
STATUTORY RULES OF NORTHERN IRELAND

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.