

2010 No. 43

POLICE

**The Police Service of Northern Ireland Pensions (Amendment)
Regulations 2010**

Made - - - - - *22nd February 2010*

Coming into operation - *1st April 2010*

To be laid before Parliament

These Regulations are made in exercise of the powers conferred by section 25 of the Police (Northern Ireland) Act 1998(a), read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(b).

The Secretary of State has consulted the Northern Ireland Policing Board and the Police Association for Northern Ireland in accordance with section 25(8) of that Act.

The Treasury has consented to the making of these regulations in accordance with section 72(2A) of that Act.

The Secretary of State has consulted the Police Negotiating Board for the United Kingdom in accordance with section 62(3) of the Police Act 1996(c).

Accordingly the Secretary of State makes the following Regulations:

Citation and commencement

1.—(1) These regulations may be cited as the Police Service of Northern Ireland Pensions (Amendment) Regulations 2010.

(2) Subject to paragraph (3) these regulations come into operation on 1st April 2010.

(3) Regulation 2 has effect from 1st April 2004 until 30th September 2006(d).

(4) In these regulations “the 1988 Regulations” means the Royal Ulster Constabulary Pensions Regulations 1988(e).

(a) 1998 c.32. Section 25 is amended by section 78(1) of the Police (Northern Ireland) Act 2000 and section 24(2) of the Police (Northern Ireland) Act 2003. Section 72(2A) was inserted by section 78 of and Schedule 6 to the Police (Northern Ireland) Act 2000.

(b) S.I. 1972/1073 (N.I. 10).

(c) 1996 c.16. Section 62(3) was amended by section 34(2) of the Police (Northern Ireland) Act 1998.

(d) Retrospective effect is permitted by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972.

(e) S.R. 1988 No. 374. Relevant amending regulations are S.R. 2004 No. 384, S.R. 2006 No. 123, S.R. 2006 No. 268 and S.R. 2009 No. 143.

Member's ordinary pension

2.—(1) Regulation B1 (member's ordinary pension) of the 1988 Regulations is amended as follows.

(2) After paragraph (3)(a) insert—

“(aa) being of a rank above chief superintendent and not being subject to any procedures under regulations made under section 25(2)(e) of the Police (Northern Ireland) Act 1998, he retires or retired on or after attaining the age of 50 years having given to the Board 6 months' written notice of his intention to retire;”.

Commutation – general provision

3.—(1) Regulation B7 (commutation – general provision) of the 1988 Regulations is amended as follows.

(2) After paragraph (4) insert—

“(4A) The Board may, as the request of a member who retires or retired—

- (a) no more than one day before being entitled to reckon 30 years' pensionable service, and
- (b) before attaining the age of 50 years,

decide that the limitation contained in paragraph (4)(b) should not apply in his case.”.

Northern Ireland Office
8 February 2010

Paul Goggins
Minister of State

We consent to the making of these regulations

Dave Watts
Frank Roy

22 February 2010

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the Royal Ulster Constabulary Pensions Regulations 1988 (“the 1988 Regulations”) to implement an agreement of the Police Negotiating Board for the United Kingdom to give senior police officers the right to retire on or after reaching 50 years, if they are not subject to any disciplinary proceedings and give 6 months' notice to the Northern Ireland Policing Board. This amendment has effect from 1st April 2004 until 30th September 2006.

Retrospective effect is permitted by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972.

They also amend the 1988 Regulations to give the Northern Ireland Policing Board discretion to accept an application from a senior officer who joined the Police Service of Northern Ireland before the age of 20 and who wishes to retire before the age of 50, to defer his pension payment until the age of 50.

© Crown Copyright 2010

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print the Acts of the Northern Ireland Assembly.

£4.00

Dd. N4291. C2. 2/10. Gp. 130. 14567.