

1978 No. 1348

POLICE

**The Police Pensions (Amendment) (No. 2)
Regulations 1978**

Made - - - - 14th September 1978

Laid before Parliament 15th September 1978

Coming into Operation 6th October 1978

In exercise of the powers conferred upon me by sections 1, 3 and 4 of the Police Pensions Act 1976(a), and after consultation with the Police Council for the United Kingdom, I hereby, with the consent of the Minister for the Civil Service, make the following Regulations:—

1. These Regulations may be cited as the Police Pensions (Amendment) (No. 2) Regulations 1978.

2. These Regulations shall come into operation on 6th October 1978 and shall have effect—

(a) for the purposes of paragraph (a) of Regulation 4, as from 1st April 1973,

(b) for the purposes of paragraph (b) of that Regulation, as from 6th April 1975,

(c) for the purposes of paragraph (c) of that Regulation, as from 6th April 1978.

3. In these Regulations any reference to the principal Regulations is a reference to the Police Pensions Regulations 1973(b), as amended(c).

4. The principal Regulations shall have effect—

(a) from 1st April 1973 subject to the amendments specified in Part I of the Schedule to these Regulations;

(b) from 6th April 1975 subject to the amendments specified in Part II of that Schedule;

(a) 1976 c. 35.

(b) S.I. 1973/428.

(c) The relevant amending instruments are S.I. 1975/1718; 1976/306; 1977/1705, 2173 and 1978/375.

(c) from 6th April 1978 subject to the amendments specified in Part III of that Schedule and subject to the transitional provisions of Part IV of that Schedule.

Merlyn Rees,
One of Her Majesty's Principal
Secretaries of State.

13th September 1978.

Consent of the Minister for the Civil Service given under his official seal on 14th September 1978.

(L.S.)

T. A. A. Hart,
Authorised by the Minister
for the Civil Service.

Regulation 4

SCHEDULE

PART I .

AMENDMENTS TO THE PRINCIPAL REGULATIONS TAKING EFFECT
FROM 1ST APRIL 1973

After Regulation 23 there shall be inserted the following provisions:—

“Deferred pension where ill health pension is cancelled

23A—(1) This Regulation shall apply to a regular policeman—

(a) who retired with an ill health pension the unsecured portion of which is terminated under Regulation 65(4) on a date (“the date of termination”) falling on or after 1st April 1973, otherwise than on his rejoining his force, and

(b) who possesses the qualifications required by Regulation 23(B)(1).

(2) A regular policeman to whom this Regulation applies shall, as from the date of termination, be entitled to a deferred pension in accordance with the provisions of Regulation 23B.

Supplementary provisions about deferred pensions

23B—(1) The qualifications referred to in Regulation 23A are that the regular policeman has service which satisfies one of the following conditions (such service is hereinafter referred to as qualifying service)—

(a) his pensionable service is five years or more;

(b) his pensionable service is less than five years but he has an earlier period of service as a regular policeman which does not count towards his pensionable service and the aggregate of that service and that period is five years or more;

(c) his pensionable service is less than five years but is reckoned by virtue of service as a regular policeman and some other employment and the aggregate of that service and that employment is five years or more:

Provided that an earlier period of service shall not count as qualifying service for the purposes of sub-paragraph (b) if there is a break of more than one month between it and the later qualifying service.

(2) Where a regular policeman is entitled to a pension under Regulation 23A he shall 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 payment 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 if he has relinquished his entitlement for the purpose of Regulation 49 or 50 by written notice to the police authority.”.

PART II

AMENDMENTS TO THE PRINCIPAL REGULATIONS TAKING EFFECT
FROM 6TH APRIL 1975

1. After Regulation 23B (inserted by Part I of this Schedule) there shall be inserted the following provision:—

“Pension by way of equivalent benefit for certain regular policemen serving on 5th April 1975

23C—(1) Subject to paragraph (2), this Regulation shall apply to a regular policeman who was serving as such on 5th April 1975 and ceases or has ceased to serve in circumstances—

- (a) which do not entitle him to a pension other than such as is mentioned in this Regulation;
- (b) in which no transfer value is payable or has been paid in respect of him under Regulation 83; and
- (c) in which no payment in lieu of contributions falls to be made or has been made.

(2) Where a regular policeman who was serving as such on 5th April 1975 ceases or has ceased to serve in circumstances in which a transfer value is payable in respect of him under Regulation 84 or 85, this Regulation shall apply to him only if he satisfies the police authority that he is not entitled under any superannuation arrangements (including these Regulations) to a pension—

- (a) in the calculation of which account is taken of the service which would be taken into account in calculating a pension under this Regulation; and
- (b) which would be at least as favourable in his case as a pension under this Regulation.

(3) A regular policeman to whom this Regulation applies shall, on attaining insured pensionable age and where appropriate satisfying the police authority as mentioned in paragraph (2), be entitled to a pension which equals the graduated retirement benefit mentioned in Regulation 5(4)."

2. In Regulation 24(1), after the words "injury pension" there shall be inserted the words "or a pension under Regulation 23C".

3. In Regulation 27(1)(c), after the words "deferred pension" there shall be inserted the words "or a pension under Regulation 23C".

4. In Regulation 37(1)(b), after the words "deferred pension" there shall be inserted the words "or a pension under Regulation 23C".

PART III

AMENDMENTS TO THE PRINCIPAL REGULATIONS TAKING EFFECT FROM 6TH APRIL 1978

1. In Regulation 4, after paragraph (3), there shall be inserted the following provision:—

"(4) For the purposes of these Regulations the weekly rate of a pension shall be determined as if there were $52\frac{1}{2}$ weeks in each year."

2. In Regulation 5 there shall be inserted after paragraph (5) the following provision:—

"(6) In these Regulations the following expressions shall have the meanings respectively which they have for the purposes of the Social Security Pensions Act 1975:—

- "contracted-out employment";
- "contracted-out scheme";
- "guaranteed minimum" and "guaranteed minimum pension";
- "contributions equivalent premium".

(7) In these Regulations any reference to a case in which a contributions equivalent premium has been paid includes a reference to a case in which such a premium is payable but has not been paid by virtue of regulations under Schedule 2 to the Social Security Pensions Act 1975 dispensing with the payment of such a premium where its amount would be inconsiderable.

(8) In these Regulations any reference to the guaranteed minimum in relation to a pension under a pension scheme at a particular time is a reference to the amount certified by the Department of Health and Social Security as that minimum at that time.”.

3. For Regulation 23 there shall be substituted the following provision:—

“Deferred pension and award where no transfer value and no other award is 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 or in Regulation 23C.

(2) Where this Regulation applies to a regular policeman who—

- (a) possesses the qualifications required by Regulation 23B(1), and
- (b) has not exercised the right of election under Regulation 23D,

he shall, on ceasing to be a member of a police force, be entitled to a deferred pension in accordance with the provisions of Regulation 23B(2).

(3) A person to whom this Regulation applies who—

- (a) is not a regular policeman, or
- (b) is a regular policeman who does not possess the qualifications required by Regulation 23B(1) and who will not attain insured pensionable age before the end of the tax year in which he ceases or has ceased to be a member of a police force,

shall, subject to Part IX of Schedule 2, be entitled to an award by way of repayment of his aggregate pension contributions.”.

4. In Regulation 23B (inserted by Part I of this Schedule)—

- (a) in paragraph (1) for the words “Regulation 23A” there shall be substituted the words “Regulations 23 and 23A”; and
- (b) in paragraph (2) for the words “Regulation 23A” there shall be substituted the words “Regulation 23, 23A or 23D”.

5. After Regulation 23C (inserted by Part II of this Schedule) there shall be inserted the following provision:—

“Transitional award

23D.—(1) This Regulation applies to a regular policeman who qualified for a deferred pension by virtue of service partly before 6th April 1978 and partly on or after that date and whose average pensionable pay has not exceeded £5,000 in any tax year.

(2) A regular policeman to whom this Regulation applies may, within three months of ceasing to be a member of a police force, elect that Regulation 23 shall not apply in his case by notice in writing to the police authority.

(3) Where immediately before his death a regular policeman to whom this Regulation applies enjoyed, but had not exercised, the right of election conferred by paragraph (2) his widow may, by notice in writing given to the police authority within three months of his death, or within such longer period as the authority may allow in the circumstances of the case, request that these Regulations should have effect as if he had exercised that right of election; and, in such a case, these Regulations shall so have effect.

(4) Where the right of election conferred by paragraph (2) has been exercised by a regular policeman or by his widow, the policeman shall not be granted a deferred pension under Regulation 23 but shall be entitled to an award under this Regulation.

(5) An award under this Regulation shall comprise—

(a) subject to Part IX of Schedule 2 an award by way of repayment of the policeman's aggregate pension contributions, excluding such contributions as are specified in paragraph (8); and

(b) where his period of pensionable service is greater than the appropriate period of service, a deferred pension in accordance with the provisions of Regulation 23B(2) but disregarding that part of his period of pensionable service which is comprised in the appropriate period of service.

(6) The appropriate period of service referred to in paragraph (5) is—

(a) in the case of a policeman who ceases to serve before he has attained the age of 26—

(i) whose contracted-out employment is less than five years, all his pensionable service, or

(ii) in any other case, his pensionable service before 6th April 1978; or

(b) in the case of a policeman who has attained the age of 26 years when he ceases to serve—

(i) whose qualifying service, disregarding service before 6th April 1975, is less than five years, his pensionable service before 6th April 1978, or

(ii) in any other case, his pensionable service before 6th April 1975.

(7) Where pensionable service is reckonable by virtue of the receipt of a transfer value by the police authority, the amount of pensionable service performed before a certain date shall be deemed to be such as bears to the total pensionable service so reckonable the same proportion as the former service performed before that date bears to the total former service.

(8) The contributions excluded by paragraph (5)(a) are the contributions or analogous payments which were paid after the end of the appropriate period of service, except those—

- (a) paid to a police authority for the purpose of increasing benefit payable in respect of that period of service; or
- (b) specified, by the person responsible for the superannuation arrangements applicable to a previous period of service or employment, as having been paid for the purpose of increasing any benefit payable in respect of that part of the previous service or employment by virtue of which the person concerned is entitled to reckon an appropriate period of service.”.

6. After Regulation 24 there shall be inserted the following provision: —

“24A.—(1) Where the pension of a regular policeman who has attained insured pensionable age, together with any increase under the Pensions (Increase) Act 1971(a), does not exceed £52 per annum, the police authority may, at their discretion, commute the pension for a gratuity.

(2) A gratuity under this Regulation shall be of such amount as is the actuarial equivalent of the pension, calculated from tables prepared by the Government Actuary.

(3) Where a regular policeman is entitled to more than one pension, those pensions shall be treated as one for the purposes of this Regulation.”.

7. For Regulation 26 there shall be substituted the following provision: —

“26.—(1) 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 dependant—

- (a) such a portion of his pension that that pension becomes payable at a rate less than two-thirds of the rate at which it would have been payable but for the provisions of the said Regulations and of Part VIII of Schedule 2; or
- (b) where the pension is a deferred pension, and at the date on which it becomes payable he has a guaranteed minimum in relation to the pension provided by these Regulations, such a portion of his pension that that pension becomes payable at a rate which, including any increase under the Pensions (Increase) Act 1971, is less than that minimum.”.

8. For Regulation 31 there shall be substituted the following provision: —

“31.—(1) Where a widow is entitled to a pension which does not exceed £52 per annum, the police authority may, at their discretion, commute the pension for a gratuity.

(2) Where a widow is entitled to a pension on the death of her husband before he has attained insured pensionable age and the police authority are satisfied that there are sufficient reasons for granting her a gratuity in lieu of the part of the weekly amount of the pension which exceeds her guaranteed minimum pension, they may, subject to the provisions of Regulation 44, in their discretion and with her consent, commute for a

gratuity that part, or so much thereof as may be commuted without contravening Regulation 44.

(3) A gratuity under this Regulation shall be calculated in accordance with Part VI of Schedule 3.”.

9. In Regulation 32(1)(a) after the words “regular policeman” there shall be inserted the words “where he dies, or has died, before the end of the tax year preceding that in which he would have attained, insured pensionable age”.

10. After Regulation 32 there shall be inserted the following provision:—

“32A.—(1) This Regulation shall apply to a widow of a regular policeman entitled to reckon less than three years’ pensionable service who, after the beginning of the tax year in which he attained, or would have attained, insured pensionable age—

(a) dies or has died while serving as such; or

(b) ceases or has ceased to serve as such.

(2) A widow to whom this Regulation applies shall, unless she is a widow to whom Regulation 28 applies, be entitled to an award comprising—

(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 or his pension, as the case may be, for a week immediately before he died, and

(b) thereafter a widow’s requisite benefit pension calculated in accordance with Part VIII of Schedule 3.

(3) If the capitalised value of the pension payable under paragraph (2)(b) to a widow whose husband died while serving as a regular policeman, as calculated by the Government Actuary, is less than the husband’s average pensionable pay, the widow shall be entitled to a gratuity equal to the amount by which the capitalised value of the pension aforesaid falls short of the husband’s average pensionable pay.”.

11. After paragraph (2) of Regulation 33 there shall be inserted the following provision—

“(3) A widow who but for paragraphs (1) and (2)(a) would be entitled to a widow’s award under Regulations 27, 28, 29 or 30 shall be entitled instead to a pension calculated in accordance with Part IX of Schedule 3.”.

12. In paragraph (1) of Regulation 34 after the words “Subject to” there shall be inserted the words “Regulation 108A and”.

13. After paragraph (2) of Regulation 34 there shall be inserted the following provision—

“(3) A widow who but for paragraph (1) would be entitled to a widow’s award under Regulation 27, 28, 29 or 30 shall be entitled instead to a widow’s requisite benefit pension calculated in accordance with Part VIII of Schedule 3.”

14. In Regulation 35(3)—

(a) for the words “a woman has cohabited with another man” there shall be substituted the words “a woman and a man to whom she is not married are living together as husband and wife”; and

(b) for the word “cohabitation” there shall be substituted the words “living together”.

15. In Regulation 45 there shall be inserted at the end of the Regulation the following provision:—

“(2) This Regulation does not apply to a pension under Regulation 108A.”

16. In Regulation 49(2A) for the words “relinquished as mentioned in Regulation 23(2)” there shall be substituted the words “relinquished as mentioned in Regulation 23B(2).”

17. In Regulation 50(2A) for the words “relinquished as mentioned in Regulation 23(2)” there shall be substituted the words “relinquished as mentioned in Regulation 23B(2)”.

18. In Regulation 51A for paragraph (5) there shall be substituted the following provision:—

“(5) Notwithstanding anything in this Regulation, the provisions thereof shall not apply—

(a) where the former service was service last as a member of a police force;

(b) where the regular policeman concerned is entitled to reckon pensionable service under Regulation 48(d), (e) or (f) by virtue of former service in the Royal Ulster Constabulary or in the British Airports Authority constabulary; or

(c) where the regular policeman concerned had a guaranteed minimum in relation to the pension provided by the former superannuation arrangements unless—

(i) those arrangements are of a kind mentioned in paragraph 1(2) of Part II of Schedule 9, or

(ii) that guaranteed minimum is no greater than a notional deferred pension calculated by reference to the pensionable service which, under Part II of Schedule 9, would be reckonable if the transfer value were paid.”

19. In Regulation 56—

(a) in paragraph (1) after the words “member of a police force” there shall be inserted the words “, other than an auxiliary policeman,”; and

(b) paragraph (2) shall be omitted.

20. In Regulation 67 the words “or deferred pension” shall be omitted and for the words from “Provided that” to “pensionable service” there shall be substituted the following provision:—

“Provided that—

- (a) 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; and
- (b) where the pension of a regular policeman has been reduced under this Regulation, then if when he attains the age of 60 years the reduced pension is less than the amount of the deferred pension which would have been payable had he been granted such a pension on the date of his ceasing to serve it shall be increased to that amount.”.

21. For Regulation 69 there shall be substituted the following provision:—

“*Forfeiture of pension*

69.—(1) This Regulation shall apply to a pension payable to or in respect of a member of a police force.

(2) Subject to paragraph (5), a police authority responsible for payment of a pension to which this Regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the grantee has been convicted of an offence mentioned in paragraph (3) and, in the case of a widow’s pension, that offence was committed after the death of the pensioner’s husband.

(3) The offences referred to in paragraph (2) are—

- (a) an offence of treason;
- (b) one or more offences under the Official Secrets Acts 1911 to 1939 for which the grantee has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least ten years.

(4) Subject to paragraph (5), a police authority responsible for payment to a member of a police force of a pension to which this Regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the grantee has been convicted of an offence committed in connection with his service as a member of a police force which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(5) In the case of a pension to which this Regulation applies, other than an injury pension, the police authority in determining whether a forfeiture should be permanent or temporary and affect a 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 be only forfeited temporarily for a period expiring before the grantee attains insured pensionable age or for which he is imprisoned or otherwise detained in legal custody.

(6) The provisions of section 4(1) and (2) of the Police Pensions Act 1948(a) as they have effect by virtue of section 12(2) of the Police Pensions Act 1976 (forfeiture of pensions), shall not apply in relation to an award under these Regulations.”.

22. For paragraph (1) of Regulation 81 there shall be substituted the following provision:—

“(1) Where a loss to the funds of a police authority has occurred as a result of fraud, theft or negligence committed by a regular policeman in connection with his service as such and any sum is due from that authority to him on account of a pension, the authority may withhold that sum in whole or in part and on so doing shall furnish him with a certificate showing the amount withheld and the effect on the pension :

Provided that

- (a) 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;
- (b) the amount withheld from a pension, including the capital value of the amounts withheld from annual payments, shall not exceed the amount of the loss;
- (c) no amount shall be withheld from such part of any pension as is attributable to service otherwise than as a member of a police force; and
- (d) in the event of any dispute as to the amount of the loss no amount shall be withheld unless the amount of the loss becomes enforceable under an order of a competent court.”.

23. In paragraph (1) of Regulation 85 after sub-paragraph (a) there shall be inserted the following provision:—

“(aa) who has not attained insured pensionable age on the date of retirement;”.

24. In paragraph (5) of Regulation 85 after sub-paragraph (b) there shall be inserted the following provision:—

“or

- (c) where a person has a guaranteed minimum in relation to the pension provided by these Regulations, unless—
 - (i) the new service is in a scheme which is a contracted-out scheme when the transfer value is paid, or
 - (ii) a contributions equivalent premium has been paid in respect of him by the police authority and not repaid.”.

25. In Part XIV, there shall be inserted before Regulation 109 the following provision:—

“Contracting-out

108A.—(1) This Regulation shall apply if any service becomes contracted-out employment by reference to these Regulations.

(2) Any entitlement to a pension under this Regulation shall not be reduced or extinguished under any other provision of these Regulations save that—

(a) where that pension, together with any increase under the Pensions (Increase) Act 1971, does not exceed £52 per annum it may be commuted under Regulation 24A or 31;

(b) where the person entitled to that pension has been convicted of—

(i) an offence of treason, or

(ii) one or more offences under the Official Secrets Acts 1911 to 1939 for which he has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years,

the pension may be forfeited under Regulation 69.

(3) Where a widow is entitled to a pension under this Regulation—

(a) if she remarries before she attains the age of 60 her entitlement shall cease; and

(b) no payment shall be made on account of such pension for any period before she attains the age of 60 during which she and a man to whom she is not married are living together as husband and wife.

(4) Subject to paragraphs (5) and (6), if a person has a guaranteed minimum in relation to the pension provided by this Scheme—

(a) he shall, subject to paragraph (8) be entitled from insured pensionable age to a pension the weekly rate of which is equal to his guaranteed minimum; and

(b) where he dies at any time and leaves a widow, then, unless his pension has been forfeited under Regulation 69(2), she shall be entitled to a pension the weekly rate of which is equal to one half of his guaranteed minimum.

(5) Paragraph (4) shall not apply in relation to a person who has retired from service as a regular policeman and has entered other contracted-out employment if a transfer value has been paid under Regulation 85 in respect of him.

(6) Where a person is entitled to a pension under any other provision of these Regulations—

(a) a pension under paragraph (4) shall not be paid unless that person's pension calculated in accordance with that paragraph is greater than that other pension disregarding any secured portion; and

(b) where a pension under paragraph (4) is paid, that person shall receive only the secured portion, if any, of that other pension.

(7) In paragraph (6), references to a pension include any increase in that pension under the Pensions (Increase) Act 1971 and where that paragraph applies to a person who is entitled to both an injury pension and either an ill-health, ordinary, short service or deferred pension, those pensions shall be treated as one for the purposes of that paragraph.

(8) No payments shall be made on account of the pension referred to in paragraph (4)(a) in respect of any period within five years of the policeman's attaining insured pensionable age during which—

(a) he has not ceased to serve as a regular policeman; or

(b) his pension is withdrawn, in whole or in part, in consequence of a decision of the police authority taken under Regulation 68 before he attained insured pensionable age.”.

26. In Part IV of Schedule 2, after paragraph 2 there shall be inserted the following provision:—

“3. Where the policeman ceased to serve after the beginning of the tax year in which he attains insured pensionable age, the gratuity calculated in accordance with the preceding provisions of this Part shall be reduced by an amount equal to the capitalised value, as calculated by the Government Actuary, of the annual rate of any pension paid to him under Regulation 108A.”.

27. In Part I of Schedule 3, for paragraph 1 there shall be substituted the following provision:—

“1. Subject to paragraphs 2 and 3, the annual amount of a widow's ordinary pension shall be whichever is the greater of the two following pensions—

(a) a pension equal to one half of her husband's pension or notional pension referred to in paragraph 4,

(b) the annual amount of a widow's requisite benefit pension calculated in accordance with Part VIII of this Schedule disregarding paragraph 2 of that Part.”.

28. In Part IV of Schedule 3, at the end of sub-paragraph (1) of paragraph 4 there shall be inserted the following provision:—

“Provided that this sub-paragraph shall not apply to the widow of a regular policeman where the pensionable service which reckoned for the purpose of calculating his deferred pension was less than five years, unless he was entitled to reckon pensionable service by virtue of the whole of his qualifying service.”.

29. In Part IV of Schedule 3, at the end of paragraph 4 there shall be inserted the following provision:—

“(3) Where the husband ceased to serve on or after 6th April 1975 and would, had he continued to serve until he could be required to retire on account of age, have become entitled to reckon at least 10 years' pensionable service, the weekly amount of the widow's accrued pension calculated in accordance with paragraph 4 shall be increased by an amount equal to the amount specified in paragraph 3(3) of Part I of this Schedule.”.

30. For Part VI of Schedule 3 there shall be substituted the following provisions:—

“PART VI**WIDOW'S GRATUITY IN LIEU OF PENSION**

The gratuity referred to in Regulation 31 shall be a sum equal to 11 times the annual value of the pension or, as the case may be, of that part of the pension which is commuted, or such greater 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.”.

31. After Part VII of Schedule 3 there shall be inserted the following provisions:—

“PART VIII**WIDOW'S REQUISITE BENEFIT PENSION**

1. Subject to paragraph 2, the annual amount of a widow's requisite benefit pension shall be an amount equal to her husband's average pensionable pay divided by 160 and multiplied by the period in years of his pensionable service after 5th April 1978.

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

PART IX**WIDOW'S PENSION WHERE REGULAR POLICEMAN MARRIES
AFTER RETIREMENT**

1. The annual amount of a pension under Regulation 33(3) shall be the greater of the two following amounts, namely—

- (a) one half of the husband's notional pension referred to in paragraph 2, or
- (b) her husband's average pensionable pay divided by 160 and multiplied by the period in years of his pensionable service after 5th April 1978.

2. The notional pension referred to in paragraph 1 shall be the pension referred to in paragraph 4(1)(a) of Part I of Schedule 3, as though that paragraph included reference to a deferred pension, multiplied by a fraction of which the numerator is the period in years of his pensionable service after 5th April 1978 and the denominator is the period in years of his total pensionable service, subject in each case to a maximum of 30 years.

3. The amount of a pension calculated in accordance with paragraphs 1 and 2 shall be increased in accordance with Part XIII of these Regulations.”

4.—(1) This paragraph shall apply where the husband was in receipt of a pension.

(2) Where this paragraph applies, the widow's pension under Regulation 33(3) shall, so far as is necessary, be increased in respect of the first thirteen 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 no less than the weekly amount of his pension immediately before he died.

(3) 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.”.

32. In Part I of Schedule 9—

- (a) in paragraph 1—
 - (i) the word “and” shall be omitted between sub-paragraph (1)(c) and sub-paragraph (1)(d);
 - (ii) after sub-paragraph (1)(d) there shall be inserted the following provision:—
 - “(e) in the case of a regular policeman who, at the time of his ceasing to be a member of his former force, has a guaranteed minimum in relation to the pension provided by these Regulations, the amount of that guaranteed minimum; and
 - (f) the amount of any contributions equivalent premium in respect of him which has been paid by the police authority and not repaid.”.
- (b) in paragraph 2(1), for the word “fourth” there shall be substituted the word “fifth”;
- (c) in paragraph 2(3), for the word “fifth” there shall be substituted the word “sixth”;
- (d) in paragraph 4, for the words “or 85(2)(a), (b) or (e)” there shall be substituted the words “or 85(2)(a) or (b)”;
- (e) in paragraph 5, for the words “paragraph 6” there shall be substituted the words “paragraphs 6 and 6A”; and
- (f) after paragraph 6 there shall be inserted the following provision—
 - “6A. Where a regular policeman at the time of ceasing to be a member of his former force has a guaranteed minimum in relation to the pension provided by these Regulations, the transfer value shall be reduced by the amount of that guaranteed minimum, expressed as an annual pension, multiplied by the appropriate factor specified in the fourth column of the Table or, in the case of a woman, in the seventh column thereof.
 - 6B. Where a contributions equivalent premium has been paid in respect of the policeman and has not been repaid, the transfer value shall be reduced by the amount of that premium.”.

33. In Part II of Schedule 9—

- (a) in paragraph 1—
 - (i) the word “and” shall be omitted between sub-paragraph (1)(c) and sub-paragraph (1)(d);

(ii) after sub-paragraph (1)(d) there shall be inserted the following provision:—

“(e) where he, on ceasing to be in his former service, had a guaranteed minimum in relation to the pension provided by the superannuation arrangements to which he was then subject, the amount of that guaranteed minimum.”;

(b) in paragraph 2(2), for the word “fifth” there shall be substituted the word “sixth”;

(c) at the end of paragraph 2(2) there shall be inserted the following provision:—

“(2A) Where on the date that the policeman ceased to be in his former service he had a guaranteed minimum in relation to the pension provided by the superannuation arrangements to which he was then subject, the amount of that guaranteed minimum, expressed as an annual pension, shall be multiplied by the appropriate factor specified in the fourth column of the Table or, in the case of a woman, in the seventh column thereof, and the transfer value shall be adjusted by the addition of that product.”;

(d) in paragraph 2(3), after the word “adjustment” there shall be inserted the words “or adjustments”;

(e) in paragraph 3(1), for the word “fourth” there shall be substituted the word “fifth”; and

(f) in paragraph 3(3), for the word “fifth” there shall be substituted the word “sixth”.

34. In Schedule 9, for Part III there shall be substituted the following provision:—

"PART III
TABLE

Age last birthday before date of cessation	Men			Women		
	Basic factor	N.I. factor	GMP factor	Basic factor	N.I. factor	GMP factor
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Less than 20	5.00	.25	1.47	7.00	.50	2.20
20	5.05	.25	1.50	7.05	.50	2.24
21	5.10	.25	1.53	7.10	.55	2.28
22	5.15	.30	1.56	7.15	.60	2.32
23	5.20	.30	1.59	7.20	.65	2.36
24	5.25	.30	1.62	7.25	.70	2.40
25	5.30	.35	1.65	7.35	.75	2.45
26	5.35	.40	1.68	7.40	.80	2.50
27	5.40	.40	1.71	7.45	.85	2.55
28	5.45	.45	1.74	7.50	.90	2.60
29	5.50	.50	1.78	7.55	.95	2.66
30	5.55	.50	1.81	7.65	1.05	2.71
31	5.60	.55	1.85	7.70	1.15	2.77
32	5.65	.60	1.88	7.80	1.25	2.82
33	5.70	.65	1.92	7.90	1.35	2.88
34	5.75	.70	1.95	7.95	1.45	2.93
35	5.80	.80	1.99	8.05	1.55	2.99
36	5.85	.90	2.02	8.15	1.65	3.05
37	5.90	1.00	2.06	8.25	1.75	3.11
38	5.95	1.10	2.10	8.35	1.85	3.17
39	6.00	1.20	2.14	8.45	1.95	3.24
40	6.05	1.30	2.18	8.55	2.10	3.31
41	6.10	1.40	2.22	8.65	2.25	3.38
42	6.15	1.50	2.26	8.75	2.45	3.45
43	6.20	1.60	2.30	8.85	2.65	3.52
44	6.25	1.70	2.34	8.95	2.90	3.59
45	6.30	1.80	2.39	9.05	3.15	3.66
46	6.40	1.90	2.44	9.15	3.40	3.74
47	6.50	2.00	2.48	9.25	3.70	3.82
48	6.60	2.20	2.53	9.35	4.00	3.90
49	6.70	2.40	2.58	9.45	4.35	3.98
50	6.80	2.60	2.62	9.55	4.75	4.06
51	6.90	2.90	2.67	9.65	5.15	4.15
52	7.10	3.20	2.72	9.80	5.60	4.24
53	7.30	3.50	2.78	9.95	6.10	4.33
54	7.50	3.80	2.84	10.10	6.65	4.43
55	7.70	4.20	2.90	10.30	7.25	4.53
56	8.00	4.60	2.97	10.50	7.95	4.63
57	8.30	5.00	3.04	10.75	8.75	4.74
58	8.60	5.40	3.12	11.05	9.65	4.85
59	9.00	5.80	3.20	11.40	10.65	4.97
60	9.50	6.30	3.28	11.75	11.75	—
61	9.50	6.80	3.36	11.75	11.75	—
62	9.50	7.40	3.44	11.75	11.75	—
63	9.50	8.10	3.53	11.75	11.75	—
64	9.50	9.00	3.64	11.75	11.75	—
65	9.50	9.50	—	11.75	11.75	— ”

PART IV
TRANSITIONAL PROVISIONS

1. Where a regular policeman retired before 6th April 1978, Regulations 23 and 23D of the principal Regulations as set out in Part III of this Schedule shall not have effect in relation to him but Regulation 23 of the principal Regulations as originally made shall continue to have effect.

2. In the case of an auxiliary policeman who on retirement would have been entitled to an award under Regulation 23(4) as originally made, but who has not retired before 6th April 1978, Regulations 23 and 23D of the principal Regulations as set out in Part III of this Schedule shall not have effect but Regulation 23(4) as originally made shall continue to have effect as if he had retired on 6th April 1978.

3. Where before 6th October 1978 the police authority have determined under Regulation 69 of the principal Regulations as originally made that an award be forfeited, that determination shall continue to have effect notwithstanding the amendment of those Regulations made by Part III of this Schedule.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police Pensions Regulations 1973 with effect, as provided by Regulation 2, from the dates mentioned below (retrospection is authorised by section 1(5) of the Police Pensions Act 1976).

The principal changes to the 1973 Regulations are those made by Part III of the Schedule to these Regulations which takes effect from 6th April 1978. These changes enable the 1973 Regulations to satisfy the requirements for the issue of a contracting-out certificate under section 31 of the Social Security Pensions Act 1975.

Part I of the Schedule, which takes effect from 1st April 1973, adds to the 1973 Regulations provisions conferring a right to a deferred pension where an ill-health pension is cancelled in certain circumstances.

Part II of the Schedule, which takes effect from 6th April 1975, adds to the 1973 Regulations provisions conferring a right to a pension (equal to the graduated retirement benefit) on certain regular policemen serving on that date who would not otherwise be entitled to a pension under the 1973 Regulations.

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