1993 No. 249

POLICE

Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993

Made . . . . . *23rd April 1993*

Coming into operation . . *30th June 1993*

To be laid before Parliament

ARRANGEMENT OF REGULATIONS

1. Citation and commencement
2. Interpretation
3. Making and acceptance of elections
4. Election to pay basic contributions
5. Elections in respect of death benefit cover
6. Variation and cancellation of elections
7. Basic and death benefit contributors
8. Payment and amount of contributions
9. Investment of contributions
10. Inward transfers
11. Retirement pensions
12. Lump sum death benefit
13. Benefit limits
14. Repayment in certain cases
15. Payment by Police Authority
16. Information
17. Appeals
18. Retrospective effect: incidental provision

SCHEDULES

Schedule 1 — Pension providers
Schedule 2 — Benefit limits
Part I: Interpretation
Part II: Retirement pensions
Part III: Lump sums on death

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 consent of the Treasury, makes the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993.

(2) These regulations shall come into operation on 30th June 1993, and shall have effect as from 5th April 1990.

Interpretation

2.—(1) In these regulations references to the Taxes Act are references to the Income and Corporation Taxes Act 1988(**d**) and references to the 1988 regulations are references to the Royal Ulster Constabulary Pensions Regulations 1988(**e**).

(2) In these Regulations, unless the context otherwise requires—

"approved scheme" means a retirement benefits scheme approved under Chapter 1 of Part XIV of the Taxes Act;

"basic contributions" means contributions paid pursuant to an election under regulation 4(1);

"basic contributor" is to be construed in accordance with regulation 7;

"cash equivalent" means a cash equivalent mentioned in paragraph 12(1) of Schedule 1A to the Social Security Pensions (Northern Ireland) Order 1975(**f**);

"death benefit contributions" means contributions paid pursuant to an election under regulation 5(1);

"death benefit contributor" is to be construed in accordance with regulation 7;

"death benefit cover" is to be construed in accordance with regulation 5(1);

"earnings" and "emoluments" mean earnings and emoluments in respect of service as a pensionable policeman, disregarding, except where regulation 3 or 5 of the Retirement Benefit Schemes (Tax Relief on Contributions) (Disapplication of Earnings Cap) Regulations

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(**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**) 1988 c. 1
(**e**) S.R. 1988 No. 374; relevant amendments were made by S.R. 1990 No. 411
(**f**) S.I. 1975/1503 (N.I. 15); Schedule 1A was inserted by paragraph 3 of Schedule 1 to the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)) and amended by paragraphs 23 and 24 of Schedule 9 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

1990(**a**) applies, any excess in any tax year over the figure which is the permitted maximum for that year for the purposes of section 592(8B) of the Taxes Act(**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);

"free-standing additional voluntary contributions scheme" means an approved scheme which falls within section 591(2)(*h*) of the Taxes Act;

"the Index" means the index of retail prices published by the Department of Employment;

"participator" means a basic contributor or a person who has ceased to be a basic contributor but has not exercised any right to take a cash equivalent or to be paid a lump sum under regulation 14(1);

"pension investments" means investments made under regulations 9(1) and 10(2);

"pensionable member" means a person by whom contributions are for the time being payable under regulation G2 of the 1988 regulations;

"retire" means become entitled to payment of a pension or gratuity under regulations B1 to B5 of the 1988 regulations;

"the Society" means The Equitable Life Assurance Society; and

"tax year" means the 12 months beginning with 6th April in any year.

Making and acceptance of elections

3.—(1) Any election under these regulations—

(*a*) is to be made by giving written notice to the Police Authority, and

(*b*) is, subject to paragraphs (2) to (4), to be accepted by the Authority.

(2) No election under these regulations is to be accepted if any limit imposed by regulation 8(4) or 13 (limits on contributions and benefits) would be exceeded.

(3) An election falling within regulation 16(2) (death benefit cover, continued death benefit cover and increased death benefit cover) is not to be accepted if—

(*a*) any information required under regulation 16(2) is not given, or

(*b*) the information given is such that the cover could not be secured by investment under regulation 9(3).

(4) A pension election under regulation 11(2) made after retirement may be accepted only if the Police Authority are satisfied as mentioned in regulation 11(2).

(5) The Police Authority are to give effect as soon as is reasonably practicable to any election accepted by them.

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

(**b**) Sections 590C and 592(8B) were inserted by the Finance Act 1989 (c. 26), Schedule 6, paragraphs 4 and 5(4)

Election to pay basic contributions

4.—(1) A pensionable member may at any time elect to pay basic contributions under these regulations.

(2) The notice of such an election is to specify—

(*a*) the amount of each contribution, and

(*b*) the way in which the contributions are to be invested under regulation 9.

Elections in respect of death benefit cover

5.—(1) A pensionable member may at any time elect to pay death benefit contributions to secure death benefit cover, that is to say the payment of a lump sum in the event of his dying in the circumstances specified in paragraph (2).

(2) The circumstances are that—

(*a*) at the time of his death he is still a death benefit contributor, and

(*b*) his death occurs before his retirement date and is not the result of an injury received in the execution of his duty (within the meaning of regulation A10 of the 1988 regulations).

(3) A pensionable member's retirement date is the date on which he would be required by regulation A16(1) of the 1988 regulations to retire assuming that there were no postponement under regulation A16(2) and no change of rank.

(4) The notice of an election under paragraph (1) is to specify the amount to be secured, which must not be more than that which should be the permitted amount for the purposes of Part III of Schedule 2 if he were to die on the date on which the election takes effect.

(5) An election under paragraph (1) ceases to have effect on the person's retirement date, but if the time at which he is required by regulation A16(1) of the 1988 regulations to retire becomes later by reason of—

(*a*) his being promoted, or

(*b*) a postponement under regulation A16(2).

he may elect to pay further contributions to secure the continuance to the later date of the death benefit cover in force immediately before the change.

(6) Any continued death benefit cover secured by an election under paragraph (5) lapses if the person retires before the date to which the cover was continued.

Variation and cancellation of elections

6.—(1) A basic contributor may at any time elect—

(*a*) to alter the amount of his basic contributions, or

(*b*) to require them to be invested in future, under regulation 9, in a different way, or

(*c*) to require the Police Authority to realise any investment and to reinvest the proceeds, under regulation 9, in a different way, or

(*d*) to cancel his election under regulation 4(1).

(2) A death benefit contributor may at any time elect—

(*a*) to alter the amount to be secured, but not so as to exceed the amount which would be the permitted amount for the purposes of Part III of Schedule 2 if he were to die on the date on which the election takes effect, or

(*b*) to cancel his election under regulation 5(1).

(3) A person paying further contributions under regulation 5(5) (continuance of death benefit cover during service after retirement age) may at any time make any election that he could have made under paragraph (2)(*a*) above if he had been paying death benefit contributions.

Basic and death benefit contributors

7.—(1) Subject to paragraph (3), a person is a basic contributor while an election under regulation 4(1) (regular contributions) has effect.

(2) Subject to paragraph (3), a person is a death benefit contributor while an election under regulation 5(1) has effect.

(3) A person who has ceased to be a pensionable member ceases to be either a basic contributor or a death benefit contributor.

Payment and amount of contributions

8.—(1) Basic contributions are payable to the Police Authority at intervals of not less than 4 weeks.

(2) Death benefit contributions and further contributions under regulation 5(5) (continuance of death benefit cover) are payable to the Police Authority at the same times as basic contributions.

(3) All contributions are to be deducted by the Police Authority from the person's pay.

(4) The total of the contributions of all kinds paid in any tax year must not exceed the lesser of (A−B−C) and D, where—

A is 15 per cent of the person's emoluments for that year,

B is the total of any contributions paid by him in the year to another approved scheme,

C is the total of the contributions paid by him in the year under the 1988 regulations, and

D is the amount which would provide the maximum allowable benefits.

(5) The maximum allowable benefits are—

(*a*) where the person is a basic contributor only, a retirement pension the annual rate of which is likely to be the maximum allowed by regulation 13,

(*b*) where he is not a basic contributor but is paying contributions to secure death benefit cover, the maximum amount that can be secured having regard to regulations 5(4) and 6(2)(*a*), and

(*c*) where he both is a basic contributor and is paying contributions to secure death benefit cover, both the retirement pension mentioned in sub-paragraph (*a*) and the maximum amount mentioned in sub-paragraph (*b*).