

### SCHEDULE 3

Regulation 4(8)

#### TRANSFER ELECTIONS UNDER REGULATION 4(8)

1. Where a police officer wishes to make a transfer election in accordance with regulation 4(8) he shall do so by giving written notice to the Board—

(a) in the case of an officer to whom these Regulations apply by virtue of regulation 4(2)(a)(iv) or (v), or to whom regulation 4(6) or (7) applies, or is such as is mentioned in regulation 4(8)(c), within such period of three months beginning no later than 1st January 2007 as the Secretary of State may determine, or such longer period as the Board may, by reason of exceptional circumstances in that officer's case, in their discretion allow, or

(b) in the case of an officer—

(i) to whom these Regulations apply by virtue of regulation 4(2)(a)(ii),

(ii) to whom these Regulations apply by virtue of regulation 4(2)(a)(iv) or (v) and who re-joined the police service on a date after that on which the period of three months mentioned in sub-paragraph (a) commenced,

(iii) who, for the purposes of regulation 4(6)(b), is treated as continuing to serve notwithstanding his dismissal and whose reinstatement following a successful appeal occurs on a date after that on which the period of three months mentioned in sub-paragraph (a) commenced, or

(iv) who is such as is mentioned in regulation 4(8)(c), and who rejoined the police service on a date after that on which the period of three months mentioned in sub-paragraph (a) commenced,

within the period of three months beginning on the date on which he first so rejoined the police service or, as the case may be, was reinstated (or such longer period as the Board may, by reason of exceptional circumstances in that officer's case, in their discretion allow).

2. A transfer election made in accordance with regulation 4(8) within the period of three months mentioned in sub-paragraph (a) of paragraph 1 (or such longer period as the Board may allow in accordance with that sub-paragraph) shall, in the case of an officer to whom regulation 4(6) applies, take effect as from 6th April 2006; but in the case of—

(a) such a transfer made by any other officer to whom paragraph 1(a) applies, or

(b) an officer such as is mentioned in paragraph 1(b),

the transfer election shall take immediate effect unless—

(c) in a case falling within paragraph 1(a), regulation 4(7) applies to the officer and he has made a transfer election before the cancellation of the election to stop paying contributions has come into effect, in which case the transfer election takes effect at the same time as the cancellation, or

(d) in a case falling within paragraph 1(a) or (b), regulation 4(2)(a)(ii) applies to the officer, in which case the transfer election takes effect in accordance with paragraph 9.

3. A police officer who makes such a transfer election shall, no later than the last day of the period of three months mentioned in paragraph 1(a) or (b), as the case may be (or such longer period as the Board may allow in accordance with paragraph 1), pay all pension contributions then payable by him under the 1988 Regulations, including any payment he has undertaken to make under regulation F4 or F5 (previous service reckonable on payment) of those Regulations, and all periodical contributions then payable by him under the Police Pensions (Purchase of Increased Benefits) Regulations 1988.

4. As from the date on which a police officer's transfer election takes effect, he may no longer pay pension contributions under the 1988 Regulations.

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5. As from the date on which such a transfer election takes effect, the total pensionable service the police officer concerned was entitled to reckon under the 1988 Regulations immediately before that date, calculated in accordance with paragraphs 6, 7 and 9, shall be reckonable as pensionable service for the purposes of these Regulations.

6. For the purposes of paragraph 5, the total pensionable service which a police officer was entitled to reckon immediately before that date shall be calculated by the Board as the sum of—

- (a) the pensionable service he was entitled to reckon under Part F of the 1988 Regulations at that time, multiplied by the appropriate conversion factor—
  - (i) where he has not yet attained the age of 55 years, applicable to his age next birthday at the notional commencement of pension contributions under the 1988 Regulations, or
  - (ii) where he has attained the age of 55 years, applicable to the number of years' qualifying service as a police officer he has completed as at the date on which his transfer election takes effect,

given in the following table—

TABLE OF CONVERSION FACTORS

<i>If under age 55 Age next birthday at notional commencement of pension contributions under 1988 Regulations</i>	<i>If aged 55 or above Number of years' qualifying service completed immediately before the date on which the transfer election takes effect</i>	<i>Periods with full spouse benefit</i>	<i>For female officers, periods with no spouse benefit</i>
25 and below	30	7/6ths	113%
26	29	115%	111%
27	28	113%	109%
28	27	111%	107%
29	26	108%	104%
30	25	105%	101%
31	24	102%	98%
32	23	99%	95%
33	22	96%	92%
34	21	92%	88%
35 and above	20 or fewer	88%	84%

and

- (b) in the case of a police officer who had elected to purchase increased benefits in accordance with the Police Pensions (Purchase of Increased Benefits) Regulations 1988<sup>(1)</sup>, such additional sixtieths as he would have been entitled to reckon under regulation 8(2) of the Police Pensions (Purchase of Increased Benefits) Regulations 1988

(1) S.R. 1988 No. 379; relevant amendments were made by S.R. 1990/411 S.R. 2004/384 and 2006/122

if, immediately before the date on which his transfer election takes effect, he had made an election under regulation G4 of the 1988 Regulations, multiplied by the conversion factor of 88%:

Provided that—

- (c) where a police officer has not paid the full amount due in accordance with paragraph 3 before the expiry of the period mentioned in that paragraph, the pensionable service he was entitled to reckon under the 1988 Regulations in respect of the period of service to which the contributions in question relate shall be the same proportion of that period of service as the amount which has been so paid bears to the total amount due; except that where the person concerned dies before the expiry of that period there shall be reckonable the full period of his pensionable service to which the amount due relates notwithstanding that the amount due has, in full or in part, not been paid in accordance with paragraph 3;
- (d) in the case of a pension debit member, his pension debit under the 1988 Regulations shall be multiplied by the conversion factor of 105% and shall be treated as a pension debit under regulation 33; and
- (e) for the purposes of these Regulations, the total pensionable service he was entitled to reckon under the 1988 Regulations shall not exceed 35 years.

7. In paragraph 6—

- (a) “age next birthday at the notional commencement of pension contributions under the 1988 Regulations”, in relation to a police officer, means the age he would attain on the birthday following the date on which he would have attained an exact age determined by subtracting the length of his qualifying service under the 1988 Regulations from his exact age on the date when he commenced paying contributions under these Regulations, where—
- (b) “qualifying service” and “qualifying service under the 1988 Regulations” mean the period in years he was entitled to reckon as pensionable service under the 1988 Regulations, except that where some or all of the service he was so entitled to reckon was part-time service it means the period in years he would have been entitled to reckon as pensionable service if in any period of part-time service he had served full-time.

8. A police officer to whom—

- (a) regulation 4(2)(a)(iv) or (v), (6), (7) or (8)(c) applies and who does not make a transfer election within the period mentioned in paragraph 1 (a) or (b), as the case may be, or
- (b) regulation 4(5) applies, and
- (c) who, in either case, is entitled to a deferred pension under regulation B5 of the 1988 Regulations,

and who does not make a transfer election within the period mentioned in paragraph 1(a) or (b), as the case may be, may make a transfer election by giving written notice to the Board at any time before his retirement.

(2) In such a case, the pensionable service he was entitled to reckon under the 1988 Regulations which is to be reckoned as pensionable service for the purposes of these Regulations shall be calculated and credited by the Board in accordance with tables and guidance issued for the purpose by the Scheme actuary, as if a transfer value had been received under regulation 12.

9. In the case of a police officer who, after making a transfer election in accordance with paragraph 1(b), makes an appropriate payment in accordance with regulation 10(1) in respect of a period of service as a police officer which ceased before the date on which that transfer election took effect, he shall be entitled to reckon as pensionable service for the purposes of these Regulations a period calculated by the Board by multiplying the period of pensionable service to which the appropriate payment relates by the appropriate conversion factor applicable to his age next birthday

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at the notional commencement of pension contributions under the 1988 Regulations, given in the table set out in paragraph 6.

10. In the case of a police officer whose transfer election has taken effect, regulation 23 (aggregate pension contributions for the purposes of repayment) shall have effect as if, in paragraph (2), for the words “he became a police officer” to the end, there were substituted the words “on which a transfer election made by him in accordance with the provisions of Schedule 3 took effect”.

11. In the case of a police officer who had allocated a portion of any pension to which he might become entitled in accordance with regulation B9 of the 1988 Regulations, such allocation shall have no further effect as from the date on which his transfer election takes effect.

12. As from the date on which a transfer election made by a police officer takes effect, entitlement to awards to or in respect of him under the 1988 Regulations shall cease, except for entitlement to pension credit benefits.

13. In relation to a police officer who makes a transfer election, regulation 55 (lump sum payments) shall have effect as if, for the words “he last began to serve as such” in paragraph (1) there were substituted the words “he made his transfer election under regulation 4(8)”.

14. A police officer by whom pension contributions are payable under regulation G2(1) of the 1988 Regulations may make a provisional declaration for the purposes of regulation 37(2) which shall be—

- (a) submitted to the Board no later than—
  - (i) the expiry of the last day of the period of three months mentioned in paragraph 1(a) (or of such longer period as the Board may allow in accordance with that paragraph), or
  - (ii) the day immediately before that on which he makes his transfer election, whichever shall first occur; and
- (b) be in the form specified in regulation 37(2).

15. A provisional declaration made in accordance with paragraph 14 shall, as from the date on which the transfer election in question takes effect, take effect as if it had been made on that date pursuant to regulation 37(2):

Provided that if a police officer who has made a provisional declaration in accordance with paragraph 14 does not make a transfer election within the period of three months mentioned in paragraph 1(a) (or such longer period as the Board may allow under paragraph 1) the provisional declaration shall cease to have effect as from the end of that period.

16. In the case of a police officer—

- (a) to whom these Regulations apply by virtue of regulation 4(2)(a)(v); or
- (b) to whom regulation 4(8)(c) applies,

and whose transfer election has taken effect, if a portion of his ill-health pension or deferred pension was commuted for a lump sum under regulation B7 of the 1988 Regulations, the proviso in regulation 25(2) shall have effect as if references to the previous lump sum payment and to the most recent lump sum included references to the lump sum paid by way of commutation.

17.—(1) If a police officer is ineligible for pension awards payable on the ground of permanent disablement under regulation G7 of the 1988 Regulations and is an officer to whom regulation 4(5), (6) or (7) applies, he may at the time of making his transfer election request by notice in writing given to the Board that his eligibility for pension awards payable on the ground of permanent disablement be redetermined by the Board in accordance with regulation 6.

(2) Where a police officer gives such notice as is mentioned in sub-paragraph (1), regulation 6 shall apply to him and his eligibility for pension awards payable on the ground of permanent disablement shall be determined by the police authority in accordance with that regulation, subject to any appeal in accordance with regulation 66; and if the Board determine under regulation 6(3) or 6(4) (as applicable) that the risk presented by that officer that he will retire on the ground that he is permanently disabled is such that the likely cost of providing him with benefits under these Regulations is not disproportionately high he shall be eligible for pension awards payable on the ground of permanent disablement from the date on which his transfer election took effect but only in respect of his pensionable service from that date.

(3) Where a police officer is eligible for pension awards payable on the ground of permanent disablement in accordance with sub-paragraph (2)—

- (a) regulation 26 shall apply to him from the date on which his transfer election took effect; and
- (b) in calculating his entitlement to any standard ill-health pension or any enhanced top-up ill-health pension the pensionable service he is entitled to reckon as at the date of his retirement shall only comprise service from the date on which his transfer election took effect.

(4) If, as a result of a determination and any appeal following that determination under sub-paragraph (2), the officer is ineligible for pension awards payable on the ground of permanent disablement for the purposes of these Regulations he may within 28 days of receiving notice of such ineligibility, elect to cancel his transfer election by notice in writing given to the Board.

(5) Where a police officer has elected to cancel his transfer election in accordance with paragraph (4), he shall be treated for all purposes as if the transfer election had not been made.

18.—(1) This sub-paragraph applies to a police officer who has made a transfer election in accordance with regulation 4(8) and who was ineligible for pension awards payable on the ground of permanent disablement under regulation G7 of the 1988 Regulations.

(2) A police officer to whom sub-paragraph (1) applies shall be ineligible for pension awards payable on the ground of permanent disablement in respect of the pensionable service he is entitled to reckon for the purposes of these Regulations under paragraphs 5 or 8, as applicable; and he shall remain so ineligible in respect of such pensionable service even if he subsequently makes an election under regulation 7(1) which is later cancelled under regulation 7(5)(6)(7)(8) or (9) or he retires or otherwise ceases to serve and subsequently rejoins his force or joins another force.

(3) Subject to paragraph 17, a police officer to whom sub-paragraph (1) applies shall also be ineligible for pension awards payable on the ground of permanent disablement for the purposes of these Regulations, as if he were so ineligible under regulation 6(5).