STATUTORY INSTRUMENTS

1985 No. 156

POLICE

The Police Pensions (Amendment) Regulations 1985

Made - - - -	*8th February* 1985
Laid before Parliament	*14th February* 1985
Coming into Operation	*1st March* 1985

In exercise of the powers conferred on me by sections 1, 3 and 4 of the Police Pensions Act 1976(**a**), and after consultation with the Police Negotiating Board for the United Kingdom, I hereby, with the consent of the Treasury(**b**), make the following Regulations:—

1. These Regulations may be cited as the Police Pensions (Amendment) Regulations 1985.

2. These Regulations shall come into operation on 1st March 1985 and shall have effect—

(a) for the purposes of Regulation 4, as from 1st April 1972; and

(b) for the purposes of Regulation 5, as from 23rd September 1983.

3. In these Regulations any reference to the principal Regulations is a reference to the Police Pensions Regulations 1973(**c**).

4. There shall be substituted for Regulation 10 of the principal Regulations (persons treated as being in receipt of a pension) the following provision:—

"10. For the purposes of these Regulations a person shall be treated as being in receipt of an ordinary or, as the case may be, an ill-health, short service or injury pension if he would be in receipt of such a pension—

(a) in the case of an ordinary pension—

(i) had he attained the age of 50 years; or

(ii) had it not been wholly withdrawn in accordance with the provisions of Regulation 68 (withdrawal of pension during employment as a regular policeman);

(b) in the case of an ill-health or short service pension, had it not been withdrawn as mentioned in paragraph *(a)*(ii) above;

(c) in the case of an injury pension, had the aggregate reductions therein under paragraphs 3 and 4 of Part V of Schedule 2 not exceeded the amount of the pension calculated in accordance with paragraph 2 thereof.".

(**a**) 1976 c.35, as amended by section 2(3) of the Police Negotiating Board Act 1980 (c.10).
(**b**) Formerly the Minister for the Civil Service: *see* S.I. 1981/1670.
(**c**) S.I. 1973/428; there are no relevant amending instruments.

5.—(1) In paragraph (2) of Regulation 13 of the principal Regulations (disablement) there shall be inserted after the word "child" the words "or the widower of a member of a police force".

(2) In paragraph (1) of Regulation 36 of the principal Regulations—

(a) for the words "without his own default in the execution of his duty" there shall be substituted the words "without default by the member and in the execution of duty";

(b) at the end of sub-paragraph *(a)* there shall be omitted the word "or";

(c) after sub-paragraph *(b)* there shall be inserted the following provision:—

"*(c)* where the member was married and is survived by a widower who was permanently disabled at the time of her death, to the widower,"; and

(d) for the words "his death" there shall be substituted the words "the member's death".

(3) There shall be substituted for paragraphs 1 and 2 of Part VII of Schedule 3 to the principal Regulations the following provision:—

"1.—(1) Where a dependent relative's special pension is granted in respect of the death of a member of a police force (in this Part referred to as "the deceased"), the pension shall, unless paragraph 2 applies, be determined in accordance with this paragraph.

(2) Subject to paragraphs 3 and 4, a pension determined in accordance herewith shall be of a weekly amount equal to 45% of the deceased's average pensionable pay for a week.

2.—(1) This paragraph applies where the deceased was married and is survived—

(a) by a widow to whom there is payable, in respect of the deceased's death in respect of any week, a widow's special pension; or

(b) by a widower to whom there is so payable a dependent relative's special pension,

and there is also so payable to any other person a dependent relative's special pension.

(2) Where this paragraph applies, the amount of the dependent relative's special pension payable to that other person shall, subject to paragraphs 3 and 4, be of an amount equal to 20% of the deceased's average pensionable pay for a week.";

and in paragraph 4, in each place where they occur, for the words "his average pensionable pay" there shall be substituted the words "the deceased's average pensionable pay".

6. In Regulation 19(2)*(b)* of the principal Regulations, after the words "assistant commissioner of police for the City of London,", there shall be inserted the words "deputy chief constable,"; and in Regulation 86(1)*(a)*(i) of those Regulations, after the words "or is a chief constable", there shall be inserted the words ", deputy chief constable".

Leon Brittan,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
6th February 1985.

We consent,

Donald Thompson,
John Major,
Two of the Lords Commissioners
of Her Majesty's Treasury.

8th February 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police Pensions Regulations 1973 with effect, as provided by Regulation 2, in the case of Regulation 4, as from 1st April 1972 and, in the case of Regulation 5, as from 23rd September 1983 (retrospection is authorised by section 1(5) of the Police Pensions Act 1976).

Regulation 4 amends Regulation 10 of the 1973 Regulations so that a police officer who retires with a pension which is subsequently withdrawn, under Regulation 68 of the 1973 Regulations, on his re-employment as a regular policeman, is to be treated as continuing to be in receipt of his pension. The effect will be, in case of his death, to entitle his widow to an ordinary pension based on his prior service.

Regulation 5 enables a police authority, on the death of a woman police officer, to grant a dependent relative's special pension to a surviving spouse where he was permanently disabled and substantially dependent on her immediately before her death, and makes consequential amendments to the provisions for calculating the amount of a dependent relative's special pension.

Regulation 6 inserts a reference to the rank of deputy chief constable in Regulation 19(2)*(b)* of the 1973 Regulations, which provides that, except in specified circumstances, senior officers of the ranks specified do not qualify for an ordinary pension if retiring before attaining the age of 60, and amends Regulation 86(1)*(a)*(i) of those Regulations by adding to the senior ranks required to retire on attaining the age of 65 years the rank of deputy chief constable. It is consequential upon the creation by section 108 of the Police and Criminal Evidence Act 1984 (c.60) of a rank of deputy chief constable (in place of the office of that title).

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