

## Schedule 1

Regulations 77 and 78

### Medical decisions: appeals and reconsideration

#### **Interpretation**

1. In this Schedule—

“appeal tribunal” means a tribunal appointed under paragraph 6 of this Schedule;

“final decision” has the meaning given in paragraph 4 (reconsideration of final decision).

“Independent medical referee” (“IMR”) means one (or more) independent medical practitioners appointed by the Department.

“medical decision” means a decision contained in—

- (a) a report by the selected medical practitioner on the question of permanent medical unfitness under regulation 79 (referral of questions to a selected medical practitioner for the purpose of regulation 80);
- (b) a report by the selected medical practitioner under regulation 81 (compulsory retirement of a member who was required to continue to serve);
- (c) a report by the selected medical practitioner under regulation 84 (referral of medical questions for purpose of early payment of a full retirement pension on grounds of permanent medical unfitness);
- (d) a report by the selected medical practitioner under regulation 105 (reduction of pension in case of default) on whether a person has brought about or substantially contributed to the person’s medical unfitness by the person’s own default;
- (e) a report by the independent medical referee under paragraph 2(6) (appeal against a decision of a selected medical practitioner); or
- (f) a fresh report by a medical authority under paragraph 4 (reconsideration of final decision)

“medical authority” means a selected medical practitioner or an independent medical referee.

“PIMR” means where one or more IMRs are appointed by the Department, the Department shall designate one of them as principal independent medical referee.

“police pension authority” means the police pension authority acting in exercise of its function as employer or scheme manager.

“selected medical practitioner” (“SMP”) means a duly qualified medical practitioner selected by the police pension authority or the Chief Constable.

#### **Appeal against a decision of a selected medical practitioner**

2.—(1) Within 28 days after a member of the police service receives a copy of a report by the selected medical practitioner containing a medical decision and certificate (or such longer period as the police pension authority may allow), the member may give notice of appeal to the police pension authority against the decision in accordance with paragraph 3 (referral to the Independent Medical Referee).

(2) An appeal under this paragraph is to be held in accordance with paragraph 3 (referral to the Independent Medical Referee).

(3) Sub-paragraph (4) applies if, within a further 28 days of the police pension authority receiving the notice of appeal (or such longer period as the police pension authority may allow), the member gives the police pension authority a statement of the grounds of appeal.

*Status: This is the original version (as it was originally made).*

- (4) The police pension authority must, unless the member and the police pension authority agree to a further reference to a selected medical practitioner under paragraph 4 (reconsideration of final decision)—
- (a) notify the Department that a statement of the grounds of appeal has been received; and
  - (b) provide the Department with 2 copies of the notice of appeal and the report and certificate appealed against with the name and address of the appellant and any further information required by the Department.
- (5) The Department shall appoint —
- (a) the IMR which shall consist of one or more independent medical practitioner's;
  - (b) where more than one IMR is appointed the Department shall designate one IMR as the PIMR.
- (6) The IMR shall report on the question or questions which is or are subject to appeal, except where there is a PIMR designated then only the PIMR shall report after taking into account the assessment of all other IMR's appointed by the Department.
- (7) The decision of the IMR, if it disagrees with any part of the report of the selected medical practitioner—
- (a) must be expressed in the form of a report and a certificate; and
  - (b) subject to paragraph 4 (reconsideration of final decision), that report is final.
- (8) A copy of the report and certificate must be given to the police pension authority and the member.
- (9) The police pension authority shall determine the appeal after considering the report of the IMR and that report shall supersede any other medical report.

### **Referral to the Independent Medical Referee**

- 3.—(1) The IMR must—
- (a) appoint a time and place for hearing the appeal and for any further hearings it may consider necessary; and
  - (b) give notice of the hearing to the appellant and the scheme manager (“the parties to the appeal”).
- (2) Notice of a hearing must be given at least 2 months before the hearing (or any shorter period the parties to the appeal agree).
- (3) The parties to the appeal must, not less than 35 days (including weekends and public holidays) before the date appointed for a hearing, inform the appeal board whether they intend to be represented at the hearing.
- (4) The IMR may interview or examine the appellant at any hearing.
- (5) Any hearing (including any medical examination of the appellant) may be attended by—
- (a) the selected medical practitioner or, if that practitioner is unavailable, a duly qualified medical practitioner appointed for the purpose by the scheme manager, and
  - (b) a duly qualified medical practitioner appointed for the purpose by the appellant.
- (6) A medical practitioner who attends a hearing may only observe a medical examination.
- (7) If any hearing includes a medical examination, only medical practitioners may be present for that part of the hearing.
- (8) The IMR must supply the Department and the parties to the appeal with a written statement of its decision.

(9) If the IMR disagrees with any part of the selected medical practitioner's report, the appeal tribunal must supply a revised report and certificate.

#### **Referral of final decision for reconsideration**

4.—(1) This paragraph applies if a medical authority has given a final decision in relation to a member of the police service ("the member").

(2) For the purpose of this Schedule, a medical authority has given a final decision if—

- (a) the selected medical practitioner has given a medical decision and the time for giving notice of appeal against the decision under paragraph 2(1) has expired without an appeal to the IMR being made;
- (b) the selected medical practitioner has given a medical decision and, following the giving of notice of appeal under paragraph 2(1) the police pension authority has not yet notified the Department of the appeal; or
- (c) an appeal has been made to the IMR and the IMR has given a decision.

(3) The police pension authority and the member may, by agreement, refer the final decision to the medical authority for reconsideration.

(4) The medical authority must reconsider the final decision and, if necessary, issue a fresh report.

(5) A copy of the fresh report must be given to the scheme manager and to the member.

(6) The fresh report is final, subject to—

- (a) any further reconsideration of the final decision under this paragraph; or
- (b) any appeal under paragraph (2) against the medical decision—
  - (i) in respect of which the member gave notice before the final decision was referred under this paragraph; and
  - (ii) that the member requested be notified to the Department and referred to the IMR .

(7) If an appeal tribunal hearing an appeal under regulation 115, considers that the evidence before the medical authority which gave the final decision was inaccurate or inadequate—

- (a) the tribunal may refer the final decision to the medical authority for reconsideration in the light of such facts as the tribunal may direct; and
- (b) the medical authority must reconsider that final decision and, if necessary, issue a fresh report and certificate.

(8) A copy of the fresh report and certificate must be given to the scheme manager and to the member.

(9) Subject to any further reconsideration under this paragraph, the fresh report is final.

#### **Referral to an appointed medical practitioner**

5.—(1) If a final decision is referred to a medical authority for reconsideration under paragraph 3 and the medical authority is unable or unwilling to act, the final decision may be referred to an appointed medical practitioner.

(2) The decision of an appointed medical practitioner has effect as if it were that of the medical authority who gave the final decision.

(3) In this paragraph, "appointed medical practitioner" means a duly qualified medical practitioner or a number of duly qualified medical practitioners—

- (a) agreed by the member of the police service and the police pension authority; or
- (b) appointed by the appeal tribunal.

### **Appointment of appeal tribunal**

- 6.—(1) The appeal tribunal must consist of not less than 3 persons who—
- (a) are appointed by, and in accordance with, arrangements approved by the Department; and
  - (b) of whom one must be appointed chair.
- (2) At least one member of the appeal tribunal must be a specialist in a medical condition relevant to the appeal.
- (3) The appeal tribunal must contain a—
- (i) a barrister or solicitor of not less than 7 years standing who shall be appointed chairperson; and
  - (ii) a former member of the police service or of a police force in Great Britain, who before he ceased to serve or retired, held a rank not lower than that of superintendent.
- (4) The appeal tribunal shall apply the rules of evidence applicable in a hearing of an appeal to a county court under article 28 of the County Courts (Northern Ireland) Order 1980(1)
- (5) Subject to the preceding provisions of this regulation, the appeal tribunal shall determine its own procedure.
- (6) Where there is an equality of voting among members of the appeal board, the chair has a second or casting vote.

### **Procedure and costs on appeals to an appeal tribunal**

- 7.—(1) The notice of appeal and the statement of grounds of appeal must be in writing.
- (2) The police pension authority must send 3 copies of the following documents to the Department —
- (a) the notice of appeal;
  - (b) the statement of grounds of appeal; and
  - (c) any other documents the Department considers necessary.
- (3) There must be paid to the members of the appeal tribunal—
- (a) such fees as are determined in accordance with arrangements made by the Department, or
  - (b) where no such arrangements have been made, such fees and allowances as the Department may from time to time determine.
- (4) Any fees or allowances so payable must, subject to paragraph 10 (costs payable if hearing is cancelled, adjourned or postponed)—
- (a) be paid by the police pension authority; and
  - (b) be treated as part of the expenses of the police pension authority for the purposes of this paragraph.

### **Hearing the appeal**

- 8.—(1) The appeal tribunal must—
- (a) appoint a time and place for hearing the appeal and for any further hearings it may consider necessary; and
  - (b) give notice of the hearing to the appellant and the police pension authority (“the parties to the appeal”).

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(1) [S.I.1980/397\(N.I.3\)](#)

(2) Notice of a hearing must be given at least 2 months before the hearing (or any shorter period the parties to the appeal agree).

(3) The parties to the appeal must, not less than 35 days (including weekends and public holidays) before the date appointed for a hearing, inform the appeal tribunal whether they intend to be represented at the hearing.

(4) The police pension authority and the appellant (“the parties”) may be represented before the appeals tribunal by counsel, by a solicitor or by any other appropriate person, adduce evidence and cross-examine witnesses.

(5) The appeal tribunal, after enquiring into the case and arriving at a decision thereon, may make such order in the matter as appears to it just, and—

(a) the order shall state the reasons for the decision; and .

(b) each of the parties shall be entitled to a copy of any such order.

(6) An appeal shall lie on a point of law from any decision of a tribunal under this regulation to the High Court in accordance with rules of court.

#### **Written evidence or a written statement**

9.—(1) A party to an appeal who intends to submit written evidence or a written statement at a hearing must, subject to sub-paragraph (2), submit it to the appeal tribunal and the other party not less than 35 days before the date appointed for the hearing.

(2) If a party submits written evidence or a written statement under sub-paragraph (1), the other party may, not less than 7 days before the date appointed for the hearing, submit written evidence or a written statement in response.

(3) Any evidence or statement submitted under sub-paragraph (2) must be submitted to the appeal tribunal and the party who submitted the evidence or statement under sub-paragraph (1).

(4) The appeal tribunal may postpone or adjourn the date appointed for the hearing if—

(a) written evidence or a written statement is submitted in contravention of this paragraph; or

(b) it appears necessary to do so for the proper determination of the appeal.

(5) References in this paragraph to periods of days include weekends and public holidays.

#### **Costs payable if hearing is cancelled, adjourned or postponed**

10.—(1) Subject to the following provisions, the expenses of each party to the appeal must be borne by that party.

(2) This sub-paragraph applies if a hearing is cancelled, adjourned or postponed at the request of, or due to the actions or omissions of the police pension authority less than 22 days (including weekends and public holidays) before the date appointed for the hearing.

(3) If sub-paragraph (2) applies, the appeal tribunal must require the police pension authority to pay to the appellant any expenses actually and reasonably incurred by the appellant in respect of attending or arranging to attend the cancelled, adjourned or postponed hearing.

(4) This sub-paragraph applies if the appeal tribunal determines that a hearing has been cancelled, adjourned or postponed at the request of, or due to the actions or omissions of, the appellant less than 22 days (including weekends and public holidays) before the date appointed for the hearing.

(5) If sub-paragraph (4) applies, the appeal tribunal may, subject to paragraph (7), require the appellant to pay towards the cost of the cancellation, adjournment or postponement such sum not exceeding the total costs of the cancellation, adjournment or postponement as the appeal tribunal decides taking into account of representations from either party.

**Costs payable on decision**

- 11.—(1) Costs are payable in accordance with this paragraph on determination of the appeal.
- (2) If the appeal tribunal decides in favour of the appellant, the police pension authority must refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of attending any hearing of the tribunal.
- (3) This sub-paragraph applies if the appeals tribunal—
- (a) decides in favour of the police pension authority; and
  - (b) reports that in its opinion the appeal was frivolous or vexatious.
- (4) If sub-paragraph (3) applies, the police pension authority may subject to sub-paragraph (5), require the appellant to pay towards the cost of the appeal tribunal such sum not exceeding the total fees and allowances of the members of the appeal tribunal as the police pension authority thinks fit.
- (5) If the appeal tribunal, after taking account of any representations from either party, decides there are exceptional reasons why the appellant should not pay towards the cost of the appeal—
- (a) the appeal tribunal must give the parties written notice of its decision; and
  - (b) the police pension authority must not require the appellant to pay towards those costs.

SCHEDULE 2

Regulation 106

Progressive medical conditions

**The progressive medical conditions mentioned in regulation 110 are—**

- AIDS
- Alzheimer’s disease;
- Cancer;
- Creutzfeld-Jacob disease;
- Huntington’s chorea;
- Motor neurone disease;
- Multiple sclerosis;
- Nieman Pick disease;
- Non-variant Creutzfeld-Jacob disease;
- Parkinson’s disease; and
- Variant Creutzfeld-Jacob disease.

## SCHEDULE 3

Regulations 55 and 174

### Payments for added pension

## PART 1

### General

#### Interpretation

1. In this Schedule—

“added pension option” means the option to make payments for added pension;

“amount of accrued added pension” means the total of—

- (a) the amount of accrued added (self only) pension (if any); and
- (b) the amount of accrued added (all beneficiaries) pension (if any);

“appropriate pay period” means the pay period that the scheme manager considers appropriate;

“overall limit of added pension” has the meaning given in paragraph 2;

“periodical payment period” means the period for which periodical payments for added pension are payable;

“period of service”, in relation to this scheme, means a continuous period of pensionable service under this scheme;

“the relevant day”, in relation to a lump sum payment for added pension, means—

- (a) if the scheme manager provides a statement of the amount of added pension, the first day after the period of one month beginning with the date of the statement; or
- (b) otherwise, the day on which the lump sum payment is received by the scheme manager;

“the relevant scheme year” means the scheme year in which the relevant day falls; and

“statement of the amount of added pension” means the statement referred to in paragraph 16.

#### Meaning of “overall limit of added pension”

2.—(1) The overall limit of added pension is—

- (a) £6,500 for any scheme year ending before 1st April 2016; and
- (b) for any scheme year beginning on or after 1st April 2016—
  - (i) the overall limit of added pension determined by the Department of Finance and Personnel in respect of that scheme year as published before the start of that scheme year; or
  - (ii) if no such determination is made, the amount calculated under sub-paragraph (2).

(2) The amount is the amount to which the annual rate of a pension of an amount equal to the overall limit of added pension for the previous scheme year would have been increased under the 1971 Act if—

- (a) that pension were eligible to be so increased; and
- (b) the beginning date for that pension were the first day of the previous scheme year.

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### **Amount of accrued added pension may not exceed overall limit of added pension**

3.—(1) At any given time, the total amount of accrued added pension in the active member’s account may not exceed the overall limit of added pension.

(2) If a member has opted to make periodical payments for added pension under this scheme, the scheme manager may by written notice to the member cancel the added pension option if it appears to the scheme manager that the overall limit of added pension will be exceeded if the member continues to make the periodical payments.

(3) If the scheme manager cancels the option, the periodical payments cease to be payable from the next pay period beginning after the date specified in the notice of cancellation.

### **Refund of overpayments**

4. The scheme manager must refund to a member the amount of any payment for added pension made by the member that results in the overall limit of added pension being exceeded.

## **PART 2**

### **Exercising the added pension option**

#### **Added pension option exercisable by member**

5.—(1) An active member of this scheme may opt to make payments for added pension to increase—

- (a) the member’s retirement benefits<sup>(2)</sup> for a period of service; or
- (b) the member’s retirement benefits and death benefits payable in respect of the member for a period of service.

(2) A member may exercise the added pension option by written notice to the scheme manager in a form required by the scheme manager (“the option notice”).

(3) The option notice must state whether the payments for added pension are to be made by—

- (a) periodical payments; or
- (b) a lump sum payment.

(4) A member may exercise the added pension option more than once but an option to make a lump sum payment for added pension may only be exercised once in any scheme year.

(5) An option to make a lump sum payment for added pension may only be exercised if the member—

- (a) has been an active member of this scheme in relation to a continuous period of pensionable service for at least 12 months; and
- (b) has been provided with a statement of the amount of added pension (if paragraph 16 applies).

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(2) Added pension which increases the member’s retirement benefits is payable to the member as part of the member’s full retirement pension in accordance with the provisions of Part 6 of these Regulations.



## PART 3

### Periodical payments for added pension

#### **Application of Part**

6. This Part applies in relation to an active member of this scheme who opts to make periodical payments for added pension under this scheme.

#### **Member's option to make periodical payments for added pension**

7.—(1) The option notice must specify—

- (a) the periodical payment period; and
- (b) the amount of the periodical payment to be deducted by the member's employer from the member's pay in each pay period.

(2) The amount of the periodical payment may be expressed as—

- (a) a percentage of the amount of a payment of the member's pensionable earnings; or
- (b) a fixed sum.

(3) The amount of the periodical payment must not be less than any minimum amount determined by the scheme manager.

#### **Cancellation of option by member**

8.—(1) The member may, by written notice to the scheme manager, cancel the option at any time during the periodical payment period ("cancellation of notice").

(2) If the member cancels the option, the periodical payments cease to be payable from the beginning of the next scheme year after the scheme manager receives the notice of cancellation.

#### **Periodical payments**

9.—(1) The periodical payments are payable by deduction by the member's employer from the member's pay during the periodical payment period.

(2) The periodical payment period—

(a) begins with—

- (i) if the member exercises the option within 3 months after joining this scheme, the first appropriate pay period beginning on or after the date on which the scheme manager receives the option notice; or
- (ii) in any other case, the first appropriate pay period of the scheme year beginning on or after the date on which the scheme manager receives the option notice; and

(b) ends on the earlier of—

- (i) the date on which the member ceases to be an active member of this scheme; and
- (ii) the date specified in the option notice.

(3) Subject to sub-paragraph (4), during a period of assumed pay the member may—

- (a) stop the periodical payments; or
- (b) continue the periodical payments as if the member were receiving pensionable earnings at the rate that applied at the beginning of the period of assumed pay.

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(4) During any period in which the member is receiving statutory maternity pay within the meaning of the Social Security Contributions and Benefits(Northern Ireland) Act 1992(3) or is on paid maternity leave, paid adoption leave, paid maternity support leave, paid adoption support leave, paid parental leave or paid paternity leave, the member may—

- (a) stop the periodical payments; or
- (b) make periodical payments of an amount determined by reference to the member's actual pay during that period.

(5) If a member stops the periodical payments during a period of assumed pay, the member may, by written notice to the scheme manager resume the periodical payments in the next pay period after the period of assumed pay ends.

#### **Amount of added (self only) pension for a scheme year(periodical payments)**

10.—(1) This paragraph applies in relation to each scheme year during which a member makes periodical payments to increase the member's retirement benefits only.

(2) An amount of added (self only) pension is credited to the active member's account for that scheme year.

(3) The amount is determined by the scheme manager in accordance with actuarial tables, having regard to the cost in the scheme year of providing retirement benefits to a person of the member's age and gender.

#### **Amount of added (all beneficiaries) pension for a scheme year (periodical payments)**

11.—(1) This paragraph applies in relation to each scheme year during which a member makes periodical payments to increase—

- (a) the member's retirement benefits; and
- (b) death benefits payable in respect of the member.

(2) An amount of added (all beneficiaries) pension is credited to the active member's account for that scheme year.

(3) The amount is determined by the scheme manager in accordance with actuarial tables, having regard to the cost in the scheme year of providing retirement benefits to—

- (a) a person of the member's age; and
- (b) dependants of a person of that age.

## PART 4

### Lump sum payments for added pension made by member

#### **Application of Part**

12. This Part applies in relation to an active member of this scheme who opts to make a lump sum payment for added pension under this scheme.

#### **Member's option to make a lump sum payment for added pension**

13.—(1) The option notice must specify the amount of the lump sum which must not be less than any minimum amount determined by the scheme manager.

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(3) 1992 c. 7

(2) The lump sum is payable immediately to the scheme manager by deduction by the member's employer from the member's pay or otherwise.

#### **Statement of amount of added pension**

14.—(1) If the scheme manager so requires, the member before exercising the option must ask the scheme manager to provide a statement of the amount of added pension.

(2) A statement of the amount of added pension must set out the amount that would be credited to the active member's account if the lump sum is received by the scheme manager within one month after the date of the statement.

(3) The statement must also—

- (a) specify the overall limit of added pension; and
- (b) inform the member if it appears to the scheme manager that the overall limit of added pension would be exceeded if the active member's account is credited with the amount of added pension set out in the statement.

#### **Amount of added (self only) pension (lump sum payment)**

15.—(1) This paragraph applies if a member opts to make a lump sum payment to increase the member's retirement benefits only.

(2) Following payment of the lump sum by the member, an amount of added (self only) pension is credited to the active member's account for the relevant scheme year.

(3) The amount credited to the account is—

- (a) if the scheme manager has provided a statement of the amount of added pension and the lump sum is received by the scheme manager within one month after the date of the statement, the amount specified in the statement; or
- (b) otherwise, an amount determined by the scheme manager in accordance with actuarial tables, having regard to—
  - (i) the amount of the lump sum;
  - (ii) the cost as at the relevant day of providing retirement benefits to a person of the member's age and gender;
  - (iii) factors relating to the member's circumstances as at the relevant day; and
  - (iv) any other factors as at the date of the statement of the amount of added pension to which the scheme actuary considers regard should be had.

#### **Amount of added (all beneficiaries) pension (lump sum payment)**

16.—(1) This paragraph applies if a member opts to pay a lump sum to increase—

- (a) the member's retirement benefits; and
- (b) death benefits payable in respect of the member.

(2) On payment of the lump sum by the member an amount of added (all beneficiaries) pension is credited to the active member's account in the relevant scheme year.

(3) The amount credited to the account is—

- (a) if the scheme manager has provided a statement of the amount of added pension and the lump sum is received by the scheme manager within one month after the date of the statement, the amount specified in the statement; or

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- (b) otherwise, an amount determined by the scheme manager in accordance with actuarial tables, having regard to—
- (i) the amount of the lump sum;
  - (ii) the cost as at the relevant day of providing retirement benefits to a person of the member’s age and dependants of a person of that age;
  - (iii) factors relating to the member’s circumstances as at the relevant day; and
  - (iv) any other factors as at the date of the statement of the amount of added pension to which the scheme actuary considers regard should be had.

## Schedule 4

Regulation 225

### Transitional provisions

## PART 1

### General

#### Interpretation

1. In this Schedule—

“the 1988 Regulations” means the Royal Ulster Constabulary Pensions Regulations 1988<sup>(4)</sup> ;

“the 2009 Regulations” means the Police Pension (Northern Ireland) Regulations 2009;<sup>(5)</sup>”

“1988 transition member” means a person—

- (a) who is a member of the 1988 scheme by virtue of his or her pensionable service under that scheme before the transition date; and
- (b) who is a member of this scheme by virtue of his or her pensionable service under this scheme;

“2006 transition member” means a person —

- (a) who is a member of the 2006 scheme by virtue of his or her pensionable service under that scheme before the transition date; and
- (b) who is a member of this scheme by virtue of his or her pensionable service under this scheme;

“active member”, in relation to this scheme, means a person—

- (a) who is in pensionable service<sup>(6)</sup> under this scheme; or
- (b) who, for the purposes of determining entitlement to payment of benefits to or in respect of the member, is taken to be an active member of this scheme<sup>(7)</sup>;

“closing date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the existing scheme, the tapered protection closing date for that member; or

<sup>(4)</sup> [S.R. 1988 No.374](#)

<sup>(5)</sup> [S.R. 2009 No. 79.](#)

<sup>(6)</sup> See section 37 of the Act for the meaning of “pensionable service”.

<sup>(7)</sup> See chapter 1 of Part 4 (active membership) for when a member of the police service is taken to be an active member of this scheme.

(b) if the member is not a protected member of the existing scheme, the scheme closing date;  
“exception” means an exception to section 18(1) of the Act;

“full protection member”—

- (a) in relation to the 1988 scheme has the meaning given in Part 2;
- (b) in relation to the 2006 scheme has the meaning given in Part 3;
- (c) in relation to the 1987 Great Britain police pension scheme or the 2006 England and Wales police pension scheme has the meaning given in the 2015 England and Wales police pension scheme;
- (d) in relation to the 2006 Scotland police pension scheme has the meaning given in the 2015 Scotland police pension scheme;
- (e) in relation to an existing scheme other than the 1988 scheme or the 2006 scheme, means a person in respect of whom an exception under section 18(6) of the Act applies for the purpose of that scheme;

“period of service”—

- (a) in relation to this scheme, means a continuous period of pensionable service under this scheme;
- (b) in relation to the 1987 Great Britain police pension scheme or the 2006 England and Wales police pension scheme or the 2006 Scotland police pension scheme, means a period of pensionable service under that scheme;

“protected member”, in relation to the existing police pension scheme, means a full protection member or tapered protection member of that scheme;

“protection period”—

- (a) for a full protection member of the 1988 scheme, has the meaning given in Part 2;
- (b) for a full protection member of the 2006 scheme, has the meaning given in Part 3;
- (c) for a tapered protection member of the 1988 scheme, has the meaning given in Part 4;
- (d) for a tapered protection member of the 2006 scheme, has the meaning given in Part 5;

“tapered protection member”—

- (a) in relation to the 1988 scheme, has the meaning given in Part 4;
- (b) in relation to the 2006 scheme, has the meaning given in in Part 5;
- (c) in relation to the 1987 police pension scheme or 2006 England and Wales police pension scheme has the meaning given in the 2015 England and Wales pension scheme;
- (d) in relation to the 2006 Scotland police pension scheme has the meaning given in the 2015 Scotland police pension scheme; and
- (e) in relation to an existing scheme other than the 1988 scheme or the 2006 scheme, means a person in respect of whom an exception under section 18(6) of the Act applies for the purpose of that scheme; and

“transition date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the existing police pension scheme, the day after the tapered protection closing date for that member;
- (b) if the member is not a protected member of that scheme, the day after the scheme closing date;

*Status: This is the original version (as it was originally made).*

### **Meaning of “tapered protection closing date”**

2.—(1) The tapered protection closing date for a tapered protection member of the existing police pension scheme is a date between 24th May 2015 and 31st January 2022 (inclusive) determined by the scheme manager by reference to a table published for that purpose.

(2) If a tapered protection member falls within more than one sub-paragraph in a paragraph in Part 4 or 5, the scheme manager must determine the tapered protection closing date by reference to the table which provides the latest tapered protection closing date.

### **Pensionable service under a police scheme**

3.—(1) For the purpose of this Schedule, a transition member (T) is in pensionable service under a police scheme while T is on unpaid leave from the employment to which that service relates.

(2) For the purpose of sub-paragraph (1)—

“a police scheme” means—

- (a) the 1988 scheme;
- (b) the 1987 Great Britain police pension scheme;
- (c) the 2006 scheme;
- (d) the 2006 England and Wales police pension scheme;
- (e) the 2006 Scotland police pension scheme
- (f) the 2015 England and Wales police pension scheme; or
- (g) the 2015 Scotland police pension scheme; and

“unpaid leave” in relation to employment to which pensionable service under a police scheme relates, means—

- (a) a career break, or
- (b) any other period of unpaid leave—
  - (i) that does not exceed 5 years; and
  - (ii) during which the employment relationship continues<sup>(8)</sup>.

### **Continuity of service (1988 transition members)**

4.—(1) A 1988 transition member (T) has continuity of service for the purpose of these Regulations if T has continuity of service in relation to—

- (a) a period of service under the 1988 scheme;
- (b) a period of service under this scheme.

(2) T has continuity of service in relation to a period of service under the 1988 scheme and a period of service under this scheme unless those periods of service are separated by a gap in pensionable service exceeding 5 years which—

- (a) begins on or before T’s transition date; and
- (b) ends on the day on which T becomes an active member of this scheme.

(3) For the purpose of sub-paragraph (2), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under —

- (a) an existing scheme other than the 2006 scheme; or the 2006 Scotland police pension scheme;

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<sup>(8)</sup> See regulation 19 (periods of unpaid leave) for periods of unpaid leave during which the employment relationship continues.

- (b) the 1987 Great Britain police pension scheme;
- (c) another scheme under section 1 of the Act providing for payment of retirement pensions;
- (d) the 2015 England and Wales police pension scheme; or
- (e) the 2015 Scotland police pension scheme.

**Continuity of service (2006 transition members)**

5.—(1) A 2006 transition member (T) has continuity of service for the purpose of these Regulations if T has continuity of service in relation to —

- (a) a period of service under the 2006 scheme; and
- (b) a period of service under this scheme.

(2) T has continuity of service in relation to a period of service under the 2006 scheme and a period of service under this scheme unless those periods of service are separated by a gap in pensionable service exceeding 5 years which—

- (a) begins on or before T’s transition date; and
- (b) ends on the day on which T becomes an active member of this scheme.

(3) For the purpose of sub-paragraph (2), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under —

- (a) an existing scheme;
- (b) the 1987 Great Britain police pensions scheme;
- (c) the 2006 England and Wales police pensions scheme;
- (d) the 2006 Scotland police pensions scheme;
- (e) another scheme under section 1 of the Act providing for payment of retirement pensions; or
- (f) the 2015 England and Wales police pension scheme; or
- (g) the 2015 Scotland police pension scheme.

**Meaning of “active member” of the 1988 scheme or the equivalent 1987 Great Britain police pension scheme**

6.—(1) This paragraph applies in relation to—

- (a) the 1988 scheme; and
- (b) the 1987 Great Britain police pension scheme.

(2) For the purpose of this Schedule, a transition member (T) is an active member of a scheme mentioned in sub-paragraph (1) on a given date if on that date T is in pensionable service<sup>(9)</sup> under that scheme.

**Meaning of “active member” of the 2006 scheme or the equivalent 2006 England and Wales police pension scheme or 2006 Scotland police pension scheme.**

7.—(1) This paragraph applies in relation to—

- (a) the 2006 scheme; and
- (b) the 2006 England and Wales police pension scheme; and
- (c) the 2006 Scotland police pension scheme.

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(9) See definition of “pensionable service” in section 34 of the Act

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(2) For the purpose of this Schedule, a transition member (T) is an active member of a scheme mentioned in sub-paragraph (1) on a given date if on that date—

- (a) T is in pensionable service under that scheme; or
- (b) T is on a gap in pensionable service not exceeding 5 years.

(3) For the purpose of sub-paragraph (2)(b), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under—

- (a) an existing scheme other than the 1988 scheme;
- (b) the 2006 England and Wales police pension scheme;
- (c) the 2006 Scotland police pension scheme;
- (d) another scheme under section 1 of the Act providing for payment of retirement pensions; or;
- (e) the 2015 England and Wales police pension scheme ;
- (f) the 2015 Scotland police pension scheme .

#### **Meaning of “active member” of an existing scheme**

8.—(1) This paragraph applies in relation to an existing scheme other than the 1988 scheme or the 2006 scheme (“the existing scheme”).

(2) For the purpose of this Schedule, a transition member (T) is an active member of the existing scheme on a given date if on that date—

- (a) T is in pensionable service under that scheme; or
- (b) T is on a gap in pensionable service not exceeding 5 years.

(3) For the purpose of sub-paragraph (2)(b), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under—

- (a) an existing scheme;
- (b) the 1987 Great Britain police pension scheme;
- (c) the 2006 England and Wales police pension scheme;
- (d) the 2006 Scotland police pension scheme;
- (e) another scheme under section 1 of the Act providing for payment of retirement pensions;
- (f) the 2015 England and Wales police pension scheme; or
- (g) the 2015 Scotland police pension scheme.

## **PART 2**

### **Exceptions for full protection members of the 1988 scheme**

#### **Meaning of “full protection member” (the 1988 scheme)**

9.—(1) A person (P) to whom any of paragraph 11 applies is a full protection member of the 1988 scheme.

(2) P ceases to be a full protection member of the 1988 scheme when P ceases to be in pensionable service under that scheme.



### **Exception for full protection member during protection period**

- 10.—(1) The protection period for a full protection member of the 1988 scheme—
- (a) begins on the day after the scheme closing date; and
  - (b) ends when P ceases to be a full protection member of the 1988 scheme.
- (2) In respect of the protection period—
- (a) P is in pensionable service under the 1988 scheme;
  - (b) section 18(1) of the Act does not apply in respect of that pensionable service; and
  - (c) benefits are to be provided under the 1988 scheme to or in respect of P in relation to that pensionable service.

### **Active member of the 1988 scheme on scheme closing date**

- 11.—(1) This paragraph applies if any of the following sub-paragraphs applies.
- (2) This sub-paragraph applies if—
- (a) P was an active member of the 1988 scheme on the scheme closing date and on 31st March 2012; and
  - (b) on 1st April 2012, P had reached 45.
- (3) This sub-paragraph applies if—
- (a) P was an active member of the 1988 scheme on the scheme closing date and on 31st March 2012;
  - (b) on 1st April 2012—
    - (i) P had reached 38; and
    - (ii) P had at least 20 years pensionable service under the 1988 scheme.
- (4) This sub-paragraph applies if—
- (a) on 31st March 2012, P was an active member of the 1987 Great Britain police pension scheme;
  - (b) P began pensionable service under the 1988 scheme immediately after ceasing to be in pensionable service under the 1987 Great Britain police pension scheme.;
  - (c) on the scheme closing date, P was an active member of the 1988 scheme; and
  - (d) P would have been a full protection member of the 1987 Great Britain police pension scheme had P remained in pensionable service under that scheme.

## **PART 3**

### **Exceptions for full protection members of the 2006 scheme**

#### **Meaning of “full protection member” (the 2006 scheme)**

- 12.—(1) A person (P) to whom paragraph 14 applies is a full protection member of the 2006 scheme.
- (2) P ceases to be a full protection member of the 2006 scheme when P ceases to be in pensionable service under that scheme.

**Exception for full protection member during protection period**

- 13.—(1) The protection period for a full protection member of the 2006 scheme —
- (a) begins on the day after the scheme closing date; and
  - (b) ends when P ceases to be a full protection member of the 2006 scheme.
- (2) In respect of the protection period—
- (a) P is in pensionable service under the 2006 scheme;
  - (b) section 18(1) of the Act does not apply in respect of that pensionable service; and
  - (c) benefits are to be provided under the 2006 scheme to or in respect of P in relation to that pensionable service.

**Active member of the 2006 scheme on scheme closing date**

- 14.—(1) This paragraph applies if any of the following sub-paragraphs applies.
- (2) This sub-paragraph applies if—
- (a) on the scheme closing date and on 31st March 2012, P was an active member of the 2006 scheme; and
  - (b) unless P dies, P would reach 55 on or before 1st April 2022.
- (3) This sub-paragraph applies if—
- (a) on 31st March 2012, P was an active member of the 1987 Great Britain police pension scheme; or
  - (b) on the scheme closing date, P was an active member of the 2006 scheme; and
  - (c) unless P dies, P would reach 55 on or before 1st April 2022.
- (4) This sub-paragraph applies if—
- (a) on 31st March 2012, P was an active member of the 2006 England and Wales police pension scheme or the 2006 Scotland police pension scheme.
  - (b) on the scheme closing date, P was an active member of the 2006 scheme; and
  - (c) unless P dies, P would reach 55 on or before 1st April 2022.
- (5) This sub-paragraph applies if—
- (a) on 31st March 2012, P was an active member of an existing scheme other than the 2006 scheme (“the existing scheme”);
  - (b) on the scheme closing date, P was an active member of the 2006 scheme; and
  - (c) unless P dies, P would reach 55 on or before 1st April 2022.

**PART 4**

**Exceptions for tapered protection members of the 1988 scheme**

**Meaning of “tapered protection member” (the 1988 scheme)**

- 15.—(1) A person (P) to whom paragraph 17 applies is a tapered protection member of the 1988 scheme.
- (2) P ceases to be a tapered protection member of the 1988 scheme on which ever of the following days occurs first—
- (a) P’s tapered protection closing date; or

- (b) the day on which P ceases to be in pensionable service under the 1988 scheme.

#### **Exception for tapered protection members during protection period**

- 16.—(1) The protection period for a full protection member of the 1988 scheme—
- (a) begins on the day after the scheme closing date; and
  - (b) ends when P ceases to be a full protection member of the 1988 scheme.
- (2) In respect of the protection period—
- (a) P is in pensionable service under the 1988 scheme;
  - (b) section 18(1) of the Act does not apply in respect of that pensionable service; and
  - (c) benefits are to be provided under the 1988 scheme to or in respect of P in relation to that pensionable service.

#### **Active member of the 1988 scheme on scheme closing date**

- 17.—(1) This paragraph applies if any of the following sub-paragraphs applies.
- (2) This sub-paragraph applies if—
- (a) P was an active member of the 1988 scheme on the scheme closing date and on 31st March 2012; and
  - (b) on 1st April 2012, P had reached 41 but had not reached 45.
- (3) This sub-paragraph applies if—
- (a) P was an active member of the 1988 scheme on the scheme closing date and on 31st March 2012; and
  - (b) on 1st April 2012—
    - (i) P had reached 34 but had not reached 38; and
    - (ii) P had at least 20 years' pensionable service under the 1988 scheme.
- (4) This sub-paragraph applies if—
- (a) P was an active member of the 1988 scheme on the scheme closing date and on 31st March 2012; and
  - (b) on 1st April 2012—
    - (i) P had reached 38 but had not reached 45; and
    - (ii) P had at least 16 but less than 20 years' pensionable service under the 1988 scheme.
- (5) This sub-paragraph applies if—
- (a) P was an active member of the 1988 scheme on the scheme closing date and on 31st March 2012; and
  - (b) on 1st April 2012—
    - (i) P had not reached 38;
    - (ii) P had less than 20 years' pensionable service under the 1988 scheme; and
    - (iii) the sum of P's age in years and the number of years of P's pensionable service under the 1988 scheme is at least 54 but less than 58.
- (6) This sub-paragraph applies if—
- (a) on 31st March 2012, P was an active member of the scheme constituted by the 1987 Great Britain police pension scheme;

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- (b) P began pensionable service under the 1988 scheme immediately after ceasing to be in pensionable service under the 1987 Great Britain police pension scheme;
- (c) on the scheme closing date, P was an active member of the 1988 scheme; and
- (d) P would have been a full protection member or tapered protection member of the 1987 Great Britain police pension scheme had P remained in pensionable service under that scheme.

## PART 5

### Exceptions for tapered protection members of the 2006 scheme

#### **Meaning of “tapered protection member” (the 2006 scheme)**

18.—(1) A person (P) to whom paragraph 20 applies is a tapered protection member of the 2006 scheme.

(2) P ceases to be a tapered protection member of the 2006 scheme on whichever of the following days occurs first—

- (a) P’s tapered protection closing date; or
- (b) the day on which P ceases to be in pensionable service under the 2006 scheme.

#### **Exception for tapered protection members during protection period**

19.—(1) The protection period for a full protection member of the 2006 scheme—

- (a) begins on the day after the scheme closing date; and
- (b) ends when P ceases to be a full protection member of the 2006 scheme.

(2) In respect of the protection period—

- (a) P is in pensionable service under the 2006 scheme;
- (b) section 18(1) of the Act does not apply in respect of that pensionable service; and
- (c) benefits are to be provided under the 2006 scheme to or in respect of P in relation to that pensionable service.

#### **Active member of the 2006 scheme on scheme closing date**

20.—(1) This paragraph applies if any of the following sub-paragraphs applies.

(2) This sub-paragraph applies if—

- (a) on the scheme closing date and on 31st March 2012, P was an active member of the 2006 scheme; and
- (b) unless P dies, P would reach 55 between 2nd April 2022 and 1st April 2026 (inclusive).

(3) This sub-paragraph applies if—

- (a) on 31st March 2012 P was in service an active member of the 1987 Great Britain police pension scheme;
- (b) on the scheme closing date P was an active member of the 2006 scheme; and
- (c) unless P dies, P would reach 55 between 2nd April 2022 and 1st April 2026 (inclusive).

(4) This sub-paragraph applies if—

- (a) on 31st March 2012, P was an active member of the 2006 England and Wales police pension scheme or the 2006 Scotland police pension scheme.

- (b) on the scheme closing date, P was an active member of the 2006 scheme; and
  - (c) unless P dies, P would reach 55 between 2nd April 2022 and 1st April 2026 (inclusive).
- (5) This sub-paragraph applies if—
- (a) on 31st March 2012, P was an active member of an existing scheme other than the 2006 scheme (“the existing scheme”);
  - (b) on the scheme closing date, P was an active member of the 2006 scheme; and
  - (c) unless P dies, P would reach 55 between 2nd April 2022 and 1st April 2026 (inclusive).

## PART 6

### Payment of ill-health pension to transition members with continuity of service

#### **Meaning of “ill-health pension” in relation to the existing police pension scheme**

21. For the purpose of this Part in relation to the existing police pension scheme, means—
- (a) an ill-health award under regulation B3 of the 1988 Regulations<sup>(10)</sup> (member’s ill-health award); or
  - (b) a standard ill-health pension under regulation 27 of the 2009 Regulations <sup>(11)</sup> (calculation of standard ill-health pension).

#### **Meaning of “normal pension age under the existing police pension scheme”**

- 22.—(1) This paragraph applies for the purpose for this Part.
- (2) For a 2006 transition member, “the normal pension age under the existing police pension scheme” means the normal pension age under the 2006 scheme.
- (3) for a 1988 transition member, “the normal pension age under the existing police pension scheme” means for a member of the police service ,the voluntary retirement age determined under Regulation A4(2) of the 1988 Regulations.

#### **Transition member who has not reached normal pension age under the existing police pension scheme**

- 23.—(1) This paragraph applies in relation to a transition member with continuity of service who—
- (a) becomes entitled under Chapter 3 of Part 7 to a payment for life of an ill-health pension under this scheme; and
  - (b) has not reached normal pension age under the existing police pension scheme.
- (2) If this paragraph applies—
- (a) an ill-health pension is not payable under the existing police pension scheme.
  - (b) if the member is a 2006 transition member, a lump sum is not payable under regulation 25(1) (b) of the 2006 Regulations; and
  - (c) a pension is payable in accordance with this paragraph (“transition members ill-health pension”).
- (3) If the member meets the lower tier threshold only—

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(10) SR 1988 no.374

(11) S.R. 2009 No.79.

*Status: This is the original version (as it was originally made).*

- (a) the annual rate of transition member's ill-health pension is the sum of—
    - (i) the annual rate of a lower tier ill-health pension payable under Chapter 3 of Part 7; and
    - (ii) the amount of pension mentioned in sub-paragraph (5); and
  - (b) if the member is a 2006 transition member, the member is entitled to payment of a lump sum equivalent to the amount of lump sum that would have been payable to the member under regulation 25(1)(b) of the 2009 Regulations if the member had been entitled to the payment of an ill-health pension under the 2006 scheme.
- (4) If the member meets the upper tier threshold—
- (a) the annual rate of transition member's ill-health pension is the sum of—
    - (i) the annual rate of a lower tier ill-health pension payable under Chapter 3 of Part 7;
    - (ii) the annual rate of an enhanced upper tier ill-health pension payable under this scheme; and
    - (iii) the amount of pension mentioned in sub-paragraph (5); and
  - (b) if the member is a 2006 transition member, the member is entitled to payment of a lump sum equivalent to the amount of lump sum that would have been payable to the member under regulation 25(1)(b) of the 2009 Regulations if the member had been entitled to the payment of an ill-health pension under the 2006 scheme.
- (5) The amount is—
- (a) for a 2006 transition member, the annual rate of ill-health pension that would have been payable under the 2006 scheme, if the member was entitled to payment of an ill-health pension under that scheme; or
  - (b) for a 1988 transition member, the better of the following—
    - (i) the annual rate of ill-health pension that would have been payable under the 1988 scheme on the member's closing date has P retired on that date;
    - (ii) a pension that would have been payable on retirement under regulation B1, B2 or B5 of the 1988 scheme, calculated in accordance with paragraph 45 of this Schedule (weighted accrual).
- (6) If, after a transition member's ill-health pension becomes payable, a transfer payment is made from the existing police pension scheme in respect of the member's rights under that scheme, the scheme manager must deduct from the amount of pension mentioned in sub-paragraph (5) an amount equal to the value of the pension represented by that transfer payment.
- (7) A retirement added pension of any description is payable with the lower tier ill-health pension if the retirement account specifies an amount of retirement added pension of that description.
- (8) The proportion of a transition members ill-health pension payable that represents the amount of pension mentioned in sub-paragraph (5) is subject to the same conditions, and ceases to be payable in the same circumstances, as if it were an ill-health pension payable under the existing police pension scheme..
- (9) For the purpose of sub-paragraph (8)—
- (a) the member's pensionable service since the closing date is taken to be pensionable service under the existing police pension scheme; and
  - (b) any member contributions paid under this scheme are taken to be paid under the existing police pension scheme.

### **When transition member reaches normal pension age under the existing police pension scheme**

24.—(1) This paragraph applies in relation to a transition member with continuity of service who is receiving payment of a transition member’s ill-health pension under paragraph 22 (transition member who has not reached normal pension age under the existing pension scheme).

- (2) When the member reaches normal pension age under the existing police pension scheme—
  - (a) the proportion of the transition member’s ill-health pension that represents the amount of pension mentioned in paragraph 22(5) ceases to be payable under this scheme; and
  - (b) a pension becomes payable under the existing police pension scheme in accordance with sub-paragraph (3); and
  - (c) if the member is a 2006 transition member, a lump sum is not payable under regulation 25(1)(b) of the 2009 Regulations.
- (3) A pension is payable under the existing police pension scheme as follows—
  - (a) for a 2006 transition member, a pension is payable under regulation 25(1)(a) of the 2009 Regulations; and
  - (b) for a 1988 transition member, an ill-health pension is payable under the 1988 scheme.
- (4) For the purpose of sub-paragraph (3), in calculating the annual rate of pension payable under the existing police pension scheme the following are subtracted from the amount of pension calculated under that scheme —
  - (a) the proportion of the commutation amount (if any) that related to the amount of pension mentioned in paragraph 22(5); and
  - (b) an amount equal to any transfer payment made to another scheme before the member reached normal pension age under the existing police pension scheme.
- (5) Before the amount in sub-paragraph (4)(a) is subtracted, it must be increased by the amount by which the annual rate of a pension of that amount would have been increased under the 1971 Act(12) if—
  - (a) that pension was eligible to be so increased; and
  - (b) the beginning date for that pension was the date the transitional member’s ill-health pension became payable.

## **PART 7**

### **Payment of death benefits in respect of transition members with continuity of service**

#### **Annual rate of surviving adult’s pension payable under this scheme when a 1988 transition member dies as a pensioner member**

25.—(1) This regulation applies in relation to a 1988 transition member with continuity of service who dies as a pensioner member of this scheme.

(2) Benefits for surviving spouses and surviving civil partners are not payable under the 1988 scheme in respect of the member.

- (3) The annual rate of a surviving adult’s earned pension is the sum of—
  - (a) the amount calculated under regulation 138 and

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(12) [S.I.1971/1073 \(N.I.10.\)](#)

*Status: This is the original version (as it was originally made).*

(b) the amount of annual pension which would have been payable under the 1988 scheme to the member's surviving spouse or surviving civil partner had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse or surviving civil partner would have been entitled under the 1988 scheme.

**Annual rate of surviving adult's pension payable under this scheme when a 2006 transition member dies as a pensioner member**

26.—(1) This regulation applies in relation to a 2006 transition member with continuity of service who dies as a pensioner member of this scheme.

(2) Benefits for surviving spouses, surviving civil partners or other adult dependants are not payable under the 2006 scheme in respect of the member.

(3) The annual rate of a surviving adult's earned pension is the sum of—

(a) the amount calculated under regulation 138; and

(b) the amount of annual pension which would have been payable under the 2006 scheme to the member's surviving spouse, surviving civil partner or other adult dependent had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse, surviving civil partner or other adult dependent would have been entitled under the 2006 scheme.

**Annual rate of surviving adult's pension payable under this scheme when a 1988 transition member dies as a deferred member**

27.—(1) This regulation applies in relation to a 1988 transition member with continuity of service who dies as a deferred member of this scheme.

(2) Benefits for surviving spouses or surviving civil partners are not payable under the existing police pension scheme in respect of the member.

(3) The annual rate of a surviving adult's earned pension is the sum of—

(a) the amount calculated under regulation 139; and

(b) the amount of annual pension which would have been payable under the 1988 scheme to the member's surviving spouse or surviving civil partner had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse or surviving civil partner would have been entitled under the 1988 scheme.

**Annual rate of surviving adult's pensions payable under this scheme when a 2006 transition member dies as a deferred member**

28.—(1) This regulation applies in relation to a 2006 transition member with continuity of service who dies as a deferred member of this scheme.

(2) Benefits for surviving spouses, surviving civil partners or other adult dependants are not payable under the 2006 scheme in respect of the member.

(3) The annual rate of surviving adult's earned pension is the sum of—

(a) the amount calculated under regulation 139 and



- (b) the amount of annual pension which would have been payable under the 2006 scheme to the member's surviving spouse, surviving civil partner or other adult dependant had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse, surviving civil partner or other adult dependant would have been entitled under the 2006 scheme.

**Annual rate of surviving adult's pension payable under this scheme when a 1988 transition member dies as an active member**

29.—(1) This paragraph applies in relation to a 1988 transition member with continuity of service—

- (a) who dies as an active member of this scheme; and
- (b) who has at least 2 years' qualifying service.

(2) Benefits for surviving spouses or surviving civil partners are not payable under the existing police pension scheme in respect of the member.

(3) The annual rate of surviving adult's earned pension payable under this scheme is the sum of—

- (a) the amount calculated under regulation 140; and
- (b) the amount of annual pension which would have been payable under the 1988 scheme to the member's surviving spouse or surviving civil partner had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse or surviving civil partner would have been entitled under the 1988 scheme.

**Annual rate of surviving adult's pension payable under this scheme when a 2006 transition member dies as an active member**

30.—(1) This paragraph applies in relation to a 2006 transition member with continuity of service—

- (a) who dies as an active member of this scheme; and
- (b) who has at least 2 years' qualifying service.

(2) Benefits for surviving spouses, surviving civil partners or other adult dependants are not payable under the 2006 scheme in respect of the member.

(3) The annual rate of surviving adult's earned pension payable under this scheme is the sum of—

- (a) the amount calculated under regulation 140; and
- (b) the amount of annual pension which would have been payable under the 2006 scheme to the member's surviving spouse, surviving civil partner or other adult dependant had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse, surviving civil partner or other adult dependant would have been entitled under the 2006 scheme.

**Payment of eligible child's pension in respect of any transition member**

31.—(1) This paragraph applies in relation to a transition member with continuity of service—

*Status: This is the original version (as it was originally made).*

- (a) who dies as an active member of this scheme and has at least 2 years qualifying service;
  - (b) who dies as a deferred member of this scheme;
  - (c) who dies as a pensioner member of this scheme.
- (2) Benefits for eligible children are not payable under the existing police pension scheme in respect of the member.
- (3) The annual rate of child's earned pension payable under this scheme is the sum of—
- (a) the annual rate of child's earned pension calculated under regulation 145 (annual rate of eligible child's pension); and
  - (b) the amount of annual pension which would have been payable under the existing police pension scheme to any eligible children of the member had those benefits been payable under the existing police pension scheme in respect of the member.
- (4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the eligible child would have been entitled under the existing police pension scheme.

#### **Lump sum death grant payable on death of active member**

- 32.—(1) This paragraph applies in relation to a transition member with continuity of service who dies as an active member of this scheme.
- (2) On the death of the member—
- (a) a lump sum death grant is payable in respect of the member under regulation 154; but
  - (b) a death in service lump sum death grant is not payable under the existing police pension scheme.

#### **Death gratuities – dependents**

- 33.—(1) This paragraph applies in relation to a transition member with continuity of service who dies as a deferred member or pensioner member of this scheme if—
- (a) the death results from an injury received in the execution of duty; or
  - (b) the member dies within 2 years of becoming entitled to the member's retirement pension.
- (2) The scheme manager may in its discretion grant a gratuity under both this scheme and the 2006 scheme if the conditions for payment are met under both—
- (a) regulation 164 (death gratuities – dependants); and
  - (b) regulation 41 of the 2009 Regulations (death gratuities – dependants).
- (3) The scheme manager may grant a gratuity under both this scheme and the 1988 scheme if the conditions for payment are met under both—
- (a) regulation 164; and
  - (b) regulation E2 of the 1988 Regulations.

#### **Death gratuity– estate**

- 34.—(1) This paragraph applies in relation to a transition member with continuity of service who dies as a deferred member or pensioner member or active member of this scheme.
- (2) The scheme manager may in its discretion grant a gratuity under both this scheme and the 2006 scheme if the conditions for payment are met under both—
- (a) regulation 165 (death gratuity – estate); and

- (b) regulation 42 of the 2009 Regulations (death gratuity – estate).
- (3) The scheme manager may grant a gratuity under both this scheme and the 1988 scheme if the conditions for payment are met under both —
  - (a) regulation 165 (death gratuity – estate); and
  - (b) regulation E3 of the 1988 Regulations.

## PART 8

### Transitional provisions relating to the existing police pension scheme

#### **Pensionable service under the existing police pension scheme**

- 35.—(1) This paragraph applies in relation to a transition member with continuity of service (T).
- (2) The provisions of the existing police pension scheme relating to purchase of increased benefits<sup>(13)</sup> continue to apply after the closing date as if T continued in pensionable service under that scheme.
- (3) T may choose to end payments for added 60ths or added years after joining the scheme.
- (4) In determining whether T qualifies under the existing police pension scheme for retirement benefits (other than an ill-health pension), T’s pensionable service under that scheme terminates when T’s pensionable service under this scheme terminates.
- (5) In determining T’s final salary for any purposes of the existing police pension scheme under Schedule 7 to the Act (final salary link), pensionable earnings derived from service under this scheme are to be regarded as derived from service under the existing police pension scheme.

#### **Becoming a deferred member of the existing police pension scheme**

- 36.—(1) A transition member with continuity of service (T) does not become a deferred member of the existing police pension scheme unless T becomes a deferred member of this scheme.
- (2) If T opts out of this scheme in relation to eligible service and T has at least 2 years’ qualifying service<sup>(14)</sup>—
  - (a) T becomes a deferred member of the existing police pension scheme in relation to that service; and
  - (b) any periodical payments for added 60ths or added years cease to be payable.
- (3) If T re-enters pensionable service under this scheme after a gap in service not exceeding 5 years, T ceases to be a deferred member of the existing police pension scheme.

#### **Qualifying for benefits on retirement under the existing police pension scheme**

- 37.—(1) determining whether a transition member with continuity of service qualifies for benefits on retirement under the existing police pension scheme, the member’s pensionable service under the existing police pension scheme includes the total of—
  - (a) the member’s continuous period of pensionable service under this scheme; and
  - (b) if a transfer payment has been received by this scheme in respect of a member’s accrued rights under another occupational pension scheme, the member’s pensionable service under that scheme.

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<sup>(13)</sup> See [S.R 1988/379](#) for purchase of added 60ths. See regulations 53 to 57 of the 2009 regulations for the purchase of added years.

<sup>(14)</sup> See Part 6 (retirement benefits) for the meaning of “qualifying service”.

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(2) In calculating the member’s continuous period of pensionable service under this scheme, a period of part-time service counts as if it were a period of full-time service.

**Refund of contributions under the existing police pension scheme**

38. If a transition member with continuity of service (T) opts out of this scheme and T has less than 2 years’ qualifying service, T must be refunded all member contributions under the existing police pension scheme.

**Calculation of weighted accrual for part-time service in the 1988 scheme**

39.—(1) This paragraph applies to a 1988 transition member with continuity of service (“the member”).

(2) This paragraph applies for the purpose of calculating benefits (other than an ill-health pension) payable under the 1988 scheme for the purposes of this Schedule.

(3) The accrual rate for the member in the 1988 scheme is calculated as follows—

$$\text{accrual} = n \times \frac{r}{q}$$

where—

“n” is the accrual that the member would have built up—

- (i) had the member remained in the 1988 scheme until the member ceased to be in pensionable service under this scheme, and
- (ii) had the member been in fulltime service throughout the continuous period of pensionable service;

“r” is the member’s pensionable service under the 1988 scheme only; and

“q” is the total number of years of continuous pensionable service under the 1988 scheme and this scheme.

(4) In calculating “ n ”—

- (a) any period of part-time service is taken to be a period of full-time service; and
- (b)

the maximum accrual of  $\frac{2}{3}$  applies.

(5) In calculating “ r ” —

- (a) part-time service is not taken to be full-time service; and
- (b) the limit of 30 years’ service applies.

(6) In calculating “ q ”—

- (a) part-time service is taken to be full-time service; and
- (b) the limit of 30 years’ service applies.

(7) The annual rate of pension payable to the member under the 1988 scheme is calculated by multiplying the accrual rate by the member’s final pay.

(8) If the member is in part-time service, the member’s final pay is calculated using the full-time equivalent rate of the member’s pensionable earnings.

(9) In this paragraph, final pay has the meaning given in Part 9 Chapter 6.

### **Calculation of lump sum under the 1988 scheme**

40.—(1) In calculating the limit on the lump sum payable under regulation B7(4) of the 1988 Regulations(15) payable to a 1988 transition member, the members continuous period of pensionable service under this scheme is included when calculating the members pensionable service under the 1988 scheme.

(2) In calculating the member’s continuous period of pensionable service under this scheme, a period of part-time service counts as if it were a period of full-time service.

### **Declaration under existing police pension scheme continues to have effect**

41.—(1) This paragraph applies if a transition member with continuity of service has not made a declaration under these Regulations that another adult is the dependant of the member for the purpose of death benefits under this scheme.

(2) An existing declaration has effect as if made under these Regulations until the transition member makes a declaration under these Regulations.

(3) In this paragraph “existing declaration” means a declaration which—

- (a) was made for the purpose of the existing police pension scheme; and
- (b) as at the closing date, had effect under that scheme.

### **Nomination under the existing police pension scheme continues to have effect**

42.—(1) This paragraph applies if a transition member with continuity of service has not nominated a person under these Regulations to receive a lump sum death grant under this scheme.

(2) An existing nomination has effect as if made under these Regulations until the transition member makes a nomination under these Regulations.

(3) In this paragraph, “existing nomination” means a nomination which —

- (a) was made for the purpose of the existing police pension scheme; and
- (b) as at the closing date, had effect under that scheme.

## **PART 9**

### **Transfer of final salary benefits**

#### **Meaning of “final salary benefit”**

43.—(1) In this Part, “final salary benefit” means benefit accrued under a final salary scheme, subject to sub-paragraph (2).

(2) Where only part of the pension entitlement payable under a final salary scheme to or in respect of a person which is based on the pensionable service of that person is or may be determined by reference to the person’s final salary, “final salary benefit” means the benefit in respect of which the pension entitlement is so determined.

#### **Acceptance of club transfer value payments**

44.—(1) If under regulation 192 the special terms agreed for the acceptance of transfer payments require any part of a transfer value payment that relates to a member’s final salary benefit to be paid

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(15) S.R 1988 No.374

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into the existing police pension scheme, that part of the transfer value payment must be paid into the 2006 scheme.

(2) Any part of a club transfer value payment received from another pension scheme that relates to a member's final salary benefit must be paid into the 2006 scheme.

#### **Joining this scheme or the 2006 scheme**

45.—(1) This paragraph applies to a person who transfers final salary benefits into the 2006 scheme after the scheme closing date.

(2) Unless the person is a protected member of the 2006 scheme—

- (a) the person joins this scheme;
- (b) the person is taken to be a transition member with continuity of service; and
- (c) the service to which the final salary benefits relate is counted when calculating qualifying service.

(3) If the person is a protected member of the 2006 scheme, the person joins the 2006 scheme.

## **PART 10**

### **Pensionable service after scheme closing date**

#### **Transition member with continuity of service**

46.—(1) A transition member with continuity of service (T) becomes an active member of this scheme—

- (a) if T is in pensionable service on the transition date, on that date; or
- (b) if T is not in pensionable service on the transition date, when T re-enters pensionable service after that date.

(2) A transition member who does not have continuity of service becomes an active member of this scheme when the member re-enters pensionable service—

- (a) on or after the transition date; or
- (b) on or after ceasing to be a full protection member.

#### **Active member of the 1987 Great Britain police pension scheme on scheme closing date who joins 1988 scheme**

47.—(1) This paragraph applies to a person (P) who—

- (a) was an active member of the 1987 Great Britain police pension on the scheme closing date and on 31st March 2012; and
- (b) ceases to be in pensionable service under the 1987 Great Britain police pension scheme.

(2) P joins the 1988 scheme if—

- (a) P does not have a gap in pensionable service after ceasing to be in pensionable service under the 1987 Great Britain police pension scheme; and
- (b) P would have been a full protection member or tapered protection member of the 1987 Great Britain police pension scheme had P remained in pensionable service under that scheme.

(3) P is taken to be a full protection member or tapered protection member of the 1988 scheme.

- (4) P's protection period—
  - (a) begins on the day P joins the 1988 scheme; and
  - (b) ends when P ceases to be a full protection member or tapered protection member of the 1988 scheme.

**Active member of the 1987 Great Britain police pension scheme on scheme closing date who joins 2006 scheme**

- 48.—(1) This paragraph applies to a person (P) who—
- (a) was an active member of the 1987 Great Britain police pension scheme on the scheme closing date and on 31stMarch 2012; and
  - (b) ceases to be in pensionable service under the 1987 Great Britain police pension scheme.
- (2) P joins the 2006 scheme if—
- (a) P has a gap in pensionable service after ceasing to be in pensionable service under the 1987 Great Britain police pension scheme; and
  - (b) P would have been a full protection member or tapered protection member of the 1987 Great Britain police pension scheme had P remained in pensionable service under that scheme.
- (3) P is taken to be a full protection member or tapered protection member of the 2006 scheme.
- (4) P's protection period—
- (a) begins on the day P joins the 2006 scheme; and
  - (b) ends when P ceases to be a full protection member or tapered protection member of the 2006 scheme.

**Active member of the 1988 scheme on scheme closing date**

- 49.—(1) This sub-paragraph applies to a person (P) who—
- (a) was an active member of the 1988 scheme on the scheme closing date and on 31stMarch 2012; and
  - (b) ceases to be in pensionable service under the 1988 scheme.
- (2) This sub-paragraph applies to a person (P) who—
- (a) was an active member of the 1987 Great Britain police pension scheme on 31stMarch 2012;
  - (b) was an active member of the 1988 scheme on the scheme closing date; and
  - (c) ceases to be in pensionable service under the 1988 scheme.
- (3) P joins the 2006 scheme if—
- (a) P re-enters pensionable service not more than 5 years after ceasing to be in pensionable service under the 1988 scheme; and
  - (b) P would have been a full protection member or tapered protection member of the 1988 scheme had P re-entered pensionable service under that scheme.
- (4) P is taken to be a full protection member or tapered protection member of the 2006 scheme.
- (5) P's protection period—
- (a) begins on the day P joins the 2006 scheme; and
  - (b) ends when P ceases to be a full protection member or tapered protection member of the 2006 scheme.

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### **Deferred member of 1988 scheme on scheme closing date**

- 50.—(1) This paragraph applies to a member of the 1988 scheme (P)—
- (a) who was not an active member of the 1988 scheme on the scheme closing date;
  - (b) who ceases to be in pensionable service for any period not exceeding 5 years; and
  - (c) who re-enters pensionable service after the scheme closing date.
- (2) Unless the person is a protected member of the 2006 scheme—
- (a) the person becomes a member of this scheme;
  - (b) the person is taken to be a transition member with continuity of service; and
  - (c) the service to which the final salary benefits relate is counted when calculating qualifying service.
- (3) If the person is a protected member of the 2006 scheme, the person joins the 2006 scheme.
- (4) For the purpose of sub-paragraph (1)(b), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under—
- (a) an existing scheme other than the 2006 scheme or the existing 2006 England and Wales police pension scheme or the existing 2006 Scotland police pension scheme;
  - (b) the 1987 Great Britain police pension scheme;
  - (c) another scheme under section 1 of the Act providing for payment of retirement pensions;
  - (d) the 2015 England and Wales police pension scheme;
  - (e) the 2015 Scotland police pension scheme.

### **Active member of the 2006 England and Wales police pension scheme on scheme closing date**

- 51.—(1) This paragraph applies to a person (P) who—
- (a) was an active member of the scheme 2006 England and Wales police pension scheme<sup>(16)</sup> on the scheme closing date and on 31st March 2012; and
  - (b) ceases to be in pensionable service under the 2006 England and Wales police pension scheme.
- (2) P joins the 2006 scheme if—
- (a) P re-enters pensionable service not more than 5 years after ceasing to be in pensionable service under 2006 England and Wales police pension scheme; and
  - (b) P would have been a full protection member or tapered protection member of the 2006 England and Wales police pension scheme had P re-entered pensionable service under that scheme.
- (3) P is taken to be a full protection member or tapered protection member of the 2006 scheme.
- (4) P's protection period—
- (a) begins on the day P joins the 2006 scheme; and
  - (b) ends when P ceases to be a full protection member or tapered protection member of the 2006 scheme.

### **Active member of the 2006 Scotland police pension scheme on scheme closing date**

- 52.—(1) This paragraph applies to a person (P) who—

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(16) [S.I.2006/3145](#)



- (a) on the scheme closing date and on 31st March 2012, was an active member of the 2006 Scotland police pension scheme;
  - (b) ceases to be in pensionable service under the 2006 Scotland police pension scheme;
  - (c) would have been a full protection member of the 2006 Scotland police pension scheme had P re-entered pensionable service under that scheme.
- (2) P joins the 2006 scheme if—
- (a) P re-enters pensionable service not more than 5 years after ceasing to be in pensionable service under the 2006 Scotland pension scheme; and
  - (b) P would have been a full protection member or tapered protection member of the 2006 Scotland police pension scheme had P re-entered pensionable service under that scheme.
- (3) P is taken to be a full protection member or tapered protection member of the 2006 scheme.
- (4) P's protection period—
- (a) begins on the day P joins the 2006 scheme; and
  - (b) ends when P ceases to be a full protection member or tapered protection member of the 2006 scheme.

#### **Active member of an existing scheme on the scheme closing date**

- 53.—(1) This paragraph applies to a person (P) who—
- (a) on the scheme closing date and on 31st March 2012, was an active member of an existing scheme (“the existing scheme”) other than the 1988 scheme, the 2006 England and Wales scheme or the 2006 Scotland police pension scheme;
  - (b) ceases to be in pensionable service under the existing scheme; and
  - (c) unless P dies, P would reach 55 on or before 1st April 2022.
- (2) P joins the 2006 scheme if—
- (a) P re-enters pensionable service not more than 5 years after ceasing to be in pensionable service under the existing scheme; and
  - (b) P would have been a full protection member or tapered protection member of the existing scheme had P re-entered pensionable service under that scheme.
- (3) P is taken to be a full protection member or tapered protection member of the 2006 scheme.
- (4) P's protection period—
- (a) begins on the day P joins the 2006 scheme; and
  - (b) ends when P ceases to be a full protection member or tapered protection member of the 2006 scheme.

## SCHEDULE 5

Regulation 226

### Amendment of the Royal Ulster Constabulary Pensions Regulations 1988

1. The Royal Ulster Constabulary Pension Regulations 1988 are amended as follows.
2. After regulation A3(2) insert —
  - “(3) Where any person's entitlement to receive payment on account of a pension or a gratuity under the old cases regulations was terminated by virtue of paragraph 20 of the

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Schedule to the 1949 Order the pension or gratuity shall be reinstated and become payable as from 1st July 2014.”