
POLICE AND PRISON OFFICERS (PENSIONS) REGULATIONS 2007

The Chief Constable and Superintendent of Prisons, with the approval of the Administrator, makes the following Regulations in exercise of his powers under section 9 of the Police Ordinance 2007(a) and section 15 of the Prisons Ordinance 1971(b).

**Part 1
Preliminary**

Citation and Commencement

1. These Regulations may be cited as the Police and Prison Officers (Pensions) Regulations 2007 and come into force on the day they are published in the Gazette.

Application

2. These Regulations apply to a locally engaged police or prison officer recruited in Cyprus for service with the Police or Prison Service.

Interpretation

3. (1) In these Regulations, unless the context otherwise requires-

“combined service” means either the Police Service or Prison Service or both if an officer has served in both successively or at the same time;

“cost of living index” means the Retail Price Index issued by the appropriate authorities of the Republic and published in the Gazette of the Republic and authorised by the Personnel and Works Officer of the SBA Administration;

“Cost of living allowance” means the cost of living allowance payable, which is included in the pensionable emoluments;

“expired year” means the year which expired the day prior to the first day during which the increases were made;

“officer” means a locally engaged police or prison officer;

“officer of the Administration” means a locally engaged member of the SBA Administration other than temporarily engaged and hourly paid industrial staff;

“pension of dependants” means the pension payable to the spouse and any children of the deceased pensioner or deceased officer;

“pensionable emoluments” includes-

- (a) salary;
- (b) good conduct pay;
- (c) merit allowance;
- (d) the whole of the cost of living allowance payable at the date on which an officer retires from the combined service;

“pensioner” means a person to whom a pension was granted under these Regulations;

“serve” or “service” or any other connotation of such words means service in either the Police Service, Prison Service, the Administration, or a combination of them.

(2) A person will be deemed to attain an age on the date of the anniversary of his birthday.

(3) If an officer is required to be 55 years old to qualify for a payment then that age will be 60 years in the case of an officer who is above the rank of sergeant unless specified otherwise.

Part 2 General

Circumstances in which pension may be granted

4. (1) A pension, gratuity or other allowance will not be granted to an officer except on his retirement from the combined service in one of the following cases-

- (a) subject to paragraph (3), on completion of the age of compulsory retirement;
- (b) on termination of employment under regulation 11 (1) of the Police and Prison Officers (General) Regulations 2007(c);
- (c) on the abolition of his office in the combined service;
- (d) on his compulsory retirement from the combined service in the interests of greater efficiency or economy;
- (e) on medical evidence to the satisfaction of the Chief Constable, in consultation with the Administrator, that he is incapable by reason of infirmity of mind or body of discharging the duties of his office in the combined service and that such infirmity is likely to be permanent;
- (f) in the case of termination of his engagement in the public interest;
- (g) on voluntary premature retirement under regulation 12.

(2) If an officer of the rank of constable or sergeant retires on completion of the age of compulsory retirement, or after a period of continuation in office, his pensionable emoluments for the purposes of determining his pension will be increased by a sum equal to 2 annual increments assessed on his salary scale.

(3) The age of compulsory retirement will include any period of continuation in office under regulation 10(3) of the Police and Prison Officers (General) Regulations 2007.

Eligibility for Pensions and Rates

5. (1) An officer who has served in the combined service for 10 years or more will on retirement be granted a pension at the annual rate of 1×660 th of his pensionable emoluments as at the date of his retirement for each completed month of his pensionable service.

(2) Prior service as an officer in the combined service of the Administration or as an ‘Officer’ will be regarded as service qualifying for pension.

(3) If an officer retires on the day before the date of an increase in the cost of living allowance that cost of living allowance increase will be added to his pensionable emoluments.

(4) If the salary of an officer is on a scale and by the date of his retirement the officer has earned part of the next annual increment of his scale, his pensionable emoluments will be deemed to have increased as set out in paragraph (5).

(5) The salary will be deemed to have increased by so many 12ths of the amount of the increment as are the months during which the officer has served after the grant of his last increment.

(6) For the purpose of calculating an officer’s total pensionable service a period exceeding 15 days will count as a completed month.

(7) Subject to regulation 19 the pension granted under paragraph (1) to an officer below the rank of Inspector who has served for more than 25 years will be increased by 1×660 th of his annual pensionable emoluments for each completed month of service in excess of 25 years up to a maximum of 660ths of his annual pensionable emoluments.

Gratuity if length of service does not qualify for pension

6. (1) An officer who meets all other qualifying requirements for a pension, except that he has

not been in the combined service for 10 years, may be granted on retirement a gratuity as set out in paragraph (2).

(2) The gratuity will not exceed 5 times the annual amount of the pension, which, if there had been no qualifying period, might have been granted to the officer under regulation 5.

(3) A pensionable officer who has 5 years pensionable service or more who resigns but does not satisfy the requirement for voluntary retirement, will be entitled to a gratuity as set out in paragraph (4).

(4) The gratuity will be 1x 12th of the officer's monthly pensionable emoluments paid at the time of his resignation for each completed month of service.

Qualifying service

7. Qualifying service will be the inclusive period between the date on which an officer begins to receive a salary for service in the combined service or the Administration and the date of his leaving the combined service without deduction of a period during which he has been absent on leave.

Recognition of previous service

8. (1) This regulation applies to an officer who has served for a period of time who has left or leaves the Administration without benefiting under these Regulations.

(2) Subject to paragraph (3), an officer's previous service may be taken into account in calculating his pension upon his final retirement if he meets the following requirements-

- (a) he is reappointed or may be reappointed in the Administration;
- (b) he subsequently serves for at least 5 years; and
- (c) he finally retires in any of the cases in regulation 4.

(3) Paragraph (2) will only apply if the officer opts to refund a gratuity paid to him under any other regulation or provision within 1 month from the date of his reappointment.

(4) Subject to paragraphs (5) and (6), an officer's previous service will be taken into account in calculating his pension upon his final retirement if he meets the following requirements-

- (a) he has retired under regulation 4(1)(c), (d) or (e);
- (b) he is reappointed in the Administration and serves for a period of at least 5 years; and
- (c) he finally retires in any of the cases in regulation 4.

(5) An officer who meets the requirements of paragraph (4) must repay any gratuity paid to him under regulation 6 within 1 month of reappointment.

(6) Instead of complying with paragraph (5), an officer who meets the requirements of paragraph (4) may within 1 month of reappointment-

- (a) give written consent to the Establishment Officer to the termination from the date of his reappointment of an annual pension paid to him by the Administration; and
- (b) repay a lump sum paid to him.

(7) If an officer does not comply with paragraph (6) then any added period of service will not be taken into account in calculating the officer's pension and gratuity payable on his final retirement.

(8) If the officer has not given notice of his consent as set out in paragraph (6), an additional annual pension granted under regulation 10(3) or under regulation 14 will be deducted from his pension as soon as he is re-appointed. The deducted pension will be the one he was receiving at the date of his re-appointment.

(9) Subject to paragraph (10), an officer's previous service may be taken into account in calculating his pension upon his final retirement if he meets the following requirements-

- (a) he has retired under regulation 4(1)(f) or (g);
- (b) he is reappointed in the Administration and serves for a period of at least 5 years; and
- (c) he finally retires in any of the cases in regulation 4.

(10) An officer must within 1 month of reappointment give written notice to the Establishment Officer in writing that an annual pension paid to him by the Administration can be terminated from the date of his reappointment or that he agrees to repay a gratuity paid to him.

(11) The refund of an amount will be made with simple interest at such rate as the Chief Officer may prescribe, to be calculated from the date on which it had been paid until the date of the refund of the whole amount.

(12) The Chief Officer will prescribe the time and manner of the refund.

(13) The Chief officer may allow the option in paragraphs (3) and (10) to be exercised more than a month after the date of the officer's reappointment.

(14) Subject to paragraph (15), if an officer to whom his regulation applies, dies after his re-appointment, his previous service will be taken into account in calculating the spouse's and children's pension and the lump sum payable to his legal personal representative and the condition in this regulation for completing a 5 year service will not apply.

(15) Paragraph (14) will not apply to an officer who did not opt to refund a gratuity paid to him under regulation 6.

Unpaid Leave

9. A period of approved unpaid leave will count as pensionable service if the officer makes contributions to cover the period of unpaid leave as required.

Abolition of office and reorganisation

10. (1) This regulation applies to a pensionable officer who retires from the combined service because his office has been abolished or in the interests of greater efficiency or economy.

(2) An officer may, if he has been in the combined service for less than 10 years, be granted instead of a gratuity under regulation 6, a pension under regulation 4 as if the words "for 10 years or more" were omitted from regulation 5.

(3) An officer may, if he has qualified for a pension under regulation 5, be granted an additional pension at the annual rate of 1x 60th of his pensionable emoluments for each complete period of 3 years pensionable service.

(4) The addition in paragraph (3) will not exceed 10x60ths.

(5) The addition, together with the remainder of the pension of the officer, will not exceed the amount set out in paragraph (6).

(6) The addition will not exceed the pension to which the officer would have been eligible if he had continued to hold the rank or equivalent rank held by him at the date of his retirement and retired on reaching the compulsory retirement age, having received all increments to which he would have been eligible by that date.

Termination of employment in the public interest

11. (1) Subject to paragraph (2), the Administrator may grant such pension, gratuity or other allowance as he thinks just and proper if the service of an officer is terminated in the public interest, and a pension, gratuity or other allowance cannot otherwise be granted to him under these regulations.

(2) The pension gratuity or other allowance payable under paragraph (1) may not exceed the amount to which the officer would be eligible if he retired from the combined service under regulation 4(1)(e).

Voluntary Premature Retirement with freezing of pension or with payment of gratuity

12. (1) The Chief Officer, in consultation with the Chief Constable, may permit an officer to retire if he-

- (a) holds a pensionable office;
- (b) has completed a pensionable service of 10 years or more; and
- (c) is 45 years old or more.

(2) If an officer retires under paragraph (1), his pension will be frozen and paid when he is 55 years old.

(3) The pension will be calculated under regulation 5 based on the officer's pensionable emoluments on the date of his premature retirement, after any exercise of the option referred to in regulation 19.

(4) The pension will be increased by the cost of living increase payable on pensions between the date of his retirement and the date of payment of the pension.

(5) The Chief Officer, in consultation with the Chief Constable, may permit an officer to retire if he-

- (a) holds a pensionable office; and
- (b) has completed a pensionable service of at least 5 years.

(6) An officer who has retired under paragraph (5) will receive a gratuity equal to 1/12 of his monthly pensionable emoluments on the date of his resignation for every complete month of service.

(7) The Chief Officer may, after consultation with the Senior Medical Officer from the Base Medical Centre, allow an officer to receive his pension immediately if he meets the following requirements-

- (a) he has voluntarily retired under this regulation;
- (b) he becomes ill before attaining the age of 55 years; and
- (c) the Chief Officer is satisfied that for reasons of an infirmity of body or mind the officer is unlikely to work.

(8) If paragraph (7) applies then regulation 14 will not apply.

(9) If an officer who has voluntarily retired under paragraph (1) dies before attaining the age of 55, a spouse and children's pension under Part 3, excluding the application of regulation 26(1), will be payable to his spouse and children, provided they are entitled to a pension under these Regulations.

(10) If an officer, who has voluntarily retired under paragraph (1) dies before attaining the age of 55, a lump sum will be granted to his legal personal representative.

(11) The lump sum will equal the lump sum of the pension to which he would have been eligible at the time of his premature retirement.

(12) An officer's previous service will be taken into account in calculating his pension on his final retirement if the following conditions are met-

- (a) he has voluntarily retired under paragraph (1);
- (b) he is re-employed by the Administration before the payment of a pension;
- (c) he later retires from the Administration under any of the circumstances set out in regulation 4;
- (d) his previous service is not less than 5 years; and
- (e) that on reinstatement he refunded any gratuity granted to him under regulation 6(3).

(13) The refund of a gratuity paid under this regulation will be made with simple interest at such rate as the Chief Officer may determine, calculated from the date of payment to the date of refund of the whole amount.

(14) The Chief Officer will prescribe the time and manner of refund.

(15) If an officer to whom paragraph (1) is re-appointed or re-instated when he is 55 years old, no pension will be payable during the period of his re-appointment. The payment of pension will start again after his final retirement, at the rate at which it would have been paid if not discontinued.

Voluntary premature retirement with immediate pension benefits

13. Notwithstanding Regulation 12, if an officer holding a pensionable office, is permitted to retire prematurely under Regulation 11 of the Police and Prison Officers (General) Regulations 2007, the Administrator may, in approving that retirement, allow the officer to receive pension benefits immediately.

Increased pension on account of ill health

14. (1) Subject to paragraphs (2) and (3), a pensionable officer who at the date of his retirement under regulation 4(1)(e) has completed pensionable service of between 10 and 20 years will be deemed to have completed 20 years service for the purpose of calculating the pension payable.

(2) If the difference between the officer's age at the date of his retirement and the date

of his completion of the age of compulsory retirement added to the period of his service is under 20 years, that lesser period will be substituted for 20 years in calculating the pension payable.

(3) Paragraph (1) will not apply if an officer has been disabled as a result of injury in the discharge of his duty and is eligible for an additional pension under regulation 17, if the additional pension is greater than the benefit granted under paragraph (1).

(4) A pensionable officer who has retired under regulation 4(1)(e) or was granted a pension under regulation 12(7) is required to have a medical examination periodically by a Medical Adviser of the Administration.

(5) If the Medical Adviser decides that the officer is fit to work the Chief Officer may, taking into consideration any special circumstances of the officer's case, direct the discontinuation of the whole or part of the officer's pension.

(6) If the officer's pension is discontinued under paragraph (5), the officer's whole pension will be payable as soon as he reaches the age of 55 years, unless he dies before the age of 55 years and then regulation 25 or 12(10) as the case may be, will apply.

(7) If a pensionable officer who has been directed to be medically examined under paragraph (4) fails to comply with the direction without reasonable cause and within a reasonable period, the payment of his pension will be suspended until he complies with the direction.

(8) If the pensionable officer, whose pension has been discontinued under paragraph (5) becomes ill again before he is 55 years old, the Chief Officer will direct that the pension of the officer will start again if the Medical Adviser of the Administration considers that for reasons of infirmity of body or mind the officer is unlikely to work as a police officer again.

Gratuity if an officer dies in the service or after retirement

15. (1) If an officer who is not on probation dies while in the combined service the Administrator may grant a gratuity to his legal personal representative.

(2) The gratuity payable will not exceed either his annual pensionable emoluments or his commuted pension gratuity, if any, which ever is the greater.

(3) For the purpose of this regulation-

- (a) "annual pensionable emoluments" means the emoluments which would be taken into account for the purpose of calculating a pension or gratuity granted to the officer if he had retired at the date of his death;
- (b) if at the date of his death the officer was entitled to vacation leave, the emoluments or gratuity will be calculated as at the date at which such leave expires;
- (c) "commuted pension gratuity" means the gratuity if any, which may have been granted to the officer under regulation 18 if -
 - (i) he had retired at the date of his death;
 - (ii) the conditions described in paragraph 4 are met; and
 - (iii) he had elected to receive a gratuity and reduced pension.

(4) The Administrator may grant a gratuity to the legal personal representative of an officer who dies after retirement from the combined service if the following conditions are met-

- (a) the officer has been granted a pension, gratuity or other allowance under these regulations;
- (b) the sums paid or payable to him at his death as a pension, gratuity or other allowance in respect of any service are less than the amount of the annual pensionable emoluments paid to him at the date of his retirement.

(5) The gratuity paid will be the difference between the pension, gratuity or other allowance paid or payable at the officer's death and the annual pensionable emoluments paid to him at the date of his retirement.

Pension to dependants if an officer is killed on duty

16. (1) The Administrator may grant a pension as set out in this regulation in addition to any gratuity payable to his legal personal representative under regulation 15 if an officer dies as a result of injuries received-

- (a) while discharging his duty; and
- (b) due to no fault or negligence on his part; and

(c) in circumstances specifically attributable to the nature of his duty, while in the combined service.

(2) If the deceased officer leaves a spouse, a pension will be paid to the spouse while not re-married at a rate not exceeding 10 x 60ths of the officer's annual pensionable emoluments at the date on which he suffered the injury.

(3) If the deceased officer leaves a spouse to whom a pension is granted under the preceding paragraph and a child, a pension in respect of each child of an amount not exceeding 1/6th of the pension payable under the preceding paragraph will be paid.

(4) If the deceased officer leaves a child but does not leave a spouse or no pension is granted to the spouse, a pension in respect of each child of double the amount payable under the preceding paragraph will be paid.

(5) If the deceased officer leaves a child and a spouse to whom a pension is granted under paragraph (2) and the spouse subsequently dies, a pension in respect of each child as from the date of the death of the spouse of double the amount payable under paragraph (3) will be paid.

(6) If the deceased officer does not leave a spouse or if no pension is granted to his spouse and if his mother or father or both were wholly or mainly dependent on him for his support, a pension will be paid to the mother or father or both, while they are without adequate means of support.

(7) The pension payable under paragraph (6) will not exceed the pension which would have been granted to his spouse.

(8) A pension will only be paid for a maximum of 3 children.

(9) In the case of a pension granted under paragraph (6), if the mother or father is a widow or widower at the time of the grant of the pension and subsequently remarries, such pension will cease as from the date of remarriage.

(10) The Chief Constable, in consultation with the Administrator, may order that the mother or father's pension will cease from such date as he may decide if he considers that the mother or father is adequately provided with other means of support.

(11) A pension granted to a child under this regulation will cease upon the marriage of that child.

(12) The Administrator may direct that a pension will continue to be paid in respect of a child who, though he has ceased to be eligible to a pension, has, while entitled to a pension, suffered from infirmity of the mind or body, certified by medical evidence, which renders him incapable of earning his living.

(13) A pension paid under paragraph (12) will cease if the Administrator is satisfied by medical evidence that the infirmity has ceased to exist or does not prevent the child from earning his living.

(14) A pension payable under this regulation will be adjusted by an amount equal to 1/3 of the annual value of the death benefit in the form of pension payable under the Social Insurance Law of the Republic.

(15) A pension payable under this regulation together with the annual value of a death benefit payable in the form of pension under the Social Insurance Law of the Republic will not exceed the annual pensionable emoluments of the officer at the date of death.

(16) For these purposes of this regulation, the expression "child" means a child who is-

(a) under the age of 16 years; or

(b) over 16 but under 25 years old and is receiving full time instruction at a recognised school, college, university or other educational establishment; or

(c) over 16 but under 25 years old and undergoing training for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to such instruction or training.

(17) "Child" includes-

(a) a posthumous child;

(b) a step child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased officer for his support; and

- (c) an adopted child, adopted in a manner recognised by an enactment of a country before the date of the injury and dependent as set out above.

(18) This regulation will not apply in the case of the death of an officer if his spouse or children or both are eligible for pensions under Part 3 unless the pensions granted under Part 3 are on the whole less than the pensions that would otherwise be granted under this regulation.

Pensions to dependants when an officer with 10 years service or over is killed on duty

17. (1) This regulation applies notwithstanding regulation 14 but is subject to regulation 25(2)(c).

(2) A pension will be granted to an officer's spouse and children if he has completed service of 10 years or more and dies-

- (a) while discharging his duty; and
- (b) due to no fault or negligence on his part; and
- (c) in circumstances specifically attributable to the nature of his duty.

(3) The pension to be granted to his spouse and children will be the pension which should have been payable to them if the deceased continued to be in the service and died on the date on which he completed the age of compulsory retirement, calculated on the highest point of the salary scale of the rank immediately higher than his rank on the day of his death.

(4) The added period of service referred in paragraph (3) will be treated as contributory service.

(5) If the pension that would be granted under regulation 14 or Part 3 is greater than the pension granted under this regulation, the greater pension is payable.

(6) If the officer on the day of his death holds the rank of Chief Inspector, the pension payable to his spouse and children will be the pension considered by the Administrator to be fair and equitable.

(7) In deciding what would be a fair and equitable pension the Administrator will consider what would be the highest point of the salary scale of a rank immediately higher than the rank of Chief Inspector, if such a rank existed in the Service and could be held by an officer who was not an expatriate officer.

Pension if retirement is on account of injuries

18. (1) This regulation applies to a pensionable officer who is not on probation and who is permanently disabled as a result of injuries received-

- (a) while discharging his duty; and
- (b) due to no fault or negligence on his part; and
- (c) in circumstances specifically attributable to the nature of his duty.

(2) If the officer's retirement becomes necessary or is substantially accelerated and if his total service is less than 10 years, the Administrator may grant to him, instead of a gratuity under regulation 6, a pension under regulation 5, regardless of the condition relating to the completion of 10 years service.

(3) The Administrator may grant to the officer on his retirement an additional pension calculated on the basis of his pensionable emoluments as at the date of his retirement as set out in paragraph (4).

(4) If the disablement is-

- (a) slight, 5 x 60ths of his salary;
- (b) serious, 10 x 60ths of his salary;
- (c) very serious, 15 x 60ths of his salary;
- (d) total, 20 x 60ths of his salary.

(5) For the purposes of this paragraph the expressions -

- (a) "slight disablement" means a degree of disablement between 10 % and 30 % inclusive;
- (b) "serious disablement" means a degree of disablement over 30 % and up to 50 % ;
- (c) "very serious disablement" means a degree of disablement over 50 % and up to 70 % ;

(d) “total disablement” means a degree of disablement over 70 %.

(6) The degrees of disablement to be applied in paragraph (5) are defined in relation to the description of the injury in the Social Insurance Law of the Republic.

(7) The Administrator may reduce an additional pension payable under this regulation if disablement is not the reason or the sole reason for retirement.

(8) The Administrator may grant a pension to an officer on retirement who has been disabled as set out in this regulation but who did not hold a pensionable office at the date of injury or if he held such office on probation.

(9) Any pension granted under paragraph (8) will be equal to the additional pension which would have been granted to him under paragraph (3) if the post held by him had been pensionable and his appointment to such office had been confirmed.

(10) Regulation 17 does not apply to any pension granted under paragraph (8).

(11) An additional pension payable under paragraph (3) and a pension payable under paragraph (8) will be reduced by an amount equal to 1/3 of the annual amount of disablement benefit payable as a pension under the Social Insurance Law of the Republic.

(12) An additional pension payable under paragraph (3) and a pension payable under paragraph (8) together with a pension payable under Part 2 and the annual amount of disablement benefit payable as a pension under the Social Insurance Law of the Republic will not exceed the annual pensionable emoluments of the officer at the date of his retirement.

Gratuity and reduced pension

19. (1) An officer to whom a pension is granted may, if he opts to do so, be paid instead of such pension, a pension at the rate of $\frac{3}{4}$ of such pension together with a gratuity equal to $12\frac{1}{2}$ times the amount of the reduction made in the pension.

(2) Subject to paragraph (4), the option referred to in paragraph (1) will be exercisable no later than the day immediately preceding the date of retirement of the officer.

(3) Once an officer has exercised his option, his decision is irrevocable.

(4) If the officer does not exercise the option prior to the day immediately preceding the date of his retirement, the Chief Officer may, if it appears to him in all the circumstances equitable so to do, allow him to exercise the option at any time between that date and the actual date of award of pension.

Maximum pension

20. (1) Subject to paragraph (2), a pension granted to an officer will not exceed $\frac{2}{3}$ of the highest pensionable emoluments paid to him in the course of his service in the combined service.

(2) If an officer exercises an option under regulation 19 to receive a reduced pension and gratuity, the amount of such pension will be deemed for the purpose of this paragraph to be $\frac{4}{3}$ of its actual amount.

(3) Subject to paragraph (4), an additional pension granted on account of injuries under regulation 18 will not be taken into account.

(4) If an officer is granted an additional pension the additional pension together with the remainder of his pension will not exceed $\frac{5}{6}$ of the highest pensionable emoluments paid to him in the course of his service in the combined service.

Pensions etc. not to be assignable

21. A pension, gratuity or other allowance is not assignable or transferable except for the purpose of satisfying:—

- (a) a debt due to the Crown in any capacity;
- (b) an order of a Court in any country for the payment of periodical sums of money towards the maintenance of the spouse or former spouse or child of the officer to whom the pension, gratuity or other allowance has been granted;
or
- (c) the balance of a bank loan made to a Sovereign Base Areas Police Officer under an arrangement sponsored by the SBA Administration.

Disqualification

22. If the Administrator is satisfied that an officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may be reduced or withheld altogether.

Pension etc. may cease on conviction

23. (1) The Administrator may order that the pension or allowance of person who is sentenced to a term of imprisonment by a Court will cease as from such date as he may determine.

(2) If a person is sentenced after retirement in circumstances in which he is eligible for pension or allowance but before the pension or allowance is granted, then paragraph (1) will apply to a pension or allowance which may be granted to him.

(3) If paragraphs (1) or (2) apply the Administrator may direct all or part of the moneys to which the person would have been entitled by way of pension or allowance, had he not been sentenced, to be paid, or applied, for the maintenance or benefit of another person as set out in paragraph (4).

(4) The pension or allowance may be paid or applied for the maintenance or benefit of all or any, to the exclusion of the other-

- (a) such person;
- (b) a spouse, and
- (c) child or children.

(5) The Administrator may pay or apply the pension or allowance in such proportions and manner as he thinks appropriate.

(6) If such person after conviction is subsequently freed on appeal or receives a free pardon, the pension or allowance will be restored with retrospective effect.

(7) In determining whether arrears of such pension or allowance are payable to such person under paragraph (6) and in calculating the amount of arrears, account will be taken of all moneys paid or applied under this paragraph.

Part 3

Pensions to spouses and children

Interpretation

24. For the purposes of this Part -

“contributory service” means service in the combined service in respect of which periodical contributions as provided by regulation 30 have been paid;

“pensionable officer” means an officer holding a pensionable post;

“pensioner” means an officer to whom a pension has been granted under Part 2 on his retirement from the combined service.

Pensions to spouses and children

25. (1) Subject to this Part, on the death of a pensionable officer to whom this Part applies or a pensioner (“the deceased”) there will be granted in respect of his service -

- (a) if he leaves a spouse, a pension to that spouse (“a spouse’s pension”); and
- (b) if he had a spouse after the appointed day (whether or not the marriage continued until his death and whether or not a spouse’s pension is or can be granted), a pension for the benefit of the children born of that marriage and, in certain circumstances of other children of his or hers (“a children’s pension”).

(2) No account will be taken of a marriage of the deceased which takes place after he had ceased to be an officer and any reference in this Part to a marriage, spouse, spouse or child of the deceased will be construed accordingly.

(3) A pension will not be granted under this Part unless-

- (a) the deceased was a pensioner; or
- (b) the deceased had become eligible for the grant of a pension under Part 2

(whether such pension had actually been granted or not); or

- (c) the deceased was still serving as an officer at the time of his death and would, if he had then retired under regulation 4(1)(e), have been eligible for the grant of a pension.

Spouse's pension

26. (1) A spouse's pension will not be granted if-

- (a) the spouse was at the time of the officer's death cohabiting with another person; or
- (b) if after the officer's death the spouse remarried.

(2) If after the grant of a spouse's pension, the widow or widower remarries the pension will cease as from the date of the remarriage.

(3) Subject to paragraphs (1) and (2), a spouse's pension will be paid in respect of the period from the death of the officer to the death of the spouse.

Rate of spouse's pension

27. (1) Subject to paragraph (2), a spouse's pension will be -

- (a) in the case of contributory service, at the rate of $1 \times \frac{1}{1760}$ th of the annual pensionable emoluments of the deceased upon which his pension has been or would have been calculated under Part 2 in respect of each month of contributory service;
- (b) in the case of non-contributory service, at the rate of $1 \times \frac{1}{3520}$ of the annual pensionable emoluments of the deceased upon which his pension has been or would have been calculated under Part 2 in respect of each month of non-contributory service.

(2) If the pensionable officer at the time of his death or his retirement from the combined service under regulation 4(1)(e) has completed more than 10 but less than 20 years combined service, he will be deemed to have completed 20 years service and the added period of service will be treated as contributory service as provided in regulation 24.

(3) If the period between his age at the time of death or retirement from the combined service under regulation 4(1)(e) and the attainment of the age of compulsory retirement when added to his service in the combined service is less than 20 years, such lesser period will be substituted for 20 years in calculating the pension payable and the maximum spouse's pension will be $\frac{3}{8}$ ths of the full pension of the deceased.

(4) The minimum pension payable under this regulation will be £50. 24 monthly. This amount will not be liable to the cost of living increase provided by regulation 32.

(5) A pension additional to the ordinary pension granted to the deceased under Part 2, other than that granted on account of injuries will be reckoned as acquired by non-contributory service and $\frac{3}{60}$ of it will constitute additional spouse's pension.

Children's pension

28. (1) A children's pension will be granted to the children of the deceased or of a spouse of his in accordance with this regulation.

(2) No children's pension is payable-

- (a) for the benefit of a child of the deceased born 10 months after the date when he ceased to be an officer or who was adopted by him since he ceased to be an officer; or
- (b) for the benefit of a child of the deceased's spouse born or adopted after the dissolution of the marriage or since the deceased ceased to be an officer.

(3) Subject to paragraph (4), no pension is payable to-

- (a) an illegitimate child of the deceased;
- (b) a stepchild of the deceased or a child of his spouse; or
- (c) a stepchild, adopted child or an illegitimate child of the deceased's spouse; unless that child was wholly or mainly dependent upon the deceased at the time of his death.

(4) A children's pension will not be granted for the benefit of a child who at the time of the death of the deceased was married; and a children's pension will cease upon the child's marriage.

(5) The Administrator may direct that a children's pension is payable in respect of a child who, though he has ceased to be eligible for a child's pension, suffered infirmity of the mind or body, certified by a medical practitioner, which renders him incapable of earning his living.

(6) The Administrator may order that pension paid under paragraph (5) will cease, if he is satisfied on medical evidence that the infirmity has ceased to exist or that it does not prevent the child from earning his living.

(7) For the purposes of this regulation the expression "child" has the meaning given to it by regulation 16(16).

Children's pension; rate and mode of payment

29. (1) Only one children's pension may be granted in respect of the service of an officer but -

- (a) the amount of the children's pension may vary according to the number of eligible children;
- (b) it will be paid to such person or persons and in such proportions as the Administrator may direct; and
- (c) the person to whom all or any part of it is paid will apply the sum paid to him without distinction for the benefit of all the children entitled to it or for the benefit of such of them as the Administrator may direct.

(2) If the deceased does not leave a spouse or, if he leaves a spouse, after her death, the annual rate of a children's pension will be-

- (a) if there are 3 or more children eligible for a pension, 50 % more than the pension which would have been payable to the spouse;
- (b) if there are 2 children eligible for a pension, an equal amount to the pension which would have been payable to the spouse;
- (c) if there is 1 child eligible for a pension, ½ of the pension which would have been payable to the spouse.

(3) If the deceased leaves a spouse, the annual rate of a children's pension during the spouse's life will be -

- (a) if there are 3 or more children eligible for pension, an amount equal to the pension payable to the spouse;
- (b) if there are 2 children eligible for pension, 2/3 of the pension payable to the spouse;
- (c) if there is 1 child eligible for pension, 1/3 of the pension payable to the spouse.

(4) Regulation 26 (2) will apply to the pension referred to in paragraph (2) which would have been payable to the spouse and to the pension referred to in paragraph (3) payable to the spouse.

Part 4 Miscellaneous and final

Periodical contributions

30. (1) An officer ("a contributor") will pay contributions ("periodical contributions") as required under this regulation.

(2) Periodical contributions under this regulation will be at the rate of 1 ¾ % of an officer's annual pensionable emoluments and will be payable from the date he joins the combined service until the date he ceases to be an officer.

(3) Periodical contributions will be calculated on the monthly pensionable emoluments of the contributor to the nearest multiple of half a cent.

(4) If a contributor is on leave on reduced salary or without salary or is suspended from duty he will contribute at the rate specified in paragraph (2).

(5) Periodical contributions will accrue daily and will be deducted monthly in arrears from the emoluments of the contributor.

(6) If during a period of unpaid leave a contributor does not pay his contributions, the amount of his contributions in arrears will be deducted from the emoluments payable to him after his unpaid leave in such instalments as the Chief Constable may in each case determine.

(7) Notwithstanding paragraph (2), no contributor will be bound to pay a sum representing more than 440 monthly contributions.

Refund of contributions

31. (1) If -

(a) a contributor who has paid periodical contributions dies or ceases to be an officer without having married during the whole period of his service in respect of which contributions have been paid; or

(b) a contributor who has paid periodical contributions dies or ceases to be an officer in such circumstances as not to be eligible for a pension under Part 2;

the whole of his periodical contributions will be refunded to him or to his legal personal representative.

(2) If the spouse of a contributor who has paid periodical contributions dies before him and he, without remarrying, dies while in the combined service or retires, the periodical contributions paid by him since the death of his spouse will be refunded to him or to his legal personal representative.

(3) If an officer's post service payment would have been made by a deduction from the commuted pension gratuity at the time of retirement under regulation 28 (3) of the revoked Regulations revoked by regulation 33 while in the combined service or on his retirement on pension no contributions will be paid if he is unmarried at the time of his death or retirement or if a pension is not payable to his spouse.

(4) If any contributions are to be refunded under this regulation they will be refunded with simple interest at such rate as the Chief Officer may determine.

Cost of living allowance

32. (1) The Administrator may so long as a method of cost of living allowance readjustment on basic salaries is in force, and as a consequence of an increase in the cost of living index, readjust the pensions payable to pensioners who had retired prior to the 1st January of the year during which increases were made or the pensions of dependants of public officers or of pensioners who had died prior to the 1st January of the said year.

(2) The limit of such increase will be prescribed on the basis of the percentage increase of the average of the cost of living index during the expired year in comparison with the average of the cost of living index of the preceding year and will be granted with effect from the first day of the year in which the increase is made.

(3) In cases of retirement or death during the expired year the cost of living allowance, which was taken into consideration in calculating the pension of the pensioned officer or the pension of his dependants, will be taken into consideration for the purposes of prescribing the limit of such increase.

Revocation

33. The Police Officers (Pensions) Regulations 1988(d) are revoked.

Dated this 17th day of July 2007.

D. J. Kelly,

Chief Constable and Superintendent of Prisons,
Sovereign Base Areas.

(SBA/AG/2/CR/190/3)

Notes

- (a) Ordinance 6/07
- (b) Ordinance 11/71
- (c) Public Instrument 26/07
- (d) Public Instrument 7/88

EXPLANATORY NOTE

(This note does not form part of the Regulations)

Introduction

(1) These explanatory notes relate to the Police and Prison Officers (Pensions) Regulations 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. They do not form part of the Regulations.

(2) The notes should be read in conjunction with the Regulations. They are not, and are not meant to be, a comprehensive description of the Regulations. So when a section or part of a section does not seem to require any explanation or comment, none is given.

Particular points

(3) These Regulations consolidate and update the previous Police and Prison Officers (Pensions) Regulations 1988 as variously amended since that time.

(4) The Regulations establish the circumstances in which a pension is payable to a locally engaged police or prison officer and any spouse or child of his. Part 2 sets the eligibility for a pension including the required qualifying period of service. It also provides for different rates and types of pension to be payable in circumstances such as where the officer retires prematurely on the grounds of ill-health. Regulation 6 provides for the payment of a discretionary gratuity where the officer does not meet all the qualifying requirements for payment of a pension. Part 3 establishes the circumstances in which a pension is payable to a spouse and any child of an officer. Part 4 imposes a duty on the officer to make periodical contributions to the pension fund at the rate set by regulation 30, establishes the circumstances in which any contributions may be refunded and also provides for the effect of a change in the cost of living allowance on a pension payable under the Regulations.