

2010 No. 320

PENSIONS

**The Police Pensions (Additional Voluntary Contributions)
Amendment (Scotland) Regulations 2010**

Made - - - - *7th September 2010*

Laid before the Scottish Parliament *9th September 2010*

Coming into force - - *1st October 2010*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1 and 7 of the Police Pensions Act 1976(a) and all other powers enabling them to do so.

In accordance with section 1(1) of that Act, the Scottish Ministers have consulted with the Police Negotiating Board for the United Kingdom(b).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Pensions (Additional Voluntary Contributions) Amendment (Scotland) Regulations 2010 and come into force on 1st October 2010.

(2) These Regulations extend to Scotland only.

Amendments to the Police Pensions (Additional Voluntary Contributions) Regulations 1991

2.—(1) The Police Pensions (Additional Voluntary Contributions) Regulations 1991(c) are amended as follows.

(2) After regulation 3(2) (making and acceptance of elections) insert—

“(2A) No election under regulation 4(1) (election to pay basic contributions) or 5(1) (elections in respect of death benefit cover) made on or after 1st October 2010 is to be accepted.

(2B) No election under regulation 6(1)(a) (election to alter amount of basic contributions) or regulation 6(2)(a) or 6(3) (elections to alter amount to be secured by death benefit contributions) made on or after 1st October 2010 is to be accepted if it would have the effect of increasing the amount of the basic contributions or the amount to be secured by the death benefit contributions, as the case may be.”.

(a) 1976 c.35. Section 1 was amended by section 2(3) of the Police Negotiating Board Act 1980 (c.10), section 103 and paragraph 28 of Schedule 7 to the Police Act 1996 (c.16) and section 1(1) of the Police and Firemen’s Pensions Act 1997 (c.52). These powers were extended by section 42 of the Welfare Reform and Pensions Act 1999 (c.30). The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by S.I. 1999/1750, article 2 and Schedule 1. The requirement for consent by the Minister for the Civil Service under section 1 was transferred to Treasury by virtue of S.I. 1981/1670 and such consent is not required in the exercise by the Scottish Ministers of the transferred functions by virtue of S.I. 1999/1750 and section 63 of the Scotland Act 1998 (c.46).

(b) See section 61 of the Police Act 1996 (c.16).

(c) S.I. 1991/1304; relevant amendments were made by S.S.I. 2001/461, 2003/406 and 2006/285.

(3) In regulation 4(1) (election to pay basic contributions) after “at any time” insert “before 1st October 2010”.

(4) In regulation 5(1) (elections in respect of death benefit cover) after “at any time” insert “before 1st October 2010”.

(5) In regulation 6 (variation and cancellation of elections)—

(a) at the start of each of paragraphs (1), (2) and (3) insert “Subject to paragraph (4),”; and

(b) after paragraph (3) insert—

“(4) An election may not be made under any of the preceding paragraphs of this regulation on or after 1st October 2010 if it would have the effect of increasing the amount of the basic contributions or the amount to be secured by the death benefit contributions, as the case may be.”.

(6) At the start of regulation 10(1) (inward transfers) insert “At any time before 1st October 2010,”.

Amendment to the Police Pensions Regulations 1987

3. In regulation E8(2B)(a) (increase of widow’s pension or child’s allowance during first 13 weeks) of the Police Pensions Regulations 1987(a) for “paragraph 4 of Part V of that Schedule (member’s injury award)” substitute “paragraph 7 of Schedule 3 to the Injury Benefit Regulations (police officer’s injury award)”.

St Andrew’s House,
Edinburgh
7th September 2010

JOHN SWINNEY
A member of the Scottish Executive

(a) S.I. 1987/257; relevant amendments were made by S.I. 1987/341 and 2215, 1988/1339, 1989/733, 1990/805, 1991/1517, 1992/1343 and 2349, 1994/641, 1996/867, 1997/1429 and 2852 and 1998/577 and S.S.I. 2000/193, 2001/459, 2003/406, 2004/486, 2005/200 and 495, 2006/285, 2007/68, 2008/327, 2009/185 and 2010/85.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Pensions (Additional Voluntary Contributions) Regulations 1991 (“the 1991 Regulations”) and the Police Pensions Regulations 1987 (“the 1987 Regulations”) with regard to Scotland.

Regulation 2 amends the 1991 Regulations so as to close the police additional voluntary contribution scheme to new business (including increases in contributions and transfers into the scheme) with effect from 1st October 2010.

Regulation 3 amends the 1987 Regulations so as to correct an erroneous reference.

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