

1980 No. 272

POLICE

The Police Pensions (Amendment) (No. 2) Regulations 1980

Made - - - - - 28th February 1980

Laid before Parliament 10th March 1980

Coming into operation in accordance with Regulation 2

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 1980.

2. These Regulations shall come into operation on 1st April 1980 and shall have effect—

- (a) for the purposes of paragraph (a) of Regulation 4, as from 1st April 1972;
- (b) for the purposes of paragraph (b) of Regulation 4, as from 1st November 1974;
- (c) for the purposes of paragraph (c) of Regulation 4, as from 29th July 1977;
- (d) for the purposes of paragraph (d) of Regulation 4, as from 6th April 1978;
- (e) for the purposes of paragraph (e) of Regulation 4, as from 1st April 1980;
- (f) for the purposes of paragraph (f) of Regulation 4, as from 6th April 1980.

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

4. The principal Regulations shall have effect—

- (a) from 1st April 1972 subject to the amendments specified in Part I of the Schedule to these Regulations;
- (b) from 1st November 1974 subject to the amendments specified in Part II of the Schedule to these Regulations;
- (c) from 29th July 1977 subject to the amendments specified in Part III of the Schedule to these Regulations;

(a) 1976 c. 35.

(b) S.I. 1973/428; the relevant amending instruments are S.I. 1974/1673; 1976/306; 1977/2173; 1978/1348.

- (d) from 6th April 1978 subject to the amendments specified in Part IV of the Schedule to these Regulations;
- (e) from 1st April 1980 subject to the amendments specified in Part V of the Schedule to these Regulations;
- (f) from 6th April 1980 subject to the amendments specified in Part VI of the Schedule to these Regulations.

5. In the case of a regular policeman who ceased to be a member of a police force before 1st April 1980 and to whom Regulation 23D of the principal Regulations applies by virtue only of the amendment made by Part IV of the Schedule to these Regulations, notice in writing for the purposes of paragraph (2) or (3) of that Regulation may be given at any time before 1st August 1980.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

27th February 1980.

Consent of the Minister for the Civil Service given under her Official Seal on
28th February 1980.

(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 1ST APRIL 1972

1. In paragraph 1(1) of Part IV of Schedule 3 there shall be inserted after sub-paragraph (b) the following sub-paragraph:—

“(bb) if he had made an election under Regulation 58(3), or if paragraph 3 of Part VIII of Schedule 2 applied to his case, and the period of pensionable service taken into account in making any calculation under that Regulation, or that Part of that Schedule, was less than a year, that period of service;”.

2. In paragraph 1(2) of that Part there shall be inserted after sub-paragraph (b) the following sub-paragraph:—

“(bb) if he had made such an election as is mentioned in Regulation 57, or an election under Regulation 58(2), or if paragraph 2 of Part VIII of Schedule 2 applied to his case, and the period of pensionable service taken into account in making any calculation under that Regulation, or that Part of that Schedule, was less than a year, that period of service;”.

3. In paragraph 2 of that Part there shall be inserted after sub-paragraph (1) the following sub-paragraph:—

“(1A) For the purposes of sub-paragraph (1), in calculating the husband’s deferred pension the following provisions shall be disregarded, that is to say:—

- (a) the restrictions on payment contained in Regulation 23B(2), and
- (b) the provisions for the reduction of a pension contained in Regulations 24(6) and 25(7) and in Parts VII and VIII of Schedule 2.”.

PART II

AMENDMENTS TO THE PRINCIPAL REGULATIONS TAKING EFFECT 1ST NOVEMBER 1974

For sub-paragraph (b) of paragraph 1(2) of Part IV of Schedule 3 there shall be substituted the following sub-paragraph:—

“(b) his pensionable service reckonable as mentioned in sub-paragraphs (1)(a), (aa), (b), (f), (g), (h) and (i);”.

PART III

AMENDMENTS TO THE PRINCIPAL REGULATIONS TAKING EFFECT 29TH JULY 1977

In Regulation 19—

- (a) there shall be inserted in paragraph (5) after the words “30 years’ pensionable service” the words “who has not served as a regular policeman before 8th August 1961”; and
- (b) paragraph (7) shall be omitted.

PART IV

AMENDMENTS TO THE PRINCIPAL REGULATIONS TAKING EFFECT 6TH APRIL 1978

In Regulation 23D—

- (a) in paragraph (1) for the words “whose average pensionable pay has not exceeded £5,000 in any tax year” there shall be substituted the words “whose total pensionable pay has not exceeded £5,000 in any tax year falling within the appropriate period of service”; and
- (b) in paragraph (6) for the words “paragraph (5)” there shall be substituted the words “paragraphs (1) and (5)”.

PART V

AMENDMENTS TO THE PRINCIPAL REGULATIONS TAKING EFFECT 1ST APRIL 1980

1. For Regulation 56 there shall be substituted the following Regulation:—

“56. A member of a police force, other than an auxiliary policeman, shall pay pension contributions to the police authority at the rate of 1p a week less than 7% of his pensionable pay, in the case of a man, or less than 5% of her pensionable pay, in the case of a woman.”.

2. For Regulation 63 there shall be substituted the following Regulation:—

“63. Without prejudice to the generality of Regulation 105, in the case of a member of a police force who has been a member of the Royal Ulster Constabulary—

- (a) Regulation 57 shall apply as if the reference therein to the relevant provisions of the former Regulations included a reference to paragraph 36A of the Schedule to the Royal Ulster Constabulary Pensions Order 1949; and
- (b) notwithstanding that he is not such a man as is mentioned in Regulation 58(1), if he elected to pay additional or further contributions under any provision of the Royal Ulster Constabulary pensions legislation corresponding to Regulation 58(2) or (3), Regulation 58 and Part I of Schedule 7 shall apply as if he had elected under Regulation 58(2) or, as the case may be, Regulation 58(3).”.

3. For sub-paragraphs (1) to (4) of paragraph 1 of Part VII of Schedule 2 there shall be substituted the following sub-paragraphs:—

“(1) In any case to which sub-paragraph (2) or (3) applies, the unsecured portion of an ordinary, ill-health, short service or deferred pension shall be reduced in respect of any period beyond insured pensionable age by an amount calculated in accordance with the provisions of the relevant sub-paragraph.

(2) In the case of a person who has paid pension contributions at a rate of 6p a week less than the appropriate percentage of his pensionable pay by reason of the giving of a notice under Regulation 41(3) of the Police Pensions Regulations 1948(a) or Regulation 43(3) of the Police Pensions (Scotland) Regulations 1948(b), the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying the sum in the second column of the following Table set opposite to the age in the first column of the said Table which he had attained at the appropriate date by the number of years specified in sub-paragraph (4):—

(a) S.I. 1948/1531.

(b) S.I. 1948/1530.

TABLE

Age at appropriate date	Sums to be multiplied
	£
Less than 23 ...	1·70
23	1·65
24	1·60
25	1·55
26	1·525
27	1·50
28	1·475
29	1·45
30	1·425
31	1·40
32	1·375
33	1·35
34	1·325
35	1·30
36	1·30
37	1·275
38	1·25
39	1·25
40	1·225
41	1·225
42	1·20
43	1·20
44 or more	1·175

In this sub-paragraph the expression "appropriate date" means 5th July 1948, or, in the case of a person who was then an auxiliary policeman, the date on which he first thereafter became a regular policeman.

(3) In the case of any other person who has paid pension contributions at a rate of 6p a week less than the appropriate percentage of his pensionable pay, the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying £1·70 by the number of years specified in sub-paragraph (4).

(4) The number of years referred to in sub-paragraphs (2) and (3) is the period of service in years in respect of which the person concerned has paid pension contributions as a regular policeman or as a member of the Royal Ulster Constabulary at a rate of 6p a week less than the appropriate percentage of his pensionable pay:

Provided that there shall be excluded from the said period any period or periods—

- (a) in respect of which the person concerned was not entitled to reckon any pensionable service for the purposes of the pension in question; or
- (b) which fell after the date on which the person concerned would have been entitled, if he had retired, to a pension equal to $\frac{2}{3}$ of his average pensionable pay."

4. In paragraph 1(6) of that Part—

- (a) for the words "is entitled to reckon pensionable service" there shall be substituted the words "become entitled before 1st April 1980 to reckon pensionable service"; and
- (b) for the words "sub-paragraph (1)" and "sub-paragraph (3)" there shall be substituted respectively the words "sub-paragraph (3)" and "sub-paragraph (2)".

5. For sub-paragraphs (2) to (4) of paragraph 2 of Part I of Schedule 9 there shall be substituted the following sub-paragraphs:—

“(2) Where the policeman’s notional deferred pension would fall to be reduced under paragraph 1 of Part VII of Schedule 2, the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount of that reduction multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(3) In the case of a policeman entitled to reckon pensionable service, immediately before he ceased to be a member of his former force, by virtue of a participating period of relevant employment, the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount by which the policeman’s notional deferred pension would fall to be reduced under paragraphs 2 and 3 of Part VII of Schedule 2 multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(4) For the purposes of sub-paragraph (3) a period shall be treated as a participating period of relevant employment notwithstanding that a payment in lieu of contributions only fell to be made after the policeman ceased to be a member of his former force.”.

PART VI

AMENDMENTS TO THE PRINCIPAL REGULATIONS TAKING EFFECT 6TH APRIL 1980

In Regulation 23D—

- (a) in paragraph (1) the words “and whose total pensionable pay has not exceeded £5,000 in any tax year falling within the appropriate period of service” shall be omitted; and
- (b) in paragraph (6) for the words “paragraphs (1) and (5)” there shall be substituted the words “paragraph (5)”.

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 section 1(5) of the Police Pensions Act 1976).

Part I of the Schedule to these Regulations, which takes effect from 1st April 1972 (the date from which the 1973 Regulations took effect), makes three amendments which clarify certain provisions in the 1973 Regulations about the interpretation of which doubts have been expressed. The first two amendments deal with the case of an officer who has elected to uprate his service before 1st April 1972 for a one-third or half rate widow's pension, or who transferred service into the Police Pensions Scheme after that date under Regulation 49, 50 or 51, and the service concerned amounted to less than a year. These amendments make it clear that all the service concerned reckons towards the widow's accrued pension. The third amendment makes it clear that where a widow's accrued pension is calculated as a proportion of her husband's deferred pension, it is his gross deferred pension to which the calculation applies.

Part II of the Schedule, which takes effect from 1st November 1974 (the date from which the Police Pensions (Amendment) (No. 2) Regulations 1974, took effect), amends the 1973 Regulations to give full effect to the provisions about transferred members of the British Airports Authority Constabulary introduced by the 1974 Regulations. The amendment ensures that officers fully paid up for widow's half rate pension when transferred from that constabulary count all their previous service at half rate for the purpose of calculating a widow's accrued pension.

Part III of the Schedule, which takes effect from 29th July 1977, amends the 1973 Regulations to give to officers who have served before 7th August 1961 the right to payment of an ordinary pension after 25 years' pensionable service even though they have retired before reaching the age of 50.

Part IV of the Schedule, which takes effect from 6th April 1978 (the date from which the relevant provisions of the Police Pensions (Amendment) (No. 2) Regulations 1978 took effect), amends Regulation 23D (inserted by the 1978 Regulations) to provide that the earnings limit on repayment of contributions is pensionable pay of £5,000 in any tax year falling within the appropriate period of service (defined in Regulation 23D(6)).

Part V of the Schedule, which takes effect from 1st April 1980, amends provisions in the 1973 Regulations concerned with flat-rate national insurance modifications. When flat-rate benefits were introduced in 1948 under the National Insurance Act 1946 the Police Pensions Scheme, like other public service pensions schemes, was amended to provide that those joining after that date would have their pensions modified and pay lower pension contributions. Those who joined before that date had the choice of having their pensions modified or unmodified. Since 1948 there has been no change in these arrangements to take account of increases in flat-rate benefits and the modification in police pensions still stands at £1.70 for each year of modified service (subject to a maximum of £51 a year). Contributions are reduced on this account by 5p a week. The amendments made by Part V end this reduction of pension contributions (the

continuing reduction of 1p a week is in respect of the non-duplication of industrial injury benefits). The amendments also adapt the provisions about the modification of pensions so that they do not apply to service to which the new contribution rate applies.

Part VI of the Schedule, which takes effect from 6th April 1980, abolishes the earnings limit on repayment of contributions referred to in the note on Part IV of the Schedule.

Regulation 5 is a transitional provision which extends the time limit for claiming an award under Regulation 23D of the 1973 Regulations to allow advantage to be taken of the change in the earnings limit made by Part IV of the Schedule to these Regulations.