STATUTORY RULES OF NORTHERN IRELAND

2007 No. 484

POLICE

Police Service of Northern Ireland Pensions (Amendment) Regulations 2007

Made - - - -	*27th November 2007*
To be laid before Parliament	*10th December 2007*
Coming into operation	*31st December 2007*

The Secretary of State makes the following Regulations 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**). In accordance with section 25(8) of that Act he has consulted the Northern Ireland Policing Board and the Police Association. In accordance with section 62(3) of the Police Act 1996(**3**) he has consulted the Police Negotiating Board for the United Kingdom. In accordance with section 72(2A) of the Police (Northern Ireland) Act 1998 he has obtained the consent of Treasury.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Police Service of Northern Ireland Pensions (Amendment) Regulations 2007.

(2) These Regulations shall come into operation on 31st December 2007 but regulation 3 has effect in accordance with regulation 2.

(3) In these Regulations "member" has the same meaning as in the Royal Ulster Constabulary Pensions Regulations 1988(**4**).

(4) In these Regulations "the Board" means the Northern Ireland Policing Board as established by section 2 of the Police (Northern Ireland) Act 2000(**5**).

(**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.
(**2**) S.I.1972/1073 (N.I. 10)
(**3**) 1996 c. 16
(**4**) S.R. 1988 No. 374; relevant amending regulations are S.R. 1990 No. 411, S.R. 1993 No. 223 and S.R. 2006 No. 122
(**5**) 2000 c. 32

Retrospective effect in certain cases

2.—(1) In relation to a case where a person transferred from the British Transport Police Force to become a member on or after 1st February 2001 but before 1st August 2004 and either—

(a) the British Transport Police Force Superannuation Fund has paid to the Board a transfer value in respect of that transfer before 1st August 2004 and his pensionable service in respect of his former service would if recalculated in accordance with the amendment made by these Regulations satisfy the condition set out in paragraph (4), or

(b) no such payment has been made by 1st August 2004, but the member applies to the Board by 31st July 2005 for such a transfer payment to be accepted and for the period of pensionable service in respect of his former service to be calculated in accordance with the amendments made by these Regulations,

regulation 3 has effect from 1st February 2001(**6**).

(2) In relation to a case where—

(a) a person transferred from the British Transport Police Force to become a member on or after 30th April 1998 but before 1st February 2001 and either—

(i) the British Transport Police Force Superannuation Fund has paid to the Board a transfer value in respect of that transfer before 1st August 2004 and that member applies to the Board by 31st October 2004 for his pensionable service in respect of his former service to be recalculated in accordance with the amendments made by these Regulations in circumstances where the condition set out in paragraph (4) applies; or

(ii) no such payment has been made by 1st August 2004 but the member applies to the Board by 31st October 2004 for such a transfer payment to be accepted and for the period of pensionable service in his former service to be calculated in accordance with the amendments made by these Regulations, and

(b) the Board agrees to such a recalculation or calculation as the case may be,

regulation 3 has effect from 30th April 1998.

(3) In relation to any other case, regulation 3 has effect from 1st August 2004.

(4) The condition mentioned in paragraphs (1)(a) and (2)(a)(i) is that the period of pensionable service reckonable in respect of the member's former service as a result of recalculation as if the transfer value had been a transfer payment accepted in accordance with the amendments made by these Regulations is no less than the period already reckonable.

(5) References in paragraphs (1)(a) and (2)(a)(i) to the recalculation of pensionable service in respect of a member's former service include references to a recalculation of any resulting award to him or in respect of him in accordance with the amendments made by these Regulations where he has ceased to be a member, and the reference in paragraph (2)(a)(i) to an application by that member shall include an application by or on behalf of the person who is entitled to such an award.

(6) The requirements in paragraph (1)(b) and in paragraph (2)(a)(i) and (ii) for an application to be made by a particular date shall be met if—

(a) the Board is satisfied that there is good cause why the application could not be made by that date;

(b) the application is made by such later date as the Board specifies; and

(c) the administrators of the British Transport Police Force Superannuation Fund agree that the requirement may be met by that later date.

(**6**) Retrospective effect is permitted by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972