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To:-  
Members of the Police Negotiating Board

Other interested parties (listed below)

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Dear Colleague

## **THE POLICE PENSIONS (AMENDMENT) (SCOTLAND) REGULATIONS 2008**

Following discussion and consideration through the Police Negotiating Board (PNB) the Home Office are now close to finalising their latest amendment to both pension scheme regulations, purchase of increased benefit regulations and the injury benefit regulations. The principal reason for the amendments is to provide pension scheme cover to specified members of the Serious Organised Crime Agency (SOCA) and introduce formally the revised compulsory retirement ages introduced from 1 October 2006 (See SPPA police circulars 2006/6 and 2006/8).

The enclosed draft regulations outlines similar changes for Scotland based on the draft discussed by the Home Office and the PNB.

The draft Regulations make changes in the following areas:

### **Citation and Comment**

As is usual, the Regulations will have a coming into force date 21 days being laid but there will be a backdating effect dependant on when the amendment needs to be introduced for example the CRA changes take effect from 1 October 2006.

### **Amendments to the Police Pensions Regulations 1987**

Regulation 4 introduces a change to regulation A6 recognises a specified employee of SOCA (see definition in regulation 22), the equivalent rank structure and that the role of police authority under the pension regulations for such specified employees is undertaken by SOCA. It also ensures that references to a force should be construed as a reference to SOCA in the case of a specified employee. However it has been agreed with SOCA that in permanent disablement assessments the specified employee will be assessed as if that individual had not left a police force. A similar approach would apply if early payment of a deferred pension by a specified employee

Regulation 5 amends regulation A16 to enable a specified employee of SOCA to transfer back to a home police force and stay within the police pension scheme.

Regulation 6 amends A17 to confirm that moving to a NCIS or NCS and subsequently becoming a specified employee of SOCA is not retirement.

Regulations 7 8 and 9 amends A18 and A19 respectively excluding specified employees as both are management rather than pension provisions.

Regulation 10 and 11 amends B1 applying the requirement of one month and three months notice respectively, making the necessary amendment to take account of both specified employees and new regulation B2A.

Regulation 12 introduces B2A that provides a short service award to be paid at the pre 1 October 2007 revised compulsory retirement ages and regulations 13, 14, 15 and 16 are consequential on B2A or the inclusion of specified employees.

Regulation 17 picks up an earlier amendment to regulation F8A introduced in England and Wales under SI 2003/2716. This amendment was originally missed at the time.

Regulations 18 to 24 capture consequential changes resulting from B2A and specified employees.

Regulations 25 to 28 cover changes necessary to The Police Pensions (Purchase of Increased Benefits) Regulations 1987 updating the definition of retirement to take into account the pre 1 October 2006 and the introduction of B2A from 1 October 2006. The date of retirement is used for example to determine if added years can be purchased in that the officer cannot accrue the maximum years before compulsory retirement age.

The change makes clear that where the date of retirement is later than when applied when the election to pay added years whatever the circumstances (i.e. not just on promotion or where an extension under A18 (2) is granted) then if as a consequence of that change he gains no benefit from the added years purchased then he is not entitled to a refund of the contributions paid for the added years(s).

Reg 28 Removes Para 3 (2) (a) a provision which allowed an election in cases where an officer had had an extension under A18 (2) before making the election. This situation will not apply any more as extensions to a fixed point no longer apply. In addition the provision inevitably applied only to officers age 55 or over where the cost of buying even one added 60<sup>th</sup> would be proportionately high. The provision has been removed

Reg 29 to 32 introduces changes to the Police Injury Benefit Regs taking into account SOCA members.

Regulations 33 to 43 introduce changes to the NPPS 2006 Regs taking into account SOCA members where necessary. .

### **Timescale for comments**

I should be grateful for your comments on the proposed regulations by **11 August**. Unless specifically asked to treat a response as confidential, the Agency may wish to publish, in due course,

responses to this consultation, or deposit them in the libraries of the Scottish Executive or the Scottish Parliament. A copy of this consultation will also be placed on the Agency's website.

Yours sincerely



Jim Preston

Addressees

Police Negotiating Board  
Audit Scotland  
National Association of Pension Funds  
Women's National Commission  
Home Office, Fire and Police Sections  
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