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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 259**

**POLICE**

**Royal Ulster Constabulary Pensions  
(Amendment) Regulations 1997**

*Made* - - - - - *2nd June 1997*

*To be laid before Parliament*

*Coming into operation* *1st July 1997*

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970<sup>(1)</sup>, read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972<sup>(2)</sup>, 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 62(3) of the Police Act 1996<sup>(3)</sup>, the Police Negotiating Board for the United Kingdom, hereby with the concurrence of the Treasury makes the following regulations:—

**Citation, commencement and effect**

1. These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment) Regulations 1997 and shall come into operation on 1st July 1997, but shall have effect for the purposes of—

- (a) regulations 3, 4(1), 5, 7, 8 and 9 as from 30th March 1996; and
- (b) regulations 4(2) and (3), 6, 10 and 11 as from 11th November 1996.

**Interpretation**

2. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary Pensions Regulations 1988<sup>(4)</sup>.

**Reckoning of service for purposes of awards**

3. In regulation A8(2)(b) of the principal regulations there shall be inserted after the words “transfer value” the words “or a certificate which has been furnished under regulation F7A(2)”.

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(1) 1970 c. 9 (N.I.) as amended by 1994 c. 29 and modified by S.I.1973/2163  
(2) S.I. 1972/1073 (N.I. 10)  
(3) 1996 c. 16  
(4) S.R. 1988 No. 374; relevant amendments were made by S.R. 1990 No. 411

### **Member's deferred pension**

4.—(1) In regulation B5(2)(a) of the principal regulations there shall be inserted after the words “transfer value” the words “under regulation F8 or F9”.

(2) Part VI of Schedule B to the principal regulations shall be amended by inserting after paragraph 1 the following paragraph—

“1A. Paragraph 1(b) has effect subject to paragraph 7A of Part I of Schedule J.”.

(3) Part I of Schedule J to the principal regulations shall be amended by inserting before paragraph 8 the following paragraph—

#### **“Part-time service**

7A.—(1) This paragraph applies to a member who, immediately before he became entitled to a deferred pension, was in part-time service.

(2) In calculating such a person's hypothetical pension for the purposes of Part VI of Schedule B it is to be assumed that he would have continued in part-time service and that there would have been no change in the appropriate factor.”.

### **Award by way of repayment of aggregate pension contributions**

5. In regulation B6(1)(a) of the principal regulations there shall be inserted after the words “transfer value” the words “under regulation F8 or F9”.

### **Current service and previous service reckonable without payment**

6.—(1) Regulation F2 of the principal regulations shall be amended by inserting after the word “regulations” the words “and paragraph 6 of Part IV of Schedule J”.

(2) Regulation F3 of the principal regulations shall be amended by adding after paragraph (2) the following paragraph—

“(3) Paragraph (1)(a) has effect subject to paragraph 6 of Part IV of Schedule J.”.

(3) Part IV of Schedule J to the principal regulations shall be amended by adding after paragraph 5 the following paragraph—

#### **“Part-time service**

6.—(1) This paragraph applies in the case of a member who has spent one or more periods in part-time service.

(2) For the purposes of regulations F2 and F3(1)(a) (reckonability of certain service as pensionable), a period of part-time service is to be multiplied by the appropriate factor.

(3) For the purposes of sub-paragraph (2) a period of part-time service is to be taken to have ended, and another such period to have begun, on the occurrence of any change in the appropriate factor.”.

### **Transfer values payable on transfer from the force to a police force in Great Britain**

7. In regulation F7(1) of the principal regulations there shall be inserted after the words “shall apply where” the words “, before 31st March 1996,”.

### **Police Authority to provide certificate of the amount of pensionable service giving entitlement to pension**

8. After regulation F7 there shall be inserted the following regulation—

#### **“Police Authority to provide certificate of the amount of pensionable service giving entitlement to pension**

**F7A.**—(1) This regulation shall apply where, on or after 31st March 1996, a member has left the force and joined a police force in Great Britain with such consent as is mentioned in regulation A14(3) and the police authority for that force (hereafter in this regulation referred to as “the current police authority”) is contingently liable to make payments to or in respect of him under any legislation for the time being in force relating to the pensions of members of police forces in Great Britain.

(2) Where this regulation applies the Police Authority shall furnish the current police authority with a certificate stating—

- (a) the amount of the pensionable service which the member to whom this regulation applies is entitled to reckon by reason of previous service in the force or in the Royal Ulster Constabulary Reserve or in a police force in Great Britain, including such service reckonable under regulations F3 to F6, and
- (b) whether or not that member has, at the time of leaving service in the force, made an election under regulation G4(1) (election not to pay pension contributions).

(3) On the acceptance of a certificate under paragraph (2) by the current police authority, any entitlement of a member to whom this regulation applies to an award from the Police Authority shall cease to have effect.

(4) The Police Authority shall furnish a member to whom this regulation applies with a copy of the certificate furnished under paragraph (2) together with a description of the effect of paragraph (3).”.

### **Transfer values payable under interchange arrangements**

9. In regulation F8—

- (a) in paragraph (2)(a) there shall be substituted for the words “a transfer value is” the words “a transfer value before 31st March 1996 was”; and
- (b) at the end of paragraph (2) there shall be inserted the following—
  - “; or
  - (c) in respect of whom a certificate under regulation F7A(2) has been furnished”.

### **Pensionable and average pensionable pay**

**10.**—(1) Regulation G1(1) of the principal regulations shall be amended by adding after the words “that rate” the words “except that during a period of part-time service in a rank below that of inspector it means so much of his pay at that rate as is attributable to his determined hours (within the meaning of regulation 2(4) of the Royal Ulster Constabulary Regulations 1996 as applied by virtue of paragraph 1 of Schedule 1 to those regulations)”.

(2) After regulation G1(8) of the principal regulations there shall be added the following paragraph—

“(9) Paragraph (2) has effect subject to paragraph 4 of Part VI of Schedule J.”.

(3) Part VI of Schedule J to the principal regulations shall be amended by adding after paragraph 3 the following paragraph—

**“Part-time service**

4.—(1) This paragraph applies in the case of a member who during the year ending with the relevant date (within the meaning of regulation G1) spent one or more periods in part-time service.

(2) The average pensionable pay of such a member is to be calculated as if his pensionable pay in respect of such period of part-time service had been pay at the rate to which a member of the same rank who was not in part-time service would have been entitled.”.

**Part-time service**

11. Schedule A to the principal regulations shall be amended—

(a) by inserting after the definition of “aggregate pension contributions” the following definition—

““the appropriate factor” means, in relation to part-time service, the factor which was the appropriate factor within the meaning of regulation 2(4) or (5) of the Royal Ulster Constabulary Regulations 1996(5) as it applied by virtue of paragraph 1 of Schedule 1 to those regulations;”; and

(b) by inserting after the definition of “participating period of relevant employment” the following definition—

““part-time service” means service as a member performed pursuant to an appointment under regulation 5 of the Royal Ulster Constabulary Regulations 1996;”.

Northern Ireland Office  
19th May 1997

*Marjorie Mowlam*  
One of Her Majesty’s Principal Secretaries of  
State

We concur

2nd June 1997

*Graham Allen*  
*John McFall*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations further amend the Royal Ulster Constabulary Pensions Regulations 1988 (the principal regulations) so as to abolish the requirement on the Police Authority to pay a transfer value in respect of a member who transfers to a police force in Great Britain and to modify the calculation of pensions in cases where there has been part-time service.

Regulations 7 and 8 of these regulations abolish, in relation to members transferring on or after 31st March 1996, the requirement on the Police Authority to pay a transfer value. In its place the regulation inserted by regulation 8 of these regulations requires the Police Authority to provide to the police authority responsible for the maintenance of the police force to which the member transfers a certificate of the pension entitlements of that member. The amendments made by regulations 3, 4(1), 5 and 9, which are consequential on these changes, also have effect on and after 31st March 1996.

Regulation 6 provides for part-time service under regulation 5 of the Royal Ulster Constabulary Regulations 1996 to be multiplied, for the purpose of determining pensionable service, by the appropriate factor (which for ranks below inspector is, by reference to the period covered by a duty roster, the number of hours the holder of such an appointment is required to work divided by the number of hours required of a full-time member; for ranks of inspector and above the factor is one half). Regulation 4(2) and (3) requires an assumption of continuing part-time service to be made for the purpose of calculating a deferred pension where a member's final service was part-time. Regulation 10 requires pay during part-time service to be scaled up to a full-time equivalent for the purpose of calculating average pensionable pay; and regulation 11 amends Schedule A to the principal regulations by inserting definitions of "the appropriate factor" and "part-time service". All these amendments have effect on and after 12th November 1996.

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