

**THE POLICE PENSIONS (MISCELLANEOUS AMENDMENTS) (SCOTLAND)  
REGULATION 2019 SSI 2019/68**

**CONSULTATION SUMMARY REPORT**

**Executive Summary**

This summary sets out a response to the consultation on a draft version of the above regulations, which ran from 18 December 2018 to 28 January 2019.

**Consultation Responses**

The draft regulations reflect discussions at the Scottish Police Pension Scheme Advisory Board, which comprises representatives from members and Police Scotland and the Scottish Police Authority. The draft instrument was issued for consultation with this group and others whom Scottish Ministers considered may be affected by them, including the Police Negotiating Board as it is constituted in Scotland.

The Scottish Government is grateful for comments received to the consultation. One formal response was received from Police Scotland, and a summary of comments received and the response to them are included below.

**Consultation Questions**

**1. Do the amendments to the Police Pension Scheme (Scotland) Regulations 2015 deliver the proposed rectification to the employer cost cap breach?**

The respondent was content that the amendments achieved the intention. However, subsequent to the consultation, a written ministerial statement by the UK Chief Secretary to the Treasury announced that part of the valuation process, relating to the cost cap valuation, was being put on hold until the outcome of ongoing litigation concerning scheme reforms became clearer.

**2. Should scheme regulations include provision for the scheme manager to discharge an annual allowance charge for the member where the conditions for mandatory scheme pays have not been met? If so, should such provision contain a condition that a minimum level of liability should apply?**

The respondent supported the provision being included in regulations, and suggested a limit of £1,000 for the option of voluntary scheme pays being available to officers. This is in line with the provisions introduced in England and Wales by SI 2018/997. The Scottish Government agrees with this approach, recognizing as commented that there is potential for annual allowance charge management to impact on recruitment and retention of officers. Work to assess the impact is underway.

SPPA will continue to monitor the upfront scheme costs which could be subject to changes in reserved UK pension taxation policies.

SPPA notes the request that the scheme manager is mandated to provide combined savings statements for transition members. SPPA recognizes this issue and considers this can be agreed on an administrative basis rather than in legislation.

The respondent requested that fixing a date for scheme pays is agreed in consultation with the scheme advisory board, and SPPA looks forward to discussing with representatives.

### **3. Do the changes to the Injury Benefit Regulations adequately reflect the introduction of the 2015 scheme?**

SPPA is grateful for the comments received here, which highlight two referencing errors. In the comment requested that pensionable earnings considered in respect of injury benefits should include earnings during a period of “assumed pay”, for example where pay is reduced whilst on maternity or sick leave. SPPA is grateful for this comment, but has not made any change in that respect as the level of earnings considered for the purposes of injury benefit will be in relation to a member’s “final pay”, as defined by regulation 149 of the 2015 regulations.

#### **Other comments**

**Comment** The respondent noted that regulations transposing the European Pensions directive IORP II came into effect in January 2019. One aspect of the directive is that schemes are required to issue annual benefit statements to members, and it was requested that regulation 217 of the 2015 Regulations be updated to provide for this.

**Response** SPPA is grateful for this point being raised. Public service pensions schemes are impacted by the IORP II directive, and under the Public Service Pensions Act 2013 are required to issue annual benefit statements in line with Directions issued by HM Treasury.

#### **Amendment to the 1987 regulations**

**Comment** The respondent requested for functions delegated by the Scheme Manager to the Police Authority under new regulation L5 are reflected in the regulations. In addition, the reference in Regulation M13A(4) should be changed to “police authority”.

**Response** SPPA is grateful for these points, and will monitor the operation of regulations L5-L10 to ensure administrative processes are effectively managed. The reference in M13A(4) has been corrected.

#### **Amendment to the AVC Regulations 1991**

**Comment** The definition of “pensionable policeman” should be changed to “pensionable police officer” in line with equality requirements.

**Response** The reference mirrors the existing provision, in particular to the 1987 regulations, which refer to regular policeman, the definition of which includes an member of the police force. It is noted that this reference is anachronistic and will be reviewed at a future date.

**SPPA**  
**March 2019**