STATUTORY RULES OF NORTHERN IRELAND

2003 No. 60

POLICE

Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Full-Time) (Severance) Regulations 2003

Made - - - -	*11th January 2003*
To be laid before Parliament	*10th March 2003*
Coming into operation	*31st March 2003*

The Secretary of State, in pursuance of sections 25(2)(k) and section 26 of the Police (Northern Ireland) Act 1998(**1**) as modified by section 49 of the Police (Northern Ireland) Act 2000(**2**), read with Articles 14 and 15 of the Superannuation Order (Northern Ireland) Order 1972(**3**), and after consulting with the Treasury in concurrence with section 72(2A) of the Police (Northern Ireland) Act 1998 hereby makes the following regulations:

PART I

GENERAL

Citation and operation

1. These regulations may be cited as the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve (Full-Time) (Severance) Regulations 2003 and shall come into operation on 10th March 2003 but shall have effect from 1st January 2001.

Interpretation

2. In these regulations the following expressions have the meanings hereby assigned to them: –

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

(**1**) 1998 Ch 32
(**2**) 2000 Ch 32
(**3**) S.I.1972/1073 (N.I. 10)

"appropriate factor" has the meaning assigned to it in Schedule 1 paragraph 1 of the Royal Ulster Constabulary Regulations 1996(**4**);

"Chief Constable" means the Chief Constable of the Police Service of Northern Ireland;

"Compulsory retirement age" means the age at which the member would be required to leave the Force by reason of age as defined by Regulation A16 of the Royal Ulster Constabulary Pensions Regulations 1988 or expiry of a Fixed Term Agreement.

"date of leaving" means the actual date the member leaves the Force under the terms of the scheme;

"Fixed Term Agreement" means the appointment of members for a fixed period that is determined at the commencement of the appointment;

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

"the Force" means the Police Service of Northern Ireland (including Auxiliary Constables) or the Police Service of Northern Ireland Reserve (Full-Time), or both, as the case may be;

"member" means a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve (Full-Time);

"the Pensions Regulations" means the Royal Ulster Constabulary Pensions Regulations 1988(**5**) and the Royal Ulster Constabulary Reserve (Full-Time) Pensions Regulations 1994(**6**);

"part-time member" means a member who is serving under the terms and conditions set out in Schedule 1 of the Royal Ulster Constabulary Regulations 1996(**7**) or 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 under Regulation 5) 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 Pension Regulations;

"pensionable service enhancement" means the period of time by which the actual pensionable service at any time is increased under these regulations;

"period of extension" means the time remaining until the expiry of a member's approved period of extended service;

"Police Association" has the meaning assigned thereto by Regulation 3(1) of the Police Association for Northern Ireland Regulations 1991(**9**);

"standing allowances" means compensatory grants and replacement allowances as defined in Regulation 60A of and Schedule 13 to the Royal Ulster Constabulary Regulations 1996(**10**), and the Police Service of Northern Ireland Allowance and the Inspector's Allowance;

"the scheme" means the voluntary early retirement/severance scheme for members to which these regulations give effect;

"time period" means the lump sum factor specified in the tables in Part II of the Schedule expressed in years and fractions of years measured from the date of payment of benefits under Regulation 7(a);

(**4**) 1996 No. 473
(**5**) 1988 No. 374
(**6**) 1994 No. 197
(**7**) 1996 No. 473
(**8**) 1996 No. 564
(**9**) 1991 No. 168
(**10**) 1996 No. 473, as amended by 1997 No. 362, 1999 No. 412 and 2002 No. 95

"unexpired amount of the lump sum" means the time period covered by the benefits paid under Regulation 7(a) that has not elapsed at the time the calculation under Regulation 11(2) is made.

Length and review of the scheme

3. The provisions of the scheme will operate until the year 2010 or for a period as determined by the Secretary of State. The Secretary of State shall not make such a determination without:

(a) the consent of the Treasury; and

(b) consultation with the Chief Constable and the Northern Ireland Policing Board; and

(c) consultation with the Police Association.

Application

4. The Pensions Regulations shall apply subject to the modifications in regulations 7 to 13.

PART II

ELIGIBILITY

Eligibility criteria

5.—(1) Only members who first joined the Force prior to 1st July 1995 are eligible to apply to join the scheme.

(2) Eligibility is subject to the discretion of the Chief Constable.

6. Eligibility for pensionable service enhancements will be limited to applicants contributing under regulation G2 of the Pensions Regulations immediately before 1st January 2001 until the date of leaving. This includes those contributing applicants who are on authorised unpaid leave.

PART III

ENTITLEMENTS

Benefits payable

7. Subject to the provisions of these regulations, the Schedule shall have effect for determining the following discretionary benefits for members who leave under the terms of the scheme:

(a) severance lump sums;

(b) pensionable service enhancements;

(c) payment in lieu of pension.

Re-employment in the Police Service of Northern Ireland

8.—(1) A member who leaves the Force under these regulations and within 5 years of the date of leaving rejoins the Police Service of Northern Ireland as a police officer shall be required to repay any severance lump sum payments received under these regulations.

(2) This regulation will not apply to a member who –

(a) rejoins the Police Service of Northern Ireland as a civilian;

(b) joins a police force in Great Britain.

(3) In the case of a member who rejoins the Police Service of Northern Ireland, the Pension Regulations shall apply, including any rules on abatement of pensions for re-employed officers.

Capping Mechanism

9.—(1) This regulation shall apply to any member who receives benefits under these regulations.

(2) The formula in the Schedule Part III shall be applied to the calculation of a member's lump sum under the Schedule Part II paragraphs 1-4, to ensure that he shall not gain more in financial terms by acceptance of benefits under these regulations than he would have earned in basic pay and allowances up to compulsory retirement age or the expiry of a period of extension after that age.

Part-time members

10. A part-time member will be entitled to the benefits payable in the Schedule subject to the adjustment of his annual pensionable pay by the appropriate factor.

Injury on duty

11.—(1) Any payment of an injury pension to a member under regulation B4 of the Pensions Regulations shall be determined as follows:

(a) the minimum income guarantee shall be calculated in accordance with Schedule B, Part V, paragraph 2, without taking into account any enhancement of pensionable service under Regulation 7(b) of these regulations; and

(b) the amount of an injury pension under Schedule B, Part V, paragraph 3, shall take account of any enhanced pension awarded under Regulation 7(b) and the Schedule to these Regulations.

(2) If a member receives a severance payment under regulation 7 and later applies for and injury on duty payment gratuity under regulation B4 of the Pensions Regulations, then any sum payable under B4, subject to (a) above, shall be reduced. The amount of the reduction from the award made under regulation B4 of the Pensions Regulations will be calculated by deducting a sum equivalent to six months of the individual's severance payment from the amount represented by the unexpired amount of the lump sum.

(3) Without prejudice to (1) and (2) if the unexpired amount of his lump sum is 1 year or less then the member may elect to: –

(a) repay the "unexpired amount"; or

(b) have it converted into an annuity and deducted from the member's minimum income guarantee as defined in the Pensions Regulations.

(4) In the event of a member electing under 11(3) the annuity conversion shall be calculated as advised from time to time by the Government Actuary.

Ill Health

12.—(1) This regulation applies when a member is eligible to immediate benefits or to whom Regulation 7 of these regulations applies, and is a member who is eligible to apply for ill health benefits under B3 or B5(4) of the Pension Regulations.

(2) In the event of (1) applying to a member, that member shall not receive any further benefits above that awarded under Regulation 7(b) of these regulations to the extent that the sum of the benefits awarded under B3 or B5(4) of the Pension Regulations and Regulation 7(b) of these regulations exceeds the maximum applicable under B3 or B5(4) of the Pension Regulations.