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STATUTORY INSTRUMENTS

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**1987 No. 257**

**The Police Pensions Regulations 1987**

**Part A**

**General Provisions and Retirement**

**Citation and commencement**

**A1.** These Regulations may be cited as the Police Pensions Regulations 1987 and come into force on the date specified in that behalf in the Police Pensions (Supplementary Provisions) Regulations 1987(1).

**Supplementary provisions**

**A2.** These Regulations have effect subject to—

- (a) the transitional provisions set out in Part III of Schedule 1 to the Police Pensions (Supplementary Provisions) Regulations 1987 (“the Supplementary Regulations”), and
- (b) the Police Pensions (War Service) Regulations 1979(2), the Police Pensions (War Service) (Transferees) Regulations 1985(3) and the Police (Injury Benefit) Regulations 1987(4) as amended by Regulations 5, 6 and 7 of the Supplementary Regulations.

**Exclusion of old cases**

**A3.—**(1) Nothing in these Regulations shall apply in a case in which the old cases Regulations apply, that is to say, in the case of an award or payment to or in respect of, or relating to—

- (a) a person who retired or otherwise ceased to be a member of a police force before 1st April 1972, or
- (b) a person, being a serviceman who did not resume service as a regular policeman, whose period of relevant service in the armed forces ended before 1st April 1972.

(2) The reference in paragraph (1) to the old cases Regulations is a reference to the Police Pensions Regulations 1971(5) and other Regulations set out in Part I of Schedule 2 to the Police Pensions (Supplementary Provisions) Regulations 1987, as amended by Part II of that Schedule.

**Meaning of certain expressions and references—general provisions**

**A4.—**(1) In these Regulations, unless the context otherwise requires—

- (a) the expressions contained in the glossary set out in Schedule A shall be construed as therein provided;

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(1) *S.I. 1987/256*; Regulation 3 provides that the present Regulations shall come into force on 1st April 1987.  
(2) *S.I. 1979/1259*.  
(3) *S.I. 1985/2029*.  
(4) *S.I. 1987/156*.  
(5) *S.I. 1971/232*, revoked with savings by *S.I. 1973/428*.

- (b) any reference to a member of a police force, however expressed, includes a reference to a person who has been such a member;
- (c) any reference to an award, however expressed, is a reference to an award under these Regulations.

(2) In these Regulations, unless the context otherwise requires, a reference to a Regulation or a Part shall be construed as a reference to a Regulation contained in these Regulations or a Part thereof, a reference to a Schedule shall be construed as a reference to a Schedule to these Regulations, a reference to a paragraph shall be construed as a reference to a paragraph in the same Regulation or, as the case may be, the same Part of the same Schedule or the same Section thereof and a reference to a sub-paragraph shall be construed as a reference to a sub-paragraph contained in the same paragraph.

### **Meaning of certain expressions related to the National Insurance and Social Security Acts**

**A5.**—(1) In these Regulations the following expressions shall have the meanings respectively which they had for the purposes of the National Insurance Act 1965(6) immediately before its repeal by the Social Security (Consequential Provisions) Act 1975(7)—

- “employed contributor’s employment”;
- “graduated contribution”;
- “graduated retirement benefit”;
- “non-participating employment”;
- “payment in lieu of contributions”.

(2) In these Regulations any reference to state pensionable age is a reference to the age of 65 years in the case of a man, or 60 years in the case of a woman.

(3) In these Regulations any reference to a participating period of relevant employment is a reference to a period of employed contributor’s employment after 5th April 1961 and before state pensionable age other than—

- (a) service in the armed forces, and
- (b) non-participating employment at the end of which no payment in lieu of contributions fell to be made;

and for the purposes of this paragraph a period of employed contributor’s employment or of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(4) In these Regulations any reference to the secured portion of a pension is a reference to the portion of the pension which equals the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining state pensionable age, in return for a payment in lieu of contributions in respect of the whole of any period of non-participating employment by reason of which he is entitled to reckon pensionable service for the purposes of the pension, being a period of non-participating employment at the end of which no payment in lieu of contributions in fact fell to be made; and any reference to the unsecured portion of a pension shall be construed accordingly.

For the purposes of this paragraph a period of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(5) For the purposes of these Regulations the annual rate of graduated retirement benefit shall be calculated as if there were 52# weeks in each year.

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(6) 1965 c. 51.  
(7) 1975 c. 18.

(6) In these Regulations the following expressions shall have the meanings respectively which they have for the purposes of the Social Security Pensions Act 1975~~(8)~~—

- “contracted-out employment”;
- “contracted-out scheme”;
- “guaranteed minimum” and “guaranteed minimum pension”;
- “contributions equivalent premium”.

(7) In these Regulations any reference to a case in which a contributions equivalent premium has been paid includes a reference to a case in which such a premium is payable but has not been paid by virtue of regulations under Schedule 2 to the Social Security Pensions Act 1975 dispensing with the payment of such a premium where its amount would be inconsiderable.

(8) In these Regulations any reference to the guaranteed minimum in relation to a pension under a pension scheme at a particular time is a reference to the amount certified by the Department of Health and Social Security as that minimum at that time.

### **Meaning of certain expressions in relation to persons who are not members of a home police force**

**A6.**—(1) A reference in these Regulations to a rank, being a rank in a home police force, shall, in relation to a member of an overseas corps, be construed as a reference to such rank in that corps as the Secretary of State may from time to time direct.

(2) For the purposes of these Regulations—

- (a) a central police officer, or
- (b) an overseas policeman who is not a member of an overseas corps, shall be deemed to hold the rank in which he is entitled to revert to his home police force at the end of his tour of overseas service or, as the case may be, of central service.

(3) For the purposes of these Regulations—

- (a) an inspector of constabulary shall be deemed to hold the rank and office of chief constable;
- (b) an assistant inspector of constabulary shall be deemed to hold the rank of chief superintendent.

(4) Except where the context otherwise requires, for the purposes of these Regulations—

- (a) an inspector or assistant inspector of constabulary or a central police officer shall be deemed to be a member of a home police force;
- (b) an overseas policeman who is not a member of an overseas corps shall be deemed to be a member of such a corps;

and any reference to such a person joining or leaving a police force or transferring from one force to another, however expressed, shall be construed accordingly.

(5) In relation to an inspector or assistant inspector of constabulary, a central police officer or an overseas policeman, any reference in these Regulations to the police authority shall be construed as a reference to the Secretary of State.

(6) This Regulation has effect subject to paragraph 3 of Part VII of Schedule J.

### **Weekly rate of pensions and allowances**

**A7.** Where the rate at which a pension or allowance is payable or the amount thereof is expressed as an annual rate or amount then, for the purposes of these Regulations, the weekly rate or amount of that pension or allowance shall be determined as if there were 52# weeks in each year.

### **Persons treated as being in receipt of a pension**

**A8.** For the purposes of these Regulations, except where otherwise expressly provided, a person shall be treated as being in receipt of an ordinary, short service, ill-health or, as the case may be, injury pension if he would be in receipt of such a pension—

- (a) in the case of an ordinary pension—
  - (i) had he attained the age of 50 years, or
  - (ii) had it not been wholly withdrawn under Regulation K4 (*withdrawal of pension during service as a regular policeman*);
- (b) in the case of a short service or ill-health pension, had it not been withdrawn as mentioned in sub-paragraph (a)(ii);
- (c) in the case of an injury pension, had the aggregate reductions therein under paragraphs 3 and 4 of Part V of Schedule B not exceeded the amount of the pension calculated in accordance with paragraph 2 thereof.

### **Reckoning of service for purposes of awards**

**A9.—**(1) Subject to paragraph (3), for the purpose of calculating an award payable to or in respect of a member of a police force by reference to any period in years (including a period of pensionable or other service)—

- (a) that period shall be reckoned in completed years and a fraction of a year;
  - (b) a part of a year shall be taken to be that fraction of a year whereof the denominator is 365 and the numerator is the number of completed days in that part and, accordingly, a part of a year which includes 29th February in a leap-year and comprises 365 days shall be treated as a whole year.
- (2) Where, for the purpose of calculating an award to or in respect of a regular policeman—
- (a) it is necessary to determine his pensionable service reckonable by reason of service or employment before or after a particular date, and
  - (b) by virtue of the receipt by a police authority of a transfer value, he is entitled to reckon a period of pensionable service by reason of service or employment for a period which includes the date in question,

then that part of the said period of pensionable service shall be deemed to be reckonable by reason of service or employment before or after the date in question which bears the same proportion to the whole of that period as the part of the previous service or employment before, or as the case may be after, that date bears to the whole thereof.

- (3) Paragraph (1) has effect subject to paragraphs 1, 2 and 3 of Part IV of Schedule J.

### **Aggregate pension contributions for purposes of awards**

**A10.—**(1) For the purpose of calculating the amount of an award by reference to the aggregate pension contributions of a regular policeman in respect of the relevant period of service, the relevant period of service shall be taken to be the period ending in the retirement, dismissal or death on which the award is payable and beginning with the date on which he became a regular policeman in the force from which he retired or was dismissed or in which he died or, if he has more than once been

a regular policeman in that force, the date on which he last joined that force otherwise than as a serviceman resuming service in his former force within a month of the end of his period of relevant service in the armed forces.

(2) For the purpose aforesaid the aggregate pension contributions in respect of the relevant period of service shall be taken to be the sum of the following amounts—

- (a) the aggregate of the pension contributions (including additional, further or special contributions) made in respect of that period by the person concerned to the police authority by whom the award is payable and any rateable deductions made in respect of that period by that authority from his pay under the former Acts;
- (b) any additional, further or special payment by way of a lump sum made during the relevant period by that person to that police authority;
- (c) the amount of any sums paid by the person concerned to the said police authority (including sums paid in pursuance of an undertaking) as a condition of being entitled to reckon pensionable service or, as the case may be, approved service, by reason of service before the said period;
- (d) where the person concerned has transferred to the force of the police authority by whom the award is payable, any sum which had he retired instead of transferring would have been calculable under this paragraph as aggregate pension contributions at the time of transfer;
- (e) where the person concerned, while a member of the force of the said police authority, became entitled, in the circumstances mentioned in Regulation F3(1)(d), (e) or (f), Regulation F6 or Regulation F7, to reckon pensionable service by reason of a period of previous service or employment otherwise than as a member of a police force, the amount of any award by way of return of contributions or of any analogous payment which would have been made to him at the end of that period of previous service or employment had he voluntarily retired therefrom in circumstances entitling him to such an award or payment under the superannuation arrangements applicable thereto, and
- (f) where the person concerned previously retired with an ill-health pension from the force of the police authority by whom the current award is payable, that pension was terminated in whole or in part under Regulation K1 or any corresponding provision of the former Regulations and he rejoined the force, any sum which would have been calculable under this paragraph as aggregate pension contributions at the time of the previous retirement.

(3) The references in paragraph (2)(a) and (b) to additional, further or special contributions or payments are references to such contributions or payments made in pursuance of an election under any of the provisions mentioned in Regulation 57(2), under Regulation 58 or under Regulation 61A of the Regulations of 1973 subject, however, to Regulations F4(3) and F5(2)(c) (*previous service reckonable on payment or at discretion of police authority*).

### **Injury received in the execution of duty**

**A11.**—(1) A reference in these Regulations to an injury received in the execution of duty by a member of a police force means an injury received in the execution of that person's duty as a constable and, where the person concerned is an auxiliary policeman, during a period of active service as such.

(2) For the purposes of these Regulations an injury shall be treated as received by a person in the execution of his duty as a constable if—

- (a) the member concerned received the injury while on duty or while on a journey necessary to enable him to report for duty or return home after duty, or
- (b) he would not have received the injury had he not been known to be a constable, or

(c) the police authority are of the opinion that the preceding condition may be satisfied and that the injury should be treated as one received as aforesaid.

(3) In the case of a person who is not a constable but is within the definition of “member of a police force” in the glossary set out in Schedule A by reason of his being an officer there mentioned, paragraphs (1) and (2) shall have effect as if the references therein to a constable were references to such an officer.

(4) For the purposes of these Regulations an injury shall be treated as received without the default of the member concerned unless the injury is wholly or mainly due to his own serious and culpable negligence or misconduct.

(5) Notwithstanding anything in these Regulations relating to a period of service in the armed forces, an injury received in the execution of duty as a member of the armed forces shall not be deemed to be an injury received in the execution of duty as a member of a police force.

(6) In the case of a regular policeman who has served as a police cadet in relation to whom the Police Cadets (Pensions) Regulations had taken effect, a qualifying injury within the meaning of those Regulations shall be treated for the purposes of these Regulations as if it had been received by him as mentioned in paragraph (1); and, where such a qualifying injury is so treated, any reference to duties in Regulation C3(1) (*widow's augmented award*) shall be construed as including a reference to duties as a police cadet.

In this paragraph the reference to the Police Cadets (Pensions) Regulations is a reference to the Regulations from time to time in force under section 35 of the Police Act 1964<sup>(9)</sup>, as extended by section 13 of the Superannuation (Miscellaneous Provisions) Act 1967<sup>(10)</sup>, or under section 27 of the Police (Scotland) Act 1967<sup>(11)</sup>, read with the said section 13.

## **Disablement**

**A12.**—(1) A reference in these Regulations to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision and to that disablement being at that time likely to be permanent.

(2) Subject to paragraph (3), disablement means inability, occasioned by infirmity of mind or body, to perform the ordinary duties of a male or female member of the force, as the case may be, except that, in relation to a child or the widower of a member of a police force, it means inability, occasioned as aforesaid, to earn a living.

(3) Where it is necessary to determine the degree of a person's disablement it shall be determined by reference to the degree to which his earning capacity has been affected as a result of an injury received without his own default in the execution of his duty as a member of a police force:

Provided that a person shall be deemed to be totally disabled if, as a result of such an injury, he is receiving treatment as an in-patient at a hospital.

(4) Where a person has retired before becoming disabled and the date on which he becomes disabled cannot be ascertained, it shall be taken to be the date on which the claim that he is disabled is first made known to the police authority.

## **Disablement, death or treatment in hospital the result of an injury**

**A13.** For the purposes of these Regulations disablement or death or treatment at a hospital shall be deemed to be the result of an injury if the injury has caused or substantially contributed to the disablement or death or the condition for which treatment is being received.

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<sup>(9)</sup> 1964 c. 48.

<sup>(10)</sup> 1967 c. 28.

<sup>(11)</sup> 1967 c. 77.

### Relevant service in the armed forces

**A14.** A reference in these Regulations to relevant service in the armed forces shall be construed as a reference to—

- (a) service specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**12**), other than service specified in paragraph 5(b) thereof;
- (b) part-time service under the National Service Act 1948(**13**), otherwise than pursuant to a training notice under that Act;
- (c) service for the purposes of training only performed by a person mentioned in paragraph 7 of Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, for a period shorter than 7 days;
- (d) in relation to a serviceman other than a serviceman (1939–1945), whole-time service in the armed forces under the National Service Acts 1939 to 1946(**14**), the National Service Act 1947(**15**) or, without prejudice to sub-paragraph (a), the National Service Act 1948;
- (e) in relation to a serviceman (1939–1945), service in the armed forces up to such date as the Secretary of State on the application of the police authority of his former force may in his case have fixed.

### Alterations in police areas

**A15.**—(1) Where a police area is or has been combined with another police area, the police force, police authority and police fund for the combined police area of which the first-named area for the time being forms part shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the first-named area.

(2) Where a police area is or has been divided, in relation to any person—

- (a) who is transferred by the instrument effecting the division from the force for the divided area to another force, the other force and the police authority and police fund for the area thereof shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the divided area;
- (b) who ceased to be a member of the force for the divided area before the division thereof, if the instrument effecting the division makes provision in that behalf, the force, authority and fund designated for the purpose thereby shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the divided area.

(3) In this Regulation—

- (a) a reference to the combination or division of a police area includes a reference to an agreement under section 14 of the County Police Act 1840(**16**) or, as the case may be, the termination of such an agreement, and a reference to the force, authority or fund for a combined area shall be construed accordingly;
- (b) a reference to the division of a police area includes a reference to the transfer of part of a police area, on or after 1st April 1966, on the date on which an order affecting the area, made under section 140 of the Local Government Act 1933(**17**) or under Part II of the Local Government Act 1958(**18**), comes into force, and

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(12) 1951 c. 65.

(13) 1948 c. 64.

(14) 1939 c. 81, 1940 c. 22, 1941 c. 15, 1942 c. 3, 1946 c. 38.

(15) 1947 c. 31.

(16) 1840 c. 88.

(17) 1933 c. 51.

(18) 1958 c. 55.

- (c) a reference to the combination of a police area with another police area includes a reference to the inclusion of a police area in a county or county borough police area, on or after 1st April 1968, on a date on which an order affecting the area, made under Part II of the Local Government Act 1958, comes into force and, in such case, a reference to the combined police area shall be construed as a reference to the county or, as the case may be, the county borough police area.
- (4) In its application to Scotland, this Regulation shall have effect as if—
  - (a) any reference to a police fund were omitted;
  - (b) any reference to the police authority for a combined area or to a combined authority were a reference to the joint police committee for a combined area; and
  - (c) the reference to section 14 of the County Police Act 1840 were a reference to section 61 of the Police (Scotland) Act 1857<sup>(19)</sup>.

### Transfers

**A16.** A reference in these Regulations to a regular policeman transferring from one force to another shall be construed as a reference to a regular policeman—

- (a) leaving a home police force for the purpose of joining another home police force as a regular policeman and joining that other force in that capacity, where—
  - (i) not being the chief officer of police of, or a constable on probation in, the force first mentioned in this sub-paragraph, he leaves or left that force on or after 1st January 1963 for the purpose aforesaid, after giving a month's notice in writing of his intention to do so to the police authority of that force or such shorter period of notice as may have been accepted by that authority on or after 15th February 1971, or
  - (ii) he left the said force before 1st January 1963 or, being the chief officer of police of, or a constable on probation in, the said force, he leaves or left that force on or after that date, in either case for the purpose aforesaid and with the written consent of the chief officer of police or, in the case of the chief officer of police, of the police authority of that force;
- (b) leaving a home police force with the consent of the Secretary of State and with the written consent of the chief officer of police of that force acting with the consent of the police authority or, if he is the chief officer of police of that force, of the police authority, for the purpose of engaging for a tour of overseas service as a reversionary member of a home police force and engaging in such a tour of service;
- (c) transferring or being transferred from one overseas corps to another;
- (d) exercising his right of reversion to a home police force, under section 2(1) of the Police (Overseas Service) Act 1945<sup>(20)</sup>, at the end of a tour of overseas service; or
- (e) at the end of a tour of overseas service joining another home police force as a regular policeman subject, in the cases hereinafter mentioned, to his doing so with the consent so mentioned, namely—
  - (i) in the case of a person who was, at the time he left the home police force to which he had the right of reversion referred to in sub-paragraph (d), the chief officer of that force, the written consent of the police authority of that force;
  - (ii) in the case of any other person whose tour of overseas service ended before 15th February 1971, the written consent of the chief officer of police of the home police

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<sup>(19)</sup> 1857 c. 72.

<sup>(20)</sup> 1945 c. 17 (9 & 10 Geo. 6).

force to which he had such right of reversion, acting with the consent of the police authority of that force.

## **Retirement**

**A17.**—(1) A reference in these Regulations to retirement includes a reference to the services of a member of a police force being dispensed with under regulations for the time being in force under section 33 of the Police Act 1964 or section 26 of the Police (Scotland) Act 1967 (other than regulations relating to the maintenance of discipline), to an auxiliary policeman ceasing to be called up for active service and to the termination of a tour of overseas service otherwise than by dismissal or transfer, but does not include a reference to leaving a force on transferring from one force to another, or on joining the Royal Ulster Constabulary with such consent as is mentioned in paragraph (2) and a reference to a continuous period of service is a reference to a period of service uninterrupted by any such retirement.

(2) The consent referred to in paragraph (1) is—

- (a) in the case of a member of a police force who left his force before 17th December 1969 or was a chief officer of police, an assistant chief constable or a deputy chief constable and left his force on or after that date, the consent of the police authority;
- (b) in any other case, the consent of the chief officer of police acting with the consent of the police authority.

(3) If a regular policeman is dismissed but is entitled to an ordinary pension by virtue of Regulation B1(6), these Regulations shall apply in his case as if he had retired as mentioned in Regulation B1(6)(b).

## **Compulsory retirement on account of age**

**A18.**—(1) Subject to paragraph (2), every regular policeman—

- (a) who is not a member of the metropolitan police or an overseas policeman shall be required to retire—
  - (i) if he is the commissioner or assistant commissioner of police for the City of London or is a chief constable, deputy chief constable or assistant chief constable, on attaining the age of 65 years,
  - (ii) if he is a superintendent or inspector, on attaining the age of 60 years,
  - (iii) if he is a sergeant or constable, on attaining the age of 55 years;
- (b) who is a member of the metropolitan police shall be required to retire—
  - (i) if he is an assistant commissioner, on attaining the age of 60 years,
  - (ii) if he is a deputy assistant commissioner or commander, on attaining the age of 57 years,
  - (iii) if he holds any lower rank, on attaining the age of 55 years.

(2) The time at which, under paragraph (1), a person shall be required to retire may be postponed, if the person concerned holds a rank above that of superintendent, by the police authority, and, if he holds the rank of superintendent or any lower rank, by the chief officer of police:

Provided that no such postponement or postponements shall extend beyond 5 years from the time at which, under paragraph (1), he would have been required to retire.

(3) Paragraph (1) has effect subject to paragraphs 5(2) and 6(3) of Part VII of Schedule J.

### **Compulsory retirement on grounds of efficiency of the force**

**A19.**—(1) This Regulation shall apply to a regular policeman, other than a chief officer of police, deputy chief constable or assistant chief constable, who if required to retire would be entitled to receive a pension of an amount not less than 2 thirds of his average pensionable pay or would be entitled to receive a pension of such an amount if it did not fall to be reduced in accordance with Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*).

(2) If a police authority determine that the retention in the force of a regular policeman to whom this Regulation applies would not be in the general interests of efficiency, he may be required to retire on such date as the police authority determine.

### **Compulsory retirement on grounds of disablement**

**A20.** Every regular policeman may be required to retire on the date on which the police authority determine that he ought to retire on the ground that he is permanently disabled for the performance of his duty:

Provided that a retirement under this Regulation shall be void if, after the said date, on an appeal against the medical opinion on which the police authority acted in determining that he ought to retire, the medical referee decides that the appellant is not permanently disabled.

### **Effective date of retirement**

**A21.**—(1) For the purposes of these Regulations—

- (a) a member of a police force shall be taken to retire or cease to serve immediately following his last day of service;
- (b) a member of a police force required to retire under Regulation A18, A19 or A20 shall be deemed to retire on the date on which he is so required to retire and his last day of service shall be the immediately preceding day;
- (c) a continuous period of active service as an auxiliary policeman or a tour of overseas service shall be taken to end immediately following the last day of service of the person concerned.

(2) The references in paragraph (1) to a person's last day of service are references to his last such day during the relevant period of service or, as the case may be, tour of overseas service.