
STATUTORY INSTRUMENTS

1979 No. 1259

The Police Pensions (War Service) Regulations 1979

PART II

RECKONING OF WAR SERVICE

8.—(1) A qualified policeman may, in accordance with this Regulation, by notice elect to reckon pensionable service by virtue of such period of war service as he may specify in the notice (“the specified period of war service”) for all the purposes of the principal Regulations or, as the case may be, of the old cases Regulations except for the purposes of the calculation of a widow's pension or child's allowance (whether or not by reference to his own pension or notional pension).

(2) A qualified policeman who elects under paragraph (1) may also so elect to reckon pensionable service by virtue of the specified period of war service for the purposes excepted in paragraph (1).

(3) Subject to the payment conditions contained in Regulation 9 being satisfied, in the case of a qualified policeman who elects as mentioned in paragraph (1) or in paragraphs (1) and (2), the principal Regulations or, as the case may be, the old cases Regulations shall have effect as though he had been entitled, immediately before his retirement (or death while serving) to reckon an additional period of pensionable service equal to a half of his specified period of war service so, however, that where a qualified policeman elects only as mentioned in paragraph (1), this paragraph shall not have effect for the purposes excepted in paragraph (1) and for those purposes his pension shall be deemed to be the pension to which he would be entitled without his additional period of pensionable service under this paragraph but that period shall count for the purposes of Part II of Schedule 3 to the old cases Regulations (preserved rate of widow's ordinary pension calculated by reference to the husband's pensionable service).

(4) Notice for the purposes of paragraph (1) or (2)—

- (a) shall be given by a qualified policeman not earlier than three months before his intended retirement nor later than three months, or such longer period as the police authority may allow in the circumstances of his case, after his retirement, and
- (b) shall be of no effect if he dies while serving or if it is given more than three months before his actual retirement:

Provided that a qualified policeman who retired before 6th November 1979 may give notice for the said purposes within three months of that date or within such longer period as the police authority may allow in the circumstances of his case.

(5) Where under paragraph (4) the police authority allow notice to be given more than three months after 6th November 1979 or the date on which the qualified policeman retires, as the case may be, then, unless the police authority are satisfied that the delay was due to circumstances beyond his control—

- (a) he shall not be entitled to any payment under these Regulations in respect of the period before his application is received by the police authority;
- (b) paragraph 2 of Part I of the Schedule shall apply to him with the omission of sub-paragraph (a) and the words “in any other case”; and

(c) Regulations 13 and 14 shall not apply to him.

(6) In the application of paragraphs (4) and (5) to a qualified policeman who ceased to be a member of the metropolitan police force on taking employment overseas in a dissimilar public office within the meaning of the Superannuation (Public Offices) Rules 1967, references in those paragraphs to retirement are references to retirement from that employment; and such a qualified policeman who retired before 6th November 1979 from such employment overseas shall not be entitled under this Regulation to reckon an additional period of pensionable service greater than that which, together with his other pensionable service, will give him a pension which when added to his pension under the pension scheme applicable to that employment is equal to the maximum pension which could be paid to him under that scheme however long his pensionable service.

(7) Where a notice for the purposes of paragraph (1) or (2) specifies the whole of a qualified policeman's period of war service and a shorter period of war service would be sufficient to produce the same benefits, the notice shall be deemed to specify that period.

9.—(1) Subject to paragraph (5), the payment conditions referred to in Regulation 8(3) shall be satisfied if, within three months of the policeman concerned exercising his right of election, or within such longer period as the police authority may allow in the circumstances of his case, there is paid to the police authority the appropriate sum calculated—

- (a) so far as concerns an election under Regulation 8(1), in accordance with Part I of the Schedule;
- (b) so far as concerns an election under Regulation 8(2), in accordance with Part II of the Schedule.

(2) Where the policeman concerned ceased to serve as such before 6th November 1979 and, on that date he was in receipt of a pension then, without prejudice to paragraph (1), the payment conditions shall be satisfied if, within the three month period mentioned in paragraph (1) by notice he undertakes to pay the appropriate sum by regular instalments of such amount that the payment of the sum will be completed within a period of five years:

Provided that—

- (a) he may at any time discharge his liability under the undertaking, in whole or in part, by paying the whole or part of the balance then outstanding;
- (b) if he dies before discharging his liability under the undertaking, the balance shall be payable immediately.

(3) Where the policeman concerned is entitled to a deferred pension which has not come into payment within the three month period referred to in paragraph (1), the payment conditions shall be satisfied if, within three months of the pension coming into payment there is paid to the police authority the appropriate sum.

(4) Where the policeman concerned has commuted a portion of his pension for a lump sum of an amount not less than that of the appropriate sum and payment of the lump sum has not been made, he may by notice instruct the police authority to deduct the appropriate sum from the lump sum before making payment thereof; and in such case the giving of the notice shall be treated for the purposes of this Regulation and of the Schedule as if it were the payment of the appropriate sum.

(5) Where the policeman concerned is retiring in circumstances in which a transfer value is payable under Regulation 85 of the principal Regulations, the payment condition referred to in Regulation 8(3) shall be satisfied if the appropriate sum, calculated as provided in paragraph (1), is paid to the police authority before he retires or is deducted by the police authority from the amount of the transfer value which would otherwise be payable under the said Regulation 85.

10.—(1) This Regulation shall apply where a qualified policeman died before 6th November 1979 or dies while serving or while entitled to give notice for the purposes of Regulation 8, not having elected thereunder or having elected only as mentioned in Regulation 8(1).

(2) The widow of a policeman to whom this Regulation applies who has not elected as mentioned in Regulation 8(1) may, in accordance with this Regulation, by notice request that he be deemed to have so elected and to have specified the period of war service specified in the notice.

(3) The widow of a policeman to whom this Regulation applies who has, or is deemed to have, elected as mentioned in Regulation 8(1) may by notice request that he be deemed to have elected as mentioned in Regulation 8(2).

(4) Effect shall be given to requests under paragraphs (2) and (3) and, subject to paragraphs (5) and (6), Regulations 8(3) and 9(1) and (2) and the Schedule shall have effect accordingly.

(5) Regulation 9 shall have effect—

(a) as if the reference in paragraph (1) thereof to the policeman exercising his right of election were a reference to the widow giving the relevant notice;

(b) as if in paragraph (2) thereof the words preceding the words “without prejudice” were omitted.

(6) Part II of the Schedule shall have effect—

(a) as if in paragraph 1(1) thereof there were omitted the words following the words “widow's pension”;

(b) as if the word “hypothetical” were omitted wherever it occurs in paragraphs 1(2) and 2 thereof;

(c) as if in paragraph 2(b) thereof, for the reference to 1st April 1975 there were substituted a reference to the date of the death of the policeman concerned.

(7) Notice for the purposes of paragraph (2) or (3) shall be given by a widow within three months of 6th November 1979 or the date of her husband's death, whichever is the later, or such longer period as the police authority may allow in the circumstances of her case.

(8) A notice of election which is of no effect by reason of Regulation 8(4)(b) shall be disregarded for the purposes of this Regulation.

11. For the purposes of Part VIII of Schedule 2 to the principal Regulations or of Part IV of Schedule 2 to the old cases Regulations there shall be disregarded the pensionable service mentioned in Regulation 8(3).

12.—(1) This Regulation shall apply where a widow or child of a qualified policeman is entitled to an accrued pension or allowance under the principal Regulations and Regulation 8(3) has effect for the purposes of its calculation; and in this Regulation any reference to half-rate service or to mixed-rate service is a reference to such service for the purposes of Part IV of Schedule 3 to the principal Regulations.

(2) Where this Regulation applies, Part IV of Schedule 3 and Part III of Schedule 4 to the principal Regulations shall have effect—

(a) where the policeman concerned has half-rate service, other than such service as is mentioned in sub-paragraphs (a) and (b) of paragraph 1(1) of the said Part IV, as if both his half-rate service and mixed-rate service included the pensionable service mentioned in Regulation 8(3);

(b) where the preceding sub-paragraph does not apply but the policeman concerned has mixed-rate service, as if his mixed-rate service included the pensionable service so mentioned.

13.—(1) Where a qualified policeman has allocated a portion of his pension under Regulation 25 of the principal Regulations, or, as the case may be, Regulation 25 or 26 of the old cases Regulations, and subsequently receives an increased pension on account of the additional period of pensionable service which he is entitled to reckon by virtue of Regulation 8(3), the amount of pension so allocated shall not be affected (without prejudice to the allocation of a further portion).

(2) The following paragraph shall apply to a qualified policeman who—

- (a) when entitled to reckon less than 25 years' pensionable service, retired with a short-service or deferred pension a portion of which he allocated as provided in Regulation 25 of the principal Regulations or, as the case may be, Regulation 25 or 26 of the old cases Regulations, and
- (b) by virtue of Regulation 8(3) is treated as entitled to reckon at least 25 years' pensionable service and to be entitled to an ordinary pension.

(3) In the case of a qualified policeman to whom this paragraph applies, for the purposes of the relevant provision of the principal Regulations, or as the case may be, of the old cases Regulations referred to in paragraph (2)(a), the notice of allocation given thereunder shall be treated as if it related to the ordinary pension referred to in paragraph (2)(b).

14.—(1) This Regulation shall apply to a qualified policeman who—

- (a) when entitled to reckon less than 30 years' pensionable service retired with an ordinary pension otherwise than in the circumstances mentioned in sub-paragraphs (a), (b), (d) or (e) of Regulation 21(1) of the principal Regulations, and
- (b) by virtue of Regulation 8(3) is treated as entitled to reckon at least 30 years' pensionable service.

(2) In the case of a qualified policeman to whom this Regulation applies, notwithstanding anything in Regulation 24 of the principal Regulations or, as the case may be, in Regulation 23 or 24 of the old cases Regulations—

- (a) notice of commutation may be given thereunder, subject to paragraphs (3), at any time before the expiry of the period of 3 months following this Regulation becoming applicable in his case;
- (b) where he retired before 1st April 1975, the maximum portion of the pension which may be commuted shall be determined by reference to the amount of the pension to which he was originally entitled.

(3) The transitional provisions of this paragraph shall apply to the case of a qualified policeman to whom this regulation applies who retired on or after 1st April 1975 but before 6th November 1979 and gave notice of commutation before he became entitled to reckon an additional period of pensionable service under Regulation 8(3):—

- (a) if a lump sum has not been paid to him in respect of that notice of commutation, it shall cease to have effect (without prejudice to the giving of a further notice);
- (b) if the notice of commutation specified the portion of his pension which he wished to surrender as a weekly, monthly or annual sum and he has been paid a lump sum calculated on that basis, he shall be entitled to give a further notice of commutation, provided that the two notices shall not specify in total a portion of his pension greater than that allowed by Regulation 24(3) of the principal Regulations;
- (c) if the notice of commutation specified the portion of his pension which he wished to surrender as a proportion of his pension and he has been paid a lump sum calculated on that basis, the police authority shall, unless he requests otherwise, treat the notice as extending to the additional pension payable in respect of the additional period of pensionable service

and as effective for that purpose from the date on which he gave notice of his election to reckon war service.

- 15.—(1) This Regulation shall apply to a qualified policeman who—
- (a) retired with a deferred pension, and
 - (b) by virtue of Regulation 8(3) is treated as entitled to reckon at least 25 years' pensionable service and becomes entitled to an ordinary pension.
- (2) In the case of a qualified policeman to whom this Regulation applies—
- (a) whose deferred pension has come into payment, and
 - (b) who has commuted for a lump sum, as provided in Regulation 24 of the principal Regulations, a portion of that pension,

notwithstanding anything in the said Regulation 24, the notice of commutation given thereunder shall be treated for the purposes of paragraph (6) thereof as if it related to the ordinary pension mentioned in paragraph (1)(b).

(3) In the case of a qualified policeman to whom this Regulation applies whose deferred pension has not come into payment, a notice of commutation relating to the deferred pension shall not take effect but the provisions of paragraph (2) of Regulation 14 shall have effect as if the reference therein to that Regulation were a reference to this Regulation; and, if he retired before 1st April 1975, Regulation 24 of the principal Regulations, as applied by Regulation 14, shall have effect as if for paragraph (2) there were substituted “The following provisions of this Regulation shall have effect as if the policeman had retired on 1st April 1975 and paragraph (3A) were omitted”.