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Your reference

The Clerk to the Police Authority
The Chief Constable

Our reference

POL87 500/14/2; POL87 507/1/2

Date

13 March 1987

Dear Sir

HOME OFFICE CIRCULAR NO 20/1987

THE POLICE PENSIONS REGULATIONS 1987
THE POLICE PENSIONS (SUPPLEMENTARY PROVISIONS) REGULATIONS 1987
THE POLICE (INJURY BENEFIT) REGULATIONS 1987
THE POLICE CADETS (PENSIONS)(AMENDMENT) REGULATIONS 1987
THE POLICE CADETS (INJURY BENEFIT) REGULATIONS 1987
THE SPECIAL CONSTABLES (INJURY BENEFIT) REGULATIONS 1987

This circular advises police authorities of the introduction of:

- (A) an updated version of the Police Pension Scheme;
- (B) associated transitional provisions;

(the above Regulations come into force on 1 April 1987);

- (C) provision for a pension to be paid to the dependent relative of a police cadet who dies as the result of an injury on duty;

- (D) improved lump sum injury benefits in respect of members of a police force who die or are totally and permanently disabled as the result of an injury on duty; and

- (E) similar provisions in respect of police cadets and special constables;

(the above Regulations come into force on 17 March 1987 but have effect from 25 November 1982).

A. THE POLICE PENSIONS REGULATIONS 1987 (SI 1987/257)

2. The Police Pensions Regulations 1987 (the "1987 Regulations") consolidate, with amendments, the Police Pensions Regulations 1973 (the "1973 Regulations"). The 1973 Regulations will continue to have effect until revoked on the coming into force of the 1987 Regulations on 1 April 1987. The transitional provisions of the Supplementary Regulations (see paragraph 7) ensure that any action taken under the 1973 Regulations is treated as having been done under the 1987 Regulations.

3. The enclosed "Memorandum on the Police Pensions Regulations 1987: changes

made on consolidation - 1 April 1987" (Annex A) explains the provisions which are new from 1 April. Equivalent provisions can be traced with the help of the enclosed "Table of Destinations" (Annex B) which also shows where the effect of any of the 1973 provisions is spent. Most obvious among the spent provisions are those which provided for elections relating to the uprating of widows' benefits, all of which had to be completed in 1973.

4. The most noticeable difference in the 1987 Regulations is the lettering and numbering system. The Regulations consist of 12 Parts (A to L) and 10 Schedules (A to J). The individual regulations within each Part begin with the Part letter and are numbered in sequence. The Schedules are linked to regulations in the Part bearing the same letter. It is hoped that the new format will be easier for users to follow.

5. The other main feature of the 1987 Regulations is the relegation of provisions which are of limited effect to a single schedule, namely Schedule J, which covers:

- (a) preserved rights;
- (b) the continuing effect of elections made in 1973 to uprate widows' and children's benefits;
- (c) special provisions for officers who transferred under the Policing of Airports Act 1974; and
- (d) the meaning of certain expressions.

Where the effect of one of the main regulations depends on a provision in Schedule J, a cross reference will be found at the end of the main regulation concerned.

6. Authorities should note paragraph 4 of Part I of Schedule J. Under this provision a regular policeman who retires before 1 October 1987 below age 50 with an entitlement to an ordinary pension not due to come into payment until he is 50 retains his right to give notice of commutation during the 10 month period from 4 months before to 6 months after his retirement. (The commutation table to use in such a case was sent to police authorities as Appendix 3 to Home Office Circular No 48/1986 on 4 July 1986).

B. THE POLICE PENSIONS (SUPPLEMENTARY PROVISIONS) REGULATIONS 1987 (SI 1987/256)

7. These Regulations:

- (a) revoke the Police Pensions Regulations 1973 and related amending Regulations;
- (b) bring the 1987 Regulations into force;
- (c) make transitional provisions to facilitate the change from the 1973 Regulations to the 1987 Regulations;
- (d) continue in force the Police Pensions Regulations 1971, subject to an amendment, for persons whose service ended before 1 April 1972; and
- (e) amend:

- (i) the Police Pensions (War Service) Regulations 1979;
- (ii) the Police Pensions (War Service)(Transferees) Regulations 1985; and
- (iii) the Police (Injury Benefit) Regulations 1987 which were drafted in relation to the 1973 Regulations, to make them effective in relation to the 1987 Regulations.

Part II of Schedule 1 to the Supplementary Regulations contains a minor amendment to the 1973 Regulations which has effect from 1 April 1972.

C. POLICE CADETS (PENSIONS)(AMENDMENT) REGULATIONS 1987 (SI 1987/157)

8. These Regulations amend the Police Cadets (Pensions) Regulations 1973 to the effect that the dependent relative of a police cadet who dies or has died as the result of an injury on duty may be granted a pension at the discretion of the police authority, in line with the provision which already exists in respect of regular policemen and special constables.

D. POLICE (INJURY BENEFIT) REGULATIONS 1987 (SI 1987/156)

9. These Regulations implement an agreement reached on 25 November 1982 by Committee E of the Police Negotiating Board to improve the lump sum injury benefit payments made to police officers or their dependants in the event of death or total incapacity resulting from an injury on duty. They are amended by the Police (Injury Benefit)(Amendment) Regulations 1987. The position is explained in detail in Annex C.

10. Some police authorities have sought sanction under section 19(1) of the Local Government Finance Act 1982 to pay gratuities in anticipation of these Regulations, and their position is covered by Regulation 6. Where cases have arisen in which payments in anticipation have not been made, police authorities will wish to note the retrospective effect of the Regulations.

E. POLICE CADETS (INJURY BENEFIT) REGULATIONS 1987 (SI 1987/158) AND SPECIAL CONSTABLES (INJURY BENEFIT) REGULATIONS 1987 (SI 1987/159).

11. These Regulations make provision for the payment of enhanced benefits to police cadets and special constables or their dependants in the event of death or total incapacity resulting from an injury sustained in the execution of duty. They are amended by the Police Cadets (Injury Benefit)(Amendment) Regulations 1987 and the Special Constables (Injury Benefit)(Amendment) Regulations 1987. The position is explained further in Annex D.

GENERAL

12. This circular has no direct cost or manpower implications, as it relates to obligations placed on police authorities by Regulations. An additional copy is enclosed for the information of the Chief Finance Officer.

Yours faithfully



P W JONES
Finance Division 2

MEMORANDUM ON THE POLICE PENSIONS REGULATIONS 1987: CHANGES MADE ON
CONSOLIDATION - 1 APRIL 1987

| | |
|---------------------------------|--|
| The purpose of the memorandum | This memorandum explains the changes which have been made from the Police Pensions Regulations 1973 (as from time to time amended) by the Police Pensions Regulations 1987. |
| The significance of the entries | <p>As the 1987 Regulations mainly consolidate the 1973 Regulations the commonest entry is <u>"unchanged"</u>, even where there are minor drafting amendments.</p> <p>Where drafting amendments have changed the look of a provision, the entry reads <u>"substantially unchanged"</u>.</p> <p>Where amendments of substance have been made, after consultation with the Police Negotiating Board for the United Kingdom and, so far as Regulation H6 is concerned, with the Council on Tribunals, and with the consent of the Treasury, the entry explains their purpose and effect.</p> |
| The Commentary | A Commentary on the Police Pensions Regulations in a loose-leaf binder is being prepared and will be sent to those to whom this circular is directed. The Commentary will be updated from time to time to take account of future amendments to the Regulations. |

Regulations

1973

1987

PART A

GENERAL PROVISIONS AND RETIREMENT

| | | |
|------------------|-----|---|
| 1 | A1. | Formal. The Regulations come into operation, as provided in the Police Pensions (Supplementary Provisions) Regulations 1987, that is to say on 1 April 1987, and have effect from that date. |
| - | A2. | Formal. The Regulations have effect subject to the Supplementary Provisions Regulations 1987. |
| 2 | A3. | Substantially unchanged, but reference to 1973/85(4) removed (see, now, Part II of Schedule 2 to the Supplementary Provisions Regulations). |
| 4(1),7,16, 17 | A4. | Substantially unchanged, but provisions formerly in 1973/4(1) now in glossary in Schedule A (see also Schedule J, Part VII, paras 1 and 2). |
| 5 | A5. | Unchanged. |
| 6 | A6. | Substantially unchanged (see also Schedule J, Part VII, para 3) |
| 4(4) | A7. | Substantially unchanged. |
| 10 | A8. | Unchanged. |
| 11A | A9. | <p>A9(2) is a new general provision expressly providing that, where pensionable service counts as a result of a transfer value, it "belongs" to a period before or after a specified date in the same proportion as the actual service or employment on which the transfer value was based took place before or after that date. A9(2) has effect for the purposes of:</p> <p style="margin-left: 40px;">Schedule C, Part I, para 1(1)(b) Part IV, para 2(a)(ii) and 3 Part V, para 1 Schedule J, Part I, para 8(9) and (10)(a)(ii) (see also Schedule J, Part IV paras 1-3).</p> |

| <u>1973</u> | <u>1987</u> | |
|-------------------------------|-------------|---|
| 11 | A10. | References in 1973/11(1) to persons other than regular policemen (ie auxiliary policemen and members of an overseas corps who are not reversionary members of a home Police force) have been omitted. They no longer pay pension contributions and those who did will have already received any refunds due to them. (See G2) |
| | | The reference in 1973/11(2)(a) to a person who "has made no pension contributions but has had rateable deductions made.... from his pay" has been omitted. This is no longer possible. |
| 12 | A11. | Unchanged. |
| 13 | A12. | Unchanged. |
| 14 | A13. | Unchanged. |
| 15 | A14. | Unchanged. |
| 111 | A15. | Unchanged. |
| 8 | A16. | Unchanged. |
| 9,106 | A17. | A17 reproduces 1973/9(1) and (2) and part of 106(2) (see also B1(6)). |
| 86 | A18. | A18 reproduces 1973/86 except for spent provisions (see also Schedule J, Part VII, paras 5 and 6). |
| 87,88 | A19. | Substantially unchanged. |
| 89 | A20. | Unchanged. |
| 9(3),90 | A21. | Substantially unchanged. |
| (Regulation 1973/18 is spent) | | The Interpretation Act 1978 applies to all statutory instruments made after it came into force. |

1973

1987

PART B

PERSONAL AWARDS

| | | |
|----------------|-----|--|
| 19,106 | B1. | Substantially unchanged. Extra words in B1(1) make it clear that ordinary and ill-health awards are alternatives. (See also Schedule J, Part I, paras 1 to 3 Part VII, paras 5 and 6). |
| 21 | B2. | Unchanged. (See also Schedule J, Part VII, paras 5 and 6). |
| 20 | B3. | Unchanged. |
| 22 | B4. | Unchanged. |
| 23,23A, 23B | B5. | Substantially unchanged. (See also Schedule J, Part I, para 8). |
| 23(3) | B6. | B6 applies only to regular policemen (see (G2). If a contributions equivalent premium (CEP) is payable under section 42 of the Social Security Pensions Act 1975, the employee's share may be deducted from an award under B6 by virtue of section 47 of that Act. (No such deduction may be made from a short service or ill health gratuity). B6 is no longer subject to provisions similar to Part IX of Schedule 2 to the 1973 Regulations, which had been omitted as spent. (No PILs payable since 6 April 1980). |
| 24 | B7. | An officer whose ordinary pension will not come into payment until age 50 may commute only when the pension comes into payment. This is an Inland Revenue requirement. However an officer who retires before 1 October 1987 may commute, up to 6 months after his retirement, instead of when his pension comes into payment, if he elects to do so (this is the effect of Schedule J, part I, para 4). |

1973

1987

24
(continued)

B7.

In assessing the portion of a pension which may be commuted under B7(4) after 1 April 1987 no account is taken of any reduction under Part VII of Schedule B at state pensionable age. It would be rare for an officer to be commuting at this age, except for senior officers with a retirement age of 65, or policewomen whose deferred pension comes into payment at age 60. Moreover, the provisions of Part VII of Schedule B have a limited life. The Inland Revenue have agreed to this amendment in view of the arbitrary effect of taking account of these reductions where they applied (see also B10). B7(4) also now explicitly provides what was formerly implicit, namely that a reduction under paragraph 6(1) of Part VIII of Schedule B (which will now be very rare) is to be ignored in assessing the portion of a pension which may be commuted.

The amount of pension which may be surrendered under B7(4)(b) "equal to $2\frac{1}{4}$ times the annual amount of his pension calculated etc", is the same as the amount set out in 1973/24(3A)(a) and (b), but is thought to involve an easier calculation.

24A

B8.

The limit on commuting a small pension has been raised from £52 to £104. The reference to J1(6) and paragraphs 8(11) and 9(4) of part I of Schedule J, confirm that a GMP, a deferred pension which forms part of a "split award" and a pension by way of equivalent pension benefit may be commuted under B8 if within the £104 limit.

25

B9.

The allocation provisions are substantially unchanged, but the words "in circumstances entitling him to a pension" have been added in B9(7) to make explicit that a notice of allocation would become ineffective if an office later transferred his pension rights out of the police. A consequential amendment has been made in B9(9).

26

B10.

A reduction of pension under part VII of Schedule B at state pensionable age is to be ignored after 1 April 1987 in calculating the portion of a pension which may be commuted or allocated. This is in line with the change in B7(4). It is now explicit that both the limits in B10 must be met.

82

B11.

Unchanged.

1973

1987

PART C

WIDOWS" AWARDS

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|-----|-----|--|
| 27 | C1. | There is no longer an entitlement to a widow's ordinary pension in respect of an officer who retires with an ill-health gratuity and subsequently dies as a result of the same disablement, if in the meanwhile he has relinquished his gratuity on transferring his pension rights to other employment. This change affects only officers who retire on or after 1 April 1987. (See Schedule J, Part II, para 1). |
| 28 | C2. | Substantially unchanged. |
| 29 | C3. | Unchanged. |
| 30 | C4. | A widow is entitled to an accrued pension even though her husband may have commuted his deferred pension under B8. (The commutation takes account of the value only of the deferred pension and not of the contingent entitlement to a widow's accrued pension.) |
| 33 | C5. | Substantially unchanged. C5 now explicitly provides what was formerly implicit, namely that a widow who was married during her husband's service (but who was subsequently divorced and later remarried <u>after</u> his retirement) is not debarred from entitlement to an ordinary, accrued or special award. |
| 32A | C6. | A widow is entitled to an award under C6 if her husband dies in the circumstances described and she is not entitled to a pension under C1 to C5. It is now provided that where a widow's temporary pension for the first 13 weeks of widowhood is to equal her husband's pension, it is his pension with any pension increase he was receiving when he died which is being matched; and that if he had more than one pension they are added together for this purpose. The effect of this change is explained in relation to the similar amendment to E8, but as awards under C6 are rare, its significance is likely to be less here than for E8. |
| 32 | C7. | Unchanged. |
| 34 | C8. | Unchanged. |
| 35 | C9. | Unchanged. |

1973

1987

PART D

CHILDREN'S AWARDS

| | | |
|----|-----|--|
| 37 | D1. | There is no longer an entitlement to a child's ordinary allowance in respect of an officer who retires with an ill-health gratuity and subsequently dies as a result of the same disablement, if in the meanwhile he has relinquished his gratuity on transferring his pension rights to other employment. This change affects only officers who retire on or after 1 April 1987 (see Schedule J, Part III, para 1). |
| 38 | D2. | Unchanged. |
| 39 | D3. | Substantially unchanged. |
| 40 | D4. | Unchanged. |
| 42 | D5. | Substantially unchanged (see also Schedule J, Part III, para 5). |

1973

1987

PART E

AWARDS ON DEATH - ADDITIONAL PROVISIONS

Dependent relatives and estate

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|----------|-----|--|
| 36 | E1. | Unchanged. |
| 43(1)(2) | E2. | A reference to B9(9) has been added, so that police authorities are empowered to exercise their discretion to grant a gratuity under E2, if they wish to do so, even though the officer concerned has allocated part of his pension. E2 refers only to a regular policeman because other members no longer pay pension contributions (see G2). |
| 43(3) | E3. | E3 refers only to a regular policeman because other members no longer pay pension contributions (see G2). The specific reference in E3(2)(c) to an allocated pension under B9 confirms that such an award needs to be taken into account in calculating the gratuity payable under this provision. |

Supplementary provisions relating to awards on death

- | | | |
|----|-----|--|
| 31 | E4. | E4(2) restricts the power to commute a widow's pension in excess of her GMP for a gratuity, to a widow's ordinary or special pension (which includes a special pension augmented under C3). This is to meet the requirement of the Social Security Acts that a widow's accrued or requisite benefit pension may not be commuted. The limit on commuting a small pension under E4(3) has been raised from £52 to £104, but this commutation cannot be used following a commutation under E4(2). The £104 covers the annual value of all benefits payable to the widow at the time of the proposed commutation. Under E4(6) where there is entitlement to more than one pension on the death of the same person they are treated as one. As only one is payable (because of Regulation E7(1)) the gratuity is calculated on the basis of the amount of the pension payable, but once the gratuity is paid no entitlement to the other pension can revive, E4(6) applies only in the case of a widow whose husband ceases to serve on or after 1 April 1987 (see Schedule J, Part II, paragraph 9) for the case of a widow whose husband ceased to serve before that date). |
|----|-----|--|

41

E5.

Any child allowance may be commuted under E5(2). There is no Social Security Act requirement to exclude an accrued allowance. A Child who has no parent or guardian may himself consent to the commutation of his allowance for a gratuity.

Under E5(5), where there is entitlement to more than one allowance on the death of the same person they are treated as one. As only one is payable (because of Regulation E7(1)) the gratuity is calculated on the basis of the amount of the allowance payable, but once the gratuity is paid no entitlement to the other allowance can revive. E5(5) applies only in the case of a child whose relevant parent ceases to serve on or after 1 April 1987 (see Schedule J, Part III, paragraph 6) for the case of a child whose relevant parent ceased to serve before that date).

44

E6.

E6 does not now prevent a commutation under E4(3).

45

E7.

The prevention of duplication provision has been relaxed. A widow or a child may receive more than one award if each relates to the death of a different person. (A child may have both parents in the police service, or a widow may also become entitled to an award under E1 in respect of a policeman son, or to a pension in respect of a first and second husband if the police authority exercise their discretion under C9(1)).

E7(2) enables a widow, child or dependent relative to receive more than one award, if they relate to different periods of pensionable service. (This could arise if the officer retired with a pension which was withdrawn during a period of re-employment, at the end of which he had earned a further award for his widow). This does not apply where an award is increased under E8, or is a flat rate award.

This relaxation applies from 1 April 1987 and may affect widows, children or dependent relatives with awards already in payment.

1973

1987

SCH 3
Part V and
Part IX,
para 4
SCH 4,
Part IV

E8.

It is provided that, where a widow's pension is to be increased for the first 13 weeks of widowhood to equal her husband's pension, it is his pension with any pensions increase he was receiving when he died which is being matched. It is understood that police authorities have acted as if this provision had applied since 1973 and the amendment is intended to confirm this practice. This amendment is not retrospective, but any payments made in the past in good faith should not be disturbed.

Where the member concerned had more than one pension, they are to be added together to arrive at the amount of the award under E8.

The 13 week addition for the widow of a post-retirement marriage, formerly in 1973/Schedule 3, Part IX, paragraph 4(2) is now covered by E8, which applies only where a husband died in service or while actually in receipt of a pension. But, the 1973 provision for the widow of a post-retirement marriage, by failing to disapply 1973/Regulation 10, allowed her a 13 week pension as if her husband's ordinary pension had come into payment even though it had not. This error is corrected, but to comply with section 3 of the Police Pensions Act 1976, the new provision will only apply to the widow of a post-retirement marriage if her husband ceased to serve on or after 1 April 1987 (see Schedule J, part II, paragraph 10).

107,108

E9

Substantially unchanged. The reference in E9(1)(c) to an award which was "not a pension to which section 1(2)(a) of the Pensions (Increase) Act 1974 applies" achieves the same effect as the present reference to a pension to which section 1(2)(b) of that Act does apply, but is more apt.

42A
SCH12

E10

Substantially unchanged.

1973

1987

PART F

PENSIONABLE SERVICE AND TRANSFER VALUES

| | | |
|----------|-----|---|
| 46(1),54 | F1. | Substantially unchanged. (See also Schedule J, Part IV, paragraphs 5 and 6, which cover provision about pensionable service, of limited life, formerly in 1973/46(1)(b) and 52). |
| 47 | F2. | Unchanged. (See also Schedule J, part VII, paragraph 6(2)(b), which covers provision about the counting of pensionable service by a chief constable affect by an amalgamation scheme, formerly in 1973/100). |
| 48,46(2) | F3. | F3(2) continues the provision formerly in 1973/46(2), which prevents anyone gaining an extra day's service by transferring during a leap year. It also cures a defect in the 1973 Regulations by extending this provision to transfers from the RUC with effect from 1988 (the next leap year). |
| 49 | F4. | F4 is made subject to F9(4) the effect of which is described below. (See also Schedule J, Part IV, paragraph 4, which covers provision about counting previous service, of limited life formerly in 1973/49). |
| 50 | F5. | <p>F5 is made subject to F9(4). F5(2) includes a clarifying amendment, specifying the meaning of "the proportionate part" in F5(2)(c), where the police authority exercise their discretion to allow part only of a former period of service to count. (See also Schedule J, Part IV, paragraph 4, which covers provision about counting previous service, of limited life, formerly in 1973/50).</p> <p>F5(3) ensures that, if a deferred pension is relinquished to count the service it was based on again, the whole of that service will count, despite the police authority's general discretion to allow part of previous service to reckon. (There is no provision for part only of a deferred pension to be relinquished.)</p> |
| 51A | F6. | Unchanged. |
| 51 | F7. | Substantially unchanged. F7(2)(c) is a clarifying amendment. The preserved interchange arrangements will not apply where a police authority have exercised their discretion under F6(3). |

1973

1987

83,84

F8.

Substantially unchanged. (See also Schedule J, Part V, paragraph 1(2), which covers provision about the payment of transfer values between police authorities, of limited life, formerly in 1973/83(4)).

85

F9.

F9(2)(b)(i) contains a clarifying amendment to comply with social security legislation. For F9 to apply to anyone who transfers with a guaranteed minimum, the transfer must be to a scheme which is contracted-out in relation to him.

F9(3)(b) is of unchanged effect. The Interpretation Act 1978 provides that references to Northern Ireland legislation include "Measures of the Northern Ireland Assembly", (see also Schedule F, Part II, Section 2; para 1(2)(a)(ii), as regards "inward" transfers).

F9(4)(b) provides that, once a transfer value has been paid or is required to be paid under F9(3), an officer cannot later count the same service again under F4 or F5. The previous police service will reckon as service for superannuation purposes in the new employment, and if the officer rejoins the police at a later date, he may count service under F6 on receipt of a transfer value, which may include service which counts in respect of his earlier police service, but according to the transfer provisions of the schemes concerned. At present the Regulations are ambiguous as to whether previous police service can count again under F4 and F5, instead of F6. For this reason the change will apply only where a requirement or decision to pay a TV is made on or after 1 April 1987. From then on service which is covered by an outward transfer value may not be counted again under F4 or F5.

The effect of 1973/85(4) (which can apply only to an officer to whom the Police Pensions Regulations 1971 apply) is preserved as part of the 1971 Regulations, by means of Part II of Schedule 2 to the Police Pensions (Supplementary Provisions) Regulations 1987. For the calculation of a transfer value in such a case see new Regulation 82A of the 1971 Regulations, which also incorporates the provisions formerly in 1973/Schedule 9, Part I, paragraph 10.

(Regulation
1973/53
is spent)

PART G

PENSIONABLE PAY AND CONTRIBUTIONS

General

Part G is considerably shorter than Part VI of the 1973 Regulations, because all the provisions which related to the making of elections and the payment of lump sums (which had to be completed in 1973) are omitted as spent.

- 55 G1. G1(8) includes a reference to a dependent relative, which may be needed to calculate an award under Part I of Schedule E. (See also Schedule J, Part VII, paragraph 5(4)(c), which deals with provisions relating to Scottish chief constables affected by an amalgamation, formerly in 1973/55(8)).
- 56,64 G2. G2 applies only to regular policemen. Auxiliary policemen and overseas policemen who are not reversionary members of a home police force are no longer required to pay pension contributions. This requirement was removed for auxiliary policemen with effect from 6 April 1978. Like auxiliaries, overseas policemen who are not also reversionary members of a home police force are excluded from the definition of a regular policeman. There are no such officers serving at present and the only circumstances in which they would be appointed in future would be if another overseas corps should be established. They are entitled only to injury benefits under the Scheme and it is considered equitable that, like others with a similar limited entitlement (eg auxiliaries, cadets and specials), they should not be required to pay pension contributions. (See consequential amendments to B6, E2 and E3.)
- 58 G3 Spent provisions have been omitted.

(Regulations
1973/57,59,60,61 and 62
are spent)

1973

1987

PART H

APPEALS AND MEDICAL QUESTIONS

| | | |
|----|-----|--|
| 71 | H1. | Unchanged. |
| 72 | H2. | Unchanged. |
| 73 | H3. | Unchanged. |
| 74 | H4. | Unchanged. |
| 75 | H5. | Unchanged. |
| 76 | H6. | Minor procedural changes have been introduced, after consultation with the Council on Tribunals. |
| 77 | H7. | H7(2) is subject to H3(1). The 1973 reference to "Regulation 71" has been corrected. |

| <u>1973</u> | <u>1987</u> | |
|-------------|-------------|--|
| | | PART I |
| | | SERVICEMEN |
| 91 | I1. | Unchanged. |
| 92 | I2. | Unchanged. |
| 93 | I3. | Substantially unchanged. |
| 94 | I4. | I4 takes account of changes made to 1973/43 by the Police Pensions (Amendment) Regulations 1983 (SI 1983 No 996). Regulation E2 will apply to a serviceman who dies while entitled to a deferred pension if his death was the result of an injury received during his relevant service in the armed forces, as it would have applied if he had been a regular policeman who died from an injury on duty. |
| 95 | I5. | Unchanged. |
| 96 | I6. | Substantially unchanged. |
| 97 | I7 | Substantially unchanged. |
| 98 | I8 | Substantially unchanged. |
| | | It is made clear that I6, I7 and I8 will apply only where a serviceman ceased to serve as a regular policeman to undertake relevant service in the armed forces. These 3 Regulations will <u>not</u> affect those who remain regular policemen while undertaking such relevant service (eg. a reservist who attends training camp). |

1973

1987

PART J

SPECIAL CASES

| | | |
|--------|-----|---|
| 108A | J1. | Substantially unchanged, although the order of the provisions is changed. |
| 63,105 | J2. | Substantially unchanged. |
| 102 | J3. | Unchanged. |
| - | J4. | New. This provision introduces Schedule J, which contains preserved rights and other provisions which will not affect members who join a police force on or after 1 April 1987. |

1973

1987

PART K

REVISION AND WITHDRAWAL OR FORFEITURE OR
AWARDS

65
SCH 2,
Part II,
para 6

K1.

K1(5) contains the provision formerly in 1973/paragraph 6 of Part II of Schedule 2 (for an award to be made to an officer, whose ill-health pension had been cancelled, to make up any difference between pension payments already made to him and his aggregate pension contributions). But it limits its application to a policeman who does not become entitled to a deferred pension under B5 or paragraph 8(6)(b) of Part I of Schedule J. When the entitlement to a deferred pension was introduced under 1973/23A for a regular policeman whose ill-health pension had been cancelled under 1973/65/(4) the entitlement under paragraph 6 of Part II of Schedule 2 should have been limited to those who did not become entitled to a deferred pension. This omission is now repaired but applies only to those who have not served on or before 1 April 1987. K1(5)(c) has been added to ensure that appropriate account is taken of a prospective GMP entitlement in assessing any payment due under K1(5) to anyone who has not served on or before 1 April 1987. (See Schedule J, Part I, paragraph 5, which preserves the previous provisions for those who have served on or before 1 April 1987).

66

K2.

Unchanged.

67

K3.

Unchanged.

68

K4.

Substantially Unchanged.

69

K5.

Unchanged.

1973

1987

PART L

PAYMENTS BY AND TO POLICE AUTHORITIES

- | | | |
|----|-----|---|
| 78 | L1. | Unchanged. |
| 79 | L2. | An award to or in respect of a former commissioner of police of the metropolis to be paid out of moneys provided by Parliament. The Secretary of State no longer needs to determine the extent of such payments. A payment equivalent to a transfer value is to be paid from the metropolitan police fund to the Consolidated Fund if a metropolitan policeman becomes commissioner, just as a TV would be paid by another police authority if a policeman from another force became commissioner. |
| 80 | L3. | L3(6) provides expressly what was implicit in the 1973 Regulations. Payment of a gratuity, lump sum, or award by way of repayment of aggregate pension contributions may be delayed while the police authority determine entitlement and how much is due to be paid. |
| 81 | L4. | <p>The limit in L4(3) of the amount payable to a beneficiary without probate is raised from £1500 to £5000, or such higher amount as may from time to time be prescribed. This change in the limit for the purposes of section 6 of the Administration of Estates (Small Payments) Act 1965 was foreshadowed in Home Office Circular No 81/1985 of 1 November 1985. Further changes in the limit will be advised if and when they arise.</p> <p>L4(4) allows a little more flexibility than 1973/81(2), where a beneficiary is incapable of managing his affairs. A police authority may pay an award to such person as they may determine, who may not necessarily have direct care of the beneficiary. In any case payments must be made for the benefit of the beneficiary.</p> <p>Minor changes have been made in L4(5) to comply with the strict requirements of the Social Security Act 1973.</p> |

1973

1987

SCHEDULES

GLOSSARY OF EXPRESSIONS

4(1) SCHEDULE A Substantially unchanged.

PERSONAL AWARDS

SCH 2 SCHEDULE B

Part I Part I Unchanged.

Part III Part II Unchanged.

Part II Part III Substantially unchanged.
For paragraph 6 of Part II see K1(5).

Part IV Part IV Unchanged.

Part V Part V The reference to the "minimum income
guarantee" in paragraph 2 and the table,
brings out the nature of the injury award as
a topping up of certain other benefits to a
guaranteed amount.

Para 4 has been amended;

- a. to remove the reference to an industrial injury benefit (in 1973/paragraph 4(3)(a)), which was abolished by section 39 of the Social Security and Housing Benefits Act 1982,
- b. to update references to the National Insurance Acts,
- c. to omit the reference to dependants (in paragraph 4(3)(a)(iv)) to reflect a change in the social security legislation,
- d. to provide for the deduction of any reduced earnings allowance payable by DHSS in respect of the same injury.

This allowance replaces disablement pension from 1 October 1986 in certain circumstances. (In our view deductions in respect of Reduced Earnings Allowance could have been made under the Regulations of 1973 from 1 October 1986. However it is not suggested that authorities should seek to increase deductions in respect of payments which have already been made.)

1973

1987

Part V
(continued)

Part V

- e. to omit the reference to the deduction of an increase in sickness benefit on account of earnings-related supplement (which has been abolished), and
- f. to add a reference to sickness benefit payable under S.50A of the Social Security Act 1975. This benefit, which replaced industrial injury benefit w.e.f. 6 April 1983 may not be deducted from an injury award payable to a policeman who ceased to serve before 1 April 1987. (See Sch. J, Part I, para 7.)
- g. to provide for the deduction of severe disablement allowance (SDA) (introduced w.e.f. 29 November 1984 to replace non-contributory invalidity pension (NCIP). SDA may not be deducted from an injury award payable to a policeman who ceased to serve before 1 April 1987, (see Sch. J, Part I, para. 7),

Remaining amendments to paragraph 4 are to clarify existing provisions.

(See also Schedule J, Part I, paragraph 6, which covers the provision formerly in 1973/Sch. 2, Part V paragraph 6, for someone who received an injury during a period of service which included 1.4.72 or ended before 1.4.73, to have the benefit of an award under the Old cases Regulations, if better).

Part VI

Part VI

Unchanged.

Part VII

Part VII

Substantially unchanged.

Part VIII

Part VIII

Substantially unchanged.

(Part IX of
Schedule
2 is spent)

| <u>1973</u> | <u>1987</u> | |
|---|-------------|--|
| SCH 3 | SCHEDULE C | WIDOWS' AWARDS |
| Part I | Part I | Substantially unchanged. The definition of a notional pension has been expanded as a clarification of 1973/Schedule 3, Part I, paragraph 4(1)(b). |
| (For 1973/Part 2 of Schedule 3, see paragraphs 3-5 of Part II of Sch. J.) | | |
| Part III | Part II | Unchanged. |
| Part IV | Part III | Substantially unchanged. |
| (Most of the complicated provisions in Part IV of Sch. 3 are now in para 7 and 8 of Part II of Sch. J.) | | |
| Part IX | Part IV | Where there is a marriage after retirement and the widow would have been entitled to a special award had the marriage taken place while her husband was still serving, her husband having died of an injury received on duty, which did not come to light until after his retirement, paragraph 1(c) of Part IV provides that his notional pension will be the ill-health pension to which he would have been entitled had he retired in circumstances entitling him to such a pension. These circumstances are not catered for in 1973/Schedule 3, Part IX paragraph 2, so that until 1 April 1987 the award to such a widow could only have been a requisite benefit pension under paragraph 1(b) of Part IX of Schedule 3. It is unlikely that any such cases will have arisen but, if they have, police authorities should recalculate the widow's pension with effect from 1 April 1987 as provided for in paragraph 1(c) of Part IV of Schedule C. |
| Part VIII | Part V | Unchanged. |

1973

SCH 4

Part I

1987

SCHEDULE D

Part I

CHILDREN'S AWARDS

Paragraph 1(5)(b)(i) ensures that the amount of a child allowance will not be reduced, with effect from 1 April 1987, if the relevant parent was not in receipt of a pension only because an ordinary pension was not payable below age 50.

Paragraph 1(5)(b)(ii) ensures that all amounts by which the relevant parent's pension is reduced in respect of commutation are taken into account in deciding by how much a child's ordinary allowance may need to be reduced. At present only the reduction in 1973/24(6) is taken into account, but not the reduction under 24(7)(b). For officers who retire on or after 1 April 1987, the reduction under B7(8)(b) will be taken into account as well as the reduction under B7(7). (See also Schedule J, part III, paragraph 1(3).

In paragraph 3(1), the definition of a notional pension has been expanded as a clarification of 1973/Schedule 4, Part I, paragraph 3(1)(b).

(See also Schedule J, part III, paragraph 3 which covers the provision, formerly in 1973/Schedule 4, Part I, paragraph 2(1), for an increase for a child whose relevant parent died before 1 April 1973).

Part II

Part II

Unchanged.

Part III
(part)

Part III

Unchanged. (See also Schedule J, Part III, paragraph 4, which covers the transitional provisions formerly in 1973/Schedule 4, Part III, paragraph 3.)

Part IIA

Part IV

Substantially unchanged. Paragraph 3(2) ensures that where one child's award is reduced under Part IV, the amount concerned is divided equally between other eligible children.

| <u>1973</u> | <u>1987</u> | |
|-------------------|----------------------|--|
| SCH 3 | SCHEDULE E | AWARDS ON DEATH - ADDITIONAL PROVISIONS |
| Part VII | Part I | Unchanged. |
| Part VI | Part II | Unchanged. |
| Sch 4, Part IV | Part III | A child who has no parent or guardian may himself agree the amount of the gratuity he is to receive under E5. |
| | | PENSIONABLE SERVICE AND TRANSFER VALUES |
| | SCHEDULE F | |
| SCH 5 | Part I | Unchanged. |
| SCH 9, Part I | Part II Section 1 | <p>a. 1973/paragraph 1(2) ensured that, when using a proportion of a widow's notional accrued pension in the calculation of a transfer value, the proportion could not exceed a whole. This effect is preserved in the proviso of paragraph 7(8) of part II of Schedule J, where it applies to all widows' accrued pensions calculated under Schedule J, and not just to transfer values.</p> <p>b. Paragraph 10 which is new, covers the case of a policeman who transfers to outside employment after allocating part of his pension. It ensures that the transfer value covers all prospective benefits at the time of transfer by providing that it is adjusted to reflect the balance between the prospective pension reduction for the policeman and the prospective pension payable to the beneficiary, had the policeman remained in the police. The transfer value would be reduced if the beneficiary had meanwhile died. However, if the beneficiary were still living, the effect on the transfer value would depend on the relative ages of those concerned. The Government Actuary will provide a one-off calculation at the request of a police authority, as cases are likely to be rare.</p> <p>c. The effect of 1973/paragraph 7 (which related to someone who ceased to serve before 24.1.75.) is preserved in paragraph 3 of Part V of Schedule J.</p> <p>d. The effect of 1973/paragraph 8(4) (which related to someone who ceased to serve before 1.4.77. is preserved in paragraph 2 of Part V of Schedule J.</p> |

1973
SCH 9
Part I
(continued)

1987
Part II
Section 1

e. The effect of 1973/paragraph 10 (which related to someone who ceased to serve before 1.4.72.) is preserved in new Regulation 82A of the Police Pensions Regulations 1971 (the Old cases Regulations), inserted by part II of Schedule 2 to the Police Pensions (Supplementary Provisions) Regulations 1987. (See also the note on F9, where the final paragraph explains how the effect of 1973/85(4) is similarly preserved.

Part II Section 2 The Interpretation Act 1978 provides that references to Northern Ireland legislation in paragraph 1(2)(a)(ii), include "measures of the Northern Ireland Assembly". (See also F9(3)(b) as respects "outward" transfers.)

Part III Section 3 Unchanged.

SCH 6 Part III

Part I Section 1 Unchanged.

Part II Section 2 Unchanged.

Part III Section 3 Unchanged.

ADDITIONAL AND FURTHER CONTRIBUTIONS

SCH 7 SCHEDULE G

Part I
(Part II
of Schedule
7 is spent) Unchanged. (The passage of time has enabled us to shorten the Table.)

MEDICAL APPEALS

SCH 8 SCHEDULE H Unchanged.

SERVICEMEN - INCREASE OF AWARDS

SCH 10 SCHEDULE I Substantially unchanged.

1973

1987

SPECIAL CASES - EXCEPTIONS AND MODIFICATIONS

SCHEDULE J

General

Schedule J is new in itself. It does 2 main things:

- a. it includes provisions which cannot affect new entrants, but which involve no change in substance from the 1973 provisions, and
- b. where there is a change in the main 1987 provisions from the 1973 provisions, Schedule J contains the preservation of existing rights for officers who are still serving, or of those who have already retired, which are guaranteed by section 2 or section 3 of the Police Pensions Act 1976.

| | PART I | PERSONAL AWARDS |
|--|--------|--|
| 19(6) | para 1 | Substantially unchanged. |
| 19(5) | para 2 | Substantially unchanged. |
| | para 3 | Disapplies B1(3(b) for regular policemen who retired before 25 October 1984. |
| 24(1)(b) | para 4 | Makes the provision, explained at B7, for an officer who wants to commute immediately on retirement an ordinary pension which will not come into payment until he is 50, and who may do so if he retires before 1 October 1987. |
| SCH 2, part II, para 6 | para 5 | Preserves the original effect of paragraph 6 of Part II of Schedule 2, explained at K1(5), for those serving before 1 April 1987. |
| SCH 2, Part V, para 6 | para 6 | Makes the provision, explained at Schedule B, Part V, for an officer with service before 1.4.73., who may retain the right to a benefit equal to one under the Old cases Regulations. |
| SCH 2, Part V, para 4(3) (c)(i) | para 7 | Makes the provision explained at Schedule B, Part V, which prevents new DHSS benefits being deducted from an injury award, for an officer who ceased to serve before 1 April 1987. |
| 23D | para 8 | Substantially unchanged. A9(2) covers the provision formerly in 1973/23D(7). |
| 23C | para 9 | A deferred pension payable under paragraph 8(6)(b) of Part I of Schedule J will not serve to replace entitlement to equivalent pension benefit under paragraph 9, because the two awards must be in respect of different periods of service (ie before, or on or after, 6 April 1975). |

1973

1987

SCHEDULE J
(continued)

PART II

WIDOWS' AWARDS

27(1)

para 1

The effect of 1973/27(1) is preserved in respect of a widow whose husband retired before 1 April 1987.
(See also C1.)

27(3)

para 2

The effect of 1973/27(3), introducing the transitional provisions where pre-1972 pensionable service was not fully uprated, is preserved by paragraph 2.

SCH 3
Part II

para 3

Paragraphs 3, 4 and 5 preserve the effect of 1973/Schedule 3, Part II, which contained the transitional provisions relating to a widow's ordinary pension, where pre-1972 pensionable service was not fully uprated to the half-rate. Paragraph 1(2) of the 1973 provision included the words "but disregarding paragraph 3(3) [of Part I of Schedule 3]". The effect of these words became spent when paragraph 3(3) of Part I was omitted by the Police Pensions (Amendment) Regulations 1980 (S.I. 1980 No. 1616). (The provision was originally introduced in 1956 to provide a small extra benefit only for the widows of men who opted for the widow's one-third rate scheme, but who died before the pension they had earned exceeded the flat-rate pension). Any widow now entitled to a pension under paragraph 3(2) of Part II of Schedule J may elect under paragraph 3 of Part I of Schedule C for a flat-rate pension calculated under E10 and, if her husband had more than 10 years' pensionable service, she will be entitled to the 56p increase under E10(3), as increased under E10(6).

para 4

A widow's ordinary pension under paragraph 4 must not be less than a widow's requisite benefit pension under part V of Schedule C. This provision did not apply under the 1973 Regulations. It will apply to all payments made in respect of such a widow's pension on or after 1 April 1987. However, cases will be few where the pension under paragraph 4 would not exceed a requisite benefit pension, which relates only to service on or after 6 April 1978. Service which counts under F3(1)(f) (BAA constabulary service transferred in on 1 November 1974) cannot be "pre-72 pensionable service" and this is made explicit.

| <u>1973</u> | <u>1987</u> | |
|---------------------------------|-------------|---|
| | SCHEDULE J | |
| SCH 3 Part II (continued) | para 5 | The exclusion from the definition in paragraph 5(4) of "pre-72 pensionable service", of service reckonable by virtue of section 10 of the Police Pensions Act 1921, is to correct an error in the 1973 Regulations as originally made. This is service transferred in respect of previous civil service before 1967, for which there was no power to attach conditions to its counting for any police pensions purposes. This change has therefore also been introduced into the 1973 Regulations with effect from 1 April 1972, by Part II of Schedule 1 to the Police Pensions (Supplementary Provisions) Regulations 1987. Police authorities with officers or former officers who count service under section 10 of the 1921 Act, may therefore need to check that such service was treated as half-rate service. |
| 28(2) | para 6 | Ensures that a widow whose husband died in service before 25 October 1982 is not entitled to the increased special gratuity for which C2 now provides, but to the gratuity previously payable under 1973/28(2). |
| SCH 3, Part II | para 7 | Paragraphs 7 and 8 contain the transitional provisions relating to a widow's accrued pension, where service was not fully upated to the half-rate. |
| SCH 3, Part IV | | The proviso to paragraph 7(8) was formerly in paragraph 1(2) of Part I of Schedule 9 to the 1973 Regulations. In paragraph 7, it could now affect the calculation of a widow's accrued pension where the husband became entitled to a deferred pension under B5, because B1(6) prevented him from becoming entitled to an ordinary pension. The circumstances are unlikely to arise, because such a deferred pension would be subject to the possibility of forfeiture. |
| SCH 3, Part VI | para 8 | Paragraph 8(3) has been introduced to ensure that, in the case of future retirements, the proportions in paragraph 8 are not distorted in the rare circumstances of calculating a widow's accrued pension where pensionable service exceeds 30 years (eg on transfer). |

1973

1987

SCHEDULE J
PART II
(continued)

31, 45

para 9

This paragraph ensures that E4(6), which is new, does not apply to the widow of a man who ceased to serve before 1 April 1987. Section 3 of the Police Pensions Act 1976 does not allow her entitlement to be worsened. However, where 2 awards are payable to the widow, but for the anti-duplication provision in regulation E7(1), commuting one for a gratuity under regulation E4 (without paragraph (6)) has the unintended effect of reviving the entitlement to the other. Police authorities should bear this in mind, in the case of a widow whose husband ceased to serve before 1 April 1987, in deciding whether to exercise their discretion under E4(2) or (3). Where they have already exercised their discretion in such a case, under 1973/Regulation 31, they should check whether an entitlement to another award has revived, and if so put it into payment, together with any back payment to which the widow is entitled. (See also Schedule J, Part III, paragraph 6).

SCH 3,
Part IX,
para 4

para 10

This preserves the entitlement for the widow of a post retirement marriage, whose husband ceased to serve before 1 April 1987, of a 13 week pension at the rate of her husband's pension, even though his pension was an ordinary pension not yet in payment (see also E8).

1973

1987
SCHEDULE J
(continued)

PART III

CHILDREN'S AWARDS

- 37(1) para 1 The effect of 1973/37(1) is preserved by sub-paragraph (2), in respect of a child whose relevant parent retired before 1 April 1987 (see also D1). The effect of sub-paragraph (3) has been explained in relation to Schedule D, part I, paragraph 1(5)(b)(ii).
- SCH 4,
Part I,
(part) para 2 Paragraph 2 preserves the transitional effect of 1973/Schedule 4, part I, where pre-1972 pensionable service was not fully uprated for widow's and children's benefits.
- SCH 4,
Part I
para 2(1) para 3 The increase in a child's ordinary allowance to the amount payable under the 1971 Regulations, where the relevant parent died before 1 April 1973, is preserved, although it could rarely be applied in future (eg for a child disabled since before the relevant parent's death).
- SCH 4,
Part III
(part) para 4 Substantially unchanged. (Paragraph 4 contains the transitional provisions relating to a child's accrued allowance, where service was not fully uprated to the half rate).
- para 5 This paragraph continues the effect of Regulation 7 of the Police Pensions (Amendment) Regulations 1983 (S.I. 1983 No. 996), described in paragraph 5 of Appendix 1 to Home Office Circular No 95/1983 of 22 August 1983 and in Scottish Office (Police Services) Circular No 1983/1.
- para 6 This paragraph ensures that E5(5) which is new, does not apply to a child whose relevant parent ceased to serve before 1 April 1987. Section 3 of the Police Pensions Act 1976, does not allow the child's entitlement to be worsened. However, where 2 awards are payable, but for the anti-duplication provision in regulation E7(1), commuting one for a gratuity under regulation E5 (without paragraph (5)) has the unintended effect of reviving the entitlement to the other. Police authorities should bear this in mind, in the case of a child whose relevant parent ceased to serve before 1 April 1987, in deciding whether to exercise their discretion under E5(2) or (3). Where they have already exercised their discretion in such a case, under 1973/Regulation 41, they should check whether an entitlement to another award has revived, and if so put it into payment, together with any back payment to which the child is entitled.
(See also Schedule J, Part II, paragraph 9).

1973

1987

SCHEDULE J
(continued)

PART IV

PENSIONABLE SERVICE

SCH 11

paras 1
to 3

These paragraphs, which are substantially unchanged, preserve the counting of service in completed years and half years for awards to and in respect of officers who retired before 24 January 1975.

para 4

Where a deferred pension which was part of a split award under para 8 of part I of Schedule J is relinquished so that a policeman may count service again under F4 or F5, paragraph 4 makes it clear that no account need be taken of additional or further contributions or lump sum payment made during former service. These amounts will have been repaid to the policeman as part of his award under paragraph 8(6)(a) of Part I of Schedule J.

The provisions dealing with proportions where part only of previous service is to reckon, are clarified.

46(1)(b)

para 5

Unchanged.

52

para 6

Substantially unchanged.

para 7

Substantially unchanged. This paragraph makes sure that references to former National Insurance legislation in paragraph 1(2) of section 2 of Part II of Schedule F apply correctly where a transfer value was received before 1 April 1987.

PART V

TRANSFER VALUES

83(4)

para 1

Unchanged.

SCH 9,
Part I,
para 8(4)

para 2

Unchanged.

SCH 9,
Part I,
para 7

para 3

Substantially unchanged.

| <u>1973</u> | <u>1987</u> | |
|--|-------------|---|
| | PART VI | PENSIONABLE PAY AND CONTRIBUTIONS ETC |
| 101A | para 1 | Unchanged. |
| | para 2 | This paragraph continues the effect of the Police Pensions (Amendment) Regulations 1980 (S.I. 1980 No. 82). (See Home Office Circular No 38/1980 of 16 April 1980.) |
| 61A and SCH 2 Part VIII, paras 3A and 6 (part) | para 3 | Substantially unchanged, except for the omission of spent parts. |
| | PART VII | GENERAL AND ADDITIONAL PROVISIONS |
| 4(1) | para 1 | Unchanged. |
| 4(3) | para 2 | Unchanged. |
| 6(6) | para 3 | Unchanged. |
| SCH 3, Part V para 4 and SCH 3, Part III, para 2 | para 4 | This paragraph continues the references to former National Insurance legislation in respect of persons who ceased to serve before the Social Security Act 1975 came into force. |
| 21(1)(b) 55(8) and 99 SCH 2, Part VII, para 1(5) | para 5 | Substantially unchanged, but the reference in 1973/55(8)(b) to the "approval of the Secretary of State" has been omitted. |
| 21(1)(e) and 100 | para 6 | Substantially unchanged. |
| 103 | para 7 | Unchanged. |
| 104 | para 8 | Unchanged. |
| 109 | para 9 | Unchanged. |
| 110 | para 10 | Unchanged. |
| (Regulation 1973/101 is spent) | | |

TABLE OF DESTINATIONS

Annex B

| | |
|----------------------------------|---|
| "1973" | Police Pensions Regulations 1973 (SI 1973 No 428) |
| "1987" | Police Pensions Regulations 1987 (SI 1987 No 257) |
| "Supplementary Provisions" | Police Pensions (Supplementary Provisions) Regulations 1987 (SI 1987 No 256) |
| "Old Cases Regulations" | Police Pensions Regulations 1971 (SI 1971 No 232) |

| 1973 | 1987 (or as otherwise indicated) (references to Sch J are indented, unless the main entry) |
|----------|--|
| PART I | |
| 1 | A1 |
| 2 | A3 and Supplementary Provisions, Regulation 4 |
| 3 | Supplementary Provisions, Regulation A3 and Sch 1, Part III (A2 is similar) |
| PART II | |
| 4 | Sch A, A4, A7 and Sch J, Part VII, paragraphs 1 and 2, and Sch B, Part VII, paragraph 1 |
| 5 | A5 |
| 6 | A6 and Sch J, Part VII, paragraph 3 |
| 7 | A4(1) |
| 8 | A16 |
| 9 | A17 and A21(1) |
| 10 | A8 |
| 11 | A10 |
| 11A | A9 |
| 12 | A11 |
| 13 | A12 |
| 14 | A13 |
| 15 | A14 |
| 16 | A3(1) |
| 17 | A4(2) (spent parts omitted) |
| 18 | Spent (Interpretation Act 1978 applies automatically) |
| PART III | |
| 19 | B1 and Sch J, Part I, paragraphs 1, 2 and 3 |
| 20 | B3 |
| 21 | B2 and Sch J, Part VII, paragraphs 5(3) and 6(2) |
| 22 | B4 |
| 23 | B5(2), B6(1) and (2) Sch J, Part I, paragraph 8(5) |
| 23A | B5(3) |
| 23B | B5 |
| 23C | Sch J, Part I, paragraph 9 |
| 23D | Sch J, Part I, paragraph 8 and A9(2) |
| 24 | B7 and Sch J, Part I, paragraph 4 (spent parts omitted) |
| 24A | B8 |
| 25 | B9 |
| 26 | B10 |

| 1973 | 1987 (or as otherwise indicated) |
|---|--|
| PART IV 27 28 29 30 31 32 32A 33 34 35 36 37 38 39 40 41 42 42A 43 44 45 | C1 and Sch J, Part II, paragraphs 1 and 2 C2 and Sch J, Part II, paragraph 6 C3 C4 E4 and Sch J, Part II, paragraph 9 C7 C6 C5 C8 C9 E1 D1 and Sch J, Part III, paragraph 1 D2 D3 D4 E5 and Sch J, Part III, paragraph 6 D5 E10 E2 and E3 E6 E7(1) |
| PART V 46 47 48 49 50 51 51A 52 53 54 | F1, F3(2) and Sch J, Part IV, paragraph 5 F2 F3(1) F4 and Sch J, Part IV, paragraph 4 F5 and Sch J, Part IV, paragraph 4 F7 F6 Sch J, Part IV, paragraph 6 Spent F1(2) |
| PART VI 55 56 57 58 59 60 61 61A | G1 and Sch J, Part VII, paragraph 5(4)(c) G2(1) Spent G3 (spent parts omitted) Spent Spent Spent Spent Sch J, Part VI, paragraph 3 (spent parts omitted) |

| 1973 | 1987 (or as otherwise indicated) |
|---|---|
| 62 63 64 | Spent J2 G2(2) and G3(5) |
| PART VII 65 66 67 68 69 70 | K1 K2 K3 K4 K5 K5(6) |
| PART VIII 71 72 73 74 75 76 77 | H1 H2 H3 H4 H5 H6 H7 |
| PART IX 78 79 80 81 82 83 84 85 | L1 L2 L3 L4 B11 F8 and Sch J, Part V, paragraph 1 F8 F9 and Old Cases Regulations 82A (see Supplementary Provisions, Sch 2, Part II) |
| PART X 86 87 88 89 90 | A18 (spent parts omitted) A19 A19(1) A20 A21 |
| PART XI 91 92 93 94 95 96 97 98 | I1 I2 I3 I4 I5 I6 I7 I8 |

| 1973 | 1987 (or as otherwise indicated) |
|---|--|
| PART XII 99 100 101 101A 102 103 104 105 106 | Sch J, Part VII, paragraph 5 Sch J, Part VII, paragraph 6 Spent Sch J, Part VI, paragraph 1 J3 Sch J, Part VII, paragraph 7 Sch J, Part VII, paragraph 8 J2 A17 and B1(6) |
| PART XIII 107 108 | E9 E9 |
| PART XIV 108A 109 110 111 | J1 Sch J, Part VII, paragraph 9 Sch J, Part VII, paragraph 10 A15 |
| SCHEDULE 1 | Supplementary Provisions, Sch 2, Part I |
| SCHEDULE 2 PART I " II " III " IV " V " VI " VII " VIII " IX | Sch B, Part I " , " III, K1(5) and Sch J, Part I, paragraph 5 Sch B, Part II " , " IV " , " V, Sch J, Part I, paragraphs 6 and 7 Sch J, Part VII, paragraph 4 " , " VI " , " VII and Sch J, Part VII, paragraph 5(4)(c) " , " VIII and Sch J, Part VI, paragraph 3 Spent |
| SCHEDULE 3 PART I " II " III " IV " V " VI " VII " VIII " IX | Sch C, Part I Sch J, Part II, paragraphs 3 to 5 Sch C, Part II and Sch J, Part VII, paragraph 4 " , Part III and Sch J, Part II, paragraphs 7 and 8 E8 Sch E, Part II " , " I Sch C, Part V " , " IV and Sch J, Part II, paragraph 10 |

| 1973 | 1987 (or as otherwise indicated) |
|---|---|
| SCHEDULE 4 PART I " II. " IIIA " III " IV " V | Sch D, Part I and Sch J, Part III, paragraphs 1, 2 and 3 " , Part II " , " IV " , " III and Sch J, Part III, paragraph 4 E8 Sch E, Part III |
| SCHEDULE 5 | Sch F, Part I |
| SCHEDULE 6 PART I " II " III | Sch F, Part III, section 1 " " " 2 " " " 3 |
| SCHEDULE 7 PART I " | Sch G Spent |
| SCHEDULE 8 | Sch H |
| SCHEDULE 9 PART I " II " III | Sch F, Part II, section 1 Sch J, Part V, paragraphs 2 and 3, and Old Cases Regulations 82A (see Supplementary Provisions, Sch 2, Part II) Sch F, Part II, section 2 and Sch J, Part IV, paragraph 7 Sch F, Part II, section 3 |
| SCHEDULE 10 | Sch I |
| SCHEDULE 11 | Sch J, Part IV, paragraphs 1 to 3 |
| SCHEDULE 12 | E10 |
| | |

Annex C

EXPLANATORY NOTES ON THE POLICE (INJURY BENEFIT) REGULATIONS 1987 AS AMENDED BY THE POLICE (INJURY BENEFIT) (AMENDMENT) REGULATIONS 1987

Briefly, the purpose of these Regulations is to implement an agreement reached by Committee E of the Police Negotiating Board that improved lump sum compensation payments should be made to police officers or their dependants in the event of death or total incapacity resulting from an injury on duty.

2. There are 10 Regulations. Regulation 9, however, is omitted by the Amendment Regulations, but Regulation 10 remains so numbered.

- 1-3 - Citation, commencement and interpretation
- 4 - Benefit payable on disablement
- 5 - Benefit payable on death
- 6 - Gratuities paid in anticipation
- 7 - Abatement in respect of gratuities payable under the principal Regulations
- 8 - Abatement in respect of damages or compensation
- 9 - Admissibility of certificates in evidence
(removed by Regulation 3(5) of the Amendment Regulations)
- 10 - Application of principal Regulations

CITATION, COMMENCEMENT AND INTERPRETATION

Regulations 1-3

3. It should be noted that the Regulations have effect from 25 November 1982. They can apply:-

- (a) to anyone injured or killed on duty on or after that date (provided that, in the case of an injury, total disablement occurred within 12 months of the date of injury); and
- (b) to anyone injured on duty before 25 November 1982 who was still serving on that date (provided that death or total disablement occurred within 12 months of the date of injury).

(Regulation 2)

4. The Regulations apply to members of a police force who die or are totally disabled as a result of an injury on duty. Expressions used have the same meanings as they have under the Police Pensions Regulations 1973 (the principal Regulations) unless defined separately. Thus for instance an injury on duty includes an injury received on the way to or from duty, or in the other circumstances set out in Regulation 12 of the principal Regulations.

"Taxable allowances " means all taxable allowances payable by virtue of regulations from time to time in force under section 33 of the Police Act 1964 or section 26 of the Police (Scotland) Act 1967.

"Total remuneration", in relation to a member of a police force, means the sum of his pensionable pay and taxable allowances payable to him.

(Regulation 3)

GRATUITY PAYABLE ON DISABLEMENT

Regulation 4 (as amended by Regulation 3(2) of the Amendment Regulations)

5. A disablement gratuity will be paid to anyone injured without his own default in the execution of his duty, provided:-

- (a) he ceased to be a member of a police force on or after 25 November 1982;
- (b) he is totally and permanently disabled as a result of that injury; and
- (c) his disablement took place within 12 months of his injury.

(Paragraph (1))

6. The disablement gratuity will equal:-

- (a) 5 x his annual pensionable pay; or
- (b) 4 x his total remuneration, together with his aggregate pension contributions in respect of the relevant period of service;

whichever is less.

"Relevant period of service" means his service since he last joined or was called up for active service (see Regulation 11(1) of the principal Regulations).

(Paragraph (2))

GRATUITY PAYABLE ON DEATH

Regulation 5 (as amended by Regulation 3(3) of the Amendment Regulations)

7. A death gratuity will be paid to a dependant of a member who dies as the result of an injury received without his own default in the execution of his duty, provided:-

- (a) he was serving on or after 25 November 1982;
- (b) he died within 12 months of the injury; and
- (c) he had not already been declared by a doctor to be totally and permanently disabled as a result of his injury. (If a doctor had already found him to be totally and permanently disabled through his injury an entitlement to a disablement gratuity would have arisen under Regulation 4,

and if it had not already been paid would be a debt due to his estate).

(Paragraphs (1) and (2))

8. A "dependant" means:-

- (a) a widow who qualifies for a special award under Regulation 28 of the principal Regulations (if she was married after her husband ceased to serve, or if she was separated from him, she could be disqualified under Regulation 33(2) or 34 of the principal Regulations); or
- (b) if there is no such widow, a child who qualifies for a special allowance under Regulation 38 of the principal Regulations (a child could be disqualified by any of the limitations set out in Regulation 42 of the principal Regulations); or
- (c) if there is no such widow or child, a dependent relative who qualifies for a dependent relative's special pension under Regulation 36 of the principal Regulations.

The death gratuity will be calculated in exactly the same way as the disablement gratuity would have been calculated under Regulation 4. If the member died in service it will be calculated on his pay etc at the date of his death.

(Paragraph (3))

9. If in the circumstances described in 8(b) or (c) above there is more than one child or dependent relative, the police authority has discretion how to apportion the gratuity between them. In most cases police authorities will probably wish to divide the gratuity equally between the children or the dependent relatives, as the case may be, but if they consider that circumstances warrant it they will have discretion to give more to one child or dependent relative than to another.

(Paragraph (4))

GRATUITIES PAID IN ANTICIPATION

Regulation 6

10. Some police authorities have obtained sanction under Section 19(1) of the Local Government Finance Act 1982 to make payments in anticipation of these Regulations. Such payments are to be treated as gratuities paid under these Regulations and no further payments will be due. If asked to do so a police authority may certify that a gratuity has been paid in anticipation of these Regulations.

ABATEMENT IN RESPECT OF GRATUITIES PAYABLE UNDER THE PRINCIPAL REGULATIONS

Regulation 7

11. Disablement gratuities will be reduced by any gratuities paid to the member under the principal Regulations, ie:-

- (a) an ill health gratuity (Regulation 20(4));
- (b) a short service gratuity (Regulation 21(4)); or
- (c) an injury gratuity (Regulation 22).

(Paragraph (1))

12. Death gratuities will be reduced by the following gratuities payable under the principal Regulations:-

- (a) any ill health, short service or injury gratuity paid to the member;
- (b) any gratuity paid to the member's estate under Regulation 43 of the principal Regulations; and
- (c) any gratuities paid to the person receiving the death gratuity under:-
 - (i) Regulation 28 (widow's special gratuity)
 - (ii) Regulation 39 (child's special gratuity)
 - (iii) Regulation 43 (dependent relative's gratuity),

except that where the gratuity payable under (i) above falls to be calculated under Regulation 29(3), no account will be taken of the amount by which the result exceeds the gratuity which would have been payable under Regulation 28(2) if the member had died while serving as a member of a police force, and if his average pensionable pay had been greater than $2\frac{1}{4}$ times the annual amount of the ill-health pension which would have been payable to him under Regulation 20 of the principal Regulations if he had retired on the grounds of permanent disability on the day on which he died.

(Paragraph (2))

13. Where a gratuity is to be divided between children, or between dependent relatives, any deductions to be made under (a), (b) or (c) above will be made before the gratuity is divided. However, as the policy authority has discretion how to divide the net gratuity, any unfairness which might result can be removed.

(Paragraph (3))

ABATEMENT IN RESPECT OF DAMAGES OR COMPENSATION

Regulation 8 (as amended by Regulation 3(4) of the Amendment Regulations)

14. Police authorities are required to take account of damages or compensation recovered by anyone in respect of the death or disability and may withhold or reduce the gratuity payable under these Regulations accordingly.

This provision, which is common in the public service and also applies to awards made under the National Joint Council for Local Authorities' Fire Brigades' "Scheme for Compensation for Death or Serious Injury on Duty" in the fire service, is designed to prevent duplication of benefits.

It includes compensation paid in compliance with an Order under Section 35 of the Powers of Criminal Courts Act 1973. It does not extend to gifts received by the person concerned, whether by public subscription or otherwise, nor does it extend to insurance policies taken out by members themselves (or group policies covering them), on which they paid the premiums.

15. Damages or compensation paid to the member should always be taken into account whoever receives the disablement or death gratuity under these Regulations. However, damages or compensation paid to someone other than the member in respect of the member's disablement or death should only be taken into account in calculating the gratuity under these Regulations for the person who actually received the damages or compensation.

16. The Regulation is silent about the extent to which the amount of any damages or compensation should be taken into account, but the wording of paragraph (1) is sufficiently flexible to allow police authorities to use their discretion. For example, where there is an identifiable element in any award of damages or compensation for non-pecuniary loss, eg for pain and suffering, police authorities may decide to ignore this element when making any deduction from a gratuity under these Regulations. This flexibility would also enable a police authority to redress any unfairness which might otherwise be caused if a court, in fixing the amount of any damages or compensation, took into account the gratuity for which these Regulations allow. Police authorities should not take damages or compensation otherwise received into account to the extent that the police officer or his dependants are in fact worse off because of legal costs. For example, if a court awarded damages equivalent to five years' salary (the amount of the gratuity payable under these Regulations) but legal costs borne by the claimant were equivalent to one year's salary it would not be right for a police authority to withhold the entire gratuity of five years' salary.

(Paragraph 1(1))

17. For the same reasons an award by the Criminal Injuries Compensation Board which has been reduced in respect of a gratuity paid or payable under these Regulations is excluded from the definition of "compensation".

(Paragraph (2))

18. Before a gratuity can be paid the prospective recipient is required to give a written undertaking to the police authority that he will notify them of any damages or compensation recovered and will make appropriate repayment, up to the amount of the gratuity or the net amount of the damages or compensation,

whichever is the less. The net amount of the damages or compensation means after the payment of any income tax due. Signature of the undertaking will constitute a contract with the Police Authority. Failure to comply with the terms of the undertaking would constitute a breach of contract, for which the police authority could take Court proceedings.

(Paragraph (3))
(as substituted by Regulation 3(4)
of the Amendment Regulations)

19. This part of the Regulation provides that the police authority shall not ask for repayment after the death of the beneficiary or more than 2 years after the amount of damages has been determined.

(Paragraph (4))
(as substituted by Regulation 3(4)
of the Amendment Regulations)

ADMISSIBILITY OF CERTIFICATES IN EVIDENCE

Regulation 9 is removed by Regulation 3(5) of the Amendment Regulations.

APPLICATION OF THE PRINCIPAL REGULATIONS

Regulation 10

20. The general provisions of the Police Pensions Regulations 1973 (the 1973 Regulations) will apply to an award under these Regulations as they would to a similar award under the 1973 Regulations. For instance the provision of Regulation 80(6) would apply, and the police authority could pay the gratuity in instalments if they felt this to be in the best interests of the recipient.

(Paragraph (1))

21. "Corresponding awards" are defined in terms of the closest equivalent gratuity under the 1973 Regulations, sufficiently similar to attract the appropriate provisions of the 1973 Regulations (as explained in Paragraph 20), although they are not necessarily payable in similar circumstances.

(Paragraph (2))

22. The most important provisions of the 1973 Regulations, which are specifically applied, are the provisions of Part VIII relating to the "determination of questions", so that a police authority must take qualified medical advice before reaching any decision and all the rights of appeal under Regulations 72 and 77 will apply. The questions which would need to be referred to the doctor under Regulation 71(2) are slightly different from those relating to awards under the 1973 Regulations, and are therefore set out at (a) to (d) of paragraph (3).

(Paragraph (3))

NOTES FOR THE GUIDANCE OF THOSE CONSIDERING ENTITLEMENT TO AN AWARD UNDER THE POLICE (INJURY BENEFIT) REGULATIONS 1987, THE SPECIAL CONSTABLES (INJURY BENEFIT) REGULATIONS 1987 OR THE POLICE CADETS (INJURY BENEFIT) REGULATIONS 1987

23. Explanatory notes on the Special Constables (Injury Benefit) Regulations 1987 and the Police Cadets (Injury Benefit) Regulations 1987 are at Annex D.

24. The notes at Annex E endeavour to explain entitlement to benefit under the Injury Benefit Regulations in a simplified form, for the guidance of those administering the Regulations and those who may be entitled to benefit under them.

EXPLANATORY NOTES ON THE SPECIAL CONSTABLES (INJURY BENEFIT) REGULATIONS 1987
AS AMENDED BY THE SPECIAL CONSTABLES (INJURY BENEFITS) (AMENDMENT) REGULATIONS 1987

There are only 4 Regulations.

Regulations 1 and 2 deal with citation and commencement.

Regulation 3(1) construes the Regulations as one with the Special Constables (Pensions) Regulations 1973 (the principal Regulations). Regulation 3(2) defines "totally disabled" as "incapable by reason of the disablement in question of earning any money in any employment".

Regulation 4 applies the Police (Injury Benefit) Regulations 1987 as amended by the Police (Injury Benefit) (Amendment) Regulations 1987 to a special constable who was holding office on or after 25 November 1982 and who, within 12 months of receiving an injury on duty without his own default in the execution of his duty, dies as a result of that injury; and to a special constable who ceases to hold office on or after the above date and who, within 12 months of receiving an injury without his own default in the execution of his duty, becomes totally and permanently disabled as a result of that injury.

EXPLANATORY NOTES ON THE POLICE CADETS (INJURY BENEFIT) REGULATIONS 1987
AS AMENDED BY THE POLICE CADETS (INJURY BENEFIT) (AMENDMENT) REGULATIONS 1987

There are only 4 Regulations.

Regulations 1 and 2 deal with citation and commencement.

Regulation 3(1) construes the Regulations as one with the Police Cadets (Pensions) Regulations 1973 (the principal Regulations). Regulation 3(2) defines "totally disabled" as "incapable by reason of the disablement in question of earning any money in any employment".

Regulation 4(1) applies the Police (Injury Benefit) Regulations 1987 as amended by the Police (Injury Benefit) (Amendment) Regulations 1987 to a police cadet who was serving on or after 25 November 1982 and who, within 12 months of receiving an injury on duty without his own default in the execution of his duty, dies as a result of that injury; and to a police cadet who ceases to serve as such on or after the above date and who, within 12 months of receiving an injury without his own default in the execution of his duty, becomes totally and permanently disabled as a result of that injury. Regulation 4(2) amends Regulation 4(3) of the principal Regulations to the effect that the exclusion of any provision made other than under those Regulations for pension, allowance or gratuity in respect of a police cadet's service as such shall not include any such provision made under the Police Cadets (Injury Benefit) Regulations.

Annex E

NOTES FOR THE GUIDANCE OF THOSE CONSIDERING ENTITLEMENT TO AN

AWARD UNDER THE POLICE (INJURY BENEFIT) REGULATIONS 1987

AS AMENDED BY THE POLICE (INJURY BENEFIT) (AMENDMENT) REGULATIONS 1987,

THE SPECIAL CONSTABLES (INJURY BENEFIT) REGULATIONS 1987

AS AMENDED BY THE SPECIAL CONSTABLES (INJURY BENEFIT) (AMENDMENT) REGULATIONS 1987,

OR THE POLICE CADETS (INJURY BENEFIT) REGULATIONS 1987

AS AMENDED BY THE POLICE CADETS (INJURY BENEFIT) (AMENDMENT) REGULATIONS 1987

The above Regulations allow for the payment of a lump sum benefit to a policeman, a special constable or a cadet so badly injured on duty that he is unable to work again, or to his dependants if he dies, provided certain conditions are fulfilled. Medical questions are dealt with in the usual way and subject to the same appeal system. Other lump sum benefits relating to the same injury or death will be deducted from the award.

These notes are intended to show who is able to benefit and how much the benefit is likely to be, but they cannot override the provision of the Regulations themselves.

PART A Who is able to benefit?

Question 1 Does the case relate to a member of:-

- (a) a police force,
- (b) the special constabulary or
- (c) the police cadets

who ceased to serve on or after 25 November 1982?

Yes See Question 2.

No No benefit payable under these Regulations.

Question 2 Was the member injured on duty?

Yes See Question 3.

No No benefit payable under these Regulations.

Question 3 Was the member found to be totally and permanently disabled by the Force Medical Officer, or on appeal to a medical referee?

Yes See Question 4.

No See Question 7.

Question 4 Is the disablement the result of the injury on duty?

Yes See Question 5.

No No benefit payable under these Regulations.

Question 5 Was the member disabled within 12 months of the injury?

Yes See Question 6.

No No benefit payable under these Regulations.

Question 6 Has the member died before the benefit can be paid?

Yes Benefit is payable to the member's estate.

No Benefit is payable to the member.

Question 7 Has the member died?

Yes See Question 8.

No No benefit payable under these Regulations.

Question 8 Did the member die within 12 months of the injury?

Yes See Question 9.

No No benefit payable under these Regulations.

Question 9 Is there a widow who would qualify for a special award under Regulation 28 of the principal Regulations?

Yes Benefit is payable to the widow.

No See Question 10.

Question 10 Is there a child or children who would qualify for a special allowance under Regulation 38 of the principal Regulations?

Yes Benefit is payable to the child or children, the police authority deciding how to split it.

No See Question 11.

Question 11 Is there a dependent relative who would qualify for a special pension payable under Regulation 36 of the principal Regulations?

Yes Benefit is payable to the dependent relative or relatives, the police authority deciding how to split it.

NO No benefit is payable under these Regulations.

PART B How much will the benefit be?

1. BASIC BENEFIT IS:-

(a) 5 times annual pensionable pay; or

(b) 4 times total remuneration, plus aggregate pension contributions
whichever is less.

Annual pensionable pay is:

the annual rate of pay the member was on when he died or ceased to serve.

Total remuneration is:

all the pensionable pay and taxable allowances received in the 12 months before the member died or ceased to serve.
(This does not include compensatory grant, which is not an allowance).

Aggregate pension contributions are:

all the contributions the member has paid during his police service (including any separate contributions towards widow's benefit) and in some cases contributions paid in another job where the member has transferred service into the police scheme.

Special constables, who are unpaid, will be entitled to basic benefit of 5 times the annual pensionable pay of a police constable in the same police area.

2. ABATEMENT OF BASIC BENEFIT

The basic benefit payable to a member

will be abated by -

- (a) any gratuities payable to him under the Police Pensions Regulations; and
- (b) damages or compensation payable to him in respect of the same injury.

The basic benefit payable to a widow

will be abated by -

- (a) any gratuities payable to the member or the widow under the Police Pensions Regulations except that, in the case of a widow entitled to an augmented award calculated under Regulation 29(3) of the Police Pensions Regulations 1973, no account will be taken of the amount by which that award exceeds the gratuity which would have been payable under Regulation 28(2) if the member had died while serving as a member of a police force, and if his average pensionable pay had been greater than $2\frac{1}{4}$ times the annual amount of the ill-health pension which would have been payable to him under Regulation 20 of the principal Regulations if he had retired on the grounds of permanent disability on the day on which he died; and
- (b) damages or compensation payable to the member or the widow in respect of the same injury.

The basic benefit payable to a child

will be abated by -

- (a) any gratuities payable to the member, and to any children (self and others) under the Police Pensions Regulations; and
- (b) damages or compensation payable to the member, or the child concerned, in respect of the same injury.

The basic benefit payable to a dependent relative

will be abated by -

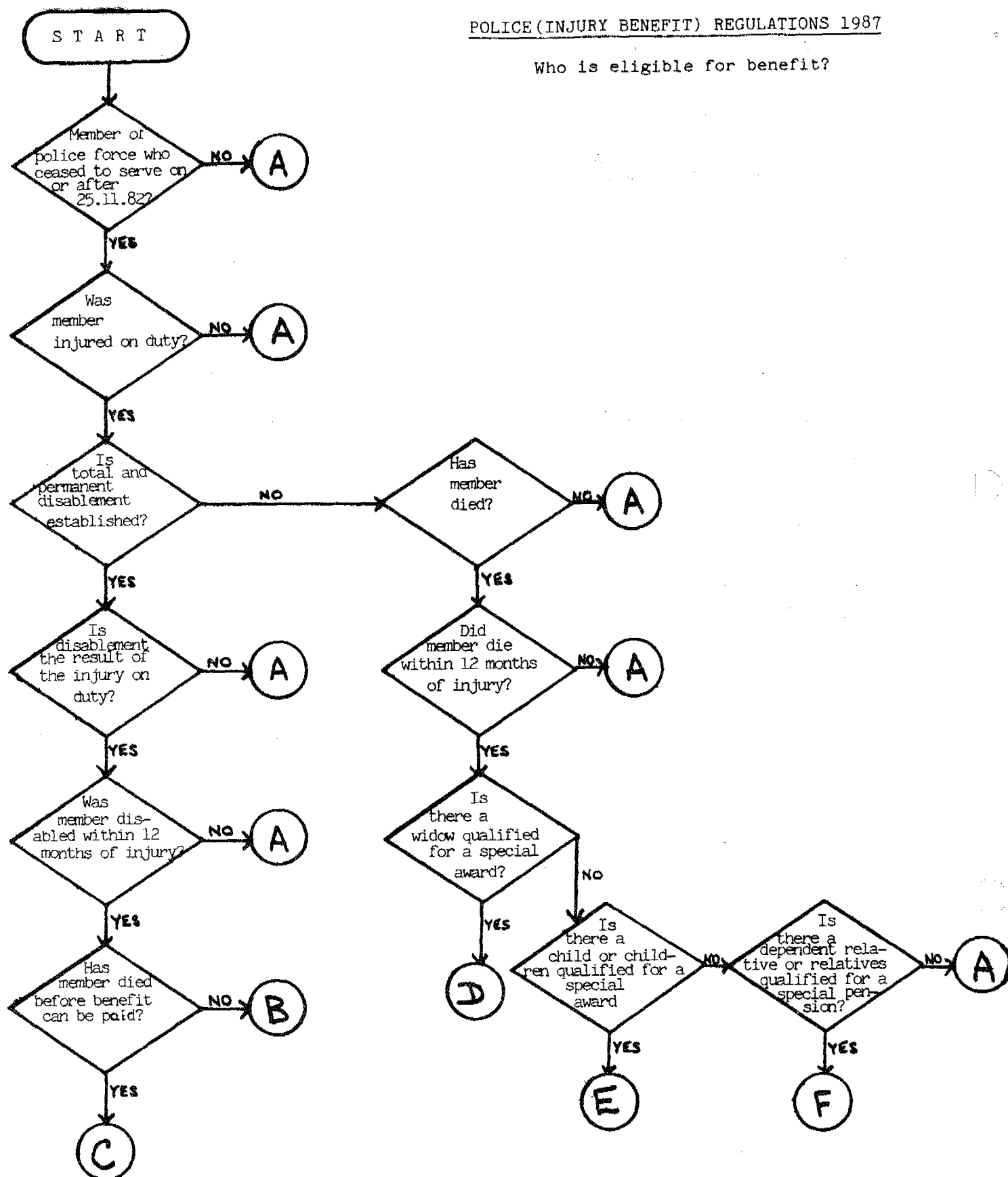
- (a) any gratuities payable to the member and to any dependent relatives (self and others) under the Police Pensions Regulations; and
- (b) damages or compensation payable to the member, or the dependent relative concerned, in respect of the same injury.

Points to note

- (i) Damages are deemed to be recovered whether awarded by a court or paid by an out of court settlement.
- (ii) Compensation excludes awards under the Criminal Injuries Compensation Scheme, but only if they have taken account of an award under these Regulations.
- (iii) A police authority will require a prospective recipient to give a written undertaking to repay from any damages or compensation received after a gratuity is paid the amount which would have been deducted from the gratuity had its award been subsequent to the recovery of damages or compensation. Example undertakings and accompanying explanatory notes, which have been prepared in consultation with our legal adviser, are at the end of this Annex.
- (iv) Police authorities have power to ignore (ie not to deduct from awards) any part of damages or compensation which is meant to compensate for pain and suffering rather than financial loss.
- (v) Damages and compensation do not include payments made under a person's own insurance policy.

POLICE (INJURY BENEFIT) REGULATIONS 1987

Who is eligible for benefit?



| | | | |
|-----|--|-----|--|
| (A) | No benefit payable under these Regulations | (D) | Benefit is payable to the widow |
| (B) | Benefit is payable to the member | (E) | Benefit is payable to the child or children, police authority deciding how to split it |
| (C) | Benefit is payable to the member's estate | (F) | Benefit is payable to adult dependent relative or relatives, police authority deciding how to split it |

UNDERTAKING

1. I acknowledge receipt of a gratuity of £..... paid to me by the Police Authority in respect of permanent and total disablement resulting from the injuries I received on duty on

2. I undertake to inform the Police Authority of the amount of any damages or compensation (see Notes overleaf) received by me in respect of the said injuries or disablement and to pay to the said Police Authority such sum as they may demand not exceeding -

- i. an amount equal to my gratuity, if the net amount of the said damages or compensation is equal to or exceeds the amount of the gratuity; or
- ii. an amount equal to the net amount of the damages or compensation if the net amount of the said damages or compensation is less than the amount of the gratuity.

Signed

Date

Witnessed

Address

.....

.....

Occupation

Date

Notes

For the purposes of this undertaking -

- a. Damages will be deemed to have been recovered whether they are paid in pursuance of a judgement or order of the Court or by way of settlement or compromise of a claim and whether or not proceedings are instituted to enforce the claim.
- b. "Compensation" does not include any ex gratia payment of compensation by the Criminal Injuries Compensation Board provided the Board have reduced the amount of their payment by the amount of the gratuity paid by the Police Authority.
- c. The "net amount of damages or compensation" means the amount of any damages or compensation after deducting tax payable in the UK or elsewhere.

Illustration

- i. Police Officer A is paid a gratuity of £20,000 in respect of his injuries. He subsequently recovers damages of £30,000 net. He can then be required to pay the sum of £20,000 to the police authority.
- ii. Police Officer B is paid a gratuity of £40,000. He subsequently recovers damages of £25,000 net. He can then be required to pay the sum of £25,000 to the police authority.

UNDERTAKING

1. I acknowledge receipt of a gratuity of £ paid to me by the Police Authority in respect of the death of my husband, on

2. I undertake to inform the Police Authority of the amount of any damages or compensation (see Notes overleaf) received by me in respect of the death of my husband, and to pay to the said Police Authority such sum as they may demand not exceeding -

- i. an amount equal to my gratuity, if the net amount of the said damages or compensation is equal to or exceeds the amount of the gratuity; or
- ii. an amount equal to the net amount of the damages or compensation if the net amount of the said damages or compensation is less than the amount of the gratuity.

Signed

Date

Witnessed

Address

.....

.....

Occupation

Date

Notes

For the purpose of this undertaking -

- a. Damages will be deemed to have been recovered -
 - i. whether they are paid in pursuance of a judgement or order of the Court or by way of settlement or compromise of a claim and whether or not proceedings are instituted to enforce the claim; or
 - ii. if they are recovered for the benefit of the person concerned in respect of a claim under the Fatal Accidents Act 1976.
- b. "Compensation does not include any ex gratia payment of compensation by the Criminal Injuries Compensation Board provided the Board have reduced the amount of their payment by the amount of the gratuity paid by the Police Authority.
- c. The "net amount of damages or compensation" means the amount of any damages or compensation after deducting tax payable in the UK or elsewhere.

Illustration

- i. Mrs A is paid a gratuity of £20,000 in respect of her husband's death. She subsequently recovers damages of £30,000 net. Mrs A can then be required to pay the sum of £20,000 to the police authority.
- ii. Mrs B is paid a gratuity of £40,000. She subsequently recovers damages of £25,000 net. Mrs B can then be required to pay the sum of £25,000 to the police authority.