

EXPLANATORY MEMORDANDUM TO
THE POLICE PENSION (AMENDMENT) (NORTHERN
IRELAND) REGULATIONS 2010

SR 2010 348

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by sections 25 and 26 of the Police (Northern Ireland) Act 1988 (the 1988 Act) read with articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972. The regulation making power is now vested in the Department for Justice by virtue of Article 5 of, and paragraph 9 and 10 of Schedule 3 to the Northern Ireland Act 1988 (Devolution of Policing and Justice Functions Order 2010 (“the Devolution Order”) and is subject to the negative resolution procedure.

2. Purpose

- 2.1 The instrument amends existing regulations which deal with the police officer pensions and retirement benefits. It extends the scope of these regulations so that they apply to employed constables in the National Policing Improvement Agency (NPIA).
- 2.2 The instrument also closes a gap in the Police Pension (Northern Ireland) Regulations 2009 to limit the amount of pensionable service may build up in the New Police Pension Scheme 2006, where they have previously been members of the Royal Ulster Constabulary Pension Scheme 1988.
- 2.3 These regulations also make various amendments to the Royal Ulster Constabulary Pensions Regulations 1988 to bring those regulations into line with the Police Pensions (Northern Ireland) Regulations 2009.

3. Background

- 3.1 Police officer pensions and retirement benefits are set out in the Royal Ulster Constabulary Pensions Regulations 1988 (the old pensions scheme); the Police Pensions (Northern Ireland) Regulations 2009 (the new police pensions scheme) and the PSNI and PSNI Reserve (Injury Benefit) Regulations 2006. The instrument amends each of these so that they apply to ‘employed constables of NPIA’ and these changes have effect from 1 April 2007 (being the date upon which the NPIA came into being).
- 3.2 Employed constables will generally have been members of the Police Service of Northern Ireland before joining the NPIA and will therefore have built up a pensionable service in one of the police pension schemes.

- 3.3 Following the amendments in this instrument, upon joining the NPIA, they will remain within their police pension scheme, with the same pensions and retirement benefits applying.
- 3.4 The instrument also amends the new police pension scheme to cover the case where a person transfers from the old pension scheme into the new police pension scheme. Specifically, it deals with the case where a person transfers some of his pensionable service into a private pension scheme before joining the new police pension scheme.
- 3.5 The instrument provides that account will be taken of pensionable service transferred into a private pension scheme when calculating the maximum additional service a person can acquire under the new police pension scheme. This is to ensure that those who reduce their holding of pensionable service in the old police pension scheme do not gain an undue advantage. The changes do not have retrospective effect and will only apply to persons, who join the new police pension scheme on or after 31 October 2010.

4 Consultation

- 4.1 In accordance with the section 28(5) of the 1988 Act, this instrument was sent in draft to the Northern Ireland Policing Board and the Police Association for Northern Ireland for consultation.
- 4.2 In accordance with section 62(3) of the Police Act 1996, this instrument was sent in draft to the Police Negotiation Board (PNB) for consultation.
- 4.3 This consultation process also included the Department of Finance and Personnel in accordance with 'Managing Public Money, Northern Ireland' and section 72(2A) of the 1988 Act as amended by the Devolution Order.
- 4.4 This instrument is the result of extensive discussion with police forces in Northern Ireland, Scotland, England and Wales. The discussion was led by the Home Office and participated in by the former Northern Ireland Office (now Department of Justice). Full account has been taken of comments received from both the official and staff sides of the PNB.
- 4.5 The level of public interest in the introduction of these amendments is low. There was no public consultation process and little media coverage. No further media coverage is expected given the retrospective nature of the regulations being implemented.

5. Equality Impact

- 5.1 Consideration has been given to compliance with section 75 of the Northern Ireland Act 1988 and no equality issues have been identified by the Department.

6. Regulatory Impact

- 6.1 The Department does not consider that there is need for a regulatory impact assessment for this instrument as it has no impact on business, charities or voluntary bodies.

7. Financial Implications

7.1 The impact on the public sector is limited to the area of police pension's provision. It is not anticipated to result in any increased costs.

8. Section 24 of the Northern Ireland Act

8.1 The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1988 and no human rights issues have been identified by the Department.

9. EU Implications

9.1 Not Applicable.

10. Parity or Replicatory Measure

10.1 These amendments are being undertaken to facilitate the consolidation of the old police pension scheme by the Department of Justice, the Home Office and the Scottish Government planned for 2010/11 on a UK-wide basis. There are currently separate regulations in place for England and Wales, Scotland and Northern Ireland.

11. Additional Information

11.1 Not applicable.