

**Explanatory Memorandum to the
Police Service of Northern Ireland and Police Service of Northern Ireland Reserve
(Injury Benefit) (Amendment) Regulations 2017
S.R. 2017 No. 36**

1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (detailed above) which is laid before the Northern Ireland Assembly.
 - 1.2 The Statutory Rule is made under powers conferred by sections 25(2)(k) and 26(2)(G) of the Police (Northern Ireland) Act 1998, and is subject to the negative resolution procedure.
2. **Purpose**
 - 2.1 The main purpose of these regulations is to update the PSNI and PSNI Reserve (Injury Benefit) Regulations 2006 to permit the deduction of Employment Support Allowance from an Injury Benefit award.
3. **Legislative Context**
 - 3.1 These regulations make amendment to The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006.
4. **Policy background**
 - 4.1 The Department proposes to amend the 2006 regulations which make no policy change to the Injury Benefit Scheme.
 - 4.2 Amendment to the 2006 regulations will permit the amount of injury benefit received by a person, also in receipt of employment and support allowance, to be reduced by the amount of the employment and support allowance.
5. **Consultation**
 - 5.1 As required by section 25(8) and 26(6) of the Police (Northern Ireland) Act 1998 the Department of Justice has consulted the Northern Ireland Policing Board; PSNI; Superintendent's Association; Police Federation; NI Retired Police Officers Association; NI Retired Police Officers Association; Disabled Police Officers Association and Wounded Police and Families Association.
 - 5.2 In accordance with section 3(5) of that Act, the Department of Justice has obtained the consent of the Department of Finance.
 - 5.3 The draft regulations were issued for a targeted consultation from 10 – 28 October 2016. There was no public consultation process and no media coverage.

6. Equality Impact

6.1 Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998 and no equality issues have been identified by the Department.

7. Regulatory Impact

7.1 The Department does not consider that there is a need for a regulatory impact assessment for this instrument as it has no impact on business, charities or voluntary bodies.

8. Financial Implications

8.1 The impact on the public sector is limited to the area of police pensions provision. PSNI has estimated the cost of the proposed amendment to be up to £3.5m

9. Section 24 of the Northern Ireland Act 1998

9.1 The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

10. European Implications

10.1 Not applicable.

11. Parity or Replicatory measure

11.1 Similar legislation has been made in Scotland, England and Wales.

12. Additional Information

12.1 Not applicable.