

## 1986 No. 1379

## POLICE

## The Police Pensions (Amendment) Regulations 1986

<i>Made - - - -</i>	<i>4th August 1986</i>
<i>Laid before Parliament</i>	<i>14th August 1986</i>
<i>Coming into Operation</i>	<i>8th September 1986</i>

In exercise of the powers conferred on me by sections 1, 3 and 4 of the Police Pensions Act 1976 (a), and after consultation with the Police Negotiating Board for the United Kingdom, I hereby, with the consent of the Treasury (b), make the following Regulations:—

1. These Regulations may be cited as the Police Pensions (Amendment) Regulations 1986.

2. These Regulations shall come into operation on 8th September 1986 and shall have effect, for the purposes of Regulation 7, as from 25th November 1982, and, for the purposes of Regulations 4, 8 and 9, as from 25th October 1984.

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

4.—(1) There shall be inserted after Regulation 19(3)(a) of the principal Regulations (which relates to entitlement to an ordinary pension) the following provision:—

“(aa) being such a member as is mentioned in paragraph (2)(b), he retires or retired on or after attaining the age of 55 years having given to the police authority 3 months’ written notice of his intention to retire; or”.

(2) There shall be inserted after Regulation 19(3) of the principal Regulations the following provision:—

“(3A) Paragraph (3)(aa) does not apply to a member who retired before 25th October 1984.”.

5. In Regulation 24 of the principal Regulations (commutation) there shall be substituted, in paragraph (4) and in paragraph (i) of the proviso to paragraph (5), for the words “2 months”, in each place where they occur, the words “4 months”.

6. In paragraphs (4)(b), (c) and (d) and (6)(b), (c) and (d) of Regulation 25 of the principal Regulations (allocation) there shall be substituted for the words “2 months”, in each place where they occur, the words “4 months”.

7. There shall be substituted for paragraphs (4) and (5) of Regulation 28 of the principal Regulations (special award for widow of policeman injured in the execution of duty) the following provisions:—

“(4) Without prejudice to Regulation 29(3), a gratuity under paragraph (2)

(a) 1976 c.35, as amended by section 2(3) of the Police Negotiating Board Act 1980 (c.10).

(b) Formerly the Minister for the Civil Service: see S.I. 1981/1670.

(c) S.I. 1973/428; the relevant amending instruments are S.I. 1974/1533, 1976/306, 1978/1348, 1979/1287, 1980/1616, 1985/156.

shall be of an amount, subject to paragraphs (5) and (6), equal to 25 per cent of the husband's average pensionable pay, together with, in the case of a widow whose husband died on or after 25th November 1982 while serving as a member of a police force, an amount equal to whichever is the greater of the following amounts—

- (a) the husband's average pensionable pay;
- (b)  $2\frac{1}{4}$  times the annual amount of the ill-health pension which would have been payable under Regulation 20 to the husband if he had retired on the grounds of permanent disability on the day on which he died.

(5) Where the husband was entitled to an injury gratuity under Regulation 22—

- (a) if it equalled, or exceeded, the gratuity under paragraph (2), the gratuity under paragraph (2) shall not be payable; and
- (b) in any other case, the gratuity under paragraph (2) shall be reduced by the amount of the husband's gratuity.

(6) The amount of a widow's gratuity determined in accordance with the foregoing provisions of this Regulation shall be increased in accordance with Part XIII of these Regulations (Application of Pensions (Increase) Act 1971).".

8. In Regulation 106(2) of the principal Regulations (regular policemen dismissed after 25 years' service) for the words "a month's notice" there shall be substituted the words "such notice as is required under Regulation 19(2) or (3)".

9. In paragraph 1(2) of Part I of Schedule 4 to the principal Regulations (child's ordinary allowance) for the words "an annual amount equal to 12.5%" there shall be substituted the words "an annual amount equal to 18.75%"; and in sub-paragraph (3) of that paragraph for the words "4 or more children's ordinary allowances" there shall be substituted the words "3 or more children's ordinary allowances".

*Douglas Hurd,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office.  
31st July 1986.

We consent,

*Nigel Lawson,*  
*Tim Sainsbury,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

4th August 1986.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations, which come into operation on 8th September 1986, amend the Police Pensions Regulations 1973 with effect, as provided by Regulation 2, in the case of Regulation 7, as from 25th November 1982 and, in the case of Regulations 4, 8 and 9, as from 25th October 1984 (retrospection is authorised by section 1(5) of the Police Pensions Act 1976).

Regulation 4 amends Regulation 19 of the 1973 Regulations so that a senior officer who has reached the age of 55 years will, provided that he has given 3 months' notice to the police authority, be entitled to retire without seeking the consent of the police authority.

Regulations 5 and 6 amend respectively Regulations 24 (commutation) and 25 (allocation) of the 1973 Regulations to take account of the entitlement of certain senior officers to retirement on 3 months' notice introduced by Regulation 4. Regulation 8 similarly amends Regulation 106 (regular policemen dismissed after 25 years' service) of the 1973 Regulations to take account of that entitlement.

Regulation 7 increases the amount of the gratuity payable under Regulation 28 of the 1973 Regulations to the widow of a serving policeman who dies from injuries received in the execution of duty from an amount equal to one-quarter of his average pensionable pay to an amount equal to either (a)  $1\frac{1}{4}$  times his average pensionable pay or (b) the sum of one-quarter of his average pensionable pay and an amount equal to  $2\frac{1}{4}$  times the annual rate of pension he would have received under the 1973 Regulations had he retired on the ground of permanent disability, whichever amount would be the greater.

Provision is made for abating the gratuity where the husband was entitled to an injury gratuity under Regulation 22 of the 1973 Regulations.

Regulation 9 makes provision for increasing the maximum rate of child's ordinary allowance payable under the 1973 Regulations to 18.75% of the relevant parent's pension or notional pension.

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