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Dear Colleague

POLICE PENSIONS CIRCULAR No 2006/5

THE POLICE PENSIONS AMENDMENTS (SCOTLAND) REGULATIONS 2006

This circular should be brought to the immediate attention of force personnel officers, Human Resource Managers and the Pension Managers and administrators of the PPS.

1. This circular is to notify you that changes to the Police Pensions Scheme have now been made, with effect from 22 June 2006. The amendments necessary to the PPS are made by the The Police Pensions Amendment (Scotland) Regulations 2006 ([SSI 2006 No 285](#)) or refer to HMSO at www.hmso.gov.uk. The SSI makes amendments to both the Police Pensions Regulations 1987 and the Police Pensions (Additional Voluntary Contributions) Regulations 1991.

The Police Pensions Amendments (Scotland) Regulations 2006 will:

- ensure parity of treatment between police officers who form civil partnerships and those who marry although civil partner benefits will be restricted to service from 6 April 1988;
- restricts re-entry to the Police Pension Scheme (PPS) by optant outs to applications made before 6 April 2006 ; and
- provide women officers with a further chance to extra contributions to up-rate the pre-1990 service for the purpose of survivors' benefits. However this option limits buy back of service to 6 April 1988.



Civil Partnerships

Amendments relating to civil partnerships will be backdated to 5th December 2005, the date on which the Civil Partnership Act 2004 came into force. SPPA Police Pensions Circular 2005/8 outlined the details of the changes necessary to the PPS.

These amendments create an obligation on the PPS to provide survivor benefits to same-sex partners of scheme members who have registered a civil partnership (or have already formed a recognised overseas relationship). All provisions available to married officers in the Police Pensions Regulations will also apply to those registering a civil partnership on or after 5 December 2005. Provisions for surviving spouses will be extended to cover surviving civil partners, but only back to 6 April 1988. Those women officers who up-rated their pre-1990 widowers' benefits would have that recognised for the purpose of their civil partner's survivor benefits.

Key Points

Where a surviving spouse or a surviving civil partner who was entitled to a pension remarries or has remarried, forms or has formed a civil partnership or a new civil partnership, co-habits either with a partner of the opposite sex or a same sex partner shall not be entitled to that pension for the period of that marriage or remarriage, the duration of that civil partnership or after that co-habitation begins.

However, if that marriage ends (either the spouse dies or by divorce) , that civil partnership is dissolved (or the civil partner dies) or that co-habitation ceases then the police authority has the discretion to bring the pension back into payment.

Since the Adoption and Children's Act 2002 came into force on 30 December 2005 civil partners have been able to jointly apply to adopt a child, and acquire parental responsibility for their civil partners child or children (subject to certain conditions). These amendments mean that children who are dependent upon civil partners will be treated in exactly the same way as those who are dependent upon spouses.

Survivors' benefits resulting from additional voluntary contributions are payable to surviving civil partners as well as widows and widowers.

Optants-Out

A police officer can elect to opt out of the pension scheme. An officer who opts out can apply to rejoin the scheme at a later date but may not opt out more than once in any period of service. Reinstatement in the scheme is not automatic and the police authority would take into account the officer's age and health at the time of the request. The NPPS was introduced from 6 April 2006 and this amendment provided that any election to opt back into the PPS had to be made before 6 April 2006. Any election made from and including 6 April 2006 will only apply to the NPPS. Police officers appointed from 6 April become members of the new scheme unless they elect not to be a member.

Up-rating pre-1990 Service

Paragraph 9 of the amendment regulations sees an amendment to regulation G6 (payments by women members to enhance widower's awards). SPPA Police circular 2005/8 outlined the intention



to allow female officers to buy back pre 17 May 1990 service to count for widowers and civil partner benefits.

This mirrors previous buy back opportunities for female officers offered in 1994 and 2003 in that women can buy back pre May 1990 service but new regulation G6 (1A) limits buy back of service for this exercise for the period 6 April 1988 to 16 May 1990 (female contributions count for full service benefits from 17 May 1990). Paragraph 9 (c) outlines the time limit officers have to make an election to buy back service under this exercise. For those currently paying contributions the time limit is three months from the date the regulations came into force which gives the relevant period as 22 June 2006 to 21 September 2006. Forces should have already notified women of this exercise and should now advise all those officers concerned of the confirmed dates now that the regulations have come into force.

Any elections to buy back service under this exercise should use the factors issued under SPPA police circular 2003/5 which are attached, at Annex A, for reference. The methods of payment remain as for the previous exercise in that payments can be made by periodical payments over 5 years or by a lump sum payment. As the amount of purchasable back service is restricted to no earlier than 6 April 1988 the highest lump sum that would be payable would be just under 2.4%.

Yours sincerely

Jim Preston
Policy Manager



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Regulation G6: Payments by women members to enhance widower's awards**Table of factors for Regulation G6 (4A)**

Age last birthday at material date	Contributions for each year or part of a year of pensionable service before 17 May 1990	
	Periodical payments as percentage of pensionable pay from time to time, payable for 5 years	Lump sum as percentage of annual rate of pensionable pay 3 months after material date
30	0.22	1.03
31	0.23	1.05
32	0.23	1.08
33	0.24	1.11
34	0.24	1.12
35	0.24	1.12
36	0.25	1.13
37	0.25	1.13
38	0.25	1.13
39	0.24	1.12
40	0.24	1.10
41	0.23	1.08
42	0.23	1.06
43	0.23	1.04
44	0.22	1.02
45	0.22	1.00
46	0.22	0.98
47	0.21	0.96
48	0.21	0.95
49	0.21	0.95
50	0.21	0.95
51	0.21	0.95
52	0.21	0.95
53	0.21	0.95
54	0.21	0.95





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