
STATUTORY INSTRUMENTS

2006 No. 3415

The Police Pensions Regulations 2006

PART 4

PENSION AWARDS

Personal pensions

Police officer's ordinary pension

27.—(1) This regulation applies to a regular police officer who fulfils the qualifying service criterion and who retires or has retired in accordance with regulation 18, 19 or 20:

Provided that this regulation shall not apply to a regular police officer who has made an election under regulation 9 which had effect at the time of his retirement.

(2) Subject to the provisions of these Regulations, a regular police officer to whom this regulation applies shall be entitled to an ordinary pension of an amount calculated in accordance with regulation 28.

Calculation of ordinary pension

28.—(1) A regular police officer's ordinary pension shall be—

- (a) an annual sum payable for life calculated by multiplying an amount equal to one seventieth of his final pensionable pay by the number of years of pensionable service he is entitled to reckon; and
- (b) a lump-sum payment calculated by multiplying an amount equal to four seventieths of his final pensionable pay by the number of years of pensionable service he is entitled to reckon:

Provided that a lump-sum payment payable to an officer who rejoined his former force or joined another police force having previously received a lump-sum payment by reason of entitlement to an ill-health pension under regulation 29 or to early payment of a deferred pension on the ground of permanent disablement under regulation 32 (where that pension has been terminated under regulation 51) shall be reduced by an amount equal to the amount of that previous lump-sum payment, increased by the same amount as that by which an annual pension of an amount equal to that previous lump-sum payment would have been increased under the Pensions (Increase) Act 1971 by the date on which the award comes into payment if that annual pension had come into payment on the day on which the previous lump-sum payment was made.

(2) Where a regular police officer has rejoined his former force or joined another police force more than once having previously received on more than one occasion a lump-sum payment by reason of entitlement to an ill-health pension under regulation 29 or to early payment of a deferred pension on the ground of permanent disablement under regulation 32 (where each pension has been terminated under regulation 51) the lump sum payment payable to the officer under paragraph (1) (b) shall be reduced in accordance with the proviso to paragraph (1) with references to a previous

lump-sum payment being construed as references to the officer's most recent lump-sum payment, and of the amount it would have been if he had not prior to that received any lump-sum payment.

Police officer's ill-health pension

29.—(1) This regulation applies to a regular police officer who retires or has retired under regulation 21 (compulsory retirement on the ground of disablement):

Provided that this regulation shall not apply to a regular police officer—

- (a) who has made an election under regulation 9 which had effect at the time of his retirement,
- (b) who under regulation 8 is ineligible for pension awards payable on the ground of permanent disablement, or
- (c) who has attained the age of 55 at the time of his retirement, and in such a case that policeman shall be entitled to an ordinary pension under regulation 27 instead of an ill-health pension as provided in this regulation.

(2) Subject to the provisions of these Regulations, a regular police officer to whom this regulation applies shall be entitled to an ill-health pension as provided in this regulation.

(3) In the case of a regular police officer who, at the time of his retirement—

- (a) (i) fulfils the qualifying service criterion, or
(ii) is disabled as the result of an injury received without his default in the execution of duty; and
- (b) in either case, is permanently disabled for the performance of the ordinary duties of a member of the police force but is not permanently disabled for engaging in any regular employment otherwise than as a regular police officer,

the award under paragraph (2) shall be an ill-health pension calculated in accordance with regulation 30 (“a standard ill-health pension”).

(4) In the case of a regular police officer who, at the time of his retirement, falls within paragraph (3)(a) but is permanently disabled both for the performance of the ordinary duties of a member of the police force and for engaging in any regular employment otherwise than as a regular police officer, the award under paragraph (2) shall comprise—

- (a) a standard ill-health pension, and
- (b) an additional pension calculated in accordance with regulation 31 (“an enhanced top-up ill-health pension”).

Calculation of standard ill-health pension

30. A police officer's standard ill-health pension shall be an annual sum payable for life and a lump-sum payment, calculated in accordance with regulation 28 as if he had been entitled to an ordinary pension at the date of his retirement.

Calculation of enhanced top-up ill-health pension

31.—(1) A police officer's enhanced top-up ill-health pension shall be an annual sum payable for life and a lump-sum payment, calculated by deducting the annual sum and lump-sum payment payable as his standard ill-health pension from the annual sum and lump sum respectively as calculated in accordance with paragraphs (2) to (6) (“enhanced top-up totals”).

(2) A police officer's enhanced top-up totals shall be calculated in accordance with regulation 28 as if he had been entitled to an ordinary pension at the date of his retirement, but for the purposes of that calculation the pensionable service the officer concerned is entitled to reckon as at the date of his

retirement shall be treated as having been increased in accordance with the provisions of paragraphs (3) or (4), subject to paragraph (6), as the case may require.

(3) In the case of an officer entitled to reckon less than five years' pensionable service as at the date of his retirement, either—

- (a) the period of his pensionable service shall be multiplied by four, or
- (b) there shall be added to that service a period equivalent to half of the pensionable service he would have become entitled to reckon in respect of the period beginning with the date of the officer's retirement and ending on the day immediately before that on which he would attain the age of 55 years, had he continued to serve and to pay pension contributions in accordance with regulation 7 ("prospective service"),

whichever amounts to the lesser period.

(4) In the case of an officer entitled to reckon five or more years' pensionable service as at the date of his retirement, there shall be added to that service a period equivalent to half of his prospective service.

(5) In the case of an officer who has spent one or more periods in part-time service as such, in determining the number of years of pensionable service that he is entitled to reckon as at the date of his retirement for the purposes of paragraphs (3) and (4), a period of service by virtue of which his pensionable service is reckonable is reckonable as if it were a period of full-time service (but this paragraph does not apply so as to affect any other references to pensionable service in paragraphs (3), (4) and (6)).

(6) In the case of an officer who has spent one or more periods in part-time service as such, the period of prospective service for the purposes of paragraph (3)(b) or (4), as the case may be, shall be calculated as if, during the period beginning with the date of the officer's retirement and ending on the day immediately before that on which he would attain the age of 55 years, he would have served part-time for the same proportion of that period as his total pensionable service before his retirement bears to the total pensionable service he would have been entitled to reckon before his retirement if all that service had been full-time.

(7) If in a case where any of the officer's service by virtue of which his pensionable service is reckonable was part-time service, the amount of the pension calculated in accordance with the preceding paragraphs would be less than it would have been if he had become entitled to receive the pension at an earlier date, then the pension shall be of that amount instead.

Police officer's deferred pension

32.—(1) This regulation applies to a regular police officer who fulfils the qualifying service criterion and who—

- (a) ceases to serve as such otherwise than on retirement under regulation 18, 19, 20 or 21, or
- (b) makes an election under regulation 9,

in circumstances—

- (i) in which no transfer value under regulation 78 has been, or is required to be, paid in respect of him, and
- (ii) which do not entitle him to any pension award under any of the preceding provisions of this Part or regulation 43 (guaranteed minimum pension for the purposes of the Pension Schemes Act 1993).

(2) A regular police officer to whom this regulation applies shall, on so ceasing to serve or, as the case may be, on making such election, be entitled to a deferred pension as provided in this regulation.

(3) In the case of a regular police officer who falls within paragraph (1)(b) and who cancels his election in accordance with regulation 9(5) before his deferred pension has come into payment, his entitlement to that deferred pension shall be relinquished.

(4) A deferred pension shall be calculated in accordance with paragraph (5); but no payment shall be made on account of the pension in respect of the period before the officer in question attains the age of 65 years or, if he sooner becomes permanently disabled for engaging in any regular employment and he is not ineligible under regulation 8 for a pension award on the ground of permanent disablement, before he becomes so disabled (subject, however, to regulation 54).

(5) A police officer's deferred pension shall be an annual sum payable for life and a lump-sum payment, calculated as if the deferred pension were an ordinary pension calculated under regulation 28.

Early payment of deferred pension subject to actuarial reduction

33.—(1) Subject to paragraphs (2) and (3), a regular police officer who is entitled to a deferred pension payable, in accordance with regulation 32(4), upon his attaining the age of 65, may elect for immediate payment of that pension subject to an actuarial reduction:

Provided that no payment shall be made in respect of the period before the officer concerned attains the age of 55 years.

(2) An election under paragraph (1) shall be made by giving written notice to the police authority at least one month before the date on which the officer concerned wishes such payment to commence.

(3) The actuarial reduction shall be calculated by the police authority in accordance with tables prepared by the Scheme actuary.

(4) Where a regular police officer who has made an election under paragraph (1) dies, any survivor's pension payable in respect of that officer shall be calculated as if no such election had been made.

Repayment of aggregate pension contributions

34.—(1) This regulation applies to a regular police officer who—

(a) retires, ceases to serve as such or who makes an election under regulation 9 (other than as set out in regulation 9(3)), in circumstances—

(i) in which no transfer value under regulation 78 has been, or is required to be, paid in respect of him, and

(ii) which do not entitle him to a pension award under any of the preceding provisions of this Part.

(2) A regular police officer to whom this regulation applies shall be entitled to a lump sum payment of an amount equal to his aggregate pension contributions in respect of his relevant period of service, calculated in accordance with regulation 26.

Deductions from awards under regulation 9(4) or 34

35. The police authority may deduct from any payment by way of an award under regulation 9(4) or 34—

(a) that part of any contributions equivalent premium paid in respect of the regular police officer as is permitted under section 61 of the 1993 Act⁽¹⁾; and

(1) 1993 c.48. Section 61 was amended by the Pensions Act 1995, Schedule 5, paragraph 55, by the Child Support, Pensions and Social Security Act 2000, Schedule 5, Part 1, paragraph 5(2), and by the Pensions Act 2004 Schedule 12, paragraphs 9 and 12.

- (b) the tax for the time being chargeable on that award under section 205 of the Finance Act 2004⁽²⁾.

Pension debit members – personal awards

36. Where a pension debit member is entitled to an award under regulation 27 (an ordinary pension), 29 (an ill-health pension), 32 (a deferred pension) or 34 (repayment of aggregate pension contributions)—

- (a) the award shall be calculated by reference to the member’s rights under these Regulations as reduced by virtue of section 31 of the 1999 Act⁽³⁾ and in accordance with such tables and other guidance as are provided for the purpose by the Scheme actuary, and
- (b) regulations 37 (exchange of lump sum for additional periodical payments) and 38 (commutation of small pension for lump sum) have effect accordingly.

Exchange of lump sum for additional periodical payments

37.—(1) This regulation applies to the lump-sum element of an ordinary pension or a deferred pension under this Part (which is not a deferred pension that becomes payable by reason of permanent disablement under regulation 32(4)), but in relation to a deferred pension to which this regulation applies, paragraphs (3), (4) and (5) shall have effect as if any reference in them to retirement or the date of retirement were a reference to the coming into payment of the pension or the date of that coming into payment.

(2) A regular police officer may, subject to and in accordance with this regulation, exchange for additional annual pension payments the whole or part of a lump-sum element to which this regulation applies to which he may become entitled.

(3) For the purpose of exchanging a portion of his pension in accordance with this regulation a person shall give notice in writing to the police authority before but not earlier than four months before his intended date of retirement of his wish to surrender and exchange for additional annual pension payments the whole or such part as he may specify of the lump-sum payment to which he would otherwise become entitled:

Provided that the notice of exchange shall not be effective if it was given more than four months before the date of his retirement.

(4) Where a person retires having given an effective notice of exchange, the police authority shall withhold the whole or the specified part of the lump-sum payment in accordance with the notice and shall pay to that person additional annual pension payments of such amount as represents the actuarial equivalent of the surrendered lump sum or portion of the lump sum at the date of his retirement, calculated from tables prepared by the Scheme actuary.

(5) Sums paid or payable as additional pension payments by virtue of an effective notice of exchange shall be disregarded for the purposes of the calculation of a survivor’s pension under regulation 41 or 42.

Commutation of small pension for lump sum

38.—(1) Where the annual rate of any pension payable to or in respect of a regular police officer under this Part or regulation 61 does not exceed the small pensions commutation maximum, the police authority may pay the person entitled to the pension a lump sum of such an amount as the Scheme actuary advises represents the capital value of the pension if—

- (a) that person consents, and

(2) 2004 c.12.
(3) 1999 c.30.

- (b) in a case where the pension is payable to that person under the preceding provisions of this Part and is one which may not be less than that person's guaranteed minimum, he has reached state pension age.

(2) If—

- (a) a person is entitled to more than one pension under the preceding provisions of this Part, or
 (b) a person is entitled to more than one pension in respect of the same regular police officer, or
 (c) a pension credit member is entitled—
- (i) to more than one pension under regulation 61, or
 (ii) to one or more pensions within sub-paragraph (a) in addition to one or more pensions under regulation 61,

those pensions may only be commuted under this regulation if they do not in aggregate exceed the amount that is permitted to be commuted under all the commutation requirements that apply in the circumstances in question.

(3) The payment of a lump sum under this regulation in respect of a pension discharges the relevant police authority from all liability in respect of that pension.

(4) In this regulation—

“the small pensions commutation maximum” means the amount that is permitted to be commuted, having regard to all the commutation requirements that apply in the circumstances in question, and

“the commutation requirements” means requirements permitting the commutation of small pensions that are imposed—

- (a) by regulation 19, 20 or 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996⁽⁴⁾,
 (b) by regulation 2 of the Occupational Pension Scheme (Assignment, Forfeiture, Bankruptcy etc.) Regulations 1997⁽⁵⁾,
 (c) by regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations 2000⁽⁶⁾, or
 (d) by paragraph 7 of Schedule 29 to the Finance Act 2004⁽⁷⁾ (which defines trivial commutation lump sums for the purposes of Part 1 of that Schedule).

Survivors' pensions

Survivors' pensions - general provision

39. Subject to and in accordance with the provisions of these Regulations, where a regular police officer dies or has died—

- (a) while he is in receipt of an ordinary pension, an ill-health pension or a deferred pension;
 (b) after he has ceased to serve as such in circumstances where no transfer value was paid in respect of his service and he is entitled to a deferred pension, whether or not that pension has come into payment;
 (c) while he is serving as such and he fulfils the qualifying service criterion and no election under regulation 9 has effect at the time of his death; or

(4) [S.I. 1996/1172](#).

(5) [S.I. 1997/785](#).

(6) [S.I. 2000/1054](#).

(7) [2004 c.12](#).

(d) while he is serving as such and, having made an election under regulation 9 which has effect at the time of his death, he is entitled to a deferred pension, a survivor such as is mentioned in regulation 40 shall be entitled to a pension calculated in the case of an adult survivor in accordance with regulation 41 and in the case of a child survivor in accordance with regulation 42.

Survivors

40.—(1) For the purposes of regulation 39 a survivor shall mean—

- (a) a person who at the time of the death of the officer concerned was his spouse, civil partner or, subject to paragraph (2), other adult partner (“an adult survivor”);
- (b) a child (“a child survivor”) who is—
 - (i) a natural child, step-child or adopted child of the officer concerned (including a child conceived before the officer’s death and born after that death to a person mentioned in sub-paragraph (a)); or
 - (ii) any other child who at the time of the death of the officer concerned was substantially dependent, financially or by reason of permanent disablement, on him.

(2) An adult partner other than a spouse or civil partner shall not be entitled to a pension under these Regulations unless—

- (a) the police officer concerned had made and sent to the police authority of the force in which he was then serving or by whom his pension was or would be payable a declaration, signed by the police officer and the adult partner concerned, that—
 - (i) the police officer and the adult partner concerned were cohabiting as partners in an exclusive, committed and long-term relationship;
 - (ii) the adult partner was financially dependent on the officer or they were financially interdependent;
 - (iii) the officer and the adult partner were both free to marry each other (where they are of opposite sexes) or to form a civil partnership with each other (where they are of the same sex);
 - (iv) the police officer acknowledged an obligation to send to the police authority a signed notice of revocation should the relationship terminate;

and had not revoked that declaration before his death; and

- (b) the surviving adult partner has submitted a claim in writing to the police authority by whom such a pension would be payable and satisfied the authority—
 - (i) that the circumstances mentioned in paragraphs (i), (ii) and (iii) of sub-paragraph (a) continued to subsist at the time of the officer’s death, and
 - (ii) that the period of cohabitation mentioned in paragraph (i) of sub-paragraph (a) had been of at least two years’ duration at the time of the officer’s death.

(3) The police authority may in their discretion accept a shorter period of cohabitation than that mentioned in paragraph (2)(b)(ii) where they are satisfied, in the particular circumstances of the case, that it is likely that the police officer and the adult partner concerned would have cohabited as partners for at least two years had the police officer not died.

(4) Upon receipt of a declaration or notice of revocation of such a declaration made in accordance with paragraph (2)(a), the police authority shall forthwith send to the officer concerned a written notification of its receipt.

Calculation of adult survivors' pensions

41.—(1) An adult survivor's pension shall be calculated in accordance with the provisions of this regulation, subject to regulations 33(4) and 37(5).

(2) Subject to paragraphs (6) and (7), in a case where the police officer concerned died in the circumstances mentioned in regulation 39(a), (b) or (d), an adult survivor of that officer shall be entitled to an annual pension payable for life of an amount equivalent to half of the annual pension which was payable to the officer at the time of his death or, as the case may be, would have been payable to the officer if his deferred pension had come into payment immediately before his death.

(3) Subject to paragraphs (6) and (7), in a case where the police officer concerned died in the circumstances mentioned in regulation 39(c), an adult survivor of that officer shall be entitled to an annual pension payable for life of an amount equivalent to half of the annual sum that would have been payable to the officer if he had retired immediately before his death with an entitlement to both a standard and an enhanced top-up ill-health pension calculated in accordance with regulations 30 and 31.

(4) Where the police officer concerned was a pension debit member, an adult survivor's pension is calculated by reference to the member's rights under these Regulations as reduced by virtue of section 31 of the 1999 Act and in accordance with such tables and other guidance as are provided for the purpose by the Scheme actuary.

(5) An adult survivor's pension shall be calculated by reference to the annual pension which was payable or would have been payable to the police officer as mentioned in paragraph (2), or by reference to the annual sum that would have been payable to the police officer as mentioned in paragraph (3), without taking account of any increase of that annual pension or annual sum in accordance with the Pensions (Increase) Acts.

(6) In the case of an adult survivor who was more than twelve years younger than the police officer concerned at the date of his death, the survivor's pension, as calculated in accordance with paragraph (2), (3) or (4), as the case may require, and paragraph (5), shall be reduced by 2.5 per cent in respect of each whole year and any additional part of a year in excess of twelve by which the survivor was younger than the officer:

Provided that no such reduction shall exceed 50 per cent of the pension that would otherwise be payable.

(7) In any case where the adult survivor is a surviving spouse or surviving civil partner and the marriage of the spouse and the officer concerned took place, or, as the case may be, the civil partnership was formed, within the period of six months immediately preceding the officer's death, the police authority by whom the survivor's pension is payable may, in their discretion, withhold the pension.

(8) The amount of an adult survivor's pension, calculated in accordance with the preceding provisions of this regulation, shall be increased in accordance with regulation 50 (increase by reference to the Pensions (Increase) Acts).

Calculation of child survivors' pensions

42.—(1) Subject to the provisions of this regulation and regulations 33(4) and 37(5), a child survivor's pension shall be an annual amount equivalent to half of the pension which would be payable to any adult survivor as calculated in accordance with regulation 41(2) or (3), as the case may require, and regulation 41(5):

Provided that where three or more child survivors' pensions are for the time being payable in respect of the death of the same person, the pension payable to each child survivor shall be an annual amount equal to the pension which would be payable to an adult survivor as so calculated divided by the total number of child survivors' pensions so payable.

(2) Where a pension debit member dies leaving a child survivor, the reduction in his rights under these Regulations by virtue of section 31 of the 1999 Act⁽⁸⁾ is disregarded for the purposes of calculating any child survivor's award payable to that child under these Regulations.

(3) In a case where a child survivor is in full-time training for a trade, profession or calling or is employed and is in receipt of remuneration in respect of that training or employment, his child survivor's pension shall be withdrawn or reduced in accordance with paragraph (4).

(4) In the case of a child survivor such as is mentioned in paragraph (3)—

- (a) if the annual amount of his child survivor's pension is greater than the amount of his excess remuneration (within the meaning of paragraph (5)), it shall be reduced by the amount of that excess remuneration, or
- (b) if the amount of that excess remuneration is equal to or greater than the annual amount of the child survivor's pension which, but for this sub-paragraph, would be payable to him, the child survivor's pension shall not be payable.

(5) The excess remuneration referred to in paragraph (4) means the annual amount by which the annual rate of the relevant child survivor's remuneration exceeds the specified rate, where "specified rate" means a sum equivalent to the annual rate (rounded up to the nearest £1) of the applicable amount of personal allowance payable to a single claimant aged not less than 18 but less than 25 years, as specified in the Income Support (General) Regulations 1987⁽⁹⁾ as uprated from time to time in accordance with an order under section 150(2) of the Social Security Administration Act 1992⁽¹⁰⁾.

(6) A child survivor's pension shall be payable—

- (a) in a case where the child survivor was, in the opinion of the police authority, at the time of the police officer's death, dependent on him by reason of permanent disablement, for life;
- (b) in a case where the child is in full-time education on a course of at least one year's duration, until he ceases to be in full-time education or attains the age of 23 years, whichever first occurs;
- (c) in any other case, until the child survivor attains the age of 19 years.

(7) A child survivor's pension, calculated in accordance with this regulation, shall be increased in accordance with regulation 50.

Guaranteed minimum pension

Guaranteed minimum pension for the purposes of the Pension Schemes Act 1993

43.—(1) This paragraph applies in the case of a regular police officer who has a guaranteed minimum under section 14 of the 1993 Act⁽¹¹⁾ in relation to his pension provided under these Regulations:

Provided that it shall not apply in the case of a regular police officer in respect of whom a transfer value has been, or is required to be, paid under regulation 78.

⁽⁸⁾ 1999 c.30.

⁽⁹⁾ S.I. 1987/1967.

⁽¹⁰⁾ 1992 c.5.

⁽¹¹⁾ 1993 c.48; section 14 has been amended by the Pensions Act 1995 (c.26), Schedule 5, paragraph 27 and Schedule 7, Part III; the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2), Schedule 1, paragraph 38; and the Proceeds of Crime Act 2002 (c.29), Schedule 11, paragraphs 1 and 22(1) and (3); and subsection (1) has been modified in certain cases by the Protected Rights (Transfer Payment) Regulations 1996 (S.I. 1996/1461), regulation 6(4) and the Contracting-out (Transfer and Transfer Payment) Regulations 1996 (S.I. 1996/1462), regulations 12 and 13 and Schedule 2, paragraphs 3 and 7.

(2) A regular police officer to whom paragraph (1) applies shall be entitled to a pension payable for life of a weekly amount equal to his guaranteed minimum (increased in accordance with section 15 of the 1993 Act); but no payment shall be made on account of the pension—

- (a) in respect of any period before the date on which he attains state pensionable age;
- (b) if he is also entitled to a pension under the preceding provisions of this Part, in respect of any period for which that pension, together with any increase under the Pensions (Increase) Act 1971⁽¹²⁾, exceeds the pension which, disregarding this sub-paragraph, would be payable under this regulation, or
- (c) in respect of any period following the date on which he attains state pensionable age during which he continues to be in service or employment (whether or not as a regular police officer) which commenced before he attained that age if—
 - (i) his service or employment is otherwise than as a regular police officer and he consents to postponement of his entitlement under this paragraph, or
 - (ii) he is entitled to an ordinary or deferred pension under these Regulations but for the period in question that pension has been withdrawn, in whole or in part, in pursuance of a decision taken by the police authority for the purposes of regulation 52 before he attained state pensionable age, or
 - (iii) his continued service is as a regular police officer and he has no entitlement to an ordinary or deferred pension under these Regulations:

Provided that where he continues to be in service or employment (whether or not as a regular police officer) for a period of five years following the date on which he attains state pensionable age and does not then leave it, the commencement of his entitlement to a guaranteed minimum pension may be further postponed only if he consents to such postponement.

(3) This paragraph applies in the case of a regular police officer who has ceased to be in service or employment that was contracted-out within the meaning of section 8(1) of the 1993 Act⁽¹³⁾ and either—

- (a) all his entitlements to awards under these Regulations, except his rights in respect of his guaranteed minimum or his rights under section 9(2B) of the 1993 Act⁽¹⁴⁾ (“his contracting-out rights”) have been transferred under Part 8, or
- (b) he has no entitlement to an award under these Regulations apart from his contracting-out rights.

(4) A regular police officer to whom paragraph (3) applies shall be entitled to—

- (a) a pension payable for life as from the date on which he attains state pensionable age of a weekly amount equal to his guaranteed minimum, if any, and
- (b) as from the date on which he attains the age of 55 a lump sum and pension in respect of his rights under section 9(2B) of the 1993 Act.

(5) In a case in which paragraph (1) or (3) applies, where the regular police officer dies or has died at any time leaving a surviving spouse or surviving civil partner then, unless any pension to which he has been entitled has been forfeited under regulation 55(2), the surviving spouse or surviving civil partner, as the case may be, shall be entitled to a pension of a weekly amount calculated in accordance with section 17(3) or (4) of the 1993 Act, as the case may require; but no payment shall be made on account of such pension if the surviving spouse or surviving civil partner is also entitled to a survivor’s pension under regulation 39 in respect of any period for which the amount of that

⁽¹²⁾ 1971 c.56.

⁽¹³⁾ 1993 c.48; section 8(1) was amended by the Pensions Act 1995 (c.26), section 136(2) and Schedule 5, paragraph 21(a) and by the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2), Schedule 1, paragraph 34(a).

⁽¹⁴⁾ Section 9(2B) was substituted by section 136(3) of the Pensions Act 1995 and amended by the Social Security Contributions (Transfer of Functions, etc) Act 1999, Schedule 1, paragraph 35(1) and (2).

survivor's pension exceeds the pension which, disregarding this paragraph, would be payable under this regulation.

(6) Where a surviving spouse or surviving civil partner is entitled to both a survivor's pension under regulation 39 and a pension under paragraph (5) then, in respect of any period in respect of which a payment is made on account of the pension under paragraph (5), no payment shall be made to the surviving spouse or surviving civil partner on account of any such survivor's pension.

(7) For the purposes of this regulation, "state pensionable age" shall mean, in the case of a man, the age of 65 or, in the case of a woman, the age of 60.

(8) Regulation 55 (forfeiture of pension) shall apply in relation to a pension under paragraph (2), (4) or (5) as it applies to any other pension under this Part but as if paragraph (4) of that regulation were omitted.

(9) Save as provided in paragraph (2), (5), (6) or (8), nothing in any other regulation shall affect a person's entitlement to a pension under this regulation, the amount of such a pension or the circumstances in which it may be withdrawn or forfeited.

Awards on death - additional provisions

Death gratuities - dependants

44.—(1) This regulation applies in the case of a regular police officer who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, if death—

- (a) results from an injury received in the execution of his duty, or
- (b) takes place within two years of his becoming entitled to his pension.

(2) In the case of such a regular police officer the police authority may, in their discretion, grant a gratuity to any person who was to any degree dependent on him, whether financially or by reason of disablement, at the time of his death; but the aggregate amount of any gratuities granted under this regulation shall not exceed the aggregate pension contributions in respect of the police officer's relevant period of service, calculated in accordance with regulation 26.

Death gratuity - estate

45.—(1) This regulation applies in the case of a regular police officer—

- (a) who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, or
- (b) who dies while serving as such.

(2) If, in the case of such a police officer, the aggregate of—

- (a) any payments made or due to him on account of his pension or by way of a lump sum under regulation 27 or 29 together with any increase under the Pensions (Increase) Acts⁽¹⁵⁾;
- (b) the capitalised value (calculated in accordance with tables prepared from time to time by the Scheme actuary) of any pension or allowance granted in respect of his death;
- (c) the actuarial value of any pension credit under Part 6 of these Regulations; and
- (d) any gratuity granted in respect of his death under regulation 44,

is less than his aggregate pension contributions in respect of his relevant period of service (calculated in accordance with regulation 26), the police authority shall pay a gratuity equal to the difference to his legal personal representative.

(15) 1971 c.56; 1974 c.9.

Lump sum death grant

46.—(1) On the death of a person while serving as a regular police officer a lump sum death grant becomes payable unless an election under regulation 9 not to pay pension contributions had effect at the time of the death.

(2) The grant is payable whether or not any adult survivor's pension or death gratuity to a dependant of the officer or his estate is payable under regulation 39, 44 or 45 respectively.

(3) The amount of the grant is three times that of the deceased officer's pensionable pay, expressed as an annual rate—

- (a) at the time of death, or
- (b) if he was then absent from duty without pay, immediately before that absence began.

(4) The grant is to be paid—

- (a) to any surviving spouse or surviving civil partner who qualifies for it; or
- (b) if no person is qualified under sub-paragraph (a), and if the police authority in their discretion so decide, to a surviving adult partner where the requirements of regulation 40(2)(a) and (b) are met; or
- (c) if no payment is made under sub-paragraph (a) or (b), and if the police authority in their discretion so decide, to a person in respect of whom a nomination by the officer in accordance with regulation 47 had effect at the time of his death; or
- (d) otherwise, if the police authority in their discretion so decide, to his legal personal representative.

(5) A surviving spouse or surviving civil partner qualifies for the grant unless at the time of the death—

- (a) the deceased officer and his spouse or, as the case may be, civil partner were separated by an order or decree of a competent court, and
- (b) the deceased was not required by such an order to contribute, and was not in fact regularly contributing, to the support of the spouse or civil partner or to the spouse or civil partner for the support of a child of the spouse or civil partner.

Nomination for lump sum death grant

47.—(1) A regular police officer may, subject to paragraph (2), nominate a person to receive any lump sum death grant which may become payable under regulation 46(4)(c).

(2) Such nomination shall not have effect unless—

- (a) it was signed by the officer concerned and sent, before any award under these Regulations other than a pension credit has come into payment, to the police authority of the force in which he was serving at the time of his death or by whom his pension was or would be payable; and
- (b) it has not been revoked by written notice to that police authority.

(3) Upon receipt of a nomination or notice of revocation of such a nomination made in accordance with paragraph (2), the police authority shall forthwith send to the officer concerned a written notification of its receipt.

Pension debit members – awards on death

48. Where a pension debit member dies any award in respect of him under regulation 44 or 45 (death gratuities) or 46 (lump sum death grant) is calculated by reference to the member's rights

under these Regulations as reduced by virtue of section 31 of the 1999 Act and in accordance with such tables and other guidance as are provided for the purpose by the Scheme actuary.

Prevention of duplication

49.—(1) Subject to paragraph (2), where, but for this regulation, a person would be entitled to receive, in respect of any particular period, payments on account of more than one award in respect of the death of the same person, each of the awards being a survivor's pension under regulation 39 or an award under regulation 6, 13, 14, 17, 18, 20 or 21 of the Police (Injury Benefit) Regulations 2006⁽¹⁶⁾, he shall be entitled to receive, in respect of that period, payment on account of one only of those awards; and the award payable shall be that from time to time selected by the person concerned or, in default of such selection where one award is for the time being greater than any other such award, the award which is for the time being the greater.

(2) Nothing in paragraph (1) shall prevent a person from being entitled to receive more than one such pension if the awards in question are calculated, directly or indirectly, by reference to different periods of pensionable service.

Increase of awards by reference to the Pensions (Increase) Acts

50.—(1) Where it is provided that, for the purpose of calculating an award by way of periodical payments or a gratuity ("the relevant award"), an amount shall be increased in accordance with this regulation, it shall be increased by the amount, if any, by which a corresponding pension, within the meaning of the Pensions (Increase) Act 1971⁽¹⁷⁾, of the amount first mentioned would from time to time be increased under the Pensions (Increase) Acts⁽¹⁸⁾ if—

- (a) it were payable to the person entitled to the relevant award and, in relation thereto, he had the like guaranteed minimum pension (if any) as he has in relation to the relevant award;
- (b) it were one of the pensions specified in paragraph 43 of Part II of Schedule 2 to the Pensions (Increase) Act 1971⁽¹⁹⁾;
- (c) it were not a pension to which section 1(2)(a) of the Pensions (Increase) Act 1974 applies, and
- (d) it began, within the meaning of the Pensions (Increase) Act 1971, and became payable when the relevant award so began and became payable.

(2) The Pensions (Increase) Acts as applied by paragraph (1) shall have effect as if section 3 were omitted from the Pensions (Increase) Act 1971 and, accordingly, the amount first mentioned in paragraph (1) shall be increased so long as the pension is payable.

Revision and withdrawal or forfeiture of awards

Review and cancellation of pensions payable on the ground of permanent disablement

51.—(1) As long as a person—

- (a) is in receipt of a standard ill-health pension and has not attained the age of 55 years, or
- (b) is in receipt of an enhanced top-up ill-health pension or a deferred pension which, in accordance with regulation 32, came into payment early on the ground of permanent

⁽¹⁶⁾ S.I. 2006/932.

⁽¹⁷⁾ 1971 c.56. By section 59(7) of the Social Security Pensions Act 1975 (c.60), sections 59 and 59A of the Social Security Pensions Act 1975 and the Pensions (Increase) Act 1971 have effect as if sections 59 and 59A were contained in Part 1 of the Pensions Increase Act 1971.

⁽¹⁸⁾ 1971 c.56 and 1974 c.9.

⁽¹⁹⁾ Paragraph 43 has been amended by paragraph 8 of Schedule 2 to the Police Pensions Act 1971 (c.35) and paragraph 18(3) of Schedule 7 to the Police Act 1996 (c.16).

disablement for engaging in any regular employment, and in either case has not attained the age of 65 years,

the police authority by whom the pension is payable may, if they wish to exercise the powers conferred by this regulation, consider, at such times as are specified in paragraph (2), whether his disablement has ceased, significantly worsened (in the case of a person such as is mentioned in paragraph (1)(a)) or significantly improved (in the case of a person such as is mentioned in paragraph (1)(b)).

(2) The times mentioned in paragraph (1) are such times as the police authority may in their discretion determine—

- (a) in the case of a person such as is mentioned in paragraph (1)(a), until the person concerned attains the age of 55 years; and
- (b) in the case of a person such as is mentioned in paragraph (1)(b), at intervals of no less than five years until the person concerned attains the age of 65 years.

(3) If on any such consideration it is found, in respect of a person who is in receipt of a standard ill-health pension or an enhanced top-up ill-health pension and who has not attained the age of 55 years, that his disablement for the performance of the ordinary duties of a member of the police force has ceased, the police authority may give the person concerned notice that if he wishes to rejoin the force as a regular police officer within a period of not less than three months from the date on which he has been given such notice he will be permitted to do so.

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

(5) On the person concerned rejoining the force as mentioned in paragraph (4), or where in any other circumstances a person who is in receipt of either—

- (a) an ill-health pension; or
- (b) a deferred pension which came into payment early on the ground of permanent disablement for engaging in any regular employment,

rejoins his former force or joins another police force, then, upon his rejoining or joining such force, payment of his pension shall be terminated by the police authority by whom it was payable.

(6) Where the person concerned does not offer to rejoin the force as mentioned in paragraph (4) within the period referred to in paragraph (3), at the end of that period payment of his ill-health pension shall be terminated by the police authority.

(7) If on any such consideration it is found, in respect of a person who is in receipt of an ill-health pension and who has not attained the age of 55 years—

- (a) that his disablement for the performance of the ordinary duties of a member of the police force would have been expected to have ceased by reason of his having received normal appropriate medical treatment (and in this sub-paragraph “appropriate medical treatment” shall not include medical treatment that it is reasonable in the opinion of the police authority for that person to refuse);
- (b) that he is not receiving, or has not received, as the case may be, such medical treatment;
- (c) that his failure to receive it is attributable to his wilfulness or negligence; and
- (d) that he has persisted in that failure after receiving both—
 - (i) a written notice from the selected medical practitioner that in his opinion sub-paragraphs (a) and (b) apply in that person’s case, and
 - (ii) written notice from the police authority that in their opinion sub-paragraph (c) applies in his case and of their powers under this paragraph,

then, if he wilfully or negligently persists in his failure to receive the appropriate medical treatment, payment of his ill-health pension may be terminated by the police authority.

(8) If on any such consideration it is found, in respect of a person who has not attained the age of 65 years and who is in receipt of—

- (a) an enhanced top-up ill-health pension, or
- (b) a deferred pension which came into payment early on the ground of permanent disablement for engaging in any regular employment,

that his disablement for engaging in any regular employment has ceased, then—

- (c) in such a case as is mentioned in sub-paragraph (a), except where the police authority have given notice to the person concerned under paragraph (3), his entitlement to his enhanced top-up ill-health pension shall cease and he shall remain entitled to payment of his standard ill-health pension; and
- (d) in such a case as is mentioned in sub-paragraph (b), the police authority shall cease to make early payments of his deferred pension.

(9) Subject to paragraph (11), if on any such consideration it is found, in respect of a person in receipt of a standard ill-health pension, that his disablement has worsened to the extent that he has become disabled for engaging in any regular employment, he shall become entitled to an enhanced top-up ill-health pension, calculated in accordance with regulation 31 and payable in accordance with paragraph (10):

Provided that such enhanced top-up ill-health pension shall not entitle him to any lump-sum payment additional to that paid in respect of the standard ill-health pension.

(10) An enhanced top-up ill-health pension to which entitlement arises under paragraph (9) shall be payable as from the date on which the claim by the person concerned that his disablement had worsened which led to the consideration referred to in paragraph (9) was notified to the police authority (or, where the police authority referred the matter for decision under regulation 71(2) of their own motion in the absence of such a claim, as from the date on which they so referred the matter for decision).

(11) Paragraph (9) shall apply only if the claim that a person's disablement had worsened which led to the consideration referred to in that paragraph was made within the period of five years beginning with the date on which the person concerned retired:

Provided that no such time limit shall apply in a case where the disablement of the person concerned is attributable to a progressive medical condition specified in Schedule 4 which, of its nature, could have been expected, as at the time of his retirement, to affect him with increasing severity.

(12) Where payment of a person's ill-health pension is terminated under paragraph (6), but he is not entitled to a deferred pension under regulation 32, then, if the aggregate of—

- (a) the sums paid in respect of the pension, and
- (b) the actuarial value, determined in accordance with tables prepared by the Scheme actuary, of any pension to which he is entitled under regulation 43 (guaranteed minimum pension for the purposes of the Pension Schemes Act 1993)

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

(13) Where payment of—

- (a) a person's ill-health pension; or
- (b) a person's deferred pension which came into payment early on the ground of permanent disablement for engaging in any regular employment

is terminated under this regulation he shall retain any lump-sum payment he received by way of such pension, but subject to the proviso to regulation 28(1)(b) and regulation 28(2).

Withdrawal of pension during service as a regular police officer

52.—(1) Subject to paragraph (2), a police authority by whom a pension is payable under this Part 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 police officer 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 of it withdrawn for the period in question.

(2) This regulation does not apply to a pension under regulation 39 (survivors' pensions) or a pension credit under regulation 61.

Reduction of pension in case of default

53. Where a regular police officer or a former regular police officer 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—

- (a) ill-health pension, or
- (b) deferred pension which comes into payment early on the ground of permanent disablement for engaging in any regular employment,

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—
 - (i) is in receipt of a standard ill-health pension and has attained the age of 55 years, or
 - (ii) is in receipt of a deferred pension and has attained the age of 65 years; and
- (b) where the pension of a regular police officer has been reduced under this regulation, then if when he attains the age of 65 years the reduced pension is less than the amount of the deferred pension which would have been payable on his attaining that age had he been granted such a pension on the date of his ceasing to serve it shall be increased to that amount.

Withdrawal of early payment of deferred pension

54. In a case where a person to whom regulation 32 applies ceased to serve by reason of dismissal or requirement to resign under the Conduct Regulations and was permanently disabled for engaging in any regular employment at the time when he so ceased to serve or becomes so disabled before he attains the age of 65 years, no payment shall be made on account of the pension in respect of the period before he attains the age of 65 years unless the police authority in the exercise of their discretion determine to make such payment.

Forfeiture of pension

55.—(1) This regulation applies to a pension payable—

- (a) under this Part, to a regular police officer or former regular police officer;
- (b) under regulation 39, to a survivor of such a police officer; and
- (c) under Part 6, to a pension credit member.

(2) 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 an adult survivor's pension, that offence was committed after the death of the police officer in respect of whom the pension is payable.

(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 1989⁽²⁰⁾ 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 ten years.

(4) A police authority responsible for payment to a regular police officer 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) The police authority may, to such extent as they at any time in their discretion think fit—

(a) apply for the benefit of any adult or child survivor of the grantee of the pension; or

(b) restore to the grantee of the pension,

any amount or amounts of any pension that has or have been forfeited under this regulation.

(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 of it.

(7) This regulation has effect subject to regulation 43(8).

(20) 1911 c.28, 1920 c.75, 1939 c.121, 1989 c.6.