

SCHEDULE 2

PART 1

MODIFICATIONS OF PUBLIC GENERAL ACTS

Police Pensions Act 1976

12.—(1) The Police Pensions Act 1976 is modified as follows.

(2) Section 7(2) (payment of pensions and contributions) is modified as follows—

- (a) in paragraph (ba), for “section 12A(2) of the Police (Scotland) Act 1967” substitute “engaged on temporary service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012 with any person engaged in activity outwith the United Kingdom”;
- (b) in paragraph (bb)(1), omit the words “or, as the case may be, section 38A of the Police (Scotland) Act 1967”;
- (c) for paragraph (cg), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(2), substitute—
 - “(cfa) a constable of the Police Service of Scotland engaged on any of the following kinds of temporary service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012—
 - (i) service in accordance with section 72(1)(b) or 73(1)(b) of the Police and Fire Reform (Scotland) Act 2012 as an assistant inspector of constabulary or, as the case may be, as a staff officer of the inspectors of constabulary;
 - (ii) service under the Crown in connection with research or other services connected with the police provided by the Scottish Ministers;
 - (iii) service with the Scottish Ministers in connection with their functions under Part 5 or 8 of the Proceeds of Crime Act 2002(3);
 - (iv) service in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002(4);
 - (v) service as a member of staff of SOCA; or
 - (vi) service in the Police Service of Northern Ireland;
 - (cfb) a person (other than a constable of the Police Service of Scotland) who—
 - (i) is serving as member of the Scottish Police Authority’s staff in accordance with arrangements made under paragraph 7(1) of schedule 1 to the Police and Fire Reform (Scotland) Act 2012; and
 - (ii) immediately before beginning such service, is or is eligible to be a member of a pension scheme provided for under section 1 above”;
- (d) omit paragraphs (ch), (ci), (cj) and (ck), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(5).

(1) 1976 c.35. Paragraphs (ba) and (bb) were inserted by the Police and Magistrates’ Courts Act 1994 (c.29), Schedule 5, paragraph 19 and amended by the Police Act 1996 (c.16), Schedule 7, paragraph 29.

(2) S.I. 2007/1098.

(3) 2002 c.29.

(4) 2002 c.30.

(5) S.I. 2007/1098, Schedule 1, Part 1, paragraph 2(2).

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(3) In section 11 (interpretation)—

(a) in subsection (1)—

- (i) in paragraph (aa), for “section 12A(2) of the Police (Scotland) Act 1967” substitute “engaged on temporary service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012 with any person engaged in activity outwith the United Kingdom”;
- (ii) in paragraph (ab)(6), omit the words “or, as the case may be, section 38A of the Police (Scotland) Act 1967”;
- (iii) for paragraph (bg), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(7), substitute—
 - “(bfa) any of the following kinds of temporary service by a constable of the Police Service of Scotland in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012—
 - (i) service as a member of the Scottish Police Authority’s staff in accordance with arrangements made under paragraph 7(1) of schedule 1 to the Police and Fire Reform (Scotland) Act 2012;
 - (ii) service in accordance with section 72(1)(b) or 73(1)(b) of the Police and Fire Reform (Scotland) Act 2012 as an assistant inspector of constabulary or, as the case may be, as a staff officer of the inspectors of constabulary;
 - (iii) service under the Crown in connection with research or other services connected with the police provided by the Scottish Ministers;
 - (iv) service with the Scottish Ministers in connection with their functions under Part 5 or 8 of the Proceeds of Crime Act 2002;
 - (v) service in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002;
 - (vi) service as a member of staff of SOCA; or
 - (vii) service in the Police Service of Northern Ireland;
 - (bfb) service by a person (other than a constable of the Police Service of Scotland) as a member of the Scottish Police Authority’s staff in accordance with arrangements made under paragraph 7(1) of schedule 1 to the Police and Fire Reform (Scotland) Act 2012 who, immediately before beginning such service, is or is eligible to be a member of a pension scheme provided for under section 1 above;”;
- (iv) omit sub-paragraphs (bh), (bi), (bj) and (bk), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007; and
- (v) in sub-paragraph (c), omit the words from “or (as the case may be) section 38A of the Police (Scotland) Act 1967”;

(b) in subsection (2)(8)—

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- (6) Paragraphs (aa) and (ab) were inserted by the Police and Magistrates’ Courts Act 1994 (c.29), Schedule 5, paragraph 20 and amended by the Police Act 1996 (c.16), Schedule 7, paragraph 30.
 - (7) S.I. 2007/1098, Schedule 1, Part 1, paragraph 2(3)(a).
 - (8) Subsection (2) was inserted by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 132 and modified by S.I. 2011/3019, Schedule 2, paragraph 41.

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- (i) in the definition of “police pension authority”, for paragraph (d) substitute—
“(d) the Scottish Police Authority.”; and
- (ii) in the definition of “pension supervising authority”, for paragraph (b) substitute—
“(b) the Scottish Police Authority.”;
- (c) in subsection (2A)(9)—
 - (i) in paragraph (b), after “(b),” insert “(bfa)(vii),”;
 - (ii) in paragraph (ba), for “section 38A(1)(aa) of the Police (Scotland) Act 1967 (c.77)” substitute “mentioned in subsection (1)(bfa)(v) above”;
 - (iii) in paragraph (c), for “section 38A(1)(bc) of the Police (Scotland) Act 1967” substitute “mentioned in subsection (1)(bfa)(vi)”;
 - (iv) omit paragraph (g);
 - (v) after paragraph (i)(10) insert—
“; and
(j) in relation to any service such as is mentioned in subsection (1)(bfa)(ii), (iii) or (iv), “police pension authority” and “pension supervising authority” means the Scottish Ministers.”;
- (d) in subsection (3)(11)—
 - (i) for “Police (Scotland) Act 1967” substitute “Police Service of Scotland”;
 - (ii) in paragraph (b) for “(bg), (bh), (bi), (bj), (bk),” substitute “(bfa), (bfb)”;
- (e) in subsection (5)(12), in the definition of “central service”, omit paragraph (b) and the words “(as the case may require)” which immediately follow that paragraph.

(9) Subsection (2) was renumbered to subsection (2A) and amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 2, paragraph 41.

(10) Paragraph (i) was inserted into section 11(2A) of the Police Pensions Act 1976 (c.35) by S.I. 2012/2954, article 2(3)(c).

(11) Subsection (3) has been amended by the Police and Magistrates’ Courts Act 1994 (c.29), Schedule 5, paragraph 20(4)(a) and (b), the Police Act 1996 (c.16), Schedule 7, paragraph 30(2)(c), the Criminal Justice and Police Act 2001 (c.16), section 126(4), the Police and Justice Act 2006 (c.48), Schedule 15, paragraphs 1 and 59 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 2, S.I. 2010/899, article 2(3)(c)(i) and (ii).

(12) Subsection (5) has been amended by the Police Act 1996 (c.16), Schedule 7, paragraph 30(5), the Police Act 1997 (c.50), Schedule 9, paragraph 33, the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 31 and the Police and Justice Act 2006 (c.48), Schedule 15, paragraph 1.