

## SCHEDULE

Regulations 1, 3, 4 and 5

### AMENDMENT OF THE POLICE PENSIONS REGULATIONS 1987

1. In regulation A10(2)(h), after “unpaid maternity leave” insert “or unpaid parental leave”.
2. In regulation A18(1)–
  - (a) in sub-paragraph (a) (i), after “chief constable” insert “, a deputy chief constable”;
  - (b) in sub-paragraph (a) (ii), before “superintendent” insert “chief superintendent.”
3. In regulation B1(2)(b), for “assistant chief constable or commander” substitute “deputy chief constable or assistant chief constable”.
4. In paragraph (c) of the proviso to regulation F1(1), for “18 weeks” substitute “26 weeks”.
- 5.—(1) After paragraph (d) of the proviso to regulation F1(1), insert the following sub paragraph–

“(da) any period of unpaid parental leave taken after 1st April 2003 in respect of which the conditions specified in paragraph (1B) are not satisfied;”.

  - (2) In regulation F1(1B), after “in sub-paragraph (c)” insert “or (da)”.
  - (3) In regulation F1(1B)(a), after each occurrence of the word “maternity” insert “or parental”.
  - (4) In regulation F1(1B)(b), after each occurrence of “unpaid maternity leave” insert “or unpaid parental leave”.
6. In regulation F6, after paragraph (1A) insert the following paragraph–

“(1B) References in paragraph (1) to a transfer value include references to a transfer payment which has been received under an arrangement with the British Transport Police Force Superannuation Fund in circumstances where the conditions set out in paragraph 1(aa) of Section 2 of Part IV of Schedule F are satisfied.”
7. In regulation F10(2)(b), for “2 years' pensionable service” substitute “3 months' pensionable service”.
8. In regulation G1(3), for “sick leave or maternity leave”, substitute “sick leave, maternity leave or parental leave”.
- 9.—(1) For regulation H1(5), substitute–

“(5) The decision of the selected medical practitioner on the question or questions referred to him under this regulation shall be expressed in the form of a report and shall, subject to regulations H2 and H3, be final.”

  - (2) For regulation H1(6), substitute–

“(6) A copy of any such report shall be supplied to the person who is the subject of that report.”
  - (3) Regulation H1(7) is omitted.
- 10.—(1) Regulation H2(1) and (2) are omitted.
  - (2) In regulation H2(3)–
    - (a) for “(2)”, substitute “(2A)”;
    - (b) for “certificate or report”, substitute “report”;
    - (c) for “certificate or, as the case may be, a report”, substitute “report”.
- 11.—(1) In regulation H3(1)–

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- (a) after “him”, insert “, or, as the case may be, it,”;
  - (b) after “his”, insert “, or, as the case may be, its,”;
  - (c) for “certificate or report as the case may be”, substitute “report”.
- (2) For regulation H3(2), substitute—
- “(2) The police authority and the claimant may, by agreement, refer any final decision of a medical authority who has given such a decision to him, or as the case may be it, for reconsideration, and he, or as the case may be it, shall accordingly reconsider his, or as the case may be its, decision and, if necessary, issue a fresh report, which, subject to any further reconsideration under this paragraph or paragraph (1), or an appeal where a right of appeal exists under regulation H2, shall be final.”
- 12.** For regulation K4(1), substitute—
- “(1) Subject to paragraph (2), a police authority by whom a pension is payable under Part B of these Regulations or under Regulation E1 (adult dependent relative’s special pension) may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is serving as a regular policeman in any police force, save that such withdrawal shall not apply to any pension credit under Part M; and, where they have done so, they shall be discharged from all actual or contingent liability in respect of the pension, or the part thereof, withdrawn for the period in question.”
- 13.** After regulation K5(8), insert the following paragraph—
- “(9) The police authority may, to such extent as they at any time in their discretion think fit—
- (a) apply for the benefit of any dependant of the pensioner; or
  - (b) restore to the pensioner,
- any amount or amounts of any pension that have been forfeited under this regulation.”.
- 14.** In Schedule A—
- (a) for the definition “maternity leave”, substitute the following definition—  
““maternity leave” has the same meaning as in regulation 4(1) of the Police (Scotland) Regulations 2004(1);”;
  - (b) after the definition “overseas service”, insert the following definition—  
““parental leave” means leave granted in accordance with regulation 33(8) of the Police Regulations 2003(2);”;
  - (c) for the definition of “sick leave”, substitute the following definition—  
““sick leave” means leave in respect of injury or illness taken in accordance with the determination of the Scottish Ministers under regulation 33(5) of the Police (Scotland) Regulations 2004(3);”.
- 15.—**(1) After paragraph 1(a) of Section 2 of Part IV of Schedule F, insert the following sub paragraph—
- “(aa) where his former superannuation arrangements were contained in the British Transport Police Force Superannuation Fund, and the police authority are satisfied that—
    - (i) the transfer value represents all his accrued rights to awards under those arrangements,

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(1) S.S.I. 2004/257.  
(2) S.I.2003/527.  
(3) S.S.I. 2004/257.

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- (ii) the transfer value is one which he has, within 12 months of his last becoming a regular policeman, requested the police authority to accept under regulation F6,
- (iii) the transfer value is calculated in accordance with guidance approved by the Government Actuary, and
- (iv) either—
  - (a) the regular policeman has not reached the age of 55 at the time of the transfer; or
  - (b) he has reached that age at the time of the transfer, but the police authority and the administrators of the British Transport Police Force Superannuation Fund agree that the calculation shall be made in accordance with paragraph 2,in accordance with paragraph 2, and”.

(2) After paragraph 1 of Section 2 of Part IV of Schedule F, insert the following paragraph—

“**1A.** References in paragraph 1(aa) to a transfer include—

- (a) any transfer where there is an interval of no longer than one month between the regular policeman’s service with the British Transport Police Force and his service as a regular policeman; and
- (b) any transfer where there is an interval of longer than one month between those periods of service, and the police authority concerned and the administrators of the British Transport Police Force Superannuation Fund agree that the calculation shall be made in accordance with paragraph 2.”

(3) In paragraph 2 of Section 2 of Part IV of Schedule F, after “paragraph 1(a)” insert “and (aa)”.

**16.** In Schedule H—

(a) For paragraph 1, substitute—

“**1.** Every notice of appeal under Regulation H2(2A) and statement of grounds under Regulation H2(2B)(a) shall be in writing.”.

(b) For paragraph 2, substitute—

“**2.** On receiving a notice of appeal against a report issued under regulation H1 and the appellant’s statement of grounds for appeal, the police authority, unless Regulation H3(2) applies, shall forward to the Scottish Ministers copies of the appeal and all other documents that are determined as necessary by the Scottish Ministers.”.

(c) In paragraph 3(1)—

- (i) for “certificate or report, as the case may be” substitute “report”;
- (ii) omit “, in appeals made against a report issued in regulation H1(5)”.

(d) For paragraph 5, substitute—

“**5.—(1)** Any hearing (including any examination) may be attended by—

- (a) the selected medical practitioner; and
- (b) a duly qualified medical practitioner appointed for the purpose by the appellant, although they may only observe any examination.

(2) If the selected medical practitioner does not attend any examination then a duly qualified medical practitioner appointed for that purpose by the police authority may attend the examination as an observer.

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(3) If any hearing includes an examination, then only medical practitioners may be present for that part of the hearing.”.

(e) For paragraph 6, substitute—

“**6.** The board of medical referees shall supply the police authority, the appellant and the Scottish Ministers with a written statement of its decision, and where the board of medical referees disagrees with any part of the selected medical practitioner’s report, the board of medical referees shall provide a revised report.”.