



POLICE PENSION (AMENDMENT) REGULATIONS 2017

Index

Regulation	Page
1 Title	3
2 Commencement	3
3 Interpretation.....	3
4 Application	4
 SCHEDULE 1	 5
THE APPLIED REGULATIONS	5
 SCHEDULE 2	 6
MODIFICATION OF APPLIED REGULATIONS	6
 SCHEDULE 3	 7
 PART 1	 7
PARTICULAR MODIFICATIONS OF POLICE PENSION REGULATIONS 1991	7
 PART 2	 12
PARTICULAR MODIFICATIONS OF POLICE PENSION REGULATIONS 2010	12

Statutory Document No 2017/0346



Public Sector Pensions Act 2011

POLICE PENSION (AMENDMENT) REGULATIONS 2017

Approved by Tynwald:

Coming into Operation in accordance with Regulation 2

The Public Sector Pensions Authority makes the following Regulations under section 6(1)(c) & 7(4) of the Public Sector Pensions Act 2011.

1 Title

These Regulations are the Police Pension (Amendment) Regulations 2017.

2 Commencement

If approved by Tynwald-

- (a) Schedule 2 of these Regulations shall be deemed to have come into operation on the date on which that provision came into force in England and Wales.
- (b) Sections 1, 3-13, 16 and 17 of Schedule 3 to these Regulations shall come into operation when made;
- (c) Sections 2, 14 and 15 of Schedule 3 to these Regulations shall come on 1 April 2018.

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)” and listed at Schedule 1.

“**The Police Pension Regulations**” means —

The Police Pension Regulations 1987 as applied to the Isle of Man under the Police Pension Regulations 1991; and

the Police Pension Regulations 2006 as applied to the Isle of Man under the Police Pension Regulations 2010.

4 Application

- (1) The applied Regulations shall apply subject to the modifications specified in Schedule 2.
- (2) The Police Pension Regulations are subject to the modifications specified in the Schedule 3.

MADE 13 NOVEMBER 2017



PSPA CHAIRMAN

SCHEDULE 1**THE APPLIED REGULATIONS**

<i>Reference</i>	<i>Title</i>
SI 2012/640	The Police Pension (Amendment) Regulations 2012
SI 2012/2811	The Police Pension (Amendment No.2) Regulations 2012
SI 2012/3057	The Police Pension (Amendment No.3) Regulations 2012

SCHEDULE 2**MODIFICATION OF APPLIED REGULATIONS****1 General Modifications**

- (1) Part 1 of Schedule 2 to the Police Pension 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.
- (2) 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 an Act of Tynwald, will be read as reference to the Act, instrument or provision as it has effect in the Island.

2 Modifications of SI 2012/640

Regulations 2 & 3¹ being previously applied replace Regulation 4 (3) with —
☒ In Part 1 of the Schedule (payments), omit paragraph 4 ☒

3 Modification of SI 2012/2811

Omit Regulation 4.

4 Modification of SI 2012/3057

Omit Regulation 6

¹ Regulations 2 & 3 applied by SD 0179/2013

SCHEDULE 3

PART 1

PARTICULAR MODIFICATIONS OF POLICE PENSION REGULATIONS 1991**1 Amendments to references to the Government Actuary**

- (1) In the Police Pensions Regulations 1987 wherever it occurs for “Government Actuary” substitute —

☐ PSPA Actuary **☐**

2 Supplementary Provisions

After regulation A 2. Insert —

☐ A2A.

- (1) Subject to Sub-paragraph (2) to (5) the eligibility to accrue benefits under these Regulations is closed to any Member who joins the Police Force on or after 1 April 2018.
- (2) If a Member of the Police Force is recruited by the Department and immediately prior to joining the Police Force is a Member of a Police Force in England, Wales, Scotland or Northern Ireland, and before accruing benefits under the Police Pension Regulations 2015² was accruing benefits under the Police Pension Regulations 1987, in that Force, the Department may make a written request to the Public Sector Pensions Authority for the member to be admitted to this Section.
- (3) Any approval of a request made under sub-paragraph (2) will be subject to:
- (i) the Member transferring their service into these Regulations under Regulation A16;
 - (ii) the receipt of a payment from the Department to cover the additional cost of permitting the entry of a new Member into these Regulations, having met the criteria set out in sub-paragraph (2), rather than the default Section for new Members;
 - (iii) The Public Sector Pensions Authority, after receiving the advice of the PSPA Actuary, must determine the amount of additional contributions (if any) required, under (ii) above, to be paid by the Department.

² SI 2015/445 - England and Wales
SI 2015/118 - Scotland
SI 2015/113 - Northern Ireland

- (4) If the Public Sector Pensions Authority approves a request received under sub-paragraph (2) above, it must admit the Member to these Regulations.
- (5) If there is any doubt or dispute as to whether or not a person is or is not eligible for Active Membership of these Regulations, the decision of the Public Sector Pensions Authority, after consulting the Department, is final and binding on all parties. **22**

3 Meaning of certain expressions and references – general provisions

In Regulation A4 after sub-paragraph (1)(b) and before sub-paragraph (1)(c) insert –

- 22**(bb) any reference to widow, however expressed includes a reference to surviving spouse, surviving civil partner or surviving nominated partner. **22**

4 Preferential Rejoining Scheme

After regulation A21 add –

22 Preferential Rejoin Scheme

- A22.** (1) For the purpose of determining entitlement to payment of benefits to or in respect of a member of these Regulations, subject to paragraph (2), the member is taken to be a deferred members of these Regulations during an absence covered by the Preferential Rejoin Scheme;
- (2) A Member who was in pensionable service before beginning an absence covered by the Preferential Rejoin Scheme is taken to re-enter pensionable service under these Regulations when returning to a pensionable post within the Constabulary and in accordance with the terms of the Preferential Rejoin Scheme;
- (3) A Member who returns following an absence covered by the Preferential Rejoin Scheme will not be permitted to pay any unpaid contributions for or during the period of absence covered by the Preferential Rejoin Scheme; **22**

5 Evidence of Entitlement

After the newly inserted regulation A22 add –

22 Evidence of entitlement

A23

- (1) The Public Sector Pensions Authority may require any person who is receiving a pension under these Regulations to provide evidence to establish—

- (a) the person's identity; and
 - (b) the person's continuing entitlement to payment of any amount.
- (2) If the person does not provide the required evidence, the Public Sector Pensions Authority may withhold the whole or any part of any benefits payable under these Regulations in respect of the person. **22**

6 Overpayment of Benefits

After the newly inserted regulation A23 add —

23 Overpayment of Benefits

A24

- (1) If information or evidence supplied to the Public Sector Pensions Authority in connection with the provision of a benefit under these Regulations is subsequently proved to the satisfaction of the Public Sector Pensions Authority to be incorrect or insufficient, the Public Sector Pensions Authority must provide for the payment of the benefit that would have been payable had it been calculated by reference to the correct information or evidence.
- (2) If a Member or Beneficiary is paid benefits under these Regulations to which he or she is not entitled, the Public Sector Pensions Authority may, on discovering such an error take all reasonable steps to recover such payments from the Member including but not limited to offsetting any overpayment of a benefit against future payments of benefits. **23**

7 Incapacity and Minority

After the newly inserted regulation A24 add —

24 Incapacity and Minority

A25

- (1) In the case of a Beneficiary who is incapable of acting by reason of illness, mental disorder, minority or otherwise, the Public Sector Pensions Authority may retain money due to the Beneficiary for any period and then apply or pay it.
- (2) In relation to money due to a Beneficiary to which (1) applies —
- (a) the Public Sector Pensions Authority may apply the money for the benefit of the Beneficiary or his or her estate or may pay it to some other person who is or appears to the Public Sector Pensions Authority to be responsible for the Beneficiary's care;
 - (b) the receipt of the person to whom the Public Sector Pensions Authority pays the money is a discharge to the Public Sector Pensions Authority for it;

- (c) the Public Sector Pensions Authority is not responsible for or obliged to supervise the way in which money paid under this Regulation is used; and
- (d) the Public Sector Pensions Authority may make for the Beneficiary any choice that the Beneficiary could make under these Regulations in respect of the money. **22**

8 Information from Members

After the newly inserted regulation A25 add —

23 Information from Members

A26 The Public Sector Pensions Authority may request information from Members necessary to administer benefits under these Regulations. A request for information may include, but is not limited to, a request for the Member to confirm all or any of the following —

- (a) his or her eligibility for benefits under these Regulations;
- (b) his or her status as a Pensioner Member under these Regulations;
- (c) details of his or her appointment to the Constabulary;
- (d) his or her correspondence details. **22**

9 Police Officer's Ordinary Pension

In Regulation B1 —

In sub-paragraph (3) (b) substitute “regulation 13 of the Isle of Man Police regulations 2000” with —

23 regulation 14 of the Police Regulations 2015³ **22**.

10 Police Officer's Deferred Pension

In Regulation B5 —

In sub-paragraph (1)(a) after “at least 5 years’” insert —

23 but less than 25 years’ **22**.

³ SD 2015/0091

11 Remarriage

Omit regulations C9 and C9A

12 Reckoning of Pensionable Service

In Regulation F1(1)

- (1) At the end of sub-paragraph (e) for the “.” Substitute —
☐☐;**☐☐**.
- (2) After sub-paragraph (e) insert —
☐☐ (f) any absence covered by the Preferential Rejoin Scheme. **☐☐**.

13 Glossary of Expressions

In Schedule A “Glossary of Expressions” in the appropriate place insert —

☐☐ “Nominated Partner” means —

- (1) a person who is entitled to the same rights and benefits as a spouse or Civil Partner and has been nominated in accordance with the procedure set out in sub-paragraph (2);
- (2) For a nomination given under sub-paragraph (1) to be valid —
 - (a) the nominated partner and the Member must have signed a declaration that the Member and the nominated partner —
 - (i) are in an exclusive long-term committed relationship;
 - (ii) are both legally free to marry or enter into a civil partnership;
 - (iii) are financially interdependent or that one party is financially dependent on the other; and
 - (iv) that neither party is currently nominated under these Regulations as the nominated partner of a third party;

and

- (b) the Public Sector Pensions Authority has to have been satisfied that the relationship declared sub-paragraph 2(a)(i) has been in existence for at least 2 years or such shorter period as it may at its discretion specify. **☐☐**

☐☐ “Preferential Rejoin Scheme”, in relation to a member of these Regulations, means a period of absence not exceeding 5 years which is agreed by the Constabulary in accordance with Isle of Man Constabulary Preferential Rejoin Scheme; **☐☐**

☐☐ “PSPA actuary” means the actuary appointed by the Public Sector Pensions Authority to provide a consulting service on actuarial matters relevant to these Regulations **☐☐**

PART 2

PARTICULAR MODIFICATIONS OF POLICE PENSION
REGULATIONS 2010

14 Previous U.K. Service in certain cases

For Regulation 15A substitute —

- 14 (1) This regulation applies to a regular Police Officer —
- (a) who before he last became a regular police officer before the relevant date was in service in a police force in Great Britain (“former service”) and was subject to pension arrangements in pursuance of which a transfer value may be paid to the Police Authority (“former pension arrangements); and
 - (b) in respect of whom a transfer value relating to his former service has, under the public sector transfer arrangements, been paid to the Police Authority.
- (2) There shall be reckonable service by a regular police officer to whom this regulation applies, in respect of his former pension arrangements, the period of pensionable service calculated by the Public Sector Pensions Authority;
- (3) The Department may make a written request to the Public Sector Pensions Authority for the member to be entitled to the benefits calculated under Regulation 28 (1)
- (4) Any approval of a request made under sub-paragraph (3) will be subject to:
- (a) the receipt of a payment from the Department to cover the additional cost of permitting the entry of a new Member into these Regulations, having met the criteria set out in sub-paragraph (2), rather than the default Section for new Members;
 - (b) The Public Sector Pensions Authority, after receiving the advice of the PSPA Actuary, must determine the amount of additional contributions (if any) required, under (4)(a) above, to be paid by the Department.
- (5) If the Public Sector Pensions Authority approves a request received under sub-paragraph (4) above, it must admit the Member to these Regulations.
- (6) If there is any doubt or dispute as to whether or not a person is or is not eligible for Active Membership of these Regulations, the decision of the Public Sector Pensions Authority, after consulting the Department, is final and binding on all parties. 14

15 Calculation of ordinary Pension

- (1) In Regulation 28 (1) for “A regular police officer’s ordinary pension shall be” insert —
- ☐ For a regular police officer, whose Active Membership started on or before 31 March 2017, or to whom Regulation 15A (3) to (5) applies, their ordinary pension shall be— ☐
- (2) In Regulation 28 after sub-paragraph (1) and before sub-paragraph (2) insert —
- ☐ (1A) Subject to Regulation 15A, for a regular police officer, whose Active Membership started on or after 1 April 2017, their ordinary pension shall be—
- (a). an annual sum payable for life calculated by multiplying an amount equal to one seventy fifth of his final pensionable pay by the number of years of pensionable service he is entitled to reckon; and
- (b). a lump-sum payment calculated by multiplying an amount equal to four seventy fifths of his final pensionable pay by the number of years of pensionable service he is entitled to reckon

provided that a lump-sum payment payable to an officer who rejoined the police force having previously received a lump-sum payment by reason of entitlement to an ill-health pension under regulation 29 or to early payment of a deferred pension on the ground of permanent disablement under regulation 32 (where that pension has been terminated under regulation 51) shall be reduced by an amount equal to the amount of that previous lump-sum payment, increased by the same amount as that by which an annual pension of an amount equal to that previous lump-sum payment would have been increased under the Pensions (Increase) Act 1971 by the date on which the award comes into payment if that annual pension had come into payment on the day on which the previous lump-sum payment was made. ☐

16 Preferential Rejoin Scheme

After regulation 97 insert —

☐ Preferential Rejoin Scheme

98. (1) For the purpose of determining entitlement to payment of benefits to or in respect of a member of these Regulations, subject to paragraph (2), the member is taken to be a deferred members of these Regulations during an absence covered by the Preferential Rejoin Scheme;
- (2) A Member who was in pensionable service before beginning an absence covered by the Preferential Rejoin Scheme is taken to re-enter pensionable service under these Regulations, when

returning to a pensionable post within the Constabulary and in accordance with the terms of the Preferential Rejoin Scheme;

- (3) For those Members to whom paragraph (2) applies their benefits will be subject to, and calculated in accordance with, the provisions of these Regulations that would apply to that member had they not had a period of absence;
- (4) any period of absence covered by the Preferential Rejoin Scheme shall not count as reckonable service; and
- (5) A Member who returns following an absence covered by the Preferential Rejoin Scheme will not be permitted to pay any unpaid contributions for or during the period of absence covered by the Preferential Rejoin Scheme; **22**

17 Glossary of Expressions

In Schedule 1 “Glossary of Expressions” in the appropriate place insert —

- 23** “Preferential Rejoin Scheme”, in relation to a member of these Regulations, means a period of absence not exceeding 5 years which is agreed by the Constabulary in accordance with Isle of Man Constabulary Preferential Rejoin Scheme; **22**

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations amend the Police Pension Regulations 1991 and the Police Pensions Regulations 2010.

The effect of these Regulations is:

- To make administrative amendments to the 1991 and 2010 Police Pension Regulations, including those that are as a consequence of amendments made in 2012 to the Police Pension Regulations for England and Wales;
- To make amendments to the 1991 Regulations that:
 - Clarify deferred pension provisions;
 - Allow for the nomination of a Surviving Nominated Partner;
 - Amend the provisions relating to Widows who remarry;
 - Make provisions for those who have an absence as a consequence of the Constabulary's Preferential Rejoin Scheme.
- To make amendments to the current regulations to provide revised pension benefits for new Members of the Isle of Man Constabulary from 1 April 2018.