STATUTORY RULES OF NORTHERN IRELAND

1998 No. 240

POLICE

Royal Ulster Constabulary Pensions (Amendment) Regulations 1998

Made - - - -	*1st July 1998*
To be laid before Parliament	
Coming into operation	*10th August 1998*

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(**1**) and after consulting, in accordance with section 34(2) of that Act, the Police Authority 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 Royal Ulster Constabulary Pensions (Amendment) Regulations 1998 and shall come into operation on 10th August 1998.

Amendment of the Royal Ulster Constabulary Pensions Regulations 1988

2. The Royal Ulster Constabulary Pensions Regulations 1988(**3**) shall be amended in accordance with the following provisions of these regulations, and any reference in these regulations to a numbered regulation is a reference to the regulation so numbered in those regulations.

Transfers to and from the National Criminal Intelligence Service or the National Crime Squad

3.—(1) In regulation A15 (retirement)—

(a) in paragraph (1) after the words "Great Britain" there shall be inserted the following words —

"or on joining the NCIS or the NCS,"; and

(b) after paragraph (2) there shall be inserted the following paragraph—

(**1**) 1970 c. 9 (N.I.) as amended by 1994 c. 29 and modified by S.I.1973/2163
(**2**) 1996 c. 16
(**3**) S.R. 1988 No. 374; relevant amendments were made by S.R. 1990 No. 411, S.R. 1993 No. 223 and S.R. 1997 No. 259

"(3) For the purposes of Parts B, C and D, apart from regulations B5, B6, C4, C6, C7 and D4, a member who leaves the force on joining the NCIS or the NCS without making a written request to the appropriate Service Authority for the pensionable service that he is entitled to reckon by reason of service as a member to be reckonable for the purposes of the pension scheme of the NCIS or the NCS, and who accordingly has preserved rights under these regulations, shall be regarded as retiring, or ceasing to be a member, when he retires from, or ceases to be a member of, the NCIS or the NCS (unless he resumes service as a member or commences service as a member of a police force in Great Britain), and accordingly in Parts B, C and D, except in regulations B5, B6, C4, C6, C7 and D4—

(a) any reference to a member shall be treated as including a reference to the Director General or a police member of the NCIS or the NCS with (in either case) such preserved rights;

(b) any reference to the Police Authority shall be treated, in relation to any such person with preserved rights, as referring to the appropriate Service Authority;

(c) any reference to pension contributions payable under regulation G2(1) shall be treated, in relation to any such person with preserved rights, as referring to contributions payable to the pension scheme of the NCIS or the NCS; and

(d) any reference to a member who has or had made an election under regulation G4(1) which has or had effect at a specified time shall be treated as including a reference to any such person with preserved rights who is not or was not making contributions to the pension scheme of the NCIS or the NCS at the specified time.".

(2) In regulation F3 (previous service reckonable without payment), after paragraph (1)(b) there shall be inserted the following sub-paragraph—

";

(c) where on or after 10th August 1998 he left the NCIS or the NCS for the purpose of becoming a member, any period of pensionable service which was reckonable by him, immediately before he so left, for the purposes of the pension scheme of the NCIS or the NCS if he makes a written request to that effect".

(3) In regulation F7A (Police Authority to provide certificate of the amount of pensionable service giving entitlement to pension)—

(a) for paragraph (1) there shall be substituted the following paragraph—

"(1) This regulation shall apply where, on or after 31st March 1996, a member has left the force and joined—

(a) a police force in Great Britain with such consent as is mentioned in regulation A14(3) and the police authority for that force is contingently liable to make payments to or in respect of him under any legislation for the time being in force relating to the pensions of members of police forces in Great Britain; or

(b) the NCIS or the NCS and the Service Authority for the NCIS or the Service Authority for the NCS, as the case may be, is contingently liable to make payments to or in respect of him under its pension scheme,

but in a case falling within sub-paragraph (b) it shall apply only where the member has informed the Police Authority in writing that he has made a written request to the appropriate Service Authority for the pensionable service that he is entitled to reckon by reason of service as a member, including such service reckonable under regulations

F3 to F7, to be reckonable for the purposes of the pension scheme of the NCIS or the NCS.";

(b) in paragraphs (2) and (3), after the word "current" the word "police" shall be omitted; and

(c) after paragraph (4) there shall be added the following paragraph—

"(5) In this regulation "the current authority" means—

(a) in a case falling within paragraph (1)(a), the police authority of the police force in Great Britain which the former member has joined; and

(b) in a case falling within paragraph (1)(b), the Service Authority for the NCIS or the Service Authority for the NCS, as the case may be.".

(4) After regulation J3 there shall be inserted the following regulation—

"**Transfers to the National Criminal Intelligence Service or the National Crime Squad: prevention of duplication of entitlement**

J3A.—(1) No entitlement to any pension or other award under these regulations shall arise in respect of service as a member by a member who, on ceasing to serve as such, joins the NCIS or the NCS if the pensionable service that he is entitled to reckon by reason of service as a member becomes reckonable for the purposes of the pension scheme of the NCIS or the NCS.

(2) Paragraph (1) does not apply in respect of any person who, at the time of the event giving rise to an entitlement to a pension or other award, has resumed service as a member.".

(5) In regulation K4 (withdrawal of pension during service as a policeman) there shall be inserted after sub-paragraph (1)(c) the following sub-paragraph—

"or

(d) the Director General or a police member of the NCIS or the NCS,".

(6) In Schedule A (glossary of expressions) after the definition of "member" there shall be inserted the following definitions—

""NCIS" means the National Criminal Intelligence Service;

"NCS" means the National Crime Squad;".

Reinstatement of pension rights

4.—(1) After regulation F9 (transfer values payable following cessation of contributions) there shall be inserted the following regulation—

"**Mis-sold pensions**

F10.—(1) This regulation shall apply to a member who—

(a) opted or transferred out; and

(b) has suffered loss as a result of contravention which is actionable under section 62 of the Financial Services Act 1986(**4**) (*actions for damages in respect of contravention of rules etc. made under the Act*).

(2) A member to whom this regulation applies may give notice in writing to the Police Authority that he wishes the Authority to accept payment of a transfer value in order to create or restore reckonable service, and such notice shall be treated as cancelling, with effect from the date on which an instalment of pay next falls due to him, any election that is in force under

(**4**) 1986 c. 60