

## 1971 No. 1327

## POLICE

## The Police Pensions (Amendment) (No. 2) Regulations 1971

<i>Made</i> - - - -	9th August 1971
<i>Laid before Parliament</i>	19th August 1971
<i>Coming into Operation</i>	1st September 1971

In exercise of the powers conferred on me by sections 1 and 3 of the Police Pensions Act 1948(a) (read with Article 2(1) of the Minister for the Civil Service Order 1968(b)), as extended and amended by section 43 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(c), section 5(3) of the Overseas Service Act 1958(d) and Schedule 2 thereto, section 1(1) of the Police Pensions Act 1961(e), sections 40, 43(4), 45(4) and 63 of the Police Act 1964(f) and Schedules 6 and 9 thereto, sections 35 and 38(4) of the Police (Scotland) Act 1967(g), section 4(5) of the Police Act 1969(h) and section 14 of the Pensions (Increase) Act 1971(i), and after consultation with the Police Council for the United Kingdom, I hereby, with the consent of the Minister for the Civil Service, make the following Regulations, which contain only such provisions as appear to me to be necessary or expedient in connection with the passing of the said Act of 1971:—

1. These Regulations may be cited as the Police Pensions (Amendment) (No. 2) Regulations 1971.
2. These Regulations shall come into operation on 1st September 1971.
3. In these Regulations any reference to the principal Regulations is a reference to the Police Pensions Regulations 1971(j), as amended (k).
4. In Regulation 34(3)(b) of the principal Regulations (widow's award under former Acts) the words "(without taking into account any increase under the Pensions (Increase) Acts 1944 and 1947)" shall be omitted.
5. In Regulation 89(5) of the principal Regulations (awards to servicemen) the words "paragraph (3)(a) shall have effect as if it referred to a rate of not less than a twelfth of his average pensionable pay increased in accordance with Regulation 106, and" shall be omitted.

(a) 1948 c. 24.

(c) 1951 c. 65.

(e) 1961 c. 35.

(g) 1967 c. 77.

(i) 1971 c. 56.

(j) S.I. 1971/232 (1971 I, p. 700).

(b) S.I. 1968/1656 (1968 III, p. 4485).

(d) 1958 c. 14.

(f) 1964 c. 48.

(h) 1969 c. 63.

(k) The amending Regulations are not relevant to the subject matter of these Regulations.

6. For Regulation 90(5) of the principal Regulations (awards on death of servicemen) there shall be substituted the following provision:—

“(5) The weekly amount of any pension payable under paragraph (4)(a) shall be £2.85.”.

7. For Part XIII of the principal Regulations (application of Pensions (Increase) Acts) there shall be substituted the Part set out in the Schedule to these Regulations.

8. The following provisions of Schedule 2 to the principal Regulations (increases in the case of a person who retired before 1st July 1949), namely—

- (a) paragraph 4 of Part I (ordinary pension);
- (b) paragraph 5 of Part II (ill-health or short service pension), and
- (c) paragraph 3 of Part VI (supplemental pension),

are hereby revoked.

9. For paragraphs 3 and 4 of Part I of Schedule 3 to the principal Regulations (widow's ordinary pension—standard rate) there shall be substituted the following provisions:—

“3.—(1) Where in respect of any period a widow so elects, then, subject to paragraph 4, the weekly amount of her ordinary pension in respect of that period shall be, if her husband at the time when he ceased to be a regular policeman—

- (a) held a rank higher than that of inspector, £4.47;
- (b) held the rank of inspector, £3.72;
- (c) held a rank lower than that of inspector, £2.85.

(2) Where the husband held the rank of chief inspector in the City of London police force, the preceding sub-paragraph shall apply as though he had held a rank higher than that of inspector.

4. Where the husband was entitled to reckon at least 10 years' pensionable service the weekly amount of a widow's ordinary pension calculated in accordance with paragraph 3 shall be increased by 20p.”.

10.—(1) For paragraph 1 of Scheme I of Part II of Schedule 3 to the principal Regulations (widow's ordinary pension—preserved rate) there shall be substituted the following provision:—

“1. Subject to paragraphs 2 and 3 of this Scheme, the weekly amount of a widow's ordinary pension shall be, if her husband at the time when he ceased to be a regular policeman—

- (a) held a rank higher than that of inspector, £4.47;
- (b) held the rank of inspector, £3.72;
- (c) held a rank lower than that of inspector, £2.85.”.

(2) Paragraph 4 shall be omitted from the said Scheme I.

11. For paragraph 2 of Part IV of Schedule 3 to the principal Regulations (widow's augmented special pension) there shall be substituted the following provision:—

“2. The weekly amount calculated in accordance with paragraph 1 shall be increased in accordance with Part XIII of these Regulations so, however,

that the notional pension referred to in Regulation 106 shall not be treated as having begun for the purposes of the said Part XIII and the Pensions (Increase) Act 1971 earlier than 1st April 1952.”.

12.—(1) For the Table in paragraph 1 of Part I of Schedule 4 to the principal Regulations (child's ordinary allowance) there shall be substituted the following Table:—

“TABLE

Parent's Rank	Weekly Amount
Higher than Inspector ... ..	£1·17
Inspector ... ..	£0·95
Lower than Inspector ... ..	£0·80”

(2) For the Table in paragraph 2 of the said Part I there shall be substituted the following Table:—

“TABLE

Parent's Rank	Weekly Amount
Higher than Inspector ... ..	£1·75
Inspector ... ..	£1·41
Lower than Inspector ... ..	£1·18”

13. For the Table in paragraph 1(1)(a) of Part III of Schedule 4 to the principal Regulations (discretionary increase in child's allowance) there shall be substituted the following Table:—

“TABLE

Parent's Rank	Increased Amount
Higher than Inspector ... ..	£2·33
Inspector ... ..	£1·87
Lower than Inspector ... ..	£1·56”

*R. Maudling,*  
One of Her Majesty's Principal  
Secretaries of State.

9th August 1971.

Consent of the Minister for the Civil Service given under his Official Seal on 9th August 1971.

(L.S.)

*J. E. Herbecq,*  
Authorised by the  
Minister for the Civil Service.

## SCHEDULE

## PART SUBSTITUTED FOR PART XIII OF THE PRINCIPAL REGULATIONS

## PART XIII

## APPLICATION OF PENSIONS (INCREASE) ACT 1971

*Increase by reference to Pensions (Increase) Act 1971*

106. Where it is provided in these Regulations that, for the purpose of calculating an award (hereafter referred to in this Part of these Regulations as the "relevant award"), an amount shall be increased in accordance with this Part of these Regulations it shall be increased by the amount, if any, by which a pension, within the meaning of the Pensions (Increase) Act 1971, of the amount first mentioned would from time to time be increased under sections 1 and 6(1), or under an order made under section 2, of that Act if—

- (a) the person concerned were in receipt of such a pension (hereinafter referred to in this Part of these Regulations as the "notional pension");
- (b) the notional pension were one of the pensions which are specified in paragraph 43 of Part II of Schedule 2 to that Act;
- (c) the notional pension were subject to any regulations under section 5(3) of that Act applicable to a pension so specified, and
- (d) save as otherwise provided in these Regulations, the notional pension began, within the meaning of that Act, on the day on which the relevant award so began.

*Preservation for certain purposes of benefit of previous increases*

107.—(1) For the purpose of determining an increase under Regulation 106 by reference to section 6(1) of the said Act of 1971, the 1971 rate of the notional pension shall be ascertained in accordance with this Regulation and, save as hereinafter provided, the provisions of section 6(2), (3), (4) and (5) shall not have effect.

(2) Where the relevant award is a widow's pension granted under the former Acts on or before 16th August 1920 which falls to be calculated in accordance with Regulation 34(3)(b), the 1971 rate of the notional pension shall be taken to be the annual rate at which the relevant award was payable on 31st August 1971, or, if on that date it was payable at a rate increased by reference to Scheme I of Part II of Schedule 3, the rate at which it would have been payable on that date had it been payable at a rate which included relevant increases; and, in determining for the purposes hereof the rate at which the relevant award was, or would have been, payable on 31st August 1971, account shall be taken of any increase which was or, as the case may be, would have been payable under the Pensions (Increase) Act 1920(a).

(3) Where the relevant award does not fall within paragraph (2) and was being paid on 31st August 1971 at a rate which included relevant increases, the 1971 rate of the notional pension shall be taken to be the amount first mentioned in Regulation 106, together with the relevant increases, as calculated at that date and expressed as an annual rate, unless it is shown that that rate should have been revised or that there is a change of circumstances that would affect the 1971 rate if ascertained under paragraph (4).

(4) Where the relevant award does not fall within paragraph (2), the 1971 rate of the notional pension shall, unless paragraph (3) applies, be ascertained in accordance with section 6(4) and (5) of the said Act of 1971 as if it were one of the pensions which are specified in paragraph 43 of Part II of Schedule 2 to that Act.

(5) Where the relevant award is a widow's pension which began within the meaning of the said Act of 1971 on or before 1st April 1961 and paragraph (3) applies, then, unless

the pensioner had attained the age of 70 on or before 31st August 1971, there shall be added to the 1971 rate of the notional pension ascertained under paragraph (3) an amount prescribed by order of the Minister for the Civil Service under section 6(5) of that Act, in the case of a pension specified in paragraph 43 of Part II of Schedule 2 to the said Act of 1971, as corresponding to the increase provided for by section 2 of the Pensions (Increase) Act 1962(a).

(6) In this Regulation any reference to relevant increases is a reference to increases in accordance with this Part of these Regulations as originally made.

*Duration of increase in child's allowance*

108. Where it is provided in these Regulations that for the purposes of calculating a child's allowance an amount shall be increased in accordance with this Part of these Regulations, then that amount shall be increased so long as the allowance is payable, and accordingly Regulation 106 shall have effect for the said purpose as if section 3(3) were omitted from the Pensions (Increase) Act 1971 (which provision would otherwise govern the duration of the increase).

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### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations contain amendments to the Police Pensions Regulations 1971 which appear necessary or expedient in connection with the passing of the Pensions (Increase) Act 1971 and come into operation on 1st September 1971 (the date from which increases authorised by that Act are payable).

The principal changes are described below.

The 1971 Regulations contain provisions for the increase of widows' pensions and children's allowances (other than flat-rate awards), in accordance with Part XIII thereof, by reference to Pensions (Increase) Acts which are repealed and replaced by that of 1971. The present Regulations substitute a new Part XIII providing for increases by reference to the Pensions (Increase) Act 1971 (Regulation 7 and the Schedule).

The 1971 Regulations also contain provisions for the increase of pensions payable to policemen who retired before 1st July 1949 (or ceased to serve in the armed forces before 1st January 1952), in accordance with Regulation 106 thereof, by reference to the Pensions (Increase) Acts 1944(c. 21) and 1947(c. 7).

These pensions will qualify for increases under the Pensions (Increase) Act 1971 which replace, *inter alia*, increases in accordance with the Acts of 1944 and 1947 and the present Regulations revoke the provisions of the 1971 Regulations described above (Regulations 5 and 8).

Under the 1971 Regulations the amounts of certain widows' pensions and children's allowances are determined by reference to specified flat rates. The present Regulations increase these flat rates (Regulations 6, 9, 10, 12 and 13).