STATUTORY RULES OF NORTHERN IRELAND

2006 No. 123

POLICE

The Police Service of Northern Ireland Pensions (Amendment) Regulations 2006

Made - - - -	*6th March 2006*
To be laid before Parliament	
Coming into operation	*1st 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 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 and commencement

1.—(1) These regulations may be cited as the Police Service of Northern Ireland Pensions (Amendment) Regulations 2006.

(2) These regulations come into operation on 1st April 2006 but regulation 2, in so far as it relates to paragraphs 4 to 9 of Schedule 1, and regulations 4 and 5 have effect from 1st July 1992.

Amendment of the Royal Ulster Constabulary Pensions Regulations 1988

2. The Royal Ulster Constabulary Pensions Regulations 1988(**4**) 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**) S.R. 1988 No. 374; relevant regulations are S.R. 1990 No. 411 and S.R. 1997 No. 259

Amendment of the Royal Ulster Constabulary Pensions (Purchase of Increased Benefits) Regulations 1988

3. The Royal Ulster Constabulary Pensions (Purchase of Increased Benefits) Regulations 1988(**5**) are amended in accordance with Schedule 2 to these Regulations.

Interest on late payments

4. Where all or part of a sum—

(a) becomes payable under the amendments contained in these Regulations on a date before the date on which these Regulations come into operation, and

(b) is not or was not paid within three months of the date it became payable,

the Board shall pay the amount or additional amount payable together with interest from the date that payment was due calculated at the rate of 5 per cent per year, compounded with yearly rests.

Commutation of late payments

5. Any notice of commutation under regulation B7 of the Royal Ulster Constabulary Pensions Regulations 1988 in respect of a sum which becomes payable—

(a) under the amendments contained in these Regulations, and

(b) before the date on which these Regulations come into operation,

shall be given within six months of the date on which these Regulations come into operation.

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

Northern Ireland Office
28th February 2006

We consent to the making of these Regulations

Vernon Coaker
Dave Watts
Two of the Lords Commissioners of Her Majesty's Treasury

6th March 2006

(**5**) S.R. 1988 No. 379; relevant amending regulations are S.R. 1990 No. 411

SCHEDULE 1

Regulation 2

AMENDMENTS OF THE ROYAL ULSTER CONSTABULARY PENSIONS REGULATIONS 1988

6. In regulation A8(2) (apportionment of pensionable service reckonable by reason of service of employment before or after a particular date for the purposes of calculating awards to or in respect of a member) after the words "a member" there are inserted the words "or for the purposes of regulation G6".

7. In regulation B1(3) after sub-paragraph (b) there is inserted—

"(ba) being such a member as is mentioned in paragraph (2)(b), he retires or retired at the end of an appointment made for a fixed term in accordance with regulation 11 of the Police Service of Northern Ireland Regulations 2005(**6**) (or, if such a term has been extended, at the end of the appointment for the extended term).".

8.—(1) Regulation G6 (payments by women members to enhance widowers' awards) is amended as follows.

(2) In paragraph (1) —

(a) in sub-paragraph (b) for the words "includes service" there are substituted the words "includes pensionable service that is reckonable by reason of service or employment", and

(b) in the words following that sub-paragraph for the words "service before" there are substituted the words "pensionable service that is reckonable by reason of service or employment before".

(3) At the end of paragraph (3) there are inserted the words—

"or

(c) if such contributions have ceased to be payable either before or during that period and again become payable more than two years after the date of cessation, but on or before the date on which the Police Service of Northern Ireland Pensions (Amendment) Regulations 2006 come into operation, that date, or

(d) if such contributions have ceased to be payable either before or during that period and again become payable more than 2 years after the date of cessation, but after the date on which the Police Service of Northern Ireland Pensions (Amendment) Regulations 2006 come into operation, the date on which they again become payable.".

(4) For paragraph (4) there is substituted—

"(4) In a case where the material date is the date given by paragraph (3)(a) or (b), the additional contributions to be paid are calculated, subject to paragraphs (6) to (11), in accordance with the Table in paragraph (18) by reference—

(a) to the whole of the woman member's pensionable service reckonable by reason of service or employment before 17th May 1990 (see column 1 of the Table), and

(b) to the woman member's pensionable pay or, in the case of a woman member in part-time service, the pay that would be her pensionable pay if she were a full-time member (see columns 2 and 3 of the Table).

(4A) In a case where the material date is the date given by paragraph (3)(c) or (d), the additional contributions to be paid are such amounts as are determined in accordance with such guidance and Tables as the Government Actuary may issue for the purpose or, in any case where that guidance indicates that special considerations apply, such amounts as the Government Actuary determines for the case in question.

(**6**) S.R. 2005 No. 547

(4B) Where a woman member has made an election under this regulation to pay additional contributions by periodical payments before the date on which the Police Service of Northern Ireland Pensions (Amendment) Regulations 2006 come into operation and is in part-time service on that date, the payments payable by her shall, subject to paragraph (4C), increase from that date to such amount as is appropriate as a result of paragraph (4)(b).

(4C) Such a woman member may vary the election by notice in writing to the Board given within the period of 3 months beginning with that date, and that variation shall take effect as from that date.

(4D) Where—

(a) a woman member has made or makes such an election while she is in full-time service, and

(b) her service becomes part-time on or after the date on which the Police Service of Northern Ireland (Amendment) Regulations 2006 come into operation,

any contributions she is making under the election by periodical payments shall, from the date on which her service becomes part-time and subject to paragraph (4E), increase to such amount as is appropriate as a result of paragraph (4)(b).

(4E) Such a woman member may vary the election by notice in writing to the Board given within the period of 3 months beginning with the date on which the service becomes part-time, and that variation shall take effect as from that date.

(4F) Where a woman member makes such an election on or after the date on which the Police Service of Northern Ireland Pensions (Amendment) Regulations 2006 come into operation and she is in part-time service on that date, she shall notify the Board in writing that either—

(a) the contributions payable by her as a lump sum or by periodical payments are to be payable at the same percentage of her pay as if she were in full-time service; or

(b) those contributions are to be payable in accordance with paragraph (4H).

(4G) Where a woman member varies an election under this regulation, the contributions payable by her by periodical payments shall, from the date when the election takes effect, continue to be payable at the same percentage of her pay as before the variation, but the period of the woman member's pensionable service counting as mentioned in paragraph (1) shall be given by the formula—

$$\frac{P \times V}{F}$$

where—

P is the period that would be the period in years of her pensionable service if periods of part-time service were reckonable as if they were periods of full-time service,

V is the amount of contributions paid by periodical payments, and

F is the amount of contributions that would have been paid by periodical payments had there been no election.

(4H) Where a woman member makes a notification under paragraph (4F)(b), the contributions payable by her as a lump sum or by periodical payments shall be payable at the same percentage of her pay as if she were in full-time service, but the period of the woman member's pensionable service counting as mentioned in paragraph (1) shall be given by the formula set out in paragraph (4G), save that references to contributions paid by periodical payments shall include references to contributions paid as a lump sum.".

(5) At the beginning of paragraph (5) there are inserted the words "In a case where the material date is the date given by paragraph (3)(a) or (b)".

(6) In paragraphs (7)(b), (10)(b) and (14) for the word "service" there are substituted the words "pensionable service".

(7) At the beginning of paragraph (13)(a) there are inserted the words "except where the payments are made in pursuance of an election for which the material date is that given by paragraph (3)(c) or (d)."

(8) After paragraph (13) there is inserted—

"(13A) Periodical payments also cease to be payable if the Board is satisfied that their payment in accordance with the election is causing or is likely to cause financial hardship and has consented to the discontinuance of the payments for such period as it thinks fit.".

(9) In paragraph (15) after the words "pensionable service", in both places where they occur, there are inserted the words "reckonable by reason of service or employment".

(10) In the Table in paragraph (18) —

(a) after the words "pensionable service", in the first place where they occur, there are inserted the words "reckonable by reason of service or employment", and

(b) after those words, in the second place where they occur, there are inserted the words "so reckonable".

Ordinary and short service pensions

9. For Parts I and II of Schedule B there is substituted—

"PART I

MEMBER'S ORDINARY PENSIONS

1. Subject to paragraph 6 and Parts VII and VIII of this Schedule, the pension shall be calculated as follows.

2.—(1) This paragraph applies where all the service by virtue of which the member's pensionable service is reckonable was full-time.

(2) The amount of the annual pension shall be half of the member's average pensionable pay with the addition of an amount equal to two sixtieths of that pay, multiplied by the period in years by which his pensionable service exceeds 25 years.

(3) Sub-paragraph (2) is subject to paragraph 5.

3.—(1) This paragraph applies where—

(a) some or all of the service by virtue of which the member's pensionable service is reckonable was part-time, and

(b) if the part-time service had been full-time service, his pensionable service would not exceed 30 years.

(2) The amount of the annual pension is given by the formula—

$$\frac{N \times R}{Q}$$