

2012 No. 2954

POLICE, ENGLAND AND WALES

PENSIONS, ENGLAND AND WALES

The Police (Descriptions of Service) Order 2012

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| <i>Made</i> - - - - | <i>26th November 2012</i> |
| <i>Laid before Parliament</i> | <i>28th November 2012</i> |
| <i>Coming into force</i> - - | <i>21st December 2012</i> |

The Secretary of State makes the following Order in exercise of the powers conferred by section 11A(1) of the Police Pensions Act 1976(a) and section 97A(1) of the Police Act 1996(b).

In accordance with section 63(3) of the Police Act 1996(c), the Secretary of State supplied a draft of this Order to the Police Advisory Board for England and Wales and took their representations into consideration before the Order was made.

Citation, commencement and extent

- 1.—(1) This Order may be cited as the Police (Descriptions of Service) Order 2012.
- (2) This Order comes into force on 21st December 2012.
- (3) This Order extends to England and Wales.

Amendments to the Police Pensions Act 1976

- 2.—(1) The Police Pensions Act 1976 is amended as follows.
- (2) In section 7(2) (persons eligible for police pensions)(d) after paragraph (d) insert—
 - “(e) a person serving as a senior NCA officer;
 - (f) a person serving as Chief Executive of the body known as the College of Policing;”.

(a) 1976 c. 35. Section 11A was inserted by section 10(2) of the Policing and Crime Act 2009 (c. 26), and extends to England and Wales.

(b) 1996 c. 16. Again section 97A was inserted by section 10(2) of the Policing and Crime Act 2009 and extends to England and Wales.

(c) Section 63(3) was amended by section 10(3) of the Policing and Crime Act 2009 so as to apply to an order made under section 11A of the Police Pensions Act 1976 or section 97A of the Police Act 1996.

(d) Section 7(2) was amended by the Police and Magistrates’ Courts Act 1994 (c. 29), the Police Act 1996, the Police (Northern Ireland) Act 2000 (c. 32), the Criminal Justice and Police Act 2001 (c. 16), the International Development Act 2002 (c. 1), the Serious Organised Crime and Police Act 2005 (c. 15), the Safeguarding Vulnerable Groups Act 2006 (c. 47), the Police and Justice Act 2006 (c. 48) and S.I. 2010/899 so as to reflect the addition of further descriptions of service to section 11(1) by virtue of the same enactments.

- (3) In section 11 (interpretation)(a)—
- (a) in subsection (1) (references to membership of a police force etc), at the end insert—
 - “(d) service as a senior NCA officer;
 - (e) service as Chief Executive of the body known as the College of Policing.”;
 - (b) in subsection (2A)(b) (identity of police pension authority and pension supervising authority), for “or (c)” substitute “, (c) or (d)”;
 - (c) at the end of subsection (2A) insert—
 - “(i) in relation to any service such as is mentioned in subsection (1)(e) or any service of the kind described in section 97(1)(i) of the Police Act 1996, “police pension authority” or “pension supervising authority” means the body known as the College of Policing.”;
 - (d) in subsection (3) (meaning of “police force”)—
 - (i) in paragraph (b), for “or (c)” substitute “(c), (d) or (e)”;
 - (ii) after “service such as is mentioned in subsection (1)(bh)” insert “or (d)”;
 - (e) in subsection (5), after the definition of “pension rights” insert—
 - ““senior NCA officer” means—
 - (a) the Director General and Deputy Director General of the body known as the National Crime Agency;
 - (b) the officers of that body who report directly to the Director General or Deputy Director General; and
 - (c) the Head of the National Cyber Crime Unit in that body;”;
 - (f) After subsection (8) insert—
 - “(8A) References in this Act to a senior NCA officer or the Chief Executive of the body known as the College of Policing, and to service as such, have effect only in relation to cases where the person in question is (immediately before beginning that service) a member, or eligible to be a member, of a pension scheme provided for under section 1 above or section 25(2)(k) or 26(2)(g) of the Police (Northern Ireland) Act 1998(b).”.

Amendments to the Police Act 1996

3.—(1) Section 97 of the Police Act 1996 (police officers engaged on service outside their force)(c) is amended as follows.

- (2) In subsection (1) (relevant service), at the end insert—
 - “(i) temporary service with the body known as the College of Policing on which a person is engaged with the consent of the appropriate authority;”.
- (3) In subsection (6) (discipline), in paragraph (a), for “or (h)” substitute “, (h) or (i),”.
- (4) In subsection (8) (office of constable etc), for “or (d)” substitute “, (d) or (i)”.

(a) Section 11(1) was amended as described in the footnote relating to section 7(2); consequential amendments were made by the same enactments to sections 11(2) and (3). Section 11(2) was further amended and divided, creating section 11(2A), by the Police Reform and Social Responsibility Act 2011 (c. 13).

(b) 1998 c. 32. Sections 25(2)(k) and 26(2)(g) were amended by paragraph 23 of Schedule 6 to the Police (Northern Ireland) Act 2000.

(c) Section 97(1) was amended by the Police Act 1997 (c. 50), the Police (Northern Ireland) Act 1998, the Police (Northern Ireland) Act 2000, the Criminal Justice and Police Act 2001, the Proceeds of Crime Act 2002 (c. 29), the Police Reform Act 2002 (c. 30), the International Development Act 2002, the Serious Organised Crime and Police Act 2005, the Police and Justice Act 2006, the Safeguarding Vulnerable Groups Act 2006, the Serious Crime Act 2007 (c. 27), the Policing and Crime Act 2009 and S.I. 2007/1098 in order to add, vary or remove descriptions of service. Consequential amendments were made by some of these enactments to section 97(6) and (8).

Amendments to the Police Pensions Regulations 1987

4.—(1) Schedule A to the Police Pensions Regulations 1987^(a) (glossary of expressions) is amended as follows^(b).

- (2) In the definition of “member of a police force”, after sub-paragraph (g) insert—
- “(h) a senior NCA officer;
 - (i) the chief executive of the body known as the College of Policing;”.
- (3) In the definition of “regular policeman”, after sub-paragraph (f) insert—
- “(g) a senior NCA officer;
 - (h) the chief executive of the body known as the College of Policing;”.
- (4) After the definition of “secured portion” and “unsecured portion”, insert—
- ““senior NCA officer” means—
 - (a) the Director General and Deputy Director General of the body known as the National Crime Agency;
 - (b) the officers of that body who report directly to the Director General or Deputy Director General; and
 - (c) the Head of the National Cyber Crime Unit in that body;”.

Home Office
26th November 2012

Jeremy Browne
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

In June 2011 the Government published “The National Crime Agency: A Plan for the Creation of a National Crime-Fighting Capability”. The Crime and Courts Bill^(c) makes provision for the creation of the agency, including provision in relation to the police pensions eligibility of members of the agency’s staff. Pending the coming into force of the Crime and Courts Bill, the Government is taking preliminary steps towards the establishment of the agency including the appointment of senior staff to oversee its development.

In a Written Ministerial Statement entitled “The Future of the National Policing Improvement Agency” and made on 15th December 2011 the Home Secretary announced the intention to create a new police professional body. The role of the body will be to lead work to set and assure the standards that will enhance the development of professionalism in policing, for example by supporting the education and professional development of police officers and staff. The body, called the College of Policing, is to be incorporated as a company limited by guarantee, and will be put on a statutory footing in due course. The Government is again taking preliminary steps including the appointment of senior staff.

(a) S.I. 1987/257. Relevant amendments were made to Schedule A by S.I. 2000/1549, S.I. 2008/1887 and S.I. 2009/2060.

(b) Consequential, incidental or supplemental provision, including provision amending any enactment, is permitted by section 11A(2) and (3) of the Police Pensions Act 1976.

(c) HL Bill 4.

The Police Pensions Act 1976 (“the 1976 Act”) makes provision for pensions to be paid to and in respect of members of police forces. Section 11(1) provides that, for the purposes of the Act, membership of a police force or service or employment in a police force includes external service of various kinds.

This Order amends section 11(1) of the 1976 Act by the addition, to the kinds of service which constitute membership of a police force, of service in senior posts in the National Crime Agency and the College of Policing. By virtue of a new section 11(8A) inserted by this Order, such service only counts as membership of a police force if the person concerned was a member, or eligible to be a member, of a police pension scheme immediately before beginning the service.

The Order also makes supplementary amendments to section 7 and 11 of the 1976 Act to allow police pensions regulations to make provision in relation to the payment of the contributions and pension of the persons serving in these posts, and to define the police pension authority, pension supervising authority and police force in relation to those persons for the purposes of the 1976 Act. In the case of the National Crime Agency, the Secretary of State is treated as the police pension authority and pension supervising authority, and the Home Office is treated as the police force. In the case of the College of Policing, the body itself is treated as the police pension authority, pension supervising authority and police force.

The Order makes consequential amendments to the Police Pensions Regulations 1987.

Section 97 of the Police Act 1996 (“the 1996 Act”) makes provision for a member of a police force engaged on “relevant service” to be treated as if he was not a member of the force for the duration of the service, other than for specified purposes.

This Order amends section 97(1) of the 1996 Act, which sets out the various forms of relevant service, by adding a reference to temporary service with the College of Policing.

The Order also amends section 97(6) of the 1996 Act with the effect that a person engaged on relevant service with the College of Policing can be dealt with under police disciplinary regulations for anything done during the period of service, after it comes to an end.

Finally, the Order amends section 97(8) of the 1996 Act with the effect that a person engaged on relevant service with the College of Policing retains the office of constable during the period of service, and various provisions of the 1996 Act, for example as to membership of the Police Federation, continue to apply to him.

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