STATUTORY RULES OF NORTHERN IRELAND

2001 No. 263

POLICE

Royal Ulster Constabulary Pensions (Amendment) Regulations 2001

To be laid before Parliament

Made - - - -	*28th June 2001*
Coming into operation	*1st August 2001*

The Secretary of State, in pursuance of section 25 of the Police (Northern Ireland) Act 1998(**1**), read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(**2**), and after consulting the Police Authority and the Police Association and, in accordance with section 62(3) of the Police Act 1996(**3**), the Police Negotiating Board for the United Kingdom, hereby, with the concurrence of the Treasury, in accordance with section 72(2A) of the said Act of 1998, makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment) Regulations 2001 and shall come into operation on 1st August 2001.

Interpretation

2.—(1) In these regulations—

"the Pensions Regulations" means the Royal Ulster Constabulary Pensions Regulations 1988(**4**);

"reserve force" means the Royal Ulster Constabulary Reserve;

"reserve member" means a member of the reserve force appointed on a full-time basis;

"auxiliary member" means a member to whom regulations M3(2) and M7 of the Pensions Regulations applied prior to the coming into operation of these regulations;

"service" means service as an auxiliary member.

(**1**) 1998 c. 32
(**2**) S.I.1972/1073 (N.I. 10)
(**3**) 1962 c. 7 (N.I.)
(**4**) 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 and S.R. 1998 No. 240

(2) Other expressions in these regulations shall have the same meaning as in the Pensions Regulations.

Auxiliary members in service between 6th April 1988 and 30th June 1994

3.—(1) Any service by an auxiliary member between 6th April 1988 and 30th June 1994 (inclusive) shall be deemed to be service as a member under the Pensions Regulations only to the extent set out in regulations 6, 7 and 8.

(2) Notwithstanding anything in the Pensions Regulations to the contrary, an auxiliary member shall not pay any contributions under Part G of the Pensions Regulations in respect of any service between 6th April 1988 and 30th June 1994 (inclusive).

(3) This regulation is without prejudice to any award to which an auxiliary member or any dependant of such a member is entitled, may become entitled, or has received under Part M of the Pensions Regulations.

Election to convert to membership in respect of service on or after 1st July 1994

4.—(1) Any auxiliary member in service on or after 1st July 1994 may elect in writing to the Police Authority within 28 days of the coming into operation of these Regulations to be treated as a member under the Pensions Regulations with effect from:

(a) 1st July 1994;

(b) any date chosen by that auxiliary member after 1st July 1994 until the day before the coming into operation of these Regulations, or

(c) the date of the coming into operation of these Regulations

(2) If an auxiliary member in service on or after 1st July 1994 has died or dies before making an election under paragraph (1), an election may be made to treat his service as membership under the Pensions Regulations.

(3) An election under paragraph (2) may be made by the following:

(a) the deceased's spouse;

(b) where there is no spouse, by an adult dependant relative of the deceased who would be entitled to benefits under the Pensions Regulations following such an election (whether or not such person would also be entitled to benefits by virtue of Part M);

(c) where paragraphs (*a*) and (*b*) do not apply, by the personal representatives of the deceased.

(4) An election may be made under paragraph (1) whether or not an auxiliary member to whom that paragraph applies is in service on the date of the coming into operation of these regulations.

(5) An auxiliary member shall be treated as a member under the Pensions Regulations following an election under this regulation only to the extent set out in regulations 5, 6, 7 and 8.

Contributions payable in respect of service as a member on or after 1st July 1994

5.—(1) Where an auxiliary member makes an election under regulation 4(1)(*a*) or 4(1)(*b*), the auxiliary member must make a payment of the difference between any contributions made under regulation M3(2) in respect of service to which that election applies and the amount payable under regulation G2 in respect of such service.

(2) For the purposes of paragraph (1), the payment under G2 shall be based on the rate of pay payable to the auxiliary member during the period of service to which the election applies.

(3) Auxiliary members in service at the time an election is made under regulation 4(1)(*a*) or 4(1)(*b*) may make the payment under paragraph (1) by deduction from any lump sum paid to the auxiliary member upon his leaving the service.

(4) Where an auxiliary member makes an election under regulation 4(1)(*c*), contributions under regulation G2(1) must be paid with effect from the date the election takes effect.

(5) If an election is made under regulation 4(2), paragraphs (1), (2) and (4) shall apply as if for "auxiliary member" in paragraphs (1) and (4) there were substituted "the person who made the election under regulation 4(2)".

Benefits payable to auxiliary members in service on or after 6th April 1988

6.—(1) For the purposes of calculating awards to auxiliary members in service on or after 6th April 1988 the Pensions Regulations shall be modified in accordance with this regulation.

(2) Where an auxiliary member ceases service between 6th April 1988 and 30th June 1994 (inclusive), pensionable service shall be deemed to begin on 6th April 1988 and end with the date of the auxiliary member's last day of service for the purpose of calculating benefits other than under Part M.

(3) Where the auxiliary member makes an election under regulation 4(1)(*a*):

(a) notwithstanding anything in Part M to the contrary, for the purpose of calculating any award under regulation M7;

(i) pensionable service shall be deemed to end on 30th June 1994;

(ii) "pensionable pay" shall mean an auxiliary member's pay at the rate to which he was entitled on 30th June 1994 and "average pensionable pay" shall be construed accordingly;

(iii) "pension contributions" and "aggregate pension contributions" shall be deemed to have been paid up to and including 30th June 1994 only;

(b) for the purpose of calculating an auxiliary member's benefits other than under Part M, pensionable service shall be deemed to begin on 6th April 1988 and end with the date of the auxiliary member's last day of service.

(4) Where the auxiliary member makes an election under regulation 4(1)(*b*) or 4(1)(*c*):

(a) notwithstanding anything in Part M to the contrary, for the purpose of calculating any award under regulation M7:

(i) pensionable service shall be deemed to end the day before the auxiliary member's election takes effect;

(ii) "pensionable pay" shall mean an auxiliary member's pay at the rate to which he was entitled the day before that person's election takes effect and "average pensionable pay" shall be construed accordingly;

(iii) "pension contributions" and "aggregate pension contributions" shall be deemed to have been paid up to the day before the auxiliary member's election takes effect only;

(b) for the purpose of calculating an auxiliary member's benefits other than under Part M:

(i) pensionable service shall be determined by adding together the following two periods of service:

(aa) service from 6th April 1988 up to and including 30th June 1994, and

(bb) service from the date the election takes effect up to and including the auxiliary member's last day of service;

(c) "pensionable pay", "average pensionable pay", "pension contributions" and "aggregate pension contributions" shall be construed taking account only of the period of pensionable service calculated in sub-paragraph (*b*).