
 STATUTORY INSTRUMENTS

1977 No. 2173

POLICE

The Police Pensions (Amendment) (No. 2) Regulations 1977

Made - - - - 21st December 1977

Laid before Parliament 9th January 1978

Coming into Operation 6th April 1978

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 Council for the United Kingdom, I hereby, with the consent of the Minister for the Civil Service, make the following Regulations:—

1. These Regulations may be cited as the Police Pensions (Amendment) (No. 2) Regulations 1977.

2.—(1) These Regulations shall come into operation on 6th April 1978 and, subject to the provisions of this Regulation, shall have effect—

- (a) for the purposes of Regulations 6, 7, 10, 16(1) and 18(1) thereof, as from 1st April 1973;
- (b) for the purposes of Regulation 12(1) thereof, as from 31st October 1973;
- (c) for the purposes of Regulation 17(3) thereof, as from 6th April 1978;
- (d) for all other purposes, as from 1st January 1974.

(2) Nothing in Regulations 11 and 20 shall affect the operation of Regulation 83 of the principal Regulations and Schedule 9 thereto in relation to a regular policeman in respect of whom a liability to pay a transfer value under the said Regulation 83 arose before 1st January 1974.

(3) Nothing in Regulation 13 shall affect the operation of paragraphs (3) and (4) of Regulation 85 of the principal Regulations in relation to a regular policeman in respect of whom a liability to pay a transfer value under the said Regulation 85 arose before 1st April 1972.

(4) Where an award to or in respect of a regular policeman who ceased to be such before 6th April 1978 is, or may become, payable to any person and that person is placed in a worse position than he would have been if these Regulations had not been made, then, if, before 6th October 1978 notice in writing is given by or on behalf of that person to the police authority by whom the award is or may become payable, so electing, the principal Regulations shall have effect in relation to that person's award as if these Regulations had not been made.

3. In these Regulations any reference to the principal Regulations is a reference to the Police Pensions Regulations 1973(b), as amended(c).

(a) 1976 c. 35.

(b) S.I. 1973/428 (1973 I, p. 1401).

(c) The relevant amending instruments are S.I. 1974/1673, 1976/306 (1974 III, p. 6067; 1976 I, p. 812).

4. At the beginning of Regulation 2(2) of the principal Regulations (old cases) there shall be inserted the words "Save as provided in Regulation 85(4),".

5. In Regulation 11(2)(e) of the principal Regulations (aggregate pension contributions) after the words "Regulation 48(d), (e) or (f)" the word "or" shall be omitted and after the words "Regulation 51" there shall be inserted the words "or 51A".

6. For Regulation 49(2) of the principal Regulations (previous service reckonable on payment) there shall be substituted the following provisions:—

"(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 reckonable by virtue of Regulation 47(1)(b);

(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 Schedule 5, so however that, where before his retirement he had paid additional or further contributions under Regulation 57 or 58 or any corresponding provision of the former Regulations or had made an additional or further payment by way of a lump sum under Regulation 59, the appropriate payment shall be reduced by the amount he had paid by way of such contributions or lump sum and he shall be deemed neither to have paid nor elected to pay such contributions or lump sum.

(2A) Where before the relevant date he retired with a deferred pension which he has relinquished as mentioned in Regulation 23(2), 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 deemed neither to have paid nor elected to pay such contributions."

7. For paragraph (2) of Regulation 50 of the principal Regulations (previous service reckonable at discretion of police authority) there shall be substituted the following provisions:—

"(2) Where he previously 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 47(1)(b) or 49(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;

(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 Schedule 5, so however that, where before so ceasing he had paid additional or further contributions under Regulation 57 or 58 or any corresponding provision of the former Regulations or had made an additional or further payment by way of a lump sum under Regulation 59, 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 deemed neither to have paid nor elected to pay such contributions or lump sum.

(2A) Where he ceased to serve with a deferred pension which he has relinquished as mentioned in Regulation 23(2), 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 deemed neither to have paid nor elected to pay such contributions.”.

8.—(1) At the beginning of Regulation 51(1) of the principal Regulations (previous service reckonable under interchange arrangements) there shall be inserted the words “Save as provided in paragraph (1A),”.

(2) After the said Regulation 51(1) there shall be inserted the following provision:—

“(1A) Nothing in this Regulation shall apply 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 a regular policeman before 6th April 1978 and either—

(a) paragraph (1)(d) was satisfied in his case before 1st January 1974, or

(b) he or his widow elects that this Regulation should apply in his case by notice in writing given before 6th October 1978 to the police authority of the force in which the man is serving or by whom his or his widow's pension is payable, except that a widow of a man who has died before the said date may so elect on or after that date if she does so within 6 months of his death.”.

9. After Regulation 51 of the principal Regulations there shall be inserted the Regulation set out in Appendix 1 to these Regulations.

10. At the end of Regulation 59(4) of the principal Regulations (certain additional and further payments) there shall be added the following provision:—

“Provided that nothing in this paragraph shall affect the application of Regulation 49 or 50 in the case of such a regular policeman as is mentioned in paragraph (2A) of the Regulation in question except to the extent that a repayment would fall to be made to him under the said paragraph (2A).”.

11. For Regulation 83 of the principal Regulations (transfer values payable on transfer between police forces) there shall be substituted the Regulation set out in Appendix 2 to these Regulations.

12.—(1) In Regulation 84 of the principal Regulations (transfer values payable on transfer to the Royal Ulster Constabulary) for the words “the Government of Northern Ireland is”, in both places where they occur, there shall be substituted the words “the police authority for Northern Ireland are” and, in paragraph (2) thereof, for the words “the said Government” there shall be substituted the words “the said authority”.

(2) In paragraph (2) of the said Regulation 84 after the words “in accordance with” there shall be inserted the words “Parts I and III of”.

13. For Regulation 85 of the principal Regulations (transfer values payable under interchange arrangements) there shall be substituted the Regulation set out in Appendix 3 to these Regulations.

14. At the end of paragraph 2 of Part VI of Schedule 2 to the principal Regulations (policeman’s deferred pension) there shall be added the words “so, however, that the pension shall not exceed 40 sixtieths of his average pensionable pay.”.

15.—(1) After paragraph 2(1)(c) of Part VIII of Schedule 2 to the principal Regulations (reduction of pension in specified cases) there shall be inserted the following provision:—

“(d) by virtue of Regulation 51A;”.

(2) In paragraph 3(1) of the said Part VIII after the words “Regulation 48(f)” there shall be inserted the words “or of Regulation 51A”.

16.—(1) For sub-paragraph (b) of paragraph 1(2) of Part II of Schedule 3 to the principal Regulations (transitional modifications of Part I of that Schedule) there shall be substituted the following provision:—

“(b) Regulation 49, 50 or 51, where the conditions specified in the Regulation in question are satisfied on or after 1st April 1973;”.

(2) At the end of the said paragraph 1(2) (as amended by paragraph (1) above) there shall be added the following provision:—

“or

(c) Regulation 51(A).”.

17.—(1) In paragraph 1(1) of Part IV of Schedule 3 to the principal Regulations (widow’s accrued pension) after sub-paragraph (a) there shall be inserted the following provision:—

“(aa) his pensionable service reckonable by virtue of Regulation 51A;”.

(2) In paragraph 1(2)(b) of the said Part IV for the words “sub-paragraph (1)(a) and (b)” there shall be substituted the words “sub-paragraph (1)(a), (aa) and (b)”.

(3) for paragraph 1(3) of the said Part IV there shall be substituted the following provision:—

“(3) The proportion referred to in sub-paragraph (1)(c) or sub-paragraph (2)(c) shall be the proportion which the period for which the husband paid

further contributions or, as the case may be, additional contributions, bore to the period by which the pensionable service he was entitled to reckon on the relevant date fell short of 25 years or, where that period is less than 5 years, to a period of 5 years, each period being reckoned in completed years and completed months.

In this sub-paragraph "the relevant date" means—

- (a) where the husband last served as a regular policeman before 6th April 1978, the date on which he made the election referred to in the sub-paragraph in question;
- (b) in any other case, the date from which the further contributions or, as the case may be, additional contributions were payable in pursuance of the election referred to in the sub-paragraph in question."

18.—(1) For sub-paragraph (ii) of paragraph 4(2)(b) of Part I of Schedule 4 to the principal Regulations (child's ordinary allowance) there shall be substituted the following provision:—

"(ii) Regulation 49, 50 or 51, where the conditions specified in the Regulation in question are satisfied on or after 1st April 1973;"

(2) At the end of the said paragraph 4(2)(b) (as amended by paragraph (1) above) there shall be added the following provision:—

"or

(iii) Regulation 51A."

19. Schedule 6 to the principal Regulations (interchange arrangements) shall have effect subject to the omission of any reference to Regulation 85 and, accordingly,—

- (a) for the words "Regulations 51 and 85", in each place where they occur, there shall be substituted the words "Regulation 51";
- (b) paragraph 5(b) and (c) of Part I shall be omitted;
- (c) paragraph 2(3) of Part II shall be omitted, and
- (d) paragraph 6 of Part III shall be omitted.

20. For Schedule 9 to the principal Regulations (transfer values) there shall be substituted the Schedule set out in Appendix 4 to these Regulations.

Merlyn Rees,
One of Her Majesty's Principal
Secretaries of State.

20th December 1977.

Consent of the Minister for the Civil Service given under his Official Seal on 21st December 1977.

(L.S.)

K. H. McNeill,
Authorised by the Minister for
the Civil Service.

APPENDIX 1

REGULATION INSERTED AFTER REGULATION 51
OF THE PRINCIPAL REGULATIONS*Previous service reckonable under current interchange arrangements*

51A.—(1) Save as provided in paragraph (2), this Regulation shall apply to a regular policeman—

- (a) subject to paragraph (5), who before he last became a regular policeman before the relevant date was in service or employment by virtue of which he was subject to superannuation arrangements in pursuance of which a transfer value may be paid to the police authority; (such services or employment and such superannuation arrangements are hereafter in this Regulation and in Schedule 9 referred to, respectively, 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 has elected under paragraph (1A) of Regulation 51 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 so determine 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 Parts II and III of Schedule 9.

(5) Notwithstanding anything in this Regulation, the provisions thereof shall not apply—

- (a) where the former service was service as a member of a police force, or
- (b) where the regular policeman concerned is entitled to reckon pensionable service under Regulation 48(d), (e) or (f) by virtue of former service in the Royal Ulster Constabulary or in the British Airports Authority constabulary.

APPENDIX 2

REGULATION SUBSTITUTED FOR REGULATION 83
OF THE PRINCIPAL REGULATIONS*Transfer values payable in respect of previous service in a police force*

83.—(1) This Regulation shall apply where, on or after 1st January 1974, a regular policeman becomes entitled to reckon pensionable service by virtue of previous service in a police force under—

- (a) Regulation 48(a), or
- (b) Regulation 50(1), (2) and (2A).

(2) Where this Regulation applies, but subject to paragraphs (3) and (4) where the previous service is reckonable under Regulation 50, the police authority of the force mentioned in paragraph (1) shall pay to the police authority of the force of which the person concerned is a member a transfer value calculated in accordance with Parts I and III of Schedule 9.

(3) Where the police authority of the force of which the person concerned is a member exercise their discretion under paragraph (2)(a) of Regulation 50 to permit the reckoning as pensionable service of part only of the period mentioned in the said paragraph (2)(a), only the proportionate part of the transfer value shall be payable.

(4) Where before the relevant date the person concerned last became a regular policeman before 6th April 1978, paragraph (2) shall have effect as if it authorised but did not require the payment of a transfer value in respect of service reckonable under Regulation 50:

Provided that where a transfer value is not paid in respect of service so reckonable, and the person concerned ceased to serve with a deferred pension which he has relinquished as mentioned in Regulation 23(2), the police authority of the force mentioned in paragraph (1) shall pay to the police authority of the force of which he would be entitled under Regulation 23(4) but for the provisions of this Regulation less the amount, if any, repaid to him under Regulation 50(2A).

(5) Where this Regulation applies and the person concerned was entitled to an award on retiring but has received no payment in respect thereof, the award shall cease to be payable.

APPENDIX 3

REGULATION SUBSTITUTED FOR REGULATION 85
OF THE PRINCIPAL REGULATIONS*Transfer value payable under interchange arrangements*

85.—(1) This Regulation shall apply to a regular policeman—

- (a) subject to paragraph (4), who retires or who has retired on or after 1st April 1972:

Provided that where he retired before 6th April 1978 a transfer value, calculated in accordance with these Regulations as originally made, has not been paid before that date;

- (b) subject to paragraph (5), who subsequently enters or entered service or employment by virtue of which he is subject to superannuation arrangements hereafter in this Regulation referred to as "new service";

(c) who—

- (i) was not entitled to a pension on retiring from service as a regular policeman, or
- (ii) if so entitled, has not received any payment in respect of the pension;

(d) who—

- (i) has not received a return of pension contributions or a gratuity on ceasing to serve in his former force, or
- (ii) if he has received such an award on ceasing to serve, has entered the new service within 12 months of retiring or within such longer period as the police authority maintaining his former force may allow in the circumstances and has, within the period mentioned in sub-paragraph (e) below, paid to that authority an amount equal to the said award;

(e) who, within six months of his entering the new service or within six months of 6th April 1978, whichever period last expires, or within such longer period as the police authority may allow in the circumstances of a particular case, has given notice in writing to the police authority maintaining his former force of his desire that this Regulation should apply in his case, and

(f) who, in his new service is, or subject to the payment of a transfer value would be, entitled to reckon service for superannuation purposes by virtue of his service as a member of a police force.

(2) Where this Regulation applies the police authority may pay a transfer value calculated in accordance with Parts I and III of Schedule 9 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 are made under such an Act by a Minister of the Crown; or
- (b) are contained in a public general Act of the Parliament of Northern Ireland or Measure of the Northern Ireland Assembly or are made under such an Act or Measure 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 or section 222 of the Income and Corporation Taxes Act 1970; 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 of 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.

(3) Where a regular policeman to whom this Regulation applies was entitled to an award on retiring but has received no payment in respect thereof, the award shall cease to be payable.

(4) If the police authority so determine in the case of a particular regular policeman—

- (a) who retired on or after 5th July 1948 but before 1st April 1972, and
- (b) in whose case a transfer value, calculated in accordance with the former Regulations, has not been paid,

this Regulation shall have effect as if paragraph (1)(a) were omitted and the amount required to be paid under paragraph 1(d)(ii) were increased by an amount equal to compound interest thereon at the rate of 6 per cent per annum, calculated with yearly rests, in respect of the period before 1st January 1974 beginning with the date the policeman received his gratuity or repayment of pension contributions.

(5) Notwithstanding anything in this Regulation, the provisions thereof shall not apply—

- (a) where the new service is service as a member of a police force, or
- (b) where a transfer value is payable under Regulation 84 on transfer to the Royal Ulster Constabulary.

APPENDIX 4

SCHEDULE SUBSTITUTED FOR SCHEDULE 9 TO THE PRINCIPAL REGULATIONS

SCHEDULE 9

TRANSFER AND INTERCHANGE ARRANGEMENTS

PART I

TRANSFER VALUE PAYABLE BY POLICE AUTHORITY UNDER REGULATION 83, 84 OR 85

1.—(1) A transfer value payable by a police authority under Regulation 83, 84 or 85 in respect of a regular policeman shall be calculated in accordance with this Part of this Schedule and the Table set out in Part III thereof by reference to—

- (a) his age in years on ceasing to be a member of his former force;
- (b) his notional deferred pension, that is to say the deferred pension to which he would have been entitled had he, on so ceasing, been entitled to such a pension, and any reduction therein in accordance with Part VII of Schedule 2;
- (c) in the case of a man, his widow's notional accrued pension, that is to say the widow's accrued pension to which, on the assumption aforesaid, his widow would become entitled were he to die while entitled to the accrued pension leaving a widow entitled to an accrued pension, and
- (d) in the case of a regular policeman who had undertaken to make payments by way of regular instalments in accordance with Schedule 5, the payments not completed before he ceased to be a member of his former force.

and any reference in this Part to the policeman's notional deferred pension or widow's notional accrued pension shall be construed accordingly.

(2) For the purposes of calculating a widow's notional accrued pension in a case in which the proportion mentioned in paragraph 1(4) of Part IV of Schedule 3 exceeds the whole, that proportion shall be taken to be the whole.

(3) In this Part any reference to the Table is a reference to the Table set out in Part III of this Schedule and any reference to the appropriate factor specified in a column of that Table is a reference to the factor specified in the column in question in relation to the policeman's age within the meaning of sub-paragraph (1)(a).

(4) In this Part any reference to a policeman's former force is a reference to the force maintained by the police authority by whom the transfer value is payable.

2.—(1) The annual amount of the policeman's notional deferred pension, disregarding any reduction therein at insured pensionable age, shall be multiplied by the appropriate factor specified in the second column of the Table or, in the case of a woman, in the fourth column thereof.

(2) The said product shall be reduced in accordance with sub-paragraph (3)—

(a) in the case of a policeman other than one who, immediately before he ceased to be a member of his former force, was paying pension contributions at the rate of 1p less than the appropriate percentage of his pensionable pay;

(b) in the case of a policeman entitled to reckon pensionable service, immediately before he ceased to be a member of his former force, by virtue of a participating period of relevant employment.

(3) The annual amount by which the policeman's notional deferred pension would fall to be reduced—

(a) under paragraph 1 of Part VII of Schedule 2, in a case in which sub-paragraph (2)(a) applies, and

(b) under paragraphs 2 and 3 of the said Part VII, in a case in which sub-paragraph (2)(b) applies,

shall be multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the fifth column thereof; and the product under sub-paragraph (1) shall be reduced by the resulting product.

(4) For the purposes of sub-paragraph (2)(b) and of the provisions applied by sub-paragraph (3)(b) a period shall be treated as a participating period of relevant employment notwithstanding that a payment in lieu of contributions only fell to be made after the policeman ceased to be a member of his former force.

(5) The product under sub-paragraph (1), subject to any reduction under sub-paragraphs (2) and (3), is in paragraph 4 referred to as the basic element of the transfer value.

3.—(1) In the case of a man, the annual amount of the policeman's widow's notional accrued pension, disregarding paragraphs 3 and 4 of Part IV of Schedule 3, shall be multiplied by the factor 4.

(2) The said product is in paragraph 5 referred to as the widow's element of the transfer value.

4. For the purpose of calculating a transfer value payable as mentioned in paragraph 1, Part VI of Schedule 2 shall apply as if references to the policeman's average pensionable pay are references to his average pensionable pay immediately before he ceased to serve except that in the case of a transfer value which falls to be paid under Regulations 83, 84 or 85(2)(a), (b)

or (e) no account shall be taken of any retrospective increase in pay granted after the transfer value has been paid.

5. Subject to paragraph 6, 7, 8 and 9 the transfer value shall be of an amount—

- (a) in the case of a man, equal to the sum of the basic element calculated in accordance with paragraph 2 and the widow's element calculated in accordance with paragraph 3;
- (b) in the case of a woman, equal to the basic element calculated in accordance with paragraph 2.

6.—(1) This paragraph shall apply in the case of a policeman who had undertaken to make payments by regular instalments in accordance with Schedule 5 but had not completed those payments before he ceased to be a member of his former force; and the payments not completed before he so ceased are, in this paragraph, referred to as the outstanding instalments.

(2) The transfer value shall be reduced by the actuarial equivalent of the outstanding instalments calculated, in accordance with tables prepared by the Government Actuary, by reference to the amount of each instalment, the interval at which instalments were payable and the number of outstanding instalments.

7.—(1) This paragraph shall apply where a transfer value is payable in respect of a policeman—

- (a) in whose case Schedule 11 has effect by reason that he ceased to serve as a member of his former force before 24th January 1975, and
- (b) who was entitled to reckon less than a year's pensionable service immediately before he ceased so to serve.

(2) There shall be calculated the transfer value which would be payable if the policeman were so entitled to reckon a year's pensionable service and the transfer value payable shall be calculated proportionately by reference to the proportion of a year which he was so entitled to reckon as pensionable service.

8.—(1) This paragraph shall apply where a transfer value is not paid within 12 months of the policeman ceasing to be a member of his former force.

(2) The transfer value shall be increased by an amount equal to compound interest thereon at the rate of 6 per cent per annum, with yearly rests, in respect of the period beginning with the date he ceased to be a member of his former force and ending with the date of payment of the transfer value, reckoned in completed years.

9.—(1) This paragraph shall apply where a transfer value payable under Regulation 83 is so payable in respect of previous service reckonable under Regulation 50.

(2) Where this paragraph applies—

- (a) the widow's notional accrued pension referred to in paragraph 1(1)(c) shall be calculated in accordance with these Regulations as if the following provisions were omitted from paragraph 1 of Part IV of Schedule 3, namely, sub-paragraphs (1)(c) and (d) and (2)(c) and (d) except that, in the case of such a regular policeman as is mentioned in Regulation 50(2A) to whom a repayment falls to be made under that provision, sub-paragraphs (1)(d) and (2)(d) shall not be omitted;

- (b) the transfer value shall be reduced by an amount equal to the appropriate payment, within the meaning of Regulation 50(2)(c), which falls to be made by the policeman under Regulation 50(1) except that, where the appropriate payment would have been of a greater amount but for Regulation 82, the transfer value shall be reduced by that greater amount.

10.—(1) This paragraph shall apply where a transfer value payable under Regulation 85 is so payable by virtue of paragraph (4) of that Regulation in respect of a regular policeman who retired before 1st April 1972.

(2) Where this paragraph applies—

(a) subject as hereinafter provided, the notional pensions referred to in paragraph 1(1)(b) and (c) shall be calculated in accordance with these Regulations but by reference to—

(i) the regular policeman's average pensionable pay within the meaning of the old cases Regulations, or

(ii) in the case of a policeman who retired before 1st July 1949, the regular policeman's pensionable pay within the meaning of the Police Pensions Regulations 1948(a) or the Police Pensions (Scotland) Regulations 1948(b);

(b) where immediately before his retirement the policeman was paying pension contributions at a rate related to 5 per cent. of his pensionable pay, his widow's notional accrued pension shall not be less than would have been the widow's ordinary pension which would have been payable to his widow under the former Regulations (as in force at the time of his retirement) had he died when he retired in circumstances entitling her to such an award, calculated however at the flat rate specified in Scheme I of the appropriate provision of those Regulations (as then in force);

(c) where immediately before his retirement the policeman was paying pension contributions at a rate related to 6.25 per cent. of his pensionable pay his widow's notional accrued pension shall be calculated as if, at the time of his retirement—

(i) Regulation 57 of the principal Regulations was in force in place of such of the relevant provisions, as defined in paragraph (2) of the said Regulation 57, as were then in force, and

(ii) paragraph 2 of Part VIII of Schedule 2 was in force in place of the corresponding provisions of the former Regulations,

and accordingly any additional contributions that he may have paid or any deduction that may have fallen to be made under the said relevant or corresponding provisions shall be deemed to have been paid or fall to be made under the said Regulation 57 or paragraph 2, as the case may be;

(d) the reference in paragraph 5 to Schedule 5 shall be construed as a reference to the corresponding provision of the former Regulations in force immediately before he ceased to be a member of his former force,

and, without prejudice to the foregoing provisions of this paragraph, this Schedule shall have effect subject to any necessary modifications.

(a) S.I. 1948/1531 (1948 I, p. 3429).

(b) S.I. 1948/1530 (1948 I, p. 3503).

PART II

PENSIONABLE SERVICE RECKONABLE UNDER REGULATION 51A ON
RECEIPT OF TRANSFER VALUE BY POLICE AUTHORITY

1.—(1) The period of pensionable service reckonable by a regular policeman under Regulation 51A by virtue of the receipt of a transfer value by the police authority shall be calculated in accordance with this Part of this Schedule and the Table set out in Part III thereof by reference to—

- (a) the amount of the transfer value and of any increase therein by way of interest subject, however, to sub-paragraph (4);
- (b) his age in years at the date mentioned in sub-paragraph (2), (3) or (4), whichever applies in his case;
- (c) his pensionable emoluments within the meaning of the sub-paragraph in question, and
- (d) the provisions of these Regulations relating to reduction of pension at insured pensionable age,

and any reference in this Part to the policeman's age or pensionable emoluments shall be construed accordingly.

(2) Subject to sub-paragraph (4), this sub-paragraph shall apply where—

- (a) by virtue of his former service the policeman was subject to superannuation arrangements which—
 - (i) were contained in a public general Act of Parliament or were made under such an Act by a Minister of the Crown, or
 - (ii) were contained in a public general Act of the Parliament of Northern Ireland or Measure of the Northern Ireland Assembly or were made under such an Act or Measure by a Minister of the Crown (including a Northern Ireland Minister) or by a Northern Ireland ministry, department or head of department; or
- (b) the police authority are satisfied that the transfer value was calculated in like manner as under some such superannuation arrangements as aforesaid;

and, in such case, the policeman's age for the purposes of sub-paragraph (1)(b) shall be his age on ceasing to be in his former service and his pensionable emoluments for the purposes of sub-paragraph (1)(c) shall be the annual value of the emoluments (including averaged emoluments) in relation to which the transfer value was calculated or would have been calculated if part thereof had not been disregarded on account of provisions included in the superannuation arrangements in connection with retirement pension under section 28 of the Social Security Act 1975(a) or section 30 of the National Insurance Act 1965(b).

(3) Subject to sub-paragraph (4), in a case in which sub-paragraph (2) does not apply, the policeman's age for the purposes of sub-paragraph (1)(b) and his pensionable emoluments for the purposes of sub-paragraph (1)(c) shall be, respectively, his age and his annual pensionable pay as a regular policeman—

- (a) on his becoming such, where the transfer value is received within 12 months of his ceasing to be in his former service, or
- (b) on the date the transfer value is received, where it is received later.

(4) Where pensionable service reckonable under Regulation 51A is so reckonable by virtue of paragraph (3) of that Regulation in the case of a regular policeman who became such before 1st April 1972, then, notwithstanding the preceding provisions of this paragraph—

(a) 1975 c. 14.

(b) 1965 c. 51.

- (a) if, before or within 3 months of receiving the transfer value the police authority are notified that, inclusive of any increase by way of interest, it would have been of a different amount, specified by the payor thereof had it been calculated and paid on 1st January 1974, then, for the purposes of this Schedule the transfer value shall be treated as though it were of the amount so specified;
- (b) the policeman's age for the purposes of sub-paragraph (1)(b) shall be his age on 1st January 1974, and
- (c) his pensionable emoluments for the purposes of sub-paragraph (1)(c) shall be his annual pensionable pay as a regular policeman on 1st January 1974 or, if he was not serving as such on that date, on the date on which he first thereafter became a regular policeman.

(5) In this Part any reference to the Table is a reference to the Table set out in Part III of this Schedule and any reference to the appropriate factor specified in a column of that Table is a reference to the factor specified in the column in question in relation to the policeman's age within the meaning of sub-paragraph (1)(b).

(6) In this Part any reference to a policeman's former service is a reference to the service in respect of which the transfer value is paid.

2.—(1) Where in a case to which paragraph 1(2) applies the transfer value was increased by the inclusion therein of interest calculated from the date when the policeman ceased to be in his former service, it shall be adjusted by the deduction of that interest.

(2) Where in any case any such pension as is mentioned in paragraph 2 of Part VII of Schedule 2 as may become payable to the policeman would fall to be abated in accordance with that paragraph, the annual amount of that abatement shall be calculated and multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the fifth column thereof; and the transfer value shall be adjusted by the addition of that product.

(3) The transfer value, subject to any such adjustment as aforesaid, is in paragraph 4 referred to as the adjusted transfer value.

3.—(1) The policeman's pensionable emoluments shall be multiplied by a factor 2.00 greater than the appropriate factor specified in the second column of the Table or, in the case of a woman, of the appropriate factor specified in the fourth column thereof.

(2) The said product shall be divided by 45.

(3) Where any such pension as is mentioned in paragraph 1 of Part VII of Schedule 2 as may become payable to the policeman would fall to be reduced in accordance with that paragraph and sub-paragraph (6) thereof applies, the amount of the reduction for each year of service relevant for the purposes of that paragraph shall be multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the fifth column thereof; and the quotient under sub-paragraph (2) shall be adjusted by the deduction of the said product.

(4) The quotient under sub-paragraph (2), subject to any such adjustment as aforesaid, is in paragraph 4 referred to as the divisor.

4. The adjusted transfer value calculated in accordance with paragraph 2 shall be divided by the divisor calculated in accordance with paragraph 3 and the quotient (including any fraction) shall be the number of years reckonable as pensionable service.

PART III

TABLE

Age last birthday before date of cessation	Men		Women	
	Basic factor	N.I. factor	Basic factor	N.I. factor
Less than 20	5.00	.25	7.00	.50
20	5.05	.25	7.05	.50
21	5.10	.25	7.10	.55
22	5.15	.30	7.15	.60
23	5.20	.30	7.20	.65
24	5.25	.30	7.25	.70
25	5.30	.35	7.35	.75
26	5.35	.40	7.40	.80
27	5.40	.40	7.45	.85
28	5.45	.45	7.50	.90
29	5.50	.50	7.55	.95
30	5.55	.50	7.65	1.05
31	5.60	.55	7.70	1.15
32	5.65	.60	7.80	1.25
33	5.70	.65	7.90	1.35
34	5.75	.70	7.95	1.45
35	5.80	.80	8.05	1.55
36	5.85	.90	8.15	1.65
37	5.90	1.00	8.25	1.75
38	5.95	1.10	8.35	1.85
39	6.00	1.20	8.45	1.95
40	6.05	1.30	8.55	2.10
41	6.10	1.40	8.65	2.25
42	6.15	1.50	8.75	2.45
43	6.20	1.60	8.85	2.65
44	6.25	1.70	8.95	2.90
45	6.30	1.80	9.05	3.15
46	6.40	1.90	9.15	3.40
47	6.50	2.00	9.25	3.70
48	6.60	2.20	9.35	4.00
49	6.70	2.40	9.45	4.35
50	6.80	2.60	9.55	4.75
51	6.90	2.90	9.65	5.15
52	7.10	3.20	9.80	5.60
53	7.30	3.50	9.95	6.10
54	7.50	3.80	10.10	6.65
55	7.70	4.20	10.30	7.25
56	8.00	4.60	10.50	7.95
57	8.30	5.00	10.75	8.75
58	8.60	5.40	11.05	9.65
59	9.00	5.80	11.40	10.65
60	9.50	6.30	11.75	11.75
61	9.50	6.80	11.75	11.75
62	9.50	7.40	11.75	11.75
63	9.50	8.10	11.75	11.75
64	9.50	9.00	11.75	11.75
65	9.50	9.50	11.75	11.75

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Save as otherwise mentioned, these Regulations, which amend the Police Pensions Regulations 1973, provide a new method for transferring superannuation rights where a person enters a police force from certain other forms of pensionable employment or enters such employment after leaving a police force. The existing provisions, which are contained in the 1973 Regulations, provide for the transfer of rights which have accrued to the benefit of that person alone, and then only where the pension schemes of both a police force and such other employment are broadly similar, in particular where a specified number of years' service produces similar benefits. These Regulations provide a method by which a person's superannuation rights together with those of his dependants may be transferred where the two schemes do not provide similar benefits. Rights which have accrued under the one scheme can be converted into a sum, referred to in the Regulations as a transfer value, which is the actuarial equivalent of such rights, and which can then be reconverted to indicate the appropriate entitlement under the other scheme. For the purpose of introducing this new method the Regulations have effect as from 1st January 1974, but, subject to certain conditions, superannuation rights in respect of a person who changed employment before that date can be transferred in accordance with the new method. Retrospective effect in this case, as in the others mentioned below, is authorised by section 1(5) of the Police Pensions Act 1976.

Regulations 6, 7, 10, 16(1) and 18(1) amend the 1973 Regulations in respect of an officer who, having previously left police service, rejoins the police. Under the 1973 Regulations where such an officer's previous service is to count towards a widow's pension it must be uprated by way of a reduction in his own pension rather than by payment in the form of contributions or a lump sum. Regulations 6, 7 and 10 ensure that any such payments made during previous service for this purpose will, if they were returned to him on his leaving that service without a pension, be retained by the officer or, where his former police authority itself retained such payments for the purpose of paying a deferred pension, be returned to him to the extent that payment was by contribution, any lump sum being set against the reduction in the officer's own pension. Regulations 16(1) and 18(1) make consequential amendments in the provisions dealing with widow's pension and child's allowance. Regulations 6, 7, 10, 16(1) and 18(1) have effect as from 1st April 1973, the date on which the provisions that they amend came into operation.

Regulation 12 amends the 1973 Regulations in respect of transfers to the Royal Ulster Constabulary. Paragraph (1) substitutes references to the Police Authority for Northern Ireland for references to the Government of Northern Ireland and has effect as from 31st October 1973, the date on which the Police Authority became responsible for the payment of pensions under the Royal Ulster Constabulary pensions legislation. Paragraph (2) makes amendments which are consequential on the changes made by these Regulations.

Regulation 17(3), which has effect as from the date that these Regulations come into operation, ensures that where an officer elected to uprate his previous service for the purposes of a widow's pension by paying additional or further contributions, but left before completing the payments due, the proportion of his previous service to be taken into account in calculating his widow's pension is the same as the proportion of payments due for that purpose which he has paid.

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