1986 No. 200

POLICE

Royal Ulster Constabulary Pensions (War Service) (Transferees) Regulations 1986

Made . . . . . *24th June 1986*

Coming into operation . . . *1st August 1986*

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, 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, OPERATION AND INTERPRETATION

Citation

1. These regulations may be cited as the Royal Ulster Constabulary Pensions (War Service) (Transferees) Regulations 1986.

Commencement and effect

2. These regulations shall come into operation on 1st August 1986 and shall have effect as from 1st April 1978.

Interpretation

3.—(1) In these regulations reference to the 1980 regulations is a reference to the Royal Ulster Constabulary Pensions (War Service) Regulations 1980(**d**), which shall have effect subject to Schedule 1.

(2) In these regulations any reference to the appropriate police authority is a reference—

(*a*) to the police authority of the force in which the member concerned is serving; or

(*b*) where the member is entitled to a pension, to the police authority liable for that pension; or

(*c*) in the case of a member not falling within either sub-paragraph (*a*) or sub-paragraph (*b*), and in respect of whom a transfer value is payable, or has at any time been paid, by a police authority, to the latest police authority to have paid or to be liable to pay the transfer value.

(**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. 1980 No. 334

(3) Expressions used in these regulations and in the Royal Ulster Constabulary Pensions Regulations 1973(**a**) or the 1980 regulations shall have the same meaning as in the said regulations of 1973 or, as the case may be, the 1980 regulations.

(4) Without prejudice to paragraph (3), in these regulations any reference to a member includes a reference to a deceased member, and, except where the context otherwise requires, in relation to a deceased member, where he died before 1st April 1978, any reference to his age on that date is a reference to the age he would have been on that date had he not died.

Public service pension schemes

4. The public service pension scheme referred to in regulations 6 and 9 is an occupational pension scheme, other than one relating to service mentioned in Schedule 2, being a scheme which cannot come into force, or be amended, without the scheme or amendment being approved by a Minister of the Crown or government department; and for the purposes hereof, the Universities Superannuation Scheme shall be treated as if it were such an occupational pension scheme.

PART II

WAR SERVICE RECKONABLE WITHOUT RECEIPT OF ADDITIONAL TRANSFER VALUE

Reckoning of war service without receipt of a transfer value

5.—(1) This Part shall apply in the case of a person who—

(*a*) on 1st April 1978 or, where he died before that date, immediately before his death, was serving as a member or, having ceased so to serve, had retired with an entitlement to a pension; and

(*b*) was on 1st April 1978, or immediately before his retirement or death if earlier, entitled to reckon pensionable service for the purposes of the principal regulations or, as the case may be, the Order of 1949 by virtue of any such period of service or employment as is mentioned in Schedule 2 (''qualifying service''); and

(*c*) was not on 1st April 1978, or immediately before his retirement or death if earlier, entitled to reckon pensionable service in respect of qualifying service under the war service provisions of the pension scheme applicable thereto but who would have been so entitled if he had remained in that scheme until 1st April 1978, or the date of his death if earlier;

so, however, that in the case of a member with more than one period of qualifying service, any such period other than the first shall be disregarded for the purposes of this regulation and references to his qualifying service shall be construed accordingly.

(2) In relation to such a member, in these regulations references to the war service provisions of a pension scheme are references to the provisions of the scheme analogous to those of the 1980 regulations, and ''war service'' has the same meaning as in those provisions.

(3) The appropriate police authority may require that any claim that a member satisfies the condition referred to in paragraph (1)(*c*), and as to the duration of his war service, be supported by a certificate given by or on behalf of the person responsible for the management of the pension scheme appropriate to his qualifying service, and the police authority shall be entitled to rely upon a certificate so given.

(**a**) S.R. & O. (N.I.) 1973 No. 317 as amended by S.R. 1978 No. 73

Reckoning of war service in the case of personal benefits to whom regulation 5 applies

6.—(1) Subject to the following provisions of this regulation, the 1980 regulations shall apply in the case of a member to whom this Part applies as if references in those regulations to a qualified member were references to a member to whom this Part applies.

(2) Where a member to whom this Part applies elects only as mentioned in regulation 8(1) of the 1980 regulations, the principal regulations or, as the case may be, the Order of 1949 shall have effect as though he had been entitled, immediately before his retirement (or death while serving) to reckon an additional period of pensionable service equal to the following proportion of his war service, namely—

(*a*) 47.75% thereof, where the qualifying service is Northern Ireland fire service or police or fire services in Great Britain;

(*b*) 35.25% thereof, where the qualifying service is National Health Service or service in Health and Personal Social Services in Northern Ireland, or local government service or Northern Ireland local government service; and

(*c*) 34.875% thereof, where the qualifying service is teaching service or Northern Ireland teaching service.

(3) Where a member so elects, his pension shall, notwithstanding the preceding paragraph, be deemed for the purposes excepted in the said regulation 8(1) to be the pension to which he would be entitled without his additional period of pensionable service under that paragraph, save that that period shall count for the purposes of paragraph (3) of Part VIII of Appendix 2 of the Schedule to the Order of 1949 (alternative rate of widow's ordinary pension).

PART III

WAR SERVICE RECKONABLE ON RECEIPT OF AN ADDITIONAL TRANSFER VALUE

Reckoning of war service by payment of a transfer value

7.—(1) This Part shall apply in the case of a person—

(*a*) who on 1st April 1978 or, where he died before that date, immediately before his death, was serving as a member or, having ceased so to serve, had retired with an entitlement to a pension;

(*b*) with war service within the meaning of such a public service pension scheme as is mentioned in regulation 4;

(*c*) in respect of whom a transfer value has been paid to the appropriate police authority which took account of service or employment in the scheme referred to in sub-paragraph (*b*);

(*d*) who, by reason of that transfer value, was on 1st April 1978, or immediately before his retirement or death if earlier, entitled to reckon pensionable service for the purposes of the principal regulations or, as the case may be, the Order of 1949; and

(*e*) in respect of whom an additional transfer value calculated by reference to his war service is paid to the appropriate police authority.

(2) For the purposes of paragraph (1)(*e*), where a transfer value is calculated partly by reference to war service and partly by reference to other service, the amount of the transfer value referable to the war service shall be treated as an additional transfer value as mentioned therein.

Reckoning of war service in the case of personal benefits to whom regulation 7 applies

8.—(1) Subject to the following provisions of this regulation, the 1980 regulations shall apply in the case of a member to whom this Part applies as if references in those regulations to a qualified member were references to a member to whom this Part applies.

(2) Where a member to whom this Part applies elects only as mentioned in regulation 8(1) of the 1980 regulations, the principal regulations or, as the case may be, the Order of 1949 shall have effect as though he had been entitled immediately before his retirement (or death while serving) to reckon an additional period of pensionable service calculated as hereinafter provided, namely—

(*a*) the basic transfer value shall be determined by deducting from the additional transfer value, such amount, if any, as represents compound interest on the basic amount thereof;

(*b*) the member's adjusted pensionable emoluments shall be determined by multiplying by the factor set opposite his age in completed years on 1st April 1978 in the second column, or in the case of a woman, the third column, of the Table in Schedule 3 the annual value of the emoluments (including averaged emoluments and any element for pensions increase) in relation to which the transfer value was calculated;

(*c*) the amount of the adjusted pensionable emoluments shall be multiplied by four-thirds;

(*d*) the basic transfer value shall be divided by the amount obtained under sub-paragraph (*c*) and the resulting number shall be the number of years comprising the period.

(3) Where a member so elects, his pension shall, notwithstanding the preceding paragraph, be deemed for the purposes excepted in the said regulation 8(1), to be the pension to which he would be entitled without his additional period of pensionable service under that paragraph, save that that period shall count for the purposes of paragraph (3) of Part VIII of Appendix 2 of the Schedule to the Order of 1949 (alternative rate of widow's ordinary pension).

PART IV

ELECTION FOR THE PURPOSES OF WIDOWS' AND CHILDREN'S BENEFITS

Special provision in the case of an election

9.—(1) Where a member to whom Part II or Part III applies elects for the purposes excepted in regulation 8(1) of the 1980 regulations as well as under that paragraph, the principal regulations or, as the case may be, the Order of 1949 shall have effect as though he had been entitled immediately before his retirement (or death while serving) to reckon an additional amount of pensionable service calculated in accordance with regulation 6 or 8 as the case may be, reduced—

(*a*) in the case of a member without pensionable service reckonable by virtue of service as a member or as a member within the meaning of the Police Pensions Act 1976(**a**) before 1st April 1972, by 10%;

(*b*) in the case of a member with half-rate service (within the meaning of paragraph 1(1) of Part IV of Schedule 3 to the principal regulations) before 1st April 1972, by 10%; and

(**a**) 1976 c. 35

(*c*) in any other case, by 7.5%.

(2) Where the additional period of pensionable service reckonable by a member falls to be reduced by reason of paragraph (1)(*a*)—

(*a*) regulation 24(3) and paragraph 4 of Part I of Schedule 4 to the principal regulations shall not apply in his case; and

(*b*) for the purposes of Part IV of Schedule 3 to the principal regulations and regulation 12 of the 1980 regulations, any additional service reckoning by virtue of these regulations shall be deemed to be half-rate and mixed rate service.

PART V

ADDITIONAL TRANSFER VALUE PAYABLE IN RESPECT OF WAR SERVICE

Reckoning of war service in another scheme

10.—(1) Subject to paragraph (3), this Part shall apply in the case of a former member who—

(*a*) on 1st April 1978 or, where he died before that date, immediately before his death, was a serving member of a public service pension scheme such as is mentioned in regulation 4 or, having ceased to be such a member, had retired therefrom with an entitlement to a pension; and

(*b*) satisfies the conditions in paragraph (2),

and in relation to such a person the expression "1978 scheme" means the public service scheme referred to in sub-paragraph (*a*).

(2) The conditions referred to in paragraph (1)(*b*) are—

(*a*) that if he had not retired before 1st April 1975 without a pension, he would have been a qualified member within the meaning of regulation 6 of the 1980 regulations;

(*b*) that a transfer value has been paid in respect of him under regulation 75A of the principal regulations (or the corresponding provisions of any previous regulations), or under section 11(8) of the Superannuation (Miscellaneous Provisions) Act 1967(**a**); and

(*c*) that, by reason of that transfer value, he was on 1st April 1978, or immediately before his retirement or death, if earlier, entitled to reckon service for the purposes of the 1978 scheme.

(3) In the case of a former member who had a period of public service which—

(*a*) was completed before his police service, and

(*b*) reckoned as service for the purposes of the 1978 scheme,

(hereinafter referred to as his earlier service), a transfer value shall not be payable under this Part unless it appears to the appropriate authority that he has not had, and will not have, any opportunity to reckon war service for the purposes of a superannuation scheme applicable to his earlier service.

(4) In paragraph (3), "public service" means public service for the purposes of a public service pension scheme within the meaning of section 51(3)(*b*) of the Social Security Act 1973(**b**).

(**a**) 1967 c. 28
(**b**) 1973 c. 38