

SCHEDULE J

Special Cases—Exceptions and Modifications

Part I

Personal Awards

Policeman's ordinary pension

Policeman serving on 15th February 1971 and retiring in the rank of commander (otherwise than in metropolitan police force)

1. In the case of a member of a home police force who was serving as a regular policeman on 15th February 1971 and first retired on or after that date when a commander in a police force other than the metropolitan police force, in relation to that first retirement Regulation B1(2) shall have effect as if sub-paragraph (b) were omitted therefrom.

Policeman with service before 8th August 1961

2. In the case of a regular policeman who served as such before 8th August 1961, Regulation B1(5) shall have effect as if the words “but, in the case of” to the end were omitted.

Policeman who retired before 25th October 1984

3. In the case of a regular policeman who retired before 25th October 1984, Regulation B1(3) shall have effect as if sub-paragraph(b) thereof were omitted.

Commutation by policeman who retires or retired before 1st October 1987

4.—(1) This paragraph shall apply in the case of a regular policeman who—

- (a) retired with an ordinary pension under the Regulations of 1973, or
- (b) retires with an ordinary pension under these Regulations before 1st October 1987.

(2) Regulation B7(1) shall have effect as if sub-paragraph (b) thereof were omitted in the case of such a regular policeman—

- (a) who retired as mentioned in sub-paragraph (1)(a) of this paragraph and commuted a portion of his pension under the Regulations of 1973, or
- (b) other than a policeman such as is referred to in paragraph (a) of this sub-paragraph who not later than 6 months after his retirement elects that this sub-paragraph should apply in his case;

and any election under paragraph (b) of this sub-paragraph shall be made by notice in writing given to the police authority.

Policeman's ill-health pension

Policeman who is serving on 1st April 1987 or retired before that date

5. In the case of a regular policeman who either is serving as such on 1st April 1987 or retired before that date, Regulation K1(5) shall have effect as if the words “but he is not a regular policeman to whom Regulation B5 applies” and sub-paragraph (c) were omitted therefrom.

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Policeman's injury award

Policeman serving on 1st April 1972 or ceasing to serve before 1st April 1973 who has less than 5 years' pensionable service

- 6.—(1) This paragraph shall apply in the case of a member of a police force who—
- (a) received a relevant injury (within the meaning of Regulation B4) during a period of service which included 1st April 1972 or ended before 1st April 1973, and
 - (b) is entitled to reckon less than 5 years' pensionable service.

(2) In the case of such a member an injury pension shall be calculated and payable either in accordance with Part V of Schedule B (where the next following paragraph also applies, as modified thereby) or in accordance with Regulation 22 of the Police Pensions Regulations 1971(1) as from time to time amended (*supplemental pension*), whichever would have been the more favourable in his case if applied thereto when he first became entitled to the pension.

Policeman ceasing to serve before 1st April 1987

7.—(1) This paragraph shall apply in the case of a member of a police force who received a relevant injury (within the meaning of Regulation B4) during a period of service which ended before 1st April 1987.

- (2) In the case of such a member paragraph 4 of Part V of Schedule B shall have effect as if—
- (a) the sickness benefit referred to in sub-paragraph (3)(c)(i) thereof did not include such benefit to which the member is only entitled by virtue of section 50A of the Social Security Act 1975(2), and
 - (b) sub-paragraph (3)(c)(iii) thereof were omitted.

Policeman's deferred pension

Policeman with service or employment both before, and on or after, 6th April 1978

8.—(1) This paragraph shall apply in the case of a regular policeman who (subject to the provisions hereof) is entitled to a deferred pension under Regulation B5 where—

- (a) the period of pensionable service referred to in paragraph (1)(a) of that Regulation is reckonable by reason of service or employment partly before, and partly on or after, 6th April 1978, or
- (b) the aggregate period of service or employment referred to in paragraph (1)(b) of that Regulation includes service or employment partly before, and partly on or after, that date.

(2) Such a regular policeman may elect that Regulation B5 shall not apply in his case by notice in writing given to the police authority, subject to sub-paragraph (4), within 3 months of his ceasing to be a member of a police force.

(3) Where immediately before his death such a regular policeman enjoyed, but had not exercised, the right of election conferred by sub-paragraph (2), his widow may request that these Regulations should have effect as if he had exercised that right by notice in writing given to the police authority, subject to sub-paragraph (4), within 3 months of his death; and, in such case, the policeman shall be deemed to have exercised that right.

(1) S.I. 1971/232.

(2) 1975 c. 14; s. 50A inserted by 1982 c. 24, s. 39.

(4) Where the police authority so allow, a notice for the purposes of sub-paragraph (2) or (3) may be given after the expiry of the 3 month period there mentioned if it is given within such longer period as they may allow in the circumstances of the case; and, without prejudice to Regulation 3 of the Police Pensions (Supplementary Provisions) Regulations 1987⁽³⁾, a notice duly given for the purposes of paragraph (2) or (3) of Regulation 23D of the Regulations of 1973 shall be effective for the purposes of sub-paragraph (2) or (3) of this paragraph.

(5) Where such a regular policeman has, or is deemed to have, exercised the right of election conferred by sub-paragraph(2)—

- (a) Regulation B5 shall not apply in his case and, accordingly, he shall not thereunder be entitled to a deferred pension, but
- (b) in lieu thereof he (or his estate) shall be entitled to an award under this paragraph.

(6) Subject to sub-paragraph (7), an award under this paragraph shall comprise—

- (a) an award by way of repayment of the policeman's aggregate pension contributions in respect of the relevant period of service calculated, however, in accordance with sub-paragraph (8), and
- (b) a deferred pension calculated and payable as provided in sub-paragraph (9).

(7) Where a policeman whose contracted-out employment is less than 5 years ceases to serve before he has attained the age of 26 years—

- (a) sub-paragraph (8) shall not apply for the purposes of calculating the award by way of repayment of his aggregate contributions, but
- (b) he shall not be entitled to a deferred pension in pursuance of sub-paragraph (6)(b).

(8) Save where sub-paragraph (7) applies, for the purposes of calculating the award mentioned in sub-paragraph (6)(a)—

- (a) account shall be taken of such contributions or payments as are mentioned in sub-paragraph (a), (b) or (c) of Regulation A10(2) only to the extent that either—
 - (i) they were made by the policeman before the end of the service appropriate in his case mentioned in sub-paragraph (10), or
 - (ii) they were made otherwise than as aforesaid but account was taken in their calculation of that service, and sub-paragraph (d) thereof shall have effect accordingly, and
- (b) in the circumstances mentioned in sub-paragraph (e) of Regulation A10(2), the award there mentioned shall be that which would have been made if it took into account only contributions or analogous payments—

- (i) made by the person concerned before the end of the service appropriate in his case, or
- (ii) made otherwise than as aforesaid but specified by the person responsible for the superannuation arrangements applicable to the previous service or employment mentioned in the said sub-paragraph (e) as having been made for the purpose of increasing any benefit which might become payable in respect of so much of that previous service or employment as forms part of the service appropriate in the policeman's case.

(9) A deferred pension in pursuance of sub-paragraph (6)(b) shall be calculated and be payable as mentioned in Regulation B5(4) except that in calculating the pension no account shall be taken of so much of the policeman's pensionable service as is reckonable by reason of the service appropriate in his case mentioned in sub-paragraph (10).

(10) The appropriate service referred to in sub-paragraphs (8) and (9) is—

- (a) service or employment before 6th April 1978, in the case of a policeman who either—

(3) [S.I. 1987/256](#).

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- (i) ceases to serve before he has attained the age of 26 years, or
- (ii) would not be such a regular policeman as is mentioned in Regulation B5(1)(a) or (b) if, for the purposes thereof, there were disregarded any period of pensionable service reckonable by reason of, or any period of, service or employment before the said date;

(b) service or employment before 6th April 1975, in any other case.

(11) Regulations B7 to B11 (*commutation, allocation and deduction of tax*) shall apply in relation to an award in pursuance of sub-paragraph (6)(a) or (b) as though this paragraph were included in Part B of these Regulations.

Pension by way of equivalent pension benefit

Policeman serving on 5th April 1975

9.—(1) This paragraph shall apply in the case of a regular policeman who was serving as such on 5th April 1975 and ceases or has ceased so to serve in circumstances—

- (a) in which no transfer value is payable or has been paid in respect of him;
- (b) which do not entitle him to a pension otherwise than in pursuance of paragraph 8(6)(b) or of this paragraph, and
- (c) in which no payment in lieu of contributions has been made.

(2) This paragraph shall also apply in the case of a regular policeman who was serving as such on 5th April 1975 and ceases or has ceased so to serve in circumstances in which either a transfer value is payable under Regulation F8 by reason of paragraph 1(b) thereof or under Regulation F9 or a transfer value was payable under Regulation 84 or 85 of the Regulations of 1973 if, but only if, he satisfies the police authority that he is not entitled under any superannuation arrangements (including these Regulations) to a pension—

- (a) in the calculation of which account would be taken of the service which would be taken into account in calculating a pension under this paragraph, and
- (b) which would be at least as favourable in his case as a pension under this paragraph.

(3) Such a regular policeman as is mentioned in sub-paragraph (1) or (2)—

- (a) on attaining state pensionable age, and
- (b) in the case mentioned in sub-paragraph (2), satisfying the police authority as there mentioned, shall be entitled to a pension which equals the graduated retirement benefit mentioned in Regulation A5(4).

(4) Regulation B8 (*commutation—small pensions*) shall apply in relation to a pension in pursuance of sub-paragraph (3) as though this paragraph were included in Part B of these Regulations.