
STATUTORY INSTRUMENTS

1997 No. 1429 (S. 109)

POLICE

The Police Pensions (Amendment) Regulations 1997

<i>Made</i>	- - - -	<i>2nd June 1997</i>
<i>Laid before Parliament</i>		<i>9th June 1997</i>
<i>Coming into force</i>	- -	<i>30th June 1997</i>

The Secretary of State, in exercise of the powers conferred on him by sections 1 and 3 of the Police Pensions Act 1976(1), and after consultation with the Police Negotiating Board for the United Kingdom, and with the consent of the Treasury(2) hereby makes the following Regulations:

Citation, commencement and interpretation

- 1.—(1) These Regulations may be cited as the Police Pensions (Amendment) Regulations 1997.
- (2) These Regulations shall come into force on 30th June 1997 but shall have effect from 13th December 1995.
- (3) In these Regulations “the principal Regulations” means the Police Pensions Regulations 1987(3).

Pensionable and average pensionable pay

2. Regulation G1(1) of the principal Regulations is amended by inserting after the words “those Regulations)” the words—
“or so much of his pay at that rate as is attributable to his determined hours (within the meaning of regulation 1(6) of the Police (Scotland) Regulations 1976(4) as applied by virtue of paragraph 1 of Schedule 1B to those Regulations)”.

Part-time service

3. Schedule A to the principal Regulations is amended—
 - (a) by inserting at the end of the definition of “the appropriate factor”–

(1) 1976 c. 35; section 1 was amended by the Police Negotiating Board Act 1980 (c. 10), section 2(3).
(2) Formerly the Minister for the Civil Service; see S.I. 1981/1670.
(3) S.I. 1987/257; relevant amendments were made by S.I. 1990/805, 1989/733, 1992/1343, 1992/2349.
(4) S.I. 1976/1073; relevant amendments are made by S.I. 1995/3001.

“or the factor which was the appropriate factor within the meaning of regulation 1(6) or (7) of the Police (Scotland) Regulations 1976 as it applied by virtue of paragraph 1 of Schedule 1B to those Regulations”;

and

- (b) by inserting at the end of the definition of “part-time service” –
“or pursuant to an appointment under regulation 2A of the Police (Scotland) Regulations 1976”.

Right to opt out of effect of provisions of these Regulations

4.—(1) This regulation applies in relation to any pension which is or may become payable under the principal Regulations to or in respect of a person who, having served as a member of a police force, has ceased so to serve or died before these Regulations come into force.

(2) Where, in a case to which this regulation applies, any provision of these Regulations would operate in relation to any person so as to place that person in a worse position than he would have been in if the provision had not applied in relation to any pension which is being paid or may become payable to him, that person may elect that the provision shall not so apply by giving notice in accordance with paragraph (3).

(3) A notice given pursuant to paragraph (2) shall be in writing and shall be delivered to the police authority responsible for payment of the pension within 6 months after the coming into force of these Regulations.

St Andrew’s House,
Edinburgh
19th May 1997

Brian Wilson
Minister of State, Scottish Office

We consent

2nd June 1997

Graham Allen
Bob Ainsworth
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Police (Scotland) Amendment (No. 4) Regulations 1995 amended the Police (Scotland) Regulations 1976, with effect from 13th December 1995, to allow part-time police officers to be appointed.

These Regulations make consequential amendment to the Police Pensions Regulations 1987 (“the principal Regulations”) with retrospective effect from 13th December 1995. Retrospective effect is authorised by section 1(5) of the Police Pensions Act 1976.

The principal Regulations, as amended by the Police Pensions (Amendment) Regulations 1992, at present make provisions relevant to part-time service in England and Wales and these Regulations extend the effect of those provisions to Scotland.

Regulation 2 amends regulation G1 of the principal Regulations (pensionable and average pensionable pay) so as to extend to Scotland the provision that for a part-time policeman his “pensionable pay”, on which contributions are based, is the proportion of the full-time rate of pay appropriate to the hours which he works. (In terms of paragraph 4 of Part VI of Schedule J to the principal Regulations the “average pensionable pay” for purposes of determining the rate of pension of part-time policemen remains the full-time rate.)

Regulation 3 amends the definition of “the appropriate factor” in Schedule A to the principal Regulations so as to make it applicable to Scotland. Under the principal Regulations, this factor is used for scaling down a policeman’s pensionable service to reflect that he only works part-time. Regulation 3 also amends the definition of “part-time service” to extend it to part-time service in Scotland.

Since these Regulations have retrospective effect to 13th December 1995, they will apply to pensions in respect of persons who have ceased to serve or died between that date and the date when the Regulations come into force. Regulation 4 enables any person detrimentally affected by any provision of the Regulations in relation to such a pension to opt that the provision shall not apply to the pension.