1976 No. 401

POLICE

Royal Ulster Constabulary Pensions (Amendment No. 2) Regulations 1976

Made . . . . . 23*rd December* 1976

Coming into operation . . . 14*th February* 1977

To be laid before Parliament

The Secretary of State(a), in pursuance of section 25 of the Police Act (Northern Ireland) 1970(b) read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(c) 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(d), the Police Council for the United Kingdom, hereby, with the concurrence of the Minister for the Civil Service(e), makes the following regulations:

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation

1. These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment No. 2) Regulations 1976.

Commencement and operation

2. These regulations shall come into operation on 14th February 1977 and shall have effect—

(*a*) for the purposes of Part II thereof, as from 24th January 1975;

(*b*) for the purposes of Part III thereof, as from 1st April 1975;

(*c*) for the purposes of Part IV thereof, as from 1st August 1975;

(*d*) for the purposes of Part V thereof as from 14th February 1977.

Interpretation

3. In these regulations references to the principal regulations are references to the Royal Ulster Constabulary Pensions Regulations 1973(f).

(a) Formerly the Ministry of Home Affairs for Northern Ireland: *see* S.I. 1973/2163 (1973 III, p. 7541).
(b) 1970 c. 9 (N.I.).
(c) S.I. 1972/1073 (N.I. 10).
(d) 1969 c. 63.
(e) Formerly the Ministry of Finance for Northern Ireland: *see* S.I. 1973/2163 (1973 III, p. 7541).
(f) S.R. & O. (N.I.) 1973 No. 317 (II, p. 1722) as amended by S.R. 1976 No. 31.

PART II

PROVISIONS HAVING EFFECT AS FROM 24TH JANUARY 1975

4. After regulation 10 of the principal regulations (aggregate pension contributions) there shall be inserted the following regulation:—

"*Reckoning of service etc. for the purposes of awards*

10A.—(1) Subject to paragraph (2), for the purpose of calculating an award payable to or in respect of a member by reference to any period in years (including a period of pensionable or other service)—

(*a*) that period shall be reckoned in completed years and a fraction of a year;

(*b*) a part of a year shall be taken to be that fraction of a year whereof the denominator is 365 and the numerator the number of completed days in that part and, accordingly, a part of a year which includes 29th February in a leap year and comprises 365 days shall be treated as a whole year.

(2) Paragraph (1)(*b*) shall not apply where the member ceased to serve as such before 24th January 1975 and, in such case, Schedule 9 shall have effect for the purposes mentioned in paragraph (1).".

5. In paragraph (3) of regulation 94 of the principal regulations (auxiliary members) for the words "the number of his completed years of pensionable service" there shall be substituted the words "the period in years of his pensionable service".

6. In paragraph (3) of regulation 95 of the principal regulations (awards-general) after the reference to regulation 9, there shall be inserted a reference to regulation 10A.

7. For paragraph 1 of Part I of Schedule 2 to the principal regulations (member's ordinary pension) there shall be substituted the following provision:—

"1. Subject as hereinafter in this Schedule provided, the pension shall be of an amount equal to 30 sixtieths of the member's average pensionable pay with the addition, subject to a maximum of 40 sixtieths, of an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 25 years.".

8. For paragraphs 2, 3 and 4 of Part II of Schedule 2 to the principal regulations (member's ill-health pension) there shall be substituted the following provisions:—

"2. Where the member has less than 5 years' pensionable service, the amount of the pension shall not be less than a sixtieth of his average pensionable pay and, subject as aforesaid, shall be of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service.

3. Where the member has 5 or more years', but not more than 10 years' pensionable service, subject to paragraph 5, the pension shall be of an amount equal to 2 sixtieths of that pay multiplied by the period in years of his pensionable service.

4. Where the member has more than 10 years' pensionable service, the pension shall be not less than 20 sixtieths of his average pensionable pay and, subject as aforesaid and to paragraph 5, shall be equal to 7 sixtieths of that pay with the addition—

(*a*) of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service up to 20 years, and

(*b*) of an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years.".

9. For Part III of Schedule 2 to the principal regulations (member's short service pension) there shall be substituted the following Part:—

"PART III Regulation 18

MEMBER'S SHORT SERVICE PENSION

Subject as hereinafter in this Schedule provided, the pension shall be of an amount which is the aggregate of—

(*a*) an amount equal to a sixtieth of the member's average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and

(*b*) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years.".

10. In paragraph 2(*a*) of Part IV of Schedule 2 to the principal regulations (member's ill-health or short service gratuity) for the words " the number of his completed years of pensionable service;" there shall be substituted the words "the period in years of his pensionable service;".

11.—(1) In paragraph 2 of Part VI of Schedule 2 to the principal regulations (member's deferred pension) for the words following "calculated" there shall be substituted the words "in years".

(2) For paragraph 3 of the said Part VI there shall be substituted the following paragraph:—

"3. The hypothetical pension referred to in paragraph 2 is a pension of an amount which is the aggregate of—

(*a*) an amount equal to a sixtieth of his average pensionable pay multiplied by the period in years of his hypothetical service up to 20 years, and

(*b*) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his hypothetical service exceeds 20 years.".

12. In paragraph 1(4) of Part VII of Schedule 2 to the principal regulations (reduction of pension at insured pensionable age) for the words "highest whole number of years in the aggregate period during" there shall be substituted the words "period of service in years in respect of".

13.—(1) For paragraph 4(*a*) of Part II of Schedule 3 to the principal regulations (transitional modifications of Part I) there shall be substituted the following provision:

"(*a*) an amount which is the aggregate of—

(i) an amount equal to a sixtieth of the husband's average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and

(ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;".

(2) For paragraph 5(1) of the said Part II there shall be substituted the following provision:—

"(1) In this paragraph the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"relevant period" means the period (if any) in years by which the member's pre-1972 pensionable service falls short of 20 years;

"relevant pensionable service" means a member's pensionable service reduced by his pre-1972 pensionable service and expressed in years;

"weighted relevant pensionable service" means a member's relevant pensionable service, so much of such service as exceeds the relevant period being counted twice".

(3) In paragraph 5(2)(*b*) of the said Part II for the words "a half year for each completed year of" there shall be substituted the words "a half of his".

(4) In paragraph 6 of the said Part II the words "completed years of" shall be omitted in each of the four places where they occur and for the word "exceed" there shall be substituted the word "exceeds".

14. In paragraph 2(2) of Part IV of Schedule 3 to the principal regulations (widow's accrued pension) the words following "reckonable by him" shall be omitted.

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

"(*a*) an amount which is the aggregate of—

(i) an amount equal to a sixtieth of the father's average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and

(ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;".

(2) In paragraph 4(3) of the said Part I the words "completed years of" shall be omitted in each of the three places where they occur and for the word "exceed" there shall be substituted the word "exceeds".

16. In paragraph 3(2) of Part III of Schedule 4 to the principal regulations (child's accrued allowance) the words "each period being reckoned in completed years up to 20 years and in completed half years in so far as it exceeds 20 years" shall be omitted.

17. After Schedule 8 to the principal regulations (limits in respect of awards to or in respect of servicemen) there shall be added the Schedule set out in Appendix 3.

Part III

Provisions having effect as from 1st April 1975

18.—(1) For paragraph (1) of regulation 21 of the principal regulations (commutation) there shall be substituted the following provision:—

"(1) A member may, in accordance with this regulation, commute for a lump sum a portion of any pension, other than an injury pension, to which he is or may become entitled, provided, in the case of an ordinary pension, that—

(*a*) he retires or retired either when entitled to reckon at least 30 years' pensionable service or in the circumstances mentioned in regulation 18(1), or

(*b*) he retires or retired otherwise than as aforesaid but on or after 1st April 1975.".

(2) In paragraph (3) of the said regulation 21 for the words following "but for the provisions of" there shall be substituted the words "paragraph 7(*b*) and of regulation 22 as (subject to the limitations contained in paragraphs (3A) and (8) and in regulation 23) he may specify.".

(3) After paragraph (3) of the said regulation 21 there shall be inserted the following provision:—

"(3A) A member who retires or retired as mentioned in paragraph (1)(*b*) shall not commute such a portion of his ordinary pension that the lump sum calculated by reference thereto in accordance with paragraph (6) (disregarding any reduction in accordance with the proviso thereto) exceeds the aggregate of—

(*a*) an amount equal to 90 eightieths of the average pensionable pay by reference to which his pension is calculated, and

(*b*) an amount equal to 6 eightieths of that pay multiplied by the period in years by which his pensionable service exceeds 25 years.".

(4) At the end of paragraph (4) of the said regulation 21 there shall be added the following provision:—

"Provided that a person who retired with an ordinary pension as mentioned in paragraph (1)(*b*) before 1st August 1976 may give such notice at any time before 1st February 1977.

(5) For paragraph (8) of the said regulation 21 there shall be substituted the following provision:—

"(8) Where a person wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under paragraph (7)(*b*), the portion which, under paragraphs (3) and (3A), he may commute shall be reduced by the amount of the said reduction.".

Part IV

Provision having effect as from 1st August 1975

19. After regulation 97 of the principal regulations there shall be inserted the regulation set out in Appendix 1.