STATUTORY RULES OF NORTHERN IRELAND

2002 No. 101

POLICE

Police Service of Northern Ireland Reserve (Full-time) Pensions Regulations 2002

Made - - - -	*8th March 2002*
To be laid before Parliament	
Coming into operation	*12th April 2002*

The Secretary of State, in pursuance of section 26 of the Police (Northern Ireland) Act 1998(**1**), and after consulting, in accordance with section 26(6) of that Act, the Northern Ireland Policing Board and the Police Association, hereby with the concurrence of the Treasury makes the following Regulations:

Citation and commencement

1. These regulations may be cited as the Police Service of Northern Ireland Reserve (Full-time) Pensions Regulations 2002 and shall come into operation on 12th April 2002, but

(a) regulation 3(1) to (5) (so far as those paragraphs relate to maternity leave) shall have effect as from 1st July 1994;

(b) regulation 3(1) to (5) (so far as those paragraphs do not have effect in accordance with sub-paragraph (*a*) above) shall have effect as from 1st September 1995.

Amendment of the Royal Ulster Constabulary Reserve (Full-time) Pensions Regulations 1994

2. Subject to regulation 4, the Royal Ulster Constabulary Reserve (Full-time) Pensions Regulations 1994(**2**) ("the Principal Regulations") shall be amended in accordance with the provisions of regulation 3 and any reference in those provisions to a numbered regulation is a reference to the regulation so numbered in the principal Regulations, except where otherwise specified.

(**1**) 1998 c. 32
(**2**) S.R. 1994 No. 197 as amended by S.R. 1997 No. 260

Unpaid sick leave and maternity leave

3.—(1) In regulation F1(1), for sub-paragraphs (*a*) and (*b*) there shall be substituted the following sub-paragraphs:

"(a) any period of unpaid maternity leave falling on or after 1st July 1994 (not being a period which falls within the first 14 weeks of any period of maternity leave taken by a person in respect of whom no election under regulation G4 (Election not to pay pension contributions) was effective immediately before the commencement of that period of unpaid maternity leave) in respect of which the conditions specified in paragraph (2) are not satisfied;

(b) any period of unpaid sick leave taken after 31st August 1995 in respect of which the conditions specified in paragraph (3) are not satisfied;

(c) any other period of unpaid leave falling on or after 1st July 1994.".

(2) F1(2) shall be substituted by the following paragraphs:

"(2) The conditions referred to in sub-paragraph (*a*) of the proviso to paragraph (1) are that the person concerned—

(a) was serving as a member during the period immediately preceding a period of maternity leave which includes the period of unpaid maternity leave in question and no election under regulation G4 (Election not to pay pension contributions) was effective in respect of that person immediately before the commencement of that period of unpaid leave;

(b) in accordance with the provisions of paragraph (4) pays to the Northern Ireland Policing Board a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid maternity leave in question if her notional pensionable pay during that period had been at the same rate as her pensionable pay (including any statutory maternity pay payable to her under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**3**)) immediately before the commencement of the period of unpaid maternity leave which constituted or included the period in question.

(3) The conditions referred to in sub-paragraph (*b*) of the proviso to paragraph (1) are that the person concerned—

(a) was serving as a member during the period immediately preceding a period of sick leave which includes the period of unpaid sick leave in question and no election under regulation G4 (Election not to pay pension contributions) was effective in respect of that person immediately before the commencement of that period of unpaid leave;

(b) in accordance with the provisions of paragraph (4) pays to the Northern Ireland Policing Board a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid sick leave in question if his notional pensionable pay during that period had been at the same rate as his pensionable pay immediately before the commencement of the period of unpaid sick leave which constituted or included the period in question;

(c) that the period of unpaid sick leave in question—

(i) does not exceed six months; and

(ii) when aggregated with any other period or periods of unpaid sick leave which fulfils, or all of which fulfil, the conditions specified in sub-paragraphs (*a*) and (*b*), does not exceed twelve months.

(**3**) 1992 c. 7

(4) The person concerned shall, by notice in writing given to the Northern Ireland Policing Board within a period ending—

(i) three months after the day on which the period of leave which includes the period of unpaid leave in question ended, or

(ii) on the day, if earlier, on which he lasts serves as a member,

inform the Northern Ireland Policing Board that he wishes to make the payment referred to in paragraph (2)(*b*) or (3)(*b*) and in respect of which period of leave, and which method of payment under sub-paragraph (*c*) he elects to use:

Provided that where the person concerned dies before the end of the period specified in this sub-paragraph without having given such notice, the condition so specified shall be deemed to have been satisfied in respect of any period of leave which would otherwise be reckonable by him under this regulation and the person concerned shall be deemed to have elected to make payment by way of instalments under sub-paragraph (*c*)(ii).

(b) On receipt of the notice referred to in sub-paragraph (*a*), the Northern Ireland Policing Board shall calculate the amount due under paragraph 2(*b*) or 3(*b*) and give written notice of that amount to the person concerned.

(c) Payment under paragraph (2)(*b*) or (3)(*b*) may be made by the person concerned either—

(i) by way of a lump sum; or

(ii) by instalments on the same dates as pension contributions are payable by him under regulation G2(1) (Pension contributions payable by member):

Provided that where the person concerned has elected to make payment by way of instalments under sub-paragraph (ii), the balance due after payment of any of those instalments may be paid by way of a lump sum equal to that balance at any time before the due date.

(d) The total amount due under paragraph (2)(*b*) or (3)(*b*) shall be paid no later than 6 months after the person concerned is notified by the Northern Ireland Policing Board as to the amount payable or, if he ceases to serve as a member before then, before the date on which he so ceases ("the due date"):

Provided that—

(i) in a case where the person concerned ceases to serve as a member before the total amount due has been paid under this paragraph, any lump-sum payment made within two months of so ceasing or of receiving notification from the Northern Ireland Policing Board as to the amount payable, whichever is the later, shall be deemed to have been made by the due date;

(ii) in a case where the person concerned has elected to pay the amount due by instalments and remains in service as a member throughout the period during which the instalments are paid any amount which remains due as the due date may be paid by instalments after that date but no later than 30 months after the date to the extent necessary to ensure that the instalments paid, together with the total of any other contributions payable under regulations made under the Act other than the Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993(**4**), do not exceed 15% of the person's emoluments in the tax year in which the election takes effect;

and in this sub-paragraph "emoluments" has the meaning given in regulation 2(2) of those Regulations of 1993.

(e) Where the person concerned has not paid the full amount due in accordance with the foregoing provisions of this paragraph, the proportion of the unpaid leave in question which shall be reckonable as pensionable service shall be the same proportion as the amount which has been so paid bears to the total amount due:

(**4**) S.R. 1993 No. 249