STATUTORY INSTRUMENTS

1966 No. 274

POLICE

The Police Pensions (Amendment) Regulations 1966

Laid before Parliament in draft

Made - - - - 10*th March* 1966

Coming into Operation 1*st April* 1966

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 4(1) of the Pensions (Increase) Act 1959(f) (as applied and modified by section 5(2) of the Pensions (Increase) Act 1965(g)), section 1(1) of the Police Pensions Act 1961(h), and sections 40, 43(4) and 45(4) of the Police Act 1964 and Schedule 6 thereto, and after consultation with the Police Council for Great Britain, 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

INCREASES IN WIDOWS' PENSIONS AND CHILDREN'S ALLOWANCES

1. For Regulation 66(4A) of the principal Regulations (which, as set out in Regulation 1 of the Regulations of 1963, in certain circumstances authorises the payment to the widow of a policeman of a pension at the basic rate of 28s. 7d. a week in lieu of a gratuity) there shall be substituted the following provision:—

"(4A) The weekly amount of any pension payable under paragraph (4)(*a*) shall be 33s. 3d., increased in accordance with Regulation 84A(2).".

2.—(1) In paragraph (2) of Regulation 84A of the principal Regulations (which, as set out in Regulation 2 of the Regulations of 1963, relates to the application of the Pensions (Increase) Act 1962 (i)) after the words "in accordance with this paragraph" there shall be inserted the words "then, subject to paragraph (3A)".

(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) 7 & 8 Eliz. 2. c. 50.
(g) 1965 c. 78.
(h) 9 & 10 Eliz. 2. c. 35.
(i) 11 & 12 Eliz. 2. c. 2.

(2) For paragraph (3) of the said Regulation 84A there shall be substituted the following paragraphs:—

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

(*a*) 42s. 4d., where the weekly amount which falls to be increased under that paragraph is 55s. 2d.;

(*b*) 33s. 10d., where the weekly amount which falls to be so increased is 44s. 2d.;

(*c*) 25s. 6d., where the weekly amount which falls to be so increased is 33s. 3d.

(3A) Where such an amount as is mentioned in paragraph (2) is increased in accordance with that paragraph the amount of the increase thereunder shall be increased in accordance with Regulation 84C and for the purposes thereof shall be treated as if it were a pension which began for the purposes of the Pensions (Increase) Act 1965 before 1st April 1957.".

3. In Regulation 84B(b) of the principal Regulations (which, as set out in Regulation 2 of the Regulations of 1963, relates to the duration of an increase in a child's allowance) for the words "the Pensions (Increase) Acts of 1959 and of 1962" there shall be substituted the words "the Pensions (Increase) Acts of 1959, of 1962 and of 1965".

4. After Regulation 84B of the principal Regulations there shall be inserted, in Part XI (which relates to the application of the Pensions (Increase) Acts), the following Regulation:—

"*Application of Pensions (Increase) Act* 1965

84C.—(1) Where it is provided in these Regulations that an amount shall be increased in accordance with this Regulation or this Part of these Regulations, it shall be increased by the amount, if any, by which a pension of the amount first mentioned would be increased under the Pensions (Increase) Act 1965 if—

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

(*b*) that pension were specified in Schedule 1 to that Act.

(2) For the purposes of this Regulation the reference in section 1(1) of the Pensions (Increase) Act 1965 to an annual rate and the reference in section 1(3) 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, 84 and 84A, expressed as an annual rate.

(3) 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.".

5. For paragraph 3(1) of Part I of Schedule 2 to the principal Regulations (which, as set out in Regulation 3 of the Regulations of 1963, 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 provision:—

"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, 55s. 2d.;

(*b*) held the rank of inspector, 44s. 2d.;

(*c*) held a rank lower than that of inspector, 33s. 3d.".

6. For paragraph 1(1) of Scheme I set out in Part II of Schedule 2 to the principal Regulations (which, as set out in Regulation 4(1) of the Regulations of 1963, 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, 55s. 2d.;

(*b*) held the rank of inspector, 44s. 2d.;

(*c*) held a rank lower than that of inspector, 33s. 3d.".

7. For paragraphs 1 and 2 of Part I of Schedule 3 to the principal Regulations (which, as set out in Regulation 5 of the Regulations of 1963, provide 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:—

" 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	16 8
Inspector	13 5
Lower than Inspector	11 3

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	24 11
Inspector	20 1
Lower than Inspector	16 9"

8. For paragraph 1(1) of Part III of Schedule 3 to the principal Regulations (which, as set out in Regulation 6 of the Regulations of 1963, 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	33 3
Inspector	26 8
Lower than Inspector	22 3

(*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.".

9. For Part V of Schedule 3 to the principal Regulations (which, as set out in Regulation 7 of the Regulations of 1963, 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	16 8
Inspector	13 5
Lower than Inspector	11 3

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	24 11
Inspector	20 1
Lower than Inspector	16 9"

PART II

GENERAL

10. For Regulation 87(2) and (3) of the principal Regulations (which relates to combined police forces) there shall be substituted the following provisions:—

"(2) Where a police area is or has been divided, in relation to any person—

(*a*) who is transferred by the instrument effecting the division from the force for the divided area to another force, the other force and the police authority and police fund for the area thereof shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the divided area;

(*b*) who ceased to be a member of the force for the divided area before the division thereof, if the instrument effecting the division makes provision in that behalf, the force, authority and fund designated for the purpose thereby shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the divided area.

(3) In this Regulation—

(*a*) a reference to the combination, or division, of a police area includes a reference to an agreement under section 14 of the County Police Act 1840(b) or, as the case may be, the termination of such an agreement, and a reference to the force, authority or fund for a combined police area shall be construed accordingly, and

(*b*) a reference to the division of a police area includes a reference to the transfer of part of a police area, on or after 1st April 1966, on the date on which an order affecting the area, made under section 140 of the

(a) 11 & 12 Geo. 5. c. 31. (b) 3 & 4 Vict. c. 88.

Local Government Act 1933(a) or under Part II of the Local Government Act 1958(b), comes into force.".

11. In these Regulations any reference to the principal Regulations is a reference to the Police Pensions Regulations 1962(c), as amended(d), and any reference to the Regulations of 1963 is a reference to the Police Pensions (Amendment) Regulations 1963(e).

12.—(1) These Regulations shall come into operation on 1st April 1966 and shall take effect—

(*a*) for the purposes of Part I thereof, as from 1st January 1966, and

(*b*) for the purposes of Regulation 10 thereof, as from 1st April 1966.

(2) These Regulations may be cited as the Police Pensions (Amendment) Regulations 1966.

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

9th March 1966.

We consent,

Harriet Slater,
George Lawson,
Two of the Lords Commissioners of Her Majesty's Treasury.

10th March 1966.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Police Pensions Regulations 1962 and relate, so far as Part I is concerned, 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, by reference to the Pensions (Increase) Acts. They also provide for the increase of flat-rate widows' pensions, in accordance with Regulation 84A(2), at age 70 by reference to section 2 of the Pensions (Increase) Act 1962.

Regulation 4 of the present Regulations adds Regulation 84C to Part XI of the 1962 Regulations. Regulation 84C provides for increases or additional increases by reference to the Pensions (Increase) Act 1965 in awards which fall to be increased in accordance with Part XI and also (by virtue of Regulation 2 of the present Regulations) in the amount of the increase at age 70, referred to above, in a widow's flat-rate pension. Regulation 3 of the present Regulations contains a supplemental amendment relating to the duration of an increase in a child's allowance.

(a) 23 & 24 Geo. 5. c. 51. (b) 6 & 7 Eliz. 2. c. 55.
(c) S.I. 1962/2756 (1962 III, p. 3785).
(d) The relevant amending instrument is S.I. 1963/550 (1963 I, p. 598).
(e) S.I. 1963/550 (1963 I, p. 598).

The other amendments made by Part I of the present Regulations provide for increases in the flat-rates by reference to which the amounts of certain widows' pensions and children's allowances are determined.

Regulation 12(1) of the present Regulations provides that, for the purposes of Part I, they shall have effect as from 1st January 1966, the appointed day for the purposes of the Pensions (Increase) Act 1965: 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 5(2) of the 1965 Act.

Part II of the present Regulations makes provision, in Regulation 10, as respects the construction of the 1962 Regulations where part of a police area is transferred to another police area in consequence of local government reorganisation.