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STATUTORY INSTRUMENTS

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**2010 No. 899**

**POLICE, ENGLAND AND WALES  
PENSIONS, ENGLAND AND WALES**

**The Police Pensions (Descriptions of Service) Order 2010**

<i>Made</i>	- - - -	<i>21st March 2010</i>
<i>Laid before Parliament</i>		<i>23rd March 2010</i>
<i>Coming into force</i>	- -	<i>15th April 2010</i>

The Secretary of State makes the following Order in exercise of the power conferred by section 11A(1) of the Police Pensions Act 1976(1).

In accordance with section 63(3) of the Police Act 1996(2), the Secretary of State supplied a draft of this Order to the Police Advisory Board for England and Wales and took their representations into consideration before the Order was made.

**Citation, commencement and extent**

- 1.—(1) This Order may be cited as the Police Pensions (Descriptions of Service) Order 2010.
- (2) This Order shall come into force on 15th April 2010.

**Amendment to the Police Pensions Act 1976**

- 2.—(1) The Police Pensions Act 1976 is amended as follows.
- (2) In section 7(2) (persons eligible for police pensions)(3), before paragraph (d) insert—  
“(ch) the Chief Inspector of the UK Border Agency;”.
- (3) In section 11 (interpretation)(4)—

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(1) 1976 c. 35. Section 11A was inserted by section 10(2) of the Policing and Crime Act 2009 (c. 26), and extends to England and Wales.

(2) 1996 c. 16. Section 63(3) was amended by section 10(3) of the Policing and Crime Act 2009 so as to apply to an order made under section 11A of the Police Pensions Act 1976.

(3) Section 7(2) was amended by the Police and Magistrates' Courts Act 1994 (c. 29), the Police Act 1996, the Police (Northern Ireland) Act 2000 (c. 32), the Criminal Justice and Police Act 2001 (c. 16), the International Development Act 2002 (c. 1), the Serious Organised Crime and Police Act 2005 (c. 15), the Safeguarding Vulnerable groups Act 2006 (c. 47) and the Police and Justice Act 2006 (c. 48) so as to reflect the addition of further descriptions of service to section 11(1) by virtue of the same enactments.

(4) Section 11(1) was amended as described in the footnote relating to section 7(2); consequential amendments were made by the same enactments to section 11(2) and (3). Section 11(6) was inserted by the Police Reform Act 2002 (c. 30), and section 11(7) by the Police and Justice Act 2006.

- (a) in subsection (1) (references to membership of a police force etc), before paragraph (c) insert—
  - “(bh) service as the Chief Inspector of the UK Border Agency;”;
- (b) in subsection (2) (meaning of “police authority”), in paragraph (b), after “(b)” insert “, (bh)”;
- (c) in subsection (3) (meaning of “police force”)—
  - (i) in paragraph (b), before “(b)” insert “(bh),”;
  - (ii) after “serving” insert “or, in the case of service such as is mentioned in subsection (1) (bh), the department of the Secretary of State”;
- (d) after subsection (7) insert—
  - “(8) References in this Act to the Chief Inspector of the UK Border Agency, and to service as such, have effect only in relation to cases in which the person in question—
    - (a) has held the office of constable, and
    - (b) immediately before the appointment as Chief Inspector took effect, was serving as a member of a police force (whether or not as a constable).”.

Home Office

21st March 2010

*David Hanson*  
Minister of State

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Police Pensions Act 1976 (“the 1976 Act”) makes provision for pensions to be paid to and in respect of members of police forces. Section 11(1) provides that, for the purposes of the Act, membership of a police force or service or employment in a police force includes external service of various kinds.

This Order amends section 11(1) of the 1976 Act by the addition of service as Chief Inspector of the UK Border Agency to the kinds of service which constitute membership of a police force. Section 48 of the UK Border Act 2007 created the post of Chief Inspector, with the function of monitoring and reporting on the efficiency and effectiveness of the performance of functions by various customs and immigration authorities as set out in section 48(1A) and (1B).

The Order also makes supplementary amendments to section 7 and 11 of the 1976 Act to allow police pensions regulations to make provision in relation to the payment of the Chief Inspector’s contributions and pension, to provide that the Secretary of State is treated as the police authority and the Home Office is treated as the police force in relation to the Chief Inspector for the purposes of the 1976 Act, and to provide that the reference to service as Chief Inspector in section 11(1) only applies to a person who was a member of a police force (within the wide meaning of that term in section 11) immediately before he was first appointed as Chief Inspector, and has served as a police officer at some stage. Although the effect of the Order is that the Home Office will have certain responsibilities in relation to the Chief Inspector’s pension, he remains wholly independent of the Department in the exercise of his own functions.