1960 No. 923

The Metropolitan Police Staffs Superannuation (Approved Employment) Order, 1960

Laid before Parliament in draft

Made - - - -	20*th May*, 1960
Coming into Operation	3*rd June*, 1960

In pursuance of the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, both as originally enacted and as applied by section five of the Metropolitan Police Courts Act, 1897(**a**), and as extended by the Superannuation (Various Services) Act, 1938(**b**), and the Superannuation Act, 1949(**c**), I, by this Order, make the following Regulations :—

PART I

WIDOWS', CHILDREN'S AND DEPENDANTS' PENSIONS

1. Subject to the provisions of this Part of this Order, Parts I and II of the Act shall have effect in relation to an officer as they have effect in relation to a person employed in pensionable police service ; and accordingly—

(*a*) references in sections two and sixteen of the Act to a superannuation allowance shall be construed as including references to a superannuation allowance payable under the Order of 1944 ;

(*b*) references in the said sections and in section fifty of the Act to a deceased or a nominator serving, or to him having ceased to be employed, in pensionable police service shall be construed as references to him being employed in, or, as the case may be, to him having ceased to be employed in, approved employment.

2. For the purpose of calculating the annual rate of any pension payable under Part I or Part II of the Act on the death of an officer, the rate of the superannuation allowance of the deceased shall be deemed to be the rate thereof for which the deceased had become eligible (whether such an allowance at that or any other rate had actually been granted or not) or, as the case may be, for which he would or might have become eligible under the provisions of the Order of 1944 and of this Order, any abatements falling to be made under the Metropolitan Police Staffs (Modification of Superannuation Benefits) (National Insurance) Order, 1948(**d**), being left out of account.

(**a**) 60 & 61 Vict. c. 26. (**b**) 1 & 2 Geo. 6. c. 13. (**c**) 12, 13 & 14 Geo. 6. c. 44.
(**d**) S.I. 1948/2601 (Rev. XIV, p. 761: 1948 I. p. 1953).

3.—(1) Sections seven and twenty of the Act shall not apply to an officer.

(2) Any contribution falling to be made in respect of an officer under Part I or Part II of the Act shall take the form of a reduction of the additional allowance or gratuity payable to or in respect of him under the Order of 1944.

(3) References in subsection (4) of section nine and subsection (4) of section twenty-two of the Act to a person ceasing to be employed in pensionable police service shall, in the application of those subsections to an officer, be construed as including references to a person ceasing to be employed in approved employment.

4. Where an officer has made contributions under section seven or section twenty of the Act before ceasing to be employed in pensionable police service, none of those contributions shall be returned to him upon his becoming employed in approved employment.

5.—(1) If—

(*a*) an officer ceases to be employed in approved employment in such circumstances that he is not qualified for the grant of a superannuation allowance under the Order of 1944, and will not become qualified therefor on attaining a particular age; or

(*b*) when an officer ceases to be employed in approved employment, it appears that he has had no wife throughout the period for which Part I of the Act applied to him,

any of the periodical contributions made by him under section seven of the Act may be returned to him and no reduction under Part I of the Act shall be made in the amount of his allowance or gratuity.

(2) If an officer ceases to be employed in approved employment in such circumstances that he is not qualified for the grant of a superannuation allowance under the Order of 1944, and will not become qualified therefor on attaining a particular age, any of the periodical contributions made by him under section twenty of the Act while he was employed in pensionable police service may be returned to him and no reduction under Part II of the Act shall be made in the amount of his allowance or gratuity.

(3) The provisions of the two foregoing paragraphs of this Article shall not apply in the case of an officer who, after ceasing to be employed in approved employment, becomes employed in pensionable police service.

(4) Where any contributions are returned under this Article, they may be returned with compound interest at such rate or rates as the Secretary of State may from time to time determine.

PART II

SUPERANNUATION BENEFITS IN CASES OF PREMATURE RETIREMENT AND MODIFICATION OF PROVISIONS OF ARTICLE 4 OF ORDER OF 1944

6.—(1) The provisions of this Article shall have effect in relation to an officer in substitution for the provisions of section thirty-four of the Act.

(2) If, after the coming into operation of this Order—

(*a*) the employment of an officer is terminated at his own request after he has attained the age of fifty years; and

(*b*) no superannuation allowance or additional allowance can be granted to him apart from the provisions of this Article,

the same superannuation allowance and additional allowance, if any, may be granted to him as might have been granted to him if he had retired from the approved employment upon a medical certificate:

Provided that—

(*a*) unless the Secretary of State otherwise determines on compassionate grounds, no such allowance shall be granted to a person by virtue of this Article before he attains the age which would have been the retiring age for him if he had continued in the employment in which he was when he was last employed in pensionable police service;

(*b*) no such allowance shall be granted under this Article to a person who, after ceasing to be employed in approved employment, becomes employed in police service.

(3) Where an officer who would have been eligible for the grant of a superannuation allowance but for the operation of sub-paragraph (*a*) of the proviso to paragraph (2) of this Article dies without any such allowance being granted to him, the Secretary of State may grant to his legal personal representatives such gratuity, if any, as might have been granted to them if he had died on the last day on which he was employed in pensionable police service.

7.—(1) Article 4 of the Order of 1944 shall have effect as if the words "and no provision is made, under any system of superannuation applicable to the approved employment, for the grant of pensions to widows or dependants of persons dying while in that employment" were omitted therefrom.

(2) In any case where—

(*a*) a gratuity payable under the said Article 4 falls to be reduced in accordance with Article 3 of this Order; and

(*b*) the amount of the contribution to be made under the said Article 3 exceeds the amount of the gratuity which is payable,

the gratuity shall be increased by an amount equal to the difference between the amount of the gratuity and the amount of the contribution.

8. Nothing in this Order shall affect the power of the Secretary of State under paragraph (*b*) of Article 3 of the Order of 1944 to grant to an officer (if requested by him so to do) such superannuation allowance, additional allowance or gratuity as is provided for in that paragraph.

PART III

GENERAL

9.—(1) In this Order—

"the Act" means the Superannuation Act, 1949, and a reference to a provision of that Act shall be construed as a reference to that provision as applied by the Metropolitan Police Staffs Superannuation Order, 1949(a);

"approved employment" has the meaning assigned to it by Article 1 of the Order of 1944;

(a) S.I. 1949/2193 (1949 I, p. 2511).

"officer" means a person who, having ceased to be employed in pensionable police service, is employed in approved employment;

"the Order of 1944" means the Metropolitan Police Staffs Superannuation (Approved Employment) Order, 1944(a);

"pensionable police service" means police service in a pensionable situation, being service to which the person serving is required to devote his whole time;

"police service" means service the salary in respect of which is paid out of the Metropolitan Police Fund—

(*a*) under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District, otherwise than as a constable; or

(*b*) as a member of the staff of the metropolitan police courts.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

10. This Order may be cited as the Metropolitan Police Staffs Superannuation (Approved Employment) Order, 1960, and shall come into operation on the fourteenth day after the day on which it is made.

R. A. Butler,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
20th May, 1960.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order relates to the superannuation of certain members of the civil staffs employed under the Commissioner of Police of the Metropolis and the Receiver for the Metropolitan Police District and members of the staffs of the metropolitan magistrates' courts.

Part I provides for the scheme for pensions for widows, children and dependants of members of the staffs referred to above which was established by Parts I and II of the Metropolitan Police Staffs Superannuation Order, 1949, to be extended, with modifications, to widows, children and dependants of former members of those staffs who have left for "approved employment", i.e., employment approved by the Secretary of State for the purpose of the Metropolitan Police Staffs Superannuation (Approved Employment) Order, 1944.

Part II provides for the scheme established by section 34 of the Superannuation Act, 1949, as applied by Article 5 of the Order of 1949, for the grant of superannuation allowances to members of the staffs mentioned above who elect to retire after attaining the age of fifty to be extended, with modifications, to former members of those staffs who have left for approved employment.

(a) S.R. & O. 1944/978 (Rev. XIV, p. 755: 1944 I, p. 462). (b) 52 & 53 Vict. c. 63.