
SCOTTISH STATUTORY INSTRUMENTS

2020 No.

POLICE

PENSIONS

The Police Pensions (Amendment) (Scotland) Regulations 2020

Made - - - - 2020

Laid before the Scottish Parliament 2020

Coming into force - - 30th March 2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1(1) of the Police Pensions Act 1976(a), section 1(1) and (2)(g) and section 3(3)(b) and paragraph 7(b) of schedule 2 of the Public Service Pensions Act 2013(b) and all other powers enabling them to do so.

In accordance with section 1(1) of the Police Pensions Act 1976 and section 21(1) of the Public Service Pensions Act 2013, the Scottish Ministers consulted the Police Negotiating Board for the United Kingdom and representatives of such persons as appeared to the Scottish Ministers likely to be affected by these Regulations.

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the Police Pensions (Amendment) (Scotland) Regulations 2020.

(2) These Regulations come into force on 30 March 2020 but the provisions mentioned in paragraph (3) have effect as provided in that paragraph.

(3) The provisions in—

- (a) regulations 5 and 8 have effect from 5 December 2005,
- (b) regulations 3 and 9 have effect from 3 April 2011,
- (c) regulation 12 have effect from 1 April 2015, and

(a) 1976 c. 35; Section 1(1) was amended by section 2(3) of the Police Negotiating Board Act 1980 (c.10). The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by S.I. 1999/1750. The requirement for consent by the Minister for the Civil Service was transferred to the Treasury by S.I. 1981/1670 and that consent is not required for the exercise by the Scottish Ministers of the transferred functions in accordance with section 63(2) of the Scotland Act 1998 (c.46).

(b) 2013 c.25. Section 3(3) enables scheme regulations to make retrospective provision.

- (d) regulation 7 have effect from 1 January 2020.

PART 2

CHAPTER 1

Police Pensions Regulations 1987

Amendments to the Police Pensions Regulations 1987

2. The Police Pensions Regulations 1987(a) are amended in accordance with regulations 3 to 5.

Amendments to regulation F1

3. In regulation F1 (reckoning of pensionable service)(b)—
- (a) in paragraph (1)(db), for “, unpaid adoption support leave or unpaid maternity support leave” substitute “or unpaid adoption support leave”,
 - (b) after paragraph (1)(db) insert—
 - “(dc) any period of unpaid maternity support leave taken on or after 3 April 2011 in respect of which the conditions specified in paragraph (1B) are not satisfied;”,
 - (c) in paragraph (1B), in the opening words, for “sub-paragraphs (c), (da) and (db)” substitute “sub-paragraphs (c) to (dc)”.

Amendments to regulation G6

4. In regulation G6 (payments by women to enhance widowers’ awards)(c)—
- (a) after paragraph (1A) insert—
 - “(1B) But an election under this regulation which is made by virtue of the amendments to these Regulations by the Police Pensions (Amendment) (Scotland) Regulations 2020 may secure the counting of pensionable service before 6 April 1988 irrespective of whether an election to which paragraph (1A) applies was previously made.”,
 - (b) in paragraph (3), at the end insert—
 - “(i) in the case of a woman who was entitled to make an election under paragraph (1), to which sub-paragraphs (e) to (h) apply, who elects to secure the counting of pensionable service before 6 April 1988 (not being service which is already the subject of an election to enhance her surviving spouse or surviving civil partner award), the date on which the Police Pensions (Amendment) (Scotland) Regulations 2020 come into force.”,
 - (c) in paragraph (4A), for “or (h)” substitute “, (h) or (i)”.

Amendments to Schedule C

- 5.—(1) In Part 1 (widow’s ordinary pension) of Schedule C (widow’s awards)(d)—
- (a) in paragraph 1, omit sub-paragraphs (2B) and (2C),
 - (b) in paragraph 3, omit “of a woman”.

(a) S.I. 1987/257.

(b) Relevant amendments to regulation F1 were made by regulation 2(3) of S.I. 1988/1339, regulations 2 and 3(1) of S.S.I. 2000/193 and regulation 6 of S.S.I. 2019/68; there are other amendments not relevant to this instrument.

(c) Relevant amendments to regulation G6 were made by regulation 2 of S.S.I. 2003/406, regulation 2 of S.S.I. 2006/285, regulation 20 of S.S.I. 2010/85, and regulation 9 of S.S.I. 2016/75; there are other amendments not relevant to this instrument.

(d) Relevant amendments to schedule C were made by regulation 2 of S.S.I. 2006/285, and regulations 12, 13, 14 and 15 of S.S.I. 2016/75; there are other amendments not relevant to this instrument.

- (2) In Part 3 (widow’s accrued pension”) of Schedule C—
 - (a) in paragraph 1, omit sub-paragraphs (1B) and (1C),
 - (b) in paragraph 3(4), omit “of a woman”.
- (3) In Part 4 (widow’s pension in case of post-retirement marriage) of Schedule C, omit paragraphs 5 and 6.
- (4) In Part 5 (widow’s requisite benefit pension) of Schedule C—
 - (a) in paragraph 1—
 - (i) in sub-paragraph (a), omit “, subject to paragraph 1A,”,
 - (ii) omit the “and” following sub-paragraph (a),
 - (iii) omit sub-paragraph (b).
 - (b) omit paragraph 1A.

Transitional provisions

- 6.—(1) Paragraph (2) applies where—
 - (a) unpaid maternity support leave has been taken, and
 - (b) the period specified in regulation F1(1D)(a) of the Police Pension Regulations 1987 within which notice in writing must be given has ended, or will end, on or before 27 May 2020.
- (2) Regulation F1(1D)(a) has effect as if notice must be given—
 - (a) on or before 27 May 2020, or
 - (b) where the police pension authority is satisfied that it was not reasonably practicable to give notice on or before that date, on or before 27 February 2021.

CHAPTER 1

Police Pensions (Additional Voluntary Contributions) Regulations 1991

- 7.—(1) The Police Pensions (Additional Voluntary Contributions) Regulations 1991(a) are amended in accordance with paragraph (2).
- (2) In regulation 2 (interpretation)(b), in paragraph (3), for “or The Standard Life Assurance Company” substitute “, The Standard Life Assurance Company or Utmost Life and Pensions Limited”.

CHAPTER 3

Police (Injury Benefit) (Scotland) Regulations 2007

Amendments to the Police (Injury Benefit) (Scotland) Regulations 2007

- 8.—(1) The Police (Injury Benefit)(Scotland) Regulations 2007(c) are amended in accordance with paragraph (2).
- (2) In regulation 13 (adult survivor’s special award)(d) omit paragraphs (11) and (12).

- (a) S.I. 1991/1304.
- (b) Relevant amendments to regulation 2 were made by regulation 3 of S.S.I. 2003/406; there are other amendments not relevant to this instrument.
- (c) S.S.I. 2007/68.
- (d) Relevant amendments to regulation 13 were made by regulation 25 of S.S.I. 2016/75; there are other amendments not relevant to this instrument.

CHAPTER 4

Police Pensions (Scotland) Regulations 2007

Amendments to the Police Pensions (Scotland) Regulations 2007

9.—(1) The Police Pensions (Scotland) Regulations 2007(a) are amended in accordance with paragraph (2).

(2) In regulation 10 (reckoning of pensionable service)(b)—

- (a) in paragraph (1)(ba), for “, unpaid adoption support leave or unpaid maternity support leave” substitute “or unpaid adoption support leave”,
- (b) after paragraph (1)(ba) insert—
 - “(bb) any period of unpaid maternity support leave taken on or after 3rd April 2011 in respect of which the conditions specified in paragraph (2) are not satisfied;”,
- (c) in paragraph (2), in the opening words for “sub-paragraphs (a) and (b)” substitute “sub-paragraphs (a) to (bb)”.

Transitional provision

10.—(1) Paragraph (2) applies where—

- (a) unpaid maternity support leave has been taken, and
- (b) the period specified in regulation 10(4)(a) of the Police Pensions (Scotland) Regulations 2007 within which notice in writing must be given has ended, or will end, on or before 27 May 2020.

(2) Regulation 10(4)(a) has effect as if notice must be given—

- (a) on or before 27 May 2020, or
- (b) where the police pension authority is satisfied that it was not reasonably practicable to give notice on or before that date, on or before 27 February 2021.

CHAPTER 5

Police Pension Scheme (Scotland) Regulations 2015

Amendments to the Police Pension Scheme (Scotland) Regulations 2015

11. The Police Pension Scheme (Scotland) Regulations 2015(c) are amended in accordance with regulations 12 and 13.

12. In regulation 94 (annual rate of ill-health pension under this scheme)—

(a) in paragraph (4) after “149” insert—

“but where a member was in part-time service at any time during the 12 months ending with the last day of pensionable service, or the earnings year, the amount of the member’s pensionable earnings is adjusted by increasing it to the amount payable as if the member had been in full-time service for that period”,

(b) in paragraph (5) after “149” insert—

“but where a member was in part-time service at any time during the 12 months ending with the last day of pensionable service, or the earnings year, the amount of the member’s pensionable earnings is adjusted by increasing it to the amount payable as if the member had been in full-time service for that period”.

(a) S.S.I. 2007/201.

(b) Relevant amendments to regulation 10 were made by regulation 41 of S.S.I. 2019/68.

(c) S.S.I. 2015/142.

13. In regulation 160(1)(a) omit “For scheme years falling between 1st April 2015 and 31 March 2020,”.

(a) Relevant amendments to regulation 160 were made by regulation 56 of S.S.I. 2019/68.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Police Pension Regulations 1987 (“the 1987 Regulations”), the Police Pensions (Additional Voluntary Contributions) Regulations 1991 (“the 1991 Regulations”), the Police (Injury Benefit) (Scotland) Regulations 2007 (“the 2007 Injury Benefit Regulations”), the Police Pensions (Scotland) Regulations 2007 (“the 2007 Regulations”), and the Police Pension Scheme (Scotland) Regulations 2015 (“the 2015 Regulations”).

Regulation 3 allows police officers who are members of the scheme constituted by the 1987 Regulations to make contributions to buy pensionable service in relation to any period of unpaid maternity support leave during the period from 3 April 2011 to 1 September 2014. Regulation 9 makes equivalent provision in relation to police officers who are members of the scheme constituted by the 2007 Regulations. Transitional provision is made by regulations 6 and 10 in this regard. These amendments have effect from 3 April 2011.

The effect of the amendments made by regulations 4 and 5 is to bring the benefits under the scheme constituted by the 1987 Regulations payable to survivors of civil partnerships and same sex marriages, into line with the benefits payable to widows of different-sex marriages. Regulation 8 makes a corresponding amendment to the 2007 Injury Benefit Regulations. Women police officers who paid lower contributions in anticipation of lower survivor benefits are enabled to elect to pay additional contributions to be able to access these higher survivor benefits. Regulations 5 and 8 have effect from the date from which civil partnerships were introduced.

The effect of the amendment made by regulation 7 is to add Utmost Life and Pensions Limited to the list of approved additional voluntary contributions providers specified in the 1991 Regulations.

The amendments made by regulation 12 bring the benefits payable under the 2015 Regulations to officers with part-time service qualifying for ill-health pensions into line with those payable under the 2007 Regulations, and have effect from 1 April 2015. The amendments made by regulation 13 remove the current time limit after which the rates of member contributions specified in the 2015 Regulations cease to apply.

No business and regulatory impact assessment has been produced for this instrument as no impact on business, charities or voluntary bodies is foreseen.