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STATUTORY RULES OF NORTHERN IRELAND

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**2023 No. 122**

**The Police Pensions (Remediable Service)  
Regulations (Northern Ireland) 2023**

**PART 1**

Introductory provisions

**Citation and commencement**

1. These Regulations—
  - (a) may be cited as the Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023; and
  - (b) come into operation on 1<sup>st</sup> October 2023.

**Interpretation**

- 2.—(1) In these Regulations—
  - “the 1988 Regulations” means the Royal Ulster Constabulary Pensions Regulations 1988<sup>(1)</sup>, and “the 1988 scheme” means the pension scheme established by those Regulations;
  - “the 1999 Order” means the Welfare Reform and Pensions (Northern Ireland) Order 1999<sup>(2)</sup>
  - “the 2009 Regulations” means the Police Pension (Northern Ireland) Regulations 2009<sup>(3)</sup>, and “the 2006 scheme” means the pension scheme established by those Regulations;
  - “the 2015 Regulations” means the Police Pensions Regulations (Northern Ireland) 2015<sup>(4)</sup>;
  - “PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;
  - “the PSP(NI) Directions 2023” means the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions (Northern Ireland) 2023;
  - “deferred choice decision” has the meaning given in regulation 12(1);
  - “deferred choice decision-maker” means the person who may make a deferred choice decision under regulation 12(2);
  - “deferred choice member” means a member with remediable police service who is not an immediate choice member;
  - “eligible child” means, in relation to—
    - (a) the 1988 scheme, a person in respect of whom a child’s allowance is payable under that scheme;

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(1) S.R. 1988 No. 374.

(2) S.I./1999 No. 3147 (N.I. 11).

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

(4) S.R. 2015 No. 113.

- (b) the 2006 scheme, a person in respect of whom a child survivor's pension is payable under that scheme;
- (c) the reformed scheme, an eligible child within the meaning of regulation 143 of the 2015 Regulations;

“end of the section 10 election period”, in relation to a deferred choice member, means the time determined in accordance with—

- (a) where the member is the deferred choice decision-maker, regulation 13(3)(b);
- (b) where a person other than the member is the deferred choice decision-maker, regulation 14(2)(b);

“immediate choice decision” has the meaning given in regulation 8(1);

“immediate choice decision-maker” means the person who may make an immediate choice decision under regulation 8(2);

“immediate choice member” means a member with remediable police service who, immediately before 1st October 2023, was deceased or entitled to the present payment of a pension, other than a deferred choice pension under the 1988 scheme, the 2006 scheme or the reformed scheme and “deferred choice pension” means a pension the rate of which—

- (a) is not determined (by any extent) by reference to the member's remediable service, and
- (b) is not affected by the coming into force of section 2(1) of PSPJOA 2022;

the “legacy scheme”, in relation to a member, means whichever of the 1988 scheme or the 2006 scheme is the relevant Chapter 1 legacy scheme<sup>(5)</sup> for the member, and “legacy scheme benefits” means benefits calculated in accordance with that scheme;

“member” means an active, deferred, deceased or pensioner, but not a pension credit, member of a police pension scheme<sup>(6)</sup>;

“opted-out service election” has the meaning given in regulation 6(1);

“police pension scheme” means the 1988 scheme, the 2006 scheme or the reformed scheme;

“the reformed scheme” means the pension scheme established by the 2015 Regulations, and “reformed scheme benefits” means new scheme benefits<sup>(7)</sup> under the reformed scheme;

“remediable police service” means, in relation to a member, the member's remediable service<sup>(8)</sup> in an employment or office that is pensionable service<sup>(9)</sup> under a police pension scheme;

“remedy member” means a deferred choice member or an immediate choice member;

“section 6 election” has the meaning given in regulation 8(1)(a);

“section 10 election” has the meaning given in regulation 12(1)(a).

(2) For the purposes of these Regulations, a reference in PSPJOA 2022 to section 2(1) of that Act coming into operation is to be understood as a reference to that section coming into operation in relation to members of the police pension scheme.

(3) A term used in these Regulations which—

- (a) is defined in, or for the purposes of, a provision in Chapter 1 of Part 1 of PSPJOA 2022, and
- (b) is not defined differently in these Regulations,

has the meaning given in, or for the purposes of, that provision.

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(5) See section 4 of PSPJOA 2022 for the meaning of “the relevant Chapter 1 legacy scheme”.

(6) See section 109(2), (3) and (4) of the PSPJOA 2022 for the meanings of “active”, “pensioner” and “deferred” members.

(7) See section 34 of PSPJOA 2022 for the meaning of “new scheme benefits”.

(8) See section 1 of PSPJOA 2022 for the meaning of “remediable service”.

(9) See section 110(1) of PSPJOA 2022 for the meaning of “pensionable service”.

- (4) A term used in these Regulations which—
- (a) is defined in the 1988 Regulations, the 2009 Regulations or the 2015 Regulations (“the relevant Regulations”), and
  - (b) is not defined differently—
    - (i) in these Regulations, or
    - (ii) in, or for the purposes of, a provision in Chapter 1 of Part 1 to PSPJOA 2022,

has, in relation to the scheme established by the relevant Regulations, the meaning given in those Regulations.

(5) In these Regulations, a reference to a provision of the PSP(NI) Directions 2023 is a reference to that provision as amended from time to time.

(6) The Interpretation Act (Northern Ireland) 1954 applies to these Regulations as it applies to an Act of the Assembly<sup>(10)</sup>.

### **Delegation**

**3.—**(1) Subject to the exceptions in regulation 3(2), the scheme manager may delegate any functions of the scheme manager under these Regulations, including this power to delegate.

(2) The scheme manager may not delegate any functions of the scheme manager under regulations 59, 62 and 63.

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<sup>(10)</sup> 1954 c. 33 (N.I.).