

2024 No. 147

POLICE

The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) (No. 2) Regulations 2024

Made - - - -

27th June 2024

Coming into operation

2nd July 2024

The Department of Justice makes the following Regulations under sections 25(1), 25(2)(k), 26(1) and 26(2)(g) of the Police (Northern Ireland) Act 1998(a) and Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(b).

In accordance with section 25(9)(a) of the 1998 Act, the Department of Justice has invited the views of the Police Advisory Board for England and Wales. In accordance with sections 25(8) and 26(6) of the 1998 Act it has consulted both the Board and the Police Association.

In accordance with section 72(2A)(c) of the 1998 Act, the Department of Finance(d) has consented to the making of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) (No. 2) Regulations 2024.

2. These Regulations shall come into operation on 2nd July 2024 but regulation 6 shall have effect from 1st April 2021.

Revocation of the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2024

3. The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2024(e) are revoked.

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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(5) of that Act.
- (b) S.I. 1972/1073(N.I.10). Articles 14 and 15 enable regulations to have a retrospective effect. Article 15(c) was amended by section 74 of and paragraph 6 of Schedule 4 to the 1998 Act.
- (c) 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.
- (d) Departments Act (Northern Ireland) 2016 c.5 (N.I.). Section 1(4) renamed the Department of Finance and Personnel as the Department of Finance.
- (e) The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2024 whilst made were not laid and so do not have an S.R. number.

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

4. The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006(a) are amended in accordance with regulations 5 to 10.

Pensionable and average pensionable pay and aggregate pension contributions

5. In regulation 3 (pensionable and average pensionable pay and aggregate pension contributions) at paragraph (A1)(b) for “the 198 scheme” substitute “the 1988 scheme”.

Members with 2015 scheme service

6. In regulation 3A (members with 2015 scheme service)(c) at paragraph (5)(b) in the formula for “A x AP” substitute “P x AP”.

Permanent disablement in relation to a 2015 scheme member

7. In regulation 6A (permanent disablement in relation to a 2015 scheme member)(d)–

(1) in the title for “Permeant” substitute “Permanent”;

(2) for paragraph (2) substitute–

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

(3) for paragraph (4) substitute–

“(4) In the case of a person who is totally disabled for the purpose of these Regulations, paragraph (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 that person being likely to be permanent.”.

Abatement of certain gratuities in respect of gratuities otherwise payable

8. In regulation 21 (abatement of certain gratuities in respect of gratuities otherwise payable) at paragraph (2)(a)(iii)(e) for “sums” substitute “sum”.

Reference of medical questions

9. In regulation 29 (reference of medical questions)–

(1) in paragraph(2)(k) for “or regulation 781,84” substitute “or regulation 78, 84”(f); and

(2) after paragraph (6) insert—

“(7) An SMP or IMR must have regard to the provisions of the Guidance to Medical Practitioners on Injury on Duty Awards to SMPs and IMRs at all times.”.

Schedule 1 glossary of expressions

10. In Schedule 1 (glossary of expressions)–

(1) after ““disablement” and cognate expressions have the meanings assigned to them by regulation 6;”; insert

(a) S.R. 2006 No.268 as amended by SR (NI) 2007/476 (rev), SR (NI) 2009/79, SR (NI) 2009/143, SR (NI) 2010/348, SR (NI) 2012/82 (retrospective), SI 2013/2318, SR (NI) 2016/236, SR (NI) 2017/36, SR (NI) 2019/54, SI 2019/1514, SR (NI) 2020/13, SR (NI) 2021/43, SR (NI) 2022/129, SR (NI) 2022/217, SR (NI) 2023/64 and SI 2023/1267.

(b) Regulation 3(A1) was inserted by S.R. (NI) 2021/43 regulation 4(1).

(c) Regulation 3A was inserted by S.R. (NI) 2021/43 regulation 4(2).

(d) Regulation 6A was inserted by S.R. (NI) 2021/43 regulation 6.

(e) Regulation 21(2)(a)(iii) was inserted by S.R. (NI) 2021/43 regulation 10(c).

(f) Regulation 29(2)(k) was amended by S.R. (NI) 2021/43 regulation 15(a).

““duly qualified medical practitioner” means a registered medical practitioner who holds—

- (a) (i) the minimum of Associate of the Faculty of the Occupational Medicine or the Equivalent EEA or Swiss qualification; or
- (ii) any other equivalent qualification acceptable to the Board; and
- (b) (i) a current registration with the General Medical Council or equivalent regulatory body in the EEA or Switzerland; or
- (ii) an equivalent registration with an appropriate regulatory body in relation to their equivalent qualification;

“Guidance to Medical Practitioner on Injury on Duty Awards to SMPs and IMRs” means the guidance provided by the Board to duly qualified medical practitioners when considering eligibility for an Injury on Duty Award;”;

(2) after ““husband” includes wife;”; insert—

““Independent Medical Referee” (“IMR”) means a duly qualified medical practitioner appointed by the Department of Justice under regulation 30(2);”

(3) after ““the Scheme actuary” means the actuary for the time being appointed by the Secretary of State to provide a consulting service on actuarial matters relevant to these Regulations;” insert—

“Selected Medical Practitioner” (“SMP”) means a duly qualified medical practitioner selected by the Board or Chief Constable of the Police Service of Northern Ireland under regulation 29(2).”

Sealed with the Official Seal of the Department of Justice on 27th June 2024.
(L.S.)

Naomi Long
Minister of Justice

Sealed with the Official Seal of the Department of Finance on 27th June 2024
(L.S.)

Patrick Neeson
A senior officer of the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations make amendments to the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006 and make provision to place the guidance, provided by the Board, to Selected Medical Practitioners (SMP) and Independent Medical Referees (IMR) to carry out injury on duty assessments, on a statutory footing.

Regulation 3 revokes the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2024 whilst made were not laid and so do not have an S.R. number.

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