
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 79

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

PART 8

TRANSFER VALUES, PAYMENT, ETC

Payment of awards

Payment of awards otherwise than to beneficiary and application of payments

79.—(1) This regulation applies to the payment of any award to or in respect of a police officer or a pension credit member (whether a pension, gratuity or other award) and any reference in this regulation to the beneficiary is a reference to the person to whom, this regulation apart, the award is payable.

(2) Subject to the provisions of these Regulations, and in particular the following provisions of this regulation, an award shall be payable only to the beneficiary.

(3) Where the beneficiary is a minor the Board may if they think fit, in lieu of paying any sum on account of an award to the minor, pay it to such other person as they may determine; and a person who receives any sum in pursuance of this paragraph shall, subject to and in accordance with any directions of the Board, apply that sum for the benefit of the minor.

(4) On the death of the beneficiary to whom a sum is due on account of an award which does not exceed £5,000 or such higher amount as may from time to time be prescribed for the purposes of section 6 of the Administration of Estates (Small Payments) Act 1965⁽¹⁾, the Board may, without probate, confirmation or any other formality or proof of title, pay the sum to the persons appearing to the Board to be beneficially entitled to the personal estate of the deceased or, as the Board think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the Board may determine.

(5) Where it appears to the Board that a beneficiary is by reason of mental disorder or otherwise incapable of managing his affairs, in lieu of paying any sum on account of an award to that beneficiary—

- (a) they may, in their discretion, pay it in whole or in part to a person having the care of the beneficiary or such other person as they may determine; and
- (b) in so far as they do not so discharge their liability in respect of that sum, the Board shall apply it in such manner as they think fit for the benefit of the beneficiary or his dependants,

and a person who receives any sum in pursuance of sub-paragraph (a) shall, subject to and in accordance with any directions of the Board, apply it for the benefit of the beneficiary or his dependants.

(6) Where, as a result of any fraud, theft or negligence on the part of a police officer in connection with his service as such, a loss has occurred to the fund out of which an award is payable to him, in lieu of paying the whole or any part of any sum on account of the award to that beneficiary, the Board may, if they think fit but subject to paragraph (7), apply it in making good the loss by retaining it in that fund:

Provided that the aggregate amount retained in pursuance of this paragraph shall not exceed whichever is the less of the following amounts—

- (a) the amount which is the actuarial value, at the time of the first retention, of the sums then or prospectively due to the police officer on account of the award; and
- (b) the amount of the loss,

and, in the event of any dispute as to the amount of that loss, the power conferred by this paragraph shall not be exercisable save to the extent of any sum adjudged due to the Board in respect of the loss by an order of a competent court.

(7) Where the Board exercise the power conferred by paragraph (6) they shall furnish the police officer concerned with a certificate showing the amount retained and the effect on the award; and, where the police officer is entitled to reckon pensionable service otherwise than by reason of service as a police officer in the police service, only the following proportion of any sum due on account of the award that may be so retained and applied, that is to say the proportion which his pensionable service reckonable by reason of service as a member of the police service bears to his total pensionable service.

(8) The Board shall obtain a good discharge by paying or applying any sum in the manner provided by this regulation.