STATUTORY INSTRUMENTS

1963 No. 550

POLICE

The Police Pensions (Amendment) Regulations 1963

Laid before Parliament in draft

Made - - - - 19*th March* 1963
Coming into Operation 1*st April* 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, section 4 (1) of the Pensions (Increase) Act 1959(d) (as applied and modified by section 8 (2) of the Pensions (Increase) Act 1962(e)), and section 1 (1) of the Police Pensions Act 1961(f), 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 66(4) of the Police Pensions Regulations 1962(g) (sub-paragraph (*a*) of which in certain circumstances authorises the payment to the widow of a policeman of a pension at the rate of 25s. 6d. a week in lieu of a gratuity) there shall be substituted the following provisions:—

"(4) Where a serviceman dies or has died as a result of an injury received during his period of relevant service in the armed forces, the police authority may, in their discretion—

(*a*) pay to the widow, in lieu of a gratuity under this Regulation, a pension; and

(*b*) subject to and in accordance with paragraphs 2 and 3 of Schedule 6, from time to time increase any pension or allowance payable in respect of him under this Regulation.

(4A) The weekly amount of any pension payable under paragraph (4) (*a*) shall be 28s. 7d., increased in accordance with Regulation 84A(2)."

2. After Regulation 84 of the said Regulations of 1962 there shall be inserted, in Part XI, the following Regulations:—

"*Application of Pensions (Increase) Act* 1962

84A.—(1) Where it is provided in these Regulations that an amount shall be increased in accordance with this Part of these Regulations,

(a) 11 & 12 Geo. 6. c. 24. (b) 14 & 15 Geo. 6. c. 65. (c) 6 & 7 Eliz. 2. c. 14.
(d) 7 & 8 Eliz. 2. c. 50. (e) 11 & 12 Eliz. 2. c. 2. (f) 9 & 10 Eliz. 2. c. 35.
(g) S.I. 1962/2756 (1962 III, p. 3785).

it shall be increased by the amount, if any, by which a pension of the amount first mentioned would be increased under sections 1 and 2 of the Pensions (Increase) Act 1962 if—

(*a*) the person concerned were in receipt of such a pension; and

(*b*) that pension were specified in the Schedule to the Pensions (Increase) Act 1959, and so might be increased under sections 1 and 2 of the said Act of 1962.

(2) Where it is provided in these Regulations that an amount calculated otherwise than by reference to a rate, or an average rate, of emoluments shall be increased in accordance with this paragraph, it shall be increased by the amount, if any, by which a pension of the appropriate amount specified in paragraph (3) would be increased under section 2 of the Pensions (Increase) Act 1962 if—

(*a*) the person concerned were in receipt of such a pension;

(*b*) that pension were specified in the Schedule to the Pensions (Increase) Act 1959, and so might be increased under section 2 of the said Act of 1962; and

(*c*) that pension were one which began for the purposes of the said Act of 1962 before 1st April 1956.

(3) The appropriate amount mentioned in paragraph (2) shall be the weekly amount of—

(*a*) 42s. 4d., where the amount which falls to be increased under that paragraph is 47s. 6d.;

(*b*) 33s. 10d., where the amount which falls to be so increased is 38s. 0d.;

(*c*) 25s. 6d., where the amount which falls to be so increased is 28s. 7d.

(4) For the purposes of this Regulation—

(*a*) in relation to an increase under paragraph (1), the reference in section 1 (1) of the Pensions (Increase) Act 1962 to an annual rate and the reference in section 10 (1) of that Act to an aggregate annual rate shall be construed respectively as a reference to the amount which falls to be increased expressed as an annual rate and as a reference to that amount, after any increase thereof in accordance with Regulations 81, 82, 83 and 84, expressed as an annual rate;

(*b*) in relation to an increase under paragraph (2), the reference in section 10 (1) of that Act to an aggregate annual rate shall be construed as a reference to the appropriate amount specified in paragraph (3) expressed as an annual rate.

(5) Where it is provided in these Regulations that an amount shall be increased in accordance with this Part of these Regulations, any increase in accordance with this Regulation shall be additional to any increase in accordance with any other provision of this Part of these Regulations.

Duration of increase in child's allowance

84B. Where it is provided in these Regulations that for the purpose of calculating a child's allowance an amount shall be increased in accordance with this Part of these Regulations, then that amount shall be so increased so long as the allowance is payable, and accordingly this Part of these Regulations shall have effect for the said purpose as if—

(*a*) section 1(3) were omitted from the Pensions (Increase) Act 1944(a) (which provision governs the increase, under the Pensions (Increase) Acts of 1944 and 1947(b), of 1952(c) and of 1956(d), of pensions payable to dependants other than widows), and

(*b*) section 1(3) were omitted from the Pensions (Increase) Act 1959 (which provision governs the increase, under the Pensions (Increase) Acts of 1959 and of 1962, of such pensions).".

3. For paragraph 3 of Part I of Schedule 2 to the said Regulations of 1962 (which provides that a widow entitled to an ordinary pension at the standard rate may elect to receive a pension of an amount determined by reference to her husband's rank in lieu of one calculated by reference to his average pensionable pay) there shall be substituted the following paragraphs :—

" 3.—(1) Where in respect of any period a widow so elects, then, subject to paragraph 4, the weekly amount of her ordinary pension in respect of that period shall be, if her husband at the time when he ceased to be a regular policeman—

(*a*) held a rank higher than that of inspector, 47s. 6d.;

(*b*) held the rank of inspector, 38s. 0d. ;

(*c*) held a rank lower than that of inspector, 28s. 7d.

(2) Where the husband held the rank of chief inspector in the City of London police force, the preceding sub-paragraph shall apply as though he had held a rank higher than that of inspector.

4. The weekly amount of a widow's ordinary pension calculated in accordance with paragraph 3 shall be increased—

(*a*) in accordance with Regulation 84A(2), and

(*b*) where the husband was entitled to reckon at least 10 years' pensionable service, by 1s. 11d.".

4.—(1) For paragraph 1 (1) of Scheme I set out in Part II of Schedule 2 to the said Regulations of 1962 (which provides that a widow who is entitled to an ordinary pension at the preserved rate and in whose case Scheme II does not apply shall receive a pension of an amount determined by reference to her husband's rank) there shall be substituted the following provision :—

" (1) Subject to paragraphs 2 and 3 of this Scheme, the weekly amount of a widow's ordinary pension shall be, if her husband at the time when he ceased to be a regular policeman—

(*a*) held a rank higher than that of inspector, 47s. 6d. ;

(*b*) held the rank of inspector, 38s. 0d.;

(*c*) held a rank lower than that of inspector, 28s. 7d.".

(2) At the end of the said Scheme I there shall be added the following paragraph:—

" 3. The weekly amount specified in paragraph 1 of this Scheme shall be increased in accordance with Regulation 84A(2).".

5. For paragraphs 1 and 2 of Part I of Schedule 3 to the said Regulations of 1962 (which provides that a child entitled to an ordinary allowance shall receive an allowance determined by reference to the parent's rank) there shall be substituted the following paragraphs:—

(a) 7 & 8 Geo. 6. c. 21. (b) 10 & 11 Geo. 6. c. 7.
(c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 45. (d) 4 & 5 Eliz. 2. c. 39.

"1. Subject to this Part and to Parts III and IV of this Schedule, where one of a child's parents is alive, the child's ordinary allowance shall be the weekly amount in the second column of the following Table set opposite to the rank in the first column of the said Table which the parent in respect of whose death the allowance is payable held at the time when he ceased to be a regular policeman:—

TABLE

Parent's Rank	Weekly Amount
	s. d.
Higher than Inspector	14 4
Inspector	11 6
Lower than Inspector...	9 8

2. Subject to this Part and to Parts III and IV of this Schedule, where the parent in respect of whose death the allowance is payable was the child's only surviving parent, or in respect of the period after the death of the child's other parent, the child's ordinary allowance shall be the weekly amount in the second column of the following Table set opposite to the rank in the first column of the said Table which the parent in respect of whose death the allowance is payable held at the time when he ceased to be a regular policeman:—

TABLE

Parent's Rank	Weekly Amount
	s. d.
Higher than Inspector	21 5
Inspector	17 3
Lower than Inspector...	14 5"

6. For paragraph 1 (1) of Part III of Schedule 3 to the said Regulations of 1962 (which provides for the discretionary increase of a child's allowance) there shall be substituted the following provision:—

"(1) Where both parents of the child are dead—

(*a*) subject to the provisions of the following sub-paragraphs and of Part IV of this Schedule, the weekly amount of a child's ordinary allowance may be increased to an amount not exceeding the amount in the second column of the following Table set opposite to the rank in the first column of the said Table which the parent in respect of whose death the allowance is payable held at the time when he ceased to be a regular policeman:—

TABLE

Parent's Rank	Increased Amount
	s. d.
Higher than Inspector	28 7
Inspector	22 11
Lower than Inspector...	19 2

(*b*) subject to sub-paragraph (4) and to Part IV of this Schedule, the weekly amount of a child's special allowance may be increased to an amount equal to the amount, increased in accordance with Part XI of these Regulations, of 2 fifteenths of the average pensionable pay for a week of the parent in respect of whose death the allowance is payable."

7. For Part V of Schedule 3 to the said Regulations of 1962 (which provides that a child who was before 5th July 1948 entitled to an allowance calculated otherwise than by reference to annual pay shall receive an allowance determined by reference to his parent's rank) there shall be substituted the following Part:—

Regulation 24 "PART V

CHILD'S ALLOWANCE UNDER FORMER ACTS CALCULATED OTHERWISE THAN BY REFERENCE TO ANNUAL PAY

1. Subject as hereinafter provided and to the provisions of Part VI of this Schedule, the child's allowance shall be the weekly amount in the second column of the following Table set opposite to the rank in the first column of the said Table which the parent in respect of whose death the allowance is payable held at the time when he ceased to be a regular policeman:—

TABLE

Parent's Rank	Weekly Amount
	s. d.
Higher than Inspector	14 4
Inspector	11 6
Lower than Inspector...	9 8

2. Subject to the provisions of Part VI of this Schedule, where the parent in respect of whose death the allowance is payable was the child's only surviving parent, or in respect of the period after the death of the child's other parent, the child's allowance shall, if—

(*a*) the police authority think fit; or

(*b*) the police authority, in relation to that allowance, exercised the discretion conferred on them by paragraph 9, or the proviso to paragraph 10, of Schedule 1 to the Police Pensions Act 1921(a),

be the weekly amount in the second column of the following Table set opposite to the rank in the first column of the said Table which the parent in respect of whose death the allowance is payable held at the time when he ceased to be a regular policeman:—

TABLE

Parent's Rank	Weekly Amount
	s. d.
Higher than Inspector	21 5
Inspector	17 3
Lower than Inspector...	14 5"

(a) 11 & 12 Geo. 5. c. 31.

8.—(1) These Regulations shall come into operation on 1st April 1963 and shall take effect as from 1st January 1963.

(2) These Regulations may be cited as the Police Pensions (Amendment) Regulations 1963.

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

18th March 1963.

We consent,

John Hill,
G. T. C. Campbell,
Two of the Lords Commissioners of Her Majesty's Treasury.

19th March 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 increases in widows' pensions and children's allowances.

The 1962 Regulations provide for the increase of widows' pensions and children's allowances (other than flat-rate awards) in accordance with Part XI thereof. Regulation 2 of the present Regulations adds Regulations 84A and 84B to Part XI. Regulation 84A provides for increases or additional increases by reference to the Pensions (Increase) Act 1962. Where the 1962 Regulations provide for increases in accordance with Part XI, the increase is to be calculated by reference to both sections 1 and 2 of the 1962 Act (which relate respectively to percentage increases, and to flat-rate increases at age 70). Where the 1962 Regulations (as now amended) provide for increases in accordance with Regulation 84A(2), the increase is to be calculated by reference only to section 2 of that Act.

The other amendments made by the present Regulations provide for increases in the flat-rates by reference to which the amounts or maximum amounts of certain widows' pensions and children's allowances are determined, by specifying higher rates and providing, in the case of widows' pensions, for a further increase at age 70 calculated by reference to section 2 of the 1962 Act as applied by Regulation 84A(2).

Regulation 84B (added to Part XI of the 1962 Regulations as mentioned above) provides that, notwithstanding anything in the Pensions (Increase) Acts, an increase in a child's allowance under those Acts as applied by Part XI shall be payable so long as the allowance is payable.

Regulation 8(1) of the present Regulations provides that they shall have effect as from 1st January 1963, the appointed day for the purposes of the Pensions (Increase) Act 1962: this provision is made in exercise of the power conferred by section 4(1) of the Pensions (Increase) Act 1959 as applied with modifications by section 8(2) of the 1962 Act.