
STATUTORY INSTRUMENTS

1987 No. 341

POLICE

**The Police (Injury Benefit) (Amendment) Regulations
1987**

<i>Made - - - -</i>	<i>2nd March 1987</i>
<i>Laid before Parliament</i>	<i>9th March 1987</i>
<i>Coming into force</i>	<i>17th March 1987</i>

In exercise of the powers conferred on me by sections 1, 3, 4 and 6 of the Police Pensions Act 1976(a), and after consultation with the Police Negotiating Board for the United Kingdom, I hereby, with the consent of the Treasury(b), make the following Regulations:—

1. These Regulations may be cited as the Police (Injury Benefit) (Amendment) Regulations 1987.

2. These Regulations shall come into force on 17th March 1987 and shall have effect as from 25th November 1982.

3.—(1) The Police (Injury Benefit) Regulations 1987(c) shall be amended in accordance with the following provisions of this Regulation.

(2) In Regulation 4(1)(c), the words “on or after that date and” shall be omitted.

(3) In Regulation 5(2)—

(a) for the words “a duly qualified medical practitioner under Regulation 71” there shall be substituted the words “a medical authority under Regulation 71, 72 or 73”; and

(b) at the end there shall be added the words “and where this Regulation so applies it shall apply to the exclusion of Regulation 4”.

(4) In Regulation 8, for paragraphs (3), (4) and (5) there shall be substituted the following paragraphs—

“(3) No payment in respect of a gratuity under these Regulations shall be made to a person unless he has given to the police authority a written undertaking that if he recovers any damages or compensation in respect of the death or disability to which the gratuity relates he will inform them thereof and, unless the damages or compensation have been taken into account in pursuance of paragraph (1), will pay to the police authority such sum as they may demand not exceeding—

(a) where the amount of the payment made by the police authority is less than the net amount of the damages or compensation, the amount of that payment;

(b) where the amount of that payment is not less than the net amount of the damages or compensation, an amount equal to the net amount of the damages or compensation;

(a) 1976 c.35, as amended by the Police Negotiating Board Act 1980 (c.10).

(b) Formerly the Minister for the Civil Service: see S.I. 1981 1670.

(c) S.I. 1987/156.

and, in this paragraph, "the net amount" in relation to damages or compensation recovered by any person means the amount of the damages or compensation after deducting tax payable in the United Kingdom or elsewhere to which the damages or compensation are subject.

(4) The police authority shall not demand any payment in pursuance of such an undertaking as is mentioned in paragraph (3)–

- (a) after the death of the person to whom the payment in respect of a gratuity under these Regulations was made, or
- (b) after the expiration of 2 years from the date on which the final determination of the amount of the damages or compensation first came to the knowledge of the police authority."

(5) Regulation 9 shall be omitted.

4. The Police Pensions (Supplementary Provisions) Regulations 1987(a) shall be amended as follows–

(a) in Regulation 7, after the words "Police (Injury Benefit) Regulations 1987" there shall be inserted the words "(as amended by the Police (Injury Benefit) (Amendment) Regulations 1987";

and

(b) in Schedule 5, for the entry in the Table relating to Regulation 5(2), there shall be substituted the following entry:

"Regulation 5(2)/"Regulation 71, 72 or 73"/"Regulation H1, H2 or H3" "

5. The Police Pensions Regulations 1987(b) shall be amended by the insertion, at the end of Regulation A2, of the words "and, in this Regulation, references to the Police (Injury Benefit) Regulations 1987 and to Regulation 7 of the Supplementary Regulations are to those Regulations as amended by the Police (Injury Benefit) (Amendment) Regulations 1987".

Home Office
2nd March 1987

Douglas Hurd
One of Her Majesty's Principal Secretaries of State

We consent

2nd March 1987

Tony Durant
Tim Sainsbury
Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police (Injury Benefit) Regulations 1987 (the principal Regulations) in order to correct a number of errors of substance and drafting.

Regulation 4 of the principal Regulations (disablement gratuity) is amended to remove the condition of eligibility that the disablement must have occurred on or after 25th November 1982 even where the injury from which it resulted was received before that date.

Regulation 5 of the principal Regulations (death gratuity) is amended to include a reference to the decision of a medical authority on appeal or reconsideration that a person is permanently and totally disabled, and to exclude the exceptional applicability of both Regulation 4 and Regulation 5.

Regulation 8 of the principal Regulations (abatement in respect of damages or compensation) is amended to substitute, for the police authority's right to take proceedings for the recovery of the amount of any damages or compensation, a provision that the recipient of a gratuity under the Regulations must have given an undertaking to repay such an amount to the police authority. Regulation 9 of the principal Regulations (admissibility of certificates in evidence) is omitted.

These Regulations also make consequential amendments to the Police Pensions Regulations 1987 and the Police Pensions (Supplementary Provisions) Regulations 1987 in their reference to the principal Regulations.

As in the case of the principal Regulations, these Regulations come into force on 17th March 1987 and have effect as from 25th November 1982 (retrospection is authorised by section 1(5) of the Police Pensions Act 1976).