EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The effect of Regulation 3 of the 1949 Regulations was to exclude Intelligence Officers from entitlement to gratuity under the Regulations if appointed over the age of 38. This provision was not consistent with the original arrangements under which the officers were recruited and the present amendment is made in order to give effect to the true intention of these arrangements.

The Superannuation (Control Service for Germany and Austria —Unestablished Civilian Service) (Compensation to Reversionary Members of Home Police Forces) Regulations, 1950

1950 No. 920

Made - - - -	*6th June,* 1950
Laid before Parliament	*7th June,* 1950
Coming into Operation	*8th June,* 1950

The Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred on Them by sub-section (2) of Section 4 of the Superannuation Act, 1946(a), and of all other powers enabling Them in that behalf, hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Superannuation (Control Service for Germany and Austria—Unestablished Civilian Service) (Compensation to Reversionary Members of Home Police Forces) Regulations, 1950.

(2) References in these Regulations to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as re-enacted or amended by or under any subsequent enactment.

(3) Subject as aforesaid the Interpretation Act, 1889(b), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(4) These Regulations shall come into force on the 8th day of June, 1950.

2. These Regulations shall apply to any person who is a reversionary member of a home police force and who has agreed on a date not earlier than 1st October, 1949, to the variation of the period of his overseas service as a member of the special police corps in Germany or of the public safety branch in Austria, as the case may be, by advancing the date of its termination, and whose period of overseas service has, with the consent of the appropriate authority and the Secretary of State, been so varied.

3.—(1) Subject to the provisions of these Regulations a person to whom these Regulations apply and who, at the date of termination of his service in the special police corps in Germany or the public safety branch in Austria, retires and receives an ordinary pension under regulation 4 of the Police Pensions Regulations, 1949(c), may be paid a gratuity under this regulation.

(a) 9 & 10 Geo. 6. c. 60. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1949 (No. 1241) I, p. 3331.

(2) The gratuity payable under this Regulation shall be of an amount equal to one-third of the person's remuneration, calculated by reference to his average annual remuneration, for a period equal to such part of the period of overseas service for which he engaged as has not been specified in accordance with the provisions of regulation 34 of the Police Pensions Regulations, 1949, as amended by regulation 3 of the Police Pensions Regulations, 1950(a), as service which he desires to reckon as pensionable service under the last mentioned regulation.

(3) In this regulation the expression "average annual remuneration" means

(*a*) in relation to a person who has served continuously in the special police corps in Germany or the public safety branch in Austria for the period of three years immediately preceding the date of termination of such service, one third of the amount received by him by way of salary and Control Commission allowance during that period, or

(*b*) in relation to a person who has so served for a less period, the total amount received by him by way of salary and Control Commission allowance divided by the number of days for which he has served and multiplied by three hundred and sixty-five.

4.—(1) Subject to the provisions of these Regulations a person to whom these Regulations apply and who, on the day following the termination of his service in the special police corps in Germany or the public safety branch in Austria, reverts to his home police force may be paid a gratuity under this regulation calculated by reference to the period (hereinafter called the "unexpired period of engagement") between the first day of his rejoining the home police force and the last day of the period of overseas service for which he engaged before that period was varied.

(2) The gratuity payable under this Regulation shall be calculated by reference to the difference, over a period equal to the unexpired period of engagement, between the person's emoluments in the special police corps in Germany or public safety branch in Austria as defined in paragraph (3) of this regulation and his emoluments in the home police force as defined in paragraph (4) of this regulation.

(3) For the purpose of this regulation the expression "emoluments in the special police corps in Germany or public safety branch in Austria" means the sum of

(*a*) the person's salary and Control Commission allowance at the rates to which he was entitled at the date of his agreement to the variation of the period of his engagement reduced by an amount equal to the United Kingdom income tax at the rates in force and in accordance with the code in operation at the date of his rejoining the home police force which would be deductible if the amounts were paid as remuneration over the unexpired period of the engagement, and

(*b*) a sum equivalent to four shillings a day during the unexpired period of engagement.

(4) In this regulation the expression "emoluments in the home police force" means the person's police pay at the rates set out in the Third Schedule to the Police (Consolidation) (Amendment) Regulations, 1949(b),

(a) S.I. 1950 No. 778, p. 338 below.

(b) S.I. 1949 (No. 1245) I, p. 3313.

to which he would be entitled during the unexpired period of his engagement in his rank at the date of rejoining his home police force, if he elected on that date under regulation 87 of the Police Pensions Regulations, 1949 reduced by deduction of United Kingdom income tax calculated at the rates in force and in accordance with the code in operation at the date of his rejoining the home police force.

(5) The amount payable by way of gratuity under this regulation shall be the amount of the difference in emoluments as provided in paragraph (2) of this regulation provided that any payment in respect of the gratuity shall be reduced by the percentage shown in the Schedule to these Regulations against the number of complete months between the date of the payment and the end of the unexpired period of the engagement.

5.—(1) No gratuity shall be paid under the Superannuation (Control Service for Germany and Austria—Unestablished Civilian Service) Regulations, 1949(**a**), to any person eligible for a gratuity under these Regulations.

(2) Any gratuity paid under these Regulations shall be in substitution for, and not in addition to, any gratuity which might otherwise be payable under Section 39 of the Superannuation Act, 1949(**b**).

(3) A person to whom a gratuity may be paid either under these Regulations or under Section 39 of the Superannuation Act, 1949, may elect whether the said gratuity shall be paid under these Regulations or under the said section.

6. Notwithstanding anything in these Regulations, where the Treasury are satisfied that a person who is a member of the special police corps in Germany or the public safety branch in Austria was, immediately before becoming such a member, a regular member of the Royal Ulster Constabulary, there may be paid to him a gratuity of an amount not more than might have been paid to him if he had been a reversionary member of a home police force.

7. In these Regulations unless the context otherwise requires:—

"Special police corps in Germany" means the special police corps of the Control Commission for Germany (British Element).

"Public safety branch in Austria" means the public safety branch of the Allied Commission for Austria (British Element).

"Appropriate authority" has the same meaning as in the Police (Overseas Service) Act, 1945(**c**).

"Home police force" has the same meaning as in the Police (Overseas Service) Act, 1945.

"Reversionary member of a home police force" has the same meaning as in Regulation 71 of the Police Pensions Regulations, 1949.

"Period of overseas service" has the same meaning as in Regulation 71 of the Police Pensions Regulations, 1949.

(**a**) S.I. 1949 (No. 640) I, p. 3016. (**b**) 12, 13 & 14 Geo. 6. c. 44.
(**c**) 9 & 10 Geo. 6. c. 17.

"Code" has the same meaning as in the Income Tax (Employments) Regulations, 1944(a), as amended by the Income Tax (Employments) (No. 5) Regulations, 1947(b).

Dated this 6th day of June, 1950.

H. W. Bowden,
Charles Royle,
Two of the Lords Commissioners of His Majesty's Treasury.

SCHEDULE

Percentage reduction of difference in emoluments

Number of complete months contained in the unexpired period of engagement	Percentage reduction	Number of complete months contained in the unexpired period of engagement	Percentage reduction
1	0·246	19	2·424
2	0·369	20	2·543
3	0·491	21	2·662
4	0·614	22	2·781
5	0·736	23	2·900
6	0·858	24	3·018
7	0·979	25	3·136
8	1·101	26	3·254
9	1·222	27	3·372
10	1·343	28	3·490
11	1·464	29	3·607
12	1·585	30	3·724
13	1·705	31	3·841
14	1·826	32	3·958
15	1·946	33	4·075
16	2·066	34	4·191
17	2·185	35	4·307
18	2·305	36	4·423

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations authorise the payment of gratuities to regular policemen serving in the Special Police Corps of the Control Commission for Germany or the Public Safety Branch of the Allied Commission for Austria who revert to their home force or retire on pension at a date earlier than the end of the period for which it was agreed originally they should serve overseas. The rates of gratuity are laid down in Regulation 3 which prescribes the rate payable in certain circumstances on retirement and in Regulation 4 which prescribes the rate payable on reversion to the home force. A person entitled to a gratuity under Section 39 of the Superannuation Act, 1949, may elect whether he shall receive a gratuity under that Section or under these Regulations.

(a) S.R. & O. 1944 (No. 251) I, p. 333. (b) S.R. & O. 1947 (No. 582) I, p. 1049.