STATUTORY RULES OF NORTHERN IRELAND

2009 No. 143

POLICE

The Police Service of Northern Ireland (Pensions) (Amendment) Regulations 2009

Made - - - -	*18th March 2009*
To be laid before Parliament	
Coming into operation	*27th April 2009*

These Regulations are made in exercise of the powers conferred by section 25 of the Police (Northern Ireland) Act 1998(**1**), read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(**2**).

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

The Treasury has consented to the making of these regulations in accordance with section 72(2A) of that Act.

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

Accordingly the Secretary of State makes the following Regulations:

PART 1

INTRODUCTORY

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Police Service of Northern Ireland (Pensions) (Amendment) Regulations 2009.

(2) These regulations come into operation on 27th April 2009, and have effect from 1st April 2006, except that—

(**1**) 1998 c. 32. Section 25 is amended by section 78(1) of the Police (Northern Ireland) Act 2000 and section 24(2) of the Police (Northern Ireland) Act 2003. Section 72(2A) was inserted by section 78 of and Schedule 6 to the Police (Northern Ireland) Act 2000

(**2**) S.I.1972/1073 (N.I. 10)

(**3**) 1996 c. 16

(a) regulation 6 has effect from 1st April 2006 to 30 September 2006;

(b) regulations 2, 3 (insofar as it inserts regulation A13B(3) into the principal regulations), 7, 9(2) to (4) and (6), 10 to 12, 14, 17(3),18 and 20 to 26 have effect from 1st October 2006;

(c) regulation 3(2) of the Police Service of Northern Ireland Pensions (Amendment) Regulations 2007(**4**) shall be deemed always to have had effect subject to the substitution made by regulation 15; and

(d) regulations 27 to 30 have effect from 6th April 2006.

(3) In these regulations "the principal regulations" means the Royal Ulster Constabulary Pensions Regulations 1988(**5**).

PART 2

AMENDMENTS OF THE PRINCIPAL REGULATIONS

Relevant voluntary retirement age

2. In regulation A4 of the principal regulations the existing words become paragraph (1), and at the end insert—

"(2) In these Regulations, a reference to a member's relevant voluntary retirement age shall be construed in accordance with paragraphs (3) to (5).

(3) In relation to a superintendent or inspector, that reference shall be construed as a reference to the age of 60 years.

(4) In relation to a sergeant or constable, that reference shall be construed as a reference to the age of 55 years.

(5) In relation to a member who does not come within paragraph (3) or (4), that reference shall be construed such that he does not have a relevant voluntary retirement age."

Serious Organised Crime Agency

3. After regulation A13A of the principal regulations insert—

"**Serious Organised Crime Agency**

A13B.—(1) For the purposes of these Regulations a specified employee of SOCA shall be deemed to be a member, except where the context otherwise requires.

(2) In relation to a specified employee of SOCA—

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

(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 SOCA.

(3) For the purposes of regulation A4(2) to (5)—

(a) a specified employee of SOCA shall be deemed to hold the rank of a member equivalent to his SOCA grade as set out in the following table—

(**4**) S.R. 2007 No. 484

(**5**) S.R. 1988 No. 374. Relevant amending regulations are 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. 2002 No.100, S.R. 2004 No 384, S.R. 2006 No. 123, S.R. 2006 No. 268 and S.R. 2007 No. 485

SOCA Grade	*Equivalent Rank*
5	Constable
4	Sergeant
3	Inspector (but not Chief Inspector)
2	Superintendent (but not Chief Superintendent)
1	Chief Superintendent

(b) a specified employee of SOCA with a SOCA grade which is higher than 1 shall be deemed to hold the rank of Assistant Chief Constable."

Serious Organised Crime Agency: transfers

4.—(1) Regulation A14 of the principal regulations (transfers) is amended as follows.

(2) In paragraph (1) after "construed" insert "in the case of a specified employee of SOCA, in accordance with paragraph (1A) and, in any other case,".

(3) After paragraph (1) insert—

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

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

(b) after giving such shorter period of notice as may be agreed between the specified employee of SOCA and SOCA."

(4) In paragraph (2) at the beginning insert "Subject to paragraph (4)".

(5) After paragraph (3) insert—

"(4) A reference in these regulations to a member having transferred from a police force in Great Britain shall, in the case of a specified employee of SOCA who, immediately before joining the National Criminal Intelligence Service or the National Crime Squad, was a regular policeman in Great Britain, be construed as his leaving SOCA for the purpose of becoming a member and his becoming a member, where he leaves SOCA—

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

(b) after giving such shorter period of notice as may be agreed between the specified employee of SOCA and SOCA."

Serious Organised Crime Agency: retirement

5.—(1) Regulation A15 of the principal regulations (retirement) is amended as follows.

(2) In paragraph (1) after "the NCIS or the NCS" insert "and subsequently becoming a specified employee of SOCA".

(3) After paragraph (1) insert—

"(1A) A reference in these regulations to retirement includes, in the case of a specified employee of SOCA, the contract under which he is employed by SOCA being terminated."

(4) Omit paragraph (3).

Compulsory retirement on account of age: first amendment

6.—(1) Regulation A16 of the principal regulations (compulsory retirement on account of age) is amended as follows.

(2) In paragraph (1) for "paragraph (2)" substitute "the following provisions of this regulation".

(3) After paragraph (2) insert—

"(3) This regulation shall not apply to a specified employee of SOCA."

Compulsory retirement on account of age: second amendment

7. For regulation A16 of the principal regulations (compulsory retirement on account of age) substitute—

"**A16.**—(1) Subject to the following provisions of this regulation, every member shall be required to retire—

(a) if he is of the rank of Constable, Sergeant, Inspector or Chief Inspector, on attaining the age of 60 years,

(b) if he holds any higher rank, on attaining the age of 65 years.

(2) The time at which, under paragraph (1), a person shall be required to retire may be postponed, if the person concerned holds a rank above that of Superintendent, by the Board, and, if he holds the rank of Superintendent or any lower rank, by the Chief Constable with the approval of the Board.

(3) This regulation shall not apply to a specified employee of SOCA."

Compulsory retirement on grounds of efficiency of the force

8.—(1) Regulation A17 of the principal regulations (compulsory retirement on grounds of efficiency of the force) is amended as follows.

(2) In paragraph (1) for "or assistant chief constable" substitute ", assistant chief constable or specified employee of SOCA."

Member's ordinary pension

9.—(1) Regulation B1 of the principal regulations (member's ordinary pension) is amended as follows.

(2) For paragraph (2) substitute—

"(2) Except in the circumstances mentioned in paragraph (3), this regulation shall not apply to a member where—

(a) he is of the rank of superintendent or below, and he retires or retired without having given to the Board a month's written notice of his intention to retire or such shorter notice as may have been accepted by the Board; or

(b) he is of a rank above superintendent, and he retires or retired without having given to the Board three months' written notice of his intention to retire or such shorter notice as may have been accepted by the Board."

(3) In paragraph (3) for sub-paragraph (b) substitute—

"(b) being a member who has been appointed for a fixed term under regulation 11 of the Police Service of Northern Ireland Regulations 2005, he retires or retired at the end of that appointment, or if such a term has been extended, at the expiry of the extension, or."

(4) Omit paragraph (3)(ba).

(5) In paragraph (3), at the end of sub-paragraph (c) insert "or", and after that sub-paragraph insert—

"(ca) being a specified employee of SOCA, he retires or retired having given to SOCA notice of such period as required by his contract of employment of his intention to retire or after giving such shorter period of notice as may be agreed between the specified employee of SOCA and SOCA, or

(cb) being a specified employee of SOCA, his contract of employment is or was terminated, or".

(6) In paragraph (5)(b), for "paragraph (2)(a) or (3)(b)" substitute "paragraph (2) or (3)(ca)".

Member's short service award

10. In regulation B2(1) of the principal regulations (short service award) for "who is or was required to retire on account of age" substitute—

"(a) who is or was required to retire on account of age, or

(b) who retires or retired voluntarily in accordance with regulation B2A."

Short service award on voluntary retirement

11. After regulation B2 of the principal regulations insert—

"**Short service award on voluntary retirement**

B2A.—(1) This regulation applies to a member on or after attaining his relevant voluntary retirement age (if he has one).

(2) A member to whom this regulation applies may retire voluntarily subject to giving notice in accordance with paragraph (3), (4) or (5) as the case may be.

(3) A member of the rank of superintendent or below who wishes to retire voluntarily must give to the Board a month's written notice of his intention to retire, or such shorter notice as may be accepted by the Board.

(4) A member above the rank of superintendent who wishes to retire voluntarily must give to the Board three months' written notice of his intention to retire, or such shorter notice as may be accepted by the Board.

(5) A specified employee of SOCA who wishes to retire voluntarily must give 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 may be agreed between the specified employee of SOCA and SOCA."

Commutation: general provisions

12.—(1) Regulation B7 of the principal regulations (commutation — general provisions) is amended as follows.

(2) For "regulation B2(1)" substitute "regulation B2(1)(a) or having attained his relevant voluntary retirement age or, where he does not have a relevant voluntary retirement age, having attained the age of 65".