
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 201

The Police Pensions (Scotland) Regulations 2007

PART 6

PENSION SHARING: PENSION CREDIT MEMBERS

Pension credit member's entitlement to pension

61.—(1) Subject to regulation 62, a pension credit member is entitled to a pension, of an amount calculated in accordance with paragraphs (3), (4) and (5) which becomes payable—

- (a) when the member attains normal benefit age; or
- (b) if it is later, when the pension sharing order under which the member is entitled to the pension credit takes effect.

(2) In this Part “normal benefit age” means the age of 65.

(3) A pension credit member's pension shall be—

- (a) an annual sum payable for life; and
- (b) subject to paragraph (4), a lump sum payment of an amount equal to that annual sum as at the time when the pension first becomes payable, multiplied by 4.

(4) No lump sum shall be payable under paragraph (3)(b) if the pension credit is a disqualifying pension credit under paragraph 2(3) of Schedule 29 to the Finance Act 2004⁽¹⁾.

(5) The total pension under paragraph (3) must be of such an amount that its actuarial value is equal to the member's pension credit, as calculated from tables prepared by the Scheme actuary and in accordance with regulations made under paragraph 5(b) of Schedule 5 to the 1999 Act⁽²⁾.

Commutation of the pension credit benefit on the ground of serious ill-health

62.—(1) If a pension credit member is suffering from serious ill-health before the member attains normal benefit age, the relevant police authority may commute the whole of the pension to which the member is entitled under regulation 61 for a lump sum of an amount equal to the annual rate of the pension to which the member would have been entitled under regulation 61(3)(a) if the member had attained normal benefit age on the date when the lump sum is paid (as calculated in accordance with guidance prepared by the Scheme actuary), multiplied by 5.

(2) Where a pension is commuted under paragraph (1), the payment of the lump sum discharges the relevant police authority from all liability in respect of benefits payable to or in respect of the pension credit member.

(3) In this regulation, “serious ill-health” means ill-health giving rise to a life expectancy of less than 1 year from the date on which commutation is applied for.

(1) 2004 c. 12; relevantly amended by the Finance Act 2005 (c. 7), Schedule 10, paragraphs 24, 30, 34 and 35 and the Finance Act 2006 (c. 25), section 159 and Schedule 23, paragraphs 22, 23, 27 and 28.

(2) 1999 c. 30; the relevant regulations are S.I. 2000/1053, as amended by S.I. 2000/2691.

Death grants where pension credit member dies before pension credit benefits payable

63.—(1) If a pension credit member dies before any pension credit benefits have become payable to the member under these Regulations, a lump sum death grant is to be paid of an amount equal to the annual rate of the pension to which the member would have been entitled under regulation 61(3) (a) if the member had attained normal benefit age on the date of the member's death (as calculated in accordance with guidance prepared by the Scheme actuary), multiplied by 3.

(2) The lump sum is payable—

- (a) if the member is survived by a spouse or civil partner who is not ineligible under paragraph (3), to that spouse or civil partner; or
 - (b) if there is no person such as is mentioned in sub-paragraph (a), if the police authority in its discretion so decides, to the member's personal representatives.
- (3) A spouse or, as the case may be, civil partner is ineligible for the purposes of paragraph (2) if—
- (a) the deceased and the spouse or civil partner in question were separated by an order or decree of a competent court at the time of the member's death; and
 - (b) the deceased was not required by such an order to contribute, and was not in fact regularly contributing, to the support of the spouse or civil partner or to the spouse or civil partner for the support of a child of the spouse or civil partner in question.

Application of general regulations

64.—(1) The provisions specified in paragraph (2) apply to pension credit members and awards payable to or in respect of members, but apart from where provision is made by this Part or a contrary intention is otherwise indicated—

- (a) these Regulations do not apply to pension credit members as such or to benefits payable to or in respect of members as such;
 - (b) the benefits payable to or in respect of pension credit members as such are not aggregated for any purpose with benefits payable to or in respect of those persons in any other capacity; and
 - (c) the benefits payable to or in respect of pension credit members deriving their pension credit benefits from one pension debit member are not aggregated for any purpose with benefits payable to or in respect of those persons as pension credit members deriving their pension credit benefits from any other pension debit member.
- (2) Those provisions are regulation 66, 68 and 82.
- (3) In the application of regulations 66, 68 and 82 by virtue of this regulation—
- (a) those regulations apply as if the references to the police authority were references to the relevant police authority; and
 - (b) the reference in regulation 66 to a person claiming an award in respect of a member of a particular description to whom that regulation applies includes a reference to a pension credit member whose pension credit is derived from the rights of a pension debit member of that description.