



# Police Pensions Act 1976

## 1976 CHAPTER 35

An Act to consolidate the Police Pensions Act 1948 and certain other enactments relating to the pensions to be paid to and in respect of members of police forces. [22nd July 1976]

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 Police pensions regulations**

- (1) Regulations to be made by the Secretary of State, with the consent of the Minister for the Civil Service and after consultation with the Police Council for the United Kingdom, shall make provision—
  - (a) as to the pensions which are to be paid to and in respect of members of police forces, whether as of right or otherwise;
  - (b) as to the contributions in respect of pension rights which are to be made by members of police forces ; and
  - (c) as to the times at which and the circumstances in which members of police forces are or may be required to retire otherwise than on the ground of misconduct.
- (2) Without prejudice to the generality of the provisions of subsection (1) above, any such regulations shall provide for the payment subject to the regulations—
  - (a) of pensions to and in respect of persons who cease to be members of a police force after having served for such period as may be prescribed by the regulations;
  - (b) of pensions to and in respect of persons who cease to be members of a police force after such shorter period as may be prescribed by the regulations by reason of infirmity of mind or body ;
  - (c) of pensions to and in respect of persons who cease to be members of a police force by reason of injury received in the execution of their duty;

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- (d) of pensions to and in respect of persons who cease to be members of a police force on the ground of age; and
  - (e) of pensions in respect of persons who die while serving as members of police forces.
- (3) Regulations made under this section may contain such consequential or incidental provisions as appear to the Secretary of State to be necessary or expedient, including, in particular, provision as to the cases in which pensions are to be—
- (a) varied, suspended, terminated or forfeited ; or
  - (b) applied otherwise than by being paid to the persons to whom they were awarded ;
- and may provide for a pension to be forfeited wholly or in part and for the forfeiture to be permanent or temporary.
- (4) Without prejudice to the generality of subsection (3) above, the provision which may be made by regulations under this section with respect to forfeiture shall include provision by reference not only to the fact that a person to whom a pension has been awarded has committed and been convicted of an offence as specified in the regulations but also to the fact that the offence in question has been certified by a Minister of the Crown either to have been gravely injurious to the State or to be liable to lead to serious loss of confidence in the public service.
- (5) Regulations made under this section may be framed so as to have effect as from a date earlier than the making of the regulations.
- (6) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **2 Application of regulations to existing members**

- (1) Any regulations made under section 1 above shall be so framed as to secure, for existing members of police forces, the results—
- (a) as to compulsory age of retirement, and
  - (b) as to scale of pensions payable under the regulations, specified respectively in subsections (2) and (3) below.
- (2) The result as to compulsory age of retirement referred to in subsection (1) above is that the times at which an existing member of a police force is or may be required under the regulations to retire on the ground of age do not, unless he at any time elects otherwise, differ from those which would have been applicable in his case if the regulations in question had not come into force.
- (3) The result as to scale of pensions referred to in subsection (1) above is that the scale of pensions payable under the regulations to an existing member of a police force who ceases to be a member of that police force either—
- (a) after having served for any period prescribed by the regulations in question, or
  - (b) by reason of infirmity of mind or body (not being due to injury received in the execution of his duty) after having served for any shorter period so prescribed,
- is not, unless he elects otherwise within such time and in such manner as may be so prescribed, less favourable than the scale applicable in his case immediately before the coming into force of the regulations.

- (4) Regulations made under section 1 above shall not be invalid by reason that in fact they do not secure the results specified in subsections (2) and (3) above, but if the Secretary of State is satisfied, or it is held by the High Court or by the Court of Session, that any such regulations have failed to secure those results, the Secretary of State shall so soon as may be make under section 1 the necessary amending regulations, and any such amending regulations shall have effect as from the date of the coming into force of the regulations which they amend.
- (5) In this section, "existing member", in relation to any police force, means a person who is serving in that police force at the date when the regulations in question come into force.

### **3 Application of regulations to former members**

- (1) Subject to the following provisions of this section, any regulations made under section 1 above may be framed—
  - (a) so as to apply in relation to the pensions which are being paid or may become payable under the regulations to or in respect of persons who, having served as members of police forces, have ceased so to serve or died before the regulations come into force ; or
  - (b) so as to require or authorise the payment of pensions to or in respect of such persons.
- (2) No provision shall be made by regulations under section 1 above by virtue of subsection (1) above unless any person who is placed in a worse position than he would have been in if the provision had not applied in relation to any pension which is being paid or may become payable to him is by the regulations given an opportunity to elect that the provision shall not so apply.
- (3) No provision with respect to the forfeiture of pensions included in regulations made under section 1 above shall apply in relation to pensions granted under any of the enactments, rules and regulations specified in paragraph 3 of Schedule 1 to this Act; and that Schedule shall have effect—
  - (a) for the purpose of excluding entirely certain pensions to or in respect of former members of police forces from the operation of regulations made under section 1 ; and
  - (b) with respect to the forfeiture of pensions so granted and appeals against forfeiture in certain cases.

### **4 Transfers**

- (1) Without prejudice to the generality of section 1 above, regulations made under that section may contain such provision as appears to the Secretary of State to be necessary or expedient in relation to a person who transfers or has transferred from or to service in a police force to or from other service or employment, whether in a police force or not.
- (2) Regulations made by virtue of subsection (1) above may include provisions enabling the other service or employment in question to be reckoned in whole or in part as service in a police force and provisions authorising or requiring payments to be made by or to the person or into or out of the fund out of which a pension may become or

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might have become payable to or in respect of the person in question as a member of a police force including—

- (a) payments of contributions ;
  - (b) payments of transfer values ;
  - (c) payments towards the burden of a pension payable by another person or out of another fund; or
  - (d) other payments directed to the creation or preservation of pension rights of the person in question.
- (3) Regulations made by virtue of subsection (1) above, in so far as they apply in relation to persons who have ceased to be members of a police force before the date on which the regulations come into force,—
- (a) may authorise, but shall not require, such payments as are mentioned in subsection (2) above; and
  - (b) shall not affect any pension payable to or in respect of any person as a person who ceased to be a member of a police force before that date.

## 5 Servicemen

- (1) Without prejudice to the generality of section 1 above, regulations made under that section may provide that where a person is a member of a police force immediately before—
- (a) he undertakes compulsory national service;
  - (b) he undertakes any other service of a description specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 ; or
  - (c) he attends for hourly instruction as defined in section 42 of that Act;
- the period of that service or attendance and such further period, if any, as may be specified in the regulations may be treated, in such manner, to such extent and on such conditions as to contributions or otherwise as may be so specified, as a period of service as a member of a police force.
- (2) A person who, before 5th July 1948, had ceased to be a member of a police force in order to undertake—
- (a) any service by virtue of which he was at that date a person to whom section 1 of the Police and Firemen (War Service) Act 1939 applied ; or
  - (b) compulsory national service;
- shall, in such circumstances and to such extent as may be provided by regulations made under section 1 above, be treated as if he had been still a member of a police force at that date.
- (3) In this section, " compulsory national service" means service in any of the armed forces of the Crown undertaken by virtue of an enlistment notice or a training notice served under the National Service Acts 1939 to 1947 or under Part I of the National Service Act 1948 (as the case may require), or work or training in pursuance of an order made or direction given under Part I of the said Act of 1948 as respects a conditionally registered conscientious objector.

## 6 Appeals

- (1) Subject to the following provisions of this section, regulations made under section 1 above shall make provision as to the court or other person by whom appeals are to be heard and determined in the case of any person who is aggrieved—
  - (a) by the refusal of the police authority to admit a claim to receive as of right a pension, or a larger pension than that granted, under regulations made under that section; or
  - (b) by the forfeiture of any pension granted to him thereunder.
- (2) No provision made in the regulations by virtue of subsection (1) above shall confer a right of appeal against anything done by the police authority in the exercise of any power which is conferred on them by the regulations and is expressly declared by the regulations to be a power which they are to exercise in their discretion.
- (3) The regulations may provide, in relation to questions arising thereunder, for the reference of any such matter as is prescribed, either by the policy authority or by the court, to a medical practitioner whose decision thereon shall, subject to such rights of appeal as may be provided by the regulations to such tribunal as may be constituted thereunder, be final on the matter so referred.

## 7 Payment of pensions and contributions

- (1) Regulations made under section 1 above shall specify the persons by and to whom and the funds into or out of which pensions and contributions in respect of pension rights are to be payable, may provide for the establishment or continuance of special funds for the purpose, and, subject to the provisions of subsection (2) below, may provide for payments of contributions or pensions, and such other payments as are mentioned in section 4(2) above, being made into the Consolidated Fund or out of moneys provided by Parliament.
- (2) No regulations made by virtue of this section shall provide for payments into the Consolidated Fund or out of moneys provided by Parliament except in relation to a person who is or has been—
  - (a) such a person as is mentioned in section 1(1) of the Police (Overseas Service) Act 1945 ;
  - (b) an officer to whom the Overseas Service Act 1958 applies or applied, whose service as such an officer is or was for the time being service in respect of which the provisions of section 5 of that Act have or had effect;
  - (c) an inspector or assistant inspector of constabulary; or
  - (d) a person engaged on central service;or any other person whose salary or remuneration is or was wholly or partly payable out of moneys provided by Parliament or who is or may become entitled to or eligible for a pension so payable.
- (3) For the purposes of subsection (2) above regulations shall not be treated as providing for payments out of moneys provided by Parliament by reason only that, as a result of the making of the regulations, an increased sum may be payable out of moneys provided by way of a grant towards the expenses of a police force.

## 8 Consolidation of regulations

- (1) Regulations made under section 1 above which revoke regulations previously so made, either wholly or as respects cases or matters of any description, shall contain provisions having the same effect as the provisions they revoke, except for any change (whether by way of alteration or omission) made in accordance with this Act.
- (2) Subsection (4) of section 2 above shall have effect as if the reference to subsections (2) and (3) of that section included a reference to subsection (1) above.

## 9 Assignment etc. of pension to be void;

Every assignment of or charge on a pension granted under the regulations made under section 1 above, and every agreement to assign or charge such a pension shall, except so far as it is made for the benefit of a dependant of the pensioner, be void; and on the bankruptcy of the pensioner such a pension shall not pass to any trustee or other person acting on behalf of the creditors.

## 10 Obtaining pension by self-inflicted injury etc.

If any person obtains or attempts to obtain for himself or any other person any pension under any regulations made under section 1 above by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, he shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years; or
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £25.

## 11 Interpretation

- (1) This Act shall have effect as if any reference (however expressed) to membership of a police force or to service or employment in a police force included a reference to—
  - (a) service as an officer to whom the Overseas Service Act 1958 applies, being service in respect of which the provisions of section 5 of that Act have effect;
  - (b) service as an inspector or assistant inspector of constabulary appointed on or after 1st August 1964 ; and
  - (c) central service in respect of which the provisions of section 43 of the Police Act 1964 or (as the case may be) of section 38 of the Police (Scotland) Act 1967 have effect.
- (2) In this Act " police authority " means any police authority within the meaning of the Police Act 1964 or the Police (Scotland) Act 1967, except that—
  - (a) in relation to any regulations made under the Police (Overseas Service) Act 1945 and any service such as is mentioned in subsection (1)(a) above, it means the Secretary of State or the Minister of Overseas Development; and
  - (b) in relation to any service such as is mentioned in subsection (1)(b) or (c) above, it means the Secretary of State.
- (3) In this Act, except so far as the context otherwise requires, " police force " means any police force within the meaning of the Police Act 1964 or the Police (Scotland) Act 1967, and, in respect of—

- (a) any person such as is mentioned in section 1(1) of the Police (Overseas Service) Act 1945 ; and
  - (b) any person engaged or employed in any service such as is mentioned in subsection (1)(a), (b) or (c) above ;
- any body in which that person is serving.
- (4) This Act shall have effect—
- (a) as if commissioners and assistant commissioners of the metropolitan police force and commissioners of the City of London police force were members of those forces respectively; and
  - (b) in relation to any person who on 5th July 1948 was or had been the surgeon of the City of London police force or a clerk or other person employed in or in connection with that force, as if such surgeons, clerks or other persons employed in or in connection with that force were members of that force ;
- and references in this Act to membership of a police force shall be construed accordingly.
- (5) Except so far as the context otherwise requires, in this Act—
- " central service " has the meaning given in section 43(5) of the Police Act 1964 or section 38(5) of the Police (Scotland) Act 1967 (as the case may require);
  - " injury " includes disease ;
  - " pension ", in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a lump sum or a gratuity so payable and a return of contributions; and
  - " pension rights " includes, in relation to any person, all forms of right to, or eligibility for, the present or future payment of a pension to or in respect of that person.

## **12 Savings and transitional provisions**

- (1) Nothing in any repeal made by this Act shall affect any regulations made or other thing done under any enactment repealed by this Act, and any such regulations or thing, if in force, existing or effective at the passing of this Act shall, subject to the provisions of this Act, remain in force, existence or effect, and be deemed to have been made or done under the corresponding provision of this Act.
- (2) In so far as, by virtue of section 15(4) of the Superannuation Act 1972, the provisions of sections 4(1) and (2) and 5(1) and (5) of the Police Pensions Act 1948, as in force immediately before 25th March 1972, continued to apply, immediately before the passing of this Act, in relation to pensions granted under regulations made under section 1 of the said Act of 1948, those provisions shall be deemed to have effect as if they were provisions of regulations made under section 1 of this Act, and may be revoked accordingly.
- (3) Any reference in any document (including an enactment) to any enactment repealed by this Act, whether a specific reference or a reference to provisions of a description which includes, or apart from any repeal made by this Act includes, the enactment so repealed shall be construed as, or, as the case may require, as including, a reference to the corresponding enactment in this Act.

- (4) Nothing in this section, in section 13 below or in Schedule 2 to this Act shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

### **13 Consequential amendments and repeals**

- (1) The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments set out in that Schedule, being amendments consequential on the preceding provisions of this Act.
- (2) The enactments specified in Schedule 3 to this Act (which include enactments which were spent before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

### **14 Short title and extent**

- (1) This Act may be cited as the Police Pensions Act 1976.
- (2) This Act shall not extend to Northern Ireland; but this subsection shall not be construed as preventing any regulations such as are referred to in section 4 above from requiring payments to be made to a person or into a fund in Northern Ireland.



## SCHEDULES

### SCHEDULE 1

Section 3(3).

#### PENSIONS UNDER REPEALED ENACTMENTS

##### *Pensions excluded from the operation of regulations under this Act*

- 1 (1) Nothing in regulations made under section 1 of this Act shall—
- (a) affect any pension granted by virtue of section 4(3) of the Police and Firemen (War Service) Act 1939, if the period (or last period, if more than one) which, by virtue of section 2(1) of that Act, is treated as a period of approved service in the case of the person in question, ended before 5th July 1948; or
  - (b) apply to any pension to or in respect of a person to whom the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations 1941 apply; or
  - (c) apply to any pension to any person who, having formerly been a member of a police force, was on 5th July 1948 serving in any capacity mentioned in section 10(1)(i) of the Police Pensions Act 1921, and has not since and does not after the passing of this Act again become a member of a police force.
- (2) Except so far as relates to the forfeiture of any such pension as is mentioned in sub-paragraph (1) above, nothing in this Act shall be taken as affecting the application in relation to any such pension of the pensions enactments applicable thereto immediately before the passing of this Act.

##### *Forfeiture of pensions under repealed enactments*

- 2 (1) Every pension (whether described as a pension or as an allowance) granted under any of the enactments specified in paragraph 3(1) below (which reproduces so far as relevant Part I of Schedule 1 to the Police Pensions Act 1948) shall be deemed to have been granted only upon condition that it may be forfeited by the police authority in any of the cases mentioned in sub-paragraph (2) below.
- (2) The cases referred to in sub-paragraph (1) above are any of the following, that is to say, if the grantee—
- (a) is convicted of any offence and is sentenced to preventive detention or corrective training or to imprisonment for a term exceeding twelve months ; or
  - (b) enters into or continues to carry on any business, occupation or employment which is illegal, or in which the grantee has made use of the fact of former employment in a police force in a manner which is discreditable or improper ; or
  - (c) supplies to any person or publishes in a manner which is discreditable or improper any information which the grantee had obtained in the course of employment in a police force ; or

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- (d) solicits or, without the consent of the police authority, accepts directly or indirectly any testimonial or gift having any pecuniary value on retirement from the police force or otherwise in connection with his service in a police force ; or
  - (e) enters into or continues in any business, occupation or employment as a private detective, after the police authority have given him notice in writing requiring him on any reasonable grounds not to do so.
- (3) A pension shall not be forfeited under sub-paragraph (2)(b) above unless reasonable warning has previously been given in writing by the police authority.
  - (4) A forfeiture under this paragraph may affect the pension wholly or in part, and may be permanent or temporary as the police authority may determine.
  - (5) Without prejudice to the validity of any forfeiture before the passing of this Act, a pension to which this paragraph applies shall not be capable of being forfeited otherwise than in accordance with the provisions of this paragraph.
  - (6) This paragraph shall apply in relation to the rules and regulations specified in sub-paragraph (2) of paragraph 3 below (which reproduces so far as relevant Part II of Schedule 1 to the Police Pensions Act 1948) as it applies in relation to the enactments specified in sub-paragraph (1) of that paragraph, subject, however, to any necessary adaptations.
- 3 (1) The enactments referred to in paragraph 2(1) above are—
- The Metropolitan Police Act 1829 ;
  - The County and Borough Police Act 1859 ;
  - The Police Superannuation Act 1865 ;
  - The Police (Pensions) Act 1918 ;
  - The Police Pensions Act 1921 ;
  - The Police and Firemen (War Service) Act 1939 ;
  - The Police (Overseas Service) Act 1945 ;
  - The Police Act 1946 ;
  - The Police (Scotland) Act 1946.
- (2) The rules and regulations referred to in paragraph 2(6) above are—
- The Women's Auxiliary Police Corps Rules 1945 ;
  - The Women's Auxiliary Police Corps (Scotland) Rules 1945;
  - The Police (Overseas Service) (Germany) Regulations 1947;
  - The Police (Overseas Service) (Austria) Regulations 1947;
  - The Police (Overseas Service) (Greece) Regulations 1948.
- 4 (1) If any person is aggrieved by the forfeiture under paragraph 2 above of any pension granted to him under any of the enactments specified in paragraph 3(1) above, he may appeal to the Crown Court and that Court, after enquiring into the case, may make such order in the matter as appears to the Court to be just.
- (2) In the application of sub-paragraph (1) above to Scotland, for the reference therein to the Crown Court there shall be substituted a reference to the sheriff having jurisdiction in the place where the person concerned last served as a member of a police force.

SCHEDULE 2

Section 13(1).

CONSEQUENTIAL AMENDMENTS

- 1 The reference in section 2(1) of the Police (Overseas Service) Act 1945 to a pension, allowance or gratuity becoming payable to a person out of moneys provided by Parliament by virtue of regulations made under that Act shall be construed as including a reference to a pension (as defined for the purposes of this Act) payable by virtue of regulations made under this Act, being a pension which becomes payable in such circumstances as may be specified for the purposes of this paragraph by the last mentioned regulations.
- 2 In section 63 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, for the words from "Police Pensions Act 1948 " to " of this Act" there shall be substituted the words " Police Pensions Act 1976 ".
- 3 In section 1 of the Police Pensions Act 1961—
  - (a) in subsection (2), for the words " the said section one " in the first place where they occur there shall be substituted the words " section one of the Police Pensions Act 1976 "; and
  - (b) in subsection (3), for the words from the beginning to " principal" in the second place where it occurs there shall be substituted the words " Subsection (4) of section 2 of the said Act of 1976 (which provides for regulations not to be invalid by reason only of their failure to secure the results specified in subsections (2) and (3) of that section but requires their amendment to secure those results) shall have effect as if the reference to the said subsections (2) and (3) included a reference to subsection (2) of this section and as if the references to regulations or amending regulations under section one of that ".
- 4 In section 2 of the Police Pensions Act 1961—
  - (a) in subsection (1), the words from "and this" to the end shall be omitted ; and
  - (b) in subsection (2), the words from the beginning to " in Northern Ireland " shall be omitted.
- 5 In sections 43(1) and 58(4) of the Police Act 1964, for the words " Police Pensions Act 1948 " there shall be substituted the words " Police Pensions Act 1976. "
- 6 In the Police (Scotland) Act 1967—
  - (a) for the words "Police Pensions Act 1948 " in section 38(1); and
  - (b) for those words in both places where they occur in subsection (4) of section 23 (as substituted by section 146(8) of the Local Government (Scotland) Act 1973);there shall be substituted the words " Police Pensions Act 1976 ".
- 7 In section 4(5) of the Police Act 1969 the words preceding paragraph (a) shall be omitted, and for the words " that Council " in that paragraph there shall be substituted the words " the Police Council for the United Kingdom ".
- 8 In Schedule 2 to the Pensions (Increase) Act 1971—
  - (a) in paragraph 15, for the words " Police Pensions Act 1948 " there shall be substituted the words " Police Pensions Act 1976 "; and
  - (b) in paragraph 43, for the words from the beginning of sub-paragraph (a) to " that Act" there shall be substituted the words " the Police Pensions Act 1976, or any enactment repealed by the Police Pensions Act 1948 ".

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- 9 In Schedule 1 to the Tribunals and Inquiries Act 1971, in paragraphs 23(c) and 43(c), for the words "Police Pensions Act 1948 (c. 24)" there shall be substituted the words " Police Pensions Act 1976 ".
- 10 In section 24(1)(a) of the Superannuation Act 1972, for the words "Police Pensions Act 1948" there shall be substituted the words " Police Pensions Act 1976 ".
- 11 In paragraph 8(3) of Schedule 2 to the Social Security Pensions Act 1975, for the words " the Police Pensions Act 1948 " there shall be substituted the words " the Police Pensions Act 1976 ".

### SCHEDULE 3

Section 13(2).

#### ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 24.	The Police Pensions Act 1948.	The whole Act.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	In Schedule 9, the entry relating to the Police Pensions Act 1948.
12, 13 & 14 Geo.6.c. 94.	The Criminal Justice (Scotland) Act 1949.	In Schedule 11, the entry relating to the Police Pensions Act 1948.
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	Section 43. In section 44(1), the words from " and any regulations " to " police force ".
6 & 7 Eliz. 2. c. 14.	The Overseas Service Act 1958.	Section 5(3). Schedule 2.
9 & 10 Eliz. 2. c. 35.	The Police Pensions Act 1961.	Section 1(1) and (4). In section 2, in subsection (1) the words from " and this " to the end, and in subsection (2) the words from the beginning to "in Northern Ireland ".
1964 c. 48.	The Police Act 1964.	Section 40. Section 43(4). Schedule 6. In Schedule 9, the entries relating to the Police Pensions Act 1948.

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Chapter	Short Title	Extent of Repeal
1967 c. 28.	The Superannuation (Miscellaneous Provisions) Act 1967.	Section 11(7).
1967 c. 77.	The Police (Scotland) Act 1967.	Section 35. Section 38(4). In Schedule 4, the entry relating to the Police Pensions Act 1948.
1969 c. 63.	The Police Act 1969.	In section 4(5), the words preceding paragraph (a).
1972 c. 11.	The Superannuation Act 1972.	In section 15, subsections (1) to (4) and in subsection (5), paragraph (a). In Schedule 6, paragraph 23.