STATUTORY INSTRUMENTS

1970 No. 1570

POLICE

The Police Pensions (Amendment) (No. 2) Regulations 1970

Made - - - -	21*st October* 1970
Laid before Parliament	30*th October* 1970
Coming into Operation	2*nd November* 1970

In exercise of the powers conferred on me by sections 1 and 3 of the Police Pensions Act 1948(**a**) (read with Article 2(1) of the Minister for the Civil Service Order 1968(**b**)), as extended and amended by section 43 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**c**), section 5(3) of the Overseas Service Act 1958(**d**) and Schedule 2 thereto, sections 40, 43(4) and 63 of the Police Act 1964(**e**) and Schedules 6 and 9 thereto, sections 35 and 38(4) of the Police (Scotland) Act 1967(**f**), section 4(5) of the Police Act 1969(**g**) and section 8(6) of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970(**h**), and after consultation with the Police Council for the United Kingdom, I hereby, in consequence of the passing of the said Act of 1970 and with the consent of the Minister for the Civil Service, make the following Regulations :—

1. These Regulations may be cited as the Police Pensions (Amendment) (No. 2) Regulations 1970 and shall come into operation on 2nd November 1970.

2. In these Regulations any reference to the principal Regulations is a reference to the Police Pensions Regulations 1966(**i**), as amended(**j**).

3. At the end of Regulation 12 of the principal Regulations (discretionary increase in widow's ordinary pension) there shall be added the following paragraph:—

"(5) In this Regulation a reference to widow's benefit or a retirement pension under the National Insurance Act 1965(**k**) does not include a reference to such a benefit or pension payable by virtue of section 1 of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970(**l**); but the amount of any increase in a widow's pension under this Regulation in respect of any week shall be abated by the amount of any retirement pension received by the widow in respect of that week by virtue of the said section 1:

Provided that where the retirement pension so received is increased by virtue of section 40 of the National Insurance Act 1965, it shall be deemed not to have been so increased.".

(a) 1948 c.24.
(b) S.I. 1968/1656 (1968 III, p. 4485).
(c) 1951 c.65.
(d) 1958 c.14.
(e) 1964 c.48.
(f) 1967 c.77.
(g) 1969 c.63.
(h) 1970 c.51.
(i) S.I. 1966/1582 (1966 III, p. 4894).
(j) The relevant amending instruments are S.I. 1967/1500, 1969/1484 (1967 III, p. 4204; 1969 III, p. 4745).
(k) 1965 c.51.
(l) 1970 c.51.

4. At the end of Regulation 15 of the principal Regulations (discretionary increase in widow's special pension) there shall be added the following paragraph:—

"(5) In this Regulation a reference to widow's benefit or a retirement pension under the National Insurance Act 1965 does not include a reference to such a benefit or pension payable by virtue of section 1 of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970; but the amount of any increase in a widow's pension under this Regulation in respect of any week shall be abated by the amount of any retirement pension received by the widow in respect of that week by virtue of the said section 1:

Provided that where the retirement pension so received is increased by virtue of section 40 of the National Insurance Act 1965, it shall be deemed not to have been so increased.".

5. At the end of Regulation 17 of the principal Regulations (discretionary increase in widow's award under former Acts) there shall be added the following paragraph:—

"(4) In this Regulation a reference to widow's benefit or a retirement pension under the National Insurance Act 1965 does not include a reference to such a benefit or pension payable by virtue of section 1 of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970; but the amount of any increase in a widow's pension under this Regulation in respect of any week shall be abated by the amount of any retirement pension received by the widow in respect of that week by virtue of the said section 1:

Provided that where the retirement pension so received is increased by virtue of section 40 of the National Insurance Act 1965, it shall be deemed not to have been so increased.".

6. At the end of Part V of Schedule 2 to the principal Regulations (reduction of widow's pension in respect of national insurance benefit) there shall be added the following paragraph:—

"4. In this Part of this Schedule a reference to widow's benefit or a retirement pension under the National Insurance Act 1965 does not include a reference to such a benefit or pension payable by virtue of section 1 of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970.".

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

21st October 1970.

Consent of the Minister for the Civil Service given under his Official Seal on 21st October 1970.

(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 amend the Police Pensions Regulations 1966 and are made in consequence of the passing of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970. Section 1 of that Act contains provision for the payment of national insurance pensions (by way of retirement pension or widow's benefit) for or in respect of persons over pensionable age for national insurance purposes on 5th July 1948. The payment of a pension by virtue of section 1 is not subject to any contribution conditions.

Regulations 12 and 15 of the Police Pensions Regulations 1966 give a police authority power to increase a police widow's pension where she would have been entitled to receive national insurance widow's benefit or a retirement pension had her husband satisfied the contribution conditions therefor. Regulation 17 of the Regulations of 1966 makes similar provision in the case of a widow whose husband died before 5th July 1948. The increase is not payable in respect of any week for which the widow is receiving one of the payments specified in the Regulation in question. Regulations 3, 4 and 5 of the present Regulations amend Regulations 12, 15 and 17 of the Regulations of 1966 and provide that references therein to national insurance widow's benefit or a retirement pension shall not include such an award payable by virtue of section 1 of the Act of 1970 but that, where a widow is in receipt of both a discretionary increase in her police pension and a retirement pension so payable, the discretionary increase is to be abated by the amount of the retirement pension (any increase therein on account of dependants being ignored).

Part V of Schedule 2 to the Regulations of 1966 provides that certain police widows' pensions shall be reduced by the amount of any national insurance widow's benefit or retirement pension received by the widow. Regulation 6 of the present Regulations provides that there shall be no such reduction where the benefit or pension is payable by virtue of section 1 of the Act of 1970.

The present Regulations come into operation on 2nd November 1970, the date on which section 1 of the Act of 1970 comes into force.

SI 1970/1570
ISBN 0-11-001570-3

