
STATUTORY INSTRUMENTS

1987 No. 257

The Police Pensions Regulations 1987

Part I

Servicemen

Servicemen to whom Part I applies

11. This Part shall, subject to Regulation A3 (*exclusion of old cases*) and Regulation I8(1) (*pension contributions*), have effect in the case of a serviceman whose period of relevant service in the armed forces ends or has ended on or after 5th July 1948 or who, having resumed service as a regular policeman, has served as such on or after 1st April 1972:

Provided that only Regulation I4 shall have effect in the case of a serviceman other than a serviceman (1939–1945), whose period of relevant service in the armed forces ended on or after 5th July 1948 but before 15th July 1950 and that Regulation shall have effect only where he was called up for service in the armed forces under the National Service Acts 1939 to 1946(1), the National Service Act 1947(2) or the National Service Act 1948(3), or required for training or called into actual service or called out for training or for permanent service in the armed forces in pursuance of his obligations as a member of the territorial army or any reserve of the armed forces.

Awards to servicemen

12.—(1) This Regulation shall apply to a serviceman who at the end of his period of relevant service in the armed forces is or was permanently disabled for the performance of duty as a regular policeman.

(2) A serviceman to whom this Regulation applies shall be entitled to an ill-health award under Regulation B3 on the same conditions in all respects as if he were such a regular policeman as is mentioned in paragraph (1) of that Regulation, subject, however, to the following paragraphs.

(3) Where the disablement is the result of an injury received during the serviceman's period of relevant service in the armed forces, in lieu of an ill-health gratuity in pursuance of paragraph (2) (or, where the period of relevant service in the armed forces ended before 1st April 1987, in pursuance of the corresponding provision of the former Regulations), the police authority may, in their discretion, pay him a pension at the rate of a twelfth of his average pensionable pay, subject, however, to paragraph (4).

(4) Where the disablement is the result of such an injury as aforesaid, any pension payable to the serviceman in pursuance of paragraph (2) or (3) may, subject to the limitation in paragraph 1 of Schedule I, from time to time be increased at the discretion of the police authority but, where an ill-health pension payable in pursuance of paragraph (2) is so increased, no account of the increase

(1) 1939 c. 81, 1940 c. 22, 1941 c. 15, 1942 c. 3, 1946 c. 38.

(2) 1947 c. 31.

(3) 1948 c. 64.

shall be taken for the purposes of Regulation B7 or B9 (*commutation and allocation*) or of Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*).

Awards on death of servicemen

I3.—(1) If a serviceman entitled to reckon 3 years' pensionable service—

- (a) dies or has died during his period of relevant service in the armed forces, or
- (b) having been permanently disabled for duty as a regular policeman at the end of the said period (without any intervening period of service as such) dies or has died either as a result of the same injury as resulted in his disablement or while in receipt of a pension,

his widow shall be entitled to a widow's ordinary pension under Regulation C1 on the same conditions in all respects as if he were such a regular policeman as is mentioned in paragraph (1) of that Regulation, subject, however, to paragraphs (5) and (6) of this Regulation.

(2) If a serviceman dies during his relevant period of service in the armed forces and his widow is not entitled to a pension under paragraph (1), she shall, subject to paragraph (3), be entitled to a gratuity of an amount equal to her husband's average pensionable pay.

(3) Where the death of a serviceman is the result of an injury received during his period of relevant service in the armed forces, in lieu of a gratuity under paragraph (2) (or, where he died before 1st April 1987, in lieu of a gratuity under the corresponding provision of the former Regulations) the police authority may, in their discretion, pay his widow a pension the amount whereof shall be the appropriate sum for the purposes of this paragraph, that is to say £7.28, increased in accordance with Regulation E10(6) (*increase of flat-rate award*), subject, however, to paragraphs (5) and (6) of this Regulation.

(4) If a serviceman—

- (a) dies or has died during his period of relevant service in the armed forces, or
- (b) having been permanently disabled for duty as a regular policeman at the end of the said period (without any intervening period of service as such) dies or has died while in receipt of a pension, or, being a person entitled to reckon not less than 3 years' pensionable service, dies or has died having received a gratuity,

then each of his children shall be entitled to a child's ordinary allowance under Regulation D1 on the same conditions in all respects as if he were such a regular policeman as is mentioned in paragraph (1) of that Regulation, subject, however, to paragraphs (5) and (6) of this Regulation.

(5) Where the death of a serviceman is the result of an injury received during his period of relevant service in the armed forces, any pension or allowance payable in respect of him in pursuance of paragraph (1), (3) or (4) may, subject to the limitation in paragraph 2 or 3 of Schedule I, from time to time be increased at the discretion of the police authority.

(6) Without prejudice to anything in paragraph (1) or (4)—

- (a) in relation to a widow's pension or gratuity in pursuance of paragraph (1), (2) or (3), Regulation C8 (*limitation on award to widow living apart from her husband and widow's requisite benefit pension*) and Regulation E7 (*prevention of duplication*) shall apply, and
- (b) in relation to a child's allowance in pursuance of paragraph (4), Regulation E7 shall apply,

as those Regulations apply in relation to the awards therein mentioned.

Application of Regulations E2 and E3

I4. In the case of a serviceman—

- (a) who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, and whose death results from an injury received

during his relevant period of service in the armed forces, Regulation E2 (*gratuities—dependent relatives*) shall apply as it applies in the case of a regular policeman who so dies and whose death results from an injury received in the execution of his duty;

- (b) who dies during his relevant period of service in the armed forces, Regulation E2 and Regulation E3 (*gratuity—estate*) shall apply as they apply in the case of a regular policeman who dies while serving as such.

Servicemen who resume service as regular policemen

15. If a serviceman, after resuming service, or returning to duty, as a regular policeman—

- (a) is permanently disabled as a result of an injury received during his period of relevant service in the armed forces, the police authority may, in relation to any pension payable to him, other than a deferred pension, exercise the like discretion as that conferred by Regulation I2(4) but, where a pension is increased in pursuance of this sub-paragraph, no account of the increase shall be taken for the purposes of Regulation B7 or B9 (*commutation and allocation*) or of Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*);
- (b) dies or has died as a result of such an injury, the police authority may, in relation to any widow's pension or gratuity and any child's allowance payable in respect of him, exercise the like discretions as those conferred by Regulation I3(3) and (5).

Servicemen who do not resume service in their former force

16. Where a serviceman who ceased to serve as a regular policeman in order to undertake a period of relevant service in the armed forces does not or did not resume service in his former force within a month of the end of that period, he shall be treated for the purposes of Regulations A10, A16, B5(2), B6, F3, F4 and F5 as having left his former force at the end of his period of relevant service in the armed forces.

Pensionable service

17.—(1) A serviceman who ceased to serve as a regular policeman in order to undertake a period of relevant service in the armed forces shall be entitled to reckon that period as pensionable service in his former force except that so much, if any, of that period as fell before 5th July 1948 shall not be so reckonable under this paragraph.

(2) A serviceman (1939–1945) shall also be entitled so to reckon as pensionable service—

- (a) such further period as the Secretary of State may fix or has fixed, not exceeding 3 months after the end of his period of relevant service in the armed forces and before becoming a member of a police force, and
- (b) any period of approved service under the former Acts reckonable by him immediately before 5th July 1948. (3) The reference in paragraph (2)(b) to approved service reckonable under the former Acts shall be construed as provided in Regulation F1(2) in the case of such a reference in Part F.

Pension contributions etc.

18.—(1) This Part shall have effect in the case of a serviceman who ceased to serve as a regular policeman in order to undertake a period of relevant service in the armed forces only if he pays or has paid pension contributions (other than additional or further pension contributions) to the police authority of his former force, as though he had remained a regular policeman in that force, in respect of his period of relevant service in the armed forces and, in the case of a serviceman (1939–1945),

such further period as the Secretary of State may have fixed which is reckonable as pensionable service:

Provided that this Part shall have effect notwithstanding that pension contributions are not or have not been paid as aforesaid—

- (a) by a serviceman other than a serviceman (1939–1945) in respect of—
 - (i) any period during which his service pay when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951⁽⁴⁾ is less than his pensionable pay, or
 - (ii) any period before 1st January 1952 for which he has been required to serve in the armed forces as mentioned in the proviso to Regulation 11 and in respect of which no payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 have been made;
- (b) by a serviceman (1939–1945) in respect of any period in respect of which he would not have been compelled to pay sums equal to rateable deductions if the Police Pensions Act 1948 had not been passed.

(2) Where this Part has effect in the case of a serviceman by virtue of proviso (a) to paragraph (1), he shall be deemed, except for the purposes of Regulation A10 (*aggregate pension contributions for purposes of awards*), to have paid pension contributions in respect of any period beginning on or after 1st April 1956 and ending before 1st April 1972 at the rate at which he last paid such contributions or, where he was on 1st April 1956 performing relevant service in the armed forces and did not give the notice referred to in the relevant provisions of the former Regulations, at a rate related to 6.25% of his pensionable pay.

In this paragraph the reference to the relevant provisions of the former Regulations is a reference to the provisions of the proviso to Regulation 35(2) of the Police Pensions Regulations 1955⁽⁵⁾ as set out in Regulation 13 of the Police Pensions Regulations 1956⁽⁶⁾, or of the proviso to Regulation 37(2) of the Police Pensions (Scotland) Regulations 1955⁽⁷⁾, as set out in Regulation 13 of the Police Pensions (Scotland) Regulations 1956⁽⁸⁾.

(3) Where this Part has effect in the case of a serviceman, any reference in these Regulations to service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972 or in respect of which he has paid pension contributions at a rate related to 6.25% of his pensionable pay shall be construed as including a reference to his period of relevant service in the armed forces on or after that date or, as the case may be, in respect of which he has paid, or is deemed to have paid, pension contributions at that rate.

(4) 1951 c. 65.
 (5) S.I. 1955/480.
 (6) S.I. 1956/385.
 (7) S.I. 1955/485.
 (8) S.I. 1956/434.