



## Public Sector Pensions Act 2011

# POLICE PENSIONS (AMENDMENT) REGULATIONS 2013

*Approved by Tynwald:*

*Coming into Operation:*

*15 May 2013*

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The Public Sector Pensions Authority makes the following Regulations under section 6 (1) (c) and 7(3) of the Public Sector Pensions Act 2011<sup>1</sup>.

### **1 Title**

These Regulations are the Police Pensions (Amendment) Regulations 2013.

### **2 Commencement**

- (1) If approved by Tynwald, these Regulations come into operation on when made.
- (2) Once these regulations are in operation —
  - (a) the provisions applied by regulation 3 (3) and 4 (1) have effect on and after the date on which they came into force in England and Wales;
  - (b) regulation 5 so far as relating to the amendment to paragraph 14(1) of the Police Pensions Regulations 2010 has effect on and after 1 April 2010; and
  - (c) save as provided above, regulations 3 to 6 have effect on and after 6 April 2010.

### **3 Application of the Police Pensions (Amendment) Regulations 2006 and the Police Pensions (Amendment) Regulations 2010**

- (1) Subject to paragraphs (2) and (3), references to any Act of Parliament or statutory instrument (including the applied Regulations), or any provision of such an Act or instrument, applied to the Island by or under

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<sup>1</sup> 2011 c.18

an Act of Tynwald, will be read as reference to the Act, instrument or provision as it has effect in the Island.

- (2) The Police Pensions (Amendment) Regulations 2006<sup>2</sup> apply to the Island subject to the omission of regulation 3 and Schedule 2 but –
  - (a) In Schedule 1 –
    - (i) in paragraph 3, in the substituted regulations C9 and C9A, for “5 December 2005” (in each place it occurs) substitute **“6<sup>th</sup> April 2011”**;
    - (ii) omit paragraph 6;
    - (iii) in paragraph 8 for “5<sup>th</sup> April 2006” (in each place it occurs) substitute **“31 March 2012”**;
    - (iv) in paragraph 10 for “5 December 2005” substitute **“6<sup>th</sup> April 2011”**;
  - (3) The Police Pensions (Amendment) Regulations 2010<sup>3</sup> apply to the Island but –
    - (a) In Schedule 1 –
      - (i) omit paragraphs 1 to 4, 10(3), 12 and 14;
      - (ii) in paragraph 7(4), in the definition of “the commutation requirements”, omit sub-paragraph (b) and (d);
      - (iii) in paragraph 7(4), in the definition of “relevant award”, omit sub-paragraph (d);
      - (iv) in paragraph 8(2), for “section 205 of the Finance Act 2004”, substitute **“section 8 of the Income Tax (retirement Benefit Schemes) Act 1978 an Act of Tynwald”**;
    - (b) in Schedule 3, omit paragraph 2.

#### **4 Amendment of Schedule 2 to the Police Pensions (Old Scheme) (Amendment) Regulations 2010**

- (a) In paragraph 10 of Schedule 2 to the Police Pensions (Old Scheme) (Amendment) Regulations 2010<sup>4</sup> for sub-paragraph (1) (a) substitute –
  - “(a) in the inserted regulation F1(1B)(b), for “(including any statutory maternity pay payable to her under the Social Security Contributions**

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<sup>2</sup> SI 2006/740

<sup>3</sup> SI 2010/431

<sup>4</sup> SD 96/10

and Benefits Act 1992)" substitute – "(including any maternity allowance payable under the Social Security (Maternity Allowance Regulations 1987<sup>5</sup>;"

- (b) In paragraph 24 of Schedule 2 to the Police Pensions (Old Scheme) (Amendment) Regulations 2010 -
  - (a) in sub-paragraph (1) (a), after "4(1)(a) and (b) and (3)" insert "5,6(a) and (b)";
  - (b) in sub-paragraph (1) (c), after the substituted "report" insert "and for "Secretary of State" substitute "Governor".

## **5 Amendment of the Schedule to the Police Pensions Regulations 2010**

In the Schedule to the Police Pensions Regulations 2010<sup>6</sup> -

- (a) omit paragraphs 7, 14(1), 17(1), 18, 23(1), (2)(a) and (b), 26(2) and (3), 27 and 36;
- (b) in paragraph 19(2) (a) omit ", and for "parental leave" and substitute "paternity leave";
- (c) in paragraph 23(2)(c) for "sub paragraph (c)", substitute "sub-paragraph (b)";
- (d) for paragraph 24 substitute –
  - 24. In regulation 41(7), omit "by whom the survivor's pension is payable"; and
- (e) in paragraph 55(h) in the definition of "pension sharing order" for the words "1999 Act", substitute "or Part 4 of Schedule 5 to the Civil Partnership Act 2011 (c.2);"

## **6 Amendment of the Schedule to the Police (Injury Benefit) Regulations 2010**

In the Schedule to the Police (Injury Benefit) Regulations 2010<sup>7</sup> -

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<sup>5</sup> GC 0108/88

<sup>6</sup> SD 98/10

- (a) omit paragraphs 4,7,8,9(1) and (2), 10, 12, 22(1), 25, 26(b) and 28;  
and
- (b) for paragraph 26(a) substitute –
  - ❏(a) omit the definitions of “member of a police force”,  
“overseas corps” and overseas policeman”;❏

**MADE**

15 May 2013



*Jeremy Carter*  
*Chairman, Public Sector Pensions Authority*

## EXPLANATORY NOTE

### *(This note is not part of the Regulations)*

Following the introduction of the Civil Partnership Act 2011 (c.2), these regulations apply the Police Pension (Amendment) Regulations 2006 (SI 2006/740) to the Island. Consequently the schedules to the Police (Injury Benefit) Regulations 2010 and the Police Pensions Regulations 2010 are amended so the references to a civil partner, civil partners or to civil partnerships are treated as never having been omitted. The application of this statutory instrument also inserts such references to Police Pension Regulations 1987 (SI 1987/257), which were applied to the Island in 1991.

These Regulations also apply to the Island, with modifications, the Police Pensions (Amendment) Regulations 2010 (SI 2010/431) which –

- (a) allow the Department to dis-apply the regulation which limits the size of lump sum for which Police Officers with less than 30 years' service can commute his or her pension, in the limited circumstances where the officer retires one day before reaching 30 years' service, and below the age of 50; and
- (b) amend the Police Pension Regulations 1987, The Police Pensions Regulations 2006 and the Police (Injury Benefit) Regulations 2006 to enable a party to a medical appeal to recover from the other party any expenses incurred as a result of the cancellation or postponement of an appeal hearing where the cancellation or postponement occurs less than 22 days before the hearing date, and is the fault of that other party.

Regulation 4 of these regulations consequentially amends paragraph 10 of Schedule 2 of the Police Pensions (Old Scheme) (Amendment) Regulations 2010 so that Officers on Maternity leave can pay contributions whilst they are in receipt of Maternity Allowance.

Regulation 5 of these regulations consequentially omits paragraph 14(1) of the Schedule to the Police Pensions Regulations 2010 (SD 98/10), correcting an error in those regulations. Police Officers of any rank may voluntarily retire after the date they achieve 55 years of age.