
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 79

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

**PART 4
PENSION AWARDS**

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—

(i) a standard ill-health pension and has not attained the age of 55 years; or

(ii) 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

(b) 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)(i)) or significantly improved (in the case of a person such as is mentioned in paragraph (1)(a)(ii)).

(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)(i), 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)(a)(ii), 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, then 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 (4) 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) If on any consideration under paragraph (1), it is found in respect of a person who—

- (a) is in receipt of an 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 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 (9) are met.

(8) In paragraph (7) “appropriate medical treatment” shall not include medical treatment that it is reasonable in the opinion of the Board for that person to refuse.

(9) The conditions referred to in paragraph (7) 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 set out in paragraph (10) apply in that person’s case; and
 - (ii) a written notice from the Board of their opinion that paragraph (b) applies in his case and of their powers to terminate payment of his ill-health pension under paragraph (7).

(10) The conditions referred to in paragraph (9)(c)(i) are that—

- (a) 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
- (b) the officer is not receiving or has not received such medical treatment.

(11) 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—
 - (i) an enhanced top-up ill-health pension; or
 - (ii) 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.

(12) Subject to paragraph (14), 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 (13):

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.

(13) An enhanced top-up ill-health pension to which entitlement arises under paragraph (12) 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 (12) 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).

(14) Paragraph (12) 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; save that that time limit shall not apply in a case 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.

(15) 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 40 (Guaranteed minimum pension for the purposes of the Pensions Schemes (Northern Ireland) Act 1993(1),

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.

(16) 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), (2) and (3).

(17) In its application to a specified employee of SOCA, this regulation shall apply with the following modifications—

- (a) any consideration by the Board under paragraph (1) shall be of whether the disablement of the person concerned has significantly worsened such that he has become permanently disabled for engaging in any regular employment (in the case of a person such as is mentioned in paragraph (1)(a)) or improved such that his disablement for engaging in any regular employment has ceased (in the case of a person such as is mentioned in paragraph (1)(a)(ii);

- (b) any consideration by the Board under paragraph (1) shall not include any consideration of whether the disability of the person concerned has improved such that he is no longer disabled for the performance of the ordinary duties of a member of the police service; and
- (c) paragraphs (3), (4), (6) to (10) and (15) shall not apply.

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 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(2) 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(10).

(2) 1911 c.28; 1920 c.75; 1939 c.121; 1989 c.6