

STATUTORY INSTRUMENTS

1983 No. 996

POLICE

The Police Pensions (Amendment) Regulations 1983

<i>Made - - - -</i>	<i>11th July 1983</i>
<i>Laid before Parliament</i>	<i>18th July 1983</i>
<i>Coming into Operation</i>	<i>15th August 1983</i>

In exercise of the powers conferred on me by sections 1, 3 and 4 of the Police Pensions Act 1976^(a), and after consultation with the Police Negotiating Board for the United Kingdom, I hereby, with the consent of the Treasury^(b), make the following Regulations:—

1. These Regulations may be cited as the Police Pensions (Amendment) Regulations 1983.

2. These Regulations shall come into operation on 15th August 1983 and shall have effect—

- (a) for the purposes of Regulations 4 and 8, as from 1st January 1982; and
- (b) for the purposes of Regulations 5, 6 and 7, as from 25th November 1982.

3. In these Regulations any reference to the principal Regulations is a reference to the Police Pensions Regulations 1973^(c).

4.—(1) At the end of paragraph (5) of Regulation 19 of the principal Regulations (policeman's ordinary pension) there shall be inserted the following words:—

“or, if he sooner becomes permanently disabled, before he becomes so disabled.”

^(a) 1976 c. 35, as amended by section 2(3) of the Police Negotiating Board Act 1980 (c. 10).

^(b) Formerly the Minister for the Civil Service: *see* S.I. 1981/1670.

^(c) S.I. 1973/428; the relevant amending instruments are S.I. 1977/2173, 1980/272.

(2) For sub-paragraph (a) of paragraph (1) of Regulation 80 (payment and duration of awards) there shall be substituted the following provision:—

“(a) where the pension is an ordinary pension and the limitation imposed by Regulation 19(5) on the making of payments in respect of a person entitled to reckon less than 30 years’ pensionable service applies, in which case the pension shall be so payable as from the date he attains the age of 50 years or, if he sooner becomes permanently disabled, as from the date on which he becomes so disabled.”.

5.—(1) In Regulations 37(2) and 38(2) of the principal Regulations there shall in each case before the words “and IV” be inserted the words “IIA”, and in paragraph 1 of Part III of Schedule 4 to those Regulations there shall be substituted for the words “Part I” the words “Parts I and IIA”.

(2) There shall after Part II of Schedule 4 to the principal Regulations be inserted the following provision:—

“PART IIA Regulations 37, 38, 40.

REDUCTION IN CHILD’S ALLOWANCE WHERE CHILD IN FULL-TIME
REMUNERATED TRAINING

1.—(1) This Part shall apply where an allowance is payable to a child by virtue of Regulation 37, 38 or 40 (or would be so payable but for the provisions of this Part) and the child is—

- (a) in full-time training for a trade, profession or calling, and
- (b) in receipt of remuneration in respect of that training in excess of the specified annual rate:

Provided that, where the parent in respect of whose death a child’s allowance is payable to that child died or ceased to be a member of a police force before 15th August 1983, this Part shall not apply in the case of that child until he has attained the age of 19.

(2) In this Part—

“the relevant child” means a child in whose case this Part applies by virtue of sub-paragraph (1);

“the specified annual rate” means an amount rounded up to the nearest £1, equal to £250 a year, increased from time to time by the amount by which a corresponding official pension within the meaning of the Pensions (Increase) Act 1971(a) of that amount, which began on 1st June 1972, would from time to time be increased under an Order made under section 2 of that Act or section 59 of the Social Security Pensions Act 1975(b) if such a pension were payable to the relevant child and fell to be paid on the days on which his remuneration fell to be paid;

(a) 1971 c. 56.

(b) 1975 c. 60.

“the excess remuneration” means the amount by which the relevant child’s remuneration exceeds the specified annual rate; and

“the relevant provisions” means paragraphs 1(3) and 2(3) of Part I, and paragraphs 1(3) and 2(3) of Part II, of this Schedule.

2. In the case of any relevant child—

- (a) if the annual amount of the allowance is greater than the amount of the excess remuneration, it shall be reduced by the amount of the excess remuneration; and
- (b) if the amount of the excess remuneration is equal to or greater than the annual amount of the allowance which, but for this sub-paragraph, would be payable to him, no allowance shall be so payable to him.

3.—(1) Where as well as any relevant child there are other children to whom allowances are payable in respect of the same death, in circumstances to which any of the relevant provisions apply (or would but for this paragraph apply), the allowances payable to those other children (hereinafter called “the other allowances”) shall be calculated in accordance with the following provisions of this Part.

(2) If paragraph 2(a) applies to any child, then, subject to sub-paragraphs (3) and (4), the other allowances shall be increased by dividing the excess remuneration in his case amongst those other allowances.

(3) If paragraph 2(b) applies to any child, then, subject to sub-paragraphs (2) and (4), the other allowances shall be recalculated as if he were not a child of the policeman.

(4) Notwithstanding the preceding provisions of this Part—

- (a) no child shall by virtue of those provisions receive an allowance greater than that to which he would be entitled if the relevant provision in question did not apply to his case; and
- (b) the total amount to be paid under each of the relevant provisions, together with any increase in that amount required by virtue of paragraph 5(2) of Part I, or as the case may be, paragraph 3 of Part II, shall not by virtue of the preceding provisions of this Part exceed the maximum amount which otherwise would be paid under the relevant provision in question, together with any such increase in that amount required as aforesaid.”.

6. Regulation 42 of the principal Regulations (limitation on child’s award) shall have effect subject to the following amendments:—

- (a) the word “or” immediately following sub-paragraph (e) of paragraph (1) and sub-paragraph (f) of that paragraph shall be omitted, and for the words “and, without prejudice as aforesaid” to the end of the paragraph there shall be substituted the following words:—

“and, without prejudice to the foregoing, a child’s gratuity shall not be granted to a child who attained the age of 17 years before the date of the relevant parent’s death unless at that date he is—

- (i) undergoing full-time education; or
- (ii) in full-time training of at least one year’s duration for a trade, profession or calling (hereinafter referred to as “full-time vocational training”); or
- (iii) both permanently disabled and substantially dependent on that parent.”;

(b) there shall be substituted for paragraph (2) the following paragraphs:—

“(2) Subject to paragraph (2A), a child’s allowance shall not be payable to a child who has attained the age of 16 years and who is in full-time employment, unless he is in full-time vocational training, or to a child who has attained the age of 17 years unless he is—

- (a) undergoing full-time education; or
- (b) in full-time vocational training; or
- (c) permanently disabled, and—
 - (i) was both permanently disabled and substantially dependent on the relevant parent at the time of his death; or
 - (ii) became so disabled while in receipt of a child’s allowance; or
 - (iii) the police authority, having regard to all the circumstances of the case, in their discretion determine to pay a child’s allowance to him.

(2A) A child’s allowance shall not be payable by virtue of sub-paragraph (a) or (b) of paragraph (2) to a child who has attained the age of 19 years unless—

- (a) immediately before the date on which he attained that age he was undergoing education or in training as mentioned therein and has at all times thereafter, without any period of interruption, either been undergoing such education or in such training; or
- (b) the police authority, having regard to all the circumstances of the case, in their discretion determine that, notwithstanding any such period of interruption as is mentioned in sub-paragraph (a), a child’s allowance shall be so payable.”.

7.—(1) Where, but for Regulation 6, a child in whose case this paragraph applies would, by reason of his disability, be entitled to a gratuity or paid an allowance, he shall continue to be so entitled notwithstanding that Regulation.

(2) Paragraph (1) applies in the case of a child where the relevant parent died or ceased to be a member of a police force before 15th August 1983.

(3) In paragraph (2) “relevant parent” has the same meaning as in Regulation 42(5) of the principal Regulations.

8.—(1) There shall be substituted for Regulation 43 of the principal Regulations (gratuities—relatives or estate) the following provision:—

“43.—(1) Where a member of a police force dies—

- (a) while serving as such and no other award is payable under these Regulations; or
- (b) while in receipt of a pension or while entitled to a deferred pension and death—
 - (i) results from an injury received in the execution of his duty; or
 - (ii) takes place within 2 years of the grant of his pension,

the police authority may, in their discretion, grant a gratuity to any of his relatives who were dependent on him to any degree at the time of his death.

(2) The aggregate of all gratuities paid under paragraph (1) shall not exceed the aggregate pension contributions in respect of the relevant period of service of the member of the police force concerned.

(3) Where a member of a police force dies while serving as such, or while entitled to a pension, other than an injury pension or a pension under Regulation 23C, then if the aggregate of—

- (a) the amount paid to him in respect of any award (including the lump sum paid to him where his pension is reduced under Regulation 24 (commutation of pension)) together with any increase in that amount under an Order made under section 2 of the Pensions (Increase) Act 1971, or section 59 of the Social Security Pensions Act 1975, or in consequence of the Pensions (Increase) Act 1974(a);
- (b) any gratuity payable in respect of his death; and
- (c) the actuarial value of any pension or allowance payable in respect of his death (calculated in accordance with tables prepared from time to time by the Government Actuary),

is less than his aggregate pension contributions in respect of his relevant period of service, the police authority shall pay a gratuity equal to the difference to his legal personal representative.”.

9.—(1) In Regulation 46 of the principal Regulations (reckoning of pensionable service)—

- (a) for the words from “The pensionable service” to “provisions of these Regulations”, there shall be substituted the following words:—

“(1) Subject to paragraph (2), the pensionable service reckonable by a member of a police force at any date (hereafter referred to in this Part of these Regulations as the “relevant date”) shall be determined in accordance with the succeeding provisions of these Regulations:” and

(a) 1974 c. 9.

(b) after the words “as may be directed” there shall be inserted the following provision:—

“(2) Where a regular policeman last became a regular policeman after 15th August 1983 and would, apart from this paragraph, be entitled to reckon pensionable service under both Regulation 47 and sub-paragraph (a) of Regulation 48,—

(a) in reckoning his pensionable service the said sub-paragraph (a) shall be disregarded, and Regulation 47 shall apply as though the regular policeman joined his current force on the date he last became a regular policeman; and

(b) if he had become entitled to reckon pensionable service under Regulation 49, 50, 51 or 51A after last becoming a regular policeman but before transferring to his current force, he shall be entitled to continue so to reckon that service as though the service had become so reckonable by him while he was serving in his current force.”.

(2) There shall be inserted—

(a) at the beginning of Regulation 48, the words “Subject to the provisions of these Regulations,”;

(b) in Regulation 83(1), after the words “a regular policeman becomes” the words “or would, apart from Regulation 46(2)(a), become”.

Home Office.
4th July 1983.

We consent,

Leon Brittan,
One of Her Majesty's Principal
Secretaries of State.

11th July 1983.

Alastair Goodlad,
T. Garel Jones,
Two of the Lords Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations amend the Police Pensions Regulations 1973 with effect, as provided by Regulation 2, in the case of Regulations 4 and 8 as from 1st January 1982 and, in the case of Regulations 5, 6 and 7 as from 25th November 1982 (retrospection is authorised by section 1(5) of the Police Pensions Act 1976).

2. Regulation 4(1) amends Regulation 19(5) of the 1973 Regulations so that where a member of a police force who has retired with an entitlement to an ordinary pension payable from the age of 50 becomes permanently disabled before reaching that age, his ordinary pension comes into immediate payment. Paragraph (2) makes a consequential amendment.

3. Regulation 5 inserts a new Part IIA in Schedule 4 to the 1973 Regulations providing that an allowance payable to a child in full-time vocational training (in the 1973 Regulations referred to as an apprentice) shall be reduced by the amount by which his remuneration exceeds a specified annual rate. Provision is made for appropriate adjustments to any other child allowances payable. The new Part IIA preserves the existing rights of children whose parents have already died or ceased to serve at 15th August 1983 who may have a potential entitlement to a full allowance while in such training under age 19.

4. Regulation 6 amends Regulation 42 of the 1973 Regulations so as to raise the lower age limits for the payment of child gratuities and allowances from 16 to 17; remove, subject to certain conditions, the upper age limit of 19; and ensure that a child over 17 will not receive a child gratuity or allowance by reason of being permanently disabled if he had become financially independent of his parent before that parent's death. Regulation 7 safeguards the existing rights of children whose parents have already died or ceased to serve at 15th August 1983.

5. Regulation 8, which replaces Regulation 43 of the 1973 Regulations, extends the present provisions relating to discretionary powers to pay gratuities to dependent relatives so that such a gratuity may be paid in respect of a member of a police force who dies while entitled to a deferred pension not yet in payment, and provides for any excess of a member's aggregate pension contributions over the total amount of any awards payable under the 1973 Regulations to be paid to his legal personal representatives.

6. Regulation 9(1) amends Regulation 46 of the 1973 Regulations to ensure that an officer who last became a regular policeman after the operative date of these Regulations does not gain an extra day of pensionable service if he transfers between two police forces in a leap year. Paragraph (2) makes consequential amendments.

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