
STATUTORY INSTRUMENTS

1987 No. 257

The Police Pensions Regulations 1987

Part F

Pensionable Service and Transfer Values

Reckoning of pensionable service

F1.—(1) The pensionable service reckonable by a member of a police force at any date (in these Regulations referred to as the “relevant date”) shall be determined in accordance with the succeeding provisions of these Regulations:

Provided that there shall not be reckonable by a regular policeman any period of unpaid maternity leave granted in the case of a woman.

(2) Any reference in this Part to approved service reckonable under the former Acts shall include—

- (a) a reference to approved service which would have been so reckonable if there had been omitted from section 7(1) of the Police Pensions Act 1921⁽¹⁾ the words “but shall not include” to the end, and
- (b) a reference to approved service which would have been so reckonable if there had been omitted from section 8(1) of the said Act the words “in which he has completed not less than one year’s approved service, and”.

(3) Paragraph (1) has effect subject to paragraphs 5 and 6 of Part IV of Schedule J.

Current service

F2.—(1) Subject to the provisions of these Regulations, there shall be reckonable by a regular policeman in respect of his service as such in the force in which he is or was serving on the relevant date, being service since he last joined or rejoined that force before that date—

- (a) all such service on or after 5th July 1948, and
- (b) where he last joined or rejoined the force before 5th July 1948, any period of approved service which he was entitled to reckon immediately before that date under the former Acts.

(2) There shall be reckonable by an auxiliary policeman as pensionable service, in respect of his service in the force in which he is or was serving on the relevant date, all his active service as such since he was last called up for active service before that date.

(3) There shall be reckonable as pensionable service by a member of an overseas corps who is not, or was not, on the relevant date a reversionary member of a home police force all his service as a member of an overseas corps, while not being such a reversionary member, since he last became a member of an overseas corps before the relevant date.

(4) Paragraph (1) has effect subject to paragraph 6(2) of Part VII of Schedule J.

(1) 1921 c. 31.

Previous service reckonable without payment

F3.—(1) There shall be reckonable by a regular policeman as pensionable service—

- (a) where from being a regular policeman in another force he transferred on or after 5th July 1948 to the force in which he is or was serving on the relevant date, any period of pensionable service reckonable by him immediately before the transfer;
- (b) where he previously retired with an ill-health pension or a pension under the former Acts from the force in which he is or was serving on the relevant date, that pension was terminated in whole or in part under Regulation K1 or any corresponding provision of the former Regulations or former Acts, and he rejoined the force on or after 5th July 1948, any period of pensionable service or of approved service under the former Acts, as the case may be, reckonable by him at the time he retired;
- (c) where he previously retired with a pension under the former Acts in respect of a non-accidental injury from the force in which he is or was serving on the relevant date, and the approved service under the former Acts reckonable by him at the time he retired is reckonable as pensionable service under sub-paragraph (b), the period during which he was in receipt of the pension;
- (d) where the relevant date is 15th May 1950 or any later date and he left the Royal Ulster Constabulary with the consent of the chief officer of that force and the approval of the Police Authority for Northern Ireland for the purpose of becoming a regular policeman in a home police force, any period of approved or pensionable service which was reckonable by him, immediately before he so left, for the purposes of the Royal Ulster Constabulary pensions legislation;
- (e) where he previously engaged for a period of service in the Royal Ulster Constabulary as mentioned in section 2(1) of the Police Act 1969⁽²⁾ and he exercises the right of reversion to a home police force conferred by the said section 2(1) or, on that right arising, does not exercise it but joins another home police force, any period of pensionable service which was reckonable by him for the purposes mentioned in sub-paragraph (d), immediately before he left the Royal Ulster Constabulary;
- (f) where from being a member of the British Airports Authority constabulary he was transferred to the force in which he is or was serving on the relevant date by an order under section 6 of the Policing of Airports Act 1974⁽³⁾, any period of pensionable service reckonable by him immediately before the transfer for the purposes of the superannuation scheme then applicable to him:

Provided that—

- (i) where he was then, for the purposes of that scheme, purchasing added years by annual payments, those added years shall only be taken into account to the extent that they would have been taken into account for the purposes of a deferred pension under the said scheme if he had become entitled to such a pension immediately before he in fact transferred;
- (ii) where he had been granted a back service credit within the meaning of the said scheme which exceeded the previous service by reason of which it was granted, otherwise than by reason of the previous service being wholly or partly service in a particular territory overseas, only that part of the credit which does not exceed the previous service shall be taken into account.

(2) Where a regular policeman—

(2) 1969 c. 63.

(3) 1974 c. 41.

- (a) transferred as mentioned in paragraph (1)(a) during a leap-year beginning on or after 1st January 1984, or
- (b) became a regular policeman in a home police force in the circumstances mentioned in paragraph (1)(d) or (e), during a leap-year beginning on or after 1st January 1988,

and throughout the leap-year in question had continuous service as a regular policeman or, as the case may be, as either a regular policeman or a member of the Royal Ulster Constabulary then, notwithstanding anything in paragraph (1)(a), (d) or (e), the pensionable service reckonable by him by reason of his continuous service in that year shall be a year's, and not 366 days', pensionable service.

Previous service reckonable on payment

F4.—(1) Subject to Regulation F9(4) (*interchange arrangements*), there shall be reckonable by a regular policeman as pensionable service, in the circumstances specified in this Regulation, the periods so specified before he last joined or rejoined the force before the relevant date, subject to his having made to the police authority the appropriate payment.

(2) Where before the relevant date he retired without a pension (including a pension under the former Acts) from the same force as that in which he is or was serving on the relevant date—

- (a) the period shall be any period of pensionable service or approved service under the former Acts reckonable by him at the time he retired, not being a period of approved service reckonable by virtue of Regulation F2(1)(b), and
- (b) the appropriate payment shall be an amount equal to any gratuity, return of pension contributions or rateable deductions, as the case may be, which he may have received on his retirement together with the balance outstanding immediately before his retirement of any sum he had undertaken to pay as mentioned in Part I of Schedule F, so however that where, before his retirement and in pursuance of an election under Regulation 58 or 59 of the Regulations of 1973 or under any of the provisions mentioned in Regulation 57(2) of those Regulations, he had paid additional or further contributions or had made an additional or further payment by way of a lump sum, the appropriate payment shall be reduced by the amount he had paid by way of such contributions or lump sum and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions or lump sum.

(3) Where before the relevant date he retired with a deferred pension but has relinquished his entitlement thereto by written notice given to the police authority for the purposes of this Regulation or Regulation F5 (or of the corresponding provisions of the Regulations of 1973), paragraph (2) shall have effect as though he had retired without a pension and, where immediately before his retirement he was paying such additional or further contributions as are mentioned in paragraph (2)(b), the amount he had paid by way of such contributions shall be repaid to him and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions.

(4) Where he previously served as a member of the first class of the police reserve, of the Police War Reserve or of Class A of the Women's Auxiliary Police Corps or, subject to paragraph (6), as a special constable—

- (a) the period shall be half the period of active service as a member of the first class of the police reserve during which he was not in receipt of a pension (including a pension under the former Acts), half the period of active service as a member of the Police War Reserve, half the period of active service as a member of the Women's Auxiliary Police Corps, whether in Class A of that Corps or otherwise, or half the period of service as a special constable while serving as such in a whole-time capacity and in receipt of pay in respect of such service, as the case may be, and

- (b) the appropriate payment shall be 5% of, in the case of a man, £4.50, or in the case of a woman, £3.95, in respect of each week which he is entitled under this paragraph to reckon as pensionable service.
- (5) Where he was a person to whom section 1 of the Police and Firemen (War Service) Act 1939⁽⁴⁾, as extended by Regulation 60DA of the Defence (General) Regulations 1939⁽⁵⁾, applied—
 - (a) the period shall be the period during which he was engaged in war work within the meaning of the said Defence Regulation during the year 1947, and
 - (b) the appropriate payment shall be the aggregate of the payments that he would have been required to make under the said Act as so extended in respect of the said period if the emergency that was the occasion of the passing of that Act had not come to an end.
- (6) Except where the appropriate payment has been made before 1st January 1963, the references in paragraph (4) to a special constable shall be construed as references only to a special constable appointed—
 - (a) in England and Wales, under the Special Constables Act 1831⁽⁶⁾ or section 196 of the Municipal Corporations Act 1882⁽⁷⁾;
 - (b) in Scotland, under section 96 of the Burgh Police (Scotland) Act 1892⁽⁸⁾ or the corresponding provisions of any local enactment.
- (7) Paragraph (3) has effect subject to paragraph 4 of Part IV of Schedule J.

Previous service reckonable at discretion of police authority

F5.—(1) Subject to Regulation F9(4) (*interchange arrangements*), if the appropriate police authority in their discretion have so decided, there shall be reckonable by a regular policeman as pensionable service, in the circumstances specified in this Regulation, the periods so specified before he last joined or rejoined the force before the relevant date, subject, in the case of such a period as is mentioned in paragraph (2), to his having made to that police authority the appropriate payment.

(2) Where before the relevant date he ceased to serve as a regular policeman without a pension (including a pension under the former Acts)—

- (a) the period shall be the whole of any period of pensionable service, or approved service under the former Acts, reckonable by him at the time he ceased to serve, not being a period reckonable by virtue of Regulation F2(1)(b) or F4(2), or so much of that period as the appropriate police authority in their discretion think fit;
- (b) the appropriate police authority shall be the authority of the force in which he is or was serving on the relevant date, and
- (c) the appropriate payment shall be the whole or the proportionate part of an amount equal to any gratuity or return of pension contributions or rateable deductions, as the case may be, which he may have received on ceasing to serve together with the balance outstanding immediately before so ceasing of any sum he had undertaken to pay as mentioned in Part I of Schedule F so however that where, before so ceasing and in pursuance of an election under Regulation 58 or 59 of the Regulations of 1973 or under any of the provisions mentioned in Regulation 57(2) of those Regulations, he had paid additional or further contributions or had made an additional or further payment by way of a lump sum, the appropriate payment shall be reduced by the whole or the proportionate part of the amount he had paid by way of such contributions or lump sum and he shall be treated for the

(4) 1939 c. 103.

(5) S.R.&O. 1939/927; Regulation 60DA was added by S.R.&O. 1941/1038.

(6) 1831 c. 41.

(7) 1882 c. 50.

(8) 1892 c. 55.

purposes of these Regulations as having neither paid nor elected to pay such contributions or lump sum.

For the purposes of sub-paragraph (c) where the police authority exercise their discretion under sub-paragraph (a) so as to allow the policeman to reckon as pensionable service part only of the period first mentioned therein, “the proportionate part” means the part which bears the same proportion to the whole as that part of the period so mentioned bears to the whole thereof.

(3) Where before the relevant date he ceased to serve with a deferred pension but has relinquished his entitlement thereto by written notice given to the police authority for the purposes of this Regulation or of Regulation F4 (or of the corresponding provisions of the Regulations of 1973), paragraph (2) shall have effect as though he had ceased to serve without a pension and, where immediately before ceasing to serve he was paying such additional or further contributions as are mentioned in paragraph (2)(c), the amount he had paid by way of such contributions shall be repaid to him by the police authority of the force in which he ceased to serve and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions:

Provided that the police authority shall not so exercise their discretion under paragraph (2)(a) that the period of pensionable service reckonable thereunder is less than that taken into account for the purposes of calculating the deferred pension.

(4) Where a serviceman (1939–1945), after receiving a pension under the Police and Firemen (War Service) Acts 1939 and 1944(9), rejoined the force in which he is or was serving on the relevant date, being the force of the police authority by whom the pension was payable—

- (a) the period shall be the whole of the period for which he was in receipt of the said pension or such part thereof as the said police authority have, in their discretion, decided shall be reckonable;
- (b) the appropriate police authority shall be the police authority of the force in which he is or was serving on the relevant date.

(5) Paragraphs (2) and (3) have effect subject to paragraph 4 of Part IV of Schedule J.

Previous service reckonable under current interchange arrangements

F6.—(1) Save as provided in paragraphs (2) and (5), this Regulation shall apply to a regular policeman—

- (a) who before he last became a regular policeman before the relevant date was in service or employment (otherwise than as a member of a police force) by reason of which he was subject to superannuation arrangements in pursuance of which a transfer value may be paid to the police authority (in this Regulation and in Section 2 of Part II of Schedule F such service or employment and such superannuation arrangements are referred to as “former service” and “former superannuation arrangements”);
- (b) subject to paragraph (3), who, before the relevant date, last became a regular policeman on or after 1st April 1972, and
- (c) in respect of whom a transfer value relating to his former service has, in pursuance of his former superannuation arrangements, been paid to the police authority of the force in which he is serving on the relevant date.

(2) This Regulation shall not apply in the case of a regular policeman who, before the relevant date, last became such before 6th April 1978 if either—

- (a) he or his widow elected under paragraph (1A) of Regulation 51 of the Regulations of 1973 that that Regulation should apply in his case, or

- (b) such a transfer value as is mentioned in paragraph (1)(c) was received in his case before 1st January 1974.
- (3) If the police authority have so determined in the case of a particular regular policeman who, before the relevant date, last became such on or after 5th July 1948 but before 1st April 1972, this Regulation shall have effect as if paragraph (1)(b) were omitted.
- (4) There shall be reckonable by a regular policeman to whom this Regulation applies, in respect of his former service, a period of pensionable service calculated in accordance with Sections 2 and 3 of Part II of Schedule F.
- (5) Notwithstanding anything in this Regulation, the provisions thereof shall not apply—
 - (a) where the regular policeman concerned is entitled to reckon pensionable service under Regulation F3(1)(d), (e) or (f) by reason of former service in the Royal Ulster Constabulary or in the British Airports Authority constabulary; or
 - (b) where the regular policeman concerned had a guaranteed minimum in relation to the pension provided by the former superannuation arrangements unless—
 - (i) those arrangements are of a kind mentioned in paragraph 1(2) of Section 2 of Part II of Schedule F, or
 - (ii) that guaranteed minimum is no greater than a notional deferred pension calculated by reference to the pensionable service which, under the said Section 2, would be reckonable if the transfer value were paid.

Previous service reckonable under preserved interchange arrangements

F7.—(1) Save as provided in paragraph (2) and subject to paragraph 5 of Section 1 of Part III of Schedule F, this Regulation shall apply to a regular policeman—

- (a) who before he last became a regular policeman before the relevant date was in such service or employment as is mentioned in Section 1, 2 or 3 of Part III of Schedule F by reason of which he was subject to superannuation arrangements (in this Regulation such service or employment and the Section in which it is mentioned are referred to as “former service” and “the Section in question” and such superannuation arrangements are referred to as “former superannuation arrangements”);
- (b) who has served as a regular policeman on or after the date specified in the Section in question in relation to his former service;
- (c) who last became a regular policeman before the relevant date within 12 months of the termination of his former service or within such longer period as may be agreed, in the circumstances of his case, between the police authority and the authority specified in the Section in question in relation to his former service;
- (d) in respect of whom such a transfer value relating to his former service as is mentioned in the Section in question has been paid to the police authority of the force in which he is or was serving on the relevant date, and
- (e) who, within 6 months of the date specified in the Section in question in relation to the former service or 3 months of last becoming a regular policeman before the relevant date, whichever is the later, or within such longer period as the police authority may allow in his case—
 - (i) has paid, or has undertaken to pay as mentioned in Part I of Schedule F, a sum equal to the balance of any liability outstanding, immediately before he ceased to be engaged in his former service, in respect of payments or contributions he was then making as a condition of reckoning past service as contributing service or otherwise for the purposes of the former superannuation arrangements, being service taken

into account for the purpose of calculating the transfer value referred to in sub-paragraph (d), and

- (ii) has paid to the police authority a sum equal to the amount, if any, by which the transfer value referred to in sub-paragraph (d) falls to be reduced on account of any sum paid to him under the former superannuation arrangements by way of return of contributions.

(2) Nothing in this Regulation shall apply—

- (a) in the case of a regular policeman who, before the relevant date, last became a regular policeman on or after 1st April 1972 unless he last so became such before 6th April 1978 and either—
 - (i) paragraph (1)(d) was satisfied in his case before 1st January 1974, or
 - (ii) he or his widow elected under paragraph (1A) of Regulation 51 of the Regulations of 1973 that that Regulation should apply in his case;
- (b) in relation to the transfer of a member of the British Airports Authority constabulary to a police force by an order under section 6 of the Policing of Airports Act 1974⁽¹⁰⁾, or
- (c) in relation to a regular policeman in whose case Regulation F6 applies in consequence of the exercise by the police authority of the discretion mentioned in paragraph (3) of that Regulation.

(3) Subject to paragraph (4), there shall be reckonable by a regular policeman to whom this Regulation applies, as pensionable service in respect of his former service, 3 quarters of the period specified in paragraph (5).

(4) Where under the former superannuation arrangements—

- (a) the maximum pension payable (otherwise than on retirement occasioned by injury or ill-health) is payable where the person concerned has been engaged for a period of 30 years in service which counts in full for the purposes of those arrangements, or
- (b) after 20 years of such service, each year of service counts as 2 years service for the said purposes,

paragraph (3) shall not apply but there shall be reckonable as therein mentioned the whole of the period specified in paragraph (5) so, however, that, where under the former superannuation arrangements such provision as is mentioned in sub-paragraph (a) or (b) is made in relation only to service or employment of a description designated therein (in this paragraph referred to as “designated service”) and the regular policeman’s former service included designated service, there shall be reckonable as aforesaid—

- (i) the whole of that part of the period specified in paragraph (5) as is referable to designated service, and
- (ii) 3 quarters of that part of that period as is not so referable.

(5) The period referred to in paragraphs (3) and (4) shall be—

- (a) the period of service which is reckonable for the purpose of calculating the transfer value referred to in paragraph (1)(d), or
- (b) where separate calculations are made in respect of contributing and non-contributing service reckonable for the purpose of calculating the said transfer value, the aggregate of the period of contributing service and half the period of non-contributing service which is so reckonable.

Transfer values payable between police authorities

F8.—(1) This Regulation shall apply where a regular policeman—

- (a) by reason of previous service in a police force becomes entitled to reckon pensionable service either—
 - (i) by virtue of Regulation F3(1)(a), or
 - (ii) by virtue of Regulation F5 in the circumstances mentioned in paragraph (2) of that Regulation (including that paragraph as it has effect by virtue of paragraph (3) thereof), or
- (b) has left a police force and joined the Royal Ulster Constabulary with such consent as is mentioned in Regulation A17(2) and the police authority for Northern Ireland are contingently liable to make payments to or in respect of him under the Royal Ulster Constabulary pensions legislation;

and in this Regulation any reference to the former force or police authority is a reference to the police force mentioned in sub-paragraph (a) or, as the case may be, sub-paragraph (b) or the police authority of that force and any reference to the current police authority is a reference to the police authority of the force of which the regular policeman is a member, or, as the case may be, to the police authority for Northern Ireland.

(2) Where this Regulation applies the former police authority shall pay to the current police authority a transfer value calculated in accordance with Sections 1 and 3 of Part II of Schedule F:

Provided that where the current police authority exercise their discretion under Regulation F5(2)(a) to permit the reckoning as pensionable service of part only of the period mentioned therein, only the corresponding proportion of the transfer value calculated as aforesaid shall be payable.

(3) Where this Regulation applies and the person concerned was entitled to an award on retiring from his former force but has received no payment in respect thereof, he shall cease to be so entitled.

(4) Paragraph (2) has effect subject to paragraph 1(2) of Part V of Schedule J.

Transfer values payable under interchange arrangements

F9.—(1) Save as provided in paragraph (2) and subject to paragraph (5), this Regulation shall apply to a regular policeman—

- (a) who, not having attained state pensionable age, retires or retired on or after 1st April 1972 and—
 - (i) was not entitled to a pension on so retiring or, if so entitled, has neither received any payment in respect thereof nor given any notice of commutation relating thereto which has become effective, and
 - (ii) has not received any award on so retiring by way of repayment of his aggregate pension contributions or a gratuity;
- (b) who subsequently enters or entered service or employment (otherwise than as a member of a police force) by reason of which he is subject to superannuation arrangements (hereafter in this Regulation referred to as “new service”) and in his new service is, or subject to the payment of a transfer value would be, entitled to reckon service for superannuation purposes by reason of his service as a member of a police force, and
- (c) who, within 6 months of entering the new service, or within such longer period as the police authority may allow in the circumstances of the particular case, has given written notice to the police authority maintaining his former force of his desire that this Regulation should apply in his case.

- (2) Nothing in this Regulation shall apply to a regular policeman—
- (a) in whose case a transfer value—
 - (i) is payable or has been paid to the police authority for Northern Ireland under Regulation F8 or Regulation 84 of the Regulations of 1973, or
 - (ii) where he retired before 6th April 1978, has been paid before that date under the Regulations of 1973 as originally made, or
 - (b) who has a guaranteed minimum in relation to the pension provided by these Regulations unless either—
 - (i) the superannuation arrangements applicable to the new service constitute a contracted-out scheme in relation to him when the transfer value is paid, or
 - (ii) a contributions equivalent premium relating to the period ending with his retirement has been paid in respect of him by the police authority and not repaid.
- (3) Where this Regulation applies the police authority of the force from which the regular policeman retired (“the former police authority”) may pay a transfer value calculated in accordance with Sections 1 and 3 of Part II of Schedule F to the authority or person empowered to receive such payments for the purposes of the superannuation arrangements applicable to the new service and shall so pay such a transfer value where those superannuation arrangements—
- (a) are contained in a public general Act of Parliament or were made under such an Act by a Minister of the Crown, or
 - (b) are contained in Northern Ireland legislation being public general legislation or were made under such legislation by a Minister of the Crown (including a Northern Ireland Minister) or by a Northern Ireland ministry, department or head of department, or
 - (c) are contained in a retirement benefits scheme approved under Chapter II of Part II of the Finance Act 1970⁽¹¹⁾ or section 222 of the Income and Corporation Taxes Act 1970⁽¹²⁾, or
 - (d) provide for the purposes thereof for a superannuation fund which is wholly approved under section 208 of the Income and Corporation Taxes Act 1970, or
 - (e) provide, in the event of the regular policeman again becoming such in his former police force, for the payment of a transfer value which the police authority are satisfied would be calculated in like manner as under any superannuation arrangements contained in, or made by a Minister of the Crown under, a public general Act of Parliament.
- (4) Where the former police authority decided, or were required, to pay a transfer value as mentioned in paragraph (3)—
- (a) if the regular policeman concerned was, on retiring, entitled to a pension or such an award as is mentioned in paragraph (1)(a)(ii), he shall cease to be so entitled, and
 - (b) if he again becomes a regular policeman, neither Regulation F4 nor F5 (*reckoning of previous service*) shall apply in relation to the pensionable service which he was entitled to reckon at the time he retired unless before 1st April 1987 the former police authority had decided, or were required, to pay a transfer value in pursuance of Regulation 85 of the Regulations of 1973.
- (5) In the case of a regular policeman who has received such an award as is mentioned in paragraph (1)(a)(ii) but has—
- (a) entered the new service within 12 months of retiring or such longer period as the former police authority may allow in the circumstances of his case, and

⁽¹¹⁾ 1970 c. 24.

⁽¹²⁾ 1970 c. 10.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) within 6 months of entering the new service, or within such longer period as the former police authority may allow in the circumstances of his case, has paid to that authority an amount equal to that of the said award,

paragraph (1) shall have effect as if sub-paragraph (a)(ii) were omitted.