

This Statutory Instrument has been made in consequence of defects in S.I. 2017/21 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2018 No. 262

**POLICE, ENGLAND AND WALES
PUBLIC SERVICE PENSIONS,
ENGLAND AND WALES
SOCIAL SECURITY, ENGLAND AND WALES**

**The Police Injury Benefit (Amendment)
(England and Wales) Regulations 2018**

Made - - - - 27th February 2018

Laid before Parliament 2nd March 2018

Coming into force in accordance with regulation 1(2)

The Secretary of State, in exercise of the powers conferred by section 1(1)(a) and (2)(c) of the Police Pensions Act 1976(1), makes the following Regulations.

In accordance with section 1(1) of that Act, the Treasury(2) have consented to the making of these Regulations and the Secretary of State has consulted with the Police Advisory Board for England and Wales (3). The Secretary of State has also invited the views of the Northern Ireland Policing Board and the Police Association for Northern Ireland, in accordance with section 1(1ZB)(4) of that Act.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Injury Benefit (Amendment) (England and Wales) Regulations 2018.

(2) These Regulations come into force on 30th March 2018, but regulation 2 has effect from 10th February 2017(5).

(1) 1976 c. 35. Section 1(1) was amended by section 2(3) of the Police Negotiating Board Act 1980 (c. 10), paragraph 28 of Schedule 7 to the Police Act 1996 (c. 16) and section 133(3)(a) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(2) The functions of the Minister for the Civil Service were transferred to the Treasury by S.I. 1981/1670.

(3) Section 1(1ZA) was inserted by section 133(3)(b) of the Anti-social Behaviour, Crime and Policing Act 2014.

(4) Section 1(1ZB) was inserted by section 133(3)(b) of the Anti-social Behaviour, Crime and Policing Act 2014.

(5) Retrospective effect is permitted by section 1(5) of the Police Pensions Act 1976.

(3) These Regulations extend to England and Wales.

Amendment to the Police (Injury Benefit) Regulations 2006

2.—(1) Schedule 3 of the Police (Injury Benefit) Regulations 2006⁽⁶⁾ is amended as follows.

(2) At the beginning of paragraph 7(3)(d) insert “subject to sub-paragraph (e), until the first day after his retirement which is not a day on which he has, or is treated as having, limited capability for work within the meaning of section 1(4) of the Welfare Reform Act 2007⁽⁷⁾”.

(3) After paragraph 7(3)(d) insert—

“(e) sub-paragraph (d) does not apply where—

- (i) the amount of the injury pension has been reduced in respect of any week on account of incapacity benefit;
- (ii) that reduction has ceased on the first day after the retirement of the person concerned which is not, or is deemed not to be, a day of incapacity for work within the meaning of section 30A of the Social Security Contributions and Benefits Act 1992⁽⁸⁾; and
- (iii) the person concerned becomes entitled to employment and support allowance by virtue of a claim that was made on or after the date on which their entitlement to incapacity benefit has ceased.”.

We consent to the making of these Regulations

26th February 2018

27th February 2018

Andrew Stephenson
David Rutley
Two of the Lords Commissioners of Her
Majesty’s Treasury
Nick Hurd
Minister of State
Home Office

⁽⁶⁾ S.I. 2006/932; relevant amendment was made by S.I. 2017/21.

⁽⁷⁾ 2007 c. 5. Section 1 was amended by sections 9(3)(b) and 58(1) of, and Part 1 of Schedule 7 to, the Welfare Reform Act 2009 (c. 24) and sections 33(3), 50(1), 52(2), 53, 54(1) and (2), 62(1), (2) and (3) and 147 of, and paragraphs 22 and 23 of Schedule 3, and Part 1 of Schedule 14 to, the Welfare Reform Act 2012 (c. 5).

⁽⁸⁾ 1992 c. 4.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police (Injury Benefit) Regulations 2006 ([S.I. 2006/932](#)).

The amendment to paragraph 7(3)(d) of Schedule 3 to those Regulations ensures that an injury pension is not reduced in respect of second or subsequent post retirement entitlements to employment and support allowance. New paragraph 7(3)(e) of Schedule 3 has the effect that there is no reduction in respect of employment and support allowance in circumstances where there has been a previous reduction of an individual's injury pension on the basis of entitlement to incapacity benefit and post retirement the individual has a subsequent new entitlement to employment and support allowance.

Section 1(5) of the Police Pensions Act 1976 ([c. 35](#)) enables these Regulations to make retrospective provision and these amendments have effect from 10th February 2017.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.