STATUTORY RULES OF NORTHERN IRELAND

2002 No. 100

POLICE

Police Service of Northern Ireland Pensions Regulations 2002

Made - - - -	*7th March 2002*
To be laid before Parliament	
Coming into operation	*12th April 2002*

The Secretary of State, in pursuance of 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 the Treasury, makes the following regulations:

Citation and commencement

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

(a) regulation 4(1) to (8) (so far as those paragraphs relate to maternity leave) shall have effect as from 10th June 1994;

(b) regulation 4(1) to (8) (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 Pensions Regulations 1988

2. Subject to regulation 5, the Royal Ulster Constabulary Pensions Regulations 1988(**3**) ("the principal Regulations") shall be amended in accordance with the provisions of regulations 3-4 and any reference in those provisions to a numbered regulation is a reference to the regulation so numbered in the principal Regulations.

Police Trainees

3.—(1) After regulation A13 there shall be inserted—

(**1**) 1998 c. 32
(**2**) 1996 c. 16
(**3**) S.R. 1988 No. 374 as amended by S.R. 1988 No. 438, S.R. 1989 No. 387, S.R. 1990 No. 411, S.R. 1993 No. 223, S.R. 1993 No. 327, S.R. 1996 No. 4, S.R. 1997 No. 259, S.R. 1998 No. 240 and S.R. 2001 No. 263

"**Service as a police trainee**

A13A.—(1) In the case of a member who became a member on completion of his period of service as a police trainee—

(a) a reference in these regulations to a person becoming a member of the force whether by joining, re-joining or transferring to, the force, shall be construed as including a reference to a person becoming a police trainee;

(b) any reference to an injury received in the execution of a person's duty as a member shall include a reference to an injury received as a consequence of a person's service as a police trainee;

(c) for the purposes of sub-paragraph (*b*), an injury is received as a consequence of a person's service as a police trainee if—

(i) the police trainee concerned received the injury while attending training (within the meaning of the Police Trainee Regulations (Northern Ireland) 2001)(**4**) or while on a journey necessary to enable him to attend training or return home after training, or

(ii) he would not have received the injury had he not been known to be a police trainee, or

(iii) the Chief Constable is of the opinion that the preceding condition may be satisfied and that the injury should be treated as one received as aforesaid."

(2) In regulation 2 of the Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993(**5**) (interpretation) after paragraph (2) there shall be added—

"(3) In the case of a member who became a member on completion of his period of service as a police trainee—

(a) any reference to an injury received in the execution of a person's duty as a member shall include a reference to an injury received as a consequence of a person's service as a police trainee;

(b) for the purposes of sub-paragraph (*a*), an injury is received as a consequence of a person's service as a police trainee if—

(i) the police trainee concerned received the injury while attending training (within the meaning of the Police Trainee Regulations (Northern Ireland) 2001) or while on a journey necessary to enable him to attend training or return home after training; or

(ii) he would not have received the injury had he not been known to be a police trainee, or

(iii) the Chief Constable is of the opinion that the preceding condition may be satisfied and that the injury should be treated as one received as aforesaid."

Unpaid sick leave and maternity leave

4.—(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 granted in the case of a woman which ended before 27th February 1986;

(**4**) S.R. 2001 No. 369
(**5**) S.R. 1993 No. 249, as amended by S.R. 1997 No. 464

(b) any period of unpaid maternity leave granted in the case of a woman falling on or after 27th February 1986 which ended before 10th June 1994 in respect of which the conditions specified in paragraph (2) are not satisfied;

(c) any period of unpaid maternity leave falling on or after 10th June 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 was effective immediately before the commencement of that period of unpaid maternity leave) in respect of which the conditions specified in paragraph (3) are not satisfied;

(d) any period of unpaid sick leave taken after 31st August 1995 in respect of which the conditions specified in paragraph (4) are not satisfied;

(e) any other period of unpaid leave falling on or after 27th February 1986 except such a period taken by a person who ceased to serve as a member before 1st November 1989.".

(2) In regulation F1(2), for "(*a*)(ii)" there shall be substituted "(*b*)".

(3) After regulation F1(2) there shall be inserted the following paragraphs:

"(3) The conditions referred to in sub-paragraph (*c*) of the provision 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 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 (5) 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(**6**)) immediately before the commencement of the period of unpaid maternity leave which constituted or included the period in question.

(4) The conditions referred to in sub-paragraph (*d*) 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 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 (5) 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.

(**6**) 1992 c. 7