EXPLANATORY MEMORANDUM
TO THE

Police Pensions (Amendment) Regulations (Northern Ireland) 2025

S.R. 2025 No. 190

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (detailed above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred by sections 1(1) and (2)(g) (together with paragraph 7 of Schedule 2), 3(1), (2)(a) and (b) (together with Schedule 3) and (3)(a) and (b) of the Public Service Pensions Act (Northern Ireland) 2014[1] (the 2014 Act).

1.3 This rule is subject to the negative resolution procedure in the Assembly and is due to come into operation on 1 February 2025.

2. Purpose

2.1 The purpose of these Regulations is to provide active or deferred members in the 2015 Police Pension Scheme, who were previously ineligible to apply for ill health retirement for the period 1 April 2015 to 31 March 2024, with the option to elect to do so, from the date they joined the 2015 scheme and to make a technical amendment to improve the operation of the 2015 scheme.

3. Background

3.1 In 2023, the Department proposed to amend the then ill health eligibility rules in two stages (Prospective and Retrospective), the premise being that the Home Secretary had conceded (in a legal challenge "Ker v Chief Constable of West Yorkshire"), that the exclusion of officers from ill health benefits in the 2015 police pension scheme, contravened the non-discrimination rule in s.61 Equality Act 2010.

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[1] 2014 c.2 (N.I.). Section 3(1) was amended by section 94(12) of the Public Service Pensions and Judicial Offices Act 2022.

3.2 These regulations seek to retrospectively remove the potential for indirect disability discrimination for those active or deferred officers in the 2015 scheme currently excluded from Ill health benefits from the period they joined the 2015 scheme until 31 March 2014.

3.3 The *Prospective Stage* was introduced by the Police Pension (Amendment) Regulations (NI) 2024 and resulted in the removal of ill health eligibility exclusions and reduced employee contribution rates from 1 April 2024. From that date new joiners to the Police Service of Northern Ireland are no longer excluded from the 2015 scheme and previously ineligible members became eligible from 1 April 2024 subject to the normal 2015 pension scheme rules.

3.4 *The Retrospective Stage* – relates to police officers that joined the 2015 scheme (between the 1 April 2015 and the 31 March 2024 inclusive) who had previously been medically assessed as being ineligible for Ill Health Retirement and who have paid a reduced pension contribution under Regulation 169.

3.5 These regulations address the *Retrospective Stage* and provide for an active or deferred member of the 2015 scheme, who in satisfying the requirements of that scheme, may wish to elect for Ill Health Retirement benefits.

3.5 A technical amendment is being applied to Regulation 2 (Interpretation) of the Police Pension 2015 Scheme Regulations in order to improve the operation of the pension scheme established by those Regulations and will be effective from 1 April 2015.

4. Consultation

4.1 As required by section 22 of the 2014 Act, the Department of Justice has consulted the Northern Ireland Policing Board and the Police Association for Northern Ireland. The consultation was also extended to the Chief Constable of the Police Service of Northern Ireland and the Police Scheme Advisory Boards for Northern Ireland and for England and Wales. Respondents were supportive of the introduction of these regulations.

4.2 In accordance with section 3(5) of that Act, the Department of Justice has obtained the consent of the Department of Finance.

4.3 The level of public interest in the introduction of these amendments is low. There was no public consultation process and no media coverage.

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 a 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 pensions provision. It is anticipated that any costs will not immediately come through the current valuation process but that it may appear across several valuations as members take ill-health benefits, to which they previously were not entitled. In reality, this may not be the case.

8. Section 24 of the Northern Ireland Act 1998

8.1 The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10 Parity or Replicatory measure

10.1 Similar amendments relating to the removal of the disability discrimination are also planned for police schemes in Great Britian.

11. Additional Information

11.1 Not applicable.