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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 79**

**THE POLICE PENSION (NORTHERN  
IRELAND) REGULATIONS 2009**

**PART 2**

**ELIGIBILITY FOR PENSION AWARDS,  
PENSIONABLE SERVICE AND RETIREMENT**

*Eligibility for pension awards*

**Application of Regulations**

4.—(1) These Regulations shall apply to a police officer who first became such on or after 6th April 2006.

(2) These Regulations shall also apply, subject to and in accordance with the provisions of Schedule 2, to a police officer who—

- (a) first became such before 6th April 2006 and retired or otherwise ceased to serve—
  - (i) with no entitlement to an award under the 1988 Regulations;
  - (ii) with an entitlement to an award by way of repayment of his aggregate pension contributions under regulation B6 of those Regulations;
  - (iii) with an entitlement to an ordinary pension under regulation B1 of those Regulations, a short service award under regulation B2 of those Regulations or an entitlement to a deferred pension under regulation B5 of those Regulations and, in any of those cases, the award is in payment (otherwise than where the deferred pension is in payment due to permanent disablement);
  - (iv) with an entitlement to an ordinary pension under regulation B1 of those Regulations, or a deferred pension under regulation B5 of those Regulations, and in either case the pension is not in payment; or
  - (v) with an entitlement to an ill-health award under regulation B3 of those Regulations or with an entitlement to a deferred pension under regulation B5 of those Regulations where the pension is in payment due to permanent disablement (whether the deferred pension came into payment immediately on retirement or ceasing to serve or on some later date).
- (b) at the date of such retirement or otherwise ceasing to serve was entitled to reckon less than 30 years' pensionable service under the 1988 Regulations; and
- (c) has, on or after 6th April 2006, rejoined the police service, otherwise than—
  - (i) pursuant to regulation K1 of the 1988 Regulations where he had not made an election under regulation G4(1) of those Regulations which was in effect immediately before his retirement;

- (ii) pursuant to regulation K1 of those Regulations where he retired before 6th April 2006 and he had made an election under regulation G4(1) of those Regulations which had not been cancelled before his retirement; or
- (iii) upon reinstatement following a successful appeal against dismissal or requirement to resign where he had not made an election under regulation G4(1) of those Regulations which was in effect immediately before his dismissal or requirement to resign.

(3) These Regulations shall also apply, subject to and in accordance with the provisions of paragraph (4), to a police officer who—

- (a) first became such before 6th April 2006;
- (b) was in service as such immediately before and on that date; and
- (c) either—
  - (i) had made an election under regulation G4(1) of the 1988 Regulations which had not been cancelled before that date, or
  - (ii) on or after 6th April 2006 makes an election under that provision.

(4) In the case of an officer such as is mentioned in paragraph (3)—

- (a) the election mentioned in paragraph (3)(c)(i) shall, as from 6th April 2006, continue to have effect as if it had been made on the said date under regulation 7(1) or, as the case may be;
- (b) the election mentioned in paragraph (3)(c)(ii) shall have effect from the date on which it is made as if it had been made under regulation 7(1), and
- (c) in either case, he may accordingly cancel his election in accordance with regulation 7(5), in which case he shall become eligible for awards to be payable to or in respect of him under these Regulations, subject to paragraph 9 of Schedule 2.

(5) This paragraph applies to a police officer who cancels an election in the circumstances mentioned in paragraph (4) and who has an entitlement to an ordinary pension under regulation B1 of the 1988 Regulations or a deferred pension under regulation B5 of those Regulations and in either case the pension is not in payment.

(6) This paragraph applies to a police officer—

- (a) by whom pension contributions were payable under regulation G2 of the 1988 Regulations as at 6th April 2006 (or would have been payable but for his dismissal and subsequent reinstatement following a successful appeal against that dismissal);
- (b) who continues to serve as such during the period beginning on the said date and ending on the date of his transfer election under paragraph (8) (or who would have continued to serve as such during that period but for his dismissal and subsequent reinstatement following a successful appeal against that dismissal); and
- (c) who does not, during the period mentioned in sub-paragraph (b), make an election under regulation G4(1) of the 1988 Regulations.

(7) This paragraph applies to a police officer such as is mentioned in paragraph (5) who cancels an election in the circumstances mentioned in paragraph (4) on a date before the expiry of the period of three months determined by the Secretary of State under paragraph 1 of Schedule 3, or such longer period as the Board may, by reason of exceptional circumstances in that officer's case, in their discretion allow.

(8) A police officer—

- (a) to whom these Regulations apply by virtue of paragraph (2)(a)(ii), (2)(a)(iv) or (2)(a)(v);
- (b) to whom paragraph (6) or (7) applies; or

- (c) who, on or after 6th April 2006, rejoined the police service immediately before his retirement pursuant to regulation K1 of the 1988 Regulations, and who either had not made an election under regulation G4(1) of the 1988 Regulations which was in effect immediately before his retirement or who retired before 6th April 2006 and had made an election under regulation G4(1) of the 1988 Regulations which had not been cancelled before his retirement,

may make an election for the pensionable service he is entitled to reckon under those Regulations to be reckoned as pensionable service for the purposes of these Regulations (“a transfer election”) subject to and in accordance with the provisions of Schedule 3.

(9) Where a police officer to whom paragraph (6) applies or is such as is mentioned in paragraph 8(c) makes a transfer election, these Regulations shall apply to him and he shall become eligible for awards to be payable to or in respect of him under these Regulations.

### **Pension contributions payable by police officers**

5.—(1) Subject to paragraph (3), a police officer shall pay to the Board pension contributions at the rate of —

- (a) in a case where he is ineligible under regulation 6 for a pension award payable on the ground of permanent disablement, 6 per cent of his pensionable pay; and
- (b) in any other case, 9.5 per cent of his pensionable pay.

(2) The pension contributions payable under paragraph (1) upon each instalment of pay shall fall due at the same time as the instalment and may, without prejudice to any other method of payment that may be agreed by the Board in exceptional circumstances, be discharged by way of a deduction of the appropriate amount made by the Board from the instalment.

(3) Paragraph (1) shall not apply in the case of a police officer who has made an election under Regulation 7 which is, for the time being, in effect.

### **Eligibility for pension awards payable on the ground of permanent disablement**

6.—(1) This regulation applies to—

- (a) a candidate for appointment to the police service; and
- (b) a police officer who seeks under regulation 7(5) to cancel his election that regulation 5(1) shall not apply in his case.

(2) A person to whom this regulation applies shall, if required by the Board, submit to an examination by a duly qualified medical practitioner selected by the Board (“the selected medical practitioner”) in accordance with regulation 65 in order that the Board may determine his eligibility to receive pension awards payable on the ground of permanent disablement.

(3) The Board shall determine, by applying the opinion of the selected medical practitioner as set out in his report, and advice from the Scheme actuary, whether the risk presented by that person that he will retire on the ground that he is permanently disabled is such that the likely cost of providing him with benefits under these Regulations is disproportionately high.

(4) The determination of the Board under paragraph (3) shall be subject to appeal by that person in accordance with regulation 66; and upon receipt of the final revised report or written statement of opinion prepared in accordance with that regulation, the Board shall redetermine, by applying the opinion set out in the final revised report or written statement of opinion, and advice from the Scheme actuary, whether the risk presented by that person that he will retire on the ground that he is permanently disabled is such that the likely cost of providing him with benefits under these Regulations is disproportionately high.

(5) The likely cost of providing a person with benefits under these Regulations shall be assessed as disproportionately high if it is more than 50 per cent greater than the likely cost of providing such benefits to a person who does not have an identified risk of retirement on that ground.

(6) A person who it is determined under paragraph (3) or (4) presents such a risk shall, in accordance with these Regulations, be ineligible for pension awards payable on the ground of permanent disablement.

(7) The Board may in accordance with this regulation determine the eligibility of a person—  
to whom this regulation applies by virtue of paragraph 1(a) who was previously ineligible for pension awards payable on the ground of permanent disablement under this regulation or under regulation G7 of the 1988 Regulations; or

- (a) to whom this regulation applies by virtue of paragraph 1(b) who was ineligible for pension awards payable on the ground of permanent disablement under regulation G7 of the 1988 Regulations on the date of the election which he is now seeking to cancel under regulation 7(5) of these Regulations,

to receive pension awards payable on the ground of permanent disablement; and in which case, the person concerned shall submit to an examination as set out in paragraph (2).

(8) If a person mentioned in paragraph (7) is eligible for pension awards following a determination of the Board under paragraph (3) or (4) (as applicable), he shall be so eligible from the date of that determination:

Provided that—

- (a) he shall only be so eligible in respect of his pensionable service from that date;
- (b) regulation 26 shall apply to him from that date; and
- (c) in calculating his entitlement to any standard ill-health pension or any enhanced top-up ill-health pension the pensionable service he is entitled to reckon as at the date of his retirement shall only comprise service from the date of the Board's determination under paragraph (3) or (4) (as applicable).

### **Election not to pay pension contributions**

7.—(1) A police officer may at any time elect that regulation 5(1) shall not apply in his case by notice in writing given to the Board.

(2) Subject to paragraph (3), the date on which an election under paragraph (1) takes effect shall be the date on which an instalment of pay next falls due to him after the receipt of notice under paragraph (1).

(3) In the case of a police officer who has given notice under paragraph (1) within three months of the date on which he became such and to whom regulation 12 does not apply, his election under that paragraph shall be deemed to have taken effect on that date.

(4) In a case falling within paragraph (3), the Board shall, subject to regulation 32, pay to the police officer in question a sum equal to the sum of the pension contributions paid by him since the date on which the election is deemed to have taken effect.

(5) A police officer who has made an election under paragraph (1) may cancel such election by notice in writing given to the Board.

(6) Where paragraph (5) applies—

- (a) the election shall cease to have effect as from the date on which an instalment of pay next falls due to the police officer concerned after the receipt of such notice; and
- (b) that officer shall be entitled to make a further election; but

(c) that officer shall not be entitled to cancel that further election during the same period of service as a police officer.

(7) A police officer shall not, if the Board so resolve, be entitled to cancel an election under paragraph (1) unless he has undergone a medical examination in accordance with regulation 6 (and any fee payable in respect of such an examination and a report thereon shall be paid by the police officer concerned).

(8) A police officer in respect of whom it is determined, following a medical examination under paragraph (7), that the likely cost of providing him with benefits under these Regulations is disproportionately high, shall (subject to any appeal under regulation 6(4)) be entitled to cancel his election under paragraph (1) only subject to the condition that he shall not be eligible to receive pension awards payable on the ground of permanent disablement.

(9) A police officer who was ineligible to receive pension awards payable on the ground of permanent disablement under regulation 6 on the date of his election under paragraph (1), shall upon cancellation of that election be ineligible to receive pension awards payable on the ground of permanent disablement.