

**EXPLANATORY MEMORANDUM TO:
THE POLICE SERVICE OF NORTHERN IRELAND PENSIONS
(PENSION SHARING) REGULATIONS 2006**

2006 NO 122

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments, and the Merit Committee.

2. Description

2.1 These regulations provide for the implementation in the Police Service of Northern Ireland (“PSNI”) of pension sharing on divorce and nullity as set out in the Welfare Reform and Pensions (Northern Ireland) Order 1999. These regulations also amend regulations which provide for the superannuation of members of the PSNI, including those enabling officers to purchase additional pension benefits.

3. Matters of special interest to the Joint Committee of Statutory Instruments/Select Committee on Statutory Instruments.

3.1 These Regulations have effect from 1st December 2000. Retrospective effect is authorised by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972.

4. Legislative background

4.1 These regulations bring onto a formal legal basis, arrangements which have been implemented on an administrative basis in the PSNI since October 2001.

4.2 The procedures had been applied administratively in forces in England and Wales since September 2001, and regulations came into force in England and Wales on 1 February 2003.

4.3 These regulations amend the Royal Ulster Constabulary Pensions Regulations 1988, and the Royal Ulster Constabulary Pensions (Purchase of Increased Benefits) Regulations 1988, to implement pension sharing on divorce and nullity in accordance with the Welfare Reform and Pensions (Northern Ireland) Order 1999, and bring regulations up to date on pension sharing matters.

5. Extent

5.1 These regulations apply in Northern Ireland only. They have been backdated to 1 December 2000, in line with UK-wide Government policy.

6. European Convention on Human Rights

6.1 Not applicable

7. Policy Background

7.1 The policy objectives of the parent Act give the Secretary of State powers to make regulations with respect to the pension benefits of police officers in the PSNI. The measures have been implemented administratively in the PSNI since October 2001 and these regulations are required to update the current pension regulations.

7.2 These amendments bring the PSNI pension regulations into line with the current law relating to pension sharing on divorce and nullity as set out in the Welfare Reform and Pensions (Northern Ireland) Order 1999. The NI Policing Board and Police Association have been consulted in accordance with the Police (Northern Ireland) Act 1998.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as there is no impact on business, charities or voluntary bodies.

9. Contact

9.1 Walter Myles at the Northern Ireland Office can deal with any queries regarding this instrument. He can be contacted by telephone on 028 90528614 or by e-mail: Walter.Myles@nio.x.gsi.gov.uk