STATUTORY INSTRUMENTS

1964 No. 1072

POLICE

The Police Pensions (Amendment) (No. 2) Regulations 1964

Laid before Parliament in draft

Made - - - -	*9th July* 1964
Coming into Operation	*1st August* 1964

In exercise of the powers conferred on me by sections 1, 3 and 5(4) 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), sections 29B(4) and 33B of the Police (Scotland) Act 1956(c) (as amended by the Police Act 1964(d)), section 5(3) of the Overseas Service Act 1958(e) and Schedule 2 thereto, section 1(1) of the Police Pensions Act 1961(f), and sections 40 and 43(4) of the Police Act 1964 and Schedule 6 thereto, 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 1(4) of the principal Regulations (which provides that an overseas policeman shall not be entitled to an ordinary pension on retirement before completion of his tour of overseas service) there shall be substituted the following provision:—

"(4) This Regulation shall not apply to an overseas policeman or central police officer who retires or retired before the completion of the tour of overseas service or, as the case may be, of central service (if any), applicable in his case.".

2. In Regulation 4(4) of the principal Regulations (which relates to a policeman's supplemental pension) for the words "Regulation 5 or 7" there shall be substituted the words "Regulation 5, 5A or 7".

3. For Regulation 5(1) of the principal Regulations (which relates to the commutation of part of a pension) there shall be substituted the following provision:—

"(1) This Regulation shall apply to a regular policeman who retires or retired on or after 14th April 1958 but before 1st August 1964.".

4. After Regulation 5 of the principal Regulations there shall be inserted the following Regulation:—

"*New provisions as to commutation of part of a pension*

5A.—(1) This Regulation shall apply to a regular policeman who retires on or after 1st August 1964.

(a) 11 & 12 Geo. 6. c. 24. (b) 14 & 15 Geo. 6. c. 65. (c) 4 & 5 Eliz. 2. c. 26.
(d) 1964 c. 48. (e) 6 & 7 Eliz. 2. c. 14. (f) 9 & 10 Eliz. 2. c. 35.

(2) A regular policeman to whom this Regulation applies may, in accordance with the provisions thereof, commute for a lump sum a portion of any pension, other than a supplemental pension, to which he is or may become entitled, provided, in the case of an ordinary pension, that he retires or retired either when entitled to reckon at least 30 years' pensionable service or in the circumstances mentioned in sub-paragraph (*a*) or (*b*) of Regulation 3(1).

(3) For the purpose of commuting a portion of his pension a person shall give notice in writing (in this Regulation called 'notice of commutation') to the police authority of his wish to surrender and commute for a lump sum such portion of his pension, not exceeding a quarter of the pension which would be payable but for the provisions of Regulation 7, as (subject to the limitation contained in Regulation 8) he may specify.

(4) The notice of commutation shall be given by a person not earlier than 2 months before his intended retirement nor later than 6 months after his retirement.

(5) The notice of commutation given by a person shall become effective—

(*a*) as from the date of his retirement; or

(*b*) as from the date on which the notice is received by the police authority,

whichever is the later:

Provided that the notice of commutation shall not become effective if—

(i) it was given more than 2 months before his retirement, or

(ii) it relates to an ill-health pension and the unsecured portion of that pension has sooner been terminated under Regulation 44.

(6) Where a person retires or has retired and a notice of commutation given by him becomes or has become effective, the police authority shall reduce the pension to which the notice relates in accordance with the notice as from the time from which the notice is effective and shall pay to him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Government Actuary:

Provided that where the notice is effective as from the date mentioned in paragraph (5)(*b*), the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement.

(7) Where the unsecured portion of an ill-health pension is terminated under Regulation 44, after a notice of commutation in relation to the pension has become effective—

(*a*) no reduction shall be made under paragraph (6) in the secured portion of the pension, insofar as it is payable under Regulation 44;

(*b*) if thereafter the person concerned becomes entitled to a pension, other than a supplemental pension, and is entitled to reckon for the purposes thereof the period of pensionable service reckonable for the purposes of the ill-health pension first mentioned in this paragraph, the unsecured portion of the other pension shall be reduced by the amount by which the ill-health pension would have been reduced if it had not been terminated as aforesaid.

(8) Where a person wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under paragraph (7)(*b*), he shall not specify in the notice of commutation a portion of the pension which, when aggregated with the said reduction, exceeds a quarter of the pension which would be payable but for the provisions of paragraph (7)(*b*) and of Regulation 7.

(9) A notice of commutation given before 1st August 1964 for the purposes of Regulation 5 shall have effect for the purposes of this Regulation as if it had been given hereunder unless the person otherwise elects by notice in writing given to the police authority before the date of his retirement; and where he so elects he may give a fresh notice of commutation under this Regulation.".

5. For Regulation 7 of the principal Regulations (which relates to the allocation of part of a pension) there shall be substituted the following Regulation:—

"*Current provisions as to allocation of part of a pension*

7.—(1) This Regulation shall apply to a regular policeman who retires or retired on or after 14th April 1958.

(2) A regular policeman to whom this Regulation applies and who is entitled to reckon not less than 25 years' pensionable service may, in accordance with the provisions thereof, allocate a portion of any pension, other than a supplemental pension, to which he may become entitled and, notwithstanding that he has already allocated a portion of such a pension, he may—

(*a*) allocate a further portion of that pension in favour of the beneficiary of the previous allocation; or

(*b*) where that beneficiary has died, allocate a further portion of that pension in favour of some other beneficiary.

(3) A regular policeman to whom this Regulation applies may, in accordance with the provisions thereof, allocate a portion of a short service pension.

(4) For the purpose of allocating a portion of his pension a person shall—

(*a*) give notice in writing (in this Regulation called 'notice of allocation') to the police authority of the force in which he is serving stating—

(i) his wish to surrender such portion of his pension as, subject to the limitations contained in paragraph (5) and in Regulation 8, he may specify,

(ii) the person in whose favour the surrender is to take effect (in this Regulation called 'the beneficiary'), being his wife or some other person who the police authority are satisfied is substantially dependent on him,

(iii) in the case of an allocation by a person entitled to reckon not less than 25 years' pensionable service, whether the notice of allocation is to become effective in accordance with sub-paragraph (*a*) or (*b*) of paragraph (6); and

(*b*) satisfy the police authority of his good health and for that purpose submit himself to such medical examination as they may require.

Except where, in such case as is mentioned in sub-paragraph (*a*)(iii), the notice of allocation is to become effective in accordance with paragraph (6)(*a*), the notice shall be given not earlier than 2 months before the person's intended retirement.

(5) The total portion of a pension which may be surrendered by a person under this Regulation shall not exceed a third of the pension which would be payable in his case but for the provisions of this Regulation, of Regulation 5, of Regulation 5A and of Part IV of Schedule 1.

(6) Where a person has complied with the provisions of sub-paragraphs (*a*) and (*b*) of paragraph (4), the police authority shall forthwith send to him a written notification that they have accepted the notice of allocation, which shall become effective—

(*a*) in the case of an allocation by a person who was entitled to reckon not less than 25 years' pensionable service when he gave the notice of allocation and stated therein that the notice should become effective in accordance with this sub-paragraph—

(i) as from the time when the notification is received by him or, if sent by post, as from the time when it would be delivered to him in the ordinary course of post, or

(ii) as from the date of his retirement,

whichever is the earlier;

(*b*) in any other case, if, and only if, he retires within 2 months of giving the notice of allocation and in such case as from the date of retirement.

(7) Where a person retires or has retired and a notice of allocation given by him becomes or has become effective—

(*a*) the pension to which the notice relates shall be reduced in accordance with the notice as from the date from which it is payable (notwithstanding the death before that date of the beneficiary specified in the notice); and

(*b*) the police authority shall, as from the person's death, pay to the beneficiary specified in the notice, if that person survives him, a pension of such amount as is the actuarial equivalent of the surrendered portion of the pension so specified.

(8) For the purposes of paragraph (7)(*b*) the actuarial equivalent of the surrendered portion of the pension shall be calculated from tables prepared by the Government Actuary and in force at the time when the notice of allocation became effective, which tables shall—

(*a*) take account of the age of the regular policeman and of the age of the beneficiary at that time; and

(*b*) make different provision according to whether the notice of allocation became effective in accordance with sub-paragraph (*a*) or (*b*) of paragraph (6),

and separate calculations shall be made in respect of separate allocations.

(9) Where a person was entitled to reckon at least 25 years' pensionable service when he gave the notice of allocation and stated therein that it should become effective in accordance with paragraph (6)(*a*), then, if he

dies or died before retiring, the police authority shall pay to the beneficiary the like pension as they would have paid by virtue of that notice if he had retired immediately before he died.

(10) Without prejudice to the generality of Regulation 104, the allocation of a portion of a pension, the giving of a notice or any other thing done under any provision of the former Regulations corresponding to this Regulation shall have effect for the purposes of this Regulation as if it had been done hereunder.

(11) Any reference in these Regulations to a widow's pension, however expressed, shall be construed as excluding a reference to a pension payable to a widow under this Regulation.".

6. In Regulation 8 of the principal Regulations (which limits the right to commute or allocate part of a pension) after the words "Regulation 5" there shall be inserted the words "or 5A".

7. For Regulation 12(2) of the principal Regulations (which relates to widows' special pensions) there shall be substituted the following provisions:—

"(2) A widow to whom this Regulation applies shall be entitled to a widow's special pension.

(3) Without prejudice to Regulation 12A(2), a widow's special pension shall be calculated in accordance with Part III of Schedule 2, subject however to Part V of that Schedule.".

8. After Regulation 12 of the principal Regulations there shall be inserted the following Regulation:—

"*Widow's augmented award where husband's death results from an attack*

12A.—(1) This Regulation shall apply to a widow of a member of a police force who dies or has died on or after 5th July 1948 as the result of an injury received without his own default in the execution of his duty where he is or was attacked by a person or persons in a manner which in the opinion of the police authority is or was intrinsically likely to cause death and death ensues as a result of the attack.

(2) A widow's special pension payable to a widow to whom this Regulation applies shall be calculated in accordance with Part IV of Schedule 2 in respect of any week for which the amount of the pension so calculated is greater than the amount calculated in accordance with Part III of Schedule 2, subject however, in either case, to Part V of that Schedule.

(3) A widow to whom this Regulation applies whose husband dies on or after 1st August 1964 shall be entitled to a gratuity, as hereinafter provided, in addition to a widow's special pension.

(4) The gratuity under paragraph (3) shall be of an amount equal to twice the annual pensionable pay (at the date of the death of the person in respect of whom the gratuity is payable) of a man holding the rank of constable in a police force and entitled to reckon 30 years' service for the purposes of pay.".

9. In Regulation 18(2) of the principal Regulations (which contains limitations on a widow's entitlement to a special pension) after the words "widow's special pension" there shall be inserted the words "or a gratuity under Regulation 12A(3)".

10. After Regulation 22 of the principal Regulations there shall be inserted the following Regulation:—

"*Child's gratuity where parent dies as a result of an attack*

22A.—(1) This Regulation shall apply to a child of a member of a police force who dies on or after 1st August 1964 in the circumstances mentioned in Regulation 12A(1) and—

(*a*) in the case of a man, does not leave a widow entitled to a gratuity under Regulation 12A(3), or

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

Provided that this Regulation shall apply to a child who at the date of the parent's death has attained the age of 16 years only if at that date the child has not attained the age of 19 years and either is undergoing full-time education or is an apprentice.

(2) A child to whom this Regulation applies shall be entitled to a gratuity, as hereinafter provided, in addition to a child's special allowance.

(3) The gratuity under paragraph (2) shall be of the like amount as a widow's gratuity under Regulation 12A(3) except that, where two or more gratuities are payable under paragraph (2) in respect of the death of the same person, each gratuity shall be of the said amount divided by the number of such gratuities.".

11. At the end of Regulation 26 of the principal Regulations (which contains limitations on a child's entitlement to an allowance) there shall be added the following paragraph:—

"(4) This Regulation shall apply in relation to a child's gratuity under Regulation 22A(2) as it applies in relation to a child's special allowance.".

12. In Regulation 29(2) of the principal Regulations (which provides that certain gratuities shall be ignored for the purpose of the provision preventing double entitlement to awards) for the words "Regulation 17(3)" there shall be substituted the words "Regulation 12A(3), 17(3) or 22A(2)".

13. At the end of Regulation 53 of the principal Regulations (which relate to appeals by overseas policemen) there shall be added the following paragraph:—

"(9) This Regulation shall apply in relation to—

(*a*) an inspector or assistant inspector of constabulary; or

(*b*) a central police officer,

as it applies in relation to an overseas policeman.".

14. For Regulation 55(3) of the principal Regulations (which relates to payments by or to the Secretary of State as police authority in relation to an overseas policeman) there shall be substituted the following provision:—

"(3) All payments by or to the Secretary of State, by reason that he is treated as the police authority in relation to—

(*a*) an overseas policeman;

(*b*) an inspector or assistant inspector of constabulary; or

(*c*) a central police officer,

shall be paid out of moneys provided by Parliament or, as the case may be, into the Exchequer.".

15.—(1) After the definition of "average pensionable pay" in Regulation 88 of the principal Regulations (which defines certain expressions) there shall be inserted the following definitions:—

"'central police officer' means a member of a home police force engaged on central service who enjoys a right of reversion under section 29B(1) of the Police (Scotland) Act 1956 or section 43(1) of the Police Act 1964, as the case may be;

'central service' means temporary service under the Crown performed on or after 1st August 1964, being such service as is mentioned in section 29B(5) of the Police (Scotland) Act 1956 or section 43(5) of the Police Act 1964;".

(2) At the end of the definition of "member of a police force" in the said Regulation 88 there shall be added the following sub-paragraphs:—

"(*d*) an inspector or assistant inspector of constabulary appointed on or after 1st August 1964; and

(*e*) a central police officer;".

(3) For the definition of "regular policeman" in the said Regulation 88 there shall be substituted the following definition:—

"'regular policeman' means—

(*a*) a member of a home police force who is not an auxiliary policeman;

(*b*) an overseas policeman who is a reversionary member of a home police force;

(*c*) an inspector or assistant inspector of constabulary appointed on or after 1st August 1964; and

(*d*) a central police officer;"

(4) After the definition of "superintendent" in the said Regulation 88 there shall be inserted the following definition:—

"'tour of central service' means the period of central service for which a central police officer has engaged with the consent of the appropriate authority for the purposes of section 29B of the Police (Scotland) Act 1956 or section 43 of the Police Act 1964, as the case may be, and, if such a period has been varied, means the period as so varied, so however that where the officer engaged for an indefinite period of central service the said expression means his actual period of such service;".

16. For Regulation 90 of the principal Regulations (which relates to the meaning of certain expressions in relation to overseas policemen) there shall be substituted the following Regulation:—

"*Meaning of certain expressions in relation to persons who are not members of a home police force*

90.—(1) A reference in these Regulations to a rank, being a rank in a home police force, shall, in relation to a member of an overseas corps, be construed as a reference to such rank in that corps as the Secretary of State may from time to time direct.

(2) For the purposes of these Regulations—

(*a*) an overseas policeman who is not a member of an overseas corps; or

(*b*) a central police officer,

shall be deemed to hold the rank in which he is entitled to revert to his home police force at the end of his tour of overseas service or, as the case may be, of central service.

(3) For the purposes of these Regulations—

(*a*) an inspector of constabulary shall be deemed to hold the rank and office of chief constable ;

(*b*) an assistant inspector of constabulary shall be deemed to hold the rank of chief superintendent.

(4) Except where the context otherwise requires, for the purposes of these Regulations—

(*a*) an overseas policeman who is not a member of an overseas corps shall be deemed to be a member of such a corps ;

(*b*) an inspector or assistant inspector of constabulary or a central police officer shall be deemed to be a member of a home police force ;

and any reference to such a person joining or leaving a police force or transferring from one force to another, however expressed, shall be construed accordingly.

(5) A reference in these Regulations to the police authority shall be construed in relation to—

(*a*) an overseas policeman ;

(*b*) an inspector or assistant inspector of constabulary ; or

(*c*) a central police officer,

as a reference to the Secretary of State.".

17. In these Regulations any reference to the principal Regulations is a reference to the Police Pensions Regulations 1962(**a**) as amended(**b**).

18. These Regulations may be cited as the Police Pensions (Amendment) (No. 2) Regulations 1964 and shall come into operation on 1st August 1964.

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

9th July 1964.

We consent,

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

9th July 1964.

(**a**) S.I. 1962/2756 (1962 III, p. 3785).
(**b**) There is no amendment which relates to the subject matter of these Regulations.

EXPLANATORY NOTE

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

These Regulations amend the Police Pensions Regulations 1962.

Regulations 1, 13, 14, 15 and 16 relate to inspectors of constabulary (including assistant inspectors) appointed on or after 1st August 1964 and to policemen in the temporary service of the Crown on or after that date. It is provided that these officers shall be treated as members of a police force for the purposes of the 1962 Regulations (Regulation 15(1) and (2)) and so pensionable thereunder. Detailed provision is made for the application of the 1962 Regulations in their case similar to the existing provision in the case of overseas policemen; in particular it is provided that the 1962 Regulations shall apply in relation to them as if the Secretary of State were their police authority (Regulation 16).

Regulation 4 introduces new arrangements for the commutation of part of a pension for a lump sum. The principal change is that the policeman concerned no longer has to satisfy the police authority of his good health. Regulations 2, 3 and 6 contain incidental and consequential amendments.

Regulation 5 introduces new arrangements for the allocation of part of a pension in favour of a dependant. The principal change is to permit a policeman who has already allocated a part of his pension to allocate a further part in favour of another dependant if the beneficiary of the first allocation dies.

Under the 1962 Regulations a widow of a member of a police force is entitled to a pension payable at a special rate if her husband dies as a result of an attack intrinsically likely to cause death. Regulation 8 of the present Regulations provides that where he dies on or after 1st August 1964 she shall, in addition, be entitled to a gratuity of an amount equal to twice the annual pay of a constable with 30 years' service. Regulation 10 provides that the like amount shall be payable by way of gratuities to the children of a member who dies in these circumstances but does not leave a widow or, in the case of a policewoman, was the only surviving parent. Such a child's gratuity is payable in addition to a child's special allowance. Regulations 7, 9, 11 and 12 contain incidental and consequential amendments.