STATUTORY INSTRUMENTS

2015 No. 2057

POLICE, ENGLAND AND WALES

PENSIONS, ENGLAND AND WALES

The Police Pensions and Police (Injury Benefit) (Amendment) Regulations 2015

Made - - - -	*14th December 2015*
Laid before Parliament	*18th December 2015*
Coming into force - -	*18th January 2016*

The Secretary of State, in exercise of the powers conferred by section 1 of the Police Pensions Act 1976(**a**), makes the following Regulations.

In accordance with section 1(1) of that Act, the Treasury(**b**) have consented to the making of these Regulations and the Secretary of State has consulted with the Police Advisory Board for England and Wales(**c**). The Secretary of State has also invited the views of the Northern Ireland Policing Board and the Police Association for Northern Ireland, in accordance with section 1(1ZB)(**d**) of that Act.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Pensions and Police (Injury Benefit) (Amendment) Regulations 2015.

(2) These Regulations come into force on 18th January 2016, but regulations 2 to 6 have effect from 1st April 2015(**e**).

(3) These Regulations extend to England and Wales.

(**a**) 1976 c. 35. Sections 1 to 7 were amended by section 2(3) of the Police Negotiating Board Act 1980 (c. 10), paragraph 19 of Schedule 5 to the Police and Magistrates' Courts Act 1994 (c. 29), paragraphs 28 and 29 of Schedule 7 to the Police Act 1996 (c. 16), section 1(1) and (2) of the Police and Firemen's Pensions Act 1997 (c. 52), section 78(2)(f) of the Police (Northern Ireland) Act 2000 (c. 32), section 126(1) of and paragraph 6(1) and (2) of Schedule 4 to the Criminal Justice and Police Act 2001 (c. 16), paragraph 6(1) of Schedule 3 to the International Development Act 2002 (c. 1), paragraph 30 of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15), paragraph 58 of Schedule 1 and Part 1(A) of Schedule 15 to the Police and Justice Act 2006 (c. 48), paragraph 11(2) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c. 47), paragraph 2(2) of the Schedule to the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), paragraphs 128 to 130 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), paragraphs 24 and 25 of Schedule 8 to the Crime and Courts Act 2013 (c. 22), section 27 of, and paragraph 12 of Schedule 8 to, the Public Service Pensions Act 2013 (c. 25), and section 133(3)(a) and (b) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(**b**) The functions of the Minister for the Civil Service were transferred to the Treasury by the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).

(**c**) See section 1(1ZA), which was inserted by section 133(3)(b) of the Anti-social Behaviour, Crime and Policing Act 2014.

(**d**) Section 1(1ZB) was inserted by section 133(3)(b) of the Anti-social Behaviour, Crime and Policing Act 2014.

(**e**) Retrospective effect is permitted by section 1(5) of the Police Pensions Act 1976.

Amendments to the Police Pensions Regulations 1987

2. The Police Pensions Regulations 1987(**a**) are amended as follows.

3. In regulation C9, after paragraph (4) insert—

"(5) Paragraphs (1) to (3) do not apply where—

(a) the marriage, remarriage, formation of a civil partnership, or cohabitation begins on or after 1st April 2015; and

(b) immediately before the beginning of that marriage, remarriage, formation of a civil partnership, or cohabitation, the widow or surviving civil partner is entitled to a special pension under regulation 13 (including such a pension granted by way of an augmented award under regulation 14) of the Police (Injury Benefit) Regulations 2006(**b**).

(6) Subject to paragraph (7), paragraph (5) does not apply to a widow or surviving civil partner who, immediately before 1st April 2015—

(a) is not entitled to receive any payment on account of the pension by reason of paragraphs (1) to (3); and

(b) is not in receipt of any pension brought into payment under paragraph (4).

(7) Where a widow or surviving civil partner to whom paragraph (6) applies has their pension brought back into payment under paragraph (4) on or after 1st April 2015, paragraph (5) applies to them in relation to any future marriage, remarriage, formation of a civil partnership, or cohabitation.".

4. In regulation C9A(**c**), after paragraph (4) insert—

"(5) Paragraphs (1) to (3) do not apply where—

(a) the marriage, remarriage, formation of a civil partnership, or cohabitation begins on or after 1st April 2015; and

(b) immediately before the beginning of that marriage, remarriage, formation of a civil partnership, or cohabitation, the widow or surviving civil partner is entitled to a special pension under regulation 13 (including such a pension granted by way of an augmented award under regulation 14) of the Police (Injury Benefit) Regulations 2006.

(6) Subject to paragraph (7), paragraph (5) does not apply to a widow or surviving civil partner who, immediately before 1st April 2015—

(a) is not entitled to receive any payment in respect of the gratuity by reason of paragraphs (1) to (3); and

(b) is not the subject of a decision by the police pension authority to pay any sums under paragraph (4).

(7) Where a widow or surviving civil partner to whom paragraph (6) applies is the subject of a decision by the police pension authority to pay any sums under paragraph (4) on or after 1st April 2015, paragraph (5) applies to them in relation to any future marriage, remarriage, formation of a civil partnership, or cohabitation.".

(**a**) S.I. 1987/257. Regulation C9 was substituted by regulation 2 of, and paragraph 3 of Schedule 1 to, the Police Pensions (Amendment) Regulations 2006 (S.I. 2006/740) and amended by regulation 3 of the Police Pensions (Amendment) Regulations 2011 (S.I. 2011/3063).

(**b**) S.I. 2006/932. Regulation 13 was amended by paragraph 4 of Schedule 5 to the Police Pensions Regulations 2006 (S.I. 2006/3415), and by regulation 12 of the Police Pensions (Amendment) Regulations 2014 (S.I. 2014/79). Regulation 14 was amended by regulation 3 of the Police Pensions (Amendment) Regulations 2011.

(**c**) Regulation C9A was substituted by regulation 2 of, and paragraph 3 of Schedule 1 to, the Police Pensions (Amendment) Regulations 2006 and amended by regulation 3 of the Police Pensions (Amendment) Regulations 2011.

Amendments to the Police (Injury Benefit) Regulations 2006

5. The Police (Injury Benefit) Regulations 2006 are amended as follows.

6. In regulation 16—

(a) for paragraph (1), substitute—

"(1) Where a widow entitled to a special pension under regulation 13 (including such a pension granted by way of an augmented award under regulation 14) was widowed before 5th December 2005 or was widowed after that date but her husband had ceased to serve as a member of a police force before that date, and before 1st April 2015—

(a) remarries or has remarried,

(b) forms or has formed a civil partnership, or

(c) with a person to whom she is not married lives together as husband and wife,

she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage, or after the formation of her civil partnership, or after her cohabitation begins.";

(b) in paragraph (2), after "under regulation 14) and" insert "before 1st April 2015";

(c) in paragraph (3), after "under regulation 14) and" insert "before 1st April 2015";

(d) in paragraph (5), after "before that date, and" insert "before 1st April 2015";

(e) in paragraph (6), after "by that date and" insert "before 1st April 2015";

(f) in paragraph (7), after "or 14 and" insert "before 1st April 2015".

Home Office
11th December 2015

Mike Penning
Minister of State

We consent

David Evennett
Charlie Elphicke
14th December 2015
Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Pensions Regulations 1987 and the Police (Injury Benefit) Regulations 2006 to allow widows or surviving civil partners who are in receipt of pensions or gratuities under those Regulations to retain those pensions or gratuities in the event they marry, remarry, form a civil partnership or start to cohabit with someone else as husband or wife or as civil partners. This change only applies to widows or surviving civil partners who marry, remarry, form a civil partnership or start to cohabit after 1st April 2015 and who are in receipt of a special award under regulation 13 (including a pension by way of an augmented award under regulation 14) of the Police (Injury Benefit) Regulations 2006 at that time. This change will come into force retrospectively from 1st April 2015.

Regulation 16(1) of the Police (Injury Benefit) Regulations 2006 has been replaced in its entirety to correct a minor drafting error that was included in those Regulations when they were made in 2006, and to include an amendment to implement the change set out above.

© Crown copyright 2015

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 978-0-11-114239-4

£4.25

UK2015121658 12/2015 19585

http://www.legislation.gov.uk/id/uksi/2015/2057