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STATUTORY INSTRUMENTS

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**1987 No. 257**

**The Police Pensions Regulations 1987**

**Part J**

**Special Cases**

**Policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975**

**J1.**—(1) This Regulation shall apply in the case of a regular policeman who, for the purposes of the Social Security Pensions Act 1975(1), has a guaranteed minimum in relation to the pension provided by these Regulations by reason of service which is contracted-out employment by reference thereto:

Provided that it shall not apply in the case of a regular policeman in respect of whom a transfer value has been, or is required to be, paid under Regulation F9.

(2) In a case in which this Regulation applies the regular policeman shall be entitled to a pension of a weekly amount equal to his guaranteed minimum but no payment shall be made on account of the pension—

- (a) in respect of any period before he attains state pensionable age;
- (b) if he is also entitled to a pension under Part B, in respect of any period for which that pension, together with any increase therein under the Pensions (Increase) Act 1971(2), exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder subject, however, to paragraph (3)(a), or
- (c) in respect of any period within the 5 years following his attaining state pensionable age during which he is serving as a regular policeman if either—
  - (i) he has so served for a continuous period beginning before he attained that age, or
  - (ii) he is entitled to a pension under Part B but for the period in question that pension has been withdrawn, in whole or in part, in pursuance of a decision taken by the police authority for the purposes of Regulation K4 before he attained state pensionable age.

(3) Where a regular policeman is entitled both to a pension under Part B and a pension under paragraph (2) then—

- (a) for the purposes of paragraph (2)(b), in the case of a pension under Part B other than an injury pension, any secured portion thereof shall be disregarded but, subject as aforesaid, where he is entitled to both an injury pension and some other pension under Part B, those pensions shall be treated as a single pension;
- (b) in respect of any period in respect of which a payment is made on account of the pension under paragraph (2), no payment shall be made on account of the pension under Part B otherwise than, in the case of a pension other than an injury pension, on account of any secured portion thereof.

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(1) 1975 c. 60.  
(2) 1971 c. 56.

(4) In a case in which this Regulation applies, where the regular policeman dies or has died at any time leaving a widow then, unless any pension to which he has been entitled has been forfeited under Regulation K5(2), she shall be entitled to a pension of a weekly amount equal to a half of his guaranteed minimum increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*) but that entitlement shall cease if she remarries or has remarried before attaining the age of 60 years and no payment shall be made on account of the pension—

- (a) if she is also entitled to a pension under Part C, in respect of any period for which the amount of that pension exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder, or
- (b) in respect of any period before she attains the age of 60 years during which she and a man to whom she is not married are living together as husband and wife.

(5) Where a widow is entitled both to a pension under Part C and a pension under paragraph (4) then, in respect of any period in respect of which a payment is made on account of the pension under paragraph (4), no payment shall be made on account of the pension under Part C.

(6) The following provisions shall apply in relation to a pension under this Regulation as hereinafter provided, that is to say—

- (a) Regulation B8 (*commutation—small pensions*) shall apply in relation to a pension under paragraph (2) as it applies in relation to a pension under Part B;
- (b) Regulation E4(3) (*gratuity in lieu of widow's pension*) shall apply in relation to a pension under paragraph (4) as it applies in relation to a pension under Part C, and
- (c) Regulation K5 (*forfeiture of pension*) shall apply in relation to a pension under paragraph (2) or (4) as it applies in relation to a pension under Part B or C but as if paragraph (4) thereof were omitted,

but, save as aforesaid or as provided in paragraph (2) or (4), nothing in any other Regulation shall affect a person's entitlement to a pension under this Regulation, the amount of such a pension or the circumstances in which it may be withdrawn or forfeited.

### **Former member of the Royal Ulster Constabulary**

**J2.**—(1) This Regulation shall apply in the case of a regular policeman who has been a member of the Royal Ulster Constabulary.

(2) Where such a regular policeman is entitled to reckon pensionable service by reason of previous service in the Royal Ulster Constabulary then, except where the context otherwise requires, these Regulations shall have effect as if anything done by him or in his case under, or for the purposes of, a provision of the Royal Ulster Constabulary pensions legislation which corresponds to a provision of these Regulations or of the former Regulations had been done under, or for the purposes of, that corresponding provision.

(3) Without prejudice to the generality of paragraph (2), if such a regular policeman elected to pay additional or further contributions under any provision of the Royal Ulster Constabulary pensions legislation corresponding to Regulation 58(2) or (3) of the Regulations of 1973 and his liability to pay such contributions, either under that legislation or by reason of Regulation 63 of the Regulations of 1973, did not cease before 1st April 1987 or, if later, the date on which he became a regular policeman then, notwithstanding that he is not such a regular policeman as is mentioned in paragraph (1) of Regulation G3 (*additional and further contributions*), that Regulation shall apply to him and Schedule G shall have effect subject to any necessary modifications.

### **Former reversionary member of home police force**

**J3.** Notwithstanding anything in these Regulations, where a person who has been a reversionary member of a home police force becomes or has become a regular policeman in a home police force

and an award is payable to or in respect of him by reason of his having received an injury in the execution of his duty as an overseas policeman without his own default, the award shall not be less than it would have been if he had not after being a reversionary member of a home police force become such a regular policeman.

**Other special provisions**

**J4.** The provisions of Schedule J shall have effect in the cases, and as respects the matters, mentioned therein.