

EXECUTIVE NOTE

THE POLICE PENSIONS (AMENDMENT) (SCOTLAND) REGULATIONS 2011

SSI 2011/154

Introduction

The above instrument is made in exercise of the powers conferred by section 1 of the Police Pensions Act 1976(a). The instrument is subject to negative resolution procedure. Functions under that Act as regards to Scotland have been executively devolved to the Scottish Ministers. The instrument is subject to the negative resolution procedure. The Instrument extends only to Scotland.

Background

The Police, Public Order and Criminal Justice (Scotland) Act 2006 (the 2006 Act) put in place powers to allow the Scottish Police Services Authority (SPSA) to appoint police members to work at the Scottish Crime and Drug Enforcement Agency (SCDEA), either through secondment arrangements or through direct recruitment. The Scottish Crime and Drug Enforcement Agency (Scotland) Regulations 2011 No. 61 (laid on 3 February 2011) put in place the main regulatory framework that will apply to SCDEA directly recruited police members appointed by SPSA under paragraph 7(2)(c) of schedule 2 to the 2006 Act.

The principal changes in the Police Pensions (Amendment) Regulations will provide SCDEA directly recruited police members access to the Police Pension and Injury Benefit schemes in line with regular police constables.

Other changes in this instrument include amendments to recognise the National Policing Improvement Agency (NPIA) in the Scottish Police Pension and Injury Benefit Regulations, allow officers on temporary service to retain their rights to the pension scheme and other technical amendments covering the service limits associated with transferring between the police pension schemes.

Policy Objectives

As the main regulatory framework underpinning powers put in place in the 2006 Act, The Scottish Crime and Drug Enforcement Agency (Scotland) Regulations 2011 (the 2011 Regulations) enable SCDEA, to implement the direct recruitment provided for in the 2006 Act and to directly appoint, through SPSA, serving officers (who have successfully completed probation) in ranks from Constable to Chief Superintendent.

This instrument will extend the Police Pension Scheme, New Police Pension Scheme (Scotland), the Injury Benefit (Scotland) Regulations, the Police Pensions (Amendment) Regulations 2009 and the Police Pension Account (Scotland) Regulations 2010 to cover constables (serving officers) recruited to SCDEA.

In line with earlier changes introduced to recognise appointment to the Serious Organised Crime Agency (SOCA), the instrument will similarly recognise relevant appointments to the National Policing Improvement Agency (NPIA). Although such appointments are the responsibility of the NPIA the amendments being made attempt to recognise NPIA service in the Scottish regulations principally to provide for officers transferring to or from NPIA. The NPIA was created by the Police and Justice Act 2006 and that Act amended the Police Pensions Act 1976 to broaden the relevant enabling powers to enable the amendments set out in this instrument to be made.

The instrument also includes changes to the 1987 Regulations and the Injury Benefit Scheme Regulations in Scotland to more clearly reflect that a constable of a home force on temporary service under 12A(2) of the Police (Scotland) Act 1967 retains membership of their police pension scheme while on such temporary service. This will include fixed-term appointments with Europol.

The instrument also includes a change to Part 2 of the Police Pensions (Scotland) Regulations 2007. This new provision only affects those who were members of the Police Pension Scheme 1987 and who subsequently opted out of that scheme and transferred out some or all of their service having opted out. The amendment ensures that any such service transferred out is still taken into account if the officer seeks to join the New 2006 Police Pension Scheme when considering the maximum service permissible in that scheme.

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.

One of the consultation responses in respect of these changes has highlighted staff association opposition to the general policy to implement direct recruitment at this time. Notwithstanding this, the association has indicated support for the principle for these regulations that would apply to SCDEA direct recruits appointed by SPSA, to be consistent with those that apply to constables of a force in Scotland. A number of technical queries regarding the proposed changes being made by this instrument were made which were fully considered and taken into account.

Financial Effects

No Regulatory Impact Assessment has been prepared because no impact on the private or voluntary sector is foreseen.

The minor costs of introducing directly recruited SCDEA officers were outlined as part of The Scottish Crime and Drug Enforcement Agency (Scotland) Regulations 2011. This instrument does not add to those costs.