

## SCHEDULE J

### Special Cases—Exceptions and Modifications

#### 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.

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**Table**

Provision of Social Security Act 1975	Corresponding earlier enactment
Section 14	Section 19 of the National Insurance Act 1965 <sup>(1)</sup> or section 10 of the Social Security Act 1973 <sup>(2)</sup>
Section 15	Section 3 of the National Insurance Act 1971 <sup>(3)</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>(4)</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>(5)</sup>.

(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

(1) 1965 c. 51.

(2) 1973 c. 38.

(3) 1971 c. 50.

(4) 1965 c. 52; s. 13A inserted by 1971 c. 50, s. 9.

(5) 1946 c. 46.

(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>(6)</sup> and to sections 7(2) and 9(3)(a) thereof, respectively,

(ii) the Police (Scotland) Act 1956<sup>(7)</sup> and to sections 22(2) and 23(2) thereof, respectively, or

(iii) the Police (Scotland) Act 1967<sup>(8)</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 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>(9)</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)—

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(6) 1946 c. 71.

(7) 1956 c. 26.

(8) 1967 c. 77.

(9) 1964 c. 48.

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- (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(10); 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.

#### **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.

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(10) 1958 c. 55.

### **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(**11**)), 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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(11) S.I. 1968/942.