

EXPLANATORY MEMORANDUM

The Police Pensions (Amendment) Regulations 2004 2004 No. 1491

**This explanatory memorandum is laid before Parliament
by Command of Her Majesty**

**This memorandum contains information for House of Lords Select Committee
on the Merits of Statutory Instruments**

Department responsible: Home Office

1. This instrument will, subject to annulment in pursuance of a resolution of either House, come into force on 1st July 2004 and make revisions to the Police Pensions Regulations 1987 (S.I. 1987/257). The revisions mainly relate to the system of police medical appeal boards which was introduced on 10 November 2003. Other amendments deal with unpaid parental leave and transfer values.

Legislative Background:

2. The instrument is made under sections 1 to 7 of the Police Pensions Act 1976 as amended. Certain of the amendments made by the Regulations take effect retrospectively as permitted by section 1(5) of the Act.

Extent:

3. The instrument applies to England and Wales.

European Convention on Human Rights:

4. In the view of the Minister of State for the Home Department, Hazel Blears, the provisions of the instrument are compatible with the Convention Rights.

Policy background:

5. The amendments made by Part 1 of the Schedule relate to the new system of police medical appeal boards which replaced the appeal to a medical referee with effect from 10th November 2003. The amendments are backdated to that date.
6. A new Schedule H to the 1987 Regulations, which sets out the medical appeals procedure is substituted by paragraph 7 of Part 1 of the Schedule: covering the composition of the board, the time scales for the hearing date and for the submission of evidence, and the payment of appeal board costs.
7. Regulation 3 is a transitional provision making clear that the new system applies only to medical appeals notified to the Secretary of State on or after 10th November 2003: appeals in progress before that date will continue to be dealt with under the existing system.
8. Paragraph 10 of Part 2 of the Schedule amends regulation F10 of the 1987 regulations to reduce from 2 years to 3 months the period of pensionable service a member of the police pension scheme must accrue before becoming eligible for a transfer of the value of his pension fund to another pension scheme. This change comes into force on 1st July 2004.
9. Paragraphs 8, 9, 11 and 12 of Part 2 of the Schedule make a number of changes to ensure that the provisions for making pensionable time spent on unpaid parental leave are the same as those already in place for unpaid maternity leave. These amendments are backdated to 1st April 2003. Regulation 4 makes transitional provision relating to periods of unpaid parental leave which occurred before the commencement of these Regulations.
10. Part 3 of the Schedule corrects typographical errors in regulation K4(1). The amendment is backdated to 1st April 2002.
11. Part 4 of the Schedule amends regulation F1 so as to increase the period of maternity leave which counts as pensionable service that is reckonable from 18 to 26 weeks.

Consultation:

12. In accordance with the provisions of Section 1 of the Police Pensions Act 1976 this instrument was sent in draft to the Police Negotiating Board for consultation. The instrument was amended in the light of some of the responses received from the Police Negotiating Board.

Impact:

13. No Regulatory Impact Assessment has been prepared because no impact on the private or voluntary sector is foreseen. The instrument is not expected to have any additional impact on public sector resources since the increase in the cost of an appeal before a board of three medical referees compared with the cost of an appeal to a single referee will be more than offset by the greater consistency of decisions by boards, which should also feed through to underpin higher standards in police occupational health care in general.

Contact:

14. Further information on this instrument can be obtained from:

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