STATUTORY RULES OF NORTHERN IRELAND

2019 No. 54

POLICE

PUBLIC SERVICE PENSIONS

The Police Pension Schemes (Amendment) Regulations (Northern Ireland) 2019

Made - - - -	*20th March 2019*
Coming into operation	*1st April 2019*

The Department of Justice, makes the following Regulations under sections 25(2)(k) and 26(2)(g) of the Police Northern Ireland Act 1998(**1**) ("The 1998 Act") and Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(**2**); and sections 1(1) and (2)(g)(**3**), 2 and 3 of, and Schedule 3 to the Public Service Pensions Act (Northern Ireland) 2014(**4**)("The 2014 Act").

In accordance with section 25(9)(a) of the 1998 Act, the Department of Justice has invited the views of the Police Advisory Board. In accordance with section 26(6) of the 1998 Act it has consulted both the Policing Board and the Police Association. In accordance with section 21 of the 2014 Act, it has consulted representatives of such persons as appear to the Department likely to be affected by these Regulations.

In accordance with section 72(2A)(**5**) of the 1998 Act and section 3(5) of the 2014 Act the Department of Finance(**6**) has consented to the making of these Regulations.

(**1**) 1998 c.32 sections 25 and 26 are amended by section 78(1) of the Police (Northern Ireland) Act 2000 and section 26 is amended by section 49(5) of that Act.
(**2**) S.I 1972/1073(N.I.10).Articles 14 and 15 enable regulations to have a retrospective effect. Article 15(c) was amended by section 74 of and paragraph 6 of Schedule 4 to the 1998 Act.
(**3**) See also section 1(3) of, and Schedule 1 to the 2014 Act.
(**4**) 2014 c.35 (N.I.).
(**5**) Section 72(2A) was inserted into the 1998 Act by section 78(1)of and paragraph 23(6) pf Schedule 6 to the Police (Northern Ireland) Act 2000. The consent function was vested in the Department of Finance and Personnel by virtue of Article 5 of and paragraph 38 of Schedule 3 to S.I.2010/976.
(**6**) Departments Act (Northern Ireland) 2016 c.5 (N.I.). Section 1(4) renamed the Department of Finance and Personnel as the Department of Finance.

PART 1

General

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Police Pension Schemes (Amendment) Regulations (Northern Ireland) 2019.

(2) These Regulations come into operation on 1st April 2019 but—

(a) regulations 3 and 4 have effect from 6th April 2006;

(b) regulations 6, 7 and 8 have effect from 1st April 2015;

(c) regulation 11 has effect from 23rd November 2008.

PART 2

Police Pensions

Amendment of the Police Pension (Northern Ireland) Regulations 2009

2. The Police Pension (Northern Ireland) Regulations 2009(**7**) are amended in accordance with regulations 3 and 4.

Surviving cohabiting partners

3. In regulation 37(survivors)—

(1) in paragraph (2)—

(a) for ″An adult partner, other than a spouse or civil partner, shall not be entitled to a pension under these Regulations unless the following conditions are satisfied″ substitute ″An adult partner, other than a spouse or civil partner, shall not be entitled to a pension under these Regulations unless—″;

(b) in sub-paragraph (a), for ″the police officer concerned had sent to the Board a declaration made and signed by the police officer and the adult partner concerned that″ substitute ″the following conditions are met″;

(c) omit sub-paragraph (a)(iv); and

(d) omit ″and had not revoked that declaration before his death; and″.

(2) omit paragraph (4).

4. In regulation 43 (lump sum death grant)—

(1) in paragraph (4)(c) at the beginning insert ″subject to paragraph (4A),″;and

(2) after paragraph (4) insert —

“(4A) Unless paragraph (4B) applies, the Board must pay a grant to a person of the description in paragraph (4)(b) if a grant was paid to a different person under paragraph (4)(c) or (d) before this paragraph came into operation.

(7) S.R.2009 No. 79.

(4B) This paragraph applies where the Board are of the opinion that the person of the description in paragraph (4)(b) has benefitted from all of the grant paid under paragraph (4)(c) or (d).

(4C) The amount of a grant payable under paragraph (4A) is an amount calculated under paragraph (3), but the Board may pay such a lower amount as they consider appropriate in all the circumstances if they are of the opinion that the person has benefitted from some of the grant paid under paragraph (4)(c) or (d).".

Amendment of the Police Pensions Regulations (Northern Ireland) 2015

5. The Police Pensions Regulations (Northern Ireland) 2015(**8**) are amended in accordance with regulations 6 to 9.

Surviving cohabitating partners

6. In regulation 134 (meaning of ″surviving adult partner″)—

(1) in paragraph (1)(a)—

(a) for ″the member has sent to the scheme manager a written declaration form required by the member and P that″ substitute ″the following conditions are met″;

(b) omit head (iv);

(2) omit paragraph (1)(b); and

(3) omit paragraphs (3) and (4).

7. In regulation 155 (persons who may be paid lump sum death grant)—

(1) in paragraph (2)(b)(i) for ″stated in the declaration under″ substitute ″in paragraph (1)(a)(i)to (iii) of″;

(2) in paragraphs (4) and (5), at the beginning of both paragraphs insert ″Subject to paragraph (5A),″; and

(3) after paragraph (5) insert—

"(5A) Unless paragraph (5B) applies, the scheme manager must pay a grant to a person of the description in paragraph (2) if a grant was paid to a different person under paragraph (4) or (5) before this paragraph came into operation.

(5B) This paragraph applies where the scheme manager is of the opinion that the person of the description in paragraph (2) has benefited from all the grant paid under paragraph (4) and (5).

(5C) The amount of a grant payable under paragraph (5A) is an amount up to the amount calculated under regulation 160, but the scheme manager may pay such lower amount as it considers appropriate in all the circumstances, if it is of the opinion that the person has benefited from some of the grant paid under paragraph (4) or (5).".

Rate of member's contributions

8. In the table in regulation 169 (rate of member's contributions) in the title omit ″and ending 31st March 2019″.

Employer contributions

9. In regulation 173(1) (Employer contributions) for ″25.1%″ substitute ″35%″.

(**8**) S.R.2015 No.113.