
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 201

The Police Pensions (Scotland) Regulations 2007

PART 3

PENSIONABLE PAY AND CONTRIBUTIONS

Pensionable pay

23. The pensionable pay of a regular police officer at any time means that officer's pay at the rate to which the officer is or was then entitled, account being taken of any retrospective increase in that rate, except that during a period of part-time service it means so much of that officer's pay at that rate as is attributable to that officer's determined hours specified under that officer's part-time appointment.

Final pensionable pay

24.—(1) The final pensionable pay of a regular police officer shall, subject to paragraphs (2) to (4), mean that officer's average pensionable pay—

- (a) in respect of the period of 12 months ending on the later of—
 - (i) the date of that officer's last day of service in a period during which pension contributions were payable by that officer under regulation 7; or
 - (ii) the last day in respect of which payment has been made under regulation 10(2)(b);
- (b) in respect of either of the 2 periods of 12 months that immediately preceded the period mentioned in sub-paragraph (a); or
- (c) taken as an annual average in respect of any 3 consecutive periods of 12 months, ending an exact number of years before the date mentioned in sub-paragraph (a), falling within the period of 7 years that immediately preceded the earlier of the 2 periods mentioned in sub-paragraph (b),

whichever is the greatest.

(2) Subject to paragraph (3), where a regular police officer, having made an election under regulation 9, has, within the period of 3 years immediately preceding that officer's last day of service as such and at a time when that officer had an entitlement to a deferred pension, cancelled that election in accordance with regulation 9(5), then that officer's final pensionable pay shall be calculated—

- (a) in respect of the period of pensionable service the officer was entitled to reckon as at the date on which the election took effect, in accordance with paragraph (1), which shall apply, as if—
 - (i) for the purposes of paragraph (1)(a)(i) the date of that officer's last day of service were the date on which the election took effect; and

(ii) paragraph (1)(a)(ii) applied only in respect of any payment in respect of a period of unpaid maternity leave, unpaid parental leave or unpaid sick leave taken in the period before the election took effect; and

(b) in respect of the period of pensionable service reckonable by reason of service beginning on the date on which the aforementioned cancellation of that officer's election took effect and ending on that officer's last day of service (including any service reckonable by virtue of the receipt by the police authority during that period of a transfer value), in accordance with paragraph (1) without any such modification as is specified in sub-paragraph (a).

(3) In a case where a regular police officer's final pensionable pay is calculated in accordance with paragraph (2), for the purposes of calculating any award under Part 4, that officer's final pensionable pay as calculated in accordance with sub-paragraphs (a) and (b) respectively shall be applied to the period of service mentioned in the sub-paragraph in question.

(4) Solely, for the purpose of determining the greatest amount under paragraph (1) (including in cases where that paragraph applies as set out in paragraph (2)(a) and (b)), the amount of the average pensionable pay of a regular police officer in respect of any period of 12 months to which paragraph (1)(b) or (c) relates shall be treated as increased by the same amount as that by which an annual pension of an amount equal to that average pensionable pay would have been increased under the Pensions (Increase) Act 1971(1) by the last day of the period referred to in paragraph (1)(a) (as modified, for cases within paragraph (2)(a) if the said annual pension had come into payment on the day immediately following that on which the relevant period of 12 months to which paragraph (1) (b) or (c) relates ended.

Average pensionable pay

25.—(1) Subject to paragraphs (2), (3) and (4), the average pensionable pay of a regular police officer in any of the periods of 12 months mentioned in regulation 24(1) shall be the aggregate of that officer's pensionable pay in respect of the period in question:

Provided that where the officer is entitled to reckon less than 12 months pensionable service, the aggregate shall be multiplied by the reciprocal of the fraction of the 12-month period during which the officer was entitled to pensionable pay.

(2) Where the amount of a regular police officer's average pensionable pay, determined in accordance with paragraph (1), is less than the amount it would have been had the officer not suffered a temporary stoppage or reduction in rate of pay by way of punishment or by reason of a period of sick leave, maternity leave, parental leave or any other period of leave which was unpaid or paid at a reduced rate being taken, it shall be increased by the difference between those 2 amounts.

(3) Where any period of 12 months mentioned in regulation 24(1) includes a period of unpaid maternity leave, unpaid parental leave or unpaid sick leave, in respect of which payment has been made under regulation 10(2)(b), the officer's pensionable pay during that period shall, for the purposes of determining average pensionable pay, be taken to be the pay to which the officer would have been entitled had the period of unpaid leave in question not been taken; and accordingly the aggregate of that officer's pensionable pay in respect of that period shall not be taken to exceed the amount which the officer would have received had the period of unpaid leave in question not been taken.

(4) Where any period of 12 months mentioned in regulation 24(1) includes one or more periods of part-time service, for the purposes of determining average pensionable pay the officer's pensionable pay in respect of any such period, as determined in accordance with paragraphs (1) to (3), shall be taken to be the pay to which the officer would have been entitled if that officer's part-time service had been full-time.

(1) 1971 c. 56; relevantly amended by the Pensions (Increase) Act 1974 (c. 9).

Aggregate pension contributions for purposes of repayment

26.—(1) This paragraph applies for the purposes of calculating a payment under these Regulations by reference to the aggregate pension contributions of a regular police officer in respect of the relevant period of service.

(2) Where paragraph (1) applies, the relevant period of service shall be taken to be the period ending in the retirement or otherwise ceasing to serve as a regular police officer or the death, as the case may be, on which the award is payable and beginning with the date on which the officer became a regular police officer in the force from which that officer retired, in which that officer served until ceasing to serve as aforesaid or in which that officer died, as the case may be, or, if the officer has more than once been a regular police officer in that force, the date on which the officer last joined that force:

Provided that, in the case of a regular police officer who has made an election under regulation 9, the relevant period of service shall be taken to be the period, or last period, during which pension contributions were continuously payable by that officer under regulation 7 since the date on which, had no such election been made, the relevant period of service would be taken to have begun.

(3) Where paragraph (1) applies, the aggregate pension contributions in respect of the relevant period of service shall be taken to be the sum of the following amounts—

- (a) the aggregate of the pension contributions made in respect of that period by the person concerned to the police authority by whom the award is payable, including any payment made by that person under regulation 10(2)(b) in respect of a period of unpaid maternity leave, unpaid parental leave or unpaid sick leave;
- (b) the amount of any sums paid by the person concerned to the said police authority (including sums paid in pursuance of an undertaking) as a condition of being entitled to reckon pensionable service by reason of service before that period;
- (c) where the person concerned has transferred to the force of the police authority by whom the award is payable, any sum which had the person ceased to serve instead of transferring would have been calculable under this paragraph as aggregate pension contributions at the time of transfer;
- (d) where the person concerned, while a member of the force of that police authority, became entitled, in the circumstances mentioned in regulation 15(1), to reckon pensionable service by reason of a period of previous service or employment otherwise than as a regular police officer, the amount of any award by way of return of contributions or of any analogous payment which would have been made to that officer at the end of that period of previous service or employment had the person voluntarily ceased to serve or retired from employment in circumstances entitling that officer to such an award or payment under that officer's former pension arrangements;
- (e) where the person concerned previously retired with a pension on the ground of disablement under regulation 21 from the force of the police authority by whom the current award is payable, that pension was terminated under regulation 51 and that officer rejoined that officer's former force or joined another force, any sum which would have been calculable under this paragraph as aggregate pension contributions at the time of the previous retirement; and
- (f) all payments made by the person concerned to a police authority in accordance with an election under regulation 56.

(4) If the regular police officer is a pension debit member, the amount of that officer's aggregate pension contributions under this regulation shall be reduced by such amount as is assessed in accordance with guidance issued by the Scheme actuary.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
