STATUTORY INSTRUMENTS

1962 No. 2756

POLICE

The Police Pensions Regulations 1962

Laid before Parliament in draft

Made - - - - 17*th December* 1962
Coming into Operation 1*st January* 1963

ARRANGEMENT OF REGULATIONS

PART I

AWARDS ON RETIREMENT AND DISABLEMENT

1. Policeman's ordinary pension.
2. Policeman's ill-health award.
3. Policeman's short service award.
4. Policeman's supplemental pension.
5. Commutation of part of pension.
6. Former provisions as to allocation of part of pension.
7. Current provisions as to allocation of part of pension.
8. Limitation on right to commute or allocate part of a pension.
9. Award where no other award payable.

PART II

AWARDS ON DEATH

Widows

10. Widow's ordinary pension.
11. Discretionary increase in widow's ordinary pension.
12. Widow's special pension.
13. Discretionary increase in widow's special pension.
14. Widow's award under former Acts.
15. Discretionary increase in widow's award under former Acts.
16. Gratuity in lieu of pension.
17. Widow's ordinary gratuity.
18. Limitation on award to widow with reference to date of marriage.
19. Limitation on award to widow living apart from husband.
20. Termination of widow's pension on remarriage.

Children

21. Child's ordinary allowance.
22. Child's special allowance.
23. Discretionary increase in child's ordinary or special allowance.
24. Child's allowance under former Acts and discretionary allowance.
25. Gratuity in lieu of allowance.
26. Limitation on right to child's allowance.

General

27. Awards to dependent relatives or estate.
28. Limitation on discretion to grant a gratuity in lieu of a pension or allowance.
29. Prevention of duplication.

PART III

PENSIONABLE SERVICE

30. Reckoning of pensionable service.
31. Current service.
32. Previous service reckonable without payment.
33. Previous service reckonable on payment.
34. Previous service reckonable at discretion of police authority.
35. Added years in case of displaced chief constable.
36. Added years in case of displaced reversionary member of home police force.
37. Certain service in the Glasgow, Orkney and Zetland police forces.
38. Approved service reckonable under former Acts.

PART IV

PENSIONABLE PAY AND CONTRIBUTIONS

39. Pensionable pay.
40. Rate of payment of pension contributions.
41. Rate of payment of additional contributions in certain cases.
42. Application of Regulations 40 and 41 to persons with service otherwise than in a police force.
43. Method of payment of pension contributions.

PART V

CANCELLATION, REVISION, REDUCTION AND WITHDRAWAL OF AWARDS

44. Cancellation of ill-health and supplemental pensions.
45. Reassessment of supplemental pension.
46. Reduction of pension in case of default.
47. Withdrawal of pension during employment as a regular policeman.
48. Discharge of liability of police authority on withdrawal of pension.

PART VI

DETERMINATION OF QUESTIONS

49. Reference of medical questions.
50. Appeal to medical referee.
51. Further reference to medical referee.
52. Refusal to be medically examined.
53. Appeal by overseas policeman.

PART VII

PAYMENT OF AWARDS

54. Authorities responsible for payment of awards.
55. Funds out of which and into which payments are to be made.
56. Payment and duration of awards.
57. Payment of awards otherwise than to person entitled.
58. Contributions between police authorities in case of transfer.

PART VIII

COMPULSORY RETIREMENT

59. Compulsory retirement on account of age.
60. Compulsory retirement on grounds of efficiency of the force.
61. Compulsory retirement of regular policeman whose pension is reduced.
62. Compulsory retirement on grounds of disablement.
63. Effect of requirement to retire.

PART IX

SERVICEMEN

64. Servicemen to whom Part IX applies.
65. Awards to servicemen.
66. Awards on death of servicemen.
67. Application of Regulation 27.
68. Servicemen who resume service as regular policemen.
69. Servicemen who do not resume service in their former force.
70. Pensionable service.
71. Pension contributions.

PART X

SUPPLEMENTAL PROVISIONS IN SPECIAL CASES

72. Persons who ceased to serve before 1st July 1949.
73. Certain persons serving on 1st July 1949.
74. Chief constables of areas that are amalgamated.
75. Chief constables who joined or were transferred to a county police force.
76. Commissioner and assistant commissioners of police of the metropolis.
77. Certain ex-reversionary members of home police forces.
78. Members of an overseas corps with previous service outside Great Britain.
79. Former lieutenants in Scottish police forces.
80. Regular policemen dismissed after 25 years' service.

PART XI

APPLICATION OF PENSIONS (INCREASE) ACTS

81. Application of Pensions (Increase) Acts 1944 and 1947.
82. Application of Pensions (Increase) Act 1952.
83. Application of Pensions (Increase) Act 1956.
84. Application of Pensions (Increase) Act 1959.

PART XII

MISCELLANEOUS

85. Saving of sections 10 and 22 (2) of Police Pensions Act 1921.
86. Lincolnshire.
87. Combined police forces.

PART XIII

INTERPRETATION

88. Meanings assigned to certain expressions.
89. Meaning of certain expressions related to the operation of the National Insurance Acts.
90. Meaning of certain expressions in relation to overseas policemen.
91. Persons who have been members of a police force.
92. Transfers.
93. Retirement.
94. Persons treated as being in receipt of a pension.
95. Aggregate pension contributions.
96. Injury received in the execution of duty.
97. Disablement.
98. Disablement or death the result of an injury.
99. Relevant service in the armed forces.
100. References to awards.
101. References to provisions.
102. Application of Interpretation Act 1889.

PART XIV

REVOCATIONS, TRANSITIONAL PROVISIONS AND DATE OF COMMENCEMENT

103. Revocations.
104. Transitional provisions.
105. Citation and commencement.

SCHEDULES

SCHEDULE 1—POLICEMEN

Part I Policeman's ordinary pension.
Part II Policeman's ill-health or short service award.
Part III Reduction of pension at insured pensionable age.
Part IV Reduction of pension payable to person paying pension contributions at a rate related to six-and-a-quarter per cent. of pensionable pay.
Part V Reduction of awards other than pensions.
Part VI Policeman's supplemental pension.

SCHEDULE 2—WIDOWS

Part I Widow's ordinary pension—standard rate.
Part II Widow's ordinary pension—preserved rate.
Part III Widow's special pension.
Part IV Widow's special pension where husband's death results from an attack.
Part V Reduction of widow's pension in respect of national insurance benefit.
Part VI Discretionary increase in widow's pension.
Part VII Widow's gratuity in lieu of pension.
Part VIII Widow's ordinary gratuity.

SCHEDULE 3—CHILDREN

Part I Child's ordinary allowance.
Part II Child's special allowance.
Part III Discretionary increase in child's allowance.

Part IV Reduction of child's allowance.
Part V Child's allowance under former Acts calculated otherwise than by reference to annual pay.
Part VI Discretionary increase in child's allowance under former Acts and discretionary allowance.
Part VII Child's gratuity in lieu of allowance.

SCHEDULE 4
Additional pension contributions.

SCHEDULE 5
Medical appeals.

SCHEDULE 6
Limits in respect of awards to or in respect of servicemen.

SCHEDULE 7
Preserved pensionable pay.

SCHEDULE 8
Former regulations revoked.

In exercise of the powers conferred on me by sections 1, 3 and 5 (4) of the Police Pensions Act 1948(a), as extended by section 5 (3) of the Overseas Service Act 1958(b) and Schedule 2 thereto, and section 1 (1) of the Police Pensions Act 1961(c), and after consultation with the Police Councils for England and Wales and for Scotland and, so far as Regulation 53 is concerned, with the Council on Tribunals, I hereby, with the consent of the Treasury, 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

AWARDS ON RETIREMENT AND DISABLEMENT

Policeman's ordinary pension

1.—(1) Subject to paragraphs (2) and (4), this Regulation shall apply to a regular policeman who retires or has retired on or after 5th July 1948 when entitled to reckon at least 25 years' pensionable service.

(2) Except in the circumstances mentioned in paragraph (3), this Regulation shall not apply to a member of a home police force where—

(*a*) he retires or retired without having given to the police authority a month's written notice of his intention to retire or such shorter notice as may have been accepted by the police authority; or

(*b*) being a chief officer of police, assistant commissioner of police of the metropolis, assistant commissioner of police for the City of London, assistant chief constable, or a commander or deputy commander in the metropolitan police, he retires or retired before attaining the age of 60 years.

(3) The circumstances referred to in paragraph (2) are that—

(*a*) the police authority decide or have decided that this Regulation or the corresponding provision of any of the former Regulations should apply in his case; or

(a) 11 & 12 Geo. 6. c. 24. (b) 6 & 7 Eliz. 2. c. 14. (c) 9 & 10 Eliz. 2. c. 35.

(*b*) he is or was required to retire on account of age, or on the ground that his retention in the force would not be in the general interests of efficiency, or as an alternative to dismissal.

(4) This Regulation shall not apply to an overseas policeman where he retires or retired before the completion of the tour of overseas service, if any, applicable in his case.

(5) Subject to the provisions of these Regulations, a regular policeman to whom this Regulation applies shall be entitled to an ordinary pension of an amount calculated in accordance with Part I of Schedule 1, subject however to Parts III and IV of that Schedule; but, in the case of a person entitled to reckon less than 30 years' pensionable service who retires or retired after 7th August 1961, no payments shall be made on account of the pension in respect of the period, if any, after his retirement and before he has attained the age of 50 years.

(6) In the case of a person who—

(*a*) was serving as a regular policeman on 7th August 1961; or

(*b*) is entitled under Regulation 32 (*c*) or under Regulation 70 to reckon as pensionable service a period which includes that date,

the limitation imposed by paragraph (5) on the making of payments in respect of a period before a person has attained the age of 50 years shall not apply to his first retirement on or after that date; and any person who has retired with an ill-health pension and subsequently rejoins the force in the circumstances, and within the period, mentioned in Regulation 44 (2) shall be treated for the purposes of this paragraph as if he had not retired but had served as a regular policeman throughout the period for which he was in receipt of that pension.

Policeman's ill-health award

2.—(1) This Regulation shall apply to a regular policeman who retires or has retired on or after 5th July 1948 on the ground that he is or was permanently disabled.

(2) A regular policeman to whom this Regulation applies shall be entitled to an ill-health award as hereinafter provided.

(3) In the case of a policeman who is or was at the time of his retirement—

(*a*) entitled to reckon at least 10 years' pensionable service; or

(*b*) disabled as the result of an injury received in the execution of duty,

the award under paragraph (2) shall be an ill-health pension calculated in accordance with Part II of Schedule 1, subject however to Parts III and IV of that Schedule.

(4) In the case of any other policeman the award under paragraph (2) shall be an ill-health gratuity calculated in accordance with Part II of Schedule 1, subject however to Part V of that Schedule.

Policeman's short service award

3.—(1) This Regulation shall apply to a regular policeman entitled at the time of his retirement to reckon less than 25 years' pensionable service who—

(*a*) is or was required to retire on account of age on or after 5th July 1948;

(*b*) is treated for the purposes of these Regulations, by virtue of Regulation 74 (2), as having retired on or after the said date; or

(*c*) being a reversionary member of a home police force, in pursuance of a notice in that behalf given to the Secretary of State and having attained the age of 60 years, retires or retired on or after 5th July 1948 on the termination of the tour of overseas service, if any, applicable in his case.

(2) A regular policeman to whom this Regulation applies shall be entitled to a short service award as hereinafter provided.

(3) In the case of a policeman entitled at the time of his retirement to reckon at least 10 years' pensionable service, the award under paragraph (2) shall be a short service pension calculated in accordance with Part II of Schedule 1, subject however to Parts III and IV of that Schedule.

(4) In the case of any other policeman, the award under paragraph (2) shall be a short service gratuity calculated in accordance with Part II of Schedule 1, subject however to Part V of that Schedule.

Policeman's supplemental pension

4.—(1) This Regulation shall apply to a person who ceases or has ceased to be a member of a police force on or after 5th July 1948, and is permanently disabled as a result of an injury received without his own default in the execution of his duty (hereafter in this Regulation referred to as the "relevant injury").

(2) A person to whom this Regulation applies shall be entitled to a supplemental pension in respect of any week in respect of which—

(*a*) none of the payments described in paragraph (4) is payable to him; or

(*b*) if one or more of the said payments is payable, that payment or the aggregate of those payments, as the case may be, is less than the standard amount appropriate to his case calculated in accordance with Part VI of Schedule 1.

(3) The amount of the supplemental pension in respect of any week shall—

(*a*) if none of the said payments is payable in respect of that week, be equal to the said appropriate standard amount;

(*b*) if one or more of the said payments is payable in respect of that week, be equal to the difference between that payment or, as the case may be, the aggregate of those payments and the said appropriate standard amount.

(4) The payments referred to in paragraph (2) are—

(*a*) any injury benefit payable under the National Insurance (Industrial Injuries) Act 1946(a) which relates to the relevant injury;

(*b*) any disablement pension payable under section 12 of the National Insurance (Industrial Injuries) Act 1946 in respect of the relevant injury or so much of any such pension as relates to that injury, together with—

(i) any increase in such pension payable under section 13, 14, 17 or 18 of the said Act or so much of any such increase as is proportionate to that part of the said pension which relates to that injury, and

(a) 9 & 10 Geo. 6. c. 62.

(ii) so long as he is receiving treatment as an in-patient at a hospital as a result of that injury, any increase in such pension payable under section 16, 17 or 18 of the said Act,

(*c*) any sickness benefit payable under the National Insurance Act 1946(a), until the first day after his retirement which is not or is deemed not to be a day of incapacity for work under section 11 of that Act or regulations made thereunder; and

(*d*) where the person concerned received the relevant injury while serving as a regular policeman, any pension (payable otherwise than under this Regulation) which first becomes or became payable after the time when he received the relevant injury by the police authority of the force in which he was serving at that time;

and for the purposes of paragraphs (2) and (3), any such pension as is mentioned in sub-paragraph (*d*) which is reduced in accordance with the provisions of Regulation 5 or 7 or of Part IV of Schedule 1 shall be deemed not to have been so reduced.

(5) Where a person receives a disablement gratuity under the National Insurance (Industrial Injuries) Act 1946, this Regulation shall apply as if he were entitled during the relevant period to a disablement pension under that Act of such amount as would be produced by converting the gratuity into an annuity for that period.

In this paragraph the expression "the relevant period" means the period taken into account, in accordance with section 12 of that Act, for the purpose of making the assessment by reference to which the gratuity became payable.

(6) Where a member of a police force is entitled to both a supplemental pension and some other such pension as is mentioned in paragraph (4) (*d*), then, except where the context otherwise requires, those pensions shall, for the purposes of these Regulations, constitute a single award.

Commutation of part of pension

5.—(1) This Regulation shall apply to a regular policeman who has served as such on or after 14th April 1958.

(2) A regular policeman to whom this Regulation applies 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 or retired either when entitled to reckon at least 30 years' pensionable service or in the circumstances mentioned in sub-paragraph (*a*) or (*b*) of Regulation 3 (1).

(3) 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 a sixth of the pension which would be payable but for the provisions of Regulation 7 and of Part IV of Schedule 1, as (subject to the limitation contained in Regulation 8) 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.

(a) 9 & 10 Geo. 6. c. 67.

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

(*a*) not earlier than 2 months before his intended retirement nor later than 6 months after his retirement; or

(*b*) in the case of a person who retires or retired with an ill-health pension and is entitled to reckon less than 25 years' pensionable service, not earlier than 2 months before his intended retirement nor later than 6 months after he would, if he had continued to serve as a regular policeman instead of retiring with an ill-health pension, have been either entitled to reckon 25 years' pensionable service or liable to be required to retire on account of age;

and, in the case of such a person as is mentioned in sub-paragraph (*b*), the notice of commutation 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 either entitled to reckon 25 years' pensionable service or liable to be required to retire as aforesaid.

(5) Where a person has complied with the provisions of paragraph (3), 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 notice of commutation shall not become effective if it was given more than 2 months before his retirement.

(6) Where a person retires or has retired and a notice of commutation given by him becomes or has become 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 paragraph (5) (*a*), 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 paragraph (4) (*b*), 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.

Former provisions as to allocation of part of pension

6.—(1) This Regulation shall apply to a regular policeman who retired on or after 5th July 1948, but before 14th April 1958.

(2) If before retiring with an ordinary or short service pension a regular policeman to whom this Regulation applies—

(*a*) gave notice to the police authority by whom the pension was payable of his intention to surrender a portion of the pension not exceeding a third thereof;

(*b*) nominated the person in whose favour the surrender was to take effect, being his spouse or some other person who the police authority were satisfied was substantially dependent on him ; and

(*c*) provided the police authority with such evidence of his good health as the authority considered satisfactory,

the pension shall be reduced accordingly, and after his death the police authority shall pay to the person so nominated, if that person survives him, a pension of such amount as, according to tables from time to time prepared by the Government Actuary, is actuarially equivalent, as at the time when the ordinary or short service pension first became payable, to that part of the pension which he has surrendered.

Current provisions as to allocation of part of pension

7.—(1) This Regulation shall apply to a regular policeman who retires or retired on or after 14th April 1958.

(2) A regular policeman to whom this Regulation applies and who is entitled to reckon not less than 25 years' pensionable service may, in accordance with the provisions thereof, 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.

(3) A regular policeman to whom this Regulation applies may, in accordance with the provisions thereof, allocate a portion of a short service pension.

(4) 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 (5) and in Regulation 8, 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 25 years' pensionable service, whether the notice of allocation is to become effective in accordance with sub-paragraph (*a*) or (*b*) of paragraph (6) ; 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 paragraph (6) (*a*), the notice shall be given not earlier than 2 months before the person's intended retirement.

(5) The total portion of a pension which may be surrendered by a person under this Regulation shall not exceed a third of the pension which would be payable in his case but for the provisions of this Regulation, of Regulation 5 and of Part IV of Schedule 1.

(6) Where a person has complied with the provisions of sub-paragraphs (*a*) and (*b*) of paragraph (4), 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 25 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 2 months of giving the notice of allocation and in such case as from the date of retirement.

(7) Where a person retires or has retired and a notice of allocation given by him becomes or has become effective, the pension to which the notice relates shall be reduced in accordance with the notice as from the date from which it is payable (notwithstanding the death of the beneficiary before that date).

(8) Where a person retires or has retired with a pension which falls to be 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 (*b*) of paragraph (6),

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

(9) Where a person was entitled to reckon at least 25 years' pensionable service when he gave the notice of allocation and stated therein that it should become effective in accordance with paragraph (6) (*a*), then, if he dies or died 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.

(10) Without prejudice to the generality of Regulation 104, the allocation of a portion of a pension, the giving of a notice or any other thing done under any provision of the former Regulations corresponding to this Regulation shall have effect for the purposes of this Regulation as if it had been done hereunder.

(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.

Limitation on right to commute or allocate part of a pension

8. A regular policeman shall not under Regulation 5 commute for a lump sum, nor under Regulation 7 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 2 thirds of the rate at which it would have been payable but for the provisions of the said Regulations and Part IV of Schedule 1.

Award where no other award payable

9.—(1) This Regulation shall apply to a person who ceases or has ceased to be a member of a police force on or after 5th July 1948, in circumstances which do not entitle him to any award other than such as is mentioned in this Regulation.

(2) Subject to the provisions of Part V of Schedule 1, a person to whom this Regulation applies shall, on retirement, be entitled to an award of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service.

(3) Subject to the provisions of Part V of Schedule 1, if a person to whom this Regulation applies is dismissed the police authority shall grant an award of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service to such one of those persons hereinafter described as, in their discretion, they may think fit or, if in their discretion they think fit, shall distribute that award among such of those persons in such shares and in such manner as in their discretion they may think fit.

The persons above referred to are the said person and all his dependants.

PART II

AWARDS ON DEATH

Widows

Widow's ordinary pension

10.—(1) This Regulation shall apply to a widow of a regular policeman—

(*a*) who, being entitled to reckon at least 3 years' pensionable service, dies or has died on or after 5th July 1948 while serving as such ; or

(*b*) who, being entitled to reckon at least 3 years' pensionable service, retires or retired on or after 5th July 1948, and—

(i) having so retired because he was disabled, dies or has died as a result of the same injury as resulted in his disablement, or

(ii) having so retired with a pension, dies or has died while still in receipt of the pension ; or

(*c*) who, being entitled to reckon at least 3 years' approved service, retired between 1st September 1918 and 5th July 1948, and—

(i) having so retired on account of an injury, dies or has died on or after 5th July 1948 in consequence of the injury, or

(ii) having so retired with a pension, dies or has died on or after the said date while in receipt of the pension, or

(iii) having so retired after being granted a pension by a police authority in respect of previous service as a regular policeman, dies or has died on or after the said date while in receipt of the pension ; or

(*d*) who either was serving as a regular policeman on 1st September 1918 or was a person who, having while serving as a regular policeman been

called out as a reservist or entered or re-entered, enlisted or re-enlisted in any of the armed forces for the purposes of the war in progress on that date, was on the said date serving in the armed forces, and—

(i) would have been such a regular policeman as is referred to in sub-paragraph (*c*) if he had been entitled to reckon 3 years' approved service, or

(ii) dies or has died on or after 5th July 1948 while entitled to a pension granted under the Police Reservists (Allowances) Act 1914(**a**), whether or not he was in receipt of payments in respect of the said pension at the date of his death ; or

(*e*) who died between 1st September 1918 and 5th July 1948 and whose widow would have been entitled to a pension if in paragraph (*a*) of section 3 of the Police Pensions Act 1921(**b**) the words "three years' approved service" had been substituted for the words "five years' approved service" ; or

(*f*) who died before 1st September 1918 while serving as a regular policeman ; or

(*g*) who retired on or before 1st September 1918 and has not been a regular policeman since that date and—

(i) so retired on account of an injury or else with a pension and dies or has died either in consequence of the injury or else while in receipt of the pension, or

(ii) dies or has died while entitled to a pension granted under the Police Reservists (Allowances) Act 1914, whether or not he was in receipt of payments in respect of the said pension at the date of his death ; or

(*h*) who, having while serving as a regular policeman been called out as a reservist or entered or re-entered, enlisted or re-enlisted in any of the armed forces for the purposes of the war in progress on 1st September 1918, died while so serving in the armed forces.

(2) A widow of a regular policeman to whom this Regulation applies shall be entitled to a widow's ordinary pension of an amount calculated in accordance with—

(*a*) Part I of Schedule 2, where immediately before his death or retirement her husband was paying pension contributions at a rate related to 6½% of his pensionable pay ;

(*b*) Part II of Schedule 2 in any other case, subject however to Part V of that Schedule, so however that the amount of the pension of the widow of such a regular policeman as is mentioned in sub-paragraph (*e*), (*f*), (*g*) or (*h*) of paragraph (1), including any increase therein under Regulation 11, shall be reduced by the amount of any other pension which is also payable to her by the police authority in respect of her husband's death.

Discretionary increase in widow's ordinary pension

11.—(1) Where a widow who is in receipt of an ordinary pension calculated in accordance with Part II of Schedule 2 would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act 1946, either as originally enacted or as amended by any subsequent enactment, had her husband satisfied the contribution conditions

(**a**) 4 & 5 Geo. 5. c. 34. (**b**) 11 & 12 Geo. 5. c. 31.

therefor, the police authority may, in their discretion and in accordance with the provisions of this Regulation, increase that ordinary pension.

(2) The increase shall be payable only in respect of any week during which the widow is not receiving—

(*a*) a retirement pension under the National Insurance Act 1946;

(*b*) a pension under the Old Age Pensions Act 1936(**a**);

(*c*) any armed forces pension or award payable in respect of her husband in pursuance of any Royal Warrant or other instrument; or

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

(3) A pension increased under this Regulation shall be payable at a rate increased by 80s. 0d. a week for the first 13 weeks that the pension is payable and thereafter during the periods and in the conditions set out in Part VI of Schedule 2 at a rate increased by 57s. 6d. a week:

Provided that where a pension calculated in accordance with Scheme II of Part II of Schedule 2 is increased under this Regulation, the increased pension shall not be at a higher rate than it would have been if it had been calculated in accordance with Scheme I of the said Part II and increased in accordance with the provisions of this Regulation.

Widow's special pension

12.—(1) This Regulation shall apply to a widow of a member of a police force who dies or has died on or after 5th July 1948 as the result of an injury received without his own default in the execution of his duty.

(2) A widow to whom this Regulation applies shall be entitled to a widow's special pension calculated in accordance with Part III of Schedule 2, subject however to Part V of that Schedule:

Provided that where her husband acting in the execution of his duty as a member of a police force is or was attacked by a person or persons in a manner which in the opinion of the police authority is or was intrinsically likely to cause death and death ensues as a result of the attack, then the pension shall be calculated in accordance with Part IV of Schedule 2 in respect of any week for which the amount of the pension so calculated is greater than the amount calculated in accordance with Part III of Schedule 2, subject however, in either case, to Part V of that Schedule.

Discretionary increase in widow's special pension

13.—(1) Where a widow who is entitled to a special pension under Regulation 12 of these Regulations would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act 1946, either as originally enacted or as amended by any subsequent enactment, had her husband satisfied the contribution conditions therefor, the police authority may, in their discretion and in accordance with the provisions of this Regulation, from time to time increase that special pension.

(2) The increase shall be payable only in respect of any week during which the widow is not receiving—

(*a*) a retirement pension under the National Insurance Act 1946;

(**a**) 26 Geo. 5 & 1 Edw. 8. c. 31. (**b**) 2 & 3 Geo. 6 c. 82.

(*b*) a pension under the Old Age Pensions Act 1936;

(*c*) any armed forces pension or award payable in respect of her husband in pursuance of any Royal Warrant or other instrument;

(*d*) any payment made in respect of the death of her husband under any scheme made under the Personal Injuries (Emergency Provisions) Act 1939; or

(*e*) a pension under section 19 of the National Insurance (Industrial Injuries) Act 1946.

(3) The weekly amount up to which the pension may be increased shall be a sixth of her husband's average pensionable pay for a week, increased in accordance with Part XI of these Regulations, together with, for the first 13 weeks that the pension is payable, 80s. 0d. a week and thereafter, during the periods and in the conditions set out in Part VI of Schedule 2, 57s. 6d. a week.

Widow's award under former Acts

14.—(1) This Regulation shall apply to a widow of a member of a police force who died before 5th July 1948.

(2) Where a widow to whom this Regulation applies was immediately before 5th July 1948 entitled to an award under the former Acts, she shall continue to be entitled to the award in all respects in the same manner as if no regulations under the Act had come into force, so however that in the case of a pension it shall be calculated in accordance with the provisions of this Regulation.

(3) Subject to the provisions of paragraph (4)—

(*a*) where the former Acts provided that the pension should be calculated otherwise than by reference to annual pay, it shall be of an amount calculated in accordance with Scheme I of Part II of Schedule 2;

(*b*) where the former Acts provided that it should be calculated by reference to annual pay, it shall be of an amount calculated in accordance with those Acts (without taking into account any increase under the Pensions (Increase) Acts 1944 and 1947(a)) increased either in accordance with Part XI of these Regulations or by such amount as will secure that it is not less than it would have been had it fallen to be calculated in accordance with sub-paragraph (*a*), whichever increase is from time to time the more favourable to the widow.

(4) Where a widow is entitled under this Regulation to a pension and her husband acting in the execution of his duty as a member of a police force was attacked by a person or persons in a manner which in the opinion of the police authority was intrinsically likely to cause death and death ensued as a result of the attack, then the pension shall be of an amount calculated in accordance with Part IV of Schedule 2, subject however to Part V of that Schedule, in respect of any week for which that amount is greater than the amount calculated in accordance with paragraph (3) together with any increase therein under Regulation 15.

Discretionary increase in widow's award under former Acts

15.—(1) Where a widow is entitled to a pension calculated in accordance with Regulation 14 (3), the police authority may, in their discretion and in accordance with the provisions of this Regulation, increase that pension.

(a) 7 & 8 Geo. 6. c. 21 and 10 & 11 Geo. 6. c. 7.

(2) The increase shall be payable only in respect of any week during which the widow is not receiving—

(*a*) widow's benefit under the National Insurance Act 1946;

(*b*) a retirement pension under that Act;

(*c*) a pension under the Old Age Pensions Act 1936;

(*d*) any armed forces pension or award payable in respect of her husband in pursuance of any Royal Warrant or other instrument; or

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

(3) A pension increased under this Regulation shall be payable during the periods and in the conditions set out in Part VI of Schedule 2 at a rate increased by 57s. 6d. a week:

Provided that where a pension calculated in accordance with Regulation 14 (3) (*b*), otherwise than by reference to the non-accidental rate specified in paragraph 7 of Part II of Schedule 1 to the Police Pensions Act 1921, is increased under this Regulation, the increased pension shall not be at a higher rate than it would have been if it had been calculated in accordance with Regulation 14 (3) (*a*) and increased in accordance with the provisions of this Regulation.

Gratuity in lieu of pension

16.—(1) Where a widow is entitled to a pension and the police authority are satisfied that there is sufficient reason for granting here a gratuity in lieu thereof, they may, subject to the provisions of Regulation 28, in their discretion and with her consent substitute for the pension a gratuity calculated in accordance with Part VII of Schedule 2.

(2) Where the police authority are precluded by reason of the provisions of Regulation 28 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.

Widow's ordinary gratuity

17.—(1) This Regulation shall apply to a widow of a member of a police force who—

(*a*) dies or has died on or after 5th July 1948, while serving as a regular policeman; or

(*b*) dies or has died on or after 3rd January 1949, while called up for service as an auxiliary policeman; or

(*c*) dies while serving as a member of an overseas corps otherwise than as a regular policeman.

(2) The widow of a regular policeman to whom this Regulation applies by virtue of sub-paragraph (*a*) of paragraph (1) shall, if she is not entitled to a pension, be entitled to a widow's ordinary gratuity calculated in accordance with Part VIII of Schedule 2.

(3) The widow of an auxiliary policeman or member of an overseas corps to whom this Regulation applies by virtue of sub-paragraph (*b*) or (*c*) of paragraph (1) shall, if she is not entitled to a special pension, be entitled to a gratuity of an amount equal to that of his aggregate pension contributions in respect of the relevant period of service.

Limitation on award to widow with reference to date of marriage

18.—(1) A widow shall not be entitled to a widow's ordinary pension unless she was married to her husband before he last ceased to be a regular policeman.

(2) A widow shall not be entitled to a widow's special pension unless she was married to her husband—

(*a*) before he last ceased to be a regular policeman, if he received the injury while serving as a regular policeman;

(*b*) before the end of the continuous period of service during which he received the injury, in any other case.

Limitation on award to widow living apart from husband

19.—(1) Subject to paragraph (2), a widow shall not be entitled to an award under any provision of this Part of these Regulations, other than Regulation 14, if at the time of her husband's death—

(*a*) she was separated from him by an order or decree of a competent court; and

(*b*) he was not required by an order or decree of a competent court to contribute to her support and was not in fact regularly contributing to her support.

(2) Nothing in paragraph (1) shall apply to an award to a widow if she became entitled to the like award under the corresponding provision of the former Regulations before 1st April 1956, but in such a case, where the widow was living apart from her husband at the time of his death, the award shall not be payable unless either—

(*a*) at the time of his death her husband was regularly contributing to her support, or was liable to contribute to her support by virtue of any agreement or any order of a competent court; or

(*b*) she was living apart from him because he had deserted her:

Provided that where the preceding provisions of this paragraph would prevent the payment of an award, the police authority may, in their discretion, if they consider that the application of those provisions would cause substantial hardship in that case, pay the award.

(3) For the purposes of this Regulation contributions to a woman for the support of her child shall be treated as contributions to her support.

Termination of widow's pension on remarriage

20.—(1) Where a widow entitled to a pension under any provision of this Part of these Regulations, other than Regulation 14, remarries or has remarried, she shall not be entitled to receive any payment on account of the pension in respect of any period after her remarriage:

Provided that if at any time after her remarriage she has again become a widow or that marriage has been dissolved, the police authority may, in their discretion, resume payment of the pension.

(2) Where a widow entitled to a gratuity under this Part of these Regulations remarries or has remarried, so much of the gratuity as has not been paid before her remarriage shall not be payable thereafter:

Provided that if at any time after her remarriage the woman has again become a widow or that marriage has been dissolved, the police authority may, in their discretion, pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage.

(3) Where after her husband's death a woman has cohabited with another man, this Regulation shall apply as if for the period of such cohabitation she were married to him and any reference in this Regulation to her remarriage, her again becoming a widow or the marriage being dissolved shall be construed accordingly.

Children

Child's ordinary allowance

21.—(1) This Regulation shall apply to a child of a regular policeman who dies or has died on or after 5th July 1948—

(*a*) while serving as such ; or

(*b*) having retired with a pension, while still in receipt of the pension ; or

(*c*) having retired with a gratuity when entitled to reckon at least 3 years' pensionable service.

(2) A child to whom this Regulation applies shall be entitled to a child's ordinary allowance for such period or periods, if any, as the mother is not in receipt of an ordinary pension payable in respect of the father's death and calculated in accordance with paragraph 1 of Part I of Schedule 2.

(3) A child's ordinary allowance shall be calculated in accordance with Part I of Schedule 3, subject however to Part IV of that Schedule.

Child's special allowance

22.—(1) This Regulation shall apply to a child of a member of a police force who dies or has died on or after 5th July 1948 as the result of an injury received without his own default in the execution of his duty.

(2) A child to whom this Regulation applies shall be entitled to a child's special allowance calculated in accordance with Part II of Schedule 3, subject however to Part IV of that Schedule.

Discretionary increase in child's ordinary or special allowance

23. Subject to the provisions of these Regulations, a child's ordinary or special allowance may, if the police authority in their discretion from time to time think fit, be increased in accordance with Part III of Schedule 3, subject however to Part IV of that Schedule.

Child's allowance under former Acts and discretionary allowance

24.—(1) This Regulation shall apply to a child of a member of a police force who died before 5th July 1948.

(2) Where a child to whom this Regulation applies was immediately before 5th July 1948 entitled to an allowance under the former Acts, he shall continue to be entitled to the allowance, subject to the provisions of Regulation 56 (3), in all respects in the same manner as if no regulations under the Act had come into force, so however that it shall be calculated in accordance with the provisions of this Regulation.

(3) Subject to the provisions of paragraph (4)—

(*a*) where the former Acts provided that the allowance should be calculated otherwise than by reference to annual pay, it shall be of an amount calculated in accordance with Part V of Schedule 3 ;

(*b*) where the former Acts provided that the allowance should be calculated by reference to annual pay, it shall be of an amount calculated in accordance with those Acts (without taking into account any increase under the Pensions (Increase) Acts 1944 and 1947) increased either in accordance with Part XI of these Regulations or by such amount as will secure that it is not less than it would have been had it fallen to be calculated in accordance with sub-paragraph (*a*), whichever increase is from time to time the more favourable to the child.

(4) If the police authority in their discretion think fit, the allowance may be increased in the circumstances and cases described in Part VI of Schedule 3 and in accordance with the provisions of the said Part VI.

(5) Where a child of a regular policeman to whom this Regulation applies is not entitled to an allowance under the preceding provisions of this Regulation and the regular policeman—

(*a*) died while serving as such ; or

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

(*c*) died after having retired with a gratuity when entitled to reckon at least 3 years' approved service,

then, if the police authority in their discretion think fit, the child may be granted an allowance in the circumstances and cases described in Part VI of Schedule 3 and in accordance with the provisions of the said Part VI.

Gratuity in lieu of allowance

25.—(1) Where a child is entitled to an ordinary or special allowance and the police authority are satisfied that there are sufficient reasons for the grant of a gratuity in lieu thereof, they may, subject to the provisions of Regulation 28, in their discretion and with the consent of the child's surviving parent (if any) or guardian, substitute for the allowance a gratuity calculated in accordance with Part VII of Schedule 3.

(2) Where the police authority are precluded by reason of the provisions of Regulation 28 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.

Limitation on right to child's allowance

26.—(1) A child's ordinary or special allowance or such an allowance as is mentioned in Regulation 24 (5) shall not be payable under these Regulations—

(*a*) to a child born on or after the relevant date otherwise than of a marriage which took place before the relevant date ;

(*b*) by virtue of his being a step-child, to the child of a spouse whose marriage to the parent in respect of whose death the allowance is payable took place on or after the relevant date ;

(*c*) by virtue only of his being an adopted child, to a child adopted on or after the relevant date ; or

(*d*) by virtue of his being a step-child, adopted child or illegitimate child, to a child who was not substantially dependent on the parent in respect of whose death the allowance is payable at the time of that parent's death.

(2) The relevant date, in the case of a child's ordinary allowance or such an allowance as is mentioned in Regulation 24 (5), is the date on which the person in respect of whose death the allowance is payable last ceased to be a regular policeman.

(3) The relevant date, in the case of a child's special allowance—

(*a*) if the person in respect of whose death the allowance is payable received the injury while he was a regular policeman, is the date on which he last ceased to be a regular policeman ;

(*b*) if the said person received the injury while serving as an auxiliary policeman, is the end of the continuous period of active service during which he received the injury ;

(*c*) if the said person received the injury while serving as a member of an overseas corps and he was not a reversionary member of a home police force, is the date of the end of the tour of overseas service during which he received the injury.

General

Awards to dependent relatives or estate

27.—(1) Where a member of a police force dies while serving as such and no other award is payable under these Regulations, the police authority—

(*a*) may, if in their discretion they think fit, grant a gratuity to any of his relatives who were dependent on him to any degree at the time of his death ; and

(*b*) if either no gratuity is paid under sub-paragraph (*a*) or any gratuities so paid do not exhaust the maximum amount provided for in paragraph (3), shall pay his legal personal representatives a gratuity sufficient to exhaust the said maximum amount.

(2) Where a member of a police force dies while in receipt of a pension and death—

(*a*) results from an injury received in the execution of his duty ; or

(*b*) takes place within 2 years of the grant of his pension,

the police authority may, in their discretion, grant a gratuity to any relative who was at the time of his death dependent on him to any degree.

(3) The aggregate of all gratuities paid under this Regulation shall not exceed the aggregate pension contributions in respect of the relevant period of service of the member of the police force concerned.

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

28.—(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 16 or 25 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 16 or 25 ; and

(*b*) any lump sum paid under Regulation 5 by reason that a portion of the principal pension was commuted,

exceeds a quarter of the actuarial value of the principal pension, any reduction therein under Regulation 5 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 parent's retirement as calculated by the Government Actuary.

Prevention of duplication

29.—(1) A person who but for this Regulation would become entitled to two awards under this Part of these Regulations shall, on the event occurring which would otherwise create the entitlement, select one of the said awards and thereupon the entitlement to the other or, as the case may be, any further payment under the other shall cease forthwith.

(2) For the purposes of this Regulation a gratuity granted under Regulation 17 (3) or substituted for part of a widow's pension or child's allowance under Regulation 16 or 25, as the case may be, shall be ignored.

PART III

PENSIONABLE SERVICE

Reckoning of pensionable service

30. The pensionable service reckonable by a member of a police force at any date (hereafter referred to in this Part of these Regulation as the "relevant date") shall be determined in accordance with the succeeding provisions of these Regulations:

Provided that the following periods shall not be reckonable by a regular policeman as pensionable service in the cases and for the purposes hereinafter mentioned:—

(*a*) in the case of a woman, any period of unpaid maternity leave;

(*b*) if the police authority so direct, in the case of a person who has been suspended from duty under regulations from time to time in operation under section 4 of the Police Act 1919(**a**) or section 11 of the Police (Scotland) Act 1956(**b**), not being a person who returned to duty at the end of the period of suspension without having been found guilty of any offence under such regulations, the whole or such part of the period of suspension as may be directed;

(*c*) for the purposes of any award granted on the death or retirement, before 1st July 1949, of a person who was not permanently disabled as the result of an injury received in the execution of his duty as a regular policeman without his own default, any period of service before attaining the age of 20 years.

Current service

31.—(1) Subject to the provisions of these Regulations, there shall be reckonable by a regular policeman in respect of his service as such in the force in which he is or was serving on the relevant date, being service since he last joined or rejoined that force before that date—

(*a*) all such service on or after 5th July 1948; and

(*b*) where he last joined or rejoined the force before 5th July 1948, any period of approved service which he was entitled to reckon immediately before that date under the former Acts.

(**a**) 9 & 10 Geo. 5. c. 46. (**b**) 4 & 5 Eliz. 2. c. 26.

(2) There shall be reckonable by an auxiliary policeman as pensionable service, in respect of his service in the force in which he is or was serving on the relevant date, all his active service as such since he was last called up for active service before that date.

(3) There shall be reckonable as pensionable service by a member of an overseas corps who is not, or was not, on the relevant date a reversionary member of a home police force all his service as a member of an overseas corps, while not being such a reversionary member, since he last became a member of an overseas corps before the relevant date.

Previous service reckonable without payment

32. There shall be reckonable by a regular policeman as pensionable service—

(*a*) where from being a regular policeman in another force he transferred on or after 5th July 1948 to the force in which he is or was serving on the relevant date, any period of pensionable service reckonable by him immediately before the transfer;

(*b*) where he previously retired with an ill-health pension or a pension under the former Acts from the force in which he is or was serving on the relevant date, that pension was terminated in whole or in part under Regulation 44 or any corresponding provision of the former Regulations or former Acts, and he rejoined the force on or after 5th July 1948, any period of pensionable service or of approved service under the former Acts, as the case may be, reckonable by him at the time he retired;

(*c*) where he previously retired with a pension under the former Acts in respect of a non-accidental injury from the force in which he is or was serving on the relevant date, and the approved service under the former Acts reckonable by him at the time he retired is reckonable as pensionable service under sub-paragraph (*b*), the period during which he was in receipt of the pension;

(*d*) where the relevant date is 15th May 1950 or any later date and he left the Royal Ulster Constabulary with the consent of the Inspector General of that force and the approval of the Ministry of Home Affairs for Northern Ireland for the purpose of becoming a regular policeman in a home police force, any period of approved or pensionable service which was reckonable by him, immediately before he so left, for the purposes of any legislation for the time being in force in Northern Ireland relating to the superannuation of members of the Royal Ulster Constabulary.

Previous service reckonable on payment

33.—(1) There shall be reckonable by a regular policeman as pensionable service, in the circumstances specified in this Regulation, the periods so specified before he last entered the force before the relevant date, subject to his having made to the police authority the appropriate payment.

(2) Where before the relevant date he retired without a pension (including a pension under the former Acts) from the same force as that in which he is, or was, serving on the relevant date and he rejoined the force on or after 5th July 1948—

(*a*) the period shall be any period of pensionable service, or approved service under the former Acts, reckonable by him at the time he retired;

(*b*) the appropriate payment shall be any gratuity or return of pension contributions or rateable deductions, as the case may be, which he may have received on his retirement, so however that, where immediately before his retirement he was paying additional pension contributions under Regulation 41 or any corresponding provision of the former Regulations, the payment shall be reduced by the amount he had paid by way of such contributions.

(3) Where he previously served as a member of the first class of the police reserve, of the Police War Reserve or of Class A of the Women's Auxiliary Police Corps or, subject to paragraph (5), as a special constable—

(*a*) the period shall be half the period of active service as a member of the first class of the police reserve during which he was not in receipt of a pension (including a pension under the former Acts), half the period of active service as a member of the Police War Reserve, half the period of active service as a member of the Women's Auxiliary Police Corps, whether in Class A of that Corps or otherwise, or half the period of service as a special constable while serving as such in a whole-time capacity and in receipt of pay in respect of such service, as the case may be;

(*b*) the appropriate payment shall be 5% of, in the case of a man, 90s. 0d., and in the case of a woman, 79s. 0d., in respect of each week which he is entitled under this paragraph to reckon as pensionable service.

(4) Where he was a person to whom section 1 of the Police and Firemen (War Service) Act 1939(a), as extended by Regulation 60DA of the Defence (General) Regulations 1939, applied—

(*a*) the period shall be the period during which he was engaged in war work within the meaning of the said Defence Regulation during the year 1947;

(*b*) the appropriate payment shall be the aggregate of the payments that he would have been required to make under the said Act as so extended in respect of the said period if the emergency that was the occasion of the passing of that Act had not come to an end.

(5) Except where the appropriate payment has been made before 1st January 1963, the references in paragraph (3) to a special constable shall be construed as references only to a special constable appointed—

(*a*) in England or Wales, under the Special Constables Act 1831(b) or section 196 of the Municipal Corporations Act 1882(c);

(*b*) in Scotland, under section 96 of the Burgh Police (Scotland) Act 1892(d) or the corresponding provisions of any local enactment.

Previous service reckonable at discretion of police authority

34.—(1) If the appropriate police authority in their discretion have so decided, there shall be reckonable by a regular policeman as pensionable service, in the circumstances specified in this Regulation, the periods before he last entered the force before the relevant date so specified, subject, in the case of such a period as is mentioned in paragraph (2), to his having made to that police authority the appropriate payment.

(2) Where he previously retired without a pension (including a pension under the former Acts) from a force other than that in which he is or

(a) 2 & 3 Geo. 6. c. 103.
(b) 1 & 2 Will. 4. c. 41.
(c) 45 & 46 Vict. c. 50.
(d) 55 & 56 Vict. c. 55.

was serving on the relevant date and he joined the last-mentioned force on or after 5th July 1948—

(*a*) the period shall be the whole of any period of pensionable service, or approved service under the former Acts, reckonable by him at the time he retired or so much of that period as the appropriate police authority in their discretion think fit;

(*b*) the appropriate police authority shall be the authority of the force in which he is or was serving on the relevant date;

(*c*) the appropriate payment shall be the whole or the proportionate part of any gratuity or return of pension contributions or rateable deductions, as the case may be, which he may have received on his retirement, so however that, where immediately before his retirement he was paying additional pension contributions under Regulation 41 or any corresponding provision of the former Regulations, the payment shall be reduced by the whole or the proportionate part of the amount he had paid by way of such contributions.

(3) Where he previously ceased to serve as a regular policeman in order to enter or enlist in any of the armed forces for the purposes of the war in progress on 18th September 1914—

(*a*) the period shall be his period of service in the armed forces immediately following that enlistment or entry;

(*b*) the appropriate police authority shall be the authority of the force in which he ceased to serve as aforesaid.

(4) Where a serviceman (1939-1945), after receiving a pension under the Police and Firemen (War Service) Acts 1939 and 1944(**a**), rejoins or has rejoined the force in which he is or was serving on the relevant date, being the force of the police authority by whom the pension was payable—

(*a*) the period shall be the whole of the period for which he was in receipt of the said pension or such part thereof as the said police authority have, in their discretion, decided shall be reckonable;

(*b*) the appropriate police authority shall be the police authority of the force in which he is or was serving on the relevant date.

Added years in case of displaced chief constable

35.—(1) Where a police area has been amalgamated with another police area by a scheme made under the Police Act 1946(**b**) and the chief constable of the force of an area so amalgamated is deemed to have retired under section 11 (3) of that Act—

(*a*) if during the period of 3 months referred to in the said provision he joins or joined the combined force, he shall be entitled to treat the period during which he was in receipt of a salary under the said provision as service in the combined force for the purpose of reckoning pensionable service;

(*b*) if during the said period he does not, or did not, join the combined force, at the expiration of the said 3 months there shall be reckonable by him as pensionable service the pensionable service which he was entitled to reckon at the date when he was so deemed to retire, with the addition of the said period of 3 months and also of the shortest of the following periods, namely:—

(i) a period of 10 years,

(**a**) 2 & 3 Geo. 6. c. 103 and 7 & 8 Geo. 6. c. 22. (**b**) 9 & 10 Geo. 6. c. 46.

(ii) the period between the date on which he was so deemed to retire and the date on which he would, if he had continued to serve in the force from which he was so deemed to retire, have been entitled to reckon 30 years' pensionable service, and

(iii) the period between the date when he was so deemed to retire and the date on which he would, if he were to live so long, attain the age of 65 years.

(2) The reference in paragraph (1) to the chief constable of the force of an amalgamated area includes a reference to a person who engaged for a tour of overseas service and, immediately before he so engaged, was the chief constable of the force of an area which, while he was so engaged, was amalgamated with another police area, and the reference to section 11 (3) of the Police Act 1946 includes a reference to that provision as applied by section 14 (3) (*a*) of that Act.

(3) In the application of this Regulation to Scotland, references to the Police Act 1946, section 11 (3) and section 14 (3) (*a*) thereof shall be construed as references to—

(*a*) the Police (Scotland) Act 1946(a), section 7 (2) and section 9 (3) (*a*) thereof, respectively ; or

(*b*) the Police (Scotland) Act 1956, section 22 (2) and section 23 (2) thereof, respectively.

Added years in case of displaced reversionary member of home police force

36. A reversionary member of a home police force—

(*a*) who was a member of the Special Police Corps of the Control Commission for Germany (British Element) or the Public Safety Branch of the Allied Commission for Austria (British Element) ; and

(*b*) who, after notice had been given to him that for the purpose of reducing the numbers of the corps it was desired to vary the tour of overseas service applicable in his case by advancing the date of its termination from a date at which he would have been entitled to retire and receive an ordinary pension, has had his tour of overseas service varied in accordance with the said notice ; and

(*c*) who gave written notice to the Secretary of State of his intention to receive the benefit of any provision of the former Regulations corresponding to this Regulation, and of the date of the end of the period which he desired to reckon as a period of pensionable service thereunder, not being later than the date on which his tour of overseas service would have terminated if it had not been so varied,

shall on retirement at the end of his tour of overseas service from the overseas corps of which he was a member, otherwise than on being disabled, be entitled to reckon the pensionable service which he was then entitled to reckon, with the addition of the period between the time when he retired and such date as he may have specified in the aforesaid notice.

Certain service in the Glasgow, Orkney and Zetland police forces

37.—(1) In the case of a woman serving as a regular policewoman in the Glasgow police force on the relevant date who was attested as such a policewoman in that force at any time in the year 1924, there shall be reckonable as pensionable service the period of her service as an

(a) 9 & 10 Geo. 6. c. 71.

unattested policewoman in that force prior to the time at which she was attested as aforesaid, subject to her having paid to the police authority a contribution equal to 2½% of her pay in respect of each week of her said service as an unattested policewoman.

(2) In the case of a person serving as a regular policeman in the Orkney or Zetland police force on the relevant date, there shall be reckonable as pensionable service the period of his non-contributing service, subject to his having paid to the police authority the appropriate pension contribution.

(3) For the purpose of paragraph (2)—

(*a*) non-contributing service means, in the case of a member of the Orkney police force, whole-time service in that force before 15th January 1938, or, in the case of a member of the Zetland police force, whole-time service in that force or in the Lerwick Burgh police force before 29th May 1940;

(*b*) the appropriate pension contribution means a contribution equal to 2½% of his pay in respect of each week of his non-contributing service, within the meaning of sub-paragraph (*a*), during any period before 22nd November 1926, together with 5% of his pay in respect of each week of such service on or after that date.

Approved service reckonable under former Acts

38.—(1) Any reference in this Part of these Regulations to approved service reckonable under the former Acts shall include—

(*a*) subject to paragraph (2), a reference to approved service which would have been so reckonable if there had been omitted from section 7 (1) of the Police Pensions Act 1921(**a**) the words "but shall not include" to the end;

(*b*) subject to paragraph (3), a reference to approved service which would have been so reckonable if there had been omitted from section 8 (1) of the said Act the words "in which he has completed not less than one year's approved service, and".

(2) Paragraph (1) (*a*) shall not apply for the purposes of an award granted on a person's death or retirement before 1st July 1949 or on the disablement of a person who has not been a member of a police force since that date.

(3) Paragraph (1) (*b*) shall not apply for the purposes of an award granted on a person's death, retirement or disablement before 1st January 1952, except in the case of a reversionary member of a home police force who had served as an overseas policeman for a year or less.

PART IV

PENSIONABLE PAY AND CONTRIBUTIONS

Pensionable pay

39.—(1) The pensionable pay of a member of a police force at any time means his pay at the rate to which he is or was at that time entitled.

(2) The average pensionable pay of a member of a police force means the aggregate of his pensionable pay during the 3 years immediately preceding the relevant date, ignoring any temporary reduction in rate of pay by way of punishment, divided by 3:

(**a**) 11 & 12 Geo. 5. c. 31.

Provided that where he was in receipt of pensionable pay for only part of the said period, the said aggregate shall be divided by the number of years and that fraction of a year for which he was in receipt of pensionable pay during the said period.

(3) The relevant date for the purposes of calculating average pensionable pay shall be—

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

(*b*) where an award is made to or in respect of an auxiliary policeman, the date of the end of the continuous period of active service as such during which he received the injury which resulted in disablement;

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

(4) Where for the purpose of calculating an award to a widow or a child, it is necessary to determine average pensionable pay for a period of a week, it shall be taken to be average pensionable pay divided by 52¼.

(5) A serviceman shall, for the purposes of these Regulations, be deemed to receive, during his period of relevant service in the armed forces, the amount of pay he would have received if he had continued to serve in his former force.

(6) For the purpose of calculating the pension of the chief constable of the force of an area which has been amalgamated with another police area by a scheme made under the Police Act 1946, the Police (Scotland) Act 1946 or the Police (Scotland) Act 1956, being a pension payable by virtue of Regulation 74 (2), his average pensionable pay shall include—

(*a*) where he was immediately before the date on which the area was amalgamated in receipt of a rent allowance, the annual amount of that rent allowance;

(*b*) where he was immediately before the said date provided with a house or quarters free of rent and rates, the annual worth of the house or quarters as determined in their discretion and with the approval of the Secretary of State by the police authority of the force of which he was chief constable.

(7) The average pensionable pay of a reversionary member of a home police force who gave such notice as is referred to in Regulation 36 shall be deemed to be a third of the aggregate of his pensionable pay and the pay to which he would have been entitled, if he had continued to serve in the overseas corps without alteration in the amount of his pay, during the 3 years immediately preceding the date specified in the said notice.

(8) Where a member of a home police force—

(*a*) has been a member of the Special Police Corps of the Control Commission for Germany (British Element) or the Public Safety Branch of the Allied Commission for Austria (British Element) and a reversionary member of a home police force;

(*b*) has had his tour of overseas service as a member of one of the aforesaid overseas corps varied by way of advancement of the date of its termination ; and

(*c*) on or after 1st October 1949 has ceased to be such a member and has exercised his right of reversion to a home police force,

then his average pensionable pay shall be deemed to be not less than it would have been had he been entitled, until the date when his tour of overseas service would have terminated if it had not been so varied, to a rate of pay equal to the rate of pay to which he was entitled immediately before he ceased to be a member of one of the aforesaid overseas corps.

Rate of payment of pension contributions

40.—(1) Subject to the provisions of these Regulations, a member of a police force shall pay pension contributions to the police authority, in the case of a man, at the rate of 1s. 2d. a week less than 6¼% of his pensionable pay or, in the case of a woman, less than 4½% of her pensionable pay.

(2) Where a man was on 1st April 1956—

(*a*) a regular policeman in a home police force ;

(*b*) a reversionary member of a home police force ; or

(*c*) a serviceman whose period of relevant service in the armed forces included that day,

then, unless he elected in accordance with the relevant provisions of the former Regulations to pay pension contributions at the rate specified in the preceding paragraph, he shall pay pension contributions at the rate of 1s. 2d. a week less than 5% of his pensionable pay.

(3) Where a man was on 1st April 1956 an auxiliary policeman, he shall in respect of any period during which he is such a policeman pay pension contributions at the rate of 1s. 2d. a week less than 5% of his pensionable pay.

(4) Where a man who was on 1st April 1956 an auxiliary policeman becomes or has become a regular policeman, then, unless before the day appropriate to his case specified in paragraph (5), by written notice to the police authority he elects or has elected to pay pension contributions at the rate specified in paragraph (1), he shall in respect of any period on or after the appropriate day during which he is a member of a police force pay such contributions at the rate of 1s. 2d. a week less than 5% of his pensionable pay and there shall be refunded to him by the police authority to whom he has paid pension contributions the difference between 5% and 6¼% of his pensionable pay in respect of the period between his becoming a regular policeman and the day appropriate to his case.

(5) For the purposes of the preceding paragraph the appropriate day means—

(*a*) the day following the expiration of 3 months from his first becoming a regular policeman after 1st April 1956 ; or

(*b*) where he retires or has retired before the expiration of that period, the day immediately preceding his retirement,

except that in the case of a person who gives or has given written notice to the police authority of his intention not to elect as mentioned in the preceding paragraph, the appropriate day means the day of the giving of such notice.

(6) This Regulation shall apply, in the case of a regular policeman who was on 5th July 1948 a member of a police force or a serviceman (1939–1945) and did not give notice in accordance with the relevant provisions of the former Regulations, as if for any reference to a rate of 1s. 2d. a week less than a percentage of his pensionable pay there were substituted a reference to a rate of 2d. a week less than that percentage of his pensionable pay.

(7) In this Regulation a reference to the relevant provisions of the former Regulations is a reference—

(*a*) for the purposes of paragraph (2), to the provisions of Regulation 35 (2) of the Police Pensions Regulations 1955(a), as set out in Regulation 13 of the Police Pensions Regulations 1956(b), or of Regulation 37 (2) of the Police Pensions (Scotland) Regulations 1955(c), as set out in Regulation 13 of the Police Pensions (Scotland) Regulations 1956(d);

(*b*) for the purposes of paragraph (6), to the provisions of Regulation 41 (3) of the Police Pensions Regulations 1948(e) or of Regulation 43 (3) of the Police Pensions (Scotland) Regulations 1948(f).

Rate of payment of additional contributions in certain cases

41.—(1) Where a man elected, in accordance with the relevant provisions of the former Regulations, to pay additional pension contributions and has not since he so elected become entitled to reckon 25 years' pensionable service or retired, he shall pay such contributions at a rate calculated in accordance with Schedule 4 until such time as he becomes entitled to reckon 25 years' pensionable service or retires, whichever is the earlier.

(2) In this Regulation the reference to the relevant provisions of the former Regulations is a reference to the provisions of Regulation 35A of the Police Pensions Regulations 1955, as set out in Regulation 13 of the Police Pensions Regulations 1956, or of Regulation 37A of the Police Pensions (Scotland) Regulations 1955, as set out in Regulation 13 of the Police Pensions (Scotland) Regulations 1956.

Application of Regulations 40 and 41 to persons with service otherwise than in a police force

42.—(1) This Regulation shall apply to a member of a police force who—

(*a*) first becomes a regular policeman on or after 1st January 1963 and is entitled to reckon pensionable service by virtue of service or employment (otherwise than as a member of a police force or of the Royal Ulster Constabulary) in respect of which he was subject to superannuation arrangements; or

(*b*) has been a member of the Royal Ulster Constabulary.

(2) In the case of a person to whom this Regulation applies by virtue of paragraph (1) (*a*) and who was excepted from the operation of any regulations made under section 69 (4) of the National Insurance Act 1946(g) or other provisions modifying the said superannuation arrangements in relation to a person insured under that Act, Regulation 40 shall apply as if he were such a person as is mentioned in paragraph (6) thereof.

(a) S.I. 1955/480 (1955 II, p. 1903).
(b) S.I. 1956/385 (1956 II, p. 1808).
(c) S.I. 1955/485 (1955 II, p. 1959).
(d) S.I. 1956/434 (1956 II, p. 1842).
(e) S.I. 1948/1531 (1948 I, p. 3429).
(f) S.I. 1948/1530 (1948 I, p. 3503).
(g) 9 & 10 Geo. 6. c. 67.

(3) In the case of a person to whom this Regulation applies by virtue of paragraph (1) (*b*)—

(*a*) Regulation 40 (2) shall apply as if a member of the Royal Ulster Constabulary were a regular policeman and the reference therein to the relevant provisions of the former Regulations included a reference to paragraph 36 (6) of the Schedule to the Royal Ulster Constabulary Pensions Order 1949, as amended by the Royal Ulster Constabulary Pensions (Amending) Order 1956 ;

(*b*) Regulation 40 (6) shall apply as if such a member were a regular policeman and the reference therein to the relevant provisions of the former Regulations included a reference to paragraph 36 (3) of the Schedule to the said Order of 1949 ; and

(*c*) Regulation 41 shall apply as if the reference therein to the relevant provisions of the former Regulations included a reference to paragraph 36A of the Schedule to the said Order of 1949.

Method of payment of pension contributions

43. The pension contributions (including additional pension contributions, if any) upon each instalment of pay shall fall due at the same time as that instalment and may, without prejudice to any other method of payment, be discharged by way of a deduction of an appropriate amount made by the police authority from the said instalment.

PART V

CANCELLATION, REVISION, REDUCTION AND WITHDRAWAL OF AWARDS

Cancellation of ill-health and supplemental pensions

44.—(1) As long as a person—

(*a*) is in receipt of an ill-health pension ;

(*b*) would not, if he had continued to serve as a regular policeman instead of retiring with an ill-health pension, have been entitled to reckon 25 years' pensionable service ; and

(*c*) if he had continued so to serve, could not have been required to retire on account of age,

the police authority may, if they wish to exercise the powers conferred by this Regulation, consider, at such intervals as they in their discretion think proper, whether his disability has ceased.

(2) If on any such consideration it is found that his disability has ceased, the police authority may give the person concerned notice that if he wishes to rejoin the force as a regular policeman within a period of not less than 3 months from the date on which he has been given such notice he will be permitted to do so.

(3) If the person concerned within the period referred to in paragraph (2) offers to rejoin the force as a regular policeman, he shall be permitted to do so in a rank not lower than that he held immediately before he retired with the ill-health pension.

(4) On the person concerned rejoining the force as mentioned in paragraph (3) or, where he does not offer to rejoin within the period referred to in paragraph (2), at the end of that period, there shall be terminated—

(*a*) his ill-health pension or, where he retired on or after 3rd April 1961, the unsecured portion of that pension ; and

(*b*) subject to paragraph (5), any supplemental pension to which he is entitled.

(5) Paragraph (4) (*b*) shall not apply to a supplemental pension payable to a person who last ceased to be a member of a police force before 1st July 1949.

(6) Where the unsecured portion of an ill-health pension is terminated under paragraph (4), the secured portion of that pension shall not be payable in respect of any period before insured pensionable age.

Reassessment of supplemental pension

45.—(1) Subject as hereinafter provided, where a supplemental pension is payable under these Regulations, the police authority shall, at such intervals as may be suitable, consider whether the degree of the pensioner's disablement has altered; and if after such consideration the police authority find that the degree of the pensioner's disablement has substantially altered, the pension shall be revised accordingly.

(2) Subject to paragraph (3), if on any such reconsideration it is found that his disability has ceased, his supplemental pension shall be terminated.

(3) Paragraph (2) shall not apply—

(*a*) where the person concerned has been a regular policeman and is also in receipt of an ordinary, ill-health or short service pension;

(*b*) where the person concerned last ceased to serve as a member of a police force on or after 1st July 1949, but before 25th April 1955, and the pension is payable in respect of an injury received while serving as a regular policeman; or

(*c*) where the person concerned last ceased to serve as a member of a police force before 1st July 1949.

Reduction of pension in case of default

46. Where a member of a police force or a person who has been a member of a police force becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the police authority may reduce the amount of any ill-health award or supplemental pension payable to him by them by an amount not exceeding a half of that to which he would otherwise be entitled:

Provided that this Regulation shall not apply where the person concerned has been a regular policeman and is in receipt of an ill-health pension and would, if he had continued to serve instead of retiring with that pension, have been entitled to reckon 25 years' pensionable service.

Withdrawal of pension during employment as a regular policeman

47.—(1) Subject to paragraph (2), a police authority by whom a pension is payable may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is employed as a regular policeman in any police force.

(2) This Regulation shall not apply to a widow's pension or pension under Regulation 6 or 7 payable in respect of the death of a member of a police force on or after 1st January 1963.

Discharge of liability of police authority on withdrawal of pension

48. To the extent to which a pension or allowance is withdrawn under any power conferred by the preceding provisions of these Regulations, the police authority shall be discharged from all actual or contingent liability in respect thereof.

PART VI

DETERMINATION OF QUESTIONS

Reference of medical questions

49.—(1) Subject as hereinafter provided, the question whether a person is entitled to any and, if so, what awards under these Regulations shall be determined in the first instance by the police authority.

(2) Where the police authority are considering whether a person is permanently disabled, they shall refer for decision to a duly qualified medical practitioner selected by them the following questions:—

(*a*) whether the person concerned is disabled;

(*b*) whether the disablement is likely to be permanent;

and, if they are further considering whether to grant a supplemental pension, shall so refer the following questions:—

(*c*) whether the disablement is the result of an injury received in the execution of duty; and

(*d*) the degree of the person's disablement;

and, if they are considering whether to revise a supplemental pension, shall so refer question (*d*) above.

(3) A police authority, if they are considering the exercise of their powers under Regulation 46, shall refer the question whether the person concerned has brought about or substantially contributed to the disablement by his own default to a duly qualified medical practitioner selected by them for decision.

(4) The decision of the selected medical practitioner on the questions referred to him under this Regulation shall be expressed in the form of a certificate and shall, subject to Regulations 50 and 51, be final.

Appeal to medical referee

50.—(1) Where a person has been informed of the determination of the police authority on any question which involves the reference of questions under Regulation 49 to a selected medical practitioner, he shall, if, within 14 days after being so informed or such further period as the police authority may allow, he applies to the police authority for a copy of the certificate of the selected medical practitioner, be supplied with such a copy.

(2) If the person concerned is dissatisfied with the decision of the selected medical practitioner as set out in his certificate, he may, within 14 days after being supplied with the certificate or such longer period as the police authority may allow, and subject to and in accordance with the provisions of Schedule 5, give notice to the police authority that he appeals against the said decision, and the police authority shall notify the Secretary of State accordingly, and the Secretary of State shall appoint an independent person or persons (hereafter in these Regulations referred to as the "medical referee") to decide the appeal.

(3) The decision of the medical referee shall, if he disagrees with any part of the certificate of the selected medical practitioner, be expressed in the form of a certificate of his decision on any of the questions referred to the selected medical practitioner on which he disagrees with the latter's decision, and the decision of the medical referee shall, subject to the provisions of Regulation 51, be final.

Further reference to medical referee

51.—(1) A court hearing an appeal under section 5 of the Act or a tribunal hearing an appeal under Regulation 53 may, if they consider that the evidence before the medical authority who has given the final decision was inaccurate or inadequate, refer the decision of that authority to him for reconsideration in the light of such facts as the court or the tribunal may direct, and the medical authority shall accordingly reconsider his decision and, if necessary, issue a fresh certificate, which, subject to any further reconsideration under this paragraph, shall be final.

(2) The police authority and the claimant may, by agreement, refer any final decision of a medical authority who has given such a decision to him for reconsideration on fresh evidence, and he shall accordingly reconsider his decision and, if necessary, issue a fresh certificate, which, subject to any further reconsideration under this paragraph or paragraph (1), shall be final.

(3) If a court or tribunal decide, or a claimant and the police authority agree, to refer a decision to the medical authority for reconsideration under this Regulation and that medical authority is unable or unwilling to act, the decision may be referred to a duly qualified medical practitioner selected by the court or tribunal or, as the case may be, agreed upon by the claimant and the police authority, and his decision shall have effect as if it were that of the medical authority who gave the decision which is to be reconsidered.

(4) In this Regulation a medical authority who has given a final decision means the selected medical practitioner, if the time for appeal from his decision has expired without an appeal to a medical referee being made, and the medical referee, if there has been such an appeal.

Refusal to be medically examined

52. If a question is referred to a medical authority under Regulation 49, 50 or 51 and the person concerned wilfully or negligently fails to submit himself to such medical examination or to attend such interviews as the medical authority may consider necessary in order to enable him to make his decision, then—

(*a*) if the question arises otherwise than on an appeal to a medical referee, the police authority may make their determination on such evidence and medical advice as they in their discretion think necessary ;

(*b*) if the question arises on an appeal to a medical referee, the appeal shall be deemed to be withdrawn.

Appeal by overseas policeman

53.—(1) Where an overseas policeman or person claiming an award in respect of such a policeman is aggrieved by the refusal of the Secretary of State as police authority to admit a claim to receive as of right an award or a larger award than that granted, or by the forfeiture under the Act, by the Secretary of State as police authority, of any award granted to or in respect of an overseas policeman, he may, subject to the proviso to subsection (1) and subsection (4) of section 5 of the Act, give notice of appeal to the Secretary of State.

(2) The Secretary of State, on receiving such notice of appeal, shall appoint an appeal tribunal (hereafter in this Regulation referred to as the tribunal) consisting of 3 persons, including a barrister or solicitor of not less than 7 years' standing and a retired member of a police force who, before he retired, held a rank not lower than that of superintendent.

(3) The time and place for the hearing, or any postponed or adjourned hearing, of the appeal shall be determined by the tribunal, which shall give reasonable notice thereof to the appellant and to the Secretary of State as police authority (hereafter in this Regulation referred to as the parties).

(4) Either party may be represented before the tribunal by counsel or by a solicitor, or by some other person approved by the tribunal, adduce evidence and cross-examine witnesses.

(5) The rules of evidence applicable in the case of an appeal to quarter sessions under section 5 (1) of the Act shall apply in the case of an appeal under this Regulation.

(6) Subject to the preceding provisions of this Regulation, the tribunal shall determine its own procedure.

(7) The tribunal, after enquiring into the case, may make such order in the matter as appears to it to be just.

(8) The provisions of section 5 (3) of the Act (which relates to appeals to the High Court) shall have effect in relation to any decision of a tribunal with the substitution for references to quarter sessions of references to the tribunal.

PART VII

PAYMENT OF AWARDS

Authorities responsible for payment of awards

54.—(1) An award which is payable to or in respect of a person by reason of his having served as a regular policeman shall be payable by the police authority of the force in which he last served as such.

(2) An award which is payable to or in respect of a person by reason of his having been injured while serving as a member of a police force other than a regular policeman shall be payable by the police authority of the force in which he was serving when he received the injury.

Funds out of which and into which payments are to be made

55.—(1) Subject to the provisions of this Regulation, all payments by or to a police authority under these Regulations shall be paid out of or into the police fund.

(2) All payments by or to the Secretary of State as police authority for the metropolitan police district shall be paid out of or into the metropolitan police fund, save that there shall be paid out of moneys provided by Parliament or, as the case may be, into the Exchequer—

(*a*) to such extent as in any particular case the Secretary of State may determine to be appropriate, any award or contribution to an award to or in respect of a person who has been commissioner of police or an assistant commissioner of police of the metropolis;

(*b*) the whole of the pension contributions of the commissioner of police of the metropolis;

(*c*) such of the pension contributions of an assistant commissioner of police of the metropolis as are attributable to that part of his pay which is paid out of moneys provided by Parliament.

(3) All payments by or to the Secretary of State as police authority in relation to an overseas policeman shall be paid out of moneys provided by Parliament or, as the case may be, into the Exchequer.

(4) Paragraph (1) shall not extend to Scotland.

Payment and duration of awards

56.—(1) Subject to the provisions of these Regulations, the pension of a member of a police force shall be payable in respect of each year as from the date of his retirement, except—

(*a*) where the pension is an ordinary pension and the limitation imposed by Regulation 1 (5) on the making of payments in respect of the period before he has attained the age of 50 years applies, in which case the pension shall be so payable as from the date he attains that age;

(*b*) where the pension is a supplemental pension and he retired before becoming disabled, in which case the pension shall be so payable as from the date he becomes disabled.

(2) Subject to the provisions of these Regulations, a widow's pension or child's allowance shall be payable in respect of each week as from the death of the husband or, as the case may be, the parent or, in the case of an allowance payable to a posthumous child, as from the birth of the child, except—

(*a*) where the husband or parent was in receipt of a pension and dies during a period in respect of which he has already received his pension, in which case the pension or allowance shall not be payable before the end of that period;

(*b*) where the husband or parent has received a gratuity, in which case the pension or allowance shall be payable as from such time as the police authority may, in their discretion, determine to be reasonable, not being more than a year after his death, having regard to all the circumstances, including the amount of the gratuity;

(*c*) where the entitlement to the pension or allowance arises, or arose under the former Regulations, at a date subsequent to the death of the husband or parent, in which case the pension or allowance shall, subject to sub-paragraphs (*a*) and (*b*), be payable as from that date.

(3) Subject to the provisions of these Regulations and of section 4 of the Act (which relates to forfeiture), a pension or allowance shall be payable as hereinafter provided, that is to say—

(*a*) a pension payable to a member of a police force or a widow's pension shall be payable for life;

(*b*) a child's allowance shall be payable up to the time when the child attains the age of 18 years:

Provided that a child's allowance shall not be payable for any period after the child has attained the age of 16 years during which he is neither undergoing full-time instruction in a school nor is an apprentice.

(4) Subject to the provisions of these Regulations, every pension or allowance shall, subject to such delay as may be necessary for the purpose of determining any question as to the liability of the police authority in respect thereof, be discharged by payments in advance at such reasonable intervals as the police authority may, in their discretion, determine.

(5) Where a person dies after receiving a sum paid in advance on account of a pension or allowance, neither the said sum nor any part thereof shall be recoverable although referable to a period after his death.

(6) Where a widow remarries after receiving a sum paid in advance on account of a pension, neither the said sum nor any part thereof shall be recoverable although referable to a period after her remarriage.

(7) Subject to the provisions of these Regulations, a gratuity shall become payable as soon as the entitlement thereto arises and shall be payable in one sum:

Provided that where a police authority are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable period as they think fit.

Payment of awards otherwise than to person entitled

57.—(1) Where any sum is due on account of a pension, and any debt is due to the police authority or, where the police authority is the police authority for the metropolitan police district, to the Receiver for that district, from the pensioner, so much of the said sum as does not exceed the debt may be applied by the authority or, as the case may be, the Receiver in or towards the satisfaction of the debt:

Provided that where the pension is an ordinary, ill-health or short service pension granted on retirement on or after 3rd April 1961, and the sum due on account thereof is in respect of a period beyond insured pensionable age, only so much of the sum as is due on account of the unsecured portion of the pension may be applied as mentioned in this paragraph.

(2) If it appears to the police authority that a pensioner is by reason of mental disorder or otherwise incapable of managing his affairs, the authority may in their discretion pay the pension or any part thereof to any person having the care of the pensioner, and, in so far as they do not dispose of the pension in that manner, may apply it in such manner as they think fit for the benefit of the pensioner or his dependants.

(3) On the death of a pensioner to whom a sum not exceeding £200 is due on account of a pension, the police authority may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the authority to be beneficially entitled to the personal estate of the deceased or, as the authority think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the authority may determine.

(4) Where any sum is payable to a minor on account of a pension, the authority may, if they think fit, in lieu of paying the said sum to the minor, pay it to such other person as they may determine.

A person who receives any sum paid under this paragraph shall, subject to and in accordance with any directions of the police authority, apply the said sum for the benefit of the minor.

(5) This Regulation shall apply with respect to awards other than pensions as it applies with respect to pensions, and accordingly any reference in this Regulation to a pension shall be construed as including a reference to any other award, and any reference therein to a pensioner shall be construed as including a reference to a person to whom any award is payable.

(6) A police authority shall obtain a good discharge by applying or paying any sum in the manner provided by this Regulation.

(7) In the application of this Regulation to Scotland—

(*a*) the reference in paragraph (3) to the personal estate of the deceased shall be construed as a reference to his movable estate ;

(*b*) any reference in paragraph (4) to a minor shall be construed as including a reference to a pupil.

Contributions between police authorities in case of transfer

58.—(1) Subject to the provisions of this Regulation, where a regular policeman transfers or has transferred from one force to another, the police authority of the latter force shall be entitled, if they are liable to pay or contribute towards any award to or in respect of that person, to a contribution of a proportionate part of such award or contribution from the police authority of the former force reckoned according to his service and pay and the pension contributions paid by him while a member of the former force, of an amount agreed between the authorities, or, in default of agreement, of an amount settled by arbitration.

(2) Where a regular policeman who transfers or has transferred from an overseas corps to a home police force is entitled to a supplemental pension, or the widow or any child of such a man is entitled to a widow's special pension or, as the case may be, a child's special allowance by reason of an injury received by the policeman while he was a member of the overseas corps, the police authority of the home police force shall be entitled to a contribution from the Secretary of State as police authority of the overseas corps of an amount equal to—

(*a*) the amount of any supplemental pension and the difference between any widow's special pension and the widow's ordinary pension that would otherwise have been payable and between any child's special allowance and the child's ordinary allowance that would otherwise have been payable ; and

(*b*) the amount which the Secretary of State as police authority of the overseas corps would have been liable to contribute if the policeman had received the injury otherwise than in the execution of his duty.

(3) Where a reversionary member of a home police force has given the notice referred to in Regulation 36, the Secretary of State as the said police authority shall not be entitled to a contribution from the police authority of any home police force in respect of the period between the date when the member retired and the date on which he would have completed 25 years' pensionable service if his tour of overseas service had not been varied as mentioned in the said Regulation.

(4) Where, in the case of a regular policeman who has left a police force and joined the Royal Ulster Constabulary with the consent of the police authority, the Government of Northern Ireland is liable to make payments under any legislation for the time being in force in Northern Ireland relating to pensions, allowances, gratuities, return of pension contributions or similar awards to or in respect of persons who have been members of the Royal Ulster Constabulary, the said Government shall be entitled to a contribution from the police authority of the said police force of an amount agreed between the said Government and the said police authority, or, in default of agreement, of an amount settled by arbitration, and the arbitrator shall take into consideration the amount of the contribution that would have been payable if the Royal Ulster Constabulary had been a home police force.

PART VIII

COMPULSORY RETIREMENT

Compulsory retirement on account of age

59.—(1) Subject to paragraph (2), every regular policeman—

(*a*) who is not a member of the metropolitan police or an overseas policeman shall be required to retire—

(i) if he is the commissioner or assistant commissioner of police for the City of London or is a chief constable or assistant chief constable, on attaining the age of 65 years,

(ii) if he is a superintendent or inspector, on attaining the age of 60 years,

(iii) if he is a sergeant or constable, on attaining the age of 55 years;

(*b*) who is a member of the metropolitan police shall be required to retire—

(i) if he is an assistant commissioner, on attaining the age of 60 years,

(ii) if he is a commander or deputy commander, on attaining the age of 57 years,

(iii) if he holds any lower rank, on attaining the age of 55 years:

Provided that where a regular policeman was serving in any force immediately before 5th July 1948, the time at which he shall be required to retire shall, unless at any time he elects or has elected by notice in writing to the police authority of the force in which he is or was serving that this proviso, or the relevant provisions of the former Regulations, shall not apply to him, be the time at which he would have been required to retire on the ground of age if no Regulations under the Act had come into force.

(2) The time at which, under paragraph (1), a person shall be required to retire may be postponed, if the person concerned holds a rank above that of superintendent, by the police authority, and, if he holds the rank of superintendent or any lower rank, by the chief officer of police with the approval of the police authority in a borough force in England or Wales, and by the chief officer of police in any other force:

Provided that no such postponement or postponements shall extend beyond 5 years from the time at which, under paragraph (1), he would have been required to retire.

(3) In this Regulation the reference to the relevant provisions of the former Regulations is—

(*a*) in its application to England and Wales, a reference to the proviso to—

(i) Regulation 51 (1) of the Police Pensions Regulations 1955(a),

(ii) Regulation 50 (1) of the Police Pensions Regulations 1949(b), or

(iii) Regulation 54 (1) of the Police Pensions Regulations 1948(c);

(a) S.I. 1955/480 (1955 II, p. 1903). (b) S.I. 1949/1241 (1949 I, p. 3331).
(c) S.I. 1948/1531 (1948 I, p. 3429).

(*b*) in its application to Scotland, a reference to the proviso to—

(i) Regulation 51 (1) of the Police Pensions (Scotland) Regulations 1955(a),

(ii) Regulation 51 (1) of the Police Pensions (Scotland) Regulations 1949(b), or

(iii) Regulation 55 (1) of the Police Pensions (Scotland) Regulations 1948(c).

Compulsory retirement on grounds of efficiency of the force

60. If a police authority determine that the retention in the force of a regular policeman who if required to retire would be entitled to receive a pension of an amount not less than 2 thirds of his average pensionable pay would not be in the general interests of efficiency, he may be required to retire on such date as the police authority determine.

Compulsory retirement of regular policeman whose pension is reduced

61. For the purposes of the preceding provisions of this Part of these Regulations, a regular policeman shall be deemed, if required to retire, to be entitled to the pension to which he would be entitled but for the provisions of Part IV of Schedule 1.

Compulsory retirement on grounds of disablement

62. Every regular policeman may be required to retire on the date on which the police authority determine that he ought so to retire on the ground that he is permanently disabled for the performance of his duty:

Provided that a retirement under this Regulation shall be void if, after the said date, on an appeal against the medical opinion on which the police authority acted in determining that he ought to retire, the medical referee decides that the appellant is not permanently disabled.

Effect of requirement to retire

63. Where a person is required to retire under this Part of these Regulations, he shall be deemed to retire on the date on which he is so required to retire.

PART IX

SERVICEMEN

Servicemen to whom Part IX applies

64. This Part of these Regulations shall, subject to Regulation 71, have effect in the case of a serviceman whose period of relevant service in the armed forces ends or has ended, or who dies or has died, as the case may be, on or after 5th July 1948:

Provided that, in the case of a serviceman other than a serviceman (1939–1945) whose period of relevant service in the armed forces ended, or who died, as the case may be, on or after the said date but before 15th July 1950—

(*a*) only the following provisions of this Part shall have effect, that is to say, Regulations 65 (1) and (2), 66 (1), (2), (3) and (6), 67, 69 and 70; and

(a) S.I. 1955/485 (1955 II, p. 1959). (b) S.I. 1949/1240 (1949 I, p. 3401).
(c) S.I. 1948/1530 (1948 I, p. 3503).

(*b*) the said provisions shall have effect only where he was called up for service in the armed forces under the National Service Acts 1939 to 1946(a), the National Service Act 1947(b) or the National Service Act 1948(c), or required for training or called into actual service or called out for training or for permanent service in the armed forces in pursuance of his obligations as a member of the territorial army or any reserve of the armed forces.

Awards to servicemen

65.—(1) This Regulation shall apply to a serviceman who at the end of his period of relevant service in the armed forces is permanently disabled for the performance of duty as a regular policeman.

(2) A serviceman to whom this Regulation applies shall be entitled to the same award on the same conditions in all respects as if he had retired from his former force at the end of the said period on the ground of disablement.

(3) Where the disablement is the result of an injury received during the serviceman's period of relevant service in the armed forces, the police authority may, in their discretion—

(*a*) pay in lieu of a gratuity under this Regulation a pension at the rate of a twelfth of his average pensionable pay ; and

(*b*) subject to and in accordance with paragraph 1 of Schedule 6, increase any pension payable under this Regulation.

(4) In the case of a serviceman whose period of relevant service in the armed forces ends on or after 1st January 1963 and whose pension is increased under paragraph (3) (*b*), no account of the increase shall be taken for the purposes of Regulations 5 and 7 and of Part IV of Schedule 1.

(5) In the case of a serviceman (1939–1945) whose period of relevant service in the armed forces ended before 1st January 1952, paragraph (3) (*a*) shall have effect as if it referred to a rate of not less than a twelfth of his average pensionable pay increased in accordance with Regulation 81, and the police authority may exercise their discretion under paragraph (3) notwithstanding that the disablement arose otherwise than as therein mentioned.

Awards on death of servicemen

66.—(1) If a serviceman entitled to reckon 3 years' pensionable service—

(*a*) dies or has died during his period of relevant service in the armed forces ; or

(*b*) having been permanently disabled for duty as a regular policeman at the end of the said period (without any intervening period of service as such) dies or has died as a result of the same injury as resulted in his disablement or while in receipt of a pension,

his widow shall be entitled to the same pension on the same conditions in all respects as if he were such a regular policeman as is described in Regulation 10 (1).

(2) If a serviceman dies or has died during his period of relevant service in the armed forces and his widow is not entitled to a pension, she shall be entitled to a gratuity under Regulation 17 on the same conditions in all respects as if he were a regular policeman.

(a) 2 & 3 Geo. 6. c. 81; 3 & 4 Geo. 6. c. 22; 4 & 5 Geo. 6. c. 15; 5 & 6 Geo. 6. c. 4 ; 6 & 7 Geo. 6. c. 3 and 9 & 10 Geo. 6. c. 38.
(b) 10 & 11 Geo. 6. c. 31. (c) 11 & 12 Geo. 6. c. 64.

(3) If a serviceman—

(*a*) dies or has died during his period of relevant service in the armed forces ; or

(*b*) having been permanently disabled for duty as a regular policeman at the end of the said period (without any intervening period of service as such) dies or has died while in receipt of a pension, or, being a person entitled to reckon not less than 3 years' pensionable service, dies or has died having received a gratuity,

then each of his children shall be entitled to the same allowance on the same conditions in all respects as if he were such a member of a police force as is mentioned in Regulation 21 (1).

(4) Where a serviceman dies or has died as a result of an injury received during his period of relevant service in the armed forces, the police authority may, in their discretion—

(*a*) pay to the widow, in lieu of a gratuity under this Regulation, a pension at the rate of 25s. 6d. a week ; and

(*b*) subject to and in accordance with paragraphs 2 and 3 of Schedule 6, from time to time increase any pension or allowance payable in respect of him under this Regulation.

(5) Where a serviceman (1939-1945) died before 1st January 1952, the police authority may exercise their discretion under paragraph (4) notwithstanding that he died otherwise than as therein mentioned.

(6) Regulations 20 and 29 shall apply to an award under this Regulation as though this Regulation were included in Part II of these Regulations.

Application of Regulation 27

67. In relation to a serviceman, Regulation 27 shall apply—

(*a*) where he dies during his relevant period of service in the armed forces, as if he died while serving as a member of a police force ; and

(*b*) where he dies as a result of an injury received during the said period, as if he died as a result of an injury received in the execution of his duty as a member of a police force.

Servicemen who resume service as regular policemen

68.—(1) If a serviceman who resumes or has resumed service as a regular policeman is permanently disabled or dies as a result of an injury received during his period of relevant service in the armed forces, the police authority may, in relation to any award payable to or in respect of him (other than an award under Regulation 91, exercise the same discretions as are conferred by Regulation 65 or by Regulation 66.

(2) In the case of a regular policeman who retires on or after 1st January 1963 and whose pension is increased under Regulation 65 (3) (*b*) as applied by this Regulation, no account of the increase shall be taken for the purposes of Regulations 5 and 7 and of Part IV of Schedule 1.

Servicemen who do not resume service in their former force

69. If a serviceman within 1 month of the end of his period of relevant service in the armed forces does not or did not resume service in his former force, he shall be treated for the purposes of Regulations 9, 32, 33, 34, 72, 73, 92 and 95 as having left his former force at the end of his period of relevant service in the armed forces.

Pensionable service

70.—(1) A serviceman shall be entitled to reckon as pensionable service in his former force his period of relevant service in the armed forces on and after 5th July 1948.

(2) A serviceman (1939-1945) shall also be entitled so to reckon as pensionable service—

(*a*) such further period as the Secretary of State may fix or has fixed, not exceeding 3 months after the end of his period of relevant service in the armed forces and before becoming a member of a police force or becoming entitled to an award ; and

(*b*) any period of approved service under the former Acts reckonable by him immediately before 5th July 1948.

(3) Regulation 38 shall apply for the purposes of the interpretation of this Regulation as it applies for the purposes of the interpretation of Part III.

Pension contributions

71.—(1) This Part of these Regulations shall have effect only in the case of a serviceman who pays or has paid pension contributions (other than additional pension contributions) to the police authority of his former force, as though he had remained a regular policeman in that force, in respect of his period of relevant service in the armed forces and, in the case of a serviceman (1939-1945), such further period as the Secretary of State may have fixed which is reckonable as pensionable service :

Provided that this Part shall have effect notwithstanding that pension contributions are not or have not been paid as aforesaid—

(*a*) by a serviceman other than a serviceman (1939–1945) in respect of—

(i) any period during which his service pay when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**a**) is less than his pensionable pay, or

(ii) any period before 1st January 1952 for which he has been required to serve in the armed forces as mentioned in proviso (*b*) to Regulation 64 and in respect of which no payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 have been made ;

(*b*) by a serviceman (1939-1945) in respect of any periods in respect of which he would not have been compelled to pay sums equal to rateable deductions if the Act had not been passed.

(2) Where this Part has effect in the case of a serviceman by virtue of proviso (*a*) to paragraph (1), he shall be deemed, for the purposes of Regulation 10 (2) and of paragraph 1 of Part IV of Schedule 1, to have paid pension contributions in respect of any period beginning on or after 1st April 1956 at the rate at which he last paid such contributions or, where he was on that day performing relevant service in the armed forces and did not give the notice referred to in the relevant provisions of the former Regulations, at a rate related to 6¼% of his pensionable pay.

(3) In this Regulation the reference to the relevant provisions of the former Regulations is a reference to the provisions of the proviso to

(**a**) 14 & 15 Geo. 6. c. 65.

Regulation 35 (2) of the Police Pensions Regulations 1955, as set out in Regulation 13 of the Police Pensions Regulations 1956, or of the proviso to Regulation 37 (2) of the Police Pensions (Scotland) Regulations 1955, as set out in Regulation 13 of the Police Pensions (Scotland) Regulations 1956.

PART X

SUPPLEMENTAL PROVISIONS IN SPECIAL CASES

Persons who ceased to serve before 1st July 1949

72. Notwithstanding anything in these Regulations, for the purpose of calculating an award to or in respect of a person and relating to a period of service—

(*a*) which ended in his death, retirement or dismissal before 5th July 1948, references in these Regulations to average pensionable pay and pensionable service shall be construed respectively as references to annual pay and approved service within the meaning of the former Acts ;

(*b*) which ended in his death, retirement or dismissal on or after 5th July 1948, but before 1st July 1949, any reference in these Regulations to average pensionable pay shall be construed as a reference to preserved pensionable pay within the meaning of Schedule 7.

Certain persons serving on 1st July 1949

73.—(1) Notwithstanding anything in these Regulations, in the case of a person who was on 1st July 1949—

(*a*) a member of a police force ; or

(*b*) a serviceman entitled under the relevant provisions of the former Regulations to reckon as pensionable service a period including that date,

and who died or retired within the period of 3 years beginning with that date, any award payable to or in respect of him shall not be less than it would have been if it had been calculated in accordance with the provisions of these Regulations applicable to persons who died or retired immediately before the said date and if he had been entitled during the said period to a rate of pay in accordance with the scales in force immediately before the said date.

(2) Notwithstanding anything in these Regulations, where a person who was serving as a member of a police force on 1st July 1949—

(*a*) was so serving on 28th August 1921 and is or has been compelled to retire on account of age, paragraph (3) shall apply for the purposes of calculating the ordinary pension payable to him on such retirement and any widow's ordinary pension payable in respect of him and calculated in accordance with paragraph 1 of Part I of Schedule 2 ;

(*b*) does not elect or has not elected otherwise, paragraph (3) shall apply for the purposes of calculating any award subsequently granted to or in respect of him.

(3) Any award to which this paragraph applies and which but for this Regulation would take into account the person's average pensionable pay shall in lieu thereof take into account his preserved pensionable pay within the meaning of Schedule 7.

(4) Any election under paragraph (2) shall be made by giving notice in writing to the police authority of the force in which the person making the election is serving at the time of giving the notice.

(5) In this Regulation the reference to the relevant provisions of the former Regulations is—

(*a*) in its application to England and Wales, a reference to the provisions of Regulation 29 (2) or 69 of the Police Pensions Regulations 1949, as originally made;

(*b*) in its application to Scotland, a reference to Regulation 30 (2) or Regulation 66 of the Police Pensions (Scotland) Regulations 1949, as originally made.

Chief constables of areas that are amalgamated

74.—(1) Where the chief constable of an area that is or has been amalgamated with another area by a scheme made under the Police Act 1946(a) is or has been transferred to the combined police force in pursuance of an agreement made by him before the date of transfer, or joins or joined that force within the period of 3 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 for the combined area, he shall be treated for the purposes of Regulations 1 and 59 as if, while serving in that force, he were a chief constable.

(2) Where the chief constable of an area that is or has been amalgamated with another area by a scheme made under the Police Act 1946 is not or was not transferred to the combined force by the scheme and does not or did not, during the period of 3 months referred to in section 11 (3) of that Act or, as the case may be, that provision as applied by section 14 (3) (*a*) of that Act, join the combined force, he shall be treated for the purposes of these Regulations as if he had retired at the end of the said period from the force of which he was chief constable, and Regulation 1 shall have effect in relation to him as if—

(*a*) paragraph (2) thereof were omitted; and

(*b*) the limitation imposed by paragraph (5) thereof on the making of payments in respect of a period before a person has attained the age of 50 years did not apply to him.

(3) In the application of this Regulation to Scotland, references to the Police Act 1946, sections 11 (3) and 14 (3) (*a*) thereof shall be construed as references to—

(*a*) the Police (Scotland) Act 1946(b), sections 7 (2) and 9 (3) (*a*) thereof, respectively; or

(*b*) the Police (Scotland) Act 1956(c), sections 22 (2) and 23 (2) thereof, respectively,

and the reference to the police authority for the combined area shall be construed as a reference to the joint police committee for the combined area.

Chief constables who joined or were transferred to a county police force

75. Where the chief constable of an area consisting of a non-county borough that is treated as part of the police area of the county under section 1 of the Police Act 1946 has transferred to the county police force, in pursuance of an agreement made by him before 1st April 1947, or has joined that force within the period of 3 months beginning with that date,

(a) 9 & 10 Geo. 6. c. 46. (b) 9 & 10 Geo. 6. c. 71. (c) 4 & 5 Eliz. 2. c. 26.

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 for the county, he shall, while serving in the county police force on and after 1st January 1952, be treated for the purposes of Regulation 59 as if he were a chief constable.

Commissioner and assistant commissioners of police of the metropolis

76. Notwithstanding anything in these Regulations, the Secretary of State, with the approval of the Treasury, may make such special arrangements as he may think fit in exceptional circumstances in the public interest as to the rates and conditions of awards payable to or in respect of the commissioner and assistant commissioners of police of the metropolis and of persons holding the rank of commander in that force, and such arrangements to such extent as may be provided therein may be substituted for any provisions of these Regulations.

Certain ex-reversionary members of home police forces

77. Notwithstanding anything in these Regulations, where a person who has been a reversionary member of a home police force becomes or has become a regular policeman in a home police force and an award is payable to or in respect of him by reason of his having received an injury in the execution of his duty as an overseas policeman without his own default, the award shall not be less than it would have been if he had not after being a reversionary member of a home police force become such a regular policeman.

Members of an overseas corps with previous service outside Great Britain

78. Notwithstanding anything in these Regulations, where the Secretary of State is satisfied that a member of an overseas corps before becoming such had been engaged in the performance of police duties in any country or territory outside Great Britain, and that under legislation in force in that country or territory grants were, at the time he became such a member, payable to or in respect of persons similarly engaged on their retirement or, as the case may be, death, the Secretary of State may, in accordance with any agreement made with that person in consideration of his becoming a member of an overseas corps, pay awards, in addition to any award payable under these Regulations, to or in respect of that person, to such persons, on such conditions and of such a nature and amount as will ensure that the awards and any grants under the said legislation taken together are on the whole not less favourable to the person concerned than they would have been if the said police duties had been performed as a regular member of a home police force and the member of the overseas corps had been a reversionary member of a home police force.

Former lieutenants in Scottish police forces

79. Where a member of a Scottish police force—

(*a*) retired before 5th July 1948 and at the time of his retirement held the rank of lieutenant; or

(*b*) immediately before the said date held the rank of lieutenant and on ceasing to be a member of a police force held the rank of chief inspector,

his wife and any child of his shall be entitled to receive the like awards as if, on ceasing to be a member of a police force, he had held the rank of superintendent.

Regular policemen dismissed after 25 years' service

80.—(1) This Regulation shall apply in the case of a regular policeman entitled to reckon at least 25 years' pensionable service and dismissed—

(*a*) on or after 1st January 1963 ; or

(*b*) on or after 5th July 1948 but before 1st July 1949,

otherwise than for a cause for which a pension granted to him could have been forfeited under the Act.

(2) If a regular policeman in whose case this Regulation applies would have been entitled to an ordinary pension if he had retired on the date of his dismissal, having given a month's notice to the police authority of his intention to retire, then these Regulations shall apply in his case as if he had so retired.

PART XI

APPLICATION OF PENSIONS (INCREASE) ACTS

Application of Pensions (Increase) Acts 1944 *and* 1947

81.—(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 if the person concerned were in receipt of such a pension and paragraph 2 of Part II of Schedule 1 to the Pensions (Increase) Act 1944(**a**) and section 2 (3) of the Pensions (Increase) Act 1947(**b**) had not been included in Part I of Schedule 1 to the Act.

(2) 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.

Application of Pensions (Increase) Act 1952

82.—(1) Where it is provided in these Regulations that an amount shall be increased in accordance with 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 1952(**c**) if—

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

(*b*) that pension were specified in Part II of Schedule 1 to that Act ; and

(*c*) any increase in the first-mentioned amount in accordance with Regulation 81 were an increase granted under the Pensions (Increase) Acts 1944 and 1947.

(2) For the purposes of this Regulation any reference in Schedule 2 to the Pensions (Increase) Act 1952 to—

(*a*) a relevant pension shall be construed as including a reference to an award of an amount which these Regulations provide shall be increased in accordance with this Part of these Regulations ;

(*b*) the rate of the relevant pension shall be construed as including a reference to the rate of such an award, ignoring any increase in accordance with this Regulation ;

(**a**) 7 & 8 Geo. 6. c. 21. (**b**) 10 & 11 Geo. 6. c. 7. (**c**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.

(*c*) the authorised increase shall be construed as including a reference to the increase in accordance with this Regulation.

(3) 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.

Application of Pensions (Increase) Act 1956

83.—(1) Where it is provided in these Regulations that an amount shall be increased in accordance with 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 1956(a) if—

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

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

(2) For the purposes of this Regulation any reference in section 1 (1) of the Pensions (Increase) Act 1956 or Schedule 2 thereto to 31st December 1947 shall be construed as a reference to 1st July 1949, and any reference in the said Schedule 2—

(*a*) to a relevant pension shall be construed as including a reference to an award of an amount which these Regulations provide shall be increased in accordance with this Part of these Regulations ;

(*b*) to the basic rate of the relevant pension shall be construed as including a reference to the annual rate of such an award, ignoring any increase in accordance with this Regulation ; and

(*c*) to the authorised increase shall be construed as including a reference to the increase in accordance with this Regulation.

(3) 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.

Application of Pensions (Increase) Act 1959

84.—(1) Where it is provided in these Regulations that an amount shall be increased in accordance with 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 1959(b) if—

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

(*b*) that pension were specified in the Schedule to that Act.

(2) For the purposes of this Regulation any reference in section 1 (1) of the Pensions (Increase) Act 1959 to an annual rate or an aggregate annual rate shall be construed, in relation to an amount which these Regulations provide shall be increased in accordance with this Part of these Regulations, as a reference to that amount expressed as an annual rate or, as the case may be, to that amount after any increase thereof in accordance with Regulation 81, 82 or 83, expressed as an annual rate.

(3) 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.

(a) 4 & 5 Eliz. 2. c. 39. (b) 7 & 8 Eliz. 2. c. 50.

PART XII

MISCELLANEOUS

Saving of sections 10 *and* 22 (2) *of Police Pensions Act* 1921

85. On the coming into force of these Regulations—

(*a*) section 10 of the Police Pensions Act 1921(a) shall continue to have effect so far as relates to the period between the coming into force of these Regulations and the date when rules under section 2 (1) of the Superannuation (Miscellaneous Provisions) Act 1948(b) relating to employment in service as a member of a police force come into force; and

(*b*) section 22 (2) of the Police Pensions Act 1921 shall continue to have effect.

Lincolnshire

86. Notwithstanding anything in these Regulations—

(*a*) the Lincolnshire joint police superannuation fund shall continue to be maintained and managed in the same manner as it was immediately before 5th July 1948 until the police authorities for the three divisions of Lincolnshire otherwise agree or until any one of the three forces ceases to have the same chief constable as the other two, whichever shall first happen;

(*b*) the police authorities of any two of the three police forces which have the same chief constable may maintain a joint police superannuation fund to be managed and maintained as may be agreed from time to time between them;

(*c*) as long as there is a joint police superannuation fund for any two or more of the said divisions, the forces of the divisions with the said joint fund shall be treated for the purposes of these Regulations as one force, and all payments which under these Regulations or the former Acts are to be made out of or into the police fund shall be made out of or into the joint fund:

Provided that in the case of any insufficiency in the joint fund nothing in this Regulation shall relieve the police authority of any liability in respect of an award to which they would be subject if this Regulation had not been made;

(*d*) if a joint fund comes to an end the assets of the fund shall be distributed among the police authorities concerned in such manner as they may agree or, if they fail to agree, in such manner as may be decided by arbitration.

Combined police forces

87.—(1) Where a police area is or has been combined with another police area, the police force, police authority and police fund for the combined police area of which the first-named area for the time being forms part shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the first-named area.

(2) Where a police area is or has been divided, in relation to any person—

(*a*) who is transferred by the instrument effecting the division from the combined force to another force, that other force and the police authority

(a) 11 & 12 Geo. 5. c. 31. (b) 11 & 12 Geo. 6. c. 33.

and police fund for the area of that other force shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the combined force, authority and fund;

(*b*) who ceased to be a member of the force before the division of the combined area, the force, authority and fund for the police area designated for the purpose by the instrument effecting the division shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the combined force, authority and fund.

(3) In this paragraph a reference to combination or division of a police area includes a reference to an agreement under section 14 of the County Police Act 1840(a) and the termination of such an agreement, and a reference to a combined force, authority or fund shall be construed accordingly.

(4) In its application to Scotland, this Regulation shall have effect as if—

(*a*) any reference to a police fund were omitted;

(*b*) any reference to the police authority for a combined area or to a combined authority were a reference to the joint police committee for a combined area; and

(*c*) the reference to section 14 of the County Police Act 1840 were a reference to section 61 of the Police (Scotland) Act 1857(b).

PART XIII

INTERPRETATION

Meanings assigned to certain expressions

88. In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Police Pensions Act 1948(c);

"approved service" has the same meaning as in the former Acts;

"armed forces" means the naval, military or air forces of the Crown, including any women's force administered by the Admiralty, Army Council or Air Council;

"auxiliary policeman" means a member of the first class of the police reserve, a member of the Police War Reserve and a member of Class A of the Women's Auxiliary Police Corps;

"average pensionable pay" has the meaning assigned to it by Regulation 39;

"chief officer of police" in relation to an overseas corps means the senior member of that corps;

"child" includes step-child, illegitimate child and adopted child and the expressions "father", "mother" and "parent" shall be construed accordingly;

"former Acts" means the Police Pensions Acts 1921 and 1926(d), including those Acts as applied and extended by or under any enactment, and any Act repealed by those Acts;

"former force" means the police force in which a serviceman was serving immediately before undertaking a period of relevant service in the armed forces;

(a) 3 & 4 Vict. c. 88. (b) 20 & 21 Vict. c. 72. (c) 11 & 12 Geo. 6. c. 24.
(d) 11 & 12 Geo. 5. c. 31 and 16 & 17 Geo. 5. c. 34.

" former Regulations " means the Regulations made under the Act before the making of these Regulations and set out in Schedule 8 ;

" home police force " means any police force maintained for any police area mentioned in Schedule 3 to the Police Pensions Act 1921, or maintained by virtue of any scheme under the Police Act 1946, or under the Police (Scotland) Act 1946 or the Police (Scotland) Act 1956 ;

" injury " includes any injury or disease, whether of body or mind ;

" inspector " includes chief inspector, sub-divisional inspector, first class inspector, C.I.D., station inspector and sub-inspector ;

" medical referee " has the meaning assigned to it by Regulation 50 (2) ;

" member of a police force " includes—

(*a*) the commissioner and assistant commissioners of police of the metropolis ;

(*b*) the commissioner of police for the City of London and any person who, on 5th July 1948, was either the surgeon of the City of London police force or a clerk or other person employed in, or in connection with, that force ; and

(*c*) an overseas policeman ;

" member of the first class of the police reserve " includes any member of a home police force appointed temporarily other than a member of the Police War Reserve or the Women's Auxiliary Police Corps or a re-engaged pensioner who was serving in a police force on 1st September 1918 ;

" overseas corps " means any body in which persons such as are mentioned in section 1 (1) of the Police (Overseas Service) Act 1945(a) are serving and in relation to which regulations made under section 1 (2) of that Act have been made ;

" overseas policeman " means a member of an overseas corps, or an officer to whom the Overseas Service Act 1958(b) applies and whose service as such an officer is for the time being service in respect of which the provisions of section 5 of that Act have effect ;

" overseas service " means service as an overseas policeman ;

" pensionable pay " has the meaning assigned to it by Regulation 39 ;

" police authority " has the same meaning as in the Act, and accordingly in relation to a Scottish police force has the same meaning as in the Police (Scotland) Act 1956 ;

" police force " means a home police force or an overseas corps ;

" regular policeman " means a member of a home police force who is not an auxiliary policeman and an overseas policeman who is a reversionary member of a home police force ;

" reversionary member of a home police force " means an overseas policeman who has been a member of a home police force and has not lost his right of reversion under section 2 (1) of the Police (Overseas Service) Act 1945, and includes a person who has transferred to an overseas corps from being either a civil servant within the meaning of the Superannuation Act 1887(c) or an officer of the staff of the metropolitan police within the meaning of the Metropolitan Police Staff (Superannuation) Act 1875(d) ;

(a) 9 & 10 Geo. 6. c. 17. (b) 6 & 7 Eliz. 2. c. 14. (c) 50 & 51 Vict. c. 67.
(d) 38 & 39 Vict. c. 28.

" sergeant " includes station sergeant and the rank of acting sergeant ;

" serviceman " means a person who immediately before undertaking a period of relevant service in the armed forces was a regular policeman and includes a serviceman (1939-1945) ;

" serviceman (1939-1945) " means a person who ceased to serve as a regular policeman in such circumstances that he became a person to whom section 1 of the Police and Firemen (War Service) Act 1939(a) applied ;

" superintendent " includes chief superintendent ;

" tour of overseas service " means the period of overseas service for which an overseas policeman has engaged with the consent, in the case of a reversionary member of a home police force, of the appropriate authority for the purposes of the Police (Overseas Service) Act 1945 and of the Secretary of State, and, if such a period has been varied under regulations made under section 1 of that Act, means the period as so varied, so however that where the overseas policeman has engaged for an indefinite period of overseas service the said expression means his actual period of such service.

Meaning of certain expressions related to the operation of the National Insurance Acts

89.—(1) In these Regulations the following expressions shall have the meanings respectively which they have for the purposes of the National Insurance Act 1959(b) :—

" employed contributor's employment " ;

" graduated contribution " ;

" graduated retirement benefit " ;

" non-participating employment " ;

" payment in lieu of contributions ".

(2) In these Regulations any reference to insured pensionable age is a reference to the age of 65 years in the case of a man, or 60 years in the case of a woman.

(3) In these Regulations any reference to a participating period of relevant employment is a reference to a period of employed contributor's employment after 5th April 1961 and before insured pensionable age other than—

(*a*) service in the armed forces ; and

(*b*) non-participating employment at the end of which no payment in lieu of contributions falls to be made ;

and for the purposes of this paragraph a period of employed contributor's employment or of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(4) In these Regulations any reference to the secured portion of a pension is a reference to the portion of the pension which equals the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining insured pensionable age, in return for a payment in lieu of contributions in respect of the whole of any period of non-participating employment by virtue of which he is entitled to reckon pensionable service for the purposes of the pension, being a period

(a) 2 & 3 Geo. 6. c. 103. (b) 7 & 8 Eliz. 2. c. 47.

of non-participating employment at the end of which no payment in lieu of contributions in fact fell to be made; and any reference to the unsecured portion of a pension shall be construed accordingly.

For the purposes of this paragraph a period of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(5) For the purposes of these Regulations the annual rate of graduated retirement benefit shall be calculated as if there were 52½ weeks in each year.

Meaning of certain expressions in relation to overseas policemen

90.—(1) A reference in these Regulations to a rank, being a rank in a home police force, shall, in relation to a member of an overseas corps, be construed as a reference to such rank in that corps as the Secretary of State may from time to time direct.

(2) For the purposes of these Regulations an overseas policeman who is not a member of an overseas corps shall be deemed to hold the rank he held as a member of a home police force immediately before he became an overseas policeman.

(3) For the purposes of these Regulations an overseas policeman who is not a member of an overseas corps shall, except where the context otherwise requires, be deemed to be a member of an overseas corps and any reference to his joining or leaving a police force or transferring from one force to another, however expressed, shall be construed accordingly.

(4) A reference in these Regulations to the police authority shall be construed in relation to an overseas policeman as a reference to the Secretary of State.

Persons who have been members of a police force

91. In these Regulations, unless the context otherwise requires, a reference to a member of a police force, however expressed, shall include a reference to a person who has been such a member.

Transfers

92. A reference in these Regulations to a regular policeman transferring from one force to another shall be construed as a reference to a regular policeman—

(*a*) leaving a home police force for the purpose of joining another home police force as a regular policeman and joining that other force in that capacity, where—

(i) not being the chief officer of police of, or a constable on probation in, the force first mentioned in this sub-paragraph, he leaves that force on or after 1st January 1963 for the purpose aforesaid, after giving a month's notice in writing of his intention to do so to the police authority of that force, or

(ii) he left the said force before 1st January 1963 or, being the chief officer of police of, or a constable on probation in, the said force, he leaves that force on or after that date, in either case for the purpose aforesaid and with the written consent of the chief officer of police or, in the case of the chief officer of police, of the police authority of that force;

(*b*) leaving a home police force with the consent of the Secretary of State and with the written consent of the chief officer of police of that force acting with the consent of the police authority or, if he is the chief officer of police of that force, of the police authority, for the purpose of engaging for a tour of overseas service as a reversionary member of a home police force and engaging in such a tour of service;

(*c*) transferring or being transferred from one overseas corps to another;

(*d*) exercising his right of reversion to a home police force, under section 2 (1) of the Police (Overseas Service) Act 1945, at the end of a tour of overseas service; or

(*e*) at the end of a tour of overseas service, joining another home police force, with the written consent of the chief officer of police of the home police force to which he had the right of reversion referred to in sub-paragraph (*d*) acting with the consent of the police authority of that force or (if he was at the time when he left that force the chief officer of police) of the police authority of that force.

Retirement

93. A reference in these Regulations to retirement includes a reference to an auxiliary policeman ceasing to be called up for active service and to the termination of a tour of overseas service otherwise than by dismissal or transfer, but does not include a reference to leaving a force on transferring from one force to another, or on joining the Royal Ulster Constabulary with the consent of the police authority, and a reference to a continuous period of service is a reference to a period of service uninterrupted by any such retirement.

Persons treated as being in receipt of a pension

94. For the purposes of these Regulations a person shall be treated as being in receipt of an ordinary or, as the case may be, supplemental pension if he would be in receipt of such a pension—

(*a*) in the case of an ordinary pension, had he attained the age of 50 years; or

(*b*) in the case of a supplemental pension, had the aggregate of any of the payments described in Regulation 4 (4) been less than the standard amount appropriate to his case.

Aggregate pension contributions

95. For the purpose of calculating the amount of an award by reference to the aggregate pension contributions of a person in respect of the relevant period of service, the relevant period of service shall be taken to be the period ending in the retirement, dismissal or death on which the award is payable and beginning, where the person—

(*a*) was a regular policeman, with the date on which he became a regular policeman in the force from which he retired or was dismissed or in which he died or, if he has more than once been a regular policeman in that force, the date on which he last joined that force otherwise than as a serviceman resuming service in his former force within a month of the end of his period of relevant service in the armed forces;

(*b*) was an auxiliary policeman, with the date of the commencement of his last continuous period of active service as such;

(*c*) was a member of an overseas corps but not a reversionary member of a home police force, with the date of the commencement of his tour of overseas service,

and the aggregate pension contributions in respect of the relevant period means—

(i) the aggregate of the pension contributions (including such additional contributions as are mentioned in Regulation 41) made in respect of that period by that person to the police authority by whom the award is payable and any rateable deductions made in respect of that period by that authority from his pay under the former Acts and, where that person has made no pension contributions but has had rateable deductions made in respect of that period from his pay by that authority, those rateable deductions, together with—

(ii) the amount of any sum paid by that person to the said police authority as a condition of being entitled to reckon service before the said period as pensionable service or, as the case may be, approved service, and

(iii) where the person concerned has transferred to the force of the police authority by whom the award is payable, any sum which had he retired instead of transferring would have been calculable under the foregoing provisions of this paragraph as aggregate pension contributions at the time of the transfer.

Injury received in the execution of duty

96.—(1) A reference in these Regulations to an injury received in the execution of duty by a member of a police force—

(*a*) means an injury received in the execution of that person's duty as a constable and, where the person concerned is an auxiliary policeman, during a period of active service as such ; and

(*b*) where the person concerned is treated as a member of a police force by virtue of the definition of " member of a police force " in Regulation 88 but is not a constable, means an injury received in the execution of his duty in the appropriate capacity mentioned in the said definition,

and includes any injury received while on duty or while on a journey necessary to enable him to report for duty or to return home after duty.

(2) Notwithstanding anything in these Regulations relating to a period of service in the armed forces, an injury received in the execution of duty as a member of the armed forces shall not be deemed to be an injury received in the execution of duty as a member of a police force.

Disablement

97.—(1) A reference in these Regulations to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision or arose for decision under the former Regulations and to that disablement being at that time likely to be permanent.

(2) Disablement, where the person concerned is a member of a police force, means inability to perform the ordinary duties of a male or of a female member of the force, as the case may be.

(3) Where it is necessary to determine the degree of a person's disablement, it shall be determined by a reference to the degree to which his earning capacity has been affected as a result of the injury in respect of which the award is made ; and a person shall be deemed to be totally disabled if, and only if, as a result of such an injury, either he is incapable

by reason of the disablement of earning any money in any employment or is receiving treatment as an in-patient at a hospital.

(4) Where a person has retired before becoming disabled and the date on which he becomes disabled cannot be ascertained, it shall be taken to be the date on which the claim that he is disabled is first made known to the police authority.

Disablement or death the result of an injury

98. For the purposes of these Regulations disablement or death or treatment at a hospital shall be deemed to be the result of an injury if the injury has caused or substantially contributed to the disablement or death or the condition for which treatment is being received.

Relevant service in the armed forces

99. A reference in these Regulations to relevant service in the armed forces shall be construed as a reference to—

(*a*) service specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, other than service specified in paragraph 5 (*b*) thereof;

(*b*) part-time service under the National Service Act 1948, otherwise than pursuant to a training notice under that Act;

(*c*) service for the purposes of training only performed by a person mentioned in paragraph 7 of Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, for a period shorter than 7 days;

(*d*) in relation to a serviceman other than a serviceman (1939–1945), whole-time service in the armed forces under the National Service Acts 1939 to 1946, the National Service Act 1947 or, without prejudice to sub-paragraph (*a*), the National Service Act 1948;

(*e*) in relation to a serviceman (1939–1945), service in the armed forces up to such date as the Secretary of State on the application of the police authority of his former force may in his case have fixed.

References to awards

100. In these Regulations, unless the context otherwise requires, a reference to an award shall be construed as a reference to an award under these Regulations.

References to provisions

101.—(1) In these Regulations, unless the context otherwise requires, a reference to a Regulation shall be construed as a reference to a Regulation contained in these Regulations, a reference to a Schedule shall be construed as a reference to a Schedule to these Regulations, a reference to a paragraph shall be construed as a reference to a paragraph in the same Regulation or, as the case may be, the same Part of the same Schedule and a reference to a sub-paragraph shall be construed as a reference to a sub-paragraph contained in the same paragraph.

(2) In these Regulations, unless the context otherwise requires, a reference to any enactment or instrument shall be construed as including a reference to that enactment or instrument as amended, extended or applied by any other enactment or instrument.

Application of Interpretation Act 1889

102. The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(a) 52 & 53 Vict. c. 63.

PART XIV

REVOCATIONS, TRANSITIONAL PROVISIONS AND DATE OF COMMENCEMENT

Revocations

103. The former Regulations, that is to say the Regulations made under the Act before the making of these Regulations and set out in Schedule 8, are hereby revoked to the extent that they have not heretofore been revoked by Regulations so made.

Transitional provisions

104.—(1) These Regulations shall have effect as if—

(*a*) anything done under or for the purposes of any provision of the former Regulations had been done under or for the purposes of the corresponding provision of these Regulations ; and

(*b*) anything done in relation to an award which was granted, or the entitlement to which was continued, under any provision of the former Regulations had applied to the like award under the corresponding provision of these Regulations.

(2) Without prejudice to the generality of paragraph (1), references therein to anything done shall include—

(*a*) the determination of a question ;

(*b*) the exercise of a discretion ;

(*c*) the selection of an award ;

(*d*) the making of a payment ;

(*e*) the giving of a notice ;

(*f*) the making of an election ; and

(*g*) the cancellation, forfeiture, revision or withdrawal of an award, in whole or in part.

(3) No payment shall be made under these Regulations on account of—

(*a*) any widow's pension or child's allowance for a period before 1st January 1963 ; or

(*b*) any award, other than a pension or allowance, payable on a person's death or on his ceasing to be a member of a police force before the said date,

save in so far as the said payment would have been made under the former Regulations had these Regulations and the National Insurance (Modification of the Police Pensions Act 1948) Regulations 1962(a) not been made.

Citation and commencement

105. These Regulations may be cited as the Police Pensions Regulations 1962 and shall come into operation on 1st January 1963.

Henry Brooke,
One of Her Majesty's Principal Secretaries of State.

14th December 1962.

We consent,

John Peel,
John Hill,
Two of the Lords Commissioners of Her Majesty's Treasury.

17th December 1962.

(a) S.I. 1962/2755 (1962 III, p. 3782).

SCHEDULE 1

POLICEMEN

PART I

Regulation 1

POLICEMAN'S ORDINARY PENSION

1. Subject as hereafter in this Schedule provided, the pension shall be of an amount equal to 30 sixtieths of the policeman's average pensionable pay with the addition, subject to a maximum of 40 sixtieths—

(*a*) of a sixtieth for each completed half year by which his pensionable service exceeds 25 years, in the case of a person who retires or retired on or after 1st July 1949; or

(*b*) of 2 sixtieths for each completed year by which his pensionable service exceeds 25 years, in the case of a person who retired before that date.

2. In the case of a person who retired before 25th April 1955, and to whom, immediately before 5th July 1948—

(*a*) the scale of ordinary pension applicable immediately before the commencement of the Police Pensions Act 1921 applied by virtue of section 29 (1) (*a*) of that Act (which relates to persons serving on 28th August 1921); or

(*b*) a scale of ordinary pension different from that under the Police Pensions Act 1921 applied by virtue of section 26 (4) of that Act (which relates to members of the City of London police force),

the scale which so applied shall be substituted for that contained in paragraph 1, so however as though for any reference in those provisions to annual pay there were substituted a reference to average pensionable pay.

3. In the case of a person who retires or retired—

(*a*) on or after 1st January 1963; or

(*b*) before 1st July 1949,

if the amount of the pension calculated in accordance with the preceding provisions of this Schedule would be less than the amount it would have been had the person in question become entitled to receive an ordinary pension by retiring after due notice from the same police force at an earlier date, then, subject as hereafter in this Schedule provided, the pension shall be of the last-mentioned amount.

4. In the case of a person who retired before 1st July 1949, the amount of the pension calculated in accordance with the preceding provisions of this Schedule shall be increased in accordance with Regulation 81.

PART II

Regulations 2 and 3

POLICEMAN'S ILL-HEALTH OR SHORT SERVICE AWARD

1. Subject as hereafter in this Schedule provided, where the award is a gratuity and the policeman has completed at least a year's pensionable service, the gratuity shall be whichever is the greater of the two following amounts:—

(*a*) a twelfth of the policeman's average pensionable pay multiplied by the number of completed years of pensionable service which he is entitled to count; or

(*b*) the policeman's aggregate pension contributions in respect of the relevant period of service.

2. Subject as hereafter in this Schedule provided, where the award is a gratuity and the policeman has not completed a year's pensionable service, the gratuity shall be an amount equal to the policeman's aggregate pension contributions in respect of the relevant period of service.

Sch. 1 (contd.)

3. Subject as hereafter in this Schedule provided, where the award is a pension, the amount thereof shall not be less than a sixtieth of the policeman's average pensionable pay and subject as aforesaid shall be equal to a sixtieth of his average pensionable pay for each completed year of pensionable service up to 20 years, with the addition, subject to a maximum of 40 sixtieths—

(*a*) of a sixtieth for each completed half year by which his pensionable service exceeds 20 years, in the case of a person who retires or retired on or after 1st July 1949; or

(*b*) of 2 sixtieths for each completed year by which his pensionable service exceeds 20 years, in the case of a person who retired before that date.

4. Where an ill-health pension or the unsecured portion thereof is terminated under Regulation 44 (4) on the policeman not offering to rejoin the force within the period mentioned in Regulation 44 (2), then if the aggregate of—

(*a*) the sums paid in respect of the pension; and

(*b*) where only the unsecured portion of the pension is terminated, the actuarial value of the secured portion of the pension (in so far as it is payable under Regulation 44 (6)) determined in accordance with tables prepared by the Government Actuary,

is less than his aggregate pension contributions in respect of the relevant period of service, the police authority shall pay to the pensioner the difference.

5. In the case of a person who retired before 1st July 1949, the amount of a pension calculated in accordance with the preceding provisions of this Part of this Schedule shall be increased in accordance with Regulation 81.

Regulations 1, 2 and 3 PART III

REDUCTION OF PENSION AT INSURED PENSIONABLE AGE

1.—(1) Subject as hereafter in this paragraph provided, an ordinary, ill-health or short service pension or, in the case of such a pension granted on retirement on or after 3rd April 1961, the unsecured portion thereof shall be reduced in respect of any period beyond insured pensionable age by an amount calculated at an annual rate obtained by multiplying £1 14s. by the number of years specified in sub-paragraph (4).

(2) In the case of a person who immediately before he retired and was granted a pension was paying pension contributions at a rate of 2d. a week less than the appropriate percentage of his pensionable pay there shall not be any reduction in the pension or the unsecured part thereof, as the case may be, under this paragraph.

(3) Subject as hereafter in this paragraph provided, in the case of a person who immediately before he retired and was granted a pension was paying pension contributions at a rate of 1s. 2d. a week less than the appropriate percentage of his pensionable pay by reason of the giving of such a notice as is mentioned in Regulation 40 (6) as extended by Regulation 42 (3) (*b*), the reduction under sub-paragraph (1) shall be calculated not as therein stated but at an annual rate obtained by multiplying the sum in the second column of the following Table set opposite to the age in the first column of the said

Sch. 1 (contd.)

Table which he had attained at the appropriate date by the number of years specified in sub-paragraph (4):—

TABLE

Age at appropriate date	Sums to be multiplied
	£ s. d.
Less than 23 ...	1 14 0
23	1 13 0
24	1 12 0
25	1 11 0
26	1 10 6
27	1 10 0
28	1 9 6
29	1 9 0
30	1 8 6
31	1 8 0
32	1 7 6
33	1 7 0
34	1 6 6
35	1 6 0
36	1 6 0
37	1 5 6
38	1 5 0
39	1 5 0
40	1 4 6
41	1 4 6
42	1 4 0
43	1 4 0
44 or more ...	1 3 6

In this sub-paragraph the expression "appropriate date" means 5th July 1948, or, in the case of a person who was then an auxiliary policeman, the date on which he first thereafter became a regular policeman.

(4) The number of years referred to in sub-paragraph (1) and in sub-paragraph (3) by which the sums therein respectively specified are to be multiplied for the purposes of those sub-paragraphs is the highest whole number of years in the aggregate period during which the person concerned has paid contributions as a regular policeman or as a member of the Royal Ulster Constabulary at a rate of 1s. 2d. less than the appropriate percentage of his pensionable pay:

Provided that in arriving at the said aggregate there shall be disregarded any period or periods—

(*a*) in respect of which the person concerned was not entitled to reckon any pensionable service for the purposes of the pension in question; or

(*b*) which fell after the date on which the person concerned would have been entitled, if he had retired, to a pension equal to 2 thirds of his average pensionable pay.

(5) When a person in receipt of a pension by virtue of Regulation 74 (2) attains the age of 65 years, the pension or, when he is treated as having retired on or after 3rd April 1961, the unsecured portion thereof shall, in addition to any other reduction under this Part of this Schedule, be reduced by any amount by which it was increased by the operation of Regulation 39 (6).

(6) In the case of a person who first became a regular policeman on or after 1st January 1963 and is entitled to reckon pensionable service for the purposes of the pension in question by virtue of service or employment (otherwise

Sch. 1 (contd.)

than as a member of a police force or of the Royal Ulster Constabulary) in respect of which he was subject to superannuation arrangements—

(*a*) if he was subject to the operation of any regulations made under section 69 (4) of the National Insurance Act 1946(a), or other provisions modifying the said superannuation arrangements in relation to a person insured under the said Act, otherwise than by virtue of an election made or notice given, then, for the purposes of sub-paragraph (1), there shall be included in the aggregate period specified in sub-paragraph (4) the period he is so entitled to reckon as pensionable service;

(*b*) if he was subject to the operation of such regulations or other provisions by virtue of an election made or notice given, then, for the purposes of sub-paragraph (3), the appropriate date shall mean the date on which the said election or notice became effective and there shall be included in the aggregate period specified in sub-paragraph (4) the period he is so entitled to reckon as pensionable service:

Provided that no account shall be taken of any period he is so entitled to reckon as pensionable service which is not attributable to service or employment which would have been taken into account for the purposes of the said regulations or provisions.

2.—(1) Where a person in receipt of an ordinary, ill-health or short service pension granted on retirement on or after 3rd April 1961 has been in service or employment otherwise than as a regular policeman—

(*a*) in respect of which he was subject to superannuation arrangements;

(*b*) by virtue of which he is entitled to reckon pensionable service for the purposes of the pension; and

(*c*) the period of which includes a participating period of relevant employment,

then, for the purpose of abating the pension in relation to that participating period of relevant employment, any provision of the said arrangements in operation when he left the said service or employment the effect of which is that pensions payable thereunder are to be reduced in connection with the operation of the National Insurance Act 1959 shall apply, subject to the necessary adaptations and modifications, as though the provision were contained in this paragraph and as if—

(i) the pension were payable under the said arrangements, and

(ii) any other period of service or employment by virtue of which he is entitled to reckon pensionable service for the purposes of the pension were a period of non-participating employment at the end of which no payment in lieu of contributions falls to be made.

(2) A police authority, in determining any question arising under sub-paragraph (1) and relating to a particular service or employment, shall be entitled to treat as conclusive any relevant certificate issued, with the agreement of the person concerned, by his employer in that service or employment.

(3) Where for the purposes of the superannuation arrangements applicable to such service or employment as is mentioned in sub-paragraph (1) the person concerned was entitled to reckon service by virtue of some previous service or employment, that previous service or employment shall be treated for the purposes of this paragraph as if it were part of the service or employment first mentioned in this sub-paragraph.

3.—(1) Where a person in receipt of an ordinary, ill-health or short service pension granted on retirement on or after 3rd April 1961 is entitled to reckon as pensionable service for the purposes of the pension a period of employment

(a) 9 & 10 Geo. 6. c. 67.

as a regular policeman which is a participating period of relevant employment, then in relation to that period the unsecured portion of the pension shall be reduced in accordance with the provisions of sub-paragraph (2).

(2) Where the unsecured portion of a pension is reduced in accordance with the provisions of this sub-paragraph, the annual rate of that portion of the pension shall be reduced in respect of any period beyond insured pensionable age by the annual rate of the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining insured pensionable age, in return for a payment in lieu of contributions in respect of the whole of the period referred to in sub-paragraph (1).

4.—(1) Where a person in receipt of the secured portion of an ill-health pension the unsecured portion of which has been terminated in the circumstances mentioned in Regulation 44 (4) is also in receipt of some other pension, being an ordinary, ill-health or short service pension granted on retirement on or after 3rd April 1961, and is entitled to reckon for the purposes of that other pension the period of pensionable service reckonable for the purposes of the ill-health pension, then the unsecured portion of that other pension shall be reduced in accordance with the provisions of sub-paragraph (2).

(2) Where the unsecured portion of an ordinary, ill-health or short service pension is reduced in accordance with the provisions of this sub-paragraph, the annual rate of that portion shall be reduced in respect of any period beyond insured pensionable age by the annual rate of the secured portion of the ill-health pension first mentioned in this paragraph.

Sch. 1 (contd.)

Regulations 1, 2 and 3 PART IV

REDUCTION OF PENSION PAYABLE TO PERSON PAYING PENSION CONTRIBUTIONS AT A RATE RELATED TO SIX-AND-A-QUARTER PER CENT. OF PENSIONABLE PAY

1. The amount of an ordinary, ill-health or short service pension payable to a man who was immediately before his retirement paying pension contributions at a rate related to 6¼% of his pensionable pay shall, subject to the provisions of this Part, be reduced by that percentage which is set out in the second column of the following Table opposite the number of completed years of pensionable service he is entitled to reckon—

(*a*) by virtue of service before 1st April 1956; and

(*b*) by virtue of service on or after that date in respect of which he has not paid pension contributions at a rate related to 6¼% of his pensionable pay:—

TABLE

Completed years of pensionable service	Percentage reduction in pension
1	0·2
2	0·4
3	0·5
4	0·6
5	0·8
6	0·9
7	1·0
8	1·2
9	1·3
10	1·5
11	1·6
12	1·7
13	1·8
14	1·9
15	2·0
16	2·1
17	2·2
18	2·3
19	2·4
20	2·5
21	2·6
22	2·7
23	2·8
24	2·9
25	2·9
26	3·0
27	3·1
28	3·1
29	3·2
30 or more ...	3·3

2. In calculating the amount of the said reduction no account shall be taken—

(*a*) of any service he is entitled to reckon as pensionable service by virtue of section 10 of the Police Pensions Act 1921(a) or of section 14 of the Police Act 1890(b); or

(*b*) of any service on or after 1st April 1956 which he is entitled to reckon as pensionable service by virtue of Regulation 70 and the proviso to Regulation 71 (1).

(a) 11 & 12 Geo. 5. c. 31. (b) 53 & 54 Vict. c. 45.

3. If he elected to pay additional pension contributions as mentioned in Regulation 41 as extended by Regulation 42 (3) (*c*) and paid such contributions until he became entitled to reckon 25 years' pensionable service or retired with a pension, in calculating the amount of the said reduction no account shall be taken of any service before 1st April 1956 which he was entitled to reckon as pensionable service when he made the said election.

4. In calculating the amount of the said reduction there shall be disregarded any reduction in the amount of the pension in accordance with the provisions of Part III of this Schedule.

PART V Regulations 2, 3 and 9

REDUCTION OF AWARDS OTHER THAN PENSIONS

1. Where a payment in lieu of contributions falls to be made by a police authority in respect of a regular policeman and—

(*a*) a short service gratuity is payable by that authority on his retirement; or

(*b*) an ill-health gratuity is so payable and the police authority determine that the provisions of this Part of this Schedule shall apply; or

(*c*) an amount equal to his aggregate pension contributions in respect of the relevant period of service is payable by the police authority to him or his dependants on his retirement or dismissal,

the award in question shall be reduced by an amount equal to the amount which could be retained out of the award by the police authority under section 10 (4) of the National Insurance Act 1959 if the award were a refund of payments to which that provision applies.

2. Where a payment in lieu of contributions may fall to be made by a police authority in respect of a regular policeman and such an award as is mentioned in paragraph 1 is payable as mentioned therein, the police authority may reduce the amount of the award in question by the amount by which it would be reduced under the said paragraph 1 if the payment in lieu of contributions in fact fell to be made, so however that, if the said payment does not fall to be made within the period of 78 weeks from the date when the person concerned ceases to be a regular policeman or within such shorter period as the police authority may determine, then any reduction in the amount of the award under this paragraph shall cease to have effect and the difference between the full and the reduced amounts thereof shall become payable.

Sch. 1 (contd.)

Regulation 4

PART VI

POLICEMAN'S SUPPLEMENTAL PENSION

1. The standard amount referred to in Regulation 4 shall be calculated by reference to the number of the policeman's completed years of pensionable service and by reference to his average pensionable pay.

2. Subject as provided in this Part of this Schedule, where the policeman is totally disabled, the standard amount shall be the amount specified in the second column of the following Table, and where the policeman is partly disabled, the standard amount shall be such proportion of the amount so specified as the degree of the actual disablement bears to total disablement, subject to its not being less than the proportion of the average pensionable pay specified in the third column of the said Table:—

TABLE

Policeman's completed years of pensionable service	Standard amount on total disablement expressed in 60ths of average pensionable pay	Lower limit of standard amount expressed in 60ths of average pensionable pay
Less than 11	40	15
11	41	16
12	41	17
13	42	18
14	42	19
15	43	20
16	43	21
17	44	22
18	44	23
19	45	24
20	45	25
21	46	27
22	46	29
23	47	31
24	47	33
25	48	35
26	48	36
27	49	37
28	49	38
29	50	39
30 or more	50	40

3. In the case of a person who retired before 1st July 1949, the standard amount appropriate in his case and the lower limit of the standard amount shall, respectively, be increased in accordance with Regulation 81.

4. In the case of a member of the police force of the City of London who was serving as such on 28th July 1921, the standard amount appropriate in his case shall, whatever the degree of his disablement, be the amount of the pension that could have been granted to him had the first proviso to section 4 of the City of London Police Superannuation Act 1889(a) been still in force.

(a) 52 & 53 Vict. c. cxxvii.

SCHEDULE 2

WIDOWS

PART I Regulation 10

WIDOW'S ORDINARY PENSION—STANDARD RATE

1. Subject to paragraphs 2 and 3, the weekly amount of a widow's ordinary pension calculated in accordance with this Part of this Schedule shall be not more than 40 one-hundred-and-eightieths of her husband's average pensionable pay for a week and, subject as aforesaid, shall be equal to a one-hundred-and-eightieth of his average pensionable pay for a week for each completed year of pensionable service up to 20 years with the addition of a one-hundred-and-eightieth for each completed half year by which his pensionable service exceeded 20 years.

2. The amount of a widow's ordinary pension calculated in accordance with paragraph 1 shall be increased in accordance with Part XI of these Regulations.

3.—(1) Where in respect of any period a widow so elects, 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, 42s. 4d.;

(*b*) held the rank of inspector, 33s. 10d.;

(*c*) held a rank lower than that of inspector, 25s. 6d.,

so however that where the husband was entitled to reckon at least 10 years' pensionable service the aforesaid amounts shall be increased by 1s. 11d.

(2) Where the husband held the rank of chief inspector in the City of London police force, the preceding sub-paragraph shall apply as though he had held a rank higher than that of inspector.

PART II Regulation 10

WIDOW'S ORDINARY PENSION—PRESERVED RATE

The amount of a widow's ordinary pension calculated in accordance with this Part of this Schedule shall be, in respect of each week, the amount calculated according to Scheme I set out below or, where the husband was entitled to reckon at least 10 years' pensionable service, according to whichever of the Schemes set out below would yield to the widow the higher pension in respect of that week.

Scheme I

1.—(1) 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, 42s. 4d.;

(*b*) held the rank of inspector, 33s. 10d.;

(*c*) held a rank lower than that of inspector, 25s. 6d.

(2) Where the husband—

(*a*) held the rank of chief inspector in the City of London police force and died on or after 1st July 1949;

(*b*) held the rank of chief inspector in the metropolitan police force and—

(i) died on or after 1st July 1949 but before 25th April 1955, or

(ii) ceased to be a regular policeman before 4th January 1954 and died on or after 25th April 1955; or

(*c*) held the rank of inspector in the City of London police force or the rank of sub-divisional inspector or first class inspector, C.I.D., in the metropolitan police force, ceased to be a regular policeman before 1st July 1949, and died on or after that date,

then sub-paragraph (1) shall apply as though he had held a rank higher than that of inspector.

Sch. 2 (contd.)

2. Where the husband was a member of a home police force who—

(*a*) had been a member of the Special Police Corps of the Control Commission for Germany (British Element) or the Public Safety Branch of the Allied Commission for Austria (British Element) and a reversionary member of a home police force;

(*b*) had had the tour of overseas service applicable in his case as a member of one of the aforesaid overseas corps varied by way of advancement of the date of its termination;

(*c*) on or after 1st October 1949 had ceased to be such a member and had exercised his right of reversion to a home police force; and

(*d*) ceased to be a regular policeman before the date when his tour of overseas service would have terminated if it had not been so varied,

then the widow's ordinary pension shall not be less than it would have been under the preceding paragraph had he ceased to be a regular policeman when he ceased to be a member of one of the aforesaid overseas corps.

Scheme II

1. Subject to paragraphs 2 and 3 of this Scheme, the weekly amount of a widow's ordinary pension shall be equal to that percentage of her husband's average pensionable pay for a week set out in the second column of the following Table opposite to the number of his completed years of pensionable service:—

TABLE

Number of completed years of pensionable service	Percentage of average pensionable pay for a week
10, 11, 12, 13 and 14	4
15, 16, 17, 18 and 19	6
20, 21, 22, 23 and 24	8
25, 26, 27, 28 and 29	10
30 or more	12½

2. The weekly amount specified in the Table to the preceding paragraph shall be increased in accordance with Part XI of these Regulations.

3. The weekly amount calculated in accordance with the preceding provisions of this Scheme shall be reduced in accordance with Part V of this Schedule.

Regulation 12

PART III

WIDOW'S SPECIAL PENSION

1. Subject to paragraphs 2 and 3, the weekly amount of a widow's special pension calculated in accordance with this Part of this Schedule shall be equal to a third of her husband's average pensionable pay for a week.

2. The weekly amount calculated in accordance with paragraphs 1 and 3 shall be reduced in accordance with Part V of this Schedule:

Provided that it shall not be reduced below the minimum weekly amount of, subject to paragraph 3, a sixth of her husband's average pensionable pay for a week.

3. The weekly amount calculated in accordance with paragraph 1 and the minimum weekly amount calculated in accordance with paragraph 2 shall, respectively, be increased in accordance with Part XI of these Regulations.

PART IV Regulation 12

WIDOW'S SPECIAL PENSION WHERE HUSBAND'S DEATH RESULTS FROM AN ATTACK

1. Subject to paragraphs 2 and 3, the weekly amount of a widow's special pension calculated in accordance with this Part of this Schedule shall be equal to a half of her husband's average pensionable pay for a week.

2. The weekly amount calculated in accordance with paragraph 1 shall be increased in accordance with the provisions of Part XI of these Regulations, other than those contained in Regulations 81 and 82.

3. The weekly amount calculated in accordance with paragraphs 1 and 2 shall be reduced in accordance with Part V of this Schedule.

PART V Regulations 10 and 12

REDUCTION OF WIDOW'S PENSION IN RESPECT OF NATIONAL INSURANCE BENEFIT

1. A widow's ordinary pension calculated in accordance with Scheme II of Part II of this Schedule or a widow's special pension shall be reduced by the amount of any widow's benefit or retirement pension received by her under the National Insurance Act 1946 by virtue of her husband's insurance:

Provided that—

(*a*) where the widow is entitled under the said Act of 1946 to a widow's allowance or a retirement pension which is increased by virtue of section 23 of that Act, the allowance or pension shall be deemed not to have been so increased;

(*b*) where the widow is entitled under the said Act of 1946 to a widowed mother's allowance or a retirement pension which is increased by virtue of section 5 of the National Insurance Act 1959, the allowance or pension shall be deemed not to have been so increased;

(*c*) where the widow is entitled under the said Act of 1946 to a widowed mother's allowance by virtue of paragraph (*b*) (i) of section 17 (1) of that Act, the allowance shall be deemed to be less than it is by the amount of 8s. 0d. together with 17s. 0d. for each child included in her family within the meaning of the Family Allowances Act 1945(a), either as originally enacted or as amended by any subsequent enactment.

2.—(1) A widow's ordinary pension calculated in accordance with Scheme II of Part II of this Schedule or a widow's special pension shall be reduced in accordance with the provisions of sub-paragraph (2) where—

(*a*) she is entitled to a widowed mother's allowance or a retirement pension under the National Insurance Act 1946 (whether by virtue of her husband's insurance or otherwise) which is increased by virtue of section 5 of the National Insurance Act 1959;

(*b*) her husband ceased to be a regular policeman on or after 3rd April 1961 and was entitled to reckon pensionable service by virtue of a period of service or employment which was a participating period of relevant employment; and

(*c*) her husband dies on or after 1st January 1963.

(2) Where a widow's pension is reduced in accordance with the provisions of this sub-paragraph, the rate of the reduction shall be half the rate at which the husband's pension fell to be abated or reduced in respect of any period beyond insured pensionable age under paragraphs 2 and 3 of Part III of Schedule 1.

(3) Where the husband was not entitled to an ordinary, ill-health or short service pension, the preceding sub-paragraph shall apply as if he had become entitled to an ill-health pension on ceasing to be a regular policeman or, where he died while serving as such a policeman, immediately before his death.

3. A widow's special pension shall be reduced by the amount of any pension payable to her under section 19 of the National Insurance (Industrial Injuries) Act 1946(b) in consequence of the death of her husband.

(a) 8 & 9 Geo. 6. c. 41. (b) 9 & 10 Geo. 6. c. 62.

Sch. 2 (contd.)

Regulations 11, 13 and 15 PART VI

DISCRETIONARY INCREASE IN WIDOW'S PENSION

1. The periods referred to in Regulations 11, 13 and 15 are as follows:—

(*a*) where the husband died before 5th July 1948, the period after the widow has attained the age of 60 years;

(*b*) where the husband died on or after the said date, the rest of the widow's life if, at the date of the husband's death, either she had attained the age of 60 years or he and the widow had been married for not less than 3 years and she had attained the age of 50 years;

(*c*) any period during which the widow—

(i) is pregnant by her late husband,

(ii) has a child resident with her who is entitled to an allowance under these Regulations, or

(iii) has a family within the meaning of the Family Allowances Act 1945, either as originally enacted or as amended by any subsequent enactment, which includes a child not resident with her who is entitled to an allowance under these Regulations and (in a case where the child is not included in the family within the meaning of the said Act as originally enacted) to the cost of providing for whom the widow is contributing at the rate of 16s. 6d. a week or more;

(*d*) any period during which the widow is incapable of self-support, within the meaning of section 35 (5) (*a*) of the National Insurance (Industrial Injuries) Act 1946, by reason of any infirmity which rendered her so incapable at the expiry of the period specified in sub-paragraph (*c*) or—

(i) where the husband died before 5th July 1948, on that date, or

(ii) where the husband died on or after the said date, at the expiry of the first 13 weeks that the pension is payable;

(*e*) if the conditions specified in sub-paragraph (*c*) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of the period mentioned in sub-paragraph (*c*) if at the expiry of that period either the widow has attained the age of 60 years or 3 years have elapsed since the date of the marriage and the widow has attained the age of 40 years;

(*f*) if the conditions specified in sub-paragraph (*d*) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of any period of incapability of self-support within the meaning of sub-paragraph (*d*) which expires at a date when either the widow has attained the age of 60 years or 3 years have elapsed since the date of the marriage and the widow has attained the age of 50 years.

2. In this Part of this Schedule any reference to a child being entitled to an allowance shall be construed as including a reference to a child who would be in receipt of an allowance but for the provisions of the proviso to Regulation 56 (3) (*b*) or of Part IV of Schedule 3.

Regulation 16 PART VII

WIDOW'S GRATUITY IN LIEU OF PENSION

The gratuity referred to in Regulation 16 shall be such sum as may be agreed between the police authority and the widow, not exceeding the capitalised value of the pension, or of that part thereof to which the gratuity is an alternative, calculated in accordance with tables prepared from time to time for that purpose by the Government Actuary.

Sch. 2 (contd.)

PART VIII Regulation 17

WIDOW'S ORDINARY GRATUITY

The widow's gratuity referred to in Regulation 17 shall be equal to whichever is the greater of the two following amounts:—

(*a*) a twelfth of her husband's average pensionable pay multiplied by the number of his completed years of pensionable service;

(*b*) the aggregate of the husband's pension contributions in respect of the relevant period of service.

SCHEDULE 3

CHILDREN

PART I Regulation 21

CHILD'S ORDINARY ALLOWANCE

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	12 9
Inspector	10 3
Lower than Inspector	8 7

2. Subject 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 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 1
Inspector	15 4
Lower than Inspector	12 10

3. Where the parent in respect of whose death the allowance is payable—

(*a*) held the rank of chief inspector in the City of London police force and died on or after 1st July 1949;

(*b*) held the rank of chief inspector in the metropolitan police force, and—

(i) died on or after 1st July 1949 but before 25th April 1955, or

(ii) ceased to be a regular policeman before 4th January 1954 and died on or after 25th April 1955; or

Sch. 3 (contd.)

(*c*) held the rank of inspector in the City of London police force or the rank of sub-divisional inspector or first class inspector, C.I.D., in the metropolitan police force, ceased to be a regular policeman before 1st July 1949, and died on or after that date,

this Part shall apply as though he had held a rank higher than that of inspector.

4. Where the parent in respect of whose death the allowance is payable was a member of a home police force who—

(*a*) had been a member of the Special Police Corps of the Control Commission for Germany (British Element) or the Public Safety Branch of the Allied Commission for Austria (British Element) and a reversionary member of a home police force;

(*b*) had had the tour of overseas service applicable in his case as a member of one of the aforesaid overseas corps varied by way of advancement of the date of its termination;

(*c*) on or after 1st October 1949 has ceased to be such a member and had exercised his right of reversion to a home police force; and

(*d*) ceased to be a regular policeman before the date when his tour of overseas service would have terminated if it had not been so varied,

then the child's ordinary allowance shall not be less than it would have been under the preceding paragraphs had he ceased to be a regular policeman when he ceased to be a member of one of the aforesaid overseas corps.

Regulation 22

PART II

CHILD'S SPECIAL ALLOWANCE

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 special allowance shall be an amount equal to a fifteenth of the average pensionable pay for a week of the parent in respect of whose death the allowance is payable.

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 special allowance shall be an amount equal to a tenth of the average pensionable pay for a week of the parent in respect of whose death the allowance is payable.

3. The amount of the allowance calculated in accordance with the preceding provisions of this Part shall be increased in accordance with Part XI of these Regulations.

Regulation 23

PART III

DISCRETIONARY INCREASE IN CHILD'S ALLOWANCE

1.—(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	25 6
Inspector	20 5
Lower than Inspector	17 1

Sch. 3 (contd.)

(*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.

(2) Where both parents of the child are dead and the parent in respect of whose death an ordinary allowance is payable—

(*a*) held the rank of chief inspector in the City of London police force and died on or after 1st July 1949;

(*b*) held the rank of chief inspector in the metropolitan police force, and—

(i) died on or after 1st July 1949 but before 25th April 1955, or

(ii) ceased to be a regular policeman before 4th January 1954 and died on or after 25th April 1955; or

(*c*) held the rank of inspector in the City of London police force or the rank of sub-divisional inspector or first class inspector, C.I.D., in the metropolitan police force, ceased to be a regular policeman before 1st July 1949, and died on or after that date,

sub-paragraph (1) shall apply as though he had held a rank higher than that of inspector.

(3) Where both parents of the child are dead and the parent in respect of whose death an ordinary allowance is payable was a member of a home police force who—

(*a*) had been a member of the Special Police Corps of the Control Commission for Germany (British Element) or the Public Safety Branch of the Allied Commission for Austria (British Element) and a reversionary member of a home police force;

(*b*) had had the tour of overseas service applicable in his case as a member of one of the aforesaid overseas corps varied by way of advancement of the date of its termination;

(*c*) on or after 1st October 1949 had ceased to be such a member and had exercised his right of reversion to a home police force; and

(*d*) ceased to be a regular policeman before the date when his tour of overseas service would have terminated if it had not been so varied,

the weekly amount of the allowance may be increased under sub-paragraph (1) to an amount not exceeding that to which it might have been increased had he ceased to be a regular policeman when he ceased to be a member of one of the aforesaid overseas corps.

(4) Where both parents of the child are dead and the parent in respect of whose death an ordinary or special allowance is payable was the child's father and he had attained the age of 65 years on 5th July 1948, then in respect of any week during which—

(*a*) no person is receiving a guardian's allowance under the National Insurance Act 1946 in respect of the child;

(*b*) the child is included in a family within the meaning of the Family Allowances Act 1945, either as originally enacted or as amended by any subsequent enactment;

(*c*) where the allowance is a special allowance, no allowance is payable under section 21 of the National Insurance (Industrial Injuries) Act 1946 in respect of the child;

(*d*) no armed forces pension or award is payable to or for the child in pursuance of any Royal Warrant or other instrument; and

(*e*) no grant is payable to or in respect of the child under any scheme made under the Personal Injuries (Emergency Provisions) Act 1939(a),

the amount of the allowance may, without prejudice to the provisions of the preceding sub-paragraphs but subject to Part IV of this Schedule, be increased under sub-paragraph (1) to an amount not exceeding 32s. 6d.

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

Sch. 3 (contd.)

2.—(1) Where the mother of a child is alive and would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act 1946, either as originally enacted or as amended by any subsequent enactments, had her husband satisfied the contribution conditions therefor, then in respect of any week during which—

(*a*) the mother is not receiving a retirement pension under the said Act;

(*b*) the child is included in a family within the meaning of the Family Allowances Act 1945, either as originally enacted or as amended by any subsequent enactment;

(*c*) where the allowance is a special allowance, no allowance is payable under section 21 of the National Insurance (Industrial Injuries) Act 1946 in respect of the child;

(*d*) no armed forces pension or award is payable to or for the child in pursuance of any Royal Warrant or other instrument; and

(*e*) no grant is payable to or in respect of the child under any scheme made under the Personal Injuries (Emergency Provisions) Act 1939,

the amount of the child's ordinary or special allowances may, subject to Part IV of this Schedule, be increased to an amount not exceeding the appropriate amount set out in sub-paragraph (2).

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

(*a*) 25s. 0d. in the case of a child who is the only or eldest child included in a family within the meaning of the Family Allowances Act 1945, either as originally enacted or as amended by any subsequent enactment;

(*b*) 22s. 0d. in the case of any other child.

Regulations 21, 22 and 23 PART IV

REDUCTION OF CHILD'S ALLOWANCE

1. In the circumstances hereinafter set out the amount of an allowance calculated in accordance with Part I or, as the case may be, Part II of this Schedule, or, if a police authority decide in their discretion to increase such an allowance in accordance with Regulation 23 and Part III of this Schedule, the maximum to which that allowance may be increased under the said Part III, shall be reduced by the appropriate amount or amounts hereinafter set out.

2. Where a child who is entitled to an allowance is the only or eldest child in that family so entitled and the child's mother is in receipt under the National Insurance Act 1946(a) of a widow's allowance or a retirement pension which is increased under section 23 of the said Act, or of a widowed mother's allowance under the said Act, then the appropriate reduction shall be 7s. 6d. a week.

3. Where an allowance is payable in respect of a child under section 21 of the National Insurance (Industrial Injuries) Act 1946 at the higher weekly rate prescribed by that section, and a child's special allowance is also payable to that child, then the appropriate reduction shall be 7s. 6d. a week.

4. Where an allowance is payable in respect of a child under the Family Allowances Act 1945, then the appropriate reduction shall be 5s. 0d. a week.

5. Where a guardian's allowance is payable in respect of a child under the National Insurance Act 1946, then the appropriate reduction shall be 12s. 0d. a week.

(a) 9 & 10 Geo. 6. c. 67.

Sch. 3 (contd.)

PART V Regulation 24

CHILD'S ALLOWANCE UNDER FORMER ACTS CALCULATED OTHERWISE THAN BY REFERENCE TO ANNUAL PAY

1. Subject as hereinafter provided and to the provisions of Part VI of this Schedule, the child's 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	12 9
Inspector	10 3
Lower than Inspector	8 7

2. Subject to the provisions of Part VI 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 allowance shall, if—

(*a*) the police authority think fit; or

(*b*) the police authority, in relation to that allowance, exercised the discretion conferred on them by paragraph 9 or the proviso to paragraph 10 of Schedule 1 to the Police Pensions Act 1921,

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 1
Inspector	15 4
Lower than Inspector	12 10

PART VI Regulation 24

DISCRETIONARY INCREASE IN CHILD'S ALLOWANCE UNDER FORMER ACTS AND DISCRETIONARY ALLOWANCE

1.—(1) Subject to sub-paragraph (2), where the mother of the child is alive, an allowance may be increased under Regulation 24 (4) in the cases mentioned in, and in accordance with, sub-paragraph (3), and an allowance granted under Regulation 24 (5) may be paid in the cases mentioned in, and in accordance with, sub-paragraphs (3) and (4).

(2) The increase or, as the case may be, the allowance shall be payable only in respect of any week during which—

(*a*) the mother is not receiving widow's benefit or a retirement pension under the National Insurance Act 1946;

Sch. 3 (contd.)

(*b*) the child is included in a family within the meaning of the Family Allowances Act 1945, either as originally enacted or as amended by any subsequent enactment;

(*c*) no armed forces pension or award is payable to or for the child in pursuance of any Royal Warrant or other instrument; and

(*d*) no grant is payable to or in respect of the child under any scheme made under the Personal Injuries (Emergency Provisions) Act 1939.

(3) In the case of a child who is the only or eldest child included in a family as aforesaid the weekly amount of an allowance increased under Regulation 24 (4) or granted under Regulation 24 (5), where this sub-paragraph applies, shall be 25s. 0d.

(4) In the case of any other child included in a family as aforesaid, where the eldest child so included is in receipt of an allowance under Regulation 24 (5), the weekly amount of an allowance granted under Regulation 24 (5) to the child first mentioned in this sub-paragraph, where this sub-paragraph applies, shall be 17s. 0d.

2.—(1) Subject to sub-paragraph (2), where both parents are dead and the parent in respect of whose death the allowance is payable was the child's father, an allowance may be increased under Regulation 24 (4), and an allowance granted under Regulation 24 (5) may be paid, in the cases mentioned in, and in accordance with, sub-paragraph (3).

(2) The increase or, as the case may be, the allowance shall be payable only in respect of any week during which—

(*a*) no person is receiving a guardian's allowance under the National Insurance Act 1946 in respect of the child;

(*b*) the child is included in a family within the meaning of the Family Allowances Act 1945, either as originally enacted or as amended by any subsequent enactment;

(*c*) no armed forces pension or award is payable to or for the child in pursuance of any Royal Warrant or other instrument; and

(*d*) no grant is payable to or in respect of the child under any scheme made under the Personal Injuries (Emergency Provisions) Act 1939.

(3) The weekly amount of an allowance increased under Regulation 24 (4) or granted under Regulation 24 (5), where this sub-paragraph applies, shall be—

(*a*) 32s. 6d., in the case of a child who is the only or eldest child included in a family as aforesaid;

(*b*) 24s. 6d., in the case of a child who is the first child, other than the eldest, so included;

(*c*) 22s. 6d. in the case of any other child so included.

Regulation 25

PART VII

CHILD'S GRATUITY IN LIEU OF ALLOWANCE

The gratuity referred to in Regulation 25 shall be such sum as may be agreed between the police authority and the father, mother or guardian, as the case may be, not exceeding the capitalised value of the allowance or of that part thereof to which the gratuity is an alternative calculated in accordance with tables prepared from time to time by the Government Actuary.

SCHEDULE 4 Regulation 41

Additional Pension Contributions

1. Where a man has elected to pay additional pension contributions, he shall pay such contributions at the rate specified in the second column of the following Table set opposite to the number of completed years of pensionable service reckonable by him, at the time he made his election, by virtue of service before 1st April 1956:—

Table

Completed years of pensionable service	Rate expressed as a percentage of pensionable pay
1	0·1
2	0·1
3	0·2
4	0·2
5	0·3
6	0·4
7	0·5
8	0·6
9	0·7
10	0·8
11	0·9
12	1·1
13	1·3
14	1·6
15	1·9
16	2·3
17	2·7
18	3·3
19	4·1
20	4·1

2. In calculating the rate at which additional pension contributions are payable no account shall be taken of any service reckonable by him as pensionable service by virtue of section 10 of the Police Pensions Act 1921, of section 14 of the Police Act 1890(a) or of section 14 of the Police (Scotland) Act 1890(b).

SCHEDULE 5 Regulation 50

Medical Appeals

1. Every notice of appeal under Regulation 50 (2) shall be in writing.

2. On receipt of the appeal the police authority shall forward to the Secretary of State 2 copies thereof and of the certificate appealed against, with the name and address of the appellant.

3. A medical referee shall appoint a time and place for interviewing the appellant and for any such further interviews or examinations as he may consider necessary and shall give reasonable notice thereof to the appellant and the police authority.

4. At any time before any interview with the medical referee either the appellant or the police authority may submit to the medical referee a statement relating to the subject matter of the appeal, and if they so submit a statement they shall send a copy thereof to the other party.

(a) 53 & 54 Vict. c. 45. (b) 53 & 54 Vict. c. 67.

Sch. 5 (contd.)

5. Any interview or examination may be attended by—

(*a*) the selected medical practitioner; and

(*b*) any duly qualified medical practitioner appointed for the purpose by either party.

6. The medical referee shall give written notice to the police authority and appellant of his decision and, if that decision is that he disagrees with any part of the certificate of the selected medical practitioner, shall send a copy of his certificate to the police authority and the appellant.

7.—(1) The medical referee shall be entitled to such fees and allowances as the Secretary of State may from time to time determine.

(2) The said fees and allowances shall be paid by the police authority and shall be treated as part of the police authority's expenses for the purposes of this Schedule.

8.—(1) Save as hereinafter provided, the expenses of each party to the appeal shall be borne by that party.

(2) Where the medical referee decides in favour of the police authority, the authority may require the appellant to pay towards the cost of the appeal such sum not exceeding the referee's total fees and allowances as the authority think fit.

(3) Where the medical referee decides in favour of the appellant, the police authority shall refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of any such interview or examination as is mentioned in paragraph 3.

Regulations 65 and 66 SCHEDULE 6

LIMITS IN RESPECT OF AWARDS TO OR IN RESPECT OF SERVICEMEN

1.—(1) The amount of the pension payable to a serviceman for any period shall not, when aggregated with the amount of any armed forces pension or award which is also payable to or in respect of him for that period in pursuance of any Royal Warrant or other instrument, exceed—

(*a*) in the case of a serviceman other than a serviceman (1939-1945), the amount of the award which would have been payable for that period if the injury as a result of which he is permanently disabled had been treated as if it were an injury received without his own default in the execution of his duty as a member of a police force;

(*b*) in the case of a serviceman (1939-1945), the amount calculated according to the following Table:—

Completed years of pensionable service	Amount expressed in 60ths of average pensionable pay
Less than 11	45
11 or more but less than 16	48
16 or more but less than 21	51
21 or more but less than 26	54
26 or more but less than 30	57
30 or more	60

(2) The reference in the preceding sub-paragraph to an armed forces pension or award shall not include an allowance for constant attendance, wear and tear of clothing or comforts, except in the case of a serviceman (1939-1945) whose period of relevant service in the armed forces ended before 1st January 1952.

Sch. 6 (contd.)

2. The amount of the pension payable to the widow of a serviceman for any period shall not, when aggregated with the amount of any armed forces pension or award which is also so payable for that period in respect of her husband in pursuance of any Royal Warrant or other instrument, exceed—

(*a*) in the case of the widow of a serviceman other than a serviceman (1939-1945), the amount of the pension which would have been payable for that period if the injury as a result of which her husband died had been treated as if it were an injury received without his own default in the execution of his duty as a member of a police force;

(*b*) in the case of the widow of a serviceman (1939-1945), an amount, which shall be increased in accordance with Part XI of these Regulations, equal to a third of his average pensionable pay for a week.

3. The amount of the allowance payable to a child of a serviceman for any period shall not, when aggregated with the amount of any armed forces pension or award payable to or for the child for that period in respect of the father in pursuance of any Royal Warrant or other instrument, exceed—

(*a*) in the case of a child of a serviceman other than a serviceman (1939-1945), the amount of the allowance which would have been payable for that period if the injury as a result of which the father died had been treated as if it were an injury received without his own default in the execution of his duty as a member of a police force;

(*b*) in the case of a child of a serviceman (1939-1945), an amount, which shall be increased in accordance with Part XI of these Regulations, equal to a fifteenth of his average pensionable pay for a week.

4. Where the armed forces award the amount whereof for any period is to be aggregated for the purpose of this Schedule with the amount of any pension or allowance payable to any person for that period is a gratuity the amount of the armed forces award for the period shall be taken to be the amount which would be payable for that period under Part I of the Government Annuities Act 1929(a) if the gratuity had been laid out at the date when it became payable in the purchase of an annuity dependent on the life of that person.

SCHEDULE 7 Regulations 72 and 73

Preserved Pensionable Pay

1.—(1) Subject to paragraph 2, the preserved pensionable pay of a member of a police force shall be his annual pensionable pay immediately before the relevant date for the purposes of calculating the award.

(2) For the purposes of this paragraph the relevant date shall be—

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

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

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

2. Where a member of a police force at the date of his death or retirement held a rank to which he had been promoted within the 3 preceding years, his

(a) 19 & 20 Geo. 5. c. 29.

Sch. 7 (contd.)

preserved pensionable pay shall be the average of the annual pensionable pay to which he had been entitled during those 3 years:

Provided that—

(*a*) promotion within any of the following 3 groups of ranks in a home police force shall, for the purposes of this paragraph, be deemed not to be a promotion:—

Group 1
Chief Superintendent
Superintendent

Group 2
Chief Inspector
Sub-Divisional Inspector
Inspector
Station Inspector
Sub-Inspector

Group 3
Station Sergeant
Sergeant
Acting Sergeant

and promotion within such groups of ranks in an overseas corps as have from time to time been specified in a direction of the Secretary of State for the purposes of Regulation 68 of the Police Pensions Regulations 1948 or Regulation 65 of the Police Pensions (Scotland) Regulations 1948 shall be deemed not to be a promotion;

(*b*) in the case of a reversionary member of a home police force his appointment to an overseas corps otherwise than by way of transfer from another overseas corps shall be deemed to be a promotion for the purposes of this paragraph, and where he gave the notice referred to in Regulation 36 the average of his annual pensionable pay shall be deemed to be the average of the annual pensionable pay to which he would have been entitled if he had continued to serve in the corps without alteration in the amount of his pay till the date when his tour of overseas service would have terminated if it had not been varied as mentioned in that Regulation;

(*c*) this paragraph shall not apply in the case of a member of the City of London police force who was serving as such on 28th July 1921 and was still so serving on 5th July 1948;

(*d*) the effect of this paragraph shall not reduce the amount of any award below what it would have been if the promotion had not occurred.

3. For the purposes of this Schedule any temporary reduction in rate of pay imposed by way of punishment shall be ignored.

4. For the purposes of this Schedule the annual pay of a person who was in receipt of weekly pay shall be calculated as if there were 52¼ weeks in each year.

SCHEDULE 8

Regulations 88 and 103

FORMER REGULATIONS REVOKED

PART I

ENGLAND AND WALES

Regulations partially revoked by Regulation 88 *of the Police Pensions Regulations* 1949

The Police Pensions Regulations 1948 ...	S.I. 1948/1531 (1948 I, p. 3429).
The Police Pensions (No. 2) Regulations 1948	S.I. 1948/2802 (1948 I, p. 3475).

Regulations partially revoked by Regulation 89 *of the Police Pensions Regulations* 1955

The Police Pensions Regulations 1949 ...	S.I. 1949/1241 (1949 I, p. 3331).
The Police Pensions Regulations 1950 ...	S.I. 1950/778 (1950 II, p. 338).
The Police Pensions Regulations 1951 ...	S.I. 1951/2192 (1951 II, p. 208).
The Police Pensions Regulations 1952 ...	S.I. 1952/2162 (1952 II, p. 2536).
The Police Pensions Regulations 1953 ...	S.I. 1953/1800 (1953 II, p. 1587).

Other Regulations

The Police Pensions Regulations 1955 (a) ...	S.I. 1955/480 (1955 II, p. 1903).
The Police Pensions (No. 2) Regulations 1955	S.I. 1955/481 (1955 II, p. 1953).
The Police Pensions Regulations 1956 ...	S.I. 1956/385 (1956 II, p. 1808).
The Police Pensions (No. 2) Regulations 1956	S.I. 1956/1158 (1956 II, p. 1818).
The Police Pensions (No. 3) Regulations 1956	S.I. 1956/2077 (1956 II, p. 1832).
The Police Pensions Regulations 1958 ...	S.I. 1958/48 (1958 II, p. 1920).
The Police Pensions (No. 2) Regulations 1958	S.I. 1958/605 (1958 II, p. 1926).
The Police Pensions Regulations 1959 ...	S.I. 1959/2175 (1959 II, p. 2102).
The Police Pensions (Amendment) Regulations 1961	S.I. 1961/625 (1961 I, p. 1373).
The Police Pensions (Amendment) (No. 2) Regulations 1961	S.I. 1961/1461 (1961 II, p. 2957).

PART II

SCOTLAND

Regulations partially revoked by Regulation 84 *of the Police Pensions* (*Scotland*) *Regulations* 1949

The Police Pensions (Scotland) Regulations 1948	S.I. 1948/1530 (1948 I, p. 3503).
The Police Pensions (Scotland) (Amendment) Regulations 1948	S.I. 1948/2828 (1948 I, p. 3546).

Regulations partially revoked by Regulation 85 *of the Police Pensions* (*Scotland*) *Regulations* 1955

The Police Pensions (Scotland) Regulations 1949	S.I. 1949/1240 (1949 I, p. 3401).

(a) Modified by the National Insurance (Modification of Police Pensions Provisions) Regulations 1960—S.I. 1960/2289 (1960 II, p. 2283).

Sch. 8 (contd)

The Police Pensions (Scotland) Regulations 1950	S.I. 1950/764 (1950 II, p. 353).
The Police Pensions (Scotland) Regulations 1951	S.I. 1951/2189 (1951 II, p. 229).
The Police Pensions (Scotland) Regulations 1952	S.I. 1952/2177 (1952 II, p. 2594).
The Police Pensions (Scotland) Regulations 1953	S.I. 1953/1833 (1953 II, p. 1594).
Other Regulations	
The Police Pensions (Scotland) Regulations 1955 (a)	S.I. 1955/485 (1955 II, p. 1959).
The Police Pensions (Scotland) (No. 2) Regulations 1955	S.I. 1955/486 (1955 II, p. 2006).
The Police Pensions (Scotland) Regulations 1956	S.I. 1956/434 (1956 II, p. 1842).
The Police Pensions (Scotland) (No. 2) Regulations 1956	S.I. 1956/1180 (1956 II, p. 1851).
The Police Pensions (Scotland) (No. 3) Regulations 1956	S.I. 1956/2111 (1956 II, p. 1866).
The Police Pensions (Scotland) Regulations 1958	S.I. 1958/56 (1958 II, p. 1932).
The Police Pensions (Scotland) (No. 2) Regulations 1958	S.I. 1958/649 (1958 II, p. 1937).
The Police Pensions (Scotland) Regulations 1959	S.I. 1959/2181 (1959 II, p. 2111).
The Police Pensions (Scotland) (Amendment) Regulations 1961	S.I. 1961/615 (1961 I, p. 1357).
The Police Pensions (Scotland) (Amendment) (No. 2) Regulations 1961	S.I. 1961/1444 (1961 II, p. 2947).

EXPLANATORY NOTE

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

These Regulations (which come into force on 1st January 1963 and apply throughout Great Britain) consolidate, with amendments, the Regulations set out in Schedule 8, that is to say the Police Pensions Regulations 1955 and the Police Pensions (Scotland) Regulations 1955 (which, as modified by the National Insurance (Modification of Police Pensions Provisions) Regulations 1960 and the National Insurance (Modification of the Police Pensions Provisions) (Scotland) Regulations 1960, relate to awards made on and after 25th April 1955), the Police Pensions Regulations 1949 and the Police Pensions (Scotland) Regulations 1949 (which relate to awards made between 1st July 1949 and 25th April 1955), the Police Pensions Regulations 1948 and the Police Pensions (Scotland) Regulations 1948 (which relate to awards made between 5th July 1948 and 1st July 1949 and also, in the case of widows' and children's awards, to such awards made before 5th July 1948) and the Regulations amending these six principal sets of Regulations.

The principal changes (which do not affect policemen who have retired or, except as hereinafter mentioned, dependants' awards in payment) are described below.

(a) Modified by the National Insurance (Modification of the Police Pensions Provisions) (Scotland) Regulations 1960—S.I. 1960/2286 (1960 II, p. 2289).

The Regulations extend not only to members of home police forces and of overseas police corps but also to policemen appointed as officers to whom the Overseas Service Act 1958 applies and in whose case a direction has been given applying the provisions of section 5 of that Act (definition of " overseas policeman " in Regulation 88).

Widows of regular policemen serving in a police force or the armed forces on 1st September 1918 and dying on or after 5th July 1948 and widows of regular policemen who retired on or before 1st September 1918 are, in every case, entitled to a pension if the husband died while entitled to a pension under the Police Reservists (Allowances) Act 1914 (Regulation 10 (1) (*d*) and (*g*)).

The procedure to be followed by a tribunal hearing a pension appeal by an overseas policeman is prescribed (Regulation 53).

The provision for securing the pension rights of regular policemen with 25 years' service which existed in the period between 5th July 1948 and 1st July 1949 is restored. If such a policeman is dismissed otherwise than on grounds on which a pension may be forfeited, he will be treated for pension purposes as though he had retired (Regulation 80). He is also protected against any reduction in the amount of his ordinary pension (e.g. as a result of reduction in rank by way of punishment), which is to be calculated as at the time most favourable in his case as regards the amount of the pension (Schedule 1, Part I, paragraph 3).

Consent to transfer from one home police force to another is no longer required except in the cases of chief officers of police and probationary constables (Regulation 92 (*a*)).

Further provision is made for the abatement of policemen's pensions at the age of 65 and policewomen's pensions at the age of 60, in the case of persons who transferred to a police force from some other service or employment (Schedule 1, Part III, paragraph 1 (6)).

Where a widow's pension (including a pension in payment) is reduced by the amount of a National Insurance award, no account is to be taken of any increase in that award arising out of her husband's participation in the graduated National Insurance scheme (Schedule 2, Part V, paragraph 1, proviso (*b*)). Separate provision is made for the reduction of a widow's pension (other than a pension in payment) where the widow is entitled to an increase in a National Insurance award arising out of her husband's participation in the graduated National Insurance scheme during a period reckonable for police pensions purposes (Schedule 2, Part V, paragraph 2).