

1973 No. 429

POLICE

The Police Pensions (Transitory Provisions) Regulations 1973

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

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, I hereby, with the consent of the Minister for the Civil Service(j), make the following Regulations:—

Citation, commencement and effect

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

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

Interpretation

2.—(1) In these Regulations references to the Regulations of 1971 and to the Regulations of 1973 are, respectively, references to the Police Pensions Regulations 1971(k), as amended(l) and to the Police Pensions Regulations 1973(m).

(2) These Regulations shall be construed as one with the Regulations of 1973.

(a) 1948 c. 24.

(c) 1958 c. 14.

(e) 1964 c. 48.

(g) 1967 c. 77.

(i) 1972 c. 11.

(j) Formerly the Treasury; see S.I. 1968/1656 (1968 III, p. 4485).

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

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

(m) S.I. 1973/428 (1973 I, p. 1401).

(b) 1951 c. 65.

(d) 1961 c. 35.

(f) 1967 c. 28.

(h) 1969 c. 63.

Commutation—variation of notice

3.—(1) This Regulation shall apply to a regular policeman who retired on or after 1st April 1972 but before 1st April 1973.

(2) Where a regular policeman to whom this Regulation applies has given notice of commutation under Regulation 24 of the Regulations of 1971 (in this Regulation referred to as the “original notice”) he may give further notice to the police authority of his wish to increase the portion of his pension commuted for a lump sum to such portion, not exceeding a quarter of the pension which would be payable but for the provisions of Regulation 25 of the Regulations of 1973 as (subject to the limitation contained in Regulation 26 thereof) he may specify.

(3) Where a further notice has been given under paragraph (2) of this Regulation the original notice shall have effect for the purposes of Regulation 24 of the Regulations of 1973 as if given thereunder but as if the portion of the pension specified therein were that specified in the further notice.

Allocation—variation of notice

4.—(1) This Regulation shall apply to a regular policeman who retired on or after 1st April 1972 but before 1st April 1973.

(2) Where a regular policeman to whom this Regulation applies has given notice of allocation under Regulation 26 of the Regulations of 1971 (in this Regulation referred to as the “original notice”) he may give further notice to the police authority of his wish to increase the portion of his pension surrendered to such portion as he may specify so, however, that the total portion of the pension which may be surrendered for the purposes of allocation shall not exceed a third of the pension which would be payable but for the provisions of Regulations 24 and 25 of the Regulations of 1973 and of Part VIII of Schedule 2 thereto.

(3) Where a further notice has been given under paragraph (2) of this Regulation the original notice shall have effect for the purposes of Regulation 25 of the Regulations of 1973 as if given thereunder but as if the portion of the pension specified therein were that specified in the further notice.

(4) Nothing in this Regulation shall be construed as derogating from any right of a regular policeman under Regulation 25(1) of the Regulations of 1973 to allocate a further portion of his pension notwithstanding that he has already allocated a portion of that pension.

Allocation—cancellation of notice

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

(a) was serving as such immediately before 1st April 1972 or, though not so serving, is 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 that date, and

(b) has exercised the right of election accorded by either Regulation 58(3), Regulation 59(3) or Regulation 60(3) of the Regulations of 1973.

(2) Where a regular policeman to whom this Regulation applies has given notice of allocation under Regulation 26 of the Regulations of 1971 (in this Regulation referred to as the “original notice”) and the beneficiary specified

therein is his wife and she is still alive, he may give further notice to the police authority of his wish to cancel the original notice.

(3) Where a further notice has been given under paragraph (2) of this Regulation the original notice shall not have effect for the purposes of Regulation 25 of the Regulations of 1973.

Provisions supplemental to Regulations 3, 4 and 5

6. Notice to the police authority under any of the preceding Regulations shall be given in writing to the police authority of the force in which the man is serving or by whom his pension is payable and shall be given before 1st July 1973.

Awards for a period ending before 1st December 1972

7. For the purpose of determining the amount payable on account of an award for a period ending before 1st December 1972, the Regulations of 1973 shall have effect subject to the modifications set out in the Schedule hereto.

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.

SCHEDULE

MODIFICATIONS TO THE REGULATIONS OF 1973 IN RESPECT OF A PERIOD ENDING
BEFORE 1ST DECEMBER 1972

1. In Regulation 93(5) (awards on death of servicemen) for the sum "£3·14" there shall be substituted the sum "£2·85".

2.—(1) In paragraph 3(1) of Part I of Schedule 3 (widow's ordinary pension) for the sums "£4·92", "£4·09" and "£3·14" there shall be substituted, respectively, the sums "£4·47", "£3·72" and "£2·85".

(2) In paragraph 3(3) of the said Part I for the sum "22p" there shall be substituted the sum "20p".

3. In paragraph 4(1) of Part IV of Schedule 3 (widow's accrued pension) for the sums "£4·92", "£4·09" and "£3·14" there shall be substituted, respectively, the sums "£4·47", "£3·72" and "£2·85".

4.—(1) In the Table in paragraph 1(4) of Part I of Schedule 4 (child's ordinary allowance) for the sums "£1·29", "£1·05" and "£0·88" there shall be substituted, respectively, the sums "£1·17", "£0·95" and "£0·80".

(2) In the Table in paragraph 2(4) of the said Part I for the sums "£1·93", "£1·55" and "£1·30" there shall be substituted, respectively, the sums "£1·75", "£1·41" and "£1·18".

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Police Pensions Regulations 1973 (which come into operation on 1st April 1973 and have effect as from 1st April 1972) have effect, by virtue of Regulations 3(3), 24(9) and 25(10) thereof, subject to the transitory provisions of the present Regulations.

Regulation 3 of the present Regulations enables a regular policeman, who retired on or after 1st April 1972 but before 1st April 1973 and commuted a portion of his pension for a lump sum, to increase the portion commuted. Regulation 4 makes similar provision in the case of a regular policeman who has allocated a portion of his pension, that is to say, has surrendered a portion of his pension in favour of his wife or some other person substantially dependent upon him. Regulation 5 enables a regular policeman, in certain circumstances, to cancel an allocation in favour of his wife. To take advantage of Regulation 3, 4 or 5, a regular policeman must, under Regulation 6, give written notice to his police authority before 1st July 1973.

Regulation 7 of the present Regulations provides that for the purpose of determining the amount payable on account of an award for a period ending before 1st December 1972 the Regulations of 1973 shall have effect subject to specified modifications.

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