

**EXPLANATORY MEMORANDUM TO**  
**THE POLICE (INJURY BENEFIT) REGULATIONS 2006**

**2006 No.932**

**1.** This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 This instrument will, subject to annulment in pursuance of a resolution of either House, come into force on 20<sup>th</sup> April 2006 and provides for the system of police injury awards to be set out in a separate set of regulations from the Police Pensions Regulations 1987 (S.I. 1987/257). It also incorporates the provisions of the Police (Injury Benefit) Regulations 1987 (SI 1987/156) which it repeals. This instrument also repeals the provisions in the Police Pensions Regulations 1987 which relate solely to injury benefits.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Background**

4.1 The instrument is made under section 1 of the Police Pensions Act 1976 as amended. The amendments will take effect retrospectively, backdated to 6 April, as permitted by section 1(5) of the Act in order to avoid adverse tax consequences for the Police Pension Scheme as explained in paragraph 4.3.

4.2 The amendments enable the Police Pension Scheme to meet the new tax requirements of HM Revenue and Customs which will take effect from 6 April 2006. Under current legislation, the Income and Corporation Taxes Act 1988, statutory retirement benefit schemes established before 14 March 1989 are automatically relevant statutory schemes and do not need to meet HMRC's requirements for discretionary approval.

4.3 This situation changes when the new tax regime for registered pension schemes - introduced by the Finance Act 2004 - comes into effect on 6 April this year. Any unauthorised payment will incur a tax charge. In order not to let the Police Pension Scheme incur such charges it is necessary to separate the injury benefits from the pension scheme regulations.

**5. Extent**

5.1 This instrument applies to England and Wales.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 Police injury awards do not depend on membership of the Police Pension Scheme, but are in effect compensation for work-related injuries. Benefits comprise pensions and gratuities for former officers who are permanently disabled as a result of an injury received without their default in the execution of duty, and survivors' pensions and gratuities for spouses, civil partners, children and adult dependent relatives where the officer dies as a result of such an injury.

7.2 For the reasons set out in paragraph 4, this instrument brings together the current regulations relating to injury benefits into a separate document from the SI for the Police Pension Scheme. The instrument is not a formal consolidation since the opportunity is taken to update references to widows (now called adult survivors) and, in line with the new HMRC requirements, to apply an age limit of 23 years to child benefits where the child is not permanently disabled.

7.3 The Department has consulted the Police Negotiating Board on the instrument.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There are no changes to the provisions and therefore no cost impact on the public sector.

## **9. Contact**

John Gilbert at the Home Office Tel: 020 7035 1880 or e-mail: johnalexander.gilbert@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.