
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 79

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

PART 8

TRANSFER VALUES, PAYMENT, ETC

Transfer values payable on leaving the police service or ceasing to make pension contributions

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74.—(1) Subject to paragraph (10), this regulation applies to a police officer who, before he attains the age of 64 years—

- (a) ceases to serve as a police officer; or
- (b) makes or has made an election under regulation 7,

and who, in either case, satisfies the conditions specified in paragraph (2).

(2) The conditions mentioned in paragraph (1) are—

- (a) that he subsequently becomes subject to new pension arrangements which are contained within—
 - (i) a public service pension scheme within the meaning of section 1 of the 1993 Act⁽¹⁾;
 - (ii) any other pension scheme which is registered under section 153 of the Finance Act 2004⁽²⁾; or
 - (iii) a qualifying recognised overseas pension scheme within the meaning of section 169 of the Finance Act 2004;
- (b) that his pensionable service satisfies the three month condition within the meaning of section 97AA(1) (b) (i) of the 1993 Act⁽³⁾;
- (c) that he is not entitled to a pension under Part 4 or, if he is so entitled, it is not yet payable;
- (d) that he has not received any award by way of repayment of his aggregate pension contributions; and
- (e) that he has, on or before the date on which he attains the age of 64 years, or within such longer period as the Board may allow in the circumstances of the particular case, given written notice to the Board of his desire that this regulation should apply in his case.

(1) Subsection (1) of section 1 was so numbered by the Pensions Act 2004 (c.35), section 293(1) and (2) and the definition of “public service pension scheme” was amended by the Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999 (S.I. 1999/1820; article 4, Schedule 2, Part I, paragraph 113(a) and (b))

(2) 2004 c.12

(3) Section 97AA(1)(b) was inserted by Article 241 of the Pensions (Northern Ireland) Order 2005

(3) A police officer who has given notice in accordance with paragraph (2)(e) may, without prejudice to the giving of another such notice, withdraw that notice by giving written notice to that effect to the Board under this paragraph; but withdrawal of notice under this paragraph shall be of no effect if it is given at a time when the Board have already entered into an agreement with a third party to pay a transfer value under paragraph (4) in respect of him.

(4) Subject to paragraphs (5) and (10), where this regulation applies the Board shall—

- (a) within 12 months of receipt of notice given in accordance with paragraph (2)(e); or
- (b) if earlier, by the date on which the police officer concerned attains the age of 65 years,

pay a transfer value calculated, (subject to paragraph (6)), in accordance with tables and guidance issued for the purpose by the Scheme actuary to the Board or person empowered to receive such payments for the purposes of the new pension arrangements to which the police officer becomes subject.

(5) If proceedings before a court have been commenced against the police officer concerned within 12 months of the date on which contributions under regulation 6 ceased to be payable in respect of him, and it appears to the Board that the proceedings may lead to the forfeiture of any pension, entitlement to which arises as a result of the payment of such contributions, the period within which payment under this paragraph is to be made shall be—

- (a) that specified in paragraph (4); or
- (b) three months from the conclusion of those proceedings (including any proceedings on appeal),

whichever ends later.

(6) In the case of a transfer value paid under the public sector transfer arrangements, paragraph (4) shall have effect as if, for the words from “subject to paragraph (6)” to “actuary” there were substituted the words “in accordance with the rules of the public sector transfer arrangements”; and for these purposes, “the public sector transfer arrangements” has the same meaning as that given in regulation 12(5).

(7) In the case of a police officer who has received such an award as is mentioned in paragraph (2) (d) but has, within six months of becoming subject to new pension arrangements, or within such longer period as the Board may allow in the circumstances of his case, paid to the Board an amount equal to that of the award, (plus interest, where payable in accordance with paragraph (9)) paragraph (2) shall have effect as if sub-paragraph (d) were omitted.

(8) In the case of a police officer who is becoming subject to new pension arrangements such as are specified in paragraph (2)(a)(i), paragraph (7) shall have effect as if for “six months” there were substituted “12 months”.

(9) For the purposes of paragraph (7) and (8)—

- (a) interest shall be payable where payment is made under that paragraph more than a year after receipt of the award as mentioned in paragraph (2)(d); and
- (b) any such interest shall be calculated at the rate of 5 per cent per year, compounded with yearly rests.

(10) Where a pension debit exists under Part 6, the amount of any transfer value payable under this regulation shall be decreased by the actuarial value of that debit.