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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 33**

**POLICE  
PENSIONS**

**The Police Pensions (Amendment) (Scotland) Regulations 2020**

*Made* - - - - - *18th February 2020*  
*Laid before the Scottish*  
*Parliament* - - - - - *20th February 2020*  
*Coming into force* - - - - - *31st March 2020*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1 and 3 of the Police Pensions Act 1976<sup>(1)</sup>, section 1(1) and (2)(g) and section 3(3)(b) and paragraph 7(b) of schedule 2 of the Public Service Pensions Act 2013<sup>(2)</sup> and all other powers enabling them to do so.

In accordance with section 1(1) of the Police Pensions Act 1976 and section 21(1) of the Public Service Pensions Act 2013, the Scottish Ministers consulted the Police Negotiating Board for the United Kingdom and such persons (or representatives of such persons) as appeared to the Scottish Ministers likely to be affected by these Regulations.

**PART 1**

**Introductory**

**Citation, commencement and effect**

**1.—(1)** These Regulations may be cited as the Police Pensions (Amendment) (Scotland) Regulations 2020.

- (2) These Regulations come into force on 31 March 2020 but—
- (a) regulations 5 and 8 have effect from 5 December 2005,
  - (b) regulations 3 and 9 have effect from 3 April 2011,

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(1) [1976 c. 35](#); Section 1(1) was amended by section 2(3) of the Police Negotiating Board Act [1980 \(c.10\)](#). The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by [S.I. 1999/1750](#). The requirement for consent by the Minister for the Civil Service was transferred to the Treasury by [S.I. 1981/1670](#) and that consent is not required for the exercise by the Scottish Ministers of the transferred functions in accordance with section 63(2) of the Scotland Act [1998 \(c.46\)](#).

(2) [2013 c.25](#). Section 3(3) enables scheme regulations to make retrospective provision.

- (c) regulation 12 has effect from 1 April 2015, and
- (d) regulation 7 has effect from 1 January 2020.

## PART 2

### CHAPTER 1

#### Police Pensions Regulations 1987

#### **Amendments to the Police Pensions Regulations 1987**

- 2. The Police Pensions Regulations 1987(3) are amended in accordance with regulations 3 to 5.

#### **Amendments to regulation F1**

- 3. In regulation F1 (reckoning of pensionable service)(4)—
  - (a) in paragraph (1)(db), for “, unpaid adoption support leave or unpaid maternity support leave” substitute “or unpaid adoption support leave”,
  - (b) after paragraph (1)(db) insert—
    - “(dc) any period of unpaid maternity support leave taken on or after 3 April 2011 in respect of which the conditions specified in paragraph (1B) are not satisfied;”,
  - (c) in paragraph (1B), in the opening words, for “paragraphs (c), (da) and (db)” substitute “paragraphs (c) to (dc)”.

#### **Amendments to regulation G6**

- 4. In regulation G6 (payments by women to enhance widowers’ awards)(5)—
  - (a) after paragraph (1A) insert—
    - “(1B) But an election under this regulation which is made by virtue of the amendments to these Regulations by the Police Pensions (Amendment) (Scotland) Regulations 2020 may secure the counting of pensionable service before 6th April 1988 irrespective of whether an election to which paragraph (1A) applies was previously made.”,
  - (b) in paragraph (3)—
    - (i) omit the “or” at the end of sub-paragraph (g), and
    - (ii) at the end of the paragraph insert—
      - “; or
      - (i) in the case of a woman who was entitled to make an election under paragraph (1) and to whom at least one of sub-paragraphs (e) to (h) applies, who elects to secure the counting of pensionable service before 6th April 1988 (not being service which is already the subject of an election to enhance her surviving spouse or surviving civil partner

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(3) [S.I. 1987/257](#).

(4) Relevant amendments to regulation F1 were made by regulation 2(3) of [S.I. 1988/1339](#), regulations 2 and 3(1) of [S.S.I. 2000/193](#) and regulation 6 of [S.S.I. 2019/68](#); there are other amendments not relevant to this instrument.

(5) Relevant amendments to regulation G6 were made by regulation 2 of [S.S.I. 2003/406](#), regulation 2 of [S.S.I. 2006/285](#), regulation 20 of [S.S.I. 2010/85](#), and regulation 9 of [S.S.I. 2016/75](#); there are other amendments not relevant to this instrument.

- award), the date on which the Police Pensions (Amendment) (Scotland) Regulations 2020 come into force.”,
- (c) in paragraph (4A), for “or (h)” substitute “, (h) or (i)”.

### **Amendments to Schedule C**

- 5.—(1) In Part I (widow’s ordinary pension) of Schedule C (widow’s awards)(6)—
- (a) in paragraph 1, omit sub-paragraphs (2B) and (2C),
  - (b) in paragraph 3, omit “of a woman”.
- (2) In Part III (“widow’s accrued pension”) of Schedule C—
- (a) in paragraph 1, omit sub-paragraphs (1B) and (1C),
  - (b) in paragraph 3(4), omit “of a woman”.
- (3) In Part IV (widow’s pension in case of post-retirement marriage) of Schedule C, omit paragraphs 5 and 6.
- (4) In Part V (widow’s requisite benefit pension) of Schedule C—
- (a) in paragraph 1—
    - (i) in sub-paragraph (a), omit “, subject to paragraph 1A,”,
    - (ii) omit the “and” following sub-paragraph (a),
    - (iii) omit sub-paragraph (b).
  - (b) omit paragraph 1A.

### **Transitional provisions**

- 6.—(1) Paragraph (2) applies where—
- (a) unpaid maternity support leave has been taken, and
  - (b) the period specified in regulation F1(1D)(a) of the Police Pension Regulations 1987 within which notice in writing must be given has ended, or will end, on or before 27 May 2020.
- (2) Regulation F1(1D)(a) has effect as if notice must be given—
- (a) on or before 27 May 2020, or
  - (b) where the police authority is satisfied that it was not reasonably practicable to give notice on or before that date, on or before 27 February 2021.

## **CHAPTER 2**

### **Police Pensions (Additional Voluntary Contributions) Regulations 1991**

#### **Amendments to the Police Pensions (Additional Voluntary Contributions) Regulations 1991**

- 7.—(1) The Police Pensions (Additional Voluntary Contributions) Regulations 1991(7) are amended in accordance with paragraph (2).
- (2) In regulation 2 (interpretation)(8), in paragraph (3), in the definition of “approved additional voluntary contributions provider”, for “or The Standard Life Assurance Company” substitute “, The Standard Life Assurance Company or Utmost Life and Pensions Limited”.

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(6) Relevant amendments to schedule C were made by regulation 2 of [S.S.I. 2006/285](#), and regulations 12, 13, 14 and 15 of [S.S.I. 2016/75](#); there are other amendments not relevant to this instrument.

(7) [S.I. 1991/1304](#).

(8) Relevant amendments to regulation 2 were made by regulation 3 of [S.S.I. 2003/406](#); there are other amendments not relevant to this instrument.

## CHAPTER 3

### Police (Injury Benefit) (Scotland) Regulations 2007

#### **Amendments to the Police (Injury Benefit) (Scotland) Regulations 2007**

**8.**—(1) The Police (Injury Benefit)(Scotland) Regulations 2007(**9**) are amended in accordance with paragraph (2).

(2) In regulation 13 (adult survivor’s special award)(**10**) omit paragraphs (11) and (12).

## CHAPTER 4

### Police Pensions (Scotland) Regulations 2007

#### **Amendments to the Police Pensions (Scotland) Regulations 2007**

**9.**—(1) The Police Pensions (Scotland) Regulations 2007(**11**) are amended in accordance with paragraph (2).

(2) In regulation 10 (reckoning of pensionable service)(**12**)—

(a) in paragraph (1)(ba), for “, unpaid adoption support leave or unpaid maternity support leave” substitute “or unpaid adoption support leave”,

(b) omit the “or” at the end of paragraph (1)(ba),

(c) after paragraph (1)(ba) insert—

“(bb) any period of unpaid maternity support leave taken on or after 3<sup>rd</sup> April 2011 in respect of which the conditions specified in paragraph (2) are not satisfied; or”,

(d) in paragraph (2), in the opening words for “paragraphs (1)(a) and (b)” substitute “paragraphs (1)(a) to (bb)”.

#### **Transitional provision**

**10.**—(1) Paragraph (2) applies where—

(a) unpaid maternity support leave has been taken, and

(b) the period specified in regulation 10(4)(a) of the Police Pensions (Scotland) Regulations 2007 within which notice in writing must be given has ended, or will end, on or before 27 May 2020.

(2) Regulation 10(4)(a) of the Police Pensions (Scotland) Regulations 2007 has effect as if notice must be given—

(a) on or before 27 May 2020, or

(b) where the police pension authority is satisfied that it was not reasonably practicable to give notice on or before that date, on or before 27 February 2021.

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(9) [S.S.I. 2007/68](#).

(10) Relevant amendments to regulation 13 were made by regulation 25 of [S.S.I. 2016/75](#); there are other amendments not relevant to this instrument.

(11) [S.S.I. 2007/201](#).

(12) Relevant amendments to regulation 10 were made by regulation 41 of [S.S.I. 2019/68](#).

## CHAPTER 5

### Police Pension Scheme (Scotland) Regulations 2015

#### **Amendments to the Police Pension Scheme (Scotland) Regulations 2015**

**11.**—(1) The Police Pension Scheme (Scotland) Regulations 2015<sup>(13)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 94 (annual rate of ill-health pension under this scheme)—

(a) in paragraph (4) in the definition of “final pay” after “regulation 149” insert—

“but where a member was in part-time service at any time during the 12 months ending with the last day of pensionable service, or the earnings year, the amount of the member’s pensionable earnings is adjusted by increasing it to the amount payable as if the member had been in full-time service for that period.”,

(b) in paragraph (5) in the definition of “final pay” after “ regulation 149” insert—

“but where a member was in part-time service at any time during the 12 months ending with the last day of pensionable service, or the earnings year, the amount of the member’s pensionable earnings is adjusted by increasing it to the amount payable as if the member had been in full-time service for that period.”.

(3) In regulation 160(1) (rate of member contributions)<sup>(14)</sup> for “For scheme years falling between 1st April 2015 and 31 March 2020, an” substitute “An”.

St Andrew’s House,  
Edinburgh  
18th February 2020

*BEN MACPHERSON*  
Authorised to sign by the Scottish Ministers

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<sup>(13)</sup> S.S.I. 2015/142.

<sup>(14)</sup> Relevant amendments to regulation 160 were made by regulation 56 of S.S.I. 2019/68.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This Order amends the Police Pensions Regulations 1987 (“the 1987 Regulations”), the Police Pensions (Additional Voluntary Contributions) Regulations 1991 (“the 1991 Regulations”), the Police (Injury Benefit) (Scotland) Regulations 2007 (“the 2007 Injury Benefit Regulations”), the Police Pensions (Scotland) Regulations 2007 (“the 2007 Regulations”), and the Police Pension Scheme (Scotland) Regulations 2015 (“the 2015 Regulations”).

Regulation 3 allows police officers who are members of the scheme constituted by the 1987 Regulations to make contributions to buy pensionable service in relation to any period of unpaid maternity support leave during the period from 3 April 2011 to 1 September 2014. Regulation 9 makes equivalent provision in relation to police officers who are members of the scheme constituted by the 2007 Regulations. Transitional provision is made by regulations 6 and 10 in this regard. These amendments have effect from 3 April 2011.

The effect of the amendments made by regulations 4 and 5 is to bring the benefits under the scheme constituted by the 1987 Regulations payable to survivors of civil partnerships and same sex marriages into line with the benefits payable to widows of different-sex marriages. Regulation 8 makes a corresponding amendment to the 2007 Injury Benefit Regulations. Women police officers who paid lower contributions in anticipation of lower survivor benefits are enabled to elect to pay additional contributions to be able to access these higher survivor benefits. Regulations 5 and 8 have effect from the date from which civil partnerships were introduced, being 5 December 2005.

The effect of the amendment made by regulation 7 is to add Utmost Life and Pensions Limited to the list of approved additional voluntary contributions providers specified in the 1991 Regulations.

The amendments made by regulation 11(2) bring the benefits payable under the 2015 Regulations to officers with part-time service qualifying for ill-health pensions into line with those payable under the 2007 Regulations, and have effect from 1 April 2015. The amendments made by regulation 11(3) remove the current time limit after which the rates of member contributions specified in the 2015 Regulations cease to apply.

No business and regulatory impact assessment has been produced for this instrument as no impact on business, charities or voluntary bodies is foreseen.