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STATUTORY INSTRUMENTS

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**1979 No. 1259**

**The Police Pensions (War Service) Regulations 1979**

**PART I**

**CITATION, OPERATION, INTERPRETATION ETC**

1. These Regulations may be cited as the Police Pensions (War Service) Regulations 1979.
2. These Regulations shall come into operation on 6th November 1979 and shall have effect as from 1st April 1975.
- 3.—(1) In these Regulations references to the principal Regulations are references to the Police Pensions Regulations 1973(1) and references to the old cases Regulations are references to the Police Pensions Regulations 1971(2).  
(2) These Regulations shall be construed as one with the principal Regulations except that, in relation to a member of a police force who has not served as such on or after 1st April 1972, they shall be construed as one with the old cases Regulations.
- 4.—(1) In these Regulations any reference to a person's war service is, subject to paragraph (2), a reference to whole time service on or after 3rd September 1939 but before 1st July 1950 in the armed forces of the Crown, in the merchant navy or the mercantile marine, or in any of the women's services specified in Schedule 1 to the Superannuation Act 1946.  
(2) For the purposes of these Regulations no account shall be taken of a person's period of war service, or that part thereof—
  - (a) that was performed before he attained the age of 18 years, or
  - (b) in respect of which he received non-effective pay or excess remuneration, within the meaning of paragraph (3), which he has not repaid, or
  - (c) by virtue of which an armed forces pension or retired pay is payable to him in pursuance of any Royal Warrant or other instrument otherwise than in respect of disablement, or
  - (d) by virtue of which he is entitled to reckon a period of pensionable service otherwise than in pursuance of these Regulations, or
  - (e) which he has reckoned or has had the opportunity to reckon for the purposes of a public service pension scheme within the meaning of section 51(3)(b) of the Social Security Act 1973.
- (3) In paragraph (2)(b)—
  - (a) the expression “non-effective pay” includes naval, military or air force pensions, retired pay or gratuities (other than war gratuities to which section 23 of the Finance (No. 2) Act 1945(3) applied);

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(1) the relevant amending instruments are S.I. 1976/306; 1977/2173; 1978/1348.  
(2) there are no relevant amending instruments.  
(3) (repealed by 1952 c. 10).

- (b) the expression “excess remuneration” means, in relation to a retired officer of the armed forces of the Crown who is re-employed in those forces, any service pension drawn in respect of such period of re-employment or any addition to the normal pay attaching to the post in which the officer is re-employed which is granted by reason of the officer's former employment in those forces,

and, for the purposes of paragraph (2)(b), a police authority shall be entitled to rely upon a certificate, signed by a duly authorised officer of the Ministry of Defence, that non-effective pay or excess remuneration was, or was not, paid in respect of any period and as to the sufficiency of any repayment.

5. Any notice for the purposes of these Regulations shall be given in writing to the police authority of the force in which the person giving the notice is serving or, where that person is entitled to a pension or a transfer value has been paid, or is payable, in his case, to the police authority liable for that pension or transfer value.

6.—(1) These Regulations shall have effect in the case of a regular policeman, other than one who died before 1st April 1975 or retired before that date without a pension—

- (a) who completed a period of war service,
- (b) who after completing his war service and before 1st July 1950 served as a member of a police force or of the Royal Ulster Constabulary, and
- (c) who is (or, immediately before his death, was) entitled to reckon pensionable service by virtue of that period of service as a member of a police force or of the Royal Ulster Constabulary.

(2) In these Regulations any reference to a qualified policeman is a reference to such a regular policeman as is mentioned in paragraph (1).

7.—(1) Nothing in these Regulations shall affect the calculation of a pension payable in respect of a period ending before 1st April 1975 and no payment shall be made in respect of such a period in the case of a pension which would not have been payable (on account of that or some other pension) but for these Regulations.

(2) Nothing in these Regulations shall affect the calculation of a transfer value other than one payable under Regulation 85 of the principal Regulations in the case of a regular policeman who ceased to serve as such on or after 1st April 1975.