

# The Police Pensions Regulations 1991

*(“The Police Pensions Regulations”) or (“Old Scheme”)*

*Informal consolidation of GC 355/91 associated Regulations and amendments*

## **Editor’s notes**

1. *This is a consolidation made for administrative purposes designed to bring together the Regulations that comprise the Old Scheme. The text and edits are not a legal document in their own right.*
2. *Edits and Editor’s notes are in italics.*
3. *This edition brings together all successive Regulations that have been made and applied to-date.*
4. *Footnotes and endnotes have been removed for ease.*
5. *Tables have been added showing which Regulations have been applied, amended and omitted. The purpose of the table and chronology is to assist in tracking changes to the Scheme.*
6. *The Arrangement of Regulations (or, index to the principal Regulations) has been updated by the Editor.*
7. *The Scheme comprises:*
  - a. *The principal Regulations were created in England & Wales and applied in the Island (with modifications) and amendments.*
  - b. *Supportive instruments and documents dealing with transitional and interpretive matters.*
  - c. *The increased benefits Regulations.*
8. *Extracts from supporting instruments, documents and Regulations are contained at the end of this consolidation.*
9. *The consolidation is complete at the time of publication E&OE.*

## **Chronology**

### **GC No. 355/91 the Police Pensions Regulations 1991**

*Applied with modifications*

- SI 1987/257 The Police Pensions Regulations 1987  
("the principal Regulations" or "the Police Pensions Regulations 1987")*
- SI 1987/2215 The Police Pensions (Purchase of Increased Benefits) Regulations 1987  
(the "Increased benefit Regulations")*
- SI 1988/1339 The Police Pensions (Amendment) Regulations 1988*
- SI 1989/733 The Police Pensions (Amendment) Regulations 1989*
- SI 1990/805 The Police Pensions (Amendment) Regulations 1990*
- SI 1991/1517 The Police Pensions (Amendment) Regulations 1991*

### **SD 96/10 Police Pensions (Old Scheme) (Amendment) Regulations 2010**

*Applied with modifications*

- SI 1992/1343 Police Pensions (Amendment) Regulations 1992*
- SI 1992/2349 Police Pensions and Injury Benefits (Amendment) Regulations 1992*
- SI 1994/641 Police Pensions (Amendment) Regulations 1994*
- SI 1997/2852 Police Pensions (Amendment) (No. 2) Regulations 1997*
- SI 1998/577 Police Pensions (Amendment) Regulations 1998*
- SI 2000/843 Police Pensions (Amendment) Regulations 2000*
- SI 2002/3202 Police Pensions (Pension Sharing) Regulations 2002*
- SI 2003/27 Police Pensions (Amendment) Regulations 2003*
- SI 2003/535 Police Pensions (Amendment) (No. 2) Regulations 2003*
- SI 2004/1491 Police Pensions (Amendment) Regulations 2004*
- SI 2004/1760 Police Pensions (Amendment) (No. 2) Regulations 2004*
- SI 2004/2354 Police Pensions (Amendment) (No. 3) Regulations 2004*
- SI 2005/1439 Police Pensions (Part-time Service) Regulations 2005*
- SI 2008/1887 Police Pensions (Amendment) Regulations 2008*

**SD 97/10 Police (Injury Benefit) Regulations 2010**

*Applied with modifications*

*SI 2006/932 The Police (Injury Benefit) Regulations 2006*

**SD 0604/12 Police Pensions (Amendment) Regulations 2012**

**SD 0179/2013 Police Pensions (Amendment) Regulations 2013**

*Applied with modifications*

*SI 2006/740 The Police Pensions (Amendment) Regulations 2006*

*SI 2010/431 The Police Pensions (Amendment) Regulations 2010*

**SD 2017/0346 Police Pension (Amendment) Regulations 2017**

*Applied with modifications*

*SI 2012/640 The Police Pensions (Amendment) Regulations 2012*

*SI 2012/2811 The Police Pensions (Amendment No. 2) Regulations 2012*

*SI 2012/3057 The Police Pensions (Amendment No. 3) Regulations 2012*

**Modifications and amendments not deemed to have been made to the Principal Regulations**

<i>Regulation B5;</i>	<i>SD 2017/0346 by Schedule 3, paragraph 10</i>
<i>Regulation D5 (1) (b);</i>	<i>SD 0179/2013 by Regulation 3(2)</i>
<i>Regulation J1 (4A) (a)</i>	<i>SD 97/10 by Regulation 4. The Editor added “under” to the omission</i>
<i>Regulation M5 (2);</i>	<i>SD 96/10 by Regulation 5, Schedule 3 paragraph 8</i>
<i>Regulation M18;</i>	<i>SD 0179/2013 by Regulation 3(3)</i>
<i>Schedule D, Part I, paragraph 3(1) (b);</i>	<i>SD 97/10 by Regulation 4. (SI 2006/932) The Editor deleted the first “an” from the substitution</i>
<i>Schedule F, Part IV, paragraph 1(aa) (iii);</i>	<i>SD 0179/2013 by Regulation 3(3)</i>
<i>Schedule H;</i>	<i>SD 96/10, Schedule 1 (SI 2004/1760), also SD 0179/2013 by Regulation 3(3) and 4(b) (b)</i>
<i>Schedule J, Part VI, paragraph 3(4);</i>	<i>SD 0179/2013 by Regulation 3(3)</i>
<i>Schedule J, Part VI, paragraph 8(1C);</i>	<i>SD 97/10 by Regulation 4</i>
<i>References to Government Actuary,</i>	<i>SD 2017/0346 by Schedule 3, paragraph 1(1)</i>

**Modifications and amendments not deemed to have been made to the increased benefit Regulations**

Schedule, paragraph 4(2);

SD 96/10 by Schedule 1 (SI 2008/1887)

**GC 355/91 Transitional provisions**

The applied Regulations, as they have effect in the Island shall have effect as if anything done, or treated as done, under or for the purposes of the Police Pensions Regulations 1977(GC 42/77) had been done under or for the purposes of the corresponding provision of the applied Regulations.

**General modifications, (as amended)**

References to matters specified in column 1 of the following table shall be read as references to the corresponding matters specified in column 2 of the table:

<i>any Act of Parliament or statutory instrument (including) the applied Regulations) applied to the Island under an Act of Tynwald</i>	<i>the Act or instrument as it has effect in the Island</i>
<i>the Department of Health and Social Security (of Great Britain)</i>	<i>the Department of Health and Social Security (of the Island)</i>
<i>a police authority</i>	<i>the Department of Home Affairs</i>
<i>the police force or a home police force</i>	<i>the Isle of Man Constabulary</i>
<i>regulations under section 33 of the Police Act 1964 or section 26 of the Police (Scotland) Act 1967 (Acts of Parliament), or any provision of those regulations</i>	<i>police regulations, or the corresponding provision of police regulations, as the case may be</i>
<i>the Pensions (Increase) Acts or any of those Acts</i>	<i>The Pensions (Increase) Act 1975</i>
<i>any provision of the Regulations of 1973</i>	<i>the corresponding provision of the Isle of Man Police Pensions Regulations 1977 (GC 42/77)</i>
<i>the former Acts or the former Regulations</i>	<i>any instrument made before the making of these Regulations and providing for the Superannuation of members of the Isle of Man Constabulary</i>

**Regulations that run alongside (the extracted text is reproduced at the end of the consolidation)**

SI 1987/2215, SI 1990/805, SI 1991/1517, SI 1992/2349, SI 2000/843, SI 2003/27, SI 2004/1491,

SI 2005/1439, SD 0604/12.

**The Principal Regulations -Table of applications and amendments**

Regulation	<ul style="list-style-type: none"> <li>• Regulations (GC &amp; SD)</li> <li>• Applied Regulations (SI)</li> <li>• Applied Regulations with Modifications (SI with M)</li> <li>• Regulations that Applied Regulations that have themselves been Modified – the effect being to amend the modification of the applied regulations (SD with M)</li> </ul>				
<b>A1</b>	GC 355/91 SI 1987/257				
<b>A2</b>	GC 355/91 SI 1987/257 M	SD 97/10 SI 2006/932 M			
<b>A2A</b>	SD 2017/0346				
<b>A3</b>	GC 355/91 SI 1987/257 M				
<b>A4</b>	GC 355/91 SI 1987/257	SD 96/10 SI 2007/1887 M	SD 2017/0346		
<b>A5</b>	GC 355/91 SI 1987/257 M				
<b>A6</b>	GC 355/91 SI 1987/257 M	SD 96/10 SI 2008/1887 M			
<b>A7</b>	GC 355/91 SI 1987/257				
<b>A8</b>	GC 355/91 SI 1987/257	SD 97/10 SI 2006/932			
<b>A9</b>	GC 355/91 SI 1987/257	SD 96/10 SI 2003/27			
<b>A10</b>	GC 355/91 SI 1987/257 SI 1987/2215 SI 1988/1339 SI 1990/805	SD 96/10 SI 2002/3202 SI 2004/1491 M	SD 0179/2013 SI 2010/431		
<b>A11</b>	GC 355/91 SI 1987/257 M	SD 97/10 SI 2006/932			
<b>A12</b>	GC 355/91 SI 1987/257	SD 96/10 SI 2003/535	SD 97/10 SI 2006/932		
<b>A13</b>	GC 355/91 SI 1987/257	SD 97/10 SI 2006/932			
<b>A14</b>	GC 355/91 SI 1987/257				
<b>A15</b>	GC 355/91 SI 1987/257 M	SD 0179/2013 SI 2010/431 M			
<b>A16</b>	GC 355/91 SI 1987/257 M	SD 96/10 SI 2008/1887 M			
<b>A17</b>	GC 355/91 SI 1987/257 M	SD 96/10 SI 1998/577 M SI 2008/1887 M	SD 0179/2013 SI 2010/431 M		
<b>A18</b>	GC 355/91 SI 1987/257 M	SD 96/10 SI 1998/577 M SI 2008/1887 M			
<b>A19</b>	GC 355/91 SI 1987/257 SI 1990/805	SD 96/10 SI 2008/1887 M	SD 2017/0346 SI 2012/2811		
<b>A20</b>	GC 355/91 SI 1987/257	SD 96/10 SI 2003/535 SI 2004/1491 M			

Regulation	<ul style="list-style-type: none"> <li>• Regulations (GC &amp; SD)</li> <li>• Applied Regulations (SI)</li> <li>• Applied Regulations with Modifications (SI with M)</li> <li>• Regulations that Applied Regulations that have themselves been Modified – the effect being to amend the modification of the applied regulations (SD with M)</li> </ul>				
<b>A21</b>	GC 355/91 SI 1987/257 M				
<b>A22</b>	SD 2017/0346				
<b>A23</b>	SD 2017/0346				
<b>A24</b>	SD 2017/0346				
<b>A25</b>	SD 2017/0346				
<b>A26</b>	SD 2017/0346				
<b>B1</b>	GC 355/91 SI 1987/257 M	SD 96/10 SI 1998/577 M SI 2003/27 SI 2004/2354 SI 2008/1887 M	SD 0179/2013 SI 2010/431 M	SD 2017/0346  SD 2017/0346 SI 2012/2811 M	
<b>B2</b>	GC 355/91 SI 1987/257 M SI 1990/805	SD 96/10 SI 2008/1887			
<b>B2A</b>	SD 96/10 SI 2008/1887 M				
<b>B3</b>	GC 355/91 SI 1987/257 SI 1990/805	SD 96/10 SI 2004/2354			
<b>B4</b>	GC 355/91 SI 1987/257	SD 97/10 SI 2006/932			
<b>B5</b>	GC 355/91 SI 1987/257 SI 1990/805	SD 96/10 SI 1992/2349 SI 2004/2354	SD 97/10 SI 2006/932	SD 0179/2013 SI 2010/431	SD 2017/0346  SD 2017/0346 SI 2012/3057
<b>B5A</b>	SD 2017/0346 SI 2012/3057				
<b>B6</b>	GC 355/91 SI 1987/257 SI 1990/805	SD 97/10 SI 2006/932			
<b>B7</b>	GC 355/91 SI 1987/257	SD 96/10 SI 2008/1887	SD 97/10 SI 2006/932	SD 0179/2013 SI 2010/431	
<b>B8</b>	GC 355/91 SI 1987/257	SD 96/10 SI 1994/641 SI 2002/3202	SD 97/10 SI 2006/932	SD 0179/2013 SI 2010/431 M	
<b>B9</b>	GC 355/91 SI 1987/257	SD 0179/2013 SI 2006/740 SI 2010/431			
<b>B10</b>	GC 355/91 SI 1987/257				
<b>B11</b>	GC 355/91 SI 1987/257 M	SD 0179/2013 SI 2010/431 M			
<b>B12</b>	SD 96/10 SI 2002/3202	SD 0179/2013 SI 2010/431			
<b>C1</b>	GC 355/91 SI 1987/257 SI 1990/805	SD 97/10 SI 2006/932			

Regulation	<ul style="list-style-type: none"> <li>• <b>Regulations (GC &amp; SD)</b></li> <li>• <b>Applied Regulations (SI)</b></li> <li>• <b>Applied Regulations with Modifications (SI with M)</b></li> <li>• <b>Regulations that Applied Regulations that have themselves been Modified – the effect being to amend the modification of the applied regulations (SD with M)</b></li> </ul>				
<b>C2</b>	GC 355/91 SI 1987/257	SD 97/10 SI 2006/932			
<b>C3</b>	GC 355/91 SI 1987/257 M	SD 97/10 SI 2006/932			
<b>C4</b>	GC 355/91 SI 1987/257				
<b>C5</b>	GC 355/91 SI 1987/257	SD 97/10 SI 2006/932	SD 0179/2013 SI 2006/740		
<b>C6</b>	GC 355/91 SI 1987/257 SI 1990/805	SD 97/10 SI 2006/932	SD 0179/2013 SI 2010/431		
<b>C7</b>	GC 355/91 SI 1987/257 SI 1990/805	SD 97/10 SI 2006/932			
<b>C8</b>	GC 355/91 SI 1987/257	SD 96/10 SI 1992/2349			
<b>C9</b>	GC 355/91 SI 1987/257	SD 96/10 SI 1992/2349	SD 0179/2013 SI 2006/740 M	SD 2017/0346	
<b>C9A</b>	SD 0179/2013 SI 2006/740 M	SD 2017/0346			
<b>C10</b>	SD 96/10 SI 2002/3202	SD 0179/2013 SI 2006/740 SI 2010/431			
<b>D1</b>	GC 355/91 SI 1987/257 SI 1990/805	SD 97/10 SI 2006/932			
<b>D2</b>	GC 355/91 SI 1987/257	SD 97/10 SI 2006/932			
<b>D3</b>	GC 355/91 SI 1987/257 M	SD 96/10 SI 1992/2349	SD 97/10 SI 2006/932		
<b>D4</b>	GC 355/91 SI 1987/257				
<b>D5</b>	GC 355/91 SI 1987/257	SD 97/10 SI 2006/932	SD 0179/2013 SI 2006/740		
<b>D6</b>	SD 96/10 SI 2002/3202				
<b>E1</b>	GC 355/91 SI 1987/257	SD 97/10 SI 2006/932	SD 0179/2013 SI 2006/740 M		
<b>E2</b>	GC 355/91 SI 1987/257				
<b>E3</b>	GC 355/91 SI 1987/257	SD 97/10 SI 2006/932	SD 0179/2013 SI 2010/431		
<b>E3A</b>	SD 96/10 SI 1992/2349	SD 0179/2013 SI 2010/431			
<b>E4</b>	GC 355/91 SI 1987/257	SD 96/10 SI 1992/2349 SI 1994/641	SD 97/10 SI 2006/932	SD 0179/2013 SI 2006/740	
<b>E5</b>	GC 355/91				

Regulation	<ul style="list-style-type: none"> <li>• Regulations (GC &amp; SD)</li> <li>• Applied Regulations (SI)</li> <li>• Applied Regulations with Modifications (SI with M)</li> <li>• Regulations that Applied Regulations that have themselves been Modified – the effect being to amend the modification of the applied regulations (SD with M)</li> </ul>				
	SI 1987/257				
<b>E6</b>	GC 355/91 SI 1987/257	SD 0179/2013 SI 2010/431			
<b>E7</b>	GC 355/91 SI 1987/257	SD 97/10 SI 2006/932			
<b>E8</b>	GC 355/91 SI 1987/257	SD 96/10 SI 1992/2349 SI 1994/641 M SI 2008/1887 M	SD 97/10 SI 2006/932	SD 0179/2013 SI 2010/431 M	
<b>E9</b>	GC 355/91 SI 1987/257	SD 0179/2013 SI 2010/431			
<b>E10</b>	GC 355/91 SI 1987/257 M	SD 96/10 SI 2008/1887			
<b>E11</b>	SD 96/10 SI 2002/3202	SD 0179/2013 SI 2010/431			
<b>F1</b>	GC 355/91 SI 1987/257 SI 1988/1339	SD 96/10 SI 2000/843 M SI 2003/27 SI 2004/1491 M	SD 0179/2013 SD 96/10 M	SD 2017/0346	
<b>F2</b>	GC 355/91 SI 1987/257 SI 1990/805	SD 96/10 SI 1992/1343 SI 2000/843			
<b>F3</b>	GC 355/91 SI 1987/257 M	SD 96/10 SI 1992/1343			
<b>F4</b>	GC 355/91 SI 1987/257 M				
<b>F5</b>	GC 355/91 SI 1987/257 M				
<b>F6</b>	GC 355/91 SI 1987/257 M SI 1990/805	SD 96/10 GC 355/91 M SI 2004/1760 M	SD 0179/2013 SI 2010/431		
<b>F7</b>	GC 355/91 SI 1987/257 M	SD 96/10 GC 355/91 M			
<b>F8</b>	GC 355/91 SI 1987/257 M	SD 0179/2013 SI 2010/431 M			
<b>F8A</b>		SD 96/10 SI 2002/3202 M			
<b>F9</b>	GC 355/91 SI 1987/257 M SI 1990/805	SD 96/10 GC 355/91 M			
<b>F10</b>	GC 355/91 SI 1990/805	SD 96/10 SI 2004/1491	SD 0179/2013 SI 2010/431		
<b>F10A</b>	SD 96/10 SI 2002/3202				
<b>F11</b>	SD 96/10 SI 1997/2852	SD 0179/2013 SI 2010/431			
<b>G1</b>	GC 355/91 SI 1987/257	SD 96/10 GC 355/91 M	SD 97/10 SI 2006/932		



Regulation	<ul style="list-style-type: none"> <li>• Regulations (GC &amp; SD)</li> <li>• Applied Regulations (SI)</li> <li>• Applied Regulations with Modifications (SI with M)</li> <li>• Regulations that Applied Regulations that have themselves been Modified – the effect being to amend the modification of the applied regulations (SD with M)</li> </ul>				
	SI 1989/733 SI 1990/805	SI 1992/1343 SI 1992/2349 M SI 2000/843 SI 2004/1491 M SI 2008/1887 M			
<b>G2</b>	GC 355/91 SI 1987/257 SI 1990/805	SD 96/10 SI 1992/2349 SI 2004/2354	SD 0604/12  SD 0604/12 M SI 2013/487 SI 2014/381		
<b>G3</b>	GC 355/91 SI 1987/257 SI 1990/805				
<b>G4</b>	GC 355/91 SI 1990/805	SD 96/10 SI 1997/2852 SI 2004/2354	SD 0179/2013 SI 2006/740 M SI 2010/431		
<b>G5</b>	GC 355/91 SI 1990/805				
<b>G6</b>	SD 96/10 SI 1994/641 M SI 2003/27 SI 2005/1439	SD 0179/2013 SI 2006/740 SI 2010/431			
<b>G7</b>	SD 96/10 SI 2004/2354	SD 0179/2013 SI 2010/431			
<b>G8</b>	SD 96/10 SI 2004/2354	SD 0179/2013 SI 2010/431			
<b>H1</b>	GC 355/91 SI 1987/257	SD 96/10 SI 2003/535 M SI 2004/1491 M	SD 97/10 SI 2006/932		
<b>H2</b>	GC 355/91 SI 1987/257 M	SD 96/10 SI 2003/535 M SI 2004/1491 M			
<b>H3</b>	GC 355/91 SI 1987/257	SD 96/10 GC 355/91 M SI 2003/535 M SI 2004/1491 M			
<b>H4</b>	GC 355/91 SI 1987/257	SD 96/10 SI 2004/1491	SD 0179/2013 SD 96/10 M		
<b>H5</b>	GC 355/91 SI 1987/257 M	SD 96/10 SI 2003/535			
<b>H6</b>	GC 355/91 SI 1987/257 M				
<b>H7</b>	GC 355/91 SI 1987/257	SD 96/10 GC 355/91 M			
<b>I1</b>	GC 355/91 SI 1987/257				
<b>I2</b>	GC 355/91 SI 1987/257				
<b>I3</b>	GC 355/91				

Regulation	<ul style="list-style-type: none"> <li>• Regulations (GC &amp; SD)</li> <li>• Applied Regulations (SI)</li> <li>• Applied Regulations with Modifications (SI with M)</li> <li>• Regulations that Applied Regulations that have themselves been Modified – the effect being to amend the modification of the applied regulations (SD with M)</li> </ul>				
	SI 1987/257				
I4	GC 355/91 SI 1987/257				
I5	GC 355/91 SI 1987/257				
I6	GC 355/91 SI 1987/257				
I7	GC 355/91 SI 1987/257				
I8	GC 355/91 SI 1987/257				
J1	GC 355/91 SI 1987/257 SI 1990/805	SD 96/10 SI 1992/2349 SI 1994/641	SD 97/10 SI 2006/932	SD 0179/2013 SI 2006/740 M SI 2010/431	
J1A	GC 355/91 SI 1990/805				
J2	GC 355/91 SI 1987/257				
J3	GC 355/91 SI 1987/257				
J4	GC 355/91 SI 1987/257				
K1	GC 355/91 SI 1987/257 SI 1990/805	SD 96/10 SI 2008/1887 M	SD 97/10 SI 2006/932	SD 0179/2013 SI 2010/431	
K2	GC 355/91 SI 1987/257	SD 97/10 SI 2006/932			
K3	GC 355/91 SI 1987/257	SD 96/10 SI 2008/1887	SD 97/10 SI 2006/932		
K4	GC 355/91 SI 1987/257	SD 96/10 SI 2004/1491	SD 97/10 SI 2006/932		
K5	GC 355/91 SI 1987/257	SD 96/10 GC 355/91 M SI 2002/3202	SD 97/10 SI 2006/932		
L1	GC 355/91 SI 1987/257 M	SD 96/10 SI 2002/3202 M			
L2	GC 355/91 SI 1987/257 M				
L3	GC 355/91 SI 1987/257 SI 1990/805	SD 97/10 SI 2006/932	SD 0179/2013 SI 2006/740	SD 2017/0346 SI 2012/2811 M	
L4	GC 355/91 SI 1987/257 M	SD 96/10 SI 2002/3202			
M1	SD 96/10 SI 2002/3202	SD 0179/2013 SI 2010/431			
M2	SD 96/10	SD 0179/2013			

<b>Regulation</b>	<ul style="list-style-type: none"> <li>• <b>Regulations (GC &amp; SD)</b></li> <li>• <b>Applied Regulations (SI)</b></li> <li>• <b>Applied Regulations with Modifications (SI with M)</b></li> <li>• <b>Regulations that Applied Regulations that have themselves been Modified – the effect being to amend the modification of the applied regulations (SD with M)</b></li> </ul>				
	SI 2002/3202	SI 2010/431			
<b>M3</b>	SD 96/10 SI 2002/3202	SD 0179/2013 SI 2010/431			
<b>M4</b>	SD 96/10 SI 2002/3202	SD 0179/2013 SI 2006/740 SI 2010/431			
<b>M5</b>	SD 96/10 SI 2002/3202 M	SD 96/10 GC 355/91 M			
<b>Schedule A</b>	GC 355/91 SI 1987/257 M	SD 96/10 SI 1992/1343 SI 1992/2349 SI 1998/577 M SI 2000/843 M SI 2002/3202 SI 2003/535 SI 2004/1491 M SI 2004/2354 SI 2008/1887 M	SD 97/10 SI 2006/932	SD 0179/2013 SI 2006/740 SI 2010/431	SD 2017/0346
<b>Schedule B</b>	GC 355/91 SI 1987/257 M SI 1990/805	SD 96/10 SI 1992/1343 SI 2002/3202 SI 2005/1439 SI 2008/1887	SD 97/10 SI 2006/932	SD 0179/2013 SI 2010/431	
<b>Schedule C</b>	GC 355/91 SI 1987/257 SI 1990/805	SD 96/10 SI 1992/2349 SI 1994/641	SD 97/10 SI 2006/932	SD 0179/2013 SI 2006/740	SD 2017/0346 SI 2012/2811 M
<b>Schedule D</b>	GC 355/91 SI 1987/257 SI 1990/805	SD 97/10 SI 2006/932	SD 2017/0346 SI 2012/2811 M		
<b>Schedule E</b>	GC 355/91 SI 1987/257	SD 97/10 SI 2006/932	SD 0179/2013 SI 2006/740 SI 2010/431		
<b>Schedule F</b>	GC 355/91 SI 1987/257 M SI 1990/805 M SI 1991/1517	SD 96/10 SI 2002/3202 SI 2004/1760 M SI 2008/1887	SD 0179/2013 SI 2010/431		
<b>Schedule G</b>	GC 355/91 SI 1987/257				
<b>Schedule H</b>	GC 355/91 SI 1987/257 M	SD 96/10 SI 2004/1491 M SI 2004/1760	SD 0179/2013 SI 2010/431		
<b>Schedule I</b>	GC 355/91 SI 1987/257				
<b>Schedule J</b>	GC 355/91 SI 1987/257 M	SD 96/10 SI 1992/1343 SI 1992/2349 M SI 2005/1439	SD 97/10 SI 2006/932	SD 0179/2013 SI 2010/431	SD 2017/0346 SI 2012/2811 M

**The increased benefit Regulations - Table of applications and amendments**

Regulation	<ul style="list-style-type: none"> <li>• Regulations (GC &amp; SD)</li> <li>• Applied Regulations (SI)</li> <li>• Applied Regulations with Modifications (SI with M)</li> </ul> <p><b>Regulations that Applied Regulations that have themselves been Modified – the effect being to amend the modification of the applied regulations (SD with M)</b></p>				
1	GC 355/91 SI 1987/2215				
2	GC 355/91 SI 1987/2215	SD 96/10 SI 2002/3202 M SI 2008/1887 M			
3	GC 355/91 SI 1987/2215	SD 96/10 SI 2008/1887			
4	GC 355/91 SI 1987/2215 SI 1990/805				
5	GC 355/91 SI 1987/2215 SI 1990/805	SD 2017/0346 SI 2012/640			
6	GC 355/91 SI 1987/2215				
7	GC 355/91 SI 1987/2215	SD 96/10 SI 2005/1439			
7A	SD 96/10 SI 2005/1439				
8	GC 355/91 SI 1987/2215 SI 1990/805	SD 96/10 SI 2004/2354 SI 2005/1439			
9	GC 355/91 SI 1987/2215				
10	GC 355/91 SI 1987/2215				
Schedule	GC 355/91 SI 1987/2215	SD 96/10 SI 2004/2354 SI 2005/1439 M SI 2008/1887	SD 2017/0346 SI 2012/640		

## ***Arrangement of Regulations***

### PART A GENERAL PROVISIONS AND RETIREMENT

- A1. Citation and commencement.
- A2. Supplementary provisions.
- A2A. Supplementary provisions.
- A3. Exclusion of old cases.
- A4. Meaning of certain expressions and references-general provisions.
- A5. Meaning of certain expressions related to the National Insurance and Social Security Acts.
- A6. *Omitted*
- A7. Weekly rate of pensions and allowances.
- A8. Persons treated as being in receipt of a pension.
- A9. Reckoning of service for purposes of awards.
- A10. Aggregate pension contributions for purposes of awards.
- A11. Injury received in the execution of duty.
- A12. Disablement.
- A13. Disablement, death or treatment in hospital the result of an injury.
- A14. Relevant service in the armed forces.
- A15. *Omitted*
- A16. Transfers.
- A17. Retirement.
- A18. Compulsory retirement on account of age.
- A19. Compulsory retirement on grounds of efficiency of the force.
- A20. Compulsory retirement on grounds of disablement.
- A21. Effective date of retirement.
- A22. Preferential Rejoin Scheme.
- A23. Evidence of entitlement

- A24. Overpayment of Benefits
- A25. Incapacity and Minority
- A26. Information from Members

PART B  
PERSONAL AWARDS

- B1. Policeman's ordinary pension.
- B2. Policeman's short service award.
- B2A Short service award on voluntary retirement
- B3. Policeman's ill-health award.
- B4. Policeman's injury award.
- B5. Policeman's deferred pension.
- B5A. Early payment of deferred pension.
- B6. Award by way of repayment of aggregate pension contributions.
- B7. Commutation-general provision.
- B8. Commutation-small pensions.
- B9. Allocation.
- B10. Limitation of surrendered portion of a pension for the purposes of Regulation B7 or B9.
- B11. Deduction of tax from certain awards.
- B12. Pension debit members

PART C  
WIDOWS' AWARDS

- C1. Widow's ordinary pension.
- C2. Widow's special award.
- C3. Widow's augmented award.
- C4. Widow's accrued pension.
- C5. Limitation on award to widow with reference to date of marriage and pension in case of post-retirement marriage.
- C6. Widow's requisite benefit and temporary pension.
- C7. Widow's award where no other award payable.

- C8. Limitation on award to widow living apart from her husband and widow's requisite benefit pension.
- C9. *Omitted*
- C9A *Omitted*
- C10. Pension debit members

PART D  
CHILDREN'S AWARDS

- D1. Child's ordinary allowance.
- D2. Child's special allowance.
- D3. Child's special gratuity.
- D4. Child's accrued allowance.
- D5. Child's allowance or special gratuity-limitations.
- D6. Pension debit members

PART E  
AWARDS ON DEATH-ADDITIONAL PROVISIONS  
*Dependent relatives and estate*

- E1. Adult dependent relative's special pension.
  - E2. Gratuities-dependent relatives.
  - E3. Gratuity-estate.
  - E3A. Lump sum death grant
- Supplementary provisions relating to awards on death*
- E4. Gratuity in lieu of widow's pension.
  - E5. Gratuity in lieu of child's allowance.
  - E6. Limitation on discretion to grant a gratuity in lieu of a pension or allowance.
  - E7. Prevention of duplication.
  - E8. Increase of widow's pension or child's allowance during first 13 weeks.
  - E9. Increase of awards (other than flat-rate awards) by reference to the Pensions (Increase) Acts.
  - E10. Determination of amount of widow's or child's flat-rate award and increase thereof by reference to the Pensions (Increase) Act 1971.

E11. Pension debit members

PART F  
PENSIONABLE SERVICE AND TRANSFER VALUES

F1. Reckoning of pensionable service.

F2. Current service.

F3. Previous service reckonable without payment.

F4. Previous service reckonable on payment.

F5. Previous service reckonable at discretion of police authority.

F6. Previous service reckonable under current interchange arrangements.

F7. Previous service reckonable under preserved interchange arrangements.

F8. *Omitted*

F9. *Omitted*

F10. Transfer values payable following cessation of contributions

F10A. Prohibition on accepting or paying transfer values for pension credit rights

F11. Mis-sold pensions

PART G  
PENSIONABLE PAY AND CONTRIBUTIONS

G1. Pensionable and average pensionable pay.

G2. Pension contributions payable by regular policeman.

G3. Additional and further contributions.

G4. Election not to pay pension contributions

G5. Supplementary provision as to elections not to pay pension contributions

G6. Payments by women to enhance widowers' awards

G7. Eligibility for pension awards payable on the ground of permanent disablement

G8. Appeals against decisions on eligibility for pension awards payable on the ground of permanent disablement

PART H  
APPEALS AND MEDICAL QUESTIONS

H1. Reference of medical questions.



- H2. Appeal to medical referee.
- H3. Further reference to medical authority.
- H4. Refusal to be medically examined.
- H5. Appeal by a member of a home police force.
- H6. *Omitted*
- H7. Limitations on appeals.

PART I  
SERVICEMEN

- I1. Servicemen to whom Part I applies.
- I2. Awards to servicemen.
- I3. Awards on death of servicemen.
- I4. Application of Regulations E2 and E3.
- I5. Servicemen who resume service as regular policemen.
- I6. Servicemen who do not resume service in their former force.
- I7. Pensionable service.
- I8. Pension contributions etc.

PART J  
SPECIAL CASES

- J1. Policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975.
- J1A. Revaluation of guaranteed minimum pension
- J2. Former member of the Royal Ulster Constabulary.
- J3. Former reversionary member of home police force.
- J4. Other special provisions.

PART K  
REVISION AND WITHDRAWAL OR FORFEITURE OF AWARDS

- K1. Cancellation of ill-health pensions.
- K2. Reassessment of injury pension.
- K3. Reduction of pension in case of default.

- K4. Withdrawal of pension during service as a regular policeman.
- K5. Forfeiture of pension.

PART L  
PAYMENTS BY AND TO POLICE AUTHORITIES

- L1. Authorities responsible for payment of awards.
- L2. *Omitted*
- L3. Payment and duration of awards.
- L4. Payment of awards otherwise than to beneficiary and application of payments.

PART M  
PENSION CREDIT MEMBERS

- M1. Pension credit member's entitlement to pension
- M2. Commutation: general provision
- M3. Commutation of the pension credit benefit: small pensions and serious ill-health
- M4. Death grants where pension credit member dies before pension credit benefits payable
- M5. Application of general regulations

SCHEDULES

- SCHEDULE A GLOSSARY OF EXPRESSIONS
- SCHEDULE B PERSONAL AWARDS
- SCHEDULE C WIDOWS AWARDS
- SCHEDULE D CHILDRENS AWARDS
- SCHEDULE E AWARDS ON DEATH – ADDITIONAL PROVISIONS
- SCHEDULE F PENSIONABLE SERVICE AND TRANSFER VALUES
- SCHEDULE G ADDITIONAL AND FURTHER CONTRIBUTIONS
- SCHEDULE H MEDICAL APPEALS
- SCHEDULE I SERVICEMEN – INCREASE OF AWARDS
- SCHEDULE J SPECIAL CASES – EXCEPTIONS AND MODIFICATIONS

Part A  
General Provisions and Retirement

**Citation and commencement**

**A1.** These Regulations may be cited as the Police Pensions Regulations 1987 and come into force on the date specified in that behalf in the Police Pensions (Supplementary Provisions) Regulations 1987.

**Supplementary provisions**

**A2.** These Regulations have effect subject to—

the transitional provisions contained in Regulation 3 of the Police Pensions Regulations 1987 made under the Police (Isle of Man) Act 1962 (an Act of Tynwald).

**A2A.** (1) Subject to Sub-paragraph (2) to (5) the eligibility to accrue benefits under these Regulations is closed to any new Member who joins the Police Force on or after 1 April 2018.

(2) If a Member of the police Force is recruited by the Department and immediately prior to joining the Police Force is a Member of a Police Force in England, Wales, Scotland or Northern Ireland, and before accruing benefits under the Police Pension Regulations 2015 was accruing benefits under the Police Pension Regulations 1987, in that Force, the Department may make a written request to the Public Sector Pensions Authority for the member to be admitted to this Section.

(3) Any approval of a request made under sub-paragraph (2) will be subject to:

(i) the Member transferring their service into these Regulations under Regulation A16;

(ii) the receipt of a payment from the Department to cover the additional cost of permitting the entry of a new Member into these Regulations, having met the criteria set out in sub-paragraph (2), rather than the default Section for new Members;

(iii) The Public Sector Pensions Authority, after receiving the advice of the PSPA Actuary, must determine the amount of additional contributions (if any) required, under (ii) above, to be paid by the Department.

(4) if the Public Sector Pensions Authority approves a request received under sub-paragraph (2) above, it must admit the Member to these Regulations.

(5) If there is any doubt or dispute as to whether or not a person is or is not eligible for Active Membership of these Regulations, the decision of the Public Sector Pensions Authority, after consulting the Department, is final and binding on all parties.

**Exclusion of old cases**

**A3.—**(1) Nothing in these Regulations shall apply in a case in which the old cases Regulations apply, that is to say, in the case of an award or payment to or in respect of, or relating to—

(a) a person who retired or otherwise ceased to be a member of a police force before 1st April 1972, or

(b) a person, being a serviceman who did not resume service as a regular policeman, whose period of relevant service in the armed forces ended before 1st April 1972.

(2) The reference in paragraph (1) to the old cases Regulations is a reference to Isle of Man Police Pensions Regulations 1977 and the regulations specified in Schedule 1 to those Regulations.

#### **Meaning of certain expressions and references—general provisions**

**A4.—**(1) In these Regulations, unless the context otherwise requires—

(a) the expressions contained in the glossary set out in Schedule A shall be construed as therein provided;

(b) any reference to a member of a police force, however expressed, includes a reference to a person who has been such a member;

(bb) any reference to widow, however expressed includes a reference to surviving spouse, surviving civil partner or surviving nominated partner.

(c) any reference to an award, however expressed, is a reference to an award under these Regulations.

(2) In these Regulations, unless the context otherwise requires, a reference to a Regulation or a Part shall be construed as a reference to a Regulation contained in these Regulations or a Part thereof, a reference to a Schedule shall be construed as a reference to a Schedule to these Regulations, a reference to a paragraph shall be construed as a reference to a paragraph in the same Regulation or, as the case may be, the same Part of the same Schedule or the same Section thereof and a reference to a sub-paragraph shall be construed as a reference to a sub-paragraph contained in the same paragraph.

(3) In these Regulations, a reference to a regular policeman's relevant voluntary retirement age shall be construed in accordance with paragraphs (4) to (6).

(4) In relation to a regular policeman, that reference shall be construed as a reference to—

(a) where he is a superintendent or inspector, the age of 60 years;

(b) where he is a sergeant or constable, the age of 55 years.

(5) *omitted*

(6) *omitted*

#### **Meaning of certain expressions related to the National Insurance and Social Security Acts**

**A5.—**(1) In these Regulations the following expressions shall have the meanings respectively which they had for the purposes of the National Insurance (Isle of Man) Act 1971 (an Act of Tynwald) immediately before its repeal —

“employed contributor's employment”;

“graduated contribution”;  
“graduated retirement benefit”;  
“non-participating employment”;  
“payment in lieu of contributions”.

(2) In these Regulations any reference to state pensionable age is a reference to the age of 65 years in the case of a man, or 60 years in the case of a woman.

(3) In these Regulations any reference to a participating period of relevant employment is a reference to a period of employed contributor’s employment after 5th April 1961 and before state pensionable age other than—

- (a) service in the armed forces, and
- (b) non-participating employment at the end of which no payment in lieu of contributions fell to be made;

and for the purposes of this paragraph a period of employed contributor’s employment or of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(4) In these Regulations any reference to the secured portion of a pension is a reference to the portion of the pension which equals the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining state pensionable age, in return for a payment in lieu of contributions in respect of the whole of any period of non-participating employment by reason of which he is entitled to reckon pensionable service for the purposes of the pension, being a period of non-participating employment at the end of which no payment in lieu of contributions in fact fell to be made; and any reference to the unsecured portion of a pension shall be construed accordingly.

For the purposes of this paragraph a period of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(5) For the purposes of these Regulations the annual rate of graduated retirement benefit shall be calculated as if there were 52½ weeks in each year.

(6) In these Regulations the following expressions shall have the meanings respectively which they have for the purposes of the Social Security Pensions Act 1975—

“contracted-out employment”;  
“contracted-out scheme”;  
“guaranteed minimum” and “guaranteed minimum pension”;  
“contributions equivalent premium”.

(7) In these Regulations any reference to a case in which a contributions equivalent premium has been paid includes a reference to a case in which such a premium is payable but has not been paid by virtue of regulations under Schedule 2 to the Social Security Pensions Act 1975 dispensing with the payment of such a premium where its amount would be inconsiderable.

(8) In these Regulations any reference to the guaranteed minimum in relation to a pension under a pension scheme at a particular time is a reference to the amount certified by the Department of Health and Social Security as that minimum at that time.

### **Meaning of certain expressions in relation to persons who are not members of a home police force**

**A6.** *Omitted*

### **Weekly rate of pensions and allowances**

**A7.** Where the rate at which a pension or allowance is payable or the amount thereof is expressed as an annual rate or amount then, for the purposes of these Regulations, the weekly rate or amount of that pension or allowance shall be determined as if there were 52½ weeks in each year.

### **Persons treated as being in receipt of a pension**

**A8.** For the purposes of these Regulations, except where otherwise expressly provided, a person shall be treated as being in receipt of an ordinary, short service or as the case may be, ill-health pension if he would be in receipt of such a pension—

(a) in the case of an ordinary pension—

(i) had he attained the age of 50 years, or

(ii) had it not been wholly withdrawn under Regulation K4 (withdrawal of pension during service as a regular policeman);

(b) in the case of a short service or ill-health pension, had it not been withdrawn as mentioned in sub-paragraph (a) (ii);

(c) *omitted*

### **Reckoning of service for purposes of awards**

**A9.—(1)** Subject to paragraph (3), for the purpose of calculating an award payable to or in respect of a member of a police force by reference to any period in years (including a period of pensionable or other service)—

(a) that period shall be reckoned in completed years and a fraction of a year;

(b) a part of a year shall be taken to be that fraction of a year whereof the denominator is 365 and the numerator is the number of completed days in that part and, accordingly, a part of a year which includes 29th February in a leap-year and comprises 365 days shall be treated as a whole year.

(2) Where, for the purpose of calculating an award to or in respect of a regular policeman or for the purposes of regulation G6—

(a) it is necessary to determine his pensionable service reckonable by reason of service or employment before or after a particular date, and

(b) by virtue of the receipt by a police authority of a transfer value, he is entitled to reckon a period of pensionable service by reason of service or employment for a period which includes the date in question,

then that part of the said period of pensionable service shall be deemed to be reckonable by reason of service or employment before or after the date in question which bears the same proportion to the whole of that period as the part of the previous service or employment before, or as the case may be after, that date bears to the whole thereof.

(3) Paragraph (1) has effect subject to paragraphs 1, 2 and 3 of Part IV of Schedule J.

#### **Aggregate pension contributions for purposes of awards**

**A10.**—(1) For the purpose of calculating the amount of an award by reference to the aggregate pension contributions of a regular policeman in respect of the relevant period of service, the relevant period of service shall be taken to be the period ending in the retirement, dismissal or death on which the award is payable and beginning with the date on which he became a regular policeman in the force from which he retired or was dismissed or in which he died or, if he has more than once been a regular policeman in that force, the date on which he last joined that force otherwise than as a serviceman resuming service in his former force within a month of the end of his period of relevant service in the armed forces.

Provided that, in the case of a regular policeman who has made an election under regulation G4 (1), the relevant period of service shall be taken to be the period, or last period, during which pension contributions were continuously payable by him under regulation G2 (1) since the date on which, had no such election been made, the relevant period of service would be taken to have begun.

(2) For the purpose aforesaid the aggregate pension contributions in respect of the relevant period of service shall be taken to be the sum of the following amounts—

(a) the aggregate of the pension contributions (including additional, further or special contributions) made in respect of that period by the person concerned to the police authority by whom the award is payable and any rateable deductions made in respect of that period by that authority from his pay under the former Acts;

(b) any additional, further or special payment by way of a lump sum made during the relevant period by that person to that police authority;

(c) the amount of any sums paid by the person concerned to the said police authority (including sums paid in pursuance of an undertaking) as a condition of being entitled to reckon pensionable service or, as the case may be, approved service, by reason of service before the said period;

(d) where the person concerned has transferred to the force of the police authority by whom the award is payable, any sum which had he retired instead of transferring would have been calculable under this paragraph as aggregate pension contributions at the time of transfer;

(e) where the person concerned, while a member of the force of the said police authority, became entitled, in the circumstances mentioned in Regulation F3(1)(d), (e) or (f), Regulation F6 or Regulation F7, to reckon pensionable service by reason of a period of previous service or employment otherwise than as a member of a police force, the amount of any award by way of return of contributions or of any analogous payment which would have been made to him at the end of that period of previous service or employment had he voluntarily retired therefrom in circumstances entitling him to such an award or payment under the superannuation arrangements applicable thereto, and

(f) where the person concerned previously retired with an ill-health pension from the force of the police authority by whom the current award is payable, that pension was terminated in whole or in part under Regulation K1 or any corresponding provision of the former Regulations and he rejoined the force, any sum which would have been calculable under this paragraph as aggregate pension contributions at the time of the previous retirement.

(g) all payments made by him to a police authority in accordance with an election under regulation 3 of the Police Pensions (Purchase of Increased Benefits) Regulations 1987.

(h) any payment made by the person concerned to a police authority under regulation F1 (1A) in respect of a period of unpaid maternity leave or unpaid paternity leave.

(3) The references in paragraph (2) (a) and (b) to additional, further or special contributions or payments are references to such contributions or payments made in pursuance of an election under any of the provisions mentioned in Regulation 57(2), under Regulation 58 or under Regulation 61A of the Regulations of 1973 subject, however, to Regulations F4 (3) and F5 (2) (c) (previous service reckonable on payment or at discretion of police authority).

(4) If the regular policeman is a pension debit member, the amount of his aggregate pension contributions under this regulation is reduced by such amount as is assessed in accordance with guidance issued by the Scheme actuary.

### **Injury received in the execution of duty**

**A11.**—*Revoked*

### **Disablement**

**A12.**—(1) A reference in these Regulations to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision and to that disablement being at that time likely to be permanent.

(1A) For the purposes of deciding if a person's disablement is likely to be permanent, that person shall be assumed to receive normal appropriate medical treatment for his disablement, and in this



paragraph “appropriate medical treatment” shall not include medical treatment that it is reasonable in the opinion of the police authority for that person to refuse.

(2) disablement means inability, occasioned by infirmity of mind or body, to perform the ordinary duties of a member of the force except that, in relation to a child or the widower of a member of a police force, it means inability, occasioned as aforesaid, to earn a living.

(3) Where it is necessary to determine the degree of a person’s disablement it shall be determined by reference to the degree to which his earning capacity has been affected as a result of an injury received without his own default in the execution of his duty as a member of a police force:

Provided that a person shall be deemed to be totally disabled if, as a result of such an injury, he is receiving treatment as an in-patient at a hospital.

(4) Where a person has retired before becoming disabled and the date on which he becomes disabled cannot be ascertained, it shall be taken to be the date on which the claim that he is disabled is first made known to the police authority.

(5) In this regulation, “infirmity” means a disease, injury or medical condition, and includes a mental disorder, injury or condition.

#### **Disablement, death or treatment in hospital the result of an injury**

**A13.** *Revoked*

#### **Relevant service in the armed forces**

**A14.** A reference in these Regulations to relevant service in the armed forces shall be construed as a reference to—

(a) service specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, other than service specified in paragraph 5(b) thereof;

(b) part-time service under the National Service Act 1948, otherwise than pursuant to a training notice under that Act;

(c) service for the purposes of training only performed by a person mentioned in paragraph 7 of Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, for a period shorter than 7 days;

(d) in relation to a serviceman other than a serviceman (1939–1945), whole-time service in the armed forces under the National Service Acts 1939 to 1946, the National Service Act 1947 or, without prejudice to sub-paragraph (a), the National Service Act 1948;

(e) in relation to a serviceman (1939–1945), service in the armed forces up to such date as the Secretary of State on the application of the police authority of his former force may in his case have fixed.

## **Alterations in police areas**

**A15.** *Omitted*

## **Transfers**

**A16.** A reference in these Regulations to a regular policeman transferring from one force to another shall be construed as a reference to a regular policeman—

(a) leaving a police force in Great Britain for the purposes of joining the Isle of Man Constabulary as a regular policeman and joining the latter force in that capacity, where—

(i) not being the chief officer of police of, or a constable on probation in, the force first mentioned in this sub-paragraph, he leaves or left that force on or after 1st January 1963 for the purpose aforesaid, after giving a month's notice in writing of his intention to do so to the police authority of that force or such shorter period of notice as may have been accepted by that authority on or after 15th February 1971, or

(ii) he left the said force before 1st January 1963 or, being the chief officer of police of, or a constable on probation in, the said force, he leaves or left that force on or after that date, in either case for the purpose aforesaid and with the written consent of the chief officer of police or, in the case of the chief officer of police, of the police authority of that force;

(b) to (e) *omitted*

## **Retirement**

**A17.**—(1) A reference in these Regulations to retirement includes a reference to the services of a member of a police force being dispensed with under regulations for the time being in force under section 33 of the Police Act 1964 or section 26 of the Police (Scotland) Act 1967 (other than regulations relating to the maintenance of discipline), but does not include a reference to leaving a force on transferring from one force to another, and a reference to a continuous period of service is a reference to a period of service uninterrupted by any such retirement.

(2) *Omitted*

(3) If a regular policeman is dismissed but is entitled to an ordinary pension by virtue of Regulation B1 (6), these Regulations shall apply in his case as if he had retired as mentioned in Regulation B1 (6) (b).

## **Compulsory retirement on account of age**

**A18.**—(1) Subject to the following provisions of this regulation, every regular policeman shall be required to retire—

(a) if he is of the rank of constable, sergeant or inspector, on attaining the age of 60 years,

(b) if he holds any higher rank, on attaining the age of 65 years.

(2) The time at which, under paragraph (1), a person shall be required to retire may be postponed, if the person concerned holds a rank above that of superintendent, by the police authority, and, if he holds the rank of superintendent or any lower rank, by the chief officer of police.

(3) Paragraph (1) has effect subject to paragraphs 5(2) and 6(3) of Part VII of Schedule J.

(4) *omitted*

#### **Compulsory retirement on grounds of efficiency of the force**

**A19.**—(1) This Regulation shall apply to a regular policeman, other than a chief officer of police, deputy chief constable or assistant chief constable, who if required to retire would be entitled to receive a pension of an amount not less than 2 thirds of his average pensionable pay or would be entitled to receive a pension of such an amount if it did not fall to be reduced in accordance with Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*) or if he had not made an election under regulation G4(1).

(2) If a police authority determine that the retention in the force of a regular policeman to whom this Regulation applies would not be in the general interests of efficiency, he may be required to retire on such date as the police authority determine.

(3) In making a determination under paragraph (2), a police pension authority shall take account of—

(a) the desirability of retaining in the force regular policemen who possess skills or knowledge of particular importance; and

(b) the standard or level to which the regular policeman in question has performed the duties of his rank or role.

#### **Compulsory retirement on grounds of disablement**

**A20.** Every regular policeman may be required to retire on the date on which the police authority, having considered all the relevant circumstances, advice and information available to them, determine that he ought to retire on the ground that he is permanently disabled for the performance of his duty:

Provided that a retirement under this Regulation shall be void if, after the said date, on an appeal against the medical opinion on which the police authority acted in determining that he ought to retire, the medical referee decides that the appellant is not permanently disabled.

#### **Effective date of retirement**

**A21.**—(1) For the purposes of these Regulations—

(a) a member of a police force shall be taken to retire or cease to serve immediately following his last day of service;

(b) a member of a police force required to retire under Regulation A18, A19 or A20 shall be deemed to retire on the date on which he is so required to retire and his last day of service shall be the immediately preceding day;

(c) *Omitted*

(2) The references in paragraph (1) to a person's last day of service are references to his last such day during the relevant period of service.

### **Preferential Rejoin Scheme**

**A22.** (1) For the purpose of determining entitlement to payment of benefits to or in respect of a member of these Regulations, subject to paragraph (2), the member is taken to be a deferred member of these Regulations during an absence covered by the Preferential Rejoin Scheme;

(2) A Member who was in pensionable service before beginning an absence covered by the Preferential Rejoin Scheme is taken to re- enter pensionable service under these Regulations when returning to a pensionable post within the Constabulary and in accordance with the terms of the Preferential Rejoin Scheme;

(3) A Member who returns following an absence covered by the Preferential Rejoin Scheme will not be permitted to pay any unpaid contributions for or during the period of absence covered by the Preferential Rejoin Scheme;

### **Evidence of entitlement**

**A23** (1) The Public Sector Pensions Authority may require any person who is receiving a pension under these Regulations to provide evidence to establish—

(a) the person's identity; and

(b) the person's continuing entitlement to payment of any amount.

(2) If the person does not provide the required evidence, the Public Sector Pensions Authority may withhold the whole or any part of any benefits payable under these Regulations in respect of the person.

### **Overpayment of Benefits**

**A24** (1) If information or evidence supplied to the Public Sector Pensions Authority in connection with the provision of a benefit under these Regulations is subsequently proved to the satisfaction of the Public Sector Pensions Authority to be incorrect or insufficient, the Public Sector Pensions Authority must provide for the payment of the benefit that would have been payable had it been calculated by reference to the correct information or evidence.

(2) If a Member or Beneficiary is paid benefits under these Regulations to which he or she is not entitled, the Public Sector Pensions Authority may, on discovering such an error take all reasonable steps to recover such payments from the Member including but not limited to offsetting any overpayment of a benefit against future payments of benefits.

## **Incapacity and Minority**

**A25** (1) In the case of a Beneficiary who is incapable of acting by reason of illness, mental disorder, minority or otherwise, the Public Sector Pensions Authority may retain money due to the Beneficiary for any period and then apply or pay it.

(2) In relation to money due to a Beneficiary to which (1) applies —

(a) the Public Sector Pensions Authority may apply the money for the benefit of the Beneficiary or his or her estate or may pay it to some other person who is or appears to the Public Sector Pensions Authority to be responsible for the Beneficiary's care;

(b) the receipt of the person to whom the Public Sector Pensions Authority pays the money is a discharge to the Public Sector Pensions Authority for it;

(c) the Public Sector Pensions Authority is not responsible for or obliged to supervise the way in which money paid under this Regulation is used; and

(d) the Public Sector Pensions Authority may make for the Beneficiary any choice that the Beneficiary could make under these Regulations in respect of the money.

## **Information from Members**

**A26** The Public Sector Pensions Authority may request information from Members necessary to administer benefits under these Regulations. A request for information may include, but is not limited to, a request for the Member to confirm all or any of the following —

(a) his or her eligibility for benefits under these Regulations;

(b) his or her status as a Pensioner Member under these Regulations;

(c) details of his or her appointment to the Constabulary;

(d) his or her correspondence details.

## **Part B**

### **Personal Awards**

#### **Policeman's ordinary pension**

**B1.**—(1) Subject to paragraphs (2), (4) and (6), this Regulation shall apply to a regular policeman who retires or has retired when entitled to reckon at least 25 years' pensionable service unless Regulation B3 (policeman's ill-health award) applies in his case.

(2) Except in the circumstances mentioned in paragraph (3), this Regulation shall not apply to a regular policeman where—

he retires or retired without having given to the police authority three months' written notice of his intention to retire or such shorter notice as may have been accepted by the police authority.

(3) The circumstances referred to in paragraph (2) are that—

- (a) the police authority have decided that this Regulation should apply in his case, or
- (b) being the Chief Constable appointed for a fixed term under regulation 14 of the Police Regulations 2015, he retires or retired at the end of that appointment, or if such a term has been extended, at the expiry of the extension.

(ba) *omitted*

(c) he is or was required to retire on account of age, or on the ground that his retention in the force would not be in the general interests of efficiency, or as an alternative to dismissal, or

(d) he is or was dismissed pursuant to section 14(3) of the Police (Isle of Man) Act 1962 (an Act of Tynwald).

(4) This Regulation shall not apply to an overseas policeman or central police officer who retires or retired before the completion of the tour of overseas service or, as the case may be, of central service (if any) applicable in his case.

(5) Subject to the provisions of these Regulations, a regular policeman to whom this Regulation applies shall be entitled to an ordinary pension of an amount calculated in accordance with Part I of Schedule B, subject however to Parts VII and VIII of that Schedule; but, in the case of a person entitled to reckon less than 30 years' pensionable service, no payments shall be made on account of the pension in respect of the period (if any) after his retirement and before he has attained the age of 50 years or, if he sooner becomes permanently disabled and he is not ineligible under regulations G7 and G8 for a pension award payable on the ground of permanent disablement, before he becomes so disabled.

(6) If a regular policeman entitled to reckon at least 25 years' pensionable service—

(a) is dismissed otherwise than for a cause for which, if a pension were granted to him, it could be forfeited under Regulation K5, and

(b) would have been entitled to an ordinary pension if he had retired on the date his dismissal took effect, having given such notice to the police authority of his intention to retire as is mentioned in paragraph (2)(a) or (3)(b),

this regulation shall apply to him and, accordingly, he shall be entitled to an ordinary pension under paragraph (5).

(7) Paragraphs (2), (3) and (5) have effect subject to paragraphs 1, 2 and 3 of Part I, and paragraphs 5(2) and (4) and 6(2) of Part VII, of Schedule J.

#### **Policeman's short service award**

**B2.—**(1) This Regulation shall apply to a regular policeman who retires or has retired when entitled to reckon less than 25 years' pensionable service and who—

(a) is or was required to retire on account of age;

(ab) retires or retired voluntarily in accordance with regulation B2A;

(b) he is or was dismissed pursuant to section 14(3) of the Police (isle of Man) Act 1962 (an Act of Tynwald).

Provided that this regulation shall not apply to a regular policeman by whom pension contributions were not payable under regulation G2 (1) during the period immediately preceding his retirement.

(2) A regular policeman to whom this Regulation applies shall be entitled to a short service award as hereinafter provided.

(3) In the case of a policeman entitled at the time of his retirement to reckon at least 2 years' pensionable service, the award under paragraph (2) shall be a short service pension calculated in accordance with Part II of Schedule B, subject however to Parts VII and VIII of that Schedule.

(4) In the case of any other policeman, the award under paragraph (2) shall be a short service gratuity calculated in accordance with Part IV of Schedule B.

(5) Paragraph (1) has effect subject to paragraphs 5(3) and 6(2) of Part VII of Schedule J.

#### **Short service award on voluntary retirement**

**B2A.**—(1) This regulation applies to a regular policeman on or after attaining his relevant voluntary retirement age (if he has one).

(2) A regular policeman to whom this regulation applies may retire voluntarily subject to giving notice in accordance with paragraph (4) as the case may be.

(3) *omitted*

(4) A regular policeman who wishes to retire voluntarily must give to the police authority three months' written notice of his intention to retire or such shorter notice as may be accepted by the police authority.

(5) *omitted*

#### **Policeman's ill-health award**

**B3.**—(1) This Regulation shall apply to a regular policeman who retires or has retired on the ground that he is or was permanently disabled.

Provided that this regulation shall not apply to a regular policeman by whom pension contributions were not payable under regulation G2(1) during the period immediately preceding his retirement or to a regular policeman who under regulations G7 and G8 is ineligible for a pension award payable on the ground of permanent disablement.

(2) A regular policeman to whom this Regulation applies shall be entitled to an ill-health award as hereinafter provided.

(3) In the case of a policeman who is or was at the time of his retirement—

- (a) entitled to reckon at least 2 years' pensionable service, or
- (b) disabled as the result of an injury received in the execution of duty,

the award under paragraph (2) shall be an ill-health pension calculated in accordance with Part III of Schedule B, subject however to Parts VII and VIII of that Schedule.

(4) In the case of any other policeman the award under paragraph (2) shall be an ill-health gratuity calculated in accordance with Part IV of Schedule B.

#### **Policeman's injury award**

**B4** *Revoked*

#### **Policeman's deferred pension**

**B5.**—(1) This Regulation shall apply to a regular policeman who—

- (a) is entitled to reckon at least 2 years' but less than 25 years' pensionable service, or
- (b) though not so entitled, has service as a regular policeman which, disregarding breaks in service of not more than a month, is continuous and which, when aggregated with any period of other service or employment by reason of which he is entitled to reckon pensionable service, is at least 2 years.

(2) A regular policeman to whom this Regulation applies who ceases or has ceased to be such or who makes or has made an election under regulation G4 (1) in circumstances—

- (a) in which no transfer value is payable in respect of him, and
- (b) which do not entitle him to any award under any of the preceding provisions of this Part,

shall, on so ceasing to be a regular policeman or, as the case may be, on making such an election, be entitled to a deferred pension as hereinafter provided.

(3) Where the unsecured portion of the ill-health pension of a regular policeman to whom this Regulation applies—

- (a) is terminated under Regulation K1 (4), or
- (b) has been terminated on or after 1st April 1973 under Regulation 65(4) of the Regulations of 1973,

otherwise than on his rejoining his force he shall, as from the date of termination, be entitled to a deferred pension as hereinafter provided.

(4) A deferred pension under paragraph (2) or (3) shall be calculated in accordance with Part VI of Schedule B, subject however to Parts VII and VIII of that Schedule; but no payment shall be made on account of the pension—

- (a) in respect of the period before the regular policeman attains the age of 60 years or, if he sooner becomes permanently disabled, before he becomes so disabled and he is not



ineligible under regulations G7 and G8 for a pension award payable on the ground of permanent disablement, or

(b) where he has relinquished his entitlement as mentioned in Regulation F4 (3) or F5 (3) (*previous service reckonable on payment or at discretion of police authority*), by written notice to the police authority, in respect of any period after the giving of that notice. Or

(c) in respect of any period during which payments are due to be made on account of any pension to which he is entitled under regulation B1.

(5) *Deleted*

### **Early payment of deferred pension**

**B5A.**—(1) Subject to paragraphs (2) and (3), a regular policeman who is entitled to a deferred pension payable, in accordance with regulation B5 (4), upon his attaining the age of 60, may elect for immediate payment of that pension:

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

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

(3) Unless paragraph (4) applies, payment of the pension shall be subject to an actuarial reduction calculated by the police pension authority in accordance with tables prepared by the Scheme actuary.

(4) This paragraph applies where—

(a) the regular policeman receives a compensation lump sum on voluntary retirement, in accordance with a determination of the Secretary of State made under regulation 14A of the Police Regulations 2003; and

(b) a sum or sums equal to the value of the actuarial reduction are paid into the police pension fund in accordance with paragraphs (5) to (7) in order to buy out the actuarial reduction.

(5) Should the regular policeman so elect by giving notice in writing, the police pension authority shall pay into the police pension fund the whole or any part of the compensation lump sum that would otherwise be payable to the regular policeman.

(6) If the whole of the compensation lump sum is insufficient to buy out the actuarial reduction, the police pension authority may, in its discretion, pay into the police pension fund the additional amount required to do so.

(7) If the police pension authority decides not to pay the additional amount required to buy out the actuarial reduction, the regular policeman may pay to the police pension authority a sum equal to that additional amount, which the police pension authority shall pay into the police pension fund.

(8) Where a regular policeman who has made an election under paragraph (1) dies, any pension payable in respect of that policeman under Parts C or D shall be calculated as if no such election had been made.

#### **Award by way of repayment of aggregate pension contributions**

**B6.**—(1) This Regulation shall apply to a regular policeman who ceases to serve as such in circumstances—

(a) in which no transfer value is payable in respect of him, and

(b) which do not entitle him to an award under any of the preceding provisions of this Part or to an award under regulation 11 of the Injury Benefit Regulations or to an award under Regulation J1 or paragraph 9 of Part I of Schedule J.

(1A) This regulation shall also apply to a regular policeman who, within 3 months of his last becoming a regular policeman, makes an election under regulation G4(1) in the circumstances specified in paragraph (1).

(2) A regular policeman to whom this Regulation applies shall be entitled to an award by way of repayment of his aggregate pension contributions in respect of his relevant period of service.

#### **Commutation—general provision**

**B7.**—(1) This Regulation shall apply to an ordinary, short service, ill-health or deferred pension under this Part, but in relation to—

(a) a deferred pension, or

(b) an ordinary pension which is not payable as from the date of the policeman's retirement,

paragraphs (5), (6) and (7) shall have effect as if any reference therein to retirement or the date thereof were a reference to the coming into payment of the pension or the date thereof.

(2) A regular policeman may, subject to and in accordance with this Regulation, commute for a lump sum a portion of any pension to which this Regulation applies to which he is or may become entitled.

(3) For the purpose of commuting a portion of his pension in accordance with this Regulation a person shall give notice in writing to the police authority ("notice of commutation") of his wish to surrender and commute for a lump sum so much of his pension as, subject to the limitations contained in paragraph (4) and in Regulation B10, he may specify ("the surrendered portion").

(4) The surrendered portion shall be such that—

(a) the basic rate of the pension does not fall to be reduced in accordance with this Regulation by more than a quarter and, for the purposes hereof, that rate shall be taken to be the rate at which the pension would be payable not only if it did not fall to be so reduced but also disregarding any reduction—

(i) in accordance with Regulation B9 (*allocation*),

(ii) in accordance with Part VII of Schedule B (*reduction of pension at state pensionable age*),

(iii) as provided in paragraph 6(1) of Part VIII of Schedule B (*reduction of pension equivalent to outstanding additional or further contributions*), in accordance therewith, and

(b) in the case of a regular policeman who retires or retired with an ordinary pension when entitled to reckon less than 30 years' pensionable service otherwise than in the circumstances mentioned in sub-paragraph (c) of Regulation B2(1) or having attained his relevant voluntary retirement age or, where he does not have a relevant voluntary retirement age, having attained the age of 65, the lump sum calculated in accordance with paragraph (7) (disregarding any reduction in accordance with the proviso thereto) does not exceed an amount equal to  $2\frac{1}{4}$  times the annual amount of his pension calculated in accordance with Part I of Schedule B (disregarding any reduction therein under paragraph (7) of this Regulation or any other provision of these Regulations):

Provided that, where a person wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under paragraph (8)(b), the portion which, in accordance with the preceding provisions of this paragraph, may be surrendered shall be reduced by the reduction under paragraph (8)(b) expressed in like manner.

(4A) The police authority may, at the request of a regular policeman who retires or retired—

- (a) no more than one day before being entitled to reckon 30 years' pensionable service, and
- (b) before attaining the age of 50 years,

decide that the limitation contained in paragraph (4) (b) should not apply in his case.

(5) The notice of commutation shall be given by a person not earlier than 4 months before his intended retirement nor later than 6 months after his retirement.

(6) The notice of commutation given by a person shall become effective—

- (a) as from the date of his retirement, or
- (b) as from the date on which the notice is received by the police authority,

whichever is the later:

Provided that the notice of commutation shall not become effective if—

- (i) it was given more than 4 months before his retirement, or
- (ii) it relates to an ill-health pension and the unsecured portion of that pension has sooner been terminated under Regulation K1.

(7) Where the person retires or has retired and a notice of commutation given by him becomes or has become effective, the police authority shall reduce the pension to which the notice relates in

accordance with the notice as from the time from which the notice is effective and shall pay him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Scheme actuary:

Provided that where the notice is effective as from the date mentioned in paragraph (6)(b), the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement.

(8) Where the unsecured portion of an ill-health pension is terminated under Regulation K1 after a notice of commutation in relation to the pension has become effective—

(a) no reduction shall be made under paragraph (7) in the secured portion of the pension, insofar as it is payable under Regulation K1;

(b) if thereafter the person concerned becomes entitled to a pension, other than an injury pension, and is entitled to reckon for the purposes thereof the period of pensionable service reckonable for the purposes of the ill-health pension first mentioned in this paragraph, the unsecured portion of the other pension shall be reduced, in respect of any period, by the amount by which the ill-health pension would have been reduced under paragraph (7) if it had not been terminated as aforesaid but had been payable in respect of that period.

(9) This Regulation has effect subject to paragraphs 4 and 8(11) of Part I, and paragraphs 5(3) and 6(2) of Part VII, of Schedule J.

### **Commutation—small pensions**

**B8.**—(1) Where the annual rate of any pension payable to or in respect of a regular policeman under this Part or regulation M1 or J1 (2) does not exceed the small pensions commutation maximum, the police authority may pay the person entitled to the pension a lump sum of such an amount as the Scheme actuary advises represents the capital value of the pension if—

(a) that person consents, and

(b) where the pension payable to that person is one which may not be less than that person's guaranteed minimum, he has reached state pension age.

(2) If—

(a) a person is entitled to more than one pension under this Part or regulation J1 (2), or

(b) a person is entitled to more than one relevant award in respect of the same regular policeman, or

(c) a pension credit member is entitled—

(i) to more than one pension under regulation M1, or

(ii) to one or more pensions under this Part or regulation J1 (2) in addition to one or more pensions under regulation M1,

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

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

(4) In this regulation—

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

(a) by regulation 19, 20 or 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996,

(b) *Omitted*

(c) by regulation 3(2) (b) of the Pension Sharing (Pension Credit Benefit) Regulations 2000, or

(d) *Omitted*

“relevant award” means an award under any of the following—

(a) these Regulations;

(b) the Police Pensions Regulations 2006;

(c) the Police (Injury Benefit) Regulations 2006;

(d) *Omitted*

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

## **Allocation**

**B9.—**(1) This Regulation shall apply to an ordinary, short service, ill-health or deferred pension under this Part.

(2) A regular policeman who is entitled to reckon not less than 25 years' pensionable service may, subject to and in accordance with this Regulation, allocate a portion of any ordinary or ill-health pension to which he is or may become entitled and, notwithstanding that he has already allocated a portion of such a pension, he may—

(a) allocate a further portion of that pension in favour of the beneficiary of a previous allocation;

(b) where that beneficiary has died, allocate a further portion of that pension in favour of some other beneficiary, or

(c) where (not having attained the age of 70 years) he proposes to marry or remarry or form a civil partnership or a subsequent civil partnership, allocate a further portion of that pension in favour of his spouse by that marriage or civil partner by that civil partnership.

(3) A regular policeman may, subject to and in accordance with this Regulation, allocate a portion of any short service pension to which he is or may become entitled or of a deferred pension and, notwithstanding that he has already allocated a portion of such a pension, he may, where (not having attained the age of 70 years) he proposes to marry or remarry or form a civil partnership or a subsequent civil partnership allocate a further portion of that pension in favour of his spouse by that marriage or civil partner by that civil partnership.

(4) For the purpose of allocating a portion of his pension a policeman shall—

(a) within the time limits mentioned in paragraph (5), give notice in writing to the police authority of the force in which he is serving or by whom his pension is payable (“notice of allocation”) stating—

(i) his wish to surrender so much of his pension as, subject to the limitations contained in Regulation B10, he may specify,

(ii) the person in whose favour the surrender is to take effect (“the beneficiary”) being his wife or some other person who the police authority are satisfied is substantially dependent upon him,

(iii) in the case of a policeman entitled to reckon not less than 25 years' pensionable service who has not retired, whether or not he wishes the notice to become effective while he is serving, and

(b) satisfy the police authority of his good health and for that purpose submit himself to such medical examination as they may require.

(5) Notice of allocation shall be given—

(a) where in such case as is mentioned in paragraph (4) (a) (iii) the policeman wishes the notice to become effective while he is serving, before his intended retirement;

(b) where a person in receipt of a pension who has not attained the age of 70 years proposes to marry or remarry or form a civil partnership or a subsequent civil partnership and the beneficiary is his spouse by that marriage or civil partner by that civil partnership, before but not earlier than 4 months before his intended marriage or the intended formation of his civil partnership;

(c) where the pension is a deferred pension but the preceding sub-paragraph does not apply, before but not earlier than 4 months before the pension comes into payment;

(d) in any other case, before but not earlier than 4 months before the person's intended retirement.

(6) Where a person has complied with the provisions of sub-paragraphs (a) and (b) of paragraph (4), the police authority shall forthwith send to him a written notification that they have accepted the notice of allocation, which shall become effective—

(a) in any such case as is mentioned in paragraph (5) (a) where he wishes the notice of allocation to become effective while he is serving, as from the time when the notification is received by him or, if sent by post, as from the time when it would be received by him in the ordinary course of post, except that it shall have effect as from the date of his retirement if that is earlier;

(b) in any such case as is mentioned in paragraph (5)(b), if, and only if, the proposed marriage takes place or the proposed civil partnership is formed within 4 months of giving the notice of allocation and in that event as from the date of the marriage or of the formation of the civil partnership;

(c) in any such case as is mentioned in paragraph (5) (c), if, and only if, the deferred pension comes into payment within 4 months of giving the notice of allocation and in that event as from the date it comes into payment;

(d) in any other case, if, and only if, the person retires within 4 months of giving the notice of allocation and in that event as from the date of retirement.

(7) Where a person retires or has retired in circumstances entitling him to a pension to which a notice of allocation given by him relates and that notice becomes effective—

(a) that pension shall be reduced in accordance with the notice (notwithstanding the previous death of the beneficiary) as from the date from which the pension is payable or on which the notice becomes effective, whichever is the later, and

(b) the police authority shall, as from the person's death, pay to the beneficiary specified in the notice, if that person survives him, a pension of such amount as is the actuarial equivalent of the surrendered portion of the pension.

(8) For the purposes of paragraph (7)(b) the actuarial equivalent of the surrendered portion of the pension shall be calculated from tables prepared by the Scheme actuary and in force at the time when the notice of allocation became effective, which tables shall—

(a) take account of the age of the regular policeman and of the age of the beneficiary at that time, and

(b) make different provision according to whether or not the notice of allocation became effective in accordance with paragraph (6) (a), and separate calculations shall be made in respect of separate allocations.

(9) Where a person was entitled to reckon at least 25 years' pensionable service when he gave the notice of allocation and stated therein his wish that it should become effective while he was serving, then, if he dies before retiring, the police authority shall pay to the beneficiary the like pension that they would have paid by virtue of that notice if he had retired with a pension immediately before he died.

(10) Any reference in these Regulations to a widow's pension, however expressed, shall be construed as excluding a reference to a pension payable to a widow under this Regulation.

(11) This Regulation has effect subject to paragraph 8(11) of Part I of Schedule J.

#### **Limitation of surrendered portion of a pension for the purposes of Regulation B7 or B9**

**B10.** The portion of a pension which a regular policeman may surrender under either Regulation B7 or Regulation B9 shall be limited as hereinafter provided, namely, it shall not be—

(a) in the case of any pension, such that the pension becomes payable at a rate less than two-thirds of the rate at which it would have been payable but for the provisions of the said Regulations and of Parts VII and VIII of Schedule B;

(b) in the case of a deferred pension, where the policeman has a guaranteed minimum in relation to the pension on the date on which it becomes payable, such that the weekly amount of the pension at that date, including any increase under the Pensions (Increase) Act 1971, is less than that guaranteed minimum;

and the limitation contained in sub-paragraph (b) is without prejudice to that contained in sub-paragraph (a).

#### **Deduction of tax from certain awards**

**B11.—**(1) This Regulation shall apply to any payment on account of an award made to a member of a police force during his lifetime which constitutes a short service refund lump sum within the meaning of section 8 of the Income Tax (Retirement Benefit Schemes) Act 1978.

(2) The police authority may deduct from any payment to which this Regulation applies the charge to income tax arising under that section.

#### **Pension debit members**

**B12.** Where a pension debit member is entitled to an award under regulation B1, B2, B3 or B5—

(a) the award is calculated by reference to the member's rights under these Regulations as reduced by virtue of section 31 of the 1999 Act and in accordance with such tables and other guidance as are provided for the purpose by the Scheme actuary, and

(b) regulations B7 to B10 have effect accordingly.

### **Part C**

#### **Widows' Awards**

#### **Widow's ordinary pension**

**C1.—**(1) This Regulation shall apply to a widow of a regular policeman entitled to reckon at least 3 years' pensionable service—

(a) who, having retired with an ordinary, short service or ill-health pension, dies or has died while in receipt of that pension;



(b) who, having retired with both an ill-health pension under regulation B3 and an injury pension under regulation 11 of the Injury Benefit Regulations, dies or has died otherwise than while in receipt of the ill-health pension but while in receipt of the injury pension;

(c) who, having retired with an ill-health gratuity, dies or has died as a result of the same injury as resulted in his disablement, or

(d) who dies or has died while serving as a regular policeman,

except that this Regulation shall not apply by virtue of sub-paragraph (c) to the widow of a regular policeman in respect of whom a transfer value was, or was required to be, paid, following his retirement, in pursuance of Regulation F9 (*interchange arrangements*) and shall not apply by virtue of sub-paragraph (d) to the widow of a regular policeman who has or had made an election under regulation G4 (1) which has or had effect at the time of his death

(2) A widow to whom this Regulation applies shall be entitled to an ordinary pension calculated in accordance with Part I of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*).

(3) Paragraph (1) has effect subject to paragraph 1 of Part II of Schedule J.

#### **Widow's special award**

**C2** *Revoked*

#### **Widow's augmented award**

**C3** *Revoked*

#### **Widow's accrued pension**

**C4.**—(1) This Regulation shall apply to a widow of a regular policeman who dies or has died while entitled to a deferred pension, whether or not that pension has or had come into payment.

(2) For the purposes of paragraph (1) a policeman shall be treated as entitled to a deferred pension if he would have been so entitled but for its commutation for a lump sum under Regulation B8.

(3) A widow to whom this Regulation applies shall be entitled to an accrued pension calculated in accordance with Part III of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*).

#### **Limitation on award to widow with reference to date of marriage and pension in case of post-retirement marriage**

**C5.**—(1) A widow shall not be entitled to a widow's ordinary or accrued pension under Regulation C1 or C4 unless she was married to her husband or, as the case may be, had formed a civil partnership with her civil partner during a period before he last ceased to be a regular policeman.

(2) *Omitted*

(3) A widow of a regular policeman who, but for paragraph (1), would be entitled to an award under Regulation C1, or C4 shall, instead, be entitled to a pension calculated in accordance with Part IV of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*).

#### **Widow's requisite benefit and temporary pension**

**C6.**—(1) This Regulation shall apply to a widow of a regular policeman not mentioned in Regulation C1 (1), or C4 (1) or not entitled to an adult survivor's special award under regulation 13 of the Injury Benefit Regulations where, after the beginning of the tax year in which he attained or would have attained state pensionable age, the husband either—

(a) has died while serving as a regular policeman, by whom pension contributions have at any time been payable under regulation G2 (1), or

(b) has ceased to serve as such.

(2) A widow to whom this Regulation applies shall be entitled to an award which, subject to paragraph (3), shall comprise—

(a) if the husband died while serving as a regular policeman or in receipt of a pension, a temporary pension in respect of the first 13 weeks following his death of such amount in respect of each such week as, when aggregated with that of any children's allowances payable in respect of the husband's death, is of the like weekly amount as was his pensionable pay or, as the case may be, as was his pension, together with any increase therein, immediately before he died, under the Pensions (Increase) Acts;

(b) where such a temporary pension is not payable, or after the 13 weeks for which it is payable, a widow's requisite benefit pension calculated in accordance with Part V of Schedule C;

and, for the purposes of sub-paragraph (a), where the husband died while in receipt of both an ordinary, short service or ill-health pension and an injury pension under regulation 11 of the Injury Benefit Regulations, the reference therein to the weekly amount of his pension shall be construed as a reference to the aggregate weekly amount of those pensions.

(3) If the capitalised value of the pension payable under paragraph (2) (b) to a widow whose husband died while serving as a regular policeman, as calculated by the Scheme actuary, is less than the husband's average pensionable pay, the widow shall also be entitled to a gratuity equal to the amount by which that capitalised value falls short of the husband's average pensionable pay.

(4) For the purposes of paragraph (2) (a)—

(a) the provisions of Regulation A8 shall be disregarded, and, accordingly, a person shall not by virtue thereof be treated as in receipt of an injury pension, but

(b) he shall be treated as in receipt of an injury pension if he would have been in receipt of such a pension under regulation 11 of the Injury Benefit Regulations but for his entitlement to additional benefit within the meaning of paragraph 7(3) of Schedule 3 to those Regulations and, where he is, or is so treated as being, in receipt of such a pension, the

provisions of paragraph 7(3) shall be disregarded in determining the weekly amount of that pension..

#### **Widow's award where no other award payable**

**C7.**—(1) This Regulation shall apply to a widow of a member of a police force to whom neither Regulation C1 nor C6 applies and who has no entitlement to an adult survivor's special award under regulation 13 of the Injury Benefit Regulations where the husband has died while serving as a member of a police force, by whom pension contributions have at any time been payable under regulation G2 (1), or, in the case of an auxiliary policeman, while called up for service as such.

(2) A widow to whom this Regulation applies shall be entitled to an award which shall comprise—

(a) in respect of the first 13 weeks following the husband's death, a temporary pension of such amount as secures that, in respect of each such week, the aggregate amount of the payment under this sub-paragraph and of any children's allowances payable in respect of the husband's death is of the like amount as his pensionable pay for a week immediately before he died, and

(b) an ordinary gratuity of an amount equal to the husband's average pensionable pay.

#### **Limitation on award to widow living apart from her husband and widow's requisite benefit pension**

**C8.**—(1) A widow shall not be entitled to an award under any of the preceding provisions of this Part if, at the time of her husband's death—

(a) she was separated from him by an order or decree of a competent court, and

(b) he was not required by an order or decree of a competent court to contribute to her support and was not in fact regularly contributing to her support;

and, for the purposes hereof, contributions to a widow for the support of her child shall be treated as contributions for her support.

(2) A widow of a member of a police force who, but for paragraph (1), would be entitled to an award under any of the preceding provisions of this Part shall, instead, be entitled to a widow's requisite benefit pension calculated in accordance with Part V of Schedule C.

#### **Termination of widow's or civil partner's pension on remarriage or other event**

**C9.** *Omitted*

#### **Termination of widow's or civil partner's gratuity on remarriage or other event**

**C9A.** *Omitted*

#### **Pension debit members**

**C10.** Where a pension debit member dies leaving a surviving spouse or civil partner, any award under regulation C1, C4, C5, C6, C7 or C8, and the pension under any of those regulations by

reference to which any payment under regulation C9 is made, is calculated by reference to the member's rights under these Regulations as reduced by virtue of section 31 of the 1999 Act and in accordance with such tables and other guidance as are provided for the purpose by the Scheme actuary.

Part D  
Children's Awards

**Child's ordinary allowance**

**D1.**—(1) This Regulation shall apply to a child of a regular policeman—

- (a) who, having retired with an ordinary, short service or ill-health pension, dies or has died while in receipt of that pension;
- (b) who, having retired with both an ill-health pension under regulation B3 and an injury pension under regulation 11 of the Injury Benefit Regulations, dies or has died otherwise than while in receipt of the ill-health pension but while in receipt of the injury pension;
- (c) who dies or has died having retired with a gratuity when entitled to reckon at least 3 years' pensionable service, or
- (d) who dies or has died while serving as a regular policeman,

except that this Regulation shall not apply by virtue of sub-paragraph (c) to the child of a regular policeman in respect of whom a transfer value was, or was required to be, paid following his retirement, in pursuance of Regulation F9 and shall not apply by virtue of sub-paragraph (d) to the child of a regular policeman who has or had made an election under regulation G4 (1) which has or had effect at the time of his death.

(2) Subject to Regulations D5 (*limitations*) and E8 (*increase during first 13 weeks*), a child to whom this Regulation applies shall be entitled to an ordinary allowance calculated in accordance with Part I of Schedule D.

(3) Paragraph (1) has effect subject to paragraph 1(2) of Part III of Schedule J.

**Child's special allowance**

**D2** *Revoked*

**Child's special gratuity**

**D3** *Revoked*

**Child's accrued allowance**

**D4.**—(1) This Regulation shall apply to a child of a regular policeman who dies while entitled to a deferred pension, whether or not that pension has come into payment.

(2) Subject to Regulations D5 (*limitations*) and E8 (*increase during first 13 weeks*), a child to whom this Regulation applies shall be entitled to an accrued allowance calculated in accordance with Part III of Schedule D.

#### **Child's allowance or special gratuity—limitations**

**D5.—**(1) A child's allowance under any of the preceding provisions of this Part ("an allowance") shall not be granted—

(a) to a child born on or after the relevant date specified in paragraph (2) otherwise than of a marriage which took place or of a civil partnership which was formed before the relevant date;

(b) *omitted*

(c) by reason of his being substantially dependent on the relevant parent, to a child who was not so dependent before the relevant date;

(d) by reason of his being an adopted child, to a child adopted on or after the relevant date;

(e) except in the case of a legitimate or adopted child of the relevant parent, to a child who was not substantially dependent on that parent at the time of his death.

(1A) The reference in paragraph (1) (a) to a child born of a civil partnership means a child—

(a) who is a child of a member of a civil partnership and has been adopted by the other member of that civil partnership; or

(b) who has been adopted by two persons who have formed a civil partnership.

(2) For the purposes of paragraph (1) the relevant date—

(a) in the case of an ordinary or accrued allowance, is the date on which the relevant parent last ceased to be a regular policeman;

(b) in the case of a special allowance or a special gratuity—

(i) if the relevant parent received the injury while serving as a regular policeman, is the date on which he last ceased to be a regular policeman,

(ii) if he received the injury while called up for service as an auxiliary policeman, is the date of the end of the continuous period of active service during which he received the injury,

(iii) if he received the injury while serving as a member of an overseas corps otherwise than as a regular policeman, is the date of the end of the tour of overseas service during which he received the injury.

(3) In the case of a child who has attained the age of 16 years but not that of 17 years, an allowance shall not be payable in respect of any period for which he is in full-time employment unless that

employment constitutes full-time training, of at least a year's duration, for a trade, profession or calling.

(4) In the case of a child who has attained the age of 17 years but not that of 19 years, an allowance shall only be payable in respect of a period throughout which he satisfies one of the conditions set out in paragraph (8).

(5) Without prejudice to paragraph (1), in the case of a child who has attained the age of 19 years, an allowance shall not be payable (and, where he attained that age before the date of the relevant parent's death, shall not be granted) unless—

(a) he satisfies one of the conditions set out in paragraph (8), and

(b) in the case of condition (a), also satisfied that condition immediately before he attained the age of 19 years and throughout the entire period thereafter,

except that the payment (or granting) of an allowance shall not be precluded by reason only of subparagraph (b) if the police authority, having regard to all the circumstances of the case, in their discretion so decide.

(6) Without prejudice to paragraphs (3), (4) and (5), in the case of a child entitled to an allowance who is—

(a) in full-time training for a trade, profession or calling, and

(b) in receipt of remuneration in respect thereof,

and in the case of any other child entitled to an allowance in respect of the death of the same person, Part IV of Schedule D shall have effect in relation to their allowances.

(7) *Omitted*

(8) The conditions referred to in paragraphs (4), and (5) are that the child—

(a) is or was undergoing full-time education or in full-time training of at least a year's duration for a trade, profession or calling, or

(b) is or was permanently disabled and either—

(i) was both so disabled and substantially dependent on the relevant parent at the time of his death,

(ii) became so disabled while in receipt of an allowance, or

(iii) the police authority, having regard to all the circumstances of the case, in their discretion decide to pay (or grant) an allowance to him.

(9) Any reference in this Regulation to the relevant parent is a reference to the parent in respect of whose death the allowance is or, but for the provisions thereof, would be payable.

(10) This Regulation has effect subject to paragraph 5 of Part III of Schedule J.

## **Pension debit members**

**D6.** Where a pension debit member dies leaving a child, any award payable under this Part—

- (a) is first calculated as if the member were not a pension debit member, and
- (b) is then subject to any reduction required under section 31 of the 1999 Act.

### Part E

#### Awards on Death—Additional Provisions

##### *Dependent relatives and estate*

## **Adult dependent relative's special pension**

**E1** *Revoked*

## **Gratuities—dependent relatives**

**E2.**—(1) This Regulation shall apply in the case of a regular policeman—

(a) who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, if death—

(i) results from an injury received in the execution of his duty, or

(ii) takes place within 2 years of his becoming entitled to his pension, or

(b) who dies while serving as such and in respect of whom no award is payable otherwise than by virtue of this or the next following Regulation or by virtue of Regulation B9 (9) (*allocation*).

(2) In the case of such a regular policeman the police authority may, in their discretion, grant a gratuity to any relative of the policeman who was dependent on him to any degree at the time of his death but the aggregate amount of any gratuities granted under this Regulation shall not exceed the aggregate pension contributions in respect of the policeman's relevant period of service.

## **Gratuity—estate**

**E3.**—(1) This Regulation shall apply in the case of a regular policeman—

(a) who dies while entitled to an ordinary, short service, ill-health or deferred pension, whether or not that pension has come into payment, or

(b) who dies while serving as such.

(2) If, in the case of such a regular policeman, the aggregate of—

(a) any payments made or due to him on account of his ordinary, short service, ill-health or deferred pension or by way of a lump sum under Regulation B7 where a portion of such a pension has been commuted, or on account of an injury pension under regulation 11 of the

Injury Benefit Regulations, together with any increase therein under the Pensions (Increase) Acts;

(b) where he has, or is deemed to have, exercised the right of election conferred by paragraph 8 of Part I of Schedule J (*award in certain cases in lieu of deferred pension under Regulation B5*), any payment made or due to him (or his estate) on account of the award mentioned in sub-paragraph (6)(a) of that paragraph;

(c) the capitalised value (calculated in accordance with tables prepared from time to time by the Scheme actuary) of any pension or allowance granted in respect of his death (including any such pension or allowance granted under the Injury Benefit Regulations and, where he has allocated a portion of his pension under Regulation B9, any pension payable thereunder to the beneficiary of that allocation); and

(d) any gratuity granted in respect of his death otherwise than under this Regulation (including any such gratuity granted under the Injury Benefit Regulations),

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

#### *Widows and widowers*

**E3A.**—(1) On the death of a person while serving as a regular policeman a lump sum death grant becomes payable unless an election under regulation G4 not to pay pension contributions had effect at the time of the death.

(2) The grant is payable whether or not any pension or gratuity is payable under Part C.

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

(a) at the time of the death, or

(b) if he was then absent from duty without pay, immediately before that absence began.

(4) The grant is to be paid to any widow who qualifies for it; but if there is no such widow, the police authority may in their discretion pay the grant to the personal representatives.

(5) A widow qualifies for the grant unless at the time of the death—

(a) the widow and the deceased were separated by an order or decree of a competent court, and

(b) the deceased was not required by such an order to contribute, and was not in fact regularly contributing, to the support of the widow or to the support of a child of the widow's.

#### *Supplementary provisions relating to awards on death*



### **Gratuity in lieu of widow's pension**

**E4.**—(1) Save as provided in paragraph (2), this Regulation shall apply to any pension under Part C (“a widow’s pension”).

(2) Where on the death of her husband before he attained state pensionable age a widow became entitled to a widow’s ordinary or special pension under Regulation C1 or C2, the police authority may, subject to Regulation E6, commute for a gratuity that part of the pension (expressed as a weekly amount) which is in excess of her guaranteed minimum pension or so much of that part as may be commuted without contravening Regulation E6:

Provided that a police authority shall not exercise their discretion under this paragraph unless—

- (a) the widow consents, and
- (b) they are satisfied that there are sufficient reasons for so doing.

(3) Where the annual amount of any widow’s pension does not exceed £260, or any greater amount prescribed by regulations for the time being in force under paragraph 15(4) of Schedule 16 to the Social Security Act 1973, (other than a pension which does not exceed that amount by reason of the commutation of part thereof under paragraph (2)), the police authority may, at their discretion, commute it for a gratuity.

(4) The provisions of Regulations C9 and C9A relating to the termination of a widow’s or civil partner’s award on remarriage or the formation of a new civil partnership and certain other matters shall apply in relation to a gratuity under this Regulation as they apply in relation to a gratuity under Part C.

(5) A gratuity under this Regulation shall be calculated in accordance with Part II of Schedule E.

(6) Where a widow is entitled to more than one widow’s pension in respect of the death of the same person but, in pursuance of Regulation E7, is not entitled to receive, in respect of any particular period, payment on account of more than one of those pensions, those widow’s pensions shall be treated for the purposes of this Regulation and of Part II of Schedule E as a single widow’s pension and, where one of those pensions is a widow’s ordinary pension, that single pension shall be treated for the purposes of paragraph(2) as if it were a widow’s ordinary pension.

(7) This Regulation has effect subject to Regulation J1 (6) (b) and paragraph 9 of Part II of Schedule J.

### **Gratuity in lieu of child's allowance**

**E5.**—(1) This Regulation shall apply to any allowance under Part D (“a child’s allowance”).

(2) Where a child is entitled to a child’s allowance, the police authority may, subject to Regulation E6, commute it for a gratuity:

Provided that a police authority shall not exercise their discretion under this paragraph unless—

- (a) the child’s surviving parent or guardian consents or, where he has no such parent or guardian, the child himself consents, and

(b) they are satisfied that there are sufficient reasons for so doing.

(3) Where the police authority are precluded by reason of the provisions of Regulation E6 from exercising their discretion under the preceding paragraph but otherwise would exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the allowance.

(4) A gratuity under this Regulation shall be calculated in accordance with Part III of Schedule E.

(5) Where a child is entitled to more than one child's allowance in respect of the death of the same person but, in pursuance of Regulation E7, is not entitled to receive, in respect of any particular period, payment on account of more than one of the allowances, those child's allowances shall be treated for the purposes of this Regulation and of Part III of Schedule E as a single child's allowance.

(6) Paragraph (5) has effect subject to paragraph 6 of Part III of Schedule J.

#### **Limitation on discretion to grant a gratuity in lieu of a pension or allowance**

**E6.**—(1) This Regulation shall apply in the case of a regular policeman who has died while in receipt of an ordinary, short service, ill-health or deferred pension (“the principal pension”).

(2) The police authority shall not under Regulation E4(2) or E5 substitute for the whole or any part of a widow's pension or child's allowance payable in respect of such a policeman a gratuity the actuarial equivalent of which (within the meaning of paragraph (3)) when added to that of—

(a) any other gratuity so substituted under Regulation E4 (2) or E5, and

(b) any lump sum paid or payable under Regulation B7, where a portion of the principal pension has been commuted,

exceeds a quarter of the capitalised value of the principal pension, any reduction therein under Regulation B7 being ignored.

(3) For the purposes of this Regulation the actuarial equivalent of a gratuity or lump sum and the capitalised value of the principal pension shall, in each case, be that at the time of the husband's or parent's retirement, as calculated by the Scheme actuary.

#### **Prevention of duplication**

**E7.**—(1) Subject to paragraph (2), where, but for this Regulation, a person would be entitled to receive, in respect of any particular period, payments on account of more than one award in respect of the death of the same person—

(a) each of the awards being a widow's pension under Part C of these Regulations or under regulation 13 of the Injury Benefit Regulations, or

(b) each of the awards being either a child's allowance under Part D or a child's special allowance under regulation 17 of the Injury Benefit Regulations or an adult dependent relative's special pension under regulation 20 of the said Regulations,

he shall be entitled to receive, in respect of that period, payment on account of one only of those awards; and the award payable shall be that from time to time selected by the person concerned or, in default of such selection where one award is for the time being greater than any other such award, the award which is for the time being the greater.

(2) Nothing in paragraph (1) shall prevent a person from being entitled to receive more than one such pension or allowance as is mentioned in sub-paragraph (a) or (b) thereof if—

(a) the awards in question are calculated, directly or indirectly, by reference to different periods of pensionable service, and

(b) no award in question falls to be increased in accordance with Regulation E8 or to be determined in accordance with Regulation E10 (*flat-rate award*).

### **Increase of widow's pension or child's allowance during first 13 weeks**

**E8.**—(1) This Regulation shall apply to a widow's ordinary, or accrued pension or a pension under Regulation C5 (3) (*pension in case of post-retirement marriage*) and to a child's ordinary, or accrued allowance where the person in respect of whose death the award is payable was, immediately before his death—

(a) serving as a member of a police force and, in the case of an auxiliary policeman, called up for service as such, or

(b) in receipt of a pension,

and, for the purposes of sub-paragraph (b), the provisions of Regulation A8 relating to persons treated as being in receipt of an ordinary pension shall be disregarded.

(2) A widow's pension to which this Regulation applies shall, so far as necessary, be increased in respect of the first 13 weeks for which it is payable so as to secure that, in respect of each such week, the aggregate amount of the pension and of any children's allowances payable in respect of the same person's death is not less than—

(a) in the case mentioned in paragraph (1) (a), the policeman's relevant emoluments for a week immediately before he died, or

(b) in the case mentioned in paragraph (1)(b), the weekly amount of his pension together with any increase therein, immediately before he died, under the Pensions (Increase) Acts;

and, for the purposes of sub-paragraph (b)—

(i) there shall be disregarded any reduction in the policeman's pension in consequence of Part VIII of Schedule B (*reduction of pension related to uprating of widow's pension*) or his entitlement to an injury award under regulation 11 of the Injury Benefit Regulations or to any additional benefit within the meaning of paragraph 7(3) of Schedule 3 to the Injury Benefit Regulations (*police officer's injury award*), and

(ii) where the policeman died while in receipt of both an ordinary, short service or ill-health pension and of an injury pension under regulation 11 of the Injury Benefit Regulations, the reference therein to the weekly amount of his pension shall be construed as a reference to the aggregate weekly amount of those pensions.

(2A) For the purposes of paragraph (2) (a) a policeman's relevant emoluments for a week are—

(a) his pensionable pay for the week, and

(b) so much as is attributable to the week of any allowances to which he was entitled under regulations 51 and 52 of the Isle of Man Police Regulations 2000.

(3) Where a child's allowance to which this Regulation applies is payable in respect of the death of a person who did not leave a widow entitled to a pension which was payable for a continuous period of 13 weeks, the allowance shall, so far as necessary, be increased in respect of the first 13 weeks for which it is payable so as to secure that, in respect of each such week, it is not less than the amount specified in paragraph (2) (a) or (b) except that, where 2 or more such allowances are payable in respect of the death of the same person, each allowance shall be so increased that it is of that amount divided by the number of such allowances:

Provided that where a widow's pension is payable in respect of any such week, a child's allowance in respect of the death of the same person shall not be so increased in respect of that week.

(4) Paragraph (1) has effect subject to paragraph 10 of Part II of Schedule J.

#### **Increase of awards (other than flat-rate awards) by reference to the Pensions (Increase) Acts**

**E9.**—(1) Where it is provided that, for the purpose of calculating an award by way of periodical payments or a gratuity ("the relevant award"), an amount shall be increased in accordance with this Regulation, it shall be increased by the amount, if any, by which a corresponding pension, within the meaning of the Pensions (Increase) Act 1971, of the amount first mentioned would from time to time be increased under the Pensions (Increase) Acts if—

(a) it were payable to the person entitled to the relevant award and, in relation thereto, he had the like guaranteed minimum pension (if any) as he has in relation to the relevant award;

(b) it were one of the pensions specified in paragraph 43 of Part II of Schedule 2 to the said Act of 1971;

(c) it were not a pension to which section 1(2) (a) of the Pensions (Increase) Act 1974 applies, and

(d) it began, within the meaning of the said Act of 1971, and became payable when the relevant award so began and became payable.

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

**Determination of amount of widow's or child's flat-rate award and increase thereof by reference to the Pensions (Increase) Act 1971**

**E10.**—(1) Where, in respect of any week, the amount of a widow's ordinary or accrued pension or a child's ordinary or accrued allowance falls to be determined by reference to the husband's or relevant parent's rank by reason of an election under paragraph 3 of Part I or paragraph 3 of Part III of Schedule C or under paragraph 5 of Part I, or that paragraph as applied by Part III, of Schedule D, the amount of the award ("the relevant award") shall be the appropriate sum for the purposes of this Regulation increased in accordance with paragraph (6).

(2) In the case of a widow's pension the appropriate sum for the purposes of this Regulation shall be, subject to paragraphs (3) and (5)—

(a) where the husband at the time when he ceased to be a regular policeman held a rank higher than that of inspector, £11.39;

(b) where he so held the rank of inspector, £9.48, or

(c) where he so held a rank lower than inspector, £7.28.

(3) Each of the sums mentioned in paragraph (2) shall be increased by 56p where the relevant award is—

(a) a widow's ordinary pension and the husband was entitled to reckon at least 10 years' pensionable service, or

(b) a widow's accrued pension and the husband ceased to serve as a regular policeman on or after 6th April 1975 and would, had he continued so to serve until he attained his relevant voluntary retirement age or, where he would not have a relevant voluntary retirement age, until the age of 65, have become entitled to reckon at least 10 years' pensionable service.

(4) In the case of a child's allowance the appropriate sum for the purposes of this Regulation shall be, subject to paragraph (5)—

(a) where the relevant parent at the time when he ceased to be a regular policeman held a rank higher than that of inspector, £3.01 if the allowance would otherwise be determined in accordance with paragraph 1 of Part I of Schedule D or £4.47 if it would otherwise be determined in accordance with paragraph 2 of that Part;

(b) where he so held the rank of inspector, £2.44 if the allowance would otherwise be determined in accordance with the said paragraph 1 or £3.62 if it would otherwise be determined in accordance with the said paragraph 2, or

(c) where he so held a rank lower than that of inspector, £2.07 if the allowance would otherwise be determined in accordance with the said paragraph 1 or £3.05 if it would otherwise be determined in accordance with the said paragraph 2,

and in this paragraph any reference to Part I of Schedule D includes a reference to that Part as applied by Part III of that Schedule.

(5) *Omitted*

(6) The appropriate sum shall be increased by the amount by which a corresponding pension, within the meaning of the Pensions (Increase) Act 1971, of a weekly amount equal to the said sum would from time to time be increased under the said Act of 1971 in respect of a week if—

(a) it were payable to the person entitled to the relevant award, in relation thereto he had the like guaranteed minimum pension (if any) as he has in relation to the relevant award and he satisfied the qualifying conditions within the meaning of the said Act of 1971;

(b) it were an official pension within the meaning aforesaid;

(c) it began, within the meaning aforesaid, on 30th June 1978, and

(d) no account were taken of the provisions of the Pensions Increase (Annual Review) Order 1978,

but, in performing the necessary calculations, sums shall be expressed to the nearest penny (a half penny counting as a whole penny).

### **Pension debit members**

**E11.** Where a pension debit member dies any award in respect of him under this Part is calculated by reference to the member's rights under these Regulations as reduced by virtue of section 31 of the 1999 Act and in accordance with such tables and other guidance as are provided for the purpose by the Scheme actuary.

## **Part F**

### **Pensionable Service and Transfer Values**

#### **Reckoning of pensionable service**

**F1.**—(1) The pensionable service reckonable by a member of a police force at any date (in these Regulations referred to as the "relevant date") shall be determined in accordance with the succeeding provisions of these Regulations:

Provided that there shall not be reckonable by a regular policeman —

(a) any period of unpaid maternity leave granted in the case of a woman which ended before 27th February 1986;

(b) any period of unpaid maternity leave granted in the case of a woman falling on or after 27th February 1986 which ended before 10th June 1994 in respect of which the conditions specified in paragraph (1A) are not satisfied;

(c) any period of unpaid maternity leave falling on or after 10th June 1994 (not being a period which falls within the first 26 weeks of any period of maternity leave taken by a person in respect of whom no election under regulation G4 was effective immediately before the commencement of that period of unpaid maternity leave) in respect of which the conditions specified in paragraph (1B) are not satisfied;

(d) any period of unpaid sick leave taken after 31st August 1995 in respect of which the conditions specified in paragraph (1C) are not satisfied;

(da) any period of unpaid paternity leave taken after 1st April 2003 in respect of which the conditions specified in paragraph (1B) are not satisfied;

(e) any other period of unpaid leave falling on or after 27th February 1986 except such a period taken by a person who ceased to serve as a regular policeman before 1st September 1988;

(f) any absence covered by the Preferential Rejoin Scheme.

(1A) The conditions referred to in sub-paragraph (b) of the proviso to paragraph (1) are that the person concerned —

(a) serves as a regular policeman throughout a period of 6 months commencing with the date of return to duty at the end of a period of maternity leave which includes the period of unpaid maternity leave in question, and

(b) within 6 months of that date or 1st September 1988, whichever is the later, pays to the police authority a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid maternity leave in question had it not been granted.

(1B) The conditions referred to in sub-paragraph (c) and (da) of the proviso to paragraph (1) are that the person concerned—

(a) was serving as a regular policeman during the period immediately preceding a period of maternity or paternity leave which includes the period of unpaid maternity or paternity leave in question and no election under regulation G4 was effective in respect of that person immediately before the commencement of that period of unpaid leave;

(b) in accordance with the provisions of paragraph (1D) pays to the police authority a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid maternity leave or unpaid paternity leave in question if her notional pensionable pay during that period had been at the same rate as her pensionable pay (including any maternity allowance payable under the Social Security (Maternity Allowance) Regulations 1987, immediately before the commencement of the period of unpaid maternity leave or unpaid paternity leave which constituted or included the period in question.

(1C) The conditions referred to in sub-paragraph (d) of the proviso to paragraph (1) are that the person concerned—

(a) was serving as a regular policeman during the period immediately preceding a period of sick leave which includes the period of unpaid sick leave in question and no election under regulation G4 was effective in respect of that person immediately before the commencement of that period of unpaid leave;

(b) in accordance with the provisions of paragraph (1D) pays to the police authority a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid sick leave in question if his notional pensionable pay during that period had been at the same rate as his pensionable pay immediately before the commencement of the period of unpaid sick leave which constituted or included the period in question;

(c) that the period of unpaid sick leave in question—

(i) does not exceed six months; and

(ii) when aggregated with any other period or periods of unpaid sick leave which fulfils, or all of which fulfil, the conditions specified in sub-paragraphs (a) and (b), does not exceed twelve months.

(1D) (a) The person concerned shall, by notice in writing given to the police authority within a period ending—

(i) three months after the day on which the period of leave which includes the period of unpaid leave in question ended, or

(ii) on the day, if earlier, on which he last serves as a regular policeman,

inform the police authority that he wishes to make the payment referred to in paragraph (1B) (b) or (1C) (b) and in respect of which period of leave, and which method of payment under sub-paragraph (c) he elects to use:

Provided that, where the person concerned dies before the end of the period specified in this sub-paragraph without having given such notice, the condition so specified shall be deemed to have been satisfied in respect of any period of leave which would otherwise be reckonable by him under this regulation and the person concerned shall be deemed to have elected to make payment by way of instalments under sub-paragraph (c) (ii).

(b) On receipt of the notice referred to in sub-paragraph (a), the police authority shall calculate the amount due under paragraph (1B) (b) or (1C) (b) and give written notice of that amount to the person concerned.

(c) Payment under paragraph (1B) (b) or (1C) (b) may be made by the person concerned either—

(i) by way of a lump sum; or

(ii) by instalments on the same dates as pension contributions are payable by him under regulation G2 (1):



Provided that where the person concerned has elected to make payment by way of instalments under sub-paragraph (ii), the balance due after payment of any of those instalments may be paid by way of a lump sum equal to that balance at any time before the due date.

(d) The total amount due under paragraph (1B)(b) or (1C)(b) shall be paid no later than 6 months after the person concerned is notified by the police authority as to the amount payable or, if he ceases to serve as a regular policeman before then, before the date on which he so ceases (“the due date”):

Provided that—

(i) in a case where the person concerned ceases to serve as a regular policeman before the total amount due has been paid under this paragraph, any lump-sum payment made within two months of so ceasing or of receiving notification from the police authority as to the amount payable, whichever is the later, shall be deemed to have been made by the due date;

(ii) in a case where the person concerned has elected to pay the amount due by instalments and remains in service as a regular policeman throughout the period during which the instalments are paid, any amount which remains due as at the due date may be paid by instalments after that date but no later than 30 months after the date to the extent necessary to ensure that the instalments paid, together with the total of any other contributions payable under regulations made under the Act do not exceed 15% of the person’s emoluments in the tax year in which the election takes effect;

and in this sub-paragraph “emoluments” has the same meaning as in regulation G6 (8).

(e) Where the person concerned has not paid the full amount due in accordance with the foregoing provisions of this paragraph, the proportion of the unpaid leave in question which shall be reckonable as pensionable service shall be the same proportion as the amount which has been so paid bears to the total amount due:

Provided that where the person concerned dies before the due date there shall be reckonable the full period of unpaid leave in question notwithstanding that the amount due has, in full or in part, not been paid in accordance with the provisions of sub-paragraphs (c) and (d).

(f) A regular policeman shall be treated, for the purposes of calculating any award under these Regulations, as having made pension contributions throughout any period or periods of unpaid leave reckonable as pensionable service by virtue of payments made in accordance with this paragraph; and any such period or periods shall be treated for those purposes as part of a continuous period ending with the last day of unpaid leave during the period of service as a regular policeman of the person concerned.

(2) Any reference in this Part to approved service reckonable under the former Acts shall include—

(a) a reference to approved service which would have been so reckonable if there had been omitted from section 7(1) of the Police Pensions Act 1921 the words “but shall not include” to the end, and

(b) a reference to approved service which would have been so reckonable if there had been omitted from section 8(1) of the said Act the words “in which he has completed not less than one year’s approved service, and”.

(3) Paragraph (1) has effect subject to paragraphs 5 and 6 of Part IV of Schedule J.

### **Current service**

**F2.**—(1) Subject to the provisions of these Regulations, there shall be reckonable by a regular policeman in respect of his service as such in the force in which he is or was serving on the relevant date, being service since he last joined or rejoined that force before that date—

(a) all such service on or after 5th July 1948, and

(b) where he last joined or rejoined the force before 5th July 1948, any period of approved service which he was entitled to reckon immediately before that date under the former Acts.

Provided that no period of service shall be reckonable by a regular policeman under sub-paragraph (a) during which pension contributions were not payable by him under regulation G2(1) and in respect of which no payment has been made under regulation F1(1A).

(2) There shall be reckonable by an auxiliary policeman as pensionable service, in respect of his service in the force in which he is or was serving on the relevant date, all his active service as such since he was last called up for active service before that date.

(3) There shall be reckonable as pensionable service by a member of an overseas corps who is not, or was not, on the relevant date a reversionary member of a home police force all his service as a member of an overseas corps, while not being such a reversionary member, since he last became a member of an overseas corps before the relevant date, F1 (1B) or F1 (1C).

(4) Paragraph (1) has effect subject to paragraph 8 of Part IV and paragraph 6(2) of Part VII of Schedule J.

### **Previous service reckonable without payment**

**F3.**—(1) There shall be reckonable by a regular policeman as pensionable service—

(a) *Omitted*

(b) where he previously retired with an ill-health pension or a pension under the former Acts from the force in which he is or was serving on the relevant date, that pension was terminated in whole or in part under Regulation K1 or any corresponding provision of the former Regulations or former Acts, and he rejoined the force on or after 5th July 1948, any period of pensionable service or of approved service under the former Acts, as the case may be, reckonable by him at the time he retired;

(c) where he previously retired with a pension under the former Acts in respect of a non-accidental injury from the force in which he is or was serving on the relevant date, and the approved service under the former Acts reckonable by him at the time he retired is reckonable as pensionable service under sub-paragraph (b), the period during which he was in receipt of the pension;

(d) *Omitted*

(e) *Omitted*

(f) *Omitted*

(2) Where a regular policeman—

(a) transferred as mentioned in paragraph (1) (a) during a leap-year beginning on or after 1st January 1984, or

(b) became a regular policeman in a home police force in the circumstances mentioned in paragraph (1) (d) or (e), during a leap-year beginning on or after 1st January 1988,

and throughout the leap-year in question had continuous service as a regular policeman or, as the case may be, as either a regular policeman or a member of the Royal Ulster Constabulary then, notwithstanding anything in paragraph (1) (a), (d) or (e), the pensionable service reckonable by him by reason of his continuous service in that year shall be a year's, and not 366 days', pensionable service.

(3) Paragraph (1) (a) has effect subject to paragraph 8 of Part IV of Schedule J.

#### **Previous service reckonable on payment**

**F4.**—(1) Subject to Regulation F9(4) (*interchange arrangements*), there shall be reckonable by a regular policeman as pensionable service, in the circumstances specified in this Regulation, the periods so specified before he last joined or rejoined the force before the relevant date, subject to his having made to the police authority the appropriate payment.

(2) Where before the relevant date he retired without a pension (including a pension under the former Acts) from the same force as that in which he is or was serving on the relevant date—

(a) the period shall be any period of pensionable service or approved service under the former Acts reckonable by him at the time he retired, not being a period of approved service reckonable by virtue of Regulation F2(1)(b), and

(b) the appropriate payment shall be an amount equal to any gratuity, return of pension contributions or rateable deductions, as the case may be, which he may have received on his retirement together with the balance outstanding immediately before his retirement of any sum he had undertaken to pay as mentioned in Part I of Schedule F, so however that where, before his retirement and in pursuance of an election under Regulation 58 or 59 of the Regulations of 1973 or under any of the provisions mentioned in Regulation 57(2) of those Regulations, he had paid additional or further contributions or had made an additional or

further payment by way of a lump sum, the appropriate payment shall be reduced by the amount he had paid by way of such contributions or lump sum and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions or lump sum.

(3) Where before the relevant date he retired with a deferred pension but has relinquished his entitlement thereto by written notice given to the police authority for the purposes of this Regulation or Regulation F5 (or of the corresponding provisions of the Regulations of 1973), paragraph (2) shall have effect as though he had retired without a pension and, where immediately before his retirement he was paying such additional or further contributions as are mentioned in paragraph (2)(b), the amount he had paid by way of such contributions shall be repaid to him and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions.

(4) *Omitted*

(5) *Omitted*

(6) *Omitted*

(7) Paragraph (3) has effect subject to paragraph 4 of Part IV of Schedule J.

#### **Previous service reckonable at discretion of police authority**

**F5.**—(1) Subject to Regulation F9 (4) (*interchange arrangements*), if the appropriate police authority in their discretion have so decided, there shall be reckonable by a regular policeman as pensionable service, in the circumstances specified in this Regulation, the periods so specified before he last joined or rejoined the force before the relevant date, subject, in the case of such a period as is mentioned in paragraph (2), to his having made to that police authority the appropriate payment.

(2) Where before the relevant date he ceased to serve as a regular policeman without a pension (including a pension under the former Acts)—

(a) the period shall be the whole of any period of pensionable service, or approved service under the former Acts, reckonable by him at the time he ceased to serve, not being a period reckonable by virtue of Regulation F2 (1) (b) or F4 (2), or so much of that period as the appropriate police authority in their discretion think fit;

(b) the appropriate police authority shall be the authority of the force in which he is or was serving on the relevant date, and

(c) the appropriate payment shall be the whole or the proportionate part of an amount equal to any gratuity or return of pension contributions or rateable deductions, as the case may be, which he may have received on ceasing to serve together with the balance outstanding immediately before so ceasing of any sum he had undertaken to pay as mentioned in Part I of Schedule F so however that where, before so ceasing and in pursuance of an election under Regulation 58 or 59 of the Regulations of 1973 or under any of the provisions mentioned in Regulation 57(2) of those Regulations, he had paid additional or further contributions or had made an additional or further payment by way of a lump

sum, the appropriate payment shall be reduced by the whole or the proportionate part of the amount he had paid by way of such contributions or lump sum and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions or lump sum.

For the purposes of sub-paragraph (c) where the police authority exercise their discretion under sub-paragraph (a) so as to allow the policeman to reckon as pensionable service part only of the period first mentioned therein, "the proportionate part" means the part which bears the same proportion to the whole as that part of the period so mentioned bears to the whole thereof.

(3) Where before the relevant date he ceased to serve with a deferred pension but has relinquished his entitlement thereto by written notice given to the police authority for the purposes of this Regulation or of Regulation F4 (or of the corresponding provisions of the Regulations of 1973), paragraph (2) shall have effect as though he had ceased to serve without a pension and, where immediately before ceasing to serve he was paying such additional or further contributions as are mentioned in paragraph (2)(c), the amount he had paid by way of such contributions shall be repaid to him by the police authority of the force in which he ceased to serve and he shall be treated for the purposes of these Regulations as having neither paid nor elected to pay such contributions:

Provided that the police authority shall not so exercise their discretion under paragraph (2) (a) that the period of pensionable service reckonable thereunder is less than that taken into account for the purposes of calculating the deferred pension.

(4) *Omitted*

(5) Paragraphs (2) and (3) have effect subject to paragraph 4 of Part IV of Schedule J.

#### **Previous service reckonable under current interchange arrangements**

**F6.—**(1) Save as provided in paragraphs (2) and (5), this Regulation shall apply to a regular policeman—

(a) who before he last became a regular policeman before the relevant date was in service or employment by reason of which he was subject to superannuation arrangements in pursuance of which a transfer value may be paid to the police authority (in this Regulation and in Section 2 of Part II of Schedule F such service or employment and such superannuation arrangements are referred to as "former service" and "former superannuation arrangements");

(b) subject to paragraph (3), who, before the relevant date, last became a regular policeman on or after 1st April 1972, and

(c) in respect of whom a transfer value relating to his former service has, in pursuance of his former superannuation arrangements, been paid to the police authority.

(1A) The reference in paragraph (1) (a) to service or employment by reason of which a person was subject to superannuation arrangements includes a reference to any occupation with respect to which he has accrued rights to benefits under a personal pension scheme or any other

superannuation arrangement; and references in this regulation to “former service” and “former superannuation arrangements” shall be construed accordingly.

(2) This Regulation shall not apply in the case of a regular policeman who, before the relevant date, last became such before 6th April 1978 if either—

(a) he or his widow elected under paragraph (1A) of Regulation 51 of the Regulations of 1973 that that Regulation should apply in his case, or

(b) such a transfer value as is mentioned in paragraph (1) (c) was received in his case before 1st January 1974.

(3) If the police authority have so determined in the case of a particular regular policeman who, before the relevant date, last became such on or after 5th July 1948 but before 1st April 1972, this Regulation shall have effect as if paragraph (1) (b) were omitted.

(4) There shall be reckonable by a regular policeman to whom this Regulation applies, in respect of his former service, a period of pensionable service calculated in accordance with Sections 2 and 3 of Part II of Schedule F.

Provided that, in the case of a regular policeman in respect of whom such a transfer value as is mentioned in paragraph (1)(c) was received on or after 6th April 1988, the period shall be calculated in accordance with Section 2 of Part IV of Schedule F.

(5) Notwithstanding anything in this Regulation, the provisions thereof shall not apply—

(a) to a regular policeman to whom regulation F7 applies; or;

(b) where the regular policeman concerned had a guaranteed minimum in relation to the pension provided by the former superannuation arrangements unless—

(i) *omitted*

(ii) the transfer value mentioned in paragraph (1) (c), were it to be paid, is at least as great as the product of—

(A) the annual amount of the pension to which he would, if that transfer value were paid, be entitled under regulation J1, and

(B) the factor specified in column 2 of the following table opposite his age, as set out in column 1 of that table, as at the date when the police authority is requested to accept that transfer value:

Age	Appropriate Factor
29 or under	8
30 to 39	9
40 to 49	10
50 or over	12

## Previous service reckonable under preserved interchange arrangements

**F7.**—(1) this Regulation shall apply to a regular policeman—

(a) who before he last became a regular policeman before the relevant date was in service in a British force by reason of which he was subject to superannuation arrangements;

(b) who has served as a regular policeman on or after 15h February 1991 in question in relation to his former service;

(c) who last became a regular policeman before the relevant date within 12 months of the termination of his former service or within such longer period as may be agreed, in the circumstances of his case, between the police authority and the police authority for the British force in relation to his former service;

(d) in respect of whom a transfer value calculated in accordance with the public sector pension arrangements has been paid to the police authority, and

(e) who, within 6 months of 15<sup>th</sup> February 1991 in question in relation to the former service or 3 months of last becoming a regular policeman before the relevant date, whichever is the later, or within such longer period as the police authority may allow in his case—

(i) has paid, or has undertaken to pay as mentioned in Part I of Schedule F, a sum equal to the balance of any liability outstanding, immediately before he ceased to be engaged in his former service, in respect of payments or contributions he was then making as a condition of reckoning past service as contributing service or otherwise for the purposes of the former superannuation arrangements, being service taken into account for the purpose of calculating the transfer value referred to in sub-paragraph (d), and

(ii) has paid to the police authority a sum equal to the amount, if any, by which the transfer value referred to in sub-paragraph (d) falls to be reduced on account of any sum paid to him under the former superannuation arrangements by way of return of contributions.

(2) Nothing in this Regulation shall apply -

(a) in the case of a regular policeman who, before the relevant date, last became a regular policeman on or after 1<sup>st</sup> April 1972 unless he last so became such before 6<sup>th</sup> April 1978 and either –

(i) paragraph (1) (d) was satisfied in his case before 1<sup>st</sup> January 1974, or

(ii) he or his widow elected under paragraph (1A) of Regulation 51 of the Regulations of 1973 that that Regulation should apply in his case;

(b) or

- (c) in relation to a regular policeman in whose case Regulation F6 applies in consequence of the exercise by the police authority of the discretion mentioned in paragraph (3) of that Regulation.

(3) Subject to paragraph (3B), there shall be reckonable by a regular policeman to whom this Regulation applies, as pensionable service in respect of his former superannuation arrangements, a period calculated in accordance with the rules applicable to the public sector transfer arrangements.

(3A) Paragraph (3B) applies where –

- (a) the police authority for the British force has furnished to the police authority a certificate under regulation F8A of these Regulations as they have effect in Great Britain in relation to a regular policeman to whom this regulation applies, or
- (b) the police authority is otherwise satisfied as to the period of pensionable service which, if the police force were a British force, he would have been entitled to reckon by reason of his former service in accordance with this Part as it has effect in Great Britain.

(3B) Where this paragraph applies, there shall be reckonable by a regular policeman, in respect of his former superannuation arrangements, the period of pensionable service –

- (a) specified in the certificate referred to in paragraph (3A)(a), or
- (b) referred to in paragraph (3A)(b),

as the case may be.

(3C) In this regulation –

“British force” means a police force in Great Britain;

“former service” and “former superannuation arrangements” mean the service and arrangements referred to in paragraph (1) (a);

“the public sector transfer arrangements” means arrangements approved for the time being by the Minister for the Civil Service as providing reciprocal arrangements for the payment and receipt of transfer values to or from other occupational pension schemes for the purposes of these Regulations as they have effect in Great Britain.

(4) *Omitted*

(5) *Omitted*

#### **Transfer values payable between police authorities**

**F8.** *Omitted*

#### **Transfer values payable under interchange arrangements**

**F9.** *Omitted*

#### **Transfer values payable following cessation of contributions**



**F10.**—(1) Subject to paragraphs (6) and (7), this regulation shall apply to a regular policeman who, not less than 12 months before attaining the age of 60 years or, if later, the age at which he may be required to retire under regulation A18(1) (compulsory retirement on account of age)—

- (a) ceases or ceased on or after 1st January 1986 to serve as a regular policeman, or
- (b) makes or has made an election under regulation G4 (1) (election not to pay pension contributions),

and who, in either case, satisfies the conditions specified in paragraph (2).

(2) The conditions mentioned in paragraph (1) are—

- (a) that he subsequently becomes subject to new superannuation arrangements;
- (b) that, unless those new superannuation arrangements constitute an occupational pension scheme or personal pension scheme, he is entitled to reckon at least 3 months' pensionable service;
- (c) that he is not entitled to a pension under Part B or, if so entitled, has neither received any payment in respect thereof nor given any notice of commutation relating thereto which has become effective;
- (d) that he has not received any award by way of repayment of his aggregate pension contributions or a gratuity, and
- (e) that he has, on or before the date falling—
  - (i) 12 months before he attains the age of 60 years,
  - (ii) 12 months before he attains the age at which he may be required to retire under regulation A18 (1), or
  - (iii) 6 months after he ceased to serve as a regular policeman or, as the case may be, made an election under regulation G4 (1),

whichever is the latest, or within such longer period as the police authority may allow in the circumstances of the particular case, given written notice to the police authority of his desire that this regulation should apply in his case:

Provided that in the case of a regular policeman who is becoming subject to new superannuation arrangements such as are specified in paragraph (3)(a), (b) or (e) of regulation F9, sub-paragraph (iii) shall have effect as if for “6 months” there were substituted “12 months”.

(3) A regular policeman who has given notice in accordance with paragraph (2)(e) may, without prejudice to the giving of another such notice, withdraw that notice by giving written notice to that effect to the police authority under this paragraph:

Provided that notice under this paragraph shall be of no effect if it is given at a time when the police authority have already entered into an agreement with a third party to pay a transfer value under paragraph (4) in respect of him.

(4) Subject to paragraph (5), where this regulation applies the police authority shall, within 12 months of receipt of notice given in accordance with paragraph (2)(e) or, if earlier, the date on which the regular policeman concerned attains the age of 60 years, pay a transfer value calculated in accordance with Section 1 of Part IV of Schedule F to the authority or person empowered to receive such payments for the purposes of the new superannuation arrangements to which the regular policeman becomes subject:

Provided that if proceedings before a court have been commenced against the regular policeman concerned within 12 months of the date on which contributions under regulation G2 (1) ceased to be payable in respect of him and it appears to the police authority that the proceedings may lead to the forfeiture of any pension, entitlement to which arises as a result of the payment of such contributions, the period within which payment under this paragraph is to be made shall be—

- (a) that specified in the foregoing provisions of this paragraph, or
- (b) 3 months from the conclusion of those proceedings (including any proceedings on appeal),

whichever ends later.

(5) Where the new superannuation arrangements to which the regular policeman concerned is becoming subject are not such as are specified in paragraph (3)(a), (b) or (e) of regulation F9, the transfer value payable under this regulation shall be—

(a) in the event of a failure, without reasonable excuse, on the part of the police authority to make payment within 6 months of the expiration of the period specified in paragraph (4), the greater of the following amounts:

- (i) the sum of the amount calculated in accordance with Part IV of Schedule F and interest on that amount at the judgment of debt rate, and
- (ii) the amount calculated in accordance with the said Part IV as at the date on which payment is in fact made; and

(b) in the event that a transfer value in respect of him has been paid to the police authority under regulation F8, the greater of the following amounts:

- (i) the amount calculated in accordance with Part IV of Schedule F, and
- (ii) the sum of the transfer value paid under regulation F8 and any contributions paid in respect of him to the police authority under regulation G2(1).

(6) In the case of a regular policeman who has received such an award as is mentioned in paragraph (2) (d) but has, within 6 months of becoming subject to new superannuation arrangements, or within such longer period as the police authority may allow in the circumstances of his case, paid to that

authority an amount equal to that of the said award, paragraph (2) shall have effect as if subparagraph (d) were omitted:

Provided that, in the case of a regular policeman who is becoming subject to new superannuation arrangements such as are specified in paragraph (3)(a), (b) or (e) of regulation F9, this paragraph shall have effect as if for “6 months” there were substituted “12 months”.

(7) In the case of a regular policeman who has made an election under regulation G4 (1) and whose service as such last commenced at least 2 years before 6th April 1988, his reckonable service for the purposes of the pension benefits, the capitalised value of which is payable under paragraph (4), shall be deemed to have commenced on that date.

(8) In this regulation and elsewhere in this Part—

“occupational pension scheme” and “personal pension scheme” have the same meanings as in the Social Security Act 1986, and

“police authority” in relation to a regular policeman means the police authority of his force or, in the case of a former regular policeman, of the force of which he was a member immediately before he ceased to serve.

#### **Prohibition on accepting or paying transfer values for pension credit rights**

**F10A.** A transfer value may not be accepted or paid in respect of any pension credit rights.

#### **Mis-sold pensions**

**F11.**—(1) This regulation shall apply to a regular policeman who—

(a) opted or transferred out; and

(b) has suffered loss as a result of a contravention which is actionable under section 62 of the Financial Services Act 1986 (*actions for damages in respect of contravention of rules etc. made under the Act*).

(2) A regular policeman to whom this regulation applies may give notice in writing to the police authority that he wishes the authority to accept payment of a transfer value in order to create or restore reckonable service, and such notice shall be treated as cancelling, with effect from the date on which an instalment of pay next falls due to him, any election that is in force under regulation G4 (1) in respect of that policeman.

(3) Where a regular policeman has given notice under paragraph (2), but before the payment has been accepted and reckonable service created or restored he either—

(a) dies while serving as a member of a police force; or

(b) becomes entitled to benefits under Part B,

paragraph (4) shall continue to apply in the case of that policeman.

(4) Where a transfer value in relation to a regular policeman who has given notice under paragraph (2) is paid to a police authority before the expiry of the period of twelve months beginning with the date on which the policeman gives such notice or such longer period as the police authority may allow, the police authority—

(a) shall, if satisfied that the transfer value has been calculated in a manner consistent with the methods adopted and assumptions made by them in determining the restitution payment, accept the payment and treat the relevant period as reckonable service; and

(b) may, if not so satisfied, but if satisfied that the transfer value represents, by reference to those methods and assumptions, a length of service not exceeding the relevant period, accept the payment and treat that length of service as reckonable service,

and the policeman shall be treated for the purpose of calculating any award under these regulations as having made pension contributions throughout the period of reckonable service credited under this paragraph.

(5) Where a regular policeman is credited under paragraph (4) with a period of reckonable service that is shorter than the relevant period, the period of service credited shall be treated for the purpose of any award under these regulations as being a continuous period with the same concluding date as the relevant period.

(6) Where a regular policeman who is being credited under paragraph (4) with a period of reckonable service has previously been credited with an additional period of reckonable service calculated in accordance with section 2 of Part IV of Schedule F (*calculation of transfer values and reckonable service by reference to accrued rights*) in respect of the relevant period, the police authority may adjust the transfer value that they accept under this regulation to ensure that no part of the additional period of reckonable service that was previously credited is included in the period of reckonable service credited under paragraph (4).

(7) In this regulation—

“the assumed calculation date” means the date on which it is assumed, for the purpose of calculating a restitution payment, that a transfer value will be paid to the police authority;

“the material date” means the date on which the police authority is asked to provide the calculation of the restitution payment;

“personal pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993;

“the relevant period”, in relation to a regular policeman, means the total of any periods of opted out and transferred out service;

“restitution payment”, in relation to a regular policeman, means an amount equal to the sum of—

(a) the capitalised value at the material date, determined by the police authority in accordance with methods and assumptions notified to them by the Scheme actuary for cash

equivalent transfer values from occupational pension schemes (other than arrangements of a kind mentioned in paragraph 1(2) of section 2 of Part II of Schedule F), which would produce a service credit equal to his total period of opted out service, including the capitalised value of any rights under the Pensions (Increase) Act 1971 and the Pensions (Increase) Act 1974; and

(b) the greater of—

(i) any transfer value paid to a personal pension scheme in respect of that policeman's transferred out service by a police authority under regulation F10(4), increased by interest calculated at a rate approved by the Scheme actuary over the period from the date of payment of that transfer value to the assumed calculation date; and

(ii) the cash equivalent transfer value that would be payable by the police authority in respect of that transferred out service if the police authority were to pay a cash equivalent transfer value in respect of that service determined in accordance with methods and assumptions, notified to them by the Scheme actuary, applicable immediately after the assumed calculation date.

(8) For the purposes of this regulation, a regular policeman shall be taken—

(a) to have opted out if, for any period during which he is a member of a police force, he does not make contributions (including any additional or further contributions that he had previously elected to make) in respect of police pension rights but instead makes contributions to a personal pension scheme; and

(b) to have transferred out if a transfer value is paid in respect of him by a police authority to a personal pension scheme,

and "opted out service" and "transferred out service" are to be construed accordingly.

#### Part G

#### Pensionable Pay and Contributions

#### **Pensionable and average pensionable pay**

**G1.**—(1) The pensionable pay of a member of a police force at any time means his pay at the rate, except that during a period of part-time service in a rank below that of superintendent it means so much of his pay at that rate as is attributable to his determined hours (within the meaning of regulation 5(5) of the Police Regulations 1987 as applied by virtue of paragraph 1 of Schedule 1A to those Regulations) to which he is or was then entitled, account being taken of any retrospective increase in that rate.

(2) The average pensionable pay of a member of a police force shall, subject to paragraphs (3) and (4), be the aggregate of his pensionable pay in respect of the period of a year ending with the relevant date:

Provided that where he was entitled to pensionable pay for part only of that period, the said aggregate shall be multiplied by the reciprocal of the fraction of the year for which he was entitled to pensionable pay.

Provided that, in the case of a person by whom pension contributions become payable under regulation G2 on or after 1st June 1989, no account shall be taken, for the purposes of determining his pensionable pay, of any amount by which that rate exceeds an annual rate of £60,000.

In this paragraph a reference to contributions becoming payable is a reference to their becoming payable either for the first time or following any period in respect of which they were not payable.

(3) Where the amount of a member of a police force's average pensionable pay, determined in accordance with paragraph (2), is less than the amount it would have been had he not suffered a temporary reduction in rate of pay by way of punishment or by reason of a period of sick leave, maternity leave or paternity leave being taken, it shall be increased by the difference between the two said amounts.

(3A) Where the period referred to in paragraph (2) includes a period of unpaid leave in respect of which payment has been made under regulation F1(1B) or (1C), the pensionable pay during that period shall, for the purposes of determining average pensionable pay, be taken to be the pay to which he would have been entitled had the period of unpaid leave in question not been taken; and accordingly the aggregate of his pensionable pay in respect of that period shall not be taken to exceed the amount which he would have received had the period of unpaid leave in question not been taken.

(4) Where the amount of a member of a police force's average pensionable pay, determined in accordance with paragraphs (2) and (3), is less than the amount it would have been had the relevant date been the corresponding date in one of the two preceding years (whichever year yields the higher amount), it shall be increased by the difference between the two said amounts.

(5) Where an award is made to or in respect of a member of a police force the relevant date for the purpose of determining his average pensionable pay shall be—

(a) in the case of a regular policeman to or in respect of whom an award is made under C7 (2) (b) (widow's award where no other award payable), the date of his last day of service as such in the force of the police authority by whom the award is payable;

(aa) in the case of a regular policeman to or in respect of whom an award is made other than one which is mentioned in sub-paragraph (a), the date of his last day of service in a period during which pension contributions were payable by him under regulation G2 (1) or the last day in respect of which payment has been made under regulation F1 (1B) or (1C), whichever is the later;

(b) in the case of an auxiliary policeman, the date of the last day of the continuous period of active service as such during which he received the injury which resulted in disablement or death;

(c) *omitted*

(6) *omitted*

(7) For the purposes of these Regulations, a serviceman shall be deemed to be entitled, in respect of his period of relevant service in the armed forces, to the pay to which he would have been entitled if he had continued to serve in his former force.

(8) Where for the purpose of calculating an award to a widow, child or dependent relative it is necessary to determine average pensionable pay for a week, it shall be taken to be average pensionable pay divided by 52%.

(9) Paragraph (2) has effect subject to paragraph 4 of Part VI and paragraph 5(4) (c) of Part VII of Schedule J.

### **Pension contributions payable by regular policeman**

**G2.**—(1) Subject to paragraph (3), a regular policeman whose basic annual salary—

(a) is less than £60,000 shall pay into the Revenue of the Island pension contributions at the rate of 1p a week less than—

(i) in a case where he is ineligible under regulation G7 or G8 for a pension award payable on the ground of permanent disablement, 10.75 per cent of his pensionable pay; and

(ii) in any other case, 14.25 per cent of his pensionable pay;

(b) is £60,000 or more shall pay into the Revenue of the Island pension contributions at the rate of 1p a week less than—

(i) in a case where he is ineligible under regulation G7 or G8 for a pension award payable on the ground of permanent disablement, 11.55 per cent of his pensionable pay; and

(ii) in any other case, 15.05 per cent of his pensionable pay.

(2) The pension contributions payable under paragraph (1) upon each instalment of pay shall fall due at the same time as the instalment and may, without prejudice to any other method of payment, be discharged by way of a reduction of the appropriate amount made by the Department from the said instalment.

(3) Paragraph (1) shall not apply in the case of a regular policeman who has made an election under regulation G4 (1) which is, for the time being, in effect.

(4) For the purposes of this regulation “basic annual salary” means—

(a) in the case of a regular policeman in full-time service, the salary payable to that regular policeman in accordance with a determination made by the Department under regulation 40 or 41 of The Isle of Man police Regulations 2000; and

(b) in the case of a regular policeman in part-time service, the salary that would be payable to that regular policeman in accordance with such a determination if he was in full-time service,

And does not include any bonus, weighting or other payment payable to the regular policeman in accordance with such a determination.

#### **Additional and further contributions**

**G3.**—(1) This Regulation shall apply to a regular policeman who elected, in accordance with Regulation 58(2) or (3) of the Regulations of 1973, to pay additional or further pension contributions, and whose liability thereunder to pay those contributions did not cease before 1st April 1987.

(2) A man to whom this Regulation applies shall continue to pay additional or, as the case may be, further pension contributions until, subject to paragraph (4), the relevant date mentioned in paragraph (3), and Schedule G shall have effect for the purpose of calculating the amount of such additional or further pension contributions.

(3) For the purposes of paragraph (2), the relevant date is the date on which the man becomes entitled to reckon 25 years' pensionable service so, however, that in determining the said date there shall be disregarded pensionable service reckonable by reason of service or employment before 1st April 1973 which he was not entitled to reckon on 1st April 1973.

(4) Additional or further pension contributions payable under this regulation shall cease to be payable—

(a) on retirement;

(b) in the case of a regular policeman who makes an election under regulation G4 (1), on the date on which that election takes effect;

but—

(i) where a regular policeman was paying such contributions immediately before retiring with an ordinary pension that pension shall be reduced in accordance with paragraph 6 of Part VIII of Schedule B, and

(ii) where a regular policeman who has made an election under regulation G4 (1) cancels that election under regulation G4 (5) any such contributions which he was liable to pay immediately before the date mentioned in sub-paragraph (b) shall become payable as from the date on which that election ceases to have effect.

(5) Regulation G2(2) shall apply in relation to the payment of additional or further contributions under this Regulation as it applies in relation to the payment of pension contributions under Regulation G2(1).

#### **Election not to pay pension contributions**

**G4.**—(1) A regular policeman with service as such on or after 6th April 1988 may at any time elect that regulation G2(1) shall not apply in his case by notice in writing given to the police authority.



(2) Subject to paragraph (3), the date on which an election under paragraph (1) takes effect shall be the date on which an instalment of pay next falls due to him after the receipt of notice under paragraph (1).

(3) In the case of a regular policeman who last became such on or after 6th April 1988 and who has given notice under paragraph (1) within 3 months of the date on which he so became, his election under that paragraph shall be deemed to have taken effect on that date.

(4) In a case falling within paragraph (3)–

(a) the police authority shall pay to the regular policeman in question a sum equal to the sum of the pension contributions paid by him since the date on which the election is deemed to have taken effect, and

(b) for the purposes of regulation C6 (1) and C7 (1), contributions shall be deemed not to have been payable.

(5) Subject to paragraphs (6) to (8), a regular policeman who has made an election under paragraph (1) may, not later than the date on which he attains the age of 45 years, cancel such election by notice in writing given to the police authority and the election shall cease to have effect as from the date on which an instalment of pay next falls due to him after the receipt of such notice:

Provided that–

(i) *omitted*

(ii) a regular policeman shall not, if the police authority so resolves, be entitled to cancel his election under paragraph (1) unless he has undergone a medical examination and satisfied the authority as to his good health; and any fee payable in respect of that examination shall be paid by him, and

(iii) a regular policeman in respect of whom it is finally determined, following a medical examination under regulation G7 or G8, that the likely cost of providing him with benefits under these Regulations is disproportionately high, shall be entitled to cancel his election under paragraph (1) only on the basis that he shall not be eligible to receive pension awards payable on the ground of permanent disablement.

(6) The age restriction in paragraph (5) and the provisos to that paragraph shall not apply to a regular policeman to whom regulation F11 applies.

(7) A notice under paragraph (5) cancelling an election given to a police authority after 31 March 2012 shall be of no effect.

(8) Where, following a notice of cancellation under paragraph (5), an election under paragraph (1) would, but for this paragraph, cease to have effect as from a date after 31 March 2012, that election shall cease to have effect as from 31 March 2012.

### **Supplementary provision as to elections not to pay pension contributions**

**G5.**—(1) Any written notification given to a police authority in anticipation of regulation G4 shall be treated as having been a notice given under that regulation.

(2) A notification is one given in anticipation of regulation G4 if—

- (a) it was given after 5th April 1988 and before 1st May 1990;
- (b) it expressed a wish not to pay, or as the case may be a wish to resume payment of, pension contributions, and
- (c) it was given on the understanding that if these Regulations were amended so as to contain provisions for the making and cancellation, by notice, of elections not to pay pension contributions, it would be treated as having been a notice given under those provisions.

(3) In the case of a person who—

- (a) was serving as a regular policeman on 6th April 1988,
- (b) gave a written notification treated by virtue of paragraph (1) as notice of an election under regulation G4 (1) not to pay pension contributions, and
- (c) attained the age of 45 before 6th April 1989,

a written notification given in anticipation of regulation G4 before 6th April 1989 expressing a wish to resume payment of pension contributions shall be treated as having been an effective notice of cancellation given under regulation G4(5) even if it was not given before his 45th birthday.

### **Payments by women to enhance widowers' awards**

**G6.**—(1) Subject to paragraph (1A) and (2), a woman—

- (a) by whom contributions are for the time being payable under regulation G2, and
- (b) whose pensionable service includes pensionable service that is reckonable by reason of service or employment before 17th May 1990,

may elect to pay additional contributions in order to secure the counting of pensionable service that is reckonable by reason of service or employment before that date in the calculation of any award becoming payable under regulation C1, C4, C5(3), C6 or C8(2) on her death.

(1A) An election under this regulation which is made by virtue of the amendments to these Regulations by the Police Pensions (Amendment) Regulations 2006 may not secure the counting of pensionable service before 6th April 1988.

(2) An election under this regulation—

- (a) must be made by giving notice in writing to the police authority within the period of 3 months beginning on the material date, and
- (b) takes effect at the end of that period.

(3) The material date for the purposes of this regulation is—

(a) 1st April 1994 if contributions were payable under regulation G2 during the whole of the period of 3 months beginning with that date, or

(b) if such contributions have ceased to be payable either before or during that period but again become payable within 2 years after the date of cessation, the date from which they become payable. Or

(c) if such contributions have ceased to be payable either before or during that period and again become payable more than 2 years after the date of cessation, but on or before the date on which the Police Pensions (Amendment) Regulations 2003 come into force, that date, or

(d) if such contributions have ceased to be payable either before or during that period and again become payable more than 2 years after the date of cessation, but after the date on which the Police Pensions (Amendment) Regulations 2003 come into force, the date on which they again become payable. or

(e) in the case of a woman by whom contributions are payable under regulation G2 on or before the date on which the Police Pensions (Amendment) Regulations 2006 come into force who elects to secure the counting of pensionable service after 5th April 1988 and before 17th May 1990 (not being service which is already the subject of an election to enhance her widower's or surviving civil partner's award), the date on which those Regulations come into force, or

(f) in the case of a woman by whom contributions become payable under regulation G2 after the date on which the Police Pensions (Amendment) Regulations 2006 come into force who elects to secure the counting of pensionable service after 5th April 1988 and before 17th May 1990 (not being service which is already the subject of an election to enhance her widower's or surviving civil partner's award), the date on which those contributions become payable.

(4) In a case where the material date is the date given by paragraph (3) (a) or (b), the additional contributions to be paid are calculated, subject to paragraphs (6) to (11), in accordance with the Table in paragraph (18) by reference—

(a) to the whole of the woman's pensionable service reckonable by reason of service or employment before 17th May 1990 (see column 1 of the Table), and

(b) to the woman's pensionable pay or, in the case of a woman in part-time service, the pay that would be her pensionable pay if she were a full-time member of the police force (see columns 2 and 3 of the Table).

(4A) In a case where the material date is the date given by paragraph (3) (c), (d), (e) or (f), the additional contributions to be paid are such amounts as are determined in accordance with such guidance and Tables as the Scheme actuary may issue for the purpose or, in any case where that

guidance indicates that special considerations apply, such amounts as the Scheme actuary determines for the case in question.

(4B) Where a woman has made an election under this regulation to pay additional contributions by periodical payments before the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force and is in part-time service on that date, the payments payable by her shall, subject to paragraph (4C), increase from that date to such amount as is appropriate as a result of paragraph (4) (b).

(4C) Such a woman may vary the election by notice in writing to the police authority given within the period of 3 months beginning with that date, and that variation shall take effect as from that date.

(4D) Where—

(a) a woman has made or makes such an election while she is in full-time service, and

(b) her service becomes part-time on or after the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force,

any contributions she is making under the election by periodical payments shall, from the date on which her service becomes part-time and subject to paragraph (4E), increase to such amount as is appropriate as a result of paragraph (4)(b).

(4E) Such a woman may vary the election by notice in writing to the police authority given within the period of 3 months beginning with the date on which the service becomes part-time, and that variation shall take effect as from that date.

(4F) Where a woman makes such an election on or after the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force and she is in part-time service on that date, she shall notify the police authority in writing that either—

(a) the contributions payable by her as a lump sum or by periodical payments are to be payable at the same percentage of her pay as if she were in full-time service; or

(b) those contributions are to be payable in accordance with paragraph (4H).

(4G) Where a woman varies an election under this regulation, the contributions payable by her by periodical payments shall, from the date when the election takes effect, continue to be payable at the same percentage of her pay as before the variation, but the period of the woman's pensionable service counting as mentioned in paragraph (1) shall be given by the formula—

$$\frac{P \times V}{F}$$

where—

P is the period that would be the period in years of her pensionable service if periods of part-time service were reckonable as if they were periods of full-time service,

V is the amount of contributions paid by periodical payments, and

F is the amount of contributions that would have been paid by periodical payments had there been no election.

(4H) Where a woman makes a notification under paragraph (4F)(b), the contributions payable by her as a lump sum or by periodical payments shall be payable at the same percentage of her pay as if she were in full-time service, but the period of the woman's pensionable service counting as mentioned in paragraph (1) shall be given by the formula set out in paragraph (4G), save that references to contributions paid by periodical payments shall include references to contributions paid as a lump sum.

(5) In a case where the material date is the date given by paragraph (3) (a) or (b), the notice of election must specify whether the contributions are to be paid—

(a) as a lump sum calculated in accordance with the first and third columns, or

(b) by periodical payments calculated in accordance with the first and second columns,

of the Table in paragraph (18).

(6) This paragraph applies where—

(a) the additional contributions are to be paid as a lump sum, and

(b) in the tax year in which the election takes effect  $(A + B)$  exceeds C.

(7) Where paragraph (6) applies—

(a) the election has effect as an election to pay a lump sum of  $(C - B)$ , and

(b) the period of pensionable service counting as mentioned in paragraph (1) is to be calculated accordingly.

(8) In paragraphs (6) and (7)—

A is a lump sum calculated as mentioned in paragraphs (4) and (5) (a),

B is the total of any other contributions payable under regulations made under the Police Pensions Act 1976 and any contributions payable otherwise than under such regulations to an approved scheme, and

C is 15% of the woman's emoluments,

And in this paragraph –

“approved scheme” means a scheme approved under the Income Tax (Retirement Benefit Schemes) Act 1978 (an Act of Tynwald);

“emoluments” means emoluments in respect of service as a regular policeman.

(9) This paragraph applies where—

(a) the additional contributions are to be paid by periodical payments, and

(b) in the first tax year after that in which the election takes effect (D + B) will exceed C.

(10) Where paragraph (9) applies—

(a) the election has effect as an election to make periodical payments amounting to (C – B), and

(b) the period of pensionable service counting as mentioned in paragraph (1) is to be calculated accordingly.

(11) In paragraphs (9) and (10) B and C are the same as in paragraphs (6) and (7) and D is the periodical payments calculated as mentioned in paragraphs (4) and (5)(b).

(12) A lump sum may be deducted by the police authority from the first instalment of pay falling due after the election takes effect, and periodical payments—

(a) are payable at the same times, and may be discharged in the same way, as contributions under regulation G2, and

(b) subject to paragraph (13), continue to be payable while such contributions are payable.

(13) Periodical payments cease to be payable—

(a) except where the payments are made in pursuance of an election for which the material date is that given by paragraph (3)(c), (d), (e) or (f), in the case of a woman who at the material date had completed less than 19 years' pensionable service, when she has completed 25 years pensionable service, and

(b) in any other case, at the end of the period of 5 years beginning on the date on which the first of them became payable.

(13A) Periodical payments also cease to be payable if the police authority are satisfied that their payment in accordance with the election is causing or is likely to cause financial hardship and have consented to the discontinuance of the payments for such period as they think fit.

(14) Where a lump sum is paid or payment of periodical payments ceases—

(a) as provided in paragraph (13), or

(b) in consequence of the woman's death while paying contributions under regulation G2, or

(c) in consequence of her ceasing to be liable to pay such contributions by reason of retirement under regulation A20 (permanent disablement),

the period of pensionable service counting as mentioned in paragraph (1) is the election period.

(15) Except where paragraph (6) or (9) applies, the election period is—

(a) for the purpose, in calculating any award becoming payable under regulation C1 (ordinary pension), of arriving at the amount of the pension or notional pension referred to in paragraph 1(1) (a) of Part I of Schedule C, and

(b) for the purpose of calculating any award becoming payable under regulation C4 (accrued pension),

the whole of the woman's pensionable service reckonable by reason of service or employment before 17th May 1990, but for all other purposes it is the whole of her pensionable service reckonable by reason of service or employment after 5th April 1978 and before 17th May 1990.

(16) Where paragraph (6) or (9) applies, the election period is the shorter period counting for calculating the award in question by reason of paragraph (7)(b) or (10)(b).

(17) In any case not falling within paragraph (14) the period counting is the election period multiplied by

$$(A + B) \text{ exceeds } C$$

where—

E is the length of the period during which periodical payments were paid, and

F is the period during which they would have been payable under paragraphs (12) and (13).

(18) The following Table is that referred to in paragraphs (4) and (5).

Contributions for each year or part of a year of pensionable service reckonable by reason of service or employment before 17th May 1990		
	Periodical payments as percentage of pensionable pay from time to time	Lump sum as percentage of annual rate of pensionable pay 3 months after material date
Completed years of pensionable service reckonable by reason of service or employment so reckonable at material date		
3 but less than 4	0.06	0.67
4 but less than 5	0.06	0.68
5 but less than 6	0.06	0.69
6 but less than 7	0.07	0.71
7 but less than 8	0.07	0.72
8 but less than 9	0.07	0.74
9 but less than 10	0.08	0.76
10 but less than 11	0.08	0.79
11 but less than 12	0.09	0.81
12 but less than 13	0.09	0.83
13 but less than 14	0.10	0.85
14 but less than 15	0.11	0.86
15 but less than 16	0.12	0.86
16 but less than 17	0.13	0.87
17 but less than 18	0.14	0.87
18 but less than 19	0.15	0.87

19 but less than 20	0.18	0.86
20 but less than 21	0.18	0.84
21 but less than 22	0.18	0.83
22 but less than 23	0.18	0.81
23 but less than 24	0.18	0.80
24 but less than 25	0.18	0.79
25 but less than 26	0.18	0.77
26 but less than 27	0.18	0.76
27 but less than 28	0.18	0.74
28 but less than 29	0.18	0.73
29 and over	0.18	0.73

### **Eligibility for pension awards payable on the ground of permanent disablement**

**G7.**—(1) A person to whom this regulation applies, shall, if required by the police authority for that force, submit to an examination by a duly qualified medical practitioner selected by the authority (“the selected medical practitioner”) in order that the authority may determine his eligibility to receive pension awards payable on the ground of permanent disablement.

(2) This regulation applies to—

- (a) a candidate for appointment to a police force (other than on transfer from another force), and
- (b) a regular policeman who seeks under regulation G4 (5) to cancel his election that regulation G2 (1) shall not apply in his case.

(3) The selected medical practitioner shall report to the police authority his opinion on the likelihood and likely timing of that person becoming permanently disabled for the performance of his duty, and such a report shall, subject to an appeal under this regulation, be final.

(4) A copy of any such report shall be supplied to the person who is the subject of that report, at his request.

(5) The police authority shall determine, by applying the opinion of the selected medical practitioner and advice from the Scheme actuary, whether the risk presented by that person that he will retire on the ground that he is permanently disabled is such that the likely cost of providing him with benefits under these Regulations is disproportionately high.

(6) The likely cost of providing a person with benefits under these Regulations shall be assessed as disproportionately high if it is more than 50% greater than the likely cost of providing such benefits to a person who does not have an identified risk of retirement on that ground.

(7) A person who it is determined under paragraph (5) presents such a risk shall, in accordance with these Regulations, be ineligible for pension awards payable on the ground of permanent disablement.



## **Appeals against decisions on eligibility for pension awards payable on the ground of permanent disablement**

**G8.**—(1) A person who is dissatisfied with the opinion of the selected medical practitioner may appeal against the practitioner’s report if—

(a) within 28 days of receiving a copy of it he gives notice that he intends to make such an appeal, and

(b) within two months (or such longer period as may be agreed by the police authority) of receiving that copy he supplies evidence that a registered medical practitioner (“the appellant’s practitioner”) has examined him and disagrees with the selected medical practitioner’s opinion on the likelihood or likely timing (or both) of that person becoming permanently disabled for the performance of his duty.

(2) The police authority shall ask the selected medical practitioner to reconsider his report in the light of that evidence and, if necessary, to produce a revised report on the likelihood and likely timing of that person becoming permanently disabled for the performance of his duty.

(3) Where the police authority receives such a revised report, it shall determine, by applying the revised report and advice from the Scheme actuary, whether that person shall be eligible for pension awards payable on the ground of permanent disablement, and if it determines that he is so eligible then that revised report shall be final.

(4) In any other case, the authority shall arrange for a third registered medical practitioner to examine the person.

(5) The third medical practitioner shall be acceptable to the selected medical practitioner and to the appellant’s practitioner, except that in the event of a failure to agree, the police authority may appoint such third medical practitioner as it considers appropriate.

(6) The third medical practitioner shall supply the police authority and the appellant with a written statement of his opinion, which, if it disagrees with any part of the report of the selected medical practitioner, shall take the form of a revised report on the likelihood and likely timing of that person becoming permanently disabled for the performance of his duty, which shall be final.

(7) Where the third medical practitioner produces a revised report, the police authority shall determine, by applying that report and advice from the Scheme actuary, whether the appellant is eligible for pension awards payable on the ground of permanent disablement.

### Part H

#### Appeals and Medical Questions

##### **Reference of medical questions**

**H1.**—(1) Subject as hereinafter provided, the question whether a person is entitled to any and, if so, what awards under these Regulations shall be determined in the first instance by the police authority.

(2) Where the police authority are considering whether a person is permanently disabled, they shall refer for decision to a duly qualified medical practitioner selected by them the following questions—

(a) whether the person concerned is disabled;

(b) whether the disablement is likely to be permanent;

(3) A police authority, if they are considering the exercise of their powers under Regulation K3 (*reduction of pension in case of default*), shall refer for decision to a duly qualified medical practitioner selected by them the question whether the person concerned has brought about or substantially contributed to the disablement by his own default.

(4) The decision of the selected medical practitioner on the questions referred to him under this Regulation shall be expressed in the form of a certificate and shall, subject to Regulations H2 and H3, be final.

(5) The decision of the selected medical practitioner on the question or questions referred to him under this regulation shall be expressed in the form of a report and shall, subject to regulations H2 and H3, be final.

(6) A copy of any such report shall be supplied to the person who is the subject of that report.

(7) *Omitted*

#### **Appeal to medical referee**

**H2.**—(1) *Omitted*

(2) *Omitted*

(1) Where a person is dissatisfied with the decision of the selected medical practitioner as set out in a report under regulation H1 (5), he may, within 28 days after he has received a copy of that report or such longer period as the police authority may allow, and subject to and in accordance with the provisions of Schedule H, give notice to the police authority that he appeals against that decision.

(2) In any case where within a further 28 days of that notice being received (or such longer period as the police authority may allow) that person has supplied to the police authority a statement of the grounds of his appeal, the police authority shall notify the governor accordingly, and the Governor shall appoint a medical referee to decide the appeal.

(3) The decision of the medical referee shall, if he disagrees with any part of the report of the selected medical practitioner, be expressed in the form of a report of his decision on any of the questions referred to the selected medical practitioner on which he disagrees with the latter's decision, and the decision of the medical referee shall, subject to the provisions of Regulation H3, be final.

#### **Further reference to medical authority**

**H3.**—(1) A court hearing an appeal under Regulation H5 may, if they consider that the evidence before the medical authority who has given the final decision was inaccurate or inadequate, refer

the decision of that authority to him for reconsideration in the light of such facts as the court may direct, and the medical authority shall accordingly reconsider his decision and, if necessary, issue a fresh report which, subject to any further reconsideration under this paragraph, shall be final.

(2) The police authority and the claimant may, by agreement, refer any final decision of a medical authority who has given such a decision to him, for reconsideration, and he, shall accordingly reconsider his, decision and, if necessary, issue a fresh report, which, subject to any further reconsideration under this paragraph or paragraph (1) or an appeal, where the claimant requests that the appeal of which he has given notice (before referral of the decision under this paragraph) be notified to the Secretary of State, under regulation H2, shall be final.

(3) If a court decide, or a claimant and the police authority agree, to refer a decision to the medical authority for reconsideration under this Regulation and that medical authority is unable or unwilling to act, the decision may be referred to a duly qualified medical practitioner selected by the court or, as the case may be, agreed upon by the claimant and the police authority, and his decision shall have effect as if it were that of the medical authority who gave the decision which is to be reconsidered.

(4) In this Regulation a medical authority who has given a final decision means the selected medical practitioner, if the time for appeal from his decision has expired without an appeal to a medical referee being made or if, following a notice of appeal to the police authority, the police authority have not yet notified the Governor of the appeal, and the medical referee, if there has been such an appeal.

#### **Refusal to be medically examined**

**H4.** If a question is referred to a medical authority under Regulation H1, H2 or H3 and the person concerned wilfully or negligently fails to submit himself to such medical examination or to attend such interviews as the medical authority may consider necessary in order to enable him to make his decision, then—

(a) if the question arises otherwise than on an appeal to a medical referee, the police authority may make their determination on such evidence and medical advice as they in their discretion think necessary;

(b) if the question arises on an appeal to a medical referee, the appeal shall be deemed to be withdrawn.

#### **Appeal by a member of a home police force**

**H5.—**(1) Where a member of a home police force, or a person claiming an award in respect of such a member, is aggrieved by the refusal of the police authority to admit a claim to receive as of right an award or a larger award than that granted or by a decision of the police authority as to whether a refusal to accept medical treatment is reasonable for the purposes of regulation A12(1A), or by the forfeiture under Regulation K5 by the police authority of any award granted to or in respect of such a member, he may, subject to Regulation H7, appeal to the High Court of Justice of the Isle of Man and that court, after enquiring into the case, may make such order in the matter as appears to it to be just.

(2) *Omitted*

(3) *Omitted*

## **Appeal by overseas policeman, inspector of constabulary or central police officer**

**H6.** *Omitted*

### **Limitations on appeals**

**H7.—**(1) An appeal shall not lie under Regulation H5 against anything done by a police authority in the exercise of a power conferred by these Regulations which is expressly declared thereby to be a power which they are to exercise in their discretion.

(2) Subject to Regulation H3 (1), in any proceedings under Regulation H5 the court or tribunal shall be bound by any final decision of a medical authority within the meaning of Regulation H3.

## Part I Servicemen

### **Servicemen to whom Part I applies**

**I1.** This Part shall, subject to Regulation A3 (*exclusion of old cases*) and Regulation I8 (1) (*pension contributions*), have effect in the case of a serviceman whose period of relevant service in the armed forces ends or has ended on or after 5th July 1948 or who, having resumed service as a regular policeman, has served as such on or after 1st April 1972:

Provided that only Regulation I4 shall have effect in the case of a serviceman other than a serviceman (1939–1945), whose period of relevant service in the armed forces ended on or after 5th July 1948 but before 15th July 1950 and that Regulation shall have effect only where he was called up for service in the armed forces under the National Service Acts 1939 to 1946, the National Service Act 1947 or the National Service Act 1948, or required for training or called into actual service or called out for training or for permanent service in the armed forces in pursuance of his obligations as a member of the territorial army or any reserve of the armed forces.

### **Awards to servicemen**

**I2.—**(1) This Regulation shall apply to a serviceman who at the end of his period of relevant service in the armed forces is or was permanently disabled for the performance of duty as a regular policeman.

(2) A serviceman to whom this Regulation applies shall be entitled to an ill-health award under Regulation B3 on the same conditions in all respects as if he were such a regular policeman as is mentioned in paragraph (1) of that Regulation, subject, however, to the following paragraphs.

(3) Where the disablement is the result of an injury received during the serviceman's period of relevant service in the armed forces, in lieu of an ill-health gratuity in pursuance of paragraph (2) (or, where the period of relevant service in the armed forces ended before 1st April 1987, in pursuance of the corresponding provision of the former Regulations), the police authority may, in their

discretion, pay him a pension at the rate of a twelfth of his average pensionable pay, subject, however, to paragraph (4).

(4) Where the disablement is the result of such an injury as aforesaid, any pension payable to the serviceman in pursuance of paragraph (2) or (3) may, subject to the limitation in paragraph 1 of Schedule I, from time to time be increased at the discretion of the police authority but, where an ill-health pension payable in pursuance of paragraph (2) is so increased, no account of the increase shall be taken for the purposes of Regulation B7 or B9 (*commutation and allocation*) or of Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*).

### **Awards on death of servicemen**

**13.—**(1) If a serviceman entitled to reckon 3 years' pensionable service—

(a) dies or has died during his period of relevant service in the armed forces, or

(b) having been permanently disabled for duty as a regular policeman at the end of the said period (without any intervening period of service as such) dies or has died either as a result of the same injury as resulted in his disablement or while in receipt of a pension,

his widow shall be entitled to a widow's ordinary pension under Regulation C1 on the same conditions in all respects as if he were such a regular policeman as is mentioned in paragraph (1) of that Regulation, subject, however, to paragraphs (5) and (6) of this Regulation.

(2) If a serviceman dies during his relevant period of service in the armed forces and his widow is not entitled to a pension under paragraph (1), she shall, subject to paragraph (3), be entitled to a gratuity of an amount equal to her husband's average pensionable pay.

(3) Where the death of a serviceman is the result of an injury received during his period of relevant service in the armed forces, in lieu of a gratuity under paragraph (2) (or, where he died before 1st April 1987, in lieu of a gratuity under the corresponding provision of the former Regulations) the police authority may, in their discretion, pay his widow a pension the amount whereof shall be the appropriate sum for the purposes of this paragraph, that is to say £7.28, increased in accordance with Regulation E10(6) (*increase of flat-rate award*), subject, however, to paragraphs (5) and (6) of this Regulation.

(4) If a serviceman—

(a) dies or has died during his period of relevant service in the armed forces, or

(b) having been permanently disabled for duty as a regular policeman at the end of the said period (without any intervening period of service as such) dies or has died while in receipt of a pension, or, being a person entitled to reckon not less than 3 years' pensionable service, dies or has died having received a gratuity,

then each of his children shall be entitled to a child's ordinary allowance under Regulation D1 on the same conditions in all respects as if he were such a regular policeman as is mentioned in paragraph (1) of that Regulation, subject, however, to paragraphs (5) and (6) of this Regulation.

(5) Where the death of a serviceman is the result of an injury received during his period of relevant service in the armed forces, any pension or allowance payable in respect of him in pursuance of paragraph (1), (3) or (4) may, subject to the limitation in paragraph 2 or 3 of Schedule I, from time to time be increased at the discretion of the police authority.

(6) Without prejudice to anything in paragraph (1) or (4)—

(a) in relation to a widow's pension or gratuity in pursuance of paragraph (1), (2) or (3), Regulation C8 (*limitation on award to widow living apart from her husband and widow's requisite benefit pension*) and Regulation E7 (*prevention of duplication*) shall apply, and

(b) in relation to a child's allowance in pursuance of paragraph (4), Regulation E7 shall apply,

as those Regulations apply in relation to the awards therein mentioned.

### **Application of Regulations E2 and E3**

**14.** In the case of a serviceman—

(a) who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, and whose death results from an injury received during his relevant period of service in the armed forces, Regulation E2 (*gratuities—dependent relatives*) shall apply as it applies in the case of a regular policeman who so dies and whose death results from an injury received in the execution of his duty;

(b) who dies during his relevant period of service in the armed forces, Regulation E2 and Regulation E3 (*gratuity—estate*) shall apply as they apply in the case of a regular policeman who dies while serving as such.

### **Servicemen who resume service as regular policemen**

**15.** If a serviceman, after resuming service, or returning to duty, as a regular policeman—

(a) is permanently disabled as a result of an injury received during his period of relevant service in the armed forces, the police authority may, in relation to any pension payable to him, other than a deferred pension, exercise the like discretion as that conferred by Regulation I2(4) but, where a pension is increased in pursuance of this sub-paragraph, no account of the increase shall be taken for the purposes of Regulation B7 or B9 (*commutation and allocation*) or of Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*);

(b) dies or has died as a result of such an injury, the police authority may, in relation to any widow's pension or gratuity and any child's allowance payable in respect of him, exercise the like discretions as those conferred by Regulation I3(3) and (5).

### **Servicemen who do not resume service in their former force**

**16.** Where a serviceman who ceased to serve as a regular policeman in order to undertake a period of relevant service in the armed forces does not or did not resume service in his former force within a month of the end of that period, he shall be treated for the purposes of Regulations A10, A16, B5

(2), B6, F3, F4 and F5 as having left his former force at the end of his period of relevant service in the armed forces.

### **Pensionable service**

**17.—**(1) A serviceman who ceased to serve as a regular policeman in order to undertake a period of relevant service in the armed forces shall be entitled to reckon that period as pensionable service in his former force except that so much, if any, of that period as fell before 5th July 1948 shall not be so reckonable under this paragraph.

(2) A serviceman (1939–1945) shall also be entitled so to reckon as pensionable service—

(a) such further period as the Secretary of State may fix or has fixed, not exceeding 3 months after the end of his period of relevant service in the armed forces and before becoming a member of a police force, and

(b) any period of approved service under the former Acts reckonable by him immediately before 5th July 1948. (3) The reference in paragraph (2) (b) to approved service reckonable under the former Acts shall be construed as provided in Regulation F1 (2) in the case of such a reference in Part F.

### **Pension contributions etc.**

**18.—**(1) This Part shall have effect in the case of a serviceman who ceased to serve as a regular policeman in order to undertake a period of relevant service in the armed forces only if he pays or has paid pension contributions (other than additional or further pension contributions) to the police authority of his former force, as though he had remained a regular policeman in that force, in respect of his period of relevant service in the armed forces and, in the case of a serviceman (1939–1945), such further period as the Secretary of State may have fixed which is reckonable as pensionable service:

Provided that this Part shall have effect notwithstanding that pension contributions are not or have not been paid as aforesaid—

(a) by a serviceman other than a serviceman (1939–1945) in respect of—

(i) any period during which his service pay when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is less than his pensionable pay, or

(ii) any period before 1st January 1952 for which he has been required to serve in the armed forces as mentioned in the proviso to Regulation I1 and in respect of which no payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 have been made;

(b) by a serviceman (1939–1945) in respect of any period in respect of which he would not have been compelled to pay sums equal to rateable deductions if the Police Pensions Act 1948 had not been passed.

(2) Where this Part has effect in the case of a serviceman by virtue of proviso (a) to paragraph (1), he shall be deemed, except for the purposes of Regulation A10 (*aggregate pension contributions for purposes of awards*), to have paid pension contributions in respect of any period beginning on or after 1st April 1956 and ending before 1st April 1972 at the rate at which he last paid such contributions or, where he was on 1st April 1956 performing relevant service in the armed forces and did not give the notice referred to in the relevant provisions of the former Regulations, at a rate related to 6.25% of his pensionable pay.

In this paragraph the reference to the relevant provisions of the former Regulations is a reference to the provisions of the proviso to Regulation 35(2) of the Police Pensions Regulations 1955 as set out in Regulation 13 of the Police Pensions Regulations 1956, or of the proviso to Regulation 37(2) of the Police Pensions (Scotland) Regulations 1955, as set out in Regulation 13 of the Police Pensions (Scotland) Regulations 1956.

(3) Where this Part has effect in the case of a serviceman, any reference in these Regulations to service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972 or in respect of which he has paid pension contributions at a rate related to 6.25% of his pensionable pay shall be construed as including a reference to his period of relevant service in the armed forces on or after that date or, as the case may be, in respect of which he has paid, or is deemed to have paid, pension contributions at that rate.

#### Part J Special Cases

##### **Policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975**

**J1.**—(1) This Regulation shall apply in the case of a regular policeman who, for the purposes of the Social Security Pensions Act 1975 as amended by the Social Security Act 1986” has a guaranteed minimum in relation to the pension provided by these Regulations by reason of service which is contracted-out employment by reference thereto:

Provided that it shall not apply in the case of a regular policeman in respect of whom a transfer value has been, or is required to be, paid under Regulation F9.

(2) In a case in which this Regulation applies the regular policeman shall be entitled to a pension of a weekly amount equal to his guaranteed minimum but no payment shall be made on account of the pension—

(a) in respect of any period before he attains state pensionable age;

(b) if he is also entitled to a pension under Part B or an injury pension under regulation 11 of the Injury Benefit Regulations, in respect of any period for which that pension, together with any increase therein under the Pensions (Increase) Act 1971, exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder subject, however, to paragraph (3) (a), or

(c) in respect of any period within the 5 years following his attaining state pensionable age during which he is serving as a regular policeman if either—



(i) he has so served for a continuous period beginning before he attained that age,  
or

(ii) he is entitled to a pension under Part B or an injury pension under regulation 11 of the Injury Benefit Regulations but for the period in question that pension has been withdrawn, in whole or in part, in pursuance of a decision taken by the police authority for the purposes of Regulation K4 or, as the case may be, regulation 39 of the Injury Benefit Regulations before he attained state pensionable age.

(3) Where a regular policeman is entitled both to a pension under Part B and a pension under paragraph (2) then—

(a) for the purposes of paragraph (2) (b), in the case of a pension under Part B, any secured portion thereof shall be disregarded but, subject as aforesaid, where he is entitled to both an injury pension and under regulation 11 of the Injury Benefit Regulations and a pension under Part B, those pensions shall be treated as a single pension;

(b) in respect of any period in respect of which a payment is made on account of the pension under paragraph (2), no payment shall be made on account of the pension under Part B otherwise than on account of any secured portion thereof.

(4) In a case in which this Regulation applies, where the regular policeman dies or has died at any time leaving a widow then, unless any pension to which he has been entitled has been forfeited under Regulation K5(2), she shall be entitled to a pension of a weekly amount equal to a half of his guaranteed minimum increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*) but that entitlement shall cease if she remarries or has remarried or forms a civil partnership before attaining the age of 60 years and no payment shall be made on account of the pension—

(a) if she is also entitled to a pension under Part C or a widow's special pension under regulation 13 of the Injury Benefit Regulations, in respect of any period for which the amount of that pension exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder, or

(b) in respect of any period before she attains the age of 60 years during which she and a man to whom she is not married are living together as husband and wife or during which she lives with another woman as if they were civil partners.

(4A) In a case in which this regulation applies, where the regular policeman dies or has died on or after 6th April 1988 leaving a widower then, unless any pension to which she has been entitled has been forfeited under regulation K5(2), he shall be entitled to a pension of a weekly amount equal to one-half of that part of her guaranteed minimum which is attributable to earnings factors for the tax year, 1988–89 and subsequent tax years increased in accordance with Regulation E9 (increase by reference to the Pensions (Increase) Acts) but that entitlement shall cease if he remarries or has remarried or forms a civil partnership before attaining the age of 65 years and no payment shall be made on account of the pension—

(a) in respect of any period for which the amount of any pension payable to him under Part C or under regulation 20 of the Injury Benefit Regulations (adult dependent relative's special pension) by virtue of paragraph (1)(c) of the said regulation exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder, or

(b) in respect of any period before he attains the age of 65 years during which he and a woman to whom he is not married are living together as husband and wife or during which he lives with another man as if they were civil partners.

(4B) In a case to which this regulation applies, where the regular policeman dies or has died on or after 6<sup>th</sup> April 2011 leaving a civil partner then, unless any pension to which he has been entitled has been forfeited under regulation K5(2), that surviving civil partner shall be entitled to a pension of a weekly amount equal to one-half of that part of the policeman's guaranteed minimum which is attributable to earnings factors for the tax year, 1988-89 and subsequent tax years increased in accordance with regulation E9 (increase by reference to the Pensions (Increase) (Acts)) but that entitlement shall cease if he marries, remarries or has married or remarried or forms a civil partnership before attaining the age of 65 years and no payment shall be made on account of the pension—

(a) in respect of any period for which the amount of any pension payable to him under Part C exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder, or

(b) in respect of any period before he attains the age of 65 years during which he and another person to whom he is not married and with whom he has not formed a civil partnership are living together as husband and wife or as if they were civil partners.

(5) Where a widow is entitled both to a pension under Part C or a special pension under regulation 13 of the Injury Benefit Regulations and a pension under paragraph (4) then, in respect of any period in respect of which a payment is made on account of the pension under paragraph (4), no payment shall be made on account of the pension under Part C or such a special pension as aforesaid.

(5A) Where a widower is entitled to a pension under paragraph (4A) then, in respect of any period in respect of which a payment is made on account of that pension, no payment shall be made on account of any pension payable to him under regulation 20 of the Injury Benefit Regulations by virtue of paragraph (1) (c) of that regulation or under Part C.

(5B) Where a surviving civil partner is entitled to a pension under paragraph (4B) then, in respect of any period in respect of which a payment is made on account of that pension, no payment shall be made on account of any pension payable to him under Part C.

(6) The following provisions shall apply in relation to a pension under this Regulation as hereinafter provided, that is to say—

(a) *omitted*

(b) Regulation E4(3) (*gratuity in lieu of widow's pension*) shall apply in relation to a pension under paragraph (4) as it applies in relation to a pension under Part C, and

(c) Regulation K5 (*forfeiture of pension*) shall apply in relation to a pension under paragraph (2) or (4) or (4A) as it applies in relation to a pension under Part B or C but as if paragraph (4) thereof were omitted,

but, save as aforesaid or as provided in paragraph (2) or (4), nothing in any other Regulation shall affect a person's entitlement to a pension under this Regulation, the amount of such a pension or the circumstances in which it may be withdrawn or forfeited.

(6A) Where the annual amount of any pension payable under paragraph (4A) does not exceed £260, or any greater amount prescribed by regulations for the time being in force under paragraph 15(4) of Schedule 16 to the Social Security Act 1973, the police authority may, at their discretion, commute it for a gratuity.

### **Revaluation of guaranteed minimum pension**

**J1A**—(1) This regulation shall apply in the case of a regular policeman who has ceased to serve as such or has made an election under regulation G4 (1) (election not to pay pension contributions) and, in either case—

(a) in respect of whom a transfer value is payable under Part F, and

(b) who chooses to exercise the option conferred by paragraph 13(2) of Schedule 1A to the Social Security Pensions Act 1975(9) wholly or partly in the way specified in sub-paragraph (2) (b) of that paragraph (purchase of annuity).

(2) Where this regulation applies in the case of a regular policeman, to the extent that his guaranteed minimum for the purposes of that Act of 1975 is otherwise appropriately secured within the meaning of section 52C(4) of that Act(10) –

(a) for the purposes of section 35(2) of that Act (amount of guaranteed minimum) his earnings factors shall be determined by reference to the last order under section 21 of that Act to come into force before the end of the tax year in which he ceased to serve or, as the case may be, in which his election under regulation G4 (1) took effect and without reference to any subsequent such order, and

(b) the weekly equivalent mentioned in the said section 35(2) shall be increased in accordance with any additional requirements for the time being prescribed for the purposes of section 45(1) (b) of that Act (exclusion from liability to pay a limited revaluation premium).

### **Former member of the Royal Ulster Constabulary**

**J2**.—(1) This Regulation shall apply in the case of a regular policeman who has been a member of the Royal Ulster Constabulary.

(2) Where such a regular policeman is entitled to reckon pensionable service by reason of previous service in the Royal Ulster Constabulary then, except where the context otherwise requires, these Regulations shall have effect as if anything done by him or in his case under, or for the purposes of, a provision of the Royal Ulster Constabulary pensions legislation which corresponds to a provision of

these Regulations or of the former Regulations had been done under, or for the purposes of, that corresponding provision.

(3) Without prejudice to the generality of paragraph (2), if such a regular policeman elected to pay additional or further contributions under any provision of the Royal Ulster Constabulary pensions legislation corresponding to Regulation 58(2) or (3) of the Regulations of 1973 and his liability to pay such contributions, either under that legislation or by reason of Regulation 63 of the Regulations of 1973, did not cease before 1st April 1987 or, if later, the date on which he became a regular policeman then, notwithstanding that he is not such a regular policeman as is mentioned in paragraph (1) of Regulation G3 (*additional and further contributions*), that Regulation shall apply to him and Schedule G shall have effect subject to any necessary modifications.

#### **Former reversionary member of home police force**

**J3.** Notwithstanding anything in these Regulations, where a person who has been a reversionary member of a home police force becomes or has become a regular policeman in a home police force and an award is payable to or in respect of him by reason of his having received an injury in the execution of his duty as an overseas policeman without his own default, the award shall not be less than it would have been if he had not after being a reversionary member of a home police force become such a regular policeman.

#### **Other special provisions**

**J4.** The provisions of Schedule J shall have effect in the cases, and as respects the matters, mentioned therein.

### Part K

#### Revision and Withdrawal or Forfeiture of Awards

#### **Cancellation of ill-health pensions**

**K1.**—(1) As long as a person—

(a) is in receipt of an ill-health pension;

(b) would not, if he had continued to serve as a regular policeman instead of retiring with an ill-health pension, have been entitled to reckon 25 years' pensionable service,

(c) would not have attained his relevant voluntary retirement age if he had continued so to serve or, where he would not have a relevant voluntary retirement age, has not attained the age of 65,

the police authority may, if they wish to exercise the powers conferred by this Regulation, consider, at such intervals as they in their discretion think proper, whether his disability has ceased.

(2) If on any such consideration it is found that his disability has ceased, the police authority may give the person concerned notice that if he wishes to rejoin the force as a regular policeman within a period of not less than 3 months from the date on which he has been given such notice he will be permitted to do so.

(3) If the person concerned within the period referred to in paragraph (2) offers to rejoin the force as a regular policeman, he shall be permitted to do so in a rank not lower than that he held immediately before he retired with the ill-health pension.

(4) On the person concerned rejoining the force as mentioned in paragraph (3) or, where he does not offer to rejoin within the period referred to in paragraph (2), at the end of that period, there shall be terminated—

the unsecured portion of his ill-health pension,

and where the unsecured portion of an ill-health pension is terminated under this paragraph, the secured portion of that pension shall not be payable in respect of any period before state pensionable age.

(5) Where the unsecured portion of an ill-health pension is terminated under paragraph (4) otherwise than on the policeman rejoining his force, but he is not a regular policeman to whom Regulation B5 applies, then, if the aggregate of—

(a) the sums paid in respect of the pension;

(b) the actuarial value of the secured portion of the pension (in so far as it is payable under paragraph (4)) determined in accordance with tables prepared by the Scheme actuary, and

(c) the actuarial value of any pension to which he is entitled under Regulation J1 determined as aforesaid,

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

(6) Paragraph (5) has effect subject to paragraph 5 of Part I of Schedule J.

(7) This regulation shall apply in the case of a regular policeman who has made an election under regulation G4 (1) and who is in receipt of a deferred pension under regulation B5 on account of which payment has been made by reason of his having become permanently disabled as if he had not made such an election and as if he were in receipt of an ill-health pension; and, in its application in accordance with this paragraph, this regulation shall have effect as if—

(a) in paragraph (4), for the words from “there shall be terminated” to the end there were substituted “any injury pension to which he is entitled shall be terminated and his deferred pension shall not be payable in respect of any period thereafter until he attains the age of 60 years”, and

(b) paragraph (5) were omitted.

### **Reassessment of injury pension**

**K2** *Revoked*

### **Reduction of pension in case of default**

**K3.** Where a member of a police force or a person who has been a member of a police force becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the police authority may reduce the amount of any ill-health award payable to him by them by an amount not exceeding a half of that to which he would otherwise be entitled:

Provided that—

(a) this Regulation shall not apply where the person concerned—

(i) has been a regular policeman;

(ii) is in receipt of an ill-health pension; and

(iii) either—

(aa) if he had continued to serve instead of retiring with that pension would have been entitled to reckon 25 years' pensionable service; or

(bb) would have reached his relevant voluntary retirement age if he had continued so to serve or, where he would not have a relevant voluntary retirement age, has attained the age of 65; and

(b) where the pension of a regular policeman has been reduced under this Regulation, then if when he attains the age of 60 years the reduced pension is less than the amount of the deferred pension which would have been payable had he been granted such a pension on the date of his ceasing to serve it shall be increased to that amount.

### **Withdrawal of pension during service as a regular policeman**

**K4.**—(1) Subject to paragraph (2), a police authority by whom a pension is payable under Part B of these Regulations may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is serving as a regular policeman in any police force, save that such withdrawal shall not apply to any pension credit under Part M; and, where they have done so, they shall be discharged from all actual or contingent liability in respect of the pension or the part thereof withdrawn for the period in question.

(2) This Regulation does not apply to a pension under Regulation B9 (7) (b) (*allocation*).

### **Forfeiture of pension**

**K5.**—(1) This Regulation shall apply to a pension payable to or in respect of a member of a police force under Part B or C or to a pension payable to a pension credit member under regulation M1 (*pension credit members' entitlement to pension*).

(2) Subject to paragraph (5), a police authority responsible for payment of a pension to which this Regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the pensioner has been convicted of an offence

mentioned in paragraph (3) and, in the case of a widow's pension, that offence was committed after the death of the pensioner's husband.

(3) The offences referred to in paragraph (2) are—

(a) an offence of treason;

(b) one or more offences under the Official Secrets Acts 1911 to 1939 for which the grantee has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.

(4) Subject to paragraph (5), the police authority may determine that a pension to which this Regulation applies be forfeited, in whole or in part and permanently or temporarily as they may specify, if the grantee has been convicted of an offence committed in connection with his service as a member of a police force which is certified by the police authority either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(5) In the case of a pension to which this Regulation applies, other than an injury pension, the police authority in determining whether a forfeiture should be permanent or temporary and affect a pension in whole or in part, may make different determinations in respect of the secured and unsecured portions of the pension; but the secured portion of such a pension shall not be forfeited permanently and may be only forfeited temporarily for a period expiring before the grantee attains state pensionable age or for which he is imprisoned or otherwise detained in legal custody.

(6) To the extent to which a pension is forfeited under this Regulation, the police authority shall be discharged from all actual or contingent liability in respect thereof.

(7) The provisions of section 4(1) and (2) of the Police Pensions Act 1948, as they have effect by virtue of section 12(2) of the Police Pensions Act 1976 (*forfeiture of pensions*), shall not apply in relation to an award under these Regulations.

(8) This Regulation has effect subject to Regulation J1 (6) (c).

## Part L

### Payments by and to Police Authorities

#### **Authorities responsible for payment of awards**

**L1.**—(1) An award which is payable to or in respect of a person by reason of his having served as a regular policeman shall be payable by the police authority.

(2) An award which is payable to or in respect of a person by reason of his having been injured while serving as a member of a police force other than a regular policeman shall be payable by the police authority.

(3) An award payable to or in respect of a pension credit member under Part M, and any sum paid in commutation of such an award, is payable by the police authority.

(4) *Omitted*

## Funds out of which and into which payments are to be made

### L2. Omitted

### Payment and duration of awards

L3.—(1) Subject to the provisions of these Regulations, in particular, of—

(a) Regulation B1 (5) (*limitation on payment of an ordinary pension to a person entitled to reckon less than 30 years' pensionable service*);

(b) omitted

(c) Regulation B5 (4) (*limitation on payment of a deferred pension*);

(d) Regulation J1 (*policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975*);

(e) Part K (*revision and withdrawal or forfeiture of awards*), and

(f) paragraph 9(3) (a) of Part I of Schedule J (*pension by way of equivalent pension benefit*),

the pension of a member of a police force shall be payable in respect of each year as from the date of his retirement.

(2) Subject to the provisions of these Regulations, in particular, of—

(a) Regulation D5 (3) to (6) (*limitations on child's allowance*), and

(b) Regulation J1 (*policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975*)

a widow's pension or child's allowance shall be payable in respect of each week as from the death of the husband or, as the case may be, the parent or, in the case of an allowance payable to a posthumous child, as from the birth of the child, except—

(i) where the husband or parent was in receipt of a pension and dies during a period in respect of which he has already received his pension, in which case the pension or allowance shall not be payable before the end of that period;

(ii) where the husband or parent has received a gratuity, in which case the pension or allowance shall be payable as from such time as the police authority may, in their discretion, determine to be reasonable, not being more than a year after his death, having regard to all the circumstances, including the amount of the gratuity.

(3) Subject to the provisions of these Regulations, in particular, of—

(a) Regulation C7 (2) (a) (*widow's temporary pension*);

(b) Regulation C9 (*termination of widow's award on remarriage etc.*);

(c) Regulation D5 (3) to (6) (*limitations on child's allowance*);



(d) *omitted*

(e) Regulation J1 (2), (3) (b), (4) and (4A) (*policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975*), and

(f) Part K (*revision and withdrawal or forfeiture of awards*),

a pension or allowance shall be payable for life and shall be discharged by payments in advance at such reasonable intervals as the police authority may, in their discretion, determine except that payment on account of a pension or allowance may be delayed, in whole or in part, pending the determination of any question as to the liability of the police authority in respect thereof, including any question as to the continuance of that liability.

(4) Where a person dies after receiving a sum paid in advance on account of a pension or allowance, neither the said sum nor any part thereof shall be recoverable although referable to a period after his death.

(5) Where a widow remarries or enters into a civil partnership after receiving a sum paid in advance on account of a pension, neither the said sum nor any part thereof shall be recoverable although referable to a period after her remarriage or civil partnership.

(6) Subject to the provisions of these Regulations, a gratuity, lump sum or award by way of repayment of aggregate pension contributions shall become payable as soon as the entitlement thereto arises and shall be paid forthwith in one sum except that—

(a) payment on account thereof may be delayed, in whole or in part, pending the determination of any question as to the liability of the police authority in respect thereof, and

(b) where the police authority are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable period as they think fit.

#### **Payment of awards otherwise than to beneficiary and application of payments**

**L4.**—(1) This Regulation shall apply to the payment of any award to or in respect of a member of a police force or a pension credit member, whether a pension, allowance, gratuity or other award, and any reference therein to the beneficiary is a reference to the person to whom, this Regulation apart, the award is payable.

(2) Where the beneficiary is a minor, the police authority may, if they think fit, in lieu of paying any sum on account of an award to the minor, pay it to such other person as they may determine.

A person who receives any sum in pursuance of this paragraph shall, subject to and in accordance with any directions of the police authority, apply the said sum for the benefit of the minor.

(3) On the death of the beneficiary to whom a sum is due on account of an award which does not exceed £5,000 or such higher amount as may from time to time be prescribed for the purposes of

section 6 of the Administration of Estates (Small Payments) Act 1965, the police authority may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the authority to be beneficially entitled to the personal estate of the deceased or, as the authority think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the authority may determine.

(4) Where it appears to the police authority that a beneficiary is by reason of mental disorder or otherwise incapable of managing his affairs, in lieu of paying any sum on account of an award to that beneficiary—

(a) they may, in their discretion, pay it in whole or in part to a person having the care of the beneficiary or such other person as they may determine, and

(b) in so far as they do not so discharge their liability in respect thereof, the authority shall apply it in such manner as they think fit for the benefit of the beneficiary or his dependants.

A person who receives any sum in pursuance of sub-paragraph (a) shall, subject to and in accordance with any directions of the police authority, apply the said sum for the benefit of the beneficiary or his dependants.

(5) Where, as a result of any fraud, theft or negligence on the part of a regular policeman in connection with his service as such, a loss has occurred to the fund out of which an award is payable to him, in lieu of paying the whole or any part of any sum on account of the award to that beneficiary, the police authority may, if they think fit but subject to paragraph (6), apply it in making good the loss by retaining it in that fund:

Provided that the aggregate amount retained in pursuance of this paragraph shall not exceed whichever is the less of the following amounts, namely—

(a) the amount which is the actuarial value, at the time of the first retention, of the sums then or prospectively due to the regular policeman on account of the award, and

(b) the amount of the said loss,

and, in the event of any dispute as to the amount of that loss, the power conferred by this paragraph shall not be exercisable save to the extent of any sum adjudged due to the police authority in respect of the loss by an order of a competent court.

(6) Where the police authority exercise the power conferred by paragraph (5) they shall furnish the regular policeman concerned with a certificate showing the amount retained and the effect on the award and—

(a) where the award is an ordinary, short service or ill-health pension and the sum due on account thereof is in respect of a period beyond state pensionable age, only so much of that sum as is due on account of the unsecured portion of the pension may be retained and applied as mentioned in paragraph (5), and

(b) where the regular policeman is entitled to reckon pensionable service otherwise than by reason of service as a member of a police force, only the following proportion of any sum

due on account of the award may be so retained and applied, that is to say, the proportion which his pensionable service reckonable by reason of service as a member of a police force bears to his total pensionable service.

(7) A police authority shall obtain a good discharge by paying or applying any sum in the manner provided by this Regulation.

(8) *Omitted*

PART M  
Pension Credit Members

**Pension credit member's entitlement to pension**

**M1.**—(1) Subject to regulations M2 and M3 (*commutation*), a pension credit member is entitled to a pension for life which becomes payable—

- (a) when he attains normal benefit age, or
- (b) if it is later, when the pension sharing order under which he is entitled to the pension credit takes effect.

(2) The pension must be of such an amount that its actuarial value is equal to the member's pension credit, as calculated from tables prepared by the Scheme actuary and in accordance with regulations made under paragraph 5(b) of Schedule 5 to the 1999 Act.

**Commutation: general provision**

**M2.**—(1) Subject to regulation M3, a pension credit member may opt to commute for a lump sum a portion of the pension (not exceeding one-quarter) to which he is entitled under regulation M1—

- (a) when he attains normal benefit age, or
- (b) if it is later, when the pension sharing order under which he is entitled to the pension credit takes effect.

(2) The lump sum under paragraph (1) is the actuarial equivalent of the commuted portion of the pension, calculated from tables prepared by the Scheme actuary.

(3) But the lump sum may not exceed the annual rate of the pension as at the time when it first becomes payable (disregarding any reduction under this regulation or any other provision of the Scheme), multiplied by 2.25.

(4) This regulation does not apply to a pension derived from pension credit rights if the pension debit member from whose rights the pension is derived has received a lump sum under regulation B7 before the date on which the pension sharing order takes effect.

(5) A person who wishes the relevant police authority to commute a pension under paragraph (1) must not later than six months after—

- (a) the date on which the person attains normal benefit age, or
- (b) the date on which the pension sharing order takes effect,

whichever is the later, give the relevant police authority written notice of commutation, specifying the portion to be commuted.

(6) Notice of commutation takes effect on the later of—

- (a) the date on which the pension under regulation M1 becomes payable, and
- (b) the date on which it is received by the police authority.

(7) When a person's notice of commutation takes effect, the relevant police authority shall—

- (a) reduce the pension, as from the effective date, by the commuted portion, and
- (b) pay him the lump sum, reduced where the effective date is the date of receipt of the notice by the difference between the aggregate payments made in respect of the pension and the aggregate payments that would have been made in respect of it if it had been reduced from—
  - (i) the date on which the person attains normal benefit age, or
  - (ii) the date on which the pension sharing order takes effect,

whichever is the later.

### **Commutation of the pension credit benefit: small pensions and serious ill-health**

**M3.**—(1) The relevant police authority may commute the pension to which a pension credit member is entitled under regulation M1 for a lump sum in accordance with the following provisions of this regulation.

(2) If the pension credit member is suffering from serious ill-health before normal benefit age—

- (a) the whole of the pension may be commuted, and
- (b) the lump sum under paragraph (1) is an amount equal to the annual rate of the pension as at the time when it first becomes payable, multiplied by 5.

(3) If the aggregate of total benefits payable to the member, including those attributable (directly or indirectly) to pension credit rights, does not exceed £260 per annum at normal benefit age—

- (a) the whole of the pension may be commuted when the pension credit member attains normal benefit age or when the pension sharing order takes effect if that is later, and
- (b) the lump sum under paragraph (1) is the actuarial equivalent of the commuted pension, calculated from tables prepared by the Scheme actuary.

(4) Where a pension is commuted under this regulation, the payment of the lump sum discharges the relevant police authority from all liability in respect of benefits payable to or in respect of the pension credit member.

(5) In this regulation “serious ill-health” means ill-health giving rise to a life expectancy of less than one year.

#### **Death grants where pension credit member dies before pension credit benefits payable**

**M4.**—(1) If a pension credit member dies before any benefits deriving from the member’s pension credit have become payable to him under these Regulations, a lump sum death grant is to be paid of an amount equal to the annual rate of the pension to which the member would have been entitled under regulation M1 if he had attained normal benefit age on the date of his death (as calculated in accordance with guidance prepared by the Scheme actuary), multiplied by 2.25.

(2) The lump sum is payable—

(a) if the member is survived by a spouse or civil partner who is not ineligible under paragraph (3), to that spouse or civil partner, and

(b) otherwise to the member’s personal representatives.

(3) A spouse or civil partner is ineligible for the purposes of paragraph (2) if—

(a) the deceased and the spouse or civil partner were separated by an order or decree of a competent court at the time of the member’s death,

(b) the deceased was not required by such an order to contribute to the support of the spouse or civil partner or to the spouse or civil partner for the support of a child of the spouse or civil partner, and

(c) the deceased was not in fact regularly so contributing.

#### **Application of general regulations**

**M5.**—(1) The provisions specified in paragraph (2) apply to pension credit members and awards payable to or in respect of them, but apart from where provision is made by this Part or a contrary intention is otherwise indicated—

(a) these Regulations do not apply to pension credit members as such or to benefits payable to or in respect of them as such,

(b) the benefits payable to or in respect of pension credit members as such are not aggregated for any purpose with benefits payable to or in respect of those persons in any other capacity, and

(c) the benefits payable to or in respect of pension credit members deriving their pension credit benefits from one pension debit member are not aggregated for any purpose with benefits payable to or in respect of those persons as pension credit members deriving their pension credit benefits from any other pension debit member.

(2) Those provisions are—

regulation H5 (*appeals by a member of a home police force*),

regulation H7 (*limitations on appeals*), and

(3) In the application of regulations H5 and H7 by virtue of this regulation—

(a) those regulations apply as if the references to the police authority were references to the relevant police authority, and

(b) the references in regulations H5 and H6 to a person claiming an award in respect of a member of a particular description to whom that regulation applies include references to a pension credit member whose pension credit is derived from the rights of a pension debit member of that description.

Regulation A4 (1)

#### SCHEDULE A Glossary of Expressions

In these Regulations, unless the context otherwise requires, the following expressions shall be construed as hereinafter provided, that is to say:—

“The 1993 Act” The Pension Schemes Act 1993.

“The 1999 Act” The Welfare Reform and Pensions Act 1999.

“the Act” means the Police (Isle of Man) Act 1962 (an Act of Tynwald);

“the appropriate factor” means, in relation to part-time service, the factor which was the appropriate factor within the meaning of regulation 5(5) or (6) of the Police Regulations 1987 as it applied by virtue of paragraph 1 of Schedule 1A to those Regulations;

“approved service” has the same meaning as in the former Acts;

“armed forces” means the naval, military or air forces of the Crown, including any women’s service administered by the Defence Council or formerly administered by the Admiralty, Army Council or Air Council;

“average pensionable pay” has the meaning assigned to it by Regulation G1;

“child” means (without regard to age) legitimate or illegitimate child, step-child or adopted child and any other child who is substantially dependent on the member of a police force concerned and either is related to him or is the child of his spouse or civil partner; and the expressions “father”, “mother” and “parent” shall be construed accordingly;

“contracted-out employment” and “contracted-out scheme” have the meanings assigned to them by Regulation A5 (6);

“contributions equivalent premium” has the meaning assigned to it by Regulation A5 (6) (subject however, to Regulation A5 (7));

“disablement” and cognate expressions have the meanings assigned to them by Regulation A12;

“employed contributor’s employment” has the meaning assigned to it by Regulation A5 (1);

“former Acts” means the Police Pensions Acts 1921 and 1926, including those Acts as applied and extended by or under any enactment, and any Act repealed by those Acts;

“former force”, in relation to a serviceman, means the police force in which he was serving immediately before undertaking a period of relevant service in the armed forces;

“former Regulations” means the Regulations made under the Act or the Police Pensions Act 1948 before the making of these Regulations;

“Governor” means the Lieutenant Governor of the Isle of Man and includes a deputy Governor and an acting Governor;

“graduated contribution” and “graduated retirement benefit” have the meanings assigned to them by Regulation A5 (1);

“guaranteed minimum” and “guaranteed minimum pension” have the meanings assigned to them by Regulation A5 (6) (subject, however, to Regulation A5 (8));

“home police force” means any police force within the meaning of the Police Act 1964 or the Police (Scotland) Act 1967;

“husband”, except in regulations C9, C9A and J1, includes wife and civil partner;

“infirmary” has the meaning assigned to it by regulation A12 (5)

“the Injury Benefit Regulations” means the Police (Injury Benefit) Regulations 2006

“inspector” includes chief inspector;

“maternity leave” has the meaning given by regulation 37(1) of the Isle of Man Police Regulations 2000;

“medical referee” has the meaning assigned to it by Regulation H2 (2);

“Nominated Partner” means —

(1) a person who is entitled to the same rights and benefits as a spouse or Civil Partner and has been nominated in accordance with the procedure set out in sub-paragraph (2);

(2) For a nomination given under sub-paragraph (1) to be valid —

(a) the nominated partner and the Member must have signed a declaration that the Member and the nominated partner —

- (i) are in an exclusive long-term committed relationship;
- (ii) are both legally free to marry or enter into a civil partnership;
- (iii) are financially interdependent or that one party is financially dependent on the other; and
- (iv) that neither party is currently nominated under these Regulations as the nominated partner of a third party;

and

(b) the Public Sector Pensions Authority has to have been satisfied that the relationship declared sub-paragraph 2(a) (i) has been in existence for at least 2 years or such shorter period as it may at its discretion specify.

“non-participating employment” has the meaning assigned to it by Regulation A5 (1);

“Normal benefit age” The age of 60.

“part-time service” means service as a regular policeman performed pursuant to an appointment under regulation 8A of the Police Regulations 1987;

“participating period of relevant employment” has the meaning assigned to it by Regulation A5 (3);

“paternity leave” means have granted in accordance with regulation 38 of the Isle of Man police Regulations 2000;

“payment in lieu of contributions” has the meaning assigned to it by Regulation A5 (1);

“pensionable pay” has the meaning assigned to it by Regulation G1;

“pension award payable on the ground of permanent disablement” means an award under regulation B1, B3 or B5.

“Pension credit” A credit under section 29(1) (b) of the 1999 Act, including a credit under corresponding Northern Ireland legislation.

“Pension credit benefit” Construe in accordance with section 101B of the 1993 Act.

“Pension credit member” Construe in accordance with section 124(1) of the Pensions Act 1995.

“Pension credit rights” Construe in accordance with section 101B of the 1993 Act.

“Pension debit” A debit under section 29(1) (a) of the 1999 Act.

“Pension debit member” A person whose benefits or future benefits under these Regulations have been reduced under section 31 of the 1999 Act.



“the Pensions (Increase) Acts” means the Pensions (Increase) Act 1971 and the Pensions (Increase) Act 1974; “police authority” has the same meaning as in the Act, and accordingly in relation to a Scottish police force has the same meaning as in the Police (Scotland) Act 1967;

“Pension sharing order” An order or provision mentioned in section 28(1) of the 1999 Act.

“Preferential Rejoin Scheme”, in relation to a member of these Regulations, means a period of absence not exceeding 5 years which is agreed by the Constabulary in accordance with Isle of Man Constabulary Preferential Rejoin Scheme;

“PSPA actuary” means the actuary appointed by the Public Sector Pensions Authority to provide a consulting service on actuarial matters relevant to these Regulations

“public holiday” means Christmas Day, the 26th December (if it falls on a Saturday or Sunday), the 1st January (if it so falls), Good Friday or a bank holiday;

“regular policeman” means a member of the Isle of Man Constabulary;

“Relevant police authority” Construe in accordance with regulation L1 (4).

“relevant service in the armed forces” has the meaning assigned to it by Regulation A14;

“retirement” and cognate expressions shall be construed in accordance with Regulations A17 to A21;

“Royal Ulster Constabulary pensions legislation” means the Northern Ireland legislation for the time being in force relating to the superannuation of members of the Royal Ulster Constabulary;

“the Scheme actuary” means the actuary for the time being appointed by the Secretary of State to provide a consulting service on actuarial matters relevant to these Regulations;

“secured portion” and “unsecured portion”, in relation to a pension, have the meanings assigned to them by Regulation A5 (4);

“serviceman” means a person who immediately before undertaking a period of relevant service in the armed forces was a regular policeman and includes a serviceman (1939–1945);

“serviceman (1939–1945)” means a person who ceased to serve as a regular policeman in such circumstances that he became a person to whom section 1 of the Police and Firemen (War Service) Act 1939 applied;

“sick leave” means leave taken in accordance with regulation 35 of the Isle of Man Police Regulations 2000;

“state pensionable age” has the meaning assigned to it by Regulation A5 (2);

“step-child” includes a person who is the child of the civil partner of the member of a police force concerned, but is not the child of that member.

“superintendent” includes chief superintendent;

“tax year” means the 12 months beginning with 6th April in any year;

“tour of overseas service” means the period of overseas service for which an overseas policeman has engaged with the consent, in the case of a reversionary member of a home police force, of the appropriate authority for the purposes of the Police (Overseas Service) Act 1945 and of the Secretary of State, and, if such a period has been varied under regulations made under section 1 of that Act, means the period as so varied, so however that where the overseas policeman has engaged for an indefinite period of overseas service the said expression means his actual period of such service.

“widow”, except in regulation J1, includes widower and, except in regulations C9, C9A and J1, includes surviving civil partner;

“wife”, except in regulations C9, C9A and J1, includes husband and civil partner.

SCHEDULE B  
Personal Awards

Regulation B1

PART I  
POLICEMAN'S ORDINARY PENSION

1. Subject to paragraph 6 and Parts VII and VIII of this Schedule, the pension shall be calculated as follows.
- 2.—(1) This paragraph applies where all the service by virtue of which the policeman's pensionable service is reckonable was full-time.  
  
(2) The amount of the annual pension shall be half of the policeman's average pensionable pay with the addition of an amount equal to two sixtieths of that pay, multiplied by the period in years by which his pensionable service exceeds 25 years.  
  
(3) Sub-paragraph (2) is subject to paragraph 5.
- 3.—(1) This paragraph applies where—
  - (a) some or all of the service by virtue of which the policeman's pensionable service is reckonable was part-time, and
  - (b) if the part-time service had been full-time service, his pensionable service would not exceed 30 years.  
(2) The amount of the annual pension is given by the formula—

$$\frac{N \times R}{Q}$$

where—

N is the amount that the pension would be if all the pensionable service were full-time service,

R is the period in years of his pensionable service, and

Q is the period that would be the period in years of his pensionable service if periods of part-time service were reckonable as if they were periods of full-time service.

(3) Sub-paragraph (2) is subject to paragraph 5.

4.—(1) This paragraph applies where—

(a) some or all of the service by virtue of which the policeman's pensionable service is reckonable was part-time, and

(b) if the part-time service had been full-time service, his pensionable service would exceed 30 years.

(2) The amount of the annual pension is given by the formula—

$$\frac{N \times R}{30}$$

where—

N is two thirds of the policeman's average pensionable pay, and

R is the period in years of his pensionable service.

(3) Sub-paragraph (2) is subject to paragraph 5.

5. The amount of the pension may not exceed two thirds of the policeman's average pensionable pay.

6. If the amount of the pension a person would be entitled to in accordance with paragraphs 1 to 4 would be less than it would have been if the person had become entitled to receive an ordinary pension by retiring after due notice from the same police force at an earlier date, then, subject to paragraph 5 and to Parts VII and VIII of this Schedule, the pension is to be a pension of that amount instead.

7. For the purposes of paragraph 6, any difference in those amounts attributable to a pension debit is disregarded.

Regulation B2

PART II  
POLICEMAN'S SHORT SERVICE PENSION

1. Subject to Parts VII and VIII of this Schedule, the pension shall be calculated as follows.

2. In the case of a policeman all of whose service by virtue of which his pensionable service is reckonable was full-time, the amount of the annual pension shall be equal to the aggregate of—

(a) an amount equal to one sixtieth of the policeman's average pensionable pay, multiplied by the period in years of his pensionable service up to 20 years, and

(b) an amount equal to two sixtieths of that pay, multiplied by the period in years by which his pensionable service exceeds 20 years.

3. In the case of a policeman any of whose service by virtue of which his pensionable service is reckonable was part-time, the amount of the annual pension is given by the formula—

$$\frac{N \times R}{Q}$$

where—

N is the amount that the annual pension would be if all the pensionable service were full-time service,

R is the period in years of his pensionable service, and

Q is the period that would be the period in years of his pensionable service if periods of part-time service were reckonable as if they were periods of full-time service.

Regulation B3

Part III

Policeman's Ill-Health Pension

1. Subject to Regulation K1 (5) (*termination of unsecured portion of ill-health pension*) and to Parts VII and VIII of this Schedule (*reductions at state pensionable age and related to up-rating of widow's pension*), the amount of the pension shall be determined—

(a) in the case of a policeman all of whose service by virtue of which his pensionable service is reckonable was full-time, in accordance with paragraph 2, 3 or 4, as the case may require, and

(b) in the case of a policeman some or all of whose service by virtue of which his pensionable service is reckonable was part-time—

(i) in a case where, if the part-time service had been full-time service, his pensionable service would not exceed 30 years, in accordance with the formula given in paragraph 4A, and

(ii) in a case where, if the part-time service had been full-time service, his pensionable service would exceed 30 years, in accordance with the formula given in paragraph 4B,

but in either case subject to paragraphs 6 and 7.

2. Where the policeman has less than 5 years' pensionable service, the amount of the pension shall not be less than a sixtieth of his average pensionable pay and, subject as aforesaid, shall be of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service.

3. Where the policeman has 5 or more years', but not more than 10 years' pensionable service, subject to paragraph 5, the pension shall be of an amount equal to 2 sixtieths of his average pensionable pay multiplied by the period in years of his pensionable service.

4. Where the policeman has more than 10 years' pensionable service, the pension shall be not less than 20 sixtieths, nor more than 40 sixtieths, of his average pensionable pay and, subject as aforesaid and to paragraph 5, shall be equal to 7 sixtieths of that pay with the addition—

(a) of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service up to 20 years, and

(b) of an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years.

4A. The formula referred to in paragraph 1(b) (i) is—

$$\frac{N \times R}{Q}$$

where—

N is the amount that the annual pension would be in accordance with this Part of this Schedule if all the policeman's service by virtue of which his pensionable service is reckonable were full-time service,

R is the period in years of his pensionable service, and

Q is the period that would be the period in years of his pensionable service if periods of part-time service were reckonable as if they were periods of full-time service.

4B. The formula referred to in paragraph 1(b) (ii) is—

$$\frac{N \times R}{30}$$

where—

N is two thirds of the policeman's average pensionable pay, and

R is the period in years of his pensionable service.

5. (1) In the case of a policeman who, had he continued to serve until he attained his relevant voluntary retirement age or, where he would not have a relevant voluntary retirement age, until the age of 65, would have become entitled to an ordinary or short service pension, a pension calculated in accordance with paragraph 3 or 4 or the formula in paragraph 4A or 4B shall not exceed the

pension to which he would so have become entitled calculated, however, by reference to the average pensionable pay by reference to which the ill-health pension is calculated.

(2) For the purposes of sub-paragraph (1) the amount of the pension to which the policeman would have become entitled is given by the formula—

$$\frac{RP \times R}{Q}$$

where

RP is the amount of the pension to which the policeman would have become entitled if he had continued to serve until he attained his relevant voluntary retirement age or, where he would not have a relevant voluntary retirement age, until the age of 65 and all his service were full-time service, and R and Q are the same as in paragraph 4A.

6. If in a case where any of the policeman's service by virtue of which his pensionable service is reckonable was part-time service, the amount of the pension calculated in accordance with paragraphs 1 to 5 of this Part would be less than it would have been if the person had become entitled to receive the pension at an earlier date, then, subject to Parts VII and VIII of this Schedule, the pension shall be of that amount instead.

7. In a case where—

(a) any of a policeman or former policeman's service by virtue of which his pensionable service is reckonable was part-time service before the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force, and

(b) the amount of his pension calculated in accordance with this Part would be less than it would have been if those Regulations had not been made,

then the pension shall be of that amount instead.

Regulations B2 and B3

#### Part IV

#### Policeman's Short Service or Ill-Health Gratuity

1. Where the policeman has not completed a year's pensionable service, the gratuity shall be of an amount equal to the policeman's aggregate pension contributions in respect of the relevant period of service subject, however, to paragraph 3.

2. Where the policeman has completed at least a year's pensionable service, the gratuity shall be of an amount equal to whichever is the greater of the two following amounts—

(a) a twelfth of the policeman's average pensionable pay multiplied by the period in years of his pensionable service;

(b) the policeman's aggregate pension contributions in respect of the relevant period of service,

subject, however, to paragraph 3.

**3.** Where the policeman retired after the beginning of the tax year in which he attains state pensionable age, the gratuity calculated in accordance with the preceding provisions of this Part shall be reduced by an amount equal to the capitalised value, as calculated by the Scheme actuary, of the annual rate of any pension paid to him under Regulation J1 (2) (*policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975*).

Regulation B4

Part V  
Policeman's Injury Award

*Revoked*

Regulation B5

Part VI  
Policeman's Deferred Pension

**1.** The amount of a policeman's deferred pension shall be calculated by reference to—

- (a) the pensionable service he is entitled to reckon (here referred to as "actual service");
- (b) the pensionable service he would have become entitled to reckon had he continued to serve until he could retire with a maximum ordinary pension (disregarding Regulation B1(2)), until he attained his relevant voluntary retirement age (if he would have one) or the age of 65, whichever is the earliest (here referred to as "hypothetical service") and
- (c) his average pensionable pay.

**1A.** For the purposes of paragraph 1(b), it is to be assumed that the policeman had been in and would have continued in full-time service, whether or not he was in such service immediately before he became entitled to a deferred pension.

**2.** Subject to Parts VII and VIII of this Schedule (*reductions at state pensionable age and related to up-rating of widow's pension*), the policeman's pension shall be such that it is the same proportion of the hypothetical pension mentioned in paragraph 3 as his actual service is of his hypothetical service except that it shall not exceed 40 sixtieths of his average pensionable pay.

**3.** The hypothetical pension referred to in paragraph 2 is a pension of an amount which is the aggregate of—

- (a) an amount equal to a sixtieth of his average pensionable pay multiplied by the period in years of his hypothetical service up to 20 years, and

(b) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his hypothetical service exceeds 20 years.

Regulations B1, B2, B3 and B5

Part VII  
Reduction of Pension at State Pensionable Age

*Pension modifications connected with state flat-rate retirement benefit*

1.—(1) Where, in respect of service as a regular policeman or as a member of the Royal Ulster Constabulary before 1st April 1980, a person has paid pension contributions at a rate of 6p a week (or 1s. 2d. a week) less than the appropriate percentage of his pensionable pay then, in respect of any period beyond state pensionable age, the unsecured portion of any ordinary, short service, ill-health or deferred pension payable to him shall be reduced in accordance with sub-paragraph (2) or, as the case may be, sub-paragraph (3).

(2) In the case of a person who paid contributions as aforesaid by reason of the giving of a notice—  
under the relevant provisions of the former Regulations

the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying the sum in the second column of the following Table set opposite to the age in the first column of the said Table which he had attained at the appropriate date by the number of years specified in sub-paragraph (4):—

**Table**

Age in years at appropriate date	Sums to be multiplied £
Under 23...	1.70
23...	1.65
24...	1.60
25...	1.55
26...	1.525
27...	1.50
28...	1.475
29...	1.45
30...	1.425
31...	1.40
32...	1.375



33...	1.35
34...	1.325
35...	1.30
36...	1.30
37...	1.275
38...	1.25
39...	1.25
40...	1.225
41...	1.225
42...	1.20
43...	1.20
44 or over ...	1.175

In this sub-paragraph the expression “appropriate date” means, subject to sub-paragraph (5), 5th July 1948.

(3) In the case of a person who paid contributions as aforesaid, otherwise than as mentioned in sub-paragraph (2), the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying £1.70 by the number of years specified in sub-paragraph (4).

(4) The number of years referred to in sub-paragraph (2) or (3) is, subject to the following sub-paragraphs, the period in years of service before 1st April 1980 either as a regular policeman or as a member of the Royal Ulster Constabulary in respect of which the person concerned paid pension contributions at such a rate as is mentioned in sub-paragraph (1):

Provided that there shall be excluded from the said period any period or periods—

(a) by reason of which the person concerned is not entitled to reckon pensionable service for the purposes of the pension in question, or

(b) which fell after the date on which the person concerned would have been entitled, if he had retired, to a pension equal to two thirds of his average pensionable pay.

(5) In the case of a person who—

(a) first became a regular policeman on or after 15th February 1971;

(b) before 1st April 1980 became entitled to reckon pensionable service by reason of service or employment (otherwise than as a member of a police force or of the Royal Ulster Constabulary) in respect of which he was subject to superannuation arrangements (“the former service”);

(c) was subject to the operation of any regulations made under section 65 of the Social Security Act 1973 or of other provisions modifying those superannuation arrangements in connection with the passing of the said Act (“the modifications”), and

(d) is entitled to reckon that pensionable service for the purposes of the pension in question, the period in years specified in sub-paragraph (4) shall be increased by that period of pensionable service and, if he was subject to the modifications by virtue of an election made or notice given, the expression “appropriate date” in sub-paragraph (2) shall mean the date on which that election or notice became effective:

Provided that where only a proportion of the former service would have been taken into account for the purposes of the modifications, only that proportion of the pensionable service reckonable by virtue thereof shall be taken into account in determining the increase hereunder in the period specified in sub-paragraph (4).

*Pension modifications connected with state graduated retirement benefit*

2.—(1) Where a person in receipt of an ordinary, short service, ill-health or deferred pension has been in service or employment otherwise than as a regular policeman—

(a) in respect of which he was subject to superannuation arrangements;

(b) by reason of which he is entitled to reckon pensionable service for the purposes of the pension; and

(c) the period of which includes a participating period of relevant employment,

then, for the purpose of abating the pension in relation to that participating period of relevant employment, any provision of the said arrangements in operation when he left the said service or employment the effect of which is that pensions payable thereunder are to be reduced in connection with the operation of the any provision of the National Insurance (Isle of Man) Act 1971 (an Act of Tynwald) or the Social Security Act 1975 relating to graduated contributions or graduated retirement benefit shall apply, subject to the necessary adaptations and modifications, as though the provision were contained in this paragraph and as if—

(i) the pension were payable under the said arrangements, and

(ii) any other period of service or employment by reason of which he is entitled to reckon pensionable service for the purposes of the pension were a period of non-participating employment at the end of which no payment in lieu of contributions falls to be made.

(2) A police authority, in determining any question arising under sub-paragraph (1) and relating to a particular service or employment, shall be entitled to treat as conclusive any relevant certificate issued, with the agreement of the person concerned, by his employer in that service or employment.

(3) Where for the purposes of the superannuation arrangements applicable to such service or employment as is mentioned in sub-paragraph (1) the person concerned was entitled to reckon service by reason of some previous service or employment, that previous service or employment shall be treated for the purposes of this paragraph as if it were part of the service or employment first mentioned in this sub-paragraph.

**3.—(1)** Where a person in receipt of an ordinary, short service, ill-health or deferred pension is entitled to reckon pensionable service for the purposes thereof by reason of a period of service as a regular policeman which is a participating period of relevant employment then, in respect of any period beyond state pensionable age, the unsecured portion of that pension shall be reduced in accordance with sub-paragraph (2).

(2) The reduction shall be calculated at the annual rate which is that of the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining state pensionable age, in return for a payment in lieu of contributions in respect of the whole of the period referred to in sub-paragraph (1), whether or not such a payment was made.

**4.—(1)** Where a person in receipt of the secured portion of an ill-health pension, the unsecured portion of which has been terminated in the circumstances mentioned in Regulation K1(4), is also in receipt of some other pension, being an ordinary, short service, ill-health or deferred pension, and is entitled to reckon for the purposes of that other pension the period of pensionable service reckonable for the purposes of the ill-health pension then, in respect of any period beyond state pensionable age, the unsecured portion of that other pension shall be reduced in accordance with sub-paragraph (2).

(2) The reduction shall be calculated at the annual rate which is that of the secured portion of the ill-health pension.

Regulations B1, B2, B3 and B5

#### Part VIII

##### Reduction of Pension Related to Up-Rating of Widow's Pension

**1.—(1)** An ordinary, short service, ill-health or deferred pension payable to a man shall, in the cases hereinafter mentioned, be reduced in accordance with this Part except that a deferred pension payable in pursuance of paragraph 8(6)(b) of Part I of Schedule J shall not be so reduced.

(2) Any reference in this Part to a pension is a reference to a pension which falls to be reduced as aforesaid and any reference to police service is a reference to service as a member of a police force or of the Royal Ulster Constabulary.

**2.—(1)** Subject to sub-paragraph (2), this paragraph shall apply in the case of a man entitled to reckon pensionable service otherwise than—

(a) by reason of police service on or after 1st April 1972;

(b) by reason of police service before that date in respect of which he paid pension contributions at a rate related to 6.25% of his pensionable pay;

(2) Where the man was a regular policeman to whom Regulation 59 or 60 of the Regulations of 1973 applied (that is to say, where on 1st April 1973 either he was serving as such or, having retired on or after 1st April 1972, he was entitled to a pension) and he last paid pension contributions before 1st April 1972 at a rate related to 5% of his pensionable pay, this paragraph shall not apply unless either—

(a) he elected or agreed, under paragraph (2) (b) or (4) (a) of the said Regulation 59 or under paragraph (2) (b) of the said Regulation 60, that his pension be reduced, or

(b) pensionable service became reckonable by him on or after 1st April 1987 by virtue of Regulation F4, F5 or F7 (*previous service and preserved interchange arrangements*).

(3) The pension of a man in whose case this paragraph applies shall, subject to the provisions of this Part, be reduced by the percentage specified in the second column of the Table in paragraph 7 opposite the number of completed years of pensionable service he is entitled to reckon other than pensionable service falling within either or both of the following sub-paragraphs, namely—

(a) pensionable service reckonable as mentioned in sub-paragraph (1), and

(b) where (subject to Regulations F4 (3) and F5 (2) (c)) he elected under Regulation 58(3) or 59(3) of the Regulations of 1973 to pay further pension contributions or to make a further payment by way of a lump sum, pensionable service reckonable by him immediately before 1st April 1973 otherwise than by reason of police service on or after 1st April 1972.

3.—(1) Subject to sub-paragraph (2), this paragraph shall apply in the case of a man entitled to reckon pensionable service otherwise than—

(a) by reason of police service on or after 1st April 1972;

(2) Where the man was a regular policeman to whom Regulation 59 or 60 of the Regulations of 1973 applied, this paragraph shall not apply unless either—

(a) he elected or agreed, under paragraph (3) (b) or (4) (b) of the said Regulation 59 or paragraph (3) (b) of the said Regulation 60, that his pension be reduced, or

(b) pensionable service became reckonable by him, on or after 1st April 1987, by virtue of Regulation F4, F5 or F7.

(3) The pension of a man in whose case this paragraph applies shall be reduced by the percentage specified in the third column of the Table in paragraph 7 opposite the number of completed years of pensionable service he is entitled to reckon other than pensionable service falling within either or both of the following sub-paragraphs, namely—

(a) pensionable service reckonable as mentioned in sub-paragraph (1), and

(b) where (subject to Regulations F4 (3) and F5 (2) (c)) he elected under Regulation 58(2) or 59(3) of the Regulations of 1973 to pay additional contributions or to make an additional payment by way of a lump sum, pensionable service reckonable by him immediately before 1st April 1973 otherwise than by reason of police service on or after 1st April 1972.

4. In calculating the amount of a reduction in a man's pension under paragraph 2 or 3 no account shall be taken—

(a) of any service he is entitled to reckon as pensionable service by virtue of the 1929 conditions, or

(b) of any service on or after 1st April 1956 which he is entitled to reckon as pensionable service by virtue of Regulation I7 and the proviso to Regulation I8(1) (*relevant service in the armed forces*).

5. In calculating the amount of a reduction in a man's pension under paragraph 2 or 3 no account shall be taken of any reduction in the amount of the pension in accordance with the provisions of Regulation B7 or B9 (*commutation and allocation*) or of Part VII of this Schedule (*reduction at state pensionable age*); and, where the pension falls to be reduced under both those paragraphs, for the purpose of calculating each reduction, no account shall be taken of the other reduction.

6.—(1) Where a man entitled to an ordinary pension was, immediately before he retired, paying additional or further contributions in pursuance of an election under Regulation 58(2) or (3) of the Regulations of 1973, the annual amount of his ordinary pension shall be reduced for the period mentioned in sub-paragraph (2) by the annual amount of those contributions immediately before his retirement, calculated by reference to his pensionable pay at that time so, however, that no account of the said reduction shall be taken for the purpose of calculating any other reduction in the pension under these Regulations.

(2) The period referred to in sub-paragraph (1) shall be one corresponding to that for which the additional or further contributions would have remained payable had the man not retired but starting, where the pension is not payable as from the date of his retirement, with the date from which it is payable.

7. The following Table is that referred to in paragraphs 2 and 3:—

**Table**

Completed years of pensionable service taken into account	Percentage reduction in pension	
	Under paragraph 2	Under paragraph 3
1 ... ..	0.2	0.2
2 ... ..	0.4	0.4

3 ... ..	0.5	0.5
4 ... ..	0.6	0.7
5 ... ..	0.8	0.8
6 ... ..	0.9	0.9
7 ... ..	1.0	1.0
8 ... ..	1.2	1.1
9 ... ..	1.3	1.2
10 ... ..	1.5	1.3
11 ... ..	1.6	1.4
12 ... ..	1.7	1.5
13 ... ..	1.8	1.6
14 ... ..	1.9	1.6
15 ... ..	2.0	1.7
16 ... ..	2.1	1.8
17 ... ..	2.2	1.9
18 ... ..	2.3	2.0
19 ... ..	2.4	2.0
20 ... ..	2.5	2.1
21 ... ..	2.6	2.1
22 ... ..	2.7	2.2
23 ... ..	2.8	2.2
24 ... ..	2.9	2.3
25 ... ..	2.9	2.3
26 ... ..	3.0	2.4
27 ... ..	3.1	2.4
28 ... ..	3.1	2.5
29 ... ..	3.2	2.5
30 or more ...		

8. Paragraph 6 has effect subject to paragraph 3 of Part VI of Schedule J.

SCHEDULE C  
Widows' Awards

Regulation C1

Part I  
Widow's Ordinary Pension

1.—(1) Subject to paragraphs 2 and 3, the annual amount of a widow's ordinary pension shall be whichever is the greater of the two following amounts, namely—

(a) an amount equal to a half of the pension or notional pension mentioned in sub-paragraph (2), and

(b) an amount equal to her husband's average pensionable pay divided by 160 and multiplied by the period in years of so much of his pensionable service as is reckonable by reason of service or employment after 5th April 1978.

(2) The pension or notional pension referred to in sub-paragraph (1) (a) is—

(a) where the husband died while entitled to an ordinary, short service or ill-health pension, that pension;

(b) where, having retired with both an ill-health pension under Part B and an injury pension under regulation 11 of the Injury Benefit Regulations, he died while no longer entitled to the ill-health pension but while entitled to the injury pension, the ill-health pension to which he would have been entitled had he not ceased to be entitled thereto;

(c) where, having retired with an ill-health gratuity, he died as a result of the same injury as resulted in his disablement, the ill-health pension to which he would have been entitled had he retired in circumstances entitling him to such a pension, or

(d) where he died while serving as a regular policeman, the ill-health pension to which he would have been entitled had he retired immediately before he died in circumstances entitling him to such a pension,

calculated, in each case, in accordance with sub-paragraph (3).

(2A) Where a pension becomes payable under regulation C1 to a widower or to the surviving civil partner of a female police officer—

(a) the pension or notional pension referred to in sub-paragraph (1)(a) shall be taken to be that which would be payable if no account were taken of any pensionable service before 17th May 1990 or, as the case may be, the date from which service before 17th May 1990 counts in consequence of an election under regulation G6, and

(b) sub-paragraph (1) (b) has effect with the substitution for “5th April 1978” of “16th May 1990” or, as the case may be, the day before the date from which service before 17th May 1990 counts in consequence of such an election.

(2B) But where a pension becomes payable to the surviving civil partner of, a female police officer and as a consequence of an election under regulation G6—

(a) account would, but for this sub-paragraph, be taken of pensionable service before 6th April 1988, then account shall be taken only of service after 5th April 1988;

(b) sub-paragraph (1) (b) would, but for this sub-paragraph, have effect with the substitution for “5th April 1978” of a date before 6th April 1988, then that sub-paragraph shall have effect with the substitution for “5th April 1978” of “5th April 1988”.

(2C) Where a pension becomes payable under regulation C1 to the surviving civil partner of, a male police officer—

(a) the pension or notional pension referred to in sub-paragraph (1)(a) shall be taken to be that which would be payable if no account were taken of any pensionable service before 6th April 1988, and

(b) sub-paragraph (1) (b) has effect with the substitution for “5th April 1978” of “5th April 1988”.

(3) For the purposes of sub-paragraph (1)(a), the pension or notional pension referred to in sub-paragraph (2)(a), (b), (c) or (d) shall be calculated without regard to—

(a) the restrictions on payments on account of an ordinary pension contained in Regulation B1 (5);

(b) the provisions for the reduction of a pension contained in Regulation B7 (7) and (8) (b) (*commutation*), in Regulation B9 (7) (*allocation*) and in Parts VII and VIII of Schedule B (*reductions at state pensionable age and related to up-rating of widow’s pension*).

Where the husband died before 1st April 1987, any reference in this sub-paragraph to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

2. The amount of a widow’s ordinary pension calculated in accordance with paragraph 1 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

3. Where in respect of any period a widow so elects, the weekly amount of her ordinary pension in respect of that period shall not be calculated as aforesaid but shall be determined by reference to the rank held by her husband in accordance with Regulation E10 (*flat-rate award*); but a man or a surviving civil partner of a woman may make an election under this paragraph only if the amount so determined would not exceed the amount calculated in accordance with paragraph 1.

4. This Part has effect subject to paragraphs 2 to 5 of Part II of Schedule J.

Regulations C2 and C3

Part II  
Widow’s Special Pension

*Revoked*

Regulation C4

Part III  
Widow’s Accrued Pension

1.—(1) Subject to paragraphs 2 and 3, the annual amount of a widow’s accrued pension shall equal a half of her husband’s deferred pension.

(1A) Where a pension becomes payable under regulation C4 to a widower or to the surviving civil partner of a female police officer, the amount of the deceased’s deferred pension shall for the purposes of sub-paragraph (1) be taken to be what it would be if no account were taken of any pensionable service before 17th May 1990 or, as the case may be, the date from which service before 17th May 1990 counts in consequence of an election under regulation G6.



(1B) But where a pension becomes payable under regulation C4 to the surviving civil partner of a female police officer and as a consequence of an election under regulation G6 account would, but for this sub-paragraph, be taken of pensionable service before 6th April 1988, then account shall be taken only of service after 5th April 1988.

(1C) Where a pension becomes payable under regulation C4 to the surviving civil partner of a male police officer, the amount of the deceased's deferred pension shall for the purposes of sub-paragraph (1) be taken to be what it would be if account were taken only of pensionable service after 5th April 1988.

(2) For the purposes of sub-paragraph (1), the husband's deferred pension shall be calculated without regard to—

- (a) the restrictions on payments contained in Regulation B5 (4), and
- (b) the provisions for the reduction of a pension contained in Regulation B7 (7) and (8) (b) (*commutation*), in Regulation B9 (7) (*allocation*) and in Parts VII and VIII of Schedule B (*reductions at state pensionable age and related to up-rating of widow's pension*),

and, where the pension has been commuted for a lump sum under Regulation B8 (*commutation of small pensions*), as if it had not been so commuted.

Where the husband died before 1st April 1987, any reference in this sub-paragraph to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

2. The amount of a widow's accrued pension calculated in accordance with paragraph 1 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

3.—(1) Subject to sub-paragraphs (2) and (3) where in respect of any period a widow so elects, the weekly amount of her accrued pension in respect of that period shall not be calculated as aforesaid but shall be determined by reference to the rank held by her husband in accordance with Regulation E10 (*flat-rate award*).

(2) This paragraph shall only apply in the case of a widow whose husband was such a regular policeman entitled to reckon less than 2 years' pensionable service as is mentioned in Regulation B5 (1) (b) (*policeman's deferred pension*) if, by reason of the period of service or employment otherwise than as a regular policeman there mentioned, he was entitled to reckon a period of pensionable service which was not shorter than that period of service or employment.

(3) This paragraph shall not apply in the case of a widow whose husband had made an election under regulation G4 (1) which had effect at the time of his death.

(4) A man or a surviving civil partner of a woman may make an election under this paragraph only if the amount determined in accordance with regulation E10 would not exceed the amount calculated in accordance with paragraph 1 above.

4. Paragraph 1(1) has effect subject to paragraphs 7 and 8 of Part II of Schedule J.

Regulation C5 (3)

Part IV

Widow's Pension in Case of Post-Retirement Marriage

1. Where under Regulation C5 (3) the widow of a regular policeman is entitled to such a pension as is there mentioned instead of a widow's ordinary pension under regulation C1, the annual amount of that pension shall be calculated in accordance with Part I of this Schedule in like manner as the annual amount of a widow's ordinary pension except that, for the purposes hereof, the said Part I shall have effect—

(a) as if the reference in paragraph 1(1) (a) thereof to a half of a pension or notional pension were a reference to a half of the appropriate proportion thereof within the meaning of paragraph 3 of this Part;

(b) as if paragraph 3 thereof (election for flat-rate award) were omitted,

(c) *omitted*

2. Where under Regulation C5 (3) the widow of a regular policeman is entitled to such a pension as is there mentioned instead of a widow's accrued pension under Regulation C4, the annual amount of that pension shall be calculated in accordance with Part III of this Schedule in like manner as the annual amount of a widow's accrued pension except that, for the purposes hereof, the said Part III shall have effect as if—

(a) the reference in paragraph 1(1) thereof to a half of the husband's deferred pension were a reference to whichever is the greater of the two following amounts, namely—

(i) an amount equal to a half of the appropriate proportion of that pension within the meaning of paragraph 3 of this Part, and

(ii) an amount equal to the husband's average pensionable pay divided by 160 and multiplied by the period in years of so much of his pensionable service as is reckonable by reason of service or employment after 5th April 1978, and

(b) paragraph 3 thereof (*election for flat-rate award*) were omitted.

3. In this Part the appropriate proportion means the proportion which the husband's pensionable service reckonable by reason of service or employment after 5th April 1978 bears to his total pensionable service.

4. Where a pension becomes payable under regulation C5 (3) to a widower or to the surviving civil partner of a female police officer", paragraphs 2(a) (ii) and 3 above have effect with the substitution for "5th April 1978" of "16th May 1990" or, as the case may be, the day before the date from which service before 17th May 1990 counts in consequence of an election under regulation G6.

5. But where a pension becomes payable under regulation C5 (3) to the surviving civil partner of a female police officer and as a consequence of an election under regulation G6, paragraphs 2(a) (ii) and 3 above would, but for this paragraph, have effect with the substitution for “5th April 1978” of a date before 6th April 1988, then those paragraphs shall have effect with the substitution for “5th April 1978” of “5th April 1988”.

6. Where a pension becomes payable under regulation C5(3) to the surviving civil partner of a male police officer, paragraphs 2(a)(ii) and 3 above have effect with the substitution for “5th April 1978” of “5th April 1988”.

Regulations C6 and C8

#### Part V

#### Widow’s Requisite Benefit Pension

1. Subject to paragraph 2, the annual amount of a widow’s requisite benefit pension shall be an amount equal to her husband’s average pensionable pay divided by 160 and multiplied by the period in years of his pensionable service reckonable by reason of service or employment after 5th April 1978; but

(a) where the pension is payable to a widower or to the surviving civil partner of a female police officer this paragraph has effect with the substitution for “5th April 1978” of “16th May 1990” or, as the case may be, the day before the date from which service before 17th May 1990 counts, subject to paragraph 1A, in consequence of an election under regulation G6, and

(b) where the pension is payable to the surviving civil partner of a male police officer this paragraph has effect with the substitution for “5th April 1978” of “5th April 1988”.

1A. Where a widow’s requisite pension is payable to the surviving civil partner of a female police officer and, as a consequence of an election under regulation G6, paragraph 1 would, but for this paragraph, have effect with the substitution for “5th April 1978” of a date before 6th April 1988, then that paragraph shall have effect with the substitution for “5th April 1978” of “5th April 1988”.

2. The amount of a pension calculated in accordance with paragraph 1 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

SCHEDULE D  
Children's Awards

Regulation D1

Part I  
Child's Ordinary Allowance

1.—(1) Where one of the child's parents is alive, the child's ordinary allowance in respect of the death of a regular policeman ("the relevant parent") shall, subject to paragraphs 4 and 5, be determined in accordance with this paragraph.

(2) Subject to sub-paragraphs (3) and (4), an allowance determined in accordance herewith shall be of an annual amount equal to 18.75% of the amount of the relevant parent's pension or notional pension mentioned in paragraph 3.

(3) Subject to sub-paragraph (4), where 3 or more children's allowances are for the time being payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 37.5% of the relevant parent's pension or notional pension mentioned in paragraph 3 divided by the total number of allowances so payable.

(4) Where in respect of any week the aggregate rate at which—

(a) any widow's ordinary pension, and

(b) any children's allowances determined in accordance herewith,

would be payable in respect of a person who died while entitled to an ordinary, short service or ill-health pension or an injury pension under regulation 11 of the Injury Benefit Regulations ("the principal pension") exceeds the rate at which the principal pension was payable immediately before that person's death, the children's allowances shall be reduced by such factor as will ensure that the said aggregate rate does not exceed the rate at which the principal pension was so payable.

(5) For the purposes of sub-paragraph (4) there shall be ignored—

(a) in the case of a widow's pension or child's allowance, any increase therein in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*), and

(b) in the case of the principal pension—

(i) the restrictions on payments on account of an ordinary pension contained in Regulation B1 (5), and

(ii) the provisions for the reduction of a pension contained in Parts VII and VIII of Schedule B (*reductions at state pensionable age and related to up-rating of widow's pension*),

and where the relevant parent was entitled both to an ordinary, short service or ill-health pension under Part B and to an injury pension under regulation 11 of the Injury Benefit

Regulations, the reference in sub-paragraph (4) to the rate at which the principal pension was payable shall be construed (subject to sub-paragraph (b)) as a reference to the aggregate rate at which those pensions were payable.

2.—(1) Where the relevant parent was the child's only surviving parent or in respect of any period after the death of the child's other parent, the child's ordinary allowance shall, subject to paragraphs 4 and 5, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an annual amount equal to 25% of the relevant parent's pension or notional pension mentioned in paragraph 3.

(3) Where 3 or more children's ordinary allowances are for the time being payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 50% of the relevant parent's pension or notional pension mentioned in paragraph 3 divided by the total number of allowances so payable.

3.—(1) The pension or notional pension referred to in paragraphs 1 and 2 is—

(a) where the relevant parent died while entitled to an ordinary, short service or ill-health pension, that pension;

(b) where, having retired with both an ill-health pension under Part B and an injury pension under regulation 11 of the Injury Benefit Regulations, he died while no longer entitled to the ill-health pension but while entitled to the injury pension, the ill-health pension to which he would have been entitled had he not ceased to be entitled thereto;

(c) where he retired with a gratuity when entitled to reckon at least 3 years' pensionable service, the ill-health pension to which he would have been entitled had he retired in circumstances entitling him to such a pension, or

(d) where he died while serving as a regular policeman, the ill-health pension to which he would have been entitled had he retired immediately before he died in circumstances entitling him to such a pension,

calculated, in each case, in accordance with sub-paragraph (2).

(2) The pension or notional pension referred to in sub-paragraph (1) (a), (b), (c) or (d) shall be calculated without regard to—

(a) the restrictions on payments on account of an ordinary pension contained in Regulation B1 (5), and

(b) the provisions for the reduction of a pension contained in Regulation B7 (7) and (8) (b) (*commutation*), in Regulation B9 (7) (*allocation*) and in Parts VII and VIII of Schedule B (*reductions at state pensionable age and related to up-rating of widow's pension*).

4. The amount of a child's ordinary allowance determined in accordance with sub-paragraph (2) or (3) of paragraph 1 or, as the case may be, of paragraph 2 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

5. Where in respect of any period a person to whom a child's ordinary allowance is paid so elects, the amount of that allowance in respect of that period shall not be calculated as aforesaid but shall be determined by reference to the rank held by the relevant parent in accordance with Regulation E10 (*flat-rate award*).

6. Where the relevant parent died before 1st April 1987, any reference in paragraph 1(5) (b) or 3(2) to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

7. This Part has effect subject to paragraphs 1(3), 2 and 3 of Part III of Schedule J.

Regulation D2

Part II  
Child's Special Allowance

*Revoked*

Regulation D4

Part III  
Child's Accrued Allowance

1. Subject to paragraphs 2 and 3, a child's accrued allowance shall be determined in like manner as an ordinary allowance would be determined under Part I of this Schedule ("Part I") if the child were entitled to such an allowance.

Provided that paragraph 5 of Part I as applied hereby shall not have effect in the case of a child whose relevant parent had made an election under regulation G4(1) which had effect at the time of that parent's death.

2.—(1) Paragraphs 1(2) and (3) and 2(2) and (3) of Part I as applied hereby shall have effect without regard to paragraph 2 of Part III of Schedule J but as if for any reference in the said paragraphs of Part I to the relevant parent's pension or notional pension there were substituted a reference to his deferred pension calculated in accordance with the following sub-paragraph.

(2) For the purposes of paragraph 1(2) and (3) or 2(2) and (3) of Part I as so applied, the relevant parent's deferred pension shall be calculated without regard to—

(a) the restrictions on payments contained in Regulation B5 (4);

(b) the provisions for the reduction of a pension contained in Regulation B7 (7) and (8) (b) (*commutation*), in Regulation B9 (7) (allocation) and in Parts VII and VIII of Schedule B (*reductions at state pensionable age and related to up-rating of widow's pension*).

3.—(1) Paragraph 1(4) and (5) of Part I as applied hereby shall have effect as if—

(a) the reference to a widow's ordinary pension were a reference to a widow's accrued pension, and

(b) any reference to an ordinary pension or to the principal pension were a reference to the relevant parent's deferred pension calculated in accordance with the following sub-paragraph.

(2) For the purposes of paragraph 1(4) of Part I as so applied, the relevant parent's deferred pension shall be calculated without regard to the restrictions on payments contained in Regulation B5(4).

4. Where the relevant parent died before 1st April 1987, any reference in paragraph 2(2) or 3(2) to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

5. Paragraph 2 has effect subject to paragraph 4 of Part III of Schedule J.

Regulation D5

#### Part IV

#### Reduction in Child's Allowance During Full-Time Remunerated Training Etc.

1.—(1) In this Part—

"relevant child" means, subject to sub-paragraph (2), a child entitled to an allowance who is—

(a) in full-time training for a trade, profession or calling, and

(b) in receipt of remuneration in respect of that training at an annual rate in excess of the specified rate;

"specified rate" means the annual rate (rounded up to the nearest £1) at which an official pension within the meaning of the Pensions (Increase) Act 1971 would be payable when increased under that Act if, within the meaning thereof, the basic rate of the pension were £250, it began on 1st June 1972 and the pensioner satisfied the qualifying conditions and if the pension fell to be paid in respect of periods for which the relevant child's remuneration falls to be paid;

"excess remuneration" means the annual amount by which the annual rate of the relevant child's remuneration exceeds the specified rate;

“relevant provision” means paragraph 1(3) or 2(3) of Part I of this Schedule (including those provisions as applied by Part III thereof) or paragraph 1(3) or 2(3) of Part II thereof.

(2) A child shall not be a relevant child for the purposes of this Part—

(a) if he is entitled to an allowance in respect of the death of a member of a police force who ceased to be such before 15th August 1983, unless and until he has attained the age of 19 years;

(b) if and so long as his allowance falls to be increased in accordance with Regulation E8 (increase during first 13 weeks).

2. In the case of any relevant child—

(a) if the annual amount of the allowance is greater than the amount of his excess remuneration, it shall be reduced by the amount of that excess remuneration, or

(b) if the amount of that excess remuneration is equal to or greater than the annual amount of the allowance which, but for this sub-paragraph, would be payable to him, the allowance shall not be payable.

3.—(1) Where as well as any relevant child there are other children to whom allowances are payable in respect of the death of the same person and any of the relevant provisions apply, the allowances payable to those other children (“the other allowances”) shall be increased as hereinafter provided.

(2) If paragraph 2(a) applies in the case of any relevant child, then, without prejudice to sub-paragraph (3), the annual amount of each of the other allowances shall be increased by an amount equal to his excess remuneration divided by the number of other allowances.

(3) If paragraph 2(b) applies in the case of any relevant child, then, without prejudice to sub-paragraph (2), each of the other allowances shall be recalculated as if the relevant child were not entitled to an allowance.

(4) Notwithstanding the provisions of sub-paragraphs (2) and (3), no child shall by virtue of those provisions receive an allowance greater than that to which he would be entitled if no relevant provision applied in his case.

#### SCHEDULE E

##### Awards on Death—Additional Provisions

Regulation E1

##### Part I

##### Dependent Relative’s Special Pension

*Revoked*



## Part II

## Gratuity in Lieu of Widow's Pension

The gratuity referred to in Regulation E4 shall be of an amount equal to 11 times the annual value of the pension or, as the case may be, of that part thereof which is commuted or of such greater amount as may be agreed between the police authority and the widow, not exceeding the capitalised value of the pension or, as the case may be, that part thereof which is commuted, calculated in accordance with tables prepared from time to time for the purpose by the Scheme actuary.

## Part III

## Gratuity in Lieu of Child's Allowance

The gratuity referred to in Regulation E5 shall be of such amount as may be agreed between the police authority and the child's surviving parent or guardian, or between the police authority and the child where he has no such parent or guardian, not exceeding the capitalised value of the allowance or, as the case may be, of that part thereof which is commuted, calculated in accordance with tables prepared from time to time for the purpose by the Scheme actuary.

## SCHEDULE F

## Pensionable Service and Transfer Values

## Part I

## Payment by Policeman in Respect of Previous Service other than Police Service

1.—(1) Where a regular policeman undertakes to pay a sum in accordance with this Part he shall, subject as hereafter in this Part provided, pay by regular instalments of such amount that the payment of the sum will be completed within a period of 5 years and before he attains his relevant voluntary retirement age or, where he does not have a relevant voluntary retirement age, the age of 65:

Provided that he may at any time discharge his liability under the undertaking, in whole or in part, by paying the whole or part of the balance of the sum then outstanding.

(2) Any payment in accordance with this paragraph shall be made by the policeman to the police authority of the force in which he is serving when the payment falls to be made and, without prejudice to any other method of payment, the liability to make any such payment may be discharged by way of a deduction by the said authority from his pay.

2. If, before he has discharged his liability under the undertaking, a regular policeman—

- (a) retires without an award other than one of the amount of his aggregate pension contributions in respect of the relevant period of service;
- (b) leaves his police force on joining the Royal Ulster Constabulary with the consent of the police authority;
- (c) dies, or
- (d) is dismissed,

all further liability under that undertaking shall cease.

**3.** If, before he has discharged his liability under the undertaking, a regular policeman retires with an award other than one of the amount of his aggregate pension contributions in respect of the relevant period of service, the police authority by whom the award is payable shall be empowered to deduct the balance of the sum then outstanding from payments on account of the award:

Provided that where a payment is made on account of an ordinary or ill-health pension and in respect of a period beyond state pensionable age no deduction shall be made from so much of the payment as is on account of the secured portion of the pension.

Regulations F6, and F9

## Part II

### Transfers and Current Interchange Arrangements

#### Section 1—

#### *Transfer value payable by police authority under Regulation F9*

**1.—(1)** A transfer value payable by a police authority under Regulation F9 in respect of a regular policeman shall be calculated in accordance with this Section and the Table set out in Section 3 of this Part of this Schedule by reference to—

- (a) his age in years on ceasing to be a member of his former force;
- (b) his notional deferred pension, that is to say the deferred pension to which he would have been entitled had he, on so ceasing, been entitled to such a pension, and any reduction therein in accordance with Part VII of Schedule B (*reduction at state pensionable age*);
- (c) in the case of a man, his widow's notional accrued pension, that is to say the widow's accrued pension to which, on the assumption aforesaid, his widow would become entitled were he to die while entitled to a deferred pension leaving a widow entitled to an accrued pension;
- (d) in the case of a regular policeman who had undertaken to make payments by way of regular instalments as mentioned in Part I of this Schedule, the payments not completed before he ceased to be a member of his former force;

(e) in the case of a regular policeman who, at the time of his ceasing to be a member of his former force, has a guaranteed minimum in relation to the pension provided by these Regulations, the amount of that guaranteed minimum, and

(f) the amount of any contributions equivalent premium relating to the period ending with his retirement which has been paid by the police authority and not repaid;

and any reference in this Section to the policeman's notional deferred pension or widow's notional accrued pension shall be construed accordingly.

(2) In this Section any reference to the Table is a reference to the Table set out in Section 3 of this Part of this Schedule and any reference to the appropriate factor specified in a column of that Table is a reference to the factor specified in the column in question in relation to the policeman's age within the meaning of sub-paragraph (1) (a).

(3) In this Section any reference to a policeman's former force is a reference to the force maintained by the police authority by whom the transfer value is payable.

2.—(1) The annual amount of the policeman's notional deferred pension, disregarding any reduction therein at state pensionable age, shall be multiplied by the appropriate factor specified in the second column of the Table or, in the case of a woman, in the fifth column thereof.

(2) Where the policeman's notional deferred pension would fall to be reduced under paragraph 1 of Part VII of Schedule B (*reduction connected with state flat-rate benefit*), the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount of that reduction multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(3) In the case of a policeman entitled to reckon pensionable service, immediately before he ceased to be a member of his former force, by reason of a participating period of relevant employment, the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount by which the policeman's notional deferred pension would fall to be reduced under paragraphs 2 and 3 of Part VII of Schedule B (*reduction connected with state graduated retirement benefit*) multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(4) For the purposes of sub-paragraph (3) a period shall be treated as a participating period of relevant employment notwithstanding that a payment in lieu of contributions only fell to be made after the policeman ceased to be a member of his former force.

(5) The product under sub-paragraph (1), subject to any reduction under sub-paragraphs (2) and (3), is in paragraph 5 referred to as the basic element of the transfer value.

**3.—(1)** In the case of a man, the annual amount of the policeman's widow's notional accrued pension, disregarding paragraphs 2 and 3 of Part III of Schedule C (*increase by reference to the Pensions (Increase) Acts and flat-rate award*), shall be multiplied by the factor 4.

(2) The said product is in paragraph 5 referred to as the widow's element of the transfer value.

**4.** For the purpose of calculating a transfer value payable as mentioned in paragraph 1, Part VI of Schedule B (*policeman's deferred pension*) shall apply as if references to the policeman's average pensionable pay were references to his average pensionable pay immediately before he ceased to serve except that in the case of a transfer value which falls to be paid in pursuance of Regulation F9(3)(a) or (b) no account shall be taken of any retrospective increase in pay granted after the transfer value has been paid.

**5.** Subject to the following paragraphs, the transfer value shall be of an amount—

(a) in the case of a man, equal to the sum of the basic element calculated in accordance with paragraph 2 and the widow's element calculated in accordance with paragraph 3;

(b) in the case of a woman, equal to the basic element calculated in accordance with paragraph 2.

**6.—(1)** This paragraph shall apply in the case of a policeman who had undertaken to make payments by regular instalments in accordance with Part I of this Schedule but had not completed those payments before he ceased to be a member of his former force; and the payments not completed before he so ceased are, in this paragraph, referred to as the outstanding instalments.

(2) The transfer value shall be reduced by the actuarial equivalent of the outstanding instalments calculated, in accordance with tables prepared by the Scheme actuary, by reference to the amount of each instalment, the interval at which instalments were payable and the number of outstanding instalments.

**7.** Where a regular policeman at the time of ceasing to be a member of his former force has a guaranteed minimum in relation to the pension provided by these Regulations, the transfer value shall be reduced by the amount of that guaranteed minimum, expressed as an annual pension, multiplied by the appropriate factor specified in the fourth column of the Table or, in the case of a woman, in the seventh column thereof.

**8.** Where a contributions equivalent premium relating to the period ending with the policeman's retirement has been paid by the police authority and has not been repaid, the transfer value shall be reduced by the amount of that premium.

**9.** *omitted*

**9A.—(1)** This paragraph shall apply where the transfer value is payable in respect of a person who is a pension debit member.

(2) The transfer value shall be reduced by such amount as is calculated in accordance with such guidance as is provided for the purpose by the Scheme actuary.

**10.—**(1) This paragraph shall apply where a transfer value is payable under Regulation F9 in respect of a regular policeman who has given a notice of allocation under Regulation B9 (4) (a) and that notice has become effective under Regulation B9 (6).

(2) Where this paragraph applies the transfer value shall be adjusted by such amount, calculated by the Scheme actuary, as takes account of the effect which the notice of allocation had on the benefits prospectively payable to or in respect of the policeman as at the time when the transfer value became payable.

**11.—**(1) This paragraph shall apply where a transfer value is not paid within 6 months of the policeman ceasing to be a member of his former force.

(2) The transfer value calculated in accordance with the preceding provisions of this Section shall be increased by an amount equal to compound interest thereon at the rate of 2  $\frac{1}{4}$ % for each completed 3 months of the period beginning with the date he ceased to be a member of his former force and ending with the date of payment of the transfer value (disregarding any residual period of less than 3 months).

**12.** This Section has effect subject to paragraphs 2 and 3 of Part V of Schedule J.

#### Section 2—

#### *Pensionable service reckonable on receipt of transfer value*

**1.—**(1) The period of pensionable service reckonable by a regular policeman under Regulation F6 by virtue of the receipt of a transfer value by the police authority shall be calculated in accordance with this Section and the Table set out in Section 3 of this Part of this Schedule by reference to—

(a) the amount of the transfer value and of any increase therein by way of interest subject, however, to sub-paragraph (4);

(b) his age in years at the date mentioned in sub-paragraph (2), (3) or (4), whichever applies in his case;

(c) his pensionable emoluments within the meaning of the sub-paragraph in question;

(d) the provisions of Part VII of Schedule B relating to reduction of pension at state pensionable age, and

(e) where he, on ceasing to be in his former service, had a guaranteed minimum in relation to the pension provided by his former superannuation arrangements, the amount of that guaranteed minimum;

and any reference in this Section to the policeman's age or pensionable emoluments shall be construed accordingly.

(2) *Omitted*

(3) Subject to sub-paragraph (4), in a case in which sub-paragraph (2) does not apply, the policeman's age for the purposes of sub-paragraph (1)(b) and his pensionable emoluments for the purposes of sub-paragraph (1)(c) shall be, respectively, his age and his annual pensionable pay as a regular policeman—

(a) on his becoming such, where the transfer value is received within 12 months of his ceasing to be in his former service, or

(b) on the date the transfer value is received, where it is received later.

(4) Where pensionable service reckonable under Regulation F6 is so reckonable by virtue of paragraph (3) of that Regulation in the case of a regular policeman who became such before 1st April 1972, then, notwithstanding the preceding provisions of this paragraph—

(a) if, before or within 3 months of receiving the transfer value the police authority are notified that, inclusive of any increase by way of interest, it would have been of a different amount, specified by the payor thereof, had it been calculated and paid on 1st January 1974, then, for the purposes of this Section the transfer value shall be treated as though it were of the amount so specified;

(b) the policeman's age for the purposes of sub-paragraph (1) (b) shall be his age on 1st January 1974, and

(c) his pensionable emoluments for the purposes of sub-paragraph (1) (c) shall be his annual pensionable pay as a regular policeman on 1st January 1974 or, if he was not serving as such on that date, on the date on which he first thereafter became a regular policeman.

(5) In this Section any reference to the Table is a reference to the Table set out in Section 3 of this Part of this Schedule and any reference to the appropriate factor specified in a column of that Table is a reference to the factor specified in the column in question in relation to the policeman's age within the meaning of sub-paragraph (1) (b).

(6) In this Section any reference to a policeman's former service is a reference to the service in respect of which the transfer value is paid.

2.—(1) Where in a case to which paragraph 1(2) applies the transfer value was increased by the inclusion therein of interest calculated from the date when the policeman ceased to be in his former service, it shall be adjusted by the deduction of that interest.

(2) Where in any case any such pension as is mentioned in paragraph 2 of Part VII of Schedule B (*reduction connected with state graduated retirement benefit*) as might become payable to the policeman would fall to be abated in accordance with that paragraph, the annual amount of that abatement shall be calculated and multiplied by the appropriate factor specified in the third column

of the Table or, in the case of a woman, in the sixth column thereof; and the transfer value shall be adjusted by the addition of that product.

(3) Where on the date that the policeman ceased to be in his former service he had a guaranteed minimum in relation to the pension provided by his former superannuation arrangements, the amount of that guaranteed minimum, expressed as an annual pension, shall be multiplied by the appropriate factor specified in the fourth column of the Table or, in the case of a woman, in the seventh column thereof, and the transfer value shall be adjusted by the addition of that product.

(4) The transfer value, subject to any such adjustment as aforesaid, is in paragraph 4 referred to as the adjusted transfer value.

**3.—(1)** The policeman’s pensionable emoluments shall be multiplied by a factor 2.00 greater than the appropriate factor specified in the second column of the Table or, in the case of a woman, by the appropriate factor specified in the fifth column thereof.

(2) The said product shall be divided by 45.

(3) Where any such pension as is mentioned in paragraph 1 of Part VII of Schedule B (*reduction connected with state flat-rate retirement benefit*) as might become payable to the policeman would fall to be reduced in accordance with that paragraph and sub-paragraph (5) thereof applies, the amount of the reduction for each year of service relevant for the purposes of that paragraph shall be multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof; and the quotient under sub-paragraph (2) shall be adjusted by the deduction of the said product.

(4) The quotient under sub-paragraph (2), subject to any such adjustment as aforesaid, is in paragraph 4 referred to as the divisor.

**4.** The adjusted transfer value calculated in accordance with paragraph 2 shall be divided by the divisor calculated in accordance with paragraph 3 and the quotient (including any fraction) shall be the number of years reckonable as pensionable service.

**5.** Paragraph 1(2) has effect subject to paragraph 7 of Part IV of Schedule J.

Section 3—

*Table referred to in Sections 1 and 2*

Age last birthday before date of cessation	Men			Women		
	Basic factor	N.I. factor	GMP factor	Basic factor	N.I. factor	GMP factor
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Less than 20	5.00	.25	1.47	7.00	.50	2.20
20	5.05	.25	1.50	7.05	.50	2.24
21	5.10	.25	1.53	7.10	.55	2.28
22	5.15	.30	1.56	7.15	.60	2.32
23	5.20	.30	1.59	7.20	.65	2.36
24	5.25	.30	1.62	7.25	.70	2.40
25	5.30	.35	1.65	7.35	.75	2.45
26	5.35	.40	1.68	7.40	.80	2.50
27	5.40	.40	1.71	7.45	.85	2.55
28	5.45	.45	1.74	7.50	.90	2.60
29	5.50	.50	1.78	7.55	.95	2.66
30	5.55	.50	1.81	7.65	1.05	2.71
31	5.60	.55	1.85	7.70	1.15	2.77
32	5.65	.60	1.88	7.80	1.25	2.82
33	5.70	.65	1.92	7.90	1.35	2.88
34	5.75	.70	1.95	7.95	1.45	2.93
35	5.80	.80	1.99	8.05	1.55	2.99
36	5.85	.90	2.02	8.15	1.65	3.05
37	5.90	1.00	2.06	8.25	1.75	3.11
38	5.95	1.10	2.10	8.35	1.85	3.17
39	6.00	1.20	2.14	8.45	1.95	3.24
40	6.05	1.30	2.18	8.55	2.10	3.31
41	6.10	1.40	2.22	8.65	2.25	3.38
42	6.15	1.50	2.26	8.75	2.45	3.45
43	6.20	1.60	2.30	8.85	2.65	3.52
44	6.25	1.70	2.34	8.95	2.90	3.59
45	6.30	1.80	2.39	9.05	3.15	3.66
46	6.40	1.90	2.44	9.15	3.40	3.74
47	6.50	2.00	2.48	9.25	3.70	3.82
48	6.60	2.20	2.53	9.35	4.00	3.90
49	6.70	2.40	2.58	9.45	4.35	3.98
50	6.80	2.60	2.62	9.55	4.75	4.06
51	6.90	2.90	2.67	9.65	5.15	4.15
52	7.10	3.20	2.72	9.80	5.60	4.24
53	7.30	3.50	2.78	9.95	6.10	4.33
54	7.50	3.80	2.84	10.10	6.65	4.43
55	7.70	4.20	2.90	10.30	7.25	4.53
56	8.00	4.60	2.97	10.50	7.95	4.63
57	8.30	5.00	3.04	10.75	8.75	4.74
58	8.60	5.40	3.12	11.05	9.65	4.85
59	9.00	5.80	3.20	11.40	10.65	4.97
60	9.50	6.30	3.28	11.75	11.75	—
61	9.50	6.80	3.36	11.75	11.75	—
62	9.50	7.40	3.44	11.75	11.75	—
63	9.50	8.10	3.53	11.75	11.75	—
64	9.50	9.00	3.64	11.75	11.75	—
65	9.50	9.50	—	11.75	11.75	—

Regulation F7



Part III  
Preserved Interchange Arrangements

*Omitted*

PART IV  
Calculation of Transfer Values and Reckonable Service by reference to Accrued Rights

Section 1  
*Calculation of transfer values*

1. Subject to paragraphs 2 and 3, a transfer value payable in respect of a regular policeman by a police authority under regulation F9 or F10 which is to be calculated in accordance with this Section shall be an amount equal to the capitalised value of his accrued rights and any associated rights under the Pensions (Increase) Acts, less the amount of any state scheme premium under Part III of the Social Security Pensions Act 1975 which the police authority has paid and not recovered included in the valuation of those rights.

2. Where the police authority responsible for payment of a transfer value such as is mentioned in paragraph 1 has determined that any pension payable to or in respect of the regular policeman concerned shall be forfeited, in whole or in part, under regulation K5, the transfer value shall be reduced by an amount equal to the capitalised value of that pension, or of that part of the pension which is so forfeited, as the case may be.

3. Where the new superannuation arrangements to which the regular policeman concerned is becoming subject are not a contracted-out scheme and—

(a) the authority or person empowered to receive payments for the purposes of those arrangements is willing or able to have transferred to them only the liability for the regular policeman's accrued rights other than his and his widow's or widower's rights to guaranteed minimum pensions, and

(b) the regular policeman concerned does not require the police authority to use that portion of his transfer value which represents those guaranteed minimum pensions in one of the ways specified in paragraph 13(2)(a) to (c) of Schedule 1A to the Social Security Pensions Act 1975,

the transfer value payable in respect of him shall be reduced by an amount sufficient to enable the police authority's liability in respect of the regular policeman's and his widow's or widower's guaranteed minimum pensions to be met.

4. In this Section—

“accrued rights” means the rights which have accrued in respect of a regular policeman at the material date to any award payable under these Regulations, excluding any rights which

have, at any time before that date, been taken into account in calculating a transfer value payable in respect of him;

“capitalised value” means actuarial value at the material date as determined by the police authority in a manner notified to them by the Scheme actuary as consistent with the requirements of paragraph 14 of Schedule 1A to the Social Security Pensions Act 1975;

“material date” means the later of—

(a) the date on which the regular policeman concerned ceased to serve as such or made an election under regulation G4 (1), as the case may be, and

(b) the date on which he gave notice to the police authority in accordance with regulation F10 (2) (e) which has not been withdrawn.

5. In the case of a pension debit member, the transfer value shall be reduced by such amount as is calculated in accordance with such guidance as is provided for the purpose by the Scheme actuary.

#### Section 2—

##### *Calculation of reckonable service*

1. The period of pensionable service reckonable by a regular policeman under regulation F6 by virtue of the receipt of a transfer value by the police authority on or after 6th April 1988 shall be calculated in accordance with paragraph 3.

2. *Omitted*

3. For the purposes of paragraph 1(b) the period of pensionable service reckonable by the regular policeman shall be calculated in a manner consistent with the manner in which a transfer value would be calculated which was payable by a police authority to the authority or person empowered to receive such payments for the purposes of superannuation arrangements due allowance being given for the expected increase in pensionable pay of a regular policeman of the same age as the regular policeman concerned between the date on which he ceased his former service and the material date.

4. In paragraph 3 “the material date” means—

(a) the date on which the regular policeman concerned last became a regular policeman, or

(b) if more than 12 months later, the date on which the transfer value was received.

**SCHEDULE G**  
Additional and Further Contributions

1. Where, in pursuance of paragraph (2) of Regulation G3 and such an election as is mentioned in paragraph (1) of that Regulation, additional or further pension contributions continue to be payable by a regular policeman, those contributions shall be payable at the rate specified in the second or, as the case may be, in the third column of the following Table opposite to the number of completed years of pensionable service in the first column thereof reckonable by the regular policeman immediately before 1st April 1973 otherwise than by reason of service on or after 1st April 1972 as a member of a police force or of the Royal Ulster Constabulary subject, however, to paragraph 2.
2. For the purposes of paragraph 1, no account shall be taken of any service reckonable as pensionable service by virtue of section 10 of the Police Pensions Act 1921.

**Table**

Completed years of pensionable service taken into account	Rate expressed as a percentage of pensionable pay	
	Additional contributions	Further contributions
1	0.1	0.1
2	0.1	0.1
3	0.2	0.2
4	0.3	0.2
5	0.3	0.3
6	0.4	0.3
7	0.5	0.4
8	0.6	0.5
9	0.7	0.6
10	0.9	0.7
11	1.1	0.8

**SCHEDULE H**  
Medical Appeals

1. Every notice of appeal under Regulation H2 (2) shall be in writing.
2. On receipt of the notice of appeal the police authority shall forward to the Chief Secretary 2 copies thereof and of the report appealed against, with the name and address of the appellant.

3. A medical referee shall appoint a time and place for interviewing the appellant and for any such further interviews or examinations as he may consider necessary and shall give reasonable notice thereof to the appellant and the police authority.

4. At any time before any interview with the medical referee the appellant or the police authority may submit to the medical referee a statement relating to the subject matter of the appeal, and if they so submit a statement they shall send a copy thereof to the other party.

5. Any interview or examination may be attended by—

(a) the selected medical practitioner; and

(b) any duly qualified medical practitioner appointed for the purpose by either party.

6. The medical referee shall give written notice to the police authority and appellant of his decision and, if that decision is that he disagrees with any part of the report of the selected medical practitioner, shall send a copy of his report to the police authority and the appellant.

7.—(1) The medical referee shall be entitled to such fees and allowances as the Treasury of the Isle of Man may from time to time determine.

(2) The said fees and allowances shall be paid by the police authority and shall be treated as part of the police authority's expenses for the purposes of this Schedule.

8.—(1) Save as hereinafter provided, the expenses of each party to the appeal shall be borne by that party.

(2) Where the medical referee decides in favour of the police authority, the authority may require the appellant to pay towards the cost of the appeal such sum not exceeding the referee's total fees and allowances as the authority think fit.

(3) Where the medical referee decides in favour of the appellant, the police authority shall refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of any such interview or examination as is mentioned in paragraph 3.

Regulations I2 and I3

#### SCHEDULE I

##### Servicemen—Increase of Awards

1.—(1) This paragraph shall apply where a pension payable to a serviceman in pursuance of paragraph (2) or (3) of Regulation I2 is increased in pursuance of paragraph (4) of that Regulation.

(2) The increased amount of the pension payable to the serviceman for any period shall not, when aggregated with the amount of any armed forces award which is also payable to or in respect of him for that period, exceed the amount of the award which would have been payable for that period if

the injury as a result of which he is permanently disabled had been treated as if it were an injury received without his own default in the execution of his duty as a regular policeman.

(3) The reference in the preceding sub-paragraph to an armed forces award shall not include an allowance for constant attendance, wear and tear of clothing or comforts.

**2.—(1)** This paragraph shall apply where a pension payable to the widow of a serviceman in pursuance of paragraph (1) or (3) of Regulation 13 is increased in pursuance of paragraph (5) of that Regulation.

(2) The increased amount of the pension payable to the widow for any period shall not, when aggregated with the amount of any armed forces award which is also so payable for that period in respect of her husband, exceed the amount of the pension which would have been payable for that period if the injury as a result of which her husband had died had been treated as if it were an injury received without his own default in the execution of his duty as a regular policeman.

**3.—(1)** This paragraph shall apply when an allowance payable to the child of a serviceman in pursuance of paragraph (4) of Regulation 13 is increased in pursuance of paragraph (5) of that Regulation.

(2) The increased amount of the allowance payable to the child for any period shall not, when aggregated with the amount of any armed forces award payable to or for the child for that period in respect of the serviceman, exceed the amount of the allowance which would have been payable for that period if the injury as a result of which he had died had been treated as if it were an injury received without his own default in the execution of his duty as a regular policeman.

**4.—(1)** In this Schedule a reference to an armed forces award is a reference to an armed forces pension or other award payable in pursuance of a Royal Warrant or other instrument.

(2) Where such an armed forces award as mentioned in paragraph 1(2), 2(2) or 3(2) is a gratuity, the amount thereof payable for any period shall, for the purposes of the provision in question, be deemed to be the amount which would have been payable for that period in respect of such an annuity as is hereinafter mentioned if, at the date on which the gratuity became payable, it had been applied in the purchase of such an annuity.

The annuity referred to in this sub-paragraph is an immediate life annuity, dependent on the life of the serviceman, the widow or, as the case may be, the child concerned, granted under Part I of the Government Annuities Act 1929.

Regulation J4

SCHEDULE J  
Special Cases—Exceptions and Modifications

Part I  
Personal Awards

*Policeman's ordinary pension*

**Policeman serving on 15th February 1971 and retiring in the rank of commander (otherwise than in metropolitan police force)**

1. *Omitted*

**Policeman with service before 8th August 1961**

2. In the case of a regular policeman who served as such before 8th August 1961, Regulation B1 (5) shall have effect as if the words “but, in the case of” to the end were omitted.

**Policeman who retired before 25th October 1984**

3. In the case of a regular policeman who retired before 25th October 1984, Regulation B1 (3) shall have effect as if sub-paragraph (b) thereof were omitted.

**Commutation by policeman who retires or retired before 1st October 1987**

4.—(1) This paragraph shall apply in the case of a regular policeman who—

(a) retired with an ordinary pension under the Regulations of 1973, or

(b) retires with an ordinary pension under these Regulations before 1st October 1987.

(2) Regulation B7(1) shall have effect as if sub-paragraph (b) thereof were omitted in the case of such a regular policeman—

(a) who retired as mentioned in sub-paragraph (1) (a) of this paragraph and commuted a portion of his pension under the Regulations of 1973, or

(b) other than a policeman such as is referred to in paragraph (a) of this sub-paragraph who not later than 6 months after his retirement elects that this sub-paragraph should apply in his case;

and any election under paragraph (b) of this sub-paragraph shall be made by notice in writing given to the police authority.

*Policeman's ill-health pension*

**Policeman who is serving on 1st April 1987 or retired before that date**

5. In the case of a regular policeman who either is serving as such on 1st April 1987 or retired before that date, Regulation K1(5) shall have effect as if the words “but he is not a regular policeman to whom Regulation B5 applies” and sub-paragraph (c) were omitted therefrom.

*Policeman's injury award*

**Policeman serving on 1st April 1972 or ceasing to serve before 1st April 1973 who has less than 5 years' pensionable service**

6. *Revoked*

**Policeman ceasing to serve before 1st April 1987**

7. *Revoked*

*Policeman's deferred pension*

**Policeman with service or employment both before, and on or after, 6th April 1978**

8. *Deleted*

*Part-time service*

8A *omitted*

*Pension by way of equivalent pension benefit*

**Policeman serving on 5th April 1975**

9.—(1) This paragraph shall apply in the case of a regular policeman who was serving as such on 5th April 1975 and ceases or has ceased so to serve in circumstances—

- (a) in which no transfer value is payable or has been paid in respect of him;
- (b) which do not entitle him to a pension otherwise than in pursuance of paragraph 8(6) (b) or of this paragraph, and
- (c) in which no payment in lieu of contributions has been made.

(2) This paragraph shall also apply in the case of a regular policeman who was serving as such on 5th April 1975 and ceases or has ceased so to serve in circumstances in which either a transfer value is payable under Regulation F8 by reason of paragraph 1(b) thereof or under Regulation F9 or a transfer value was payable under Regulation 84 or 85 of the Regulations of 1973 if, but only if, he satisfies the police authority that he is not entitled under any superannuation arrangements (including these Regulations) to a pension—

- (a) in the calculation of which account would be taken of the service which would be taken into account in calculating a pension under this paragraph, and
- (b) which would be at least as favourable in his case as a pension under this paragraph.

(3) Such a regular policeman as is mentioned in sub-paragraph (1) or (2)—

- (a) on attaining state pensionable age, and

(b) in the case mentioned in sub-paragraph (2), satisfying the police authority as there mentioned, shall be entitled to a pension which equals the graduated retirement benefit mentioned in Regulation A5(4).

(4) *omitted*

Part II  
Widows' Awards

*Widow's ordinary pension*

**Widow whose husband retired before 1st April 1987**

1. *Omitted*

**Application of paragraphs 3, 4 and 5**

2. Paragraphs 3, 4 and 5 shall only apply in the case of a widow whose husband either was serving as a regular policeman or was entitled to a pension other than a deferred pension—

(a) on 1st April 1973, or

(b) at the date of his death where that date was before 1st July 1973.

**Pre-1972 pensionable service not up-rated**

3.—(1) This paragraph shall apply in the case of such a widow as is mentioned in paragraph 2 where—

(a) her husband last before 1st April 1972 paid pension contributions at a rate related to 5% of his pensionable pay, and

(b) neither he nor the widow exercised any right of election accorded by Regulation 58(2), 59(2), 60(2) or 61(2) of the Regulations of 1973,

and, in such a case Part I of Schedule C ("Part I") shall have effect as if for sub-paragraphs (1), (2) and (3) of paragraph 1 thereof there were substituted the like provision as is made by the following sub-paragraph.

(2) Where this paragraph applies the annual amount of the widow's ordinary pension shall, subject to paragraphs 2 and 3 of Part I, equal a half of the amount specified in paragraph 5(1) of this Part:

Provided that the amount payable in respect of any week on account of the pension shall not be less than it would have been either—

(a) had the weekly amount thereof fallen to be calculated as provided in Scheme II of Part II of Schedule 3 to the Police Pensions Regulations 1971(42), or

(b) had the annual amount thereof fallen to be calculated in accordance with Part V of Schedule C in like manner as a widow's requisite benefit pension.



**Pre-1972 pensionable service up-rated to third but not to half rate**

4.—(1) This paragraph shall apply in the case of such a widow as is mentioned in paragraph 2 where—

- (a) paragraph 3 does not apply, and
- (b) neither her husband nor the widow exercised any right of election accorded by Regulation 58(3), 59(3), 60(3), or 61(3) of the Regulations of 1973,

and, in such a case, Part I of Schedule C (“Part I”) shall have effect as if for sub-paragraph (1) of paragraph 1 thereof there were substituted the like provision as is made by the following sub-paragraph.

(2) Where this paragraph applies, the annual amount of the widow’s ordinary pension shall, subject to paragraphs 2 and 3 of Part I, be the aggregate of—

- (a) an amount equal to a third of the annual amount of the pension or notional pension mentioned in sub-paragraph (2) of paragraph 1 of Part I, and
- (b) a sixth of the amount specified in paragraph 5(1) of this Part,

except that, where the husband died otherwise than while in receipt of an ordinary or short service pension and the said aggregate is less than a half of the amount specified in paragraph 5(2) of this Part, the annual amount of the widow’s ordinary pension shall equal a half of the amount so specified:

Provided that the annual amount of the widow’s ordinary pension shall not be less than it would have been had it fallen to be calculated in accordance with Part V of Schedule C in like manner as a widow’s requisite benefit pension.

**Specified amounts for purposes of paragraphs 3 and 4**

5.—(1) The references in paragraphs 3(2) and 4(2) to the amount specified in this sub-paragraph are references to the amount which is, subject to sub-paragraph (3) of this paragraph, the difference between the two following amounts, namely—

- (a) an amount which is the aggregate of—
  - (i) an amount equal to a sixtieth of the husband’s average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and
  - (ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;
- (b) an amount calculated as aforesaid but by reference only to the husband’s pre-1972 pensionable service.

(2) The reference in paragraph 4(2) to the amount specified in this sub-paragraph is a reference to the annual amount of the pension or notional pension mentioned in sub-paragraph (2) of paragraph 1 of Part I of Schedule C calculated in accordance with sub-paragraph (3) thereof but, subject to sub-paragraph (3) of this paragraph—

(a) where the husband's weighted relevant pensionable service does not exceed 20 years, by reference thereto;

(b) where that service exceeds 20 years, by reference to his relevant pensionable service with the addition of a half of his pre-1972 pensionable service,

instead of by reference to his pensionable service.

(3) Where the husband's pensionable service exceeds 30 years there shall be reduced by that excess—

(a) his pensionable service taken into account for the purposes of sub-paragraph (1) (a);

(b) his pre-1972 pensionable service taken into account for the purposes of sub-paragraph (1) (b);

(c) his pre-1972 pensionable service taken into account for the purposes of sub-paragraph (2) (b) (otherwise than for the purpose of determining his relevant pensionable service).

(4) Subject to sub-paragraph (5), in this paragraph—

“pre-1972 pensionable service” means the period of pensionable service in years reckonable by the husband—

(a) otherwise than by reason of service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972;

(b) otherwise than by virtue of—

(i) *Omitted*

(ii) *Omitted*

(iii) Regulation F6 (*current interchange arrangements*), or

(iv) section 10 of the Police Pensions Act 1921(43), and

(c) other than pensionable service reckonable by him immediately before 1st April 1973, which was reckonable otherwise than as mentioned in sub-paragraph (a) above and did not exceed a year;

“relevant pensionable service” means the period in years of the husband's pensionable service reduced by his pre-1972 pensionable service;

“weighted relevant pensionable service” means the husband’s relevant pensionable service, so much of such service as exceeds his relevant number of years (if any) being counted twice and, for the purposes hereof, “relevant number of years” means the period in years by which his pre-1972 pensionable service falls short of 20 years.

(5) Where the husband ceased to serve as a regular policeman before 24th January 1975 (without prejudice to the provisions of paragraphs 1, 2 and 3 of Part IV of this Schedule), sub-paragraph (4) shall have effect as if for the definitions therein of “relevant pensionable service” and “weighted relevant pensionable service” there were substituted the following definitions:—

“relevant pensionable service” means the period in years of the husband’s pensionable service reduced by his completed years of pre-1972 pensionable service;

“weighted relevant pensionable service” means the husband’s completed years of relevant pensionable service up to the relevant number of years with the addition of a year for each completed half-year by which his relevant pensionable service exceeds the relevant number of years and, for the purposes hereof, “relevant number of years” means the period in years by which his completed years of pre-1972 pensionable service fall short of 20 years.

*Widow’s special gratuity*

**Widow whose husband died before 25th November 1982**

6. *Revoked.*

*Widow’s accrued pension*

**Application of paragraph 8 and service for the purposes thereof**

7.—(1) Paragraph 8 shall apply in the case of the widow of a regular policeman—

(a) who was not entitled to his deferred pension in pursuance of paragraph 8(6) (b) of Part I of this Schedule, and

(b) in relation to whom any of the conditions specified in the first column of either Table B or C are satisfied.

(2) The husband’s half-rate and mixed-rate service for the purposes of paragraph 8 shall depend upon the conditions specified in the first column of Table A, B or C which are satisfied in relation to him and shall be the aggregate of the periods of pensionable service specified opposite the conditions which are so satisfied—

(a) in the case of half-rate service, in the second column of the Table in question, and

(b) in the case of mixed-rate service, in the third column thereof,

so, however, that where a period of pensionable service falls within more than one of the entries in Table A it shall not be taken into account more than once.

(3) The following Tables are those referred to in sub-paragraphs (1) and (2):—

**Table A:**

**Service Counting Fully as both Half-Rate and Mixed-Rate Service**

Condition	Half-rate service	Mixed-rate service
(a) If the husband has pensionable service reckonable by reason of police service on or after 1st April 1972.	That pensionable service	That pensionable service
(b) If he has pensionable service reckonable by virtue of Regulation F6 (current interchange arrangements).	That pensionable service	That pensionable service
(c) If he has pensionable service reckonable by virtue of section 10 of the Police Pensions Act 1921.	That pensionable service	That pensionable service
(d) If he has pensionable service reckonable by virtue of Regulation I7 (1) and the proviso to Regulation I8 (1) by reason of a period of relevant service in the armed forces on or after 1st April 1956.	That pensionable service	That pensionable service
(e) If he has pensionable service which, immediately before 1st April 1973, was reckonable by him otherwise than by reason of police service on or after 1st April 1972 and was for a period of less than a complete year.	That pensionable service	That pensionable service

**Table B:**

**Service Counting in Part as both Half-Rate and Mixed-Rate Service**

*Table omitted*

**Table C:**

**Service Counting Fully or in Part either as Half-Rate or as Mixed-Rate Service**

Condition	Half-rate service	Mixed-rate service
(a) If the husband has pensionable service reckonable by reason of police service in respect of which he paid pension contributions at a rate related to 6.25% of his pensionable pay.	—	That pensionable service.

<p>(b) If he has pensionable service not mentioned in the first column of Table A which, immediately before 1st April 1973, was reckonable by him and he had elected as mentioned in Regulation 59(3) (a) of the Regulations of 1973 to make a further payment by way of a lump sum.</p>	<p>That pensionable service.</p>	<p>—</p>
<p>(c) If he has such pensionable service as aforesaid and he had elected as mentioned in Regulation 59(2) (a) of the Regulations of 1973 to make an additional payment by way of a lump sum.</p>	<p>—</p>	<p>That pensionable service.</p>
<p>(d) If he has such pensionable service as aforesaid, he had elected as mentioned in Regulation 58(3) of the Regulations of 1973 and, immediately before he retired, was paying further contributions in pursuance of that election.</p>	<p>The proportion specified in subparagraph (9) below of that pensionable service.</p>	<p>—</p>
<p>(e) If he has such pensionable service as aforesaid, he had elected as mentioned in Regulation 57 and 58(2) of the Regulations of 1973 and, immediately before he retired, was paying additional contributions in pursuance of that election.</p>	<p>—</p>	<p>The proportion specified in subparagraph (9) below of the period of pensionable service by reference to which the rate of payment of additional contributions was determined (including any fraction of a year disregarded for that purpose).</p>
<p>(f) If he has such pensionable service as aforesaid and his deferred pension fell to be reduced as mentioned in paragraph 3 of Part VIII of Schedule B.</p>	<p>The proportion mentioned in subparagraph (8) below of the period of pensionable service by reference to which that reduction was determined (including any fraction of a year</p>	<p>—</p>

	disregarded for that purpose).	
(g) If he has such service as aforesaid and his deferred pension fell to be reduced as mentioned in paragraph 2 of Part VIII of Schedule B.	—	The proportion specified in sub-paragraph (8) below of the period of pensionable service by reference to which that reduction was determined (including any fraction of a year disregarded for that purpose).

(4) In this paragraph (including the Tables)—

(a) any reference to police service is a reference to service as a member of a police force or of the Royal Ulster Constabulary;

(b) *omitted*

(c) *omitted*

(5) *Omitted*

(6) *Omitted*

(7) *Omitted*

(8) *Omitted*

(9) The proportion referred to in entries (d) and (e) in Table C shall be the proportion which the period for which the husband paid further contributions or, as the case may be, additional contributions, bore to the period by which the pensionable service he was entitled to reckon on the relevant date fell short of 25 years or, where that period is less than 5 years, to a period of 5 years, each period being reckoned in completed years and completed months. In this sub-paragraph “the relevant date” means—

(a) where the husband last served as a regular policeman before 6th April 1978, the date on which he made the election referred to in the entry in question;

(b) in any other case, the date from which the further contributions or, as the case may be, additional contributions were payable in pursuance of the election referred to in the entry in question.

### **Husband's pensionable service not fully up-rated**

8.—(1) In the case of such a widow as is mentioned in paragraph 7(1), Part III of Schedule C shall have effect as if paragraph 1(1) thereof provided that the annual amount of her accrued pension should equal the aggregate of the following amounts namely—

- (a) in respect of her husband's half-rate service, a sixth of the corresponding proportion of his deferred pension;
- (b) in respect of his mixed-rate service, a third of the corresponding proportion of his deferred pension.

(2) For the purposes of sub-paragraph (1) "the corresponding proportion", in relation to the husband's deferred pension, means the proportion which his half-rate or, as the case may be, his mixed-rate service bears to the pensionable service reckonable by him.

(3) Unless the husband ceased to serve as a regular policeman before 1st April 1987 where—

- (a) the husband's half-rate service;
- (b) his mixed-rate service, or
- (c) the pensionable service reckonable by him,

exceeds 30 years, then, for the purposes of this paragraph, the period by which, in each case, it exceeds 30 years shall be disregarded.

#### *Gratuity in lieu of widow's pension*

### **Widow whose husband ceased to serve before 1st April 1987**

9.—(1) This paragraph shall apply in the case of a widow of a member of a police force who ceased to serve before 1st April 1987.

(2) In the case of such a widow, Regulation E4 shall have effect as if paragraph (6) thereof were omitted.

#### *Widow's pension in case of post-retirement marriage*

### **Widow whose husband ceased to serve before 1st April 1987**

10.—(1) This paragraph shall apply in the case of a widow of a regular policeman who ceased to serve before 1st April 1987.

(2) Where such a widow is entitled to a pension under Regulation C5 (3), Regulation E8 shall apply in relation to that pension as if, in paragraph (1) thereof, the words "and, for the purposes" to the end were omitted.

Part III  
Children's Awards  
*Child's ordinary allowance*

**Child whose parent retired before 1st April 1987**

1.—(1) This paragraph shall apply in the case of the child of a regular policeman who retired before 1st April 1987.

(2) In the case of such a child, Regulation D1 (1) (*child's ordinary allowance*) shall have effect as if the words "except that" to the end were omitted.

(3) In the case of such a child, paragraph 1 of Part I of Schedule D (*child's ordinary allowance*) shall have effect as if the provisions for the reduction of a pension to be ignored for the purposes of sub-paragraph (4) in pursuance of sub-paragraph (5)(b)(ii) thereof included those of Regulation B7(8)(b) (*commutation*).

**Transitional modification of Part I of Schedule D**

2.—(1) This paragraph shall apply in the case of a child whose father was serving as a regular policeman or entitled to a pension other than a deferred pension either—

(a) on 1st April 1973, or

(b) at the date of his death where that date is before 1st July 1973,

where neither he nor his widow exercised any right of election accorded by Regulation 58, 59, 60 or 61 of the Regulations of 1973.

(2) Where this paragraph applies, Part I of Schedule D shall have effect as if for any reference in paragraph 1 or 2 thereof to the relevant parent's pension or notional pension there were substituted a reference to the amount specified in the following sub-paragraph and as if paragraph 3 were omitted.

(3) The reference in sub-paragraph (2) to the amount specified in this sub-paragraph is, subject to sub-paragraph (4), the difference between the two following amounts, namely—

(a) an amount which is the aggregate of—

(i) an amount equal to a sixtieth of the father's average pensionable pay multiplied by the period in years of his pensionable service up to 20 years,

(ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;

(b) an amount calculated as aforesaid but by reference only to the father's pre-1972 pensionable service.



(4) Where the father's pensionable service exceeds 30 years, then there shall be reduced by that excess—

- (a) his pensionable service taken into account for the purposes of sub-paragraph (3) (a);
- (b) his pre-1972 pensionable service taken into account for the purposes of sub-paragraph (3) (b).

(5) In this paragraph "pre-1972 pensionable service" has the meaning assigned thereto by paragraph 5(4) of Part II of this Schedule.

### **Child whose relevant parent died before 1st April 1973**

**3.—**(1) This paragraph shall apply in the case of the child of a regular policeman who died before 1st April 1973.

(2) Where the relevant parent was the child's only surviving parent or in respect of any period after the death of the child's other parent, the child's ordinary allowance determined—

- (a) in accordance with paragraphs 2 and 4 of Part I of Schedule D, or
- (b) in accordance with paragraph 5 of the said Part I,

may be increased in accordance with Part III of Schedule 4 to the Police Pensions Regulations 1971.

*Child's accrued allowance*

### **Transitional modification of Part III of Schedule D**

**4.—**(1) This paragraph shall apply in the case of a child where the relevant parent is the father and he both—

(a) was not entitled to his deferred pension in pursuance of paragraph 8(6) (b) of Part I of this Schedule, and

(b) was entitled to reckon pensionable service otherwise than—

- (i) by reason of service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972,
- (ii) by virtue of Regulation F7 (*preserved interchange arrangements*) where the conditions specified in paragraph (1) thereof are satisfied on or after 1st April 1973,
- (iii) by virtue of Regulation I7 (1) and the proviso to Regulation I8 (1) by reason of a period of relevant service in the armed forces on or after 1st April 1956, or
- (iv) by virtue of section 10 of the Police Pensions Act 1921.

(2) Where this paragraph applies, Part III of Schedule D shall have effect as if for any reference in paragraph 2(1) thereof to the relevant parent's deferred pension were a reference to the proportion thereof specified in sub-paragraph (4).

(3) In accordance with sub-paragraph (2), where this paragraph applies, paragraphs 1(2) and (3) and 2(2) and (3) of Part I of Schedule D as applied by Part III thereof shall have effect without regard to paragraph 2 of this Part but as if for any reference therein to the relevant parent's pension or notional pension there were substituted a reference to the proportion specified in the following sub-paragraph of a deferred pension calculated in accordance with paragraph 2(2) of the said Part III.

(4) The reference in sub-paragraphs (2) and (3) to the proportion specified in this sub-paragraph are references to the proportion which the relevant parent's half-rate service (within the meaning of paragraph 7(2) of Part II of this Schedule) bears to the pensionable service reckonable by him.

*Limitations on child's award*

**Child's allowance or special gratuity**

5.—(1) This paragraph shall apply in the case of a child who is permanently disabled where the relevant parent (within the meaning of Regulation D5) ceased to be a member of a police force before 15th August 1983.

(2) Where this paragraph applies nothing in Regulation D5 shall preclude the grant of a child's allowance or special gratuity if the child was permanently disabled at the date of the relevant parent's death.

(3) Where this paragraph applies nothing in Regulation D5 shall preclude the payment of a child's allowance if—

(a) he has not attained the age of 19 years, or

(b) he has attained the age of 19 years and has been permanently disabled throughout the period after his attaining that age or, where later, after the death of the relevant parent.

*Gratuity in lieu of child's allowance*

**Child whose relevant parent ceased to serve before 1st April 1987**

6.—(1) This paragraph shall apply in the case of the child of a member of a police force who ceased to serve before 1st April 1987.

(2) In the case of such a child, Regulation E5 shall have effect as if paragraph (5) were omitted.

Part IV

Pensionable Service

*Policeman who ceased to serve before 24th January 1975*

**Application of paragraphs 2 and 3 and reckoning of service etc. for purposes of awards**

1.—(1) This paragraph and paragraphs 2 and 3 shall apply in the case of a member of a police force who ceased to serve as such before 24th January 1975.

(2) For the purposes of calculating an award payable to or in respect of such a member, Regulation A9 shall have effect subject to paragraphs 2 and 3 (without prejudice, however, in the case of an ordinary pension payable to such a widow as is mentioned in paragraph 2 of Part II of this Schedule, to the provisions of paragraph 5(5) of that Part).

**Periods to be computed in completed years**

2.—(1) This paragraph shall apply for the purposes mentioned in paragraph 1(2)—

(a) in the case of—

paragraphs 2 and 3 of Part III of Schedule B,  
Part IV of Schedule B,  
paragraph 1(4) of Part VII of Schedule B,  
paragraph 5(3) of Part II of this Schedule, and  
paragraph 2(4) of Part III of this Schedule;

(b) without prejudice to paragraph 3(3), in the case of—

Part II of Schedule B,  
paragraph 4 of Part III of Schedule B,  
paragraph 3 of Part VI of Schedule B,  
paragraph 5(1) of Part II of this Schedule, and  
paragraph 2(3) of Part III of this Schedule;

(c) without prejudice to paragraph 3(5), in the case of—

paragraph 8 of Part II of this Schedule,  
paragraph 3 of Part III of this Schedule.

(2) Save as otherwise provided in paragraph 3(3) or (5), in the case of the provisions listed in subparagraph (1), a period shall be computed in completed years and, accordingly, a part of a year shall be ignored.

**Periods to be computed in completed half-years**

3.—(1) This paragraph shall, in the case of the provisions hereinafter mentioned, apply for the purposes mentioned in paragraph 1(2).

(2) In the case of paragraph 1 of Part I of Schedule B, the period in years by which a period exceeds 25 years shall be computed in half-years.

(3) In the case of the provisions listed in paragraph 2(1) (b) of this Part, the period in years by which a period exceeds 20 years shall be computed in half-years.

(4) In the case of paragraph 5(2) (b) of Part II of this Schedule, a half of a person's pre-1972 pensionable service shall be computed in half-years.

(5) In the case of the provisions listed in paragraph 2(1)(c) of this Part, in so far as a period exceeds 20 years it shall be computed in half-years.

(6) Where in accordance with any of the preceding sub-paragraphs a period falls to be computed in half-years, it shall be computed in completed half-years and accordingly—

(a) a part of a year less than half shall be ignored, and

(b) a period of a year exceeding a half shall be treated as a half.

*Policeman with service or employment both before, and on or after, 6th April 1978*

**Application of Regulation F4 or F5 to policeman who has relinquished deferred pension under paragraph 8 of Part I of this Schedule**

4.—(1) This paragraph shall apply in the case of such a regular policeman as is mentioned in sub-paragraph (1) of paragraph 8 of Part I of this Schedule (“the principal paragraph”) who—

(a) has exercised the right of election conferred by sub-paragraph (2) of that paragraph and has become entitled to such a deferred pension as is mentioned in sub-paragraph (6) (b) thereof, but

(b) has relinquished his entitlement to that pension by written notice given to the police authority for the purposes of Regulation F4 or F5 (*previous service reckonable on payment or at discretion of police authority*).

(2) In the case of such a policeman, no account shall be taken for the purposes of Regulation F4 (3) or F5 (3) of any additional or further contributions or of any additional or further payment by way of a lump sum of which account was taken for the purposes of an award under the principal paragraph by way of repayment of his aggregate contributions.

(3) Notwithstanding anything in Regulation F5 (2), for the purposes of sub-paragraph (c) thereof where the police authority have exercised their discretion under sub-paragraph (a) thereof so as to allow such a policeman to reckon as pensionable service part only of the period first mentioned therein, “the proportionate part” shall mean that part which bears the same proportion to the whole as the first of the following periods bears to the second such period, namely—

(a) the period of pensionable service the policeman is so allowed to reckon reduced by that taken into account under the principal paragraph for the purposes of calculating his deferred pension, and

(b) the period of pensionable service first mentioned in sub-paragraph (a) of Regulation F5 (2) so reduced.

*Policeman suspended before 15th February 1971*

**Pensionable service—period of suspension not reckonable**

5.—(1) This paragraph shall apply in the case of a regular policeman who—

(a) before 15th February 1971 was suspended under regulations from time to time in operation under section 33 of the Police Act 1964 or section 26 of the Police (Scotland) Act 1967, and

(b) did not return to duty at the end of the period of suspension without having been found guilty of an offence under such regulations.

(2) Notwithstanding anything in Regulation F1, if the police authority so direct there shall not be reckonable by such a regular policeman the whole or such part of the period of suspension as may be specified in the direction.

*Displaced chief constable*

**Pensionable service—added years in case of chief constable displaced under Police Act 1946 or corresponding Scottish enactments**

6. *Omitted*

*Policeman who became such before 1st April 1987*

**Calculation of pensionable service reckonable under Regulation F6**

7. *Omitted*

*Part-time service*

8.—(1) This paragraph applies in the case of a regular policeman who has spent one or more periods in part-time service.

(1A) In determining the number of years of pensionable service that the policeman is “entitled to reckon” or to have “completed” for the purposes of the provisions specified in sub-paragraph (1C) (which relate to the service required for entitlements to arise), a period of service by virtue of which his pensionable service is reckonable is reckonable as if it were a period of full-time service.

(1B) But sub-paragraph (1A) does not apply so as to affect any other references to pensionable service in those provisions.

(1C) The provisions referred to in sub-paragraph (1A) are—

(a) regulation B1 (1), (5) and (6) (*entitlement to policeman’s ordinary pension*),

(b) regulation B2 (1) and (3) (*policeman’s short service award*),

(c) regulation B3 (3) (a) (*policeman’s ill-health award*),

(d) regulation B5 (1) (*policeman’s deferred pension*),

- (e) regulation B7 (4) (b) (*maximum on commutation*),
- (f) regulation B9 (2), (4) (a) (iii) and (9) (*allocation*),
- (g) regulation C1 (1) (*widow's ordinary pension*),
- (h) regulation D1(c) (*child's ordinary allowance*),
- (i) regulation I3 (1) (*awards on death of servicemen*),
- (j) regulation K1 (1) (b) (*cancellation of ill-health pensions*),
- (k) regulation K3 (a) (*reduction of pension in case of default*),
- (l) paragraphs 1 and 2 (excluding paragraph 2(a)) of Part IV of Schedule B (*policeman's short service or ill-health gratuity*),
- (m) paragraph 3(2) of Part III of Schedule C (*widow's accrued pension*),
- (n) paragraph 3(1) (c) of Part I of Schedule D (*child's ordinary allowance*).

(2) Subject to sub-paragraph (1A), for the purposes of regulations F2 (1) and F3 (1) (a) (*reckonability of certain service as pensionable*), a period of part-time service is to be multiplied by the appropriate factor.

(2A) Without prejudice to the proviso to regulation F6 (4) and Section 2 of Part IV of Schedule F, for the purposes of Schedule B—

(a) references to service by virtue of which the policeman's pensionable service is reckonable that is full-time include references to service credited—

- (i) by virtue of regulation F4 or F5 in cases where payments are made under Part I of Schedule F, or
- (ii) by virtue of regulation F6 (*previous service reckonable under current interchange arrangements*),

and accordingly no period of such credited service is to be multiplied by the appropriate factor, and

(b) where calculations are made by reference to the period that would be the period in years of a person's pensionable service if periods of part-time service were reckonable as if they were periods of full-time service, such credited pensionable service counts as if it were attributable to service that was full-time.

(3) For the purposes of sub-paragraph (2) a period of part-time service is to be taken to have ended, and another such period to have begun, on the occurrence of any change in the appropriate factor.

Part V  
Transfer Values

*Omitted*

Part VI  
Pensionable Pay and Contributions Etc.  
*Notional pensionable pay*

**Certain senior officers with service on or after 1st August 1975**

1.—(1) This paragraph shall apply in the case of a regular policeman of a rank above that of superintendent who has served as such during a period beginning on or after 1st August 1975 (“the relevant period”).

(2) Notwithstanding anything in these Regulations, an award to or in respect of such a regular policeman shall not be less than it would have been had the pay to which he was entitled as a member of a police force, in respect of the relevant period, fallen to be calculated in accordance with the scale of pay in force immediately before 1st August 1975 for a member of that force holding the rank, or the rank and office, held by him during the relevant period:

Provided that where the award is an ordinary pension which falls to be reduced in accordance with paragraph 6 of Part VIII of Schedule B, the reduction shall be calculated without regard to this paragraph.

**Policeman with service between 31st August 1978 and 1st May 1979**

2.—(1) This paragraph shall apply in the case of a member of a police force who has served as such for any period beginning on or after 1st September 1978 and ending before 1st May 1979 (“the relevant period”).

(2) Notwithstanding anything in these Regulations, an award to or in respect of such a regular policeman shall be calculated as if the pay to which he was entitled in respect of the relevant period had been that to which a regular policeman would have been entitled in respect of a corresponding period beginning with 1st May 1979, disregarding any increase in pay which took effect after that date, if his circumstances had been identical to those during the relevant period of the regular policeman concerned.

*Transferred member of the British Airports Authority constabulary*

**Payments by way of special contributions or reduction in pension**

3. *Omitted*

*Part-time service*

4.—(1) This paragraph applies in the case of a regular policeman who during the year ending with the relevant date (within the meaning of regulation G1) spent one or more periods in part-time service.

(2) The average pensionable pay of such a regular policeman is to be calculated as if his pensionable pay in respect of any such period of part-time service had been pay at the rate to which a regular policeman of the same rank and with the same length of service in that rank who was not in part-time service would have been entitled.

(3) Sub-paragraph (2) does not apply for the purposes of the provisions specified in sub-paragraph (4), and for the purposes of those provisions the average pensionable pay of such a regular policeman is given by the formula—

$$\frac{P \times R}{Q}$$

where—

P is the amount that the average pensionable pay would be if sub-paragraph (2) applied,

R is the period in years of his pensionable service, and

Q is the period that would be the period in years of his pensionable service if periods of part-time service were reckonable as periods of full-time service.

This is subject to sub-paragraph (5).

(4) The provisions referred to in sub-paragraph (3) are—

(a) *omitted*

(b) *omitted*

(c) regulation C6 (3) (*amount of widow's requisite benefit and temporary pension*),

(d) regulation C7 (2) (b) (*widow's award where no other award payable*),

(e) paragraph 1(1) (b) of Part I of Schedule C (*widow's ordinary pension*),

(f) *omitted*

(g) paragraph 2(a) (ii) of Part IV of Schedule C (*widow's pension in case of post-retirement marriage*),

(h) paragraph 1 of Part V of Schedule C (*widow's requisite benefit pension*),

(i) *omitted*

(j) *omitted*



(5) If in a case where any of a policeman's service by virtue of which his pensionable service is reckonable was part-time service, an award calculated in accordance with sub-paragraphs (3) and (4) would be less than it would have been if he had become entitled to it at an earlier date, then that greater amount shall be substituted for it.

(6) If in a case where—

(a) any of a former policeman's service by virtue of which his pensionable service is reckonable was part-time service, and

(b) that policeman has ceased to serve by the date on which the Police Pensions (Part-time Service) Regulations 2005 came into force,

an award calculated in accordance with sub-paragraphs (3) and (4) would be less than it would have been if those Regulations had not been made, then that greater amount shall be substituted for it.

(7) If in a case where any of a policeman's service by virtue of which his pensionable service is reckonable is part-time service before the date on which the Police Pensions (Part-time Service) Regulations 2005 came into force, an award calculated in accordance with sub-paragraphs (3) and (4) (c) to (e), (g) or (h) would be less than it would have been if those Regulations had not been made, that greater amount shall be substituted for it.

(8) For the purposes of an award calculated in accordance with sub-paragraphs (3) and (4)(a), (b), (f), (i) or (j), references in sub-paragraphs (3), (5), (6) and (7) to a person's pensionable service shall in the case of a regular policeman who has made an election under regulation G4(1) include references to the pensionable service which would have been reckonable by him if he had not made such an election.

## Part VII

### General and Additional Provisions

#### *Construction of references*

##### **Certain civilian employees treated as members of the City of London police force**

1. *Omitted*

##### **Police authority for Northern Ireland before 15th February 1971**

2. *Omitted*

##### **References to the police authority and to the Secretary of State in relation to overseas policemen in relation to period 1st April 1968 to 12th November 1970**

3. *Omitted*

##### **References to Social Security Act 1975 in relation to time before its coming into force**

4. *Revoked*

*Displaced chief constable*

**Chief constable affected by an amalgamation scheme under the Police Act 1946 or corresponding Scottish enactments**

5. *Omitted*

**Chief constable affected by local government re-organisation or an amalgamation scheme under the Police Act 1964**

6. *Omitted*

*Miscellaneous*

**Member of an overseas corps with previous service outside Great Britain**

7. *Omitted*

**Former lieutenant in Scottish police force**

8. *Omitted*

**Lincolnshire**

9. *Omitted*

**River Tyne police force**

10. *Omitted*

STATUTORY INSTRUMENT

1987 No. 2215

The Police Pensions (Purchase of Increased Benefits) Regulations 1987

**Citation and commencement**

1. These Regulations may be cited as the Police Pensions (Purchase of Increased Benefits) Regulations 1987 and shall come into force on 1st February 1988.

2.—(1) In these Regulations—

(a) references to the principal Regulations are references to the Police Pensions Regulations 1987 as amended by Part III of these Regulations;

(b) the expression—

“retirement date”—

(a) in relation to the period from 1st February 1988 to 31st March 2010 and at any particular time during that period, means, in relation to a regular policeman, the date on which he could be required to retire on account of age if he continued to serve as such without change of rank or transfer from one force to another, disregarding any postponement of that date under regulation A18 (2) of the principal Regulations effected after that time; and

(b) from 1st April 2010, and at any particular time on or after 1st April 2010, means, in relation to a regular policeman—

(i) the date on which he would attain his relevant voluntary retirement age under the principal Regulations (if he has one) if he continued to serve as such without change of rank; or

(ii) where he does not have a relevant voluntary retirement age, the date on which he attains the age of 65 years;

“eligible policeman” means a person—

(a) with service as a regular policeman on or after 1st February 1988, whether or not he is still so serving;

(b) whose retirement date is, or was when he ceased so to serve, at least 9 years after the date on which he last became a regular policeman; and

(c) who was not when he ceased so to serve, or would not be on or before his retirement date, entitled to reckon 30 years' pensionable service; and

“sixtieth” means, in relation to any person, a sixtieth (including a fraction of a sixtieth) of his average pensionable pay and “additional sixtieths” and the number thereof means, in

relation to a person who has made an election under regulation 3, the number of additional sixtieths to which that election related.

(2) Subject to paragraph (1), these Regulations shall be construed as one with the principal Regulations.

PART II  
PURCHASE OF INCREASED BENEFITS

**Election to purchase increased benefits**

**3.—**(1) Subject to paragraphs (2) and (2A), an eligible policeman may, for the purpose of reckoning an additional number of sixtieths in calculating the awards payable to, or in respect of, him under the principal Regulations, by notice in writing to the police authority elect to make payment to the authority in accordance with the following provisions of these Regulations.

(2) A policeman shall not so exercise the right of election accorded by paragraph (1) that the aggregate number of sixtieths reckonable by him exceeds or, if he continued to serve until his retirement date, would exceed 40.

(2A) A pension debit member may not replace any rights debited to him as a consequence of a pension sharing order with any rights which he would not have been able to acquire (in addition to the debited rights) had the order not been made.

(2B) *omitted*

(3) When the retirement date of a policeman who has exercised the right of election accorded by paragraph (1) becomes later than it was at the time of his election then, notwithstanding that he may derive no benefit from his election, his liability to make payment in accordance with the following provisions of these Regulations shall not be affected and he shall not be entitled to the repayment of any lump sum or contribution so paid.

**4.—**(1) An eligible policeman who is serving as a regular policeman and in respect of whom pension contributions are payable under regulation G2 (1) of the principal Regulations may, within 12 months of—

(a) the date on which he last became a regular policeman, or

(b) 1st February 1988,

whichever is the later, elect under regulation 3 to make payment by a lump sum calculated in accordance with paragraph 1 or 3, as the case may require, of Part I of the Schedule.

(2) An eligible policeman who has ceased to serve as a regular policeman, but who was so serving on 1st February 1988, may within 12 months of 1st February 1988 elect under regulation 3 to make payment by a lump sum calculated in accordance with the said paragraph 1 or 3.

(3) A lump sum payment under this regulation shall be made within 3 months of the date of election and, if it is not so made, the election shall be deemed for the purposes of these Regulations never to have been made.

#### **Payment by periodical contributions**

5.—(1) An eligible policeman who is serving as a regular policeman and in respect of whom pension contributions are payable under regulation G2(1) of the principal Regulations whose retirement date falls not less than 2 years after his birthday next following 1st February 1988 may at any time—

- (a) within 12 months of 1st February 1988, or
- (b) not later than 2 years immediately preceding his retirement date, or
- (c) the date on which any election made by him under regulation G4 (1) of the principal Regulations takes effect,

elect under regulation 3 to make payment by periodical contributions calculated in accordance with paragraph 2 or 3, as the case may require, of Part I of the Schedule.

(2) Subject to the following provisions of this regulation and to regulation 7, where a policeman elects to make payment under this regulation, the periodical contributions shall be made as from the date of his birthday falling within the year beginning with the date of his election and shall continue until—

- (a) his retirement date as at the time of his election, or
- (b) the date on which he ceases to serve as a regular policeman,

whichever is the earlier.

(3) Where a policeman elects to make payment under this regulation within 12 months of 1st February 1988 but less than 2 years before his retirement date the election shall be deemed to have been made on a date 2 years before the said retirement date and any arrears of contributions due by virtue of this paragraph shall be paid in a lump sum within 3 months of the date on which he elects:

Provided that where such a lump sum is not so paid, the foregoing provisions of this paragraph shall not have effect.

(4) In the case of a regular policeman who has elected to make payment under this regulation and who—

- (a) having retired with an ill-health pension before his retirement date, resumes service as such, or
- (b) having made an election under regulation G4 (1) of the principal Regulations, cancels that election in accordance with paragraph (5) of that regulation,

the periodical contributions shall again become payable and shall continue as provided in paragraph (2).

(5) Where a policeman elects to make payment under this regulation—

(a) the periodical contributions payable by him for any period shall not, when aggregated with any other pension contributions (including additional, further and special contributions, if any) payable by him for that period, exceed  $(4 + X) \%$  of his pensionable pay, where X is the rate of contributions payable by the policeman under regulation G2 (1) of the principal regulations; and

(b) where a policeman's periodical contributions are restricted by sub-paragraph (a), he shall make a lump sum payment of an amount determined by the Government Actuary to be the actuarial equivalent of the difference between the restricted periodical contributions payable and those which would be payable but for that sub-paragraph.

### **Conditions relating to the making of elections**

6.—(1) An eligible policeman who is serving as a regular policeman shall not be entitled to elect under regulation 3 to make payment by periodical contributions if he has been required to retire under regulation A20 of the principal Regulations.

(2) An eligible policeman shall not, if the police authority so resolve, be entitled to elect under regulation 3 to make payment by periodical contributions unless he has undergone a medical examination and satisfied the authority as to his good health; and any fee payable in respect of that examination shall be paid by him.

### **Effect of election**

7. Subject to regulations 4(3), 5(3) and 7A an election made under regulation 3 shall take effect as from the date on which the police authority receive notice in writing thereof and shall be irrevocable, save that where the police authority are satisfied that the payment of periodical contributions in accordance with such an election or the payment of a lump sum under regulation 5(5) is causing, or is likely to cause, financial hardship they may consent to the discontinuance of such contributions for such period as they think fit or, as the case may be, the making of a reduced lump sum payment or no such payment.

### **Variation of elections**

7A.—(1) Where a person has made an election under regulation 3 to pay additional contributions by periodical payments before the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force and is in part-time service on that date, the payments payable by him shall, subject to paragraph (2), increase from that date to such amount as is appropriate as a result of paragraph 2(3) of the Schedule.

(2) Such a person may vary the election by notice in writing to the police authority given within the period of 3 months beginning with that date, and that variation shall take effect as from that date.

(3) Where—

(a) a person has made an election under regulation 3 to make payment by periodical contributions whilst in full-time service, and

(b) his service becomes part-time after the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force,

the contributions payable for the number of additional sixtieths to which the election relates shall, subject to paragraph (4), be such amount as is appropriate as a result of paragraph 2(3) of the Schedule.

(4) Such a person may vary the election by notice in writing to the police authority given within the period of 3 months beginning with the date on which the service becomes part-time, and that variation shall take effect as from that date.

(5) Where a person makes such an election on or after the date on which the Police Pensions (Part-time Service) Regulations 2005 come into force and he is in part-time service on that date, he shall notify the police authority in writing that either—

(a) the payments payable by him are to be payable at the same percentage of his pay as if he were in full-time service; or

(b) those payments are to be payable in accordance with paragraph (7).

(6) Where a person varies his election under this regulation, the contributions payable by him by periodical payments shall, from the date that the Police Pensions (Part-time Service) Regulations 2005 come into force, continue to be payable as they were before the variation, but the benefits which he is entitled to reckon shall be given by the formula—

$$\frac{P \times V}{F}$$

where—

P is the benefits he would be entitled to reckon if periods of part-time service were reckonable as if they were periods of full-time service,

V is the amount of contributions paid by periodical payments, and

F is the amount of contributions that would have been paid by periodical payment had there been no election.

(7) Where a person makes a notification under paragraph (5) (b), the payments payable by him as a lump sum or by periodical payments shall be payable at the same percentage of his pay as if he were in full-time service, but the benefits which he is entitled to reckon shall be given by the formula set

out in paragraph (6), save that references to contributions paid by periodical payments shall include references to contributions paid as a lump sum.

### **Reckoning of additional benefits**

8.—(1) Where a regular policeman who has made an election under regulation 3 and paid a lump sum or commenced payment of periodical contributions in accordance with that election dies in service, retires on ill-health grounds, or retires on or after reaching his retirement date as at the time of his election, he shall be entitled to reckon all the additional benefits which he elected to purchase, save that where

(a) he had discontinued payment of periodical contributions on grounds of financial hardship under regulation 7, or failed to pay the whole or part of a lump sum payment on those grounds under that regulation, or

(b) he had made an election under regulation G4(1) of the principal Regulations which was subsequently cancelled under paragraph (5) of that regulation, he shall be entitled to reckon a proportion of such benefits determined in accordance with the formula set out in subparagraph (a) of Part II of the Schedule.

(1A) Paragraph (1) shall not have effect in relation to a regular policeman who has at any time made an election under regulation G4 (1) of the principal Regulations which has not been cancelled under paragraph (5) of that regulation.

(1B) Paragraph (1) shall not have effect in relation to a regular policeman who retires on ill-health grounds if under regulation G7 (6) of the principal Regulations he is ineligible for a pension award payable on the ground of permanent disablement.

(2) Subject to paragraph (3), where a regular policeman who has made an election under regulation 3 and paid a lump sum or commenced payment of periodical contributions in accordance with that election—

(a) ceases to be a member of a police force in circumstances other than those set out in paragraph (1) and with no entitlement to an award by way of repayment of his aggregate pension contributions other than an award under paragraph 8 of Part I of Schedule J to the principal Regulations, or

(b) makes an election under regulation G4 (1) of the principal Regulations, or

he shall be entitled to reckon—

(i) in the case of a lump sum payment, all the additional benefits which he elected to purchase, and



(ii) in the case of payment of periodical contributions, a proportion of such benefits determined in accordance with the formula referred to in sub-paragraph (b) of Part II of the Schedule.

(c) retires on ill-health grounds but is ineligible under regulation G7 (6) of the principal Regulations for a pension award payable on the ground of permanent disablement,

(3) Where a regular policeman retires with an ordinary pension before his retirement date as at the time of his election, the amount which he is entitled to reckon under sub-paragraph (a) or (b) of paragraph (2) shall be reduced by an amount determined by the appropriate actuarial valuation referred to in sub-paragraph (c) of Part II of the Schedule.

#### PART IV

##### MODIFICATION OF THE EFFECT OF THE PRINCIPAL REGULATIONS

**10.** Where a regular policeman has elected under regulation 3 to purchase additional sixtieths, the principal Regulations shall have effect in his case subject to the following modifications:—

(a) if he is entitled to any pension, other than an injury pension, the amount thereof as calculated under the appropriate part of Schedule B to the principal Regulations shall be increased by the number of sixtieths which he is entitled to reckon under paragraph (1) or (2) of regulation 8;

(b) references to a regular policeman's pension, however expressed, in the following provisions of the principal Regulations, namely—

regulation B7 (commutation—general provision);

regulation E8 (increase of widow's pension or child's allowance during first 13 weeks);

Schedule C, Part I (widow's ordinary pension) and Part IV (widow's pension in case of post-retirement marriage);

Schedule D, Part I (child's ordinary allowance) and Part III (child's accrued allowance); and

Schedule F, Part II, section 1 (payment of transfer values), paragraph 2,

shall be construed as references to that pension as increased under these Regulations;

(c) references to a pension or allowance payable in respect of a regular policeman, however expressed, in the following provisions of the principal Regulations, namely—

regulation E4 (gratuity in lieu of widow's pension);

regulation E8;

Schedule C, Part I, paragraph 2 and Part III, paragraph 2 (widow's accrued pension);

Schedule D, Part I and Part III, paragraph 3;

Schedule E, Part III (gratuity in lieu of child's allowance); and

Schedule F, Part II, section 1, paragraph 3,

shall be construed as references to that pension or allowance as increased by virtue of the operation of these Regulations;

(d) a widow's pension calculated under Part III of Schedule C or paragraphs 3 to 5 of Part II of Schedule J (except the pension for which she may elect under paragraph 3 of Part I or paragraph 3 of Part III of Schedule C) shall be increased by an amount equal to  $n/120$ ths of her husband's average pensionable pay ( $n$  being the number of sixtieths which he was entitled to reckon at the time of his death under paragraph (1) or (2) of regulation 8);

(e) a child's ordinary allowance under Part I of Schedule D shall be calculated as if the amounts in paragraph 2(3) (a) (i) and (ii) of Part III of Schedule J were increased by the number of sixtieths which the father was entitled to reckon at the time of his death under paragraph (1) or (2) of regulation 8; and

(f) a child's accrued allowance under Part III of Schedule D shall be calculated as if the length of the father's half rate service and pensionable service mentioned in paragraph 4 of Part III of Schedule J were increased by a period in years or fractions of a year equal to the number of sixtieths which he was entitled to reckon at the time of his death under paragraph (1) or (2) of regulation 8.

## SCHEDULE

Regulations 4 and 5

### PART I

#### *Payments Lump sum payments*

1.—(1) Subject to paragraph 3, where a person elects under regulation 3 to make payment by a lump sum, the amount of such lump sum shall be the product of—

(a) his number of additional sixtieths, and

(b) an amount equal to the percentage of the aggregate of his pensionable pay during the appropriate period which is specified opposite his age set out in column 2, 4 or 6 of the following Table (whichever applies in his case): Provided that for the purposes of this paragraph—

(i) where the said aggregate amount is less than the amount it would have been had he not during the said period suffered a temporary reduction in rate of pay by way of punishment, it shall be increased by the difference between the two said amounts, and

(ii) where he was entitled to pensionable pay for part only of the said period, the said aggregate amount shall be multiplied by the reciprocal of the fraction of the year for which he was entitled to pensionable pay.

(2) In this paragraph—

“the appropriate period” means the period of a year ending with the relevant date;

“his age” in relation to any person means that person’s age on his birthday which falls within the year beginning with the relevant date, and

“pensionable pay” in relation to any person who is not in full-time service throughout the appropriate period, means the amount that would be his pensionable pay if he were a full-time member of the police force, and

“the relevant date” means—

(a) in the case mentioned in regulation 4(1), the date of his election, or

(b) in the case mentioned in regulation 4(2), the date of his last day of service as a regular policeman.

*Payment of periodical contributions*

2.—(1) Subject to paragraph 3, where a person elects under regulation 3 to make payment by periodical contributions the amount of such contributions for any period shall be the product of—

(a) his number of additional sixtieths, and

(b) the percentage of his pensionable pay for that period which is specified opposite his age in column 3, 5 or 7 of the following Table (whichever applies in his case):

Provided that for the purposes of this paragraph—

(i) where for any period his pensionable pay is of an amount less than the amount it would have been had he not suffered a temporary reduction in rate of pay by way of punishment, it shall be increased by the difference between the two said amounts, and

(ii) where for any period he is for any reason disentitled to pensionable pay, his pensionable pay for that period shall be deemed to be that which it would have been but for the disentanglement.

(2) In this paragraph, “his age” in relation to any person means that person’s age on his birthday which falls within the year beginning with—

(a) the date of his election, or

(b) where regulation 5(3) applies, the date on which his election is deemed thereby to have been made.

(3) In this paragraph “pensionable pay” in relation to a person’s period of service which is not wholly full-time service, means the amount that would be the person’s pensionable pay if he were a full-time member of the police force.

*Payment in other cases*

3.—(1) In the case of a person specified in sub-paragraph (2)—

- (a) where he elects to make payment by a lump sum, the amount of such lump sum, and
- (b) where he elects to make payment by periodical contributions, the rate of such contributions,

shall be such as the Government Actuary may determine to be the actuarial equivalent of the benefit to him of his election.

(2) The persons referred to in sub-paragraph (1) are—

- (a) *omitted*
- (b) a person whose retirement date as at the time of his election falls on his attaining the age of 65 years.
- (c) a person who under regulation G7 (6) of the principal Regulations is ineligible for a pension award payable on the ground of permanent disablement.

**TABLE**

	Regular policeman whose retirement date, as at the time of his election, falls on his attaining the age of 55 years		Regular policeman whose retirement date, as at the time of his election, falls on his attaining the age of 57 years		Regular policeman whose retirement date, as at the time of his election, falls on his attaining the age of 60 years	
1	2	3	4	5	6	7
Age on relevant birthday	Percentage for calculating lump sum payment	Percentage for calculating periodical contributions	Percentage for calculating lump sum payment	Percentage for calculating periodical contributions	Percentage for calculating lump sum payment	Percentage for calculating periodical contributions
26	33.90	1.24				
27	33.90	1.29				
28	33.80	1.35	31.40	1.19		
29	33.80	1.41	31.30	1.22		

30	33.70	1.48	31.20	1.26		
31	33.70	1.56	31.00	1.30	27.30	0.96
32	33.60	1.64	30.80	1.35	26.70	1.00
33	33.60	1.73	30.70	1.40	26.30	1.04
34	33.50	1.82	30.50	1.46	26.10	1.08
35	33.40	1.92	30.40	1.53	26.00	1.12
36	33.20	2.03	30.30	1.60	26.00	1.16
37	32.90	2.15	30.10	1.68	26.00	1.21
38	32.50	2.28	29.90	1.77	25.90	1.27
39	32.10	2.42	29.60	1.87	25.90	1.33
40	31.60	2.57	29.30	1.98	25.90	1.40
41	31.00	2.74	29.00	2.10	25.90	1.48
42	30.20	2.94	28.50	2.23	25.90	1.57
43	29.20	3.18	27.90	2.37	25.90	1.67
44	28.20	3.48	27.30	2.53	25.90	1.77
45	27.30	3.85	26.70	2.72	25.90	1.88
46	26.70	4.30	26.40	2.94	25.90	2.00
47	26.30	4.84	26.10	3.21	25.90	2.14
48	26.30	5.49	26.10	3.54	25.80	2.31
49	26.60	6.28	26.30	3.94	25.80	2.52
50	27.00	7.34	26.50	4.46	25.80	2.78
51	27.50	8.91	26.80	5.14	25.80	3.10
52	28.10	11.45	27.20	6.10	25.80	3.50
53	28.70	16.44	27.50	7.52	25.80	4.02
54	29.20		27.80	9.90	25.70	4.70
55	29.60		28.00	14.67	25.70	5.60
56			28.30		25.70	6.86
57			28.60		25.80	9.05

58					25.80	13.43
59					25.90	
60					26.00	

*limits on contributions*

4. *Omitted*

Regulation 8

PART II

*Reckoning of Additional Benefits*

In regulation 8—

(a) the formula mentioned in paragraph (1) is—

$$\frac{A \times B}{C}$$

where—

- A is the policeman's number of additional sixtieths;
- B is the length of the period or, as the case may be, the aggregate lengths of the periods during which payment was made;
- C is the period for which, if payment had been continuous to the date of death or retirement, payment would have been made;

(b) the formula mentioned in paragraph (2) is as set out in sub-paragraph (a) save that C is the period for which, if payment had been continuous to the retirement date as at the time of election, payment would have been made; and

(c) the appropriate actuarial valuation referred to in paragraph (3) is the assessment by the Government Actuary of the extent to which the value of the benefits is increased on account of being paid before the retirement date as at the time of election.

STATUTORY INSTRUMENT

1990 No. 805

The Police Pensions (Amendment) Regulations 1990

**Transfers**

3. - (6) In the case of a regular policeman who ceased to serve as such on or after 1st January 1986 but before 6th April 1988 and was, on so ceasing, entitled to reckon at least 5 years' pensionable service, unless the superannuation arrangements applicable to his new service fall within regulation F9 (3) (a), (b) or (e) of the principal Regulations there shall be payable by the police authority of the force in which he ceased to serve—

(a) if he is a person to whom regulation F9 of the principal Regulations applies, a transfer value under that regulation, or

(b) if he is a person to whom regulation F10 of the principal Regulations, as amended by paragraph (4), applies, a transfer value under that regulation,

whichever is the greater; and where the transfer value payable is that referred to in sub-paragraph (b) of this paragraph, the date of his ceasing to serve shall be deemed, for the purposes of the said regulation F10, to be 6th April 1988.

(7) In the case of a regular policeman who ceases or ceased to serve as such on or after 6th April 1988 and is entitled to reckon pensionable service as such unless the superannuation arrangements applicable to his new service fall within regulation F9 (3) (a), (b) or (e) of the principal Regulations before that date, there shall be payable by the police authority of the force in which he ceased to serve—

(a) in respect of that service, the greater of—

(i) any transfer value payable under regulation F10 of the principal Regulations, as amended by paragraph (4), and

(ii) any transfer value payable under regulation F9 of the principal Regulations, and

(b) in respect of any pensionable service as a regular policeman after that date which he is entitled to reckon and which, when aggregated with his pensionable service as such before that date, does not exceed 30 years, any transfer value payable under regulation F10 of the principal Regulations, as amended by paragraph (4).

(8) Regulation F10 of the principal Regulations, as amended by paragraph (4), shall not have effect in relation to a regular policeman who ceased to serve as such before 6th April 1988 unless he was, on so ceasing, entitled to reckon at least 5 years' pensionable service as such.

**Guaranteed minimum pension**

4, (8) Regulation L3 (2) and (5) shall be construed as if any reference—

(a) to a widow included a reference to a widower, and

(b) to a husband included a reference to a wife,



STATUTORY INSTRUMENT

1991 No. 1517

The Police Pensions (Amendment) Regulations 1991

**Elections in respect of protected benefits**

4.—(1) This regulation applies to a person—

(a) to whom a protected benefit is being paid or may become payable, and

(b) who is placed in a worse position than he would have been in if an amendment made to the principal Regulations by regulation 3 of the 1990 Regulations or regulation 2 above (“the relevant amendment”) had not applied in relation to the protected benefit.

(2) A protected benefit is one which is being paid or may become payable by a police authority, under the principal Regulations, to or in respect of a person who, having served as a regular policeman within the meaning of those Regulations, ceased to serve as one, or died, before the material date.

(3) The material date—

(a) in relation to an amendment made by regulation 3 of the 1990 Regulations, is 1st May 1990, and

(b) in relation to the amendment made by regulation 2 above, is 1st August 1991.

(4) A person to whom this regulation applies may, by giving written notice to the police authority within 3 months after 1st August 1991, elect that the relevant amendment is not to apply in relation to the protected benefit.

STATUTORY INSTRUMENT

1992 No. 2349

The Police (Pensions and Injury Benefit) (Amendment) Regulations 1992

**Transitional provision**

**20.**—(1) Regulations C1 to C4, C5 (3), C6, C7 and C8 (2) of the Pensions Regulations apply to a widower only where the death occurred after 16th May 1990.

(2) Where before 1st November 1992 a widower both—

(a) was granted a special pension under regulation E1 of the Pensions Regulations (“the dependant’s pension”), and

(b) became entitled by virtue of regulations 1(1) and 12 above to a special award under regulation C2 of the Pensions Regulations (“the special award”),

he shall be treated as not having become entitled to the special award until 1st November 1992 or until the end of the period for which the dependant’s pension was payable, whichever is the earlier.

(3) Where before 1st November 1992—

(a) a pension payable to a widower under regulation J1 (4A) of the Pensions Regulations (guaranteed minimum) was commuted for a gratuity under regulation J1 (6A) (“the gratuity”), and

(b) he became entitled by virtue of regulations 1(1) and 12 above to an award under Part C of the Pensions Regulations (“the Part C award”),

the Part C award shall be reduced by the amount of the gratuity.

(4) The reduction required by paragraph (3) shall be made—

(a) by deduction from any gratuity comprised in the Part C award, and

(b) if or to the extent that it cannot be made in that way, by deduction from the arrears of any pension comprised in the Part C award.

(5) Where—

(a) before 1st November 1992 a transfer value became payable under regulation F9 or F10 of the Pensions Regulations, and

(b) its amount would have been greater if rights to awards to a widower arising by virtue of regulations 1(1) and 12 above had been included in the accrued rights (within the meaning of Section 1 of Part IV of Schedule F to the Pensions Regulations),

an additional transfer value of the appropriate amount is payable.

(6) The appropriate amount is the difference between the amount of the transfer value as originally calculated and the greater amount mentioned in paragraph (5) (b).

(7) *Omitted*

#### **Elections in respect of protected benefits**

21.—(1) This regulation applies to a person—

(a) to whom a protected benefit is being paid or may become payable, and

(b) who is placed in a worse position than he would have been in if an amendment made to the Pensions Regulations by these Regulations (“the relevant amendment”) had not applied in relation to the protected benefit.

(2) A protected benefit is one which is being paid or may become payable by a police authority, under the Pensions Regulations, to or in respect of a person who, having served as a member of a police force, ceased to serve as one, or died, before 1st November 1992.

(3) A person to whom this regulation applies may, by giving written notice to the police authority within 3 months after 1st April 2010, elect that the relevant amendment is not to apply in relation to the protected benefit.

STATUTORY INSTRUMENT

2000 No. 843

The Police Pensions (Amendment) Regulations 2000

**Transitional provisions**

4.—(1) In a case where the period specified in sub-paragraph (a) of regulation F1 (1D) of the principal Regulations as amended by regulation 3(3) has ended before, or ends or will end within a period of 3 months beginning with, 1st April 2010 (“the commencement date”), that sub-paragraph shall have effect as if the period within which notice were required to be given was a period of 3 months beginning with the commencement date:

Provided that where the police authority are satisfied that it was not reasonably practicable for notice to be given within that period they may in their discretion accept such notice at any time before the expiry of 12 months from the commencement date.

(2) In a case such as is mentioned in paragraph (1) in which notice is given in accordance with that paragraph, regulation F1 (1D) (d) of the principal Regulations as amended by regulation 3(3) shall have effect as if after the words “30 months” in paragraph (ii) there were inserted the words “or such longer period ending not later than 4 years and six months after the due date as the police authority in their discretion may allow”

STATUTORY INSTRUMENT

2003 No. 27

The Police Pensions (Amendment) Regulations 2003

**Schedule 1 Paragraph 3.**—(2) Sub-paragraph (1) has effect in relation to any period of maternity leave falling on or after 15th December 1999.

STATUTORY INSTRUMENT

2004 No. 1491

The Police Pensions (Amendment) Regulations 2004

**Transitional provisions relating to unpaid parental leave**

**4.—(1)** In a case where unpaid parental leave has been taken and the period specified in sub-paragraph (a) of regulation F1(1D) of the Police Pensions Regulations 1987 has ended before, or ends or will end within a period of 3 months beginning with, the date on which these Regulations come into force (“the commencement date”), that sub-paragraph shall have effect as if the period within which notice were required to be given was a period of 3 months beginning with the commencement date:

Provided that where the police authority are satisfied that it was not reasonably practicable for notice to be given within that period they may in their discretion accept such notice at any time before the expiry of 12 months from the commencement date.

(2) In a case such as is mentioned in paragraph (1) in which notice is given in accordance with that paragraph, regulation F1 (1D) (d) of the Police Pensions Regulations 1987 shall have effect as if after the words “30 months” in paragraph (ii) there were inserted the words “or such longer period ending not later than 4 years and six months after the due date as the police authority in their discretion may allow”.

**Schedule, Part 4, paragraph 14.—(2)** Sub-paragraph (1) has effect in relation to any period of maternity leave falling on or after 6th April 2003.

STATUTORY INSTRUMENT

2005 No. 1439

The Police Pensions (Part-time Service) Regulations 2005

**Interest on late payments**

4. Where all or part of a sum—

(a) becomes payable under the amendments contained in these Regulations on a date before the date on which these Regulations come into force, and

(b) is or was not paid within three months of the date it became payable,

the police authority in question shall pay the amount or additional amount payable together with interest from the date that payment was due calculated at the rate of 5 per cent per year, compounded with yearly rests.

**Commutation of late payments**

5. Any notice of commutation under regulation B7 of the Police Pensions Regulations 1987 in respect of a sum which becomes payable—

(a) under the amendments contained in these Regulations, and

(b) before the date on which these Regulations come into force,

shall be given within six months of the date on which these Regulations come into force.

STATUTORY DOCUMENT

No. 0604/12

Police pensions (Amendment) Regulations 2012

**Civil Partnerships**

Any reference to a spouse or surviving partner in the Police Pension Regulations 1991 or the police Pension Regulations 2010 however expressed is to be construed as including reference to a civil partner or surviving civil partner (as the case requires).