
 STATUTORY INSTRUMENTS

1974 No. 1673

POLICE

The Police Pensions (Amendment) (No. 2) Regulations 1974

Made - - - - 8th October 1974

To be laid before Parliament

Coming into Operation 1st November 1974

In exercise of the powers conferred on me by section 1 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, sections 35 and 38(4) of the Police (Scotland) Act 1967(f), section 4(5) of the Police Act 1969(g) and sections 12, 15 and 29(1) of the Superannuation Act 1972(h) 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 (i) make the following Regulations:—

1. These Regulations may be cited as the Police Pensions (Amendment) (No. 2) Regulations 1974 and shall come into operation on 1st November 1974.

2. In these Regulations references to the principal Regulations are references to the Police Pensions Regulations 1973(j), as amended (k).

3. In Regulation 11(2) of the principal Regulations (aggregate pension contributions)—

(a) in sub-paragraph (a) for the words “and further” there shall be substituted the words “further and special” and for the words “Regulations 57 and 58” there shall be substituted the words “Regulations 57, 58 and 61A”;

(b) in sub-paragraph (b) for the words “or further” there shall be substituted the words “further or special” and for the words “Regulation 59” there shall be substituted the words “Regulations 59 and 61A”, and

(a) 1948 c. 24.

(c) 1958 c. 14.

(e) 1964 c. 48.

(g) 1969 c. 63.

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

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

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

(b) 1951 c. 65.

(d) 1961 c. 35.

(f) 1967 c. 77.

(h) 1972 c. 11.

(c) in sub-paragraph (e) for the words "Regulation 48(d) or (e)" there shall be substituted the words "Regulation 48(d), (e) or (f)".

4. At the end of Regulation 48 of the principal Regulations (previous service reckonable without payment) there shall be added the following provision:—

"(f) where from being a member of the British Airports Authority constabulary he was transferred to the force in which he is or was serving on the relevant date by an order under section 6 of the Policing of Airports Act 1974, any period of pensionable service reckonable by him immediately before the transfer for the purposes of the superannuation scheme then applicable to him:

Provided that—

- (i) where he was then, for the purposes of that scheme, purchasing added years by annual payments, those added years shall only be taken into account to the extent that they would have been taken into account for the purposes of a deferred pension under the said scheme if he had become entitled to such a pension immediately before he in fact transferred;
- (ii) where he had been granted a back service credit within the meaning of the said scheme which exceeded the previous service by reason of which it was granted, otherwise than by reason of the previous service being wholly or partly service in a particular territory overseas, only that part of the credit which does not exceed the previous service shall be taken into account."

5. At the end of Regulation 51 of the principal Regulations (previous service reckonable under inter change arrangements) there shall be added the following provision:—

"(5) Notwithstanding anything in paragraph (1), this Regulation shall not apply in relation to the transfer of a member of the British Airports Authority constabulary to a police force by an order under section 6 of the Policing of Airports Act 1974."

6. After Regulation 61 of the principal Regulations there shall be inserted the following Regulation:—

"Payments by transferred members of the British Airports Authority constabulary

61A.—(1) This Regulation shall apply in the case of a regular policeman who—

- (a) is entitled to reckon pensionable service by virtue of Regulation 48(f), and
- (b) before he transferred from the British Airports Authority constabulary, had been granted a back service credit within the meaning of the superannuation scheme then applicable to him (in this Regulation referred to as the Airports Scheme).

(2) A man to whom this Regulation applies, for the purpose of avoiding the application of paragraph 3A of Part VIII of Schedule 2 to the calculation

of his pension, may, by notice in writing to the police authority given within 3 months of his transfer, elect either—

- (a) to make a special payment by way of a lump sum, or
- (b) to pay special contributions,

or as mentioned in both sub-paragraphs (a) and (b):

Provided that a man shall not elect as mentioned in sub-paragraph (b) if he can be required to retire on account of age, in accordance with Regulation 86(1), before the fifth anniversary of his transfer.

(3) Where a man elects as mentioned in paragraph (2)(a), the lump sum payment there mentioned shall be payable within 3 months of the date of transfer and shall be of an amount equal to the amount (in this Regulation referred to as the Scheme deduction) certified by the British Airports Authority to be the actuarial value, at the date of transfer, of the contributions requisite under the Airports Scheme for securing family benefits in respect of the back service credit (after taking account of any payments made by him, or on his behalf, for that purpose before that date) so, however, that where the man also elects to pay special contributions under this Regulation, the lump sum payment shall be of an amount specified by him not exceeding the amount so certified:

Provided that where the back service credit exceeded the previous service by reason of which it was granted (otherwise than by reason of the previous service being wholly or partly service in a particular territory overseas), the British Airports Authority, when giving a certificate for the purpose hereof, shall only take account of that part thereof which does not exceed the previous service but shall treat any payments made as aforesaid before the date of transfer as having been made in respect of that part.

(4) Where a man elects as mentioned in paragraph (2)(b), the contributions there mentioned shall be payable from the date of transfer until, subject to paragraph (5), the following date, namely—

- (a) unless he has attained the age of 45 years on or before the date of transfer, the date on which he attains the age of 50 years;
- (b) if he has so attained the age of 45 years, the date of the fifth anniversary of his transfer,

and shall be so payable at such rate, expressed as a percentage of pensionable pay and determined by the Government Actuary or in accordance with tables prepared by him, that the contributions are the actuarial equivalent of the Scheme deduction so, however, that where the man also elects to make a lump sum payment under this Regulation the amount of the Scheme deduction shall be treated for the purposes of this paragraph as reduced by the lump sum payment.

(5) Special pension contributions 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) A man shall not so exercise the rights of election accorded by this Regulation that the aggregate rate at which he is liable to pay pension contributions

(including special contributions under this Regulation) exceeds 15% of his pensionable pay.

(7) Except where the context otherwise requires, any reference in these Regulations to additional or further pension contributions or to an additional or further payment by way of a lump sum shall be construed as including a reference to special contributions or, as the case may be, a lump sum payment under this Regulation.”.

7.—(1) After paragraph 2(1)(b) of Part VIII of Schedule 2 to the principal Regulations (reduction of pension in specified cases) there shall be inserted the following provision:—

“(c) by virtue of Regulation 48(f);”.

(2) In paragraph 3(1) of the said Part VIII after the words “1st April 1972” there shall be inserted the words “or by virtue of Regulation 48(f)”.

(3) After paragraph 3 of the said Part VIII there shall be inserted the following provision:—

“3A.—(1) This paragraph shall apply in the case of a man entitled to reckon pensionable service by virtue of Regulation 48(f) who, before his transfer from the British Airports Authority constabulary, had been granted a back service credit within the meaning of the Airports Scheme and who has been married at any time during his membership of that Scheme or while a regular policeman entitled to reckon pensionable service by virtue of Regulation 48(f), except that this paragraph shall not apply in the case of a man who elected under Regulation 61A to pay special pension contributions or to make a lump sum payment.

(2) The pension of a man to whom this paragraph applies shall be reduced by such percentage, determined by the Government Actuary or in accordance with tables prepared by him, that the reduction is the actuarial equivalent of the amount of the Scheme deduction.

(3) In this paragraph the expressions “Airports Scheme” and “Scheme deduction” have the same meanings as in Regulation 61A.”.

(4) In paragraph 6 of the said Part VIII after the words “Regulation 58” there shall be inserted the words “or 61A” and for the words “or further” there shall be substituted the words “further or special”.

8.—(1) At the end of sub-paragraph (1) of paragraph 1 of Part IV of Schedule 3 to the principal Regulations (widow’s accrued pension) there shall be added the following provisions:—

“(f) his pensionable service reckonable by virtue of Regulation 48(f) or, where before his transfer from the British Airports Authority constabulary, he had been granted a back service credit within the meaning of the Airports Scheme (in this paragraph referred to as a back service credit), his pensionable service so reckonable otherwise than by reason of the back service credit, subject however to sub-paragraph (6);

- (g) if, immediately before he retired he was paying special contributions under Regulation 61A in pursuance of an election thereunder, the proportion mentioned in sub-paragraph (5) of his pensionable service so reckonable by reason of the back service credit, subject however to sub-paragraphs (6) and (7);
- (h) if he has elected under Regulation 61A to make a payment by way of a lump sum, his pensionable service so reckonable by reason of the back service credit, subject however to sub-paragraphs (6) and (7);
- (i) if his deferred pension fell to be reduced in accordance with paragraph 3A of Part VIII of Schedule 2, the proportion specified in sub-paragraph (4) of his pensionable service so reckonable by reason of the back service credit, subject however to sub-paragraph (6)."

(2) In sub-paragraph (4) of the said paragraph 1 after the words "sub-paragraph (1)(e)" there shall be inserted the words "or (i)" and after sub-paragraph (4)(b) there shall be inserted the following provision:—

"(c) on or after his transfer from the British Airports Authority constabulary, in the case of sub-paragraph (1)(i),".

(3) At the end of the said paragraph 1 there shall be added the following provisions:—

"(5) The proportion referred to in sub-paragraph (1)(g) shall be the proportion which the period for which the husband paid special contributions under Regulation 61A bore to the period from the date of his transfer from the British Airports Authority constabulary until the date mentioned in paragraph (4)(a) or (b) of that Regulation.

(6) Where, for the purposes of the Airports Scheme, any payments were made by, or on behalf of, the man for securing family benefits thereunder in respect of a back service credit, sub-paragraphs (1)(f), (g), (h) and (i) shall have effect as though, by virtue of Regulation 48(f), there were reckonable by him, by reason of the back service credit, only that part of the pensionable service so reckonable which bears the same proportion to the whole as the Scheme deduction in his case bears to what the British Airports Authority certifies it would have been if the payments first mentioned in this sub-paragraph had not been made so, however, that where the Scheme deduction is zero sub-paragraph (1)(f) shall have effect as though the man had no back service credit.

(7) Without prejudice to sub-paragraph (6), where sub-paragraphs (1)(g) and (1)(h) both apply, the reference to the man's pensionable service reckonable by virtue of Regulation 48(f) by reason of a back service credit shall be construed—

(a) in sub-paragraph (1)(h), as a reference to that part of that service which bears the same proportion to the whole as the lump sum payment under Regulation 61A bears to the Scheme deduction;

(b) in sub-paragraph (1)(g), as a reference to the other part of that service.

(8) In this paragraph the expressions "Airports Scheme" and "Scheme deduction" have the same meanings as in Regulation 61A, and the proviso to Regulation 61A(3) shall have effect for the purposes of sub-paragraph (6) as it has effect for the purposes of that provision."

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

6th October 1974.

Consent of the Minister for the Civil Service given under his Official Seal on
8th October 1974.

(L.S.)

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

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police Pensions Regulations 1973 and relate to members of the British Airports Authority constabulary who are transferred to a police force by an order under section 6 of the Policing of Airports Act 1974 (c. 41).

The principal amendment, contained in Regulation 4, provides for the reckoning of service for pension purposes (the normal interchange arrangements are disapplied by Regulation 5).

The other amendments include provision, in the case of a man with a liability before transfer to make payments to secure family benefits in respect of a "back service credit" (previous service otherwise than as a member of the British Airports Authority constabulary), for his making actuarially equivalent payments by way of special pension contributions or a lump sum payment (Regulation 6) or by way of a reduction in his own ultimate pension (Regulation 7).

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