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STATUTORY INSTRUMENTS

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**1987 No. 257**

**The Police Pensions Regulations 1987**

**Part F**

**Pensionable Service and Transfer Values**

**Transfer values payable under interchange arrangements**

**F9.**—(1) Save as provided in paragraph (2) and subject to paragraph (5), this Regulation shall apply to a regular policeman—

- (a) who, not having attained state pensionable age, retires or retired on or after 1st April 1972 and—
  - (i) was not entitled to a pension on so retiring or, if so entitled, has neither received any payment in respect thereof nor given any notice of commutation relating thereto which has become effective, and
  - (ii) has not received any award on so retiring by way of repayment of his aggregate pension contributions or a gratuity;
- (b) who subsequently enters or entered service or employment (otherwise than as a member of a police force) by reason of which he is subject to superannuation arrangements (hereafter in this Regulation referred to as “new service”) and in his new service is, or subject to the payment of a transfer value would be, entitled to reckon service for superannuation purposes by reason of his service as a member of a police force, and
- (c) who, within 6 months of entering the new service, or within such longer period as the police authority may allow in the circumstances of the particular case, has given written notice to the police authority maintaining his former force of his desire that this Regulation should apply in his case.

(2) Nothing in this Regulation shall apply to a regular policeman—

- (a) in whose case a transfer value—
  - (i) is payable or has been paid to the police authority for Northern Ireland under Regulation F8 or Regulation 84 of the Regulations of 1973, or
  - (ii) where he retired before 6th April 1978, has been paid before that date under the Regulations of 1973 as originally made, or
- (b) who has a guaranteed minimum in relation to the pension provided by these Regulations unless either—
  - (i) the superannuation arrangements applicable to the new service constitute a contracted-out scheme in relation to him when the transfer value is paid, or
  - (ii) a contributions equivalent premium relating to the period ending with his retirement has been paid in respect of him by the police authority and not repaid.

(3) Where this Regulation applies the police authority of the force from which the regular policeman retired (“the former police authority”) may pay a transfer value calculated in accordance

with Sections 1 and 3 of Part II of Schedule F to the authority or person empowered to receive such payments for the purposes of the superannuation arrangements applicable to the new service and shall so pay such a transfer value where those superannuation arrangements—

- (a) are contained in a public general Act of Parliament or were made under such an Act by a Minister of the Crown, or
  - (b) are contained in Northern Ireland legislation being public general legislation or were made under such legislation by a Minister of the Crown (including a Northern Ireland Minister) or by a Northern Ireland ministry, department or head of department, or
  - (c) are contained in a retirement benefits scheme approved under Chapter II of Part II of the Finance Act 1970<sup>(1)</sup> or section 222 of the Income and Corporation Taxes Act 1970<sup>(2)</sup>, or
  - (d) provide for the purposes thereof for a superannuation fund which is wholly approved under section 208 of the Income and Corporation Taxes Act 1970, or
  - (e) provide, in the event of the regular policeman again becoming such in his former police force, for the payment of a transfer value which the police authority are satisfied would be calculated in like manner as under any superannuation arrangements contained in, or made by a Minister of the Crown under, a public general Act of Parliament.
- (4) Where the former police authority decided, or were required, to pay a transfer value as mentioned in paragraph (3)—
- (a) if the regular policeman concerned was, on retiring, entitled to a pension or such an award as is mentioned in paragraph (1)(a)(ii), he shall cease to be so entitled, and
  - (b) if he again becomes a regular policeman, neither Regulation F4 nor F5 (*reckoning of previous service*) shall apply in relation to the pensionable service which he was entitled to reckon at the time he retired unless before 1st April 1987 the former police authority had decided, or were required, to pay a transfer value in pursuance of Regulation 85 of the Regulations of 1973.
- (5) In the case of a regular policeman who has received such an award as is mentioned in paragraph (1)(a)(ii) but has—
- (a) entered the new service within 12 months of retiring or such longer period as the former police authority may allow in the circumstances of his case, and
  - (b) within 6 months of entering the new service, or within such longer period as the former police authority may allow in the circumstances of his case, has paid to that authority an amount equal to that of the said award,

paragraph (1) shall have effect as if sub-paragraph (a)(ii) were omitted.

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(1) 1970 c. 24.  
(2) 1970 c. 10.