1978 No. 332

POLICE

Royal Ulster Constabulary Pensions (Amendment No. 2) Regulations 1978

Made . . . . . *27th October* 1978

Coming into operation . . . *30th November* 1978

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 4(5) of the Police Act 1969(c), the Police Council for the United Kingdom, hereby with the concurrence of the Minister for the Civil Service makes the following regulations:—

Citation

1. These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment No. 2) Regulations 1978.

Commencement and effect

2. These regulations shall come into operation on 30th November 1978 and shall have effect—

(*a*) for the purposes of paragraph (*a*) of regulation 4, as from 1st September 1973,

(*b*) for the purposes of paragraph (*b*) of that regulation, as from 6th April 1975,

(*c*) for the purposes of paragraph (*c*) of that regulation, as from 6th April 1978.

3. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary Pensions Regulations 1973(d).

4. The principal regulations shall have effect:—

(*a*) from 1st September 1973 subject to the amendments specified in Part I of the Schedule;

(*b*) from 6th April 1975 subject to the amendments specified in Part II of the Schedule;

(a) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)
(b) S.I. 1972/1073 (N.I. 10)
(c) 1969 c. 63
(d) S.R. & O. (N.I.) 1973 No. 317 (II, p. 1722) as amended by S.R. 1976 No. 401 (II, p. 2231); and S.R. 1978 No. 73

(*c*) from 6th April 1978 subject to the amendments specified in Part III of the Schedule and subject to the transitional provisions of Part IV of the Schedule.

Roy Mason
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
27th October 1978

The concurrence of the Minister for the Civil Service given under his official seal on 27th October 1978.

(L.S.)

T. A. A. Hart
Authorised by the Minister for the Civil Service

SCHEDULE Regulation 4

PART I

Amendments to the principal regulations taking effect from 1st September 1973

After regulation 20 there shall be inserted the following provisions:—

"Deferred pension where ill health pension is cancelled

20A.—(1) This regulation shall apply to a member—

(*a*) who retired with an ill health pension the unsecured portion of which is terminated under regulation 59(4) on a date ("the date of termination") falling on or after 1st September 1973, otherwise than on his rejoining the force, and

(*b*) who possesses the qualifications required by regulation 20B(1).

(2) A member to whom this regulation applies shall, as from the date of termination, be entitled to a deferred pension in accordance with the provisions of regulation 20B.

Supplementary provisions about deferred pensions

20B.—(1) The qualifications referred to in regulation 20A are that the member has service which satisfies one of the following conditions (such service is hereinafter referred to as qualifying service)—

(*a*) his pensionable service is 5 years or more;

(*b*) his pensionable service is less than 5 years but he has an earlier period of service as a member which does not count towards his pensionable service and the aggregate of that service and that period is 5 years or more;

(*c*) his pensionable service is less than 5 years but is reckoned by virtue of service as a member and some other employment and the aggregate of that service and that employment is 5 years or more:

Provided that an earlier period of service shall not count as qualifying service for the purposes of sub-paragraph (*b*) if there is a break of more than one month between it and the later qualifying service.

(2) Where a member is entitled to a pension under regulation 20A he shall be entitled to a deferred pension calculated in accordance with Part VI of Schedule 2, subject, however, to Parts VII and VIII of that Schedule; but no payment shall be made on account of the pension in respect of the period before he attains the age of 60 years or, if he sooner becomes permanently disabled, before he becomes so disabled, or in respect of any period if he has relinquished his entitlement for the purposes of regulation 46 or 47 by written notice to the Police Authority."

PART II

Amendments to the principal regulations taking effect from 6th April 1975

1. After regulation 20B (inserted by Part I of this Schedule) there shall be inserted the following provision:—

"Pension by way of equivalent benefit for certain members serving on 5th April 1975

20C.—(1) Subject to paragraph (2), this regulation shall apply to a member who was serving as such on 5th April 1975 and ceases or has ceased to serve in circumstances—

(*a*) which do not entitle him to a pension other than such as is mentioned in this regulation; and

(*b*) in which no payment in lieu of contributions falls to be made or has been made.

(2) Where a member who was serving as such on 5th April 1975 ceases or has ceased to serve in circumstances in which a transfer value is payable in respect of him under regulation 75 or 75A, this regulation shall apply to him only if he satisfies the Police Authority that he is not entitled under any superannuation arrangements (including these regulations) to a pension—

(*a*) in the calculation of which account is taken of the service which would be taken into account in calculating a pension under this regulation; and

(*b*) which would be at least as favourable in his case as a pension under this regulation.

(3) A member to whom this regulation applies shall, on attaining insured pensionable age and where appropriate satisfying the Police Authority as mentioned in paragraph (2), be entitled to a pension which equals the graduated retirement benefit mentioned in regulation 5(4)."

2. In regulation 21(1), after the words "injury pension" there shall be inserted the words "or a pension under regulation 20C".

3. In regulation 24(1)(*c*), after the words "deferred pension" there shall be inserted the words "or a pension under regulation 20C".

4. In regulation 34(1)(*b*), after the words "deferred pension" there shall be inserted the words "or a pension under regulation 20C".

PART III

Amendments to the principal regulations taking effect from 6th April 1978

1. In regulation 4, after paragraph (3), there shall be inserted the following provision:—

"(4) For the purposes of these regulations the weekly rate of a pension shall be determined as if there were 52$\frac{1}{6}$ weeks in each year."

2. In regulation 5 there shall be inserted after paragraph (5) the following provisions:—

"(6) In these regulations the following expressions shall have the meanings respectively which they have for the purposes of the Social Security Pensions (Northern Ireland) Order 1975:—

"contracted-out employment";

"contracted-out scheme";

"guaranteed minimum" and "guaranteed minimum pension";

"contributions equivalent premium".

(7) In these regulations any reference to a case in which a contributions equivalent premium has been paid includes a reference to a case in which such a premium is payable but has not been paid by virtue of regulations under Schedule 2 to the Social Security Pensions (Northern Ireland) Order 1975 dispensing with the payment of such a premium where its amount would be inconsiderable.

(8) In these regulations any reference to the guaranteed minimum in relation to a pension under a pension scheme at a particular time is a reference to the amount certified by the Department of Health and Social Services as that minimum at that time."

3. For regulation 20 there shall be substituted the following provision:—

"*Deferred pension and award where no transfer value and no other award is payable*

20.—(1) This regulation shall apply to a person who ceases or has ceased to be a member in circumstances in which no transfer value is payable in respect of him and which do not entitle him to any award other than such as is mentioned in this regulation or in regulation 20C.

(2) Where this regulation applies to a member who—

(*a*) possesses the qualifications required by regulation 20B(1), and

(*b*) has not exercised the right of election under regulation 20D,

he shall, on ceasing to be a member, be entitled to a deferred pension in accordance with the provisions of regulation 20B(2).

(3) A person to whom this regulation applies who

(*a*) is not a member, or

(*b*) is a member who does not possess the qualifications required by regulation 20B(1) and who will not attain insured pensionable age before the end of the tax year in which he ceases or has ceased to be a member,

shall, subject to Part IX of Schedule 2, be entitled to an award by way of repayment of his aggregate pension contributions."

4. In regulation 20B (inserted by Part I of this Schedule)—

(*a*) in paragraph (1) for the words "regulation 20A" there shall be substituted the words "regulations 20 and 20A"; and

(*b*) in paragraph (2) for the words "regulation 20A" there shall be substituted the words "regulation 20, 20A or 20D".

5. After regulation 20C (inserted by Part II of this Schedule) there shall be inserted the following provision:—

"Transitional award

20D.—(1) This regulation applies to a member who qualifies for a deferred pension by virtue of service partly before 6th April 1978 and partly on or after that date and whose average pensionable pay has not exceeded £5,000 in any tax year.

(2) A member to whom this regulation applies may, within three months of ceasing to be a member, elect that regulation 20 shall not apply in his case by notice in writing to the Police Authority.

(3) Where immediately before his death a member to whom this regulation applies enjoyed, but had not exercised, the right of election conferred by paragraph (2) his widow may, by notice in writing given to the Police Authority within three months of his death, or within such longer period as the Authority may allow in the circumstances of the case, request that these regulations should have effect as if he had exercised that right of election; and, in such a case, these regulations shall so have effect.

(4) Where the right of election conferred by paragraph (2) has been exercised by a member or by his widow, the member shall not be granted a deferred pension under regulation 20 but shall be entitled to an award under this regulation.

(5) An award under this regulation shall comprise—

(*a*) subject to Part IX of Schedule 2 an award by way of repayment of the member's aggregate pension contributions, excluding such contributions as are specified in paragraph (8); and

(*b*) where his period of pensionable service is greater than the appropriate period of service, a deferred pension in accordance with the provisions of regulation 20B(2) but disregarding that part of his period of pensionable service which is comprised in the appropriate period of service.

(6) The appropriate period of service referred to in paragraph (5) is—

(*a*) in the case of a member who ceases to serve before he has attained the age of 26—

(i) whose contracted-out employment is less than five years, all his pensionable service, or