1956 No. 434 (S. 21)

The Police Pensions (Scotland) Regulations, 1956

Made - - - -	19*th March*, 1956
Coming into Operation	1*st April*, 1956

In exercise of the powers conferred on me by sections one and three of the Police Pensions Act, 1948(**a**), I hereby, with the consent of the Treasury and after consultation with the 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 3 of the Police Pensions (Scotland) Regulations, 1955(**b**) (which relates to the calculation of a policeman's ordinary pension) there shall be substituted the following paragraph:—

"(2) The amount of an ordinary pension shall be determined in accordance with Parts I, III and V of the First Schedule to these Regulations.".

2. For paragraph (2) of Regulation 4 of the said Regulations of 1955 (which relates to the calculation of a policeman's ill-health award) there shall be substituted the following paragraph:—

"(2) The amount of the said pension or gratuity shall be determined in accordance with Parts II, III and V of the First Schedule to these Regulations.".

3. For paragraph (3) of Regulation 5 of the said Regulations of 1955 (which relates to the calculation of a policeman's short service award) there shall be substituted the following paragraph:—

"(3) The amount of the said pension or gratuity shall be determined in accordance with Paragraphs 1, 2 and 3 of Part II and with Parts III and V of the First Schedule to these Regulations.".

4. At the end of paragraph (3) of Regulation 6 of the said Regulations of 1955 (which relates to entitlement to, and the calculation of, a policeman's supplemental pension) there shall be added the words "and, for the purposes of paragraphs (1) and (2), any such pension as is mentioned in sub-paragraph (*d*) and is reduced in accordance with Part V of the First Schedule to these Regulations shall be deemed not to have been so reduced".

5. For paragraph (3) of Regulation 8 of the said Regulations of 1955 (which relates to the calculation of a widow's ordinary pension) there shall be substituted the following paragraph:—

"(3) A widow's ordinary pension shall be determined in accordance with—

(*a*) Part VIII of the Second Schedule to these Regulations, where immediately before his death or retirement her husband was paying pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay; or

(*b*) Parts I and VII of the said Second Schedule in any other case.".

(**a**) 11 & 12 Geo. 6. c. 24. (**b**) S.I. 1955/485 (1955 II, p. 1959).

6. For sub-paragraph (*a*) of paragraph (1) of Regulation 9 of the said Regulations of 1955 (which relates to the discretionary increase of a widow's ordinary pension) there shall be substituted the following sub-paragraph:—

"(*a*) where she is in receipt of an ordinary pension calculated in accordance with Parts I and VII of the Second Schedule to these Regulations, increase that pension; or".

7. In paragraph (1) of Regulation 10 of the said Regulations of 1955 (which relates to a widow's special pension) for the words "the award to his widow shall be" there shall be substituted the words "his widow shall be entitled to".

8. For paragraph (1) of Regulation 16 of the said Regulations of 1955 (which relates to the limitation on an award to a widow living apart from her husband) there shall be substituted the following paragraph:—

"(1) A widow shall not be entitled to a pension or gratuity under this Part of these Regulations 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."

9. At the end of paragraph (1) of Regulation 18 of the said Regulations of 1955 (which relates to a child's entitlement to an ordinary allowance) there shall be added the following proviso:—

"Provided that for such period or periods, if any, as a widow's ordinary pension, calculated in accordance with paragraph 1 of Part VIII of the Second Schedule to these Regulations, is payable in respect of the death of a person, no child's ordinary allowance shall be payable in respect of that person's death.".

10. For Regulation 24 of the said Regulations of 1955 (which relates to posthumous children) there shall be substituted the following Regulation:—

"*Date of payment of child's allowance*

24. An allowance to a child shall be payable as from the death of the parent in respect of whom it is payable or, in the case of an allowance to a posthumous child, as from the birth of the child, except—

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

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

11. At the end of sub-paragraph (*b*) of paragraph (2) of Regulation 30 of the said Regulations of 1955 (which relates to additions to pensionable service on payment) there shall be added the following words:—

"so however that where immediately before his retirement he was paying additional pension contributions under Regulation 37A, the appropriate payment shall be reduced by the amount he had paid by way of such contributions".

12. At the end of paragraph (1) of Regulation 31 of the said Regulations of 1955 (which relates to additions to pensionable service at the discretion of the police authority) there shall be added the following words:—

"so however that where immediately before his retirement he was paying additional pension contributions under Regulation 37A, the said sum shall be reduced by the amount he had paid by way of such contributions."

13. For Regulation 37 of the said Regulations of 1955 (which relates to pension contributions) there shall be substituted the following Regulations:—

"*Rate of payment of pension contributions*

37.—(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 one shilling and twopence a week less than six-and-a-quarter per cent. of his pensionable pay or, in the case of a woman, less than four-and-a-half per cent. of her pensionable pay.

(2) Where a man is on the first day of 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 includes that day,

then unless before the day appropriate to his case specified in paragraph (3) he elects to pay pension contributions at the rate specified in the preceding paragraph, he shall in respect of any period beginning on or after the appropriate day during which he is a member of a police force pay such contributions at the rate of one shilling and twopence a week less than five per cent. of his pensionable pay and there shall be refunded to him by the police authority to whom he has paid pension contributions under this Regulation or for the purposes of Regulation 61 the difference between five per cent. and six-and-a-quarter per cent. of his pensionable pay in respect of the period beginning on the first day of April, 1956, and ending on the day immediately preceding the day appropriate to his case:

Provided that in the case of a person who gives notice that he does not intend to exercise his right of election under this paragraph, this paragraph shall apply as if for any reference to the appropriate day there were substituted a reference to the day on which he gives such notice.

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

(*a*) in the case of such a person as is mentioned in sub-paragraph (*a*) of that paragraph—

(i) the first day of July, 1956, or

(ii) where he retires before that day, the day immediately preceding his retirement;

(*b*) in the case of such a person as is mentioned in sub-paragraph (*b*) of that paragraph—

(i) the first day of October, 1956, or

(ii) where he retires before that day, the day immediately preceding his retirement;

(*c*) in the case of such a person as is mentioned in sub-paragraph (*c*) of that paragraph—

(i) the day following the expiration of three months from the end of his period of relevant service in the armed forces, or

(ii) where he retires from service as a regular policeman within that period of three months, the day immediately preceding his retirement, or

(iii) where he is granted a pension under Regulation 55, the day immediately preceding the end of his period of relevant service in the armed forces.

(4) Where a man is on the first day of April, 1956, an auxiliary policeman—

(*a*) he shall in respect of any period on or after that day during which he is such a policeman pay pension contributions at the rate of one shilling and twopence a week less than five per cent. of his pensionable pay; and

(*b*) paragraphs (2) and (3) shall apply in his case if he becomes a regular policeman as if—

(i) for any reference to the first day of April, 1956, there were substituted a reference to the day on which he first after that day becomes a regular policeman; and

(ii) for the reference to the first day of July, 1956, there were substituted a reference to the day following the expiration of three months from the day on which he becomes a regular policeman as aforesaid.

(5) This Regulation shall apply in the case of a regular policeman who was on the fifth day of July, 1948, a member of a police force or a serviceman (1939-1945) and did not give notice in accordance with the provisions of paragraph (3) of Regulation 43 of the Police Pensions (Scotland) Regulations, 1948(a), as if for any reference to a rate of one shilling and twopence a week less than a percentage of his pensionable pay there were substituted a reference to a rate of twopence a week less than that percentage of his pensionable pay.

Rate of payment of additional contributions in certain cases

37A. Where a man—

(*a*) is on the first day of April, 1956, a regular policeman or a serviceman whose period of relevant service in the armed forces includes that day;

(*b*) is entitled on that day to reckon not more than twenty years' pensionable service;

(*c*) will be entitled to reckon at least twenty-five years' pensionable service before he can be required to retire under the provisions of Regulation 51; and

(*d*) has elected in accordance with the provisions of paragraph (2) of Regulation 37 to pay pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay,

then, for the purpose of avoiding a reduction in pension under Part V of the First Schedule to these Regulations, he may elect, before the day appropriate to his case specified in paragraph (3) of Regulation 37, to pay additional pension contributions, and where he has so elected he shall pay such contributions as from the appropriate day at a rate calculated in accordance with the Sixth Schedule to these Regulations until such time as he becomes entitled to reckon twenty-five years' pensionable service or retires, whichever is the earlier.

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

Application to persons with service in England and Wales or Northern Ireland

37B.—(1) The preceding provisions of this Part of these Regulations shall apply in the case of a member of a police force who has been a member of a police force to which the Police Pensions Regulations, 1955(a), apply or of the Royal Ulster Constabulary as if—

(*a*) he had been a member of a force to which these Regulations apply ;

(*b*) any election made or notice given by him in accordance with the provisions of Regulation 35 or 35A of the Police Pensions Regulations, 1955, or with any corresponding provisions relating to the pensions of the Royal Ulster Constabulary had been made or given in accordance with the provisions of Regulation 37 or, as the case may be, Regulation 37A of these Regulations ; and

(*c*) any notice given or election made in accordance with the provisions of paragraph (3) of Regulation 41 of the Police Pensions Regulations, 1948(b), or with any corresponding provisions relating to the pensions of the Royal Ulster Constabulary had been a notice given in accordance with the provisions of paragraph (3) of Regulation 43 of the Police Pensions (Scotland) Regulations, 1948.

(2) In this Regulation a reference to the provisions relating to the Royal Ulster Constabulary is a reference to the provisions of an Order made by the Minister of Home Affairs for Northern Ireland under section two of the Constabulary Act (Northern Ireland), 1922(c), section four of the Constabulary and Police (Ireland) Act, 1919(d), as applied by the said Act of 1922, and the Constabulary (Pensions) Act (Northern Ireland), 1949(e).

Method of payment of pension contributions

37C. 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.

Form of election or notice

37D. Any election made or notice given by a person under this Part of these Regulations shall be in the form of a written notice to the police authority of the force in which he is serving or, where he is a serviceman performing relevant service in the armed forces, to the police authority of his former force.".

14.—(1) In paragraph (1) of Regulation 50 of the said Regulations of 1955 (which relates to contributions between police authorities) after the words " according to his service and pay " there shall be inserted the words " and the contributions paid by him ".

(2) In paragraph (2) of the said Regulation 50 after the words " according to his service and pay " there shall be inserted the words " and the contributions paid by him ".

(a) S.I. 1955/480 (1955 II, p. 1903).
(b) S.I. 1948/1531 (1948 I, p. 3429).
(c) 12 & 13 Geo. 5. c. 8 (N.I.).
(d) 9 & 10 Geo. 5. c. 68.
(e) 1949, c. 9 (N.I.).

15. After Regulation 52 of the said Regulations of 1955, there shall be inserted the following Regulation:—

"*Compulsory retirement of regular policemen paying pension contributions at a rate related to six-and-a-quarter per cent. of pensionable pay.*

52A. For the purposes of the preceding provisions of this Part of these Regulations, a regular policeman who is paying pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay, 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 V of the First Schedule to these Regulations".

16.—(1) In Regulation 61 of the said Regulations of 1955 (which relates to the pension contributions of servicemen) after the words "has paid pension contributions" there shall be inserted the words "(other than additional pension contributions under Regulation 37A)".

(2) At the end of the said Regulation 61 there shall be added the following paragraph:—

"(2) Where this Part has effect in the case of a serviceman by virtue of proviso (*a*) to paragraph (1), for the purposes of paragraph (3) of Regulation 8 and of paragraph 1 of Part V of the First Schedule to these Regulations, he shall be deemed to pay pension contributions in respect of any period beginning on or after the first day of April, 1956, at the rate at which he last paid such contributions or, where he was on that day performing relevant service in the armed forces and has not given the notice referred to in the proviso to paragraph (2) of Regulation 37, at a rate related to six-and-a-quarter per cent. of his pensionable pay.".

17. At the end of sub-paragraph (*a*) of paragraph (2) of Regulation 63 of the said Regulations of 1955 (which relates to certain persons serving on the first day of July, 1949) there shall be added the words "and any widow's ordinary pension which may become payable in respect of him and is calculated in accordance with paragraph 1 of Part VIII of the Second Schedule to these Regulations".

18. In sub-paragraph (i) of Regulation 75 of the said Regulations of 1955 (which defines aggregate pension contributions) after the words "the aggregate of the pension contributions" there shall be inserted the words "(including additional pension contributions under Regulation 37A)".

19.—(1) In paragraph 2 of Part III of the First Schedule to the said Regulations of 1955 (which relates to reductions in pensions) for the words "the rate specified in paragraph (3) of Regulation 37" there shall be substituted the words "a rate of twopence a week less than the appropriate percentage of his pensionable pay."

(2) In paragraph 3 of the said Part III for the words "the rate specified in paragraph (1) of Regulation 37 by reason of the proviso to paragraph (3) of the said Regulation" there shall be substituted the words "a rate of one shilling and twopence a week less than the appropriate percentage of his pensionable pay by reason of the giving of such a notice or the making of such an election as is mentioned in paragraph (5) of Regulation 37 or sub-paragraph (*c*) of paragraph (1) of Regulation 37B."

(3) In paragraph 4 of the said Part III for the words "at the rate specified in paragraph (1) of Regulation 37 or has paid contributions as a member of the Royal Ulster Constabulary at the rate specified in sub-paragraph (1) of paragraph 36 of the Schedule to the Royal Ulster Constabulary Pensions Order, 1949, or in any provision substituted therefor" there shall be substituted the words "or as a member of the Royal Ulster Constabulary at

a rate of one shilling and twopence less than the appropriate percentage of his pensionable pay".

20. At the end of the First Schedule to the said Regulations of 1955 there shall be added the following Part:—

"PART V Regulations 3, 4 and 5

REDUCTIONS IN ORDINARY, ILL-HEALTH OR SHORT SERVICE PENSIONS PAYABLE TO PERSONS PAYING PENSION CONTRIBUTIONS AT A RATE RELATED TO SIX-AND-A-QUARTER PER CENT. OF PENSIONABLE PAY

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

(*a*) by virtue of service before the first day of April, 1956, and

(*b*) by virtue of service on or after the first day of April, 1956, in respect of which he has not paid pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay:—

TABLE

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

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

(*a*) of any service he is entitled to reckon as pensionable service by virtue of section ten of the Police Pensions Act, 1921(a),

(*b*) of any service on or after the first day of April, 1956, which he is entitled to reckon as pensionable service by virtue of Regulation 60 and the proviso to Regulation 61 of these Regulations or of Regulation 60 and the proviso to Regulation 61 of the Police Pensions Regulations, 1955.

3. If he elected to pay additional pension contributions under Regulation 37A or under Regulation 35A of the Police Pensions Regulations, 1955, or under any corresponding provisions relating to the pensions of the Royal Ulster Constabulary within the meaning of Regulation 37B, and paid such contributions until he became entitled to reckon twenty-five 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 the first day of 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.".

21. At the end of the Second Schedule to the said Regulations of 1955, there shall be added the following Part:—

"PART VIII Regulation 8

WIDOW'S ORDINARY PENSION—STANDARD RATE

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

2. Where in respect of any period a widow so elects, the weekly amount of her ordinary pension in respect of that period shall be, if her husband at the time when he ceased to be a regular policeman—

(*a*) held a rank higher than that of inspector, twenty-six shillings and ten-pence;

(*b*) held the rank of inspector, twenty-three shillings;

(*c*) held a rank lower than that of inspector, nineteen shillings and twopence;

so however that where the husband was entitled to reckon at least ten years' pensionable service the aforesaid amounts shall be increased by one shilling and elevenpence."

22. After the Fifth Schedule to the said Regulations of 1955 there shall be added the following Schedule:—

"SIXTH SCHEDULE Regulation 37A

ADDITIONAL PENSION CONTRIBUTIONS

1. Where a regular policeman has elected to pay additional pension contributions, he shall pay such contributions at a rate equal to that

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

percentage of his pensionable pay which is set opposite in the subjoined Table to the number of completed years of pensionable service he was entitled to reckon, at the time he made his election, by virtue of service before the first day of 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 he is entitled to reckon as pensionable service by virtue of section ten of the Police Pensions Act, 1921."

23. Section thirty-eight of the Interpretation Act, 1889(a), shall apply as if these Regulations were an Act of Parliament and as if the provisions of the Police Pensions (Scotland) Regulations, 1955, for which fresh provisions are substituted by these Regulations were Acts of Parliament repealed by an Act of Parliament.

24. These Regulations may be cited as the Police Pensions (Scotland) Regulations, 1956, and shall come into operation on the first day of April, 1956.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

16th March, 1956.

We consent,

Martin Redmayne,
Peter Legh,
Two of the Lords Commissioners of Her Majesty's Treasury.

19th March, 1956.

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

EXPLANATORY NOTE

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

These Regulations, which come into operation on 1st April, 1956, amend the Police Pensions (Scotland) Regulations, 1955; the principal amendments relate to a new scheme for widows' ordinary pensions. Regulation 5 provides for the payment of such a pension at a higher rate in the case of the widow of a regular policeman who has paid pension contributions at the increased rate introduced for men by Regulation 13, which (by substituting a new Regulation for Regulation 37 of the 1955 Regulations) increases from 5 per cent. to 6¼ per cent. the rate of contribution. Regular policemen serving on 1st April, 1956, are by Regulation 13 given the choice of continuing to pay contributions at the old rate or paying contributions at the increased rate. There is no change in the rate of a widow's ordinary pension where the policeman retired or died before 1st April, 1956, or continues to serve after that date but chooses to pay pension contributions at the old rate.

Regulation 21 provides for the calculation of the new higher rate of widow's ordinary pension by reference to the husband's pay and service, the rate being, subject to certain qualifications and a flat-rate minimum, one third of that of his retirement pension. In calculating the new higher rate of widow's ordinary pension account is taken of service both before and after 1st April, 1956, notwithstanding that the husband has paid the increased rate of contributions only in respect of service after that date. A regular policeman who pays contributions at the increased rate is required to make the appropriate additional payment in respect of his service before 1st April, 1956, by way of a reduction in his own pension or, in certain cases if he so chooses, by way of payment of additional pension contributions; provision for the reduction in pension is made by Regulation 20 and for the payment of additional pension contributions by Regulation 13 (which inserts in the 1955 Regulations a new Regulation 37A) and by Regulation 22.

1956 No. 1180 (S. 57)

The Police Pensions (Scotland) (No. 2) Regulations, 1956

Made - - - -	*26th July,* 1956
Coming into Operation	*In accordance with Regulation* 52

In exercise of the powers conferred on me by sections one and three of the Police Pensions Act, 1948(a), and section seven of the Pensions (Increase) Act, 1956(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:—

PART I

AMENDMENTS OF THE POLICE PENSIONS (SCOTLAND) REGULATIONS, 1955

1.—(1) Sub-paragraph (*d*) (ii) of paragraph (2) of Regulation 8 of the Police Pensions (Scotland) Regulations, 1955(c), (which describes the regular

(a) 11 & 12 Geo. 6. c. 24. (b) 4 & 5 Eliz. 2. c. 39.
(c) S.I. 1955/485 (1955 II, p. 1959).