

2021 No. 43

POLICE

**The Police Service of Northern Ireland and Police Service of
Northern Ireland Reserve (Injury Benefit) (Amendment)
Regulations 2021**

Made - - - - 23rd February 2021

Coming into operation - 1st April 2021

The Department of Justice, makes the following Regulations under sections 25(2)(k) and 26(2)(g) of the Police (Northern Ireland) Act 1998(a) (“The 1988 Act”) and Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(b); and sections 1(1) and (2)(g)(c) 2 and 3(d) and 18(5) to (8) of, and Schedule 3 to the Public Service Pensions Act (Northern Ireland) 2014(e)(“The 2014 Act”).

In accordance with section 25(9)(a) of the 1988 Act, the Department of Justice has invited the views of the Police Advisory Board. In accordance with section 26(6) of the 1988 Act it has consulted both the Policing Board and Police Association. In accordance with section 21 of the 2014 Act, it has consulted such persons as appear to the Department likely to be affected by these Regulations.

In accordance with section 72(2A)(f) of the 1998 act and section 3(5) of the 2014 Act the Department of Finance(g) has consented to the making of these Regulations.

Citation, commencement extent and application

1.—(1) These Regulations may be cited as the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2021.

(2) These Regulations come into operation on 1st April 2021 but—

- (a) Regulation 18(i) and (j) has effect from 1st April 2017.
- (b) Regulation 19 has effect from 1st April 2015.

(a) 1988 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(5) of that Act.
(b) S.I. 1972/1073 (N.I.10) Articles 14 and 15
(c) See also section 1(3) of, and Schedule 1 to the 2014 Act.
(d) 2014 c.35 (N.I.) section 3(3)(b) and section 23 enable regulations to have retrospective effect.
(e) 2014 c.35 (N.I.)
(f) Section 72(2A) was inserted into the 1998 Act by section 78(1) of and paragraph 23(6) of Schedule 6 to the Police (Northern Ireland) Act 2000. The consent function was 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.
(g) Departments Act (Northern Ireland) 2019 c.5 (N.I.). Section 1(4) renamed the Department of Finance and Personnel as the Department of Finance.

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

2. The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefits) Regulations are amended in accordance with Regulations 3 to 18.

Interpretation

3.—(1) In regulation 2(b)(meaning of certain expressions and references – general provisions) after paragraph (b) insert—

“(ba) any reference to a police officer being a member of a pension scheme, however expressed, includes a reference to a police officer entitled to be a member of that scheme who has opted out of making contributions, or who was entitled to be a member but has died;”.

Pensionable and average pensionable pay and aggregate pension contributions

4.—(1) In regulation 3 (pensionable and average pensionable pay and aggregate pension contributions)(c) before paragraph (1),insert—

“(A1) This regulation applies in relation to a police officer who is a member of the 198 scheme or the 2006 scheme, but who is not a member of the 2015 scheme.”.

(2) After regulation 3 insert—

“Members with 2015 scheme service

3A. This regulation applies in relation to a police officer who is a member of the 2015 scheme.

(2) Subject to paragraphs (3) and (4), for the purpose of calculating an award payable under these Regulations to or in respect of the member—

- (a) the annual value of the members’ pensionable pay is the annualised amount of pensionable earnings payable to the member on the last day of service; and
- (b) the member’s average pensionable pay in relation to a continuous period of pensionable service is the member’s final pay in relation to that last period of service.

(3) For the purpose of paragraph (2)(b),in respect of an award payable to a member, if the member s final pay is calculated by reference to an earnings year in which the member was in part-time service, pensionable earnings payable to the member in respect of that year is calculated as if the member was in full-time service.

(4) For the purpose of calculating an award payable to an adult survivor, adult dependent relative or child survivor of the member, if the member was in part-time service for any period during the member’s continuous period of pensionable service, the members average pensionable pay is calculated in accordance with paragraph(5).

(5) Final pay is calculated—

- (a) for a transition member with continuity of service, as if that person had remained in the 1988 scheme or the 2006 scheme, as the case may be (see regulation 3);
- (b) for a member of the 2015 scheme who is not a transition member with continuity of service, according to the formula—

A x AP

(a) S.R 2006 No. 268.

(b) There are amendment to regulation 2 which are not relevant to this instrument.

(c) Regulation 3 was substituted by S.R.2009 No.79.

where—

P is the final pay for the member or if the member's final pay is calculated by reference to an earnings year in which the member was in part-time service, the full-time equivalent pay of the member for that earnings year, and

AP is the appropriate proportion, calculated in accordance with paragraph (6).

(6) The appropriate proportion is calculated as follows—

- (a) Step 1: For each full year of pensionable service, divide the member's pensionable pay received by the full-time equivalent pensionable pay;
- (b) Step 2: For any part year of pensionable service, divide the member's pensionable received by the full-time equivalent pensionable pay that the member would have received for working that same part of that year;
- (c) Step 3: Add the sums obtained in Steps 1 and 2;
- (d) Step 4: Divide the total obtained in Step 3 by the number of years of pensionable service in that member's continuous period of pensionable service.

(7) In paragraph 6—

- (a) "pensionable service" means a period of pensionable service under the 2015 scheme: and
- (b) the reference to "full-time equivalent pensionable pay" in Steps 1 and 2 is to be read as a reference to "pensionable pay" for any year or part year in which the member's pensionable service was full-time.

(8) For the purpose of calculating a death gratuity payable to or in respect of the member, the amount of the member's aggregate pension contributions is—

- (a) for a member of the 2015 scheme who is not a transition member with the continuity of service, the amount of all member contributions and payments for added pension made by the member under the 2015 Regulations; and
- (b) for a 1988 transition member with continuity of service—
 - (i) the amount of all member contributions and payments for added pension made by the member under the 2015 Regulations; and
 - (ii) the amount of aggregate member contributions made under the 1988 scheme;
- (c) for a 2006 transition member with continuity of service—
 - (i) the amount of all member contributions and payments for added pension made by the member under the 2015 Regulations, and
 - (ii) the amount of aggregate member contributions made under the 2006 scheme.

(9) In this regulation—

"continuous period of pensionable service" means—

- (a) for a member of the 2015 scheme who is not a transition member with continuity of service, the member's continuous period of pensionable service under the 2015 scheme;
- (b) for a 1988 transition member with continuity of service, the total of—
 - (i) the member's continuous period of pensionable service under the 2015 scheme, and
 - (ii) the member's pensionable service under the 1988 scheme before the member's transition date;
- (c) for a 2006 transition member with continuity of service, the total of—
 - (i) the member's continuous period of pensionable service under the 2015 scheme, and
 - (ii) the member's pensionable service under the 2006 scheme before the member's transition date;

“continuous period of pensionable service under the 2015 scheme” is to be construed in accordance with regulations 2 of the 2015 Regulations;

“earnings year” means—

- (a) the 12 months ending with the member’s last day of pensionable service under the 2015 scheme; or
- (b) the earnings year mentioned in regulations 158(1)(b) (meaning of “final pay”) of the 2015 Regulations;

“final pay” has the meaning given in regulation 158 of the 2015 Regulations;

“pensionable earnings” has the meaning given in regulation 30 (pensionable earnings) of the 2015 Regulations.”.

Disablement

5. In regulation 6 (disablement)(a) before paragraph (1) insert—

“(A1) This regulation applies in relation to a police officer who is a member of the 1988 scheme or 2006 scheme , and who is not a member of the 2015 scheme, at the time when the question as to whether the person is permanently disabled arises under these Regulations for decision.”.

Permanent disablement

6. After regulation 6 insert—

“Permeant disablement in relation to a 2015 scheme member

6A.—(1) This regulation applies in relation to a police officer who is a member of the 2015 scheme at the time when the question as to whether the person is permanently disabled arises under these Regulations for decision.

(2) The person is disabled for the purpose of these Regulations if the person is medically unfit within the of Chapter 1 of Part 6 (retirement pensions payable on the grounds of permeant medical unfitness: general) of the 2015 Regulations.

(3) The person is permanently disabled for the purpose of these Regulations if at the time the decision is made, the disability is likely to be permeant.

(4) In the case of a person who is totally disabled for the purpose of these Regulations, para (3) has effect, for the purpose of regulations 11 and 20 of these regulations, as if the reference to the person’s disability being likely to be permanent were a reference to the total; disablement of the person being likely to be permanent.

(5) Where it is necessary to determine the degree of a person’s disablement, it must be determined by reference to the degree to which the person’s earning capacity has been affected as a result of an injury received without the person’s own default in the execution of duty as a police officer.

(6) For the purpose of paragraph (5).a person is deemed to be totally disabled if, as a result of an injury received without the person’s own default in the execution of duty as a police officer, the person is receiving treatment as an in-patient at a hospital.

(7) Where a person has retired before becoming disabled and the date on which the person becomes disabled cannot be ascertained, it is taken to be the date on which the claim that the person is disabled is first made known to the Board**(b)**.”.

(a) Amendments have been made to regulation 6(4) which does not affect sub-paragraph 6(A1).

(b) “The Board” means the Northern Ireland Policing Board as established by Section 2 of the 2000 Act.

Disablement gratuity

7. In regulation 11(disablement gratuity) after paragraph (3) insert—

“(4) For the purpose of paragraph (2)(b), the amount of aggregate pension contributions for a person with service under the 2015 scheme is—

- (a) for a person with service only under the 2015 scheme. The sum of all member contributions and payments for added pensions made by the person under the 2015 Regulations in relation to the person’s period of service under the 2015 scheme;
- (b) for a person who is or was a 1988 transition member with continuity of service, the sum of contributions—
 - (i) calculated as if sub-paragraph (a) applies, and
 - (ii) calculated as if paragraph (3)(a) applied;”.

Adult survivor’s special award

8. In regulation 12 (adult survivor’s special award)—

(a) In paragraph 92)(b), for the words after “greater of” to the end, substitute the amounts mentioned in paragraph (2A); and

(b) After paragraph 92), insert—

“(2A) The amounts are—

- (a) for a member of the 1988 scheme who is not a member of the 2015 scheme—
 - (i) the member’s average pensionable pay, and
 - (ii) $2\frac{1}{4}$ times the annual amount of ill-health pension which would have been payable under regulation B3 (Members ill-health pension) of the 1988 Regulations to the member had the member retired on the ground of permanent disablement on the date of the member’s death;
- (b) for a member of the 2006 scheme who is not a member of the 2015 scheme—
 - (i) the members’ average pensionable pay, and
 - (ii) $2\frac{1}{4}$ times the annual amount of ill-health pension which would have been payable under regulation 26(police officer’s ill-health pension) of the 2009 Regulations to the member had the member retired meeting the criteria for a standard ill-health pension and an enhanced ill-health top up pension on the date of the member’s death;
- (c) for a member of the 2015 scheme—
 - (i) the member’s average pensionable pay, and
 - (ii) $2\frac{1}{4}$ times the annual amount of ill-health pension which would have been payable under regulation 100(3)(b) (entitlement to ill-health pension) of the 2015 Regulations had the member retired meeting the upper tier threshold for payment of an ill-health pension under regulation 99(2) (payment thresholds) of those Regulations on the date of the member’s death.”.

Death Gratuity

9. In regulation 20(2) (death gratuity)(a),for the words from “regulation H1” to “2009 Regulations” substitute “Part 4 of these Regulations”.

Abatement of certain gratuities in respect of gratuities otherwise payable

10. In regulation 21 (abatement of certain gratuities in respect otherwise payable)(a)—

(a) Regulation 20(2) was amended by S.R.2009 No.79 Schedule 5(5).

- (a) In paragraph (1) omit “or as the case may be, regulation 40 or 42 of the 2009 Regulations”
- (b) In paragraph (2)(a)(i)—
 - (i) after “regulation 10 or” insert “any gratuities paid”, and
 - (ii) for “as the case may be, regulation 41 or 42 of the 2009 Regulations” substitute “regulation 41 or 42 of the 2009 Regulations or, as the case may be regulations 164 or 165 of the 2015 Regulations”;
- (c) at the end of paragraph (2)(a)(ii) add “and” and after that insert—
 - “(iii) any lump sums death grant paid under regulation 155 of the 2015 Regulations;”;
- (d) for paragraph (2)(b)(ii)(C), substitute—
 - “(C) the deceased officers’ average pensionable pay was greater than 2¹/₄ times the annual amount of ill-health pension which would have been payable—
 - (aa) under regulation B3 of the 1988 Regulations to the deceased officer if that officer had retired on the grounds of permanent disability on the day which the officer has died(whether or not it was in fact greater),or
 - (ab) under regulation 26 of the 2009 Regulations if, on the date of the member’s death, the member had retired meeting the criteria for a standard ill-health pension and an enhanced ill-health top up pension (whether or not it was in fact greater),
 - (ac) under regulation 100(3)(b) of the 2015 Regulations if, on the date of the member’s death, the member had retired meeting the upper tier threshold for payment of an ill-health pension under regulation 99(2)(payment thresholds) of those Regulations (whether or not it was in fact greater);” and
- (e) in paragraph (2)(c) for “or as the case may be regulation 41 of the 2009 Regulations” substitute, “regulation 41 of the 2009 Regulations or, as the case may be ,regulation 164 or 165 of the 2015 Regulations”.

Gratuity in lieu of adult survivor’s special pension

11. In regulation 23 (gratuity in lieu of adult survivor’s pension)(b)—

- (a) In paragraph (5), for “the 1988 Regulations and the 2009 Regulations” substitute “ a police pension scheme”; and
- (b) After paragraph (6)insert—
 - “(7) In this regulation, “a police pension scheme” means the 1988 scheme, the 2006 scheme or the 2015 scheme.”.

Limitation on discretion to grant a gratuity in line of an adult survivor’s special pension or a child’s special allowance

12. In regulation 25 (limitation on discretion to grant a gratuity)(c)—

- (a) In paragraph (1), after “2009 Regulations” insert “ or a retirement pension under the 2015 Regulations”;
- (b) In paragraph (2)(b), for “or regulation 35 of the 2009 Regulations” substitute “, regulation 35 of the 2009 Regulations or regulation 122 of the 2015 Regulations”;
- (c) In the full-out text that follows paragraph (2)(b), for the word “either” substitute “any”.

(a) Regulation 21 (1), (2)(a)(i)-(ii), (b)(ii)(C), and (c) was amended by SR No. 79 Schedule 5(6).
 (b) Regulation 23(5) was amended by S.R. 2009 No.79 Schedule 5(7).
 (c) Regulation 25 para (1),(2)(i) and (ii) was amended by SR 2009 No 79 Schedule 5(8).

Prevention of duplication

13. In regulation 26(prevention of duplication)(a)—

- (a) in paragraph (1)(a), after “2009 Regulations” insert “or a surviving adult’s pension under regulation 136 of the 2015 Regulations”; and
- (b) in paragraph (1)(b), after “2009 Regulations” insert “ or “eligible child’s pension under regulation 144 of the 2015 Regulations”.

Increase of adult survivor’s special pension or child special allowance during first 13 weeks

14. In regulation 27(increase of adult survivor’s special pension or child’s special allowance during first 13 weeks)(b)—

- (a) In paragraph (1)(b),for “or Part 4 of the 2009 Regulations” substitute “Part 4 of the 2009 Regulations or Part 7 of the 2015 Regulations”;
- (b) In the opening words of paragraph(2), for “ or regulations 39 of the 2009 Regulations” substitute “, regulation 39 of the 2009 Regulations or eligible child pension under regulation 144 of the 2015 Regulations”;
- (c) In paragraph (2)(b)(ii), for “ as the case may be, Part 4 of the 2009 Regulations” insert “, Part 4 of the 2009 Regulations or, as the case may be, a retirement pension under Part 7 of the 2015 Regulations”; and
- (d) After paragraph (3) insert—

“(3A) In paragraph (3)(a) “pensionable pay for the week” in relation to a member of the 2015 scheme means $\frac{1}{52}$ of that member ‘s annual pensionable pay calculated in accordance with regulation 4A.” .

Reference of medical questions

15. In regulation 29(2) (reference of medical questions)(c)—

- (a) for “or regulation 65 of the 2009 Regulations” substitute “, regulation 67 of the 2009 Regulations or regulation 781,84 or 115 of, or Schedule 1 to, the 2015 Regulations”; and
- (b) for “or, as the case may be, Part 7 of the 2009 Regulations” substitute “, Part 7 of the 2009 Regulations or, as the case may be, Part 6 OR 7 OF,OR Schedule 1 to, the 2015 Regulations”.

Reassessment of injury pension

16. In regulation 35(reassessment of injury pension)(d)—

- (a) In paragraph (2), after “2009 Regulations” insert “ or a retirement pension under the 2015 Regulations”;
- (b) In paragraph (3), for “or regulation 48(5) or (6) of the 2009 Regulations” substitute “, or regulation 48(5) or (6) of the 2009 Regulations or regulation 109 or 113 of the 2015 Regulations”; and
- (c) In paragraph (4),after “2009 Regulations” insert “or a full retirement pension which came into payment early on grounds of permanent medical unfitness ceases to be paid under regulation 114 of the 2015 Regulations”.

(a) Regulation 26 para (1) was amended by S.R.2009 No.79 Schedule 5(9).
(b) Regulation 27 para (1)(b),(2)(i) and (ii) was amended by S.R.2009 No. 79 Schedule 5(10).
(c) Regulation 29 para (2) was amended by S.R. 2009 No.79 Schedule 5(14).
(d) Regulation 35 paras (2) – (4) was amended by S.R. 2009 No.79 Schedule 5(12).

Glossary of expressions

17. In Schedule 1 (glossary of expressions)—

- (a) After the definition of “the 1988 Regulations” insert—
- ““the 1988 scheme” means the scheme set out in the 1988 Regulations;”.
- (b) “1988 transition member” has the meaning given in paragraph 1 of Schedule 4 to the 2015 Regulations;
- (c) after the definition of “the 2009 Regulations”(a)—
- ““the 2006 scheme” means the scheme set out in the 2009 Regulations;”.
- (d) “2006 transition member” has the meaning given in paragraph 1 of Schedule 4 to the 2015 Regulations;
- (e) “the 2015 Regulations” means the Police Pensions Regulations (Northern Ireland) 2015(b);
- (f) “the 2015 scheme” means the scheme set out in “the 2015 Regulations”;
- (g) In the definition of “aggregate pension contributions” after “regulation 3(4)” insert “or 3A(8), as the case may be”;
- (h) in the definition of “average pensionable pay” after “regulation 3(2)” insert or “3A(2)(b), as the case may be”;
- (i) in the definition of “disablement” after “regulation 6” insert “or 6A, as the case may be”;
- (j) in the definition of “pensionable pay” after “regulation 3(1)” insert “or regulation 3A(2)(a), as the case may be”;
- (k) after the definition of “period of assumed pay” insert—
- ““period of eligible service under the 2015 scheme” in relation to a member of that scheme means a period in which the member is in eligible service as defined in regulation 18 of the 2015 Regulations other than a period in which the member is on —
- (a) a career break as defined in regulation 2 of those Regulations ;or
- (b) any other period of unpaid leave mentioned in regulation 18(3)(b) of those Regulations;
- “period of pensionable service under the 2015 scheme”, in relation to a member of that scheme, means the total of —
- (a) any period of pensionable pay as defined in section 34 of the Public Service Pensions Act (Northern Ireland) 2014(c);
- (b) any period of assumed pay as defined in regulation 31(2) of the 2015 Regulations; and
- (c) any period of eligible service under the 2015 scheme in respect of which the member has opted out of that scheme”;
- (l) after the definition of “step child” insert—
- ““totally disabled “has the meaning given in regulation 6(6);”
- (m) “transition member with continuity of service” means—
- “(a) a 1988 transition member with continuity of service within the meaning of paragraph 4 of Schedule 4 to the 2015 Regulations; or
- (b) a 2006 transition member with continuity of service within the meaning of paragraph 5 of that Schedule.”

(a) The definition of “the 2009 Regulations” was inserted by S.R. 2009 No.79 Schedule 5(14).

(b) S.R. 2015 No. 113.

(c) 2014 c.2 (N.I.).

Police officers injury award

18. In Schedule 3(police officers injury award)(a)—

- (a) In paragraph 1(b) after “police officer” insert “ who is not eligible to be a member of the 2015 scheme other than as a transition member with continuity of service,”;
- (b) After paragraph 1(b) insert—
 - “(c) in the case of a police officer who is eligible to be a member of the 2015 scheme but who is not eligible to be a transition member with continuity of service, any of those service by virtue of which that officer’s pensionable service is reckonable was part-time, the amount given by multiplying the amount;
 - (d) in sub-paragraph (c) the appropriate proportion is calculated as follows—
 - (i) Step 1: For each year of pensionable service, divide the officer’s pensionable pay received by the full-time equivalent pay,
 - (ii) Step 2: For any part year of pensionable service, divide the officer’s pensionable pay received by the pensionable pay equivalent to the full-time pensionable pay that an officer would have received for working the same part of the year in question,
 - (iii) Step 3: Add the sums obtained in Steps 1 and 2,
 - (iv) Step 4: Divide the total obtained in Step 3 by the number of years of pensionable service involved;
 - (e) in sub-paragraph (d)—
 - (i) the reference to “ full-time equivalent pensionable pay” in Steps 1 and 2 is to be read as a reference to “ pensionable pay” for any year or part year in which the officer’s pensionable service was full-time, and
 - (ii) “pensionable service” means a period of pensionable service under the 2015 scheme;”.
- (c) In paragraph 3(b) after “police officer” insert “who is not a member of the 2015 scheme”;
- (d) After paragraph 3(b) insert—
 - “(c) in the case of a police officer who is eligible to be a member of the 2015 scheme, but who is not eligible to be a transition member with continuity of service any of whose service by which that officer’s pensionable service is reckonable was part-time, the amount given by multiplying the amount that the officer’s minimum income guarantee would be if all the service were full time service by the appropriate proportion calculated in accordance with paragraph 1(d).”;
- (e) After paragraph 4 insert—
 - “**4A.** In the case of a police officer who is eligible to be a transition member of the 2015 scheme with continuity of service, paragraphs 1 and 3 apply to that officer as if all that officer’s service had been in the 1988 scheme, or the 2006 scheme, as the case may be.”;
- (f) in paragraph 5(b), for “or regulation 7(1) of the 2009 Regulations” substitute “, regulation 7(1) of the 2009 Regulations or regulation 27 of the 2015 Regulations”;
- (g) in paragraph 6(c)—
 - (i) in sub-paragraph (1) for “or, as the case may be, Part 4 of the 2009 Regulations” substitute “, Part 4 of the 2009 Regulations or, as the case may be, Part 7 of the 2015 Regulations”,
 - (ii) in sub-paragraph (2), omit the “or” after paragraph (b) and insert—

(a) Schedule 3 was amended by S.R.2009 No. 79 Schedule 5(15) and S.R.2017 No. 36.

(b) Paragraph 5 was amended by S.R.2009 No.79.

(c) Paragraph 6 was amended by S.R.2009 No.79.

“(ba) in accordance with regulation 122 of the 2015 Regulations (option to commute part of pensions); or”.

(iii) in sub-paragraph (3) for “or, as the case may be regulation 7(1) of the 2009 Regulations” substitute “, regulation 7(1) of the 2009 Regulations or, as the case may be, regulation 27 of the 2015 Regulations;”.

(h) after paragraph 6 insert—

“**6A.** In this Schedule, references to service in the 2015 scheme as being “reckonable” are construed as references to service which would be pensionable service within the meaning of section 34 of the Public Service Pensions Act (Northern Ireland) 2014.”.

(i) for paragraph (7)(3)(d), substitute—

“(d) subject to paragraph (e) until the first day after his retirement which is not a day on which he has, or is treated as having, limited capability for work within the meaning of section 9(4) of the Welfare Reform Act (Northern Ireland) 2007(a), any employment and support allowance under sections 1(2)(a) or 1B of that Act.”

(j) after paragraph 7(3)(d) insert—

“(e) sub-paragraph (d) does not apply where—

- (i) the amount of the injury pension has been reduced in respect of any week on account of incapacity benefit;
- (ii) that reduction has ceased on the first day after the retirement of the person concerned which is not, or deemed not to be a day of incapacity for work within the meaning of section 30A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b); and
- (iii) the person concerned becomes entitled to employment and support allowance by virtue of a claim that was made on or after the date on which entitlement to incapacity benefit has ceased.”.

Consequential amendments to the Police Pensions Regulations (Northern Ireland) 2015

19. Schedule 1 has effect.

Sealed with the Official Seal of the Department of Justice on 23rd February 2021

Naomi Long
Minister of Justice

Sealed with the Official Seal of the Department of Finance on 23rd February 2021

Patrick Neeson
A senior officer of the Department of Finance

(a) 2007 c.2.(NI) Section 1(2)(a) was amended by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015. Section 1B was inserted by Article 58(1) of that order.

(b) 1992 c.7.

Amendment of the Police Pensions Regulations (Northern Ireland) 2015

1. The Police Pensions Regulations (Northern Ireland) 2015(a) are amended in accordance with Regulation 19.

2. In regulation 2 (interpretation)—

- (a) In the definition of “age addition” after “meaning given in” insert “regulation”;
- (b) “annualised final pay” for the words “Chapter 7 of Part 9 (death benefits)” substitute “regulation 159”;
- (c) omit “contributions equivalent premium means a premium under section 51(2) of the 1993 Act;”;
- (d) at “full retirement pensions which come into payment early on the ground of permanent medical unfitness” for the words “has the meaning given Part 7, Chapter 3” substitute “in relation to a member of this scheme, means a full retirement pension to which the member becomes entitled under regulation 89(3)”;
- (e) after “ill health pension under this scheme” insert—

“Independent medical referee” (“IMR”) has the meaning given in Schedule 1;”.

Scheme manager’s obligation to pass on member’s records

3. In regulation 9(4) after the first reference to “Police Service of Scotland” insert—

“within 3 months of the member becoming a member of the Police Service of Scotland”.

Transitional Members

4. In paragraph 39 of Schedule 4 (calculation of weighted accrual for service in the 1988 scheme), for paragraph 7 substitute—

“(7) The annual rate of pension payable to the member under the 1988 scheme is the higher of—

- (a) the amount calculated by multiplying the accrual rate by the member’s final pay; or,
- (b) where a member is entitled to a deferred pension under regulation B5 (members deferred pension) and under Part 6 (member’s deferred pension) of Schedule B, the amount of pension that would have been payable under the 1988 scheme is those provisions applied of the calculation instead of sub-paragraphs (3) to (6) of this paragraph.”.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations make amendments to various instruments relating to the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefits) Regulations 2006 and make provisions for payments to police officers who are permanently disabled as a result of an injury received without their own default in the execution of duty as a police officer or, where death results from such an injury, to surviving dependants of the deceased officer.

The amendments made by Regulation 2 to 18 make technical changes to ensure that the injury benefit schemes continues to work effectively for officers who join the police pension scheme established by the Police Pensions Regulations (Northern Ireland (“the 2015 regulations”). The

(a) S.R. 2015 No.113.

amendment to paragraph 7(3)(d) of Schedule 3 to those regulations also ensures that an injury pension is not reduced in respect of a second or subsequent post retirement entitlements to employment and support allowance. New paragraph 7(3)(e) of Schedule 3 has the effect that there is no reduction in respect of employment and support allowance in circumstances where there has been a previous reduction of an individual's injury pension on the basis of entitlement to incapacity benefit and post retirement the individual has a subsequent new entitlement to employment and support allowance.

Regulation 19 makes consequential amendments to “the 2015 Regulations” and ensures that deferred members of the scheme established under “the 2015 Regulations” who also accrued benefits under an earlier scheme cannot suffer any detriment when their entitlement to benefits is calculated.

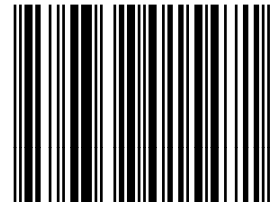
An impact assessment has not been prepared for this instrument as no impact on the costs of business or voluntary sectors is foreseen.

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