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STATUTORY INSTRUMENTS

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**1987 No. 257**

**The Police Pensions Regulations 1987**

**Part K**

**Revision and Withdrawal or Forfeiture of Awards**

**Cancellation of ill-health and injury pensions**

**K1.**—(1) As long as a person—

- (a) is in receipt of an ill-health pension;
- (b) would not, if he had continued to serve as a regular policeman instead of retiring with an ill-health pension, have been entitled to reckon 25 years' pensionable service, and
- (c) if he had continued so to serve, could not have been required to retire on account of age,

the police authority may, if they wish to exercise the powers conferred by this Regulation, consider, at such intervals as they in their discretion think proper, whether his disability has ceased.

(2) If on any such consideration it is found that his disability has ceased, the police authority may give the person concerned notice that if he wishes to rejoin the force as a regular policeman within a period of not less than 3 months from the date on which he has been given such notice he will be permitted to do so.

(3) If the person concerned within the period referred to in paragraph (2) offers to rejoin the force as a regular policeman, he shall be permitted to do so in a rank not lower than that he held immediately before he retired with the ill-health pension.

(4) On the person concerned rejoining the force as mentioned in paragraph (3) or, where he does not offer to rejoin within the period referred to in paragraph (2), at the end of that period, there shall be terminated—

- (a) the unsecured portion of his ill-health pension, and
- (b) any injury pension to which he is entitled;

and where the unsecured portion of an ill-health pension is terminated under this paragraph, the secured portion of that pension shall not be payable in respect of any period before state pensionable age.

(5) Where the unsecured portion of an ill-health pension is terminated under paragraph (4) otherwise than on the policeman rejoining his force, but he is not a regular policeman to whom Regulation B5 applies, then, if the aggregate of—

- (a) the sums paid in respect of the pension;
- (b) the actuarial value of the secured portion of the pension (in so far as it is payable under paragraph (4)) determined in accordance with tables prepared by the Government Actuary, and
- (c) the actuarial value of any pension to which he is entitled under Regulation J1 determined as aforesaid,

is less than his aggregate pension contributions in respect of the relevant period of service, the police authority shall pay the difference to the policeman.

(6) Paragraph (5) has effect subject to paragraph 5 of Part I of Schedule J.

### **Reassessment of injury pension**

**K2.**—(1) Subject as hereinafter provided, where an injury pension is payable under these Regulations, the police authority shall, at such intervals as may be suitable, consider whether the degree of the pensioner's disablement has altered; and if after such consideration the police authority find that the degree of the pensioner's disablement has substantially altered, the pension shall be revised accordingly.

(2) Where the person concerned is not also in receipt of an ordinary, ill-health or short service pension, if on any such reconsideration it is found that his disability has ceased, his injury pension shall be terminated.

### **Reduction of pension in case of default**

**K3.** Where a member of a police force or a person who has been a member of a police force becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the police authority may reduce the amount of any ill-health or injury award payable to him by them by an amount not exceeding a half of that to which he would otherwise be entitled:

Provided that—

- (a) this Regulation shall not apply where the person concerned has been a regular policeman and is in receipt of an ill-health pension and would, if he had continued to serve instead of retiring with that pension, have been entitled to reckon 25 years' pensionable service; and
- (b) where the pension of a regular policeman has been reduced under this Regulation, then if when he attains the age of 60 years the reduced pension is less than the amount of the deferred pension which would have been payable had he been granted such a pension on the date of his ceasing to serve it shall be increased to that amount.

### **Withdrawal of pension during service as a regular policeman**

**K4.**—(1) Subject to paragraph (2), a police authority by whom a pension is payable under Part B of these Regulations or under Regulation E1 (*adult dependent relative's special pension*) may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is serving as a regular policeman in any police force and, where they have done so, they shall be discharged from all actual or contingent liability in respect of the pension or the part thereof withdrawn for the period in question.

(2) This Regulation does not apply to a pension under Regulation B9(7)(b) (*allocation*).

### **Forfeiture of pension**

**K5.**—(1) This Regulation shall apply to a pension payable to or in respect of a member of a police force under Part B or C or under Regulation E(1) (*adult dependent relative's special pension*).

(2) Subject to paragraph (5), a police authority responsible for payment of a pension to which this Regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the pensioner has been convicted of an offence mentioned in paragraph (3) and, in the case of a widow's pension, that offence was committed after the death of the pensioner's husband.

(3) The offences referred to in paragraph (2) are—

- (a) an offence of treason;
- (b) one or more offences under the Official Secrets Acts 1911 to 1939<sup>(1)</sup> for which the grantee has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.

(4) Subject to paragraph (5), a police authority responsible for payment to a member of a police force of a pension to which this Regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the grantee has been convicted of an offence committed in connection with his service as a member of a police force which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(5) In the case of a pension to which this Regulation applies, other than an injury pension, the police authority in determining whether a forfeiture should be permanent or temporary and affect a pension in whole or in part, may make different determinations in respect of the secured and unsecured portions of the pension; but the secured portion of such a pension shall not be forfeited permanently and may be only forfeited temporarily for a period expiring before the grantee attains state pensionable age or for which he is imprisoned or otherwise detained in legal custody.

(6) To the extent to which a pension is forfeited under this Regulation, the police authority shall be discharged from all actual or contingent liability in respect thereof.

(7) The provisions of section 4(1) and (2) of the Police Pensions Act 1948<sup>(2)</sup>, as they have effect by virtue of section 12(2) of the Police Pensions Act 1976<sup>(3)</sup> (*forfeiture of pensions*), shall not apply in relation to an award under these Regulations.

(8) This Regulation has effect subject to Regulation J1(6)(c).

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<sup>(1)</sup> 1911 c. 28, 1920 c. 75, 1939 c. 121.

<sup>(2)</sup> 1948 c. 24.

<sup>(3)</sup> 1976 c. 35.