

SCHEDULE J

Special Cases—Exceptions and Modifications

Part I

Personal Awards

Policeman's deferred pension

Policeman with service or employment both before, and on or after, 6th April 1978

8.—(1) This paragraph shall apply in the case of a regular policeman who (subject to the provisions hereof) is entitled to a deferred pension under Regulation B5 where—

- (a) the period of pensionable service referred to in paragraph (1)(a) of that Regulation is reckonable by reason of service or employment partly before, and partly on or after, 6th April 1978, or
- (b) the aggregate period of service or employment referred to in paragraph (1)(b) of that Regulation includes service or employment partly before, and partly on or after, that date.

(2) Such a regular policeman may elect that Regulation B5 shall not apply in his case by notice in writing given to the police authority, subject to sub-paragraph (4), within 3 months of his ceasing to be a member of a police force.

(3) Where immediately before his death such a regular policeman enjoyed, but had not exercised, the right of election conferred by sub-paragraph (2), his widow may request that these Regulations should have effect as if he had exercised that right by notice in writing given to the police authority, subject to sub-paragraph (4), within 3 months of his death; and, in such case, the policeman shall be deemed to have exercised that right.

(4) Where the police authority so allow, a notice for the purposes of sub-paragraph (2) or (3) may be given after the expiry of the 3 month period there mentioned if it is given within such longer period as they may allow in the circumstances of the case; and, without prejudice to Regulation 3 of the Police Pensions (Supplementary Provisions) Regulations 1987(1), a notice duly given for the purposes of paragraph (2) or (3) of Regulation 23D of the Regulations of 1973 shall be effective for the purposes of sub-paragraph (2) or (3) of this paragraph.

(5) Where such a regular policeman has, or is deemed to have, exercised the right of election conferred by sub-paragraph(2)—

- (a) Regulation B5 shall not apply in his case and, accordingly, he shall not thereunder be entitled to a deferred pension, but
- (b) in lieu thereof he (or his estate) shall be entitled to an award under this paragraph.

(6) Subject to sub-paragraph (7), an award under this paragraph shall comprise—

- (a) an award by way of repayment of the policeman's aggregate pension contributions in respect of the relevant period of service calculated, however, in accordance with sub-paragraph (8), and
- (b) a deferred pension calculated and payable as provided in sub-paragraph (9).

(7) Where a policeman whose contracted-out employment is less than 5 years ceases to serve before he has attained the age of 26 years—

(1) [S.I. 1987/256](#).

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- (a) sub-paragraph (8) shall not apply for the purposes of calculating the award by way of repayment of his aggregate contributions, but
 - (b) he shall not be entitled to a deferred pension in pursuance of sub-paragraph (6)(b).
- (8) Save where sub-paragraph (7) applies, for the purposes of calculating the award mentioned in sub-paragraph (6)(a)—
- (a) account shall be taken of such contributions or payments as are mentioned in sub-paragraph (a), (b) or (c) of Regulation A10(2) only to the extent that either—
 - (i) they were made by the policeman before the end of the service appropriate in his case mentioned in sub-paragraph (10), or
 - (ii) they were made otherwise than as aforesaid but account was taken in their calculation of that service, and sub-paragraph (d) thereof shall have effect accordingly, and
 - (b) in the circumstances mentioned in sub-paragraph (e) of Regulation A10(2), the award there mentioned shall be that which would have been made if it took into account only contributions or analogous payments—
 - (i) made by the person concerned before the end of the service appropriate in his case, or
 - (ii) made otherwise than as aforesaid but specified by the person responsible for the superannuation arrangements applicable to the previous service or employment mentioned in the said sub-paragraph (e) as having been made for the purpose of increasing any benefit which might become payable in respect of so much of that previous service or employment as forms part of the service appropriate in the policeman's case.
- (9) A deferred pension in pursuance of sub-paragraph (6)(b) shall be calculated and be payable as mentioned in Regulation B5(4) except that in calculating the pension no account shall be taken of so much of the policeman's pensionable service as is reckonable by reason of the service appropriate in his case mentioned in sub-paragraph (10).
- (10) The appropriate service referred to in sub-paragraphs (8) and (9) is—
- (a) service or employment before 6th April 1978, in the case of a policeman who either—
 - (i) ceases to serve before he has attained the age of 26 years, or
 - (ii) would not be such a regular policeman as is mentioned in Regulation B5(1)(a) or (b) if, for the purposes thereof, there were disregarded any period of pensionable service reckonable by reason of, or any period of, service or employment before the said date;
 - (b) service or employment before 6th April 1975, in any other case.
- (11) Regulations B7 to B11 (*commutation, allocation and deduction of tax*) shall apply in relation to an award in pursuance of sub-paragraph (6)(a) or (b) as though this paragraph were included in Part B of these Regulations.