1978 No. 73

POLICE

Royal Ulster Constabulary Pensions (Amendment) Regulations 1978

Made	*14th March* 1978
Coming into operation	*6th April* 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(**d**) makes the following regulations:—

Citation

1. These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment) Regulations 1978.

Commencement and effect

2. These regulations shall come into operation on 6th April 1978 and shall have effect—

(*a*) for the purposes of regulations 6, 9, 14(1) and 16(1) as from 1st September 1973;

(*b*) for the purposes of regulation 7 and 15(3) as from 6th April 1978;

(*c*) for the purposes of regulations 10 and 17, in so far as they relate to transfer values payable under regulation 75, as from 1st January 1974;

(*d*) for all other purposes as from 1st April 1972.

Interpretation

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

The Royal Ulster Constabulary Pensions Order 1949

4. At the beginning of regulation 2(2) of the principal regulations (the Royal Ulster Constabulary Pensions Order 1949) there shall be inserted the words "Save as provided in regulation 75A(4)".

(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) Formerly the Ministry of Finance for Northern Ireland: *see* S.I. 1973/2163 (1973 III, p. 7541)
(e) S.R. & O. (N.I.) 1973 No. 317 (II, p. 1722) as amended by S.R. 1976 No. 401 (II, p. 2231)

Aggregate pension contributions

5. At the end of regulation 10 of the principal regulations (aggregate pension contributions) there shall be added the following provision:—

"(*e*) where the person, while a member, became entitled in the circumstances mentioned in regulation 47A to reckon pensionable service by virtue of a period of previous service or employment otherwise than as a member, the amount of any award by way of return of contributions or any analogous payment which would have been made to him at the end of that period of previous service or employment had he voluntarily retired therefrom in circumstances entitling him to such an award or payment under the superannuation arrangements applicable thereto.".

Previous service reckonable on payment

6. For regulation 46(2) of the principal regulations (previous service reckonable on payment) there shall be substituted the following provisions:—

"(2) Where before the relevant date a member retired from the force without a pension (including a pension under the 1949 Order)—

(*a*) the period shall be any period of pensionable service (including service before 1st April 1972) reckonable by him at the time he retired;

(*b*) the appropriate payment shall be an amount equal to any gratuity or return of pension contributions, as the case may be, which he may have received on his retirement, so, however, that where before his retirement he had paid additional or further contributions under regulation 50 or 51 or any corresponding provision of the 1949 Order or had made an additional or further payment by way of a lump sum under regulation 52 the appropriate payment shall be reduced by the amount he had paid by way of such contributions or lump sum and he shall be deemed neither to have paid nor elected to pay such contributions or lump sum.

(2A) Where before the relevant date he retired with a deferred pension which he has relinquished as mentioned in regulation 20(2), paragraph (2) shall have effect as though he had retired without a pension and, where immediately before his retirement he was paying such additional or further contributions as are mentioned in paragraph (2)(*b*), the amount he had paid by way of such contributions shall be repaid to him and he shall be deemed neither to have paid nor elected to pay such contributions.".

Previous service reckonable at discretion of the Police Authority

7.—(1) In regulation 47(1) of the principal regulations (previous service reckonable at discretion of the Police Authority) after the words "Regulation 52(4)" there shall be inserted the words "and paragraph (3)".

(2) At the end of the said regulation 47 there shall be added the following provision:—

"(3) Nothing in this regulation shall apply to entry by a member into the force on or after 6th April 1978.".

Previous service reckonable under current interchange arrangements

8. After regulation 47 of the principal regulations there shall be inserted the regulation set out in Appendix 1.

Additional and further payments by way of lump sum or reduction of pension

9. At the end of regulation 52(4) of the principal regulations (certain additional and further payments) there shall be added the following provision:—

"Provided that nothing in this paragraph shall affect the application of regulation 46 in the case of such a member as is mentioned in paragraph (2A) of the said regulation except to the extent that a repayment would fall to be made to him under the said paragraph (2A)."

Transfer value on transfer from the force to a police force in Great Britain

10. In regulation 75(2) of the principal regulations (transfer values on transfer from the force to a police force in Great Britain) after the words "in accordance with" there shall be inserted the words "Parts I and III of".

Insertion of regulation 75A

11. After regulation 75 of the principal regulations there shall be inserted the regulation set out in Appendix 2.

Members' deferred pension

12. At the end of paragraph 2 of Part VI of Schedule 2 to the principal regulations (members' deferred pension) there shall be added the words "so, however, that the pension shall not exceed 40 sixtieths of his average pensionable pay.".

Reduction of pension in specified cases

13.—(1) After paragraph 2(1)(*b*) of Part VIII of Schedule 2 to the principal regulations (reduction of pension in specified cases) there shall be inserted the following provision:—

"(*c*) by virtue of regulation 47A".

(2) In paragraph 3(1) of the said Part VIII after the words "1st April 1972" there shall be inserted the words "or by virtue of regulation 47A".

Transitional modifications

14.—(1) For paragraph 1(2) of Part II of Schedule 3 to the principal regulations (transitional modifications of Part I of that Schedule) there shall be substituted the following provision:—

"(2) In this Part "pre-1972 pensionable service" means the pensionable service the husband was entitled to reckon otherwise than by virtue of—

(*a*) service as a member or as a regular policeman in Great Britain on or after 1st April 1972, or

(*b*) regulation 46, where the conditions specified in the said regulation are satisfied on or after 1st September 1973.".

(2) At the end of the said paragraph 1(2) (as amended by paragraph (1) above) there shall be added the following provision:—

"or

(*c*) regulation 47A.".

Widow's accrued pension

15.—(1) In paragraph 1(1) of Part IV of Schedule 3 to the principal regulations (widow's accrued pension) after sub-paragraph (*a*) there shall be inserted the following provision:—

"(*aa*) his pensionable service reckonable by virtue of regulation 47A;".

(2) In paragraph 1(2)(*b*) of the said Part IV for the words "sub-paragraph (1)(*a*) and (*b*)" there shall be substituted the words "sub-paragraph 1(*a*), (*aa*) and (*b*)".

(3) For paragraph 1(3) of the said Part IV there shall be substituted the following provision:—

"(3) the proportion referred to in sub-paragraph (1)(*c*) or sub-paragraph (2)(*c*) shall be the proportion which the period for which the husband paid further contributions or, as the case may be, additional contributions, bore to the period by which the pensionable service he was entitled to reckon on the relevant date fell short of 25 years or, where that period is less than 5 years, to a period of 5 years, each period being reckoned in completed years and completed months

In this sub-paragraph "the relevant date" means—

(*a*) where the husband last served as a member before 6th April 1978, the date on which he made the election referred to in the sub-paragraph in question,

(*b*) in any other case, the date from which the further contributions or, as the case may be, additional contributions were payable in pursuance of the election referred to in the sub-paragraph in question.".

Child's ordinary allowance

16.—(1) For sub-paragraph (*b*) of paragraph 4(2) of Part I of Schedule 4 to the principal regulations (child's ordinary allowance) there shall be substituted the following provision:—

"(*b*) an amount calculated as aforesaid but by reference only to the father's pre-1972 pensionable service, that is to say the pensionable service he was entitled to reckon otherwise than by virtue of—

(i) service as a member or as a regular policeman in Great Britain on or after 1st April 1972, or

(ii) regulation 46 where the conditions specified in the said regulation are satisfied on or after 1st September 1973;"

(2) At the end of the said paragraph 4(2)(*b*) (as amended by paragraph (1) above) there shall be added the following provision:—

"or

(iii) regulation 47A.".

Transfer values

17. For Schedule 7 to the principal regulations (transfer values) there shall be substituted the Schedule set out in Appendix 3.

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

Northern Ireland Office
14th March 1978

The concurrence of the Minister for the Civil Service given under his Official Seal on 14th March 1978.

(L.S.)

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

APPENDIX 1

Regulation inserted after Regulation 47 of the principal regulations

Previous service reckonable under current interchange arrangements

47A.—(1) Save as provided in paragraph (2), this regulation shall apply to a member—

(*a*) subject to paragraph (4), who before he last became a member before the relevant date was in service or employment by virtue of which he was subject to superannuation arrangements in pursuance of which a transfer value may be paid to the Police Authority; (such services or employment and such superannuation arrangements are hereafter in this regulation and in Schedule 7 referred to, respectively, as "former service" and "former superannuation arrangements");

(*b*) subject to paragraph (2), who, before the relevant date, last became a member on or after 1st April 1972; and

(*c*) in respect of whom a transfer value relating to his former service has, in pursuance of his former superannuation arrangements, been paid to the Police Authority.

(2) If the Police Authority so determine in the case of a particular member who, before the relevant date, last became such on or after 5th July 1948 but before 1st April 1972, this regulation shall have effect as if paragraph (1)(*b*) were omitted.

(3) There shall be reckonable by a member to whom this regulation applies, in respect of his former service, a period of pensionable service calculated in accordance with Parts II and III of Schedule 7.

(4) Notwithstanding anything in this regulation, the provisions thereof shall not apply—

(*a*) where the former service was service as a member, or

(*b*) where the member concerned is entitled to reckon pensionable service under regulation 45(*a*) by virtue of former service as a regular policeman in Great Britain.