

2008 No. 439

POLICE

**Police Service of Northern Ireland and Police Service of
Northern Ireland Reserve (Full-Time) (Severance) (Amendment)
Regulations 2008**

Made - - - - - *27th October 2008*

Coming into operation *22nd December 2008*

To be laid before Parliament

The Secretary of State makes these Regulations in exercise of the powers conferred on him by sections 25(1) and (2) (k), 26(1) and (2)(g) and 72(2) of the Police (Northern Ireland) Act 1998^(a) (“the 1998 Act”) and section 49 of the Police (Northern Ireland) Act 2000^(b). These Regulations have retrospective effect in accordance with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972^(c). In accordance with sections 25(8) and 26(6) of the 1998 Act he has consulted the Northern Ireland Policing Board and the Police Association for Northern Ireland. In accordance with section 72 (2A)^(d) of the 1998 Act he has obtained the consent of Treasury.

Citation and commencement

1. These Regulations may be cited as the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Full-Time) (Severance) (Amendment) Regulations 2008 and shall come into operation on 22nd December 2008 but shall have effect from 1st October 2006.

Amendment of the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve (Full-Time) (Severance) Regulations 2003(e)

2. In regulation 2 (interpretation) for the definition of “compulsory retirement age” substitute—
““compulsory retirement age” means—

- (a) if the member is—
 - (i) the chief constable or deputy chief constable or assistant chief constable, the age of 65 years,
 - (ii) a superintendent or chief inspector or inspector, the age of 60 years,
 - (iii) a sergeant or constable or a member of the Police Service of Northern Ireland Reserve (Full-Time) serving on or after 1st July 1994, the age of 55 years,
 - (iv) a member of the Police Service of Northern Ireland holding a rank not higher than that of inspector who was serving on 5th July 1972 or a member of the Police Service of Northern Ireland Reserve (Full-Time) who was serving prior to 1st July 1994, the age of 57 years; or

(a) 1998 c. 32; sections 25 and 26 are amended by section 78(1) of the Police (Northern Ireland) Act 2000.

(b) 2000 c. 32.

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

(d) Section 72 (2A) was inserted by section 78(1) of and paragraph 23(6) of Schedule 6 to the Police (Northern Ireland) Act 2000.

(e) S.R. 2003 No. 60.

- (b) if the member is subject to a Fixed Term Agreement the age at which he would be required to leave the Force by reason of the expiry of that Fixed Term Agreement.”.

Amendment of the Police Service of Northern Ireland Reserve (Full-time) Severance Regulations 2006(a)

3. In regulation 2 (interpretation) for the definition of “compulsory retirement age” substitute—

““compulsory retirement age” means—

- (a) if the member was serving on or after 1st July 1994, the age of 55 years,
(b) if the member was serving prior to 1st July 1994, the age of 57 years.”.

Northern Ireland Office

29th September 2008

We consent to the making of these Regulations

Shaun Woodward

One of Her Majesty’s Principal Secretaries of State

Steve McCabe

Tony Cunningham

27th October 2008

Two of the Lords Commissioners of Her Majesty’s Treasury

(a) S.R. 2006 No. 313.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the definition of “compulsory retirement age” for the voluntary early retirement scheme for the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve (Full-Time). These Regulations have effect from 1 October 2006. This is possible because Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972 provide for regulations to have effect before they are made.

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