
STATUTORY INSTRUMENTS

2006 No. 3415

The Police Pensions Regulations 2006

PART 4

PENSION AWARDS

Revision and withdrawal or forfeiture of awards

Review and cancellation of pensions payable on the ground of permanent disablement

51.—(1) As long as a person—

- (a) is in receipt of a standard ill-health pension and has not attained the age of 55 years, or
- (b) is in receipt of an enhanced top-up ill-health pension or a deferred pension which, in accordance with regulation 32, came into payment early on the ground of permanent disablement for engaging in any regular employment, and in either case has not attained the age of 65 years,

the police authority by whom the pension is payable may, if they wish to exercise the powers conferred by this regulation, consider, at such times as are specified in paragraph (2), whether his disablement has ceased, significantly worsened (in the case of a person such as is mentioned in paragraph (1)(a)) or significantly improved (in the case of a person such as is mentioned in paragraph (1)(b)).

(2) The times mentioned in paragraph (1) are such times as the police authority may in their discretion determine—

- (a) in the case of a person such as is mentioned in paragraph (1)(a), until the person concerned attains the age of 55 years; and
- (b) in the case of a person such as is mentioned in paragraph (1)(b), at intervals of no less than five years until the person concerned attains the age of 65 years.

(3) If on any such consideration it is found, in respect of a person who is in receipt of a standard ill-health pension or an enhanced top-up ill-health pension and who has not attained the age of 55 years, that his disablement for the performance of the ordinary duties of a member of the police force has ceased, the police authority may give the person concerned notice that if he wishes to rejoin the force as a regular police officer within a period of not less than three months from the date on which he has been given such notice he will be permitted to do so.

(4) If the person concerned within the period referred to in paragraph (3) offers to rejoin the force as a regular police officer, he shall be permitted to do so in a rank not lower than that which he held immediately before he retired with the ill-health pension.

(5) On the person concerned rejoining the force as mentioned in paragraph (4), or where in any other circumstances a person who is in receipt of either—

- (a) an ill-health pension; or

- (b) a deferred pension which came into payment early on the ground of permanent disablement for engaging in any regular employment,

rejoins his former force or joins another police force, then, upon his rejoining or joining such force, payment of his pension shall be terminated by the police authority by whom it was payable.

(6) Where the person concerned does not offer to rejoin the force as mentioned in paragraph (4) within the period referred to in paragraph (3), at the end of that period payment of his ill-health pension shall be terminated by the police authority.

(7) If on any such consideration it is found, in respect of a person who is in receipt of an ill-health pension and who has not attained the age of 55 years—

- (a) that his disablement for the performance of the ordinary duties of a member of the police force would have been expected to have ceased by reason of his having received normal appropriate medical treatment (and in this sub-paragraph “appropriate medical treatment” shall not include medical treatment that it is reasonable in the opinion of the police authority for that person to refuse);
- (b) that he is not receiving, or has not received, as the case may be, such medical treatment;
- (c) that his failure to receive it is attributable to his wilfulness or negligence; and
- (d) that he has persisted in that failure after receiving both—
 - (i) a written notice from the selected medical practitioner that in his opinion sub-paragraphs (a) and (b) apply in that person’s case, and
 - (ii) written notice from the police authority that in their opinion sub-paragraph (c) applies in his case and of their powers under this paragraph,

then, if he wilfully or negligently persists in his failure to receive the appropriate medical treatment, payment of his ill-health pension may be terminated by the police authority.

(8) If on any such consideration it is found, in respect of a person who has not attained the age of 65 years and who is in receipt of—

- (a) an enhanced top-up ill-health pension, or
- (b) a deferred pension which came into payment early on the ground of permanent disablement for engaging in any regular employment,

that his disablement for engaging in any regular employment has ceased, then—

- (c) in such a case as is mentioned in sub-paragraph (a), except where the police authority have given notice to the person concerned under paragraph (3), his entitlement to his enhanced top-up ill-health pension shall cease and he shall remain entitled to payment of his standard ill-health pension; and
- (d) in such a case as is mentioned in sub-paragraph (b), the police authority shall cease to make early payments of his deferred pension.

(9) Subject to paragraph (11), if on any such consideration it is found, in respect of a person in receipt of a standard ill-health pension, that his disablement has worsened to the extent that he has become disabled for engaging in any regular employment, he shall become entitled to an enhanced top-up ill-health pension, calculated in accordance with regulation 31 and payable in accordance with paragraph (10):

Provided that such enhanced top-up ill-health pension shall not entitle him to any lump-sum payment additional to that paid in respect of the standard ill-health pension.

(10) An enhanced top-up ill-health pension to which entitlement arises under paragraph (9) shall be payable as from the date on which the claim by the person concerned that his disablement had worsened which led to the consideration referred to in paragraph (9) was notified to the police authority (or, where the police authority referred the matter for decision under regulation 71(2) of

their own motion in the absence of such a claim, as from the date on which they so referred the matter for decision).

(11) Paragraph (9) shall apply only if the claim that a person's disablement had worsened which led to the consideration referred to in that paragraph was made within the period of five years beginning with the date on which the person concerned retired:

Provided that no such time limit shall apply in a case where the disablement of the person concerned is attributable to a progressive medical condition specified in Schedule 4 which, of its nature, could have been expected, as at the time of his retirement, to affect him with increasing severity.

(12) Where payment of a person's ill-health pension is terminated under paragraph (6), but he is not entitled to a deferred pension under regulation 32, then, if the aggregate of—

- (a) the sums paid in respect of the pension, and
- (b) the actuarial value, determined in accordance with tables prepared by the Scheme actuary, of any pension to which he is entitled under regulation 43 (guaranteed minimum pension for the purposes of the Pension Schemes Act 1993)

is less than his aggregate pension contributions in respect of the relevant period of service, the police authority shall pay the difference to the person concerned.

(13) Where payment of—

- (a) a person's ill-health pension; or
- (b) a person's deferred pension which came into payment early on the ground of permanent disablement for engaging in any regular employment

is terminated under this regulation he shall retain any lump-sum payment he received by way of such pension, but subject to the proviso to regulation 28(1)(b) and regulation 28(2).

Withdrawal of pension during service as a regular police officer

52.—(1) Subject to paragraph (2), a police authority by whom a pension is payable under this Part may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is serving as a regular police officer in any police force; and, where they have done so, they shall be discharged from all actual or contingent liability in respect of the pension or the part of it withdrawn for the period in question.

(2) This regulation does not apply to a pension under regulation 39 (survivors' pensions) or a pension credit under regulation 61.

Reduction of pension in case of default

53. Where a regular police officer or a former regular police officer becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the police authority may reduce the amount of any—

- (a) ill-health pension, or
- (b) deferred pension which comes into payment early on the ground of permanent disablement for engaging in any regular employment,

payable to him by them by an amount not exceeding a half of that to which he would otherwise be entitled:

Provided that—

- (a) this regulation shall not apply where the person concerned—
 - (i) is in receipt of a standard ill-health pension and has attained the age of 55 years, or
 - (ii) is in receipt of a deferred pension and has attained the age of 65 years; and

- (b) where the pension of a regular police officer has been reduced under this regulation, then if when he attains the age of 65 years the reduced pension is less than the amount of the deferred pension which would have been payable on his attaining that age had he been granted such a pension on the date of his ceasing to serve it shall be increased to that amount.

Withdrawal of early payment of deferred pension

54. In a case where a person to whom regulation 32 applies ceased to serve by reason of dismissal or requirement to resign under the Conduct Regulations and was permanently disabled for engaging in any regular employment at the time when he so ceased to serve or becomes so disabled before he attains the age of 65 years, no payment shall be made on account of the pension in respect of the period before he attains the age of 65 years unless the police authority in the exercise of their discretion determine to make such payment.

Forfeiture of pension

55.—(1) This regulation applies to a pension payable—

- (a) under this Part, to a regular police officer or former regular police officer;
- (b) under regulation 39, to a survivor of such a police officer; and
- (c) under Part 6, to a pension credit member.

(2) A police authority responsible for payment of a pension to which this regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the pensioner has been convicted of an offence mentioned in paragraph (3) and, in the case of an adult survivor's pension, that offence was committed after the death of the police officer in respect of whom the pension is payable.

(3) The offences referred to in paragraph (2) are—

- (a) an offence of treason;
- (b) one or more offences under the Official Secrets Acts 1911 to 1989⁽¹⁾ for which the grantee has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least ten years.

(4) A police authority responsible for payment to a regular police officer of a pension to which this regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the grantee has been convicted of an offence committed in connection with his service as a member of a police force which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(5) The police authority may, to such extent as they at any time in their discretion think fit—

- (a) apply for the benefit of any adult or child survivor of the grantee of the pension; or
- (b) restore to the grantee of the pension,

any amount or amounts of any pension that has or have been forfeited under this regulation.

(6) To the extent to which a pension is forfeited under this regulation, the police authority shall be discharged from all actual or contingent liability in respect of it.

(7) This regulation has effect subject to regulation 43(8).

(1) 1911 c.28, 1920 c.75, 1939 c.121, 1989 c.6.