

SCHEDULE 1

PART 1

Amendments of the Royal Ulster Constabulary Pensions Regulations 1988

10. For regulation B8 (commutation – small pensions) substitute—

“B8.—(1) Where the annual rate of any pension payable to or in respect of a member under this Part or regulation M1 or J1 (2) does not exceed the small pensions commutation maximum, the Board may pay the person entitled to the pension a lump sum of such an amount as the Scheme actuary advises represents the capital value of the pension if—

- (a) that person consents, and
- (b) where the pension payable to that person is one which may not be less than the person’s guaranteed minimum, he has reached state pension age.

(2) If—

- (a) a person is entitled to more than one pension under this Part or regulation J1(2), or
- (b) a person is entitled to more than one relevant award in respect of the same member, or
- (c) a pension credit member is entitled—
 - (i) to more than one pension under regulation M1, or
 - (ii) to one or more pensions under this Part or regulation J1(2) in addition to one or more pensions under regulation M1, those pensions may only be commuted under this regulation if they do not in aggregate exceed the amount that is permitted to be commuted under all the commutation requirements that apply in the circumstances in question.

(3) The payment of a lump sum under this regulation in respect of a pension discharges the Board from all liability in respect of that pension.

(4) In this regulation—

“the commutation requirements” means requirements permitting the commutation of small pensions that are imposed—

- (a) by regulation 19, 20 or 60 of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996(1),
- (b) by regulation 2 of the Occupational Pension Schemes (Assignment, Forfeiture, Bankruptcy etc) Regulations (Northern Ireland) 1997(2),
- (c) by regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000(3), or
- (d) by paragraph 7 of Schedule 29 to the Finance Act 2004(4) (which defines trivial commutation lump sums for the purposes of Part 1 of that Schedule);

“relevant award” means an award under any of the following—

- (a) these Regulations;

(1) S.R. 1996 No. 493.

(2) S.R. 1997 No. 153.

(3) S.R. 2000 No. 146.

(4) 2004 c.12. Paragraph 7 was amended by S.I. 2009/1172.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) the Police Pension (Northern Ireland) Regulations 2009⁽⁵⁾;
- (c) the Injury Benefit Regulations;
- (d) the Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993⁽⁶⁾;

“the small pensions commutation maximum” means the amount that is permitted to be commuted, having regard to all the commutation requirements that apply in the circumstances in question.”.

⁽⁵⁾ S.R. 2009 No. 79.
⁽⁶⁾ S.R. 1993 No. 249.