STATUTORY INSTRUMENTS

1965 No. 585

POLICE

The Police Pensions (Amendment) Regulations 1965

Laid before Parliament in draft

Made - - - - 22*nd March* 1965

Coming into Operation

Parts I and III - 29*th March* 1965

Part II - - - 1*st April* 1965

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:—

PART I

AMENDMENTS TAKING EFFECT ON 29TH MARCH 1965

1. For Regulation 11(3) of the principal Regulations (which provides, in certain cases, for the increase of a widow's ordinary pension, in certain circumstances by 95s. 0d. a week, or in certain other circumstances by 67s. 6d. a week), as set out in Regulation 1 of the Police Pensions (Amendment) (No. 2) Regulations 1963(g), there shall be substituted the following provision:—

"(3) A pension increased under this Regulation shall be payable at a rate increased by 112s. 6d. a week for the first 13 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 80s. 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.".

(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.
(g) S.I. 1963/831 (1963 I, p. 1216).

2. For Regulation 13(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, 95s. 0d. a week or, in certain other circumstances, 67s. 6d. a week), as set out in Regulation 2 of the said Regulations of 1963, there shall be substituted the following provision:—

"(3) 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 13 weeks that the pension is payable, 112s. 6d. a week and thereafter, during the periods and in the conditions set out in Part VI of Schedule 2, 80s. 0d. a week.".

3. For Regulation 15(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 67s. 6d. a week), as set out in Regulation 3 of the said Regulations of 1963, 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 80s. 0d. a week:

Provided that where a pension calculated in accordance with Regulation 14(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 14(3)(*a*) and increased in accordance with the provisions of this Regulation.".

4. For Regulation 89(6) of the principal Regulations (which provides that certain references to the Family Allowances Act 1945(**b**) or the National Insurance Act 1946(**c**) shall include a reference to the Act in question as amended by the Family Allowances and National Insurance Act 1964(**d**)), as set out in Regulation 2 of the Police Pensions (Amendment) Regulations 1964(**e**), there shall be substituted the following provision:—

"(6) Any provision of these Regulations which refers to the Family Allowances Act 1945 or the National Insurance Act 1946 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 and the National Insurance &c. Act 1964(**f**), notwithstanding that the two last-mentioned Acts were passed after the making of these Regulations.".

5. For paragraph 1(2) of Part V of Schedule 2 to the principal Regulations (which provides that, for the purposes 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 aggregate amount of 37s. 6d. for the first child, 29s. 6d. for the second child and 27s. 6d. for each subsequent child, included in her family), as set out in Regulation 4 of the said Regulations of 1964, there shall be substituted the following provision:—

(**a**) 11 & 12 Geo. 5. c. 31. (**b**) 8 & 9 Geo. 6. c. 41. (**c**) 9 & 10 Geo. 6. c. 67.
(**d**) 1964 c. 10. (**e**) S.I. 1964/471 (1964 I, p. 759). (**f**) 1964 c. 96.

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

(*a*) 40s. 0d. 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*) 32s. 0d. for the second child so included, and

(*c*) 30s. 0d. for each subsequent child so included.".

6.—(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 37s. 6d. a week), as set out in Regulation 6(1) of the said Regulations of 1963, 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 1946 in respect of the child;

(*b*) the child is included in a family within the meaning of the Family Allowances Act 1945, 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 1946(**a**) 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(**b**),

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 40s. 0d.".

(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 37s. 6d. for the first child, 34s. 6d. for the second child and 32s. 6d. for each subsequent child, included in a family), as set out in Regulation 6 of the said Regulations of 1964, there shall be substituted the following provision:—

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

(*a*) 40s. 0d., 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*) 37s. 0d., in the case of the second child so included;

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

7.—(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

(**a**) 9 & 10 Geo. 6. c. 62. (**b**) 2 & 3 Geo. 6. c. 82.

allowance or increased allowance of 37s. 6d. for the first child and of a child's allowance of 29s. 6d. for the second child and of 27s. 6d. for each subsequent child, included in a family), as set out in Regulation 7 of the said Regulations of 1964, 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 40s. 0d.

(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*) 32s. 0d., in the case of the second child so included;

(*b*) 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 37s. 6d. for the first child, 29s. 6d. for the second child and 27s. 6d. for each subsequent child, included in a family), as set out in Regulation 7(2) of the said Regulations of 1963, there shall be substituted the following provision:—

"(3) The weekly amount of an allowance increased under Regulation 24(4) or granted under Regulation 24(5), where this sub-paragraph applies, shall be—

(*a*) 40s. 0d., in the case of a child who is the only or eldest child included in a family as aforesaid;

(*b*) 32s. 0d., in the case of the second child so included;

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

PART II

AMENDMENTS TAKING EFFECT ON 1ST APRIL 1965

8. In Regulation 1 of the principal Regulations (which relates to policemen's ordinary pensions) at the end of paragraph (3) there shall be added the following provision:—

"or

(*c*) he is required to retire under section 6(3)(*d*) of the Police (Scotland) Act 1956 or, as the case may be, section 5(4) of the Police Act 1964.".

9. In Regulation 3 of the principal Regulations (which relates to short service pensions) at the end of paragraph (1) there shall be added the following provisions:—

"(*d*) is required to retire under section 6(3)(*d*) of the Police (Scotland) Act 1956 or, as the case may be, section 5(4) of the Police Act 1964; or

(*e*) was serving as a chief constable on 1st July 1964 and is treated for the purposes of these Regulations, by virtue of Regulation 74A(2), as having retired.".

10. In Regulation 5A(2) of the principal Regulations (which relates to the commutation of part of a pension) as set out in Regulation 4 of the Police Pensions (Amendment) (No. 2) Regulations 1964(a) for the words "sub-paragraph (*a*) or (*b*)" there shall be substituted the words "sub-paragraph (*a*), (*b*), (*d*) or (*e*)".

(a) S.I. 1964/1072 (1964 II, p. 2371).

11. In Regulation 28(1) of the principal Regulations (which limits the discretion to grant a gratuity in lieu of a widow's pension or child's allowance) for the words " Regulation 5 ", in both places where they occur, there shall be substituted the words " Regulation 5 or 5A ".

12. In proviso (*b*) to Regulation 30 of the principal Regulations (which relates to the reckoning of periods of suspension as pensionable service) for the words " or section 11 of the Police (Scotland) Act 1956 " there shall be substituted the words " section 11 of the Police (Scotland) Act 1956 or section 33 of the Police Act 1964 ".

13. For Regulation 60 of the principal Regulations (which relates to compulsory retirement in the interests of efficiency) there shall be substituted the following Regulation:—

" *Compulsory retirement on grounds of efficiency of the force*

60.—(1) This Regulation shall apply to a regular policeman, other than a chief officer of police, deputy chief constable or assistant chief constable, who if required to retire would be entitled to receive a pension of an amount not less than 2 thirds of his average pensionable pay.

(2) If a police authority determine that the retention in the force of a regular policeman to whom this Regulation applies would not be in the general interests of efficiency, he may be required to retire on such date as the police authority determine.".

14. After Regulation 74 of the principal Regulations there shall be inserted the following Regulation:—

" *Chief constables affected by local government reorganisation or an amalgamation scheme under the Police Act* 1964

74A.—(1) This Regulation shall apply to a chief constable of a police force who becomes a member of another force by virtue of an order mentioned in paragraph (4) and section 58(1) of the Police Act 1964.

(2) In relation to such a member of a police force as is mentioned in paragraph (1) who suffers loss of office as such which is attributable to the provisions of an order mentioned in paragraph (4)—

(*a*) these Regulations shall apply as though he had retired from the police force, having given to the police authority a month's written notice of his intention to retire;

(*b*) where he becomes a member of another police force at or before the end of his resettlement period, Regulation 31 shall apply as though he had become a member of that other force immediately after ceasing to be a member of the force first mentioned in this paragraph, and

(*c*) where he was serving as a chief constable on 1st July 1964, Regulation 1 shall apply as though paragraph (2)(*b*) thereof were omitted.

(3) In relation to such a member of a police force as is mentioned in paragraph (1) who suffers reduction in rank attributable to the provisions of an order mentioned in paragraph (4), Regulation 59 shall apply as though he had not suffered such reduction in rank, unless he elects otherwise by notice in writing to the police authority.

(4) Any reference in this Regulation to an order mentioned in this paragraph is a reference to an order under Part I of the Police Act 1964 or Part II of the Local Government Act 1958(a); and the reference in paragraph (2) to a person's resettlement period is a reference to the period of 13 weeks next succeeding the week in which he ceased to be a member of the police force first mentioned in that paragraph or, in the case of a person who has attained the age of 45 years, the said 13 weeks extended by an additional week for every year of his age after attaining the age of 45 years and before he ceased to be a member of that force, subject to a maximum extension of 13 such weeks.".

15. In Regulation 93 of the principal Regulations (which defines the expression "retirement") after the words "retirement includes a reference" there shall be inserted the following words:—

"to the services of a member of a police force being dispensed with under regulations for the time being in force under section 11 of the Police (Scotland) Act 1956 or section 33 of the Police Act 1964 (other than regulations relating to the maintenance of discipline),".

PART III

GENERAL

Interpretation

16. In these Regulations a reference to the principal Regulations is a reference to the Police Pensions Regulations 1962(b), as amended(c).

Commencement

17.—(1) Parts I and III of these Regulations shall come into operation on 29th March 1965.

(2) Part II of these Regulations shall come into operation on 1st April 1965

Citation

18. These Regulations may be cited as the Police Pensions (Amendment) Regulations 1965.

Frank Soskice,
One of Her Majesty's Principal Secretaries of State.

19th March 1965.

We consent,

G. H. R. Rogers,
George Lawson,
Two of the Lords Commissioners of Her Majesty's Treasury.

22nd March 1965.

(a) 6 & 7 Eliz. 2. c. 55. (b) S.I. 1962/2756 (1962 III, p. 3785).
(c) The relevant amending instruments are S.I. 1963/831, 1964/471, 1072 (1963 I, p. 1216; 1964 I, p. 759; II, p. 2371).

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.

Part I, which comes into operation on 29th March 1965, relates to increases in 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 6 and 7 make similar provision in relation to children's allowances.

Regulation 4 provides that certain references to the Family Allowances Act 1945 or the National Insurance Act 1946 shall be construed as including a reference to the Act in question as amended by the National Insurance &c. Act 1964.

Regulation 5 adjusts the extent of the abatement of a widow's pension by a national insurance widowed mother's allowance.

Part II, which comes into operation on 1st April 1965, relates primarily to matters connected with the coming into operation on that date of certain provisions of the Police Act 1964 (including provisions making corresponding amendments to the Police (Scotland) Act 1956) and police amalgamation schemes under the 1964 Act.

Under these provisions certain senior police officers may be required to retire in the interests of efficiency. Regulation 8 and Regulation 9 (in the new sub-paragraph (*d*) added to Regulation 3(1) of the 1962 Regulations) provide that such an officer shall be entitled in every case to an ordinary or short service pension, according to the length of his pensionable service. Regulation 13 excludes senior police officers from the existing provisions of the 1962 Regulations relating to compulsory retirement in the interests of efficiency.

Regulation 14 inserts in the 1962 Regulations a new Regulation 74A modifying those Regulations in their application to a chief constable who is affected by local government reorganisation or a police amalgamation scheme under the 1964 Act. A chief constable who suffers loss of office is treated as having retired after having given due notice (new Regulation 74A(2)(*a*)). Where within a prescribed period he joins another police force, provision is made for the reckoning of that period as pensionable service (new Regulation 74A(2)(*b*)). Regulation 14, together with Regulation 9, provides that a chief constable, treated as having retired, shall, if he was serving as a chief constable on 1st July 1964, be entitled in every case, to an ordinary or short service pension, according to the length of his pensionable service (new Regulation 74A(2)(*c*) and new sub-paragraph (*e*) of Regulation 3(1)). It is provided that where a chief constable suffers reduction in rank he shall be entitled to retain the age of compulsory retirement applicable to his former rank (new Regulation 74A(3)).

Regulations 12 and 15 make amendments in contemplation of the coming into operation of section 33 of the 1964 Act (which relates to regulations as to the government administration and conditions of service of police forces).

Regulations 10 and 11 make minor amendments consequential, respectively, on the amendment contained in Regulation 9 and on the insertion in the 1962 Regulations of Regulation 5A by Regulation 4 of the Police Pensions (Amendment) (No. 2) Regulations 1964.