

1993 No. 223

POLICE

**Royal Ulster Constabulary Pensions (Amendment)
Regulations 1993**

Made 6th April 1993

Coming into operation 31st May 1993

To be laid before Parliament

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(a), read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(b), and after consulting, in accordance with section 34(2) of the said Act of 1970, the Police Authority and the Police Association, and, in accordance with section 2(3) of the Police Negotiating Board Act 1980(c), the Police Negotiating Board for the United Kingdom, hereby, with the concurrence of the Treasury, makes the following regulations:—

Citation, commencement and effect

1.—(1) These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment) Regulations 1993.

(2) These regulations shall come into operation on 31st May 1993, and shall have effect as from 5th April 1988.

Interpretation

2. In these regulations “the principal regulations” means the Royal Ulster Constabulary Pensions Regulations 1988(d) and “the 1990 regulations” means the Royal Ulster Constabulary Pensions (Amendment) Regulations 1990(e).

Amendment of principal regulations

3. Section 2 of Part III of Schedule F to the principal regulations (calculation of reckonable service by reference to accrued rights) shall be amended by substituting for paragraph 4 the following provision—

“4. In paragraph 3, “the material date” means—

(a) the date on which the member concerned last became a member,
or

(a) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and S.I. 1981/1670

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

(c) 1980 c. 10

(d) S.R. 1988 No. 374; relevant amendments were made by S.R. 1990 No. 411

(e) S.R. 1990 No. 411

- (b) if more than 12 months later, the date on which the transfer value was received.”.

Amendment of transitional provisions in the 1990 regulations

4.—(1) Regulation 3(6) of the 1990 regulations shall be amended by inserting after the words “pensionable service,” the words “unless the superannuation arrangements applicable to his new service fall within regulation F8(3)(a), (b) or (e) of the principal regulations,”.

(2) Regulation 3(7) of the 1990 regulations shall be amended by inserting after the words “before that date,” in the first place where they occur the words “unless the superannuation arrangements applicable to his new service fall within regulation F8(3)(a), (b) or (e) of the principal regulations,”.

Elections in respect of protected benefits

5.—(1) This regulation applies to a person—

- (a) to whom a protected benefit is being paid or may become payable, and
 (b) who is placed in a worse position than he would have been in if an amendment made to the principal regulations by regulation 3 of the 1990 regulations or regulation 3 (“the relevant amendment”) had not applied in relation to the protected benefit.

(2) A protected benefit is one which is being paid or may become payable by the Police Authority, under the principal regulations, to or in respect of a person who, having served as a member within the meaning of those regulations, ceased to serve as one, or died, before the material date.

(3) The material date—

- (a) in relation to an amendment made by regulation 3 of the 1990 regulations, is 31st December 1990, and
 (b) in relation to the amendment made by regulation 3, is 31st May 1993.

(4) A person to whom this regulation applies may, by giving written notice to the Police Authority within 3 months after 31st May 1993, elect that the relevant amendment is not to apply in relation to the protected benefit.

Northern Ireland Office
 6th April 1993

P. B. B. Mayhew
 One of Her Majesty’s Principal
 Secretaries of State

We concur
 4th May 1993

Tim Wood
Irvine Patnick
 Two of the Lords Commissioners
 of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Royal Ulster Constabulary Pensions Regulations 1988 ("the principal regulations"), and amend transitional provisions in the Royal Ulster Constabulary Pensions (Amendment) Regulations 1990 ("the 1990 regulations") in both cases on and after 6th April 1988.

Retrospective effect is authorised by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972 ("the 1972 Order").

Regulation 3 re-defines the expression "the material date", by reference to which the service credit resulting from the receipt of a transfer value is in certain cases to be calculated under the principal regulations. The date of receipt of the transfer value becomes "the material date" only if it is more than 12 months later than the date on which the person concerned last entered pensionable police service.

Regulation 4 amends transitional provisions in the 1990 regulations for calculating transfer values paid in respect of police service before 6th April 1988. The calculation is to be made as specified in those provisions only where payment is made to a scheme which is not, or is not in material respects similar to, a statutory scheme.

The amendments made to the principal regulations by regulation 3 of the 1990 regulations and by regulation 3 of these regulations are framed so as to apply in relation to pensions of, or in respect of, persons who left pensionable police service, or died, before the amending instruments came into force; the pensions could in some cases be adversely affected. Regulation 5 of these regulations gives persons placed in a worse position the opportunity, required by the 1972 Order, to elect that the relevant amendment is not to apply.

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.