

**2010 No. 377**

**POLICE**

**Police Service of Northern Ireland and Police Service of  
Northern Ireland Reserve (Full-Time) (Severance)  
(Amendment) Regulations 2010**

*Made* - - - - *16th November 2010*

*Coming into operation* - *17th December 2010*

The Department of Justice makes these Regulations in exercise of the powers conferred on it by sections 25(1) and (2)(k), 26(1) and (2)(g) and 72(2) of the Police (Northern Ireland) Act 1998(a) (“the 1998 Act”) and section 49 of the Police (Northern Ireland) Act 2000(b). These powers are now vested in the Department (c). These Regulations have retrospective effect in accordance with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(d). In accordance with sections 25(8) and 26(6) of the 1998 Act the Department has consulted the Northern Ireland Policing Board and the Police Association for Northern Ireland. In accordance with section 72(2A)(e) of the 1998 Act it has obtained the consent of the Department of Finance and Personnel.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Full-Time) (Severance) (Amendment) Regulations 2010 and shall come into operation on 17th December 2010 but, subject to paragraph (2), shall have effect from 1st October 2006.

(2) Regulation 2(3) has effect from 1st January 2001.

**Amendment of the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Full-Time) (Severance) Regulations 2003**

2.—(1) The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Full-Time) (Severance) Regulations 2003(f) are amended as follows.

(2) In regulation 2 (interpretation) in paragraph (a)(iii) of the definition of “compulsory retirement age” after “serving on or after” insert “, but not prior to,”.

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- (a) 1998 c.32; sections 25 and 26 are amended by section 78(1) of the Police (Northern Ireland) Act 2000 and section 26 is amended by section 49(4) of that Act.
- (b) 2000 c.32.
- (c) Article 5 of and paragraphs 9, 10 and 38 of Schedule 3 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) transferred the regulation making powers of the Secretary of State to the Department of Justice.
- (d) S.I. 1972/1073 (N.I. 10).
- (e) Section 72(2A) was inserted by section 78(1) of and paragraph 23(6) of Schedule 6 to the Police (Northern Ireland) Act 2000. The consent function is now vested in the Department of Finance and Personnel by virtue of Article 5 of and paragraph 38 of Schedule 3 to S.I. 2010/976.
- (f) S.R. 2003 No. 60. Relevant amendments are made by S.R. 2008 No. 439.

(3) In regulation 13(1) (payment in lieu) for “Severance Regulations 2002” substitute “(Severance) Regulations 2003”.

**Amendment of the Police Service of Northern Ireland Reserve (Full-time) Severance Regulations 2006**

3. In regulation 2 (interpretation) of the Police Service of Northern Ireland Reserve (Full-time) Severance Regulations 2006(a) in paragraph (a) of the definition of “compulsory retirement age” after “serving on or after” insert “, but not prior to,”.

Sealed with the Official Seal of the Department of Justice on 16th November 2010



*David Ford*  
Minister of Justice

Sealed with the Official Seal of the Department of Finance and Personnel on 16th November 2010.



*Bill Pauley*  
A senior officer of the Department of Finance and Personnel

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the definition of “compulsory retirement age” for the voluntary early retirement scheme for the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve (Full-Time) and for the compulsory early retirement scheme for the Police Service of Northern Ireland Reserve (Full-Time) in order to correct an ambiguity in the case of a person who was serving in the Police Service of Northern Ireland Reserve (Full-Time) both before and after 1 July 1994. Regulation 2(3) corrects an error in the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Full-time) (Severance) Regulations 2003.

Regulations 2(1) and (2) and 3 have effect from 1 October 2006. Regulation 2(3) has effect from 1st January 2001. This is possible because Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972 provide for regulations to have effect before they are made.

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(a) S.R. 2006 No. 313. Relevant amendments are made by S.R. 2008 No. 439.

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