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## STATUTORY RULES OF NORTHERN IRELAND

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### 2009 No. 79

## THE POLICE PENSION (NORTHERN IRELAND) REGULATIONS 2009

PROSPECTIVE

### PART 2

#### ELIGIBILITY FOR PENSION AWARDS, PENSIONABLE SERVICE AND RETIREMENT

##### *Eligibility for pension awards*

#### **Application of Regulations**

**4.—**(1) These Regulations shall apply to a police officer who first became such on or after 6th April 2006.

(2) These Regulations shall also apply, subject to and in accordance with the provisions of Schedule 2, to a police officer who—

- (a) first became such before 6th April 2006 and retired or otherwise ceased to serve—
  - (i) with no entitlement to an award under the 1988 Regulations;
  - (ii) with an entitlement to an award by way of repayment of his aggregate pension contributions under regulation B6 of those Regulations;
  - (iii) with an entitlement to an ordinary pension under regulation B1 of those Regulations, a short service award under regulation B2 of those Regulations or an entitlement to a deferred pension under regulation B5 of those Regulations and, in any of those cases, the award is in payment (otherwise than where the deferred pension is in payment due to permanent disablement);
  - (iv) with an entitlement to an ordinary pension under regulation B1 of those Regulations, or a deferred pension under regulation B5 of those Regulations, and in either case the pension is not in payment; or
  - (v) with an entitlement to an ill-health award under regulation B3 of those Regulations or with an entitlement to a deferred pension under regulation B5 of those Regulations where the pension is in payment due to permanent disablement (whether the deferred pension came into payment immediately on retirement or ceasing to serve or on some later date).
- (b) at the date of such retirement or otherwise ceasing to serve was entitled to reckon less than 30 years' pensionable service under the 1988 Regulations; and
- (c) has, on or after 6th April 2006, rejoined the police service, otherwise than—

*Status: This version of this part contains provisions that are prospective.*

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- (i) pursuant to regulation K1 of the 1988 Regulations where he had not made an election under regulation G4(1) of those Regulations which was in effect immediately before his retirement;
- (ii) pursuant to regulation K1 of those Regulations where he retired before 6th April 2006 and he had made an election under regulation G4(1) of those Regulations which had not been cancelled before his retirement; or
- (iii) upon reinstatement following a successful appeal against dismissal or requirement to resign where he had not made an election under regulation G4(1) of those Regulations which was in effect immediately before his dismissal or requirement to resign.

(3) These Regulations shall also apply, subject to and in accordance with the provisions of paragraph (4), to a police officer who—

- (a) first became such before 6th April 2006;
- (b) was in service as such immediately before and on that date; and
- (c) either—
  - (i) had made an election under regulation G4(1) of the 1988 Regulations which had not been cancelled before that date, or
  - (ii) on or after 6th April 2006 makes an election under that provision.

(4) In the case of an officer such as is mentioned in paragraph (3)—

- (a) the election mentioned in paragraph (3)(c)(i) shall, as from 6th April 2006, continue to have effect as if it had been made on the said date under regulation 7(1) or, as the case may be;
- (b) the election mentioned in paragraph (3)(c)(ii) shall have effect from the date on which it is made as if it had been made under regulation 7(1), and
- (c) in either case, he may accordingly cancel his election in accordance with regulation 7(5), in which case he shall become eligible for awards to be payable to or in respect of him under these Regulations, subject to paragraph 9 of Schedule 2.

(5) This paragraph applies to a police officer who cancels an election in the circumstances mentioned in paragraph (4) and who has an entitlement to an ordinary pension under regulation B1 of the 1988 Regulations or a deferred pension under regulation B5 of those Regulations and in either case the pension is not in payment.

(6) This paragraph applies to a police officer—

- (a) by whom pension contributions were payable under regulation G2 of the 1988 Regulations as at 6th April 2006 (or would have been payable but for his dismissal and subsequent reinstatement following a successful appeal against that dismissal);
- (b) who continues to serve as such during the period beginning on the said date and ending on the date of his transfer election under paragraph (8) (or who would have continued to serve as such during that period but for his dismissal and subsequent reinstatement following a successful appeal against that dismissal); and
- (c) who does not, during the period mentioned in sub-paragraph (b), make an election under regulation G4(1) of the 1988 Regulations.

(7) This paragraph applies to a police officer such as is mentioned in paragraph (5) who cancels an election in the circumstances mentioned in paragraph (4) on a date before the expiry of the period of three months determined by the Secretary of State under paragraph 1 of Schedule 3, or such longer period as the Board may, by reason of exceptional circumstances in that officer's case, in their discretion allow.

(8) A police officer—

- (a) to whom these Regulations apply by virtue of paragraph (2)(a)(ii), (2)(a)(iv) or (2)(a)(v);
- (b) to whom paragraph (6) or (7) applies; or
- (c) who, on or after 6th April 2006, rejoined the police service immediately before his retirement pursuant to regulation K1 of the 1988 Regulations, and who either had not made an election under regulation G4(1) of the 1988 Regulations which was in effect immediately before his retirement or who retired before 6th April 2006 and had made an election under regulation G4(1) of the 1988 Regulations which had not been cancelled before his retirement,

may make an election for the pensionable service he is entitled to reckon under those Regulations to be reckoned as pensionable service for the purposes of these Regulations (“a transfer election”) subject to and in accordance with the provisions of Schedule 3.

(9) Where a police officer to whom paragraph (6) applies or is such as is mentioned in paragraph 8(c) makes a transfer election, these Regulations shall apply to him and he shall become eligible for awards to be payable to or in respect of him under these Regulations.

**Commencement Information**

**II** Reg. 4 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

**Pension contributions payable by police officers**

**5.—**(1) Subject to paragraph (3), a police officer shall pay to the Board pension contributions at the rate of —

- (a) in a case where he is ineligible under regulation 6 for a pension award payable on the ground of permanent disablement, 6 per cent of his pensionable pay; and
- (b) in any other case, 9.5 per cent of his pensionable pay.

(2) The pension contributions payable under paragraph (1) upon each instalment of pay shall fall due at the same time as the instalment and may, without prejudice to any other method of payment that may be agreed by the Board in exceptional circumstances, be discharged by way of a deduction of the appropriate amount made by the Board from the instalment.

(3) Paragraph (1) shall not apply in the case of a police officer who has made an election under Regulation 7 which is, for the time being, in effect.

**Commencement Information**

**I2** Reg. 5 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

**Eligibility for pension awards payable on the ground of permanent disablement**

**6.—**(1) This regulation applies to—

- (a) a candidate for appointment to the police service; and
- (b) a police officer who seeks under regulation 7(5) to cancel his election that regulation 5(1) shall not apply in his case.

(2) A person to whom this regulation applies shall, if required by the Board, submit to an examination by a duly qualified medical practitioner selected by the Board (“the selected medical

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practitioner”) in accordance with regulation 65 in order that the Board may determine his eligibility to receive pension awards payable on the ground of permanent disablement.

(3) The Board shall determine, by applying the opinion of the selected medical practitioner as set out in his report, and advice from the Scheme actuary, whether the risk presented by that person that he will retire on the ground that he is permanently disabled is such that the likely cost of providing him with benefits under these Regulations is disproportionately high.

(4) The determination of the Board under paragraph (3) shall be subject to appeal by that person in accordance with regulation 66; and upon receipt of the final revised report or written statement of opinion prepared in accordance with that regulation, the Board shall redetermine, by applying the opinion set out in the final revised report or written statement of opinion, and advice from the Scheme actuary, whether the risk presented by that person that he will retire on the ground that he is permanently disabled is such that the likely cost of providing him with benefits under these Regulations is disproportionately high.

(5) The likely cost of providing a person with benefits under these Regulations shall be assessed as disproportionately high if it is more than 50 per cent greater than the likely cost of providing such benefits to a person who does not have an identified risk of retirement on that ground.

(6) A person who it is determined under paragraph (3) or (4) presents such a risk shall, in accordance with these Regulations, be ineligible for pension awards payable on the ground of permanent disablement.

(7) The Board may in accordance with this regulation determine the eligibility of a person—  
to whom this regulation applies by virtue of paragraph 1(a) who was previously ineligible for pension awards payable on the ground of permanent disablement under this regulation or under regulation G7 of the 1988 Regulations; or

- (a) to whom this regulation applies by virtue of paragraph 1(b) who was ineligible for pension awards payable on the ground of permanent disablement under regulation G7 of the 1988 Regulations on the date of the election which he is now seeking to cancel under regulation 7(5) of these Regulations,

to receive pension awards payable on the ground of permanent disablement; and in which case, the person concerned shall submit to an examination as set out in paragraph (2).

(8) If a person mentioned in paragraph (7) is eligible for pension awards following a determination of the Board under paragraph (3) or (4) (as applicable), he shall be so eligible from the date of that determination:

Provided that—

- (a) he shall only be so eligible in respect of his pensionable service from that date;
- (b) regulation 26 shall apply to him from that date; and
- (c) in calculating his entitlement to any standard ill-health pension or any enhanced top-up ill-health pension the pensionable service he is entitled to reckon as at the date of his retirement shall only comprise service from the date of the Board’s determination under paragraph (3) or (4) (as applicable).

#### **Commencement Information**

**I3** Reg. 6 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

### **Election not to pay pension contributions**

7.—(1) A police officer may at any time elect that regulation 5(1) shall not apply in his case by notice in writing given to the Board.

(2) Subject to paragraph (3), the date on which an election under paragraph (1) takes effect shall be the date on which an instalment of pay next falls due to him after the receipt of notice under paragraph (1).

(3) In the case of a police officer who has given notice under paragraph (1) within three months of the date on which he became such and to whom regulation 12 does not apply, his election under that paragraph shall be deemed to have taken effect on that date.

(4) In a case falling within paragraph (3), the Board shall, subject to regulation 32, pay to the police officer in question a sum equal to the sum of the pension contributions paid by him since the date on which the election is deemed to have taken effect.

(5) A police officer who has made an election under paragraph (1) may cancel such election by notice in writing given to the Board.

(6) Where paragraph (5) applies—

- (a) the election shall cease to have effect as from the date on which an instalment of pay next falls due to the police officer concerned after the receipt of such notice; and
- (b) that officer shall be entitled to make a further election; but
- (c) that officer shall not be entitled to cancel that further election during the same period of service as a police officer.

(7) A police officer shall not, if the Board so resolve, be entitled to cancel an election under paragraph (1) unless he has undergone a medical examination in accordance with regulation 6 (and any fee payable in respect of such an examination and a report thereon shall be paid by the police officer concerned).

(8) A police officer in respect of whom it is determined, following a medical examination under paragraph (7), that the likely cost of providing him with benefits under these Regulations is disproportionately high, shall (subject to any appeal under regulation 6(4)) be entitled to cancel his election under paragraph (1) only subject to the condition that he shall not be eligible to receive pension awards payable on the ground of permanent disablement.

(9) A police officer who was ineligible to receive pension awards payable on the ground of permanent disablement under regulation 6 on the date of his election under paragraph (1), shall upon cancellation of that election be ineligible to receive pension awards payable on the ground of permanent disablement.

#### **Commencement Information**

**I4** Reg. 7 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

### *Pensionable service*

#### **Reckoning of pensionable service**

8.—(1) The pensionable service reckonable by a police officer at any date (in these Regulations referred to as the “relevant date”) shall be determined in accordance with the succeeding provisions of these Regulations, subject to paragraphs (2) to (7).

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(2) Unpaid maternity leave or unpaid parental leave is not reckonable except in the circumstances described in paragraph (3), or if the conditions specified in paragraph (4) are satisfied.

(3) A period of unpaid maternity leave is reckonable—

- (a) in respect of such leave taken within the first 39 weeks of any period of maternity leave, unless;
- (b) the officer had an election under regulation 7 that was effective immediately before the commencement of that period of unpaid maternity leave.

(4) The conditions are that the person concerned—

- (a) was serving as a police officer during the period immediately preceding a period of maternity leave or parental leave, which includes the period of unpaid maternity leave, or unpaid parental leave in question;
- (b) had not made an election under regulation 7 that was effective immediately before the commencement of that period of unpaid leave; and
- (c) in accordance with the provisions of paragraph (8) pays to the Board a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid maternity leave, or unpaid parental leave in question if his notional pensionable pay during that period had been at the same rate as his pensionable pay (including any statutory maternity pay payable to a woman under the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(1)</sup> immediately before the commencement of the period of unpaid maternity leave or unpaid parental leave which constituted or included the period in question.

(5) Unpaid sick leave is not reckonable unless the conditions specified in paragraph (6) are satisfied.

(6) The conditions referred to in paragraph (5) are that—

- (a) the person concerned—
  - (i) was serving as a police officer during the period immediately preceding the period of sick leave which includes the period of sick leave in question;
  - (ii) had not made an election under regulation 7 that was effective immediately before the commencement of that period of unpaid leave; and
  - (iii) in accordance with the provisions of paragraph (8) pays to the Board a sum equal to the sum of the pension contributions which would have been payable for the period of sick leave in question if his notional pensionable pay during that period had been at the same rate as his pensionable pay immediately before the commencement of the period of sick leave which constituted or included the period in question; and
- (b) the period of unpaid sick leave in question—
  - (i) does not exceed six months (whether or not as part of a longer period of sick leave); and
  - (ii) when aggregated with any other period or periods of unpaid sick leave which fulfils, or all of which fulfil, the conditions specified in sub-paragraph (a), that aggregated period does not exceed twelve months, when calculated over the person's total service as a police officer.

(7) No period of unpaid leave is reckonable other than as provided in this regulation.

(8) A person who wishes to make the payment referred to in paragraphs (4)(c) and 6(a)(iii) shall—

(1) 1992 c.7



(a) within a period ending—

- (i) three months after the day on which the period of leave which constitutes or includes the period of unpaid leave in question ended; or
- (ii) on the day, if earlier, on which he last serves as a police officer,
- (iii) inform the Board of that fact in writing; and

(b) specify which period of leave, and which method of payment under paragraph (12) he elects to use.

(9) Where a person who wishes to make the payment referred to in paragraphs (4)(c) and 6(a)(iii) dies before the end of the period specified in sub-paragraph (8)(a) without having given such notice—

- (a) the condition shall be deemed to have been satisfied in respect of any period of leave which would otherwise be reckonable by him under this regulation; and
- (b) he shall be deemed to have elected to make payment by way of instalments under paragraph (12).

(10) On receipt of the notice referred to in paragraph (8) the Board shall calculate the amount due under paragraph (4)(c) or 6(a)(iii) (as the case may be) and give written notice of that amount to the person concerned.

(11) Payment of the amount notified by the Board under paragraph (10) may be made by the person concerned either—

- (a) by way of a lump-sum or;
- (b) by instalments on the same dates as pension contributions are payable by him under regulation 5,

and where the person concerned has elected to make payment by way of instalments, the balance due after the payment of any of those instalments may be paid by way of a lump-sum equal to that balance at any time before the due date (as defined in paragraph (12)(a) and (b)).

(12) The total amount due under paragraph (4)(c) or (6)(a)(iii) shall be paid—

- (a) no later than six months after the person concerned is notified by the Board as to the amount payable;
- (b) if he retires or otherwise ceases to serve as a police officer before the expiry of that period, before the date on which he retires or so ceases to serve (“the due date”); or
- (c) in a case where the person concerned retires or otherwise ceases to serve as a police officer before the total amount due has been paid under this paragraph, any lump-sum payment made within two months—
  - (i) of retiring or so ceasing to serve; or
  - (ii) of receiving notification from the Board as to the amount payable,whichever is the later, shall be deemed to have been made by the due date.

(13) Where the person concerned—

- (a) has not paid the full amount due in accordance with the provisions of paragraphs (11) and (12), the proportion of the unpaid leave in question which shall be reckonable as pensionable service shall be the same proportion as the amount which has been so paid bears to the total amount due; or
- (b) dies before the due date, there shall be reckonable the full period of unpaid leave in question notwithstanding that the amount due has, in full or in part, not been paid in accordance with the provisions of paragraphs (11) and (12).

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(14) A police officer shall be treated, for the purposes of calculating any award under these Regulations, as having made pension contributions throughout any period or periods of unpaid leave reckonable as pensionable service by virtue of payments made in accordance with this paragraph; and any such period or periods shall be treated for those purposes as part of a continuous period ending with the last day of unpaid leave during the period of service as a police officer of the person concerned.

#### **Commencement Information**

**I5** Reg. 8 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

#### **Previous service reckonable without payment**

**9.—(1)** Subject to paragraph (2), there shall be reckonable by a police officer as pensionable service—

- (a) where he previously retired from the police service upon becoming entitled to a pension on the ground of disablement under regulation 18 and, following termination of that pension under regulation 48(5), (6), or (7), has rejoined the service, any period of pensionable service which was reckonable by him immediately before he so retired;
- (b) where he previously ceased to serve as a police officer with an entitlement to a deferred pension which has not come into payment and has subsequently rejoined the service, any period of pensionable service reckonable by him immediately before he so ceased to serve;
- (c) where he previously ceased to serve as a police officer with an entitlement to 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 his pension has been terminated upon his rejoining the service under regulation 48(5), any period of pensionable service reckonable by him immediately before he so ceased to serve.

(2) Where a police officer to whom paragraph (1) applies was, during the period of pensionable service in question, purchasing added years by periodical contributions, those added years shall be taken into account only to the extent that—

- (i) in a case falling within paragraph 1(a), they are reckonable by virtue of regulation 57(5), and
- (ii) in a case falling within paragraph 1(b) they were taken into account for the purposes of entitlement to the deferred pension mentioned in sub-paragraph (b).

(3) In a case falling within paragraph (1)(b), the entitlement of the officer concerned to the said deferred pension shall accordingly be relinquished.

(4) This regulation has effect subject to regulation 11.

#### **Commencement Information**

**I6** Reg. 9 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

#### **Previous service reckonable on payment**

**10.—(1)** There shall be reckonable by a police officer as pensionable service, in the circumstances specified in this regulation, any period so specified before he last joined or rejoined the police service before the relevant date, subject to his having made to the Board the appropriate payment in accordance with the provisions of paragraph (3).



(2) In calculating the payment due under paragraph (1) where the police officer has previously ceased to serve as such without the payment of a pension or a transfer value (and without entitlement to a deferred pension) and has rejoined the police service on the relevant date—

- (a) the period mentioned in paragraph (1) shall be any period of pensionable service reckonable by him at the time he so ceased to serve;
- (b) the appropriate payment mentioned in paragraph (1) shall be a sum equal to any award by way of repayment of aggregate pension contributions which he may have received on so ceasing to serve; and
- (c) where the appropriate payment is made more than a year after receipt of any such award, interest from the date of receipt of the award shall be calculated at the rate of 5 per cent per year, compounded with yearly rests.

(3) The person concerned shall, by notice in writing given to the Board within a period ending—

- (a) six months (or such longer period as the Board in their discretion may allow) after the date on which he joined or rejoined the police service; or
- (b) on the day, if earlier, on which he last serves as a police officer,

inform the Board that he wishes to make the payment referred to in paragraph (1); but where the person concerned dies before the end of the period specified without having given such notice, he shall be deemed to have given such notice.

(4) On receipt of a notice under paragraph (3) the Board shall determine the amount due under paragraph (2) and give written notice of that amount to the person concerned.

(5) Where a police officer undertakes to make an appropriate payment in accordance with paragraph (1), payment shall be made by regular instalments of such amount that the payment of the sum will be completed within a period of two years beginning with the date on which he receives the written notice referred to in paragraph (4), save that—

- (a) where the Board is satisfied that completion of the payment within that period is causing, or is likely to cause, financial hardship they may allow such longer period as they may determine; and
- (b) the police officer may at any time discharge his liability under the undertaking, in whole or in part, by paying the whole or part of the balance of the sum then outstanding.

(6) Subject to paragraphs (7) and (8), any payment under this regulation shall be made by the police officer to the Board and, without prejudice to any other method of payment, the liability to make any such payment may be discharged by way of a deduction by the Board from his pay.

(7) If, before he has discharged his liability under the undertaking, a police officer retires under regulation 18 or dies, all further liability under that undertaking shall cease and his liability shall be deemed to have been fully discharged.

(8) If, before he has discharged his liability under the undertaking, a police officer retires otherwise than under regulation 18 with an award other than one of the amount of his aggregate pension contributions in respect of the relevant period of service, the Board shall be empowered to deduct the balance of the sum then outstanding from payments on account of the award.

(9) This regulation has effect subject to regulation 11.

#### **Commencement Information**

- I7** Reg. 10(1)(2)(a)(b)(3)-(9) in operation at 6.4.2009 with effect in accordance with reg. 1(2)
- I8** Reg. 10(2)(c) in operation at 6.4.2009 with effect in accordance with reg. 1(3)(a)

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### Reckoning of part-time service

11.—(1) In the case of a police officer who has spent one or more periods in part-time service, the number of days of pensionable service in any such period shall be calculated by the application of the following fraction—

$$\frac{(Ax7)}{B}$$

Where—

A is the total number of determined hours of part-time service specified under the part-time appointment of the officer in the period in question; and

B is the number of hours per week if the service during that period were on a full-time basis.

(2) For the purposes of paragraph (1) a period of part-time service is to be taken to have ended and another such period to have begun on the occurrence of any change in that fraction.

#### Commencement Information

**I9** Reg. 11 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

### Service reckonable by reason of transfer value

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

- (a) who before he last became a police officer before the relevant date was subject to pension arrangements in pursuance of which a transfer value may be paid to the Board (“former pension arrangements”), and
- (b) in respect of whom a transfer value has, in pursuance of his former pension arrangements, been paid to the Board.

(2) Subject to paragraph (3), there shall be reckonable by a police officer in respect of his former service a period of pensionable service calculated in accordance with tables and guidance issued by the Scheme actuary.

(3) If the transfer value referred to in paragraph (1) is paid and accepted under the public sector transfer arrangements, the period of pensionable service the officer concerned is entitled to reckon in respect of his former pension arrangements shall be calculated in accordance with the rules applicable to those public sector transfer arrangements.

(4) The provisions of this regulation shall not apply where the police officer concerned had a guaranteed minimum in relation to the pension provided by the former pension arrangements unless—

- (a) the transfer value mentioned in paragraph (1)(b) is paid under the public sector transfer arrangements, or
- (b) were the transfer value mentioned in paragraph (1)(b) to be paid, such part of it as relates to pension benefit accrual before 6th April 1997 is at least as great as the product of —
  - (A) the annual amount of the pension to which he would, if that transfer value were paid, be entitled under regulation 40, and
  - (B) the factor specified in column 2 of the following table opposite his age, as set out in column 1 of that table, as at the date when the Board is requested to accept that transfer value.

Age	Appropriate factor
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29 or under	8
30 to 39	9
40 to 49	10
50 or over	12

(5) In this regulation, “the public sector transfer arrangements” means arrangements approved for the time being by the Minister for the Civil Service as providing reciprocal arrangements for the payment and receipt of transfer values for the purposes of these Regulations to or from other occupational pension schemes.

#### Commencement Information

**I10** Reg. 12 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

#### Reckoning of service for purposes of awards

**13.—**(1) Notwithstanding any other provision of these Regulations, for the purposes of calculating all awards payable to or in respect of a police officer under these Regulations, the total service which may be reckoned as pensionable service by such an officer shall not exceed 35 years.

(2) For the purpose of calculating an award payable to or in respect of a police officer by reference to any period in years (including a period of pensionable service) —

- (a) that period shall be reckoned in completed years and a fraction of a year;
- (b) a part of a year shall be taken to be that fraction of a year whereof the denominator is 365 and the numerator is the number of completed days in that part and, accordingly, a part of a year which includes 29th February in a leap year and comprises 365 days shall be treated as a whole year.

#### Commencement Information

**I11** Reg. 13 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

#### Retirement

#### Retirement

**14.—**(1) Subject to paragraph (2), a reference in these Regulations to retirement includes a retirement under regulation 15, 16, 17, or 18 but does not include a reference to—

- (a) leaving the police service on transferring to a police force in Great Britain;
- (b) ceasing to serve as a police officer, otherwise than on retirement under regulation 18, from a date before that on which the officer concerned attains the age of 55 years (whether he so ceases to serve voluntarily, upon the expiry without extension (or further extension) of the period of an appointment for a fixed term in accordance with regulation 11 of the 2005 Regulations(2) or upon being dismissed);

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(c) retirement within the meaning of section 35(3) (b) of the Police (Northern Ireland) Act 2000(3) in a case where, under that section, the Chief Constable is required to retire before the date on which he attains the age of 55 years; or

(d) leaving the police service on joining the National Criminal Intelligence Service or the National Crime Squad and subsequently becoming a specified employee of SOCA.

(2) A police officer who fulfils the qualifying service criterion and who is dismissed on or after the date on which he attains the age of 55 years, shall be deemed for the purposes of these Regulations to have retired under regulation 15 on the date his dismissal took effect, having given such notice to the Board of his intention to retire and with any necessary consent having been given as is specified under that regulation.

(3) A police officer fulfils the qualifying service criteria if—

(a) he has at least two years' qualifying service; or

(b) regulation 12 applies to him.

(4) In paragraph (3), "two years' qualifying service" has the meaning assigned to it by section 67(7) of the 1993 Act(4).

#### Commencement Information

**I12** Reg. 14 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

#### Voluntary retirement

**15.—**(1) Subject to paragraphs (2) to (6), a police officer may retire on or after the date on which he attains the age of 55 years.

(2) A police officer who intends to retire under this regulation shall give the Board written notice of that intention—

(a) in the case of an officer of the rank of Chief Constable, Deputy Chief Constable or Assistant Chief Constable, at least three months before his intended date of retirement; and

(b) in the case of an officer of any other rank at least one month before his intended date of retirement,

but the Board may, at their discretion, accept a shorter notice than that specified.

(3) A specified employee of SOCA who intends to retire under this regulation shall give SOCA notice of such period as required by his contract of employment of that intention or shall give such shorter period of notice as may be agreed between the specified employee of SOCA and SOCA.

(4) For the purposes of this regulation any police officer engaged on relevant service shall be deemed to hold the rank in which he is entitled to revert to the police service at the end of his period of relevant service.

(5) A police officer who is suspended under the Conduct Regulations may retire under this regulation only if consent is given—

(a) by the Board in the case of an officer falling within paragraph (2)(a); or

(b) by the Chief Constable in the case of an officer of any other rank.

(6) A specified employee of SOCA shall be deemed to have retired in accordance with this regulation where his contract of employment has been terminated.

(3) 2000 c.32

(4) 1993 c.49

#### **Commencement Information**

**I13** Reg. 15 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

#### **Compulsory retirement on account of age**

**16.—**(1) Subject to paragraph (4) from 6th April 2006 to 30th September 2006, regulation A16 of the 1988 Regulations shall apply to every police officer.

(2) From 1st October 2006, subject to paragraphs (3) and (4), every police officer shall be required to retire—

- (a) if he is of the rank of Constable, Sergeant, Inspector or Chief Inspector, on attaining the age of 60 years;
- (b) if he holds any higher rank, on attaining the age of 65 years.

(3) The time at which, under paragraph (2), a person shall be required to retire may be postponed, if the person concerned holds a rank above that of Superintendent, by the Board, and, if he holds the rank of Superintendent or any lower rank, by the Chief Constable.

(4) This regulation shall not apply to a specified employee of SOCA.

#### **Commencement Information**

**I14** Reg. 16 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

#### **Compulsory retirement on the ground of efficiency of the police service**

**17.—**(1) Subject to paragraph (3) this regulation applies to a police officer of the rank of Chief Superintendent, Superintendent, Chief Inspector, Inspector, Sergeant or Constable who is entitled to reckon 35 years' pensionable service (or would have been so entitled if he had not made an election under regulation 7).

(2) If the Board determine that the retention in the police service of a police officer to whom this regulation applies would not be in the general interests of efficiency, he may be required to retire on such date, on or after the date on which he attains the age of 55 years, as the Board determine.

(3) This regulation shall not apply to a specified employee of SOCA.

#### **Commencement Information**

**I15** Reg. 17 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

#### **Compulsory retirement on the ground of disablement**

**18.—**(1) The Board may require a police officer to retire on the date on which, having considered all the relevant circumstances, advice and information available to them, they determine that he ought to retire on the ground that he is permanently disabled for the performance of the ordinary duties of a member of the police service.

(2) A retirement under paragraph (1) shall be void if, after that date, on an appeal against the medical opinion on which the Board acted in determining that he ought to retire, the appeal board decides that the appellant is not permanently so disabled.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to THE POLICE PENSION (NORTHERN IRELAND) REGULATIONS 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) This paragraph applies to a police officer who is permanently disabled for the performance of the ordinary duties of a member of the police service but who, in accordance with a determination of the Board in the circumstances of his case, continues to serve as such.

(4) In respect of a police officer to whom paragraph (3) applies, the Board may consider, at such times as they may in their discretion determine, whether the disablement has ceased, significantly worsened or significantly improved.

(5) If on any such consideration the Board, having considered all the relevant circumstances, advice and information available to them, determine that the officer ought to retire on the ground that he is permanently disabled for the performance of the ordinary duties of a member of the police service they shall require him to retire under paragraph (1) (subject to paragraph(2)).

#### **Commencement Information**

**I16** Reg. 18 in operation at 6.4.2009 with effect in accordance with reg. 1(2)

#### **Effective date of retirement**

**19.** For the purposes of these Regulations—

- (a) a police officer shall be taken to retire or cease to serve immediately following his last day of service, and
- (b) a police officer required to retire under regulation 16, 17, or 18 shall be deemed to retire on the date on which he is so required to retire and his last day of service shall be the immediately preceding day.

#### **Commencement Information**

**I17** Reg. 19 in operation at 6.4.2009 with effect in accordance with reg. 1(2)



**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulations applied with modifications by SR 2009/79 reg. 91A and Sch. 4 as inserted by [S.R. 2013/36 Sch. para. 79](#)

**Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 2 para. 9(g) Sch. 2 para. 9(e) renumbered as Sch. 2 para. 9(g) by [S.R. 2010/348 Sch. 2 para. 3\(3\)](#)
- Sch. 3 para. 19 inserted by [S.R. 2010/348 Sch. 2 para. 4](#)
- Sch. 4A inserted by [S.R. 2013/36 Sch. para. 9](#)
- reg. 1 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 2 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 2(2) words substituted by [S.I. 2013/2318 Sch. para. 101\(2\)](#)
- reg. 2(4) word substituted by [S.I. 2013/2318 Sch. para. 101\(3\)\(b\)](#)
- reg. 2(4) word substituted by [S.I. 2013/2318 Sch. para. 101\(3\)\(c\)](#)
- reg. 2(4) words substituted by [S.I. 2013/2318 Sch. para. 101\(3\)\(a\)](#)
- reg. 2(5)(6) inserted by [S.R. 2010/348 Sch. 1 para. 31](#)
- reg. 2(5)(6) omitted by [S.I. 2013/2318 Sch. para. 101\(4\)](#)
- reg. 3 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 4 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 4(2)(b) text amended by [S.R. 2010/348 Sch. 2 para. 2](#)
- reg. 4(4)(b) word omitted by [S.R. 2013/36 Sch. para. 1\(a\)](#)
- reg. 4(4)(c) word inserted by [S.R. 2013/36 Sch. para. 1\(b\)](#)
- reg. 4(4)(d) inserted by [S.R. 2013/36 Sch. para. 1\(c\)](#)
- reg. 5 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 5 substituted by [S.R. 2012/64 reg. 3](#)
- reg. 5 substituted by [S.R. 2013/35 reg. 3](#)
- reg. 5 substituted by [S.R. 2014/19 reg. 3](#)
- reg. 6 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 6(1)(c) inserted by [S.R. 2013/36 Sch. para. 2](#)
- reg. 7 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 7(3A)-(3B) inserted by [S.R. 2013/36 Sch. para. 3\(a\)](#)
- reg. 7(5) words inserted by [S.R. 2013/36 Sch. para. 3\(b\)](#)
- reg. 7(6)-(7) substituted for reg. 7(6)-(9) by [S.R. 2013/36 Sch. para. 3\(c\)](#)
- reg. 8 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 9 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 10(1)reg. 10(2)(a)(b)(3)-(9) coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 10(2)(c) coming into force by [S.R. 2009/79 reg. 1\(3\)\(a\)](#)
- reg. 11 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 12 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 13 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 14 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 14(1)(c) text amended by [S.R. 2010/348 Sch. 1 para. 32\(2\)](#)

- reg. 14(1)(d) substituted by S.I. 2013/2318 Sch. para. 102(a)
- reg. 14(1)(e) inserted + preceding word by S.R. 2010/348 Sch. 1 para. 32(3)
- reg. 14(1)(e) omitted by S.I. 2013/2318 Sch. para. 102(b)
- reg. 15 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 15(3) text amended by S.R. 2010/348 Sch. 1 para. 33(2)
- reg. 15(3) words substituted by S.I. 2013/2318 Sch. para. 103(2)(a)
- reg. 15(3) words substituted by S.I. 2013/2318 Sch. para. 103(2)(b)
- reg. 15(3A) inserted by S.R. 2010/348 Sch. 1 para. 33(3)
- reg. 15(3A) omitted by S.I. 2013/2318 Sch. para. 103(3)
- reg. 15(6) text amended by S.R. 2010/348 Sch. 1 para. 33(4)
- reg. 15(6) words omitted by S.I. 2013/2318 Sch. para. 103(4)(b)
- reg. 15(6) words substituted by S.I. 2013/2318 Sch. para. 103(4)(a)
- reg. 16 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 16(4) text amended by S.R. 2010/348 Sch. 1 para. 34
- reg. 16(4) words omitted by S.I. 2013/2318 Sch. para. 104(b)
- reg. 16(4) words substituted by S.I. 2013/2318 Sch. para. 104(a)
- reg. 17 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 17(3) text amended by S.R. 2010/348 Sch. 1 para. 35
- reg. 17(3) words omitted by S.I. 2013/2318 Sch. para. 105(b)
- reg. 17(3) words substituted by S.I. 2013/2318 Sch. para. 105(a)
- reg. 18 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 18(2) words substituted by S.R. 2013/36 Sch. para. 4
- reg. 19 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 20 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 20 text amended by S.R. 2010/348 Sch. 1 para. 36
- reg. 20 words omitted by S.I. 2013/2318 Sch. para. 106(b)
- reg. 20 words substituted by S.I. 2013/2318 Sch. para. 106(a)
- reg. 21 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 22 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 23 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 24 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 25 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 26 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 27 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 28 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 29 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 30 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 31 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 32 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 33 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 34 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 35 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 36 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 37 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 37(2) words substituted by S.R. 2019/54 reg. 3(1)(a)
- reg. 37(2)(a) words omitted by S.R. 2019/54 reg. 3(1)(d)
- reg. 37(2)(a) words substituted by S.R. 2019/54 reg. 3(1)(b)
- reg. 37(2)(a)(iv) omitted by S.R. 2019/54 reg. 3(1)(c)
- reg. 37(4) omitted by S.R. 2019/54 reg. 3(2)
- reg. 38 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 39 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 39(9) words substituted by S.R. 2016/236 reg. 55 (This amendment comes into operation on the day on which the Universal Credit Regulations come into operation.)
- reg. 40 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 40(9) substituted by S.R. 2013/36 Sch. para. 5
- reg. 41 coming into force by S.R. 2009/79 reg. 1(2)
- reg. 42 coming into force by S.R. 2009/79 reg. 1(2)

- reg. 43 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 43(4)(c) words inserted by [S.R. 2019/54 reg. 4\(1\)](#)
- reg. 43(4A)-(4C) inserted by [S.R. 2019/54 reg. 4\(2\)](#)
- reg. 44 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 45 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 46 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 47 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 48 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 48(17) text amended by [S.R. 2010/348 Sch. 1 para. 37](#)
- reg. 48(17) words omitted by [S.I. 2013/2318 Sch. para. 107\(b\)](#)
- reg. 48(17) words substituted by [S.I. 2013/2318 Sch. para. 107\(a\)](#)
- reg. 49 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 49(1) text amended by [S.R. 2010/348 Sch. 1 para. 38\(2\)](#)
- reg. 49(4) inserted by [S.R. 2010/348 Sch. 1 para. 38\(3\)](#)
- reg. 49(4) omitted by [S.I. 2013/2318 Sch. para. 108](#)
- reg. 50 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 51 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 52 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 53 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 54 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 55 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 56 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 57 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 58 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 59 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 60 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 61 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 62 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 63 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 64 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 65 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 66 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 67 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 68 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 69 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 69(4)(a) words substituted by [S.R. 2013/36 Sch. para. 6](#)
- reg. 70 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 71 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 72 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 72(c)(d) inserted by [S.R. 2010/348 Sch. 1 para. 39\(3\)](#)
- reg. 72(c) word substituted by [S.I. 2013/2318 Sch. para. 109\(4\)\(a\)\(ii\)](#)
- reg. 72(c) words substituted by [S.I. 2013/2318 Sch. para. 109\(4\)\(a\)\(i\)](#)
- reg. 72(c)(i) word substituted by [S.I. 2013/2318 Sch. para. 109\(4\)\(b\)](#)
- reg. 72(c)(ii) word substituted by [S.I. 2013/2318 Sch. para. 109\(4\)\(c\)\(ii\)](#)
- reg. 72(c)(ii) words substituted by [S.I. 2013/2318 Sch. para. 109\(4\)\(c\)\(i\)](#)
- reg. 72(d) omitted by [S.I. 2013/2318 Sch. para. 109\(5\)](#)
- reg. 72(aa) inserted by [S.R. 2010/348 Sch. 1 para. 39\(2\)](#)
- reg. 72(aa) word substituted by [S.I. 2013/2318 Sch. para. 109\(2\)\(a\)\(ii\)](#)
- reg. 72(aa) words substituted by [S.I. 2013/2318 Sch. para. 109\(2\)\(a\)\(i\)](#)
- reg. 72(aa)(i) word substituted by [S.I. 2013/2318 Sch. para. 109\(2\)\(b\)](#)
- reg. 72(aa)(ii) word substituted by [S.I. 2013/2318 Sch. para. 109\(2\)\(c\)\(ii\)](#)
- reg. 72(aa)(ii) words substituted by [S.I. 2013/2318 Sch. para. 109\(2\)\(c\)\(i\)](#)
- reg. 72(ab) omitted by [S.I. 2013/2318 Sch. para. 109\(3\)](#)
- reg. 73 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 74(1)-(8)(10) coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 74(9) coming into force by [S.R. 2009/79 reg. 1\(3\)\(b\)](#)
- reg. 75 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 76 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)

- reg. 77 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 78 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 79 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 80 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 81 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 82 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 83 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 84 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 85 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 86 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 87 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 88 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 89 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 90 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 91 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)
- reg. 91A inserted by [S.R. 2013/36 Sch. para. 7](#)
- reg. 92 coming into force by [S.R. 2009/79 reg. 1\(2\)](#)