

**EXPLANATORY MEMORANDUM TO
THE POLICE PENSION (NORTHERN IRELAND) REGULATIONS 2007**

2007 No. 476

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.

2. Description

2.1 The instrument establishes a new pension scheme for police officers, which will be known as the New Police Pension Scheme 2006 (abbreviated to NPPS). The new scheme is designed to be more modern and affordable and incorporates features common to many of the modernised schemes across the public sector. The scheme was introduced administratively on 6 April 2006 to coincide with changes to the tax legislation relating to pensions which came into effect on the same day.

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

3.1 The instrument has effect from 6 April 2006 (apart from regulations 10(2)(c) and 74(7)), for the reasons explained in paragraph 2.1 above, as permitted by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972¹. The provisions in regulations 10(2)(c) and 74(7) did not feature in the original proposals and so are not being backdated to 6 April 2006.

4. Legislative Background

4.1 The instrument is being made, and the new pension scheme introduced, for the policy reasons set out in Section 7 of this Memorandum. In common with many other public sector pension schemes, PSNI pension rights are safeguarded by legislation; the introduction of the new scheme requires a new set of regulations.

5. Extent

5.1 This instrument applies to Northern Ireland only.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

¹ Article 15 (c) (d) (e) was amended by paragraph 6 of Schedule 4 to the Police (Northern Ireland) Act 1998 (“the Act 1998”)

7. Policy background

7.1 The Police (Northern Ireland) Act 1998, under which the instrument is made, provides for regulations to be made for the pension arrangements of members of the Police Service of Northern Ireland (PSNI).

7.2 The change is politically important in that the introduction of the NPPS represents the first major overhaul of police pensions in over 80 years. The new pension scheme plays an important part in the police modernisation programme. The new scheme, with its more extensive survivor benefits and a rate of pension build-up which does not disadvantage late joiners, makes the police service more attractive to a wider range of recruits in terms of lifestyle and age. This will help to achieve a modern service that reflects the diversity in today's society and is better able to respond to the community's needs. Its contents closely mirror those in the Police Pension Regulations 2006, which relate to constables in England and Wales and the Police Pension (Scotland) Regulations 2007, which relate to constables in Scotland.

7.3 In accordance with section 62(3) of the Police Act 1996, this instrument was sent in draft to the Police Negotiating Board (PNB). In accordance with section 26(6) of the 1998 Police Act, it was also sent in draft to the Northern Ireland Policing Board and the Police Association for consultation. The instrument is the result of very extensive discussion over a period of over two years and full account has been taken of comments received from both the Official and Staff Sides of the PNB.

7.4 The level of public interest in the introduction of the new scheme is low. The consultation process referred to in paragraph 7.3 above included police groups represented on the PNB (i.e. the staff associations and the Association of Chief Police Officers). HM treasury and Government Actuary's Department, were also consulted. Members of the public had an opportunity to respond, but the response was largely confined to local policing. There was little media coverage on the introduction of the new scheme, other than in specialist police and pensions publications, and none is expected on the introduction of the instrument.

7.5 All new officers joining the police service for the first time on or after 6 April 2006 are admitted to the NPPS, but can opt out. Officers who joined before 6 April have the option to transfer to the NPPS if they wish. The new scheme maintains the fundamental principles of the 1988 Police Pension Scheme of pension benefits based on final salary and a low normal minimum pension age in recognition of the heavy fitness demands placed on operational police officers.

7.6 Key features of NPPS include:

- police officers contribute 9.5 per cent of their pay to the scheme (compared with 11 per cent under the old scheme);

- a maximum final pension of half final salary plus a lump sum of four times the annual pension (compared with two-thirds final salary and option to exchange part of the pension for a lump sum under the old scheme);
- a new option to nominate an unmarried partner - including a same-sex partner who is not a civil partner- as a pension beneficiary;
- new lifelong benefits for surviving spouses, civil partners and nominated unmarried partners;
- an even build-up of pension scheme benefits over an officer's career, which gives late joiners a fair deal (compared with the old scheme which has a greater rate of build-up of pension after 20 years' service); and
- an option to exchange all or part of the lump sum for additional annual pension.

7.7 In order to assist with reviewing the instrument, an outline of the purpose and effect of each of the 92 regulations and five schedules in the instrument is set out in the attached Annex.

8. Impact

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

8.2 The impact on the public sector will be an initial increased workload in introducing and administering a new pension scheme concurrently with the present Police Pension Scheme. Over time, as more officers join the new scheme and the numbers in the old scheme fall, there will be a saving in public expenditure, as the new scheme costs less as a percentage of pay than the current scheme. Ultimately, the saving has been assessed as 8.3% of pay and savings will begin to be made after the new scheme has been in place for about 25 years.

9. Contact

Jill McClelland at the Northern Ireland Office (telephone 028 90 528614 or e-mail jill.mcclelland@nio.x.gsi.gov.uk) can answer any queries regarding the instrument.

Annex: Summary of purpose and effect of the Police Pensions (Northern Ireland) Regulations 2007

1. The instrument comprises regulations which are divided into nine Parts, with five Schedules. Part 1 consists of regulations 1–3, which contain general provisions. Regulation 1 contains the commencement provisions. The Regulations have effect from 6th April 2006, apart from regulations 10(2)(c) and 74(7), which have effect from 31st December 2007. Regulation 1 also specifies that the regulations only extend to Northern Ireland (Great Britain are subject to separate regulations on similar lines). Specialist terms used in the instrument are defined in Schedule 1, as introduced by regulation 2. Regulation 2 ensures that inspectors of constabulary and officers engaged on “relevant service” under the Police Act 1996 (which includes officers serving overseas) are treated as members of the PSNI . Regulation 3 defines “disablement”, which is used to determine whether an officer is potentially eligible to retire on the grounds of ill-health. For this purpose, there are two levels of disablement. Disablement for the ordinary duties of a member of the PSNI is the test for eligibility for a standard ill-health pension and disablement for any regular employment (defined as an annual average of at least 30 hours per week) may entitle an officer to an enhanced ill-health pension.
2. Part 2 of the regulations covers eligibility for pension awards and defines pensionable service and retirement. Regulation 4 and Schedule 2 specify those police officers to whom the regulations apply and, where these are not new recruits to the police service on or after 6 April, how those officers are affected. Officers who rejoin the police service after 6 April 2006 or who have opted out of the 1988 Police Pension Scheme on or after 6 April 2006, and then wish to rejoin, are admitted to NPPS.
3. Schedule 3 provides for the transfer of pension benefits from the 1988 Police Pension Scheme to NPPS under regulation 4(8). This regulation gave certain officers the right to transfer their 1988 Police Pension Scheme service to NPPS on favourable terms during a three-month period at the end of 2006 and the beginning of 2007 determined by the Secretary of State. This period was determined as 1 November 2006 – 31 January 2007. Officers who rejoin the PSNI for the first time after the start of the options exercise will have the same right, with a three-month period (which commences on the date of rejoining) during which the favourable terms will be available to them. There is also a general right to transfer Police Pension Scheme service to NPPS at any other time on the basis of a cash equivalent transfer value, which is a general statutory methodology for transferring pension rights between different pension schemes.
4. Regulation 5 determines the pension contributions that officers pay as a percentage of their pensionable pay. The normal contribution rate is 9.5%, but a reduced contribution rate of 6% is payable if the officer is not eligible for an ill-health pension.

5. Regulation 6 enables the Northern Ireland Policing Board (the Board) to require certain entrants to the scheme to submit to a medical examination, in order to assess whether the risk that they will retire on the ground of permanent disablement is such that the likely cost of providing them with benefits under the Regulations is disproportionately high. Any such officers are not eligible for ill-health pensions. The purpose is to protect the Board against an unacceptably high cost risk.
6. Regulation 7 enables an officer, at any time, to elect not to pay contributions to the NPPS. This is informally referred to as “opting out” of the NPPS. If an officer opts out within three months of taking up appointment, the decision is backdated to the date of appointment.
7. Regulation 8 set out the basis for calculating (“reckoning”) years of pensionable service for the purpose of calculating pension benefits. Generally, pension contributions must be paid in respect of a period of service in order for it to be pensionable. The only exception to this general rule is the first 39 weeks of maternity leave. The regulation makes provision for an officer to elect to pay pension contributions in respect of unpaid maternity, parental or sick leave.
8. Regulations 9 –13 determine the calculation of pensionable service in various specific circumstances. Regulations 9 and 10 govern the treatment of previous service and ensure that, when an officer rejoins the PSNI, his previous pensionable service can be included in his pensionable service. Regulation 11 covers the reckoning of part-time service, which is proportional to the reckoning of full-time hours. Regulation 12 states that when pensionable service is transferred into NPPS from another pension scheme, the pensionable service so purchased in NPPS is as determined by guidance issued by the scheme actuary – this is the “cash equivalent transfer value” basis. Regulation 13 fixes the maximum pensionable service as 35 years and provides that pensionable service is calculated as a whole number of years and a fraction of a year.
9. Regulation 14 defines retirement for the purposes of the regulations. Regulation 15 sets the minimum normal retirement age as 55 and allows all officers to retire at that age after giving appropriate notice to the Board. Regulation 16 sets out compulsory retirement ages by rank of officer, which is 60 for officers up to and including the rank of chief inspector and 65 for officers in any higher rank. These new compulsory retirement ages were introduced on 1 October 2006; the previous compulsory retirement ages under the Royal Ulster Constabulary Pension Regulations 1988 (1988 Regulations) apply for the period 6th April to 30th September 2006. Regulation 17 allows the Board to decide to retire a police officer if he has 35 years pensionable service, is 55 or over and his retention in the service would not, in their view, be in the general interests of efficiency. Regulation 18 allows the Board to retire an officer on grounds of ill-health at any age and requires them to consider all relevant circumstances (which will include a medical report on the officer’s disability). Regulation 19 determines the formal date of retirement, which is normally immediately after the officer ceases to serve.

10. Part 3 of the regulations covers pensionable pay and defines aggregate pension contributions paid by officers. Regulation 20 defines pensionable pay as that to which the officer is entitled. Regulation 21 determines final pensionable pay, which is used to calculate pension benefits. In most cases this is based on the best earnings within the ten years prior to retirement. Regulation 22 sets out the details of calculating average pensionable pay (which is then used to determine final pensionable pay under regulation 21). Average pensionable pay is based on full-time pay, even if the officer has only ever served part-time. Regulation 23 determines the calculation of aggregate pension contributions for the purpose of repayment (for example, under regulation 31); these are usually the total pension contributions paid by the officer.
11. Part 4 of the regulations is perhaps the most important Part, as it sets out the benefits which are payable under NPPS. Regulations 24 and 25 provide for the payment of a pension and lump sum to an officer who retires voluntarily (or compulsorily because of age or on the grounds of efficiency of the service) and how they are to be calculated. The ordinary pension is an annual sum of one-seventieth of final pensionable pay multiplied by the years of pensionable service, plus a lump sum of four times the initial annual pension.
12. Regulations 26-28 provide for the payment of a pension to an officer who is retired on the grounds of permanent disablement (referred to as an ill-health pension). For an ill-health pension to be payable:
 - the officer must not have opted out of NPPS at the date of ill-health retirement,
 - the officer must not be ineligible for NPPS benefits payable on the ground of permanent disablement
 - the officer must be under 55.

To be eligible for an ill-health pension, the officer must fulfil the qualifying service criterion under regulation 14, or be disabled as a result of an injury received without his default in the execution of his duty.

13. There are two levels of ill-health pension in NPPS:
 - a standard ill-health pension, paid under regulation 27 when an officer is permanently disabled for the performance of the ordinary duties of a member of the police service; and
 - an enhanced top-up ill-health pension, paid under regulation 28, which is paid in addition when an officer is permanently disabled from engaging in any regular employment.

The enhancement is expressed as a separate pension, to allow it to be terminated if the officer recovers sufficiently to engage in some regular employment other than in the PSNI. It is calculated by enhancing pensionable service by up to half the officer's prospective service to age 55, applying a proportioning factor for officers who have served part-time during their current service. If an officer with some part-time service would have received a larger ill-health pension if he had retired earlier, the larger pension is paid instead.

14. Regulation 29 gives a deferred pension right to an officer who ceases to serve before retiring, or who opts out of NPPS, provided that he fulfils the qualifying service criterion. The deferred pension is payable at age 65 unless the officer is eligible for ill-health awards and becomes permanently disabled for any regular full-time employment, in which case it is normally paid immediately he becomes so disabled. Regulation 30 allows an officer who is entitled to receive a deferred pension at age 65 to request that it be paid early with actuarial reduction, the reduction being as advised from time to time by the Scheme actuary.
15. Regulations 31 and 32 provide for a police officer's pension contributions to be refunded if he retires, ceases to serve, or if he opts out of NPPS after three months of appointment and has not taken a transfer value and is not entitled to any other NPPS award (with the exception of pension credit rights). Regulation 32 allows the Board to deduct any tax which is due.
16. Regulation 33 provides for the reduction of pension benefits where the officer is subject to a pension debit (arising from pension sharing on divorce or dissolution of a civil partnership).
17. Regulation 34 gives an officer an option to exchange all or part of his lump sum on retirement to provide an increased annual pension for the officer, but not for his dependants. This gives additional flexibility to the officer in taking his pension benefits.
18. Regulation 35 sets out the circumstances in which the Board may commute a small pension to a lump sum, if the officer gives consent.
19. Regulations 36-39 govern the payment of pensions to "survivors", who may be adults or children. Under regulation 37, adult survivors include spouses, civil partners and other adult partners (if certain conditions are met). The introduction of pensions for other adult partners is an important aspect of modernising pension provision. To qualify for a pension, an adult partner must be in an exclusive, committed and long-term relationship with the officer and must be financially dependent on the officer (or the two must be financially interdependent). Any child of the officer, or any other child who is dependent on the officer at the date of his death may be eligible for a child's pension.
20. Under regulations 38 and 39, an adult survivor's pension is half of the officer's pension entitlement and a child's pension is one quarter (unless there are more than two eligible children, in which case each child receives half of the officer's pension entitlement divided by the number of children).
21. Regulation 40 relates to guaranteed minimum pension (GMP) rights. This regulation will only apply if a police officer has accrued GMP rights in previous service or employment and has transferred these into NPPS as part of previous pension rights. The regulation provides that if the officer reaches state pension age and his NPPS

pension rights are less than his guaranteed minimum pension, the guaranteed minimum must be paid.

22. Regulations 41-47 make additional provision for awards on an officer's death. Regulation 41 gives discretion to the Board to pay a gratuity when an officer dies while in receipt of a pension or while entitled to a deferred pension if he dies from an injury received in the execution of duty, or if he dies within two years of becoming entitled to the pension. The gratuity may be paid to any person dependent on the officer at the date of death. Regulation 42 provides that when an officer dies and his overall pension benefits are small, a death gratuity is paid to his estate to bring the value of the total benefits up to the officer's aggregate pension contributions. Regulation 43 provides for the payment of a lump sum death grant of three times the officer's annual pay if he dies in service and regulation 44 allows the officer to nominate a person to receive it (which will only be effective if there is no spouse, civil partner or other adult partner at the date of death).
23. Regulation 45 ensures that when an officer who is a pension debit member dies, any death gratuity under regulations 41 or 42 or lump sum death grant under regulation 43 is calculated by reference to the officer's reduced pension rights. Regulation 46 prevents duplication of awards by stating that if a person is entitled to receive more than one of a number of specified awards, in respect of the death of the same person, where the awards are based on the same period of an officer's pensionable service, only one award is to be paid and that this is to be the largest unless the person directs otherwise. Regulation 47 ensures that all NPPS pensions in payment are increased for inflation in accordance with the Pensions (Increase) Acts, those Acts do not apply to survivor awards under these regulations.
24. Regulations 48-52 cover the exceptional circumstances under which a NPPS award may be revised, withdrawn or forfeited. Regulation 48 gives discretion to the Board to review the payment of ill-health pensions (including deferred pensions paid early due to ill-health) in certain circumstances. If the pensioner's medical condition has ceased or changed significantly, the Board has some discretion to vary the overall ill-health pension. In particular:
 - if the officer's disablement for performing the ordinary duties of a member of the PSNI has ceased, the Board may give the officer notice that he may rejoin the PSNI at his former rank within three months;
 - if an officer receiving an ill-health pension rejoins the PSNI voluntarily or under any other circumstances, his ill-health pension terminates on rejoining;
 - if an officer in receipt of an ill-health pension wilfully or negligently persists in refusing appropriate medical treatment for his condition, where that treatment would have been expected to cure that condition, the Board may terminate payment of the pension;
 - for an officer receiving an enhanced top-up ill-health pension, if it is found that his disablement for any regular employment has ceased, the entitlement to an enhanced top-up ill-health pension ceases but the standard ill-health pension remains payable;

- for an officer receiving a deferred pension paid early due to ill-health, if it is found that his disablement for any regular employment has ceased, early payments of the deferred pension must cease;
- for an officer receiving a standard ill-health pension, if it is found that his condition has worsened within five years of retirement such that he has become disabled for any regular employment, the officer becomes entitled to an enhanced top-up ill-health pension. No additional lump sum is payable. The five-year time limit does not apply if the officer is suffering from a progressive disease – these are listed in Schedule 4.

25. Regulation 49 allows the Board to withdraw the whole or part of the pension paid to an officer during any period in which he rejoins the service after retirement. This is commonly known as “abatement”. A survivor pension or a pension credit pension cannot be withdrawn under this regulation. Regulation 50 allows the Board to reduce the pension payable to an officer who becomes permanently disabled as a result of his own default, by up to half of the pension. An ill-health pension or a deferred pension paid early due to ill health may be reduced under this regulation. Regulation 51 states that if an officer is dismissed and becomes permanently disabled for any regular employment, any deferred pension cannot be paid early unless the Board exercises discretion to do so.

26. Regulation 52 allows the Board to determine that a pension payable to a person who has been convicted of specific serious crimes be forfeited (wholly or partly and permanently or temporarily). These crimes are:

- treason;
- offences under the Official Secrets Acts resulting in at least ten years’ imprisonment;
- in the case of a police officer alone, offences committed in connection with police service that are certified by the Secretary of State to be gravely injurious to the State or liable to lead to a serious loss of confidence in the public service (e.g. the police service).

27. Part 5 of the Regulations covers the purchase of increased benefits. Regulations 53-57 allow a police officer to pay additional contributions to purchase additional pensionable service. This is limited to a maximum of five years and must not cause the officer’s total pensionable service to exceed 35 years. The officer can select his planned date of retirement (provided that this is no earlier than his 55th birthday and no later than the date that he could be required to retire on grounds of age, on the basis that he remains in the same rank) and the number of added years to be purchased by that date. The additional contributions may either be paid by lump sum or otherwise by instalments, by increasing the percentage of pay deducted in pension contributions up to the planned date of retirement. The amount of the lump sum or additional contributions to be paid is calculated by the PSNI from tables provided by the Scheme actuary. Before accepting an election to pay by instalments, the Board can require the officer to have a medical examination (at his expense) to satisfy them of his good health. This is because if an officer retires on ill-health grounds or dies in

service he will be credited with all of the added years rather than just those that have been bought at the date of death. However, if the payment of additional contributions is interrupted, due, for example, to financial hardship, and the officer retires on ill health grounds or dies, regulation 57 provides that only a proportion of the added years is credited.

28. Part 6 of the Regulations covers pension sharing and pension credit. Regulations 58-61 cover the administration of pension credits. Pension credits arise when an officer is subject to a pension sharing order; the officer's pension rights are reduced (he becomes subject to a pension debit) and his ex-spouse gains NPPS pension rights as a "pension credit member". These are separate from any other NPPS benefits and have limited appeal rights. Pension credit pensions are not payable until age 65 and have the usual standard lump sum of four times the pension. The amount of the pension is calculated in accordance with guidance provided by the Scheme actuary. If the pension credit member becomes ill before he is 65 and has a life expectancy of one year or less, the Board may commute the whole of the pension credit entitlement to a lump sum of five times' the annual pension that would have been payable if the pension credit member were 65. If a pension credit member dies before benefits come into payment, a lump sum death grant (of three times' the annual pension payable) is paid to a surviving spouse or civil partner or otherwise, at the discretion of the Board, to the pension credit member's estate.
29. Part 7 of the Regulations deals with appeals and medical questions. Regulation 62 provides that the entitlement to NPPS awards is determined in the first instance by the Board. Regulation 63 gives officers engaged in "relevant service" (as defined in regulation 2) a right of appeal to the Secretary of State. Regulation 64 provides that no appeal can be made against a decision of the Board and states that the final decision of a medical authority is binding in proceedings under regulation 69
30. Regulation 65 provides that for the Board to determine eligibility for ill-health pensions, they must obtain a report from the selected medical practitioner (SMP) on the likelihood and likely timing of the officer becoming permanently disabled for the performance of the ordinary duties of a member of the PSNI, with a copy of the report being made available to the officer. Regulation 66 sets out the appeal rights against the Board's decision that an officer is ineligible for ill-health awards. Notice of appeal must be given within 28 days of receiving notice of the Board's decision and must be supported by a separate medical opinion disagreeing with the SMP's report – this opinion is to be provided within two months of receiving notice of the Board's decision (or longer if the Board agrees). The SMP is then asked to reconsider his report and to produce a revised report if necessary
31. Regulations 67-71 govern the assessment of whether an officer is permanently disabled, the procedures to be followed and the appeal procedures. Regulation 67 specifies the questions that are to be put to a duly qualified medical practitioner and requires his decision to be set out in a report, a copy of which is given to the officer. Regulation 68 allows a dissatisfied officer to appeal to an Independent Medical Referee which, if he disagrees with the decision of the selected medical practitioner,

issues its own report which is final unless there is further reference to a medical authority under regulation 69, which allows for the possibility of reconsideration of the decision. Regulation 70 sets out the procedure for appeals to the Independent Medical Referee and provides that each party will normally bear its own costs. Regulation 71 provides that if a person wilfully or negligently refuses to attend a medical examination then the Board have discretion to determine the medical question on such evidence and medical advice as they think necessary; and if this occurs on an appeal the appeal shall be deemed to be withdrawn.

32. Part 8 of the regulations covers transfer values, mis-sold pensions and payment of awards. Regulation 72 gives an interpretation of transfers. Regulation 73 is in connection to a certificate of pensionable service where a regular police officer transfers from a police force in Great Britain to the Police Service in Northern Ireland. Regulation 74 controls the payment of transfer values from NPPS to other pension schemes when officers choose to transfer their pension benefits to another scheme. This is most likely to happen when an officer leaves the police service, but a transfer value will also be payable if an officer opts out of NPPS and transfers his police pension benefits to a personal pension plan. Such transfer values are calculated in accordance with guidance from the Scheme actuary (on the “cash equivalent transfer value” basis). Regulation 75 prohibits the payment or acceptance of transfer values in respect of NPPS pension credit rights, as these rights must remain in NPPS.
33. Regulation 76 allows for the reinstatement of pensionable service to an officer who transferred police pension rights to a personal pension plan as a result of pension mis-selling. It must now be unlikely that many, if any, such cases will arise.
34. Regulations 77-79 cover payment of awards. Regulation 77 states that NPPS awards are to be paid by the Board. Regulation 78 governs the payment and duration of NPPS awards. Generally, pensions are payable monthly from the date of an officer’s retirement and survivor pensions are payable monthly from the death of the officer. Any award is normally only payable to the person entitled to it. Regulation 79 sets out the exceptional circumstances when a payment may be made to another person – these are when the beneficiary is a minor or is incapable of managing his affairs. This regulation also allows the Board to withhold all or part of a NPPS award if a loss to the pension fund has occurred as a result of fraud, theft or negligence by the police officer in respect of whom the award is payable.
35. Regulations 80 and 81 relate to the lifetime allowance charge under section 214 of the Finance Act 2004, which places a limit on the amount of pension a person can receive over his or her lifetime without losing the tax privileged status on the pension. Regulation 80 specifies the circumstances in which the Board may comply with a request by an officer to pay on his behalf any amount payable by way of the lifetime allowance charge. Regulation 81 specifies the circumstances in which the benefits payable to an officer shall be reduced to reflect an amount of tax paid by the Board, where no request has been made under regulation 80 or such a request cannot be complied with.

36. Part 9 of the Regulations deals with special cases. Regulations 82-88 relate to “servicemen”. A serviceman is a person who, immediately before undertaking a period of relevant service in the reserve forces, was a regular police officer. For the purposes of the regulations, periods of relevant service are treated like police service.
37. Regulation 83 entitles a serviceman who, at the end of his relevant service is permanently disabled for the performance of the ordinary duties of a member of the police service, to a standard ill-health pension. Regulation 84 provides that if a serviceman dies in service or when in receipt of an ill health pension, survivor benefits are payable under regulation 36. Regulation 85 applies the prevention of duplication under regulation 46.
38. Regulation 86 makes provision for the application of regulations 41 (death gratuities – dependants), 42 (death gratuity – estate) and 43 (lump sum death grant) to servicemen. Regulation 87 states that a serviceman who does not resume service in the PSNI within a month of ending his relevant service will be treated as having ceased to serve in the PSNI at the date that his relevant service ended. Regulation 88 covers pensionable service and pension contributions. A serviceman’s relevant service counts as pensionable service in the PSNI if he pays pension contributions in respect of it. This requirement to pay contributions is removed if his service pay is less than his pensionable pay, but if the serviceman was purchasing added years by instalments of additional contributions, this liability continues during his period of relevant service.
39. Regulations 89 and 90 cover issues relating to forces in Great Britain. Regulation 89 provides that when an officer transfers from a force in Great Britain to the Police Service in Northern Ireland, his pensionable service arising from service in Great Britain is to be reckonable as pensionable service in the PSNI. Regulation 90 provides that when an officer transfers from the PSNI to Great Britain, his pensionable service will also transfer and he will no longer be entitled to an award under the regulations.
40. Regulation 91 modifies these regulations in their application to members of the Police Service of Northern Ireland Reserve (Full-Time). Regulation 92 gives effect to Schedule 5, which contains various minor amendments to the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006.