

2024 No. 138

PUBLIC SERVICE PENSIONS

**The Police Pensions (Remediable Service) (Amendment)
Regulations (Northern Ireland) 2024**

Made - - - -

20th June 2024

Coming into operation

22nd July 2024

The Department of Justice makes these Regulations in exercise of the powers conferred by sections 1(1) and (2)(g), 2(1) (together with paragraph 7 of Schedule 2) and 3(1), (2)(a) (together with paragraph 13 of Schedule 3) and (c) and (3) of the Public Service Pensions Act (Northern Ireland) 2014^(a) (“the 2014 Act”) and sections 5(1) and (5), 6(1), 7(3), 10(1), 11(5), 18(2), (3), (5) and (6), 19(1), (4) and (5), 21, 22(1) and (6), 24(1), 26(1) and (2), of the Public Service Pensions and Judicial Offices Act 2022 (“PSPJOA 2022”)^(b).

In accordance with section 21 of the 2014 Act, the Department of Justice has consulted the representatives of such persons as appear to the Department likely to be affected by these Regulations.

In accordance with section 3(5) of the 2014 Act, the Department of Finance^(c) has consented to the making of these Regulations.

To the extent required by section 27 of PSPJOA 2022, these Regulations are made in accordance with Treasury directions made under that section^(d).

Citation, commencement, and effect

1.—(1) These Regulations may be cited as the Police Pensions (Remediable Service) (Amendment) Regulations (Northern Ireland) 2024.

(2) These Regulations come into operation on 22nd July 2024 but have effect from 1st October 2023.

(a) 2014 c. 2 (N.I.). Section 3(1) was amended by section 94(12) of the Public Service Pensions and Judicial Offices Act 2022, and section 3(2)(c) was inserted by section 94(13) of that Act.

(b) 2022 c. 7.

(c) Departments Act (Northern Ireland) 2016 c.5 (N.I.). Section 1(4) renamed the Department of Finance and Personnel as the Department of Finance.

(d) See section 38 of PSPJOA 2022 for the meaning of “Treasury directions”, which includes directions given by the Department of Finance. The Public Service Pensions (Exercise of Powers, Compensation and Information) Directions (Northern Ireland) 2023 were published on 26 January 2023.

Amendment of the Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023

2.—(1) The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023(a) are amended in accordance with this regulation.

(2) In regulation 12 (Deferred choice decision for reformed scheme or legacy scheme benefits: general), in paragraph (7)(b), for “take” substitute “takes”.

(3) In regulation 17 (Application and interpretation of Chapter 1), in paragraph (2), omit the definition of “appropriate person”.

(4) In regulation 21 (Information provided before 1st October 2023: applying a remediable credit adjustment), in paragraph (5)(a) after “(4)(b)” insert “(i)”.

(5) After regulation 43 (Variation of the club transfer application period), insert—

“Chapter 3A

Transfers on a non-club basis

Non-club transfers in

43A.—(1) This regulation applies in relation to a remedy member (“M”) to whom—

- (a) regulation F6 of the 1988 Regulations (previous service reckonable under current interchange arrangements)(b) would have applied, had M been a member of the 1988 Scheme during the remedy period, or
- (b) regulation 12 of the 2009 Regulations (service reckonable by reason of transfer value)(c) would have applied, had M been a member of the 2006 Scheme during the remedy period.

(2) A scheme manager may decide to accept, in respect of M’s former service, a transfer value in accordance with, as the case may be—

- (a) regulation F6 of the 1988 Regulations, or
- (b) regulation 12 of the 2009 Regulations.

(3) A decision under paragraph (2) may only be made—

- (a) if the scheme manager is satisfied that it is more likely than not that, but for a relevant breach of the non-discrimination rule, the same or a similar decision would, during the period of M’s remediable police service, have been made by the scheme manager,
- (b) before—
 - (i) the end of the period of one year beginning with the day on which a remediable service statement is first provided in respect of M, or
 - (ii) such later time as the scheme manager considers reasonable in all the circumstances, and
- (c) after an application in accordance with paragraph (4) is approved by the scheme manager.

(4) An application is made in accordance with this paragraph where—

- (a) it is in writing in a form and manner determined by the scheme manager,
- (b) it is accompanied by any information the scheme manager reasonably requires to be provided for the purposes of—
 - (i) making a decision under paragraph (2);

(a) S.R. 2023 No. 122.

(b) S.R. 1988 No. 374.

(c) S.R. 2009 No. 79.

- (ii) determining the matters mentioned in paragraph (3)(a), and
- (c) it is received by the scheme manager—
 - (i) before the end of the period of six months beginning with the later of—
 - (aa) the day on which a remediable service statement is first provided in respect of M;
 - (bb) the day on which this regulation comes into force, or
 - (ii) such later time as the scheme manager considers reasonable in all the circumstances.”.

(6) After regulation 51 (Deciding whether a 1988 IHR member is entitled to an upper tier award), insert—

“Determining the value of M’s remediable ill-health benefits

(51A) The scheme manager must, as soon as reasonably practicable after 1st October 2023, determine the value of M’s remediable ill-health benefits as if they had been secured in M’s alternative scheme.”

(7) In regulation 54 (elections for non-pensionable payment instead of temporary pay)—

- (a) in paragraph (4)(b)(ii), after “regulation (4)(2)(a)”, insert “or (c)”;
(b) in paragraph (5)(a) omit “, having consulted the scheme actuary,”.

(8) In regulation 58 (indirect compensation), in paragraph (2), for “24” substitute “23”.

(9) In regulation 59 (applications for compensation or indirect compensation), in paragraph (2)(b), for “require” substitute “requires”.

(10) In regulation 60 (netting off), in paragraph (3)(a), for “(provision of information)” substitute “(provision of explanation)”.

(11) In the shoulder reference to the Schedule (eligible decision-makers for deceased members), for “4(1)” substitute “4(3)”.

Sealed with the Official Seal of the Department of Justice on 19th June 2024.

Naomi Long
Minister of Justice

Sealed with the Official Seal of the Department of Finance on 20th June 2024.

Patrick Neeson
A senior officer of the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023 No. 122) (“the 2023 Regulations”).

The 2023 Regulations make provision, further to that in the Public Service Pensions and Judicial Offices Act 2022 (c. 7) (“PSPJOA 2022”), to remedy the unlawful discrimination on the basis of age that was found to result from the transitional protections afforded to certain cohorts of members of legacy pension schemes established by the Royal Ulster Constabulary Pensions Regulations 1988 (S.R. 1988 No. 374) (“the 1988 Regulations”) and the Police Pension (Northern Ireland) Regulations 2009 (S.R. 2009 No. 79) (“the 2009 Regulations”).

These Regulations correct minor errors in the 2023 Regulations and make additional provision that was omitted from those Regulations.

Regulation 2 amends the 2023 Regulations. Regulation 2(5) makes new provision for a member who would have been able to transfer in service to the scheme established by the 1988 Regulations or the 2009 Regulations during the relevant period. Such service may now be transferred in, provided certain conditions are met. Regulation 2(6) inserts a provision omitted from the 2023 Regulations which instructs the scheme manager to determine the value of a member’s remediable ill-health benefits as if they had been secured in the alternative scheme.

These Regulations are scheme regulations under the Public Service Pensions Act (Northern Ireland) 2014 (c. 2) (“the 2014 Act”) and in accordance with PSPJOA 2022 in relation to a member’s remediable service in a police pension scheme. They are, to the extent required by section 27 of PSPJOA 2022, made in accordance with Department of Finance directions under that section (in the form of the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions (Northern Ireland) 2023). These Regulations have retrospective effect, which is authorised by section 3(3)(b) of the 2014 Act.

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