STATUTORY RULES OF NORTHERN IRELAND

2013 No. 36

POLICE

The Police Pension (Northern Ireland) (Amendment) Regulations 2013

Made - - - -	*6th February 2013*
Coming into force - -	*1st April 2013*

The Department of Justice makes the following Regulations in exercise of the powers conferred by sections 25(2)(k) and 26(2)(g) of the Police (Northern Ireland) Act 1998(**1**).

Those powers are now vested in the Department(**2**).

The Department of Finance and Personnel has consented to the making of these Regulations in accordance with section 72(2A)(**3**) of that Act.

The Department has consulted the Police Negotiating Board for the United Kingdom in accordance with section 62(3) of the Police Act 1996(**4**).

Citation and commencement

1.—(1) These Regulations may be cited as the Police Pension (Northern Ireland) (Amendment) Regulations 2013.

(2) These Regulations come into operation on 1st April 2013.

Interpretation

2. In these Regulations unless the context otherwise requires—

"the Pension Regulations" means the Police Pension (Northern Ireland) Regulations 2009(**5**).

(**1**) 1998 c.32. Relevant amendments are made by: section 78(1) of and paragraph 23 of Schedule 6 to the Police (Northern Ireland) Act 2000 ("the 2000 Act"). Section 26(2)(g) was amended by section 49(5)(a) of the 2000 Act.

(**2**) Article 5 of and paragraphs 9 and 10 of Schedule 3 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) transferred the regulation making powers of the Secretary of State to the Department of Justice.

(**3**) This subsection was inserted by paragraph 23(6) of Schedule 6 to the 2000 Act. The consent function is now 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.

(**4**) 1996 c.16. Section 62(3) was amended by section 34(2) of the Police (Northern Ireland) Act 1998.

(**5**) S.R. 2009 No. 79 as amended by S.R. 2010 No. 348 and S.R. 2012 No. 64.

Amendments of the Pension Regulations

3. The Pension Regulations are amended in accordance with the Schedule.

Sealed with the Official Seal of the Department of Justice on 6th February 2013

L.S.

David Ford
Minister of Justice

Sealed with the Official Seal of the Department of Finance and Personnel on 6th February 2013

L.S.

John McKibbin
A senior officer of the
Department of Finance and Personnel

SCHEDULE

Regulation 3

1. In regulation 4 (application of Regulations), in paragraph (4)—

(a) in sub-paragraph (b), omit "and";

(b) in sub-paragraph (c), at the end, insert "and";

(c) after sub-paragraph (c) insert—

"(d) his election shall otherwise be cancelled in accordance with regulation 7(6), and he shall then become eligible for awards to be payable to or in respect of him under these Regulations, subject to paragraph 9 of Schedule 2.".

2. After regulation 6(1)(b) (eligibility for pension awards payable on the grounds of permanent disablement) insert—

"(c) a police officer who has been automatically enrolled or re-enrolled.".

3. In regulation 7 (election not to pay pension contributions)—

(a) after paragraph (3) insert—

"(3A) In the case of a police officer who has given notice under paragraph (1) within three months of a relevant event, his election under that paragraph shall be deemed to have taken effect on the date of that relevant event.

(3B) A relevant event for the purposes of paragraph (3A) is—

(a) the automatic enrolment date;

(b) an automatic re-enrolment date;

(c) the police officer first becoming liable to pay pension contributions by reason of exercising the right afforded by section 7 of the Pensions (No. 2) Act (Northern Ireland) 2008(**6**) (jobholder's right to opt in).";

(b) at the end of paragraph (5), insert "and the election shall cease to have effect as from the date on which an instalment of pay next falls due to him after the receipt of such notice".

(c) For paragraphs (6) to (9) substitute—

"(6) An election made by a police officer under paragraph (1) shall, if it has not been cancelled under paragraph (5), be cancelled on the automatic enrolment date or (if that date has passed) on the next automatic re-enrolment date, and shall cease to have effect as from the date on which an instalment of pay next falls due to him after the date of cancellation.

(7) A written notice given under paragraph (1) or (5) shall be signed by the police officer or, where the notice is in electronic format it shall include a statement confirming that the notice is given by the police officer personally.".

4. In regulation 18(2) (compulsory retirement on the ground of disablement) for "appeal board" substitute "independent medical referee".

5. For regulation 40(9) (guaranteed minimum pension for the purposes of the Pension Schemes (Northern Ireland) Act 1993) substitute—

"(9) For the purposes of this regulation, "state pensionable age" means the pensionable age determined in accordance with the rules in Article 123 of and Schedule 2 to the Pensions (Northern Ireland) Order 1995(**7**).".

(**6**) 2008 c.13 (N.I.).

(**7**) S.I. 1995/3213 (N.I. 22). Article 123 and Schedule 2 were amended by section 11(1) of and Schedule 3 to the Pensions Act (Northern Ireland 2008 (2008 c.1 (N.I.).

6. In regulation 69(4)(a) (further reference to medical authority) for "appeal board" substitute "IMR".

7. After regulation 91 insert—

"**Members of the Police Service of Northern Ireland Reserve.**

91A.—(1) These Regulations shall apply to members of the Police Service of Northern Ireland Reserve subject to the modifications in Schedule 4A.

(2) Unless the context otherwise requires, in these Regulations a reference to—

"police officer" shall be read as a reference to a part-time reserve officer,",

"police service" shall be read as a reference to the Police Service of Northern Ireland Reserve.".

8. In Schedule 1 (glossary of expressions) insert the following definitions at the appropriate places—

"automatic enrolment date" has the meaning given by section 3(7) (automatic enrolment) of the Pensions (No.2) Act (Northern Ireland) 2008.

"automatic re-enrolment date" means a date determined in accordance with regulation 12 of the Occupational and Personal Pensions schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010(**8**).

9. After Schedule 4 insert—

"SCHEDULE 4A Regulation 91A

1. For regulation 4(1) substitute—

"(1) These Regulations shall apply to a part-time reserve officer who is a serving officer or first became such on or after 1st April 2013.".

2. Regulation 4(2) to (9) shall not apply to a part-time reserve officer.

3. After regulation 6(1)(c) (eligibility for pension awards payable on the ground of permanent disablement) insert—

"(d) a candidate for appointment to the Police Service of Northern Ireland Reserve or a serving member of the Police Service of Northern Ireland Reserve as of 1st April 2013;".

4. In regulation 9(4) (previous service reckonable without payment) after "regulation 22" insert "or regulation 11A".

5. After regulation 11 (reckoning of part-time service) insert—

"**Reckoning of service for a part-time reserve officer**

11A. In the case of a part-time reserve officer the number of days of pensionable service shall be calculated by the application of the following fraction:

$$\frac{(A \times 365)}{(B \times C)}$$

Where—

(**8**) S.R. 2010 No. 122 to which these are amendments not relevant to these Regulations.