
STATUTORY INSTRUMENTS

1987 No. 257

The Police Pensions Regulations 1987

Part B

Personal Awards

Policeman's ordinary pension

B1.—(1) Subject to paragraphs (2), (4) and (6), this Regulation shall apply to a regular policeman who retires or has retired when entitled to reckon at least 25 years' pensionable service unless Regulation B3 (policeman's ill-health award) applies in his case.

(2) Except in the circumstances mentioned in paragraph (3), this Regulation shall not apply to a regular policeman 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, deputy chief constable, assistant chief constable, commander, or deputy assistant commissioner in the metropolitan police force, 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 have decided that this Regulation should apply in his case, or
- (b) being such a regular policeman as is mentioned in paragraph (2)(b), he retires or retired on or after attaining the age of 55 years having given to the police authority 3 months' written notice of his intention to retire, or
- (c) 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
- (d) he is or was required to retire under section 5(4) of the Police Act 1964⁽¹⁾ or section 4(4) (d) of the Police (Scotland) Act 1967⁽²⁾.

(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 B, subject however to Parts VII and VIII of that Schedule; but, in the case of a person entitled to reckon less than 30 years' pensionable service, 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 or, if he sooner becomes permanently disabled, before he becomes so disabled.

(1) 1964 c. 48.

(2) 1967 c. 77.

- (6) If a regular policeman entitled to reckon at least 25 years' pensionable service—
- (a) is dismissed otherwise than for a cause for which, if a pension were granted to him, it could be forfeited under Regulation K5, and
 - (b) would have been entitled to an ordinary pension if he had retired on the date his dismissal took effect, having given such notice to the police authority of his intention to retire as is mentioned in paragraph (2)(a) or (3)(b),

this regulation shall apply to him and, accordingly, he shall be entitled to an ordinary pension under paragraph (5).

(7) Paragraphs (2), (3) and (5) have effect subject to paragraphs 1, 2 and 3 of Part I, and paragraphs 5(2) and (4) and 6(2) of Part VII, of Schedule J.

Policeman's short service award

B2.—(1) This Regulation shall apply to a regular policeman who retires or has retired when entitled to reckon less than 25 years' pensionable service and who—

- (a) is or was required to retire on account of age;
- (b) 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 the termination of the tour of overseas service (if any) applicable in his case, or
- (c) is or was required to retire under section 5(4) of the Police Act 1964 or section 4(4)(d) of the Police (Scotland) Act 1967.

(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 5 years' pensionable service, the award under paragraph (2) shall be a short service pension calculated in accordance with Part II of Schedule B, subject however to Parts VII and VIII 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 IV of Schedule B.

(5) Paragraph (1) has effect subject to paragraphs 5(3) and 6(2) of Part VII of Schedule J.

Policeman's ill-health award

B3.—(1) This Regulation shall apply to a regular policeman who retires or has retired 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 5 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 III of Schedule B, subject however to Parts VII and VIII 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 IV of Schedule B.

Policeman's injury award

B4.—(1) This Regulation shall apply to a person who ceases or has ceased to be a member of a police force and is permanently disabled as a result of an injury received without his own default in the execution of his duty (in Part V of Schedule B referred to as the “relevant injury”).

(2) A person to whom this Regulation applies shall be entitled to a gratuity and, in addition, to an injury pension, in both cases calculated in accordance with Part V of Schedule B; but payment of an injury pension shall be subject to the provisions of paragraph 5 of the said Part V and, where the person concerned ceased to serve before becoming disabled, no payment shall be made on account of the pension in respect of any period before he became disabled.

Policeman's deferred pension

B5.—(1) This Regulation shall apply to a regular policeman who—

- (a) is entitled to reckon at least 5 years' pensionable service, or
- (b) though not so entitled, has service as a regular policeman which, disregarding breaks in service of not more than a month, is continuous and which, when aggregated with any period of other service or employment by reason of which he is entitled to reckon pensionable service, is at least 5 years.

(2) A regular policeman to whom this Regulation applies who ceases or has ceased to be such in circumstances—

- (a) in which no transfer value is payable in respect of him, and
 - (b) which do not entitle him to any award under any of the preceding provisions of this Part,
- shall, on so ceasing to be a regular policeman, be entitled to a deferred pension as hereinafter provided.

(3) Where the unsecured portion of the ill-health pension of a regular policeman to whom this Regulation applies—

- (a) is terminated under Regulation K1(4), or
- (b) has been terminated on or after 1st April 1973 under Regulation 65(4) of the Regulations of 1973,

otherwise than on his rejoining his force he shall, as from the date of termination, be entitled to a deferred pension as hereinafter provided.

(4) A deferred pension under paragraph (2) or (3) shall be calculated in accordance with Part VI of Schedule B, subject however to Parts VII and VIII of that Schedule; but no payment shall be made on account of the pension—

- (a) in respect of the period before the regular policeman attains the age of 60 years or, if he sooner becomes permanently disabled, before he becomes so disabled, or
- (b) where he has relinquished his entitlement as mentioned in Regulation F4(3) or F5(3) (*previous service reckonable on payment or at discretion of police authority*), by written notice to the police authority, in respect of any period after the giving of that notice.

(5) This Regulation has effect subject to paragraph 8 of Part I of Schedule J.

Award by way of repayment of aggregate pension contributions

B6.—(1) This Regulation shall apply to a regular policeman who ceases to serve as such in circumstances—

- (a) in which no transfer value is payable in respect of him, and

(b) which do not entitle him to an award under any of the preceding provisions of this Part or to an award under Regulation J1 or paragraph 9 of Part I of Schedule J.

(2) A regular policeman to whom this Regulation applies shall be entitled to an award by way of repayment of his aggregate pension contributions in respect of his relevant period of service.

Commutation—general provision

B7.—(1) This Regulation shall apply to an ordinary, short service, ill-health or deferred pension under this Part, but in relation to—

(a) a deferred pension, or

(b) an ordinary pension which is not payable as from the date of the policeman's retirement, paragraphs (5), (6) and (7) shall have effect as if any reference therein to retirement or the date thereof were a reference to the coming into payment of the pension or the date thereof.

(2) A regular policeman may, subject to and in accordance with this Regulation, commute for a lump sum a portion of any pension to which this Regulation applies to which he is or may become entitled.

(3) For the purpose of commuting a portion of his pension in accordance with this Regulation a person shall give notice in writing to the police authority ("notice of commutation") of his wish to surrender and commute for a lump sum so much of his pension as, subject to the limitations contained in paragraph (4) and in Regulation B10, he may specify ("the surrendered portion").

(4) The surrendered portion shall be such that—

(a) the basic rate of the pension does not fall to be reduced in accordance with this Regulation by more than a quarter and, for the purposes hereof, that rate shall be taken to be the rate at which the pension would be payable not only if it did not fall to be so reduced but also disregarding any reduction—

(i) in accordance with Regulation B9 (*allocation*),

(ii) in accordance with Part VII of Schedule B (*reduction of pension at state pensionable age*),

(iii) as provided in paragraph 6(1) of Part VIII of Schedule B (*reduction of pension equivalent to outstanding additional or further contributions*), in accordance therewith, and

(b) in the case of a regular policeman who retires or retired with an ordinary pension when entitled to reckon less than 30 years' pensionable service otherwise than in the circumstances mentioned in sub-paragraph (a) or (c) of Regulation B2(1), the lump sum calculated in accordance with paragraph (7) (disregarding any reduction in accordance with the proviso thereto) does not exceed an amount equal to $2\frac{1}{4}$ times the annual amount of his pension calculated in accordance with Part I of Schedule B (disregarding any reduction therein under paragraph (7) of this Regulation or any other provision of these Regulations):

Provided that, where a person wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under paragraph (8)(b), the portion which, in accordance with the preceding provisions of this paragraph, may be surrendered shall be reduced by the reduction under paragraph (8)(b) expressed in like manner.

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

(6) 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 4 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 K1.

(7) Where the 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 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 (6)(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.

(8) Where the unsecured portion of an ill-health pension is terminated under Regulation K1 after a notice of commutation in relation to the pension has become effective—

- (a) no reduction shall be made under paragraph (7) in the secured portion of the pension, insofar as it is payable under Regulation K1;
- (b) if thereafter the person concerned becomes entitled to a pension, other than an injury 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, in respect of any period, by the amount by which the ill-health pension would have been reduced under paragraph (7) if it had not been terminated as aforesaid but had been payable in respect of that period.

(9) This Regulation has effect subject to paragraphs 4 and 8(11) of Part I, and paragraphs 5(3) and 6(2) of Part VII, of Schedule J.

Commutation—small pensions

B8.—(1) Where the annual amount of any pension payable under this Part to a regular policeman who has attained state pensionable age, together with any increase under the Pensions (Increase) Acts, does not exceed £104, the police authority may, at their discretion, commute the pension for a gratuity.

(2) A gratuity under this Regulation shall be of such amount as is the actuarial equivalent of the pension, calculated from tables prepared by the Government Actuary.

(3) Where the regular policeman is entitled to more than one pension, those pensions shall be treated as one for the purposes of this Regulation.

(4) This Regulation has effect subject to Regulation J1(6)(a) and paragraphs 8(11) and 9(4) of Part I of Schedule J.

Allocation

B9.—(1) This Regulation shall apply to an ordinary, short service, ill-health or deferred pension under this Part.

(2) A regular policeman who is entitled to reckon not less than 25 years' pensionable service may, subject to and in accordance with this Regulation, allocate a portion of any ordinary or ill-health

pension to which he is or 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 a previous allocation;
- (b) where that beneficiary has died, allocate a further portion of that pension in favour of some other beneficiary, or
- (c) where (not having attained the age of 70 years) he proposes to marry or remarry, allocate a further portion of that pension in favour of his spouse by that marriage.

(3) A regular policeman may, subject to and in accordance with this Regulation, allocate a portion of any short service pension to which he is or may become entitled or of a deferred pension and, notwithstanding that he has already allocated a portion of such a pension, he may, where (not having attained the age of 70 years) he proposes to marry or remarry, allocate a further portion of that pension in favour of his spouse by that marriage.

(4) For the purpose of allocating a portion of his pension a policeman shall—

- (a) within the time limits mentioned in paragraph (5), give notice in writing to the police authority of the force in which he is serving or by whom his pension is payable (“notice of allocation”) stating—
 - (i) his wish to surrender so much of his pension as, subject to the limitations contained in Regulation B10, he may specify,
 - (ii) the person in whose favour the surrender is to take effect (“the beneficiary”) being his wife or some other person who the police authority are satisfied is substantially dependent upon him,
 - (iii) in the case of a policeman entitled to reckon not less than 25 years' pensionable service who has not retired, whether or not he wishes the notice to become effective while he is serving, and
- (b) satisfy the police authority of his good health and for that purpose submit himself to such medical examination as they may require.

(5) Notice of allocation shall be given—

- (a) where in such case as is mentioned in paragraph (4)(a)(iii) the policeman wishes the notice to become effective while he is serving, before his intended retirement;
- (b) where a person in receipt of a pension who has not attained the age of 70 years proposes to marry or remarry and the beneficiary is his spouse by that marriage, before but not earlier than 4 months before his intended marriage;
- (c) where the pension is a deferred pension but the preceding sub-paragraph does not apply, before but not earlier than 4 months before the pension comes into payment;
- (d) in any other case, before but not earlier than 4 months before the person's intended retirement.

(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 any such case as is mentioned in paragraph (5)(a) where he wishes the notice of allocation to become effective while he is serving, as from the time when the notification is received by him or, if sent by post, as from the time when it would be received by him in the ordinary course of post, except that it shall have effect as from the date of his retirement if that is earlier;

- (b) in any such case as is mentioned in paragraph (5)(b), if, and only if, the proposed marriage takes place within 4 months of giving the notice of allocation and in that event as from the date of the marriage;
 - (c) in any such case as is mentioned in paragraph (5)(c), if, and only if, the deferred pension comes into payment within 4 months of giving the notice of allocation and in that event as from the date it comes into payment;
 - (d) in any other case, if, and only if, the person retires within 4 months of giving the notice of allocation and in that event as from the date of retirement.
- (7) Where a person retires or has retired in circumstances entitling him to a pension to which a notice of allocation given by him relates and that notice becomes effective—
- (a) that pension shall be reduced in accordance with the notice (notwithstanding the previous death of the beneficiary) as from the date from which the pension is payable or on which the notice becomes effective, whichever is the later, 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.
- (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 or not the notice of allocation became effective in accordance with paragraph (6)(a), 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 his wish that it should become effective while he was serving, then, if he dies before retiring, the police authority shall pay to the beneficiary the like pension that they would have paid by virtue of that notice if he had retired with a pension immediately before he died.
- (10) 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.
- (11) This Regulation has effect subject to paragraph 8(11) of Part I of Schedule J.

Limitation of surrendered portion of a pension for the purposes of Regulation B7 or B9

B10. The portion of a pension which a regular policeman may surrender under either Regulation B7 or Regulation B9 shall be limited as hereinafter provided, namely, it shall not be—

- (a) in the case of any pension, such that the pension becomes payable at a rate less than two-thirds of the rate at which it would have been payable but for the provisions of the said Regulations and of Parts VII and VIII of Schedule B;
- (b) in the case of a deferred pension, where the policeman has a guaranteed minimum in relation to the pension on the date on which it becomes payable, such that the weekly amount of the pension at that date, including any increase under the Pensions (Increase) Act 1971(3), is less than that guaranteed minimum;

and the limitation contained in sub-paragraph (b) is without prejudice to that contained in sub-paragraph (a).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Deduction of tax from certain awards

B11.—(1) This Regulation shall apply to any payment on account of an award made to a member of a police force during his lifetime which constitutes a repayment of contributions within the meaning of paragraph 2 of Part II of Schedule 5 to the Finance Act 1970⁽⁴⁾.

(2) The police authority may deduct from any payment to which this Regulation applies the tax for the time being chargeable thereon under paragraph 2 of the said Part II.

⁽⁴⁾ 1970 c. 24.