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STATUTORY INSTRUMENTS

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**1974 No. 759**

**The Police (Compensation) Regulations 1974**

PART I

PRELIMINARY

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Local Government Act 1972;

“age of compulsory retirement” means, in relation to a member of a police force, the age at which he would become liable to be required to retire on account of age under the Police Pensions Regulations;

“compensating authority” in relation to any person who suffers loss of office or loss or diminution of emoluments as a member of a police force as specified in Regulation 4, means the police authority which maintained the police force of which he was last a member prior to the loss or diminution or, if that authority has ceased to exist, the authority to whom the residue of their property and liabilities has been transferred under the Act;

“compensation question” means a question arising under these Regulations—

(a) as to a person's entitlement to compensation for loss of office, or for loss or diminution of emoluments as a member of a police force; or

(b) as to the manner of a person's employment or the comparability of his duties;

“emoluments” has the meaning given by Regulation 36(1) and “annual rate of emoluments” has the meaning given by Regulation 36(3);

“enactment” means any Act or any instrument made under an Act;

“existing authority” has the meaning given by section 270(1) of the Act;

“fund authority”, in relation to any person, means the authority maintaining the superannuation fund or account in relation to that person;

“instrument” includes an Order in Council, regulation, order, rule, scheme or direction;

“interchange rules” means rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 (which provides for the pensions of persons transferring to different employment) and includes any similar instrument made, or having effect as if made, under any other Act which makes similar provision;

“local authority” means—

(a) the council of a county, county borough, borough (whether or not included in a rural district) and an urban or rural district; a county council and a district council described in section 2 or 21 of the Act; a parish council, a community council; a parish meeting, a representative body of a parish and a common parish council;

(b) the council of a metropolitan borough or London borough, the Common Council of the City of London, the Greater London Council and the Council of the Isles of Scilly;

- (c) any burial board or joint burial board established under the Burial Acts 1852 to 1906;
- (d) any joint board or joint body constituted by or under any enactment for the purpose of exercising the functions of two or more authorities described in (a), (b) or (c) above;
- (e) any other authority or body, not specified in (a), (b), (c) or (d) above established by or under any enactment for the purpose of exercising the functions of or advising one or more of the authorities specified in (a), (b), (c) or (d) above;
- (f) any committee (including a joint committee) established by or under any enactment for the purpose of exercising the functions of, or advising, two or more authorities described in (a), (b), (c) or (d) above;
- (g) any two or more authorities described in (a), (b), (c), (d), (e) or (f) above acting jointly or as a combined authority;
- (h) a police authority for a county, a borough or a combined area;

“long-term compensation” means compensation payable in accordance with the provisions of Part IV of these Regulations for loss of office or loss or diminution of emoluments;

“material date” means—

- (a) in relation to any person affected by any provision of the Act, 1st April 1974 or the date on which the loss of office or loss or diminution of emoluments as a member of a police force occurred, whichever is the earlier;
- (b) in relation to a person affected by any provision of an instrument made under the Act, the date on which the instrument was made or, if some other date is specified therein, that other date;

“national service”, in relation to any person, means compulsory national service and service which is relevant service within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 and any similar service immediately following such service entered into with the consent of the authority or person under whom he held his last relevant employment, or, where appropriate, the authority by whom he was appointed, and service otherwise than as a member of a police force which is pensionable under the Police Pensions Regulations;

“office” includes any place, situation or employment, and the expression “officer” shall be construed accordingly;

“pensionable pay” and “average pensionable pay” have the same meanings, respectively, as in the Police Pensions Regulations;

“pension scheme”, in relation to any person, means any form of arrangement associated with his employment for the payment of superannuation benefits, whether subsisting by virtue of an Act of Parliament, trust, contract or otherwise;

“pensionable service” has the same meaning as in the Police Pensions Regulations;

“Police Pensions Regulations” means the Regulations from time to time in force under the Police Pensions Act 1948;

“reckonable service”, in relation to any person, means any period of whole-time or part-time employment in any relevant employment and includes any period of war service or national service undertaken on his ceasing to hold such an employment;

“relevant employment” means service or employment—

- (a) under the Crown or by or under any person, authority or body for the purposes of the Crown or as a member of a police force;
- (b) under any officer employed as mentioned in (a) above for the purposes of the functions of that person, authority or body;

- (c) by any person, authority or body specified in the Schedule to these Regulations;
- (d) preceding any of the foregoing employment which was reckonable for the purposes of the Police Pensions Regulations; or
- (e) such other employment as the Secretary of State may, in the case of any named person, approve;

but, except for national service and war service, does not include service in the armed forces of the Crown;

“resettlement compensation” means compensation payable in accordance with Part III of these Regulations for loss of office;

“retirement compensation” means compensation payable in accordance with the provisions of Regulation 19, 20 or 21;

“tribunal” means a tribunal established under section 12 of the Industrial Training Act 1964;

“war service” means war service within the meaning of the Local Government Staffs (War Service) Act 1939, the Teacher's Superannuation (War Service) Act 1939, the Education (Scotland) (War Service Superannuation) Act 1939, the Police and Fireman (War Service) Act 1939 or employment for war purposes within the meaning of the Superannuation Schemes (War Service) Act 1940, and includes any period of service in the first world war in the armed forces of the Crown or in the forces of the Allied or Associated Powers if that service immediately followed a period of relevant employment and was undertaken either compulsorily or with the permission of the employer in that employment.

(2) The holder of any office, appointment, place, situation or employment shall, for the purposes of these Regulations, be regarded as an officer employed in that office, appointment, place, situation or employment, and the expressions “officer” and “employment” shall be construed accordingly.

(3) Where under any provision of these Regulations an annual value is to be assigned to a capital sum or a capital value to an annual amount, the annual or capital value shall be calculated by the Government Actuary.

(4) In these Regulations, unless the context otherwise requires, references to any enactment shall be construed as references thereto as amended, re-enacted, applied or modified by any subsequent enactment.

(5) References in these Regulations to a numbered Regulation shall, unless the reference is to a regulation of specified regulations, be construed as references to the Regulation bearing that number in these Regulations.

(6) References in any of these Regulations to a numbered paragraph shall, unless the reference is to a paragraph of a specified Regulation, be construed as references to the paragraph bearing that number in the first mentioned Regulation.

(7) The Interpretation Act 1889 shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.