
SCOTTISH STATUTORY INSTRUMENTS

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.