
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the following Regulations, as they have effect in England and Wales: the Police Pensions Regulations 1987 (“the 1987 Regulations”), which provide for the superannuation of members of police forces, the Police Pensions (Purchase of Increased Benefits) Regulations 1987, which enable police officers to purchase additional benefits and the Police Pensions (Additional Voluntary Contributions) Regulations 1991 (“the AVC Regulations”), which make provision for the payment of additional voluntary contributions by police officers to secure additional pension benefits.

The amendments make provision for the implementation of pension sharing on divorce and nullity in accordance with the Welfare Reform and Pensions Act 1999 (“the 1999 Act”) and subordinate legislation made under that Act.

Regulation 1 provides for citation and commencement and for the Regulations to have effect from 1st December 2000.

Regulation 2 and Schedule 1 provide for the amendment of the 1987 Regulations as respects pension debit members (the police officers whose rights are reduced by pension sharing orders) and pension credit members (the ex-spouses in whose favour pension sharing orders have been made).

Paragraph 1 of Schedule 1 amends regulation A10 to provide for the reduction of the amount of aggregate pension contributions. Paragraph 2 of Schedule 1 amends regulation B8(1) so that pension credit members' pensions are considered in determining if pensions can be commuted on the grounds of triviality. Paragraph 3 inserts regulation B12 under which pension debit members' awards are calculated subject to the overriding reduction. Paragraph 4 inserts regulation C10 under which pension debit members' surviving spouses' awards are similarly reduced. Paragraph 5 inserts regulation D6 which provides that pension debit members' children's awards are first calculated as if the member were not a pension debit member and are then reduced to the extent required by section 31 of the 1999 Act. Paragraph 6 inserts regulation E11 under which awards on the death of pension debit members are reduced. Paragraph 7 makes provision about certificates relating to pension debit members. Paragraph 8 inserts regulation F10A which prevents a transfer in respect of pension credit rights being accepted by the scheme.

Paragraph 9 applies regulation K5 (forfeiture) to pension credit members' pensions. Paragraph 10 amends regulation L1 to make the police authority that employed the pension debit member when the pension sharing order was made the authority exercising functions for the pension credit member. Paragraph 11 applies regulation L4 (payment to non-beneficiaries).

Paragraph 12 inserts a new Part M making provision about pension credit members. The new regulations in Part M set out the pension credit member's entitlement to a pension in respect of his pension credit at normal benefit age (60) or, if later, the date when the pension sharing order takes effect, for the commutation of the pension and for a death grant to be payable if the member dies before the pension is payable. Regulation M5 disapplies most regulations of the Scheme for these members, except the regulations mentioned in the new regulation M5(2).

Paragraph 13 inserts a number of new definitions into Schedule A.

Paragraphs 14 to 17 make consequential amendments of Schedules B and F (calculation of pensions and transfer values).

Regulation 3 amends the Police Pensions (Purchase of Increased Benefits) Regulations 1987 to prevent pension debit members from purchasing rights to replace those debited by a pension sharing

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order, except in the circumstances allowed under regulations made under paragraph 18(10) or (11) of Schedule 10 to the Finance Act 1999.

Regulation 4 and Schedule 2 provide for the amendment of the AVC Regulations. Regulation 4(2) prevents those Regulations applying to pension credit members as such except so far as provided by Schedule 2. Regulations 2, 10, 15 and 16 are amended and a new regulation 10A is inserted which gives effect to a new Schedule 1A (see paragraphs 3 and 6 of Schedule 2 to these Regulations).

The new Schedule 1A to the AVC Regulations makes provision for the discharge of liability in respect of a pension credit by the relevant police authority, the discharge of liability if the person entitled to the pension credit dies before liability has been discharged, the payment of pension credit benefit at or after normal benefit age, the commutation of pension credit benefit before or at normal benefit age, and the payment of pension credit benefit as a lump sum after the death of the pension credit member before the pension credit benefit becomes payable.

Provision is also made for the investment of pension credit rights in a way which is similar to the investment of additional voluntary contributions under the AVC Regulations. The transfer of pension credit rights out of the AVC scheme is also provided for.

The amendments do not impose any costs on business.