
STATUTORY INSTRUMENTS

2006 No. 3415

The Police Pensions Regulations 2006

PART 9

SPECIAL CASES

Alterations in police areas

Alterations in police areas

86.—(1) Where a police area is or has been combined with another police area by an order made under section 32 of the Police Act 1996⁽¹⁾, section 58 of the Local Government Act 1972⁽²⁾, or section 17 of the Local Government Act 1992⁽³⁾, 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 order 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 of that area, if the order 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.

Chief officers of police affected by alterations in police areas

87.—(1) This paragraph applies in the case of a chief officer of police who becomes or has become a member of another home police force (“the successor force”) by virtue of an order such as is mentioned in regulation 86(1).

(2) In relation to a member of a police force to whom paragraph (1) applies and who suffers loss of office as such which is attributable to such an order, these Regulations shall apply as though he had—

- (a) where he has not attained the age of 55 years on the date when the order takes effect, ceased to serve as a regular police officer on that date, or,

⁽¹⁾ 1996 c.16; section 32 was amended by the Greater London Authority Act 1999 (c.29), Schedule 27, paragraph 94.

⁽²⁾ 1972 c. 70.

⁽³⁾ 1992 c. 19.

- (b) where he has attained the age of 55 years on the date when the order takes effect, retired from the successor force on that date, having given to the police authority the required period of written notice of his intention to retire.

Servicemen

Interpretation

88. In regulations 89 to 94—

“relevant service in the reserve forces” means service in pursuance of a training obligation under sections 38, 40 and 41 of the Reserve Forces Act 1980⁽⁴⁾ or Part III of the Reserve Forces Act 1996⁽⁵⁾ or by virtue of a call out for permanent service or a recall under the Reserve Forces Act 1980 or Part VII of the Reserve Forces Act 1996;

“the reserve forces” means those forces specified in section 1(2) of the Reserve Forces Act 1996;

“serviceman” means a person who immediately before undertaking a period of relevant service in the reserve forces was a regular police officer.

Awards to servicemen

89.—(1) Subject to regulation 94, this regulation applies to a serviceman who at the end of his period of relevant service in the reserve forces is or was permanently disabled for the performance of the ordinary duties of a member of the police force.

(2) A serviceman to whom this regulation applies shall be entitled—

- (a) to an ill-health pension under regulation 29 on the same conditions in all respects as if he were such a regular police officer as is mentioned in paragraph (1) of that regulation, or
- (b) where he does not meet the condition specified in regulation 29(3)(a)(i), to an award by way of repayment of his aggregate pension contributions under regulation 34.

Survivors’ awards on death of servicemen

90. Subject to regulations 91 and 95, if a serviceman who fulfils the qualifying service criterion—

- (a) dies or has died during his period of relevant service in the reserve forces, or
- (b) having been permanently disabled for the performance of the ordinary duties of a member of the police force at the end of that period (without any intervening period of service as such) dies or has died while in receipt of a pension granted in pursuance of regulation 89(2)(a),

then—

- (c) an adult survivor of that serviceman (had he been a regular police officer) such as is mentioned in regulation 40(1)(a) shall be entitled to an adult survivor’s pension, and
- (d) a child survivor of that serviceman (had he been a regular police officer) such as is mentioned in regulation 40(1)(b) shall be entitled to a child survivor’s pension,

under regulation 39, on the same conditions in all respects as if he had been a regular police officer who had died in the circumstances mentioned in that regulation.

(4) 1980 c. 9.
(5) 1996 c.14.

Prevention of duplication

91. Regulation 49 shall apply in relation to a pension in pursuance of regulation 90 as if, after the words “under regulation 39” in regulation 49, there were inserted the words “or regulation 90”.

Application of regulations 44, 45 and 46

92. In the case of a serviceman—

- (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, and whose death results from an injury received during his period of relevant service in the reserve forces, regulation 44 (death gratuities - dependants) shall apply as it applies in the case of a regular police officer who so dies and whose death results from an injury received in the execution of his duty;
- (b) who dies during his period of relevant service in the reserve forces, regulations 45 (death gratuity - estate) and 46 (lump sum death grant) shall apply as they apply in the case of a regular police officer who dies while serving as such.

Servicemen who do not resume service in their former force

93. Where a serviceman who ceased to serve as a regular police officer in order to undertake a period of relevant service in the reserve forces does not or did not resume service in his former force within a month of the end of that period, he shall be treated for the purposes of these Regulations as having ceased to serve as a regular police officer in that force as from the end of his period of relevant service in the reserve forces.

Pensionable service and pension contributions

94.—(1) A serviceman who ceased to serve as a regular police officer in order to undertake a period of relevant service in the reserve forces shall be entitled to reckon that period as pensionable service in his former force, subject, however, to paragraph (2).

(2) Regulations 89, 90 and 92 shall have effect in the case of a serviceman who ceased to serve as a regular police officer in order to undertake a period of relevant service in the reserve forces only if he pays or has paid pension contributions (other than additional or further pension contributions) to the police authority of his former force, as though he had remained a regular police officer in that force, in respect of his period of relevant service in the reserve forces:

Provided that those regulations shall have effect notwithstanding that pension contributions are not or have not been paid as aforesaid by a serviceman in respect of any period during which his service pay is less than his pensionable pay.

(3) In the case of a serviceman who ceased to serve as a regular police officer in order to undertake a period of relevant service in the reserve forces and who immediately before he so ceased to serve was making periodical contributions in accordance with an election under regulation 56 (election to purchase increased benefits)—

- (a) his liability to make those contributions to the police authority shall continue during such period of relevant service in the reserve forces, and
- (b) regulation 60 shall apply as if, after the words “Part 4” in paragraph (1) of that regulation, there were inserted the words “or Part 9 (servicemen)”

as though he had remained a regular police officer in his former force.

Former members of a Scottish police force or the Police Service of Northern Ireland

Former members of a Scottish police force or the Police Service of Northern Ireland

95.—(1) This regulation applies in the case of a regular police officer who has been a member of a police force within the meaning of the Police (Scotland) Act 1967(6)(“a Scottish police force”) or of the Police Service of Northern Ireland.

(2) Where such a regular police officer is entitled to reckon pensionable service by reason of service in a Scottish police force or the Police Service of Northern Ireland (in this regulation referred to as “his former force”) and—

- (a) left his former force for the purpose of becoming a regular police officer in a home police force and joins that home police force in that capacity, or
- (b) retired from or otherwise ceased to serve in his former force and subsequently joins a home police force at a time when no pension is in payment to him by reason of service in his former force,

then for the purposes of these Regulations, including in particular regulations 10, 11, 12, 13 and 94, anything done, by him or in his case, under or for the purposes of a provision of the Scottish pensions legislation or the Police Service of Northern Ireland pensions legislation which corresponds to a provision of these Regulations shall be treated as if it had been done under or for the purposes of that corresponding provision; and accordingly his pensionable service in his former force shall be reckonable as if it had been pensionable service in a home police force, subject, where applicable, to the making by the regular police officer concerned of an appropriate payment to the police authority for the relevant home police force, in accordance with regulation 13.

Transfer of regular police officer to a Scottish police force or the Police Service of Northern Ireland

96.—(1) Where a regular police officer has left a home police force and joined a Scottish police force or the Police Service of Northern Ireland and the police authority of the Scottish police force in question or, as the case may be, the Northern Ireland Policing Board is contingently liable to make payments to him under the Scottish pensions legislation or, as the case may be, the Police Service of Northern Ireland pensions legislation, regulation 77(1), (2) and (4) shall have effect as if “the former police authority” were the police authority of the home police force in question and “the current authority” were the police authority of the Scottish police force in question or, as the case may be, the Northern Ireland Policing Board.

(2) On notification by the police authority of the Scottish police force in question or, as the case may be, the Northern Ireland Policing Board, that a certificate issued under regulation 77 as modified by paragraph (1) has been accepted, any entitlement of the regular police officer concerned to an award under these Regulations shall cease to have effect.

(3) In relation to a person to whom an ill-health pension is payable under Part 4, regulation 51(5) shall have effect as if the expression “another police force” included a Scottish police force or the Police Service of Northern Ireland.

(4) In relation to a person to whom a pension is payable under Part 4, regulation 52 shall have effect as if the expression “any police force” included a Scottish police force and the Police Service of Northern Ireland.

(6) 1967 c. 77.

Amendment of the Police (Injury Benefit) Regulations 2006

97. Schedule 5 to these Regulations, which amends the Police (Injury Benefits) Regulations 2006, has effect.