The Police Pensions (No. 2) Regulations, 1948

1948 No. 2802

Made - - - - 22nd December, 1948
Coming into Operation 3rd January, 1949

In exercise of the powers conferred on me by sections one and three of the Police Pensions Act, 1948(a), I hereby, with the consent of the Treasury and after consultation with the Police Council, make the following Regulations :—

1. In paragraph (4) of Regulation 1 of the Police Pensions Regulations, 1948(b), the words " and has died " shall be omitted.

2. At the end of sub-paragraphs (*a*) (iii) and (*b*) (ii) of paragraph (2) of Regulation 12 of the said Regulations there shall be inserted the word " or ".

3.—(1) For sub-paragraph (*b*) of paragraph (3) of Regulation 13 of the said Regulations there shall be substituted the following sub-paragraph:—

" (*b*) in respect of any week during which the widow is not receiving—

(i) a retirement pension under the National Insurance Act, 1946(c), or

(ii) a pension under the Old Age Pensions Act, 1936(d), or

(iii) any grant payable out of any naval, military or air force fund made in respect of the death of her husband in pursuance of any royal warrant or other instrument, or

(iv) any payment made in respect of the death of her husband under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939(e)."

(2) In paragraph (4) of the said Regulation for the words " during the period of thirteen weeks next following her husband's death " there shall be substituted the words " for the first thirteen weeks that the pension is payable ".

4. At the end of Regulation 16 of the said Regulations there shall be added the following paragraph:—

" (2) Where an auxiliary policeman who is called up for service dies otherwise than as the result of an injury received in the execution of his duty as such, the award to his widow shall be a gratuity equal to the amount of his aggregate pension contributions in respect of the relevant period of service."

5. For paragraph (5) of Regulation 18 of the said Regulations there shall be substituted the following paragraph :—

" (5) The increase or, as the case may be, the pension shall only be payable in respect of any week during which the widow is not receiving—

(*a*) widow's benefit or a retirement pension under the National Insurance Act, 1946(f), or

(*b*) a pension under the Old Age Pensions Act, 1936(g), or

(*c*) any grant payable out of any naval, military or air force fund made in respect of the death of her husband in pursuance of any royal warrant or other instrument, or

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(a) 11 & 12 Geo. c. 24. (b) S.I. 1948 No. 1531, p. 3429 above.
(c) 9 & 10 Geo. 6. c. 67. (d) 26 Geo. 5. & 1 Edw. 8. c. 31.
(e) 2 & 3 Geo. 6. c. 82. (f) 9 & 10 Geo. 6. c. 67.
(g) 26 Geo. 5 & 1 Edw. 8. c. 31.

(*d*) any payment made in respect of the death of her husband under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939(a)."

6. In paragraph (1) of Regulation 19 of the said Regulations after the words "ordinary pension or gratuity" there shall be inserted the words "or be granted a pension in accordance with the provisions of paragraph (2) of Regulation 13 or paragraph (4) of Regulation 18".

7.—(1) In paragraph (1) of Regulation 26 of the said Regulations for the words "entitled to" there shall be substituted the word "granted".

(2) In paragraph (2) of the said Regulation after the words "ordinary allowance" there shall be inserted the words "or an allowance granted in accordance with the provisions of paragraph (5) of Regulation 28".

8. For paragraph (3) of Regulation 28 of the said Regulations there shall be substituted the following paragraphs :—

"(3) Where a child in receipt of an allowance payable in accordance with the provisions of paragraph (1) of this Regulation is receiving full-time education on attaining the age of sixteen years, the allowance shall continue to be payable until the next thirty-first day of July or until he first ceases to receive full-time education, whichever is earlier.

(4) The amount of any allowance ascertained in accordance with the provisions of paragraphs (1) and (2) of this Regulation may, if the police authority by whom it is payable in their discretion think fit, be increased in the circumstances and manner provided by Part VI of the Third Schedule to these Regulations.

(5) The child of such a regular policeman or person who has been a regular policeman as is described in paragraph (6) who is not entitled to an allowance from the police authority, may be granted an allowance, subject to the provisions of Part VI of the Third Schedule to these Regulations, if the police authority in their discretion think fit.

(6) The regular policeman or person who has been a regular policeman referred to in paragraph (5) is one who before the appointed day—

(*a*) has died while serving in the force, or

(*b*) has retired with a pension and died while still in receipt of the pension, or

(*c*) has died after having retired and received a gratuity after completing three years' approved service."

9. At the end of Regulation 32 of the said Regulations there shall be added the following paragraph :—

"(2) For the purposes of this Regulation an award under paragraph (2) of Regulation 16 shall be ignored."

10. In paragraph (2) of Regulation 37 of the said Regulations after the word "rejoins" there shall be inserted the following words "or before the appointed day has rejoined".

11. In paragraph (*b*) of Regulation 39 of the said Regulations for the words "so to vary the period" there shall be substituted the words "to vary his period of overseas service".

12. In paragraph (4) of Regulation 59 of the said Regulations for the words "the date when his period of overseas service would have terminated if it" there shall be substituted the words "the date on which he would have completed twenty-five years' pensionable service if the period of his overseas service".

(a) 2 & 3 Geo. 6. c. 82.

13. After Regulation 59 of the said Regulations there shall be inserted the following Regulation :—

"Chief constables who join or are transferred to a combined police force.

59A. Where a chief constable of an area that is amalgamated with another area by a scheme under section three, four or six of the Police Act, 1946(a), is transferred to the combined police force in pursuance of an agreement made by him before the date of transfer, or joins that force within the period of three months beginning with the date of transfer, in any capacity other than that of chief constable or assistant chief constable, then, subject to any agreement to the contrary made between him and the police authority of the combined area, he shall, while he serves in that force, be treated for the purposes of Regulations 4 and 54 as if he were a chief constable."

14.—(1) For paragraph (1) of Regulation 68 of the said Regulations there shall be substituted the following paragraphs :—

" (1) The pensionable pay of a member of a police force shall be his pay at the rate to which he was entitled immediately before the relevant date for the purposes of calculation.

(1A) The relevant date in the case of calculations for the purposes of pension contributions is the date on which the contribution falls due and in the case of calculations for the purposes of awards—

(*a*) if the award is made to or in respect of a regular policeman, is the date when he last ceased to be such in the force of the police authority by whom the award is payable ;

(*b*) if the award is made to or in respect of an auxiliary policeman, is the date of the end of the continuous period of being called up for service as such in which he received the injury which resulted in disablement ;

(*c*) if the award is made to or in respect of a member of an overseas corps who is not a reversionary member of a home police force, is the date of the end of the period of overseas service in which he received the injury which resulted in disablement."

(2) In paragraph (2) of the said Regulation at the beginning there shall be inserted the words " Notwithstanding anything in paragraph (1) ".

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

" (3) Where the rate of pay of a member of a police force at the date of his death or retirement is temporarily reduced by way of punishment, such a reduction shall be ignored in the case of calculations for the purposes of awards."

15. In paragraph (1) of Regulation 69 of the said Regulations after the definition of the expression " overseas service " there shall be inserted the following words :—

" ' period of overseas service ' means the period of overseas service for which a member of an overseas corps has engaged with the consent, in the case of a reversionary member of a home police force, of the appropriate authority and of the Secretary of State, and if such a period has been varied under regulations made in pursuance of the powers contained in section one of the Police (Overseas Service) Act, 1945(b), means the period as so varied ; ".

(a) 9 & 10 Geo. 6. c. 46. (b) 9 & 10 Geo. 6. c. 17.

16. In sub-paragraph (iii) of Part II of the Second Schedule to the said Regulations, for the words " the period of thirteen weeks next following her husband's death " there shall be substituted the words " the first thirteen weeks that the pension is payable ".

17. In sub-paragraph (ii) of Part VI of the Second Schedule to the said Regulations for the words " entitled to " there shall be substituted the words " in receipt of ".

18.—(1) In sub-paragraph (*a*) of paragraph 2 of Part III of the Third Schedule to the said Regulations the words " either the only child in that family for the time being " and " or that one of such children who is older than the others " shall be omitted.

(2) For the words " (ii) the child is included in a family within the meaning of the Family Allowances Act, 1945(a)," in the said sub-paragraph (*a*) there shall be substituted the following:—

" (ii) the child is the only child included in a family within the meaning of the Family Allowances Act, 1945, or that one of the children so included who is older than the others ".

19.—(1) In paragraph 1 of Part VI of the Third Schedule to the said Regulations, for the words " Where under the provisions of Regulation 28 a child is entitled to an allowance and " there shall be substituted the words " Where a child is entitled to an allowance under paragraph (1) of Regulation 28 and the amount of the allowance as ascertained under the provisions of the said Regulation is less than seven shillings and sixpence a week or where a child is granted an allowance under paragraph (5) of the said Regulation, and ".

(2) Sub-paragraphs (*c*) and (*d*) of the said paragraph shall be omitted.

(3) For the words from " and during which " to the end of the said paragraph there shall be substituted the words—

" and during which the child is the only child included in a family within the meaning of the Family Allowances Act, 1945, or that one of the children so included who is older than the others the police authority may in their discretion grant an allowance of seven shillings and sixpence a week, or increase the amount of the allowance, if any, to which the child is entitled, by the difference between the amount of the allowance ascertained as aforesaid and seven shillings and sixpence a week ".

20.—(1) In paragraph 2 of Part VI of the Third Schedule to the said Regulations for the words " Where under the provisions of Regulation 28 a child is entitled to an allowance and " there shall be substituted the words " Where a child is entitled to an allowance under paragraph (1) of Regulation 28 and the amount of the allowance as ascertained under the provisions of the said Regulation is less than twelve shillings a week, or where a child is granted an allowance under paragraph (5) of the said Regulation, and ".

(2) Sub-paragraphs (*c*) and (*d*) of the said paragraph shall be omitted.

(3) In the said paragraph the words " the child is included in a family within the meaning of the Family Allowances Act, 1945, and during which " shall be omitted.

(4) For the words from " increase the amount of the allowance " to the end of the said paragraph there shall be substituted the words—

" (i) in the case of a child who is the only child included in a family within the meaning of the Family Allowances Act, 1945, or that one of the children so included who is older than the others, grant an allowance

(a) 8 & 9 Geo. 6. c. 41.

of twelve shillings a week or increase the amount of the allowance, if any, to which the child is entitled by the difference between the amount of the allowance ascertained as aforesaid and twelve shillings a week ;"

(ii) in the case of any other child included in a family within the meaning of the Family Allowances Act, 1945, grant an allowance of seven shillings a week."

21. These Regulations may be cited as the Police Pensions (No. 2) Regulations, 1948, and shall come into operation on the third day of January, 1949.

J. Chuter Ede.
One of His Majesty's Principal Secretaries of State.

We consent,

C. James Simmons,
J. W. Snow,
Two of the Lords Commissioners of His Majesty's Treasury.

22nd December, 1948.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Regulations 1, 2, 6 and 11 are minor amendments to clarify the existing Police Pensions Regulations, 1948. Regulations 3 (1) and 5 restrict the occasions on which an award or an increase in an award to a widow shall be withheld. Regulation 3 (2) provides that where a widow is in receipt of an increased pension under Regulation 13 of the existing Regulations, she shall in all cases receive the increase for a full period of thirteen weeks: Regulation 16 is consequential. Regulation 4 provides for an award to the widow of an auxiliary policeman who dies otherwise than as a result of an injury received in the execution of his duty, and Regulation 9 excludes the award from the provisions of the existing Regulations which provide that a recipient entitled to two awards shall choose between them. Regulation 8 makes the period of payment of an allowance granted to a child under the Police Pensions Acts the same as that of a child's ordinary allowance, and also enables an allowance (where not already payable) to be granted to a child of a regular policeman who died before the appointed day : Regulations 7, 17, 18, 19 and 20 are consequential. Regulation 10 extends certain provisions relating to the pensionable service of servicemen (1939-1945) who rejoin a force after the appointed day to such men who previously rejoined a force. Regulation 12 amends paragraph (4) of Regulation 59 of the existing Regulations which deals with liability for contribution towards the pensions of redundant members of an overseas corps. Regulation 13 reproduces section 11 (4) of the Police Act, 1946, which was repealed by the Police Pensions Act, 1948. Regulation 14 amends the definition of pensionable pay in relation to the calculation of pension contributions, and provides that a reduction in rate of pay by way of punishment shall be ignored only for the purposes of calculating awards. Regulation 15 defines " period of overseas service ".