
STATUTORY INSTRUMENTS

1987 No. 257

The Police Pensions Regulations 1987

Part L

Payments by and to Police Authorities

Payment of awards otherwise than to beneficiary and application of payments

L4.—(1) This Regulation shall apply to the payment of any award to or in respect of a member of a police force, whether a pension, allowance, gratuity or other award, and any reference therein to the beneficiary is a reference to the person to whom, this Regulation apart, the award is payable.

(2) Where the beneficiary is a minor, the police authority may, if they think fit, in lieu of paying any sum on account of an award to the minor, pay it to such other person as they may determine.

A person who receives any sum in pursuance of this paragraph shall, subject to and in accordance with any directions of the police authority, apply the said sum for the benefit of the minor.

(3) On the death of the beneficiary to whom a sum is due on account of an award which does not exceed £5,000 or such higher amount as may from time to time be prescribed for the purposes of section 6 of the Administration of Estates (Small Payments) Act 1965⁽¹⁾, the police authority may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the authority to be beneficially entitled to the personal estate of the deceased or, as the authority think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the authority may determine.

(4) Where it appears to the police authority that a beneficiary is by reason of mental disorder or otherwise incapable of managing his affairs, in lieu of paying any sum on account of an award to that beneficiary—

- (a) they may, in their discretion, pay it in whole or in part to a person having the care of the beneficiary or such other person as they may determine, and
- (b) in so far as they do not so discharge their liability in respect thereof, the authority shall apply it in such manner as they think fit for the benefit of the beneficiary or his dependants.

A person who receives any sum in pursuance of sub-paragraph (a) shall, subject to and in accordance with any directions of the police authority, apply the said sum for the benefit of the beneficiary or his dependants.

(5) Where, as a result of any fraud, theft or negligence on the part of a regular policeman in connection with his service as such, a loss has occurred to the fund out of which an award is payable to him, in lieu of paying the whole or any part of any sum on account of the award to that beneficiary, the police authority may, if they think fit but subject to paragraph (6), apply it in making good the loss by retaining it in that fund:

Provided that the aggregate amount retained in pursuance of this paragraph shall not exceed whichever is the less of the following amounts, namely—

(1) 1965 c. 32.

- (a) the amount which is the actuarial value, at the time of the first retention, of the sums then or prospectively due to the regular policeman on account of the award, and
 - (b) the amount of the said loss,
- and, in the event of any dispute as to the amount of that loss, the power conferred by this paragraph shall not be exercisable save to the extent of any sum adjudged due to the police authority in respect of the loss by an order of a competent court.
- (6) Where the police authority exercise the power conferred by paragraph (5) they shall furnish the regular policeman concerned with a certificate showing the amount retained and the effect on the award and—
- (a) where the award is an ordinary, short service or ill-health pension and the sum due on account thereof is in respect of a period beyond state pensionable age, only so much of that sum as is due on account of the unsecured portion of the pension may be retained and applied as mentioned in paragraph (5), and
 - (b) where the regular policeman is entitled to reckon pensionable service otherwise than by reason of service as a member of a police force, only the following proportion of any sum due on account of the award may be so retained and applied, that is to say, the proportion which his pensionable service reckonable by reason of service as a member of a police force bears to his total pensionable service.
- (7) A police authority shall obtain a good discharge by paying or applying any sum in the manner provided by this Regulation.
- (8) In the application of this Regulation to Scotland—
- (a) the references in paragraph (2) to a minor shall be construed as including references to a pupil, and
 - (b) the reference in paragraph (3) to the personal estate of the deceased shall be construed as a reference to his movable estate.