STATUTORY INSTRUMENTS

1969 No. 567

PENSIONS

The Increase of Pensions (Police and Fire Services) Regulations 1969

Made - - -	*17th April* 1969
Laid before Parliament	*25th April* 1969
Coming into Operation	*1st May* 1969

In exercise of the powers conferred on me by section 1(4) of the Pensions (Increase) Act 1969(a) and paragraph 12 of Schedule 2 thereto, I hereby, with the consent of the Minister for the Civil Service, make the following Regulations :—

Citation

1. These Regulations may be cited as the Increase of Pensions (Police and Fire Services) Regulations 1969.

Operation and effect

2. These Regulations shall come into operation on 1st May 1969 and the increases authorised thereby shall take effect as from 1st April 1969.

Interpretation

3.—(1) Any reference in these Regulations to any enactment or instrument shall be construed as including a reference to that enactment or instrument as amended by or under any other enactment or instrument.

(2) In these Regulations—

(*a*) the expression "pension" includes an allowance, and

(*b*) the expression "principal Act" means the Pensions (Increase) Act 1969.

Police, special constabulary and fire service pensions

4.—(1) This Regulation shall apply to a pension payable—

(*a*) under the Police Pensions Act 1948(b) ;

(*b*) under section 34 of the Police Act 1964(c) or section 26 of the Police (Scotland) Act 1967(d) ; or

(a) 1969 c. 7.
(b) 1948 c. 24.
(c) 1964 c. 48.
(d) 1967 c. 77.

(*c*) in accordance with any scheme in force under section 26 of the Fire Services Act 1947(**a**),

being a pension which is reduced in amount or is not payable on account of the payment of some additional benefit.

(2) In relation to a pension to which this Regulation applies the definition of the expression "adjusted rate" in paragraph 2 of Schedule 2 to the principal Act shall have effect, subject to paragraph (4) of this Regulation, as if it were provided therein that the aggregate annual rate of the pension should be calculated as if no additional benefit were payable.

(3) Where the permitted reduction in the amount of a pension to which this Regulation applies exceeds the adjusted rate of that pension, within the meaning of the principal Act as modified by these Regulations, section 1(1) of the principal Act shall have effect, subject to paragraph (4) of this Regulation, as if it were provided therein that the increase payable thereunder should be reduced by that excess.

(4) If the modifications of the principal Act contained in paragraphs (2) and (3) of this Regulation would result in the increase of a pension under section 1 of that Act being less than it would have been but for those modifications, neither of the said modifications shall apply for the purpose of the calculation of the said increase.

(5) In this Regulation the expression "additional benefit" means—

(*a*) any benefit payable under the National Insurance Act 1965(**b**) together with any supplement thereto payable under section 2 of the National Insurance Act 1966(**c**);

(*b*) any benefit payable under the National Insurance (Industrial Injuries) Act 1965(**d**) together with any supplement payable therewith under the said section 2;

(*c*) any armed forces pension payable in pursuance of any Royal Warrant or other instrument;

(*d*) any family allowances payable under the Family Allowances Act 1965(**e**); or

(*e*) any payment of whatever nature, other than a pension payable as mentioned in paragraph (1) of this Regulation, which is made to the pensioner by a fire authority, by any other local authority or by a Minister of the Crown,

and the expression "permitted reduction" means the amount (expressed as an annual rate) by which a pension would fall to be reduced on account of the payment of additional benefit if the reduction were not limited by the size of the pension.

Police pensions

5.—(1) This Regulation shall apply where a pensioner is entitled to both a supplemental pension and some other pension under the Police Pensions Act 1948.

(2) In the circumstances mentioned in the preceding paragraph—

(*a*) notwithstanding anything in the Police Pensions Regulations, the relevant provisions of the principal Act and the provisions of Regulation 4 of these Regulations shall have effect as though the pensions mentioned in that paragraph constituted separate awards; and

(**a**) 1947 c. 41.
(**b**) 1965 c. 51.
(**c**) 1966 c. 6.
(**d**) 1965 c. 52.
(**e**) 1965 c. 53.

(*b*) without prejudice to Regulation 4(2) of these Regulations, the definition of "adjusted rate" in paragraph 2 of Schedule 2 to the principal Act shall have effect in relation to those pensions as if any relevant increase within the meaning of the Pensions (Increase) Act 1969 in the combined pensions were apportioned between those pensions as follows, that is to say, for the purpose of the said definition, so much of the combined increase as would have been payable had the pensioner not been entitled to a supplemental pension shall be treated as an increase in the other pension and the balance of the combined increase shall be treated as an increase in the supplemental pension.

(3) In this Regulation the expression "the Police Pensions Regulations" means the regulations for the time being in force under the Police Pensions Act 1948 and the expression "supplemental pension" has the same meaning as in those Regulations.

Fire service pensions

6.—(1) This Regulation shall apply to a pension calculated otherwise than by reference to a rate or average rate of emoluments received by the person in respect of whose service it is payable.

(2) In relation to a pension to which this Regulation applies payable, in respect of whole-time or part-time service, in accordance with—

(*a*) the Firemen's Pension Scheme 1952(**a**);

(*b*) the Firemen's Pension Scheme 1956(**b**);

(*c*) the Firemen's Pension Scheme 1964(**c**); or

(*d*) the Firemen's Pension Scheme 1966(**d**);

being a pension which began for the purposes of the principal Act after 1st July 1955, section 1(2) of the principal Act shall apply as though the pension so began not later than that date.

(3) In relation to a pension to which this Regulation applies payable to a widow in accordance with the Firemen's Pension Scheme 1966 and calculated in accordance with paragraph 2(1), as modified by paragraph 2(2), of Part I of Schedule 2 thereto, the definition of the expression "adjusted rate" in paragraph 2 of Schedule 2 to the principal Act shall have effect as if it were provided therein that the annual rate of the pension should be calculated as if the modifications set out in paragraph 2(2) of Part I of Schedule 2 to the said Scheme of 1966 did not apply.

James Callaghan,
One of Her Majesty's Principal Secretaries of State.

15th April 1969.

Consent of the Minister for the Civil Service given under his Official Seal on 17th April 1969.

(L.S.)

J. E. Herbecq,
Authorised by the Minister for the Civil Service.

(**a**) *See* S.I. 1952/944 (1952 I, p.1003).
(**b**) *See* S.I. 1956/1022 (1956 I, p.953).
(**c**) *See* S.I. 1964/1148 (1964 II, p.2574).
(**d**) *See* S.I. 1966/1045 (1966 II, p.2504).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide that specified provisions of the Pensions (Increase) Act 1969 shall apply in relation to certain police, special constabulary and fire service pensions subject to modifications and adaptations. Regulation 4 provides that in calculating the aggregate annual rate of a pension (by reference to which the amount of an increase under the 1969 Act is determined) no account shall be taken of reductions in the pension made on account of the payment of certain additional benefits but that, in certain cases, the increase is to be abated on account of such payment. Regulation 5 provides that where a police award comprises a supplemental and some other pension, those pensions are to be increased separately under the 1969 Act. Regulation 6 relates to certain flat rate fire pensions ; it provides, first, that certain such pensions shall be treated for the purpose of determining entitlement to, and the amount of, increases, as having begun at times other than those at which they are deemed under the 1969 Act to have begun and, secondly, that in calculating the aggregate annual rate of certain such pensions no account shall be taken of specified provisions (which relate to the widow of a fireman with at least ten years' service).

Regulation 2 provides that the Regulations shall take effect as from 1st April 1969, the date from which increases under the 1969 Act are payable.