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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 142**

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

**PART 13**

**Supplementary**

**CHAPTER 7**

**General**

**General prohibition on unauthorised payments**

**213.** Nothing in these Regulations requires or authorises the making of any payment, which, if made, would be an unauthorised payment for the purposes of Part 4 of FA 2004 (pension schemes etc.) (see section 160(5) of that Act).

**Calculation of periods of membership and service**

**214.—(1)** For the purposes of this scheme, periods of membership and service are to be expressed in the first instance in whole years, and days and fractions of a day, and the initial aggregation of periods that require to be aggregated is done in the first instance by reference to periods so expressed.

This is subject to paragraph (3).

(2) If, when all periods of membership or service that require to be aggregated have been aggregated, there is any excess part day over the number of whole days, that excess is rounded up to a full day.

This is subject to paragraph (3).

(3) If membership or service is referred to in these Regulations as membership or service in years—

- (a) the days referred to in paragraph (1); and
- (b) the full days referred to in paragraph (2),

are converted into years by dividing the number of days in excess of the period of whole years by 365, and using the result to 4 decimal places.

(4) If a period of membership or service is less than one year, this regulation applies as if the words “whole years, and” were omitted from paragraph (1) and the words “in excess of the period of whole years” were omitted from paragraph (3).

**Procedure on appeals to tribunal**

**215.—(1)** An appeal lodged with the scheme manager under regulation 198(2) (appeals to tribunal: payment of benefits) or 207(1) (forfeiture: appeals to tribunal) must—

- (a) be made by notice in writing; and
- (b) specify the grounds of appeal.

- (2) The scheme manager, on receiving a notice of appeal, must appoint an appeal tribunal (“the tribunal”) to hear the appeal.
- (3) The tribunal must consist of 3 persons including—
- (a) an advocate or solicitor of not less than 7 years’ standing who must be appointed as chair;
  - (b) a former member of the police force who before leaving the police force held a rank not below Superintendent.
- (4) The tribunal must—
- (a) determine the time and place of the hearing and of any postponed or adjourned hearing; and
  - (b) give reasonable notice of those details to the parties.
- (5) Either party may—
- (a) be represented before the tribunal by counsel, a solicitor or any other person the party considers appropriate;
  - (b) adduce evidence; and
  - (c) cross-examine witnesses.
- (6) The tribunal must determine its own procedure but—
- (a) the tribunal must have regard to the practice of the sheriff that applies to an appeal under regulation 197 (appeals to sheriff); and
  - (b) the rules of evidence that apply to an appeal under that regulation apply to an appeal under this regulation.
- (7) The tribunal, after hearing and determining the appeal, may make any order as appears to it just.
- (8) The order must state the reasons for the decision and each of the parties must be given a copy.
- (9) Either party may appeal to the sheriff in accordance with rules of court on any point of law arising from a decision of the tribunal under this regulation.

### **Evidence of entitlement**

**216.**—(1) The scheme manager may require any person who is receiving a pension under this scheme to provide evidence to establish—

- (a) the person’s identity; and
- (b) the person’s continuing entitlement to payment of any amount.

(2) If the person does not provide the required evidence, the scheme manager may withhold the whole or any part of any benefits payable under this scheme in respect of the person.

### **Provision of benefit information statements to members**

**217.** The scheme manager must provide benefit information statements to each active member of this scheme in accordance with—

- (a) section 14 of the Act (information about benefits); and
- (b) Treasury directions given under that section.

### **Transitional provisions**

**218.** Schedule 4 (transitional provisions) has effect.