
POLICE AND PRISON OFFICERS (PENSIONS) REGULATIONS 2009

ARRANGEMENT OF REGULATIONS

Section

Part 1 Preliminary

1. Citation and Commencement
2. Interpretation
3. Application

Part 2 General

4. Circumstances in which pension may be granted
5. Entitlements on compulsory retirement
6. Gratuity if length of service does not qualify for pension
7. Qualifying service
8. Recognition of previous service
9. Reduction in the establishment of the combined service and retirement in the interests of greater economy or efficiency
10. Termination of service in the public interest
11. Voluntary Premature Retirement with or without deferment of pension or other benefits
12. Voluntary premature retirement with immediate pension benefits
13. Retirement on account of ill health
14. Gratuity payable on death
15. Pension to dependents of an officer with less than 5 years service who is killed on duty
16. Pension to dependents of an officer with 5 years or more service who is killed on duty
17. Pension if retirement is on account of injuries related to duty
18. Maximum pension
19. Pensions etc. not assignable
20. Disqualification

Part 3

Pensions to spouses and children

21. Interpretation
22. Pensions to spouses and children
23. Spouse's pension
24. Rate of spouse's pension
25. Children's pension
26. Children's pension; rate and mode of payment

Part 4 Miscellaneous and final

27. Periodical contributions
28. Refund of contributions
29. Cost of living allowance
30. Revocation

POLICE AND PRISON OFFICERS (PENSIONS) REGULATIONS 2009

The Chief Constable and Superintendent of Prisons, with the approval of the Administrator, makes the following Regulations in exercise of his powers under section 9 of the Police Ordinance 2007(a) and section 15 of the Prisons Ordinance 1971(b).

Part 1
Preliminary

Citation and Commencement

1. These Regulations may be cited as the Police and Prison Officers (Pensions) Regulations 2009 and come into force on the day they are published in the Gazette.

Interpretation

2. (1) In these Regulations—

“the age of compulsory retirement” has the meaning specified in regulation 10(1) of the Police General Regulations;

“benefit” means a —

- (a) pension;
- (b) gratuity; or
- (c) lump sum;

payable under these regulations;

“the combined service” means either the Police Service or the Prison Service or both if an officer has served in both successively or at the same time;

“cost of living index” means the Retail Price Index issued by the appropriate authorities of the Republic and published in the Gazette of the Republic;

“cost of living allowance” means the cost of living allowance which is included in the annual pensionable emoluments;

“officer” means a locally engaged police or prison officer;

“annual pensionable emoluments” includes-

- (a) annual salary;
- (b) good conduct allowance;
- (c) merit allowance;
- (d) the whole of the cost of living allowance payable at the date on which an officer retires from the combined service;

“pensioner” means a person to whom a pension is granted under these Regulations;

“Police General Regulations” means the Police and Prison Officers (General) Regulations 2007(c);

“previous qualifying service” means service in either the combined service or in the Administration;

“qualifying service” has the meaning given to it in regulation 7; and

“service” means service in either the combined service, the Administration, or a combination of them.

(2) A person is deemed to attain an age on his birthday.

(3) If an officer is required to be 55 years old to qualify for a payment then that age is deemed to be 60 years in the case of an officer who is above the rank of sergeant unless specified otherwise.

(4) Where reference is made to an officer above the rank of sergeant, that reference does not include the rank of sergeant.

(5) Where reference is made to an officer below the rank of Inspector, that reference does not include the rank of Inspector.

Application

3. These Regulations apply to an officer recruited in Cyprus for service with the combined service.

Part 2 General

Circumstances in which pension may be granted

4. (1) A benefit may be granted to an officer under these Regulations if that officer ceases to be a member of the combined service, and therefore retires for the purposes of these Regulations, in one of the circumstances specified in paragraph (2).

(2) The circumstances are—

- (a) on resignation of the officer under regulation 7 of the Police General Regulations;
- (b) if for medical reasons the officer is permanently incapable of discharging the duties of a police officer effectively in accordance with regulation 8(1)(a) of the Police General Regulations;
- (c) on a reduction of the establishment of the combined service in accordance with regulation 8(1)(b) of the Police General Regulations;
- (d) on termination of service in the public interest in accordance with regulation 8(1)(c) of the Police General Regulations;
- (e) on retirement from the combined service in the interests of greater efficiency or economy in accordance with regulation 8(1)(d) of the Police General Regulations;
- (f) on completion of the age of compulsory retirement prescribed in regulation 10 of the Police General Regulations;
- (g) on termination of service under regulation 11(1) of the Police General Regulations;
- (h) on voluntary premature retirement under regulation 11(2);
- (i) in accordance with the Police (Discipline) Regulation 1967(d).

Entitlements on compulsory retirement

5. (1) Subject to the provisions of these regulations, an officer who has 5 years or more qualifying service in the combined service is paid on retirement under regulation 4(2)(f)—

- (a) an annual pension (“AP”) at the rate of 1×800 th of his annual pensionable emoluments as at the date of his retirement for each month of qualifying service which the officer has completed; and
- (b) a lump sum (“LS”) calculated as follows—

$$LS = \frac{AP \times 14}{3}$$

(2) If an officer retires on the day before the date of an increase in the cost of living allowance, that increase is added to the officer’s annual pensionable emoluments.

(3) If the salary of an officer is on a salary scale and by the date of his retirement the officer has earned part of the next annual increment of the salary scale in question, the officer's annual pensionable emoluments are deemed to have increased as set out in paragraph (4).

(4) The salary is deemed to have increased by as many 12ths of the amount of the increment as are the months during which the officer has served after the grant of the latest increment.

(5) For the purpose of calculating an officer's total qualifying service, a period exceeding 15 days counts as a completed month.

(6) If an officer of the rank of constable or sergeant retires on or after attaining the age of compulsory retirement or after a period of continuation in office under regulation 10(3) of the Police General Regulations, his annual pensionable emoluments for the purposes of determining his pension are deemed to be increased by a sum equal to 2 annual increments on his salary scale.

(7) The pension granted under paragraph (1) to an officer below the rank of Inspector who has served for more than 25 years is increased by 1 x 800th of his annual pensionable emoluments for each completed month of service in excess of 25 years up to a maximum of 60/800ths of his annual pensionable emoluments.

Gratuity if length of service does not qualify for pension

6. (1) An officer who has less than 5 years of qualifying service but who otherwise meets all other qualifying requirements for a pension, is paid, on retirement, a gratuity as set out in this regulation.

(2) The gratuity is 1 x 144th of the officer's annual pensionable emoluments paid at the time of that officer's retirement for each completed month of qualifying service.

(3) The gratuity must not exceed 5 times the annual amount of the pension, which, if there had been no qualifying period, might have been granted to the officer under regulation 5.

(4) An officer who has 3 years qualifying service or more who resigns but does not satisfy the requirements for voluntary retirement in regulation 11, is paid a gratuity as set out in paragraph (2).

Qualifying service

7. (1) Qualifying service is the inclusive period between the date on which an officer begins to receive a salary for service in the combined service or the Administration and the date of leaving the combined service without deduction of a period during which the officer has been absent on leave.

(2) Subject to the officer meeting the requirements in regulation 8, any previous qualifying service which the officer has completed in either the combined service or the Administration is qualifying service for the purpose of calculating a benefit under these Regulations.

(3) A period of approved unpaid leave is not qualifying service unless the officer—

- (a) is on educational leave or on leave on the grounds of public interest; and
- (b) continues to pay periodical contributions under regulation 27.

Recognition of previous service

8. (1) Previous qualifying service is not taken into account for the purpose of calculating a benefit under these Regulations unless the officer complies meets the requirements of this regulation.

(2) Subject to paragraphs (3) to (8), an officer's previous qualifying service is taken into account if the officer—

- (a) has left the combined service under any of the circumstances referred to in regulation 4(2)(a) to (e), (h) or (i);
- (b) subsequently retires in any of the circumstances listed in regulation 4(2); and
- (c) on retirement in accordance with sub-paragraph (b) has completed total qualifying service of at least 5 years.

(3) Paragraph (2) only applies if, within 1 month from the date of appointment or reappointment to the combined service, the officer—

- (a) agrees to refund any gratuity or lump sum paid to the officer as a result of leaving the combined service or the Administration; and
- (b) gives written consent to the Administrator to the termination from the date of the officer's reappointment of an annual pension paid to the officer by the Administration.

(4) If the officer has not given notice of consent as set out in paragraph (3)(b), the amount of any additional annual pension granted under regulation 9(3) or under regulation 13 which the officer was receiving at the date of re-appointment is deducted from the officer's pension from the date of his re-appointment.

(5) The repayment of a gratuity or lump sum under this regulation is made with simple interest, at such rate as the Administrator may determine, calculated from the date on which it had been paid until the date of the refund of the whole amount.

(6) If an officer agrees to repay a gratuity or lump sum under this regulation, that gratuity or lump sum must be repaid by the officer in the time and in such manner as the Administrator may determine.

(7) The Administrator may allow the option in paragraph (3) to be exercised more than a month after the date of the officer's reappointment.

(8) Subject to paragraph (9), if an officer to whom this regulation applies dies after his reappointment, his previous qualifying service is taken into account in calculating the spouse's and children's pension and the gratuity payable to his personal representative under regulation 14, and the condition under Part 3 for completing 5 years of qualifying service does not apply.

(9) Paragraph (8) does not apply to an officer who did not opt to refund a gratuity or lump sum paid to him in accordance with paragraph (3)(a).

Reduction in the establishment of the combined service and retirement in the interests of greater economy or efficiency

9. (1) This regulation applies to an officer who retires from the combined service under regulation 4(2)(c) or (e).

(2) An officer who has completed less than 5 years of qualifying service must be granted, instead of a gratuity under regulation 6, a pension under regulation 5 as if the requirement for 5 years or more qualifying service was omitted from regulation 5.

(3) An officer must, if he qualifies for a pension under regulation 5, be granted an additional pension at the annual rate of 1x 60th of his annual pensionable emoluments for each complete period of 3 years of qualifying service.

(4) The additional pension specified in paragraph (3) must not exceed 10 x 60ths of his annual pensionable emoluments.

(5) The additional pension, together with the remainder of the pension of the officer, must not exceed the amount set out in paragraph (6).

(6) The amount is the pension to which the officer would have been eligible if he had continued to hold the rank or equivalent rank held by him at the date of his retirement and retired on reaching the compulsory retirement age, having received all increments to which he would have been eligible by that date.

Termination of service in the public interest

10. (1) Subject to paragraph (2), the Administrator may grant such pension, gratuity or other allowance as he thinks just and proper if an officer is dismissed in the public interest in accordance with regulation 4(2)(d) and a pension, gratuity or other allowance cannot otherwise be granted to him under these Regulations.

(2) The pension gratuity or other allowance payable under paragraph (1) must not exceed the amount to which the officer would be eligible if he retired from the combined service under regulation 4(2)(b).

Voluntary Premature Retirement with or without deferment of pension or other benefits

11. (1) The Chief Constable, in consultation with the Administrator, may permit an officer to retire and receive benefits in accordance with paragraphs (2) and (3) of this regulation if that officer has completed qualifying service of 5 years or more and is 45 years old or more.

(2) If an officer retires under paragraph (1), he is paid—

- (a) the lump sum specified in regulation 5(1)(b) on his retirement; and
- (b) a pension (a "deferred pension") from the date he attains the age of 50 years in the case of a constable or a sergeant or at the age of 55 years in the case of an officer above the rank of sergeant.

(3) The lump sum and deferred pension are calculated under regulation 5 based on the officer's annual pensionable emoluments on the date of his premature retirement.

(4) The initial amount of the deferred pension is:

- (a) the amount which that officer would have received immediately on retirement but for paragraph (2)(b); plus
- (b) the amount of any increase determined by regulation 29 payable on the amount referred to in paragraph (a).

(5) The Chief Constable may, after consulting the Administrator allow an officer to receive his pension immediately if the Chief Constable is satisfied that the officer—

- (a) has voluntarily retired under paragraph (1); and
- (b) subsequently becomes unfit to work as a police officer for reasons of an infirmity of body or mind before attaining the age of 50 years in the case of a constable or a sergeant or at the age of 55 years in the case of an officer above the rank of sergeant.

(6) If paragraph (5) applies then regulation 13 does not apply.

(7) If an officer who has voluntarily retired under paragraph (1) dies before attaining the age of 50 (or the age of 55 in the case of officers above the rank of sergeant), a spouse's pension and children's pension under Part 3, is payable to his spouse and children, provided they are entitled to a pension under Part 3.

(8) An officer's previous qualifying service must be taken into account in calculating his deferred pension on his retirement if the officer—

- (a) initially retires from the combined service under any of the circumstances set out in regulation 4(2);
- (b) is re-appointed by the combined service before the payment of a pension;
- (c) repays any gratuity or lump sum paid to him under these Regulations on reappointment; and
- (d) subsequently retires voluntarily under paragraph (1) having completed total qualifying service of at least 5 years;

(9) The refund of a gratuity paid under this regulation is made with simple interest at such rate as the Administrator may determine, calculated from the date of payment to the date of refund of the whole amount.

(10) The officer must repay the gratuity or lump sum in the time and in such manner as the Administrator may determine.

(11) If an officer to whom paragraph (1) applies is re-appointed—

- (a) a pension will not be paid to him during the period of his re-appointment; and
- (b) payment of a pension will start again after the officer subsequently retires.

(12) If an officer to whom paragraph (1) applies is re-appointed and he dies at any time after his re-appointment, his previous service must be taken into account in calculating the widow's and children's pension and lump sum payable to his legal representative if the conditions set out in paragraph (8)(a) to (c) are met.

Voluntary premature retirement with immediate pension benefits

12. If an officer retires prematurely under regulation 11 of the Police General Regulations, the officer will receive the benefits prescribed in regulation 5.

Retirement on account of ill health

13. (1) An officer who retires under regulation 4(2)(b) is paid on retirement either—

- (a) the benefits prescribed in regulation 5; or
- (b) if the officer has less than 5 years qualifying service, a gratuity prescribed in regulation 6.

(2) Subject to paragraphs (3) and (4), an officer who retires under regulation 4(2)(b) and who has completed the qualifying service specified in the first column of the following table is, for the purpose of calculating the pension payable, deemed to have completed the qualifying service specified in the second column of that table:—

| | |
|-------------------------------|--|
| 5 or more but under 10 years | Double his qualifying service |
| 10 or more but under 15 years | 20 years qualifying service |
| 15 or more but under 23 years | Qualifying service to be increased by 5 years, subject to the maximum total not exceeding 25 years |
| 23 or more but under 30 years | Qualifying service to be increased by 2 years, subject to the maximum total not exceeding 30 years |

(2) In no case is the officer to be deemed to have completed more qualifying service than he would have completed had he remained in service until the age of compulsory retirement.

(3) Paragraph (1) does not apply if an officer is eligible for an additional pension under regulation 17 and the additional pension is greater than the benefit granted under paragraph (1).

(4) A pensioner who has retired under regulation 4(2)(b) or was granted a pension under regulation 11(5) is required to have a medical examination at such intervals as the Administrator may determine by a medical adviser appointed by the Administrator.

(5) The Administrator may, taking into consideration any special circumstances of the pensioner's case, direct the discontinuation of the whole or part of the pensioner's pension if the medical adviser considers that the pensioner is again fit to work as a police officer.

(6) If a pension is discontinued under paragraph (5) the pensioner's whole pension will be payable as soon as he reaches the age of 50 years (or 55 years in the case of a pensioner who was above the rank of Sergeant).

(7) If a pensioner who has been directed to be medically examined under paragraph (4) fails to comply with the direction without reasonable cause and within a reasonable period, the payment of his pension must be suspended until he complies with the direction.

(8) If a pensioner has a pension discontinued under paragraph (5) payment of a pension to that pensioner is to be resumed if, before that pensioner attains the age of 50 years (or 55 years in the case of a pensioner who was above the rank of Sergeant), a medical adviser appointed by the Administrator considers that for reasons of infirmity of body or mind the pensioner is unlikely to work as a police officer again.

(9) If an officer below the rank of Inspector retires under regulation 4(2)(b) having completed 400 months of qualifying service, his annual pensionable emoluments for the purposes of determining his pension are increased by a sum equal to 2 annual increments assessed on his salary scale.

Gratuity payable on death

14. (1) If an officer who is not on probation dies while in the combined service the Administrator must pay a gratuity to his personal representative.

(2) The gratuity payable is not to exceed the greater of—

- (a) the annual pensionable emoluments which would be taken into account for the purpose of calculating a pension or gratuity payable to the officer if he had retired at the date of his death; or
- (b) his commuted pension gratuity, if any.

(3) For the purpose of this regulation—

- (a) if at the date of his death the officer was entitled to vacation leave, the pension or gratuity is calculated as at the date at which such leave expires;
- (b) "commuted pension gratuity" means the lump sum if any, which would have been payable to the officer if that officer had retired in the circumstances specified under regulation 4(2)(b) and if-
 - (i) he had retired at the date of his death; and
 - (ii) the conditions described in paragraph (4) are met.

(4) The Administrator must pay a gratuity to the personal representative of an officer who dies after retirement from the combined service if the following conditions are met-

- (a) the officer has been granted a pension, gratuity or other allowance under these Regulations;
- (b) the sums paid or payable to him at his death as a pension, gratuity or other allowance in respect of any service are less than the amount of the annual pensionable emoluments paid to him at the date of his retirement.

(5) The gratuity paid will be the difference between the pension, gratuity or other allowance paid or payable at the officer's death and the annual pensionable emoluments payable to him at the date of his retirement.

Pension to dependents of an officer with less than 5 years service who is killed on duty

15. (1) The Administrator may grant a pension as set out in this regulation in addition to any gratuity payable to his personal representative under regulation 14 if an officer with less than 5 years of qualifying service dies as a result of injuries received-

- (a) while discharging his duty; and
- (b) due to no fault or negligence on his part; and
- (c) in circumstances specifically attributable to the nature of his duty, while in the combined service.

(2) If the deceased officer leaves a spouse, a pension is paid to the spouse while not re-married at a rate not exceeding 10 x 60ths of the officer's annual pensionable emoluments at the date of his death.

(3) If the deceased officer leaves a spouse to whom a pension is paid under the preceding paragraph and a child or children, a pension in respect of each child of an amount not exceeding 1/6th of the pension payable under paragraph (2) is paid.

(4) Subject to paragraph (8), if the deceased officer leaves a child or children but does not leave a spouse or no pension is paid to the spouse, a pension in respect of each child of double the amount payable under paragraph (3) is paid.

(5) Subject to paragraph (8), if the deceased officer leaves a child and a spouse to whom a pension is paid under paragraph (2) and the spouse subsequently dies, a pension in respect of each child as from the date of the death of the spouse of double the amount payable under paragraph (3) is paid.

(6) If the deceased officer does not leave a spouse or if no pension is paid to his spouse and if his mother or father or both were wholly or mainly dependent on him a pension is paid to the mother or father or both, while they are without adequate means of support.

(7) The pension paid under paragraph (6) must not exceed the pension which would have been granted to the spouse of that officer.

(8) A pension must only be paid for a maximum of 3 children.

(9) In the case of a pension paid under paragraph (6), if the mother or father is a widow or widower at the time of the grant of the pension and subsequently remarries, such pension ceases as from the date of remarriage.

(10) The Chief Constable, in consultation with the Administrator, may order that the mother or father's pension ceases from such date as he may decide if he considers that the mother or father is adequately provided with other means of support.

(11) A pension granted to a child under this regulation ceases upon the marriage of that child.

(12) Where a child in receipt of a pension under this regulation suffers from infirmity of the mind or body, certified by medical evidence, which renders him incapable of earning a living, the Administrator may direct that a pension continues to be paid to that child after he has ceased to be otherwise eligible to be paid a pension (including where he has ceased to be otherwise eligible because he is no longer a child).

(13) A child who receives a pension under paragraph (12) is required to have a medical examination at such intervals as the Administrator may determine by a medical adviser appointed by the Administrator.

(14) If a child who has been directed to be medically examined under paragraph (13) fails to comply with the direction without reasonable cause and within a reasonable period, the payment of his pension must be suspended until he complies with the direction.

(15) A pension paid under paragraph (12) ceases if the Administrator is satisfied by medical evidence that the child is no longer incapable of earning a living.

(16) A pension payable under this regulation together with the annual value of a death benefit payable in the form of pension under the Social Insurance Law of the Republic(e) must not exceed the annual pensionable emoluments of the officer at the date of death.

(17) For the purposes of this regulation, the expression "child" means a person who is-

- (a) under the age of 16 years; or
- (b) over 16 but under 25 years old and is receiving full time instruction at a recognised school, college, university or other educational establishment; or
- (c) over 16 but under 25 years old and undergoing full time training for a trade, profession or vocation.

(18) “Child” includes-

- (a) a posthumous child;
- (b) a step child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased officer for support; and
- (c) an adopted child, adopted in a manner recognised by an enactment of any State before the date of the injury and dependent as set out in sub-paragraph (b).

(19) This regulation will not apply in the case of the death of an officer if his spouse or children or both are eligible for pensions under Part 3 unless the pensions granted under Part 3 are less than the pensions that would otherwise be granted under this regulation.

Pension to dependents of an officer with 5 years or more service who is killed on duty

16. (1) A pension is granted to an officer’s spouse and children if he has completed service of 5 years or more and dies as a result of injuries received—

- (a) while discharging his duty; and
- (b) due to no fault or negligence on his part; and
- (c) in circumstances specifically attributable to the nature of his duty, while in the combined service.

(2) The pension to be granted to his spouse and children is the pension which would have been payable to them if the deceased continued to be in the service and died on the date on which he would have completed the age of compulsory retirement, calculated on the highest point of the salary scale of the rank immediately higher than his rank on the day of his death.

(3) The added period of service referred to in paragraph (2) is treated as contributory service.

(4) If the pension that would be granted under regulation 13 or Part 3 is greater than the pension granted under this regulation, the greater pension is payable.

(5) If the officer on the day of his death holds the rank of Superintendent, the pension payable to his spouse and children is the pension considered by the Administrator to be fair and equitable.

(6) In deciding what would be a fair and equitable pension, the Administrator must consider what would be the highest point of the salary scale of a rank immediately higher than the rank of Superintendent, if such a rank existed in the combined service and could be held by an officer.

Pension if retirement is on account of injuries related to duty

17. (1) Subject to paragraph (8), this regulation applies to an officer who is not on probation and who is permanently disabled as a result of injuries received-

- (a) while discharging his duty; and
- (b) due to no fault or negligence on his part; and
- (c) in circumstances specifically attributable to the nature of his duty, while in the combined service.

(2) If the officer’s retirement becomes necessary or is substantially accelerated and if his total qualifying service is less than 5 years, the Administrator may grant to him, instead of a gratuity under regulation 6, a pension under regulation 5, regardless of the condition relating to the completion of 5 years service.

(3) The Administrator may grant to the officer on his retirement an additional pension calculated on the basis of his annual pensionable emoluments as at the date of his retirement as set out in paragraph (4).

(4) If the disablement is-

- (a) slight, 5 x 60ths of his salary;
- (b) serious, 10 x 60ths of his salary;

- (c) very serious, 15 x 60ths of his salary;
 - (d) total, 20 x 60ths of his salary.
- (5) For the purposes of this regulation—
- (a) “slight” disablement means a degree of disablement between 10 % and 30 % inclusive;
 - (b) “serious” disablement means a degree of disablement over 30 % and up to 50 % ;
 - (c) “very serious” disablement means a degree of disablement over 50 % and up to 70 % ;
 - (d) “total” disablement means a degree of disablement over 70 %.

(6) The degrees of disablement applied in paragraph (5) are those defined in the Social Insurance Law of the Republic.

(7) The Administrator may reduce an additional pension payable under this regulation if disablement is not the reason or the sole reason for retirement.

(8) An additional pension payable under paragraph (3) together with a pension payable under this Part and the annual amount of disablement benefit payable as a pension under the Social Insurance Law of the Republic must not exceed the annual pensionable emoluments of the officer at the date of his retirement.

Maximum pension

18. (1) A pension granted to an officer must not exceed 1/2 of the highest annual pensionable emoluments paid to him in the course of his service in the combined service.

(2) Subject to paragraph (3), an additional pension granted on account of injuries under regulation 17 is not taken into account for the purposes of paragraph (1).

(3) If an officer is granted an additional pension the additional pension together with the remainder of his pension must not exceed 5/6 of the highest annual pensionable emoluments paid to him in the course of his service in the combined service.

Pensions etc. not assignable

19. A pension, gratuity or other allowance is not assignable or transferable except for the purpose of satisfying:—

- (a) a debt due to the Crown in any capacity;
- (b) an order of a Court in any country for the payment of periodical sums of money towards the maintenance of the spouse or former spouse or child of the officer to whom the pension, gratuity or other allowance has been granted; or
- (c) the balance of a bank loan made to an officer under an arrangement sponsored by the Administration.

Disqualification

20. If the Administrator is satisfied that an officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may be reduced or withheld altogether.

Part 3

Pensions to spouses and children

Interpretation

21. For the purposes of this Part -

“child” has the same meaning as in Regulation 15(17) and (18);

“children’s pension means the pension referred to in regulation 22(1)(b);

“contributory service” means service in the combined service in respect of which periodical contributions as provided by regulation 27 have been paid;

“spouse’s pension” means the pension referred to in regulation 22(1)(a); and

“pensioner” means an officer to whom a pension has been granted under Part 2 on his retirement from the combined service.

Pensions to spouses and children

22. (1) Subject to this Part, on the death of an officer to whom this Part applies or a pensioner (“the deceased”) there is payable—

- (a) if the deceased leaves a spouse, a pension to that spouse; and
- (b) if the deceased had a spouse after the day on which his qualifying service commenced (whether or not the marriage continued until his death and whether or not a spouse’s pension is or can be granted)—
 - (i) a pension for the benefit of the children born of that marriage; and,
 - (ii) in the circumstances referred to in regulation 25 for the benefit of other children of his or hers.

(2) No account is taken of a marriage of the deceased which takes place after he ceases to be an officer and any references in this Part to a marriage, spouse, spouse or child of the deceased are construed accordingly.

(3) A pension must not be paid under this Part unless at the time of his death, the deceased was—

- (a) a pensioner;
- (b) eligible for the grant of a pension under Part 2 (whether such pension had actually been granted or not); or
- (c) still serving as an officer and would, if he had then retired under regulation 4(2)(b), have been eligible for the grant of a pension.

Spouse’s pension

23. (1) A spouse’s pension is no longer payable if the spouse remarries.

(2) Subject to paragraph (1), a spouse’s pension is paid in respect of the period from the death of the deceased to the death of the spouse.

Rate of spouse’s pension

24. (1) Subject to paragraphs (2) and (3), a spouse’s pension is—

- (a) in the case of contributory service, 3/4ths of the annual pension of the deceased;
- (b) in the case of non-contributory service, 3/8ths of the annual pension of the deceased.

(2) If an officer at the time of death or his retirement from the combined service under regulation 4(2)(b) has completed the contributory service specified in the first column of the following table that officer is deemed to have completed the contributory service specified in the second column of that table—

| | |
|-------------------------------|--|
| 5 or more but under 10 years | Double his contributory service |
| 10 or more but under 15 years | 20 years contributory service |
| 15 or more but under 23 years | Contributory service to be increased by 5 years, subject to the maximum total not exceeding 25 years |
| 23 or more but under 30 years | Contributory service to be increased by 2 years, subject to the maximum total not exceeding 30 years |

(3) In no case is the officer to be deemed to have completed more contributory service than he would have completed had he remained in service until the age of compulsory retirement.

(4) The minimum pension payable under this regulation is €332.36 monthly.

(5) The amount specified in paragraph (4) is revised from time to time by the same percentage as the Social Insurance benefits payable under the Social Insurance law of the Republic are revised.

Children’s pension

25. (1) A children’s pension is payable to the children of the deceased or of a spouse of his in accordance with this regulation.

(2) No children’s pension is payable-

- (a) for the benefit of a child of the deceased born more than 10 months after the date when he ceased to be an officer or who was adopted by him since he ceased to be an officer; or
 - (b) for the benefit of a child of the deceased's spouse born or adopted after the dissolution of the marriage or since the deceased ceased to be an officer.
- (3) Subject to paragraph (5), no pension is payable to—
- (a) an illegitimate child of the deceased;
 - (b) a stepchild of the deceased or a child of his spouse; or
 - (c) a stepchild, adopted child or an illegitimate child of the deceased's spouse; unless that child was wholly or mainly dependent upon the deceased at the time of his death.
- (4) A children's pension is not granted for the benefit of a child who at the time of the death of the deceased was married; and a children's pension ceases upon the child's marriage.
- (5) The Administrator may direct that a children's pension is payable in respect of a child who, though he has ceased to be eligible for a child's pension (including where he has ceased to be eligible because he is no longer a child), suffers infirmity of the mind or body which renders him incapable of earning his living.
- (6) A child who receives a pension under paragraph (5) is required to have a medical examination at such intervals as the Administrator may determine by a medical advisor appointed by the Administrator.
- (7) The Administrator may order that pension paid under paragraph (5) ceases if he is satisfied by medical evidence that the child is no longer incapable of earning a living.
- (8) If a child who has been directed to be medically examined under paragraph (7) fails to comply with the direction without reasonable cause and within a reasonable period, the payment of his pension must be suspended until he complies with the direction.

Children's pension; rate and mode of payment

26. (1) Only one children's pension may be granted in respect of the service of an officer but—
- (a) the amount of the children's pension may vary according to the number of eligible children;
 - (b) it must be paid to such person or persons as the Administrator may direct; and
 - (c) the person to whom all or any part of it is paid must apply the sum paid to him without distinction for the benefit of all the children entitled to it or for the benefit of such of them as the Administrator may direct.
- (2) If the deceased does not leave a spouse, or if the spouse dies, the pension payable to the child is 4/9ths of the pension which would be payable to the spouse, in respect of each eligible child, subject to a maximum of three children.
- (3) If the deceased leaves a spouse, the annual rate of a children's pension during the spouse's life is 1/6th of the spouse's pension payable to her for each eligible child subject to a maximum of two children.

Part 4

Miscellaneous and final

Periodical contributions

27. (1) An officer must pay periodical contributions ("contributions") as required under this regulation.
- (2) Contributions under this regulation must be paid at the rate prescribed in paragraph (3).
- (3) Contributions are determined as a percentage of the officer's annual pensionable emoluments as follows—
- (a) $\frac{3}{4}$ % up to the maximum limit of pensionable emoluments specified from time to time in the Social Insurance Law of the Republic; and
 - (b) above the limit referred to in paragraph (a), at $1\frac{3}{4}$ %.
- (4) Contributions are payable from the date an officer joins the combined service until the date he ceases to be an officer.

(5) Contributions are calculated on the monthly pensionable emoluments of the officer to the nearest multiple of one cent.

(6) If an officer is on leave on reduced salary or without salary or is suspended from duty, he must contribute at the rate specified in paragraph (3).

(7) Contributions accrue daily and are deducted monthly in arrears from the emoluments of the officer.

(8) If during a period of unpaid leave an officer does not pay his contributions, the amount of his contributions in arrears are deducted from the emoluments payable to him after his unpaid leave in such instalments as the Chief Constable may in each case determine.

(9) Notwithstanding paragraphs (2) and (3), no officer will be bound to pay a sum representing more than 400 monthly contributions.

Refund of contributions

28. (1) If—

(a) a contributor who has paid contributions dies or ceases to be an officer without having married during the whole period of his service in respect of which contributions have been paid; or

(b) a contributor who has paid contributions dies or ceases to be an officer in such circumstances as not to be eligible for a pension under Part 2;

the whole of his contributions must be repaid to him or to his personal representative.

(2) If the spouse of a contributor who has paid contributions dies before him and he, without remarrying, dies while in the combined service or retires, the contributions paid by him since the death of his spouse must be repaid to him or to his personal representative.

(3) If any contributions are to be repaid under this regulation they will be refunded with simple interest at such rate as the Administrator may determine.

Cost of living allowance

29. (1) The Administrator may, so long as a method of cost of living allowance readjustment on basic salaries is in force, increase the pensions paid under these Regulations which became payable prior to the 1 January of the year during which the increase is to be made.

(2) The increase is the percentage increase of the average of the cost of living index during the expired year compared with the average of the cost of living index of the preceding year.

(3) The increase is to take effect from the first day of the year in which the increase is made.

(4) If an officer dies or retires during the expired year, the cost of living allowance which was taken into consideration in calculating the pension of the pensioned officer or the pension of his dependents, is taken into consideration for the purposes of calculating that increase.

(5) In this regulation “expired year” means the year which expired the day prior to the first day during which the increases were made.

Revocation

30. The Police and Prison Officers (Pensions) Regulations 2007(f) are revoked.

Dated this 12th day of May 2009.

D. J. Kelly,

Chief Constable and Superintendent of Prisons,
Sovereign Base Areas.

(SBA/AG/2/CR/190/3)

Notes

(a) Ordinance 6/07.

(b) Ordinance 11/71.

(c) PI 26/07.

(d) PI 85/67.

(e) Law 41/1980, Republic of Cyprus.

(f) PI 27/07.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

Introduction

1. This explanatory note relates to the Police and Prison Officers (Pensions) Regulations 2009. It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.

2. The note should be read in conjunction with the Regulations. It is not, and is not meant to be, a comprehensive description of the Regulations. So when a regulation or part of a regulation does not seem to require any explanation or comment, none is given.

Particular points

3. The Regulations establish the circumstances in which a pension is payable to a locally engaged police or prison officer and any spouse or child of his.

4. Part 2 sets the eligibility for a pension including the required qualifying period of service. It also provides for different rates and types of pension to be payable in circumstances such as where the officer retires prematurely on the grounds of ill-health.

5. Part 3 establishes the circumstances in which a pension is payable to a spouse and any child of an officer.

6. Part 4 imposes a duty on the officer to make periodical contributions to the pension fund at the rate set by regulation 27, establishes the circumstances in which any contributions may be refunded and also provides for the effect of a change in the cost of living allowance on a pension payable under the Regulations.