
STATUTORY INSTRUMENTS

2004 No. 1760

The Police Pensions (Amendment) (No. 2) Regulations 2004

Retrospective effect in certain cases

2.—(1) In relation to a case where a person transferred from the British Transport Police Force to become a regular policeman on or after 1st February 2001 but before 1st August 2004 and either—

- (a) the British Transport Police Force Superannuation Fund has paid to the police authority concerned a transfer value in respect of that transfer before 1st August 2004 and his pensionable service in respect of his former service would if recalculated in accordance with the amendments made by these Regulations satisfy the condition set out in paragraph (4); or
- (b) no such payment has been made by 1st August 2004, but the policeman applies to the police authority by 31st July 2005 for such a transfer payment to be accepted and for the period of pensionable service in respect of his former service to be calculated in accordance with the amendments made by these Regulations,

regulation 3(1) to (5) has effect from 1st February 2001(1).

(2) In relation to a case where—

- (a) a person transferred from the British Transport Police Force to become a regular policeman on or after 30th April 1998 but before 1st February 2001 and either—
 - (i) the British Transport Police Force Superannuation Fund has paid to the police authority concerned a transfer value in respect of that transfer before 1st August 2004 and that policeman applies to that authority by 31st October 2004 for his pensionable service in respect of his former service to be recalculated in accordance with the amendments made by these Regulations in circumstances where the condition set out in paragraph (4) applies; or
 - (ii) no such payment has been made by 1st August 2004 but the policeman applies to the police authority concerned by 31st October 2004 for such a transfer payment to be accepted and for the period of pensionable service in his former service to be calculated in accordance with the amendments made by these Regulations, and
- (b) the police authority concerned agree to such a recalculation or calculation as the case may be,

regulation 3(1) to (5) has effect from 30th April 1998.

(3) In relation to any other case, regulation 3(1) to (5) has effect from 1st August 2004.

(4) The condition mentioned in paragraphs (1)(a) and (2)(a)(i) is that the period of pensionable service reckonable in respect of the policeman's former service as a result of recalculation as if the transfer value had been a transfer payment accepted in accordance with the amendments made by these Regulations is no less than the period already reckonable.

(5) References in paragraphs (1)(a) and (2)(a)(i) to the recalculation of pensionable service in respect of a regular policeman's former service include references to a recalculation of any resulting award to him or in respect of him in accordance with the amendments made by these Regulations

(1) Retrospective effect is permitted by section 1(5) of the Police Pensions Act 1976.

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where he has ceased to be a regular policeman, and the reference in paragraph (2)(a)(i) to an application by that policeman shall include an application by or on behalf of the person who is entitled to such an award.

(6) The requirements in paragraph (1)(b) and in paragraph (2)(a)(i) and (ii) for an application to be made by a particular date shall be met if—

- (a) the police authority are satisfied that there is good cause why the application could not be made by that date;
- (b) the application is made by such later date as the police authority specify; and
- (c) the administrators of the British Transport Police Force Superannuation Fund agree that the requirement may be met by that later date.