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STATUTORY RULES OF NORTHERN IRELAND

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**2024 No. 38**

The Police Pensions (Amendment)  
Regulations (Northern Ireland) 2024

PART 1

Police Pensions

**Amendment of the Police Pensions Regulations (Northern Ireland) 2015**

3. The Police Pensions Regulations (Northern Ireland) 2015(1) are amended in accordance with this Part.

**Commencement Information**

11 Reg. 3 in operation at 1.4.2024, see [reg. 2](#)

**Interpretation**

4.—(1) Regulation 2 is amended as follows.

(2) After the definition of “career break” omit the definition of “(“the member”)”.

(3) After “full retirement pension which comes into payment early on the grounds of permanent medical unfitness” for “has the meaning given in 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) (Entitlement to full retirement pension (deferred members))”.

(4) After the definition of “full retirement pension which comes into payment early on the grounds of permanent medical unfitness” insert —

“full time service” means—

- (a) for a member who falls within regulation 4(1)(a), service by a person appointed under section 35 or 36 of the 2000 Act;
  - (b) for a member who falls within regulation 4(1)(b), service by a person appointed under section 37 of the 2000 Act;
  - (c) for a member who falls within regulation 4(1)(c), service by a person appointed under section 39 of the 2000 Act;
  - (d) for a member who falls within regulations 4(1)(d), service by the person appointed under section 40 of the 2000 Act.”;
- (5) Omit “weekly rate” and associated footnote.

*Status: Point in time view as at 01/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Police Pensions (Amendment) Regulations (Northern Ireland) 2024, PART 1. (See end of Document for details)*

#### Commencement Information

**I2** Reg. 4 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### Police Pension Board: membership

**5.** In regulation 11 (Police Pension Board: membership), at paragraph (1)(a) omit the words “with departmental approval”.

#### Commencement Information

**I3** Reg. 5 in operation at 1.4.2024, see [reg. 2](#)

#### Eligible Service

**6.—**(1) Regulation 18 (Eligible Service) is amended as follows.

(2) For paragraph (3), substitute—

“(3) For the purpose of these regulations a member of the police service who falls within regulation 4(1)(a) and 4(1)(b) remains in eligible service during a career break.”

(3) In paragraph (4), for “a member of a police force” substitute “a member of the police service”.

#### Commencement Information

**I4** Reg. 6 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### Periods of unpaid leave

**7.** In regulation 19 (Periods of unpaid leave) after sub-paragraph (1)(b)(ii) insert—

“(1A) For the purpose of determining entitlement to payment of benefits to or in respect of a member of this scheme who falls within regulations 4(1)(b), 4(1)(c) or 4(1)(d), the member is taken to be an active member of this scheme during any other period of unpaid leave—

(i) that does not exceed 5 years; and

(ii) during which the employment relationship continues.”

#### Commencement Information

**I5** Reg. 7 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### Automatic re-enrolment

**8.** In regulation 26(3) (Automatic re-enrolment) for “scheme manager” substitute “employer”.

#### Commencement Information

**I6** Reg. 8 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

## Pensionable earnings

9. In regulation 30 (Pensionable earnings) for paragraph (2) substitute—

“(2) A member’s pensionable earnings for any period means pay to which the member is entitled in that period, account being taken of any retrospective increase in that pay.”

### Commencement Information

17 Reg. 9 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

## Eligibility for payment of ill-health benefits

10. Chapter 4 (Eligibility for payment of ill-health benefits) shall cease to have effect from 1<sup>st</sup> April 2024.

### Commencement Information

18 Reg. 10 in operation at 1.4.2024, see [reg. 2](#)

## Meaning of deferred member

11. In regulation 40 (Meaning of deferred member) in paragraph (4), after “Paragraph” for “(2)” substitute “(3)”.

### Commencement Information

19 Reg. 11 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

## Decision of selected medical practitioner

12.—(1) Regulation 74 (Decision of selected medical practitioner) is amended as follows.

(2) For paragraph (2)(b), substitute—

“(b) that inability is occasioned by infirmity of mind or body and is likely to continue until the day on which—

(i) the member reaches normal pension age under this scheme; or

(ii) the member dies (if the selected medical practitioner considers the member is likely to die before reaching normal pension age under this scheme).”

(3) For paragraph (3)(b), substitute—

“(b) that inability is occasioned by infirmity of mind or body and is likely to continue until the day on which—

(i) the member reaches normal pension age under this scheme; or

(ii) the member dies (if the selected medical practitioner considers the member is likely to die before reaching normal pension age under this scheme).”

(4) For paragraph (3)(d), substitute—

“(d) that inability is occasioned by infirmity of mind or body and is likely to continue until the day on which—

(i) the member reaches normal pension age under this scheme; or

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- (ii) the member dies (if the selected medical practitioner considers the member is likely to die before reaching normal pension age under this scheme).”

**Commencement Information**

**I10** Reg. 12 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Refusal to be medically examined or attend interviews**

- 13.** In regulation 75 (Refusal to be medically examined or attend interviews) after paragraph (2) (b) insert—

“(3) An appeal under Schedule 1 against a decision of a selected medical practitioner is taken to be withdrawn if—

- (a) a question as to whether a member of the police service is permanently medically unfit is referred to an IMR for decision; and
- (b) the person wilfully or negligently fails to submit to any medical examination or to attend any interviews that the IMR considers necessary in order to make a decision.”.

**Commencement Information**

**I11** Reg. 13 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Referral of medical questions for purpose of regulation 80**

- 14.** In regulation 79 (Referral of medical questions for purpose of regulation 80) after paragraph (4) insert—

“(5) That report is final, subject to—

- (a) an appeal under Schedule 1 against the decision of the selected medical practitioner; or
- (b) a referral under Schedule 1 of the decision of the selected medical practitioner for reconsideration.”

**Commencement Information**

**I12** Reg. 14 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Application of Chapter**

- 15.** In regulation 83 (Application of Chapter) for paragraph (2) substitute—

“(2) For the purpose of this Chapter—

- (a) a former member of the police service is taken to be a member of the police service; and
- (b) “police pension authority” in relation to the former member of the police service, means the police pension authority for the police service.”

**Commencement Information**

**I13** Reg. 15 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Referral of medical questions for purpose of early payment of full retirement pension on grounds of permanent medical unfitness**

**16.**—(1) Regulation 84 (Referral of medical questions for purpose of early payment of full retirement pension on grounds of permanent medical unfitness) is amended as follows.

(2) For paragraph (1) substitute—

“(1) Before considering whether a deferred member of this scheme is entitled to early payment of a full retirement pension on grounds of permanent medical unfitness, the police pension authority must refer the following questions to the selected medical practitioner for decision—”

(3) After paragraph (2)(c) insert—

“(3) The report is final, subject to—

- (a) an appeal under Schedule 1 against the decision of the selected medical practitioner; or
- (b) the referral under Schedule 1 of the decision of the selected medical practitioner for reconsideration.

(4) For the purpose of paragraph (1), “early payment” means payment before the member reaches the member’s state pension age(2).”

**Commencement Information**

**I14** Reg. 16 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Qualifying Service**

**17.** In regulation 86 (Qualifying service) for paragraph (3) substitute—

“(3) In calculating the member’s qualifying service for a member who falls within regulation 4(1)(b) or (d), a continuous period of service under this scheme or an existing police pension scheme counts as if it were a period of full-time service in the Police Service of Northern Ireland Reserve.”

**Commencement Information**

**I15** Reg. 17 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Entitlement to full retirement pension (active members)**

**18.** In regulation 88 (Entitlement to full retirement pension (active members)), for paragraph (1) (d) substitute—

“(d) the member claims payment of a full retirement pension under regulation 90 (Claim for payment of full retirement pension (active members)).”

(2) See regulation 89(3) for entitlement to early payment of a full retirement pension on the grounds of permanent medical unfitness.

*Status: Point in time view as at 01/04/2024.*

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#### Commencement Information

**I16** Reg. 18 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### Entitlement to full retirement pension (deferred members)

**19.**—(1) In Regulation 89 (Entitlement to full retirement pension (deferred members)) is amended as follows.

- (2) At the end of paragraph (2)(b), insert the word “and”.
- (3) At the end of paragraph (2)(c), for “; and” substitute “.”.
- (4) Omit paragraph (2)(d).
- (5) At the end of paragraph (3)(b), insert the word “and”.
- (6) At the end of paragraph 3(c), for “;” substitute “.”.
- (7) Omit paragraph (3)(d) and associated footnote.
- (8) Omit paragraph (3)(e).

#### Commencement Information

**I17** Reg. 19 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### Claim for payment of full retirement pension (active members)

**20.** In regulation 90 (Claim for payment of full retirement pension (active members)) after paragraph (3) insert—

“(4) Unless this regulation provides otherwise, a member of the police service engaged on relevant service under section 27 of the 1998 Act must give notice of intent to claim the pension in accordance with the notice period that applies under the member’s terms and conditions of employment in relation to termination of service.”

#### Commencement Information

**I18** Reg. 20 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### Notice period for active members

**21.** In regulation 91 (Notice period for active members) at paragraph (1) after “in accordance with” insert “the notice period that applies under”.

#### Commencement Information

**I19** Reg. 21 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### Payment thresholds

**22.**—(1) Regulation 99 (Payment thresholds) is amended as follows.

- (2) For paragraph (1) substitute—

“(1) A member of this scheme meets the lower tier threshold for payment of an ill-health pension (“lower tier threshold”) under this Chapter if the selected medical practitioner gives a report and certificate under Part 6 containing the decision that—

- (a) the member is permanently medically unfit for performing the ordinary duties of a member of the police service; but
- (b) the member is not permanently medically unfit for engaging in any regular employment.”

(3) At paragraph (2) after “(“upper tier threshold”)” insert “under this Chapter”.

**Commencement Information**

**I20** Reg. 22 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Entitlement to payment of ill-health pension**

**23.** In regulation 100 (Entitlement to payment of ill-health pension), at paragraph 2(c) after “ill-health benefits” insert “for the period for which the member has paid contributions at the full member contributions rate under regulation 169”.

**Commencement Information**

**I21** Reg. 23 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Annual rate of ill-health pension under this scheme**

**24.** In regulation 102 (Annual rate of ill-health pension under this scheme), within the formula at paragraph (6), for “pensionable pay” substitute “pensionable service”.

**Commencement Information**

**I22** Reg. 24 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Referral of medical question for purpose of reduction of benefits**

**25.** In regulation 104 (Referral of medical question for purpose of reduction of benefits), at paragraph (5)(b) after “Schedule” insert “1”.

**Commencement Information**

**I23** Reg. 25 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Reduction of pension in case of default**

**26.** In regulation 105 (Reduction of pension in case of default); for paragraph (5) substitute—

“(5) When the member reaches the member’s state pension age, if the reduced pension is less than the amount of full retirement pension that would have been payable to the member under regulation 89(2) had the member reached the member’s state pension age when the member left eligible service, the scheme manager must increase the pension to that amount.”

*Status: Point in time view as at 01/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Police Pensions (Amendment) Regulations (Northern Ireland) 2024, PART 1. (See end of Document for details)*

#### Commencement Information

**I24** Reg. 26 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### Refusal to be medically examined

**27.** In regulation 106 (Refusal to be medically examined) for paragraph (a) substitute—

“(a) the question in regulation 104 (Referral of medical question for purpose of reduction of benefits) is referred to a selected medical practitioner for decision; and”.

#### Commencement Information

**I25** Reg. 27 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### Decision of scheme manager void if appeal against decision of selected medical practitioner is successful

**28.** For regulation 107 (Decision of scheme manager void if appeal against decision of selected medical practitioner is successful) substitute—

“**107.—**(1) A decision of the scheme manager under this Chapter is void if—

- (a) the selected medical practitioner decides that the member has brought about or substantially contributed to the medical unfitness by the member’s own default;
- (b) the member appeals under Schedule 1 against the decision of the selected medical practitioner; and
- (c) the IMR decides that the member did not bring about or substantially contribute to the medical unfitness by the member’s own default.”

#### Commencement Information

**I26** Reg. 28 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### Review of lower tier ill-health pension

**29.** In regulation 108 (Review of lower tier ill-health pension) at paragraph (3), for “chooses” substitute “in its discretion determines”.

#### Commencement Information

**I27** Reg. 29 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### Review and cancellation of enhanced upper tier ill-health pension

**30.—**(1) Regulation 112 (Review and cancellation of enhanced upper tier ill-health pension) is amended as follows.

(2) For paragraph (3) substitute—

“(3) A review may be carried out at intervals of no less than 5 years as the scheme manager in its discretion determines.”



- (3) At paragraph (8)(b) after “report” insert “and certificate”.

**Commencement Information**

**I28** Reg. 30 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Review and cancellation of full retirement pension which came into payment early on the grounds of permanent medical unfitness**

**31.** In regulation 114 (Review and cancellation of full retirement pension which came into payment early on the grounds of medical unfitness), for paragraph (3) substitute—

“(3) A review may be carried out at intervals of no less than 5 years as the scheme manager in its discretion determines.”

**Commencement Information**

**I29** Reg. 31 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Decision of scheme manager void if appeal against decision of selected medical practitioner is successful**

**32.—**(1) Regulation 117 (Decision of scheme manager void if appeal against decision of selected medical practitioner is successful) is amended as follows.

- (2) After “117.” insert “—(1)”.
- (3) After sub-paragraph (a)(i) insert “or”.
- (4) At the end of sub-paragraph (a)(ii), for “;or” substitute “.”.
- (5) Omit sub-paragraph (a)(iii).
- (6) For sub-paragraph (c) substitute—

“(c) the IMR decides that the member is not so permanently medically unfit.”
- (7) After sub-paragraph (c) insert—

“(2) A decision of the scheme manager under this Chapter is void if —

  - (a) the selected medical practitioner decides that—
    - (i) the member is not permanently medically unfit for performing the ordinary duties of a member of the police service; or
    - (ii) the member is not permanently medically unfit for engaging in any regular employment;
  - (b) the member appeals under Schedule 1 against the decision of the selected medical practitioner; and
  - (c) the IMR decides that the member is so permanently medically unfit.”

**Commencement Information**

**I30** Reg. 32 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

*Status: Point in time view as at 01/04/2024.**Changes to legislation: There are currently no known outstanding effects for the The Police Pensions (Amendment) Regulations (Northern Ireland) 2024, PART 1. (See end of Document for details)***Option to buy out early payment reduction**

- 33.**—(1) Regulation 120 (Option to buy out early payment reduction) is amended as follows.
- (2) In paragraph (2) after “buy out” insert “all or part of”.
- (3) In paragraph (3) after “The cost” insert “to buy out all or part of the early payment reduction”.

**Commencement Information**

**I31** Reg. 33 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Death gratuity – estate**

- 34.**—(1) Regulation 165 (Death gratuity – estate) is amended as follows.
- (2) For paragraph (1) substitute—
- “(1) This regulation applies in relation to a member of this scheme—
- (a) who dies as an active member; or
- (b) who dies as a deferred member or a pension member of this scheme if the death results from an injury received in the execution of his duty; or
- (c) who dies as a pension member of this scheme if the member dies within 2 years after becoming a pensioner member.”
- (3) In paragraph (4) for “A claim for payment” substitute “For the purpose of an appeal to the Department under regulation 206 (Appeals to the Department), a claim for payment”.

**Commencement Information**

**I32** Reg. 34 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Rate of member’s contribution**

- 35.**—(1) Regulation 169 (Rate of member’s contributions) is amended as follows—
- (2) At paragraph (2) after “column 2” omit “or 3”.
- (3) For paragraph (3) substitute—
- “(3) Column 2 sets out the member contributions rate that applies for payment of ill-health benefits under this scheme (“full member contributions rate.”)”
- (4) Omit paragraphs (4) and (5).
- (5) Renumber paragraph (6) as (4).
- (6) Renumber paragraph (7) as (5).
- (7) In the table, (“For each scheme year falling in period beginning 1<sup>st</sup> April 2015”) omit column 3 “(Reduced Member Contributions rate)”.

**Commencement Information**

**I33** Reg. 35 in operation at 1.4.2024, see [reg. 2](#)

## Employer contributions

36. In regulation 173 (Employer contributions) at paragraph (1) for “35” substitute “46.6”.

### Commencement Information

I34 Reg. 36 in operation at 1.4.2024, see [reg. 2](#)

## Commutation of small pensions

37.—(1) Regulation 202 (Commutation of small pensions) is amended as follows.

(2) Omit paragraph (5)(a) and associated footnote.

(3) For “(b)” substitute “(a)”, for “(c)” substitute “(b)” and for “(d)” substitute “(c)”.

### Commencement Information

I35 Reg. 37 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(d)

## Interpretation and application

38. In regulation 203 (Interpretation and application) omit paragraph (1)(c) and associated footnote.

### Commencement Information

I36 Reg. 38 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(d)

## Forfeiture: offences committed by members

39.—(1) Regulation 209 (Forfeiture: offences committed by members) is amended as follows.

(2) After paragraph (3) insert—

“(3A) The pension supervising authority may to the extent that in its discretion it thinks fit restore to the member or apply for the benefit of an eligible child or surviving adult of the member any amount of pension that has been forfeited under this regulation.”

(3) In paragraph (4) at “relevant offence” for “(c)” substitute “(a)” and for “(d)” substitute “(b)”.

### Commencement Information

I37 Reg. 39 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

## Forfeiture: offences committed by a member’s beneficiary

40.—(1) Regulation 210 (Forfeiture: offences committed by a member’s beneficiary) is amended as follows.

(2) Omit paragraph (3).

(3) Renumber paragraph (4) as (3).

(4) For paragraph (5) substitute—

“(4) In this regulation—

*Status: Point in time view as at 01/04/2024.*

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“beneficiary” in relation to a deceased member of this scheme, means surviving adult or eligible child of the member,”

“relevant criminal offence” means—

- (a) the murder of the member;
- (b) the manslaughter of the member; or
- (c) any other offence of which the unlawful killing of the member is an element.”

#### **Commencement Information**

**I38** Reg. 40 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### **Reduction of benefits where annual allowance charge paid by scheme manager**

**41.** In regulation 219 (Reduction of benefits where annual allowance charge paid by scheme manager) after paragraph (4) insert—

“(5) In this regulation—

“*tax year*” means a period of one year which is the period of assessment for income tax purposes.”

#### **Commencement Information**

**I39** Reg. 41 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### **Medical decisions: appeals and reconsideration**

**42.**—(1) Schedule 1 (Medical decisions: appeals and reconsideration) is amended as follows.

(2) After “Regulations”, for “77 and 78” substitute “75, 79, 104, 115 and 207”.

(3) In paragraph 1 (Interpretation) in “medical decision” for sub paragraph (d) substitute—

“(d) a report by the selected medical practitioner under regulation 104 (referral of medical question for purpose of reduction of benefits)”.

#### **Commencement Information**

**I40** Reg. 42 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

#### **Transitional provisions**

**43.**—(1) Schedule 4 (Transitional provisions) is amended as follows.

(2) For paragraph 39(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 (member’s 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 if

those provisions applied for the calculation instead of paragraphs (3) to (6) of this paragraph.”

**Commencement Information**

**I41** Reg. 43 in operation at 1.4.2024 see [reg. 2](#) and with effect in accordance with reg. 2(c)

**Status:**

Point in time view as at 01/04/2024.

**Changes to legislation:**

There are currently no known outstanding effects for the The Police Pensions (Amendment) Regulations (Northern Ireland) 2024, PART 1.