
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 79

THE POLICE PENSION (NORTHERN
IRELAND) REGULATIONS 2009

PART 9

SPECIAL CASES

Servicemen

Interpretation

82.—(1) In regulations 82 to 88—

“relevant service in the reserve forces” means service in pursuance of a training obligation under sections 38, 40 and 41 of the Reserve Forces Act 1980 or Part III of the Reserve Forces Act 1996⁽¹⁾ or by virtue of a call out for permanent service or a recall under Part VII of the said Act or the Reserve Forces Act 1980⁽²⁾;

“the reserve forces” means those forces specified in section 1(2) of the Reserve Forces Act 1996;

“serviceman” means a person who immediately before undertaking a period of relevant service in the reserve forces was a police officer.

Awards to servicemen

83.—(1) Subject to regulation 88, this regulation applies to a serviceman who at the end of his period of relevant service in the reserve forces is or was permanently disabled for the performance of the ordinary duties of a member of the police service.

(2) A serviceman to whom this regulation applies shall be entitled—

- (a) to an ill-health pension under regulation 26 on the same conditions in all respects as if he were such a police officer as is mentioned in paragraph (1) of that regulation; or
- (b) where he does not meet the condition specified in regulation 26(3)(a)(i), to an award by way of repayment of his aggregate pension contributions under regulation 31.

Survivors' awards on death of servicemen

84.—(1) Subject to regulations 85 and 89, paragraph (2) applies in a case in which a serviceman who fulfils the qualifying service criterion—

- (a) dies or has died during his period of relevant service in the reserve forces; or

(1) 1996 c.14

(2) 1980 c.9

- (b) having been permanently disabled for the performance of the ordinary duties of a member of the police service at the end of that period (without any intervening period of service as such) dies or has died while in receipt of a pension granted in pursuance of regulation 83(2)(a).
- (2) In a case in which this paragraph applies—
 - (a) an adult survivor of that serviceman (had he been a police officer) such as is mentioned in regulation 37(1)(a) shall be entitled to an adult survivor’s pension, and
 - (b) a child survivor of that serviceman (had he been a police officer) such as is mentioned in regulation 37(1)(b), shall be entitled to a child survivor’s pension under regulation 36, on the same conditions in all respects as if he had been a police officer who had died in the circumstances mentioned in that regulation.

Prevention of duplication

85. Regulation 46 shall apply in relation to a pension in pursuance of regulation 84 as if, after the words “under regulation 36” in regulation 46 there were inserted the words “ or regulation 84”.

Application of regulations 41, 42 and 43

86.—(1) In the case of a serviceman who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, and whose death results from an injury received during his period of relevant service in the reserve forces, regulation 41 shall apply as it applies in the case of a police officer who so dies and whose death results from an injury received in the execution of his duty.

(2) In the case of a serviceman who dies during his period of relevant service in the reserve forces, regulations 42 and 43 shall apply as they apply in the case of a police officer who dies while serving as such.

Servicemen who do not resume service in the police service

87. Where a serviceman who ceased to serve as a police officer in order to undertake a period of relevant service in the reserve forces does not or did not resume service in the police service within a month of the end of that period, he shall be treated for the purposes of these Regulations as having ceased to serve as a police officer as from the end of his period of relevant service in the reserve forces.

Pensionable service and pension contributions

88.—(1) A serviceman who ceased to serve as a police officer in order to undertake a period of relevant service in the reserve forces shall be entitled to reckon that period as pensionable service in the police service, subject to paragraph (2).

(2) Regulations 83, 84 and 86 shall have effect in the case of a serviceman who ceased to serve as a police officer in order to undertake a period of relevant service in the reserve forces only if he pays or has paid pension contributions (other than additional or further pension contributions) to the Board, as though he had remained a police officer in respect of his period of relevant service in the reserve forces (and those regulations shall have effect notwithstanding that pension contributions are not or have not been paid as aforesaid by a serviceman in respect of any period during which his service pay is less than his pensionable pay).

(3) In the case of a serviceman who ceased to serve as a police officer in order to undertake a period of relevant service in the reserve forces and who immediately before he so ceased to serve

was making periodical contributions in accordance with an election under regulation 53 (election to purchase increased benefits)—

- (a) his liability to make those contributions to the Board shall continue during such period of relevant service in the reserve forces; and
- (b) regulation 57 shall apply as if, after the words “Part 4” in paragraph (1) of that regulation, there were inserted the words “or Part 9”,

as though he had remained a police officer.

Former members of police force in Great Britain

Former members of a police force in Great Britain

89.—(1) This regulation shall apply in the case of a police officer who has been a member of a police force in Great Britain and—

- (a) has transferred to the police service in accordance with regulation 72(b); or
- (b) has retired from or otherwise ceased to serve in his former force, and subsequently joins the police service at a time when no pension by reason of his service in that force is in payment to him.

(2) Where such a police officer is entitled to reckon pensionable service in a police force in Great Britain then, except where the context otherwise requires, these Regulations including in particular regulations 8, 9, 10, and 88 shall have effect as if anything done by him or in his case, under or for the purposes of a provision of Great Britain police pensions legislation which corresponds to a provision of these Regulations had been done under or for the purposes of that corresponding provision, and accordingly his pensionable service in a police force in Great Britain shall be reckonable as if the officer had been a member of the police service.

(3) Paragraph (2) is subject to the police officer concerned making any appropriate payment to the Board in accordance with regulation 10.

Members of the Police Service of Northern Ireland transferring to a police force in Great Britain

Members of the Police Service of Northern Ireland transferring to a police force in Great Britain

90.—(1) Where a police officer has left the police service and joined a police force in Great Britain and the police authority of the police force in question is contingently liable to make payments to him under the pensions legislation of Great Britain, regulation 73 shall have effect.

(2) In relation to a person to whom an ill-health pension is payable under Part 4, regulation 73(5) shall have effect as if the expression “the police service” included a police force in Great Britain.

(3) In relation to a person to whom a pension is payable under Part 4, regulation 74 shall have effect as if the expression “the police service” included a police force in Great Britain.

Members of the Police Service of Northern Ireland Reserve (Full-time)

Members of the Police Service of Northern Ireland Reserve (Full-time)

91.—(1) These Regulations shall apply to members of the Police Service of Northern Ireland Reserve (Full-time) subject to the modifications in paragraphs (2) and (3).

- (2) Unless the context otherwise requires, in these Regulations reference to—

“police officer” shall be read as a reference to a reserve officer;

“police service” shall be read as a reference to the Police Service of Northern Ireland Reserve (Full-time);

“1988 Regulations” shall be read as a reference to those Regulations as applied to the Police Service of Northern Ireland Reserve (Full-time) by the Royal Ulster Constabulary Reserve (Full-time) Pensions Regulations 1994⁽³⁾.

(3) Regulations 82 to 90 shall not apply.

Amendment of the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006

92. Schedule 5 which amends the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006⁽⁴⁾, has effect.

⁽³⁾ S.R. (N.I.) 1994 No.197

⁽⁴⁾ S.R. (N.I.) 2006 No.268