STATUTORY INSTRUMENTS

1966 No. 1582

POLICE

The Police Pensions Regulations 1966

Laid before Parliament in draft

Made - - - - 16*th December* 1966
Coming into Operation 1*st January* 1967

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. Former provisions as to commutation of part of pension.
6. Current provisions as to commutation of part of pension.
7. Former provisions as to allocation of part of pension.
8. Current provisions as to allocation of part of pension.
9. Limitation on right to commute or allocate part of pension.
10. Award where no other award payable.

PART II

AWARDS ON DEATH

Widows

11. Widow's ordinary pension.
12. Discretionary increase in widow's ordinary pension.
13. Widow's special pension.
14. Widow's augmented award where husband's death results from an attack or injury received in effecting an arrest.
15. Discretionary increase in widow's special pension.
16. Widow's award under former Acts.
17. Discretionary increase in widow's award under former Acts.
18. Gratuity in lieu of pension.
19. Widow's ordinary gratuity.
20. Limitation on award to widow with reference to date of marriage.
21. Limitation on award to widow living apart from husband.
22. Termination of widow's pension on remarriage.

Children

23. Child's ordinary allowance.
24. Child's special allowance.

25. Child's gratuity where parent dies as a result of an attack.
26. Discretionary increase in child's ordinary or special allowance.
27. Child's allowance under former Acts and discretionary allowance.
28. Gratuity in lieu of allowance.
29. Limitation on right to child's allowance.

General

30. Awards to dependent relatives or estate.
31. Limitation on discretion to grant a gratuity in lieu of a pension or allowance.
32. Prevention of duplication.

PART III

PENSIONABLE SERVICE

33. Reckoning of pensionable service.
34. Current service.
35. Previous service reckonable without payment.
36. Previous service reckonable on payment.
37. Previous service reckonable at discretion of police authority.
38. Previous service other than police service.
39. Added years in case of chief constable displaced under Police Act 1946.
40. Added years in case of displaced reversionary member of home police force.
41. Certain service in the Glasgow, Orkney and Zetland police forces.
42. Approved service reckonable under former Acts.

PART IV

PENSIONABLE PAY AND CONTRIBUTIONS

43. Pensionable pay.
44. Rate of payment of pension contributions.
45. Rate of payment of additional contributions in certain cases.
46. Application of Regulations 44 and 45 to persons with service otherwise than in a police force.
47. Method of payment of pension contributions.

PART V

CANCELLATION, REVISION, REDUCTION AND WITHDRAWAL OF AWARDS

48. Cancellation of ill-health and supplemental pensions.
49. Reassessment of supplemental pension.
50. Reduction of pension in case of default.
51. Withdrawal of pension during employment as a regular policeman.
52. Discharge of liability of police authority on withdrawal of pension.

PART VI

DETERMINATION OF QUESTIONS

53. Reference of medical questions.
54. Appeal to medical referee.
55. Further reference to medical referee.
56. Refusal to be medically examined.
57. Appeal by overseas policeman, inspector of constabulary or central police officer.

PART VII

PAYMENT OF AWARDS AND TRANSFER VALUES

58. Authorities responsible for payment of awards.
59. Funds out of which and into which payments are to be made.
60. Payment and duration of awards.
61. Payment of awards otherwise than to person entitled.
62. Transfer values payable on transfer between police forces.
63. Contributions between police authorities where no transfer value is payable.
64. Payments on transfer to the Royal Ulster Constabulary.
65. Transfer values payable on transfer to the civil service or metropolitan police civil staff.

PART VIII

COMPULSORY RETIREMENT

66. Compulsory retirement on account of age.
67. Compulsory retirement on grounds of efficiency of the force.
68. Compulsory retirement of regular policeman whose pension is reduced.
69. Compulsory retirement on grounds of disablement.
70. Effect of requirement to retire.

PART IX

SERVICEMEN

71. Servicemen to whom Part IX applies.
72. Awards to servicemen.
73. Awards on death of servicemen.
74. Application of Regulation 30.
75. Servicemen who resume service as regular policemen.
76. Servicemen who do not resume service in their former force.
77. Pensionable service.
78. Pension contributions.

PART X

SUPPLEMENTAL PROVISIONS IN SPECIAL CASES

79. Persons who ceased to serve before 1st July 1949.
80. Certain persons serving on 1st July 1949.
81. Chief constables affected by an amalgamation scheme under the Police Act 1946.
82. Chief constables affected by local government reorganisation or an amalgamation scheme under the Police Act 1964.
83. Chief constables who joined or were transferred to a county police force.
84. Commissioner and assistant commissioners of police of the metropolis.
85. Certain ex-reversionary members of home police forces.
86. Members of an overseas corps with previous service outside Great Britain.
87. Former lieutenants in Scottish police forces.
88. Regular policemen dismissed after 25 years' service.

PART XI

APPLICATION OF PENSIONS (INCREASE) ACTS

89. Application of Pensions (Increase) Acts 1944 and 1947.
90. Application of Pensions (Increase) Act 1952.
91. Application of Pensions (Increase) Act 1956.
92. Application of Pensions (Increase) Act 1959.
93. Application of Pensions (Increase) Act 1962.
94. Application of Pensions (Increase) Act 1965.
95. Duration of increase in child's allowance.

PART XII

MISCELLANEOUS

96. Lincolnshire.
97. Alterations in police areas.

PART XIII

INTERPRETATION

98. Meanings assigned to certain expressions.
99. Meaning of certain expressions related to the operation of the National Insurance Acts.
100. Meaning of certain expressions in relation to persons who are not members of a home police force.
101. Persons who have been members of a police force.
102. Transfers.
103. Retirement.
104. Persons treated as being in receipt of a pension.
105. Aggregate pension contributions.
106. Injury received in the execution of duty.
107. Disablement.
108. Disablement or death the result of an injury.
109. Relevant service in the armed forces.
110. References to awards.
111. References to provisions.
112. Application of Interpretation Act 1889.

PART XIV

REVOCATIONS, TRANSITIONAL PROVISIONS AND DATE OF COMMENCEMENT

113. Revocations.
114. Transitional provisions.
115. 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 6¼% 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 or injury received in effecting an arrest.
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

Payment by policeman in respect of previous service other than police service.

SCHEDULE 5

Additional pension contributions.

SCHEDULE 6

Medical appeals.

SCHEDULE 7

Transfer values.

SCHEDULE 8

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

SCHEDULE 9

Preserved pensionable pay.

SCHEDULE 10

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 43 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(b), sections 29B(4) and 33B of the Police (Scotland) Act 1956(c) (as amended by the Police Act 1964(d)), section 5(3) of the Overseas Service Act 1958(e) and Schedule 2 thereto, section 1(1) of the Police Pensions Act 1961(f), and sections 40, 43(4), 45(4) and 63 of the Police Act 1964 and Schedules 6 and 9 thereto, and after consultation with the Police Council for Great Britain and, so far as Regulation 57 is concerned, with the Council on Tribunals, I hereby, with the consent of

(a) 1948 c. 24. (b) 1951 c. 65. (c) 1956 c. 26.
(d) 1964 c. 48. (e) 1958 c. 14. (f) 1961 c. 35.

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

(*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, or

(*c*) he is required to retire under section 6(3)(*d*) of the Police (Scotland) Act 1956 or, as the case may be, section 5(4) of the Police Act 1964.

(4) This Regulation shall not apply to an overseas policeman or central police officer who retires or retired before the completion of the tour of overseas service or, as the case may be, of central 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 35(*c*) or under Regulation 77 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 48(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 81(2), as having retired on or after the said date ;

(*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 ;

(*d*) is required to retire under section 6(3)(*d*) of the Police (Scotland) Act 1956 or, as the case may be, section 5(4) of the Police Act 1964 ; or

(*e*) was serving as a chief constable on 1st July 1964 and is treated for the purposes of these Regulations, by virtue of Regulation 82(2), as having retired.

(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 1965(**a**) which relates to the relevant injury together with, where he ceases to be a member of a police force on or after 6th October 1966, any supplement payable therewith under section 2 of the National Insurance Act 1966(**b**);

(*b*) any disablement pension payable under section 12 of the National Insurance (Industrial Injuries) Act 1965 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

(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 1965(**c**), until the first day after his retirement which is not or is deemed not to be a day of incapacity for work under section 20 of that Act or regulations made thereunder, together with, where he ceases to be a member of a police force on or after 6th October 1966, any supplement thereto payable under section 2 of the National Insurance Act 1966; 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

(a) 1965 c. 52. (b) 1966 c. 6. (c) 1965 c. 51.

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, 6 or 8 or of Part IV of Schedule 1 shall be deemed not to have been so reduced.

(5) Where a person has received a disablement gratuity under the National Insurance (Industrial Injuries) Act 1965 or under the National Insurance (Industrial Injuries) Act 1946(a), this Regulation shall apply as if he were entitled during the relevant period to a disablement pension under the said Act of 1965 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 the Act in question, 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.

Former provisions as to commutation of part of pension

5.—(1) This Regulation shall apply to a regular policeman who retired on or after 14th April 1958 but before 1st August 1964 and, in accordance with this Regulation, commutes or has commuted for a lump sum a portion of any pension, other than a supplemental pension, to which he is entitled, provided, in the case of an ordinary pension, that he 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).

(2) For the purpose of commuting a portion of his pension in accordance with this Regulation 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 8 and of Part IV of Schedule 1, as (subject to the limitation contained in Regulation 9) he may specify; and

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

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

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

(*b*) in the case of a person who retired with an ill-health pension and was entitled to reckon less than 25 years' pensionable service, not earlier than 2 months before his 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

(a) 1946 c. 62.

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.

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

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

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

whichever is the later.

(5) Where a person 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 (4)(*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 (3)(*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.

Current provisions as to commutation of part of pension

6.—(1) This Regulation shall apply to a regular policeman who retires or retired on or after 1st August 1964.

(2) A regular policeman to whom this Regulation applies may, in accordance therewith, 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*), (*b*), (*d*) or (*e*) of Regulation 3(1).

(3) For the purpose of commuting a portion of his pension in accordance with this Regulation a person shall 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 quarter of the pension which would be payable but for the provisions of Regulation 8, as (subject to the limitation contained in Regulation 9) he may specify.

(4) The notice of commutation shall be given by a person not earlier than 2 months before his intended retirement nor later than 6 months after his retirement.

(5) The notice of commutation given by a person shall become effective—

(*a*) as from the date of his retirement; or

(*b*) as from the date on which the notice is received by the police authority,

whichever is the later:

Provided that the notice of commutation shall not become effective if—

(i) it was given more than 2 months before his retirement, or

(ii) it relates to an ill-health pension and the unsecured portion of that pension has sooner been terminated under Regulation 48.

(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 where the notice is effective as from the date mentioned in paragraph (5)(*b*), 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.

(7) Where the unsecured portion of an ill-health pension is terminated under Regulation 48, after a notice of commutation in relation to the pension has become effective—

(*a*) no reduction shall be made under paragraph (6) in the secured portion of the pension, in so far as it is payable under Regulation 48;

(*b*) if thereafter the person concerned becomes entitled to a pension, other than a supplemental pension, and is entitled to reckon for the purposes thereof the period of pensionable service reckonable for the purposes of the ill-health pension first mentioned in this paragraph, the unsecured portion of the other pension shall be reduced by the amount by which the ill-health pension would have been reduced if it had not been terminated as aforesaid.

(8) Where a person wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under paragraph (7)(*b*), he shall not specify in the notice of commutation a portion of the pension which, when aggregated with the said reduction, exceeds a quarter of the pension which would be payable but for the provisions of paragraph (7)(*b*) and of Regulation 8.

(9) A notice of commutation for the purposes of Regulation 5, given before 1st August 1964, shall have effect for the purposes of this Regulation as if it had been given hereunder unless the person elected, by notice in writing given to the police authority before the date of his retirement, that it should not have effect for the purposes of the corresponding provision of the former regulations; and, where he so elected, a subsequent notice of commutation given by him may have effect for the purposes of this Regulation.

Former provisions as to allocation of part of pension

7.—(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

8.—(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—

(*a*) allocate a further portion of that pension in favour of the beneficiary of the previous allocation; or

(*b*) where that beneficiary has died, allocate a further portion of that pension in favour of some other 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 9, 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 an 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, of Regulation 6 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 an 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—

(*a*) 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 before that date of the beneficiary specified in the notice); and

(*b*) the police authority shall, as from the person's death, pay to the beneficiary specified in the notice, if that person survives him, a pension of such amount as is the actuarial equivalent of the surrendered portion of the pension so specified.

(8) For the purposes of paragraph (7)(*b*) the actuarial equivalent of the surrendered portion of the pension shall be calculated from tables prepared by the Government Actuary and 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 by virtue of that notice if he had retired immediately before he died.

(10) Without prejudice to the generality of Regulation 114, 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 pension

9. A regular policeman shall not under Regulation 5 or 6 commute for a lump sum, nor under Regulation 8 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

10.—(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

11.—(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 6¼% 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 12, 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.

(**a**) 1914 c. 34. (**b**) 1921 c. 31.

Discretionary increase in widow's ordinary pension

12.—(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 1965 or under the National Insurance Act 1946(a), 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, 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 1965;

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

(*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(c).

(3) Subject to paragraph (4), a pension increased under this Regulation shall be payable at a rate increased by 112s. 6d. a week for the first 26 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 80s. 0d. 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.

(4) Where the husband died before 6th July 1966 paragraph (3) shall have effect as if the reference therein to a period of 26 weeks were a reference to a period of 13 weeks.

Widow's special pension

13.—(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.

(3) Without prejudice to Regulation 14, a widow's special pension shall be calculated in accordance with Part III of Schedule 2, subject however to Part V of that Schedule.

Widow's augmented award where husband's death results from an attack or injury received in effecting an arrest

14.—(1) This Regulation shall apply to a widow of a member of a police force whose death is the result of an injury received without his own default in the execution of his duty where—

(*a*) he was attacked by a person or persons in a manner which, in the opinion of the police authority, was intrinsically likely to cause death

(a) 1946 c. 67. (b) 1936 c. 31. (c) 1939 c. 82.

and death ensued, on or after 5th July 1948, as a result of the attack, or

(*b*) the injury was received in the course of duties performed, in the opinion of the police authority, for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody and death ensued on or after 1st August 1964.

(2) A widow's special pension payable to a widow to whom this Regulation applies 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.

(3) A widow to whom this Regulation applies whose husband dies on or after 1st August 1964 shall be entitled to a gratuity, as hereinafter provided, in addition to a widow's special pension.

(4) The gratuity under paragraph (3) shall be of an amount equal to twice the annual pensionable pay, at the date of the death of the person in respect of whom the gratuity is payable, of a man—

(*a*) holding the rank of constable in the police force of which that person was a member, and

(*b*) entitled to reckon 30 years' service for the purposes of pay.

Discretionary increase in widow's special pension

15.—(1) Where a widow who is entitled to a special pension under Regulation 13 of these Regulations would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act 1965 or 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 1965;

(*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 1965.

(3) Subject to paragraph (4), 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 26 weeks that the pension is payable, 112s. 6d. a week and thereafter, during the periods and in the conditions set out in Part VI of Schedule 2, 80s. 0d. a week.

(4) Where the husband died before 6th July 1966 paragraph (3) shall have effect as if the reference therein to a period of 26 weeks were a reference to a period of 13 weeks.

Widow's award under former Acts

16.—(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 17.

Discretionary increase in widow's award under former Acts

17.—(1) Where a widow is entitled to a pension calculated in accordance with Regulation 16(3), the police authority may, in their discretion and in accordance with the provisions of this Regulation, increase that pension.

(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 1965;

(*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 80s. 0d. a week:

(a) 1944 c. 21 and 10 & 11 Geo. 6. c. 7.

Provided that where a pension calculated in accordance with Regulation 16(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 16(3)(*a*) and increased in accordance with the provisions of this Regulation.

Gratuity in lieu of pension

18.—(1) Where a widow is entitled to a pension and the police authority are satisfied that there is sufficient reason for granting her a gratuity in lieu thereof, they may, subject to the provisions of Regulation 31, 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 31 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

19.—(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 or has died on or after 1st January 1963, 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

20.—(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 or gratuity under Regulation 14(3) 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

21.—(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 16, 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

22.—(1) Where a widow entitled to a pension under any provision of this Part of these Regulations, other than Regulation 16, 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, bring the pension into payment.

(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

23.—(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

24.—(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.

Child's gratuity where parent dies as a result of an attack

25.—(1) This Regulation shall apply to a child of a member of a police force who dies on or after 1st August 1964 in the circumstances mentioned in Regulation 14(1) and—

(*a*) in the case of a man, does not leave a widow entitled to a gratuity under Regulation 14(3), or

(*b*) in the case of a woman, was the child's only surviving parent:

Provided that this Regulation shall apply to a child who at the date of the parent's death has attained the age of 16 years only if at that date the child has not attained the age of 19 years and either is undergoing full-time education or is an apprentice.

(2) A child to whom this Regulation applies shall be entitled to a gratuity, as hereinafter provided, in addition to a child's special allowance.

(3) The gratuity under paragraph (2) shall be of the like amount as a widow's gratuity under Regulation 14(3) except that, where two or more gratuities are payable under paragraph (2) in respect of the death of the same person, each gratuity shall be of the said amount divided by the number of such gratuities.

Discretionary increase in child's ordinary or special allowance

26. 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

27.—(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 60(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

28.—(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 31, 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 31 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

29.—(1) A child's ordinary or special allowance or such an allowance as is mentioned in Regulation 27(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 27(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.

(4) This Regulation shall apply in relation to a child's gratuity under Regulation 25(2) as it applies in relation to a child's special allowance.

General

Awards to dependent relatives or estate

30.—(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

31.—(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 18 or 28 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 18 or 28; and

(*b*) any lump sum paid under Regulation 5 or 6 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 or 6 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

32.—(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 14(3), 19(3) or 25(2) or substituted for part of a widow's pension or child's allowance under Regulation 18 or 28, as the case may be, shall be ignored.

PART III

PENSIONABLE SERVICE

Reckoning of pensionable service

33. The pensionable service reckonable by a member of a police force at any date (hereafter referred to in this Part of these Regulations 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 under regulations from time to time in operation under

section 4 of the Police Act 1919(a), section 11 of the Police (Scotland) Act 1956(b) or section 33 of the Police Act 1964(c), 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

34.—(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.

(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

35. 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 48 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 ;

(a) 1919 c. 46. (b) 1956 c. 26. (c) 1964 c. 48.

(*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

36.—(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—

(*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, not being a period reckonable by virtue of Regulation 34(1)(*b*);

(*b*) the appropriate payment shall be an amount equal to any gratuity or return of pension contributions or rateable deductions, as the case may be, which he may have received on his retirement together with the balance outstanding immediately before his retirement of any sum he had undertaken to pay in accordance with Schedule 4, so however, that, where immediately before his retirement he was paying additional pension contributions under Regulation 45 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;

(**a**) 1939 c. 103.

(*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(**a**) or section 196 of the Municipal Corporations Act 1882(**b**);

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

Previous service reckonable at discretion of police authority

37.—(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 was serving on the relevant date—

(*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, not being a period reckonable by virtue of Regulation 34(1)(*b*), 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 an amount equal to any gratuity or return of pension contributions or rateable deductions, as the case may be, which he may have received on his retirement together with the balance outstanding immediately before he retired of any sum he had undertaken to pay in accordance with Schedule 4, so however that, where immediately before his retirement he was paying additional pension contributions under Regulation 45 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(**d**), rejoins or has

(**a**) 1831 c. 41. (**b**) 1882 c. 50. (**c**) 1892 c. 55.
(**d**) 1939 c. 103 and 1944 c. 22.

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.

Previous service other than police service

38.—(1) This Regulation shall apply to a regular policeman—

(*a*) who has served as such on or after 1st January 1967;

(*b*) who before he last became a regular policeman before the relevant date was in service or employment (otherwise than as a member of a police force or of the Royal Ulster Constabulary or as a special constable appointed as mentioned in Regulation 36(5)) by virtue of which he was subject to superannuation arrangements (hereafter in this Regulation referred to respectively as "former service" and "former superannuation arrangements");

(*c*) in respect of whom a transfer value relating to his former service is paid to the police authority of the force in which he is or was serving on the relevant date under rules made under sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(a), or under regulations made under section 67 of the National Health Service Act 1946(b) or section 66 of the National Health Service (Scotland) Act 1947(c), and

(*d*) who, within six months of 1st January 1967 or three months of his last becoming a regular policeman before the relevant date, whichever is the later, or within such longer period as the police authority may in his case allow, pays, or undertakes to pay in accordance with Schedule 4, a sum equal to the balance of any liability outstanding, immediately before he ceased to be engaged in his former service, in respect of payments or contributions he was then making as a condition of reckoning past service as contributing service or otherwise for the purposes of the former superannuation arrangements.

(2) There shall be reckonable by a regular policeman to whom this Regulation applies, as pensionable service in respect of his former service, 3 quarters of the period specified in paragraph (3), except that, where the maximum pension payable under the former superannuation arrangements (otherwise than on retirement occasioned by injury or ill-health) is payable where the person concerned has been engaged for a period of 30 years in service which counts in full for the purpose of those arrangements, there shall be reckonable the whole of the period specified in paragraph (3).

(3) The period referred to in paragraph (2) shall be—

(*a*) the period of service which is reckonable for the purpose of calculating the transfer value referred to in paragraph (1)(*c*); or

(*b*) where separate calculations are made in respect of contributing and non-contributing service reckonable for the purpose of calculating the said transfer value, the aggregate of the period of contributing service and half the period of non-contributing service which is so reckonable.

(a) 1948 c. 33. (b) 1946 c. 81. (c) 1947 c. 27.

Added years in case of chief constable displaced under Police Act 1946

39.—(1) Where a police area has been amalgamated with another police area by a scheme made under the Police Act 1946(a) 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,

(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(b), 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

40. 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

(a) 1946 c. 46. (b) 1946 c. 71.

(*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

41.—(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 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

42.—(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 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

43.—(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:

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 52$\frac{1}{7}$.

(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 81(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 40 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

44.—(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

45.—(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 5 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.

(**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).

Application of Regulations 44 and 45 to persons with service otherwise than in a police force

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

(*a*) first became 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 110(1) of the National Insurance Act 1965(**a**) or under section 69(4) of the National Insurance Act 1946(**b**) or other provisions modifying the said superannuation arrangements in connection with the passing of the said Act of 1946, Regulation 44 shall apply as if he were such a person as is mentioned in paragraph (6) thereof.

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

(*a*) Regulation 44(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 44(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 45 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

47. 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

48.—(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

(**a**) 1965 c. 51. (**b**) 1946 c. 67.

(*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

49.—(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

50. 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

51.—(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 7 or 8 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

52. 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

53.—(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 50, 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 54 and 55, be final.

Appeal to medical referee

54.—(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 53 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 6, 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 55, be final.

Further reference to medical referee

55.—(1) A court hearing an appeal under section 5 of the Act or a tribunal hearing an appeal under Regulation 57 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

56. If a question is referred to a medical authority under Regulation 53, 54 or 55 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, inspector of constabulary or central police officer

57.—(1) This Regulation shall apply in relation to—

(*a*) an overseas policeman;

(*b*) an inspector or assistant inspector of constabulary, or

(*c*) a central police officer,

and any such person is hereafter in this Regulation referred to as an officer to whom this Regulation applies.

(2) Where an officer to whom this Regulation applies or person claiming an award in respect of such an officer 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 such an officer, 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.

(3) 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.

(4) 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 described as the parties).

(5) 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.

(6) 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.

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

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

(9) 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 AND TRANSFER VALUES

Authorities responsible for payment of awards

58.—(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

59.—(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, by reason that he is treated as the police authority in relation to—

(*a*) an overseas policeman;

(*b*) an inspector or assistant inspector of constabulary; or

(*c*) a central police officer,

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

60.—(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 19 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 education 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

61.—(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 £500 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.

Transfer values payable on transfer between police forces

62.—(1) This Regulation shall apply where a regular policeman who has served as such on or after 1st January 1967 is entitled to reckon previous

service as pensionable service by reason of the fact that he has at any time transferred from one police force to another police force, except where the transfer was before 1st January 1967 and, by reason of his having retired after so transferring, the previous service would not be reckonable but for the provisions of Regulation 37(1) and (2) or of section 9(2) of the Police Pensions Act 1921(a).

(2) Where this Regulation applies the police authority of the force first mentioned in paragraph (1) shall pay to the police authority of the other police force a transfer value calculated in accordance with Schedule 7.

Contributions between police authorities where no transfer value is payable

63.—(1) This Regulation shall apply where a regular policeman has at any time transferred from one police force to another police force and a transfer value is not payable in respect of that transfer under Regulation 62 by reason of the fact that he has not served as a regular policeman on or after 1st January 1967.

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

(3) Where a regular policeman who 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.

(4) Where a reversionary member of a home police force has given the notice referred to in Regulation 40, 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.

(a) 1921 c. 31.

Payments on transfer to the Royal Ulster Constabulary

64.—(1) This Regulation shall apply to a regular policeman who has left a police force and joined the Royal Ulster Constabulary with the consent of the police authority if the Government of Northern Ireland is liable, or contingently liable, to make payments to or in respect of him under any legislation for the time being in force in Northern Ireland relating to the superannuation of members of the Royal Ulster Constabulary.

(2) Where the policeman left his police force on or after 1st January 1967 and the Government of Northern Ireland is contingently liable to make such payments as aforesaid, the said Government shall be entitled to a transfer value from the police authority of that force calculated in accordance with Schedule 7.

(3) Where the policeman left his police force before 1st January 1967, then, if the Government of Northern Ireland becomes liable to make such payments as aforesaid, the said Government shall be entitled to a contribution from the police authority of that 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 it had been payable under Regulation 63.

Transfer values payable on transfer to the civil service or metropolitan police civil staff

65.—(1) This Regulation shall apply to a regular policeman who retires without a pension on or after 1st January 1967 and subsequently enters service or employment—

(*a*) as an established civil servant, or

(*b*) in a situation pensionable under the Metropolitan Police Staff (Superannuation) Acts 1875 to 1931(**a**),

where in that service or employment he is, or subject to the payment of a transfer value would be, entitled under rules made under sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948 to reckon service for superannuation purposes by virtue of his service as a member of a police force.

(2) In the case of a regular policeman to whom this Regulation applies the police authority shall pay to the Treasury or, as the case may be, the Secretary of State a transfer value calculated in accordance with Schedule 7.

(a) 1875 c. 28; 1885 c. 68; 1909 c. 40; 1931 c. 12.

PART VIII

COMPULSORY RETIREMENT

Compulsory retirement on account of age

66.—(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 or to Scotland, a reference to the proviso to Regulation 59(1) of the Police Pensions Regulations 1962(**a**);

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

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

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

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

(**a**) S.I. 1962/2756 (1962 III, p. 3785). (**b**) S.I. 1949/1241 (1949 I, p. 3331).

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

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

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

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

Compulsory retirement on grounds of efficiency of the force

67.—(1) This Regulation shall apply to a regular policeman, other than a chief officer of police, deputy chief constable or assistant chief constable, 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.

(2) If a police authority determine that the retention in the force of a regular policeman to whom this Regulation applies 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

68. 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

69. 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

70. 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

71. This Part of these Regulations shall, subject to Regulation 78, 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, or who, having resumed service as a regular policeman, retires or has retired, 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

(a) S.I. 1949/1240 (1949 I, p. 3401).

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 72 (1) and (2), 73 (1), (2), (3) and (7), 74, 76 and 77; and

(*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, the National Service Act 1947(**a**) or the National Service Act 1948(**b**), 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

72.—(1) This Regulation shall apply to a serviceman who at the end of his period of relevant service in the armed forces is or was 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 8, increase any pension payable under this Regulation.

(4) In the case of a serviceman whose period of relevant service in the armed forces ends or has ended 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, 6 and 8 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 89, 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

73.—(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 11(1).

(**a**) 1947 c. 31. (**b**) 1948 c. 64.

(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 19 on the same conditions in all respects as if he were a regular policeman.

(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 23(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; and

(*b*) subject to and in accordance with paragraphs 2 and 3 of Schedule 8, from time to time increase any pension or allowance payable in respect of him under this Regulation.

(5) The weekly amount of any pension payable under paragraph (4)(*a*) shall be 33s. 3d., increased in accordance with Regulation 93(2) and (4).

(6) 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.

(7) Regulations 22 and 32 shall apply to an award under this Regulation as though this Regulation were included in Part II of these Regulations.

Application of Regulation 30

74. In relation to a serviceman, Regulation 30 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

75.—(1) If a serviceman who resumes or has resumed service as a regular policeman is permanently disabled or 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 relation to any award payable to or in respect of him (other than an award under Regulation 10), exercise the same discretions as are conferred by Regulation 72 or by Regulation 73.

(2) In the case of a regular policeman who retires or has retired on or after 1st January 1963 and whose pension is increased under Regulation 72(3)(*b*) as applied by this Regulation, no account of the increase shall be taken for the purposes of Regulations 5, 6 and 8 and of Part IV of Schedule 1.

Servicemen who do not resume service in their former force

76. 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 10, 35, 36, 37, 79, 80, 102 and 105 as having left his former force at the end of his period of relevant service in the armed forces.

Pensionable service

77.—(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 42 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

78.—(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 71 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 11(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

(**a**) 1951 c. 65.

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 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

79. 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 9.

Certain persons serving on 1st July 1949

80.—(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 9.

(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 affected by an amalgamation scheme under the Police Act 1946

81.—(1) Where the chief constable of an area that has been amalgamated with another area by a scheme made under the Police Act 1946(**a**) has been transferred to the combined police force in pursuance of an agreement made by him before the date of transfer, 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 66 as if, while serving in that force, he were a chief constable.

(2) Where the chief constable of an area that has been amalgamated with another area by a scheme made under the Police Act 1946 was not transferred to the combined force by the scheme and 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 and to sections 11(3) and 14(3)(*a*) thereof shall be construed as references to—

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

(*b*) the Police (Scotland) Act 1956(**c**) and to 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 and references to things done in the past shall include references to things done in the future.

(**a**) 1946 c. 46. (**b**) 1946 c. 71. (**c**) 1956 c. 26.

Chief constables affected by local government reorganisation or an amalgamation scheme under the Police Act 1964

82.—(1) This Regulation shall apply to a chief constable of a police force who becomes a member of another force by virtue of an order mentioned in paragraph (4) and section 58(1) of the Police Act 1964(**a**).

(2) In relation to such a member of a police force as is mentioned in paragraph (1) who suffers loss of office as such which is attributable to the provisions of an order mentioned in paragraph (4)—

(*a*) these Regulations shall apply as though he had retired from the police force, having given to the police authority a month's written notice of his intention to retire;

(*b*) where he becomes a member of another police force at or before the end of his resettlement period, Regulation 34 shall apply as though he had become a member of that other force immediately after ceasing to be a member of the force first mentioned in this paragraph, and

(*c*) where he was serving as a chief constable on 1st July 1964, Regulation 1 shall apply as though paragraph (2)(*b*) thereof were omitted.

(3) In relation to such a member of a police force as is mentioned in paragraph (1) who suffers reduction in rank attributable to the provisions of an order mentioned in paragraph (4), Regulation 66 shall apply as though he had not suffered such reduction in rank, unless he elects otherwise by notice in writing to the police authority.

(4) Any reference in this Regulation to an order mentioned in this paragraph is a reference to an order under Part I of the Police Act 1964 or Part II of the Local Government Act 1958(**b**); and the reference in paragraph (2) to a person's resettlement period is a reference to the period of 13 weeks next succeeding the week in which he ceased to be a member of the police force first mentioned in that paragraph or, in the case of a person who has attained the age of 45 years, the said 13 weeks extended by an additional week for every year of his age after attaining the age of 45 years and before he ceased to be a member of that force, subject to a maximum extension of 13 such weeks.

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

83. Where the chief constable of an area consisting of a non-county borough that was treated as part of the police area of the county under section 1 of the Police Act 1946 transferred to the county police force, in pursuance of an agreement made by him before 1st April 1947, or joined that force within the period of 3 months beginning with that date, 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 66 as if he were a chief constable.

Commissioner and assistant commissioners of police of the metropolis

84. 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

(**a**) 1964 c. 48. (**b**) 1958 c. 55.

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

85. 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

86. 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 bacame 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

87. 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

88.—(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

89.—(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

90.—(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 89 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;

(*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

91.—(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

(a) 1944 c. 21. (b) 10 & 11 Geo. 6. c. 7. (c) 1952 c. 45.

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

92.—(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 89, 90 or 91, 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.

Application of Pensions (Increase) Act 1962

93.—(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 sections 1 and 2 of the Pensions (Increase) Act 1962(c) if—

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

(*b*) that pension were specified in the Schedule to the Pensions (Increase) Act 1959, and so might be increased under sections 1 and 2 of the said Act of 1962.

(2) Where it is provided in these Regulations that an amount calculated otherwise than by reference to a rate, or an average rate, of emoluments

(a) 1956 c. 39. (b) 1959 c. 50. (c) 1962 c. 2 (11 & 12 Eliz. 2.).

shall be increased in accordance with this paragraph, then, subject to paragraph (4), it shall be increased by the amount, if any, by which a pension of the appropriate amount specified in paragraph (3) would be increased under section 2 of the Pensions (Increase) Act 1962 if—

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

(*b*) that pension were specified in the Schedule to the Pensions (Increase) Act 1959, and so might be increased under section 2 of the said Act of 1962 ; and

(*c*) that pension were one which began for the purposes of the said Act of 1962 before 1st April 1956.

(3) The appropriate amount mentioned in paragraph (2) shall be the weekly amount of—

(*a*) 42s. 4d., where the weekly amount which falls to be increased under that paragraph is 55s. 2d. ;

(*b*) 33s. 10d., where the weekly amount which falls to be so increased is 44s. 2d. ;

(*c*) 25s. 6d., where the weekly amount which falls to be so increased is 33s. 3d.

(4) Where such an amount as is mentioned in paragraph (2) is increased in accordance with that paragraph the amount of the increase thereunder shall be increased in accordance with Regulation 94 and for the purposes thereof shall be treated as if it were a pension which began for the purposes of the Pensions (Increase) Act 1965(a) before 1st April 1957.

(5) For the purposes of this Regulation—

(*a*) in relation to an increase under paragraph (1), the reference in section 1(1) of the Pensions (Increase) Act 1962 to an annual rate and the reference in section 10(1) of that Act to an aggregate annual rate shall be construed, respectively, as a reference to the amount which falls to be increased expressed as an annual rate and as a reference to that amount, after any increase thereof in accordance with Regulations 89, 90, 91 and 92, expressed as an annual rate ;

(*b*) in relation to an increase under paragraph (2), the reference in section 10(1) of that Act to an aggregate annual rate shall be construed as a reference to the appropriate amount specified in paragraph (3) expressed as an annual rate.

(6) 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 1965

94.—(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 under the Pensions (Increase) Act 1965 if—

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

(*b*) that pension were specified in Schedule 1 to that Act.

(a) 1965 c. 78.

(2) For the purposes of this Regulation the reference in section 1(1) of the Pensions (Increase) Act 1965 to an annual rate and the reference in section 1(3) of that Act to an aggregate annual rate shall be construed, respectively, as a reference to the amount which falls to be increased expressed as an annual rate and as a reference to that amount, after any increase thereof in accordance with Regulations 89, 90, 91, 92 and 93, expressed as an annual rate.

(3) 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.

Duration of increase in child's allowance

95. Where it is provided in these Regulations that for the purpose of calculating a child's allowance an amount shall be increased in accordance with this Part of these Regulations, then that amount shall be so increased so long as the allowance is payable, and accordingly this Part of these Regulations shall have effect for the said purpose as if—

(*a*) section 1(3) were omitted from the Pensions (Increase) Act 1944 (which provision governs the increase, under the Pensions (Increase) Acts of 1944 and 1947, of 1952 and of 1956, of pensions payable to dependants other than widows), and

(*b*) section 1(3) were omitted from the Pensions (Increase) Act 1959 (which provision governs the increase, under the Pensions (Increase) Acts of 1959, of 1962 and of 1965, of such pensions).

PART XII

MISCELLANEOUS

Lincolnshire

96. 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.

Alterations in police areas

97.—(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 force for the divided area to another force, the other force and the police authority and police fund for the area thereof 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 divided area ;

(*b*) who ceased to be a member of the force for the divided area before the division thereof, if the instrument effecting the division makes provision in that behalf, the force, authority and fund designated for the purpose thereby 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 divided area.

(3) In this Regulation—

(*a*) a reference to the combination or division of a police area includes a reference to an agreement under section 14 of the County Police Act 1840(**a**) or, as the case may be, the termination of such an agreement, and a reference to the force, authority or fund for a combined area shall be construed accordingly, and

(*b*) a reference to the division of a police area includes a reference to the transfer of part of a police area, on or after 1st April 1966, on the date on which an order affecting the area, made under section 140 of the Local Government Act 1933(**b**) or under Part II of the Local Government Act 1958, comes into force.

(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(**c**).

PART XIII

INTERPRETATION

Meanings assigned to certain expressions

98. 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(**d**) ;

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

(**a**) 1840 c. 88. (**b**) 1933 c. 51. (**c**) 1857 c. 72. (**d**) 1948 c. 24.

" armed forces " means the naval, military or air forces of the Crown, including any women's service administered by the Defence Council or formerly 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 43 ;

" central police officer " means a member of a home police force engaged on central service who enjoys a right of reversion under section 29B(1) of the Police (Scotland) Act 1956 or section 43(1) of the Police Act 1964, as the case may be ;

" central service " means temporary service under the Crown performed on or after 1st August 1964, being such service as is mentioned in section 29B(5) of the Police (Scotland) Act 1956 or section 43(5) of the Police Act 1964 ;

" 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(a), 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 ;

" former Regulations " means the Regulations made under the Act before the making of these Regulations, that is to say the Regulations set out in Schedule 10 and the Regulations revoked by those Regulations ;

" home police force " means any police force within the meaning of the Police (Scotland) Act 1956 or the Police Act 1964 ;

" 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 54(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 ;

(*c*) an overseas policeman ;

(*d*) an inspector or assistant inspector of constabulary appointed on or after 1st August 1964 ; and

(*e*) a central police officer ;

" member of the first class of the police reserve " includes any member of a home police force appointed temporarily other than a member of

(a) 1921 c. 31 and 1926 c. 34.

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 43;

" 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*) a member of a home police force who is not an auxiliary policeman;

(*b*) an overseas policeman who is a reversionary member of a home police force;

(*c*) an inspector or assistant inspector of constabulary appointed on or after 1st August 1964; and

(*d*) a central police officer;

" 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);

" sergeant " includes station sergeant, first class sergeant (C.I.D.), second class sergeant (C.I.D.) 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(e) applied;

" superintendent " includes chief superintendent;

" tour of central service " means the period of central service for which a central police officer has engaged with the consent of the appropriate authority for the purposes of section 29B of the Police (Scotland) Act 1956 or section 43 of the Police Act 1964, as the case may be, and, if such a period has been varied, means the period as so varied, so however that

(a) 9 & 10 Geo. 6. c. 17. (b) 1958 c. 14. (c) 1887 c. 67.
(d) 1875 c. 28. (e) 1939 c. 103.

where the officer engaged for an indefinite period of central service the said expression means his actual period of such service;

"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

99.—(1) In these Regulations the following expressions shall have the meanings respectively which they have for the purposes of the National Insurance Act 1965(a):—

"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 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.

(a) 1965 c. 51.

(5) For the purposes of these Regulations the annual rate of graduated retirement benefit shall be calculated as if there were 52⅛ weeks in each year.

(6) Any provision of these Regulations which refers to the Family Allowances Act 1945(a) or the National Insurance Act 1946(b) either as originally enacted or as amended by any subsequent enactment shall be construed as if the Statute Law Revision (Consequential Repeals) Act 1965(c) had not been passed.

Meaning of certain expressions in relation to persons who are not members of a home police force

100.—(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—

(*a*) an overseas policeman who is not a member of an overseas corps; or

(*b*) a central police officer,

shall be deemed to hold the rank in which he is entitled to revert to his home police force at the end of his tour of overseas service or, as the case may be, of central service.

(3) For the purposes of these Regulations—

(*a*) an inspector of constabulary shall be deemed to hold the rank and office of chief constable;

(*b*) an assistant inspector of constabulary shall be deemed to hold the rank of chief superintendent.

(4) Except where the context otherwise requires, for the purposes of these Regulations—

(*a*) an overseas policeman who is not a member of an overseas corps shall be deemed to be a member of such a corps;

(*b*) an inspector or assistant inspector of constabulary or a central police officer shall be deemed to be a member of a home police force;

and any reference to such a person joining or leaving a police force or transferring from one force to another, however expressed, shall be construed accordingly.

(5) A reference in these Regulations to the police authority shall be construed in relation to—

(*a*) an overseas policeman;

(*b*) an inspector or assistant inspector of constabulary; or

(*c*) a central police officer,

as a reference to the Secretary of State.

Persons who have been members of a police force

101. 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.

(a) 1945 c. 41. (b) 1946 c. 67. (c) 1965 c. 55.

Transfers

102. 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 or left 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

103. A reference in these Regulations to retirement includes a reference to the services of a member of a police force being dispensed with under regulations for the time being in force under section 11 of the Police (Scotland) Act 1956 or section 33 of the Police Act 1964 (other than regulations relating to the maintenance of discipline), 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

104. 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

105.—(1) 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.

(2) For the purpose aforesaid the aggregate pension contributions in respect of the relevant period of service shall be taken to be the sum of the following amounts—

(*a*) the aggregate of the pension contributions (including such additional contributions as are mentioned in Regulation 45) 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;

(*b*) the amount of any sums paid by the person concerned to the said police authority (including sums paid in pursuance of an undertaking) as a condition of being entitled to reckon pensionable service or, as the case may be, approved service, by virtue of service before the said period;

(*c*) 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 transfer, and

(*d*) where the person concerned, while a member of the force of the said police authority, became entitled, in the circumstances mentioned in Regulation 35(*d*) or 38, to reckon pensionable service by virtue of a period of previous service or employment otherwise than as a member of a police force, the amount of any award by way of return of contributions or of any analogous payment which would have been made to him at the end of that period of previous service or employment had he voluntarily retired therefrom in circumstances entitling him to such an award or payment under the superannuation arrangements applicable thereto.

Injury received in the execution of duty

106.—(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 98 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

107.—(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 reference to the degree to which his earning capacity has been affected as a result of an injury received without his own default in the execution of his duty as a member of a police force or, where he ceased to be such a member before 1st January 1967, of the injury in respect of which the award is made:

Provided that a person shall be deemed to be totally disabled if, and only if, as a result of a relevant 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

108. 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

109. 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

110. 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

111.—(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

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

PART XIV

REVOCATIONS, TRANSITIONAL PROVISIONS AND DATE OF COMMENCEMENT

Revocations

113. The former Regulations, that is to say the Regulations made under the Act before the making of these Regulations, are hereby revoked to the extent that they have not heretofore been revoked by Regulations so made and, accordingly, the Regulations set out in Schedule 10 are hereby revoked.

Transitional provisions

114.—(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

(**a**) 1889 c. 63.

(*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 1967; 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 not been made.

Citation and commencement

115. These Regulations may be cited as the Police Pensions Regulations 1966 and shall come into operation on 1st January 1967.

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

14th December 1966.

We consent,

E. Alan Fitch,

George Lawson,
Two of the Lords Commissioners of Her Majesty's Treasury.

16th December 1966.

SCHEDULE 1

POLICEMEN

Regulation 1

PART I

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(a) 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 89.

Regulations 2 and 3

PART II

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.

(a) 1921 c. 31.

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.

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 48(4) on the policeman not offering to rejoin the force within the period mentioned in Regulation 48(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 48(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 89.

PART III Regulations 1, 2 and 3

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 44(6) as extended by Regulation 46(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 81(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 43(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, or section 110(1) of the National Insurance Act 1965 or of other provisions modifying the said superannuation arrangements in connection with the passing of the said Act of 1946, 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(a) or of any provision of the National Insurance Act 1965 relating to graduated contributions or graduated retirement benefit 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 as a regular policeman which is a participating period of relevant employment,

(a) 1959 c. 47.

Sch. 1 (contd.)

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 48(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.

Regulations 1, 2 and 3 PART IV

REDUCTION OF PENSION PAYABLE TO PERSON PAYING PENSION CONTRIBUTIONS AT A RATE RELATED TO 6¼% 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, not being service as a member of a police force or of the Royal Ulster Constabulary in respect of which he has 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

Sch. 1 (contd.)

Completed years of pensionable service	Percentage reduction in pension
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 or of section 14 of the Police Act 1890(a); or

(*b*) of any service on or after 1st April 1956 which he is entitled to reckon as pensionable service by virtue of Regulation 77 and the proviso to Regulation 78(1).

3. If he elected to pay additional pension contributions as mentioned in Regulation 45 as extended by Regulation 46(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 10

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

(a) 1890 c. 45.

Sch. 1 (contd.)

60(4) of the National Insurance Act 1965 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.

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

Sch. 1 (contd.)

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 89.

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.

SCHEDULE 2

WIDOWS

PART I

Regulation 11

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, then, subject to paragraph 4, 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, 55s. 2d.;

(*b*) held the rank of inspector, 44s. 2d.;

(*c*) held a rank lower than that of inspector, 33s. 3d.

(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.

4. The weekly amount of a widow's ordinary pension calculated in accordance with paragraph 3 shall be increased—

(*a*) in accordance with Regulation 93(2) and (4), and

(*b*) where the husband was entitled to reckon at least 10 years' pensionable service, by 1s. 11d.

PART II

Regulation 11

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.

(a) 1889 c. cxxvii.

Sch. 2 (contd.)

Scheme I

1. Subject to paragraphs 2, 3 and 4 of this Scheme, 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, 55s. 2d.;

(*b*) held the rank of inspector, 44s. 2d.;

(*c*) held a rank lower than that of inspector, 33s. 3d.

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 paragraph 1 shall apply as though he had held a rank higher than that of inspector.

3. 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 paragraphs had he ceased to be a regular policeman when he ceased to be a member of one of the aforesaid overseas corps.

4. The weekly amount specified in paragraph 1 of this Scheme shall be increased in accordance with Regulation 93(2) and (4).

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.

PART III

Regulation 13

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 14

WIDOW'S SPECIAL PENSION WHERE HUSBAND'S DEATH RESULTS FROM AN ATTACK OR INJURY RECEIVED IN EFFECTING AN ARREST

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 Regulation 89 or 90.

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 11, 13 and 14

REDUCTION OF WIDOW'S PENSION IN RESPECT OF NATIONAL INSURANCE BENEFIT

1.—(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 1965 by virtue of her husband's insurance:

Provided that—

(*a*) where the widow is entitled under the said Act of 1965 to a widow's allowance or a retirement pension which is increased by virtue of section 40 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 1965 to a widowed mother's allowance or a retirement pension which is increased by virtue of section 37 of that Act, the allowance or pension shall be deemed not to have been so increased;

(*c*) where the widow is entitled under the said Act of 1965 to a widowed mother's allowance by virtue of section 27(1)(*b*) of that Act, the allowance shall be deemed to be less than it is by the amount specified in sub-paragraph (2).

Sch. 2 (contd.)

(2) The amount referred to in proviso (*c*) to sub-paragraph (1) is the aggregate of—

(*a*) 40s. 0d. for the only or eldest child included in the widow's family within the meaning of the Family Allowances Act 1965(a) or of the Family Allowances Act 1945 either as originally enacted or as amended by any subsequent enactment;

(*b*) 32s. 0d. for the second child so included, and

(*c*) 30s. 0d. for each subsequent child so included.

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 1965 (whether by virtue of her husband's insurance or otherwise) which is increased by virtue of section 37 of that Act;

(*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 1965(b) in consequence of the death of her husband.

Regulations 12, 15 and 17 PART VI

DISCRETIONARY INCREASE IN WIDOW'S PENSION

1. The periods referred to in Regulations 12, 15 and 17 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 1965 or 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

(a) 1965 c. 53. (b) 1965 c. 52.

Sch. 2 (contd.)

the family within the meaning of the said Act of 1945 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 34(6)(*a*) of the National Insurance (Industrial Injuries) Act 1965, 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;

(ii) where the husband died on or after 5th July 1948 but before 6th July 1966, at the expiry of the first 13 weeks that the pension is payable; or

(iii) where the husband died on or after 6th July 1966, at the expiry of the first 26 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 60(3)(*b*) or of Part IV of Schedule 3.

3. For the purposes of sub-paragraph (*e*) of paragraph 1 the conditions specified in sub-paragraph (*c*) thereof shall be treated as having been fulfilled if, on any day in the period between the passing of the Family Allowances and National Insurance Act 1964(a) and the coming into operation of section 1 of that Act, those conditions would have been fulfilled had that section and these Regulations come into operation at the passing of the said Act, and the reference in the said sub-paragraph (*e*) to the period mentioned in sub-paragraph (*c*) shall be construed accordingly.

PART VII — Regulation 18

WIDOW'S GRATUITY IN LIEU OF PENSION

The gratuity referred to in Regulation 18 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.

PART VIII — Regulation 19

WIDOW'S ORDINARY GRATUITY

The widow's gratuity referred to in Regulation 19 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.

(a) 1964 c. 10.

SCHEDULE 3

CHILDREN

Regulation 23

PART I

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	16 8
Inspector	13 5
Lower than Inspector	11 3

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 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	24 11
Inspector	20 1
Lower than Inspector	16 9

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

(*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;

Sch. 3 (contd.)

(*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 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.

PART II — Regulation 24

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.

PART III — Regulation 26

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	33 3
Inspector	26 8
Lower than Inspector	22 3

(*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.

Sch. 3 (contd.)

(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 1965(a) in respect of the child;

(*b*) the child is included in a family within the meaning of the Family Allowances Act 1965 or of the Family Allowances Act 1945(b), 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 1965 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(c),

(a) 1965 c. 51. (b) 1945 c. 41. (c) 1939 c. 82.

Sch. 3 (contd.)

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 40s. 0d.

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 1965 or under the National Insurance Act 1946(a), 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 of 1965;

(*b*) the child is included in a family within the meaning of the Family Allowances Act 1965 or 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 1965 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*) 40s. 0d., in the case of the only or eldest child included in a family within the meaning of the Family Allowances Act 1965 or of the Family Allowances Act 1945, either as originally enacted or as amended by any subsequent enactment;

(*b*) 37s. 0d., in the case of the second child so included;

(*c*) 35s. 0d., in the case of each subsequent child so included

PART IV Regulations 23, 24 and 26

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 26 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 1965 of a widow's allowance or a retirement pension which is increased under section 40 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(1) of the National Insurance (Industrial Injuries) Act 1965 at the higher weekly rate

(a) 1946 c. 67.

Sch. 3 (contd.)

prescribed by the said section 21(1), 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 1965, 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 1965, then the appropriate reduction shall be 12s. 0d. a week.

Regulation 27

PART V

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	16 8
Inspector	13 5
Lower than Inspector	11 3

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	24 11
Inspector	20 1
Lower than Inspector	16 9

Sch. 3 (contd.)

PART VI Regulation 27

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 27(4) in the cases mentioned in, and in accordance with, sub-paragraph (3), and an allowance granted under Regulation 27(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 1965;

(*b*) the child is included in a family within the meaning of the Family Allowances Act 1965 or 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 the only or eldest child included in a family as aforesaid the weekly amount of an allowance increased under Regulation 27(4), or granted under Regulation 27(5), where this sub-paragraph applies, shall be 40s. 0d.

(4) Where the eldest child included in a family as aforesaid is in receipt of an allowance under Regulation 27(5), the weekly amount of an allowance granted under Regulation 27(5) to any other child so included shall be—

(*a*) 32s. 0d., in the case of the second child so included;

(*b*) 30s. 0d., in the case of each subsequent child so included.

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 27(4), and an allowance granted under Regulation 27(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 1965 in respect of the child;

(*b*) the child is included in a family within the meaning of the Family Allowances Act 1965 or 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 27(4) or granted under Regulation 27(5), where this sub-paragraph applies, shall be—

(*a*) 40s. 0d., in the case of a child who is the only or eldest child included in a family as aforesaid;

(*b*) 32s. 0d., in the case of the second child so included;

(*c*) 30s. 0d., in the case of each subsequent child so included.

Sch. 3 (contd.)

Regulation 28

PART VII

CHILD'S GRATUITY IN LIEU OF ALLOWANCE

The gratuity referred to in Regulation 28 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.

Regulations 36, 37 and 38 SCHEDULE 4

PAYMENT BY POLICEMAN IN RESPECT OF PREVIOUS SERVICE OTHER THAN POLICE SERVICE

1.—(1) Where a regular policeman undertakes to pay a sum in accordance with this Schedule he shall, subject as hereafter in the Schedule provided, pay by regular instalments of such amount that the payment of the sum will be completed within a period of 5 years and before he becomes liable to be required to retire on account of age:

Provided that he may at any time discharge his liability under the undertaking, in whole or in part, by paying the whole or part of the balance of the sum then outstanding.

(2) Any payment in accordance with this paragraph shall be made by the policeman to the police authority of the force in which he is serving when the payment falls to be made and, without prejudice to any other method of payment, the liability to make any such payment may be discharged by way of a deduction by the said authority from his pay.

2. If, before he has discharged his liability under the undertaking, a regular policeman—

(*a*) retires without an award other than one of the amount of his aggregate pension contributions in respect of the relevant period of service;

(*b*) leaves his police force on joining the Royal Ulster Constabulary with the consent of the police authority;

(*c*) dies, or

(*d*) is dismissed,

all further liability under that undertaking shall cease.

3. If before he has discharged his liability under the undertaking, a regular policeman retires with an award and his liability does not cease under paragraph 2(*a*), the police authority by whom the award is payable shall be empowered to deduct the balance of the sum then outstanding from payments on account of the award:

Provided that where a payment is made on account of an ordinary or ill-health pension and in respect of a period beyond insured pensionable age no deduction shall be made from so much of the payment as is on account of the secured portion of the pension.

Regulation 45 SCHEDULE 5

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

Sch. 5 (contd.)

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 or of section 14 of the Police (Scotland) Act 1890(a).

SCHEDULE 6

Regulation 54

MEDICAL APPEALS

1. Every notice of appeal under Regulation 54(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.

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.

(a) 1890 c. 67.

Sch. 6 (contd.)

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 62, 64 and 65 SCHEDULE 7

TRANSFER VALUES

1.—(1) Subject as hereafter in this Schedule provided, the transfer value payable by the police authority—

(*a*) to another police authority under Regulation 62;

(*b*) to the Government of Northern Ireland under Regulation 64, or

(*c*) to the Treasury or the Secretary of State under Regulation 65,

shall be calculated in accordance with this paragraph.

(2) The amounts shown in the second and third columns of the appropriate Table or, where the transfer value is payable under Regulation 62 or 64 in respect of a woman, in the fourth and fifth columns thereof, in relation to an age which corresponds with that of the policeman are to be multiplied respectively by the number of completed years and the number of completed months aggregating less than a year, which the policeman was entitled to reckon as pensionable service immediately before he ceased to be a member of his former force:

Provided that in calculating the number of completed years and completed months which he was entitled to reckon as aforesaid, any period by which his pensionable service exceeded 30 years shall be ignored, and—

(*a*) where the transfer value is payable under Regulation 62 or 64, any period by which his pensionable service exceeded 20 years but did not exceed 30 years shall be counted twice;

(*b*) where the transfer value is payable under Regulation 65, the period of his pensionable service not exceeding 30 years shall be increased by a third.

(3) The sum of the products aforesaid is the transfer value appropriate in respect of £100 of annual pensionable pay.

(4) The total transfer value referred to in sub-paragraph (1) is to be calculated proportionately by reference to the annual pensionable pay of the policeman.

(5) In this paragraph a reference to the appropriate Table is a reference, in the case of transfer value payable under Regulation 62 or 64, to the first following Table and, in the case of a transfer value payable under Regulation 65, to the second following Table.

Sch. 7 (contd.)

TABLE

TRANSFER VALUE PAYABLE UNDER REGULATION 62 OR 64

Age in Years	Sum in respect of £100 of annual pensionable pay			
	In the case of a man, for each completed		In the case of a woman, for each completed	
	Year	Month	Year	Month
	£ s.	£ s.	£ s.	£ s.
Less than 24	19 14	1 13	12 10	1 1
24	19 14	1 13	12 12	1 1
25	19 14	1 13	12 17	1 1
26	19 14	1 13	13 6	1 2
27	19 14	1 13	13 18	1 3
28	19 14	1 13	14 12	1 4
29	19 14	1 13	15 8	1 6
30	19 15	1 13	16 5	1 7
31	19 17	1 13	17 3	1 9
32	20 1	1 13	18 1	1 10
33	20 6	1 14	18 18	1 11
34	20 12	1 14	19 15	1 13
35	21 0	1 15	20 11	1 14
36	21 9	1 16	21 5	1 15
37	21 19	1 17	21 17	1 16
38	22 9	1 17	22 8	1 17
39	22 19	1 18	22 18	1 18
40	23 9	1 19	23 8	1 19
41	23 18	2 0	23 18	2 0
42	24 7	2 1	24 8	2 1
43	24 16	2 1	24 18	2 1
44	25 5	2 2	25 8	2 2
45	25 13	2 3	25 18	2 3
46	25 19	2 3	26 8	2 4
47	26 4	2 4	26 17	2 5
48	26 8	2 4	27 5	2 5
49	26 11	2 4	27 11	2 6
50	26 13	2 4	27 16	2 6
51	26 14	2 4	28 1	2 7
52	26 15	2 5	28 6	2 7
53	26 16	2 5	28 10	2 8
54	26 17	2 5	28 14	2 8
55 or more	26 18	2 5	28 17	2 8

Sch. 7 (contd.)

TABLE

TRANSFER VALUE PAYABLE UNDER REGULATION 65

Age in years	Sum in respect of £100 of annual pensionable pay for each completed	
	Year	Month
	£ s.	£ s.
Less than 36	9 0	15
36	9 1	15
37	9 2	15
38	9 3	15
39	9 6	15
40	9 9	16
41	9 12	16
42	9 16	16
43	10 0	17
44	10 4	17
45	10 9	17
46	10 13	18
47	10 17	18
48	11 2	18
49	11 7	19
50	11 12	19
51	11 17	1 0
52	12 3	1 0
53	12 9	1 1
54	12 16	1 1
55	13 4	1 2
56	13 13	1 3
57	14 2	1 3
58	14 11	1 4
59	15 1	1 5

2.—(1) A transfer value calculated as aforesaid shall be reduced in accordance with sub-paragraphs (2) and (3)—

(*a*) in the case of a policeman other than a policeman who, immediately before he ceased to be a member of his former force, was paying pension contributions at the rate of 2d. a week less than the appropriate percentage of his pensionable pay;

(*b*) in the case of a policeman entitled to reckon pensionable service, immediately before he ceased to be a member of his former force, by virtue of a participating period of relevant employment.

(2) The amount shown in the second column of the following Table or, in the case of a woman, in the third column thereof, in relation to an age which corresponds with that of the policeman is the amount of the reduction in respect of each £1 by which the annual value of his pension would be reduced—

(*a*) under paragraph 1 of Part III of Schedule 1, in a case in which sub-paragraph (1)(*a*) applies, and

(*b*) under paragraphs 2 and 3 of the said Part III, in a case in which sub-paragraph (1)(*b*) applies,

in respect of any period beyond insured pensionable age, if he had become entitled to a pension on ceasing to be a member of his former force.

(3) The total reduction is to be calculated proportionately by reference to the amount by which the annual value of such a pension would be so reduced.

Sch. 7 (contd.)

(4) For the purposes of sub-paragraph (1)(*b*) and of the provisions applied by sub-paragraph (2)(*b*) a period shall be treated as a participating period of relevant employment notwithstanding that a payment in lieu of contributions only fell to be made after the policeman ceased to be a member of his former force.

TABLE

REDUCTION OF TRANSFER VALUE

Age in years	Reduction for each £1 by which annual value of pension would be reduced	
	In the case of a man	In the case of a woman
	£ s.	£ s.
Less than 24	1 16	1 8
24	1 19	1 13
25	2 2	1 18
26	2 5	2 4
27	2 7	2 11
28	2 9	2 18
29	2 12	3 6
30	2 14	3 15
31	2 16	4 5
32	2 19	4 14
33	3 1	5 2
34	3 4	5 9
35	3 6	5 15
36	3 9	6 1
37	3 12	6 7
38	3 14	6 13
39	3 17	6 19
40	4 0	7 5
41	4 3	7 11
42	4 6	7 16
43	4 9	8 1
44	4 12	8 6
45	4 15	8 12
46	4 19	8 19
47	5 3	9 6
48	5 7	9 13
49	5 11	10 0
50	5 15	10 7
51	5 19	10 14
52	6 4	11 2
53	6 9	11 10
54	6 14	11 18
55	7 0	12 7
56	7 6	12 16
57	7 12	13 6
58	7 19	13 17
59	8 6	14 9
60	8 14	
61	9 3	
62	9 12	
63	10 2	
64	10 12	

Sch. 7 (contd.)

3. A transfer value calculated as aforesaid shall be reduced, in the case of a policeman who had undertaken to make payments in accordance with Schedule 4, by the balance outstanding, immediately before he ceased to be a member of his former force, of the sum he had undertaken to pay or so much thereof as has not been deducted under paragraph 3 of that Schedule from a gratuity payable to him.

4. Where a transfer value is payable by a police authority under Regulation 62 in respect of the transfer before 1st January 1967 of a member of a police force who—

(*a*) after transferring but before 1st January 1967 retired with an ill-health pension or a pension under the former Acts which has at any time been terminated in whole or in part under Regulation 48 or any corresponding provision of the former Regulations or former Acts, and

(*b*) is entitled to reckon his previous service as pensionable service by virtue of Regulation 35(*b*) or any corresponding provision of the former Acts,

the transfer value, calculated in accordance with paragraphs 1 and 2, shall be reduced by the aggregate of the payments or contributions made by the police authority towards the pension before it was terminated as aforesaid.

5. Where a transfer value is payable by a police authority under Regulation 65 the transfer value, calculated as aforesaid, shall be reduced by the amount of any award payable on the policeman ceasing to be a member of his former force so, however, that where he had paid pension contributions at a rate related to 6½% of his pensionable pay or had paid additional contributions under Regulation 45 or any corresponding provision of the former Regulations the reduction shall be limited to so much of the award as would have been payable had he paid contributions at a rate related to 5% of his pensionable pay and had not paid such additional contributions.

6.—(1) Any reference in this Schedule to the age of a policeman is a reference to his age—

(*a*) at the time he ceased to be a member of his former force, where he so ceased on or after 1st January 1967, or

(*b*) at 1st January 1967, where he so ceased before that date.

(2) Any reference in this Schedule to the annual pensionable pay of a policeman is a reference to the annual value of his pensionable pay immediately before he ceased to be a member of his former force, any retrospective increase therein granted after that time being ignored.

(3) Where a policeman ceased to be a member of his former force before 5th July 1948, any references in this Schedule to pensionable service and annual pensionable pay shall be construed, respectively, as references to approved service and annual pay within the meaning of the former Acts.

(4) Any reference in this Schedule to a policeman's former force is a reference to the police force maintained by the police authority by whom the transfer value is payable.

Regulations 72 and 73 SCHEDULE 8

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

Sch. 8 (contd.)

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.

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.

(a) 1929 c. 29.

Regulations 79 and 80 SCHEDULE 9

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 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(a) or Regulation 65 of the Police Pensions (Scotland) Regulations 1948(b) 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 40 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;

(a) S.I. 1948/1531 (1948 I, p. 3429). (b) S.I. 1948/1530 (1948 I, p. 3503).

Sch. 9 (contd.)

(*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 10 Regulations 98 and 113

FORMER REGULATIONS REVOKED

The Police Pensions Regulations 1962	S.I. 1962/2756 (1962 III, p. 3785).
The Police Pensions (Amendment) Regulations 1963	S.I. 1963/550 (1963 I, p. 598).
The Police Pensions (Amendment) (No. 2) Regulations 1963	S.I. 1963/831 (1963 I, p. 1216).
The Police Pensions (Amendment) Regulations 1964	S.I. 1964/471 (1964 I, p. 759).
The Police Pensions (Amendment) (No. 2) Regulations 1964	S.I. 1964/1072 (1964 II, p. 2371).
The Police Pensions (Amendment) (No. 3) Regulations 1964	S.I. 1964/1232 (1964 II, p. 2867).
The Police Pensions (Amendment) Regulations 1965	S.I. 1965/585 (1965 I, p. 1835).
The Police Pensions (Amendment) Regulations 1966	S.I. 1966/274 (1966 I, p. 737).
The Police Pensions (Amendment) (No. 2) Regulations 1966.	S.I. 1966/1000 (1966 II, p. 2383).

EXPLANATORY NOTE.

(*This Note is not part of the Regulations.*)

These Regulations (which come into force on 1st January 1967) consolidate, with amendments, the Regulations set out in Schedule 10, that is to say the Police Pensions Regulations 1962 and the Regulations amending those Regulations.

The principal changes (which do not affect policemen who have retired or their dependants) are described below.

Regulation 38 provides for the reckoning of previous service (other than police service) as pensionable service where a transfer value is received by the police authority under rules or regulations made under the Superannuation (Miscellaneous Provisions) Act 1948, the National Health Service Act 1946 or the National Health Service (Scotland) Act 1947.

Regulations 62, 64 and 65 provide for the payment of transfer values in respect of transfers between police forces, to the Royal Ulster Constabulary and to the civil service or the metropolitan police civil staff. Transitional provision is made in certain cases excluding the liabilty to pay a transfer value but preserving the existing liability of the police authority to contribute to any award which may eventually be payable.