

**EXPLANATORY MEMORANDUM TO
THE POLICE SERVICE OF NORTHERN IRELAND PENSIONS
(AMENDMENT NO.2) REGULATIONS 2007**

2007 No. 485

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 values, unpaid parental leave, maternity leave, NCIS/NCS, and also change the responsibility for appeals tribunals to the Secretary of State.

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

3.1 The instrument has effect from 31 December 2007 apart from the following provisions in the Schedule: paragraph 3 of Part 1 has effect from 1 July 1994, paragraphs 1, 2, 4 and 5 of Part 1 are backdated to 13 January 2006, Part 2 is backdated to 1 April 2002, Part 3 has effect initially from 15 December 1999 to 5 April 2003 and then from 6 April 2003 onwards.

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 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.

7.2 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.

7.3 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.

7.4 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.

7.5 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.

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