

*Changes to legislation: There are currently no known outstanding effects for the Police Pensions Act 1976, SCHEDULE 1. (See end of Document for details)*

## 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#### PENSIONS UNDER REPEALED ENACTMENTS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 <sup>M1</sup>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 <sup>M2</sup>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 <sup>M3</sup>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.

#### **Marginal Citations**

- M1** 1939 c. 103.  
**M2** S.I. 1941/1271.  
**M3** 1921 c. 31.

##### *Forfeiture of pensions under repealed enactments*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 <sup>M4</sup>Police Pensions Act 1948) shall be deemed to have been granted only upon condition that it may be forfeited by the [<sup>F1</sup>pension supervising 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—

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- (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
  - (d) solicits or, without the consent of the [F<sup>1</sup>pension supervising 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 [F<sup>1</sup>pension supervising 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 [F<sup>1</sup>pension supervising authority].
- (4) A forfeiture under this paragraph may affect the pension wholly or in part, and may be permanent or temporary as the [F<sup>1</sup>pension supervising 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 <sup>M5</sup>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.

#### **Textual Amendments**

**F1** Words in [Sch. 1 para. 2](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 133](#); S.I. 2011/3019, art. 3, Sch. 1

#### **Marginal Citations**

**M4** 1948 c. 24.

**M5** 1948 c. 24

- 3 (1) The enactments referred to in paragraph 2(1) above are—
- The <sup>M6</sup>Metropolitan Police Act 1829;
  - The <sup>M7</sup>County and Borough Police Act 1859;
  - The <sup>M8</sup>Police Superannuation Act 1865;
  - The <sup>M9</sup>Police (Pensions) Act 1918;

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The <sup>M10</sup>Police Pensions Act 1921;

The <sup>M11</sup>Police and Firemen (War Service) Act 1939;

The <sup>M12</sup>Police (Overseas Service) Act 1945;

The <sup>M13</sup>Police Act 1946;

The <sup>M14</sup>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.

**Marginal Citations**

**M6** 1829 c. 44.

**M7** 1859 c. 32.

**M8** 1865 c. 35.

**M9** 1918 c. 51.

**M10** 1921 c. 31.

**M11** 1939 c. 103.

**M12** 1945 c. 17 (9 & 10 Geo. 6).

**M13** 1946 c. 46.

**M14** 1946 c. 71.

- 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.

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