1993 No. 327

POLICE

Royal Ulster Constabulary (Pensions and Injury Benefit) (Amendment) Regulations 1993

Made . . . . . *2nd July 1993*

Coming into operation . . *31st August 1993*

To be laid before Parliament

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(**a**), read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(**b**), and after consulting, in accordance with section 34(2) of the said Act of 1970, the Police Authority and the Police Association, and, in accordance with section 2(3) of the Police Negotiating Board Act 1980(**c**), the Police Negotiating Board for the United Kingdom, hereby, with the concurrence of the Treasury, makes the following regulations:—

Citation, commencement and effect

1.—(1) These regulations may be cited as the Royal Ulster Constabulary (Pensions and Injury Benefit) (Amendment) Regulations 1993.

(2) These regulations shall come into operation on 31st August 1993, but—

(*a*) regulations 10 and 18(2) shall have effect as from 31st May 1989,

(*b*) regulations 4 to 6, 8, 9, 12 to 17 and 19 shall have effect as from 16th May 1990,

(*c*) regulations 3 and 18(1) shall have effect as from 27th February 1991,

(*d*) regulations 7, 11 and 20 shall have effect as from 31st August 1992.

Interpretation

2. In these regulations "the Pensions regulations" means the Royal Ulster Constabulary Pensions Regulations 1988(**d**) and "the Injury Benefit regulations" means the Royal Ulster Constabulary (Injury Benefit) Regulations 1988(**e**).

(**a**) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and S.I. 1981/1670
(**b**) S.I. 1972/1073 (N.I. 10)
(**c**) 1980 c. 10
(**d**) S.R. 1988 No. 374; relevant amendments were made by S.R. 1989 No. 160 and S.R. 1990 No. 411
(**e**) S.R. 1988 No. 376 as amended by S.R. 1988 No. 440

Member's deferred pension

3. Regulation B5 of the Pensions regulations is amended by deleting paragraph (5).

Limitation on award to widow living apart from her husband and widow's requisite benefits pension

4. Regulation C8(1) of the Pensions regulations is amended by substituting for the word "woman" the word "widow".

Termination of widow's award on remarriage

5. Regulation C9(3) of the Pensions regulations is amended by substituting—

(*a*) for the words "a woman and a man" the words "a widow and a person"; and

(*b*) for the words "she were married to him" the words "the widow were married to that person".

Child's special gratuity

6. Regulation D3(1) of the Pensions regulations is amended by substituting for the words after "satisfied and" the words "he does not leave a widow entitled to a gratuity under regulations C2 and C3.".

Lump sum death grant

7. The Pensions regulations are amended by inserting after regulation E3—

"*Lump sum death grant — widows and widowers*

E3A.—(1) On the death of a person while serving as a member a lump sum death grant becomes payable unless an election under regulation G4 not to pay pension contributions had effect at the time of the death.

(2) The grant is payable whether or not any pension or gratuity is payable under Part C.

(3) The amount of the grant is twice that of the deceased's pensionable pay, expressed as an annual rate—

(*a*) at the time of the death, or

(*b*) if he was then absent from duty without pay, immediately before that absence began.

(4) The grant is to be paid—

(*a*) to any widow who qualifies for it, or

(*b*) if there is no such widow, to the personal representatives.

(5) A widow qualifies for the grant unless at the time of the death—

(*a*) the widow and the deceased were separated by an order or decree of a competent court, and

(*b*) the deceased was not required by such an order to contribute, and was not in fact regularly contributing, to the support of the widow or to the widow for the support of a child of the widow's.''.

Gratuity in lieu of widow's pension

8. Regulation E4(2) of the Pensions regulations is amended by substituting for the word ''woman'' the word ''widow''.

Increase of widow's pension or child's allowance during first 13 weeks

9. Regulation E8(3) of the Pensions regulations is amended by substituting for sub-paragraphs (*a*) and (*b*) the words ''did not leave a widow entitled to a pension which was payable for a continuous period of 13 weeks''.

Pensionable pay and average pensionable pay

10. Regulation G1 of the Pensions regulations is amended—

(*a*) in paragraph (1), by substituting for the words ''The pensionable pay'' the words ''Subject to paragraph (1A), the pensionable pay'' and deleting the proviso; and

(*b*) by inserting after paragraph (1)—

''(1A) For the purposes of paragraph (1), in the case of a member by whom contributions became payable after 31st May 1989 either—

(*a*) for the first time, or

(*b*) following any period in respect of which they were not payable,

except where regulation 4 of the Retirement Benefit Schemes (Tax Relief on Contributions) (Disapplication of Earnings Cap) Regulations 1990(**a**) applies his pay shall be taken not to include any excess, in any tax year, over the figure which is the permitted maximum for that year for the purposes of section 594(2) and (3) of the Income and Corporation Taxes Act 1988(**b**) (that is to say, the figure specified for the year by an order made by the Treasury under section 590C(6) of that Act).''.

Pension contributions payable by member

11. Regulation G2(1) of the Pensions regulations is amended by substituting for the words after ''less than'' the words ''11% of his pensionable pay''.

Member with guaranteed minimum for the purposes of the Social Security Pensions (Northern Ireland) Order 1975

12. Regulation J1 of the Pensions regulations is amended—

(*a*) in paragraph (4A)(*a*), and

(*b*) in paragraph (5A),

(**a**) S.I. 1990/586

(**b**) 1988 c. 1; section 590C was inserted, and section 594 amended, by the Finance Act 1989 (c. 26), section 75 and Schedule 6 paragraphs 4 and 6

by inserting after the words "regulation E1(1)(*c*)" the words "or under Part C".

Glossary of expressions

13. Schedule A to the Pensions regulations is amended—

(*a*) by inserting after the definition of "guaranteed minimum"—

" "husband" includes wife;"; and

(*b*) by inserting after the definition of "transfer"—

" "widow", except in regulation J1, includes widower;"

"wife" includes husband.".

Widow's ordinary pension

14.—(1) Paragraph 1 of Part I of Schedule C to the Pensions regulations is amended by inserting after sub-paragraph (2)—

"(2A) Where a pension becomes payable under regulation C1 to a man—

(*a*) the pension or notional pension referred to in sub-paragraph (1)(*a*) shall be taken to be that which would be payable if no account were taken of any pensionable service before 17th May 1990, and

(*b*) sub-paragraph (1)(*b*) has effect with the substitution for "5th April 1978" of "16th May 1990".".

(2) Paragraph 3 of Part I of Schedule C to the Pensions regulations is amended by inserting after the words "(flat rate award)" the words "; but a man may make an election under this paragraph only if the amount so determined would not exceed the amount calculated in accordance with paragraph 1".

Widow's accrued pension

15.—(1) Paragraph 1 of Part III of Schedule C to the Pensions regulations is amended by inserting after sub-paragraph (1)—

"(1A) Where a pension becomes payable under regulation C4 to a man, the amount of the deceased's deferred pension shall for the purposes of sub-paragraph (1) be taken to be what it would be if no account were taken of any pensionable service before 17th May 1990.".

(2) Paragraph 3 of Part III of Schedule C to the Pensions regulations is amended by inserting after sub-paragraph (3)—

"(4) A man may make an election under this paragraph only if the amount determined in accordance with regulation E10 would not exceed the amount calculated in accordance with paragraph 1.".

Widow's pension in case of post-retirement marriage

16. Part IV of Schedule C to the Pensions regulations is amended by inserting after paragraph 3—