STATUTORY RULES OF NORTHERN IRELAND

2010 No. 348

POLICE

The Police Pension (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*14th October 2010*
Coming into operation	*11th November 2010*

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**), read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(**2**). Those powers are now vested in the Department(**3**).

The Department has consulted the Northern Ireland Policing Board and the Police Association for Northern Ireland in accordance with section 25(8) of that Act.

The Department of Finance and Personnel has consented to the making of these Regulations in accordance with section 72(2A)(**4**) 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(**5**).

Citation and commencement

1.—(1) These Regulations may be cited as the Police Pension (Amendment) Regulations (Northern Ireland) 2010.

These Regulations come into operation on 11th November 2010 and, subject to paragraph (3), have effect from 1st April 2007(**6**).

(2) Schedule 2 has effect from 1st September 2009.

(**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.
(**2**) S.I. 1972/1073 (N.I. 10).
(**3**) 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.
(**4**) 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.
(**5**) 1996 c.16. Section 62(3) was amended by section 34(2) of the Police (Northern Ireland) Act 1998.
(**6**) Retrospective effect is permitted by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972.

Amendments to regulations

2.—(1) Part 1 of Schedule 1 (Amendments of the Royal Ulster Constabulary Pensions Regulations 1988(**7**)) has effect.

(2) Part 2 of Schedule 1 (Amendments of the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006(**8**)) has effect.

(3) Part 3 of Schedule 1 (Amendments of the Police Pension (Northern Ireland) Regulations 2009(**9**)) has effect.

(4) Schedule 2 (Amendments of the Police Pension (Northern Ireland) Regulations 2009 relating to reckoning of service) has effect.

Sealed with the Official Seal of the Department of Justice on 14th October 2010.

L.S.

David Ford
Minister of Justice

Sealed with the Official Seal of the Department of Finance and Personnel on 14th October 2010.

L.S.

Michael Daly
A senior officer of the
Department of Finance and Personnel

(**7**) S.R. 1988 No. 374. Relevant amendments are made by S.R. 1990 No. 411, S.R. 1993 No. 327, S.R. 1996 No. 4, S.R. 1997 No. 259, S.R. 1998 No. 240, S.R. 2001 No. 369, S.R. 2002 No. 100, S.R. 2004 No. 384 and S.R. 2010 No. 43.
(**8**) S.R. 2006 No. 268. Relevant amendments are made by S.R. 2009 No. 143.
(**9**) S.R. 2009 No. 79.

SCHEDULE 1 Regulation 2

PART 1

Amendments of the Royal Ulster Constabulary Pensions Regulations 1988

1. The Royal Ulster Constabulary Pensions Regulations 1988 are amended as follows.

2. After regulation A13B insert—

"National Policing Improvement Agency

A13C.—(1) For the purposes of these regulations an employed constable of NPIA shall be deemed to be a member, except where the context otherwise requires.

(2) In relation to an employed constable of NPIA—

(a) a reference in these regulations to the force shall be construed as a reference to NPIA;

(b) a reference in these regulations to the Board (including any reference to the Police Authority which is to be construed as a reference to the Board) shall be construed as a reference to NPIA.".

3.—(1) Regulation A14 (transfers) is amended as follows.

(2) In paragraph (1) after "in accordance with paragraph (1A)" insert ", in the case of an employed constable of NPIA, in accordance with paragraph (1B)".

(3) After paragraph (1A) insert—

"(1B) A reference in these regulations to a member transferring to a police force in Great Britain shall, in the case of an employed constable of NPIA, be construed as his leaving NIPA for the purpose of becoming a regular policeman in Great Britain and becoming such a regular policeman, where he leaves NPIA—

(a) after giving notice of such period as required by his contract of employment of an intention to do so to NPIA, or

(b) after giving such shorter period of notice as may be agreed between the employed constable of NPIA and NPIA.".

(4) In paragraph (2) for "paragraph (4)" substitute "paragraphs (4) and (5)".

(5) After paragraph (4) insert—

"(5) A reference in these regulations to a member having transferred from a police force in Great Britain shall, in the case of an employed constable of NPIA who, immediately before joining NPIA, was a regular policeman in Great Britain, be construed as his leaving NPIA for the purpose of becoming a member and his becoming a member, where he leaves NPIA—

(a) after giving notice of such period as required by his contract of employment of his intention to do so to NPIA, or

(b) after giving such shorter period of notice as may be agreed between the employed constable of NPIA and NPIA.".

4.—(1) Regulation A15 (retirement) is amended as follows.

(2) In paragraph (1) after "a specified employee of SOCA" insert "or on becoming an employed constable of NPIA".

(3) After paragraph (1A) insert—

"(1B) A reference in these regulations to retirement includes, in the case of an employed constable of NPIA, the contract under which he is employed by NPIA being terminated.".

5. In regulation A16(3) (compulsory retirement on account of age) at the end insert "or to an employed constable of NPIA".

6. In regulation A17(1) (compulsory retirement on grounds of efficiency of the force) for "or specified employee of SOCA" substitute "specified employee of SOCA or employed constable of NPIA".

7.—(1) Regulation B1 (member's ordinary pension) is amended as follows.

(2) In paragraph (1) after "(2)" insert ", (3A)".

(3) In paragraph (3) omit sub-paragraphs (ca) and (cb).

(4) After paragraph (3) insert—

7.—"(3A) This regulation shall not apply to—

(a) a specified employee of SOCA who retires or retired without giving to SOCA notice of such period as required by his contract of employment of his intention to retire or such shorter period of notice as agreed between the specified employee of SOCA and SOCA;

(b) an employed constable of NPIA who retires or retired without giving to NPIA notice of such period as required by his contract of employment of his intention to retire or such shorter period of notice as agreed between the employed constable of NPIA and NPIA;

unless SOCA or NPIA (as the case may be) have decided that this regulation should apply or the contract of employment is or was terminated.".

(5) In paragraph (5)(b), for "(3)(ca)" substitute "(3A)(a) or (b)".

8.—(1) Regulation B2A (short service award on voluntary retirement) is amended as follows.

(2) In paragraph (2) omit "or (5)" and insert ", (5) or (6)".

(3) After paragraph (5) insert—

"(6) An employed constable of NPIA who wishes to retire voluntarily must give to NPIA notice of such period as required by his contract of employment of his intention to retire or such shorter period of notice as may be agreed between the employed constable of NPIA and NPIA.".

9. In regulation B5(2)(b) (member's deferred pension) omit "or to an award under regulation 10 of the Injury Benefit Regulations".

10. For regulation B8 (commutation – small pensions) substitute—

"B8.—(1) Where the annual rate of any pension payable to or in respect of a member under this Part or regulation M1 or J1 (2) does not exceed the small pensions commutation maximum, the Board may pay the person entitled to the pension a lump sum of such an amount as the Scheme actuary advises represents the capital value of the pension if—

(a) that person consents, and

(b) where the pension payable to that person is one which may not be less than the person's guaranteed minimum, he has reached state pension age.

(2) If—

(a) a person is entitled to more than one pension under this Part or regulation J1(2), or

(b) a person is entitled to more than one relevant award in respect of the same member, or

(c) a pension credit member is entitled—

(i) to more than one pension under regulation M1, or

(ii) to one or more pensions under this Part or regulation J1(2) in addition to one or more pensions under regulation M1, those pensions may only be commuted under this regulation if they do not in aggregate exceed the amount that is permitted to be commuted under all the commutation requirements that apply in the circumstances in question.

(3) The payment of a lump sum under this regulation in respect of a pension discharges the Board from all liability in respect of that pension.

(4) In this regulation—

"the commutation requirements" means requirements permitting the commutation of small pensions that are imposed—

(a) by regulation 19, 20 or 60 of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996(**10**),

(b) by regulation 2 of the Occupational Pension Schemes (Assignment, Forfeiture, Bankruptcy etc) Regulations (Northern Ireland) 1997(**11**),

(c) by regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000(**12**), or

(d) by paragraph 7 of Schedule 29 to the Finance Act 2004(**13**) (which defines trivial commutation lump sums for the purposes of Part 1 of that Schedule);

"relevant award" means an award under any of the following—

(a) these Regulations;

(b) the Police Pension (Northern Ireland) Regulations 2009(**14**);

(c) the Injury Benefit Regulations;

(d) the Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993(**15**);

"the small pensions commutation maximum" means the amount that is permitted to be commuted, having regard to all the commutation requirements that apply in the circumstances in question.".

11.—(1) Regulation B11 (deduction of tax from certain awards) is amended as follows.

(2) In paragraph (1) for "repayment of contributions" to the end substitute "short service refund lump sum within the meaning of section 205 of the Finance Act 2004".

(3) In paragraph (2) for "the tax for the time being" to the end substitute "the charge to income tax arising under that section".

12. For regulation E3A(4) (lump sum death grant – widows and widowers) substitute—

"(4) The grant is to be paid to any widow who qualifies for it; but if there is no such widow, the Board may in its discretion pay the grant to the personal representatives.".

(**10**) S.R. 1996 No. 493.
(**11**) S.R. 1997 No. 153.
(**12**) S.R. 2000 No. 146.
(**13**) 2004 c.12. Paragraph 7 was amended by S.I. 2009/1172.
(**14**) S.R. 2009 No. 79.
(**15**) S.R. 1993 No. 249.