
STATUTORY INSTRUMENTS

1998 No. 577

POLICE

The Police Pensions (Amendment) Regulations 1998

<i>Made</i>	- - - -	<i>4th March 1998</i>
<i>Laid before Parliament</i>		<i>10th March 1998</i>
<i>Coming into force</i>	- -	<i>31st March 1998</i>

The Secretary of State, in exercise of the powers conferred on him by section 1 of the Police Pensions Act 1976(1), with the consent of the Treasury(2) and after consultation with the Police Negotiating Board for the United Kingdom, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Police Pensions (Amendment) Regulations 1998 and shall come into force on 31st March 1998.

Amendment of the Police Pensions Regulations 1987

2. The Police Pensions Regulations 1987(3) shall be amended in accordance with the following provisions of these Regulations, and, except in regulation 5(4) below, any reference in those provisions to a numbered regulation is a reference to the regulation so numbered in the Police Pensions Regulations 1987.

Transfers to and from the National Criminal Intelligence Service or the National Crime Squad

3.—(1) In regulation A17—

(a) for paragraph (1) there shall be substituted the following paragraph:

“(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(4)

(1) 1976 c. 35; section 1(1) was amended by section 2(3) of the Police Negotiating Board Act 1980 (c. 10).
(2) Formerly the Minister for the Civil Service: see S.I. 1981/1670.
(3) S.I. 1987/257; relevant amendments were made by S.I. 1990/805, 1992/2349 and 1996/867.
(4) 1996 c. 16.

or section 26 of the Police (Scotland) Act 1967(5) (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;
- (e) on joining the Royal Ulster Constabulary with such consent as is mentioned in paragraph (2); or
- (f) on joining the National Criminal Intelligence Service or the National Crime Squad,

and a reference to a continuous period of service is a reference to a period of service uninterrupted by any such retirement.”;

- (b) in paragraph (2), for “paragraph (1)” there shall be substituted “paragraph (1)(e)”; and
- (c) after paragraph (3) there shall be inserted the following paragraph:

“(4) For the purposes of Parts B, C and D, apart from regulations B5, B6, C4, C6, C7 and D4, a regular policeman who leaves a police force on joining the National Criminal Intelligence Service or the National Crime Squad without making a written request to the appropriate Service Authority for the pensionable service that he is entitled to reckon by reason of service as a member of a police force to be reckonable for the purposes of the pension scheme of the National Criminal Intelligence Service or the National Crime Squad, and who accordingly has preserved rights under these regulations, shall be regarded as retiring, or ceasing to be a regular policeman, when he retires from, or ceases to be a member of, the National Criminal Intelligence Service or the National Crime Squad (unless he resumes service as a regular policeman), and accordingly in Parts B, C and D, except in regulations B5, B6, C4, C6, C7 and D4—

- (a) any reference to a regular policeman or a member of a police force shall be treated as including a reference to the Director General or a police member of the National Criminal Intelligence Service or the National Crime Squad with (in either case) such preserved rights;
- (b) any reference to a police authority shall be treated, in relation to any such person with preserved rights, as referring to the appropriate Service Authority;
- (c) any reference to pension contributions payable under regulation G2(1) shall be treated, in relation to any such person with preserved rights, as referring to contributions payable to the pension scheme of the National Criminal Intelligence Service or the National Crime Squad; and
- (d) any reference to a regular policeman who has or had made an election under regulation G4(1) which has or had effect at a specified time shall be treated as including a reference to any such person with preserved rights who is not or was not making contributions to the pension scheme of the National Criminal Intelligence Service or the National Crime Squad at the specified time.”.

(2) In regulation F3(1), after the proviso to sub-paragraph (f) there shall be inserted the following sub-paragraph:

“.

- (g) where on or after 1st April 1998 he left the National Criminal Intelligence Service or the National Crime Squad for the purpose of becoming a regular policeman in a home police force, any period of pensionable service which was reckonable by him, immediately before he so left, for the purposes of the pension scheme of the National Criminal Intelligence Service or the National Crime Squad if he makes a written request to that effect”.
- (3) In regulation F8A(6)
- (a) in paragraph (1), after sub-paragraph (b) there shall be inserted the following: “, or
- (c) has left a police force and joined the National Criminal Intelligence Service or the National Crime Squad and the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad, as the case may be, is contingently liable to make payments to or in respect of him under its pension scheme,
- but in a case falling within sub-paragraph (c) it shall apply only where the regular policeman has informed the former police authority in writing that he has made a written request to the appropriate Service Authority for the pensionable service that he is entitled to reckon by reason of service as a member of a police force, including such service reckonable under regulations F3 to F7, to be reckonable for the purposes of the pension scheme of the National Criminal Intelligence Service or the National Crime Squad”;
- (b) in paragraphs (2) and (3), after the word “current” the word “police” shall be deleted; and
- (c) for paragraph (5) there shall be substituted the following paragraph:
- “(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;
- (b) in a case falling within paragraph (1)(b), the police authority for Northern Ireland; and
- (c) in a case falling within paragraph (1)(c), the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad, as the case may be.”.
- (4) After regulation J3 there shall be inserted the following regulation:

“Transfers to the National Criminal Intelligence Service or the National Crime Squad:
prevention of duplication of entitlement

J3A.—(1) No entitlement to any pension or other award under these regulations shall arise in respect of service as a member of a police force by any regular policeman who, on ceasing to serve as such, joins the National Criminal Intelligence Service or the National Crime Squad if the pensionable service that he is entitled to reckon by reason of service as a member of a police force becomes reckonable for the purposes of the pension scheme of the National Criminal Intelligence Service or the National Crime Squad.

(2) Paragraph (1) does not apply in respect of any person who, at the time of the event giving rise to an entitlement to a pension or other award, has resumed service as a regular policeman.”.

(5) In regulation K4(1), for the words “serving as a regular policeman in any police force” there shall be substituted the words:

“serving either—

- (a) as a regular policeman in any police force; or
- (b) as the Director General or a police member of the National Criminal Intelligence Service or the National Crime Squad.”.

Fixed term appointments

4. In regulation B1(3), after sub-paragraph (b) there shall be inserted the following sub-paragraph:

- “(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(7) and either—
 - (i) the term has been extended by the greatest amount possible under regulation 13A(6) or (7) of the Police Regulations 1995; or
 - (ii) the police authority have not agreed to extend the appointment, or to extend it further; or”.

Minor amendments

5.—(1) In regulation A18(1)—

(a) for sub-paragraph (a)(i) there shall be substituted the following paragraph:

“(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,”; and

(b) in sub-paragraph (b)(ii) the words “deputy assistant commissioner or” shall be deleted.

(2) In regulation B1(2)(b)—

(a) the words “deputy chief constable,” shall be deleted; and

(b) for the words “, commander, or deputy assistant commissioner in the metropolitan police force” there shall be substituted the words “or commander”.

(3) In Schedule A, for the definition of “central service” there shall be substituted the following definition—

““central service” means relevant service within the meaning of section 97(1)(b) to (cc) of the Police Act 1966(8) or section 38A(1)(b) to (bb) of the Police (Scotland) Act 1967(9);”.

(4) Regulation 13A(14) of the Police Regulations 1995 is hereby revoked.

Home Office
2nd March 1998

Alun Michael
Minister of State

(7) S.I. 1995/215; regulation 13A was inserted by S.I. 1995/547 and amended by S.I. 1995/2020.

(8) Paragraphs (ca) to (cc) of section 97(1) were inserted by section 134(1) of, and paragraph 86(2) of Schedule 9 to, the Police Act 1997 (c. 50).

(9) Section 38A was inserted by section 60 of the Police and Magistrates' Courts Act 1994 (c. 29) and amended by section 134(1) of, and paragraph 14 of Schedule 9 to, the Police Act 1997.

We consent

4th March 1998

Graham Allen
Jim Dowd
Two of the Lords Commissioners of Her
Majesty's Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Pensions Regulations 1987 to—

- (a) provide for the pension rights of police officers who transfer to the National Criminal Intelligence Service or the National Crime Squad to be preserved or transferred (without payment of a transfer value) at the election of the officer (regulation 3);
- (b) ensure that senior officers are entitled to immediate payment of pension at the end of fixed term appointments (regulation 4); and
- (c) make minor amendments (regulation 5)—
 - (i) consequential on the abolition of the ranks of deputy chief constable and deputy assistant commissioner;
 - (ii) to bring City of London commanders within the provisions for compulsory retirement on account of age; and
 - (iii) to update the definition of “central service” to include service in the National Criminal Intelligence Service, the National Crime Squad or the Police Information Technology Organisation.