

## SCHEDULES

### SCHEDULE 1

Section 3(3).

#### PENSIONS UNDER REPEALED ENACTMENTS

##### *Pensions excluded from the operation of regulations under this Act*

- 1 (1) Nothing in regulations made under section 1 of this Act shall—
- (a) affect any pension granted by virtue of section 4(3) of the Police and Firemen (War Service) Act 1939, if the period (or last period, if more than one) which, by virtue of section 2(1) of that Act, is treated as a period of approved service in the case of the person in question, ended before 5th July 1948; or
  - (b) apply to any pension to or in respect of a person to whom the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations 1941 apply; or
  - (c) apply to any pension to any person who, having formerly been a member of a police force, was on 5th July 1948 serving in any capacity mentioned in section 10(1)(i) of the Police Pensions Act 1921, and has not since and does not after the passing of this Act again become a member of a police force.
- (2) Except so far as relates to the forfeiture of any such pension as is mentioned in sub-paragraph (1) above, nothing in this Act shall be taken as affecting the application in relation to any such pension of the pensions enactments applicable thereto immediately before the passing of this Act.

##### *Forfeiture of pensions under repealed enactments*

- 2 (1) Every pension (whether described as a pension or as an allowance) granted under any of the enactments specified in paragraph 3(1) below (which reproduces so far as relevant Part I of Schedule 1 to the Police Pensions Act 1948) shall be deemed to have been granted only upon condition that it may be forfeited by the police authority in any of the cases mentioned in sub-paragraph (2) below.
- (2) The cases referred to in sub-paragraph (1) above are any of the following, that is to say, if the grantee—
- (a) is convicted of any offence and is sentenced to preventive detention or corrective training or to imprisonment for a term exceeding twelve months ; or
  - (b) enters into or continues to carry on any business, occupation or employment which is illegal, or in which the grantee has made use of the fact of former employment in a police force in a manner which is discreditable or improper ; or
  - (c) supplies to any person or publishes in a manner which is discreditable or improper any information which the grantee had obtained in the course of employment in a police force ; or

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- (d) solicits or, without the consent of the police authority, accepts directly or indirectly any testimonial or gift having any pecuniary value on retirement from the police force or otherwise in connection with his service in a police force ; or
  - (e) enters into or continues in any business, occupation or employment as a private detective, after the police authority have given him notice in writing requiring him on any reasonable grounds not to do so.
- (3) A pension shall not be forfeited under sub-paragraph (2)(b) above unless reasonable warning has previously been given in writing by the police authority.
  - (4) A forfeiture under this paragraph may affect the pension wholly or in part, and may be permanent or temporary as the police authority may determine.
  - (5) Without prejudice to the validity of any forfeiture before the passing of this Act, a pension to which this paragraph applies shall not be capable of being forfeited otherwise than in accordance with the provisions of this paragraph.
  - (6) This paragraph shall apply in relation to the rules and regulations specified in sub-paragraph (2) of paragraph 3 below (which reproduces so far as relevant Part II of Schedule 1 to the Police Pensions Act 1948) as it applies in relation to the enactments specified in sub-paragraph (1) of that paragraph, subject, however, to any necessary adaptations.
- 3 (1) The enactments referred to in paragraph 2(1) above are—
    - The Metropolitan Police Act 1829 ;
    - The County and Borough Police Act 1859 ;
    - The Police Superannuation Act 1865 ;
    - The Police (Pensions) Act 1918 ;
    - The Police Pensions Act 1921 ;
    - The Police and Firemen (War Service) Act 1939 ;
    - The Police (Overseas Service) Act 1945 ;
    - The Police Act 1946 ;
    - The Police (Scotland) Act 1946.
  - (2) The rules and regulations referred to in paragraph 2(6) above are—
    - The Women's Auxiliary Police Corps Rules 1945 ;
    - The Women's Auxiliary Police Corps (Scotland) Rules 1945;
    - The Police (Overseas Service) (Germany) Regulations 1947;
    - The Police (Overseas Service) (Austria) Regulations 1947;
    - The Police (Overseas Service) (Greece) Regulations 1948.
- 4 (1) If any person is aggrieved by the forfeiture under paragraph 2 above of any pension granted to him under any of the enactments specified in paragraph 3(1) above, he may appeal to the Crown Court and that Court, after enquiring into the case, may make such order in the matter as appears to the Court to be just.
  - (2) In the application of sub-paragraph (1) above to Scotland, for the reference therein to the Crown Court there shall be substituted a reference to the sheriff having jurisdiction in the place where the person concerned last served as a member of a police force.

## SCHEDULE 2

Section 13(1).

### CONSEQUENTIAL AMENDMENTS

- 1 The reference in section 2(1) of the Police (Overseas Service) Act 1945 to a pension, allowance or gratuity becoming payable to a person out of moneys provided by Parliament by virtue of regulations made under that Act shall be construed as including a reference to a pension (as defined for the purposes of this Act) payable by virtue of regulations made under this Act, being a pension which becomes payable in such circumstances as may be specified for the purposes of this paragraph by the last mentioned regulations.
- 2 In section 63 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, for the words from "Police Pensions Act 1948 " to " of this Act" there shall be substituted the words " Police Pensions Act 1976 ".
- 3 In section 1 of the Police Pensions Act 1961—
  - (a) in subsection (2), for the words " the said section one " in the first place where they occur there shall be substituted the words " section one of the Police Pensions Act 1976 "; and
  - (b) in subsection (3), for the words from the beginning to " principal" in the second place where it occurs there shall be substituted the words " Subsection (4) of section 2 of the said Act of 1976 (which provides for regulations not to be invalid by reason only of their failure to secure the results specified in subsections (2) and (3) of that section but requires their amendment to secure those results) shall have effect as if the reference to the said subsections (2) and (3) included a reference to subsection (2) of this section and as if the references to regulations or amending regulations under section one of that ".
- 4 In section 2 of the Police Pensions Act 1961—
  - (a) in subsection (1), the words from "and this" to the end shall be omitted ; and
  - (b) in subsection (2), the words from the beginning to " in Northern Ireland " shall be omitted.
- 5 In sections 43(1) and 58(4) of the Police Act 1964, for the words " Police Pensions Act 1948 " there shall be substituted the words " Police Pensions Act 1976. "
- 6 In the Police (Scotland) Act 1967—
  - (a) for the words "Police Pensions Act 1948 " in section 38(1); and
  - (b) for those words in both places where they occur in subsection (4) of section 23 (as substituted by section 146(8) of the Local Government (Scotland) Act 1973);there shall be substituted the words " Police Pensions Act 1976 ".
- 7 In section 4(5) of the Police Act 1969 the words preceding paragraph (a) shall be omitted, and for the words " that Council " in that paragraph there shall be substituted the words " the Police Council for the United Kingdom ".
- 8 In Schedule 2 to the Pensions (Increase) Act 1971—
  - (a) in paragraph 15, for the words " Police Pensions Act 1948 " there shall be substituted the words " Police Pensions Act 1976 "; and
  - (b) in paragraph 43, for the words from the beginning of sub-paragraph (a) to " that Act" there shall be substituted the words " the Police Pensions Act 1976, or any enactment repealed by the Police Pensions Act 1948 ".

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- 9 In Schedule 1 to the Tribunals and Inquiries Act 1971, in paragraphs 23(c) and 43(c), for the words "Police Pensions Act 1948 (c. 24)" there shall be substituted the words " Police Pensions Act 1976 ".
- 10 In section 24(1)(a) of the Superannuation Act 1972, for the words "Police Pensions Act 1948" there shall be substituted the words " Police Pensions Act 1976 ".
- 11 In paragraph 8(3) of Schedule 2 to the Social Security Pensions Act 1975, for the words " the Police Pensions Act 1948 " there shall be substituted the words " the Police Pensions Act 1976 ".

### SCHEDULE 3

Section 13(2).

#### ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 24.	The Police Pensions Act 1948.	The whole Act.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	In Schedule 9, the entry relating to the Police Pensions Act 1948.
12, 13 & 14 Geo.6.c. 94.	The Criminal Justice (Scotland) Act 1949.	In Schedule 11, the entry relating to the Police Pensions Act 1948.
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	Section 43. In section 44(1), the words from " and any regulations " to " police force ".
6 & 7 Eliz. 2. c. 14.	The Overseas Service Act 1958.	Section 5(3). Schedule 2.
9 & 10 Eliz. 2. c. 35.	The Police Pensions Act 1961.	Section 1(1) and (4). In section 2, in subsection (1) the words from " and this " to the end, and in subsection (2) the words from the beginning to "in Northern Ireland ".
1964 c. 48.	The Police Act 1964.	Section 40. Section 43(4). Schedule 6. In Schedule 9, the entries relating to the Police Pensions Act 1948.

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Chapter	Short Title	Extent of Repeal
1967 c. 28.	The Superannuation (Miscellaneous Provisions) Act 1967.	Section 11(7).
1967 c. 77.	The Police (Scotland) Act 1967.	Section 35. Section 38(4). In Schedule 4, the entry relating to the Police Pensions Act 1948.
1969 c. 63.	The Police Act 1969.	In section 4(5), the words preceding paragraph (a).
1972 c. 11.	The Superannuation Act 1972.	In section 15, subsections (1) to (4) and in subsection (5), paragraph (a). In Schedule 6, paragraph 23.