

**2001 No. 263**

**POLICE**

**Royal Ulster Constabulary Pensions  
(Amendment) Regulations 2001**

*Made* . . . . . 28th June 2001

*Coming into operation* . . . . . 1st August 2001

*To be laid before Parliament*

The Secretary of State, in pursuance of section 25 of the Police (Northern Ireland) Act 1998(a), read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(b), and after consulting the Police Authority and the Police Association and, in accordance with section 62(3) of the Police Act 1996(c), the Police Negotiating Board for the United Kingdom, hereby, with the concurrence of the Treasury, in accordance with section 72(2A) of the said Act of 1998, makes the following regulations:—

*Citation and commencement*

**1.** These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment) Regulations 2001 and shall come into operation on 1st August 2001.

*Interpretation*

**2.**—(1) In these regulations—

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

“reserve force” means the Royal Ulster Constabulary Reserve;

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

“auxiliary member” means a member to whom regulations M3(2) and M7 of the Pensions Regulations applied prior to the coming into operation of these regulations;

“service” means service as an auxiliary member.

(2) Other expressions in these regulations shall have the same meaning as in the Pensions Regulations.

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(a) 1998 c. 32  
(b) S.I. 1972/1073 (N.I. 10)  
(c) 1962 c. 7 (N.I.)  
(d) 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, S.R. 1993 No. 327, S.R. 1996 No. 4, S.R. 1997 No. 259 and S.R. 1998 No. 240

*Auxiliary members in service between 6th April 1988 and 30th June 1994*

3.—(1) Any service by an auxiliary member between 6th April 1988 and 30th June 1994 (inclusive) shall be deemed to be service as a member under the Pensions Regulations only to the extent set out in regulations 6, 7 and 8.

(2) Notwithstanding anything in the Pensions Regulations to the contrary, an auxiliary member shall not pay any contributions under Part G of the Pensions Regulations in respect of any service between 6th April 1988 and 30th June 1994 (inclusive).

(3) This regulation is without prejudice to any award to which an auxiliary member or any dependant of such a member is entitled, may become entitled, or has received under Part M of the Pensions Regulations.

*Election to convert to membership in respect of service on or after 1st July 1994*

4.—(1) Any auxiliary member in service on or after 1st July 1994 may elect in writing to the Police Authority within 28 days of the coming into operation of these Regulations to be treated as a member under the Pensions Regulations with effect from:

- (a) 1st July 1994;
- (b) any date chosen by that auxiliary member after 1st July 1994 until the day before the coming into operation of these Regulations, or
- (c) the date of the coming into operation of these Regulations

(2) If an auxiliary member in service on or after 1st July 1994 has died or dies before making an election under paragraph (1), an election may be made to treat his service as membership under the Pensions Regulations.

(3) An election under paragraph (2) may be made by the following:

- (a) the deceased's spouse;
- (b) where there is no spouse, by an adult dependant relative of the deceased who would be entitled to benefits under the Pensions Regulations following such an election (whether or not such person would also be entitled to benefits by virtue of Part M);
- (c) where paragraphs (a) and (b) do not apply, by the personal representatives of the deceased.

(4) An election may be made under paragraph (1) whether or not an auxiliary member to whom that paragraph applies is in service on the date of the coming into operation of these regulations.

(5) An auxiliary member shall be treated as a member under the Pensions Regulations following an election under this regulation only to the extent set out in regulations 5, 6, 7 and 8.

*Contributions payable in respect of service as a member on or after 1st July 1994*

5.—(1) Where an auxiliary member makes an election under regulation 4(1)(a) or 4(1)(b), the auxiliary member must make a payment of the difference between any contributions made under regulation M3(2) in respect

of service to which that election applies and the amount payable under regulation G2 in respect of such service.

(2) For the purposes of paragraph (1), the payment under G2 shall be based on the rate of pay payable to the auxiliary member during the period of service to which the election applies.

(3) Auxiliary members in service at the time an election is made under regulation 4(1)(a) or 4(1)(b) may make the payment under paragraph (1) by deduction from any lump sum paid to the auxiliary member upon his leaving the service.

(4) Where an auxiliary member makes an election under regulation 4(1)(c), contributions under regulation G2(1) must be paid with effect from the date the election takes effect.

(5) If an election is made under regulation 4(2), paragraphs (1), (2) and (4) shall apply as if for “auxiliary member” in paragraphs (1) and (4) there were substituted “the person who made the election under regulation 4(2)”.

*Benefits payable to auxiliary members in service on or after 6th April 1988*

6.—(1) For the purposes of calculating awards to auxiliary members in service on or after 6th April 1988 the Pensions Regulations shall be modified in accordance with this regulation.

(2) Where an auxiliary member ceases service between 6th April 1988 and 30th June 1994 (inclusive), pensionable service shall be deemed to begin on 6th April 1988 and end with the date of the auxiliary member’s last day of service for the purpose of calculating benefits other than under Part M.

(3) Where the auxiliary member makes an election under regulation 4(1)(a):

- (a) notwithstanding anything in Part M to the contrary, for the purpose of calculating any award under regulation M7:
  - (i) pensionable service shall be deemed to end on 30th June 1994;
  - (ii) “pensionable pay” shall mean an auxiliary member’s pay at the rate to which he was entitled on 30th June 1994 and “average pensionable pay” shall be construed accordingly;
  - (iii) “pension contributions” and “aggregate pension contributions” shall be deemed to have been paid up to and including 30th June 1994 only;
- (b) for the purpose of calculating an auxiliary member’s benefits other than under Part M, pensionable service shall be deemed to begin on 6th April 1988 and end with the date of the auxiliary member’s last day of service.

(4) Where the auxiliary member makes an election under regulation 4(1)(b) or 4(1)(c):

- (a) notwithstanding anything in Part M to the contrary, for the purpose of calculating any award under regulation M7:
  - (i) pensionable service shall be deemed to end the day before the auxiliary member’s election takes effect;

- (ii) “pensionable pay” shall mean an auxiliary member’s pay at the rate to which he was entitled the day before that person’s election takes effect and “average pensionable pay” shall be construed accordingly;
- (iii) “pension contributions” and “aggregate pension contributions” shall be deemed to have been paid up to the day before the auxiliary member’s election takes effect only;
- (b) for the purpose of calculating an auxiliary member’s benefits other than under Part M:
  - (i) pensionable service shall be determined by adding together the following two periods of service:
    - (aa) service from 6th April 1988 up to and including 30th June 1994, and
    - (bb) service from the date the election takes effect up to and including the auxiliary member’s last day of service;
  - (c) “pensionable pay”, “average pensionable pay”, “pension contributions” and “aggregate pension contributions” shall be construed taking account only of the period of pensionable service calculated in sub-paragraph (b).

*Application of Pensions Regulations to auxiliary members in service on or after 6th April 1988*

7.—(1) The Pensions Regulations specified in paragraph (2) shall apply in respect of any period of service as a member or deemed member by virtue of regulations 3 or 4 with any necessary modifications to give effect to regulation 6.

(2) The specified regulations are parts A, B, C, D, E, F (except regulation F4), G, H, J (except regulations J2, J3 and J4), K and L.

(3) 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 date from which an election under regulation 4 takes effect;

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

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

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

*Service prior to the date of coming into operation of these Regulations*

8.—(1) Any service by an auxiliary member between 6th April 1988 and 30th June 1994 deemed to be service as a member in accordance with regulation 3 shall be treated as not being in a contracted out scheme for the purpose of the Social Security Pensions (Northern Ireland) Order 1975(a) but as contracted out for all other purposes.

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

(2) With effect from the 1st July 1994 any service by a reserve member between 6th April 1988 and 30th June 1994 shall be treated as if it was reckonable as pensionable service under the Pensions Regulations notwithstanding that no contributions are payable by the reserve member under Part G in respect of such service.

(3) Reckonable service for the purposes of paragraph (2) shall be treated as not being in a contracted out scheme for the purposes of the Social Security Pensions (Northern Ireland) Order 1975.

*John Reid*

Northern Ireland Office  
25th June 2001

One of Her Majesty's Principal  
Secretaries of State

*Anne McGuire*

*Nick Ainger*

We concur  
28th June 2001

Two of the Lords Commissioners  
of Her Majesty's Treasury

**Modification of dates in the Pensions Regulations**

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

## EXPLANATORY NOTE

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

These Regulations apply the RUC Pensions Regulations 1988 (Pensions Regulations) to auxiliary members in service from 6th April 1988 other than those who were permanent members of the Ulster Special Constabulary immediately before 1st May 1970.

Service by an auxiliary member that between 6th April 1988 and 30th June 1994 (inclusive) is treated as pensionable service by a full member under the Pensions Regulations from 6th April 1988 to the extent set out in these Regulations only (regulation 3).

Auxiliary members in service on or after 1st July 1994 may elect to be treated as members under the Pensions Regulations with effect from 1st July 1994 or from any date afterwards up to and including the coming into force date of these Regulations. Such election must be made in writing within 28 days of the coming into force of these Regulations. Where an auxiliary member has died prior to the deadline for making an election, the following may make an election instead: spouse of the deceased; adult dependants who would be entitled to benefits by virtue of such an election; or personal representatives (regulation 4).

No contributions under Part G of the Pensions Regulations shall be payable in respect of any service between 6th April 1988 and 30th June 1994 (inclusive). Thereafter contributions under Part G must be paid in respect of any period of service to which an election applies. Where limited contributions for such period of service have already been paid under Part M of the Pensions Regulations, the difference between the two levels of contributions under Parts G and M must be paid. This amount may be deducted from any lump sum paid to the auxiliary member upon his leaving the service after the coming into operation of these regulations (regulation 5).

Regulation 6: auxiliary members are entitled to the following benefits:

|  | <i>Part M benefits</i> | <i>Full membership benefits</i>  |
|--|------------------------|--|
| <b>Group A:</b><br>Left service between 1988 to 1994 | Unaffected             | Calculated as if pensionable service commenced 1988 and ended with the last day of service.<br><br>Pensionable pay calculated as at last day of service. |

|  | <i>Part M benefits</i>   | <i>Full membership benefits</i>  |
|--|--|--|
| <b>Group B:</b><br>Opts to convert from 1st July 1994                | Calculated as if pensionable service ended 30th June 1994<br><br>“Pensionable pay” calculated as at 30th June 1994   | Calculated as if pensionable service commenced 1988 and ended with last day of service.<br><br>Pensionable pay calculated as at last day of service.<br><br>Part G contributions payable from 1st July 1994 only.  |
| <b>Group C:</b><br>Opts to convert from any date after 1st July 1994 | Calculated as if pensionable service ended at date election takes effect;<br><br>“Pensionable pay” for purposes of calculation as at date election takes effect. | “Pensionable service” determined by adding together: (a) service 1988 to 1994 and (b) service from date of election to last day of service.<br><br>Pensionable pay calculated as at last day of service.<br><br>Part G contributions payable from date election takes effect only. |
| <b>Group D:</b><br>Opts not to convert any service                   | Awards unaffected  | Calculated from 1988 to 1994.  |

Regulation 7: the Pensions Regulations are applied with certain modifications to any period of service by an auxiliary treated as service by a member.

Regulation 8: service by full time reserve members between 6th April 1988 and 30th June 1994 is treated as pensionable service for the purpose of these Regulations only with effect from 1st July 1994.

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