

SCHEDULE 4

Transitional provisions

PART 1

General

Interpretation

1. In this Schedule—

“the 1987 Regulations” means the Police Pensions Regulations 1987⁽¹⁾;

“the 2007 Regulations” means the Police Pensions (Scotland) Regulations 2007⁽²⁾;

“1987 transition member” means a person—

- (a) who is a member of the 1987 scheme by virtue of his or her pensionable service under that scheme before the transition date; and
- (b) who is a member of this scheme by virtue of his or her pensionable service under this scheme;

“2006 transition member” means a person—

- (a) who is a member of the 2006 scheme by virtue of his or her pensionable service under that scheme before the transition date; and
- (b) who is a member of this scheme by virtue of his or her pensionable service under this scheme;

“active member”, in relation to this scheme, means a person—

- (a) who is an active member of this scheme; or
- (b) who, for the purpose of determining entitlement to payment of benefits to or in respect of the member, is taken to be an active member of this scheme⁽³⁾;

“closing date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the existing police pension scheme, the tapered protection closing date for that member; or
- (b) if the member is not a protected member of the existing police pension scheme, the scheme closing date;

“exception” means an exception to section 18(1) of the Act;

“full protection member”—

- (a) in relation to the 1987 scheme, has the meaning given in Part 2 of this Schedule;
- (b) in relation to the 2006 scheme, has the meaning given in Part 3 of this Schedule;
- (c) in relation to the 1988 NI police pension scheme or the 2009 NI police pension scheme, has the meaning given in the 2015 NI police pension scheme; and
- (d) in relation to an existing scheme other than the 1987 scheme or the 2006 scheme, means a person in respect of whom an exception under section 18(6) of the Act applies for the purpose of that scheme;

(1) S.I. 1987/257.

(2) S.S.I. 2007/201.

(3) See Chapter 1 of Part 4 (active membership) for when a member of the police force is taken to be an active member of this scheme.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“period of service”—

- (a) in relation to this scheme, means a continuous period of pensionable service under this scheme;
- (b) in relation to an existing scheme, the 1988 NI police pension scheme or the 2009 NI police pension scheme, means a period of pensionable service under that scheme;

“protected member”, in relation to the existing police pension scheme, means a full protection member or tapered protection member of that scheme;

“protection period”—

- (a) for a full protection member of the 1987 scheme, has the meaning given in Part 2 of this Schedule;
- (b) for a full protection member of the 2006 scheme, has the meaning given in Part 3 of this Schedule;
- (c) for a tapered protection member of the 1987 scheme, has the meaning given in Part 4 of this Schedule;
- (d) for a tapered protection member of the 2006 scheme, has the meaning given in Part 5 of this Schedule;

“tapered protection member”—

- (a) in relation to the 1987 scheme, has the meaning given in Part 4 of this Schedule;
- (b) in relation to the 2006 scheme, has the meaning given in Part 5 of this Schedule;
- (c) in relation to the 1988 NI police pension scheme or the 2009 NI police pension scheme, has the meaning given in the 2015 NI police pension scheme; and
- (d) in relation to an existing scheme other than the 1987 scheme or the 2006 scheme, means a person in respect of whom an exception under section 18(6) of the Act applies for the purpose of that scheme; and

“transition date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the existing police pension scheme, the day after the tapered protection closing date for that member;
- (b) if the member is not a protected member of that scheme, the day after the scheme closing date.

Meaning of “tapered protection closing date”

2.—(1) The tapered protection closing date for a tapered protection member of the existing police pension scheme is a date between 24th May 2015 and 31st March 2022 (inclusive) determined by the scheme manager by reference to a table published for that purpose on the www.sppa.gov.uk website.

(2) If a tapered protection member falls within more than one sub-paragraph in a paragraph in Part 4 or 5 of this Schedule, the scheme manager must determine the tapered protection closing date by reference to the table which provides the latest tapered protection closing date.

Pensionable service under a police scheme

3.—(1) For the purpose of this Schedule, a transition member (T) is in pensionable service under a police scheme while T is on unpaid leave from the employment to which that service relates.

(2) For the purpose of sub-paragraph (1)—

“a police scheme” means—

- (a) the 1987 scheme;

- (b) the 1988 NI Police pension scheme;
 - (c) the 2006 scheme;
 - (d) the existing England and Wales police pension scheme;
 - (e) the 2009 NI police pension scheme;
 - (f) the 2015 England and Wales police pension scheme; or
 - (g) the 2015 NI police pension scheme; and
- “unpaid leave”, in relation to employment to which pensionable service under a police scheme relates, means—
- (a) a career break; or
 - (b) any other period of unpaid leave—
 - (i) that does not exceed 5 years; and
 - (ii) during which the employment relationship continues (4).

Continuity of service (1987 transition members)

4.—(1) A 1987 transition member (T) has continuity of service for the purpose of these Regulations if T has continuity of service in relation to—

- (a) a period of service under the 1987 scheme; and
- (b) a period of service under this scheme.

(2) T has continuity of service in relation to a period of service under the 1987 scheme and a period of service under this scheme unless those periods of service are separated by any gap in pensionable service exceeding 5 years which—

- (a) begins on or before T’s transition date; and
- (b) ends on the day on which T becomes an active member of this scheme.

(3) For the purpose of sub-paragraph (2), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under—

- (a) an existing scheme other than the 2006 scheme or the existing England and Wales police pension scheme;
- (b) the 1988 NI police pension scheme;
- (c) another scheme under section 1 of the Act providing for payment of retirement pensions;
- (d) the 2015 NI police pension scheme.

Continuity of service (2006 transition members)

5.—(1) A 2006 transition member (T) has continuity of service for the purpose of these Regulations if T has continuity of service in relation to—

- (a) a period of service under the 2006 scheme; and
- (b) a period of service under this scheme.

(2) T has continuity of service in relation to a period of service under the 2006 scheme and a period of service under this scheme unless those periods of service are separated by a gap in pensionable service exceeding 5 years which—

- (a) begins on or before T’s transition date; and
- (b) ends on the day on which T becomes an active member of this scheme.

(4) See regulation 13 (periods of unpaid leave) for periods of unpaid leave during which the employment relationship continues.

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(3) For the purpose of sub-paragraph (2), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under—

- (a) an existing scheme;
- (b) the 1988 NI police pension scheme;
- (c) the 2009 NI police pension scheme;
- (d) another scheme under section 1 of the Act providing for payment of retirement pensions; or
- (e) the 2015 NI police pension scheme.

Meaning of “active member” of the 1987 scheme or the equivalent NI police pension scheme

6.—(1) This paragraph applies in relation to—

- (a) the 1987 scheme; and
- (b) the 1988 NI police pension scheme.

(2) For the purpose of this Schedule, a transition member (T) is an active member of a scheme mentioned in sub-paragraph (1) on a given date if on that date T is in pensionable service⁽⁵⁾ under that scheme.

Meaning of “active member” of the 2006 scheme or the equivalent NI police pension scheme

7.—(1) This paragraph applies in relation to—

- (a) the 2006 scheme; and
- (b) the 2009 NI police pension scheme.

(2) For the purpose of this Schedule, a transition member (T) is an active member of a scheme mentioned in sub-paragraph (1) on a given date if on that date—

- (a) T is in pensionable service under that scheme; or
- (b) T is on a gap in pensionable service not exceeding 5 years.

(3) For the purpose of sub-paragraph (2)(b), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under—

- (a) an existing scheme other than the 1987 scheme;
- (b) the 2009 NI police pension scheme;
- (c) another scheme under section 1 of the Act providing for payment of retirement pensions; or
- (d) the 2015 NI police pension scheme.

Meaning of “active member” of an existing scheme

8.—(1) This paragraph applies in relation to an existing scheme other than the 1987 scheme or the 2006 scheme (“the existing scheme”).

(2) For the purpose of this Schedule, a transition member (T) is an active member of the existing scheme on a given date if on that date—

- (a) T is in pensionable service under that scheme; or
- (b) T is on a gap in pensionable service not exceeding 5 years.

(3) For the purpose of sub-paragraph (2)(b), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under—

- (a) an existing scheme;

(5) See the definition of “pensionable service” in section 37 of the Act.

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- (b) the 1988 NI police pension scheme;
- (c) the 2009 NI police pension scheme;
- (d) another scheme under section 1 of the Act providing for payment of retirement pensions; or
- (e) the 2015 NI police pension scheme.