1958 No. 605

The Police Pensions (No. 2) Regulations, 1958

Laid before Parliament in draft

Made - - - - 3*rd April*, 1958
Coming into Operation 14*th April*, 1958

In exercise of the powers conferred on me by section one 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, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

1. In paragraph (3) of Regulation 6 of the Police Pensions Regulations, 1955(b), as amended by Regulation 4 of the Police Pensions Regulations, 1956(c), (which relates to entitlement to, and the calculation of, a policeman's supplemental pension) after the words " and is reduced in accordance with " there shall be inserted the words " the provisions of Regulation 6A, of Regulation 70 or of ".

2. After Regulation 6 of the said Regulations of 1955 there shall be inserted the following Regulations :—

" *Commutation of part of pension*

6A.—(1) A regular policeman who has served as such on or after the fourteenth day of April, 1958, may, in accordance with the provisions of this Regulation, commute for a lump sum a portion of any pension, other than a supplemental pension, to which he is or may become entitled, provided, in the case of an ordinary pension, that he retires either when entitled to reckon at least thirty years' pensionable service or in the circumstances mentioned in paragraph (1) of Regulation 5.

(2) For the purpose of commuting a portion of his pension a person shall—

(*a*) give notice in writing (in this Regulation called " notice of commutation ") to the police authority of his wish to surrender and commute for a lump sum such portion of his pension, not exceeding one-sixth of the pension which would be payable but for the provisions of Regulation 70 and of Part V of the First Schedule to these Regulations, as (subject to the limitation contained in Regulation 6B) he may specify ; and

(*b*) satisfy the police authority of his good health and for that purpose submit himself to such medical examination as they may require.

(3) The notice of commutation shall be given by a person—

(*a*) not earlier than two months before his intended retirement nor later than six months after his retirement ; or

(*b*) in the case of a person who retires with an ill-health pension and is entitled to reckon less than twenty-five years' pensionable service, not earlier than two months before his intended retirement nor later than six months after he would, if he had continued to serve as a regular policeman instead of retiring with an ill-health pension, either have been entitled to reckon twenty-five years' pensionable service or have been required to retire under Regulation 51 ;

(a) 11 & 12 Geo. 6. c. 24. (b) S.I. 1955/480 (1955 II, p. 1903).
(c) S.I. 1956/385 (1956 II, p. 1808).

and, in the case of such a person as is mentioned in sub-paragraph (*b*), the commutation notice shall be given only with the written consent of the police authority unless, at the time when the notice is given, he would, if he had continued to serve as aforesaid, have been entitled to reckon twenty-five years' pensionable service or have been required to retire as aforesaid.

(4) Where a person has complied with the provisions of sub-paragraphs (*a*) and (*b*) of paragraph (2), the police authority shall forthwith send to him a written notification that they have accepted the notice of commutation, which shall become effective—

(*a*) as from the time when the notification is received by him or, if sent by post, as from the time when it would be delivered to him in the ordinary course of post, or

(*b*) as from the date of his retirement,

whichever is the later:

Provided that the said notice shall not become effective if it was given more than two months before his retirement.

(5) Where a person retires or has retired and a notice of commutation given by him has become or becomes effective the police authority shall reduce the pension to which the notice relates in accordance with the notice as from the time from which the notice is effective and shall pay to him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Government Actuary:

Provided that—

(*a*) where the notice is effective as from the time mentioned in sub-paragraph (*a*) of paragraph (4), the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement;

(*b*) in relation to such a person as is mentioned in sub-paragraph (*b*) of paragraph (3) the preceding provisions of this paragraph shall have effect as if any reference therein to the date of retirement were a reference to the time as from which the notice is effective.

Limitation on right to commute or allocate part of a pension

6B. A regular policeman shall not under Regulation 6A commute for a lump sum, nor under Regulation 70 allocate in favour of his wife or other dependant, such a portion of his pension that that pension becomes payable at a rate less than two-thirds of the rate at which it would have been payable but for the provisions of the said Regulations and Part V of the First Schedule to these Regulations.".

3.—(1) In Regulation 12 of the said Regulations of 1955 (which relates to the grant of a gratuity in lieu of a widow's pension) after the words "they may" there shall be inserted the words "subject to the provisions of Regulation 26B".

(2) At the end of the said Regulation 12 there shall be added the following paragraph:—

"(2) Where the police authority are precluded by reason of the provisions of Regulation 26B from exercising their discretion under the preceding paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the pension.".

4.—(1) In Regulation 21 of the said Regulations of 1955 (which relates to the grant of a gratuity in lieu of a child's allowance) after the words "they may" there shall be inserted the words "subject to the provisions of Regulation 26B".

(2) At the end of the said Regulation 21 there shall be added the following paragraph:—

"(2) Where the police authority are precluded by reason of the provisions of Regulation 26B from exercising their discretion under the preceding paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the allowance.".

5. In paragraph (2) of Regulation 26 of the said Regulations of 1955 (which relates to the prevention of duplication of awards) after the words "Regulation 13" there shall be inserted the words "or a gratuity substituted for part of a widow's pension or child's allowance under Regulation 12 or 21 as the case may be".

6. After Regulation 26A of the said Regulations of 1955 there shall be inserted the following Regulation:—

"*Limitation on discretion to grant a gratuity in lieu of a pension or allowance*

26B.—(1) Where a person has died while in receipt of a pension, other than a supplemental pension, (in this Regulation referred to as "the principal pension") the police authority shall not under Regulation 12 or 21 substitute for the whole or any part of a widow's pension or child's allowance payable in respect of him a gratuity the actuarial value of which, when added to that of—

(*a*) any other gratuity so substituted under Regulation 12 or 21, and

(*b*) any lump sum paid under Regulation 6A by reason that a portion of the principal pension was commuted,

exceeds one-quarter of the actuarial value of the principal pension, any reduction therein under Regulation 6A being ignored.

(2) For the purposes of this Regulation the actuarial value of a gratuity, lump sum or pension shall be the actuarial value at the time of the husband's or father's retirement as calculated by the Government Actuary.".

7. For Regulation 70 of the said Regulations of 1955 (which relates to the allocation by a regular policeman of part of his pension) there shall be substituted the following Regulation:—

"*Allocation of part of pension*

70.—(1) A regular policeman who is entitled to reckon not less than twenty-five years' pensionable service may, in accordance with the provisions of this Regulation, allocate a portion of any pension, other than a supplemental pension, to which he may become entitled and, notwithstanding that he has already allocated a portion of such a pension, he may so allocate a further portion of that pension in favour of the same beneficiary.

(2) A regular policeman may, in accordance with the provisions of this Regulation, allocate a portion of a short service pension.

(3) For the purpose of allocating a portion of his pension a person shall—

(*a*) give notice in writing (in this Regulation called "notice of allocation") to the police authority of the force in which he is serving stating—

(i) his wish to surrender such portion of his pension as, subject to the limitations contained in paragraph (4) and in Regulation 6B, he may specify;

(ii) the person in whose favour the surrender is to take effect (in this Regulation called "the beneficiary"), being his wife or some other person who the police authority are satisfied is substantially dependent on him;

(iii) in the case of the first or only allocation by a person entitled to reckon not less than twenty-five years' pensionable service, whether the notice of allocation is to become effective in accordance with sub-paragraph (*a*) or sub-paragraph (*b*) of paragraph (5); and

(*b*) satisfy the police authority of his good health and for that purpose submit himself to such medical examination as they may require.

Except where, in such case as is mentioned in sub-paragraph (*a*) (iii), the notice of allocation is to become effective in accordance with sub-paragraph (*a*) of paragraph (5), the notice shall be given not earlier than two months before the person's intended retirement.

(4) The total portion of a pension which may be surrendered by a person under this Regulation shall not exceed one-third of the pension which would be payable in his case but for the provisions of this Regulation, of Regulation 6A and of Part V of the First Schedule to these Regulations.

(5) Where a person has complied with the provisions of sub-paragraphs (*a*) and (*b*) of paragraph (3), the police authority shall forthwith send to him a written notification that they have accepted the notice of allocation, which shall become effective—

(*a*) in the case of the first or only allocation by a person who was entitled to reckon not less than twenty-five years' pensionable service when he gave the notice of allocation and stated therein that the notice should become effective in accordance with this sub-paragraph—

(i) as from the time when the notification is received by him or, if sent by post, as from the time when it would be delivered to him in the ordinary course of post, or

(ii) as from the date of his retirement,

whichever is the earlier;

(*b*) in any other case, if, and only if, he retires within two months of giving the notice of allocation and in such case as from the date of retirement.

(6) Where a person retires or has retired and a notice of allocation given by him has become or becomes effective, the pension to which the notice relates shall be reduced in accordance with the notice as from the date of his retirement (notwithstanding, in a case to which sub-paragraph (*a*) (i) of the preceding paragraph applies, the death of the beneficiary before the date of retirement).

(7) Where a person retires with a pension which is reduced as provided in the preceding paragraph, the police authority shall as from his death pay to the beneficiary, if that person survives him, a pension of such amount as is the actuarial equivalent, calculated from tables prepared by the Government Actuary, of the surrendered portion of the pension.

The said actuarial equivalent shall be calculated from tables in force at the time when the notice of allocation became effective, which tables shall—

(*a*) take account of the age of the regular policeman and of the age of the beneficiary at that time, and

(*b*) make different provision according to whether the notice of allocation became effective in accordance with sub-paragraph (*a*) or sub-paragraph (*b*) of paragraph (5);

and separate calculations shall be made in respect of separate allocations.

(8) Where a person is entitled to reckon at least twenty-five years' pensionable service when he gives the notice of allocation and states therein that it should become effective in accordance with sub-paragraph (*a*) of paragraph (5), then, if he dies before retiring, the police authority shall pay to the beneficiary the like pension as they would have paid if he had retired immediately before he died and that notice had been the only notice of allocation.

(9) Where a regular policeman has been a member of a police force to which the Police Pensions (Scotland) Regulations, 1955(**a**), apply, then in relation to him the allocation of a portion of a pension, the giving of a notice or any other thing done under Regulation 67 of those Regulations shall have effect for the purposes of this Regulation as if done hereunder.

(10) Where, under the provisions of Regulation 70 of these Regulations as originally made, the pension of a regular policeman has been reduced before the fourteenth day of April, 1958, as a result of his having given notice of intention to surrender a portion thereof, his pension and the pension of the person nominated by him shall be determined in accordance with those provisions.

(11) Any reference in these Regulations to a widow's pension, however expressed, shall be construed as excluding a reference to a pension payable to a widow under this Regulation.".

8. In Part V of the Second Schedule to the said Regulations of 1955 (which relates to the calculation of a gratuity substituted for a widow's pension) after the words "of the pension" there shall be inserted the words "or of that part thereof".

9. In Part V of the Third Schedule to the said Regulations of 1955 (which relates to the calculation of a gratuity substituted for a child's allowance) after the words "of the allowance" there shall be inserted the words "or of that part thereof".

(a) S.I. 1955/485 (1955 II, p. 1959).

10. These Regulations may be cited as the Police Pensions (No. 2) Regulations, 1958, and shall come into operation on the fourteenth day of April, 1958.

R. A. Butler,
One of Her Majesty's Principal Secretaries of State.

3rd April, 1958.

We consent,

Martin Redmayne,
R. Brooman-White,
Two of the Lords Commissioners of Her Majesty's Treasury.

3rd April, 1958.

EXPLANATORY NOTE

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

These Regulations, which are made under section 1 of the Police Pensions Act, 1948, amend the Police Pensions Regulations, 1955.

The principal amendments are described below.

Regulation 2 enables a regular policeman to commute for a lump sum a portion of any pension other than a supplemental pension. An ordinary pension may normally be commuted only if the policeman is entitled to reckon thirty years' pensionable service or is required to retire on ground of age.

Regulations 3, 4 and 6 limit the amount of the gratuity which may be substituted for a widow's pension or child's allowance and enable, in an appropriate case, a gratuity to be substituted for part only of such a pension or allowance.

Regulation 7 substitutes new provisions for the existing provisions of the 1955 Regulations which enable a regular policeman to allocate a portion of his pension in favour of a dependant. The main changes are the extension of the provisions to permit the allocation of an ill-health pension as well as of an ordinary or short service pension and to permit a policeman entitled to reckon twenty-five years' pensionable service to allocate his pension rights while still serving. In such case, if he dies while serving, a pension becomes payable to the beneficiary of the allocation.