
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 268

**POLICE SERVICE OF NORTHERN IRELAND
AND POLICE SERVICE OF NORTHERN IRELAND
RESERVE (INJURY BENEFIT) REGULATIONS 2006**

PART 5

REVISION AND WITHDRAWAL OR FORFEITURE OF AWARDS

Reassessment of injury pension

35.—(1) Subject to the provisions of this Part, where an injury pension is payable under these Regulations, the Board shall, at such intervals as may be suitable, consider whether the degree of the pensioner's disablement has altered; and if after such consideration the Board find that the degree of the pensioner's disablement has substantially altered, the pension shall be revised accordingly.

(2) Where the person concerned is not also in receipt of an ordinary, ill-health or short-service pension under the 1988 Regulations, if on any such reconsideration it is found that his disability has ceased, his injury pension shall be terminated.

(3) Where payment of an ill-health pension is terminated in pursuance of regulation K1(4) of the 1988 Regulations, there shall also be terminated any injury pension under regulation 10 payable to the person concerned.

(4) Where early payment of a deferred pension ceases in pursuance of regulation K1(7)(1) of the 1988 Regulations, then any injury pension under regulation 10 payable to the person concerned shall also be terminated.

Reduction of pension in case of default

36. Where a police officer or a person who has been a police officer becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the Board may reduce the amount of any injury award payable to him by it by an amount not exceeding a half of that to which he would otherwise be entitled :

Provided that—

- (a) this regulation shall not apply where the person concerned has been a police officer and is in receipt of an ill-health pension under regulation B3 of the 1988 Regulations and would, if he had continued to serve instead of retiring with that pension, have been entitled to reckon for the purposes of those Regulations 25 years' pensionable service (and, for the purposes of this proviso, in the case of a police officer who has spent one or more periods in part-time service, in determining the number of years of pensionable service he would have been entitled to reckon a period of service by virtue of which his pensionable service is reckonable is reckonable as if it were a period of full-time service); and

- (b) where the injury pension of a police officer by whom pension contributions were payable under regulation G2 of the 1988 Regulations has been reduced under this regulation, then if when he attains the age of 60 years the reduced pension is less than the amount of the deferred pension which would have been payable had he been granted such a pension under regulation B5 of the 1988 Regulations on the date of his ceasing to serve it shall be increased to that amount.

Withdrawal of pension during service as a police officer

37.—(1) Subject to paragraph (2), in paying an injury pension under regulation 10 (police officer’s injury award) or under regulation 19 (adult dependent relative’s special pension) the Board may, in its discretion, withdraw the whole or any part of the pension for any period during which the pensioner is serving as a police officer; and, where it has done so, it shall be discharged from all actual or contingent liability in respect of the pension or the part thereof withdrawn for the period in question.

(2) This regulation does not apply to a pension under regulation B9(7)(b) of the 1988 Regulations (allocation).

Forfeiture

38.—(1) This regulation applies to a pension payable to or in respect of a police officer under regulation 10, regulation 12 or regulation 19.

(2) The Board may determine that a pension to which this regulation applies be forfeited, in whole or in part and permanently or temporarily as it may specify, if the pensioner has been convicted of an offence mentioned in paragraph (3) and, in the case of an adult survivor’s pension, that offence was committed after the death of the pensioner’s spouse or, as the case may be, civil partner.

(3) The offences referred to in paragraph (2) are—

- (a) an offence of treason;
- (b) one or more offences under the Official Secrets Acts 1911 to 1989 for which the grantee has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least ten years.

(4) The Board may determine that a pension to which this regulation applies be forfeited, in whole or in part and permanently or temporarily as it may specify, if the grantee has been convicted of an offence committed in connection with his service as a police officer which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(5) To the extent to which a pension is forfeited under this regulation, the Board shall be discharged from all actual or contingent liability in respect of that pension.

Payments by and to the Board

39.—(1) Awards under these regulations shall be paid by the Board as part of the cost of carrying out its functions under the 2000 Act.

(2) Pension contributions and other payments to the Board by way of contributions or lump sum under these Regulations shall for the purposes of section 10(4) of the 2000 Act be deemed to be receipts by the Board which are not required to be applied in a particular manner or for a particular purpose.

Payment and duration of awards

40.—(1) Subject to the provisions of these Regulations, in particular of regulation 10(2) (limitation on payment of an injury pension to a person who ceased to serve before becoming disabled) and Part 5 (revision and withdrawal or forfeiture of awards), the pension of a police officer under these Regulations shall be payable in respect of each year as from the date of his retirement.

(2) Subject to the provisions of these Regulations, in particular of regulation 18 (limitations on child's special allowance), an adult survivor's special pension or child's special allowance shall be payable in respect of each week as from the death of the spouse or, as the case may be, the deceased civil partner or parent or, in the case of a special allowance payable to a posthumous child, as from the birth of the child.

(3) Subject to the provisions of these Regulations, in particular of—

- (a) regulation 15 (termination of adult survivor's award on remarriage or other event);
- (b) regulation 18 (limitations on child's special allowance);
- (c) regulation 19(3) (adult dependent relative's special pension); and
- (d) Part 5 (revision and withdrawal or forfeiture of awards),

a pension or allowance shall be payable for life and shall be discharged by payments in advance at such reasonable intervals as the Board may, in its discretion, determine except that payment on account of a pension or allowance may be delayed, in whole or in part, pending the determination of any question as to the liability of the Board in respect thereof, including any question as to the continuance of that liability.

(4) Where a person dies after receiving a sum paid in advance on account of a pension or allowance, neither that sum nor any part of it shall be recoverable although referable to a period after his death.

(5) Where an adult survivor remarries or enters into a civil partnership after receiving a sum paid in advance on account of a pension, neither that sum nor any part of it shall be recoverable although referable to a period after his remarriage or civil partnership.

(6) Subject to the provisions of these Regulations, a gratuity under these Regulations shall become payable as soon as the entitlement to it arises and shall be paid forthwith in one sum except that—

- (a) payment on account thereof may be delayed, in whole or in part, pending the determination of any question as to the liability of the Board in respect thereof, and
- (b) where the Board is satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, it may pay it in instalments of such reasonable amounts and over such reasonable period as it thinks fit.

Payment of awards otherwise than to beneficiary and application of payments

41.—(1) This regulation applies to the payment of any award under these regulations to or in respect of a police officer, and any reference in it to the beneficiary is a reference to the person to whom, this regulation apart, the award is payable.

(2) Where the beneficiary is a minor, the Board may, if it thinks fit, in lieu of paying any sum on account of an award to the minor, pay it to such other person as it may determine.

A person who receives any sum in pursuance of this paragraph shall, subject to and in accordance with any directions of the Board, apply the said sum for the benefit of the minor.

(3) On the death of the beneficiary to whom a sum is due on account of an award which does not exceed £5,000 or such higher amount as may from time to time be prescribed for the purposes of section 6 of the Administration of Estates (Small Payments) Act (Northern Ireland) 1967(2), the

Board may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the Board to be beneficially entitled to the personal estate of the deceased or, as the Board thinks fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the Board may determine.

(4) Where it appears to the Board that the beneficiary is by reason of mental disorder or otherwise incapable of managing his affairs, in lieu of paying any sum on account of an award to that beneficiary—

- (a) it may, in its discretion, pay it in whole or in part to a person having the care of the beneficiary or such other person as it may determine, and
- (b) in so far as it does not so discharge its liability in respect thereof, the Board shall apply it in such manner as it thinks fit for the benefit of the beneficiary or his dependants.

A person who receives any sum in pursuance of sub-paragraph (a) shall, subject to and in accordance with any directions of the Board, apply the said sum for the benefit of the beneficiary or his dependants.

(5) Where, as a result of any fraud, theft or negligence on the part of a police officer in connection with his service as such, a loss has occurred to the fund out of which an award is payable to him under these regulations, in lieu of paying the whole or any part of any sum on account of the award to that beneficiary, the Board may, if it thinks fit but subject to paragraph (6), apply it in making good the loss by retaining it in that fund:

Provided that the aggregate amount retained in pursuance of this paragraph shall not exceed whichever is the lesser of the following amounts, namely—

- (a) the amount which is the actuarial value, at the time of the first retention, of the sums then or prospectively due to the police officer on account of the award, and
- (b) the amount of the said loss,

and, in the event of any dispute as to the amount of that loss, the power conferred by this paragraph shall not be exercisable save to the extent of any sum adjudged due to the Board by an order of a competent court.

(6) Where the Board exercises the power conferred by paragraph (5) it shall furnish the police officer concerned with a certificate showing the amount retained and the effect on the award.

(7) The Board shall obtain a good discharge by paying or applying any sum in the manner provided by this regulation.