1963 No. 831

POLICE

The Police Pensions (Amendment) (No. 2) Regulations 1963

Laid before Parliament in draft

Made - - - - 19*th April* 1963

Coming into Operation 27*th May* 1963

In exercise of the powers conferred on me by sections 1 and 3 of the Police Pensions Act 1948(**a**), as extended by section 43 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**b**), section 5(3) of the Overseas Service Act 1958(**c**) and Schedule 2 thereto, and section 1(1) of the Police Pensions Act 1961(**d**), and after consultation with the Police Councils for England and Wales and for Scotland, I hereby, with the consent of the Treasury, make the following Regulations, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

1. For Regulation 11(3) of the Police Pensions Regulations 1962(**e**) (which provides, in certain cases, for the increase of a widow's ordinary pension, in certain circumstances by 80s. 0d. a week, or in certain other circumstances by 57s. 6d. a week) there shall be substituted the following provision:—

"(3) A pension increased under this Regulation shall be payable at a rate increased by 95s. 0d. a week for the first 13 weeks that the pension is payable and thereafter during the periods and in the conditions set out in Part VI of Schedule 2 at a rate increased by 67s. 6d. a week:

Provided that where a pension calculated in accordance with Scheme II of Part II of Schedule 2 is increased under this Regulation, the increased pension shall not be at a higher rate than it would have been if it had been calculated in accordance with Scheme I of the said Part II and increased in accordance with the provisions of this Regulation.".

2. For Regulation 13(3) of the said Regulations of 1962 (which provides, in certain cases, for the increase of a widow's special pension up to an amount determined by reference to her husband's pay, together with, in certain circumstances, 80s. 0d. a week or, in certain other circumstances, 57s. 6d. a week) there shall be substituted the following provision:—

"(3) The weekly amount up to which the pension may be increased shall be a sixth of her husband's average pensionable pay for a week, increased in accordance with Part XI of these Regulations, together with, for the first 13 weeks that the pension is payable, 95s. 0d. a week and thereafter, during the periods and in the conditions set out in Part VI of Schedule 2, 67s. 6d. a week.".

(**a**) 11 & 12 Geo 6. c. 24. (**b**) 14 & 15 Geo. 6. c. 65. (**c**) 6 & 7 Eliz. 2. c. 14.
(**d**) 9 & 10 Eliz. 2. c. 35. (**e**) S.I. 1962/2756 (1962 III, p. 3785).

3. For Regulation 15(3) of the said Regulations of 1962 (which provides, in certain cases and circumstances, for the increase of a widow's pension, where the husband died before 5th July 1948, by 57s. 6d. a week) there shall be substituted the following provision :—

"(3) A pension increased under this Regulation shall be payable during the periods and in the conditions set out in Part VI of Schedule 2 at a rate increased by 67s. 6d. a week :

Provided that where a pension calculated in accordance with Regulation 14(3)(*b*), otherwise than by reference to the non-accidental rate specified in paragraph 7 of Part II of Schedule 1 to the Police Pensions Act 1921(**a**), is increased under this Regulation, the increased pension shall not be at a higher rate than it would have been if it had been calculated in accordance with Regulation 14(3)(*a*) and increased in accordance with the provisions of this Regulation.".

4. At the end of Regulation 104 of the said Regulations of 1962 (which contains transitional provisions) there shall be added the following paragraph :—

"(4) No payment shall be made under these Regulations on account of any widow's pension or child's allowance for a period before 27th May 1963, save in so far as the said payment would have been so made had these Regulations not been amended by the Police Pensions (Amendment) (No. 2) Regulations 1963.".

5. For paragraph 1 of Part V of Schedule 2 to the said Regulations of 1962 (proviso (*c*) to which provides that, for the purpose of the reduction, in certain cases, of a widow's pension by the amount of her national insurance widowed mother's allowance, that allowance shall be deemed to be less than it is by the weekly amount of 8s. 0d. together with 17s. 0d. for each child in her family) there shall be substituted the following paragraph :—

"1. A widow's ordinary pension calculated in accordance with Scheme II of Part II of this Schedule or a widow's special pension shall be reduced by the amount of any widow's benefit or retirement pension received by her under the National Insurance Act 1946(**b**) by virtue of her husband's insurance :

Provided that—

(*a*) where the widow is entitled under the said Act of 1946 to a widow's allowance or a retirement pension which is increased by virtue of section 23 of that Act, the allowance or pension shall be deemed not to have been so increased ;

(*b*) where the widow is entitled under the said Act of 1946 to a widowed mother's allowance or a retirement pension which is increased by virtue of section 5 of the National Insurance Act 1959(**c**), the allowance or pension shall be deemed not to have been so increased ;

(*c*) where the widow is entitled under the said Act of 1946 to a widowed mother's allowance by virtue of paragraph (*b*)(i) of section 17(1) of that Act, the allowance shall be deemed to be less than it is by the amount of 8s. 0d. together with 22s. 0d. for each child included in her family within the meaning of the Family Allowances Act 1945(**d**), either as originally enacted or as amended by any subsequent enactment.".

(**a**) 11 & 12 Geo. 5. c. 31.
(**b**) 9 & 10 Geo. 6. c. 67.
(**c**) 7 & 8 Eliz. 2. c. 47.
(**d**) 8 & 9 Geo. 6. c. 41.

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6.—(1) For paragraph 1(4) of Part III of Schedule 3 to the said Regulations of 1962 (which provides, in certain cases, for the increase of a child's allowance up to 32s. 6d. a week) there shall be substituted the following provision :—

"(4) Where both parents of the child are dead and the parent in respect of whose death an ordinary or special allowance is payable was the child's father and he had attained the age of 65 years on 5th July 1948, then in respect of any week during which—

(*a*) no person is receiving a guardian's allowance under the National Insurance Act 1946 in respect of the child;

(*b*) the child is included in a family within the meaning of the Family Allowances Act 1945, either as originally enacted or as amended by any subsequent enactment;

(*c*) where the allowance is a special allowance, no allowance is payable under section 21 of the National Insurance (Industrial Injuries) Act 1946(**a**) in respect of the child;

(*d*) no armed forces pension or award is payable to or for the child in pursuance of any Royal Warrant or other instrument; and

(*e*) no grant is payable to or in respect of the child under any scheme made under the Personal Injuries (Emergency Provisions) Act 1939(**b**),

the amount of the allowance may, without prejudice to the provisions of the preceding sub-paragraphs but subject to Part IV of this Schedule, be increased under sub-paragraph (1) to an amount not exceeding 37s. 6d.".

(2) For paragraph 2(2) of the said Part III (which provides that the appropriate amount up to which a child's allowance may, in certain cases, be increased shall be in certain circumstances 25s. 0d. a week, or in certain other circumstances 22s. 0d. a week) there shall be substituted the following provision :—

"(2) The appropriate amount referred to in the preceding sub-paragraph shall be—

(*a*) 30s. 0d. in the case of a child who is the only or eldest child included in a family within the meaning of the Family Allowances Act 1945, either as originally enacted or as amended by any subsequent enactment;

(*b*) 27s. 0d. in the case of any other child.".

7.—(1) For paragraphs 1(3) and (4) of Part VI of Schedule 3 to the said Regulations of 1962 (which provide for the payment in certain circumstances, where the father died before 5th July 1948, of a child's allowance or increased allowance of 25s. 0d. a week in certain cases, or of a child's allowance of 17s. 0d. a week in certain other cases) there shall be substituted the following provisions :—

"(3) In the case of a child who is the only or eldest child included in a family as aforesaid the weekly amount of an allowance increased under Regulation 24(4) or granted under Regulation 24(5), where this sub-paragraph applies, shall be 30s. 0d.

(4) In the case of any other child included in a family as aforesaid, where the eldest child so included is in receipt of an allowance under Regulation 24(5), the weekly amount of an allowance granted under Regulation 24(5) to the child first mentioned in this sub-paragraph, where this sub-paragraph applies, shall be 22s. 0d.".

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(**a**) 9 & 10 Geo. 6. c. 62. (**b**) 2 & 3 Geo. 6. c. 82.

(2) For paragraph 2(3) of the said Part VI (which provides, in certain circumstances, where the father died before 5th July 1948, for a child's allowance or increased allowance of 32s. 6d., 24s. 6d. or 22s. 6d., depending on the case) there shall be substituted the following provision:—

"(3) The weekly amount of an allowance increased under Regulation 24(4) or granted under Regulation 24(5), where this sub-paragraph applies, shall be—

(*a*) 37s. 6d., in the case of a child who is the only or eldest child included in a family as aforesaid;

(*b*) 29s. 6d., in the case of a child who is the first child, other than the eldest, so included;

(*c*) 27s. 6d., in the case of any other child so included.".

8. These Regulations may be cited as the Police Pensions (Amendment) (No. 2) Regulations 1963 and shall come into operation on 27th May 1963.

Henry Brooke,
One of Her Majesty's
Principal Secretaries of State.

11th April 1963.

We consent,

John Hill,
John Peel,
Two of the Lords Commissioners of
Her Majesty's Treasury.

19th April 1963.

EXPLANATORY NOTE

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

These Regulations, which amend the Police Pensions Regulations 1962, relate to widows' pensions and children's allowances. They come into operation on, and have effect from, 27th May 1963 (Regulations 4 and 8).

Regulations 1, 2 and 3 increase the amount by which widows' pensions may be increased in those cases in which discretionary increases are permitted.

Regulations 6 and 7 make similar provision in relation to children's allowances.

Regulation 5 adjusts the extent of the abatement of a widow's pension by a national insurance widowed mother's allowance.