

SCHEDULE J

Special Cases—Exceptions and Modifications

Part VII

General and Additional Provisions

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(1).

(2) Where such a chief constable—

(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(2) and to sections 7(2) and 9(3)(a) thereof, respectively,

(ii) the Police (Scotland) Act 1956(3) and to sections 22(2) and 23(2) thereof, respectively, or

(iii) the Police (Scotland) Act 1967(4) 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;

(1) 1946 c. 46.

(2) 1946 c. 71.

(3) 1956 c. 26.

(4) 1967 c. 77.

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- (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 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⁽⁵⁾.

(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⁽⁶⁾; 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

(5) 1964 c. 48.

(6) 1958 c. 55.

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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.