
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 476

The Police Pension (Northern Ireland) Regulations 2007

PART 4

PENSION AWARDS

Guaranteed minimum pension

Guaranteed minimum pension for the purposes of the Pension Schemes (Northern Ireland) Act 1993

40.—(1) This paragraph applies, subject to paragraph (2), to a police officer who has a guaranteed minimum under section 9 of the Pension Schemes (Northern Ireland) Act 1993⁽¹⁾ in relation to his pension provided under these Regulations.

(2) Paragraph (1) shall not apply in the case of a police officer in respect of whom a transfer value has been, or is required to be, paid under regulation 74.

(3) A police officer to whom paragraph (1) applies shall be entitled to a pension payable for life of a weekly amount equal to his guaranteed minimum (increased in accordance with section 11 of the 1993 Act).

- (a) in respect of any period before the date on which he attains state pensionable age;
- (b) if he is also entitled to a pension under the preceding provisions of this Part, in respect of any period for which that pension, together with any increase therein under the Pensions (Increase) Act (Northern Ireland) 1971⁽²⁾, exceeds the pension which, disregarding this sub-paragraph, would be payable under this regulation, or
- (c) in respect of any period following the date on which he attains state pensionable age during which he continues to be in service or employment (whether or not as a police officer) which commenced before he attained that age if—
 - (i) his service or employment is otherwise than as a police officer and he consents to postponement of his entitlement under this paragraph, or
 - (ii) he is entitled to an ordinary or deferred pension under these Regulations but for the period in question that pension has been withdrawn, in whole or in part, in pursuance of a decision taken by the Board for the purposes of regulation 49 before he attained state pensionable age, or
 - (iii) his continued service is as a police officer and he has no entitlement to an ordinary or deferred pension under these Regulations.

(1) 1993 c. 49; section 9 has been amended by the Pensions (Northern Ireland) Order 1995 No. 3213 (NI 22), schedule 3, paragraph 20 and schedule 5, Part III; the Social Security Contribution (Transfer of Functions, etc) Act 1999 (c. 2), schedule 1, paragraph 38; and the Proceeds of Crime Act 2002 (c. 29), schedule 11, paragraphs 1 and 22(1) and (3); and subsection (1) has been modified in certain cases by the Protected Rights (Transfer Payment) Regulations (Northern Ireland) 1996 (S.I.1996/1461), regulation 6(4) and the Contracting-out (Transfer and Transfer Payment) Regulations 1996 (S.I.1996/1462), regulations 12 and 13 and Schedule 2, paragraphs 3 and 7.

(2) 1971 c. 35. (NI).

(4) Where a person continues to be in service or employment (whether or not as a police officer) for a period of five years following the date on which he attains state pensionable age and does not then leave it, the commencement of his entitlement to a guaranteed minimum pension may be further postponed only if he consents to such postponement.

(5) This paragraph applies in the case of a police officer who has ceased to be in service or employment that was contracted-out within the meaning of section 44(1) of the Pension Schemes Act (Northern Ireland) 1993(3) and either—

- (a) all his entitlements to awards under these Regulations, except his rights in respect of his guaranteed minimum or his rights under section 5(2)(b) of the Pension Schemes Act (Northern Ireland) 1993(4) (“his contracting-out rights”) have been transferred under Part 8, or
- (b) he has no entitlement to an award under these Regulations apart from his contracting-out rights.

(6) A police officer to whom paragraph (4) applies shall be entitled to—

- (a) a pension payable for life as from the date on which he attains state pensionable age of a weekly amount equal to his guaranteed minimum, if any, and
- (b) as from the date on which he attains the age of 55 a lump-sum and pension in respect of his rights under section 5(2)(b) of the 1993 Act.

(7) In a case in which paragraph (1) or (5) applies, where—

- (a) the police officer dies or has died at any time leaving a surviving spouse or surviving civil partner; then
- (b) unless pension to which he has been entitled has been forfeited under regulation 52(2),

the surviving spouse or surviving civil partner, as the case may be, shall be entitled to a pension of a weekly amount calculated in accordance with section 13(3) or (4) of the 1993 Act, as the case may require.

(8) No payment shall be made on account of a pension under paragraph 6 if the surviving spouse or surviving civil partner is also entitled to a survivor’s pension under regulation 37 in respect of any period for which the amount of that survivor’s pension exceeds the pension which, disregarding this paragraph, would be payable under this regulation.

(9) Where a surviving spouse or surviving civil partner is entitled to both a survivor’s pension under regulation 37 and a pension under paragraph (7) then, in respect of any period in respect of which a payment is made on account of the pension under paragraph (7), no payment shall be made to the surviving spouse or surviving civil partner on account of any such survivor’s pension.

(10) For the purposes of this regulation, “state pensionable age” shall mean, in the case of a man, the age of 65 or, in the case of a woman, the age of 60.

(11) Regulation 52 (forfeiture of pension) shall apply in relation to a pension under paragraph (3), (6) or (7) as it applies to any other pension under this Part but as if sub-paragraph of that regulation (4) were omitted.

(12) Save as provided for in paragraphs (3) (7) (8) or (11), nothing in any other regulation shall affect a person’s entitlement to a pension under this regulation, the amount of such a pension or the circumstances in which it may be withdrawn or forfeited.

(3) Section 4(1) was amended by Article 133 (2) and Schedule 5 to the Pensions Order (Northern Ireland) 1995 (S.I.1995/3213 (N.I. 22), paragraph 21(a) and by the Social Security Contributions (Transfer of Functions, etc) (Northern Ireland) Order 1999 Schedule 1, paragraph 34(a).

(4) Section 5(2)(b) was substituted by section 136(3) of the Pensions (Northern Ireland) Order 1995 and amended by the Social Security Contributions (Transfer of Functions, etc) Order 1999, schedule 1, paragraph 35(1) and (2).

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