

SCHEDULE 1

Regulation 2(1)(a)

GLOSSARY OF EXPRESSIONS

In these Regulations, unless the context otherwise requires—

“the 1988 Regulations” means the Royal Ulster Constabulary Pensions Regulations 1988(1);

“the 1993 Act” means the Pension Schemes (Northern Ireland) Act 1993(2);

“the 1999 Order” means the Welfare Reform and Pensions (Northern Ireland) Order 1999(3);

“the 2005 Regulations” means the Police Service of Northern Ireland Regulations 2005(4);

“the 2006 Injury Regulations” has the meaning assigned in paragraph 1 of Schedule 5.

“added years” has the meaning assigned to it by regulation 53(2);

“adult partner” is a person not being the spouse or civil partner of a police officer who cohabits with that officer as a partner in an exclusive, committed and long-term relationship; and either—

(a) is financially dependent on that officer; or

(b) they are both financially interdependent.

“adult survivor” has the meaning assigned to it by regulation 37(1)(a);

“aggregate pension contributions”, for the purpose of calculating an award, has the meaning assigned to it by regulation 23;

“appellant’s practitioner” shall be construed in accordance with regulation 66(1)(b);

“average pensionable pay” has the meaning assigned to it by regulation 22;

“the Board” means the Northern Ireland Policing Board as established by section 2 of the Police (Northern Ireland) Act 2000(5);

“ceasing to serve” includes—

(a) voluntarily ceasing to serve as a police officer;

(b) resignation from the police service; and

(c) dismissal,

in each case with effect from a date before that on which the person concerned attains the age of 55 years;

“child survivor” (without regard to age) has the meaning assigned to it by regulation 37(1)(b);

“civil partner” has the same meaning as in the Civil Partnership Act 2004(6);

“Conduct Regulations” means the Royal Ulster Constabulary (Conduct) Regulations 2000(7) and the Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000(8);

“contracting-out rights” shall be construed in accordance with regulation 40(5)(a);

“dependant”, in relation to a pension credit member, shall be construed in accordance with regulation 79(5);

(1) S.R. (N.I.) 1988 No.374

(2) 1993 c.49

(3) 1999 c.30

(4) S.R. (N.I.) 2005 No.547

(5) 2000 c.32

(6) 2004 c.33

(7) S.R.(N.I) 2000 No.315 which were subsequently amended by S.R. (N.I) 2001 No.184, S.R.(N.I) 2003 No.68 then by S.R. (N.I) 2004 No.315 then by S.R.(N.I) 2005 No.341

(8) S.R.(N.I) 2000 No.320 which were subsequently amended by S.R.(N.I) 2001 No.184 then by S.R.(N.I) 2003 No.68 then by S.R.(N.I) 2004 No.315

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“disablement” and cognate expressions have the meanings assigned to them by regulation 3;
“enhanced top-up ill-health pension” has the meaning assigned to it by regulation 26(4)(b);
“enhanced top-up totals” has the meaning assigned to it by regulation 28(2);
“final pensionable pay” has the meaning assigned to it by regulation 21;
“former pension arrangements” shall be construed in accordance with regulation 12(1)(a);
“guaranteed minimum” and “guaranteed minimum pension” have the meanings which they have for the purposes of the 1993 Act; and “guaranteed minimum”, in relation to a pension under a pension scheme at a particular time, means the amount certified by the Department for Work and Pensions as that minimum at that time;
“independent medical referee” and “IMR” have the meaning assigned to them by regulation 68(4);
“infirmity” has the meaning assigned to it by regulation 3(5);
“injury” includes any injury or disease, whether of body or of mind;
“injury received in the execution of duty” and “result of an injury” have the same meanings as they have in the 1988 Regulations;
“maternity leave” shall be construed in accordance with regulation 32 of the 2005 Regulations, except that in relation to a specified employee of SOCA it means any period of maternity leave taken by that employee whilst employed by SOCA;
“member of the police service” means a police officer employed by the police service;
“normal benefit age” has the meaning assigned to it by regulation 58(2);
“parental leave” shall be construed in accordance with regulation 32 of the 2005 Regulations, except that in relation to a specified employee of SOCA it means any period of parental leave taken by that employee whilst employed by SOCA;
“parties to the appeal” shall be construed in accordance with regulation 68(7);
“part-time service” means service as a police officer performed pursuant to a part-time appointment under regulation 5 of the 2005 Regulations⁽⁹⁾, or any other part-time service as a regular police officer or part-time employment as a specified employee of SOCA;
“pension credit” means a credit under the 1999 Order including a credit under corresponding legislation in Great Britain;
“pension credit benefit” has the meaning given by section 97B⁽¹⁰⁾ of the 1993 Act;
“pension credit member” has the meaning given by section 124(1) of the Pensions Act 1995⁽¹¹⁾;
“pension credit rights” means rights to future benefits under these Regulations which are attributable to a pension credit;
“pension debit” means a debit under article 26(1)(b) of the 1999 Order;
“pension debit member” means a person whose benefits or future benefits under these Regulations have been reduced under article 28 of the 1999 Order;
“pension sharing order” means any order or provision which is mentioned in Article 25(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999⁽¹²⁾, section 28(1) of the

(9) Regulation 5 has been amended by [S.R.\(N.I\) 2004 No.37](#)

(10) Section 97B was inserted by article 34 of the Welfare, Reform and Pensions (Northern Ireland) Order ([S.I. 1999/3147 \(N.I.11\)](#))

(11) [1995 c.26](#).

(12) [S.I. 1999/3147 \(N.I.11\)](#)

Welfare Reform and Pensions Act 1999⁽¹³⁾ or Part 3 of Schedule 15 to the Civil Partnership Act 2004⁽¹⁴⁾;

“pensionable pay” has the meaning assigned to it by regulation 20;

“pensionable service” shall be construed in accordance with regulation 8;

“the Pensions (Increase) Acts” means the Pensions (Increase) Act (Northern Ireland) 1971⁽¹⁵⁾ and the Pensions (Increase) Act (Northern Ireland) 1974⁽¹⁶⁾;

“police authority” has the meaning given to it by section 11(2) of the Police Pensions Act 1976⁽¹⁷⁾;

“police force in Great Britain” means a police force as defined in section 101 of the Police Act 1996⁽¹⁸⁾ or section 50 of the Police (Scotland) Act 1967⁽¹⁹⁾, as the case may be.

“police officer” means a person who is:

- (a) a constable of the Police Service of Northern Ireland as defined in section 1(2) of the Police (Northern Ireland) Act 2000⁽²⁰⁾; or
- (b) a Police Service of Northern Ireland trainee as defined in section 36(3) of the Police (Northern Ireland) Act 2000.

“police service” mean the Police Service of Northern Ireland as defined in section 1(2) of the Police (Northern Ireland) Act 2000;

“Great Britain police pensions legislation” means the legislation for the time being in force relating to the pensions of members of a police force in Great Britain;

“prospective service” shall be construed in accordance with regulation 28(4);

“public holiday” means Christmas Day, the 26th December (if it falls on a Saturday or Sunday), the 1st January (if it so falls), Good Friday or a bank holiday;

“public sector transfer arrangements” has the meaning assigned to it by regulation 12(5);

“public service pension scheme” has the meaning given by section 1(1) of the 1993 Act;

“qualifying service criterion” shall be construed in accordance with regulation 14(3) and (4);

“regular employment” means employment for an annual average of at least 30 hours per week;

“regular police officer” means a constable of a police force in Great Britain, and includes—

- (a) the commissioner, deputy commissioner, assistant commissioners and deputy assistant commissioners of police of the metropolis;
- (b) the commissioner and assistant commissioners of police for the City of London;
- (c) an inspector or assistant inspector of constabulary;
- (d) a police officer engaged on relevant service under section 97(1) of the Police Act 1996⁽²¹⁾; and

⁽¹³⁾ 1999 c.30

⁽¹⁴⁾ 2004 c.33

⁽¹⁵⁾ 1971 c.35 (N.I.)

⁽¹⁶⁾ 1974 c.9

⁽¹⁷⁾ 1976 c.35; section 11(2) was amended by the Police and Magistrates’ Courts Act 1994 (c.29), Schedule 5, Part 2, paragraph 20(3), the 1996 Act, Schedule 7, paragraph 33, the Police Act 1997 (c.50), Schedule 9, paragraph 33(2)(b) and 33(2)(c), the Criminal Justice and Police Act 2001 (c.16), section 126(3) and Schedule 4, paragraph 6 and the Police Reform Act 2002, Schedule 7, paragraph 7(1) and (2)

⁽¹⁸⁾ 1996 c.16

⁽¹⁹⁾ 1967 c.77

⁽²⁰⁾ 2000 c.32

⁽²¹⁾ Section 97(1) was amended by the Police Act 1997 (c.50), Schedule 9, paragraph 86(2), the Criminal Justice and Police Act 2001 (c.16), Schedule 4, paragraph 7(3)(a), the International Development Act 2002 (c.1), Schedule 3, paragraph 11 and Schedule 4, the Proceeds of Crime Act 2002 (c.29), Schedule 11, paragraphs 1 and 30(1) and (2) and the Police Reform Act 2002 (c.30), Schedule 7, paragraph 19(1)

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- (e) a specified employee of SOCA;
- “relevant award” shall be construed in accordance with regulation 47(1) and (2);
- “relevant date” shall be construed in accordance with regulation 8(1);
- “relevant service” (except in the expression “relevant service in the reserve forces”) has the meaning assigned to it by section 27(1) of the Police (Northern Ireland) Act 1998⁽²²⁾.
- “relevant service in the reserve forces” has the meaning assigned to it by regulation 82;
- “reserve forces” has the meaning assigned to it by regulation 82;
- “reserve officer” means a member of the Police Service of Northern Ireland Reserve (Full-time) and references to the Police Service of Northern Ireland Reserve (Full-time) shall be read in accordance with section 1(3) of the Police (Northern Ireland) Act 2000.
- “retirement” and cognate expressions shall be construed in accordance with regulation 14;
- “the Scheme actuary” means the actuary for the time being appointed by the Secretary of State to provide a consulting service on actuarial matters relevant to these Regulations;
- “selected medical practitioner” shall be construed in accordance with regulation 6(2);
- “serious ill-health”, in relation to commutation under Part 6, has the meaning assigned to it by regulation 59(4);
- “serviceman” has the meaning assigned to it by regulation 82;
- “sick leave” shall be construed in accordance with regulation 32 of the 2005 Regulations, except that in relation to a specified employee of SOCA it means any period of sick leave taken by that employee whilst employed by SOCA;
- “SMP” has the meaning assigned to it in regulation 68(1);
- “SOCA” means the Serious Organised Crime Agency;
- “specified employee of SOCA” means—
- (a) an employee of SOCA who immediately before he last became an employee of SOCA was serving as the Director General of the National Crime Squad;
 - (b) an employee of SOCA who immediately before he last became an employee of SOCA was serving as a police member of the National Criminal Intelligence Service appointed under subsection (1)(b) of section 9 of the Police Act 1997⁽²³⁾ by virtue of subsection (2)(a) of that section; or
 - (c) an employee of SOCA who immediately before he last became an employee of SOCA was serving as a police member of the National Crime Squad appointed under section 55(1)(b) of the Police Act 1997 by virtue of subsection (2)(a) of that section;
- “standard ill-health pension” has the meaning assigned to it by regulation 26(3);
- “state pensionable age” has the meaning assigned to it by regulation 40(9);
- “tax year” means the 12 months beginning with 6th April in any year;
- “unpaid maternity leave” does not include any maternity leave in respect of which statutory maternity pay is payable under the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽²⁴⁾.

⁽²²⁾ 1998 c.32

⁽²³⁾ 1997 c.50

⁽²⁴⁾ 1992 c.7

SCHEDULE 2

Regulation 4(2), (3) and (4)

APPLICATION OF REGULATIONS TO OFFICERS
TO WHOM REGULATION 4(2) AND (3) APPLIES

1. This paragraph applies to a police officer to whom these Regulations apply by virtue of regulation 4(2)(a)(ii).

2. This paragraph applies to a police officer to whom these Regulations apply by virtue of regulation 4(2)(a)(iii).

3. This paragraph applies to a police officer to whom these Regulations apply by virtue of regulation 4(2)(a)(iv) or (v).

4. An officer to whom paragraph 3 applies may, instead of retaining his entitlement to his ordinary pension under regulation B1 of the 1988 Regulations or, as the case may be, his deferred pension under regulation B5 of those Regulations, elect to relinquish his entitlement to the ordinary or deferred pension and to reckon as pensionable service for the purposes of these Regulations the pensionable service he was entitled to reckon under the 1988 Regulations at the time of his retirement with an entitlement to the ordinary or deferred pension.

5. An election under paragraph 4 shall be made by the officer concerned in the form of a transfer election in accordance with the provisions of Schedule 3.

6. An officer to whom paragraph 1 applies may elect to pay to the Board a sum equal to the amount of his award by way of repayment of his aggregate pension contributions under regulation B6 of the 1988 Regulations and to reckon as pensionable service for the purposes of these Regulations the pensionable service he was entitled to reckon under the 1988 Regulations at the time of his retirement with an entitlement to the award.

7. An election under paragraph 6 shall be made by the officer concerned in the form of a transfer election in accordance with the provisions of Schedule 3.

8. Subject to the following provisions of this Schedule, where a police officer to whom these Regulations apply by virtue of regulation 4(2) pays pension contributions under regulation 5(1), he shall be eligible for awards to be payable to or in respect of him under these Regulations.

9. The pensionable service reckonable by an officer—

- (a) to whom paragraph 1 applies and who has made an election in accordance with paragraphs 6 and 7;
- (b) to whom paragraph 2 applies;
- (c) to whom paragraph 3 applies and who has made an election in accordance with paragraphs 4 and 5; or
- (d) such as is mentioned in regulation 4(3), who cancels his election in the circumstances mentioned in regulation 4(4) but does not make a transfer election under regulation 4(8),

shall be determined in accordance with regulations 8 to 13, except that regulation 13 (reckoning of service for purposes of awards) shall have effect as if there were inserted in paragraph (1) after the words “35 years”—

“less the total pensionable service he was entitled to reckon under the 1988 Regulations, calculated in accordance with paragraphs (3) and (4), at the time—

(a) of his retirement with an entitlement to—

- (i) an ordinary pension under regulation B1; or, as the case may be,
- (ii) a short service award under regulation B2;
- (iii) a deferred pension under regulation B5, or

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- (iv) an award by way of repayment of aggregate pension contributions under regulation B6,
of the 1988 Regulations, or
- (b) in a case falling within paragraph 9(d) of Schedule 2, when he cancelled his election in the circumstances mentioned in regulation 4(4)”; and
- (e) there were added at the end—
 - “(3) For the purposes of paragraph (1), the total pensionable service which a police officer was entitled to reckon at the time mentioned in paragraph (1)(a)(i), (ii), (iii) or (iv) or (b), as the case may be, shall be calculated by the Board as the sum of—
 - (a) the pensionable service he was entitled to reckon under Part F of the 1988 Regulations at that time multiplied by the appropriate conversion factor—
 - (i) where he has not yet attained the age of 55 years, applicable to his age next birthday at the notional commencement of pension contributions under the 1988 Regulations, or
 - (ii) where he has attained the age of 55 years, applicable to the number of years’ qualifying service as a police officer he had completed as at the time of his retirement mentioned in paragraph (1)(a), (b), (c) or (d), as the case may be,

given in the following table—

TABLE OF CONVERSION FACTORS

<i>If under age 55</i>	<i>If aged 55 or above</i>	Periods with full spouse benefit	For female officers, periods with no spouse benefit
Age next birthday at notional commencement of pension contributions under the 1988 Regulations	Number of years’ qualifying service completed at date of retirement mentioned in paragraph (1)		
25 and below	30	7/6ths	113%
26	29	115%	111%
27	28	113%	109%
28	27	111%	107%
29	26	108%	104%
30	25	105%	104%
31	24	102%	98%
32	23	99%	95%
33	22	96%	92%
34	21	92%	88%
35 and above	20 or fewer	88%	84%

and

- (b) in the case of a police officer such as is mentioned in paragraph 9(c) of Schedule 2 who had elected to purchase increased benefits in accordance with

the Police Pensions (Purchase of Increased Benefits) Regulations 1988(25), such additional sixtieths as he was entitled to reckon under regulation 8(2) of those Regulations immediately before his retirement, multiplied by the conversion factor of 88%.

(4) For the purposes of paragraph (3)—

- (a) “age next birthday at the notional commencement of pension contributions under the 1988 Regulations”, means the age he would attain on the birthday following the date on which he would have attained an exact age determined by subtracting the length of his qualifying service under the 1988 Regulations from his exact age on the date when he commenced paying contributions under these Regulations; and
- (b) “qualifying service” and “qualifying service under the 1988 Regulations” mean the period in years he was entitled to reckon as pensionable service under the 1988 Regulations, except that where some or all of the service he was so entitled to reckon was part-time service it means the period in years he would have been entitled to reckon as pensionable service if in any period of part-time service he had served full-time.”

10. In the case of a police officer to whom paragraph 1 applies and who has made an election in accordance with paragraphs 6 and 7 or to whom paragraph 3 applies and who has made an election in accordance with paragraphs 4 and 5—

- (a) the pensionable service he is entitled to reckon, in accordance with regulations 8 to 13 shall include the pensionable service he was entitled to reckon under the 1988 Regulations at the time of his retirement with an entitlement to an award by way of repayment of aggregate pension contributions under regulation B6 of those Regulations, an ordinary pension under regulation B1 of those Regulations or, as the case may be, a deferred pension under regulation B5 of those Regulations; and
- (b) for the purposes of sub-paragraph (a), the pensionable service he was so entitled to reckon shall be such as is calculated by the Board in accordance with the provisions of Schedule 3.

11. In the case of a police officer to whom paragraph 1 or 3 applies, for the purposes of regulation 21 (final pensionable pay), paragraph (1)(b) and (c) of that regulation shall not have effect unless the periods of twelve months mentioned in that paragraph began on or after the date when pension contributions were first paid by him under regulation 5(1).

12. A police officer to whom these Regulations apply by virtue of regulation 4(2) and who has begun to pay contributions under regulation 5(1) may no longer pay pension contributions under the 1988 Regulations .

13. In the case of—

- (a) an officer to whom regulation 4(2)(a)(v) applies who is in receipt of an ill-health pension under regulation B3 of the 1988 Regulations; or
- (b) an officer to whom regulation 4(2)(a)(v) applies who is in receipt of a deferred pension under regulation B5 of the 1988 Regulations,

and who, in either case, has on or after 6th April 2006 rejoined the service (otherwise than in the circumstances set out in regulation 4(2)(c)(i), (ii) or (iii)), regulation 48 shall apply in relation to his ill-health pension as if it were a standard ill-health pension under regulation 26 or in relation to his deferred pension as if it were a deferred pension which came into payment early on the ground of permanent disablement for engaging in any regular employment under regulation 29 (as the case may be); and if a portion of his pension was commuted for a lump sum under regulation B7 of

the 1988 Regulations, regulation 25(2) shall have effect as if references to the previous lump-sum payment and to the most recent lump sum payment included references to the lump sum paid by way of commutation.

14. References in the foregoing paragraphs to retirement with an entitlement to an award under the 1988 Regulations shall be construed as including a reference to ceasing to serve, otherwise than upon retirement, with such an entitlement.

SCHEDULE 3

Regulation 4(8)

TRANSFER ELECTIONS UNDER REGULATION 4(8)

1. Where a police officer wishes to make a transfer election in accordance with regulation 4(8) he shall do so by giving written notice to the Board—

- (a) in the case of an officer to whom these Regulations apply by virtue of regulation 4(2)(a)(iv) or (v), or to whom regulation 4(6) or (7) applies, or is such as is mentioned in regulation 4(8)(c), within such period of three months beginning no later than 1st January 2007 as the Secretary of State may determine, or such longer period as the Board may, by reason of exceptional circumstances in that officer's case, in their discretion allow; or
- (b) in the case of an officer—
 - (i) to whom these Regulations apply by virtue of regulation 4(2)(a)(ii);
 - (ii) to whom these Regulations apply by virtue of regulation 4(2)(a)(iv) or (v) and who re-joined the police service on a date after that on which the period of three months mentioned in sub-paragraph (a) commenced;
 - (iii) who, for the purposes of regulation 4(6)(b), is treated as continuing to serve notwithstanding his dismissal and whose reinstatement following a successful appeal occurs on a date after that on which the period of three months mentioned in sub-paragraph (a) commenced; or
 - (iv) who is such as is mentioned in regulation 4(8)(c), and who rejoined the police service on a date after that on which the period of three months mentioned in sub-paragraph (a) commenced,

within the period of three months beginning on the date on which he first so rejoined the police service or, as the case may be, was reinstated (or such longer period as the Board may, by reason of exceptional circumstances in that officer's case, in their discretion allow).

2. A transfer election made in accordance with regulation 4(8) within the period of three months mentioned in sub-paragraph (a) of paragraph 1 (or such longer period as the Board may allow in accordance with that sub-paragraph) shall, in the case of an officer to whom regulation 4(6) applies, take effect as from 6th April 2006; but in the case of—

- (a) such a transfer made by any other officer to whom paragraph 1(a) applies; or
- (b) an officer such as is mentioned in paragraph 1(b),

the transfer election shall take immediate effect unless—

- (c) in a case falling within paragraph 1(a), regulation 4(7) applies to the officer and he has made a transfer election before the cancellation of the election to stop paying contributions has come into effect, in which case the transfer election takes effect at the same time as the cancellation, or

(d) in a case falling within paragraph 1(a) or (b), regulation 4(2)(a)(ii) applies to the officer, in which case the transfer election takes effect in accordance with paragraph 9.

3. A police officer who makes such a transfer election shall, no later than the last day of the period of three months mentioned in paragraph 1(a) or (b), as the case may be (or such longer period as the Board may allow in accordance with paragraph 1), pay all pension contributions then payable by him under the 1988 Regulations, including any payment he has undertaken to make under regulation F5 (previous service reckonable on payment) of those Regulations, and all periodical contributions then payable by him under the Police Pensions (Purchase of Increased Benefits) Regulations 1988.

4. As from the date on which a police officer's transfer election takes effect, he may no longer pay pension contributions under the 1988 Regulations.

5. As from the date on which such a transfer election takes effect, the total pensionable service the police officer concerned was entitled to reckon under the 1988 Regulations immediately before that date, calculated in accordance with paragraphs 6, 7 and 9, shall be reckonable as pensionable service for the purposes of these Regulations.

6. For the purposes of paragraph 5, the total pensionable service which a police officer was entitled to reckon immediately before that date shall be calculated by the Board as the sum of—

- (a) the pensionable service he was entitled to reckon under Part F of the 1988 Regulations at that time, multiplied by the appropriate conversion factor—
 - (i) where he has not yet attained the age of 55 years, applicable to his age next birthday at the notional commencement of pension contributions under the 1988 Regulations, or
 - (ii) where he has attained the age of 55 years, applicable to the number of years' qualifying service as a police officer he has completed as at the date on which his transfer election takes effect,

given in the following table—

TABLE OF CONVERSION FACTORS

<i>If under age 55</i>	<i>If aged 55 or above</i>	Periods with full spouse benefit	For female officers, periods with no spouse benefit
Age next birthday at notional commencement of pension contributions under 1988 Regulations	Number of years' qualifying service completed immediately before the date on which the transfer election takes effect		
25 and below	30	7/6ths	113%
26	29	115%	111%
27	28	113%	109%
28	27	111%	107%
29	26	108%	104%
30	25	105%	101%
31	24	102%	98%

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<i>If under age 55</i>	<i>If aged 55 or above</i>	Periods with full spouse benefit	For female officers, periods with no spouse benefit
Age next birthday at notional commencement of pension contributions under 1988 Regulations	Number of years' qualifying service completed immediately before the date on which the transfer election takes effect		
32	23	99%	95%
33	22	96%	92%
34	21	92%	88%
35 and above	20 or fewer	88%	84%

and

- (b) in the case of a police officer who had elected to purchase increased benefits in accordance with the Police Pensions (Purchase of Increased Benefits) Regulations 1988(26), such additional sixtieths as he would have been entitled to reckon under regulation 8(2) of those Regulations if, immediately before the date on which his transfer election takes effect, he had made an election under regulation G4 of the 1988 Regulations, multiplied by the conversion factor of 88%:

Provided that—

- (c) where a police officer has not paid the full amount due in accordance with paragraph 3 before the expiry of the period mentioned in that paragraph, the pensionable service he was entitled to reckon under the 1988 Regulations in respect of the period of service to which the contributions in question relate shall be the same proportion of that period of service as the amount which has been so paid bears to the total amount due; except that where the person concerned dies before the expiry of that period there shall be reckonable the full period of his pensionable service to which the amount due relates notwithstanding that the amount due has, in full or in part, not been paid in accordance with paragraph 3;
- (d) in the case of a pension debit member, his pension debit under the 1988 Regulations shall be multiplied by the conversion factor of 105% and shall be treated as a pension debit under regulation 33; and
- (e) for the purposes of these Regulations, the total pensionable service he was entitled to reckon under the 1988 Regulations shall not exceed 35 years.

7. In paragraph 6—

- (a) “age next birthday at the notional commencement of pension contributions under the 1988 Regulations”, means the age he would attain on the birthday following the date on which he would have attained an exact age determined by subtracting the length of his qualifying service under the 1988 Regulations from his exact age on the date when he commenced paying contributions under these Regulations, and
- (b) “qualifying service” and “qualifying service under the 1988 Regulations” mean the period in years he was entitled to reckon as pensionable service under the 1988 Regulations, except that where some or all of the service he was so entitled to reckon was part-time

(26) SR 1988 No 379; relevant amendments were made by SR 1990/411SR 2004/384 and 2006/122

service it means the period in years he would have been entitled to reckon as pensionable service if in any period of part-time service he had served full-time.

8.—(1) A police officer to whom—

- (a) regulation 4(2)(a)(iv) or (v), (6), (7) or (8)(c) applies and who does not make a transfer election within the period mentioned in paragraph 1 (a) or (b), as the case may be, or
- (b) regulation 4(5) applies, and
- (c) who, in either case, is entitled to a deferred pension under regulation B5 of the 1988 Regulations,

and who does not make a transfer election within the period mentioned in paragraph 1(a) or (b), as the case may be, may make a transfer election by giving written notice to the Board at any time before his retirement.

(2) In such a case, the pensionable service he was entitled to reckon under the 1988 Regulations which is to be reckoned as pensionable service for the purposes of these Regulations shall be calculated and credited by the Board in accordance with tables and guidance issued for the purpose by the Scheme actuary, as if a transfer value had been received under regulation 12(1).

9. In the case of a police officer who, after making a transfer election in accordance with paragraph 1(b), makes an appropriate payment in accordance with regulation 10(1) in respect of a period of service as a police officer which ceased before the date on which that transfer election took effect, he shall be entitled to reckon as pensionable service for the purposes of these Regulations a period calculated by the Board by multiplying the period of pensionable service to which the appropriate payment relates by the appropriate conversion factor applicable to his age next birthday at the notional commencement of pension contributions under the 1988 Regulations, given in the table set out in paragraph 6.

10. In the case of a police officer whose transfer election has taken effect, regulation 23 shall have effect as if, in paragraph (2), for the words “the officer became a member of the police service” to the end, there were substituted the words “a transfer election made by him in accordance with the provisions of Schedule 3 took effect”.

11. In the case of a police officer who had allocated a portion of any pension to which he might become entitled in accordance with regulation B9 of the 1988 Regulations, such allocation shall have no further effect as from the date on which his transfer election takes effect.

12. As from the date on which a transfer election made by a police officer takes effect, entitlement to awards to or in respect of him under the 1988 Regulations shall cease, except for entitlement to pension credit benefits.

13. In relation to a police officer who makes a transfer election, regulation 55 (lump sum payments) shall have effect as if, for the words “he last began to serve as such” in paragraph (1) there were substituted the words “he made his transfer election under regulation 4(8)”.

14. A police officer by whom pension contributions are payable under regulation G2(1) of the 1988 Regulations may make a provisional declaration for the purposes of regulation 37(2) which shall be—

(a) submitted to the Board no later than—

- (i) the expiry of the last day of the period of three months mentioned in paragraph 1(a) (or of such longer period as the Board may allow in accordance with that paragraph);
or

(ii) the day immediately before that on which he makes his transfer election, whichever shall first occur; and

(b) be in the form specified in regulation 37(2).

15. A provisional declaration made in accordance with paragraph 14 shall, as from the date on which the transfer election in question takes effect, take effect as if it had been made on that date pursuant to regulation 37(2):

Provided that if a police officer who has made a provisional declaration in accordance with paragraph 14 does not make a transfer election within the period of three months mentioned in paragraph 1(a) (or such longer period as the Board may allow under paragraph 1) the provisional declaration shall cease to have effect as from the end of that period.

16. In the case of a police officer—

- (a) to whom these Regulations apply by virtue of regulation 4(2)(a)(v); or
- (b) to whom regulation 4(8)(c) applies,

and whose transfer election has taken effect, if a portion of his ill-health pension or deferred pension was commuted for a lump sum under regulation B7 of the 1988 Regulations, the proviso in regulation 25(2) shall have effect as if references to the previous lump sum payment and to the most recent lump sum included references to the lump sum paid by way of commutation.

17.—(1) If a police officer is ineligible for pension awards payable on the ground of permanent disablement under regulation G7 of the 1988 Regulations and is an officer to whom regulation 4(5), (6) or (7) applies, he may at the time of making his transfer election request by notice in writing given to the Board that his eligibility for pension awards payable on the ground of permanent disablement be redetermined by the Board in accordance with regulation 6.

(2) Where a police officer gives such notice as is mentioned in sub-paragraph (1), regulation 6 shall apply to him and his eligibility for pension awards payable on the ground of permanent disablement shall be determined by the police authority in accordance with that regulation, subject to any appeal in accordance with regulation 66; and if the Board determine under regulation 6(3) or 6(4) (as applicable) that the risk presented by that officer 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 not disproportionately high he shall be eligible for pension awards payable on the ground of permanent disablement from the date on which his transfer election took effect but only in respect of his pensionable service from that date.

(3) Where a police officer is eligible for pension awards payable on the ground of permanent disablement in accordance with sub-paragraph (2)—

- (a) regulation 26 shall apply to him from the date on which his transfer election took effect; and
- (b) 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 on which his transfer election took effect.

(4) If, as a result of a determination and any appeal following that determination under sub-paragraph (2), the officer is ineligible for pension awards payable on the ground of permanent disablement for the purposes of these Regulations he may within 28 days of receiving notice of such ineligibility, elect to cancel his transfer election by notice in writing given to the Board.

(5) Where a police officer has elected to cancel his transfer election in accordance with paragraph (4), he shall be treated for all purposes as if the transfer election had not been made.

18.—(1) This sub-paragraph applies to a police officer who has made a transfer election in accordance with regulation 4(8) and who was ineligible for pension awards payable on the ground of permanent disablement under regulation G7 of the 1988 Regulations.

(2) A police officer to whom sub-paragraph (1) applies shall be ineligible for pension awards payable on the ground of permanent disablement in respect of the pensionable service he is entitled to reckon for the purposes of these Regulations under paragraphs 5 or 8, as applicable; and he shall remain so ineligible in respect of such pensionable service even if he subsequently makes an election under regulation 7(1) which is later cancelled under regulation 7(5)(6)(7)(8) or (9) or he retires or otherwise ceases to serve and subsequently rejoins his force or joins another force.

(3) Subject to paragraph 17, a police officer to whom sub-paragraph (1) applies shall also be ineligible for pension awards payable on the ground of permanent disablement for the purposes of these Regulations, as if he were so ineligible under regulation 6(5).

SCHEDULE 4

Regulation 48(14)

PROGRESSIVE MEDICAL CONDITIONS

The progressive medical conditions mentioned in regulation 48(14) are:

- AIDS;
- Alzheimer's disease;
- Cancer;
- Creutzfeld-Jacob disease;
- Huntington's chorea;
- Motor neurone disease;
- Multiple sclerosis;
- Nieman Pick disease;
- Non-variant Creutzfeld-Jacob disease;
- Parkinson's disease; and
- Variant Creutzfeld-Jacob disease.

SCHEDULE 5

Regulation 92

AMENDMENT OF THE POLICE SERVICE OF NORTHERN IRELAND AND POLICE SERVICE OF NORTHERN IRELAND RESERVE (INJURY BENEFIT) REGULATIONS 2006

1. The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006 ("the 2006 Injury Regulations") are amended in accordance with this Schedule.

2. For regulation 3 substitute the following—

“3.—(1) For the purposes of calculating an award to or in respect of a member of the police service his pensionable pay shall be calculated—

- (a) in a case where his pension contributions were payable under regulation G2 of the 1988 Regulations, in the same way as if the award were one payable under the 1988 Regulations, in accordance with regulation G1(1) and (1A) of those Regulations;

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- (b) in a case where his pension contributions were payable under regulation 5 of the 2009 Regulations, in the same way as if the award were one payable under the 2009 Regulations, in accordance with regulation 20 of those Regulations.
- (2) For the purposes of calculating an award to or in respect of a member of a police force his average pensionable pay shall be calculated—
 - (a) in a case such as is mentioned in paragraph (1)(a), in the same way as if it were an award payable under the 1988 Regulations, in accordance with regulation G1(2) to (7) of those Regulations, and as if—
 - (i) the relevant date for the purposes of that regulation were the date of his last day of service as a police officer, and
 - (ii) the provisions specified in paragraph 4(4) of Part VI of Schedule J (part-time service) to the 1988 Regulations included the following provisions of these Regulations, that is to say regulations 12(2) and (3) (amount of adult survivor's special award), 13(2)(a) (amount of adult survivor's augmented award) and 16(3), (4), (5) and (6) (amount of child's special allowance), and paragraphs 1, 2 and 4 of Schedule 5 (adult dependent relative's special pension);
 - (b) in a case such as is mentioned in paragraph (1)(b), in the same way as if it were an award payable under the 2009 Regulations, in accordance with regulation 22 of those Regulations, and as if—
 - (i) the period of twelve months mentioned in regulation 22(1) of those Regulations were the period of twelve months ending with the date of his last day of service as a police officer and
 - (ii) the provisions specified in regulation 22(4) of the 2009 Regulations (average pensionable pay) included the provisions of these Regulations mentioned in sub-paragraph (a)(ii).
- (3) For the purposes of an award calculated in accordance with paragraphs (1) and (2) references in such provisions of the 1988 Regulations or, as the case may be, of the 2009 Regulations as are mentioned in those paragraphs to a person's pensionable service shall in the case of a police officer who has made an election under regulation G4(1) of the 1988 Regulations or, as the case may be, regulation 7(1) of the 2009 Regulations include references to the pensionable service which would have been reckonable by him if he had not made such an election.
- (4) For the purposes of calculating an award to or in respect of a police officer his aggregate pension contributions shall be calculated—
 - (a) in a case where his pension contributions were payable under regulation G2 of the 1988 Regulations, in the same way as if it were an award payable under the 1988 Regulations, in accordance with regulation A9 of those Regulations;
 - (b) in a case where his pension contributions were payable under regulation 5 of the 2009 Regulations, in the same way as if it were an award payable under the 2009 Regulations, in accordance with regulation 23 of those Regulations.”

3. For regulation 11(3) substitute the following—

- “(3) For the purposes of paragraph (2)(b) the amount of aggregate pension contributions in respect of the relevant period of service shall be calculated—
 - (a) in the case of a person by whom, immediately before his last day of service as a member of a police force, pension contributions were payable under regulation G2(1) of the 1988 Regulations or would have been so payable but for an election under regulation G4(1) of the 1988 Regulations, in the same way as if the

award were one payable under those Regulations, calculated in accordance with regulation A9 of those Regulations;

- (b) in the case of a person by whom, immediately before his last day of service as a member of a police force, pension contributions were payable under regulation 5 of the 2009 Regulations or would have been so payable but for an election under regulation 7 of the 2009 Regulations, in the same way as if the award were one payable under those Regulations, calculated in accordance with regulation 23 of those Regulations.”

4. In regulation 12(2)(b)(ii) after “the 1988 Regulations ” insert “or, as the case may be, regulation 26 of the 2009 Regulations”.

5. In regulation 20(2) after “the 1988 Regulations” insert “or, as the case may be, under regulations 67, 68 or 69 of the 2009 Regulations”.

6. In regulation 21—

- (a) in paragraph (1) after “the 1988 Regulations ” insert “or, as the case may be, regulation 41 or 42 of the 2009 Regulations”;
- (b) in paragraph (2)(a)(i) after “the 1988 Regulations ” insert “or, as the case may be, regulation 41 or 42 of the 2009 Regulations”;
- (c) in paragraph (2)(a)(ii) after “the 1988 Regulations ” insert “or, as the case may be, regulation 43 of the 2009 Regulations”;
- (d) in paragraph (2)(b)(ii)(C) after “the 1988 Regulations ” insert “or, as the case may be, regulation 26 of the 2009 Regulations”;
- (e) in paragraph (2)(c) after “the 1988 Regulations ” insert “or, as the case may be, regulation 41 of the 2009 Regulations”.

7. In regulation 23(5) after “the 1988 Regulations ” insert “or the 2009 Regulations”.

8. In regulation 25—

- (a) in paragraph (1) after “the 1988 Regulations ” insert “or the 2009 Regulations”;
- (b) in paragraph (2)—
 - (i) after “the 1988 Regulations” insert “or regulation 35 of the 2009 Regulations”; and
 - (ii) for the words “the said regulation B7” substitute “either of the regulations mentioned in sub-paragraph (b)”.

9. In regulation 26—

- (a) in paragraph (1)(a) after “the 1988 Regulations ” insert “or an adult survivor’s pension under regulation 38 of the 2009 Regulations”;
- (b) in paragraph (1)(b) after “the 1988 Regulations ” insert “or a child survivor’s pension under regulation 39 of the 2009 Regulations”.

10. In regulation 27—

- (a) in paragraph (1)(b) after “the 1988 Regulations ” insert “or Part 4 of the 2009 Regulations”;
- (b) in paragraph (2) after “Part D of the 1988 Regulations ” insert “or regulation 39 of the 2009 Regulations”;
- (c) in paragraph (2)(ii) after “Part B of the 1988 Regulations ” insert “or, as the case may be, Part 4 of the 2009 Regulations”.

11. In regulation 29(2)—

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- (a) after “regulation H1(2) of the 1988 Regulations ” insert “or regulation 65 of the 2009 Regulations”;
 - (b) after “Part H of the 1988 Regulations ” insert “or, as the case may be, Part 7 of the 2009 Regulations”.
12. In regulation 35—
- (a) in paragraph (2) after “the 1988 Regulations ” insert “or the 2009 Regulations”;
 - (b) in paragraph (3) after “the 1988 Regulations ” insert “or regulation 48(5) or (6) of the 2009 Regulations”;
 - (c) in paragraph (4) after “the 1988 Regulations ” insert “or regulation 48(11)(d) of the 2009 Regulations”.
13. In regulation 38 after paragraph (4) insert the following paragraph—
- “(4A) The Board may, to such extent as they at any time in their discretion think fit—
- (a) apply for the benefit of any adult or child survivor of the grantee of the pension; or
 - (b) restore to the grantee of the pension,
any amount or amounts of any pension that has or have been forfeited under this regulation.”
14. In Schedule 1, at the appropriate place insert—
- ““the 2009 Regulations” means the Police Pension (Northern Ireland) Regulations 2009”.
15. In Schedule 3—
- (a) in paragraph 5 after “the 1988 Regulations ” insert “or regulation 7(1) of the 2009 Regulations”;
 - (b) in paragraph 6(1) after “the 1988 Regulations ” insert “or, as the case may be, Part 4 of the 2009 Regulations”;
 - (c) in paragraph 6(2)(b) after “the 1988 Regulations ” insert “or, as the case may be, regulation 35 of the 2009 Regulations”;
 - (d) in paragraph 6(3) after “the 1988 Regulations ” insert “or, as the case may be, regulation 7(1) of the 2009 Regulations”.