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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**

*Retirement*

**Retirement**

**14.**—(1) Subject to paragraph (2), a reference in these Regulations to retirement includes a retirement under regulation 15, 16, 17, or 18 but does not include a reference to—

- (a) leaving the police service on transferring to a police force in Great Britain;
- (b) ceasing to serve as a police officer, otherwise than on retirement under regulation 18, from a date before that on which the officer concerned attains the age of 55 years (whether he so ceases to serve voluntarily, upon the expiry without extension (or further extension) of the period of an appointment for a fixed term in accordance with regulation 11 of the 2005 Regulations<sup>(1)</sup> or upon being dismissed);
- (c) retirement within the meaning of section 35(3) (b) of the Police (Northern Ireland) Act 2000<sup>(2)</sup> in a case where, under that section, the Chief Constable is required to retire before the date on which he attains the age of 55 years; or
- (d) leaving the police service on joining the National Criminal Intelligence Service or the National Crime Squad and subsequently becoming a specified employee of SOCA.

(2) A police officer who fulfils the qualifying service criterion and who is dismissed on or after the date on which he attains the age of 55 years, shall be deemed for the purposes of these Regulations to have retired under regulation 15 on the date his dismissal took effect, having given such notice to the Board of his intention to retire and with any necessary consent having been given as is specified under that regulation.

(3) A police officer fulfils the qualifying service criteria if—

- (a) he has at least two years' qualifying service; or
- (b) regulation 12 applies to him.

(4) In paragraph (3), “two years’ qualifying service” has the meaning assigned to it by section 67(7) of the 1993 Act<sup>(3)</sup>.

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<sup>(1)</sup> S.R. (N.I.) 2005 No.547

<sup>(2)</sup> 2000 c.32

<sup>(3)</sup> 1993 c.49

**Voluntary retirement**

15.—(1) Subject to paragraphs (2) to (6), a police officer may retire on or after the date on which he attains the age of 55 years.

(2) A police officer who intends to retire under this regulation shall give the Board written notice of that intention—

- (a) in the case of an officer of the rank of Chief Constable, Deputy Chief Constable or Assistant Chief Constable, at least three months before his intended date of retirement; and
- (b) in the case of an officer of any other rank at least one month before his intended date of retirement,

but the Board may, at their discretion, accept a shorter notice than that specified.

(3) A specified employee of SOCA who intends to retire under this regulation shall give SOCA notice of such period as required by his contract of employment of that intention or shall give such shorter period of notice as may be agreed between the specified employee of SOCA and SOCA.

(4) For the purposes of this regulation any police officer engaged on relevant service shall be deemed to hold the rank in which he is entitled to revert to the police service at the end of his period of relevant service.

(5) A police officer who is suspended under the Conduct Regulations may retire under this regulation only if consent is given—

- (a) by the Board in the case of an officer falling within paragraph (2)(a); or
- (b) by the Chief Constable in the case of an officer of any other rank.

(6) A specified employee of SOCA shall be deemed to have retired in accordance with this regulation where his contract of employment has been terminated.

**Compulsory retirement on account of age**

16.—(1) Subject to paragraph (4) from 6th April 2006 to 30th September 2006, regulation A16 of the 1988 Regulations shall apply to every police officer.

(2) From 1st October 2006, subject to paragraphs (3) and (4), every police officer shall be required to retire—

- (a) if he is of the rank of Constable, Sergeant, Inspector or Chief Inspector, on attaining the age of 60 years;
- (b) if he holds any higher rank, on attaining the age of 65 years.

(3) The time at which, under paragraph (2), a person shall be required to retire may be postponed, if the person concerned holds a rank above that of Superintendent, by the Board, and, if he holds the rank of Superintendent or any lower rank, by the Chief Constable.

(4) This regulation shall not apply to a specified employee of SOCA.

**Compulsory retirement on the ground of efficiency of the police service**

17.—(1) Subject to paragraph (3) this regulation applies to a police officer of the rank of Chief Superintendent, Superintendent, Chief Inspector, Inspector, Sergeant or Constable who is entitled to reckon 35 years' pensionable service (or would have been so entitled if he had not made an election under regulation 7).

(2) If the Board determine that the retention in the police service of a police officer to whom this regulation applies would not be in the general interests of efficiency, he may be required to retire on such date, on or after the date on which he attains the age of 55 years, as the Board determine.

(3) This regulation shall not apply to a specified employee of SOCA.

### **Compulsory retirement on the ground of disablement**

18.—(1) The Board may require a police officer to retire on the date on which, having considered all the relevant circumstances, advice and information available to them, they determine that he ought to retire on the ground that he is permanently disabled for the performance of the ordinary duties of a member of the police service.

(2) A retirement under paragraph (1) shall be void if, after that date, on an appeal against the medical opinion on which the Board acted in determining that he ought to retire, the appeal board decides that the appellant is not permanently so disabled.

(3) This paragraph applies to a police officer who is permanently disabled for the performance of the ordinary duties of a member of the police service but who, in accordance with a determination of the Board in the circumstances of his case, continues to serve as such.

(4) In respect of a police officer to whom paragraph (3) applies, the Board may consider, at such times as they may in their discretion determine, whether the disablement has ceased, significantly worsened or significantly improved.

(5) If on any such consideration the Board, having considered all the relevant circumstances, advice and information available to them, determine that the officer ought to retire on the ground that he is permanently disabled for the performance of the ordinary duties of a member of the police service they shall require him to retire under paragraph (1) (subject to paragraph(2)).

### **Effective date of retirement**

19. For the purposes of these Regulations—

- (a) a police officer shall be taken to retire or cease to serve immediately following his last day of service, and
- (b) a police officer required to retire under regulation 16, 17, or 18 shall be deemed to retire on the date on which he is so required to retire and his last day of service shall be the immediately preceding day.