STATUTORY RULES OF NORTHERN IRELAND

2004 No. 384

POLICE

The Police Service of Northern Ireland Pensions (Amendment) Regulations 2004

Made - - - -	*7th September 2004*
To be laid before Parliament	
Coming into operation	*1st October 2004*

The Secretary of State, in exercise of the powers conferred upon him by section 25 of the Police (Northern Ireland) Act 1998(**1**), and after consulting in accordance with section 25(8) of that Act, the Northern Ireland Policing Board and the Police Association and, in accordance with section 62(3) of the Police Act 1996(**2**) the Police Negotiating Board for the United Kingdom, hereby, with the concurrence of Treasury in accordance with section 72(2A) of the Police (Northern Ireland) Act 1998, makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Police Service of Northern Ireland Pensions (Amendment) Regulations 2004 and shall come into operation on 1st October 2004.

Amendment of the Royal Ulster Constabulary Pensions Regulations 1988

2.—(1) The Royal Ulster Constabulary Pensions Regulations 1988(**3**) are amended in accordance with this regulation.

(2) In regulation B1(4) (member's ordinary pension) after the words "permanently disabled" insert "and he is not ineligible under regulation G7(5) for a pension award payable on the ground of permanent disablement".

(3) In regulation B3(1) (member's ill-health award) at the end insert "or to a member who under regulation G7(5) is ineligible for a pension award payable on the ground of permanent disablement".

(4) In regulation B5(4)(a) (member's deferred pension) after the words "permanently disabled" insert "and he is not ineligible under regulation G7(5) for a pension award payable on the ground of permanent disablement".

(**1**) 1998 c. 32
(**2**) 1996 c. 16
(**3**) S.R. 1988 No. 374; relevant amendments were made by S.R. 1990 No. 411 and S.R. 1993 No. 327

(5) For regulation G2(1) (pension contributions payable by a member) substitute –

"(1) Subject to paragraph (3), a member shall pay to the Police Service of Northern Ireland Pension Scheme (the pension arrangements made under section 25 of the Police (Northern Ireland) Act 1998) pension contributions at the rate of 1p a week less than –

(a) in a case where he is ineligible under regulation G7(5) for a pension award payable on the ground of permanent disablement, 7½ per cent of his pensionable pay; and

(b) in any other case, 11 per cent of his pensionable pay."

(6) In regulation G4(5) (election not to pay pensions contributions) –

(a) at the end of sub-paragraph (ii) insert ", and";

(b) after sub-paragraph (ii) insert the following sub-paragraph –

"(iii) a member in respect of whom it is assessed, following a medical examination under regulation G7, that the likely cost of providing him with benefits under these regulations is disproportionately high, shall be entitled to cancel his election under paragraph (1) only on the basis that he shall not be eligible to receive pension awards payable on the ground of permanent disablement."

(7) After regulation G6 insert the following regulation –

"**Eligibility for pension awards payable on the ground of permanent disablement**

G7.—(1) A candidate for appointment to the Police Service of Northern Ireland (other than on transfer from a police force in Great Britain) and any member who seeks under regulation G4(5) to cancel his election that regulation G2(1) shall not apply in his case, shall, if required by the Chief Constable, submit to an examination by a medical practitioner selected by the Chief Constable ("the selected medical practitioner") in order that the Chief Constable may determine his eligibility to receive pension awards payable on the ground of permanent disablement.

(2) The selected medical practitioner shall report to the Chief Constable his opinion on the likelihood and likely timing of that person retiring through ill health, and such a report shall, subject to an appeal under this regulation, be final.

(3) The Chief Constable shall assess, in accordance with the opinion of the selected medical practitioner and with advice from the Government Actuary, whether the risk presented by that person that he will retire on the ground that he is permanently disabled is such that the likely cost of providing him with benefits under these regulations is disproportionately high.

(4) The likely cost of providing a person with benefits under these regulations shall be assessed as disproportionately high if it is more than 50% greater than the likely cost of providing such benefits to a person who it is assessed does not have an identified risk of retirement on that ground.

(5) A person who is assessed as presenting such a risk shall, in accordance with these regulations, be ineligible for pension awards payable on the ground of permanent disablement, and in such a case the Chief Constable shall provide that person with a copy of the selected medical practitioner's report.

(6) A person who is dissatisfied with the opinion of the selected medical practitioner may appeal against the practitioner's report within 28 days of receiving a copy of it (or such longer period as may be agreed by the Chief Constable) by supplying evidence that a registered medical practitioner ("the appellant's practitioner") has examined him and disagrees with the selected medical practitioner's opinion on the likelihood or likely timing (or both) of that person retiring through ill health.