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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 142**

**The Police Pension Scheme (Scotland) Regulations 2015**

**PART 1**

Preliminary

**Citation and commencement**

1. These Regulations may be cited as the Police Pension Scheme (Scotland) Regulations 2015 and come into force on 1st April 2015.

**Interpretation**

2. In these Regulations—

“the Act” means the Public Service Pensions Act 2013;

“FA 2004” means the Finance Act 2004(1);

“PA 1995” means the Pensions Act 1995(2);

“PIA 1971” means the Pensions (Increase) Act 1971(3);

“PSA 1993” means the Pension Schemes Act 1993(4);

“WRPA 1999” means the Welfare Reform and Pensions Act 1999(5);

“the 2013 Regulations” means the Police Service of Scotland Regulations 2013(6);

“the 1987 scheme” means the scheme constituted by the Police Pensions Regulations 1987(7);

“1987 transition member” has the meaning given in Schedule 4;

“the 1988 NI Police scheme” means the scheme constituted by the Royal Ulster Constabulary Pensions Regulations 1988(8);

“the 2006 scheme” means the scheme constituted by the Police Pensions Regulations (Scotland) 2007(9);

“2006 transition member” has the meaning given in Schedule 4;

“the 2009 NI police pension scheme” means the scheme constituted by the Police Pension (Northern Ireland) Regulations 2009(10);

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(1) 2004 c.12.

(2) 1995 c.26.

(3) 1971 c.56.

(4) 1993 c.48.

(5) 1999 c.30.

(6) S.S.I. 2013/35.

(7) S.I. 1987/257.

(8) S.R. 1988 (N.I.) No. 364.

(9) S.S.I. 2007/201; the scheme is referred to as “the 2006 scheme” because, in terms of regulation 1 of S.S.I. 2007/201, that instrument had effect from 6th April 2006.

(10) S.R. 2009 (N.I.) No. 79.

“the 2015 NI police pension scheme” means a scheme established under the Public Service Pensions Act (Northern Ireland) 2014<sup>(11)</sup> for payment of retirement pensions to or in respect of members of the police service in Northern Ireland which comes into force on 1st April 2015;

“the 2015 England and Wales police pension scheme” means the scheme established by the Police Pensions Regulations 2015<sup>(12)</sup>;

“accrued added pension” means—

- (a) accrued added (self only) pension (if any); and
- (b) accrued added (all beneficiaries) pension (if any);

“accrued added (all beneficiaries) pension”, for the purpose of calculating the amount of retirement added pension or the provisional amount of deferred added (all beneficiaries) pension, has the meaning given in regulation 36(6);

“accrued added (self only) pension”, for the purpose of calculating the amount of retirement added pension or the provisional amount of deferred added (self only) pension, has the meaning given in regulation 36(5);

“accrued club transfer earned pension”, for the purpose of calculating the amount of retirement earned pension or the provisional amount of deferred club transfer earned pension, has the meaning given in regulation 36(4);

“accrued earned pension” means—

- (a) in relation to this scheme—
  - (i) accrued standard earned pension (if any); and
  - (ii) accrued club transfer earned pension (if any);
- (b) in relation to another pension scheme or the existing police pension scheme, accrued rights to benefits under that scheme derived from—
  - (i) pension which is earned under that scheme; or
  - (ii) pension which is attributable to a transfer payment received by that scheme;

“accrued pension” means—

- (a) accrued earned pension; and
- (b) accrued added pension (if any);

“accrued rights”, in relation to benefits under this scheme, does not include a right to benefits attributable (directly or indirectly) to a pension credit;

“accrued standard earned pension”, for the purpose of calculating the amount of retirement earned pension or the provisional amount of deferred standard earned pension, has the meaning given in regulation 36(3);

“active member”, in relation to this scheme, means a person who is in pensionable service<sup>(13)</sup> under this scheme;

“active member’s account” has the meaning given in regulation 46(2);

“actuarial guidance” means guidance given by the Scottish Ministers after consultation with the scheme actuary;

“actuarial reduction” has the meaning given in regulation 41(4) (actuarial reduction on early payment of pension);

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<sup>(11)</sup> 2014 c.2. (N.I.).

<sup>(12)</sup> S.I. 2015/445.

<sup>(13)</sup> See section 37 of the Act for the meaning of “pensionable service”.

“actuarial tables” means tables determined by the Scottish Ministers after consultation with the scheme actuary;

“added pension” means—

- (a) added (self only) pension (if any); and
- (b) added (all beneficiaries) pension (if any);

“added (all beneficiaries) pension” means added pension payable in respect of a member after the member has died;

“added (self only) pension” means added pension payable to a pensioner member;

“adoption leave” means—

- (a) for a person in service in the police force, leave taken in accordance with a determination under regulation 25(8)(c) of the 2013 Regulations; or
- (b) for any other person, any period of equivalent leave taken by the person;

“adoption support leave” means—

- (a) for a person in service as a member of the police force, leave taken in accordance with a determination under regulation 25(8)(d) of the 2013 Regulations; or
- (b) for any other person, any period of equivalent leave taken by the person;

“age addition” has the meaning given in regulation 39(3);

“amount of added pension”, in relation to a scheme year, means an amount calculated in accordance with regulation 49(7);

“amount of credited pension” has the meaning given in regulation 62(5);

“amount of standard earned pension”, in relation to a scheme year, means an amount calculated in accordance with regulation 49(4) (amount of pension for a scheme year);

“annual rate”—

- (a) for each description of pension, has the meaning given in Part 7 (retirement benefits); and
- (b) in relation to pensionable earnings, means the amount of pensionable earnings payable for a scheme year;

“appeal board” has the meaning given in Schedule 1 (medical decisions: appeals and reconsideration);

“assistant inspector of constabulary” means an assistant inspector of constabulary appointed under section 72 of the Police and Fire Reform (Scotland) Act 2012(14);

“assumed age addition” has the meaning given in regulation 40(3);

“assumed pay” except as otherwise provided in Part 10 (contributions), means the amount of pensionable earnings an active member of this scheme is taken to receive under regulation 25(2) in respect of a period of assumed pay;

“the beginning date”, in relation to a pension not attributable (directly or indirectly) to a pension credit, means the date on which the pension is deemed to begin for the purpose of section 8(2) of PIA 1971(15);

“career break”, in relation to a member of this scheme, means a period of unpaid leave whether or not it exceeds 5 years which is agreed by the employer in accordance with a determination under regulation 25(13) of the 2013 Regulations;

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(14) 2012 asp 8.

(15) Section 8(2) was amended by the Pensions (Miscellaneous Provisions) Act 1990 (c.7), section 1(5) and the Welfare Reform and Pensions Act 1999 (c.30), section 39(1) and (4). Section 8(2) of the PIA may be applied subject to such modifications, adaptations and exceptions as may be specified in regulations under section 5(3) of that Act.

“child’s added pension” means a pension payable to an eligible child under regulation 135(4)(d);

“child’s earned pension” means a pension payable to an eligible child under regulation 135(4)(a);

“child’s enhanced upper tier ill-health pension” means a pension payable to an eligible child under regulation 135(4)(c);

“child’s lower tier ill-health pension” means a pension payable to an eligible child under regulation 135(4)(b);

“closing date”, in relation to a transition member, has the meaning given in paragraph 1 of Schedule 4 (transitional provisions);

“club scheme” has the meaning given in Part 11 (transfers);

“club transfer arrangements” has the meaning given in Part 11;

“club transfer earned pension” means pension attributable to receipt of a club transfer value payment;

“club transfer value” has the meaning given in Part 11;

“club transfer value payment” has the meaning given in Part 11;

“the commutation amount” means the amount of pension exchanged for a lump sum as a result of the exercise of the option to exchange part of a pension for a lump sum—

- (a) exercisable under regulation 114 (option to commute part of a pension) in relation to a retirement pension; or
- (b) exercisable under regulation 121 (option for pension credit member to commute part of pension) in relation to a pension credit member’s pension;

“connected scheme” means another statutory pension scheme that is connected, within the meaning of section 4(6) of the Act, with this scheme;

“continuity of service”—

- (a) in relation to service in the 1987 scheme and this scheme, has the meaning given in paragraph 4 of Schedule 4; and
- (b) in relation to service in the 2006 scheme and this scheme, has the meaning given in paragraph 5 of that Schedule;

“continuous period of pensionable service”, in relation to this scheme, means a period of pensionable service under this scheme disregarding any gap in service not exceeding 5 years;

“death benefits” means benefits payable under Part 9 (death benefits);

“death gratuity” means a gratuity paid under Chapter 8 of Part 9 (death benefits);

“deferred member”, in relation to this scheme, has the meaning given in regulation 34;

“deferred member’s account” has the meaning given in regulation 55(3);

“description of accrued pension” means accrued pension of a description mentioned in regulation 35;

“description of deferred added pension” means—

- (a) deferred added (all beneficiaries) pension; or
- (b) deferred added (self only) pension;

“description of deferred earned pension” means—

- (a) deferred standard earned pension;
- (b) deferred club transfer earned pension;

“description of deferred pension” means—

- (a) deferred standard earned pension;
- (b) deferred club transfer earned pension;
- (c) deferred added (all beneficiaries) pension; or
- (d) deferred added (self only) pension;

“description of pension” means—

- (a) standard earned pension;
- (b) transferred pension;
- (c) club transfer earned pension;
- (d) added (all beneficiaries) pension; or
- (e) added (self only) pension;

“dual capacity member” has the meaning given in regulation 189;

“duly qualified medical practitioner” means a registered medical practitioner who holds—

- (a) the minimum qualification of Associate of the Faculty of Occupational Medicine or the equivalent EEA qualification; or
- (b) any other equivalent qualification acceptable to the scheme manager;

“early payment reduction” has the meaning given in regulation 41(4) (actuarial reduction on early payment of pension);

“eligible child” has the meaning given in regulation 134;

“eligible child’s pension” has the meaning given in regulation 133;

“eligible service” has the meaning given in regulation 12;

“employment” includes an office or appointment and related expressions are to be read accordingly;

“employer” means—

- (a) for a member of the police force, the Scottish Police Authority;
- (b) for an inspector of constabulary, the Scottish Ministers;

“enhanced upper tier ill-health pension” means a pension payable to a member who meets the upper tier threshold;

“the existing England and Wales police pension scheme” means the scheme constituted by the Police Pensions Regulations 2006(16)

“the existing NI police pension scheme” means—

- (a) for a 1987 transition member, the 1988 NI Police Pension scheme;
- (b) for a 2006 transition member, the 2009 NI police pension scheme;

“the existing police pension scheme” means—

- (a) the 1987 scheme; or
- (b) the 2006 scheme;

“final pay” has the meaning given in regulation 149;

“first day of eligible service” has the meaning given in regulation 16;

“full retirement pension” means the following pensions payable under Chapter 2 of Part 7 (full retirement benefits)—

- (a) a retirement earned pension; and
- (b) a retirement added pension (if any);

“full retirement pension which comes into payment early on grounds of permanent medical unfitness”, in relation to a member of this scheme, means a full retirement pension to which the member becomes entitled under regulation 81(3) (entitlement to full retirement pension (deferred pension));

“gap in service”, in relation to service in this scheme, means any period after a member’s first day of eligible service—

- (a) in which the member is not in eligible service; or
  - (b) in respect of which the member is opted out of this scheme under Chapter 2 of Part 4;
- “guaranteed minimum” means the guaranteed minimum as defined in sections 14 and 17 of PSA 1993 (minimum pensions for earners, widows and widowers)—

- (a) as increased in accordance with the requirements of section 109 of that Act (annual increase of minimum pensions); and
- (b) if a reduction has been made under section 15A of that Act (reduction of guaranteed minimum in consequence of pension debit), as reduced in accordance with that section;

“guaranteed minimum pension” has the meaning given in section 8(2) of PSA 1993;

“ill-health benefits” means—

- (a) an ill-health pension; or
- (b) a full retirement pension which comes into payment early on grounds of permanent medical unfitness;

“ill-health pension” means—

- (a) for a transition member with continuity of service, a transition member’s ill-health pension payable under paragraph 23 of Schedule 4 (transitional provisions);
- (b) otherwise, a lower tier ill-health pension and an enhanced upper tier ill-health pension (if applicable) payable under Part 7 (retirement benefits);

“ill-health pension under this scheme” means a lower tier ill-health pension and if applicable an enhanced upper tier ill-health pension payable under Part 7;

“index adjustment” means—

- (a) in relation to the opening balance of earned pension other than club transfer earned pension for any scheme year, the change in prices in that scheme year<sup>(17)</sup>, plus 1.25%; and
- (b) in relation to the opening balance of club transfer earned pension for any scheme year, the in-service revaluation index that the sending scheme would have applied to that amount of earned pension for that scheme year, had the earned pension not been transferred;

“injury received in the execution of duty” has the meaning given in regulation 6 of the Police (Injury Benefit) (Scotland) Regulations 2007<sup>(18)</sup> and “the result of an injury” is construed in accordance with regulation 8 of those Regulations;

“Injury Benefits Regulations” means—

- (a) the Police (Injury Benefit) (Scotland) Regulations 2007; or

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<sup>(17)</sup> Under section 9 of the Act the change in prices to be applied in a period is the percentage increase or decrease as a Treasury order under that section may specify in relation to the period.

<sup>(18)</sup> [S.S.I. 2007/68](#).

(b) scheme regulations providing for payment of injury benefits to members of the police force;

“in-service revaluation index”, in relation to a pension scheme, means the percentage increase or decrease by which the pensionable earnings of a person, or a proportion of those earnings accrued as a pension, are revalued whilst the person is in pensionable service in that pension scheme;

“inspector of constabulary” means an inspector of constabulary appointed under section 71 of the Police and Fire Reform (Scotland) Act 2012 or an assistant inspector of constabulary;

“last active scheme year” means the scheme year in which an active member of this scheme ceases to be in pensionable service under this scheme;

“last day of pensionable service” means the last day of a continuous period of pensionable service under this scheme;

“the leaving year” means the scheme year in which the last day of pensionable service falls;

“lower tier ill-health pension” means a pension payable under Part 7 to a member who meets the lower tier threshold;

“lower tier threshold”, in relation to entitlement to payment of an ill-health pension, has the meaning given in regulation 91 (payment thresholds);

“lump sum death grant” means a lump sum paid under Chapter 6 of Part 9 (death benefits) on the death of a member;

“maternity leave” means—

(a) for a person in service in the police force, leave taken in accordance with a determination under regulation 25(7) of the 2013 Regulations; or

(b) for any other person, any period of equivalent leave taken by the person;

“maternity support leave” means—

(a) for a person in service in the police force, leave taken in accordance with a determination under regulation 25(8)(a) of the 2013 Regulations; or

(b) for any other person in service, any period of equivalent leave;

“member”, in relation to this scheme, means an active member, deferred member, pensioner member or pension credit member of this scheme;

“member of the police force” includes a former member of the police force;

“member of a police force”, in relation to England and Wales, has the meaning given in regulation 2 of the 2015 England and Wales police pension scheme;

“member contributions” has the meaning given in Part 10 (contributions);

“normal minimum pension age” has the same meaning as in section 279(1) of FA 2004;

“occupational pension scheme” has the meaning given in section 1 of PSA 1993;

“opening balance”, in relation to a description of pension for a scheme year, has the meaning given in regulation 50(3);

“parental leave” means—

(a) for a person in service in the police force, leave taken in accordance with a determination under regulation 25(8)(b) of the 2013 Regulations; or

(b) for any other person, any period of equivalent leave taken by the person;

“part-time service” means—

(a) in relation to a member of the police force, service by a person appointed under regulation 3 of the 2013 Regulations; or

- (b) in relation to any other person, part-time service under the member's terms and conditions of employment;
- "pay period" means the period in respect of which a payment of pensionable earnings is made;
- "payments for added pension" means payments resulting from the exercise of the added pension option under Schedule 3;
- "pension credit" has the meaning given in section 124(1) of PA 1995;
- "pension credit member", in relation to this scheme, means a person who has rights under this scheme which are attributable (directly or indirectly) to a pension credit under a pension sharing order following divorce or nullity of marriage;
- "pension credit member's account" has the meaning given in regulation 62;
- "pension credit member's pension" means a pension payable under regulation 116;
- "pension debit" means a debit under section 29(1)(a) of WRPA 1999;
- "pension debit member", in relation to this scheme, means a person who is a member of this scheme whose benefits or future benefits under this scheme have been reduced under section 31 of WRPA 1999 (reduction under pension sharing order following divorce or nullity of marriage);
- "another pension scheme" means—
- (a) another occupational pension scheme that is a registered pension scheme but is not a connected scheme; or
  - (b) a personal pension scheme;
- "pension sharing order" means any provision or order specified in section 28 of WRPA 1999;
- "pension supervising authority" has the meaning given in regulation 200;
- "pensionable earnings", in relation to any period—
- (a) for the purpose of calculating member contributions, has the meaning given in Part 10; and
  - (b) otherwise, has the meaning given in regulation 24 (pensionable earnings)
- "pensioner member", in relation to this scheme, means a person who is entitled to the immediate payment of a retirement pension under this scheme;
- "period of assumed pay" has the meaning given in regulation 25(2);
- "period of permanent service" means a period in which a person is absent from duty because of being called out, or recalled, for permanent service in Her Majesty's armed forces in pursuance of a call-out notice served, or a call-out or recall order made, under the Reserve Forces Act 1996<sup>(19)</sup>;
- "permanently medically unfit", in relation to a member of the police force, has the meaning given in regulation 66 (decision of selected medical practitioner);
- "personal pension scheme" means a personal pension scheme as defined in section 1 of PSA 1993 that is a registered pension scheme;
- "PIA index adjustment", in relation to the opening balance of added pension for any scheme year, means the amount by which the annual rate of a pension of an amount equal to the opening balance would have been increased in that year under PIA 1971 if—
- (a) that pension were eligible to be so increased; and
  - (b) the beginning date for that pension were the first day of the previous scheme year;

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(19) 1996 c.14.

“a police force”, in relation to England and Wales, has the meaning given in Part 2 of the 2015 England and Wales police pension scheme;

“the police force” means the Police Service of Scotland;

“a police pension scheme” means—

- (a) this scheme;
- (b) the 2015 England and Wales police pension scheme; or
- (c) the 2015 NI police pension scheme;

“the police service in Northern Ireland” means those persons who are eligible to be a member of—

- (a) the 2015 NI police pension scheme;
- (b) the 2009 NI police pension scheme; or
- (c) the 1988 NI police pension scheme;

“protected member”, in relation to the existing police pension scheme, has the meaning given in Schedule 4 (transitional provisions);

“provisional amount”, in relation to a description of deferred pension, has the meaning given in regulation 56;

“qualifying service”, for the purpose of this scheme, has the meaning given in regulation 78;

“registered”, in relation to a pension scheme, means registered under Chapter 2 of Part 4 of FA 2004;

“regular employment” means employment for an annual average of at least 30 hours per week;

“relevant service” means temporary service under section 15 of the Police and Fire Reform (Scotland) Act 2012;

“retirement account” has the meaning given in regulation 59(4);

“retirement added pension” means—

- (a) retirement added (self only) pension (if any); and
- (b) retirement added (all beneficiaries) pension (if any);

“retirement benefits” means benefits payable under Part 7 (retirement benefits);

“retirement earned pension” means, in relation to this scheme—

- (a) retirement standard earned pension (if any); and
- (b) retirement club transfer earned pension (if any);

“retirement index adjustment”, in relation to an amount of accrued earned pension, has the meaning given in regulation 37;

“retirement pension” means a full retirement pension or an ill-health pension;

“retirement PIA index adjustment”, in relation to an amount of accrued added pension, has the meaning given in regulation 38;

“this scheme” means the scheme established by these Regulations;

“scheme actuary” means the individual appointed by the Scottish Ministers under Part 12 (actuarial valuations and employer cost cap);

“scheme closing date” means 31st March 2015;

“scheme manager” has the meaning given in regulation 5;

“scheme year” means a period of one year beginning with 1st April and ending with 31st March;

“selected medical practitioner” has the meaning given in Schedule 1 (medical decisions: appeals and reconsideration);

“sending scheme” has the meaning given in Part 11 (transfers);

“sick leave” means—

- (a) for a member of the police force, leave taken in accordance with a determination under regulation 25(5) of the 2013 Regulations; or
- (b) for any other person, any period of equivalent leave taken by the person;

“standard earned pension” means pension which is earned under this scheme and which is payable without actuarial reduction—

- (a) to an active member of this scheme who becomes a pensioner member of this scheme on reaching normal pension age under this scheme<sup>(20)</sup>; or
- (b) to a deferred member of this scheme who becomes a pensioner member of this scheme on reaching the member’s state pension age;

“statutory pay” means statutory adoption pay, statutory maternity pay, ordinary statutory paternity pay or additional statutory paternity pay within the meaning of the Social Security Contributions and Benefits Act 1992<sup>(21)</sup>;

“surviving adult”, in relation to a deceased member of this scheme, has the meaning given in regulation 124;

“surviving adult partner” has the meaning given in regulation 125;

“surviving adult’s added pension” means a pension payable under regulation 127(2)(d);

“surviving adult’s earned pension” means a pension payable under regulation 127(2)(a);

“surviving adult’s enhanced upper tier ill-health pension” means a pension payable under regulation 127(2)(c);

“surviving adult’s lower tier ill-health pension” means a pension payable under regulation 127(2)(b);

“surviving adult’s pension” has the meaning given in regulation 126;

“surviving civil partner” has the meaning given in regulation 124;

“surviving spouse” has the meaning given in regulation 124;

“transfer payment” has the meaning given in Part 11;

“transfer value” has the meaning given in Part 11;

“transfer value payment” has the meaning given in Part 11;

“transferred pension” means pension attributable to receipt of a transfer value payment;

“transition date” has the meaning given in Part 1 of Schedule 4 (transitional provisions);

“transition member” means—

- (a) a 1987 transition member; or
- (b) a 2006 transition member;

“upper tier threshold”, in relation to entitlement to payment of an ill-health pension, has the meaning given in regulation 91 (payment thresholds); and

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<sup>(20)</sup> See section 10(2) of the Act for the meaning of normal pension age under this scheme.

<sup>(21)</sup> 1992 c.4.

“weekly rate”, in relation to a guaranteed minimum pension, has the same meaning as in regulation 55(1) of the Occupational Pension Schemes (Contracting-out) Regulations 1996<sup>(22)</sup>.

### **Members of the police service in Northern Ireland**

**3.** For the purpose of these Regulations, the following persons are members of the police service in Northern Ireland—

- (a) a constable of the Police Service of Northern Ireland as defined in section 1(2) of the Police (Northern Ireland) Act 2000<sup>(23)</sup>;
- (b) a constable of the Police Service of Northern Ireland Reserve as defined in section 1(4) of that Act;
- (c) a police trainee within the meaning of section 36(3) of that Act;
- (d) a police reserve trainee within the meaning of section 37(3) of that Act; and
- (e) a police service cadet within the meaning of section 42 of that Act.

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<sup>(22)</sup> S.I. 1996/1172.

<sup>(23)</sup> 2000 c.32 (N.I.).