

No.

PUBLIC SERVICE PENSIONS

The Police Pension Scheme (Scotland) (Amendment) Regulations 2026

Made - - - - -

Laid before the Scottish Parliament

Coming into force - -

1st April 2026

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1(1) and (2)(g) and section 3(1) and (3)(b) and paragraph 7(b) of schedule 2 of the Public Service Pensions Act 2013(a) (“the 2013 Act”) and sections 5(1) and (5), 10(1), 11(1) and (5), 12(1) and (3), 19(1), (4) and (5), 21, 22(1), (2) and (6), 29(1), (7) and (8) and 31(2) and (3) of the Public Service Pensions and Judicial Offices Act 2022(b) and all other powers enabling them to do so.

In accordance with section 21(1) of the 2013 Act the Scottish Ministers consulted such persons (or representatives of such persons) as appeared to the Scottish Ministers likely to be affected by these Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Police Pension Scheme (Scotland) (Amendment) Regulations 2026.

(2) These Regulations come into force on 1 April 2026 and have effect from 1 April 2015.

Amendment of the Police Pension Scheme (Scotland) Regulations 2015

2.—(1) The Police Pension Scheme (Scotland) Regulations 2015(c) (“the 2015 Regulations”) are amended in accordance with this regulation.

(2) In regulation 2(1)(interpretation)—

(a) In the definition “index adjustment” insert “specified in the Treasury Order made under section 9(2) of the 2013 Act in relation to the this scheme” between “scheme year” and “,plus”,

(a) 2013 c. 25.

(b) 2022 c. 7.

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

(b) in the definition “PIA index adjustment” for “first day of the previous scheme year” substitute “date specified in the Treasury Order made under section 9(2) of the 2013 Act in relation to the this scheme in respect of the previous scheme year”.

(3) After regulation 25(pensionable earnings during a period of assumed pay) insert—

“Chapter 4

Elections for those previously excluded from ill health benefits

Interpretation and application of this Chapter

26.—(1) For the purposes of this Chapter—

- (a) “election application” means an election application under and in terms of regulation 28,
- (b) “election period” means the period of 6 months (or such longer period as the scheme manager may provide) beginning with the date on which the letter provided for in regulation 27(1) is sent,
- (c) “P” means a person who at any time during the relevant period was—
 - (i) an active or deferred member of this scheme, and
 - (ii) was previously deemed ineligible for ill-health benefits following a determination by the scheme manager that the risk that the person would retire on grounds of permanent medical unfitness was such that the likely cost of providing that person with ill-health benefits under this scheme was disproportionately high,(a)
- (d) “relevant period” is the period beginning with 1 April 2015 and ending with 31 March 2025,
- (e) “relevant information” means all the information necessary to enable the scheme manager to determine eligibility for benefits under this Chapter, and
- (f) “revised contributions” means the amount of contributions calculated in accordance with regulation 30.

(2) This Chapter applies in respect of the relevant period.

Provision of information

27.—(1) Within 3 months of the first day of the election period the scheme manager must send a letter to P containing—

- (a) the information referred to in paragraph (3), and
- (b) an invitation to such a member to make an election under this Chapter.

(2) The information and invitation will be provided in the format determined by the scheme manager.

(3) The information referred to in paragraph (1) is—

- (a) the grounds on which a person who satisfies the definition of “P” is, or may be, eligible for ill-health benefits under this Chapter,
- (b) the conditions for the payment of the benefits,
- (c) the election period,

(a) This determination would have been made under and in terms of Part 4 of the Police Pension Scheme (Scotland) Regulations 2015 as originally enacted.

- (d) to whom and how an election application is to be made,
- (e) the benefits available to P under this Chapter and the terms on which they are so available, and
- (f) the date by which P must pay P's revised contributions in respect of those benefits.

Time period for election application

28.—(1) If P wishes to elect for ill-health benefits under this Chapter, P must give the scheme manager notice in writing (an election application) containing all the relevant information.

(2) An election application must—

- (a) be in writing,
- (b) state that P agrees to pay the revised contributions referred to in regulation 30 in accordance with this Chapter, and
- (c) be given to the scheme manager before the end of the election period.

(3) An election application cannot be made after the end of the election period, and any such application shall be rejected.

Scheme manager notifications

29.—(1) If, following the scheme manager's receipt of P's election application, the scheme manager determines that P is eligible for benefits under this Chapter, the scheme manager must give P notice of terms on which P has agreed to pay revised contributions.

(2) That notice must be in writing.

Revised contributions

30.—(1) For each scheme year falling in the relevant period, revised contributions are equal to the difference between—

- (a) the amount of contributions P has paid at the reduced member contribution rate of 10.96% on P's pensionable earnings over that period, and
- (b) the amount of contributions payable at the full member contribution rate of 13.46% over that period.

(2) Revised contributions—

- (a) must be paid in full, but
- (b) may be paid in one or more instalments as the scheme manager may determine.

(3) Where P fails to pay any part of the revised contributions in accordance with this regulation—

- (a) P's election lapses,
- (b) any revised contributions P has paid must be returned to P, and
- (c) there shall be no adjustment of contributions pursuant to this Chapter 4 other than as set out in this paragraph.

Effect of failing to make an election application

31. Where, following the provision of the information referred to in regulation 27, P has not (at any time) given the scheme manager an election application, the scheme manager

shall treat the absence of such an application as a conclusive decision on P's part not to elect for benefits under this Part.

Number of elections

32. Only one election application [for each member] may be pursued under this Chapter.

Effect of compliance with this chapter

33. Where P satisfies this Chapter [the requirements of paragraph 30(2)], P is eligible for an ill-health benefit on the same terms as a person who has paid the full contribution rates referred to in regulation 160(2).".

Amendment of the Police Pensions (Remediable Service) (Scotland) Regulations 2023

3.—(1) The Police Pensions (Remediable Service) (Scotland) Regulations 2023(a) are amended in accordance with this regulation.

(2) In regulation 12(deferred choice decision for reformed scheme or legacy scheme benefits: general)—

- (a)** in paragraph (10) after “commenced during the period of M's remediable” insert “police”,
- (b)** in paragraph 11 for “the scheme manager must pay an amount equal to the difference to the beneficiary” substitute “the beneficiary must pay an amount equal to the difference to the scheme manager”.

(3) In regulation 32(transferred out remediable service statements) for “regulation 3” substitute “regulation 4”.

St Andrew's House
Edinburgh

For and on behalf of the Scottish Ministers

(a) S.S.I. 2023/239.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the 2015 Regulations. The Regulations insert a new Chapter 4 of Part 4 into the 2015 Regulations. The new Chapter 4 applies to a person who was deemed ineligible for ill health benefits in the period from 1 April 2015 to 31 March 2025 under the former Chapter 4 of the 2015 Regulations which ceased to have effect under the Police Pension Scheme (Scotland) Amendment Regulations 2025.

The new Chapter 4 provides for a person who satisfies the requirements of it to elect for ill-health benefits under the new Chapter 4. The new Chapter 4 establishes an options exercise for ill health benefits under it relating to a member of the 2015 scheme previously deemed ineligible for ill-health benefits and covers the provision of information about the benefits, the form and timing of an election, the calculation of contributions payable in respect of a successful application and the timing of their payment. It also makes provision for the consequences of failure to pay contributions and failure to make an election.

The new Chapter 4 provisions take effect from a date earlier than the coming into operation of the Regulations but do not have significant adverse effects.

These Regulations also amend the Police Pensions (Remediable Service) (Scotland) Regulations 2023 (“the 2023 Regulations”) and correct minor errors in the 2023 Regulations. They take effect from a date earlier than the coming into operation of the Regulations but do not have significant adverse effects.

The 2023 Regulations relate to provisions set out in the Public Service Pensions and Judicial Offices Act 2022 (c. 7) to remedy the unlawful discrimination on the basis of age that was found to result from the transitional protections afforded to certain cohorts of members of legacy pension schemes (the schemes established by the Police Pensions Regulations 1987 and the Police Pensions (Scotland) Regulations 2007).