

1984 No. 41

POLICE

Royal Ulster Constabulary Pensions (Amendment) Regulations 1984

Made 10th February 1984

Coming into operation 15th March 1984

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 2(3) of the Police Negotiating Board Act 1980(c), the Police Negotiating Board for the United Kingdom, hereby, with the concurrence of the Treasury, makes the following regulations:—

Citation, commencement and effect

1.—(1) These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment) Regulations 1984.

(2) These regulations shall come into operation on 15th March 1984 and shall have effect—

(a) for the purposes of regulations 3, 4 and 8, as from 1st January 1982; and

(b) for the purposes of regulations 5, 6 and 7, as from 25th November 1982.

Interpretation

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

Member's ordinary pension

3. At the end of paragraph (4) of regulation 16 of the principal regulations there shall be inserted the following words:—

“or, if he sooner becomes permanently disabled, before he becomes so disabled.”.

Payment and duration of awards

4. For sub-paragraph (a) of paragraph (1) of regulation 72 of the principal regulations there shall be substituted the following provision:—

“(a) where the pension is an ordinary pension and the limitation imposed by regulation 16(4) on the making of payments in respect of a person entitled to reckon less than 30 years' pensionable service applies, in which case the pension shall be so payable as from the date he attains the age of 50 years or, if he sooner becomes permanently disabled, as from the date on which he becomes so disabled.”.

(a) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and S.I. 1981/1670

(b) S.I. 1972/1073 (N.I. 10)

(c) 1980 c. 10

(d) S.R. & O. (N.I.) 1973 No. 317 as amended by S.R. 1976 No. 401 and S.R. 1978 Nos. 73 and 332

Child's ordinary and special allowances

5.—(1) In regulations 34(2) and 35(2) of the principal regulations there shall in each case before the words “and IV” be inserted the words “IIA”, and in paragraph 1 of Part III of Schedule 4 to those regulations there shall be substituted for the words “Part I” the words “Parts I and IIA”.

(2) There shall after Part II of Schedule 4 to the principal regulations be inserted the following provision:—

“PART IIA Regulations 34, 35 and 37

REDUCTION IN CHILD'S ALLOWANCE WHERE CHILD IN FULL-TIME
REMUNERATED TRAINING

1.—(1) This Part shall apply where an allowance is payable to a child by virtue of regulation 34, 35 or 37 (or would be so payable but for the provisions of this Part) and the child is—

- (a) in full-time training for a trade, profession or calling, and
- (b) in receipt of remuneration in respect of that training in excess of the specified annual rate:

Provided that, where the parent in respect of whose death a child's allowance is payable to that child died or ceased to be a member before 15th March 1984, this Part shall not apply in the case of that child until he has attained the age of 19.

(2) In this Part—

“the relevant child” means a child in whose case this Part applies by virtue of sub-paragraph (1);

“the specified annual rate” means an amount rounded up to the nearest £1, equal to £250 a year, increased from time to time by the amount by which a corresponding official pension within the meaning of the Pensions (Increase) Act (Northern Ireland) 1971(a) of that amount, which began on 1st June 1972, would from time to time be increased under an Order made under section 2 of that Act or Article 69 of the Social Security Pensions (Northern Ireland) Order 1975(b) if such a pension were payable to the relevant child and fell to be paid on the days on which his remuneration fell to be paid;

“the excess remuneration” means the amount by which the relevant child's remuneration exceeds the specified annual rate; and

“the relevant provisions” means paragraphs 1(3) and 2(3) of Part I, and paragraphs 1(3) and 2(3) of Part II, of this Schedule.

2. In the case of any relevant child—

- (a) if the annual amount of the allowance is greater than the amount of the excess remuneration, it shall be reduced by the amount of the excess remuneration; and
- (b) if the amount of the excess remuneration is equal to or greater than the annual amount of the allowance which, but for this sub-paragraph, would be payable to him, no allowance shall be so payable to him.

3.—(1) Where as well as any relevant child there are other children to whom allowances are payable in respect of the same death, in circumstances to which

(a) 1971 c. 35 (N.I.) as modified by S.I. 1974/1741

(b) S.I. 1975/1503 (N.I. 15) as amended by Article 10 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))

any of the relevant provisions apply (or would but for this paragraph apply), the allowances payable to those other children (hereinafter called "the other allowances") shall be calculated in accordance with the following provisions of this Part.

(2) If paragraph 2(a) applies to any child, then, subject to sub-paragraphs (3) and (4), the other allowances shall be increased by dividing the excess remuneration in his case amongst those other allowances.

(3) If paragraph 2(b) applies to any child, then, subject to sub-paragraphs (2) and (4), the other allowances shall be recalculated as if he were not a child of the member.

(4) Notwithstanding the preceding provisions of this Part—

- (a) no child shall by virtue of those provisions receive an allowance greater than that to which he would be entitled if the relevant provision in question did not apply to his case; and
- (b) the total amount to be paid under each of the relevant provisions, together with any increase in that amount required by virtue of paragraph 5(2) of Part I, or as the case may be, paragraph 3 of Part II, shall not by virtue of the preceding provisions of this Part exceed the maximum amount which otherwise would be paid under the relevant provision in question, together with any such increase in that amount required as aforesaid."

Limitation on child's award

6. Regulation 39 of the principal regulations shall have effect subject to the following amendments:—

- (a) the word "or" immediately following sub-paragraph (e) of paragraph (1) and sub-paragraph (f) of that paragraph shall be omitted, and for the words "and, without prejudice as aforesaid" to the end of the paragraph there shall be substituted the following words:—

"and, without prejudice to the foregoing, a child's gratuity shall not be granted to a child who attained the age of 17 years before the date of the relevant parent's death unless at that date he is—

- (i) undergoing full-time education; or
 - (ii) in full-time training of at least one year's duration for a trade, profession or calling (hereinafter referred to as "full-time vocational training"); or
 - (iii) both permanently disabled and substantially dependent on that parent."
- (b) there shall be substituted for paragraph (2) the following paragraphs:—

"(2) Subject to paragraph (2A), a child's allowance shall not be payable to a child who has attained the age of 16 years and who is in full-time employment, unless he is in full-time vocational training, or to a child who has attained the age of 17 years unless he is—

- (a) undergoing full-time education; or
- (b) in full-time vocational training; or
- (c) permanently disabled, and—

- (i) was both permanently disabled and substantially dependent on the relevant parent at the time of his death; or
- (ii) became so disabled while in receipt of a child's allowance; or
- (iii) the Police Authority, having regard to all the circumstances of the case, in their discretion determine to pay a child's allowance to him.

(2A) A child's allowance shall not be payable by virtue of sub-paragraph (a) or (b) of paragraph (2) to a child who has attained the age of 19 years unless—

- (a) immediately before the date on which he attained that age he was undergoing education or in training as mentioned therein and has at all times thereafter, without any period of interruption, either been undergoing such education or in such training; or
- (b) the Police Authority, having regard to all the circumstances of the case, in their discretion determine that, notwithstanding any such period of interruption as is mentioned in sub-paragraph (a), a child's allowance shall be so payable."

Application of certain provisions in regulation 6

7.—(1) Where, but for regulation 6, a child in whose case this paragraph applies would, by reason of his disability, be entitled to a gratuity or paid an allowance, he shall continue to be so entitled notwithstanding that regulation.

(2) Paragraph (1) applies in the case of a child where the relevant parent died or ceased to be a member before 15th March 1984.

(3) In paragraph (2) "relevant parent" has the same meaning as in regulation 39(4) of the principal regulations.

Gratuities — relatives or estate

8.—(1) There shall be substituted for regulation 40 of the principal regulations the following provision:—

"40.—(1) Where a member dies—

- (a) while serving as such and no other award is payable under these regulations; or
- (b) while in receipt of a pension or while entitled to a deferred pension and death—
 - (i) results from an injury received in the execution of his duty; or
 - (ii) takes place within 2 years of the grant of his pension,

the Police Authority may, in their discretion, grant a gratuity to any of his relatives who were dependent on him to any degree at the time of his death.

(2) The aggregate of all gratuities paid under paragraph (1) shall not exceed the aggregate pension contributions in respect of the relevant period of service of the member concerned.

(3) Where a member dies while serving as such, or while entitled to a pension, other than an injury pension or a pension under regulation 20C, then if the aggregate of—

- (a) the amount paid to him in respect of any award (including the lump sum paid to him where his pension is reduced under regulation 21 (commutation of pension)) together with any increase in that amount under an Order made under section 2 of the Pensions (Increase) Act (Northern Ireland) 1971, or Article 69 of the Social Security Pensions (Northern Ireland) Order 1975, or in consequence of The Pensions (Increase) (Northern Ireland) Order 1974(a);
- (b) any gratuity payable in respect of his death; and
- (c) the actuarial value of any pension or allowance payable in respect of his death (calculated in accordance with tables prepared from time to time by the Government Actuary),

is less than his aggregate pension contributions in respect of his relevant period of service, the Police Authority shall pay a gratuity equal to the difference to his legal personal representative."

Reckoning of pensionable service

9.—(1) In regulation 43 of the principal regulations—

(a) for the words from “The pensionable service” to “provisions of this Part” there shall be substituted the following words:—

“(1) Subject to paragraph (2), the pensionable service reckonable by a member at any date (hereinafter referred to in this Part as the “relevant date”) shall be determined in accordance with the succeeding provisions of this Part:” and

(b) after the words “shall not be reckonable as pensionable service” there shall be inserted the following provision:—

“(2) Where a member last became a regular policeman in Great Britain after 15th March 1984 and would, apart from this paragraph, be entitled to reckon pensionable service under both regulation 44 and sub-paragraph (a) of regulation 45,—

(a) in reckoning his pensionable service the said sub-paragraph (a) shall be disregarded, and regulation 44 shall apply as though the member joined the force on the date he last became a regular policeman in Great Britain; and

(b) if he had become entitled to reckon pensionable service under regulation 46, 47 or 47A after last becoming a regular policeman in Great Britain but before transferring to the force, he shall be entitled so to reckon that service as though that service had become so reckonable by him while he was serving in the force.”;

(2) There shall be inserted—

(a) at the beginning of regulation 45, the words “subject to the provisions of these regulations,”;

(b) at the beginning of regulation 75(1) the words “Without prejudice to the provisions of regulation 43(2)(a)”.

Northern Ireland Office
10th February 1984

James Prior
One of Her Majesty's Principal
Secretaries of State

Alastair Goodlad
Donald Thompson
Two of the Lords Commissioners
of Her Majesty's Treasury

We concur.
15th February 1984

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Royal Ulster Constabulary Pensions Regulations 1973 with effect, as provided by regulation 1(2), in the case of regulations 3, 4 and 8 as from 1st January 1982 and in the case of regulations 5, 6 and 7 as from 25th November 1982.

Regulation 3 amends regulation 16(4) of the 1973 Regulations so that where a member who has retired with an entitlement to an ordinary pension payable from the age of 50 becomes permanently disabled before reaching that age, his ordinary pension comes into immediate payment. Regulation 4 makes a consequential amendment.

Regulation 5 inserts a new Part IIA in Schedule 4 to the 1973 Regulations providing that an allowance payable to a child in full-time vocational training (in the 1973 Regulations referred to as an apprentice) shall be reduced by the amount by which his remuneration exceeds a specified annual rate. Provision is made for appropriate adjustments to any other child allowances payable. The new Part IIA preserves the existing rights of children whose parents have already died or ceased to serve at 15th March 1984 and who may have a potential entitlement to a full allowance while in such training under age 19.

Regulation 6 amends regulation 39 of the 1973 Regulations so as to raise the "lower age limit" (i.e., an age limit above which a child's allowance or gratuity is not payable) from 16 to 17; remove, subject to certain conditions, the "upper age limit" (i.e., a limitation that such an allowance or gratuity is not payable over the age of 19); and ensure that a child over 17 will not receive a child gratuity or allowance by reason of being permanently disabled if he had become financially independent of his parent before that parent's death. Regulation 7 safeguards the existing rights of children whose parents have already died or ceased to serve at 15th March 1984.

Regulation 8, which replaces regulation 40 of the 1973 Regulations, extends the present provisions relating to discretionary powers to pay gratuities to dependent relatives so that such a gratuity may be paid in respect of a member who dies while entitled to a deferred pension not yet in payment, and provides for any excess of a member's aggregate pension contributions over the total amount of any awards payable under the 1973 Regulations to be paid to his legal personal representative.

Regulation 9(1) amends regulation 43 of the 1973 Regulations to ensure that a member who last became a member or a regular policeman in Great Britain after the operative date of these Regulations does not gain an extra day of pensionable service if he transfers between two police forces in a leap year. Paragraph (2) makes consequential amendments.

Retrospection is authorised by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972.