STATUTORY INSTRUMENTS

1961 No. 439

NATIONAL INSURANCE

The National Insurance (Modification of the Metropolitan Police Staffs Superannuation Provisions) Regulations, 1961

Made - - - -	*9th March*, 1961
Laid before Parliament	*16th March*, 1961
Coming into Operation	*3rd April*, 1961

Whereas the Treasury have determined under subsection (4) of section sixty-nine of the National Insurance Act, 1946(a), that the Secretary of State is the appropriate Minister of the Crown to make regulations under that subsection modifying the scheme for the provision of pensions and other benefits established by the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, both as originally enacted and as amended, applied and extended by other enactments, and the Orders made thereunder:

Now, therefore, in exercise of the powers conferred on me by the said subsection (4), as extended by section fifteen of the National Insurance Act, 1959(b), I hereby make the following Regulations:—

1. Where a superannuation allowance is granted under the Acts and Orders to a person who, immediately before he ceased to be employed in police service, was employed in a non-participating employment, so much of his superannuation allowance as is equal to the amount of his notional graduated retirement benefit shall, notwithstanding anything in the Acts and Orders, not be capable of being terminated or suspended except for such causes as may be prescribed by regulations made by the Minister of Pensions and National Insurance under paragraph (*c*) of subsection (1) of section eight of the Act of 1959.

2. Where a person who is employed in police service in a non-participating employment, or who, immediately before he ceased to be employed in police service, was employed in a non-participating employment, surrenders part of a superannuation allowance under the Order of 28th August, 1939(c), the part of the allowance surrendered by him shall, notwithstanding anything in that Order, not exceed the difference between the amount of the allowance and his notional graduated retirement benefit.

3.—(1) Where—

(*a*) a person to whom a superannuation allowance is granted under the Acts and Orders is entitled to graduated retirement benefit, or would be so entitled if he were over pensionable age and had retired from regular employment; and

(*b*) the whole or any part of such graduated retirement benefit is attributable to graduated contributions paid, or treated by virtue of subsection (3) of section seven of the Act of 1959 as having been paid, by him during any period of his reckonable service in respect of his employment in police service; and

(a) 9 & 10 Geo. 6. c. 67. (b) 7 & 8 Eliz. 2. c. 47.
(c) S.R. & O. 1939/1202 (Rev. XIV, p. 766: 1939 II, p. 2025).

(*c*) the number of units of such graduated contributions, ascertained in accordance with subsections (3) and (4) of section four of the Act of 1959, exceeds four,

his superannuation allowance shall, in respect of any period after he has attained pensionable age, be reduced in accordance with the next following paragraph.

(2) The yearly rate of such person's superannuation allowance shall be reduced by one pound six shillings for every unit, ascertained in accordance with subsections (3) and (4) of section four of the Act of 1959, of graduated contributions paid, or treated by virtue of subsection (3) of section seven of that Act as having been paid, by him during any period of his reckonable service in respect of his employment in police service.

4.—(1) In these Regulations, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act of 1959" means the National Insurance Act, 1959;

"the Acts" means the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, as originally enacted and as applied by section five of the Metropolitan Police Courts Act, 1897(**a**), and as extended by the Superannuation (Various Services) Act, 1938(**b**), and the Superannuation Act, 1949(**c**);

"graduated contributions" means graduated contributions under the Act of 1959;

"graduated retirement benefit" means graduated retirement benefit under the Act of 1959;

"non-participating employment" has the meaning assigned to it by subsection (2) of section seven of the Act of 1959;

"non-participating service" means, in relation to any person, so much of his service in a non-participating employment after the fifth day of April, nineteen hundred and sixty-one, as is either—

(*a*) service in police service, or

(*b*) other service which is reckonable service;

"notional graduated retirement benefit" means, in relation to any person, the amount, expressed as a yearly rate, of the graduated retirement benefit which would be payable to him in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of his non-participating service in respect of a weekly payment of remuneration of fifteen pounds;

"the Orders" means the Orders made by the Secretary of State under the Acts and any reference to "the Order" is a reference to that one of the Orders made on the date specified;

"pensionable age" has the meaning assigned to it by subsection (1) of section seventy-eight of the National Insurance Act, 1946;

"police service" means service the salary in respect of which is paid out of the Metropolitan Police Fund—

(*a*) under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District, otherwise than as a constable, or

(**a**) 60 & 61 Vict. c. 26. (**b**) 1 & 2 Geo. 6. c. 13. (**c**) 12, 13 & 14 Geo. 6. c. 44.

(*b*) as a member of the staff of the metropolitan police courts;

"reckonable service" means, in relation to any person, service which is reckonable for the purpose of determining the amount of his superannuation allowance;

"superannuation allowance" includes any annual superannuation, compensation or retiring allowance payable under the Acts and Orders, but does not include any annual allowance granted, in the case of injury arising from service, in accordance with the like principles and conditions as are contained in a Treasury warrant made under section forty-one of the Superannuation Act, 1949, in relation to persons employed in the civil service of the State.

(2) Any reference in these Regulations to the provisions of any enactment shall be construed, except where the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment.

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

5. These Regulations may be cited as the National Insurance (Modification of the Metropolitan Police Staffs Superannuation Provisions) Regulations, 1961, and shall come into operation on the third day of April, 1961.

R. A. Butler,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
9th March, 1961.

EXPLANATORY NOTE

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

These Regulations modify the pension scheme for members of the civil staffs employed under the Commissioner of Police of the Metropolis, or under the Receiver for the Metropolitan Police District, and members of the staffs of the metropolitan magistrates' courts in connection with the operation of the provisions of the National Insurance Act, 1959.

The modifications made are similar to those made in the case of persons in the civil service of the State by the National Insurance (Modification of the Superannuation Acts) Regulations, 1960 (S.I. 1960/1270).

(a) 52 & 53 Vict. c. 63.