
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 142

The Police Pension Scheme (Scotland) Regulations 2015

PART 13

Supplementary

CHAPTER 2

Payment of benefits: general

Reduction in pension debit member's benefits

191.—(1) The benefits to which a pension debit member is entitled under Part 7 are subject to the reduction to be made under section 31 of WRPA 1999.

(2) Member contributions and payments for added pension refunded under Part 10 to a pension debit member are subject to the reduction to be made under section 31 of WRPA 1999.

Late payment of retirement index adjustment or retirement PIA index adjustment

192. Nothing in these Regulations requires any part of a pension attributable to a retirement index adjustment or retirement PIA index adjustment to be paid before the end of the last active scheme year.

Commutation of small pensions

193.—(1) This regulation applies if—

- (a) the pension entitlement of a single capacity member or the pension entitlement of a single capacity member's beneficiary does not exceed the small pensions commutation maximum; or
- (b) the total pension entitlement of a dual capacity member or the total pension entitlement of a dual capacity member's beneficiary does not exceed the small pensions commutation maximum.

(2) Unless the member has reached the member's state pension age, this regulation does not apply if—

- (a) the pension entitlement of the member or the member's beneficiary under paragraph (1) (a) is equal to or exceeds the member's guaranteed minimum; or
- (b) the total pension entitlement of the member or the member's beneficiary under paragraph (1)(b) is equal to or exceeds the member's guaranteed minimum.

(3) The scheme manager may pay the member or the member's beneficiary a lump sum of an amount advised by the scheme actuary as representing the cash value of the pension if—

- (a) the member or the member's beneficiary consents to receipt of a lump sum in place of the pension; and
- (b) the requirements of the commutation provisions that apply in the circumstances are met.

(4) The payment of a lump sum under this regulation in place of a pension discharges all liabilities under this scheme in respect of that pension.

(5) In this regulation—

“beneficiary”, in relation to a deceased member, means the surviving adult or eligible child of the member;

“the commutation provisions” means the provisions permitting the commutation of pensions set out in—

- (a) regulation 19, 20 or 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996⁽¹⁾;
- (b) regulation 2 of the Occupational Pension Schemes (Assignment, Forfeiture, Bankruptcy etc.) Regulations 1997⁽²⁾;
- (c) paragraph 7 of Schedule 29 (authorised lump sums – supplementary) to FA 2004 (which defines trivial commutation lump sums for the purposes of Part 4 of that Act)⁽³⁾ and, in relation to a pension payable under Part 9 (death benefits), paragraph 20 of that Schedule (which defines trivial commutation lump sum death benefit for the purposes of Part 4 of that Act)⁽⁴⁾; and
- (d) regulation 3 of the Pension Sharing (Pension Credit Benefit) Regulations 2000⁽⁵⁾;

“single capacity member” means a member of this scheme who is not a dual capacity member; and

“the small pensions commutation maximum” means the amount that is permitted to be commuted having regard to the commutation provisions that apply in the circumstances.

(1) [S.I. 1996/1172](#).

(2) [S.I. 1997/785](#). Regulation 2 was amended by [S.I. 2002/681](#), [S.I. 2005/706](#), [S.I. 2006/744](#), [S.I. 2006/778](#) and [S.I. 2009/2930](#).

(3) Paragraph 7 was amended by the Finance Act 2011 (c.11), Schedule 16, paragraphs 23 and 29 and Schedule 18, paragraphs 1, 3 and 4 and [S.I. 2006/572](#).

(4) Paragraph 20 was amended by the Finance Act 2011 (c.11), Schedule 16, paragraphs 32 and 39 and Schedule 18, paragraphs 1, 3 and 6.

(5) [S.I. 2000/1054](#). Regulation 3 was amended by [S.I. 2009/2930](#).