STATUTORY RULES OF NORTHERN IRELAND

2006 No. 152

POLICE

The Police Service of Northern Ireland Pensions (Amendment No. 2) Regulations 2006

Made - - - -	*23rd March 2006*
To be laid before Parliament	
Coming into operation	*5th April 2006*

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 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(**4**) he has obtained the consent of Treasury.

Citation and commencement

1.—(1) These Regulations may be cited as the Police Service of Northern Ireland Pensions (Amendment No. 2) Regulations 2006.

(2) These Regulations come into operation on 5th April 2006 but, except for paragraph 8 of Schedule 1, have effect from 5th December 2005(**5**).

Amendment of the Royal Ulster Constabulary Pensions Regulations 1988

2. The Royal Ulster Constabulary Pensions Regulations 1988(**6**) are amended in accordance with Schedule 1 to these Regulations.

(**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**) Section 72(2A) was inserted by section 78 of and Schedule 6 to the Police (Northern Ireland) Act 1998
(**5**) This is the date on which the substantive provisions of the Civil Partnership Act 2004 came into force. Retrospective effect is permitted by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972
(**6**) S.I. 1988 No. 374 as amended

Amendment of the Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993

3. The Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993(**7**) are amended in accordance with Schedule 2 to these Regulations.

Peter Hain
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
20th March 2006

We consent to the making of these Regulations

Gillian Merron
Vernon Coaker
Two of the Lords Commissioners of Her Majesty's Treasury

23rd March 2006

(**7**) S.I. 1993 No. 249 as amended

SCHEDULE 1

Regulation 2

AMENDMENTS OF THE ROYAL ULSTER CONSTABULARY PENSIONS REGULATIONS 1988

1. In regulation B9 (allocation)—

(a) in paragraph (2)(c)—

(i) after "marry or remarry" insert "or form a civil partnership or a subsequent civil partnership";

(ii) after "spouse by that marriage" insert "or civil partner by that civil partnership";

(b) in paragraph (3)—

(i) after "marry or remarry" insert "or form a civil partnership or a subsequent civil partnership";

(ii) after "spouse by that marriage" insert "or civil partner by that civil partnership";

(c) in paragraph (5)(b)—

(i) after "marry or remarry" insert "or form a civil partnership or a subsequent civil partnership";

(ii) after "spouse by that marriage" insert "or civil partner by that civil partnership";

(iii) after "intended marriage" insert "or the intended formation of his civil partnership";

(d) in paragraph (6)(b)—

(i) after "proposed marriage takes place" insert "or the proposed civil partnership is formed";

(ii) after "date of the marriage" insert "or of the formation of the civil partnership".

2. In regulation C5(1) (limitation on award to widow with reference to date of marriage and pension in case of post-retirement marriage), after the words "married to her husband" insert "or, as the case may be, had formed a civil partnership with her civil partner".

3. For regulation C9 (termination of widow's award on remarriage) substitute—

"**Termination of widow's or civil partner's pension on remarriage or other event**

C9.—(1) Where a widow entitled to a pension under this Part was widowed before 5th December 2005 or was widowed after that date but her husband had ceased to serve as a member by that date, and—

(a) remarries or has remarried,

(b) forms or has formed a civil partnership, or

(c) with a person to whom she is not married lives together as husband and wife,

she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage, or after the formation of her civil partnership or after her cohabitation begins.

(2) Where the surviving civil partner of a member who had ceased to serve as a member by 5th December 2005 is entitled to a pension under this Part and—

(a) marries or has married,

(b) forms or has formed a new civil partnership, or

(c) with a person who is not her civil partner lives together as if they were civil partners,

she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage, or after the formation of her civil partnership, or after her cohabitation begins.

(3) Where a widow who does not fall within paragraph (1) or a surviving civil partner who does not fall within paragraph (2) is entitled to a pension under this Part and—

(a) marries or has married,

(b) remarries or has remarried,

(c) forms or has formed a civil partnership or new civil partnership,

(d) with a person to whom she is not married lives together as husband and wife, or

(e) with a person who is not her civil partner lives together as if they were civil partners,

she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage or remarriage, or after the formation of her civil partnership, or after her cohabitation begins.

(4) But if, at any time after her marriage, remarriage, the formation of her civil partnership or the beginning of her cohabitation, a person in any of paragraphs (1) to (3) has again become a widow or her civil partner dies or that marriage or civil partnership has been dissolved or that cohabitation ceases, the Board may, in their discretion, bring the pension into payment.

Termination of widow's or civil partner's gratuity on remarriage or other event

C9A.—(1) Where a widow entitled to a gratuity under this Part was widowed before 5th December 2005 or was widowed after that date but her husband had ceased to serve as a member by that date, and—

(a) remarries or has remarried,

(b) forms or has formed a civil partnership, or

(c) with a person to whom she is not married lives together as husband and wife,

so much of the gratuity as has not been paid before her remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(2) Where the surviving civil partner of a member who had ceased to serve as a member by 5th December 2005 is entitled to a gratuity under this Part and—

(a) marries or has married,

(b) forms or has formed a new civil partnership, or

(c) with a person who is not her civil partner lives together as if they were civil partners,

so much of the gratuity as has not been paid before her marriage or remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(3) Where a widow who does not fall within paragraph (1) or a surviving civil partner who does not fall within paragraph (2) is entitled to a gratuity under this Part and—

(a) marries or has married,

(b) remarries or has remarried,

(c) forms or has formed a civil partnership or new civil partnership,

(d) with a person to whom she is not married lives together as husband and wife, or

(e) with a person who is not her civil partner lives together as if they were civil partners,

so much of the gratuity as has not been paid before her remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(4) But if, at any time after her marriage, remarriage, the formation of her civil partnership or the beginning of her cohabitation, a person in any of paragraphs (1) to (3) has again become a widow or her civil partner dies or that marriage or civil partnership has been dissolved or that cohabitation ceases, the Board may, in their discretion, pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage or the formation of her civil partnership or the beginning of her cohabitation.".

4. In regulation C10 (pension debit members) after "spouse" insert "or civil partner".

5. In regulation D5 (child's allowance or special gratuity — limitations)—

(a) in paragraph (1)(a) after "of a marriage which took place" insert "or of a civil partnership which was formed";

(b) for paragraph (1)(b) substitute the following sub-paragraph—

"(b) by reason of his being a step-child—

(i) to the child of a spouse whose marriage to the relevant parent took place on or after the relevant date, or

(ii) to the child of a civil partner whose civil partnership with the relevant parent was formed on or after the relevant date;";

(c) after paragraph (1) insert the following paragraph—

"(1A) The reference in paragraph (1)(a) to a child born of a civil partnership means a child who is a child of a member of a civil partnership and has been adopted by the other member of that civil partnership.".

6. In regulation E1(1) (adult dependent relative's special pension), after sub-paragraph (c) insert the following sub-paragraph—

"or

(d) where the member was a party to a civil partnership and the member's civil partner was permanently disabled at the time the member died, to the surviving civil partner,".

7. In regulation E4(4) (gratuity in lieu of widow's pension) for "provisions of regulation C9 relating to the termination of a widow's award on remarriage" substitute "provisions of regulations C9 and C9A relating to the termination of a widow's or civil partner's award on remarriage or the formation of a new civil partnership".

8. In regulation G4 (election not to pay pension contributions)—

(a) in paragraph (5) for "Subject to paragraph (6)" substitute "Subject to paragraphs (6) to (8)";

(b) after paragraph (6) insert the following paragraphs—

"(7) A notice under paragraph (5) cancelling an election given to the Board after 5th April 2006 shall be of no effect.

(8) Where, following a notice of cancellation under paragraph (5), an election under paragraph (1) would, but for this paragraph, cease to have effect as from a date after 5th April 2006, that election shall cease to have effect as from 5th April 2006.".

9. In regulation G6 (payment by women members to enhance widowers' awards)—