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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 240**

**POLICE**

**Royal Ulster Constabulary Pensions  
(Amendment) Regulations 1998**

*Made* - - - - *1st July 1998*

*To be laid before Parliament*

*Coming into operation* *10th August 1998*

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970<sup>(1)</sup> and after consulting, in accordance with section 34(2) of that Act, the Police Authority and the Police Association and, in accordance with section 62(3) of the Police Act 1996<sup>(2)</sup>, the Police Negotiating Board for the United Kingdom, 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 Pensions (Amendment) Regulations 1998 and shall come into operation on 10th August 1998.

**Amendment of the Royal Ulster Constabulary Pensions Regulations 1988**

2. The Royal Ulster Constabulary Pensions Regulations 1988<sup>(3)</sup> shall be amended in accordance with the following provisions of these regulations, and any reference in these regulations to a numbered regulation is a reference to the regulation so numbered in those regulations.

**Transfers to and from the National Criminal Intelligence Service or the National Crime Squad**

3.—(1) In regulation A15 (retirement)—

(a) in paragraph (1) after the words “Great Britain” there shall be inserted the following words—

“or on joining the NCIS or the NCS,”; and

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

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(1) 1970 c. 9 (N.I.) as amended by 1994 c. 29 and modified by S.I.1973/2163

(2) 1996 c. 16

(3) S.R. 1988 No. 374; relevant amendments were made by S.R. 1990 No. 411, S.R. 1993 No. 223 and S.R. 1997 No. 259

“(3) For the purposes of Parts B, C and D, apart from regulations B5, B6, C4, C6, C7 and D4, a member who leaves the force on joining the NCIS or the NCS without making a written request to the appropriate Service Authority for the pensionable service that he is entitled to reckon by reason of service as a member to be reckonable for the purposes of the pension scheme of the NCIS or the NCS, and who accordingly has preserved rights under these regulations, shall be regarded as retiring, or ceasing to be a member, when he retires from, or ceases to be a member of, the NCIS or the NCS (unless he resumes service as a member or commences service as a member of a police force in Great Britain), and accordingly in Parts B, C and D, except in regulations B5, B6, C4, C6, C7 and D4—

- (a) any reference to a member shall be treated as including a reference to the Director General or a police member of the NCIS or the NCS with (in either case) such preserved rights;
- (b) any reference to the Police Authority shall be treated, in relation to any such person with preserved rights, as referring to the appropriate Service Authority;
- (c) any reference to pension contributions payable under regulation G2(1) shall be treated, in relation to any such person with preserved rights, as referring to contributions payable to the pension scheme of the NCIS or the NCS; and
- (d) any reference to a member who has or had made an election under regulation G4(1) which has or had effect at a specified time shall be treated as including a reference to any such person with preserved rights who is not or was not making contributions to the pension scheme of the NCIS or the NCS at the specified time.”

(2) In regulation F3 (previous service reckonable without payment), after paragraph (1)(b) there shall be inserted the following sub-paragraph—

“;

- (c) where on or after 10th August 1998 he left the NCIS or the NCS for the purpose of becoming a member, any period of pensionable service which was reckonable by him, immediately before he so left, for the purposes of the pension scheme of the NCIS or the NCS if he makes a written request to that effect”.

(3) In regulation F7A (Police Authority to provide certificate of the amount of pensionable service giving entitlement to pension)—

- (a) for paragraph (1) there shall be substituted the following paragraph—

“(1) This regulation shall apply where, on or after 31st March 1996, a member has left the force and joined—

- (a) a police force in Great Britain with such consent as is mentioned in regulation A14(3) and the police authority for that force 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; or
- (b) the NCIS or the NCS and the Service Authority for the NCIS or the Service Authority for the NCS, as the case may be, is contingently liable to make payments to or in respect of him under its pension scheme,

but in a case falling within sub-paragraph (b) it shall apply only where the member has informed the Police Authority in writing that he has made a written request to the appropriate Service Authority for the pensionable service that he is entitled to reckon by reason of service as a member, including such service reckonable under regulations

F3 to F7, to be reckonable for the purposes of the pension scheme of the NCIS or the NCS.”;

(b) in paragraphs (2) and (3), after the word “current” the word “police” shall be omitted; and

(c) after paragraph (4) there shall be added the following paragraph—

“(5) In this regulation “the current authority” means—

(a) in a case falling within paragraph (1)(a), the police authority of the police force in Great Britain which the former member has joined; and

(b) in a case falling within paragraph (1)(b), the Service Authority for the NCIS or the Service Authority for the NCS, as the case may be.”.

(4) After regulation J3 there shall be inserted the following regulation—

**“Transfers to the National Criminal Intelligence Service or the National Crime Squad: prevention of duplication of entitlement**

**J3A.**—(1) No entitlement to any pension or other award under these regulations shall arise in respect of service as a member by a member who, on ceasing to serve as such, joins the NCIS or the NCS if the pensionable service that he is entitled to reckon by reason of service as a member becomes reckonable for the purposes of the pension scheme of the NCIS or the NCS.

(2) Paragraph (1) does not apply in respect of any person who, at the time of the event giving rise to an entitlement to a pension or other award, has resumed service as a member.”.

(5) In regulation K4 (withdrawal of pension during service as a policeman) there shall be inserted after sub-paragraph (1)(c) the following sub-paragraph—

“or

(d) the Director General or a police member of the NCIS or the NCS,”.

(6) In Schedule A (glossary of expressions) after the definition of “member” there shall be inserted the following definitions—

““NCIS” means the National Criminal Intelligence Service;

“NCS” means the National Crime Squad;”.

**Reinstatement of pension rights**

**4.**—(1) After regulation F9 (transfer values payable following cessation of contributions) there shall be inserted the following regulation—

**“Mis-sold pensions**

**F10.**—(1) This regulation shall apply to a member who—

(a) opted or transferred out; and

(b) has suffered loss as a result of contravention which is actionable under section 62 of the Financial Services Act 1986(4) (*actions for damages in respect of contravention of rules etc. made under the Act*).

(2) A member to whom this regulation applies may give notice in writing to the Police Authority that he wishes the Authority to accept payment of a transfer value in order to create or restore reckonable service, and such notice shall be treated as cancelling, with effect from the date on which an instalment of pay next falls due to him, any election that is in force under

paragraph (1) of regulation G4 (*election not to pay pension contributions*) in respect of that member.

(3) Where a member has given notice under paragraph (2), but before payment has been accepted and reckonable service created or restored he either—

- (a) dies while serving as a member; or
- (b) becomes entitled to benefits under Part B,

paragraph (4) shall continue to apply in the case of that member.

(4) Where a transfer value in relation to a member who has given notice under paragraph (2) is paid to the Police Authority before the expiry of the period of twelve months beginning with the date on which the member gives such notice or such longer period as the Police Authority may allow, the Police Authority—

- (a) shall, if satisfied that the transfer value has been calculated in a manner consistent with the methods adopted and assumptions made by them in determining the restitution payment, accept the payment and treat the relevant period as reckonable service; and
- (b) may, if not so satisfied, but if satisfied that the transfer value represents, by reference to those methods and assumptions, a length of service not exceeding the relevant period, accept the payment and treat that length of service as reckonable service,

and the member shall be treated for the purpose of calculating any award under these regulations as having made pension contributions throughout the period of reckonable service credited under this paragraph.

(5) Where a member is credited under paragraph (4) with a period of reckonable service that is shorter than the relevant period, the period of service credited shall be treated for the purpose of any award under these regulations as being a continuous period with the same concluding date as the relevant period.

(6) Where a member who is being credited under paragraph (4) with a period of reckonable service has previously been credited with an additional period of reckonable service calculated, in respect of the relevant period, in accordance with section 2 (*calculation of reckonable service by reference to accrued rights*) of Part III of Schedule F, the Police Authority may adjust the transfer value that it accepts under this regulation to ensure that no part of the additional period of pensionable service that was previously credited is included in the period of reckonable service credited under paragraph (4).

(7) In this regulation—

“the assumed calculation date” means the date on which it is assumed, for the purpose of calculating a restitution payment, that a transfer value will be paid to the Police Authority;

“the material date” means the date on which the Police Authority is asked to provide the calculation of the restitution payment;

“personal pension scheme” has the meaning given by section 1 of the Pension Schemes (Northern Ireland) Act 1993(5);

“the relevant period”, in relation to a member, means the total of any periods of opted out and transferred out service;

“restitution payment”, in relation to a member, means an amount equal to the sum of—

- (a) the capitalised value at the material date, determined by the Police Authority in accordance with methods and assumptions notified to it by the Government Actuary for cash equivalent transfer values from occupational pension schemes

- (other than arrangements of a kind mentioned in paragraph 1(2) of section 2 of Part II (*pensionable service reckonable on receipt of transfer value*) of Schedule F), which would produce a service credit equal to his total period of opted out service, including the capitalised value of any rights under the Pensions (Increase) Acts; and
- (b) the greater of—
- (i) any transfer value paid to a personal pension scheme in respect of that member's transferred out service by the Police Authority under regulation F9(4), increased by interest calculated at a rate approved by the Government Actuary over the period from the date of payment of that transfer value to the assumed calculation date; and
  - (ii) the cash equivalent transfer value that would be payable by the Police Authority in respect of that transferred out service if the Police Authority were to pay a cash equivalent transfer value in respect of that service determined in accordance with methods and assumptions, notified to it by the Government Actuary, applicable immediately after the assumed calculation date.
- (8) For the purposes of this regulation, a member shall be taken—
- (a) to have opted out if, for any period during which he is a member, he does not make contributions (including any additional or further contributions that he had previously elected to make) in respect of police pension rights but instead makes contributions to a personal pension scheme; and
  - (b) to have transferred out if a transfer value is paid in respect of him by the Police Authority to a personal pension scheme,
- and "opted out service" and "transferred out service" shall be construed accordingly."
- (2) In regulation G4 (*election not to pay pension contributions*)—
- (a) in paragraph (5) there shall be inserted at the beginning the words "Subject to paragraph (6),"; and
  - (b) after paragraph (5) there shall be inserted the following paragraph—  
“(6) The age restriction in paragraph (5) and the provisos to that paragraph shall not apply to a member to whom regulation F10 (*mis-sold pensions*) applies.”.

Northern Ireland Office  
26th June 1998

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

We concur

1st July 1998

*Graham Allen*  
*Jim Dowd*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

These Regulations further amend the Royal Ulster Constabulary Regulations 1988.

Regulation 3 provides for the pension rights of police officers who transfer to the National Criminal Intelligence Service or the National Crime Squad to be preserved or transferred (without payment of a transfer value) at the election of the officer.

Regulation 4(1) enables police officers who have suffered actionable loss by moving to a personal pension scheme to have opted-out or transferred-out service restored on payment of a transfer value to the Police Authority. Regulation 4(2) provides that the age restriction on re-entering the RUC pension arrangements and the requirement to undergo a medical examination before re-entry will not apply to such officers.