

**EXPLANATORY MEMORANDUM TO  
THE POLICE SERVICE OF NORTHERN IRELAND PENSIONS  
(AMENDMENT) REGULATIONS 2007**

**2007 No. 484**

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 These regulations amend the Royal Ulster Constabulary Pensions Regulations 1988 (“the 1988 Regulations”). They provide for amendments to transfer arrangements for the British Transport Police Force (BTP) to the Police Service of Northern Ireland (“PSNI”).

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

3.1 The instrument gives retrospective effect to bilateral arrangements regarding the BTP. Regulation 2 allows for a person from the BTP who transferred on or after 1 February 2001 but before 1 August 2004 to apply by 31 July 2005 for a transfer payment. Regulation 2 provides that regulation 3 has effect from 1 February 2001 apart from in relation to a person who has transferred on or after 30 April 1998 but before 1 February 2001 in which instance it has effect from 30 April 1998. Finally regulation 2 allows any other case to have effect from 1 August 2004.

## **4. Legislative Background**

4.1 The instrument is being made in exercise of the powers conferred by section 25 of the Police (Northern Ireland) Act 1998. Retrospective effect is authorised by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972.

## **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 the negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 These regulations assist interchange between public service pension schemes, enabling employees who transfer their pension rights between participating schemes to receive broadly equivalent service credit in the new scheme irrespective of any expected further rises in salary.

7.2 Regulation 2 provides for the amendments in regulation 3 to have retrospective effect in certain cases. The amendments are backdated to 30 April 1998 (the date when the Police Negotiating Board agreed to bilateral arrangements to recognise the rank and service of transferees from the BTP for the purposes of pay and allowances). In the case of members of the PSNI who transferred on or after that date but before 1 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”)

7.3 Regulation 3 provides for the transfer payment of the pension of a person who becomes a member having previously served in the BTP 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 BTP Superannuation Fund administrators and of the Board.

## **8. Contact**

8.1 Jill McClelland at the Northern Ireland Office can deal with any queries regarding this instrument. She can be contacted by telephone on 028 90 528614 or by email: [jill.mcclelland@nio.x.gsi.gov.uk](mailto:jill.mcclelland@nio.x.gsi.gov.uk)