STATUTORY INSTRUMENTS

1964 No. 1232

POLICE

The Police Pensions (Amendment) (No. 3) Regulations 1964

Laid before Parliament in draft

Made - - - - *29th July* 1964

Coming into Operation *1st August* 1964

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), 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. 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 or injury received in effecting an arrest*

12A.—(1) This Regulation shall apply to a widow of a member of a police force whose death is the result of an injury received without his own default in the execution of his duty where—

(*a*) he was attacked by a person or persons in a manner which, in the opinion of the police authority, was intrinsically likely to cause death and death ensued, on or after 5th July 1948, as a result of the attack, or

(*b*) the injury was received in the course of duties performed, in the opinion of the police authority, for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody and death ensued on or after 1st August 1964.

(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.

(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.

(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.".

2. The Police Pensions (Amendment) (No. 2) Regulations 1964(**a**) shall have effect as if Regulation 8 thereof (which amends the principal Regulations and relates to a widow's augmented award where her husband's death results from an attack) were omitted therefrom.

3. In the Regulations any reference to the principal Regulations is a reference to the Police Pensions Regulations 1962(**b**), as amended(**c**).

4. These Regulations may be cited as the Police Pensions (Amendment) (No. 3) Regulations 1964 and shall come into operation on 1st August 1964.

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

28th July 1964.

We consent.

M. A. Hamilton,
Martin McLaren,
Two of the Lords Commissioners of Her Majesty's Treasury.

29th July 1964.

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.

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. The present Regulations provide that the widow shall also be entitled to this special rate if, on or after 1st August 1964, her husband dies as a result of an injury received in the course of effecting an arrest or of preventing an escape or rescue from legal custody. They further provide that where death occurs on or after 1st August 1964 as a result of such an attack or injury, the widow shall be entitled not only to a pension at the special rate but also to a gratuity of an amount equal to twice the annual pay of a constable with 30 years' service.

(**a**) S.I. 1964/1072 (1964 II, p. 2371). (**b**) S.I. 1962/2756 (1962 III, p. 3785).
(**c**) The relevant amending instrument is S.I. 1964/1072 (1964 II, p. 2371).

By virtue of Regulation 10 of the Police Pensions (Amendment) (No. 2) Regulations 1964, where a member of a police force dies on or after 1st August 1964 in the circumstances mentioned above gratuities are payable to his children if he does not leave a widow or, in the case of a policewoman, was the only surviving parent.

Regulation 2 of the present Regulations provides that the Police Pensions (Amendment) (No. 2) Regulations 1964 shall have effect as if Regulation 8 were omitted therefrom. That Regulation made provision similar to that made by the present Regulations but limited to the case of a widow whose husband died as the result of an attack.

The present Regulations come into operation on the same date as the Police Pensions (Amendment) (No. 2) Regulations, namely, 1st August 1964.