STATUTORY INSTRUMENTS

1964 No. 471

POLICE

The Police Pensions (Amendment) Regulations 1964

Laid before Parliament in draft
Made - - - - 24*th March* 1964
Coming into Operation 30*th March* 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), section 5(3) of the Overseas Service Act 1958(c) and Schedule 2 thereto, and section 1(1) of the Police Pensions Act 1961(d), 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 56(3)(*b*) of the principal Regulations (which relates to the duration of a child's allowance) there shall be substituted the following provision:—

"(*b*) a child's allowance shall be payable up to the time when the child attains the age of 19 years:

Provided that a child's allowance shall not be payable for any period after the child has attained the age of 16 years during which he is neither undergoing full-time education nor is an apprentice.".

2. At the end of Regulation 89 of the principal Regulations (which defines certain expressions related to the operation of the National Insurance Acts) there shall be added the following paragraph:—

"(6) Any provision of these Regulations which refers to the Family Allowances Act 1945(e) or the National Insurance Act 1946(f) in such manner as to relate to the Act in question either as originally enacted or as amended by any subsequent enactment shall be construed as if the reference to any subsequent enactment included a reference to the Family Allowances and National Insurance Act 1964(g), notwithstanding that the last-mentioned Act was passed after the making of these Regulations.".

3. For Regulation 104(4) of the principal Regulations (which relates to the payment of a widow's pension or child's allowance for a period before 27th May 1963), as set out in Regulation 4 of the Police Pensions (Amendment) (No. 2) Regulations 1963(h), there shall be substituted the following provision:—

"(4) No payment shall be made under these Regulations on account of a widow's pension or child's allowance for a period before an amendment to these Regulations took effect save in so far as the said payment would have been so made had the amendment in question not been made.".

(a) 11 & 12 Geo. 6. c. 24. (b) 14 & 15 Geo. 6. c. 65. (c) 6 & 7 Eliz. 2. c. 14.
(d) 9 & 10 Eliz. 2. c. 35. (e) 8 & 9 Geo. 6. c. 41. (f) 9 & 10 Geo. 6. c. 67.
(g) 1964 c. 10. (h) S.I. 1963/831 (1963 I, p. 1216).

4. For paragraph 1 of Part V of Schedule 2 to the principal Regulations (proviso (*c*) to which provides that, for the purpose of the reduction, in certain cases, of a widow's pension by the amount of her national insurance widowed mother's allowance, that allowance shall be deemed to be less than it is by the weekly amount of 8s. 0d. together with 22s. 0d. for each child in her family), as set out in Regulation 5 of the Police Pensions (Amendment) (No. 2) Regulations 1963, there shall be substituted the following paragraph :—

"1.—(1) A widow's ordinary pension calculated in accordance with Scheme II of Part II of this Schedule or a widow's special pension shall be reduced by the amount of any widow's benefit or retirement pension received by her under the National Insurance Act 1946 by virtue of her husband's insurance :

Provided that—

(*a*) where the widow is entitled under the said Act of 1946 to a widow's allowance or a retirement pension which is increased by virtue of section 23 of that Act, the allowance or pension shall be deemed not to have been so increased ;

(*b*) where the widow is entitled under the said Act of 1946 to a widowed mother's allowance or a retirement pension which is increased by virtue of section 5 of the National Insurance Act 1959(a), the allowance or pension shall be deemed not to have been so increased ;

(*c*) where the widow is entitled under the said Act of 1946 to a widowed mother's allowance by virtue of paragraph (*b*)(i) of section 17(1) of that Act, the allowance shall be deemed to be less than it is by the amount specified in sub-paragraph (2).

(2) The amount referred to in proviso (*c*) to sub-paragraph (1) is the aggregate of—

(*a*) 37s. 6d. for the only or eldest child included in the widow's family within the meaning of the Family Allowances Act 1945 either as originally enacted or as amended by any subsequent enactment ;

(*b*) 29s. 6d. for the second child so included, and

(*c*) 27s. 6d. for each subsequent child so included.".

5. At the end of Part VI of Schedule 2 to the principal Regulations (which relates to discretionary increases in widows' pensions) there shall be added the following paragraph :—

"3. For the purposes of sub-paragraph (*e*) of paragraph 1 the conditions specified in sub-paragraph (*c*) thereof shall be treated as having been fulfilled if, on any day in the period between the passing of the Family Allowances and National Insurance Act 1964 and the coming into operation of section 1 of that Act, those conditions would have been fulfilled had that section and the Police Pensions (Amendment) Regulations 1964 come into operation at the passing of the said Act, and the reference in the said sub-paragraph (*e*) to the period mentioned in sub-paragraph (*c*) shall be construed accordingly.".

6. For paragraph 2(2) of Part III of Schedule 3 to the principal Regulations (which provides that the appropriate amount up to which a child's allowance may, in certain cases, be increased shall be in certain circumstances 30s. 0d. a week, or in certain other circumstances 27s. 0d. a week), as set

(a) 7 & 8 Eliz. 2. c. 47.

out in Regulation 6(2) of the Police Pensions (Amendment) (No. 2) Regulations 1963, there shall be substituted the following provision :—

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

(*a*) 37s. 6d. in the case of the only or eldest child included in a family within the meaning of the Family Allowances Act 1945, either as originally enacted or as amended by any subsequent enactment ;

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

(*c*) 32s. 6d. in the case of each subsequent child so included.".

7. For paragraphs 1(3) and (4) of Part VI of Schedule 3 to the principal Regulations (which provide for the payment in certain circumstances, where the father died before 5th July 1948, of a child's allowance or increased allowance of 30s. 0d. a week in certain cases, or of a child's allowance of 22s. 0d. a week in certain other cases), as set out in Regulation 7(1) of the Police Pensions (Amendment) (No. 2) Regulations 1963, 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 24(4) or granted under Regulation 24(5), where this sub-paragraph applies, shall be 37s. 6d.

(4) Where the eldest child included in a family as aforesaid is in receipt of an allowance under Regulation 24(5), the weekly amount of an allowance granted under Regulation 24(5) to any other child so included shall be—

(*a*) 29s. 6d. in the case of the second child so included ;

(*b*) 27s. 6d. in the case of each subsequent child so included.".

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

9. These Regulations may be cited as the Police Pensions (Amendment) Regulations 1964 and shall come into operation on 30th March 1964.

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

23rd March 1964.

We consent,

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

24th March 1964.

(**a**) S.I. 1962/2756 (1962 III, p. 3785).
(**b**) The relevant amending instrument is S.I. 1963/831 (1963 I, p. 1216).

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 widows' pensions and children's allowances. They come into operation on, and have effect from, 30th March 1964 (Regulations 3 and 9).

Regulation 1 extends the period for which an allowance is payable to a child who is undergoing full-time education or is an apprentice up to the time he attains the age of 19 years.

Regulation 2 provides that a reference in the 1962 Regulations to the Family Allowances Act 1945 or the National Insurance Act 1946 either as originally enacted or as subsequently amended shall include a reference to the Act in question as amended by the Family Allowances and National Insurance Act 1964, notwithstanding that it was passed after the making of the 1962 Regulations. Where the entitlement to, or amount of, a dependant's award is related to a provision of the Act of 1945 or 1946 (e.g. under Regulation 13(1)), the dependant therefore receives the advantages but not the disadvantages of any amendment of that provision.

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

Regulation 5 enables a discretionary increase in a widow's pension to be paid, in certain cases where the widow has a child who attained the age of 19 years between the passing of the Family Allowances and National Insurance Act 1964 and the coming into operation of these Regulations, if the increase could have been paid had section 1 of the 1964 Act and these Regulations come into operation at the passing of that Act. (Section 1 amends the definition of a child for family allowance and national insurance purposes by raising the age limit from 18 to 19 years.)

Regulations 6 and 7 increase the amounts of certain children's allowances or increases in allowances payable at the discretion of the police authority.