

2009 No. 143

POLICE

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

Made - - - - - *18th March 2009*

Coming into operation - *27th April 2009*

To be laid before Parliament

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These Regulations are made in exercise of the powers conferred by section 25 of the Police (Northern Ireland) Act 1998(a), read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(b).

The Secretary of State has consulted the Northern Ireland Policing Board and the Police Association for Northern Ireland in accordance with section 25(8) of that Act.

The Treasury has consented to the making of these regulations in accordance with section 72(2A) of that Act.

The Secretary of State has consulted the Police Negotiating Board for the United Kingdom in accordance with section 62(3) of the Police Act 1996(c).

Accordingly the Secretary of State makes the following Regulations:

PART 1

INTRODUCTORY

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Police Service of Northern Ireland (Pensions) (Amendment) Regulations 2009.

(2) These regulations come into operation on 27th April 2009, and have effect from 1st April 2006, except that—

(a) 1998 c. 32. Section 25 is amended by section 78(1) of the Police (Northern Ireland) Act 2000 and section 24(2) of the Police (Northern Ireland) Act 2003. Section 72(2A) was inserted by section 78 of and Schedule 6 to the Police (Northern Ireland) Act 2000

(b) S.I. 1972/1073 (N.I. 10)

(c) 1996 c. 16

- (a) regulation 6 has effect from 1st April 2006 to 30 September 2006;
 - (b) regulations 2, 3 (insofar as it inserts regulation A13B(3) into the principal regulations), 7, 9(2) to (4) and (6), 10 to 12, 14, 17(3), 18 and 20 to 26 have effect from 1st October 2006;
 - (c) regulation 3(2) of the Police Service of Northern Ireland Pensions (Amendment) Regulations 2007(a) shall be deemed always to have had effect subject to the substitution made by regulation 15; and
 - (d) regulations 27 to 30 have effect from 6th April 2006.
- (3) In these regulations “the principal regulations” means the Royal Ulster Constabulary Pensions Regulations 1988(b).

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—

(a) S.R. 2007 No. 484

(b) S.R. 1988 No. 374. Relevant amending regulations are S.R. 1990 No. 411, S.R. 1993 No. 327, S.R. 1996 No. 4, S.R. 1997 No. 259, S.R. 1998 No. 240, S.R. 2002 No. 100, S.R. 2004 No 384, S.R. 2006 No. 123, S.R. 2006 No. 268 and S.R. 2007 No. 485

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

PART 3

THE RUC PENSIONS (PURCHASE OF INCREASED BENEFITS) REGULATIONS 1988

The Royal Ulster Constabulary Pensions (Purchase of Increased Benefits) Regulations 1988

23. The Royal Ulster Constabulary Pensions (Purchase of Increased Benefits) Regulations 1988(a) are amended in accordance with the provisions of regulations 24 to 26.

(a) S.R. 1988 No. 379

Increased benefits: meaning of “retirement date”

24.—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1)(b), for the definition of “retirement date” substitute—

““retirement date”—

- (a) in relation to the period from 1st February 1988 to 30th September 2006 and at any particular time during that period, means, in relation to a member, the date on which he could be required to retire on account of age if he continued to serve as such without change of rank, disregarding any postponement of that date under regulation A16(2) of the principal regulations effected after that time; and
- (b) from 1st October 2006, and at any particular time on or after 1st October 2006, means, in relation to a member—
 - (i) the date on which he would attain his relevant voluntary retirement age under the principal regulations (if he has one) if he continued to serve as such without change of rank; or
 - (ii) where he does not have a relevant voluntary retirement age, the date on which he attains the age of 65 years;”.

Election to purchase increased benefits

25. In regulation 3 (election to purchase increased benefits) omit the words “by reason of his subsequent promotion or the subsequent postponement of that date under regulation A16(2) of the principal regulations”.

Increased benefits: payments

26.—(1) Part I of the Schedule (payments) is amended as follows.

(2) Omit paragraph 3(2)(a).

(3) In paragraph 3(2)(b), omit the words “(not being a person specified in paragraph (a))”.

(4) In paragraph 4(2), omit the words “Class A”.

PART 4

THE PSNI AND PSNI RESERVE (INJURY BENEFIT) REGULATIONS 2006

The PSNI and PSNI Reserve (Injury Benefit) Regulations 2006

27. The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006(a) are amended in accordance with the provisions of regulations 28 to 30.

Serious Organised Crime Agency: injury benefit

28.—(1) Regulation 2 (meaning of certain expressions and references - general provisions) is amended as follows.

(2) The existing words become paragraph (1).

(3) After that paragraph insert—

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

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

(a) S.R. 2006 No. 268

- (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 shall be construed as a reference to SOCA.”

Injury received by specified employee of SOCA

- 29.**—(1) Regulation 5 (injury received in the execution of duty) is amended as follows.
- (2) In paragraph (2), at the end of sub-paragraph (c) insert—
- “or
- (d) being a specified employee of SOCA, he received the injury while exercising any of his powers outside the scope of his employment.”
- (3) After paragraph (3) insert—
- “(3A) In the case of a person who is a specified employee of SOCA, paragraphs (1) and (2) shall have effect as if references to duty, being on duty and the execution of duty were references to acting within the scope of his employment.
- (3B) In paragraph (2)(d), “powers” means any of the powers or privileges that the specified employee of SOCA has, having been designated under section 43 of the Serious Organised Crime and Police Act 2005 as a person having the powers of a constable.”

Serious Organised Crime Agency: glossary of expressions for injury benefit

- 30.**—(1) Schedule 1 (glossary of expressions) is amended as follows.
- (2) In the definition of “police officer”, at the end of paragraph (b) insert—
- “or
- (c) a specified employee of SOCA;”.
- (3) After the definition of “the Scheme actuary” insert—
- ““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;”.

Shaun Woodward

Northern Ireland Office

One of Her Majesty’s Principal Secretaries of State

26th February 2009

We consent to the making of these regulations

Tony Cunningham
Frank Roy

18th March 2009

Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the Royal Ulster Constabulary Pensions Regulations 1988, the Royal Ulster Constabulary Pensions (Purchase of Increased Benefits) Regulations 1988 and the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006.

These amendments make provision for those regulations to apply to a “specified employee of SOCA”. Specified employees of the Serious Organised Crime Agency (“SOCA”) are those who immediately before joining SOCA, were serving as the Director General of the National Crime Squad, a police member of the National Crime Squad or the National Criminal Intelligence Service. The amendments enable specified employees of SOCA to remain members of the pension scheme established by the RUC Pensions Regulations 1988. The amendments also provide for the continued availability of benefits under the PSNI and PSNI Reserve (Injury Benefit) Regulations 2006 where a specified employee of SOCA is permanently disabled as a result of injury received in the execution of duty.

The amendments provide for a new set of compulsory retirement ages for police officers and a new entitlement for voluntary retirement, making related amendments to the Royal Ulster Constabulary Pensions (Purchase of Increased Benefits) Regulations 1988.

These Regulations have effect from 1st April 2006 save as follows. Regulations 27 to 30 have effect from 6th April 2006. Regulation 6 only has effect from 1st April 2006 to 30th September 2006. The following regulations have effect from 1st October 2006: regulations 2, 3 (in so far as it inserts regulation A13B(3) into regulation A6 of the RUC Pensions Regulations 1988), 7, 9(2) to (4) and (6), 10 to 12, 14, 17(3), 18 and 20 to 26.

Retrospective effect is permitted by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972.

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