

Cumbria Police Authority
Professional Standards Committee
1 November 2005.

Agenda Item No. 7.

Report by the Clerk & Chief Executive.

FORFEITURE OF PENSIONS ISSUES (APA CIRCULAR NO. 44/2005)

Background

The Association of Police Authorities (APA) Circular number 44/2005 advised Police Authorities of a recent outcome of an appeal against a decision taken by Dorset Police Authority to forfeit part of a former officer's pension.

Recommended: That the contents of the report be noted.

Detail

Circular No. 44/2005 from the APA referred to a judgement relating to Dorset Police Authority arising from an appeal against a decision taken by the Authority to forfeit part of an officer's pension. A copy of the judgement is attached (Appendix 1). The APA drew particular attention to the following:

1. The fact that there is potential for an officer to allege double punishment. This was no doubt considered by the authority members concerned taking the forfeiture decision but it had not been referred to in the Committee's decision or in the decision letter sent to the Home Office (paragraph 8 of the judgement refers).
2. The sentencing judge did not raise the possibility of the officer having his pension forfeited when he reached his decision and it was not raised by either party as an issue in court.
3. Paragraph 10 of the judgement referring to the police authority not giving 'adequate consideration' of the issue of double punishment when it made its forfeiture decision. The appeal judge considered the forfeiture decision was unjust and halved the forfeiture to 18.79% for 10 years from the age of 60.

The APA has asked Authorities to ensure that they consider the judgement when making pension forfeiture decisions in the future and that they ensure that the issue is referred to in court, so the sentencing judge is aware of the potential future decisions which could also impact on the officer.

C R Alcock
Clerk & Chief Executive

19 October 2005.

NOT PROTECTIVELY MARKED

Background papers: APA Circular 44/2005

Race and Diversity Implications: none known

NOT PROTECTIVELY MARKED