

Police Pension Scheme Stakeholders

7 Tweedside Park
Tweedbank
GALASHIELS
TD1 3TE

www.sppa.gov.uk

Tel: 01896 893000
Fax: 01896 893214

Your ref:
Our ref:

30 October 2015

Dear Colleagues

Draft regulations amending the Police Pensions Regulations 1987, Police Pensions (Scotland) Regulations 2007, the Police (Injury Benefit) (Scotland) Regulations 2007 and the Police Pensions (Additional Voluntary Contributions) Regulations 1991

Content

The purpose of this consultation is to seek the views of police stakeholders on draft amendments to the above regulations. The amendments cover the following key areas:

Marriage and Civil Partnership Act

The Marriage and Civil Partnership (Scotland) Act took effect in 2014. The text of the instrument is available here: <http://www.legislation.gov.uk/asp/2014/5/contents> and SPPA Circular [2015/1](#) issued on 12 January 2015 provided outline information. The various amendments for consultation here will have retrospective effect from 16 December 2014 and give a member who has entered into a same sex marriage equivalent survivor benefits to those available to scheme members in a civil partnership. The instrument also seeks to implement a transgender exception, allowing survivor benefit expectations to be preserved in the event that a scheme member changes gender.

The Police Pension Scheme 1987 is amended in regulations 4, 9, 10 and 12 to 15. The Police (Injury Benefit) (Scotland) Regulations 2007 are amended at 25, 28 and 32, and a minor change is made to the Police Pension Scheme (Scotland) Regulations 2007 at regulation 33 of these miscellaneous amendments.

Additional Voluntary Contributions

The Police Pensions (Additional Voluntary Contributions) Regulations 1991 provided for an in-house AVC scheme, run since 2002 by Standard Life, although some officers may still have benefits with the previous provider Equitable Life. The scheme closed to new members on 1 October 2010.

Regulations 17 to 22 amend the AVC scheme principally to allow members of it to access the flexibilities first announced in Budget 2014 and subsequently included in the Taxation of Pensions Act 2014.

With effect from 6 April 2015, police officers retiring with a protected pension age before age 55, and any officer aged 55 or over, will no longer be required to purchase an annuity from their AVC provider. Options introduced by the new regulation 11 will now also include flexible drawdown and payment of one or more uncrystallised lump sums. Limits that previously applied to benefits are removed. The flexibilities are being applied administratively pending the introduction of these amendments to the scheme which will have effect from 6 April 2015.

Injury Benefits

On 5 October 2013 Scottish Ministers announced a change to the pensions paid to the widows, widowers and civil partners of police officers killed in the line of duty. Under the Police (Injury Benefit) (Scotland) Regulations 2007, Special and Augmented awards are payable to survivors of officers who die as a result of an injury sustained on duty. The change means that Special and Augmented pensions will no longer be withdrawn on remarriage, registration of a civil partnership or cohabitation. In addition any Special and Augmented pensions already withdrawn are reinstated from 5 October 2015.

To reflect this change existing Regulation 16 is omitted, and new Regulation 16A removes the provision for the withdrawal of special and augmented awards in the event of the survivor remarrying, forming a civil partnership or co-habiting. In addition, it provides for survivor pensions previously withdrawn will be reinstated, including entitlement to any outstanding injury gratuity. This has effect from 5 October 2015.

Regulations C9 and C9A of the 1987 Scheme are also amended at Regulations 5 and 6 of this instrument to bring this fully into effect.

Secondly, under Schedule 3 of the injury benefit regulations, the level of injury pension payable to recipients can be adjusted depending on “additional benefits” payable by the state. Regulation 31 here includes a retrospective change to include contributions-based Employment Support Allowance as an “additional benefit”.

Miscellaneous

Other amendments arise in consequence of an error made when the Crime and Courts Act 2013 (Consequential Amendments and Saving Provision) Order 2013 which was made in September 2013. That instrument made consequential changes

to legislation following the creation of the National Crime Agency, however the instrument applied changes to the whole of the United Kingdom in error. Some of the changes to the Police Pensions Regulations 1987 contained English-specific references and these amendments now reinsert appropriate Scottish references. These are included in regulations 3, 7, 8 and 11 and have effect from 7 October 2013.

Consultation

Comments are invited on the draft regulations but in particular:

Question

1 Do the provisions contained in this amendment adequately provide the requirements of the Marriage and Civil Partnership (Scotland) Act 2014?

2 Do the changes to the AVC scheme enable officers in that scheme to access the new flexibilities that extend to money purchase schemes?

You can respond to this consultation on line via the [SPPA website](#). Alternatively you may complete the Consultation Response Form attached at Annex A which can be submitted electronically to policepensionsreform@scotland.gsi.gov.uk or by post to the following address:

Police Pensions Consultation
SPPA Policy
7 Tweedside Park
Tweedbank
Galashiels
TD1 3TE

A printable Consultation Response Form is included at Annex A.

The consultation will close on Friday 8 January 2016 and we ask that anyone wishing to respond does so by then.

A copy of the consultation documentation is also available on the SPPA website at: http://www.sppa.gov.uk/index.php?option=com_content&view=article&id=937&Itemid=257

We intend to publish a summary of consultation responses as soon as possible after the consultation closes. We would like to be able to include any response you make in that summary. However, if you ask us not to publish your response to this consultation, we will regard it as confidential.

Respondents should also be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and will have to respond appropriately to any relevant request made to the SPPA under that Act for information concerning this consultation exercise.

Yours faithfully



Chad Dawtry
Director of Policy

ANNEX A

CONSULTATION RESPONSE FORM - POLICE PENSION SCHEMECONSULTATION ON DRAFT REGULATIONS –The Police Pensions (Miscellaneous Amendments) (Scotland) Regulations 2015.

1. Name/Organisation

Organisation Name

Title

Surname

Forename

2. Postal Address

Postcode

Phone

Email

3. Permissions - I am responding as... (please complete either sections (a), (b) and (d) **or** sections (c) and (d):

Individual

or Group/Organisation

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please state yes or no: _____

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please state yes to one of the following:

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please state yes or no:

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please state yes or no:

ABOUT YOU

I am responding ...

- as a member of the 1987 scheme (old scheme)
- as a member of the 2006 scheme (new scheme)
- as a member of the 2015 scheme (CARE scheme)
- on behalf of an Employer Organisation
- on behalf of a Trade Union/Staff Association
- other (please specify)

What is your gender?

- I am female
- I am male

I am employed as...

- a police officer
- I'm retired
- other (please specify)

What is your working pattern?

- I work part-time
- I work full- time
- Not applicable

CONSULTATION QUESTIONS

Question :

1. Do the provisions contained in this amendment adequately provide the requirements of the Marriage and Civil Partnership (Scotland) Act 2014?

Comments:

2 Do the changes to the AVC scheme enable officers in that scheme to access the new flexibilities that extend to money purchase schemes?

Comments:

Other comments:

Please e-mail your response to: policepensionsreform@scotland.gsi.gov.uk
Or post your response to:

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