

1971 No. 583

POLICE

The Police Pensions (Amendment) Regulations 1971

*Laid before Parliament in draft**Made* - - - 1st April 1971*Coming into Operation* 5th April 1971

In exercise of the powers conferred on me by sections 1 and 3 of the Police Pensions Act 1948(a) (read with Article 2(1) of the Minister for the Civil Service Order 1968(b)), as extended and amended by section 43 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(c), section 5(3) of the Overseas Service Act 1958(d) and Schedule 2 thereto, section 1(1) of the Police Pensions Act 1961(e), sections 40, 43(4), 45(4) and 63 of the Police Act 1964(f) and Schedules 6 and 9 thereto, sections 35 and 38(4) of the Police (Scotland) Act 1967(g) and section 4(5) of the Police Act 1969(h), and after consultation with the Police Council for the United Kingdom, I hereby, with the consent of the Minister for the Civil Service, 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. These Regulations may be cited as the Police Pensions (Amendment) Regulations 1971 and shall come into operation on 5th April 1971.

2. At the end of Regulation 3 of the Police Pensions Regulations 1971(i) (transitional provisions) there shall be added the following paragraph:—

“(4) No payment shall be made under these Regulations on account of a widow’s pension for a period before an amendment to these Regulations took effect save in so far as the said payment would have been so made had the amendment in question not been made.”

3. In Regulation 30(3) of the said Regulations of 1971 (discretionary increase in widow’s ordinary pension) after the words “£5·00 a week” there shall be inserted the words “subject, however, to paragraph 4 of the said Part VI”.

4. At the end of Regulation 33(3) of the said Regulations of 1971 (discretionary increase in widow’s special pension) there shall be added the words “subject, however, to paragraph 4 of the said Part VI”.

5. In Regulation 35(3) of the said Regulations of 1971 (discretionary increase in widow’s award under former Acts) after the words “£5·00 a week” there shall be inserted the words “subject, however, to paragraph 4 of the said Part VI”.

(a) 1948 c. 24.

(c) 1951 c. 65.

(e) 1961 c. 35.

(g) 1967 c. 77.

(i) S.I. 1971/232 (1971 I, p. 690).

(b) S.I. 1968/1656 (1968 III, p. 4485).

(d) 1958 c. 14.

(f) 1964 c. 48.

(h) 1969 c. 63.

6.—(1) In sub-paragraph (b) of paragraph 1 of Part VI of Schedule 3 to the said Regulations of 1971 (discretionary increase in widow's pension)—

(a) the words "either she had attained the age of 60 years or he and the widow had been married for not less than 3 years and" shall be omitted, and

(b) for the age "50 years" there shall be substituted the age "40 years".

(2) In sub-paragraph (e) of the said paragraph 1 the words "either the widow has attained the age of 60 years or 3 years have elapsed since the date of the marriage and" shall be omitted.

(3) In sub-paragraph (f) of the said paragraph 1—

(a) the words "either the widow has attained the age of 60 years or 3 years have elapsed since the date of the marriage and" shall be omitted, and

(b) for the age "50 years" there shall be substituted the age "40 years".

(4) At the end of the said Part VI there shall be added the following paragraph:—

"4. Where an increase would not be payable if in sub-paragraph (b) or (f) of paragraph 1 for the reference to the age of 40 years there were substituted a reference to the age of 50 years, Regulations 30(3), 33(3) or, as the case may be, 35(3) shall have effect as if for the reference to the rate or weekly amount of £5·00 in the provision in question there were substituted a reference to the rate or weekly amount of £5·00 reduced by £0·35 for each year by which the widow's age at the time mentioned in sub-paragraph (b) or, as the case may be, in sub-paragraph (f) of paragraph 1 was less than 50 years (any fraction of a year being reckoned as a year)."

R. Maudling,
One of Her Majesty's Principal
Secretaries of State.

1st April 1971.

Consent of the Minister for the Civil Service given under his Official Seal on 1st April 1971.

(L.S.)

K. H. McNeill,
Authorised by the
Minister for the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police Pensions Regulations 1971 and relate to discretionary increases in widow's pensions.

The Police Pensions Regulations 1971 provide for such increases where the widow would have been entitled to widow's benefit or a retirement pension under the National Insurance Acts had her husband satisfied the contribution conditions therefor or where he died before 5th July 1948 (when the National Insurance Act 1946 (c. 67) came into operation). There are restrictions on the payment of a discretionary increase; it is payable only during specified periods and in specified conditions. In certain cases an increase is only payable where the widow had been married for 3 years and had attained the age of 40 or 50 years at a specified date.

The present Regulations relax these restrictions. First, they remove any requirement that the marriage should have subsisted for three years. Secondly, where the restrictions specify the age of 50 years, this is reduced to 40 years; but a discretionary increase payable to a widow who benefits from this relaxation is abated by reference to her age at the specified date.

The present Regulations come into operation on 5th April 1971, that is to say, on the appointed day for the purposes of sections 2 and 3 of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970 (c. 51) (national insurance pensions for widows aged 40 to 50 and relaxation of certain conditions).