
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 476

The Police Pension (Northern Ireland) Regulations 2007

PART 4

PENSION AWARDS

Personal pensions

Police officer's ordinary pension

24.—(1) This regulation applies to a police officer who—

- (a) fulfils the qualifying service criterion;
- (b) retires or has retired in accordance with regulation 16, 17 or 18; and
- (c) has not made an election under regulation 7 which had effect at the time of his retirement.

(2) Subject to the provisions of these Regulations, a police officer to whom this regulation applies shall be entitled to an ordinary pension of an amount calculated in accordance with regulation 25.

Calculation of ordinary pension

25.—(1) A police officer's ordinary pension shall be—

- (a) an annual sum payable for life calculated by multiplying an amount equal to one seventieth of his final pensionable pay by the number of years of pensionable service he is entitled to reckon; and
- (b) a lump-sum payment calculated by multiplying an amount equal to four seventieths of his final pensionable pay by the number of years of pensionable service he is entitled to reckon.

(2)

- (a) A lump-sum under paragraph (1)(b) shall be reduced where the officer rejoins the police service having previously received a lump-sum payment by reason of—
 - (i) entitlement to a pension under regulation 26 (ill-health pension); or
 - (ii) receipt of early payment of deferred pension on the ground of permanent disablement under regulation 29,

(where that pension has been terminated under regulation 48).

- (b) Where sub-paragraph (a) applies the lump-sum shall be reduced by an amount equal to the amount of the previous lump-sum payment increased by the same amount as that by which an annual pension of an amount equal to that previous lump-sum would have been increased under the Pensions (Increase) Act (Northern Ireland) 1971(1) by the date on

which the award comes into payment, if the said annual pension had come into payment on the day on which the previous lump-sum payment was made.

- (c) Where a police officer has rejoined the police service more than once having previously received on more than one occasion a lump-sum payment by reason of entitlement to an ill-health pension under regulation 26 or to early payment of a deferred pension on the ground of permanent disablement under regulation 29 (where each pension has been terminated under regulation 48) the lump sum payment payable to the officer under paragraph (1) (b) shall be reduced in accordance with the paragraph (2) with references to a previous lump-sum payment being construed as references to the officer's most recent lump-sum payment, and of the amount it would have been if he had not prior to that received any lump-sum payment.

Police officer's ill-health pension

26.—(1) This regulation applies to a police officer who retires or has retired under regulation 18 (retirement on the ground of disablement) unless—

- (a) he has made an election under regulation 7 which had effect at the time of his retirement;
- (b) he is ineligible for pension awards payable on the ground of permanent disablement under regulation 6; or
- (c) who has attained the age of 55 at the time of his retirement, and in such a case that policeman shall be entitled to an ordinary pension under regulation 24 instead of an ill-health pension as provided in this regulation.

(2) Subject to the provisions of these Regulations, a police officer to whom this regulation applies shall be entitled to an ill-health pension as provided in this regulation.

(3)

- (a) In the case of a police officer who, at the time of his retirement—
 - (i) fulfils the qualifying service criterion, or
 - (ii) is disabled as the result of an injury received without his default in the execution of duty; and
- (b) is permanently disabled for the performance of the ordinary duties of a member of the police service; but
- (c) is not permanently disabled for engaging in any regular employment otherwise than as a police officer,

the award under paragraph (2) shall be an ill-health pension calculated in accordance with regulation 27 (“a standard ill-health pension”).

(4) In the case of a police officer who, at the time of his retirement, falls within paragraph (3) (a) but is permanently disabled both for the performance of the ordinary duties of a member of the police service and for engaging in any regular employment otherwise than as a police officer, the award under paragraph (2) shall comprise—

- (a) a standard ill-health pension and;
- (b) an additional pension calculated in accordance with regulation 28 (“an enhanced top-up ill-health pension”).

Calculation of standard ill-health pension

27. A police officer's standard ill-health pension shall be an annual sum payable for life and a lump-sum payment, calculated in accordance with regulation 25 as if he had been entitled to an ordinary pension at the date of his retirement.

Calculation of enhanced top-up ill-health pension

28. A police officer's enhanced top-up ill-health pension shall be—

- (a) an annual sum payable for life and;
- (b) a lump-sum payment.

(2) The amount in paragraph (1) shall be calculated by deducting the annual sum and lump-sum payment payable as his standard ill-health pension from the annual sum and lump-sum respectively as calculated in accordance with paragraphs (2) — (6) ("enhanced top-up totals").

(3) A police officer's enhanced top-up totals shall be calculated in accordance with regulation 25 as if he had been entitled to an ordinary pension at the date of his retirement, but for the purposes of that calculation the pensionable service the officer concerned is entitled to reckon at the date of his retirement shall be treated as having been increased in accordance with the provisions of paragraph (4) or (5), subject to paragraph (7) as the case may require.

(4) In the case of an officer entitled to reckon less than five years' pensionable service as at the date of his retirement, either—

- (a) the period of his pensionable service shall be multiplied by four, or
- (b) there shall be added to that service a period equivalent to half of the pensionable service he would have become entitled to reckon in respect of the period beginning with the date of the officer's retirement and ending on the day immediately before that on which he would attain the age of 55 years, had he continued to serve and to pay pensions contributions in accordance with regulation 5 ("prospective service"), whichever amounts to the lesser period.

(5) In the case of an officer entitled to reckon five or more years' pensionable service as at the date of his retirement, there shall be added to that service a period equivalent to half of his prospective service.

(6) In the case of an officer who has spent one or more periods in part-time service as such in determining the number of years of pensionable service that he is entitled to reckon as at the date of his retirement for the purposes of paragraphs (4) and (5), a period of service by virtue of which his pensionable service is reckonable as if it were a period of full-time service (but this paragraph does not apply so as to affect any other references to pensionable service in paragraphs (4), (5) and (7)).

(7) In the case of an officer who has spent one or more periods in part-time service as such, the period of prospective service for the purposes of paragraph (4)(b) or (5), as the case may be, shall be calculated as if, during the period beginning with the date of the officer's retirement and ending on the day immediately before that on which he would attain the age of 55 years, he would have served part-time for the same proportion of that period as his total pensionable service before his retirement bears to the total pensionable service he would have been entitled to reckon before his retirement if all that service had been full-time.

(8) If in a case where any of the officer's service by virtue of which his pensionable service is reckonable was part-time service, the amount of the pension calculated in accordance with the preceding paragraphs would be less than it would have been if he had become entitled to receive the pension at an earlier date, then the pension shall be of that amount instead.

Police officer's deferred pension

29. This regulation applies to a police officer who fulfils the qualifying service criterion and who—

- (a) ceases to serve as such otherwise than on retirement under regulation 15, 16, 17 or 18, or
- (b) makes an election under regulation 7,

in circumstances—

- (i) in which no transfer value under regulation 74 has been, or is required to be, paid in respect of him, and
- (ii) which do not entitle him to any pension award under any of the preceding provisions of this Part or regulation 40 (guaranteed minimum pension).

(2) A police officer to whom this regulation applies shall, on so retiring or otherwise ceasing to serve or, as the case may be, on making such election, be entitled to a deferred pension as provided in this regulation.

(3) In the case of an officer who falls within paragraph (1)(b) and who cancels his election in accordance with regulation 7(5) before his deferred pension has come into payment, his entitlement to that deferred pension shall be relinquished.

(4) A deferred pension shall be calculated in accordance with paragraphs (5) and (6).

(5) No payment shall be made on account of the pension in respect of the period—

- (a) before the officer in question attains the age of 65 years, or
- (b) from the officer in question becoming permanently disabled for engaging in any regular employment if he was not ineligible under regulation 6 for a pension award on the ground of permanent disablement before he became so disabled (subject, however, to regulation 51);

whichever is sooner.

(6) Subject to paragraph (5), police officer's deferred pension shall be—

- (a) an annual sum payable for life; and
- (b) a lump-sum payment,

calculated as if the deferred pension were an ordinary pension calculated under regulation 25.

Early payment of deferred pension subject to actuarial reduction

30.—(1) Subject to paragraphs (2) to (4), a police officer who is entitled to a deferred pension payable, in accordance with regulation 29(4) and (5) upon his attaining the age of 65, may elect for immediate payment of that pension subject to an actuarial reduction.

(2) No payment shall be made in respect of the period before the officer concerned attains the age of 55 years.

(3) An election under paragraph (1) shall be made by giving written notice to the Board at least one month before the date on which the officer concerned wishes such payment to commence.

(4) The actuarial reduction shall be calculated by the Board in accordance with tables prepared by the Scheme actuary.

(5) Where a police officer who has made an election under paragraph (1) dies, any survivor's pension payable in respect of that officer shall be calculated as if no such election had been made.

Repayment of aggregate pension contributions

31.—(1) This regulation applies to a police officer who retires, ceases to serve as such or who makes an election under regulation 7 (other than as set out in regulation 7(3)), in circumstances—

- (a) in which no transfer value under regulation 74 has been, or is required to be, paid in respect of him, and
- (b) which do not entitle him to a pension award under any of the preceding provisions of this Part.

(2) A police officer to whom this regulation applies shall be entitled to an award by way of a lump-sum payment of an amount equal to his aggregate pension contributions in respect of his relevant period of service, calculated in accordance with regulation 23.

Deduction of tax from awards under regulation 7(4) or 31

32. The Board may deduct from any payment by way of an award under regulation 7(4) or 31—

- (a) that part of any contributions equivalent premium paid in respect of the police officer as is permitted under section 57 of the 1993 Act⁽²⁾;
- (b) the tax for the time being chargeable on that award under section 205 of the Finance Act 2004⁽³⁾.

Pension debit members — personal awards

33. Where a pension debit member is entitled to an award under regulation 24 (an ordinary pension), 26 (an ill-health pension), 29 (a deferred pension) or 31 (repayment of aggregate pension contributions)—

- (a) the award shall be calculated by reference to the member's rights under these Regulations as reduced by virtue of Article 28 of the 1999 Order and in accordance with such tables and other guidance as are provided for the purpose by the Scheme actuary, and
- (b) regulations 34 (exchange of lump-sum for additional payments), 35 (commutation) have effect accordingly.

Exchange of lump-sum for additional periodical payments

34.—(1) This regulation applies to the lump-sum of an ordinary pension, or a deferred pension under this Part (which is not a deferred pension that becomes payable by reason of permanent disablement under regulation 29(4)).

(2) In relation to a deferred pension, paragraphs (4), (5), and (6) shall have effect as if any reference to the date of retirement were a reference to the coming into payment of the pension or to the date of that coming into payment.

(3) A police officer may, subject to and in accordance with this regulation, exchange for additional annual pension payments the whole or part of a lump-sum element to which this regulation applies to which he may become entitled.

(4) For the purpose of exchanging a portion of his pension in accordance with this regulation a person shall give notice in writing to the Board (“notice of exchange”) and—

- (a) the notice shall be given before, but not earlier than four months before, his intended date of retirement;
- (b) the notice shall indicate his wish to surrender and exchange for additional annual pension payments the whole or such part as he may specify of the lump-sum payment to which he would otherwise become entitled;
- (c) the notice shall not be effective if it was given more than four months before the date of his retirement.

(5) Where a person retires having given an effective notice of exchange, the Board shall—

(2) Section 57 was amended by the Pensions (Northern Ireland) Order 1995, Schedule 3, paragraph 47, by the Child Support, Pensions and Social Security Act 2000, Schedule 5, Part 1, paragraph 6(2), and by the Pensions Act 2004 Schedule 12, paragraphs 9 and 12

(3) 2004 c. 12.

- (a) withhold the whole or the specified part of the lump-sum payment in accordance with the notice; and
 - (b) pay to that person additional annual pension payments of such amount as represents the actuarial equivalent of the surrendered lump sum or portion of the lump sum at the date of his retirement, calculated from tables prepared by the Scheme actuary.
- (6) Sums paid or payable as additional pension payments by virtue of an effective notice of exchange shall be disregarded for the purposes of the calculation of a survivor's pension under regulation 38 or 39.

Commutation of small pension for lump-sum

35.—(1) Where the annual rate of any pension payable to or in respect of a police officer under this Part or regulation 58 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) in a case where the pension is payable to that person under the preceding provisions of this Part, and is one which may not be less than that person's guaranteed minimum pension, he has reached state pension age.
- (2) If—
- (a) a person is entitled to more than one pension under the preceding provisions of this Part, or
 - (b) a person is entitled to more than one pension in respect of the same police officer, or
 - (c) a pension credit member is entitled—
 - (i) to more than one pension under regulation 58, or
 - (ii) to one or more pensions within sub-paragraph (a) in addition to one or more pensions under regulation 58,
 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 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, and

“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(4);
- (b) by regulation (2) of the Occupational Pensions Schemes (Assignment, Forfeiture, Bankruptcy) etc Regulations (Northern Ireland) 1997(5);
- (c) by regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations Northern Ireland 2000(6); or

(4) [S.R. 1996 No. 493](#)

(5) [S.R. 1997 No. 153](#)

(6) [S.R. 2004 No. 1054](#)

- (d) by paragraph 7 of Schedule 29 to the Finance Act 2004 (which defines trivial commutation lump-sums for the purposes of Part 1 of that Schedule).

Survivors' pensions

Survivors' pensions — general provision

36.—(1) Subject to and in accordance with the provisions of these Regulations, where a police officer dies or has died—

- (a) while he is in receipt of an ordinary pension, an ill-health pension or a deferred pension;
 - (b) after he has ceased to serve as such in circumstances where no transfer value was paid in respect of his service and he is entitled to a deferred pension whether or not that pension has come into payment;
 - (c) while he is serving as such and fulfils the qualifying service criterion and no election under regulation 7 has effect at the time of his death; or
 - (d) while he is serving as such and, having made an election under regulation 7 which has effect at the time of his death, he is entitled to a deferred pension.
- (2) A survivor such as is mentioned in regulation 37 shall be entitled to a pension calculated—
- (a) in the case of an adult survivor in accordance with regulation 38; and
 - (b) in the case of a child survivor in accordance with regulation 39.

Survivors

37.—(1) For the purposes of regulation 36 a survivor shall mean—

- (a) a person who at the time of the death of the officer concerned was his spouse, civil partner or, subject to paragraph (2), other adult partner (“an adult survivor”);
 - (b) a child of the officer concerned (“a child survivor”) who is—
 - (i) a natural child, step-child or adopted child of the officer concerned;
 - (ii) a child conceived before death of the officer concerned and born after that death to a person mentioned in paragraph 1(a); or
 - (iii) any other child who at the time of the death of the officer concerned was substantially dependent, financially or by reason of permanent disablement, on him.
- (2) An adult partner, other than a spouse or civil partner, shall not be entitled to a pension under these Regulations unless the following conditions are satisfied—
- (a) the police officer concerned had sent to the Board a declaration that—
 - (i) the police officer and the adult partner concerned were cohabiting as partners in an exclusive, committed and long-term relationship;
 - (ii) the adult partner was financially dependent on the officer or they were financially interdependent;
 - (iii) the officer and the adult partner were both free to marry each other (where they are of opposite sexes) or to form a civil partnership with each other (where they are of the same sex);
 - (iv) the police officer acknowledged an obligation to send to the Board a signed notice of revocation should the relationship terminate;
- and had not revoked that declaration before his death; and

- (b) the surviving adult partner has submitted a claim in writing to the Board and satisfied the Board—
 - (i) that the circumstances mentioned in paragraphs (i), (ii) and (iii) of sub-paragraph (a) continued to subsist at the time of the officer's death, and
 - (ii) that the period of cohabitation mentioned in paragraph (i) of sub-paragraph (a) had been of at least two years' duration at the time of the officer's death;
 - (c) the Board may in their discretion accept a shorter period of cohabitation than that mentioned in paragraph (2)(b)(ii) where they are satisfied that the police officer and the adult partner concerned would have cohabited as partners for at least two years had the police officer not died.
- (3) The declaration in paragraph 2(a) must be made and signed by the police officer and the adult survivor concerned.
- (4) Upon receipt of a declaration or notice of revocation of such a declaration made in accordance with paragraph (2)(a), the Board shall forthwith send to the officer concerned a written notification of its receipt.

Calculation of adult survivors' pensions

38.—(1) An adult survivor's pension shall be calculated in accordance with the provisions of this regulation, subject to regulations 30(5) and 34(6).

- (2)
 - (a) Subject to paragraphs (6) and (7), in a case where the police officer concerned died in the circumstances mentioned in regulation 36(a), (b) or (d), an adult survivor of that officer shall be entitled to an annual pension payable for life calculated in accordance with sub-paragraph (b).
 - (b) The annual pension shall be equivalent to half of the annual pension which—
 - (i) was payable to the officer at the time of his death or,
 - (ii) would have been payable to the officer if his deferred pension had come into payment immediately before his death.
- (3)
 - (a) Subject to paragraphs (6) and (7), in a case where the police officer concerned died in the circumstances mentioned in regulation 36(c), an adult survivor of that officer shall be entitled to an annual pension payable for life calculated in accordance with sub-paragraph (b).
 - (b) The annual pension shall be equivalent to half the annual sum that would have been payable to the officer if—
 - (i) he had retired immediately before his death, and
 - (ii) on retirement he had had an entitlement to both a standard and an enhanced top-up ill-health pension calculated in accordance with regulations 27 and 28.
- (4) Where the police officer concerned was a pension debit member, an adult survivor's pension is calculated—
 - (a) by reference to the member's rights under these Regulations, as reduced by virtue of Article 28 of the 1999 Order, and
 - (b) in accordance with such tables and other guidance as are provided for the purpose by the Scheme actuary.
- (5) An adult survivor's pension shall be calculated by reference to the annual pension which was payable or would have been payable to the police officer as mentioned in paragraph (2)(b), or

by reference to the annual sum that would have been payable to the police officer as mentioned in paragraph (3)(b), without taking account of any increase of that annual pension or annual sum in accordance with the Pensions (Increase) Acts.

(6) In the case of an adult survivor who was more than twelve years younger than the police officer concerned at the date of his death—

- (a) the survivor's pension, as calculated in accordance with paragraph (2), (3) or (4), as the case may require and paragraph (5) shall be reduced by 2.5 per cent in respect of each whole year and any additional part of a year in excess of twelve by which the survivor was younger than the officer; but
- (b) no reduction under sub-paragraph (a) shall exceed 50 per cent of the pension that would otherwise be payable.

(7) In any case where—

- (a) the adult survivor is a surviving spouse or surviving civil partner, and
- (b) the marriage of the spouse and the officer occurred, or the civil partnership was formed as the case may be, within the period of six months immediately preceding the officer's death the Board may, in their discretion, withhold the pension.

(8) The amount of an adult survivor's pension, calculated in accordance with the preceding provisions of this regulation, shall be increased in accordance with regulation 47 (increase by reference to the Pensions (Increase) Acts).

Calculation of child survivors' pensions

39.—(1) Subject to regulations 30(5) and 34(6), a child survivor's pension shall be calculated in accordance with this regulation.

(2) A child survivor's pension shall be an annual amount equivalent to half of the pension which would be payable to any adult survivor as calculated in accordance with regulation 38(2) or (3), as the case may require, and regulation 38(5) subject to paragraph (3) below.

(3) Where three or more child survivors' pensions are for the time being payable in respect of the death of the same person, the pension payable to each child survivor shall be an annual amount equal to the pension which would be payable to an adult survivor as so calculated divided by the total number of child survivors' pensions so payable.

(4) Where a pension debit member dies, leaving a child survivor, the reduction in his rights under these Regulations by virtue of Article 28 of the 1999 Order is disregarded for the purposes of calculating any child survivor's award payable to that child under these regulations.

(5) In a case where a child survivor is—

- (a) in full-time training for a trade, profession or calling or is employed, and
- (b) is in receipt of remuneration in respect of that training or employment, his child survivor's pension shall be withdrawn or reduced in accordance with paragraph (6).

(6) In the case of a child survivor to whom paragraph (5) applies—

- (a) if the annual amount of his child survivor's pension is greater than the amount of his excess remuneration (within the meaning of paragraph (9)), his pension shall be reduced by the amount of that excess remuneration, or
- (b) if the amount of that excess remuneration is equal to or greater than the annual amount of the child survivor's pension which, but for this sub-paragraph, would be payable to him,

a child survivor's pension shall not be payable.

(7) A child survivor's pension shall be payable—

- (a) in a case where the child survivor was, in the opinion of the Board, at the time of the police officer's death dependent on him by reason of permanent disablement, for life;
 - (b) in a case where the child is in full-time education on a course of at least one year's duration, until he ceases to be in full-time education or attains the age of 23 years, whichever first occurs;
 - (c) in any other case, until the child survivor attains the age of 19 years.
- (8) A child survivor's pension, calculated in accordance with this regulation, shall be increased in accordance with regulation 47.

(9) In this regulation—

“excess remuneration” means the annual amount by which the annual rate of the relevant child survivor's remuneration exceeds the specified rate.

“specified rate” means a sum equivalent to the annual rate (rounded up to the nearest £1) of the applicable amount of personal allowance payable to a single claimant aged not less than 18 but less than 25 years, as specified in the Income Support (General) Regulations (Northern Ireland) 1987⁽⁷⁾ as uprated from time to time in accordance with an order under section 132(1) of the Social Security Administration (Northern Ireland) Act 1992⁽⁸⁾.

Guaranteed minimum pension

Guaranteed minimum pension for the purposes of the Pension Schemes (Northern Ireland) Act 1993

40.—(1) This paragraph applies, subject to paragraph (2), to a police officer who has a guaranteed minimum under section 9 of the Pension Schemes (Northern Ireland) Act 1993⁽⁹⁾ in relation to his pension provided under these Regulations.

(2) Paragraph (1) shall not apply in the case of a police officer in respect of whom a transfer value has been, or is required to be, paid under regulation 74.

(3) A police officer to whom paragraph (1) applies shall be entitled to a pension payable for life of a weekly amount equal to his guaranteed minimum (increased in accordance with section 11 of the 1993 Act).

- (a) in respect of any period before the date on which he attains state pensionable age;
- (b) if he is also entitled to a pension under the preceding provisions of this Part, in respect of any period for which that pension, together with any increase therein under the Pensions (Increase) Act (Northern Ireland) 1971⁽¹⁰⁾, exceeds the pension which, disregarding this sub-paragraph, would be payable under this regulation, or
- (c) in respect of any period following the date on which he attains state pensionable age during which he continues to be in service or employment (whether or not as a police officer) which commenced before he attained that age if—
 - (i) his service or employment is otherwise than as a police officer and he consents to postponement of his entitlement under this paragraph, or

⁽⁷⁾ S.R. 1987 No. 459.

⁽⁸⁾ 1992 c. 8.

⁽⁹⁾ 1993 c. 49; section 9 has been amended by the Pensions (Northern Ireland) Order 1995 No. 3213 (NI 22), schedule 3, paragraph 20 and schedule 5, Part III; the Social Security Contribution (Transfer of Functions, etc) Act 1999 (c. 2), schedule 1, paragraph 38; and the Proceeds of Crime Act 2002 (c. 29), schedule 11, paragraphs 1 and 22(1) and (3); and subsection (1) has been modified in certain cases by the Protected Rights (Transfer Payment) Regulations (Northern Ireland) 1996 (S.I.1996/1461), regulation 6(4) and the Contracting-out (Transfer and Transfer Payment) Regulations 1996 (S.I.1996/1462), regulations 12 and 13 and Schedule 2, paragraphs 3 and 7.

⁽¹⁰⁾ 1971 c. 35. (NI).

- (ii) he is entitled to an ordinary or deferred pension under these Regulations but for the period in question that pension has been withdrawn, in whole or in part, in pursuance of a decision taken by the Board for the purposes of regulation 49 before he attained state pensionable age, or
- (iii) his continued service is as a police officer and he has no entitlement to an ordinary or deferred pension under these Regulations.

(4) Where a person continues to be in service or employment (whether or not as a police officer) for a period of five years following the date on which he attains state pensionable age and does not then leave it, the commencement of his entitlement to a guaranteed minimum pension may be further postponed only if he consents to such postponement.

(5) This paragraph applies in the case of a police officer who has ceased to be in service or employment that was contracted-out within the meaning of section 44(1) of the Pension Schemes Act (Northern Ireland) 1993⁽¹¹⁾ and either—

- (a) all his entitlements to awards under these Regulations, except his rights in respect of his guaranteed minimum or his rights under section 5(2)(b) of the Pension Schemes Act (Northern Ireland) 1993⁽¹²⁾ (“his contracting-out rights”) have been transferred under Part 8, or
- (b) he has no entitlement to an award under these Regulations apart from his contracting-out rights.

(6) A police officer to whom paragraph (4) applies shall be entitled to—

- (a) a pension payable for life as from the date on which he attains state pensionable age of a weekly amount equal to his guaranteed minimum, if any, and
- (b) as from the date on which he attains the age of 55 a lump-sum and pension in respect of his rights under section 5(2)(b) of the 1993 Act.

(7) In a case in which paragraph (1) or (5) applies, where—

- (a) the police officer dies or has died at any time leaving a surviving spouse or surviving civil partner; then
- (b) unless pension to which he has been entitled has been forfeited under regulation 52(2),

the surviving spouse or surviving civil partner, as the case may be, shall be entitled to a pension of a weekly amount calculated in accordance with section 13(3) or (4) of the 1993 Act, as the case may require.

(8) No payment shall be made on account of a pension under paragraph 6 if the surviving spouse or surviving civil partner is also entitled to a survivor’s pension under regulation 37 in respect of any period for which the amount of that survivor’s pension exceeds the pension which, disregarding this paragraph, would be payable under this regulation.

(9) Where a surviving spouse or surviving civil partner is entitled to both a survivor’s pension under regulation 37 and a pension under paragraph (7) then, in respect of any period in respect of which a payment is made on account of the pension under paragraph (7), no payment shall be made to the surviving spouse or surviving civil partner on account of any such survivor’s pension.

(10) For the purposes of this regulation, “state pensionable age” shall mean, in the case of a man, the age of 65 or, in the case of a woman, the age of 60.

⁽¹¹⁾ Section 4(1) was amended by Article 133 (2) and Schedule 5 to the Pensions Order (Northern Ireland) 1995 ([S.I.1995/3213](#)) ([N.I. 22](#)), paragraph 21(a) and by the Social Security Contributions (Transfer of Functions, etc) (Northern Ireland) Order 1999 Schedule 1, paragraph 34(a).

⁽¹²⁾ Section 5(2)(b) was substituted by section 136(3) of the Pensions (Northern Ireland) Order 1995 and amended by the Social Security Contributions (Transfer of Functions, etc) Order 1999, schedule 1, paragraph 35(1) and (2).

(11) Regulation 52 (forfeiture of pension) shall apply in relation to a pension under paragraph (3), (6) or (7) as it applies to any other pension under this Part but as if sub-paragraph of that regulation (4) were omitted.

(12) Save as provided for in paragraphs (3) (7) (8) or (11), nothing in any other regulation shall affect a person's entitlement to a pension under this regulation, the amount of such a pension or the circumstances in which it may be withdrawn or forfeited.

Awards on death — additional provisions

Death gratuities — dependants

41.—(1) This regulation applies in the case of a police officer who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, if death—

- (a) results from an injury received in the execution of his duty, or
 - (b) takes place within two years of his becoming entitled to his pension.
- (2) In the case of such a police officer the Board may, in their discretion—
- (a) grant a gratuity to any person who was to any degree dependent on him, whether financially or by reason of disablement, at the time of his death, but
 - (b) the aggregate amount of any gratuities granted under this regulation shall not exceed the aggregate pension contributions in respect of the police officer's relevant period of service, calculated in accordance with regulation 23.

Death gratuity — estate

42.—(1) This regulation applies in the case of a police officer who dies—

- (a) while in receipt of a pension; or
 - (b) while entitled to a deferred pension, whether or not that pension has come into payment; or;
 - (c) while serving as such.
- (2) If in the case of such an officer, the aggregate of—
- (a) any payments made or due to such an officer on account of his pension or by way of a lump-sum under regulation 24 or 26 together with any increase therein under the Pensions (Increase) Acts;
 - (b) the capitalised value (calculated in accordance with tables prepared from time to time by the Scheme actuary) of any pension or allowance granted in respect of his death (including, where he has allocated a portion of his pension under regulation 36, any pension payable to the beneficiary of that allocation);
 - (c) the actuarial value of any pension credit under Part 6 of these Regulations; and
 - (d) any gratuity granted in respect of his death under regulation 41, is less than his aggregate pension contributions in respect of his relevant period of service (calculated in accordance with regulation 23), the Board shall pay a gratuity equal to the difference to his legal personal representative.

Lump-sum death grant

43.—(1) On the death of a person while serving as a police officer a lump-sum death grant becomes payable unless an election under regulation 7 not to pay pension contributions had effect at the time of the death.

(2) The grant is payable whether or not any adult survivor's pension or death gratuity to a dependant of the officer or his estate is payable under regulation 36, 41 or 42 respectively.

(3) The amount of the grant is three times that of the deceased officer's pensionable pay, expressed as an annual rate—

- (a) at the time of death, or
- (b) if he was then absent from duty without pay, immediately before that absence began.

(4) The grant is to be paid—

- (a) to any surviving spouse or surviving civil partner who qualifies for it; or
- (b) if no person is qualified under sub-paragraph (a), and if the Board in their discretion so decide, to a surviving adult partner where the requirements of regulation 37(2)(a) and (b) are met; or
- (c) if no payment is made under sub-paragraph (a) or (b), and if the Board in their discretion so decide, to a person in respect of whom a nomination by the officer in accordance with regulation 44 had effect at the time of his death; or
- (d) otherwise, if the Board in their discretion so decide, to his legal personal representative.

(5) A surviving spouse or surviving civil partner qualifies for the grant unless at the time of the death—

- (a) the deceased officer and his spouse or, as the case may be, civil partner were separated by an order or decree of a competent court, and
- (b) the deceased was not required by such an order to contribute, and was not in fact regularly contributing to, the support of the spouse or civil partner or to the spouse or civil partner for the support of a child of the spouse or civil partner.

Nomination for lump-sum death grant

44.—(1) A police officer may, subject to paragraph (2), nominate a person to receive any lump-sum death grant which may become payable under regulation 43(4)(c).

(2) Such nomination shall not have effect unless—

- (a) it was signed by the officer concerned and sent, before any award under these Regulations other than a pension credit has come into payment, to the Board; and
- (b) it has not been revoked by written notice to the Board.

(3) Upon receipt of a nomination or notice of revocation of such a nomination made in accordance with paragraph (2), the Board shall forthwith send to the officer concerned a written notification of its receipt.

Pension debit members — awards on death

45. Subject to paragraph (2), where a pension debit member dies any award in respect of him under regulation 41 or 42 (death gratuities) or 44 (lump-sum death grant) is calculated by reference to the member's rights under these Regulations as reduced by virtue of Article 28 of the 1999 Order and in accordance with such tables and other guidance as are provided for the purpose by the Scheme actuary.

Prevention of duplication

46.—(1) Subject to paragraph (3), where, but for this regulation, a person would be entitled to receive, in respect of any particular period, payments on account of more than one award in respect of the death of the same person; and each of the awards is a survivor's pension under regulation 36

or an award under regulation 6, 13, 14, 17, 18, 20 or 21 of the Police Service of Northern Ireland Pensions (Injury Benefit) Regulations 2006⁽¹³⁾, he shall be entitled to receive, in respect of that period, payment on account of one only of those awards.

(2) The award payable under paragraph (1) shall be—

- (a) that selected from time to time by the person concerned; or
- (b) in default of such selection where one award is for the time being greater than any other such award, the award which is for the time being the greater.

(3) Nothing in paragraph (1) shall prevent a person from being entitled to receive more than one such pension if the awards in question are calculated, directly or indirectly, by reference to different periods of pensionable service.

Increase of awards by reference to the Pensions (Increase) Acts

47.—(1) Where it is provided that, for the purpose of calculating an award by way of periodical payments or a gratuity (“the relevant award”), an amount shall be increased in accordance with this regulation, the increase shall be calculated in accordance with paragraph (2).

(2) The amount to be increased shall be increased by the amount, if any, by which a corresponding pension (within the meaning of the Pensions (Increase) Act (Northern Ireland) 1971) of the amount first mentioned would from time to time be increased under the Pensions (Increase) Acts if—

- (a) it were payable to the person entitled to the relevant award and, in relation thereto, he had the like guaranteed minimum pension (if any) as he has in relation to the relevant award;
- (b) it were one of the pensions specified in paragraph 43 of Part II of schedule 2 to the said Act of 1971⁽¹⁴⁾;
- (c) it were not a pension to which section 1(2)(a) of the Pensions (Increase) Act 1974 applies, and
- (d) it began, within the meaning of the said Act of 1971, and became payable when the relevant award so began and became payable.

(3) The Pensions (Increase) Acts as applied by paragraph (2) shall have effect as if section 3 were omitted from the Pensions (Increase) Act 1971 and, accordingly, the amount first mentioned in paragraph (1) shall be increased so long as the pension is payable.

Revision and withdrawal or forfeiture of awards

Review and cancellation of pensions payable on the ground of permanent disablement

48.—(1) As long as a person—

- (a) is in receipt of a standard ill-health pension and has not attained the age of 55 years, or
- (b) is in receipt of an enhanced top-up ill-health pension or a deferred pension which, in accordance with regulation 29, came into payment early on the ground of permanent disablement for engaging in any regular employment, and
- (c) in either case has not attained the age of 65 years, the Board may consider, at such times as are specified in paragraph (2), whether his disablement has ceased, significantly worsened (in the case of a person such as is mentioned in paragraph (1)(a)) or significantly improved (in the case of a person such as is mentioned in paragraph (1)(b)).

⁽¹³⁾ S.R. 2006 No. 268

⁽¹⁴⁾ Paragraph 43 has been amended by paragraph 8 of Schedule 2 to the Police Pensions Act 1976 (c. 35) and paragraph 18(3) of Schedule 7 to the Police Act 1996 (c. 16).

(2) The times mentioned in paragraph (1) are such times as the Board may in their discretion determine—

- (a) in the case of a person such as is mentioned in paragraph (1)(a), until the person concerned attains the age of 55 years; and
- (b) in the case of a person such as is mentioned in paragraph (1)(b), at intervals of no less than five years until the person concerned attains the age of 65 years.

(3) If, on any consideration under paragraph (1), it is found, in respect of a person who—

- (a) is in receipt of a standard ill-health pension or an enhanced top-up ill-health pension, and
- (b) has not attained the age of 55 years,

that his disablement for the performance of the ordinary duties of a member of the police service has ceased, the Board may give the person concerned notice that if he wishes to rejoin the service as a police officer within a period of not less than three months from the date on which he has been given such notice he will be permitted to do so.

(4) If the person concerned, within the period referred to in paragraph (3), offers to rejoin the police service as a police officer, he shall be permitted to do so in a rank not lower than that he held immediately before he retired with the ill-health pension.

(5) On the person concerned rejoining the service as mentioned in paragraph (4) or, where in any other circumstances a person who is in receipt of either—

- (a) an ill-health, or
- (b) a deferred pension which came into payment early on the grounds of permanent disablement for engaging in any regular employment,

rejoins the service, payment of his ill-health pension shall be terminated by the Board upon rejoining.

(6) Where the person concerned does not offer to rejoin the service under paragraph (5) within the period referred to in paragraph (3), at the end of that period payment of his ill-health pension shall be terminated by the Board.

(7)

- (a) If on any consideration under paragraph (1), it is found in respect of a person who—
 - (i) is in receipt of an ill-health pension, and
 - (ii) has not attained the age of 55 years,

that his disablement for the performance of the ordinary duties of a member of the service would have been expected to have ceased by reason of his having received normal appropriate medical treatment, payment of his ill-health pension may be terminated by the Board, if the conditions in paragraph (8) are met.

- (b) In this paragraph “appropriate medical treatment” shall not include medical treatment that it is reasonable in the opinion of the Board for that person to refuse.

(8) The conditions are that—

- (a) the officer concerned is not receiving or has not received medical treatment, as the case may be;
- (b) his failure to receive such treatment is attributable to his wilfulness or negligence; and
- (c) he has wilfully or negligently persisted in that failure after receiving both—
 - (i) a written notice from the selected medical practitioner that, in his opinion, the conditions in sub-paragraph (d) apply in that person’s case, and
 - (ii) a written notice from the Board of their opinion that sub-paragraphs (a) and (b) apply in his case and of their powers to terminate the under paragraph (7).

- (d) the conditions referred to in sub-paragraph (c)(i) shall be that:
 - (i) the officer's disablement for the performance of the ordinary duties of a member of the service would have been expected to have ceased by reason of his having received appropriate medical treatment; and
 - (ii) the officer is not receiving or has not received such medical treatment.

(9) If, on any consideration under paragraph (1), it is found in respect of a person who—

- (a) has not attained 65 years of age, and
- (b) is in receipt of either—
 - (iii) an enhanced top-up ill-health pension; or
 - (iv) a deferred pension which came into payment early on the ground of permanent disablement for engaging in any regular employment,
 that his disablement for engaging in any regular employment has ceased, then—
- (c) in such a case as is mentioned in sub-paragraph (b)(i), except where the Board have given notice to the person concerned under paragraph (3), his entitlement to his enhanced top-up ill-health pension shall cease and he shall remain entitled to payment of his standard ill-health pension; and,
- (d) in such a case as is mentioned in sub-paragraph (b)(ii), the Board shall cease to make early payments of his deferred pension.

(10) Subject to paragraph (12), if on any consideration under paragraph (1), it is found, in respect of a person in receipt of a standard ill-health pension, that his disablement has worsened to the extent that he has become disabled for engaging in any regular employment, he shall become entitled to an enhanced top-up ill-health pension, calculated in accordance with regulation 28 and payable in accordance with paragraph (11).

Provided that such enhanced top-up ill-health pension shall not entitle him to any lump-sum payment additional to that paid in respect of the standard ill-health pension.

(11) An enhanced top-up ill-health pension to which entitlement arises under paragraph (9) shall be payable as from the date on which the claim by the person concerned that his disablement had worsened which led to the consideration referred to in paragraph (7) was notified to the Board (or, where the Board referred the matter for decision under regulation 67(2), of their own motion in the absence of such a claim, as from the date on which they so referred the matter for decision).

(12)

- (a) Paragraph (10) shall apply only if the claim that a person's disablement had worsened which led to the consideration referred to in that paragraph was made within the period of five years beginning with the date on which the person concerned retired.
- (b) The time limit in sub-paragraph (a) shall not apply where the disablement of the person concerned is attributable to a progressive medical condition specified in Schedule 4 which, of its nature could have been expected as at the time of his retirement to affect him with increasing severity.

(13) Where payment of a person's ill-health pension is terminated under paragraph (6), but he is not entitled to a deferred pension under regulation 29, then, if the aggregate of—

- (a) the sums paid in respect of the pension, and
- (b) the actuarial value, determined in accordance with tables prepared by the Scheme actuary, of any pension to which he is entitled under regulation 41 (guaranteed minimum pension) for the purposes of the Pensions Schemes (Northern Ireland) Act 1993(15).

is less than his aggregate pension contributions in respect of the relevant period of service, the Board shall pay the difference to the person concerned.

(14) Where payment of—

- (a) a person's ill-health pension, or
- (b) a person's deferred pension which came into payment early on the ground of permanent disablement for engaging in any regular employment,

is terminated under this regulation he shall retain any lump-sum payment received by way of such pension subject to regulation 25(1)(b) and regulation 25(2) (c).

Withdrawal of pension during service as a police officer

49.—(1) Subject to paragraph (3), the Board may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is serving as a police officer in the police service or any police force in Great Britain.

(2) Where the Board withdraw a pension in accordance with paragraph (1) they shall be discharged from all actual or contingent liability in respect of the pension, or the part of it, withdrawn for the period in question.

(3) This regulation does not apply to a pension under regulation 36 (survivors' pensions) or a pension credit under regulation 58.

Reduction of pension in case of default

50.—(1) Where a police officer or a former police officer becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the Board may reduce the amount of any—

- (a) ill-health pension, or
- (b) deferred pension which comes into payment early on the ground of permanent disablement for engaging in any regular employment,

payable to him by them by an amount not exceeding a half of that to which he would otherwise be entitled.

(2) This regulation shall not apply where the person concerned—

- (a) is in receipt of a standard ill-health pension and has attained the age of 55 years, or
- (b) is in receipt of a deferred pension and has attained the age of 65 years.

(3) Where the pension of a police officer has been reduced under this regulation, then, if when he attains the age of 65 years the reduced pension is less than the amount of the deferred pension which would have been payable on his attaining that age had he been granted such a pension on the date of his ceasing to serve, it shall be increased to that amount.

Withdrawal of early payment of deferred pension

51. In a case where a person to whom regulation 29 applies ceased to serve by reason of dismissal under the Conduct Regulations and—

- (a) was permanently disabled for engaging in any regular employment at the time when he so ceased to serve, or
- (b) becomes so disabled before he attains the age of 65 years,

no payment shall be made on account of the pension in respect of the period before he attains the age of 65 years unless the Board in the exercise of their discretion determine to make such payment.

Forfeiture of pension

- 52.**—(1) This regulation applies to a pension payable—
- (a) under this Part, to a police officer or former police officer;
 - (b) under regulation 36, to a survivor of such a police officer; and
 - (c) under Part 6, to a pension credit member.
- (2) The Board may determine that the pension be forfeited, in whole or in part and permanently or temporarily as it may specify, if—
- (a) the pensioner has been convicted of an offence mentioned in paragraph (3), and
 - (b) in the case of an adult survivor's pension, that offence was committed after the death of the police officer in respect of whom the pension is payable.
- (3) The offences referred to in paragraph (2) are—
- (a) an offence of treason;
 - (b) one or more offences under the Official Secrets Acts 1911 to 1989 for which the grantee has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least ten years.
- (4) The Board may determine that the pension be forfeited, in whole or in part and permanently or temporarily as it may specify, if—
- (a) the grantee has been convicted of an offence committed in connection with his service as a member of the police service, and
 - (b) that offence is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.
- (5) The Board may, to such extent as it at any time in its discretion thinks fit—
- (a) apply for the benefit of any adult or child survivor of the grantee of the pension; or
 - (b) restore to the grantee of the pension;
- any amount or amounts of any pension that has or have been forfeited under this regulation.
- (6) To the extent to which a pension is forfeited under this regulation, the Board shall be discharged from all actual or contingent liability in respect of it.
- (7) This regulation has effect subject to regulation 40(11).