

SCHEDULE 1

Regulation 2

AMENDMENTS OF THE POLICE PENSIONS REGULATIONS 1987

Payments to enhance widowers' awards

1.—(1) Regulation G6 (payments by women members to enhance widowers' awards) is amended as follows.

(2) In paragraph (4) for “by reference” onwards substitute— “by reference—

- (a) to the whole of the woman’s pensionable service reckonable by reason of service or employment before 17th May 1990 (see column 1 of the Table); and
- (b) to the woman’s pensionable pay or, in the case of a woman in part time service, the pay that would be her pensionable pay if she were a full-time member of the police force (see columns 2 and 3 of the Table).”.

(3) After paragraph (4A) insert—

“(4B) Where a woman has made an election under this regulation to pay additional contributions by periodical payments before the date on which the Police Pensions (Part time Service) Amendment (Scotland) Regulations 2005 come into force and is in part time service on that date, the payments payable by her shall, subject to paragraph (4C), increase from that date to such amount as is appropriate as a result of paragraph (4)(b).

(4C) Such a woman may vary the election by notice in writing to the police authority given within the period of 3 months beginning with the date on which the Police Pensions (Part time Service) Amendment (Scotland) Regulations 2005 come into force, and that variation shall take effect as from that date.

(4D) Where—

- (a) a woman has made or makes such an election while she is in full-time service; and
- (b) her service becomes part time on or after the date on which the Police Pensions (Part time Service) Amendment (Scotland) Regulations 2005 come into force,

any contributions she is making under the election by periodical payments shall, from the date on which her service becomes part time and subject to paragraph (4E), increase to such amount as is appropriate as a result of paragraph (4)(b).

(4E) Such a woman may vary the election by notice in writing to the police authority given within the period of 3 months beginning with the date on which the service becomes part time, and that variation shall take effect as from that date.

(4F) Where a woman makes such an election on or after the date on which the Police Pensions (Part time Service) Amendment (Scotland) Regulations 2005 come into force and she is in part time service on that date, she shall notify the police authority in writing that either—

- (a) the contributions payable by her as a lump sum or by periodical payments are to be payable at the same amount of her pay as if she were in full-time service; or,
- (b) those contributions are to be payable in accordance with paragraph (4H).

(4G) Where a woman varies an election under this regulation, the contributions payable by her by periodical payments shall, from the date when the election takes effect, continue to be payable at the same percentage of her pay as before the variation, but the period of the woman’s pensionable service counting as mentioned in paragraph (1) shall be given by the formula—

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$$P \times V \\ F$$

where—

P is the period that would be the period in years of her pensionable service if periods of part time service were reckonable as if they were periods of full-time service;

V is the amount of contributions paid by periodical payments; and

F is the amount of contributions that would have been paid by periodical payments had there been no election.

(4H) Where a woman makes a notification under paragraph (4F)(b), the contributions payable by her as a lump sum or by periodical payments shall be payable at the same percentage of her pay as if she were in full-time service, but the period of the woman’s pensionable service counting as mentioned in paragraph (1) shall be given by the formula set out in paragraph (4G), save that references to contributions paid by periodical payments shall include references to contributions paid as a lump sum.”.

(4) After paragraph 13 insert—

“(13A) Periodical payments also cease to be payable if the police authority are satisfied that their payment in accordance with the election is causing or is likely to cause financial hardship and have consented to the discontinuance of the payments for such period as they think fit.”.

Ordinary and short service pensions

2.—(1) For Parts I and II of Schedule B substitute—

“PART I

POLICEMAN'S ORDINARY PENSION

1. Subject to paragraph 6 and Parts VII and VIII of this Schedule, the pension shall be calculated as follows.

2.—(1) This paragraph applies where all the service by virtue of which the policeman’s pensionable service is reckonable was full-time.

(2) Subject to paragraph 5, the amount of the annual pension shall be half of the policeman’s average pensionable pay with the addition of an amount equal to two sixtieths of that pay, multiplied by the period in years by which his or her pensionable service exceeds 25 years.

3.—(1) This paragraph applies where—

(a) some or all of the service by virtue of which the policeman’s pensionable service is reckonable was part time; and

(b) if the part time service had been full-time service, his or her pensionable service would not exceed 30 years.

(2) Subject to paragraph 5, the amount of the annual pension is given by the formula—

$$N \times R \\ Q$$

where—

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N is the amount that the pension would be if all the pensionable service were full-time service;

R is the period in years of his or her pensionable service; and

Q is the period that would be the period in years of his or her pensionable service if periods of part time service were reckonable as if they were periods of full-time service.

4.—(1) This paragraph applies where—

- (a) some or all of the service by virtue of which the policeman’s pensionable service is reckonable was part time; and
- (b) if the part time service had been full-time service, his or her pensionable service would exceed 30 years.

(2) Subject to paragraph 5, the amount of the annual pension is given by the formula—

$$\frac{N \times R}{30}$$

where—

N is two thirds of the policeman’s average pensionable pay; and

R is the period in years of his or her pensionable service.

5. The amount of the annual pension may not exceed two thirds of the policeman’s average pensionable pay.

6. If the amount of the pension a person would be entitled to in accordance with paragraphs 1 to 4 would be less than the amount would have been if the person had become entitled to receive an ordinary pension by retiring after due notice from the same police force at an earlier date, then, subject to paragraph 5 and to Parts VII and VIII of this Schedule, the pension is to be a pension of the last mentioned amount instead.

7. For the purposes of paragraph 6, any difference in those amounts attributable to a pension debit is disregarded.

PART II

POLICEMAN'S SHORT SERVICE PENSION

1. Subject to Parts VII and VIII of this Schedule, the pension shall be calculated as follows.

2. In the case of a policeman all of whose service by virtue of which his or her pensionable service is reckonable was full-time, the amount of the annual pension shall be equal to the aggregate of—

- (a) an amount equal to one sixtieth of the policeman’s average pensionable pay, multiplied by the period in years of his or her pensionable service up to 20 years; and
- (b) an amount equal to two sixtieths of that pay, multiplied by the period in years by which his or her pensionable service exceeds 20 years.

3. In the case of a policeman any of whose service by virtue of which his or her pensionable service is reckonable was part time, the amount of the annual pension is given by the formula—

$$\frac{N \times R}{Q}$$

where—

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N is the amount that the annual pension would be if all the pensionable service were full-time service,

R is the period in years of his or her pensionable service; and

Q is the period that would be the period in years of his or her pensionable service if periods of part time service were reckonable as if they were periods of full-time service.”.

Ill-health pensions

3.—(1) Part III of Schedule B (policeman’s ill-health pension) is amended as follows.

(2) In paragraph 1 for “shall be determined” onwards substitute—

“shall be determined—

(a) in the case of a policeman all of whose service by virtue of which his or her pensionable service is reckonable was full-time, in accordance with paragraph 2, 3 or 4, as the case may require; and

(b) in the case of a policeman some or all of whose service by virtue of which his or her pensionable service is reckonable was part time—

(i) in a case where, if the part time service had been full-time service, his or her pensionable service would not exceed 30 years, in accordance with the formula given in paragraph 4A; and

(ii) in a case where, if the part time service had been full-time service, his or her pensionable service would exceed 30 years, in accordance with the formula given in paragraph 4B,

but in either case subject to paragraphs 6 and 7.”.

(3) After paragraph 4 insert—

“4A. The formula referred to in paragraph 1(b)(i) is—

$$\frac{N \times R}{Q}$$

where—

N is the amount that the annual pension would be in accordance with this Part of this Schedule if all the policeman’s service by virtue of which his or her pensionable service is reckonable were full-time service;

R is the period in years of his or her pensionable service; and

Q is the period that would be the period in years of his or her pensionable service if periods of part-time service were reckonable as if they were periods of full-time service.

4B. The formula referred to in paragraph 1(b)(ii) is—

$$\frac{N \times R}{30}$$

where—

N is two thirds of the policeman’s average pensionable pay; and

R is the period in years of his or her pensionable service.”.

(4) The provisions of paragraph 5 are to become sub paragraph (1) of that paragraph and after “paragraph 3 or 4” insert “or the formula in paragraph 4A or 4B”.

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(5) After that sub paragraph insert—

“(2) For the purposes of sub paragraph (1) the amount of the pension to which the policeman would have become entitled is given by the formula—

$$\frac{RP \times R}{Q}$$

where

RP is the amount of the pension to which the policeman would have become entitled if he or she had continued to serve until he or she could be required to retire on account of age and all his or her service were full time service, and R and Q are the same as in paragraph 4A.”.

(6) After paragraph 5 insert—

“6. If in a case where any of the policeman’s service by virtue of which his or her pensionable service is reckonable was part time service, the amount of the pension calculated in accordance with paragraphs 1 to 5 of this Part would be less than the amount of the pension would have been if the person had become entitled to receive the pension at an earlier date, then, subject to Parts VII and VIII of this Schedule, the pension shall be of the last mentioned amount instead.

7. In a case where—

- (a) any of a policeman or former policeman’s service by virtue of which his or her pensionable service is reckonable was part time service before the date on which the Police Pensions (Part time Service) Amendment (Scotland) Regulations 2005 come into force; and
- (b) the amount of his or her pension calculated in accordance with this Part would be less than it would have been if those Regulations had not been made,

then the pension shall be of that amount instead.”.

Injury awards

4.—(1) Part V of Schedule B (policeman’s injury award) is amended as follows.

(2) In paragraph 1 for “and shall be” onwards substitute—

“and shall be—

- (a) in the case of a policeman all of whose service by virtue of which his or her pensionable service is reckonable was full-time, the amount specified as appropriate to his or her degree of disablement in column (2) of the Table in paragraph 2; and
- (b) in the case of a policeman any of whose service by virtue of which his or her pensionable service is reckonable was part time, the amount given by the formula—

$$\frac{G \times R}{Q}$$

where—

G is the amount that the gratuity would be if all the service were full-time service;

R is the period in years of his or her pensionable service; and

Q is the period that would be the period in years of his or her pensionable service if periods of part time service were reckonable as if they were periods of full-time service.”.

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(3) After paragraph 1 insert—

“**1A.** If, in a case where any of the policeman’s service by virtue of which his or her pensionable service is reckonable was part time service, the amount of the gratuity calculated in accordance with paragraph 1 would be less than it would have been if the person had become entitled to receive the gratuity at an earlier date, then the gratuity shall be the last mentioned amount instead.”.

(4) In paragraph 2 for “shall be of the amount” to the end of that paragraph substitute—
“shall be—

- (a) in the case of a policeman all of whose service by virtue of which his or her pensionable service is reckonable was full-time, of the amount of his or her minimum income guarantee specified as appropriate to his or her degree of disablement in column (3), (4), (5) or (6) of the following Table; and
- (b) in the case of a policeman any of whose service by virtue of which his or her pensionable service is reckonable was part time, of the amount given by the formula—

$$\frac{M \times R}{Q}$$

where

M is the amount that his or her minimum income guarantee would be if all the service were full-time service and R and Q are the same as in paragraph 1;”.

(5) After paragraph 2 insert—

“**2A.** If in a case where any of the policeman’s service by virtue of which his or her pensionable service is reckonable was part time service, the amount of the pension calculated in accordance with paragraph 2 would be less than the amount would have been if the person had become entitled to receive the pension at an earlier date, then the last mentioned amount shall be substituted for it.

2B. In paragraphs 1A, 2 and 2A, references to a person’s pensionable service shall in the case of a regular policeman who has made an election under regulation G4(1) be construed as references to the pensionable service which would have been reckonable by him or her if he or she had not made such an election.”.

(6) In paragraph 3(1) for “by reference” onwards substitute “by reference to this Schedule”.

(7) After paragraph 6 insert—

“**7.** In a case where—

- (a) a former policeman was in part time service before the date on which the Police Pensions (Part time Service) Amendment (Scotland) Regulations 2005 come into force; and
- (b) the amount of his or her award calculated in accordance with this Part would be less than the amount would have been if those Regulations had not been made,

then the award shall be of the last mentioned amount instead.”.

Deferred pensions

5.—(1) In Part VI of Schedule B for paragraph 1A substitute—

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“1A. For the purposes of paragraph 1(b), it is to be assumed that the policeman had been in and would have continued in full-time service, whether or not he or she was in such service immediately before he or she became entitled to a deferred pension.”.

- (2) Omit paragraph 8A of Part I of Schedule J (part time service).
- (3) Omit “paragraph 1 of” in paragraph 3(2) of Part IV of Schedule J (periods to be completed in half years).

Entitlements by reference to pensionable service

6.—(1) Paragraph 8 of Part IV of Schedule J (part time service) is amended as follows.

(2) After sub paragraph (1) insert—

“(1A) In determining the number of years of pensionable service that the policeman is “entitled to reckon” or to have “completed” for the purposes of the provisions specified in sub paragraph (1C) (which relate to the service required for entitlements to arise), a period of service by virtue of which his or her pensionable service is reckonable is reckonable as if it were a period of full-time service.

(1B) But sub paragraph (1A) does not apply so as to affect any other references to pensionable service in those provisions.

(1C) The provisions referred to in sub paragraph (1A) are—

- (a) regulation B1(1), (5) and (6) (policeman’s ordinary pension);
- (b) regulation B2(1) and (3) (policeman’s short service award);
- (c) regulation B3(3)(a) (policeman’s ill-health award);
- (d) regulation B5(1) (policeman’s deferred pension);
- (e) regulation B7(4)(b) (commutation – general provision);
- (f) regulation B9(2), (4)(a)(iii) and (9) (allocation);
- (g) regulation C1(1) (widow’s ordinary pension);
- (h) regulation D1(c) (child’s ordinary allowance);
- (i) regulation I3(1) (awards on death of servicemen);
- (j) regulation K1(1)(b) (cancellation of ill-health and injury pensions);
- (k) regulation K3(a) (reduction of pension in case of default);
- (l) paragraphs 1 and 2 (excluding paragraph 2(a)) of Part IV of Schedule B (policeman’s short service or ill-health gratuity);
- (m) paragraph 3(2) of Part III of Schedule C (widow’s accrued pension); and
- (n) paragraph 3(1)(c) of Part I of Schedule D (child’s ordinary allowance).”.

(3) Insert “Subject to sub paragraph (1A),” at the beginning of sub paragraph (2).

(4) After sub paragraph (2) insert—

“(2A) Without prejudice to the proviso to regulation F6(4) and Section 2 of Part IV of Schedule F, for the purposes of Schedule B—

- (a) references to service by virtue of which the policeman’s pensionable service is reckonable as full-time include references to service credited—
 - (i) by virtue of regulation F4 or F5 in cases where payments are made under Part I of Schedule F; or
 - (ii) by virtue of regulation F6 (previous service reckonable under current interchange arrangements);

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and accordingly no period of such credited service is to be multiplied by the appropriate factor, and

- (b) where calculations are made by reference to the period that would be the period in years of a person's pensionable service if periods of part-time service were reckonable as if they were periods of full-time service, such credited pensionable service counts as if it were attributable to service that was full-time."

Surviving spouses' and children's awards and awards on death

7.—(1) Paragraph 4 of Part VI of Schedule J (part time service) is amended as follows.

(2) After sub paragraph (2) insert—

“(3) Subject to sub paragraph (5), sub paragraph (2) does not apply for the purposes of the provisions specified in sub paragraph (4), and for the purposes of those provisions the average pensionable pay of such a regular policeman is given by the formula—

$$\frac{P \times R}{Q}$$

where—

P is the amount that the average pensionable pay would be if sub paragraph (2) applied;

R is the period in years of his or her pensionable service; and

Q is the period that would be the period in years of his or her pensionable service if periods of part time service were reckonable as periods of full-time service.

(4) The provisions referred to in sub paragraph (3) are—

- (a) regulation C2(2)(b) (widow's special award);
- (b) regulation C3(2)(a) (widow's augmented award);
- (c) regulation C6(3) (widow's requisite benefit and temporary pension);
- (d) regulation C7(2)(b) (widow's award where no other award payable);
- (e) paragraph 1(1)(b) of Part I of Schedule C (widow's ordinary pension);
- (f) paragraph 1 of Part II of Schedule C (widow's special pension);
- (g) paragraph 2(a)(ii) of Part IV of Schedule C (widow's pension in case of post retirement marriage);
- (h) paragraph 1 of Part V of Schedule C (widow's requisite benefit pension);
- (i) paragraphs 1 and 2 of Part II of Schedule D (child's special allowance); and
- (j) paragraphs 1, 2 and 4 of Part I of Schedule E (dependent relative's special pension).

(5) If in a case where any of a policeman's service by virtue of which his or her pensionable service is reckonable was part time service, an award calculated in accordance with sub paragraphs (3) and (4) would be less than it would have been if he or she had become entitled to it at an earlier date, then that greater amount shall be substituted for it.

(6) If in a case where—

- (a) any of a former policeman's service by virtue of which his or her pensionable service is reckonable was part time service; and
- (b) that policeman has ceased to serve by the date on which the Police Pensions (Part time Service) Amendment (Scotland) Regulations 2005 come into force,

an award calculated in accordance with sub paragraphs (3) and (4) would be less than it would have been if those Regulations had not been made, then that greater amount shall be substituted for it.

(7) If in a case where any of a policeman's service by virtue of which his or her pensionable service is reckonable is part time service before the date on which the Police Pensions (Part time Service) Amendment (Scotland) Regulations 2005 come into force, an award calculated in accordance with sub paragraphs (3) and (4)(c) to (e), (g) or (h) would be less than it would have been if those Regulations had not been made, that greater amount shall be substituted for it.

(8) For the purposes of an award calculated in accordance with sub paragraphs (3) and (4)(a), (b), (f), (i) or (j), references in sub paragraphs (3), (5) (6) and (7) to a person's pensionable service shall in the case of a regular policeman who has made an election under regulation G4(1) include references to the pensionable service which would have been reckonable by him or her if he or she had not made such an election.”.