

**THE POLICE FEDERATION
OF ENGLAND AND WALES**

**STATUTORY INSTRUMENTS
1987 No. 257**

**THE POLICE PENSIONS REGULATIONS
1987**

Amended up to and including

The Police (Injury Benefit) Regulations 2006

Foreword to Police Pensions Handbook

There are now two police pension schemes, the Police Pension Scheme (PPS), applicable to those who joined the police service **prior** to 6th April 2006, and the New Police Pension Scheme (NPPS) applicable to those who joined the police service **on or after** the 6th April 2006.

The regulations that follow deal **only** with the Police Pension Scheme.

The New Police Pension Scheme regulations have not yet been finalised, but will be available on Office of Public Sector Information website shortly www.opsi.gov.uk/acts.htm (and will be issued in a separate handbook).

The main regulations for the PPS are the Police Pension Regulations 1987, as amended, but the Purchase of Increased Benefit Regulations 1987 and the Police Pension Additional Voluntary Contribution Regulations contain provisions that are relevant to the purchase of additional pensionable service and additional voluntary contributions respectively.

The provisions relating to injury awards for **all** police officers, whether members of the PPS, NPPS or neither, are found in the Police Injury Benefit Regulations 2006 (as are the other provisions formerly found in the PIBR 1987), which have been included for ease of reference.

This handbook represents the law as at September 2006. There will be amendments made in the near future (including for example some changes in relation to compulsory retirement age prior to October 2006); these amendments will be circulated separately as and when published.

John Francis
General Secretary

September 2006

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PART A

GENERAL PROVISIONS AND RETIREMENT

Citation and commencement

A1. These Regulations may be cited as the Police Pensions Regulations 1987 and come into force on the date specified in that behalf in the Police Pensions (Supplementary Provisions) Regulations 1987.

Supplementary provisions

A2.—(1) These Regulations have effect subject to —

- (a) the transitional provisions set out in Part III of Schedule 1 to the Police Pensions (Supplementary Provisions) Regulations 1987 (“the Supplementary Regulations”), and
- (b) the Police Pensions (War Service) Regulations 1979, and the Police Pensions (War Service) (Transferees) Regulations 1985 as amended by Regulations 5 and 6 of the Supplementary Regulations.

Exclusion of old cases

A3.—(1) Nothing in these Regulations shall apply in a case in which the old cases Regulations apply, that is to say, in the case of an award or payment to or in respect of, or relating to —

- (a) a person who retired or otherwise ceased to be a member of a police force before 1st April 1972, or
- (b) a person, being a serviceman who did not resume service as a regular policeman, whose period of relevant service in the armed forces ended before 1st April 1972.

(2) The reference in paragraph (1) to the old cases Regulations is a reference to the Police Pensions Regulations 1971 and other Regulations set out in Part I of Schedule 2 to the Police Pensions (Supplementary Provisions) Regulations 1987, as amended by Part II of that Schedule.

Meaning of certain expressions and references - general provisions

A4.—(1) In these Regulations, unless the context otherwise requires —

- (a) the expressions contained in the glossary set out in Schedule A shall be construed as therein provided;
- (b) any reference to a member of a police force, however expressed, includes a reference to a person who has been such a member;
- (c) any reference to an award, however expressed, is a reference to an award under these Regulations.

(2) In these Regulations, unless the context otherwise requires, a reference to a Regulation or a Part shall be construed as a reference to a Regulation contained in these Regulations or a Part thereof, a reference to a Schedule shall be construed as a reference to a Schedule to these Regulations, a reference to a paragraph shall be construed as a reference to a paragraph in the same Regulation or, as the case may be, the same Part of the same Schedule or the same Section thereof and a reference to a sub-paragraph shall be construed as a reference to a sub-paragraph contained in the same paragraph.

Meaning of certain expressions related to the National Insurance and Social Security Acts

A5.—(1) In these Regulations the following expressions shall have the meanings respectively which they had for the purposes of the National Insurance Act 1965 immediately before its repeal by the Social Security (Consequential Provisions) Act 1975:

“employed contributor’s employment”;

“graduated contribution”;

“graduated retirement benefit”;

“non-participating employment”;

“payment in lieu of contributions”.

(2) In these Regulations any reference to state pensionable age is a reference to the age of 65 years in the case of a man, or 60 years in the case of a woman.

(3) In these Regulations any reference to a participating period of relevant employment is a reference to a period of employed contributor’s employment after 5th April 1961 and before state pensionable age other than —

(a) service in the armed forces, and

(b) non-participating employment at the end of which no payment in lieu of contributions fell to be made; and for the purposes of this paragraph a period of employed contributor’s employment or of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(4) In these Regulations any reference to the secured portion of a pension is a reference to the portion of the pension which equals the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining state pensionable age, in return for a payment in lieu of contributions in respect of the whole of any period of non-participating employment by reason of which he is entitled to reckon pensionable service for the purposes of the pension, being a period of nonparticipating employment at the end of which no payment in lieu of contributions in fact fell to be made; and any reference to the unsecured portion of a pension shall be construed accordingly. For the purposes of this paragraph a period of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(5) For the purposes of these Regulations the annual rate of graduated retirement benefit shall be calculated as if there were 52 1/6 weeks in each year.

(6) In these Regulations the following expressions shall have the meanings respectively which they have for the purposes of the Social Security Pensions Act 1975:

“contracted-out employment”;

“contracted-out scheme”;

“guaranteed minimum” and “guaranteed minimum pension”;

“contributions equivalent premium”.

(7) In these Regulations any reference to a case in which a contributions equivalent premium has been paid includes a reference to a case in which such a premium is payable but has not been paid by virtue of Regulations under Schedule 2 to the Social Security Pensions Act 1975 dispensing with the payment of such a premium where its amount would be inconsiderable.

(8) In these Regulations any reference to the guaranteed minimum in relation to a pension under a pension scheme at a particular time is a reference to the amount certified by the Department of Health and Social Security as that minimum at that time.

Meaning of certain expressions in relation to persons who are not members of a home police force

A6.—(1) A reference in these Regulations to a rank, being a rank in a home police force, shall in relation to a member of an overseas corps, be construed as a reference to such rank in that corps as the Secretary of State may from time to time direct

(2) For the purposes of these Regulations —

(a) a central police officer, or

(b) an overseas policeman who is not a member of an overseas corps, shall be deemed to hold the rank in which he is entitled to revert to his home police force at the end of his tour of overseas service or, as the case may be, of central service.

(3) For the purposes of these Regulations —

(a) an inspector of constabulary shall be deemed to hold the rank and office of chief constable;

(b) an assistant inspector of constabulary shall be deemed to hold the rank of chief superintendent.

(4) Except where the context otherwise requires, for the purposes of these Regulations —

(a) an inspector or assistant inspector of constabulary or a central police officer shall be deemed to be a member of a home police force;

(b) an overseas policeman who is not a member of an overseas corps shall be deemed to be a member of such a corps;

and any reference to such a person joining or leaving a police force or transferring from one force to another, however expressed, shall be construed accordingly.

(5) In relation to an inspector or assistant inspector of constabulary, a central police officer or an overseas policeman, any reference in these Regulations to the police authority shall be construed as a reference to the Secretary of State.

(6) This Regulation has effect subject to paragraph 3 of Part VII of Schedule J.

Weekly rate of pensions and allowances

A7. Where the rate at which a pension or allowance is payable or the amount thereof is expressed as an annual rate or amount, then, for the purposes of these Regulations, the weekly rate or amount of that pension or allowance shall be determined as if there were 52 $\frac{1}{6}$ weeks in each year.

Persons treated as being in receipt of a pension

A8. For the purposes of these Regulations, except where otherwise expressly provided, a person shall be treated as being in receipt of an ordinary, short service, or as the case may be, ill-health pension if he would be in receipt of such a pension —

(a) in the case of an ordinary pension —

(i) had he attained the age of 50 years, or

(ii) had it not been wholly withdrawn under Regulation K4 (withdrawal of pension during service as a regular policeman);

(b) in the case of a short service or ill-health pension, had it not been withdrawn as mentioned in sub-paragraph (a)(ii);

(c) omitted

Reckoning of service for purposes of awards

A9.—(1) Subject to paragraph (3), for the purpose of calculating an award payable to or in respect of a member of a police force by reference to any period in years (including a period of pensionable or other service) —

(a) that period shall be reckoned in completed years and a fraction of a year;

(b) a part of a year shall be taken to be that fraction of a year whereof the denominator is 365 and the numerator is the number of completed days in that part and, accordingly, a part of a year which includes 29th February in a leap-year and comprises 365 days shall be treated as a whole year.

(2) Where, for the purpose of calculating an award to or in respect of a regular policeman or for the purposes of Regulation G6,

(a) it is necessary to determine his pensionable service reckonable by reason of service or employment before or after a particular date, and

(b) by virtue of the receipt by a police authority of a transfer value, or a certificate which has been furnished on or under Regulation F8A(2) he is entitled to reckon a period of pensionable service by reason of service or employment for a period which includes the

date in question, then that part of the said period of pensionable service shall be deemed to be reckonable by reason of service or employment before or after the date in question which bears the same proportion to the whole of that period as the part of the previous service or employment before, or as the case may be after, that date bears to the whole thereof.

(3) Paragraph (1) has effect subject to paragraphs 1, 2 and 3 of Part IV of Schedule J.

Aggregate pension contributions for purposes of awards

A10.—(1) For the purpose of calculating the amount of an award by reference to the aggregate pension contributions of a regular policeman in respect of the relevant period of service, the relevant period of service shall be taken to be the period ending in the retirement, dismissal or death on which the award is payable and beginning with the date on which he became a regular policeman in the force from which he retired or was dismissed or in which he died or, if he has more than once been a regular policeman in that force, the date on which he last joined that force otherwise than as a serviceman resuming service in his former force within a month of the end of his period of relevant service in the armed forces. Provided that, in the case of a regular policeman who has made an election under Regulation G4(1), the relevant period of service shall be taken to be the period, or last period, during which pension contributions were continuously payable by him under Regulation G2(1) since the date on which, had no such election been made, the relevant period of service would be taken to have begun.

(2) For the purpose aforesaid the aggregate pension contributions in respect of the relevant period of service shall be taken to be the sum of the following amounts —

(a) the aggregate of the pension contributions (including additional, further or special contributions) made in respect of that period by the person concerned to the police authority by whom the award is payable and any rateable deductions made in respect of that period by that authority from his pay under the former Acts;

(b) any additional, further or special payment by way of a lump sum made during the relevant period by that person to that police authority;

(c) the amount of any sums paid by the person concerned to the said police authority (including sums paid in pursuance of an undertaking) as a condition of being entitled to reckon pensionable service or, as the case may be, approved service, by reason of service before the said period;

(d) where the person concerned has transferred to the force of the police authority by whom the award is payable, any sum which had he retired instead of transferring would have been calculable under this paragraph as aggregate pension contributions at the time of transfer;

(e) where the person concerned, while a member of the force of the said police authority, became entitled, in the circumstances mentioned in Regulation F3(1)(d), (e) or (f), Regulation F6 or Regulation F7, to reckon pensionable service by reason of a period of previous service or employment otherwise than as a member of a police force, the amount of any award by way of return of contributions or of any analogous payment which would have been made to him at the end of that period of previous service or employment had he voluntarily retired therefrom in circumstances entitling him to such an award or payment under the superannuation arrangements applicable thereto, and

(f) where the person concerned previously retired with a health pension from the force of the police authority by whom the current award is payable, that pension was terminated in whole or in part under Regulation K1 or any corresponding provision of the former Regulations and he rejoined the force, any sum which would have been calculable under this paragraph as aggregate pension contributions at the time of the previous retirement.

(g) all payments made by him to a police authority in accordance with an election under Regulation 3 of the Police Pensions (Purchase of Increased Benefits) Regulations 1987.

(h) any payment made by the person concerned to a police authority under Regulation F1(1A) in respect of a period of unpaid maternity leave or unpaid parental leave.

(3) The references in paragraph (2)(a) and (b) to additional, further or special contributions or payments are references to such contributions or payments made in pursuance of an election under any of the provisions mentioned in Regulation 57(2), under Regulation 58 or under Regulation 61A of the Regulations of 1973 subject, however, to Regulations F4(3) and F5(2)(c) (previous service reckonable on payment or at discretion of police authority).

(4) If the regular policeman is a pension debit member, the amount of his aggregate pension contributions under this Regulation is reduced by such amount as is assessed in accordance with guidance issued by the Government Actuary.

Injury received in the execution of duty

A11. Revoked by The Police (Injury Benefit) Regulations 2006

Disablement

A12.—(1) A reference in these Regulations to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision and to that disablement being at that time likely to be permanent.

(1A) For the purposes of deciding if a person's disablement is likely to be permanent, that person shall be assumed to receive normal appropriate medical treatment for his disablement, and in this paragraph "appropriate medical treatment" shall not include medical treatment that it is reasonable in the opinion of the police authority for that person to refuse.

(2) Disablement means inability, occasioned by infirmity of mind or body, to perform the ordinary duties of a member of the force, as the case may be, except that, in relation to a child or the widower of a member of a police force, it means inability, occasioned as aforesaid, to earn a living.

(3) Where it is necessary to determine the degree of a person's disablement it shall be determined by reference to the degree to which his earning capacity has been affected as a result of an injury received without his own default in the execution of his duty as a member of a police force: Provided that a person shall be deemed to be totally disabled if, as a result of such an injury, he is receiving treatment as an in-patient at a hospital.

(4) Where a person has retired before becoming disabled and the date on which he becomes disabled cannot be ascertained, it shall be taken to be the date on which the claim that he is disabled is first made known to the police authority.

(5) In this Regulation, "infirmity" means a disease, injury or medical condition, and includes a mental disorder, injury or condition

Disablement, death or treatment in hospital the result of an injury

A13. Revoked by The Police (Injury Benefit) Regulations 2006

Relevant service in the armed forces

A14. A reference in these Regulations to relevant service in the armed forces shall be construed as a reference to —

(a) service specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, other than service specified in paragraph 5(b) thereof;

(b) part-time service under the National Service Act 1948, otherwise than pursuant to a training notice under that Act;

(c) service for the purposes of training only performed by a person mentioned in paragraph 7 of Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, for a period shorter than 7 days;

(d) in relation to a serviceman other than a serviceman (1939- 1945), whole-time service in the armed forces under the National Service Acts 1939 to 1946, the National Service Act 1947 or, without prejudice to sub-paragraph (a), the National Service Act 1948;

(e) in relation to a serviceman (1939-1945), service in the armed forces up to such date as the Secretary of State on the application of the police authority of his former force may in his case have fixed.

Alterations in police areas

A15.—(1) Where a police area is or has been combined with another police area, the police force, police authority and police fund for the combined police area of which the first-named area for the time being forms part shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the first-named area.

(2) Where a police area is or has been divided, in relation to any person —

(a) who is transferred by the instrument effecting the division from the force for the divided area to another force, the other force and the police authority and police fund for the area thereof shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the divided area;

(b) who ceased to be a member of the force for the divided area before the division thereof, if the instrument effecting the division makes provision in that behalf, the force, authority and fund designated for the purpose thereby shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the divided area.

(3) In this Regulation —

(a) a reference to the combination or division of a police area includes a reference to an agreement under section 14 of the County Police Act 1840 or, as the case may be, the termination of such an agreement, and a reference to the force, authority or fund for a combined area shall be construed accordingly;

(b) a reference to the division of a police area includes a reference to the transfer of part of a police area, on or after 1st April 1966, on the date on which an order affecting the area, made under section 140 of the Local Government Act 1933 or under Part II of the Local Government Act 1958, comes into force, and

(c) a reference to the combination of a police area with another police area includes a reference to the inclusion of a police area in a county or county borough police area, on or after 1st April 1968, on a date on which an order affecting the area, made under Part II of the Local Government Act 1958, comes into force and, in such case, a reference to the combined police area shall be construed as a reference to the county or, as the case may be, the county borough police area.

(4) In its application to Scotland, this Regulation shall have effect as if —

(a) any reference to a police fund were omitted;

(b) any reference to the police authority for a combined area or to a combined authority were a reference to the joint police committee for a combined area; and

(c) the reference to section 14 of the County Police Act 1840 were a reference to section 61 of the Police (Scotland) Act 1857.

Transfers

A16. A reference in these Regulations to a regular policeman transferring from one force to another shall be construed as a reference to a regular policeman —

(a) leaving a home police force for the purpose of joining another home police force as a regular policeman and joining that other force in that capacity, where —

(i) not being the chief officer of police of, or a constable on probation in, the force first mentioned in this sub-paragraph he leaves or left that force on or after 1st January 1963 for the purpose aforesaid, after giving a month's notice in writing of his intention to do so to the police authority of that force or such shorter period of notice as may have been accepted by that authority on or after 15th February 1971, or

(ii) he left the said force before 1st January 1963 or, being the chief officer of police of, or a constable on probation in, the said force, he leaves or left that force on or after that date, in either case for the purpose aforesaid and with the written consent of the chief officer of police or, in the case of the chief officer of police, of the police authority of that force;

(b) leaving a home police force with the consent of the Secretary of State and with the written consent of the chief officer of police of that force acting with the consent of the police authority or, if he is the chief officer of police of that force, of the police authority, for the purpose of engaging for a tour of overseas service as a reversionary member of a home police force and engaging in such a tour of service;

- (c) transferring or being transferred from one overseas corps to another;
- (d) exercising his right of reversion to a home police force, under section 2(1) of the Police (Overseas Service) Act 1945, at the end of a tour of overseas service; or
- (e) at the end of a tour of overseas service joining another home police force as a regular policeman subject, in the cases hereinafter mentioned, to his doing so with the consent so mentioned, namely—
 - (i) in the case of a person who was, at the time he left the home police force to which he had the right of reversion referred to in sub-paragraph (d), the chief officer of that force, the written consent of the police authority of that force;
 - (ii) in the case of any other person whose tour of overseas service ended before 15th February 1971, the written consent of the chief officer of police of the home police force to which he had such right of reversion, acting with the consent of the police authority of that force.

Retirement

A17.—(1) A reference in these Regulations to retirement includes a reference —

- (a) to the services of a member of a police force being dispensed with under Regulations for the time being in force under section 50 of the Police Act 1996 or section 26 of the Police (Scotland) Act 1967 (other than Regulations relating to the maintenance of discipline);
- (b) to an auxiliary policeman ceasing to be called up for active service; and
- (c) to the termination of a tour of overseas service otherwise than by dismissal or transfer, but does not include a reference to leaving a force
- (d) on transferring from one force to another or;
- (e) on joining the Police Service of Northern Ireland with such consent as is mentioned in paragraph (2); and a reference to a continuous period of service is a reference to a period of service uninterrupted by any such retirement.

(2) The consent referred to in paragraph (1)(e) is —

- (a) in the case of a member of a police force who left his force before 17th December 1969 or was a chief officer of police, an assistant chief constable or a deputy chief constable and left his force on or after that date, the consent of the police authority;
- (b) in any other case, the consent of the chief officer of police acting with the consent of the police authority.

(3) If a regular policeman is dismissed but is entitled to an ordinary pension by virtue of Regulation B1(6), these Regulations shall apply in his case as if he had retired as mentioned in Regulation B1(6)(b).

Compulsory retirement on account of age

A18.—(1) Subject to paragraph (2), every regular policeman —

- (a) who is not a member of the metropolitan police or an overseas policeman shall be required to retire —

- (i) if he is the commissioner or assistant commissioner of police for the City of London, a commander in the City of London police force, a chief constable or an assistant chief constable, on attaining the age of 65 years,
 - (ii) if he is a superintendent or inspector, on attaining the age of 60 years,
 - (iii) if he is a sergeant or constable, on attaining the age of 55 years;
- (b) who is a member of the metropolitan police shall be required to retire —
- (i) if he is an assistant commissioner, on attaining the age of 60 years,
 - (ii) if he is a commander, on attaining the age of 57 years,
 - (iii) if he holds any lower rank, on attaining the age of 55 years.

(2) The time at which, under paragraph (1), a person shall be required to retire may be postponed, if the person concerned holds a rank above that of superintendent, by the police authority, and, if he holds the rank of superintendent or any lower rank, by the chief officer of police: Provided that no such postponement or postponements shall extend beyond 5 years from the time at which, under paragraph (1), he would have been required to retire.

(3) Paragraph (1) has effect subject to paragraphs 5(2) and 6(3) of Part VII of Schedule J.

Compulsory retirement on grounds of efficiency of the force

A19.—(1) This Regulation shall apply to a regular policeman, other than a chief officer of police, deputy chief constable or assistant chief constable, who if required to retire would be entitled to receive a pension of an amount not less than 2/3rds of his average pensionable pay or would be entitled to receive a pension of such an amount if it did not fall to be reduced in accordance with Part VIII of Schedule B (reduction of pension related to up-rating of widow's pension) or if he had not made an election under Regulation G4(1).

(2) If a police authority determine that the retention in the force of a regular policeman to whom this Regulation applies would not be in the general interests of efficiency, he may be required to retire on such date as the police authority determine.

Compulsory retirement on grounds of disablement

A20. Every regular policeman may be required to retire on the date on which the police authority, having considered all the relevant circumstances, advice and information available to them, determine that he ought to retire on the ground that he is permanently disabled for the performance of his duty: Provided that a retirement under this Regulation shall be void if, after the said date, on an appeal against the medical opinion on which the police authority acted in determining that he ought to retire, the board of medical referees decides that the appellant is not permanently disabled.

Effective date of retirement

A21.—(1) For the purposes of these Regulations —

(a) a member of a police force shall be taken to retire or cease to serve immediately following his last day of service;

(b) a member of a police force required to retire under Regulation A18, A19 or A20 shall be deemed to retire on the date on which he is so required to retire and his last day of service shall be the immediately preceding day;

(c) a continuous period of active service as an auxiliary policeman or a tour of overseas service shall be taken to end immediately following the last day of service of the person concerned.

(2) The references in paragraph (1) to a person's last day of service are references to his last such day during the relevant period of service or, as the case may be, tour of overseas service.

Part B

Personal Awards

- B1 Policeman's ordinary pension
- B2 Policeman's short service award
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PART B

PERSONAL AWARDS

Policeman's ordinary pension

B1.—(1) Subject to paragraphs (2), (4) and (6), this Regulation shall apply to a regular policeman who retires or has retired when entitled to reckon at least 25 years' pensionable service unless Regulation B3 (*policeman's ill-health award*) applies in his case.

(2) Except in the circumstances mentioned in paragraph (3), this Regulation shall not apply to a regular policeman where —

(a) he retires or retired without having given to the police authority a month's written notice of his intention to retire or such shorter notice as may have been accepted by the police authority, or

(b) being a chief officer of police, assistant commissioner of police of the metropolis, assistant commissioner of police for the City of London, assistant chief constable or commander, he retires or retired before attaining the age of 60 years.

(3) The circumstances referred to in paragraph (2) are that —

(a) the police authority have decided that this Regulation should apply in his case, or

(b) being such a regular policeman as is mentioned in paragraph (2)(b), he retires or retired on or after attaining the age of 55 years having given to the police authority 3 months' written notice of his intention to retire, or

(ba) being such a regular policeman as is mentioned in paragraph (2)(b), he retires or retired at the end of an appointment made for a fixed term, or varied to a fixed term, in accordance with Regulation 13A of the Police Regulations 1995 or, if such a term has been extended, at the end of the appointment for the extended term.

(c) he is or was required to retire on account of age, or on the ground that his retention in the force would not be in the general interests of efficiency, or as an alternative to dismissal, or

(d) he is or was required to retire under section 5(4) of the Police Act 1964 or section 4(4)(d) of the Police (Scotland) Act 1967.

(4) This Regulation shall not apply to an overseas policeman or central police officer who retires or retired before the completion of the tour of overseas service or, as the case may be, of central service (if any) applicable in his case.

(5) Subject to the provisions of these Regulations, a regular policeman to whom this Regulation applies shall be entitled to an ordinary pension of an amount calculated in accordance with Part I of Schedule B, subject however to Parts VII and VIII of that Schedule; but, in the case of a person entitled to reckon less than 30 years' pensionable service, no payments shall be made on account of the pension in respect of the period (if any) after his retirement and before he has attained the age of 50 years or, if he sooner becomes permanently disabled and he is not ineligible under Regulation G7 and G8 for a pension award payable on the ground of permanent disablement, before he becomes so disabled.

(6) If a regular policeman entitled to reckon at least 25 years' pensionable service —

(a) is dismissed otherwise than for a cause for which, if a pension were granted to him, it could be forfeited under Regulation K5, and

(b) would have been entitled to an ordinary pension if he had retired on the date his dismissal took effect, having given such notice to the police authority of his intention to retire as is mentioned in paragraph (2)(a) or (3)(b),

this Regulation shall apply to him and, accordingly, he shall be entitled to an ordinary pension under paragraph (5).

(7) Paragraphs (2), (3) and (5) have effect subject to paragraphs 1, 2 and 3 of Part I, and paragraphs 5(2) and (4) and 6(2) of Part VII, of Schedule J.

Policeman's short service award

B2.—(1) This Regulation shall apply to a regular policeman who retires or has retired when entitled to reckon less than 25 years' pensionable service and who —

(a) is or was required to retire on account of age;

(b) being a reversionary member of a home police force, in pursuance of a notice in that behalf given to the Secretary of State and having attained the age of 60 years, retires or retired on the termination of the tour of overseas service (if any) applicable in his case, or

(c) is or was required to retire under section 5(4) of the Police Act 1964 or section 4(4)(d) of the Police (Scotland) Act 1967.

Provided that this Regulation shall not apply to a regular policeman by whom pension contributions were not payable under Regulation G2(1) during the period immediately preceding his retirement.

(2) A regular policeman to whom this Regulation applies shall be entitled to a short service award as hereinafter provided.

(3) In the case of a policeman entitled at the time of his retirement to reckon at least 2 years' pensionable service, the award under paragraph (2) shall be a short service pension calculated in accordance with Part II of Schedule B, subject however to Parts VII and VIII of that Schedule.

(4) In the case of any other policeman, the award under paragraph (2) shall be a short service gratuity calculated in accordance with Part IV of Schedule B.

(5) Paragraph (1) has effect subject to paragraphs 5(3) and 6(2) of Part VII of Schedule J.

Policeman's ill-health award

B3.—(1) This Regulation shall apply to a regular policeman who retires or has retired on the ground that he is or was permanently disabled.

Provided that this Regulation shall not apply to a regular policeman by whom pension contributions were not payable under Regulation G2(1) during the period immediately preceding his retirement or to a regular policeman who under Regulations G7 and G8 is ineligible for a pension award payable on the ground of permanent disablement.

(2) A regular policeman to whom this Regulation applies shall be entitled to an ill-health award as hereinafter provided.

(3) In the case of a policeman who is or was at the time of his retirement —

(a) entitled to reckon at least 2 years' pensionable service, or

(b) disabled as the result of an injury received in the execution of duty, the award under paragraph (2) shall be an ill-health pension calculated in accordance with Part III of Schedule B, subject however to Parts VII and VIII of that Schedule.

(4) In the case of any other policeman the award under paragraph (2) shall be an ill-health gratuity calculated in accordance with Part IV of Schedule B.

Policeman's injury award

B4. Revoked by The Police (Injury Benefit) Regulations 2006.

Policeman's deferred pension

B5.—(1) This Regulation shall apply to a regular policeman who —

(a) is entitled to reckon at least 2 years' pensionable service, or

(b) though not so entitled, has service as a regular policeman which, disregarding breaks in service of not more than a month, is continuous and which, when aggregated with any period of other service or employment by reason of which he is entitled to reckon pensionable service, is at least 2 years.

(2) A regular policeman to whom this Regulation applies who ceases or has ceased to be such or who makes or has made an election under Regulation G4(1) in circumstances —

(a) in which no transfer value under Regulation F9 or F10 is payable in respect of him, and

(b) which do not entitle him to any award under any of the preceding provisions of this Part, shall, on so ceasing to be a regular policeman, or, as the case may be, on making such an election be entitled to a deferred pension as hereinafter, provided, or to an award under Regulation 11 of the Injury Benefit Regulations.

(3) Where the unsecured portion of the ill-health pension of a regular policeman to whom this Regulation applies —

(a) is terminated under Regulation K1(4), or

(b) has been terminated on or after 1st April 1973 under Regulation 65(4) of the Regulations of 1973, otherwise than on his rejoining his force he shall, as from the date of termination, be entitled to a deferred pension as hereinafter provided.

(4) A deferred pension under paragraph (2) or (3) shall be calculated in accordance with Part VI of Schedule B, subject however to Parts VII and VIII of that Schedule; but no payment shall be made on account of the pension —

(a) in respect of the period before the regular policeman attains the age of 60 years or, if he sooner becomes permanently disabled and he is not ineligible under Regulations

G7 and G8 for a pension award payable on the ground of permanent disablement before he becomes so disabled, or

(b) where he has relinquished his entitlement as mentioned in Regulation F4(3) or F5(3) (previous service reckonable on payment or at discretion of police authority), by written notice to the police authority, in respect of any period after the giving of that notice, or (c) in respect of any period during which payments are due to be made on account of any pension to which he is entitled under Regulation B1.

Award by way of repayment of aggregate pension contributions

B6.—(1) This Regulation shall apply to a regular policeman who ceased to serve as such in circumstances —

(a) in which no transfer value under Regulation F9 or F10 is payable in respect of him, and

(b) which do not entitle him to an award under any of the preceding provisions of this Part, or to an award under Regulation 11 of the Injury Benefit Regulations, or to an award under Regulation J1 or paragraph 9 of Part I of Schedule J.

(1A) This Regulation shall also apply to a regular policeman who, within 3 months of his last becoming a regular policeman, makes an election under Regulation G4(1) in the circumstances specified in paragraph (1).

(2) A regular policeman to whom this Regulation applies shall be entitled to an award by way of repayment of his aggregate pension contributions in respect of his relevant period of service.

Commutation — general provision

B7.—(1) This Regulation shall apply to an ordinary, short service, ill-health or deferred pension under this Part, but in relation to —

(a) a deferred pension, or

(b) an ordinary pension which is not payable as from the date of the policeman's retirement,

paragraphs (5), (6) and (7) shall have effect as if any reference therein to retirement or the date thereof were a reference to the coming into payment of the pension or the date thereof.

(2) A regular policeman may, subject to and in accordance with this Regulation, commute for a lump sum a portion of any pension to which this Regulation applies to which he is or may become entitled.

(3) For the purpose of commuting a portion of his pension in accordance with this Regulation a person shall give notice in writing to the police authority ("notice of commutation") of his wish to surrender and commute for a lump sum so much of his pension as, subject to the limitations contained in paragraph (4) and in Regulation B10, he may specify ("the surrendered portion").

(4) The surrendered portion shall be such that —

(a) the basic rate of the pension does not fall to be reduced in accordance with this Regulation by more than a quarter and, for the purposes hereof, that rate shall be taken to be the rate at which the pension would be payable not only if it did not fall to be so reduced but also disregarding any reduction —

- (i) in accordance with Regulation B9 (allocation),
- (ii) in accordance with Part VII of Schedule B (*reduction of pension at state pensionable age*),
- (iii) as provided in paragraph 6(1) of Part VIII of Schedule B (*reduction of pension equivalent to outstanding additional or further contributions*), in accordance therewith, and

(b) in the case of a regular policeman who retires or retired with an ordinary pension when entitled to reckon less than 30 years' pensionable service otherwise than in the circumstances mentioned in sub-paragraph (a) or (c) of Regulation B2(1), the lump sum calculated in accordance with paragraph (7) (disregarding any reduction in accordance with the proviso thereto) does not exceed an amount equal to $2\frac{1}{4}$ times the annual amount of his pension calculated in accordance with Part I of Schedule B (disregarding any reduction therein under paragraph (7) of this Regulation or any other provision of these Regulations):

Provided that, where a person wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under paragraph (8)(b), the portion which, in accordance with the preceding provisions of this paragraph, may be surrendered shall be reduced by the reduction under paragraph (8)(b) expressed in like manner.

(5) The notice of commutation shall be given by a person not earlier than 4 months before his intended retirement nor later than 6 months after his retirement.

(6) The notice of commutation given by a person shall become effective —

- (a) as from the date of his retirement, or
- (b) as from the date on which the notice is received by the police authority, whichever is the later:

Provided that the notice of commutation shall not become effective if —

- (i) it was given more than 4 months before his retirement, or
- (ii) it relates to an ill-health pension and the unsecured portion of that pension has sooner been terminated under Regulation K1.

(7) Where the person retires or has retired and a notice of commutation given by him becomes or has become effective, the police authority shall reduce the pension to which the notice relates in accordance with the notice as from the time from which the notice is effective and shall pay him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Government Actuary:

Provided that where the notice is effective as from the date mentioned in paragraph (6)(b), the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement.

(8) Where the unsecured portion of an ill-health pension is terminated under Regulation K1 after a notice of commutation in relation to the pension has become effective —

(a) no reduction shall be made under paragraph (7) in the secured portion of the pension, insofar as it is payable under Regulation K1;

(b) if thereafter the person concerned becomes entitled to a pension, other than an injury pension, under Regulation 11 of the Injury Benefit Regulations, and is entitled to reckon for the purposes thereof the period of pensionable service reckonable for the purposes of the ill-health pension first mentioned in this paragraph, the unsecured portion of the other pension shall be reduced, in respect of any period, by the amount by which the ill-health pension would have been reduced under paragraph (7) if it had not been terminated as aforesaid but had been payable in respect of that period.

(9) This Regulation has effect subject to paragraphs 4 and 8(11) of Part I, and paragraphs 5(3) and 6(2) of Part VII, of Schedule J.

Commutation — small pensions

B8.—(1) Where the annual amount of any pension payable under this Part to a regular policeman who has attained state pensionable age, together with any injury pension to which he is entitled under Regulation 11 of the Injury Benefit Regulations, any pension to which he is entitled under Regulation M1 (pension credit members' entitlement to pension) and any increase under the Pensions (Increase) Acts, does not exceed £260, or any greater amount prescribed by Regulations for the time being in force under paragraph 15(4) of Schedule 16 to the Social Security Act 1973, the police authority may, at their discretion, commute the pension for a gratuity.

(2) A gratuity under this Regulation shall be of such amount as is the actuarial equivalent of the pension, calculated from tables prepared by the Government Actuary.

(3) Where the regular policeman is entitled to more than one pension, (including any injury pension under Regulation 11 of the Injury Benefit Regulations), those pensions shall be treated as one for the purposes of this Regulation.

(4) This Regulation has effect subject to Regulation J1(6)(a) and paragraphs 8(11) and 9(4) of Part I of Schedule J.

Allocation

B9.—(1) This Regulation shall apply to an ordinary, short service, ill-health or deferred pension under this Part.

(2) A regular policeman who is entitled to reckon not less than 25 years' pensionable service may, subject to and in accordance with this Regulation, allocate a portion of any ordinary or ill-health pension to which he is or may become entitled and, notwithstanding that he has already allocated a portion of such a pension, he may —

(a) allocate a further portion of that pension in favour of the beneficiary of a previous allocation;

(b) where that beneficiary has died, allocate a further portion of that pension in favour of some other beneficiary, or

(c) where (not having attained the age of 70 years) he proposes to marry or remarry, or form a civil partnership or a subsequent civil partnership, allocate a further portion of that pension in favour of his spouse by that marriage , or civil partner by that civil partnership.

(3) A regular policeman may, subject to and in accordance with this Regulation, allocate a portion of any short-service pension to which he is or may become entitled or of a deferred pension and, notwithstanding that he has already allocated a portion of such a pension, he may, where (not having attained the age of 70 years) he proposes to marry or remarry, or form a civil partnership or a subsequent civil partnership, allocate a further portion of that pension in favour of his spouse by that marriage, or civil partner by that civil partnership .

(4) For the purpose of allocating a portion of his pension a policeman shall —

(a) within the time limits mentioned in paragraph (5), give notice in writing to the police authority of the force in which he is serving or by whom his pension is payable (“notice of allocation”) stating —

(i) his wish to surrender so much of his pension as, subject to the limitations contained in Regulation B10, he may specify,

(ii) the person in whose favour the surrender is to take effect (“the beneficiary”) being his wife or some other person who the police authority are satisfied is substantially dependent upon him,

(iii) in the case of a policeman entitled to reckon not less than 25 years’ pensionable service who has not retired, whether or not he wishes the notice to become effective while he is serving, and

(b) satisfy the police authority of his good health and for that purpose submit himself to such medical examination as they may require.

(5) Notice of allocation shall be given —

(a) where in such case as is mentioned in paragraph (4)(a)(iii) the policeman wishes the notice to become effective while he is serving, before his intended retirement;

(b) where a person in receipt of a pension who has not attained the age of 70 years proposes to marry or remarry , or form a civil partnership or a subsequent civil partnership and the beneficiary is his spouse by that marriage, or civil partner by that civil partnership, before but not earlier than 4 months before his intended marriage, or intended formation of a his civil partnership;

(c) where the pension is a deferred pension but the preceding subparagraph does not apply, before but not earlier than 4 months before the pension comes into payment;

(d) in any other case, before but not earlier than 4 months before the person’s intended retirement.

(6) Where a person has complied with the provisions of sub-paragraphs (a) and (b) of paragraph (4), the police authority shall forthwith send to him a written notification that they have accepted the notice of allocation, which shall become effective —

(a) in any such case as is mentioned in paragraph (5)(a) where he wishes the notice of allocation to become effective while he is serving, as from the time when the notification is received by him or, if sent by post, as from the time when it would be received by him in the ordinary course of post, except that it shall have effect as from the date of his retirement if that is earlier;

(b) in any such case as is mentioned in paragraph (5)(b), if, and only if, the proposed marriage takes place, or the proposed civil partnership is formed within 4 months of giving the notice of allocation and in that event as from the date of the marriage, or of the formation of the civil partnership;

(c) in any such case as is mentioned in paragraph (5)(c), if, and only if, the deferred pension comes into payment within 4 months of giving the notice of allocation and in that event as from the date it comes into payment;

(d) in any other case, if, and only if, the person retires within 4 months of giving the notice of allocation and in that event as from the date of retirement.

(7) Where a person retires or has retired in circumstances entitling him to a pension to which a notice of allocation given by him relates and that notice becomes effective —

(a) that pension shall be reduced in accordance with the notice (notwithstanding the previous death of the beneficiary) as from the date from which the pension is payable or on which the notice becomes effective, whichever is the later, and

(b) the police authority shall, as from the person's death, pay to the beneficiary specified in the notice, if that person survives him, a pension of such amount as is the actuarial equivalent of the surrendered portion of the pension.

(8) For the purposes of paragraph (7)(b) the actuarial equivalent of the surrendered portion of the pension shall be calculated from tables prepared by the Government Actuary and in force at the time when the notice of allocation became effective, which tables shall —

(a) take account of the age of the regular policeman and of the age of the beneficiary at that time, and

(b) make different provision according to whether or not the notice of allocation became effective in accordance with paragraph (6)(a), and separate calculations shall be made in respect of separate allocations.

(9) Where a person was entitled to reckon at least 25 years' service when he gave the notice of allocation and stated therein his wish that it should become effective while he was serving, then, if he dies before retiring, the police authority shall pay to the beneficiary the like pension that they would have paid by virtue of that notice if he had retired with a pension immediately before he died.

(10) Any reference in these Regulations to a widow's pension, however expressed, shall be construed as excluding a reference to a pension payable to a widow under this Regulation.

(11) This Regulation has effect subject to paragraph 8(11) of Part I of Schedule J.

***Limitation of surrendered portion of a pension
for the purposes of Regulation B7 or B9***

B10. The portion of a pension which a regular policeman may surrender under either Regulation B7 or Regulation B9 shall be limited as hereinafter provided, namely, it shall not be —

(a) in the case of any pension, such that the pension becomes payable at a rate less than 2/3rds of the rate at which it would have been payable but for the provisions of the said Regulations and of Parts VII and VIII of Schedule B;

(b) in the case of a deferred pension, where the policeman has a guaranteed minimum in relation to the pension on the date on which it becomes payable, such that the weekly amount of the pension at that date, including any increase under the Pensions (Increase) Act 1971, is less than that guaranteed minimum; and the limitation contained in sub-paragraph (b) is without prejudice to that contained in sub-paragraph (a).

Deduction of tax from certain awards

B11.—(1) This Regulation shall apply to any payment on account of an award made to a member of a police force during his lifetime which constitutes a repayment of contributions within the meaning of paragraph 2 of Part II of Schedule 5 to the Finance Act 1970.

(2) The police authority may deduct from any payment to which this Regulation applies the tax for the time being chargeable thereon under paragraph 2 of the said Part II.

Pension debit members

B12. Where a pension debit member is entitled to an award under Regulation B1, B2, B3 or B5 -

(a) the award is calculated by reference to the member's rights under these Regulations as reduced by virtue of section 31 of the 1999 Act and in accordance with such tables and other guidance as are provided for the purpose by the Government Actuary, and

(b) Regulations B7 to B10 have effect accordingly.

Part C

Widows' Awards

- C1 Widow's ordinary pension
- C2 Widow's special award
- C3 Widow's augmented award
- C4 Widow's accrued pension
- C5 Limitation on award to widow with reference to date of marriage and pension in case of post-retirement marriage
- C6 Widow's requisite benefit and temporary pension
- C7 Widow's award where no other award payable
- C8 Limitation on award to widow living apart from her husband and widow's requisite benefit pension
- C9 Termination of widow's award on remarriage

PART C

WIDOWS' AWARDS

Widow's ordinary pension

C1.—(1) This Regulation shall apply to a widow of a regular policeman entitled to reckon at least 3 years' pensionable service —

(a) who, having retired with an ordinary, short service or ill-health pension, dies or has died while in receipt of that pension;

(b) who, having retired with both an ill-health pension under Regulation B3 and an injury pension under Regulation 11 of the Injury Benefit Regulations, dies or has died otherwise than while in receipt of the ill-health pension but while in receipt of the injury pension;

(c) who, having retired (because he was disabled) with an ill-health gratuity, dies or has died as a result of the same injury as resulted in his disablement, or

(d) who dies or has died while serving as a regular policeman, except that this Regulation shall not apply by virtue of sub-paragraph (c) to the widow of a regular policeman in respect of whom a transfer value was, or was required to be, paid, following his retirement, in pursuance of Regulation F9 (*interchange arrangements*) and shall not apply by virtue of sub-paragraph (d) to the widow of a regular policeman who has or had made an election under Regulation G4(1) which has or had effect at the time of his death.

(2) A widow to whom this Regulation applies shall be entitled to an ordinary pension calculated in accordance with Part I of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*).

(3) Paragraph (1) has effect subject to paragraph 1 of Part II of Schedule J.

Widow's special award

C2. Revoked by The Police (Injury Benefit) Regulations 2006

Widow's augmented award

C3. Revoked by The Police (Injury Benefit) Regulations 2006

Widow's accrued pension

C4.—(1) This Regulation shall apply to a widow of a regular policeman who dies or has died while entitled to a deferred pension, whether or not that pension has or had come into payment.

(2) For the purposes of paragraph (1) a policeman shall be treated as entitled to a deferred pension if he would have been so entitled but for its commutation for a lump sum under Regulation B8.

(3) A widow to whom this Regulation applies shall be entitled to an accrued pension calculated in accordance with Part III of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*).

***Limitation on award to widow
with reference to date of marriage, or formation of a civil partnership and
pension in case of post-retirement marriage, or formation of a civil partnership***

C5.—(1) A widow shall not be entitled to a widow's ordinary or accrued pension under Regulation C1 or C4 unless she was married to her husband , or, as the case maybe, had formed a civil partnership with her civil partner during a period before he last ceased to be a regular policeman.

(2) Omitted

(3) A widow of a regular policeman who, but for paragraph (1) would be entitled to an award under Regulation C1, or C4 shall, instead, be entitled to a pension calculated in accordance with Part IV of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*).

Widow's requisite benefit and temporary pension

C6.—(1) This Regulation shall apply to a widow of a regular policeman by whom pension contributions have at any time been payable under Regulation G2(1), not mentioned in Regulation C1(1), or C4(1) or not entitled to an adult survivor's special award under Regulation 13 of the Injury Benefit Regulations; where, after the beginning of the tax year in which he attained or would have attained state pensionable age, the husband either —

- (a) has died while serving as a regular policeman, or
- (b) has ceased to serve as such.

(2) A widow to whom this Regulation applies shall be entitled to an award which, subject to paragraph (3), shall comprise —

(a) if the husband died while serving as a regular policeman or in receipt of a pension, a temporary pension in respect of the first 13 weeks following his death of such amount in respect of each such week as, when aggregated with that of any children's allowances payable in respect of the husband's death, is of the like weekly amount as was his pensionable pay or, as the case may be, as was his pension, together with any increase therein, immediately before he died, under the Pensions (Increase) Acts;

(b) where such a temporary pension is not payable, or after the 13 weeks for which it is payable, a widow's requisite benefit pension calculated in accordance with Part V of Schedule C; and, for the purposes of sub-paragraph (a), where the husband died while in receipt of both an ordinary, short service or ill-health pension and an injury pension under Regulation 11 of the Injury Benefit Regulations, the reference therein to the weekly amount of his pension shall be construed as a reference to the aggregate weekly amount of those pensions.

(3) If the capitalised value of the pension payable under paragraph (2)(b) to a widow whose husband died while serving as a regular policeman, as calculated by the Government

Actuary, is less than the husband's average pensionable pay, the widow shall also be entitled to a gratuity equal to the amount by which that capitalised value falls short of the husband's average pensionable pay.

(4) For the purposes of paragraph (2)(a) —

(a) the provisions of Regulation A8 shall be disregarded, and, accordingly, a person shall not by virtue thereof be treated as in receipt of an injury pension, but

(b) he shall be treated as in receipt of an injury pension if he would have been in receipt of such a pension but for his entitlement to additional benefit within the meaning of paragraph 4 of Part V of Schedule B and, where he is, or is so treated as being, in receipt of such a pension, under Regulation 11 of the Injury Benefit Regulations, but for his entitlement to an additional benefit within the meaning of paragraph 7 (3) of the Schedule 3 to those Regulations and, where he is, or is so treated as being, in receipt of such pension, the provisions of the said paragraph 47(3) shall be disregarded in determining the weekly amount of that pension.

Widow's award where no other award payable

C7.—(1) This Regulation shall apply to a widow of a member of a police force to whom neither Regulation C1, nor C6 applies and who has no entitlement to an adult survivor's special award under Regulation 13 of the Injury Benefit Regulations, where the husband has died while serving as a member of a police force, by whom pension contributions have at any time been payable under Regulation G2(1), or, in the case of an auxiliary policeman, while called up for service as such.

(2) A widow to whom this Regulation applies shall be entitled to an award which shall comprise —

(a) in respect of the first 13 weeks following the husband's death, a temporary pension of such amount as secures that, in respect of each such week, the aggregate amount of the payment under this sub-paragraph and of any children's allowances payable in respect of the husband's death is of the like amount as his pensionable pay for a week immediately before he died, and

(b) an ordinary gratuity of an amount equal to the husband's average pensionable pay.

Limitation on award to widow living apart from her husband and widow's requisite benefit pension

C8.—(1) A widow shall not be entitled to an award under any of the preceding provisions of this Part if, at the time of her husband's death —

(a) she was separated from him by an order or decree of a competent court, and

(b) he was not required by an order or decree of a competent court to contribute to her support and was not in fact regularly contributing to her support; and, for the purposes hereof, contributions to a widow for the support of her child shall be treated as contributions for her support.

(2) A widow of a member of a police force who, but for paragraph (1), would be entitled to an award under any of the preceding provisions of this Part shall, instead, be entitled to a widow's requisite benefit pension calculated in accordance with Part V of Schedule C.

Termination of widow's or civil partner's pension award on remarriage or other event

C9 (1) Where a widow entitled to a pension under this Part was widowed before 5th December 2005 or was widowed after that date but her husband had ceased to serve as a member of a police force by that date, and—

- (a) remarries or has remarried,
- (b) forms or has formed a civil partnership, or
- (c) with a person to whom she is not married lives together as husband and wife,

she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage, or after the formation of her civil partnership or after her cohabitation begins.

(2) Where the surviving civil partner of a member of a police force who had ceased to serve as a member of a police force by 5th December 2005 is entitled to a pension under this Part and

- (a) marries or has married,
- (b) forms or has formed a new civil partnership, or
- (c) with a person who is not her civil partner lives together as if they were civil partners,

she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage, or after the formation of her civil partnership, or after her cohabitation begins.

(3) Where a widow who does not fall within paragraph (1) or a surviving civil partner who does not fall within paragraph (2) is entitled to a pension under this Part and

- (a) marries or has married,
- (b) remarries or has remarried,
- (c) forms or has formed a civil partnership or new civil partnership,
- (d) with a person to whom she is not married lives together as husband and wife, or
- (e) with a person who is not her civil partner lives together as if they were civil partners,

she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage or remarriage, or after the formation of her civil partnership, or after her cohabitation begins.

(4) But if, at any time after her marriage, remarriage, the formation of her civil partnership or the beginning of her cohabitation, a person in any of paragraphs (1) to (3) has again become a widow or her civil partner dies or that marriage or civil partnership has been dissolved or that cohabitation ceases, the police authority may, in their discretion, bring the pension into payment.

Termination of widow's or civil partner's gratuity on remarriage or other event

C9A—(1) Where a widow entitled to a gratuity under this Part was widowed before 5th December 2005 or was widowed after that date but her husband had ceased to serve as a member of a police force by that date, and

- (a) remarries or has remarried,
- (b) forms or has formed a civil partnership, or
- (c) with a person to whom she is not married lives together as husband and wife,

so much of the gratuity as has not been paid before her remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(2) Where the surviving civil partner of a member of a police force who had ceased to serve as a member of a police force by 5th December 2005 person is entitled to a gratuity under this Part and—

- (a) marries or has married,
- (b) forms or has formed a new civil partnership, or
- (c) with a person who is not her civil partner lives together as if they were civil partners,

so much of the gratuity as has not been paid before her marriage or remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(3) Where a widow who does not fall within paragraph (1) or a surviving civil partner who does not fall within paragraph (2) is entitled to a gratuity under this Part and—

- (a) marries or has married,
- (b) remarries or has remarried,
- (c) forms or has formed a civil partnership or new civil partnership,
- (d) with a person to whom she is not married lives together as husband and wife, or
- (e) with a person who is not her civil partner lives together as if they were civil partners,

so much of the gratuity as has not been paid before her remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(4) But if, at any time after her marriage, remarriage, the formation of her civil partnership or the beginning of her cohabitation, a person in any of paragraphs (1) to (3) has again become a widow or her civil partner dies or that marriage or civil partnership has been dissolved or that cohabitation ceases, the police authority may, in their discretion, pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage or the formation of her civil partnership or the beginning of her cohabitation."

Pension debit members

C10. Where a pension debit member dies leaving a surviving spouse or civil partner, any award under Regulation C1, C4, C5, C6, C7 or C8, and the pension under any of those Regulations by reference to which any payment under Regulation C9 is made, is calculated by reference to the member's rights under these Regulations as reduced by virtue of section 31 of the 1999 Act and in accordance with such tables and other guidance as are provided for the purpose by the Government Actuary.

Part D

Children's Awards

- D1 Child's ordinary allowance
- D2 Child's special allowance
- D3 Child's special gratuity
- D4 Child's accrued allowance
- D5 Child's allowance or special gratuity – limitations

PART D
CHILDREN'S AWARDS

Child's ordinary allowance

D1.—(1) This Regulation shall apply to a child of a regular policeman —

(a) who, having retired with an ordinary, short service or ill-health pension, dies or has died while in receipt of that pension;

(b) who, having retired with both an ill-health pension under Regulation B3 and an injury pension under Regulation 11 of the Injury Benefit Regulations dies or has died otherwise than while in receipt of the ill-health pension but while in receipt of the injury pension;

(c) who dies or has died having retired with a gratuity when entitled to reckon at least 3 years' pensionable service, or

(d) who dies or has died while serving as a regular policeman, except that this Regulation shall not apply by virtue of sub-paragraph (c) to the child of a regular policeman in respect of whom a transfer value was, or was required to be, paid following his retirement, in pursuance of Regulation F9 and shall not apply by virtue of sub-paragraph (d) to the child of a regular policeman who has or had made an election under Regulation G4(1) which has or had effect at the time of his death.

(2) Subject to Regulations D5 (*limitations*) and E8 (*increase during first 13 weeks*), a child to whom this Regulation applies shall be entitled to an ordinary allowance calculated in accordance with Part I of Schedule D.

(3) Paragraph (1) has effect subject to paragraph 1(2) of Part III of Schedule J.

Child's special allowance

D2. Revoked by The Police (Injury Benefit) Regulations 2006

Child's special gratuity

D3.— Revoked by The Police (Injury Benefit) Regulations 2006

Child's accrued allowance

D4.—(1) This Regulation shall apply to a child of a regular policeman who dies while entitled to a deferred pension, whether or not that pension has come into payment.

(2) Subject to Regulations D5 (limitations) and E8 (increase during first 13 weeks), a child to whom this Regulation applies shall be entitled to an accrued allowance calculated in accordance with Part III of Schedule D.

Child's allowance or special gratuity — limitations

D5.—(1) A child's allowance under any of the preceding provisions of this Part ("an allowance") shall not be granted —

(a) to a child born on or after the relevant date specified in paragraph (2) otherwise than of a marriage which took place or of a civil partnership which was formed before the relevant date;

(b) by reason of his being a step-child—

(i) to the child of a spouse whose marriage to the relevant parent took place on or after the relevant date, or

(ii) to the child of a civil partner whose civil partnership with the relevant parent was formed on or after the relevant date;

(c) by reason of his being substantially dependent on the relevant parent, to a child who was not so dependent before the relevant date;

(d) by reason of his being an adopted child, to a child adopted on or after the relevant date;

(e) except in the case of a legitimate or adopted child of the relevant parent, to a child who was not substantially dependent on that parent at the time of his death.

(1A) The reference in paragraph (1)(a) to a child born of a civil partnership means a child—

(a) who is a child of a member of a civil partnership and has been adopted by the other member of that civil partnership; or

(b) who has been adopted by two persons who have formed a civil partnership.

(2) For the purposes of paragraph (1) the relevant date —

(a) in the case of an ordinary or accrued allowance, is the date on which the relevant parent last ceased to be a regular policeman;

(3) In the case of a child who has attained the age of 16 years but not that of 17 years, an allowance shall not be payable in respect of any period for which he is in full-time employment unless that employment constitutes full-time training, of at least a year's duration, for a trade, profession or calling.

(4) In the case of a child who has attained the age of 17 years but not that of 19 years, an allowance shall only be payable in respect of a period throughout which he satisfies one of the conditions set out in paragraph (8).

(5) Without prejudice to paragraph (1), in the case of a child who has attained the age of 19 years, an allowance shall not be payable (and, D3 where he attained that age before the date of the relevant parent's death, shall not be granted) unless —

(a) he satisfies one of the conditions set out in paragraph (8), and

(b) in the case of condition (a), also satisfied that condition immediately before he attained the age of 19 years and throughout the entire period thereafter, except that the payment (or granting) of an allowance shall not be precluded by reason only of subparagraph (b) if the police authority, having regard to all the circumstances of the case, in their discretion so decide.

(6) Without prejudice to paragraphs (3), (4) and (5), in the case of a child entitled to an allowance who is —

(a) in full-time training for a trade, profession or calling, and

(b) in receipt of remuneration in respect thereof, and in the case of any other child entitled to an allowance in respect of the death of the same person, Part IV of Schedule D shall have effect in relation to their allowances.

(7) Omitted

(8) The conditions referred to in paragraphs (4), and (5), are that the child —

(a) is or was undergoing full-time education or in full-time training of at least a year's duration for a trade, profession or calling, or

(b) is or was permanently disabled and either —

(i) was both so disabled and substantially dependent on the relevant parent at the time of his death,

(ii) became so disabled while in receipt of an allowance, or

(iii) the police authority, having regard to all the circumstances of the case, in their discretion decide to pay (or grant) an allowance to him.

(9) Any reference in this Regulation to the relevant parent is a reference to the parent in respect of whose death the allowance is or, but for the provisions thereof, would be payable.

(10) This Regulation has effect subject to paragraph 5 of Part III of Schedule J.

Pension debit members

D6. Where a pension debit member dies leaving a child, any award payable under this Part —

(a) is first calculated as if the member were not a pension debit member, and

(b) is then subject to any reduction required under section 31 of the 1999 Act.

Part E

Awards on Death — Additional Provisions

DEPENDENT RELATIVES AND ESTATE

- E1 Adult dependent relative's special pension
- E2 Gratuities - dependent relatives
- E3 Gratuity - estate
- E3A Lump sum death grant

SUPPLEMENTARY PROVISIONS RELATING TO AWARDS ON DEATH

- E4 Gratuity in lieu of widow's pension
- E5 Gratuity in lieu of child's allowance
- E6 Limitation on discretion to grant a gratuity in lieu of a pension or allowance
- E7 Prevention of duplication
- E8 Increase of widow's pension or child's allowance during first 13 weeks
- E9 Increase of awards (other than flat-rate awards) by reference to the Pensions (Increase) Acts
- E10 Determination of amount of widow's or child's flat-rate award and increase thereof by reference to the Pensions (Increase) Act 1971

PART E

AWARDS ON DEATH – ADDITIONAL PROVISIONS

DEPENDENT RELATIVES AND ESTATE

Adult dependent relative's special pension

E1.– (1) Revoked by The Police (Injury Benefit) Regulations 2006.

Gratuities — dependent relatives

E2.–(1) This Regulation shall apply in the case of a regular policeman —

(a) who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, if death—

(i) results from an injury received in the execution of his duty, or

(ii) takes place within 2 years of his becoming entitled to his pension, or

(b) who dies while serving as such and in respect of whom no award is payable otherwise than by virtue of this or the next following Regulation or by virtue of Regulation B9(9) (allocation).

(2) In the case of such a regular policeman the police authority may, in their discretion, grant a gratuity to any relative of the policeman who was dependent on him to any degree at the time of his death but the aggregate amount of any gratuities granted under this Regulation shall not exceed the aggregate pension contributions in respect of the policeman's relevant period of service.

Gratuity — estate

E3.–(1) This Regulation shall apply in the case of a regular policeman

(a) who dies while entitled to an ordinary, short service, ill-health or deferred pension, whether or not that pension has come into payment, or

(b) who dies while serving as such.

(2) If, in the case of such a regular policeman, the aggregate of —

(a) any payments made or due to him on account of his ordinary, short service, ill-health or deferred pension or by way of a lump sum under Regulation B7 where a portion of such a pension has been commuted, or on account of an injury pension under Regulation 11 of the Injury Benefit Regulations, together with any increase therein under the Pensions (Increase) Acts;

(b) where he has, or is deemed to have, exercised the right of election conferred by paragraph 8 of Part I of Schedule J (award in certain cases in lieu of deferred pension under Regulation B5), any payment made or due to him (or his estate) on account of the award mentioned in sub-paragraph (6)(a) of that paragraph;

(c) the capitalised value (calculated in accordance with tables prepared from time to time by the Government Actuary) of any pension or allowance granted in respect of his death (including, any such pension or allowance granted under the Injury Benefit Regulations and where he has allocated a portion of his pension under Regulation B9, any pension payable thereunder to the beneficiary of that allocation); and

(d) any gratuity granted in respect of his death otherwise than under this Regulation, is less than his aggregate pension contributions in respect of his relevant period of service, the police authority shall pay a gratuity equal to the difference to his legal personal representative (including any such gratuity granted under the Injury Benefit Regulations.

WIDOWS AND WIDOWERS

Lump sum death grant

E3A.—(1) On the death of a person while serving as a regular policeman a lump sum death grant becomes payable unless an election under Regulation G4 not to pay pension contributions had effect at the time of the death.

(2) The grant is payable whether or not any pension or gratuity is payable under Part C.

(3) The amount of the grant is twice that of the deceased's pensionable pay, expressed as an annual rate —

(a) at the time of death, or

(b) if he was then absent from duty without pay, immediately before the absence began.

(4) The grant is to be paid —

(a) to any widow who qualifies for it, or

(b) if there is no such widow, to the personal representatives.

(5) A widow qualifies for the grant unless at the time of death —

(a) the widow and the deceased were separated by an order or decree of a competent court, and

(b) the deceased was not required by such an order to contribute, and was not in fact regularly contributing, to the support of the widow or to the widow for the support of a child of the widow's.

SUPPLEMENTARY PROVISIONS RELATING TO AWARDS ON DEATH

Gratuity in lieu of widow's pension

E4.—(1) Save as provided in paragraph (2), this Regulation shall apply to any pension under Part C ("a widow's pension").

(2) Where on the death of her husband before he attained state pensionable age a widow became entitled to a widow's ordinary special pension under Regulation C1 or C2, the police

authority may, subject to Regulation E6, commute for a gratuity that part of the pension (expressed as a weekly amount) which is in excess of her guaranteed minimum pension or so much of that part as may be commuted without contravening Regulation E6: Provided that a police authority shall not exercise their discretion under this paragraph unless —

- (a) the widow consents, and
- (b) they are satisfied that there are sufficient reasons for so doing.

(3) Where an annual amount of any widow's pension does not exceed £260, or any greater amount prescribed by Regulations for the time being in force under paragraph 15(4) of Schedule 16 to the Social Security Act 1973, (other than a pension which does not exceed that amount by reason of the commutation of part thereof under paragraph (2)), the police authority may, at their discretion, commute it for a gratuity.

(4) The provisions of Regulations C9 and C9A relating to the termination of a widow's or civil partner's award on remarriage or the formation of a new civil partnership and certain other matters shall apply in relation to a gratuity under this Regulation as they apply in relation to a gratuity under Part C.

(5) A gratuity under this Regulation shall be calculated in accordance with Part II of Schedule E.

(6) Where a widow is entitled to more than one widow's pension in respect of the death of the same person but, in pursuance of Regulation E7, is not entitled to receive, in respect of any particular period, payment on account of more than one of those pensions, those widow's pensions shall be treated for the purposes of this Regulation and of Part II of Schedule E as a single widow's pension and, where one of those pensions is a widow's ordinary pension, that single pension shall be treated for the purposes of paragraph (2) as if it were a widow's ordinary pension.

(7) This Regulation has effect subject to Regulation J1(6)(b) and paragraph 9 of Part II of Schedule J.

Gratuity in lieu of child's allowance

E5.—(1) This Regulation shall apply to any allowance under Part D (“a child's allowance”).

(2) Where a child is entitled to a child's allowance, the police authority may, subject to Regulation E6, commute it for a gratuity: Provided that a police authority shall not exercise their discretion under this paragraph unless—

- (a) the child's surviving parent or guardian consents or, where he has no such parent or guardian, the child himself consents, and
- (b) they are satisfied that there are sufficient reasons for so doing.

(3) Where the police authority are precluded by reason of the provisions of Regulation E6 from exercising their discretion under the preceding paragraph but otherwise would exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the allowance.

(4) A gratuity under this Regulation shall be calculated in accordance with Part III of Schedule E.

(5) Where a child is entitled to more than one child's allowance in respect of the death of the same person but, in pursuance of Regulation E7, is not entitled to receive, in respect of any particular period, payment on account of more than one of the allowances, those child's allowances shall be treated for the purposes of this Regulation and of Part III of Schedule E as a single child's allowance.

(6) Paragraph (5) has effect subject to paragraph 6 of Part III of Schedule J.

***Limitation on discretion to grant a gratuity
in lieu of a pension or allowance***

E6.—(1) This Regulation shall apply in the case of a regular policeman who has died while in receipt of an ordinary, short service, ill-health or deferred pension ("the principal pension").

(2) The police authority shall not under Regulation E4(2) or E5 substitute for the whole or any part of a widow's pension or child's allowance payable in respect of such a policeman a gratuity the actuarial equivalent of which (within the meaning of paragraph (3)) when added to that of — (a) any other gratuity so substituted under Regulation E4(2) or E5, and (b) any lump sum paid or payable under Regulation B7, where a portion of the principal pension has been commuted, exceeds a quarter of the capitalised value of the principal pension, any reduction therein under Regulation B7 being ignored.

(3) For the purposes of this Regulation the actuarial equivalent of a gratuity or lump sum and the capitalised value of the principal pension shall, in each case, be that at the time of the husband's or parent's retirement, as calculated by the Government Actuary.

Prevention of duplication

E7.—(1) Subject to paragraph (2), where, but for this Regulation, a person would be entitled to receive, in respect of any particular period, payments on account of more than one award in respect of the death of the same person —

(a) each of the awards being a widow's pension under Part C of these Regulations or under Regulation 13 of the Injury Benefit Regulations, or

(b) each of the awards being either a child's allowance under Part D or a child's special allowance under Regulation 17 of the Injury Benefit Regulations, or an adult dependent relative's special pension under Regulation 20 of the said Regulations,

he shall be entitled to receive, in respect of that period, payment on account of one only of those awards; and the award payable shall be that from time to time selected by the person concerned or, in default of such selection where one award is for the time being greater than any other such award, the award which is for the time being the greater.

(2) Nothing in paragraph (1) shall prevent a person from being entitled to receive more than one such pension or allowance as is mentioned in sub-paragraph (a) or (b) thereof if —

(a) the awards in question are calculated, directly or indirectly, by reference to different periods of pensionable service, and

(b) no award in question falls to be increased in accordance with Regulation E8 or to be determined in accordance with Regulation E10 (*flat-rate award*).

Increase of widow's pension or child's allowance during first 13 weeks

E8.—(1) This Regulation shall apply to a widow's ordinary or accrued pension or a pension under Regulation C5(3) (pension in case of post-retirement marriage) and to a child's ordinary or accrued allowance where the person in respect of whose death the award is payable was, immediately before his death —

(a) serving as a member of a police force and, in the case of an auxiliary policeman, called up for service as such, or

(b) in receipt of a pension, and, for the purposes of sub-paragraph (b), the provisions of Regulation A8 relating to persons treated as being in receipt of an ordinary pension shall be disregarded.

(2) A widow's pension to which this Regulation applies shall, so far as necessary, be increased in respect of the first 13 weeks for which it is payable so as to secure that, in respect of each such week, the aggregate amount of the pension and of any children's allowances payable in respect of the same person's death is not less than —

(a) in the case mentioned in paragraph (1)(a), the policeman's relevant emoluments for a week immediately before he died, or

(b) in the case mentioned in paragraph (1)(b), the weekly amount of his pension together with any increase therein, immediately before he died, under the Pensions (Increase) Acts; and, for the purposes of sub-paragraph (b) —

(i) there shall be disregarded any reduction in the policeman's pension in consequence of Part VIII of Schedule B (*reduction of pension related to uprating of widow's pension*) or his entitlement to any additional benefit within the meaning of paragraph 7(3) of Schedule 3 to the Injury Benefit Regulations (*police officer's injury award*), and

(ii) where the policeman died while in receipt of both an ordinary, short service or ill-health pension and of an injury pension under Regulation 11 of the Injury Benefit Regulations, the reference therein to the weekly amount of his pension shall be construed as a reference to the aggregate weekly amount of those pensions.

(2A) For the purposes of paragraph (2)(a) a policeman's relevant emoluments for a week are —

(a) his pensionable pay for the week, and

(b) so much as is attributable to the week of any allowances to which he was entitled under Regulations 49 to 52B of the Police Regulations 1987.

(3) Where a child's allowance to which this Regulation applies is payable in respect of the death of a person who did not leave a widow entitled to a pension which was payable for a continuous period of 13 weeks the allowance shall, so far as necessary, be increased in respect of the first 13 weeks for which it is payable so as to secure that, in respect of each such week, it is not less than the amount specified in paragraph (2)(a) or (b) except that, where 2 or more such allowances are payable in respect of the death of the same person, each allowance shall be so increased that it is of that amount divided by the number of such allowances:

Provided that where a widow's pension is payable in respect of any such week, a child's allowance in respect of the death of the same person shall not be so increased in respect of that week.

(4) Paragraph (1) has effect subject to paragraph 10 of Part II of Schedule J.

***Increase of awards (other than flat-rate awards)
by reference to the Pensions (Increase) Acts***

E9.—(1) Where it is provided that, for the purpose of calculating an award by way of periodical payments or a gratuity (“the relevant award”), an amount shall be increased in accordance with this Regulation, it shall be increased by the amount, if any, by which a corresponding pension, within the meaning of the Pensions (Increase) Act 1971, of the amount first mentioned would from time to time be increased under the Pensions (Increase) Acts if —

(a) it were payable to the person entitled to the relevant award and, in relation thereto, he had the like guaranteed minimum pension (if any) as he has in relation to the relevant award;

(b) it were one of the pensions specified in paragraph 43 of Part II of Schedule 2 to the said Act of 1971;

(c) it were not a pension to which section 1(2)(a) of the Pensions (Increase) Act 1974, applies, and

(d) it began, within the meaning of the said Act of 1971, and became payable when the relevant award so began and became payable.

(2) Where the relevant award is a child’s allowance, the Pensions (Increase) Acts as applied by paragraph (1) shall have effect as if section 3 were omitted from the Pensions (Increase) Act 1971 and, accordingly, the amount first mentioned in paragraph (1) shall be increased so long as the allowance is payable.

***Determination of amount of widow’s or child’s flat-rate award
and increase thereof by reference to the Pensions (Increase) Act 1971***

E10.—(1) Where, in respect of any week, the amount of a widow’s ordinary or accrued pension or a child’s ordinary or accrued allowance falls to be determined by reference to the husband’s or relevant parent’s rank by reason of an election under paragraph 3 of Part I or paragraph 3 of Part III of Schedule C or under paragraph 5 of Part I, or that paragraph as applied by Part III, of Schedule D, the amount of the award (“the relevant award”) shall be the appropriate sum for the purposes of this Regulation increased in accordance with paragraph (6).

(2) In the case of a widow’s pension the appropriate sum for the purposes of this Regulation shall be, subject to sub-paragraphs (3) and (5) —

(a) where the husband at the time when he ceased to be a regular policeman held a rank higher than that of inspector, £11.39;

(b) where he so held the rank of inspector, £9.48, or

(c) where he so held a rank lower than inspector, £7.28.

(3) Each of the sums mentioned in paragraph (2) shall be increased by 56p where the relevant award is —

(a) a widow’s ordinary pension and the husband was entitled to reckon at least 10 years’ pensionable service, or

(b) a widow's accrued pension and the husband ceased to serve as a regular policeman on or after 6th April 1975 and would, had he continued so to serve until he could have been required to retire on account of age, have become entitled to reckon at least 10 years' pensionable service.

(4) In the case of a child's allowance the appropriate sum for the purposes of this Regulation shall be, subject to paragraph (5) —

(a) where the relevant parent at the time when he ceased to be a regular policeman held a rank higher than that of inspector, £3.01 if the allowance would otherwise be determined in accordance with paragraph 1 of Part I of Schedule D or £4.47 if it would otherwise be determined in accordance with paragraph 2 of that Part;

(b) where he so held the rank of inspector, £2.44 if the allowance would otherwise be determined in accordance with the said paragraph 1 or £3.62 if it would otherwise be determined in accordance with the said paragraph 2, or

(c) where he so held a rank lower than that of inspector, £2.07 if the allowance would otherwise be determined in accordance with the said paragraph 1 or £3.05 if it would otherwise be determined in accordance with the said paragraph 2, and in this paragraph any reference to Part I of Schedule D includes a reference to that Part as applied by Part III of that Schedule.

(5) For the purposes of paragraphs (2) and (4) a chief inspector in the City of London police force shall be treated as if he held a rank higher than that of inspector.

(6) The appropriate sum shall be increased by the amount by which a corresponding pension, within the meaning of the Pensions (Increase) Act 1971, of a weekly amount equal to the said sum would from time to time be increased under the said Act of 1971 in respect of a week if —

(a) it were payable to the person entitled to the relevant award, in relation thereto he so had the like guaranteed minimum pension (if any) as he has in relation to the relevant award and he satisfied the qualifying conditions within the meaning of the said Act of 1971;

(b) it were an official pension within the meaning aforesaid;

(c) it began, within the meaning aforesaid, on 30th June 1978, and

(d) no account were taken of the provisions of the Pensions Increase (Annual Review) Order 1978, but, in performing the necessary calculations, sums shall be expressed to the nearest penny (a half penny counting as a whole penny).

Pension debit members

E11. Where a pension debit member dies any award in respect of him under this Part is calculated by reference to the member's rights under these Regulations as reduced by virtue of section 31 of the 1999 Act and in accordance with such tables and other guidance as are provided for the purpose by the Government Actuary.

Part F

Pensionable Service and Transfer Values

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PART F

PENSIONABLE SERVICE AND TRANSFER VALUES

Reckoning of pensionable service

F1.—(1) The pensionable service reckonable by a member of a police force at any date (in these Regulations referred to as the “relevant date”) shall be determined in accordance with the succeeding provisions of these Regulations: Provided that there shall not be reckonable by a regular policeman –

(a) any period of unpaid maternity leave granted in the case of a woman which ended before 27th February 1986;

(b) any period of unpaid maternity leave granted in the case of a women falling on or after 27th February 1986 which ended before 10th June 1994 in respect of which the conditions specified in paragraph (1A) are not satisfied.

(c) any period of unpaid maternity leave falling on or after 10th June 1994 (not being a period which falls within the first 26 weeks of any period of maternity leave taken by a person in respect of whom no election under Regulation G4 was effective immediately before the commencement of that period of unpaid maternity leave) in respect of which the conditions specified in paragraph (1B) are not satisfied;

(d) any period of unpaid sick leave taken after 13th August 1995 in respect of which the conditions specified in paragraph (1C) are not satisfied;

(da) any period of unpaid parental leave taken after 1st April 2003 in respect of which the conditions specified in paragraph (1B) are not satisfied;

(e) Any other period of unpaid leave falling on or after 27th February 1986 except such a period taken by a person who ceased to serve as a regular policeman before 1st September 1988.

(1A) The conditions referred to in sub-paragraph (b) of the proviso to paragraph (1) are that the person concerned –

(a) serves as a regular policeman throughout a period of 6 months commencing with the date of return to duty at the end of a period of maternity leave which includes the period of unpaid maternity leave in question, and

(b) within 6 months of that date or 1st September 1988, whichever is the later, pays to the police authority a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid maternity leave in question had it not been granted.

(1B) The conditions referred to in sub-paragraph (c) and (da) of the proviso to paragraph (1) are that the person concerned –

(a) was serving as a regular policeman during the period immediately preceding a period of maternity or parental leave which includes the period of unpaid maternity or parental leave in question and no election under Regulation G4 was effective in respect of that person immediately before the commencement of that period of unpaid leave;

(b) in accordance with the provisions of paragraph (1D) pays to the police authority a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid maternity leave or unpaid parental leave. in question if her notional pensionable pay during that period had been at the same rate as her pensionable pay

(including any statutory maternity pay payable to her under the Social Security Contributions and Benefits Act 1992 immediately before the commencement of the period of unpaid maternity leave or unpaid parental leave". which constituted or included the period in question.

(1C) The conditions referred to in sub-paragraph (d) of the proviso to paragraph (1) are that the person concerned –

(a) was serving as a regular policeman during the period immediately preceding a period of sick leave which includes the period of unpaid sick leave in question and no election under Regulation G4 was effective in respect of that person immediately before the commencement of that period of unpaid leave;

(b) in accordance with the provisions of paragraph (1D) pays to the police authority a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid sick leave in question if his notional pensionable pay during that period had been at the same rate as his pensionable pay immediately before the commencement of the period of unpaid sick leave which constituted or included the period in question;

(c) that the period of unpaid sick leave in question –

(i) does not exceed six months; and

(ii) when aggregated with any other period or periods of unpaid sick leave which fulfils, or all of which fulfil, the conditions specified in sub-paragraphs (a) and (b), does not exceed twelve months.

(1D) (a) The person concerned shall, by notice in writing given to the police authority within a period ending –

(i) three months after the day on which the period of leave which includes the period of unpaid leave in question ended, or

(ii) on the day, if earlier, on which he last serves as a regular policeman, inform the police authority that he wishes to make the payment referred to in paragraph (1B)(b) or (1C)(b) and in respect of which period of leave, and which method of payment under sub-paragraph (c) he elects to use:

Provided that, where the person concerned dies before the end of the period specified in this sub-paragraph without having given such notice, the condition so specified shall be deemed to have been satisfied in respect of any period of leave which would otherwise be reckonable by him under this Regulation and the person concerned shall be deemed to have elected to make payment by way of instalments under sub-paragraph (c)(ii).

(b) On receipt of the notice referred to in sub-paragraph (a), the police authority shall calculate the amount due under paragraph (1B)(b) or (1C)(b) and give written notice of that amount to the person concerned.

(c) Payment under paragraph (1B)(b) or (1C)(b) may be made by the person concerned either –

(i) by way of a lump sum; or

(ii) by instalments on the same dates as pension contributions are payable by him under Regulation G2(1): Provided that where the person concerned has elected to make payment by way of instalments under sub-paragraph (ii), the balance due after payment of any of those instalments may be paid by way of a lump sum equal to that balance at any time before the due date.

(d) The total amount due under paragraph (1B)(b) or (1C)(b) shall be paid no later than 6 months after the person concerned is notified by the police authority as to the amount payable or, if he ceases to serve as a regular policeman before then, before the date on which he so ceases (“the due date”):

Provided that –

(i) in a case where the person concerned ceases to serve as a regular policeman before the total amount due has been paid under this paragraph, any lump sum payment made within two months of so ceasing or of receiving notification from the police authority as to the amount payable, whichever is the later, shall be deemed to have been made by the due date;

(ii) in a case where the person concerned has elected to pay the amount due by instalments and remains in service as a regular policeman throughout the period during which the instalments are paid, any amount which remains due as at the due date pay be paid by instalments after that date but no later than 30 months after the date to the extent necessary to ensure that the instalments paid, together with the total of any other contributions payable under Regulations made under the Act other than the Police Pensions (Additional Voluntary Contributions) Regulations 1991, do not exceed 15% of the person’s emoluments in the tax year in which the election takes effect; and in this sub-paragraph “emoluments” has the meaning given in Regulation 2(3) of those Regulations of 1991.

(e) Where the person concerned has not paid the full amount due in accordance with the foregoing provisions of this paragraph, the proportion of the unpaid leave in question which shall be reckonable as pensionable service shall be the same proportion as the amount which has been so paid bears to the total amount due: Provided that where the person concerned dies before the due date there shall be reckonable the full period of unpaid leave in question notwithstanding that the amount due has, in full or in part, not been paid in accordance with the provisions of sub-paragraphs (c) and (d).

(f) A regular policeman shall be treated, for the purposes of calculating any award under these Regulations, as having made pension contributions throughout any period or periods of unpaid leave reckonable as pensionable service by virtue of payments made in accordance with this paragraph; and any such period or periods shall be treated for those purposes as part of a continuous period ending with the last day of unpaid leave during the period of service as a regular policeman of the person concerned.

(2) Any reference to this Part to approved service reckonable under the former Acts shall include –

(a) a reference to approved service which would have been so reckonable if there had been omitted from section 7(1) of the Police Pensions Act 1921 the words “but shall not include” to the end, and

(b) a reference to approved service which would have been so reckonable if there had been omitted from section 8(1) of the said Act the words “in which he has completed not less than one year’s approved service, and”. (3) Paragraph (1) has effect subject to paragraphs 5 and 6 of Part IV of Schedule J.

Current service

F2.–(1) Subject to the provisions of these Regulations, there shall be reckonable by a regular policeman in respect of his service as such in the force in which he is or was serving on the relevant date, being service since he last joined or rejoined that force before that date –

(a) all such service on or after 5th July 1948, and

(b) where he last joined or rejoined the force before 5th July 1948, any period of approved service which he was entitled to reckon immediately before that date under the former Acts. Provided that no period of service shall be reckonable by a regular policeman under sub-paragraph (a) during which pension contributions were not payable by him under Regulation G2(1) and in respect of which no payment has been made under Regulations F1(1A), F1(1B) or F1(1C).

(2) There shall be reckonable by an auxiliary policeman as pensionable service, in respect of his service in the force in which he is or was serving on the relevant date, all his active service as such since he was last called up for active service before that date.

(3) There shall be reckonable as pensionable service by a member of an overseas corps who is not, or was not, on the relevant date, a reversionary member of a home police force, all his service as a member of an overseas corps, while not being such a reversionary member, since he last became a member of an overseas corps before the relevant date.

(4) Paragraph (1) has effect subject to paragraph 8 of Part IV and paragraph 6(2) of Part VII of Schedule J.

Previous service reckonable without payment

F3.—(1) There shall be reckonable by a regular policeman as pensionable service –

(a) where from being a regular policeman in another force he transferred on or after 5th July 1948 to the force in which he is or was serving on the relevant date, any period of pensionable service reckonable by him immediately before the transfer;

(b) where he previously retired with an ill-health pension or a pension under the former Acts from the force in which he is or was serving on the relevant date, that pension was terminated in whole or in part under Regulation K1 or any corresponding provision of the former Regulations or former Acts, and he rejoined the force on or after 5th July 1948, any period of pensionable service or of approved service under the former Acts, as the case may be, reckonable by him at the time he retired;

(c) where he previously retired with a pension under the former Acts in respect of a non-accidental injury from the force in which he is or was serving on the relevant date, and the approved service under the former Acts reckonable by him at the time he retired is reckonable as pensionable service under sub-paragraph (b), the period during which he was in receipt of the pension;

(d) where the relevant date is 15th May 1950 or any later date and he left the Police Service of Northern Ireland with the consent of the chief officer of that force and the approval of the Northern Ireland Policing Board for the purpose of becoming a regular policeman in a home police force, any period of approved or pensionable service which was reckonable by him, immediately before he so left, for the purposes of the Police Service of Northern Ireland pensions legislation;

(e) where he previously engaged for a period of service in the Police Service of Northern Ireland as mentioned in section 2(1) of the Police Act 1969 and he exercises the right of reversion to a home police force conferred by the said section 2(1) or, on that right arising, does not exercise it but joins another home police force, any period of pensionable service which was reckonable by him for the purposes mentioned in subparagraph (d), immediately before he left the Police Service of Northern Ireland;

(f) where from being a member of the British Airports Authority constabulary he was transferred to the force in which he is or was serving on the relevant date by an order under section 6 of the Policing of Airports Act 1974, any period of pensionable service reckonable by him immediately before the transfer for the purposes of the superannuation scheme then applicable to him: Provided that –

(i) where he then, for the purposes of that scheme, purchasing added years by annual payments, those added years shall only be taken into account to the extent that they would have been taken into account for the purposes of a deferred pension under the said scheme if he had become entitled to such a pension immediately before he in fact transferred;

(ii) where he had been granted a back service credit within the meaning of the said scheme which exceeded the previous service by reason of which it was granted, otherwise than by reason of the previous service being wholly or partly service in a particular territory overseas, only that part of the credit which does not exceed the previous service shall be taken into account.

(2) Where a regular policeman –

(a) transferred as mentioned in paragraph (1)(a) during a leap year beginning on or after 1st January 1984, or

(b) became a regular policeman in a home police force in the circumstances mentioned in paragraph (1)(d) or (e), during a leap year beginning on or after 1st January 1988, and throughout the leap-year in question had continuous service as a regular policeman or, as the case may be, as either a regular policeman or a member of the Police Service of Northern Ireland then, notwithstanding anything in paragraph (1)(a), (d) or (e), the pensionable service reckonable by him by reason of his continuous service in that year shall be a year's, and not 366 days', pensionable service.

(3) Paragraph (1)(a) has effect subject to paragraph 8 of Part IV of Schedule J.

Previous service reckonable on payment

F4.–(1) Subject to Regulation F9(4) (*interchange arrangements*), there shall be reckonable by a regular policeman as pensionable service, in the circumstances specified in this Regulation, the periods so specified before he last joined or rejoined the force before the relevant date, subject to his having made to the police authority the appropriate payment.

(2) Where before the relevant date he retired without a pension (including a pension under the former Acts) from the same force as that in which he is or was serving on the relevant date –

(a) the period shall be any period of pensionable service or approved service under the former Acts reckonable by him at the time he retired, not being a period of approved service reckonable by virtue of Regulation F2(1)(b), and

(b) the appropriate payment shall be an amount equal to any gratuity, return of pension contributions or rateable deductions, as the case may be, which he may have received on his retirement together with the balance outstanding immediately before his retirement of any sum he had undertaken to pay as mentioned in Part I of Schedule F, so however that where, before his retirement and in pursuance of an election under Regulation 58 or 59 of the Regulations of 1973 or under any of the provisions mentioned in Regulation 57(2) of those Regulations, he had paid additional or further contributions or had made an

additional or further payment by way of a lump sum, the appropriate payment shall be reduced by the amount he had paid by way of such contributions or lump sum and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions or lump sum.

(3) Where before the relevant date he retired with a deferred pension but has relinquished his entitlement thereto by written notice given to the police authority for the purposes of this Regulation or Regulation F5 (or of the corresponding provisions of the Regulations of 1973), paragraph (2) shall have effect as though he had retired without a pension and, where immediately before his retirement he was paying such additional or further contributions as are mentioned in paragraph (2)(b), the amount he had paid by way of such contributions shall be repaid to him and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions.

(4) Where he previously served as a member of the first class of the police reserve, of the Police War Reserve or of Class A of the Women's Auxiliary Police Corps or, subject to paragraph (6), as a special constable

(a) the period shall be half the period of active service as a member of the first class of the police reserve during which he was not in receipt of a pension (including a pension under the former Acts), half the period of active service as a member of the Police War Reserve, half the period of active service as a member of the Women's Auxiliary Police Corps, whether in Class A of that Corps or otherwise, or half the period of service as a special constable while serving as such in a whole-time capacity and in receipt of pay in respect of such service, as the case may be, and

(b) the appropriate payment shall be 5% of, in the case of a man, pounds 4.50, or in the case of a woman, pounds 3.95, in respect of each week which he is entitled under this paragraph to reckon as pensionable service.

(5) Where he was a person to whom section 1 of the Police and Firemen (War Service) Act 1939(a), as extended by Regulation 60DA of the Defence (General) Regulations 1939(b), applied –

(a) the period shall be the period during which he was engaged in war work within the meaning of the said Defence Regulation during the year 1947, and

(b) the appropriate payment shall be the aggregate of the payments that he would have been required to make under the said Act as so extended in respect of the said period if the emergency that was the occasion of the passing of that Act had not come to an end.

(6) Except where the appropriate payment has been made before 1st January 1963, the references in paragraph (4) to a special constable shall be construed as references only to a special constable appointed –

(a) in England and Wales, under the Special Constables Act 1831 or section 196 of the Municipal Corporations Act 1882;

(b) in Scotland, under section 96 of the Burgh Police (Scotland) Act 1892 or the corresponding provisions of any local enactment.

(7) Paragraph (3) has effect subject to paragraph 4 of Part IV of Schedule J.

Previous service reckonable at discretion of police authority

F5.—(1) Subject to Regulation F9(4) (*interchange arrangements*), if the appropriate police authority in their discretion have so decided, there shall be reckonable by a regular policeman as pensionable service, in the circumstances specified in this Regulation, the periods so specified before he last joined or rejoined the force before the relevant date, subject, in the case of such a period as is mentioned in paragraph (2), to his having made to that police authority the appropriate payment.

(2) Where before the relevant date he ceased to serve as a regular policeman without a pension (including a pension under the former Acts) –

(a) the period shall be the whole of any period of pensionable service, or approved service under the former Acts, reckonable by him at the time he ceased to serve, not being a period reckonable by virtue of Regulation F2(1)(b) or F4(2), or so much of that period as the appropriate police authority in their discretion think fit;

(b) the appropriate police authority shall be the authority of the force in which he is or was serving on the relevant date, and

(c) the appropriate payment shall be the whole or the proportionate part of an amount equal to any gratuity or return of pension contributions or rateable deductions, as the case may be, which he may have received on ceasing to serve together with the balance outstanding immediately before so ceasing of any sum he had undertaken to pay as mentioned in Part I of Schedule F so however that where, before so ceasing and in pursuance of an election under Regulation 58 or 59 of the Regulations of 1973 or under any of the provisions mentioned in Regulation 57(2) of those Regulations, he had paid additional or further contributions or had made an additional or further payment by way of a lump sum, the appropriate payment shall be reduced by the whole or the proportionate part of the amount he had paid by way of such contributions or lump sum and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions or lump sum.

For the purposes of sub-paragraph (c) where the police authority exercise their discretion under sub-paragraph (a) so as to allow the policeman to reckon as pensionable service part only of the period first mentioned therein, “the proportionate part” means the part which bears the same proportion to the whole as that part of the period so mentioned bears to the whole thereof.

(3) Where before the relevant date he ceased to serve with a deferred pension but has relinquished his entitlement thereto by written notice given to the police authority for the purposes of this Regulation or of Regulation F4 (or of the corresponding provisions of the Regulations of 1973), paragraph (2) shall have effect as though he had ceased to serve without a pension and, where immediately before ceasing to serve he was paying such additional or further contributions as are mentioned in paragraph (2)(c), the amount he had paid by way of such contributions shall be repaid to him by the police authority of the force in which he ceased to serve and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions: Provided that the police authority shall not so exercise their discretion under paragraph (2)(a) that the period of pensionable service reckonable thereunder is less than that taken into account for the purposes of calculating the deferred pension.

(4) Where a serviceman (1939-1945), after receiving a pension under the Police and Firemen (War Service) Acts 1939 and 1944, rejoined the force in which he is or was serving on the relevant date, being the force of the police authority by whom the pension was payable –

(a) the period shall be the whole of the period for which he was in receipt of the said pension or such part thereof as the said police authority have, in their discretion, decided shall be reckonable;

(b) the appropriate police authority shall be the police authority of the force in which he is or was serving on the relevant date.

(5) Paragraphs (2) and (3) have effect subject to paragraph 4 of Part IV of Schedule J.

Previous service reckonable under current interchange arrangements

F6.—(1) Save as provided in paragraphs (2) and (5), this Regulation shall apply to a regular policeman –

(a) who before he last became a regular policeman before the relevant date was in service or employment (otherwise than as a member of a police force) by reason of which he was subject to superannuation arrangements in pursuance of which a transfer value may be paid to the police authority (in this Regulation and in Section 2 of Part II of Schedule F such service or employment and such superannuation arrangements are referred to as “former service” and “former superannuation arrangements”);

(b) subject to paragraph (3), who, before the relevant date, last became a regular policeman on or after 1st April 1972, and

(c) in respect of whom a transfer value relating to his former service has, in pursuance of his former superannuation arrangements, been paid to the police authority of the force in which he is serving on the relevant date.

(1A) The reference in paragraph (1)(a) to service or employment by reason of which a person was subject to superannuation arrangements includes a reference to any occupation with respect to which he has accrued rights to benefits under a personal pension scheme or any other superannuation arrangement, other than rights to benefits arising out of a free-standing additional voluntary contributions scheme; and references in this Regulation to “former service” and “former superannuation arrangements” shall be construed accordingly.

(1B) References in paragraph (1) to a transfer value include references to a transfer payment which has been received under an arrangement with the British Transport Police Force Superannuation Fund in circumstances where the conditions set out in paragraph 1(aa) of Section 2 of Part IV of Schedule F are satisfied.

(2) This Regulation shall not apply in the case of a regular policeman who, before the relevant date, last became such before 6th April 1978 if either –

(a) he or his widow elected under paragraph (1A) of Regulation 51 of the Regulations of 1973 that that Regulation should apply in his case, or

(b) such a transfer value as is mentioned in paragraph (1)(c) was received in his case before 1st January 1974.

(3) If the police authority have so determined in the case of a particular regular policeman who, before the relevant date, last became such on or after 5th July 1948 but before 1st April 1972, this Regulation shall have effect as if paragraph (1)(b) were omitted.

(4) There shall be reckonable by a regular policeman to whom this Regulation applies, in respect of his former service, a period of pensionable service calculated in accordance with Sections 2 and 3 of Part II of Schedule F.

Provided that, in the case of a regular policeman in respect of whom such a transfer value as is mentioned in paragraph (1)(c) was received on or after 6th April 1988, the period shall be calculated in accordance with Section 2 of Part IV of Schedule F.

(5) Notwithstanding anything in this Regulation, the provisions thereof shall not apply –

(a) where the regular policeman concerned is entitled to reckon pensionable service under Regulation F3(1)(d), (e) or (f) by reason of former service in the Police Service of Northern Ireland or in the British Airports Authority constabulary; or

(b) where the regular policeman concerned had a guaranteed minimum in relation to the pension provided by the former superannuation arrangements unless –

(i) those arrangements are of a kind mentioned in paragraph 1(2) of Section 2 of Part II of Schedule F, or

(ii) the transfer value mentioned in paragraph (1)(c), were it to be paid, is at least as great as the produce of –

(A) the annual amount of the pension to which he would, if that transfer value were paid, be entitled under Regulation J1, and

(B) the factor specified in column 2 of the following table opposite his age, as set out in column 1 of that table, as at the date when the police authority is required to accept that transfer value:

| <i>Age</i> | <i>Appropriate Factor</i> |
|-------------|-------------------------------|
| 29 or under | 8 |
| 30 to 39 | 9 |
| 40 to 49 | 10 |
| 50 or over | 12 |

Previous service reckonable under preserved interchange arrangements

F7.–(1) Save as provided in paragraph (2) and subject to paragraph 5 of Section 1 of Part III of Schedule F, this Regulation shall apply to a regular policeman –

(a) who before he last became a regular policeman before the relevant date was in such service or employment as is mentioned in Section 1, 2 or 3 of Part III of Schedule F by reason of which he was subject to superannuation arrangements (in this Regulation such service or employment and the Section in which it is mentioned are referred to as “former service” and “the Section in question” and such superannuation arrangements are referred to as “former superannuation arrangements”);

(b) who has served as a regular policeman on or after the date specified in the Section in question in relation to his former service;

(c) who last became a regular policeman before the relevant date within 12 months of the termination of his former service or within such longer period as may be agreed, in the circumstances of his case, between the police authority and the authority specified in the Section in question in relation to his former service;

(d) in respect of whom such a transfer value relating to his former service as is mentioned in the Section in question has been paid to the police authority of the force in which he is or was serving on the relevant date, and

(e) who, within 6 months of the date specified in the Section in question in relation to the former service or 3 months of last becoming a regular policeman before the relevant date, whichever is the later, or within such longer period as the police authority may allow in his case –

(i) has paid, or has undertaken to pay as mentioned in Part I of Schedule F, a sum equal to the balance of any liability outstanding, immediately before he ceased to be engaged in his former service, in respect of payments or contributions he was then making as a condition of reckoning past service as contributing service or otherwise for the purposes of the former superannuation arrangements, being service taken into account for the purpose of calculating the transfer value referred to in sub-paragraph (d), and

(ii) has paid to the police authority a sum equal to the amount, if any, by which the transfer value referred to in subparagraph

(d) falls to be reduced on account of any sum paid to him under the former superannuation arrangements by way of return of contributions.

(2) Nothing in this Regulation shall apply –

(a) in the case of a regular policeman who, before the relevant date, last became a regular policeman on or after 1st April 1972 unless he last so became such before 6th April 1978 and either –

(i) paragraph (1)(d) was satisfied in his case before 1st January 1974, or

(ii) he or his widow elected under paragraph (1A) of Regulation 51 of the Regulations of 1973 that that Regulation should apply in his case;

(b) in relation to the transfer of a member of the British Airports Authority constabulary to a police force by an order under Section 6 of the Policing of Airports Act 1974, or (c) in relation to a regular policeman in whose case Regulation F6 applies in consequence of the exercise by the police authority of the discretion mentioned in paragraph (3) of that Regulation.

(3) Subject to paragraph (4), there shall be reckonable by a regular policeman to whom this Regulation applies, as pensionable service in respect of his former service, three-quarters of the period specified in paragraph (5).

(4) Where under the former superannuation arrangements –

(a) the maximum pension payable (otherwise than on retirement occasioned by injury or ill-health) is payable where the person concerned has been engaged for a period of 30 years in service which counts in full for the purposes of those arrangements, or

(b) after 20 years of such service, each year of service counts as 2 years service for the said purposes, paragraph (3) shall not apply but there shall be reckonable as therein mentioned the whole of the period specified in paragraph (5) so, however, that, where under the former superannuation arrangements such provision as is mentioned in subparagraph (a) or (b) is made in relation only to service or employment of a description designated therein (in this paragraph referred to as “designated service”) and the regular policeman’s former service included designated service, there shall be reckonable as aforesaid –

(i) the whole of that part of the period specified in paragraph (5) as is referable to designated service, and

(ii) three-quarters of that part of that period as is not so referable.

(5) The period referred to in paragraphs (3) and (4) shall be –

(a) the period of service which is reckonable for the purpose of calculating the transfer value referred to in paragraph (1)(d), or

(b) where separate calculations are made in respect of contributing and non-contributing service reckonable for the purpose of calculating the said transfer value, the aggregate of the period of contributing service and half the period of non-contributing service which is so reckonable.

Transfer values payable between authorities

F8.–(1) This Regulation shall apply where before 31st March 1996 a regular policeman

(a) by reason of previous service in a police force becomes entitled to reckon pensionable service either –

(i) by virtue of Regulation F3(1)(a), or

(ii) by virtue of Regulation F5 in the circumstances mentioned in paragraph (2) of that Regulation (including that paragraph as it has effect by virtue of paragraph (3) thereof), or

(b) has left a police force and joined the Police Service of Northern Ireland with such consent as is mentioned in Regulation A17(2) and the Northern Ireland Policy Board are contingently liable to make payments to or in respect of him under the Police Service of Northern Ireland pensions legislation; and in this Regulation any reference to the former force or police authority is a reference to the police force mentioned in sub-paragraph (a) or, as the case may be, sub-paragraph (b) or the police authority of that force and any reference to the current police authority is a reference to the police authority of the force of which the regular policeman is a member, or, as the case may be, to the Northern Ireland Policing Board.

(2) Where this Regulation applies the former police authority shall pay to the current police authority a transfer value calculated in accordance with Sections 1 and 3 of Part II of Schedule F: Provided that where the current police authority exercise their discretion under Regulation F5(2)(a) to permit the reckoning as pensionable service of part only of the period mentioned therein, only the corresponding proportion of the transfer value calculated as aforesaid shall be payable.

(3) Where this Regulation applies and the person concerned was entitled to an award on retiring from his former force but has received no payment in respect thereof, he shall cease to be so entitled.

(4) Paragraph (2) has effect subject to paragraph 1(2) of Part V of Schedule J.

Former police authority to provide certificate of the amount of pensionable service giving entitlement to pension

F8A.–(1) This Regulation shall apply where, on or after 31st March 1996, a regular policeman

(a) by reason of previous service in a police force becomes entitled to reckon pensionable service either —

(i) by virtue of Regulation F3(1)(a), or

(ii) by virtue of Regulation F5 in the circumstances mentioned in paragraph (2) of that Regulation (including that paragraph as it has effect by virtue of paragraph (3) thereof), or

(b) has left a police force and joined the Police Service of Northern Ireland with such consent as is mentioned in Regulation A17(2) and the police authority for Northern Ireland is contingently liable to make payments to him under the Police Service of Northern Ireland pensions legislation.

(2) Where this Regulation applied the former police authority shall furnish the current police authority with a certificate stating –

(a) the amount of the pensionable service which the regular policeman to whom this Regulation applies is entitled to reckon by reason of previous service in a police force, including such service reckonable under Regulations F3 to F7,

(b) whether or not that policeman has, at the time of leaving service in the force maintained by the former police authority, made an election under Regulation G4(1) (*election not to pay pension contributions*).

(c) whether that policeman is a pension debit member and, if so, the reduction in his rights by virtue of section 31 of the 1999 Act."

(3) On the acceptance of a certificate under paragraph (2) by the current authority, any entitlement of a regular policeman to whom this Regulation applies to an award from the previous police authority shall cease to have effect.

(4) The former police authority shall furnish a regular policeman to whom this Regulation applies with a copy of the certificate furnished under paragraph (2) together with a description of the effect of paragraph (3).

(5) In this Regulation –

“the former police authority” means the police authority of the force mentioned in paragraph (1)(a), (b) or (c), as the case may be; and

“the current authority” means –

(a) in a case falling within paragraph (1)(a), the police authority of the force of which the regular policeman is a member; and

(b) in a case falling within paragraph (1)(b), the police authority for Northern Ireland.

Transfer values payable under interchange arrangements

F9.–(1) Save as provided in paragraph (2) and subject to paragraph (5), this Regulation shall apply to a regular policeman –

(a) who, not having attained state pensionable age, retires or retired on or after 1st April 1972 and –

(i) was not entitled to a pension on so retiring or, if so entitled, has neither received any payment in respect thereof nor given any notice of commutation relating thereto which has become effective, and

(ii) has not received any award on so retiring by way of repayment of his aggregate pension contributions or a gratuity;

(b) who subsequently enters or entered service or employment (otherwise than as a member of a police force) by reason of which he is subject to superannuation arrangements (hereafter in this Regulation referred to as “new service”) and in his new service is, or subject to the payment of a transfer value would be, entitled to reckon service for superannuation purposes by reason of his service as a member of a police force, and

(c) who, within 6 months of entering the new service, or within such longer period as the police authority may allow in the circumstances of the particular case, has given written notice to the police authority maintaining his former force of his desire that this Regulation should apply in his case.

(2) Nothing in this Regulation shall apply to a regular policeman –

(a) in whose case a transfer value –

(i) prior to 31st March 1996 was payable or has been paid to the police authority for Northern Ireland under Regulation F8 or Regulation 84 of the Regulations of 1973, or

(ii) where he retired before 6th April 1978, has been paid before that date under the Regulations of 1973 as originally made, or

(iii) is payable under Regulation F10, or

(b) who has a guaranteed minimum in relation to the pension provided by these Regulations unless either –

(i) the superannuation arrangements applicable to the new service constitute a contracted-out scheme in relation to him when the transfer value is paid, or

(ii) a contribution’s equivalent premium relating to the period ending with his retirement has been paid in respect of him by the police authority and not repaid, or

(c) in respect of whom a certificate under Regulation F8A(2) has been furnished.

(3) Subject to paragraph (3A) where this Regulation applies the police authority of the force from which the regular policeman retired (“the former police authority”) may pay a transfer value calculated in accordance with Sections 1 and 3 of Part II of Schedule F to the authority or person empowered to receive such payments for the purposes of the superannuation arrangements applicable to the new service and shall so pay such a transfer value where those superannuation arrangements

(a) are contained in a public general Act of Parliament or were made under such an Act by a Minister of the Crown, or

(b) are contained in Northern Ireland legislation being public general legislation or were made under such legislation by a Minister of the Crown (including a Northern Ireland Minister) or by a Northern Ireland ministry, department or head of department,

or

(c) are contained in a retirement benefits scheme approved under Chapter II of Part II of the Finance Act 1970 or Section 222 of the Income and Corporation Taxes Act 1970, or

(d) provide for the purposes thereof for a superannuation fund which is wholly approved under section 208 of the Income and Corporation Taxes Act 1970, or

(e) provide, in the event of the regular policeman again becoming such in his former police force, for the payment of a transfer value which the police authority are satisfied

would be calculated in like manner as under any superannuation arrangements contained in, or made by a Minister of the Crown under, a public general Act of Parliament.

(3A) In respect of service as a regular policeman on or after 6th April 1988, a transfer value payable under paragraph (3) shall be calculated in accordance with Section 1 of Part IV of Schedule F and paragraph (5) of Regulation F10 shall have effect as if it were payable under that Regulation.

(4) Where the former police authority decided, or was required, to pay a transfer value as mentioned in paragraph (3) –

(a) if the regular policeman concerned was, on retiring, entitled to a pension or such an award as is mentioned in paragraph (1)(a)(ii), he shall cease to be so entitled, and (b) if he again becomes a regular policeman, neither Regulation F4 nor F5 (reckoning of previous service) shall apply in relation to the pensionable service which he was entitled to reckon at the time he retired unless before 1st April 1987 the former police authority had decided, or were required, to pay a transfer value in pursuance of Regulation 85 of the Regulations of 1973.

(5) In the case of a regular policeman who has received such an award as is mentioned in paragraph (1)(a)(ii) but within 6 months of entering the new service, or within such longer period as the former police authority may allow in the circumstances of his case, has paid to that authority an amount equal to that of the said award, paragraph (1) shall have effect as if sub-paragraph (a)(ii) were omitted.

Transfer values payable following cessation of contributions

F10.—(1) Subject to paragraphs (6) and (7), this Regulation shall apply to a regular policeman who, not less than 12 months before attaining the age of 60 years or, if later, the age at which he may be required to retire under Regulation A18(1) (compulsory retirement on account of age) –

(a) ceases or ceased on or after 1st January 1986 to serve as a regular policeman, or

(b) makes or has made an election under Regulation G4(1) (election not to pay pension contributions),
and who, in either case, satisfies the conditions specified in paragraph (2).

(2) The conditions mentioned in paragraph (1) are –

(a) that he subsequently becomes subject to new superannuation arrangements;

(b) that, unless those new superannuation arrangements constitute an occupational pension scheme or personal pension scheme, he is entitled to reckon at least 3 months' pensionable service

(c) that he is not entitled to a pension under Part B or, if so entitled, has neither received any payment in respect thereof nor given any notice of commutation relating thereto which has become effective;

(d) that he has not received any award by way of repayment of his aggregate pension contributions or a gratuity, and

(e) that he has, on or before the date falling –

- (i) 12 months before he attains the age of 60 years,
- (ii) 12 months before he attains the age at which he may be required to retire under Regulation A18(1), or
- (iii) 6 months after he ceased to serve as a regular policeman or, as the case may be, made an election under Regulation G4(1), whichever is the latest, or within such longer period as the police authority may allow in the circumstances of the particular case, given written notice to the police authority of his desire that this Regulation should apply in his case:

Provided that in the case of a regular policeman who is becoming subject to new superannuation arrangements such as are specified in paragraph (3)(a), (b) or (e) of Regulation F9, sub-paragraph (iii) shall have effect as if for “6 months” there were substituted “12 months”.

(3) A regular policeman who has given notice in accordance with paragraph (2)(e) may, without prejudice to the giving of another such notice, withdraw that notice by giving written notice to that effect to the police authority under this paragraph: Provided that notice under this paragraph shall be of no effect if it is given at a time when the police authority have already entered into an agreement with a third party to pay a transfer value under paragraph (4) in respect of him.

(4) Subject to paragraph (5), where this Regulation applies the police authority shall, within 12 months of receipt of notice given in accordance with paragraph (2)(e) or, if either, the date on which the regular policeman concerned attains the age of 60 years, pay a transfer value calculated in accordance with Section 1 of Part IV of Schedule F to the authority or person empowered to receive such payments for the purposes of the new superannuation arrangements to which the regular policeman becomes subject:

Provided that if disciplinary proceedings or proceedings before a court have been commenced against the regular policeman concerned within 12 months of the date on which contributions under Regulation G2(1) ceased to be payable in respect of him and it appears to the police authority that the proceedings may lead to the forfeiture of any pension, entitlement to which arises as a result of the payment of such contributions, the period within which payment under this paragraph is to be made shall be –

- (a) that specified in the foregoing provisions of this paragraph, or
- (b) 3 months from the conclusion of those proceedings (including any proceedings on appeal). whichever ends later.

(5) Where the new superannuation arrangements to which the regular policeman concerned is becoming subject are not such as are specified in paragraph (3)(a), (b) or (e) of Regulation F9, the transfer value payable under this Regulation shall be –

(a) in the event of a failure, without reasonable excuse, on the part of the police authority to make payment within 6 months of the expiration of the period specified in paragraph (4), the greater of the following amounts:

- (i) the sum of the amount calculated in accordance with Part IV of Schedule F and the interest on that amount at the judgement of debt rate, and
- (ii) the amount calculated in accordance with the said Part IV as at the date on which payment is in fact made; and

(b) in the event that a transfer value in respect of him has been paid to the police authority under Regulation F8, the greater of the following amounts:

- (i) the amount calculated in accordance with Part IV of Schedule F, and
- (ii) the sum of the transfer value paid under Regulation F8 and any contributions paid in respect of him to the police authority under Regulation G2(1).

(6) In the case of a regular policeman who has received such an award as is mentioned in paragraph (2)(d) but has, within 6 months of becoming subject to new superannuation arrangements, or within such longer period as the police authority may allow in the circumstances of his case, paid to that authority an amount equal to that of the said award, paragraph (2) shall have effect as if sub-paragraph (d) were omitted:

Provided that, in the case of a regular policeman who is becoming subject to new superannuation arrangements such as are specified in paragraph (3)(a), (b) or (e) of Regulation F9, this paragraph shall have effect as if for “6 months” there were substituted “12 months”.

(7) In the case of a regular policeman who has made an election under Regulation G4(1) and whose service as such last commenced at least 2 years before 6th April 1988, his reckonable service for the purposes of the pension benefits, the capitalised value of which is payable under paragraph (4), shall be deemed to have commenced on that date.

(8) In this Regulation and elsewhere in this Part –

“occupational pension scheme” and “personal pension scheme” have the same meanings as in the Social Security Act 1986, and F22

“police authority” in relation to a regular policeman means the police authority of his force or, in the case of a former regular policeman, of the force of which he was a member immediately before he ceased to serve. Prohibition on accepting or paying transfer values for pension credit rights

Prohibition on accepting or paying transfer values for pension credit rights

F10A. A transfer value may not be accepted or paid in respect of any pension credit rights.

Mis-sold pensions

F11.–(1) This Regulation shall apply to a regular policeman who –

(a) opted or transferred out: and (b) has suffered loss as a result of a contravention which is actionable under section 62 of the Financial Services Act 1986

(actions for damages in respect of contravention of rules etc. made under the Act).

(2) A regular policeman to whom this Regulation applies may give notice in writing to the police authority that he wishes the authority to accept payment of a transfer value in order to create or restore reckonable service, and such notice shall be treated as cancelling, with effect from the date on which an instalment of pay next falls due to him, any election that is in force under Regulations G4 (1) in respect of that policeman.

(3) Where a regular policeman has given notice under paragraph (2), but before the payment has been accepted and reckonable service created or restored he either –

(a) dies while serving as a member of a police force; or

(b) becomes entitled to benefits under Part B, paragraph (4) shall continue to apply in the case of that policeman.

(4) Where a transfer value in relation to a regular policeman who has given notice under paragraph (2) is paid to a police authority before the expiry of the period of twelve months beginning with the date on which the policeman gives such notice or such longer period as the police authority may allow, the police authority – (a) shall, if satisfied that the transfer value has been calculated in a manner consistent with the methods adopted and assumptions made by them in determining the restitution payment, accept the payment and treat the relevant period as reckonable service; and

(b) may, if not so satisfied, but if satisfied that the transfer value represents, by reference to those methods and assumptions, a length of service not exceeding the relevant period, accept the payment and treat that length of service as reckonable service, and the policeman shall be treated for the purpose of calculating any award under these Regulations as having made pension contributions throughout the period of reckonable service credited under this paragraph.

(5) Where a regular policeman is credited under paragraph (4) with a period of reckonable service that is shorter than the relevant period, the period of service credited shall be treated for the purpose of any award under these Regulations as being a continuous period with the same concluding date as the relevant period.

(6) Where a regular policeman who is being credited under paragraph (4) with a period of reckonable service has previously been credited with an additional period of reckonable service calculated in accordance with section 2 of Part IV of Schedule F (calculation of transfer values and reckonable service by reference to accrued rights) in respect of the relevant period, the police authority may adjust the transfer value that they accept under this Regulation to ensure that no part of the additional period of reckonable service that was previously credited is included in the period of reckonable service credited under paragraph (4).

(7) In this Regulation –

“the assumed calculation date” means the date on which it is assumed, for the purpose of calculating a restitution payment, that a transfer value will be paid to the police authority;

“the material date” means the date on which the police authority is asked to provide the calculation of the restitution payment;

“personal pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993;

“the relevant period” in relation to a regular policeman, means the total of any periods of opted out and transferred out service;

“restitution payment”, in relation to a regular policeman, means an amount equal to the sum of –

(a) the capitalised value at the material date, determined by the police authority in accordance with methods and assumptions notified to them by the Government Actuary for cash equivalent transfer values from occupational pension schemes (other than arrangements of a kind mentioned in paragraph 1(2) of section 2 of Part II of Schedule F), which would produce a service credit equal to his total period of opted out service, including the capitalised value of any rights under the Pension (Increase) Act 1971 and the

Pensions (Increase) Act 1974 and

(b) the greater of –

(i) any transfer value paid to a personal pension scheme in respect of that policeman's transferred out service by a police authority under Regulation F10(4), increased by interest calculated at a rate approved by the Government Actuary over the period from the date of payment of that transfer value to the assumed calculation date; and

(ii) the cash equivalent transfer value that would be payable by the police authority in respect of that transferred out service if the police authority were to pay a cash equivalent transfer value in respect of that service determined in accordance with methods and assumptions, notified to them by the Government Actuary, applicable immediately after the assumed calculation date.

(8) For the purposes of this, a regular policeman shall be taken –

(a) to have opted out if, for any period during which he is a member of a police force, he does not make contributions (including any additional or further contributions that he had previously elected to make) in respect of police pension rights but instead makes contributions to a personal pension scheme; and

(b) to have transferred out if a transfer value is paid in respect of him by a police authority to a personal pension scheme,

and "opted out service" and "transferred out service" are to be construed accordingly.

Part G

Pensionable Pay and Contributions

- G1 Pensionable and average pensionable pay
- G2 Pension contributions payable by regular policemen
- G3 Additional and further contributions
- G4 Election not to pay pension contributions
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PART G

PENSIONABLE PAY AND CONTRIBUTIONS

Pensionable and average pensionable pay

G1.—(1) Subject to paragraph (1A), the pensionable pay of a member of a police force at any time means his pay at the rate to which he is or was then entitled, account being taken of any retrospective increase in that rate, except that during a period of part-time service in a rank below that of superintendent it means so much of his pay at that rate as is attributable to his determined hours (within the meaning of Regulation 5(5) of the Police Regulations 1987 as applied by virtue of paragraph 1 of Schedule 1A to those Regulations).

(1A) For the purposes of paragraph (1), in the case of a person by whom contributions became payable after 31st May 1989 either –

(a) for the first time, or

(b) following any period in respect of which they were not payable

except where Regulation 4 of the Retirement Benefit Schemes (Tax Relief on Contributions) (Disapplication of Earnings Cap) Regulations 1990 applies his pay shall be taken not to include any excess, in any tax year, over the figure which is the permitted maximum for that year for the purposes of section 594(2) and (3) of the Income and Corporation Taxes Act 1988 (that is to say, the figure specified for the year by an order made by the Treasury under section 590C(6) of that Act).

(2) The average pensionable pay of a member of a police force shall, subject to paragraphs (3) and (4), be the aggregate of his pensionable pay in respect of the period of a year ending with the relevant date: Provided that where he was entitled to pensionable pay for part only of that period, the said aggregate shall be multiplied by the reciprocal of the fraction of the year for which he was entitled to pensionable pay.

(3) Where the amount of a member of a police force's average pensionable pay, determined in accordance with paragraph (2), is less than the amount it would have been had he not suffered a temporary reduction in rate of pay by way of punishment or by reason of a period of sick leave, maternity leave or parental leave". Being taken, it shall be increased by the difference between the two said amounts.

(3A) Where the period referred to in paragraph (2) includes a period of unpaid leave in respect of which payment has been made under Regulation F1(1B) or (1C), the pensionable pay during that period shall, for the purposes of determining average pensionable pay, be taken to be the pay to which he would have been entitled had the period of unpaid leave in question not been taken; and accordingly the aggregate of his pensionable pay in respect of that period shall not be taken to exceed the amount which he would have received had the period of unpaid leave in question not been taken.

(4) Where the amount of a member of a police force's average pensionable pay, determined in accordance with paragraphs (2) and (3), is less than the amount it would have been had the relevant date been the corresponding date in one of the two preceding years (whichever year yields the higher amount), it shall be increased by the difference between the two said amounts.

(5) Where an award is made to or in respect of a member of a police force the relevant date for the purpose of determining his average pensionable pay shall be –

(a) in the case of a regular policeman, to or in respect of whom an award is made under Regulation C7(2)(b) (*widow's award where no other award payable*), the date of his last day of service as such in the force of the police authority by whom the award is payable;

(aa) in the case of a regular policeman to or in respect of whom an award is made other than one which is mentioned in subparagraph (a), the date of his last day of service in a period during which pension contributions were payable by him under Regulation G2(1) or the last day in respect of which payment has been made under Regulation F1(1B) or (1C), whichever is the later;

(b) in the case of an auxiliary policeman, the date of the last day of the continuous period of active service as such during which he received the injury which resulted in disablement or death;

(c) in the case of an overseas policeman who is not a reversionary member of a home police force, the date of the last day of the tour of overseas service during which he received the injury which resulted in disablement or death.

(6) Where a regular policeman has served as a member of the Police Service of Northern Ireland on or after 1st May 1970 and during part of the period of 3 years ending with the date mentioned as paragraph (5)(a), then paragraphs (2), (3) and (4) shall have effect in his case as if any reference in paragraph (2) to pensionable pay included a reference to such pay within the meaning of the Police Service of Northern Ireland pensions legislation.

(7) For the purposes of these Regulations, a serviceman shall be deemed to be entitled, in respect of his period of relevant service in the armed forces, to the pay to which he would have been entitled if he had continued to serve in his former force.

(8) Where for the purpose of calculating an award to a widow, child or dependent relative it is necessary to determine average pensionable pay for a week, it shall be taken to be average pensionable pay divided by 52 $\frac{1}{6}$ ths.

(9) Paragraph (2) has effect subject to paragraph 4 of Part VI and paragraph 5(4)(c) of Part VII of Schedule J.

Pension contributions payable by regular policeman

G2.–(1) Subject to paragraph (3), a regular policeman shall pay to the police authority pension contributions at the rate of 1p a week less than.

(a) in the case where he is ineligible under Regulation G7 or G8 for a pension award payable on the ground of permanent disablement, 7½ per cent of his pensionable pay; and

(b) in any other case, 11 per cent of his pensionable pay.

(2) The pension contributions payable under paragraph (1) upon each instalment of pay shall fall due at the same time as that instalment and may, without prejudice to any other method of payment, be discharged by way of a reduction of the appropriate amount made by the police authority from the said instalment.

(3) Paragraph (1) shall not apply in the case of a regular policeman who has made an election under Regulation G4(1) which is, for the time being, in effect.

Additional and further contributions

G3.—(1) This Regulation shall apply to a regular policeman who elected, in accordance with Regulation 58(2) or (3) of the Regulations of 1973, to pay additional or further pension contributions, and whose liability thereunder to pay those contributions did not cease before 1st April 1987.

(2) A man to whom this Regulation applies shall continue to pay additional or, as the case may be, further pension contributions until, subject to paragraph (4), the relevant date mentioned in paragraph (3), and Schedule G shall have effect for the purpose of calculating the amount of such additional or further pension contributions.

(3) For the purposes of paragraph (2), the relevant date is the date on which the man becomes entitled to reckon 25 years' pensionable service so, however, that in determining the said date there shall be disregarded pensionable service reckonable by reason of service or employment before 1st April 1973 which he was not entitled to reckon on 1st April 1973.

(4) Additional or further pension contributions payable under this Regulation shall cease to be payable –

(a) on retirement;

(b) in the case of a regular policeman who makes an election under Regulation G4(1), on the date on which that election takes effect;

but –

(i) where a regular policeman was paying such contributions immediately before retiring with an ordinary pension that pension shall be reduced in accordance with paragraph 6 of Part VIII of Schedule B, and

(ii) where a regular policeman who has made an election under Regulation G4(1) cancels that election under Regulation G4(5) any such contributions which he was liable to pay immediately before the date mentioned in sub-paragraph (b) shall become payable as from the date on which that election ceases to have effect.

(5) Regulation G2(2) shall apply in relation to the payment of additional or further contributions under this Regulation as it applies in relation to the payment of pension contributions under Regulation G2(1).

Election not to pay pension contributions

G4.—(1) A regular policeman with service as such on or after 6th April 1988 may at any time elect that Regulation G2(1) shall not apply in his case by notice in writing given to the police authority.

(2) Subject to paragraph (3), the date on which an election under paragraph (1) takes effect shall be the date on which an instalment of pay next falls due to him after the receipt of notice under paragraph (1).

(3) In the case of a regular policeman who last became such on or after 6th April 1988 and who has given notice under paragraph (1) within 3 months of the date on which he so became, his election under that paragraph shall be deemed to have taken effect on that date.

(4) In a case falling within paragraph (3) –

(a) the police authority shall pay to the regular policeman in question a sum equal to the sum of the pension contributions paid by him since the date on which the election is deemed to have taken effect, and

(b) for the purposes of Regulation C6(1) and C7(1), contributions shall be deemed not to have been payable.

(5) Subject to paragraphs (6) to (8), a regular policeman who has made an election under paragraph (1) may, not later than the date on which he attains the age of 45 years, cancel such election by notice in writing given to the police authority and the election shall cease to have effect as from the date on which an instalment of pay next falls due to him after the receipt of such notice:

Provided that – (i) a regular policeman having cancelled his election under paragraph (1) shall not be entitled to make any further such election during the same period of service as a regular policeman, and

(ii) a regular policeman shall not, if the police authority so resolves, be entitled to cancel his election under paragraph (1) unless he has undergone a medical examination and satisfied the authority as to his good health: and any fee payable in respect of that examination shall be paid by him. , and

(iii) a regular policeman in respect of whom it is finally determined, following a medical examination under Regulation G7 or G8, that the likely cost of providing him with benefits under these Regulations is disproportionately high, shall be entitled to cancel his election under paragraph (1) only on the basis that he shall not be eligible to receive pension awards payable on the ground of permanent disablement.

(6) The age restriction in paragraph (5) and the provisos to that paragraph shall not apply to a regular policeman to whom Regulation F11 applies.

(7) A notice under paragraph (5) cancelling an election given to a police authority after 5th April 2006 shall be of no effect.

(8) Where, following a notice of cancellation under paragraph (5), an election under paragraph (1) would, but for this paragraph, cease to have effect as from a date after 5th April 2006, that election shall cease to have effect as from 5th April 2006.

Supplementary provision as to elections not to pay pension contributions

G5.–(1) Any written notification given to a police authority in anticipation of Regulation G4 shall be treated as having been a notice given under that Regulation.

- (2) A notification is one given in anticipation of Regulation G4 if –
- (a) it was given after 5th April 1988 and before 1st May 1990;
 - (b) it expressed a wish not to pay, or as the case may be a wish to resume payment of, pension contributions, and
 - (c) it was given on the understanding that if these Regulations were amended so as to contain provision for the making and cancellation, by notice, of elections not to pay pension contributions, it would be treated as having been a notice given under those provisions.
- (3) In the case of a person who –
- (a) was serving as a regular policeman on 6th April 1988,
 - (b) gave a written notification treated by virtue of paragraph (1) as notice of an election under Regulation G4(1) not to pay pension contributions, and
 - (c) attained the age of 45 before 6th April 1989, a written notification given in anticipation of Regulation G4 before 6th April 1989 expressing a wish to resume payment of pension contributions shall be treated as having been an effective notice of cancellation given under Regulation G4(5) even if it was not given before his 45th birthday.

Payments by women to enhance widowers' awards

G6.–(1) Subject to paragraph (1A) and (2), a woman – (a) by whom contributions are for the time being payable under Regulation G2, and (b) whose pensionable service includes pensionable service that is reckonable by reason of service or employment before 17th May 1990, may elect to pay additional contributions in order to secure the counting of pensionable service that is reckonable by reason of service or employment before that date in the calculation of any award becoming payable under Regulation C1, C4, C5(3), C6 or C8(2) on her death.

(1A) An election under this Regulation which is made by virtue of the amendments to these Regulations by the Police Pensions (Amendment) Regulations 2006 may not secure the counting of pensionable service before 6th April 1988.

(2) An election under this Regulation – (a) must be made by giving notice in writing to the police authority within the period of 3 months beginning on the material date, and (b) takes effect at the end of that period.

(3) The material date for the purposes of this Regulation is –

(a) 1st April 1994 if contributions were payable under Regulation G2 during the whole of the period of 3 months beginning with that date, or

(b) if such contributions have ceased to be payable either before or during that period but again become payable within 2 years after the date of cessation, the date from which they become payable or

(c) if such contributions have ceased to be payable either before or during that period and again become payable more than 2 years after the date of cessation, but on or before the date on which the Police Pensions (Amendment) Regulations 2003 come into force, that date, or

(d) if such contributions have ceased to be payable either before or during that period and again become payable more than 2 years after the date of cessation, but after the

date on which the Police Pensions (Amendment) Regulations 2003 come into force, the date on which they again become payable, or

(e) in the case of a woman by whom contributions are payable under Regulation G2 on or before the date on which the Police Pensions (Amendment) Regulations 2006 come into force who elects to secure the counting of pensionable service after 5th April 1988 and before 17th May 1990 (not being service which is already the subject of an election to enhance her widower's or surviving civil partner's award), the date on which those Regulations come into force, or

(f) in the case of a woman by whom contributions become payable under Regulation G2 after the date on which the Police Pensions (Amendment) Regulations 2006 come into force who elects to secure the counting of pensionable service after 5th April 1988 and before 17th May 1990 (not being service which is already the subject of an election to enhance her widower's or surviving civil partner's award), the date on which those contributions become payable.

(4) In a case where the material date is the date given by paragraph (3)(a) or (b), the additional contributions to be paid are calculated, subject to paragraphs (6) to (11), in accordance with the Table in paragraph (18) by reference –

(a) to the whole of the woman's pensionable service reckonable by reason of service or employment before 17th May 1990 (see column 1 of the Table), and

(b) to the woman's pensionable pay or, in the case of a woman in part-time service, the pay that would be her pensionable pay if she were a full-time member of the police force (see columns 2 and 3 of the Table).

(4A) In a case where the material date is the date given by paragraph (3) (c), (d), (e) or (f), the additional contributions to be paid are such amounts as are determined in accordance with such guidance and Tables as the Government Actuary may issue for the purpose or, in any case where that guidance indicates that special considerations apply, such amounts as the Government Actuary determines for the case in question.

(4B) Where a woman has made an election under this Regulation to pay additional contributions by periodical payments before the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force and is in part-time service on that date, the payments payable by her shall, subject to paragraph (4C), increase from that date to such amount as is appropriate as a result of paragraph (4)(b).

(4C) Such a woman may vary the election by notice in writing to the police authority given within the period of 3 months beginning with that date, and that variation shall take effect as from that date.

(4D) Where - (a) a woman has made or makes such an election while she is in full-time service, and (b) her service becomes part-time on or after the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force, any contributions she is making under the election by periodical payments shall, from the date on which her service becomes part-time and subject to paragraph (4E), increase to such amount as is appropriate as a result of paragraph (4)(b).

(4E) Such a woman may vary the election by notice in writing to the police authority given within the period of 3 months beginning with the date on which the service becomes part-time, and that variation shall take effect as from that date.

(4F) Where a woman makes such an election on or after the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force and she is in part-time service on that date, she shall notify the police authority in writing that either - (a) the contributions payable by her as a lump sum or by periodical payments are to be payable at the same percentage of her pay as if she were in full-time service; or (b) those contributions are to be payable in accordance with paragraph (4H).

(4G) Where a woman varies an election under this Regulation, the contributions payable by her by periodical payments shall, from the date when the election takes effect, continue to be payable at the same percentage of her pay as before the variation, but the period of the woman's pensionable service counting as mentioned in paragraph (1) shall be given by the formula -

$$\frac{P \times V}{F}$$

where - P is the period that would be the period in years of her pensionable service if periods of part-time service were reckonable as if they were periods of full-time service, V is the amount of contributions paid by periodical payments, and F is the amount of contributions that would have been paid by periodical payments had there been no election.

(4H) Where a woman makes a notification under paragraph (4F)(b), the contributions payable by her as a lump sum or by periodical payments shall be payable at the same percentage of her pay as if she were in full-time service, but the period of the woman's pensionable service counting as mentioned in paragraph (1) shall be given by the formula set out in paragraph (4G), save that references to contributions paid by periodical payments shall include references to contributions paid as a lump sum."

(5) In a case where the material date is the date given by paragraph (3)(a) or (b), the notice of election must specify whether the contributions are to be paid – (a) as a lump sum calculated in accordance with the first and third columns, or (b) by periodical payments calculated in accordance with the first and second columns, of the Table in paragraph (18).

(6) This paragraph applies where – (a) the additional contributions are to be paid as a lump sum, and (b) in the tax year in which the election takes effect (A + B) exceeds C.

(7) Where paragraph (6) applies – (a) the election has effect as an election to pay a lump sum of (C – B), and (b) the period of pensionable service counting as mentioned in paragraph (1) is to be calculated accordingly.

(8) In paragraphs (6) and (7) –

A is a lump sum calculated as mentioned in paragraphs (4) and (5)(a),

B is the total of any other contributions payable under Regulations made under the Police Pensions Act 1976 and any contributions payable otherwise than under such Regulations to an approved scheme, and

C is 15% of the woman's emoluments,

and in this paragraph "approved scheme" and "emoluments" have the meaning given in Regulation 2(3) of the Police Pensions (Additional Voluntary Contributions) Regulations 1991.

(9) This paragraph applies where – (a) the additional contributions are to be paid by periodical payments, and (b) in the first tax year after that in which the election takes effect (D + B) will exceed C.

(10) Where paragraph (9) applies – (a) the election has effect as an election to make periodical payments amounting to $(C - B)$, and (b) the period of pensionable service counting as mentioned in paragraph (1) is to be calculated accordingly.

(11) In paragraphs (9) and (10) B and C are the same as in paragraphs (6) and (7) and D is the periodical payments calculated as mentioned in paragraphs (4) and (5)(b).

(12) A lump sum may be deducted by the police authority from the first instalment of pay falling due after the election takes effect, and periodical payments – (a) are payable at the same times, and may be discharged in the same way, as contributions under Regulation G2, and (b) subject to paragraph (13), continue to be payable while such contributions are payable.

(13) Periodical payments cease to be payable –

(a) except where the payments are made in pursuance of an election for which the material date is that given by paragraph (3)(c), (d), (e) or (f), in the case of a woman who at the material date had completed less than 19 years' pensionable service, when she has completed 25 years' pensionable service, and

(b) in any other case, at the end of the period of 5 years beginning on the date on which the first of them became payable.

(13A) Periodical payments also cease to be payable if the police authority are satisfied that their payment in accordance with the election is causing or is likely to cause financial hardship and have consented to the discontinuance of the payments for such period as they think fit.

(14) Where a lump sum is paid or payment of periodical payments ceases –

(a) as provided in paragraph (13), or

(b) in consequence of the woman's death while paying contributions under Regulation G2, or

(c) in consequence of her ceasing to be liable to pay such contributions by reason of retirement under Regulation A20 (permanent disablement), the period of pensionable service counting as mentioned in paragraph (1) is the election period.

(15) Except where paragraph (6) or (9) applies, the election period is

(a) for the purpose, in calculating any award becoming payable under Regulation C1 (ordinary pension), of arriving at the amount of the pension or notional pension referred to in paragraph 1(1)(a) of Part I Schedule C, and

(b) for the purpose of calculating any award becoming payable under Regulation C4 (accrued pension), the whole of the woman's pensionable service reckonable by reason of service or employment service before 17th May 1990, but for all other purposes it is the whole of her pensionable service reckonable by reason of service or employment service after 5th April 1978 and before 17th May 1990.

(16) Where paragraph (6) or (9) applies, the election period is the shorter period counting for calculating the award in question by reason of paragraph (7)(b) or (10)(b).

(17) In any case not falling within paragraph (14) the period counting is the election period multiplied by E/F , where – E is the length of the period during which periodical payments were paid, and F is the period during which they would have been payable under paragraphs (12) and (13).

(18) The following Table is that referred to in paragraphs (4) and (5).

TABLE

| <i>Contributions for each year or part of a year of pensionable service reckonable by reason of service or employment" before 17th May 1990</i> | | |
|---|---|--|
| <i>Completed years of pensionable service so reckonable at material date</i> | <i>Periodical payments of percentage of pensionable pay from time to time</i> | <i>Lump sum as percentage of annual rate of pensionable pay 3 months after material date</i> |
| 3 but less than 4 | 0.06 | 0.67 |
| 4 but less than 5 | 0.06 | 0.68 |
| 5 but less than 6 | 0.06 | 0.69 |
| 6 but less than 7 | 0.07 | 0.71 |
| 7 but less than 8 | 0.07 | 0.72 |
| 8 but less than 9 | 0.07 | 0.74 |
| 9 but less than 10 | 0.08 | 0.76 |
| 10 but less than 11 | 0.08 | 0.79 |
| 11 but less than 12 | 0.09 | 0.81 |
| 12 but less than 13 | 0.09 | 0.83 |
| 13 but less than 14 | 0.10 | 0.85 |
| 14 but less than 15 | 0.11 | 0.86 |
| 15 but less than 16 | 0.12 | 0.86 |
| 16 but less than 17 | 0.13 | 0.87 |
| 17 but less than 18 | 0.14 | 0.87 |
| 18 but less than 19 | 0.15 | 0.87 |
| 19 but less than 20 | 0.18 | 0.86 |
| 20 but less than 21 | 0.18 | 0.84 |
| 21 but less than 22 | 0.18 | 0.83 |
| 22 but less than 23 | 0.18 | 0.81 |
| 23 but less than 24 | 0.18 | 0.80 |
| 24 but less than 25 | 0.18 | 0.79 |
| 25 but less than 26 | 0.18 | 0.77 |
| 26 but less than 27 | 0.18 | 0.76 |
| 27 but less than 28 | 0.18 | 0.74 |
| 28 but less than 29 | 0.18 | 0.73 |
| 29 and over | 0.18 | 0.73 |

Eligibility for pension awards payable on the ground of permanent disablement

G7.—(1) A person to whom this Regulation applies, shall, if required by the police authority for that force, submit to an examination by a duly qualified medical practitioner selected by the authority (“the selected medical practitioner”) in order that the authority may determine his eligibility to receive pension awards payable on the ground of permanent disablement.

(2) This Regulation applies to- (a) a candidate for appointment to a police force (other than on transfer from another force), and (b) a regular policeman who seeks under Regulation G4(5) to cancel his election that Regulation G2(1) shall not apply in his case.

(3) The selected medical practitioner shall report to the police authority his opinion on the likelihood and likely timing of that person becoming permanently disabled for the performance of his duty, and such a report shall, subject to an appeal under this Regulation, be final.

(4) A copy of any such report shall be supplied to the person who is the subject of that report, at his request.

(5) The police authority shall determine, by applying the opinion of the selected medical practitioner and advice from the Government Actuary, whether the risk presented by that person that he will retire on the ground that he is permanently disabled is such that the likely cost of providing him with benefits under these Regulations is disproportionately high.

(6) The likely cost of providing a person with benefits under these Regulations shall be assessed as disproportionately high if it is more than 50% greater than the likely cost of providing such benefits to a person who does not have an identified risk of retirement on that ground.

(7) A person who it is determined under paragraph (5) presents such a risk shall, in accordance with these Regulations, be ineligible for pension awards payable on the ground of permanent disablement.

Appeals against decisions on eligibility for pension awards payable on the ground of permanent disablement

G8.—(1) A person who is dissatisfied with the opinion of the selected medical practitioner may appeal against the practitioner’s report if- (a) within 28 days of receiving a copy of it he gives notice that he intends to make such an appeal, and (b) within two months (or such longer period as may be agreed by the police authority) of receiving that copy he supplies evidence that a registered medical practitioner (“the appellant’s practitioner”) has examined him and disagrees with the selected medical practitioner’s opinion on the likelihood or likely timing (or both) of that person becoming permanently disabled for the performance of his duty.

(2) The police authority shall ask the selected medical practitioner to reconsider his report in the light of that evidence and, if necessary, to produce a revised report on the likelihood and likely timing of that person becoming permanently disabled for the performance of his duty.

(3) Where the police authority receives such a revised report, it shall determine, by applying the revised report and advice from the Government Actuary, whether that person shall be eligible for pension awards payable on the ground of permanent disablement, and if it determines that he is so eligible then that revised report shall be final.

(4) In any other case, the authority shall arrange for a third registered medical practitioner to examine the person.

(5) The third medical practitioner shall be acceptable to the selected medical practitioner and to the appellant's practitioner, except that in the event of a failure to agree, the police authority may appoint such third medical practitioner as it considers appropriate.

(6) The third medical practitioner shall supply the police authority and the appellant with a written statement of his opinion, which, if it disagrees with any part of the report of the selected medical practitioner, shall take the form of a revised report on the likelihood and likely timing of that person becoming permanently disabled for the performance of his duty, which shall be final.

(7) Where the third medical practitioner produces a revised report, the police authority shall determine, by applying that report and advice from the Government Actuary, whether the appellant is eligible for pension awards payable on the ground of permanent disablement.

Part H

Appeals and Medical Questions

- H1 Reference of medical questions
- H2 Appeal to medical referee
- H3 Further reference to medical authority
- H4 Refusal to be medically examined
- H5 Appeal by a member of a home police force
- H6 Appeal by overseas policeman, inspector of constabulary or central police officer
- H7 Limitations on appeals

PART H

APPEALS AND MEDICAL QUESTIONS

Reference of medical questions

H1.—(1) Subject as hereinafter provided, the question whether a person is entitled to any and, if so, what awards under these Regulations shall be determined in the first instance by the police authority.

(2) Where the police authority are considering whether a person is permanently disabled, they shall refer for decision to a duly qualified medical practitioner selected by them the following questions:

- (a) whether the person concerned is disabled;
- (b) whether the disablement is likely to be permanent.

(3) A police authority, if they are considering the exercise of their powers under Regulation K3 (reduction of pension in case of default), shall refer for decision to a duly qualified medical practitioner selected by them the question whether the person concerned has brought about or substantially contributed to the disablement by his own default.

(4) The police authority may decide to refer a question in paragraph (2) or, as the case may be, (3) to a board of duly qualified medical practitioners instead of to a single duly qualified medical practitioner, and in such a case references in this Regulation, Regulations H2 and H3(1), (2) and (4) and paragraphs 5(1)(a) and (2) of Schedule H to a medical practitioner shall be construed as if they were references to such a board.

(5) The decision of the selected medical practitioner on the question or questions referred to him under this Regulation shall be expressed in the form of a report and shall, subject to Regulations H2 and H3, be final.

(6) A copy of any such report shall be supplied to the person who is the subject of that report.

Appeal to board of medical referees

H2.—(1) Where a person is dissatisfied with the decision of the selected medical practitioner as set out in a report under Regulation H1(5), he may, within 28 days after he has received a copy of that report or such longer time as the police authority may allow, and subject to and in accordance with the provisions of Schedule H, give notice to the police authority that he appeals against the decision.

(2) In any case where within a further 28 days of that notice being received (or such longer period as the police authority may allow) that person has supplied to the police authority a statement of the grounds of his appeal, the police authority shall notify the Secretary of State accordingly, and the police authority shall refer the appeal to a board of medical referees, appointed in accordance with arrangements approved by the Secretary of State, to decide.

(3) The decision of the board of medical referees shall, if it disagrees with any part of the report of the selected medical practitioner, be expressed in the form of a report of its decision on any of the questions referred to the selected medical practitioner on which it disagrees with the latter's decision, and the decision of the board of medical referees shall, subject to the provisions of Regulation H3, be final.

Further reference to medical authority

H3.—(1) A court hearing an appeal under Regulation H5 or a tribunal hearing an appeal under Regulation H6 may, if they consider that the evidence before the medical authority who has given the final decision was inaccurate or inadequate, refer the decision of that authority to him or as the case may be it, for reconsideration in the light of such facts as the court or the tribunal may direct, and the medical authority shall accordingly reconsider his or as the case may be its, decision and, if necessary, issue a fresh report which, subject to any further reconsideration under this paragraph, shall be final.

(2) The police authority and the claimant may, by agreement, refer any final decision of a medical authority who has given such a decision to him, or as the case may be it, for reconsideration, and he, or as the case may be it, shall accordingly reconsider his, or as the case may be its, decision and, if necessary, issue a fresh report, which, subject to any further reconsideration under this paragraph or paragraph (1) or an appeal, where the claimant requests that the appeal of which he has given notice (before referral of the decision under this paragraph) be notified to the Secretary of State, under Regulation H2, shall be final."

(3) If a court or tribunal decide, or a claimant and the police authority agree, to refer a decision to the medical authority or board of medical practitioners"; for reconsideration under this Regulation and that medical authority is unable or unwilling to act, the decision may be referred to a duly qualified medical practitioner selected by the court or tribunal or, as the case may be, agreed upon by the claimant and the police authority, and his or as the case may be its decision shall have effect as if it were that of the medical authority who gave the decision which is to be reconsidered.

(4) In this Regulation a medical authority who has given a final decision means the selected medical practitioner, if the time for appeal from his decision has expired without an appeal to a board of medical referees being made or if, following a notice of appeal to the police authority, the police authority have not yet notified the Secretary of State of the appeal, and the board of medical referees, if there has been such an appeal.

Refusal to be medically examined

H4. If a question is referred to a medical authority under Regulation H1, H2 or H3 and the person concerned wilfully or negligently fails to submit himself to such medical examination or to attend such interviews as the medical authority may consider necessary in order to enable him to make his decision, then —

(a) if the question arises otherwise than on an appeal to a board of medical referees, the police authority may make their determination on such evidence and medical advice as they in their discretion think necessary;

(b) if the question arises on an appeal to a board of medical referees, the appeal shall be deemed to be withdrawn.

Appeal by a member of a home police force

H5.—(1) Where a member of a home police force, or person claiming an award in respect of such a member, is aggrieved by the refusal of the police authority to admit a claim to receive as of right an award or a larger award than that granted or by a decision of the police authority as to whether a refusal to accept medical treatment is reasonable for the purposes of Regulation A12(1A), or by the forfeiture under Regulation K5 by the police authority of any award granted to or in respect of such a member, he may, subject to Regulation H7, appeal to the Crown Court and that court, after enquiring into the case, may make such order in the matter as appears to it to be just.

(2) In the case of a member of a Scottish police force, paragraph (1) shall have effect as if any reference to the Crown Court were a reference to the sheriff having jurisdiction in the place where the person concerned last served as such a member.

(3) The provisions of section 5(1) and (5) of the Police Pensions Act 1948 (appeals), as they have effect under section 12(2) of the Police Pensions Act 1976, shall not apply in relation to an award under these Regulations.

Appeal by overseas policeman, inspector of constabulary or central police officer

H6.—(1) This Regulation shall apply in relation to —

- (a) an overseas policeman;
- (b) an inspector or assistant inspector of constabulary, or
- (c) a central police officer,

and any such person is hereafter in this Regulation referred to as an officer to whom this Regulation applies.

(2) Where an officer to whom this Regulation applies, or person claiming an award in respect of such an officer, is aggrieved by the refusal of the Secretary of State as police authority to admit a claim to receive as of right an award or a larger award than that granted or by a decision of the Secretary of State as police authority as to whether a refusal to accept medical treatment is reasonable for the purposes of Regulation A12(1A), or by the forfeiture under Regulation K5, by the Secretary of State as police authority, of any award granted to or in respect of such an officer, he may, subject to Regulation H7, give notice of appeal to the Secretary of State; and any such notice shall be in writing and shall specify the grounds of the appeal.

(3) The Secretary of State, on receiving such notice of appeal, shall appoint an appeal tribunal (hereafter in this Regulation referred to as the tribunal), consisting of 3 persons, including a barrister or solicitor of not less than 7 years' standing and a retired member of a police force who, before he retired, held a rank not lower than that of superintendent.

(4) The time and place for the hearing, or any postponed or adjourned hearing, of the appeal shall be determined by the tribunal, which shall give reasonable notice thereof to the appellant and to the Secretary of State as police authority (hereafter in this Regulation described as the parties).

(5) Either party may be represented before the tribunal by Counsel, by a solicitor or by such other person as appears to him appropriate, adduce evidence and cross-examine witnesses.

(6) In the case of an appeal under this Regulation the tribunal shall have regard to the practice of the Crown Court in the case of an appeal under Regulation H5 and the rules of evidence applicable in the case of such an appeal shall apply in the case of an appeal under this Regulation.

(7) Subject to the preceding provisions of this Regulation, the tribunal shall determine its own procedure.

(8) The tribunal, after enquiring into the case and arriving at a decision thereon, may make such order in the matter as appears to it just, which order shall state the reasons for the decision; and each of the parties shall be entitled to a copy of any such order.

(9) An appeal shall lie on a point of law from any decision of a tribunal under this Regulation to the High Court in accordance with rules of court.

(10) In the case of an officer to whom this Regulation applies and who (a) in the case of an overseas policeman or a central police officer, immediately before becoming such, was a member of a Scottish police force, or (b) in the case of an inspector or assistant inspector of constabulary, was appointed (or treated as appointed) under section 33 or 34 of the Police (Scotland) Act 1967; this Regulation shall have effect as if— (i) any reference to a barrister were a reference to an advocate, and (ii) any reference to the Crown Court or the High Court were a reference to the sheriff or, as the case may be, the Court of Session.

Limitations on appeals

H7.—(1) An appeal shall not lie under Regulation H5 or H6 against anything done by a police authority in the exercise of a power conferred by these Regulations which is expressly declared thereby to be a power which they are to exercise in their discretion.

(2) Subject to Regulation H3(1), in any proceedings under Regulation H5 or H6 the court or tribunal shall be bound by any final decision of a medical authority within the meaning of Regulation H3.

Part I

Servicemen

- I1 Servicemen to whom Part I applies
- I2 Awards to servicemen
- I3 Awards on death of servicemen
- I4 Application of Regulations E2 and E3
- I5 Servicemen who resume service as regular policemen
- I6 Servicemen who do not resume service in their former force
- I7 Pensionable service
- I8 Pension contributions, etc.

PART I

SERVICEMEN

Servicemen to whom Part I applies

11. This Part shall, subject to Regulation A3 (exclusion of old cases) and Regulation 18(1) (pension contributions), have effect in the case of a serviceman whose period of relevant service in the armed forces ends or has ended on or after 5th July 1948 or who, having resumed service as a regular policeman, has served as such on or after 1st April 1972: Provided that only Regulation 14 shall have effect in the case of a serviceman other than a serviceman (1939-1945), whose period of relevant service in the armed forces ended on or after 5th July 1948 but before 15th July 1950 and that Regulation shall have effect only where he was called up for service in the armed forces under the National Service Acts 1939 to 1946, the National Service Act 1947 or the National Service Act 1948, or required for training or called into actual service or called out for training or for permanent service in the armed forces in pursuance of his obligations as a member of the territorial army or any reserve of the armed forces.

Awards to servicemen

12.-(1) This Regulation shall apply to a serviceman who at the end of his period of relevant service in the armed forces is or was permanently disabled for the performance of duty as a regular policeman.

(2) A serviceman to whom this Regulation applies shall be entitled to an ill-health award under Regulation B3 on the same conditions in all respects as if he were such a regular policeman as is mentioned in paragraph (1) of that Regulation, subject, however, to the following paragraphs.

(3) Where the disablement is the result of an injury received during the serviceman's period of relevant service in the armed forces, in lieu of an ill-health gratuity in pursuance of paragraph (2) (or, where the period of relevant service in the armed forces ended before 1st April 1987, in pursuance of the corresponding provision of the former Regulations), the police authority may, in their discretion, pay him a pension at the rate of a twelfth of his average pensionable pay, subject, however, to paragraph (4).

(4) Where the disablement is the result of such an injury as aforesaid, any pension payable to the serviceman in pursuance of 1 paragraph (2) or (3) may, subject to the limitation in paragraph 1 of Schedule I, from time to time be increased at the discretion of the police authority but, where an ill-health pension payable in pursuance of paragraph (2) is so increased, no account of the increase shall be taken for the purposes of Regulation B7 or B9 (*commutation and allocation*) or of Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*).

Awards on death of servicemen

13.-(1) If a serviceman entitled to reckon 3 years' pensionable service —

(a) dies or has died during his period of relevant service in the armed forces, or

(b) having been permanently disabled for duty as a regular policeman at the end of the said period (without any intervening period of service as such) dies or has died either as a result of the same injury as resulted in his disablement or while in receipt of a pension, his widow shall be entitled to a widow's ordinary pension under Regulation C1 on the same conditions in all respects as if he were such a regular policeman as is mentioned in paragraph (1) of that Regulation, subject, however, to paragraphs (5) and (6) of this Regulation.

(2) If a serviceman dies during his relevant period of service in the armed forces and his widow is not entitled to a pension under paragraph (1), she shall, subject to paragraph (3), be entitled to a gratuity of an amount equal to her husband's average pensionable pay.

(3) Where the death of a serviceman is the result of an injury received during his period of relevant service in the armed forces, in lieu of a gratuity under paragraph (2) (or, where he died before 1st April 1987, in lieu of a gratuity under the corresponding provision of the former (Regulations) the police authority may, in their discretion, pay his widow a pension the amount whereof shall be the appropriate sum for the purposes of this paragraph, that is to say pounds £7.28, increased in accordance with Regulation E10(6) (*increase of flat-rate award*), subject, however, to paragraphs (5) and (6) of this Regulation.

(4) If a serviceman — (a) dies or has died during his period of relevant service in the armed forces, or (b) having been permanently disabled for duty as a regular I 2 policeman at the end of the said period (without any intervening period of service as such) dies or has died while in receipt of a pension, or, being a person entitled to reckon not less than three years' pensionable service, dies or has died having received a gratuity, then each of his children shall be entitled to a child's allowance under Regulation D1 on the same conditions in all respects as if he were such a regular policeman as is mentioned in paragraph (1) of that Regulation, subject, however, to paragraphs (5) and (6) of this Regulation.

(5) Where the death of a serviceman is the result of an injury received during his period of relevant service in the armed forces, any pension or allowance payable in respect of him in pursuance of paragraph (1), (3) or (4) may, subject to the limitation in paragraph 2 or 3 of Schedule I, from time to time be increased at the discretion of the police authority.

(6) Without prejudice to anything in paragraph (1) or (4)

(a) in relation to a widow's pension or gratuity in pursuance of paragraph (1), (2) or (3), Regulation C8 (*limitation on award to widow living apart from her husband and widow's requisite benefit pension*) and Regulation E7 (prevention of duplication) shall apply, and

(b) in relation to a child's allowance in pursuance of paragraph (4), Regulation E7 shall apply,

as those Regulations apply in relation to the awards therein mentioned.

Application of Regulations E2 and E3

14. In the case of a serviceman —

(a) who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, and whose death results from an injury received during his relevant period of service in the armed forces, Regulation E2

(gratuities — dependent relatives) shall apply as it applies in the case of a regular policeman who so dies and whose death results from an injury received in the execution of his duty;

(b) who dies during his relevant period of service in the armed forces, Regulation E2 and Regulation E3 (gratuity-estate) shall apply as they apply in the case of a regular policeman who dies while serving as such.

Servicemen who resume service as regular policemen

15. If a serviceman, after resuming service, or returning to duty, as a regular policeman —

(a) is permanently disabled as a result of an injury received during his period of relevant service in the armed forces, the police authority may, in relation to any pension payable to him, other than a deferred pension, exercise the like discretion as that conferred by Regulation I2(4) but, where a pension is increased in pursuance of this subparagraph, no account of the increase shall be taken for the purposes of Regulation B7 or B9 (*commutation and allocation*) or of Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*);

(b) dies or has died as a result of such an injury, the police authority may, in relation to any widow's pension or gratuity and any child's allowance payable in respect of him, exercise the like discretions as those conferred by Regulation I3(3) and (5).

Servicemen who do not resume service in their former force

16. Where a serviceman who ceased to serve as a regular policeman in order to undertake a period of relevant service in the armed forces does not or did not resume service in his former force within a month of the end of that period, he shall be treated for the purposes of Regulations A10, A16, B5(2), B6, F3, F4 and F5 as having left his former force at the end of his period of relevant service in the armed forces.

Pensionable service

17.—(1) A serviceman who ceased to serve as a regular policeman in order to undertake a period of relevant service in the armed forces shall be entitled to reckon that period as pensionable service in his former force except that so much, if any, of that period as fell before 5th July 1948, shall not be so reckonable under this paragraph.

(2) A serviceman (1939-1945) shall also be entitled so to reckon as pensionable service —

(a) such further period as the Secretary of State may fix or has fixed, not exceeding 3 months after the end of his period of relevant service in the armed forces and before becoming a member of a police force, and

(b) any period of approved service under the former Acts reckon- I 4 able by him immediately before 5th July 1948.

(3) The reference in paragraph (2)(b) to approved service reckonable under the former Acts shall be construed as provided in Regulation F1(2) in the case of such a reference in Part F.

Pension contributions etc.

18.—(1) This Part shall have effect in the case of a serviceman who ceased to serve as a regular policeman in order to undertake a period of relevant service in the armed forces only if he pays or has paid pension contributions (other than additional or further pension contributions) to the police authority of his former force, as though he had remained a regular policeman in that force, in respect of his period of relevant service in the armed forces and, in the case of a serviceman (1939—1945), such further period as the Secretary of State may have fixed which is reckonable as pensionable service:

Provided that this Part shall have effect notwithstanding that pension contributions are not or have not been paid as aforesaid —

(a) by a serviceman other than a serviceman (1939—1945) in respect of —

(i) any period during which his service pay when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is less than his pensionable pay, or

(ii) any period before 1st January 1952 for which he has been required to serve in the armed forces as mentioned in the proviso to Regulation II and in respect of which no payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 have been made;

(b) by a serviceman (1939—1945) in respect of any period in respect of which he would not have been compelled to pay sums equal to rateable deductions if the Police Pensions Act 1948 had not been passed.

(2) Where this Part has effect in the case of a serviceman by virtue of proviso (a) to paragraph (1), he shall be deemed, except for the purposes of Regulation A10 (*aggregate pension contributions for purposes of awards*), to have paid pension contributions in respect of any period beginning on or after 1st April 1956 and ending before 1st April 1972 at the rate at which he last paid such contributions or, where he was on 1st April 1956 performing relevant service in the armed forces and did not give the notice referred to in the relevant provisions of the former Regulations, at a rate related to 6.25% of his pensionable pay.

In this paragraph the reference to the relevant provisions of the former Regulations is a reference to the provisions of the proviso to Regulation 35(2) of the Police Pensions Regulations 1955 as set out in Regulation 13 of the Police Pensions Regulations 1956, or of the proviso to Regulation 37(2) of the Police Pensions (Scotland) Regulations 1955, as set out in Regulation 13 of the Police Pensions (Scotland) Regulations 1956.

(3) Where this Part has effect in the case of a serviceman, any reference in these Regulations to service as a member of a police force or of the Police Service of Northern Ireland on or after 1st April 1972 or in respect of which he has paid pension contributions at a rate related to 6.25% of his pensionable pay shall be construed as including a reference to his period of relevant service in the armed forces on or after that date or, as the case may be, in respect of which he has paid, or is deemed to have paid, pension contributions at that rate.

Part J

Special Cases

- J1 Policeman with a guaranteed minimum for the purposes of the Social Security Act 1975
- J1A Revaluation of guaranteed minimum pension
- J2 Former members of the Police Service of Northern Ireland
- J3 Former reversionary members of home police forces
- J4 Other special provisions

PART J

SPECIAL CASES

Policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975

J1.—(1) This Regulation shall apply in the case of a regular policeman who, for the purposes of the Social Security Pensions Act 1975, as amended by the Social Security Act 1986, has a guaranteed minimum in relation to the pension provided by these Regulations by reason of service which is contracted-out employment by reference thereto:

Provided that it shall not apply in the case of a regular policeman in respect of whom a transfer value has been, or is required to be, paid under Regulation F9.

(2) In a case in which this Regulation applies the regular policeman shall be entitled to a pension of a weekly amount equal to his guaranteed minimum but no payment shall be made on account of the pension —

(a) in respect of any period before he attains state pensionable age;

(b) if he is also entitled to a pension under Part B, or to an injury pension under Regulation 11 of the Injury Benefit Regulations, in respect of any period for which that pension, together with any increase therein under the Pensions (Increase) Act 1971, exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder subject, however, to paragraph (3)(a), or

(c) in respect of any period within the five years following his attaining state pensionable age during which he is serving as a regular policeman if either —

(i) he has so served for a continuous period beginning before he attained that age,
or

(ii) he is entitled to a pension under Part B, or an injury pension under Regulation 11 of the Injury Benefit Regulations, but for the period in question that pension has been withdrawn, in whole or in part, in pursuance of a decision taken by the police authority for the purposes of Regulation K4, or, as the case may be, Regulation 39 of the Injury Benefit Regulations before he attained state pensionable age.

(3) Where a regular policeman is entitled both to a pension under Part B, or an injury pension under Regulation 11 of the Injury Benefit Regulations and a pension under paragraph (2) then —

(a) for the purposes of paragraph (2)(b), in the case of a pension under Part B any secured portion thereof shall be disregarded but, subject as aforesaid, where he is entitled to both an injury pension and under Regulation 11 of the Injury Benefit Regulations and a pension under Part B, those pensions shall be treated as a single pension;

(b) in respect of any period in respect of which a payment is made on account of the pension under paragraph (2), no payment shall be made on account of the pension under Part B otherwise than on account of any secured portion thereof.

(4) In a case in which this Regulation applies, where the regular policeman dies or has died at any time leaving a widow then, unless any pension to which he has been entitled has been forfeited under Regulation K5(2), she shall be entitled to a pension of a weekly amount equal to a half of his guaranteed minimum increased in accordance with Regulation E9

(increase by reference to the Pensions (Increase) Acts) but that entitlement shall cease if she remarries or has remarried or forms a civil partnership before attaining the age of 60 years and no payment shall be made on account of the pension —

(a) if she is also entitled to a pension under Part C or a widow's special pension under Regulation 13 of the Injury Benefit Regulations, in respect of any period for which the amount of that pension exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder, or

(b) in respect of any period before she attains the age of 60 years during which she and a man to whom she is not married are living together as husband and wife or during which she lives with another woman as if they were civil partners.

(4A) In a case in which this Regulation applies, where the regular policeman dies or has died on or after 6th April 1988 leaving a widower then, unless any pension to which she had been been entitled has been forfeited under Regulation K5(2), he shall be entitled to a pension of a weekly amount equal to one-half of that part of her guaranteed minimum which is attributable to earnings factors for the tax year, 1988- 89 and subsequent tax years increased in accordance with Regulation E9 *(increase by reference to the Pensions (Increase) Acts)* but that entitlement shall cease if he remarries or has remarried or forms a civil partnership before attaining the age of 65 years and no payment shall be made on account of the pension —

(a) in respect of any period for which the amount of any pension payable to him under Part C ,or under Regulation 20 of the Injury Benefit Regulations (adult dependent relative's special pension) by virtue of paragraph (1)(c) of the said Regulation, exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder, or

(b) in respect of any period before he attains the age of 65 years during which he and a woman to whom he is not married are living together as husband and wife or during which he lives with another man as if they were civil partners.

(4B) In a case to which this Regulation applies, where the regular policeman dies or has died on or after 5th December 2005 leaving a civil partner then, unless any pension to which he has been entitled has been forfeited under Regulation K5(2), that surviving civil partner shall be entitled to a pension of a weekly amount equal to one-half of that part of the policeman's guaranteed minimum which is attributable to earnings factors for the tax year, 1988-89 and subsequent tax years increased in accordance with Regulation E9 *(increase by reference to the Pensions (Increase) (Acts))* but that entitlement shall cease if he marries, remarries or has married or remarried or forms a civil partnership before attaining the age of 65 years and no payment shall be made on account of the pension—

(a) in respect of any period for which the amount of any pension payable to him under Part C exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder, or

(b) in respect of any period before he attains the age of 65 years during which he and another person to whom he is not married and with whom he has not formed a civil partnership are living together as husband and wife or as if they were civil partners.

(5) Where a widow is entitled both to a pension under Part C or a special pension under Regulation 13 of the Injury Benefit Regulations and a pension under paragraph (4) then, in respect of any period in respect of which a payment is made on account of the pension under paragraph (4), no payment shall be made on account of the pension under Part C or such a special pension as aforesaid.

(5A) Where a widower is entitled to a pension under paragraph (4A) then, in respect of any period in respect of which a payment is made on account of that pension, no payment shall be made on account of any pension payable to him under Regulation 20 of the Injury Benefit Regulations by virtue of paragraph (1)C of that Regulation, or under Part C.

(5B) Where a surviving civil partner is entitled to a pension under paragraph (4B) then, in respect of any period in respect of which a payment is made on account of that pension, no payment shall be made on account of any pension payable to him under Part C.

(6) The following provisions shall apply in relation to a pension under this Regulation as hereinafter provided, that is to say —

(a) Regulation B8 (*commutation – small pensions*) shall apply in relation to a pension under paragraph (2) as it applies in relation to a pension under Part B;

(b) Regulation E4(3) (*gratuity in lieu of widow's pension*) shall apply in relation to a pension under paragraph (4) as it applies in relation to a pension under Part C, and

(c) Regulation K5 (*forfeiture of pension*) shall apply in relation to a pension under paragraph (2) or (4) or (4A) as it applies in relation to a pension under Part B or C but as if paragraph (4) thereof were omitted,

but, save as aforesaid or as provided in paragraph (2) or (4), nothing in any other Regulation shall affect a person's entitlement to a pension under this Regulation, the amount of such a pension or the circumstances in which it may be withdrawn or forfeited.

(6A) Where the annual amount of any pension payable under paragraph (4A) does not exceed £260, or any greater amount prescribed by Regulations for the time being in force under paragraph 15(4) of Schedule 16 to the Social Security Act 1973, the police authority may, at their discretion, commute it for a gratuity.

Revaluation of guaranteed minimum pension

J1A.—(1) This Regulation shall apply in the case of a regular policeman who has ceased to serve as such or has made an election under Regulation G4(1) (*election not to pay pension contributions*) and, in either case —

(a) in respect of whom a transfer value is payable under Part F, and

(b) who chooses to exercise the option conferred by paragraph 13(2) of Schedule 1A to the Social Security Pensions Act 1975 wholly J3 or partly in the way specified in subparagraph (2)(b) of that paragraph (*purchase of annuity*).

(2) Where this Regulation applies in the case of a regular policeman, to the extent that his guaranteed minimum for the purposes of that Act of 1975 is otherwise appropriately secured within the meaning of section 52C(4) of that Act —

(a) for the purposes of section 35(2) of that Act (*amount of guaranteed (minimum)*) his earnings factors shall be determined by reference to the last order under section 21 of that Act to come into force before the end of the tax year in which he ceased to serve or, as the case may be, in which his election under Regulation G4(1) took effect and without reference to any subsequent such order, and

(b) the weekly equivalent mentioned in the said section 35(2) shall be increased in accordance with any additional requirements for the time being prescribed for the purposes of section 45(1)(b) of that Act (*exclusion from liability to pay a limited revaluation premium*).

Former member of the Police Service of Northern Ireland

J2.—(1) This Regulation shall apply in the case of a regular policeman who has been a member of the Police Service of Northern Ireland.

(2) Where such a regular policeman is entitled to reckon pensionable service by reason of previous service in the Police Service of Northern Ireland then, except where the context otherwise requires, these Regulations shall have effect as if anything done by him or in his case under, or for the purposes of, a provision of the Police Service of Northern Ireland pensions legislation which corresponds to a provision of these Regulations or of the former Regulations had been done under, or for the purposes of, that corresponding provision. (3) Without prejudice to the generality of paragraph (2), if such a regular policeman elected to pay additional or further contributions under any provision of the Police Service of Northern Ireland pensions legislation corresponding to Regulation 58(2) or

(3) of the Regulations of 1973 and his liability to pay such contributions, either under that legislation or by reason of Regulation 63 of the Regulations of 1973, did not cease before 1st April 1987 or, if later, the date on which he became a regular policeman then, notwithstanding that he is not such a regular policeman as is mentioned in paragraph (1) of Regulation G3 (*additional and further contributions*), that Regulation shall apply to him and Schedule G shall have effect subject to any necessary modifications.

Former reversionary member of home police force

J3. Notwithstanding anything in these Regulations, where a person who has been a reversionary member of a home police force becomes or has become a regular policeman in a home police force and an award is payable to or in respect of him by reason of his having received an injury in the execution of his duty as an overseas policeman without his own default, the award shall not be less than it would have been if he had not after being a reversionary member of a home police force become such a regular policeman.

Transfer to the National Criminal Intelligence Service or the National Crime Squad: prevention of duplication of entitlement

J3A.—Omitted

Other special provisions

J4. The provisions of Schedule J shall have effect in the cases, and as respects the matters, mentioned therein.

Part K

Revision and Withdrawal or Forfeiture of Awards

- K1 Cancellation of ill-health pensions
- K2 Re-assessment of injury pension
- K3 Reduction of pension in case of default
- K4 Withdrawal of pension during service as a regular policeman
- K5 Forfeiture of pension

PART K

REVISION AND WITHDRAWAL OR FORFEITURE OF AWARDS

Cancellation of ill-health pensions

K1. –(1) As long as a person —

- (a) is in receipt of an ill-health pension;
- (b) would not, if he had continued to serve as a regular policeman instead of retiring with an ill-health pension, have been entitled to reckon 25 years' pensionable service, and
- (c) if he had continued so to serve, could not have been required to retire on account of age,

the police authority may, if they wish to exercise the powers conferred by this Regulation, consider, at such intervals as they in their discretion think proper, whether his disability has ceased.

(2) If on any such consideration it is found that his disability has ceased, the police authority may give the person concerned notice that if he wishes to rejoin the force as a regular policeman within a period of not less than three months from the date on which he has been given such notice he will be permitted to do so.

(3) If the person concerned within the period referred to in paragraph (2) offers to rejoin the force as a regular policeman, he shall be permitted to do so in a rank not lower than that he held immediately before he retired with the ill-health pension.

(4) If the person concerned rejoining the force as mentioned in paragraph (3) or, where he does not offer to rejoin within the period referred to in paragraph (2), at the end of that period, there shall be terminated the unsecured portion of his ill-health pension. and where the unsecured portion of an ill health pension is terminated under this paragraph, the secured portion of that pension shall not be payable in respect of any period before state pensionable age.

(5) Where the unsecured portion of an ill-health pension is terminated under paragraph (4) otherwise than on the policeman rejoining his force, but he is not a regular policeman to whom Regulation B5 applies, then, if the aggregate of —

- (a) the sums paid in respect of the pension;
- (b) the actuarial value of the secured portion of the pension (in so far as it is payable under paragraph (4)) determined in accordance with tables prepared by the Government Actuary, and
- (c) the actuarial value of any pension to which he is entitled under Regulation J1 determined as aforesaid,

is less than his aggregate pension contributions in respect of the relevant period of service, the police authority shall pay the difference to the policeman.

(6) Paragraph (5) has effect subject to paragraph 5 of Part I of Schedule J.

(7) This Regulation shall apply in the case of a regular policeman who has made an election under Regulation G4(1) and who is in receipt of a deferred pension under Regulation B5 on account of which payment has been made by reason of his having become permanently disabled as if he had not made such an election and as if he were in receipt of an ill-health pension; and, in its application in accordance with this paragraph, this Regulation shall have effect as if —

(a) in paragraph (4), for the words from “there shall be terminated” to the end there were substituted “any injury pension to which he is entitled shall be terminated and his deferred pension shall not be payable in respect of any period thereafter until he attains the age of 60 years”, and

(b) paragraph (5) were omitted.

Reassessment of injury pension

K2. Revoked by The Police (Injury Benefit) Regulations 2006

Reduction of pension in case of default

K3. Where a member of a police force or a person who has been a member of a police force becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the police authority may reduce the amount of any ill-health award payable to him by them by an amount not exceeding a half of that to which he would otherwise be entitled: Provided that —

(a) this Regulation shall not apply where the person concerned has been a regular policeman and is in receipt of an ill-health pension and would, if he had continued to serve instead of retiring with that pension, have been entitled to reckon 25 years' pensionable service; and

(b) where the pension of a regular policeman has been reduced under this Regulation, then if when he attains the age of 60 years the reduced pension is less than the amount of the deferred pension which would have been payable had he been granted such a pension on the date of his ceasing to serve it shall be increased to that amount.

Withdrawal of pension during service as a regular policeman

K4.—(1) Subject to paragraph (2), a police authority by whom a pension is payable under Part B of these Regulations may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is serving as a regular policeman in any police force, save that such withdrawal shall not apply to any pension credit under Part M; and, where they have done so, they shall be discharged from all actual or contingent liability in respect of the pension or the part thereof withdrawn for the period in question.

(2) This Regulation does not apply to a pension under Regulation B9(7)(b) (*allocation*).

Forfeiture of pension

K5.—(1) This Regulation shall apply to a pension payable to or in respect of a member of a police force under Part B or C or to a pension payable to a pension credit member under Regulation M.

(2) Subject to paragraph (5), a police authority responsible for payment of a pension to which this Regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the pensioner has been convicted of an offence mentioned in paragraph (3) and, in the case of a widow's pension, that offence was committed after the death of the pensioner's husband.

(3) The offences referred to in paragraph (2) are — (a) an offence of treason; (b) one or more offences under the Official Secrets Act 1911 to 1939 for which the grantee has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.

(4) Subject to paragraph (5), a police authority responsible for payment to a member of a police force of a pension to which this Regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the grantee has been convicted of an offence committed in connection with his service as a member of a police force which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(5) In the case of a pension to which this Regulation applies, other than an injury pension, the police authority in determining whether a forfeiture should be permanent or temporary and affect a pension in whole or in part, may make different determinations in respect of the secured and unsecured portions of the pension; but the secured portion of such a pension shall not be forfeited permanently and may be only forfeited temporarily for a period expiring before the grantee attains state pensionable age or for which he is imprisoned or otherwise detained in legal custody.

(6) To the extent to which a pension is forfeited under this Regulation, the police authority shall be discharged from all actual or contingent liability in respect thereof.

(7) The provisions of section 4(1) and (2) of the Police Pensions Act 1948, as they have effect by virtue of section 12(2) of the Police Pensions Act 1976 (forfeiture of pensions), shall not apply in relation to an award under these Regulations.

(8) This Regulation has effect subject to Regulation J1(6)(c).

Part L

Payments By and To Police Authorities

- L1 Authorities responsible for payment of awards
- L2 Funds out of which and into which payments are to be made
- L3 Payment and duration of awards
- L4 Payment of awards otherwise than to beneficiary and application of payments

PART L

PAYMENTS BY AND TO POLICE AUTHORITIES

Authorities responsible for payment of awards

L1.—(1) An award which is payable to or in respect of a person by reason of his having served as a regular policeman shall be payable by the police authority of the force in which he last served as such.

(2) An award which is payable to or in respect of a person by reason of his having been injured while serving as a member of a police force other than a regular policeman shall be payable by the police authority of the force in which he was serving when he received the injury.

(3) An award payable to or in respect of a pension credit member under Part M, and any sum paid in commutation of such an award, is payable by the relevant police authority.

(4) In these Regulations "the relevant police authority", in relation to a pension credit member, means

(a) the police authority who employ the pension debit member in question at the time when the pension sharing order takes effect or,

(b) if he is not then employed by a police authority, the police authority by whom he was last employed.

Funds out of which and into which payments are to be made

L2.—(1) All payments for the purposes of these Regulations made by or to a police authority (including the Secretary of State as police authority for the metropolitan police district) shall be paid out of or into the police fund except in so far as is otherwise provided by the following paragraphs.

(2) There shall be paid out of moneys provided by Parliament —

(a) any award to or in respect of a person who last served as commissioner of police of the metropolis, and

(b) any transfer value payable in respect of such a person.

(3) There shall be paid into the Consolidated Fund —

(a) any transfer value received in respect of a person who has become commissioner of police of the metropolis, and

(b) the pension contributions (including additional and further (contributions) paid by the said commissioner.

(4) There shall be paid out of moneys provided by Parliament or, as the case may be, into the Consolidated Fund all payments for the purposes of these Regulations made by or to the Secretary of State by reason that he is treated as the police authority in relation to —

- (a) an overseas policeman;
- (b) an inspector or assistant inspector of constabulary; or
- (c) a central police officer.

(5) Paragraph (1) shall not extend to Scotland.

Payment and duration of awards

L3.—(1) Subject to the provisions of these Regulations, in particular, of —

- (a) Regulation B1(5) (*limitation on payment of an ordinary pension to a person entitled to reckon less than 30 years' pensionable service*);
- (b) Omitted
- (c) Regulation B5(4) (*limitation on payment of a deferred pension*);
- (d) Regulation J1 (*policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975*);
- (e) Part K (*revision and withdrawal or forfeiture of awards*), and
- (f) paragraph 9(3)(a) of Part I of Schedule J (*pension by way of equivalent pension benefit*),

the pension of a member of a police force shall be payable in respect of each year as from the date of his retirement.

(2) Subject to the provisions of these Regulations, in particular, of —

- (a) Regulation D5(3) to (6) (*limitations on child's allowance*), and
- (b) Regulation J1 (*policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975*)

a widow's pension or child's allowance shall be payable in respect of each week as from the death of the husband or, as the case may be, the parent or, in the case of an allowance payable to a posthumous child, as from the birth of the child, except —

- (i) where the husband or parent was in receipt of a pension and dies during a period in respect of which he has already received his pension, in which case the pension or allowance shall not be payable before the end of that period;
- (ii) where the husband or parent has received a gratuity in which case the pension or allowance shall be payable as from such time as the police authority may, in their discretion, determine to be reasonable, not being more than a year after his death, having regard to all the circumstances, including the amount of the gratuity.

(3) Subject to the provisions of these Regulations, in particular, of —

- (a) Regulation C7(2)(a) (*widow's temporary pension*);
- (b) Regulation C9 (*termination of widow's award on remarriage etc.*);
- (c) Regulation D5(3) to (6) (*limitations on child's allowance*);
- (d) Omitted
- (e) Regulation J1(2), (3)(b), (4) and (4A) (*policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975*), and
- (f) Part K (*revision and withdrawal or forfeiture of awards*),

a pension or allowance shall be payable for life and shall be discharged by payments in advance at such reasonable intervals as the police authority may, in their discretion, determine except that payment on account of a pension or allowance may be delayed, in whole or in part, pending the determination of any question as to the liability of the police authority in respect thereof, including any question as to the continuance of that liability.

(4) Where a person dies after receiving a sum paid in advance on account of a pension or allowance, neither the said sum nor any part thereof shall be recoverable although referable to a period after his death.

(5) Where a widow remarries or enters into a civil partnership after receiving a sum paid in advance on account of a pension, neither the said sum nor any part thereof shall be recoverable although referable to a period after her remarriage or civil partnership.

(6) Subject to the provisions of these Regulations, a gratuity, lump sum or award by way of repayment of aggregate pension contributions shall become payable as soon as the entitlement thereto arises and shall be paid forthwith in one sum except that —

(a) payment on account thereof may be delayed, in whole or in part, pending the determination of any question as to the liability of the police authority in respect thereof, and

(b) where the police authority are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable period as they think fit.

Payment of awards otherwise than to beneficiary and application of payments

L4.—(1) This Regulation shall apply to the payment of any award to or in respect of a member of a police force or a pension credit member, whether a pension, allowance, gratuity or other award, and any reference therein to the beneficiary is a reference to the person to whom, this Regulation apart, the award is payable.

(2) Where the beneficiary is a minor, the police authority may, if they think fit, in lieu of paying any sum on account of an award to the minor, pay it to such other person as they may determine. A person who receives any sum in pursuance of this paragraph shall, subject to and in accordance with any directions of the police authority, apply the said sum for the benefit of the minor.

(3) On the death of the beneficiary to whom a sum is due on account of an award which does not exceed £5,000 or such higher amount as may from time to time be prescribed for the purposes of section 6 of the Administration of Estates (Small Payments) Act 1965, the police authority may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the authority to be beneficially entitled to the personal estate of the deceased or, as the authority think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the authority may determine.

(4) Where it appears to the police authority that a beneficiary is by reason of mental disorder or otherwise incapable of managing his affairs, in lieu of paying any sum on account of an award to that beneficiary —

(a) they may, in their discretion, pay it in whole or in part to a person having the care of the beneficiary or such other person as they may determine, and

(b) in so far as they do not so discharge their liability in respect thereof, the authority shall apply it in such manner as they think fit for the benefit of the beneficiary or his dependants. A person who receives any sum in pursuance of sub-paragraph (a) shall, subject to and in accordance with any directions of the police authority, apply the said sum for the benefit of the beneficiary or his dependants.

(5) Where, as a result of any fraud, theft or negligence on the part of a regular policeman in connection with his service as such, a loss has occurred to the fund out of which an award is payable to him, in lieu of paying the whole or any part of any sum on account of the award to that beneficiary, the police authority may, if they think fit but subject to paragraph (6), apply it in making good the loss by retaining it in that fund:

Provided that the aggregate amount retained in pursuance of this paragraph shall not exceed whichever is the less of the following amounts, namely —

(a) the amount which is the actuarial value, at the time of the first retention, of the sums then or prospectively due to the regular policeman on account of the award, and

(b) the amount of the said loss,

and, in the event of any dispute as to the amount of that loss, the power conferred by this paragraph shall not be exercisable save to the extent of any sum adjudged due to the police authority in respect of the loss by an order of a competent court.

(6) Where the police authority exercise the power conferred by paragraph (5) they shall furnish the regular policeman concerned with a certificate showing the amount retained and the effect on the award and —

(a) where the award is an ordinary, short service or ill-health pension and the sum due on account thereof is in respect of a period beyond state pensionable age, only so much of that sum as is due on account of the unsecured portion of the pension may be retained and applied as mentioned in paragraph (5), and

(b) where the regular policeman is entitled to reckon pensionable service otherwise than by reason of service as a member of a police force, only the following proportion of any sum due on account of the award may be so retained and applied, that is to say, the proportion which his pensionable service reckonable by reason of service as a member of a police force bears to his total pensionable service.

(7) A police authority shall obtain a good discharge by paying or applying any sum in the manner provided by this Regulation.

(8) In the application of this Regulation to Scotland —

(a) the references in paragraph (2) to a minor shall be construed as including references to a pupil, and

(b) the reference in paragraph (3) to the personal estate of the deceased shall be construed as a reference to his movable estate.

PART M

Pension Credit Members

- M1 Pension credit member's entitlement to pension
- M2 Commutation: general provision
- M3 Commutation of the pension credit benefit: small pensions and serious ill-health
- M4 Death grants where pension credit member dies before pension credit benefits payable
- M5 Application of general Regulations

PART M

PENSION CREDIT MEMBERS

Pension credit member's entitlement to pension

M1.— (1) Subject to Regulations M2 and M3 (*commutation*), a pension credit member is entitled to a pension for life which becomes payable —

- (a) when he attains normal benefit age, or
- (b) if it is later, when the pension sharing order under which he is entitled to the pension credit takes effect.

(2) The pension must be of such an amount that its actuarial value is equal to the member's pension credit, as calculated from tables prepared by the Government Actuary and in accordance with Regulations made under paragraph 5(b) of Schedule 5 to the 1999 Act.

Commutation: general provision

M2.— (1) Subject to Regulation M3, a pension credit member may opt to commute for a lump sum a portion of the pension (not exceeding one quarter) to which he is entitled under Regulation M1 —

- (a) when he attains normal benefit age, or
- (b) if it is later, when the pension sharing order under which he is entitled to the pension credit takes effect.

(2) The lump sum under paragraph (1) is the actuarial equivalent of the commuted portion of the pension, calculated from tables prepared by the Government Actuary.

(3) But the lump sum may not exceed the annual rate of the pension as at the time when it first becomes payable (disregarding any reduction under this Regulation or any other provision of the Scheme), multiplied by 2.25.

(4) This Regulation does not apply to a pension derived from pension credit rights if the pension debit member from whose rights the pension is derived has received a lump sum under Regulation B7 before the date on which the pension sharing order takes effect.

(5) A person who wishes the relevant police authority to commute a pension under paragraph (1) must not later than six months after —

- (a) the date on which the person attains normal benefit age, or
- (b) the date on which the pension sharing order takes effect, whichever is the later, give the relevant police authority written notice of commutation, specifying the portion to be commuted.

(6) Notice of commutation takes effect on the later of —

- (a) the date on which the pension under Regulation M1 becomes payable, and
- (b) the date on which it is received by the police authority.

- (7) When a person's notice of commutation takes effect, the relevant police authority shall —
- (a) reduce the pension, as from the effective date, by the commuted portion, and
 - (b) pay him the lump sum, reduced where the effective date is the date of receipt of the notice by the difference between the aggregate payments made in respect of the pension and the aggregate payments that would have been made in respect of it if it had been reduced from —
 - (i) the date on which the person attains normal benefit age, or
 - (ii) the date on which the pension sharing order takes effect, whichever is the later.

Commutation of the pension credit benefit: small pensions and serious ill-health

M3.—(1) The relevant police authority may commute the pension to which a pension credit member is entitled under Regulation M1 for a lump sum in accordance with the following provisions of this Regulation.

(2) If the pension credit member is suffering from serious ill-health before normal benefit age —

- (a) the whole of the pension may be commuted, and
- (b) the lump sum under paragraph (1) is an amount equal to the annual rate of the pension as at the time when it first becomes payable, multiplied by 5.

(3) If the aggregate of total benefits payable to the member, including those attributable (directly or indirectly) to pension credit rights, does not exceed £260 per annum at normal benefit age —

- (a) the whole of the pension may be commuted when the pension credit member attains normal benefit age or when the pension sharing order takes effect if that is later, and
- (b) the lump sum under paragraph (1) is the actuarial equivalent of the commuted pension, calculated from tables prepared by the Government Actuary.

(4) Where a pension is commuted under this Regulation, the payment of the lump sum discharges the relevant police authority from all liability in respect of benefits payable to or in respect of the pension credit member.

(5) In this Regulation “serious ill-health” means ill-health giving rise to a life expectancy of less than one year.

Death grants where pension credit member dies before pension credit benefits payable

M4.—(1) If a pension credit member dies before any benefits deriving from the member's pension credit have become payable to him under these Regulations, a lump sum death grant is to be paid of an amount equal to the annual rate of the pension to which the member would have been entitled under Regulation M1 if he had attained normal benefit age on the date of his death (as calculated in accordance with guidance prepared by the Government Actuary), multiplied by 2.25.

(2) The lump sum is payable (a) if the member is survived by a spouse or civil partner who

is not ineligible under paragraph (3), to that spouse or civil partner, and (b) otherwise to the member's personal representatives.

(3) A spouse is ineligible for the purposes of paragraph (2) if —

(a) the deceased and the spouse were separated by an order or decree of a competent court at the time of the member's death

(b) the deceased was not required by such an order to contribute to the support of the spouse or to the spouse for the support of a child of the spouse, and (c) the deceased was not in fact regularly so contributing.

Application of general Regulations

M5.—(1) The provisions specified in paragraph (2) apply to pension credit members and awards payable to or in respect of them, but apart from where provision is made by this Part or a contrary intention is otherwise indicated —

(a) these Regulations do not apply to pension credit members as such or to benefits payable to or in respect of them as such,

(b) the benefits payable to or in respect of pension credit members as such are not aggregated for any purpose with benefits payable to or in respect of those persons in any other capacity, and

(c) the benefits payable to or in respect of pension credit members deriving their pension credit benefits from one pension debit member are not aggregated for any purpose with benefits payable to or in respect of those persons as pension credit members deriving their pension credit benefits from any other pension debit member.

(2) Those provisions are - Regulation H5 (*appeals by a member of a home police force*), Regulation H6 (*appeals by overseas policeman etc.*), Regulation H7 (*limitations on appeals*), and Regulation L2 (*funds out of which and into which payments are to be made*).

(3) In the application of Regulations H5 to H7 and L2 by virtue of this Regulation —

(a) those Regulations apply as if the references to the police authority were references to the relevant police authority, and

(b) the references in Regulations H5 and H6 to a person claiming an award in respect of a member of a particular description to whom that Regulation applies include references to a pension credit member whose pension credit is derived from the rights of a pension debit member of that description.”.

SCHEDULE A

GLOSSARY OF EXPRESSIONS REGULATION A4(1)

In these Regulations, unless the context otherwise requires, the following expressions shall be construed as hereinafter provided, that is to say:

“The 1993 Act”

means the Pension Schemes Act 1993

“The 1999 Act”

means the Welfare Reform and Pensions Act 1999

“The Act”

means the Police Pensions Act 1976

“aggregate pension contributions”

for the purpose of calculating an award, has the meaning assigned to it by Regulation A10

“appropriate factor, the”

means, in relation to part-time service, the factor which was the appropriate factor within the meaning of Regulation 5(5) or (6) of the Police Regulations 1987 as it applied by virtue of paragraph 1 of Schedule 1A to those Regulations; or the factor which was the appropriate factor within the meaning of regulation 1(6) or (7) of the Police (Scotland) Regulations 1976 as it applied by virtue of paragraph 1 of Schedule 1B to those Regulations

“approved service”

has the same meaning as in the former Acts

“armed forces”

means the naval, military or air forces of the Crown, including any women’s service administered by the Defence Council or formerly administered by the Admiralty, Army Council or Air Council

“auxiliary policeman”

means a member of the first class of the police reserve, a member of the Police War Reserve or a member of Class A of the Women’s Auxiliary Police Corps

“average pensionable pay”

has the meaning assigned to it by Regulation G1

“board of medical referees”

has the meaning assigned to it by paragraph 3(2) of Schedule H

“central police officer”

means a member of a home police force engaged on central service who enjoys a right of reversion under section 43(1) of the Police Act 1964 or section 38(1) of the Police (Scotland) Act 1967 as the case may be

“central service”

means relevant service within the meaning of section 97(1)(b) to (cc) of the Police Act 1996 or section 38A(1)(b) to (bb) of the Police (Scotland) Act 1967

“chief officer of police”

in relation to an overseas corps means the senior member of that corps

“child”

means (without regard to age) legitimate or illegitimate child, stepchild or adopted child and any other child who is substantially dependent on the member of a police force concerned and either is related to him or is the child of his spouse or civil partner; and the expressions ***“father”***, ***“mother”*** and ***“parent”*** shall be construed accordingly

“contracted-out employment” and ***“contracted-out scheme”***

have the meanings assigned to them by Regulation A5(6)

“contributions equivalent premium”

has the meaning assigned to it by Regulation A5(6) [subject however, to Regulation A5(7)]

“disablement”

and cognate expressions have the meanings assigned to them by Regulation A12

“employed contributor’s employment”

has the meaning assigned to it by Regulation A5(1)

“former Acts”

means the Police Pensions Acts 1921 and 1926, including those Acts as applied and extended by or under any enactment, and any Act repealed by those Acts

“former force”,

in relation to a serviceman, means the police force in which he was serving immediately before undertaking a period of relevant service in the armed forces

“former Regulations”

means the Regulations made under the Act or the Police Pensions Act 1948 before the making of these Regulations

“graduated contribution” and ***“graduated retirement benefit”***

have the meanings assigned to them by Regulation A5(1)

“guaranteed minimum” and ***“guaranteed minimum pension”***

have the meanings assigned to them by Regulation A5(6) [subject, however, to Regulation A5(8)]

“home police force”

means any police force within the meaning of the Police Act 1964 or the Police (Scotland) Act 1967

“husband”

except in regulations C9, C9A and J1, includes wife and civil partner

“infirmity”

has the meaning assigned to it by regulation A12(5).

“injury”

Revoked by The Police (Injury Benefit) Regulations 2006

“the Injury Benefit Regulations”

means the Police (Injury Benefit) Regulations 2006”

“injury received in the execution of duty”

Revoked by The Police (Injury Benefit) Regulations 2006 has the meaning assigned to it by Regulation A11 and “the result of an injury” shall be construed in accordance with Regulation A13

“inspector”

includes chief inspector

“maternity leave”

has the same meaning as in regulation 3 of the Police Regulations 2003”

“member of a police force”

includes –

- (a) the commissioner and assistant commissioners of police of the metropolis;
- (b) the commissioner of police for the City of London;
- (c) an overseas policeman;
- (d) an inspector or assistant inspector of constabulary appointed on or after 1st August 1964; and
- (e) a central police officer.

“member of the first class of the police reserve”

includes any member of a home police force appointed temporarily

“non-participating employment”

has the meaning assigned to it by Regulation A5(1)

“normal benefit age”

means the age of 60

“overseas corps”

means any body in which persons such as are mentioned in section 1(1) of the Police (Overseas Service) Act 1945 are serving and in relation to which regulations made under section 1(2) of that Act have been made

“overseas policeman” –

has the meaning

- (a) a member of an overseas corps, or
- (b) an officer to whom section 10 of the Overseas Development and Co-operation Act 1980 or the Overseas Service Act 1958 applies or applied and whose service as such an officer is or was for the time being service in respect of which section 11 of the said Act of 1980 or section 5 of the said Act of 1958 has or had effect

“overseas service”

means service as an overseas policeman

“parental leave”

means leave granted in accordance with regulation 33(8) of the Police Regulations 2003”

“part-time service”

means service as a regular policeman performed pursuant to an appointment under Regulation 8A of the Police Regulations 1987; or pursuant to an appointment under Regulation 2A of the Police (Scotland) Regulations 1976

“participating period of relevant employment”

has the meaning assigned to it by Regulation A5(3)

“payment in lieu of contributions”

has the meaning assigned to it by Regulation A5(1)

“pension award payable on the ground of permanent disablement”

means an award under regulation B1, B3 or B5

“pension credit”

has the meaning given in Regulation M3(a)

“pension credit benefit”

means construe in accordance with section 101B of the 1993 Act

“pension credit member”

means construe in accordance with section 124(1) of the Pensions Act 1995

“pension credit rights”

mean construe in accordance with section 101B of the 1993 Act

“pension debit”

means a debit under section 29(1)(a) of the 1999 Act

“pension debit member”

means a member whether an active member, a deferred member or a pensioner member, whose shareable rights under this scheme are subject to a pension debit

“pension sharing order “

means an order or provision mentioned in section 28(1) of the 1999 Act

“pensionable pay”

has the meaning assigned to it by Regulation G1

“the Pensions (Increase) Acts”

means the Pensions (Increase) Act 1971 and the Pensions (Increase) Act 1974

“police authority”

has the same meaning as in the Act, and accordingly in relation to a Scottish police force has the same meaning as in the Police (Scotland) Act 1967

“public holiday”

means Christmas Day, the 26th December (if it falls on a Saturday or Sunday), the 1st January (if it so falls), Good Friday or a bank holiday

“regular policeman”

means –

- (a) a member of a home police force who is not an auxiliary policeman;
- (b) an overseas policeman who is a reversionary member of a home police force;
- (c) an inspector or assistant inspector of constabulary appointed on or after 1st August 1964; and
- (d) a central police officer.

“the Regulations of 1973”

means the Police Pensions Regulations 1973 as from time to time in force

“relevant police authority”

means construed in accordance with regulation L1(4)

“relevant service in the armed forces”

has the meaning assigned to it by Regulation A14

“retirement”

and cognate expressions shall be construed in accordance with Regulations A17 to A21

“reversionary member of a home police force”

means an overseas policeman who has been a member of a home police force and has not lost his right of reversion under section 2(1) of the Police (Overseas Service) Act 1945, and includes a person who has transferred to an overseas corps from being either a civil servant within the meaning of the Superannuation Act 1887 or a member of the metropolitan civil staffs within the meaning of section 15 of the Superannuation (Miscellaneous Provisions) Act 1967

“Police Service of Northern Ireland”

means the Northern Ireland legislation for the time being in force relating to the superannuation of members of the Police Service of Northern Ireland

“secured portion” and “unsecured portion”,

in relation to a pension, have the meanings assigned to them by Regulation A5(4)

“sergeant”

includes station sergeant and first class sergeant (C.I.D.)

“serviceman”

means a person who immediately before undertaking a period of relevant service in the armed forces was a regular policeman and includes a serviceman (1939-1945)

“serviceman (1939-1945)”

means a person who ceased to serve as a regular policeman in such circumstances that he became a person to whom section 1 of the Police and Firemen (War Service) Act 1939 applied

“sick leave”

means leave taken in accordance with Regulation 35 of the Police Regulations 1995

“state pensionable age”

has the meaning assigned to it by Regulation A5(2)

“step-child”

includes a person who is the child of the civil partner of the member of a police force concerned, but is not the child of that member

“superintendent”

includes chief superintendent

“tax year”

means the 12 months beginning with 6th April in any year

“tour of central service”

means the period of central service for which a central police officer has engaged with the consent of the appropriate authority for the purposes of section 43 of the Police Act 1964 or section 38 of the Police (Scotland) Act 1967, as the case may be, and, if such a period has been varied, means the period as so varied, so however that where the officer engaged for an indefinite period of central service the said expression means his actual period of such service

“tour of overseas service”

means the period of overseas service for which an overseas policeman has engaged with the consent, in the case of a reversionary member of a home police force, of the appropriate authority for the purposes of the Police (Overseas Service) Act 1945 and of the Secretary of State, and, if such a period has been varied under regulations made under section 1 of that Act, means the period as so varied, so however that where the overseas policeman has engaged for an indefinite period of overseas service the said expression means his actual period of such service

“transfer”

shall be construed in accordance with Regulation A16

“unpaid maternity leave”

does not include any maternity leave in respect of which statutory maternity pay is payable under the Social Security Contributions and Benefits Act 1992

“widow”,

except in Regulation J1, includes widower and, except in regulations C9, C9A and J1, includes surviving civil partner

“wife”

except in regulations C9, C9A and J1, includes husband and civil partner

Schedule B

Personal Awards

- Part I Policeman's ordinary pension
- Part II Policeman's short service pension
- Part III Policeman's ill-health pension
- Part IV Policeman's short service or ill-health gratuity
- Part V Policeman's injury award
- Part VI Policeman's deferred pension
- Part VII Reduction of pension at state pensionable age
- Part VIII Reduction of pension related to up-rating of widow's Pension

PART I

POLICEMAN'S ORDINARY PENSION

1. Subject to paragraph 6 and Parts VII and VIII of this Schedule, the pension shall be calculated as follows.

2.—(1) This paragraph applies where all the service by virtue of which the policeman's pensionable service is reckonable was full-time.

(2) The amount of the annual **pension** shall be half of the policeman's average **pensionable** pay with the addition of an amount equal to two sixtieths of that pay, multiplied by the period in years by which his pensionable service exceeds 25 years.

(3) Sub-paragraph (2) is subject to paragraph 5.

3.—(1) This paragraph applies where - (a) some or all of the service by virtue of which the policeman's pensionable service is reckonable was part-time, and (b) if the part-time service had been full-time service, his pensionable service would not exceed 30 years

(2) The amount of the annual pension is given by the formula —

$$\frac{N \times R}{Q}$$

where —

N is the amount that the pension would be if all the pensionable service were full-time service,

R is the period in years of his pensionable service, and

Q is the period that would be the period in years of his pensionable service if periods of part-time service were reckonable as if they were periods of full-time service.

(3) Sub-paragraph (2) is subject to paragraph 5.

4.—(1) This paragraph applies where —

(a) some or all of the service by virtue of which the policeman's pensionable service is reckonable was part-time, and

(b) if the part-time service had been full-time service, his pensionable service would exceed 30 years.

(2) The amount of the annual pension is given by the formula —

$$\frac{N \times R}{30}$$

where —

N is two thirds of the policeman's average pensionable pay, and

R is the period in years of his pensionable service.

(3) Sub-paragraph (2) is subject to paragraph 5.

5. The amount of the pension may not exceed two thirds of the policeman's average pensionable pay.

6. If the amount of the pension a person would be entitled to in accordance with paragraphs 1 to 4 would be less than it would have been if the person had become entitled to receive an ordinary pension by retiring after due notice from the same police force at an earlier date, then, subject to paragraph 5 and to Parts VII and VIII of this Schedule, the pension is to be a pension of that amount instead.

7. For the purposes of paragraph 6, any difference in those amounts attributable to a pension debit is disregarded.

PART II

POLICEMAN'S SHORT SERVICE PENSION

1. Subject to Parts VII and VIII of this Schedule, the pension shall be calculated as follows.

2. In the case of a policeman all of whose service by virtue of which his pensionable service is reckonable was full-time, the amount of the annual pension shall be equal to the aggregate of -

(a) an amount equal to one sixtieth of the policeman's average pensionable pay, multiplied by the period in years of his pensionable service up to 20 years, and

(b) an amount equal to two sixtieths of that pay, multiplied by the period in years by which his pensionable service exceeds 20 years.

3. In the case of a policeman any of whose service by virtue of which his pensionable service is reckonable was part-time, the amount of the annual pension is given by the formula —

$$\frac{N \times R}{Q}$$

where —

N is the amount that the annual pension would be if all the pensionable service were full-time service,

R is the period in years of his pensionable service, and

Q is the period that would be the period in years of his pensionable service if periods of part-time service were reckonable as if they were periods of full-time service.

PART III REGULATION B3
POLICEMAN'S ILL-HEALTH PENSIONS

1. Subject to Regulation K1(5) (*termination of unsecured portion of ill-health pension*) and to Parts VII and VIII of this Schedule (*reductions at state pensionable age and related to up-rating of widow's pension*), the amount of the pension shall be determined –

(a) in the case of a policeman all of whose service by virtue of which his pensionable service is reckonable was full-time, in accordance with paragraph 2, 3 or 4, as the case may require, and

(b) in the case of a policeman some or all of whose service by virtue of which his pensionable service is reckonable was part-time —

(i) in a case where, if the part-time service had been full-time service, his pensionable service would not exceed 30 years, in accordance with the formula given in paragraph 4A, and

(ii) in a case where, if the part-time service had been full-time service, his pensionable service would exceed 30 years, in accordance with the formula given in paragraph 4B, but in either case subject to paragraphs 6 and 7.

2. Where the policeman has less than 5 years' pensionable service, the amount of the pension shall not be less than a sixtieth of his average pensionable pay and, subject as aforesaid, shall be of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service.

3. Where the policeman has 5 or more years', but not more than 10 years' pensionable service, subject to paragraph 5, the pension shall be of an amount equal to 2 sixtieths of his average pensionable pay multiplied by the period in years of his pensionable service.

4. Where the policeman has more than 10 years' pensionable service, the pension shall be not less than 20 sixtieths, nor more than 40 sixtieths, of his average pensionable pay and, subject as aforesaid and to paragraph 5, shall be equal to 7 sixtieths of that pay with the addition —

(a) of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service up to 20 years, and

(b) of an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years.

4A. The formula referred to in paragraph 1(b) (i) is —

$$\frac{N \times R}{Q}$$

where —

N is the amount that the annual pension would be in accordance with this Part of this Schedule if all the policeman's service by virtue of which his pensionable service is reckonable were full-time service,

R is the period in years of his pensionable service, and

Q is the period that would be the period in years of his pensionable service if periods of part-time service were reckonable as if they were periods of full-time service.

4B. The formula referred to in paragraph 1(b)(ii) is —

$$\frac{N \times R}{30}$$

where —

N is two thirds of the policeman's average pensionable pay, and

R is the period in years of his pensionable service.

5.—(1) In the case of a policeman who, had he continued to serve until he could be required to retire on account of age, would have become entitled to an ordinary or short service pension, a pension calculated in accordance with paragraph 3 or 4 or the formula in paragraph 4A or 4B shall not exceed the pension to which he would so have become entitled calculated, however, by reference to the average pensionable pay by reference to which the ill-health pension is calculated.

(2) For the purposes of sub-paragraph (1) the amount of the pension to which the policeman would have become entitled is given by the formula —

$$\frac{RP \times R}{Q}$$

where —

RP is the amount of the pension to which the policeman would have become entitled if he had continued to serve until he could be required to retire on account of age and all his service were full-time service, and

R and Q are the same as in paragraph 4A.

6. If in a case where any of the policeman's service by virtue of which his pensionable service is reckonable was part-time service, the amount of the pension calculated in accordance with paragraphs 1 to 5 of this Part would be less than it would have been if the person had become entitled to receive the pension at an earlier date, then, subject to Parts VII and VIII of this Schedule, the pension shall be of that amount instead.

7. In a case where —

(a) any of a policeman or former policeman's service by virtue of which his pensionable service is reckonable was part-time service before the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force, and

(b) the amount of his pension calculated in accordance with this Part would be less than it would have been if those Regulations had not been made, then the pension shall be of that amount instead.

PART IV REGULATIONS B2 AND B3

POLICEMAN'S SHORT SERVICE OR ILL-HEALTH GRATUITY

1. Where the policeman has not completed a year's pensionable service, the gratuity shall be of an amount equal to the policeman's aggregate pension contributions in respect of the relevant period of service subject, however, to paragraph 3.

2. Where the policeman has completed at least a year's pensionable service, the gratuity shall be of an amount equal to whichever is the greater of the two following amounts —

(a) a twelfth of the policeman's average pensionable pay multiplied by the period in years of his pensionable service;

(b) the policeman's aggregate pension contributions in respect of the relevant period of service, subject, however, to paragraph 3.

3. Where the policeman retired after the beginning of the tax year in which he attains state pensionable age, the gratuity calculated in accordance with the preceding provisions of this Part shall be reduced by an amount equal to the capitalised value, as calculated by the Government Actuary, of the annual rate of any pension paid to him under Regulation J1(2) (policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975).

PART V

Revoked by The Police (Injury Benefit) Regulations 2006

PART VI REGULATION B5
POLICEMAN'S DEFERRED PENSION

1. The amount of a policeman's deferred pension shall be calculated by reference to —

(a) the pensionable service he is entitled to reckon (here referred to as "actual service");

(b) the pensionable service he would have become entitled to reckon had he continued to serve until he could retire with a maximum ordinary pension (disregarding Regulation B1(2)) or until he could be required to retire on account of age, whichever is the earlier, (here referred to as 'hypothetical service'), and

(c) his average pensionable pay.

1A. For the purposes of paragraph 1(b), it is to be assumed that the policeman had been in and would have continued in full-time service, whether or not he was in such service immediately before he became entitled to a deferred pension.

2. Subject to Parts VII and VIII of this Schedule (reductions at state pensionable age and related to up-rating of widow's pension), the policeman's pension shall be such that it is the same proportion of the hypothetical pension mentioned in paragraph 3 as his actual service is of his hypothetical service except that it shall not exceed 40 sixtieths of his average pensionable pay.

3. The hypothetical pension referred to in paragraph 2 is a pension of an amount which is the aggregate of —

(a) an amount equal to a sixtieth of his average pensionable pay multiplied by the period in years of his hypothetical service up to 20 years, and

(b) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his hypothetical service exceeds 20 years.

PART VII REGULATIONS B1, B2, B3 AND B5

REDUCTION OF PENSION AT STATE PENSIONABLE AGE

Pension modifications connected with state flat-rate retirement benefit

1.—(1) Where, in respect of service as a regular policeman or as a member of the Police Service of Northern Ireland before 1st April 1980, a person has paid pension contributions at a rate of 6p a week (or 1s 2d a week) less than the appropriate percentage of his pensionable pay then, in respect of any period beyond state pensionable age, the unsecured portion of any ordinary, short service, ill-health or deferred pension payable to him shall be reduced in accordance with sub-paragraph (2) or, as the case may be, sub-paragraph (3).

(2) In the case of a person who paid contributions as aforesaid by reason of the giving of a notice —

(a) under Regulation 41(3) of the Police Pensions Regulations 1948;

(b) under Regulation 43(3) of the Police Pensions (Scotland) Regulations 1948 or

(c) without prejudice to the generality of Regulation J2(2), under any corresponding provision of the Police Service of Northern Ireland pensions legislation, the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying the sum in the second column of the following Table to the age in the first column of the said Table which he had attained at the appropriate date by the number of years specified in sub-paragraph (4):

TABLE

| Age in years at appropriate date | Sums to be multiplied |
|----------------------------------|-----------------------|
| | £ |
| Under 23 | 1.70 |
| 23 | 1.65 |
| 24 | 1.60 |
| 25 | 1.55 |
| 26 | 1.525 |
| 27 | 1.50 |
| 28 | 1.475 |
| 29 | 1.45 |
| 30 | 1.425 |
| 31 | 1.40 |
| 32 | 1.375 |
| 33 | 1.35 |
| 34 | 1.325 |
| 35 | 1.30 |
| 36 | 1.30 |
| 37 | 1.275 |
| 38 | 1.25 |
| 39 | 1.25 |
| 40 | 1.225 |
| 41 | 1.225 |
| 42 | 1.20 |
| 43 | 1.20 |
| 44 or over | 1.175 |

In this sub-paragraph the expression “appropriate date” means, subject to sub-paragraph (5), 5th July 1948, or, in the case of a person who was then an auxiliary policeman, the date on which he first thereafter became a regular policeman.

(3) In the case of a person who paid contributions as aforesaid, otherwise than as mentioned in sub-paragraph (2), the reduction under subparagraph (1) shall be calculated at an annual rate obtained by multiplying £1.70 by the number of years specified in sub-paragraph (4).

(4) The number of years referred to in sub-paragraph (2) or (3) is, subject to the following sub-paragraphs, the period in years of service before 1st April 1980 either as a regular policeman or as a member of the Police Service of Northern Ireland in respect of which the person concerned paid pension contributions at such a rate as is mentioned in sub-paragraph (1):

Provided that there shall be excluded from the said period any period or periods —

(a) by reason of which the person concerned is not entitled to reckon pensionable service for the purposes of the pension in question, or

(b) which fell after the date on which the person concerned would have been entitled, if he had retired, to a pension equal to two thirds of his average pensionable pay.

(5) In the case of a person who —

(a) first became a regular policeman on or after 1st January 1963;

(b) before 1st April 1980 became entitled to reckon pensionable service by reason of service or employment (otherwise than as a member of a police force or of the Police Service of Northern Ireland) in respect of which he was subject to superannuation arrangements (“the former service”);

(c) was subject to the operation of any regulations made under section 69(4) of the National Insurance Act 1946 or section 110(1) of the National Insurance Act 1965 or of other provisions modifying those superannuation arrangements in connection with the passing of the said Act of 1946 (“the modifications”), and (d) is entitled to reckon that pensionable service for the purposes of the pension in question, the period in years specified in sub-paragraph (4) shall be increased by that period of pensionable service and, if he was subject to the modifications by virtue of an election made or notice given, the expression “appropriate date” in sub-paragraph (2) shall mean the date on which that election or notice became effective:

Provided that where only a proportion of the former service would have been taken into account for the purposes of the modifications, only that proportion of the pensionable service reckonable by virtue thereof shall be taken into account in determining the increase hereunder in the period specified in subparagraph (4).

Pension modifications connected with state graduated retirement benefit

2.—(1) Where a person in receipt of an ordinary, short service, ill-health or deferred pension has been in service or employment otherwise than as a regular policeman —

(a) in respect of which he was subject to superannuation arrangements;

(b) by reason of which he is entitled to reckon pensionable service for the purposes of the pension; and

(c) the period of which includes a participating period of relevant employment, then, for the purpose of abating the pension in relation to that participating period of relevant employment, any provision of the said arrangements in operation when he left the said service or employment the effect of which is that pensions payable thereunder are to be reduced in connection with the operation of the National Insurance Act 1959 or of any provision of the National Insurance Act 1965 relating to graduated contributions or graduated retirement benefit shall apply, subject to the necessary adaptations and modifications, as though the provision were contained in this paragraph and as if —

(i) the pension were payable under the said arrangements, and

(ii) any other period of service or employment by reason of which he is entitled to reckon pensionable service for the purposes of the pension were a period of non-participating employment at the end of which no payment in lieu of contributions falls to be made.

(2) A police authority, in determining any question arising under subparagraph (1) and relating to a particular service or employment, shall be entitled to treat as conclusive any relevant certificate issued, with the agreement of the person concerned, by his employer in that service or employment.

(3) Where for the purposes of the superannuation arrangements applicable to such service or employment as is mentioned in subparagraph (1) the person concerned was entitled to reckon service by reason of some previous service or employment, that previous service or employment shall be treated for the purposes of this paragraph as if it were part of the service or employment first mentioned in this subparagraph.

3.—(1) Where a person in receipt of an ordinary, short service, ill-health or deferred pension is entitled to reckon pensionable service for the purposes thereof by reason of a period of service as a regular policeman which is a participating period of relevant employment then, in respect of any period beyond state pensionable age, the unsecured portion of that pension shall be reduced in accordance with subparagraph (2).

(2) The reduction shall be calculated at the annual rate which is that of the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining state pensionable age, in return for a payment in lieu of contributions in respect of the whole of the period referred to in sub-paragraph (1), whether or not such a payment was made.

4.—(1) Where a person in receipt of the secured portion of an ill-health pension, the unsecured portion of which has been terminated in the circumstances mentioned in Regulation K1(4), is also in receipt of some other pension, being an ordinary, ill-health, short service or deferred pension, and is entitled to reckon for the purposes of that other pension the period of pensionable service reckonable for the purposes of the ill-health pension then, in respect of any period beyond state pensionable age, the unsecured portion of that other pension shall be reduced in accordance with sub-paragraph (2).

(2) The reduction shall be calculated at the annual rate which is that of the secured portion of the ill-health pension.

PART VIII REGULATIONS B1, B2, B3 AND B5

REDUCTION OF PENSION RELATED TO UP-RATING OF WIDOW'S PENSION

1.—(1) An ordinary, short service, ill-health or deferred pension payable to a man shall, in the cases hereinafter mentioned, be reduced in accordance with this Part except that a deferred pension payable in pursuance of paragraph 8(6)(b) of Part I of Schedule J shall not be so reduced.

(2) Any reference in this Part to a pension is a reference to a pension which falls to be reduced as aforesaid and any reference to police service is a reference to service as a member of a police force or of the Police Service of Northern Ireland.

2.—(1) Subject to sub paragraph (2), this paragraph shall apply in the case of a man entitled to reckon pensionable service otherwise than —

(a) by reason of police service on or after 1st April 1972;

(b) by reason of police service before that date in respect of which he paid pension contributions at a rate related to 6.25% of his pensionable pay;

(c) by virtue of Regulation F3(1)(f) (*British Airports Authority constabulary service*), or

(d) by virtue of Regulation F6 (*current interchange arrangements*).

(2) Where the man was a regular policeman to whom Regulation 59 or 60 of the Regulations of 1973 applied (that is to say, where on 1st April 1973 either he was serving as such or, having retired on or after 1st April 1972, he was entitled to a pension) and he last paid pension contributions before 1st April 1972 at a rate related to 5% of his pensionable pay, this paragraph shall not apply unless either —

(a) he elected or agreed, under paragraph (2)(b) or (4)(a) of the said Regulation 59 or under paragraph (2)(b) of the said Regulation 60, that his pension be reduced, or

(b) pensionable service became reckonable by him on or after 1st April 1987 by virtue of Regulation F4, F5 or F7 (*previous service and preserved interchange arrangements*).

(3) The pension of a man in whose case this paragraph applies shall, subject to the provisions of this Part, be reduced by the percentage specified in the second column of the Table in paragraph 7 opposite the number of completed years of pensionable service he is entitled to reckon other than pensionable service falling within either or both of the following sub-paragraphs, namely —

(a) pensionable service reckonable as mentioned in subparagraph (1), and

(b) where (subject to Regulations F4(3) and E5(2)(c)) he elected under Regulation 58(3) or 59(3) of the Regulations of 1973 to pay further pension contributions or to make a further payment by way of a lump sum, pensionable service reckonable by him immediately before 1st April 1973 otherwise than by reason of police service on or after 1st April 1972.

3.—(1) Subject to sub-paragraph (2), this paragraph shall apply in the case of a man entitled to reckon pensionable service otherwise than —

- (a) by reason of police service on or after 1st April 1972;
- (b) by virtue of Regulation F3(1)(f), or
- (c) by virtue of Regulation F6.

(2) Where the man was a regular policeman to whom Regulation 59 or 60 of the Regulations of 1973 applied, this paragraph shall not apply unless either —

- (a) he elected or agreed, under paragraph (3)(b) or (4)(b) of the said Regulation 59 or paragraph (3)(b) of the said Regulation 60, that his pension be reduced, or
- (b) pensionable service became reckonable by him, on or after 1st April 1987, by virtue of Regulation F4, F5 or F7.

(3) The pension of a man in whose case this paragraph applies shall be reduced by the percentage specified in the third column of the Table in paragraph 7 opposite the number of completed years of pensionable service he is entitled to reckon other than pensionable service falling within either or both of the following sub-paragraphs, namely—

- (a) pensionable service reckonable as mentioned in subparagraph(1), and
- (b) where (subject to Regulations F4(3) and F5(2)(c)) he elected under Regulation 58(2) or 59(3) of the Regulations of 1973 to pay additional contributions or to make an additional payment by way of a lump sum, pensionable service reckonable by him immediately before 1st April 1973 otherwise than by reason of police service on or after 1st April 1972.

4. In calculating the amount of a reduction in a man's pension under paragraph 2 or 3 no account shall be taken—

- (a) of any service he is entitled to reckon as pensionable service by virtue of section 10 of the Police Pensions Act 1921, or
- (b) of any service on or after 1st April 1956 which he is entitled to reckon as pensionable service by virtue of Regulation I7 and the proviso to Regulation I8(1) (*relevant service in the armed forces*).

5. In calculating the amount of a reduction in a man's pension under paragraph 2 or 3 no account shall be taken of any reduction in the amount of the pension in accordance with the provisions of Regulation B7 or B9 (*commutation and allocation*) or of Part VII of this Schedule (*reduction at state pensionable age*); and, where the pension falls to be reduced under both those paragraphs, for the purpose of calculating each reduction, no account shall be taken of the other reduction.

6.—(1) Where a man entitled to an ordinary pension was, immediately before he retired, paying additional or further contributions in pursuance of an election under Regulation 58(2) or (3) of the Regulations of 1973, the annual amount of his ordinary pension shall be reduced for the period mentioned in sub-paragraph (2) by the annual amount of those contributions immediately before his retirement, calculated by reference to his pensionable pay at that time so, however, that no account of the said reduction shall be taken for the purposes of calculating any other reduction in the pension under these Regulations.

(2) The period referred to in sub-paragraph (1) shall be one corresponding to that for which the additional or further contributions would have remained payable had the man not retired but starting, where the pension is not payable as from the date of his retirement, with the date from which it is payable.

7. The following Table is that referred to in paragraphs 2 and 3:

TABLE

| Completed years of pensionable service taken into account | Percentage reduction in pension | |
|--|--|--------------------------|
| | Under paragraph 2 | Under paragraph 3 |
| 1 | 0.2 | 0.2 |
| 2 | 0.4 | 0.4 |
| 3 | 0.5 | 0.5 |
| 4 | 0.6 | 0.7 |
| 5 | 0.8 | 0.8 |
| 6 | 0.9 | 0.9 |
| 7 | 1.0 | 1.0 |
| 8 | 1.2 | 1.1 |
| 9 | 1.3 | 1.2 |
| 10 | 1.5 | 1.3 |
| 11 | 1.6 | 1.4 |
| 12 | 1.7 | 1.5 |
| 13 | 1.8 | 1.6 |
| 14 | 1.9 | 1.6 |
| 15 | 2.0 | 1.7 |
| 16 | 2.1 | 1.8 |
| 17 | 2.2 | 1.9 |
| 18 | 2.3 | 2.0 |
| 19 | 2.4 | 2.0 |
| 20 | 2.5 | 2.1 |
| 21 | 2.6 | 2.1 |
| 22 | 2.7 | 2.2 |
| 23 | 2.8 | 2.2 |
| 24 | 2.9 | 2.3 |
| 25 | 2.9 | 2.3 |
| 26 | 3.0 | 2.4 |
| 27 | 3.1 | 2.4 |
| 28 | 3.1 | 2.5 |
| 29 | 3.2 | 2.5 |
| 30 or more | 3.3 | 2.5 |

8. Paragraph 6 has effect subject to paragraph 3 of Part VI of Schedule J.

Schedule C

Widow's Awards

PART 1 REGULATION C1

WIDOW'S ORDINARY PENSION

1.—(1) Subject to paragraphs 2 and 3, the annual amount of a widow's ordinary pension shall be whichever is the greater of the two following amounts, namely —

(a) an amount equal to a half of the pension or notional pension mentioned in sub-paragraph (2), and

(b) an amount equal to her husband's average pensionable pay divided by 160 and multiplied by the period in years of so much of his pensionable service as is reckonable by reason of service or employment after 5th April 1978.

(2) The pension or notional pension referred to in sub-paragraph(1)(a) is —

(a) where the husband died while entitled to an ordinary, short service or ill-health pension, that pension;

(b) where, having retired with both an ill-health pension under Part B and an injury pension under regulation 11 of the Injury Benefit Regulations, he died while no longer entitled to the ill-health pension but while entitled to the injury pension, the ill-health pension to which he would have been entitled had he not ceased to be entitled thereto;

(c) where, having retired with an ill-health gratuity, he died as a result of the same injury as resulted in his disablement, the ill-health pension to which he would have been entitled had he retired in circumstances entitling him to such a pension, or

(d) where he died while serving as a regular policeman, the ill-health pension to which he would have been entitled had he retired immediately before he died in circumstances entitling him to such a pension, calculated, in each case, in accordance with sub-paragraph (3).

(2A) Where a pension becomes payable under Regulation C1 to a widower or to the surviving civil partner of a female police officer —

(a) the pension or notional pension referred to in sub-paragraph (1)(a) shall be taken to be that which would be payable if no account were taken of any pensionable service before 17th May 1990 or, as the case may be, the date from which service before 17th May 1990 counts in consequence of an election under Regulation G6; and

(b) sub-paragraph (1)(b) has effect with the substitution for "5th April 1978" of "16th May 1990" or, as the case may be, the day before the date from which service before 17th May 1990 counts in consequence of such an election.

(2B) But where a pension becomes payable to the surviving civil partner of a female police officer and as a consequence of an election under regulation G6—

(a) account would, but for this sub-paragraph, be taken of pensionable service before 6th April 1988, then account shall be taken only of service after 5th April 1988;

(b) sub-paragraph (1)(b) would, but for this sub-paragraph, have effect with the

substitution for “5th April 1978” of a date before 6th April 1988, then that sub-paragraph shall have effect with the substitution for “5th April 1978” of “5th April 1988”.

(2C) Where a pension becomes payable under regulation C1 to the surviving civil partner of a male police officer—

(a) the pension or notional pension referred to in sub-paragraph (1)(a) shall be taken to be that which would be payable if no account were taken of any pensionable service before 6th April 1988, and

(b) sub-paragraph (1)(b) has effect with the substitution for “5th April 1978” of “5th April 1988”

(3) For the purposes of sub-paragraph (1)(a), the pension or notional pension referred to in sub-paragraph (2)(a), (b), (c) or (d) shall be calculated without regard to —

(a) the restrictions on payments on account of an ordinary pension contained in Regulation B1(5);

(b) the provisions for the reduction of a pension contained in Regulation B7(7) and (8)(b) (commutation), in Regulation B9(7) (allocation) and in Parts VII and VIII of Schedule B (reductions at state pensionable age and related to up-rating of widow’s pension). Where the husband died before 1st April 1987, any reference in this sub-paragraph to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

2. The amount of a widow’s ordinary pension calculated in accordance with paragraph 1 shall be increased in accordance with Regulation E9 (increase by reference to the Pensions (Increase) Acts).

3. Where in respect of any period a widow so elects, the weekly amount of her ordinary pension in respect of that period shall not be calculated as aforesaid but shall be determined by reference to the rank held by her husband in accordance with Regulation E10 (flat-rate award) but a man, or the surviving civil partner of a woman may make an election under this paragraph only if the amount so determined would not exceed the amount calculated in accordance with paragraph 1.

4. This Part has effect subject to paragraphs 2 to 5 of Part II of Schedule J.

PART II REGULATIONS C2 & C3

Revoked by The Police (Injury Benefit) Regulations

PART III REGULATION C4

WIDOW'S ACCRUED PENSION

1.—(1) Subject to paragraphs 2 and 3, the annual amount of a widow's accrued pension shall equal a half of her husband's deferred pension.

(1A) Where a pension becomes payable under Regulation C4 to a widower or to the surviving civil partner of a female police officer, the amount of the deceased's deferred pension shall for the purposes of sub-paragraph (1) be taken to be what it would be if no account were taken of any pensionable service before 17th May 1990 or, as the case may be, the date from which service before 17th May 1990 counts in consequence of an election under Regulation G6.

(1B) But where a pension becomes payable under regulation C4 to the surviving civil partner of a female police officer and as a consequence of an election under regulation G6 account would, but for this sub-paragraph, be taken of pensionable service before 6th April 1988, then account shall be taken only of service after 5th April 1988.

(1C) Where a pension becomes payable under regulation C4 to the surviving civil partner of a male police officer, the amount of the deceased's deferred pension shall for the purposes of sub-paragraph (1) be taken to be what it would be if account were taken only of pensionable service after 5th April 1988.

(2) For the purposes of sub-paragraph (1), the husband's deferred pension shall be calculated without regard to —

(a) the restrictions on payments contained in Regulation B5(4), and

(b) the provisions for the reduction of a pension contained in Regulation B7(7) and (8)(b) (*commutation*), in Regulation B9(7) (*allocation*) and in Parts VII and VIII of Schedule B (*reductions at state pensionable age and related to up-rating of widow's pension*), and, where the pension has been commuted for a lump sum under Regulation B8 (*commutation of small pensions*), as if it had not been so commuted. Where the husband died before 1st April 1987, any reference in this sub-paragraph to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

2. The amount of a widow's accrued pension calculated in accordance with paragraph 1 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

3.—(1) Subject to sub-paragraph (2) and (3), where in respect of any period a widow so elects, the weekly amount of her accrued pension in respect of that period shall not be calculated as aforesaid but shall be determined by reference to the rank held by her husband in accordance with Regulation E10 (*flat-rate award*).

(2) This paragraph shall only apply in the case of a widow whose husband was such a regular policeman entitled to reckon less than 2 years' pensionable service as is mentioned in Regulation B5(1)(b) (*policeman's deferred pension*) if, by reason of the period of service or employment otherwise than as a regular policeman there mentioned, he was entitled to reckon a period of pensionable service which was not shorter than that period of service or employment.

(3) This paragraph shall not apply in the case of a widow whose husband had made an election under regulation G4(1) which had effect at the time of his death.

(4) A man or the surviving civil partner of a woman, may make an election under this paragraph only if the amount determined in accordance with Regulation E10 would not exceed the amount calculated in accordance with paragraph 1 above.

4. Paragraph 1(1) has effect subject to paragraphs 7 and 8 of Part II of Schedule J.

PART IV REGULATION C5(3)

WIDOW'S PENSION IN CASE OF POST-RETIREMENT MARRIAGE

1. Where under Regulation C5(3) the widow of a regular policeman is entitled to such a pension as is there mentioned instead of a widow's ordinary pension under regulation C1, the annual amount of that pension shall be calculated in accordance with Part I of this Schedule in like manner as the annual amount of a widow's ordinary pension except that, for the purposes hereof, the said Part I shall have effect as if —

(a) the reference in paragraph 1(1)(a) thereof to a half of a pension or notional pension were a reference to a half of the appropriate proportion thereof within the meaning of paragraph 3 of this Part;

(b) as if paragraph 3 thereof (*election for flat-rate award*) were omitted.

2. Where under Regulation C5(3) the widow of a regular policeman is entitled to such a pension as is there mentioned instead of a widow's accrued pension under Regulation C4, the annual amount of that pension shall be calculated in accordance with Part III of this Schedule in like manner as the annual amount of a widow's accrued pension except that, for the purposes hereof, the said Part III shall have effect as if —

(a) the reference in paragraph 1(1) thereof to a half of the husband's deferred pension were a reference to whichever is the greater of the two following amounts, namely —

(i) an amount equal to a half of the appropriate proportion of that pension within the meaning of paragraph 3 of this Part, and

(ii) an amount equal to the husband's average pensionable pay divided by 160 and multiplied by the period in years of so much of his pensionable service as is reckonable by reason of service or employment after 5th April 1978, and

(b) paragraph 3 thereof (*election for flat-rate award*) were omitted.

3. In this Part the appropriate proportion means the proportion which the husband's pensionable service reckonable by reason of service or employment after 5th April 1978 bears to his total pensionable service.

4. Where a pension becomes payable under Regulation C5(3) to a widower or to the surviving civil partner of a female police officer, paragraphs 2(a)(ii) and 3 above have effect with the substitution for “5th April 1978” or “16th May 1990” or, as the case may be, the day before the date from which service before 17th May 1990 counts in consequence of an election under Regulation G6.

5. But where a pension becomes payable under regulation C5(3) to the surviving civil partner of a female police officer and as a consequence of an election under regulation G6, paragraphs 2(a)(ii) and 3 above would, but for this paragraph, have effect with the substitution for “5th April 1978” of a date before 6th April 1988, then those paragraphs shall have effect with the substitution for “5th April 1978” of “5th April 1988”.

6. Where a pension becomes payable under regulation C5(3) to the surviving civil partner of a male police officer, paragraphs 2(a)(ii) and 3 above have effect with the substitution for “5th April 1978” of “5th April 1988”.

PART V REGULATIONS C6 AND C8

WIDOW’S REQUISITE BENEFIT PENSION

1. Subject to paragraph 2, the annual amount of a widow’s requisite benefit pension shall be an amount equal to her husband’s average pensionable pay divided by 160 and multiplied by the period in years of his pensionable service reckonable by reason of service or employment after 5th April 1978, but where the pension is payable to a man this paragraph has effect with the substitution for “5th April 1978” of “16th May 1990” or, as the case may be, the day before the date from which service before 17th May 1990 counts in consequence of an election under Regulation G6.

1A. Where a widow’s requisite pension is payable to the surviving civil partner of a female police officer and, as a consequence of an election under regulation G6, paragraph 1 would, but for this paragraph, have effect with the substitution for “5th April 1978” of a date before 6th April 1988, then that paragraph shall have effect with the substitution for “5th April 1978” of “5th April 1988”.

2 The amount of a pension calculated in accordance with paragraph 1 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

Schedule D

Children's Awards

PART 1 REGULATION D1

CHILD'S ORDINARY PENSION

1.—(1) Where one of the child's parents is alive, the child's ordinary allowance in respect of the death of a regular policeman ("the relevant parent") shall, subject to paragraphs 4 and 5, be determined in accordance with this paragraph.

(2) Subject to sub-paragraphs (3) and (4), an allowance determined in accordance herewith shall be of an annual amount equal to 18.75% of the amount of the relevant parent's pension or notional pension mentioned in paragraph 3.

(3) Subject to sub-paragraph (4), where 3 or more children's allowances are for the time being payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 37.5% of the relevant parent's pension or notional pension mentioned in paragraph 3 divided by the total number of allowances so payable.

(4) Where in respect of any week the aggregate rate at which —

(a) any widow's ordinary pension, and

(b) any children's allowances determined in accordance herewith, would be payable in respect of a person who died while entitled to an ordinary, short service, or ill health pension or an injury pension under regulation 11 of the Injury Benefit Regulations ("the principal pension") exceeds the rate at which the principal pension was payable immediately before that person's death, the children's allowances shall be reduced by such factor as will ensure that the said aggregate rate does not exceed the rate at which the principal pension was so payable.

(5) For the purposes of sub-paragraph (4) there shall be ignored —

(a) in the case of a widow's pension or child's allowance, any increase therein in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*), and

(b) in the case of the principal pension —

(i) the restrictions on payments on account of an ordinary pension contained in Regulation B 1(5), and

(ii) the provisions for the reduction of a pension contained in Parts VII and VIII of Schedule B (*reductions at state pensionable age and related to up-rating of widow's pension*),

and where the relevant parent was entitled both to an ordinary, short service or ill-health pension under Part B and to an injury pension under regulation 11 of the Injury Benefit Regulations, the reference in sub-paragraph (4) to the rate at which the principal pension was payable shall be construed (subject to sub-paragraph (b)) as a reference to the aggregate rate at which those pensions were payable.

2.—(1) 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 shall, subject to paragraphs 4 and 5, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an annual amount equal to 25% of the relevant parent's pension or notional pension mentioned in paragraph 3.

(3) Where 3 or more children's ordinary allowances are for the time being payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 50% of the relevant parent's pension or notional pension mentioned in paragraph 3 divided by the total number of allowances so payable.

3.—(1) The pension or notional pension referred to in paragraphs 1 and 2 is —

(a) where the relevant parent died while entitled to an ordinary, short service or ill-health pension, that pension;

(b) where, having retired with both an ill-health pension under Part B and an injury pension under regulation 11 of the Injury Benefit, he died while no longer entitled to the ill-health pension but while entitled to the injury pension, the ill-health pension to which he would have been entitled had he not ceased to be entitled thereto;

(c) where he retired with a gratuity when entitled to reckon at least 3 years' pensionable service, the ill-health pension to which he would have been entitled had he retired in circumstances entitling him to such a pension, or

(d) where he died while serving as a regular policeman, the ill-health pension to which he would have been entitled had he retired immediately before he died in circumstances entitling him to such a pension, calculated, in each case, in accordance with sub-paragraph (2).

(2) The pension or notional pension referred to in sub-paragraph (1)(a), (b), (c) or (d) shall be calculated without regard to —

(a) the restrictions on payments on account of an ordinary pension contained in Regulation B1(5), and

(b) the provisions for the reduction of a pension contained in Regulation B7(7) and (8)(b) (*commutation*), in Regulation B9(7) (*allocation*) and in Parts VII and VIII of Schedule B (*reductions at state pensionable age and related to up-rating of widow's pension*).

4. The amount of a child's ordinary allowance determined in accordance with sub-paragraph (2) or (3) of paragraph 1 or, as the case may be, of paragraph 2 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

5. Where in respect of any period a person to whom a child's ordinary allowance is paid so elects, the amount of that allowance in respect of that period shall not be calculated as aforesaid but shall be determined by reference to the rank held by the relevant parent in accordance with Regulation E10 (*flat-rate award*).

6. Where the relevant parent died before 1st April 1987, any reference in paragraph 1(5)(b) or 3(2) to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

7. This Part has effect subject to paragraphs 1(3), 2 and 3 of Part III of Schedule J.

PART II Revoked by The Police (Injury Benefit) Regulations

PART III REGULATION D4

CHILD'S ACCRUED ALLOWANCE

1. Subject to paragraphs 2 and 3, a child's accrued allowance shall be determined in like manner as an ordinary allowance would be determined under Part I of this Schedule ('Part I') if the child were entitled to such an allowance. Provided that paragraph 5 of Part I as applied hereby shall not have effect in the case of a child whose relevant parent had made an election under Regulation G4(1) which had effect at the time of that parent's death.

2.—(1) Paragraphs 1(2) and (3) and 2(2) and (3) of Part I as applied hereby shall have effect without regard to paragraph 2 of Part III of Schedule J but as if for any reference in the said paragraphs of Part I to the relevant parent's pension or notional pension there were substituted a reference to his deferred pension calculated in accordance with the following sub-paragraph.

(2) Paragraphs 1(2) and (3) or 2(2) and (3) of Part I as so applied, the relevant parent's deferred pension shall be calculated without regard to —

(a) the restrictions on payments contained in Regulation B5(4);

(b) the provisions for the reduction of a pension contained in Regulation B7(7) and (8)(b) (*commutation*), in Regulation B9(7) (*allocation*) and in Parts VII and VIII of Schedule B (*reductions at state pensionable age and related to up-rating of widow's pension*).

3.—(1) Paragraph 1(4) and (5) of Part I as applied hereby shall have effect as if —

(a) the reference to a widow's ordinary pension were a reference to a widow's accrued pension, and

(b) any reference to an ordinary pension or to the principal pension were a reference to the relevant parent's deferred pension calculated in accordance with the following sub-paragraph.

(2) For the purposes of paragraph 1(4) of Part I as so applied, the relevant parent's deferred pension shall be calculated without regard to the restrictions on payments contained in Regulation B5(4).

4. Where the relevant parent died before (operative date) any reference in paragraph 2(2) or 3(2) to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

5. Paragraph 2 has effect subject to paragraph 4 of Part III of Schedule J.

PART IV REGULATION D5

REDUCTION IN CHILD'S ALLOWANCE DURING FULL-TIME REMUNERATED TRAINING ETC.

1.—(1) In this Part — “relevant child” means, subject to sub-paragraph (2), a child entitled to an allowance who is —

(a) in full-time training for a trade, profession or calling, and

(b) in receipt of remuneration in respect of that training at an annual rate in excess of the specified rate; “specified rate” means the annual rate (rounded up to the nearest £1) at which an official pension within the meaning of the Pensions (Increase) Act 1971 would be payable when increased under that Act if, within the meaning thereof, the basic rate of the pension were £250, it began on 1st June 1972 and the pensioner satisfied the qualifying conditions and if the pension fell to be paid in respect of periods for which the relevant child's remuneration falls to be paid; “excess remuneration” means the annual amount by which the annual rate of the relevant child's remuneration exceeds the specified rate; “relevant provision” means paragraph 1(3) or 2(3) of Part I of this Schedule (including those provisions as applied by Part III thereof) or paragraph 1(3) or 2(3) of Part II thereof.

(2) A child shall not be a relevant child for the purposes of this Part—

(a) if he is entitled to an allowance in respect of the death of a member of a police force who ceased to be such before 15th August 1983, unless and until he has attained the age of 19 years;

(b) if and so long as his allowance falls to be increased in accordance with Regulation E8 (*increase during first 13 weeks*).

2. In the case of any relevant child —

(a) if the annual amount of the allowance is greater than the amount of his excess remuneration, it shall be reduced by the amount of that excess remuneration, or

(b) if the amount of that excess remuneration is equal to or greater than the annual amount of the allowance which, but for this sub-paragraph, would be payable to him, the allowance shall not be payable.

3.—(1) Where as well as any relevant child there are other children to whom allowances are payable in respect of the death of the same person and any of the relevant provisions apply, the allowances payable to those other children (“the other allowances”) shall be increased as hereinafter provided.

(2) If paragraph 2(a) applies in the case of any relevant child, then, without prejudice to sub-paragraph (3), the annual amount of each of the other allowances shall be increased by an amount equal to his excess remuneration divided by the number of other allowances.

(3) If paragraph 2(b) applies in the case of any relevant child, then, without prejudice to sub-paragraph (2), each of the other allowances shall be recalculated as if the relevant child were not entitled to an allowance.

(4) Notwithstanding the provisions of sub-paragraphs (2) and (3), no child shall by virtue

of those provisions receive an allowance greater than that to which he would be entitled if no relevant provision applied in his case.

Schedule E

Awards on death - Additional Provisions

PART I Revoked by The Police (Injury Benefit) Regulations 2006

PART II REGULATION E4

GRATUITY IN LIEU OF WIDOW'S PENSION

The gratuity referred to in Regulation E4 shall be of an amount equal to 11 times the annual value of the pension or, as the case may be, of that part thereof which is commuted or of such greater amount as may be agreed between the police authority and the widow, not exceeding the capitalised value of the pension or, as the case may be, that part thereof which is commuted, calculated in accordance with tables prepared from time to time for the purpose by the Government Actuary.

PART III REGULATION E5

GRATUITY IN LIEU OF CHILD'S ALLOWANCE

The gratuity referred to in Regulation E5 shall be of such amount as may be agreed between the police authority and the child's surviving parent or guardian, or between the police authority and the child where he has no such parent or guardian, not exceeding the capitalised value of the allowance or, as the case may be, of that part thereof which is commuted, calculated in accordance with tables prepared from time to time for the purpose by the Government Actuary.

Schedule F

Pensionable Service and Transfer Values

PART I REGULATIONS F4, F5 AND F7

PAYMENT BY POLICEMAN IN RESPECT OF PREVIOUS SERVICE OTHER THAN POLICE SERVICE

1.-(1) Where a regular policeman undertakes to pay a sum in accordance with this Part he shall, subject as hereafter in this Part provided, pay by regular instalments of such amount that the payment of the sum will be completed within a period of 5 years and before he becomes liable to be required to retire on account of age: Provided that he may at any time discharge his liability under the undertaking, in whole or in part, by paying the whole or part of the balance of the sum then outstanding.

(2) Any payment in accordance with this paragraph shall be made by the policeman to the police authority of the force in which he is serving when the payment falls to be made and, without prejudice to any other method of payment, the liability to make any such payment may be discharged by way of a deduction by the said authority from his pay.

2. If, before he has discharged his liability under the undertaking, a regular policeman —

(a) retires without an award other than one of the amount of his aggregate pension contributions in respect of the relevant period of service;

(b) leaves his police force on joining the Police Service of Northern Ireland with the consent of the police authority;

(c) dies, or

(d) is dismissed, all further liability under that undertaking shall cease.

3. If, before he has discharged his liability under the undertaking, a regular policeman retires with an award other than one of the amount of his aggregate pension contributions in respect of the relevant period of service, the police authority by whom the award is payable shall be empowered to deduct the balance of the sum then outstanding from payments on account of the award:

Provided that where a payment is made on account of an ordinary or ill-health pension and in respect of a period beyond state pensionable age no deduction shall be made from so much of the payment as is on account of the secured portion of the pension.

PART II REGULATIONS F6, F8 AND F9

TRANSFERS AND CURRENT INTERCHANGE ARRANGEMENTS

Section 1 – Transfer value payable by police authority under Regulation F8 or F9

1.-(1) A transfer value payable by a police authority under Regulation F8 or F9 in respect

of a regular policeman shall be calculated in accordance with this Section and the Table set out in Section 3 of this Part of this Schedule by reference to —

(a) his age in years on ceasing to be a member of his former force;

(b) his notional deferred pension, that is to say the deferred pension to which he would have been entitled had he, on so ceasing, been entitled to such a pension, and any reduction therein in accordance with Part VII of Schedule B (*reduction at state pensionable age*);

(c) in the case of a man, his widow's notional accrued pension, that is to say the widow's accrued pension to which, on the assumption aforesaid, his widow would become entitled were he to die while entitled to a deferred pension leaving a widow entitled to an accrued pension;

(d) in the case of a regular policeman who had undertaken to make payments by way of regular instalments as mentioned in Part I of this Schedule, the payments not completed before he ceased to be a member of his former force;

(e) in the case of a regular policeman who, at the time of his ceasing to be a member of his former force, has a guaranteed minimum in relation to the pension provided by these Regulations, the amount of that guaranteed minimum, and (f) the amount of any contributions equivalent premium relating to the period ending with his retirement which has been paid by the police authority and not repaid; and any reference in this Section to the policeman's notional deferred pension or widow's notional accrued pension shall be construed accordingly.

(2) In this Section any reference to the Table is a reference to the Table set out in Section 3 of this Part of this Schedule and any reference to the appropriate factor specified in a column of that Table is a reference to the factor specified in the column in question in relation to the policeman's age within the meaning of sub-paragraph (1)(a).

(3) In this Section any reference to a policeman's former force is a reference to the force maintained by the police authority by whom the transfer value is payable.

2.—(1) The annual amount of the policeman's notional deferred pension, disregarding any reduction therein at state pensionable age, shall be multiplied by the appropriate factor specified in the second column of the Table or, in the case of a woman, in the fifth column thereof.

(2) Where the policeman's notional deferred pension would fall to be reduced under paragraph 1 of Part VII of Schedule B (reduction connected with state flat-rate benefit), the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount of that reduction multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(3) In the case of a policeman entitled to reckon pensionable service, immediately before he ceased to be a member of his former force, by reason of a participating period of relevant employment, the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount by which the policeman's notional deferred pension would fall to be reduced under paragraphs 2 and 3 of Part VII of Schedule B (*reduction connected with state graduated retirement benefit*) multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(4) For the purposes of sub-paragraph (3) a period shall be treated as a participating

period of relevant employment notwithstanding that a payment in lieu of contributions only fell to be made after the policeman ceased to be a member of his former force.

(5) The product under sub-paragraph (1), subject to any reduction under sub-paragraphs (2) and (3), is in paragraph 5 referred to as the basic element of the transfer value.

3.—(1) In the case of a man, the annual amount of the policeman's widow's notional accrued pension, disregarding paragraphs 2 and 3 of Part III of Schedule C (*increase by reference to the Pensions (Increase) Acts and flat-rate award*), shall be multiplied by the factor 4.

(2) The said product is in paragraph 5 referred to as the widow's element of the transfer value.

4. For the purpose of calculating a transfer value payable as mentioned in paragraph 1, Part VI of Schedule B (*policeman's deferred pension*) shall apply as if references to the policeman's average pensionable pay were references to his average pensionable pay immediately before he ceased to serve except that in the case of a transfer value which falls to be paid in pursuance of Regulation F8 or of Regulation F9(3)(a) or (b) no account shall be taken of any retrospective increase in pay granted after the transfer value has been paid.

5. Subject to the following paragraphs, the transfer value shall be of an amount —

(a) in the case of a man, equal to the sum of the basic element calculated in accordance with paragraph 2 and the widow's element calculated in accordance with paragraph 3;

(b) in the case of a woman, equal to the basic element calculated in accordance with paragraph 2.

6.—(1) This paragraph shall apply in the case of a policeman who had undertaken to make payments by regular instalments in accordance with Part I of this Schedule but had not completed those payments before he ceased to be a member of his former force; and the payments not completed before he so ceased are, in this paragraph, referred to as the outstanding instalments.

(2) The transfer value shall be reduced by the actuarial equivalent of the outstanding instalments calculated, in accordance with tables prepared by the Government Actuary, by reference to the amount of each instalment, the interval at which instalments were payable and the number of outstanding instalments.

7. Where a regular policeman at the time of ceasing to be a member of his former force has a guaranteed minimum in relation to the pension provided by these Regulations, the transfer value shall be reduced by the amount of that guaranteed minimum, expressed as an annual pension, multiplied by the appropriate factor specified in the fourth column of the Table or, in the case of a woman, in the seventh column thereof.

8. Where a contribution's equivalent premium relating to the period ending with the policeman's retirement has been paid by the police authority and has not been repaid, the transfer value shall be reduced by the amount of that premium.

9.—(1) This paragraph shall apply where a transfer value payable between police authorities under Regulation F8 is so payable in respect of previous service reckonable under Regulation F5.

(2) Where this paragraph applies the transfer value shall be reduced by an amount equal to the appropriate payment, within the meaning of Regulation F5(2)(c), which falls to be made by the policeman under Regulation F5(1) except that, where the appropriate payment would have been of a greater amount but for Regulation B11 or Regulation 82 of the Regulations of 1973 (*deduction of tax from certain awards*), the transfer value shall be reduced by that greater amount.

9A.—(1) This paragraph shall apply where the transfer value is payable in respect of a person who is a pension debit member.

(2) The transfer value shall be reduced by such amount as is calculated in accordance with such guidance as is provided for the purpose by the Government Actuary.

10.—(1) This paragraph shall apply where a transfer value is payable under Regulation F9 in respect of a regular policeman who has given a notice of allocation under Regulation B9(4)(a) and that notice has become effective under Regulation B9(6).

(2) Where this paragraph applies the transfer value shall be adjusted by such amount, calculated by the Government Actuary, as takes account of the effect which the notice of allocation had on the benefits prospectively payable to or in respect of the policeman as at the time when the transfer value became payable.

11.—(1) This paragraph shall apply where a transfer value is not paid within 6 months of the policeman ceasing to be a member of his former force.

(2) The transfer value calculated in accordance with the preceding provisions of this Section shall be increased by an amount equal to compound interest thereon at the rate of 21/4 per cent for each completed 3 months of the period beginning with the date he ceased to be a member of his former force and ending with the date of payment of the transfer value (disregarding any residual period of less than 3 months).

12. This Section has effect subject to paragraphs 2 and 3 of Part V of Schedule J.

Section 2 – Pensionable service reckonable on receipt of transfer value

1.—(1) The period of pensionable service reckonable by a regular policeman under Regulation F6 by virtue of the receipt of a transfer value by the police authority shall be calculated in accordance with this Section and the Table set out in Section 3 of this Part of this Schedule by reference to —

(a) the amount of the transfer value and of any increase therein by way of interest subject, however, to sub-paragraph (4);

(b) his age in years at the date mentioned in sub-paragraph (2), (3) or (4), whichever applies in his case;

(c) his pensionable emoluments within the meaning of the subparagraph in question;

(d) the provisions of Part VII of Schedule B relating to reduction of pension at state pensionable age, and

(e) where he, on ceasing to be in his former service, had a guaranteed minimum in relation to the pension provided by his former superannuation arrangements, the amount of that guaranteed minimum; and any reference in this Section to the policeman's age or

pensionable emoluments shall be construed accordingly.

(2) Subject to sub-paragraph (4), this sub-paragraph shall apply where —

(a) by reason of his former service the policeman was subject to superannuation arrangements which —

(i) were contained in a public general Act of Parliament or were made under such an Act by a Minister of the Crown, or

(ii) were contained in Northern Ireland legislation being public general legislation or were made under such legislation by a Minister of the Crown (including a Northern Ireland Minister) or by a Northern Ireland Ministry, department or head of department, or

(b) the police authority are satisfied that the transfer value was calculated in like manner as under some such superannuation arrangements as aforesaid; and, in such case, the policeman's age for the purposes of sub-paragraph (1)(b) shall be his age on ceasing to be in his former service and his pensionable emoluments for the purposes of sub-paragraph (1)(c) shall be the annual value of the emoluments (including averaged emoluments) in relation to which the transfer value was calculated or would have been calculated if part thereof had not been disregarded on account of provisions of the superannuation arrangements connected with state retirement pensions under section 28 of the Social Security Act 1975.

(3) Subject to sub-paragraph (4), in a case in which sub-paragraph (2) does not apply, the policeman's age for the purposes of sub-paragraph (1)(b) and his pensionable emoluments for the purposes of sub-paragraph (1)(c) shall be, respectively, his age and his annual pensionable pay as a regular policeman —

(a) on his becoming such, where the transfer value is received within 12 months of his ceasing to be in his former service, or

(b) on the date the transfer value is received, where it is received later.

(4) Where pensionable service reckonable under Regulation F6 is so reckonable by virtue of paragraph (3) of that Regulation in the case of a regular policeman who became such before 1st April 1972, then, notwithstanding the preceding provisions of this paragraph —

(a) if, before or within 3 months of receiving the transfer value the police authority are notified that, inclusive of any increase by way of interest, it would have been of a different amount, specified by the pay or thereof, had it been calculated and paid on 1st January 1974, then, for the purposes of this Section the transfer value shall be treated as though it were of the amount so specified;

(b) the policeman's age for the purposes of sub-paragraph (1)(b) shall be his age on 1st January 1974, and

(c) his pensionable emoluments for the purposes of sub-paragraph (1)(c) shall be his annual pensionable pay as a regular policeman on 1st January 1974 or, if he was not serving as such on that date, on the date on which he first thereafter became a regular policeman.

(5) In this Section any reference to the Table is a reference to the Table set out in Section 3 of this Part of this Schedule and any reference to the appropriate factor specified in a column of that Table is a reference to the factor specified in the column in question in relation to the policeman's age within the meaning of sub-paragraph (1)(b).

(6) In this Section any reference to a policeman's former service is a reference to the service in respect of which the transfer value is paid.

2.-(1) Where in a case to which paragraph 1(2) applies the transfer value was increased by the inclusion therein of interest calculated from the date when the policeman ceased to be in his former service, it shall be adjusted by the deduction of that interest.

(2) Where in any case any such pension as is mentioned in paragraph 2 of Part VII of Schedule B (*reduction connected with state graduated retirement benefit*) as might become payable to the policeman would fall to be abated in accordance with that paragraph, the annual amount of that abatement shall be calculated and multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof; and the transfer value shall be adjusted by the addition of that product.

(3) Where on the date that the policeman ceased to be in his former service he had a guaranteed minimum in relation to the pension provided by his former superannuation arrangements, the amount of that guaranteed minimum, expressed as an annual pension, shall be multiplied by the appropriate factor specified in the fourth column of the Table or, in the case of a woman, in the seventh column thereof, and the transfer value shall be adjusted by the addition of that product.

(4) The transfer value, subject to any such adjustment as aforesaid, is in paragraph 4 referred to as the adjusted transfer value.

3.-(1) The policeman's pensionable emoluments shall be multiplied by a factor 2.00 greater than the appropriate factor specified in the second column of the Table or, in the case of a woman, by the appropriate factor specified in the fifth column thereof.

(2) The said product shall be divided by 45.

(3) Where any such pension as is mentioned in paragraph 1 of Part VII of Schedule B (*reduction connected with state flat-rate retirement benefit*) as might become payable to the policeman would fall to be reduced in accordance with that paragraph and sub-paragraph (5) thereof applies, the amount of the reduction for each year of service relevant for the purposes of that paragraph shall be multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof; and the quotient under sub-paragraph (2) shall be adjusted by the deduction of the said product.

(4) The quotient under sub-paragraph (2), subject to any such adjustment as aforesaid, is in paragraph 4 referred to as the divisor. 4. The adjusted transfer value calculated in accordance with paragraph 2 shall be divided by the divisor calculated in accordance with paragraph 3 and the quotient (including any fraction) shall be the number of years reckonable as pensionable service.

5. Paragraph 1(2) has effect subject to paragraph 7 of Part IV of Schedule J.

Section 3 — Table referred to in Sections 1 and 2

TABLE

| Age last birthday before date of cessation | Men | | | Women | | |
|--|--------------|-------------|------------|--------------|-------------|------------|
| | Basic factor | N.I. factor | GMP factor | Basic factor | N.I. factor | GMP factor |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| Less than 20 | 5.00 | .25 | 1.47 | 7.00 | .50 | 2.20 |
| 20 | 5.05 | .25 | 1.50 | 7.05 | .50 | 2.24 |
| 21 | 5.10 | .25 | 1.53 | 7.10 | .55 | 2.28 |
| 22 | 5.15 | .30 | 1.56 | 7.15 | .60 | 2.32 |
| 23 | 5.20 | .30 | 1.59 | 7.20 | .65 | 2.36 |
| 24 | 5.25 | .30 | 1.62 | 7.25 | .70 | 2.40 |
| 25 | 5.30 | .35 | 1.65 | 7.35 | .75 | 2.45 |
| 26 | 5.35 | .40 | 1.68 | 7.40 | .80 | 2.50 |
| 27 | 5.40 | .40 | 1.71 | 7.45 | .85 | 2.55 |
| 28 | 5.45 | .45 | 1.74 | 7.50 | .90 | 2.60 |
| 29 | 5.50 | .50 | 1.78 | 7.55 | .95 | 2.66 |
| 30 | 5.55 | .50 | 1.81 | 7.65 | 1.05 | 2.71 |
| 31 | 5.60 | .55 | 1.85 | 7.70 | 1.15 | 2.77 |
| 32 | 5.65 | .60 | 1.88 | 7.80 | 1.25 | 2.82 |
| 33 | 5.70 | .65 | 1.92 | 7.90 | 1.35 | 2.88 |
| 34 | 5.75 | .70 | 1.95 | 7.95 | 1.45 | 2.93 |
| 35 | 5.80 | .80 | 1.99 | 8.05 | 1.55 | 2.99 |
| 36 | 5.85 | .90 | 2.02 | 8.15 | 1.65 | 3.05 |
| 37 | 5.90 | 1.00 | 2.06 | 8.25 | 1.75 | 3.11 |
| 38 | 5.95 | 1.10 | 2.10 | 8.35 | 1.85 | 3.17 |
| 39 | 6.00 | 1.20 | 2.14 | 8.45 | 1.95 | 3.24 |
| 40 | 6.05 | 1.30 | 2.18 | 8.55 | 2.10 | 3.31 |
| 41 | 6.10 | 1.40 | 2.22 | 8.65 | 2.25 | 3.38 |
| 42 | 6.15 | 1.50 | 2.26 | 8.75 | 2.45 | 3.45 |
| 43 | 6.20 | 1.60 | 2.30 | 8.85 | 2.65 | 3.52 |
| 44 | 6.25 | 1.70 | 2.34 | 8.95 | 2.90 | 3.59 |
| 45 | 6.30 | 1.80 | 2.39 | 9.05 | 3.15 | 3.66 |
| 46 | 6.40 | 1.90 | 2.44 | 9.15 | 3.40 | 3.74 |
| 47 | 6.50 | 2.00 | 2.48 | 9.25 | 3.70 | 3.82 |
| 48 | 6.60 | 2.20 | 2.53 | 9.35 | 4.00 | 3.90 |
| 49 | 6.70 | 2.40 | 2.58 | 9.45 | 4.35 | 3.98 |
| 50 | 6.80 | 2.60 | 2.62 | 9.55 | 4.75 | 4.06 |
| 51 | 6.90 | 2.90 | 2.67 | 9.65 | 5.15 | 4.15 |
| 52 | 7.10 | 3.20 | 2.72 | 9.80 | 5.60 | 4.24 |
| 53 | 7.30 | 3.50 | 2.78 | 9.95 | 6.10 | 4.33 |
| 54 | 7.50 | 3.80 | 2.84 | 10.10 | 6.65 | 4.43 |
| 55 | 7.70 | 4.20 | 2.90 | 10.30 | 7.25 | 4.53 |
| 56 | 8.00 | 4.60 | 2.97 | 10.50 | 7.95 | 4.63 |
| 57 | 8.30 | 5.00 | 3.04 | 10.75 | 8.75 | 4.74 |
| 58 | 8.60 | 5.40 | 3.12 | 11.05 | 9.65 | 4.85 |
| 59 | 9.00 | 5.80 | 3.20 | 11.40 | 10.65 | 4.97 |
| 60 | 9.50 | 6.30 | 3.28 | 11.75 | 11.75 | — |
| 61 | 9.50 | 6.80 | 3.36 | 11.75 | 11.75 | — |
| 62 | 9.50 | 7.40 | 3.44 | 11.75 | 11.75 | — |
| 63 | 9.50 | 8.10 | 3.53 | 11.75 | 11.75 | — |
| 64 | 9.50 | 9.00 | 3.64 | 11.75 | 11.75 | — |
| 65 | 9.50 | 9.50 | — | 11.75 | 11.75 | — |

PART III REGULATION F7

PRESERVED INTERCHANGE ARRANGEMENTS

Section 1 – Civil service and Metropolitan Police Civil Staff service

1. This Section shall apply in relation to service or employment —

(a) as a civil servant, or

(b) in the metropolitan civil staffs within the meaning of section 15 of the Superannuation (Miscellaneous Provisions) Act 1967.

2. In relation to the said service or employment the specified date for the purposes of Regulation F7 shall be 1st January 1967.

3. In relation to the said service or employment the transfer value for the purposes of Regulation F7 shall be one payable under the provisions of a scheme made under section 1 of the Superannuation Act 1972 or of Rules made under sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948, including such provisions as they have effect by virtue of section 15(2) of the Superannuation (Miscellaneous Provisions) Act 1967.

4. The specified authority for the purposes of Regulation F7 shall be —

(a) in relation to service or employment as a civil servant, the Treasury or the Minister for the Civil Service;

(b) in relation to service or employment in the metropolitan civil staffs, the Secretary of State.

5. In relation to such service or employment as is mentioned in paragraph 1, Regulation F7(1) shall have effect —

(a) where the relevant date was before 1st April 1972, as if subparagraph (c) were omitted, and

(b) where the relevant date was before 15th February 1971, as if sub-paragraph (e)(ii) were also omitted.

Section 2 – Local Government, Fire, Education and Health service

1. This Section shall apply in relation to service or employment —

(a) such as is mentioned in section 2(2)(c), (cc), (d), (e) or (ee) of the Superannuation (Miscellaneous Provisions) Act 1948;

(b) in respect of which awards may be made under the Firemen's Pensions Scheme, that is to say, under the Scheme for the time being in force under section 26 of the Fire Services Act 1947(d), or

(c) in respect of which awards may be made under Regulations for the time being in force under section 10 of the Superannuation Act 1972, section 67 of the National Health Service Act 1946, or section 66 of the National Health Service (Scotland) Act 1947.

2.–(1) Subject to sub-paragraph (2), in relation to the said service or employment the

specified date for the purposes of Regulation F7 shall be 15th February 1971.

(2) Where in relation to a particular service or employment no provisions were in operation on 15th February 1971 for the payment of a transfer value to the police authority, as mentioned in Regulation F7(1)(d), then in relation thereto the specified date for the purposes of Regulation F7 shall be the date on which such provisions first thereafter came into operation.

3. In relation to such service or employment as is mentioned in paragraph 1, the transfer value for the purposes of Regulation F7 shall be one payable under Rules made under sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948 or under Regulations made under section 67 of the National Health Service Act 1946, section 66 of the National Health Service (Scotland) Act 1947 or section 7, 8, 9 or 10 of the Superannuation Act 1972.

4. The specified authority for the purposes of Regulation F7 shall be —

(a) in relation to such employment as is mentioned in section 2(2)(c), (cc) or (d) of the Superannuation (Miscellaneous Provisions) Act 1948, the local authority maintaining the superannuation fund in the benefits of which the person concerned was entitled to participate;

(b) in relation to service in a fire brigade maintained by a local authority and in respect of which awards may be made under the Firemen's Pension Scheme, the fire authority concerned;(c) in relation to any other service or employment, the Secretary of State.

Section 3 – Other service or employment

1. This Section shall apply in relation to service or employment in which a person is subject to any superannuation arrangements specified in the second column of the following Table.

2. Subject to paragraph 5 in relation to any such service or employment the specified date for the purposes of Regulation F7 shall be 15th February 1971.

3.—(1) In relation to any such service or employment the transfer value for the purposes of Regulation F7 shall, subject to sub-paragraphs (2) and (3), be one of the like amount, and calculated in the like manner, as the transfer value which would have been receivable under Part III of the Superannuation (Local Government and Approved Employment) Interchange Rules 1969(c) had the person concerned entered local government employment, within the meaning of those Rules, on the date on which he became a regular policeman and in circumstances in which the said Part III applied.

(2) For the purposes of sub-paragraph (1) —

(a) to the extent that the Table in Schedule 1 to the said Rules of 1969 does not contain entries in columns (1) and (2) thereof corresponding to the entries in the following Table, it shall be deemed to do so, and

(b) subject to paragraph 5, paragraph 6 of Schedule 1 to the said Rules of 1969 shall have effect as if any references therein to 18th August 1968 and to 18th August 1969 were, respectively, references to 15th February 1970 and to 15th February 1971 and sub-paragraphs (1)(a) and (b) and (3) were omitted.

(3) In relation to service in which a person is subject to the Isle of Man Police Pensions Regulations, that is to say, the Regulations for the time being in operation under section 16 of the Police (Isle of Man) Act 1962 (an Act of Tynwald), the transfer value shall be one payable under those Regulations.

4. In relation to any such service or employment the specified authority for the purposes of Regulation F7 shall be the persons having the general control and management of the relevant superannuation arrangements specified in the second column of the following Table.

5. In relation to service or employment in which a person is subject to —
- (a) an Area Gas Board Protected Persons Superannuation Scheme,
 - (b) an Area Gas Board Staff Pension Scheme,
 - (c) the Gas Council Staff Pension Scheme, or
 - (d) the Independent Broadcasting Authority Staff Superannuation Fund and Staff Life Assurance Scheme,

the specified date for the purposes of Regulation F7 shall be 1st April 1973 and paragraph 3(2)(b) shall have effect as if for the dates “15th February 1970” and “15th February 1971” there were substituted, respectively, the dates “1st April 1971” and “1st April 1972”.

TABLE

| Employing body | Superannuation arrangements |
|---|---|
| Agricultural Research Council | Industrial Superannuation Scheme Agricultural Research Council Superannuation Scheme 1951 |
| Area Electricity Board | British Electricity Authority Superannuation (Protected Persons) Scheme, Electricity Board Superannuation (Protected Persons) Scheme, Electricity Supply (Manual Workers) Superannuation Scheme, Electricity Supply (Staff) Superannuation Scheme |
| British Airports Authority | The British Airports Authority Superannuation Scheme |
| British Broadcasting Corpn | The B.B.C. New Pension Scheme |
| British Council | British Council Superannuation Scheme |
| British European Airways Corpn | The Airways Corporations Joint Pension Scheme for General Staff members |
| British Gas Corporation or Area Gas Board | Area Gas Board Protected Persons Superannuation Scheme, Area Gas Board Staff Pension Scheme |
| British Gas Corporation or Gas Council | Gas Council Staff Pension Scheme |
| British Overseas Airways Corporation | The Airways Corporations Joint Pension Scheme for General Staff members |
| British Waterways Board | Cheshire County Council Superannuation Fund - Divided, Grand Union Canal Company Superannuation Fund, Nottingham Corpn Superannuation Fund - Divided, Scheme embodied in section 23 of and Schedule 4 to the Regent Canal and Dock Company (Grand Junction Canal Purchase) Act 1928, Scheme embodied in the Superannuation Act 1965 (as applied to former staff of the Lee Conservancy Board) |
| Central Electricity Generating Board | British Electricity Authority Superannuation (Protected Persons) Scheme, Electricity Board Superannuation (Protected Persons) Scheme, Electricity Supply (Manual Workers) Superannuation Scheme, Electricity Supply (Staff) Superannuation Scheme |
| Commonwealth War Graves Commission | The Commonwealth War Graves Commission Superannuation Scheme (1952) |
| Corporation of Trinity House | Trinity House Service Superannuation Scheme |
| Crown Agents for Overseas Governments and Administrations | Crown Agents' Pension Scheme |
| Crown Estate Commissioners | Crown Estate Commissioners Superannuation Scheme |
| Development Commission | The Development Commission Superannuation Scheme 1940 |

| Employing body | Superannuation arrangements |
|--|--|
| Electricity Council | British Electricity Authority Superannuation (Protected Persons) Scheme, Electricity Board Superannuation (Protected Persons) Scheme, Electricity Supply (Manual Workers) Superannuation Scheme, Electricity Supply (Staff) Superannuation Scheme |
| Forestry Commission | The Forestry Commission Superannuation Scheme |
| General Lighthouse Authority | General Lighthouse Fund Superannuation Scheme |
| Horserace Betting Levy Board | Horserace Betting Levy Board Pension Schemes A and B |
| Independent Broadcasting Authority | Independent Broadcasting Authority Staff Superannuation Fund and Staff Life Assurance Scheme |
| Industrial Training Boards — | Industrial Training Boards Pension Fund The Isle of Man Police Pensions Regulations |
| Metropolitan Water Board | Metropolitan Water Board Superannuation and Provident Fund Scheme |
| National Coal Board National | Coal Board Staff Superannuation Scheme |
| National Industrial Fuel Efficiency Service | National Industrial Fuel Efficiency Service Superannuation Scheme |
| National Institute of Agricultural Botany | Industrial Superannuation Scheme |
| Natural Environment Research Council | Natural Environment Research Council Superannuation Arrangements |
| North of Scotland Hydro-Electric Board | Hydroboard Superannuation Fund |
| Port of London Authority | Port of London Authority Pension Fund |
| Post Office | Post Office Staff Superannuation Scheme |
| Scottish Agricultural Colleges and Research Institutes | Industrial Superannuation Scheme |
| Science Research Council | Science Research Council Superannuation Scheme, The Principal Non-Industrial Superannuation Scheme of the United Kingdom Atomic Energy Authority, The United Kingdom Atomic Energy Authority's Industrial Superannuation Scheme |
| South of Scotland | The South of Scotland Electricity Board's Superannuation Scheme |
| United Kingdom Atomic Energy Authority | The Principal Non-Industrial Superannuation Scheme of the United Kingdom Atomic Energy Authority, Protected Persons Superannuation Scheme of the United Kingdom Atomic Energy Authority, The United Kingdom Atomic Energy Authority's Industrial Superannuation Scheme |

PART IV – REGULATION F6,F9,F10
CALCULATION OF TRANSFER VALUES
AND RECKONABLE SERVICE
BY REFERENCE TO ACCRUED RIGHTS

Section 1 – Calculation of transfer values

1. Subject to paragraphs 2 and 3, a transfer value payable in respect of a regular policeman by a police authority under Regulation F9 or F10 which is to be calculated in accordance with this Section shall be an amount equal to the capitalised value of his accrued rights and any associated rights under the Pensions (Increase) Acts, less the amount of any state scheme premium under Part III of the Social Security Pensions Act 1975(b) which the police authority has paid and not recovered included in the valuation of those rights.

2. Where the police authority responsible for payment of a transfer value such as is mentioned in paragraph 1 has determined that any pension payable to or in respect of the regular policeman concerned shall be forfeited, in whole or in part, under Regulation K5, the transfer value shall be reduced by an amount equal to the capitalised value of that pension, or of that part of the pension which is so forfeited, as the case may be.

3. Where the new superannuation arrangements to which the regular policeman concerned is becoming subject are not a contracted-out scheme and —

(a) the authority or person empowered to receive payments for the purposes of those arrangements is willing or able to have transferred to them only the liability for the regular policeman's accrued rights other than his and his widow's or widower's rights to guaranteed minimum pensions, and

(b) the regular policeman concerned does not require the police authority to use that portion of his transfer value which represents those guaranteed minimum pensions in one of the ways specified in paragraph 13(2)(a) to (c) of Schedule 1A to the Social Security Pensions Act 1975. the transfer value payable in respect of him shall be reduced by an amount sufficient to enable the police authority's liability in respect of the regular policeman's and his widow's or widower's guaranteed minimum pensions to be met.

4. In this Section —

“accrued rights” means the rights which have accrued in respect of a regular policeman at the material date to any award payable under these Regulations, excluding any rights which have, at any time before that date, been taken into account in calculating a transfer value payable in respect of him;

“capitalised value” means actual value at the material date as determined by the police authority in a manner notified to them by the Government Actuary as consistent with the requirements of paragraph 14 of Schedule 1A to the Social Security Pensions Act 1975;

“material date” means the later of —

(a) the date on which the regular policeman concerned ceased to serve as such or made an election under Regulation G4(1), as the case may be, and

(b) the date on which he gave notice to the police authority in accordance with Regulation F10(2)(e) which has not been withdrawn.

5. In the case of a pension debit member, the transfer value shall be reduced by such

amount as is calculated in accordance with such guidance as is provided for the purpose by the Government Actuary

Section 2 – Calculation of reckonable service

1. The period of pensionable service reckonable by a regular policeman under Regulation F6 by virtue of the receipt of a transfer value by the police authority on or after 6th April 1988 shall be calculated —

(a) where his former superannuation arrangements are of a kind mentioned in paragraph 1(2) of Section 2 of Part II and the police authority are satisfied that the transfer value —

(i) represents all his accrued rights to awards under those arrangements,

(ii) was calculated in like manner as under some such superannuation arrangements as aforesaid, and

(iii) is one which he has, within 12 months of his last becoming a regular policeman, requested the police authority to accept under Regulation F6, in accordance with paragraph 2, and

(aa) where his former superannuation arrangements were contained in the British Transport Police Force Superannuation Fund and the police authority are satisfied that:

(i) the transfer value represents all his accrued rights to awards under those arrangements,

(ii) the transfer value is one which he has, within 12 months of his last becoming a regular policeman, requested the police authority to accept under regulation F6,

(iii) the transfer value is calculated in accordance with guidance approved by the Government Actuary, and

(iv) either —

(a) the regular policeman has not reached the age of 55 at the time of the transfer; or

(b) he has reached that age at the time of the transfer, but the police authority and the administrators of the British Transport Police Force Superannuation Fund agree that the calculation shall be in accordance with paragraph 2,

in accordance with paragraph 2, and”

(b) in any other case, in accordance with paragraph 3.

1A. References in paragraph 1(aa) to a transfer include —

(a) any transfer where there is an interval of no longer than one month between the regular policeman’s service with the British Transport Police Force and his service as a regular policeman; and

any transfer where there is an interval of longer than one month between those periods of service and the police authority concerned and the administrators of the British Transport Police Force Superannuation Fund agree that the calculation shall be in accordance with paragraph 2.

2. For the purposes of paragraph 1(a) and (aa) the period of pensionable service reckonable by the regular policeman shall be equal to the period of service as a regular policeman which if used to calculate a transfer value payable on such a policeman becoming subject to superannuation arrangements of a kind mentioned in paragraph 1(2) of Section 2

of Part II would produce an amount equal to the transfer value received in respect of him by the police authority under Regulation F6; and in making the calculation regard shall be had to his age, rate of pensionable pay, marital status and, in addition, to any other factor notified to the police authority by the authority or person empowered to make payments under his former superannuation arrangements as having been taken into account in determining the amount of that transfer value.

3. For the purposes of paragraph 1(b) the period of pensionable service reckonable by the regular policeman shall be calculated in a manner consistent with the manner in which a transfer value would be calculated which was payable by a police authority to the authority or person empowered to receive such payments for the purposes of superannuation arrangements other than of a kind mentioned in paragraph 1(2) of Section 2 of Part 11, due allowance being given for the expected increase in pensionable pay of a regular policeman of the same age as the regular policeman concerned between the date on which he ceased his former service and the material date.

4. In paragraph 3, “the material date” means —

(a) the date on which the regular policeman concerned last became a regular policeman, or

(b) if more than 12 months later, the date on which the transfer value was received.

TRANSITIONAL PROVISIONS FROM REGULATION 3

POLICE PENSIONS (AMENDMENT) REGULATIONS 1990

In the case of a regular policeman who ceased to serve as such on or after 1st January 1986 but before 6th April 1988 and was, on so ceasing, entitled to reckon at least 5 years' pensionable service unless the superannuation arrangements applicable to his new service fall within Regulation F9(3)(a), (b) or (e) of the principal Regulations, there shall be payable by the police authority of the force in which he ceased to serve:

(a) if he is a person to whom Regulation F9 of the principal Regulations applies, a transfer value under that Regulation, or

(b) if he is a person to whom Regulation F10 of the principal Regulations, as amended by paragraph (4), applies, a transfer value under that Regulation, whichever is the greater; and where the transfer value payable is that referred to in sub-paragraph (b) of this paragraph, the date of his ceasing to serve shall be deemed, for the purposes of the said Regulation F10, to be 6th April 1988.

In the case of the regular policeman who ceases or ceased to serve as such on or after 6th April 1988 and is entitled to reckon pensionable service as such before that date, unless the superannuation arrangements applicable to his new service fall within Regulation F9(3)(a), (b) or (e) of the principal Regulations, there shall be payable by the police authority of the force in which he ceased to serve —

(a) in respect of that service, the greater of —

(i) any transfer value payable under Regulation F10 of the principal Regulations, as amended by paragraph (4) and

(ii) any transfer value payable under Regulation F9 of the principal Regulations and

(b) in respect of any pensionable service as a regular policeman after that date which he is entitled to reckon and which, when aggregated with his pensionable service as such before that date, does not exceed 30 years, any transfer value payable under Regulation F10 of the principal Regulations, as amended by paragraph (4). Regulations F10 of the principal Regulations, as amended by paragraph (4), shall not have effect in relation to a regular policeman who ceased to serve as such before 6th April 1988 unless he was, on so ceasing, entitled to reckon at least 5 years' pensionable service as such.

Schedule G Regulation G3

Additional and Further Contributions

1. Where, in pursuance of paragraph (2) of Regulation G3 and such an election as is mentioned in paragraph (1) of that Regulation, additional or further pension contributions continue to be payable by a regular policeman, those contributions shall be payable at the rate specified in the second or, as the case may be, in the third column of the following Table opposite to the number of completed years of pensionable service in the first column thereof reckonable by the regular policeman immediately before 1st April 1973 otherwise than by reason of service on or after 1st April 1972 as a member of a police force or of the Police Service of Northern Ireland subject, however, to paragraph 2.

2. For the purposes of paragraph 1, no account shall be taken of any service reckonable as pensionable service by virtue of section 10 of the Police Pensions Act 1921.

TABLE

| Completed years of Pensionable service Taken in to account | Rate expressed as a percentage of pensionable pay | |
|--|---|-----------------------|
| | Additional contributions | Further contributions |
| 1 | 0.1 | 0.1 |
| 2 | 0.1 | 0.1 |
| 3 | 0.2 | 0.2 |
| 4 | 0.3 | 0.2 |
| 5 | 0.3 | 0.3 |
| 6 | 0.4 | 0.3 |
| 7 | 0.5 | 0.4 |
| 8 | 0.6 | 0.5 |
| 9 | 0.7 | 0.6 |
| 10 | 0.9 | 0.7 |
| 11 | 1.1 | 0.8 |

Schedule H Regulation H2

Medical Appeals

1. Every notice of appeal under regulation H2(1) and statement of grounds under regulation H2(2) shall be in writing.

2. On receiving a notice of appeal against a report issued under regulation H1 and the appellant's statement of grounds for appeal, the police authority, unless regulation H3(2) applies, shall forward to the Secretary of State and a board of medical referees copies of those documents and all other documents determined as necessary by the Secretary of State.

3.-(1) The board of medical referees shall consist of not less than three medical practitioners appointed by, and in accordance with, arrangements approved by the Secretary of State, provided that -

(a) at least one member of the board of medical referees shall be a specialist in a medical condition relevant to the appeal;

(b) one member of the board of medical referees will be appointed chairman; and

(c) where there is an equality of voting among members of the board of medical referees, the chairman shall have a second or casting vote.

(2) The board of medical referees shall appoint a time and place for hearing the appeal, at which it may interview or examine the appellant, and for any such further hearings as it may consider necessary and shall give not less than 2 months notice, or such shorter period as the police authority and appellant may agree, thereof to the appellant and police authority.

(3) The police authority and the appellant shall, not less than 35 days (including weekends and public holidays) before the date appointed for the hearing, inform the board of medical referees whether they intend to be represented at the hearing.

4.-(1) Where either party to the appeal intends to submit written evidence or a written statement at a hearing arranged under paragraph 3 above that party shall, subject to paragraph (2) submit it to the board of medical referees and the other party not less than 35 days before the date appointed for the hearing.

(2) Where any written evidence or statement has been submitted under paragraph (1), any written evidence or statement in response may be submitted by the other party to the board of medical referees and the party submitting the first-mentioned evidence or statement at any time not less than 7 days before the date appointed for the hearing.

(3) The board of medical referees may postpone or adjourn the date appointed for the hearing where any written evidence or statement is submitted in contravention of paragraphs (1) or (2) or it appears necessary to do so for the proper determination of the appeal.

(4) References in paragraphs (1) and (2) to periods of days shall include weekends and public holidays.

5.-(1) Any hearing (including any examination) may be attended by -

(a) the selected medical practitioner; and

(b) a duly qualified medical practitioner appointed for the purpose by the appellant, although they may only observe any examination.

(2) If the selected medical practitioner does not attend any examination then a duly qualified medical practitioner appointed for that purpose by the police authority may attend the examination as an observer.

(3) If any hearing includes an examination then only medical practitioners may be present for that part of the hearing.

6. The board of medical referees shall supply the police authority, the appellant and the Secretary of State with a written statement of its decision. Where the board of medical referees disagrees with any part of the selected medical practitioner's report, the board of medical referees shall supply a revised report.

7.-(1) There shall be paid to the board of medical referees -

(a) such fees as are determined in accordance with arrangements made by the Secretary of State; or

(b) where no such arrangements have been made, such fees and allowances as the Secretary of State may from time to time determine.

(2) Any fees and allowances payable to the board of medical referees under paragraph (1) shall, subject to paragraph 8(5), be paid by the police authority and shall be treated as part of the expenses of the police authority for the purposes of this Schedule.

8.-(1) Save as hereinafter provided, the expenses of each party to the appeal shall be borne by that party.

(2) Where a hearing has been cancelled, adjourned or postponed at the request of, or due to the actions or omissions of the police authority, less than 11 days before the hearing (excluding weekends and public holidays) the board of medical referees shall require the police authority to pay to the appellant any expenses actually and reasonably incurred by him in respect of attending or arranging to attend the cancelled, adjourned or postponed hearing as the case may be.

(3) Where the board of medical referees determines that a hearing has been cancelled, adjourned or postponed at the request of, or due to the actions or omissions of the appellant, less than 11 days before the hearing (excluding weekends and public holidays) the police authority may, subject to paragraph (4), require the appellant to pay towards the cost of the cancellation, adjournment or postponement as the case may be, such sum not exceeding the total costs of the cancellation, adjournment or postponement as the case may be as the authority thinks fit.

(4) If the board of medical referees, after taking account of any representations from either party, decides that the cancellation, adjournment or postponement as the case may be was not due to any fault on the part of the appellant and the appellant should not pay towards the cost of the cancellation, adjournment or postponement as the case may be, it shall state that this is the case and the police authority shall not require the payment of any such costs.

(5) Where the board of medical referees decides in favour of the police authority and reports that in its opinion the appeal was frivolous or vexatious, the authority may, subject to paragraph (6), require the appellant to pay towards the cost of the appeal such sum not

exceeding the board of medical referees' total fees and allowances as the authority thinks fit.

(6) If the board of medical referees, after taking account of any representations from either party, decides there are exceptional reasons why the appellant should not pay towards the cost of the appeal, it shall state that this is the case and the police authority shall not require the payment of any such costs.

(7) Where the board of medical referees decides in favour of the appellant, the police authority shall refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of attending any such hearing as is mentioned in paragraph 3.

Schedule I Regulation I2 and I3

Servicemen - Increase of Awards

1.—(1) This paragraph shall apply where a pension payable to a serviceman in pursuance of paragraph (2) or (3) of Regulation I2 is increased in pursuance of paragraph (4) of that Regulation.

(2) The increased amount of the pension payable to the serviceman for any period shall not, when aggregated with the amount of any armed forces award which is also payable to or in respect of him for that period, exceed the amount of the award which would have been payable for that period if the injury as a result of which he is permanently disabled had been treated as if it were an injury received without his own default in the execution of his duty as a regular policeman.

(3) The reference in the preceding sub-paragraph to an armed forces award shall not include an allowance for constant attendance, wear and tear of clothing or comforts.

2.—(1) This paragraph shall apply where a pension payable to the widow of a serviceman in pursuance of paragraph (1) or (3) of Regulation I3 is increased in pursuance of paragraph (5) of that Regulation.

(2) The increased amount of the pension payable to the widow for any period shall not, when aggregated with the amount of any armed forces award which is also so payable for that period in respect of her husband, exceed the amount of the pension which would have been payable for that period if the injury as a result of which her husband had died had been treated as if it were an injury received without his own default in the execution of his duty as a regular policeman.

3.—(1) This paragraph shall apply when an allowance payable to the child of a serviceman in pursuance of paragraph (4) of Regulation I3 is increased in pursuance of paragraph (5) of that Regulation.

(2) The increased amount of the allowance payable to the child for any period shall not, when aggregated with the amount of any armed forces award payable to or for the child for that period in respect of the serviceman, exceed the amount of the allowance which would have been payable for that period if the injury as a result of which he had died had been treated as if it were an injury received without his own default in the execution of his duty as a regular policeman.

4.—(1) In this Schedule a reference to an armed forces award is a reference to an armed forces pension or other award payable in pursuance of a Royal Warrant or other instrument.

(2) Where such an armed forces award as mentioned in paragraph 1(2), 2(2) or 3(2) is a gratuity, the amount thereof payable for any period shall, for the purposes of the provision in question, be deemed to be the amount which would have been payable for that period in respect of such an annuity as is hereinafter mentioned if, at the date on which the gratuity became payable, it had been applied in the purchase of such an annuity. The annuity referred to in this sub-paragraph is an immediate life annuity, dependent on the life of the serviceman, the widow or, as the case may be, the child concerned, granted under Part I of the Government Annuities Act 1929.

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 B 1(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 Regulation 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.

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.—Revoked by The Police (Injury Benefit) Regulations

Policeman ceasing to serve before 1st April 1987

7.—Revoked by The Police (Injury Benefit) Regulations

8. DELETED.

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

WIDOW'S 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, J4 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, 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, 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 subparagraph (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 subparagraph (1)(a);

(b) his pre-1972 pensionable service taken into account for the purposes of subparagraph (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 —

(a) otherwise than by reason of service as a member of a police force or of the Police Service of Northern Ireland 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, 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 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.— Revoked by The Police (Injury Benefit) Regulations 2006

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

(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) If the husband has pensionable service reckonable by reason of police service on or after 1st April 1972. | (a) That pensionable service | (a) That pensionable service |
| (b) If he has pensionable service reckonable by virtue of Regulation F6 (current interchange arrangements). | (b) That pensionable service | (b) That pensionable service |
| (c) If he has pensionable service reckonable by virtue of section 10 of the Police Pensions Act 1921. | (c) That pensionable service | (c) That pensionable service |
| (d) If he has pensionable service reckonable by virtue of Regulation 17(1) and the proviso to Regulation 18(1) by reason of a period of relevant service in the armed forces on or after 1st April 1956. | (d) That pensionable service | (d) That pensionable service |
| (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 after 1st April 1972 and was for a period of less than a complete year. | (e) That pensionable service | (e) That pensionable service |
| (f) If he has pensionable service reckonable by virtue of Regulation F3(1)(f) (British Airports Authority Constabulary service) otherwise, where he has been granted a back service credit, than by reason of that credit (subject, however, to sub-paragraph (5) below). | (f) That pensionable service | (f) That pensionable service |
| (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 sub-paragraphs (5) and (6) below). | (g) That pensionable service | (g) That pensionable service |

TABLE B

SERVICE COUNTING IN PART AS BOTH
HALF-RATE AND MIXED-RATE SERVICE

| Condition | Half-rate service | Mixed –rate service |
|---|---|---|
| <p>(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-paragraphs (5) and (6) below).</p> <p>(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 sub-paragraph (5) below)</p> | <p>The proportion specified in- sub-paragraph (7) below of that pensionable service.</p> <p>The proportion specified in sub-paragraph (8) below of that pensionable service</p> | <p>The proportion specified in sub-paragraph (7) below of that pensionable service</p> <p>The proportion specified in sub-paragraph (8) below of that pensionable service</p> |

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) If the husband has pensionable to 6.25% of his pensionable pay. service reckonable by reason of police service in respect of which he paid pension contributions at a rate related | — | That Pensionable service |
| (b) If he has pensionable service not mentioned in the first column of Table a which, immediately before 1st April, 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) If he has such pensionable service as aforesaid and he had elected as mentioned in Regulation 59(2)(a) of the Regulations of 1973 to make an additional payment by way of a lump sum. | — | That Pensionable service |
| (d) If he had 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) If he has such pensionable service as aforesaid, he had elected as mentioned in Regulation 57 and 58(20) 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) |

TABLE C (continued)

SERVICE COUNTING FULLY OR IN PART EITHER AS
HALF-RATE OR AS MIXED-RATE SERVICE

| Condition | Half-rate service | Mixed –rate service |
|--|---|---|
| (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 specified in sub-paragraph (8) 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) | — |
| (g) If he has such pensionable 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 the rate of payment of additional contributions 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 Police Service of Northern Ireland;

(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

(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 British Airports Authority 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 61 A 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

CHILDRENS AWARDS

CHILDREN’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.

(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 1 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.

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 Police Service of Northern Ireland 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 17(1) and the proviso to Regulation 18 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. (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.

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 halfyears.

(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 halfyears.

(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 subparagraph (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 —

(a) before 15th February 1971 was suspended under regulations from time to time in operation under section 4 of the Police Act 1919, section 11 of the Police (Scotland) Act 1956; section 33 of the Police Act 1964 or section 26 of the Police (Scotland) Act 1967, 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 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 subparagraph (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(a) 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 section 24 of the Social Security Act 1973 or section 30 of the National Insurance Act 1965.

Part time service

8.—(1) This paragraph applies in the case of a regular policeman who has spent one or more periods in part-time service.

(1A) In determining the number of years of pensionable service that the policeman is "entitled to reckon" or to have "completed" for the purposes of the provisions specified in sub-paragraph (1C) (which relate to the service required for entitlements to arise), a period of service by virtue of which his pensionable service is reckonable is reckonable as if it were a period of full-time service.

(1B) But sub-paragraph (1A) does not apply so as to affect any other references to **pensionable** service in those provisions.

(1C) The provisions referred to in sub-paragraph (1A) are-

(a) regulation B1(1), (5) and (6) (entitlement to policeman's ordinary pension),

(b) regulation B2(1) and (3) (policeman's short service award),

(c) regulation B3(3)(a) (policeman's ill-health award),

(d) regulation B5(1) (policeman's deferred pension),

(e) regulation B7(4)(b) (maximum on commutation),

(f) regulation B9(2), (4)(a)(iii) and (9) (allocation),

(g) regulation C1(1) (widow's ordinary pension),

(h) regulation D1(c) (child's ordinary allowance),

(i) regulation I3(1) (awards on death of servicemen),

(j) regulation K1(1)(b) (cancellation of ill-health pensions),

(k) regulation K3(a) (reduction of pension in case of default),

(l) paragraphs 1 and 2 (excluding paragraph 2(a)) of Part IV of Schedule B (policeman's short service or ill-health gratuity),

(m) paragraph 3(2) of Part III of Schedule C (widow's accrued pension),

(n) paragraph 3(1)(c) of Part I of Schedule D (child's ordinary allowance).

(2) Subject to sub-paragraph (1A), For the purposes of regulations F2(1) and F3(1)(a) (reckonability of certain service as pensionable), a period of part-time service is to be multiplied by the appropriate factor.

(2A) Without prejudice to the proviso to regulation F6(4) and Section 2 of Part IV of Schedule F, for the purposes of Schedule B -

(a) references to service by virtue of which the policeman's pensionable service is reckonable that is full-time include references to service credited -

(i) by virtue of regulation F4 or F5 in cases where payments are made under Part I of Schedule F, or

(ii) by virtue of regulation F6 (previous service reckonable under current interchange arrangements), and accordingly no period of such credited service is to be multiplied by the appropriate factor, and

(b) where calculations are made by reference to the period that would be the period in years of a person's pensionable service if periods of part-time service were reckonable as if they were periods of full-time service, such credited pensionable service counts as if it were attributable to service that was full-time.

(3) For the purposes of sub-paragraph (2) a period of part-time service is to be taken to have ended, and another such period to have begun, on the occurrence of any change in the appropriate factor.

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.

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) —

(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 time service.

4.—(1) This paragraph applies in the case of a regular policeman who during the year ending with the relevant date (within the meaning of regulation G1) spent one or more periods in part-time service.

(2) The average pensionable pay of such a regular policeman is to be calculated as if his pensionable pay in respect of any such period of part time service had been pay at the rate to which a regular policeman of the same rank and with the same length of service in that rank who was not in part-time service would have been entitled.

(3) Sub-paragraph (2) does not apply for the purposes of the provisions specified in sub-paragraph (4), and for the purposes of those provisions the average pensionable pay of such a regular policeman is given by the formula -

$$\frac{P \times R}{Q}$$

where -

P is the amount that the average pensionable pay would be if sub-paragraph (2) applied, R is the period in years of his pensionable service, and Q is the period that would be the period in years of his pensionable service if periods of part-time service were reckonable as periods of full-time service. This is subject to sub-paragraph (5).

(4) The provisions referred to in sub-paragraph (3) are

(a) Omitted

(b) Omitted

(c) regulation C6(3) (amount of widow's requisite benefit and temporary pension),

(d) regulation C7(2)(b) (widow's award where no other award payable),

(e) paragraph 1(1)(b) of Part I of Schedule C (widow's ordinary pension),

(f) Omitted

(g) paragraph 2(a)(ii) of Part IV of Schedule C (widow's pension in case of post-retirement marriage),

(h) paragraph 1 of Part V of Schedule C (widow's requisite benefit pension),

(i) Omitted and

(j) Omitted

(5) If in a case where any of a policeman's service by virtue of which his pensionable service is reckonable was part-time service, an award calculated in accordance with sub-paragraphs (3) and (4) would be less than it would have been if he had become entitled to it at an earlier date, then that greater amount shall be substituted for it.

(6) If in a case where -

(a) any of a former policeman's service by virtue of which his pensionable service is reckonable was part-time service, and

(b) that policeman has ceased to serve by the date on which the (Part-time Service) Regulations 2005 came into force, an award calculated in accordance with sub-paragraphs (3) and (4) would be less than it would have been if those Regulations had not been made, then that greater amount shall be substituted for it.

(7) If in a case where any of a policeman's service by virtue of which his pensionable service is reckonable is part-time service before the date on which the Police Pensions (Part-time Service) Regulations 2005 came into force, an award calculated in accordance with sub-paragraphs (3) and (4)(c) to (e), (g) or (h) would be less than it would have been if those Regulations had not been made, that greater amount shall be substituted for it.

(8) For the purposes of an award calculated in accordance with sub-paragraphs (3) and (4)(a), (b), (f), (i) or (j), references in sub-paragraphs (3), (5), (6) and (7) to a person's pensionable service shall in the case of a regular policeman who has made an election under regulation G4(1) include references to the pensionable service which would have been reckonable by him if he had not made such an election.

Earnings cap: former members of the Police Service of Northern Ireland

5.–(1) This paragraph applies in the case of a regular policeman by whom contributions were payable under the Police Service of Northern Ireland pensions legislation for a period that included 31st May 1989

(2) For the purposes of regulation G1 (1A) (earnings cap) contributions that were payable as mentioned in sub-paragraph (1) shall be treated as having been payable under Regulation G2.

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.

Northern Ireland Policing Board before 15th February 1971

2. In these Regulations any reference to the Northern Ireland Policing Board 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.– Revoked by The Police (Injury Benefit) Regulations 2006

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.

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

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

(iii) the Police (Scotland) Act 1967 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 subparagraph (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

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.

(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 subparagraph (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 subparagraph (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 subparagraph is a reference to an order under Part I of the Police Act 1964 or Part II of the Local Government Act 1958(b); 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.

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, 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.

**POLICE PENSIONS ACT
1976**

As amended up to

The Police and Firemen's Pensions Act, 1997

and

The Police Act, 1997

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An Act to consolidate the Police Pensions Act 1948 and certain other enactments relating to the pensions to be paid to and in respect of members of police forces. (22nd July 1976)

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

SECTION 1

Police Pensions Regulations

1.—(1) Regulations to be made by the Secretary of State, with the consent of the Minister for the Civil Service and after consultation with the Police Negotiating Board for the United Kingdom, shall make provision —

(a) as to the pensions which are to be paid to and in respect of members of police forces, whether as of right or otherwise;

(b) as to the contributions in respect of pension rights which are to be made by members of police forces; and

(c) as to the times at which as the circumstances in which members of police forces are or may be required to retire otherwise than on the ground of misconduct.

(2) Without prejudice to the generality of the provisions of subsection (1) above, any such regulations shall provide for the payment subject to the regulations-

(a) of pensions to and in respect of persons who cease to be members of a police force after having served for such period as may be prescribed by the regulations;

(b) of pensions to and in respect of persons who cease to be members of a police force after such shorter period as may be prescribed by the regulations by reason of infirmity of mind or body;

(c) of pensions to and in respect of persons who cease to be members of a police force by reason of injury received in the execution of their duty;

(d) of pensions to and in respect of persons who cease to be members of a police force on the ground of age; and

(e) of pensions in respect of persons who die while serving as members of police forces.

(2A) Without prejudice to the generality of the provisions of subsection (1) above, any such regulations may make provision for the payment and receipt by police authorities of transfer values or other lump sum payments made for the purpose of creating or restoring pension rights.

(3) Regulations made under this section may contain such consequential or incidental provisions as appear to the Secretary of State to be necessary or expedient, including, in particular, provision as to the cases in which pensions are to be —

(a) varied, suspended, terminated or forfeited; or

(b) applied otherwise than by being paid to the persons to whom they were awarded; and may provide for a pension to be forfeited wholly or in part and for the forfeiture to be permanent or temporary.

(4) Without prejudice to the generality of subsection (3) above, the provision which may be made by regulations under this section with respect to forfeiture shall include provision by reference not only to the fact that a person to whom a pension has been awarded has committed and been convicted of an offence as specified in the regulations but also to the fact that the offence in question has been certified by a Minister of the Crown either to have been gravely injurious to the State or to be liable to lead to serious loss of confidence in the public service.

(5) Regulations made under this section may be framed so as to have effect as from a date earlier than the making of the regulations.

(6) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

SECTION 2

Application of Regulations to Existing Members

2.—(1) Any regulations made under section 1 above shall be so framed as to secure, for existing members of police forces, the results —

(a) as to compulsory age of retirement, and

(b) as to scale of pensions payable under the regulations, specified respectively in subsections (2) and (3) below.

(2) The result as to compulsory age of retirement referred to in subsection (1) above is that the times at which an existing member of a police force is or may be required under the regulations to retire on the ground of age do not, unless he at any time elects otherwise, differ from those which would have been applicable in his case if the regulations in question had not come into force.

(3) The result as to scale of pensions referred to in subsection (1) above is that the scale of pensions payable under the regulations to an existing member of a police force who ceases to be a member of that police force either —

(a) after having served for any period prescribed by the regulations in question, or

(b) by reason of infirmity of mind or body (not being due to injury received in the execution of his duty) after having served for any shorter period so prescribed, is not, unless he elects otherwise within such time and in such manner as may be so prescribed, less favourable than the scale applicable in his case immediately before the coming into force of the regulations.

(4) Regulations made under section 1 above shall not be invalid by reason that in fact they do not secure the results specified in subsections (2) and (3) above, but if the Secretary of State is satisfied, or it is held by the High Court or by the Court of Session, that any such regulations have failed to secure those results, the Secretary of State shall, so soon as may be, make, under section 1, the necessary amending regulations, and any such amending regulations shall have effect as from the date of the coming into force of the regulations which they amend.

(5) In this section, “existing member”, in relation to any police force, means a person who

is serving in that police force at the date when the regulations in question came into force.

SECTION 3

Application Of Regulations to Former Members

3.—(1) Subject to the following provisions of this section, any regulations made under section 1 above may be framed —

(a) so as to apply in relation to the pensions which are being paid or may become payable under the regulations to or in respect of persons who, having served as members of police forces, have ceased so to serve or died before the regulations come into force; or

(b) so as to require or authorise the payment of pensions to or in respect of such persons.

(2) No provision shall be made by regulations under section 1 above by virtue of subsection (1) above unless any person who is placed in a worse position than he would have been in if the provision had not applied in relation to any pension which is being paid or may become payable to him is by the regulations given an opportunity to elect that the provision shall not so apply.

(3) No provision with respect to the forfeiture of pensions included in regulations made under section 1 above shall apply in relation to pensions granted under any of the enactments, rules and regulations specified in paragraph 3 of Schedule 1 of this Act; and that Schedule shall have effect —

(a) for the purpose of excluding entirely certain pensions to or in respect of former members of police forces from the operation of regulations made under section 1; and

(b) with respect to the forfeiture of pensions so granted and appeals against forfeiture in certain cases.

SECTION 4

Transfers

4.—(1) Without prejudice to the generality of section 1 above, regulations made under that section may contain such provision as appears to the Secretary of State to be necessary or expedient in relation to the person who transfers or has transferred from or to service in a police force to or from other service or employment, whether in a police force or not.

(2) Regulations made by virtue of subsection (1) above may include provisions enabling the other service or employment in question to be reckoned in whole or in part as service in a police force and provisions authorising or requiring payments to be made by or to the person or into or out of the fund out of which a pension may become or might have become payable to or in respect of the person in question as a member of a police force including —

(a) payments of contributions;

(b) payments of transfer values;

(c) payments towards the burden of a pension payable by another person or out of another fund; or

(d) other payments directed to the creation or preservation of pension rights of the

person in question.

(3) Regulations made by virtue of subsection (1) above, in so far as they apply in relation to persons who have ceased to be members of a police force before the date on which the regulations come into force —

(a) may authorise, but shall not require, such payments as are mentioned in subsection (2) above; and

(b) shall not affect any pension payable to or in respect of any person as a person who ceased to be a member of a police force before that date.

SECTION 5

Servicemen

5.—(1) Without prejudice to the generality of section 1 above, regulations made under that section may provide that where a person is a member of a police force immediately before —

(a) he undertakes compulsory national service;

(b) he undertakes any other service of a description specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951; or

(c) he attends for hourly instruction as defined in section 42 of that Act: the period of that service or attendance and such further period, if any, as may be specified in the regulations may be treated, in such manner, to such extent and on such conditions as to contributions or otherwise as may be so specified, as a period of service as a member of a police force.

(2) A person who, before 5th July 1948, had ceased to be a member of a police force in order to undertake —

(a) any service by virtue of which he was at that date a person to whom section 1 of the Police and Firemen (War Service) Act 1939 applied; or

(b) compulsory national service; shall, in such circumstances and to such extent as may be provided by regulations made under section 1 above, be treated as if he had been still a member of a police force at that date.

(3) In this section, “compulsory national service” means service in any of the armed forces of the Crown undertaken by virtue of an enlistment notice or a training notice served under the National Service Acts 1939 to 1947 or under Part I of the National Service Act 1948 (as the case may require), or work or training in pursuance of an order made or direction given under Part I of the said Act of 1948 as respects a conditionally registered conscientious objector.

SECTION 6

Appeals

6.—(1) Subject to the following provisions of this section, regulations made under section 1 above shall make provision as to the court or other person by whom appeals are to be heard and determined in the case of any person who is aggrieved —

(a) by the refusal of the police authority to admit a claim to receive as of right a pension, or a larger pension than that granted, under regulations made under that section;

or

(b) by the forfeiture of any pension granted to him thereunder.

(2) No provision made in the regulations by virtue of subsection (1) above shall confer a right of appeal against anything done by the police authority in the exercise of any power which is conferred on them by the regulations and is expressly declared by the regulations to be a power which they are to exercise in their discretion.

(3) The regulations may provide, in relation to questions arising thereunder, for the reference of any such matter as is prescribed, either by the police authority or by the court, to a medical practitioner whose decision thereon shall, subject to such rights of appeal as may be provided by the regulations to such tribunal as may be constituted thereunder, be final on the matter so referred.

SECTION 7

Payment of Pensions and Contributions

7.—(1) Regulations made under section 1 above shall specify the persons by and to whom and the funds into or out of which pensions and contributions in respect of pension rights are to be payable, may provide for the establishment or continuance of special funds for the purpose, and, subject to the provisions of subsection (2) below, may provide for payments of contributions or pensions, and such other payments and receipts as are mentioned in section 1(2A) and 4(2) above, being paid into the Consolidated Fund or out of moneys provided by Parliament.

(2) No regulations made by virtue of this section shall provide for payments into the Consolidated Fund or out of moneys provided by Parliament except in relation to a person who is or has been —

(a) such a person as is mentioned in section 1(l) of the Police (Overseas Service) Act 1945;

(b) an officer engaged on service pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980;

(ba) a person engaged on temporary service in accordance with arrangements made under section 26(2) of the Police Act 1996 or section 12A(2) of the Police (Scotland) Act 1967;

(bb) a person engaged on service in the Police Service of Northern Ireland, whose service is or was for the time being service in respect of which the provisions of section 97 of the Police Act 1996 or, as the case may be, section 38A of the Police (Scotland) Act 1967 have or had effect;

(c) an inspector or assistant inspector of constabulary; or

(d) a person engaged on central service; or any other person whose salary or remuneration is or was wholly or partly payable out of moneys provided by Parliament or who is or may become entitled to or eligible for a pension so payable.

(3) For the purposes of sub-section (2) above regulations shall not be treated as providing for payments out of moneys provided by Parliament by reason only that, as a result of the making of the regulations, an increased sum may be payable out of moneys provided by way of a grant towards the expenses of a police force.

SECTION 8

Consolidation of Regulations

8.—(1) Regulations made under section 1 above which revoke regulations previously so made, either wholly or as respects cases or matters of any description, shall contain provisions having the same effect as the provisions they revoke, except for any change (whether by way of alteration or omission) made in accordance with this Act.

(2) Subsection (4) of section 2 above shall have effect as if the reference to subsections (2) and (3) of that section included a reference to subsection (1) above.

SECTION 8A

Information in connection with police pensions etc

8A.—(1) A police authority may in prescribed circumstances —

(a) provide information in connection with the questions specified in subsection (2) below to a prescribed person; and

(b) require that person to pay a reasonable fee in respect of any administrative expenses incurred in providing that information.

(2) The following are the questions mentioned in subsection (1) above

(a) whether an individual who has opted or transferred out has suffered loss as a result of a contravention which is actionable under section 62 of the Financial Services Act 1986 (actions for damages in respect of contravention of rules etc. made under the Act), and

(b) if so, what payment would need to be made in respect of that individual to the police authority concerned to restore the position to what it would have been if that individual had not opted or transferred out.

(3) Where —

(a) an individual who has opted or transferred out becomes entitled to make contributions to a police authority in respect of police pension rights, or

(b) a payment is made to a police authority in respect of such an individual for the purpose mentioned in subsection (2)(b) above, the police authority may require a prescribed person to pay a reasonable fee in respect of any administrative expenses incurred in connection with that entitlement or payment.

(4) For the purposes of this section, an individual shall be taken to have opted or transferred out if —

(a) for any period during which he is a member of a police force, he does not make contributions in respect of police pension rights but instead makes contributions to a personal pension scheme; or

(b) a transfer value is paid in respect of the individual by a police authority to a personal pension scheme.

(5) In this section —

“personal pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993; “police pension rights” means pensions rights under regulations made under section 1 above; “prescribed” means prescribed by regulations made under this section

(6) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

SECTION 9

Assignment etc of Pension to be Void

9. Every assignment of or charge on a pension granted under the regulations made under section 1 above, and every agreement to assign or charge such a pension shall, except so far as it is made for the benefit of a dependent of the pensioner, be void; and on the bankruptcy of the pensioner such a pension shall not pass to any trustee or other person acting on behalf of the creditors.

SECTION 10

Obtaining Pension by Self-inflicted Injury etc

10. If any person obtains or attempts to obtain for himself or any other person any pension under any regulations made under section 1 above by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, he shall be liable —

(a) on conviction on indictment, to imprisonment for a term not exceeding two years; or

(b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £25.

SECTION 11

Interpretation

11.—(1) This Act shall have effect as if any reference (however expressed) to membership of a police force or to service employment in a police force included a reference to —

(a) service as an officer Pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980;

(aa) temporary service in accordance with arrangements made under section 26(2) of the Police Act 1996 or section 12A(2) of the Police (Scotland) Act 1967;

(ab) service in the Police Service of Northern Ireland in respect of which the provisions of section 97 of the Police Act 1996 or, as the case may be, section 38A of the Police (Scotland) Act 1967 have effect;

(b) service as an inspector or assistant inspector of constabulary appointed on or after 1st August 1964; and

(c) central service in respect of which the provisions of section 97 of the Police Act 1996 or (as the case may be) of section 38A of the Police (Scotland) Act 1967 have effect.

(2) In this Act “police authority” means any police authority within the meaning of the Police Act 1996 or the Police (Scotland) Act 1967, except that —

(a) in relation to any regulations made under the Police (Overseas Service) Act 1945 and any service such as is mentioned in subsection (1)(a) above, it means the Secretary of State or the Minister of Overseas Development;

(b) in relation to any service such as is mentioned in sub-section (1)(aa), (ab), (b) or (c) above, it means subject to paragraphs (c) to (e) below, the Secretary of State;

(c) in relation to service of the kind described in section 97(1)(ca) of the Police Act 1996 or section 38A(1)(ba) of the Police (Scotland) Act 1967, it means the Service Authority for the National Criminal Intelligence Service,

(d) in relation to service of the kind described in section 97(1)(cb) of the Police Act 1996, it means the Service Authority for the National Crime Squad, and

(e) in relation to service of the kind described in section 97(1)(cc) of the Police Act 1996 or section 38A(1)(bb) of the Police (Scotland) Police Act, 1997 Act 1967, it means the Police Information Technology Organisation.

(3) In this Act, except so far as the context otherwise requires, “police force” means any police force within the meaning of the Police Act 1996 or the Police (Scotland) Act 1967, and, in respect of —

(a) any person such as is mentioned in section 1(1) of the Police (Overseas Service) Act 1945; and

(b) any person engaged or employed in any service such as is mentioned in subsection (1)(a), (aa), (ab), (b) or (c) above; any body in or with which that person is serving.

(4) This Act shall have effect —

(a) as if commissioners and assistant commissioners of the metropolitan police force and commissioners of the City of London police force were members of those forces respectively; and

(b) in relation to any person who on 5th July 1948 was or had been the surgeon of the City of London police force or a clerk or other person employed in or in connection with that force, as if such surgeons, clerks or other persons employed in or in connection with that force were members of that force; and references in this Act to membership of a police force shall be construed accordingly.

(5) Except so far as the context otherwise requires, in this Act —
“central service” —

(a) means relevant service within paragraph (b), (c), (ca), (cb), (cc) or (d) or section 97(l) of the Police Act 1996, or

(b) has the meaning given in section 38(5) of the Police (Scotland) Act 1967 or means relevant service within paragraph (ba) or (bb) of section 38A(1) of the said Act of 1967 (as the case may require). “injury” includes disease; “pension”, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a lump sum or a gratuity so payable and a return of contributions; and “pension rights” includes, in relation to any person, all forms of right to, or eligibility for, the present or future payment of a pension to or in respect of that person.

SECTION 12

Savings and Transitional Provisions

12.—(1) Nothing in any repeal made by this Act shall affect any regulations made or other thing done under any enactment repealed by this Act, and any such regulations or thing, if in force, existing or effective at the passing of this Act shall, subject to the provisions of this Act, remain in force, existence or effect, and be deemed to have been made or done under the corresponding provision of this Act. (2) In so far as, by virtue of section 15(4) of the Superannuation Act 1972, the provisions of sections 4(l) and (2) and 5(1) and (5) of the Police Pensions Act 1948, as in force immediately before 25th March 1972, continued to apply, immediately before the passing of this Act, in relation to pensions granted under regulations made under section 1 of the said Act of 1948, those provisions shall be deemed to have effect as if they were provisions of regulations made under section 1 of this Act, and may be revoked accordingly.

(3) Any reference to any document (including an enactment) to any enactment repealed by this Act, whether a specific reference to a reference to provisions of a description which includes, or apart from any repeal made by this Act includes, the enactment so repealed shall be construed as, or, as the case may require, as including, a reference to the corresponding enactment in this Act.

(4) Nothing in this section, in section 13 below or in Schedule 2 to this Act shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

SECTION 13

Consequential Amendments and Repeals

13.—(1) The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments set out in that Schedule, being amendments consequential on the preceding provisions of this Act.

(2) The enactments specified in Schedule 3 to this Act (which include enactments which were spent before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

SECTION 14

Short Title and Extent

14.—(1) This Act may be cited as the Police Pensions Act 1976.

(2) This Act shall not extend to Northern Ireland; but this subsection shall not be construed as preventing any regulations such as are referred to in section 4 above from requiring payments to be made to a person or into a fund in Northern Ireland.

SCHEDULES

Section 3(3)

SCHEDULE 1

PENSIONS UNDER REPEALED ENACTMENTS

Pensions excluded from the operation of regulations under this Act

1.—(1) Nothing in regulations made under section 1 of this Act shall —

(a) affect any pension granted by virtue of section 4(3) of the Police and Firemen (War Service) Act 1939, if the period (or last period, if more than one) which, by virtue of section 2(l) of that Act, is treated as a period of approved service in the case of the person in question, ended before 5th July 1948; or

(b) apply to any pension to or in respect of a Person to whom the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations 1941 apply; or

(c) apply to any pension to any person who, having formerly been a member of a police force, was on 5th July 1948 serving in any capacity mentioned in section 10(l)(i) of the Police Pensions Act 1921, and has not since and does not after the passing of this Act again become a member of a police force.

(2) Except so far as relates to the forfeiture of any such pension as is mentioned in sub-paragraph (1) above, nothing in this Act shall be taken as affecting the application in relation to any such pension of the pensions enactments applicable thereto immediately before the passing of this Act.

Forfeiture of pensions under repealed enactments

2.—(1) Every pension (whether described as a pension or as an allowance) granted under any of the enactments specified in paragraph 3(1) below (which reproduces so far as relevant Part I of Schedule 1 to the Police Pensions Act 1948) shall be deemed to have been granted only upon conditions that it may be forfeited by the police authority in any cases mentioned in sub-paragraph (2) below.

(2) The cases referred to in sub-paragraph (1) above are any of the following, that is to say, if the grantee —

(a) is convicted of any offence and is sentenced to preventive detention or corrective training or to imprisonment for a term exceeding twelve months; or

(b) enters into or continues to carry on any business, occupation or employment which is illegal, or in which the grantee has made use of the fact of former employment in a police force; or

(c) supplies to any person or publishes in a manner which is discreditable or improper any information which the grantee had obtained in the course of employment in a police force; or

(d) solicits or, without the consent of the police authority, accepts directly or indirectly any testimonial or gift having any pecuniary value on retirement from the police force or otherwise in connection with his service in a police force; or

(e) enters into or continues in any business, occupation or employment as a private detective, after the police authority have given him notice in writing requiring him on any reasonable grounds not to do so.

(3) A pension shall not be forfeited under sub-paragraph (2)(b) above unless reasonable warning has previously been given in writing by the police authority.

(4) A forfeiture under this paragraph may affect the pension wholly or in part, and may be permanent or temporary as the police authority may determine.

(5) Without prejudice to the validity of any forfeiture before the passing of this Act, a pension to which this paragraph applies shall not be capable of being forfeited otherwise than in accordance with the provisions of this paragraph.

(6) This paragraph shall apply in relation to the rules and regulations specified in sub-paragraph (2) of paragraph 3 below (which reproduces so far as relevant Part II of Schedule 1 to the Police Pensions Act 1948) as it applies in relation to the enactments specified in sub-paragraph (1) of that paragraph, subject, however, to any necessary adaptations.

3.—(1) The enactments referred to in paragraph 2(l) above are —

The Metropolitan Police Act 1829;
The County and Borough Police Act 1859;
The Police Superannuation Act 1865;
The Police (Pensions) Act 1918;
The Police Pensions Act 1921;
The Police and Firemen (War Service) Act 1939;
The Police (Overseas Service) Act 1945;
The Police Act 1946;
The Police (Scotland) Act 1946.

(2) The rules and regulations referred to in paragraph 2(6) above are —

The Women's Auxiliary Police Corps Rules 1945;
The Women's Auxiliary Police Corps (Scotland) Rules 1945;
The Police (Overseas Service) (Germany) Regulations 1947;
The Police (Overseas Service) (Austria) Regulations 1947;
The Police (Overseas Service) (Greece) Regulations 1948.

4.—(1) If any person is aggrieved by the forfeiture under paragraph 2 above of any pension granted to him under any of the enactments specified in paragraph 3(1) above, he may appeal to the Crown Court and that Court, after enquiring into the case, may make such order in the matter as appears to the Court to be just.

(2) In the application of sub-paragraph (1) above to Scotland, for the reference therein to the Crown Court there shall be substituted a reference to the sheriff having jurisdiction in the place where the person concerned last served as a member of a police force.

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

1. REPEALED.

2. In section 63 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, for the words from “Police Pensions Act 1948” to “of this Act” there shall be substituted the words “Police Pensions Act 1976”.

3. in section I Of the Police Pensions Act 1961 —

(a) in subsection (2), for the words “the said section one” in the first place where they occur there shall be substituted the words section one of the Police Pensions Act 1976”,

(b) in subsection (3), for the words from the beginning to principal” in the second place where it occurs there shall be substituted the words “Subsection (4) of section 2 of the said Act of 1976 (which provides for regulations not to be invalid by reason only of their failure to secure the results specified in subsections (2) and (3) of that section but requires their amendment to secure those results) shall have effect as if the reference to the said subsections (2) and (3) included a reference to subsection (2) of this section and as if the references to regulations or amending regulations under section one of that”.

4. In section 2 of the Police Pensions Act 1961 —

(a) in subsection (1), the words from “and this” to the end shall be omitted; and

(b) in subsection (2), the words from the beginning to “in Northern Ireland” shall be omitted.

5. In section 58(4) of the Police Act 1964, for the words “Police Pensions Act 1948” there shall be substituted the words “Police Pensions Act 1976”.

6. In the Police (Scotland) Act 1967 —

(a) for the words “Police Pensions Act 1948” in both places where they occur in subsection (4) of section 23 (as substituted by section 146(8) of the Local Government (Scotland) Act 1973); there shall be substituted the words “Police Pensions Act 1976”.

7. REPEALED.

8. In Schedule 2 to the Pensions (Increase) Act 1971

(a) in paragraph 15, for the words “Police Pensions Act 1948” there shall be substituted the words “Police Pensions Act 1976”; and

(b) in paragraph 43, for the words from the beginning of subparagraph (a) to “that Act” there shall be substituted the words “the Police Pensions Act 1976, or any enactment repealed by the Police Pensions Act 1948”.

9. In Schedule 1 to the Tribunals and Inquiries Act 1971, in paragraphs 23(c) and 43(c), for the words “Police Pensions Act 1948 (c.24)” there shall be substituted the words “Police Pensions Act 1976”.

10. In section 24(l)(a) of the Superannuation Act 1972, for the words “Police Pensions Act 1948” there shall be substituted the words “Police Pensions Act 1976”.

11. In paragraph 8(3) of Schedule 2 to the Social Security Pensions Act 1975, for the words “the Police Pensions Act 1948” there shall be substituted the words “the Police Pensions Act 1976.”

SCHEDULE 3

ENACTMENT'S REPEALED

| Chapter | Short Title | Extent of Appeal |
|-----------------------|---|--|
| 11&12 Geo.6 c.24 | The Police Pensions Act 1948 | The whole Act |
| 11&12 Geo.6 c.58 | The Criminal Justice Act 1948 | In Schedule 9, the entry relating to the Police Pensions Act 1948 |
| 12,13 & 14 Geo.6 c.94 | The Criminal Justice Act (Scotland) 1949 | In Schedule 11, the entry relating to the Police Pensions Act 1948 |
| 14 & 15 Geo.6 c.65 | The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 | Section 43 In section 44(1), the words from "and any regulations" to |
| "police force" | | |
| 6 & 7 Eliz.2 c.14 | The Overseas Service Act 1958 | Section 5(3), Schedule 2 |
| 9 & 10 Eliz.2 c.35 | The Police Pensions Act 1961 | Section 1(1) and (4). In section 2, in subsection (1) the words from "and this" to the end, and in subsection (2) the words from the beginning to "in Northern Ireland" |
| 1964 c.48 | The Police Act 1964 | Section 40 Section 43(4) Schedule 6 In Schedule 9, the entries relating to the Police Pensions Act 1948 |
| 1967 c.28 | The Superannuation (Miscellaneous Provisions) Act 1967 | Section 11(7) |
| 1967 c.77 | The Police (Scotland) Act 1967 | Section 35 Section 38(4) In Schedule 4, the entry relating to the Police Pensions Act 1948 |
| 1969 c.63 | The Police Act 1969 | In section 4(5), the words Preceding Paragraph (a) |
| 1972 c.11 | The Superannuation | In section 15, subsections (1) Act 1972 to (4) and in subsection (5) , paragraph (a). In Schedule 6, paragraph 23 |

STATUTORY INSTRUMENTS

1987 No. 2215

**THE POLICE PENSIONS
(PURCHASE OF INCREASED BENEFITS)
REGULATIONS 1987**

Amended up to and including The Police Pensions
(Part-time Service) Regulations 2005
No. 1439

NOTE THERE IS A MISTAKE IN SI 1439 OF 2005 THE EQUATION IN REGULATION 7A SHOULD READ

$$\frac{P \times V}{F}$$

RATHER THAN

$$\frac{P \times V}{P}$$

THIS ERROR HAS BEEN DRAWN TO THE ATTENTION OF THE HOME OFFICE

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. These Regulations may be cited as the Police Pension (Purchase of Increased Benefits) Regulations 1987 and shall come into force on 1st February 1988.

Interpretation

2.—(1) In these Regulations —

(a) references to the principal Regulations are references to the Police Pensions Regulations 1987 as amended by Part III of these Regulations;

(b) the expression approved additional voluntary contributions provider" means The Equitable Life Assurance Society or The Standard Life Assurance Company"; "insurance company" means -

(a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000[7] to effect or carry out contracts of long-term insurance, or

(b) an EEA firm, as defined in paragraph 5 of Schedule 3 to that Act, which falls within sub-paragraph (d) of that paragraph and has permission under paragraph 15 of that Schedule to effect or carry out contracts of long-term insurances as a result of satisfying the establishment conditions, as defined in paragraph 13 of that Schedule";

"retirement date" means, in relation to a regular policeman and at any particular time, the date on which he could be required to retire on account of age if he continued to serve as such without change of rank, disregarding any postponement of that date Regulation A18(2) of the principal Regulations effected after that time;

"eligible policeman" means a person —

(a) with service as a regular policeman on or after 1st February 1988, whether or not he is still so serving;

(b) whose retirement date is, or was when he ceased so to serve, at least 9 years after the date on which he last became a regular policeman; and

(c) who was not when he ceased so to serve, or would not be on or before his retirement date, entitled to reckon 30 years' pensionable service; and "sixtieth" means, in relation to any person, a sixtieth (including a fraction of a sixtieth) of his average pensionable pay and "additional sixtieths" and the number thereof means, in relation to a person who has made an election under Regulation 3, the number of additional sixtieths to which that election related.

(2) Subject to paragraph (1), these Regulations shall be construed as one with the principal Regulations.

(2A) Subject to paragraph (2B), a pension debit member may not replace any rights debited to him as a consequence of a pension sharing order with any rights which he would not have been able to acquire (in addition the debited rights) had the order not been made.

(2B) Paragraph (2A) does not apply if and to the extent that regulations made under paragraph 18(10) or (11) of Schedule 10 to the Finance Act 1999 make provision as a result of which the requirement in section 590(3)(bb) of the Income and Corporation Taxes Act 1988

has effect in the case of rights under these Regulations and the principle Regulations with any exception, exclusion or modification permitting a member to replace any rights so debited.

PART II

PURCHASE OF INCREASED BENEFITS

Election to purchase increased benefits

3.–(1) Subject to paragraph (2) and (2A), an eligible policeman may, for the purpose of reckoning an additional number of sixtieths in calculating the awards payable to, or in respect of, him under the principal Regulations, by notice in writing to the police authority elect to make payment to the authority in accordance with the following provisions of these Regulations.

(2) A policeman shall not so exercise the right of election accorded by paragraph (1) that the aggregate number of sixtieths reckonable by him exceeds or, if he continued to serve until his retirement date, would exceed 40.

(3) When the retirement date of a policeman who has exercised the right of election accorded by paragraph (1) becomes later than it was at the time of his election by reason of his subsequent promotion or the subsequent postponement of that date under Regulation A18(2) of the principal Regulations, then, notwithstanding that he may derive no benefit from his election, his liability to make payment in accordance with the following provisions of these Regulations shall not be affected and he shall not be entitled to the repayment of any lump sum or contribution so paid.

Lump sum Payments

4.–(1) An eligible policeman who is serving as a regular policeman and in respect of whom pension contributions are payable under Regulation G2(1) of the principal Regulations may, within 12 months of —

(a) the date on which he last became a regular policeman, or

(b) 1st February 1988, whichever is the later, elect under Regulation 3 to make payment by a lump sum calculated in accordance with paragraph 1 or 3, as the case may require, of Part I of the Schedule.

(2) An eligible policeman who has ceased to serve as a regular policeman, but who was so serving on 1st February 1988, may within 12 months of 1st February 1988 elect under Regulation 3 to make payment by a lump sum calculated in accordance with the said paragraph 1 or 3.

(3) A lump sum payment under this Regulation shall be made within 3 months of the date of election and, if it is not so made, the election shall be deemed for the purposes of these Regulations never to have been made.

Payment by periodical contributions

5.–(1) An eligible policeman who is serving as a regular policeman and in respect of whom pension contributions are payable under Regulation G2(1) of the principal Regulations whose retirement date falls not less than 2 years after his birthday next following 1st February 1988

may at any time —

(a) within 12 months of 1st February 1988, or

(b) not later than 2 years immediately preceding his retirement date, elect under Regulation 3 to make payment by periodical contributions calculated in accordance with paragraph 2 or 3, as the case may require, of Part I of the Schedule.

(2) Subject to the following provisions of this Regulation and to Regulation 7, where a policeman elects to make payment under this Regulation, the periodical contributions shall be made as from the date of his birthday falling within the year beginning with the date of his election and shall continue until —

(a) his retirement date as at the time of his election,

(b) the date on which he ceases to serve as a regular policeman, or

(c) the date on which any election made by him under Regulation G4(1) of the principal Regulations takes effect, whichever is the earlier.

(3) Where a policeman elects to make payment under this Regulation within 12 months of 1st February 1988 but less than 2 years before his retirement date the election shall be deemed to have been made on date 2 years before the said retirement date and any arrears of contributions due by virtue of this paragraph shall be paid in a lump sum within 3 months of the date on which he elects: Provided that where such a lump sum is not so paid, the foregoing provisions of this paragraph shall not have effect.

(4) In the case of a regular policeman who has elected to make payment under this Regulation and who —

(a) having retired with an ill-health pension before his retirement date, resumes service as such, or

(b) having made an election under Regulation G4(1) of the principal Regulations, cancels that election in accordance with paragraph (5) of that Regulation, the periodical contributions shall again become payable and shall continue as provided in paragraph (2).

(5) Where a policeman elects to make payment under this Regulation, the periodical contributions payable by him for any period shall not, when aggregated with any other pension contributions (including additional, further and special contributions, if any) payable by him for that period, exceed 15% of his pensionable pay but, where a policeman's periodical contributions are restricted by this paragraph, he shall make a lump sum payment of an amount determined by the Government Actuary to be the actuarial equivalent of the difference between the restricted periodical contributions payable and those which would be payable but for this paragraph.

Conditions relating to the making of elections

6.—(1) An eligible policeman who is serving as a regular policeman shall not be entitled to elect under Regulation 3 to make payment by periodical contributions if he has been required to retire under Regulation A20 of the principal Regulations.

(2) An eligible policeman shall not, if the police authority so resolve, be entitled to elect under Regulation 3 to make payment by periodical contributions unless he has undergone a medical examination and satisfied the authority as to his good health; and any fee payable in respect of that examination shall be paid by him.

Effect of election

7. Subject to Regulations 4(3) and 5(3) and 7A, an election made under Regulation 3 shall take effect as from the date on which the police authority receive notice in writing thereof and shall be irrevocable, save that where the police authority are satisfied that the payment of periodical contributions in accordance with such a election or the payment of a lump sum under regulation 5(5) is causing, or is likely to cause, financial hardship they may consent to the discontinuance of such contributions for such period as they think fit or, as the case may be, the making of a reduced lump sum payment or no such payment.

Variation of elections

7A (1) Where a person has made an election under regulation 3 to pay additional contributions by periodical payments before the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force and is in part-time service on that date, the payments payable by him shall, subject to paragraph (2), increase from that date to such amount as is appropriate as a result of paragraph 2(3) of the Schedule.

(2) Such a person may vary the election by notice in writing to the police authority given within the period of 3 months beginning with that date, and that variation shall take effect as from that date.

(3) Where –

(a) a person has made an election under regulation 3 to make payment by periodical contributions whilst in full-time service, and

(b) his service becomes part-time after the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force, the contributions payable for the number of additional sixtieths to which the election relates shall, subject to paragraph (4), be such amount as is appropriate as a result of paragraph 2(3) of the Schedule.

(4) Such a person may vary the election by notice in writing to the police authority given within the period of 3 months beginning with the date on which the service becomes part-time, and that variation shall take effect as from that date.

(5) Where a person makes such an election on or after the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force and he is in part-time service on that date, he shall notify the police authority in writing that either -

(a) the payments payable by him are to be payable at the same percentage of his pay as if he were in full-time service; or

(b) those payments are to be payable in accordance with paragraph (7).

(6) Where a person varies his election under this regulation, the contributions payable by him by periodical payments shall, from the date that the Police Pensions (Part-time Service) Regulations 2005 come into force, continue to be payable as they were before the variation, but the benefits which he is entitled to reckon shall be given by the formula -

$$\frac{P \times V}{F}$$

where -

P is the benefits he would be entitled to reckon if periods of part-time service were reckonable as if they were periods of full-time service,
V is the amount of contributions paid by periodical payments, and
F is the amount of contributions that would have been paid by periodical payment had there been no election.

(7) Where a person makes a notification under paragraph (5)(b), the payments payable by him as a lump sum or by periodical payments shall be payable at the same percentage of his pay as if he were in full-time service, but the benefits which he is entitled to reckon shall be given by the formula set out in paragraph (6), save that references to contributions paid by periodical payments shall include references to contributions paid as a lump sum.

Reckoning of additional benefits

8.—(1) Where a regular policeman who has made an election under Regulation 3 and paid a lump sum or commenced payment of periodical contributions in accordance with that election dies in service, retires on ill-health grounds, or retires on or after reaching his retirement date as at the time of his election, he shall be entitled to reckon all the additional benefits which he elected to purchase, save that where (a) he had discontinued payment of periodical contributions on grounds of financial hardship under Regulation 7, or failed to pay the whole or part of a lump sum payment on those grounds under that regulation, or (b) he had made an election under Regulation G4(1) of the principal Regulations which was subsequently cancelled under paragraph (5) of that Regulation, he shall be entitled to reckon on proportion of such benefits determined in accordance with the formula set out in sub-paragraph (a) of Part II of the Schedule.

(1A) Paragraph (1) shall not have effect in relation to a regular policeman who has at any time made an election under Regulation G4(1) of the principal Regulations which has not been cancelled under paragraph (5) of that Regulation

(1B) Paragraph (1) shall not have effect in relation to a regular policeman who retires on ill-health grounds if under regulation G7(6) of the principal Regulations he is ineligible for a pension award payable on the ground of permanent disablement.

(2) Subject to paragraph (3), where a regular policeman who has made an election under Regulation 3 and paid a lump sum or commenced payment of periodical contributions in accordance with that election —

(a) ceases to be a member of a police force in circumstances other than those set out in paragraph (1) and with no entitlement to an award by way of repayment of his aggregate pension contributions other than an award under paragraph 8 of Part I of Schedule J to the principal Regulations, or

(b) makes an election under Regulation G4(1) of the principal Regulations, he shall be entitled to reckon —

(i) in the case of a lump sum payment, all the additional benefits which he elected to purchase, and

(ii) in the case of payment of periodical contributions, a proportion of such benefits determined in accordance with the formula referred to in sub-paragraph (b) of Part II of the Schedule. or

(c) retires on ill-health grounds but is ineligible under regulation G7(6) of the principal Regulations for a pension award payable on the ground of permanent disablement,

(3) Where a regular policeman retires with an ordinary pension before his retirement date as at the time of his election, the amount which he is entitled to reckon under sub-paragraph (a) or (b) of paragraph (2) shall be reduced by an amount determined by the appropriate actuarial valuation referred to in sub-paragraph (c) of Part II of the Schedule.

PART III

AMENDMENT OF THE PRINCIPAL REGULATIONS

9. In regulation A10(2) of the principal Regulations, at the end there shall be inserted the following provision:

“(g) all payments made by him to a police authority in accordance with an election under regulation 3 of the Police Pensions (Purchase of Increased Benefits) Regulations 1987.

PART IV

MODIFICATION OF THE EFFECT OF THE PRINCIPAL REGULATIONS

10. Where a regular policeman has elected under Regulation 3 to purchase additional sixtieths, the principal Regulations shall have effect in his case subject to the following modifications —

(a) if he is entitled to any pension, other than an injury pension, the amount thereof as calculated under the appropriate part of Schedule B to the principal Regulations shall be increased by the number of sixtieths which he is entitled to reckon under paragraph (1) or (2) of Regulation 8;

(b) references to a regular policeman’s pension, however expressed, in the following provisions of the principal Regulations, namely —

Regulation B7 (commutation - general provision);

Regulation E8 (increase of widow’s pension or child’s allowance during first 13 weeks);

Schedule C, Part I (widow’s pension) and Part IV (widow’s pension in case of post-retirement marriage);

Schedule D, Part I (child’s ordinary allowance) and Part III

(child’s accrued allowance); and Schedule F, Part 11, section I (payment of transfer

values) paragraph 2, shall be construed as references to that pension as increased

under these Regulations;

(c) references to a pension or allowance payable in respect of a regular policeman, however expressed, in the following provisions of the principal Regulations, namely —

Regulation E4 (gratuity in lieu of widow’s pension);

Regulation E8;

Schedule C, Part 1, paragraph 2 and Part III, paragraph 2 (widow’s accrued pension);

Schedule D, Part I and Part III, paragraph 3;

Schedule E, Part III (gratuity in lieu of child’s allowance); and

Schedule F, Part 11, section 1, paragraph 3, shall be construed as references to that pension or allowances as increased by virtue of the operation of these Regulations

(d) a widow’s pension calculated under Part III of Schedule C or Paragraphs 3 to 5 of Part II of Schedule J (except the pension for which she may elect under paragraph 3 of Part I or paragraph 3 of Part III of Schedule C) shall be increased by an amount equal to $n/120$ ths of her husband’s average pensionable pay (n being the number of sixtieths which he was entitled to reckon at the time of his death under paragraph (1) or (2) of regulation

8;

(e) a child's ordinary allowance under Part I of Schedule D shall be calculated as if the amounts in paragraph 2(3)(a)(i) and (ii) of Part III of Schedule J were increased by the number of sixtieths which the father was entitled to reckon at the time of his death under paragraph (1) or (2) or regulation 8; and

(f) a child's accrued allowance under Part III of Schedule D shall be calculated as if the length of the father's half rate service and pensionable service mentioned in paragraph 4 of Part III of Schedule J were increased by a period in years or fractions of a year equal to the number of sixtieths which he was entitled to reckon at the time of his death under paragraph (1) or (2) of regulation 8.

SCHEDULE

PART I REGULATIONS 4 AND 5

PAYMENTS

Lump sum payments

1.—(1) Subject to paragraph 3, where a person elects under Regulation 3 to make payment by a lump sum, the amount of such lump sum shall be the product of —

- (a) his number of additional sixtieths, and
- (b) an amount equal to the percentage of the aggregate of his pensionable pay during the appropriate period which is specified opposite his age set out in column 2, 4 or 6 of the following Table (whichever applies in his case):

Provided that for the purposes of this paragraph —

(i) where the said aggregate amount is less than the amount it would have been had he not during the said period suffered a temporary reduction in rate of pay by way of punishment, it shall be increased by the difference between the two said amounts, and

(ii) where he was entitled to pensionable pay for part only of the said period, the said aggregate amount shall be multiplied by the reciprocal of the fraction of the year for which he was entitled to pensionable pay.

(2) In this paragraph —

“the appropriate period” means the period of a year ending with the relevant date;

“his age” in relation to any person means that person's age on his birthday which falls within the year beginning with the relevant date, and

“pensionable pay” in relation to any person who is not in full-time service throughout the appropriate period, means the amount that would be his pensionable pay if he were a full-time member of the police force, and

“the relevant date” means —

(a) in the case mentioned in regulation 4(1), the date of his election, or

(b) in the case mentioned in regulation 4(2), the date of his last day of service as a regular policeman.

Payment of periodical contributions

2.—(1) Subject to paragraph 3, where a person elects under regulation 3 to make payment by periodical contributions the amount of such contributions for any period shall be the product of —

(a) his number of additional sixtieths, and

(b) the percentage of his pensionable pay for that period which is specified opposite his age in column 3, 5 or 7 of the following Table (whichever applies in his case): Provided that for the purposes of this paragraph —

(i) where for any period his pensionable pay is of an amount less than the amount it would have been had he not suffered a temporary reduction in rate of pay by way of punishment, it shall be increased by the difference between the two said amounts, and

(ii) where for any period he is for any reason disentitled to pensionable pay, his pensionable pay for that period shall be deemed to be that which it would have been but for the disentitlement.

(2) In this paragraph, “his age” in relation to any person means that person’s age on his birthday which falls within the year beginning with —

(a) the date of his election, or

(b) where regulation 5(3) applies, the date on which his election is deemed thereby to have been made.

(3) In this paragraph “pensionable pay” in relation to a person’s period of service which is not wholly full-time service, means the amount that would be the person’s pensionable pay if he were a full-time member of the police force.

Payment in other cases

3.—(1) In the case of a person specified in sub-paragraph (2) —

(a) where he elects to make payment by a lump sum, the amount of such lump sum, and

(b) where he elects to make payment by periodical contributions shall be such as the Government Actuary may determine to be the actuarial equivalent of the benefit to him of his election.

(2) The persons referred to in sub-paragraph (1) are —

(a) a person in respect of whom the time at which he could be required to retire on account of age has, before the time of his election under regulation 3, been postponed under Regulation A 18(2) of the principal Regulations, and

(b) a person (not being a person specified in paragraph (a)) whose retirement date as at the time of his election falls on his attaining the age of 65 years and

(c) a person who under regulation G7(6) of the principal Regulations is ineligible for a pension award payable on the ground of permanent disablement.

Inland Revenue limits on contributions

4. (1) The amounts of the payments to be made in accordance with paragraphs 2 and 3(1)(b) of this Schedule in any tax year must not, when aggregated with any other contributions payable by the member under the principal regulations or the Police Pensions

(Additional Voluntary Contributions) Regulations 1991, exceed the amount in respect of which the member is allowed a deduction for that year under section 594(1) of the Income and Corporation Taxes Act 1988 (tax relief for contributions to exempt statutory schemes).

(2) The amounts of the payments to be made in accordance with paragraphs 1, 2 and 3 of this Schedule in any calendar month must not, when so aggregated, exceed one twelfth of the amount in respect of which the member is allowed a deduction for the tax year in which the month falls under section 594(1) of the Income and Corporation Taxes Act 1988] (by virtue of which contributions payable by a Class A member in a tax year must not exceed the permitted maximum for the year).

(3) Where a lump sum payment is reduced by virtue of this paragraph the member's number of additional sixtieths is reduced in accordance with the following formula -

$$\frac{A \times B}{C}$$

where -

A is the member's number of additional sixtieths,

B is the amount of the reduced payment, and

C is the amount that the payment would be if the reduction under this paragraph were not made.

(4) For each periodical contribution payment that is reduced by virtue of this paragraph the member's number of additional sixtieths is reduced in accordance with the following formula -

$$\frac{A \times B \times C}{D \times E}$$

where -

A is the member's number of additional sixtieths,

B is the period to which the periodical contribution relates (expressed as a fraction of a year),

C is the amount of the reduced periodical contribution,

D is the period over which the periodical contributions are payable (expressed as a fraction of a year), and

E is the amount that the periodical contribution would be if the reduction under this paragraph were not made.

(5) In this paragraph "tax year" means a year of assessment

TABLE

| 1 Age on relevant birthday | Regular policeman whose retirement date, as at the time of his election, falls on his attaining the age of 55 years | | Regular policeman who retirement date as at the time of his election,fall on his attaining the age of 57 years | | Regular policeman whose retirement date, as at the time of his election, falls on his attaining the age of 60 years | |
|--|---|--|--|--|---|--|
| | 2 Percentage for calculating lump sum payment | 3 Percentage for calculating periodical contributions | 4 Percentage for calculating lump sum payment | 5 Percentage for calculating periodical contributions | 6 Percentage for calculating lump sum payment | 7 Percentage for calculating periodical contributions |
| 26 | 33.90 | 1.24 | | | | |
| 27 | 33.90 | 1.29 | | | | |
| 28 | 33.80 | 1.35 | 31.40 | 1.19 | | |
| 29 | 33.80 | 1.41 | 31.30 | 1.22 | | |
| 30 | 33.70 | 1.48 | 31.20 | 1.26 | | |
| 31 | 33.70 | 1.56 | 31.00 | 1.30 | 27.30 | 0.96 |
| 32 | 33.60 | 1.64 | 30.80 | 1.35 | 26.70 | 1.00 |
| 33 | 33.60 | 1.73 | 30.70 | 1.40 | 26.30 | 1.04 |
| 34 | 33.50 | 1.82 | 30.50 | 1.46 | 26.10 | 1.08 |
| 35 | 33.40 | 1.92 | 30.40 | 1.53 | 26.00 | 1.12 |
| 36 | 33.20 | 2.03 | 30.30 | 1.60 | 26,00 | 1.16 |
| 37 | 32.90 | 2.15 | 30.10 | 1.68 | 26.00 | 1.21 |
| 38 | 32.50 | 2.28 | 29.90 | 1.77 | 25.90 | 1.27 |
| 39 | 32.10 | 2.42 | 29.60 | 1.87 | 25.90 | 1.33 |
| 40 | 31.60 | 2.57 | 29.30 | 1.98 | 25.90 | 1.40 |
| 41 | 31.00 | 2.74 | 29.00 | 2.10 | 25.90 | 1.48 |
| 42 | 30.20 | 2.94 | 28.50 | 2.23 | 25.90 | 1.57 |
| 43 | 29.20 | 3.18 | 27.90 | 2.37 | 25.90 | 1.67 |
| 44 | 28.20 | 3.48 | 27.30 | 2.53 | 25.90 | 1.77 |
| 45 | 27.30 | 3.85 | 26.70 | 2.72 | 25.90 | 1.88 |
| 46 | 26.70 | 4.30 | 26.40 | 2.94 | 25.90 | 2.00 |
| 47 | 26.30 | 4.84 | 26.10 | 3.21 | 25.90 | 2.14 |
| 48 | 26.30 | 5.49 | 26.10 | 3.54 | 25.80 | 2.31 |
| 49 | 26.60 | 6.28 | 26.30 | 3.94 | 25.80 | 2.52 |
| 50 | 27.00 | 7.34 | 26.50 | 4.46 | 25.80 | 2.78 |
| 51 | 27.50 | 8.91 | 26.80 | 5.14 | 25.80 | 3.10 |
| 52 | 28.10 | 11.45 | 27.20 | 6.10 | 25.80 | 3.50 |
| 53 | 28.70 | 16.44 | 27.50 | 7.52 | 25.80 | 4.02 |
| 54 | 29.20 | | 27.80 | 9.90 | 25.70 | 4.70 |
| 55 | 29.60 | | 28.00 | 14.67 | 25.70 | 5.60 |
| 56 | | | 28.30 | | 25.70 | 6.86 |
| 57 | | | 28.60 | | 25.80 | 9.05 |
| 58 | | | | | 25.80 | 13.43 |
| 59 | | | | | 25.90 | |
| 60 | | | | | 26.00 | |

PART II REGULATION 8

RECKONING OF ADDITIONAL BENEFITS

In Regulation 8 —

(a) the formula mentioned in paragraph (1) is-

$$\frac{A \times B}{C}$$

where —

A is the policeman's number of additional sixtieths;

B is the length of the period or, as the case may be, the aggregate lengths of the periods during which payment was made;

C is the period for which, if payment had been continuous to the date of death or retirement, payment would have been made;

(b) the formula mentioned in paragraph (2) is as set out in subparagraph (a) save the C is the period for which, if payment had been continuous to the retirement date as at the time election, payment would have been made; and

(c) the appropriate actuarial valuation referred to in paragraph

(3) is the assessment by the Government Actuary of the extent to which the value of the benefits is increased on account of being paid before the retirement date as at the time of election.

EXPLANATORY NOTE (This note is not part of the Regulations)

These Regulations, which come into force on 1st February 1988, provide that regular policemen, where eligible in accordance with Regulation 2, may elect to purchase increased benefits under the Police Pensions Regulations 1987 ("the principal Regulations") up to the limit allowed by those Regulations.

Part I of the Regulations provides for citation, commencement and interpretation.

Part II allows an eligible policeman to elect within specified time limits to make payment, either by lump sum (regulation 4) or, subject to certain conditions, by periodical contributions (regulation 5), of amounts calculated in accordance with Part I of the Schedule to the Regulations, for the purpose of reckoning additional sixtieths of average pensionable pay in calculating benefits payable to or in respect of him under the principal Regulations; regulation 8 and Part II of the Schedule govern the reckoning of additional benefits which a policeman has elected to purchase. Part III makes a consequential amendment of the principal Regulations and Part IV provides that references in them to various personal and dependants' benefits are to be construed, where appropriate, as including increases in those benefits under or by virtue of these Regulations.

STATUTORY INSTRUMENTS

1991 No. 1304

**THE POLICE PENSIONS
(ADDITIONAL VOLUNTARY CONTRIBUTIONS)
REGULATIONS 1991**

Made 4th June. 1991
Laid before Parliament 10th June 1991
Coming into force 1st July 1991

(Amended up to and including
The Police Pensions (Additional Voluntary Contributions) (Amendment)
Regulation 2003
No. 2717)

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SCHEDULE 1

Pension providers

SCHEDULE 2

Benefit limits
Part I: Interpretation
Part II: Retirement pensions
Part III: Lump sums on death

In exercise of the powers conferred on me by sections 1 to 7 of the Police Pensions Act 1976, and after consultation with the Police Negotiating Board for the United Kingdom, I hereby with the consent of the Treasury make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Police Pensions (Additional Voluntary Contributions) Regulations 1991, and shall come into force on 1st July 1991 but have effect as from 6th April 1990.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, any reference to a numbered Regulation or Schedule is to be construed as a reference to the Regulation or Schedule which bears that number in these Regulations, and any reference to a numbered paragraph in a Regulation or a Schedule to these Regulations is to be construed as a reference to the paragraph bearing that number in that Regulation or, as the case may be, that Schedule.

(2) In these Regulations references to the Taxes Act are references to the Income and Corporation Taxes Act 1988 and references to the 1987 Regulations are references to the Police Pensions Regulations 1987.

(3) In these Regulations, unless the context otherwise requires —
“approved scheme” means a retirement benefits scheme approved under Chapter 1 of Part XIV of the Taxes Act;
“the 1993 Act” means the Pension Schemes Act 1993; [SI 02/3202]
“the 1999 Act” means the Welfare Reform and Pensions Act 1999;
“approved additional voluntary contributions provider” means The Equitable Life Assurance Society or The Standard Life Assurance Company
“basic contributions” means contributions paid pursuant to an election under Regulation 4(l);
“basic contributor” is to be construed in accordance with Regulation 7;
“cash equivalent” means a cash equivalent mentioned in paragraph 12(1) of Schedule 1A to the Social Security Pensions Act 1975;
“central police officer” has the same meaning as in the 1987 Regulations;
“death benefit contributions” means contributions paid pursuant to an election under Regulation 5(l);
“death benefit contributor” is to be construed in accordance with Regulation 7;
“death benefit cover” is to be construed in accordance with Regulation 5(1);
“earnings” and “emoluments” mean earnings and emoluments in respect of service as a pensionable policeman, disregarding, except where Regulation 3 or 5 of the Retirement Benefit Schemes (Tax Relief on Contributions) (Disapplication of Earnings Cap) Regulations 1990 applies, any excess in any tax year over the figure which is the permitted maximum for that year for the purposes of section 592(8B) of the Taxes Act (that is to say, the figure specified for the year by an order made by the Treasury under section 590C(6) of that Act);
“free-standing additional voluntary contributions scheme” means an approved scheme which falls within section 591(2)(h) of the Taxes Act;
“the Index” means the index of retail prices published by the Department of Employment;
“insurance company” means
(a) a person who has permission under part 4 of the Financial Services and Markets

Act 2000 to effect or carry out contracts of long-term insurance, or

(b) an EEA firm, as defined in paragraph 5 of Schedule 3 to that Act, which falls within sub-paragraph (d) of that paragraph and has permission under paragraph 15 of that Schedule to effect or carry out contracts of long-term insurances as a result of satisfying the establishment conditions, as defined in paragraph 13 of that Schedule;

“normal benefit age” means 60;

“overseas policeman” has the same meaning as in the 1987 Regulations;

“participator” means a basic contributor or a person who has ceased to be a basic contributor but has not exercised any right to take a cash equivalent or to be paid a lump sum under Regulation 14(1);

“pension credit” means a credit under section 29(1)(b) of the 1999 Act, including a credit under corresponding Northern Ireland legislation;

“pension credit member” has the meaning given by section 124(1) of the Pensions Act 1995;

“pension credit rights” has the meaning given by section 101B of the 1993 Act;

“pension investments” means investments made under Regulations 9(1) and 10(2);

“pension sharing order” means an order or provision mentioned in section 28(1) of the 1999 Act;

“pensionable policeman” means a person by whom contributions are for the time being payable under Regulation G2 of the 1987 Regulations;

“relevant police authority” has the meaning given by regulation L1(4) of the Police Pension Regulations 1987;

“retire” means become entitled to payment of a pension or gratuity under Regulations B1 to B5 of the 1987 Regulations, and cognate expressions are to be construed accordingly;and;

“tax year” means the 12 months beginning with 6th April in any year.

(4) The definition of “insurance company” in paragraph (3) must be read with –

(a) section 22 of the Financial Services and Markets Act 2000,

(b) any relevant order under that section, and

(c) Schedule 2 to that Act.

Making and acceptance of elections

3.–(1) Any election under these Regulations —

(a) is to be made by giving written notice to the police authority

and

(b) is, subject to paragraphs (2) to (4), to be accepted by the authority.

(2) No election under these Regulations is to be accepted if any limit imposed by Regulation 8(4) or 13 (limits on contributions and Benefits) would be exceeded.

(3) An election falling within Regulation 16(2) (death benefit cover, continued death benefit cover and increased death benefit cover) is not to be accepted if —

(a) any information required under Regulation 16(2) is not given, or

(b) the information given is such that the cover could not be secured by investment under Regulation 9(3).

(4) A pension election under Regulation 11(2) made after retirement may be accepted

only if the police authority are satisfied as mentioned in Regulation 11(2).

(5) The police authority are to give effect as soon as is reasonably practicable to any election accepted by them.

Election to pay basic contributions

4.—(1) A pensionable policeman may at any time elect to pay basic contributions under these Regulations.

(2) The notice of such an election is to specify —

(a) the amount of each contribution, and

(b) the way in which the contributions are to be invested under Regulation 9.

Elections in respect of death benefit cover

5.—(1) A pensionable policeman may at any time elect to pay death benefit contributions to secure death benefit cover, that is to say the payment of a lump sum in the event of his dying in the circumstances specified in paragraph (2).

(2) The circumstances are that —

(a) at the time of his death he is still a death benefit contributor, and

(b) his death occurs before his retirement date and is not the result of any injury received in the execution of his duty (within the meaning of Regulation A11 of the 1987 Regulations).

(3) A pensionable policeman's retirement date is the date on which he would be required by Regulation A18(1) or the 1987 Regulations to retire assuming that there were no postponement under Regulation A18(2) and no change of rank.

(4) The notice of an election under paragraph (1) is to specify the approved additional voluntary contributions provider with which the contributions are to be invested and the amount to be secured, which must not be more than that which would be the permitted amount for the purposes of Part III of Schedule 2 if he were to die on the date on which the election takes effect.

(5) An election under paragraph (1) ceases to have effect on the person's retirement date, but if the time at which he is required by Regulation A18(1) of the 1987 Regulations to retire becomes later by reason of —

(a) his being promoted, or

(b) a postponement under Regulation A18(2), he may elect to pay further contributions to secure the continuance to the later date of the death benefit cover in force immediately before the change.

(6) Any continued death benefit cover secured by an election under paragraph (5) lapses if the person retires before the date to which the cover was continued.

Variation and cancellation of elections

6.—(1) A basic contributor, may at any time elect —

- (a) to alter the amount of his basic contributions, or
- (b) to require them to be invested in future, under Regulation 9, in a different way, or
- (c) to require the police authority to realise any investment and to reinvest the proceeds, under Regulation 9, in a different way, or
- (d) to cancel his election under Regulation 4(1).

(2) A death benefit contributor may at any time elect —

- (a) to alter the amount to be secured, but not so as to exceed the amount which would be the permitted amount for the purposes of Part III of Schedule 2 if he were to die on the date on which the election takes effect, or (b) to cancel his election under Regulation 5(1).

(3) A person paying further contributions under Regulation 5(5) (continuance of death benefit cover during service after retirement age) may at any time make any election that he could have made under paragraph (2)(a) above if he had been paying death benefit contributions.

Basic and death benefit contributors

7.—(1) Subject to paragraph (3), a person is a basic contributor while an election under Regulation 4(1) (regular contributions) has effect.

(2) Subject to paragraph (3), a person is a death benefit contributor while an election under Regulation 5(1) has effect.

(3) A person who has ceased to be a pensionable policeman ceases to be either a basic contributor or a death benefit contributor.

Payment and amount of contributions

8.—(1) Basic contributions are payable to the police authority at intervals of not less than 4 weeks.

(2) Death benefit contributions and further contributions under Regulation 5(5) (continuance of death benefit cover) are payable to the police authority at the same times as basic contributions.

(3) All contributions are to be deducted by the police authority from the person's pay.

(4) The total of the contributions of all kinds paid in any tax year must not exceed the lesser of (A-B-C) and D, where —

- A is 15 per cent of the person's emoluments for that year,
 - B is the total of any contributions paid by him in the year to another approved scheme,
 - C is the total of the contributions paid by him in the year under the 1987 Regulations,
- and
- D is the amount which would provide the maximum allowable benefits.

(5) The maximum allowable benefits are —

- (a) where the person is a basic contributor only, a retirement pension the annual rate

of which is likely to be the maximum allowed by Regulation 13,

(b) where he is not a basic contributor but is paying contributions to secure death benefit cover, the maximum amount that can be secured having regard to Regulations 5(4) and 6(2)(a), and

(c) where he both is a basic contributor and is paying contributions to secure death benefit cover, both the retirement pension mentioned in sub-paragraph (a) and the maximum amount mentioned in sub-paragraph (b).

Investment of contributions

9.—(1) Basic contributions are to be invested by the police authority in accordance with any election for the time being having effect under Regulation 4(1) or 6(1)(b) or (c).

(2) In paragraph (1) “invested” means invested with such approved additional voluntary contribution providers and in such investments managed by those providers as may be selected by the basic contributor.

(3) Death benefit contributions and further contributions under Regulations 5(5) are to be invested by the police authority with the approved additional voluntary contributions provider selected by the death benefit contributor. so as to secure death benefit cover of the amount required by any election for the time being having effect under Regulation 5(1) or (5) or 6(2) or (3).

Inward transfers

10.—(1) A police authority may accept a transfer value from the administrator of —

(a) a free-standing additional voluntary contributions scheme, or

(b) an approved scheme which provides additional benefits but does not fall within section 591(2)(h) of the Taxes Act. in respect of a basic contributor. except if or to the extent that the transfer value relates to pension credit rights.

(2) A transfer value accepted by a police authority is to be invested by them with such approved additional voluntary contribution providers and in such investments managed by those providers as may be specified in writing by the basic contributor. [SI 03/27]

Outward Transfers

10A—(1) This regulation applies where a police authority receive a request in writing from a participator that they are to apply to the approved additional voluntary contributions provider to realise the pension investment held by the provider in respect of the participator and pay an amount representing the value of the investments made in relation to the participator under these Regulations to the police authority for transmission to the administrator of a scheme or arrangement within paragraph (4) who is willing to receive such a payment in respect of him.

(2) On receiving such a request the police authority shall transmit it to the approved additional voluntary contributions provider in question and on receiving that amount they shall pay it to the administrator of that scheme or arrangement.

(3) the payment under paragraph (2) of an amount representing all pension investments in respect of the participator discharges the police authority from all liability in respect of the

participator under these Regulations.

(4) A scheme or arrangement is within this paragraph if -

(a) the participator is a participator in the scheme or arrangement, and

(b) it is a scheme or arrangement for the time being approved by the Board of Inland Revenue as a scheme or arrangement to which transfers of rights in respect of additional voluntary contributions may be made in the circumstances which apply in the case of the request by the participator in question

Pension sharing on divorce or nullity of marriage

10B. Schedule 1A has effect for making provision in relation to pension credit rights and pension credit payable under the scheme constituted by these Regulations.

Retirement pensions

11.—(1) A retirement pension is a pension payable to the participator for life, commencing

(a) in the case of a participator within paragraph (2), on the date of his retirement, and

(b) in the case of a participator within paragraph (2A), from the date on which the police authority apply the amount obtained under paragraph (6) as mentioned in that paragraph.

(2) During the month ending on the date of his retirement, a participator who retires before 1st November 1999 is to make a pension election; but if the police authority are satisfied that it was not reasonably practicable for an election to be made during that period they may accept one made after retirement.

(2A) a participator who retires on or after 1st November 1999 is to make a pension election before his 75th birthday.

(3) The notice of a pension election is to specify whether the annual rate of the retirement pension —

(a) is to be fixed, or

(b) is to vary in accordance with the Index, or

(c) is to increase yearly by a specified percentage, and in the case of a participator within paragraph (2), from which of the pension providers, or in the case of a participator within paragraph (2A), from which insurance company, the pension is to be purchased.

(4) The pension providers are the bodies listed in Schedule 1.

(5) The notice may also specify that if the participator dies within the period of 5 year beginning when the pension commenced the balance that would have been payable during the remainder of that period if the pension had continued at the rate in force at the time of his death is to be paid as a lump sum.

(6) Subject to paragraphs (7) to (8), the police authority are to realise the pension investments and apply the amount obtained to the purchase from the specified pension provider or, as the case may be, insurance company of a retirement pension in accordance

with the notice of election.

(7) Subject to paragraph (8), in case of a participator who retires before 1st November 1999 and the police authority —

(a) if they do not accept a pension election made after retirement, shall, and

(b) if —

(i) 6 months after retirement no election has been made, and

(ii) they are satisfied that there is no reasonable excuse for the delay, may in their discretion at any time, apply the amount obtained to the purchase from any of the pension providers of such a retirement pension as appears to them to be suitable having regard to the participator's family circumstances and his age and health.

(7A) subject to paragraph (8), in the case of a participator who retires on or after 1st November 1999 and does not make a pension election before his 75th birthday, the police authority shall apply the amount obtained to the purchase from an insurance company of such a retirement pension as appears to them to be suitable having regard to the participator's family circumstances and his age and health.

(8) If —

(a) there are exceptional circumstances of serious ill-health, or

(b) his aggregate pension benefits would be trivial, the police authority may in their discretion realise the pension investments without purchasing any pension, and in that event the amount obtained becomes payable as a lump sum.

(9) Aggregate pension benefits are trivial if the annual rate of the retirement pension that could be purchased, together with the annual equivalent of all pension benefits payable to the participator from other sources, would not exceed —

(a) £104, or

(b) if greater, any amount prescribed by Regulations for the time being in force under paragraph 15(4) of Schedule 16 to the Social Security Act 1973.

(10) Except as provided in paragraph (8), a retirement pension may not in whole or in part be surrendered, commuted or assigned.

Lump sum death benefit

12. Where a person who is paying death benefit contributions or further contributions under Regulation 5(5) dies and any lump sum secured by those contributions is obtained by the police authority from the approved additional voluntary contributions provider the lump sum becomes payable.

Benefit limits

13.—(1) Schedule 2 has effect for limiting the benefits that may be paid under these Regulations.

(2) The maximum annual rate of a retirement pension ascertained from Schedule 2 is increased —

(a) by 3 per cent for each complete year that has elapsed, or

(b) if a greater increase results, in proportion to the increase in the Index that has occurred, since the date on which the pension became payable.

Repayment in certain cases

14.-(1) If a person —

(a) ceases to be a basic contributor before retiring, and

(b) does not acquire a right to a cash equivalent, and

(c) becomes entitled under Regulation B6 of the 1987 Regulations to an award by way of repayment of his aggregate pension contributions, the appropriate lump sum becomes payable.

(2) If a participator dies before retirement the appropriate lump sum becomes payable.

(3) The appropriate lump sum is the realisable value of the pension investments.

Payment by police authority

15.-(1) Retirement pensions shall be paid by the responsible person to the persons entitled to them.

(2) Lump sums payable —

(a) as mentioned in Regulation 11(5), or paragraph 2 of Schedule 1A or by virtue of an election for a payment under paragraph 3(4)(f) of that Schedule or

(b) under Regulation 12 or 14(2), shall be paid by the responsible person to the deceased's widow or widower or, if there is no widow or widower, to the personal representatives.

(3) Lump sums payable under Regulation 11(8) or 14(1) shall be paid by the responsible person to the former basic contributor.

(4) If by reason of Regulation 13 a benefit is not payable in full, the responsible person shall pay to the person entitled to the benefit so much of the relevant amount as would —

(a) in the case of a retirement pension, if applied to its purchase, or

(b) in the case of a lump sum, if paid as part of it, have caused the benefit to exceed the limit.

(5) The relevant amount is —

(a) in the case of a retirement pension the amount obtained under Regulation 11(6), and

(b) in the case of a lump sum payable under Regulation 12 or 14, that sum.

(6) The amount of any tax chargeable under the Taxes Act on a payment under this Regulation or Schedule 1A (pension sharing) shall be deducted by the responsible person before payment.

(7) for the purposes of this regulation, “the responsible person” means —

(a) so far as the regulation related to the payment of a pension or to the payment of a lump sum payable under regulation 11(5), the insurance company from which the pension has been purchased under regulation 11, and

(b) so far as it relates to the payment of a lump sum, the police authority.

Information

16.—(1) A person making an election under these Regulations is to give the police authority such information as they may reasonably require for the purposes of their functions under these Regulations.

(2) A person making —

(a) an election under Regulation 5(1) or (5) (death benefit and continued death benefit cover), or

(b) an election under Regulation 6(2)(a) (increased death benefit cover), or

(c) an election under Regulation 6(3) corresponding to one that could have been made under Regulation 6(2)(a), is, in particular, to give the police authority such information about his health as they may reasonably require regard to Regulation 9(3) (investment so as to secure death benefit cover).

(d) an election under paragraph 3 of Schedule 1A (pension credit benefits)

Appeals

17.—(1) A person who is aggrieved by the refusal of the police authority to admit a claim to receive as of right a pension, or a larger pension than that granted, under these Regulations may, subject to paragraph (2), appeal —

(a) if he was, or the claim is to a pension in respect of a person who was, a member of a police force maintained under section 2 of the Police Act 1996, the metropolitan police force, the City of London police, the Director General of the National Crime Squad, the Director General of the National Criminal Intelligence service, a police member of the National Crime Squad appointed under section 55(1)(b) of the Police Act 1975 or a police member of the National Criminal Intelligence Service appointed under section 9(1)(b) of the Police Act 1997 [SI 03/2717], within the meaning of the Police Act 1964, to the Crown court, or

(b) if he was, or the claim is to a pension in respect of a person who was, a member of a police force within the meaning of the Police (Scotland) Act 1967, to the sheriff having jurisdiction in the place where he last served as such a member, or

(c) if he was, or the claim is to a pension in respect of a person who was, an overseas policeman, an inspector or assistant inspector of constabulary or a central police officer, to the Secretary of State.

(2) Paragraph (1) does not confer a right of appeal against anything done by the police authority in the exercise of a power conferred by these Regulations which is expressly declared by these Regulations to be a power which they are to exercise in their discretion.

(3) In this Regulation “pension” includes any lump sum payable under these Regulations.

Retrospective effect: incidental provision

18.-(1) Any notice given after 5th April 1990 and before 1st July 1991 which, if these Regulations has been in force, would have constituted notice of an election under these Regulations is to be treated as having constituted notice of such an election.

(2) These Regulations shall be treated as having come into force on 1st March 1990 in relation to any sum paid by a pensionable policeman in anticipation of these Regulations, and any such sum shall be treated as forming part of his pension investments.

(3) A sum is one paid in anticipation of these Regulations if —

(a) it was paid to the Society after 28th February 1990 and before 6th April 1990 on the understanding that if Regulations providing for additional voluntary contributions were made it would be treated as consisting of contributions invested with the Society under the Regulations, and

(b) it would not, if these Regulations had been in force during the tax year ending with 5th April 1990, have exceeded the limit imposed by Regulations 8(4).

SCHEDULE 1A [SI 02/3202]

PENSION SHARING

Discharge of liability in respect of a pension credit

1.-(1) Where a relevant police authority discharge their liability in respect of a pension credit which derives from the scheme constituted by these Regulations ("a scheme pension credit") in accordance with paragraph 1(2) of Schedule 5 to the 1999 Act (pension credits: mode of discharge: funded pension schemes - conferring rights under the scheme from which the rights derive), they must do so by investing the amount of the credit to provide for the purchase from an insurance company of an annuity which meets the conditions in sub-paragraph (4).

(2) The investment shall be made by the authority, in accordance with an election made by the person entitled to the pension credit, in one or more funds managed by a pension provider meeting the requirements referred to in regulations 12 to 14 of the Pension Sharing (Pension Credit Benefit) Regulations 2000.

(3) The pension credit member may vary an election under sub-paragraph (2) by a further election at any time before the authority have completed the arrangements for the investment of the amount of the credit.

(4) The conditions referred to in sub-paragraph (1) are that -

(a) the annuity provides a pension which begins not earlier than normal benefit age and is payable to the pension credit member for life,

(b) any other pensions which are payable under the annuity -

(i) are payable only to dependants,

(ii) are payable only on the death of the pension credit member after he has reached normal benefit age,

(iii) if they are payable to the pension credit member's child, are payable only if at the date of the pension credit member's death the child is one who is eligible for an allowance under Part D of the 1987 Regulations in respect of the death (or would be if at the date of death the pension credit member had been a pensionable policeman),

and

(iv) subject to paragraph (5), are payable to the dependant for life, and

(c) the annuity is not capable in whole or in part of surrender, assignment or commutation.

(5) If the dependant to whom the annuity is payable is within sub-paragraph (4)(b)(iii), the pension must cease to be payable when he ceases to be a dependent child.

(6) For the purposes of sub-paragraph (5), a person ceases to be a dependent child at the time when, if he were the child of a pensionable policeman, he would cease to be eligible for any allowance under Part D of the 1987 Regulations.

(7) In this paragraph "dependant", in relation to a pension credit member, means a person who at the date of the member's death -

(a) is the pension credit member's spouse and, if separated from the member by an order or decree of a competent court, is receiving from the member regular contributions for the person's support or the support of the person's child in consequence of such an order or decree, or

(b) is a person who would be the pension credit member's child within the meaning of Schedule A of the 1987 Regulations if at the date of the pension credit member's death the member had been a pensionable policeman.

Discharge of liability in respect of a pension credit following the death of the person entitled to the pension credit

2.-(1) If the person entitled to a scheme pension credit dies before liability in respect of it has been discharged, the relevant police authority shall discharge their liability in respect of it by making a payment of a lump sum in accordance with regulation 6(2)(a)(i) of the Pension Sharing (Implementation and Discharge of Liability) Regulations 2000.

(2) The lump sum payable under this paragraph is to be of an amount equal to the realisable value of the investments made under paragraph 1 and shall be paid in accordance with regulation 15.

Pension credit benefit

3.-(1) The benefit to which a pension credit member is entitled under the scheme constituted by these Regulations shall be a pension.

(2) The pension shall be payable not earlier than when the pension credit member reaches normal benefit age and shall be payable to him for life.

(3) The value of the pension referred to in this paragraph shall equal the value of the pension credit rights which have accrued to or in respect of the pension credit member.

(4) Not earlier than one month before the pension credit member reaches normal benefit age, a pension credit member shall, by giving notice to the relevant police authority, make a benefits election specifying -

(a) whether only a pension payable for life is to be provided;

(b) for whom, if anyone, a dependant's pension is to be provided;

(c) if more than one pension is to be provided, either -

(i) the proportion of the amount secured by the total investments made under paragraph 1 that is to be applied to the purchase of each of them; or

(ii) the dependants' pensions to be provided expressed as a percentage of the pension for life;

(d) in respect of every pension to be provided, whether the annual rate of the pension

-

(i) is to be fixed; or

(ii) is to vary in accordance with the Index; or

(iii) is to increase yearly by a specified percentage or, if lower than that percentage, by the increase in the Index for the year in question;

(e) the pension provider listed in Schedule 1 from whom each pension is to be purchased (being a provider meeting the requirements referred to in regulations 12 to 14 of the Pension Sharing (Pension Credit Benefit) Regulations 2000), and

(f) whether, if the pension credit member dies before the expiry of the period of five years beginning with the date on which the pension begins to be payable, the balance that would have been payable during the remainder of that period, if the payments of pension had continued at the rate in force at the date of death, is to be payable as a lump sum.

(5) On receipt of a notice of election under sub-paragraph (4) the police authority must, as soon as is reasonably practicable, realise the investments made under paragraph 1 and apply the proceeds to the purchase from the specified pension provider of the benefits specified in the notice of election.

(6) If a pension credit member who reached normal benefit age after 1st December 2000 has -

(a) reached the age of 75; and

(b) failed to give a notice of election under sub-paragraph (4) on or before the date of his 75th birthday, the relevant police authority may realise the investments made under paragraph 1 and apply the proceeds to the purchase of a pension policy which meets the requirements of regulations 12 to 14 of the Pension Sharing (Pension Credit Benefit) Regulations 2000 from an insurance company in order to provide such benefits as appear to them to be suitable having regard to the pension credit member's family circumstances, age and health.

Outward transfers

4.-(1) The relevant police authority shall, upon receipt of a notice in writing under section 101F(1) of the 1993 Act (power to give transfer notice), pay a transfer value in respect of the member's pension credit rights in accordance with the provisions of Chapter II of Part IVA of the 1993 Act (requirements relating to pension credit benefit: transfer values) and Part III of the Pension Sharing (Pension Credit Benefit) Regulations 2000 (transfer values).

(2) That transfer value must be calculated in accordance with regulation 24 of the Pension Sharing (Pension Credit Benefit) Regulations 2000 (manner of calculation and verification of cash equivalents).

Commutation of the whole of pension credit benefit before normal benefit age

5.—(1) A pension credit member shall be entitled to the commutation of the whole of the benefits payable to or in respect of him under the scheme constituted by these Regulations by virtue of rights attributable (directly or indirectly) to a pension credit before reaching normal benefit age if the pension credit member is suffering from serious ill-health before normal benefit age.

(2) In sub-paragraph (1) "serious ill-health" means ill-health giving rise to a life expectancy of less than one year from the date on which commutation is applied for.

(3) In the case of such a member the relevant police authority may realise the investments made under paragraph 1 without purchasing an annuity and pay the proceeds to the pension credit member as a lump sum.

Commutation of the whole of pension credit benefit at normal benefit age

6.—(1) A pension credit member shall be entitled to the commutation of the whole of the benefits payable to or in respect of him under the scheme constituted by these Regulations by virtue of rights attributable (directly or indirectly) to a pension credit at normal benefit age in the following circumstances.

(2) They are if -

(a) the pension credit member is suffering from serious ill health at normal benefit age,
or

(b) the aggregate of total benefits payable to the pension credit member, including those attributable (directly or indirectly) to pension credit rights, does not exceed £260 per annum at normal benefit age.

(3) In the case of such a pension credit member the relevant police authority may realise the investments made under paragraph 1 without purchasing an annuity and pay the proceeds to the member as a lump sum.

(4) In sub-paragraph (2)(a) "serious ill-health" means ill-health giving rise to a life expectancy of less than one year from the date on which notice is given under paragraph 3(4).
Pension credit member dies before pension becomes payable

7. If a pension credit member dies before any benefit becomes payable under paragraph 3, the relevant police authority may realise the investments made under paragraph 1 without purchasing an annuity and pay the proceeds to the member's personal representatives as a lump sum.

Separate treatment of pension credit rights

8. Where a pension credit member has rights under the scheme constituted by these Regulations apart from his pension credit rights, the pension credit rights are to be treated as provided separately for the purposes of all requirements of the Inland Revenue in relation to limits on benefits

SCHEDULE 1 REGULATION 11(4)

PENSION PROVIDERS

The Society

Eagle Star Insurance Company Limited

Legal and General Assurance Society Limited

Prudential Corporate Pensions

Scottish Widows' Fund and Life Assurance Society

The Standard Life Assurance Company

Sun Life Assurance Society PLC

SCHEDULE 2 REGULATION 13

BENEFIT LIMITS

PART I

INTERPRETATION

1. Paragraphs 2 to 5 have effect for defining expression used in this Schedule.

2. "Total retirement benefits" means the total of so much of —

(a) the annual rate of the participator's retirement pension under these Regulations,
(b) the annual rate of any pension under Regulations B1 to B5 of the 1987 Regulations, and

(c) the actuarial equivalent as an annual pension of any gratuity under Regulations B2 to B4 of the 1987 Regulations as is not attributable to the receipt of any transfer value, together with the annual rate of any pension payable to him under a free-standing additional voluntary contributions scheme.

3.—(1) "Final remuneration" means the greater of A and B where —

A is the participator's highest year's adjusted earnings during the period of 5 years ending on the material date, and

B is the average of his total taxable earnings for any period of 3 or more consecutive years ending no earlier than 10 years before the material date, but, in respect of any year other than the one ending on the material date, earnings are to be taken to have been increased in proportion to any increase in the Index from the end of the year up to the material date.

(2) In this paragraph "adjusted earnings" means C + D, where —

C is the participator's total taxable earnings for the year in question less any bonus payments and payments for overtime ("fluctuating emoluments"), and D is the average, for a period ending with the year in question, of any fluctuating emoluments; the period is one of at least 3 years or, if shorter, the period during which the fluctuating emoluments have been payable and "The material date" means the earliest of —

(a) the retirement date, and

(b) the date on which the participator ceased to be a pensionable policeman.

4.—(1) "Retained benefits" means the total of any pensions payable to the participator —

(a) in respect of employment before he became a pensionable policeman, under a retirement benefits scheme (within the meaning of Section 611 of the Taxes Act) or under an annuity contract falling within Section 431(4)(d) of the Taxes Act, or

(b) under a retirement annuity contract or trust scheme approved under chapter III or Part XIV of the Taxes Act, and so much of any pension payable to him under these Regulations or the 1987 Regulations as is attributable to a transfer value received from any such scheme or on the termination of any such contract.

(2) In this paragraph "pension" includes the actuarial equivalent as an annual pension of any lump sum.

5.-(1) "Actuarial" means determined by, or in accordance with tables prepared by, the Government Actuary.

(2) "Relevant service" means service as a regular policeman within the meaning of the 1987 Regulations, and "relevant birthday" means the birthday on which he would be required by Regulation A18(1) or those Regulations to retire assuming that there were no postponement under Regulation A18(2) and no change of rank.

PART II

RETIREMENT PENSIONS

6. The annual rate of a participator's retirement pension under these Regulations must not be such as to cause his total retirement benefits to exceed the permitted amount.

7.-(1) If the participator retires on his relevant birthday, the permitted amount is the greater of E and F, where —
E is 1/60th of his final remuneration for each of up to 40 years of relevant service, and F is the lesser of G and H.

(2) In sub-paragraph (1) —

G is 1/30th of his final remuneration for each of up to 20 years of relevant service, and H is 2/3rds of his final remuneration less any retained benefits.

8. If the participator retires on a date later than his relevant birthday, the permitted amount is the greatest of J, K and, where applicable, L, where —

J is an amount calculated in accordance with paragraph 7 as at the later date,

K is an amount calculated in accordance with paragraph 7 as at his relevant birthday increased, up to the later date, either actuarially or in proportion to any increase in the Index, and

L is, in the case of a participator with more than 40 years of relevant service, 1/60th of his final remuneration for each of up to 45 years of relevant service, excluding any years before his relevant birthday in excess of 40.

9. (1) If the participator retires after having, before his relevant birthday, ceased to be in relevant service, the permitted amount is the greater of (M + R) and —

$$\frac{(N \times Q) + R}{P}$$

P

where —

M is 1/60th of his final remuneration for each of up to 40 year of relevant service, N is the number of years on which M is calculated, P is the number of years on which M would have been calculated if he had continued in relevant service up to his relevant birthday, Q is an amount calculated in accordance with paragraph 7 as at his relevant birthday, and R is the appropriate increase.

(2) For the purposes of sub-paragraph (1) the appropriate increase is an increase in the amount in question, either —

(a) in proportion to any increase in the Index, or

(b) if greater, at 5 per cent compound from the cessation of relevant service to the date of retirement.

PART III

LUMP SUMS ON DEATH

10.—(1) The aggregate of —

- (a) the lump sum secured by any death benefit contributions, and
- (b) any lump sum payable under Regulation 14(2), must not be such as to cause the total lump sum death benefits to exceed the permitted amount.

(2) The total lump sum death benefits are the total of —

- (a) the lump sums mentioned in sub-paragraph (1)(a) and (b), and
- (b) any similar benefits totalling £1,000 or more that are payable under relevant schemes.

(3) The relevant schemes are —

- (a) other approved schemes,
- (b) schemes approved under Chapter IV of Part XIV of the Taxes Act,
- (c) free-standing additional voluntary contributions schemes,
- (d) retirement annuity contracts approved under Chapter III of Part XIV of the Taxes Act, and
- (e) the scheme constituted by the 1987 Regulations.

(4) The permitted amount is £5,000 or, if greater, 4 times the death benefit contributor's remuneration.

(5) The death benefit contributor's remuneration is the greatest of S, T and U , where — S is what his final remuneration would have been if the date of his death had been the material date, T is his highest year's adjusted earnings for the purpose of calculating S, and U is his total taxable earnings during any period of 12 months ending not more than 3 years before the date of his death, increased as mentioned in paragraph 3(1).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the payment of additional voluntary contributions by members of the pension scheme (“the main scheme”) constituted by the Police Pensions Regulations 1987 (“the 1987 Regulations”) in order to secure additional benefits financed by investing the contributions. The Regulations provide for the making of elections of various kinds. Regulation 3 contains general provisions as to their making and acceptance; Regulation 4 provides for elections to pay basic contributions so as to secure an additional retirement pension; Regulation 5, for elections to pay death benefit contributions so as to secure a lump sum death benefit in the event of death while paying such contributions; Regulation 6 allows elections made under Regulations 4 and 5 to be varied or cancelled. While an election has effect and the person concerned is a member of the main scheme he remains a basic contributor or, as the case may be, a death benefit contributor for the purposes of these Regulations (Regulation 7). Regulation 8 deals with the payment of contributions and imposes a limit on their total amount; Regulation 9(1) and (2) require the police authority to invest basic contributions with Equitable Life, in one or more of the ways specified, in accordance with any wishes expressed by the contributor; Regulation 9(3) requires death benefit contributions to be invested so as to secure the amount of cover specified. A transfer value accepted from another additional voluntary contributions scheme is to be invested as if it had consisted of basic contributions (Regulation 10).

On retirement, investments (except those made with death benefit contributions) are to be realised and a retirement pension purchased with the proceeds from one of the insurers listed in Schedule 1, in accordance with any wishes expressed by the contributor in a pension election (Regulation 11(1) to (6)). Regulation 11(7) makes default provision, and Regulation 11(8) and 99) allow the proceeds of realization to be paid as a lump sum in some circumstances. Regulation 12 provides for the payment of death benefits secured by contributions under Regulation 5. Regulation 13, with Schedule 2, imposes limits on benefits of all kinds payable under the Regulations; to the extent that a limit would otherwise be exceeded, a capital sum is payable, after deduction of tax (Regulation 15(4) to (6)). Regulation 14 provides for the realisable value of investments to be repaid where there is a right to repayment of contributions paid under the 1987 Regulations, and where a basic contributor or former basic contributor dies before retirement. Benefit and other payments are to be made by police authorities in accordance with Regulation 15. Regulation 16 requires them to be given information needed for the purposes of their functions under the Regulations. Regulation 17 confers rights of appeal as required by section 6 of the Police Pensions Act 1976. Section 1(5) of the Police Pensions Act 1976 confers express power to make Regulations retrospective in effect. These Regulations have effect as from 6th April 1990, the beginning of the 1990-91 tax year. Regulation 18 makes incidental provision, including provision for payments made direct to Equitable Life before that date, in anticipation of these Regulations, to be treated as basic contributions invested in the preceding tax year, for which the Regulations are deemed to have had effect in that case.

THE POLICE FEDERATION OF ENGLAND AND WALES

**Police (Injury Benefit)
Regulations 2006**

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The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1, 6, 7 and 8 of the Police Pensions Act 1976[1].

In accordance with section 1(1) of that Act, the Treasury[2] have consented to the making of these Regulations and the Secretary of State has consulted with the Police Negotiating Board for the United Kingdom.

PART 1

GENERAL PROVISIONS

Citation, commencement and extent

1. —(1) These Regulations may be cited as the Police (Injury Benefit) Regulations 2006 and come into force on 20th April 2006 but have effect from 6th April 2006[3].

(2) These Regulations extend to England and Wales.

Meaning of certain expressions and references - general provisions

2. In these Regulations, unless the context otherwise requires—

(a) the expressions contained in the glossary set out in Schedule 1 shall be construed as provided in that Schedule;

(b) any reference to a member of a police force, however expressed, includes a reference to a person who has been such a member;

(c) any reference to an award, however expressed, is a reference to an award under these Regulations.

Meaning of certain expressions in relation to persons who are not members of a home police force

3.—(1) Except where the context otherwise requires, for the purposes of these Regulations an inspector of constabulary or a police officer engaged on relevant service shall be deemed to be a member of a home police force.

(2) In relation to an inspector of constabulary or a police officer engaged on relevant service, any reference in these Regulations to the police authority shall be construed as a reference to the Secretary of State.

Pensionable and average pensionable pay and aggregate pension contributions

4.—(1) For the purposes of calculating an award to or in respect of a member of a police force his pensionable pay shall be calculated in the same way as if the award were one payable under the 1987 Regulations[4], in accordance with regulation G1(1) and (1A) of those Regulations.

(2) For the purposes of calculating an award to or in respect of a member of a police force his average pensionable pay shall be calculated in the same way as if it were an award payable under the 1987 Regulations, in accordance with regulation G1(2) to (9) of those Regulations, and as if—

(a) the relevant date for the purposes of the said regulation were the date of his last day of service as a regular policeman in the force of the police authority by whom the award is payable, and

(b) the provisions specified in paragraph 4(4) of Part VI of Schedule J (part-time service) to the 1987 Regulations included the following provisions of these Regulations, that is to say regulations 13(2) and (3) (amount of adult survivor's special award), 14(2)(a) (amount of adult survivor's augmented award) and 17(3), (4), (5) and (6) (amount of child's special allowance), and paragraphs 1, 2 and 4 of Schedule 5 (adult dependent relative's special pension).

(3) For the purposes of an award calculated in accordance with paragraphs (1) and (2), references in such provisions of the 1987 Regulations as are mentioned in those paragraphs to a person's pensionable service shall in the case of a regular policeman who has made an election under regulation G4(1) of those Regulations include references to the pensionable service which would have been reckonable by him if he had not made such an election.

(4) For the purposes of calculating an award to or in respect of a regular police officer his aggregate pension contributions shall be calculated in the same way as if it were an award payable under the 1987 Regulations, in accordance with regulation A10 of those Regulations.

Weekly rate of pensions and allowances

5.—(1) Where the rate at which a pension or allowance is payable or the amount thereof is expressed as an annual rate or amount then, for the purposes of these Regulations, the weekly rate or amount of that pension or allowance shall be determined as if there were 52 $\frac{1}{6}$ weeks in each year.

(2) Where for the purpose of calculating an award to an adult survivor, child or adult dependent relative it is necessary to determine average pensionable pay for a week, it shall be taken to be average pensionable pay divided by 52 $\frac{1}{6}$.

Injury received in the execution of duty

6.—(1) A reference in these Regulations to an injury received in the execution of duty by a member of a police force means an injury received in the execution of that person's duty as a constable and, where the person concerned is an auxiliary policeman, during a period of active service as such.

(2) For the purposes of these Regulations an injury shall be treated as received by a person in the execution of his duty as a constable if—

(a) the member concerned received the injury while on duty or while on a journey necessary to enable him to report for duty or return home after duty, or

(b) he would not have received the injury had he not been known to be a constable, or

(c) the police authority are of the opinion that the preceding condition may be satisfied and that the injury should be treated as one received in the execution of duty.

(3) In the case of a person who is not a constable but is within the definition of "member of a police force" in the glossary set out in Schedule 1 by reason of his being an officer there mentioned, paragraphs (1) and (2) shall have effect as if the references to a constable were references to such an officer.

(4) For the purposes of these Regulations an injury shall be treated as received without the default of the member concerned unless the injury is wholly or mainly due to his own serious and culpable negligence or misconduct.

(5) Notwithstanding anything in the 1987 Regulations relating to a period of service in the armed forces, an injury received in the execution of duty as a member of the armed forces shall not be deemed to be an injury received in the execution of duty as a member of a police force.

(6) In the case of a regular policeman who has served as a police cadet in relation to whom the Police Cadets (Pensions) Regulations had taken effect, a qualifying injury within the meaning of those Regulations shall be treated for the purposes of these Regulations as if it had been received by him as mentioned in paragraph (1); and, where such a qualifying injury is so treated, any reference to duties in regulation 14(1) (adult survivor's augmented award) shall be construed as including a reference to duties as a police cadet; and in this paragraph the reference to the Police Cadets (Pensions) Regulations is a reference to the Regulations from time to time in force made, or having effect as if made, under section 52 of the Police Act 1996.

Disablement

7.—(1) Subject to paragraph (2), a reference in these Regulations to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision and to that disablement being at that time likely to be permanent.

(2) In the case of a person who is totally disabled, paragraph (1) shall have effect, for the purposes of regulations 12 and 21 of these Regulations, as if the reference to “that disablement being at that time likely to be permanent” were a reference to the total disablement of that person being likely to be permanent.

(3) For the purposes of deciding if a person's disablement is likely to be permanent, that person shall be assumed to receive normal appropriate medical treatment for his disablement, and in this paragraph “appropriate medical treatment” shall not include medical treatment that it is reasonable in the opinion of the police authority for that person to refuse.

(4) Subject to paragraph (5), disablement means inability, occasioned by infirmity of mind or body, to perform the ordinary duties of a member of the force except that, in relation to the child or to the widower or surviving civil partner of a woman member of a police force, it means inability, occasioned as aforesaid, to earn a living.

(5) Where it is necessary to determine the degree of a person's disablement it shall be determined by reference to the degree to which his earning capacity has been affected as a result of an injury received without his own default in the execution of his duty as a member of a police force:

Provided that a person shall be deemed to be totally disabled if, as a result of such an injury, he is receiving treatment as an in-patient at a hospital.

(6) Notwithstanding paragraph (5), “totally disabled” means incapable by reason of the disablement in question of earning any money in any employment and “total disablement” shall be construed accordingly.

(7) Where a person has retired before becoming disabled and the date on which he becomes disabled cannot be ascertained, it shall be taken to be the date on which the claim that he is disabled is first made known to the police authority.

(8) In this regulation, “infirmity” means a disease, injury or medical condition, and includes a mental disorder, injury or condition.

Disablement, death or treatment in hospital the result of an injury

8. For the purposes of these Regulations disablement or death or treatment at a hospital shall be deemed to be the result of an injury if the injury has caused or substantially contributed to the disablement or death or the condition for which treatment is being received.

Transitional provisions

9.—(1) These Regulations shall have effect as if anything done, or treated as done, under or for the purposes of the Police (Injury Benefit) Regulations 1987[5] or those provisions of the 1987 Regulations as are specified in paragraph (3) had been done under or for the purposes of the corresponding provision of these Regulations.

(2) Without prejudice to the generality of paragraph (1) references in that paragraph to anything done shall include—

- (a) the determination of a question;
- (b) the exercise of a discretion;
- (c) the decision that a provision should apply;
- (d) the making of a payment; and
- (e) the giving of a notice.

(3) The provisions of the 1987 Regulations referred to in paragraph (1) are—

- (a) regulation B4 (policeman's injury award);
- (b) regulation C2 (widow's special award);
- (c) regulation C3 (widow's augmented award);
- (d) regulation D2 (child's special allowance);
- (e) regulation D3 (child's special gratuity);
- (f) regulation E1 (adult dependent relative's special pension);
- (g) Part H (appeals and medical questions);
- (h) regulation K2 (reassessment of injury pension);
- (i) regulation K3 (reduction of pension in case of default);
- (j) regulation K4 (withdrawal of pension during service as a regular policeman; and
- (k) regulation K5 (forfeiture of pension).

Revocations and amendments

10.—(1) The 1987 Regulations shall be amended in accordance with Part 1 of Schedule 2.

(2) The Police Pensions (Supplementary Provisions) Regulations 1987[6] shall be amended in accordance with Part 2 of Schedule 2.

(3) The Regulations specified in Part 3 of Schedule 2 are hereby revoked to the extent there mentioned.

PART 2

AWARDS ON INJURY OR DEATH

Police officer's injury award

11.—(1) This regulation applies to a person who ceases or has ceased to be a member of a police force and is permanently disabled as a result of an injury received without his own default in the execution of his duty (in Schedule 3 referred to as the “relevant injury”).

(2) A person to whom this regulation applies shall be entitled to a gratuity and, in addition, to an injury pension, in both cases calculated in accordance with Schedule 3; but payment of an injury pension shall be subject to the provisions of paragraph 5 of that Schedule and, where the person concerned ceased to serve before becoming disabled, no payment shall be made on account of the pension in respect of any period before he became disabled.

Disablement gratuity

12.—(1) This regulation applies to a person who—

- (a) receives or received an injury without his own default in the execution of his duty,
- (b) ceases or has ceased to be a member of a police force, and
- (c) within 12 months of so receiving that injury, becomes or became totally and permanently disabled as a result of that injury.

(2) Subject to the provisions of regulations 22 and 23 (abatement), the police authority for the force in which a person to whom this regulation applies last served shall pay to him a gratuity of an amount equal to whichever is the lesser of the following amounts, namely—

- (a) five times the annual value of his pensionable pay on his last day of service as a member of a police force;
- (b) the sum of four times his total remuneration during the 12 months ending with his last day of service as a member of a police force and the amount of his aggregate pension contributions in respect of the relevant period of service.

(3) For the purposes of paragraph (2)(b) the amount of aggregate pension contributions in respect of the relevant period of service shall be calculated in the case of a person by whom, immediately before his last day of service as a member of a police force, pension contributions were payable under regulation G2(1) of the 1987 Regulations or would have been so payable but for an election under regulation G4(1) of the 1987 Regulations, in the same way as if the award were one payable under those Regulations, calculated in accordance with regulation A10 of those Regulations.

Adult survivor's special award

13.—(1) This regulation applies to a surviving spouse or surviving civil partner (“an adult survivor”) of a member of a police force who dies or has died as the result of an injury received without his own default in the execution of his duty (“the deceased officer”).

(2) An adult survivor to whom this regulation applies shall, subject to paragraph (6) and regulation 15, be entitled to an award which shall comprise—

- (a) an adult survivor's special pension calculated in accordance with paragraphs (3) to (5) subject, however, to regulation 28 (increase during first 13 weeks), and
- (b) subject to paragraphs (7) and (8), a gratuity of an amount equal to 25% of the

deceased officer's average pensionable pay together with, where he died while serving as a member of a police force, an amount equal to whichever is the greater of the following amounts—

(i) the deceased officer's average pensionable pay,

(ii) 2 times the annual amount of the ill-health pension which would have been payable under regulation B3 of the 1987 Regulations to the deceased officer had he retired on the ground that he was permanently disabled on the day on which he died.

(3) Subject to paragraphs (4) and (5), the weekly amount of an adult survivor's special pension shall be equal to 45% of the deceased officer's average pensionable pay for a week.

(4) Where, in respect of any week, a pension is payable to the widow in pursuance of section 67 of the Social Security Act 1975 in consequence of her husband's death and the amount of that pension exceeds that of a widow's pension under section 26 of that Act as specified in Part I of Schedule 4 thereto at the time of the husband's death, then the amount of her special pension in respect of that week shall be reduced by that excess.

(5) Where the provisions governing the amount of pensions under section 67 of the Social Security Act 1975 have changed after the death of the husband, the reduction under subparagraph (4) in respect of any week shall not exceed the amount which would have been the amount thereof in respect of that week had those provisions not changed.

(6) An adult survivor shall not be entitled to an adult survivor's special award unless the surviving spouse was married to the deceased officer or, as the case may be, the surviving civil partner and the deceased officer were civil partners, during a period—

(a) before the deceased officer last ceased to be a regular police officer, if he received the injury while serving as such;

(b) before the end of the continuous period of service during which he received the injury, in any other case.

(7) An adult survivor who, but for paragraph (6)(a), would be entitled to an award under paragraph (2) shall, instead, be entitled to a pension calculated in accordance with the provisions of paragraphs (8) to (12); and such pension shall be treated for the purposes of paragraph (14) and regulation 28 (increase during first 13 weeks) as if it were a special award under this regulation.

(8) The annual amount of a pension under paragraph (7) shall be one half of the appropriate proportion of the ill-health pension under regulation B3 of the 1987 Regulations to which the deceased officer would have been entitled had he, when he ceased to serve, retired because he was disabled in circumstances entitling him to such a pension.

(9) Subject to paragraphs (10), (11) and (12), for the purposes of paragraph (8) the appropriate proportion means the proportion which the deceased officer's pensionable service reckonable by reason of service or employment after 5th April 1978 bears to his total pensionable service; and for these purposes, in a case where the deceased officer had made an election under regulation G4 of the 1987 Regulations, his pensionable service shall be calculated as if such election had not been made.

(10) Where a pension becomes payable under paragraph (7) to a widower or to the surviving civil partner of a female police officer, paragraph (9) has effect with the substitution

for “5th April 1978” of “16th May 1990” or, as the case may be, the day before the date from which service before 17th May 1990 counts in consequence of an election under regulation G6 of the 1987 Regulations (payments by women to enhance widowers’ and surviving civil partners’ awards).

(11) But where a pension becomes payable under paragraph (7) to the surviving civil partner of a female police officer and as a consequence of an election under the said regulation G6 paragraph (9) would, but for this paragraph, have effect with the substitution for “5th April 1978” of a date before 6th April 1988, then paragraph (9) shall have effect with the substitution for “5th April 1978” of “5th April 1988”.

(12) Where a pension becomes payable under paragraph (7) to the surviving civil partner of a male police officer, paragraph (9) has effect with the substitution for “5th April 1978” of “5th April 1988”.

(13) Where the deceased officer was entitled to an injury gratuity under regulation 11 then—
(a) if it equalled, or exceeded, the gratuity under paragraph (2)(b), the gratuity under paragraph (2)(b) shall not be payable, and
(b) in any other case, the gratuity under paragraph (2)(b) shall be reduced by the amount of the deceased officer’s gratuity.

(14) The amount of an adult survivor’s special pension or gratuity determined in accordance with the preceding provisions of this regulation shall be increased in accordance with regulation 29 (increase by reference to the Pensions (Increase) Acts).

Adult survivor’s augmented award

14.—(1) This regulation applies, subject to regulation 15, to an adult survivor of a member of a police force whose death is the result of an injury received without his own default in the execution of his duty where one of the following conditions is satisfied, namely that—

- (a) he was attacked by a person or persons in a manner which was intrinsically likely to cause death and death ensued as a result of the attack, or
- (b) the injury was received in the course of duties performed for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody, or
- (c) the injury was received in the course of duties performed—
 - (i) for the immediate purpose of saving the life of another person or of preventing loss of human life, and
 - (ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury, or
- (d) the police authority are of the opinion that one of the preceding conditions may be satisfied and that this regulation should apply, or
- (e) the police authority are of the opinion that the injury was received otherwise than as aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would have been payable had one of the conditions specified in sub-paragraphs (a), (b) and (c) been satisfied.

(2) An award under regulation 13(2) to an adult survivor to whom this regulation applies shall comprise—

(a) an adult survivor's special pension calculated as provided in regulation 13(3) to (5) but as if for the reference in regulation 13(3) to 45% of the deceased officer's average pensionable pay for a week there were substituted a reference to 50% of such pay, and

(b) a gratuity of an amount equal to twice the annual pensionable pay, at the date of the deceased officer's death, of a person holding the rank of constable in the metropolitan police force and entitled to reckon 30 years' service for the purposes of pay; and the provisions of regulation 13(2)(b), (6) and (7) shall not apply except that where those provisions are more favourable in his case the gratuity shall be of an amount determined in accordance with those provisions.

Limitation on award to adult survivor living apart from the deceased officer

15. An adult survivor shall not be entitled to an award under regulation 13 or 14 if, at the time of the deceased officer's death—

(a) they were separated from each other by an order or decree of a competent court, and

(b) the deceased officer was not required by an order or decree of a competent court to contribute to the support of the adult survivor and was not in fact regularly contributing to his support;

and, for the purposes of this regulation, contributions to an adult survivor for the support of his child shall be treated as contributions for his support.

Termination of adult survivor's award on remarriage or other event

16.—(1) Where a widow entitled to a special pension under regulation 13 (including such a pension granted by way of an augmented award under regulation 14) was widowed before 5th December 2005 or was widowed after that date but her husband had ceased to serve as a member of a police force before that date, and—

(a) remarries or has remarried,

(b) forms or has formed a civil partnership, or

(c) with a person to whom she is not married lives together as husband and wife,

(d) she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage, or after the formation of her civil partnership, or after her cohabitation begins.

(2) Where the surviving civil partner of a member of a police force who had ceased to serve as a member of a police force by 5th December 2005 is entitled to a special pension under regulation 13 (including such a pension granted by way of an augmented award under regulation 14) and—

(a) marries or has married,

(b) forms or has formed a new civil partnership, or

(c) with a person who is not her civil partner lives together as if they were civil partners, she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage, or after the formation of her civil partnership, or after her cohabitation begins.

(3) Where a widow who does not fall within paragraph (1) or a surviving civil partner who does not fall within paragraph (2) is entitled to a special pension under regulation 13 (including such a pension granted by way of an augmented award under regulation 14) and—

(a) marries or has married,

(b) remarries or has remarried,

(c) forms or has formed a civil partnership or new civil partnership,

(d) with a person to whom she is not married lives together as husband and wife, or

(e) with a person who is not her civil partner lives together as if they were civil partners, she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage or remarriage, or after the formation of her civil partnership, or after her cohabitation begins.

(4) But if, at any time after her marriage, remarriage, the formation of her civil partnership or the beginning of her cohabitation, a person in any of paragraphs (1) to (3) has again become a widow or her civil partner dies or that marriage or civil partnership has been dissolved or that cohabitation ceases, the police authority may, in their discretion, bring the pension into payment.

(5) Where a widow entitled to a gratuity under regulation 13 or 14 was widowed before 5th December 2005 or was widowed after that date but her husband had ceased to serve as a member of a police force before that date, and—

(a) remarries or has remarried,

(b) forms or has formed a civil partnership, or

(c) with a person to whom she is not married lives together as husband and wife,

so much of the gratuity as has not been paid before her remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(6) Where the surviving civil partner of a member of a police force who had ceased to serve as a member of a police force by that date and—

(a) marries or has married,

(b) forms or has formed a new civil partnership, or

(c) with a person who is not her civil partner lives together as if they were civil partners, so much of the gratuity as has not been paid before her marriage or remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(7) Where a widow who does not fall within paragraph (5) or a surviving civil partner who does not fall within paragraph (6) is entitled to a gratuity under regulation 13 or 14 and—

(a) marries or has married,

(b) remarries or has remarried,

(c) forms or has formed a civil partnership or new civil partnership,

(d) with a person to whom she is not married lives together as husband and wife, or

(e) with a person who is not her civil partner lives together as if they were civil partners, so much of the gratuity as has not been paid before her remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(8) But if, at any time after her marriage, remarriage, the formation of her civil partnership or the beginning of her cohabitation, a person in any of paragraphs (5) to (7) has again become a widow or her civil partner dies or that marriage or civil partnership has been

dissolved or that cohabitation ceases, the police authority may, in their discretion, pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage or the formation of her civil partnership or the beginning of her cohabitation.

Child's special allowance

17.—(1) This regulation shall apply to a child of a member of a police force who dies or has died as the result of an injury received without his own default in the execution of his duty.

(2) Subject to regulations 19 (limitations) and 28 (increase during first 13 weeks), a child to whom this regulation applies shall be entitled to a special allowance calculated in accordance with the following provisions of this regulation.

(3) Where one of the child's parents is alive, the child's special allowance in respect of the death of a member of a police force ("the relevant parent") shall, subject to paragraphs (4) and (7), be of an amount equal to 10% of the average pensionable pay for a week of the relevant parent.

(4) Where five or more children's special allowances are payable in respect of the death of the same person, an allowance determined in accordance with paragraph (3) shall be of an amount equal to 40% of the average pensionable pay for a week of the relevant parent divided by the total number of allowances so payable.

(5) Where the relevant parent was the child's only surviving parent, or in respect of the period after the death of the child's other parent, the child's special allowance shall, subject to paragraphs (6) and (7), be of an amount equal to 20% of the average pensionable pay for a week of the relevant parent.

(6) Where five or more children's special allowances are payable in respect of the death of the same person, an allowance determined in accordance with paragraph (5) shall be of an amount equal to 80% of the average pensionable pay for a week of the relevant parent divided by the total number of allowances so payable.

(7) The amount of a child's special allowance determined in accordance with the preceding paragraphs of this regulation shall be increased in accordance with regulation 29 (increase by reference to the Pensions (Increase) Acts).

Child's special gratuity

18.—(1) This regulation applies to a child of a member of a police force who dies or has died as the result of an injury received without his own default in the execution of his duty where one of the conditions set out in regulation 14(1) is met and he does not leave an adult survivor entitled to a gratuity under regulation 13 or 14.

(2) Subject to regulation 19 (limitations) but without prejudice to the provisions of regulation 17 (child's special allowance), a child to whom this regulation applies shall be entitled to a gratuity as provided in this regulation.

(3) The gratuity under paragraph (2) shall be of the amount mentioned in paragraph (4) except that, where two or more such gratuities are payable in respect of the same person, each gratuity shall be of that amount divided by the number of such gratuities.

(4) That amount shall be an amount equal to twice the annual pensionable pay, at the date

of that parent's death, of a person holding the rank of constable in the metropolitan police force and entitled to reckon 30 years' service for the purposes of pay.

Child's special allowance or special gratuity - limitations

19.—(1) A child's special allowance or special gratuity under regulation 17 or 18 shall not be granted—

(a) to a child born on or after the relevant date specified in paragraph (3) otherwise than of a marriage which took place or of a civil partnership that was formed before the relevant date;

(b) by reason of his being a step-child,—

(i) to the child of a spouse whose marriage to the relevant parent took place on or after the relevant date, or

(ii) to the child of a civil partner whose civil partnership with the relevant parent was formed on or after the relevant date;

(c) by reason of his being substantially dependent on the relevant parent, to a child who was not so dependent before the relevant date;

(d) by reason of his being an adopted child, to a child adopted on or after the relevant date;

(e) except in the case of a legitimate or adopted child of the relevant parent, to a child who was not substantially dependent on that parent at the time of his death.

(2) The reference in paragraph (1)(a) to a child born of a civil partnership means a child—

(a) who is a child of a member of a civil partnership and has been adopted by the other member of that civil partnership; or

(b) who has been adopted by two persons who have formed a civil partnership.

(3) For the purposes of paragraph (1) the relevant date—

(a) if the relevant parent received the injury while serving as a regular police officer, is the date on which he last ceased to be a regular police officer, and

(b) if he received the injury while serving as a member of an overseas corps otherwise than as a regular policeman or while engaged on a period of relevant service, is the date of the end of the tour of overseas service or the period of relevant service during which he received the injury.

(4) In the case of a child who has attained the age of 16 years but not that of 17 years, a special allowance shall not be payable in respect of any period for which he is in full-time employment unless that employment constitutes full-time training, of at least a year's duration, for a trade, profession or calling.

(5) In the case of a child who has attained the age of 17 years but not that of 19 years, a special allowance shall only be payable in respect of a period throughout which he satisfies one of the conditions set out in paragraph (9).

(6) Without prejudice to paragraph (1), in the case of a child who has attained the age of 19 years, a special allowance shall not be payable (and, where he attained that age before the date of the relevant parent's death, shall not be granted) unless—

(a) he satisfies one of the conditions set out in paragraph (9), and

(b) in the case of condition (a), also satisfied that condition immediately before he attained the age of 19 years and throughout the entire period thereafter, except that the payment (or granting) of a special allowance shall not be precluded by reason only of sub-paragraph (b) if the police authority, having regard to all the circumstances of the case, in their discretion so decide :

Provided that a special allowance shall not be payable after the date on which the child attains the age of 23 years unless he satisfies the conditions mentioned in paragraph (9)(b).

(7) Without prejudice to paragraphs (4), (5) and (6), in the case of a child entitled to a special allowance who is—

(a) in full-time training for a trade, profession or calling, and

(b) in receipt of remuneration in respect of such training, and in the case of any other child entitled to a special allowance in respect of the death of the same person, Schedule 4 shall have effect in relation to their allowances.

(8) A special gratuity shall not be granted to a child who attained the age of 17 years before the date of the relevant parent's death unless at that date he satisfied one of the conditions set out in paragraph (9) (disregarding conditions (b)(ii) and (iii)).

(9) The conditions referred to in paragraphs (5), (6) and (8) are that the child—

(a) is or was undergoing full-time education or in full-time training of at least a year's duration for a trade, profession or calling, or

(b) is or was permanently disabled and either—

(i) was both so disabled and substantially dependent on the relevant parent at the time of his death,

(ii) became so disabled while in receipt of a special allowance, or

(iii) the police authority, having regard to all the circumstances of the case, in their discretion decide to pay (or grant) a special allowance to him.

(10) Any reference in this regulation to the relevant parent is a reference to the parent in respect of whose death the special allowance or special gratuity is, or but for the provisions of this regulation would be, payable.

Adult dependent relative's special pension

20.—(1) This regulation applies in the case of a member of a police force who dies as the result of an injury received without his own default in the execution of his duty and, in such case, shall apply—

(a) to a parent or (without prejudice to the following sub-paragraph) to a brother or sister of the member who had attained the age of 19 years before the member's death;

(b) subject to his having attained the age of 19 years, to any child of the member whether or nor he had attained that age before the member's death,

(c) where the member was a married woman whose husband was permanently disabled at the time she died, to her widower, or

(d) where the member was a woman in a civil partnership whose civil partner was permanently disabled at the time the member died, to the surviving civil partner, subject,

in each case, to the person in question being substantially dependent on the member immediately before the member's death.

(2) If the police authority, having regard to all the circumstances of the case, so determine, they may grant a special pension to any such dependent relative.

(3) A dependent relative's special pension shall be calculated in accordance with Schedule 5 and, subject to paragraph 4 of that Schedule, shall be payable for such period or periods as the police authority may, in their discretion, from time to time determine.

Death gratuity

21.—(1) Subject to paragraph (2), this regulation applies to a member of a police force who receives or received an injury without his own default in the execution of his duty and within 12 months of receiving that injury dies or has died as a result of it.

(2) In the case of a person who had ceased to serve as a member of a police force before his death, this regulation shall apply to him only if his death also occurred before any decision by a medical authority under regulation H1, H2 or H3 of the 1987 Regulations that he was totally and permanently disabled as a result of that injury; and where this regulation so applies it shall apply to the exclusion of regulation 12.

(3) Subject to the provisions of regulations 22 and 23, where a member to whom this regulation applies—

(a) leaves an adult survivor (unless, by reason of regulation 15 or 16, he would not qualify for a special award under regulation 13);

(b) does not leave any such adult survivor, but leaves a child (unless, by reason of regulation 19(1), (4), (5) or (6) that child would not qualify for a special allowance under regulation 17); or

(c) does not leave any such adult survivor or child, but leaves a dependent relative to whom a special pension may be paid under regulation 20, the police authority shall pay to his adult survivor or, as the case may be, to the child or dependent relative a gratuity of an amount equal to whichever is the lesser of the following amounts, namely—

(i) five times the annual value of his pensionable pay on his death or, if earlier, on his last day of service as a member of a police force;

(ii) the sum of four times his total remuneration during the 12 months ending with his death or, if earlier, with his last day of service as a member of a police force and the amount of his aggregate pension contributions in respect of the relevant period of service.

(4) Where a member of a police force to whom this regulation applies leaves two or more children or two or more dependent relatives, then the amount of the gratuity so payable shall be divided by the police authority among the children or dependent relatives (as the case may be) in their discretion.

Abatement of certain gratuities in respect of gratuities otherwise payable

22.—(1) The amount of any gratuity payable to a member of a police force under regulation 12 shall be reduced by deducting from it the amount of any gratuity paid, or treated as paid, to him under regulation 11 above or under regulation B2(4) or B3(4) of the 1987 Regulations.

(2) The amount of any gratuity payable to any person under regulation 21 in respect of the death of a member of a police force shall be reduced by deducting from it—

(a) the amount of—

(i) any gratuities paid, or treated as paid, to the member or his estate under regulation 11 above or under regulation B2(4), B3(4) or E3 of the 1987 Regulations; and

(ii) any death grant paid under regulation E3A of the 1987 Regulations;

(b) in the case of an adult survivor, where a gratuity under regulation 13(2) is payable to him or his estate—

(i) unless paragraph (ii) below applies, the amount of the gratuity;

(ii) where the said amount falls to be calculated in accordance with regulation 14(2), an amount equal to the amount of the gratuity which would be payable to him or his estate under regulation 13(2) if—

(A) regulation 14 had not applied;

(B) the deceased officer had died while serving as a member of a police force (whether or not he was in fact so serving when he died); and

(C) the deceased officer's average pensionable pay was greater than 2 _ times the annual amount of the ill-health pension which would have been payable under regulation B3 of the 1987 Regulations to the deceased officer if he had retired on the grounds of permanent disability on the day on which he had died (whether or not it was in fact greater); and

(c) in the case of any other person, the amount of any gratuity paid to that person or his estate in respect of the death of that member under regulation 18 above or regulation E2 of the 1987 Regulations.

(3) In any case where, by reason of regulation 21(4), a payment in respect of the death of a member of a police force falls to be divided among two or more persons, that payment shall, before it is so divided, be reduced by deducting from it the amount of any gratuities paid as mentioned in paragraph (2).

Abatement of certain gratuities in respect of damages or compensation

23.—(1) The police authority shall take into account against any gratuity payable under regulation 12 or 21 any damages or compensation which are recovered by any person in respect of the death or disability to which the gratuity relates and the gratuity may be withheld or reduced accordingly.

(2) For the purposes of this regulation—

(a) a person shall be deemed to have recovered damages—

(i) whether they are paid in pursuance of a judgment or order of the court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce the claim; or

(ii) if they are recovered for that person's benefit in respect of a claim under the Fatal Accidents Act 1976;

(b) "compensation" does not include an award of compensation made to a person in accordance with the Criminal Injuries Compensation Scheme if the amount of the award was reduced by the amount of any gratuity paid or payable to him under regulations 12 or 21.

(3) No payment in respect of a gratuity under regulation 12 or 21 shall be made to a person unless he has given to the police authority a written undertaking that if he recovers any damages or compensation in respect of the death or disability to which the gratuity relates he will inform them thereof and, unless the damages or compensation have been taken into account in pursuance of paragraph (1), will pay to the police authority such sum as they may demand not exceeding—

(a) where the amount of the payment made by the police authority is less than the net amount of the damages or compensation, the amount of that payment;

(b) where the amount of that payment is not less than the net amount of the damages or compensation, an amount equal to the net amount of the damages or compensation; and, in this paragraph, “the net amount” in relation to damages or compensation recovered by any person means the amount of the damages or compensation after deducting tax payable in the United Kingdom or elsewhere to which the damages or compensation are subject.

(4) The police authority shall not demand any payment in pursuance of such an undertaking as is mentioned in paragraph (3)—

(a) after the death of the person to whom the payment in respect of a gratuity under regulation 12 or 21 was made, or

(b) after the expiration of two years from the date on which the final determination of the amount of the damages or compensation first came to the knowledge of the police authority.

PART 3

SUPPLEMENTARY PROVISIONS

Gratuity in lieu of adult survivor’s special pension

24.—(1) Where on the death of the deceased officer before he attained state pensionable age an adult survivor became entitled to an adult survivor’s special pension under regulation 13, the police authority may, subject to regulation 26, commute for a gratuity that special pension or so much of it as may be commuted without contravening regulation 26: Provided that a police authority shall not exercise their discretion under this paragraph unless—

(a) the adult survivor consents, and

(b) they are satisfied that there are sufficient reasons for so doing.

(2) Where the annual amount of any adult survivor’s special pension does not exceed £260, or any greater amount prescribed by regulations for the time being in force under paragraph 15(4) of Schedule 16 to the Social Security Act 1973[7] (other than a pension which does not exceed that amount by reason of the commutation of part thereof under paragraph (1)), the police authority may, at their discretion, commute it for a gratuity.

(3) The provisions of regulation 16, relating to the termination of an adult survivor’s special award on remarriage or the formation of a civil partnership or cohabitation, shall apply in relation to a gratuity under this regulation as they apply in relation to a gratuity under regulation 13 or 14.

(4) A gratuity under this regulation shall be calculated in accordance with paragraph (6).

(5) Where an adult survivor is entitled to more than one adult survivor's pension, under these Regulations or the 1987 Regulations, in respect of the death of the same person but, in pursuance of regulation 27, is not entitled to receive, in respect of any particular period, payment on account of more than one of those pensions, those adult survivor's pensions shall be treated for the purposes of this regulation as a single adult survivor's pension and, where one of those pensions is an adult survivor's special pension under regulation 13 or 14, that single pension shall be treated for the purposes of paragraph (1) as if it were an adult survivor's special pension.

(6) A gratuity under this regulation shall be of an amount equal to 11 times the annual value of the special pension or, as the case may be, of that part thereof which is commuted or of such greater amount as may be agreed between the police authority and the adult survivor not exceeding the capitalised value of the pension or, as the case may be, that part thereof which is commuted, calculated in accordance with tables prepared from time to time for the purpose by the Scheme actuary.

Gratuity in lieu of child's special allowance

25.—(1) Where a child is entitled to a child's special allowance, the police authority may, subject to regulation 26, commute it for a gratuity:

Provided that a police authority shall not exercise their discretion under this paragraph unless—

(a) the child's surviving parent or guardian consents or, where he has no such parent or guardian, the child himself consents, and

(b) they are satisfied that there are sufficient reasons for so doing.

(2) Where the police authority are precluded by reason of the provisions of regulation 26 from exercising their discretion under paragraph (1) but otherwise would exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the allowance.

(3) A gratuity under this regulation shall be of such amount as may be agreed between the police authority and the child's surviving parent or guardian, or between the police authority and the child where he has no such parent or guardian, not exceeding the capitalised value of the special allowance or, as the case may be, that part thereof which is commuted, calculated in accordance with tables prepared from time to time for the purpose by the Scheme actuary.

Limitation on discretion to grant a gratuity in lieu of an adult survivor's special pension or a child's special allowance

26.—(1) This regulation applies in the case of a regular police officer who has died while in receipt of an ordinary, short service, ill-health or deferred pension awarded under the 1987 Regulations ("the principal pension").

(2) The police authority shall not under regulation 24 or 25 substitute for the whole or any part of an adult survivor's special pension or child's special allowance payable in respect of such a police officer a gratuity the actuarial equivalent of which (within the meaning of paragraph (3)) when added to that of—

(a) any other gratuity so substituted under regulation 24 or 25, and

(b) any lump sum paid or payable under regulation B7 of the 1987 Regulations, where a portion of the principal pension has been commuted, exceeds a quarter of the capitalised value of the principal pension, any reduction therein under the said regulation B7 being ignored.

(3) For the purposes of this regulation the actuarial equivalent of a gratuity or lump sum and the capitalised value of the principal pension shall, in each case, be at the time of deceased officer's retirement, as calculated by the Scheme actuary.

Prevention of duplication

27.—(1) Subject to paragraph (2), where, but for this regulation, a person would be entitled to receive, in respect of any particular period, payments on account of more than one award in respect of the death of the same person—

(a) each of the awards being an adult survivor's special or augmented award under regulation 13 or 14 or an adult survivor's pension under Part C of the 1987 Regulations, or

(b) each of the awards being a child's special allowance under regulation 17 or a child's allowance under Part D of the 1987 Regulations or an adult dependent relative's special pension under regulation 20, he shall be entitled to receive, in respect of that period, payment on account of one only of those awards; and the award payable shall be that from time to time selected by the person concerned or, in default of such selection where one award is for the time being greater than any other such award, the award which is for the time being the greater.

(2) Nothing in paragraph (1) shall prevent a person from being entitled to receive more than one such award as is mentioned in sub-paragraph (a) or (b) of that paragraph if—

(a) the awards in question are calculated, directly or indirectly, by reference to different periods of pensionable service, and

(b) no award in question falls to be increased in accordance with regulation E8, or to be determined in accordance with regulation E10, of the 1987 Regulations.

Increase of adult survivor's special pension or child's special allowance during first 13 weeks

28.—(1) This regulation applies to an adult survivor's special pension or augmented pension under regulation 13 or 14 and to a child's special allowance under regulation 17 where the person in respect of whose death the award is payable was, immediately before his death—

(a) serving as a member of a police force, or

(b) in receipt of a pension under regulation 11 or Part B of the 1987 Regulations, and, for the purposes of sub-paragraph (b), the provisions of regulation A8 of the 1987 Regulations shall be disregarded.

(2) An adult survivor's special or augmented pension to which this regulation applies shall, so far as necessary, be increased in respect of the first 13 weeks for which it is payable so as to secure that, in respect of each such week, the aggregate amount of the pension and of any children's special allowances under regulation 17 or children's allowances under Part D of the 1987 Regulations payable in respect of the same person's death is not less than—

(a) in the case mentioned in paragraph (1)(a), the police officer's relevant emoluments for a week immediately before he died, or

(b) in the case mentioned in paragraph (1)(b), the weekly amount of his pension together with any increase in that pension, immediately before he died, under the Pensions (Increase) Acts;

and, for the purposes of sub-paragraph (b)—

(i) there shall be disregarded any reduction in the police officer's pension in consequence of paragraph 7 of Schedule 3, and

(ii) where the police officer died while in receipt of both an ordinary, short service or ill-health pension awarded under Part B of the 1987 Regulations and an injury pension under regulation 11, the reference therein to the weekly amount of his pension shall be construed as a reference to the aggregate weekly amount of those pensions.

(3) For the purposes of paragraph (2)(a) a police officer's relevant emoluments for a week are—

(a) his pensionable pay for the week, and

(b) so much as is attributable to the week of any allowances to which he was entitled under regulation 38 of and Schedule 3 to the Police Regulations 2003[8].

(4) Where a child's special allowance to which this regulation applies is payable in respect of the death of a person who did not leave an adult survivor entitled to a special or augmented pension which was payable for a continuous period of 13 weeks the special allowance shall, so far as necessary, be increased in respect of the first 13 weeks for which it is payable so as to secure that, in respect of each such week, it is not less than the amount specified in paragraph (2)(a) or (b) except that, where two or more such special allowances are payable in respect of the death of the same person, each allowance shall be so increased that it is of that amount divided by the number of such allowances:

Provided that where an adult survivor's special or augmented pension is payable in respect of any such week, a child's special allowance in respect of the death of the same person shall not be so increased in respect of that week.

Increase of awards by reference to the Pensions (Increase) Acts

29.—(1) Where it is provided that, for the purpose of calculating an award by way of periodical payments or a gratuity ("the relevant award"), an amount shall be increased in accordance with this regulation, it shall be increased by the amount, if any, by which a corresponding pension, within the meaning of the Pensions (Increase) Act 1971[9], of the amount first mentioned would from time to time be increased under the Pensions (Increase) Acts if—

(a) it were payable to the person entitled to the relevant award;

(b) it were one of the pensions specified in paragraph 43 of Part II of Schedule 2 to the Pensions (Increase) Act 1971;

(c) it were not a pension to which section 1(2)(a) of the Pensions (Increase) Act 1974[10] applies, and

(d) it began, within the meaning of the Pensions (Increase) Act 1971, and became payable when the relevant award so began and became payable.

(2) Where the relevant award is a child's special allowance, the Pensions (Increase) Acts as applied by paragraph (1) shall have effect as if section 3 were omitted from the Pensions (Increase) Act 1971 and, accordingly, the amount first mentioned in paragraph (1) shall be increased so long as the special allowance is payable.

PART 4

APPEALS AND MEDICAL QUESTIONS

Reference of medical questions

30.—(1) Subject to the provisions of this Part, the question whether a person is entitled to any, and if so what, awards under these Regulations shall be determined in the first instance by the police authority.

(2) Subject to paragraph (3), where the police authority are considering whether a person is permanently disabled, they shall refer for decision to a duly qualified medical practitioner selected by them the following questions—

(a) whether the person concerned is disabled;

(b) whether the disablement is likely to be permanent, except that, in a case where the said questions have been referred for decision to a duly qualified medical practitioner under regulation H1(2) of the 1987 Regulations, a final decision of a medical authority on the said questions under Part H of the 1987 Regulations shall be binding for the purposes of these Regulations;

and, if they are further considering whether to grant an injury pension, shall so refer the following questions—

(c) whether the disablement is the result of an injury received in the execution of duty, and

(d) the degree of the person's disablement;

and, if they are considering whether to revise an injury pension, shall so refer question (d) above.

(3) Where the police authority are considering eligibility for an award under regulation 12, paragraph (2) shall have effect as if the questions to be referred by them to a duly qualified medical practitioner were the following—

(a) whether the person concerned is totally disabled;

(b) whether that total disablement is likely to be permanent;

(c) whether the disablement is the result of an injury received in the execution of duty; and

(d) the date on which the person became totally disabled.

(4) A police authority, if they are considering exercising their powers under regulation 38 (reduction of award in case of default), shall refer for decision to a duly qualified medical practitioner selected by them the question whether the person concerned has brought about or substantially contributed to the disablement by his own default.

(5) The police authority may decide to refer a question in paragraph (2) or, as the case may be, (3) or (4) to a board of duly qualified medical practitioners instead of to a single duly qualified medical practitioner, and in such a case references in this regulation, regulations 31 and 32 and paragraphs 5(1)(a) and (2) of Schedule 6 to a medical practitioner shall be construed as if they were references to such a board.

(6) The decision of the selected medical practitioner on the question or questions referred to him under this regulation shall be expressed in the form of a report and shall, subject to regulations 31 and 32, be final.

(7) A copy of any such report shall be supplied to the person who is the subject of that report.

Appeal to board of medical referees

31.—(1) Where a person is dissatisfied with the decision of the selected medical practitioner as set out in a report under regulation 30(6), he may, within 28 days after he has received a copy of that report or such longer period as the police authority may allow, and subject to and in accordance with the provisions of Schedule 6, give notice to the police authority that he appeals against that decision.

(2) In any case where within a further 28 days of that notice being received (or such longer period as the police authority may allow) that person has supplied to the police authority a statement of the grounds of his appeal, the police authority shall notify the Secretary of State accordingly and the police authority shall refer the appeal to a board of medical referees, appointed in accordance with arrangements approved by the Secretary of State, to decide.

(3) The decision of the board of medical referees shall, if it disagrees with any part of the report of the selected medical practitioner, be expressed in the form of a report of its decision on any of the questions referred to the selected medical practitioner on which it disagrees with the latter's decision, and the decision of the board of medical referees shall, subject to the provisions of regulation 32, be final.

Further reference to medical authority

32.—(1) A court hearing an appeal under regulation 34 or a tribunal hearing an appeal under regulation 35 may, if they consider that the evidence before the medical authority who has given the final decision was inaccurate or inadequate, refer the decision of that authority to him, or as the case may be it, for reconsideration in the light of such facts as the court or tribunal may direct, and the medical authority shall accordingly reconsider his, or as the case may be its, decision and, if necessary, issue a fresh report which, subject to any further reconsideration under this paragraph, shall be final.

(2) The police authority and the claimant may, by agreement, refer any final decision of a medical authority who has given such a decision to him, or as the case may be it, for reconsideration, and he, or as the case may be it, shall accordingly reconsider his, or as the case may be its, decision and, if necessary, issue a fresh report, which, subject to any further reconsideration under this paragraph or paragraph (1) or an appeal, where the claimant requests that an appeal of which he has given notice (before referral of the decision under this paragraph) be notified to the Secretary of State, under regulation 31, shall be final.

(3) If a court or tribunal decide, or a claimant and the police authority agree, to refer a decision to the medical authority for reconsideration under this regulation and that medical authority is unable or unwilling to act, the decision may be referred to a duly qualified medical practitioner or board of medical practitioners selected by the court or tribunal or, as the case may be, agreed upon by the claimant and the police authority, and his, or as the case may be its, decision shall have effect as if it were that of the medical authority who gave the decision which is to be reconsidered.

(4) In this regulation a medical authority who has given a final decision means the selected medical practitioner, if the time for appeal from his decision has expired without an appeal to a board of medical referees being made, or if, following a notice of appeal to the police authority, the police authority have not yet notified the Secretary of State of the appeal, and the board of medical referees, if there has been such an appeal.

Refusal to be medically examined

33. If a question is referred to a medical authority under regulation 30, 31 or 32 and the person concerned wilfully or negligently fails to submit himself to such medical examination or to attend such interviews as the medical authority may consider necessary in order to enable him to make his decision, then—

(a) if the question arises otherwise than on an appeal to a board of medical referees, the police authority may make their determination on such evidence and medical advice as they in their discretion think necessary;

(b) if the question arises on an appeal to a board of medical referees, the appeal shall be deemed to be withdrawn.

Appeal by a member of a home police force

34. Where a member of a home police force, or a person claiming an award in respect of such a member, is aggrieved by the refusal of the police authority to admit a claim to receive as of right an award or a larger award than that granted, or by a decision of the police authority as to whether a refusal to accept medical treatment is reasonable for the purposes of regulation 7(3), or by the forfeiture under regulation 40 by the police authority of any award granted to or in respect of such a member, he may, subject to regulation 36, appeal to the Crown Court and that court, after enquiring into the case, may make such order in the matter as appears to it to be just.

Appeal by inspector of constabulary or police officer engaged on relevant service and any other overseas policeman

35.—(1) This regulation applies in relation to an inspector of constabulary or a police officer engaged on relevant service and any other overseas policeman, and any such person is in this regulation referred to as an officer to whom this regulation applies.

(2) Where an officer to whom this regulation applies, or a person claiming an award in respect of such an officer, is aggrieved by the refusal of the Secretary of State as police authority to admit a claim to receive as of right an award or a larger award than that granted, or by a decision of the Secretary of State as police authority as to whether a refusal to accept medical treatment is reasonable for the purposes of regulation 7(3), or by the forfeiture under regulation 40, by the Secretary of State as police authority, of any award granted to or in respect of such an officer, he may, subject to regulation 36, give notice of appeal to the Secretary of State; and any such notice shall be in writing and shall specify the grounds of the appeal.

(3) The Secretary of State, on receiving such notice of appeal, shall appoint an appeal tribunal (in paragraphs (4) to (9) referred to as the tribunal), consisting of three persons, including a barrister or solicitor of not less than seven years' standing and a retired member of a police force who, before he retired, held a rank not lower than that of superintendent.

(4) The time and place for the hearing, or any postponed or adjourned hearing, of the appeal shall be determined by the tribunal, which shall give reasonable notice thereof to the appellant and to the Secretary of State as police authority (in paragraphs (5) and (8) referred to as the parties).

(5) Either party may be represented before the tribunal by counsel, by a solicitor or by such other person as appears to him appropriate, adduce evidence and cross-examine witnesses.

(6) In the case of an appeal under this regulation the tribunal shall have regard to the practice of the Crown Court in the case of an appeal under regulation 34 or regulation H5 of the 1987 Regulations and the rules of evidence applicable in the case of such an appeal shall apply in the case of an appeal under this regulation.

(7) Subject to the preceding provisions of this regulation, the tribunal shall determine its own procedure.

(8) The tribunal, after enquiring into the case and arriving at a decision thereon, may make such order in the matter as appears to it just, which order shall state the reasons for the decision; and each of the parties shall be entitled to a copy of any such order.

(9) An appeal shall lie on a point of law from any decision of a tribunal under this regulation to the High Court in accordance with rules of court.

Limitations on appeals

36.—(1) An appeal shall not lie under regulation 34 or 35 against anything done by a police authority in the exercise of a power conferred by these Regulations which is expressly declared thereby to be a power which they are to exercise in their discretion.

(2) Subject to regulation 32(1), in any proceedings under regulation 34 or 35 the court or tribunal shall be bound by any final decision of a medical authority within the meaning of regulation 32.

PART 5

REVISION AND WITHDRAWAL OR FORFEITURE OF AWARDS

Reassessment of injury pension

37.—(1) Subject to the provisions of this Part, where an injury pension is payable under these Regulations, the police authority shall, at such intervals as may be suitable, consider whether the degree of the pensioner's disablement has altered; and if after such consideration the police authority find that the degree of the pensioner's disablement has substantially altered, the pension shall be revised accordingly.

(2) Where the person concerned is not also in receipt of an ordinary, ill-health or short-service pension under the 1987 Regulations, if on any such reconsideration it is found that his disability has ceased, his injury pension shall be terminated.

(3) Where payment of an ill-health pension is terminated in pursuance of regulation K1(4) of the 1987 Regulations, there shall also be terminated any injury pension under regulation 11 above payable to the person concerned.

(4) Where early payment of a deferred pension ceases in pursuance of regulation K1(7) of the 1987 Regulations, then any injury pension under regulation 11 above payable to the person concerned shall also be terminated.

Reduction of pension in case of default

38. Where a member of a police force or a person who has been a member of a police force becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the police authority may reduce the amount of any injury

award payable to him by them by an amount not exceeding a half of that to which he would otherwise be entitled :

Provided that—

(a) this regulation shall not apply where the person concerned has been a regular policeman and is in receipt of an ill-health pension under regulation B3 of the 1987 Regulations and would, if he had continued to serve instead of retiring with that pension, have been entitled to reckon for the purposes of those Regulations 25 years' pensionable service (and, for the purposes of this proviso, in the case of a regular police officer who has spent one or more periods in part-time service, in determining the number of years of pensionable service he would have been entitled to reckon a period of service by virtue of which his pensionable service is reckonable is reckonable as if it were a period of full-time service); and

(b) where the injury pension of a regular policeman by whom pension contributions were payable under regulation G2 of the 1987 Regulations has been reduced under this regulation, then if when he attains the age of 60 years the reduced pension is less than the amount of the deferred pension which would have been payable had he been granted such a pension under regulation B5 of the 1987 Regulations on the date of his ceasing to serve it shall be increased to that amount.

Withdrawal of pension during service as a regular police officer

39.—(1) Subject to paragraph (2), a police authority by whom an injury pension is payable under regulation 11 (police officer's injury award) or under regulation 20 (adult dependent relative's special pension) may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is serving as a regular police officer in any police force; and, where they have done so, they shall be discharged from all actual or contingent liability in respect of the pension or the part thereof withdrawn for the period in question.

(2) This regulation does not apply to a pension under regulation B9(7)(b) of the 1987 Regulations (allocation).

Forfeiture

40.—(1) This regulation applies to a pension payable to or in respect of a member of a police force under regulation 11, regulation 13 or regulation 20.

(2) A police authority responsible for the payment of a pension to which this regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the pensioner has been convicted of an offence mentioned in paragraph (3) and, in the case of an adult survivor's pension, that offence was committed after the death of the pensioner's spouse or, as the case may be, civil partner.

(3) The offence referred to in paragraph (2) are—

(a) an offence of treason;

(b) one or more offences under the Official Secrets Acts 1911 to 1989 for which the grantee has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least ten years.

(4) A police authority responsible for payment to a member of a police force of a pension to which this regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the grantee has been convicted of an

offence committed in connection with his service as a member of a police force which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(5) To the extent to which a pension is forfeited under this regulation, the police authority shall be discharged from all actual or contingent liability in respect of that pension.

PART 6

PAYMENTS BY AND TO POLICE AUTHORITIES

Authorities responsible for payment of awards

41.—(1) An award which is payable to or in respect of a person by reason of his having served as a regular police officer shall be payable by the police authority of the force in which he last served as such.

(2) An award which is payable to or in respect of a person by reason of his having been injured while serving as a member of a police force other than a regular police officer shall be payable by the police authority of the force in which he was serving when he received the injury.

Funds out of which and into which payments are to be made

42.—(1) All payments for the purposes of these Regulations made by or to a police authority shall be paid out of or into the police fund except in so far as is otherwise provided by the following paragraphs.

(2) There shall be paid out of moneys provided by Parliament any award to or in respect of a person who last served as commissioner of police of the metropolis.

(3) There shall be paid out of moneys provided by Parliament or, as the case may be, into the Consolidated Fund all payments for the purposes of these Regulations made by or to the Secretary of State by reason that he is treated as the police authority in relation to an inspector of constabulary or a police officer engaged on relevant service.

Payment and duration of awards

43.—(1) Subject to the provisions of these Regulations, in particular of regulation 11(2) (limitation on payment of an injury pension to a person who ceased to serve before becoming disabled) and Part 5 (revision and withdrawal or forfeiture of awards), the pension of a member of a police force under these Regulations shall be payable in respect of each year as from the date of his retirement.

(2) Subject to the provisions of these Regulations, in particular of regulation 19 (limitations on child's special allowance), an adult survivor's special pension or child's special allowance shall be payable in respect of each week as from the death of the spouse or, as the case may be, the deceased civil partner or parent or, in the case of a special allowance payable to a posthumous child, as from the birth of the child.

(3) Subject to the provisions of these Regulations, in particular of—

(a) regulation 16 (termination of adult survivor's award on remarriage or other event);

(b) regulation 19 (limitations on child's special allowance);

(c) regulation 20(3) (adult dependent relative's special pension), and

(d) Part 5 (revision and withdrawal or forfeiture of awards), a pension or allowance shall be payable for life and shall be discharged by payments in advance at such reasonable intervals as the police authority may, in their discretion, determine except that payment on account of a pension or allowance may be delayed, in whole or in part, pending the determination of any question as to the liability of the police authority in respect thereof, including any question as to the continuance of that liability.

(4) Where a person dies after receiving a sum paid in advance on account of a pension or allowance, neither that sum nor any part of it shall be recoverable although referable to a period after his death.

(5) Where an adult survivor remarries or enters into a civil partnership after receiving a sum paid in advance on account of a pension, neither that sum nor any part of it shall be recoverable although referable to a period after his remarriage or civil partnership.

(6) Subject to the provisions of these Regulations, a gratuity under these Regulations shall become payable as soon as the entitlement to it arises and shall be paid forthwith in one sum except that—

(a) payment on account thereof may be delayed, in whole or in part, pending the determination of any question as to the liability of the police authority in respect thereof, and

(b) where the police authority are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable period as they think fit.

Payment of awards otherwise than to beneficiary and application of payments

44.—(1) This regulation applies to the payment of any award under these Regulations to or in respect of a member of a police force, and any reference in it to the beneficiary is a reference to the person to whom, this regulation apart, the award is payable.

(2) Where the beneficiary is a minor, the police authority may, if they think fit, in lieu of paying any sum on account of an award to the minor, pay it to such other person as they may determine.

A person who receives any sum in pursuance of this paragraph shall, subject to and in accordance with any directions of the police authority, apply the said sum for the benefit of the minor.

(3) On the death of the beneficiary to whom a sum is due on account of an award which does not exceed £5,000 or such higher amount as may from time to time be prescribed for the purposes of section 6 of the Administration of Estates (Small Payments) Act 1965[11], the police authority may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the authority to be beneficially entitled to the personal estate of the deceased or, as the authority think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the authority may determine.

(4) Where it appears to the police authority that the beneficiary is by reason of mental disorder or otherwise incapable of managing his affairs, in lieu of paying any sum on account of an award to that beneficiary—

(a) they may, in their discretion, pay it in whole or in part to a person having the care of the beneficiary or such other person as they may determine, and

(b) in so far as they do not so discharge their liability in respect thereof, the authority shall apply it in such manner as they think fit for the benefit of the beneficiary or his dependants.

A person who receives any sum in pursuance of sub-paragraph (a) shall, subject to and in accordance with any directions of the police authority, apply the said sum for the benefit of the beneficiary or his dependants.

(5) Where, as a result of any fraud, theft or negligence on the part of a regular police officer in connection with his service as such, a loss has occurred to the fund out of which an award is payable to him under these Regulations, in lieu of paying the whole or any part of any sum on account of the award to that beneficiary, the police authority may, if they think fit but subject to paragraph (6), apply it in making good the loss by retaining it in that fund:

Provided that the aggregate amount retained in pursuance of this paragraph shall not exceed whichever is the less of the following amounts, namely—

(a) the amount which is the actuarial value, at the time of the first retention, of the sums then or prospectively due to the regular police officer on account of the award, and

(b) the amount of the said loss,

and, in the event of any dispute as to the amount of that loss, the power conferred by this paragraph shall not be exercisable save to the extent of any sum adjudged due to the police authority by an order of a competent court.

(6) Where the police authority exercise the power conferred by paragraph (5) they shall furnish the regular police officer concerned with a certificate showing the amount retained and the effect on the award.

(7) A police authority shall obtain a good discharge by paying or applying any sum in the manner provided by this regulation.

Hazel Blears
Minister of State

Home Office
24th March 2006

We consent

Vernon Coaker

Tom Watson
Two of the Lords Commissioners of Her Majesty's Treasury

27th March 2006

GLOSSARY OF EXPRESSIONS

In these Regulations, unless the context otherwise requires, the following expressions shall be construed as follows—

“the 1987 Regulations” means the Police Pensions Regulations 1987;

“adult survivor” has the meaning assigned to it by regulation 13(1);

“aggregate pension contributions”, for the purpose of calculating an award, has the meaning assigned to it by regulation 4(4);

“average pensionable pay” has the meaning assigned to it by regulation 4(2);

“board of medical referees” has the meaning assigned to it by paragraph 3 of Schedule 6;

“child” means (without regard to age) legitimate or illegitimate child, step-child or adopted child and any other child who is substantially dependent on the member of a police force concerned and either is related to him or is the child of his spouse or civil partner; and “parent” shall be construed accordingly;

“disablement” and cognate expressions have the meanings assigned to them by regulation 7;

“home police force” means any police force within the meaning of the Police Act 1996[12];

“husband” includes wife;

“infirmity” has the meaning assigned to it by regulation 7;

“injury” includes any injury or disease, whether of body or of mind;

“injury received in the execution of duty” has the meaning assigned to it by regulation 6 and

“the result of an injury” shall be construed in accordance with regulation 8;

“member of a police force” includes—

(a) the commissioner of police for the City of London;

(b) an inspector of constabulary; and

(c) a police officer engaged on relevant service;

“overseas corps” means any body in which persons such as are mentioned in section 1(1) of the Police (Overseas Service) Act 1945[13] are serving and in relation to which regulations made under section 1(2) of that Act have been made;

“overseas policeman” means—

(d) a member of an overseas corps, or

(e) an officer to whom section 10 of the Overseas Development and Co-operation Act 1980[14] or the Overseas Service Act 1958[15] applies or applied and whose service as such an officer is or was for the time being service in respect of which section 11 of the said Act of 1980 or section 5 of the said Act of 1958 has or had effect;

“overseas service” means service as an overseas policeman;

“pensionable pay” has the meaning assigned to it by regulation 4(1);

“the Pensions (Increase) Acts” means the Pensions (Increase) Act 1971[16] and the Pensions (Increase) Act 1974[17];

“public holiday” means Christmas Day, the 26th December (if it falls on a Saturday or Sunday), the 1st January (if it so falls), Good Friday or a bank holiday;

“regular police officer” or “regular policeman” means—

(a) a member of a home police force;

(b) an inspector of constabulary; and

(c) a police officer engaged on relevant service and any other overseas policeman;

“the Scheme actuary” means the actuary for the time being appointed by the Secretary of State to provide a consulting service on actuarial matters relevant to these Regulations;
“step-child” includes a person who is the child of the civil partner of the member of a police force concerned, but is not the child of that member;
“widow” includes widower;
“wife” includes husband.

SCHEDULE 2

PART 1

Regulation 10(1) AMENDMENTS OF THE 1987 REGULATIONS

1. In regulation A2(b) (supplementary provisions) for the words “, the Police Pensions (War Service) (Transferees) Regulations 1985 and the Police (Injury Benefit) Regulations 1987 as amended by regulations 5, 6 and 7” there are substituted the words “and the Police Pensions (War Service) (Transferees) Regulations 1985 as amended by regulations 5 and 6”.
2. In regulation A8 (persons treated as being in receipt of a pension)—
 - (a) for the words “, ill-health or as the case may be, injury” there are substituted the words “or as the case may be, ill-health”; and
 - (b) paragraph (c) is omitted.
3. In regulation B5(2)(b) (policeman’s deferred pension) there are inserted at the end the words “or to an award under regulation 11 of the Injury Benefit Regulations”.
4. In regulation B6(1)(b) (award by way of repayment of aggregate pension contributions) after the words “this Part” there are inserted the words “or to an award under regulation 11 of the Injury Benefit Regulations”.
5. In regulation B7(8)(b) (commutation - general provision) after the words “injury pension” there are inserted the words “under regulation 11 of the Injury Benefit Regulations”.
6. In regulation B8—
 - (a) in paragraph (1) after the words “together with” there are inserted the words “any injury pension to which he is entitled under regulation 11 of the Injury Benefit Regulations,”; and
 - (b) in paragraph (3) after the words “one pension” there are inserted the words “(including an injury pension under regulation 11 of the Injury Benefit Regulations)”.
7. In regulation C1(1)(b) (widow’s ordinary pension) for the words “and an injury pension” there are substituted the words “pension under regulation B3 and an injury pension under regulation 11 of the Injury Benefit Regulations”.
8. In regulation C5 (limitation on award to widow)—
 - (a) paragraph (2) is omitted, and
 - (b) in paragraph (3) the words “or (2)(a),” and “, C2” are omitted.

9. In regulation C6 (widow's requisite benefit and temporary pension)—

(a) in paragraph (1) for the words “,C2(1) or C4(1)” there are substituted the words “or C4(1) or not entitled to an adult survivor's special award under regulation 13 of the Injury Benefit Regulations”;

(b) in paragraph (2) after the words “an injury pension” there are inserted the words “under regulation 11 of the Injury Benefit Regulations”; and

(c) in paragraph (4)(b) for the words following the words “such a pension” there are substituted the words “under regulation 11 of the Injury Benefit Regulations but for his entitlement to additional benefit within the meaning of paragraph 7(3) of Schedule 3 to those Regulations and, where he is, or is so treated as being, in receipt of such a pension, the provisions of paragraph 7(3) shall be disregarded in determining the weekly amount of that pension.”.

10. In regulation C7(1) (widow's award where no other award payable)—

(a) the words “,C 2” are omitted; and

(b) after the word “applies” there are inserted the words “and who has no entitlement to an adult survivor's special award under regulation 13 of the Injury Benefit Regulations”.

11. In regulation D1(b) (child's ordinary allowance) for the words “and an injury pension” there are substituted the words “pension under regulation B3 and an injury pension under regulation 11 of the Injury Benefit Regulations”.

12. In regulation D5 (child's allowance - limitations)—

(a) in paragraph (1) the words “or gratuity” and “and “a special gratuity”” are omitted;

(b) in paragraph (2) sub-paragraph (b) is omitted;

(c) paragraph (7) is omitted;

(d) in paragraph (8) for the words “,(5) and 7)” there are substituted the words “and (5)”; and

(e) in paragraph (9) the words “or special gratuity” are omitted.

13. In regulation E3 (gratuity - estate)—

(a) in paragraph (2)(a) after the words “injury pension” there are inserted the words “under regulation 11 of the Injury Benefit Regulations”;

(b) in paragraph (2)(c) after the word “including” there are inserted the words “any such pension or allowance granted under the Injury Benefit Regulations and”;

(c) in paragraph (2)(d) there are inserted at the end the words “(including any such gratuity granted under the Injury Benefit Regulations)”.

14. In regulation E4(6) (gratuity in lieu of widow's pension) the words “or special” in both places where they appear are omitted.

15. In regulation E7 (prevention of duplication)—

(a) in paragraph (1)(a) after the words “Part C” there are inserted the words “of these Regulations or under regulation 13 of the Injury Benefit Regulations”, and

(b) in paragraph (1)(b) for the words “or an adult dependent relative's pension under regulation E1” there are substituted the words “or a child's special allowance under

regulation 17 of the Injury Benefit Regulations or an adult dependent relative's special pension under regulation 20 of the said Regulations".

16. In regulation E8 (increase of widow's pension or child's allowance during first 13 weeks)—

(a) in paragraph (1) the word “, special” in both places where it appears are omitted;

(b) in paragraph (2)(i) for the words from “paragraph 4” to “policeman's” there are substituted “paragraph 7(3) of Schedule 3 to the Injury Benefit Regulations (police officer's”); and

(c) in paragraph (2)(ii) after the words “injury pension” there are inserted the words “under regulation 11 of the Injury Benefit Regulations”.

17. In regulation G1(5)(a) (pensionable and average pensionable pay) the words from “regulation B4” to “augmented award)” and the words from “D2” to “special pension)” are omitted.

18. In regulation H1(2) (reference of medical questions), the words from “and, if they are further considering” onwards are omitted.

19. In regulation J1(guaranteed minimum pension)—

(a) in paragraph (2)(b) after the words “Part B” there are inserted the words “or an injury pension under regulation 11 of the Injury Benefit Regulations”;

(b) in paragraph (2)(c)(ii) after the words “Part B” there are inserted the words “or an injury pension under regulation 11 of the Injury Benefit Regulations” and after the words “regulation K4” there are inserted the words “ or, as the case may be, regulation 39 of the Injury Benefit Regulations”;

(c) in paragraph (3) after the words “Part B” in the first place where they appear there are inserted the words “or an injury pension under regulation 11 of the Injury Benefit Regulations”;

(d) in paragraph (3)(a) the words “other than an injury pension” are omitted and for the words “some other” there are substituted the words “under regulation 11 of the Injury Benefit Regulations and a”;

(e) in paragraph (3)(b) the words “, in the case of a pension other than an injury pension,” are omitted;

(f) in paragraph (4)(a) after the words “Part C” there are inserted the words “or a widow's special pension under regulation 13 of the Injury Benefit Regulations”;

(g) in paragraph 4A(a) the words from “regulation E1(3)” to “regulation E1(1)(c) or” are omitted and after the words “Part C” there are inserted the words “or under regulation 20 of the Injury Benefit Regulations (adult dependent relative's special pension) by virtue of paragraph (1)(c) of the said regulation”;

(h) in paragraph (5) after the words “Part C” in the first place where they appear there are inserted the words “or a special pension under regulation 13 of the Injury Benefit Regulations” and after the words “Part C” in the second place where they appear there are inserted the words “or such a special pension as aforesaid”;

(i) in paragraph (5A) for the words “E1(3) by virtue of regulation E1(1)(c)” there are substituted the words “20 of the Injury Benefit Regulations by virtue of paragraph (1)(c) of that regulation”; and

(j) in paragraph (6)(c) the words “or under regulation E1” are omitted.

20. In regulation K1(cancellation of pensions)—

(a) at the heading the words “and injury” are omitted; and

(b) in paragraph (4) the letter “(a)” which precedes sub-paragraph (a), the word “and” which follows that sub-paragraph and sub-paragraph (b) are omitted.

21. In regulation K3 (reduction of pension in case of default) the words “or injury” are omitted.

22. In regulation K4(1)(withdrawal of pension during service as a regular policeman) the words “or under regulation E1 (adult dependent relative’s special pension)” are omitted.

23. In regulation K5(1) (forfeiture of pension) the words “or under regulation E1 (adult dependent relative’s special pension)” are omitted.

24. In regulation L3 (payment and duration of awards)—

(a) paragraph (1)(b) is omitted;

(b) in paragraph 2(ii) the words “other than an injury gratuity under regulation B4” are omitted;

(c) paragraph (3)(d) is omitted.

25. In Schedule A (glossary of expressions) there is inserted at the appropriate place the following definition—

“the Injury Benefit Regulations” means the Police (Injury Benefit) Regulations 2006”.

26. In paragraph 1(2)(b) of Part I of Schedule C (widow’s ordinary pension) for the words “ill-health and an injury pension” there are inserted the words “an ill-health pension under Part B and an injury pension under regulation 11 of the Injury Benefit Regulations”.

27. In paragraph 1 of Part IV of Schedule C (widow’s pension in case of post-retirement marriage)—

(a) for the words “or special award under regulation C1 or C2” there are substituted the words “under regulation C1”, and

(b) sub-paragraph (c) and the word “and” immediately preceding it are omitted.

28. In paragraph 1 of Part I of Schedule D (child’s ordinary allowance)—

(a) in sub-paragraph (4) for the words “ill-health or injury pension” there are substituted the words “or ill-health pension or an injury pension under regulation 11 of the Injury Benefit Regulations”; and

(b) in sub-paragraph (5) after the words “ill-health pension” there are inserted the words “under Part B” and after the words “injury pension” there are inserted the words “under regulation 11 of the Injury Benefit Regulations”.

29. In paragraph (3)(1)(b) of Part I of Schedule D for the words “ill-health and an injury pension” there are inserted the words “an ill-health pension under Part B and an injury pension under regulation 11 of the Injury Benefit Regulations”.

30. In paragraph 4(4) of Part VI of Schedule J, paragraphs (a), (b), (f), (i) and (j) are omitted.

31. In paragraph 8(1C)(j) of Part VI of Schedule J, the words “and injury” are omitted.

PART 2

Regulation 10(2)

AMENDMENTS OF THE POLICE PENSIONS (SUPPLEMENTARY PROVISIONS) REGULATIONS 1987

In regulation 8, in the heading, paragraph (1) and paragraph (2) for the words “, 6 or 7” there are substituted the words “or 6”.

PART 3

Regulation 10(3) REVOCATIONS

| Instrument | Reference | Extent of revocation |
|---|----------------|---|
| The Police (Injury Benefit) Regulations 1987 | S.I. 1987/156 | The whole instrument |
| The Police Pensions (Supplementary Provisions) Regulations 1987 | S.I. 1987/256 | Regulation 7 |
| The Police Pensions Regulations 1987 | S.I. 1987/257 | Regulation A11 |
| — | — | <p>In regulation A12(2), the words “Subject to paragraph (3)”</p> <p>Regulation A13</p> <p>Regulation B4</p> <p>Regulation C2</p> <p>Regulation C3</p> <p>Regulation D2</p> <p>Regulation D3</p> <p>Regulation E1</p> <p>Regulation K2</p> <p>In Schedule A, the definitions of the expressions “injury”, “injury received in the execution of duty” and “the result of an injury”</p> <p>Part V of Schedule B</p> <p>Part II of Schedule C</p> <p>Part II of Schedule D</p> <p>Part I of Schedule E</p> <p>In Schedule J, paragraphs 6 and 7 of Part I, paragraph 6 of Part II and paragraph 4 of Part VII</p> |
| The Police Pensions (Part-time Service) Regulations 2005 | S.I. 2005/1439 | Paragraph 4 of Schedule 1 |

SCHEDULE 3
Regulation 11

POLICE OFFICER'S INJURY AWARD

1. A gratuity under regulation 11 shall be calculated by reference to the person's degree of disablement and his average pensionable pay and shall be—

(a) in the case of a police officer all of whose service by virtue of which his pensionable service is reckonable was full-time, the amount specified as appropriate to his degree of disablement in column (2) of the Table in paragraph 3, and

(b) in the case of a police officer any of whose service by virtue of which his pensionable service is reckonable was part-time, the amount given by the formula—

$$\frac{G \times R}{Q}$$

where—

G is the amount that the gratuity would be if all the service were full-time service,

R is the period in years of his pensionable service, and

Q is the period that would be the period in years of his pensionable service if periods of part-time service were reckonable as if they were periods of full-time service.

2. If in a case where any of the police officer's service by virtue of which his pensionable service is reckonable was part-time service, the amount of the gratuity calculated in accordance with paragraph 1 would be less than it would have been if the person had become entitled to receive the gratuity at an earlier date, then that amount shall be substituted for it.

3. An injury pension shall be calculated by reference to the person's degree of disablement, his average pensionable pay and the period in years of his pensionable service, and, subject to the following paragraphs, shall be—

(a) in the case of a police officer all of whose service by virtue of which his pensionable service is reckonable was full-time, of the amount of his minimum income guarantee specified as appropriate to his degree of disablement in column (3), (4), (5) or (6) of the following Table, and

(b) in the case of a police officer any of whose service by virtue of which his pensionable service is reckonable was part-time, of the amount given by the formula—

$$\frac{M \times R}{Q}$$

where—

M is the amount that his minimum income guarantee would be if all the service were full-time service and R and Q are the same as in paragraph 1;

| Degree of disablement | Gratuity expressed as % of average pensionable pay | Minimum income guarantee expressed as % of average pensionable pay | | | |
|---|--|--|---|---|----------------------------|
| | | Less than 5 years' service | 5 or more but less than 15 years' service | 15 or more but less than 25 years' service. | 25 or more years' service. |
| (1) | (2) | (3) | (4) | (5) | (6) |
| 25% or less (slight disablement) | 12.5% | 15% | 30% | 45% | 60% |
| More than 25% but not more than 50% (minor disablement) | 25% | 40% | 50% | 60% | 70% |
| More than 50% but not more than 75% (major disablement) | 37.5% | 65% | 70% | 75% | 80% |
| More than 75% (very severe disablement) | 50% | 85% | 85% | 85% | 85% |

4. If in a case where any of the police officer's service by virtue of which his pensionable service is reckonable was part-time service, the amount of the pension calculated in accordance with paragraph 3 would be less than it would have been if the person had become entitled to receive the pension at an earlier date, then that amount shall be substituted for it.

5. In paragraphs 2, 3 and 4, references to a person's pensionable service shall in the case of a regular police officer who has made an election under regulation G4(1) of the 1987 Regulations be construed as references to the service which would have been reckonable by him if he had not made such an election.

6.—(1) The amount of an injury pension, calculated as aforesaid, shall be reduced, where the person concerned received the relevant injury (within the meaning of regulation 11) during a period of service as a regular police officer, by three-quarters of any other pension calculated by reference to Schedule B to the 1987 Regulations.

(2) For the purposes of sub-paragraph (1), such other pension as is there mentioned which is reduced—

(a) in accordance with the provisions of regulation B7 or B9 (commutation and allocation) of the 1987 Regulations;

(b) in accordance with the provisions of Part VIII of Schedule B (reduction related to up-rating of widow's pension) to the 1987 Regulations; or

(c) by virtue of a pension debit, shall be deemed not to have been so reduced.

(3) In the case of a regular police officer who has made an election under regulation G4(1) of the 1987 Regulations, sub-paragraph (1) shall have effect as if for the reference to three-quarters of any other pension calculated by reference to pensionable service reckonable by reason of that period of service there were substituted a reference to the amount of any other pension which would have been so calculated had he not made such an election.

7.—(1) The amount of the injury pension in respect of any week, calculated as aforesaid, shall be reduced on account of any such additional benefit as is mentioned in sub-paragraph (3) to which the person concerned is entitled in respect of the same week and, subject to sub-paragraph (2), the said reduction shall be of an amount equal to that of the additional benefit or, in the case of benefit mentioned in sub-paragraph (3)(a) or (b), of so much thereof as is there mentioned.

(2) Where the provisions governing scales of additional benefits have changed after the person concerned ceased to be a member of a police force, the amount of the reduction in respect of any week on account of a particular benefit shall not exceed the amount which would have been the amount thereof in respect of that week had those provisions not changed, it being assumed, in the case of such benefit as is mentioned in sub-paragraph (3)(a)(ii), that it would have borne the same relationship to the former maximum amount thereof.

(3) The following benefits are the additional benefits referred to in this paragraph—

(a) any industrial injuries benefit under section 94 of the Social Security Contributions and Benefits Act 1992[18] in respect of the relevant injury or so much of any such pension as relates to that injury (referred to in this sub-paragraph as the relevant part of the pension), together with—

(i) any increase in such pension by way of unemployment supplement under Part

1 of Schedule 7 to that Act or so much of any such increase as is proportionate to the relevant part of that pension so, however, that where the person concerned is entitled to an unemployability supplement which is increased under Part 1 of the said Schedule, the unemployability supplement shall be deemed not to have been so increased,

(ii) any increase in such pension under section 94 of that Act (reduced earnings allowance) or so much of any such increase as is proportionate to the relevant part of that pension, and

(iii) so long as the person concerned is receiving treatment as an in-patient at a hospital as a result of the relevant injury, any increase in such pension under Part 3 of Schedule 7 to that Act (hospital treatments);

(b) any reduced earnings allowance under section 94 of that Act in respect of the relevant injury or so much of any such allowance as relates to that injury;

(c) until the first day after his retirement which is not, or is deemed not to be, a day of incapacity for work within the meaning of section 30A, or, as the case may be, a day on which he is incapable of work within the meaning of sections 68 and 69, of that Act—

(i) any incapacity benefit under section 30A of that Act,

(ii) any severe disablement allowance under sections 68 and 69, including, in each case, any increase under any provision of Part 4 of that Act (dependants).

(4) Where a person has become entitled to a disablement gratuity under Part 2 of Schedule 7 to the Social Security Contributions and Benefits Act 1992 in respect of the relevant injury, this paragraph shall have effect as if he were entitled during the relevant period to a disablement pension of such amount as would be produced by converting the gratuity into an annuity for the said period.

In this sub-paragraph the expression “the relevant period” means the period taken into account, in accordance with section 94 of that Act, for the purpose of making the assessment by reference to which the gratuity became payable.

8. No payment shall be made in respect of an injury pension for any week in which the aggregate reductions under paragraphs 6 and 7 exceed the amount of the pension calculated in accordance with paragraph 3.

9. In a case where—

(a) a former police officer was in part-time service before the date on which the Police Pensions (Part-time Service) Regulations 2005[19] came into force, and

(b) the amount of his award calculated in accordance with this Schedule would be less than it would have been if those Regulations had not been made, then the award shall be of that amount instead.

SCHEDULE 4 Regulation 19

REDUCTION IN CHILD'S SPECIAL ALLOWANCE DURING FULL-TIME REMUNERATED TRAINING ETC

1.—(1) In this Schedule—

“relevant child” means, subject to sub-paragraph (2), a child entitled to a special allowance who is—

(a) in full-time training for a trade, profession or calling, and

(b) in receipt of remuneration in respect of that training at an annual rate in excess of the specified rate;

“specified rate” means a sum equivalent to the annual rate (rounded up to the nearest £1) of the applicable amount of personal allowance payable to a single claimant aged not less than 18 but less than 25 years, as specified in the Income Support (General) Regulations 1987[20] as uprated from time to time in accordance with an order under section 150(2) of the Social Security Administration Act 1992[21];

“excess remuneration” means the annual amount by which the annual rate of the relevant child's remuneration exceeds the specified rate;

“relevant provision” means regulation 17(4) or regulation 17(6).

(2) A child shall not be a relevant child for the purposes of this Schedule if and in so far as his allowance falls to be increased in accordance with regulation 28 (increase during first 13 weeks).

2. In the case of any relevant child—

(a) if the annual amount of the special allowance is greater than the amount of his excess remuneration, it shall be reduced by the amount of that excess remuneration, or

(b) if the amount of that excess remuneration is equal to or greater than the annual amount of the allowance which, but for this sub-paragraph, would be payable to him, the allowance shall not be payable.

3.—(1) Where as well as any relevant child there are other children to whom special allowances are payable in respect of the death of the same person and either of the relevant provisions applies, the special allowances payable to those other children (“the other special allowances”) shall be increased as provided in this paragraph.

(2) If paragraph 2(a) applies in the case of any relevant child, then, without prejudice to sub-paragraph (3), the annual amount of each of the other special allowances shall be increased by an amount equal to his excess remuneration divided by the number of other special allowances.

(3) If paragraph 2(b) applies in the case of any relevant child, then, without prejudice to sub-paragraph (2), each of the other special allowances shall be recalculated as if the relevant child were not entitled to a special allowance.

(4) Notwithstanding the provisions of sub-paragraphs (2) and (3), no child shall by virtue of these provisions receive a special allowance greater than that to which he would be entitled if no relevant provision applied in his case.

SCHEDULE 5

Regulation 20

DEPENDENT RELATIVE'S SPECIAL PENSION

1. Subject to paragraphs 2, 3 and 4, a dependent relative's special pension shall be of a weekly amount equal to 45% of the average pensionable pay for a week of the member of a police force in respect of whose death it was granted ("the deceased").

2. In respect of any week in respect of which there are payable in respect of the deceased's death both—

(a) a widow's special pension or, where the deceased was a married woman or a woman in a civil partnership, a dependent relative's special pension granted to her widower or surviving civil partner, and

(b) a dependent relative's special pension other than, where the deceased was a married woman or a woman in a civil partnership, one granted as aforesaid, the dependent relative's special pension mentioned in sub-paragraph (b) shall not be of the amount mentioned in paragraph 1 but, subject to paragraphs 3 and 4, of an amount equal to 20% of the deceased's average pensionable pay for a week.

3. The amount of a dependent relative's special pension determined in accordance with paragraph 1 or 2 shall be increased in accordance with regulation 29 (increase by reference to the Pensions (Increase) Acts).

4.—(1) Where in respect of any week the aggregate amount of—

(a) any widow's special pension, and

(b) any child's special allowance, payable in respect of the deceased's death equals or exceeds the amount of the deceased's average pensionable pay for a week, no dependent relative's special pension shall be payable in respect of that week.

(2) Where in respect of any week the aggregate amount of—

(a) any widow's special pension,

(b) any child's special allowance, and

(c) any dependent relative's special pension, payable in respect of the deceased's death would exceed the amount of the deceased's average pensionable pay for a week, the dependent relative's pension shall be reduced by such factor as will ensure that that aggregate does not exceed that amount.

(3) For the purposes of this paragraph any increase in a pension or allowance in accordance with regulation 29 (increase by reference to the Pensions (Increase) Acts) shall be ignored.

SCHEDULE 6 **Regulation 31**

MEDICAL APPEALS

1. Every notice of appeal under regulation 31(1) and statement of grounds under regulation 31(2) shall be in writing.

2. On receiving a notice of appeal against a report issued under regulation 30 and the appellant's statement of grounds for appeal, the police authority, unless regulation 32(2) applies, shall forward to the Secretary of State and a board of medical referees copies of those documents and all other documents determined as necessary by the Secretary of State.

3.—(1) The board of medical referees shall consist of not less than three medical practitioners appointed by, and in accordance with, arrangements approved by the Secretary of State, provided that—

(a) at least one member of the board of medical referees shall be a specialist in a medical condition relevant to the appeal;

(b) one member of the board of medical referees will be appointed chairman; and

(c) where there is an equality of voting among members of the board of medical referees, the chairman shall have a second or casting vote.

(2) The board of medical referees shall appoint a time and place for hearing the appeal, at which it may interview or examine the appellant, and for any such further hearings as it may consider necessary and shall give not less than two months notice, or such shorter period as the police authority and appellant may agree, thereof to the appellant and police authority.

(3) The police authority and the appellant shall, not less than 35 days (including weekends and public holidays) before the date appointed for the hearing, inform the board of medical referees whether they intend to be represented at the hearing.

4.—(1) Where either party to the appeal intends to submit written evidence or a written statement at a hearing arranged under paragraph 3 that party shall, subject to sub-paragraph (2), submit it to the board of medical referees and the other party not less than 35 days before the date appointed for the hearing.

(2) Where any written evidence or statement has been submitted under sub-paragraph (1), any written evidence or statement in response may be submitted by the other party to the board of medical referees and the party submitting the first-mentioned evidence or statement at any time not less than seven days before the date appointed for the hearing.

(3) The board of medical referees may postpone or adjourn the date appointed for the hearing where any written evidence or statement is submitted in contravention of sub-paragraph (1) or (2) or it appears necessary to do so for the proper determination of the appeal.

(4) References in sub-paragraphs (1) and (2) to periods of days shall include weekends and public holidays.

5.—(1) Any hearing (including any examination) may be attended by—

(a) the selected medical practitioner; and

(b) a duly qualified medical practitioner appointed for the purpose by the appellant, although they may only observe any examination.

(2) If the selected medical practitioner does not attend any examination then a duly qualified medical practitioner appointed for that purpose by the police authority may attend the examination as an observer.

(3) If any hearing includes an examination then only medical practitioners may be present for that part of the hearing.

6. The board of medical referees shall supply the police authority, the appellant and the Secretary of State with a written statement of its decision. Where the board of medical referees disagrees with any part of the selected medical practitioner's report, the board of medical referees shall supply a revised report.

7.—(1) There shall be paid to the board of medical referees—

(a) such fees as are determined in accordance with arrangements made by the Secretary of State; or

(b) where no such arrangements have been made, such fees and allowances as the Secretary of State may from time to time determine.

(2) Any fees and allowances payable to the board of medical referees under sub-paragraph (1) shall, subject to paragraph 8(5), be paid by the police authority and shall be treated as part of the expenses of the police authority for the purposes of this Schedule.

8.—(1) Save as provided in this paragraph, the expenses of each party to the appeal shall be borne by that party.

(2) Where a hearing has been cancelled, adjourned or postponed at the request of, or due to the actions or omissions of, the police authority less than 11 days before the hearing (excluding weekends and public holidays) the board of medical referees shall require the police authority to pay to the appellant any expenses actually and reasonably incurred by him in respect of attending or arranging to attend the cancelled, adjourned or postponed hearing as the case may be.

(3) Where the board of medical referees determines that a hearing has been cancelled, adjourned or postponed at the request of, or due to the actions or omissions of, the appellant, less than 11 days before the hearing (excluding weekends and public holidays) the police authority may, subject to sub-paragraph (4), require the appellant to pay towards the cost of the cancellation, adjournment or postponement as the case may be, such sum not exceeding the total costs of the cancellation, adjournment or postponement as the case may be as the authority thinks fit.

(4) If the board of medical referees, after taking account of any representations from either party, decides that the cancellation, adjournment or postponement as the case may be was not due to any fault on the part of the appellant and the appellant should not pay towards the cost of the cancellation, adjournment or postponement as the case may be, it shall state that this is the case and the police authority shall not require the payment of any such costs.

(5) Where the board of medical referees decides in favour of the police authority and reports that in its opinion the appeal was frivolous or vexatious, the authority may, subject to sub-paragraph (6), require the appellant to pay towards the cost of the appeal such sum not exceeding the board of medical referees' total fees and allowances as the authority thinks fit.

(6) If the board of medical referees, after taking account of any representations from either party, decides there are exceptional reasons why the appellant should not pay towards the cost of the appeal, it shall state that this is the case and the police authority shall not require the payment of any such costs.

(7) Where the board of medical referees decides in favour of the appellant, the police authority shall refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of attending any such hearing as is mentioned in paragraph 3.

Notes:

[1] 1976 c.35. Section 1 is amended by section 2(3) of the Police Negotiating Board Act 1980 (c.10), paragraph 28 of Schedule 7 to the Police Act 1996 (c.16) and section 1(1) of the Police and Firemen's Pensions Act 1997 (c.52); section 7 is amended by paragraph 19 of Part II of Schedule 5 to the Police and Magistrates' Courts Act 1994 (c.29), paragraph 29 of Schedule 7 to the Police Act 1996, section 1(2) of the Police and Firemen's Pensions Act 1997, section 78(2)(f) of the Police (Northern Ireland) Act 2000 (c.32), section 126(1) of and paragraph 6(1) and (2) of Schedule 4 to the Criminal Justice and Police Act 2001 (c.16) and paragraph 6(1) of Schedule 3 to the International Development Act 2002 (c.1). Functions under the Act as regards Scotland are transferred by article 2 of and Schedule 1 to S.I. 1999/750.back

[2] Formerly the Minister for the Civil Service; see S.I. 1981/1670.back

[3] Retrospective effect is permitted by section 1(5) of the Police Pensions Act 1976.back

[4] S.I. 1987/257; relevant amendments were made by S.I. 1988/1339; 1989/733; 1990/805; 1992/1343; 1992/2349; 1994/641; 1996/867; 1997/2852; 2002/3202; 2003/535; 2004/1491; 2004/1760; 2004/2354; 2005/1439 and 2006/740.back

[5] S.I. 1987/159.back

[6] S.I. 1987/256.back

[7] 1973 c.38.back

[8] S.I. 2003/527; Schedule 3 was amended by S.I. 2005/2834.back

[9] 1971 c.56.back

[10] 1974 c.9.back

[11] 1965 c.32.back

[12] 1996 c.16.back

[13] 1945 c.17.back

[14] 1980 c.63.back

[15] 1958 c.14.back

[16] 1971 c.56.back

[17] 1974 c.9.back

[18] 1992 c.4.back

[19] S.I. 2005/1439; the Regulations came into force on 22nd June 2005.back

[20] S.I. 1987/1967.back

[21] 1992 c.5.back