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Our ref: POL/06/01/01  
12 February 2009

Dear Colleagues

## **Police Pensions Circular 2009/2**

**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.**

### **Police Pensions (Amendment) (Scotland) Regulations 2008**

1. The Police Pensions (Amendment) (Scotland) Regulations 2008 came into force on 19 December 2008. The Regulations are available at, [http://www.opsi.gov.uk/legislation/scotland/ssi2008/pdf/ssi\\_20080387\\_en.pdf](http://www.opsi.gov.uk/legislation/scotland/ssi2008/pdf/ssi_20080387_en.pdf) and the corresponding Executive Note, which summarises the main changes made in the regulations, is available at [http://www.opsi.gov.uk/legislation/scotland/ssi2008/en/ssien\\_20080387\\_en.pdf](http://www.opsi.gov.uk/legislation/scotland/ssi2008/en/ssien_20080387_en.pdf)
2. You should note changes to several main areas below, which have effect from 1 April 2006, except where expressly indicated. The changes have all been introduced administratively, therefore these regulations should not result in the implementation of any new changes, but should simply confirm existing practice.

### **Specified Employees of the Serious and Organised Crime Agency**

3. The regulations give statutory basis to the pension rights of a discrete group of police officers who automatically transferred from the National Crime Squad (NCS) and the National Criminal Intelligence Service (NCIS) to the Serious and Organised Crime Agency (SOCA) at its inception on 1 April 2006. These officers, now designated as "specified employees" of SOCA, have been given the right to retain their membership of the PPS upon joining SOCA. The Amendment Regulations therefore state that a specified employee shall be considered a member of a home police force for pension purposes whilst employed by SOCA, and that SOCA is to be considered a police authority for these purposes. However, police authorities are reminded that any subsequent transferees to SOCA (i.e. those on or after 1 April 2006) who joined as a direct recruit must leave the PPS and join the Principal Civil Service Pension Scheme (PCSPS), and that officers should be made aware of this fact.



4. Regulation A16 of the 1987 Regulations has been amended so that specified employees of SOCA may also transfer back to a police force whilst retaining membership of the PPS, rather than having to join the NPPS. Police authorities are therefore reminded to clarify whether this applies to new transferees received from SOCA so as to ensure they have access to the appropriate pension scheme. Police authorities should also continue to note that if a specified employee returns to SOCA for a second time, they will not be able to continue their membership of the PPS, and will instead move to the PCSPS as standard transferees if they wish to continue contributing to a pension scheme. Although there may not have been a significant number of Scottish officers affected by the transfer to SOCA it protects those PPS specified members on transfer back to a police force.
5. Regulations A18 (compulsory retirement on grounds of age) and A19 (compulsory retirement on grounds of the efficiency of the force) have been amended to clarify that they do not apply to specified employees of SOCA since these are management rather than pension provisions. However, should a specified employee transfer back to a home force, then clearly he/she is once again covered by the provisions of the 1987 Regulations in their entirety.
6. If a specified employee retires from SOCA entitled to an immediate pension, and then joins a police force as a regular police officer, the abatement provision in K4 will apply. However, if the officer returns to SOCA, he or she is no longer a specified employee, and could continue to receive full pension regardless of K4.
7. Changes have also been made to the Police Pension (Scotland) Regulations 2007 to enable a specified employee of SOCA to join NPPS, having made an election to transfer from the PPS, where a specified employee opts out of the PPS and then wishes to resume pension contributions that he or she is eligible to join the NPPS and also to allow for the possibility that a specified employee could retire from SOCA and then re-join the police service and become a member of the NPPS, as the PPS is now closed to new entrants. These amendments are backdated to 6 April 2006, in line with the 2006 NPPS Regulations.
8. The Regulations also ensure that specified employees retain coverage by the Police (Injury Benefit) (Scotland) Regulations 2007 whilst they are specified employees of SOCA. These amendments are therefore also backdated to 6 April 2006. It is possible that a specified employee could also be entitled to a civil service injury award but that scheme has a no-duplication provision. The Police Injury Benefits Regulations therefore apply.

### **New Compulsory Retirement Ages**

9. The Amendment Regulations also give statutory effect to the new compulsory retirement ages (CRAs) introduced on 1 October 2006. The regulations are therefore backdated to that point.
10. The new CRAs are as follows:
  - 60 for Constable to Chief Inspector
  - 65 for ranks of Superintendent and above
11. Police authorities are asked to remind officers that these new CRAs do not abolish the pre-October 2006 compulsory retirement ages altogether, since they have been retained in the form of new pension ages. These new pension ages (the relevant voluntary retirement age which depends on an officer's rank and force) enable officers with less than 25 years' service to access a short-service pension at the age they would have expected to before the October 2006 changes were made. They also give officers with between 25 and 30 years' service the right to the same higher pension lump sum if they retire voluntarily at or after the point at which they would previously have been required to retire on age grounds.
12. It is important to note that the regulations do not change the ability of an officer to apply for an extension of service beyond the new CRAs. However, police authorities are reminded that when the new CRAs were introduced in October 2006, the 5 year limit on extensions to service was removed, and this continues to be the case.

13. For further information, police authorities should refer to the SPPA Police Pensions Circular 2006/8, “**Police Pension Amendment (Scotland) Regulations 2006 –Joint Guidance for Police Authorities On New Compulsory Retirement Ages & Retirement Policy for Police Officers With Effect from 1 October 2006 – based on a Guidance issued jointly by the Police Negotiating Board and the Home Office.**”. This is available at <http://www.sppa.gov.uk/police/documents/Policecircular2006-8CRAGuidanceDec06.pdf> .

### **Purchase of Increased Benefits Regulations 1987**

14. The Purchase of Increased Benefits Regulations 1987 have been changed, to reflect the fact that some officers will have made elections under the Increased Benefits Regulations before the new CRAs came into force, and some will have made elections after this point.
15. For those officers who made their elections before October 2006, the regulations have been amended so that their retirement date is based on the date on which, at the time of making the election, they could have been required to retire on account of age under the pre-October 2006 CRAs.
16. For those officers who have made their elections since the introduction of the new CRAs, the regulations have been amended so that their retirement date is based on the date on which they would reach their relevant voluntary retirement age.
17. An amendment has also been made to cover all the possible reasons for extension to an officer’s period of service beyond the “retirement date” fixed at the time of making his/her election. The possible reasons that an officer’s period of service might be extended are:
- As a result of promotion;
  - Due to a transfer to another force with a different retirement age;
  - Postponement of pre-October 2006 CRA; or
  - Postponement of new CRA.

**For further enquiries on any of the issues covered in this Circular, please contact:**

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Yours sincerely

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