

**INFORMATION, GUIDANCE AND PENSION
ENTITLEMENTS - FORMER POLICE OFFICERS
REVISED JUNE 2009**

INTRODUCTION

This guidance has been prepared in order to provide information to former members of the PSNI, RUC and RUC Reserve who may be eligible to make application for consideration in respect of a Retrospective Ill-Health Pension and/or Injury on Duty (IOD) Awards.

It addresses a number of key questions that you may have in relation to making an application for an Ill-Health Pension and/or Injury on Duty Award and also details the procedures involved.

Since the first version of this guidance was produced in March 2005, a new Selected Medical Practitioner (SMP) has been appointed by the Board, and due to changes in legislation, it was considered that additional information should be made available. This guidance contains updated information regarding Ill-Health Retirement Pensions and Injury on Duty Awards. The Board hopes that you find this revised guidance useful and informative

The guidance was last revised in March 2009. Due to the issue of an NIO Circular on the definition of 'permanently disabled' section 11 page 5 of this guidance has been amended to reflect the content of the guidance circular, the content of which has been approved by the NIPB.

A copy of the guidance including application and consent forms which require to be completed, are also available on the Board's website. The guidance will be up dated on an ongoing basis in order to reflect changes in legislation, NIO Circulars and procedures.

Members of staff in the Board's Administration Branch will be pleased to answer any general queries or questions that you may have in relation to your possible application.

A M Donaldson

Chief Executive

June 2009

1. How Do I Apply For A Retrospective Ill-Health Pension And/Or Injury On Duty Award?

Should you wish to be considered for a Retrospective Ill-Health Pension and/or Injury on Duty Award, the first step in the process is to write to the Police Administration Branch of the Northern Ireland Policing Board, indicating that you wish to make an application. You may also do this by e-mailing the Administration branch at information@nipolicingboard.org.uk

Please remember to put your name, service number and contact address on your letter/e-mail request so that an application form may be posted to you. You will find all contact details and other useful addresses/phone numbers on page 12 of this booklet.

Information and application/consent forms are available from the Board's Police Administration Branch at the address provided in the booklet. Information and application/consent forms (including a copy of this booklet) may be downloaded from the Board's website at www.nipolicingboard.org.uk

Completed application and consent forms should be forwarded to the Board's Police Administration Branch. Forms should not be faxed or e-mailed as it is not possible to provide a secure e-mail facility. The Board also needs to have your signature on all applications and consent forms, therefore the application and consent forms, when completed, must be posted or hand delivered to the Board's Police Administration Branch.

On the final page you will find a diagram that we hope will assist you in understanding the assessment process. This may also provide additional information for you to consider when you fill in your application form and throughout the assessment process.

2. How Does The NIPB Ensure Confidentiality Of My Information?

The Data Protection Act (DPA) came into effect on 1 March 2000, replacing the 1984 Data Protection Act. It sets out rules for processing "personal data" particularly that which is held on computers, but it also applies to some manual (mainly paper) records.

The Board has a Data Protection Policy and the Police Administration Branch has approved Guidance and Procedures to ensure the identity of any ex officer is established before any application for Pension and/or Injury on Duty (IOD) Award is processed. There are also procedures to ensure that information is only supplied to the appropriate ex officer, his or her solicitor or nominated representative. The information pack an ex officer receives to make application to the Board explains the requirements of these procedures and is also on the Board's website.

On each occasion that you contact the Board regarding any application, you will be asked a number of questions to establish your identity before any information can be released. In order to ensure that staff of the Police Administration Branch have sufficient time to process applications received, phone calls will only be taken on a Tuesday and Thursday afternoon.

A copy of the Guidance and Procedures for the Board's Administration Branch may also be found on the Board's website www.nipolicingboard.org.uk

3. What is the next stage in the process?

When the letter of application/e-mail is received by the Policing Board, a member of the Police Administration Branch team will be appointed to be responsible for all aspects of the administration of your application. At this stage, the staff member will act as your case co-ordinator and will be there to provide information and guidance throughout the process.

You will be issued with an Application Form, which will detail the necessary information you will be required to supply in order that your case may be fully and accurately assessed. It is essential that the Application Form is completed and returned, together with the information requested and any additional information you feel will support your application. There are also a number of consent forms to be completed to enable information to be made available for the assessment of your application. All the forms and information will be made available in an "Application Pack".

4. Will PSNI be required to supply information on my policing career?

The PSNI Personnel Officer, who is responsible for the last District Command Unit/Department in which you served, will be required to supply to the Policing Board information in respect of your service.

This will be forwarded to the Board's Police Administration Branch together with medical information. The medical information will be placed in a sealed, secure envelope by PSNI Occupational Health and Welfare addressed to the Board's SMP. Board officials will not have sight of any medical information at any stage throughout the process.

5. Who will have sight of my medical information?

The SMP, who is currently Capita Health Solutions Limited, will receive and have access to your medical information as part of the assessment process. In addition, any Independent Medical Referee (IMR) appointed by the Northern Ireland Office (NIO), in any subsequent appeal will, with your consent, have access to medical information considered by the SMP. The SMP may also be required to obtain GP and/or specialist/s reports. It is the SMP that considers all medical information and this is not made available to the Board or Board officials.

6. How will my application be considered?

Your application for Ill-Health retirement will be considered in accordance with the Royal Ulster Constabulary (RUC) Pensions Regulations 1988, or alternatively, the New Police Pension Scheme 2006, if you are a member of that Scheme. Applications for Injury on duty awards are considered in accordance with the PSNI and PSNI Reserve (Injury Benefit) Regulations 2006. The Board will consider whether your application should move forward for formal assessment to the SMP. The vast majority of applications will be dealt with under delegated authority which has been granted by the Board to officials. In some situations applications may be required to be referred to the Policing Board's Human Resources Committee for consideration at its monthly meetings as to whether or not the case should be referred to the SMP. When a case is referred to the SMP the occupational health doctor will complete an assessment which will include a face-to-face meeting and also consideration of both medical and non-medical evidence received via the Board.

7. Who is Capita Health Solutions Limited?

The Policing Board appointed Capita Health Solutions Limited in December 2005 to act as the Board's SMP. Capita are contracted to complete the assessment of all medical pension and injury on duty cases referred to them.

Capita Health Solutions Limited is one of the largest independent providers of occupational health services to both public and private organisations in the United Kingdom.

8. How will the assessment be arranged?

Should the Board refer your case to the SMP, a date and time will be made for the assessment to take place. As the Board's Administration Branch does not release your contact details to the SMP, the letter inviting you to attend for assessment will be forwarded to you by your case co-ordinator in the Policing Board's Administration Branch.

When attending at Capita offices for assessment, you should bring a form of identification ie. A driving licence, passport etc., The time of your arrival and leaving the Capita offices will be recorded and the doctor will also record the start and finish time of your assessment.

9. How will the assessment be conducted?

When you attend the SMP for assessment, a doctor will review your medical history and consider all medical and non-medical information received. If necessary, the doctor may also decide to include a medical examination.

The assessment will be undertaken by a qualified and experienced doctor in occupational medicine as recommended by the Police Negotiating Board.

10. GP and/or Specialist Reports

On occasions, the SMP may decide he will require a report from your GP and/or a Specialist report. You will be requested to give your written consent for this information to be obtained.

In order not to delay a decision indefinitely on your application, the SMP allows a maximum period of 12 weeks for a report to be returned by your GP and/or Specialist from the date it is requested. You will be copied by the Board with reminders forwarded by the SMP to the GP and/or Specialist during this period.

At the end of the 3 month period if the GP and/or Specialist have not supplied a report to the SMP as requested, the SMP will make a decision on your application based on the information available.

11. Medical Retirement – How is a permanent disability defined?

In considering a medical retirement, the focus of the SMP is whether the disability is likely to be 'permanent'. Having completed a consultation process the NIO issued circular 04/2009 dated 27 April 2007 containing guidance on the definition of the term 'permanent' to reflect the Police Negotiating Board (PNB) guidance and the definition used in England and Wales. This guidance circular was approved by the Board at the Human Resources Committee meeting on 14 May 2009.

With effect from 01 June 2009 the guidance provided to the Board's SMP for the consideration of an application for an injury on duty is as follows:

'The Regulations do not define "permanent" since the word arguably speaks for itself, meaning for the rest of one's life. The PNB Guidance states that if, in a case where the officer is still in the early stages of his career, such a long-term view is difficult the test should be that the officer is likely to remain disabled for the ordinary duties of a member of the force until at least the compulsory retirement for his or her rank, which is age 60 for ranks from constable up to and including chief inspector and age 65 for ranks from superintendent and above.'

The NIO guidance further states as follows:

'The issue is to be decided more on the balance of probabilities than on the basis of "beyond reasonable doubt" and in the present, taking account of current medical knowledge

12. Ill-Health Retirement – What is the position if I am a Member of the New Police Pension Scheme?

Officers who are members of the New Police Pension Scheme and who, in the future, may be considered for an Ill-Health Retirement or ex officers, who had been members of the New Police Pension Scheme and apply for Retro Ill-Health Retirement, will also be required to be assessed by the Board's SMP.

In the New Police Pension Scheme (NPPS) there are two levels of Ill-Health Retirement Pension and these are as follows:-

- If you are permanently disabled for the ordinary duties of a member of PSNI, you may be entitled to a **standard ill-health pension**;
- If you are permanently disabled for the ordinary duties of a member of the PSNI, and in addition you are permanently disabled for any regular employment, you may be entitled to an **enhanced top-up ill-health pension** in addition to a standard ill-health pension. For this purpose "regular employment" means employment for an annual average of at least 30 hours per week.

The maximum possible Ill-Health Pension is 35/70ths and there is an associated lump sum of four times the pension.

If, when you joined or rejoined NPPS you were designated by the PSNI (following a medical examination) as being ineligible for ill-health benefits, you cannot receive an Ill-Health Pension,

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although you might still be required to retire on ill-health grounds. If so, you would be entitled to an ordinary pension if you were age 55 or over or, if you were under 55, to a deferred pension payable at age 65.

Should you indicate when applying to the Board for a Retro Medical Retirement and/or Injury on Duty Award, that you have been a member of the New Police Pension Scheme, you will then be supplied with a copy of the Member Guide to the New Police Pension Scheme.

13. How does the SMP assess an Injury on Duty?

The SMP, when undertaking an assessment for Injury on Duty (IOD), will be required to provide an opinion as to whether the condition or conditions occurred as a direct result of an injury received in the execution of duty. The injury should be deemed to have caused or substantially contributed to permanent disablement.

In July 2006, the PSNI and PSNI Reserve (Injury Benefit) Regulations 2006 became law. These regulations removed injury awards from both the 1988 Pension Scheme and the New Police Pensions Scheme 2006. It also ensured that injury awards would continue not to be subject to income tax deductions.

14. How can I assist the SMP to consider my application?

In considering any application you make for an ill-health retirement pension and/or injury on duty award, in addition to being required to attend for a medical assessment, the SMP will also consider both medical and non-medical evidence.

Medical evidence can include reports from OHW, your GP and/or other doctors and specialist/s who may have treated you. Your written consent will be requested before any information is released to the SMP. Only the SMP will have sight of your medical records/reports. The SMP may, on occasions, request a former officer to attend a further specialist to obtain additional information of his/her condition. The cost of such an assessment will be met by the NIPB.

The Board will also request PSNI to supply other information in relation to your police career, such as copies of Injury on Duty reports, notebooks, station records, incident logs etc. All this information will assist the SMP in fully assessing your application and reaching a decision.

It would assist the assessment of your case if you could provide copies of any information you may have in respect of your police career. Statements from colleagues which support your attendance at scenes of crime and/or incidents would also be of particular value.

When former officers, in receipt of an injury award, are age 65, they will have reached their State pension age, irrespective of whether they are male or female. At such a point, the former officer would normally no longer be expected to be earning a salary in the employment market.

A review of their injury on duty award, at age 65, will normally be the last unless there are **exceptional** circumstances which require there to be a further review.

15. What does percentage disablement mean?

Once permanent disablement has been established and an Injury on Duty has been determined by the SMP, the next step is to calculate an estimate of the percentage disablement. It is important to remember that the percentage disablement awarded by the SMP is based on the degree to which your earning capacity has been affected by a condition which has resulted from an injury on duty.

The SMP is required to make a comparison between your basic gross earnings (including CRTP if in payment at the date of retirement) as a police officer against your potential earnings outside the police service. Although the medical condition, or conditions, may have disabled you from continuing to work as a police officer, where fitness standards are high, you may potentially be capable of undertaking other civilian employment.

The percentage disablement calculation method cannot, therefore be compared directly with other sources of benefit, such as the Industrial Injuries Benefit Scheme. The calculation is based on the loss and/or impact of the condition or conditions on your earning capacity, not the actual physical/mental injury(s) or condition(s).

16. How does the SMP calculate the percentage disablement award?

The first decision the SMP is required to make is whether your condition is as a result of an Injury on Duty. If the SMP considers the condition is as a result of an injury or injuries sustained in the execution of duty, a calculation is required to be made.

The impact of the disablement is determined by the degree to which your earning capacity has been affected as a result of the injury or injuries sustained while on duty. The SMP is provided with information in respect of the assessed potential basic gross pay (plus CRTP) you would be receiving if you were still a serving officer.

The SMP will make a professional and informed assessment of the loss of functional ability, which is considered to be directly attributable to the Injury on Duty. An assessment is also made of your capabilities and the potential basic earnings you may receive in other occupations.

In the calculation of an Injury on Duty award, the SMP will use the Northern Ireland ASHE (Annual Survey of Hours and Earnings), not inclusive of income tax. ASHE is an annual pounds figure calculated by using National Insurance contributions. It is validated and produced each year by Government.

The percentage calculation may be reduced if the SMP considers that conditions and factors, not work related, also contributed to your condition and functionality. The percentage disablement calculation made by the SMP determines into which of the four percentage disablement bands you are placed, in order that PSNI's Pension Branch may calculate the pension payable to you. Here is an example:-

Assessed basic police pay	£30,186.00
Less – potential basic earnings using the ASHE (Annual Survey of Hours and Earnings)	£18,207.00
	£11,979.00 divided by £30,186 x 100
	= 39.68% less 1/3 apportionment for pre-existing and/or non-work related conditions/factors
	= 26.45%
	Rounded up to 26.45% Injury on Duty Award = Band 2 Award

As your case will be assessed on an individual basis, in accordance with the evidence and information available to the SMP, please bear in mind that the above example is used for illustration purposes only. The SMP will make an assessment on the percentage reduction for non work related factors and the example of '1/3' is again only used for illustration purposes.

17. What is the Injury on Duty Disablement Bands?

There are four IOD Disablement Bands. These will determine the amount of award you will receive and are detailed in Schedule 3, section 3, page 30 of the PSNI and PSNI Reserve (Injury Benefit) Regulations 2006. They are as follows:-

Band 1	Zero to 25%
Band 2	Over 25% but not more than 50%
Band 3	Over 50% but not more than 75%
Band 4	Over 75%

18. What impact has the injury on duty percentage awarded on the monthly payment I will receive?

Section 16 of this booklet explains how the SMP will calculate an injury on duty award and section 16 explains how the percentage awarded places an ex officer in a particular banding. If, as the result of a review of the percentage IOD award, the percentage is either increased or reduced but the ex officer remains in the same banding, then there is no change to the award payable.

If however there is a change to a banding as a result of a review of an injury on duty award the change will be applied by PSNI Pensions Branch from the next payment after the date it receives a copy of the SMP certificate from the Board

19. What happens after the assessment is completed by the SMP?

When the assessment is completed and the SMP has all the information available to make a decision, the decision is forwarded to the Policing Board for consideration in the form of a Certificate, together with a report, explaining the background to the medical determination. Should the SMP have awarded an injury on duty percentage disablement, the SMP report will illustrate how the percentage disablement award has been calculated, as illustrated at section 16.

You will be advised of the Board's decision by letter and you will also receive a copy of the Certificate and report issued by the SMP.

20. Can I appeal against the assessment of the SMP?

Yes. Having received and considered the SMP's certificate and report received, should you decide you wish to appeal the decision, you must advise the Board's Police Administration Branch in writing within 28 days. You will then receive for completion and return, an appeal form on which you are required to explain the grounds under which you wish to challenge the SMP decision. In special circumstances, the Board may accept an appeal request received beyond the 28 day period. The appeal form is also available on the Board's website.

21. What is the appeal process?

Should you decide to appeal against the SMP assessment and you have, in writing, advised the Policing Board accordingly, your case would then be referred by Police Administration Branch to the Police Division of the Northern Ireland Office (NIO), which is responsible for the appointment of an Independent Medical Referee (IMR) to review your case.

You will then be advised by the NIO of the subsequent decision of the IMR or Medical Tribunal in the form of a Certificate and report which shall, subject to the Provisions of Regulations H3 of the RUC Pension Regulations 1988 and section 30 of the PSNI and PSNI Reserve (Injury Benefit) Regulations 2006, be final.

If, prior to the commencement of the appeal process, or indeed during the appeal, you supply new information or facts not previously made available to the SMP, your case may be referred back to the SMP for a review of the doctor's assessment in light of the new information provided.

Having received details of the SMP's assessment as a result of a review of your case file, you may still wish the appeal process to continue. If you do, you should inform the Board in writing. Should you decide to make an appeal, the NIO will supply you with details of its appeals process.

Having completed the appeal process, the NIO will forward to you direct, a copy of the IMR's report and Certificate. A copy of the IMR's report and Certificate is also forwarded to the Policing Board by the NIO and the Board advises Pensions Branch of the IMR's decision. The Board in turn will forward a copy of the IMR report to the SMP. This ensures that both the SMP and IMR have a complete file on each case and are aware of the basis on which decisions have been

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reached. This is particularly relevant when a review of an injury on duty percentage award takes place at any future date.

22. If I am awarded an Injury on Duty Award, would it be subject to a future review?

Yes. Should you be awarded an IOD Award, the SMP will state on the Certificate the percentage disablement awarded and a date when the award comes into effect. The SMP will also state whether the award is permanent or, alternatively, detail a review date.

Should the SMP specify a future review date, it is the date of the Certificate, unless the SMP is able, based on the evidence available, to specify an earlier date.

At a meeting of the Board's Human Resources Committee held on 08 January 2009 Members discussed the frequency in which injury on duty reviews take place. As a result of the discussion Members approved the following:

'The SMP should be advised that with effect from 01 February 2009 the Board would prefer that the minimum period to be identified between injury on duty reviews should be 5 years'

The SMP was advised of the Board's recommendation by letter dated 29 January 2009. The final decision on the period of any reviews still rests with the SMP.

Should you fail to fully cooperate in the conduct of any future review the SMP may make a decision based on the information available.

Should you request a review of your IOD disablement award; the SMP will issue a new Certificate which details your revised percentage disablement award, and whether it is permanent. If a further review is recommended, a date for this will also be included on the new Certificate.

If, having considered all the evidence available, the SMP is unable to determine an exact date when any changes to your percentage award should come into effect, the date will be taken as the day that the Policing Board received your written request for a review.

The process of reviewing your IOD Percentage award, and the right to appeal, would be conducted in the same manner as your first initial assessment.

23. Does the compulsory retirement age for police officers have an impact on the possible consideration, award and/or review of an injury on duty award?

The Board has adopted the guidance contained in Annex 'A' of the NIO Policing Division Circular 6/2007 dated 30 May 2007. The circular and guidance is in keeping with the Home Office guidance issued for England and Wales. The guidance is applied by the Board's SMP and the IMRs appointed by the NIO to consider appeals. The role of the IMR is contained in the guidance available from the NIO.

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New applications received by the Board for injury on duty awards from former police officers who are over 65 will not normally be referred to the SMP for consideration.

Once a former officer receiving an injury award reaches what would have been his compulsory retirement age, depending on the person's rank at the point of leaving the police service, the Board will conduct a review of the award payable since it is no longer appropriate to use the former officer's police pay scale as the basis for his or her pre-injury earning capacity. The compulsory retirement age for officers is 60 for ranks up to and including Chief Inspector and 65 for Superintendent and Chief Officer ranks.

In the absence of a cogent reason for a higher or lower outside earnings level, the new basis for the person's earning capacity, had there been no injury, should be the figures arising from the Annual Survey of Hours and Earnings (ASHE) at the time of review. The ASHE figure is based on

earnings in Northern Ireland and is taken as the average for the population overall. Separate figures for males and females are not considered. The loss of earning capacity for the purpose of establishing the degree of disablement should, therefore, be assessed by reference to the % proportion the person's actual earning capacity bears to ASHE.

This procedure should help to ensure that former officers are treated in a consistent way across the PSNI and across the UK. They will be placed on an equal financial footing with others in the employment market at a time when they could not have been assumed to be earning a police salary.

After a review at compulsory retirement age, the SMP will determine the need and date for the next review. In some cases there may be particular circumstances which make it undesirable to conduct a further review. All former officers who are in receipt of an IOD award in Bands 2, 3 or 4 will be reviewed at age 65.

The Board's present policy on the assessment and calculation of an IOD award, and the review of the award, may be subject to amendment at some future date in order to reflect changes legislation and government policy.

24. May I still apply even if I have left the Police Service under Severance?

Yes. If you have left the police service under the terms of the Severance Scheme, you are still eligible to apply and be considered for an IOD Award. You are not, however, entitled to be considered for an Ill-Health Pension. As the severance lump sum includes (for example) up to 2 years and 7 months basic pay there will be no loss of earnings for that period. Therefore any IOD award for that 2 years 7 month period (or less/more), will be Zero rated and subject to review at the end of the period.

25. Who will calculate and pay my pension?

When a decision has been made the Policing Board's Administration Branch will advise PSNI's Pensions Branch of the details. All questions or queries that you may have in relation to the actual calculation/payment of your pension should be referred to the PSNI's Pensions Branch at the address on page 12.

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When a serving officer is awarded an IOD, the actual date of implementation is set by Police Administration Branch following an established procedure. This is 6 weeks from the date of letter and will be the day after the officer leaves the service. For an ex officer awarded a retro IOD, the actual date of implementation will be the date specified on the SMP certificate. On any subsequent reviews the date the new certificate decision is implemented will depend on when Pension Branch are advised of the new certificate issued. If the notification is received by Pension

Branch before the 15th of the month any change will be made to that month's payment calculation. If received after 15th on the month any change will be made to the next month's payment calculation. This seeks to avoid the possibility of an overpayment of award and former officers being required to pay back to Pensions Branch overpayments.

As Pensions Branch will offset any injury award that may be awarded to you against state benefits which you might be entitled to, it is essential that you make application for state benefits as early as possible. Should you fail to make an early application for State benefits, this may delay the payment of your award.

You should obtain forms for Incapacity and Industrial Injury from the Social Security Agency. Police Rehabilitation and Retraining Trust (PRRT) provide a service to assist you with the completion of these forms. PRRT can provide the services of a security rated, Citizens Advice Bureau Adviser who works out of PRRT Maryfield. To avail of this service, contact the Rehabilitation Office at PRRT, telephone (028) 90 427788 who will make an appointment for you once you are in possession of the Social Security Agency forms.

26. Complaints Policy

The Policing Board is committed to providing a high level of service and expects all its people to carry out their duties in a professional and courteous manner. Every effort will be made by staff to deal efficiently and effectively with you, our customer.

However, if you are unhappy with the way in which Policing Board staff engaged with you, or are unhappy with our internal processes or procedures, you may lodge a complaint in accordance with the Policing Board's Complaints Policy. A copy of our Complaints Policy is available on request, or can be downloaded from our website – www.nipolicingboard.org.uk

Staff from Police Administration Branch will be available to clarify and address any of the above questions or, indeed, any additional queries you may have.

27. Information available from the NIO

The Board and the NIO have established a link between their respective websites. This will assist all former officers to obtain information on the NIO's appeals procedures and also pensions and injury on duty legislation.

28. Other Pension Awards

Information on other pension awards such as dependents allowance, child allowance etc, are available by contacting the Police Administration Branch.

29. Useful Contact Details

Administration Branch
Northern Ireland Policing Board
Waterside Tower
31 Clarendon Road
Clarendon Dock
BELFAST
BT1 3BG

Telephone No:
(028) 90 408500

Fax No:
(028) 90 408570

E-Mail:
information@nipolicingboard.org.uk

Website:
www.nipolicingboard.org.uk

Responsible for Pension
Payments

PSNI Pension Branch
River House
48 High Street
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(028) 90 700369

Fax No:
(028) 90 700378

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Northern Ireland Office
Police Division
Room A4.16, Block 'A'
Castle Buildings
Stormont Estate
BELFAST
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