STATUTORY RULES OF NORTHERN IRELAND

2012 No. 82

POLICE

Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2012

Made - - - -	*1st March 2012*
Coming into operation	*31st March 2012*

The Department of Justice makes these Regulations in exercise of the powers conferred on it by sections 25(1) and (2)(k), 26(1) and (2)(g) and 72(2) of the Police (Northern Ireland) Act 1998(**1**) ("the 1998 Act") and section 49 of the Police (Northern Ireland) Act 2000(**2**). These powers are now vested in the Department(**3**). These Regulations have retrospective effect in accordance with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(**4**).

In accordance with section 26(6) of the 1998 Act the Department has consulted the Northern Ireland Policing Board and the Police Association for Northern Ireland. In accordance with section 62(3) of the Police Act 1996(**5**) it has consulted with the Police Negotiating Board for the United Kingdom. In accordance with section 72(2A)(**6**) of the 1998 Act it has obtained the consent of the Department of Finance and Personnel.

Citation and commencement

1.—(1) These Regulations may be cited as the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2012.

(2) These Regulations come into operation on 31st March 2012 but—

(a) Regulation 2(2) and (3) has effect from 23rd November 2008; and

(b) Regulation 2(4) and (5) has effect from 6th April 2006.

(**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**) 2000 c.32.
(**3**) Article 5 of and paragraphs 9, 10 and 38 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.
(**4**) S.I. 1972/1073 (N.I. 10).
(**5**) 1996 c.16. Section 62(3) was amended by section 34(2) of the 1998 Act.
(**6**) Section 72(2A) was inserted by section 78(1) of and paragraph 23(6) of Schedule 6 to the Police (Northern Ireland) Act 2000. 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.

Amendment of the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006

2.—(1) The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006(**7**) are amended as follows.

(2) For Regulation 12(1) substitute —

"(1) This Regulation applies to an adult survivor of a police officer who dies or has died as the result of an injury received without his own default in the execution of his duty ("the deceased officer").

(1A) For the purposes of these Regulations "adult survivor" means a person who at the time of the death of the police officer concerned was his spouse, civil partner or, subject to paragraph (1B), other adult partner.

(1B) An adult partner other than a spouse or civil partner shall not be regarded as an adult partner unless—

(a) the police officer concerned had made and sent to the Board a declaration, signed by the police officer and the adult partner, that—

(i) the police officer and the adult partner were cohabiting as partners in an exclusive, committed and long-term relationship;

(ii) the adult partner was financially dependent on the police officer or they were financially interdependent;

(iii) the police officer and the adult partner were both free to marry each other (where they are of opposite sexes) or to form a civil partnership with each other (where they are of the same sex);

(iv) the police officer acknowledged an obligation to send to the Board a signed notice of revocation should the relationship terminate;

and had not revoked that declaration before his death; and

(b) the adult partner has submitted a claim in writing to the Board and satisfied the Board—

(i) that the circumstances mentioned in paragraph (i), (ii) and (iii) of sub-paragraph (a) continued to subsist at the time of the police officer's death, and

(ii) that the period of cohabitation mentioned in paragraph (i) of sub-paragraph (a) had been of at least two years' duration at the time of the police officer's death.

(1C) The Board may in its discretion accept a shorter period of cohabitation than that mentioned in paragraph (2)(b)(ii) where it is satisfied, in the particular circumstances of the case, that it is likely that the deceased officer and the adult partner concerned would have cohabited as partners for at least two years had the police officer not died.

(1D) Upon receipt of a declaration or notice of revocation of such a declaration made in accordance with paragraph (2)(a), the Board shall forthwith send to the police officer concerned a written notification of its receipt.".

(3) In regulation 12(6) after "civil partners," insert "or the other surviving adult partner and the deceased officer were cohabiting (as the case may be),".

(4) In regulation 13(2)(b) (adult survivor's augmented award) after "constable" insert "in the metropolitan police force".

(**7**) S.R. 2006 No. 268 to which there are amendments not relevant to these Regulations.