1980 No. 101

POLICE

Royal Ulster Constabulary Pensions (Amendment No. 3) Regulations 1980

Made . . . . . 13th March 1980

Coming into operation in accordance with regulation 2

To be laid before Parliament.

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(**a**) read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(**b**), and after consulting, in accordance with section 34(2) of the said Act, the Police Authority for Northern Ireland and the Police Association for Northern Ireland, and, in accordance with section 4(5) of the Police Act 1969(**c**), the Police Council for the United Kingdom, hereby with the concurrence of the Minister for the Civil Service makes the following regulations:—

Citation

1. These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment No. 3) Regulations 1980.

Commencement and effect

2. These regulations shall come into operation on 1st April 1980 and shall have effect—

(*a*) for the purposes of paragraph (*a*) of regulation 4, as from 1st April 1972;

(*b*) for the purposes of paragraph (*b*) of regulation 4, as from 29th July 1977;

(*c*) for the purposes of paragraph (*c*) of regulation 4, as from 6th April 1978;

(*d*) for the purposes of paragraph (*d*) of regulation 4, as from 1st April 1980;

(*e*) for the purposes of paragraph (*e*) of regulation 4, as from 6th April 1980.

Interpretation

3. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary Pensions Regulations 1973(**d**).

Amendments to the principal regulations

4. The principal regulations shall have effect—

(*a*) from 1st April 1972 subject to the amendments specified in Part I of the Schedule;

(*b*) from 29th July 1977 subject to the amendments specified in Part II of the Schedule;

(*c*) from 6th April 1978 subject to the amendments specified in Part III of the Schedule;

(**a**) 1970 c.9 (N.I.) as modified by S.I. 1973/2163 (1973 III, p.7541)
(**b**) S.I. 1972/1073 (N.I. 10)
(**c**) 1969 c.63
(**d**) S.R. & O. (N.I.) 1973 No. 317 (II, p. 1722) as amended by S.R. 1978 No. 73 (I, p. 180) and S.R. 1978 No. 332 (II, p. 1167)

(*d*) from 1st April 1980 subject to the amendments specified in Part IV of the Schedule;

(*e*) from 6th April 1980 subject to the amendments specified in Part V of the Schedule.

Transitional award

5. In the case of a member who ceased to be a member before 1st April 1980 and to whom regulation 20D of the principal regulations applies by virtue only of the amendment made by Part III of the schedule to these regulations, notice in writing for the purposes of paragraph (2) or (3) of that regulation may be given at any time before 1st August 1980.

Humphrey Atkins
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
13th March 1980

The concurrence of the Minister for the Civil Service given under her Official Seal on 13th March 1980.

(L.S.)

T. A. A. Hart
Authorised by the Minister for the Civil Service

SCHEDULE Regulation 4

PART I

Amendments to the Principal Regulations taking effect from 1st April 1972

1. In paragraph 1(1) of Part IV of Schedule 3 there shall be inserted after sub-paragraph (*b*) the following provision—

"(*bb*) if he had made an election under regulation 51(3), or if paragraph 3 of Part VIII of Schedule 2 applied to his case, and the period of pensionable service taken into account in making any calculation under that regulation, or that Part of that Schedule, was less than a year, that period of service;".

2. In paragraph 1(2) of that Part there shall be inserted after sub-paragraph (*b*) the following provision—

"(*bb*) if he had made such an election as is mentioned in regulation 50, or an election under regulation 51(2), or if paragraph 2 of Part VIII of Schedule 2 applied to his case, and the period of pensionable service taken into account in making any calculation under that regulation, or that Part of that Schedule, was less than a year, that period of service;".

3. In paragraph 2 of that Part there shall be inserted after sub-paragraph (1) the following provision—

"(1A) For the purposes of sub-paragraph (1), in calculating the husband's deferred pension the following provisions shall be disregarded, that is to say:—

(*a*) the restrictions on payment contained in regulation 20B(2), and

(*b*) the provisions for the reduction of a pension contained in regulations 21(6) and 22(7) and in Parts VII and VIII of Schedule 2.".

PART II

Amendments to the Pricipal Regulations taking effect from 29th July 1977

In regulation 16—

(*a*) there shall be inserted in paragraph (4) after the words "30 years' pensionable service" the words "who has not served as a member before 8th August 1961"; and

(*b*) paragraph (5) shall be omitted.

PART III

Amendments to the Principal Regulations taking effect from 6th April 1978

In regulation 20D—

(*a*) in paragraph (1) for the words "whose average pensionable pay has not exceeded £5,000 in any tax year" there shall be substituted the words "whose total pensionable pay has not exceeded £5,000 in any tax year falling within the appropriate period of service"; and

(*b*) in paragraph (6) for the words "paragraph (5)" there shall be substituted the words "paragraphs (1) and (5)".

PART IV

Amendments to the Principal Regulations taking effect from 1st April 1980

1. For regulation 49 there shall be substituted the following regulation:

"49. A member shall pay pension contributions to the Police Authority at the rate of 1p a week less than 7 per cent of his pensionable pay, in the case of a man, or less than 5 per cent of her pensionable pay, in the case of a woman.".

2. For regulation 57 there shall be substituted the following regulation:—

"57. Without prejudice to the generality of regulation 97, in the case of a member who has been a member of a police force in Great Britain—

(*a*) regulation 50 shall apply as if the reference therein to paragraph 36A of the Schedule to the 1949 Order included a reference to regulation 35A of the Police Pensions Regulations 1955(**e**), as set out in regulation 13 of the Police Pensions Regulations 1956(**f**) or to regulation 37A of the Police Pensions (Scotland) Regulations 1955(**g**), as set out in regulation 13 of the Police Pensions (Scotland) Regulations 1956(**h**); and

(*b*) notwithstanding that he is not such a man as is mentioned in regulation 51(1), if he elected to pay additional or further contributions under any provision of the legislation relating to pensions of regular policemen in Great Britain corresponding to regulation 51(2) or (3), regulation 51 and Part I of Schedule 5 shall apply as if he had elected under regulation 51(2) or, as the case may be, regulation 51(3).".

3. For sub-paragraphs (1) to (4) of paragraph 1 of Part VII of Schedule 2 there shall be substituted the following sub-paragraphs:—

"(1) In any case to which sub-paragraph (2) or (3) applies, the unsecured portion of an ordinary, ill-health, short service or deferred pension shall be reduced in respect of any period beyond insured pensionable age by an amount calculated in accordance with the provisions of the relevant sub-paragraph.

(2) In the case of a person who has paid pension contributions at a rate of 6p a week less than the appropriate percentage of his pensionable pay by reason of the giving of a notice in accordance with paragraph 36(3) of the Schedule to the 1949 Order, the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying the sum in the second column of the following Table set opposite to the age in the first column of the said Table which he had attained at the appropriate date by the number of years specified in sub-paragraph (4):—

TABLE

Age at appropriate date	Sums to be multiplied
Less than 23	1.70
23	1.65
24	1.60
25	1.55
26	1.525
27	1.50
28	1.475
29	1.45
30	1.425
31	1.40
32	1.375
33	1.35
34	1.325
35	1.30
36	1.30
37	1.275
38	1.25
39	1.25
40	1.225
41	1.225
42	1.20
43	1.20
44 or more	1.175

In this sub-paragraph the expression "appropriate date" means 5th July 1948.

(**e**) S.I. 1955/480
(**f**) S.I. 1956/385
(**g**) S.I. 1955/485
(**h**) S.I. 1956/434

(3) In the case of any other person who has paid pension contributions at a rate of 6p a week less than the appropriate percentage of his pensionable pay, the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying £1.70 by the number of years specified in sub-paragraph (4).

(4) The number of years referred to in sub-paragraphs (2) and (3) is the period of service in years in respect of which the person concerned has paid pension contributions as a member or as a member of a police force in Great Britain at a rate of 6p a week less than the appropriate percentage of his pensionable pay:

Provided that there shall be excluded from the said period any period or periods—

(*a*) in respect of which the person concerned was not entitled to reckon any pensionable service for the purposes of the pension in question; or

(*b*) which fell after the date on which the person concerned would have been entitled, if he had retired, to a pension equal to two-thirds of his average pensionable pay.''.

4. For sub-paragraphs (2) to (4) of paragraph 2 of Part I of Schedule 7 there shall be substituted the following sub-paragraphs:—

''(2) Where the member's notional deferred pension would fall to be reduced under paragraph 1 of Part VII of Schedule 2, the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount of that reduction multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(3) In the case of a member entitled to reckon pensionable service, immediately before he ceased to be a member of his former force, by virtue of a participating period of relevant employment, the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount by which the member's notional deferred pension would fall to be reduced under paragraphs 2 and 3 of Part VII of Schedule 2 multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(4) For the purposes of sub-paragraph (3) a period shall be treated as a participating period of relevant employment notwithstanding that a payment in lieu of contributions only fell to be made after the member ceased to be a member of his former force.''.

PART V

Amendments to the Principal Regulations taking effect from 6th April 1980

In regulation 20D—

(*a*) in paragraph (1) the words ''and whose total pensionable pay has not exceeded £5,000 in any tax year falling within the appropriate period of service'' shall be omitted; and

(*b*) in paragraph (6) for the words ''paragraphs (1) and (5)'' there shall be substituted the words ''paragraph (5)''.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations amend the Royal Ulster Constabulary Pensions Regulations 1973.

Part I of the Schedule, which takes effect from 1st April 1972, makes minor changes in the method of calculation of widow's accrued pension.

Part II of the Schedule, which takes effect from 29th July 1977, removes the limitation on the payment of ordinary pension before the age of 50 to persons serving on or before 7th August 1961 who left the police and subsequently re-joined.

Part III of the Schedule relaxes the £5,000 earnings limit on refunds of aggregate pension contributions with effect from 6th April 1978.

Part IV of the Schedule, which takes effect from 1st April 1980, abolishes the provision for flat-rate national insurance modification for service on or after 1st April 1980.

Part V of the Schedule abolishes the earnings limit on refunds of aggregate pension contributions with effect from 6th April 1980.