

To:-
Members of the Police Negotiating Board

Other interested parties (listed below)

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Our ref: POL/18/01/00

9 November 2006

Dear Colleague

New Police Pension Scheme (NPPS) Regulations for Scotland

Please find attached the final draft of the New Police Pension Regulations for Scotland. As you may already be aware the completion of the Regulations has unfortunately taken longer than was originally anticipated. The attached copy is based on the Home Office Regulations for England and Wales which the Home Office intend to lay at Westminster during November.

Police forces have introduced the scheme administratively from 6 April 2006 pending the introduction of the NPPS regulations. In addition to the guidance for both administrators and members on the NPPS, instructions and guidance for the options exercise have also been issued. The options exercise allows Police Pension Scheme (PPS) members to transfer to the NPPS on preferential terms during a three month period which commenced on 1 November 2006. Through the enabling powers of the Police Pensions Act 1976 the regulations will have retrospective effect to 6 April 2006.

It is now intended to proceed with finalising and laying the Scottish regulations as soon as possible. Consideration must also be given to the limited Parliamentary time available to us as a result of next year's Scottish Parliamentary Election. The basis of this draft has already been discussed, developed and agreed through the Police Negotiating Board (PNB) by the work undertaken by the Home Office and the PNB's Technical Working Party. Throughout the process of developing and agreeing the new scheme regulations it was agreed that, as with the PPS, the policy to maintain a UK wide approach on police pensions should continue.

Any distinctive Scottish issues in relation to the NPPS need to be considered by both the Scottish Executive and SPPA in preparing regulations for the new scheme although the differences are limited. For ease of reference the following list outlines where the Scottish regulations differ from those produced by the Home Office for England and Wales. You will also notice that the regulations have been prepared on a gender neutral basis for Scotland.

Apart from the obvious references that apply to Scottish legislation, for example the Police (Scotland) Act 1967, the following identifies where the regulations differ from those prepared by the Home Office;

Part 7 Medical Appeals and Questions. This relates to the procedures involved in referring appeals to the board and the time limits where a fee is payable for hearings that are withdrawn, postponed or adjourned.

Regulation 82 Funds out of which and into which payments are to be made. The Home Office introduced a new notional funding system for police authorities in England and Wales from 6 April 2006. This system has not been introduced in Scotland so Regulation 82 simply replicates regulation L2 of the Police pensions Regulations 1987 which applies to the Police Pension Scheme.

Regulation 96. The Home Office Regulations refer specifically to English and Welsh police officers and addresses transfers in from and former members of both Scottish forces and the Police Service of Northern Ireland as separate entities. This approach is simply mirrored in regulation 96 of the Scottish regulations in relation to transfers from former members of both English and Welsh forces and the Police Service of Northern Ireland.

Given the tight timescales involved I would be grateful for any comments you may have by **7 December 2006**.

Yours Sincerely



Jim Preston

Addressees

Police Negotiating Board
Audit Scotland
National Association of Pension Funds
Women's National Commission
Home Office Police Sections
ODPM Fire Sections
HM Treasury
Government Actuary's Department
DfES