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STATUTORY INSTRUMENTS

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**1965 No. 564**

**The Police (Compensation) Regulations 1965**

**PART IV**

**RETIREMENT COMPENSATION AND PAYMENTS ON DEATH**

**Retirement compensation payable to a person who would have become entitled to a pension**

**16.**—(1) Subject as hereinafter provided, where a person to whom this Part of these Regulations applies who has not attained the age of compulsory retirement would, if he had continued to serve as a member of a police force have become entitled to retire with an ordinary or ill-health pension under the Police Pensions Regulations, he shall become entitled to claim, in lieu of any compensation to which he would otherwise be entitled under these Regulations, compensation calculated in accordance with paragraph (2) of this Regulation.

(2) Compensation payable to a person in accordance with this Regulation shall, subject as hereinafter provided, be payable at an annual rate equal to that of—

- (a) the ordinary or ill-health pension to which he would have become entitled as aforesaid, calculated by reference to his average pensionable pay (or, where appropriate, his preserved pensionable pay) immediately before he ceased to serve as a member of a police force; or
- (b) his notional pension calculated in accordance with Regulation 21 of these Regulations,

whichever is the less.

(3) On receipt of a claim under paragraph (1) of this Regulation, the compensating authority shall consider forthwith whether the claimant is a person to whom that paragraph applies, and within thirteen weeks after the date of the receipt of the claim—

- (a) if they are satisfied that he is not such a person, they shall notify him in writing accordingly; and
- (b) if they are satisfied that he is such a person, they shall assess the amount of compensation payable to the person, and notify him in writing accordingly,

and any such notification shall, for the purposes of these Regulations, be deemed to be a notification by the authority of a decision on a claim to compensation.

(4) If a claimant wishes to receive compensation under this Regulation, he shall so inform the compensating authority in writing within one month from the receipt of a notification under the last preceding paragraph or, where the claim has been the subject of an appeal, from the decision of the tribunal thereon; and the compensation shall be payable as from the date on which the compensating authority received the claim.

(5) In the case of a person who claims, for the purposes of paragraph (1) of this Regulation, that he would, if he had continued to serve as a member of a police force, have become entitled to retire with an ill-health pension under the Police Pensions Regulations, the compensating authority may require him to submit himself to a medical examination by a registered medical practitioner selected by that authority, and, if they do so, they shall also offer the person an opportunity of submitting a

report from his own medical adviser as a result of an examination by him, and the authority shall take that report into consideration, together with the report of the medical practitioner selected by them.

(6) If the compensating authority so agree, in the case of a person who has not attained the age of sixty years but would have become entitled to retire with an ordinary pension, as aforesaid, if the police authority so decided, it shall be assumed for the purposes of this Regulation that they would have so decided.

### **Option to take retirement compensation prematurely in certain cases**

**17.**—(1) If a person to whom this Part of these Regulations applies has suffered loss of office after attaining the age of fifty years and so requests the compensating authority by notice in writing, he shall be entitled as from the date on which the compensating authority receive such notice, in lieu of any compensation, other than resettlement compensation, to which he would otherwise be entitled under these Regulations, to compensation calculated in accordance with paragraph (2) of this Regulation:

Provided that where he has claimed long-term compensation, the said notice shall be given not later than two years after the determination of the claim or, where the determination is reviewed under Regulation 28(3) of these Regulations, not later than two years after any such review.

(2) Compensation payable to a person in accordance with this Regulation shall be payable at an annual rate equal to that at which an ill-health pension would have been payable under the Police Pensions Regulations had he retired with such a pension when he ceased to serve as a member of a police force.

(3) Regulation 16(3) of these Regulations shall apply in relation to a notice given under paragraph (1) of this Regulation as it applies to a claim made under Regulation 16(1).

(4) Where an annual sum is payable under this Regulation in respect of any period and resettlement compensation is also payable in respect of that period, the said annual sum shall be limited to the amount (if any) by which it exceeds the resettlement compensation payable as aforesaid.

### **Retirement compensation for loss of emoluments payable to a person on attainment of the age of compulsory retirement**

**18.**—(1) Subject to the provisions of these Regulations, where a person to whom this Part of these Regulations applies reaches the age of compulsory retirement, the retirement compensation payable to him for loss of emoluments shall be payable at an annual rate equal to that of his notional pension calculated in accordance with Regulation 21 of these Regulations.

(2) Compensation shall not be payable under this Regulation to a claimant to whom Regulation 16 or 17 of these Regulations has been applied.

### **Retirement compensation for diminution of emoluments**

**19.** The provisions of Regulations 16 and 18 of these Regulations shall apply to a person to whom this Part of these Regulations applies and who has suffered diminution of emoluments, but the sums payable to such a person in the circumstances mentioned in those Regulations shall be sums which bear to the sums which would have been payable thereunder had the claim been in respect of loss of office the same ratio as the amount by which the claimant's net emoluments have been diminished (calculated as an annual rate) bears to the amount of his net emoluments:

Provided that no compensation shall be payable if this ratio is less than 2½ per cent.

### **Compensation of claimant who obtains further pensionable employment**

**20.**—(1) This Regulation shall apply to a person who, after suffering loss of office or diminution of emoluments as a member of a police force, enters employment in which he is subject to a pension scheme and thereafter becomes entitled to reckon service for the purposes of that scheme by virtue of any pensionable service which is taken into account for the purpose of any award or notional award, under the Police Pensions Regulations, by reference to which the amount of any retirement compensation payable to him falls to be assessed.

(2) No retirement compensation for loss of office or diminution of emoluments shall be payable to a person to whom this Regulation applies unless the annual rate of the emoluments to which he was entitled immediately before such loss or diminution exceeds the annual rate, on entry, of the emoluments of the new employment by more than 2½ per cent. of such first mentioned emoluments.

(3) Subject to Regulation 26 of these Regulations, any retirement compensation for loss of office or diminution of emoluments payable to a person to whom this Regulation applies shall be payable at the rate at which compensation for loss of office would be payable—

- (a) in the case of any retirement compensation, if for the purpose of calculating any pension or notional pension under the Police Pensions Regulations by reference to which it falls to be assessed, his average pensionable pay (or, where appropriate, his preserved pensionable pay) had been of an amount corresponding to the difference between the two rates referred to in the preceding paragraph; and
- (b) in the case of retirement compensation for diminution of emoluments, if Regulation 19 of these Regulations had not been made:

Provided that retirement compensation for diminution of emoluments shall not by virtue of this paragraph be payable to a person at an annual rate in excess of that of the retirement compensation which would have been payable under Regulation 19 had this Regulation not been made and had the person reached the age of compulsory retirement when he ceased to hold the office in which he suffered diminution.

### **Calculation of notional pension referred to in Regulations 16 and 18**

**21.**—(1) The notional pension referred to in Regulations 16 and 18 of these Regulations is one payable at an annual rate at which an ill-health pension would have been payable under the Police Pensions Regulations to the person concerned—

- (a) if he had retired with such a pension on the date on which he lost office as a member of a police force or suffered diminution of emoluments; and
- (b) in the case of a person who had attained the age of forty years at that date, if, in addition to the pensionable service reckonable under the Police Pensions Regulations, he had been entitled to reckon an additional period of pensionable service in accordance with paragraph (2) of this Regulation and, for the purpose of determining the reduction (if any) falling to be made in that pension beyond the age of sixty-five years or, in the case of a woman, sixty years, if he had paid pension contributions as a regular policeman in respect of that period at a rate related to 1s. 2d. a week less than the appropriate percentage of his pensionable pay.

(2) The additional period of pensionable service referred to in the preceding paragraph shall be a period of two years together with—

- (a) a further two years for each of the first four completed years of the person's reckonable service between the date when he attained the age of forty years and the date of the loss or diminution; and
- (b) a further year for each completed year of such service after the four:

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Provided that the additional period of pensionable service shall not exceed the shortest of the following periods, namely—

- (i) the period for which the person would have served as a member of a police force after the date of the loss or diminution had he continued so to serve until he attained the age of compulsory retirement,
- (ii) his period of reckonable service, or
- (iii) fifteen years.

(3) For the purposes of the preceding paragraph the expression “reckonable service” includes any period of service or employment which has been taken into account for the purposes of any award under the Police Pensions Regulations to which the person concerned has become entitled.

### **Factors governing the payment of retirement compensation**

**22.**—(1) A person entitled to retirement compensation under Regulation 16, 17 or 18 of these Regulations shall pay to the compensating authority an amount equal to any award by way of return of pension contributions received by him under the Police Pensions Regulations on ceasing to be a member of a police force but, where he has made the said payment to the compensating authority before becoming entitled to retirement compensation as aforesaid, that authority may, at his request before he becomes so entitled, refund the payment to him; and if the said payment is not made to the compensating authority, or is refunded by them, the compensation shall be reduced by an annual amount the capital value of which is equal to the amount of the said award under the Police Pensions Regulations.

(2) The provisions of the Police Pensions Regulations relating to the allocation of a pension, that is to say to the surrender by a regular policeman of a portion of his pension in favour of his wife or such other person as is substantially dependent on him, shall, subject to any necessary modifications have effect in relation to any retirement compensation as they have effect in relation to an ordinary or ill-health pension under the Police Pensions Regulations; and without prejudice to the generality of the preceding provisions of this paragraph—

- (a) where before the date of the loss or diminution a member of a police force has, under the Police Pensions Regulations, given notice of allocation which has become effective, the said provisions shall apply as if the retirement compensation were an ordinary pension; and
- (b) the said provisions shall apply as if any reference to the police authority included a reference to the compensating authority and as if any reference to retirement included a reference to a person becoming entitled to retirement compensation.

(3) Where a pension or notional pension under the Police Pensions Regulations by a reference to which any retirement compensation falls to be assessed would, under those Regulations, be reduced in respect of any period beyond the age of sixty-five years in the case of a man, or sixty years in the case of a woman, the retirement compensation shall be re-assessed on the person attaining that age, account being taken of the said reduction.

(4) Where a person to whom retirement compensation is payable is in employment in which he is subject to a pension scheme, then, as the compensating authority may think reasonable having regard to the said pension scheme, they may on awarding, or reviewing under Regulation 28 of these Regulations, the compensation reduce or withhold so much thereof as is attributable to the provisions of Regulation 21(1)(b) of these Regulations.

(5) Where a person to whom retirement compensation is payable is, for any period, in such service or employment that if a pension were payable to him under the Police Pensions Regulations the police authority would be empowered to withdraw the whole or any part of the pension the compensating authority shall have the like power to withdraw the compensation.

### **Compensation payable on the death of a claimant**

**23.**—(1) Where a person dies after suffering loss of office as a member of a police force, by way of compensation the like payments—

- (a) shall be made to or for the benefit of his widow or child;
- (b) may be made to any relative who was at the time of his death dependent on him to any degree,

as would or, as the case may be, could have been payable by way of an award under the Police Pensions Regulations—

- (i) if he had retired with a pension under those Regulations on the date on which he lost office as a member of a police force; and
- (ii) in the case of a person who had attained the age of forty years on that date, other than a person who became entitled to retirement compensation under Regulation 17 of these Regulations, if in addition to the pensionable service reckonable under the Police Pensions Regulations he had been entitled to reckon the additional period of pensionable service mentioned in Regulation 21(2) of these Regulations:

Provided that the payments by way of compensation referred to in sub-paragraph (a) of this paragraph shall not, by reason of sub-paragraph (ii) of this paragraph, exceed those which would have been payable by way of pension or allowance under the Police Pensions Regulations, calculated by reference to the person's average pensionable pay (or, where appropriate, his preserved pensionable pay) immediately before he ceased to serve as a member of a police force, if he had continued to serve as such until he died.

(2) Where a person dies after suffering diminution of emoluments, the preceding paragraph shall apply with the substitution of references to diminution of emoluments for references to loss of office if the compensation calculated in accordance therewith is assessed by reference to the person's average pensionable pay (or, where appropriate, his preserved pensionable pay), but the compensation payable shall be that proportion of the compensation so calculated which the amount by which the person's net emoluments have been diminished (calculated as an annual amount) bears to the amount of his net emoluments:

Provided that no compensation shall be payable in accordance with this paragraph if the said proportion is less than 2½ per cent.

(3) Compensation payable in accordance with this Regulation shall be payable on the like conditions in all respects as the corresponding award under the Police Pensions Regulations and, accordingly, the provisions of those Regulations (including any provision for the commutation of a pension or allowance for a gratuity) shall apply, subject to any necessary modifications, in relation to such compensation as they apply in relation to such an award.

(4) Except where retirement compensation payable to the deceased person has been reduced under Regulation 22(1) of these Regulations, the payments by way of compensation under this Regulation shall, in the aggregate, be reduced by an amount the capital value whereof is equal to the amount of any award by way of return of pension contributions received by him under the Police Pensions Regulations and either not paid to the compensating authority in accordance with the said Regulation 22(1) or refunded to him by that authority; and, where payments under this Regulation are made to or for the benefit of two or more persons, the said reduction shall be apportioned between those payments according to the capital value thereof.

(5) In this and the next following Regulation the expression “child” has the same meaning as in the Police Pensions Regulations and related expressions shall be construed accordingly.

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### **Abatement of compensation by award under the Police Pensions Regulations**

**24.**—(1) Where compensation under this Part of these Regulations is payable to a person who has lost office as a member of a police force or to or for the benefit of his widow or child and a pension or allowance under the Police Pensions Regulations is also so payable, the annual amount of the compensation shall be abated by the annual amount of the corresponding pension or allowance.

(2) For the purposes of this Regulation, where a pension has been reduced under the provisions of the Police Pensions Regulations—

- (a) relating to the allocation of a portion of a pension and mentioned in Regulation 22(2) of these Regulations, or
- (b) relating to the commutation of a portion of a pension for a lump sum,

the annual amount of that pension shall be deemed to be the annual amount which would have been payable but for the said reduction.

(3) For the purposes of this Regulation no account shall be taken of a pension payable to a widow or child under the Police Pensions Regulations by reason of the allocation by the husband or father of a portion of his pension.

### **Intervals for payment of compensation under Part IV**

**25.** Retirement compensation and other compensation awarded as annual sums under this Part of these Regulations shall be payable in advance at intervals equivalent to those at which the corresponding award under the Police Pensions Regulations would have been payable or at such other intervals as may be agreed between the recipient and the compensating authority.