1988 No. 379

POLICE

Royal Ulster Constabulary Pensions (Purchase of Increased Benefits) Regulations 1988

Made . . . . . *3rd October 1988*

Coming into operation . . *1st January 1989*

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 for Northern Ireland and the Police Association for Northern Ireland, 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:—

PART I

CITATION, COMMENCEMENT, EFFECT AND INTERPRETATION

Citation, commencement and effect

1.—(1) These regulations may be cited as the Royal Ulster Constabulary Pensions (Purchase of Increased Benefits) Regulations 1988.

(2) These regulations shall come into operation on 1st January 1989 and shall have effect as from 1st February 1988.

Interpretation

2.—(1) In these regulations—

(*a*) references to the principal regulations are references to the Royal Ulster Constabulary Pensions Regulations 1988(**d**);

(*b*) the expression—

"retirement date" means, in relation to a member and at any particular time, the date on which he could be required to retire on account of age if he continued to serve as such without change of rank, disregarding any postponement of that date under regulation A16(2) of the principal regulations effected after that time;

"eligible member" means a person—

(**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

(*a*) with service as a member on or after 1st February 1988, whether or not he is still so serving;

(*b*) whose retirement date is, or was when he ceased so to serve, at least 9 years after the date on which he last became a member; and

(*c*) who was not when he ceased so to serve, or would not be on or before his retirement date, entitled to reckon 30 years' pensionable service; and

"sixtieth" means, in relation to any person, a sixtieth (including a fraction of a sixtieth) of his average pensionable pay and "additional sixtieths" and the number thereof means, in relation to a person who has made an election under regulation 3, the number of additional sixtieths to which that election related.

(2) Subject to paragraph (1), these regulations shall be construed as one with the principal regulations.

PART II

PURCHASE OF INCREASED BENEFITS

Election to purchase increased benefits

3.—(1) Subject to paragraph (2), an eligible member may, for the purpose of reckoning an additional number of sixtieths in calculating the awards payable to, or in respect of, him under the principal regulations, by notice in writing to the Police Authority elect to make payment to the Authority in accordance with the following provisions of these regulations.

(2) A member shall not so exercise the right of election accorded by paragraph (1) that the aggregate number of sixtieths reckonable by him exceeds or, if he continued to serve until his retirement date, would exceed 40.

(3) When the retirement date of a member who has exercised the right of election accorded by paragraph (1) becomes later than it was at the time of his election by reason of his subsequent promotion or the subsequent postponement of that date under regulation A16(2) of the principal regulations, then, notwithstanding that he may derive no benefit from his election, his liability to make payment in accordance with the following provisions of these regulations shall not be affected and he shall not be entitled to the repayment of any lump sum or contribution so paid.

Lump sum payments

4.—(1) An eligible member who is serving as a member may, within 12 months of—

(*a*) the date on which he last became a member, or

(*b*) 1st February 1988,

whichever is the later, elect under regulation 3 to make payment by a lump sum calculated in accordance with paragraph 1 or 3, as the case may be, of Part I of the Schedule.

(2) An eligible member who has ceased to serve as a member, but who was so serving on 1st February 1988, may within 12 months of 1st February 1988 elect under regulation 3 to make payment by a lump sum calculated in accordance with the said paragraph 1 or 3.

(3) A lump sum payment under this regulation shall be made within 3 months of the date of election and, if it is not so made, the election shall be deemed for the purposes of these regulations never to have been made.

Payment by periodical contributions

5.—(1) An eligible member who is serving as a member whose retirement date falls not less than 2 years after his birthday next following 1st February 1988 may at any time—

(*a*) within 12 months of 1st February 1988, or

(*b*) not later than 2 years immediately preceding his retirement date,

elect under regulation 3 to make payment by periodical contributions calculated in accordance with paragraph 2 or 3, as the case may be, of Part I of the Schedule.

(2) Subject to the following provisions of this regulation and to regulation 7, where a member elects to make payment under this regulation, the periodical contributions shall be made as from the date of his birthday falling within the year beginning with the date of his election and shall continue until—

(*a*) his retirement date as at the time of his election, or

(*b*) the date on which he ceases to serve as a member,

whichever is the earlier.

(3) Where a member elects to make payment under this regulation within 12 months of 1st February 1988 but less than 2 years before his retirement date the election shall be deemed to have been made on a date 2 years before the said retirement date and any arrears of contributions due by virtue of this paragraph shall be paid in a lump sum within 3 months of the date on which he elects:

Provided that where such a lump sum is not so paid, the foregoing provisions of this paragraph shall not have effect.

(4) In the case of a member who has elected to make payment under this regulation and who, having retired with an ill-health pension before his retirement date, resumes service as such, the periodical contributions shall again become payable and shall continue as provided in paragraph (2).

(5) Where a member elects to make payment under this regulation, the periodical contributions payable by him for any period shall not, when aggregated with any other pension contributions (including additional, further and special contributions, if any) payable by him for that period, exceed 15% of his pensionable pay but, where a member's periodical contributions are restricted by this paragraph, he shall make a lump sum payment of an amount determined by the Government Actuary to be the actuarial equivalent of the difference between the restricted periodical contributions payable and those which would be payable but for this paragraph.

Conditions relating to the making of elections

6.—(1) An eligible member who is serving as a member shall not be entitled to elect under regulation 3 to make payment by periodical contributions if he has been required to retire under regulation A18 of the principal regulations.

(2) An eligible member shall not, if the Police Authority so resolve, be entitled to elect under regulation 3 to make payment by periodical contributions unless he has undergone a medical examination and satisfied the Authority as to his good health; and any fee payable in respect of that examination shall be paid by him.

Effect of election

7. Subject to regulations 4(3) and 5(3), an election made under regulation 3 shall take effect as from the date on which the Police Authority receive notice in writing thereof and shall be irrevocable, save that where the Police Authority are satisfied that the payment of periodical contributions in accordance with such an election is causing, or is likely to cause, financial hardship they may consent to the discontinuance of such contributions for such period as they think fit.

Reckoning of additional benefits

8.—(1) Where a member who has made an election under regulation 3 and paid a lump sum or commenced payment of periodical contributions in accordance with that election dies in service, retires on ill-health grounds, or retires on or after reaching his retirement date as at the time of his election, he shall be entitled to reckon all the additional benefits which he elected to purchase, save that where he had discontinued payment of periodical contributions on grounds of financial hardship under regulation 7 he shall be entitled to reckon a proportion of such benefits determined in accordance with the formula set out in sub-paragraph (*a*) of Part II of the Schedule.

(2) Subject to paragraph (3), where a member who has made an election under regulation 3 and paid a lump sum or commenced payment of periodical contributions in accordance with that election ceases to be a member in circumstances other than those set out in paragraph (1) and with no entitlement to an award by way of repayment of his aggregate pension contributions other than an award under paragraph 7 of Part I of Schedule J to the principal regulations, he shall be entitled to reckon—

(*a*) in the case of a lump sum payment, all the additional benefits which he elected to purchase; and

(*b*) in the case of payment of periodical contributions, a proportion of such benefits determined in accordance with the formula referred to in sub-paragraph (*b*) of Part II of the Schedule.

(3) Where a member retires with an ordinary pension before his retirement date as at the time of his election, the amount which he is entitled to reckon under sub-paragraph (*a*) or (*b*) of paragraph (2) shall be reduced by an amount determined by the appropriate actuarial valuation referred to in sub-paragraph (*c*) of Part II of the Schedule.

PART III

MODIFICATION OF THE EFFECT OF THE PRINCIPAL REGULATIONS

9. Where a member has elected under regulation 3 to purchase additional sixtieths, the principal regulations shall have effect in his case subject to the following modifications:—

(*a*) if he is entitled to any pension, other than an injury pension, the amount thereof as calculated under the appropriate part of Schedule B to the principal regulations shall be increased by the number of sixtieths which he is entitled to reckon under paragraph (1) or (2) of regulation 8;

(*b*) references to a member's pension, however expressed, in the following provisions of the principal regulations, namely—

regulation B7 (commutation — general provisions);

regulation E8 (increase of widow's pension or child's allowance during first 13 weeks);

Schedule C, Part I (widow's ordinary pension) and Part IV (widow's pension in case of post-retirement marriage);

Schedule D, Part I (child's ordinary allowance) and Part III (child's accrued allowance); and

Schedule F, Part II, section 1, paragraph 2 (payment of transfer values),

shall be construed as references to that pension as increased under these regulations;

(*c*) references to a pension or allowance payable in respect of a member, however expressed, in the following provisions of the principal regulations, namely—

regulation E4 (gratuity in lieu of widow's pension);

regulation E8;

Schedule C, Part I, paragraph 2 and Part III, paragraph 2 (widow's accrued pension);

Schedule D, Part I and Part III, paragraph 3;

Schedule E, Part III (gratuity in lieu of child's allowance); and

Schedule F, Part II, section 1, paragraph 3,

shall be construed as references to that pension or allowance as increased by virtue of the operation of these regulations;

(*d*) a widow's pension calculated under Part III of Schedule C or paragraphs 3 to 5 of Part II of Schedule J (except the pension for which she may elect under paragraph 3 of Part I or paragraph 3 of Part III of Schedule C) shall be increased by an amount equal to n/120ths of her husband's average pensionable pay (n being the number of sixtieths which he was entitled to reckon at the time of his death under paragraph (1) or (2) of regulation 8);

(*e*) a child's ordinary allowance under Part I of Schedule D shall be calculated as if the amounts in paragraph 2(3)(*a*)(i) and (ii) of Part III of Schedule J were increased by the number of sixtieths which the