
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 260

POLICE

Royal Ulster Constabulary Reserve (Full-time) 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 26 of the Police Act (Northern Ireland) 1970⁽¹⁾, read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972⁽²⁾, and after consulting, in accordance with section 34(2) of the said Act of 1970, the Police Authority and the Police Association, 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 Reserve (Full-time) Pensions (Amendment) Regulations 1997 and shall come into operation on 1st July 1997, but shall have effect for the purposes of regulation 5 as from 30th March 1996.

Interpretation

2. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary Reserve (Full-time) Pensions Regulations 1994⁽³⁾.

Revocation, saving and amendment

3. There shall be inserted after regulation 1 of the principal regulations the following regulations—

“Revocation and saving

1A.—(1) Subject to paragraph (2), the Royal Ulster Constabulary Reserve (Pensions) Regulations 1973⁽⁴⁾ (the 1973 regulations) shall cease to have effect in so far as they apply

(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) S.R. 1994 No. 197 as amended by S.R. 1996 No. 5
(4) S.R. & O. (N.I.) 1973 No. 314

to reserve members except in the case of an award or payment to or in respect of a person who retired or otherwise ceased to be a reserve member before 1st July 1997, including an award on the death of such a person on or after the said date.

(2) In the case of a person who became a reserve member before 1st July 1997 to whom any award becomes payable under these regulations and to whom, if these regulations had not been made, an award would have been payable under the 1973 regulations, the award so payable shall be of the amount calculated in accordance with the 1973 regulations or of the amount calculated in accordance with the corresponding provisions of these regulations, whichever amount is the greater.

Amendment of the Royal Ulster Constabulary Reserve (Injury Benefit) Regulations 1988

1B. Regulation 3 of the Royal Ulster Constabulary Reserve (Injury Benefit) Regulations 1988⁽⁵⁾ shall have effect in so far as it applies to reserve members as if—

- (a) in paragraph (1) there were substituted for the words “Royal Ulster Constabulary Reserve (Pensions) Regulations 1973” the words “Royal Ulster Constabulary Reserve (Full-time) Pensions Regulations 1994”;
- (b) in paragraph (2) there were substituted for the words “regulation 3(3)” the words “regulation A11(3) of the Royal Ulster Constabulary Pensions Regulations 1988 as applied to members of the Royal Ulster Constabulary Reserve appointed on a full-time basis by regulation 3”; and
- (c) in paragraph (3) there were substituted for the words “by regulation 3(2)” the words “to members of the Royal Ulster Constabulary Reserve appointed on a full-time basis by regulation 3”.

Application of the Pensions Regulations to reserve members

4. In regulation 3 of the principal regulations there shall be substituted for the words “regulations F4 and F7” the words “regulation F4”.

Modification of provisions applied to reserve members

5.—(1) There shall be substituted for regulation 4 of the principal regulations the following regulation—

“Modification of provisions applied to reserve members

4. In their application by virtue of regulation 3, the provisions specified in that regulation shall have effect subject to the modifications specified in the Schedule.”.

(2) There shall be substituted for the Schedule to the principal regulations the Schedule contained in the Schedule to these regulations.

Service before 1st July 1994

6. There shall be substituted for regulation 5 of the principal regulations the following regulation—

(5) [S.R. 1988 No. 377](#) as amended by [S.R. 1988 No. 441](#)

“Service before 1st July 1994

5.—(1) Subject to paragraph (2), 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 reserve members by these regulations in respect of or relating to a reserve member’s service as such at any time before 1st July 1994.

(2) For the purpose of calculating an award to a reserve member under regulation B4 of the Pensions Regulations as applied to reserve members by these regulations his pensionable service shall be deemed to be his period, or the aggregate of his periods, of service as a reserve member:

Provided that if a reserve member is entitled to a pension under the Pensions Regulations, the 1973 Regulations, the Royal Ulster Constabulary Pensions Order 1949(6) or the Ulster Special Constabulary Pensions Regulations 1950(7) or becomes entitled to claim long-term or retirement compensation under the said Regulations of 1950—

- (a) his pensionable service shall be deemed to be the sum of his pensionable service in the Royal Ulster Constabulary or the Ulster Special Constabulary or in both those constabularies, as the case may be, and his period, or the aggregate of his periods, of service as a reserve member;
- (b) his pension under the said Order of 1949 or the 1973 Regulations or his pension or any periodic compensation payable to him under the said Regulations of 1950 shall be deemed to be such a pension as is mentioned in paragraph 3 of Part V of Schedule B to the Pensions Regulations; and
- (c) any lump sum retirement compensation payable to him under the said Regulations of 1950 shall be treated as if it were such a gratuity as is mentioned in paragraph 4(4) of the said Part V.”

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

(6) S.R. & O. (N.I.) 1949 No. 211 (p. 379)
(7) S.R. & O. (N.I.) 1950 No. 97 (p. 617)

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SCHEDULE

Regulation 5(2)

Schedule to be substituted for the Schedule to the Principal Regulations

“SCHEDULE

Regulation 4

Modification of Provisions applied to Reserve Members

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 Provision	Column 2 Original date	Column 3 Substituted date
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

Other modifications

Part A

Part A shall have effect as if—

- (a) in regulation A8 (reckoning of service for purposes of awards) in paragraph (2)(b) there were inserted after the words “transfer value” the words “or a certificate which has been furnished under regulation F7A(2)”;
- (b) in regulation A9 (aggregate pension contributions for purposes of awards) in paragraph (1) the words from “otherwise” to “armed forces” were omitted;
- (c) for regulation A14 (transfers) there were substituted the following regulation—

“A14.—(1) A reference in these regulations to a reserve member transferring to a police force in Great Britain shall be construed as a reference to his ceasing to be a reserve member and being recruited as a regular policeman into a police force in Great Britain.

(2) A reference in these regulations to a reserve member having transferred from a police force in Great Britain shall be construed as a reference to his having ceased to be a regular policeman in Great Britain and his having been recruited as a reserve member.”; and

- (d) in regulation A17 (compulsory retirement on grounds of efficiency of the force) in paragraph (1) the words from “of such an amount” to “pension) or” were omitted.

Part B

Part B shall have effect as if—

- (a) in regulation B5 (member’s deferred pension) in paragraph (2)(a) there were inserted after the words “transfer value” the words “under regulation F8 or F9”;
- (b) in regulation B6 (award by way of repayment of aggregate pension contributions) in paragraph (1)(a) there were inserted after the words “transfer value” the words “under regulation F8 or F9”; and
- (c) in regulation B8 (commutation — small pensions) in paragraph (1) there were substituted for the words “does not exceed £140” the words “***here there is a surplus opening quote*** does not exceed £260, or any greater amount prescribed by regulations for the time being in force under paragraph 15(4) of Schedule 3 to the Social Security Pensions (Northern Ireland) Order 1975(8).

Part E

Part E shall have effect as if—

- (a) in regulation E4 (gratuity in lieu of widow’s pension) in paragraph (3) there were substituted for the words “does not exceed £104” the words “does not exceed £260, or any greater amount prescribed by regulations for the time being in force under paragraph 15(4) of Schedule 3 to the Social Security Pensions (Northern Ireland) Order 1975,”; and
- (b) in regulation E8 (increase of widow’s pension or child’s allowance during first 13 weeks)

—

- (i) in paragraph (2)(a) there were substituted for the words “pensionable pay” the words “relevant emoluments”; and

- (ii) there were inserted after paragraph (2) the following paragraph—

“(2A) For the purposes of paragraph (2)(a) a reserve member’s relevant emoluments for a week are—

- (a) his pensionable pay for the week, and
- (b) so much as is attributable to the week of any allowances to which he was entitled under Part II of Schedule 10 to the Royal Ulster Constabulary Reserve (Full-time) (Appointment and Conditions of Service) Regulations 1996(9).”.

Part F

Part F shall have effect as if—

- (a) 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.

(8) S.I. 1975/1503 (N.I. 15)
(9) S.R. 1996 No. 564

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(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.”;

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- (b) in regulation F7 (transfer values payable on transfer from the force to a police force in Great Britain) in paragraph (1) there were inserted after the words “shall apply where” the words “, before 31st March 1996,”;
- (c) after regulation F7 there were 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 reserve member has left the reserve force and joined a police force in Great Britain 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 reserve member to whom this regulation applies is entitled to reckon by reason of previous service in the reserve force or in the Royal Ulster Constabulary or in a police force in Great Britain, including such service reckonable under regulations F3, F5 and F6, and
- (b) whether or not that reserve member has, at the time of leaving service in the reserve 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 reserve 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 reserve 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).”; and

- (d) in regulation F8 (transfer values payable under interchange arrangements)—
 - (i) in paragraph 2(a) there were substituted for the words “a transfer value is” the words “a transfer value before 31st March 1996 was”; and
 - (ii) at the end of paragraph (2) there were inserted the following—

“; or

- (c) in respect of whom a certificate under regulation F7A(2) has been furnished”.

Part J

Part J shall have effect as if in regulation J1 (member with a guaranteed minimum for the purposes of the Social Security Pensions (Northern Ireland) Order 1975)—

- (a) in paragraph (4A) the words “or has died on or after 6th April 1988” were omitted;
- (b) in paragraph (7) for the words “does not exceed £104” there were substituted the words “does not exceed £260, or any greater amount prescribed by regulations for the time being in force under paragraph 15(4) of Schedule 3 to the Social Security Pensions (Northern Ireland) Order 1975.”.

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Royal Ulster Constabulary Reserve (Full-time) Pensions Regulations 1994 (the principal regulations) and the Royal Ulster Constabulary Reserve (Injury Benefit) Regulations 1988 (the 1988 Regulations), and revoke the Royal Ulster Constabulary Reserve (Pensions) Regulations 1973 (the 1973 Regulations) in so far, as regards the 1973 and the 1988 Regulations, as they apply to the RUC (Full-time) Reserve.

Regulation 3 revokes the 1973 Regulations and makes a consequential amendment of the 1988 Regulations.

Regulation 4 corrects an error in the principal regulations.

Regulation 5 incorporates the modifications of the Royal Ulster Constabulary Pensions Regulations 1988 (the Pensions Regulations) made by regulation 4 of the principal regulations (together with the additional modifications referred to below) in a new Schedule to the principal regulations (set out in the Schedule to these regulations).

Regulation 6 substitutes for regulation 5 of the principal regulations a new regulation which ensures that, in the event of a reserve member being entitled to an injury award, all his service as a reserve member and any previous service as a member of the Royal Ulster Constabulary or the Ulster Special Constabulary will be reckoned in the calculation of that award.

The new Schedule referred to above contains two additional modifications of the Pensions Regulations in their application to the Full-time Reserve. Part A of the Pensions Regulations is modified by substituting for regulation A14 (concerning transfers between the Royal Ulster Constabulary and police forces in Great Britain) a new regulation which provides that references to a reserve member transferring to and having transferred from a police force in Great Britain are to be construed respectively as a reference to his ceasing to be a reserve member and being recruited as a regular policeman in a police force in Great Britain and *vice versa*; and Part F of the Pensions Regulations is modified by inserting a new regulation F7A the effect of which is to abolish the requirement on the Police Authority to pay a transfer value when a reserve member leaves the force and joins a police force in Great Britain and instead to require the Police Authority to furnish to the police authority responsible for the maintenance of the police force which the reserve member joins a certificate of the pension entitlements of that reserve member. As a result of these changes minor consequential modifications are made to regulations A8, B6 and F8 of the Pensions Regulations.

These regulations come into operation on 1st July 1997 but have effect for the purposes of regulation 5 on and after 31st March 1996. Retrospective effect is authorised by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972.