

1968 No. 530

POLICE

The Police Pensions (Amendment) Regulations 1968

Laid before Parliament in draft

<i>Made</i>	- - -	<i>29th March 1968</i>
-------------	-------	------------------------

Coming into Operation—

<i>for the purposes of Part III</i>	<i>9th April 1968</i>
<i>for all other purposes</i>	<i>1st April 1968</i>

In exercise of the powers conferred on me by sections 1, 3 and 5(4) of the Police Pensions Act 1948(a), as extended and amended by section 43 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(b), section 5(3) of the Overseas Service Act 1958(c) and Schedule 2 thereto, section 1(1) of the Police Pensions Act 1961(d), sections 40, 43(4), 45(4) and 63 of the Police Act 1964(e) and Schedules 6 and 9 thereto, section 12(4) of the Superannuation (Miscellaneous Provisions) Act 1967(f), and sections 35 and 38(4) of the Police (Scotland) Act 1967(g), and after consultation with the Police Council for Great Britain, I hereby, with the consent of the Treasury and, so far as Part I is concerned, solely in connection with a transfer of functions in accordance with section 12 of the Superannuation (Miscellaneous Provisions) Act 1967, make the following Regulations, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

PART I

PROVISIONS RELATING TO THE TRANSFER OF FUNCTIONS TO THE MINISTER
OF OVERSEAS DEVELOPMENT AND COMING INTO OPERATION
ON 1ST APRIL 1968

1. In Regulations 3(1)(c), 57, 59(3), 63(3) and (4), 86 and 100(1) of the principal Regulations (which relate to persons who are not members of home police forces) for the words “the Secretary of State”, wherever they occur, there shall be substituted the words “the appropriate Minister”.

2. For Regulation 100(5) of the principal Regulations (which assigns meanings to certain expressions in relation to persons who are not members of home police forces) there shall be substituted the following provisions:—

“(5) Any reference in Regulation 54(2) and paragraphs 2 and 7 of Schedule 6 to the Secretary of State shall be construed, in relation to an overseas policeman, as a reference to the Secretary of State or the Minister of Overseas Development.

(a) 1948 c. 24.

(b) 1951 c. 65.

(c) 1958 c. 14.

(d) 1961 c. 35.

(e) 1964 c. 48.

(f) 1967 c. 28.

(g) 1967 c. 77.

(6) Any reference in these Regulations to the police authority or to the appropriate Minister shall be construed—

(a) in relation to an overseas policeman, as a reference to the Secretary of State or the Minister of Overseas Development, or

(b) in relation to an inspector or assistant inspector of constabulary or to a central police officer, as a reference to the Secretary of State.”

PART II

OTHER PROVISIONS COMING INTO OPERATION ON 1ST APRIL 1968

3. For Regulation 14(4) of the principal Regulations (which relates to a widow's augmented award where the husband's death results from an attack or injury received in effecting an arrest) there shall be substituted the following provision :—

“(4) The gratuity under paragraph (3) shall be of an amount equal to twice the annual pensionable pay, at the date of the death of the person in respect of whom the gratuity is payable, of a man—

(a) holding the rank of constable in the metropolitan police force or, where the death occurred before 1st April 1968, in the police force of which that person was a member, and

(b) entitled to reckon 30 years' service for the purposes of pay.”

4. After Regulation 96 of the principal Regulations (which, as set out in the Police Pensions (Amendment) Regulations 1967(a), relates to Lincolnshire) there shall be inserted the following Regulation :—

“River Tyne police force

96A.—(1) This Regulation shall have effect in the event of the dissolution of the River Tyne police force and the transfer of the members thereof to the police force for the police area comprising the county borough of South Shields by a harbour reorganisation scheme confirmed by the Minister of Transport under section 18 of the Harbours Act 1964(b).

(2) In relation to a person who has served as a member of the River Tyne police force, whether he ceased so to serve before the dissolution of that force or is transferred as aforesaid, the police force, police authority and police fund for the police area comprising the county borough of South Shields 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 River Tyne police area.

(3) If the chief constable of the River Tyne police force is transferred as aforesaid and suffers reduction in rank attributable to the provisions of the Scheme by which he is transferred, Regulation 66 shall apply as though he had not suffered such reduction in rank, unless he elects otherwise by notice in writing to the police authority.”

(a) S.I. 1967/453 (1967 I, p. 1395).

(b) 1964 c. 40.

5. At the end of Regulation 97(3) of the principal Regulations (which relates to alterations in police areas) there shall be added the following provision :—

“(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(a), 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.”.

PART III

PROVISIONS COMING INTO OPERATION ON 9TH APRIL 1968

6. Regulation 27 of the principal Regulations (which relates to the child of a member of a police force who died before 5th July 1948) is hereby revoked.

7.—(1) For paragraph 1(4) of Part III of Schedule 3 to the principal Regulations (which, as set out in Regulation 5 of the Police Pensions (Amendment) (No. 2) Regulations 1967(b), provides, in certain cases, for the increase of a child's allowance up to 42s. 6d. a week) there shall be substituted the following provision :—

“(4) Where both parents of the child are dead and the parent in respect of whose death an ordinary or special allowance is payable was the child's father and he had attained the age of 65 years on 5th July 1948, then in respect of any week during which—

- (a) no person is receiving a guardian's allowance under the National Insurance Act 1965(c) in respect of the child ;
- (b) the child is included in a family within the meaning of the Family Allowances Act 1965(d) or of the Family Allowances Act 1945(e), either as originally enacted or as amended by any subsequent enactment ;
- (c) where the allowance is a special allowance, no allowance is payable under section 21 of the National Insurance (Industrial Injuries) Act 1965(f) in respect of the child ;
- (d) no armed forces pension or award is payable to or for the child in pursuance of any Royal Warrant or other instrument ; and
- (e) no grant is payable to or in respect of the child under any scheme made under the Personal Injuries (Emergency Provisions) Act 1939(g),

the amount of the allowance may, without prejudice to the provisions of the preceding sub-paragraphs but subject to Part IV of this Schedule, be increased under sub-paragraph (1) to an amount not exceeding 45s. 6d.”.

(a) 1958 c. 55.
(c) 1965 c. 51.
(f) 1965 c. 52.

(b) S.I. 1967/1500 (1967 III, p. 4204).
(d) 1965 c. 53.
(e) 1945 c. 41.
(g) 1939 c. 82.

(2) For paragraph 2(2) of the said Part III (which, as set out as aforesaid, provides that the appropriate weekly amount up to which a child's allowance may, in certain cases, be increased shall be 42s. 6d. for the first child, 39s. 6d. for the second child, 37s. 6d. for the third child, and 35s. 0d. for each subsequent child, included in a family) there shall be substituted the following provision :—

“(2) The appropriate amount referred to in the preceding sub-paragraph shall be—

- (a) irrespective of the date of the father's death, 45s. 6d. in the case of the only or eldest child included in a family within the meaning of the Family Allowances Act 1965 or of the Family Allowances Act 1945, either as originally enacted or as amended by any subsequent enactment ;
- (b) where the father dies on or after 9th April 1968—
 - (i) 35s. 6d., in the case of the second child so included, and
 - (ii) 33s. 6d., in the case of each subsequent child so included ;
- (c) where the father died before 9th April 1968—
 - (i) 39s. 6d., in the case of the second child so included,
 - (ii) 37s. 6d., in the case of the third child so included, and
 - (iii) 35s. 0d., in the case of each subsequent child so included.”

8. Parts V and VI of Schedule 3 to the principal Regulations (which, as amended by Regulation 6 of the Police Pensions (Amendment) (No. 2) Regulations 1967, relate to the child of a member of a police force who died before 5th July 1948) are hereby revoked.

PART IV

GENERAL

9. In these Regulations a reference to the principal Regulations is a reference to the Police Pensions Regulations 1966(a), as amended (b).

10. These Regulations shall come into operation—

- (a) except for the purposes of Part III thereof, on 1st April 1968 ;
- (b) for the purposes of Part III thereof, on 9th April 1968.

11. These Regulations may be cited as the Police Pensions (Amendment) Regulations 1968.

James Callaghan,
One of Her Majesty's Principal
Secretaries of State.

27th March 1968.

We consent,

B. K. O'Malley,
E. Alan Fitch,
Two of the Lords Commissioners of
Her Majesty's Treasury.

29th March 1968.

(a) S.I. 1966/1582 (1966 III, p. 4894).

(b) The relevant amending Regulations are S.I. 1967/1500 (1967 III, p. 4204).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police Pensions Regulations 1966.

Part I contains amendments in connection with the transfer, in accordance with section 12 of the Superannuation (Miscellaneous Provisions) Act 1967, of certain functions relating to policemen with overseas service from the Secretary of State to the Minister of Overseas Development. The operative date for Part I is 1st April 1968 (Regulation 10).

Part II, which comes into operation on the same date, contains amendments relating to other matters. Regulation 3 provides that where a policeman dies on or after that date in circumstances which entitle his widow to a gratuity in addition to a special pension, the gratuity shall be calculated by reference to the rate of pay of a constable in the metropolitan police force, whether or not the policeman was a member of that force. Regulations 4 and 5 make provision as respects the application of the 1966 Regulations in the event of the dissolution of the River Tyne police force by a scheme under the Harbours Act 1964 or of the inclusion of a police area in a county or county borough police area in consequence of an order under the Local Government Act 1958.

Part III, which comes into operation on 9th April 1968, contains amendments relating to children's allowances. Regulations 6 and 8 revoke certain spent provisions. Regulation 7 varies the amounts up to which children's allowances may be increased in those cases where discretionary increases are permitted. In the case of the only or eldest child in a family where only the father is dead, or in the case of any child in a family where both parents are dead, the child's allowance may be increased to 45s. 6d. instead of 42s. 6d. In the case of second and subsequent children in a family where only the father is dead, no change is made in the permitted increase except where he dies on or after 9th April 1968, in which case the permitted increases are reduced.