

EXPLANATORY MEMORANDUM TO

POLICE SERVICE OF NORTHERN IRELAND AND POLICE SERVICE OF NORTHERN IRELAND RESERVE (FULL-TIME) (SEVERANCE) (AMENDMENT) REGULATIONS 2010

2010 No. 377

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by sections 25 and 26 of the Police (Northern Ireland) Act 1998 (the 1998 Act) read with articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972. The regulation making power is now vested in the Department for Justice by virtue of Article 5 of, and paragraph 9 and 10 of Schedule 3 to the Northern Ireland Act 1988 (Devolution of Policing and Justice Functions Order 2010 (“the Devolution Order”)) and is subject to the negative resolution procedure.

2. Purpose

- 2.1 The main purpose of the regulations is to address defective drafting of the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Full-Time) (Severance) (Amendment) Regulations 2008 (S.R. 2008 No. 439).
- 2.2 The regulations provide clarity in relation to the “compulsory retirement age” for a person who was serving in the Police Service of Northern Ireland Reserve (Full-Time) both before and after 1st July 1994, for the purposes of calculating severance payments.
- 2.3 For those members of the reserve (full-time) serving prior to 1st July 1994, there is a compulsory retirement age of 57. For those members who were not serving before this date there is a compulsory retirement age of 55.
- 2.4 The Regulations also to fulfil an undertaking given to Treasury in December 2009, to amend a typographical error identified in the PSNI and PSNI Reserve (Full-Time) (Severance) Regulations 2003.

3. Background

- 3.1 The SR corrects defective drafting identified in the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Full-Time) (Severance) (Amendment) Regulations 2008 (S.R. 2008/439). It clarifies 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. This defective drafting was reported by the Joint Committee on Statutory Instruments in its Fourth Report of Session 2008-09.

- 3.2 An undertaking was given to Treasury in December 2009 to amend a typographical error in the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Full-Time) (Severance) Regulations 2003 (SR 2003 No 60) whereby the reference to the regulations in regulation 13(1) relates to the PSNI and PSNI Reserve (Full Time) Severance Regulations 2002 and should in fact read the PSNI and PSNI Reserve (Full Time) Severance Regulations 2003.

Consultation

- 4.1 In accordance with the section 28(5) of the 1998 Act, this instrument was sent in draft to the Northern Ireland Policing Board and the Police Association for Northern Ireland for consultation.
- 4.2 In accordance with section 62(3) of the Police Act 1996, this instrument was sent in draft to the Police Negotiation Board (PNB) for consultation.
- 4.3 This consultation process also included the Department of Finance and Personnel in accordance with 'Managing Public Money, Northern Ireland' and section 72(2A) of the 1998 Act as amended by the Devolution Order.
- 4.4 This instrument is the result of extensive discussion with the Police Association for Northern Ireland who is supportive of the change.
- 4.5 The level of public interest in the introduction of these amendments is low. There was no public consultation process and little media coverage. No further media coverage is expected given the retrospective nature of the regulations being implemented.

5. Equality Impact

- 5.1 Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998 and no equality issues have been identified by the Department.

6. Regulatory Impact

- 6.1 The Department does not consider that there is need for a regulatory impact assessment for this instrument as it has no impact on business, charities or voluntary bodies.

7. Financial Implications

- 7.1 The impact on the public sector is limited to the area of police pension's provision. It is not anticipated to result in any increased costs.

8. Section 24 of the Northern Ireland Act

8.1 The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998 and no human rights issues have been identified by the Department.

9. EU Implications

9.1 Not Applicable.

10. Parity or Replicatory Measure

10.1 These amendments are only applicable in Northern Ireland.

11. Additional Information

11.1 Not applicable.