STATUTORY INSTRUMENTS

1961 No. 1444 (S. 88)

POLICE

SCOTLAND

The Police Pensions (Scotland) (Amendment) (No. 2) Regulations, 1961

Laid before Parliament in draft

Made - - - - 26*th July*, 1961
Coming into Operation 7*th August*, 1961

In exercise of the powers conferred on me by sections 1 and 3 of the Police Pensions Act, 1948(a), and subsection (1) of section 1 of the Police Pensions Act, 1961(b), I hereby, with the consent of the Treasury and after consultation with the Scottish Police Council, make the following regulations, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament :—

1. For paragraph (2) of Regulation 2 of the Police Pensions (Scotland) Regulations, 1955(c) (which relates to the duration and amount of awards), there shall be substituted the following paragraph :—

"(2) Subject to the provisions of these regulations, the amount of a pension payable to a person who has been a member of a police force shall, in the manner hereafter provided, be calculated with reference to his average pensionable pay and shall be payable in respect of each year after his retirement.".

2.—(1) For paragraph (2) of Regulation 3 of the said Regulations of 1955 (which relates to a policeman's ordinary pension), as set out in Regulation 1 of the Police Pensions (Scotland) Regulations, 1956(d), there shall be substituted the following paragraph :—

"(2) An ordinary pension shall be of an amount determined in accordance with Parts I, III and V of the First Schedule to these regulations ; but, in the case of a person entitled to reckon less than thirty years' pensionable service who retires after the seventh day of August, 1961, no payments shall be made on account of the pension in respect of the period, if any, before he has attained the age of fifty years.".

(2) At the end of the said Regulation 3 there shall be added the following paragraph :—

"(4) In relation to a person who—

(*a*) is serving as a regular policeman on the seventh day of August, 1961, or

(a) 11 & 12 Geo. 6. c. 24.
(b) 9 & 10 Eliz. 2. c. 35.
(c) S.I. 1955/485 (1955 II, p. 1959).
(d) S.I. 1956/434 (1956 II, p. 1842).

(*b*) is entitled under sub-paragraph (*d*) of Regulation 29 or under Regulation 60 to reckon as pensionable service a period which includes that day,

the limitation imposed by paragraph (2) on the making of payments in respect of a period before a person has attained the age of fifty years shall not apply on his first retiring from a police force on or after that day; and a person who has retired with an ill-health pension and subsequently rejoins the force in the circumstances, and within the period, mentioned in paragraph (2) of Regulation 38, 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.".

3. For paragraph (2) of Regulation 62 of the said Regulations of 1955 (which relates to chief constables who join or are transferred to a combined police force) there shall be substituted the following paragraph:—

"(2) The chief constable of the force of an area which has been amalgamated with another police area by a scheme made under the Police (Scotland) Act, 1956(**a**), or any Act repealed by that Act, who is not transferred to the combined force by the scheme and does not, during the period of three months referred to in subsection (2) of section 22 of that Act, or, as the case may be, that subsection as applied by subsection (2) of section 23 of that Act, or any corresponding provisions repealed by that Act, join the combined force, 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 3 shall have effect in relation to him as if—

(*a*) the limitation imposed by paragraph (2) thereof on the making of payments in respect of a period before a person has attained the age of fifty years did not apply to him, and

(*b*) paragraph (3) thereof were omitted.".

4.—(1) For paragraph (6) of Regulation 67 of the said Regulations of 1955, as set out in Regulation 7 of the Police Pensions (Scotland) (No. 2) Regulations, 1958(**b**) (which relates to the allocation of part of a pension in favour of a dependant), there shall be substituted the following paragraph:—

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

(2) In paragraph (7) of the said Regulation 67 for the words "which is reduced" there shall be substituted the words "which falls to be reduced".

5. For Regulation 74 of the said Regulations of 1955 (which relates to persons treated as being in receipt of a supplemental pension), there shall be substituted the following regulation:—

"*Persons treated as being in receipt of a pension*

74. 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**) 4 & 5 Eliz. 2. c. 26. (**b**) S.I. 1958/649 (1958 II, p. 1937).

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

(*b*) in the case of a supplemental pension, had the aggregate of any of the payments described in paragraph (3) of Regulation 6 been less than the standard amount appropriate to his case.".

6. These Regulations may be cited as the Police Pensions (Scotland) (Amendment) (No. 2) Regulations, 1961, and shall come into operation on the seventh day of August, 1961.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

21st July, 1961.

We consent,

David Gibson-Watt,
R. Chichester-Clark,
Two of the Lords Commissioners of Her Majesty's Treasury.

26th July, 1961.

EXPLANATORY NOTE

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

These regulations (which are made under sections 1 and 3 of the Police Pensions Act, 1948, and section 1 of the Police Pensions Act, 1961) amend the Police Pensions (Scotland) Regulations, 1955.

Regulation 2 is the principal regulation. Regulation 3 of the Police Pensions (Scotland) Regulations, 1955, provides (subject to limited exceptions) that a regular policeman retiring with twenty-five or more years' pensionable service shall be entitled to an ordinary pension. Regulation 2 of the present regulations provides that, in the case of a policeman entitled to reckon less than thirty years' pensionable service, such a pension shall not come into payment unless and until he has attained the age of fifty years, but preserves the existing provision in the case of serving policemen and certain other cases.

The remaining regulations contain consequential amendments.

Regulation 1 restates the general provision that a policeman's pension shall be payable in respect of each year after his retirement but expressly makes this subject to the provisions of the 1955 Regulations (including the limitation introduced by Regulation 2 of the present regulations as respects the payment of an ordinary pension).

Regulation 3 restates a provision under which a chief constable of an area which is amalgamated with another area is, in certain circumstances, deemed for pension purposes to have retired and provides that the limitation introduced by Regulation 2 shall not apply in such a case.

Regulation 4 restates part of the provisions for the allocation of part of a pension in favour of a dependant and makes amendments to take account of pensions which, owing to the limitation introduced by Regulation 2, do not come into payment until a date after retirement.

Regulation 5 restates, with amendments, a provision under which in certain cases a person is treated as being in receipt of a pension for the purposes of the 1955 Regulations. (Under these regulations a widow's or child's entitlement to an award may depend on the husband or father having been in receipt of a pension at the time of his death.) The amendments extend the provision to cover the case of a person under the age of fifty who would have been in receipt of an ordinary pension but for the limitation introduced by Regulation 2.