
STATUTORY INSTRUMENTS

2006 No. 3415

The Police Pensions Regulations 2006

PART 4

PENSION AWARDS

Personal pensions

Commutation of small pension for lump sum

38.—(1) Where the annual rate of any pension payable to or in respect of a regular police officer under this Part or regulation 61 does not exceed the small pensions commutation maximum, the police authority may pay the person entitled to the pension a lump sum of such an amount as the Scheme actuary advises represents the capital value of the pension if—

- (a) that person consents, and
 - (b) in a case where the pension is payable to that person under the preceding provisions of this Part and is one which may not be less than that person's guaranteed minimum, he has reached state pension age.
- (2) If—
- (a) a person is entitled to more than one pension under the preceding provisions of this Part, or
 - (b) a person is entitled to more than one pension in respect of the same regular police officer, or
 - (c) a pension credit member is entitled—
 - (i) to more than one pension under regulation 61, or
 - (ii) to one or more pensions within sub-paragraph (a) in addition to one or more pensions under regulation 61,

those pensions may only be commuted under this regulation if they do not in aggregate exceed the amount that is permitted to be commuted under all the commutation requirements that apply in the circumstances in question.

(3) The payment of a lump sum under this regulation in respect of a pension discharges the relevant police authority from all liability in respect of that pension.

(4) In this regulation—

“the small pensions commutation maximum” means the amount that is permitted to be commuted, having regard to all the commutation requirements that apply in the circumstances in question, and

“the commutation requirements” means requirements permitting the commutation of small pensions that are imposed—

- (a) by regulation 19, 20 or 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996⁽¹⁾,

(1) [S.I. 1996/1172](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) by regulation 2 of the Occupational Pension Scheme (Assignment, Forfeiture, Bankruptcy etc.) Regulations 1997⁽²⁾,
- (c) by regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations 2000⁽³⁾, or
- (d) by paragraph 7 of Schedule 29 to the Finance Act 2004⁽⁴⁾ (which defines trivial commutation lump sums for the purposes of Part 1 of that Schedule).

⁽²⁾ S.I. 1997/785.
⁽³⁾ S.I. 2000/1054.
⁽⁴⁾ 2004 c.12.