

2017 No. 387

PUBLIC SERVICE PENSIONS

**The Police Pension Scheme (Scotland) Amendment Regulations
2017**

Made - - - - *7th November 2017*
Laid before the Scottish Parliament *9th November 2017*
Coming into force - - *21st December 2017*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1(1) and (2)(g) and section 3(3)(b) and paragraph 7(b) of schedule 2 of the Public Service Pensions Act 2013(a) and all other powers enabling them to do so.

In accordance with section 21(1) of that Act, the Scottish Ministers consulted the representatives of such persons as appeared to the Scottish Ministers likely to be affected by these Regulations.

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Police Pension Scheme (Scotland) Amendment Regulations 2017.

(2) These Regulations come into force on 21st December 2017 but regulations 3(a) and 16 have effect from 1st April 2015.

Amendment of the Police Pension Scheme (Scotland) Regulations 2015

2. The Police Pension Scheme (Scotland) Regulations 2015(b) are amended as follows.

3. In regulation 2 (interpretation)—

- (a) in the definition of “index adjustment” in paragraph (a), for “that”, substitute “the previous”; and
- (b) after the definition of “sending scheme”, insert—
 - ““shared parental leave” means—
 - (a) for a person in service in the police force, leave of that description taken in accordance with a determination under regulation 25(7) of the 2013 Regulations;
 - (b) for any other person, any period of equivalent leave taken by the person;”.

(a) 2013 c.25; section 3(3)(b) enables scheme regulations to make retrospective provision.
(b) S.S.I. 2015/142, amended by S.S.I. 2015/325.

4. In regulation 16 (interpretation of Chapter), before the definition of “automatic re-enrolment date”, insert—

““automatic enrolment date” has the meaning given by section 3(7) of the Pensions Act 2008(a);”.

5. In regulation 17 (automatic enrolment), in paragraphs (1) and (2)(a) after “day of eligible service”, insert “or on P’s automatic enrolment date”.

6. After regulation 17, insert—

“Exceptions

17A.—(1) Where the employer considers that the circumstances specified in regulation 5B(1), 5C(1) and (2) or 5D(1) of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(b) apply in relation to an officer, the employer may choose not to enrol the officer on that person’s enrolment date or automatic re-enrolment date.

(2) In such a case, the employer is to be treated as having satisfied the duty in section 3(2) or 5(2) of the Pensions Act 2008.”.

7. In regulation 20 (automatic re-enrolment), in paragraph (2) after “a pension scheme”, insert “and the employer has not made the choice referred to in regulation 17A(1)”.

8. In regulation 22 (opting out before the end of the initial period of eligible service)—

(a) after paragraph (1)(a), delete “or” and insert—

“(aa) before the end of 3 months after the automatic enrolment date (or within any longer period the scheme manager considers appropriate); or”; and

(b) after paragraph (2), insert—

“(2A) If paragraph (1)(aa) applies, P is taken not to have been in pensionable service under this scheme.”.

9. In regulation 23 (opting out after the initial period of eligible service), after paragraph (1)(b)(i), insert—

“(ia) 3 months or more after P’s automatic enrolment date;”.

10. In regulation 25 (pensionable earnings during a period of assumed pay), in paragraph (2)(a) after “maternity leave,”, insert “paid shared parental leave,”.

11. In regulation 37 (calculation of “retirement index adjustment”), in the definition of “A” in paragraph (2) in paragraph (b) of that definition, for “in-service revaluation index”, substitute “index adjustment”.

12. In regulation 41 (actuarial reduction on early payment of pension)—

(a) after paragraph (3), insert—

“(3A) In a case where an active member or a deferred member has after 21st December 2017 transferred under regulation 186 (transfers in) the member’s accrued rights to benefits under another police pension scheme, the early payment reduction is calculated—

(a) by applying, in relation to those accrued rights, the early payment reduction which would have applied if the member had remained in the other police pension scheme; and

(b) in accordance with paragraph (3), in relation to the member’s remaining rights to benefits.”; and

(a) 2008 c.30; section 3(7) was amended by the Pensions Act 2011 (c.19), section 6(1).

(b) S.I. 2010/772; regulations 5B to 5D were added by S.I. 2015/501.

- (b) in paragraph (4), after “early payment reduction”, insert “, other than in paragraph (3A)(a).”.

13. After regulation 51 (closure and re-establishment of active member’s account), insert—

“Ill-health pension ceases to be payable

51A. Where an ill-health pension ceases to be payable under Part 7 (retirement benefits) and the pensioner member re-enters pensionable service, the scheme manager—

- (a) must close the retirement account;
- (b) must re-establish the active member’s account and credit it with an amount equal to the annual rate of lower tier ill-health pension payable when the ill-health pension was first awarded;
- (c) must make entries in the active member’s account as if, during the gap in pensionable service, the member—
 - (i) was in pensionable service under this scheme; but
 - (ii) received no pensionable earnings.”.

14. After regulation 55 (establishment of deferred member’s account), insert—

“Account established after ill-health pension ceases to be payable

55A. If a lower tier ill-health pension ceases to be payable to a person (P) under Part 7 (retirement benefits) and P does not re-enter pensionable service—

- (a) a deferred member’s account must be established; and
- (b) that account must be credited with an amount equal to the annual rate of the lower tier ill-health pension payable immediately before the lower tier ill-health pension ceased to be payable.”.

15. For regulation 125 (Meaning of “surviving adult partner”), substitute—

“Meaning of “surviving adult partner”

125.—(1) A person is a surviving adult partner in relation to a member if, at the date of the member’s death, that person was—

- (a) the spouse or civil partner of the member;
- (b) cohabiting with the member and—
 - (i) was not married or in a civil partnership with that member,
 - (ii) is not the spouse or civil partner of any other person,
 - (iii) could have entered into a marriage or civil partnership under the law of Scotland with the member but did not do so,
 - (iv) was financially dependent on the member, or was, with the member, in a state of mutual financial dependency, and
 - (v) was in a long-term relationship with the member.

(2) In paragraph (1), “long-term relationship” means a relationship that has continued for a period of at least two years ending with the date on which the question of the person’s status in relation to the member falls to be considered, or such shorter period as the scheme manager may in any particular case think fit.”.

16. In regulation 146(1)(persons who may be paid lump sum death grant) for “must”, substitute “may”.

17. In regulation 158 (amount of pensionable earnings), in paragraph (5) after “maternity leave,”, insert “paid shared parental leave.”.

18. In regulation 162 (option to pay member contributions for period of unpaid leave), after paragraph (1)(b), insert—

“(ba) unpaid shared parental leave;”.

19. In regulation 178 (interpretation of Chapter), in the definition of “transfer date” for “earlier”, substitute “later”.

20. In schedule 3 (payments for added pension), in paragraph 9(4) (periodical payments) after “maternity leave,”, insert “paid shared parental leave,”.

St Andrew’s House,
Edinburgh
7th November 2017

DEREK MACKAY
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous amendments to the Police Pension Scheme (Scotland) Regulations 2015.

These Regulations come into force on 21st December 2017 but regulations 3(a) and 16 have effect from 1st April 2015.

Regulations 4 to 9 make provision for automatic enrolment and scheme membership, including exceptions from the duty to enrol certain officers.

Regulation 12 provides that where an officer has transferred from another UK police pension scheme and retires before normal pension age, the actuarial reduction that will apply to the proportion of accrued pension earned transferred will be subject to the actuarial reduction in the other UK police pension scheme.

Regulations 13 and 14 clarify administrative procedure when an ill-health pension ceases to become payable.

Regulation 15 substitutes the meaning of “surviving adult partner” to remove the requirement for the scheme manager to have a written declaration when determining a surviving adult partner’s eligibility for a for a surviving adult pension.

Regulations 3(b), 10, 17, 18 and 20 make provision for shared parental leave.

Regulations 3(a), 11, 16 and 19 correct minor errors.

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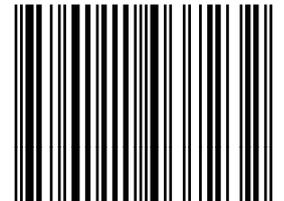
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