

1976 No. 401

POLICE

**Royal Ulster Constabulary Pensions (Amendment No. 2)
Regulations 1976**

Made 23rd December 1976

Coming into operation 14th February 1977

To be laid before Parliament

The Secretary of State(a), in pursuance of section 25 of the Police Act (Northern Ireland) 1970(b) read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(c) and after consulting, in accordance with section 34(2) of the said Act, the Police Authority for Northern Ireland and the Police Association for Northern Ireland, and in accordance with section 4(5) of the Police Act 1969(d), the Police Council for the United Kingdom, hereby, with the concurrence of the Minister for the Civil Service(e), makes the following regulations:

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation

1. These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment No. 2) Regulations 1976.

Commencement and operation

2. These regulations shall come into operation on 14th February 1977 and shall have effect—

- (a) for the purposes of Part II thereof, as from 24th January 1975;
- (b) for the purposes of Part III thereof, as from 1st April 1975;
- (c) for the purposes of Part IV thereof, as from 1st August 1975;
- (d) for the purposes of Part V thereof as from 14th February 1977.

Interpretation

3. In these regulations references to the principal regulations are references to the Royal Ulster Constabulary Pensions Regulations 1973(f).

(a) Formerly, the Ministry of Home Affairs for Northern Ireland: see S.I. 1973/2163 (1973 III, p. 7541).

(b) 1970 c. 9 (N.I.).

(c) S.I. 1972/1073 (N.I. 10).

(d) 1969 c. 63.

(e) Formerly the Ministry of Finance for Northern Ireland: see S.I. 1973/2163 (1973 III, p. 7541).

(f) S.R. & O. (N.I.) 1973 No. 317 (II, p. 1722) as amended by S.R. 1976 No. 31.

PART II

PROVISIONS HAVING EFFECT AS FROM 24TH JANUARY 1975

4. After regulation 10 of the principal regulations (aggregate pension contributions) there shall be inserted the following regulation:—

“Reckoning of service etc. for the purposes of awards

10A.—(1) Subject to paragraph (2), for the purpose of calculating an award payable to or in respect of a member by reference to any period in years (including a period of pensionable or other service)—

(a) that period shall be reckoned in completed years and a fraction of a year;

(b) a part of a year shall be taken to be that fraction of a year whereof the denominator is 365 and the numerator the number of completed days in that part and, accordingly, a part of a year which includes 29th February in a leap year and comprises 365 days shall be treated as a whole year.

(2) Paragraph (1)(b) shall not apply where the member ceased to serve as such before 24th January 1975 and, in such case, Schedule 9 shall have effect for the purposes mentioned in paragraph (1).”.

5. In paragraph (3) of regulation 94 of the principal regulations (auxiliary members) for the words “the number of his completed years of pensionable service” there shall be substituted the words “the period in years of his pensionable service”.

6. In paragraph (3) of regulation 95 of the principal regulations (awards-general) after the reference to regulation 9, there shall be inserted a reference to regulation 10A.

7. For paragraph 1 of Part I of Schedule 2 to the principal regulations (member's ordinary pension) there shall be substituted the following provision:—

“1. Subject as hereinafter in this Schedule provided, the pension shall be of an amount equal to 30 sixtieths of the member's average pensionable pay with the addition, subject to a maximum of 40 sixtieths, of an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 25 years.”.

8. For paragraphs 2, 3 and 4 of Part II of Schedule 2 to the principal regulations (member's ill-health pension) there shall be substituted the following provisions:—

“2. Where the member has less than 5 years' pensionable service, the amount of the pension shall not be less than a sixtieth of his average pensionable pay and, subject as aforesaid, shall be of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service.

3. Where the member has 5 or more years', but not more than 10 years' pensionable service, subject to paragraph 5, the pension shall be of an amount equal to 2 sixtieths of that pay multiplied by the period in years of his pensionable service.

4. Where the member has more than 10 years' pensionable service, the pension shall be not less than 20 sixtieths of his average pensionable pay and, subject as aforesaid and to paragraph 5, shall be equal to 7 sixtieths of that pay with the addition—

- (a) of an amount equal to a sixtieth of that pay multiplied by the period in years of his pensionable service up to 20 years, and
- (b) of an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years.”.

9. For Part III of Schedule 2 to the principal regulations (member's short service pension) there shall be substituted the following Part:—

“PART III

Regulation 18

MEMBER'S SHORT SERVICE PENSION

Subject as hereinafter in this Schedule provided, the pension shall be of an amount which is the aggregate of—

- (a) an amount equal to a sixtieth of the member's average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and
- (b) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years.”.

10. In paragraph 2(a) of Part IV of Schedule 2 to the principal regulations (member's ill-health or short service gratuity) for the words “the number of his completed years of pensionable service;” there shall be substituted the words “the period in years of his pensionable service;”.

11.—(1) In paragraph 2 of Part VI of Schedule 2 to the principal regulations (member's deferred pension) for the words following “calculated” there shall be substituted the words “in years”.

(2) For paragraph 3 of the said Part VI there shall be substituted the following paragraph:—

“3. The hypothetical pension referred to in paragraph 2 is a pension of an amount which is the aggregate of—

- (a) an amount equal to a sixtieth of his average pensionable pay multiplied by the period in years of his hypothetical service up to 20 years, and
- (b) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his hypothetical service exceeds 20 years.”.

12. In paragraph 1(4) of Part VII of Schedule 2 to the principal regulations (reduction of pension at insured pensionable age) for the words “highest whole number of years in the aggregate period during” there shall be substituted the words “period of service in years in respect of”.

13.—(1) For paragraph 4(a) of Part II of Schedule 3 to the principal regulations (transitional modifications of Part I) there shall be substituted the following provision:

“(a) an amount which is the aggregate of—

- (i) an amount equal to a sixtieth of the husband’s average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and
- (ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;”.

(2) For paragraph 5(1) of the said Part II there shall be substituted the following provision:—

“(1) In this paragraph the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“relevant period” means the period (if any) in years by which the member’s pre-1972 pensionable service falls short of 20 years;

“relevant pensionable service” means a member’s pensionable service reduced by his pre-1972 pensionable service and expressed in years;

“weighted relevant pensionable service” means a member’s relevant pensionable service, so much of such service as exceeds the relevant period being counted twice”.

(3) In paragraph 5(2)(b) of the said Part II for the words “a half year for each completed year of” there shall be substituted the words “a half of his”.

(4) In paragraph 6 of the said Part II the words “completed years of” shall be omitted in each of the four places where they occur and for the word “exceed” there shall be substituted the word “exceeds”.

14. In paragraph 2(2) of Part IV of Schedule 3 to the principal regulations (widow’s accrued pension) the words following “reckonable by him” shall be omitted.

15.—(1) For paragraph 4(2)(a) of Part I of Schedule 4 to the principal regulations (child’s ordinary allowance) there shall be substituted the following provision:—

“(a) an amount which is the aggregate of—

- (i) an amount equal to a sixtieth of the father’s average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and
- (ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;”.

(2) In paragraph 4(3) of the said Part I the words “completed years of” shall be omitted in each of the three places where they occur and for the word “exceed” there shall be substituted the word “exceeds”.

16. In paragraph 3(2) of Part III of Schedule 4 to the principal regulations (child’s accrued allowance) the words “each period being reckoned in completed years up to 20 years and in completed half years in so far as it exceeds 20 years” shall be omitted.

17. After Schedule 8 to the principal regulations (limits in respect of awards to or in respect of servicemen) there shall be added the Schedule set out in Appendix 3.

PART III

PROVISIONS HAVING EFFECT AS FROM 1ST APRIL 1975

18.—(1) For paragraph (1) of regulation 21 of the principal regulations (commutation) there shall be substituted the following provision:—

“(1) A member may, in accordance with this regulation, commute for a lump sum a portion of any pension, other than an injury pension, to which he is or may become entitled, provided, in the case of an ordinary pension, that—

- (a) he retires or retired either when entitled to reckon at least 30 years' pensionable service or in the circumstances mentioned in regulation 18(1), or
- (b) he retires or retired otherwise than as aforesaid but on or after 1st April 1975.”

(2) In paragraph (3) of the said regulation 21 for the words following “but for the provisions of” there shall be substituted the words “paragraph 7(b) and of regulation 22 as (subject to the limitations contained in paragraphs (3A) and (8) and in regulation 23) he may specify.”

(3) After paragraph (3) of the said regulation 21 there shall be inserted the following provision:—

“(3A) A member who retires or retired as mentioned in paragraph (1)(b) shall not commute such a portion of his ordinary pension that the lump sum calculated by reference thereto in accordance with paragraph (6) (disregarding any reduction in accordance with the proviso thereto) exceeds the aggregate of—

- (a) an amount equal to 90 eightieths of the average pensionable pay by reference to which his pension is calculated, and
- (b) an amount equal to 6 eightieths of that pay multiplied by the period in years by which his pensionable service exceeds 25 years.”

(4) At the end of paragraph (4) of the said regulation 21 there shall be added the following provision:—

“Provided that a person who retired with an ordinary pension as mentioned in paragraph (1)(b) before 1st August 1976 may give such notice at any time before 1st February 1977.

(5) For paragraph (8) of the said regulation 21 there shall be substituted the following provision:—

“(8) Where a person wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under paragraph (7)(b), the portion which, under paragraphs (3) and (3A), he may commute shall be reduced by the amount of the said reduction.”

PART IV

PROVISION HAVING EFFECT AS FROM 1ST AUGUST 1975

19. After regulation 97 of the principal regulations there shall be inserted the regulation set out in Appendix 1.

PART V

PROVISIONS HAVING EFFECT AS FROM 14TH FEBRUARY 1977

Reckoning of service reckonable in Great Britain under interchange arrangements in respect of service other than police service

20.—(1) At the beginning of regulation 45 of the principal regulations there shall be inserted the words "Subject to regulation 45A".

(2) After the said regulation 45 there shall be inserted the following regulation:

"Reckoning of service reckonable in Great Britain under interchange arrangements in respect of service other than police service

45A. Where a member to whom regulation 45(a) applies becomes a member on or after 14th February 1977 and has not discharged an undertaking given in accordance with paragraph (1)(e)(i) of regulation 51 of the Police Pensions Regulations 1973(g), former service taken into account in accordance with that regulation shall not be reckonable by that member as pensionable service unless he pays or undertakes to pay to the Police Authority in accordance with Schedule 7A a sum equal to the outstanding balance of the sum payable under the undertaking."

(3) In Schedule 7 to the principal regulations after paragraph 2 there shall be inserted the following paragraph:

"2A. A transfer value calculated in accordance with this Schedule shall be reduced, in the case of a member who has undertaken to pay a sum under regulation 45A in accordance with Schedule 7A, by the balance outstanding, immediately before he ceased to be a member, of the sum he had undertaken to pay or so much thereof as has not been deducted under paragraph 3 of that Schedule from the gratuity payable to him."

(4) After the said Schedule 7 there shall be inserted the Schedule set out in Appendix 2.

21. After regulation 72 of the principal regulations there shall be inserted the following regulation:—

"Assignment of awards

72A. Every assignment of or charge on an award granted under these regulations and every agreement to assign or charge such an award shall, except so far as it is made for the benefit of a dependant of the pensioner, be void and, on the bankruptcy of the pensioner such an award shall not pass to any trustee or other person acting on behalf of the creditors."

22. In paragraph 46 of the Schedule to the Royal Ulster Constabulary Pensions Order 1949(h) (assignment of awards), for the words "the family" there shall be substituted the words "a dependant".

Roy Mason

Northern Ireland Office
23rd December 1976.

One of Her Majesty's Principal
Secretaries of State

The concurrence of the Minister for the Civil Service given under his
Official Seal on 23rd December 1976.

(L.S.)

K. H. McNeill

Authorised by the Minister for
the Civil Service

APPENDIX 1

Regulation to be inserted after regulation 97 of the Principal Regulations*Certain members with service on or after 1st August 1975*

97A.—(1) This regulation shall apply in the case of a member of a rank above that of superintendent who has served as such during a period beginning on or after 1st August 1975. ("the relevant period").

(2) Notwithstanding anything in these regulations, an award to or in respect of a member to whom this regulation applies shall not be less than it would have been had the pay to which he was entitled as a member, in respect of the relevant period, fallen to be calculated in accordance with the scale of pay in force immediately before 1st August 1975 for a member holding the rank, or the rank and office, held by him during the relevant period;

Provided that where the award is an ordinary pension which falls to be reduced in accordance with paragraph 6 of Part VIII of Schedule 2, the reduction shall be calculated without regard to this paragraph.

APPENDIX 2

Schedule to be inserted after Schedule 7 to the Principal Regulations

"SCHEDULE 7A

Regulation 45A

Payment of sums pursuant to undertaking given under regulation 45A

1.—(1) Where a member gives an undertaking to pay a sum under regulation 45A he shall, subject to this Schedule, pay the sum to the Police Authority by regular instalments of such amount that the payment of the sum will be completed within a period of 5 years beginning with the date of the first instalment paid to the police authority in Great Britain in accordance with schedule 5 to the Police Regulations 1973 and before he becomes liable to be required to retire on account of age:

Provided that he may at any time discharge his liability under the undertaking, in whole or in part, by paying the whole or part of the balance of the sum then outstanding.

(2) Without prejudice to any other method of payment which may be authorised by the Police Authority, the liability to make any such payment may be discharged by way of deduction from his pay.

2. If, before he has discharged his liability under the undertaking, a member—

- (a) retires without an award other than one of the amount of his aggregate pension contributions in respect of the relevant period of service;
- (b) leaves the force on joining a police force in Great Britain with the consent of the Police Authority;
- (c) dies; or
- (d) is dismissed

all further liability under the undertaking shall cease.

3. If before he has discharged his liability under the undertaking a member retires with an award and his liability does not cease under paragraph 2(a), the Police Authority shall be empowered to deduct the balance of the sum then outstanding from payments on account of the award:

Provided that, where a payment is made on account of an ordinary or ill-health pension and in respect of a period beyond insured pensionable age, no deduction shall be made from so much of the payment as is on account of the secured portion of the pension."

APPENDIX 3

Schedule to be inserted after Schedule 8 to the Principal Regulations

SCHEDULE 9

Regulation 10A(2)

Reckoning of service etc. for purposes of awards to or in respect of members who ceased to serve before 24th January 1975

1. This Schedule shall apply for the purposes of the calculation of an award payable to or in respect of a member who ceased to serve as such before 24th January 1975.

2.—(1) This paragraph shall apply for the purposes of paragraph 1 of Part I of Schedule 2.

(2) For the purposes mentioned in sub-paragraph (1) the period in years by which a period exceeds 25 years shall be computed in completed half-years and, accordingly:—

- (a) a part of a year less than a half shall be ignored, and
- (b) a part of a year exceeding a half shall be treated as a half.

3.—(1) This paragraph shall apply:—

(a) for the purposes of—

paragraphs 2 and 3 of Part II of Schedule 2,
Part IV of Schedule 2,
paragraph 1(4) of Part VII of Schedule 2,
paragraph 6 of Part II of Schedule 3;

(b) subject to paragraph 4, for the purposes of—

paragraph 4 of Part II of Schedule 2,
Part III of Schedule 2,
Part VI of Schedule 2,
paragraph 4 of Part II of Schedule 3,
paragraph 4 of Part I of Schedule 4;

(c) subject to paragraphs 5 and 6, for the purposes of paragraph 5 of Part II of Schedule 3;

(d) subject to paragraph 7, for the purposes of—

paragraph 2 of Part IV of Schedule 3,
paragraph 3 of Part III of Schedule 4.

(2) Save as otherwise provided in paragraphs 4, 5, 6 and 7, for the purposes mentioned in sub-paragraph (1) a period shall be computed in completed years and, accordingly, a part of a year shall be ignored.

4.—(1) This paragraph shall apply for the purposes mentioned in paragraph 3(1)(b).

(2) For the purposes so mentioned the period in years by which a period exceeds 20 years shall be computed in completed half-years as mentioned in paragraph 2(2).

5.—(1) This paragraph shall apply for the purposes of the definition of the expression "weighted relevant pensionable service" in paragraph 5(1) of Part II of Schedule 3.

(2) For the purposes aforesaid the period in years by which a period exceeds the relevant period (as defined in paragraph 5(1) of the said Part II) shall be computed in completed half-years as mentioned in paragraph 2(2).

6.—(1) This paragraph shall apply for the purposes of paragraph 5(2)(b) of Part II of Schedule 3.

(2) For the purposes aforesaid a half of a person's pre-1972 pensionable service shall be computed in completed half-years as mentioned in paragraph 2(2).

7.—(1) This paragraph shall apply for the purposes mentioned in paragraph 3(1)(d).

(2) For the purposes aforesaid, in so far as a period exceeds 20 years it shall be computed in completed half-years as provided in paragraph 2(2)."

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations amend the Royal Ulster Constabulary Pensions Regulations 1973 and the Royal Ulster Constabulary Pensions Order 1949 with effect, as provided in regulation 2, from the dates mentioned below. (Retrospection is authorised by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972).

Part II of the present regulations relates to the calculation of awards by reference to periods of pensionable service and other periods. Under the Regulations of 1973 only completed years, or in certain cases completed half-years, are taken into account. Part II provides that any fraction of a year shall be taken into account except that the existing position is preserved in the case of persons who ceased to be members before 24th January 1975, from which date Part II has effect.

Part III relates to the commutation of a portion of a pension for a lump sum. Under the Regulations of 1973 a member cannot commute an ordinary pension (save in specified circumstances) unless he has 30 years' pensionable service. Part III provides with effect from 1st April 1975 that a member with less than this service may commute an ordinary pension subject, however, to a new restriction on the portion which may be commuted.

Part IV, with effect from 1st August 1975 (the date of commencement of the Remuneration, Charges and Grants Act 1975 (c. 57)), provides that an award under the Regulations of 1973 to or in respect of a member of a rank above that of superintendent, with service on or after that date, shall not be less than it would have been had his scale of pay in respect of that service been the scale in force immediately before that date.

Part V relates to:

(a) assignments of awards, and provides, under Regulation 21, that any assignment of an award made under the Royal Ulster Constabulary Pensions Regulations 1973 shall be void unless it is made for the benefit of a dependant of the pensioner. Paragraph 46 of the schedule to the Royal Ulster Constabulary Pensions Order 1949 provides that any assignment of an award shall be void unless it is made for the benefit of the family of the pensioner. Regulation 22 varies this provision by providing that any such assignment shall be void except in so far as it is made for the benefit of a dependant of the pensioner; and

(b) the circumstances where a member of the Royal Ulster Constabulary has transferred to the force from a police force in Great Britain, having failed to discharge an undertaking given under regulation 51(1)(e)(ii) of the Police Pensions Regulations 1973 (to pay a sum to the police authority in Great Britain in respect of liability outstanding in respect of payments or contributions he was making as a condition of reckoning past service in certain former employment), and provides that he shall either pay to the Police Authority for Northern Ireland a sum equal to the balance of the sum payable under the undertaking or undertake to pay it before being entitled to reckon the former service which is taken into account under regulation 51 of the 1973 regulations. The amendments also provide for the manner in which the payments due pursuant to the undertaking are to be made to the Police Authority for Northern Ireland.