
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the following Regulations, as they have effect in Scotland: the Police Pensions Regulations 1987 (“the 1987 Regulations”), which provide for the superannuation of members of police forces, 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.

Regulation 1 provides for the citation, commencement and extent of the Regulations. The amendment relating to maternity leave made by paragraph 6 of Schedule 1 applies in relation to any period of maternity leave falling on or after 15th December 1999. Paragraphs 2 and 3 of Schedule 2 and associated changes in definitions have effect from 1st December 2002. Paragraph 6(b) of Schedule 2 has effect from 1st November 1999.

Regulation 2 introduces Schedule 1, which amends the 1987 Regulations in relation to an appeal in respect of an opinion on a medical question obtained by the police authority, and other ill-health issues. It replaces the existing provisions whereby such an appeal is determined by a single medical referee, and such appeal will now be determined by a board consisting of not less than 3 medical referees.

It also amends the procedures relating to retirement on grounds of ill-health and introduces a number of miscellaneous amendments.

In Schedule 1–

(1) Paragraph 1 amends regulation A9 so as to enable pensionable service to be apportioned for the purposes of regulation G6.

(2) Paragraph 2 amends the definition of permanent disablement to make it clear that disablement should be permanent despite appropriate medical treatment for the condition being applied.

(3) Paragraph 3 amends regulation A20 so as to require police authorities, before making their determination in accordance with the regulation, to give due consideration to all the circumstances, advice and information available to them.

(4) Paragraph 4 amends regulation B1(3) so as to entitle police officers who retire at the end of fixed term appointments to qualify for a pension under regulation B1, without the term having been extended or an extension having been refused.

(5) Paragraph 5 amends regulation F1 so as to increase the period of maternity leave which counts as pensionable service that is reckonable from 14 to 18 weeks.

(6) Paragraph 6 amends regulation G6 so as to enable payments to be made by women members to enhance widowers' awards, in cases where members with service before 17th May 1990 were not able to elect to make such payments under that regulation, because they were not paying contributions throughout the period of 3 months beginning on 1st April 1994, and did not resume paying them within 2 years of ceasing to do so. Following the amendment such elections may be made within the period of 3 months beginning with the date on which these Regulations come into force if the woman's contributions became payable again on or before that date, or, if they became payable again on a later date, within the period of 3 months of that date.

(7) Paragraph 7 amends regulation H1 so that a police authority may refer medical questions to a board of doctors rather than to one individual doctor. Questions as to whether a person's disablement is the result of an injury received in the execution of duty, and as to the degree of a

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person's disablement, remain to be referred to a doctor who shall express his findings in a certificate. Questions as to whether a person is disabled, and as to whether the disablement is likely to be permanent, are to be referred to a doctor who shall express his findings in a report. If both categories of question are referred, the findings are to be expressed in a report. A person who is the subject of a medical report shall automatically be entitled to see a copy of it, rather than having to request it within a limited timescale.

(8) Paragraph 8 amends regulation H2 so that a person who is dissatisfied with a medical report may appeal to an independent person appointed by the Scottish Ministers, and makes fresh provision on the submission of written evidence relating to an appeal.

(9) Paragraph 9 makes consequential changes to refer to the board of doctors in place of one individual doctor.

(10) Paragraph 10 makes minor changes so that all references to a certificate of a medical practitioner for the purposes of regulation H2(3) also include a report.

(11) Paragraph 11 amends regulation H5 enables a police authority and a claimant by agreement to seek a reconsideration of a medical authority's decision, without the need for fresh evidence. Sub-paragraph (4) provides that where a claimant has given notice of appeal under regulation H2, the police authority may, with the consent of the claimant, refer a decision back to the medical practitioner for reconsideration, rather than proceeding immediately to an appeal hearing, by notifying the Scottish Ministers.

(12) Paragraph 12 amends regulation H6 so that a member of a home police force may appeal to the Sheriff Court against a decision of the police authority as to whether a refusal to accept medical treatment is reasonable.

(13) Paragraph 13 clarifies that an overseas policeman, an inspector of constabulary and a central police officer may appeal to an appeal tribunal appointed by the Scottish Ministers against a decision by the Scottish Ministers, acting as the police authority, as to whether a refusal to accept medical treatment is reasonable.

(14) Paragraph 14 makes consequential changes to the Glossary of Expressions in the 1987 regulations.

(15) Paragraph 15 confirms the structure of the board of medical referees, the appeal process and the provisions on costs.

Regulation 3 introduces Schedule 2 which amends the AVC Regulations.

In Schedule 2—

(1) Paragraph 1 amends the definition in regulation 2 so that The Equitable Life Assurance Society ("the Society") and The Standard Life Assurance Company are each an "approved additional voluntary contributions provider".

(2) The amendments in paragraphs 2 to 4 enable the contributor to select such a provider for the investment of his contributions instead of the contributions having to be invested with the Society. The amendments of regulations 12 and 15 made by paragraphs 7 and 8 are consequential on this.

(3) Paragraph 5 introduces an addition to the current regulation 10A under which contributors may request that their investments be transferred from the approved voluntary contributions provider chosen by them, so that they are held outside the scheme constituted by the AVC Regulations.

(4) Paragraph 6 amends regulation 11 so that a participator who retires on or after 1st November 1999 may make an election as to his pension at any time before his 75th birthday, and his retirement annuity may be purchased from any insurance company he specifies under that regulation, instead of from the list of pension providers in Schedule 1 to the AVC Regulations.