

1990 No. 411

POLICE

**Royal Ulster Constabulary Pensions (Amendment)
Regulations 1990**

Made 16th November 1990

Coming into operation 31st December 1990

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 of 1970, the Police Authority and the Police Association, and in accordance with section 2(3) of the Police Negotiating Board Act 1980(c), the Police Negotiating Board for the United Kingdom, hereby, with the concurrence of the Treasury, makes the following regulations:—

Citation, commencement and effect

1.—(1) These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment) Regulations 1990.

(2) These regulations shall come into operation on 31st December 1990 and shall have effect as on and from 6th April 1988.

Interpretation

2. In these regulations, any reference to the principal regulations is a reference to the Royal Ulster Constabulary Pensions Regulations 1988(d).

Pensionable service and transfer values

3.—(1) Part F of and Schedule F to the principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation F6—

(a) after paragraph (1) there shall be inserted the following paragraph:

“(1A) The reference in paragraph (1)(a) to service or employment by reason of which a member was subject to superannuation arrangements includes a reference to any occupation with respect to which he has accrued rights to benefits under a

(a) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and S.I. 1981/1670

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

(c) 1980 c. 10

(d) S.R. 1988 No. 374

personal pension scheme or any other superannuation arrangement, other than rights to benefits arising out of a free-standing additional voluntary contributions scheme; and references in this regulation to “former service” and “former superannuation arrangements” shall be construed accordingly.”;

- (b) at the end of paragraph (3) there shall be added the following provision:

“Provided that, in the case of a member in respect of whom such a transfer value as is mentioned in paragraph (1)(c) was received on or after 6th April 1988, the period shall be calculated in accordance with section 2 of Part III of Schedule F”; and

- (c) for paragraph (4)(b)(ii) there shall be substituted the following provision:

“(ii) the transfer value mentioned in paragraph (1)(c), were it to be paid, is at least as great as the product of:

- (A) the annual amount of the pension to which he would, if that transfer value were paid, be entitled under regulation J1, and
(B) the factor specified in column 2 of the following table opposite his age, as set out in column 1 of that table, as at the date when the Police Authority is requested to accept that transfer value:

Age	Appropriate Factor
29 or under	8
30 to 39	9
40 to 49	10
50 or over	12.”.

- (3) In regulation F8—

(a) in paragraph (2)(a) there shall be inserted after the words “regulation F7”, the words “or regulation F9”;

(b) in paragraph (3), there shall be inserted, at the beginning, the words “subject to paragraph (3A)”;

- (c) after paragraph (3) there shall be inserted the following paragraph:

“(3A) In respect of service as a member on or after 6th April 1988, a transfer value payable under paragraph (3) shall be calculated in accordance with section 1 of Part III of Schedule F and paragraph (5) of regulation F9 shall have effect as if it were payable under that regulation.”; and

(d) in paragraph (5); the words from “has — (a)” to “and (b)” shall be omitted.

- (4) After regulation F8 there shall be added the following regulation:

“*Transfer values payable following cessation of contributions*

F9.—(1) Subject to paragraphs (6) and (7), this regulation shall apply to a member who, not less than 12 months before attaining the age of 60 years or, if later, the age at which he may be required to retire under regulation A16(1) (*compulsory retirement on account of age*)—

- (a) ceases or ceased on or after 1st January 1986 to serve as a member, or
- (b) makes or has made an election under regulation G4(1) (*election not to pay pension contributions*),

and who, in either case, satisfies the conditions specified in paragraph (2).

(2) The conditions mentioned in paragraph (1) are—

- (a) that he subsequently becomes subject to new superannuation arrangements;
- (b) that, unless those new superannuation arrangements constitute an occupational pension scheme or personal pension scheme, he is entitled to reckon at least 2 years' pensionable service;
- (c) that he is not entitled to a pension under Part B or, if so entitled, has neither received any payment in respect thereof nor given any notice of commutation relating thereto which has become effective;
- (d) that he has not received any award by way of repayment of his aggregate pension contributions or a gratuity, and
- (e) that he has, on or before the date falling—

- (i) 12 months before he attains the age of 60 years,
- (ii) 12 months before he attains the age at which he may be required to retire under regulation A16(1), or
- (iii) 6 months after he ceased to serve as a member or, as the case may be, made an election under regulation G4(1),

whichever is the latest, or within such longer period as the Police Authority may allow in the circumstances of the particular case, given written notice to the Police Authority of his desire that this regulation should apply in his case:

Provided that in the case of a member who is becoming subject to new superannuation arrangements such as are specified in paragraph (3)(a), (b) or (e) of regulation F8, sub-paragraph (e)(iii) shall have effect, as if for "6 months" there were substituted "12 months".

(3) A member who has given notice in accordance with paragraph (2)(e) may, without prejudice to the giving of another such notice, withdraw that notice by giving written notice to that effect to the Police Authority under this paragraph:

Provided that notice under this paragraph shall be of no effect if it is given at a time when the Police Authority have already entered into an agreement with a third party to pay a transfer value under paragraph (4) in respect of him.

(4) Subject to paragraph (5), where this regulation applies the Police Authority shall, within 12 months of receipt of notice given in accordance with paragraph (2)(e) or, if earlier, the date on which the member concerned attains the age of 60 years, pay a transfer value calculated in accordance with section 1 of Part III of Schedule F to the authority or person empowered to receive such payments for the purposes of the new superannuation arrangements to which the member becomes subject:

Provided that if disciplinary proceedings or proceedings before a court have been commenced against the member concerned within 12 months of the date on which contributions under regulation G2(1) ceased to be payable in respect of him and it appears to the Police Authority that the proceedings may lead to the forfeiture of any pension, entitlement to which arises as a result of the payment of such contributions, the period within which payment under this paragraph is to be made shall be—

- (a) that specified in the foregoing provisions of this paragraph, or
- (b) 3 months from the conclusion of those proceedings (including any proceedings on appeal),

whichever ends later.

(5) Where the new superannuation arrangements to which the member concerned is becoming subject are not such as are specified in paragraph (3)(a), (b) or (e) of regulation F8, the transfer value payable under this regulation shall be—

- (a) in the event of a failure, without reasonable excuse, on the part of the Police Authority to make payment within 6 months of the expiration of the period specified in paragraph (4), the greater of the following amounts:
 - (i) the sum of the amount calculated in accordance with Part III of Schedule F and the interest on that amount at the judgment debt rate, and
 - (ii) the amount calculated in accordance with the said Part III as at the date on which payment is in fact made; and
- (b) in the event that a transfer value in respect of him has been paid to the Police Authority under regulation F6, the greater of the following amounts:
 - (i) the amount calculated in accordance with Part III of Schedule F, and
 - (ii) the sum of the transfer value paid under regulation F6 and any contributions paid in respect of him to the Police Authority under regulation G2(1).

(6) In the case of a member who has received such an award as is mentioned in paragraph (2)(d) but has, within 6 months of becoming subject to new superannuation arrangements, or within such longer period as the Police Authority may allow in the circumstances of his case, paid to the Police Authority an amount equal to that of the said award, paragraph (2) shall have effect as if sub-paragraph (d) were omitted:

Provided that, in the case of a member who is becoming subject to new superannuation arrangements such as are specified in paragraph (3)(a), (b) or (e) of regulation F8, this paragraph shall have effect as if for "6 months" there were substituted "12 months".

(7) In the case of a member who has made an election under regulation G4(1) and whose service as such last commenced at least 2 years before 6th April 1988, his reckonable service for the purposes of the pension benefits, the capitalised value of which is payable under paragraph (4), shall be deemed to have commenced on that date.

(8) In this regulation and elsewhere in this Part—

“occupational pension scheme” and “personal pension scheme” have the same meanings as in the Social Security (Northern Ireland) Order 1986(a).”.

(5) After Part II of Schedule F there shall be added the following provisions:

“PART III

Regulations F6,
F8 and F9

CALCULATION OF TRANSFER VALUES AND RECKONABLE SERVICE BY
REFERENCE TO ACCRUED RIGHTS

Section 1 — Calculation of transfer values

1. Subject to paragraphs 2 and 3, a transfer value payable in respect of a member by the Police Authority under regulation F8 or F9 which is to be calculated in accordance with this section shall be an amount equal to the capitalised value of his accrued rights and any associated rights under the Pensions (Increase) Acts, less the amount of any state scheme premium under Part IV of the Social Security Pensions (Northern Ireland) Order 1975(b) which the Police Authority has paid and not recovered included in the valuation of those rights.

2. Where the Police Authority has determined that any pension payable to or in respect of the member concerned shall be forfeited, in whole or in part, under regulation K5, the transfer value shall be reduced by an amount equal to the capitalised value of that pension, or of that part of the pension which is so forfeited, as the case may be.

3. Where the new superannuation arrangements to which the member concerned is becoming subject are not a contracted-out scheme and—

- (a) the authority or person empowered to receive payments for the purposes of those arrangements is willing or able to have transferred to them only the liability for the member's accrued rights other than his and his widow's or widower's rights to guaranteed minimum pensions, and
- (b) the member concerned does not require the Police Authority to use that portion of his transfer value which represents those guaranteed minimum pensions in one of the ways specified in paragraph 13(2)(a) to (c) of Schedule 1A to the Social Security Pensions (Northern Ireland) Order 1975(c).

the transfer value payable in respect of him shall be reduced by an amount sufficient for the Police Authority to meet their liability in respect of the member's and his widow's or widower's guaranteed minimum pensions.

(a) S.I. 1986/1888 (N.I. 18)

(b) S.I. 1975/1503 (N.I. 15)

(c) Schedule 1A was inserted by paragraph 3 of Schedule 1 to the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)) and amended by paragraphs 23 and 24 of Schedule 9 to the Social Security (Northern Ireland) Order 1986

4. In this section—

“accrued rights” means the rights which have accrued in respect of a member at the material date to any award payable under these regulations, excluding any rights which have, at any time before that date, been taken into account in calculating a transfer value payable in respect of him;

“capitalised value” means actuarial value at the material date as determined by the Police Authority in a manner notified to them by the Government Actuary as consistent with the requirements of paragraph 14 of Schedule 1A to the Social Security Pensions (Northern Ireland) Order 1975;

“material date” means the later of—

- (a) the date on which the member concerned ceased to serve as such or made an election under regulation G4(1), as the case may be, and
- (b) the date on which he gave notice to the Police Authority in accordance with regulation F9(2)(e) which has not been withdrawn.

Section 2 — Calculation of reckonable service

1. The period of pensionable service reckonable by a member under regulation F6 by virtue of the receipt of a transfer value by the Police Authority on or after 6th April 1988 shall be calculated—

(a) where his former superannuation arrangements are of a kind mentioned in paragraph 1(2) of section 2 of Part II and the Police Authority are satisfied that the transfer value—

- (i) represents all his accrued rights to awards under those arrangements,
- (ii) was calculated in like manner as under some such superannuation arrangements as aforesaid, and
- (iii) is one which he has within 12 months of his ceasing to be in his former service, requested the Police Authority to accept under regulation F6,

in accordance with paragraph 2, and

(b) in any other case, in accordance with paragraph 3.

2. For the purposes of paragraph 1(a) the period of pensionable service reckonable by the member shall be equal to the period of service as a member which if used to calculate a transfer value payable on such a member becoming subject to superannuation arrangements of a kind mentioned in paragraph 1(2) of section 2 of Part II would produce an amount equal to the transfer value received in respect of him by the Police Authority under regulation F6; and in making the calculation regard shall be had to his age, rate of pensionable pay, marital status and, in addition, to any other factor notified to the Police Authority by the authority or person empowered to make payments under his former superannuation arrangements as having been taken into account in determining the amount of that transfer value.

3. For the purposes of paragraph 1(b) the period of pensionable service reckonable by the member shall be calculated in a manner consistent with the manner in which a transfer value would be calculated which was payable by the Police Authority to the authority or person empowered to receive such payments for the purposes of superannuation arrangements other than of a kind mentioned in paragraph 1(2) of section 2 of Part II, due allowance being given for the expected increase in pensionable pay of a member of the same age as the member concerned between the material date and the date on which the member concerned would attain the age at which he could be required to retire under regulation A16(1) (*Compulsory retirement on account of age*).

4. In paragraph 3, "the material date" means the later of—

- (a) the date on which the member concerned ceased his former service, and
- (b) the date on which he requested the Police Authority to accept a transfer value under regulation F6(1)(c)."

(6) In the case of a member who ceased to serve as such on or after 1st January 1986 but before 6th April 1988 and was, on so ceasing, entitled to reckon at least 5 years' pensionable service, there shall be payable by the Police Authority—

- (a) if he is a person to whom regulation F8 of the principal regulations applies, a transfer value under that regulation, or
- (b) if he is a person to whom regulation F9 of the principal regulations applies, a transfer value under that regulation,

whichever is the greater; and where the transfer value payable is that referred to in sub-paragraph (b) of this paragraph, the date of his ceasing to serve shall be deemed, for the purposes of the said regulation F9, to be 6th April 1988.

(7) In the case of a member who ceases or ceased to serve as such on or after 6th April 1988 and is entitled to reckon pensionable service as such before that date, there shall be payable by the Police Authority—

- (a) in respect of that service, the greater of—
 - (i) any transfer value payable under regulation F9 of the principal regulations, and
 - (ii) any transfer value payable under regulation F8 of the principal regulations, and
- (b) in respect of any pensionable service as a member after that date which he is entitled to reckon and which, when aggregated with his pensionable service as such before that date, does not exceed 30 years, any transfer value payable under regulation F9 of the principal regulations.

(8) Regulation F9 of the principal regulations, shall not have effect in relation to a member who ceased to serve as such before 6th April 1988 unless he was, on so ceasing, entitled to reckon at least 5 years' pensionable service as such.

Guaranteed minimum pension

4.—(1) Part J (*special cases*) and regulation L2 (*payment and duration of awards*) of the principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation J1, after paragraph (4) there shall be inserted the following provision:

“(4A) In a case in which this regulation applies, where the member dies or has died on or after 6th April 1988 leaving a widower then, unless any pension to which she has been entitled has been forfeited under regulation K5(2), he shall be entitled to a pension of a weekly amount equal to one-half of that part of her guaranteed minimum which is attributable to earnings factors for the tax year, 1988-89 and subsequent tax years increased in accordance with regulation E9 (*increase by reference to the Pensions (Increase) Acts*) but that entitlement shall cease if he remarries or has remarried before attaining the age of 65 years and no payment shall be made on account of the pension—

(a) in respect of any period for which the amount of any pension payable to him under regulation E1(3) (*adult dependent relative's special pension*) by virtue of regulation E1(1)(c) exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder, or

(b) in respect of any period before he attains the age of 65 years during which he and a woman to whom he is not married are living together as husband and wife.”

(3) In regulation J1, after paragraph (5) there shall be inserted the following provision:

“(5A) Where a widower is entitled to a pension under paragraph (4A) then, in respect of any period in respect of which a payment is made on account of that pension, no payment shall be made on account of any pension payable to him under regulation E1(3) by virtue of regulation E1(1)(c).”

(4) In regulation J1, in paragraph (6)(c) there shall be inserted:

(a) after “paragraph (2) or (4)” the words “or (4A)”, and

(b) after “Part B or C” the words “or under regulation E1”.

(5) In regulation J1, after paragraph (6) there shall be added the following provision:

“(7) Where the annual amount of any pension payable under paragraph (4A) does not exceed £104, the Police Authority may, at their discretion, commute it for a gratuity.”

(6) After regulation J1 there shall be inserted the following regulation:

“*Revaluation of guaranteed minimum pension*

J1A.—(1) This regulation shall apply in the case of a member who has ceased to serve as such or has made an election under regulation G4(1) (*election not to pay pension contributions*) and, in either case—

(a) in respect of whom a transfer value is payable under Part F, and

(b) who chooses to exercise the option conferred by paragraph 13(2) of Schedule 1A to the Social Security Pensions (Northern Ireland) Order 1975(a) wholly or partly in the way specified in head (2)(b) of that paragraph (*purchase of annuity*).

(2) Where this regulation applies in the case of a member, to the extent that his guaranteed minimum for the purposes of that Order of 1975 is otherwise appropriately secured within the meaning of Article 53C(4) of that Order(b)—

(a) for the purposes of Article 37(2) of that Order (*amount of guaranteed minimum*) his earnings factors shall be determined by reference to the last order under Article 23 of that Order to come into force before the end of the tax year in which he ceased to serve, or as the case may be, in which his election under regulation G4(1) took effect and without reference to any subsequent such order, and

(b) the weekly equivalent mentioned in the said Article 37(2) shall be increased in accordance with any additional requirements for the time being prescribed for the purposes of Article 47(1)(b) of that Order (*exclusion from liability to pay a limited revaluation premium*).”.

(7) Regulation L2(2) and (5) shall be construed as if any reference—

(a) to a widow included a reference to a widower, and

(b) to a husband included a reference to a wife,

and with consequential modifications.

(8) In regulation L2(3)(e), for “and (4)” there shall be substituted “, (4) and (4A)”.

Short service benefit and ill-health award

5.—(1) Part B (*personal awards*) of and Schedule C (*widows' awards*) to the principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulations B2(3), B3(3)(a) and in paragraph 3(2) of Part III of Schedule C, for “5” wherever occurring there shall be substituted “2”.

Pension contributions and entitlement

6.—(1) The principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation A9(1) (*aggregate pension contributions for purposes of awards*) at the end there shall be added the following provision:

(a) Schedule 1A was inserted by paragraph 3 of Schedule 1 to the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)) and amended by paragraphs 23 and 24 of Schedule 9 to the Social Security (Northern Ireland) Order 1986

(b) Article 53C was inserted by paragraph 2 of Schedule 1 to the Social Security (Northern Ireland) Order 1985 and amended by paragraph 17 of Schedule 9 to the Social Security (Northern Ireland) Order 1986

“Provided that, in the case of a member who has made an election under regulation G4(1), the relevant period of service shall be taken to be the period, or last period, during which pension contributions were continuously payable by him under regulation G2(1) since the date on which, had no such election been made, the relevant period of service would be taken to have begun.”

(3) In regulation A17(1) (*compulsory retirement on grounds of efficiency of the force*) at the end there shall be added the words “or if he had not made an election under regulation G4(1)”.

(4) In regulation B2(1) (*member's short service award*) at the end there shall be added the following provision:

“Provided that this regulation shall not apply to a member by whom pension contributions were not payable under regulation G2(1) during the period immediately preceding his retirement”.

(5) In regulation B3(1) (*member's ill-health award*) at the end there shall be added the following provision:

“Provided that this regulation shall not apply to a member by whom pension contributions were not payable under regulation G2(1) during the period immediately preceding his retirement”.

(6) In regulation B5(2) (*member's deferred pension*)—

(a) after “to be such” there shall be inserted “or who makes or has made an election under regulation G4(1)”, and

(b) after “ceasing to be a member” there shall be inserted “or, as the case may be, on making such an election”.

(7) In regulation B5(4), at the end there shall be added the following provision:

“or

(c) in respect of any period during which payments are due to be made on account of any pension to which he is entitled under regulation B1.”

(8) In regulation B6 (*award by way of repayment of aggregate pension contributions*) after paragraph (1) there shall be inserted the following paragraph:

“(1A) This regulation shall also apply to a member who, within 3 months of his last becoming a member, makes an election under regulation G4(1) in the circumstances specified in paragraph (1).”

(9) In regulation C1(1) (*widow's ordinary pension*) at the end there shall be added “and shall not apply by virtue of sub-paragraph (d) to the widow of a member who has or had made an election under regulation G4(1) which has or had effect at the time of his death”.

(10) In regulation C6(1) (*widow's requisite benefit and temporary pension*) after “member” where it first occurs there shall be inserted “, by whom pension contributions have at any time been payable under regulation G2(1),”.

(11) In regulation C7(1) (*widow's award where no other award payable*) after “member” where it first occurs there shall be inserted “, by whom

pension contributions have at any time been payable under regulation G2(1)".

(12) In regulation D1(1) (*child's ordinary allowance*) at the end there shall be added "and shall not apply by virtue of sub-paragraph (d) to the child of a member who has or had made an election under regulation G4(1) which has or had effect at the time of his death".

(13) In regulation F2 (*current service*) at the end there shall be added the following provision:

"Provided that no period of service shall be reckonable by a member under sub-paragraph (a) during which pension contributions were not payable by him under regulation G2(1) and in respect of which no payment has been made under regulation F1(2)".

(14) For regulation G1(5) (*average pensionable pay*) there shall be substituted the following paragraph—

"(5) Where an award is to be made to or in respect of a member the relevant date for the purpose of determining his average pensionable pay shall be—

(a) in the case of an award made under regulation B4 (*member's injury award*), C2 (*widow's special award*) C3 (*widow's augmented award*), C7(2)(b) (*widow's award where no other award payable*), D2 (*child's special allowance*), D3 (*child's special gratuity*) or E1 (*adult dependent relative's special pension*) the date of his last day of service in the force;

(b) in the case of an award other than one which is mentioned in sub-paragraph (a) the date of his last day of service in a period during which pension contributions were payable by him under regulation G2(1)".

(15) In regulation G2 (*pension contributions payable by member*)—

(a) in paragraph (1) there shall be inserted at the beginning "Subject to paragraph (3),", and

(b) after paragraph (2) there shall be inserted the following provision:

"(3) Paragraph (1) shall not apply in the case of a member who has made an election under regulation G4(1) which is, for the time being, in effect."

(16) For regulation G3(4) there shall be substituted the following paragraph—

"(4) Additional or further pension contributions payable under this regulation shall cease to be payable—

(a) on retirement;

(b) in the case of a member who makes an election under regulation G4(1), on the date on which that election takes effect;

but—

(i) where a member was paying such contributions immediately before retiring with an ordinary pension that pension shall be reduced in accordance with paragraph 6 of Part VIII of Schedule B, and

- (ii) where a member who has made an election under regulation G4(1) cancels that election under regulation G4(5) any such contributions which he was liable to pay immediately before the date mentioned in sub-paragraph (b) shall become payable as from the date on which that election ceases to have effect.”.

(17) After regulation G3 there shall be added the following regulations:

“Election not to pay pension contributions

G4.—(1) A member with service as such on or after 6th April 1988 may at any time elect that regulation G2(1) shall not apply in his case by notice in writing given to the Police Authority.

(2) Subject to paragraph (3), the date on which an election under paragraph (1) takes effect shall be the date on which an instalment of pay next falls due to him after the receipt of notice under paragraph (1).

(3) In the case of a member who last became such on or after 6th April 1988 and who has given notice under paragraph (1) within 3 months of the date on which he so became, his election under that paragraph shall be deemed to have taken effect on that date.

(4) In a case falling within paragraph (3)—

- (a) the Police Authority shall pay to the member in question a sum equal to the sum of the pension contributions paid by him since the date on which the election is deemed to have taken effect, and
 (b) for the purposes of regulation C6(1) and C7(1), contributions shall be deemed not to have been payable.

(5) A member who has made an election under paragraph (1) may, not later than the date on which he attains the age of 45 years, cancel such election by notice in writing given to the Police Authority and the election shall cease to have effect as from the date on which an instalment of pay next falls due to him after the receipt of such notice:

Provided that—

- (i) a member having cancelled his election under paragraph (1) shall not be entitled to make any further such election during the same period of service as a member, and
 (ii) a member shall not, if the Police Authority so resolves, be entitled to cancel his election under paragraph (1) unless he has undergone a medical examination and satisfied the Authority as to his good health; and any fee payable in respect of that examination shall be paid by him.

Supplementary provision as to elections not to pay pension contributions

G5.—(1) Any written notification given to the Police Authority in anticipation of regulation G4 shall be treated as having been a notice under that regulation.

- (2) A notification is one given in anticipation of regulation G4 if—
 (a) it was given after 5th April 1988 and before 31st December 1990;

- (b) it expressed a wish not to pay or, as the case may be, a wish to resume payment of, pension contributions; and
- (c) it was given on the understanding that if these regulations were amended so as to contain provisions for the making and cancellation, by notice, of elections not to pay pension contributions, it would be treated as having been a notice under those provisions.

(3) In the case of a person who—

- (a) was serving as a member on 6th April 1988,
- (b) gave a written notification treated by virtue of paragraph (1) as notice of an election under regulation G4(1) not to pay pension contributions, and
- (c) attained the age of 45 before 6th April 1989,

a written notification given in anticipation of regulation G4 before 6th April 1989 expressing a wish to resume payment of pension contributions shall be treated as having been an effective notice of cancellation given under regulation G4(5) even if it was not given before his 45th birthday.’’.

(18) In regulation K1 (*cancellation of ill-health and injury pensions*) after paragraph (6) there shall be added the following paragraph:

“(7) This regulation shall apply in the case of a member who has made an election under regulation G4(1) and who is in receipt of a deferred pension under regulation B5 on account of which payment has been made by reason of his having become permanently disabled as if he had not made such an election and as if he were in receipt of an ill-health pension; and, in its application in accordance with this paragraph, this regulation shall have effect as if—

- (a) in paragraph (4), for the words from “there shall be terminated” to the end and there were substituted “any injury pension to which he is entitled shall be terminated and his deferred pension shall not be payable in respect of any period thereafter until he attains the age of 60 years”, and
- (b) paragraph (5) were omitted.’’.

(19) In paragraph 2 of Part V of Schedule B (*personal awards*) after “his period of pensionable service” there shall be added “; and in this paragraph references to a person’s pensionable service shall in the case of a member who has made an election under regulation G4(1) be construed as references to the service which would have been reckonable by him if he had not made such an election”.

(20) In paragraph 3 of Part V of Schedule B, after sub-paragraph (2) there shall be added the following sub-paragraph:

“(3) In the case of a member who has made an election under regulation G4(1), paragraph (1) shall have effect as if for the reference to three-quarters of any other pension calculated by reference to pensionable service reckonable by reason of that period of service there were substituted a reference to the amount of any other pension which would have been so calculated had he not made such an election.’’.

(21) In paragraph 3 of Part III of Schedule C (*widows' awards*)—

(a) in sub-paragraph (1), for “sub-paragraph (2)” there shall be substituted “sub-paragraphs (2) and (3)”, and

(b) after sub-paragraph (2) there shall be added the following sub-paragraph:

“(3) This paragraph shall not apply in the case of a widow whose husband had made an election under regulation G4(1) which had effect at the time of his death.”.

(22) In paragraph 1 of Part III of Schedule D (*children's awards*) at the end there shall be added the following provision:

“Provided that paragraph 5 of Part I as applied hereby shall not have effect in the case of a child whose relevant parent had made an election under regulation G4(1) which had effect at the time of that parent's death.”.

Pension contributions and entitlement: consequential provisions

7.—(1) The Royal Ulster Constabulary Pensions (Purchase of Increased Benefits) Regulations 1988(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulations 4(1) and 5(1), after “serving as a member” there shall be inserted “and in respect of whom pension contributions are payable under regulation G2(1) of the principal regulations”.

(3) In regulation 5(2), after sub-paragraph (b) there shall be inserted the word “or” and the following sub-paragraph:

“(c) the date on which any election made by him under regulation G4(1) of the principal regulations takes effect,”.

(4) For regulation 5(4) there shall be substituted the following paragraph:

“(4) In the case of a member who has elected to make payment under this regulation and who—

(a) having retired with an ill-health pension before his retirement date, resumes service as such, or

(b) having made an election under regulation G4(1) of the principal regulations, cancels that election in accordance with paragraph (5) of that regulation,

the periodical contributions shall again become payable and shall continue as provided in paragraph (2).”.

(5) In regulation 8(1)—

(a) after “save that where” there shall be inserted “(a)”, and

(b) after “regulation 7” there shall be inserted “, or (b) he had made an election under regulation G4(1) of the principal regulations which was subsequently cancelled under paragraph (5) of that regulation,”.

(6) After regulation 8(1) there shall be inserted the following paragraph:

“(1A) Paragraph (1) shall not have effect in relation to a member who has at any time made an election under regulation G4(1) of the principal regulations which has not been cancelled under paragraph (5) of that regulation.”.

(7) For regulation 8(2) there shall be substituted the following paragraph:

“(2) Subject to paragraph (3), where a member who has made an election under regulation 3 and paid a lump sum or commenced payment of periodical contributions in accordance with that election—

(a) ceases to be a member in circumstances other than those set out in paragraph (1) and with no entitlement to an award by way of repayment of his aggregate pension contributions other than an award under paragraph 7 of Part I of Schedule J to the principal regulations, or

(b) makes an election under regulation G4(1) of the principal regulations,

he shall be entitled to reckon—

(i) in the case of a lump sum payment, all the additional benefits which he elected to purchase, and

(ii) in the case of payment of periodical contributions, a proportion of such benefits determined in accordance with the formula referred to in sub-paragraph (b) of Part II of the Schedule.”.

Northern Ireland Office
16th November 1990

P. L. Brooke
One of Her Majesty's Principal
Secretaries of State

We concur
22nd November 1990

John M. Taylor
Gregory Knight
Two of the Lords Commissioners
of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations which come into operation on 31st December 1990, amend the Royal Ulster Constabulary Pensions Regulations 1988 ("the principal regulations") and the Royal Ulster Constabulary Pensions (Purchase of Increased Benefits) Regulations 1988 with effect from 6th April 1988.

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

The principal regulations are amended so as to give effect to certain provisions of the Social Security (Northern Ireland) Orders 1985 and 1986 relating to transfer values, short service awards, guaranteed minimum pensions and opting out.

Regulation 3 amends Part F of and Schedule F to the principal regulations by providing for—

- (a) the acceptance of a transfer value in respect of a member (as defined in the principal regulations) who becomes a member having accrued rights to benefits under a personal pension scheme or any other superannuation arrangements (other than rights under a free-standing additional voluntary contribution scheme);
- (b) the payment of a transfer value in respect of a member who ceases to serve as such (or has so ceased on or after 1st January 1986) or who has elected not to pay pension contributions under the principal regulations and who, in either case, satisfies certain conditions;
- (c) the calculation by reference to accrued rights of transfer values and reckonable service in respect of transfers on or after 6th April 1988; and
- (d) transitional arrangements in relation to service or cessation of service before 6th April 1988.

Regulation 4 amends Part J and regulation L2 of the principal regulations so as to entitle the widower of a member dying on or after 6th April 1988 to a guaranteed minimum pension. Provision is also made (in new regulation J1A) for a member's guaranteed minimum pension to be revalued in accordance with the fixed rate method where accrued rights to benefits under the principal regulations are transferred under Part F to an approved insurance policy or annuity.

Regulation 5 amends Part B of the Principal regulations so as to reduce from 5 years to 2 years the period of pensionable service essential to qualify for a short service ill-health or deferred pension and makes a consequential amendment to Schedule C in respect of a widow's flat rate pension.

Regulation 6 amends Part G of the principal regulations so as to relieve members, who have made an election under new regulation G4, from the

obligation to pay pension contributions. The regulation makes consequential amendments to other provisions in the principal regulations and makes transitional provision for members who have decided to make such an election before the commencement of these regulations. A member who has elected not to pay contributions may, subject to certain conditions, cancel that election but then has no right to make a further election during the same period of service.

Regulation 7 makes amendments to the Royal Ulster Constabulary Pensions (Purchase of Increased Benefits) Regulations 1988 consequential upon the provisions of regulation 6.