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STATUTORY INSTRUMENTS

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**2018 No. 530**

**The Police Pension Schemes and Additional  
Voluntary Contributions (Amendment)  
(England and Wales) Regulations 2018**

**PART 2**

**Amendment of the Police Pensions Regulations 1987**

**General**

2. The Police Pensions Regulations 1987(1) are amended in accordance with this Part.

**Amendment of regulation A10**

3. In regulation A10(2)(h) (aggregate pension contributions for purposes of awards)(2) for “or unpaid parental leave” substitute “, unpaid parental leave, unpaid adoption leave, unpaid adoption support leave or unpaid maternity support leave.”.

**Amendment of regulation B5A**

- 4.—(1) Regulation B5A (early payment of deferred pension)(3) is amended as follows.
- (2) In paragraph (3) for “Unless paragraph (4) applies” substitute “Subject to paragraph (3A)”.
- (3) After paragraph (3) insert—
- “(3A) All or part of an actuarial reduction may be bought out in accordance with paragraphs (4) to (8).”.
- (4) In paragraph (4)(b)—
- (a) after “equal to” insert “all or part of”, and
- (b) for “paragraphs (5) to (7)” substitute “paragraphs (5) to (8)”.
- (5) For paragraphs (6) and (7) substitute—
- “(6) If the whole of the compensation lump sum is insufficient to buy out the actuarial reduction, the police pension authority may, in its discretion, pay into the police pension fund an additional amount for the purpose of buying out all or part of the reduction.
- (6A) But an additional amount under paragraph (6) is subject to any restriction imposed by regulations made under section 153A of the Small Business, Enterprise and Employment Act 2015 (regulations to restrict public sector exit payments)(4)that applies at the time that the additional amount is to be paid.

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(1) [S.I. 1987/257](#).

(2) Regulation A10(1)(h) was inserted in relation to England and Wales by [S.I. 1988/1339](#) and amended by [S.I. 2004/1491](#).

(3) Regulation B5A was inserted in relation to England and Wales by [S.I. 2012/3057](#) and amended by [S.I. 2013/487](#).

(4) [2015. c. 26](#); section 153A was inserted by section 41(1) of the Enterprise Act [2016 \(c. 12\)](#).

(7) Paragraph (7A) applies if the police pension authority—

- (a) decides not to pay the additional amount required to buy out all of the actuarial reduction, or
- (b) is unable to buy out all of the actuarial reduction because of the restriction referred to in paragraph (6A).

(7A) Where this paragraph applies the regular policeman may pay to the police pension authority a sum equal to all or part of the additional amount that has not been paid by the authority.

(7B) The police pension authority must pay any amount received under paragraph (7A) into the police pension fund.”.

### **Amendment of regulation F1**

5. In regulation F1 (reckoning of pensionable service)(5)—

(a) after paragraph (1)(da) insert—

“(db) any period of unpaid adoption leave, unpaid adoption support leave or unpaid maternity support leave taken on or after 1st September 2014 in respect of which the conditions specified in paragraph (1B) are not satisfied; ”; and

(b) for paragraph (1B) substitute—

“(1B) The conditions referred to in sub-paragraph (c), (da) and (db) of the proviso to paragraph (1) are that the person concerned—

- (a) was serving as a regular policeman immediately before a period of maternity, parental, adoption, adoption support or maternity support leave which includes the period of unpaid maternity, unpaid parental, unpaid adoption, unpaid adoption support or unpaid maternity support leave in question and no election under regulation G4 was effective in respect of that person immediately before the commencement of that period of unpaid leave;
- (b) in accordance with the provisions of paragraph (1D) pays to the police pension authority a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid maternity leave, unpaid parental leave, unpaid adoption leave, unpaid adoption support leave or unpaid maternity support leave in question if that person’s notional pensionable pay during that period had been at the same rate as that person’s pensionable pay (including any statutory maternity pay, statutory adoption pay or statutory paternity pay(6) payable under the Social Security Contributions and Benefits Act 1992) immediately before the commencement of the period of unpaid maternity leave, unpaid parental leave, unpaid adoption leave, unpaid adoption support leave or unpaid maternity support leave which constituted or included the period in question.”.

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(5) Regulation F1(1) was amended in relation to England and Wales by S.I. 1988/1339, 2000/843 and 2004/1491; paragraph (1B) was inserted by S.I. 2000/843.

(6) Statutory paternity pay may be payable under the Social Security Contributions and Benefits Act 1992 (c. 4) in respect of a period of maternity support leave or adoption support leave granted under Annex S of the determination made by the Secretary of State under regulation 33(8) of the Police Regulations 2003 (S.I.2003/527). The determination is available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/170609/amendment-to-determinations.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/170609/amendment-to-determinations.pdf); a hard copy can be obtained by writing to the Police Workforce and Professionalism Unit, Home Office, 2 Marsham Street, London, SW11 4DF.

### **Amendment of regulation G1**

6. In regulation G1(3) (pensionable and average pensionable pay)(7) for “sick leave, maternity leave or parental leave” substitute “sick leave, maternity leave, parental leave, adoption leave, adoption support leave or maternity support leave”.

### **Amendment of Schedule A**

7. In Schedule A (glossary of expressions)—

(a) after “active member” insert—

““adoption leave” means, for a person in service as a member of a home police force, leave granted in accordance with regulation 33(8) of the Police Regulations 2003(8) and for a person in service as a member of a police force in England and Wales other than a home police force, any period of equivalent leave taken by the person while in that service;

“adoption support leave” means, for a person in service as a member of a home police force, leave granted in accordance with regulation 33(8)(9) of the Police Regulations 2003 and for a person in service as a member of a police force in England and Wales other than a home police force, any period of equivalent leave taken by the person while in that service;”, and

(b) after “maternity leave” insert—

““maternity support leave” means for a person in service as a member of a home police force, leave granted in accordance with a determination(10) made under regulation 33(8) of the Police Regulations 2003 or, for a person in service as a member of a police force in England and Wales other than a home police force, any period of equivalent leave taken by the person while in that service;”.

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(7) Regulation G1(3) was amended in relation to England and Wales by [S.I. 2000/843](#) and [2004/1491](#).

(8) [S.I. 2003/527](#). The relevant part of the determination made by the Secretary of State under regulation 33(8) of the Police Regulations 2003 for adoption leave is Annex R.

(9) Regulation 33(8) was inserted by [S.I. 2006/3449](#). The relevant part of the determination made by the Secretary of State under regulation 33(8) the Police Regulations 2003 for adoption support leave is Annex S.

(10) The relevant part of the determination made by the Secretary of State under regulation 33(8) of the Police Regulations 2003 for maternity support leave is Annex S.