

(3) Displaced Chief Constables (Compensation)

THE DISPLACED CHIEF CONSTABLES (COMPENSATION) REGULATIONS, 1946, DATED NOVEMBER 26, 1946, MADE BY THE SECRETARY OF STATE UNDER SECTION 11 OF THE POLICE ACT, 1946 (9 & 10 GEO. 6. C. 46).

1946 No. 1988

In pursuance of the power conferred on me by section 11 of the Police Act, 1946, I hereby make the following Regulations :—

1. Subject to the succeeding provisions of these Regulations, each of the following persons, namely, a displaced chief constable and, in the event of his death, his wife, children and dependent relatives shall be entitled to the ordinary pension, gratuity or allowance to which that person would have been entitled under the Police Pensions Act, 1921 (hereinafter in these Regulations referred to as "the Act of 1921"), if, at the time of retirement, the displaced chief constable had retired from the force in which he was then serving on a medical certificate that he was permanently incapacitated for the performance of his duty by infirmity of mind or body occasioned otherwise than by an injury received in the execution of his duty, and the Act of 1921, subject to the exceptions and modifications hereafter in these Regulations contained, shall have effect accordingly.

11 & 12 Geo. 5.
c. 31.

2. For the purposes of the following provisions of the Act of 1921, namely, paragraph (b) of subsection (1) of section 2, paragraph (a) of section 3, Scale No. 2 set out in the Table subjoined to Part I of the First Schedule and paragraphs 6, 8 and 11 of the said Schedule, there shall be added to the period of approved service the shortest of the three following periods, namely, (i) ten years, (ii) the period between the time of retirement and the date on which the displaced chief constable would, if he had continued to serve in the force in which he was serving immediately before the time of retirement, have completed thirty years' approved service, and (iii) the period between the time of retirement and the date on which the displaced chief constable would, if he were to live so long, reach the date of compulsory retirement.

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3. In the case of a chief constable serving in another capacity his pay for the purposes of paragraph 6 of the First Schedule to the Act of 1921 and his annual pay for the purposes of paragraph 20 of the said Schedule shall be deemed to be of such an amount as the Secretary of State may direct being the amount which the Secretary of State is satisfied the displaced chief constable would have been receiving if, at the time of retirement, he had been chief constable of his former force.

4.—(1) The pension payable to a displaced chief constable for the period ending on the date of compulsory retirement shall be increased by the difference between the pension that is payable to him under the foregoing provisions of these Regulations and the pension which would be payable to him if to his annual pay for the purposes of paragraph 20 of the First Schedule to the Act of 1921 there were added the sum specified in paragraph (2) of this Regulation.

(2) The sum referred to in paragraph (1) above—

(a) in the case of a chief constable serving in another capacity who, immediately before he ceased to be chief constable of his former force—

(i) was in receipt of a rent allowance is such a sum as the Secretary of State may direct being the annual amount of the rent allowance which the Secretary of State is satisfied the displaced chief constable would have been receiving if, at the time of retirement, he had been chief constable of his former force;

(ii) was provided with a house or quarters free of rent and rates is such a sum as the Secretary of State may direct being the annual worth of the house or quarters with which the Secretary of State is satisfied he would have been provided if, at the time of retirement, he had been chief constable of his former force;

(b) in the case of any other displaced chief constable who, at the time of retirement—

(i) was in receipt of a rent allowance is a sum equal to the annual amount of that rent allowance;

(ii) was provided with a house or quarters free of rent and rates is the sum which the police authority of the force of which he was chief constable determine, with the approval of the Secretary of State, to be the annual worth of the house or quarters.

5.—(1) Sections 6, 12 and 13 of the Act of 1921 and proviso (i) to subparagraph (a) of paragraph 20 of the First Schedule to that Act shall not apply.

(2) Subsection (2) of section 8 of the Act of 1921 shall have effect as if for the reference therein to the police authority in whose service a member of the police force was at the time of his death or retirement there was substituted a reference to the police authority liable to pay the pension, gratuity or allowance under these Regulations and as if for the reference therein to the other police authority or authorities there was substituted a reference to the police authority of any forces, service in which the displaced chief constable was entitled under the said section 8 to reckon immediately after he became a member, in the case of a chief constable

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servicing in another capacity, of his former force and, in the case of any other displaced chief constable, of the force from which under subsection (3) of section 11 of the Act he is deemed to have retired.

(3) For the purposes of section 9 of the Act of 1921 a displaced chief constable who becomes entitled to a pension under these Regulations shall be deemed to have retired from the force with a pension notwithstanding that the date on which he is deemed to have retired precedes the date on which he becomes entitled to the said pension.

(4) Paragraph 12 of the First Schedule to the Act of 1921 shall have effect as if in addition to the amount of the rateable deductions that have been made from the pay of a displaced chief constable there had been made the rateable deductions that would have been made during whichever of the added periods of approved service specified in Regulation 2 above is relevant to his case if, during that period, he had been a member of a police force in receipt of pay of the amount, in the case of a chief constable serving in another capacity, directed by the Secretary of State under Regulation 3 above and, in any other case, of the amount of which he was in receipt at the time of retirement.

(5) A pension or gratuity payable under these Regulations shall not be deemed to be a pension or gratuity for the purpose of paragraph 13 of the First Schedule to the Act of 1921.

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

“ the Act ” means the Police Act, 1946,

9 & 10 Geo. 6.
c. 46.

“ chief constable serving in another capacity ” means a person in relation to whom paragraph (c) of subsection (3) of section 11 of the Act has effect by virtue of subsection (6) of section 13 of the Act and a person to whom paragraph (c) of subsection (3) of section 11 thereof applies by virtue of subsection (3) or (4) of section 14 thereof;

“ date of compulsory retirement ” means—

(i) in the case of a displaced chief constable who was serving as a member of a police force at the commencement of the Act of 1921, the later of the two following dates, namely, the date on which, if the displaced chief constable were to continue to serve in the force in which he was serving immediately before the time of retirement, he would complete the period of service prescribed by the pension scale, which was applicable to his case immediately before he ceased to serve in the last mentioned force, as necessary to qualify him to retire without a medical certificate and receive a pension for life at a rate equal to two-thirds of his pay at the time he would so have been qualified to retire or the date on which he would, if he were to live so long, attain the age of 65 years, and

(ii) in the case of any other displaced chief constable, the date on which he would, if he were to live so long, attain the age of 65 years;

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“ displaced chief constable ” means a chief constable referred to in paragraph (c) of subsection (3) of section 11 of the Act and a chief constable serving in another capacity;

“ his former force ” in relation to a chief constable serving in another capacity means—

- (i) in the case of a person in relation to whom the provisions of the Act with respect to chief constables have effect by virtue of subsection (6) of section 13 of the Act, the force of which he was chief constable immediately before the amalgamation order referred to in that subsection came into force;
- (ii) in the case of a person to whom subsection (3) of section 11 of the Act applies by virtue of subsection (3) of section 14 of the Act, the force of which he was chief constable immediately before he engaged for a period of overseas service;
- (iii) in the case of a person to whom subsection (3) of section 11 of the Act applies by virtue of subsection (4) of section 14 of the Act, the force of which he was chief constable immediately before the amalgamation order referred to in the last-mentioned subsection came into force;

“ time of retirement ” means the time when a displaced chief constable is deemed, under subsection (3) of section 11 of the Act or, as the case may be, under that subsection as applied by paragraph (a) of subsection (3) of section 14 of the Act, to have retired from his police force.

(2) For the purposes of these Regulations a person to whom subsection (3) of section 11 of the Act applies by virtue of subsection (3) or (4) of section 14 thereof shall be deemed to be serving in a force at the time of retirement.

7.—(1) These Regulations may be cited as the Displaced Chief Constables (Compensation) Regulations, 1946.

(2) These Regulations shall come into operation on the first day of December, 1946.

J. Chuter Ede,
One of His Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
26th November, 1946.

EXPLANATORY NOTE

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

These Regulations deal with the pension rights of chief constables and of the dependants of chief constables of police forces merged under the Police Act, 1946.