
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 142

The Police Pension Scheme (Scotland) Regulations 2015

PART 7

Retirement benefits

CHAPTER 2

Full retirement benefits

Entitlement to full retirement pension (active members)

80.—(1) An active member of this scheme who has reached normal minimum pension age (P) is entitled to payment for life of a retirement earned pension if—

- (a) P has ceased to be in pensionable service under this scheme;
- (b) P has at least 2 years' qualifying service or a transfer payment otherwise than from another occupational pension scheme has been received by this scheme in relation to the member;
- (c) P has left eligible service; and
- (d) P claims payment of a full retirement pension under regulation 82 (claim - active members).

(2) On becoming entitled to payment for life of a retirement earned pension, P is entitled to payment for life of a retirement added pension of any description if the retirement account specifies an amount of retirement added pension of that description.

Entitlement to full retirement pension (deferred members)

81.—(1) A deferred member of this scheme is entitled to payment for life of a retirement earned pension if paragraph (2), (3) or (4) applies.

(2) This paragraph applies if—

- (a) the member has reached the member's state pension age;
- (b) the member has at least 2 years' qualifying service or a transfer payment otherwise than from another occupational pension scheme has been received by this scheme in relation to the member; and
- (c) the member has left eligible service.

(3) This paragraph applies if—

- (a) the member has not reached the member's state pension age;
- (b) the member has left eligible service;
- (c) the selected medical practitioner gives a report under regulation 76 (early payment on grounds of permanent medical unfitness) that the member is permanently medically unfit for engaging in any regular employment; and

- (d) the member is eligible under this scheme for payment of ill-health benefits⁽¹⁾.
- (4) This paragraph applies if—
 - (a) the member has reached normal minimum pension age but has not reached the member’s state pension age;
 - (b) the member has at least 2 years’ qualifying service or a transfer payment otherwise than from another occupational pension scheme has been received by this scheme in relation to the member;
 - (c) the member has left eligible service; and
 - (d) the member claims payment of a full retirement pension under regulation 86 (claim for early payment otherwise than on grounds of permanent medical unfitness (deferred members)).
- (5) On becoming entitled to payment for life of a retirement earned pension, P is entitled to payment for life of a retirement added pension of any description if the deferred member’s account specifies a provisional amount of the relevant deferred added pension.
- (6) In this regulation, “relevant deferred added pension” means—
 - (a) for a retirement added (self only) pension, a deferred added (self only) pension;
 - (b) for a retirement added (all beneficiaries) pension, a deferred added (all beneficiaries) pension.

Claim for payment of full retirement pension (active members)

- 82.**—(1) This regulation applies in relation to an active member of this scheme.
- (2) A claim for payment of a full retirement pension—
 - (a) may only be made by written notice to the scheme manager; and
 - (b) must comply with the notice period specified in regulation 83.
- (3) If the member claims payment of the pension before reaching normal pension age under this scheme, the notice must state if the member has opted to buy out the early payment reduction.
- (4) A full retirement pension calculated under regulation 88 (active members) is payable to the member in respect of each month as from the member’s last day of eligible service.

Notice period for active members

- 83.**—(1) The following members must give at least 3 months’ notice of intent to claim the pension—
 - (a) an inspector of constabulary (other than an assistant inspector of constabulary);
 - (b) a member of the police force holding one of the following ranks—
 - (i) Chief Constable;
 - (ii) Deputy Chief Constable; or
 - (iii) Assistant Chief Constable.
- (2) The following members must give at least one month’s notice of intent to claim the pension—
 - (a) an assistant inspector of constabulary;
 - (b) a member of the police force holding a rank not mentioned in paragraph (1).
- (3) For the purpose of this regulation, a person engaged on relevant service is deemed to hold the rank to which the member is entitled to revert at the end of the period of relevant service.

(1) See Chapter 4 of Part 4 for when a member is eligible under this scheme for payment of ill-health benefits.

(4) The scheme manager may in its discretion accept a shorter notice period determined by the scheme manager.

Full retirement pension payable at member’s state pension age (deferred members)

84.—(1) This regulation applies in relation to a deferred member of this scheme who becomes entitled under regulation 81(2) to payment of a full retirement pension on reaching the member’s state pension age.

(2) For the purpose of an appeal to the sheriff under regulation 197 or an appeal to a tribunal under regulation 198, the member is taken to claim payment of the full retirement pension when the member reaches the member’s state pension age.

(3) A full retirement pension calculated under regulation 89 (deferred members) is payable to the member in respect of each month as from the day on which the member reaches the member’s state pension age.

Full retirement pension payable early on grounds of permanent medical unfitness (deferred members)

85.—(1) This regulation applies in relation to a deferred member of this scheme who becomes entitled under regulation 81(3) to payment of a full retirement pension on grounds of permanent medical unfitness.

(2) For the purpose of an appeal to the sheriff under regulation 197 or an appeal to a tribunal under regulation 198, the deferred member is taken to claim payment of the full retirement pension on the earlier of—

- (a) the date on which the deferred member asked the employer to refer the questions to the selected medical practitioner under regulation 76; or
- (b) the date on which the employer referred those questions on its own initiative.

(3) A full retirement pension calculated under regulation 89 (deferred members) is payable to the member in respect of each month as from the date on which the member is taken to claim payment of the pension under paragraph (2).

Claim for early payment of full retirement pension otherwise than on grounds of permanent medical unfitness (deferred members)

86.—(1) A deferred member of this scheme who claims early payment of a full retirement pension otherwise than on grounds of permanent medical unfitness must give at least one month’s notice of intent to claim payment of the pension.

(2) The claim for payment of the pension may only be made by written notice to the scheme manager.

(3) The notice—

- (a) must state if the member has opted to buy out the early payment reduction; and
- (b) must specify the date from which payment of the pension is claimed.

(4) A full retirement pension calculated under regulation 89 (deferred members) is payable to the member in respect of each month as from the date specified in the notice.

Members who have been dismissed or required to resign

87.—(1) This regulation applies to a member of the police force—

- (a) who is dismissed or is required to resign; and

- (b) who has reached normal minimum pension age.
- (2) This paragraph applies if the member has at least 2 years' qualifying service or a transfer payment otherwise than from another occupational pension scheme has been received by this scheme in relation to the member.
- (3) If paragraph (2) does not apply, the member is entitled to a refund of all member contributions and payments for added pension under Part 10 (contributions).
- (4) If paragraph (2) applies, unless the member chooses to defer payment of the pension—
 - (a) for the purpose of an appeal to the sheriff under regulation 197 or an appeal to a tribunal under regulation 198, the member is taken to claim payment of a full retirement pension on the date of dismissal; and
 - (b) the member is entitled to payment for life of a full retirement pension calculated under regulation 88 (active members) in respect of each month as from the date of dismissal.
- (5) If paragraph (2) applies and the member chooses to defer payment of the pension, the member becomes entitled to payment for life of a full retirement pension—
 - (a) under regulation 81(2) when the member reaches the member's state pension age; or
 - (b) under regulation 81(4), if the member claims early payment of the pension under regulation 86 (claim for early payment otherwise than on grounds of permanent medical unfitness (deferred members)).

Annual rate of full retirement pension (active members)

- 88.**—(1) This regulation applies when an active member of this scheme becomes entitled to payment for life of a full retirement pension.
- (2) The annual rate of each description of full retirement pension payable to the member is calculated by—
 - (a) taking the amount of that description of full retirement pension specified in the retirement account;
 - (b) subtracting the early payment reduction (if any) specified in that account in relation to that amount; and
 - (c) subtracting the commutation amount (if any) specified in that account in relation to that amount.
 - (3) The annual rate of any description of full retirement pension is calculated without subtracting the early payment reduction if the member buys out the early payment reduction in relation to that description of full retirement pension.

Annual rate of full retirement pension (deferred members)

- 89.**—(1) This regulation applies when a deferred member of this scheme becomes entitled to payment for life of a full retirement pension.
- (2) The annual rate of any description of full retirement pension payable to the member is calculated by—
 - (a) taking the provisional amount of the relevant description of deferred pension specified in the deferred member's account;
 - (b) adding the late payment supplement (if any) specified in that account in relation to that provisional amount;
 - (c) subtracting the early payment reduction (if any) specified in that account in relation to that amount; and

- (d) subtracting the commutation amount (if any) specified in that account in relation to that amount.
- (3) The annual rate of any description of full retirement pension is calculated without subtracting the early payment reduction if—
 - (a) the member buys out the early payment reduction in relation to that description of full retirement pension; or
 - (b) the full retirement pension comes into payment early on grounds of permanent medical unfitness⁽²⁾.
- (4) In this regulation, “the relevant description of deferred pension” means—
 - (a) for a retirement standard earned pension, deferred standard earned pension;
 - (b) for a retirement club transfer earned pension, deferred club transfer earned pension;
 - (c) for a retirement added (self only) pension, deferred added (self only) pension; and
 - (d) for a retirement added (all beneficiaries) pension, deferred added (all beneficiaries) pension.

Full retirement pension ceasing to be payable

90.—(1) A full retirement pension ceases to be payable to a member who re-enters pensionable service under this scheme within 28 days after the last day of the service in relation to which the pension was payable.

- (2) If paragraph (1) applies in relation to a member—
 - (a) the scheme manager must—
 - (i) cease to pay the pension; and
 - (ii) recover any payment of pension or lump sum made;
 - (b) the retirement account must be closed; and
 - (c) the active member’s account must be re-established under Part 5 (pension accounts) and treated as if it had never been closed.

(2) See regulation 81(3) for when a full retirement pension comes into payment early on grounds of permanent medical unfitness.