

SCHEDULE 2

Regulation 4(2), (3) and (4)

APPLICATION OF REGULATIONS TO OFFICERS
TO WHOM REGULATION 4(2) AND (3) APPLIES

1. This paragraph applies to a police officer to whom these Regulations apply by virtue of regulation 4(2)(a)(ii).

Commencement Information

I1 Sch. 2 para. 1 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

2. This paragraph applies to a police officer to whom these Regulations apply by virtue of regulation 4(2)(a)(iii).

Commencement Information

I2 Sch. 2 para. 2 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

3. This paragraph applies to a police officer to whom these Regulations apply by virtue of regulation 4(2)(a)(iv) or (v).

Commencement Information

I3 Sch. 2 para. 3 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

4. An officer to whom paragraph 3 applies may, instead of retaining his entitlement to his ordinary pension under regulation B1 of the 1988 Regulations or, as the case may be, his deferred pension under regulation B5 of those Regulations, elect to relinquish his entitlement to the ordinary or deferred pension and to reckon as pensionable service for the purposes of these Regulations the pensionable service he was entitled to reckon under the 1988 Regulations at the time of his retirement with an entitlement to the ordinary or deferred pension.

Commencement Information

I4 Sch. 2 para. 4 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

5. An election under paragraph 4 shall be made by the officer concerned in the form of a transfer election in accordance with the provisions of Schedule 3.

Commencement Information

I5 Sch. 2 para. 5 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

6. An officer to whom paragraph 1 applies may elect to pay to the Board a sum equal to the amount of his award by way of repayment of his aggregate pension contributions under regulation B6 of the 1988 Regulations and to reckon as pensionable service for the purposes of these Regulations the pensionable service he was entitled to reckon under the 1988 Regulations at the time of his retirement with an entitlement to the award.

Status: Point in time view as at 06/04/2009.

Changes to legislation: There are currently no known outstanding effects for the THE POLICE PENSION (NORTHERN IRELAND) REGULATIONS 2009, SCHEDULE 2. (See end of Document for details)

Commencement Information

I6 Sch. 2 para. 6 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

7. An election under paragraph 6 shall be made by the officer concerned in the form of a transfer election in accordance with the provisions of Schedule 3.

Commencement Information

I7 Sch. 2 para. 7 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

8. Subject to the following provisions of this Schedule, where a police officer to whom these Regulations apply by virtue of regulation 4(2) pays pension contributions under regulation 5(1), he shall be eligible for awards to be payable to or in respect of him under these Regulations.

Commencement Information

I8 Sch. 2 para. 8 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

9. The pensionable service reckonable by an officer—

- (a) to whom paragraph 1 applies and who has made an election in accordance with paragraphs 6 and 7;
- (b) to whom paragraph 2 applies;
- (c) to whom paragraph 3 applies and who has made an election in accordance with paragraphs 4 and 5; or
- (d) such as is mentioned in regulation 4(3), who cancels his election in the circumstances mentioned in regulation 4(4) but does not make a transfer election under regulation 4(8),

shall be determined in accordance with regulations 8 to 13, except that regulation 13 (reckoning of service for purposes of awards) shall have effect as if there were inserted in paragraph (1) after the words “35 years”—

“less the total pensionable service he was entitled to reckon under the 1988 Regulations, calculated in accordance with paragraphs (3) and (4), at the time—

- (a) of his retirement with an entitlement to—
 - (i) an ordinary pension under regulation B1; or, as the case may be,
 - (ii) a short service award under regulation B2;
 - (iii) a deferred pension under regulation B5, or
 - (iv) an award by way of repayment of aggregate pension contributions under regulation B6,
 of the 1988 Regulations, or
- (b) in a case falling within paragraph 9(d) of Schedule 2, when he cancelled his election in the circumstances mentioned in regulation 4(4)”; and
- (e) there were added at the end—

“(3) For the purposes of paragraph (1), the total pensionable service which a police officer was entitled to reckon at the time mentioned in paragraph (1)(a)(i), (ii), (iii) or (iv) or (b), as the case may be, shall be calculated by the Board as the sum of—

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- (a) the pensionable service he was entitled to reckon under Part F of the 1988 Regulations at that time multiplied by the appropriate conversion factor—
 - (i) where he has not yet attained the age of 55 years, applicable to his age next birthday at the notional commencement of pension contributions under the 1988 Regulations, or
 - (ii) where he has attained the age of 55 years, applicable to the number of years’ qualifying service as a police officer he had completed as at the time of his retirement mentioned in paragraph (1)(a), (b), (c) or (d), as the case may be,

given in the following table—

TABLE OF CONVERSION FACTORS

<i>If under age 55</i>	<i>If aged 55 or above</i>	Periods with full spouse benefit	For female officers, periods with no spouse benefit
Age next birthday at notional commencement of pension contributions under the 1988 Regulations	Number of years’ qualifying service completed at date of retirement mentioned in paragraph (1)		
25 and below	30	7/6ths	113%
26	29	115%	111%
27	28	113%	109%
28	27	111%	107%
29	26	108%	104%
30	25	105%	104%
31	24	102%	98%
32	23	99%	95%
33	22	96%	92%
34	21	92%	88%
35 and above	20 or fewer	88%	84%

and

- (b) in the case of a police officer such as is mentioned in paragraph 9(c) of Schedule 2 who had elected to purchase increased benefits in accordance with the Police Pensions (Purchase of Increased Benefits) Regulations 1988(1), such additional sixtieths as he was entitled to reckon under regulation 8(2) of those Regulations immediately before his retirement, multiplied by the conversion factor of 88%.
- (4) For the purposes of paragraph (3)—
 - (a) “age next birthday at the notional commencement of pension contributions under the 1988 Regulations”, means the age he would attain on the birthday following the date on which he would have attained an exact age determined

(1) S.R. 1988 No.379; relevant amendments were made by S.R. 1990 No.411 and S.R. 2004 No.384

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by subtracting the length of his qualifying service under the 1988 Regulations from his exact age on the date when he commenced paying contributions under these Regulations; and

- (b) “qualifying service” and “qualifying service under the 1988 Regulations” mean the period in years he was entitled to reckon as pensionable service under the 1988 Regulations, except that where some or all of the service he was so entitled to reckon was part-time service it means the period in years he would have been entitled to reckon as pensionable service if in any period of part-time service he had served full-time.”

Commencement Information

I9 Sch. 2 para. 9 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

10. In the case of a police officer to whom paragraph 1 applies and who has made an election in accordance with paragraphs 6 and 7 or to whom paragraph 3 applies and who has made an election in accordance with paragraphs 4 and 5—

- (a) the pensionable service he is entitled to reckon, in accordance with regulations 8 to 13 shall include the pensionable service he was entitled to reckon under the 1988 Regulations at the time of his retirement with an entitlement to an award by way of repayment of aggregate pension contributions under regulation B6 of those Regulations, an ordinary pension under regulation B1 of those Regulations or, as the case may be, a deferred pension under regulation B5 of those Regulations; and
- (b) for the purposes of sub-paragraph (a), the pensionable service he was so entitled to reckon shall be such as is calculated by the Board in accordance with the provisions of Schedule 3.

Commencement Information

I10 Sch. 2 para. 10 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

11. In the case of a police officer to whom paragraph 1 or 3 applies, for the purposes of regulation 21 (final pensionable pay), paragraph (1)(b) and (c) of that regulation shall not have effect unless the periods of twelve months mentioned in that paragraph began on or after the date when pension contributions were first paid by him under regulation 5(1).

Commencement Information

I11 Sch. 2 para. 11 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

12. A police officer to whom these Regulations apply by virtue of regulation 4(2) and who has begun to pay contributions under regulation 5(1) may no longer pay pension contributions under the 1988 Regulations .

Commencement Information

I12 Sch. 2 para. 12 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

13. In the case of—

- (a) an officer to whom regulation 4(2)(a)(v) applies who is in receipt of an ill-health pension under regulation B3 of the 1988 Regulations; or

(b) an officer to whom regulation 4(2)(a)(v) applies who is in receipt of a deferred pension under regulation B5 of the 1988 Regulations,

and who, in either case, has on or after 6th April 2006 rejoined the service (otherwise than in the circumstances set out in regulation 4(2)(c)(i), (ii) or (iii)), regulation 48 shall apply in relation to his ill-health pension as if it were a standard ill-health pension under regulation 26 or in relation to his deferred pension as if it were a deferred pension which came into payment early on the ground of permanent disablement for engaging in any regular employment under regulation 29 (as the case may be); and if a portion of his pension was commuted for a lump sum under regulation B7 of the 1988 Regulations, regulation 25(2) shall have effect as if references to the previous lump-sum payment and to the most recent lump sum payment included references to the lump sum paid by way of commutation.

Commencement Information

I13 Sch. 2 para. 13 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

14. References in the foregoing paragraphs to retirement with an entitlement to an award under the 1988 Regulations shall be construed as including a reference to ceasing to serve, otherwise than upon retirement, with such an entitlement.

Commencement Information

I14 Sch. 2 para. 14 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see s. 1(2)(3)

Status:

Point in time view as at 06/04/2009.

Changes to legislation:

There are currently no known outstanding effects for the THE POLICE PENSION (NORTHERN IRELAND) REGULATIONS 2009, SCHEDULE 2.