

1976 No. 306

POLICE

The Police Pensions (Amendment) Regulations 1976

Made - - - - 27th February 1976

Laid before Parliament 10th March 1976

Coming into Operation 1st April 1976

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:—

PART I

CITATION, OPERATION ETC.

1. These Regulations may be cited as the Police Pensions (Amendment) Regulations 1976.
2. These Regulations shall come into operation on 1st April 1976 and shall have effect—
 - (a) for the purposes of Part II thereof, as from 24th January 1975;
 - (b) for the purposes of Part III thereof, as from 1st April 1975;
 - (c) for the purposes of Part IV thereof, as from 1st August 1975.
3. In these Regulations references to the principal Regulations are references to the Police Pensions Regulations 1973(j), as amended (k).

(a) 1948 c. 24.

(b) 1951 c. 65.

(c) 1958 c. 14.

(d) 1961 c. 35.

(e) 1964 c. 48.

(f) 1967 c. 77.

(g) 1969 c. 63.

(h) 1972 c. 11.

(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.

PART II

PROVISIONS HAVING EFFECT AS FROM 24TH JANUARY 1975

4. After Regulation 11 of the principal Regulations (aggregate pension contributions) there shall be inserted the following Regulation:—

“Reckoning of service etc. for purposes of awards

11A.—(1) Subject to paragraph (2), for the purpose of calculating an award payable to or in respect of a member of a police force by reference to any period in years (including a period of pensionable or other service)—

(a) that period shall be reckoned in completed years and a fraction of a year;

(b) a part of a year shall be taken to be that fraction of a year whereof the denominator is 365 and the numerator the number of completed days in that part and, accordingly, a part of a year which includes 29th February in a leap year and comprises 365 days shall be treated as a whole year.

(2) Paragraph (1)(b) shall not apply where the member ceased to serve as such before 24th January 1975 and, in such case, Schedule 11 shall have effect for the purposes mentioned in paragraph (1).”

5. For paragraph 1 of Part I of Schedule 2 to the principal Regulations (policeman's ordinary pension) there shall be substituted the following provision:—

“1. Subject as hereinafter 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 an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 25 years.”

6. For paragraphs 2, 3 and 4 of Part II of Schedule 2 to the principal Regulations (policeman's ill-health pension) there shall be substituted the following provisions:—

“2. Where the policeman has less than 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 of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service.

3. Where the policeman has 5 or more years', but not more than 10 years' pensionable service, subject to paragraph 5, the pension shall be of an amount equal to 2 sixtieths of that pay multiplied by the period in years of his pensionable service.

4. Where the policeman has more than 10 years' pensionable service, the pension shall be not less than 20 sixtieths of his average pensionable pay and, subject as aforesaid and to paragraph 5, shall be equal to 7 sixtieths of that pay with the addition—

(a) of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service up to 20 years, and

(b) of an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years.”

7. For Part III of Schedule 2 to the principal Regulations (policeman's short service pension) there shall be substituted the following Part:—

Regulation 21

"Part III

POLICEMAN'S SHORT SERVICE PENSION

Subject as hereafter in this Schedule provided, the pension shall be of an amount which is the aggregate of—

- (a) an amount equal to a sixtieth of the policeman's average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and
- (b) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years."

8. In paragraph 2(a) of Part IV of Schedule 2 to the principal Regulations (policeman's ill-health or short service gratuity) for the words "the number of his completed years of pensionable service;" there shall be substituted the words "the period in years of his pensionable service;"

9.—(1) In paragraph 2 of Part VI of Schedule 2 to the principal Regulations (policeman's deferred pension) for the words following "calculated" there shall be substituted the words "in years".

(2) For paragraph 3 of the said Part VI there shall be substituted the following paragraph:—

"3. The hypothetical pension referred to in paragraph 2 is a pension of an amount which is the aggregate of—

- (a) an amount equal to a sixtieth of his average pensionable pay multiplied by the period in years of his hypothetical service up to 20 years, and
- (b) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his hypothetical service exceeds 20 years."

10. In paragraph 1(4) of Part VII of Schedule 2 to the principal Regulations (reduction of pension at insured pensionable age) for the words "highest whole number of years in the aggregate period during" there shall be substituted the words "period of service in years in respect of".

11.—(1) For paragraph 4(a) of Part II of Schedule 3 to the principal Regulations (transitional modifications of Part I) there shall be substituted the following provision:—

"(a) an amount which is the aggregate of—

- (i) an amount equal to a sixtieth of the husband's average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and
- (ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;"

(2) For paragraph 5(1) of the said Part II there shall be substituted the following provision:—

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

"relevant period" means the period (if any) in years by which the policeman's pre-1972 pensionable service falls short of 20 years;

"relevant pensionable service" means a policeman's pensionable service reduced by his pre-1972 pensionable service and expressed in years;

“weighted relevant pensionable service” means a policeman’s relevant pensionable service, so much of such service as exceeds the relevant period being counted twice.”.

(3) In paragraph 5(2)(b) of the said Part II for the words “a half year for each completed year of” there shall be substituted the words “a half of his”.

(4) In paragraph 6 of the said Part II the words “completed years of” shall be omitted in each of the four places where they occur and for the word “exceed” there shall be substituted the word “exceeds”.

12. In paragraph 2(2) of Part IV of Schedule 3 to the principal Regulations (widow’s accrued pension) the words following “reckonable by him” shall be omitted.

13.—(1) For paragraph 4(2)(a) of Part I of Schedule 4 to the principal Regulations (child’s ordinary allowance) there shall be substituted the following provision:—

“(a) an amount which is the aggregate of—

(i) an amount equal to a sixtieth of the father’s average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and

(ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;”.

(2) In paragraph 4(3) of the said Part I the words “completed years of” shall be omitted in each of the three places where they occur and for the word “exceed” there shall be substituted the word “exceeds”.

14. In paragraph 3(2) of Part III of Schedule 4 to the principal Regulations (child’s accrued allowance) the words “each period being reckoned in completed years up to 20 years and in completed half years in so far as it exceeds 20 years” shall be omitted.

15. After Schedule 10 to the principal Regulations (limits in respect of awards to or in respect of servicemen) there shall be added the Schedule set out in Appendix 1 to these Regulations.

PART III

PROVISIONS HAVING EFFECT AS FROM 1ST APRIL 1975

16.—(1) For paragraph (1) of Regulation 24 of the principal Regulations (commutation) there shall be substituted the following provision:—

“(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—

(a) 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), or

(b) he retires or retired otherwise than as aforesaid but on or after 1st April 1975.”.

(2) In paragraph (3) of the said Regulation 24 for the words following “but for the provisions of” there shall be substituted the words “paragraph (7)(b) and of Regulation 25 as (subject to the limitations contained in paragraphs (3A) and (8) and in Regulation 26) he may specify.”.

(3) After paragraph (3) of the said Regulation 24 there shall be inserted the following provision:—

“(3A) A regular policeman who retires or retired as mentioned in paragraph (1)(b) shall not commute such a portion of his ordinary pension that the lump sum calculated by reference thereto in accordance with paragraph (6) (disregarding any reduction in accordance with the proviso thereto) exceeds the aggregate of—

(a) an amount equal to 90 eightieths of the average pensionable pay by reference to which his pension is calculated, and

(b) an amount equal to 6 eightieths of that pay multiplied by the period in years by which his pensionable service exceeds 25 years.”.

(4) At the end of paragraph (4) of the said Regulation 24 there shall be added the following provision:—

“Provided that a person who retired with an ordinary pension as mentioned in paragraph (1)(b) before 1st December 1975 may give such notice at any time before 1st June 1976.”.

(5) For paragraph (8) of the said Regulation 24 there shall be substituted the following provision:—

“(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), the portion which, under paragraphs (3) and (3A), he may commute shall be reduced by the amount of the said reduction.”.

PART IV

PROVISION HAVING EFFECT AS FROM 1ST AUGUST 1975

17. After Regulation 101 of the principal Regulations (chief constables who joined or were transferred to a county force) there shall be inserted the Regulation set out in Appendix 2 to these Regulations.

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

26th February 1976.

Consent of the Minister for the Civil Service given under his Official Seal on
27th February 1976.

(L.S.)

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

APPENDIX 1

SCHEDULE INSERTED AFTER SCHEDULE 10
TO THE PRINCIPAL REGULATIONS

Regulation 11A(2)

SCHEDULE 11

RECKONING OF SERVICE ETC. FOR PURPOSES OF AWARDS TO OR IN RESPECT
OF POLICEMEN WHO CEASED TO SERVE BEFORE 24TH JANUARY 1975

1. This Schedule shall apply for the purposes of the calculation of an award payable to or in respect of a member of a police force who ceased to serve as such before 24th January 1975.

2.—(1) This paragraph shall apply for the purposes of paragraph 1 of Part I of Schedule 2.

(2) For the purposes mentioned in sub-paragraph (1) the period in years by which a period exceeds 25 years shall be computed in completed half-years and, accordingly—

- (a) a part of a year less than a half shall be ignored, and
- (b) a part of a year exceeding a half shall be treated as a half.

3.—(1) This paragraph shall apply—

- (a) for the purposes of—
paragraphs 2 and 3 of Part II of Schedule 2,
Part IV of Schedule 2,
paragraph 1(4) of Part VII of Schedule 2,
paragraph 6 of Part II of Schedule 3;
- (b) subject to paragraph 4, for the purposes of—
paragraph 4 of Part II of Schedule 2,
Part III of Schedule 2,
Part VI of Schedule 2,
paragraph 4 of Part II of Schedule 3,
paragraph 4 of Part I of Schedule 4;
- (c) subject to paragraphs 5 and 6, for the purposes of paragraph 5 of Part II of Schedule 3;
- (d) subject to paragraph 7, for the purposes of—
paragraph 2 of Part IV of Schedule 3,
paragraph 3 of Part III of Schedule 4.

(2) Save as otherwise provided in paragraphs 4, 5, 6 and 7, for the purposes mentioned in sub-paragraph (1) a period shall be computed in completed years and, accordingly, a part of a year shall be ignored.

4.—(1) This paragraph shall apply for the purposes mentioned in paragraph 3(1)(b).

(2) For the purposes so mentioned the period in years by which a period exceeds 20 years shall be computed in completed half years as mentioned in paragraph 2(2).

5.—(1) This paragraph shall apply for the purposes of the definition of the expression “weighted relevant pensionable service” in paragraph 5(1) of Part II of Schedule 3.

(2) For the purposes aforesaid the period in years by which a period exceeds the relevant period (as defined in paragraph 5(1) of the said Part II) shall be computed in completed half-years as mentioned in paragraph 2(2).

6.—(1) This paragraph shall apply for the purposes of paragraph 5(2)(b) of Part II of Schedule 3.

(2) For the purposes aforesaid a half of a person’s pre-1972 pensionable service shall be computed in completed half years as mentioned in paragraph 2(2).

- 7.—(1) This paragraph shall apply for the purposes mentioned in paragraph 3(1)(d).
(2) For the purposes aforesaid, in so far as a period exceeds 20 years it shall be computed in completed half-years as provided in paragraph 2(2).

APPENDIX 2

REGULATION INSERTED AFTER REGULATION 101 OF THE PRINCIPAL REGULATIONS

Certain regular policemen with service on or after 1st August 1975

101A.—(1) This Regulation shall apply in the case of a regular policeman of a rank above that of superintendent who has served as such during a period beginning on or after 1st August 1975 (“the relevant period”).

(2) Notwithstanding anything in these Regulations, an award to or in respect of a regular policeman to whom this Regulation applies shall not be less than it would have been had the pay to which he was entitled as a member of a police force, in respect of the relevant period, fallen to be calculated in accordance with the scale of pay in force immediately before 1st August 1975 for a member of that force holding the rank, or the rank and office, held by him during the relevant period:

Provided that where the award is an ordinary pension which falls to be reduced in accordance with paragraph 6 of Part VIII of Schedule 2, the reduction shall be calculated without regard to this paragraph.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police Pensions Regulations 1973 with effect, as provided in Regulation 2, from the dates mentioned below (retrospection is authorised by sections 12 and 15 of the Superannuation Act 1972).

Part II of the present Regulations relates to the calculation of awards by reference to periods of pensionable service and other periods. Under the Regulations of 1973 only completed years, or in certain cases completed half-years, are taken into account. Part II provides that any fraction of a year shall be taken into account except that the existing position is preserved in the case of persons who ceased to be members of a police force before 24th January 1975, from which date Part II has effect.

Part III relates to the commutation of a portion of a pension for a lump sum. Under the Regulations of 1973 a member of a police force cannot commute an ordinary pension (save in specified circumstances) unless he has 30 years' pensionable service. Part III provides with effect from 1st April 1975 that a member with less than this service may commute an ordinary pension subject, however, to a new restriction on the portion which may be commuted.

Part IV, with effect from 1st August 1975 (the date of commencement of the Remuneration, Charges and Grants Act 1975 (c. 57)), provides that an award under the Regulations of 1973 to or in respect of a member of a police force of a rank above that of superintendent, with service on or after that date, shall not be less than it would have been had his scale of pay in respect of that service been the scale in force immediately before that date.

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