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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations consolidate, with amendments, the Police Pensions Regulations 1973 and the regulations amending those Regulations. Those Regulations are revoked by the Police Pensions (Supplementary Provisions) Regulations 1987 (S.I. 1987/256), which also provide for the present Regulations to come into force on 1st April 1987 and contain transitional provisions.

Some apparent changes constitute no more than the omission of spent provisions. For example, Part G is considerably shorter than Part VI of the 1973 Regulations, because all the provisions which related to the making of elections and the payment of lump sums (which had to be completed in 1973) have been omitted.

There are apparent changes which constitute no more than the spelling out of something which was to be implied in the Regulations of 1973. Regulation A9(2) is an example of such an express provision.

A number of changes, however, affect the substance of the Regulations.

Under Regulation B7, the time at which a policeman may commute a portion of a pension which does not come into payment immediately on his retirement is related to the date on which it comes into payment and not his retirement date (transitory provisions are contained in paragraph 4 of Part I of Schedule J). Paragraph (4)(a)(ii) of that Regulation provides that, in determining the portion of a pension which may be commuted, any reduction at state pensionable age is to be disregarded (see, also, as respects both commutation and allocation, Regulation B10). The provisions of Regulation B8 relating to the commutation of small pensions apply to pensions of an annual amount not exceeding £104, instead of £52.

Where a policeman retired with an entitlement to an ill-health gratuity which he relinquished on transferring his pension rights to some other scheme, under Regulation C1 his widow is no longer entitled to an ordinary pension should he die from the disablement which occasioned his retirement (the widows of policemen who have already retired are protected by paragraph 1 of Part II of Schedule J). Regulation D1 (and paragraph 1 of Part III of Schedule J) provides similarly in the case of a child's ordinary allowance.

Under Regulation C4, a widow is entitled to an accrued pension even though her husband's deferred pension may have been commuted under Regulation B8.

Regulation E2 permits of the grant of a gratuity to a dependent relative notwithstanding that an award is payable under Regulation B9(9).

Changes are made in Regulations E4, E5 and E6 as respects the commutation of a widow's pension or child's allowance for a gratuity (paragraph 9 of Part II, and paragraph 6 of Part III, of Schedule J contain safeguards where the husband or parent has already ceased to serve).

Regulation E7 relaxes the provisions as respects the non-duplication of awards to widows and children where the awards are in respect of different policemen or different periods of service.

Changes are made in Regulation E8 affecting the increase of a widow's pension during the first 13 weeks of widowhood (see, also, Regulation C6 and paragraph 10 of Part II of Schedule J).

The provisions of Regulation F3(2) relating to the counting of service by policemen who transfer in a leap-year are extended to policemen who transfer from the Royal Ulster Constabulary.

Pension contributions are no longer payable under Regulation G2 by anyone other than regular policemen, who are the only members entitled to full pension benefits under the Regulations.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

A policeman who is entitled to a deferred pension is excluded from the benefit of Regulation K1(5) and a payment thereunder takes account of any pension entitlement under Regulation J1 (see, however, paragraph 5 of Part I of Schedule J).

Regulation L2 provides for the payment of a transfer value out of the metropolitan police funds into the Consolidated Fund on a member of the metropolitan police force becoming commissioner.

Regulation L4 increases the amount which may be paid without probate where a person entitled to an award dies.

Part V of Schedule B provides (subject to paragraph 7 of Part I of Schedule J in the case of a policeman who has already ceased to serve) that in calculating an injury award account shall be taken of a social security severe disablement allowance or of sickness benefit payable by virtue of section 50A of the Social Security Act 1975 (1975 c. 14, as amended by 1982 c. 24, s. 39).

The provisions of Part IV of Schedule C relating to a widow's award in case of a post-retirement marriage deal with an exceptional case not dealt with by the Regulations of 1973.

Paragraph 1(5)(b) of Part I of Schedule D incorporates changes which, in particular circumstances, are favourable to a child entitled to an ordinary allowance. (Where changes might prove unfavourable, paragraph 1(3) of Part III of Schedule J contains safeguards where the parent has already ceased to serve.)

Part III of Schedule E enables a child with no parent or guardian himself to agree the amount of a gratuity under Regulation E5.

A change of limited application is made in paragraph 9 of Part I of Schedule J as respects policemen who might become entitled to a pension by way of equivalent pension benefit.

Changes of limited application are made in Part II of Schedule J as respects widows' ordinary pensions.

The structure of the present Regulations and the changes made thereby are discussed in detail in the Memorandum on the Police Pensions Regulations 1987: changes made on consolidation, copies of which are being sent to all police authorities under cover of H.O. Circular 1987/20 and Scottish Office Superannuation (Police Services) Circular 1987/2. Any person with an interest in the present Regulations will, on request and without charge, be supplied with a copy of that memorandum; requests should be addressed to Finance Division 2, Home Office, Queen Anne's Gate, London SW1H 9AT, or Scottish Office Superannuation Division, St. Margaret's House, 151 London Road, Edinburgh EH8 7TG, as the case may be.