

EXECUTIVE NOTE

THE POLICE PENSIONS (AMENDMENT) (SCOTLAND) REGULATIONS 2008 SSI/2008/ 387

The above instrument is made in exercise of the powers conferred by section 1 of the Police Pensions Act 1976 (as amended). Functions under that Act as regards Scotland have been executively devolved to the Scottish Ministers. The instrument is subject to negative resolution procedure. The amendments include retrospective effect which is permitted by section 1(5) of the Act. The instrument applies only to Scotland.

The instrument makes amendments to the following regulations. The Police Pensions Regulations 1987 (SI 1987/257), which provide for the Police Pension Scheme (PPS) for officers recruited before 6 April 2006; the Police Pensions (Scotland) Regulations 2007 (SSI 2007/201), which provide for the New Police Pension Scheme (NPPS) for officers recruited from 6 April 2006 and those PPS members who chose to transfer over; the Police Pensions (Purchase of Increased Benefit) Regulations 1987 (SI 1987/2215), which allow PPS members to buy added years where they cannot achieve the maximum pensionable service by retirement; and the Police (Injury Benefit) (Scotland) Regulations 2007 (SSI 2007/68) which provide benefits for all police officers who become permanently disabled or die as a result of an injury received whilst on duty.

Policy Objectives

The introduction of the Employment Equality (Age) Regulations 2006 led to a review of the Compulsory Retirement Ages (“CRAs”) provided under the PPS. CRAs give management the facility to retire all officers on the grounds of age which helps to maintain an effective police service. Prior to the review the CRA’s were 55 for the ranks of Constable and Sergeant, 60 for the ranks of Inspector, Chief Inspector, Superintendent and Chief Superintendent and 65 for more senior ranks and had been in place for over 50 years. In reaching agreement on the revised ages a balance had to be achieved to ensure they were pertinent to both the police service and the officers themselves. On the one hand consideration of advances in health and life expectancy and a commitment to encourage greater diversity within the service were considered whilst on the other hand the fact that the role of a Police Constable is expected to become increasingly confrontational in the future was also taken into consideration. As a result, the following new compulsory retirement ages have been set, with effect from 1 October 2006:

- 60 for Constable to Chief Inspector;
- 65 for ranks of Superintendent and above.

The revised CRAs already applied in the NPPS from 1 October 2006.

The pre-October 2006 CRAs are retained in some circumstances. In particular officers with less than 25 years’ service can continue to retire voluntarily with a short-service pension at their previous CRA. Officers with 25 or more years’ service but less than 30 years’ service will also have access to the same higher pension lump sum if they retire voluntarily at the

their previous CRA. Consequential changes resulting from the change to the CRAs are made to the Police Pensions (Purchase of Increased Benefit) Regulations 1987.

The second broad policy change preserves the pension rights of a discrete group of under 1200 police officers who automatically transferred from the National Crime Squad and the National Criminal Intelligence Service to the Serious Organised Crime Agency (SOCA) at its inception on 1 April 2006. In the instrument, this group is referred to collectively as “specified employees of SOCA”. These officers were given the right to retain their membership of the PPS upon joining SOCA, whereas any subsequent transferees to SOCA have to leave the PPS and join the Principal Civil Service Pension Scheme (PCSPS). The provisions also enable specified employees of SOCA to transfer back to a police force whilst retaining membership of the PPS, rather than having to join the NPPS, and therefore to retain their ability to retire with an immediate pension after 30 years under PPS. Changes to the Police Pension (Scotland) Regulations 2007 enable a specified employee of SOCA to join NPPS, having made an election to transfer from the PPS, and also to allow for the possibility that a specified employee could retire from SOCA and then re-join the police service and become a member of NPPS, as the PPS is now closed to new entrants.

The instrument also ensures that specified employees of SOCA remain within the scope of the Police (Injury Benefit) Regulations 2006, in case of death or permanent disablement caused by an injury sustained in the course of duty.

Finally amendments to the PPS are made consequential on the implementation of section 126 of the Criminal Justice and Police Act 2001 (c.16) which made provision for the Director general; and police members of the National Criminal Intelligence Service and National Crime Squad to be recognised as members of the PPS.

Sensitivity

The Regulations are not contentious and the level of public interest in the introduction of these amendments is anticipated to be low. The consultation process described below included police groups represented on the PNB (e.g. the Police Federation and the Association of Chief Police Officers) and the Scottish counterparts. This instrument is being laid with retrospective effect, as both the arrangements for specified employees of SOCA applicable from 1 April 2006, and those for the new CRAs applicable from 1 October 2006 were introduced administratively pending the changes being made by this instrument

Consultation

In accordance with the provisions of section 1 of the Police Pensions Act 1976 this instrument was sent in draft to the Police Negotiating Board for consultation. It has also been the subject of consultation with other Government departments, Scottish stakeholders and other interested parties. The Home Office has already introduced similar changes in England and Wales.

Financial implications

When the new CRAs were introduced administratively, there was an initial increased workload for pension administrators in police authorities, as individual officers nearing either the “old” or the “new” CRA had to be notified of the effect of the changes, and the revised

retirement options available to them. The new CRAs should aid retention and provide police forces with more flexibility in maintaining operational resilience.

Regulatory Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no adverse impact on business, charities or voluntary bodies.

Scottish Public Pensions Agency

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