age of 65 years in the case of a man, or 60 years in the case of a woman.

(3) In these Regulations any reference to a participating period of relevant employment is a reference to a period of employed contributor’s employment after 5th April 1961 and before state pensionable age other than—

- (a) service in the armed forces, and

(6) [S.I. 1985/2029](#).

(7) [S.I. 1987/156](#).

(8) [S.I. 1971/232](#), revoked with savings by [S.I. 1973/428](#).

(9) 1965 c. 51.

(10) 1975 c. 18.

- (b) non-participating employment at the end of which no payment in lieu of contributions fell to be made;

and for the purposes of this paragraph a period of employed contributor's employment or of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(4) In these Regulations any reference to the secured portion of a pension is a reference to the portion of the pension which equals the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining state pensionable age, in return for a payment in lieu of contributions in respect of the whole of any period of non-participating employment by reason of which he is entitled to reckon pensionable service for the purposes of the pension, being a period of non-participating employment at the end of which no payment in lieu of contributions in fact fell to be made; and any reference to the unsecured portion of a pension shall be construed accordingly.

For the purposes of this paragraph a period of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(5) For the purposes of these Regulations the annual rate of graduated retirement benefit shall be calculated as if there were 52# weeks in each year.

(6) In these Regulations the following expressions shall have the meanings respectively which they have for the purposes of the Social Security Pensions Act 1975(11)—

“contracted-out employment”;

“contracted-out scheme”;

“guaranteed minimum” and “guaranteed minimum pension”;

“contributions equivalent premium”.

(7) In these Regulations any reference to a case in which a contributions equivalent premium has been paid includes a reference to a case in which such a premium is payable but has not been paid by virtue of regulations under Schedule 2 to the Social Security Pensions Act 1975 dispensing with the payment of such a premium where its amount would be inconsiderable.

(8) In these Regulations any reference to the guaranteed minimum in relation to a pension under a pension scheme at a particular time is a reference to the amount certified by the Department of Health and Social Security as that minimum at that time.

Meaning of certain expressions in relation to persons who are not members of a home police force

A6.—(1) A reference in these Regulations to a rank, being a rank in a home police force, shall, in relation to a member of an overseas corps, be construed as a reference to such rank in that corps as the Secretary of State may from time to time direct.

(2) For the purposes of these Regulations—

(a) a central police officer, or

(b) an overseas policeman who is not a member of an overseas corps, shall be deemed to hold the rank in which he is entitled to revert to his home police force at the end of his tour of overseas service or, as the case may be, of central service.

(3) For the purposes of these Regulations—

(a) an inspector of constabulary shall be deemed to hold the rank and office of chief constable;

(b) an assistant inspector of constabulary shall be deemed to hold the rank of chief superintendent.

(4) Except where the context otherwise requires, for the purposes of these Regulations—

(a) an inspector or assistant inspector of constabulary or a central police officer shall be deemed to be a member of a home police force;

(b) an overseas policeman who is not a member of an overseas corps shall be deemed to be a member of such a corps;

and any reference to such a person joining or leaving a police force or transferring from one force to another, however expressed, shall be construed accordingly.

(5) In relation to an inspector or assistant inspector of constabulary, a central police officer or an overseas policeman, any reference in these Regulations to the police authority shall be construed as a reference to the Secretary of State.

(6) This Regulation has effect subject to paragraph 3 of Part VII of Schedule J.

Weekly rate of pensions and allowances

A7. Where the rate at which a pension or allowance is payable or the amount thereof is expressed as an annual rate or amount then, for the purposes of these Regulations, the weekly rate or amount of that pension or allowance shall be determined as if there were 52# weeks in each year.

Persons treated as being in receipt of a pension

A8. For the purposes of these Regulations, except where otherwise expressly provided, a person shall be treated as being in receipt of an ordinary, short service, ill-health or, as the case may be, injury pension if he would be in receipt of such a pension—

(a) in the case of an ordinary pension—

(i) had he attained the age of 50 years, or

(ii) had it not been wholly withdrawn under Regulation K4 (*withdrawal of pension during service as a regular policeman*);

(b) in the case of a short service or ill-health pension, had it not been withdrawn as mentioned in sub-paragraph (a)(ii);

(c) in the case of an injury pension, had the aggregate reductions therein under paragraphs 3 and 4 of Part V of Schedule B not exceeded the amount of the pension calculated in accordance with paragraph 2 thereof.

Reckoning of service for purposes of awards

A9.—(1) Subject to paragraph (3), for the purpose of calculating an award payable to or in respect of a member of a police force by reference to any period in years (including a period of pensionable or other service)—

(a) that period shall be reckoned in completed years and a fraction of a year;

(b) a part of a year shall be taken to be that fraction of a year whereof the denominator is 365 and the numerator is the number of completed days in that part and, accordingly, a part of a year which includes 29th February in a leap-year and comprises 365 days shall be treated as a whole year.

(2) Where, for the purpose of calculating an award to or in respect of a regular policeman—

(a) it is necessary to determine his pensionable service reckonable by reason of service or employment before or after a particular date, and

- (b) by virtue of the receipt by a police authority of a transfer value, he is entitled to reckon a period of pensionable service by reason of service or employment for a period which includes the date in question,

then that part of the said period of pensionable service shall be deemed to be reckonable by reason of service or employment before or after the date in question which bears the same proportion to the whole of that period as the part of the previous service or employment before, or as the case may be after, that date bears to the whole thereof.

- (3) Paragraph (1) has effect subject to paragraphs 1, 2 and 3 of Part IV of Schedule J.

Aggregate pension contributions for purposes of awards

A10.—(1) For the purpose of calculating the amount of an award by reference to the aggregate pension contributions of a regular policeman in respect of the relevant period of service, the relevant period of service shall be taken to be the period ending in the retirement, dismissal or death on which the award is payable and beginning with the date on which he became a regular policeman in the force from which he retired or was dismissed or in which he died or, if he has more than once been a regular policeman in that force, the date on which he last joined that force otherwise than as a serviceman resuming service in his former force within a month of the end of his period of relevant service in the armed forces.

(2) For the purpose aforesaid the aggregate pension contributions in respect of the relevant period of service shall be taken to be the sum of the following amounts—

- (a) the aggregate of the pension contributions (including additional, further or special contributions) made in respect of that period by the person concerned to the police authority by whom the award is payable and any rateable deductions made in respect of that period by that authority from his pay under the former Acts;
- (b) any additional, further or special payment by way of a lump sum made during the relevant period by that person to that police authority;
- (c) the amount of any sums paid by the person concerned to the said police authority (including sums paid in pursuance of an undertaking) as a condition of being entitled to reckon pensionable service or, as the case may be, approved service, by reason of service before the said period;
- (d) where the person concerned has transferred to the force of the police authority by whom the award is payable, any sum which had he retired instead of transferring would have been calculable under this paragraph as aggregate pension contributions at the time of transfer;
- (e) where the person concerned, while a member of the force of the said police authority, became entitled, in the circumstances mentioned in Regulation F3(1)(d), (e) or (f), Regulation F6 or Regulation F7, to reckon pensionable service by reason of a period of previous service or employment otherwise than as a member of a police force, the amount of any award by way of return of contributions or of any analogous payment which would have been made to him at the end of that period of previous service or employment had he voluntarily retired therefrom in circumstances entitling him to such an award or payment under the superannuation arrangements applicable thereto, and
- (f) where the person concerned previously retired with an ill-health pension from the force of the police authority by whom the current award is payable, that pension was terminated in whole or in part under Regulation K1 or any corresponding provision of the former Regulations and he rejoined the force, any sum which would have been calculable under this paragraph as aggregate pension contributions at the time of the previous retirement.

(3) The references in paragraph (2)(a) and (b) to additional, further or special contributions or payments are references to such contributions or payments made in pursuance of an election under any of the provisions mentioned in Regulation 57(2), under Regulation 58 or under Regulation 61A

of the Regulations of 1973 subject, however, to Regulations F4(3) and F5(2)(c) (*previous service reckonable on payment or at discretion of police authority*).

Injury received in the execution of duty

A11.—(1) A reference in these Regulations to an injury received in the execution of duty by a member of a police force means an injury received in the execution of that person's duty as a constable and, where the person concerned is an auxiliary policeman, during a period of active service as such.

(2) For the purposes of these Regulations an injury shall be treated as received by a person in the execution of his duty as a constable if—

- (a) the member concerned received the injury while on duty or while on a journey necessary to enable him to report for duty or return home after duty, or
- (b) he would not have received the injury had he not been known to be a constable, or
- (c) the police authority are of the opinion that the preceding condition may be satisfied and that the injury should be treated as one received as aforesaid.

(3) In the case of a person who is not a constable but is within the definition of “member of a police force” in the glossary set out in Schedule A by reason of his being an officer there mentioned, paragraphs (1) and (2) shall have effect as if the references therein to a constable were references to such an officer.

(4) For the purposes of these Regulations an injury shall be treated as received without the default of the member concerned unless the injury is wholly or mainly due to his own serious and culpable negligence or misconduct.

(5) Notwithstanding anything in these Regulations relating to a period of service in the armed forces, an injury received in the execution of duty as a member of the armed forces shall not be deemed to be an injury received in the execution of duty as a member of a police force.

(6) In the case of a regular policeman who has served as a police cadet in relation to whom the Police Cadets (Pensions) Regulations had taken effect, a qualifying injury within the meaning of those Regulations shall be treated for the purposes of these Regulations as if it had been received by him as mentioned in paragraph (1); and, where such a qualifying injury is so treated, any reference to duties in Regulation C3(1) (*widow's augmented award*) shall be construed as including a reference to duties as a police cadet.

In this paragraph the reference to the Police Cadets (Pensions) Regulations is a reference to the Regulations from time to time in force under section 35 of the Police Act 1964⁽¹²⁾, as extended by section 13 of the Superannuation (Miscellaneous Provisions) Act 1967⁽¹³⁾, or under section 27 of the Police (Scotland) Act 1967⁽¹⁴⁾, read with the said section 13.

Disablement

A12.—(1) A reference in these Regulations to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision and to that disablement being at that time likely to be permanent.

(2) Subject to paragraph (3), disablement means inability, occasioned by infirmity of mind or body, to perform the ordinary duties of a male or female member of the force, as the case may be, except that, in relation to a child or the widower of a member of a police force, it means inability, occasioned as aforesaid, to earn a living.

⁽¹²⁾ 1964 c. 48.

⁽¹³⁾ 1967 c. 28.

⁽¹⁴⁾ 1967 c. 77.

(3) Where it is necessary to determine the degree of a person's disablement it shall be determined by reference to the degree to which his earning capacity has been affected as a result of an injury received without his own default in the execution of his duty as a member of a police force:

Provided that a person shall be deemed to be totally disabled if, as a result of such an injury, he is receiving treatment as an in-patient at a hospital.

(4) Where a person has retired before becoming disabled and the date on which he becomes disabled cannot be ascertained, it shall be taken to be the date on which the claim that he is disabled is first made known to the police authority.

Disablement, death or treatment in hospital the result of an injury

A13. For the purposes of these Regulations disablement or death or treatment at a hospital shall be deemed to be the result of an injury if the injury has caused or substantially contributed to the disablement or death or the condition for which treatment is being received.

Relevant service in the armed forces

A14. A reference in these Regulations to relevant service in the armed forces shall be construed as a reference to—

- (a) service specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951⁽¹⁵⁾, other than service specified in paragraph 5(b) thereof;
- (b) part-time service under the National Service Act 1948⁽¹⁶⁾, otherwise than pursuant to a training notice under that Act;
- (c) service for the purposes of training only performed by a person mentioned in paragraph 7 of Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, for a period shorter than 7 days;
- (d) in relation to a serviceman other than a serviceman (1939–1945), whole-time service in the armed forces under the National Service Acts 1939 to 1946⁽¹⁷⁾, the National Service Act 1947⁽¹⁸⁾ or, without prejudice to sub-paragraph (a), the National Service Act 1948;
- (e) in relation to a serviceman (1939–1945), service in the armed forces up to such date as the Secretary of State on the application of the police authority of his former force may in his case have fixed.

Alterations in police areas

A15.—(1) Where a police area is or has been combined with another police area, the police force, police authority and police fund for the combined police area of which the first-named area for the time being forms part shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the first-named area.

(2) Where a police area is or has been divided, in relation to any person—

- (a) who is transferred by the instrument effecting the division from the force for the divided area to another force, the other force and the police authority and police fund for the area thereof shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the divided area;
- (b) who ceased to be a member of the force for the divided area before the division thereof, if the instrument effecting the division makes provision in that behalf, the force, authority

⁽¹⁵⁾ 1951 c. 65.

⁽¹⁶⁾ 1948 c. 64.

⁽¹⁷⁾ 1939 c. 81, 1940 c. 22, 1941 c. 15, 1942 c. 3, 1946 c. 38.

⁽¹⁸⁾ 1947 c. 31.

and fund designated for the purpose thereby shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the divided area.

(3) In this Regulation—

- (a) a reference to the combination or division of a police area includes a reference to an agreement under section 14 of the County Police Act 1840⁽¹⁹⁾ or, as the case may be, the termination of such an agreement, and a reference to the force, authority or fund for a combined area shall be construed accordingly;
- (b) a reference to the division of a police area includes a reference to the transfer of part of a police area, on or after 1st April 1966, on the date on which an order affecting the area, made under section 140 of the Local Government Act 1933⁽²⁰⁾ or under Part II of the Local Government Act 1958⁽²¹⁾, comes into force, and
- (c) a reference to the combination of a police area with another police area includes a reference to the inclusion of a police area in a county or county borough police area, on or after 1st April 1968, on a date on which an order affecting the area, made under Part II of the Local Government Act 1958, comes into force and, in such case, a reference to the combined police area shall be construed as a reference to the county or, as the case may be, the county borough police area.

(4) In its application to Scotland, this Regulation shall have effect as if—

- (a) any reference to a police fund were omitted;
- (b) any reference to the police authority for a combined area or to a combined authority were a reference to the joint police committee for a combined area; and
- (c) the reference to section 14 of the County Police Act 1840 were a reference to section 61 of the Police (Scotland) Act 1857⁽²²⁾.

Transfers

A16. A reference in these Regulations to a regular policeman transferring from one force to another shall be construed as a reference to a regular policeman—

- (a) leaving a home police force for the purpose of joining another home police force as a regular policeman and joining that other force in that capacity, where—
 - (i) not being the chief officer of police of, or a constable on probation in, the force first mentioned in this sub-paragraph, he leaves or left that force on or after 1st January 1963 for the purpose aforesaid, after giving a month's notice in writing of his intention to do so to the police authority of that force or such shorter period of notice as may have been accepted by that authority on or after 15th February 1971, or
 - (ii) he left the said force before 1st January 1963 or, being the chief officer of police of, or a constable on probation in, the said force, he leaves or left that force on or after that date, in either case for the purpose aforesaid and with the written consent of the chief officer of police or, in the case of the chief officer of police, of the police authority of that force;
- (b) leaving a home police force with the consent of the Secretary of State and with the written consent of the chief officer of police of that force acting with the consent of the police authority or, if he is the chief officer of police of that force, of the police authority, for the

⁽¹⁹⁾ 1840 c. 88.

⁽²⁰⁾ 1933 c. 51.

⁽²¹⁾ 1958 c. 55.

⁽²²⁾ 1857 c. 72.

purpose of engaging for a tour of overseas service as a reversionary member of a home police force and engaging in such a tour of service;

- (c) transferring or being transferred from one overseas corps to another;
- (d) exercising his right of reversion to a home police force, under section 2(1) of the Police (Overseas Service) Act 1945(23), at the end of a tour of overseas service; or
- (e) at the end of a tour of overseas service joining another home police force as a regular policeman subject, in the cases hereinafter mentioned, to his doing so with the consent so mentioned, namely—
 - (i) in the case of a person who was, at the time he left the home police force to which he had the right of reversion referred to in sub-paragraph (d), the chief officer of that force, the written consent of the police authority of that force;
 - (ii) in the case of any other person whose tour of overseas service ended before 15th February 1971, the written consent of the chief officer of police of the home police force to which he had such right of reversion, acting with the consent of the police authority of that force.

Retirement

A17.—(1) A reference in these Regulations to retirement includes a reference to the services of a member of a police force being dispensed with under regulations for the time being in force under section 33 of the Police Act 1964 or section 26 of the Police (Scotland) Act 1967 (other than regulations relating to the maintenance of discipline), to an auxiliary policeman ceasing to be called up for active service and to the termination of a tour of overseas service otherwise than by dismissal or transfer, but does not include a reference to leaving a force on transferring from one force to another, or on joining the Royal Ulster Constabulary with such consent as is mentioned in paragraph (2) and a reference to a continuous period of service is a reference to a period of service uninterrupted by any such retirement.

(2) The consent referred to in paragraph (1) is—

- (a) in the case of a member of a police force who left his force before 17th December 1969 or was a chief officer of police, an assistant chief constable or a deputy chief constable and left his force on or after that date, the consent of the police authority;
- (b) in any other case, the consent of the chief officer of police acting with the consent of the police authority.

(3) If a regular policeman is dismissed but is entitled to an ordinary pension by virtue of Regulation B1(6), these Regulations shall apply in his case as if he had retired as mentioned in Regulation B1(6)(b).

Compulsory retirement on account of age

A18.—(1) Subject to paragraph (2), every regular policeman—

- (a) who is not a member of the metropolitan police or an overseas policeman shall be required to retire—
 - (i) if he is the commissioner or assistant commissioner of police for the City of London or is a chief constable, deputy chief constable or assistant chief constable, on attaining the age of 65 years,
 - (ii) if he is a superintendent or inspector, on attaining the age of 60 years,
 - (iii) if he is a sergeant or constable, on attaining the age of 55 years;

- (b) who is a member of the metropolitan police shall be required to retire—
 - (i) if he is an assistant commissioner, on attaining the age of 60 years,
 - (ii) if he is a deputy assistant commissioner or commander, on attaining the age of 57 years,
 - (iii) if he holds any lower rank, on attaining the age of 55 years.

(2) The time at which, under paragraph (1), a person shall be required to retire may be postponed, if the person concerned holds a rank above that of superintendent, by the police authority, and, if he holds the rank of superintendent or any lower rank, by the chief officer of police:

Provided that no such postponement or postponements shall extend beyond 5 years from the time at which, under paragraph (1), he would have been required to retire.

- (3) Paragraph (1) has effect subject to paragraphs 5(2) and 6(3) of Part VII of Schedule J.

Compulsory retirement on grounds of efficiency of the force

A19.—(1) This Regulation shall apply to a regular policeman, other than a chief officer of police, deputy chief constable or assistant chief constable, who if required to retire would be entitled to receive a pension of an amount not less than 2 thirds of his average pensionable pay or would be entitled to receive a pension of such an amount if it did not fall to be reduced in accordance with Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*).

(2) If a police authority determine that the retention in the force of a regular policeman to whom this Regulation applies would not be in the general interests of efficiency, he may be required to retire on such date as the police authority determine.

Compulsory retirement on grounds of disablement

A20. Every regular policeman may be required to retire on the date on which the police authority determine that he ought to retire on the ground that he is permanently disabled for the performance of his duty:

Provided that a retirement under this Regulation shall be void if, after the said date, on an appeal against the medical opinion on which the police authority acted in determining that he ought to retire, the medical referee decides that the appellant is not permanently disabled.

Effective date of retirement

A21.—(1) For the purposes of these Regulations—

- (a) a member of a police force shall be taken to retire or cease to serve immediately following his last day of service;
- (b) a member of a police force required to retire under Regulation A18, A19 or A20 shall be deemed to retire on the date on which he is so required to retire and his last day of service shall be the immediately preceding day;
- (c) a continuous period of active service as an auxiliary policeman or a tour of overseas service shall be taken to end immediately following the last day of service of the person concerned.

(2) The references in paragraph (1) to a person's last day of service are references to his last such day during the relevant period of service or, as the case may be, tour of overseas service.

Part B

Personal Awards

Policeman's ordinary pension

B1.—(1) Subject to paragraphs (2), (4) and (6), this Regulation shall apply to a regular policeman who retires or has retired when entitled to reckon at least 25 years' pensionable service unless Regulation B3 (policeman's ill-health award) applies in his case.

(2) Except in the circumstances mentioned in paragraph (3), this Regulation shall not apply to a regular policeman where—

- (a) he retires or retired without having given to the police authority a month's written notice of his intention to retire or such shorter notice as may have been accepted by the police authority, or
- (b) being a chief officer of police, assistant commissioner of police of the metropolis, assistant commissioner of police for the City of London, deputy chief constable, assistant chief constable, commander, or deputy assistant commissioner in the metropolitan police force, he retires or retired before attaining the age of 60 years.

(3) The circumstances referred to in paragraph (2) are that—

- (a) the police authority have decided that this Regulation should apply in his case, or
- (b) being such a regular policeman as is mentioned in paragraph (2)(b), he retires or retired on or after attaining the age of 55 years having given to the police authority 3 months' written notice of his intention to retire, or
- (c) he is or was required to retire on account of age, or on the ground that his retention in the force would not be in the general interests of efficiency, or as an alternative to dismissal, or
- (d) he is or was required to retire under section 5(4) of the Police Act 1964⁽²⁴⁾ or section 4(4) (d) of the Police (Scotland) Act 1967⁽²⁵⁾.

(4) This Regulation shall not apply to an overseas policeman or central police officer who retires or retired before the completion of the tour of overseas service or, as the case may be, of central service (if any) applicable in his case.

(5) Subject to the provisions of these Regulations, a regular policeman to whom this Regulation applies shall be entitled to an ordinary pension of an amount calculated in accordance with Part I of Schedule B, subject however to Parts VII and VIII of that Schedule; but, in the case of a person entitled to reckon less than 30 years' pensionable service, no payments shall be made on account of the pension in respect of the period (if any) after his retirement and before he has attained the age of 50 years or, if he sooner becomes permanently disabled, before he becomes so disabled.

(6) If a regular policeman entitled to reckon at least 25 years' pensionable service—

- (a) is dismissed otherwise than for a cause for which, if a pension were granted to him, it could be forfeited under Regulation K5, and
- (b) would have been entitled to an ordinary pension if he had retired on the date his dismissal took effect, having given such notice to the police authority of his intention to retire as is mentioned in paragraph (2)(a) or (3)(b),

this regulation shall apply to him and, accordingly, he shall be entitled to an ordinary pension under paragraph (5).

⁽²⁴⁾ 1964 c. 48.

⁽²⁵⁾ 1967 c. 77.

(7) Paragraphs (2), (3) and (5) have effect subject to paragraphs 1, 2 and 3 of Part I, and paragraphs 5(2) and (4) and 6(2) of Part VII, of Schedule J.

Policeman's short service award

B2.—(1) This Regulation shall apply to a regular policeman who retires or has retired when entitled to reckon less than 25 years' pensionable service and who—

- (a) is or was required to retire on account of age;
- (b) being a reversionary member of a home police force, in pursuance of a notice in that behalf given to the Secretary of State and having attained the age of 60 years, retires or retired on the termination of the tour of overseas service (if any) applicable in his case, or
- (c) is or was required to retire under section 5(4) of the Police Act 1964 or section 4(4)(d) of the Police (Scotland) Act 1967.

(2) A regular policeman to whom this Regulation applies shall be entitled to a short service award as hereinafter provided.

(3) In the case of a policeman entitled at the time of his retirement to reckon at least 5 years' pensionable service, the award under paragraph (2) shall be a short service pension calculated in accordance with Part II of Schedule B, subject however to Parts VII and VIII of that Schedule.

(4) In the case of any other policeman, the award under paragraph (2) shall be a short service gratuity calculated in accordance with Part IV of Schedule B.

(5) Paragraph (1) has effect subject to paragraphs 5(3) and 6(2) of Part VII of Schedule J.

Policeman's ill-health award

B3.—(1) This Regulation shall apply to a regular policeman who retires or has retired on the ground that he is or was permanently disabled.

(2) A regular policeman to whom this Regulation applies shall be entitled to an ill-health award as hereinafter provided.

(3) In the case of a policeman who is or was at the time of his retirement—

- (a) entitled to reckon at least 5 years' pensionable service, or
- (b) disabled as the result of an injury received in the execution of duty,

the award under paragraph (2) shall be an ill-health pension calculated in accordance with Part III of Schedule B, subject however to Parts VII and VIII of that Schedule.

(4) In the case of any other policeman the award under paragraph (2) shall be an ill-health gratuity calculated in accordance with Part IV of Schedule B.

Policeman's injury award

B4.—(1) This Regulation shall apply to a person who ceases or has ceased to be a member of a police force and is permanently disabled as a result of an injury received without his own default in the execution of his duty (in Part V of Schedule B referred to as the "relevant injury").

(2) A person to whom this Regulation applies shall be entitled to a gratuity and, in addition, to an injury pension, in both cases calculated in accordance with Part V of Schedule B; but payment of an injury pension shall be subject to the provisions of paragraph 5 of the said Part V and, where the person concerned ceased to serve before becoming disabled, no payment shall be made on account of the pension in respect of any period before he became disabled.

Policeman's deferred pension

B5.—(1) This Regulation shall apply to a regular policeman who—

- (a) is entitled to reckon at least 5 years' pensionable service, or
- (b) though not so entitled, has service as a regular policeman which, disregarding breaks in service of not more than a month, is continuous and which, when aggregated with any period of other service or employment by reason of which he is entitled to reckon pensionable service, is at least 5 years.

(2) A regular policeman to whom this Regulation applies who ceases or has ceased to be such in circumstances—

- (a) in which no transfer value is payable in respect of him, and
 - (b) which do not entitle him to any award under any of the preceding provisions of this Part,
- shall, on so ceasing to be a regular policeman, be entitled to a deferred pension as hereinafter provided.

(3) Where the unsecured portion of the ill-health pension of a regular policeman to whom this Regulation applies—

- (a) is terminated under Regulation K1(4), or
- (b) has been terminated on or after 1st April 1973 under Regulation 65(4) of the Regulations of 1973,

otherwise than on his rejoining his force he shall, as from the date of termination, be entitled to a deferred pension as hereinafter provided.

(4) A deferred pension under paragraph (2) or (3) shall be calculated in accordance with Part VI of Schedule B, subject however to Parts VII and VIII of that Schedule; but no payment shall be made on account of the pension—

- (a) in respect of the period before the regular policeman attains the age of 60 years or, if he sooner becomes permanently disabled, before he becomes so disabled, or
- (b) where he has relinquished his entitlement as mentioned in Regulation F4(3) or F5(3) (*previous service reckonable on payment or at discretion of police authority*), by written notice to the police authority, in respect of any period after the giving of that notice.

(5) This Regulation has effect subject to paragraph 8 of Part I of Schedule J.

Award by way of repayment of aggregate pension contributions

B6.—(1) This Regulation shall apply to a regular policeman who ceases to serve as such in circumstances—

- (a) in which no transfer value is payable in respect of him, and
- (b) which do not entitle him to an award under any of the preceding provisions of this Part or to an award under Regulation J1 or paragraph 9 of Part I of Schedule J.

(2) A regular policeman to whom this Regulation applies shall be entitled to an award by way of repayment of his aggregate pension contributions in respect of his relevant period of service.

Commutation—general provision

B7.—(1) This Regulation shall apply to an ordinary, short service, ill-health or deferred pension under this Part, but in relation to—

- (a) a deferred pension, or
- (b) an ordinary pension which is not payable as from the date of the policeman's retirement,

paragraphs (5), (6) and (7) shall have effect as if any reference therein to retirement or the date thereof were a reference to the coming into payment of the pension or the date thereof.

(2) A regular policeman may, subject to and in accordance with this Regulation, commute for a lump sum a portion of any pension to which this Regulation applies to which he is or may become entitled.

(3) For the purpose of commuting a portion of his pension in accordance with this Regulation a person shall give notice in writing to the police authority ("notice of commutation") of his wish to surrender and commute for a lump sum so much of his pension as, subject to the limitations contained in paragraph (4) and in Regulation B10, he may specify ("the surrendered portion").

(4) The surrendered portion shall be such that—

- (a) the basic rate of the pension does not fall to be reduced in accordance with this Regulation by more than a quarter and, for the purposes hereof, that rate shall be taken to be the rate at which the pension would be payable not only if it did not fall to be so reduced but also disregarding any reduction—
 - (i) in accordance with Regulation B9 (*allocation*),
 - (ii) in accordance with Part VII of Schedule B (*reduction of pension at state pensionable age*),
 - (iii) as provided in paragraph 6(1) of Part VIII of Schedule B (*reduction of pension equivalent to outstanding additional or further contributions*), in accordance therewith, and
- (b) in the case of a regular policeman who retires or retired with an ordinary pension when entitled to reckon less than 30 years' pensionable service otherwise than in the circumstances mentioned in sub-paragraph (a) or (c) of Regulation B2(1), the lump sum calculated in accordance with paragraph (7) (disregarding any reduction in accordance with the proviso thereto) does not exceed an amount equal to $2\frac{1}{4}$ times the annual amount of his pension calculated in accordance with Part I of Schedule B (disregarding any reduction therein under paragraph (7) of this Regulation or any other provision of these Regulations):

Provided that, where a person wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under paragraph (8)(b), the portion which, in accordance with the preceding provisions of this paragraph, may be surrendered shall be reduced by the reduction under paragraph (8)(b) expressed in like manner.

(5) The notice of commutation shall be given by a person not earlier than 4 months before his intended retirement nor later than 6 months after his retirement.

(6) The notice of commutation given by a person shall become effective—

- (a) as from the date of his retirement, or
- (b) as from the date on which the notice is received by the police authority,

whichever is the later:

Provided that the notice of commutation shall not become effective if—

- (i) it was given more than 4 months before his retirement, or
- (ii) it relates to an ill-health pension and the unsecured portion of that pension has sooner been terminated under Regulation K1.

(7) Where the person retires or has retired and a notice of commutation given by him becomes or has become effective, the police authority shall reduce the pension to which the notice relates in accordance with the notice as from the time from which the notice is effective and shall pay him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Government Actuary:

Provided that where the notice is effective as from the date mentioned in paragraph (6)(b), the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement.

(8) Where the unsecured portion of an ill-health pension is terminated under Regulation K1 after a notice of commutation in relation to the pension has become effective—

- (a) no reduction shall be made under paragraph (7) in the secured portion of the pension, insofar as it is payable under Regulation K1;
- (b) if thereafter the person concerned becomes entitled to a pension, other than an injury pension, and is entitled to reckon for the purposes thereof the period of pensionable service reckonable for the purposes of the ill-health pension first mentioned in this paragraph, the unsecured portion of the other pension shall be reduced, in respect of any period, by the amount by which the ill-health pension would have been reduced under paragraph (7) if it had not been terminated as aforesaid but had been payable in respect of that period.

(9) This Regulation has effect subject to paragraphs 4 and 8(11) of Part I, and paragraphs 5(3) and 6(2) of Part VII, of Schedule J.

Commutation—small pensions

B8.—(1) Where the annual amount of any pension payable under this Part to a regular policeman who has attained state pensionable age, together with any increase under the Pensions (Increase) Acts, does not exceed £104, the police authority may, at their discretion, commute the pension for a gratuity.

(2) A gratuity under this Regulation shall be of such amount as is the actuarial equivalent of the pension, calculated from tables prepared by the Government Actuary.

(3) Where the regular policeman is entitled to more than one pension, those pensions shall be treated as one for the purposes of this Regulation.

(4) This Regulation has effect subject to Regulation J1(6)(a) and paragraphs 8(11) and 9(4) of Part I of Schedule J.

Allocation

B9.—(1) This Regulation shall apply to an ordinary, short service, ill-health or deferred pension under this Part.

(2) A regular policeman who is entitled to reckon not less than 25 years' pensionable service may, subject to and in accordance with this Regulation, allocate a portion of any ordinary or ill-health pension to which he is or may become entitled and, notwithstanding that he has already allocated a portion of such a pension, he may—

- (a) allocate a further portion of that pension in favour of the beneficiary of a previous allocation;
- (b) where that beneficiary has died, allocate a further portion of that pension in favour of some other beneficiary, or
- (c) where (not having attained the age of 70 years) he proposes to marry or remarry, allocate a further portion of that pension in favour of his spouse by that marriage.

(3) A regular policeman may, subject to and in accordance with this Regulation, allocate a portion of any short service pension to which he is or may become entitled or of a deferred pension and, notwithstanding that he has already allocated a portion of such a pension, he may, where (not having attained the age of 70 years) he proposes to marry or remarry, allocate a further portion of that pension in favour of his spouse by that marriage.

- (4) For the purpose of allocating a portion of his pension a policeman shall—
- (a) within the time limits mentioned in paragraph (5), give notice in writing to the police authority of the force in which he is serving or by whom his pension is payable (“notice of allocation”) stating—
 - (i) his wish to surrender so much of his pension as, subject to the limitations contained in Regulation B10, he may specify,
 - (ii) the person in whose favour the surrender is to take effect (“the beneficiary”) being his wife or some other person who the police authority are satisfied is substantially dependent upon him,
 - (iii) in the case of a policeman entitled to reckon not less than 25 years' pensionable service who has not retired, whether or not he wishes the notice to become effective while he is serving, and
 - (b) satisfy the police authority of his good health and for that purpose submit himself to such medical examination as they may require.
- (5) Notice of allocation shall be given—
- (a) where in such case as is mentioned in paragraph (4)(a)(iii) the policeman wishes the notice to become effective while he is serving, before his intended retirement;
 - (b) where a person in receipt of a pension who has not attained the age of 70 years proposes to marry or remarry and the beneficiary is his spouse by that marriage, before but not earlier than 4 months before his intended marriage;
 - (c) where the pension is a deferred pension but the preceding sub-paragraph does not apply, before but not earlier than 4 months before the pension comes into payment;
 - (d) in any other case, before but not earlier than 4 months before the person's intended retirement.
- (6) Where a person has complied with the provisions of sub-paragraphs (a) and (b) of paragraph (4), the police authority shall forthwith send to him a written notification that they have accepted the notice of allocation, which shall become effective—
- (a) in any such case as is mentioned in paragraph (5)(a) where he wishes the notice of allocation to become effective while he is serving, as from the time when the notification is received by him or, if sent by post, as from the time when it would be received by him in the ordinary course of post, except that it shall have effect as from the date of his retirement if that is earlier;
 - (b) in any such case as is mentioned in paragraph (5)(b), if, and only if, the proposed marriage takes place within 4 months of giving the notice of allocation and in that event as from the date of the marriage;
 - (c) in any such case as is mentioned in paragraph (5)(c), if, and only if, the deferred pension comes into payment within 4 months of giving the notice of allocation and in that event as from the date it comes into payment;
 - (d) in any other case, if, and only if, the person retires within 4 months of giving the notice of allocation and in that event as from the date of retirement.
- (7) Where a person retires or has retired in circumstances entitling him to a pension to which a notice of allocation given by him relates and that notice becomes effective—
- (a) that pension shall be reduced in accordance with the notice (notwithstanding the previous death of the beneficiary) as from the date from which the pension is payable or on which the notice becomes effective, whichever is the later, and

- (b) the police authority shall, as from the person's death, pay to the beneficiary specified in the notice, if that person survives him, a pension of such amount as is the actuarial equivalent of the surrendered portion of the pension.
- (8) For the purposes of paragraph (7)(b) the actuarial equivalent of the surrendered portion of the pension shall be calculated from tables prepared by the Government Actuary and in force at the time when the notice of allocation became effective, which tables shall—
 - (a) take account of the age of the regular policeman and of the age of the beneficiary at that time, and
 - (b) make different provision according to whether or not the notice of allocation became effective in accordance with paragraph (6)(a), and separate calculations shall be made in respect of separate allocations.
- (9) Where a person was entitled to reckon at least 25 years' pensionable service when he gave the notice of allocation and stated therein his wish that it should become effective while he was serving, then, if he dies before retiring, the police authority shall pay to the beneficiary the like pension that they would have paid by virtue of that notice if he had retired with a pension immediately before he died.
- (10) Any reference in these Regulations to a widow's pension, however expressed, shall be construed as excluding a reference to a pension payable to a widow under this Regulation.
- (11) This Regulation has effect subject to paragraph 8(11) of Part I of Schedule J.

Limitation of surrendered portion of a pension for the purposes of Regulation B7 or B9

B10. The portion of a pension which a regular policeman may surrender under either Regulation B7 or Regulation B9 shall be limited as hereinafter provided, namely, it shall not be—

- (a) in the case of any pension, such that the pension becomes payable at a rate less than two-thirds of the rate at which it would have been payable but for the provisions of the said Regulations and of Parts VII and VIII of Schedule B;
- (b) in the case of a deferred pension, where the policeman has a guaranteed minimum in relation to the pension on the date on which it becomes payable, such that the weekly amount of the pension at that date, including any increase under the Pensions (Increase) Act 1971(26), is less than that guaranteed minimum;

and the limitation contained in sub-paragraph (b) is without prejudice to that contained in sub-paragraph (a).

Deduction of tax from certain awards

B11.—(1) This Regulation shall apply to any payment on account of an award made to a member of a police force during his lifetime which constitutes a repayment of contributions within the meaning of paragraph 2 of Part II of Schedule 5 to the Finance Act 1970(27).

(2) The police authority may deduct from any payment to which this Regulation applies the tax for the time being chargeable thereon under paragraph 2 of the said Part II.

(26) 1971 c. 56.

(27) 1970 c. 24.

Part C

Widows' Awards

Widow's ordinary pension

C1.—(1) This Regulation shall apply to a widow of a regular policeman entitled to reckon at least 3 years' pensionable service—

- (a) who, having retired with an ordinary, short service or ill-health pension, dies or has died while in receipt of that pension;
- (b) who, having retired with both an ill-health and an injury pension, dies or has died otherwise than while in receipt of the ill-health pension but while in receipt of the injury pension;
- (c) who, having retired with an ill-health gratuity, dies or has died as a result of the same injury as resulted in his disablement, or
- (d) who dies or has died while serving as a regular policeman,

except that this Regulation shall not apply by virtue of sub-paragraph (c) to the widow of a regular policeman in respect of whom a transfer value was, or was required to be, paid, following his retirement, in pursuance of Regulation F9 (*interchange arrangements*).

(2) A widow to whom this Regulation applies shall be entitled to an ordinary pension calculated in accordance with Part I of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*).

(3) Paragraph (1) has effect subject to paragraph 1 of Part II of Schedule J.

Widow's special award

C2.—(1) This Regulation shall apply to a widow of a member of a police force who dies or has died as the result of an injury received without his own default in the execution of his duty.

(2) A widow to whom this Regulation applies shall be entitled to an award which shall comprise—

- (a) a widow's special pension calculated in accordance with Part II of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*), and
- (b) subject to paragraphs (3) and (4), a gratuity of an amount equal to 25% of her husband's average pensionable pay together with, where he died while serving as a member of a police force, an amount equal to whichever is the greater of the following amounts—
 - (i) her husband's average pensionable pay,
 - (ii) 2¼ times the annual amount of the ill-health pension which would have been payable under Regulation B3 to her husband had he retired on the ground that he was permanently disabled on the day on which he died.

(3) Where the husband was entitled to an injury gratuity under Regulation B4 then—

- (a) if it equalled, or exceeded, the gratuity under paragraph (2)(b), the gratuity under paragraph (2)(b) shall not be payable, and
- (b) in any other case, the gratuity under paragraph (2)(b) shall be reduced by the amount of the husband's gratuity.

(4) The amount of a widow's gratuity determined in accordance with the preceding provisions of this Regulation shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

(5) Paragraph (2)(b) has effect subject to paragraph 6 of Part II of Schedule J.

Widow's augmented award

C3.—(1) This Regulation shall apply to a widow of a member of a police force whose death is the result of an injury received without his own default in the execution of his duty where one of the following conditions is satisfied, namely that—

- (a) he was attacked by a person or persons in a manner which was intrinsically likely to cause death and death ensued as a result of the attack, or
- (b) the injury was received in the course of duties performed for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody, or
- (c) the injury was received in the course of duties performed—
 - (i) for the immediate purpose of saving the life of another person or of preventing loss of human life, and
 - (ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury, or
- (d) the police authority are of the opinion that one of the preceding conditions may be satisfied and that this Regulation should apply, or
- (e) the police authority are of the opinion that the injury was received otherwise than as aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would have been payable had one of the conditions specified in sub-paragraphs (a), (b) and (c) been satisfied.

(2) An award under Regulation C2(2) to a widow to whom this Regulation applies shall comprise—

- (a) a widow's special pension calculated as provided in Regulation C2(2)(a) but as if for the reference in paragraph 1 of Part II of Schedule C to 45% of the husband's average pensionable pay for a week there were substituted a reference to 50% thereof, and
 - (b) a gratuity of an amount equal to twice the annual pensionable pay, at the date of her husband's death, of a man—
 - (i) holding the rank of constable in the metropolitan police force, and
 - (ii) entitled to reckon 30 years' service for the purposes of pay,
- and the provisions of Regulation C2(2)(b), (3) and (4) shall not apply except that where those provisions are more favourable in her case the gratuity shall be of an amount determined in accordance therewith.

Widow's accrued pension

C4.—(1) This Regulation shall apply to a widow of a regular policeman who dies or has died while entitled to a deferred pension, whether or not that pension has or had come into payment.

(2) For the purposes of paragraph (1) a policeman shall be treated as entitled to a deferred pension if he would have been so entitled but for its commutation for a lump sum under Regulation B8.

(3) A widow to whom this Regulation applies shall be entitled to an accrued pension calculated in accordance with Part III of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*).

Limitation on award to widow with reference to date of marriage and pension in case of post-retirement marriage

C5.—(1) A widow shall not be entitled to a widow's ordinary or accrued pension under Regulation C1 or C4 unless she was married to her husband during a period before he last ceased to be a regular policeman.

(2) A widow shall not be entitled to a widow's special award under Regulation C2 unless she was married to her husband during a period—

- (a) before he last ceased to be a regular policeman, if he received the injury while serving as a regular policeman;
- (b) before the end of the continuous period of service during which he received the injury, in any other case.

(3) A widow of a regular policeman who, but for paragraph (1) or (2)(a), would be entitled to an award under Regulation C1, C2 or C4 shall, instead, be entitled to a pension calculated in accordance with Part IV of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*).

Widow's requisite benefit and temporary pension

C6.—(1) This Regulation shall apply to a widow of a regular policeman not mentioned in Regulation C1(1), C2(1) or C4(1) where, after the beginning of the tax year in which he attained or would have attained state pensionable age, the husband either—

- (a) has died while serving as a regular policeman, or
- (b) has ceased to serve as such.

(2) A widow to whom this Regulation applies shall be entitled to an award which, subject to paragraph (3), shall comprise—

- (a) if the husband died while serving as a regular policeman or in receipt of a pension, a temporary pension in respect of the first 13 weeks following his death of such amount in respect of each such week as, when aggregated with that of any children's allowances payable in respect of the husband's death, is of the like weekly amount as was his pensionable pay or, as the case may be, as was his pension, together with any increase therein, immediately before he died, under the Pensions (Increase) Acts;
- (b) where such a temporary pension is not payable, or after the 13 weeks for which it is payable, a widow's requisite benefit pension calculated in accordance with Part V of Schedule C;

and, for the purposes of sub-paragraph (a), where the husband died while in receipt of both an ordinary, short service or ill-health pension and an injury pension, the reference therein to the weekly amount of his pension shall be construed as a reference to the aggregate weekly amount of those pensions.

(3) If the capitalised value of the pension payable under paragraph (2)(b) to a widow whose husband died while serving as a regular policeman, as calculated by the Government Actuary, is less than the husband's average pensionable pay, the widow shall also be entitled to a gratuity equal to the amount by which that capitalised value falls short of the husband's average pensionable pay.

(4) For the purposes of paragraph (2)(a)—

- (a) the provisions of Regulation A8 shall be disregarded, and, accordingly, a person shall not by virtue thereof be treated as in receipt of an injury pension, but
- (b) he shall be treated as in receipt of an injury pension if he would have been in receipt of such a pension but for his entitlement to additional benefit within the meaning of paragraph 4 of Part V of Schedule B and, where he is, or is so treated as being, in receipt of such

a pension, the provisions of the said paragraph 4 shall be disregarded in determining the weekly amount of that pension.

Widow's award where no other award payable

C7.—(1) This Regulation shall apply to a widow of a member of a police force to whom neither Regulation C1, C2 nor C6 applies where the husband has died while serving as a member of a police force or, in the case of an auxiliary policeman, while called up for service as such.

(2) A widow to whom this Regulation applies shall be entitled to an award which shall comprise—

- (a) in respect of the first 13 weeks following the husband's death, a temporary pension of such amount as secures that, in respect of each such week, the aggregate amount of the payment under this sub-paragraph and of any children's allowances payable in respect of the husband's death is of the like amount as his pensionable pay for a week immediately before he died, and
- (b) an ordinary gratuity of an amount equal to the husband's average pensionable pay.

Limitation on award to widow living apart from her husband and widow's requisite benefit pension

C8.—(1) A widow shall not be entitled to an award under any of the preceding provisions of this Part if, at the time of her husband's death—

- (a) she was separated from him by an order or decree of a competent court, and
- (b) he was not required by an order or decree of a competent court to contribute to her support and was not in fact regularly contributing to her support;

and, for the purposes hereof, contributions to a woman for the support of her child shall be treated as contributions for her support.

(2) A widow of a member of a police force who, but for paragraph (1), would be entitled to an award under any of the preceding provisions of this Part shall, instead, be entitled to a widow's requisite benefit pension calculated in accordance with Part V of Schedule C.

Termination of widow's award on remarriage

C9.—(1) Where a widow entitled to a pension under this Part remarries or has remarried, she shall not be entitled to receive any payment on account of the pension in respect of any period after her remarriage:

Provided that if at any time after her remarriage she has again become a widow or that marriage has been dissolved, the police authority may, in their discretion, bring the pension into payment.

(2) Where a widow entitled to a gratuity under this Part remarries or has remarried, so much of the gratuity as has not been paid before her remarriage shall not be payable thereafter:

Provided that if at any time after her remarriage she has again become a widow or that marriage has been dissolved, the police authority may, in their discretion, pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage.

(3) Where, after her husband's death, a woman and a man to whom she is not married are living together as husband and wife, this Regulation shall apply as if for the period for which they so live together she were married to him and any reference therein to her remarriage, her again becoming a widow or the marriage being dissolved shall be construed accordingly.

Part D

Children's Awards

Child's ordinary allowance

D1.—(1) This Regulation shall apply to a child of a regular policeman—

- (a) who, having retired with an ordinary, short service or ill-health pension, dies or has died while in receipt of that pension;
- (b) who, having retired with both an ill-health and an injury pension, dies or has died otherwise than while in receipt of the ill-health pension but while in receipt of the injury pension;
- (c) who dies or has died having retired with a gratuity when entitled to reckon at least 3 years' pensionable service, or
- (d) who dies or has died while serving as a regular policeman,

except that this Regulation shall not apply by virtue of sub-paragraph (c) to the child of a regular policeman in respect of whom a transfer value was, or was required to be, paid following his retirement, in pursuance of Regulation F9.

(2) Subject to Regulations D5 (*limitations*) and E8 (*increase during first 13 weeks*), a child to whom this Regulation applies shall be entitled to an ordinary allowance calculated in accordance with Part I of Schedule D.

(3) Paragraph (1) has effect subject to paragraph 1(2) of Part III of Schedule J.

Child's special allowance

D2.—(1) This Regulation shall apply to a child of a member of a police force who dies or has died as the result of an injury received without his own default in the execution of his duty.

(2) Subject to Regulations D5 (*limitations*) and E8 (*increase during first 13 weeks*), a child to whom this Regulation applies shall be entitled to a special allowance calculated in accordance with Part II of Schedule D.

Child's special gratuity

D3.—(1) This Regulation shall apply to a child of a member of a police force who dies or has died as the result of an injury received without his own default in the execution of his duty where one of the conditions set out in Regulation C3(1) is satisfied and—

- (a) in the case of a man, does not leave a widow entitled to a gratuity in pursuance of Regulations C2 and C3, or
- (b) in the case of a woman, was the child's only surviving parent.

(2) Subject to Regulation D5 (*limitations*) but without prejudice to the provisions of Regulation D2 (*child's special allowance*), a child to whom this Regulation applies shall be entitled to a gratuity as hereinafter provided.

(3) The gratuity under paragraph (2) shall be of the amount mentioned in paragraph (4) except that, where two or more such gratuities are payable in respect of the same person, each gratuity shall be of the said amount divided by the number of such gratuities.

(4) The said amount shall be of an amount equal to twice the annual pensionable pay, at the date of that parent's death, of a man—

- (a) holding the rank of constable in the metropolitan police force, and
- (b) entitled to reckon 30 years' service for the purposes of pay.

Child's accrued allowance

D4.—(1) This Regulation shall apply to a child of a regular policeman who dies while entitled to a deferred pension, whether or not that pension has come into payment.

(2) Subject to Regulations D5 (*limitations*) and E8 (*increase during first 13 weeks*), a child to whom this Regulation applies shall be entitled to an accrued allowance calculated in accordance with Part III of Schedule D.

Child's allowance or special gratuity—limitations

D5.—(1) A child's allowance or gratuity under any of the preceding provisions of this Part ("an allowance" and "a special gratuity") shall not be granted—

- (a) to a child born on or after the relevant date specified in paragraph (2) otherwise than of a marriage which took place before the relevant date;
- (b) by reason of his being a step-child, to the child of a spouse whose marriage to the relevant parent took place on or after the relevant date;
- (c) by reason of his being substantially dependent on the relevant parent, to a child who was not so dependent before the relevant date;
- (d) by reason of his being an adopted child, to a child adopted on or after the relevant date;
- (e) except in the case of a legitimate or adopted child of the relevant parent, to a child who was not substantially dependent on that parent at the time of his death.

(2) For the purposes of paragraph (1) the relevant date—

- (a) in the case of an ordinary or accrued allowance, is the date on which the relevant parent last ceased to be a regular policeman;
- (b) in the case of a special allowance or a special gratuity—
 - (i) if the relevant parent received the injury while serving as a regular policeman, is the date on which he last ceased to be a regular policeman,
 - (ii) if he received the injury while called up for service as an auxiliary policeman, is the date of the end of the continuous period of active service during which he received the injury,
 - (iii) if he received the injury while serving as a member of an overseas corps otherwise than as a regular policeman, is the date of the end of the tour of overseas service during which he received the injury.

(3) In the case of a child who has attained the age of 16 years but not that of 17 years, an allowance shall not be payable in respect of any period for which he is in full-time employment unless that employment constitutes full-time training, of at least a year's duration, for a trade, profession or calling.

(4) In the case of a child who has attained the age of 17 years but not that of 19 years, an allowance shall only be payable in respect of a period throughout which he satisfies one of the conditions set out in paragraph (8).

(5) Without prejudice to paragraph (1), in the case of a child who has attained the age of 19 years, an allowance shall not be payable (and, where he attained that age before the date of the relevant parent's death, shall not be granted) unless—

- (a) he satisfies one of the conditions set out in paragraph (8), and
- (b) in the case of condition (a), also satisfied that condition immediately before he attained the age of 19 years and throughout the entire period thereafter,

except that the payment (or granting) of an allowance shall not be precluded by reason only of sub-paragraph (b) if the police authority, having regard to all the circumstances of the case, in their discretion so decide.

(6) Without prejudice to paragraphs (3), (4) and (5), in the case of a child entitled to an allowance who is—

- (a) in full-time training for a trade, profession or calling, and
- (b) in receipt of remuneration in respect thereof,

and in the case of any other child entitled to an allowance in respect of the death of the same person, Part IV of Schedule D shall have effect in relation to their allowances.

(7) A special gratuity shall not be granted to a child who attained the age of 17 years before the date of the relevant parent's death unless at that date he satisfied one of the conditions set out in paragraph (8) (disregarding conditions (b)(ii) and (iii)).

(8) The conditions referred to in paragraphs (4), (5) and (7) are that the child—

- (a) is or was undergoing full-time education or in full-time training of at least a year's duration for a trade, profession or calling, or
- (b) is or was permanently disabled and either—
 - (i) was both so disabled and substantially dependent on the relevant parent at the time of his death,
 - (ii) became so disabled while in receipt of an allowance, or
 - (iii) the police authority, having regard to all the circumstances of the case, in their discretion decide to pay (or grant) an allowance to him.

(9) Any reference in this Regulation to the relevant parent is a reference to the parent in respect of whose death the allowance or special gratuity is or, but for the provisions thereof, would be payable.

(10) This Regulation has effect subject to paragraph 5 of Part III of Schedule J.

Part E

Awards on Death—Additional Provisions

Dependent relatives and estate

Adult dependent relative's special pension

E1.—(1) This Regulation shall apply in the case of a member of a police force who dies as the result of an injury received without his own default in the execution of his duty and, in such case, shall apply—

- (a) to a parent or (without prejudice to the following sub-paragraph) to a brother or sister of the member who had attained the age of 19 years before the member's death;
- (b) subject to his having attained the age of 19 years, to any child of the member whether or not he had attained that age before the member's death, or
- (c) where the member was a married woman whose husband was permanently disabled at the time she died, to her widower,

subject, in each case, to the person in question being substantially dependent on the member immediately before the member's death.

(2) If the police authority, having regard to all the circumstances of the case, so determine, they may grant a special pension to any such dependent relative.

(3) A dependent relative's special pension shall be calculated in accordance with Part I of Schedule E and, subject to paragraph 4 thereof, shall be payable for such period or periods as the police authority may, in their discretion, from time to time determine.

Gratuities—dependent relatives

E2.—(1) This Regulation shall apply in the case of a regular policeman—

- (a) who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, if death—
 - (i) results from an injury received in the execution of his duty, or
 - (ii) takes place within 2 years of his becoming entitled to his pension, or
- (b) who dies while serving as such and in respect of whom no award is payable otherwise than by virtue of this or the next following Regulation or by virtue of Regulation B9(9) (*allocation*).

(2) In the case of such a regular policeman the police authority may, in their discretion, grant a gratuity to any relative of the policeman who was dependent on him to any degree at the time of his death but the aggregate amount of any gratuities granted under this Regulation shall not exceed the aggregate pension contributions in respect of the policeman's relevant period of service.

Gratuity—estate

E3.—(1) This Regulation shall apply in the case of a regular policeman—

- (a) who dies while entitled to an ordinary, short service, ill-health or deferred pension, whether or not that pension has come into payment, or
- (b) who dies while serving as such.

(2) If, in the case of such a regular policeman, the aggregate of—

- (a) any payments made or due to him on account of his ordinary, short service, ill-health or deferred pension or by way of a lump sum under Regulation B7 where a portion of such a pension has been commuted, or on account of an injury pension, together with any increase therein under the Pensions (Increase) Acts;
- (b) where he has, or is deemed to have, exercised the right of election conferred by paragraph 8 of Part I of Schedule J (*award in certain cases in lieu of deferred pension under Regulation B5*), any payment made or due to him (or his estate) on account of the award mentioned in sub-paragraph (6)(a) of that paragraph;
- (c) the capitalised value (calculated in accordance with tables prepared from time to time by the Government Actuary) of any pension or allowance granted in respect of his death (including, where he has allocated a portion of his pension under Regulation B9, any pension payable thereunder to the beneficiary of that allocation); and
- (d) any gratuity granted in respect of his death otherwise than under this Regulation,

is less than his aggregate pension contributions in respect of his relevant period of service, the police authority shall pay a gratuity equal to the difference to his legal personal representative.

Supplementary provisions relating to awards on death

Gratuity in lieu of widow's pension

E4.—(1) Save as provided in paragraph (2), this Regulation shall apply to any pension under Part C (“a widow’s pension”).

(2) Where on the death of her husband before he attained state pensionable age a woman became entitled to a widow’s ordinary or special pension under Regulation C1 or C2, the police authority may, subject to Regulation E6, commute for a gratuity that part of the pension (expressed as a weekly amount) which is in excess of her guaranteed minimum pension or so much of that part as may be commuted without contravening Regulation E6:

Provided that a police authority shall not exercise their discretion under this paragraph unless—

- (a) the widow consents, and
- (b) they are satisfied that there are sufficient reasons for so doing.

(3) Where the annual amount of any widow’s pension does not exceed £104 (other than a pension which does not exceed that amount by reason of the commutation of part thereof under paragraph (2)), the police authority may, at their discretion, commute it for a gratuity.

(4) The provisions of Regulation C9 relating to the termination of a widow’s award on remarriage and certain other matters shall apply in relation to a gratuity under this Regulation as they apply in relation to a gratuity under Part C.

(5) A gratuity under this Regulation shall be calculated in accordance with Part II of Schedule E.

(6) Where a widow is entitled to more than one widow’s pension in respect of the death of the same person but, in pursuance of Regulation E7, is not entitled to receive, in respect of any particular period, payment on account of more than one of those pensions, those widow’s pensions shall be treated for the purposes of this Regulation and of Part II of Schedule E as a single widow’s pension and, where one of those pensions is a widow’s ordinary or special pension, that single pension shall be treated for the purposes of paragraph(2) as if it were a widow’s ordinary or special pension.

(7) This Regulation has effect subject to Regulation J1(6)(b) and paragraph 9 of Part II of Schedule J.

Gratuity in lieu of child's allowance

E5.—(1) This Regulation shall apply to any allowance under Part D (“a child’s allowance”).

(2) Where a child is entitled to a child’s allowance, the police authority may, subject to Regulation E6, commute it for a gratuity:

Provided that a police authority shall not exercise their discretion under this paragraph unless—

- (a) the child’s surviving parent or guardian consents or, where he has no such parent or guardian, the child himself consents, and
- (b) they are satisfied that there are sufficient reasons for so doing.

(3) Where the police authority are precluded by reason of the provisions of Regulation E6 from exercising their discretion under the preceding paragraph but otherwise would exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the allowance.

(4) A gratuity under this Regulation shall be calculated in accordance with Part III of Schedule E.

(5) Where a child is entitled to more than one child’s allowance in respect of the death of the same person but, in pursuance of Regulation E7, is not entitled to receive, in respect of any particular period, payment on account of more than one of the allowances, those child’s allowances shall be treated for the purposes of this Regulation and of Part III of Schedule E as a single child’s allowance.

(6) Paragraph (5) has effect subject to paragraph 6 of Part III of Schedule J.

Limitation on discretion to grant a gratuity in lieu of a pension or allowance

E6.—(1) This Regulation shall apply in the case of a regular policeman who has died while in receipt of an ordinary, short service, ill-health or deferred pension (“the principal pension”).

(2) The police authority shall not under Regulation E4(2) or E5 substitute for the whole or any part of a widow’s pension or child’s allowance payable in respect of such a policeman a gratuity the actuarial equivalent of which (within the meaning of paragraph (3)) when added to that of—

- (a) any other gratuity so substituted under Regulation E4(2) or E5, and
- (b) any lump sum paid or payable under Regulation B7, where a portion of the principal pension has been commuted,

exceeds a quarter of the capitalised value of the principal pension, any reduction therein under Regulation B7 being ignored.

(3) For the purposes of this Regulation the actuarial equivalent of a gratuity or lump sum and the capitalised value of the principal pension shall, in each case, be that at the time of the husband’s or parent’s retirement, as calculated by the Government Actuary.

Prevention of duplication

E7.—(1) Subject to paragraph (2), where, but for this Regulation, a person would be entitled to receive, in respect of any particular period, payments on account of more than one award in respect of the death of the same person—

- (a) each of the awards being a widow’s pension under Part C, or
- (b) each of the awards being either a child’s allowance under Part D or an adult dependent relative’s pension under Regulation E1,

he shall be entitled to receive, in respect of that period, payment on account of one only of those awards; and the award payable shall be that from time to time selected by the person concerned or, in default of such selection where one award is for the time being greater than any other such award, the award which is for the time being the greater.

(2) Nothing in paragraph (1) shall prevent a person from being entitled to receive more than one such pension or allowance as is mentioned in sub-paragraph (a) or (b) thereof if—

- (a) the awards in question are calculated, directly or indirectly, by reference to different periods of pensionable service, and
- (b) no award in question falls to be increased in accordance with Regulation E8 or to be determined in accordance with Regulation E10 (*flat-rate award*).

Increase of widow’s pension or child’s allowance during first 13 weeks

E8.—(1) This Regulation shall apply to a widow’s ordinary, special or accrued pension or a pension under Regulation C5(3) (*pension in case of post-retirement marriage*) and to a child’s ordinary, special or accrued allowance where the person in respect of whose death the award is payable was, immediately before his death—

- (a) serving as a member of a police force and, in the case of an auxiliary policeman, called up for service as such, or
- (b) in receipt of a pension,

and, for the purposes of sub-paragraph (b), the provisions of Regulation A8 relating to persons treated as being in receipt of an ordinary pension shall be disregarded.

(2) A widow's pension to which this Regulation applies shall, so far as necessary, be increased in respect of the first 13 weeks for which it is payable so as to secure that, in respect of each such week, the aggregate amount of the pension and of any children's allowances payable in respect of the same person's death is not less than—

- (a) in the case mentioned in paragraph (1)(a), the policeman's pensionable pay for a week immediately before he died, or
- (b) in the case mentioned in paragraph (1)(b), the weekly amount of his pension together with any increase therein, immediately before he died, under the Pensions (Increase) Acts;

and, for the purposes of sub-paragraph (b)—

- (i) there shall be disregarded any reduction in the policeman's pension in consequence of Part VIII of Schedule B (*reduction of pension related to uprating of widow's pension*) or his entitlement to any additional benefit within the meaning of paragraph 4 of Part V of that Schedule (*policeman's injury award*), and
- (ii) where the policeman died while in receipt of both an ordinary, short service or ill-health pension and of an injury pension, the reference therein to the weekly amount of his pension shall be construed as a reference to the aggregate weekly amount of those pensions.

(3) Where a child's allowance to which this Regulation applies is payable in respect of the death of a person who—

- (a) in the case of a man, did not leave a widow entitled to a pension which was payable for a continuous period of 13 weeks, or
- (b) in the case of a woman, was the child's only surviving parent,

the allowance shall, so far as necessary, be increased in respect of the first 13 weeks for which it is payable so as to secure that, in respect of each such week, it is not less than the amount specified in paragraph (2)(a) or (b) except that, where 2 or more such allowances are payable in respect of the death of the same person, each allowance shall be so increased that it is of that amount divided by the number of such allowances:

Provided that where a widow's pension is payable in respect of any such week, a child's allowance in respect of the death of the same person shall not be so increased in respect of that week.

(4) Paragraph (1) has effect subject to paragraph 10 of Part II of Schedule J.

Increase of awards (other than flat-rate awards) by reference to the Pensions (Increase) Acts

E9.—(1) Where it is provided that, for the purpose of calculating an award by way of periodical payments or a gratuity ("the relevant award"), an amount shall be increased in accordance with this Regulation, it shall be increased by the amount, if any, by which a corresponding pension, within the meaning of the Pensions (Increase) Act 1971⁽²⁸⁾, of the amount first mentioned would from time to time be increased under the Pensions (Increase) Acts if—

- (a) it were payable to the person entitled to the relevant award and, in relation thereto, he had the like guaranteed minimum pension (if any) as he has in relation to the relevant award;
- (b) it were one of the pensions specified in paragraph 43 of Part II of Schedule 2 to the said Act of 1971;
- (c) it were not a pension to which section 1(2)(a) of the Pensions (Increase) Act 1974⁽²⁹⁾ applies, and

⁽²⁸⁾ 1971 c. 56.

⁽²⁹⁾ 1974 c. 9.

(d) it began, within the meaning of the said Act of 1971, and became payable when the relevant award so began and became payable.

(2) Where the relevant award is a child's allowance, the Pensions (Increase) Acts as applied by paragraph (1) shall have effect as if section 3 were omitted from the Pensions (Increase) Act 1971 and, accordingly, the amount first mentioned in paragraph (1) shall be increased so long as the allowance is payable.

Determination of amount of widow's or child's flat-rate award and increase thereof by reference to the Pensions (Increase) Act 1971

E10.—(1) Where, in respect of any week, the amount of a widow's ordinary or accrued pension or a child's ordinary or accrued allowance falls to be determined by reference to the husband's or relevant parent's rank by reason of an election under paragraph 3 of Part I or paragraph 3 of Part III of Schedule C or under paragraph 5 of Part I, or that paragraph as applied by Part III, of Schedule D, the amount of the award ("the relevant award") shall be the appropriate sum for the purposes of this Regulation increased in accordance with paragraph (6).

(2) In the case of a widow's pension the appropriate sum for the purposes of this Regulation shall be, subject to paragraphs (3) and (5)—

- (a) where the husband at the time when he ceased to be a regular policeman held a rank higher than that of inspector, £11.39;
- (b) where he so held the rank of inspector, £9.48, or
- (c) where he so held a rank lower than inspector, £7.28.

(3) Each of the sums mentioned in paragraph (2) shall be increased by 56p where the relevant award is—

- (a) a widow's ordinary pension and the husband was entitled to reckon at least 10 years' pensionable service, or
- (b) a widow's accrued pension and the husband ceased to serve as a regular policeman on or after 6th April 1975 and would, had he continued so to serve until he could have been required to retire on account of age, have become entitled to reckon at least 10 years' pensionable service.

(4) In the case of a child's allowance the appropriate sum for the purposes of this Regulation shall be, subject to paragraph (5)—

- (a) where the relevant parent at the time when he ceased to be a regular policeman held a rank higher than that of inspector, £3.01 if the allowance would otherwise be determined in accordance with paragraph 1 of Part I of Schedule D or £4.47 if it would otherwise be determined in accordance with paragraph 2 of that Part;
- (b) where he so held the rank of inspector, £2.44 if the allowance would otherwise be determined in accordance with the said paragraph 1 or £3.62 if it would otherwise be determined in accordance with the said paragraph 2, or
- (c) where he so held a rank lower than that of inspector, £2.07 if the allowance would otherwise be determined in accordance with the said paragraph 1 or £3.05 if it would otherwise be determined in accordance with the said paragraph 2,

and in this paragraph any reference to Part I of Schedule D includes a reference to that Part as applied by Part III of that Schedule.

(5) For the purposes of paragraphs (2) and (4) a chief inspector in the City of London police force shall be treated as if he held a rank higher than that of inspector.

(6) The appropriate sum shall be increased by the amount by which a corresponding pension, within the meaning of the Pensions (Increase) Act 1971, of a weekly amount equal to the said sum would from time to time be increased under the said Act of 1971 in respect of a week if—

- (a) it were payable to the person entitled to the relevant award, in relation thereto he had the like guaranteed minimum pension (if any) as he has in relation to the relevant award and he satisfied the qualifying conditions within the meaning of the said Act of 1971;
- (b) it were an official pension within the meaning aforesaid;
- (c) it began, within the meaning aforesaid, on 30th June 1978, and
- (d) no account were taken of the provisions of the Pensions Increase (Annual Review) Order 1978⁽³⁰⁾,

but, in performing the necessary calculations, sums shall be expressed to the nearest penny (a half penny counting as a whole penny).

Part F

Pensionable Service and Transfer Values

Reckoning of pensionable service

F1.—(1) The pensionable service reckonable by a member of a police force at any date (in these Regulations referred to as the “relevant date”) shall be determined in accordance with the succeeding provisions of these Regulations:

Provided that there shall not be reckonable by a regular policeman any period of unpaid maternity leave granted in the case of a woman.

(2) Any reference in this Part to approved service reckonable under the former Acts shall include—

- (a) a reference to approved service which would have been so reckonable if there had been omitted from section 7(1) of the Police Pensions Act 1921⁽³¹⁾ the words “but shall not include” to the end, and
- (b) a reference to approved service which would have been so reckonable if there had been omitted from section 8(1) of the said Act the words “in which he has completed not less than one year’s approved service, and”.

(3) Paragraph (1) has effect subject to paragraphs 5 and 6 of Part IV of Schedule J.

Current service

F2.—(1) Subject to the provisions of these Regulations, there shall be reckonable by a regular policeman in respect of his service as such in the force in which he is or was serving on the relevant date, being service since he last joined or rejoined that force before that date—

- (a) all such service on or after 5th July 1948, and
- (b) where he last joined or rejoined the force before 5th July 1948, any period of approved service which he was entitled to reckon immediately before that date under the former Acts.

⁽³⁰⁾ S.I. 1978/1211.

⁽³¹⁾ 1921 c. 31.

(2) There shall be reckonable by an auxiliary policeman as pensionable service, in respect of his service in the force in which he is or was serving on the relevant date, all his active service as such since he was last called up for active service before that date.

(3) There shall be reckonable as pensionable service by a member of an overseas corps who is not, or was not, on the relevant date a reversionary member of a home police force all his service as a member of an overseas corps, while not being such a reversionary member, since he last became a member of an overseas corps before the relevant date.

(4) Paragraph (1) has effect subject to paragraph 6(2) of Part VII of Schedule J.

Previous service reckonable without payment

F3.—(1) There shall be reckonable by a regular policeman as pensionable service—

- (a) where from being a regular policeman in another force he transferred on or after 5th July 1948 to the force in which he is or was serving on the relevant date, any period of pensionable service reckonable by him immediately before the transfer;
- (b) where he previously retired with an ill-health pension or a pension under the former Acts from the force in which he is or was serving on the relevant date, that pension was terminated in whole or in part under Regulation K1 or any corresponding provision of the former Regulations or former Acts, and he rejoined the force on or after 5th July 1948, any period of pensionable service or of approved service under the former Acts, as the case may be, reckonable by him at the time he retired;
- (c) where he previously retired with a pension under the former Acts in respect of a non-accidental injury from the force in which he is or was serving on the relevant date, and the approved service under the former Acts reckonable by him at the time he retired is reckonable as pensionable service under sub-paragraph (b), the period during which he was in receipt of the pension;
- (d) where the relevant date is 15th May 1950 or any later date and he left the Royal Ulster Constabulary with the consent of the chief officer of that force and the approval of the Police Authority for Northern Ireland for the purpose of becoming a regular policeman in a home police force, any period of approved or pensionable service which was reckonable by him, immediately before he so left, for the purposes of the Royal Ulster Constabulary pensions legislation;
- (e) where he previously engaged for a period of service in the Royal Ulster Constabulary as mentioned in section 2(1) of the Police Act 1969⁽³²⁾ and he exercises the right of reversion to a home police force conferred by the said section 2(1) or, on that right arising, does not exercise it but joins another home police force, any period of pensionable service which was reckonable by him for the purposes mentioned in sub-paragraph (d), immediately before he left the Royal Ulster Constabulary;
- (f) where from being a member of the British Airports Authority constabulary he was transferred to the force in which he is or was serving on the relevant date by an order under section 6 of the Policing of Airports Act 1974⁽³³⁾, any period of pensionable service reckonable by him immediately before the transfer for the purposes of the superannuation scheme then applicable to him:

Provided that—

- (i) where he was then, for the purposes of that scheme, purchasing added years by annual payments, those added years shall only be taken into account to the extent that they would have been taken into account for the purposes of

⁽³²⁾ 1969 c. 63.

⁽³³⁾ 1974 c. 41.

a deferred pension under the said scheme if he had become entitled to such a pension immediately before he in fact transferred;

- (ii) where he had been granted a back service credit within the meaning of the said scheme which exceeded the previous service by reason of which it was granted, otherwise than by reason of the previous service being wholly or partly service in a particular territory overseas, only that part of the credit which does not exceed the previous service shall be taken into account.

(2) Where a regular policeman—

- (a) transferred as mentioned in paragraph (1)(a) during a leap-year beginning on or after 1st January 1984, or
- (b) became a regular policeman in a home police force in the circumstances mentioned in paragraph (1)(d) or (e), during a leap-year beginning on or after 1st January 1988,

and throughout the leap-year in question had continuous service as a regular policeman or, as the case may be, as either a regular policeman or a member of the Royal Ulster Constabulary then, notwithstanding anything in paragraph (1)(a), (d) or (e), the pensionable service reckonable by him by reason of his continuous service in that year shall be a year's, and not 366 days', pensionable service.

Previous service reckonable on payment

F4.—(1) Subject to Regulation F9(4) (*interchange arrangements*), there shall be reckonable by a regular policeman as pensionable service, in the circumstances specified in this Regulation, the periods so specified before he last joined or rejoined the force before the relevant date, subject to his having made to the police authority the appropriate payment.

(2) Where before the relevant date he retired without a pension (including a pension under the former Acts) from the same force as that in which he is or was serving on the relevant date—

- (a) the period shall be any period of pensionable service or approved service under the former Acts reckonable by him at the time he retired, not being a period of approved service reckonable by virtue of Regulation F2(1)(b), and
- (b) the appropriate payment shall be an amount equal to any gratuity, return of pension contributions or rateable deductions, as the case may be, which he may have received on his retirement together with the balance outstanding immediately before his retirement of any sum he had undertaken to pay as mentioned in Part I of Schedule F, so however that where, before his retirement and in pursuance of an election under Regulation 58 or 59 of the Regulations of 1973 or under any of the provisions mentioned in Regulation 57(2) of those Regulations, he had paid additional or further contributions or had made an additional or further payment by way of a lump sum, the appropriate payment shall be reduced by the amount he had paid by way of such contributions or lump sum and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions or lump sum.

(3) Where before the relevant date he retired with a deferred pension but has relinquished his entitlement thereto by written notice given to the police authority for the purposes of this Regulation or Regulation F5 (or of the corresponding provisions of the Regulations of 1973), paragraph (2) shall have effect as though he had retired without a pension and, where immediately before his retirement he was paying such additional or further contributions as are mentioned in paragraph (2)(b), the amount he had paid by way of such contributions shall be repaid to him and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions.

(4) Where he previously served as a member of the first class of the police reserve, of the Police War Reserve or of Class A of the Women's Auxiliary Police Corps or, subject to paragraph (6), as a special constable—

- (a) the period shall be half the period of active service as a member of the first class of the police reserve during which he was not in receipt of a pension (including a pension under the former Acts), half the period of active service as a member of the Police War Reserve, half the period of active service as a member of the Women's Auxiliary Police Corps, whether in Class A of that Corps or otherwise, or half the period of service as a special constable while serving as such in a whole-time capacity and in receipt of pay in respect of such service, as the case may be, and
 - (b) the appropriate payment shall be 5% of, in the case of a man, £4.50, or in the case of a woman, £3.95, in respect of each week which he is entitled under this paragraph to reckon as pensionable service.
- (5) Where he was a person to whom section 1 of the Police and Firemen (War Service) Act 1939⁽³⁴⁾, as extended by Regulation 60DA of the Defence (General) Regulations 1939⁽³⁵⁾, applied—
- (a) the period shall be the period during which he was engaged in war work within the meaning of the said Defence Regulation during the year 1947, and
 - (b) the appropriate payment shall be the aggregate of the payments that he would have been required to make under the said Act as so extended in respect of the said period if the emergency that was the occasion of the passing of that Act had not come to an end.
- (6) Except where the appropriate payment has been made before 1st January 1963, the references in paragraph (4) to a special constable shall be construed as references only to a special constable appointed—
- (a) in England and Wales, under the Special Constables Act 1831⁽³⁶⁾ or section 196 of the Municipal Corporations Act 1882⁽³⁷⁾;
 - (b) in Scotland, under section 96 of the Burgh Police (Scotland) Act 1892⁽³⁸⁾ or the corresponding provisions of any local enactment.
- (7) Paragraph (3) has effect subject to paragraph 4 of Part IV of Schedule J.

Previous service reckonable at discretion of police authority

F5.—(1) Subject to Regulation F9(4) (*interchange arrangements*), if the appropriate police authority in their discretion have so decided, there shall be reckonable by a regular policeman as pensionable service, in the circumstances specified in this Regulation, the periods so specified before he last joined or rejoined the force before the relevant date, subject, in the case of such a period as is mentioned in paragraph (2), to his having made to that police authority the appropriate payment.

(2) Where before the relevant date he ceased to serve as a regular policeman without a pension (including a pension under the former Acts)—

- (a) the period shall be the whole of any period of pensionable service, or approved service under the former Acts, reckonable by him at the time he ceased to serve, not being a period reckonable by virtue of Regulation F2(1)(b) or F4(2), or so much of that period as the appropriate police authority in their discretion think fit;
- (b) the appropriate police authority shall be the authority of the force in which he is or was serving on the relevant date, and
- (c) the appropriate payment shall be the whole or the proportionate part of an amount equal to any gratuity or return of pension contributions or rateable deductions, as the case may

⁽³⁴⁾ 1939 c. 103.

⁽³⁵⁾ S.R.&O. 1939/927; Regulation 60DA was added by S.R.&O. 1941/1038.

⁽³⁶⁾ 1831 c. 41.

⁽³⁷⁾ 1882 c. 50.

⁽³⁸⁾ 1892 c. 55.

be, which he may have received on ceasing to serve together with the balance outstanding immediately before so ceasing of any sum he had undertaken to pay as mentioned in Part I of Schedule F so however that where, before so ceasing and in pursuance of an election under Regulation 58 or 59 of the Regulations of 1973 or under any of the provisions mentioned in Regulation 57(2) of those Regulations, he had paid additional or further contributions or had made an additional or further payment by way of a lump sum, the appropriate payment shall be reduced by the whole or the proportionate part of the amount he had paid by way of such contributions or lump sum and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions or lump sum.

For the purposes of sub-paragraph (c) where the police authority exercise their discretion under sub-paragraph (a) so as to allow the policeman to reckon as pensionable service part only of the period first mentioned therein, “the proportionate part” means the part which bears the same proportion to the whole as that part of the period so mentioned bears to the whole thereof.

(3) Where before the relevant date he ceased to serve with a deferred pension but has relinquished his entitlement thereto by written notice given to the police authority for the purposes of this Regulation or of Regulation F4 (or of the corresponding provisions of the Regulations of 1973), paragraph (2) shall have effect as though he had ceased to serve without a pension and, where immediately before ceasing to serve he was paying such additional or further contributions as are mentioned in paragraph (2)(c), the amount he had paid by way of such contributions shall be repaid to him by the police authority of the force in which he ceased to serve and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions:

Provided that the police authority shall not so exercise their discretion under paragraph (2)(a) that the period of pensionable service reckonable thereunder is less than that taken into account for the purposes of calculating the deferred pension.

(4) Where a serviceman (1939–1945), after receiving a pension under the Police and Firemen (War Service) Acts 1939 and 1944⁽³⁹⁾, rejoined the force in which he is or was serving on the relevant date, being the force of the police authority by whom the pension was payable—

- (a) the period shall be the whole of the period for which he was in receipt of the said pension or such part thereof as the said police authority have, in their discretion, decided shall be reckonable;
- (b) the appropriate police authority shall be the police authority of the force in which he is or was serving on the relevant date.

(5) Paragraphs (2) and (3) have effect subject to paragraph 4 of Part IV of Schedule J.

Previous service reckonable under current interchange arrangements

F6.—(1) Save as provided in paragraphs (2) and (5), this Regulation shall apply to a regular policeman—

- (a) who before he last became a regular policeman before the relevant date was in service or employment (otherwise than as a member of a police force) by reason of which he was subject to superannuation arrangements in pursuance of which a transfer value may be paid to the police authority (in this Regulation and in Section 2 of Part II of Schedule F such service or employment and such superannuation arrangements are referred to as “former service” and “former superannuation arrangements”);
- (b) subject to paragraph (3), who, before the relevant date, last became a regular policeman on or after 1st April 1972, and

(39) 1939 c. 103, 1944 c. 22.

- (c) in respect of whom a transfer value relating to his former service has, in pursuance of his former superannuation arrangements, been paid to the police authority of the force in which he is serving on the relevant date.
- (2) This Regulation shall not apply in the case of a regular policeman who, before the relevant date, last became such before 6th April 1978 if either—
 - (a) he or his widow elected under paragraph (1A) of Regulation 51 of the Regulations of 1973 that that Regulation should apply in his case, or
 - (b) such a transfer value as is mentioned in paragraph (1)(c) was received in his case before 1st January 1974.
- (3) If the police authority have so determined in the case of a particular regular policeman who, before the relevant date, last became such on or after 5th July 1948 but before 1st April 1972, this Regulation shall have effect as if paragraph (1)(b) were omitted.
- (4) There shall be reckonable by a regular policeman to whom this Regulation applies, in respect of his former service, a period of pensionable service calculated in accordance with Sections 2 and 3 of Part II of Schedule F.
- (5) Notwithstanding anything in this Regulation, the provisions thereof shall not apply—
 - (a) where the regular policeman concerned is entitled to reckon pension-able service under Regulation F3(1)(d), (e) or (f) by reason of former service in the Royal Ulster Constabulary or in the British Airports Authority constabulary; or
 - (b) where the regular policeman concerned had a guaranteed minimum in relation to the pension provided by the former superannuation arrangements unless—
 - (i) those arrangements are of a kind mentioned in paragraph 1(2) of Section 2 of Part II of Schedule F, or
 - (ii) that guaranteed minimum is no greater than a notional deferred pension calculated by reference to the pensionable service which, under the said Section 2, would be reckonable if the transfer value were paid.

Previous service reckonable under preserved interchange arrangements

F7.—(1) Save as provided in paragraph (2) and subject to paragraph 5 of Section 1 of Part III of Schedule F, this Regulation shall apply to a regular policeman—

- (a) who before he last became a regular policeman before the relevant date was in such service or employment as is mentioned in Section 1, 2 or 3 of Part III of Schedule F by reason of which he was subject to superannuation arrangements (in this Regulation such service or employment and the Section in which it is mentioned are referred to as “former service” and “the Section in question” and such superannuation arrangements are referred to as “former superannuation arrangements”);
- (b) who has served as a regular policeman on or after the date specified in the Section in question in relation to his former service;
- (c) who last became a regular policeman before the relevant date within 12 months of the termination of his former service or within such longer period as may be agreed, in the circumstances of his case, between the police authority and the authority specified in the Section in question in relation to his former service;
- (d) in respect of whom such a transfer value relating to his former service as is mentioned in the Section in question has been paid to the police authority of the force in which he is or was serving on the relevant date, and
- (e) who, within 6 months of the date specified in the Section in question in relation to the former service or 3 months of last becoming a regular policeman before the relevant date,

whichever is the later, or within such longer period as the police authority may allow in his case—

- (i) has paid, or has undertaken to pay as mentioned in Part I of Schedule F, a sum equal to the balance of any liability outstanding, immediately before he ceased to be engaged in his former service, in respect of payments or contributions he was then making as a condition of reckoning past service as contributing service or otherwise for the purposes of the former superannuation arrangements, being service taken into account for the purpose of calculating the transfer value referred to in sub-paragraph (d), and
- (ii) has paid to the police authority a sum equal to the amount, if any, by which the transfer value referred to in sub-paragraph (d) falls to be reduced on account of any sum paid to him under the former superannuation arrangements by way of return of contributions.

(2) Nothing in this Regulation shall apply—

- (a) in the case of a regular policeman who, before the relevant date, last became a regular policeman on or after 1st April 1972 unless he last so became such before 6th April 1978 and either—
 - (i) paragraph (1)(d) was satisfied in his case before 1st January 1974, or
 - (ii) he or his widow elected under paragraph (1A) of Regulation 51 of the Regulations of 1973 that that Regulation should apply in his case;
- (b) in relation to the transfer of a member of the British Airports Authority constabulary to a police force by an order under section 6 of the Policing of Airports Act 1974⁽⁴⁰⁾, or
- (c) in relation to a regular policeman in whose case Regulation F6 applies in consequence of the exercise by the police authority of the discretion mentioned in paragraph (3) of that Regulation.

(3) Subject to paragraph (4), there shall be reckonable by a regular policeman to whom this Regulation applies, as pensionable service in respect of his former service, 3 quarters of the period specified in paragraph (5).

(4) Where under the former superannuation arrangements—

- (a) the maximum pension payable (otherwise than on retirement occasioned by injury or ill-health) is payable where the person concerned has been engaged for a period of 30 years in service which counts in full for the purposes of those arrangements, or
- (b) after 20 years of such service, each year of service counts as 2 years service for the said purposes,

paragraph (3) shall not apply but there shall be reckonable as therein mentioned the whole of the period specified in paragraph (5) so, however, that, where under the former superannuation arrangements such provision as is mentioned in sub-paragraph (a) or (b) is made in relation only to service or employment of a description designated therein (in this paragraph referred to as “designated service”) and the regular policeman’s former service included designated service, there shall be reckonable as aforesaid—

- (i) the whole of that part of the period specified in paragraph (5) as is referable to designated service, and
 - (ii) 3 quarters of that part of that period as is not so referable.
- (5) The period referred to in paragraphs (3) and (4) shall be—

(40) 1974 c. 41.

- (a) the period of service which is reckonable for the purpose of calculating the transfer value referred to in paragraph (1)(d), or
- (b) where separate calculations are made in respect of contributing and non-contributing service reckonable for the purpose of calculating the said transfer value, the aggregate of the period of contributing service and half the period of non-contributing service which is so reckonable.

Transfer values payable between police authorities

F8.—(1) This Regulation shall apply where a regular policeman—

- (a) by reason of previous service in a police force becomes entitled to reckon pensionable service either—
 - (i) by virtue of Regulation F3(1)(a), or
 - (ii) by virtue of Regulation F5 in the circumstances mentioned in paragraph (2) of that Regulation (including that paragraph as it has effect by virtue of paragraph (3) thereof), or
- (b) has left a police force and joined the Royal Ulster Constabulary with such consent as is mentioned in Regulation A17(2) and the police authority for Northern Ireland are contingently liable to make payments to or in respect of him under the Royal Ulster Constabulary pensions legislation;

and in this Regulation any reference to the former force or police authority is a reference to the police force mentioned in sub-paragraph (a) or, as the case may be, sub-paragraph (b) or the police authority of that force and any reference to the current police authority is a reference to the police authority of the force of which the regular policeman is a member, or, as the case may be, to the police authority for Northern Ireland.

(2) Where this Regulation applies the former police authority shall pay to the current police authority a transfer value calculated in accordance with Sections 1 and 3 of Part II of Schedule F:

Provided that where the current police authority exercise their discretion under Regulation F5(2)(a) to permit the reckoning as pensionable service of part only of the period mentioned therein, only the corresponding proportion of the transfer value calculated as aforesaid shall be payable.

(3) Where this Regulation applies and the person concerned was entitled to an award on retiring from his former force but has received no payment in respect thereof, he shall cease to be so entitled.

(4) Paragraph (2) has effect subject to paragraph 1(2) of Part V of Schedule J.

Transfer values payable under interchange arrangements

F9.—(1) Save as provided in paragraph (2) and subject to paragraph (5), this Regulation shall apply to a regular policeman—

- (a) who, not having attained state pensionable age, retires or retired on or after 1st April 1972 and—
 - (i) was not entitled to a pension on so retiring or, if so entitled, has neither received any payment in respect thereof nor given any notice of commutation relating thereto which has become effective, and
 - (ii) has not received any award on so retiring by way of repayment of his aggregate pension contributions or a gratuity;
- (b) who subsequently enters or entered service or employment (otherwise than as a member of a police force) by reason of which he is subject to superannuation arrangements (hereafter

in this Regulation referred to as “new service”) and in his new service is, or subject to the payment of a transfer value would be, entitled to reckon service for superannuation purposes by reason of his service as a member of a police force, and

- (c) who, within 6 months of entering the new service, or within such longer period as the police authority may allow in the circumstances of the particular case, has given written notice to the police authority maintaining his former force of his desire that this Regulation should apply in his case.

(2) Nothing in this Regulation shall apply to a regular policeman—

- (a) in whose case a transfer value—
 - (i) is payable or has been paid to the police authority for Northern Ireland under Regulation F8 or Regulation 84 of the Regulations of 1973, or
 - (ii) where he retired before 6th April 1978, has been paid before that date under the Regulations of 1973 as originally made, or
- (b) who has a guaranteed minimum in relation to the pension provided by these Regulations unless either—
 - (i) the superannuation arrangements applicable to the new service constitute a contracted-out scheme in relation to him when the transfer value is paid, or
 - (ii) a contributions equivalent premium relating to the period ending with his retirement has been paid in respect of him by the police authority and not repaid.

(3) Where this Regulation applies the police authority of the force from which the regular policeman retired (“the former police authority”) may pay a transfer value calculated in accordance with Sections 1 and 3 of Part II of Schedule F to the authority or person empowered to receive such payments for the purposes of the superannuation arrangements applicable to the new service and shall so pay such a transfer value where those superannuation arrangements—

- (a) are contained in a public general Act of Parliament or were made under such an Act by a Minister of the Crown, or
- (b) are contained in Northern Ireland legislation being public general legislation or were made under such legislation by a Minister of the Crown (including a Northern Ireland Minister) or by a Northern Ireland ministry, department or head of department, or
- (c) are contained in a retirement benefits scheme approved under Chapter II of Part II of the Finance Act 1970⁽⁴¹⁾ or section 222 of the Income and Corporation Taxes Act 1970⁽⁴²⁾, or
- (d) provide for the purposes thereof for a superannuation fund which is wholly approved under section 208 of the Income and Corporation Taxes Act 1970, or
- (e) provide, in the event of the regular policeman again becoming such in his former police force, for the payment of a transfer value which the police authority are satisfied would be calculated in like manner as under any superannuation arrangements contained in, or made by a Minister of the Crown under, a public general Act of Parliament.

(4) Where the former police authority decided, or were required, to pay a transfer value as mentioned in paragraph (3)—

- (a) if the regular policeman concerned was, on retiring, entitled to a pension or such an award as is mentioned in paragraph (1)(a)(ii), he shall cease to be so entitled, and
- (b) if he again becomes a regular policeman, neither Regulation F4 nor F5 (*reckoning of previous service*) shall apply in relation to the pensionable service which he was entitled

⁽⁴¹⁾ 1970 c. 24.

⁽⁴²⁾ 1970 c. 10.

to reckon at the time he retired unless before 1st April 1987 the former police authority had decided, or were required, to pay a transfer value in pursuance of Regulation 85 of the Regulations of 1973.

(5) In the case of a regular policeman who has received such an award as is mentioned in paragraph (1)(a)(ii) but has—

- (a) entered the new service within 12 months of retiring or such longer period as the former police authority may allow in the circumstances of his case, and
- (b) within 6 months of entering the new service, or within such longer period as the former police authority may allow in the circumstances of his case, has paid to that authority an amount equal to that of the said award,

paragraph (1) shall have effect as if sub-paragraph (a)(ii) were omitted.

Part G

Pensionable Pay and Contributions

Pensionable and average pensionable pay

G1.—(1) The pensionable pay of a member of a police force at any time means his pay at the rate to which he is or was then entitled, account being taken of any retrospective increase in that rate.

(2) The average pensionable pay of a member of a police force shall, subject to paragraphs (3) and (4), be the aggregate of his pensionable pay in respect of the period of a year ending with the relevant date:

Provided that where he was entitled to pensionable pay for part only of that period, the said aggregate shall be multiplied by the reciprocal of the fraction of the year for which he was entitled to pensionable pay.

(3) Where the amount of a member of a police force's average pensionable pay, determined in accordance with paragraph (2), is less than the amount it would have been had he not suffered a temporary reduction in rate of pay by way of punishment, it shall be increased by the difference between the two said amounts.

(4) Where the amount of a member of a police force's average pensionable pay, determined in accordance with paragraphs (2) and (3), is less than the amount it would have been had the relevant date been the corresponding date in one of the two preceding years (whichever year yields the higher amount), it shall be increased by the difference between the two said amounts.

(5) Where an award is made to or in respect of a member of a police force the relevant date for the purpose of determining his average pensionable pay shall be—

- (a) in the case of a regular policeman, the date of his last day of service as such in the force of the police authority by whom the award is payable;
- (b) in the case of an auxiliary policeman, the date of the last day of the continuous period of active service as such during which he received the injury which resulted in disablement or death;
- (c) in the case of an overseas policeman who is not a reversionary member of a home police force, the date of the last day of the tour of overseas service during which he received the injury which resulted in disablement or death.

(6) Where a regular policeman has served as a member of the Royal Ulster Constabulary on or after 1st May 1970 and during part of the period of 3 years ending with the date mentioned in paragraph (5)(a), then paragraphs (2), (3) and (4) shall have effect in his case as if any reference in

paragraph (2) to pensionable pay included a reference to such pay within the meaning of the Royal Ulster Constabulary pensions legislation.

(7) For the purposes of these Regulations, a serviceman shall be deemed to be entitled, in respect of his period of relevant service in the armed forces, to the pay to which he would have been entitled if he had continued to serve in his former force.

(8) Where for the purpose of calculating an award to a widow, child or dependent relative it is necessary to determine average pensionable pay for a week, it shall be taken to be average pensionable pay divided by 52#.

(9) Paragraph (2) has effect subject to paragraph 5(4)(c) of Part VII of Schedule J.

Pension contributions payable by regular policeman

G2.—(1) A regular policeman shall pay to the police authority pension contributions at the rate of 1p a week less than—

- (a) in the case of a man, 11% of his pensionable pay, or
- (b) in the case of a woman, 8% of her pensionable pay.

(2) The pension contributions payable under paragraph (1) upon each instalment of pay shall fall due at the same time as that instalment and may, without prejudice to any other method of payment, be discharged by way of a reduction of the appropriate amount made by the police authority from the said instalment.

Additional and further contributions

G3.—(1) This Regulation shall apply to a regular policeman who elected, in accordance with Regulation 58(2) or (3) of the Regulations of 1973, to pay additional or further pension contributions, and whose liability thereunder to pay those contributions did not cease before 1st April 1987.

(2) A man to whom this Regulation applies shall continue to pay additional or, as the case may be, further pension contributions until, subject to paragraph (4), the relevant date mentioned in paragraph (3), and Schedule G shall have effect for the purpose of calculating the amount of such additional or further pension contributions.

(3) For the purposes of paragraph (2), the relevant date is the date on which the man becomes entitled to reckon 25 years' pensionable service so, however, that in determining the said date there shall be disregarded pensionable service reckonable by reason of service or employment before 1st April 1973 which he was not entitled to reckon on 1st April 1973.

(4) Additional or further pension contributions payable under this Regulation shall cease to be payable on retirement; but where a regular policeman was paying such contributions immediately before retiring with an ordinary pension that pension shall be reduced in accordance with paragraph 6 of Part VIII of Schedule B.

(5) Regulation G2(2) shall apply in relation to the payment of additional or further contributions under this Regulation as it applies in relation to the payment of pension contributions under Regulation G2(1).

Part H

Appeals and Medical Questions

Reference of medical questions

H1.—(1) Subject as hereinafter provided, the question whether a person is entitled to any and, if so, what awards under these Regulations shall be determined in the first instance by the police authority.

(2) Where the police authority are considering whether a person is permanently disabled, they shall refer for decision to a duly qualified medical practitioner selected by them the following questions—

- (a) whether the person concerned is disabled;
- (b) whether the disablement is likely to be permanent;

and, if they are further considering whether to grant an injury pension, shall so refer the following questions:—

- (c) whether the disablement is the result of an injury received in the execution of duty, and
- (d) the degree of the person's disablement;

and, if they are considering whether to revise an injury pension, shall so refer question (d) above.

(3) A police authority, if they are considering the exercise of their powers under Regulation K3 (*reduction of pension in case of default*), shall refer for decision to a duly qualified medical practitioner selected by them the question whether the person concerned has brought about or substantially contributed to the disablement by his own default.

(4) The decision of the selected medical practitioner on the questions referred to him under this Regulation shall be expressed in the form of a certificate and shall, subject to Regulations H2 and H3, be final.

Appeal to medical referee

H2.—(1) Where a person has been informed of the determination of the police authority on any question which involves the reference of questions under Regulation H1 to a selected medical practitioner, he shall, if, within 14 days after being so informed or such further period as the police authority may allow, he applies to the police authority for a copy of the certificate of the selected medical practitioner, be supplied with such a copy.

(2) If the person concerned is dissatisfied with the decision of the selected medical practitioner as set out in his certificate, he may, within 14 days after being supplied with the certificate or such longer period as the police authority may allow, and subject to and in accordance with the provisions of Schedule H, give notice to the police authority that he appeals against the said decision, and the police authority shall notify the Secretary of State accordingly, and the Secretary of State shall appoint an independent person or persons (hereafter in these Regulations referred to as the “medical referee”) to decide the appeal.

(3) The decision of the medical referee shall, if he disagrees with any part of the certificate of the selected medical practitioner, be expressed in the form of a certificate of his decision on any of the questions referred to the selected medical practitioner on which he disagrees with the latter's decision, and the decision of the medical referee shall, subject to the provisions of Regulation H3, be final.

Further reference to medical authority

H3.—(1) A court hearing an appeal under Regulation H5 or a tribunal hearing an appeal under Regulation H6 may, if they consider that the evidence before the medical authority who has given the final decision was inaccurate or inadequate, refer the decision of that authority to him for reconsideration in the light of such facts as the court or the tribunal may direct, and the medical authority shall accordingly reconsider his decision and, if necessary, issue a fresh certificate which, subject to any further reconsideration under this paragraph, shall be final.

(2) The police authority and the claimant may, by agreement, refer any final decision of a medical authority who has given such a decision to him for reconsideration on fresh evidence, and he shall accordingly reconsider his decision and, if necessary, issue a fresh certificate, which, subject to any further reconsideration under this paragraph or paragraph (1), shall be final.

(3) If a court or tribunal decide, or a claimant and the police authority agree, to refer a decision to the medical authority for reconsideration under this Regulation and that medical authority is unable or unwilling to act, the decision may be referred to a duly qualified medical practitioner selected by the court or tribunal or, as the case may be, agreed upon by the claimant and the police authority, and his decision shall have effect as if it were that of the medical authority who gave the decision which is to be reconsidered.

(4) In this Regulation a medical authority who has given a final decision means the selected medical practitioner, if the time for appeal from his decision has expired without an appeal to a medical referee being made, and the medical referee, if there has been such an appeal.

Refusal to be medically examined

H4. If a question is referred to a medical authority under Regulation H1, H2 or H3 and the person concerned wilfully or negligently fails to submit himself to such medical examination or to attend such interviews as the medical authority may consider necessary in order to enable him to make his decision, then—

- (a) if the question arises otherwise than on an appeal to a medical referee, the police authority may make their determination on such evidence and medical advice as they in their discretion think necessary;
- (b) if the question arises on an appeal to a medical referee, the appeal shall be deemed to be withdrawn.

Appeal by a member of a home police force

H5.—(1) Where a member of a home police force, or a person claiming an award in respect of such a member, is aggrieved by the refusal of the police authority to admit a claim to receive as of right an award or a larger award than that granted, or by the forfeiture under Regulation K5 by the police authority of any award granted to or in respect of such a member, he may, subject to Regulation H7, appeal to the Crown Court and that court, after enquiring into the case, may make such order in the matter as appears to it to be just.

(2) In the case of a member of a Scottish police force, paragraph (1) shall have effect as if any reference to the Crown Court were a reference to the sheriff having jurisdiction in the place where the person concerned last served as such a member.

(3) The provisions of section 5(1) and (5) of the Police Pensions Act 1948⁽⁴³⁾ (*appeals*), as they have effect under section 12(2) of the Police Pensions Act 1976⁽⁴⁴⁾, shall not apply in relation to an award under these Regulations.

⁽⁴³⁾ 1948 c. 24.

⁽⁴⁴⁾ 1976 c. 35.

Appeal by overseas policeman, inspector of constabulary or central police officer

H6.—(1) This Regulation shall apply in relation to—

- (a) an overseas policeman;
- (b) an inspector or assistant inspector of constabulary, or
- (c) a central police officer,

and any such person is hereafter in this Regulation referred to as an officer to whom this Regulation applies.

(2) Where an officer to whom this Regulation applies, or a person claiming an award in respect of such an officer, is aggrieved by the refusal of the Secretary of State as police authority to admit a claim to receive as of right an award or a larger award than that granted, or by the forfeiture under Regulation K5, by the Secretary of State as police authority, of any award granted to or in respect of such an officer, he may, subject to Regulation H7, give notice of appeal to the Secretary of State; and any such notice shall be in writing and shall specify the grounds of the appeal.

(3) The Secretary of State, on receiving such notice of appeal, shall appoint an appeal tribunal (hereafter in this Regulation referred to as the tribunal), consisting of 3 persons, including a barrister or solicitor of not less than 7 years' standing and a retired member of a police force who, before he retired, held a rank not lower than that of superintendent.

(4) The time and place for the hearing, or any postponed or adjourned hearing, of the appeal shall be determined by the tribunal, which shall give reasonable notice thereof to the appellant and to the Secretary of State as police authority (hereafter in this Regulation described as the parties).

(5) Either party may be represented before the tribunal by counsel, by a solicitor or by such other person as appears to him appropriate, adduce evidence and cross-examine witnesses.

(6) In the case of an appeal under this Regulation the tribunal shall have regard to the practice of the Crown Court in the case of an appeal under Regulation H5 and the rules of evidence applicable in the case of such an appeal shall apply in the case of an appeal under this Regulation.

(7) Subject to the preceding provisions of this Regulation, the tribunal shall determine its own procedure.

(8) The tribunal, after enquiring into the case and arriving at a decision thereon, may make such order in the matter as appears to it just, which order shall state the reasons for the decision; and each of the parties shall be entitled to a copy of any such order.

(9) An appeal shall lie on a point of law from any decision of a tribunal under this Regulation to the High Court in accordance with rules of court.

(10) In the case of an officer to whom this Regulation applies and who—

- (a) in the case of an overseas policeman or a central police officer, immediately before becoming such, was a member of a Scottish police force, or
- (b) in the case of an inspector or assistant inspector of constabulary, was appointed (or treated as appointed) under section 33 or 34 of the Police (Scotland) Act 1967⁽⁴⁵⁾;

this Regulation shall have effect as if—

- (i) any reference to a barrister were a reference to an advocate, and
- (ii) any reference to the Crown Court or the High Court were a reference to the sheriff or, as the case may be, the Court of Session.

⁽⁴⁵⁾ 1967 c. 77.

Limitations on appeals

H7.—(1) An appeal shall not lie under Regulation H5 or H6 against anything done by a police authority in the exercise of a power conferred by these Regulations which is expressly declared thereby to be a power which they are to exercise in their discretion.

(2) Subject to Regulation H3(1), in any proceedings under Regulation H5 or H6 the court or tribunal shall be bound by any final decision of a medical authority within the meaning of Regulation H3.

Part I

Servicemen

Servicemen to whom Part I applies

I1. This Part shall, subject to Regulation A3 (*exclusion of old cases*) and Regulation I8(1) (*pension contributions*), have effect in the case of a serviceman whose period of relevant service in the armed forces ends or has ended on or after 5th July 1948 or who, having resumed service as a regular policeman, has served as such on or after 1st April 1972:

Provided that only Regulation I4 shall have effect in the case of a serviceman other than a serviceman (1939–1945), whose period of relevant service in the armed forces ended on or after 5th July 1948 but before 15th July 1950 and that Regulation shall have effect only where he was called up for service in the armed forces under the National Service Acts 1939 to 1946⁽⁴⁶⁾, the National Service Act 1947⁽⁴⁷⁾ or the National Service Act 1948⁽⁴⁸⁾, or required for training or called into actual service or called out for training or for permanent service in the armed forces in pursuance of his obligations as a member of the territorial army or any reserve of the armed forces.

Awards to servicemen

I2.—(1) This Regulation shall apply to a serviceman who at the end of his period of relevant service in the armed forces is or was permanently disabled for the performance of duty as a regular policeman.

(2) A serviceman to whom this Regulation applies shall be entitled to an ill-health award under Regulation B3 on the same conditions in all respects as if he were such a regular policeman as is mentioned in paragraph (1) of that Regulation, subject, however, to the following paragraphs.

(3) Where the disablement is the result of an injury received during the serviceman's period of relevant service in the armed forces, in lieu of an ill-health gratuity in pursuance of paragraph (2) (or, where the period of relevant service in the armed forces ended before 1st April 1987, in pursuance of the corresponding provision of the former Regulations), the police authority may, in their discretion, pay him a pension at the rate of a twelfth of his average pensionable pay, subject, however, to paragraph (4).

(4) Where the disablement is the result of such an injury as aforesaid, any pension payable to the serviceman in pursuance of paragraph (2) or (3) may, subject to the limitation in paragraph 1 of Schedule I, from time to time be increased at the discretion of the police authority but, where an ill-health pension payable in pursuance of paragraph (2) is so increased, no account of the increase

⁽⁴⁶⁾ 1939 c. 81, 1940 c. 22, 1941 c. 15, 1942 c. 3, 1946 c. 38.

⁽⁴⁷⁾ 1947 c. 31.

⁽⁴⁸⁾ 1948 c. 64.

shall be taken for the purposes of Regulation B7 or B9 (*commutation and allocation*) or of Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*).

Awards on death of servicemen

I3.—(1) If a serviceman entitled to reckon 3 years' pensionable service—

- (a) dies or has died during his period of relevant service in the armed forces, or
- (b) having been permanently disabled for duty as a regular policeman at the end of the said period (without any intervening period of service as such) dies or has died either as a result of the same injury as resulted in his disablement or while in receipt of a pension,

his widow shall be entitled to a widow's ordinary pension under Regulation C1 on the same conditions in all respects as if he were such a regular policeman as is mentioned in paragraph (1) of that Regulation, subject, however, to paragraphs (5) and (6) of this Regulation.

(2) If a serviceman dies during his relevant period of service in the armed forces and his widow is not entitled to a pension under paragraph (1), she shall, subject to paragraph (3), be entitled to a gratuity of an amount equal to her husband's average pensionable pay.

(3) Where the death of a serviceman is the result of an injury received during his period of relevant service in the armed forces, in lieu of a gratuity under paragraph (2) (or, where he died before 1st April 1987, in lieu of a gratuity under the corresponding provision of the former Regulations) the police authority may, in their discretion, pay his widow a pension the amount whereof shall be the appropriate sum for the purposes of this paragraph, that is to say £7.28, increased in accordance with Regulation E10(6) (*increase of flat-rate award*), subject, however, to paragraphs (5) and (6) of this Regulation.

(4) If a serviceman—

- (a) dies or has died during his period of relevant service in the armed forces, or
- (b) having been permanently disabled for duty as a regular policeman at the end of the said period (without any intervening period of service as such) dies or has died while in receipt of a pension, or, being a person entitled to reckon not less than 3 years' pensionable service, dies or has died having received a gratuity,

then each of his children shall be entitled to a child's ordinary allowance under Regulation D1 on the same conditions in all respects as if he were such a regular policeman as is mentioned in paragraph (1) of that Regulation, subject, however, to paragraphs (5) and (6) of this Regulation.

(5) Where the death of a serviceman is the result of an injury received during his period of relevant service in the armed forces, any pension or allowance payable in respect of him in pursuance of paragraph (1), (3) or (4) may, subject to the limitation in paragraph 2 or 3 of Schedule I, from time to time be increased at the discretion of the police authority.

(6) Without prejudice to anything in paragraph (1) or (4)—

- (a) in relation to a widow's pension or gratuity in pursuance of paragraph (1), (2) or (3), Regulation C8 (*limitation on award to widow living apart from her husband and widow's requisite benefit pension*) and Regulation E7 (*prevention of duplication*) shall apply, and
- (b) in relation to a child's allowance in pursuance of paragraph (4), Regulation E7 shall apply,

as those Regulations apply in relation to the awards therein mentioned.

Application of Regulations E2 and E3

I4. In the case of a serviceman—

- (a) who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, and whose death results from an injury received

during his relevant period of service in the armed forces, Regulation E2 (*gratuities—dependent relatives*) shall apply as it applies in the case of a regular policeman who so dies and whose death results from an injury received in the execution of his duty;

- (b) who dies during his relevant period of service in the armed forces, Regulation E2 and Regulation E3 (*gratuity—estate*) shall apply as they apply in the case of a regular policeman who dies while serving as such.

Servicemen who resume service as regular policemen

I5. If a serviceman, after resuming service, or returning to duty, as a regular policeman—

- (a) is permanently disabled as a result of an injury received during his period of relevant service in the armed forces, the police authority may, in relation to any pension payable to him, other than a deferred pension, exercise the like discretion as that conferred by Regulation I2(4) but, where a pension is increased in pursuance of this sub-paragraph, no account of the increase shall be taken for the purposes of Regulation B7 or B9 (*commutation and allocation*) or of Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*);
- (b) dies or has died as a result of such an injury, the police authority may, in relation to any widow's pension or gratuity and any child's allowance payable in respect of him, exercise the like discretions as those conferred by Regulation I3(3) and (5).

Servicemen who do not resume service in their former force

I6. Where a serviceman who ceased to serve as a regular policeman in order to undertake a period of relevant service in the armed forces does not or did not resume service in his former force within a month of the end of that period, he shall be treated for the purposes of Regulations A10, A16, B5(2), B6, F3, F4 and F5 as having left his former force at the end of his period of relevant service in the armed forces.

Pensionable service

I7.—(1) A serviceman who ceased to serve as a regular policeman in order to undertake a period of relevant service in the armed forces shall be entitled to reckon that period as pensionable service in his former force except that so much, if any, of that period as fell before 5th July 1948 shall not be so reckonable under this paragraph.

(2) A serviceman (1939–1945) shall also be entitled so to reckon as pensionable service—

- (a) such further period as the Secretary of State may fix or has fixed, not exceeding 3 months after the end of his period of relevant service in the armed forces and before becoming a member of a police force, and
- (b) any period of approved service under the former Acts reckonable by him immediately before 5th July 1948. (3) The reference in paragraph (2)(b) to approved service reckonable under the former Acts shall be construed as provided in Regulation F1(2) in the case of such a reference in Part F.

Pension contributions etc.

I8.—(1) This Part shall have effect in the case of a serviceman who ceased to serve as a regular policeman in order to undertake a period of relevant service in the armed forces only if he pays or has paid pension contributions (other than additional or further pension contributions) to the police authority of his former force, as though he had remained a regular policeman in that force, in respect of his period of relevant service in the armed forces and, in the case of a serviceman (1939–1945),

such further period as the Secretary of State may have fixed which is reckonable as pensionable service:

Provided that this Part shall have effect notwithstanding that pension contributions are not or have not been paid as aforesaid—

- (a) by a serviceman other than a serviceman (1939–1945) in respect of—
 - (i) any period during which his service pay when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951⁽⁴⁹⁾ is less than his pensionable pay, or
 - (ii) any period before 1st January 1952 for which he has been required to serve in the armed forces as mentioned in the proviso to Regulation I1 and in respect of which no payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 have been made;
- (b) by a serviceman (1939–1945) in respect of any period in respect of which he would not have been compelled to pay sums equal to rateable deductions if the Police Pensions Act 1948 had not been passed.

(2) Where this Part has effect in the case of a serviceman by virtue of proviso (a) to paragraph (1), he shall be deemed, except for the purposes of Regulation A10 (*aggregate pension contributions for purposes of awards*), to have paid pension contributions in respect of any period beginning on or after 1st April 1956 and ending before 1st April 1972 at the rate at which he last paid such contributions or, where he was on 1st April 1956 performing relevant service in the armed forces and did not give the notice referred to in the relevant provisions of the former Regulations, at a rate related to 6.25% of his pensionable pay.

In this paragraph the reference to the relevant provisions of the former Regulations is a reference to the provisions of the proviso to Regulation 35(2) of the Police Pensions Regulations 1955⁽⁵⁰⁾ as set out in Regulation 13 of the Police Pensions Regulations 1956⁽⁵¹⁾, or of the proviso to Regulation 37(2) of the Police Pensions (Scotland) Regulations 1955⁽⁵²⁾, as set out in Regulation 13 of the Police Pensions (Scotland) Regulations 1956⁽⁵³⁾.

(3) Where this Part has effect in the case of a serviceman, any reference in these Regulations to service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972 or in respect of which he has paid pension contributions at a rate related to 6.25% of his pensionable pay shall be construed as including a reference to his period of relevant service in the armed forces on or after that date or, as the case may be, in respect of which he has paid, or is deemed to have paid, pension contributions at that rate.

Part J

Special Cases

Policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975

J1.—(1) This Regulation shall apply in the case of a regular policeman who, for the purposes of the Social Security Pensions Act 1975⁽⁵⁴⁾, has a guaranteed minimum in relation to the pension

⁽⁴⁹⁾ 1951 c. 65.

⁽⁵⁰⁾ S.I. 1955/480.

⁽⁵¹⁾ S.I. 1956/385.

⁽⁵²⁾ S.I. 1955/485.

⁽⁵³⁾ S.I. 1956/434.

⁽⁵⁴⁾ 1975 c. 60.

provided by these Regulations by reason of service which is contracted-out employment by reference thereto:

Provided that it shall not apply in the case of a regular policeman in respect of whom a transfer value has been, or is required to be, paid under Regulation F9.

(2) In a case in which this Regulation applies the regular policeman shall be entitled to a pension of a weekly amount equal to his guaranteed minimum but no payment shall be made on account of the pension—

- (a) in respect of any period before he attains state pensionable age;
- (b) if he is also entitled to a pension under Part B, in respect of any period for which that pension, together with any increase therein under the Pensions (Increase) Act 1971⁽⁵⁵⁾, exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder subject, however, to paragraph (3)(a), or
- (c) in respect of any period within the 5 years following his attaining state pensionable age during which he is serving as a regular policeman if either—
 - (i) he has so served for a continuous period beginning before he attained that age, or
 - (ii) he is entitled to a pension under Part B but for the period in question that pension has been withdrawn, in whole or in part, in pursuance of a decision taken by the police authority for the purposes of Regulation K4 before he attained state pensionable age.

(3) Where a regular policeman is entitled both to a pension under Part B and a pension under paragraph (2) then—

- (a) for the purposes of paragraph (2)(b), in the case of a pension under Part B other than an injury pension, any secured portion thereof shall be disregarded but, subject as aforesaid, where he is entitled to both an injury pension and some other pension under Part B, those pensions shall be treated as a single pension;
- (b) in respect of any period in respect of which a payment is made on account of the pension under paragraph (2), no payment shall be made on account of the pension under Part B otherwise than, in the case of a pension other than an injury pension, on account of any secured portion thereof.

(4) In a case in which this Regulation applies, where the regular policeman dies or has died at any time leaving a widow then, unless any pension to which he has been entitled has been forfeited under Regulation K5(2), she shall be entitled to a pension of a weekly amount equal to a half of his guaranteed minimum increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*) but that entitlement shall cease if she remarries or has remarried before attaining the age of 60 years and no payment shall be made on account of the pension—

- (a) if she is also entitled to a pension under Part C, in respect of any period for which the amount of that pension exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder, or
- (b) in respect of any period before she attains the age of 60 years during which she and a man to whom she is not married are living together as husband and wife.

(5) Where a widow is entitled both to a pension under Part C and a pension under paragraph (4) then, in respect of any period in respect of which a payment is made on account of the pension under paragraph (4), no payment shall be made on account of the pension under Part C.

(6) The following provisions shall apply in relation to a pension under this Regulation as hereinafter provided, that is to say—

- (a) Regulation B8 (*commutation—small pensions*) shall apply in relation to a pension under paragraph (2) as it applies in relation to a pension under Part B;

- (b) Regulation E4(3) (*gratuity in lieu of widow's pension*) shall apply in relation to a pension under paragraph (4) as it applies in relation to a pension under Part C, and
- (c) Regulation K5 (*forfeiture of pension*) shall apply in relation to a pension under paragraph (2) or (4) as it applies in relation to a pension under Part B or C but as if paragraph (4) thereof were omitted,

but, save as aforesaid or as provided in paragraph (2) or (4), nothing in any other Regulation shall affect a person's entitlement to a pension under this Regulation, the amount of such a pension or the circumstances in which it may be withdrawn or forfeited.

Former member of the Royal Ulster Constabulary

J2.—(1) This Regulation shall apply in the case of a regular policeman who has been a member of the Royal Ulster Constabulary.

(2) Where such a regular policeman is entitled to reckon pensionable service by reason of previous service in the Royal Ulster Constabulary then, except where the context otherwise requires, these Regulations shall have effect as if anything done by him or in his case under, or for the purposes of, a provision of the Royal Ulster Constabulary pensions legislation which corresponds to a provision of these Regulations or of the former Regulations had been done under, or for the purposes of, that corresponding provision.

(3) Without prejudice to the generality of paragraph (2), if such a regular policeman elected to pay additional or further contributions under any provision of the Royal Ulster Constabulary pensions legislation corresponding to Regulation 58(2) or (3) of the Regulations of 1973 and his liability to pay such contributions, either under that legislation or by reason of Regulation 63 of the Regulations of 1973, did not cease before 1st April 1987 or, if later, the date on which he became a regular policeman then, notwithstanding that he is not such a regular policeman as is mentioned in paragraph (1) of Regulation G3 (*additional and further contributions*), that Regulation shall apply to him and Schedule G shall have effect subject to any necessary modifications.

Former reversionary member of home police force

J3. Notwithstanding anything in these Regulations, where a person who has been a reversionary member of a home police force becomes or has become a regular policeman in a home police force and an award is payable to or in respect of him by reason of his having received an injury in the execution of his duty as an overseas policeman without his own default, the award shall not be less than it would have been if he had not after being a reversionary member of a home police force become such a regular policeman.

Other special provisions

J4. The provisions of Schedule J shall have effect in the cases, and as respects the matters, mentioned therein.

Part K

Revision and Withdrawal or Forfeiture of Awards

Cancellation of ill-health and injury pensions

K1.—(1) As long as a person—

- (a) is in receipt of an ill-health pension;

(b) would not, if he had continued to serve as a regular policeman instead of retiring with an ill-health pension, have been entitled to reckon 25 years' pensionable service, and

(c) if he had continued so to serve, could not have been required to retire on account of age, the police authority may, if they wish to exercise the powers conferred by this Regulation, consider, at such intervals as they in their discretion think proper, whether his disability has ceased.

(2) If on any such consideration it is found that his disability has ceased, the police authority may give the person concerned notice that if he wishes to rejoin the force as a regular policeman within a period of not less than 3 months from the date on which he has been given such notice he will be permitted to do so.

(3) If the person concerned within the period referred to in paragraph (2) offers to rejoin the force as a regular policeman, he shall be permitted to do so in a rank not lower than that he held immediately before he retired with the ill-health pension.

(4) On the person concerned rejoining the force as mentioned in paragraph (3) or, where he does not offer to rejoin within the period referred to in paragraph (2), at the end of that period, there shall be terminated—

- (a) the unsecured portion of his ill-health pension, and
- (b) any injury pension to which he is entitled;

and where the unsecured portion of an ill-health pension is terminated under this paragraph, the secured portion of that pension shall not be payable in respect of any period before state pensionable age.

(5) Where the unsecured portion of an ill-health pension is terminated under paragraph (4) otherwise than on the policeman rejoining his force, but he is not a regular policeman to whom Regulation B5 applies, then, if the aggregate of—

- (a) the sums paid in respect of the pension;
- (b) the actuarial value of the secured portion of the pension (in so far as it is payable under paragraph (4)) determined in accordance with tables prepared by the Government Actuary, and
- (c) the actuarial value of any pension to which he is entitled under Regulation J1 determined as aforesaid,

is less than his aggregate pension contributions in respect of the relevant period of service, the police authority shall pay the difference to the policeman.

(6) Paragraph (5) has effect subject to paragraph 5 of Part I of Schedule J.

Reassessment of injury pension

K2.—(1) Subject as hereinafter provided, where an injury pension is payable under these Regulations, the police authority shall, at such intervals as may be suitable, consider whether the degree of the pensioner's disablement has altered; and if after such consideration the police authority find that the degree of the pensioner's disablement has substantially altered, the pension shall be revised accordingly.

(2) Where the person concerned is not also in receipt of an ordinary, ill-health or short service pension, if on any such reconsideration it is found that his disability has ceased, his injury pension shall be terminated.

Reduction of pension in case of default

K3. Where a member of a police force or a person who has been a member of a police force becomes permanently disabled and has brought about or substantially contributed to the disablement

by his own default, the police authority may reduce the amount of any ill-health or injury award payable to him by them by an amount not exceeding a half of that to which he would otherwise be entitled:

Provided that—

- (a) this Regulation shall not apply where the person concerned has been a regular policeman and is in receipt of an ill-health pension and would, if he had continued to serve instead of retiring with that pension, have been entitled to reckon 25 years' pensionable service; and
- (b) where the pension of a regular policeman has been reduced under this Regulation, then if when he attains the age of 60 years the reduced pension is less than the amount of the deferred pension which would have been payable had he been granted such a pension on the date of his ceasing to serve it shall be increased to that amount.

Withdrawal of pension during service as a regular policeman

K4.—(1) Subject to paragraph (2), a police authority by whom a pension is payable under Part B of these Regulations or under Regulation E1 (*adult dependent relative's special pension*) may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is serving as a regular policeman in any police force and, where they have done so, they shall be discharged from all actual or contingent liability in respect of the pension or the part thereof withdrawn for the period in question.

- (2) This Regulation does not apply to a pension under Regulation B9(7)(b) (*allocation*).

Forfeiture of pension

K5.—(1) This Regulation shall apply to a pension payable to or in respect of a member of a police force under Part B or C or under Regulation E(1) (*adult dependent relative's special pension*).

(2) Subject to paragraph (5), a police authority responsible for payment of a pension to which this Regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the pensioner has been convicted of an offence mentioned in paragraph (3) and, in the case of a widow's pension, that offence was committed after the death of the pensioner's husband.

- (3) The offences referred to in paragraph (2) are—

- (a) an offence of treason;
- (b) one or more offences under the Official Secrets Acts 1911 to 1939⁽⁵⁶⁾ for which the grantee has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.

(4) Subject to paragraph (5), a police authority responsible for payment to a member of a police force of a pension to which this Regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the grantee has been convicted of an offence committed in connection with his service as a member of a police force which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(5) In the case of a pension to which this Regulation applies, other than an injury pension, the police authority in determining whether a forfeiture should be permanent or temporary and affect a pension in whole or in part, may make different determinations in respect of the secured and unsecured portions of the pension; but the secured portion of such a pension shall not be forfeited permanently and may be only forfeited temporarily for a period expiring before the grantee attains state pensionable age or for which he is imprisoned or otherwise detained in legal custody.

(56) 1911 c. 28, 1920 c. 75, 1939 c. 121.

(6) To the extent to which a pension is forfeited under this Regulation, the police authority shall be discharged from all actual or contingent liability in respect thereof.

(7) The provisions of section 4(1) and (2) of the Police Pensions Act 1948⁽⁵⁷⁾, as they have effect by virtue of section 12(2) of the Police Pensions Act 1976⁽⁵⁸⁾ (*forfeiture of pensions*), shall not apply in relation to an award under these Regulations.

(8) This Regulation has effect subject to Regulation J1(6)(c).

Part L

Payments by and to Police Authorities

Authorities responsible for payment of awards

L1.—(1) An award which is payable to or in respect of a person by reason of his having served as a regular policeman shall be payable by the police authority of the force in which he last served as such.

(2) An award which is payable to or in respect of a person by reason of his having been injured while serving as a member of a police force other than a regular policeman shall be payable by the police authority of the force in which he was serving when he received the injury.

Funds out of which and into which payments are to be made

L2.—(1) All payments for the purposes of these Regulations made by or to a police authority (including the Secretary of State as police authority for the metropolitan police district) shall be paid out of or into the police fund except in so far as is otherwise provided by the following paragraphs.

(2) There shall be paid out of moneys provided by Parliament—

- (a) any award to or in respect of a person who last served as commissioner of police of the metropolis, and
- (b) any transfer value payable in respect of such a person.

(3) There shall be paid into the Consolidated Fund—

- (a) any transfer value received in respect of a person who has become commissioner of police of the metropolis, and
- (b) the pension contributions (including additional and further contributions) paid by the said commissioner,

and, on a member of the metropolitan police force becoming commissioner of police of the metropolis, a payment shall be made out of the metropolitan police fund into the Consolidated Fund of an amount equal to the transfer value which would have been payable had the member in question instead transferred to another police force.

(4) There shall be paid out of moneys provided by Parliament or, as the case may be, into the Consolidated Fund all payments for the purposes of these Regulations made by or to the Secretary of State by reason that he is treated as the police authority in relation to—

- (a) an overseas policeman;
- (b) an inspector or assistant inspector of constabulary;
- (c) a central police officer.

⁽⁵⁷⁾ 1948 c. 24.

⁽⁵⁸⁾ 1976 c. 35.

(5) Paragraph (1) shall not extend to Scotland.

Payment and duration of awards

L3.—(1) Subject to the provisions of these Regulations, in particular, of—

- (a) Regulation B1(5) (*limitation on payment of an ordinary pension to a person entitled to reckon less than 30 years' pensionable service*);
- (b) Regulation B4(2) (*limitation on payment of an injury pension to a person who ceased to serve before becoming disabled*);
- (c) Regulation B5(4) (*limitation on payment of a deferred pension*);
- (d) Regulation J1 (*policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975*);
- (e) Part K (*revision and withdrawal or forfeiture of awards*), and
- (f) paragraph 9(3)(a) of Part I of Schedule J (*pension by way of equivalent pension benefit*),

the pension of a member of a police force shall be payable in respect of each year as from the date of his retirement.

(2) Subject to the provisions of these Regulations, in particular, of—

- (a) Regulation D5(3) to (6) (*limitations on child's allowance*), and
- (b) Regulation J1 (*policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975*)

a widow's pension or child's allowance shall be payable in respect of each week as from the death of the husband or, as the case may be, the parent or, in the case of an allowance payable to a posthumous child, as from the birth of the child, except—

- (i) where the husband or parent was in receipt of a pension and dies during a period in respect of which he has already received his pension, in which case the pension or allowance shall not be payable before the end of that period;
- (ii) where the husband or parent has received a gratuity other than an injury gratuity under Regulation B4, in which case the pension or allowance shall be payable as from such time as the police authority may, in their discretion, determine to be reasonable, not being more than a year after his death, having regard to all the circumstances, including the amount of the gratuity.

(3) Subject to the provisions of these Regulations, in particular, of—

- (a) Regulation C7(2)(a) (*widow's temporary pension*);
- (b) Regulation C9 (*termination of widow's award on remarriage etc.*);
- (c) Regulation D5(3) to (6) (*limitations on child's allowance*);
- (d) Regulation E1(3) (*adult dependent relative's special pension*);
- (e) Regulation J1(2), (3)(b) and (4) (*policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975*), and
- (f) Part K (*revision and withdrawal or forfeiture of awards*),

a pension or allowance shall be payable for life and shall be discharged by payments in advance at such reasonable intervals as the police authority may, in their discretion, determine except that payment on account of a pension or allowance may be delayed, in whole or in part, pending the determination of any question as to the liability of the police authority in respect thereof, including any question as to the continuance of that liability.

(4) Where a person dies after receiving a sum paid in advance on account of a pension or allowance, neither the said sum nor any part thereof shall be recoverable although referable to a period after his death.

(5) Where a widow remarries after receiving a sum paid in advance on account of a pension, neither the said sum nor any part thereof shall be recoverable although referable to a period after her remarriage.

(6) Subject to the provisions of these Regulations, a gratuity, lump sum or award by way of repayment of aggregate pension contributions shall become payable as soon as the entitlement thereto arises and shall be paid forthwith in one sum except that—

- (a) payment on account thereof may be delayed, in whole or in part, pending the determination of any question as to the liability of the police authority in respect thereof, and
- (b) where the police authority are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable period as they think fit.

Payment of awards otherwise than to beneficiary and application of payments

L4.—(1) This Regulation shall apply to the payment of any award to or in respect of a member of a police force, whether a pension, allowance, gratuity or other award, and any reference therein to the beneficiary is a reference to the person to whom, this Regulation apart, the award is payable.

(2) Where the beneficiary is a minor, the police authority may, if they think fit, in lieu of paying any sum on account of an award to the minor, pay it to such other person as they may determine.

A person who receives any sum in pursuance of this paragraph shall, subject to and in accordance with any directions of the police authority, apply the said sum for the benefit of the minor.

(3) On the death of the beneficiary to whom a sum is due on account of an award which does not exceed £5,000 or such higher amount as may from time to time be prescribed for the purposes of section 6 of the Administration of Estates (Small Payments) Act 1965⁽⁵⁹⁾, the police authority may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the authority to be beneficially entitled to the personal estate of the deceased or, as the authority think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the authority may determine.

(4) Where it appears to the police authority that a beneficiary is by reason of mental disorder or otherwise incapable of managing his affairs, in lieu of paying any sum on account of an award to that beneficiary—

- (a) they may, in their discretion, pay it in whole or in part to a person having the care of the beneficiary or such other person as they may determine, and
- (b) in so far as they do not so discharge their liability in respect thereof, the authority shall apply it in such manner as they think fit for the benefit of the beneficiary or his dependants.

A person who receives any sum in pursuance of sub-paragraph (a) shall, subject to and in accordance with any directions of the police authority, apply the said sum for the benefit of the beneficiary or his dependants.

(5) Where, as a result of any fraud, theft or negligence on the part of a regular policeman in connection with his service as such, a loss has occurred to the fund out of which an award is payable to him, in lieu of paying the whole or any part of any sum on account of the award to that beneficiary, the police authority may, if they think fit but subject to paragraph (6), apply it in making good the loss by retaining it in that fund:

Provided that the aggregate amount retained in pursuance of this paragraph shall not exceed whichever is the less of the following amounts, namely—

(59) 1965 c. 32.

- (a) the amount which is the actuarial value, at the time of the first retention, of the sums then or prospectively due to the regular policeman on account of the award, and
 - (b) the amount of the said loss,
- and, in the event of any dispute as to the amount of that loss, the power conferred by this paragraph shall not be exercisable save to the extent of any sum adjudged due to the police authority in respect of the loss by an order of a competent court.
- (6) Where the police authority exercise the power conferred by paragraph (5) they shall furnish the regular policeman concerned with a certificate showing the amount retained and the effect on the award and—
- (a) where the award is an ordinary, short service or ill-health pension and the sum due on account thereof is in respect of a period beyond state pensionable age, only so much of that sum as is due on account of the unsecured portion of the pension may be retained and applied as mentioned in paragraph (5), and
 - (b) where the regular policeman is entitled to reckon pensionable service otherwise than by reason of service as a member of a police force, only the following proportion of any sum due on account of the award may be so retained and applied, that is to say, the proportion which his pensionable service reckonable by reason of service as a member of a police force bears to his total pensionable service.
- (7) A police authority shall obtain a good discharge by paying or applying any sum in the manner provided by this Regulation.
- (8) In the application of this Regulation to Scotland—
- (a) the references in paragraph (2) to a minor shall be construed as including references to a pupil, and
 - (b) the reference in paragraph (3) to the personal estate of the deceased shall be construed as a reference to his movable estate.

9th February 1987

Douglas Hurd
One of Her Majesty's Principal Secretaries of
State Home Office

We consent,

20th February 1987

Peter Lloyd
Michael Neubert
Two of the Lords Commissioners of Her
Majesty's Treasury

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SCHEDULE A

Regulation A4(1)

Glossary of Expressions

In these Regulations, unless the context otherwise requires, the following expressions shall be construed as hereinafter provided, that is to say:—

“the Act” means the Police Pensions Act 1976⁽⁶⁰⁾; “aggregate pension contributions”, for the purpose of calculating an award, has the meaning assigned to it by Regulation A10;

“approved service” has the same meaning as in the former Acts;

“armed forces” means the naval, military or air forces of the Crown, including any women’s service administered by the Defence Council or formerly administered by the Admiralty, Army Council or Air Council; “auxiliary policeman” means a member of the first class of the police reserve, a member of the Police War Reserve or a member of Class A of the Women’s Auxiliary Police Corps;

“average pensionable pay” has the meaning assigned to it by Regulation G1;

“central police officer” means a member of a home police force engaged on central service who enjoys a right of reversion under section 43(1) of the Police Act 1964⁽⁶¹⁾ or section 38(1) of the Police (Scotland) Act 1967⁽⁶²⁾ as the case may be;

“central service” means temporary service under the Crown performed on or after 1st August 1964, being such service as is mentioned in section 43(5) of the Police Act 1964 or section 38(5) of the Police (Scotland) Act 1967;

“chief officer of police” in relation to an overseas corps means the senior member of that corps;

“child” means (without regard to age) legitimate or illegitimate child, step-child or adopted child and any other child who is substantially dependent on the member of a police force concerned and either is related to him or is the child of his spouse; and the expressions “father”, “mother” and “parent” shall be construed accordingly;

“contracted-out employment” and “contracted-out scheme” have the meanings assigned to them by Regulation A5(6);

“contributions equivalent premium” has the meaning assigned to it by Regulation A5(6) (subject however, to Regulation A5(7));

“disablement” and cognate expressions have the meanings assigned to them by Regulation A12;

“employed contributor’s employment” has the meaning assigned to it by Regulation A5(1);

“former Acts” means the Police Pensions Acts 1921 and 1926⁽⁶³⁾, including those Acts as applied and extended by or under any enactment, and any Act repealed by those Acts;

“former force”, in relation to a serviceman, means the police force in which he was serving immediately before undertaking a period of relevant service in the armed forces;

“former Regulations” means the Regulations made under the Act or the Police Pensions Act 1948⁽⁶⁴⁾ before the making of these Regulations;

“graduated contribution” and “graduated retirement benefit” have the meanings assigned to them by Regulation A5(1);

“guaranteed minimum” and “guaranteed minimum pension” have the meanings assigned to them by Regulation A5(6) (subject, however, to Regulation A5(8));

⁽⁶⁰⁾ 1976 c. 35.

⁽⁶¹⁾ 1964 c. 48.

⁽⁶²⁾ 1967 c. 77.

⁽⁶³⁾ 1921 c. 31, 1926 c. 34.

⁽⁶⁴⁾ 1948 c. 24.

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“home police force” means any police force within the meaning of the Police Act 1964 or the Police (Scotland) Act 1967;

“injury” includes any injury or disease, whether of body or of mind, “injury received in the execution of duty” has the meaning assigned to it by Regulation A11 and “the result of an injury” shall be construed in accordance with Regulation A13;

“inspector” includes chief inspector;

“medical referee” has the meaning assigned to it by Regulation H2(2);

“member of a police force” includes—

- (a) the commissioner and assistant commissioners of police of the metropolis;
- (b) the commissioner of police for the City of London;
- (c) an overseas policeman;
- (d) an inspector or assistant inspector of constabulary appointed on or after 1st August 1964; and
- (e) a central police officer;

“member of the first class of the police reserve” includes any member of a home police force appointed temporarily;

“non-participating employment” has the meaning assigned to it by Regulation A5(1);

“overseas corps” means any body in which persons such as are mentioned in section 1(1) of the Police (Overseas Service) Act 1945⁽⁶⁵⁾ are serving and in relation to which regulations made under section 1(2) of that Act have been made;

“overseas policeman” means—

- (a) a member of an overseas corps, or
- (b) an officer to whom section 10 of the Overseas Development and Co-operation Act 1980⁽⁶⁶⁾ or the Overseas Service Act 1958⁽⁶⁷⁾ applies or applied and whose service as such an officer is or was for the time being service in respect of which section 11 of the said Act of 1980 or section 5 of the said Act of 1958 has or had effect;

“overseas service” means service as an overseas policeman;

“participating period of relevant employment” has the meaning assigned to it by Regulation A5(3);

“payment in lieu of contributions” has the meaning assigned to it by Regulation A5(1);

“pensionable pay” has the meaning assigned to it by Regulation G1;

“the Pensions (Increase) Acts” means the Pensions (Increase) Act 1971⁽⁶⁸⁾ and the Pensions (Increase) Act 1974⁽⁶⁹⁾; “police authority” has the same meaning as in the Act, and accordingly in relation to a Scottish police force has the same meaning as in the Police(Scotland) Act 1967; “police force” means a home police force or an overseas corps; “regular policeman” means—

- (a) a member of a home police force who is not an auxiliary policeman;
- (b) an overseas policeman who is a reversionary member of a home police force;
- (c) an inspector or assistant inspector of constabulary appointed on or after 1st August 1964; and

⁽⁶⁵⁾ 1945 c. 17 (9 & 10 Geo. 6).

⁽⁶⁶⁾ 1980 c. 63.

⁽⁶⁷⁾ 1958 c. 14.

⁽⁶⁸⁾ 1971 c. 56.

⁽⁶⁹⁾ 1974 c. 9.

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(d) a central police officer;

“the Regulations of 1973” means the Police Pensions Regulations 1973⁽⁷⁰⁾ as from time to time in force;

“relevant service in the armed forces” has the meaning assigned to it by Regulation A14;

“retirement” and cognate expressions shall be construed in accordance with Regulations A17 to A21;

“reversionary member of a home police force” means an overseas policeman who has been a member of a home police force and has not lost his right of reversion under section 2(1) of the Police (Overseas Service) Act 1945, and includes a person who has transferred to an overseas corps from being either a civil servant within the meaning of the Superannuation Act 1887⁽⁷¹⁾ or a member of the metropolitan civil staffs within the meaning of section 15 of the Superannuation (Miscellaneous Provisions) Act 1967⁽⁷²⁾;

“Royal Ulster Constabulary pensions legislation” means the Northern Ireland legislation for the time being in force relating to the superannuation of members of the Royal Ulster Constabulary;

“secured portion” and “unsecured portion”, in relation to a pension, have the meanings assigned to them by Regulation A5(4);

“sergeant” includes station sergeant and first class sergeant (C.I.D.);

“serviceman” means a person who immediately before undertaking a period of relevant service in the armed forces was a regular policeman and includes a serviceman (1939–1945);

“serviceman (1939–1945)” means a person who ceased to serve as a regular policeman in such circumstances that he became a person to whom section 1 of the Police and Firemen (War Service) Act 1939⁽⁷³⁾ applied;

“state pensionable age” has the meaning assigned to it by Regulation A5(2);

“superintendent” includes chief superintendent;

“tax year” means the 12 months beginning with 6th April in any year;

“tour of central service” means the period of central service for which a central police officer has engaged with the consent of the appropriate authority for the purposes of section 43 of the Police Act 1964 or section 38 of the Police (Scotland) Act 1967, as the case may be, and, if such a period has been varied, means the period as so varied, so however that where the officer engaged for an indefinite period of central service the said expression means his actual period of such service;

“tour of overseas service” means the period of overseas service for which an overseas policeman has engaged with the consent, in the case of a reversionary member of a home police force, of the appropriate authority for the purposes of the Police (Overseas Service) Act 1945 and of the Secretary of State, and, if such a period has been varied under regulations made under section 1 of that Act, means the period as so varied, so however that where the overseas policeman has engaged for an indefinite period of overseas service the said expression means his actual period of such service;

“transfer” shall be construed in accordance with Regulation A16.

⁽⁷⁰⁾ S.I. 1973/428.

⁽⁷¹⁾ 1887 c. 67.

⁽⁷²⁾ 1967 c. 28.

⁽⁷³⁾ 1939 c. 103.

SCHEDULE B

Personal Awards

Regulation B1

Part I

Policeman's Ordinary Pension

1. Subject to paragraph 2 and Parts VII and VIII of this Schedule (*reductions at state pensionable age and related to up-rating of widow's pension*), the pension shall be of an amount equal to 30 sixtieths of the policeman's average pensionable pay with the addition, subject to a maximum of 40 sixtieths, of an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 25 years.

2. If the amount of the pension calculated in accordance with the preceding paragraph would be less than the amount it would have been had the person in question become entitled to receive an ordinary pension by retiring after due notice from the same police force at an earlier date, then, subject to Parts VII and VIII of this Schedule, the pension shall be of the last-mentioned amount.

Regulation B2

Part II

Policeman's Short Service Pension

Subject to Parts VII and VIII of this Schedule (*reductions at state pensionable age and related to up-rating of widow's pension*), the pension shall be of an amount which is the aggregate of—

- (a) an amount equal to a sixtieth of the policeman's average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and
- (b) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years.

Regulation B3

Part III

Policeman's Ill-Health Pension

1. Subject to Regulation K1(5) (*termination of unsecured portion of ill-health pension*) and to Parts VII and VIII of this Schedule (*reductions at state pensionable age and related to up-rating of widow's pension*), the amount of the pension shall be determined in accordance with paragraph 2, 3 or 4 as the case may require.

2. Where the policeman has less than 5 years' pensionable service, the amount of the pension shall not be less than a sixtieth of his average pensionable pay and, subject as aforesaid, shall be of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service.

3. Where the policeman has 5 or more years', but not more than 10 years' pensionable service, subject to paragraph 5, the pension shall be of an amount equal to 2 sixtieths of his average pensionable pay multiplied by the period in years of his pensionable service.

4. Where the policeman has more than 10 years' pensionable service, the pension shall be not less than 20 sixtieths, nor more than 40 sixtieths, of his average pensionable pay and, subject as aforesaid and to paragraph 5, shall be equal to 7 sixtieths of that pay with the addition—

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- (a) of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service up to 20 years, and
- (b) of an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years.

5. In the case of a policeman who, had he continued to serve until he could be required to retire on account of age, would have become entitled to an ordinary or short service pension, a pension calculated in accordance with paragraph 3 or 4 shall not exceed the pension to which he would so have become entitled calculated, however, by reference to the average pensionable pay by reference to which the ill-health pension is calculated.

Regulations B2 and B3

Part IV

Policeman's Short Service or Ill-Health Gratuity

1. Where the policeman has not completed a year's pensionable service, the gratuity shall be of an amount equal to the policeman's aggregate pension contributions in respect of the relevant period of service subject, however, to paragraph 3.

2. Where the policeman has completed at least a year's pensionable service, the gratuity shall be of an amount equal to whichever is the greater of the two following amounts—

- (a) a twelfth of the policeman's average pensionable pay multiplied by the period in years of his pensionable service;
- (b) the policeman's aggregate pension contributions in respect of the relevant period of service,

subject, however, to paragraph 3.

3. Where the policeman retired after the beginning of the tax year in which he attains state pensionable age, the gratuity calculated in accordance with the preceding provisions of this Part shall be reduced by an amount equal to the capitalised value, as calculated by the Government Actuary, of the annual rate of any pension paid to him under Regulation J1(2) (*policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975*).

Regulation B4

Part V

Policeman's Injury Award

1. A gratuity under Regulation B4 shall be calculated by reference to the person's degree of disablement and his average pensionable pay and shall be the amount specified as appropriate to his degree of disablement in column (2) of the following Table.

2. An injury pension shall be calculated by reference to the person's degree of disablement, his average pensionable pay and the period in years of his pensionable service, and, subject to the following paragraphs, shall be of the amount of his minimum income guarantee specified as appropriate to his degree of disablement in column (3), (4), (5) or (6) of the following Table, whichever is applicable to his period of pensionable service.

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Table

Degree of disablement	Gratuity expressed as % of average pensionable pay	Minimum income guarantee expressed as % of average pensionable pay			
		Less than 5 years' service	5 or more but less than 15 years' service	15 or more but less than 25 years' service	25 or more years' service
(1)	(2)	(3)	(4)	(5)	(6)
25% or less (slight disablement)	12.5%	15%	30%	45%	60%
More than 25% but not more than 50% (minor disablement)	25%	40%	50%	60%	70%
More than 50% but not more than 75% (major disablement)	37.5%	65%	70%	75%	80%
More than 75% (very severe disablement)	50%	85%	85%	85%	85%

3.—(1) The amount of an injury pension, calculated as aforesaid, shall be reduced, where the person concerned received the relevant injury (within the meaning of Regulation B4) during a period of service as a regular policeman, by three-quarters of any other pension calculated by reference to pensionable service reckonable by reason of that period of service.

(2) For the purposes of sub-paragraph (1), such other pension as is there mentioned which is reduced in accordance with the provisions of Regulation B7 or B9 (*commutation and allocation*) or of Part VIII of this Schedule (*reduction related to up-rating of widow's pension*) shall be deemed not to have been so reduced.

4.—(1) The amount of the injury pension in respect of any week, calculated as aforesaid, shall be reduced on account of any such additional benefit as is mentioned in sub-paragraph (3) to which the person concerned is entitled in respect of the same week and, subject to sub-paragraph (2), the said reduction shall be of an amount equal to that of the additional benefit or, in the case of benefit mentioned in sub-paragraph (3)(a) or (b), of so much thereof as is there mentioned.

(2) Where the provisions governing scales of additional benefits have changed after the person concerned ceased to be a member of a police force, the amount of the reduction in respect of any week on account of a particular benefit shall not exceed the amount which would have been the amount thereof in respect of that week had those provisions not changed, it being assumed, in the case of such benefit as is mentioned in sub-paragraph (3)(a)(ii), that it would have borne the same relationship to the former maximum amount thereof.

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(3) The following benefits are the additional benefits referred to in this paragraph—

- (a) any disablement pension under section 57 of the Social Security Act 1975⁽⁷⁴⁾ in respect of the relevant injury or so much of any such pension as relates to that injury (hereinafter referred to as the relevant part of the pension), together with—
 - (i) any increase in such pension by way of unemployability supplement under section 58 of that Act or so much of any such increase as is proportionate to the relevant part of the said pension so, however, that where the person concerned is entitled to an unemployability supplement which is increased under section 59 of that Act, the unemployability supplement shall be deemed not to have been so increased,
 - (ii) any increase in such pension under section 60 of that Act (*special hardship*) or so much of any such increase as is proportionate to the relevant part of the said pension,
 - (iii) any increase in such pension under section 64 or 66 of that Act (*dependants*) or so much of any such increase as is proportionate to the relevant part of the said pension, and
 - (iv) so long as the person concerned is receiving treatment as an in-patient at a hospital as a result of the relevant injury, any increase in such pension under section 62 of that Act (*hospital treatment*);
- (b) any reduced earnings allowance under section 59A of the said Act of 1975⁽⁷⁵⁾ in respect of the relevant injury or so much of any such allowance as relates to that injury;
- (c) until the first day after his retirement which is not, or is deemed not to be, a day of incapacity for work within the meaning of section 14 or 15, or, as the case may be, a day on which he is incapable of work within the meaning of section 36, of the said Act of 1975—
 - (i) any sickness benefit under the said section 14, including such benefit to which the person concerned is only entitled by virtue of section 50A⁽⁷⁶⁾ of that Act,
 - (ii) any invalidity pension under the said section 15, including any additional component comprised therein in pursuance of section 14 of the Social Security Pensions Act 1975⁽⁷⁷⁾, or
 - (iii) any severe disablement allowance under the said section 36,
 including, in each case, any increase under any provision of Chapter III of the Social Security Act 1975 (*dependants*).

(4) Where a person has become entitled to a disablement gratuity under section 57 of the Social Security Act 1975 in respect of the relevant injury, this paragraph shall have effect as if he were entitled during the relevant period to a disablement pension of such amount as would be produced by converting the gratuity into an annuity for the said period.

In this sub-paragraph the expression “the relevant period” means the period taken into account, in accordance with section 57 of the said Act of 1975, for the purpose of making the assessment by reference to which the gratuity became payable.

5. No payment shall be made in respect of an injury pension for any week in which the aggregate reductions under paragraphs 3 and 4 exceed the amount of the pension calculated in accordance with paragraph 2.

6. This Part has effect subject to paragraphs 6 and 7 of Part I, and paragraph 4 of Part VII, of Schedule J.

⁽⁷⁴⁾ 1975 c. 14, amended (as respects the provisions mentioned in this paragraph) by 1975 c. 60, s. 18(1) and Sch. 4, Pt. 1; 1975 c. 61, Schs. 4 and 5; 1977 c. 5, ss. 5 and 22 and Sch. 2; 1979 c. 18, Schs. 1 and 3; 1980 c. 30, Schs. 1 and 5; 1980 c. 39, s. 3; 1982 c. 24, s. 39, Sch. 2, Sch. 4, Pt. 1 and Sch. 5; 1986 c. 50, Sch. 3.

⁽⁷⁵⁾ S. 59A inserted by 1986 c. 50, Sch. 3, para. 5.

⁽⁷⁶⁾ S. 50A inserted by 1982 c. 24, s. 39.

⁽⁷⁷⁾ 1975 c. 60.

Regulation B5

Part VI

Policeman's Deferred Pension

1. The amount of a policeman's deferred pension shall be calculated by reference to—
 - (a) the pensionable service he is entitled to reckon (here referred to as “actual service”);
 - (b) the pensionable service he would have become entitled to reckon had he continued to serve until he could retire with a maximum ordinary pension (disregarding Regulation B1(2)) or until he could be required to retire on account of age, whichever is the earlier, (here referred to as “hypothetical service”), and
 - (c) his average pensionable pay.
 2. Subject to Parts VII and VIII of this Schedule (*reductions at state pensionable age and related to up-rating of widow's pension*), the policeman's pension shall be such that it is the same proportion of the hypothetical pension mentioned in paragraph 3 as his actual service is of his hypothetical service except that it shall not exceed 40 sixtieths of his average pensionable pay.
 3. The hypothetical pension referred to in paragraph 2 is a pension of an amount which is the aggregate of—
 - (a) an amount equal to a sixtieth of his average pensionable pay multiplied by the period in years of his hypothetical service up to 20 years, and
 - (b) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his hypothetical service exceeds 20 years.
- Regulations B1, B2, B3 and B5

Part VII

Reduction of Pension at State Pensionable Age

Pension modifications connected with state flat-rate retirement benefit

- 1.—(1) Where, in respect of service as a regular policeman or as a member of the Royal Ulster Constabulary before 1st April 1980, a person has paid pension contributions at a rate of 6p a week (or 1s. 2d. a week) less than the appropriate percentage of his pensionable pay then, in respect of any period beyond state pensionable age, the unsecured portion of any ordinary, short service, ill-health or deferred pension payable to him shall be reduced in accordance with sub-paragraph (2) or, as the case may be, sub-paragraph (3).
 - (2) In the case of a person who paid contributions as aforesaid by reason of the giving of a notice—
 - (a) under Regulation 41(3) of the Police Pensions Regulations 1948(78);
 - (b) under Regulation 43(3) of the Police Pensions (Scotland) Regulations 1948(79), or
 - (c) without prejudice to the generality of Regulation J2(2), under any corresponding provision of the Royal Ulster Constabulary pensions legislation,
- the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying the sum in the second column of the following Table set opposite to the age in the first column of

(78) S.I. 1948/1531.

(79) S.I. 1948/1530.

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the said Table which he had attained at the appropriate date by the number of years specified in sub-paragraph (4):—

Table

Age in years at appropriate date	Sums to be multiplied £
Under 23	1.70
23	1.65
24	1.60
25	1.55
26	1.525
27	1.50
28	1.475
29	1.45
30	1.425
31	1.40
32	1.375
33	1.35
34	1.325
35	1.30
36	1.30
37	1.275
38	1.25
39	1.25
40	1.225
41	1.225
42	1.20
43	1.20
44 or over	1.175

In this sub-paragraph the expression “appropriate date” means, subject to sub-paragraph (5), 5th July 1948, or, in the case of a person who was then an auxiliary policeman, the date on which he first thereafter became a regular policeman.

(3) In the case of a person who paid contributions as aforesaid, otherwise than as mentioned in sub-paragraph (2), the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying £1.70 by the number of years specified in sub-paragraph (4).

(4) The number of years referred to in sub-paragraph (2) or (3) is, subject to the following sub-paragraphs, the period in years of service before 1st April 1980 either as a regular policeman or as

a member of the Royal Ulster Constabulary in respect of which the person concerned paid pension contributions at such a rate as is mentioned in sub-paragraph (1):

Provided that there shall be excluded from the said period any period or periods—

- (a) by reason of which the person concerned is not entitled to reckon pensionable service for the purposes of the pension in question, or
- (b) which fell after the date on which the person concerned would have been entitled, if he had retired, to a pension equal to two thirds of his average pensionable pay.

(5) In the case of a person who—

- (a) first became a regular policeman on or after 1st January 1963;
- (b) before 1st April 1980 became entitled to reckon pensionable service by reason of service or employment (otherwise than as a member of a police force or of the Royal Ulster Constabulary) in respect of which he was subject to superannuation arrangements (“the former service”);
- (c) was subject to the operation of any regulations made under section 69(4) of the National Insurance Act 1946⁽⁸⁰⁾ or section 110(1) of the National Insurance Act 1965⁽⁸¹⁾ or of other provisions modifying those superannuation arrangements in connection with the passing of the said Act of 1946 (“the modifications”), and
- (d) is entitled to reckon that pensionable service for the purposes of the pension in question,

the period in years specified in sub-paragraph (4) shall be increased by that period of pensionable service and, if he was subject to the modifications by virtue of an election made or notice given, the expression “appropriate date” in sub-paragraph (2) shall mean the date on which that election or notice became effective:

Provided that where only a proportion of the former service would have been taken into account for the purposes of the modifications, only that proportion of the pensionable service reckonable by virtue thereof shall be taken into account in determining the increase hereunder in the period specified in sub-paragraph (4).

Pension modifications connected with state graduated retirement benefit

2.—(1) Where a person in receipt of an ordinary, short service, ill-health or deferred pension has been in service or employment otherwise than as a regular policeman—

- (a) in respect of which he was subject to superannuation arrangements;
- (b) by reason of which he is entitled to reckon pensionable service for the purposes of the pension; and
- (c) the period of which includes a participating period of relevant employment,

then, for the purpose of abating the pension in relation to that participating period of relevant employment, any provision of the said arrangements in operation when he left the said service or employment the effect of which is that pensions payable thereunder are to be reduced in connection with the operation of the National Insurance Act 1959⁽⁸²⁾ or of any provision of the National Insurance Act 1965 relating to graduated contributions or graduated retirement benefit shall apply, subject to the necessary adaptations and modifications, as though the provision were contained in this paragraph and as if—

- (i) the pension were payable under the said arrangements, and

⁽⁸⁰⁾ 1946 c. 67.

⁽⁸¹⁾ 1965 c. 51.

⁽⁸²⁾ 1959 c. 47.

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(ii) any other period of service or employment by reason of which he is entitled to reckon pensionable service for the purposes of the pension were a period of non-participating employment at the end of which no payment in lieu of contributions falls to be made.

(2) A police authority, in determining any question arising under sub-paragraph (1) and relating to a particular service or employment, shall be entitled to treat as conclusive any relevant certificate issued, with the agreement of the person concerned, by his employer in that service or employment.

(3) Where for the purposes of the superannuation arrangements applicable to such service or employment as is mentioned in sub-paragraph (1) the person concerned was entitled to reckon service by reason of some previous service or employment, that previous service or employment shall be treated for the purposes of this paragraph as if it were part of the service or employment first mentioned in this sub-paragraph.

3.—(1) Where a person in receipt of an ordinary, short service, ill-health or deferred pension is entitled to reckon pensionable service for the purposes thereof by reason of a period of service as a regular policeman which is a participating period of relevant employment then, in respect of any period beyond state pensionable age, the unsecured portion of that pension shall be reduced in accordance with sub-paragraph (2).

(2) The reduction shall be calculated at the annual rate which is that of the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining state pensionable age, in return for a payment in lieu of contributions in respect of the whole of the period referred to in sub-paragraph (1), whether or not such a payment was made.

4.—(1) Where a person in receipt of the secured portion of an ill-health pension, the unsecured portion of which has been terminated in the circumstances mentioned in Regulation K1(4), is also in receipt of some other pension, being an ordinary, short service, ill-health or deferred pension, and is entitled to reckon for the purposes of that other pension the period of pensionable service reckonable for the purposes of the ill-health pension then, in respect of any period beyond state pensionable age, the unsecured portion of that other pension shall be reduced in accordance with sub-paragraph (2).

(2) The reduction shall be calculated at the annual rate which is that of the secured portion of the ill-health pension.

Regulations B1, B2, B3 and B5

Part VIII

Reduction of Pension Related to Up-Rating of Widow's Pension

1.—(1) An ordinary, short service, ill-health or deferred pension payable to a man shall, in the cases hereinafter mentioned, be reduced in accordance with this Part except that a deferred pension payable in pursuance of paragraph 8(6)(b) of Part I of Schedule J shall not be so reduced.

(2) Any reference in this Part to a pension is a reference to a pension which falls to be reduced as aforesaid and any reference to police service is a reference to service as a member of a police force or of the Royal Ulster Constabulary.

2.—(1) Subject to sub-paragraph (2), this paragraph shall apply in the case of a man entitled to reckon pensionable service otherwise than—

(a) by reason of police service on or after 1st April 1972;

(b) by reason of police service before that date in respect of which he paid pension contributions at a rate related to 6.25% of his pensionable pay;

- (c) by virtue of Regulation F3(1)(f) (*British Airports Authority constabulary service*), or
- (d) by virtue of Regulation F6 (*current interchange arrangements*).

(2) Where the man was a regular policeman to whom Regulation 59 or 60 of the Regulations of 1973 applied (that is to say, where on 1st April 1973 either he was serving as such or, having retired on or after 1st April 1972, he was entitled to a pension) and he last paid pension contributions before 1st April 1972 at a rate related to 5% of his pensionable pay, this paragraph shall not apply unless either—

- (a) he elected or agreed, under paragraph (2)(b) or (4)(a) of the said Regulation 59 or under paragraph (2)(b) of the said Regulation 60, that his pension be reduced, or
- (b) pensionable service became reckonable by him on or after 1st April 1987 by virtue of Regulation F4, F5 or F7 (*previous service and preserved interchange arrangements*).

(3) The pension of a man in whose case this paragraph applies shall, subject to the provisions of this Part, be reduced by the percentage specified in the second column of the Table in paragraph 7 opposite the number of completed years of pensionable service he is entitled to reckon other than pensionable service falling within either or both of the following sub-paragraphs, namely—

- (a) pensionable service reckonable as mentioned in sub-paragraph (1), and
- (b) where (subject to Regulations F4(3) and F5(2)(c)) he elected under Regulation 58(3) or 59(3) of the Regulations of 1973 to pay further pension contributions or to make a further payment by way of a lump sum, pensionable service reckonable by him immediately before 1st April 1973 otherwise than by reason of police service on or after 1st April 1972.

3.—(1) Subject to sub-paragraph (2), this paragraph shall apply in the case of a man entitled to reckon pensionable service otherwise than—

- (a) by reason of police service on or after 1st April 1972;
- (b) by virtue of Regulation F3(1)(f), or
- (c) by virtue of Regulation F6.

(2) Where the man was a regular policeman to whom Regulation 59 or 60 of the Regulations of 1973 applied, this paragraph shall not apply unless either—

- (a) he elected or agreed, under paragraph (3)(b) or (4)(b) of the said Regulation 59 or paragraph (3)(b) of the said Regulation 60, that his pension be reduced, or
- (b) pensionable service became reckonable by him, on or after 1st April 1987, by virtue of Regulation F4, F5 or F7.

(3) The pension of a man in whose case this paragraph applies shall be reduced by the percentage specified in the third column of the Table in paragraph 7 opposite the number of completed years of pensionable service he is entitled to reckon other than pensionable service falling within either or both of the following sub-paragraphs, namely—

- (a) pensionable service reckonable as mentioned in sub-paragraph (1), and
- (b) where (subject to Regulations F4(3) and F5(2)(c)) he elected under Regulation 58(2) or 59(3) of the Regulations of 1973 to pay additional contributions or to make an additional payment by way of a lump sum, pensionable service reckonable by him immediately before 1st April 1973 otherwise than by reason of police service on or after 1st April 1972.

4. In calculating the amount of a reduction in a man's pension under paragraph 2 or 3 no account shall be taken—

- (a) of any service he is entitled to reckon as pensionable service by virtue of section 10 of the Police Pensions Act 1921(83), or

(83) 1921 c. 31.

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- (b) of any service on or after 1st April 1956 which he is entitled to reckon as pensionable service by virtue of Regulation 17 and the proviso to Regulation 18(1) (*relevant service in the armed forces*).

5. In calculating the amount of a reduction in a man's pension under paragraph 2 or 3 no account shall be taken of any reduction in the amount of the pension in accordance with the provisions of Regulation B7 or B9 (*commutation and allocation*) or of Part VII of this Schedule (*reduction at state pensionable age*); and, where the pension falls to be reduced under both those paragraphs, for the purpose of calculating each reduction, no account shall be taken of the other reduction.

6.—(1) Where a man entitled to an ordinary pension was, immediately before he retired, paying additional or further contributions in pursuance of an election under Regulation 58(2) or (3) of the Regulations of 1973, the annual amount of his ordinary pension shall be reduced for the period mentioned in sub-paragraph (2) by the annual amount of those contributions immediately before his retirement, calculated by reference to his pensionable pay at that time so, however, that no account of the said reduction shall be taken for the purpose of calculating any other reduction in the pension under these Regulations.

(2) The period referred to in sub-paragraph (1) shall be one corresponding to that for which the additional or further contributions would have remained payable had the man not retired but starting, where the pension is not payable as from the date of his retirement, with the date from which it is payable.

7. The following Table is that referred to in paragraphs 2 and 3:—

Table

Completed years of pensionable service taken into account	Percentage reduction in pension	
	Under paragraph 2	Under paragraph 3
1	0.2	0.2
2	0.4	0.4
3	0.5	0.5
4	0.6	0.7
5	0.8	0.8
6	0.9	0.9
7	1.0	1.0
8	1.2	1.1
9	1.3	1.2
10	1.5	1.3
11	1.6	1.4
12	1.7	1.5
13	1.8	1.6
14	1.9	1.6
15	2.0	1.7

Completed years of pensionable service taken into account	Percentage reduction in pension	
	Under paragraph 2	Under paragraph 3
16	2.1	1.8
17	2.2	1.9
18	2.3	2.0
19	2.4	2.0
20	2.5	2.1
21	2.6	2.1
22	2.7	2.2
23	2.8	2.2
24	2.9	2.3
25	2.9	2.3
26	3.0	2.4
27	3.1	2.4
28	3.1	2.5
29	3.2	2.5
30 or more	3.3	2.5

8. Paragraph 6 has effect subject to paragraph 3 of Part VI of Schedule J.

SCHEDULE C

Widows' Awards

Regulation C1

Part I

Widow's Ordinary Pension

1.—(1) Subject to paragraphs 2 and 3, the annual amount of a widow's ordinary pension shall be whichever is the greater of the two following amounts, namely—

- (a) an amount equal to a half of the pension or notional pension mentioned in sub-paragraph (2), and
- (b) an amount equal to her husband's average pensionable pay divided by 160 and multiplied by the period in years of so much of his pensionable service as is reckonable by reason of service or employment after 5th April 1978.

(2) The pension or notional pension referred to in sub-paragraph (1)(a) is—

- (a) where the husband died while entitled to an ordinary, short service or ill-health pension, that pension;

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- (b) where, having retired with both an ill-health and an injury pension, he died while no longer entitled to the ill-health pension but while entitled to the injury pension, the ill-health pension to which he would have been entitled had he not ceased to be entitled thereto;
- (c) where, having retired with an ill-health gratuity, he died as a result of the same injury as resulted in his disablement, the ill-health pension to which he would have been entitled had he retired in circumstances entitling him to such a pension, or
- (d) where he died while serving as a regular policeman, the ill-health pension to which he would have been entitled had he retired immediately before he died in circumstances entitling him to such a pension,

calculated, in each case, in accordance with sub-paragraph (3).

(3) For the purposes of sub-paragraph (1)(a), the pension or notional pension referred to in sub-paragraph (2)(a), (b), (c) or (d) shall be calculated without regard to—

- (a) the restrictions on payments on account of an ordinary pension contained in Regulation B1(5);
- (b) the provisions for the reduction of a pension contained in Regulation B7(7) and (8)(b) (commutation), in Regulation B9(7) (allocation) and in Parts VII and VIII of Schedule B (reductions at state pensionable age and related to up-rating of widow's pension).

Where the husband died before 1st April 1987, any reference in this sub-paragraph to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

2. The amount of a widow's ordinary pension calculated in accordance with paragraph 1 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

3. Where in respect of any period a widow so elects, the weekly amount of her ordinary pension in respect of that period shall not be calculated as aforesaid but shall be determined by reference to the rank held by her husband in accordance with Regulation E10 (*flat-rate award*).

4. This Part has effect subject to paragraphs 2 to 5 of Part II of Schedule J.
Regulations C2 and C3

Part II

Widow's Special Pension

1. Subject to paragraphs 2 and 3, the weekly amount of a widow's special pension calculated in accordance with this Part of this Schedule shall be equal to 45% of her husband's average pensionable pay for a week.

2.—(1) Where, in respect of any week, a pension is payable to the widow in pursuance of section 67 of the Social Security Act 1975⁽⁸⁴⁾ in consequence of her husband's death and the amount of that pension exceeds that of a widow's pension under section 26 of that Act as specified in Part I of Schedule 4 thereto at the time of the husband's death, then the amount of her special pension in respect of that week shall be reduced by that excess.

(2) Where the provisions governing the amount of pensions under section 67 of the Social Security Act 1975 have changed after the death of the husband, the reduction under sub-paragraph (1) in respect of any week shall not exceed the amount which would have been the amount thereof in respect of that week had those provisions not changed.

⁽⁸⁴⁾ 1975 c. 14, amended (as respects the provisions mentioned in this paragraph) by 1975 c. 18, Sch. 3, Pt. III; 1975 c. 60, Sch. 4, Pt. I; by virtue of 1986 c. 50, Sch. 3, para. 8, s.67 ceases to have effect on a day to be appointed, subject to the transitional provisions in para. 9.

3. The weekly amount of a widow's special pension calculated in accordance with paragraphs 1 and 2, shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

4. Paragraph 2 has effect subject to paragraph 4 of Part VII of Schedule J.
Regulation C4

Part III

Widow's Accrued Pension

1.—(1) Subject to paragraphs 2 and 3, the annual amount of a widow's accrued pension shall equal a half of her husband's deferred pension.

(2) For the purposes of sub-paragraph (1), the husband's deferred pension shall be calculated without regard to—

- (a) the restrictions on payments contained in Regulation B5(4), and
- (b) the provisions for the reduction of a pension contained in Regulation B7(7) and (8)(b) (commutation), in Regulation B9(7) (allocation) and in Parts VII and VIII of Schedule B (reductions at state pensionable age and related to up-rating of widow's pension),

and, where the pension has been commuted for a lump sum under Regulation B8 (*commutation of small pensions*), as if it had not been so commuted.

Where the husband died before 1st April 1987, any reference in this sub-paragraph to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

2. The amount of a widow's accrued pension calculated in accordance with paragraph 1 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

3.—(1) Subject to sub-paragraph (2), where in respect of any period a widow so elects, the weekly amount of her accrued pension in respect of that period shall not be calculated as aforesaid but shall be determined by reference to the rank held by her husband in accordance with Regulation E10 (*flat-rate award*).

(2) This paragraph shall only apply in the case of a widow whose husband was such a regular policeman entitled to reckon less than 5 years' pensionable service as is mentioned in Regulation B5(1)(b) (*policeman's deferred pension*) if, by reason of the period of service or employment otherwise than as a regular policeman there mentioned, he was entitled to reckon a period of pensionable service which was not shorter than that period of service or employment.

4. Paragraph 1(1) has effect subject to paragraphs 7 and 8 of Part II of Schedule J.
Regulation C5(3)

Part IV

Widow's Pension in Case of Post-Retirement Marriage

1. Where under Regulation C5(3) the widow of a regular policeman is entitled to such a pension as is there mentioned instead of a widow's ordinary pension or special award under Regulation C1 or C2, the annual amount of that pension shall be calculated in accordance with Part I of this Schedule in like manner as the annual amount of a widow's ordinary pension except that, for the purposes hereof, the said Part I shall have effect—

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- (a) as if the reference in paragraph 1(1)(a) thereof to a half of a pension or notional pension were a reference to a half of the appropriate proportion thereof within the meaning of paragraph 3 of this Part;
- (b) as if paragraph 3 thereof (*election for flat-rate award*) were omitted, and
- (c) where the pension is instead of a widow's special award under Regulation C2, as if the pension or notional pension referred to in paragraph 1(1)(a) were the ill-health pension to which the husband would have been entitled had he, when he ceased to serve, retired because he was disabled in circumstances entitling him to such a pension.

2. Where under Regulation C5(3) the widow of a regular policeman is entitled to such a pension as is there mentioned instead of a widow's accrued pension under Regulation C4, the annual amount of that pension shall be calculated in accordance with Part III of this Schedule in like manner as the annual amount of a widow's accrued pension except that, for the purposes hereof, the said Part III shall have effect as if—

- (a) the reference in paragraph 1(1) thereof to a half of the husband's deferred pension were a reference to whichever is the greater of the two following amounts, namely—
 - (i) an amount equal to a half of the appropriate proportion of that pension within the meaning of paragraph 3 of this Part, and
 - (ii) an amount equal to the husband's average pensionable pay divided by 160 and multiplied by the period in years of so much of his pensionable service as is reckonable by reason of service or employment after 5th April 1978, and
- (b) paragraph 3 thereof (*election for flat-rate award*) were omitted.

3. In this Part the appropriate proportion means the proportion which the husband's pensionable service reckonable by reason of service or employment after 5th April 1978 bears to his total pensionable service.
Regulations C6 and C8

Part V

Widow's Requisite Benefit Pension

1. Subject to paragraph 2, the annual amount of a widow's requisite benefit pension shall be an amount equal to her husband's average pensionable pay divided by 160 and multiplied by the period in years of his pensionable service reckonable by reason of service or employment after 5th April 1978.

2. The amount of a pension calculated in accordance with paragraph 1 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

SCHEDULE D

Children's Awards

Regulation D1

Part I

Child's Ordinary Allowance

1.—(1) Where one of the child's parents is alive, the child's ordinary allowance in respect of the death of a regular policeman ("the relevant parent") shall, subject to paragraphs 4 and 5, be determined in accordance with this paragraph.

(2) Subject to sub-paragraphs (3) and (4), an allowance determined in accordance herewith shall be of an annual amount equal to 18.75% of the amount of the relevant parent's pension or notional pension mentioned in paragraph 3.

(3) Subject to sub-paragraph (4), where 3 or more children's allowances are for the time being payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 37.5% of the relevant parent's pension or notional pension mentioned in paragraph 3 divided by the total number of allowances so payable.

(4) Where in respect of any week the aggregate rate at which—

- (a) any widow's ordinary pension, and
- (b) any children's allowances determined in accordance herewith,

would be payable in respect of a person who died while entitled to an ordinary, short service, ill-health or injury pension ("the principal pension") exceeds the rate at which the principal pension was payable immediately before that person's death, the children's allowances shall be reduced by such factor as will ensure that the said aggregate rate does not exceed the rate at which the principal pension was so payable.

(5) For the purposes of sub-paragraph (4) there shall be ignored—

- (a) in the case of a widow's pension or child's allowance, any increase therein in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*), and
- (b) in the case of the principal pension—
 - (i) the restrictions on payments on account of an ordinary pension contained in Regulation B1(5), and
 - (ii) the provisions for the reduction of a pension contained in Parts VII and VIII of Schedule B (reductions at state pensionable age and related to up-rating of widow's pension),

and where the relevant parent was entitled both to an ordinary, short service or ill-health pension and to an injury pension, the reference in sub-paragraph (4) to the rate at which the principal pension was payable shall be construed (subject to sub-paragraph (b)) as a reference to the aggregate rate at which those pensions were payable.

2.—(1) Where the relevant parent was the child's only surviving parent or in respect of any period after the death of the child's other parent, the child's ordinary allowance shall, subject to paragraphs 4 and 5, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an annual amount equal to 25% of the relevant parent's pension or notional pension mentioned in paragraph 3.

(3) Where 3 or more children's ordinary allowances are for the time being payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 50% of the relevant parent's pension or notional pension mentioned in paragraph 3 divided by the total number of allowances so payable.

3.—(1) The pension or notional pension referred to in paragraphs 1 and 2 is—

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- (a) where the relevant parent died while entitled to an ordinary, short service or ill-health pension, that pension;
 - (b) where, having retired with both an ill-health and an injury pension, he died while no longer entitled to the ill-health pension but while entitled to the injury pension, the ill-health pension to which he would have been entitled had he not ceased to be entitled thereto;
 - (c) where he retired with a gratuity when entitled to reckon at least 3 years' pensionable service, the ill-health pension to which he would have been entitled had he retired in circumstances entitling him to such a pension, or
 - (d) where he died while serving as a regular policeman, the ill-health pension to which he would have been entitled had he retired immediately before he died in circumstances entitling him to such a pension,
- calculated, in each case, in accordance with sub-paragraph (2).
- (2) The pension or notional pension referred to in sub-paragraph (1)(a), (b), (c) or (d) shall be calculated without regard to—
- (a) the restrictions on payments on account of an ordinary pension contained in Regulation B1(5), and
 - (b) the provisions for the reduction of a pension contained in Regulation B7(7) and (8)(b) (*commutation*), in Regulation B9(7) (*allocation*) and in Parts VII and VIII of Schedule B (*reductions at state pensionable age and related to up-rating of widow's pension*).
4. The amount of a child's ordinary allowance determined in accordance with sub-paragraph (2) or (3) of paragraph 1 or, as the case may be, of paragraph 2 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).
5. Where in respect of any period a person to whom a child's ordinary allowance is paid so elects, the amount of that allowance in respect of that period shall not be calculated as aforesaid but shall be determined by reference to the rank held by the relevant parent in accordance with Regulation E10 (*flat-rate award*).
6. Where the relevant parent died before 1st April 1987, any reference in paragraph 1(5)(b) or 3(2) to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.
7. This Part has effect subject to paragraphs 1(3), 2 and 3 of Part III of Schedule J.
- Regulation D2

Part II

Child's Special Allowance

- 1.—(1) Where one of the child's parents is alive, the child's special allowance in respect of the death of a member of a police force ("the relevant parent") shall, subject to paragraph 3, be determined in accordance with this paragraph.
- (2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an amount equal to 10% of the average pensionable pay for a week of the relevant parent.
- (3) Where 5 or more children's special allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an amount equal to 40% of the average pensionable pay for a week of the relevant parent divided by the total number of allowances so payable.

2.—(1) Where the relevant parent 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 special allowance shall, subject to paragraph 3, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an amount equal to 20% of the average pensionable pay for a week of the relevant parent.

(3) Where 5 or more children's special allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an amount equal to 80% of the average pensionable pay for a week of the relevant parent divided by the total number of allowances so payable.

3. The amount of a child's special allowance determined in accordance with paragraph 1 or 2 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

Regulation D4

Part III

Child's Accrued Allowance

1. Subject to paragraphs 2 and 3, a child's accrued allowance shall be determined in like manner as an ordinary allowance would be determined under Part I of this Schedule ("Part I") if the child were entitled to such an allowance.

2.—(1) Paragraphs 1(2) and (3) and 2(2) and (3) of Part I as applied hereby shall have effect without regard to paragraph 2 of Part III of Schedule J but as if for any reference in the said paragraphs of Part I to the relevant parent's pension or notional pension there were substituted a reference to his deferred pension calculated in accordance with the following sub-paragraph.

(2) For the purposes of paragraph 1(2) and (3) or 2(2) and (3) of Part I as so applied, the relevant parent's deferred pension shall be calculated without regard to—

- (a) the restrictions on payments contained in Regulation B5(4);
- (b) the provisions for the reduction of a pension contained in Regulation B7(7) and (8)(b) (commutation), in Regulation B9(7) (allocation) and in Parts VII and VIII of Schedule B (reductions at state pensionable age and related to up-rating of widow's pension).

3.—(1) Paragraph 1(4) and (5) of Part I as applied hereby shall have effect as if—

- (a) the reference to a widow's ordinary pension were a reference to a widow's accrued pension, and
- (b) any reference to an ordinary pension or to the principal pension were a reference to the relevant parent's deferred pension calculated in accordance with the following sub-paragraph.

(2) For the purposes of paragraph 1(4) of Part I as so applied, the relevant parent's deferred pension shall be calculated without regard to the restrictions on payments contained in Regulation B5(4).

4. Where the relevant parent died before 1st April 1987, any reference in paragraph 2(2) or 3(2) to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

5. Paragraph 2 has effect subject to paragraph 4 of Part III of Schedule J.

Regulation D5

Part IV

Reduction in Child's Allowance During Full-Time Remunerated Training Etc.

1.—(1) In this Part—

“relevant child” means, subject to sub-paragraph (2), a child entitled to an allowance who is—

- (a) in full-time training for a trade, profession or calling, and
- (b) in receipt of remuneration in respect of that training at an annual rate in excess of the specified rate;

“specified rate” means the annual rate (rounded up to the nearest £1) at which an official pension within the meaning of the Pensions (Increase) Act 1971⁽⁸⁵⁾ would be payable when increased under that Act if, within the meaning thereof, the basic rate of the pension were £250, it began on 1st June 1972 and the pensioner satisfied the qualifying conditions and if the pension fell to be paid in respect of periods for which the relevant child's remuneration falls to be paid;

“excess remuneration” means the annual amount by which the annual rate of the relevant child's remuneration exceeds the specified rate;

“relevant provision” means paragraph 1(3) or 2(3) of Part I of this Schedule (including those provisions as applied by Part III thereof) or paragraph 1(3) or 2(3) of Part II thereof.

(2) A child shall not be a relevant child for the purposes of this Part—

- (a) if he is entitled to an allowance in respect of the death of a member of a police force who ceased to be such before 15th August 1983, unless and until he has attained the age of 19 years;
- (b) if and so long as his allowance falls to be increased in accordance with Regulation E8 (increase during first 13 weeks).

2. In the case of any relevant child—

- (a) if the annual amount of the allowance is greater than the amount of his excess remuneration, it shall be reduced by the amount of that excess remuneration, or
- (b) if the amount of that excess remuneration is equal to or greater than the annual amount of the allowance which, but for this sub-paragraph, would be payable to him, the allowance shall not be payable.

3.—(1) Where as well as any relevant child there are other children to whom allowances are payable in respect of the death of the same person and any of the relevant provisions apply, the allowances payable to those other children (“the other allowances”) shall be increased as hereinafter provided.

(2) If paragraph 2(a) applies in the case of any relevant child, then, without prejudice to sub-paragraph (3), the annual amount of each of the other allowances shall be increased by an amount equal to his excess remuneration divided by the number of other allowances.

(3) If paragraph 2(b) applies in the case of any relevant child, then, without prejudice to sub-paragraph (2), each of the other allowances shall be recalculated as if the relevant child were not entitled to an allowance.

(4) Notwithstanding the provisions of sub-paragraphs (2) and (3), no child shall by virtue of those provisions receive an allowance greater than that to which he would be entitled if no relevant provision applied in his case.

(85) 1971 c. 56.

SCHEDULE E

Awards on Death—Additional Provisions

Regulation E1

Part I

Dependent Relative's Special Pension

1. Subject to paragraphs 2, 3 and 4, a dependent relative's special pension shall be of a weekly amount equal to 45% of the average pensionable pay for a week of the member of a police force in respect of whose death it was granted ("the deceased").

2. In respect of any week for which there are payable in respect of the deceased's death both—
- (a) a widow's special pension or, where the deceased was a married woman, a dependent relative's special pension granted to her widower, and
 - (b) a dependent relative's special pension other than, where the deceased was a married woman, one granted as aforesaid,

the dependent relative's special pension mentioned in sub-paragraph (b) shall not be of the amount mentioned in paragraph 1 but, subject to paragraphs 3 and 4, of an amount equal to 20% of the deceased's average pensionable pay for a week.

3. The amount of a dependent relative's special pension determined in accordance with paragraph 1 or 2 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

- 4.—(1) Where in respect of any week the aggregate amount of—
- (a) any widow's special pension, and
 - (b) any child's special allowance,

payable in respect of the deceased's death equals or exceeds the amount of the deceased's average pensionable pay for a week, no dependent relative's special pension shall be payable in respect of that week.

- (2) Where in respect of any week the aggregate amount of—
- (a) any widow's special pension,
 - (b) any child's special allowance, and
 - (c) any dependent relative's special pension,

payable in respect of the deceased's death would exceed the amount of the deceased's average pensionable pay for a week, the dependent relative's pension shall be reduced by such factor as will ensure that the said aggregate does not exceed the said amount.

(3) For the purposes of this paragraph any increase in a pension or allowance in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*) shall be ignored.

Regulation E4

Part II

Gratuity in Lieu of Widow's Pension

The gratuity referred to in Regulation E4 shall be of an amount equal to 11 times the annual value of the pension or, as the case may be, of that part thereof which is commuted or of such greater amount

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as may be agreed between the police authority and the widow, not exceeding the capitalised value of the pension or, as the case may be, that part thereof which is commuted, calculated in accordance with tables prepared from time to time for the purpose by the Government Actuary.
Regulation E5

Part III

Gratuity in Lieu of Child's Allowance

The gratuity referred to in Regulation E5 shall be of such amount as may be agreed between the police authority and the child's surviving parent or guardian, or between the police authority and the child where he has no such parent or guardian, not exceeding the capitalised value of the allowance or, as the case may be, of that part thereof which is commuted, calculated in accordance with tables prepared from time to time for the purpose by the Government Actuary.

SCHEDULE F

Pensionable Service and Transfer Values

Regulations F4, F5 and F7

Part I

Payment by Policeman in Respect of Previous Service other than Police Service

1.—(1) Where a regular policeman undertakes to pay a sum in accordance with this Part he shall, subject as hereafter in this Part provided, pay by regular instalments of such amount that the payment of the sum will be completed within a period of 5 years and before he becomes liable to be required to retire on account of age:

Provided that he may at any time discharge his liability under the undertaking, in whole or in part, by paying the whole or part of the balance of the sum then outstanding.

(2) Any payment in accordance with this paragraph shall be made by the policeman to the police authority of the force in which he is serving when the payment falls to be made and, without prejudice to any other method of payment, the liability to make any such payment may be discharged by way of a deduction by the said authority from his pay.

2. If, before he has discharged his liability under the undertaking, a regular policeman—

- (a) retires without an award other than one of the amount of his aggregate pension contributions in respect of the relevant period of service;
- (b) leaves his police force on joining the Royal Ulster Constabulary with the consent of the police authority;
- (c) dies, or
- (d) is dismissed,

all further liability under that undertaking shall cease.

3. If, before he has discharged his liability under the undertaking, a regular policeman retires with an award other than one of the amount of his aggregate pension contributions in respect of the relevant period of service, the police authority by whom the award is payable shall be empowered to deduct the balance of the sum then outstanding from payments on account of the award:

Provided that where a payment is made on account of an ordinary or ill-health pension and in respect of a period beyond state pensionable age no deduction shall be made from so much of the payment as is on account of the secured portion of the pension.

Regulations F6, F8 and F9

Part II

Transfers and Current Interchange Arrangements

Section 1—

Transfer value payable by police authority under Regulation F8 or F9

1.—(1) A transfer value payable by a police authority under Regulation F8 or F9 in respect of a regular policeman shall be calculated in accordance with this Section and the Table set out in Section 3 of this Part of this Schedule by reference to—

- (a) his age in years on ceasing to be a member of his former force;
- (b) his notional deferred pension, that is to say the deferred pension to which he would have been entitled had he, on so ceasing, been entitled to such a pension, and any reduction therein in accordance with Part VII of Schedule B (*reduction at state pensionable age*);
- (c) in the case of a man, his widow's notional accrued pension, that is to say the widow's accrued pension to which, on the assumption aforesaid, his widow would become entitled were he to die while entitled to a deferred pension leaving a widow entitled to an accrued pension;
- (d) in the case of a regular policeman who had undertaken to make payments by way of regular instalments as mentioned in Part I of this Schedule, the payments not completed before he ceased to be a member of his former force;
- (e) in the case of a regular policeman who, at the time of his ceasing to be a member of his former force, has a guaranteed minimum in relation to the pension provided by these Regulations, the amount of that guaranteed minimum, and
- (f) the amount of any contributions equivalent premium relating to the period ending with his retirement which has been paid by the police authority and not repaid;

and any reference in this Section to the policeman's notional deferred pension or widow's notional accrued pension shall be construed accordingly.

(2) In this Section any reference to the Table is a reference to the Table set out in Section 3 of this Part of this Schedule and any reference to the appropriate factor specified in a column of that Table is a reference to the factor specified in the column in question in relation to the policeman's age within the meaning of sub-paragraph (1)(a).

(3) In this Section any reference to a policeman's former force is a reference to the force maintained by the police authority by whom the transfer value is payable.

2.—(1) The annual amount of the policeman's notional deferred pension, disregarding any reduction therein at state pensionable age, shall be multiplied by the appropriate factor specified in the second column of the Table or, in the case of a woman, in the fifth column thereof.

(2) Where the policeman's notional deferred pension would fall to be reduced under paragraph 1 of Part VII of Schedule B (*reduction connected with state flat-rate benefit*), the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount of that reduction multiplied

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by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(3) In the case of a policeman entitled to reckon pensionable service, immediately before he ceased to be a member of his former force, by reason of a participating period of relevant employment, the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount by which the policeman's notional deferred pension would fall to be reduced under paragraphs 2 and 3 of Part VII of Schedule B (*reduction connected with state graduated retirement benefit*) multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(4) For the purposes of sub-paragraph (3) a period shall be treated as a participating period of relevant employment notwithstanding that a payment in lieu of contributions only fell to be made after the policeman ceased to be a member of his former force.

(5) The product under sub-paragraph (1), subject to any reduction under sub-paragraphs (2) and (3), is in paragraph 5 referred to as the basic element of the transfer value.

3.—(1) In the case of a man, the annual amount of the policeman's widow's notional accrued pension, disregarding paragraphs 2 and 3 of Part III of Schedule C (*increase by reference to the Pensions (Increase) Acts and flat-rate award*), shall be multiplied by the factor 4.

(2) The said product is in paragraph 5 referred to as the widow's element of the transfer value.

4. For the purpose of calculating a transfer value payable as mentioned in paragraph 1, Part VI of Schedule B (*policeman's deferred pension*) shall apply as if references to the policeman's average pensionable pay were references to his average pensionable pay immediately before he ceased to serve except that in the case of a transfer value which falls to be paid in pursuance of Regulation F8 or of Regulation F9(3)(a) or (b) no account shall be taken of any retrospective increase in pay granted after the transfer value has been paid.

5. Subject to the following paragraphs, the transfer value shall be of an amount—

- (a) in the case of a man, equal to the sum of the basic element calculated in accordance with paragraph 2 and the widow's element calculated in accordance with paragraph 3;
- (b) in the case of a woman, equal to the basic element calculated in accordance with paragraph 2.

6.—(1) This paragraph shall apply in the case of a policeman who had undertaken to make payments by regular instalments in accordance with Part I of this Schedule but had not completed those payments before he ceased to be a member of his former force; and the payments not completed before he so ceased are, in this paragraph, referred to as the outstanding instalments.

(2) The transfer value shall be reduced by the actuarial equivalent of the outstanding instalments calculated, in accordance with tables prepared by the Government Actuary, by reference to the amount of each instalment, the interval at which instalments were payable and the number of outstanding instalments.

7. Where a regular policeman at the time of ceasing to be a member of his former force has a guaranteed minimum in relation to the pension provided by these Regulations, the transfer value shall be reduced by the amount of that guaranteed minimum, expressed as an annual pension, multiplied by the appropriate factor specified in the fourth column of the Table or, in the case of a woman, in the seventh column thereof.

8. Where a contributions equivalent premium relating to the period ending with the policeman's retirement has been paid by the police authority and has not been repaid, the transfer value shall be reduced by the amount of that premium.

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9.—(1) This paragraph shall apply where a transfer value payable between police authorities under Regulation F8 is so payable in respect of previous service reckonable under Regulation F5.

(2) Where this paragraph applies the transfer value shall be reduced by an amount equal to the appropriate payment, within the meaning of Regulation F5(2)(c), which falls to be made by the policeman under Regulation F5(1) except that, where the appropriate payment would have been of a greater amount but for Regulation B11 or Regulation 82 of the Regulations of 1973 (*deduction of tax from certain awards*), the transfer value shall be reduced by that greater amount.

10.—(1) This paragraph shall apply where a transfer value is payable under Regulation F9 in respect of a regular policeman who has given a notice of allocation under Regulation B9(4)(a) and that notice has become effective under Regulation B9(6).

(2) Where this paragraph applies the transfer value shall be adjusted by such amount, calculated by the Government Actuary, as takes account of the effect which the notice of allocation had on the benefits prospectively payable to or in respect of the policeman as at the time when the transfer value became payable.

11.—(1) This paragraph shall apply where a transfer value is not paid within 6 months of the policeman ceasing to be a member of his former force.

(2) The transfer value calculated in accordance with the preceding provisions of this Section shall be increased by an amount equal to compound interest thereon at the rate of 2½ per cent for each completed 3 months of the period beginning with the date he ceased to be a member of his former force and ending with the date of payment of the transfer value (disregarding any residual period of less than 3 months).

12. This Section has effect subject to paragraphs 2 and 3 of Part V of Schedule J.

Section 2—

Pensionable service reckonable on receipt of transfer value

1.—(1) The period of pensionable service reckonable by a regular policeman under Regulation F6 by virtue of the receipt of a transfer value by the police authority shall be calculated in accordance with this Section and the Table set out in Section 3 of this Part of this Schedule by reference to—

- (a) the amount of the transfer value and of any increase therein by way of interest subject, however, to sub-paragraph (4);
- (b) his age in years at the date mentioned in sub-paragraph (2), (3) or (4), whichever applies in his case;
- (c) his pensionable emoluments within the meaning of the sub-paragraph in question;
- (d) the provisions of Part VII of Schedule B relating to reduction of pension at state pensionable age, and
- (e) where he, on ceasing to be in his former service, had a guaranteed minimum in relation to the pension provided by his former superannuation arrangements, the amount of that guaranteed minimum;

and any reference in this Section to the policeman's age or pensionable emoluments shall be construed accordingly.

(2) Subject to sub-paragraph (4), this sub-paragraph shall apply where—

- (a) by reason of his former service the policeman was subject to superannuation arrangements which—

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- (i) were contained in a public general Act of Parliament or were made under such an Act by a Minister of the Crown, or
- (ii) were contained in Northern Ireland legislation being public general legislation or were made under such legislation by a Minister of the Crown (including a Northern Ireland Minister) or by a Northern Ireland ministry, department or head of department, or
- (b) the police authority are satisfied that the transfer value was calculated in like manner as under some such superannuation arrangements as aforesaid;

and, in such case, the policeman's age for the purposes of sub-paragraph (1)(b) shall be his age on ceasing to be in his former service and his pensionable emoluments for the purposes of sub-paragraph (1)(c) shall be the annual value of the emoluments (including averaged emoluments) in relation to which the transfer value was calculated or would have been calculated if part thereof had not been disregarded on account of provisions of the superannuation arrangements connected with state retirement pensions under section 28 of the Social Security Act 1975⁽⁸⁶⁾.

(3) Subject to sub-paragraph (4), in a case in which sub-paragraph (2) does not apply, the policeman's age for the purposes of sub-paragraph (1)(b) and his pensionable emoluments for the purposes of sub-paragraph (1)(c) shall be, respectively, his age and his annual pensionable pay as a regular policeman—

- (a) on his becoming such, where the transfer value is received within 12 months of his ceasing to be in his former service, or
- (b) on the date the transfer value is received, where it is received later.

(4) Where pensionable service reckonable under Regulation F6 is so reckonable by virtue of paragraph (3) of that Regulation in the case of a regular policeman who became such before 1st April 1972, then, notwithstanding the preceding provisions of this paragraph—

- (a) if, before or within 3 months of receiving the transfer value the police authority are notified that, inclusive of any increase by way of interest, it would have been of a different amount, specified by the payor thereof, had it been calculated and paid on 1st January 1974, then, for the purposes of this Section the transfer value shall be treated as though it were of the amount so specified;
- (b) the policeman's age for the purposes of sub-paragraph (1)(b) shall be his age on 1st January 1974, and
- (c) his pensionable emoluments for the purposes of sub-paragraph (1)(c) shall be his annual pensionable pay as a regular policeman on 1st January 1974 or, if he was not serving as such on that date, on the date on which he first thereafter became a regular policeman.

(5) In this Section any reference to the Table is a reference to the Table set out in Section 3 of this Part of this Schedule and any reference to the appropriate factor specified in a column of that Table is a reference to the factor specified in the column in question in relation to the policeman's age within the meaning of sub-paragraph (1)(b).

(6) In this Section any reference to a policeman's former service is a reference to the service in respect of which the transfer value is paid.

2.—(1) Where in a case to which paragraph 1(2) applies the transfer value was increased by the inclusion therein of interest calculated from the date when the policeman ceased to be in his former service, it shall be adjusted by the deduction of that interest.

(2) Where in any case any such pension as is mentioned in paragraph 2 of Part VII of Schedule B (*reduction connected with state graduated retirement benefit*) as might become payable to the

(86) 1975 c. 14.

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policeman would fall to be abated in accordance with that paragraph, the annual amount of that abatement shall be calculated and multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof; and the transfer value shall be adjusted by the addition of that product.

(3) Where on the date that the policeman ceased to be in his former service he had a guaranteed minimum in relation to the pension provided by his former superannuation arrangements, the amount of that guaranteed minimum, expressed as an annual pension, shall be multiplied by the appropriate factor specified in the fourth column of the Table or, in the case of a woman, in the seventh column thereof, and the transfer value shall be adjusted by the addition of that product.

(4) The transfer value, subject to any such adjustment as aforesaid, is in paragraph 4 referred to as the adjusted transfer value.

3.—(1) The policeman's pensionable emoluments shall be multiplied by a factor 2.00 greater than the appropriate factor specified in the second column of the Table or, in the case of a woman, by the appropriate factor specified in the fifth column thereof.

(2) The said product shall be divided by 45.

(3) Where any such pension as is mentioned in paragraph 1 of Part VII of Schedule B (*reduction connected with state flat-rate retirement benefit*) as might become payable to the policeman would fall to be reduced in accordance with that paragraph and sub-paragraph (5) thereof applies, the amount of the reduction for each year of service relevant for the purposes of that paragraph shall be multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof; and the quotient under sub-paragraph (2) shall be adjusted by the deduction of the said product.

(4) The quotient under sub-paragraph (2), subject to any such adjustment as aforesaid, is in paragraph 4 referred to as the divisor.

4. The adjusted transfer value calculated in accordance with paragraph 2 shall be divided by the divisor calculated in accordance with paragraph 3 and the quotient (including any fraction) shall be the number of years reckonable as pensionable service.

5. Paragraph 1(2) has effect subject to paragraph 7 of Part IV of Schedule J.

Section 3—

Table referred to in Sections 1 and 2

Age last birthday before date of cessation	Men			Women		
	Basic factor	N.I. factor	GMP factor	Basic factor	N.I. factor	GMP factor
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Less than 20	5.00	.25	1.47	7.00	.50	2.20
20	5.05	.25	1.50	7.05	.50	2.24
21	5.10	.25	1.53	7.10	.55	2.28
22	5.15	.30	1.56	7.15	.60	2.32
23	5.20	.30	1.59	7.20	.65	2.36

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Age last birthday before date of cessation	Men			Women		
	Basic factor	N.I. factor	GMP factor	Basic factor	N.I. factor	GMP factor
(1)	(2)	(3)	(4)	(5)	(6)	(7)
24	5.25	.30	1.62	7.25	.70	2.40
25	5.30	.35	1.65	7.35	.75	2.45
26	5.35	.40	1.68	7.40	.80	2.50
27	5.40	.40	1.71	7.45	.85	2.55
28	5.45	.45	1.74	7.50	.90	2.60
29	5.50	.50	1.78	7.55	.95	2.66
30	5.55	.50	1.81	7.65	1.05	2.71
31	5.60	.55	1.85	7.70	1.15	2.77
32	5.65	.60	1.88	7.80	1.25	2.82
33	5.70	.65	1.92	7.90	1.35	2.88
34	5.75	.70	1.95	7.95	1.45	2.93
35	5.80	.80	1.99	8.05	1.55	2.99
36	5.85	.90	2.02	8.15	1.65	3.05
37	5.90	1.00	2.06	8.25	1.75	3.11
38	5.95	1.10	2.10	8.35	1.85	3.17
39	6.00	1.20	2.14	8.45	1.95	3.24
40	6.05	1.30	2.18	8.55	2.10	3.31
41	6.10	1.40	2.22	8.65	2.25	3.38
42	6.15	1.50	2.26	8.75	2.45	3.45
43	6.20	1.60	2.30	8.85	2.65	3.52
44	6.25	1.70	2.34	8.95	2.90	3.59
45	6.30	1.80	2.39	9.05	3.15	3.66
46	6.40	1.90	2.44	9.15	3.40	3.74
47	6.50	2.00	2.48	9.25	3.70	3.82
48	6.60	2.20	2.53	9.35	4.00	3.90
49	6.70	2.40	2.58	9.45	4.35	3.98
50	6.80	2.60	2.62	9.55	4.75	4.06
51	6.90	2.90	2.67	9.65	5.15	4.15
52	7.10	3.20	2.72	9.80	5.60	4.24
53	7.30	3.50	2.78	9.95	6.10	4.33

Age last birthday before date of cessation	Men			Women		
	Basic factor	N.I. factor	GMP factor	Basic factor	N.I. factor	GMP factor
(1)	(2)	(3)	(4)	(5)	(6)	(7)
54	7.50	3.80	2.84	10.10	6.65	4.43
55	7.70	4.20	2.90	10.30	7.25	4.53
56	8.00	4.60	2.97	10.50	7.95	4.63
57	8.30	5.00	3.04	10.75	8.75	4.74
58	8.60	5.40	3.12	11.05	9.65	4.85
59	9.00	5.80	3.20	11.40	10.65	4.97
60	9.50	6.30	3.28	11.75	11.75	—
61	9.50	6.80	3.36	11.75	11.75	—
62	9.50	7.40	3.44	11.75	11.75	—
63	9.50	8.10	3.53	11.75	11.75	—
64	9.50	9.00	3.64	11.75	11.75	—
65	9.50	9.50	—	11.75	11.75	—

Regulation F7

Part III

Preserved Interchange Arrangements

Section I—

Civil service and Metropolitan Police Civil Staff service

1. This Section shall apply in relation to service or employment—
 - (a) as a civil servant, or
 - (b) in the metropolitan civil staffs within the meaning of section 15 of the Superannuation (Miscellaneous Provisions) Act 1967⁽⁸⁷⁾.
2. In relation to the said service or employment the specified date for the purposes of Regulation F7 shall be 1st January 1967.
3. In relation to the said service or employment the transfer value for the purposes of Regulation F7 shall be one payable under the provisions of a scheme made under section 1 of the Superannuation Act 1972⁽⁸⁸⁾ or of Rules made under sections 2 and 15 of the Superannuation (Miscellaneous

⁽⁸⁷⁾ 1967 c. 28.

⁽⁸⁸⁾ 1972 c. 11.

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Provisions) Act 1948⁽⁸⁹⁾, including such provisions as they have effect by virtue of section 15(2) of the Superannuation (Miscellaneous Provisions) Act 1967.

4. The specified authority for the purposes of Regulation F7 shall be—

- (a) in relation to service or employment as a civil servant, the Treasury or the Minister for the Civil Service;
- (b) in relation to service or employment in the metropolitan civil staffs, the Secretary of State.

5. In relation to such service or employment as is mentioned in paragraph 1, Regulation F7(1) shall have effect—

- (a) where the relevant date was before 1st April 1972, as if sub-paragraph (c) were omitted, and
- (b) where the relevant date was before 15th February 1971, as if sub-paragraph (e)(ii) were also omitted.

Section 2—

Local Government, Fire, Education and Health service

1. This Section shall apply in relation to service or employment—

- (a) such as is mentioned in section 2(2)(c), (cc), (d), (e) or (ee) of the Superannuation (Miscellaneous Provisions) Act 1948;
- (b) in respect of which awards may be made under the Firemen's Pensions Scheme, that is to say, under the Scheme for the time being in force under section 26 of the Fire Services Act 1947⁽⁹⁰⁾, or
- (c) in respect of which awards may be made under Regulations for the time being in force under section 10 of the Superannuation Act 1972, section 67 of the National Health Service Act 1946⁽⁹¹⁾, or section 66 of the National Health Service (Scotland) Act 1947⁽⁹²⁾.

2.—(1) Subject to sub-paragraph (2), in relation to the said service or employment the specified date for the purposes of Regulation F7 shall be 15th February 1971.

(2) Where in relation to a particular service or employment no provisions were in operation on 15th February 1971 for the payment of a transfer value to the police authority, as mentioned in Regulation F7(1)(d), then in relation thereto the specified date for the purposes of Regulation F7 shall be the date on which such provisions first thereafter came into operation.

3. In relation to such service or employment as is mentioned in paragraph 1, the transfer value for the purposes of Regulation F7 shall be one payable under Rules made under sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948 or under Regulations made under section 67 of the National Health Service Act 1946, section 66 of the National Health Service (Scotland) Act 1947 or section 7, 8, 9 or 10 of the Superannuation Act 1972.

4. The specified authority for the purposes of Regulation F7 shall be—

- (a) in relation to such employment as is mentioned in section 2(2)(c), (cc) or (d) of the Superannuation (Miscellaneous Provisions) Act 1948, the local authority maintaining the superannuation fund in the benefits of which the person concerned was entitled to participate;

⁽⁸⁹⁾ 1948 c. 33, amended by 1972 c. 11, Sch. 6, para. 25.

⁽⁹⁰⁾ 1947 c. 41.

⁽⁹¹⁾ 1946 c. 81.

⁽⁹²⁾ 1947 c. 27.

- (b) in relation to service in a fire brigade maintained by a local authority and in respect of which awards may be made under the Firemen's Pension Scheme, the fire authority concerned;
- (c) in relation to any other service or employment, the Secretary of State.

Section 3—

Other service or employment

1. This Section shall apply in relation to service or employment in which a person is subject to any superannuation arrangements specified in the second column of the following Table.

2. Subject to paragraph 5 in relation to any such service or employment the specified date for the purposes of Regulation F7 shall be 15th February 1971.

3.—(1) In relation to any such service or employment the transfer value for the purposes of Regulation F7 shall, subject to sub-paragraphs (2) and (3), be one of the like amount, and calculated in the like manner, as the transfer value which would have been receivable under Part III of the Superannuation (Local Government and Approved Employment) Interchange Rules 1969⁽⁹³⁾ had the person concerned entered local government employment, within the meaning of those Rules, on the date on which he became a regular policeman and in circumstances in which the said Part III applied.

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

- (a) to the extent that the Table in Schedule 1 to the said Rules of 1969 does not contain entries in columns (1) and (2) thereof corresponding to the entries in the following Table, it shall be deemed to do so, and
- (b) subject to paragraph 5, paragraph 6 of Schedule 1 to the said Rules of 1969 shall have effect as if any references therein to 18th August 1968 and to 18th August 1969 were, respectively, references to 15th February 1970 and to 15th February 1971 and sub-paragraphs (1)(a) and (b) and (3) were omitted.

(3) In relation to service in which a person is subject to the Isle of Man Police Pensions Regulations, that is to say, the Regulations for the time being in operation under section 16 of the Police (Isle of Man) Act 1962 (an Act of Tynwald), the transfer value shall be one payable under those Regulations.

4. In relation to any such service or employment the specified authority for the purposes of Regulation F7 shall be the persons having the general control and management of the relevant superannuation arrangements specified in the second column of the following Table.

5. In relation to service or employment in which a person is subject to—

- (a) an Area Gas Board Protected Persons Superannuation Scheme,
- (b) an Area Gas Board Staff Pension Scheme,
- (c) the Gas Council Staff Pension Scheme, or
- (d) the Independent Broadcasting Authority Staff Superannuation Fund and Staff Life Assurance Scheme,

the specified date for the purposes of Regulation F7 shall be 1st April 1973 and paragraph 3(2)(b) shall have effect as if for the dates “15th February 1970” and “15th February 1971” there were substituted, respectively, the dates “1st April 1971” and “1st April 1972”.

⁽⁹³⁾ S.I. 1969/997.

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Table

Employing body	Superannuation arrangements
Agricultural Research Council	Industrial Superannuation Scheme Agricultural Research Council Superannuation Scheme 1951
Area Electricity Board	British Electricity Authority Superannuation (Protected Persons) Scheme Electricity Board Superannuation (Protected Persons) Scheme Electricity Supply (Manual Workers) Superannuation Scheme Electricity Supply (Staff) Superannuation Scheme
British Airports Authority	The British Airports Authority Superannuation Scheme
British Broadcasting Corporation	The B.B.C. New Pension Scheme
British Council	British Council Superannuation Scheme
British European Airways Corporation	The Airways Corporations Joint Pension Scheme for General Staff members
British Gas Corporation or Area Gas Board	Area Gas Board Protected Persons Superannuation Scheme Area Gas Board Staff Pension Scheme
British Gas Corporation or Gas Council	Gas Council Staff Pension Scheme
British Overseas Airways Corporation	The Airways Corporations Joint Pension Scheme for General Staff members
British Waterways Board	Cheshire County Council Superannuation Fund—Divided Grand Union Canal Company Superannuation Fund Nottingham Corporation Superannuation Fund—Divided Scheme embodied in section 23 of and Schedule 4 to the Regent Canal and Dock Company (Grand Junction Canal Purchase) Act 1928 ⁽⁹⁴⁾ Scheme embodied in the Superannuation Act 1965 ⁽⁹⁵⁾ (as applied to former staff of the Lee Conservancy Board)

⁽⁹⁴⁾ 1928 c. xcvi.

⁽⁹⁵⁾ 1965 c. 74.

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Employing body	Superannuation arrangements
Central Electricity Generating Board	British Electricity Authority Superannuation (Protected Persons) Scheme Electricity Board Superannuation (Protected Persons) Scheme Electricity Supply (Manual Workers) Superannuation Scheme Electricity Supply (Staff) Superannuation Scheme
Commonwealth War Graves Commission	The Commonwealth War Graves Commission Superannuation Scheme (1952)
Corporation of Trinity House	Trinity House Service Superannuation Scheme
Crown Agents for Oversea Governments and Administrations	Crown Agents' Pension Scheme
Crown Estate Commissioners	Crown Estate Commissioners Superannuation Scheme
Development Commission	The Development Commission Superannuation Scheme 1940
Electricity Council	British Electricity Authority Superannuation (Protected Persons) Scheme Electricity Board Superannuation (Protected Persons) Scheme Electricity Supply (Manual Workers) Superannuation Scheme Electricity Supply (Staff) Superannuation Scheme
Forestry Commission	The Forestry Commission Superannuation Scheme
General Lighthouse Authority	General Lighthouse Fund Superannuation Scheme
Horserace Betting Levy Board	Horserace Betting Levy Board Pension Schemes A and B
Independent Broadcasting Authority	Independent Broadcasting Authority Staff Superannuation Fund and Staff Life Assurance Scheme
Industrial Training Boards	Industrial Training Boards Pension Fund
Industrial Training Boards	The Isle of Man Police Pensions Regulations
Metropolitan Water Board	Metropolitan Water Board Superannuation and Provident Fund Scheme
National Coal Board	National Coal Board Staff Superannuation Scheme

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Employing body	Superannuation arrangements
National Industrial Fuel Efficiency Service	National Industrial Fuel Efficiency Service Superannuation Scheme
National Institute of Agricultural Botany	Industrial Superannuation Scheme
Natural Environment Research Council	Natural Environment Research Council Superannuation Arrangements
North of Scotland Hydro-Electric Board	Hydroboard Superannuation Fund
Port of London Authority	Port of London Authority Pension Fund
Post Office	Post Office Staff Superannuation Scheme
Scottish Agricultural Colleges and Research Institutes	Industrial Superannuation Scheme
Science Research Council	Science Research Council Superannuation Scheme
	The Principal Non-Industrial Superannuation Scheme of the United Kingdom Atomic Energy Authority
	The United Kingdom Atomic Energy Authority's Industrial Superannuation Scheme
South of Scotland Electricity Board	The South of Scotland Electricity Board's Superannuation Scheme
United Kingdom Atomic Energy Authority	The Principal Non-Industrial Superannuation Scheme of the United Kingdom Atomic Energy Authority
	Protected Persons Superannuation Scheme of the United Kingdom Atomic Energy Authority
	The United Kingdom Atomic Energy Authority's Industrial Superannuation Scheme

SCHEDULE G

Regulation G3

Additional and Further Contributions

1. Where, in pursuance of paragraph (2) of Regulation G3 and such an election as is mentioned in paragraph (1) of that Regulation, additional or further pension contributions continue to be payable by a regular policeman, those contributions shall be payable at the rate specified in the second or, as the case may be, in the third column of the following Table opposite to the number of completed years of pensionable service in the first column thereof reckonable by the regular policeman immediately before 1st April 1973 otherwise than by reason of service on or after 1st April 1972 as a member of a police force or of the Royal Ulster Constabulary subject, however, to paragraph 2.

2. For the purposes of paragraph 1, no account shall be taken of any service reckonable as pensionable service by virtue of section 10 of the Police Pensions Act 1921(96).

(96) 1921 c. 31.

Table

Completed years of pensionable service taken into account	Rate expressed as a percentage of pensionable pay	
	Additional contributions	Further contributions
1	0.1	0.1
2	0.1	0.1
3	0.2	0.2
4	0.3	0.2
5	0.3	0.3
6	0.4	0.3
7	0.5	0.4
8	0.6	0.5
9	0.7	0.6
10	0.9	0.7
11	1.1	0.8

SCHEDULE H

Regulation H2

Medical Appeals

1. Every notice of appeal under Regulation H2(2) shall be in writing.
2. On receipt of the notice of appeal the police authority shall forward to the Secretary of State 2 copies thereof and of the certificate appealed against, with the name and address of the appellant.
3. A medical referee shall appoint a time and place for interviewing the appellant and for any such further interviews or examinations as he may consider necessary and shall give reasonable notice thereof to the appellant and the police authority.
4. At any time before any interview with the medical referee the appellant or the police authority may submit to the medical referee a statement relating to the subject matter of the appeal, and if they so submit a statement they shall send a copy thereof to the other party.
5. Any interview or examination may be attended by—
 - (a) the selected medical practitioner; and
 - (b) any duly qualified medical practitioner appointed for the purpose by either party.
6. The medical referee shall give written notice to the police authority and appellant of his decision and, if that decision is that he disagrees with any part of the certificate of the selected medical practitioner, shall send a copy of his certificate to the police authority and the appellant.
- 7.—(1) The medical referee shall be entitled to such fees and allowances as the Secretary of State may from time to time determine.
- (2) The said fees and allowances shall be paid by the police authority and shall be treated as part of the police authority's expenses for the purposes of this Schedule.

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8.—(1) Save as hereinafter provided, the expenses of each party to the appeal shall be borne by that party.

(2) Where the medical referee decides in favour of the police authority, the authority may require the appellant to pay towards the cost of the appeal such sum not exceeding the referee's total fees and allowances as the authority think fit.

(3) Where the medical referee decides in favour of the appellant, the police authority shall refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of any such interview or examination as is mentioned in paragraph 3.

SCHEDULE I

Regulations I2 and I3

Servicemen—Increase of Awards

1.—(1) This paragraph shall apply where a pension payable to a serviceman in pursuance of paragraph (2) or (3) of Regulation I2 is increased in pursuance of paragraph (4) of that Regulation.

(2) The increased amount of the pension payable to the serviceman for any period shall not, when aggregated with the amount of any armed forces award which is also payable to or in respect of him for that period, exceed the amount of the award which would have been payable for that period if the injury as a result of which he is permanently disabled had been treated as if it were an injury received without his own default in the execution of his duty as a regular policeman.

(3) The reference in the preceding sub-paragraph to an armed forces award shall not include an allowance for constant attendance, wear and tear of clothing or comforts.

2.—(1) This paragraph shall apply where a pension payable to the widow of a serviceman in pursuance of paragraph (1) or (3) of Regulation I3 is increased in pursuance of paragraph (5) of that Regulation.

(2) The increased amount of the pension payable to the widow for any period shall not, when aggregated with the amount of any armed forces award which is also so payable for that period in respect of her husband, exceed the amount of the pension which would have been payable for that period if the injury as a result of which her husband had died had been treated as if it were an injury received without his own default in the execution of his duty as a regular policeman.

3.—(1) This paragraph shall apply when an allowance payable to the child of a serviceman in pursuance of paragraph (4) of Regulation I3 is increased in pursuance of paragraph (5) of that Regulation.

(2) The increased amount of the allowance payable to the child for any period shall not, when aggregated with the amount of any armed forces award payable to or for the child for that period in respect of the serviceman, exceed the amount of the allowance which would have been payable for that period if the injury as a result of which he had died had been treated as if it were an injury received without his own default in the execution of his duty as a regular policeman.

4.—(1) In this Schedule a reference to an armed forces award is a reference to an armed forces pension or other award payable in pursuance of a Royal Warrant or other instrument.

(2) Where such an armed forces award as mentioned in paragraph 1(2), 2(2) or 3(2) is a gratuity, the amount thereof payable for any period shall, for the purposes of the provision in question, be deemed to be the amount which would have been payable for that period in respect of such an annuity as is hereinafter mentioned if, at the date on which the gratuity became payable, it had been applied in the purchase of such an annuity.

The annuity referred to in this sub-paragraph is an immediate life annuity, dependent on the life of the serviceman, the widow or, as the case may be, the child concerned, granted under Part I of the Government Annuities Act 1929(97).

SCHEDULE J

Regulation J4

Special Cases—Exceptions and Modifications

Part I

Personal Awards

Policeman's ordinary pension

Policeman serving on 15th February 1971 and retiring in the rank of commander (otherwise than in metropolitan police force)

1. In the case of a member of a home police force who was serving as a regular policeman on 15th February 1971 and first retired on or after that date when a commander in a police force other than the metropolitan police force, in relation to that first retirement Regulation B1(2) shall have effect as if sub-paragraph (b) were omitted therefrom.

Policeman with service before 8th August 1961

2. In the case of a regular policeman who served as such before 8th August 1961, Regulation B1(5) shall have effect as if the words “but, in the case of” to the end were omitted.

Policeman who retired before 25th October 1984

3. In the case of a regular policeman who retired before 25th October 1984, Regulation B1(3) shall have effect as if sub-paragraph(b) thereof were omitted.

Commutation by policeman who retires or retired before 1st October 1987

4.—(1) This paragraph shall apply in the case of a regular policeman who—

- (a) retired with an ordinary pension under the Regulations of 1973, or
- (b) retires with an ordinary pension under these Regulations before 1st October 1987.

(2) Regulation B7(1) shall have effect as if sub-paragraph (b) thereof were omitted in the case of such a regular policeman—

- (a) who retired as mentioned in sub-paragraph (1)(a) of this paragraph and commuted a portion of his pension under the Regulations of 1973, or
- (b) other than a policeman such as is referred to in paragraph (a) of this sub-paragraph who not later than 6 months after his retirement elects that this sub-paragraph should apply in his case;

and any election under paragraph (b) of this sub-paragraph shall be made by notice in writing given to the police authority.

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Policeman's ill-health pension

Policeman who is serving on 1st April 1987 or retired before that date

5. In the case of a regular policeman who either is serving as such on 1st April 1987 or retired before that date, Regulation K1(5) shall have effect as if the words “but he is not a regular policeman to whom Regulation B5 applies” and sub-paragraph (c) were omitted therefrom.

Policeman's injury award

Policeman serving on 1st April 1972 or ceasing to serve before 1st April 1973 who has less than 5 years' pensionable service

- 6.—(1) This paragraph shall apply in the case of a member of a police force who—
- (a) received a relevant injury (within the meaning of Regulation B4) during a period of service which included 1st April 1972 or ended before 1st April 1973, and
 - (b) is entitled to reckon less than 5 years' pensionable service.
- (2) In the case of such a member an injury pension shall be calculated and payable either in accordance with Part V of Schedule B (where the next following paragraph also applies, as modified thereby) or in accordance with Regulation 22 of the Police Pensions Regulations 1971⁽⁹⁸⁾ as from time to time amended (*supplemental pension*), whichever would have been the more favourable in his case if applied thereto when he first became entitled to the pension.

Policeman ceasing to serve before 1st April 1987

- 7.—(1) This paragraph shall apply in the case of a member of a police force who received a relevant injury (within the meaning of Regulation B4) during a period of service which ended before 1st April 1987.
- (2) In the case of such a member paragraph 4 of Part V of Schedule B shall have effect as if—
- (a) the sickness benefit referred to in sub-paragraph (3)(c)(i) thereof did not include such benefit to which the member is only entitled by virtue of section 50A of the Social Security Act 1975⁽⁹⁹⁾, and
 - (b) sub-paragraph (3)(c)(iii) thereof were omitted.

Policeman's deferred pension

Policeman with service or employment both before, and on or after, 6th April 1978

- 8.—(1) This paragraph shall apply in the case of a regular policeman who (subject to the provisions hereof) is entitled to a deferred pension under Regulation B5 where—
- (a) the period of pensionable service referred to in paragraph (1)(a) of that Regulation is reckonable by reason of service or employment partly before, and partly on or after, 6th April 1978, or
 - (b) the aggregate period of service or employment referred to in paragraph (1)(b) of that Regulation includes service or employment partly before, and partly on or after, that date.

⁽⁹⁸⁾ S.I. 1971/232.

⁽⁹⁹⁾ 1975 c. 14; s. 50A inserted by 1982 c. 24, s. 39.

(2) Such a regular policeman may elect that Regulation B5 shall not apply in his case by notice in writing given to the police authority, subject to sub-paragraph (4), within 3 months of his ceasing to be a member of a police force.

(3) Where immediately before his death such a regular policeman enjoyed, but had not exercised, the right of election conferred by sub-paragraph (2), his widow may request that these Regulations should have effect as if he had exercised that right by notice in writing given to the police authority, subject to sub-paragraph (4), within 3 months of his death; and, in such case, the policeman shall be deemed to have exercised that right.

(4) Where the police authority so allow, a notice for the purposes of sub-paragraph (2) or (3) may be given after the expiry of the 3 month period there mentioned if it is given within such longer period as they may allow in the circumstances of the case; and, without prejudice to Regulation 3 of the Police Pensions (Supplementary Provisions) Regulations 1987(100), a notice duly given for the purposes of paragraph (2) or (3) of Regulation 23D of the Regulations of 1973 shall be effective for the purposes of sub-paragraph (2) or (3) of this paragraph.

(5) Where such a regular policeman has, or is deemed to have, exercised the right of election conferred by sub-paragraph(2)—

(a) Regulation B5 shall not apply in his case and, accordingly, he shall not thereunder be entitled to a deferred pension, but

(b) in lieu thereof he (or his estate) shall be entitled to an award under this paragraph.

(6) Subject to sub-paragraph (7), an award under this paragraph shall comprise—

(a) an award by way of repayment of the policeman's aggregate pension contributions in respect of the relevant period of service calculated, however, in accordance with sub-paragraph (8), and

(b) a deferred pension calculated and payable as provided in sub-paragraph (9).

(7) Where a policeman whose contracted-out employment is less than 5 years ceases to serve before he has attained the age of 26 years—

(a) sub-paragraph (8) shall not apply for the purposes of calculating the award by way of repayment of his aggregate contributions, but

(b) he shall not be entitled to a deferred pension in pursuance of sub-paragraph (6)(b).

(8) Save where sub-paragraph (7) applies, for the purposes of calculating the award mentioned in sub-paragraph (6)(a)—

(a) account shall be taken of such contributions or payments as are mentioned in sub-paragraph (a), (b) or (c) of Regulation A10(2) only to the extent that either—

(i) they were made by the policeman before the end of the service appropriate in his case mentioned in sub-paragraph (10), or

(ii) they were made otherwise than as aforesaid but account was taken in their calculation of that service, and sub-paragraph (d) thereof shall have effect accordingly, and

(b) in the circumstances mentioned in sub-paragraph (e) of Regulation A10(2), the award there mentioned shall be that which would have been made if it took into account only contributions or analogous payments—

(i) made by the person concerned before the end of the service appropriate in his case, or

(ii) made otherwise than as aforesaid but specified by the person responsible for the superannuation arrangements applicable to the previous service or employment mentioned in the said sub-paragraph (e) as having been made for the purpose of increasing any benefit which might become payable in respect of so much of that

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previous service or employment as forms part of the service appropriate in the policeman's case.

(9) A deferred pension in pursuance of sub-paragraph (6)(b) shall be calculated and be payable as mentioned in Regulation B5(4) except that in calculating the pension no account shall be taken of so much of the policeman's pensionable service as is reckonable by reason of the service appropriate in his case mentioned in sub-paragraph (10).

(10) The appropriate service referred to in sub-paragraphs (8) and (9) is—

- (a) service or employment before 6th April 1978, in the case of a policeman who either—
 - (i) ceases to serve before he has attained the age of 26 years, or
 - (ii) would not be such a regular policeman as is mentioned in Regulation B5(1)(a) or (b) if, for the purposes thereof, there were disregarded any period of pensionable service reckonable by reason of, or any period of, service or employment before the said date;
- (b) service or employment before 6th April 1975, in any other case.

(11) Regulations B7 to B11 (*commutation, allocation and deduction of tax*) shall apply in relation to an award in pursuance of sub-paragraph (6)(a) or (b) as though this paragraph were included in Part B of these Regulations.

Pension by way of equivalent pension benefit

Policeman serving on 5th April 1975

9.—(1) This paragraph shall apply in the case of a regular policeman who was serving as such on 5th April 1975 and ceases or has ceased so to serve in circumstances—

- (a) in which no transfer value is payable or has been paid in respect of him;
- (b) which do not entitle him to a pension otherwise than in pursuance of paragraph 8(6)(b) or of this paragraph, and
- (c) in which no payment in lieu of contributions has been made.

(2) This paragraph shall also apply in the case of a regular policeman who was serving as such on 5th April 1975 and ceases or has ceased so to serve in circumstances in which either a transfer value is payable under Regulation F8 by reason of paragraph 1(b) thereof or under Regulation F9 or a transfer value was payable under Regulation 84 or 85 of the Regulations of 1973 if, but only if, he satisfies the police authority that he is not entitled under any superannuation arrangements (including these Regulations) to a pension—

- (a) in the calculation of which account would be taken of the service which would be taken into account in calculating a pension under this paragraph, and
- (b) which would be at least as favourable in his case as a pension under this paragraph.

(3) Such a regular policeman as is mentioned in sub-paragraph (1) or (2)—

- (a) on attaining state pensionable age, and
- (b) in the case mentioned in sub-paragraph (2), satisfying the police authority as there mentioned, shall be entitled to a pension which equals the graduated retirement benefit mentioned in Regulation A5(4).

(4) Regulation B8 (*commutation—small pensions*) shall apply in relation to a pension in pursuance of sub-paragraph (3) as though this paragraph were included in Part B of these Regulations.

Part II

Widows' Awards

Widow's ordinary pension

Widow whose husband retired before 1st April 1987

1.—(1) This paragraph shall apply in the case of the widow of a regular policeman who retired before 1st April 1987.

(2) In the case of such a widow, Regulation C1(1) shall have effect as if the words “except that” to the end were omitted.

Application of paragraphs 3, 4 and 5

2. Paragraphs 3, 4 and 5 shall only apply in the case of a widow whose husband either was serving as a regular policeman or was entitled to a pension other than a deferred pension—

- (a) on 1st April 1973, or
- (b) at the date of his death where that date was before 1st July 1973.

Pre-1972 pensionable service not up-rated

3.—(1) This paragraph shall apply in the case of such a widow as is mentioned in paragraph 2 where—

- (a) her husband last before 1st April 1972 paid pension contributions at a rate related to 5% of his pensionable pay, and
- (b) neither he nor the widow exercised any right of election accorded by Regulation 58(2), 59(2), 60(2) or 61(2) of the Regulations of 1973,

and, in such a case Part I of Schedule C (“Part I”) shall have effect as if for sub-paragraphs (1), (2) and (3) of paragraph 1 thereof there were substituted the like provision as is made by the following sub-paragraph.

(2) Where this paragraph applies the annual amount of the widow’s ordinary pension shall, subject to paragraphs 2 and 3 of Part I, equal a half of the amount specified in paragraph 5(1) of this Part:

Provided that the amount payable in respect of any week on account of the pension shall not be less than it would have been either—

- (a) had the weekly amount thereof fallen to be calculated as provided in Scheme II of Part II of Schedule 3 to the Police Pensions Regulations 1971(101), or
- (b) had the annual amount thereof fallen to be calculated in accordance with Part V of Schedule C in like manner as a widow’s requisite benefit pension.

Pre-1972 pensionable service up-rated to third but not to half rate

4.—(1) This paragraph shall apply in the case of such a widow as is mentioned in paragraph 2 where—

- (a) paragraph 3 does not apply, and
- (b) neither her husband nor the widow exercised any right of election accorded by Regulation 58(3), 59(3), 60(3), or 61(3) of the Regulations of 1973,

(101) S.I. 1971/232.

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and, in such a case, Part I of Schedule C (“Part I”) shall have effect as if for sub-paragraph (1) of paragraph 1 thereof there were substituted the like provision as is made by the following sub-paragraph.

(2) Where this paragraph applies, the annual amount of the widow’s ordinary pension shall, subject to paragraphs 2 and 3 of Part I, be the aggregate of—

- (a) an amount equal to a third of the annual amount of the pension or notional pension mentioned in sub-paragraph (2) of paragraph 1 of Part I, and
- (b) a sixth of the amount specified in paragraph 5(1) of this Part,

except that, where the husband died otherwise than while in receipt of an ordinary or short service pension and the said aggregate is less than a half of the amount specified in paragraph 5(2) of this Part, the annual amount of the widow’s ordinary pension shall equal a half of the amount so specified:

Provided that the annual amount of the widow’s ordinary pension shall not be less than it would have been had it fallen to be calculated in accordance with Part V of Schedule C in like manner as a widow’s requisite benefit pension.

Specified amounts for purposes of paragraphs 3 and 4

5.—(1) The references in paragraphs 3(2) and 4(2) to the amount specified in this sub-paragraph are references to the amount which is, subject to sub-paragraph (3) of this paragraph, the difference between the two following amounts, namely—

- (a) an amount which is the aggregate of—
 - (i) an amount equal to a sixtieth of the husband’s average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and
 - (ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;
- (b) an amount calculated as aforesaid but by reference only to the husband’s pre-1972 pensionable service.

(2) The reference in paragraph 4(2) to the amount specified in this sub-paragraph is a reference to the annual amount of the pension or notional pension mentioned in sub-paragraph (2) of paragraph 1 of Part I of Schedule C calculated in accordance with sub-paragraph (3) thereof but, subject to sub-paragraph (3) of this paragraph—

- (a) where the husband’s weighted relevant pensionable service does not exceed 20 years, by reference thereto;
- (b) where that service exceeds 20 years, by reference to his relevant pensionable service with the addition of a half of his pre-1972 pensionable service,

instead of by reference to his pensionable service.

(3) Where the husband’s pensionable service exceeds 30 years there shall be reduced by that excess—

- (a) his pensionable service taken into account for the purposes of sub-paragraph (1)(a);
- (b) his pre-1972 pensionable service taken into account for the purposes of sub-paragraph (1)(b);
- (c) his pre-1972 pensionable service taken into account for the purposes of sub-paragraph (2)(b) (otherwise than for the purpose of determining his relevant pensionable service).

(4) Subject to sub-paragraph (5), in this paragraph—

“pre-1972 pensionable service” means the period of pensionable service in years reckonable by the husband—

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- (a) otherwise than by reason of service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972;
- (b) otherwise than by virtue of—
 - (i) Regulation F3(1)(f) (*British Airports Authority constabulary service*),
 - (ii) Regulation F4, F5 or F7 (*previous service and preserved interchange arrangements*) where the conditions specified in the Regulation in question were satisfied on or after 1st April 1973,
 - (iii) Regulation F6 (*current interchange arrangements*), or
 - (iv) section 10 of the Police Pensions Act 1921(102), and
- (c) other than pensionable service reckonable by him immediately before 1st April 1973, which was reckonable otherwise than as mentioned in sub-paragraph (a) above and did not exceed a year;

“relevant pensionable service” means the period in years of the husband’s pensionable service reduced by his pre-1972 pensionable service;

“weighted relevant pensionable service” means the husband’s relevant pensionable service, so much of such service as exceeds his relevant number of years (if any) being counted twice and, for the purposes hereof, “relevant number of years” means the period in years by which his pre-1972 pensionable service falls short of 20 years.

(5) Where the husband ceased to serve as a regular policeman before 24th January 1975 (without prejudice to the provisions of paragraphs 1, 2 and 3 of Part IV of this Schedule), sub-paragraph (4) shall have effect as if for the definitions therein of “relevant pensionable service” and “weighted relevant pensionable service” there were substituted the following definitions:—

“relevant pensionable service” means the period in years of the husband’s pensionable service reduced by his completed years of pre-1972 pensionable service;

“weighted relevant pensionable service” means the husband’s completed years of relevant pensionable service up to the relevant number of years with the addition of a year for each completed half-year by which his relevant pensionable service exceeds the relevant number of years and, for the purposes hereof, “relevant number of years” means the period in years by which his completed years of pre-1972 pensionable service fall short of 20 years.

Widow’s special gratuity

Widow whose husband died before 25th November 1982

6.—(1) This paragraph shall apply in the case of a widow of a member of a police force who died while serving as such before 25th November 1982.

(2) In the case of such a widow, Regulation C2(2)(b) shall have effect as if the words “together with” to the end were omitted.

Widow’s accrued pension

Application of paragraph 8 and service for the purposes thereof

7.—(1) Paragraph 8 shall apply in the case of the widow of a regular policeman—

- (a) who was not entitled to his deferred pension in pursuance of paragraph 8(6)(b) of Part I of this Schedule, and

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(b) in relation to whom any of the conditions specified in the first column of either Table B or C are satisfied.

(2) The husband's half-rate and mixed-rate service for the purposes of paragraph 8 shall depend upon the conditions specified in the first column of Table A, B or C which are satisfied in relation to him and shall be the aggregate of the periods of pensionable service specified opposite the conditions which are so satisfied—

(a) in the case of half-rate service, in the second column of the Table in question, and

(b) in the case of mixed-rate service, in the third column thereof,

so, however, that where a period of pensionable service falls within more than one of the entries in Table A it shall not be taken into account more than once.

(3) The following Tables are those referred to in sub-paragraphs (1) and (2):—

Table A:

Service Counting Fully as both Half-Rate and Mixed-Rate Service

Condition	Half-rate service	Mixed-rate service
(a) (a) If the husband has pensionable service reckonable by reason of police service on or after 1st April 1972.	That pensionable service	That pensionable service
(b) (b) If he has pensionable service reckonable by virtue of Regulation F6 (<i>current interchange arrangements</i>).	That pensionable service	That pensionable service
(c) (c) If he has pensionable service reckonable by virtue of section 10 of the Police Pensions Act 1921.	That pensionable service	That pensionable service
(d) (d) If he has pensionable service reckonable by virtue of Regulation I7(1) and the proviso to Regulation I8(1) by reason of a period of relevant service in the armed forces on or after 1st April 1956.	That pensionable service	That pensionable service
(e) (e) If he has pensionable service which, immediately before 1st April 1973, was reckonable by him otherwise than by reason of police service on or	That pensionable service	That pensionable service

Condition	Half-rate service	Mixed-rate service
after 1st April 1972 and was for a period of less than a complete year.		
(f) (f) If he has pensionable service reckonable by virtue of Regulation F3(1)(f) (<i>British Airports Authority constabulary service</i>) otherwise, where he has been granted a back service credit, than by reason of that credit (subject, however, to subparagraph (5) below).	That pensionable service	That pensionable service
(g) (g) If he has pensionable service reckonable by virtue of Regulation F3(1)(f) by reason that he had been granted a back service credit and he had elected as mentioned in Regulation 61A(2)(a) of the Regulations of 1973 to make a special payment by way of a lump sum (subject, however, to subparagraphs (5) and (6) below).	That pensionable service	That pensionable service

Table B:

Service Counting in Part as both Half-Rate and Mixed-Rate Service

Condition	Half-rate service	Mixed-rate service
(a) (a) If the husband has pensionable service reckonable by virtue of Regulation F3(1)(f) by reason that he had been granted a back service credit and he had elected as mentioned in Regulation 61A(2)(b) of the Regulations of 1973 to pay special contributions (subject, however, to sub-	The proportion specified in subparagraph (7) below of that pensionable service.	The proportion specified in subparagraph (7) below of that pensionable service.

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Condition	Half-rate service	Mixed-rate service
paragraphs (5) and (6) below).		
(b) (b) If he has pensionable service reckonable by virtue of Regulation F3(1)(f) by reason that he had been granted a back service credit and his deferred pension fell to be reduced as mentioned in paragraph 3 of Part VI of this Schedule (subject, however, to subparagraph (5) below).	The proportion specified in subparagraph (8) below of that pensionable service.	The proportion specified in subparagraph (8) below of that pensionable service.

Table C:

Service Counting Fully or in Part either as Half-Rate or as Mixed-Rate Service

Condition	Half-rate service	Mixed-rate service
(a) (a) If the husband has pensionable service reckonable by reason of police service in respect of which he paid pension contributions at a rate related to 6.25% of his pensionable pay.	—	That pensionable service.
(b) (b) If he has pensionable service not mentioned in the first column of Table A which, immediately before 1st April 1973, was reckonable by him and he had elected as mentioned in Regulation 59(3)(a) of the Regulations of 1973 to make a further payment by way of a lump sum.	That pensionable service.	—
(c) (c) If he has such pensionable service as aforesaid and he had elected as mentioned in Regulation 59(2)(a) of the Regulations of 1973	—	That pensionable service.

Condition	Half-rate service	Mixed-rate service
to make an additional payment by way of a lump sum.		
(d) (d) If he has such pensionable service as aforesaid, he had elected as mentioned in Regulation 58(3) of the Regulations of 1973 and, immediately before he retired, was paying further contributions in pursuance of that election.	The proportion specified in sub-paragraph (9) below of that pensionable service.	—
(e) (e) If he has such pensionable service as aforesaid, he had elected as mentioned in Regulation 57 and 58(2) of the Regulations of 1973 and, immediately before he retired, was paying additional contributions in pursuance of that election.	—	The proportion specified in sub-paragraph (9) below of the period of pensionable service by reference to which the rate of payment of additional contributions was determined (including any fraction of a year disregarded for that purpose).
(f) (f) If he has such pensionable service as aforesaid and his deferred pension fell to be reduced as mentioned in paragraph 3 of Part VIII of Schedule B.	The proportion mentioned in sub-paragraph (8) below of the period of pensionable service by reference to which that reduction was determined (including any fraction of a year disregarded for that purpose).	—
(g) (g) If he has such service as aforesaid and his deferred pension fell to be reduced as mentioned in paragraph 2 of Part VIII of Schedule B.	—	The proportion specified in sub-paragraph (8) below of the period of pensionable service by reference to which that reduction was determined (including any fraction of a year disregarded for that purpose).

(4) In this paragraph (including the Tables)—

- (a) any reference to police service is a reference to service as a member of a police force or of the Royal Ulster Constabulary;
- (b) the expressions “Airports Scheme” and “Scheme deduction” have the same meanings as in Regulation 61A of the Regulations of 1973 and the proviso to paragraph (3) of that Regulation shall have effect for the purposes of sub-paragraph (5) as it has effect for the purposes of the said paragraph (3), and

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- (c) any reference to a person having been granted a back service credit is a reference to his having been granted such a credit, within the meaning of the Airports Scheme, before his transfer from the British Airports Authority constabulary.

(5) Where, for the purposes of the Airports Scheme, any payments were made by, or on behalf of, the husband for securing family benefits thereunder in respect of a back service credit, entries (f) and (g) in Table A and the entries in Table B shall have effect as though, by virtue of Regulation F3(1)(f), there were reckonable by him, by reason of the back service credit, only that part of the pensionable service so reckonable which bears the same proportion to the whole as the Scheme deduction in his case bears to what BAA plc certifies it would have been if the payments first mentioned in this sub-paragraph had not been made so, however, that, where the Scheme deduction is zero, entry (f) in Table A shall have effect as though the husband had no back service credit.

(6) Without prejudice to sub-paragraph (5), where the husband satisfies the conditions specified in both entry (g) in Table A and entry (a) in Table B, the references in those entries to his pensionable service reckonable by virtue of Regulation F3(1)(f) by reason of a back service credit shall be construed—

- (a) in the case of entry (g) in Table A, as a reference to that part of that service which bears the same proportion to the whole as the lump sum payment under Regulation 61A of the Regulations of 1973 bears to the Scheme deduction;
- (b) in the case of entry (a) in Table B, as a reference to the other part of that service.

(7) The proportion referred to in entry (a) in Table B shall be the proportion which the period for which the husband paid special contributions under Regulation 61A of the Regulations of 1973 bore to the period from the date of his transfer from the British Airports Authority constabulary until the date mentioned in paragraph (4)(a) or (b) of that Regulation.

(8) The proportion referred to in entry (b) in Table B and in entries (f) and (g) in Table C shall be the proportion which the husband's actual police service—

- (a) on or after his transfer from the British Airports constabulary, in the case of entry (b) in Table B,
- (b) on or after 1st April 1972, in the case entry (f) in Table C, or
- (c) on or after 1st April 1956, in the case of entry (g) in Table C,

bears to the period of such service as he would have had if (irrespective of the date of his death) he had continued to serve until entitled to an immediately payable ordinary pension or until he could be required to retire on account of age, whichever is the earlier, each period being reckoned in completed years and completed months:

Provided that where on ceasing to serve as a regular policeman he had already served as aforesaid, the said proportion shall be the whole.

(9) The proportion referred to in entries (d) and (e) in Table C shall be the proportion which the period for which the husband paid further contributions or, as the case may be, additional contributions, bore to the period by which the pensionable service he was entitled to reckon on the relevant date fell short of 25 years or, where that period is less than 5 years, to a period of 5 years, each period being reckoned in completed years and completed months. In this sub-paragraph "the relevant date" means—

- (a) where the husband last served as a regular policeman before 6th April 1978, the date on which he made the election referred to in the entry in question;
- (b) in any other case, the date from which the further contributions or, as the case may be, additional contributions were payable in pursuance of the election referred to in the entry in question.

Husband's pensionable service not fully up-rated

8.—(1) In the case of such a widow as is mentioned in paragraph 7(1), Part III of Schedule C shall have effect as if paragraph 1(1) thereof provided that the annual amount of her accrued pension should equal the aggregate of the following amounts namely—

- (a) in respect of her husband's half-rate service, a sixth of the corresponding proportion of his deferred pension;
- (b) in respect of his mixed-rate service, a third of the corresponding proportion of his deferred pension.

(2) For the purposes of sub-paragraph (1) "the corresponding proportion", in relation to the husband's deferred pension, means the proportion which his half-rate or, as the case may be, his mixed-rate service bears to the pensionable service reckonable by him.

(3) Unless the husband ceased to serve as a regular policeman before 1st April 1987 where—

- (a) the husband's half-rate service;
- (b) his mixed-rate service, or
- (c) the pensionable service reckonable by him,

exceeds 30 years, then, for the purposes of this paragraph, the period by which, in each case, it exceeds 30 years shall be disregarded.

Gratuity in lieu of widow's pension

Widow whose husband ceased to serve before 1st April 1987

9.—(1) This paragraph shall apply in the case of a widow of a member of a police force who ceased to serve before 1st April 1987.

(2) In the case of such a widow, Regulation E4 shall have effect as if paragraph (6) thereof were omitted.

Widow's pension in case of post-retirement marriage

Widow whose husband ceased to serve before 1st April 1987

10.—(1) This paragraph shall apply in the case of a widow of a regular policeman who ceased to serve before 1st April 1987.

(2) Where such a widow is entitled to a pension under Regulation C5(3), Regulation E8 shall apply in relation to that pension as if, in paragraph (1) thereof, the words "and, for the purposes" to the end were omitted.

Part III

Children's Awards

Child's ordinary allowance

Child whose parent retired before 1st April 1987

1.—(1) This paragraph shall apply in the case of the child of a regular policeman who retired before 1st April 1987.

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(2) In the case of such a child, Regulation D1(1) (*child's ordinary allowance*) shall have effect as if the words "except that" to the end were omitted.

(3) In the case of such a child, paragraph 1 of Part I of Schedule D (*child's ordinary allowance*) shall have effect as if the provisions for the reduction of a pension to be ignored for the purposes of sub-paragraph (4) in pursuance of sub-paragraph (5)(b)(ii) thereof included those of Regulation B7(8)(b) (*commutation*).

Transitional modification of Part I of Schedule D

2.—(1) This paragraph shall apply in the case of a child whose father was serving as a regular policeman or entitled to a pension other than a deferred pension either—

- (a) on 1st April 1973, or
- (b) at the date of his death where that date is before 1st July 1973,

where neither he nor his widow exercised any right of election accorded by Regulation 58, 59, 60 or 61 of the Regulations of 1973.

(2) Where this paragraph applies, Part I of Schedule D shall have effect as if for any reference in paragraph 1 or 2 thereof to the relevant parent's pension or notional pension there were substituted a reference to the amount specified in the following sub-paragraph and as if paragraph 3 were omitted.

(3) The reference in sub-paragraph (2) to the amount specified in this sub-paragraph is, subject to sub-paragraph (4), the difference between the two following amounts, namely—

- (a) an amount which is the aggregate of—
 - (i) an amount equal to a sixtieth of the father's average pensionable pay multiplied by the period in years of his pensionable service up to 20 years,
 - (ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;
- (b) an amount calculated as aforesaid but by reference only to the father's pre-1972 pensionable service.

(4) Where the father's pensionable service exceeds 30 years, then there shall be reduced by that excess—

- (a) his pensionable service taken into account for the purposes of sub-paragraph (3)(a);
- (b) his pre-1972 pensionable service taken into account for the purposes of sub-paragraph (3)(b).

(5) In this paragraph "pre-1972 pensionable service" has the meaning assigned thereto by paragraph 5(4) of Part II of this Schedule.

Child whose relevant parent died before 1st April 1973

3.—(1) This paragraph shall apply in the case of the child of a regular policeman who died before 1st April 1973.

(2) Where the relevant parent was the child's only surviving parent or in respect of any period after the death of the child's other parent, the child's ordinary allowance determined—

- (a) in accordance with paragraphs 2 and 4 of Part I of Schedule D, or
- (b) in accordance with paragraph 5 of the said Part I,

may be increased in accordance with Part III of Schedule 4 to the Police Pensions Regulations 1971(103).

(103) S.I. 1971/232.

Child's accrued allowance

Transitional modification of Part III of Schedule D

4.—(1) This paragraph shall apply in the case of a child where the relevant parent is the father and he both—

- (a) was not entitled to his deferred pension in pursuance of paragraph 8(6)(b) of Part I of this Schedule, and
- (b) was entitled to reckon pensionable service otherwise than—
 - (i) by reason of service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972,
 - (ii) by virtue of Regulation F7 (*preserved interchange arrangements*) where the conditions specified in paragraph (1) thereof are satisfied on or after 1st April 1973,
 - (iii) by virtue of Regulation I7(1) and the proviso to Regulation I8(1) by reason of a period of relevant service in the armed forces on or after 1st April 1956, or
 - (iv) by virtue of section 10 of the Police Pensions Act 1921~~(104)~~.

(2) Where this paragraph applies, Part III of Schedule D shall have effect as if for any reference in paragraph 2(1) thereof to the relevant parent's deferred pension were a reference to the proportion thereof specified in sub-paragraph (4).

(3) In accordance with sub-paragraph (2), where this paragraph applies, paragraphs 1(2) and (3) and 2(2) and (3) of Part I of Schedule D as applied by Part III thereof shall have effect without regard to paragraph 2 of this Part but as if for any reference therein to the relevant parent's pension or notional pension there were substituted a reference to the proportion specified in the following sub-paragraph of a deferred pension calculated in accordance with paragraph 2(2) of the said Part III.

(4) The reference in sub-paragraphs (2) and (3) to the proportion specified in this sub-paragraph are references to the proportion which the relevant parent's half-rate service (within the meaning of paragraph 7(2) of Part II of this Schedule) bears to the pensionable service reckonable by him.

Limitations on child's award

Child's allowance or special gratuity

5.—(1) This paragraph shall apply in the case of a child who is permanently disabled where the relevant parent (within the meaning of Regulation D5) ceased to be a member of a police force before 15th August 1983.

(2) Where this paragraph applies nothing in Regulation D5 shall preclude the grant of a child's allowance or special gratuity if the child was permanently disabled at the date of the relevant parent's death.

(3) Where this paragraph applies nothing in Regulation D5 shall preclude the payment of a child's allowance if—

- (a) he has not attained the age of 19 years, or
- (b) he has attained the age of 19 years and has been permanently disabled throughout the period after his attaining that age or, where later, after the death of the relevant parent.

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Gratuity in lieu of child's allowance

Child whose relevant parent ceased to serve before 1st April 1987

6.—(1) This paragraph shall apply in the case of the child of a member of a police force who ceased to serve before 1st April 1987.

(2) In the case of such a child, Regulation E5 shall have effect as if paragraph (5) were omitted.

Part IV

Pensionable Service

Policeman who ceased to serve before 24th January 1975

Application of paragraphs 2 and 3 and reckoning of service etc. for purposes of awards

1.—(1) This paragraph and paragraphs 2 and 3 shall apply in the case of a member of a police force who ceased to serve as such before 24th January 1975.

(2) For the purposes of calculating an award payable to or in respect of such a member, Regulation A9 shall have effect subject to paragraphs 2 and 3 (without prejudice, however, in the case of an ordinary pension payable to such a widow as is mentioned in paragraph 2 of Part II of this Schedule, to the provisions of paragraph 5(5) of that Part).

Periods to be computed in completed years

2.—(1) This paragraph shall apply for the purposes mentioned in paragraph 1(2)—

(a) in the case of—

paragraphs 2 and 3 of Part III of Schedule B,
Part IV of Schedule B,
paragraph 1(4) of Part VII of Schedule B,
paragraph 5(3) of Part II of this Schedule, and
paragraph 2(4) of Part III of this Schedule;

(b) without prejudice to paragraph 3(3), in the case of—

Part II of Schedule B,
paragraph 4 of Part III of Schedule B,
paragraph 3 of Part VI of Schedule B,
paragraph 5(1) of Part II of this Schedule, and
paragraph 2(3) of Part III of this Schedule;

(c) without prejudice to paragraph 3(5), in the case of—

paragraph 8 of Part II of this Schedule,
paragraph 3 of Part III of this Schedule.

(2) Save as otherwise provided in paragraph 3(3) or (5), in the case of the provisions listed in sub-paragraph (1), a period shall be computed in completed years and, accordingly, a part of a year shall be ignored.

Periods to be computed in completed half-years

3.—(1) This paragraph shall, in the case of the provisions hereinafter mentioned, apply for the purposes mentioned in paragraph 1(2).

(2) In the case of paragraph 1 of Part I of Schedule B, the period in years by which a period exceeds 25 years shall be computed in half-years.

(3) In the case of the provisions listed in paragraph 2(1)(b) of this Part, the period in years by which a period exceeds 20 years shall be computed in half-years.

(4) In the case of paragraph 5(2)(b) of Part II of this Schedule, a half of a person's pre-1972 pensionable service shall be computed in half-years.

(5) In the case of the provisions listed in paragraph 2(1)(c) of this Part, in so far as a period exceeds 20 years it shall be computed in half-years.

(6) Where in accordance with any of the preceding sub-paragraphs a period falls to be computed in half-years, it shall be computed in completed half-years and accordingly—

- (a) a part of a year less than half shall be ignored, and
- (b) a period of a year exceeding a half shall be treated as a half.

Policeman with service or employment both before, and on or after, 6th April 1978

Application of Regulation F4 or F5 to policeman who has relinquished deferred pension under paragraph 8 of Part I of this Schedule

4.—(1) This paragraph shall apply in the case of such a regular policeman as is mentioned in sub-paragraph (1) of paragraph 8 of Part I of this Schedule (“the principal paragraph”) who—

- (a) has exercised the right of election conferred by sub-paragraph (2) of that paragraph and has become entitled to such a deferred pension as is mentioned in sub-paragraph (6)(b) thereof, but
- (b) has relinquished his entitlement to that pension by written notice given to the police authority for the purposes of Regulation F4 or F5 (*previous service reckonable on payment or at discretion of police authority*).

(2) In the case of such a policeman, no account shall be taken for the purposes of Regulation F4(3) or F5(3) of any additional or further contributions or of any additional or further payment by way of a lump sum of which account was taken for the purposes of an award under the principal paragraph by way of repayment of his aggregate contributions.

(3) Notwithstanding anything in Regulation F5(2), for the purposes of sub-paragraph (c) thereof where the police authority have exercised their discretion under sub-paragraph (a) thereof so as to allow such a policeman to reckon as pensionable service part only of the period first mentioned therein, “the proportionate part” shall mean that part which bears the same proportion to the whole as the first of the following periods bears to the second such period, namely—

- (a) the period of pensionable service the policeman is so allowed to reckon reduced by that taken into account under the principal paragraph for the purposes of calculating his deferred pension, and
- (b) the period of pensionable service first mentioned in sub-paragraph (a) of Regulation F5(2) so reduced.

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Policeman suspended before 15th February 1971

Pensionable service—period of suspension not reckonable

- 5.—(1) This paragraph shall apply in the case of a regular policeman who—
- (a) before 15th February 1971 was suspended under regulations from time to time in operation under section 4 of the Police Act 1919⁽¹⁰⁵⁾, section 11 of the Police (Scotland) Act 1956⁽¹⁰⁶⁾; section 33 of the Police Act 1964⁽¹⁰⁷⁾ or section 26 of the Police (Scotland) Act 1967⁽¹⁰⁸⁾, and
 - (b) did not return to duty at the end of the period of suspension without having been found guilty of an offence under such regulations.
- (2) Notwithstanding anything in Regulation F1, if the police authority so direct there shall not be reckonable by such a regular policeman the whole or such part of the period of suspension as may be specified in the direction.

Displaced chief constable

Pensionable service—added years in case of chief constable displaced under Police Act 1946 or corresponding Scottish enactments

- 6.—(1) This paragraph shall apply in the case of the chief constable of a force for a police area which was amalgamated with another police area by a scheme under the Police Act 1946⁽¹⁰⁹⁾ who was deemed to have retired under section 11(3) of that Act.
- (2) The reference in paragraph (1) to the chief constable of a force for a police area which was amalgamated includes a reference to a person who engaged for a tour of overseas service and, immediately before he so engaged, was the chief constable of the force for an area which, while he was so engaged, was amalgamated as mentioned in sub-paragraph (1) and any reference in this paragraph to section 11(3) of the Police Act 1946 includes a reference to that provision as applied by section 14(3)(a) of that Act.
- (3) Notwithstanding anything in Regulation F1—
- (a) if during the period of 3 months referred to in section 11(3) of the said Act of 1946 such a chief constable joined the combined police force he shall be entitled to treat the period during which he was in receipt of a salary thereunder as service in the combined force for the purposes of reckoning pensionable service;
 - (b) if during the said period of 3 months he did not join the combined force, the pensionable service reckonable by him at the expiration of that period shall be the pensionable service which he was entitled to reckon at the date when he was deemed to have retired with the addition of the said period of 3 months and also of the shortest of the following periods, namely—
 - (i) a period of 10 years,
 - (ii) the period between the date on which he was deemed to have retired from his force and the date on which he would, if he had continued to serve therein, have become entitled to reckon 30 years' pensionable service, and

⁽¹⁰⁵⁾1919 c. 16.

⁽¹⁰⁶⁾1956 c. 26.

⁽¹⁰⁷⁾1964 c. 48.

⁽¹⁰⁸⁾1967 c. 77.

⁽¹⁰⁹⁾1946 c. 46.

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(iii) the period between the date on which he was deemed to have so retired and the date on which he would (if alive) attain the age of 65 years.

(4) In the application of these Regulations to Scotland, references in this paragraph to the Police Act 1946 and to sections 11(3) and 14(3)(a) thereof shall be construed as references to—

- (a) the Police (Scotland) Act 1946⁽¹¹⁰⁾ and to sections 7(2) and 9(3)(a) thereof, respectively;
- (b) the Police (Scotland) Act 1956 and to sections 22(2) and 23(2) thereof, respectively, or,
- (c) the Police (Scotland) Act 1967 and to sections 23(2) and 24(2) thereof, respectively.

Policeman who became such before 1st April 1987

Calculation of pensionable service reckonable under Regulation F6

7.—(1) This paragraph shall apply in the case of a regular policeman entitled to reckon pensionable service under Regulation F6 by virtue of the receipt by the police authority of a transfer value which was paid or became payable before 1st April 1987.

(2) In relation to such a policeman the reference in paragraph 1(2) of Section 2 of Part II of Schedule F to state retirement pensions shall be construed as a reference to state retirement pensions under section 28 of the Social Security Act 1975⁽¹¹¹⁾ section 24 of the Social Security Act 1973⁽¹¹²⁾ or section 30 of the National Insurance Act 1965⁽¹¹³⁾.

Part V

Transfer Values

Policeman who last became such before 6th April 1978

Transfer value payable between police authorities

1.—(1) This paragraph shall apply in the case of a regular policeman who becomes entitled to reckon pensionable service in the circumstances mentioned in paragraph (2) of Regulation F5 by virtue thereof where, before becoming so entitled, he last became a regular policeman before 6th April 1978.

(2) In the case of such a regular policeman Regulation F8(2) shall have effect as if it authorised but did not require the payment of a transfer value by the former police authority to the current police authority.

(3) Where such a regular policeman's former police authority, in pursuance of sub-paragraph (2), do not pay a transfer value but he has relinquished (as mentioned in Regulation F5(3)) a deferred pension with which he ceased to serve in his former force, the former police authority shall pay to the current police authority a sum equal to the award by way of repayment of his aggregate pension contributions in respect of the relevant period of service which would have been payable to him had he ceased to serve in circumstances entitling him to such an award:

Provided that where any sum is repaid to the policeman under Regulation F5(3) the payment to the current police authority shall be reduced by that sum.

⁽¹¹⁰⁾ 1946 c. 71.

⁽¹¹¹⁾ 1975 c. 14.

⁽¹¹²⁾ 1973 c. 38.

⁽¹¹³⁾ 1965 c. 51.

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Person who ceased to be a member of a police force before 1st April 1977

transfer value in respect of person who ceased to be a member of a police force before 1st April 1977

2.—(1) This paragraph shall apply in the case of a regular policeman who ceased to serve as a member of a police force before 1st April 1977 and in respect of whom a transfer value is payable.

(2) In the case of such a regular policeman, in calculating a transfer value in accordance with Sections 1 and 3 of Part II of Schedule F, he shall be treated for the purposes of determining the increase in the transfer value under paragraph 11(2) of the said Section 1 as if he had ceased to be a member of his former force on 1st April 1977 but the transfer value shall be further increased by an amount equal to compound interest thereon (disregarding the increase under the said paragraph 11(2)) at the rate of 6% for each complete year in the period beginning with the date he ceased to be a member of his former force and ending with 31st March 1977 (disregarding any fraction of a year).

Transfer value in respect of policeman who ceased to serve before 24th January 1975

3.—(1) This paragraph shall apply in the case of a regular policeman who—

- (a) ceased to serve as a member of his former force before 24th January 1975;
- (b) was entitled to reckon less than a year's pensionable service immediately before he ceased so to serve, and
- (c) in respect of whom a transfer value is payable under Regulation F8 or F9.

(2) In respect of such a regular policeman a transfer value calculated in accordance with Sections 1 and 3 of Part II of Schedule F shall be the appropriate proportion of the transfer value which would have been payable under Regulation F8 or F9 if he had been so entitled to reckon a year's pensionable service, that is to say, the proportion which the pensionable service he was so entitled to reckon bears to a year.

Part VI

Pensionable Pay and Contributions Etc.

Notional pensionable pay

Certain senior officers with service on or after 1st August 1975

1.—(1) This paragraph shall apply in the case of a regular policeman of a rank above that of superintendent who has served as such during a period beginning on or after 1st August 1975 ("the relevant period").

(2) Notwithstanding anything in these Regulations, an award to or in respect of such a regular policeman shall not be less than it would have been had the pay to which he was entitled as a member of a police force, in respect of the relevant period, fallen to be calculated in accordance with the scale of pay in force immediately before 1st August 1975 for a member of that force holding the rank, or the rank and office, held by him during the relevant period:

Provided that where the award is an ordinary pension which falls to be reduced in accordance with paragraph 6 of Part VIII of Schedule B, the reduction shall be calculated without regard to this paragraph.

Policeman with service between 31st August 1978 and 1st May 1979

2.—(1) This paragraph shall apply in the case of a member of a police force who has served as such for any period beginning on or after 1st September 1978 and ending before 1st May 1979 (“the relevant period”).

(2) Notwithstanding anything in these Regulations, an award to or in respect of such a regular policeman shall be calculated as if the pay to which he was entitled in respect of the relevant period had been that to which a regular policeman would have been entitled in respect of a corresponding period beginning with 1st May 1979, disregarding any increase in pay which took effect after that date, if his circumstances had been identical to those during the relevant period of the regular policeman concerned.

Transferred member of the British Airports Authority constabulary

Payments by way of special contributions or reduction in pension

3.—(1) This paragraph shall apply in the case of a regular policeman entitled to reckon pensionable service by virtue of Regulation F3(1)(f) (*British Airports Authority constabulary service*) and, in this paragraph, “the Airports Scheme” means the superannuation scheme applicable to him before his transfer from the said constabulary.

(2) Where such a regular policeman elected, in accordance with paragraph (2)(b) of Regulation 61A of the Regulations of 1973, to pay special contributions and his liability thereunder to pay those contributions did not cease before 1st April 1987, he shall continue to pay special contributions until he attains the age of 50 years or sooner retires, and those contributions shall be so payable at the rate, expressed as a percentage of pensionable pay, at which they were payable under the said Regulation 61A before 1st April 1987.

(3) Where immediately before retiring when entitled to an ordinary pension such a regular policeman was paying special contributions under this paragraph or under the said Regulation 61A, paragraph 6 of Part VIII of Schedule B shall have effect in relation to his ordinary pension as if any reference therein to additional or further contributions in pursuance of an election under Regulation 58(2) or (3) of the Regulations of 1973 included a reference to such special contributions.

(4) Where such a regular policeman—

- (a) before his transfer was granted a back service credit within the meaning of the Airports Scheme,
- (b) has been married at any time during his membership of that Scheme or while entitled to reckon pensionable service by virtue of Regulation F3(1)(f) or of Regulation 48(f) of the Regulations of 1973, and
- (c) did not elect, in accordance with Regulation 61A(2)(a) or (b) of the Regulations of 1973, to make a special payment or to pay special contributions,

any ordinary, short service, ill-health or deferred pension (other than a deferred pension in pursuance of paragraph 8(6)(b) of Part I of this Schedule) payable to him shall be reduced by such percentage, determined by the Government Actuary or in accordance with tables prepared by him, that the reduction is the actuarial equivalent of the amount certified by BAA plc to be the actuarial equivalent at the date of his transfer of the contributions requisite under the Airports Scheme for securing family benefits in respect of the back service credit (after taking account of any payments made by him, or on his behalf, for that purpose before that date) subject, however, to sub-paragraph (5).

(5) Where the back service credit exceeded the previous service by reason of which it was given (otherwise than by reason of that service being wholly or partly service in a particular territory overseas), for the purposes of the certificate mentioned in sub-paragraph (4)—

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- (a) account shall be taken of that part only of the back service credit which does not exceed the previous service, but
 - (b) any payments made before the date of transfer for the purpose of securing family benefits in respect of the back service credit shall be treated as having been made in respect of that part.
- (6) Except where the context otherwise requires, in the case of such a regular policeman any reference in these Regulations—
- (a) to additional or further contributions shall be construed as including a reference to special contributions under this paragraph or Regulation 61A of the Regulations of 1973;
 - (b) to an additional or further payment by way of a lump sum shall be construed as including a reference to a special payment by way of a lump sum under the said Regulation 61A;
 - (c) to the reduction of a pension in accordance with Part VIII of Schedule B shall be construed as including a reference to such a reduction in accordance with the said Part VIII as it has effect in pursuance of sub-paragraph (3).

Part VII

General and Additional Provisions

Construction of references

Certain civilian employees treated as members of the City of London police force

1. These Regulations shall apply in the case of a person who on 5th July 1948 was a clerk or other person employed in, or in connection with, the City of London police force as if he were a member of that force.

Police authority for Northern Ireland before 15th February 1971

2. In these Regulations any reference to the Police Authority for Northern Ireland includes, in relation to a period before 15th February 1971, a reference to the Ministry of Home Affairs for Northern Ireland.

References to the police authority and to the Secretary of State in relation to overseas policemen in relation to period 1st April 1968 to 12th November 1970

3. As respects anything done on or after 1st April 1968 but before 12th November 1970 in relation to an overseas policeman—

- (a) any reference in these Regulations to the police authority, and
- (b) any reference in Regulation A6 or B2(1)(b) to the Secretary of State, shall be construed as including a reference to the Minister of Overseas Development.

References to Social Security Act 1975 in relation to time before its coming into force

4.—(1) This paragraph shall apply in the case of—

- (a) a member of a police force who ceased to serve as such before the coming into force of the provisions of the Social Security Act 1975 referred to in paragraph 4 of Part V of Schedule B (*policeman's injury award*), or

(b) a widow whose husband died before the coming into force of the provisions of that Act referred to in paragraph 2 of Part II of Schedule C (*widow's special pension*).

(2) In the case of any such member of a police force or any such widow, any reference in paragraph 4 of Part V of Schedule B or, as the case may be, paragraph 2 of Part II of Schedule C to a provision of the said Act of 1975 shall, in relation to a time before the coming into force thereof, be construed as including a reference to the corresponding enactment then in force and, accordingly, any such reference to a provision of the said Act of 1975 specified in the first column of the following Table shall be so construed as including a reference to the enactment specified opposite thereto in the second column of that Table.

Table

Provision of Social Security Act 1975	Corresponding earlier enactment
Section 14	Section 19 of the National Insurance Act 1965(114) or section 10 of the Social Security Act 1973(115)
Section 15	Section 3 of the National Insurance Act 1971(116) or section 11 of the Social Security Act 1973
Section 26	Section 28 of the National Insurance Act 1965 or section 21 of the Social Security Act 1973
Section 57	Section 12 of the National Insurance (Industrial Injuries) Act 1965(117)
Section 58	Section 13 of the said Act of 1965
Section 59	Section 13A of the said Act of 1965
Section 60	Section 14 of the said Act of 1965
Section 62	Section 16 of the said Act of 1965
Section 64	Section 17 of the said Act of 1965
Section 66	Section 18 of the said Act of 1965
Section 67	Section 19 of the said Act of 1965
Part I of Schedule 4	Part I of Schedule 3 to the National Insurance Act 1965 or Part I of Schedule 4 to the Social Security Act 1973

Displaced chief constable

Chief constable affected by an amalgamation scheme under the Police Act 1946 or corresponding Scottish enactments

5.—(1) This paragraph shall apply in the case of a chief constable of an area that has been amalgamated with another area by a scheme made under the Police Act 1946(**118**).

(2) Where such a chief constable—

(114) 1965 c. 51.

(115) 1973 c. 38.

(116) 1971 c. 50.

(117) 1965 c. 52; s. 13A inserted by 1971 c. 50, s. 9.

(118) 1946 c. 46.

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(a) was transferred to the combined police force in pursuance of an agreement made by him before the date of the transfer, or

(b) joined that force within the period of 3 months beginning with the date of transfer, in any capacity other than that of chief constable or assistant chief constable, then, subject to any agreement to the contrary made between him and the police authority for the combined area, he shall be treated for the purposes of Regulations A18 and B1 as if, while serving in that force, he were a chief constable.

(3) Where such a chief constable—

- (a) was not transferred to the combined police force by the scheme, and
- (b) did not join that force during the period of 3 months referred to in section 11(3) of the said Act of 1946 or, as the case may be, that provision as applied by section 14(3)(a) of that Act,

these Regulations shall apply as though he had retired at the end of that period from the force of which he was a chief constable and, for the purposes of Regulations B2(1) and B7(4)(b), as though the circumstances of the retirement were mentioned in Regulation B2(1)(a).

(4) In the application of these Regulations to Scotland—

- (a) references in this paragraph to the Police Act 1946 and to sections 11(3) and 14(3)(a) thereof shall be construed as references to—
 - (i) the Police (Scotland) Act 1946⁽¹¹⁹⁾ and to sections 7(2) and 9(3)(a) thereof, respectively,
 - (ii) the Police (Scotland) Act 1956⁽¹²⁰⁾ and to sections 22(2) and 23(2) thereof, respectively, or
 - (iii) the Police (Scotland) Act 1967⁽¹²¹⁾ and to sections 23(2) and 24(2) thereof, respectively,

the reference in sub-paragraph (2) to the police authority for the combined area shall be construed as a reference to the joint police committee for that area and references in this paragraph to things done in the past shall include references to things done in the future;

- (b) in relation to such a chief constable as is mentioned in sub-paragraph (3) and without prejudice thereto, Regulation B1 shall have effect as if—
 - (i) paragraph (2) thereof were omitted, and
 - (ii) the limitation imposed by paragraph (5) thereof on the making of payments in respect of a pension before a person has attained the age of 50 years did not apply, and
- (c) for the purposes of calculating a pension payable by virtue hereof in the circumstances mentioned in sub-paragraph (3) to the chief constable of an area which has been amalgamated with another area by a scheme made under the Police (Scotland) Act 1967, his average pensionable pay shall include—
 - (i) where he was immediately before the date on which the area was amalgamated in receipt of a rent allowance the annual rate of that rent allowance,
 - (ii) where he was immediately before the said date provided with a house or quarters free of rent and rates, the annual worth of the house or quarters as determined in their discretion by the police authority of the force of which he was chief constable,

but, in respect of any period beyond state pensionable age the unsecured portion of such a pension shall be reduced to such amount that the pension is payable at the rate at which

⁽¹¹⁹⁾ 1946 c. 71.

⁽¹²⁰⁾ 1956 c. 26.

⁽¹²¹⁾ 1967 c. 77.

it would have been payable had the chief constable's average pensionable pay not been so increased.

Chief constable affected by local government re-organisation or an amalgamation scheme under the Police Act 1964

6.—(1) This paragraph shall apply in the case of a chief constable of a police force who becomes or has become a member of another force ("the successor force") by virtue of an order mentioned in sub-paragraph (4) and section 58(1) of the Police Act 1964⁽¹²²⁾.

(2) In relation to such a member of a police force who suffers loss of office as such which is attributable to the provisions of an order mentioned in sub-paragraph (4)—

- (a) these Regulations shall apply as though he had retired from the successor force, having given to the police authority 3 months' written notice of his intention to retire;
- (b) where he becomes a member of another police force on or before the end of his resettlement period, Regulation F2 shall apply as though he had become a member of that other force immediately after ceasing to be a member of the successor force, and
- (c) where he was serving as a chief constable on 1st July 1964, Regulation B1 shall apply as though paragraph (2)(b) thereof were omitted and, for the purposes of Regulation B2(1) and B7(4)(b), he shall be treated as though he had retired in the circumstances mentioned in Regulation B2(1)(a).

(3) In relation to such a member of a police force as is mentioned in sub-paragraph (1) who suffers reduction in rank attributable to the provisions of an order mentioned in sub-paragraph (4), Regulation A18 shall apply as though he had not suffered such reduction in rank, unless he elects otherwise in writing to the police authority.

(4) Any reference in this paragraph to an order mentioned in this sub-paragraph is a reference to an order under Part I of the Police Act 1964 or Part II of the Local Government Act 1958⁽¹²³⁾; and the reference in sub-paragraph (2)(b) to a person's resettlement period is a reference to the period of 13 weeks next succeeding the week in which he ceased to be a member of the successor force or, in the case of a person who has attained the age of 45 years, the said 13 weeks extended by an additional week for every year of his age after attaining the age of 45 years and before he ceased to be a member of that force, subject to a maximum extension of 13 such weeks.

Miscellaneous

Member of an overseas corps with previous service outside Great Britain

7. Notwithstanding anything in these Regulations, where the Secretary of State is satisfied that a member of an overseas corps before becoming such had been engaged in the performance of police duties in any country or territory outside Great Britain, and that under legislation in force in that country or territory grants were, at the time he became such a member, payable to or in respect of persons similarly engaged on their retirement or, as the case may be, death, the Secretary of State may in accordance with any agreement made with that person in consideration of his becoming a member of an overseas corps, pay awards, in addition to any award payable under these Regulations, to or in respect of that person, on such conditions and of such a nature and amount as will ensure that the awards and any grants under the said legislation taken together are on the whole not less favourable to the person concerned than they would have been if the said police duties had been performed as a regular member of a home police force and the member of the overseas corps had been a reversionary member of a home police force.

⁽¹²²⁾1964 c. 48.

⁽¹²³⁾1958 c. 55.

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Former lieutenant in Scottish police force

8. Where a member of a Scottish police force immediately before 5th July 1948 held the rank of lieutenant and on ceasing to be a member of a police force held the rank of chief inspector, his widow and any child of his shall be entitled to receive the like awards as if, on ceasing to be a member of a police force, he had held the rank of superintendent.

Lincolnshire

9. Notwithstanding anything in these Regulations, the police forces maintained before 1st April 1967 for the three divisions of Lincolnshire shall be treated for the purposes of these Regulations as having been one force and Regulation A15 shall have effect accordingly.

River Tyne police force

10. In relation to a person who served as a member of the River Tyne police force (which was dissolved on 1st July 1968 by the Port of Tyne Reorganisation Scheme 1967(124)), the police force for the Durham police area shall for the purposes of these Regulations, be deemed to be the same force as the River Tyne police force.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the Police Pensions Regulations 1973 and the regulations amending those Regulations. Those Regulations are revoked by the Police Pensions (Supplementary Provisions) Regulations 1987 (S.I. 1987/256), which also provide for the present Regulations to come into force on 1st April 1987 and contain transitional provisions.

Some apparent changes constitute no more than the omission of spent provisions. For example, Part G is considerably shorter than Part VI of the 1973 Regulations, because all the provisions which related to the making of elections and the payment of lump sums (which had to be completed in 1973) have been omitted.

There are apparent changes which constitute no more than the spelling out of something which was to be implied in the Regulations of 1973. Regulation A9(2) is an example of such an express provision.

A number of changes, however, affect the substance of the Regulations.

Under Regulation B7, the time at which a policeman may commute a portion of a pension which does not come into payment immediately on his retirement is related to the date on which it comes into payment and not his retirement date (transitory provisions are contained in paragraph 4 of Part I of Schedule J). Paragraph (4)(a)(ii) of that Regulation provides that, in determining the portion of a pension which may be commuted, any reduction at state pensionable age is to be disregarded (see, also, as respects both commutation and allocation, Regulation B10). The provisions of Regulation B8 relating to the commutation of small pensions apply to pensions of an annual amount not exceeding £104, instead of £52.

(124) S.I. 1968/942.

Where a policeman retired with an entitlement to an ill-health gratuity which he relinquished on transferring his pension rights to some other scheme, under Regulation C1 his widow is no longer entitled to an ordinary pension should he die from the disablement which occasioned his retirement (the widows of policemen who have already retired are protected by paragraph 1 of Part II of Schedule J). Regulation D1 (and paragraph 1 of Part III of Schedule J) provides similarly in the case of a child's ordinary allowance.

Under Regulation C4, a widow is entitled to an accrued pension even though her husband's deferred pension may have been commuted under Regulation B8.

Regulation E2 permits the grant of a gratuity to a dependent relative notwithstanding that an award is payable under Regulation B9(9).

Changes are made in Regulations E4, E5 and E6 as respects the commutation of a widow's pension or child's allowance for a gratuity (paragraph 9 of Part II, and paragraph 6 of Part III, of Schedule J contain safeguards where the husband or parent has already ceased to serve).

Regulation E7 relaxes the provisions as respects the non-duplication of awards to widows and children where the awards are in respect of different policemen or different periods of service.

Changes are made in Regulation E8 affecting the increase of a widow's pension during the first 13 weeks of widowhood (see, also, Regulation C6 and paragraph 10 of Part II of Schedule J).

The provisions of Regulation F3(2) relating to the counting of service by policemen who transfer in a leap-year are extended to policemen who transfer from the Royal Ulster Constabulary.

Pension contributions are no longer payable under Regulation G2 by anyone other than regular policemen, who are the only members entitled to full pension benefits under the Regulations.

A policeman who is entitled to a deferred pension is excluded from the benefit of Regulation K1(5) and a payment thereunder takes account of any pension entitlement under Regulation J1 (see, however, paragraph 5 of Part I of Schedule J).

Regulation L2 provides for the payment of a transfer value out of the metropolitan police funds into the Consolidated Fund on a member of the metropolitan police force becoming commissioner.

Regulation L4 increases the amount which may be paid without probate where a person entitled to an award dies.

Part V of Schedule B provides (subject to paragraph 7 of Part I of Schedule J in the case of a policeman who has already ceased to serve) that in calculating an injury award account shall be taken of a social security severe disablement allowance or of sickness benefit payable by virtue of section 50A of the Social Security Act 1975 (1975 c. 14, as amended by 1982 c. 24, s. 39).

The provisions of Part IV of Schedule C relating to a widow's award in case of a post-retirement marriage deal with an exceptional case not dealt with by the Regulations of 1973.

Paragraph 1(5)(b) of Part I of Schedule D incorporates changes which, in particular circumstances, are favourable to a child entitled to an ordinary allowance. (Where changes might prove unfavourable, paragraph 1(3) of Part III of Schedule J contains safeguards where the parent has already ceased to serve.)

Part III of Schedule E enables a child with no parent or guardian himself to agree the amount of a gratuity under Regulation E5.

A change of limited application is made in paragraph 9 of Part I of Schedule J as respects policemen who might become entitled to a pension by way of equivalent pension benefit.

Changes of limited application are made in Part II of Schedule J as respects widows' ordinary pensions.

The structure of the present Regulations and the changes made thereby are discussed in detail in the Memorandum on the Police Pensions Regulations 1987: changes made on consolidation, copies of which are being sent to all police authorities under cover of H.O. Circular 1987/20 and Scottish

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Office Superannuation (Police Services) Circular 1987/2. Any person with an interest in the present Regulations will, on request and without charge, be supplied with a copy of that memorandum; requests should be addressed to Finance Division 2, Home Office, Queen Anne's Gate, London SW1H 9AT, or Scottish Office Superannuation Division, St. Margaret's House, 151 London Road, Edinburgh EH8 7TG, as the case may be.