

SCHEDULE

Regulation 2

Amendment of the Royal Ulster Constabulary (Additional Voluntary Contributions) Regulations 1993

1. In regulation 2 (interpretation) insert the following definitions in the appropriate place in alphabetical order—

““the 2014 Act” means the Taxation of Pensions Act 2014(1);

“the 2009 Regulations” means the Registered Pensions Schemes (Authorised Payments) Regulations 2009(2);

“the Board” means the Northern Ireland Policing Board(3);”.

2. In regulation 10B (pension sharing on divorce or nullity of marriage) for the heading “Pension sharing on divorce or nullity or marriage” substitute “Pension sharing on divorce or nullity of marriage or on the dissolution or nullity of a civil partnership”.

3. For regulation 11, (retirement pensions) substitute—

“Retirement pensions

11.—(1) A participator may apply some or all of the proceeds of an investment made under regulation 9 to arrange with an insurer—

- (a) payment of a lifetime annuity;
- (b) payment of a lifetime annuity and a pension commencement lump sum;
- (c) a lump sum commutation payment that—
 - (i) reflects the value of benefits referred to in sub-paragraph (a) or (b), and
 - (ii) meets the requirements of regulations 11 and 12 of the 2009 Regulations;
- (d) any payment to the participator that complies with the requirements of the 2014 Act.

(2) Paragraph (1) is subject to paragraphs (10) to (13).

(3) Subject to paragraphs (4) and (5), the approved additional voluntary contributions provider must provide a participator with an option to receive benefits under paragraph (1) (a) to (c).

(4) Any annuity payable in accordance with paragraph (1)(a) or (b) must—

- (a) be incapable, in whole or in part, of surrender, assignation or commutation;
- (b) commence not earlier than the participator’s normal minimum pension age (within the meaning of section 279(1) of the Finance Act 2004(4);
- (c) be payable to the participator for life.

(5) A lump sum commutation payment referred to in paragraph (1)(c) may be paid in respect of benefits payable under paragraph (1)(a), (b) or (d).

(6) The approved additional voluntary contributions provider may, in addition to providing a participator with benefits under paragraph (3), provide a participator with alternative benefit options under paragraph (1)(d).

(1) 2014 c.30.

(2) S.I. 2009/1171.

(3) As established by section 2 of the Police (Northern Ireland) Act 2000 c.32.

(4) 2004 c.12.

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

(7) A participator must, not earlier than 3 months before the date from which the participator wishes those benefits under these Regulations to be provided, make a benefits election to the Board specifying—

- (a) whether and which benefits are to be provided under paragraph (3) or, alternatively, paragraph (6);
- (b) the approved additional voluntary contributions provider who is to provide each benefit;
- (c) for whom, if anyone, a dependant's benefit is to be provided;
- (d) if more than one benefit is to be provided, either—
 - (i) the proportion of the amount secured by the total investments made under regulation 9 that is to be applied to the purchase or arrangement of each of them; or
 - (ii) the dependants' benefits to be provided expressed as a percentage of the participator's benefits;
- (e) in respect of every annuity to be provided—
 - (i) the annual rate of the annuity;
 - (ii) whether it is to be payable for life or for a fixed period;
 - (iii) whether its rate is to be fixed or to vary in accordance with the Index or increase yearly by a specified percentage or (if lower) increase by the increase in the Index for the year in question;
 - (iv) whether the rate may reduce;
- (f) in the case of a participator who chooses a life-time annuity referred to in paragraph (1)(a) or (b) and who dies within the period of 5 years beginning with the date on which the annuity commences, whether, if the annuity had continued at the rate in force at the time of the participator's death, a lump sum is to be paid equal to the balance that would have been payable during the remainder of that period.

(8) If there are exceptional circumstances of serious ill-health, the Board may in its discretion realise the pension investments without purchasing any pension, and in that event the amount obtained becomes payable as a lump sum.

(9) More than one benefits election may be made under paragraph (7) and an election must—

- (a) be in writing, and
- (b) contain such information as the Board requests.

(10) Upon receipt of a notice of election under paragraph (7), the Board must, as soon as reasonably practicable, realise the investments made under regulation 9 and apply the proceeds in the manner specified in it.

(11) Where a participator dies before retirement or after retirement but before the benefits under this regulation are paid, the investments made under regulation 9 must be realised and are payable as a lump sum in accordance with regulation 15(2).

(12) The Board may realise the investments made under regulation 9 and apply the proceeds to the purchase of benefits under these Regulations from an insurer in such form as appears to the Board to be suitable where the conditions in paragraph (13) are satisfied.

(13) Those conditions are—

- (a) the participator's retirement date falls on or after 1st December 1999; and

- (b) the participator has attained the age of 75 and has not given a notice of election under paragraph (7) before doing so.”.
- 4. Omit regulation 13 and Schedule 2 (benefit limits).
- 5. In regulation 15 (payment by responsible person)—
 - (a) in paragraph (2)(a), for “regulation 11(5)” substitute “regulation 11(7)(f)”;
 - (b) omit paragraphs (4) and (5); and
 - (c) for sub-paragraph (a) of paragraph (7), substitute—
 - “(a) so far as the regulation relates to a payment under regulation 11(1), the authorised additional voluntary contributions provider,”.