

SCHEDULE J

Special Cases—Exceptions and Modifications

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).

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(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.

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—

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- (a) before 15th February 1971 was suspended under regulations from time to time in operation under section 4 of the Police Act 1919(1), section 11 of the Police (Scotland) Act 1956(2); section 33 of the Police Act 1964(3) or section 26 of the Police (Scotland) Act 1967(4), 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(5) 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
 - (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(6) 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,

(1) 1919 c. 16.
(2) 1956 c. 26.
(3) 1964 c. 48.
(4) 1967 c. 77.
(5) 1946 c. 46.
(6) 1946 c. 71.

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(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(7) section 24 of the Social Security Act 1973(8) or section 30 of the National Insurance Act 1965(9).

(7) 1975 c. 14.
(8) 1973 c. 38.
(9) 1965 c. 51.