STATUTORY INSTRUMENTS

1969 No. 723

POLICE

The Police Pensions (Amendment) Regulations 1969

Laid before Parliament in draft

Made - - -	*20th May* 1969
Coming into Operation	*1st June* 1969

In exercise of the powers conferred on me by sections 1 and 3 of the Police Pensions Act 1948(a) (read with Article 2(1) of the Minister for the Civil Service Order 1968(b)), as extended and amended by section 43 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(c), section 5(3) of the Overseas Service Act 1958(d) and Schedule 2 thereto, section 1(1) of the Police Pensions Act 1961(e), sections 40, 43(4), 45(4) and 63 of the Police Act 1964(f) and Schedules 6 and 9 thereto, sections 35 and 38(4) of the Police (Scotland) Act 1967(g) and section 1(4) of the Pensions (Increase) Act 1969(h) and paragraph 6 of Schedule 2 thereto, and after consultation with the Police Council for Great Britain, I hereby, with the consent of the Minister for the Civil Service, 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
GENERAL

1. These Regulations may be cited as the Police Pensions (Amendment) Regulations 1969.

2. These Regulations shall come into operation on 1st June 1969 and shall take effect—

(*a*) for the purposes of Part II thereof, as from 1st April 1969, and
(*b*) for the purposes of Part III thereof, as from 1st June 1969.

3. In these Regulations any reference to the principal Regulations is a reference to the Police Pensions Regulations 1966(i), as amended (j).

PART II
PROVISIONS RELATING TO INCREASES IN WIDOWS' PENSIONS AND CHILDREN'S ALLOWANCES AND TAKING EFFECT AS FROM 1ST APRIL 1969

4. For Regulation 73(5) of the principal Regulations (which in certain circumstances authorises the payment to the widow of a policeman of a pension at the basic rate of 33s. 3d. a week in lieu of a gratuity) there shall be substituted the following provision:—

"(5) The weekly amount of any pension payable under paragraph (4)(*a*) shall be 39s. 4d., increased in accordance with Regulation 93(2) and (4).".

(a) 1948 c. 24. (b) S.I. 1968/1656 (1968 III, p. 4485). (c) 1951 c. 65.
(d) 1958 c. 14. (e) 1961 c. 35. (f) 1964 c. 48.
(g) 1967 c. 77. (h) 1969 c. 7. (i) S.I. 1966/1582 (1966 III, p. 4894).
(j) The relevant amending instrument is S.I. 1968/530 (1968 I, p. 1269).

5. For Regulation 93(3) and (4) of the principal Regulations (which relates to the application of the Pensions (Increase) Act 1962(**a**)) there shall be substituted the following provisions:—

"(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 65s. 2d.;

(*b*) 33s. 10d., where the weekly amount which falls to be so increased is 52s. 3d.;

(*c*) 25s. 6d., where the weekly amount which falls to be so increased is 39s. 4d.

(4) Where such an amount as is mentioned in paragraph (2) is increased in accordance with that paragraph—

(*a*) the amount of the increase under paragraph (2) shall be increased in accordance with Regulation 94 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(**b**) before 1st April 1957, and

(*b*) the amount of the increase under paragraph (2) (increased as aforesaid) shall be further increased in accordance with Regulation 94A and for the purposes thereof shall be treated as if it were a pension which began for the purposes of the Pensions (Increase) Act 1969 before 1st July 1955.".

6. After Regulation 94 of the principal Regulations (which relates to the application of the Pensions (Increase) Act 1965) there shall be inserted the following Regulation:—

"*Application of Pensions (Increase) Act* 1969

94A.—(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 1969 if—

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

(*b*) that pension were specified in Part I or II of Schedule 1 to that Act.

(2) For the purposes of this Regulation the reference in section 1(1) of the Pensions (Increase) Act 1969 to an annual rate and the reference in paragraph 2 of Schedule 2 to 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 89, 90, 91, 92, 93 and 94, 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.".

7. In Regulation 95(*b*) of the principal Regulations (which relates to the duration of an increase in a child's allowance) for the words "the Pensions (Increase) Acts of 1959, of 1962 and of 1965" there shall be substituted the words "the Pensions (Increase) Acts of 1959, of 1962, of 1965 and of 1969".

(**a**) 11 & 12 Eliz. 2 c. 2. (**b**) 1965 c. 78.

8. For paragraph 3(1) of Part I of Schedule 2 to the principal Regulations (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 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, 65s. 2d.;

(*b*) held the rank of inspector, 52s. 3d.;

(*c*) held a rank lower than that of inspector, 39s. 4d.".

9. For paragraph 1 of Scheme I set out in Part II of Schedule 2 to the principal Regulations (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, 3 and 4 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, 65s. 2d.;

(*b*) held the rank of inspector, 52s. 3d.;

(*c*) held a rank lower than that of inspector, 39s. 4d.".

10. For paragraphs 1 and 2 of Part I of Schedule 3 to the principal Regulations (which 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	19 9
Inspector	15 11
Lower than Inspector	13 4

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	29 6
Inspector	23 9
Lower than Inspector	19 10 "

11. For paragraph 1(1) of Part III of Schedule 3 to the principal Regulations (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	39 4
Inspector	31 6
Lower than Inspector	26 4

(*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.".

PART III

MISCELLANEOUS PROVISIONS TAKING EFFECT AS FROM 1ST JUNE 1969

12. In Regulation 1(2)(*b*)of the principal Regulations (which relates to ordinary pensions) after the words "assistant chief constable, or a" there shall be inserted the words "deputy assistant commissioner,".

13. In Regulation 66(1)(*b*)(ii) of the principal Regulations (which relates to compulsory retirement on account of age) after the words "if he is a" there shall be inserted the words "deputy assistant commissioner,".

14. For paragraph 2(2) of Part III of Schedule 3 to the principal Regulations (which, as set out in Regulation 7(2) of the Police Pensions (Amendment) Regulations 1968, specifies the amounts up to which children's allowances, in certain cases, may be increased) there shall be substituted the following provision:—

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

(*a*) irrespective of the date of the father's death, 45s. 6d. in the case of the only or eldest child included in a family within the meaning of the Family Allowances Act 1965(**a**) or of the Family Allowances Act 1945(**b**), either as originally enacted or as amended by any subsequent enactment;

(*b*) where the father dies on or after 1st June 1969—

(i) 32s. 6d., in the case of the second child so included, and

(ii) 30s. 6d., in the case of each subsequent child so included;

(*c*) where the father died on or after 9th April 1968 but before 1st June 1969—

(i) 35s. 6d., in the case of the second child so included, and

(ii) 33s. 6d., in the case of each subsequent child so included;

(*d*) where the father died before 9th April 1968—

(i) 39s. 6d., in the case of the second child so included;

(ii) 37s. 6d., in the case of the third child so included, and

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

James Callaghan,

One of Her Majesty's Principal Secretaries of State.

20th May 1969.

Consent of the Minister for the Civil Service given under his Official Seal on 20th May 1969.

(L.S.)

K. H. McNeill,

Authorised by the Minister for the Civil Service.

(**a**) 1965 c. 53. (**b**) 1945 c. 41.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police Pensions Regulations 1966.

Part II of the present Regulations relates to increases in widows' pensions and children's allowances. Regulation 2 provides that, for the purposes of Part II, the Regulations shall have effect as from 1st April 1969, the date from which increases authorised by the Pensions (Increase) Act 1969 are payable; this provision is made in exercise of the power conferred by paragraph 6 of Schedule 2 to the 1969 Act.

The 1966 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 93(2), at age 70 by reference to section 2 of the Pensions (Increase) Act 1962.

Regulation 6 of the present Regulations adds Regulation 94A to Part XI of the 1966 Regulations. Regulation 94A provides for increases or additional increases by reference to the Pensions (Increase) Act 1969 in awards which fall to be increased in accordance with Part XI and also (by virtue of Regulation 5 of the present Regulations) in the amount of the increase at age 70, referred to above, in flat-rate widows' pensions.

The other amendments made by Part II 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.

Part III of the present Regulations contains miscellaneous amendments which, by virtue of Regulation 2, take effect as from 1st June 1969, the date on which the Regulations come into operation.

Regulations 12 and 13 of the present Regulations provide that a member of the metropolitan police force holding the newly adopted rank of deputy assistant commissioner shall be treated, as respects entitlement to an ordinary pension and compulsory retirement on account of age, in the same way as such a member holding the rank of commander.

Paragraph 2 of Part III of Schedule 3 to the 1966 Regulations provides, subject to conditions, for a discretionary increase in a child's allowance where the mother would have been entitled to national insurance widow's benefit or retirement pension had her husband satisfied the contribution conditions therefor. Regulation 14 of the present Regulations alters the amounts up to which an allowance payable to a second or subsequent child may be increased where the father dies on or after the coming into operation of the Regulations. (The rates of corresponding national insurance benefits were adjusted by the Family Allowances and National Insurance Act 1968 (c. 40).)