

1994 No. 197

POLICE

Royal Ulster Constabulary Reserve (Full-time) Pensions Regulations 1994

Made 25th May 1994

Coming into operation 1st July 1994

To be laid before Parliament

The Secretary of State, in pursuance of section 26 of the Police Act (Northern Ireland) 1970(a), and after consulting, in accordance with section 34(2) of that Act, the Police Authority and the Police Association, hereby with the concurrence of the Treasury makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary Reserve (Full-time) Pensions Regulations 1994 and shall come into operation on 1st July 1994.

Interpretation

2. In these regulations the following expressions have the meanings hereby assigned to them—

“the Pensions Regulations” means the Royal Ulster Constabulary Pensions Regulations 1988(b);

“reserve force” means the Royal Ulster Constabulary Reserve;

“reserve member” means a member of the reserve force appointed on a full-time basis.

Application of the Pensions Regulations to reserve members

3. Subject to the modifications in regulation 4, Parts A, B, C, D, E, F (except regulations F4 and F7), G, H, J (except regulations J2, J3 and J4), K and L of the Pensions Regulations shall apply to reserve members as if for “member” and “the force” where they appear therein there were substituted “member of the Royal Ulster Constabulary Reserve appointed on a full-time basis” and “Royal Ulster Constabulary Reserve” respectively.

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

(b) S.R. 1988 No. 374 as amended by S.R. 1988 No. 438, S.R. 1989 No. 387, S.R. 1990 No. 411, S.R. 1993 No. 223 and S.R. 1993 No. 327

Modification of provisions applied to reserve members

4.—(1) In their application by virtue of regulation 3, the provisions specified in that regulation shall have effect subject to the modifications in paragraphs (2) to (7).

(2) The provisions specified in column 1 of the Schedule shall have effect as if the dates opposite those provisions in column 2 were replaced where they appear in those provisions by the substituted dates opposite those provisions in column 3.

(3) Regulation A9(1) shall have effect as if the words from “otherwise” to “armed forces” were omitted.

(4) Regulation A9(2)(d) shall have effect as if after the word “transferred” there were inserted the words “pension rights”.

(5) Regulation A17(1) shall have effect as if the words from “of such an amount” to “pension) or” were omitted.

(6) Part F shall have effect as if the following regulations were substituted for regulations F1, F2, F3 and F5 respectively—

“Reckoning of pensionable service

F1.—(1) The pensionable service reckonable by a member of the Royal Ulster Constabulary Reserve (hereinafter called “the reserve force”) appointed on a full-time basis (hereinafter called “a reserve member”) at any date (in these regulations referred to as the “relevant date”) shall be determined in accordance with the succeeding provisions of this Part:

Provided that there shall not be reckonable by a reserve member—

(a) any period of unpaid maternity leave granted in the case of a woman reserve member in respect of which the conditions specified in paragraph (2) are not satisfied;

(b) any period of unpaid leave, other than maternity leave.

(2) The conditions referred to in sub-paragraph (a) of the proviso to paragraph (1) are that the person concerned—

(a) serves as a reserve member throughout a period of 6 months commencing with the date of return to duty at the end of a period of maternity leave which includes the period of unpaid maternity leave in question; and

(b) within 6 months of that date pays to the Police Authority a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid maternity leave in question had it not been granted.

Current service

F2. Subject to the provisions of these regulations, there shall be reckonable by a reserve member in respect of his service in the reserve force, being service since he last joined or rejoined the reserve force before the relevant date, all such service on or after 1st July 1994.

Provided that no period of service shall be reckonable by a reserve member 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).

Previous service reckonable without payment

F3. There shall be reckonable by a reserve member as pensionable service, where he previously retired with an ill health pension and that pension was terminated in whole or in part under regulation K1, any period of pensionable service reckonable by him at the time he retired.

Previous service reckonable on payment

F5.—(1) Subject to regulation F8(4) (interchange arrangements), there shall be reckonable by a reserve member as pensionable service, in the circumstances specified in this regulation, the periods so specified before he last joined or rejoined the reserve force before the relevant date, subject, in the case of any such period, to his having applied to the Police Authority, within 3 months from the date when he last joined or rejoined the reserve force (or such longer period as the Police Authority may allow in the circumstances of his case), to have the period so reckoned and to his having made to the Police Authority the appropriate payment.

(2) Where before the relevant date a reserve member retired from the reserve force without a pension—

- (a) the period shall be any period of pensionable service reckonable by him at the time he retired, and
- (b) the appropriate payment shall be an amount equal to any gratuity or return of pension contributions, as the case may be, which he may have received on his retirement.

(3) Where before the relevant date he retired with a deferred pension but has relinquished his entitlement thereto by written notice given to the Police Authority for the purposes of this regulation, paragraph (2) shall have effect as though he had retired without a pension.”

(7) Regulation J1(4A) shall have effect as if the words “or has died on or after 6th April 1988” were omitted.

Service prior to 1st July 1994

5. Nothing in these regulations shall operate so as to confer on any person any entitlement to an award or payment under the Pensions Regulations as applied to the reserve force by these regulations in respect of or relating to a reserve member’s service as such at any time prior to 1st July 1994.

Northern Ireland Office
20th May 1994

P. B. B. Mayhew
One of Her Majesty’s Principal
Secretaries of State

Timothy Kirkhope
Andrew Mackay

We concur
25th May 1994

Two of the Lords Commissioners
of Her Majesty's Treasury

Modification of dates in the Pensions Regulations

Where any of the provisions listed in column 1 below contains a reference to a date specified in column 2 below, in the application of that provision to reserve members there shall be substituted the date specified in column 3 below—

Column 1 <i>Provision</i>	Column 2 <i>Original Date</i>	Column 3 <i>Substituted date</i>
Regulation A5(3)	5th April 1961	1st July 1994
Regulation A16(1)	5th July 1972	1st July 1994
Regulation F6	1st April 1972	1st July 1994
Regulation F8(1)(a)	1st April 1972	1st July 1994
Regulation F8(3A)	6th April 1988	1st July 1994
Regulation F9(1)(a)	1st January 1986	1st July 1994
Regulation G1(1A)	31st May 1989	1st July 1994
Regulation G4(1) and (3)	6th April 1988	1st July 1994

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations apply, with some exceptions and subject to modifications, the provisions of the Royal Ulster Constabulary Pensions Regulations 1988 to full-time members of the Royal Ulster Constabulary Reserve with effect from, and in relation to service on or after, 1st July 1994.

Regulation 3 sets out details of the provisions applied to reserve members and regulation 4 specifies the modifications to such provisions in their application to reserve members.