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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 201**

**The Police Pensions (Scotland) Regulations 2007**

**PART 2**

**ELIGIBILITY FOR PENSION AWARDS,  
PENSIONABLE SERVICE AND RETIREMENT**

*Retirement*

**Retirement**

**17.—(1)** Subject to paragraph (2), a reference in these Regulations to retirement includes a reference to retirement under regulation 18, 19, 20 or 21, but does not include a reference to—

- (a) leaving a police force on transferring from one force to another;
- (b) leaving a police force on joining an English or Welsh police force or the Police Service of Northern Ireland;
- (c) ceasing to serve as a regular police officer, otherwise than on retirement under regulation 21, from a date before that on which the officer concerned attains the age of 55 years (whether the officer so ceases to serve voluntarily, upon the expiry without extension (or further extension) of the period of an appointment for a fixed term in accordance with regulation 11 of the Police (Scotland) Regulations 2004<sup>(1)</sup> or upon being dismissed or required to resign); or
- (d) retirement within the meaning of section 4(4)(d) of the Police (Scotland) Act 1967<sup>(2)</sup> in a case where, under that section, the chief constable in question is required to retire before the date on which that chief constable attains the age of 55 years.

(2) A regular police officer who fulfils the qualifying service criterion and who is dismissed or required to resign, on or after the date on which the officer attains the age of 55 years, shall be deemed for the purposes of these Regulations to have retired under regulation 18 on the date that officer's dismissal or resignation took effect, having given such notice to the police authority of that officer's intention to retire as is mentioned in regulation 18(2) and with any necessary consent having been given under regulation 18(4).

(3) A regular police officer fulfils the qualifying service criterion if—

- (a) that officer has at least 2 years' qualifying service; or
- (b) regulation 15 applies to that officer.

(4) In paragraph (3), "2 years' qualifying service" has the meaning assigned to it by section 71(7) of the 1993 Act.

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<sup>(1)</sup> S.S.I. 2004/257.

<sup>(2)</sup> 1967 c. 77. Relevantly amended by the Anti-Terrorism, Crime and Security Act 2001 (c. 24), section 101 and Schedule 7, paragraphs 2 and 3 and S.I. 2004/1573, article 12.

### **Voluntary retirement**

**18.**—(1) Subject to paragraphs (2) to (4), a regular police officer may retire on or after the date on which that officer attains the age of 55 years.

(2) A regular police officer who intends to retire under this regulation shall give the police authority written notice of that intention—

- (a) in the case of an officer of the rank of Chief Constable, Deputy Chief Constable or Assistant Chief Constable at least 3 months before that officer's intended date of retirement: and
- (b) in the case of an officer of any other rank at least 1 month before that officer's intended date of retirement:

Provided that a police authority may, in their discretion, accept such shorter notice than that specified in sub-paragraph (a) or (b), as the case may be, as they may determine.

(3) For the purposes of this regulation—

- (a) an inspector of constabulary shall be deemed to hold the rank and office of Chief Constable;
- (b) an assistant inspector of constabulary shall be deemed to hold the rank of Chief Superintendent; and
- (c) any other police officer engaged on relevant service shall be deemed to hold the rank in which the officer is entitled to revert to that officer's home police force at the end of that officer's period of relevant service.

(4) A regular police officer who is suspended under the Conduct Regulations may retire under this regulation only if consent to do so is given—

- (a) by the police authority in the case of an officer falling within paragraph (2)(a); or
- (b) by the chief constable in the case of an officer of any other rank.

### **Compulsory retirement on account of age**

**19.**—(1) From 6th April 2006 to 30th September 2006, regulation A18(1) and (2) of the 1987 Regulations<sup>(3)</sup> (compulsory retirement on account of age) shall apply to every regular police officer.

(2) From 1st October 2006, subject to paragraph (3), every regular police officer shall be required to retire—

- (a) if that officer is of the rank of Constable, Sergeant, Inspector or Chief Inspector, on attaining the age of 60 years; and
- (b) if that officer holds any higher rank, on attaining the age of 65 years.

(3) The time at which, under paragraph (2), a person shall be required to retire may be postponed, if that person holds a rank above that of Superintendent, by the police authority, and, if that person holds the rank of Superintendent or any lower rank, by the chief constable.

### **Compulsory retirement on grounds of efficiency of the force**

**20.**—(1) This regulation applies to a regular police officer of the rank of Chief Superintendent, Superintendent, Chief Inspector, Inspector, Sergeant or Constable who is entitled to reckon 35 years' pensionable service (or would have been so entitled if that officer had not made an election under regulation 9).

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(3) S.I. 1987/257; regulation A18 was amended by S.I. 1998/577, and S.S.I. 2004/486.

(2) If the police authority determine that the retention in the force of a regular police officer to whom this regulation applies would not be in the general interests of efficiency, that officer may be required to retire on such date, on or after the date on which that officer attains the age of 55 years, as the police authority determine.

### **Compulsory retirement on the ground of disablement**

**21.**—(1) A police authority may require a regular police officer to retire on the date on which, having considered all the relevant circumstances, advice and information available to them, they determine that the officer ought to retire on the ground that the officer is permanently disabled for the performance of the ordinary duties of a member of the police force:

Provided that a retirement under this paragraph shall be void if, after the said date, on an appeal against the medical opinion on which the police authority acted in determining that the officer ought to retire, the appeal board decides that the appellant is not permanently so disabled.

(2) This paragraph applies to a regular police officer who is permanently disabled for the performance of the ordinary duties of a member of the police force but who, in accordance with a determination of the police authority in the circumstances of that officer's case, continues to serve as such.

(3) The police authority for the force in which a police officer to whom paragraph (2) applies is serving may consider, at such times as they may in their discretion determine, whether the disablement has ceased, significantly worsened or significantly improved.

(4) If on any such consideration the police authority, having considered all the relevant circumstances, advice and information available to them, determine that the officer ought to retire on the ground that the officer is permanently disabled for the performance of the ordinary duties of a member of the police force they shall require that officer to retire under paragraph (1) (subject to the proviso to that paragraph).

### **Effective date of retirement**

**22.** For the purposes of these Regulations—

- (a) a regular police officer shall be taken to retire or cease to serve immediately following that officer's last day of service; and
- (b) a regular police officer required to retire under regulation 19, 20 or 21 shall be deemed to retire on the date on which the officer is so required to retire and their last day of service shall be the immediately preceding day.