
STATUTORY INSTRUMENTS

1998 No. 577

The Police Pensions (Amendment) Regulations 1998

Transfers to and from the National Criminal Intelligence Service or the National Crime Squad

3.—(1) In regulation A17—

(a) for paragraph (1) there shall be substituted the following paragraph:

“(1) A reference in these Regulations to retirement includes a reference—

- (a) to the services of a member of a police force being dispensed with under regulations for the time being in force under section 50 of the Police Act 1996⁽¹⁾ or section 26 of the Police (Scotland) Act 1967⁽²⁾ (other than regulations relating to the maintenance of discipline);
- (b) to an auxiliary policeman ceasing to be called up for active service; and
- (c) to the termination of a tour of overseas service otherwise than by dismissal or transfer,

but does not include a reference to leaving a force—

- (d) on transferring from one force to another;
- (e) on joining the Royal Ulster Constabulary with such consent as is mentioned in paragraph (2); or
- (f) on joining the National Criminal Intelligence Service or the National Crime Squad,

and a reference to a continuous period of service is a reference to a period of service uninterrupted by any such retirement.”;

(b) in paragraph (2), for “paragraph (1)” there shall be substituted “paragraph (1)(e)”; and

(c) after paragraph (3) there shall be inserted the following paragraph:

“(4) For the purposes of Parts B, C and D, apart from regulations B5, B6, C4, C6, C7 and D4, a regular policeman who leaves a police force on joining the National Criminal Intelligence Service or the National Crime Squad without making a written request to the appropriate Service Authority for the pensionable service that he is entitled to reckon by reason of service as a member of a police force to be reckonable for the purposes of the pension scheme of the National Criminal Intelligence Service or the National Crime Squad, and who accordingly has preserved rights under these regulations, shall be regarded as retiring, or ceasing to be a regular policeman, when he retires from, or ceases to be a member of, the National Criminal Intelligence Service or the National Crime Squad (unless he resumes service as a regular policeman), and accordingly in Parts B, C and D, except in regulations B5, B6, C4, C6, C7 and D4—

- (a) any reference to a regular policeman or a member of a police force shall be treated as including a reference to the Director General or a police member of

the National Criminal Intelligence Service or the National Crime Squad with (in either case) such preserved rights;

- (b) any reference to a police authority shall be treated, in relation to any such person with preserved rights, as referring to the appropriate Service Authority;
- (c) any reference to pension contributions payable under regulation G2(1) shall be treated, in relation to any such person with preserved rights, as referring to contributions payable to the pension scheme of the National Criminal Intelligence Service or the National Crime Squad; and
- (d) any reference to a regular policeman who has or had made an election under regulation G4(1) which has or had effect at a specified time shall be treated as including a reference to any such person with preserved rights who is not or was not making contributions to the pension scheme of the National Criminal Intelligence Service or the National Crime Squad at the specified time.”.

(2) In regulation F3(1), after the proviso to sub-paragraph (f) there shall be inserted the following sub-paragraph:

“.

- (g) where on or after 1st April 1998 he left the National Criminal Intelligence Service or the National Crime Squad for the purpose of becoming a regular policeman in a home police force, any period of pensionable service which was reckonable by him, immediately before he so left, for the purposes of the pension scheme of the National Criminal Intelligence Service or the National Crime Squad if he makes a written request to that effect”.

(3) In regulation F8A(3)

- (a) in paragraph (1), after sub-paragraph (b) there shall be inserted the following: “, or
 - (c) has left a police force and joined the National Criminal Intelligence Service or the National Crime Squad and the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad, as the case may be, is contingently liable to make payments to or in respect of him under its pension scheme,

but in a case falling within sub-paragraph (c) it shall apply only where the regular policeman has informed the former police authority in writing that he has made a written request to the appropriate Service Authority for the pensionable service that he is entitled to reckon by reason of service as a member of a police force, including such service reckonable under regulations F3 to F7, to be reckonable for the purposes of the pension scheme of the National Criminal Intelligence Service or the National Crime Squad”;

- (b) in paragraphs (2) and (3), after the word “current” the word “police” shall be deleted; and
- (c) for paragraph (5) there shall be substituted the following paragraph:

“(5) In this regulation—

“the former police authority” means the police authority of the force mentioned in paragraph (1)(a), (b) or (c), as the case may be; and

“the current authority” means—

- (a) in a case falling within paragraph (1)(a), the police authority of the force of which the regular policeman is a member;

- (b) in a case falling within paragraph (1)(b), the police authority for Northern Ireland; and
 - (c) in a case falling within paragraph (1)(c), the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad, as the case may be.”.
- (4) After regulation J3 there shall be inserted the following regulation:

“Transfers to the National Criminal Intelligence Service or the National Crime Squad:
prevention of duplication of entitlement

J3A.—(1) No entitlement to any pension or other award under these regulations shall arise in respect of service as a member of a police force by any regular policeman who, on ceasing to serve as such, joins the National Criminal Intelligence Service or the National Crime Squad if the pensionable service that he is entitled to reckon by reason of service as a member of a police force becomes reckonable for the purposes of the pension scheme of the National Criminal Intelligence Service or the National Crime Squad.

(2) Paragraph (1) does not apply in respect of any person who, at the time of the event giving rise to an entitlement to a pension or other award, has resumed service as a regular policeman.”.

- (5) In regulation K4(1), for the words “serving as a regular policeman in any police force” there shall be substituted the words:

“serving either—

- (a) as a regular policeman in any police force; or
- (b) as the Director General or a police member of the National Criminal Intelligence Service or the National Crime Squad,”.