STATUTORY RULES OF NORTHERN IRELAND

1996 No. 4

POLICE

The Royal Ulster Constabulary Pensions (Amendment) Regulations 1996

Made - - - -	*9th January 1996*
To be laid before Parliament	
Coming into operation	*1st February 1996*

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 2(3) of the Police Negotiating Board Act 1980(**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 1996 and shall come into operation on 1st February 1996.

Interpretation

2. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary Pensions Regulations 1988(**3**).

Commutation — small pensions

3. Regulation B8(1) of the principal regulations shall be amended by substituting for the words "does not exceed £140" the words "does not exceed £260, or any greater amount prescribed by regulations for the time being in force under paragraph 15(4) of Schedule 3 to the Social Security Pensions (Northern Ireland) Order 1975(**4**),".

(**1**) 1970 c. 9 (N.I.) as amended by 1994 c. 29 and modified by S.I. 1973/2163
(**2**) 1980 c. 10
(**3**) S.R. 1988 No. 374; relevant amending regulations are S.R. 1990 No. 411 and S.R. 1993 No. 327
(**4**) S.I. 1975/1503 (N.I. 15)

Gratuity in lieu of widow's pension

4. Regulation E4(3) of the principal regulations shall be amended by substituting for the words "does not exceed £104" the words "does not exceed £260, or any greater amount prescribed by regulations for the time being in force under paragraph 15(4) of Schedule 3 to the Social Security Pensions (Northern Ireland) Order 1975,".

Increase of widow's pension during first 13 weeks

5. Regulation E8 of the principal regulations shall be amended—

(a) in paragraph (2)(*a*) by substituting for the words "pensionable pay" the words "relevant emoluments"; and

(b) by inserting after paragraph (2)—

"(2A) For the purposes of paragraph (2)(*a*) a member's relevant emoluments for a week are—

(a) his pensionable pay for the week, and

(b) so much as is attributable to the week of any allowances to which he was entitled under the Schedule to the Royal Ulster Constabulary (Amendment No. 3) Regulations 1994(**5**).".

Payments by women members to enhance widowers' awards

6. The principal regulations shall be amended by adding after regulation G5—

"**Payments by women members to enhance widowers' awards**

G6.—(1) Subject to paragraph (2), a woman member—

(a) by whom contributions are for the time being payable under regulation G2, and

(b) whose pensionable service includes service before 17th May 1990,

may elect to pay additional contributions in order to secure the counting of service before that date in the calculation of any award becoming payable under regulation C1, C4, C5(2), C6 or C8(2) on her death.

(2) An election under this regulation—

(a) must be made by giving notice in writing to the Police Authority within the period of 3 months beginning on the material date, and

(b) takes effect at the end of that period.

(3) The material date for the purposes of this regulation is—

(a) 1st February 1996 if contributions were payable under regulation G2 during the whole of the period of 3 months beginning with that date, or

(b) if such contributions have ceased to be payable either before or during that period but again become payable within 2 years after the date of cessation, the date from which they become payable.

(4) Subject to paragraphs (6) to (11), the additional contributions to be paid are contributions calculated in accordance with the Table in paragraph (18) by reference to the whole of the woman member's pensionable service before 17th May 1990.

(5) The notice of election must specify whether the contributions are to be paid—

(**5**) S.R. 1994 No. 331

(a) as a lump sum calculated in accordance with the first and third columns, or

(b) by periodical payments calculated in accordance with the first and second columns of the Table in paragraph (18).

(6) This paragraph applies where—

(a) the additional contributions are to be paid as a lump sum, and

(b) in the tax year in which the election takes effect (A + B) exceeds C.

(7) Where paragraph (6) applies—

(a) the election has effect as an election to pay a lump sum of (C − B), and

(b) the period of service counting as mentioned in paragraph (1) is to be calculated accordingly.

(8) In paragraphs (6) and (7)—

A is a lump sum calculated as mentioned in paragraphs (4) and (5)(*a*),

B is the total of any other contributions payable under regulations made under section 25(2)(*k*) of the Police Act (Northern Ireland) 1970 and any contributions payable otherwise than under such regulations to an approved scheme, and

C is 15% of the woman member's emoluments,

and in this paragraph "approved scheme" and "emoluments" have the meaning given in regulation 2(2) of the Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993(**6**).

(9) This paragraph applies where—

(a) the additional contributions are to be paid by periodical payments, and

(b) in the first tax year after that in which the election takes effect (D + B) will exceed C.

(10) Where paragraph (9) applies—

(a) the election has effect as an election to make periodical payments amounting to (C − B), and

(b) the period of service counting as mentioned in paragraph (1) is to be calculated accordingly.

(11) In paragraphs (9) and (10), B and C are the same as in paragraphs (6) and (7) and D is the periodical payments calculated as mentioned in paragraphs (4) and (5)(*b*).

(12) A lump sum may be deducted by the Police Authority from the first instalment of pay falling due after the election takes effect, and periodical payments—

(a) are payable at the same times, and may be discharged in the same way, as contributions under regulation G2, and

(b) subject to paragraph (13), continue to be payable while such contributions are payable.

(13) Periodical payments cease to be payable—

(a) in the case of a woman member who at the material date had completed less than 19 years' pensionable service, when she has completed 25 years' pensionable service, and

(b) in any other case, at the end of the period of 5 years beginning on the date on which the first of them became payable.

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