
SCOTTISH STATUTORY INSTRUMENTS

2013 No.

PENSIONS

**The Police Pensions (Scotland) Amendment (No.2) Regulations
2013**

<i>Made</i>	- - - -	2013
<i>Laid before the Scottish Parliament</i>		April 2013
<i>Coming into force</i>	- -	May 2013

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1 of the Police Pensions Act 1976(a) and all other powers enabling them to do so.

In accordance with section 1(1) of that Act, they have consulted with the Police Negotiating Board for the United Kingdom(b).

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Police Pensions (Scotland) Amendment (No.2) Regulations 2013.

(2) These Regulations come into force on May 2013 and have effect from 1 April 2013.

Amendment of Police Pensions Regulations

2. The Police Pensions (Scotland) Regulations 2007(c) are amended as follows.

Regulation 6

3. In regulation 6(4)(c) (application of Regulations), for the words from “officer” to “regulation 9(5)” substitute “election falls to be cancelled in accordance with paragraph (5) or (6) of regulation 9”.

Regulation 9

4. In regulation 9 (election not to pay pension contributions)—

(a) after paragraph (3), insert—

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- (a) 1976 c.35. Section 1 is amended by section 2(3) of the Police Negotiating Board Act 1980 (c.10), paragraph 28 of Schedule 7 to the Police Act 1996 (c.16) and section 1(1) of the Police and Firemen’s Pensions Act 1997 (c.52). The functions of the Secretary of State under the Act as regards Scotland are transferred to Scottish Ministers by article 2 of and Schedule 1 to S.I. 1999/1750. The requirement for consent by the Minister for the Civil Service under section 1 of the Act was transferred to the Treasury by virtue of S.I. 1986/1670 and such consent is not required in the exercise by the Scottish Ministers of the transferred functions by virtue of S.I. 1999/1750 and section 63 of the Scotland Act 1998 (c.46).
- (b) See section 61 of the Police Act 1996 (c.16) and section 2(3) of the Police Negotiating Board Act 1980 (c.10), which substituted the Police Negotiating Board for the Police Council for the United Kingdom.
- (c) S.S.I. 2007/201.

“(3A) In the case of a regular police officer who has given notice under paragraph (1) within three months of a relevant event, the election under that paragraph is deemed to have taken effect on the date of that relevant effect.

(3B) A relevant event for the purposes of paragraph (3A) is—

- (a) the automatic enrolment date;
- (b) an automatic re-enrolment date;
- (c) the regular police officer first becoming liable to pay pension contributions by reason of exercising the right afforded by section 7 of the Pensions Act 2008^(a) (jobholder’s right to opt in).”;

(b) in paragraph (5), omit from “Provided that” to the end; and

(c) after paragraph (5), insert—

“(6) An election made by a regular police officer under paragraph (1), if it has not been cancelled under paragraph (5)—

- (a) is cancelled on the automatic enrolment date or (if that date has passed) on the next automatic re-enrolment date; and
- (b) ceases to have effect as from the date on which an instalment of pay next falls due to the officer after the date of cancellation.

(7) A notice given under paragraph (1) or (5) must be signed by the regular police officer or, where the notice is in electronic format, must include a statement confirming that the notice is given by the regular police officer personally.”.

Schedule 1

5. In Schedule 1 (glossary of expressions), after the definition of “the appellant’s practitioner” insert—

““automatic enrolment date” has the meaning given by section 3(7) of the Pensions Act 2008 (automatic enrolment);

“automatic re-enrolment date” means a date determined in accordance with regulation 12 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010^(b).”.

A member of the Scottish Government

St Andrew’s House,
Edinburgh

2013

(a) 2008 c.30.
(b) S.I. 2010/772.

EXPLANATORY NOTE

(This note is not part of the Regulations)