1971 No. 239

POLICE

The Police Cadets (Pensions) Regulations 1971

Made - - -	11*th February* 1971
Laid before Parliament	19*th February* 1971
Coming into Operation—	
for the purposes of Regulation 3(2)	22*nd February* 1971
for all other purposes	1*st April* 1971

In exercise of the powers conferred on me by section 35 of the Police Act 1964(**a**), as extended by section 13 of the Superannuation (Miscellaneous Provisions) Act 1967(**b**), and after consulting the Police Council for the United Kingdom in accordance with section 4(5) of the Police Act 1969(**c**), I hereby make the following Regulations :—

Citation and commencement

1. These Regulations may be cited as the Police Cadets (Pensions) Regulations 1971 and shall come into operation—

(*a*) for the purposes of Regulation 3(2), on 22nd February 1971 ;

(*b*) for all other purposes, on 1st April 1971.

Interpretation

2.—(1) In these Regulations the expression "the principal Regulations" means the Police Pensions Regulations 1971(**d**).

(2) Regulations 4, 5, 10, 13(1) and (4), 14, 17, 18 and 116 of the principal Regulations shall apply for the purposes of these Regulations as they apply for the purposes of the said Regulations, in the case of the said Regulation 116, as if a police cadet were a member of the police force to which he is attached.

(3) For the purposes of these Regulations a reference to a qualifying injury is a reference to an injury received by a person, without his own default—

(*a*) while on duty as a police cadet or while on a journey necessary to enable him to report for duty or to return to his usual place of abode after duty, or

(*b*) while taking action which, in the opinion of the police authority, it was appropriate that he should have taken by reason of his being a police cadet ;

and, in the case of a police cadet in relation to whom these Regulations have taken effect, includes a reference to an injury so received before these Regulations took effect in relation to him.

(**a**) 1964 c. 48.
(**b**) 1967 c. 28.
(**c**) 1969 c. 63.
(**d**) S.I. 1971/232. (1971 I, p. 700).

(4) For the purposes of these Regulations, disablement means inability to perform the ordinary duties of a male or of a female member of a police force, as the case may be, but where it is necessary to determine the degree of a person's disablement it shall be determined by reference to the degree to which his earning capacity has been affected as a result of a qualifying injury :

Provided that a person shall be deemed to be totally disabled if, and only if, as a result of a qualifying injury, either he is incapable by reason of the disablement of earning any money in any employment or is receiving treatment as an in-patient at a hospital.

(5) For the purposes of these Regulations, a reference in the principal Regulations to a person serving as a regular policeman or member of a police force shall be construed as a reference to a person serving as a police cadet attached to a particular police force ; and any reference in the said Regulations to retirement, or to ceasing to be a member of a police force, shall be construed as a reference to the termination of a period of such service.

(6) For the purposes of these Regulations, a reference to a police cadet is a reference to a police cadet appointed under section 17 of the Police Act 1964 and, except where the context otherwise requires, includes a reference to a person who has been a police cadet ; and references to the police force to which a police cadet is attached, to the chief officer of police and to the police authority are, respectively, references to the police force with a view to becoming a member of which the cadet is undergoing training, the chief officer of that force and the police authority maintaining that force.

Effect of Regulations

3.— (1) These Regulations shall have effect in relation to a police cadet who serves as such on or after 1st April 1971 and, in relation to such a cadet—

(*a*) who on appointment has not attained the age of 18 years, only as from his attaining that age ;

(*b*) who on appointment has attained that age, as from his appointment ;

and, except where the context otherwise requires, any reference in these Regulations to a police cadet is a reference to a cadet who has so served and has attained that age.

(2) Notwithstanding anything in paragraph (1), these Regulations shall have effect as from 1st April 1971 in relation to a police cadet who on that date—

(*a*) is serving as such by virtue of his appointment before that date, and

(*b*) has attained the age of 18 years,

except that these Regulations shall not have effect in relation to such a police cadet if, before that date, he has so elected by notice in writing given to the police authority.

(3) Where these Regulations have effect in relation to a police cadet they shall have effect to the exclusion of any other provision for pension, allowance or gratuity in respect of his service as such contained in or in force under any enactment ; and on these Regulations taking effect in relation to a police cadet attached to a police force other than the metropolitan police force (otherwise than as mentioned in paragraph (1)(*b*)), he shall be deemed for the purpose of a return of any contributions made by him under any such other provision to have ceased to serve as a police cadet ; and, accordingly, to have ceased to be treated as employed by his police authority :

Provided that nothing in this paragraph shall affect the operation of the National Insurance Act 1965(**a**) or the National Insurance (Industrial Injuries) Act 1965(**b**).

Police cadet's ill-health and supplemental pensions

4.—(1) This Regulation shall apply to a police cadet who ceases to serve as such and is permanently disabled as a result of a qualifying injury.

(2) Subject to the provisions of these Regulations, a police cadet to whom this Regulation applies shall be entitled to a supplemental pension together with, where he ceases to serve as such on the ground that he is disabled, an ill-health pension ; and, subject to paragraphs (3), (4) and (5), Regulations 20, 22, 24(1) to (6), 66(1) and (2), 67 and 68 of the principal Regulations shall apply as if he were such a regular policeman as is mentioned in paragraphs (1) and (3)(*b*) of the said Regulation 20 or, as the case may be, in paragraph (1) of the said Regulation 22.

(3) Regulation 20 of the principal Regulations, as so applied, shall have effect as if the references to Parts III and IV of Schedule 2 were omitted therefrom ; but an ill-health pension payable hereunder shall be reduced in respect of any period beyond insured pensionable age—

(*a*) by an amount calculated at an annual rate obtained by multiplying £1·70 by the number of completed years of pensionable service which the person concerned is entitled to reckon, and

(*b*) by an amount calculated at the annual rate of the graduated retirement benefit which would be payable to the person concerned, on the assumption that he retired from regular employment on attaining insured pensionable age, in return for the payment in respect of his period of pensionable service of graduated contributions at the rate specified in section 4(1)(*c*) of the National Insurance Act 1965, as originally enacted.

(4) Regulation 66(2) of the principal Regulations, as so applied, shall have effect as if the reference to Regulation 66(3) were omitted therefrom and the reference to a supplemental pension included a reference to an ill-health pension.

(5) Regulation 67 of the principal Regulations, as so applied, shall have effect as if the proviso were omitted therefrom.

Widow's special pension

5.—(1) This Regulation shall apply to a widow of a police cadet who dies as the result of a qualifying injury.

(2) Subject to the provisions of these Regulations, a widow to whom this Regulation applies shall be entitled to a special pension and Regulations 31, 36, 38(2), 39(1) and (3), 40 and 48 of the principal Regulations shall apply as if her husband had been a regular policeman at the time that he received the injury.

(**a**) 1965 c. 51. (**b**) 1965 c. 52.

Widow's augmented award

6.—(1) This Regulation shall apply to a widow of a police cadet who dies as the result of a qualifying injury where one of the following conditions is satisfied, namely that—

(*a*) he was attacked by a person or persons in a manner which was intrinsically likely to cause death and death ensued as a result of the attack, or

(*b*) the injury was received in the course of duties performed for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody, whether in the course of assisting a constable or otherwise, or

(*c*) the injury was received in the course of duties performed—

(i) for the immediate purpose of saving the life of another person or of preventing loss of human life, and

(ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury, or

(*d*) the police authority are of the opinion that one of the preceding conditions may be satisfied, and that this Regulation should apply, or

(*e*) the police authority are of the opinion that the injury was received otherwise than as aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would have been payable had one of the conditions specified in sub-paragraphs (*a*), (*b*) and (*c*) been satisfied.

(2) For the purpose of calculating a widow's special pension payable to a widow to whom this Regulation applies, Regulation 31 of the principal Regulations (as applied by Regulation 5 of these Regulations) shall have effect subject to the provisions of Regulation 32(1) and (2) of the principal Regulations.

(3) Subject to the provisions of these Regulations, a widow to whom this Regulation applies shall be entitled to a gratuity in addition to a special pension and Regulations 32(1), (3) and (4), 38(2), 39(1) and (3) and 40 of the principal Regulations shall apply as if her husband had been a regular policeman at the time that he received the injury and as if the reference in the said Regulation 32(4) to annual pensionable pay were a reference to the annual pensionable pay of a police cadet attached to the metropolitan police force who has attained the age of 19 years.

Child's special allowance

7.—(1) This Regulation shall apply to a child of a police cadet who dies as the result of a qualifying injury.

(2) Subject to the provisions of these Regulations, a child to whom this Regulation applies shall be entitled to a child's special allowance and Regulations 42, 44, 45, 46 and 48 of the principal Regulations shall apply as if the parent had been a regular policeman at the time that he received the injury.

Child's special gratuity

8.—(1) This Regulation shall apply to a child of a police cadet who dies as a result of a qualifying injury where one of the conditions set out in Regulation 6(1) is satisfied and—

(*a*) in the case of a man, does not leave a widow entitled to a gratuity under Regulation 6(3), or

(*b*) in the case of a woman, was the child's only surviving parent.

(2) Subject to the provisions of these Regulations, a child to whom this Regulation applies shall be entitled to a gratuity in addition to a special allowance and Regulations 43 and 46 of the principal Regulations shall apply as if the parent had been serving as a regular policeman at the time that he received the injury and as if any reference in the said Regulation 43 to Regulation 32 of the principal Regulations were a reference to that Regulation as applied by Regulation 6 of these Regulations.

Prevention of duplication

9.—(1) This Regulation shall apply to a police cadet who becomes a member of a police force.

(2) Where a person to whom this Regulation applies is permanently disabled or dies as a result of a qualifying injury and in consequence thereof an award is payable under the principal Regulations to him, his widow or child, then, he or, as the case may be, his widow or child shall not be entitled to an award under these Regulations.

10. For the purpose of calculating an award under these Regulations to or in respect of a police cadet—

(*a*) his period of pensionable service shall be his period of service as a police cadet on and after the date on which these Regulations have effect in relation to him ;

(*b*) his average pensionable pay shall be the aggregate of the pay to which he has been entitled in respect of his period of pensionable service divided by the number of years and fraction of a year comprised in that period, and

(*c*) his average pensionable pay for a period of a week shall be taken to be his average pensionable pay divided by $52\frac{1}{8}$.

Application of certain provisions of the principal Regulations

11. Regulations 69, 70, 71, 72, 73, 76, 77 and 78 of the principal Regulations shall apply for the purposes of these Regulations as if a police cadet were a member of a police force.

Application of certain provisions of the Police Pensions Act 1948

12.—(1) Section 4 of the Police Pensions Act 1948(**a**) (which relates to the forfeiture of pensions) shall apply to an award under these Regulations as though it were a pension mentioned in subsection (1) of that section.

(**a**) 1948 c. 24.

(2) Section 5 of the said Act of 1948 (which relates to appeals against forfeiture or refusal of a pension) shall apply to an award under these Regulations as though it were a pension mentioned in subsections (1)(*a*) and (1)(*b*) of that section, and, in either case, as though a police cadet served in the police force to which he was attached.

(3) Section 7 of the said Act of 1948 (which relates to assignments of, or charges on, a pension and to unlawful conduct in obtaining a pension) shall apply to an award under these Regulations as though such an award were a pension mentioned in that section.

Authority by whom payments are to be made

13. An award under these Regulations shall be payable by the police authority maintaining the police force to which the police cadet was attached at the time when he received the injury by virtue of which the award is payable.

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

Home Office,
Whitehall.

11th February 1971.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations (which become fully operative on 1st April 1971) have effect in relation to police cadets in England and Wales who have attained the age of 18 years (Regulation 3(1)) except that such a cadet appointed before 1st April 1971 may elect that they shall not have effect in his case (Regulation 3(2)).

The Regulations give to police cadets and their dependants certain pension benefits for which members of police forces and their dependants are eligible by applying, with modifications, certain provisions of the Police Pensions Regulations 1971.

Where the Regulations have effect in relation to a police cadet, they do so to the exclusion of other statutory provisions for pension (e.g. the Local Government Superannuation Act 1937) (c. 68) subject, however, to savings for the National Insurance Act 1965 and the National Insurance (Industrial Injuries) Act 1965 (Regulation 3(3)).