STATUTORY INSTRUMENTS

1974 No. 1531

PENSIONS

The Pensions Increase (Modification) (Police and Fire Services) Regulations 1974

Made - - -	*6th September* 1974
Laid before Parliament	*12th September* 1974
Coming into Operation	*21st October* 1974

In exercise of the powers conferred on me by sections 1(4) and 4(1) and (3) of the Pensions (Increase) Act 1974(**a**), I hereby, with the consent of the Minister for the Civil Service, make the following Regulations:—

PART I

CITATION, OPERATION ETC.

1. These Regulations may be cited as the Pensions Increase (Modification) (Police and Fire Services) Regulations 1974.

2. These Regulations shall come into operation on 21st October 1974 and shall have effect from 1st December 1973.

3. The Interpretation Act 1889(**b**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

PART II

POLICE PENSIONS

4. This Part of these Regulations shall apply in the case of an official pension within—

(*a*) paragraph 15 of Schedule 2 to the Pensions (Increase) Act 1971(**c**) by virtue of sub-paragraph (*b*) or (*d*) thereof, or

(*b*) paragraph 43 of the said Schedule 2 by virtue of sub-paragraph (*a*) thereof,

(which paragraphs relate to police pensions); and any such pension is hereinafter referred to as a police pension.

5. Where a person has been promoted during the period in respect of which the emoluments relevant for the purpose of calculating a police pension were payable (hereinafter referred to as the relevant period), section 1 of the Pensions (Increase) Act 1974 shall have effect as if it authorised whichever is the more favourable of the following increases; namely—

(**a**) 1974 c. 9. (**b**) 1889 c. 63. (**c**) 1971 c. 56.

(*a*) the increase authorised by subsections (1) and (2) thereof in the pension actually payable, and

(*b*) the increase which would have been authorised if the person had not been promoted and the rate of the pension had been that at which it would have been payable had he throughout the relevant period received the emoluments appropriate to the rank first held by him during that period.

6. The definition of "the relevant date" in section 4(1) of the Pensions (Increase) Act 1974 shall have effect in relation to a police pension as if after the words "the emoluments relevant for the purpose of calculating the pension" there were inserted the words "in the last rank held by the recipient thereof".

PART III

FIRE SERVICE PENSIONS

7. This Part of these Regulations shall apply in the case of an official pension within—

(*a*) paragraph 16 of Schedule 2 to the Pensions (Increase) Act 1971;

(*b*) paragraph 39 of the said Schedule 2 where the pension is payable in the case of a regular fireman within the meaning of the Firemen's Pension Scheme 1973**(a)**, as amended**(b)**;

(*c*) paragraph 44 of the said Schedule 2, or

(*d*) paragraph 64 of the said Schedule 2 when the pension is payable as aforesaid,

(which pensions are fire service pensions) where the pension is an earnings related pension computed by reference to final emoluments (by reason that it is payable under, or computed by reference to, the said Scheme of 1973 and, in relation to the pension, that Scheme is subject to the modifications set out either in section 27(3) of the Fire Services Act 1947**(c)** or in Schedule 10 to that Scheme): and such a pension is hereinafter referred to as a fire service pension to which this Part applies.

8.—(1) The Pensions (Increase) Act 1974 shall have effect in relation to a fire service pension to which this Part applies as provided in paragraphs (2) and (3) below.

(2) Section 1(1)(*b*) shall have effect as if there were substituted therefor the following provision:—

"(*b*) before the relevant date for the pension,".

(3) The Schedule shall have effect as if—

(*a*) in paragraph 5 for the words "before 1st April 1974" there were substituted the words "on or before the relevant date";

(*b*) paragraphs 6 and 7 were omitted;

(a) *See* S.I. 1973/966 (1973 II, p. 2906).
(b) The amending instruments are not relevant to the subject matter of these Regulations.
(c) 1947 c. 41.

(*c*) in paragraph 14 for the words "before 1st January 1974" there were substituted the words "on or before the relevant date", and

(*d*) paragraphs 15 and 16 were omitted.

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

5th September 1974.

Consent of the Minister for the Civil Service given under his Official Seal on 6th September 1974.

(L.S.)

K. H. McNeill,
Authorised by the Minister for the Civil Service.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations modify the Pensions (Increase) Act 1974 in its application to certain police and fire service pensions.

In the case of a police pension, Part II provides that, where the emoluments by reference to which the pension is computed have been affected by a change in the policeman's rank, the "relevant date" for the purposes of the Act of 1974 shall be determined by reference to the date of the principal pay increase in his last rank (Regulation 6). Where the change in rank is a promotion, the increase in pension under section 1 is not to be less than it would have been had the policeman not been promoted (Regulation 5).

In the case of a fire service pension computed by reference to final emoluments, Part III provides that it shall not qualify for increase unless it began before the "relevant date" (within the meaning of the Act).

In pursuance of section 4(3) of the Act of 1974, the Regulations have effect as from 1st December 1973 (Regulation 2).

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