

EXPLANATORY MEMORDANDUM TO THE
POLICE SERVICE OF NORTHERN IRELAND AND
POLICE SERVICE OF NORTHERN IRELAND RESERVE
(INJURY BENEFIT) REGULATIONS
SR 2012 NO. 82

1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (detailed above) which is laid before the Northern Ireland Assembly.

The Statutory Rule is made under powers conferred by sections 25, 26 and 72 of the Police (Northern Ireland) Act 1998, read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972, and is subject to the negative resolution procedure.

2. **Purpose**

- 2.1. The purpose of these Regulations is to apply a new definition of “adult survivor” into the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006 (*“the 2006 Regulations”*).
- 2.2 This instrument also corrects an omission by inserting the words the words *“the metropolitan police force”* into regulations 13(2)(b) (adult survivor’s augmented award) and 17(4) (child’s special gratuity) as those words had been erroneously omitted from the 2006 Regulations.

3. **Background**

- 3.1 The Judgement by Justice Treacy on 16 April 2010 found that the existing Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006 were unlawful in respect of unmarried partners in a stable relationship.
- 3.2 To reflect this judgement amendment the Department has prepared regulations to allow a nominated police unmarried partner to be eligible for survivor benefits where the officer dies on duty/travelling home or to work and has an unmarried partner in Northern Ireland. These amendment regulations apply solely to Northern Ireland.
- 3.3 The instrument also corrects an omission of the word *‘metropolitan police’* in clause 13(2)(b) Adult Survivors Augmented Award and 17(4) Childs Special Gratuity in order to maintain parity with the police service in Scotland, England and Wales .

4. Consultation

- 4.1 As required by sections 25(8) and 26(6) of the Police (Northern Ireland) Act 1998, the Department of Justice has consulted the Northern Ireland Policing Board and the Police Association for Northern Ireland. The consultation was also extended to the Chief Constable of the Police Service of Northern Ireland.
- 4.2 In accordance with section 72(2A) of that Act, the Department of Justice has obtained the consent of the Department of Finance and Personnel.
- 4.3 The draft regulations were issued for consultation from 25 September 2011 to 16 December 2011. The level of public interest in the introduction of these amendments is low. There was no public consultation process and no media coverage.

5. Equality Impact

- 5.1 Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998 and no equality issues have been identified by the Department.

6. Regulatory Impact

- 6.1 The Department does not consider that there is a need for a regulatory impact assessment for this instrument as it has no impact on business, charities or voluntary bodies.

7 Financial Implications

- 7.1 The impact on the public sector is limited to the area of police pensions provision. It is not anticipated to result in any costs.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

9. European Implications

- 9.1 Not applicable.

10 Parity or Replicatory measure

- 10.1 The clauses relating to nominated unmarried partners apply solely to Northern Ireland. No other jurisdiction has plans to include this retrospective clause.

11. Additional Information

- 11.1 Not applicable