

**EXPLANATORY MEMORANDUM TO
POLICE SERVICE OF NORTHERN IRELAND AND POLICE SERVICE OF
NORTHERN IRELAND RESERVE (FULL-TIME) (SEVERANCE) (AMENDMENT)
REGULATIONS 2008
2008 No. 439**

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 Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve (Full-Time) (Severance) Regulations 2003 (“the 2003 Regulations”) and the Police Service of Northern Ireland Reserve (Full-Time) (Severance) Regulations 2006 (“the 2006 Regulations”). They provide for amendments to the definitions of compulsory retirement age when used in calculating severance payments for police officers serving in the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve (Full-Time).

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

3.1 The instrument gives retrospective effect, from 1 October 2006, in relation to the definitions of compulsory retirement age in the 2003 Regulations and the 2006 Regulations.

4. Legislative Background

4.1 The instrument is being made in exercise of the powers conferred by sections 25 (1) and (2) (k), 26 (1) and (2) (g) and 72 (2) of the Police (Northern Ireland) Act 1998 and section 49 of the Police (Northern Ireland) Act 2000. 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 change the definitions of “compulsory retirement age” in the 2003 Regulations and the 2006 Regulations to provide clarity when calculating severance payments for police officers in the Police Service of Northern Ireland.

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