

2007 No. 484

POLICE

**Police Service of Northern Ireland Pensions (Amendment)
Regulations 2007**

Made - - - - - 27th November 2007

Coming into operation 31st December 2007

To be laid before Parliament 10th December 2007

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 25 of the Police (Northern Ireland) Act 1998(a), read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(b). In accordance with section 25(8) of that Act he has consulted the Northern Ireland Policing Board and the Police Association. In accordance with section 62(3) of the Police Act 1996(c) he has consulted the Police Negotiating Board for the United Kingdom. In accordance with section 72(2A) of the Police (Northern Ireland) Act 1998 he has obtained the consent of Treasury.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Police Service of Northern Ireland Pensions (Amendment) Regulations 2007.

(2) These Regulations shall come into operation on 31st December 2007 but regulation 3 has effect in accordance with regulation 2.

(3) In these Regulations “member” has the same meaning as in the Royal Ulster Constabulary Pensions Regulations 1988(d).

(4) In these Regulations “the Board” means the Northern Ireland Policing Board as established by section 2 of the Police (Northern Ireland) Act 2000(e).

Retrospective effect in certain cases

2.—(1) In relation to a case where a person transferred from the British Transport Police Force to become a member on or after 1st February 2001 but before 1st August 2004 and either—

- (a) the British Transport Police Force Superannuation Fund has paid to the Board a transfer value in respect of that transfer before 1st August 2004 and his pensionable service in respect of his former service would if recalculated in accordance with the amendment made by these Regulations satisfy the condition set out in paragraph (4), or

(a) 1998 c. 32; section 25 is amended by section 78(1) of the Police (Northern Ireland) Act 2000 and section 24(2) of the Police (Northern Ireland) Act 2003.

(b) S.I. 1972/1073 (N.I. 10)

(c) 1996 c. 16

(d) S.R. 1988 No. 374; relevant amending regulations are S.R. 1990 No. 411, S.R. 1993 No. 223 and S.R. 2006 No. 122

(e) 2000 c. 32

- (b) no such payment has been made by 1st August 2004, but the member applies to the Board by 31st July 2005 for such a transfer payment to be accepted and for the period of pensionable service in respect of his former service to be calculated in accordance with the amendments made by these Regulations,

regulation 3 has effect from 1st February 2001(a).

(2) In relation to a case where—

- (a) a person transferred from the British Transport Police Force to become a member on or after 30th April 1998 but before 1st February 2001 and either—

- (i) the British Transport Police Force Superannuation Fund has paid to the Board a transfer value in respect of that transfer before 1st August 2004 and that member applies to the Board by 31st October 2004 for his pensionable service in respect of his former service to be recalculated in accordance with the amendments made by these Regulations in circumstances where the condition set out in paragraph (4) applies; or

- (ii) no such payment has been made by 1st August 2004 but the member applies to the Board by 31st October 2004 for such a transfer payment to be accepted and for the period of pensionable service in his former service to be calculated in accordance with the amendments made by these Regulations, and

- (b) the Board agrees to such a recalculation or calculation as the case may be,

regulation 3 has effect from 30th April 1998.

(3) In relation to any other case, regulation 3 has effect from 1st August 2004.

(4) The condition mentioned in paragraphs (1)(a) and (2)(a)(i) is that the period of pensionable service reckonable in respect of the member's former service as a result of recalculation as if the transfer value had been a transfer payment accepted in accordance with the amendments made by these Regulations is no less than the period already reckonable.

(5) References in paragraphs (1)(a) and (2)(a)(i) to the recalculation of pensionable service in respect of a member's former service include references to a recalculation of any resulting award to him or in respect of him in accordance with the amendments made by these Regulations where he has ceased to be a member, and the reference in paragraph (2)(a)(i) to an application by that member shall include an application by or on behalf of the person who is entitled to such an award.

(6) The requirements in paragraph (1)(b) and in paragraph (2)(a)(i) and (ii) for an application to be made by a particular date shall be met if—

- (a) the Board is satisfied that there is good cause why the application could not be made by that date;

- (b) the application is made by such later date as the Board specifies; and

- (c) the administrators of the British Transport Police Force Superannuation Fund agree that the requirement may be met by that later date.

Amendment of the Royal Ulster Constabulary Pensions Regulations 1988

3.—(1) The Royal Ulster Constabulary Pensions Regulations 1988 are amended in accordance with this regulation.

(2) In regulation F6 (previous service reckonable under current interchange arrangements) after paragraph (1A) insert the following paragraph—

“(1B) References in paragraph (1) to a transfer value include references to a transfer payment which has been received under an arrangement with the British Transport Police Force Superannuation Fund in circumstances where the conditions set out in paragraph 1(aa) of Section 2 of Part IV of Schedule F are satisfied.”

(3) After paragraph 1(a) of Section 2 of Part III of Schedule F (pensionable service and transfer values), insert the following sub-paragraph—

(a) Retrospective effect is permitted by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972

- “(aa) where his former superannuation arrangements were contained in the British Transport Police Force Superannuation Fund and the Northern Ireland Policing Board is satisfied that—
- (i) the transfer value represents all his accrued rights to awards under those arrangements,
 - (ii) the transfer value is one which he has, within 12 months of his last becoming a member, requested to accept under regulation F6,
 - (iii) the transfer value is calculated in accordance with guidance approved by the Government Actuary, and
 - (iv) either—
 - (a) the member has not reached the age of 55 at the time of the transfer: or
 - (b) he has reached that age at the time of the transfer, but the Board and the administrators of the British Transport Police Force Superannuation Fund agree that the calculation shall be in accordance with paragraph 2, and”.
- (4) After paragraph 1 of Section 2 of Part III of Schedule F, insert the following paragraph—
- “1A. References in paragraph 1(aa) to a transfer include—
- (a) any transfer where there is an interval of no longer than one month between the member’s service with the British Transport Police Force and his service as a member; and
 - (b) any transfer where there is an interval of longer than one month between those periods of service and the Northern Ireland Policing Board and the administrators of the British Transport Force Superannuation Fund agree that the calculation shall be in accordance with paragraph 2.”.

(5) In paragraph 2 of Section 2 of Part III of Schedule F, after the words “paragraph 1(a)” insert “and (aa)”.

Northern Ireland Office
22nd November 2007

Shaun Woodward
One of Her Majesty’s Principal Secretaries of State

We consent to the making of these Regulations

Alan Campbell
Steve McCabe
Two of the Lords Commissioners of Her Majesty’s Treasury

27th November 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Royal Ulster Constabulary Pensions Regulations 1988.

Regulation 2 provides for the amendments in regulation 3 to have retrospective effect in certain cases. The amendments are backdated to 30th April 1998 (the date when the Police Negotiating Board agreed to bilateral arrangements to recognise the rank and service of transferees from the British Transport Police Force for the purposes of pay and allowances). In the case of members of the Police Service of Northern Ireland who transferred on or after that date but before 1st February 2001 (the date when the Strategic Rail Authority was established) this backdating is at the discretion of the Northern Ireland Policing Board (“the Board”)

Regulation 3 provides for the transfer payment of the pension of a person who becomes a member having previously served in the British Transport Police Force to be treated on the more favourable basis which is already currently accorded to the pensions of members who have previously served in other public sector posts. In the case of a person who is aged 55 or over at the time of the transfer, or where there has been an interval of longer than one month between the two periods of service, that more favourable treatment will require the agreement of the British Transport Police Force Superannuation Fund administrators and of the Board.

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