

SCHEDULE 2

Regulation 2(2)

Amendments to the Police Pensions (Scotland) Regulations 2007

PART 1

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

2.—(1) Regulation 3 (meaning of certain expressions in relation to persons who are not members of a home police force) is amended as follows.

(2) In paragraph (1)—

(a) after “Regulations,” insert “unless the context otherwise requires,”; and

(b) after “SOCA” insert “, an employed constable of NPIA, or a police member of SCDEA”.

(3) After paragraph (3) insert—

“(4) In relation to an employed constable of NPIA—

(a) any reference in these Regulations to the police authority shall be construed as a reference to NPIA; and

(b) any reference in these Regulations to a force shall be construed as a reference to NPIA.

(5) In relation to a police member of SCDEA—

(a) any reference in these Regulations to the police authority shall be construed as a reference to SPSA;

(b) any reference in these Regulations to a force shall be construed as a reference to SCDEA; and

(c) reference in—

(i) regulation 5 to the written consent of the chief constable shall be construed as the written consent of the Director General of SCDEA; and

(ii) regulations 18(4)(b) and 19(3) to “by the chief constable” shall be construed as by the Director General of SCDEA”.

3.—(1) Regulation 4 (disablement) is amended as follows.

(2) In paragraph (3), for “paragraph (4)” substitute “paragraphs (3A) and (4)”.

(3) After paragraph (3) insert—

“(3A) In the application of paragraph (3) to a specified employee of SOCA or to an employed constable of NPIA, the reference to “the ordinary duties of a member of the police force” shall be construed as a reference to the ordinary duties of a member of the home police force in which the person last served before becoming a specified employee of SOCA, or an employed constable of NPIA, as the case may be.”.

4. In regulation 5 (transfers), omit the “or” at the end of paragraph (b) and at the end insert—

“;

(d) leaving a home police force for the purpose of joining NPIA as an employed constable of NPIA and joining NPIA in that capacity, where—

(i) not being the chief constable of, or a constable on probation in, that force, the person leaves that force after giving a month’s notice in writing of his intention

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to do so to the police authority, or such shorter period of notice as may have been accepted by the police authority; or

(ii) being the chief constable of, or a constable on probation in, that force, the person leaves that force with the written consent of the chief constable or, in the case of the chief constable, of the police authority of that force; or

(e) being an employed constable of NPIA, leaving NPIA for the purpose of joining a home police force as a regular police officer and joining that force in that capacity, where the employed constable leaves NPIA after giving notice of such period as required by the contract of employment of an intention to do so or after giving such shorter period of notice as may be agreed between the employed constable of NPIA and NPIA.”.

5.—(1) Regulation 17 (retirement) is amended as follows.

(2) In paragraph (d) omit “or”.

(3) At the end of paragraph (e) insert—

“or

(f) leaving a force on joining NPIA as an employed constable of NPIA.”.

6.—(1) Regulation 18 (voluntary retirement) is amended as follows.

(2) In paragraph (2) for “paragraph (2A)” substitute “paragraphs (2A) and (2B)”.

(3) After paragraph (2A) insert—

“(2B) An employed constable of NPIA who intends to retire under this regulation shall give NPIA notice of such period as required by the contract of employment of that intention or shall give such shorter period of notice as may be agreed between the employed constable of NPIA and NPIA.”.

(4) In paragraph (5) after “SOCA” insert “or an employed constable of NPIA”.

7. In regulation 19(4) (compulsory retirement on account of age) at the end insert “or an employed constable of NPIA”.

8. In regulation 20(3) (compulsory retirement on grounds of efficiency of the force) at the end insert “, or an employed constable of NPIA”.

9. In regulation 23 (pensionable pay) after “SOCA,” insert “or an employed constable of NPIA”.

10. In regulation 51(14) (review and cancellation of pensions payable on the ground of permanent disablement) after “SOCA” insert “and an employed constable of NPIA,”.

11.—(1) Regulation 52 (withdrawal of pension during service as a regular police officer) is amended as follows.

(2) In paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (3)”.

(3) After paragraph (2) insert—

“(3) This regulation shall not apply in relation to any period during which a pensioner is serving as an employed constable of NPIA, where that period of service commenced on or before 1st April 2011.”.

12.—(1) Schedule 1 (glossary of expressions) is amended as follows.

(2) The following definitions are inserted in the appropriate places—

““an employed constable of NPIA” means a member of staff of NPIA who is a constable and an employee of NPIA;”;

““NPIA” means the National Policing Improvement Agency;”;

““a police member of SCDEA” means a person appointed by virtue of paragraph 7(2)(c) of schedule 2 to the Police, Public Order and Criminal Justice (Scotland) Act 2006(1);”;

““SCDEA” means the Scottish Crime and Drug Enforcement Agency;”;

““SPSA” means the Scottish Police Services Authority;”.

(3) In the definition of “maternity leave”—

(a) after “2004” insert “or, as the case may be, means leave taken by a qualified female police member in accordance with the provisions of a determination under regulation 22(a) of the Scottish Crime and Drug Enforcement Agency (Scotland) Regulations 2011”; and

(b) at the end insert “, and in relation to an employed constable of NPIA it means any period of maternity leave taken whilst employed by NPIA”.

(4) In the definition of “parental leave”—

(a) after “2004”, insert “or regulation 26(9)(b) of the Scottish Crime and Drug Enforcement Agency (Scotland) Regulations 2011”; and

(b) at the end insert “, and in relation to an employed constable of NPIA it means any period of parental leave taken whilst employed by NPIA”.

(5) In the definition of “part-time service” at the end insert “or as an employed constable of NPIA or as a police member of SCDEA”.

(6) In the definition of “regular police officer” after “SOCA” insert “, an employed constable of NPIA, a police member of SCDEA,”.

(7) In the definition of “sick leave”—

(a) after “2004” insert “or regulation 26(6) of the Scottish Crime and Drug Enforcement Agency (Scotland) Regulations 2011”; and

(b) at the end insert “, and in relation to an employed constable of NPIA it means any period of sick leave taken whilst employed by NPIA”.

PART 2

13. In relation to a regular police officer to whom the Police Pensions (Scotland) Regulations 2007 first applied on or after 1st April 2011, those Regulations are amended as follows.

14. In regulation 6(2)(b) (application of regulations) at the end insert “(and for this purpose account shall be taken of any pensionable service the officer would have been entitled to reckon had any transfer value not been paid under regulation F10 of the 1987 Regulations)”.

15.—(1) Paragraph 9 of Schedule 2 (application of regulations to officers to whom regulation 6(2) and (3) applies) is amended as follows.

(2) For sub-paragraph (e), substitute—

“(e) there were inserted in paragraph (1) after the words “35 years” the words—

“less the total pensionable service he was entitled to reckon under the 1987 Regulations, calculated in accordance with paragraphs (3) and (4), at the applicable time”

(3) After sub-paragraph (e) insert—

“(ea) there were added after paragraph (1) the following paragraph—

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“(1A) For the purposes of this regulation, the “applicable time” shall be determined in accordance with paragraphs (1B) and (1C).

(1B) In a case falling within paragraph 9(a) to (c) of Schedule 2—

(a) subject to sub-paragraph (ii), the applicable time is the time of his retirement with an entitlement to—

- (i) an ordinary pension under regulation B1;
- (ii) a short service award under regulation B2;
- (iii) an ill-health pension under regulation B3;
- (iv) a deferred pension under regulation B5; or
- (v) an award by way of repayment of aggregate pension contributions under regulation B6,
of the 1987 Regulations;

(b) where he has retired with an entitlement mentioned in sub-paragraph (i) and before retiring he had made an election under regulation G4(1) of the 1987 Regulations (election not to pay pension contributions) which had not been cancelled before retiring, the applicable time is the time when he made that election.

(1C) In a case falling within paragraph 9(d) of Schedule 2, the applicable time is the time when he made his election under regulation G4(1) of the 1987 Regulations”

(4) In sub-paragraph (f)—

- (a) for “the time mentioned in paragraph (1)(a)(i), (ii), (iii) or (iv) or (b), as the case may be,” substitute “the applicable time”; and
- (b) for “at the time of his retirement mentioned in paragraph (1)(a), (b), (c) or (d), as the case may be” substitute “at the applicable time”; and
- (c) for “date of retirement mentioned in paragraph (1)” insert “the applicable time”.

16. After paragraph 18 of Schedule 3 (transfer elections under regulation 6(8)) insert—

“**19.**—(1) Subject to sub-paragraph (2), this paragraph applies to a regular police officer whose transfer election has taken effect and in respect of whom a transfer value has been paid under regulation F10 of the 1987 Regulations.

(2) This paragraph does not apply to a regular police officer who falls within paragraph 9(a) to (d) of Schedule 2.

(3) Regulation 16 (reckoning of service for purposes of awards) shall have effect subject to the modifications set out in paragraph 9 of Schedule 2, except that the modification in paragraph 9(ea) shall not apply and instead regulation 16 shall have effect as if there were added after paragraph (1) the following paragraph—

“(1A) For the purposes of this regulation, the “applicable time” means the time when the regular police officer made an election under regulation G4(1) of the 1987 Regulations.”