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STATUTORY INSTRUMENTS

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**2003 No. 27**

**POLICE, ENGLAND AND WALES  
PENSIONS, ENGLAND AND WALES**

**The Police Pensions (Amendment) Regulations 2003**

*Made* - - - - *7th January 2003*  
*Laid before Parliament* *13th January 2003*  
*Coming into force* - - *10th February 2003*

The Secretary of State, in exercise of the powers conferred on him by sections 1 to 6 and 7(1) of the Police Pensions Act 1976<sup>(1)</sup>, with the consent of the Treasury<sup>(2)</sup> and after consultation with the Police Negotiating Board for the United Kingdom<sup>(3)</sup>, hereby makes the following Regulations:

**Citation, commencement and extent**

- 1.—(1) These Regulations may be cited as the Police Pensions (Amendment) Regulations 2003.  
(2) These Regulations come into force on 10th February 2003, but—  
(a) the amendment made by paragraph 3(1) of Schedule 1 (reckoning of pensionable service in maternity leave) has effect in accordance with paragraph 3(2) of that Schedule,  
(b) paragraphs 1(a) and (c), 2 and 3 of Schedule 2 have effect from 1st December 2002, and  
(c) paragraph 6(b) of that Schedule has effect from 1st November 1999.  
(3) These Regulations extend to England and Wales only.

**Amendment of the Police Pensions Regulations 1987**

2. The Police Pensions Regulations 1987<sup>(4)</sup> are amended in accordance with Schedule 1 to these Regulations.

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(1) 1976 c. 35. Section 1 is amended by section 2(3) of the Police Negotiating Board Act 1980 (c. 10), section 103 and paragraph 28 of Schedule 7 to the Police Act 1996 and section 1(1) of the Police and Firemen's Pensions Act 1997 (c. 50). Section 7(1) is amended by section 1(2) of the Police and Firemen's Pensions Act 1997. These powers are extended by section 42 of the Welfare Reform and Pensions Act 1999 (c. 30). Functions under the Act as regards Scotland are transferred by S.I. 1999/1750 article 2, Schedule 1.  
(2) Formerly the Minister for the Civil Service: see S.I. 1981/1670.  
(3) See section 2(3) of the Police Negotiating Board Act 1980 (c. 10).  
(4) S.I. 1987/257, as amended by S.I. 1987/2215, 1988/1339, 1989/733, 1990/805, 1992/1343, 1992/2349, 1994/641, 1995/547, 1995/2020, 1996/867, 1997/2852, 1998/577, 2000/843, 2001/3888.

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**Amendment of the Police Pensions (Additional Voluntary Contributions) Regulations 1991**

**3.** The Police Pensions (Additional Voluntary Contributions) Regulations 1991<sup>(5)</sup> are amended in accordance with Schedule 2 to these Regulations.

Signed by authority of the Secretary of State

Home Office  
31st December 2002

*John Denham,*  
Minister of State

We consent to the making of these Regulations

7th January 2003

*John Heppell,*  
*Nick Ainger*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

## SCHEDULE 1

Regulation 2

### AMENDMENTS OF THE POLICE PENSIONS REGULATIONS 1987

1. In regulation A9(2) (apportionment of pensionable service reckonable by reason of service of employment before or after a particular date for the purposes of calculating awards to or in respect of a regular policeman) after the words “a regular policeman” there are inserted the words “or for the purposes of regulation G6”.

2. In regulation B1(3)(ba)(6) (entitlement to pensions of certain police officers who retire at end of fixed term appointments) for the words from “and either” onwards there are substituted the words “(or, if such a term has been extended, at the end of the appointment for the extended term)”.

3.—(1) In paragraph (c) of the proviso to regulation F1(1) (reckoning of pensionable service during maternity leave) for the words “14 weeks” there are substituted the words “18 weeks”.

(2) Sub-paragraph (1) has effect in relation to any period of maternity leave falling on or after 15th December 1999.

4.—(1) Regulation G6 (payments by women members to enhance widowers' awards) is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (b) for the words “includes service” there are substituted the words “includes pensionable service that is reckonable by reason of service or employment”, and

(b) in the words following that sub-paragraph for the words “service before” there are substituted the words “pensionable service that is reckonable by reason of service or employment before”.

(3) At the end of paragraph (3) there are inserted the words “or

(c) if such contributions have ceased to be payable either before or during that period and again become payable more than 2 years after the date of cessation, but on or before the date on which the Police Pensions (Amendment) Regulations 2003 come into force, that date, or

(d) if such contributions have ceased to be payable either before or during that period and again become payable more than 2 years after the date of cessation, but after the date on which the Police Pensions (Amendment) Regulations 2003 come into force, the date on which they again become payable.”.

(4) For paragraph (4) there is substituted—

“(4) In a case where the material date is the date given by paragraph (3)(a) or (b), the additional contributions to be paid are calculated, subject to paragraphs (6) to (11), in accordance with the Table in paragraph (18) by reference to the whole of the woman’s pensionable service reckonable by reason of service or employment before 17th May 1990.

(4A) In a case where the material date is the date given by paragraph (3)(c) or (d), the additional contributions to be paid are such amounts as are determined in accordance with such guidance and Tables as the Government Actuary may issue for the purpose or, in any case where that guidance indicates that special considerations apply, such amounts as the Government Actuary determines for the case in question.”.

(5) At the beginning of paragraph (5) there are inserted the words “In a case where the material date is the date given by paragraph (3)(a) or (b),”.

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(6) Regulation B1(3)(ba) is amended by [S.I. 2002/2529](#).

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(6) In paragraphs (7)(b), (10)(b) and (14) for the word “service” there are substituted the words “pensionable service”.

(7) At the beginning of paragraph (13)(a) there are inserted the words “except where the payments are made in pursuance of an election for which the material date is that given by paragraph (3)(c) or (d),”.

(8) In paragraph (15) after the words “pensionable service”, in both places where they occur, there are inserted the words “reckonable by reason of service or employment”.

(9) In the Table in paragraph (18)—

- (a) after the words “pensionable service”, in the first place where they occur, there are inserted the words “reckonable by reason of service or employment”, and
- (b) after those words, in the second place where they occur, there are inserted the words “so reckonable”.

## SCHEDULE 2

Regulation 3

### AMENDMENTS OF THE POLICE PENSIONS (ADDITIONAL VOLUNTARY CONTRIBUTIONS) REGULATIONS 1991

1. In regulation 2 (interpretation)—

(a) in paragraph (3) (defined expressions) the following definitions are inserted in the appropriate places—

““approved additional voluntary contributions provider” means The Equitable Life Assurance Society or The Standard Life Assurance Company”;

““insurance company” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000(7) to effect or carry out contracts of long-term insurance, or
- (b) an EEA firm, as defined in paragraph 5 of Schedule 3 to that Act, which falls within sub-paragraph (d) of that paragraph and has permission under paragraph 15 of that Schedule to effect or carry out contracts of long-term insurances as a result of satisfying the establishment conditions, as defined in paragraph 13 of that Schedule”;

(b) the definition of “the Society” in that paragraph is omitted; and

(c) after that paragraph there is inserted—

“(4) The definition of “insurance company” in paragraph (3) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000,
- (b) any relevant order under that section, and
- (c) Schedule 2 to that Act”.

2. In regulations 5(4) and 6(2)(a) (death benefit elections) before the words “the amount to be secured” there are inserted the words “the approved additional voluntary contributions provider with which the contributions are to be invested and”.

3. In regulation 9 (investment of contributions)—

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(7) 2000 c. 8.

- (a) in paragraph (2) for the words from “with the Society” onwards there are substituted the words “with such approved additional voluntary contributions providers and in such investments managed by those providers as may be selected by the basic contributor”, and
  - (b) in paragraph (3) for the words “with the Society” there are substituted the words “with the approved additional voluntary contributions provider selected by the death benefit contributor”.
4. In regulation 10 (inward transfers) for paragraph (2) there is substituted—
- “(2) A transfer value accepted by a police authority is to be invested by them with such approved additional voluntary contribution providers and in such investments managed by those providers as may be specified in writing by the basic contributor.”.
5. After regulation 10 there is inserted—

**“Outward transfers**

**10A.**—(1) This regulation applies where a police authority receive a request in writing from a participator that they are to apply to the approved additional voluntary contributions provider to realise the pension investment held by the provider in respect of the participator and pay an amount representing the value of the investments made in relation to the participator under these Regulations to the police authority for transmission to the administrator of a scheme or arrangement within paragraph (4) who is willing to receive such a payment in respect of him.

(2) On receiving such a request the police authority shall transmit it to the approved additional voluntary contributions provider in question and on receiving that amount they shall pay it to the administrator of that scheme or arrangement.

(3) the payment under paragraph (2) of an amount representing all pension investments in respect of the participator discharges the police authority from all liability in respect of the participator under these Regulations.

(4) A scheme or arrangement is within this paragraph if—

- (a) the participator is a participator in the scheme or arrangement, and
- (b) it is a scheme or arrangement for the time being approved by the Board of Inland Revenue as a scheme or arrangement to which transfers of rights in respect of additional voluntary contributions may be made in the circumstances which apply in the case of the request by the participator in question.”.

6. In regulation 11 (retirement pensions)—
- (a) in paragraph (1) (retirement pension to be payable to the participant for life, commencing on the date of his retirement) for the words “commencing on the date of his retirement” there are substituted the words “commencing—
    - (a) in the case of a participator within paragraph (2), on the date of his retirement, and
    - (b) in the case of a participator within paragraph (2A), from the date on which the police authority apply the amount obtained under paragraph (6) as mentioned in that paragraph”,
  - (b) in paragraph (2) (obligation to make pension election) after the words “a participator” there are inserted the words “who retires before 1st November 1999”,
  - (c) after that paragraph there is inserted—

“(2A) A participator who retires on or after 1st November 1999 is to make a pension election before his 75th birthday”,

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- (d) in paragraph (3) (notice of pension election to specify certain matters relating to the annual rate of the retirement pension and from which of the pension providers it is to be purchased) for the words following paragraph (c) there are substituted the words “and, in the case of a participator within paragraph (2), from which of the pension providers, or in the case of a participator within paragraph (2A), from which insurance company, the pension is to be purchased”,
  - (e) in paragraph (6) (duty to realise investments and purchase pension from specified pension provider)—
    - (i) for the words “paragraphs (7) and (8)” there are substituted respectively the words “paragraphs (7) to (8)”,
    - (ii) after the words “pension provider” there are inserted the words “or, as the case may be, insurance company”,
  - (f) in paragraph (7) (power for police authority to purchase pension from alternative pension provider) after the words “paragraph (8),” there are inserted the words “in case of a participator who retires before 1st November 1999”, and
  - (g) after that paragraph there is inserted—

“(7A) subject to paragraph (8), in the case of a participator who retires on or after 1st November 1999 and does not make a pension election before his 75th birthday, the police authority shall apply the amount obtained to the purchase from an insurance company of such a retirement pension as appears to them to be suitable having regard to the participator’s family circumstances and his age and health”.
7. In regulation 12 (lump sum death benefit) for the words “the Society” there are substituted the words “the approved additional voluntary contributions provider”.
- 8.—(1) In regulation 15 (payment by police authority) for the words “police authority”, whenever they occur, there are substituted the words “responsible person”.
- (2) After paragraph (6) of that regulation there is inserted—

“(7) For the purposes of this regulation “the responsible person” means—

  - (a) so far as the regulation relates to the payment of a pension or to the payment of a lump sum payable under regulation 11(5), the insurance company from which the pension has been purchased under regulation 11, and
  - (b) so far as it relates to the payment of a lump sum, the police authority”.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the following Regulations, as they have effect in England and Wales: the Police Pensions Regulations 1987 (“the 1987 Regulations”), which provide for the superannuation of members of police forces and the Police Pensions (Additional Voluntary Contributions) Regulations 1991 (“the AVC Regulations”), which make provision for the payment of additional voluntary contributions by police officers to secure additional pension benefits.

Regulation 1 provide for the citation, commencement and extent of the Regulations. The amendment relating to maternity leave made by paragraph 3 of Schedule 1 applies in relation to any period of maternity leave falling on or after 15 December 1999. Paragraphs 2 and 3 of Schedule 2 and associated changes in definitions have effect from 1st December 2002. Paragraph 6(b) of Schedule 2 has effect from 1st November 1999.

Regulation 2 introduces Schedule 1 which amends the 1987 Regulations. Paragraph 1 amends regulation A9 so as to enable pensionable service to be apportioned for the purposes of regulation G6. Paragraph 2 amends regulation B1(3) so as to entitle police officers who retire at the end of fixed term appointments to qualify for a pension under regulation B1 without the term having been extended or an extension having been refused. Paragraph 3 amends regulation F1 so as to increase the period of maternity leave which counts as pensionable service that is reckonable from 14 to 18 weeks. Paragraph 4 extensively amends regulation G6 so as to enable payments to be made by women members to enhance widowers' awards in cases where members with service before 17th May 1990 were not able to elect to make such payments under that regulation because they were not paying contributions throughout the period of 3 months beginning on 1st April 1994 and did not resume paying them within two years of ceasing to do so. Following the amendment such elections may be made within the period of 3 months beginning with the date on which these Regulations come into force if the woman's contributions became payable again on or before that date, or, if they became payable again on a later date, within the period of 3 months of that date.

Regulation 3 introduces Schedule 2 which amends the AVC Regulations. Paragraph 1 amends the definition in regulation 2 so that the The Equitable Life Assurance Society ("the Society") and The Standard Life Assurance Company are each an "approved additional voluntary contributions provider". The amendments in paragraphs 2 to 4 enable the contributor to select such a provider for the investment of his contributions instead of the contributions having to be invested with the Society. (The amendments of regulations 12 and 15 made by paragraphs 7 and 8 are consequential on this). Paragraph 5 introduces a new regulation 10A under which contributors may request that their investments be transferred from the approved voluntary contributions provider chosen by them, so that they are held outside the scheme constituted by the Regulations. Paragraph 6 amends regulation 11 so that a participator who retires on or after 1st November 1999 may make an election as to his pension at any time before his 75th birthday, and his retirement annuity may be purchased from any insurance company he specifies under that regulation, instead of from the list of pension providers in Schedule 1 to the Regulations.

The amendments do not impose any costs on business.