
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 79

THE POLICE PENSION (NORTHERN
IRELAND) REGULATIONS 2009

PART 3

PENSIONABLE PAY AND CONTRIBUTIONS

Pensionable pay

20. The pensionable pay of a police officer at any time means his pay at the rate to which he is or was then entitled, account being taken of any retrospective increase in that rate; except that during a period of part-time service it means so much of his pay at that rate as is attributable to his determined hours specified under his part-time appointment, and during any period in which a member of the police service is a specified employee of SOCA, it means the pay at the rate to which he is or was then entitled under this contract of employment, account being taken of any retrospective increase in that rate.

Final pensionable pay

21.—(1) The final pensionable pay of a police officer shall, subject to paragraphs (2) to (5), mean his average pensionable pay—

- (a) in respect of the period of twelve months ending on the later of —
 - (i) the date of his last day of service in a period during which pension contributions were payable by him under regulation 5 or;
 - (ii) the last day in respect of which payment has been made under regulation 8(4)(c) or (6)(a)(iii) as the case may be;
- (b) in respect of either of the two periods of twelve months that immediately preceded the period mentioned in sub-paragraph (a); or
- (c) taken as an annual average in respect of any three consecutive periods of twelve months, ending an exact number of years before the date mentioned in sub-paragraph (a), falling within the period of seven years that immediately preceded the earlier of the two periods mentioned in sub-paragraph (b),

whichever is the greatest.

(2) This paragraph applies, subject to paragraph (4), to a police officer who has —

- (a) made an election under regulation 7, and
- (b) cancelled the said election in accordance with regulation 7(5) to (9) within the period of three years immediately preceding his last day of service, at a time when he had an entitlement to a deferred pension.

(3) The final pensionable pay of an officer to whom paragraph (2) applies shall be calculated—

- (a) in respect of the period of pensionable service he was entitled to reckon as at the date on which the election took effect in accordance with paragraph (1), which shall apply, as if—
 - (i) for the purposes of paragraph (1)(a)(i) the date of his last day of service were the date on which the said election took effect, and
 - (ii) paragraph (1)(a)(ii) applied only in respect of any payment in respect of a period of unpaid maternity leave, unpaid parental leave or unpaid sick leave taken in the period before the said election took effect; and
- (b) in respect of the period of pensionable service reckonable by reason of service beginning on the date on which the cancellation of his election took effect and ending on his last day of service (including any service reckonable by virtue of the receipt by the Board during that period of a transfer value), in accordance with paragraph (1) without any such modification as is specified in sub-paragraph (a) of this paragraph.

(4) In a case where a police officer's final pensionable pay is calculated in accordance with paragraph (3), for the purposes of calculating any award under Part 4, his final pensionable pay as calculated in accordance with sub-paragraphs (a) and (b) respectively shall be applied to the period of service mentioned in the sub-paragraph in question.

(5) Solely for the purpose of determining the greatest amount under paragraph (1) (including in cases where that paragraph applies as set out in paragraph (2)), the amount of the average pensionable pay of a police officer in respect of any period of twelve months to which paragraph (1)(b) or (c) relates shall be treated as increased by the same amount as that by which an annual pension of an amount equal to that average pensionable pay would have been increased under the Pensions (Increase) Act (Northern Ireland) 1971(1) by the last day of the period referred to in paragraph (1)(a) (as modified, for cases within paragraph (2)(a)) if the said annual pension had come into payment on the day immediately following that on which the relevant period of twelve months to which paragraph (1)(b) or (c) relates ended.

Average pensionable pay

22.—(1) Subject to paragraphs (2) to (5), the average pensionable pay of a police officer in any of the periods of twelve months mentioned in regulation 21(1) shall be the aggregate of his pensionable pay in respect of the period in question.

(2) Where that officer is entitled to reckon less than twelve months' pensionable service, that aggregate shall be multiplied by the reciprocal of the fraction of the twelve-month period during which he was entitled to pensionable pay.

(3) Where the amount of a police officer's average pensionable pay, determined in accordance with paragraphs (1) and (2), is less than the amount it would have been had he not suffered a temporary stoppage or reduction in rate of pay —

- (a) by way of punishment;
- (b) by reason of a period being taken of sick leave, maternity leave or parental leave; or
- (c) any other period of leave being taken which was unpaid or paid at a reduced rate,

it shall be increased by the difference between those two amounts.

(4) Where any period of twelve months mentioned in regulation 21(1) includes a period of unpaid maternity leave, unpaid parental leave or unpaid sick leave, in respect of which payment has been made under regulation 8(4)(c) or 8(6)(a)(iii), the officer's pensionable pay during that period shall, for the purposes of determining average pensionable pay, be taken to be the pay to which he would have been entitled had the period of unpaid leave in question not been taken; and accordingly, the

aggregate of his pensionable pay in respect of that period shall not be taken to exceed the amount which he would have received had the period of unpaid leave in question not been taken.

(5) Where any period of twelve months mentioned in regulation 21(1) includes one or more periods of part-time service, for the purposes of determining average pensionable pay, the officer's pensionable pay, as determined in accordance with paragraphs (1) to (4), in respect of any such period of part-time service shall be taken to be the pay to which he would have been entitled if his part-time service had been full-time.

Aggregate pension contributions for purposes of repayment

23.—(1) This paragraph applies for the purposes of calculating a payment under these Regulations by reference to the aggregate pension contributions of a police officer in respect of the relevant period of service.

(2) Where paragraph (1) applies, subject to paragraph (3), the relevant period of service shall be taken to—

- (a) begin on the date on which the officer became a member of the police service or, if he has more than once been a member of the police service, the date on which he last joined the police service; and
- (b) end on the date of the officer's retirement, or otherwise ceasing to serve as a police officer or the death as the case may be, on which the award is payable.

(3) In the case of a police officer who has made an election under regulation 7, the relevant period of service shall be taken to be the period, or last period, during which pension contributions were continuously payable by him under regulation 5 since the date on which, had no such election been made, the relevant period of service would be taken to have begun.

(4) Where paragraph (1) applies, the aggregate pension contributions in respect of the relevant period of service shall be taken to be the sum of the following amounts —

- (a) the aggregate of the pension contributions made in respect of that period by the person concerned to the Board including any payment made by that person under regulation 8(4)(c), or 8(6)(a)(iii) as the case may be, in respect of a period of unpaid maternity leave, unpaid parental leave or unpaid sick leave;
- (b) the amount of any sums paid by the person concerned to the Board (including sums paid in pursuance of an undertaking) as a condition of being entitled to reckon pensionable service by reason of service before that period; and
- (c) all payments made by him to the police service in accordance with an election under regulation 53.

(5) Where the person concerned has transferred to the police service, the amount referred to in paragraph (4) shall include any sum which, had he ceased to serve instead of transferring, would have been calculable under this paragraph as aggregate pension contributions at the time of transfer.

(6) Where the person concerned while a member of the police service, became entitled, in the circumstances mentioned in regulation 12(1), to reckon pensionable service by reason of a period of previous service or employment otherwise than as a police officer, the amount referred to in paragraph (4) shall include the amount of any award by way of return of contributions or of any analogous payment which would have been made to him at the end of that period of previous service or employment had he voluntarily ceased to serve or retired from employment in circumstances entitling him to such an award or payment under his former pension arrangements.

(7) Where the person concerned—

- (a) previously retired with a pension on the ground of disablement under regulation 18;
- (b) that pension was terminated under regulation 49; and

(c) he rejoined the police service,
the amount referred to in paragraph (4) shall include any sum which would have been calculable under paragraphs (4) to (6) as aggregate pension contributions at the time of the previous retirement.

(8) If the police officer is a pension debit member, the amount of his aggregate pension contributions under this regulation shall be reduced by such amount as is assessed in accordance with guidance issued by the Scheme actuary.