
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 201

The Police Pensions (Scotland) Regulations 2007

PART 9

SPECIAL CASES

Alterations in police areas

Alterations in police areas

87.—(1) Where a police area is or has been combined with another police area by an order made under section 21B of the Police (Scotland) Act 1967⁽¹⁾, the police force, police authority and police fund for the combined police area of which the first-named area for the time being forms part shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the first-named area.

(2) Where a police area is or has been divided, in relation to any person—

- (a) who is transferred by the order effecting the division from the force for the divided area to another force, the other force and the police authority and police fund for the area thereof shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund as the force, authority and fund for the divided area; and
- (b) who ceased to be a member of the force for the divided area before the division thereof, if the order effecting the division makes provision in that behalf, the force, authority and fund designated for the purpose thereby shall, for the purposes of these Regulations, be deemed to be the same force, authority and fund for the divided area.

Chief constables affected by alterations in police areas

88.—(1) This paragraph applies in the case of a chief constable of a force who becomes or has become a member of another home police force (“the successor force”) by virtue of an order such as is mentioned in regulation 87(1).

(2) In relation to a member of a police force to whom paragraph (1) applies and who suffers loss of office as such which is attributable to such an order, these Regulations shall apply as though that officer had—

- (a) where that officer has not attained the age of 55 years on the date when the order takes effect, ceased to serve as a regular police officer on that date; or
- (b) where that officer has attained the age of 55 years on the date when the order takes effect, retired from the successor force on that date, having given to the police authority the required period of written notice of that officer’s intention to retire.

(1) 1967 c. 77; section 21B was inserted by section 34 of the Local Government etc. (Scotland) Act 1994 (c. 39), section 34.

Servicemen

Interpretation

89. In regulations 90 to 95—

“relevant service in the reserve forces” means service in pursuance of a training obligation under sections 38, 40 and 41 of the Reserve Forces Act 1980⁽²⁾ or Part III of the Reserve Forces Act 1996⁽³⁾ or by virtue of a call out for permanent service or a recall under the Reserve Forces Act 1980 or Part VII of the Reserve Forces Act 1996;

“the reserve forces” means those forces specified in section 1(2) of the Reserve Forces Act 1996; and

“serviceman” means a person who immediately before undertaking a period of relevant service in the reserve forces was a regular police officer.

Awards to servicemen

90.—(1) Subject to regulation 95, this regulation applies to a serviceman who at the end of that serviceman’s period of relevant service in the reserve forces is or was permanently disabled for the performance of the ordinary duties of a member of the police force.

(2) A serviceman to whom this regulation applies shall be entitled—

- (a) to an ill-health pension under regulation 29 on the same conditions in all respects as if the serviceman were such a regular police officer as is mentioned in paragraph (1) of that regulation; or
- (b) where the serviceman does not meet the condition specified in regulation 29(3)(a)(i), to an award by way of repayment of that serviceman’s aggregate pension contributions under regulation 34.

Survivors' awards on death of servicemen

91. Subject to regulations 92 and 96, if a serviceman who fulfils the qualifying service criterion—

- (a) dies or has died during that serviceman’s period of relevant service in the reserve forces; or
- (b) having been permanently disabled for the performance of the ordinary duties of a member of the police force at the end of the said period (without any intervening period of service as such) dies or has died while in receipt of a pension granted in pursuance of regulation 90(2) (a),

then—

- (c) an adult survivor of that serviceman (had they been a regular police officer) such as is mentioned in regulation 40(1)(a) shall be entitled to an adult survivor’s pension; and
- (d) a child survivor of that serviceman (had they been a regular police officer) such as is mentioned in regulation 40(1)(b) shall be entitled to a child survivor’s pension,

under regulation 39, on the same conditions in all respects as if that serviceman had been a regular police officer who had died in the circumstances mentioned in that regulation.

(2) 1980 c. 9.
(3) 1996 c. 14.

Prevention of duplication

92. Regulation 49 shall apply in relation to a pension in pursuance of regulation 91 as if, after the words “under regulation 39” in regulation 49, there were inserted the words “or regulation 91”.

Application of regulations 44, 45 and 46

93. In the case of a serviceman—

- (a) who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, and whose death results from an injury received during that serviceman’s period of relevant service in the reserve forces, regulation 44 shall apply as it applies in the case of a regular police officer who so dies and whose death results from an injury received in the execution of that serviceman’s duty;
- (b) who dies during that serviceman’s period of relevant service in the reserve forces, regulations 45 and 46 shall apply as they apply in the case of a regular police officer who dies while serving as such.

Servicemen who do not resume service in their former force

94. Where a serviceman who ceased to serve as a regular police officer in order to undertake a period of relevant service in the reserve forces does not or did not resume service in that serviceman’s former force within a month of the end of that period, the serviceman shall be treated for the purposes of these Regulations as having ceased to serve as a regular police officer in that force as from the end of that serviceman’s period of relevant service in the reserve forces.

Pensionable service and pension contributions

95.—(1) A serviceman who ceased to serve as a regular police officer in order to undertake a period of relevant service in the reserve forces shall be entitled to reckon that period as pensionable service in that serviceman’s former force subject to paragraph (2).

(2) Regulations 90, 91 and 93 shall have effect in the case of a serviceman who ceased to serve as a regular police officer in order to undertake a period of relevant service in the reserve forces only if the serviceman pays or has paid pension contributions (other than additional or further pension contributions) to the police authority of that serviceman’s former force, as though that serviceman had remained a regular police officer in that force, in respect of that serviceman’s period of relevant service in the reserve forces:

Provided that those regulations shall have effect notwithstanding that pension contributions are not or have not been paid as aforesaid by a serviceman in respect of any period during which that serviceman’s service pay is less than that serviceman’s pensionable pay.

(3) In the case of a serviceman who ceased to serve as a regular police officer in order to undertake a period of relevant service in the reserve forces and who immediately before the serviceman so ceased to serve was making periodical contributions in accordance with an election under regulation 56—

- (a) that serviceman’s liability to make those contributions to the police authority shall continue during such period of relevant service in the reserve forces; and
- (b) regulation 60 shall apply as if, after the words “Part 4” in paragraph (1) of that regulation, there were inserted the words “or Part 9 (servicemen)”,

as though the serviceman had remained a regular police officer in that serviceman’s former force.

Former members of an English or Welsh police force or the Police Service of Northern Ireland

Former members of an English or Welsh police force or the Police Service of Northern Ireland

96.—(1) This regulation applies in the case of a regular police officer who has been a member of a police force within the meaning of the Police Act 1996 or of the Police Service of Northern Ireland.

(2) Where such a regular police officer is entitled to reckon pensionable service by reason of service in an English or Welsh police force or the Police Service of Northern Ireland (in this regulation referred to as “that officer’s former force”) and—

- (a) left that officer’s former force for the purpose of becoming a regular police officer in a home police force and joins that home police force in that capacity; or
- (b) retired from or otherwise ceased to serve in that officer’s former force and subsequently joins a home police force at a time when no pension is in payment to that officer by reason of service in that officer’s former force,

then for the purposes of these Regulations including in particular regulation 10, 11, 12, 13, and 95, anything done, by that officer or in that officer’s case, under or for the purposes of a provision of the English and Welsh pensions legislation or the Police Service of Northern Ireland pensions legislation which corresponds to a provision of these Regulations shall be treated as if it had been done under or for the purpose of that corresponding provision; and accordingly that officer’s pensionable service in that officer’s former force shall be reckonable as if it had been pensionable service in a home police force, subject, where applicable, to the making by the regular police officer concerned of an appropriate payment to the police authority for the relevant home police force, in accordance with regulation 13.

Transfer of regular police officer to an English or Welsh police force or the Police Service of Northern Ireland

97.—(1) Where a regular police officer has left a home police force and joined an English or Welsh police force or the Police Service of Northern Ireland and the police authority of the English or Welsh police force or, as the case may be, the Northern Ireland Policing Board is contingently liable to make payments to that officer under the English and Welsh pensions legislation or as the case may be, the Police Service of Northern Ireland pensions legislation, regulation 77(1), (2) and (4) shall have effect as if the former police authority were the police authority of the home police force in question and the current authority were the police authority of the English or Welsh force in question or, as the case may be, the Northern Ireland Policing Board.

(2) On notification by the police authority of the English or Welsh police force in question or, as the case may be, the Northern Ireland Policing Board, that a certificate issued under regulation 77 as modified by paragraph (1) has been accepted, any entitlement of the regular police officer concerned to an award under these Regulations shall cease to have effect.

(3) In relation to a person to whom an ill-health pension is payable under Part 4, regulation 51(5) shall have effect as if the expression “another police force” included an English or Welsh police force or the Police Service of Northern Ireland.

(4) In relation to a person to whom a pension is payable under Part 4, regulation 52 shall have effect as if the expression “any police force” included an English or Welsh police force and the Police Service of Northern Ireland.

Amendment of the Police (Injury Benefit) (Scotland) Regulations 2007

98. Schedule 5 to these Regulations, which amends the Police (Injury Benefit) (Scotland) Regulations 2007⁽⁴⁾, has effect.

⁽⁴⁾ S.S.I. 2007/68.