

**2012 No. 2811**

**POLICE, ENGLAND AND WALES**

**PENSIONS, ENGLAND AND WALES**

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

*Made* - - - - *6th November 2012*

*Laid before Parliament* *12th November 2012*

*Coming into force* - - *3rd December 2012*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 1 of the Police Pensions Act 1976<sup>(a)</sup>.

In accordance with section 1(1) of the Act, the Treasury<sup>(b)</sup> have consented to the making of these Regulations and the Secretary of State has consulted with the Police Negotiating Board for the United Kingdom<sup>(c)</sup>.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Police Pensions (Amendment No. 2) Regulations 2012.

(2) These Regulations come into force on 3rd December 2012.

(3) These Regulations extend to England and Wales.

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(a) 1976 c. 35. Extensions to the powers conferred by section 1 are in sections 1, 4, 6 and 7 of the Police Pensions Act 1976. Section 1 was amended by section 2(3) of the Police Negotiating Board Act 1980 (c. 10), paragraph 28 of Schedule 7 to the Police Act 1996 (c. 16), section 1(1) of the Police and Firemen's Pensions Act 1997 (c. 52) and prospectively by paragraph 129 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13); section 7 was amended by paragraph 19 of Part II of Schedule 5 to the Police and Magistrates' Courts Act 1994 (c. 29), paragraph 29 of Schedule 7 to the Police Act 1996, section 1(2) of the Police and Firemen's Pensions Act 1997, section 78(2)(f) of the Police (Northern Ireland) Act 2000 (c. 32), section 126(1) of and paragraph 6(1) and (2) of Schedule 4 to the Criminal Justice and Police Act 2001 (c. 16), paragraph 6(1) of Schedule 3 to the International Development Act 2002 (c. 1), paragraph 30 of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15), paragraph 58 of Part 7 of Schedule 1 and Part 1(A) of Schedule 15 to the Police and Justice Act 2006 (c. 48), paragraph 11(2) of Part 2 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c. 47) and paragraph 2(2) of Part 1 of the Schedule to S.I. 2007/1098. Section 8A was inserted by section 2 of the Police and Firemen's Pensions Act 1997 and amended by article 109 of S.I. 2001/3649 and prospectively by paragraph 131 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(b) Formerly the Minister for the Civil Service: see S.I. 1981/1670.

(c) See section 61 of the Police Act 1996 (c. 16).

## **Interpretation**

2. In these Regulations—

“the 1987 Regulations” means the Police Pensions Regulations 1987(a);

“the 2006 Regulations” means the Police Pensions Regulations 2006(b).

## **Compulsory retirement on grounds of efficiency: relevant considerations**

3.—(1) In regulation A19 of the 1987 Regulations (compulsory retirement on grounds of efficiency of the force), after paragraph (2) insert—

“(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.”.

(2) In regulation 20 of the 2006 Regulations (compulsory retirement on grounds of efficiency of the force), after paragraph (2) insert—

“(2A) 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.”.

## **Senior officers: delayed payment of ordinary pension**

4.—(1) The 1987 Regulations are amended as follows.

(2) In regulation B1 (policeman’s ordinary pension)—

- (a) in paragraph (5), omit the words after “of that Schedule”;
- (b) after paragraph (5) insert—

“(5A) In the case of a person entitled to reckon less than 30 years’ pensionable service, no payments shall be made on account of an ordinary 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 grounds of permanent disablement, before he becomes so disabled.

(5B) In the case of a regular policeman above the rank of chief superintendant who gives notice in writing to the police pension authority that he wishes this paragraph to apply to him, no payments shall be made on account of an ordinary pension in respect of the period after his retirement and before he has attained the normal minimum pension age, as defined in section 279(1) of the Finance Act 2004(c).

(5C) Notice under paragraph (5B) may not be given after retirement and, once given, may not be cancelled.”;

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(a) S.I. 1987/257, as amended by S.I. 1988/1339, S.I. 1990/805 S.I. 1996/867, S.I. 2000/1549, S.I. 2001/3888, S.I. 2002/3202, S.I. 1998/577, S.I. 2003/27, S.I. 2003/535, S.I. 2004/1491, S.I. 2004/2354, S.I. 2006/740, S.I. 2006/932, S.I. 2007/1932, S.I. 2008/1887, S.I. 2009/2060, S.I. 2010/431 and S.I. 2011/3063.

(b) S.I. 2006/3415, as amended by S.I. 2007/1932, S.I. 2008/1887, S.I. 2009/2060, S.I. 2010/431, S.I. 2011/3063 and S.I. 2012/640.

(c) 2004 c. 12. There are amendments to the subsection, but none is relevant for these purposes.

- (c) in paragraph (7), for “and (5)” substitute “, (5) and (5A)”.
- (3) In regulation L3(1)(a) (payment and duration of awards), for “B1(5)” substitute “B1(5A)”.
- (4) In paragraph 1(3)(a) of Part I of Schedule C, for “B1(5)” substitute “B1(5A) and (5B)”.
- (5) In Part I of Schedule D—
  - (a) in paragraph 1(5)(b)(i), for “B1(5)” substitute “B1(5A) and (5B)”;
  - (b) in paragraph 3(2)(a), for “B1(5)” substitute “B1(5A) and (5B)”.
- (6) In Schedule J—
  - (a) in Part I, for paragraph 2 substitute—
    - “2. In the case of a regular policeman who served as such before 8th August 1961, Regulation B1 shall have effect as if paragraph (5A) were omitted.”;
  - (b) in Part IV, in paragraph 8(1C)(a), after “(5)” insert “, (5A)”;
  - (c) in Part VII, in paragraph 5(4)(b)(ii), for “(5)” substitute “(5A)”.

Home Office  
29th October 2012

*Damian Green*  
Minister of State

We consent

6th November 2012

*Anne Milton*  
*Desmond Swayne*  
Two of the Lords Commissioners of Her Majesty’s Treasury

## EXPLANATORY NOTE

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

These Regulations amend the Police Pensions Regulations 1987 (“the 1987 Regulations”) and the Police Pensions Regulations 2006 (“the 2006 Regulations”) in order to implement recommendations made in the Independent Review of Police Officer and Staff Remuneration and Conditions: Part 1 Report (Cm. 8024: “the Report”).

Regulation 3 of these Regulations amends regulation A19 of the 1987 Regulations and regulation 20 of the 2006 Regulations in order to require a police pension authority, when determining whether to require a police officer to retire in the general interests of efficiency, to take account of the need to retain skills and knowledge within the police force, and the performance of the individual officer. This implements recommendation 57 in the Report.

Regulation 4 of these Regulations amends regulation B1 of the 1987 Regulations in order to allow a senior police officer to defer payment of a pension until the officer reaches normal minimum pension age. No such amendment is necessary in respect of the 2006 Regulations. This implements recommendation 55 in the Report.

Further recommendations in the Report are implemented by amendments to the Police Regulations 2003(a) and to the determinations made by the Secretary of State under those Regulations.

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(a) S.I. 2003/527.

£4.00

E4933 11/2012 124933T 19585

ISBN 978-0-11-153063-4



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