

1974 No. 1532

PENSIONS

**The Pensions Increase (Police and Fire Services)
Regulations 1974**

<i>Made</i>	- - -	<i>6th September 1974</i>
<i>Laid before Parliament</i>		<i>12th September 1974</i>
<i>Coming into Operation</i>		<i>21st October 1974</i>

In exercise of the powers conferred on me by sections 1(1) and (2) and 4(1) and (3) of the Pensions (Increase) Act 1974(a), as modified by Regulation 6 of the Pensions Increase (Modification) (Police and Fire Services) Regulations 1974(b), I hereby, with the consent of the Minister for the Civil Service, make the following Regulations:—

Citation

1. These Regulations may be cited as the Pensions Increase (Police and Fire Services) Regulations 1974.

Operation and Effect

2. These Regulations shall come into operation on 21st October 1974 and shall have effect from 1st December 1973.

Interpretation

3.—(1) In these Regulations the expression “the Act of 1974” means the Pensions (Increase) Act 1974(a).

(2) In these Regulations the expression “the relevant date” means, in relation to a pension hereinafter mentioned, the date on which, in the opinion of the Secretary of State, the relevant emoluments mentioned in paragraph (a) of the definition of that expression in section 4(1) of the Act of 1974 were or are expected to be increased as mentioned in that paragraph; and, accordingly, the date hereinafter specified as the relevant date in relation to such a pension shall be the relevant date in relation thereto for the purposes of the Act of 1974.

(3) In these Regulations any reference to a rank held by a member of a police force or of a fire brigade is a reference to the rank held by him immediately before he ceased to serve as such.

(a) 1974 c. 9.

(b) S.I. 1974/1531 (1974 III, p. 5815).

(4) In these Regulations any reference to any enactment is a reference to that enactment as modified, amended or extended by any subsequent enactment or instrument; in particular, the reference in paragraph (2) above to section 4(1) of the Act of 1974 includes a reference to that provision as modified by the Pensions Increase (Modification) (Police and Fire Services) Regulations 1974.

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

Police pensions

4.—(1) A pension payable under the Police Pensions Act 1948(b) or to or in respect of a member of a police force under section 259 or 260 of the Local Government Act 1972(c) is hereby prescribed for the purposes of section 1(1) of the Act of 1974 and, in relation to such a pension, the relevant date is—

- (a) where the pension is payable to or in respect of a member of a police force of the rank of chief superintendent or any lower rank, 1st September 1974;
- (b) where the pension is payable to or in respect of a member of a police force of any higher rank, 1st July 1974;
- (c) where the pension is payable to or in respect of an inspector or an assistant inspector of constabulary, 1st July 1974;
- (d) where the pension is payable to or in respect of a person by virtue of the fact that, on 5th July 1948, he was a clerk or other person employed in, or in connection with, the City of London police force—
 - (i) in the case of a chiropodist, 1st January 1974;
 - (ii) in the case of a canteen assistant, 7th November 1974;
 - (iii) in any other case, 1st July 1974.

(2) This Regulation shall apply in the case of an overseas policeman or central police officer within the meaning of Regulation 4(1) of the Police Pensions Regulations 1973(d), as amended (e), as though he were a member of a police force holding the rank he is treated as holding for the purposes of those Regulations by virtue of Regulation 6(1) or (2) thereof.

Special Constabulary pensions

5. A pension payable under section 34 of the Police Act 1964(f) or section 26 of the Police (Scotland) Act 1967(g) to or in respect of a special constable is hereby prescribed for the purposes of section 1(1) of the Act of 1974 and, in relation to such a pension, the relevant date is 1st September 1974.

Police Cadet pensions

6. A pension payable under section 35 of the Police Act 1964 or section 27 of the Police (Scotland) Act 1967 to or in respect of a police cadet is hereby

(a) 1889 c. 63.

(c) 1972 c. 70.

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

(f) 1964 c. 48.

(b) 1948 c. 24.

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

(g) 1967 c. 77.

prescribed for the purposes of section 1(1) of the Act of 1974 and, in relation to such a pension, the relevant date is 1st April 1974.

Fire Services pensions

7.—(1) A pension payable under section 26 of the Fire Services Act 1947^(a) or to or in respect of a regular fireman under section 259 or 260 of the Local Government Act 1972 is hereby prescribed for the purposes of section 1(1) of the Act of 1974 and, in relation to such a pension, the relevant date is 7th November 1973.

(2) For the purposes of section 1(2) of the Act of 1974 such a pension payable to or in respect of a member of a fire brigade holding the rank of chief officer is specified as a pension as respects which, in the opinion of the Secretary of State, increases in the relevant emoluments mentioned in the said section 1(2) were deferred as so mentioned; and, accordingly, paragraph (a) of the said section 1(2) shall apply in the case of such a pension so payable.

(3) In this Regulation the expression “regular fireman” has the same meaning as in the Firemen’s Pension Scheme 1973 (set out in Appendix 2 to the Firemen’s Pension Scheme Order 1973^(b)), as amended (c).

Roy Jenkins,
One of Her Majesty’s Principal
Secretaries of State.

5th September 1974.

Consent of the Minister for the Civil Service given under his Official Seal on 6th September 1974.

(L.S.)

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

(a) 1947 c. 41.

(b) S.I. 1973/966 (1973 II, p. 2906).

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

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the classes of police and fire service pensions which qualify for increase under section 1 of the Pensions Increase Act 1974 and, in relation to such pensions, specify the "relevant date" for the purposes of that Act. They also provide that paragraph (a) of section 1(2) of the Act shall apply in the case of a pension payable to or in respect of a chief officer of a fire brigade.

In pursuance of section 4(3) of the Act of 1974, the Regulations have effect from 1st December 1973.

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