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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 79**

**THE POLICE PENSION (NORTHERN  
IRELAND) REGULATIONS 2009**

**PART 9**

**SPECIAL CASES**

*Servicemen*

**Interpretation**

**82.**—(1) In regulations 82 to 88—

“relevant service in the reserve forces” means service in pursuance of a training obligation under sections 38, 40 and 41 of the Reserve Forces Act 1980 or Part III of the Reserve Forces Act 1996<sup>(1)</sup> or by virtue of a call out for permanent service or a recall under Part VII of the said Act or the Reserve Forces Act 1980<sup>(2)</sup>;

“the reserve forces” means those forces specified in section 1(2) of the Reserve Forces Act 1996;

“serviceman” means a person who immediately before undertaking a period of relevant service in the reserve forces was a police officer.

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**Commencement Information**

**II** Reg. 82 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see [s. 1\(2\)\(3\)](#)

**Awards to servicemen**

**83.**—(1) Subject to regulation 88, this regulation applies to a serviceman who at the end of his period of relevant service in the reserve forces is or was permanently disabled for the performance of the ordinary duties of a member of the police service.

(2) A serviceman to whom this regulation applies shall be entitled—

- (a) to an ill-health pension under regulation 26 on the same conditions in all respects as if he were such a police officer as is mentioned in paragraph (1) of that regulation; or
- (b) where he does not meet the condition specified in regulation 26(3)(a)(i), to an award by way of repayment of his aggregate pension contributions under regulation 31.

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(1) 1996 c.14  
(2) 1980 c.9

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#### Commencement Information

**I2** Reg. 83 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see [s. 1\(2\)\(3\)](#)

### Survivors' awards on death of servicemen

**84.**—(1) Subject to regulations 85 and 89, paragraph (2) applies in a case in which a serviceman who fulfils the qualifying service criterion—

- (a) dies or has died during his period of relevant service in the reserve forces; or
  - (b) having been permanently disabled for the performance of the ordinary duties of a member of the police service at the end of that period (without any intervening period of service as such) dies or has died while in receipt of a pension granted in pursuance of regulation 83(2) (a).
- (2) In a case in which this paragraph applies—
- (a) an adult survivor of that serviceman (had he been a police officer) such as is mentioned in regulation 37(1)(a) shall be entitled to an adult survivor's pension, and
  - (b) a child survivor of that serviceman (had he been a police officer) such as is mentioned in regulation 37(1) (b), shall be entitled to a child survivor's pension under regulation 36, on the same conditions in all respects as if he had been a police officer who had died in the circumstances mentioned in that regulation.

#### Commencement Information

**I3** Reg. 84 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see [s. 1\(2\)\(3\)](#)

### Prevention of duplication

**85.** Regulation 46 shall apply in relation to a pension in pursuance of regulation 84 as if, after the words “under regulation 36” in regulation 46 there were inserted the words “ or regulation 84”.

#### Commencement Information

**I4** Reg. 85 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see [s. 1\(2\)\(3\)](#)

### Application of regulations 41, 42 and 43

**86.**—(1) In the case of a serviceman who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, and whose death results from an injury received during his period of relevant service in the reserve forces, regulation 41 shall apply as it applies in the case of a police officer who so dies and whose death results from an injury received in the execution of his duty.

(2) In the case of a serviceman who dies during his period of relevant service in the reserve forces, regulations 42 and 43 shall apply as they apply in the case of a police officer who dies while serving as such.

#### Commencement Information

**I5** Reg. 86 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see [s. 1\(2\)\(3\)](#)

## Servicemen who do not resume service in the police service

87. Where a serviceman who ceased to serve as a police officer in order to undertake a period of relevant service in the reserve forces does not or did not resume service in the police service within a month of the end of that period, he shall be treated for the purposes of these Regulations as having ceased to serve as a police officer as from the end of his period of relevant service in the reserve forces.

### Commencement Information

I6 Reg. 87 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see [s. 1\(2\)\(3\)](#)

## Pensionable service and pension contributions

88.—(1) A serviceman who ceased to serve as a police officer in order to undertake a period of relevant service in the reserve forces shall be entitled to reckon that period as pensionable service in the police service, subject to paragraph (2).

(2) Regulations 83, 84 and 86 shall have effect in the case of a serviceman who ceased to serve as a police officer in order to undertake a period of relevant service in the reserve forces only if he pays or has paid pension contributions (other than additional or further pension contributions) to the Board, as though he had remained a police officer in respect of his period of relevant service in the reserve forces (and those regulations shall have effect notwithstanding that pension contributions are not or have not been paid as aforesaid by a serviceman in respect of any period during which his service pay is less than his pensionable pay).

(3) In the case of a serviceman who ceased to serve as a police officer in order to undertake a period of relevant service in the reserve forces and who immediately before he so ceased to serve was making periodical contributions in accordance with an election under regulation 53 (election to purchase increased benefits)—

- (a) his liability to make those contributions to the Board shall continue during such period of relevant service in the reserve forces; and
- (b) regulation 57 shall apply as if, after the words “Part 4” in paragraph (1) of that regulation, there were inserted the words “or Part 9”,

as though he had remained a police officer.

### Commencement Information

I7 Reg. 88 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see [s. 1\(2\)\(3\)](#)

## *Former members of police force in Great Britain*

## Former members of a police force in Great Britain

89.—(1) This regulation shall apply in the case of a police officer who has been a member of a police force in Great Britain and—

- (a) has transferred to the police service in accordance with regulation 72(b); or
- (b) has retired from or otherwise ceased to serve in his former force, and subsequently joins the police service at a time when no pension by reason of his service in that force is in payment to him.

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(2) Where such a police officer is entitled to reckon pensionable service in a police force in Great Britain then, except where the context otherwise requires, these Regulations including in particular regulations 8, 9, 10, and 88 shall have effect as if anything done by him or in his case, under or for the purposes of a provision of Great Britain police pensions legislation which corresponds to a provision of these Regulations had been done under or for the purposes of that corresponding provision, and accordingly his pensionable service in a police force in Great Britain shall be reckonable as if the officer had been a member of the police service.

(3) Paragraph (2) is subject to the police officer concerned making any appropriate payment to the Board in accordance with regulation 10.

#### Commencement Information

**18** Reg. 89 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see [s. 1\(2\)\(3\)](#)

*Members of the Police Service of Northern Ireland transferring to a police force in Great Britain*

### Members of the Police Service of Northern Ireland transferring to a police force in Great Britain

**90.**—(1) Where a police officer has left the police service and joined a police force in Great Britain and the police authority of the police force in question is contingently liable to make payments to him under the pensions legislation of Great Britain, regulation 73 shall have effect.

(2) In relation to a person to whom an ill-health pension is payable under Part 4, regulation 73(5) shall have effect as if the expression “the police service” included a police force in Great Britain.

(3) In relation to a person to whom a pension is payable under Part 4, regulation 74 shall have effect as if the expression “the police service” included a police force in Great Britain.

#### Commencement Information

**19** Reg. 90 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see [s. 1\(2\)\(3\)](#)

*Members of the Police Service of Northern Ireland Reserve (Full-time)*

### Members of the Police Service of Northern Ireland Reserve (Full-time)

**91.**—(1) These Regulations shall apply to members of the Police Service of Northern Ireland Reserve (Full-time) subject to the modifications in paragraphs (2) and (3).

(2) Unless the context otherwise requires, in these Regulations reference to—

“police officer” shall be read as a reference to a reserve officer;

“police service” shall be read as a reference to the Police Service of Northern Ireland Reserve (Full-time);

“1988 Regulations” shall be read as a reference to those Regulations as applied to the Police Service of Northern Ireland Reserve (Full-time) by the Royal Ulster Constabulary Reserve (Full-time) Pensions Regulations 1994(3).

(3) Regulations 82 to 90 shall not apply.

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**Commencement Information**

**I10** Reg. 91 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see [s. 1\(2\)\(3\)](#)

**Amendment of the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006**

**92.** Schedule 5 which amends the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006(4), has effect.

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**Commencement Information**

**I11** Reg. 92 in operation at 6.4.2009 with effect in accordance with s. 1(2)(3), see [s. 1\(2\)\(3\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulations applied with modifications by reg. 91A and Sch. 4 as inserted by [S.R. 2013/36 Sch. para. 79](#)

**Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 2 para. 9(g) Sch. 2 para. 9(e) renumbered as Sch. 2 para. 9(g) by [S.R. 2010/348 Sch. 2 para. 3\(3\)](#)
- Sch. 3 para. 19 inserted by [S.R. 2010/348 Sch. 2 para. 4](#)
- Sch. 4A inserted by [S.R. 2013/36 Sch. para. 9](#)
- reg. 2(2) words substituted by [S.I. 2013/2318 Sch. para. 101\(2\)](#)
- reg. 2(4) word substituted by [S.I. 2013/2318 Sch. para. 101\(3\)\(b\)](#)
- reg. 2(4) word substituted by [S.I. 2013/2318 Sch. para. 101\(3\)\(c\)](#)
- reg. 2(4) words substituted by [S.I. 2013/2318 Sch. para. 101\(3\)\(a\)](#)
- reg. 2(5)(6) inserted by [S.R. 2010/348 Sch. 1 para. 31](#)
- reg. 2(5)(6) omitted by [S.I. 2013/2318 Sch. para. 101\(4\)](#)
- reg. 4(2)(b) words inserted by [S.R. 2010/348 Sch. 2 para. 2](#)
- reg. 4(4)(b) word omitted by [S.R. 2013/36 Sch. para. 1\(a\)](#)
- reg. 4(4)(c) word inserted by [S.R. 2013/36 Sch. para. 1\(b\)](#)
- reg. 4(4)(d) inserted by [S.R. 2013/36 Sch. para. 1\(c\)](#)
- reg. 5 substituted by [S.R. 2012/64 reg. 3](#)
- reg. 5 substituted by [S.R. 2013/35 reg. 3](#)
- reg. 5 substituted by [S.R. 2014/19 reg. 3](#)
- reg. 6(1)(c) inserted by [S.R. 2013/36 Sch. para. 2](#)
- reg. 7(3A)-(3B) inserted by [S.R. 2013/36 Sch. para. 3\(a\)](#)
- reg. 7(5) words inserted by [S.R. 2013/36 Sch. para. 3\(b\)](#)
- reg. 7(6)-(7) substituted for reg. 7(6)-(9) by [S.R. 2013/36 Sch. para. 3\(c\)](#)
- reg. 14(1)(c) word omitted by [S.R. 2010/348 Sch. 1 para. 32\(2\)](#)
- reg. 14(1)(d) substituted by [S.I. 2013/2318 Sch. para. 102\(a\)](#)
- reg. 14(1)(e) and word inserted by [S.R. 2010/348 Sch. 1 para. 32\(3\)](#)
- reg. 14(1)(e) omitted by [S.I. 2013/2318 Sch. para. 102\(b\)](#)
- reg. 15(3) words substituted by [S.R. 2010/348 Sch. 1 para. 33\(2\)](#)
- reg. 15(3) words substituted by [S.I. 2013/2318 Sch. para. 103\(2\)\(a\)](#)
- reg. 15(3) words substituted by [S.I. 2013/2318 Sch. para. 103\(2\)\(b\)](#)
- reg. 15(3A) inserted by [S.R. 2010/348 Sch. 1 para. 33\(3\)](#)
- reg. 15(3A) omitted by [S.I. 2013/2318 Sch. para. 103\(3\)](#)
- reg. 15(6) words inserted by [S.R. 2010/348 Sch. 1 para. 33\(4\)](#)
- reg. 15(6) words omitted by [S.I. 2013/2318 Sch. para. 103\(4\)\(b\)](#)
- reg. 15(6) words substituted by [S.I. 2013/2318 Sch. para. 103\(4\)\(a\)](#)
- reg. 16(4) words inserted by [S.R. 2010/348 Sch. 1 para. 34](#)
- reg. 16(4) words omitted by [S.I. 2013/2318 Sch. para. 104\(b\)](#)
- reg. 16(4) words substituted by [S.I. 2013/2318 Sch. para. 104\(a\)](#)
- reg. 17(3) words inserted by [S.R. 2010/348 Sch. 1 para. 35](#)
- reg. 17(3) words omitted by [S.I. 2013/2318 Sch. para. 105\(b\)](#)
- reg. 17(3) words substituted by [S.I. 2013/2318 Sch. para. 105\(a\)](#)
- reg. 18(2) words substituted by [S.R. 2013/36 Sch. para. 4](#)
- reg. 20 words inserted by [S.R. 2010/348 Sch. 1 para. 36](#)

- reg. 20 words omitted by S.I. 2013/2318 Sch. para. 106(b)
- reg. 20 words substituted by S.I. 2013/2318 Sch. para. 106(a)
- reg. 39(9) words substituted by S.R. 2016/236 reg. 55 (This amendment comes into operation on the day on which the Universal Credit Regulations come into operation.)
- reg. 40(9) substituted by S.R. 2013/36 Sch. para. 5
- reg. 43(4A)-(4C) inserted by S.R. 2019/54 reg. 4(2)
- reg. 48(17) words inserted by S.R. 2010/348 Sch. 1 para. 37
- reg. 48(17) words omitted by S.I. 2013/2318 Sch. para. 107(b)
- reg. 48(17) words substituted by S.I. 2013/2318 Sch. para. 107(a)
- reg. 49(1) words substituted by S.R. 2010/348 Sch. 1 para. 38(2)
- reg. 49(4) inserted by S.R. 2010/348 Sch. 1 para. 38(3)
- reg. 49(4) omitted by S.I. 2013/2318 Sch. para. 108
- reg. 52(2)(b) substituted by S.R. 2024/38 reg. 45(2)
- reg. 52(3) words substituted by S.R. 2024/38 reg. 45(3)
- reg. 52(3)(b) words inserted by S.I. 2023/1267 Sch. para. 28
- reg. 52(3A) inserted by S.R. 2024/38 reg. 45(4)
- reg. 52(4A) inserted by S.R. 2024/38 reg. 45(5)
- reg. 52(8) inserted by S.R. 2024/38 reg. 45(6)
- reg. 69(4)(a) words substituted by S.R. 2013/36 Sch. para. 6
- reg. 72(c)(d) inserted by S.R. 2010/348 Sch. 1 para. 39(3)
- reg. 72(c) word substituted by S.I. 2013/2318 Sch. para. 109(4)(a)(ii)
- reg. 72(c) words substituted by S.I. 2013/2318 Sch. para. 109(4)(a)(i)
- reg. 72(c)(i) word substituted by S.I. 2013/2318 Sch. para. 109(4)(b)
- reg. 72(c)(ii) word substituted by S.I. 2013/2318 Sch. para. 109(4)(c)(ii)
- reg. 72(c)(ii) words substituted by S.I. 2013/2318 Sch. para. 109(4)(c)(i)
- reg. 72(d) omitted by S.I. 2013/2318 Sch. para. 109(5)
- reg. 72(aa)(ab) inserted by S.R. 2010/348 Sch. 1 para. 39(2)
- reg. 72(aa) word substituted by S.I. 2013/2318 Sch. para. 109(2)(a)(ii)
- reg. 72(aa) words substituted by S.I. 2013/2318 Sch. para. 109(2)(a)(i)
- reg. 72(aa)(i) word substituted by S.I. 2013/2318 Sch. para. 109(2)(b)
- reg. 72(aa)(ii) word substituted by S.I. 2013/2318 Sch. para. 109(2)(c)(ii)
- reg. 72(aa)(ii) words substituted by S.I. 2013/2318 Sch. para. 109(2)(c)(i)
- reg. 72(ab) omitted by S.I. 2013/2318 Sch. para. 109(3)
- reg. 91A inserted by S.R. 2013/36 Sch. para. 7