1967 No. 1500

POLICE

The Police Pensions (Amendment) (No. 2) Regulations 1967

Made - - -	11*th October* 1967
Laid before Parliament	18*th October* 1967
Coming into Operation	30*th October* 1967

In exercise of the powers conferred on me by sections 1 and 3 of the Police Pensions Act 1948(a), as extended and amended 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), sections 40, 43(4), 45(4) and 63 of the Police Act 1964 and Schedules 6 and 9 thereto, and paragraph 7 of Schedule 7 to the National Insurance Act 1967(g), and after consultation with the Police Council for Great Britain, I hereby, in consequence of the said Act of 1967 and with the consent of the Treasury, make the following Regulations:—

1. For Regulation 12(3) of the principal Regulations (which provides, in certain cases, for the increase of a widow's ordinary pension, in certain circumstances by 112s. 6d. a week, or in certain other circumstances by 80s. 0d. a week) there shall be substituted the following provision:—

"(3) Subject to paragraph (4), a pension increased under this Regulation shall be payable at a rate increased by 127s. 0d. a week for the first 26 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 90s. 0d. 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 15(3) of the principal Regulations (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, 112s. 6d. a week or, in certain other circumstances, 80s. 0d. a week) there shall be substituted the following provision:—

"(3) Subject to paragraph (4), 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 26 weeks that the pension is payable, 127s. 0d. a week and thereafter, during the periods and in the conditions set out in Part VI of Schedule 2, 90s. 0d. a week.".

(a) 1948 c. 24. (b) 1951 c. 65. (c) 1956 c. 26. (d) 1964 c. 48. (e) 1958 c. 14. (f) 1961 c. 35. (g) 1967 c. 73.

3. For Regulation 17(3) of the principal Regulations (which provides, in certain cases and circumstances, for the increase of a widow's pension, where the husband died before 5th July 1948, by 80s. 0d. 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 90s. 0d. a week:

Provided that where a pension calculated in accordance with Regulation 16(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 16(3)(*a*) and increased in accordance with the provisions of this Regulation.".

4.—(1) For proviso (*c*) to sub-paragraph (1) of paragraph 1 of Part V of Schedule 2 to the principal Regulations (which relates to the reduction of a widow's pension in respect of national insurance benefit) there shall be substituted the following proviso:—

"(*c*) where the widow is entitled under the said Act of 1965 to a widowed mother's allowance which is increased by virtue of section 40 of that Act, the allowance shall be deemed not to have been so increased.".

(2) Sub-paragraph (2) of the said paragraph 1 shall be omitted.

5.—(1) For paragraph 1(4) of Part III of Schedule 3 to the principal Regulations (which provides, in certain cases, for the increase of a child's allowance up to 40s. 0d. 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 1965(**b**) in respect of the child;

(*b*) the child is included in a family within the meaning of the Family Allowances Act 1965(**c**) or of the Family Allowances Act 1945(**d**), 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 1965(**e**) 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(**f**),

(**a**) 1921 c. 31. (**b**) 1965 c. 51. (**c**) 1965 c. 53. (**d**) 1945 c. 41.
(**e**) 1965 c. 52. (**f**) 1939 c. 82.

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 42s. 6d.".

(2) For paragraph 2(2) of the said Part III (which provides that the appropriate weekly amount up to which a child's allowance may, in certain cases, be increased shall be 40s. 0d. for the first child, 37s. 0d. for the second child and 35s. 0d. for each subsequent child, included in a family) there shall be substituted the following provision:—

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

(*a*) 42s. 6d., in the case of the only or eldest child included in a family within the meaning of the Family Allowances Act 1965 or of the Family Allowances Act 1945, either as originally enacted or as amended by any subsequent enactment;

(*b*) 39s. 6d., in the case of the second child so included;

(*c*) 37s. 6d., in the case of the third child so included;

(*d*) 35s. 0d., in the case of each subsequent child so included.".

6.—(1) For paragraph 1(3) and (4) of Part VI of Schedule 3 to the principal Regulations (which provides for the weekly payment in certain circumstances, where the father died before 5th July 1948, of a child's allowance or increased allowance of 40s. 0d. for the first child and of a child's allowance of 32s. 0d. for the second child and of 30s. 0d. for each subsequent child, included in a family) there shall be substituted the following provisions:—

"(3) In the case of the only or eldest child included in a family as aforesaid the weekly amount of an allowance increased under Regulation 27(4) or granted under Regulation 27(5), where this sub-paragraph applies, shall be 42s. 6d.

(4) Where the eldest child included in a family as aforesaid is in receipt of an allowance under Regulation 27(5), the weekly amount of an allowance granted under Regulation 27(5) to any other child so included shall be—

(*a*) 34s. 6d., in the case of the second child so included;

(*b*) 32s. 6d., in the case of the third child so included;

(*c*) 30s. 0d., in the case of each subsequent child so included.".

(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 weekly child's allowance or increased allowance of 40s. 0d. for the first child, 32s. 0d. for the second child and 30s. 0d. for each subsequent child, included in a family) there shall be substituted the following provision:—

"(3) The weekly amount of an allowance increased under Regulation 27(4) or granted under Regulation 27(5), where this sub-paragraph applies, shall be—

(*a*) 42s. 6d., in the case of a child who is the only or eldest child included in a family as aforesaid;

(*b*) 34s. 6d., in the case of the second child so included;

(*c*) 32s. 6d., in the case of the third child so included;

(*d*) 30s. 0d., in the case of each subsequent child so included.".

7. In these Regulations a reference to the principal Regulations is a reference to the Police Pensions Regulations 1966(a) as amended(b).

8. These Regulations may be cited as the Police Pensions (Amendment) (No. 2) Regulations 1967 and shall come into operation on 30th October 1967.

Roy Jenkins,

One of Her Majesty's Principal Secretaries of State.

7th October 1967.

We consent,

B. K. O'Malley,

E. Alan Fitch,

Two of the Lords Commissioners of Her Majesty's Treasury.

11th October 1967.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which come into operation on 30th October 1967, amend the Police Pensions Regulations 1966 and relate to widows' pensions and children's allowances.

Regulations 1, 2 and 3 increase the amount by which widows' pensions may be increased in those cases in which discretionary increases are permitted and Regulations 5 and 6 make similar provision in relation to children's allowances.

Regulation 4 adjusts the extent of the abatement of a widow's pension by a national insurance widowed mother's allowance.

(a) S.I. 1966/1582 (1966 III, p. 4894).

(b) The amending Regulations are not relevant to the subject matter of these Regulations.