
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 143

**The Police Service of Northern Ireland
(Pensions) (Amendment) Regulations 2009**

PART 2

AMENDMENTS OF THE PRINCIPAL REGULATIONS

Relevant voluntary retirement age

2. In regulation A4 of the principal regulations the existing words become paragraph (1), and at the end insert—

“(2) In these Regulations, a reference to a member’s relevant voluntary retirement age shall be construed in accordance with paragraphs (3) to (5).

(3) In relation to a superintendent or inspector, that reference shall be construed as a reference to the age of 60 years.

(4) In relation to a sergeant or constable, that reference shall be construed as a reference to the age of 55 years.

(5) In relation to a member who does not come within paragraph (3) or (4), that reference shall be construed such that he does not have a relevant voluntary retirement age.”

Serious Organised Crime Agency

3. After regulation A13A of the principal regulations insert—

“Serious Organised Crime Agency

A13B.—(1) For the purposes of these Regulations a specified employee of SOCA shall be deemed to be a member, except where the context otherwise requires.

(2) In relation to a specified employee of SOCA—

(a) a reference in these regulations to the force shall be construed as a reference to SOCA;

(b) a reference in these regulations to the Board (including any reference to the Police Authority which is to be construed as a reference to the Board) shall be construed as a reference to SOCA.

(3) For the purposes of regulation A4(2) to (5)—

(a) a specified employee of SOCA shall be deemed to hold the rank of a member equivalent to his SOCA grade as set out in the following table—

<i>SOCA Grade</i>	<i>Equivalent Rank</i>
5	Constable

<i>SOCA Grade</i>	<i>Equivalent Rank</i>
4	Sergeant
3	Inspector (but not Chief Inspector)
2	Superintendent (but not Chief Superintendent)
1	Chief Superintendent

- (b) a specified employee of SOCA with a SOCA grade which is higher than 1 shall be deemed to hold the rank of Assistant Chief Constable.”

Serious Organised Crime Agency: transfers

4.—(1) Regulation A14 of the principal regulations (transfers) is amended as follows.

(2) In paragraph (1) after “construed” insert “in the case of a specified employee of SOCA, in accordance with paragraph (1A) and, in any other case,”.

(3) After paragraph (1) insert—

“(1A) A reference in these regulations to a member transferring to a police force in Great Britain shall, in the case of a specified employee of SOCA, be construed as his leaving SOCA for the purpose of becoming a regular policeman in Great Britain and becoming such a regular policeman, where he leaves SOCA—

- (a) after giving notice of such period as required by his contract of employment of his intention to do so to SOCA, or
- (b) after giving such shorter period of notice as may be agreed between the specified employee of SOCA and SOCA.”

(4) In paragraph (2) at the beginning insert “Subject to paragraph (4)”.

(5) After paragraph (3) insert—

“(4) A reference in these regulations to a member having transferred from a police force in Great Britain shall, in the case of a specified employee of SOCA who, immediately before joining the National Criminal Intelligence Service or the National Crime Squad, was a regular policeman in Great Britain, be construed as his leaving SOCA for the purpose of becoming a member and his becoming a member, where he leaves SOCA—

- (a) after giving notice of such period as required by his contract of employment of his intention to do so to SOCA, or
- (b) after giving such shorter period of notice as may be agreed between the specified employee of SOCA and SOCA.”

Serious Organised Crime Agency: retirement

5.—(1) Regulation A15 of the principal regulations (retirement) is amended as follows.

(2) In paragraph (1) after “the NCIS or the NCS” insert “and subsequently becoming a specified employee of SOCA”.

(3) After paragraph (1) insert—

“(1A) A reference in these regulations to retirement includes, in the case of a specified employee of SOCA, the contract under which he is employed by SOCA being terminated.”

(4) Omit paragraph (3).

Compulsory retirement on account of age: first amendment

6.—(1) Regulation A16 of the principal regulations (compulsory retirement on account of age) is amended as follows.

(2) In paragraph (1) for “paragraph (2)” substitute “the following provisions of this regulation”.

(3) After paragraph (2) insert—

“(3) This regulation shall not apply to a specified employee of SOCA.”

Compulsory retirement on account of age: second amendment

7. For regulation A16 of the principal regulations (compulsory retirement on account of age) substitute—

“**A16.**—(1) Subject to the following provisions of this regulation, every member shall be required to retire—

(a) if he is of the rank of Constable, Sergeant, Inspector or Chief Inspector, on attaining the age of 60 years,

(b) if he holds any higher rank, on attaining the age of 65 years.

(2) The time at which, under paragraph (1), a person shall be required to retire may be postponed, if the person concerned holds a rank above that of Superintendent, by the Board, and, if he holds the rank of Superintendent or any lower rank, by the Chief Constable with the approval of the Board.

(3) This regulation shall not apply to a specified employee of SOCA.”

Compulsory retirement on grounds of efficiency of the force

8.—(1) Regulation A17 of the principal regulations (compulsory retirement on grounds of efficiency of the force) is amended as follows.

(2) In paragraph (1) for “or assistant chief constable” substitute “, assistant chief constable or specified employee of SOCA.”

Member’s ordinary pension

9.—(1) Regulation B1 of the principal regulations (member’s ordinary pension) is amended as follows.

(2) For paragraph (2) substitute—

“(2) Except in the circumstances mentioned in paragraph (3), this regulation shall not apply to a member where—

(a) he is of the rank of superintendent or below, and he retires or retired without having given to the Board a month’s written notice of his intention to retire or such shorter notice as may have been accepted by the Board; or

(b) he is of a rank above superintendent, and he retires or retired without having given to the Board three months’ written notice of his intention to retire or such shorter notice as may have been accepted by the Board.”

(3) In paragraph (3) for sub-paragraph (b) substitute—

“(b) being a member who has been appointed for a fixed term under regulation 11 of the Police Service of Northern Ireland Regulations 2005, he retires or retired at the end of that appointment, or if such a term has been extended, at the expiry of the extension, or.”

(4) Omit paragraph (3)(ba).

(5) In paragraph (3), at the end of sub-paragraph (c) insert “or”, and after that sub-paragraph insert—

“(ca) being a specified employee of SOCA, he retires or retired having given to SOCA notice of such period as required by his contract of employment of his intention to retire or after giving such shorter period of notice as may be agreed between the specified employee of SOCA and SOCA, or

(cb) being a specified employee of SOCA, his contract of employment is or was terminated, or”.

(6) In paragraph (5)(b), for “paragraph (2)(a) or (3)(b)” substitute “paragraph (2) or (3)(ca)”.

Member’s short service award

10. In regulation B2(1) of the principal regulations (short service award) for “who is or was required to retire on account of age” substitute—

“(a) who is or was required to retire on account of age, or

(b) who retires or retired voluntarily in accordance with regulation B2A.”

Short service award on voluntary retirement

11. After regulation B2 of the principal regulations insert—

“Short service award on voluntary retirement

B2A.—(1) This regulation applies to a member on or after attaining his relevant voluntary retirement age (if he has one).

(2) A member to whom this regulation applies may retire voluntarily subject to giving notice in accordance with paragraph (3), (4) or (5) as the case may be.

(3) A member of the rank of superintendent or below who wishes to retire voluntarily must give to the Board a month’s written notice of his intention to retire, or such shorter notice as may be accepted by the Board.

(4) A member above the rank of superintendent who wishes to retire voluntarily must give to the Board three months' written notice of his intention to retire, or such shorter notice as may be accepted by the Board.

(5) A specified employee of SOCA who wishes to retire voluntarily must give to SOCA notice of such period as required by his contract of employment of his intention to retire, or such shorter period of notice as may be agreed between the specified employee of SOCA and SOCA.”

Commutation: general provisions

12.—(1) Regulation B7 of the principal regulations (commutation — general provisions) is amended as follows.

(2) For “regulation B2(1)” substitute “regulation B2(1)(a) or having attained his relevant voluntary retirement age or, where he does not have a relevant voluntary retirement age, having attained the age of 65”.

Serious Organised Crime Agency: widow’s pension

13.—(1) Regulation E8 of the principal regulations (increase of widow’s pension or child’s allowance during first 13 weeks) is amended as follows.

(2) In paragraph (2A)(b) at the end insert “or, in the case of a specified employee of SOCA, the equivalent allowances to which he was entitled under his contract of employment”.

Widow’s or child’s flat rate award

14.—(1) Regulation E10 of the principal regulations (determination of amount of widow’s or child’s flat rate award) is amended as follows.

(2) In paragraph (3)(b) for “he could have been required to retire on account of age” substitute “he attained his relevant voluntary retirement age, or where he would not have a relevant voluntary retirement age, until the age of 65”.

Previous service reckonable under current interchange arrangements

15. In regulation F6 (previous service reckonable under current interchange arrangements) in paragraph (1B) (payments received under arrangements with the British Transport Police Force Superannuation Fund) for “Part IV” substitute “Part III”.

Serious Organised Crime Agency: pensionable pay

16.—(1) Regulation G1 of the principal regulations (pensionable pay and average pensionable pay) is amended as follows.

(2) In paragraph (1) at the end insert “and during any period in which a member is a specified employee of SOCA, it means the pay at the rate to which he is or was then entitled under his contract of employment, account being taken of any retrospective increase in that rate”.

Cancellation of ill-health pensions

17.—(1) Regulation K1 of the principal regulations (cancellation of ill-health pensions) is amended as follows.

(2) In paragraph (1)(b) omit “and”.

(3) For paragraph (1)(c) substitute—

“(c) would not have attained his relevant voluntary retirement age if he had continued so to serve or, where he would not have a relevant voluntary retirement age, has not attained the age of 65,”.

(4) In paragraph (1) after sub-paragraph (c) insert—

“, and

(d) he was not, immediately before he retired with the ill-health pension, a specified employee of SOCA,”.

Reduction of pension in case of default

18.—(1) Regulation K3 of the principal regulations (reduction of pension in case of default) is amended as follows.

(2) For paragraph (a) substitute—

“(a) this regulation shall not apply where the person concerned—

(i) has been a member;

(ii) is in receipt of an ill-health pension; and

(iii) either—

- (aa) if he had continued to serve instead of retiring with that pension would have been entitled to reckon 25 years' pensionable service; or
- (bb) would have reached his relevant voluntary retirement age if he had continued so to serve or, where he would not have a relevant voluntary retirement age, has attained the age of 65; and”.

Serious Organised Crime Agency: glossary of expressions

19.—(1) Schedule A to the principal regulations (Glossary of Expressions) is amended as follows.

(2) After the definition of “average pensionable pay” insert—

““the Board” means the Northern Ireland Policing Board;”.

(3) In the definition of “maternity leave” at the end insert “except that in relation to a specified employee of SOCA it means any period of maternity leave taken by that employee whilst employed by SOCA;”.

(4) In the definition of “member” after “deputy chief constable” insert “and a specified employee of SOCA”.

(5) In the definition of “parental leave” at the end insert “except that in relation to a specified employee of SOCA it means any period of parental leave taken by that employee whilst employed by SOCA;”.

(6) In the definition of “part-time service” at the end insert “or any other part-time service as a member or part-time employment as a specified employee of SOCA”.

(7) In the definition of “sick leave” at the end insert “except that in relation to a specified employee of SOCA it means any period of sick leave taken by that employee whilst employed by SOCA;”.

(8) After the definition of “sick leave” insert—

“SOCA” means the Serious Organised Crime Agency;

“specified employee of SOCA” means—

- (a) an employee of SOCA who immediately before he last became an employee of SOCA was serving as the Director General of the National Crime Squad;
- (b) an employee of SOCA who immediately before he last became an employee of SOCA was serving as a police member of the National Criminal Intelligence Service appointed under subsection (1)(b) of section 9 of the Police Act 1997 by virtue of subsection (2) (a) of that section;
- (c) an employee of SOCA who immediately before he last became an employee of SOCA was serving as a police member of the National Crime Squad appointed under subsection (1)(b) of section 55 of the Police Act 1997 by virtue of subsection (2)(a) of that section;”.

Member’s ill-health pension

20.—(1) Part III of Schedule B to the principal regulations (personal awards: member’s ill-health pension) is amended as follows.

(2) In paragraph 5(1) for “he could be required to retire on account of age” substitute “he attained his relevant voluntary retirement age, or where he would not have a relevant voluntary retirement age, until the age of 65”.

(3) In paragraph 5(2) for “he could be required to retired on account of age” substitute “he attained his relevant voluntary retirement age, or where he would not have a relevant voluntary retirement age, until the age of 65”.

Member's deferred pension

21.—(1) Part VI of Schedule B to the principal regulations (personal awards: member's deferred pension) is amended as follows.

(2) In paragraph 1(b), for the words from “or until he could be required” to the end, substitute “, until he attained his relevant voluntary retirement age (if he would have one) or the age of 65, whichever is the earliest (here referred to as “hypothetical service”), and”.

Pensionable Service and Transfer Values

22.—(1) Part I of Schedule F to the principal regulations (pensionable service and transfer values) is amended as follows.

(2) In paragraph 1(1), for “becomes liable to be required to retire on account of age” substitute “attains his relevant voluntary retirement age, or where he does not have a relevant voluntary retirement age, the age of 65”.