



POLICE ACT 1993
SUPERANNUATION ACT 1984

**POLICE PENSIONS (OLD SCHEME) (AMENDMENT)
REGULATIONS 2010**

Approved by Tynwald

16th March 2010

Coming into operation

In accordance with regulation 2

The Department of Home Affairs makes these Regulations under section 8 of the Police Act 1993¹ and sections 3 and 12 of the Superannuation Act 1984².

1. Title

These Regulations are the Police Pensions (Old Scheme) (Amendment) Regulations 2010.

2. Commencement

Subject to approval by Tynwald, these Regulations —

- (a) so far as they apply to the Island any provision of the applied Regulations, other than the Police Pensions (Amendment) Regulations 2008³, shall be deemed to have come into operation on the date on which that provision came into force in England and Wales; and
- (b) shall otherwise come into operation on 1st April 2010.

3. Interpretation

In these Regulations, "the applied Regulations" means the regulations specified in column 2 of Schedule 1, being regulations made under the Police Pensions Act 1976 (an Act of Parliament)⁴.

¹ 1993 c.11

² 1984 c.8

³ SI 2008/1887

⁴ 1976 c.35


4. Application of Regulations

The applied Regulations shall apply to the Island subject to the modifications specified in Schedule 2.

5. Amendment of 1991 Regulations

Schedule 2 to the Police Pensions Regulations 1991⁵ is amended in accordance with Schedule 3.

Made  February 2010



Minister for Home Affairs

⁵ GC 355/91

SCHEDULE 1

[regulation 3]

THE APPLIED REGULATIONS

<i>Reference</i>	<i>Title</i>
SI 1992/1343	Police Pensions (Amendment) Regulations 1992
SI 1992/2349	Police Pensions and Injury Benefits (Amendment) Regulations 1992
SI 1994/641	Police Pensions (Amendment) Regulations 1994
SI 1997/2852	Police Pensions (Amendment) (No. 2) Regulations 1997
SI 1998/577	Police Pensions (Amendment) Regulations 1998
SI 2000/843	Police Pensions (Amendment) Regulations 2000
SI 2002/3202	Police Pensions (Pension Sharing) Regulations 2002
SI 2003/27	Police Pensions (Amendment) Regulations 2003
SI 2003/535	Police Pensions (Amendment) (No. 2) Regulations 2003
SI 2004/1491	Police Pensions (Amendment) Regulations 2004
SI 2004/1760	Police Pensions (Amendment) (No. 2) Regulations 2004
SI 2004/2354	Police Pensions (Amendment) (No. 3) Regulations 2004
SI 2005/1439	Police Pensions (Part-time Service) Regulations 2005
SI 2008/1887	Police Pensions (Amendment) Regulations 2008

SCHEDULE 2

[regulation 4]

MODIFICATIONS OF APPLIED REGULATIONS

PART 1

GENERAL MODIFICATIONS

1. Part 1 of Schedule 2 to the Police Pensions Regulations 1991 has effect in relation to the applied Regulations as it has effect in relation to the regulations specified in Schedule 1 to those Regulations.

PART 2

MODIFICATIONS OF SI 1992/2349

2. (1) In regulation 1(1) —
 - (a) omit sub-paragraph (a);
 - (b) in sub-paragraph (b), for "8, 11 to 16 and 18" substitute "8 and 11 to 16";
 - (c) in sub-paragraph (e), for "6, 10 and 19" substitute "6 and 10".(2) In regulation 1(2), omit the words from "and "the Injury" onwards.
3. Omit regulations 9, 17(2)(b), 18, 19 and 20(7).
4. (1) In regulation 21(1)(b), omit "or to the Injury Benefit Regulations".
(2) In regulation 21(2), omit "or the Injury Benefit Regulations".
(3) In regulation 21(3), for "1st November 1992" substitute "1st April 2010".

PART 3

MODIFICATIONS OF SI 1994/641

5. In regulation 4(b), in the inserted regulation E8(2A), for "regulations 49 to 52B of the Police Regulations 1987" substitute "regulations 51 and 52 of the Isle of Man Police Regulations 2000".
6. In regulation 5, in the inserted regulation G6(8), for the words from "and in this paragraph" onwards substitute "and in this paragraph —
"approved scheme" means a scheme approved under the Income Tax (Retirement Benefit Schemes) Act 1978 (an Act of Tynwald);

"emoluments" means emoluments in respect of service as a regular policeman."

PART 4

MODIFICATIONS OF SI 1998/577

7. In regulation 2, omit ", except in regulation 5(4) below,"
8. Omit regulations 3 and 5.
9. In regulation 4, for the inserted regulation B1(3)(ba) substitute —
 - (ba) being the Chief Constable, he retires or retired at the end of an appointment made for a fixed term, or varied to a fixed term, in accordance with regulation 13 of the Isle of Man Police Regulations 2000 and either —
 - (i) the term has been extended by the greatest amount possible under regulation 13(4) or (5) of those Regulations; or
 - (ii) the police authority have not agreed to extend the appointment, or to extend it further; or".

PART 5

MODIFICATIONS OF SI 2000/843

10. (1) In regulation 3(3) —
 - (a) in the inserted regulation F1(1B)(b), omit "(including any statutory maternity pay payable to her under the Social Security Contributions and Benefits Act 1992)";
 - (b) in the inserted regulation F1(1C)(d), in the proviso, omit "other than the Police Pensions (Additional Voluntary Contributions) Regulations 1991", and for "has the meaning given in regulation 2(3) of those Regulations of 1991" substitute "has the same meaning as in regulation G6(8)".
- (2) In regulation 3(8), for the inserted definitions of "maternity leave" and "sick leave" substitute —
 - ""maternity leave" has the meaning given by regulation 37(1) of the Isle of Man Police Regulations 2000;";
 - ""sick leave" means leave taken in accordance with regulation 35 of the Isle of Man Police Regulations 2000;";

and omit sub-paragraph (c).

11. In Schedule 4(1), for "the date on which these Regulations come into force" substitute "1st April 2010".

PART 6

MODIFICATIONS OF SI 2002/3202

12. (1) In regulation 1(1), for "1st December 2000" substitute "1st October 2001".
(2) Omit regulation 1(2).
13. In regulation 3(3) —
 - (a) in the inserted regulation 3(2A), omit "Subject to paragraph (2B),";
 - (b) omit the inserted regulation 3(2B).
14. Omit regulation 4.
15. (1) Omit paragraph 7 of Schedule 1.
(2) In paragraph 10 of Schedule 1, in the inserted regulation L1(3), omit "relevant", and omit the inserted regulation L1(4).
(3) In paragraph 12 of Schedule 1, in the inserted regulation M5 —
 - (a) in paragraph (2), omit the references to regulations H6 and L2;
 - (b) in paragraph (3), for "H5 to H7 and L2" substitute "H5 and H7".
16. Omit Schedule 2.

PART 7

MODIFICATIONS OF SI 2003/27

17. Omit regulation 1(2)(b) and (c) and (3).
18. Omit regulation 3 and Schedule 2.

PART 8

MODIFICATIONS OF SI 2003/535

19. Omit regulation 3.

20. (1) In paragraph 3 of Schedule 1, for "for paragraph (4) substitute" substitute "after paragraph (4) insert", and omit the substituted regulation H1(4).
- (2) In paragraph 4 of Schedule 1, in the inserted regulation H2(2B), for "Secretary of State" (in each place) substitute "Governor".
- (3) In paragraph 5 of Schedule 1 —
- (a) omit sub-paragraph (3);
- (b) in sub-paragraph (4), for "Secretary of State" substitute "Governor".
- (4) Omit paragraph 7 of Schedule 1.
21. Omit Schedule 2.

PART 9

MODIFICATIONS OF SI 2004/1491

22. Omit regulation 1(2)(a) and (3).
23. Omit regulation 3.
24. (1) In Part 1 of the Schedule —
- (a) omit paragraphs 1, 2(1), 3(1), (4) and (7)(a), (d) and (e), 4(1)(a) and (b) and (3);
- (b) in paragraph 4(2), in the substituted regulation H3(2), omit "or, as the case may be, it" (in both places) and "or, as the case may be its";
- (c) for paragraph 7 substitute —
- "7. In Schedule H (medical appeals) for "certificate" (in each place) there shall be substituted "report"."
- (2) In Part 2 of the Schedule —
- (a) in paragraphs 8, 9 and 11, for "parental" (in each place) substitute "paternity";
- (b) for paragraph 12 substitute —
- "12. In Schedule A (glossary of expressions), after the definition of "participating period of relevant employment" there shall be inserted the following definition —

""paternity leave" means leave granted in accordance with regulation 38 of the Isle of Man Police Regulations 2000;"

PART 10

MODIFICATIONS OF SI 2004/1760

25. (1) In regulation 1(2), omit "but regulation 3(1) to (5) has effect in accordance with regulation 2".
(2) Omit regulation 1(3) and (4)
26. Omit regulation 2.
27. Omit regulation 3(2) to (5).

PART 11

MODIFICATION OF SI 2004/2354

28. Omit regulation 1(2).

PART 12

MODIFICATIONS OF SI 2005/1439

29. Omit regulation 1(3).
30. In paragraph 6 of Schedule 2, in the inserted paragraph 4 —
 - (a) in the heading, omit "Inland Revenue";
 - (b) in sub-paragraph (1), omit "or the Police Pensions (Additional Voluntary Contributions) Regulations 1991";
 - (b) in sub-paragraphs (1) and (2), for the words from "section 594(1)" onwards substitute "section 4(2A) of the Income Tax (Retirement Benefit Schemes) Act 1978 (an Act of Tynwald).

PART 13

MODIFICATIONS OF SI 2008/1887

31. (1) For regulation 1(2) substitute —
"(2) These Regulations come into force on 1st April 2010."
(2) Omit regulation 1(3) and (4).
32. In regulation 2, omit the definition of "the Injury Benefit Regulations".

33. In regulation 4 —
 - (a) in the inserted regulation A4(4), omit "who is not a member of the metropolitan police force or an overseas policeman";
 - (b) omit the inserted regulation A4(5) and (6).
34. Omit regulations 5 to 8.
35. In regulation 9, omit the inserted regulation A18(4).
36. Omit regulation 10.
37.
 - (1) In regulation 11(2), in the substituted regulation B1(2), omit the words from "(a)" to "superintendent and".
 - (2) In regulation 11(3), in the substituted regulation B1(3)(b), for "a regular policeman who has been appointed for a fixed term under regulation 11 of the Police Regulations 2003" substitute "the Chief Constable appointed for a fixed term under regulation 13 of the Isle of Man Police Regulations 2000".
 - (3) Omit regulation 11(5) and (6).
38. In regulation 13, in the inserted regulation B2A —
 - (a) in paragraph (2), for "(3), (4) or (5), as the case may be" substitute "(4)";
 - (b) omit paragraphs (3) and (5);
 - (c) in paragraph (4), omit "above the rank of superintendent".
39. Omit regulations 15, 17, 18(4) and 20.
40. In regulation 25(2), in the substituted definition of "retirement date" —
 - (a) in paragraph (a), for "30th September 2006" substitute "31st March 2010";
 - (b) in paragraph (b), for "1st October 2006" (in each place) substitute "1st April 2010", and omit "or transfer from one force to another".
41. Omit regulations 28 to 48.

SCHEDULE 3

[regulation 5]

AMENDMENTS OF SCHEDULE 2 TO 1991 REGULATIONS

1. In the table in paragraph 1, in the entry beginning "regulations under section 33" —
 - (a) in column 1, at the end insert ", or any provision of those regulations";
 - (b) in column 2, at the end insert ", or the corresponding provision of police regulations, as the case may be".

2. For paragraph 18 substitute —
 - "18. (1) In regulation F6(1) —
 - (a) in sub-paragraph (a) omit "(otherwise than as a member of a police force)";
 - (b) in sub-paragraph (c), omit "of the force in which he is serving on the relevant date".
 - (2) In regulation F6(5) —
 - (a) for sub-paragraph (a) substitute —
 - "(a) to a regular policeman to whom Regulation F7 applies; or";
 - (b) omit sub-paragraph (b)(i)."

3. For paragraph 19 substitute —
 - "19. (1) In regulation F7(1) —
 - (a) omit the words from the beginning to "Schedule F,";
 - (b) in sub-paragraph (a), for the words from "was in such service" onwards substitute "was in service in a British force by reason of which he was subject to superannuation arrangements,";
 - (c) in sub-paragraphs (b) and (e), for "the date specified in the Section in question" substitute "15th February 1991";
 - (d) in sub-paragraph (c), for "the authority specified in the Section in question" substitute "the police authority for the British force";
 - (e) in sub-paragraph (d), for the words from "such a transfer value" onwards substitute "a transfer value calculated in

accordance with the public sector pension arrangements has been paid to the police authority, and".

- (2) In regulation F7(2), omit the words from "(b)" to "1974,".
- (3) For regulation F7(3) substitute —

"(3) Subject to paragraph (3B), there shall be reckonable by a regular policeman to whom this Regulation applies, as pensionable service in respect of his former superannuation arrangements, a period calculated in accordance with the rules applicable to the public sector transfer arrangements.

(3A) Paragraph (3B) applies where —

- (a) the police authority for the British force has furnished to the police authority a certificate under regulation F8A of these Regulations as they have effect in Great Britain in relation to a regular policeman to whom this regulation applies, or
- (b) the police authority is otherwise satisfied as to the period of pensionable service which, if the police force were a British force, he would have been entitled to reckon by reason of his former service in accordance with this Part as it has effect in Great Britain.

(3B) Where this paragraph applies, there shall be reckonable by a regular policeman, in respect of his former superannuation arrangements, the period of pensionable service —

- (a) specified in the certificate referred to in paragraph (3A)(a), or
- (b) referred to paragraph (3A)(b),

as the case may be.

(3C) In this regulation —

"British force" means a police force in Great Britain;

"former service" and "former superannuation arrangements" mean the service and the arrangements referred to in paragraph (1)(a);

"the public sector transfer arrangements" means arrangements approved for the time being by the Minister for the Civil Service as providing reciprocal arrangements for the payment and receipt of transfer values to or from other occupational pension schemes for the purposes of these Regulations as they have effect in Great Britain."

(4) Omit regulation F7(4) and (5)."

4. For paragraph 21 substitute —

"21. Omit regulation F9."

5. After paragraph 21 insert —

"Part G — Pensionable pay and contributions

21A. In regulation G1, omit paragraphs (5)(c) and (6)."

6. After paragraph 22 insert —

"22A. (1) In regulation H3(1), omit "or a tribunal hearing an appeal under Regulation H6" and "or the tribunal".

(2) In regulation H3(3), omit "or tribunal" (in each place)."

7. After paragraph 24 insert —

"24A. In regulation H7, omit "or H6" (in each place).

Part K — Revision etc. of Awards

24B. In regulation K5(4), for "a police authority responsible for payment to a member of a police force of a pension to which this Regulation applies may determine that the pension" substitute "the police authority may determine that a pension to which this Regulation applies", and for "Secretary of State" substitute "police authority"."

8. After paragraph 27 insert —

"27A. In regulation M5(2), omit "regulation H6 (appeals by overseas policeman etc.),"."

EXPLANATORY NOTE

(This note is not part of the Regulations.)

The Police Pensions Regulations 1987 (SI 1987/257) contain the main police pension scheme in England and Wales, now closed to new entrants. Those Regulations, with amendments up to 1991, were applied to the Isle of Man by the Police Pensions Regulations 1991 (GC 355/91).

These Regulations apply to the Isle of Man with modifications various regulations made since 1991 which amend the 1987 Regulations (regulation 2 and Schedules 1 and 2).

With the exception of the Police Pensions (Amendment) Regulations 2008, the applied regulations are given retrospective effect as from the dates when they had effect in England and Wales. Retrospective operation is permitted by section 12(2) of the Superannuation Act 1984. The 2008 Regulations, which (a) provide for a new retirement age, and (b) make amendments consequential on the new police pension scheme contained in the Police Pensions Regulations 2006 (SI 2006/3415), have effect from 1st April 2010, the date as from which the new scheme is applied to the Isle of Man. They are also modified so that all ranks must give 3 months' notice of voluntary retirement.

These Regulations also make minor corrections to the 1991 Regulations, and amend them to ensure that, when an officer transfers from a force in Great Britain, he is entitled to reckon the same pensionable service as if the transfer had been within Great Britain (regulation 3 and Schedule 3).

