STATUTORY RULES OF NORTHERN IRELAND

2006 No. 313

POLICE

The Police Service of Northern Ireland Reserve (Full-time) Severance Regulations 2006

Made - - - -	*18th July 2006*
Coming into operation	*17th August 2006*
To be laid before Parliament	*24th July 2006*

The Secretary of State makes these Regulations in exercise of the powers conferred on him by section 26(1), (2)(g), and (5) of the Police (Northern Ireland) Act 1998(**1**) ("the 1998 Act") with the consent of the Treasury in accordance with section 72(2A)(**2**) of that Act.

These Regulations have retrospective effect in accordance with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(**3**).

The Secretary of State has consulted with the Police Negotiating Board in accordance with section 62(3) of the Police Act 1996(**4**) and with the Northern Ireland Policing Board and the Police Association in accordance with section 26(6)(**5**) of the 1998 Act.

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Police Service of Northern Ireland Reserve (Full-time) Severance Regulations 2006 and shall come into operation on 17th August 2006.

(**1**) 1998 c. 32; section 26 is modified by section 49 of and Schedule 6 to the Police (Northern Ireland) Act 2000 (c. 32) ("the 2000 Act")
(**2**) This subsection was inserted by paragraph 23(6) of Schedule 6 to the 2000 Act
(**3**) Article 15 of the Superannuation (Northern Ireland) Order 1972 (1972/1073 (N.I.10)) allows regulations relating to pensions under sections 25 or 26 of the 1998 Act to have retrospective effect. Article 15 was inserted by paragraph 6 of Schedule 4 to the Police (Northern Ireland) Act 1998 ("the 1998 Act")
(**4**) 1996 (c. 16)
(**5**) Section 26(6) originally required consultation with the Police Authority and the Police Association; paragraph 23 of Schedule 6 to the 2000 Act amends the 1998 Act to replace "Police Authority" with "Board" which is defined as the Northern Ireland Policing Board

Interpretation

2. In these Regulations—

"annual pensionable pay" means the pensionable pay of the member at the annual rate to which he is entitled on the date of his leaving the reserve service;

"applicant" means a member of the reserve service who applies to enter the Scheme under regulation 4;

"appropriate factor" has the meaning assigned to it in regulation 2(4)(c) of the Royal Ulster Constabulary Regulations 1996(**6**);

"compulsory retirement age" means the age at which the member would be required to leave the reserve service by reason of age, as defined by regulation A16 of the Pensions Regulations;

"date of leaving" means the date the member leaves the reserve service under the terms of the Scheme after completing the period of required re-training undertaken;

"disciplinary reasons" are any reasons connected to the Discipline Regulations;

"Discipline Regulations" means the Royal Ulster Constabulary (Conduct) Regulations 2000(**7**);

"immediate pension" means entitlement to pension on the member's date of leaving the reserve service;

"member" means a member of the reserve service who has entered the Scheme in accordance with a determination of the Chief Constable under regulation 4;

"part-time service" in relation to a member means a person who, immediately before he enters the Scheme, is serving under the terms and conditions set out in Schedule 12 of the Royal Ulster Constabulary Reserve (Full-time)(Appointment and Conditions of Service) Regulations 1996(**8**);

"payment in lieu of pension" means a discretionary award to an eligible member (as defined in regulation 4 of these Regulations) until the member is entitled to a pension under the Pensions Regulations;

"pension age" means the age at which a member would be entitled to receive immediate payment of pension entitlements under the Pensions Regulations;

"Pensions Regulations" means the Royal Ulster Constabulary Pensions Regulations 1988(**9**);

"pensionable service enhancement" means the period by which a member's pensionable service is increased in accordance with the calculation in Part 1 of the Schedule;

"period of extension" means any additional period of employment in the reserve service beyond the member's compulsory retirement age as agreed by the Chief Constable;

"required re-training" means the period of re-training offered to members under regulation 15;

"reserve service" means the Police Service of Northern Ireland Reserve (Full-time);

"standing allowances" means replacement allowances as defined in regulation 47A of and Schedule 11 to the Royal Ulster Constabulary Reserve (Full-time)(Appointment and Conditions of Service) Regulations 1996(**10**), and the Police Service of Northern Ireland Allowance;

"Scheme" means the severance scheme provided for in these Regulations;

(**6**) S.R. 1996 No. 473; regulation 2(4) is inserted by paragraph 1 of Schedule 1 to those Regulations
(**7**) S.R. 2000 No. 315; amended by the Police Service of Northern Ireland (Conduct) Regulations 2003 (S.R. 2003 No. 68)
(**8**) S.R. 1996 No. 564
(**9**) S.R. 1988 No. 374; those Regulations apply to members of the reserve service with modifications, by virtue of Article 3 of the Royal Ulster Constabulary Reserve (Full-time) Pensions Regulations 1994 (S.R. 1994 No. 197)
(**10**) Regulation 47A and Schedule 11 were inserted by regulation 2 of the Royal Ulster Constabulary Reserve (Full-time) (Appointment and Conditions of Service) (Amendment) Regulations 1997 (S.R. 1997 No. 363)

"time period" means the lump sum factor specified in the tables in Part 2 of the Schedule expressed in years and fractions of years measured from the date of payment of the additional severance lump sum;

"unexpired period of the lump sum" means the time period less the number of days elapsed since the date of payment of the severance lump sums.

Length and termination of the Scheme

3.—(1) There shall be a severance scheme for members of the reserve service which shall be treated as having had effect from 1st April 2005.

(2) The Secretary of State shall determine the date that the Scheme shall cease.

(3) The Secretary of State must not make such a determination without—

(a) consulting with the Chief Constable, the Northern Ireland Policing Board and the Police Association; and

(b) the consent of the Treasury.

PART 2

ELIGIBILITY

Eligibility for and entry to Scheme

4.—(1) Any person who was a member of the reserve service on 31st March 2005 is eligible to apply to enter the Scheme except those who are or have been—

(a) dismissed for disciplinary reasons; or

(b) required to resign.

(2) An application to enter the Scheme shall be determined by the Chief Constable.

(3) The Chief Constable may, at his discretion—

(a) refuse entry to the Scheme to an applicant who is suspended, or is under investigation for a serious criminal or disciplinary matter under the Discipline Regulations;

(b) withdraw the acceptance in to the Scheme of a member if, before the date of leaving, that member is suspended, or investigated for a serious criminal or disciplinary matter under the Discipline Regulations.

(4) If an applicant is accepted into the Scheme, the date on which he or she enters the Scheme shall be determined by the Chief Constable and notified to the applicant in writing.

PART 3

ENTITLEMENTS

Application

5.—(1) Upon entering the Scheme a member of the reserve service shall be entitled to benefits in accordance with these Regulations.

(2) The Pensions Regulations shall apply to members of the Scheme subject to the modifications in regulations 10 to 14 below.

Benefits payable

6.—(1) A member of the Scheme shall be eligible to receive one or more of the following discretionary benefits on the date of leaving—

(a) a severance lump sum;

(b) pensionable service enhancements;

(c) payment in lieu of pension;

(d) actuarially reduced pension.

(2) Parts 1 and 2 of the Schedule shall have effect for calculating the benefits referred to in paragraph (1).

(3) A member of the Scheme shall receive a severance lump sum on the date of leaving in addition to any benefits received under paragraph (1).

(4) The additional severance lump sum referred to in paragraph (3) shall be equivalent to one sixth of the member's annual pensionable pay at the date of leaving.

Employment in the Police Service of Northern Ireland

7.—(1) A member of the Scheme who—

(a) receives a severance lump sum under regulation 6(1); and

(b) is employed (whether on a full or part-time basis) by the Police Service of Northern Ireland as a police officer within 3 years of the date of leaving,

shall be required to repay a proportion of any severance lump sum received under regulation 6(1).

(2) The amount to be repaid shall be A x (B – C) where—

A = the police officer's daily rate of pay on employment by the Police Service of Northern Ireland,

B = the lump sum factor x 365,

and

C = the number of days from the police officer's date of leaving.

(3) The lump sum factor in paragraph (2) is the lump sum factor used to calculate the severance lump sum payment under Part 2 of the Schedule.

(4) The application of paragraph (2) shall not have the effect of leaving a member of the Scheme with a lump sum payment less than the payment the member would have received under statutory redundancy pay at the date of leaving, and where this occurs the amount to be repaid shall be reduced accordingly.

(5) A member of the Scheme who—

(a) receives a conversion lump sum under regulation 15, and

(b) is employed by the Police Service of Northern Ireland as a police officer during the period he would have been receiving required re-training had he completed his required re-training,

shall be required to make a repayment.

(6) Where a repayment is required to be made in accordance with paragraph (5) the amount to be repaid shall be the conversion lump sum minus the proportion of it attributable to the period between the date of leaving and the date that employment with the Police Service of Northern Ireland commenced.

(7) A member of the Scheme who is employed by the Police Service of Northern Ireland as a police officer after the date of leaving shall be subject to the Pensions Regulations, including any rules on abatement of pensions for re-employed officers.

(8) This regulation does not apply to a member who—

(a) joins the Police Service of Northern Ireland as a member of the police support staff; or

(b) joins a police force in Great Britain.

Capping mechanism

8. The capping mechanism in Part 3 of the Schedule shall be applied to the calculation of a member's lump sum under Part 2 of the Schedule so as to limit the lump sum payable.

Part-time service

9. A member who has been in part-time service shall be entitled to the benefits payable in the Scheme subject to the adjustment of his annual pensionable pay by the appropriate factor.

PART 4

PENSIONS

Eligibility for pensionable service enhancements

10.—(1) A member who complies with the following conditions shall be eligible for pensionable service enhancements in accordance with the Pensions Regulations—

(a) he or she has been making contributions under regulation G2 (pensions contributions payable by member) of the Pensions Regulations; and

(b) those contributions have been made continuously from 31st March 2005 (or earlier) until the date of leaving.

(2) Paragraph (1) applies to those members of the reserve service who are on authorised unpaid leave.

Payment in lieu

11.—(1) A member who would have been entitled to a short service award as defined in regulation B2 (member's short service award) of the Pensions Regulations shall receive a payment in lieu in accordance with this regulation.

(2) The payment in lieu will be equivalent to the short service award in regulation B2 to which the member would have been entitled had he qualified for a pension from the date of leaving, subject to the modification in paragraph (3).

(3) Regulation B2(1) of the Pension Regulations shall have effect as if, for the words "is or was required to retire on account of age", there were substituted "retired under the terms of the Police Service of Northern Ireland Reserve (Full-time) Severance Regulations 2006".

(4) An applicant who is entitled to a payment in lieu will be entitled to commute a proportion of his payment in lieu under regulation B7(4)(b) (commutation – general provision) of the Pensions Regulations, in place of the commutation lump sum payable at 60 years.

Ill-health

12.—(1) This regulation applies when a member is eligible to—