

2007 No. 485

POLICE

**The Police Service of Northern Ireland Pensions
(Amendment No. 2) 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 and commencement

1.—(1) These Regulations may be cited as the Police Service of Northern Ireland Pensions (Amendment No. 2) Regulations 2007.

(2) These Regulations shall come into operation on 31st December 2007 but—

- (a) the amendments made by paragraphs 1, 2, 4 and 5 of Part 1 of the Schedule shall have effect from 13th January 2006(d);
- (b) the amendment made by paragraph 3 of Part 1 of the Schedule shall have effect from 1st July 2004;
- (c) the amendments made by Part 2 of the Schedule shall have effect from 1st April 2002; and
- (d) the amendments made by paragraph 11(1) and (2) in Part 3 of the Schedule shall have effect in accordance with paragraph 11(3) of the Schedule.

Amendment of the Royal Ulster Constabulary Pensions Regulations 1988

2. The Royal Ulster Constabulary Pensions Regulations 1988(e) shall be amended in accordance with the Schedule to these Regulations.

(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) Retrospective effect is permitted by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972
(e) S.R. 1988 No. 374; relevant amending Regulations are S.R. 1989 No. 387, S.R. 1990 No. 411, S.R. 1997 No. 259, S.R. 1998 No. 240, S.R. 2002 No. 100, S.R. 2006 No. 122 and S.R. 2006 No. 268

Transitional provisions relating to unpaid parental leave

3.—(1) In a case where unpaid parental leave has been taken and the period specified in sub-paragraph (a) of regulation F1(5) of the Royal Ulster Constabulary Pensions Regulations 1988 has ended before, or ends or will end within a period of 3 months beginning with, the date on which these Regulations come into operation (“the commencement date”), that sub-paragraph shall have effect as if the period within which notice was required to be given was a period of 3 months beginning with the commencement date:

Provided that where the Northern Ireland Policing Board is satisfied that it was not reasonably practicable for notice to be given within that period it may in its discretion accept such notice at any time before the expiry of 12 months from the commencement date.

(2) In a case such as is mentioned in paragraph (1) in which notice is given in accordance with that paragraph, regulation F1(5)(d) of the Royal Ulster Constabulary Pensions Regulations 1988 shall have effect as if after the words “30 months” in paragraph (ii) there were inserted the words “or such longer period ending not later than 4 years and six months after the due date as the Northern Ireland Policing Board in its discretion may allow”.

Shaun Woodward

Northern Ireland Office
Date 22nd November 2007

One of Her Majesty’s Principal Secretaries of State

We consent to the making of these Regulations

Alan Campbell
Steve McCabe

Date 27th November 2007

Two of the Lords Commissioners of Her Majesty’s Treasury

AMENDMENT OF THE ROYAL ULSTER CONSTABULARY PENSIONS REGULATIONS 1988

PART 1

1. In regulation A9(2)(h) (aggregate pension contributions for purposes of awards) after the words “unpaid maternity leave” there shall be inserted the words “or unpaid parental leave”.

2.—(1) After regulation F1(1)(d) (reckoning of pensionable service) there shall be inserted—
“(da) any period of unpaid parental leave taken after 13th January 2006 in respect of which the conditions specified in paragraph (1B) are not satisfied;”

(2) In regulation F1(3) after the words in “sub-paragraph (c)” there shall be inserted the words “and (da)”.

(3) In regulation F1(3)(a) after each occurrence of the word “maternity” there shall be inserted the words “or parental”.

(4) In regulation F1(3)(b) after each occurrence of the words “unpaid maternity leave” there shall be inserted the words “or unpaid parental leave”.

3. In regulation F9(2)(b) (transfer values payable following cessation of contributions) for the words “2 years’ pensionable service” there shall be substituted “3 months’ pensionable service”.

4. In regulation G1(3) (pensionable and average pensionable pay) for the words “sick leave or maternity leave” there shall be substituted the words “sick leave, maternity leave or parental leave”.

5. In Schedule A (glossary of expressions)—

(a) for the definition “maternity leave” there shall be substituted the following definition—

““maternity leave” means leave taken in accordance with a determination under regulation 32(7) of the Police Service of Northern Ireland Regulations 2005(a);”

(b) after the definition “normal benefit age” there shall be inserted the following definition—

““parental leave” means leave granted in accordance with regulation 32(8) of the Police Service of Northern Ireland Regulations 2005;”.

PART 2

6. In regulation F3 (previous service reckonable without payment) sub-paragraph (1)(c) shall be omitted.

7. In regulation F7A (Northern Ireland Policing Board to provide certificate of the amount of pensionable service giving entitlement to pension)—

(a) for paragraph (1) there shall be substituted—

(1) This regulation shall apply where, on or after 31st March 1996, a member—

(a) by reason of previous service in a police force in Great Britain becomes entitled to reckon pensionable service either—

(i) by virtue of regulation F3(1)(a), or

(ii) by virtue of regulation F5 in the circumstances mentioned in paragraph (2) of that regulation (including that paragraph as it has effect by virtue of paragraph (3) thereof), or

(b) has left the Police Service of Northern Ireland and joined a Great Britain police force and the Great Britain force is contingently liable to make payments to him under the police pensions legislation for England and Wales or Scotland.”; and

(b) sub-paragraph (5)(b) shall be omitted.

(a) S.R. 2005 No. 547

8. Regulation J3A (transfers to the National Criminal Intelligence Service or the National Crime Squad: prevention of duplication of entitlement) shall be omitted.

9. For regulation K4(1) (withdrawal of pension during service as a policeman) there shall be substituted—

“(1) Subject to paragraph (2), the Northern Ireland Policing Board may, in respect of a pension payable under Part B, in its discretion, withdraw the whole or any part of the pension for any period during which the pensioner is serving as—

- (a) a member, or
- (b) a member of the Police Service of Northern Ireland Reserve as defined in section 1(3) of the Police (Northern Ireland) Act 2000 Act^(a) appointed on a full-time basis, or
- (c) a regular policeman in Great Britain,

save that such withdrawal shall not apply to any pension credit under Part N; 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.”

10. In Schedule A (glossary of expressions) the definitions “NCIS” and “NCS” shall be omitted.

PART 3

11.—(1) In paragraph (c) of the proviso to regulation F1(1) (reckoning of pensionable service during maternity leave) for the words “14 weeks” there are substituted the words “18 weeks” in relation to any period of maternity leave falling on or after 15 December 1999 and ending on 5th April 2003 (both dates inclusive).

(2) In paragraph (c) of the proviso to regulation F1(1) (reckoning of pensionable service during maternity leave) for the words “18 weeks” there are substituted the words “26 weeks” in relation to any period of maternity leave falling on or after 6th April 2003.

(3) Sub-paragraph (1) has effect in relation to any period of maternity leave falling on or after 15th December 1999 and ending on 5th April 2003 (both dates inclusive) and sub-paragraph (2) has effect in relation to any period of maternity leave falling on or after 6th April 2003.

PART 4

12. In paragraphs (1) and (2) of regulation H5 for “Department” there shall be substituted “Secretary of State”.

(a) 2000 c. 32

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Royal Ulster Constabulary Pensions Regulations 1988 (“the 1988 Regulations”).

Paragraph 3 of Part 1 of the Schedule amends regulation F9 of the 1988 Regulations to reduce from 2 years to 3 months the period of pensionable service a member of the police pension scheme must accrue before becoming eligible for a transfer of the value of his pension fund to another pension scheme. This change has effect from 1st July 2004.

Paragraphs 1, 2, 4 and 5 of Part 1 of the Schedule make a number of changes to ensure that the provisions for buying back time spent on parental leave are the same as those already in place for maternity leave. These amendments are backdated to 13th January 2006. Regulation 3 makes transitional provision relating to periods of unpaid parental leave which occurred before the commencement of these Regulations.

Part 2 of the Schedule removes references in the 1988 Regulations to the National Criminal Intelligence Service and the National Crime Squad and, in regulation K4(1), makes an exception for any pension credit under Part N. The amendments are backdated to 1st April 2002.

Part 3 of the Schedule amends regulation F1 so as to increase the period of maternity leave which counts as pensionable service that is reckonable from 14 to 18 weeks in relation to maternity leave from 15th December 1999 to 5th April 2003 and from 18 to 26 weeks in relation to maternity leave falling on or after 6th April 2003.

Part 4 of the Schedule amends regulation H5 to change the responsibility for appointing an appeal tribunal from the Northern Ireland Office to the Secretary of State.