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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**

*Eligibility for pension awards*

**Application of Regulations**

**6.—**(1) These Regulations shall apply to a regular police officer who first became such on or after 6th April 2006.

(2) These Regulations shall also apply, subject to and in accordance with the provisions of Schedule 2, to a regular police officer who—

- (a) first became such before 6th April 2006 and retired or otherwise ceased to serve—
  - (i) with no entitlement to an award under the 1987 Regulations;
  - (ii) with an entitlement to an award by way of repayment of their aggregate pension contributions under regulation B6 of those Regulations;
  - (iii) with an entitlement to an ordinary pension under regulation B1 of those Regulations, a short service award under regulation B2 of those Regulations or an entitlement to a deferred pension under regulation B5 of those Regulations and, in any of those cases, the award is in payment (otherwise than where the deferred pension is in payment due to permanent disablement);
  - (iv) with an entitlement to an ordinary pension under regulation B1 of those Regulations or a deferred pension under regulation B5 of those Regulations and in either case the pension is not in payment; or
  - (v) with an entitlement to an ill-health award under regulation B3 of those Regulations or with an entitlement to a deferred pension under regulation B5 of those Regulations where the pension is in payment due to permanent disablement (whether the deferred pension came into payment immediately on retirement or ceasing to serve or on some later date);
- (b) at the date of such retirement or otherwise ceasing to serve was entitled to reckon less than 30 years' pensionable service under the 1987 Regulations; and
- (c) has, on or after 6th April 2006, rejoined the force in which that person was serving immediately before their retirement or otherwise ceasing to serve, or joined another force, otherwise than—
  - (i) pursuant to regulation K1 of the 1987 Regulations where that person had not made an election under regulation G4(1) of those Regulations which was in effect immediately before their retirement;

- (ii) pursuant to regulation K1 of the 1987 Regulations where that person retired before 6th April 2006 and they had made an election under regulation G4(1) of those Regulations which had not been cancelled before their retirement; or
- (iii) upon reinstatement following a successful appeal against dismissal or requirement to resign where that person had not made an election under regulation G4(1) of the 1987 Regulations which was in effect immediately before their dismissal or requirement to resign.

(3) These Regulations shall also apply, subject to and in accordance with the provisions of paragraph (4), to a regular police officer who—

- (a) first became such before 6th April 2006;
- (b) was in service as such immediately before and on the said date; and
- (c) either—
  - (i) had made an election under regulation G4(1) of the 1987 Regulations which had not been cancelled before that date; or
  - (ii) on or after 6th April 2006 makes an election under that provision.

(4) In the case of an officer such as is mentioned in paragraph (3)—

- (a) the election mentioned in paragraph (3)(c)(i) shall, as from 6th April 2006, continue to have effect as if it had been made on that date under regulation 9(1), or as the case may be; or
- (b) the election mentioned in paragraph (3)(c)(ii) shall have effect from the date on which it is made as if it had been made under regulation 9(1); and
- (c) in either case, the officer may accordingly cancel the election in accordance with regulation 9(5), in which case the officer shall become eligible for awards to be payable to or in respect of that officer under these Regulations, subject to paragraph 9 of Schedule 2.

(5) This paragraph applies to a regular police officer who cancels an election in the circumstances mentioned in paragraph (4) and who has an entitlement to an ordinary pension under regulation B1 of the 1987 Regulations or a deferred pension under regulation B5 of those Regulations and in either case the pension is not in payment.

(6) This paragraph applies to a regular police officer—

- (a) by whom pension contributions were payable under regulation G2 of the 1987 Regulations as at 6th April 2006 (or would have been payable but for that officer's dismissal or requirement to resign and subsequent reinstatement following a successful appeal against that dismissal or requirement to resign);
- (b) who continues to serve as such during the period beginning on that date and ending on the date of that officer's transfer election under paragraph (8) (or who would have continued to serve as such during that period but for that officer's dismissal or requirement to resign and subsequent reinstatement following a successful appeal against that dismissal or requirement to resign); and
- (c) who does not, during the period mentioned in sub-paragraph (b), make an election under regulation G4 (1) of the 1987 Regulations.

(7) This paragraph applies to a regular police officer such as is mentioned in paragraph (5) who cancels an election in the circumstances mentioned in paragraph (4) on a date before the expiry of the period of 3 months determined by the Scottish Ministers under paragraph 1 of Schedule 3, or such longer period as the police authority may, by reason of exceptional circumstances in that officer's case, in their discretion allow.

(8) A regular police officer—

- (a) to whom these Regulations apply by virtue of paragraph (2)(a)(ii), (iv) or (v);
- (b) to whom paragraph (6) or (7) applies; or
- (c) who, on or after 6th April 2006, rejoined the force in which that officer was serving immediately before that officer's retirement pursuant to regulation K1 of the 1987 Regulations and who either had not made an election under regulation G4(1) of those Regulations which was in effect immediately before that officer's retirement or who retired before 6th April 2006 and had made an election under regulation G4(1) of those Regulations which had not been cancelled before that officer's retirement,

may make an election for the pensionable service that officer is entitled to reckon under those Regulations to be reckoned as pensionable service for the purposes of these Regulations ("a transfer election") subject to and in accordance with the provisions of Schedule 3.

(9) Where a regular police officer to whom paragraph (6) applies or is such as is mentioned in paragraph (8)(c) makes a transfer election, these Regulations shall apply to that officer who shall become eligible for awards to be payable to or in respect of that officer under these Regulations.

#### **Pension contributions payable by regular police officers**

7.—(1) Subject to paragraph (3), a regular police officer shall pay to the police authority pension contributions at the rate of—

- (a) in a case where the officer is ineligible under regulation 8 for a pension award payable on the ground of permanent disablement, 6 per cent of that officer's pensionable pay; and
- (b) in any other case, 9.5 per cent of that officer's pensionable pay.

(2) The pension contributions payable under paragraph (1) upon each instalment of pay shall fall due at the same time as the instalment and may, without prejudice to any other method of payment that may be agreed by the police authority in exceptional circumstances, be discharged by way of a deduction of the appropriate amount made by the police authority from the instalment.

(3) Paragraph (1) shall not apply in the case of a regular police officer who has made an election under regulation 9 which is, for the time being, in effect.

#### **Eligibility for pension awards payable on the ground of permanent disablement**

8.—(1) This regulation applies to—

- (a) a candidate for appointment to a police force (otherwise than on transfer from another force); and
- (b) a regular police officer who seeks under regulation 9(5) to cancel that officer's election that regulation 7(1) shall not apply in that officer's case.

(2) A person to whom this regulation applies shall, if required by the police authority in question, submit to an examination by a duly qualified medical practitioner selected by the authority ("the selected medical practitioner") in accordance with regulation 69 in order that the authority may determine that officer's eligibility to receive pension awards payable on the ground of permanent disablement.

(3) The police authority shall determine, by applying the opinion of the selected medical practitioner as set out in the selected medical practitioner's report and advice from the Scheme actuary, whether the risk presented by that person that that person will retire on the ground that that person is permanently disabled is such that the likely cost of providing that person with benefits under these Regulations is disproportionately high.

(4) The determination of the police authority under paragraph (3) shall be subject to appeal by that person in accordance with regulation 70; and upon receipt of the final revised report or written statement of opinion prepared in accordance with that regulation, the police authority shall

redetermine, by applying the opinion set out in the final revised report or written statement of opinion, and advice from the Scheme actuary, whether the risk presented by that person that that person will retire on the ground that that person is permanently disabled is such that the likely cost of providing that person with benefits under these Regulations is disproportionately high.

(5) The likely cost of providing a person with benefits under these Regulations shall be assessed as disproportionately high if it is more than 50 per cent greater than the likely cost of providing such benefits to a person who does not have an identified risk of retirement on that ground.

(6) A person who it is determined under paragraph (3) or (4) presents such a risk shall, in accordance with these Regulations, be ineligible for pension awards payable on the ground of permanent disablement.

(7) A police authority may in accordance with this regulation determine the eligibility of a person—

- (a) to whom this regulation applies by virtue of paragraph (1)(a) who was previously ineligible for pension awards payable on the ground of permanent disablement under this regulation or under regulation G7 of the 1987 Regulations; or
- (b) to whom this regulation applies by virtue of paragraph (1)(b) who was ineligible for pension awards payable on the ground of permanent disablement under regulation G7 of the 1987 Regulations, on the date of the election which the person is now seeking to cancel under regulation 9(5) of these Regulations,

to receive pension awards payable on the ground of permanent disablement; and in which case, that person shall submit to an examination as set out in paragraph (2).

(8) If a person mentioned in paragraph (7) is eligible to receive pension awards following a determination of the police authority under paragraph (3) or (4) (as applicable), that person shall be so eligible from the date of that determination:

Provided that—

- (a) that person shall only be so eligible in respect of that person's pensionable service from that date;
- (b) regulation 29 shall apply to that person from that date; and
- (c) in calculating that person's entitlement to any standard ill-health pension or any enhanced top-up ill-health pension the pensionable service that person is entitled to reckon as at the date of that person's retirement shall only comprise service from the date of the police authority's determination under paragraph (3) or (4) (as applicable).

### **Election not to pay pension contributions**

9.—(1) A regular police officer may at any time elect that regulation 7(1) shall not apply in that officer's case by notice in writing given to the police authority.

(2) Subject to paragraph (3), the date on which an election under paragraph (1) takes effect shall be the date on which an instalment of pay next falls due to that officer after the receipt of notice under paragraph (1).

(3) In the case of a regular police officer who has given notice under paragraph (1) within 3 months of the date on which that officer last became such and to whom regulation 15 does not apply, that officer's election under that paragraph shall be deemed to have taken effect on that date.

(4) In a case falling within paragraph (3), the police authority shall subject to regulation 35, pay to the regular police officer in question a sum equal to the sum of the pension contributions paid by that officer since the date on which the election is deemed to have taken effect.

(5) A regular police officer who has made an election under paragraph (1) may cancel such election by notice in writing given to the police authority and the election shall cease to have effect

as from the date on which an instalment of pay next falls due to that officer after the receipt of such notice :

Provided that—

- (a) a regular police officer having cancelled that officer's election under paragraph (1) and subsequently made a further election under paragraph (1) shall not be entitled to cancel the further election during the same period of service as a regular police officer;
- (b) a regular police officer shall not, if the police authority so resolve, be entitled to cancel that officer's election under paragraph (1) unless that officer has undergone a medical examination in accordance with regulation 8 (and any fee payable in respect of such an examination and a report thereon shall be paid by the regular police officer concerned);
- (c) a regular police officer in respect of whom it is determined, following such a medical examination, that the likely cost of providing that officer with benefits under these Regulations is disproportionately high, shall (subject to any appeal under regulation 8(4)) be entitled to cancel that officer's election under paragraph (1) only subject to the condition that that officer shall not be eligible to receive pension awards payable on the ground of permanent disablement; and
- (d) a regular police officer who was ineligible to receive pension awards payable on the ground of permanent disablement under regulation 8 on the date of the officer's election under paragraph (1) shall upon cancellation of that election be ineligible to receive pension awards payable on the ground of permanent disablement

#### *Pensionable service*

#### **Reckoning of pensionable service**

**10.—**(1) The pensionable service reckonable by a regular police officer at any date (in these Regulations referred to as the “relevant date”) shall be determined in accordance with the succeeding provisions of these Regulations:

Provided that there shall not be reckonable by a regular police officer—

- (a) any period of unpaid maternity leave (not being a period which falls within the first 26 weeks of any period of maternity leave taken by a person in respect of whom no election under regulation 9 was effective immediately before the commencement of that period of unpaid maternity leave) or of unpaid parental leave in respect of which the conditions specified in paragraph (2) are not satisfied;
- (b) any period of unpaid sick leave in respect of which the conditions specified in paragraph (2) and the additional condition specified in paragraph (3) are not satisfied; or
- (c) any other period of unpaid leave.

(2) The conditions referred to in sub-paragraphs (a) and (b) of the proviso to paragraph (1) are that the person concerned—

- (a) was serving as a regular police officer during the period immediately preceding a period of maternity leave, parental leave, or sick leave which includes the period of unpaid maternity leave, unpaid parental leave, or unpaid sick leave in question and no election under regulation 9 was effective in respect of that person immediately before the commencement of that period of unpaid leave;
- (b) in accordance with the provisions of paragraph (4) pays to the police authority a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid maternity leave, unpaid parental leave, or unpaid sick leave in question if that person's notional pensionable pay during that period had been at the same rate as

that person's pensionable pay (including any statutory maternity pay payable to a woman under the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>) immediately before the commencement of the period of unpaid maternity leave, unpaid parental leave, or unpaid sick leave which constituted or included the period in question.

(3) The additional condition referred to in sub-paragraph (b) of the proviso to paragraph (1) is that the period of unpaid sick leave in question does not exceed 6 months and, when aggregated with any other period or periods of unpaid sick leave which fulfils, or all of which fulfill, the conditions specified in paragraph (2)(a) and (b), does not exceed 12 months.

(a) (4) (a) The person concerned shall, by notice in writing given to the police authority within a period ending—

(i) 3 months after the day on which the period of leave which constitutes or includes the period of unpaid leave in question ended; or

(ii) on the day, if earlier, on which the person last serves as a regular police officer,

inform the police authority that that person wishes to make the payment referred to in paragraph (2)(b) and in respect of which period of leave, and which method of payment under sub paragraph (c) that person elects to use:

Provided that, where the person concerned dies before the end of the period specified in this sub-paragraph without having given such notice, notice shall be deemed to have been given in respect of any period of leave which would otherwise be reckonable by that person under this regulation and the person concerned shall be deemed to have elected to make payment by way of instalments under sub-paragraph (c);

(b) On receipt of the notice referred to in sub-paragraph (a) the police authority shall calculate the amount due under paragraph (2)(b) and give written notice of that amount to the person concerned;

(c) Payment under paragraph (2)(b) may be made by the person concerned either by way of a lump sum or by instalments on the same dates as pension contributions are payable by that person under regulation 7:

Provided that where the person concerned has elected to make payment by way of instalments under this sub-paragraph, the balance due after the payment of any of those instalments may be paid by way of a lump sum equal to that balance at any time before the due date (as defined in sub-paragraph (d));

(d) The total amount due under paragraph (2)(b) shall be paid no later than 6 months after the person concerned is notified by the police authority as to the amount payable or, if that person retires or otherwise ceases to serve as a regular police officer before the expiry of that period, before the date on which that person retires or so ceases to serve ("the due date"):

Provided that, in a case where the person concerned retires or otherwise ceases to serve as a regular police officer before the total amount due has been paid under this sub-paragraph, any lump-sum payment made within 2 months of retiring or so ceasing to serve or of receiving notification from the police authority as to the amount payable, whichever is the later, shall be deemed to have been made by the due date;

(e) Where the person concerned has not paid the full amount due in accordance with the foregoing provisions of this paragraph, the proportion of the unpaid leave in question which shall be reckonable as pensionable service shall be the same proportion as the amount which has been so paid bears to the total amount due:

Provided that where the person concerned dies before the due date there shall be reckonable the full period of unpaid leave in question notwithstanding that the amount due

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(1) 1992 c. 4.

has, in full or in part, not been paid in accordance with the provisions of sub paragraphs (c) and (d);

- (f) A regular police officer shall be treated, for the purposes of calculating any award under these Regulations, as having made pension contributions throughout any period or periods of unpaid leave reckonable as pensionable service by virtue of payments made in accordance with this paragraph and any such period or periods shall be treated for those purposes as part of a continuous period ending with the last day of unpaid leave during the period of service as a regular police officer of the person concerned.

### **Current service**

**11.**—(1) Subject to the provisions of these Regulations, there shall be reckonable as pensionable service by a regular police officer in respect of that officer's service as such in the force in which the officer is or was serving on the relevant date, being service since the officer last joined or rejoined that force before that date, all such service:

Provided that no period of service shall be reckonable by a regular police officer during which pension contributions were not payable by that officer under regulation 7 and in respect of which no payment has been made under regulation 10(2)(b), except any period of unpaid maternity leave during the first 26 weeks of any period of maternity leave and any period during which pension contributions were not paid in the circumstances mentioned in the proviso to regulation 95(2).

- (2) This regulation has effect subject to regulation 14.

### **Previous service reckonable without payment**

**12.**—(1) There shall be reckonable by a regular police officer as pensionable service—

- (a) where from being a regular police officer in another force the officer transferred to the force in which the officer is or was serving on the relevant date, any period of pensionable service reckonable by that officer immediately before the transfer;
- (b) where the officer previously retired from a police force upon becoming entitled to a pension on the ground of disablement under regulation 21 and, following termination of that pension under regulation 51(5), (6) or (7), has rejoined that force or become a regular police officer in another force in which the officer is or was serving on the relevant date, any period of pensionable service which was reckonable by that officer immediately before that officer so retired;
- (c) where the officer previously ceased to serve in a police force as a regular police officer with an entitlement to a deferred pension which has not come into payment and has subsequently rejoined that force or become a regular police officer in another force in which the officer is or was serving on the relevant date, any period of pensionable service reckonable by that officer immediately before that officer so ceased to serve; and
- (d) where that officer previously ceased to serve in a police force as a regular police officer with an entitlement to a deferred pension which, in accordance with regulation 32, came into payment early on the ground of permanent disablement for engaging in any regular employment and that officer's pension has been terminated upon that officer rejoining that officer's force or joining another force under regulation 51(5), any period of pensionable service reckonable by that officer immediately before that officer so ceased to serve:

Provided that, in a case such as is mentioned in the preceding sub-paragraphs, where the officer was during the period of pensionable service in question purchasing added years by periodical contributions, those added years shall be taken into account only to the extent that—

- (i) in a case falling within sub-paragraph (a), they would have been taken into account for the purposes of a deferred pension if the officer had become entitled to such a pension immediately before the end of that period of service;
- (ii) in a case falling within sub-paragraph (b), they are reckonable by virtue of regulation 60(5) and (6); and
- (iii) in a case falling within sub-paragraph (c), they were taken into account for the purposes of entitlement to the deferred pension mentioned in that sub-paragraph.

(2) In a case falling within paragraph (1)(c), the entitlement of the officer concerned to that deferred pension shall accordingly be relinquished.

(3) Where a regular police officer transferred as mentioned in paragraph (1)(a) during a leap year and throughout that leap year had continuous service as a regular police officer then, notwithstanding anything in paragraph (1)(a), the pensionable service reckonable by that officer by reason of that officer's continuous service in that year shall be a year's, and not 366 days', pensionable service.

(4) This regulation has effect subject to regulation 14.

#### **Previous service reckonable on payment**

**13.—**(1) There shall be reckonable by a regular police officer as pensionable service, in the circumstances specified in this regulation, the periods so specified before that officer last joined or rejoined the force before the relevant date, subject to that officer having made to the police authority the appropriate payment in accordance with the provisions of paragraph (6).

(2) Where the officer previously ceased to serve as a regular police officer without the payment of a pension or a transfer value (and without entitlement to a deferred pension) and has rejoined that officer's force or become a regular police officer in another force in which the officer is or was serving on the relevant date the period shall be any period of pensionable service reckonable by that officer at the time they so ceased to serve.

(3) In a case falling within paragraph (2), the amount of the appropriate payment shall be—

- (a) a sum equal to any award by way of repayment of aggregate pension contributions which the officer may have received on so ceasing to serve; and
- (b) where the appropriate payment is made more than a year after receipt of any such award, interest from the date of receipt of the award calculated at the rate of 5 per cent per year, compounded with yearly rests.

(4) The person concerned shall, by notice in writing given to the police authority within a period ending—

- (a) 6 months (or such longer period as the police authority in their discretion may allow) after the date on which the officer joined or rejoined the force in which the officer is serving on the relevant date; or
- (b) on the day, if earlier, on which the officer last serves as a regular police officer,

inform the police authority that that officer wishes to make the payment referred to in paragraph (1):

Provided that, where the person concerned dies before the end of the period specified in this paragraph without having given such notice, they shall be deemed to have given such notice.

(5) On receipt of the notice referred to in paragraph (4) the police authority shall determine the amount due under paragraph (3) and give written notice of that amount to the person concerned.

(6) Where a regular police officer undertakes to make an appropriate payment in accordance with paragraph (1), payment shall be made by regular instalments of such amount that the payment of the sum will be completed within a period of 2 years beginning with the date on which the officer receives the written notice referred to in paragraph (5), save that where the police authority are



satisfied that completion of the payment within that period is causing, or is likely to cause, financial hardship they may allow such longer period as they may determine:

Provided that the officer may at any time discharge that officer's liability under the undertaking, in whole or in part, by paying the whole or part of the balance of the sum then outstanding.

(7) Subject to paragraphs (8) and (9), any payment under this regulation shall be made by the police officer to the police authority of the force in which the officer is serving when the payment falls to be made and, without prejudice to any other method of payment, the liability to make any such payment may be discharged by way of a deduction by the said authority from that officer's pay.

(8) If, before the officer has discharged that officer's liability under the undertaking, a regular police officer retires under regulation 21 or dies, all further liability under that undertaking shall cease and that officer's liability shall be deemed to have been fully discharged.

(9) If, before the officer has discharged that officer's liability under the undertaking, a regular police officer retires otherwise than under regulation 21 with an award other than one of the amounts of that officer's aggregate pension contributions in respect of the relevant period of service, the police authority by whom the award is payable shall be empowered to deduct the balance of the sum then outstanding from payments on account of the award.

(10) This regulation has effect subject to regulation 14.

### **Reckoning of part-time service**

**14.—**(1) In the case of a regular police officer who has spent one or more periods in part-time service, the number of days of pensionable service in any such period shall be calculated by the application of the following fraction—

$$\frac{(A \times 7)}{B}$$

where

A is the total number of determined hours of part-time service specified under the part-time appointment of that officer in the period in question and B is the number of hours per week if the service during that period were on a full-time basis.

(2) For the purposes of paragraph (1) a period of part-time service is to be taken to have ended and another such period to have begun on the occurrence of any change in the result achieved after applying that fraction.

### **Service reckonable by reason of transfer value**

**15.—**(1) This regulation applies to a regular police officer—

- (a) who before the officer last became a regular police officer before the relevant date was subject to pension arrangements in pursuance of which a transfer value may be paid to the police authority ("former pension arrangements"); and
- (b) in respect of whom a transfer value has, in pursuance of that officer's former pension arrangements, been paid to the police authority of the force in which the officer is serving on the relevant date.

(2) There shall be reckonable by a regular police officer to whom this regulation applies, in respect of that officer's former pension arrangements, a period of pensionable service calculated in accordance with tables and guidance issued for the purpose by the Scheme actuary, except that if the transfer value in question is paid and accepted under the public sector transfer arrangements, the period of pensionable service the officer concerned is entitled to reckon in respect of that officer's

former pension arrangements shall be calculated in accordance with the rules applicable to those public sector transfer arrangements.

(3) The provisions of this regulation shall not apply where the regular police officer concerned had a guaranteed minimum in relation to the pension provided by the former pension arrangements unless—

- (a) the transfer value mentioned in paragraph (1)(b) is paid under the public sector transfer arrangements; or
- (b) were the transfer value mentioned in paragraph (1)(b) to be paid, such part of it as relates to pension benefit accrual before 6th April 1997 is at least as great as the product of—
  - (A) the annual amount of the pension to which the officer would, if that transfer value were paid, be entitled under regulation 43; and
  - (B) the factor specified in column 2 of the following table opposite their age, as set out in column 1 of that table, as at the date when the police authority is requested to accept that transfer value:

<i>Age</i>	<i>Appropriate factor</i>
29 or under	8
30 to 39	9
40 to 49	10
50 or over	12

(4) In this regulation, “the public sector transfer arrangements” means arrangements approved for the time being by the Minister for the Civil Service as providing reciprocal arrangements for the payment and receipt of transfer values for the purposes of these Regulations to or from other occupational pension schemes.

### **Reckoning of service for purposes of awards**

**16.—**(1) Notwithstanding any other provision of these Regulations, for the purposes of calculating all awards payable to or in respect of a regular police officer under these Regulations, the total service which may be reckoned as pensionable service by such an officer shall not exceed 35 years.

(2) For the purpose of calculating an award payable to or in respect of a regular police officer by reference to any period in years (including a period of pensionable service)—

- (a) that period shall be reckoned in completed years and a fraction of a year;
- (b) a part of a year shall be taken to be that fraction of a year whereof the denominator is 365 and the numerator is the number of completed days in that part and, accordingly, a part of a year which includes 29th February in a leap year and comprises 365 days shall be treated as a whole year.

### *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>(2)</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>(3)</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.

### **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.

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(2) [S.S.I. 2004/257](#).

(3) [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.

(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>(4)</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).

(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

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

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.