EXPLANATORY MEMORANDUM

THE POLICE SERVICE OF NORTHERN IRELAND AND POLICE SERVICE OF NORTHERN IRELAND RESERVE (INJURY BENEFIT) (AMENDMENT) REGULATIONS 2021

SR 2021 No. 43

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 25(2)(k) and 26(2)(g) of the Police Northern Ireland Act 1998 and Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972; and sections 1(1) and (2)(g), 2 and 3 and 18(5) to (8) of, and Schedule 3 to the Public Service Pensions Act (Northern Ireland) 2014 and is subject to the negative resolution procedure.

2. Purpose of the Instruments

2.1 The Regulations make provision to amend a number of instruments relating to pensions and injury on duty, payable in respect of police officers in Northern Ireland.

3. Legislative Context

3.1 These Regulations principally amend the "PSNI and PSNI Reserve (Injury Benefit) Regulations 2006 to align the 2015 police pension scheme to match the interaction that the 1988 and 2006 pension schemes already have with the Police Injury on Duty Scheme.

4. Policy background

4.1 In advance of any further recommendations provided by the review of the PSNI Injury on Duty Scheme, the amendments resolve the offset issue identified in bullet point 1 of Recommendation 4 of the NIAO report on Injury on Duty Schemes for officers in the PSNI and NI Prison Service.

4.2 The regulations amend the Police Injury Benefit Regulations, to ensure that the Police Injury on Duty Scheme continues to work effectively for officers, who join the career average police pension's scheme, established by the Police Pensions Regulations (NI) 2015 (the 2015 scheme) and allows for the calculation of a police injury on duty award by reference to the 2015 police pension scheme, for 2015 scheme members.

4.3 The regulations also make a number of amendments to the 2015 Police Pension Regulations to improve the operation of the 2015 pension scheme and allow for some minor corrections to the provisions relating to the 1988 and 2006 police pension schemes.

5. Consultation

5.1 In exercise of the powers conferred by the Police (NI) Act 1988 ("1988 Act") and section 21(1) of the Public Service Pensions Act (Northern Ireland) Act 2014 ("2014 Act"), the Department of Justice has consulted policing stakeholders.

5.2 In accordance with section 72(2A) of the 1998 Act and section 3(5) of the 2014 Act, the Department of Justice has obtained the consent of the Department of Finance.

5.3 The consultation ran for 8 weeks from 2 October until 26 November 2020. The level of public interest in the introduction of these amendments was low. There was no public consultation process and no media coverage.

6. Equality Impact

6.1 Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998 and the Department has identified no equality issues.

7. Regulatory Impact

7.1 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.

8. Financial Implications

8.1 The impact on the public sector is limited to the area of police pension provision. It is not anticipated to result in any costs.

9. Section 24 of the Northern Ireland Act 1998

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

10. European Implications

10.1 Not applicable.

11. Parity or Replicatory measure

11.1 None, except that the amendment relates to the Public Sector Pensions Act 2014 (which applies to Northern Ireland), as opposed to the Public Service Pensions Act 2013 which applies in Scotland, England and Wales.

11.2 Similar legislation has been prepared in Scotland, England, and Wales.

12. Additional Information

12.1 Not applicable.