ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XXXV.

An Act to amend the Law relating to the Police Superannuation Funds in Counties and Boroughs. [2d *June* 1865.]

WHEREAS it is expedient to amend the Law relating to Police Superannuation Funds in Counties and Boroughs: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Police Superannuation Act, 1865." Short Title.

2. Throughout this Act the Acts herein-after mentioned shall be distinguished by the following Short Titles; that is to say, Short Titles of certain Police Acts.

The Act of the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter Eighty-eight, intituled *An Act to amend the Act for the Establishment of County and District Constables*, by the Short Title of "The Police Act, 1840:" 3 & 4 Vict. c. 88.

19 & 20 Vict. c. 69. The Act of the Session of the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Sixty-nine, intituled *An Act to render more effectual the Police in Counties and Boroughs in* England *and* Wales, by the Short Title of "The Police Act, 1856:"

22 & 23 Vict. c. 32. The Act of the Session of the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, Chapter Thirty-two, intituled *An Act to amend the Law concerning the Police in Counties and Boroughs in* England *and* Wales, by the Short Title of "The Police Act, 1859."

Amendment of Sect. 11. of 3 & 4 Vict. c. 88., Sect. 10. of 19 & 20 Vict. c. 69., and Sects. 9 & 10 of 22 & 23 Vict. c. 32.

3. Whereas by "The Police Act, 1840," and "The Police Act, 1856," the Justices of the County in General or Quarter Sessions assembled, and by "The Police Act, 1859," the Watch Committee of a Borough, with the Approbation of the Council, are authorized, subject to the Conditions and in the Events in the said Acts respectively mentioned, to grant out of the Police Superannuation Funds to Constables of the Police Forces of Counties and Boroughs who have served Fifteen Years Superannuation or Retiring Allowances, and to Constables who may not have served Fifteen Years Sums in gross as Gratuities: And whereas it is expedient that in some Cases annual Allowances for a limited Time should be granted in lieu of Allowances for Life or Gratuities: Be it enacted, That where the said Acts authorize a Grant to be made to a Constable of a Superannuation or Retiring Allowance or a Gratuity, the Authority having Power to grant such Allowance or Gratuity may, in lieu thereof, grant an annual Allowance for a limited Time, to be fixed by such Authority, and to be determined on the Death of the Annuitant before the Expiration of the Time fixed: Provided that where an Allowance for a limited Time is granted to a Constable who has served for Fifteen Years or more, it shall be granted on the same Scale as if it were a permanent Superannuation or Retiring Allowance, and if at the Expiration of the limited Time the Annuitant is incapable from Infirmity of Mind or Body of discharging the Duties of a Constable, or has attained the Age of Sixty Years, the Allowance granted to him for a limited Time only shall be continued during the Remainder of his Life; Provided also, that where a Person to whom an annual Allowance for a limited Time has been granted under this Section is reappointed to the Office of Constable, the Time during which he was in receipt of such Allowance shall, for the Purpose of any subsequent Superannuation Allowance, be reckoned as Service in the Force.

Head Constable included in

4. Whereas Doubts are entertained whether the Provisions of "The Police Act, 1859," relating to a Superannuation Fund for Constables

Constables belonging to a Police Force in Boroughs, apply to a Chief or Head Constable of the Police Force in such Boroughs, by reason, amongst other things, that the said Act requires in certain Cases the Certificate or Recommendation of the Chief or Head Constable before an Allowance can be made or a Gratuity given out of the said Fund to a Constable or his Widow: And whereas it is expedient to remove the said Doubts: Be it enacted, That the Chief or Head Constable of the Police Force established in any Borough in which the Superannuation Fund is subject to the Regulations of the Police Act, 1859, shall, from and after the Date of the passing of this Act, be deemed to be a Constable of the said Police Force for all Purposes relating to and within the Meaning of this Act and all other Acts regulating such Superannuation Fund; provided, first, that in the Case of the said Chief or Head Constable, or his Widow, a Resolution of the Watch Committee to the Effect of the Certificate or Recommendation required to be given by the Chief or Head Constable under "The Police Act, 1859," shall be deemed to be equivalent to such Certificate or Recommendation; secondly, that the Period of Service during which any Chief or Head Constable, either as such or as an inferior Member of the Force, may have been subjected to Deductions from his Pay towards such Borough Police Superannuation Fund as aforesaid shall, in determining what Allowance or Gratuity is to be made to him, be reckoned and allowed to such Chief or Head Constable; thirdly, that One Half only of the Period of Service (if any) during which such Chief or Head Constable, either as such or as an inferior Member of the Force, has been subjected to no such Deduction as aforesaid from his Pay towards such Superannuation Fund as aforesaid shall be reckoned and allowed to such Chief or Head Constable in determining what Allowance or Gratuity is to be made to him; fourthly, that where such Chief or Head Constable has been promoted from another Police Force, whether County or Borough, to the Borough Force out of the Fund of which he claims Superannuation, in such a Case, if he has served not less than Seven Years either as Chief, Head, or other Constable in such other Force, his Service in such other Force to the Extent of One Half thereof shall be deemed, for the Purposes of Superannuation, to be Service in the latter Force, and be reckoned accordingly, subject to the Conditions on which Service in the latter Force may be reckoned under this Section; and subject also to the Qualification that if at the Time when he was promoted from the other Force he was under the Rank of Chief or Head Constable, no Part of his Service in such other Force shall be reckoned unless his Promotion took place on the Recommendation of the Chief or Head Constable of the Force from which he was promoted.

Provisions of 22 & 23 Vict. c. 32.

5. Nothing

Nothing to prevent Dismissals without Retiring Allowances.

Proviso.

5. Nothing in this Act contained shall be construed to entitle absolutely any Chief or Head Constable or other Constable, or his Widow, to any Superannuation or Retiring Allowance or Gratuity, or to prevent any such Constable being dismissed without such Allowance or Gratuity: Provided also, that nothing in this Act contained shall diminish or prejudice the Allowances or Rights of any Chief or Head Constable or other Constable given or reserved by the Fifteenth Section of "The Police Act, 1859."

Parts of Lincolnshire to be One County for Purposes of Service in Police so long as County continues under One Chief Constable.

6. Whereas the County of *Lincoln* is divided into Three Divisions, called respectively the Parts of *Lindsey*, the Parts of *Kesteven*, and the Parts of *Holland*, and each of the said Divisions has a separate Commission of the Peace: And whereas by the Twenty-second Section of the said "Police Act, 1859," it is enacted, that after the passing of that Act the Superannuation Fund of the said County shall be One common Account so long as the Police Force for the said County of *Lincoln* shall be under the Direction of One Chief Constable for the Three Divisions, but if the said Force shall thereafter be separated under different Chief Constables, in that Case it shall be lawful to divide the said Superannuation Fund in proportion to the Number of Men for each Division of the said County of *Lincoln* at that Time serving in the said Force, the said Superannuation Fund to be under the Management of the joint Committee for the Three Divisions, and invested by them from Time to Time: And whereas notwithstanding the said Enactment the said Three Divisions are considered as separate Counties, so far as respects the Service of the Police therein, and any Constable of the *Lincolnshire* Police Force, if removed from one of the said Divisions to the other, is not, for the Purpose of Superannuation, entitled to reckon the Time during which he has served as Constable in the Division from which he is removed: And whereas it is expedient to amend the Law so far as relates to the Service of Constables of the said Force: Be it enacted, That so long as the Police Force of the County of *Lincoln* continues under the Superintendence of the same Chief Constable, the said Three Divisions of the said County shall, for the Purpose of the Superannuation of the Members of that Force, be taken to be One County, and any Police Constable who may be or has been promoted or removed from one of the said Divisions to another shall, for the Purposes of Superannuation, be entitled to reckon as Service the whole Time he has served in any of the said Divisions; and this Section shall take effect in all respects as if it had been passed at the same Time at which the said "Police Act, 1859," was passed.

7. Whereas

Appointment of joint Committee.

7. Whereas no Provisions are contained in the said "Police Act, 1859," as to the Mode of appointing the joint Committee mentioned in the said Twenty-second Section: Be it enacted, That the said joint Committee shall consist of Twenty-eight Magistrates, to be appointed from Time to Time by the Courts of Quarter Sessions of the Peace of the said Three Divisions respectively, when and so often as the said Courts of Quarter Sessions think fit, in the Proportions following; that is to say, Fourteen Magistrates for the Parts of *Lindsey*, Eight Magistrates for the Parts of *Kesteven*, and Six Magistrates for the Parts of *Holland;* and Three Members of such joint Committee shall constitute a Quorum, and be competent to act; and it shall be lawful for the said joint Committee from Time to Time to make, and afterwards to alter, such Regulations for their Proceedings, and for the Investment, Management, and Administration of the said joint Fund, and for the granting and Payment of Pensions and Gratuities thereout, as to them may seem just and reasonable; which Regulations, as also any Alteration thereof, when approved by the respective Quarter Sessions of the Peace of the said Three Parts or Divisions, shall be binding and conclusive upon all Parties.

If the Court of Quarter Sessions for any One or more of the said Divisions at any Time neglect or refuse to appoint Magistrates to act upon the said joint Committee, the Magistrates appointed by the Court or Courts of Quarter Sessions of the other or others of the said Divisions shall be fully competent to act as such Committee.

Consequences of Police Force in County of Lincoln ceasing to be under One Chief Constable.

8. If at any Time hereafter the Police Force for the County of *Lincoln* ceases to be under the Direction of One Chief Constable for the Three Divisions of that County, the Common Superannuation Fund shall be divided amongst the Three Divisions of the County in proportion to the Number of Police serving in each Division, but notwithstanding such Apportionment any Pension that may have been granted out of the said Fund shall continue to be paid to the Persons to whom the same may have been granted, and shall be apportioned and charged upon the Superannuation Fund of such of the said Divisions as the said joint Committee may by Writing signed by the Chairman of the said Committee direct, provided that such Appointment is confirmed by the Justices of the Peace of the said Three Divisions respectively in Quarter Sessions assembled.

Any such Apportionment as aforesaid, when confirmed and approved in manner aforesaid, shall be filed amongst the Records of the Quarter Sessions of the said Three Divisions respectively.

As to Superannuation of Constables

9. Whereas the Watchmen acting under an Act of Parliament passed in the Sixth Year of the Reign of His late Majesty King

formerly Watchmen of Brighton under 6 G. 4. c. clxxix.

George the Fourth, intituled *An Act for the better regulating, paving, improving, and managing the Town of* Brighthelmston *in the County of* Sussex, *and the Poor thereof*, contributed from their weekly Wages to form a Fund in the Nature of a Police Superannuation Fund: And whereas at the Time of the Incorporation by Charter of the said Town, under the Title of the Borough of *Brighton*, the Watchmen then in Office were appointed Constables of the Police Force of the said Borough: And whereas by the Twenty-third Section of "The Police Act, 1859," the said Superannuation Fund was transferred to the Treasurer of the Borough to be held as Part of the Police Superannuation Fund of the said Borough, but no Provision was made in the Case of such of the said Watchmen as had become Constables for reckoning their Services as Watchmen in determining the Amount of Superannuation Allowance to be granted to them as Constables: Be it enacted, That where a Constable of the said Borough of *Brighton* has also been a Watchman acting under the said Act of the Sixth Year of King *George* the Fourth, the Period of Service as a Watchman, during which he was subject to Deductions from his Pay towards the said Superannuation Fund so transferred as aforesaid to the Treasurer of the said Borough, shall, in determining what Superannuation Allowance may be granted to him, be added to the Period of Service during which he may have served as a Constable in the said Police Force.

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