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**POLICE AND PRISON OFFICERS (PENSIONS)  
REGULATIONS 2009**

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*This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.*

<b>Legislation incorporated in this Consolidation</b>	<b>Public Instrument</b>	<b>Date in Force</b>
Police and Prison Officers (Pensions) Regulations 2009	14/2009	18/05/2009
Police and Prison Officers (Pensions)(Amendment) Regulations 2011	26/2011	07/09/2010
Police and Prison Officers (Pensions)(Amendment) Regulations 2012	04/2012	27/02/2012
Police and Prison Officers (Pensions)(Amendment) Regulations 2014	18/2014	01/07/2014
Police and Prison Officers (Pensions)(Amendment) Regulations 2015	25/2015	01/01/2016

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## POLICE AND PRISON OFFICERS (PENSIONS) REGULATIONS 2009

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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.—(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;

“*annual pensionable emoluments*” has the meaning given in regulation 2A; (c)

“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—~~

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

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

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(a) Ordinance 6/2007

(b) Ordinance 11/1971

(c) Definition inserted by Public Instrument 4/2012 – came into force on 27 February 2012

(d) Definition repealed by Public Instrument 4/2012 – came into force on 27 February 2012

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

“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.(b)

(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.

### **Meaning of annual pensionable emoluments (c)**

**2A.**—(1) *In these Regulations, annual pensionable emoluments mean the combined total of the annual amounts of an officer’s—*

- (a) *basic salary;*
- (b) *good conduct allowance;*
- (c) *merit allowance; and*
- (d) *cost of living allowance.*

(2) *Subject to paragraphs (3) and (4), and regulations 2B(2) and 13(7), basic salary and cost of living allowance are the annual amounts payable to the officer on the officer’s final day of service.*

(3) *If an officer leaves the combined service 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.*

(4) *If the basic salary of an officer is below the maximum of the officer’s salary scale, and on the date the officer leaves the combined service the officer has served one month or more since the grant of an annual increment, the officer’s basic salary is deemed to have increased as prescribed in paragraph (5) or (6).*

(5) *If the period of service is 1 month or more, but less than 6 months, the salary is deemed to have increased by as many 12ths of the amount of the increment as are the months of service after the grant of the last increment.*

(6) *If the period of service is 6 months or more after the grant of the last increment, the salary is deemed to have increased by the full amount of the increment.*

(7) *For the purpose of this regulation a period of service of more than 15 days is a month.*

### **Basic salary: officers below the rank of inspector serving on 10 March 2010**

**2B.**—(1) *Except where regulation 13(7) applies, this regulation applies where an officer—*

- (a) *is below the rank of inspector;*

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(a) Ordinance 26/2007

(b) Paragraph (3) repealed by Public Instrument 4/2012 – came into force on 27 February 2012

(c) Paragraph 2A and 2B inserted by Public Instrument 4/2012 – came into force on 27 February 2012

- (b) *was serving in the combined service on 10 March 2010;*
- (c) *reaches the age of 55 on or before 10 March 2010;*
- (d) *retires on or after the age of 55.*
- (2) *For the purpose of calculating annual pensionable emoluments, the officer's basic salary is deemed to be increased by an amount equal to—*
  - (a) *2 annual increments on the office's pay scale, where the officer reaches the age of 55 on or before 10 September 2011; or*
  - (b) *1 annual increment on the officer's pay scale where the officer reaches the age of 55 after 10 September 2011 and on or before 10 March 2013.*

#### **Application (a)**

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

#### **Application**

- 3.** *These Regulations apply to an officer who—*
  - (a) *was recruited on the island of Cyprus; and*
  - (b) *commenced services in the combined service before 1 January 2016.*

## **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; **(b)**
  - (b) *on ill-health retirement in accordance with regulation 8(b)(ii) of the Police General Regulations;*
- (c) on a reduction of the establishment of the combined service in accordance with regulation 8(1)~~(b)~~ **(a)(i) (c)** of the Police General Regulations;
- (d) on termination of service in the public interest in accordance with regulation 8(1)~~(e)~~ **(a)(ii)** 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)~~ **(a)(iii)** 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)~~ **regulation 11 or 11A; (a)**

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(a) Regulation 3 repealed and replaced by Public Instrument 25/2015 – came into force on 01 January 2016

(b) Paragraph (b) repealed and replaced by Public Instrument 18/2014 – came into force on 01 July 2014

(c) All substitutions in paragraph (2) are made by Public Instrument 18/2014 – came into force on 01 July 2014

- (i) in accordance with the Police (Discipline) Regulation 1967 (b) or the Police and Prison Officers (Discipline) Regulations 2013 (c). (d)

**Entitlements on compulsory retirement (e)**

~~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 x 800th 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 —~~

~~AP X 14~~

~~— LS = —————~~

~~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 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 1x 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.~~

**Entitlements on retirement (f)**

~~5. (1) Subject to 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 x 800<sup>th</sup> of the officer’s annual pensionable emolument as at the date of retirement for each month of qualifying service which the officer has completed; and~~

~~(b) either —~~

~~(i) for an officer above the rank of sergeant who has completed 412 months or more qualifying service, a lump sum (“LS”) calculated as follows —~~

~~AP x 14.5~~

~~LS = —————~~

(a) Text deleted and new text inserted by Public Instrument 26/2011 – came into force on 26 October 2011

(b) Public Instrument 85/1967

(c) Public Instrument 16/2013

(d) Text inserted by Public Instrument 18/2014 – came into force 01 July 2014

(e) Regulation 5 repealed and replaced by Public Instrument 26/2011 – came into force 07 September 2010

(f) Regulation 5 repealed and replaced by Public Instrument 4/2012 – came into force on 27 February 2012

~~3~~ —; or

~~(ii) for all other officers, a lump sum (“LSI”) calculated as follows—~~

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

~~3~~

~~(2) The maximum amount of qualifying service which may be taken into account for the purpose of calculating a lump sum under paragraph (1) is—~~

~~(i) 412 months for an officer above the rank of sergeant;~~

~~and~~

~~(ii) 400 months for other officers.~~

~~(3) 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 emolument.~~

~~(4) If the salary of an officer is on a salary scale and by the date of his retirement or death 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 (5).~~

~~(5) If the officer has served—~~

~~(a) more than 1 month but less than 6 months, 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 as served after the grant of the latest increment;~~

~~(b) 6 months or more, the salary is deemed to have increased by a full amount of the increment.~~

~~(6) For the purpose of calculating an officer’s total qualifying service, a period exceeding 15 days counts as a completed month.~~

~~(7) If an officer below the rank of Inspector who reaches the age of 55 years on or before 10 March 2013 retires on or after reaching the age of compulsory retirement or after a period of continuation in office under regulation 10(4) of the Police General Regulations, the annual pensionable emoluments for the purposes of determining that officer’s annual pension are deemed to be increased as follows—~~

~~(a) if the officer reaches the age of 55 years between 11 March 2010 and 10 September 2011 (both dates inclusive), an increase of 2 annual increments;~~

~~(b) if the officer reaches the age of 55 years between 11 September 2010 and 10 March 2013 (both dates inclusive), an increase of 1 annual increment.~~

~~(8) The pension granted under paragraph (1) to an officer below the rank of inspector who has more than 25 years qualifying service is increased by  $1 \times 800^{\text{th}}$  of the officer’s annual pensionable emoluments for each completed month of service in excess of 25 years up to a maximum of  $60 \times 800^{\text{th}}$  of the officer’s annual pensionable emoluments.~~

#### **Determination of annual pension and lump sum on retirement**

5.—(1) An officer who has 5 or more years’ qualifying service is entitled on retirement in the circumstances specified in regulation 4(2)(f) to—

(a) an annual pension (“AP”) determined as follows—

$$\frac{AP \times QS}{800}$$

where—

- (i) “APE” is annual pensionable emoluments;
- (ii) “QS” is the number of months of qualifying service, including an increase in qualifying service determined in accordance with regulation 7A(3), 13(4) or
- (b) except where paragraph (2) applies, a lump sum (“LS”) determined as follows—

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

where “AP” is the annual pension determined in accordance with paragraph (1)(a).

(2) This paragraph applies where an officer—

- (a) is above the rank of sergeant;
- (b) retires on reaching the age of compulsory retirement;

and

- (c) has 412 months or more of qualifying service.

(3) Where paragraph (2) applies, a lump sum (“LS”) is determined as follows—

$$\frac{AP \times 14.5}{LS} = 3$$

where “AP” is the annual pension determined in accordance with paragraph (1)(a).

### **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~~, regulation 11 or 11A, (a) 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.

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(a) Text deleted and new text inserted by Public Instrument 26/2011 – came into force on 07 September 2010



***Qualifying service: officers below the rank of inspector with 25 or more years' qualifying service (a)***

**7A.—***(1) This regulation applies where an officer—*

- (a) is below the rank of inspector; and*
- (b) retires with more than 25 years' qualifying service determined in accordance with regulation 7.*

*(2) The officer's qualifying service is increased in accordance with paragraph (3).*

*(3) Each month of actual qualifying service in excess of 25 years is deemed to be 2 months of qualifying service, but subject to—*

- (a) a maximum increase of 60 months' additional qualifying service; and*
- (b) maximum qualifying service (actual qualifying service and additional qualifying service, determined in accordance with this regulation) not exceeding 400 months.*

**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.*

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(a) Regulation 7A inserted by Public Instrument 4/2012 – came into force on 27 February 2012

(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 (a)~~**

~~**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).~~

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(a) Regulation 11 repealed and replaced by Public Instrument 26/2011 – came into force on 06 October 2011

~~(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***

*11.—(1) The Chief Constable may, in consultation with the Administrator permit an officer to retire and receive benefits in accordance with paragraphs (2) to (6) 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) the officer is paid—*

*(a) the lump sum specified in regulation 5(1)(b) immediately on retirement; and*

*(b) a pension ("a deferred pension") from the date the officer reaches the age of 55 years.*

*(3) 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 aggregate amount of any increase determined by regulation 29 payable on the amount referred to in paragraph (a) between the date the officer retires and the date when the referred pension becomes payable.*

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

- (a) retired under paragraph (1); and*
- (b) subsequently becomes unfit to work as a police officer for reason of an infirmity of body or mind before attaining the age of 55 years.*

*(5) If paragraph (4) applies the regulation 13 does not apply.*

*(6) If an officer who has voluntarily retired under paragraph (1) dies before attaining the age of 55 years, a spouse's pension and children's pension under Part 3 are payable to the officer's spouse and children, provided they are entitled to a pension under Part 3.*

***Voluntary premature retirement – officers serving on 10 March 2010 (a)***

***11A.—(1) This regulation applies only to officers serving in the combined service on 10 March 2010.***

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

*(3) If an officer below the rank of Inspector retires under paragraph (2), the officer is paid—*

- (a) the lump sum specified in regulation 5(1)(b) on retirement; and*
- (b) a deferred pension from the date the officer reaches the age of 50 years.*

*(4) If an officer above the rank of sergeant retires under paragraph (2), the officer is paid—*

- (a) the lump sum specified in regulation 6(1)(b) on retirement; and*
- (b) a deferred pension from the date the officer reaches the age of 55 years.*

*(5) The Chief Constable must permit an officer to retire and receive the benefits specified in regulation 5—*

- (a) in the case of an officer below the rank of Inspector, after the officer reached the age of 55 years;*
- (b) in the case of an officer above the rank of sergeant, after the officer reaches the age of 60 years.*

*(6) The initial amount of the deferred pension is—*

- (a) the amount which that officer would have received immediately on retirement but for paragraph (3)(b) or (4)(b) (as the case may be); plus*
- (b) the aggregate amount of any increase determined by regulation 29 payable on the amount referred to in paragraph (a) between the date the officer retires and the date when the deferred pension becomes payable.*

*(7) The Chief Constable may, after consulting the Administrator, allow an officer to receive a deferred pension immediately if the Chief Constable is satisfied that the officer—*

- (a) retired under paragraph (2); 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 an officer below the rank of Inspector or at the age of 55 years in the case of an officer above the rank of sergeant.*

*(8) If paragraph (7) applies then regulation 13 does not apply.*

(9) If an officer who has voluntarily retire under paragraph (2) 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, are payable to the officer's spouse and children, provided they are entitled to a pension under Part 3.

### **Voluntary premature retirement – additional provisions**

**11B.**—(1) The lump sum and deferred pension payable under regulation 11 or 11A are calculated under regulation 5 based on the officer's annual pensionable emoluments on the date of the officer's premature retirement.

(2) An officer's previous qualifying service must be taken into account in calculating the deferred pension on 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 under these Regulations on reappointment; and
- (d) subsequently retires voluntarily under regulation 11 or 11A having completed total qualifying service of at least 5 years.

(3) 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.

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

(5) If an officer retires prematurely under deregulation 11 or 11A and that officer is subsequently re-appointed—

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

(6) If an officer prematurely under regulation 11 or 11A and that officer is subsequently re-appointed and dies at any time after the officer is re-appointed, the officer's previous service must be taken into account in calculating the widow's and children's pension and lump sum payable to the officer's personal representative if the conditions set out in paragraph (2)(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 (a)**

**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
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(a) Regulation 13 repealed and replaced by Public Instrument 4/2012 – came into force on 27 February 2012

10 or more but under 15 years	20 years qualifying service
15 or more but under 23	Qualifying service to be increase 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) *regulation 11 and 11A* (a) 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). (b)~~

~~*(6) if a pension is discontinued under paragraph 95), the pensioner's whole pension will be payable as soon as the pensioner reaches the age specified in paragraph (10).*~~

~~(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. (e)~~

~~*(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 specified in paragraph (10), 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.~~

~~(10) The age specified in this paragraph is —~~

~~(a) in the case of an officer below the rank of Inspector serving in the combined service on 10 March 2010, 50 years; or~~

~~(b) in all other cases, 55 years. (d)~~

(a) Text deleted and new text inserted by Public Instrument 26/2011 – came into force on 07 September 2010

(b) Paragraph (6) repealed and replaced by Public Instrument 26/2011 – came into force on 07 September 2010

(c) Paragraph (8) repealed and replaced by Public Instrument 26/2011 – came into force on 07 September 2010

(d) Paragraph (10) inserted by Public Instrument 26/2011 – came into force on 07 September 2010

### **Retirement on account of ill-health**

**13.**—(1) *This regulation applies to an officer who retires in the circumstances specified in regulation 4(2)(b).*

(2) *Subject to the following provisions, an officer with—*

- (a) *5 or more years' qualifying service is to receive on retirement an annual pension and a lump sum determined in accordance with regulation 5(1);*
- (b) *less than 5 years' qualifying service is to receive a gratuity determined in accordance with regulation 6.*

(3) *Paragraph (2) does not apply if the officer is eligible for an additional pension under regulation 17, and that pension is greater than a benefit determined under paragraph (2).*

(4) *Subject to paragraphs (5) and (6), for the purpose of determining the amounts of the annual pension and lump sum in accordance with regulation 5(1), the officer's qualifying service is to be increased in accordance with this table—*

<i><b>Years of qualifying service</b></i>	<i><b>Years of increased qualifying service</b></i>
<i>5 or more years but less than 10 years</i>	<i>Qualifying is to be doubled</i>
<i>10 or more years but less than 15 years</i>	<i>20 years</i>
<i>15 or more years but less than 23 years</i>	<i>Qualifying service to be increase by 5 years subject to a maximum total of 25 years</i>
<i>23 or more years but less than 30 years</i>	<i>Qualifying service to be increased by 2 years subject to a maximum total of 30 years</i>

(5) *The total number of years' qualifying service, following an increase under paragraph (4), is not to be more than the number of years of actual service that the officer would have accrued if the officer had remained in service until the age of compulsory retirement.*

(6) *Where regulation 7A applies, the officer's qualifying service is determined as follows—*

- (a) *the service is increased in accordance with regulation 7A(3);*  
*and then*
- (b) *the service is increased by 2 years, subject to a maximum total of 30 years.*

(7) *This paragraph applies where an officer has 400 months' or more qualifying service (including an increase in qualifying service for an officer to whom regulation 7A applies).*

(8) *Where paragraph (7) applies, the officer's basic salary is deemed to be increased by 2 increments on the officer's pay scale, and annual pensionable emoluments determined accordingly.*

### **Medical examination and cessation of pension (a)**

**13A.**—(1) *This regulation applies to a person who—*

- (a) *retires under regulation 4(2)(b) and is in receipt of a pension determined under regulation 13; or*
- (b) *is in receipt of a pension paid immediately on the grounds of infirmity of body or mind under regulation 11(4) or 11A(7).**(b)***

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(a) Regulation 13A inserted by Public Instrument 4/2012 – came into force on 27 February 2012

(b) Regulation 11 was substituted and regulation 11A inserted by Regulation 5 of 26/2011.

- (2) *The Administrator may require the person to have a medical examination—*
- (a) *by a medical adviser appointed by the Administrator;*
  - and*
  - (b) *at such intervals as the Administrator may determine.*
- (3) *If the medical adviser considers that the person is fit to work as a police officer, the Administrator may direct, having regard to all the circumstances of the case, that the pension ceases, in whole or in part.*
- (4) *If the pension ceases under paragraph (3), it is to recommence on the day the person reaches the age of—*
- (a) *50 years, in the case of a person who was below the rank of Inspector and in service on 10 March 2010; or*
  - (b) *55 years, in all other cases.*
- (5) *If a person fails to attend the medical examination, referred to in paragraph (2), within a reasonable period and without a reasonable cause, the Administrator may direct that the pension is to be suspended until such time as the person complies with the requirement.*
- (6) *Where a pension ceases under paragraph (3), it is to recommence if a medical adviser appointed by the Administrator considers that by reason of infirmity in body or mind the person is unlikely to be fit to serve as a police officer before the age specified in paragraph (4).*

#### **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 (a) 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.

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(a) Law 41/1980, Republic of Cyprus

(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 (a)**

~~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.~~

#### **Maximum pension**

~~18.—(1) A pension granted to an officer must not exceed—~~

- ~~(a) in the case of an officer above the rank of sergeant, 51,5% of annual pensionable emoluments as at the date on which the officer retired;~~
- ~~(b) in the case of other officers, 50% of annual pensionable emoluments as at the date on which the officer retired. (b)~~

~~18.—(1) A pension granted to a police officer may not exceed 50% of the officer's annual pensionable emoluments payable on the date the officer retire.~~

~~(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).~~

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(a) Regulation 18 repealed and replaced by Public Instrument 26/2011 – came into force on 07 September 2010

(b) Regulation 18(1) repealed and replaced by Public Instrument 4/2012 – came into force on 27 February 2012

*(3) If an officer is granted an additional pension, the additional pension together with the remainder of the pension must not exceed 5/6 of the highest annual pensionable emoluments paid to the officer in the course of 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—

(3)

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	Contribution service to be increase by 5 years, subject to the maximum total not exceeding 25 years
23 or more but under 30 years	Contribution service to be increased by 2 years, subject to the maximum total not exceeding 30 years

(4)

(5) 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.

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

(7) 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 (a)**

#### **~~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.~~

#### **Refund of contributions**

**28.—(1)** The whole of the contributions paid by an officer are to be refunded to that officer on retirement or the personal representative of the officer on the death of that officer if—

- (a) *the officer dies or ceases to be an officer without having been married during the whole period of service; or*
- (b) *if the officer dies or ceases to be an officer in such circumstances as not to be eligible for a pension under Part 2.*

**(2)** *The whole of the contributions paid by an officer are to be refunded to that officer on retirement or the personal representative of the officer on the death in service of that officer if—*

- (a) *either*
  - (i) *the spouse of the officer dies before the officer retires or dies in service and the officer has not remarried before dying in service or retiring; or*
  - (ii) *the marriage between the spouse and the officer comes to an end by divorce or dissolution and the officer has not remarried before dying in the service or retiring; and*
- (b) *a children's pension is not payable under these Regulations.*

**(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.*

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(a) Regulation 28 repealed and replaced by Public Instrument 26/2011 – came into force on 07 September 2010

### **Cost of living allowance- (a)**

~~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.~~

### **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 in accordance with this regulation.*

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

*(3) The increase is to take effect from 1 January and 1 July in each year.*

*(4) The increase is to apply to all pensions payable under these regulations which become payable prior to the date on which the increase took effect.*

*(5) If an officer dies or retires during the expired period, 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.*

*(6) In this regulation “expired period” means the 6 month period which expired the day prior to the first day during which the increase is to take effect.*

### **Revocation**

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

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(a) Regulation 29 repealed and replaced by Public Instrument 26/2011 – came into force on 07 September 2010

(b) Public Instrument 27/2007