

**Explanatory Memorandum to the
Police Pensions (Amendment) Regulations (Northern Ireland) 2017
S.R No. 2017 No. 26**

1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (detailed above) which is laid before the Northern Ireland Assembly.

The Statutory Rule is made under powers conferred by sections 1(1) and (2)(g), 2(1) and 3(1),(2),(3)(a) and (b), and (4) of the Public Service Pensions Act (Northern Ireland) 2014, and is subject to the negative resolution procedure.

2. **Purpose**

2.1 The main purpose of these regulations is to make minor technical amendments to provide clarity in interpretation of various rules and to correct a minor error identified by the Examiner of Public Rules on 3 March 2016.

3. **Legislative Context**

3.1 These regulations make various minor technical amendments to The Police Pensions Regulations (Northern Ireland) 2015 (2015 regulations) and to the Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993.

4. **Policy background**

4.1 The Department proposes to amend the 2015 regulations which make no policy change to the public sector schemes reformed design framework.

4.2 Amendments to the 2015 regulations will result in a minor change to the wording within “index adjustment” to remove any ambiguity in the application of indexation as intended under public sector scheme reform. This reflects the preferred approach taken by other pension schemes (i.e. fire service). Similar amendments are to be applied to police, civil service and judicial schemes, here, and in Scotland and England and Wales.

4.3 Further minor technical amendments clarify the legislative reference within the interpretation section of the 2015 regulations to a “pension supervisory authority” and “definition of final pay”.

- 4.4 On 3 March 2016 the Examiner of Public Rules in his commentary on The Police Pensions (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2016 (SR 2016/82) noted, that The Delegated Powers and Law Reform Committee of the Scottish Parliament had made a point on SSI 2016/75 about a missed consequential revocation, and that the same point seemed to arise in relation to SR 1993/249 (regulation 3(4)) and these Regulations. The Department acknowledged that regulation 3(4) of the Police Pensions (Additional Voluntary Contributions) Regulations (Northern Ireland) 1993 ought to have been revoked in the context of regulation 11(2) being substituted by alternative provision in this instrument and that the revocation would be given effect in a future amending instrument.

5. Consultation

- 5.1 As required by section 21 of the Public Service Pensions Act (Northern Ireland) 2014, the Department of Justice has consulted the Northern Ireland Policing Board and the Police Association for Northern Ireland. The consultation was also extended to the Chief Constable of the Police Service of Northern Ireland.
- 5.2 In accordance with section 3(5) of that Act, the Department of Justice has obtained the consent of the Department of Finance.
- 5.3 The draft regulations were issued for a targeted consultation from 18 November to 15 December 2016. The level of public interest in the introduction of these amendments was low. There was no public consultation process and no media coverage.

6. Equality Impact

- 6.1 Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998 and no equality issues have been identified by the Department.

7. Regulatory Impact

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

8. Financial Implications

- 8.1 The impact on the public sector is limited to the area of police pensions provision. It is not anticipated to result in any costs.

9. Section 24 of the Northern Ireland Act 1998

9.1 The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

10. European Implications

10.1 Not applicable.

11. Parity or Replicatory measure

11.1 Similar legislation is being made in Scotland, England and Wales.

12. Additional Information

12.1 Not applicable.