
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 79

**THE POLICE PENSION (NORTHERN
IRELAND) REGULATIONS 2009**

PART 5

PURCHASE OF INCREASED BENEFITS

Election to purchase increased benefits

53.—(1) This paragraph applies to a police officer by whom contributions are for the time being payable under regulation 5.

(2) Subject to the following provisions of this regulation, a police officer to whom paragraph (1) applies may at any time, for the purpose of reckoning additional pensionable service (“added years”) in calculating the awards payable to, or in respect of, him under Part 4, elect to make payment to the Board in accordance with the following provisions of this Part.

(3) Such an election is to be made by giving written notice to the Board specifying—

- (a) the number of added years to be purchased;
- (b) the date, no earlier than that on which the officer will attain the age of 55 years nor later than that on which he could be required to retire under regulation 16(1) or (2) if he continued to serve without change of rank, when he wishes the added years purchased to become reckonable for the purpose of calculating awards; and
- (c) whether payment is to be made by way of a lump-sum in accordance with regulation 55 or periodical contributions in accordance with regulation 56.

(4) The total number of added years that may be purchased in accordance with regulations 55 and 56 by virtue of such an election shall not exceed—

- (a) Five; or
- (b) such lesser number as would entitle the officer, if he were to serve continuously as a full-time member of the service from the date of his election under paragraph (2) until the date specified in accordance with paragraph (3)(b), to reckon a total of 35 years’ pensionable service as at the date so specified.

(5) A pension debit member may not replace any rights debited to him as a consequence of a pension sharing order with any rights which he would not have been able to acquire (in addition to the debited rights) had the order not been made.

Acceptance and effect of elections

54.—(1) The Board may refuse to accept an election to make payment by periodical contributions unless—

- (a) the police officer in question has undergone a medical examination; and
- (b) satisfied the Board as to his good health.

(2) Any fee in respect of a medical examination pursuant to paragraph (1) shall be paid by the police officer.

(3) An election made under regulation 53(2) to purchase added years by way of periodical contributions shall take effect from the date on which the periodical contributions commence in accordance with regulation 56(1).

(4) Subject to regulation 56(5) an election made under regulation 53(2) shall be irrevocable, save that where the Board is satisfied that the payment of periodical contributions in accordance with such an election is causing, or is likely to cause, financial hardship they may consent to the discontinuance of such contributions for such period as they think fit.

(5) When a police officer who has made an election under regulation 53(2) has not retired by the date specified in the notice of election in accordance with regulation 53(3)(b), then, notwithstanding that he may derive no benefit from his election, his liability to make payment in accordance with the following provisions of this Part shall not be affected and he shall not be entitled to the repayment of any lump-sum or contribution so paid.

Lump-sum payments

55.—(1) A police officer to whom regulation 53(1) applies may, within twelve months of the date when he last began to serve as such, elect under that regulation to make payment by a lump-sum of such amount calculated by the Board, in accordance with tables prepared by the Scheme actuary, as is necessary to purchase the added years specified in the notice of election.

(2) A lump-sum payment under this regulation shall be made within three months of the date on which the notice of election is given and, if it is not so made, the election shall be deemed for the purposes of these Regulations never to have been made.

(3) A sum held in another pension scheme may not be used to purchase added years under this regulation.

Payment by periodical contributions

56.—(1) Subject to the following provisions of this regulation, where a police officer elects to make payment under this regulation the periodical contributions—

(a) shall be made as from the date of his birthday falling within the year beginning with the date of his election; and

(b) shall continue, subject to any discontinuance on the ground of financial hardship in accordance with regulation 54(4) until the date—

(i) specified in the notice of election in accordance with regulation 53(3)(b);

(ii) on which any election made by him under regulation 7 takes effect;

(iii) on which he retires under regulation 15, 16 or 17, as the case may be, or otherwise ceases to serve as a police officer; or

(iv) subject to paragraph (8), on which he retires under regulation 18,
whichever is the earliest.

(2) All contributions under this regulation shall be deducted by the Board from the pay of the officer concerned.

(3) Such contributions shall be of such amount, calculated by the Board in accordance with tables prepared by the Scheme actuary, as is necessary to purchase the added years specified in the notice of election.

(4) In a case where the police officer makes an election to pay by periodical contributions while he is in part-time service, either—

- (a) payments payable by him shall be calculated as if he were in full-time service and his pensionable pay were the amount that would be his pensionable pay if he were in full-time service; or
- (b) those payments are to be payable in accordance with paragraph (7).

(5) An officer who made an election under regulation 53(2) at a time when he was a full-time member of the police service and has subsequently begun to serve on a part-time basis may vary that election within the period of three months from the date on which he began to serve on a part-time basis.

(6) Variation of an election in accordance with paragraph (5) shall be made by giving written notice to the Board specifying that the police officer in part-time service concerned wishes the payments payable by him to be payable in accordance with paragraph (7) and takes effect on the date of that notice.

(7) Where a police officer who is in part-time service—

- (a) makes an election under regulation 53(2); or
- (b) varies such an election in accordance with paragraph (5) and (6),

specifying that the payments which are payable by him are to be payable in accordance with this paragraph, then the payments payable by him by periodical payments shall be payable at the same percentage of his pay as if he were in full-time service.

(8) In the case of a police officer who has retired with an entitlement to an ill-health pension but has subsequently rejoined the police service or joined a police force in Great Britain in accordance with regulation 48 his periodical contributions shall again become payable as provided by paragraph (1).

(9) A sum held in another pension scheme may not be used to purchase added years under this regulation.

Reckoning of increased benefits

57.—(1) Subject to the following provisions of this regulation, for the purposes of calculating any award under Part 4 to or in respect of a police officer, added years purchased in pursuance of an election under regulation 53(2) shall be reckonable in the same way as other pensionable service reckonable by him.

(2) Subject to regulation 55(2), in a case where a police officer elects under regulation 53(3)(c) to make payments by way of a lump sum, he shall be entitled to reckon the number of added years specified in his notice of election under regulation 53(3)(a).

(3) In a case where a police officer elects under regulation 53(3)(c) to make payments by way of periodical contributions, he shall be entitled to reckon the number of added years determined in accordance with the following provisions of this regulation.

(4) Unless a police officer is in part-time service and has elected to pay contributions at the same percentage of his pensionable pay as if he were in full-time service as in regulation 56(7), in a case where the periodical contributions continue in payment until the date specified in the notice of election, the officer will be entitled to reckon the number of added years specified in his notice of election under regulation 53(3)(a).

(5) This paragraph applies where a police officer has commenced payment of periodical contributions in accordance with an election under regulation 53(2) and dies in service or retires with an entitlement to an ill-health pension under regulation 26.

(6) In a case in which paragraph (5) applies, the officer concerned shall, subject to paragraph (8), be entitled to reckon all the added years specified in his notice of election under regulation 53(3) (a), save that where—

- (a) he had discontinued payment of periodical contributions on the grounds of financial hardship under regulation 54(4); or
 - (b) he was an officer with part-time service and had elected to pay contributions at the same percentage of his pensionable pay as if he were in full-time service as in regulation 56(7), he shall be entitled to reckon a proportion of such benefits, determined in accordance with the formula set out in paragraph (7).
- (7) The formula referred to in paragraph (6) is—

$$\frac{AY \times PM}{PD}$$

where—

AY is the number of added years specified in the notice of election in accordance with regulation 53(3)(a);

PM is the aggregate length of the periods during which periodical contributions were made calculated in accordance with paragraph (14), where applicable; and

PD is the length of the period beginning with the date on which the election under regulation 53(2) took effect and ending on the date on which the officer concerned died or retired on the ground of disablement, as the case may be.

- (8) Subject to paragraph (9), in a case in which the officer concerned retired with—
- (a) an entitlement to a standard ill-health pension and that entitlement ceases in accordance with regulation 48; or
 - (b) an entitlement to an enhanced top-up ill-health pension and that entitlement ceases in accordance with regulation 48 in circumstances where he does not then remain entitled to a standard ill-health pension under paragraph (11)(c) of that regulation,

then (whether or not he rejoins the police service), his entitlement under paragraph (6) to reckon all or a proportion of the number of added years specified in his notice of election under regulation 53(3)(a) shall cease, but for the purposes of this regulation he will be deemed to have made the periodical contributions which, but for his retirement, would have fallen due during the period of that retirement.

(9) Where at the time of the officer's retirement on the ground of disablement he was entitled to reckon the proportion of the added years which he elected to purchase given in paragraph (7) he shall be deemed to have made a proportion of such periodical contributions, determined in accordance with the formula set out in paragraph (10).

- (10) The formula referred to in paragraph (9) is—

$$\frac{PN \times PM}{PD}$$

where PN is the length of the period beginning with the date on which the officer retired on the ground of disablement and ending on the date on which entitlement to the ill-health pension in question ceased, and PM and PD have the same meaning as in paragraph (7).

- (11) This paragraph applies to a police officer in respect of whom—
- (a) periodical contributions continue to be payable until the date specified in the notice of election, but had been discontinued for a period on the grounds of financial hardship under regulation 54(4), whether or not they were so discontinued at the date specified in the notice of election;
 - (b) periodical payments continue to be payable until the date specified in the notice of election, but he is an officer in part-time service and has elected to pay contributions payable

at the same percentage of his pensionable pay as if he were in full-time service as in regulation 56(7);

- (c) periodical contributions ceased in accordance with regulation 56(1)(b)(ii) on the date on which any election made by him under regulation 7 takes effect; or
- (d) periodical contributions ceased in accordance with regulation 56(1)(b)(iii) on the date on which he retired under regulations 15, 16, or 17, as the case may be, or otherwise ceased to serve as a police officer.

(12) In a case in which paragraph (11) applies, the officer shall be entitled to reckon a proportion of the number of added years specified in his notice of election under regulation 53(3)(a), determined in accordance with the formula set out in paragraph (13).

(13) The formula referred to in paragraph (12) is—

$$\frac{AY \times PM}{PE}$$

where—

AY is the number of added years specified in the notice of election in accordance with regulation 53(3)(a);

PM is the aggregate length in years of the period during which periodical contributions were paid, or deemed to have been paid, subject to paragraph (14); and

PE is the length of the period beginning with the date on which the election under regulation 53(2) took effect and ending on the date specified in the notice of election in accordance with regulation 53(3)(b).

(14) In the case of a police officer with part-time service who elected to pay contributions at the same percentage of his pensionable pay as if he were in full-time service as in regulation 56(7) the number of days for which he is deemed to have paid periodical contributions during a period of part-time service is calculated by the application of the fraction specified in regulation 11(1).