
POLICE AND PRISON OFFICERS (PENSIONS) (AMENDMENT) REGULATIONS 2010

The Chief Constable and Superintendent of Prisons, with the approval of the Administrator, makes the following Regulations exercising the powers under section 9 of the Police Ordinance 2007(a) and sections 11 and 15 of the Prisons Ordinance 1971(b).

Citation and commencement

1. These Regulations may be cited as the Police and Prison Officers (Pensions) (Amendment) Regulations 2010 and come into force on the day they are published in the Gazette.

Regulation 5 revoked and replaced

2. Regulation 5 (Entitlements on compulsory retirement) of the Police and Prison Officers (Pensions) Regulations 2009(c) (“the principal Regulations”) is revoked and replaced with—

“Entitlements on compulsory retirement

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 1/800th of the officer’s annual pensionable emoluments 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 412 months or more of qualifying service, a lump sum (“LS”) calculated as follows—

$$LS = \frac{AP \times 14.5}{3} ; \text{ or}$$

- (ii) for all other officers, a lump sum “LS1” calculated as follows—

$$LS1 = \frac{AP \times 14}{3} .$$

(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 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 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 on the salary scale applicable to the officer;
- (b) if the officer reaches the age of 55 years between 11 September 2011 and 10 March 2013 (both dates inclusive), an increase of 1 annual increment on the salary scale applicable to the officer.

(7) The pension granted under paragraph (1) to an officer above the rank of sergeant who has more than 25 years qualifying service is increased by 1/800th of the officer's annual pensionable emoluments for each completed month of service in excess of 25 years up to a maximum of 60/800ths of the officer's annual pensionable emoluments.”.

Regulation 11 amended

3. (1) Regulation 11 (Voluntary premature retirement with or without deferment of pension or other benefits) of the principal Regulations is amended by revoking and replacing paragraphs (1) and (2) with—

“(1) The Chief Constable—

- (a) in consultation with the Administrator, may permit an officer to retire and receive benefits in accordance with paragraphs (2) and (3) if that officer has completed qualifying service of 5 years or more and is 45 years old or more; and
- (b) is to permit an officer who was serving on 10 March 2010 to retire and receive benefits in accordance with paragraphs (2) and (3)—
 - (i) in the case of an officer of the rank of constable or sergeant, after the officer reaches the age of 55 years;
 - (ii) in the case of an officer above the rank of sergeant, after the officer reaches the age of 60 years.

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

- (a) the lump sum specified in regulation 5(1)(b) on retirement; and
- (b) a pension (a “deferred pension”) as follows—
 - (i) for an officer of the rank of constable or sergeant who was serving on 10 March 2010, a deferred pension from the date the officer reaches the age of 50 years; or
 - (ii) for any other officer, a deferred pension from the date the officer reaches the age of 55 years in the case of a constable or a sergeant, or the age of 60 years in the case of an officer above the rank of sergeant .”.

Dated this 6th day of September 2010.

D. J. Kelly,

Chief Constable and Superintendent of Prisons,
Sovereign Base Areas.

(SBA/AG/2/CR/187/4)

Notes

- (a) Ordinance 6/06.
- (b) Ordinance 11/71.
- (c) Public Instrument 14/09.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

1. This explanatory note relates to the Police and Prison Officers (Pensions) (Amendment) Regulations 2010 (“the Regulations”). 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.
3. The Regulations amend the Police and Prison Officers (Pensions) Regulations 2009 (“the principal Regulations”) to broadly replicate changes made by the Republic to the retirement provisions for police officers. Changes to the compulsory retirement age have been made simultaneously by amending the Police and Prison Officers (General) Regulations 2007.
4. The Regulations amend the lump sum payable to an officer above the rank of sergeant on retirement if that officer has served for more than 412 months.
5. The Regulations also amend the manner in which the principal Regulations calculate an officer’s pensionable emoluments for determining the annual pension. Previously, annual pensionable emoluments were increased by an amount equal to two annual increments on the salary scale for the purpose of calculating the pension. This increase for the purpose of calculating the annual pension will be phased out between the date of making the Regulations and 10 March 2013.
6. The Regulations amend regulation 11(1) of the Principal Regulations. This regulation now permits an officer serving on 10 March 2010 to voluntarily retire on reaching the age of 55 years (for officers of sergeant and below) or 60 years (for officers above the rank of sergeant). Officers of the rank of sergeant and below serving on 10 March 2010 who retire early receive their benefits at 50 years of age (for officers of sergeant and below). Officers of the rank of sergeant and below joining the combined service after that date who retire early will receive their benefits at 55 years (for officers of sergeant and below). Officers above the rank of sergeant who retire early will ordinarily receive their annual pension at the age of 60 years irrespective of when they joined the combined service.