
 S T A T U T O R Y I N S T R U M E N T S

1973 No. 428**POLICE****The Police Pensions Regulations 1973**

<i>Made - - - -</i>	<i>9th March 1973</i>
<i>Laid before Parliament</i>	<i>27th March 1973</i>
<i>Coming into Operation</i>	<i>1st April 1973</i>

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In exercise of the powers conferred on me by sections 1 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 11(7) of the Superannuation (Miscellaneous Provisions) Act 1967(f), sections 35 and 38(4) of the Police (Scotland) Act 1967(g), section 4(5) of the Police Act 1969(h) and sections 12, 15 and 29(1) of the Superannuation Act 1972(i) and Schedule 6 thereto, and after consultation with the Police Council for the United Kingdom, and, so far as Regulation 76 is concerned, with the Council on Tribunals, I hereby, with the consent of the Minister for the Civil Service(j), make the following Regulations:—

PART I

CITATION, COMMENCEMENT, APPLICATION ETC.

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Police Pensions Regulations 1973.

(2) These Regulations shall come into operation on 1st April 1973 and shall have effect as from 1st April 1972.

Old cases

2.—(1) The old cases Regulations, that is to say the Regulations made under the Act before the making of these Regulations and set out in Schedule 1, shall cease to have effect except in the case of an award or payment to or in respect of, or relating to—

- (a) a person who retired or otherwise ceased to be a member of a police force before 1st April 1972, or
- (b) a person, being a serviceman who did not resume service as a regular policeman, whose period of relevant service in the armed forces ended before 1st April 1972,

including an award on the death of such a person on or after the said date.

(2) Nothing in these Regulations shall apply in such a case as is mentioned in paragraph (1).

Transitional and transitory provisions

3.—(1) Subject to Regulation 2(2) and the provisions of the Police Pensions (Transitory Provisions) Regulations 1973(k), these Regulations shall have effect as if anything done, or treated as done, under or for the purposes of the old cases Regulations had been done under or for the purposes of the corresponding provision of these Regulations.

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| (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. | (h) 1969 c. 63. |
| (i) 1972 c. 11. | |
| (j) Formerly the Treasury; see S.I. 1968/1656 (1968 III, p. 4485). | |
| (k) S.I. 1973/429 (1973 I, p. 1502). | |

(2) Without prejudice to the generality of paragraph (1), references therein to anything done shall include—

- (a) the determination of a question;
- (b) the exercise of a discretion;
- (c) the making of a payment; and
- (d) the giving of a notice.

(3) For the purpose of determining the amount payable on account of an award for a period ending before 1st December 1972, these Regulations shall have effect subject to the provisions of the Police Pensions (Transitory Provisions) Regulations 1973.

PART II

INTERPRETATION

Meanings assigned to certain expressions

4.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Act” means the Police Pensions Act 1948;

“approved service” has the same meaning as in the former Acts;

“armed forces” means the naval, military or air forces of the Crown, including any women’s service administered by the Defence Council or formerly administered by the Admiralty, Army Council or Air Council;

“auxiliary policeman” means a member of the first class of the police reserve, a member of the Police War Reserve and a member of Class A of the Women’s Auxiliary Police Corps;

“average pensionable pay” has the meaning assigned to it by Regulation 55;

“central police officer” means a member of a home police force engaged on central service who enjoys a right of reversion under section 43(1) of the Police Act 1964 or section 38(1) of the Police (Scotland) Act 1967, as the case may be;

“central service” means temporary service under the Crown performed on or after 1st August 1964, being such service as is mentioned in section 43(5) of the Police Act 1964 or section 38(5) of the Police (Scotland) Act 1967;

“chief officer of police” in relation to an overseas corps means the senior member of that corps;

“child” means (without regard to age) legitimate or illegitimate child, step-child or adopted child and any other child who is substantially dependent on the member of a police force concerned and either is related to him or is the child of his spouse; and the expressions “father”, “mother” and “parent” shall be construed accordingly;

“former Acts” means the Police Pensions Acts 1921 and 1926(a), including those Acts as applied and extended by or under any enactment, and any Act repealed by those Acts;

“former force” means the police force in which a serviceman was serving immediately before undertaking a period of relevant service in the armed forces;

(a) 1921 c. 31; 1926 c. 34.

“former Regulations” means the Regulations made under the Act before the making of these Regulations;

“home police force” means any police force within the meaning of the Police Act 1964 or the Police (Scotland) Act 1967;

“injury” includes any injury or disease, whether of body or mind;

“inspector” includes chief inspector;

“medical referee” has the meaning assigned to it by Regulation 72(2);

“member of a police force” includes—

(a) the commissioner and assistant commissioners of police of the metropolis;

(b) the commissioner of police for the City of London and any person who, on 5th July 1948, was a clerk or other person employed in, or in connection with, the City of London police force;

(c) an overseas policeman;

(d) an inspector or assistant inspector of constabulary appointed on or after 1st August 1964; and

(e) a central police officer;

“member of the first class of the police reserve” includes any member of a home police force appointed temporarily;

“old cases Regulations” means the Regulations set out in Schedule 1;

“overseas corps” means any body in which persons such as are mentioned in section 1(1) of the Police (Overseas Service) Act 1945(a) are serving and in relation to which regulations made under section 1(2) of that Act have been made;

“overseas policeman” means a member of an overseas corps, or an officer to whom the Overseas Service Act 1958 applies and whose service as such an officer is for the time being service in respect of which the provisions of section 5 of that Act have effect;

“overseas service” means service as an overseas policeman;

“pensionable pay” has the meaning assigned to it by Regulation 55;

“police authority” has the same meaning as in the Act, and accordingly in relation to a Scottish police force has the same meaning as in the Police (Scotland) Act 1967;

“police force” means a home police force or an overseas corps;

“regular policeman” means—

(a) a member of a home police force who is not an auxiliary policeman;

(b) an overseas policeman who is a reversionary member of a home police force;

(c) an inspector or assistant inspector of constabulary appointed on or after 1st August 1964; and

(d) a central police officer;

“reversionary member of a home police force” means an overseas policeman who has been a member of a home police force and has not lost his right of reversion under section 2(1) of the Police (Overseas Service) Act 1945, and includes a person who has transferred to an overseas corps from being either a civil servant within the meaning of the Superannuation Act 1887(b) or a member of the metropolitan civil staffs within the meaning of section 15 of the Superannuation (Miscellaneous Provisions) Act 1967;

(a) 1945 c. 17 (9 & 10 Geo. 6).

(b) 1887 c. 67

“Royal Ulster Constabulary pensions legislation” means the legislation for the time being in force in Northern Ireland relating to the superannuation of members of the Royal Ulster Constabulary;

“sergeant” includes station sergeant and first class sergeant (C.I.D.);

“serviceman” means a person who immediately before undertaking a period of relevant service in the armed forces was a regular policeman and includes a serviceman (1939–1945);

“serviceman (1939–1945)” means a person who ceased to serve as a regular policeman in such circumstances that he became a person to whom section 1 of the Police and Firemen (War Service) Act 1939(a) applied;

“superintendent” includes chief superintendent;

“tour of central service” means the period of central service for which a central police officer has engaged with the consent of the appropriate authority for the purposes of section 43 of the Police Act 1964 or section 38 of the Police (Scotland) Act 1967, as the case may be, and, if such a period has been varied, means the period as so varied, so however that where the officer engaged for an indefinite period of central service the said expression means his actual period of such service;

“tour of overseas service” means the period of overseas service for which an overseas policeman has engaged with the consent, in the case of a reversionary member of a home police force, of the appropriate authority for the purposes of the Police (Overseas Service) Act 1945 and of the Secretary of State, and, if such a period has been varied under regulations made under section 1 of that Act, means the period as so varied, so however that where the overseas policeman has engaged for an indefinite period of overseas service the said expression means his actual period of such service.

(2) In these Regulations any reference to 1p or 6p a week less than a percentage of a person’s pensionable pay includes, in relation to a period before 15th February 1971, a reference to 2d. or 1s. 2d. a week, as the case may be, less than that percentage.

(3) In these Regulations any reference to the Police Authority for Northern Ireland includes in relation to a period before 15th February 1971, a reference to the Ministry of Home Affairs for Northern Ireland.

Meaning of certain expressions related to the operation of the National Insurance Acts

5.—(1) In these Regulations the following expressions shall have the meanings respectively which they have for the purposes of the National Insurance Act 1965(b):—

“employed contributor’s employment”;

“graduated contribution”;

“graduated retirement benefit”;

“non-participating employment”;

“payment in lieu of contributions”.

(2) In these Regulations any reference to insured pensionable age is a reference to the age of 65 years in the case of a man, or 60 years in the case of a woman.

(a) 1939 c. 103.

(b) 1965 c. 51.

(3) In these Regulations any reference to a participating period of relevant employment is a reference to a period of employed contributor's employment after 5th April 1961 and before insured pensionable age other than—

- (a) service in the armed forces; and
- (b) non-participating employment at the end of which no payment in lieu of contributions falls to be made;

and for the purposes of this paragraph a period of employed contributor's employment or of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(4) In these Regulations any reference to the secured portion of a pension is a reference to the portion of the pension which equals the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining insured pensionable age, in return for a payment in lieu of contributions in respect of the whole of any period of non-participating employment by virtue of which he is entitled to reckon pensionable service for the purposes of the pension, being a period of non-participating employment at the end of which no payment in lieu of contributions in fact fell to be made; and any reference to the unsecured portion of a pension shall be construed accordingly.

For the purposes of this paragraph a period of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(5) For the purposes of these Regulations the annual rate of graduated retirement benefit shall be calculated as if there were 52½ weeks in each year.

Meaning of certain expressions in relation to persons who are not members of a home police force

6.—(1) A reference in these Regulations to a rank, being a rank in a home police force, shall, in relation to a member of an overseas corps, be construed as a reference to such rank in that corps as the Secretary of State may from time to time direct.

(2) For the purposes of these Regulations—

- (a) an overseas policeman who is not a member of an overseas corps; or
- (b) a central police officer,

shall be deemed to hold the rank in which he is entitled to revert to his home police force at the end of his tour of overseas service or, as the case may be, of central service.

(3) For the purposes of these Regulations—

- (a) an inspector of constabulary shall be deemed to hold the rank and office of chief constable;
- (b) an assistant inspector of constabulary shall be deemed to hold the rank of chief superintendent.

(4) Except where the context otherwise requires, for the purposes of these Regulations—

- (a) an overseas policeman who is not a member of an overseas corps shall be deemed to be a member of such a corps;
- (b) an inspector or assistant inspector of constabulary or a central police officer shall be deemed to be a member of a home police force;

and any reference to such a person joining or leaving a police force or transferring from one force to another, however expressed, shall be construed accordingly.

(5) Subject to paragraph (6), in relation to an overseas policeman, an inspector or assistant inspector of constabulary or a central police officer, any reference in these Regulations to the police authority shall be construed as a reference to the Secretary of State.

(6) As respects anything done on or after 1st April 1968 but before 12th November 1970 in relation to an overseas policeman—

- (a) any reference in these Regulations to the police authority, and
- (b) any reference in paragraph (1) or in Regulation 21(1)(c), 72(2) or 76 or in paragraph 2 or 7 of Schedule 8 to the Secretary of State,

shall be construed as including a reference to the Minister of Overseas Development.

Persons who have been members of a police force

7. In these Regulations, unless the context otherwise requires, a reference to a member of a police force, however expressed, shall include a reference to a person who has been such a member.

Transfers

8. A reference in these Regulations to a regular policeman transferring from one force to another shall be construed as a reference to a regular policeman—

- (a) leaving a home police force for the purpose of joining another home police force as a regular policeman and joining that other force in that capacity, where—
 - (i) not being the chief officer of police of, or a constable on probation in, the force first mentioned in this sub-paragraph, he leaves or left that force on or after 1st January 1963 for the purpose aforesaid, after giving a month's notice in writing of his intention to do so to the police authority of that force or such shorter period of notice as may have been accepted by that authority on or after 15th February 1971, or
 - (ii) he left the said force before 1st January 1963 or, being the chief officer of police of, or a constable on probation in, the said force, he leaves or left that force on or after that date, in either case for the purpose aforesaid and with the written consent of the chief officer of police or, in the case of the chief officer of police, of the police authority of that force;

- (b) leaving a home police force with the consent of the Secretary of State and with the written consent of the chief officer of police of that force acting with the consent of the police authority or, if he is the chief officer of police of that force, of the police authority, for the purpose of engaging for a tour of overseas service as a reversionary member of a home police force and engaging in such a tour of service;
- (c) transferring or being transferred from one overseas corps to another;
- (d) exercising his right of reversion to a home police force, under section 2(1) of the Police (Overseas Service) Act 1945, at the end of a tour of overseas service; or
- (e) at the end of a tour of overseas service joining another home police force as a regular policeman subject, in the cases hereinafter mentioned, to his doing so with the consent so mentioned, namely—
 - (i) in the case of a person who was, at the time he left the home police force to which he had the right of reversion referred to in subparagraph (d), the chief officer of that force, the written consent of the police authority of that force;
 - (ii) in the case of any other person whose tour of overseas service ended before 15th February 1971, the written consent of the chief officer of police of the home police force to which he had such right of reversion, acting with the consent of the police authority of that force.

Retirement

9.—(1) A reference in these Regulations to retirement includes a reference to the services of a member of a police force being dispensed with under regulations for the time being in force under section 33 of the Police Act 1964 or section 26 of the Police (Scotland) Act 1967 (other than regulations relating to the maintenance of discipline), to an auxiliary policeman ceasing to be called up for active service and 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 on transferring from one force to another, or on joining the Royal Ulster Constabulary with such consent as is mentioned in paragraph (2) and a reference to a continuous period of service is a reference to a period of service uninterrupted by any such retirement.

(2) The consent referred to in paragraph (1) is—

- (a) in the case of a member of a police force who left his force before 17th December 1969 or was a chief officer of police, an assistant chief constable or a deputy chief constable and left his force on or after that date, the consent of the police authority;
- (b) in any other case, the consent of the chief officer of police acting with the consent of the police authority.

(3) For the purposes of these Regulations a member of a police force shall be taken to retire immediately following his last day of service during the relevant period of service.

Persons treated as being in receipt of a pension

10. For the purposes of these Regulations a person shall be treated as being in receipt of an ordinary or, as the case may be, injury pension if he would be in receipt of such a pension—

- (a) in the case of an ordinary pension, had he attained the age of 50 years;
or
- (b) in the case of an injury pension, had the aggregate reductions therein under paragraphs 3 and 4 of Part V of Schedule 2 not exceeded the amount of the pension calculated in accordance with paragraph 2 thereof.

Aggregate pension contributions

11.—(1) For the purpose of calculating the amount of an award by reference to the aggregate pension contributions of a person in respect of the relevant period of service, the relevant period of service shall be taken to be the period ending in the retirement, dismissal or death on which the award is payable and beginning, where the person—

- (a) was a regular policeman, with the date on which he became a regular policeman in the force from which he retired or was dismissed or in which he died or, if he has more than once been a regular policeman in that force, the date on which he last joined that force otherwise than as a serviceman resuming service in his former force within a month of the end of his period of relevant service in the armed forces;
- (b) was an auxiliary policeman, with the date of the commencement of his last continuous period of active service as such;
- (c) was a member of an overseas corps but not a reversionary member of a home police force, with the date of the commencement of his tour of overseas service.

(2) For the purpose aforesaid the aggregate pension contributions in respect of the relevant period of service shall be taken to be the sum of the following amounts—

- (a) the aggregate of the pension contributions (including such additional and further contributions as are mentioned in Regulations 57 and 58) made in respect of that period by that person to the police authority by whom the award is payable and any rateable deductions made in respect of that period by that authority from his pay under the former Acts and, where that person has made no pension contributions but has had rateable deductions made in respect of that period from his pay by that authority, those rateable deductions;
- (b) any such additional or further payment by way of a lump sum as is mentioned in Regulation 59 made during the relevant period by that person to the police authority by whom the award is payable;
- (c) the amount of any sums paid by the person concerned to the said police authority (including sums paid in pursuance of an undertaking) as a condition of being entitled to reckon pensionable service or, as the case may be, approved service, by virtue of service before the said period;
- (d) where the person concerned has transferred to the force of the police authority by whom the award is payable, any sum which had he retired instead of transferring would have been calculable under this paragraph as aggregate pension contributions at the time of transfer, and
- (e) where the person concerned, while a member of the force of the said police authority, became entitled, in the circumstances mentioned in Regulation 48(d) or (e) or Regulation 51 to reckon pensionable service

by virtue of a period of previous service or employment otherwise than as a member of a police force, the amount of any award by way of return of contributions or of any analogous payment which would have been made to him at the end of that period of previous service or employment had he voluntarily retired therefrom in circumstances entitling him to such an award or payment under the superannuation arrangements applicable thereto.

Injury received in the execution of duty

12.—(1) A reference in these Regulations to an injury received in the execution of duty by a member of a police force means an injury received in the execution of that person's duty as a constable and, where the person concerned is an auxiliary policeman, during a period of active service as such.

(2) For the purposes of these Regulations an injury shall be treated as received by a person in the execution of his duty as a constable if—

- (a) the member concerned received the injury while on duty or while on a journey necessary to enable him to report for duty or return home after duty, or
- (b) he would not have received the injury had he not been known to be a constable, or
- (c) the police authority are of the opinion that the preceding condition may be satisfied and that the injury should be treated as one received as aforesaid.

(3) In the case of a person who is not a constable but is within the definition of "member of a police force" in Regulation 4(1), by reason of his being an officer there mentioned, paragraphs (1) and (2) shall have effect as if the references therein to a constable were references to such an officer.

(4) For the purposes of these Regulations an injury shall be treated as received without the default of the member concerned unless the injury is wholly or mainly due to his own serious and culpable negligence or misconduct.

(5) Notwithstanding anything in these Regulations relating to a period of service in the armed forces, an injury received in the execution of duty as a member of the armed forces shall not be deemed to be an injury received in the execution of duty as a member of a police force.

(6) In the case of a regular policeman who has served as a police cadet in relation to whom the Police Cadets (Pensions) Regulations had taken effect, a qualifying injury within the meaning of those Regulations shall be treated for the purposes of these Regulations as if it had been received by him as mentioned in paragraph (1); and, where such a qualifying injury is so treated, any reference to duties in Regulation 29(1) shall be construed as including a reference to duties as a police cadet.

In this paragraph the reference to the Police Cadets (Pensions) Regulations is a reference to the Regulations from time to time in force under section 35 of the Police Act 1964, as extended by section 13 of the Superannuation (Miscellaneous Provisions) Act 1967, or under section 27 of the Police (Scotland) Act 1967, read with the said section 13.

Disablement

13.—(1) A reference in these Regulations to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision and to that disablement being at that time likely to be permanent.

(2) Subject to paragraph (3), disablement means inability, occasioned by infirmity of mind or body, to perform the ordinary duties of a male or female member of the force, as the case may be, except that, in relation to a child, it means inability, occasioned as aforesaid, to earn a living.

(3) Where it is necessary to determine the degree of a person's disablement, it shall be determined by reference to the degree to which his earning capacity has been affected as a result of an injury received without his own default in the execution of his duty as a member of a police force:

Provided that a person shall be deemed to be totally disabled if, as a result of a relevant injury, he is receiving treatment as an in-patient at a hospital.

(4) Where a person has retired before becoming disabled and the date on which he becomes disabled cannot be ascertained, it shall be taken to be the date on which the claim that he is disabled is first made known to the police authority.

Disablement or death the result of an injury

14. For the purposes of these Regulations disablement or death or treatment at a hospital shall be deemed to be the result of an injury if the injury has caused or substantially contributed to the disablement or death or the condition for which treatment is being received.

Relevant service in the armed forces

15. A reference in these Regulations to relevant service in the armed forces shall be construed as a reference to—

- (a) service specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, other than service specified in paragraph 5(b) thereof;
- (b) part-time service under the National Service Act 1948(a), otherwise than pursuant to a training notice under that Act;
- (c) service for the purposes of training only performed by a person mentioned in paragraph 7 of Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, for a period shorter than 7 days;
- (d) in relation to a serviceman other than a serviceman (1939–1945), whole-time service in the armed forces under the National Service Acts 1939 to 1946, the National Service Act 1947(b) or, without prejudice to sub-paragraph (a), the National Service Act 1948;
- (e) in relation to a serviceman (1939–1945), service in the armed forces up to such date as the Secretary of State on the application of the police authority of his former force may in his case have fixed.

(a) 1948 c. 64.

(b) 1947 c. 31.

References to awards

16. In these Regulations, unless the context otherwise requires, a reference to an award shall be construed as a reference to an award under these Regulations.

References to provisions

17.—(1) In these Regulations, unless the context otherwise requires, a reference to a Regulation shall be construed as a reference to a Regulation contained in these Regulations, a reference to a Schedule shall be construed as a reference to a Schedule to these Regulations, a reference to a paragraph shall be construed as a reference to a paragraph in the same Regulation or, as the case may be, the same Part of the same Schedule and a reference to a sub-paragraph shall be construed as a reference to a sub-paragraph contained in the same paragraph.

(2) In these Regulations, unless the context otherwise requires, a reference to any enactment or instrument shall be construed as including a reference to that enactment or instrument as amended, extended or applied by any other enactment or instrument.

Application of Interpretation Act 1889

18. The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

PART III

AWARDS ON RETIREMENT AND DISABLEMENT

Policeman's ordinary pension

19.—(1) Subject to paragraphs (2) and (4), this Regulation shall apply to a regular policeman who retires or has retired when entitled to reckon at least 25 years' pensionable service.

(2) Except in the circumstances mentioned in paragraph (3), this Regulation shall not apply to a member of a home police force where—

- (a) he retires or retired without having given to the police authority a month's written notice of his intention to retire or such shorter notice as may have been accepted by the police authority; or
- (b) being a chief officer of police, assistant commissioner of police of the metropolis, assistant commissioner of police for the City of London, assistant chief constable, a commander, or a deputy assistant commissioner in the metropolitan police, he retires or retired before attaining the age of 60 years.

(3) The circumstances referred to in paragraph (2) are that—

- (a) the police authority decide or have decided that this Regulation or the corresponding provision of any of the former Regulations should apply in his case; or

(a) 1889 c. 63.

- (b) he is or was required to retire on account of age, or on the ground that his retention in the force would not be in the general interests of efficiency, or as an alternative to dismissal, or
- (c) he is or was required to retire under section 5(4) of the Police Act 1964 or section 4(4)(d) of the Police (Scotland) Act 1967.

(4) This Regulation shall not apply to an overseas policeman or central police officer who retires or retired before the completion of the tour of overseas service or, as the case may be, of central service, if any, applicable in his case.

(5) Subject to the provisions of these Regulations, a regular policeman to whom this Regulation applies shall be entitled to an ordinary pension of an amount calculated in accordance with Part I of Schedule 2, subject however to Parts VII and VIII of that Schedule; but, in the case of a person entitled to reckon less than 30 years' pensionable service, no payments shall be made on account of the pension in respect of the period, if any, after his retirement and before he has attained the age of 50 years.

(6) In the case of a person who was serving as a regular policeman on 15th February 1971 the limitation imposed by paragraph (2) on the application of this Regulation shall not apply to his first retirement on or after that date by reason of his being a commander in a police force other than the metropolitan police force.

(7) In the case of a person who—

- (a) was serving as a regular policeman on 7th August 1961; or
- (b) is entitled under Regulation 48(c) or under Regulation 97 to reckon as pensionable service a period which includes that date,

the limitation imposed by paragraph (5) on the making of payments in respect of a period before a person has attained the age of 50 years shall not apply to his first retirement on or after that date; and any person who has retired with an ill-health pension and subsequently rejoins the force in the circumstances, and within the period, mentioned in Regulation 65(2) shall be treated for the purposes of this paragraph as if he had not retired but had served as a regular policeman throughout the period for which he was in receipt of that pension.

Policeman's ill-health award

20.—(1) This Regulation shall apply to a regular policeman who retires or has retired on the ground that he is or was permanently disabled.

(2) A regular policeman to whom this Regulation applies shall be entitled to an ill-health award as hereinafter provided.

(3) In the case of a policeman who is or was at the time of his retirement—

- (a) entitled to reckon at least 5 years' pensionable service; or
- (b) disabled as the result of an injury received in the execution of duty,

the award under paragraph (2) shall be an ill-health pension calculated in accordance with Part II of Schedule 2, subject however to Parts VII and VIII of that Schedule.

(4) In the case of any other policeman the award under paragraph (2) shall be an ill-health gratuity calculated in accordance with Part IV of Schedule 2, subject however to Part IX of that Schedule.

Policeman's short service award

21.—(1) This Regulation shall apply to a regular policeman who retires or has retired when entitled to reckon less than 25 years' pensionable service and who—

- (a) is or was required to retire on account of age;
- (b) is treated for the purposes of these Regulations, by virtue of Regulation 99(2) as having retired;
- (c) being a reversionary member of a home police force, in pursuance of a notice in that behalf given to the Secretary of State and having attained the age of 60 years, retires or retired on the termination of the tour of overseas service, if any, applicable in his case;
- (d) is or was required to retire under section 5(4) of the Police Act 1964 or section 4(4)(d) of the Police (Scotland) Act 1967; or
- (e) was serving as a chief constable on 1st July 1964 and is treated for the purposes of these Regulations, by virtue of Regulation 100(2) as having retired.

(2) A regular policeman to whom this Regulation applies shall be entitled to a short service award as hereinafter provided.

(3) In the case of a policeman entitled at the time of his retirement to reckon at least 5 years' pensionable service, the award under paragraph (2) shall be a short service pension calculated in accordance with Part III of Schedule 2, subject however to Parts VII and VIII of that Schedule.

(4) In the case of any other policeman, the award under paragraph (2) shall be a short service gratuity calculated in accordance with Part IV of Schedule 2, subject however to Part IX of that Schedule.

Policeman's injury awards

22.—(1) This Regulation shall apply to a person who ceases or has ceased to be a member of a police force and is permanently disabled as a result of an injury received without his own default in the execution of his duty (in Part V of Schedule 2 referred to as the "relevant injury").

(2) A person to whom this Regulation applies shall be entitled to a gratuity and, in addition, to an injury pension, in both cases calculated in accordance with Part V of Schedule 2; but payment of an injury pension shall be subject to the provisions of paragraph 5 of the said Part V.

Deferred pension and award where no other award payable

23.—(1) This Regulation shall apply to a person who ceases or has ceased to be a member of a police force in circumstances in which no transfer value is payable in respect of him and which do not entitle him to any award other than such as is mentioned in this Regulation.

- (2) A regular policeman to whom this Regulation applies who—
- (a) has attained the age of 26 years,
 - (b) is entitled to reckon at least 5 years' pensionable service or, though not so entitled, is entitled to reckon pensionable service by virtue of service or employment aggregating at least 5 years, and
 - (c) elects that this paragraph shall apply in his case by notice in writing given to the police authority within 3 months of 1st April 1973 or the date on which he ceased to be a member of a police force, whichever is the later, or within such longer period as the authority may allow in the circumstances of his case,

shall, on so ceasing, be entitled to a deferred pension calculated in accordance with Part VI of Schedule 2, subject however to Parts VII and VIII of that Schedule; but no payments shall be made on account of the pension in respect of the period before he attains the age of 60 years or, if he sooner becomes permanently disabled, before he becomes so disabled or in respect of any period thereafter if he sooner relinquishes his entitlement by written notice to the police authority.

(3) In the case of a person who ceased to be a regular policeman before 1st April 1973, an election under paragraph (2)(c) shall be of no effect unless within the period there mentioned he repays to the police authority any award made in his case under Regulation 28 of the Police Pensions Regulations 1971(a).

(4) A person to whom this Regulation applies who, on retirement, is not granted a pension under paragraph (2) shall be entitled to an award, subject to Part IX of Schedule 2, of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service.

(5) Where a member of a police force to whom this Regulation applies is dismissed, in circumstances in which, had he already retired with a pension, that pension would be liable to forfeiture under Regulation 69, the police authority may determine that he be not granted a deferred pension and, in such case, the member shall, notwithstanding anything in paragraph (2), not be entitled to such a pension.

The provisions of Regulations 75 and 76 relating to appeals shall apply in relation to a determination under this paragraph as they apply in relation to the forfeiture of a pension.

(6) Subject to the provisions of Part IX of Schedule 2, if a person to whom this Regulation applies is dismissed and is not granted a pension under paragraph (2), the police authority shall grant an award of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service to such one of those persons hereinafter described as, in their discretion, they may think fit or, if in their discretion they think fit, shall distribute that award among such of those persons in such shares and in such manner as in their discretion they may think fit.

The persons above referred to are the said person and all his dependants.

- (7) In the case of a member of a police force—
- (a) who ceases to be such on or after 6th April 1973, and
 - (b) whose annual pensionable pay has at any time exceeded £5,000,

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

this Regulation shall have effect as if sub-paragraph (c) of paragraph (2) and paragraphs (3), (4) and (6) were omitted.

Commutation

24.—(1) A regular policeman may, in accordance with this Regulation, commute for a lump sum a portion of any pension, other than an injury pension, to which he is or may become entitled, provided, in the case of an ordinary pension, that he retires or retired either when entitled to reckon at least 30 years' pensionable service or in the circumstances mentioned in sub-paragraph (a), (b), (d) or (e) of Regulation 21(1).

(2) In the case of a deferred pension, the following provisions of this Regulation shall have effect as if any reference therein to retirement or the date thereof were a reference to the coming into payment of the deferred pension or the date thereof.

(3) For the purpose of commuting a portion of his pension in accordance with this Regulation a person shall give notice in writing (in this Regulation called "notice of commutation") to the police authority of his wish to surrender and commute for a lump sum such portion of his pension, not exceeding a quarter of the pension which would be payable but for the provisions of Regulation 25, as (subject to the limitation contained in Regulation 26) he may specify.

(4) The notice of commutation shall be given by a person not earlier than 2 months before his intended retirement nor later than 6 months after his retirement.

(5) The notice of commutation given by a person shall become effective—

(a) as from the date of his retirement; or

(b) as from the date on which the notice is received by the police authority, whichever is the later:

Provided that the notice of commutation shall not become effective if—

(i) it was given more than 2 months before his retirement, or

(ii) it relates to an ill-health pension and the unsecured portion of that pension has sooner been terminated under Regulation 65.

(6) Where a person retires or has retired and a notice of commutation given by him becomes or has become effective, the police authority shall reduce the pension to which the notice relates in accordance with the notice as from the time from which the notice is effective and shall pay to him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Government Actuary:

Provided that where the notice is effective as from the date mentioned in paragraph (5)(b), the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement.

(7) Where the unsecured portion of an ill-health pension is terminated under Regulation 65, after a notice of commutation in relation to the pension has become effective—

- (a) no reduction shall be made under paragraph (6) in the secured portion of the pension, in so far as it is payable under Regulation 65;
- (b) if thereafter the person concerned becomes entitled to a pension, other than an injury pension, and is entitled to reckon for the purposes thereof the period of pensionable service reckonable for the purposes of the ill-health pension first mentioned in this paragraph, the unsecured portion of the other pension shall be reduced by the amount by which the ill-health pension would have been reduced if it had not been terminated as aforesaid.

(8) Where a person wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under paragraph (7)(b), he shall not specify in the notice of commutation a portion of the pension which, when aggregated with the said reduction, exceeds a quarter of the pension which would be payable but for the provisions of paragraph (7)(b) and of Regulation 25.

(9) Without prejudice to the generality of Regulation 3 but subject to the provisions of the Police Pensions (Transitory Provisions) Regulations 1973, the commutation of a pension, the giving of a notice or any other thing done under Regulation 24 of the Police Pensions Regulations 1971 shall have effect for the purposes of this Regulation as if done thereunder.

Allocation

25.—(1) A regular policeman who is entitled to reckon not less than 25 years' pensionable service may, subject to and in accordance with this Regulation, allocate a portion of any pension, other than an injury pension, and notwithstanding that he has already allocated a portion of such a pension, he may—

- (a) allocate a further portion of that pension in favour of the beneficiary of a previous allocation;
- (b) where that beneficiary has died, allocate a further portion of that pension in favour of some other beneficiary; or
- (c) where (not having attained the age of 70 years) he proposes to marry or remarry, allocate a further portion of that pension in favour of his spouse by that marriage.

(2) A regular policeman may, subject to and in accordance with this Regulation, allocate a portion of a short service or deferred pension and, notwithstanding that he has already allocated a portion of such a pension, he may, where (not having attained the age of 70 years) he proposes to marry or remarry, allocate a further portion of that pension in favour of his spouse by that marriage.

(3) For the purpose of allocating a portion of his pension a person shall—

- (a) within the time limits mentioned in paragraph (4), give notice in writing (in this Regulation called "notice of allocation") to the police authority of the force in which he is serving or by whom his pension is payable stating—

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- (i) his wish to surrender such portion of his pension as, subject to the limitations contained in paragraph (5) and in Regulation 26, he may specify,
 - (ii) the person in whose favour the surrender is to take effect (in this Regulation called "the beneficiary") being his wife or some other person who the police authority are satisfied is substantially dependent on him,
 - (iii) in the case of a person entitled to reckon not less than 25 years' pensionable service who has not retired, whether the notice is to become effective in accordance with sub-paragraph (a) or (d) of paragraph (6); and
- (b) satisfy the police authority of his good health and for that purpose submit himself to such medical examination as they may require.
- (4) Notice of allocation shall be given—
- (a) where, in such case as is mentioned in paragraph (3)(a)(iii), the notice of allocation is to become effective in accordance with paragraph (6)(a), before the person's intended retirement;
 - (b) where a person in receipt of a pension who has not attained the age of 70 years proposes to marry or remarry and the beneficiary is his spouse by that marriage, before but not earlier than 2 months before his intended marriage;
 - (c) where the pension is a deferred pension but the preceding sub-paragraph does not apply, before but not earlier than 2 months before the pension comes into payment;
 - (d) in any other case, before but not earlier than 2 months before the person's intended retirement.
- (5) The total portion of a pension which may be surrendered by a person under this Regulation shall not exceed a third of the pension which would be payable in his case but for the provisions of this Regulation, of Regulation 24 and of Part VIII of Schedule 2.
- (6) Where a person has complied with the provisions of sub-paragraphs (a) and (b) of paragraph (3), the police authority shall forthwith send to him a written notification that they have accepted the notice of allocation, which shall become effective—
- (a) in such case as is mentioned in paragraph (4)(a) where the notice of allocation is to become effective in accordance with this sub-paragraph—
 - (i) as from the time when the notification is received by him or, if sent by post, as from the time when it would be received by him in the ordinary course of post, or
 - (ii) as from the date of his retirement,whichever is the earlier;
 - (b) in such case as is mentioned in paragraph (4)(b), if, and only if, the proposed marriage takes place within 2 months of giving the notice of allocation and in that event as from the date of the marriage;

- (c) in such case as is mentioned in paragraph (4)(c), if, and only if, the deferred pension comes into payment within 2 months of giving the notice of allocation and in that event as from the date it comes into payment;
- (d) in any other case, if, and only if, the person retires within 2 months of giving the notice of allocation and in that event as from the date of retirement.
- (7) Where a person retires or has retired and a notice of allocation given by him becomes effective—
- (a) the pension to which the notice relates shall be reduced in accordance with the notice (notwithstanding the previous death of the beneficiary) as from the date from which the pension is payable or on which the notice becomes effective, whichever is the later; and
- (b) the police authority shall, as from the person's death, pay to the beneficiary specified in the notice, if that person survives him, a pension of such amount as is the actuarial equivalent of the surrendered portion of the pension so specified.
- (8) For the purposes of paragraph (7)(b) the actuarial equivalent of the surrendered portion of the pension shall be calculated from tables prepared by the Government Actuary and in force at the time when the notice of allocation became effective, which tables shall—
- (a) take account of the age of the regular policeman and of the age of the beneficiary at that time; and
- (b) make different provision according to whether or not the notice of allocation became effective in accordance with paragraph (6)(a),
- and separate calculations shall be made in respect of separate allocations.
- (9) Where a person was entitled to reckon at least 25 years' pensionable service when he gave the notice of allocation and stated therein that it should become effective in accordance with paragraph (6)(a), then, if he dies before retiring, the police authority shall pay to the beneficiary the like pension they would have paid by virtue of that notice if he had retired immediately before he died.
- (10) Without prejudice to the generality of Regulation 3 but subject to the provisions of the Police Pensions (Transitory Provisions) Regulations 1973, the allocation of a portion of a pension, the giving of a notice or any other thing done under, or having effect for the purposes of, Regulation 26 of the Police Pensions Regulations 1971 shall have effect for the purposes of this Regulation as if done thereunder.
- (11) Any reference in these Regulations to a widow's pension, however expressed, shall be construed as excluding a reference to a pension payable to a widow under this Regulation.

Limitation on right to commute or allocate part of pension

26. A regular policeman shall not under Regulation 24 commute for a lump sum, nor under Regulation 25 allocate in favour of his wife or other dependent, such a portion of his pension that that pension becomes payable at a rate less than 2 thirds of the rate at which it would have been payable but for the provisions of the said Regulations and Part VIII of Schedule 2.

PART IV

AWARDS ON DEATH

*Widows**Widow's ordinary pension*

27.—(1) This Regulation shall apply to a widow of a regular policeman entitled to reckon at least 3 years' pensionable service—

- (a) who dies or has died while serving as such; or
- (b) who, having retired because he was disabled, dies or has died as a result of the same injury as resulted in his disablement; or
- (c) who, having retired with a pension other than a deferred pension, dies or has died while still in receipt of that pension.

(2) A widow to whom this Regulation applies shall be entitled to an ordinary pension calculated in accordance with Parts I and V of Schedule 3 subject, however, to the provisions of sub-paragraph (3).

(3) Where the husband was serving as a regular policeman or entitled to a pension other than a deferred pension either—

- (a) on 1st April 1973, or
- (b) at the date of his death where that date is before 1st July 1973,

and he or, as the case may be, his widow has not exercised the rights of election accorded by Regulations 58, 59, 60 and 61 for the purpose of avoiding the application to the calculation of the widow's ordinary pension—

- (i) of paragraphs 2 and 3 of Part II of Schedule 3, where, before 1st April 1972, he last paid pension contributions at a rate related to 5% of his pensionable pay, or
- (ii) of paragraph 3, in any other case,

then the said Part II shall apply and, accordingly, for the purposes of calculating the widow's ordinary pension, Part I of Schedule 3 shall have effect subject to the provisions of Part II.

Widow's special award

28.—(1) This Regulation shall apply to a widow of a member of a police force who dies or has died as the result of an injury received without his own default in the execution of his duty.

(2) A widow to whom this Regulation applies shall be entitled to a widow's special pension and, in addition but subject to paragraph (5), to a gratuity.

(3) Without prejudice to Regulation 29(2), a widow's special pension shall be calculated in accordance with Parts III and V of Schedule 3.

(4) Without prejudice to Regulation 29(3), a gratuity under paragraph (2) shall be of an amount, which shall be increased in accordance with Part XIII of these Regulations, equal to 25% of the husband's average pensionable pay less any injury gratuity to which he was entitled under Regulation 22.

(5) A gratuity under paragraph (2) shall not be payable if the husband was so entitled to an injury gratuity equal to, or exceeding, 25% of his average pensionable pay.

Widow's augmented award

29.—(1) This Regulation shall apply to a widow of a member of a police force whose death is the result of an injury received without his own default in the execution of his duty where one of the following conditions is satisfied, namely that—

- (a) he was attacked by a person or persons in a manner which was intrinsically likely to cause death and death ensued as a result of the attack, or
- (b) the injury was received in the course of duties performed for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody, or
- (c) the injury was received in the course of duties performed—
 - (i) for the immediate purpose of saving the life of another person or of preventing loss of human life, and
 - (ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury, or
- (d) the police authority are of the opinion that one of the preceding conditions may be satisfied, and that this Regulation should apply, or
- (e) the police authority are of the opinion that the injury was received otherwise than as aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would have been payable had one of the conditions specified in sub-paragraphs (a), (b) and (c) been satisfied.

(2) For the purpose of calculating the special pension payable to a widow to whom this Regulation applies, Part III of Schedule 3 shall have effect as if for the reference in paragraph 1 thereof to 45% of the husband's average pensionable pay for a week there were substituted a reference to 50% thereof.

(3) The gratuity payable under Regulation 28(2) to a widow to whom this Regulation applies shall not be less than it would have been had this Regulation not so applied but, subject as aforesaid, Regulation 28(4) and (5) shall not apply to the gratuity which shall be of an amount equal to twice the annual pensionable pay, at the date of the husband's death, of a man—

- (a) holding the rank of constable in the metropolitan police force, and
- (b) entitled to reckon 30 years' service for the purposes of pay.

Widow's accrued pension

30.—(1) This Regulation shall apply to a widow of a regular policeman who dies while entitled to a deferred pension, whether or not that pension has come into payment.

(2) A widow to whom this Regulation applies shall be entitled to an accrued pension calculated in accordance with Parts IV and V of Schedule 3.

Gratuity in lieu of pension

31.—(1) Where a widow is entitled to an ordinary or special pension and the police authority are satisfied that there is sufficient reason for granting her a gratuity in lieu thereof, they may, subject to the provisions of Regulation 44, in their discretion and with her consent substitute for the pension a gratuity calculated in accordance with Part VI of Schedule 3.

(2) Where the police authority are precluded by reason of the provisions of Regulation 44 from exercising their discretion under the preceding paragraph in the manner in which they would, but for those provisions, exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the pension.

Widow's award where no other award payable

32.—(1) This Regulation shall apply to a widow of a member of a police force who dies or has died—

- (a) while serving as a regular policeman; or
- (b) while called up for service as an auxiliary policeman; or
- (c) while serving as a member of an overseas corps otherwise than as a regular policeman.

(2) A widow to whom this Regulation applies shall, unless she is a widow to whom Regulation 27 or 28 applies, be entitled to an award under this Regulation.

(3) An award under this Regulation shall comprise—

- (a) in respect of the first 13 weeks following the husband's death, a temporary pension of such amount as secures that, in respect of each such week, the aggregate amount of the payment under this subparagraph and of any children's allowances payable in respect of the husband's death is of the like amount as his pensionable pay for a week immediately before he died, and
- (b) an ordinary gratuity of an amount equal to the husband's average pensionable pay.

Limitation on award to widow with reference to date of marriage

33.—(1) A widow shall not be entitled to a widow's ordinary or accrued pension unless she was married to her husband before he last ceased to be a regular policeman.

(2) A widow shall not be entitled to a widow's special award unless she was married to her husband—

- (a) before he last ceased to be a regular policeman, if he received the injury while serving as a regular policeman;
- (b) before the end of the continuous period of service during which he received the injury, in any other case.

Limitation on award to widow living apart from husband

34.—(1) Subject to paragraph (2), a widow shall not be entitled to an award under any provision of this Part of these Regulations if at the time of her husband's death—

- (a) she was separated from him by an order or decree of a competent court; and
- (b) he was not required by an order or decree of a competent court to contribute to her support and was not in fact regularly contributing to her support.

(2) For the purposes of this Regulation contributions to a woman for the support of her child shall be treated as contributions to her support.

Termination of widow's pension on remarriage

35.—(1) Where a widow entitled to a pension under any provision of this Part of these Regulations remarries or has remarried, she shall not be entitled to receive any payment on account of the pension in respect of any period after her remarriage:

Provided that if at any time after her remarriage she has again become a widow or that marriage has been dissolved, the police authority may, in their discretion, bring the pension into payment.

(2) Where a widow entitled to a gratuity under this Part of these Regulations remarries or has remarried, so much of the gratuity as has not been paid before her remarriage shall not be payable thereafter:

Provided that if at any time after her remarriage the woman has again become a widow or that marriage has been dissolved, the police authority may, in their discretion, pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage.

(3) Where after her husband's death a woman has cohabited with another man, this Regulation shall apply as if for the period of such cohabitation she were married to him and any reference in this Regulation to her remarriage, her again becoming a widow or the marriage being dissolved shall be construed accordingly.

*Adult Dependent Relatives**Dependent relative's special pension*

36.—(1) This Regulation shall apply where a member of a police force dies or has died as the result of an injury received without his own default in the execution of his duty and, in such case, shall apply—

- (a) to a parent or (without prejudice to the following sub-paragraph) to a brother or sister of the member who had attained the age of 19 years before the member's death, or
- (b) subject to his having attained the age of 19 years, to any child of the member whether or not he had attained that age before the member's death,

being a person who was substantially dependent on the member immediately before his death (hereinafter referred to as a dependent relative).

(2) A dependent relative to whom this Regulation applies may be granted a special pension if the police authority, having regard to all the circumstances of the case, in their discretion so determine.

(3) A dependent relative's special pension shall be calculated in accordance with Part VII of Schedule 3 and, subject to paragraph 4 thereof, shall be payable for such period or periods as the police authority may, in their discretion, from time to time determine.

Children

Child's ordinary allowance

37.—(1) This Regulation shall apply to a child of a regular policeman who dies or has died—

- (a) while serving as such; or
- (b) having retired with a pension other than a deferred pension, while still in receipt of the pension; or
- (c) having retired with a gratuity when entitled to reckon at least 3 years' pensionable service.

(2) A child to whom this Regulation applies shall be entitled to a child's ordinary allowance calculated in accordance with Parts I and IV of Schedule 4.

Child's special allowance

38.—(1) This Regulation shall apply to a child of a member of a police force who dies or has died as the result of an injury received without his own default in the execution of his duty.

(2) A child to whom this Regulation applies shall be entitled to a child's special allowance calculated in accordance with Parts II and IV of Schedule 4.

Child's special gratuity

39.—(1) This Regulation shall apply to a child of a member of a police force who dies or has died as the result of an injury received in the execution of his duty where one of the conditions set out in Regulation 29(1) is satisfied and—

- (a) in the case of a man, does not leave a widow entitled to a gratuity under Regulation 28(2), or
- (b) in the case of a woman, was the child's only surviving parent.

(2) A child to whom this Regulation applies shall be entitled to a gratuity, as hereinafter provided, in addition to a child's special allowance.

(3) The gratuity under paragraph (2) shall be of the amount mentioned in paragraph (4) except that, where two or more such gratuities are payable in respect of the same person, each gratuity shall be of the said amount divided by the number of such gratuities.

(4) The said amount shall be of an amount equal to twice the annual pensionable pay, at the date of that parent's death, of a man—

- (a) holding the rank of constable in the metropolitan police force, and
- (b) entitled to reckon 30 years' service for the purposes of pay.

Child's accrued allowance

40.—(1) This Regulation shall apply to a child of a regular policeman who dies while entitled to a deferred pension, whether or not that pension, has come into payment.

(2) A child to whom this Regulation applies shall be entitled to an accrued allowance calculated in accordance with Parts III and IV of Schedule 4.

Gratuity in lieu of allowance

41.—(1) Where a child is entitled to an ordinary or special allowance and the police authority are satisfied that there are sufficient reasons for the grant of a gratuity in lieu thereof, they may, subject to the provisions of Regulation 44, in their discretion and with the consent of the child's surviving parent (if any) or guardian, substitute for the allowance a gratuity calculated in accordance with Part V of Schedule 4.

(2) Where the police authority are precluded by reason of the provisions of Regulation 44 from exercising their discretion under the preceding paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the allowance.

Limitation on child's award

42.—(1) A child's allowance or gratuity (other than a gratuity in lieu of an allowance) shall not be granted—

- (a) to a child born on or after the relevant date specified in paragraph (3) or (4) otherwise than of a marriage which took place before the relevant date;
- (b) by virtue of his being a step-child, to the child of a spouse whose marriage to the relevant parent took place on or after the relevant date;
- (c) by virtue of his being substantially dependent on the relevant parent, to a child who was not so dependent before the relevant date;
- (d) by virtue of his being an adopted child, to a child adopted on or after the relevant date;
- (e) except in the case of a legitimate child of the relevant parent, to a child who was not substantially dependent on that parent at the time of his death; or
- (f) to a child who had attained the age of 19 years before the date of the relevant parent's death unless at that date he is permanently disabled;

and, without prejudice as aforesaid, a child's gratuity shall not be granted to a child who had attained the age of 16 years before the date of the death of the relevant parent unless at that date he is undergoing full-time education or is an apprentice or is permanently disabled.

- (2) A child's allowance shall not be payable—
- (a) after the child has attained the age of 16 years unless he is undergoing full-time education or is an apprentice or is permanently disabled;
 - (b) after the child has attained the age of 19 years, unless he is permanently disabled and has been so disabled since attaining that age or, where later, since the death of the relevant parent.
- (3) For the purposes of paragraph (1), the relevant date, in the case of a child's ordinary or accrued allowance, is the date on which the relevant parent last ceased to be a regular policeman.
- (4) For the purposes of paragraph (1), the relevant date, in the case of a child's special allowance or gratuity—
- (a) if the relevant parent received the injury while he was a regular policeman, is the date on which he last ceased to be a regular policeman;
 - (b) if the relevant parent received the injury while serving as an auxiliary policeman, is the end of the continuous period of active service during which he received the injury;
 - (c) if the relevant parent received the injury while serving as a member of an overseas corps and he was not a reversionary member of a home police force, is the date of the end of the tour of overseas service during which he received the injury.
- (5) Any reference in this Regulation to the relevant parent is a reference to the parent in respect of whose death the child's allowance or gratuity would be payable but for the provisions hereof.

General

Gratuities—relatives or estate

- 43.—(1) Where a member of a police force dies or has died while serving as such and no other award is payable under these Regulations, the police authority—
- (a) may, if in their discretion they think fit, grant a gratuity to any of his relatives who were dependent on him to any degree at the time of his death; and
 - (b) if either no gratuity is paid under sub-paragraph (a) or any gratuities so paid do not exhaust the maximum amount provided for in paragraph (3), shall pay his legal personal representatives a gratuity sufficient to exhaust the said maximum amount.
- (2) Where a member of a police force dies or has died while in receipt of a pension and death—
- (a) results from an injury received in the execution of his duty; or
 - (b) takes place within 2 years of the grant of his pension,
- the police authority may, in their discretion, grant a gratuity to any relative who was at the time of his death dependent on him to any degree.

(3) The aggregate of all gratuities paid under this Regulation shall not exceed the aggregate pension contributions in respect of the relevant period of service of the member of the police force concerned.

Limitation on discretion to grant a gratuity in lieu of a pension or allowance

44.—(1) Where a person has died while in receipt of a pension other than an injury pension (in this Regulation referred to as “the principal pension”), the police authority shall not under Regulation 31 or 41 substitute for the whole or any part of a widow’s pension or child’s allowance payable in respect of him a gratuity the actuarial value of which, when added to that of—

(a) any other gratuity so substituted under Regulation 31 or 41, and

(b) any lump sum paid under Regulation 24 by reason that a portion of the principal pension was commuted,

exceeds a quarter of the actuarial value of the principal pension, any reduction therein under Regulation 24 being ignored.

(2) For the purposes of this Regulation the actuarial value of a gratuity, lump sum or pension shall be the actuarial value at the time of the husband’s or parent’s retirement as calculated by the Government Actuary.

Prevention of duplication

45. A person who, but for this Regulation, would be entitled to receive two awards by way of pension or allowance under this Part of these Regulations in respect of any particular period shall be entitled to receive one only of those awards in respect of that period; and the award payable shall be that from time to time selected by the person or, in default of such selection, where one award is for the time being greater than the other, the award which is for the time being the greater.

PART V

PENSIONABLE SERVICE

Reckoning of pensionable service

46. The pensionable service reckonable by a member of a police force at any date (hereafter referred to in this Part of these Regulations as the “relevant date”) shall be determined in accordance with the succeeding provisions of these Regulations:

Provided that the following periods shall not be reckonable by a regular policeman as pensionable service in the cases and for the purposes hereinafter mentioned:—

(a) in the case of a woman, any period of unpaid maternity leave;

(b) if the police authority so direct, in the case of a person who before 15th February 1971 has been suspended under regulations from time to time in operation under section 4 of the Police Act 1919(a), section 11 of the Police (Scotland) Act 1956(b), section 33 of the Police Act 1964(c), or section 26 of the Police (Scotland) Act 1967(d), not being a person who returned to duty at the end of the period of suspension without having been found guilty of any offence under such regulations, the whole or such part of the period of suspension as may be directed.

(a) 1919 c. 16.

(c) 1964 c. 48.

(b) 1956 c. 26.

(d) 1967 c. 77.

Current service

47.—(1) Subject to the provisions of these Regulations, there shall be reckonable by a regular policeman in respect of his service as such in the force in which he is or was serving on the relevant date, being service since he last joined or rejoined that force before that date—

- (a) all such service on or after 5th July 1948; and
- (b) where he last joined or rejoined the force before 5th July 1948, any period of approved service which he was entitled to reckon immediately before that date under the former Acts.

(2) There shall be reckonable by an auxiliary policeman as pensionable service, in respect of his service in the force in which he is or was serving on the relevant date, all his active service as such since he was last called up for active service before that date.

(3) There shall be reckonable as pensionable service by a member of an overseas corps who is not, or was not, on the relevant date a reversionary member of a home police force all his service as a member of an overseas corps, while not being such a reversionary member, since he last became a member of an overseas corps before the relevant date.

Previous service reckonable without payment

48. There shall be reckonable by a regular policeman as pensionable service—

- (a) where from being a regular policeman in another force he transferred on or after 5th July 1948 to the force in which he is or was serving on the relevant date, any period of pensionable service reckonable by him immediately before the transfer;
- (b) where he previously retired with an ill-health pension or a pension under the former Acts from the force in which he is or was serving on the relevant date, that pension was terminated in whole or in part under Regulation 65 or any corresponding provision of the former Regulations or former Acts, and he rejoined the force on or after 5th July 1948, any period of pensionable service or of approved service under the former Acts, as the case may be, reckonable by him at the time he retired;
- (c) where he previously retired with a pension under the former Acts in respect of a non-accidental injury from the force in which he is or was serving on the relevant date, and the approved service under the former Acts reckonable by him at the time he retired is reckonable as pensionable service under sub-paragraph (b), the period during which he was in receipt of the pension;
- (d) where the relevant date is 15th May 1950 or any later date and he left the Royal Ulster Constabulary with the consent of the chief officer of that force and the approval of the Police Authority for Northern Ireland for the purpose of becoming a regular policeman in a home police force, any period of approved or pensionable service which was reckonable by him, immediately before he so left, for the purposes of the Royal Ulster Constabulary pensions legislation;

- (e) where he previously engaged for a period of service in the Royal Ulster Constabulary as mentioned in section 2(1) of the Police Act 1969(a) and he exercises the right of reversion to a home police force conferred by the said section 2(1) or, on that right arising, does not exercise it but joins another home police force, any period of pensionable service which was reckonable by him, for the purposes mentioned in subparagraph (d), immediately before he left the Royal Ulster Constabulary.

Previous service reckonable on payment

49.—(1) Subject to Regulation 59(4), there shall be reckonable by a regular policeman as pensionable service, in the circumstances specified in this Regulation, the periods so specified before he last entered the force before the relevant date, subject to his having made to the police authority the appropriate payment.

(2) Where before the relevant date he retired without a pension (including a pension under the former Acts) or with a deferred pension which he has relinquished under Regulation 23(2) from the same force as that in which he is, or was, serving on the relevant date—

(a) the period shall be any period of pensionable service, or approved service under the former Acts, reckonable by him at the time he retired, not being a period reckonable by virtue of Regulation 47(1)(b);

(b) the appropriate payment shall be an amount equal to any gratuity or return of pension contributions or rateable deductions, as the case may be, which he may have received on his retirement together with the balance outstanding immediately before his retirement of any sum he had undertaken to pay as mentioned in Schedule 5, so however, that, where immediately before his retirement he was paying additional or further pension contributions under Regulation 57 or 58 or any corresponding provision of the former Regulations, the payment shall be reduced by the amount he had paid by way of such contributions.

(3) Where he previously served as a member of the first class of the police reserve, of the Police War Reserve or of Class A of the Women's Auxiliary Police Corps or, subject to paragraph (5), as a special constable—

(a) the period shall be half the period of active service as a member of the first class of the police reserve during which he was not in receipt of a pension (including a pension under the former Acts), half the period of active service as a member of the Police War Reserve, half the period of active service as a member of the Women's Auxiliary Police Corps, whether in Class A of that Corps or otherwise, or half the period of service as a special constable while serving as such in a whole-time capacity and in receipt of pay in respect of such service, as the case may be;

(b) the appropriate payment shall be 5% of, in the case of a man, £4.50, and in the case of a woman, £3.95, in respect of each week which he is entitled under this paragraph to reckon as pensionable service.

(4) Where he was a person to whom section 1 of the Police and Firemen (War Service) Act 1939(b), as extended by Regulation 60DA of the Defence (General) Regulations 1939, applied—

(a) the period shall be the period during which he was engaged in war work within the meaning of the said Defence Regulation during the year 1947;

(a) 1969 c. 63.

(b) 1939 c. 103.

(b) the appropriate payment shall be the aggregate of the payments that he would have been required to make under the said Act as so extended in respect of the said period if the emergency that was the occasion of the passing of that Act had not come to an end.

(5) Except where the appropriate payment has been made before 1st January 1963, the references in paragraph (3) to a special constable shall be construed as references only to a special constable appointed—

- (a) in England or Wales, under the Special Constables Act 1831(a) or section 196 of the Municipal Corporations Act 1882(b);
- (b) in Scotland, under section 96 of the Burgh Police (Scotland) Act 1892(c) or the corresponding provisions of any local enactment.

Previous service reckonable at discretion of police authority

50.—(1) Subject to Regulation 59(4), if the appropriate police authority in their discretion have so decided, there shall be reckonable by a regular policeman as pensionable service, in the circumstances specified in this Regulation, the periods before he last entered the force before the relevant date so specified, subject, in the case of such a period as is mentioned in paragraph (2), to his having made to that police authority the appropriate payment.

(2) Where he previously ceased to serve as a regular policeman without a pension (including a pension under the former Acts) or with a deferred pension which he has relinquished under Regulation 23(2)—

- (a) the period shall be the whole of any period of pensionable service, or approved service under the former Acts, reckonable by him at the time he ceased to serve, not being a period reckonable by virtue of Regulation 47(1)(b) or 49(2), or so much of that period as the appropriate police authority in their discretion think fit;
- (b) the appropriate police authority shall be the authority of the force in which he is or was serving on the relevant date;
- (c) the appropriate payment shall be the whole or the proportionate part of an amount equal to any gratuity or return of pension contributions or rateable deductions, as the case may be, which he may have received on ceasing to serve together with the balance outstanding immediately before so ceasing of any sum he had undertaken to pay as mentioned in Schedule 5, so however that, where immediately before ceasing to serve he was paying additional or further pension contributions under Regulation 57 or 58 or any corresponding provision of the former Regulations, the payment shall be reduced by the whole or the proportionate part of the amount he had paid by way of such contributions.

(3) Where a serviceman (1939–1945), after receiving a pension under the Police and Firemen (War Service) Acts 1939 and 1944(d), rejoins or has rejoined the force in which he is or was serving on the relevant date, being the force of the police authority by whom the pension was payable—

- (a) the period shall be the whole of the period for which he was in receipt of the said pension or such part thereof as the said police authority have, in their discretion, decided shall be reckonable;
- (b) the appropriate police authority shall be the police authority of the force in which he is or was serving on the relevant date.

(a) 1831 c. 41.
(c) 1892 c. 55.

(b) 1882 c. 50.
(d) 1939 c. 103; 1944 c. 22.

Previous service reckonable under interchange arrangements

51.—(1) Subject to Regulation 59(4) and paragraph 5 of Part I of Schedule 6, this Regulation shall apply to a regular policeman—

- (a) who before he last became a regular policeman before the relevant date was in such service or employment as is mentioned in Schedule 6 by virtue of which he was subject to superannuation arrangements (hereafter in this Regulation referred to, respectively, as “former service” and “former superannuation arrangements”);
- (b) who has served as a regular policeman on or after the date specified in Schedule 6 in relation to the former service;
- (c) who last became a regular policeman before the relevant date within 12 months of the termination of his former service or within such longer period as may be agreed, in the circumstances of his case, between the police authority and the authority specified in Schedule 6 in relation to his former service;
- (d) in respect of whom such a transfer value relating to his former service as is mentioned in Schedule 6 is paid to the police authority of the force in which he is or was serving on the relevant date, and
- (e) who, within 6 months of the date specified in Schedule 6 in relation to the former service or 3 months of last becoming a regular policeman before the relevant date, whichever is the later, or within such longer period as the police authority may allow in his case—
 - (i) pays, or undertakes to pay in accordance with Schedule 5, a sum equal to the balance of any liability outstanding, immediately before he ceased to be engaged in his former service, in respect of payments or contributions he was then making as a condition of reckoning past service as contributing service or otherwise for the purposes of the former superannuation arrangements, being service taken into account for the purpose of calculating the transfer value referred to in sub-paragraph (d), and
 - (ii) pays to the police authority a sum equal to the amount, if any, by which the transfer value referred to in sub-paragraph (d) falls to be reduced on account of any sum paid to him under the former superannuation arrangements by way of return of contributions.

(2) Subject to paragraph (3), there shall be reckonable by a regular policeman to whom this Regulation applies, as pensionable service in respect of his former service, 3 quarters of the period specified in paragraph (4).

(3) Where under the former superannuation arrangements—

- (a) the maximum pension payable (otherwise than on retirement occasioned by injury or ill-health) is payable where the person concerned has been engaged for a period of 30 years in service which counts in full for the purposes of those arrangements, or
- (b) after 20 years of such service, each year of service counts as 2 years service for the said purposes,

paragraph (2) shall not apply but there shall be reckonable as therein mentioned the whole of the period specified in paragraph (4) so, however, that, where under

the former superannuation arrangements such provision as is mentioned in subparagraph (a) or (b) is made in relation only to service or employment of a description designated therein (in this paragraph referred to as "designated service") and the regular policeman's former service included designated service, there shall be reckonable as aforesaid—

- (i) the whole of that part of the period specified in paragraph (4) as is referable to designated service, and
 - (ii) 3 quarters of that part of that period as is not so referable.
- (4) The period referred to in paragraphs (2) and (3) shall be—
- (a) the period of service which is reckonable for the purpose of calculating the transfer value referred to in paragraph (1)(d); or
 - (b) where separate calculations are made in respect of contributing and non-contributing service reckonable for the purpose of calculating the said transfer value, the aggregate of the period of contributing service and half the period of non-contributing service which is so reckonable.

Added years in case of chief constable displaced under Police Act 1946

52.—(1) Where a police area has been amalgamated with another police area by a scheme made under the Police Act 1946(a) and the chief constable of the force of an area so amalgamated is deemed to have retired under section 11(3) of that Act—

- (a) if during the period of 3 months referred to in the said provision he joins or joined the combined force, he shall be entitled to treat the period during which he was in receipt of a salary under the said provision as service in the combined force for the purpose of reckoning pensionable service;
- (b) if during the said period he does not, or did not, join the combined force, at the expiration of the said 3 months there shall be reckonable by him as pensionable service the pensionable service which he was entitled to reckon at the date when he was so deemed to retire, with the addition of the said period of 3 months and also of the shortest of the following periods, namely:—
 - (i) a period of 10 years,
 - (ii) the period between the date on which he was so deemed to retire and the date on which he would, if he had continued to serve in the force from which he was so deemed to retire, have been entitled to reckon 30 years' pensionable service, and
 - (iii) the period between the date when he was so deemed to retire and the date on which he would, if he were to live so long, attain the age of 65 years.

(2) The reference in paragraph (1) to the chief constable of the force of an amalgamated area includes a reference to a person who engaged for a tour of overseas service and, immediately before he so engaged, was the chief constable of the force of an area which, while he was so engaged, was amalgamated with another police area, and the reference to section 11(3) of the Police Act 1946 includes a reference to that provision as applied by section 14(3)(a) of that Act.

(3) In the application of this Regulation to Scotland, references to the Police Act 1946, section 11(3) and section 14(3)(a) thereof shall be construed as references to—

- (a) the Police (Scotland) Act 1946(a), section 7(2) and section 9(3)(a) thereof, respectively; or
- (b) the Police (Scotland) Act 1956, section 22(2) and section 23(2) thereof, respectively; or
- (c) the Police (Scotland) Act 1967, section 23(2) and section 24(2) thereof, respectively.

Certain service in the Orkney and Zetland police forces

53.—(1) In the case of a person serving as a regular policeman in the Orkney or Zetland police force on the relevant date, there shall be reckonable as pensionable service the period of his non-contributing service, subject to his having paid to the police authority the appropriate pension contribution.

(2) For the purpose of paragraph (1)—

- (a) non-contributing service means, in the case of a member of the Orkney police force, whole-time service in that force before 15th January 1938, or, in the case of a member of the Zetland police force, whole-time service in that force or in the Lerwick Burgh police force before 29th May 1940;
- (b) the appropriate pension contribution means a contribution equal to 5% of his pay in respect of each week of his non-contributing service, within the meaning of sub-paragraph (a).

Approved service reckonable under former Acts

54. Any reference in this Part of these Regulations to approved service reckonable under the former Acts shall include—

- (a) a reference to approved service which would have been so reckonable if there had been omitted from section 7(1) of the Police Pensions Act 1921(b) the words “but shall not include” to the end;
- (b) a reference to approved service which would have been so reckonable if there had been omitted from section 8(1) of the said Act the words “in which he has completed not less than one year’s approved service, and”.

PART VI

PENSIONABLE PAY, CONTRIBUTIONS AND OTHER ADDITIONAL AND FURTHER PAYMENTS

Pensionable pay

55.—(1) The pensionable pay of a member of a police force at any time means his pay at the rate to which he is or was then entitled.

(2) The average pensionable pay of a member of a police force shall, subject to paragraphs (3) and (4), be the aggregate of his pensionable pay during the period of a year ending with the relevant date:

(a) 1946 c. 71.

(b) 1921 c. 31.

Provided that where he was in receipt of pensionable pay for part only of that period, the said aggregate shall be multiplied by the reciprocal of the fraction of the year for which he was in receipt of pensionable pay.

(3) Where the amount of a member of a police force's average pensionable pay, determined in accordance with paragraph (2), is less than the amount it would have been had he not suffered a temporary reduction in rate of pay by way of punishment, it shall be increased by the difference between the two said amounts.

(4) Where the amount of a member of a police force's average pensionable pay, determined in accordance with paragraphs (2) and (3), is less than the amount it would have been had the relevant date been the corresponding date in one of the two preceding years (whichever year yields the higher amount), it shall be increased by the difference between the two said amounts.

(5) Where an award is made to or in respect of a member of a police force the relevant date for the purpose of determining his average pensionable pay shall be—

- (a) in the case of a regular policeman, the date of his last day of service as such in the force of the police authority by whom the award is payable;
- (b) in the case of an auxiliary policeman, the date of the last day of the continuous period of active service as such during which he received the injury which resulted in disablement or death;
- (c) in the case of an overseas policeman who is not a reversionary member of a home police force, the date of the last day of the tour of overseas service during which he received the injury which resulted in disablement or death.

(6) Where a regular policeman has served as a member of the Royal Ulster Constabulary on or after 1st May 1970, and so served during part of the period of 3 years ending with the date mentioned in paragraph (5)(a), then paragraphs (2), (3) and (4) shall have effect in his case as if any reference in paragraph (2) to pensionable pay included a reference to such pay within the meaning of the Royal Ulster Constabulary pensions legislation.

(7) A serviceman shall, for the purposes of these Regulations, be deemed to receive during his period of relevant service in the armed forces, the amount of pay he would have received if he had continued to serve in his former force.

(8) For the purpose of calculating the pension of the chief constable of the force of an area which has been amalgamated with another police area by a scheme made under the Police (Scotland) Act 1967, being a pension payable by virtue of Regulation 99(2), his average pensionable pay shall include—

- (a) where he was immediately before the date on which the area was amalgamated in receipt of a rent allowance, the annual amount of that rent allowance;
- (b) where he was immediately before the said date provided with a house or quarters free of rent and rates, the annual worth of the house or quarters as determined in their discretion and with the approval of the Secretary of State by the police authority of the force of which he was chief constable.

(9) Where, for the purpose of calculating an award to a widow or a child, it is necessary to determine average pensionable pay for a period of a week, it shall be taken to be average pensionable pay divided by 52 $\frac{1}{2}$.

Rate of payment of pension contributions

56.—(1) Subject to the provisions of these Regulations, a member of a police force shall pay pension contributions to the police authority, in the case of a man, at the rate of 6p a week less than 7% of his pensionable pay or, in the case of a woman, less than 5% of her pensionable pay.

(2) Where a man was on 1st April 1956 an auxiliary policeman, he shall in respect of any period during which he is such a policeman pay pension contributions at the rate of 6p a week less than 5% of his pensionable pay.

(3) This Regulation shall apply, in the case of a regular policeman who was on 5th July 1948 a member of a police force or a serviceman (1939–1945) and did not give notice in accordance with the relevant provisions of the former Regulations, as if for any reference to a rate of 6p a week less than a percentage of his pensionable pay there were substituted a reference to a rate of 1p a week less than that percentage of his pensionable pay.

(4) In paragraph (3) the reference to the relevant provisions of the former Regulations is a reference to the provisions of Regulation 41(3) of the Police Pensions Regulations 1948(a) or of Regulation 43(3) of the Police Pensions (Scotland) Regulations 1948(b).

Additional contributions—preserved provisions

57.—(1) Where a man elected, in accordance with the relevant provisions of the former Regulations, to pay additional pension contributions and has not since he so elected become entitled to reckon 25 years' pensionable service or retired, he shall pay such contributions at a rate calculated in accordance with paragraph 1 of Part I of Schedule 7 until such time as he becomes entitled to reckon 25 years' pensionable service or retires, whichever is the earlier.

(2) In this Regulation the reference to the relevant provisions of the former Regulations is a reference to the provisions of Regulation 35A of the Police Pensions Regulations 1955(c), as set out in Regulation 13 of the Police Pensions Regulations 1956(d), or of Regulation 37A of the Police Pensions (Scotland) Regulations 1955(e), as set out in Regulation 13 of the Police Pensions (Scotland) Regulations 1956(f).

Additional and further payments by way of contributions—current provisions

58.—(1) This Regulation shall apply to a regular policeman who—

- (a) is, on 1st April 1973, serving as such, and entitled to reckon less than 41 years' pensionable service, and
- (b) cannot, before 1st April 1977, be required to retire on account of age in accordance with Regulation 86(1).

(a) S.I. 1948/1531 (1948 I, p. 3429).

(c) S.I. 1955/480 (1955 II, p. 1903).

(e) S.I. 1955/485 (1955 II, p. 1959).

(b) S.I. 1948/1530 (1948 I, p. 3503).

(d) S.I. 1956/385 (1956 II, p. 1808).

(f) S.I. 1956/434 (1956 II, p. 1842).

(2) A man to whom this Regulation applies who, before 1st April 1972, last paid pension contributions at a rate related to 5% of his pensionable pay may, for the purpose of avoiding the application of paragraph 2 of Part II of Schedule 3 to the calculation of his widow's ordinary pension, elect to pay additional contributions at a rate calculated in accordance with paragraph 2 of Part I of Schedule 7.

(3) Subject to Regulation 62(2), a man to whom this Regulation applies may, for the purpose of avoiding the application of paragraph 3 of Part II of Schedule 3 to the calculation of his widow's ordinary pension, elect to pay further pension contributions at a rate calculated in accordance with paragraph 3 of Part I of Schedule 7.

(4) Where a man elects as mentioned in paragraph (2) or (3), he shall pay additional or, as the case may be, further pension contributions from 1st April 1973 until, subject to paragraph (5), the following date, namely—

(a) if, on 1st April 1973, he was entitled to reckon less than 19 years' pensionable service, otherwise than by virtue of service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972, the date on which he becomes entitled to reckon 25 years' pensionable service so, however, in determining the said date there shall be disregarded pensionable service reckonable by virtue of service or employment before 1st April 1973 which he was not then entitled to reckon;

(b) in any other case, 1st April 1978.

(5) Additional or further pension contributions payable under this Regulation shall cease to be payable on retirement; but where a regular policeman was paying such contributions immediately before retiring with an ordinary pension that pension shall be reduced in accordance with paragraph 6 of Part VIII of Schedule 2.

(6) Notwithstanding anything in paragraphs (2) and (3), a man shall not so exercise the rights of election accorded by those paragraphs that the aggregate rate at which he is liable to pay pension contributions (including additional contributions under Regulation 57 or this Regulation and further contributions under this Regulation) exceeds 15% of his pensionable pay.

Additional and further payments by way of lump sum or reduction of pension

59.—(1) This Regulation shall apply to a regular policeman who is, on 1st April 1973—

(a) serving as such, or

(b) entitled to an ordinary, short service or deferred pension, having retired on or after 1st April 1972.

(2) A man to whom this Regulation applies who, before 1st April 1972, last paid pension contributions at a rate related to 5% of his pensionable pay may, for the purpose mentioned in Regulation 58(2), elect either—

(a) to make an additional payment by way of a lump sum calculated in accordance with paragraph 2 of Part II of Schedule 7, or

(b) that any ordinary, ill-health, short service or deferred pension payable to him shall be reduced in accordance with paragraph 2 of Part VIII of Schedule 2.

(3) Subject to Regulation 62(2), a man to whom this Regulation applies may, for the purpose mentioned in Regulation 58(3), elect either—

- (a) to make a further payment by way of a lump sum calculated in accordance with paragraph 3 of Part II of Schedule 7, or
- (b) that any ordinary, ill-health, short service or deferred pension payable to him shall be reduced in accordance with paragraph 3 of Part VIII of Schedule 2.

(4) In the case of a regular policeman to whom this Regulation applies by virtue of paragraph (1)(a), Regulation 49, 50 or 51 shall only apply by virtue of the conditions specified in the Regulation in question being satisfied on or after 1st April 1973—

- (a) where he has not elected as mentioned in paragraph (2)(b), if he agrees that any ordinary, ill-health, short service or deferred pension payable to him shall be reduced in accordance with paragraph 2 of Part VIII of Schedule 2;
- (b) where he has not elected as mentioned in paragraph (3)(b), if he agrees that any such pension shall be reduced in accordance with paragraph 3 of the said Part VIII,

and, in the case of Regulation 51, so agrees within the period mentioned in paragraph (1)(e) thereof.

Additional and further payments etc. in the case of an ill-health pensioner

60.—(1) This Regulation shall apply to a regular policeman who is, on 1st April 1973, entitled to an ill-health pension, having retired on or after 1st April 1972.

(2) A man to whom this Regulation applies who, before 1st April 1972, last paid pension contributions at a rate related to 5% of his pensionable pay may, for the purpose mentioned in Regulation 58(2), elect—

- (a) to make additional payments in accordance with this Regulation, or
- (b) that his ill-health pension be reduced in accordance with paragraph 2 of Part VIII of Schedule 2.

(3) Subject to Regulation 62(2), a man to whom this Regulation applies may, for the purpose mentioned in Regulation 58(3), elect either—

- (a) to make further payments in accordance with this Regulation, or
- (b) that his ill-health pension be reduced in accordance with paragraph 3 of Part VIII of Schedule 2.

(4) Where a man elects as mentioned in paragraph (2)(a) or (3)(a), he shall make additional or, as the case may be, further payments in respect of the period beginning with the date of his election which corresponds in duration with that of his service as a regular policeman on or after 1st April 1972, being payments equivalent to the payments by way of additional or further pension contributions in respect of that period of service which he would have made had he been liable to make such contributions calculated in accordance with paragraph 2 or, as the case may be, paragraph 3 of Part I of Schedule 7 so, however, that for the purposes hereof the references in those paragraphs to the time at which a man made his election shall be construed as references to the time of his retirement and, should he die before completing his additional or further payments, no such payments shall be due in respect of the period following his death.

(5) Where a man elects as mentioned in paragraph (2)(a) or (3)(a), the additional or, as the case may be, further payments shall be made to the police authority by whom his pension is payable and may, without prejudice to any other method of payment, be discharged by way of deductions of appropriate amounts made by that authority from instalments of his pension.

Additional and further payments in the case of deceased policeman

61.—(1) This Regulation shall apply in the case of a regular policeman who dies or has died on or after 1st April 1972 but before 1st July 1973—

- (a) either while serving as such or having retired on or after 1st April 1972, and
- (b) not having exercised any right of election accorded by Regulation 58, 59 or 60.

(2) The widow of a man in whose case this Regulation applies who, before 1st April 1972, last paid pension contributions at a rate related to 5% of his pensionable pay may, for the purpose of avoiding the application of paragraph 2 of Part II of Schedule 3 to the calculation of her widow's ordinary pension elect to make additional payments in accordance with this Regulation.

(3) Subject to Regulation 62(2), the widow of a man in whose case this Regulation applies may, for the purpose of avoiding the application of paragraph 3 of Part II of Schedule 3 to the calculation of her widow's ordinary pension, elect to make further payments in accordance with this Regulation.

(4) Where a widow elects as mentioned in paragraph (2) or (3), the provisions of paragraphs (4) and (5) of Regulation 60 shall apply, subject to the necessary adaptations, as they apply where a man elects as mentioned in paragraph (2)(a) or (3)(a) of the said Regulation.

Provisions supplemental to Regulations 58 to 61

62.—(1) In the case of a regular policeman to whom both Regulations 58 and 59 apply, the rights of election accorded by paragraph (2) or, as the case may be, paragraph (3) of each of those Regulations shall be alternative rights.

(2) Where a regular policeman last paid pension contributions before 1st April 1972 at a rate related to 5% of his pensionable pay—

- (a) he shall not exercise the right of election accorded by either Regulation 58(3) or Regulation 59(3) unless he also exercises the right of election accorded by either Regulation 58(2) or Regulation 59(2);
- (b) he shall not exercise the right of election accorded by paragraph (3) of Regulation 60 unless he also exercises the right of election accorded by paragraph (2) thereof;
- (c) his widow shall not exercise the right of election accorded by paragraph (3) of Regulation 61 unless she also exercises the right of election accorded by paragraph (2) thereof.

(3) Any election under Regulation 58, 59, 60 or 61 shall be made by notice in writing to the police authority of the force in which the man is serving or by whom his or his widow's pension is payable.

(4) Any such election, and any payment of a lump sum in pursuance of an election under Regulation 59 shall be made before 1st July 1973, except that a widow of a man who has died before the said date may exercise a right of election accorded by Regulation 61 on or after the said date if she does so within 3 months of his death.

(5) Where a regular policeman elects under Regulation 59 or Regulation 60 that his pension shall be reduced and, on the date on which he so elects, he is in receipt of an ordinary, ill-health, short service or deferred pension, that pension shall be recalculated as from the date on which it became payable.

Application of Part VI to persons with service otherwise than in a police force

63.—(1) This Regulation shall apply to a member of a police force who—

- (a) first became a regular policeman on or after 1st January 1963 and is entitled to reckon pensionable service by virtue of service or employment (otherwise than as a member of a police force or of the Royal Ulster Constabulary) in respect of which he was subject to superannuation arrangements; or
- (b) has been a member of the Royal Ulster Constabulary.

(2) In the case of a person to whom this Regulation applies by virtue of paragraph (1)(a) and who was excepted from the operation of any regulations made under section 110(1) of the National Insurance Act 1965 or under section 69(4) of the National Insurance Act 1946(a) or other provisions modifying the said superannuation arrangements in connection with the passing of the said Act of 1946, Regulation 56 shall apply as if he were such a person as is mentioned in paragraph (3) thereof.

(3) Without prejudice to the generality of Regulation 105, in the case of a person to whom this Regulation applies by virtue of paragraph (1)(b)—

- (a) Regulation 56(3) shall apply as if a member of the Royal Ulster Constabulary were a regular policeman and the reference therein to the relevant provisions of the former Regulations included a reference to paragraph 36(3) of the Schedule to the Royal Ulster Constabulary Pensions Order 1949, as amended;
- (b) Regulation 57 shall apply as if the reference therein to the relevant provisions of the former Regulations included a reference to paragraph 36A of the Schedule to the said Order of 1949;
- (c) notwithstanding that he is not such a man as is mentioned in Regulation 58(1), if he elected to pay additional or further contributions under any provision of the Royal Ulster Constabulary pensions legislation corresponding to Regulation 58(2) or (3), Regulation 58 and Part I of Schedule 7 shall apply as if he had elected under Regulation 58(2) or, as the case may be, Regulation 58(3).

Method of payment of pension contributions

64. The pension contributions (including additional and further pension contributions, if any) upon each instalment of pay shall fall due at the same time as that instalment and may, without prejudice to any other method of payment, be discharged by way of a deduction of an appropriate amount made by the police authority from the said instalment.

PART VII

CANCELLATION, REVISION, REDUCTION, WITHDRAWAL AND
FORFEITURE OF AWARDS*Cancellation of ill-health and injury pensions*

65.—(1) As long as a person—

- (a) is in receipt of an ill-health pension;
- (b) would not, if he had continued to serve as a regular policeman instead of retiring with an ill-health pension, have been entitled to reckon 25 years' pensionable service; and
- (c) if he had continued so to serve, could not have been required to retire on account of age,

the police authority may, if they wish to exercise the powers conferred by this Regulation, consider, at such intervals as they in their discretion think proper, whether his disability has ceased.

(2) If on any such consideration it is found that his disability has ceased, the police authority may give the person concerned notice that if he wishes to rejoin the force as a regular policeman within a period of not less than 3 months from the date on which he has been given such notice he will be permitted to do so.

(3) If the person concerned within the period referred to in paragraph (2) offers to rejoin the force as a regular policeman, he shall be permitted to do so in a rank not lower than that he held immediately before he retired with the ill-health pension.

(4) On the person concerned rejoining the force as mentioned in paragraph (3) or, where he does not offer to rejoin within the period referred to in paragraph (2), at the end of that period, there shall be terminated—

- (a) the unsecured portion of his ill-health pension; and
- (b) any injury pension to which he is entitled.

(5) Where the unsecured portion of an ill-health pension is terminated under paragraph (4), the secured portion of that pension shall not be payable in respect of any period before insured pensionable age.

Reassessment of injury pension

66.—(1) Subject as hereinafter provided, where an injury pension is payable under these Regulations, the police authority shall, at such intervals as may be suitable, consider whether the degree of the pensioner's disablement has altered; and if after such consideration the police authority find that the degree of the pensioner's disablement has substantially altered, the pension shall be revised accordingly.

(2) Where the person concerned is not a regular policeman who is also in receipt of an ordinary, ill-health or short service pension, if on any such reconsideration it is found that his disability has ceased, his injury pension shall be terminated.

Reduction of pension in case of default

67. Where a member of a police force or a person who has been a member of a police force becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the police authority may reduce the amount of any ill-health or injury award or deferred pension payable to him by them by an amount not exceeding a half of that to which he would otherwise be entitled:

Provided that this Regulation shall not apply where the person concerned has been a regular policeman and is in receipt of an ill-health pension and would, if he had continued to serve instead of retiring with that pension, have been entitled to reckon 25 years' pensionable service.

Withdrawal of pension during employment as a regular policeman

68.—(1) Subject to paragraph (2), a police authority by whom a pension is payable may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is employed as a regular policeman in any police force.

(2) This Regulation shall not apply to a widow's pension or pension under Regulation 25.

Forfeiture of award

69.—(1) Subject to paragraph (2), a police authority by whom an award is payable may determine that the award be forfeited, in whole or in part and permanently or temporarily as they may specify, in any of the following cases, that is to say, if the grantee—

- (a) is convicted of any offence and is sentenced to imprisonment for a term exceeding twelve months; or
- (b) enters into or continues to carry on any business, occupation or employment which is illegal, or in which he has made use of the fact of former employment in a police force in a manner which is discreditable or improper; or
- (c) supplies to any person or publishes in a manner which is discreditable or improper any information which he had obtained in the course of employment in a police force; or
- (d) solicits or, without the consent of the police authority, accepts directly or indirectly any testimonial or gift having any pecuniary value on retirement from the police force or otherwise in connection with his service in a police force; or
- (e) enters into or continues in any business, occupation or employment as a private detective, after the police authority have given him notice in writing requiring him on any reasonable grounds not to do so;

Provided that a pension shall not be forfeited under sub-paragraph (b) unless reasonable warning has previously been given in writing by the police authority.

(2) In the case of a pension granted to a regular policeman, other than an injury pension, the police authority, in determining whether a forfeiture shall be permanent or temporary and affect the pension in whole or in part, may make

different determinations in respect of the secured and unsecured portions of the pension; but the secured portion of such a pension shall not be forfeited permanently and may only be forfeited temporarily for a period expiring before he attains insured pensionable age or for which he is imprisoned or otherwise detained in legal custody.

(3) The provisions of section 4(1) and (2) of the Police Pensions Act 1948(a) (forfeiture of pensions), as they have effect under section 15(4) of the Superannuation Act 1972(b), shall not apply in relation to an award under these Regulations.

Discharge of liability of police authority

70. To the extent to which a pension or allowance is withdrawn or forfeited under any power conferred by the preceding provisions of these Regulations, the police authority shall be discharged from all actual or contingent liability in respect thereof.

PART VIII

DETERMINATION OF QUESTIONS

Reference of medical questions

71.—(1) Subject as hereinafter provided, the question whether a person is entitled to any and, if so, what awards under these Regulations shall be determined in the first instance by the police authority.

(2) Where the police authority are considering whether a person is permanently disabled, they shall refer for decision to a duly qualified medical practitioner selected by them the following questions:—

- (a) whether the person concerned is disabled;
- (b) whether the disablement is likely to be permanent;

and, if they are further considering whether to grant an injury pension, shall so refer the following questions:—

- (c) whether the disablement is the result of an injury received in the execution of duty; and
- (d) the degree of the person's disablement;

and, if they are considering whether to revise an injury pension, shall so refer question (d) above.

(3) A police authority, if they are considering the exercise of their powers under Regulation 67, shall refer the question whether the person concerned has brought about or substantially contributed to the disablement by his own default to a duly qualified medical practitioner selected by them for decision.

(4) The decision of the selected medical practitioner on the questions referred to him under this Regulation shall be expressed in the form of a certificate and shall, subject to Regulations 72 and 73, be final.

(a) 1948 c. 24.

(b) 1972 c. 11.

Appeal to medical referee

72.—(1) Where a person has been informed of the determination of the police authority on any question which involves the reference of questions under Regulation 71 to a selected medical practitioner, he shall, if, within 14 days after being so informed or such further period as the police authority may allow, he applies to the police authority for a copy of the certificate of the selected medical practitioner, be supplied with such a copy.

(2) If the person concerned is dissatisfied with the decision of the selected medical practitioner as set out in his certificate, he may, within 14 days after being supplied with the certificate or such longer period as the police authority may allow, and subject to and in accordance with the provisions of Schedule 8, give notice to the police authority that he appeals against the said decision, and the police authority shall notify the Secretary of State accordingly, and the Secretary of State shall appoint an independent person or persons (hereafter in these Regulations referred to as the “medical referee”) to decide the appeal.

(3) The decision of the medical referee shall, if he disagrees with any part of the certificate of the selected medical practitioner, be expressed in the form of a certificate of his decision on any of the questions referred to the selected medical practitioner on which he disagrees with the latter’s decision, and the decision of the medical referee shall, subject to the provisions of Regulation 73, be final.

Further reference to medical referee

73.—(1) A court hearing an appeal under Regulation 75 or a tribunal hearing an appeal under Regulation 76 may, if they consider that the evidence before the medical authority who has given the final decision was inaccurate or inadequate, refer the decision of that authority to him for reconsideration in the light of such facts as the court or the tribunal may direct, and the medical authority shall accordingly reconsider his decision and, if necessary, issue a fresh certificate which, subject to any further reconsideration under this paragraph, shall be final.

(2) The police authority and the claimant may, by agreement, refer any final decision of a medical authority who has given such a decision to him for reconsideration on fresh evidence, and he shall accordingly reconsider his decision and, if necessary, issue a fresh certificate, which, subject to any further reconsideration under this paragraph or paragraph (1), shall be final.

(3) If a court or tribunal decide, or a claimant and the police authority agree, to refer a decision to the medical authority for reconsideration under this Regulation and that medical authority is unable or unwilling to act, the decision may be referred to a duly qualified medical practitioner selected by the court or tribunal or, as the case may be, agreed upon by the claimant and the police authority, and his decision shall have effect as if it were that of the medical authority who gave the decision which is to be reconsidered.

(4) In this Regulation a medical authority who has given a final decision means the selected medical practitioner, if the time for appeal from his decision has expired without an appeal to a medical referee being made, and the medical referee, if there has been such an appeal.

Refusal to be medically examined

74. If a question is referred to a medical authority under Regulation 71, 72 or 73 and the person concerned wilfully or negligently fails to submit himself to such medical examination or to attend such interviews as the medical authority may consider necessary in order to enable him to make his decision, then—

- (a) if the question arises otherwise than on an appeal to a medical referee, the police authority may make their determination on such evidence and medical advice as they in their discretion think necessary;
- (b) if the question arises on an appeal to a medical referee, the appeal shall be deemed to be withdrawn.

Appeal by a member of a home police force

75.—(1) Where a member of a home police force or person claiming an award in respect of such a member is aggrieved by the refusal of the police authority to admit a claim to receive as of right an award or a larger award than that granted, or by the forfeiture under Regulation 69 by the police authority, of any award granted to or in respect of such a member, he may, subject to Regulation 77, appeal to the Crown Court and that court, after enquiring into the case, may make such order in the matter as appears to it to be just.

(2) In the case of a member of a Scottish police force, paragraph (1) shall have effect as if any reference to the Crown Court were a reference to the sheriff having jurisdiction in the place where the person concerned last served as such a member.

(3) The provisions of section 5(1) and (5) of the Police Pensions Act 1948 (appeals), as they have effect under section 15(4) of the Superannuation Act 1972, shall not apply in relation to an award under these Regulations.

Appeal by overseas policeman, inspector of constabulary or central police officer

76.—(1) This Regulation shall apply in relation to—

- (a) an overseas policeman;
- (b) an inspector or assistant inspector of constabulary, or
- (c) a central police officer,

and any such person as is hereafter in this Regulation referred to as an officer to whom this Regulation applies.

(2) Where an officer to whom this Regulation applies or person claiming an award in respect of such an officer is aggrieved by the refusal of the Secretary of State as police authority to admit a claim to receive as of right an award or a larger award than that granted, or by the forfeiture under Regulation 69, by the Secretary of State as police authority, of any award granted to or in respect of such an officer, he may, subject to Regulation 77, give notice of appeal to the Secretary of State.

(3) The Secretary of State, on receiving such notice of appeal, shall appoint an appeal tribunal (hereafter in this Regulation referred to as the tribunal), consisting of 3 persons, including a barrister or solicitor of not less than 7 years' standing and a retired member of a police force who, before he retired, held a rank not lower than that of superintendent.

(4) The time and place for the hearing, or any postponed or adjourned hearing, of the appeal shall be determined by the tribunal, which shall give reasonable notice thereof to the appellant and to the Secretary of State as police authority (hereafter in this Regulation described as the parties).

(5) Either party may be represented before the tribunal by counsel or by a solicitor, or by some other person approved by the tribunal, adduce evidence and cross-examine witnesses.

(6) The rules of evidence applicable in the case of an appeal to the Crown Court under Regulation 75 shall apply in the case of an appeal under this Regulation.

(7) Subject to the preceding provisions of this Regulation, the tribunal shall determine its own procedure.

(8) The tribunal, after enquiring into the case, may make such order in the matter as appears to it to be just.

(9) An appeal shall lie on a point of law from any decision of a tribunal under this Regulation to the High Court in accordance with rules of court.

(10) In the case of an officer to whom this Regulation applies and who—

(a) in the case of an overseas policeman or a central police officer, immediately before becoming such, was a member of a Scottish police force, or

(b) in the case of an inspector or assistant inspector of constabulary, was appointed (or treated as appointed) under section 33 or 34 of the Police (Scotland) Act 1967(a);

this Regulation shall have effect as if—

(i) any reference to a barrister were a reference to an advocate; and

(ii) any reference to the Crown Court or the High Court were a reference to the sheriff or, as the case may be, the Court of Session.

Limitations on appeals

77.—(1) An appeal shall not lie under Regulation 75 or 76 against anything done by a police authority in the exercise of a power conferred by these Regulations which is expressly declared thereby to be a power which they are to exercise in their discretion.

(2) Subject to Regulation 71, in any proceedings under Regulation 75 or 76 the court or tribunal shall be bound by any final decision of a medical authority within the meaning of Regulation 73.

PART IX

PAYMENT OF AWARDS AND TRANSFER VALUES

Authorities responsible for payment of awards

78.—(1) An award which is payable to or in respect of a person by reason of his having served as a regular policeman shall be payable by the police authority of the force in which he last served as such.

(2) An award which is payable to or in respect of a person by reason of his having been injured while serving as a member of a police force other than a regular policeman shall be payable by the police authority of the force in which he was serving when he received the injury.

Funds out of which and into which payments are to be made

79.—(1) Subject to the provisions of this Regulation, all payments by or to a police authority under these Regulations shall be paid out of or into the police fund.

(2) All payments by or to the Secretary of State as police authority for the metropolitan police district shall be paid out of or into the metropolitan police fund, save that there shall be paid out of moneys provided by Parliament or, as the case may be, into the Consolidated Fund—

(a) to such extent as in any particular case the Secretary of State may determine to be appropriate, any award to or in respect of a person who has been commissioner of police of the metropolis and any transfer value received or payable in respect of a person who is or has been commissioner of police of the metropolis;

(b) the whole of the pension contributions of the commissioner of police of the metropolis.

(3) All payments by or to the Secretary of State, by reason that he is treated as the police authority in relation to—

(a) an overseas policeman;

(b) an inspector or assistant inspector of constabulary; or

(c) a central police officer,

shall be paid out of moneys provided by Parliament or, as the case may be, into the Consolidated Fund.

(4) Paragraph (1) shall not extend to Scotland.

Payment and duration of awards

80.—(1) Subject to the provisions of these Regulations, the pension of a member of a police force shall be payable in respect of each year as from the date of his retirement, except—

(a) where the pension is an ordinary pension and the limitation imposed by Regulation 19(5) on the making of payments in respect of the period before he has attained the age of 50 years applies, in which case the pension shall be so payable as from the date he attains that age;

(b) where the pension is an injury pension and he retired before becoming disabled, in which case the pension shall be so payable as from the date he becomes disabled;

(c) where the pension is a deferred pension, in which case the pension shall be so payable as from the date he attains the age of 60 years or, if he sooner becomes permanently disabled, as from the date on which he becomes so disabled.

(2) Subject to the provisions of these Regulations, a widow's pension or child's allowance shall be payable in respect of each week as from the death of the husband or, as the case may be, the parent or, in the case of an allowance payable to a posthumous child, as from the birth of the child, except—

- (a) where the husband or parent was in receipt of a pension and dies during a period in respect of which he has already received his pension, in which case the pension or allowance shall not be payable before the end of that period;
- (b) where the husband or parent has received a gratuity other than an injury gratuity under Regulation 22, in which case the pension or allowance shall be payable as from such time as the police authority may, in their discretion, determine to be reasonable, not being more than a year after his death, having regard to all the circumstances, including the amount of the gratuity.

(3) Subject to the provisions of these Regulations and, in particular, of—

- (a) Regulation 32(3)(a) (widow's temporary pension),
- (b) Regulation 36(3) (dependent relative's special pension),
- (c) Regulation 42(2) (child's allowance), and
- (d) Part VII (forfeiture etc.).

a pension or allowance shall be payable for life and shall, subject to such delay as may be necessary for the purpose of determining any question as to the liability of the police authority in respect thereof, be discharged by payments in advance at such reasonable intervals as the police authority may, in their discretion, determine.

(4) Where a person dies after receiving a sum paid in advance on account of a pension or allowance, neither the said sum nor any part thereof shall be recoverable although referable to a period after his death.

(5) Where a widow remarries after receiving a sum paid in advance on account of a pension, neither the said sum nor any part thereof shall be recoverable although referable to a period after her remarriage.

(6) Subject to the provisions of these Regulations, a gratuity shall become payable as soon as the entitlement thereto arises and shall be payable in one sum:

Provided that where a police authority are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable period as they think fit.

Payment of awards otherwise than to person entitled

81.—(1) Where any sum is due on account of a pension, and any debt is due to the police authority or, where the police authority is the police authority for the metropolitan police district, to the Receiver for that district, from the pensioner, so much of the said sum as does not exceed the debt may be applied by the authority or, as the case may be, the Receiver in or towards the satisfaction of the debt:

Provided that where the pension is an ordinary, ill-health or short service pension and the sum due on account thereof is in respect of a period beyond insured pensionable age, only so much of the sum as is due on account of the unsecured portion of the pension may be applied as mentioned in this paragraph.

(2) If it appears to the police authority that a pensioner is by reason of mental disorder or otherwise incapable of managing his affairs, the authority may in their discretion pay the pension or any part thereof to any person having the care of the pensioner, and, in so far as they do not dispose of the pension in that manner, may apply it in such manner as they think fit for the benefit of the pensioner or his dependants.

(3) On the death of a pensioner to whom a sum not exceeding £500 is due on account of a pension, the police authority may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the authority to be beneficially entitled to the personal estate of the deceased or, as the authority think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the authority may determine.

(4) Where any sum is payable to a minor on account of a pension, the authority may, if they think fit, in lieu of paying the said sum to the minor, pay it to such other person as they may determine.

A person who receives any sum paid under this paragraph shall, subject to and in accordance with any directions of the police authority, apply the said sum for the benefit of the minor.

(5) This Regulation shall apply with respect to awards other than pensions as it applies with respect to pensions, and accordingly any reference in this Regulation to a pension shall be construed as including a reference to any other award, and any reference therein to a pensioner shall be construed as including a reference to a person to whom any award is payable.

(6) A police authority shall obtain a good discharge by applying or paying any sum in the manner provided by this Regulation.

(7) In the application of this Regulation to Scotland—

(a) the reference in paragraph (3) to the personal estate of the deceased shall be construed as a reference to his movable estate;

(b) any reference in paragraph (4) to a minor shall be construed as including a reference to a pupil.

Taxation of certain awards

82.—(1) This Regulation shall apply to any payment on account of an award made to a member of a police force during his lifetime which constitutes a repayment of contributions within the meaning of paragraph 2 of Part II of Schedule 5 to the Finance Act 1970(a).

(2) The police authority may deduct from any payment to which this Regulation applies the tax for the time being chargeable thereon under paragraph 2 of the said Part II.

Transfer values payable on transfer between police forces

83.—(1) This Regulation shall apply where a regular policeman is entitled to reckon previous service as pensionable service by reason of the fact that he has at any time transferred from one police force to another police force, except where the transfer was before 1st January 1967 and, by reason of his having

retired after so transferring, the previous service would not be reckonable but for the provisions of Regulation 50(1) and (2) or of section 9(2) of the Police Pensions Act 1921(a).

(2) Where this Regulation applies the police authority of the force first mentioned in paragraph (1) shall pay to the police authority of the other police force a transfer value calculated in accordance with Schedule 9.

Payments on transfer to the Royal Ulster Constabulary

84.—(1) This Regulation shall apply to a regular policeman who has left a police force and joined the Royal Ulster Constabulary with the consent mentioned in Regulation 9(2) if the Government of Northern Ireland is contingently liable, to make payments to or in respect of him under the Royal Ulster Constabulary pensions legislation.

(2) Where the Government of Northern Ireland is contingently liable to make such payments as aforesaid, the said Government shall be entitled to a transfer value from the police authority of that force calculated in accordance with Schedule 9.

Transfer values payable under interchange arrangements

85.—(1) Subject to paragraph 5 of Part I of Schedule 6, this Regulation shall apply to a regular policeman—

- (a) who retires or has retired and subsequently enters or entered such service or employment as is mentioned in Schedule 6 (hereafter in this Regulation referred to as “new service”);
- (b) who was—
 - (i) not entitled to a pension on so retiring, or
 - (ii) if so entitled, has not received any payment in respect of the pension;
- (c) who enters or entered the new service within 12 months of so retiring or within such longer period as may be agreed, in the circumstances of his case, between the police authority and the authority specified in Schedule 6 in relation to his new service;
- (d) who, within 6 months of the date specified in Schedule 6 in relation to the new service or 3 months of his entering the new service, whichever is the later, or within such longer period as may be agreed as aforesaid in the circumstances of his case, notifies the police authority that he desires this Regulation to apply in his case,

where in the new service he is, or subject to the payment of a transfer value would be, entitled to reckon service for superannuation purposes by virtue of his service as a member of a police force.

(2) Subject to paragraph 5 of Part I, and paragraph 5 of Part III of Schedule 6, in the case of a regular policeman to whom this Regulation applies the police authority shall, where he ceased to serve as such on or after the date specified in Schedule 6 in relation to the new service, and may, where he ceased so to serve before that date, pay a transfer value calculated in accordance with Schedule 9 to the authority specified in Schedule 6 in relation to his new service.

(3) Where a regular policeman to whom this Regulation applies was entitled to an award on retiring but has received no payment in respect thereof, the award shall cease to be payable.

(4) Where a man to whom this Regulation applies has not received any award, he shall be entitled to an award of an amount equal to the difference between his aggregate contributions in respect of the relevant period of service and what that aggregate would have been had he paid pension contributions at a rate related to 5% of his pensionable pay and had made no additional or further payments, by way of contributions or a lump sum under Part VI of these Regulations or any provision of the former Regulations corresponding to Regulation 57; and nothing in paragraph (3) shall apply in relation to such an award.

PART X

COMPULSORY RETIREMENT

Compulsory retirement on account of age

86.—(1) Subject to paragraph (2), every regular policeman—

(a) who is not a member of the metropolitan police or an overseas policeman shall be required to retire—

(i) if he is the commissioner or assistant commissioner of police for the City of London or is a chief constable or assistant chief constable, on attaining the age of 65 years,

(ii) if he is a superintendent or inspector, on attaining the age of 60 years,

(iii) if he is a sergeant or constable, on attaining the age of 55 years;

(b) who is a member of the metropolitan police shall be required to retire—

(i) if he is an assistant commissioner, on attaining the age of 60 years,

(ii) if he is a deputy assistant commissioner or commander, on attaining the age of 57 years,

(iii) if he holds any lower rank, on attaining the age of 55 years:

Provided that where a regular policeman was serving in any force immediately before 5th July 1948, the time at which he shall be required to retire shall, unless at any time he elects or has elected by notice in writing to the police authority of the force in which he is or was serving that this proviso, or the relevant provisions of the former Regulations, shall not apply to him, be the time at which he would have been required to retire on the ground of age if no Regulations under the Act had come into force.

(2) The time at which, under paragraph (1), a person shall be required to retire may be postponed, if the person concerned holds a rank above that of superintendent, by the police authority, and, if he holds the rank of superintendent or any lower rank, by the chief officer of police with the approval of the police authority in a borough force in England or Wales, and by the chief officer of police in any other force:

Provided that no such postponement or postponements shall extend beyond 5 years from the time at which, under paragraph (1), he would have been required to retire.

(3) In this Regulation the reference to the relevant provisions of the former Regulations is—

- (a) in its application to England and Wales or to Scotland, a reference to the proviso to—
 - (i) Regulation 83(1) of the Police Pensions Regulations 1971(a),
 - (ii) Regulation 66(1) of the Police Pensions Regulations 1966(b), or
 - (iii) Regulation 59(1) of the Police Pensions Regulations 1962(c);
- (b) in its application to England and Wales, a reference to the proviso to—
 - (i) Regulation 51(1) of the Police Pensions Regulations 1955,
 - (ii) Regulation 50(1) of the Police Pensions Regulations 1949(d), or
 - (iii) Regulation 54(1) of the Police Pensions Regulations 1948;
- (c) in its application to Scotland, a reference to the proviso to—
 - (i) Regulation 51(1) of the Police Pensions (Scotland) Regulations 1955,
 - (ii) Regulation 51(1) of the Police Pensions (Scotland) Regulations 1949(e), or
 - (iii) Regulation 55(1) of the Police Pensions (Scotland) Regulations 1948.

Compulsory retirement on grounds of efficiency of the force

87.—(1) This Regulation shall apply to a regular policeman, other than a chief officer of police, deputy chief constable or assistant chief constable, who if required to retire would be entitled to receive a pension of any amount not less than 2 thirds of his average pensionable pay.

(2) If a police authority determine that the retention in the force of a regular policeman to whom this Regulation applies would not be in the general interests of efficiency, he may be required to retire on such date as the police authority determine.

Compulsory retirement of regular policeman whose pension is reduced

88. For the purposes of the preceding provisions of this Part of these Regulations, a regular policeman shall be deemed, if required to retire, to be entitled to the pension to which he would be entitled but for the provisions of Part VIII of Schedule 2.

Compulsory retirement on grounds of disablement

89. Every regular policeman may be required to retire on the date on which the police authority determine that he ought so to retire on the ground that he is permanently disabled for the performance of his duty:

-
- (a) S.I. 1971/232 (1971 I, p. 700).
 - (b) S.I. 1966/1582 (1966 III, p. 4894).
 - (c) S.I. 1962/2756 (1962 III, p. 3785).
 - (d) S.I. 1949/1241 (1949 I, p. 3331).
 - (e) S.I. 1949/1240 (1949 I, p. 3401).

Provided that a retirement under this Regulation shall be void if, after the said date, on an appeal against the medical opinion on which the police authority acted in determining that he ought to retire, the medical referee decides that the appellant is not permanently disabled.

Effect of requirement to retire

90. Where a person is required to retire under this Part of these Regulations, he shall be deemed to retire on the date on which he is so required to retire.

PART XI

SERVICEMEN

Servicemen to whom Part XI applies

91. This Part of these Regulations shall, subject to Regulations 2 and 98, have effect in the case of a serviceman whose period of relevant service in the armed forces ends or has ended on or after 5th July 1948 or who, having resumed service as a regular policeman, has served as such on or after 1st April 1972:

Provided that only Regulation 94 shall have effect in the case of a serviceman, other than a serviceman (1939–1945), whose period of relevant service in the armed forces ended on or after 5th July 1948 but before 15th July 1950 and that Regulation shall have effect only where he was called up for service in the armed forces under the National Service Acts 1939 to 1946, the National Service Act 1947(a) or the National Service Act 1948(b), or required for training or called into actual service or called out for training or for permanent service in the armed forces in pursuance of his obligations as a member of the territorial army or any reserve of the armed forces.

Awards to servicemen

92.—(1) This Regulation shall apply to a serviceman who at the end of his period of relevant service in the armed forces is or was permanently disabled for the performance of duty as a regular policeman.

(2) A serviceman to whom this Regulation applies shall be entitled to the same award on the same conditions in all respects as if he had retired from his former force at the end of the said period on the ground of disablement.

(3) Where the disablement is the result of an injury received during the serviceman's period of relevant service in the armed forces, the police authority may, in their discretion—

- (a) pay in lieu of a gratuity under this Regulation a pension at the rate of a twelfth of his average pensionable pay; and
- (b) subject to and in accordance with paragraph 1 of Schedule 10, increase any pension payable under this Regulation.

(4) In the case of a serviceman whose pension is increased under paragraph (3)(b), no account of the increase shall be taken for the purposes of Regulations 24 and 25 and of Part VIII of Schedule 2.

(a) 1947 c. 31.

(b) 1948 c. 64.

Awards on death of servicemen

93.—(1) If a serviceman entitled to reckon 3 years' pensionable service—
(a) dies or has died during his period of relevant service in the armed forces; or
(b) having been permanently disabled for duty as a regular policeman at the end of the said period (without any intervening period of service as such) dies or has died as a result of the same injury as resulted in his disablement or while in receipt of a pension,

his widow shall be entitled to the same pension on the same conditions in all respects as if he were such a regular policeman as is described in Regulation 27(1).

(2) If a serviceman dies or has died during his period of relevant service in the armed forces and his widow is not entitled to a pension, she shall be entitled to a gratuity under Regulation 32 on the same conditions in all respects as if he were a regular policeman.

(3) If a serviceman—

(a) dies or has died during his period of relevant service in the armed forces; or

(b) having been permanently disabled for duty as a regular policeman at the end of the said period (without any intervening period of service as such) dies or has died while in receipt of a pension, or, being a person entitled to reckon not less than 3 years' pensionable service, dies or has died having received a gratuity,

then each of his children shall be entitled to the same allowance on the same conditions in all respects as if he were such a member of a police force as is mentioned in Regulation 37(1).

(4) Where a serviceman dies or has died as a result of an injury received during his period of relevant service in the armed forces, the police authority may, in their discretion—

(a) pay to the widow, in lieu of a gratuity under this Regulation, a pension; and

(b) subject to and in accordance with paragraphs 2 and 3 of Schedule 10, from time to time increase any pension or allowance payable in respect of him under this Regulation.

(5) The weekly amount of any pension payable under paragraph (4)(a) shall be £3.14.

(6) Regulations 34 and 45 shall apply to an award under this Regulation as though this Regulation were included in Part IV of these Regulations.

Application of Regulation 43

94. In relation to a serviceman, Regulation 43 shall apply—

(a) where he dies during his relevant period of service in the armed forces, as if he died while serving as a member of a police force; and

(b) where he dies as a result of an injury received during the said period, as if he died as a result of an injury received in the execution of his duty as a member of a police force.

Servicemen who resume service as regular policemen

95.—(1) If a serviceman who resumes or has resumed service as a regular policeman is permanently disabled or dies or has died as a result of an injury received during his period of relevant service in the armed forces, the police authority may, in relation to any award payable to or in respect of him (other than an award under Regulation 23), exercise the same discretions as are conferred by Regulation 92 or by Regulation 93.

(2) In the case of a regular policeman whose pension is increased under Regulation 92(3)(b) as applied by this Regulation, no account of the increase shall be taken for the purposes of Regulations 24 and 25 and of Part VIII of Schedule 2.

Servicemen who do not resume service in their former force

96. If a serviceman within 1 month of the end of his period of relevant service in the armed forces does not or did not resume service in his former force, he shall be treated for the purposes of Regulations 8, 11, 23, 48, 49 and 50 as having left his former force at the end of his period of relevant service in the armed forces.

Pensionable service

97.—(1) A serviceman shall be entitled to reckon as pensionable service in his former force his period of relevant service in the armed forces on and after 5th July 1948.

(2) A serviceman (1939–1945) shall also be entitled so to reckon as pensionable service—

- (a) such further period as the Secretary of State may fix or has fixed, not exceeding 3 months after the end of his period of relevant service in the armed forces and before becoming a member of a police force; and
- (b) any period of approved service under the former Acts reckonable by him immediately before 5th July 1948.

(3) Regulation 54 shall apply for the purposes of the interpretation of this Regulation as it applies for the purposes of the interpretation of Part V.

Pension contributions etc.

98.—(1) This Part of these Regulations shall have effect only in the case of a serviceman who pays or has paid pension contributions (other than additional or further pension contributions) to the police authority of his former force, as though he had remained a regular policeman in that force, in respect of his period of relevant service in the armed forces and, in the case of a serviceman (1939–1945), such further period as the Secretary of State may have fixed which is reckonable as pensionable service:

Provided that this Part shall have effect notwithstanding that pension contributions are not or have not been paid as aforesaid—

- (a) by a serviceman other than a serviceman (1939–1945) in respect of—
 - (i) any period during which his service pay when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(a) is less than his pensionable pay, or

(a) 1951 c. 65.

(ii) any period before 1st January 1952 for which he has been required to serve in the armed forces as mentioned in the proviso to Regulation 91 and in respect of which no payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 have been made;

(b) by a serviceman (1939-1945) in respect of any periods in respect of which he would not have been compelled to pay sums equal to rateable deductions if the Act had not been passed.

(2) Where this Part has effect in the case of a serviceman by virtue of proviso (a) to paragraph (1), he shall be deemed, except for the purposes of Regulation 11, to have paid pension contributions in respect of any period beginning on or after 1st April 1956 and ending before 1st April 1972 at the rate at which he last paid such contributions or, where he was on 1st April 1956 performing relevant service in the armed forces and did not give the notice referred to in the relevant provisions of the former Regulations, at a rate related to 6.25% of his pensionable pay.

In this paragraph the reference to the relevant provisions of the former Regulations is a reference to the provisions of the proviso to Regulation 35(2) of the Police Pensions Regulations 1955(a), as set out in Regulation 13 of the Police Pensions Regulations 1956(b), or of the proviso to Regulation 37(2) of the Police Pensions (Scotland) Regulations 1955(c), as set out in Regulation 13 of the Police Pensions (Scotland) Regulations 1956(d).

(3) Where this Part has effect in the case of a serviceman, any reference in these Regulations to service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972 or in respect of which he has paid pension contributions at a rate related to 6.25% of his pensionable pay shall be construed as including a reference to his period of relevant service in the armed forces on or after that date or, as the case may be, in respect of which he has paid, or is deemed to have paid, pension contributions at that rate.

PART XII

SUPPLEMENTAL PROVISIONS IN SPECIAL CASES

Chief constables affected by an amalgamation scheme under the Police Act 1946

99.—(1) Where the chief constable of an area that has been amalgamated with another area by a scheme made under the Police Act 1946(e) has been transferred to the combined police force in pursuance of an agreement made by him before the date of transfer, or joined that force within the period of 3 months beginning with the date of transfer, in any capacity other than that of chief constable or assistant chief constable, then, subject to any agreement to the contrary made between him and the police authority for the combined area, he shall be treated for the purposes of Regulations 19 and 86 as if, while serving in that force, he were a chief constable.

(a) S.I. 1955/480 (1955 II, p. 1903).

(b) S.I. 1956/385 (1956 II, p. 1808).

(c) S.I. 1955/485 (1955 II, p. 1959).

(d) S.I. 1956/434 (1956 II, p. 1842).

(e) 1946 c.46.

(2) Where the chief constable of an area that has been amalgamated with another area by a scheme made under the Police Act 1946 was not transferred to the combined force by the scheme and did not, during the period of 3 months referred to in section 11(3) of that Act or, as the case may be, that provision as applied by section 14(3)(a) of that Act, join the combined force, he shall be treated for the purposes of these Regulations as if he had retired at the end of the said period from the force of which he was chief constable, and Regulation 19 shall have effect in relation to such a chief constable of a Scottish police force as if—

- (a) paragraph (2) thereof were omitted; and
- (b) the limitation imposed by paragraph (5) thereof on the making of payments in respect of a period before a person has attained the age of 50 years did not apply to him.

(3) In the application of this Regulation to Scotland, references to the Police Act 1946 and to sections 11(3) and 14(3)(a) thereof shall be construed as references to—

- (a) the Police (Scotland) Act 1946(a) and to sections 7(2) and 9(3)(a) thereof, respectively;
- (b) the Police (Scotland) Act 1956(b) and to sections 22(2) and 23(2) thereof, respectively; or
- (c) the Police (Scotland) Act 1967 and to sections 23(2) and 24(2) thereof, respectively,

and the reference to the police authority for the combined area shall be construed as a reference to the joint police committee for the combined area and references to things done in the past shall include references to things done in the future.

Chief constables affected by local government reorganisation or an amalgamation scheme under the Police Act 1964

100.—(1) This Regulation shall apply to a chief constable of a police force who becomes a member of another force by virtue of an order mentioned in paragraph (4) and section 58(1) of the Police Act 1964(c).

(2) In relation to such a member of a police force as is mentioned in paragraph (1) who suffers loss of office as such which is attributable to the provisions of an order mentioned in paragraph (4)—

- (a) these Regulations shall apply as though he had retired from the police force, having given to the police authority a month's written notice of his intention to retire;
- (b) where he becomes a member of another police force at or before the end of his resettlement period, Regulation 47 shall apply as though he had become a member of that other force immediately after ceasing to be a member of the force first mentioned in this paragraph, and
- (c) where he was serving as a chief constable on 1st July 1964, Regulation 19 shall apply as though paragraph (2)(b) thereof were omitted.

(a) 1946 c. 71.
(c) 1964 c. 48.

(b) 1956 c. 26.

(3) In relation to such a member of a police force as is mentioned in paragraph (1) who suffers reduction in rank attributable to the provisions of an order mentioned in paragraph (4), Regulation 86 shall apply as though he had not suffered such reduction in rank, unless he elects otherwise by notice in writing to the police authority.

(4) Any reference in this Regulation to an order mentioned in this paragraph is a reference to an order under Part I of the Police Act 1964 or Part II of the Local Government Act 1958(a); and the reference in paragraph (2) to a person's resettlement period is a reference to the period of 13 weeks next succeeding the week in which he ceased to be a member of the police force first mentioned in that paragraph or, in the case of a person who has attained the age of 45 years, the said 13 weeks extended by an additional week for every year of his age after attaining the age of 45 years and before he ceased to be a member of that force, subject to a maximum extension of 13 such weeks.

Chief constables who joined or were transferred to a county police force

101. Where the chief constable of an area consisting of a non-county borough that was treated as part of the police area of the county under section 1 of the Police Act 1946 transferred to the county police force, in pursuance of an agreement made by him before 1st April 1947, or joined that force within the period of 3 months beginning with that date, in any capacity other than that of chief constable or assistant chief constable, then, subject to any agreement to the contrary made between him and the police authority for the county, he shall, while serving in the county police force be treated for the purposes of Regulation 86 as if he were a chief constable.

Certain ex-reversionary members of home police forces

102. Notwithstanding anything in these Regulations, where a person who has been a reversionary member of a home police force becomes or has become a regular policeman in a home police force and an award is payable to or in respect of him by reason of his having received an injury in the execution of his duty as an overseas policeman without his own default, the award shall not be less than it would have been if he had not after being a reversionary member of a home police force become such a regular policeman.

Members of an overseas corps with previous service outside Great Britain

103. Notwithstanding anything in these Regulations, where the Secretary of State is satisfied that a member of an overseas corps before becoming such had been engaged in the performance of police duties in any country or territory outside Great Britain, and that under legislation in force in that country or territory grants were, at the time he became such a member, payable to or in respect of persons similarly engaged on their retirement or, as the case may be, death, the Secretary of State may in accordance with any agreement made with that person in consideration of his becoming a member of an overseas corps, pay awards, in addition to any award payable under these Regulations, to or in respect of that person, to such persons, on such conditions and of such a nature and amount as will ensure that the awards and any grants under the said legislation taken together are on the whole not less favourable to the person concerned than they would have been if the said police duties had been performed as a regular member of a home police force and the member of the overseas corps had been a reversionary member of a home police force.

Former lieutenants in Scottish police forces

104. Where a member of a Scottish police force immediately before 5th July 1948 held the rank of lieutenant and on ceasing to be a member of a police force held the rank of chief inspector, his widow and any child of his shall be entitled to receive the like awards as if, on ceasing to be a member of a police force, he had held the rank of superintendent.

Former members of the Royal Ulster Constabulary

105. Where a member of a police force is entitled to reckon previous service in the Royal Ulster Constabulary as pensionable service then, except where the context otherwise requires and without prejudice to any express provision of these Regulations, these Regulations shall have effect as if anything done by him or in his case under, or for the purposes of, a provision of the Royal Ulster Constabulary pensions legislation which corresponds to a provision of these Regulations or of the former Regulations had been done under, or for the purposes of, that corresponding provision.

Regular policemen dismissed after 25 years' service

106.—(1) This Regulation shall apply in the case of a regular policeman entitled to reckon at least 25 years' pensionable service and dismissed otherwise than for a cause for which a pension granted to him could have been forfeited under Regulation 69.

(2) If a regular policeman in whose case this Regulation applies would have been entitled to an ordinary pension if he had retired on the date of his dismissal, having given a month's notice to the police authority of his intention to retire, then these Regulations shall apply in his case as if he had so retired.

PART XIII**APPLICATION OF PENSIONS (INCREASE) ACT 1971***Increase by reference to Pensions (Increase) Act 1971*

107. Where it is provided in these Regulations that, for the purpose of calculating an award by way of periodical payments or a gratuity (in this Regulation referred to 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 corresponding pension, within the meaning of the Pensions (Increase) Act 1971(a), of the amount first mentioned would from time to time be increased under an order made under section 2 of that Act if—

- (a) such a pension (in this Regulation referred to as the "notional pension") were payable to the person concerned;
- (b) the notional pension were one of the pensions which are specified in paragraph 43 of Part II of Schedule 2 to that Act; and
- (c) the notional pension began, within the meaning of that Act, and became payable on the days on which the relevant award so began and became payable.

(a) 1971 c. 56.

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 107 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).

PART XIV

MISCELLANEOUS

Lincolnshire

109. Notwithstanding anything in these Regulations, the police forces maintained before 1st April 1967 for the three divisions of Lincolnshire shall be treated for the purposes of these Regulations as having been one force and Regulation 111 shall have effect accordingly.

River Tyne police force

110. In relation to a person who served as a member of the River Tyne police force (which was dissolved on 1st July 1968 by the Port of Tyne Reorganisation Scheme 1967(a)), the police force for the Durham police area shall for the purposes of these Regulations, be deemed to be the same force as the River Tyne police force.

Alterations in police areas

111.—(1) Where a police area is or has been combined with another police area, the police force, police authority and police fund for the combined police area of which the first-named area for the time being forms part 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 first-named area.

(2) Where a police area is or has been divided, in relation to any person—

- (a) who is transferred by the instrument effecting the division from the force for the divided area to another force, the other force and the police authority and police fund for the area thereof 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 divided area;
- (b) who ceased to be a member of the force for the divided area before the division thereof, if the instrument effecting the division makes provision in that behalf, the force, authority and fund designated for the purpose thereby 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 divided area.

(3) In this Regulation

- (a) a reference to the combination or division of a police area includes a reference to an agreement under section 14 of the County Police Act 1840(a) or, as the case may be, the termination of such an agreement, and a reference to the force, authority or fund for a combined area shall be construed accordingly;
- (b) a reference to the division of a police area includes a reference to the transfer of part of a police area, on or after 1st April 1966, on the date on which an order affecting the area, made under section 140 of the Local Government Act 1933(b) or under Part II of the Local Government Act 1958, comes into force, and
- (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, 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.

(4) In its application to Scotland, this Regulation shall have effect as if—

- (a) any reference to a police fund were omitted;
- (b) any reference to the police authority for a combined area or to a combined authority were a reference to the joint police committee for a combined area; and
- (c) the reference to section 14 of the County Police Act 1840 were a reference to section 61 of the Police (Scotland) Act 1857(c).

Robert Carr,

One of Her Majesty's Principal
Secretaries of State.

6th March 1973.

Consent of the Minister for the Civil Service given under his Official Seal on
9th March 1973.

(L.S.)

K. H. McNeill,
Authorised by the
Minister for the Civil Service.

(a) 1840 c. 88.

(b) 1933 c. 51.

(c) 1857 c. 72.

Regulations 2 and 4

SCHEDULE 1

OLD CASES REGULATIONS

The Police Pensions Regulations 1971	S.I. 1971/232 (1971 I, p. 700).
The Police Pensions (Amendment) Regulations 1971	S.I. 1971/583 (1971 I, p. 1573).
The Police Pensions (Amendment) (No. 2) Regulations 1971	S.I. 1971/1327 (1971 II, p. 3794).
The Police Pensions (Amendment) (No. 3) Regulations 1971	S.I. 1971/1466 (1971 III, p. 4136).
The Police Pensions (Amendment) Regulations 1972	S.I. 1972/1642 (1972 III, p. 4829).

SCHEDULE 2

POLICEMEN

Regulation 19

PART I

POLICEMAN'S ORDINARY PENSION

1. Subject as hereafter in this Schedule provided, the pension shall be of an amount equal to 30 sixtieths of the policeman's average pensionable pay with the addition, subject to a maximum of 40 sixtieths, of a sixtieth for each completed half year by which his pensionable service exceeds 25 years.

2. If the amount of the pension calculated in accordance with the preceding paragraph would be less than the amount it would have been had the person in question become entitled to receive an ordinary pension by retiring after due notice from the same police force at an earlier date, then, subject as hereafter in this Schedule provided, the pension shall be of the last-mentioned amount.

Regulation 20

PART II

POLICEMAN'S ILL-HEALTH PENSION

1. Subject as hereafter in this Schedule provided, the amount of the pension shall be determined in accordance with paragraph 2, 3 or 4 as the case may require.

2. Where the policeman has not completed 5 years' pensionable service, the amount of the pension shall not be less than a sixtieth of his average pensionable pay and, subject as aforesaid, shall be equal to a sixtieth of his average pensionable pay for each completed year of pensionable service.

3. Where the policeman has completed 5 years' but less than 11 years' pensionable service, subject to paragraph 5, the amount of the pension shall be equal to 2 sixtieths of his average pensionable pay for each completed year of pensionable service.

4. Where the policeman has completed at least 11 years' pensionable service, the amount of the pension shall not be less than 20 sixtieths of his average pensionable pay and, subject as aforesaid and to paragraph 5, shall be equal to 7 sixtieths of his average pensionable pay with the addition—

Sch. 2 (contd.)

- (a) of a sixtieth for each completed year of pensionable service up to 20 years, and
- (b) of a sixtieth for each completed half year by which his pensionable service exceeds 20 years.

5. In the case of a policeman who, had he continued to serve until he could be required to retire on account of age, would have become entitled to an ordinary or short service pension, a pension calculated in accordance with paragraph 3 or 4 shall not exceed the pension to which he would so have become entitled calculated, however, by reference to the average pensionable pay by reference to which the ill-health pension is calculated.

6. Where the unsecured portion of an ill-health pension is terminated under Regulation 65(4) on the policeman not offering to rejoin the force within the period mentioned in Regulation 65(2), then if the aggregate of—

- (a) the sums paid in respect of the pension; and
- (b) the actuarial value of the secured portion of the pension (in so far as it is payable under Regulation 65(5)) determined in accordance with tables prepared by the Government Actuary,

is less than his aggregate pension contributions in respect of the relevant period of service, the police authority shall pay to the pensioner the difference.

PART III

Regulation 21

POLICEMAN'S SHORT SERVICE PENSION

Subject as hereafter in this Schedule provided, the amount of the pension shall be equal to a sixtieth of the policeman's average pensionable pay for each completed year of pensionable service up to 20 years, with the addition of a sixtieth for each completed half year by which his pensionable service exceeds 20 years.

PART IV

Regulations 20 and 21

POLICEMAN'S ILL-HEALTH OR SHORT SERVICE GRATUITY

1. Where the policeman has not completed a year's pensionable service, subject as hereafter in this Schedule provided, the gratuity shall be of an amount equal to the policeman's aggregate pension contributions in respect of the relevant period of service.

2. Where the policeman has completed at least a year's pensionable service, subject as hereafter in this Schedule provided, the gratuity shall be of an amount equal to whichever is the greater of the two following amounts:—

- (a) a twelfth of the policeman's average pensionable pay multiplied by the number of his completed years of pensionable service;
- (b) the policeman's aggregate pension contributions in respect of the relevant period of service.

PART V

Regulation 22

POLICEMAN'S INJURY AWARDS

1. A gratuity under Regulation 22 shall be calculated by reference to the person's degree of disablement and his average pensionable pay and shall be the amount specified as appropriate to his degree of disablement in column (2) of the following Table.

2. An injury pension shall be calculated by reference to the person's degree of disablement, his average pensionable pay and the number of his completed years of pensionable service, and, subject to the following paragraphs, shall be of the amount specified as appropriate to his degree of disablement in column (3), (4), (5) or (6) of the following Table, whichever is applicable to his completed years of pensionable service.

Sch. 2 (contd.)

TABLE

Degree of disablement	Gratuity expressed as % of average pensionable pay	Pension expressed as % of average pensionable pay			
		Less than 5 years' service	5 or more but less than 15 years' service	15 or more but less than 25 years' service	25 or more years' service
(1)	(2)	(3)	(4)	(5)	(6)
25% or less (slight disablement)	12.5%	15%	30%	45%	60%
More than 25% but not more than 50% (minor disablement)	25%	40%	50%	60%	70%
More than 50% but not more than 75% (major disablement)	37.5%	65%	70%	75%	80%
More than 75% (very severe disablement)	50%	85%	85%	85%	85%

3.—(1) The amount of an injury pension shall be reduced, where the person concerned received the relevant injury during a period of service as a regular policeman, by three-quarters of any other pension calculated by reference to pensionable service reckonable by virtue of that period of service.

(2) For the purposes of sub-paragraph (1), such other pension as is there mentioned which is reduced in accordance with the provisions of Regulation 24 or 25 or of Part VIII of Schedule 2 shall be deemed not to have been so reduced.

4.—(1) The amount of the injury pension in respect of any week shall be reduced on account of any such additional benefit as is mentioned in sub-paragraph (3) which is payable to the person concerned in respect of the same week.

(2) Where the provisions governing scales of additional benefits have changed after the person concerned ceased to be a member of a police force, the amount of the reduction in respect of any week on account of a particular benefit shall not exceed the amount which would have been the amount thereof in respect of that week had those provisions not changed, it being assumed, in the case of such benefit as is mentioned in sub-paragraph (3)(b)(ii), that it would have borne the same relationship to the former maximum amount thereof.

(3) The following benefits are the additional benefits referred to in this paragraph—

(a) any injury benefit payable under the National Insurance (Industrial Injuries) Act 1965(a) which relates to the relevant injury together with any supplement payable therewith under section 2 of the National Insurance Act 1966(b);

(a) 1965 c. 52.

(b) 1966 c. 6.

Sch. 2 (contd.)

- (b) any disablement pension payable under section 12 of the National Insurance (Industrial Injuries) Act 1965 in respect of the relevant injury or so much of any such pension as relates to that injury (hereinafter referred to as the relevant part of the pension), together with—
- (i) any increase in such pension payable by way of unemployability supplement under section 13 of the said Act or so much of any such increase as is proportionate to the relevant part of the said pension so, however, that where he is entitled to an unemployability supplement which is increased under section 13A of the said Act, the unemployability supplement shall be deemed not to have been so increased,
 - (ii) any increase in such pension payable under section 14 of the said Act (special hardship) or so much of any such increase as is proportionate to the relevant part of the said pension,
 - (iii) any increase in such pension payable under section 17 or 18 of the said Act (dependants) or so much of any such increase as is proportionate to the relevant part of the said pension, and
 - (iv) so long as he is receiving treatment as an in-patient at a hospital as a result of that injury, any increase in such pension payable under section 16, 17 or 18 of the said Act (hospital treatment and dependants),
- so, however, that an increase (or the proportionate part thereof) under each of the sections aforesaid shall be treated as a particular benefit for the purposes of sub-paragraph (2);
- (c) until the first day after his retirement which is not or is deemed not to be a day of incapacity for work under section 20 of the National Insurance Act 1965(a)—
- (i) any sickness benefit payable under the said Act of 1965, together with any increase therein payable under section 40 or 43 of the said Act of 1965 (dependants) and any supplement thereto payable under section 2 of the National Insurance Act 1966 (short-term earnings related benefit), or
 - (ii) any invalidity pension payable under the said Act of 1965 together with any increase therein payable under section 40 or 43A of that Act (dependants),
- so, however, that the benefits aforesaid shall not constitute separate particular benefits but a single benefit for the purposes of sub-paragraph (2).

(4) Where a person has received a disablement gratuity under the National Insurance (Industrial Injuries) Act 1965, this paragraph shall apply as if he were entitled during the relevant period to a disablement pension under the said Act of 1965 of such amount as would be produced by converting the gratuity into an annuity for that period.

In this sub-paragraph the expression “the relevant period” means the period taken into account, in accordance with section 12 of the said Act of 1965, for the purpose of making the assessment by reference to which the gratuity became payable.

5. No payment shall be made in respect of an injury pension for any week in which the aggregate reductions under paragraphs 3 and 4 exceed the amount of the pension calculated in accordance with paragraph 2.

6. In the case of a person who—

- (a) received the relevant injury during a period of service which included 1st April 1972 or ended before 1st April 1973, and

Sch. 2 (contd.)

(b) is entitled to reckon less than 5 years' pensionable service, an injury pension shall be calculated and payable in accordance with the preceding provisions of this Part or in accordance with the provisions of Regulation 22 of the Police Pensions Regulations 1971, as from time to time amended (which provisions govern supplemental pensions), whichever are the more favourable in his case when he first becomes entitled to the pension.

Regulation 23

PART VI

POLICEMAN'S DEFERRED PENSION

1. The amount of a policeman's deferred pension shall be calculated by reference to—

- (a) the pensionable service he is entitled to reckon (here referred to as "actual service");
- (b) the pensionable service he would have become entitled to reckon had he continued to serve until he could retire with a maximum ordinary pension (disregarding Regulation 19(2)) or until he could be required to retire on account of age, whichever is the earlier, (here referred to as "hypothetical service"), and
- (c) his average pensionable pay.

2. Subject as hereafter in this Schedule provided, the policeman's pension shall be such that it is the same proportion of the hypothetical pension referred to in paragraph 3 as his actual service is of his hypothetical service, in both cases calculated in completed years, as respects the first 20 years of service, and in completed half years, as respects service in excess of 20 years.

3. The hypothetical pension referred to in paragraph 2 is a pension of an amount equal to a sixtieth of his average pensionable pay for each completed year of his hypothetical service up to 20 years with the addition of a sixtieth for each completed half year by which his hypothetical service exceeds 20 years.

Regulations 19, 20, 21 and 23

PART VII

REDUCTION OF PENSION AT INSURED PENSIONABLE AGE

1.—(1) Subject as hereafter in this paragraph provided, the unsecured portion of an ordinary, ill-health, short service or deferred pension shall be reduced in respect of any period beyond insured pensionable age by an amount calculated at an annual rate obtained by multiplying £1.70 by the number of years specified in sub-paragraph (4).

(2) In the case of a person who immediately before he retired and was granted a pension was paying pension contributions at a rate 1p a week less than the appropriate percentage of his pensionable pay there shall not be any reduction in the pension under this paragraph.

(3) Subject as hereafter in this paragraph provided, in the case of a person who immediately before he retired and was granted a pension was paying pension contributions at a rate of 6p a week less than the appropriate percentage of his pensionable pay by reason of the giving of such a notice as is mentioned in Regulation 56(3) as extended by Regulation 63(3)(a) the reduction under sub-paragraph (1) shall be calculated not as therein stated but at an annual rate obtained by multiplying the sum in the second column of the following Table set opposite to the age in the first column of the said Table which he had attained at the appropriate date by the number of years specified in sub-paragraph (4):—

Sch. 2 (contd.)

TABLE

Age at appropriate date	Sums to be multiplied
	£
Less than 23 ...	1.70
23	1.65
24	1.60
25	1.55
26	1.525
27	1.50
28	1.475
29	1.45
30	1.425
31	1.40
32	1.375
33	1.35
34	1.325
35	1.30
36	1.30
37	1.275
38	1.25
39	1.25
40	1.225
41	1.225
42	1.20
43	1.20
44 or more ...	1.175

In this sub-paragraph the expression "appropriate date" means 5th July 1948, or, in the case of a person who was then an auxiliary policeman, the date on which he first thereafter became a regular policeman.

(4) The number of years referred to in sub-paragraph (1) and in sub-paragraph (3) by which the sums therein respectively specified are to be multiplied for the purposes of those sub-paragraphs is the highest whole number of years in the aggregate period during which the person concerned has paid contributions as a regular policeman or as a member of the Royal Ulster Constabulary at a rate of 6p less than the appropriate percentage of his pensionable pay:

Provided that in arriving at the said aggregate there shall be disregarded any period or periods—

- (a) in respect of which the person concerned was not entitled to reckon any pensionable service for the purposes of the pension in question; or
- (b) which fell after the date on which the person concerned would have been entitled, if he had retired, to a pension equal to 2 thirds of his average pensionable pay.

(5) When a person in receipt of a pension by virtue of Regulation 99(2) attains the age of 65 years, the unsecured portion shall, in addition to any other reduction under this Part of this Schedule, be reduced by any amount by which it was increased by the operation of Regulation 55(8).

(6) In the case of a person who first became a regular policeman on or after 1st January 1963 and is entitled to reckon pensionable service for the purposes of the pension in question by virtue of service or employment (otherwise than as a member of a police force or of the Royal Ulster Constabulary) in respect of which he was subject to superannuation arrangements—

Sch. 2 (contd.)

- (a) if he was subject to the operation of any regulations made under section 69(4) of the National Insurance Act 1946(a), or section 110(1) of the National Insurance Act 1965 or of other provisions modifying the said superannuation arrangements in connection with the passing of the said Act of 1946, otherwise than by virtue of an election made or notice given, then, for the purposes of sub-paragraph (1), there shall be included in the aggregate period specified in sub-paragraph (4) the period he is so entitled to reckon as pensionable service;
- (b) if he was subject to the operation of such regulations or other provisions by virtue of an election made or notice given, then, for the purposes of sub-paragraph (3), the appropriate date shall mean the date on which the said election or notice became effective and there shall be included in the aggregate period specified in sub-paragraph (4) the period he is so entitled to reckon as pensionable service:

Provided that no account shall be taken of any period he is so entitled to reckon as pensionable service which is not attributable to service or employment which would have been taken into account for the purposes of the said regulations or provisions.

2.—(1) Where a person in receipt of an ordinary, ill-health, short service or deferred pension has been in service or employment otherwise than as a regular policeman—

- (a) in respect of which he was subject to superannuation arrangements;
- (b) by virtue of which he is entitled to reckon pensionable service for the purposes of the pension; and
- (c) the period of which includes a participating period of relevant employment,

then, for the purpose of abating the pension in relation to that participating period of relevant employment, any provision of the said arrangements in operation when he left the said service or employment the effect of which is that pensions payable thereunder are to be reduced in connection with the operation of the National Insurance Act 1959(b) or of any provision of the National Insurance Act 1965 relating to graduated contributions or graduated retirement benefit shall apply, subject to the necessary adaptations and modifications, as though the provision were contained in this paragraph and as if—

- (i) the pension were payable under the said arrangements, and
- (ii) any other period of service or employment by virtue of which he is entitled to reckon pensionable service for the purposes of the pension were a period of non-participating employment at the end of which no payment in lieu of contributions falls to be made.

(2) A police authority, in determining any question arising under sub-paragraph (1) and relating to a particular service or employment, shall be entitled to treat as conclusive any relevant certificate issued, with the agreement of the person concerned, by his employer in that service or employment.

(3) Where for the purposes of the superannuation arrangements applicable to such service or employment as is mentioned in sub-paragraph (1) the person concerned was entitled to reckon service by virtue of some previous service or employment, that previous service or employment shall be treated for the purposes of this paragraph as if it were part of the service or employment first mentioned in this sub-paragraph.

3.—(1) Where a person in receipt of an ordinary, ill-health, short service or deferred pension is entitled to reckon as pensionable service for the purposes of the pension a period of employment as a regular policeman which is a participating period of relevant employment, then in relation to that period the unsecured portion of the pension shall be reduced in accordance with the provisions of sub-paragraph (2).

(2) Where the unsecured portion of a pension is reduced in accordance with the provisions of this sub-paragraph, the annual rate of that portion of the pension shall be reduced in respect of any period beyond insured pensionable age by the annual rate of the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining insured pensionable age, in return for a payment in lieu of contributions in respect of the whole of the period referred to in sub-paragraph (1).

(a) 1946 c. 67.

(b) 1959 c. 47.

Sch. 2 (contd.)

4.—(1) Where a person in receipt of the secured portion of an ill-health pension the unsecured portion of which has been terminated in the circumstances mentioned in Regulation 65(4) is also in receipt of some other pension, being an ordinary, ill-health, short service or deferred pension and is entitled to reckon for the purposes of that other pension the period of pensionable service reckonable for the purposes of the ill-health pension, then the unsecured portion of that other pension shall be reduced in accordance with the provisions of sub-paragraph (2).

(2) Where the unsecured portion of an ordinary, ill-health, short service or deferred pension is reduced in accordance with the provisions of this sub-paragraph, the annual rate of that portion shall be reduced in respect of any period beyond insured pensionable age by the annual rate of the secured portion of the ill-health pension first mentioned in this paragraph.

PART VIII Regulations 19, 20, 21 and 23

REDUCTION OF PENSION IN SPECIFIED CASES

1. An ordinary, ill-health, short service or deferred pension payable to a man shall, in the cases mentioned in this Part, be reduced in accordance therewith; and any reference in this Part to a pension is a reference to such a pension.

2.—(1) This paragraph shall apply in the case of a man entitled to reckon pensionable service otherwise than—

(a) by virtue of service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972; or

(b) by virtue of such service before that date in respect of which he has paid pension contributions at a rate related to 6.25% of his pensionable pay;

except that this paragraph shall not apply in the case of a man to whom Regulation 59 or 60 applies who last paid pension contributions before 1st April 1972 at a rate related to 5% of his pensionable pay unless he elected or agreed under Regulation 59(2)(b) or (4)(a) or Regulation 60(2)(b) that his pension be reduced.

(2) The pension of a man in whose case this paragraph applies shall, subject to the provisions of this Part, be reduced by that percentage specified in the second column of the following Table opposite the number of completed years of pensionable service he is entitled to reckon otherwise than as mentioned in sub-paragraph (1)(a) or (b) being, where he agreed to the reduction under Regulation 59(4)(a), pensionable service which he became so entitled to reckon under Regulation 49, 50 or 51 on or after 1st April 1973.

(3) If the man elected to pay additional contributions as mentioned in Regulation 57 (including that Regulation as extended by Regulation 63(3)(b)) and paid such contributions until he became entitled to reckon 25 years' pensionable service or retired with a pension, in calculating the amount of the reduction under this paragraph no account shall be taken of any service which was taken into account for the purpose of calculating the rate at which the additional contributions were payable.

3.—(1) This paragraph shall apply in the case of a man entitled to reckon pensionable service otherwise than by virtue of service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972; except that this paragraph shall not apply in the case of a man to whom Regulation 59 or 60 applies unless he elected or agreed under Regulation 59(3)(b) or (4)(b) or 60(3)(b) that his pension be reduced.

(2) The pension of a man in whose case this paragraph applies shall, subject to the provisions of this Part, be reduced by the percentage specified in the third column of the following Table opposite the number of completed years of pensionable service he is entitled to reckon otherwise than as mentioned in sub-paragraph (1), being, where he agreed to the reduction under Regulation 59(4)(b), pensionable service which he became so entitled to reckon under Regulation 49, 50 or 51 on or after 1st April 1973.

4. In calculating the amount of a reduction in a man's pension under paragraph 2 or 3 no account shall be taken—

(a) of any service he is entitled to reckon as pensionable service by virtue of section 10 of the Police Pensions Act 1921(a); or

(a) 1921 c. 31.

Sch. 2 (contd.)

(b) of any service on or after 1st April 1956 which he is entitled to reckon as pensionable service by virtue of Regulation 97 and the proviso to Regulation 98(1).

5. In calculating the amount of a reduction in a man's pension under paragraph 2 or 3 no account shall be taken of any reduction in the amount of the pension in accordance with the provisions of Regulation 24 or 25 or of Part VII of this Schedule, and, where the pension falls to be reduced under both those paragraphs, for the purpose of calculating each reduction, no account shall be taken of the other reduction.

6.—(1) In the case of a man who elected under Regulation 58 to pay additional or further pension contributions and was still paying such contributions immediately before retiring with an ordinary pension, the annual amount of that pension shall be reduced for the period mentioned in sub-paragraph (2) by the annual amount of those contributions immediately before his retirement, calculated by reference to his pensionable pay at that time so, however, that no account of the said reduction shall be taken for the purposes of calculating any other reduction in the pension under these Regulations.

(2) The period referred to in sub-paragraph (1) shall be one corresponding to that for which the additional or further contributions would have remained payable had the man not retired but starting, where the pension is not payable as from the date of his retirement, with the date from which it is payable.

TABLE

Completed years of pensionable service taken into account	Percentage reduction in pension	
	Under paragraph 2	Under paragraph 3
1	0.2	0.2
2	0.4	0.4
3	0.5	0.5
4	0.6	0.7
5	0.8	0.8
6	0.9	0.9
7	1.0	1.0
8	1.2	1.1
9	1.3	1.2
10	1.5	1.3
11	1.6	1.4
12	1.7	1.5
13	1.8	1.6
14	1.9	1.6
15	2.0	1.7
16	2.1	1.8
17	2.2	1.9
18	2.3	2.0
19	2.4	2.0
20	2.5	2.1
21	2.6	2.1
22	2.7	2.2
23	2.8	2.2
24	2.9	2.3
25	2.9	2.3
26	3.0	2.4
27	3.1	2.4
28	3.1	2.5
29	3.2	2.5
30 or more	3.3	2.5

Sch. 2 (contd.)

PART IX

Regulations 20, 21 and 23

REDUCTION OF AWARDS OTHER THAN PENSIONS

1. Where a payment in lieu of contributions falls to be made by a police authority in respect of a regular policeman and—

- (a) a short service gratuity is payable by that authority on his retirement; or
- (b) an ill-health gratuity is so payable and the police authority determine that the provisions of this Part of this Schedule shall apply; or
- (c) an amount equal to his aggregate pension contributions in respect of the relevant period of service is payable by the police authority to him or his dependants on his retirement or dismissal,

the award in question shall be reduced by an amount equal to the amount which could be retained out of the award by the police authority under section 60(4) of the National Insurance Act 1965 if the award were a refund of payments to which that provision applies.

2. Where a payment in lieu of contributions may fall to be made by a police authority in respect of a regular policeman and such an award as is mentioned in paragraph 1 is payable as mentioned therein, the police authority may reduce the amount of the award in question by the amount by which it would be reduced under the said paragraph 1 if the payment in lieu of contributions in fact fell to be made, so however that, if the said payment does not fall to be made within the period of 78 weeks from the date when the person concerned ceases to be a regular policeman or within such shorter period as the police authority may determine, then any reduction in the amount of the award under this paragraph shall cease to have effect and the difference between the full and the reduced amounts thereof shall become payable.

SCHEDULE 3

WIDOWS AND ADULT DEPENDANTS

PART I

Regulation 27

WIDOW'S ORDINARY PENSION

1.—(1) Subject to paragraphs 2 and 3, the annual amount of a widow's ordinary pension shall equal a half of that of her husband's pension or notional pension referred to in paragraph 4.

(2) The weekly amount of a widow's ordinary pension shall be taken to be the annual amount divided by 52 $\frac{1}{4}$.

2. The amount of a widow's ordinary pension calculated in accordance with paragraph 1 shall be increased in accordance with Part XIII of these Regulations.

3.—(1) Where in respect of any period a widow so elects, then, subject to sub-paragraphs (2) and (3), 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, £4.92;
- (b) held the rank of inspector, £4.09;
- (c) held a rank lower than that of inspector, £3.14.

(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 held a rank higher than that of inspector.

Sch. 3 (contd.)

(3) 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 this paragraph shall be increased by 22p.

4.—(1) The husband's pension or notional pension mentioned in paragraph 1(1) shall be—

(a) where he died while entitled to an ordinary, short service or ill-health pension, that pension;

(b) in any other case, the ill-health pension to which he would have been entitled had he retired with such a pension immediately before he died,

calculated, in either case, in accordance with the following sub-paragraph.

(2) For the purposes of paragraph 1(1), in calculating the husband's pension or notional pension the following provisions shall be disregarded, that is to say—

(a) the restrictions on payments on account of an ordinary pension contained in Regulation 19(5), and

(b) the provisions for the reduction of a pension contained in Regulations 24(6) and 25(7) and in Parts VII and VIII of Schedule 2.

Regulation 27

PART II

TRANSITIONAL MODIFICATIONS OF PART I

1.—(1) Where this Part of this Schedule applies, Part I of this Schedule (hereinafter referred to as Part I) shall have effect as if the relevant provisions of this Part were substituted for paragraph 1(1) thereof and paragraph 4 of Part I shall have effect accordingly.

(2) In this Part "pre-1972 pensionable service" means the pensionable service the husband was entitled to reckon otherwise than by virtue of—

(a) service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972, or

(b) Regulation 51, where the conditions specified in paragraph (1) thereof are satisfied on or after 1st April 1973.

2.—(1) This paragraph shall apply where—

(a) the husband, before 1st April 1972, last paid pension contributions at a rate related to 5% of his pensionable pay, and

(b) neither he nor the widow exercised a right of election accorded by Regulation 58(2), 59(2), 60(2) or 61(2).

(2) Subject to paragraphs 2 and 3(1) and (2) of Part I but disregarding paragraph 3(3) thereof, where this paragraph applies the annual amount of the widow's ordinary pension shall equal a half of the amount specified in paragraph 4 of this Part:

Provided that the amount payable in respect of any week shall not be less than it would have been had the weekly amount of the pension been calculated as provided in Scheme II of Part II of Schedule 3 to the Police Pensions Regulations 1971(a).

3.—(1) This paragraph shall apply where—

(a) paragraph 2 does not apply since either the husband did not pay pension contributions as mentioned in sub-paragraph (1) (a) thereof or, if he did, he or the widow exercised a right of election mentioned in sub-paragraph (1) (b) thereof, and

(b) neither the husband nor the widow exercised a right of election accorded by Regulation 58(3), 59(3), 60(3) or 61(3).

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

Sch. 3 (contd.)

(2) Subject to paragraphs 2 and 3 of Part I, the annual amount of the widow's ordinary pension shall, subject to sub-paragraph (3), equal a third of the annual amount of her husband's pension or notional pension with the addition of a sixth of the amount specified in paragraph 4 of this Part.

(3) Except where the husband dies while in receipt of an ordinary or short service pension, his widow's ordinary pension shall be of an annual amount not less than a half of the amount specified in paragraph 5.

4. The amount specified in this paragraph shall be the difference between the two following amounts, subject, however, to paragraph 6—

(a) an amount equal to a sixtieth of the husband's average pensionable pay for each completed year of pensionable service up to 20 years with the addition of a sixtieth for each completed half year by which his pensionable service exceeds 20 years;

(b) an amount calculated as aforesaid but by reference only to the husband's pre-1972 pensionable service.

5.—(1) In this paragraph the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“relevant number of years” means the number of years (if any) by which the policeman's completed years of pre-1972 pensionable service fall short of 20 years;

“relevant pensionable service” means a policeman's pensionable service reduced by his completed years of pre-1972 pensionable service;

“weighted relevant pensionable service” means a policeman's completed years of relevant pensionable service up to the relevant number of years with the addition of a year for each completed half year by which his relevant pensionable service exceeds the relevant number of years.

(2) The amount specified in this paragraph shall be the annual amount of the husband's ill-health or notional pension calculated in accordance with Part II of Schedule 2 but, subject to paragraph 6—

(a) where his weighted relevant pensionable service does not exceed 20 years, by reference thereto;

(b) where that service exceeds 20 years, by reference to his relevant pensionable service with the addition of a half year for each completed year of pre-1972 service,

instead of by reference to his pensionable service.

6. Where the husband's completed years of pensionable service exceed 30 years, then there shall be reduced by that excess—

(a) his completed years of pensionable service taken into account for the purposes of paragraph 4(a);

(b) his completed years of pre-1972 pensionable service taken into account for the purposes of paragraph 4(b);

(c) his completed years of pre-1972 pensionable service taken into account for the purposes of paragraph 5(2)(b) (otherwise than for the purpose of determining his relevant pensionable service).

PART III

Regulations 28 and 29

WIDOW'S SPECIAL PENSION

1. Subject to paragraphs 2 and 3, the weekly amount of a widow's special pension calculated in accordance with this Part of this Schedule shall be equal to 45% of her husband's average pensionable pay for a week.

Sch. 3 (contd.)

2.—(1) Where, in respect of any week, a pension under section 19 of the National Insurance (Industrial Injuries) Act 1965 is payable to the widow in consequence of her husband's death and the amount of that pension exceeds that of a widow's pension under the National Insurance Act 1965 as specified in Part I of Schedule 3 thereto at the time of the husband's death, then the amount of her special pension in respect of that week shall be reduced by that excess.

(2) Where the provisions governing the amounts of pensions under section 19 of the National Insurance (Industrial Injuries) Act 1965 have changed after the death of the husband, the reduction under sub-paragraph (1) in respect of any week shall not exceed the amount which would have been the amount thereof in respect of that week had those provisions not changed.

3. The weekly amount of a widow's special pension, calculated in accordance with paragraphs 1 and 2, shall be increased in accordance with Part XIII of these Regulations.

Regulation 30

PART IV

WIDOW'S ACCRUED PENSION

1.—(1) In this Part the husband's half-rate service means the aggregate of—

- (a) his pensionable service reckonable by virtue of service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972;
- (b) his pensionable service (if any) reckonable by virtue of section 10 of the Police Pensions Act 1921, or by virtue of service on or after 1st April 1956 and Regulation 97 and the proviso to Regulation 98(1);
- (c) if, immediately before he retired, he was paying further contributions under Regulation 58 in pursuance of an election thereunder, the proportion specified in sub-paragraph (3) of the pensionable service taken into account under Part I of Schedule 7 in calculating those contributions;
- (d) if he had elected under Regulation 59 to make a further payment by way of a lump sum, the pensionable service taken into account under Part II of Schedule 7 in calculating that lump sum;
- (e) if his deferred pension fell to be reduced in accordance with paragraph 3 of Part VIII of Schedule 2, the proportion specified in sub-paragraph (4) of the pensionable service taken into account in calculating the reduction.

(2) In this Part the husband's mixed-rate service means the aggregate of—

- (a) his pensionable service reckonable by virtue of service as a member of a police force or of the Royal Ulster Constabulary in respect of which he has paid pension contributions at a rate related to 6.25% of his pensionable pay;
- (b) his pensionable service reckonable as mentioned in sub-paragraph (1)(a) and (b);
- (c) if, immediately before he retired, he was paying additional contributions under Regulation 57 or 58 in pursuance of such an election as is mentioned in the Regulation in question, the proportion mentioned in sub-paragraph (3) of the pensionable service taken into account, under Part I of Schedule 7, in calculating those contributions;
- (d) if he had elected under Regulation 59 to make an additional payment by way of a lump sum, the pensionable service taken into account under Part II of Schedule 7 in calculating that lump sum;
- (e) if his deferred pension fell to be reduced in accordance with paragraph 2 of Part VIII of Schedule 2, the proportion mentioned in sub-paragraph (4) of the pensionable service taken into account in calculating the reduction.

Sch. 3 (contd.)

(3) The proportion referred to in sub-paragraph (1)(c) or sub-paragraph (2)(c) shall be the proportion which the period for which the husband paid further contributions or, as the case may be, additional contributions, bore to the period by which the pensionable service he was entitled to reckon at the time when he made the election referred to in the sub-paragraph in question fell short of 25 years or, where that period is less than 5 years, to a period of 5 years, each period being reckoned in completed years and completed months.

(4) The proportion referred to in sub-paragraph (1)(e) or sub-paragraph (2)(e) shall be the proportion which the period of the man's actual service—

(a) on or after 1st April 1972, in the case of sub-paragraph (1)(e), or

(b) on or after 1st April 1956, in the case of sub-paragraph (2)(e),

as a member of a police force or of the Royal Ulster Constabulary, bears to the period of such service as he would have had if (irrespective of the date of his death) he had not retired until entitled to an immediately payable ordinary pension or until he could be required to retire on account of age, whichever is the earlier, each period being reckoned in completed years and completed months.

2.—(1) Subject to paragraphs 3 and 4, the annual amount of a widow's accrued pension shall equal the aggregate of the following amounts, namely:—

(a) in respect of the husband's half-rate service, a sixth of the corresponding proportion of his deferred pension;

(b) in respect of his mixed-rate service, a third of the corresponding proportion of his deferred pension.

(2) For the purposes of sub-paragraphs (1)(a) and (b), the corresponding proportion means the proportion which the husband's half-rate or, as the case may be, mixed-rate service bears to the pensionable service reckonable by him, each period being reckoned in completed years up to 20 years and in completed half-years in so far as it exceeds 20 years.

(3) The weekly amount of a widow's accrued pension shall be taken to be the annual amount divided by $52\frac{1}{4}$.

3. The amount of a widow's accrued pension calculated in accordance with paragraph 2 shall be increased in accordance with Part XIII of these Regulations.

4.—(1) Where in respect of any period a widow so elects, then, subject to sub-paragraph (2), the weekly amount of her accrued 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, £4·92;

(b) held the rank of inspector, £4·09;

(c) held a rank lower than that of inspector, £3·14.

(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 held a rank higher than that of inspector.

PART V

Regulations 27, 28 and 30

INCREASE IN WIDOW'S PENSION DURING FIRST 13 WEEKS

1.—(1) This Part shall apply unless, immediately before his death, the husband was neither—

(a) serving as a regular policeman, called up for service as an auxiliary policeman or serving as a member of an overseas corps otherwise than as a regular policeman, nor

(b) in receipt of a pension.

Sch. 3 (contd.)

(2) For the purposes of this paragraph the provisions of Regulation 10 relating to persons treated as being in receipt of an ordinary pension shall be disregarded.

2.—(1) Where this Part applies, a widow's ordinary, special or accrued pension shall, so far as necessary, be increased in respect of the first 13 weeks for which it is payable so as to secure that, in respect of each such week, the aggregate amount of the pension and of any children's allowances payable in respect of the husband's death is not less than—

- (a) his pensionable pay for a week immediately before he died, where he was serving or called up for service as mentioned in paragraph 1(1)(a), or
- (b) the weekly amount of his pension immediately before he died in any other case.

(2) For the purposes of this paragraph there shall be disregarded any reduction in the husband's pension in consequence of—

- (a) Part VIII of Schedule 2, or
- (b) his entitlement to any additional benefit within the meaning of paragraph 4 of Part V of Schedule 2.

Regulation 31

PART VI

WIDOW'S GRATUITY IN LIEU OF PENSION

The gratuity referred to in Regulation 31 shall be such sum as may be agreed between the police authority and the widow, not exceeding the capitalised value of the pension, or of that part thereof to which the gratuity is an alternative, calculated in accordance with tables prepared from time to time for that purpose by the Government Actuary.

Regulation 36

PART VII

DEPENDENT RELATIVE'S SPECIAL PENSION

1.—(1) Where the member of a police force in respect of whose death a dependent relative's special pension is granted (in this Part referred to as the "deceased") was married and the widow or widower is alive, the pension shall, subject to paragraphs 3 and 4, be determined in accordance with this paragraph.

(2) A pension determined in accordance herewith shall be of a weekly amount equal to 20% of the deceased's average pensionable pay for a week.

2.—(1) Where the deceased was not married or in respect of any period after the death of the widow or widower, the amount of the dependent relative's special pension shall, subject to paragraphs 3 and 4, be determined in accordance with this paragraph.

(2) A pension determined in accordance herewith shall be of a weekly amount equal to 45% of the deceased's average pensionable pay for a week.

3. The amount of a dependent relative's special pension shall be increased in accordance with Part XIII of these Regulations.

4.—(1) Where in respect of any week the aggregate amount of—

- (a) any widow's special pension, and
- (b) any child's special allowance,

payable in respect of the deceased's death equals or exceeds the amount of his average pensionable pay for a week, no dependent relative's special pension shall be payable in respect of that week.

Sch. 3 (contd.)

(2) Where in respect of any week the aggregate amount of—

- (a) any widow's special pension,
- (b) any child's special allowance, and
- (c) any dependent relative's special pension,

payable in respect of the deceased's death would exceed the amount of his average pensionable pay for a week, the dependent relative's pension shall be reduced by such factor as will ensure that the said aggregate does not exceed the said amount.

(3) For the purposes of this paragraph any increase in a pension or allowance in accordance with Part XIII of these Regulations shall be ignored.

SCHEDULE 4

CHILDREN

PART I

Regulation 37

CHILD'S ORDINARY ALLOWANCE

1.—(1) Where one of the child's parents is alive, the child's ordinary allowance in respect of the death of a regular policeman (in this Part referred to as the "relevant parent") shall, subject to paragraphs 5 and 6, be determined in accordance with this paragraph.

(2) Subject to sub-paragraphs (3) and (4), an allowance determined in accordance herewith shall be of an annual amount equal to 12·5% of the amount specified in paragraph 3 or 4, as the case may be.

(3) Subject to sub-paragraph (4), where 4 or more children's ordinary allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 37·5% of the amount specified in paragraph 3 or 4, as the case may be, divided by the total number of allowances so payable.

(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the allowance shall be of the weekly amount in the second column of the following Table set opposite to the rank in the first column thereof which the relevant parent held at the time when he ceased to be a regular policeman:—

TABLE

Parent's Rank	Weekly Amount
Higher than Inspector	£1·29
Inspector	£1·05
Lower than Inspector	£0·88

2.—(1) Where the relevant parent was the child's only surviving parent or in respect of the period after the death of the child's other parent, the child's ordinary allowance shall, subject to paragraph 5, be determined in accordance with this paragraph but, where the relevant parent died before 1st April 1973, it may be increased in accordance with Part III of Schedule 4 to the Police Pensions Regulations 1971, as from time to time amended.

(2) Subject to sub-paragraphs (3) and (4), an allowance determined in accordance herewith shall be of an annual amount equal to 25% of the amount specified in paragraph 3 or 4, as the case may be.

Sch. 4 (contd.)

(3) Subject to sub-paragraph (4), where 3 or more children's ordinary allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 50% of the amount specified in paragraph 3 or 4, as the case may be, divided by the total number of allowances so payable.

(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the allowance shall be of the weekly amount in the second column of the following Table set opposite to the rank in the first column thereof which the relevant parent held at the time he ceased to be a regular policeman:—

TABLE

Parent's Rank	Weekly Amount
Higher than Inspector ...	£1·93
Inspector	£1·55
Lower than Inspector	£1·30

3.—(1) Except where the relevant parent is such a person as is mentioned in paragraph 4(1), the specified amount shall be that of his pension or notional pension, that is to say—

- (a) where he dies while entitled to an ordinary, short service or ill-health pension, that pension;
 - (b) in any other case, the ill-health pension to which he would have been entitled had he retired with such a pension immediately before he died,
- calculated, in either case, in accordance with the following sub-paragraph.

(2) For the purposes of paragraph 1 or 2, in calculating the parent's pension or notional pension the following provisions shall be disregarded, that is to say:—

- (a) the restrictions on payments on account of an ordinary pension contained in Regulation 19(5), and
- (b) the provisions for the reduction of a pension contained in Regulations 24(6) and 25(7) and in Parts VII and VIII of Schedule 2.

4.—(1) This paragraph shall apply where the relevant parent is the father and he was serving as a regular policeman or entitled to a pension other than a deferred pension either—

- (a) on 1st April 1973, or
- (b) at the date of his death where that date is before 1st July 1973,

and he or, as the case may be, his widow has not exercised the rights of election accorded by Regulations 58, 59, 60 and 61 for the purpose of avoiding the application to the calculation of his widow's ordinary pension (if any)—

- (i) of paragraphs 2 and 3 of Part II of Schedule 3, where, before 1st April 1972, he last paid pension contributions at a rate related to 5% of his pensionable pay, or
- (ii) of paragraph 3 of the said Part II, in any other case.

(2) Where this paragraph applies, the specified amount shall be the difference between the two following amounts, subject, however, to sub-paragraph (3)—

- (a) an amount equal to a sixtieth of the father's average pensionable pay for each completed year of pensionable service up to 20 years with the addition of a sixtieth for each completed half year by which his pensionable service exceeds 20 years;

Sch. 4 (contd.)

- (b) an amount calculated as aforesaid but by reference only to the father's pre-1972 pensionable service, that is to say the pensionable service he was entitled to reckon otherwise than by virtue of—
- (i) service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972, or
 - (ii) Regulation 51, where the conditions specified in paragraph (1) thereof are satisfied on or after 1st April 1973.
- (3) Where the father's completed years of pensionable service exceed 30 years, then there shall be reduced by that excess—
- (a) his completed years of pensionable service taken into account for the purposes of sub-paragraph (2)(a);
 - (b) his completed years of pre-1972 pensionable service taken into account for the purposes of sub-paragraph (2)(b).
- 5.—(1) The weekly amount of a child's ordinary allowance determined in accordance with sub-paragraph (2) or (3) of paragraph 1 or, as the case may be, of paragraph 2 shall be taken to be the annual amount thereof divided by 52 $\frac{1}{4}$.
- (2) The amount of a child's ordinary allowance determined as mentioned in sub-paragraph (1) shall be increased in accordance with Part XIII of these Regulations.
- (3) For the purposes of sub-paragraph (4) of paragraph 1 or, as the case may be, of paragraph 2, where the relevant parent held the rank of chief inspector in the City of London police force, the said sub-paragraph shall apply as though he held a rank higher than that of inspector.

6.—(1) Where in respect of any week the aggregate rate at which—

- (a) any widow's ordinary pension, and
- (b) any children's ordinary allowances determined in accordance with sub-paragraph (2) or (3) of paragraph 1,

are payable in respect of a person who died while entitled to a pension other than a deferred pension exceeds the rate at which that pension was payable immediately before his death, the children's allowances shall be reduced by such factor as will ensure that the said aggregate rate does not exceed the last-mentioned rate.

(2) For the purposes of this paragraph there shall be ignored—

- (a) any increase in a widow's pension or child's allowance in accordance with Part XIII of these Regulations, and
- (b) any reduction in the deceased person's pension other than a reduction under Regulation 24(6) or 25(7) or (in the case of an injury pension) under paragraph 3(1) of Part V of Schedule 2.

PART II

Regulation 38

CHILD'S SPECIAL ALLOWANCE

1.—(1) Where one of the child's parents is alive, the child's special allowance in respect of the death of a member of a police force (in this Part referred to as the "relevant parent") shall, subject to paragraph 3, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an amount equal to 10% of the average pensionable pay for a week of the relevant parent.

Sch. 4 (contd.)

(3) Where 5 or more children's special allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an amount equal to 40% of the average pensionable pay for a week of the relevant parent divided by the total number of allowances so payable.

2.—(1) Where the relevant parent was the child's only surviving parent or in respect of the period after the death of the child's other parent, the child's special allowance shall, subject to paragraph 3, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an amount equal to 20% of the average pensionable pay for a week of the relevant parent.

(3) Where 5 or more children's special allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an amount equal to 80% of the average pensionable pay for a week of the relevant parent divided by the total number of allowances so payable.

3. The amount of a child's special allowance determined in accordance with paragraph 1 or 2 shall be increased in accordance with Part XIII of these Regulations.

Regulation 40

PART III

CHILD'S ACCRUED ALLOWANCE

1. Subject as hereinafter provided, a child's accrued allowance shall be determined in like manner as an ordinary allowance would be determined under Part I of this Schedule if the child were entitled to such an allowance.

2. Except where the parent in respect of whose death the allowance is payable (in this Part referred to as the "relevant parent") is such a person as is referred to in paragraph 3, the specified amount, for the purposes of paragraph 1 or 2 of the said Part I as applied hereby, shall be the amount of the relevant parent's deferred pension and not the amount specified in the said Part I.

3.—(1) This paragraph shall apply where the relevant parent is the father and he is entitled to reckon pensionable service otherwise than by virtue of—

- (a) service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972;
- (b) section 10 of the Police Pensions Act 1921 or by virtue of service on or after 1st April 1956 and Regulation 97 and the proviso to Regulation 98(1);
- (c) Regulation 51, where the conditions specified in paragraph (1) thereof are satisfied on or after 1st April 1973.

(2) Where this paragraph applies, the specified amount, for the purposes of paragraph 1 or 2 of Part I of this Schedule as applied hereby, shall be the following proportion of the amount of the relevant parent's deferred pension, that is to say, the proportion which that parent's half-rate service (within the meaning of Part IV of Schedule 3) bears to the pensionable service reckonable by him, each period being reckoned in completed years up to 20 years and in completed half years in so far as it exceeds 20 years, and not the amount specified in the said Part I.

4. For the purposes of paragraph 1 or 2 of Part I of this Schedule as applied hereby, in calculating the relevant parent's deferred pension the following provisions shall be disregarded, that is to say:—

- (a) the restrictions on payment contained in Regulation 23(2), and

Sch. 4 (contd.)

(b) the provisions for the reduction of a pension contained in Regulations 24(6) and 25(7) and in Parts VII and VIII of Schedule 2.

5. For the purposes of Part I of this Schedule as applied hereby, paragraph 6 thereof shall have effect as if for sub-paragraph (1) thereof there were substituted the following provision, namely, that where in respect of any week the aggregate rate at which:—

(a) any widow's accrued pension, and

(b) any children's accrued allowances determined in accordance with sub-paragraph (2) or (3) of paragraph 1 of the said Part I,

exceeds the rate at which the husband and father's deferred pension was payable immediately before his death, or would have been so payable had he attained the age of 60 years, the children's allowances shall be reduced by such factor as will ensure that the said aggregate rate does not exceed the last-mentioned rate.

PART IV Regulations 37, 38 and 40

INCREASE IN CHILD'S ALLOWANCE IN CERTAIN CASES DURING FIRST 13 WEEKS

1. This Part shall apply where the person in respect of whose death the allowance is payable was—

(a) a man who did not leave a widow entitled to a pension which was payable for a continuous period of 13 weeks, or

(b) a woman who was the child's only surviving parent,

unless, immediately before his death, that person was neither—

(i) serving or called up for service, nor

(ii) in receipt of a pension,

as mentioned in paragraph 1 of Part V of Schedule 3.

2. Where this Part applies, a child's ordinary, special or accrued allowance shall, so far as necessary, be increased in respect of the first 13 weeks for which it is payable so as to secure that, in respect of each such week, it is not less than the amount specified in paragraph 2(1)(a) or (b) of Part V of Schedule 3 except that, where two or more such allowances are payable in respect of the death of the same person, each allowance shall be so increased that it is of that amount divided by the number of such allowances:

Provided that where a widow's pension is payable in respect of any such week, a child's allowance in respect of the death of the same person shall not be so increased in respect of that week.

PART V Regulation 41

CHILD'S GRATUITY IN LIEU OF ALLOWANCE

The gratuity referred to in Regulation 41 shall be such sum as may be agreed between the police authority and the father, mother or guardian, as the case may be, not exceeding the capitalised value of the allowance or of that part thereof to which the gratuity is an alternative calculated in accordance with tables prepared from time to time by the Government Actuary.

SCHEDULE 5 Regulations 49, 50 and 51

PAYMENT BY POLICEMAN IN RESPECT OF PREVIOUS SERVICE
OTHER THAN POLICE SERVICE

1.—(1) Where a regular policeman undertakes to pay a sum in accordance with this Schedule he shall, subject as hereafter in this Schedule provided, pay by regular instalments of such amount that the payment of the sum will be completed within a period of 5 years and before he becomes liable to be required to retire on account of age:

Sch. 5 (contd.)

Provided that he may at any time discharge his liability under the undertaking, in whole or in part, by paying the whole or part of the balance of the sum then outstanding.

(2) Any payment in accordance with this paragraph shall be made by the policeman to the police authority of the force in which he is serving when the payment falls to be made and, without prejudice to any other method of payment, the liability to make any such payment may be discharged by way of a deduction by the said authority from his pay.

2. If, before he has discharged his liability under the undertaking, a regular policeman—

- (a) retires without an award other than one of the amount of his aggregate pension contributions in respect of the relevant period of service;
- (b) leaves his police force on joining the Royal Ulster Constabulary with the consent of the police authority;
- (c) dies, or
- (d) is dismissed,

all further liability under that undertaking shall cease.

3. If before he has discharged his liability under the undertaking, a regular policeman retires with an award and his liability does not cease under paragraph 2(a), the police authority by whom the award is payable shall be empowered to deduct the balance of the sum then outstanding from payments on account of the award:

Provided that where a payment is made on account of an ordinary or ill-health pension and in respect of a period beyond insured pensionable age no deduction shall be made from so much of the payment as is on account of the secured portion of the pension.

Regulations 51 and 85

SCHEDULE 6

INTERCHANGE ARRANGEMENTS

PART I

CIVIL SERVICE AND METROPOLITAN CIVIL STAFFS SERVICE

1. This Part shall apply in relation to service or employment—

- (a) as a civil servant, or
- (b) in the metropolitan civil staffs within the meaning of section 15 of the Superannuation (Miscellaneous Provisions) Act 1967(a).

2. In relation to the said service or employment the specified date for the purposes of Regulations 51 and 85 shall be 1st January 1967.

3. In relation to the said service or employment the transfer value for the purposes of Regulation 51 shall be one payable under the provisions of a scheme made under section 1 of the Superannuation Act 1972(b) or of Rules made under sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(c), including such provisions as they have effect by virtue of section 15(2) of the Superannuation (Miscellaneous Provisions) Act 1967.

4. The specified authority for the purposes of Regulations 51 and 85 shall be—

- (a) in relation to service or employment as a civil servant, the Minister for the Civil Service;
- (b) in relation to service or employment in the metropolitan civil staffs, the Secretary of State.

(a) 1967 c. 28.

(b) 1972 c. 11.

(c) 1948 c. 33.

Sch. 6 (contd.)

5. Where the relevant date was before 1st April 1972, in relation to the said service or employment—

- (a) Regulation 51(1) shall have effect as if sub-paragraph (c) were omitted and, where the relevant date was before 15th February 1971, as if sub-paragraph (e)(ii) were omitted;
- (b) Regulation 85(1) shall have effect as if sub-paragraphs (b)(ii), (c) and (d) were omitted;
- (c) Regulation 85(2) shall have effect as if the words “where he ceased to serve as such on or after the date specified in Schedule 6 in relation to the new service, and may, where he ceased so to serve before that date,” were omitted.

PART II

LOCAL GOVERNMENT, FIRE, EDUCATION AND HEALTH SERVICE

1. This Part shall apply in relation to service or employment—

- (a) such as is mentioned in section 2(2)(c), (cc), (d), (e) or (ee) of the Superannuation (Miscellaneous Provisions) Act 1948,
- (b) in respect of which awards may be made under the Firemen's Pension Scheme, that is to say, under the Scheme for the time being in force under section 26 of the Fire Services Act 1947(a), or
- (c) in respect of which awards may be made under Regulations for the time being in force under section 10 of the Superannuation Act 1972, section 67 of the National Health Service Act 1946(b) or section 66 of the National Health Service (Scotland) Act 1947(c).

2.—(1) Subject to sub-paragraphs (2) and (3), in relation to the said service or employment the specified date for the purposes of Regulations 51 and 85 shall be 15th February 1971.

(2) Where in relation to a particular service or employment no provisions are in operation on 15th February 1971 for the payment of a transfer value to the police authority, as mentioned in Regulation 51(1)(d), then in relation thereto the specified date for the purposes of Regulation 51 shall be the date on which such provisions first thereafter come into operation.

(3) Where in relation to a particular service or employment no provisions are in operation on 15th February 1971 for the reckoning of service for superannuation purposes by virtue of service as a regular policeman, as mentioned in Regulation 85, then in relation thereto the specified date for the purposes of Regulation 85 shall be the date on which such provisions first thereafter come into operation.

3. In relation to the said service or employment the transfer value for the purposes of Regulation 51 shall be one payable under Rules made under sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948 or under Regulations made under section 67 of the National Health Service Act 1946, section 66 of the National Health Service (Scotland) Act 1947 or section 7, 8, 9 or 10 of the Superannuation Act 1972.

4. The specified authority for the purposes of Regulations 51 and 85 shall be—

- (a) in relation to such employment as is mentioned in section 2(2)(c), (cc) or (d) of the Superannuation (Miscellaneous Provisions) Act 1948, the local authority maintaining the superannuation fund in the benefits of which the person concerned is or was entitled to participate;

(a) 1947 c. 41.

(b) 1946 c. 81.

(c) 1947 c. 27.

Sch. 6 (contd.)

- (b) in relation to service in a fire brigade maintained by a local authority and in respect of which awards may be made under the Firemen's Pension Scheme, the fire authority concerned;
- (c) in relation to any other service or employment, the Secretary of State.

PART III

OTHER SERVICE OR EMPLOYMENT

1. This Part shall apply in relation to service or employment in which a person is subject to any superannuation arrangements specified in the second column of the following Table.

2. Subject to paragraph 5 in relation to any such service or employment the specified date for the purposes of Regulations 51 and 85 shall be 15th February 1971.

3.—(1) In relation to any such service or employment the transfer value for the purposes of Regulation 51 shall, subject to sub-paragraphs (2) and (3), be one of the like amount, and calculated in the like manner, as the transfer value which would have been receivable under Part III of the Superannuation (Local Government and Approved Employment) Interchange Rules 1969(a) had the person concerned entered local government employment, within the meaning of those Rules, on the date on which he became a regular policeman and in circumstances in which the said Part III applied.

(2) For the purposes of sub-paragraph (1)—

- (a) to the extent that the Table in Schedule 1 to the said Rules of 1969 does not contain entries in columns (1) and (2) thereof corresponding to the entries in the following Table, it shall be deemed to do so, and
- (b) subject to paragraph 5, paragraph 6 of Schedule 1 to the said Rules of 1969 shall have effect as if any references therein to 18th August 1968 and to 18th August 1969 were, respectively, references to 15th February 1970 and to 15th February 1971 and sub-paragraphs (1)(a) and (b) and (3) were omitted.

(3) In relation to service in which a person is subject to the Isle of Man Police Pensions Regulations, that is to say, the Regulations for the time being in operation under section 16 of the Police (Isle of Man) Act 1962 (an Act of Tynwald), the transfer value shall be one payable under those Regulations.

4. In relation to any such service or employment the specified authority for the purposes of Regulations 51 and 85 shall be the persons having the general control and management of the relevant superannuation arrangements specified in the second column of the following Table.

5. In relation to service or employment in which a person is subject to—

- (a) an Area Gas Board Protected Persons Superannuation Scheme,
- (b) an Area Gas Board Staff Pension Scheme,
- (c) the Gas Council Staff Pension Scheme, or
- (d) the Independent Broadcasting Authority Staff Superannuation Fund and Staff Life Assurance Scheme,

the specified date for the purposes of Regulations 51 and 85 shall be 1st April 1973 and paragraph 3(2)(b) shall have effect as if for the dates "15th February 1970" and "15th February 1971" there were substituted, respectively, the dates "1st April 1971" and "1st April 1972".

(a) S.I. 1969/997 (1969 II, p. 2906).

Sch. 6 (contd.)

6. Where the person concerned is subject to any superannuation arrangements specified in the second column of the following Table (other than the Isle of Man Police Pensions Regulations) but is not employed by a body specified opposite thereto in the first column thereof, Regulation 85(2) shall have effect as if the words "shall, where he ceased to serve as such on or after the date specified in Schedule 6 in relation to the new service, and" and the words "where he ceased so to serve before that date," were omitted.

TABLE

Employing body	Superannuation arrangements
Agricultural Research Council	Industrial Superannuation Scheme
„	Agricultural Research Council Superannuation Scheme 1951
Area Electricity Board	British Electricity Authority Superannuation (Protected Persons) Scheme
„	Electricity Board Superannuation (Protected Persons) Scheme
„	Electricity Supply (Manual Workers) Superannuation Scheme
„	Electricity Supply (Staff) Superannuation Scheme
British Airports Authority	The British Airports Authority Superannuation Scheme
British Broadcasting Corporation	The B.B.C. New Pension Scheme
British Council	British Council Superannuation Scheme
British European Airways Corporation	The Airways Corporations Joint Pension Scheme for General Staff members
British Gas Corporation or Area Gas Board	Area Gas Board Protected Persons Superannuation Scheme
„	Area Gas Board Staff Pension Scheme
British Gas Corporation or Gas Council	Gas Council Staff Pension Scheme
British Overseas Airways Corporation	The Airways Corporations Joint Pension Scheme for General Staff members
British Board Waterways	Cheshire County Council Superannuation Fund—Divided
„	Grand Union Canal Company Superannuation Fund
„	Nottingham Corporation Superannuation Fund—Divided
„	Scheme embodied in section 23 of and Schedule 4 to the Regent Canal and Dock Company (Grand Junction Canal Purchase) Act 1928(a)
„	Scheme embodied in the Superannuation Act 1965(b) (as applied to former staff of the Lee Conservancy Board)

(a) 1928 c. xcvi.

(b) 1965 c. 74.

Sch. 6 (contd.)

Employing body	Superannuation arrangements
Central Electricity Generating Board	British Electricity Authority Superannuation (Protected Persons) Scheme
" "	Electricity Board Superannuation (Protected Persons) Scheme
" "	Electricity Supply (Manual Workers) Superannuation Scheme
" "	Electricity Supply (Staff) Superannuation Scheme
Commonwealth War Graves Commission	The Commonwealth War Graves Commission Superannuation Scheme (1952)
Corporation of Trinity House	Trinity House Service Superannuation Scheme
Crown Agents for Overseas Governments and Administrations	Crown Agents' Pension Scheme
Crown Estate Commis- sioners	Crown Estate Commissioners Superannuation Scheme
Development Commis- sion	The Development Commission Superannuation Scheme 1940
Electricity Council	British Electricity Authority Superannuation (Protected Persons) Scheme
" "	Electricity Board Superannuation (Protected Persons) Scheme
" "	Electricity Supply (Manual Workers) Superannuation Scheme
" "	Electricity Supply (Staff) Superannuation Scheme
Forestry Commission	The Forestry Commission Superannuation Scheme
General Lighthouse Authority	General Lighthouse Fund Superannuation Scheme
Horse Race Betting Levy Board	Horse Race Betting Levy Board Pension Schemes A and B
Independent Broad- casting Authority	Independent Broadcasting Authority Staff Superannuation Fund and Staff Life Assurance Scheme
Industrial Training Boards	Industrial Training Boards Pension Fund
—————	The Isle of Man Police Pensions Regulations
Metropolitan Water Board	Metropolitan Water Board Superannuation and Provident Fund Scheme
National Coal Board	National Coal Board Staff Superannuation Scheme
National Industrial Fuel Efficiency Service	National Industrial Fuel Efficiency Service Superannuation Scheme

Sch. 6 (contd.)

Employing body	Superannuation arrangements
National Institute of Agricultural Botany	Industrial Superannuation Scheme
Natural Environment Research Council	Natural Environment Research Council Superannuation Arrangements
North of Scotland Hydro-Electric Board	Hydroboard Superannuation Fund
Port of London Authority	Port of London Authority Pension Fund
Post Office	Post Office Staff Superannuation Scheme
Scottish Agricultural Colleges and Research Institutes	Industrial Superannuation Scheme
Science Research Council	Science Research Council Superannuation Scheme
„	The Principal Non-Industrial Superannuation Scheme of the United Kingdom Atomic Energy Authority
„	The United Kingdom Atomic Energy Authority's Industrial Superannuation Scheme
South of Scotland Electricity Board	The South of Scotland Electricity Board's Superannuation Scheme
United Kingdom Atomic Energy Authority	The Principal Non-Industrial Superannuation Scheme of the United Kingdom Atomic Energy Authority
„	Protected Persons Superannuation Scheme of the United Kingdom Atomic Energy Authority
„	The United Kingdom Atomic Energy Authority's Industrial Superannuation Scheme

SCHEDULE 7

ADDITIONAL AND FURTHER PAYMENTS

PART I

Regulations 57 and 58

CONTRIBUTIONS

1. Where additional pension contributions are payable by a man under Regulation 57 in pursuance of such an election as is there mentioned, he shall pay such contributions at the rate specified in the second column of the Table in Schedule 7 to the Police Pensions Regulations 1971 opposite to the number of completed years of service reckonable by him, at the time he made his election, by virtue of service before 1st April 1956.

2. Where additional pension contributions are payable by a man in pursuance of an election under Regulation 58(2), he shall pay such contributions at the rate specified in the second column of the following Table opposite to the number of completed years of pensionable service reckonable by him immediately before 1st April 1973 otherwise than by virtue of service on or after 1st April 1972 as a member of a police force or of the Royal Ulster Constabulary.

Sch. 7 (contd.)

3. Where further pension contributions are payable by a man in pursuance of an election under Regulation 58(3), he shall pay such contributions at the rate specified in the third column of the following Table opposite to the number of completed years of pensionable service reckonable by him immediately before 1st April 1973 otherwise than by virtue of service on or after 1st April 1972 as a member of a police force or of the Royal Ulster Constabulary.

4. In calculating the rate at which additional or further pension contributions are payable no account shall be taken of any service reckonable as pensionable service by virtue of section 10 of the Police Pensions Act 1921(a).

TABLE

Completed years of pensionable service taken into account	Rate expressed as a percentage of pensionable pay	
	Additional contributions	Further contributions
1	0.1	0.1
2	0.1	0.1
3	0.2	0.2
4	0.3	0.2
5	0.3	0.3
6	0.4	0.3
7	0.5	0.4
8	0.6	0.5
9	0.7	0.6
10	0.9	0.7
11	1.1	0.8
12	1.3	0.9
13	1.5	1.1
14	1.8	1.3
15	2.2	1.5
16	2.6	1.8
17	3.2	2.2
18	4.0	2.7
19	4.6	3.1
20	4.8	3.3
21	5.0	3.4
22	5.2	3.5
23	5.4	3.6
24	5.6	3.8
25	5.8	3.9
26	6.0	4.0
27	6.1	4.2
28	6.3	4.3
29	6.5	4.4
30	6.6	4.5
31	6.7	4.5
32	6.8	4.6
33	6.9	4.6
34	7.0	4.7
35	7.1	4.7
36	7.2	4.8
37	7.2	4.9
38	7.3	4.9
39	7.4	5.0

(a) 1921 c. 31.

Sch. 7 (contd.)

PART II

Regulation 59

LUMP SUMS

1. Where a payment by way of a lump sum is payable by a man in pursuance of an election under Regulation 59(2) or (3), it shall be calculated by reference to his annual pensionable pay immediately before 1st April 1972 or, if he was not then in receipt of pensionable pay, on the date on which he was thereafter first in receipt of such pay.

2. Where an additional payment by way of a lump sum is payable by a man in pursuance of an election under Regulation 59(2), the sum shall be of an amount equal to the percentage of his said pensionable pay specified in the second column of the following Table opposite to the number of completed years of pensionable service reckonable by him immediately before 1st April 1973 otherwise than by virtue of service on or after 1st April 1972 as a member of a police force or of the Royal Ulster Constabulary.

3. Where a further payment by way of a lump sum is payable by a man in pursuance of an election under Regulation 59(3), the sum shall be of an amount equal to the percentage of his said pensionable pay specified in the third column of the following Table opposite to the number of years of pensionable service reckonable by him immediately before 1st April 1973 otherwise than by virtue of service on or after 1st April 1972 as a member of a police force or of the Royal Ulster Constabulary.

4. In calculating any additional or further payment by way of lump sum no account shall be taken of any service reckonable as pensionable service by virtue of section 10 of the Police Pensions Act 1921.

TABLE

Completed years of pensionable service taken into account	Payment expressed as a percentage of annual pensionable pay	
	Additional payment	Further payment
1	1.2	1.0
2	2.0	1.6
3	2.9	2.3
4	3.8	3.0
5	4.7	3.7
6	5.7	4.4
7	6.7	5.2
8	7.8	5.9
9	8.9	6.6
10	10.0	7.3
11	11.1	8.1
12	12.2	8.8
13	13.3	9.6
14	14.5	10.3
15	15.7	11.1
16	16.9	11.8
17	18.2	12.6
18	19.5	13.3
19	20.7	14.0
20	21.9	14.8
21	23.1	15.5
22	24.3	16.3
23	25.5	17.1
24	26.7	17.9

Sch. 7 (contd.)

TABLE

Completed years of pensionable service taken into account	Payment expressed as a percentage of annual pensionable pay	
	Additional payment	Further payment
25	27·7	18·6
26	28·6	19·2
27	29·4	19·7
28	30·1	20·2
29	30·7	20·6
30	31·2	20·9
31	31·5	21·1
32	31·7	21·2
33	31·8	21·3
34	31·9	21·4
35	32·0	21·5
36	32·2	21·6
37	32·3	21·7
38	32·5	21·8
39 or more	32·7	22·0

Regulation 72

SCHEDULE 8

MEDICAL APPEALS

1. Every notice of appeal under Regulation 72(2) shall be in writing.
2. On receipt of the appeal the police authority shall forward to the Secretary of State 2 copies thereof and of the certificate appealed against, with the name and address of the appellant.
3. A medical referee shall appoint a time and place for interviewing the appellant and for any such further interviews or examinations as he may consider necessary and shall give reasonable notice thereof to the appellant and the police authority.
4. At any time before any interview with the medical referee the appellant or the police authority may submit to the medical referee a statement relating to the subject matter of the appeal, and if they so submit a statement they shall send a copy thereof to the other party.
5. Any interview or examination may be attended by—
 - (a) the selected medical practitioner; and
 - (b) any duly qualified medical practitioner appointed for the purpose by either party.
6. The medical referee shall give written notice to the police authority and appellant of his decision and, if that decision is that he disagrees with any part of the certificate of the selected medical practitioner, shall send a copy of his certificate to the police authority and the appellant.

Sch. 8 (contd.)

7.—(1) The medical referee shall be entitled to such fees and allowances as the Secretary of State may from time to time determine.

(2) The said fees and allowances shall be paid by the police authority and shall be treated as part of the police authority's expenses for the purposes of this Schedule.

8.—(1) Save as hereinafter provided, the expenses of each party to the appeal shall be borne by that party.

(2) Where the medical referee decides in favour of the police authority, the authority may require the appellant to pay towards the cost of the appeal such sum not exceeding the referee's total fees and allowances as the authority think fit.

(3) Where the medical referee decides in favour of the appellant, the police authority shall refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of any such interview or examination as is mentioned in paragraph 3.

SCHEDULE 9 Regulations 83, 84 and 85

TRANSFER VALUES

1.—(1) The transfer value payable by a police authority under Regulation 83, 84 or 85 shall, subject as hereafter in this Schedule provided, be calculated in accordance with this paragraph.

(2) The amounts shown in the second and third columns of the appropriate Table or, where the transfer value is payable under Regulation 83 or 84 in respect of a woman, in the fourth and fifth columns thereof, in relation to an age which corresponds with that of the policeman are to be multiplied respectively by the number of completed years and the number of completed months aggregating less than a year, which the policeman was entitled to reckon as pensionable service immediately before he ceased to be a member of his former force:

Provided that in calculating the number of completed years and completed months which he was entitled to reckon as aforesaid, any period by which his pensionable service exceeded 30 years shall be ignored, and—

- (a) where the transfer value is payable under Regulation 83 or 84 or is payable to a fire authority or to the Government of the Isle of Man under Regulation 85, any period by which his pensionable service exceeded 20 years but did not exceed 30 years shall be counted twice;
- (b) where the transfer value is payable under Regulation 85 otherwise than as aforesaid, the period of his pensionable service not exceeding 30 years shall be increased by a third.

(3) The sum of the products aforesaid is the transfer value appropriate in respect of £100 of annual pensionable pay.

(4) The total transfer value referred to in sub-paragraph (1) is to be calculated proportionately by reference to the annual pensionable pay of the policeman.

(5) In this paragraph a reference to the appropriate Table is—

- (a) in the case of a transfer value payable under Regulation 83 or 84 or payable to a fire authority or to the Government of the Isle of Man under Regulation 85, a reference to the following Table A;
- (b) in the case of a transfer value payable under Regulation 85 otherwise than as aforesaid, a reference to the following Table B.

Sch. 9 (contd.)

TABLE A

Age in years	Sum in respect of £100 of annual pensionable pay			
	In the case of a man, for each completed		In the case of a woman, for each completed	
	Year	Month	Year	Month
Less than 24	£ 19·70	£ 1·65	£ 12·50	£ 1·05
24	19·70	1·65	12·60	1·05
25	19·70	1·65	12·85	1·05
26	19·70	1·65	13·30	1·10
27	19·70	1·65	13·90	1·15
28	19·70	1·65	14·60	1·20
29	19·70	1·65	15·40	1·30
30	19·75	1·65	16·25	1·35
31	19·85	1·65	17·15	1·45
32	20·05	1·65	18·05	1·50
33	20·30	1·70	18·90	1·55
34	20·60	1·70	19·75	1·65
35	21·00	1·75	20·55	1·70
36	21·45	1·80	21·25	1·75
37	21·95	1·85	21·85	1·80
38	22·45	1·85	22·40	1·85
39	22·95	1·90	22·90	1·90
40	23·45	1·95	23·40	1·95
41	23·90	2·00	23·90	2·00
42	24·35	2·05	24·40	2·05
43	24·80	2·05	24·90	2·05
44	25·25	2·10	25·40	2·10
45	25·65	2·15	25·90	2·15
46	25·95	2·15	26·40	2·20
47	26·20	2·20	26·85	2·25
48	26·40	2·20	27·25	2·25
49	26·55	2·20	27·55	2·30
50	26·65	2·20	27·80	2·30
51	26·70	2·20	28·05	2·35
52	26·75	2·25	28·30	2·35
53	26·80	2·25	28·50	2·40
54	26·85	2·25	28·70	2·40
55 or more	26·90	2·25	28·85	2·40

Sch. 9 (contd.)

TABLE B

Age in years	Sum in respect of £100 of annual pensionable pay for each completed	
	Year	Month
Less than 36	£ 9·00	£ 0·75
36	9·05	0·75
37	9·10	0·75
38	9·15	0·75
39	9·30	0·75
40	9·45	0·80
41	9·60	0·80
42	9·80	0·80
43	10·00	0·85
44	10·20	0·85
45	10·45	0·85
46	10·65	0·90
47	10·85	0·90
48	11·10	0·90
49	11·35	0·95
50	11·60	0·95
51	11·85	1·00
52	12·15	1·00
53	12·45	1·05
54	12·80	1·05
55	13·20	1·10
56	13·65	1·15
57	14·10	1·15
58	14·55	1·20
59	15·05	1·25

2.—(1) A transfer value calculated as aforesaid shall be reduced in accordance with sub-paragraphs (2) and (3)—

(a) in the case of a policeman other than a policeman who, immediately before he ceased to be a member of his former force, was paying pension contributions at the rate of 1p a week less than the appropriate percentage of his pensionable pay;

(b) in the case of a policeman entitled to reckon pensionable service, immediately before he ceased to be a member of his former force, by virtue of a participating period of relevant employment.

(2) The amount shown in the second column of the following Table or, in the case of a woman, in the third column thereof, in relation to an age which corresponds with that of the policeman is the amount of the reduction in respect of each £1 by which the annual value of his pension would be reduced—

(a) under paragraph 1 of Part VII of Schedule 2, in a case in which sub-paragraph (1)(a) applies, and

(b) under paragraphs 2 and 3 of the said Part VII, in a case in which sub-paragraph (1)(b) applies,

in respect of any period beyond insured pensionable age, if he had become entitled to a pension on ceasing to be a member of his former force.

(3) The total reduction is to be calculated proportionately by reference to the amount by which the annual value of such a pension would be so reduced.

Sch. 9 (contd.)

(4) For the purposes of sub-paragraph (1)(b) and of the provisions applied by sub-paragraph (2)(b) a period shall be treated as a participating period of relevant employment notwithstanding that a payment in lieu of contributions only fell to be made after the policeman ceased to be a member of his former force.

TABLE
REDUCTION OF TRANSFER VALUE

Age in years	Reduction for each £1 by which annual value of pension would be reduced	
	In the case of a man	In the case of a woman
	£	£
Less than 24	1·80	1·40
24	1·95	1·65
25	2·10	1·90
26	2·25	2·20
27	2·35	2·55
28	2·45	2·90
29	2·60	3·30
30	2·70	3·75
31	2·80	4·25
32	2·95	4·70
33	3·05	5·10
34	3·20	5·45
35	3·30	5·75
36	3·45	6·05
37	3·60	6·35
38	3·70	6·65
39	3·85	6·95
40	4·00	7·25
41	4·15	7·55
42	4·30	7·80
43	4·45	8·05
44	4·60	8·30
45	4·75	8·60
46	4·95	8·95
47	5·15	9·30
48	5·35	9·65
49	5·55	10·00
50	5·75	10·35
51	5·95	10·70
52	6·20	11·10
53	6·45	11·50
54	6·70	11·90
55	7·00	12·35
56	7·30	12·80
57	7·60	13·30
58	7·95	13·85
59	8·30	14·45
60	8·70	
61	9·15	
62	9·60	
63	10·10	
64	10·60	

Sch. 9 (contd.)

3. A transfer value calculated as aforesaid shall be reduced, in the case of a policeman who had undertaken to make payments in accordance with Schedule 5, by the balance outstanding, immediately before he ceased to be a member of his former force, of the sum he had undertaken to pay or so much thereof as has not been deducted under paragraph 3 of that Schedule from a gratuity payable to him.

4.—(1) Where a transfer value is payable by a police authority under Regulation 85 the transfer value, calculated as aforesaid, shall be reduced by an amount, subject to sub-paragraph (2), equal to that of any award payable on the policeman ceasing to be a member of his former force so, however, that in the case of a man the reduction shall be limited to so much of the award as would have been payable had he paid contributions at a rate related to 5% of his pensionable pay and had made no additional or further payments by way of contributions or a lump sum under Part VI of these Regulations or any provision of the former Regulations corresponding to Regulation 57.

(2) Where the time limit mentioned in Regulation 85(1)(c) is extended thereunder, the amount to be deducted under sub-paragraph (1) may be increased by an amount equal to compound interest thereon at the rate of 3% per annum, with half-yearly rests, in respect of the period beginning with whichever is the later of the two following dates, that is to say—

- (a) the first anniversary of the policeman's ceasing to be a member of his former force, or
- (b) the date on which he was paid his award,

and ending with the date on which he notifies the police authority as mentioned in Regulation 85(1)(d):

Provided that the increase in the amount to be deducted shall not exceed a half of the difference between the transfer value which would be payable but for this sub-paragraph and that which would be so payable if paragraph 5(2)(a) applied.

5.—(1) For the purpose of calculating a transfer value payable under Regulation 83 or 84, any reference to the age of the policeman shall be construed as a reference to his age at the time he ceased to be a member of his former force.

(2) For the purpose of calculating a transfer value payable under Regulation 85, any reference to the age of the policeman shall be construed as a reference to his age—

- (a) at the time he ceased to be a member of his former force, where he enters or entered the new service within 12 months therefrom, or
- (b) at the time he enters or entered the new service where the preceding sub-paragraph does not apply,

except that, where he ceased to be a member of his former force more than 12 months before the date specified in Schedule 6 for the purposes of Regulation 85 any such reference shall be construed as a reference to his age at that date.

(3) Any reference in this Schedule to the annual pensionable pay of a policeman is a reference to the annual value of his pensionable pay immediately before he ceased to be a member of his former force, any retrospective increase therein granted after that time being ignored.

(4) Any reference in this Schedule to a policeman's former force is a reference to the police force maintained by the police authority by whom the transfer value is payable.

LIMITS IN RESPECT OF AWARDS TO OR IN RESPECT OF SERVICEMEN

1.—(1) The amount of the pension payable to a serviceman for any period shall not, when aggregated with the amount of any armed forces pension or award which is also payable to or in respect of him for that period in pursuance of any Royal Warrant or other instrument, exceed the amount of the award which would have been payable for that period if the injury as a result of which he is permanently disabled had been treated as if it were an injury received without his own default in the execution of his duty as a member of a police force.

(2) The reference in the preceding sub-paragraph to an armed forces pension or award shall not include an allowance for constant attendance, wear and tear of clothing or comforts.

2. The amount of the pension payable to the widow of a serviceman for any period shall not, when aggregated with the amount of any armed forces pension or award which is also so payable for that period in respect of her husband in pursuance of any Royal Warrant or other instrument, exceed the amount of the pension which would have been payable for that period if the injury as a result of which her husband died had been treated as if it were an injury received without his own default in the execution of his duty as a member of a police force.

3. The amount of the allowance payable to a child of a serviceman for any period shall not, when aggregated with the amount of any armed forces pension or award payable to or for the child for that period in respect of the father in pursuance of any Royal Warrant or other instrument, exceed the amount of the allowance which would have been payable for that period if the injury as a result of which the father died had been treated as if it were an injury received without his own default in the execution of his duty as a member of a police force.

4. Where the armed forces award the amount whereof for any period is to be aggregated for the purpose of this Schedule with the amount of any pension or allowance payable to any person for that period is a gratuity, the amount of the armed forces award for the period shall be taken to be the amount which would be payable for that period under Part I of the Government Annuities Act 1929(a) if the gratuity had been laid out at the date when it became payable in the pursuance of an annuity dependent on the life of that person.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations have effect as from 1st April 1972 (Regulation 1; retrospective effect is authorised by sections 12 and 15 of the Superannuation Act 1972). They apply to the exclusion of the Police Pensions Regulations 1971 in the case of policemen with service on or after that date (Regulation 2) but have effect subject to the Police Pensions (Transitory Provisions) Regulations 1973 (Regulation 3). The main differences between the present Regulations and those of 1971 are described below.

(a) 1929 c. 29.

The normal qualifying period of service for an ill-health or short service pension is reduced from 10 to 5 years (Regulations 20(3)(a) and 21(3)). Ill-health pensions are payable at enhanced rates (Part II of Schedule 2).

A policeman disabled as a result of an injury received in the execution of duty is entitled not only to an injury pension (corresponding to a supplemental pension under the Regulations of 1971) but also to a gratuity (Regulation 22). Injury pensions are payable at enhanced rates (Part V of Schedule 2).

A person with 5 years' service who has attained the age of 26 years may normally, on ceasing to be a policeman in circumstances in which no other award is payable, elect to be granted a deferred pension (which becomes payable at the age of 60 years or earlier in case of disablement) instead of a return of pension contributions (Regulation 23).

Widows' pensions and children's allowances are payable at enhanced rates (Schedules 3 and 4), in particular in respect of the first 13 weeks for which they are payable. Where the policeman died as a result of an injury received in the execution of duty a gratuity is normally payable in addition to a widow's special pension (Regulation 28(2)). Provision is made for the payment of pensions and allowances to the widows and children of men who have elected to be granted deferred pensions (Regulations 30 and 40).

Where a policeman dies as a result of an injury received in the execution of duty, the police authority may, in their discretion, grant a special pension to an adult relative who was substantially dependent on him (Regulation 36).

Awards are normally calculated on pensionable pay averaged over the last year, instead of the last 3 years, of service (Regulation 55).

Pension contributions are increased, in the case of a man, to 7% of pensionable pay and, in the case of a woman, to 5% of pensionable pay (less 6p or 1p a week) save in the case of certain auxiliary policemen (Regulation 56).

Only where a policeman has paid pension contributions throughout his period of service at this new rate, or equivalent "additional" or "further" payments are made, are his widow and children entitled to the full benefit of the enhanced rates of dependants' awards. Regulations 58 to 62 enable a person to elect to make these equivalent payments.

SI 1973/428
ISBN 0-11-030428-4



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