

SCHEDULE 1

PART 1

Amendments of the Royal Ulster Constabulary Pensions Regulations 1988

1. The Royal Ulster Constabulary Pensions Regulations 1988 are amended as follows.
2. After regulation A13B insert—

“National Policing Improvement Agency

A13C.—(1) For the purposes of these regulations an employed constable of NPIA shall be deemed to be a member, except where the context otherwise requires.

(2) In relation to an employed constable of NPIA—

 - (a) a reference in these regulations to the force shall be construed as a reference to NPIA;
 - (b) a reference in these regulations to the Board (including any reference to the Police Authority which is to be construed as a reference to the Board) shall be construed as a reference to NPIA.”.
 - 3.—(1) Regulation A14 (transfers) is amended as follows.

(2) In paragraph (1) after “in accordance with paragraph (1A)” insert “, in the case of an employed constable of NPIA, in accordance with paragraph (1B)”.

(3) After paragraph (1A) insert—

“(1B) A reference in these regulations to a member transferring to a police force in Great Britain shall, in the case of an employed constable of NPIA, be construed as his leaving NPIA for the purpose of becoming a regular policeman in Great Britain and becoming such a regular policeman, where he leaves NPIA—

 - (a) after giving notice of such period as required by his contract of employment of an intention to do so to NPIA, or
 - (b) after giving such shorter period of notice as may be agreed between the employed constable of NPIA and NPIA.”.

(4) In paragraph (2) for “paragraph (4)” substitute “paragraphs (4) and (5)”.

(5) After paragraph (4) insert—

“(5) A reference in these regulations to a member having transferred from a police force in Great Britain shall, in the case of an employed constable of NPIA who, immediately before joining NPIA, was a regular policeman in Great Britain, be construed as his leaving NPIA for the purpose of becoming a member and his becoming a member, where he leaves NPIA—

 - (a) after giving notice of such period as required by his contract of employment of his intention to do so to NPIA, or
 - (b) after giving such shorter period of notice as may be agreed between the employed constable of NPIA and NPIA.”.
 - 4.—(1) Regulation A15 (retirement) is amended as follows.

(2) In paragraph (1) after “a specified employee of SOCA” insert “or on becoming an employed constable of NPIA”.

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(3) After paragraph (1A) insert—

“(1B) A reference in these regulations to retirement includes, in the case of an employed constable of NPIA, the contract under which he is employed by NPIA being terminated.”.

5. In regulation A16(3) (compulsory retirement on account of age) at the end insert “or to an employed constable of NPIA”.

6. In regulation A17(1) (compulsory retirement on grounds of efficiency of the force) for “or specified employee of SOCA” substitute “specified employee of SOCA or employed constable of NPIA”.

7.—(1) Regulation B1 (member’s ordinary pension) is amended as follows.

(2) In paragraph (1) after “(2)” insert “, (3A)”.

(3) In paragraph (3) omit sub-paragraphs (ca) and (cb).

(4) After paragraph (3) insert—

“(3A) This regulation shall not apply to—

(a) a specified employee of SOCA who retires or retired without giving to SOCA notice of such period as required by his contract of employment of his intention to retire or such shorter period of notice as agreed between the specified employee of SOCA and SOCA;

(b) an employed constable of NPIA who retires or retired without giving to NPIA notice of such period as required by his contract of employment of his intention to retire or such shorter period of notice as agreed between the employed constable of NPIA and NPIA;

unless SOCA or NPIA (as the case may be) have decided that this regulation should apply or the contract of employment is or was terminated.”.

(5) In paragraph (5)(b), for “(3)(ca)” substitute “(3A)(a) or (b)”.

8.—(1) Regulation B2A (short service award on voluntary retirement) is amended as follows.

(2) In paragraph (2) omit “or (5)” and insert “, (5) or (6)”.

(3) After paragraph (5) insert—

“(6) An employed constable of NPIA who wishes to retire voluntarily must give to NPIA notice of such period as required by his contract of employment of his intention to retire or such shorter period of notice as may be agreed between the employed constable of NPIA and NPIA.”.

9. In regulation B5(2)(b) (member’s deferred pension) omit “or to an award under regulation 10 of the Injury Benefit Regulations”.

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

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(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;

(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.”.

11.—(1) Regulation B11 (deduction of tax from certain awards) is amended as follows.

(2) In paragraph (1) for “repayment of contributions” to the end substitute “short service refund lump sum within the meaning of section 205 of the Finance Act 2004”.

(3) In paragraph (2) for “the tax for the time being” to the end substitute “the charge to income tax arising under that section”.

12. For regulation E3A(4) (lump sum death grant – widows and widowers) substitute—

“(4) The grant is to be paid to any widow who qualifies for it; but if there is no such widow, the Board may in its discretion pay the grant to the personal representatives.”.

(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.

(5) S.R. 2009 No. 79.

(6) S.R. 1993 No. 249.

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13.—(1) Regulation E8 (increase of widow’s pension or child’s allowance during first 13 weeks) shall be amended as follows.

(2) In paragraph (2)(i) after “or his entitlement to” insert “an injury award under regulation 10 of the Injury Benefit Regulations or to”.

(3) In paragraph (2A)(b) for “the Schedule to the Royal Ulster Constabulary (Amendment No. 3) Regulations 1994” substitute “Schedule 2 to the Police Service of Northern Ireland Regulations 2005(7)” and after “SOCA” insert “or an employed constable of NPIA”.

14. In regulation E9(2) (increase of awards (other than flat-rate awards) by reference to the Pensions (Increase) Acts) omit “Where the relevant award is a child’s allowance,” and for “allowance” the second time it appears, substitute “pension”.

15. In regulation F6(1A) (previous service reckonable under current interchange arrangements) omit “, other than rights to benefits arising out of a free-standing additional voluntary contributions scheme”.

16. In regulation F9(4) (transfer values payable following cessation of contributions) for “section 1 of Part III Schedule F” substitute “tables and guidance prepared by the Scheme actuary and approved by the Department of Justice” and omit “disciplinary proceedings or”.

17. In regulation G1(1) (pensionable and average pensionable pay) after “SOCA” insert “or an employed constable of NPIA”.

18. In regulation G4(5) (election not to pay pension contributions) omit sub-paragraph (i).

19. In regulation J1(6) (member with a guaranteed minimum for the purposes of the Social Security Pensions (Northern Ireland) Order 1975) omit paragraph (a).

20. In regulation K1(1)(d) (cancellation of ill-health pensions) after “SOCA” insert “or an employed constable of NPIA”.

21.—(1) Regulation K4 (withdrawal of pension during service as a policeman) shall be amended as follows.

(2) In paragraph (1) for “paragraph (2)” substitute “paragraphs (2) and (3)”.

(3) After paragraph (2) insert—

“(3) This regulation shall not apply in relation to any period during which a pensioner is serving as an employed constable of NPIA, where that period of service commenced on or before 10th November 2010.”.

22.—(1) Schedule A (glossary of expressions) is amended as follows.

(2) In the definition of “the Department” for “Northern Ireland Office” substitute “Department of Justice”.

(3) After the definition of “disablement” insert—

““an employed constable of NPIA” means a member of staff of NPIA who is a constable and an employee of NPIA;”

(4) In the definition of “the Injury Benefit Regulations” after “Northern Ireland” insert “and Police Service of Northern Ireland Reserve”.

(5) In the definition of “maternity leave” at the end insert “and in relation to an employed constable of NPIA, it means any period of maternity leave taken by that employee whilst employed by NPIA”.

(6) In the definition of “member” at the end insert “and an employed constable of NPIA”.

(7) [S.R. 2005 No. 547](#).

(7) After the definition of “normal benefit age” insert—

““NPIA” means the National Policing Improvement Agency;”.

(8) In the definition of “parental leave” at the end insert “and in relation to an employed constable of NPIA it means any period of maternity leave taken whilst employed by NPIA”.

(9) In the definition of “part-time service” at the end insert “or as an employed constable of NPIA”.

(10) After the definition of “retirement” insert—

““Scheme actuary” means the actuary for the time being appointed by the Department to provide a consulting service on actuarial matters relevant to these Regulations;”.

(11) In the definition of “sick leave” at the end insert “and in relation to an employed constable of NPIA it means any period of sick leave taken whilst employed by NPIA”.

23. In Part 1 of Schedule J (special cases – exceptions and modifications) omit paragraph 8(4).

24. In the following provisions of the Royal Ulster Constabulary Pensions Regulations 1988 for “Government Actuary” substitute “Scheme actuary”—

- (a) Regulation A9 (4),
- (b) Regulation B7 (7),
- (c) Regulation B8(2),
- (d) Regulation B9 (8),
- (e) Regulation B12 (a),
- (f) Regulation C6 (3),
- (g) Regulation C10,
- (h) Regulation E3 (2) (c),
- (i) Regulation E6 (3),
- (j) Regulation E11,
- (k) Regulation F10(7) (in each place),
- (l) Regulation G6(4A) (in each place),
- (m) Regulation G7(3),
- (n) Regulation K1(5)(b),
- (o) Regulation N1(2),
- (p) Regulation N2(2),
- (q) Regulation N3 (3) (b),
- (r) Regulation N4 (1),
- (s) Part II of Schedule E,
- (t) Part III of Schedule E,
- (u) paragraphs 6(2), 9(2) and 9A(2) of Section 1 of Part II of Schedule F,
- (v) paragraphs 4 and 5 of Section 1 of Part III of Schedule F,
- (w) paragraph 1(aa) (iii) of Section 2 of Part III of Schedule F.