STATUTORY INSTRUMENTS

1963 No. 1610

NATIONAL INSURANCE

The National Insurance (Modification of the Metropolitan Police Staffs Superannuation Provisions) Regulations 1963

Made - - - -	23*rd September* 1963
Laid before Parliament	30*th September* 1963
Coming into Operation	14*th October* 1963

Whereas the Treasury have determined under section 69(4) of the National Insurance Act 1946(a) that the Secretary of State is the appropriate Minister of the Crown to make regulations thereunder modifying the scheme for the provision of pensions and other benefits established by the Metropolitan Police Staff (Superannuation) Acts 1875 to 1931(b), both as originally enacted and as amended, applied and extended by other enactments, and the Orders made thereunder: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 section 69(4), as extended by section 15 of the National Insurance Act 1959(c), I hereby make the following Regulations:—

1.—(1) Where—

(*a*) a person has become employed in police service after having been employed in another employment (hereafter in this Regulation referred to as " his former employment "); and

(*b*) by virtue of the provisions of any rules under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(d) or by virtue of any other provision of any enactment, rules or regulations, his service in his former employment is to be reckoned in any manner and to any extent as police service for the purposes of the Acts and Orders; and

(*c*) he ceases to be employed in police service in such circumstances that a superannuation allowance is granted to him under the Acts and Orders,

his superannuation allowance shall, in respect of any period after he has attained pensionable age, be reduced by the amount, if any, by which his pension under the pension scheme to which he was subject immediately before he ceased to be employed in his former employment would have been reduced if—

(i) having continued in his former employment and having retired from it on the day on which he ceased to be employed in police service, he had become eligible under the said pension scheme for a pension of an amount equal to the superannuation allowance for which he is eligible under the Acts and Orders apart from any provision for reducing such allowance in connection with the passing and operation of the National Insurance Acts 1946 to 1959; and

(a) 9 & 10 Geo. 6. c. 67.
(b) 38 & 39 Vict. c. 28; 48 & 49 Vict. c. 68; 9 Edw. 7. c. 40; 21 & 22 Geo. 5. c. 12.
(c) 7 & 8 Eliz. 2. c. 47. (d) 11 & 12 Geo. 6. c. 33.

(ii) any modification provision which was, immediately before the date on which he ceased to be employed in his former employment, in operation in relation to the said pension scheme had been applied in his case by reference to his period of service before that date.

(2) Any amount by which a person's superannuation allowance is to be reduced in accordance with the provisions of this Regulation shall be in addition to, and not in substitution for, any amount by which his superannuation allowance is to be reduced in accordance with the provisions of Regulation 3 of the National Insurance (Modification of the Metropolitan Police Staffs Superannuation Provisions) Regulations 1961(a).

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

" the Acts " means the Metropolitan Police Staff (Superannuation) Acts 1875 to 1931, as originally enacted and as applied by section 5 of the Metropolitan Police Courts Act 1897(b), and as extended by the Superannuation (Various Services) Act 1938(c) and the Superannuation Act 1949(d);

" modification provision " means, in relation to any pension scheme, any provision the effect of which is that pensions under that scheme are to be reduced in connection with the operation of the provisions of the National Insurance Act 1959, the National Insurance Act (Northern Ireland) 1959(e) or the National Insurance (Isle of Man) Act 1961 relating to the payment of graduated retirement benefit;

" the Orders " means the Orders made by the Secretary of State under the Acts;

" pensionable age " has the meaning assigned to it by section 78(1) 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

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

" 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 41 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(f) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(a) S.I. 1961/439 (1961 I, p. 1076).
(b) 60 & 61 Vict. c. 26.
(c) 1 & 2 Geo. 6. c. 13.
(d) 12, 13 & 14 Geo. 6. c. 44.
(e) 1959 c. 21 (N.I.).
(f) 52 & 53 Vict. c. 63.

3. These Regulations may be cited as the National Insurance (Modification of the Metropolitan Police Staffs Superannuation Provisions) Regulations 1963 and shall come into operation on 14th October 1963.

Henry Brooke,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
23rd September 1963.

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 National Insurance Act 1959. The effect of the modification will be that if a person is entitled to a pension under that pension scheme and also to a graduated National Insurance pension, and any part of the graduated pension is attributable to service before he became a member of the civil staffs which service is reckonable under the pension scheme, then the pension under that scheme will be reduced accordingly. The modification is similar to that made in the case of persons in the civil service of the State by the National Insurance (Modification of the Superannuation Acts) Regulations 1961 (S.I. 1961/1358).