

## 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.

###### *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.

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*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(1) 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(2), 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.

(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.

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(1) S.I. 1971/232.

(2) 1975 c. 14; s. 50A inserted by 1982 c. 24, s. 39.

(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<sup>(3)</sup>, 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 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—

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(3) [S.I. 1987/256](#).

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- (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(4), 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,

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(4) [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<sup>(5)</sup>, 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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(5) 1921 c. 31.

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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(6).

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(6) [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(7).

(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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(7) 1921 c. 31.

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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<sup>(8)</sup>, section 11 of the Police (Scotland) Act 1956<sup>(9)</sup>; section 33 of the Police Act 1964<sup>(10)</sup> or section 26 of the Police (Scotland) Act 1967<sup>(11)</sup>, 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<sup>(12)</sup> 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

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(8) 1919 c. 16.  
 (9) 1956 c. 26.  
 (10) 1964 c. 48.  
 (11) 1967 c. 77.  
 (12) 1946 c. 46.

(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(13) 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(14) section 24 of the Social Security Act 1973(15) or section 30 of the National Insurance Act 1965(16).

## **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.

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(13) 1946 c. 71.

(14) 1975 c. 14.

(15) 1973 c. 38.

(16) 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

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(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 <sup>(17)</sup> or section 10 of the Social Security Act 1973 <sup>(18)</sup>
Section 15	Section 3 of the National Insurance Act 1971 <sup>(19)</sup> 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 <sup>(20)</sup>
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<sup>(21)</sup>.

(2) Where such a chief constable—

<sup>(17)</sup> 1965 c. 51.

<sup>(18)</sup> 1973 c. 38.

<sup>(19)</sup> 1971 c. 50.

<sup>(20)</sup> 1965 c. 52; s. 13A inserted by 1971 c. 50, s. 9.

<sup>(21)</sup> 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<sup>(22)</sup> and to sections 7(2) and 9(3)(a) thereof, respectively,
- (ii) the Police (Scotland) Act 1956<sup>(23)</sup> and to sections 22(2) and 23(2) thereof, respectively, or
- (iii) the Police (Scotland) Act 1967<sup>(24)</sup> 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

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<sup>(22)</sup> 1946 c. 71.

<sup>(23)</sup> 1956 c. 26.

<sup>(24)</sup> 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<sup>(25)</sup>.

(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<sup>(26)</sup>; 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.

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(25) 1964 c. 48.

(26) 1958 c. 55.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **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(27)), 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.

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(27) S.I. 1968/942.