

SCHEDULE 1

Regulation 2(1)

Amendments to the Police Pensions Regulations 1987

1. The Police Pensions Regulations 1987 are amended as follows.

2.—(1) Regulation A6 (meaning of certain expressions in relation to persons who are not members of a home police force) is amended as follows.

(2) After paragraph (5C) insert—

“(5D) For the purposes of these Regulations, an employed constable of NPIA shall be deemed to be a member of a home police force, except where the context otherwise requires.

(5E) In relation to an employed constable of NPIA—

(a) a reference in these Regulations to a force shall be construed as a reference to NPIA; and

(b) a reference in these Regulations to a police authority shall be construed as a reference to NPIA.

(5F) For the purposes of regulation A4(3) to (5), an employed constable of NPIA shall be deemed to hold the rank of a member of a home police force (other than the metropolitan police force) which he is treated by the NPIA as holding for the purposes of his employment.

(5G) For the purposes of these Regulations, a police member of SCDEA shall be deemed to be a member of a home police force.

(5H) In relation to a police member of SCDEA—

(a) a reference in these Regulations to a force shall be construed as a reference to SCDEA; and

(b) a reference in these Regulations to a police authority shall be construed as a reference to SPSA.

(5I) For the purposes of regulation A4(3) to (5), a police member of SCDEA shall be deemed to hold the rank of a member of a home police force (other than the metropolitan police force) which he is treated by the SPSA as holding for the purposes of his appointment.”.

3.—(1) Regulation A12 (disablement) is amended as follows.

(2) In paragraph (2) at the start insert “Subject to paragraph (2A),”.

(3) After paragraph (2) insert—

“(2A) In the application of paragraph (2) to a specified employee of SOCA or to an employed constable of NPIA, the reference to “the ordinary duties of a member of the force” shall be construed as a reference to the ordinary duties of a member of the home police force in which the person last served before becoming a specified employee of SOCA or an employed constable of NPIA, as the case may be.”.

4.—(1) Regulation A16 (transfers) is amended as follows.

(2) In paragraph (e) omit “or”.

(3) At the end insert—

“(g) leaving a home police force for the purpose of joining NPIA as an employed constable of NPIA and joining NPIA in that capacity, where—

(i) not being the chief officer of police of, or a constable on probation in, that force, he leaves that force after giving a month’s notice in writing of his intention to do so

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to the police authority, or such shorter period of notice as may have been accepted by the police authority; or

(ii) being the chief officer of police of, or a constable on probation in, that force, he leaves that force with the consent of the chief officer of police or, in the case of the chief officer of police, of the police authority of that force; or

(h) being an employed constable of NPIA, leaving NPIA for the purpose of joining a home police force as a regular policeman and joining that force in that capacity, where the employed constable leaves NPIA after giving notice of such period as required by the contract of employment of an intention to do so or after giving such shorter period of notice as may be agreed between the employed constable of NPIA and NPIA.”.

5.—(1) Regulation A17 (retirement) is amended as follows.

(2) In paragraph (1)(a), after “1967” insert “or section 23 of the Police, Public Order and Criminal Justice (Scotland) Act 2006”.

(3) After paragraph (1)(aa) insert—

“(ab) to the contract under which an employed constable of NPIA is employed by NPIA being terminated;”.

(4) After paragraph (1)(f) insert—

“(g) on becoming an employed constable of NPIA,”.

6. In regulation A18(4) (compulsory retirement on account of age) at the end insert “or to an employed constable of NPIA.”.

7. In regulation A19(1) (compulsory retirement on grounds of efficiency of the force) for “or specified employee of SOCA” substitute “, specified employee of SOCA or employed constable of NPIA”.

8.—(1) Regulation B1 (policeman’s ordinary pension) is amended as follows.

(2) In paragraph (1), after “(2),” insert “(3A),”.

(3) In paragraph (3), omit sub-paragraphs (ca) and (cb).

(4) After paragraph (3) insert—

“(3A) This regulation shall not apply to—

(a) a specified employee of SOCA who retires or retired without giving to SOCA notice of such period as required by the contract of employment of an intention to retire or such shorter period of notice as agreed between the specified employee of SOCA and SOCA; or

(b) an employed constable of NPIA who retires or retired without giving to NPIA notice of such period as required by the contract of employment of an intention to retire or such shorter period of notice as agreed between the employed constable of NPIA and NPIA,

unless SOCA or NPIA (as the case may be) have decided that this regulation should apply or the contract of employment is or was terminated.”.

(5) In paragraph (6)(b), for “(3)(ca)” substitute “(3A)(a) or (b)”.

9.—(1) Regulation B2A (short service award on voluntary retirement) is amended as follows.

(2) In paragraph (2) omit “or (5)” and insert “, (5) or (6)”.

(3) After paragraph (5) insert—

“(6) An employed constable of NPIA who wishes to retire voluntarily must give to NPIA notice of such period as required by the contract of employment of an intention to retire or such shorter period of notice as may be agreed between the employed constable of NPIA and NPIA.”.

10. In regulation E8(2A)(b) (increase of widow’s pension or child’s allowance during first 13 weeks) after “SOCA” insert “or an employed constable of NPIA”.

11. In regulation G1(1) (pensionable and average pensionable pay) after “SOCA” insert “or an employed constable of NPIA”.

12. In regulation K1(1)(d) (cancellation of ill-health pensions) after “SOCA” insert “or an employed constable of NPIA”.

13.—(1) Regulation K4 (withdrawal of pension during service as a regular police officer) is amended as follows.

(2) In paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (3)”.

(3) After paragraph (2) insert—

“(3) This regulation shall not apply in relation to any period during which a pensioner is serving as an employed constable of NPIA, where that period of service commenced on or before 1st April 2011.”.

14.—(1) Schedule A (glossary of expressions) is amended as follows.

(2) The following definitions are inserted in the appropriate places—

““an employed constable of NPIA” means a member of staff of NPIA who is a constable and an employee of NPIA;”;

““NPIA” means the National Policing Improvement Agency;”;

““a police member of SCDEA” means a person appointed by virtue of paragraph 7(2)(c) of schedule 2 to the Police, Public Order and Criminal Justice (Scotland) Act 2006⁽¹⁾;”;

““SCDEA” means the Scottish Crime and Drug Enforcement Agency;”;

““SPSA” means the Scottish Police Services Authority;”.

(3) In the definition of “chief officer of police” after “corps” insert “and in relation to the Scottish Crime and Drug Enforcement Agency means the Director General”.

(4) In the definition of “maternity leave”—

(a) after “2004” insert “or, as the case may be, means leave taken by a qualified female police member in accordance with the provisions of a determination under regulation 22(a) of the Scottish Crime and Drug Enforcement Agency (Scotland) Regulations 2011⁽²⁾”; and

(b) at the end insert “, and in relation to an employed constable of NPIA it means any period of maternity leave taken whilst employed by NPIA”.

(5) In the inclusive definition of “member of a police force”—

(a) in paragraph (e) omit “and”; and

(b) at the end insert—

“(g) an employed constable of NPIA; and

(h) a police member of SCDEA.”.

(6) In the definition of “parental leave”—

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(2) S.S.I.2011/61.

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- (a) for “Police Regulations 2003” substitute “Police (Scotland) Regulations 2004(3)”;
 - (b) after “2003” insert “or regulation 26(9)(b) of the Scottish Crime and Drug Enforcement Agency (Scotland) Regulations 2011”; and
 - (c) at the end insert “and in relation to an employed constable of NPIA it means any period of parental leave taken whilst employed by NPIA”.
- (7) In the definition of “part-time service” at the end insert “, or as an employed constable of NPIA”.
- (8) In the definition of “regular policeman”—
- (a) in paragraph (d) omit “and”; and
 - (b) at the end insert—
 - “(f) an employed constable of NPIA;
 - (g) a police member of SCDEA; and
 - (h) a member of a home police force engaged on temporary service in accordance with arrangements made under section 12A(2) of the Police (Scotland) Act 1967.”.
- (9) In the definition of “sick leave”—
- (a) after “2004” insert “or regulation 26(6) of the Scottish Crime and Drug Enforcement Agency (Scotland) Regulations 2011”; and
 - (b) at the end insert “, and in relation to an employed constable of NPIA it means any period of sick leave taken whilst employed by NPIA.”.