

2017 No.

PUBLIC SERVICE PENSIONS

**The Police Pension Scheme (Scotland) Amendment Regulations
2017**

Made - - - -

Laid before the Scottish Parliament

Coming into force - - - - *-20 December 2017*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by 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(a) and all other powers enabling them to do so.

In accordance with section 21(1) of that Act, the Scottish Ministers consulted the representatives of such persons as appeared to the Scottish Ministers likely to be affected by these Regulations.

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Police Pension Scheme (Scotland) Amendment Regulations 2017.

(2) These Regulations come into force on 20 December 2017 but regulation has effect from 1st April 2015.

Amendment of the Police Pension Scheme (Scotland) Regulations 2015

2. The Police Pension Scheme (Scotland) Regulations 2015(b) are amended as follows.

3. In regulation 2 (interpretation)—

(a) in paragraph (a) of the definition of “index adjustment”, for “that” substitute “the previous”; and

(b) after the definition of “sending scheme”, insert—

““shared parental leave” means—

(a) for a person in service in the police force, leave of that description taken in accordance with a determination under regulation 25(7) of the 2013 Regulations;

(b) for any other person, any period of equivalent leave taken by the person;”.

4. In regulation 16 (interpretation of Chapter), before the definition of “automatic re-enrolment date” insert—

(a) 2013 c.25; section 3(3)(b) enables scheme regulations to make retrospective provision.

(b) S.S.I. 2015/142, amended by S.S.I. 2015/325.

““automatic enrolment date” has the meaning given by section 3(7) of the Pensions Act 2008(a);”.

5. In regulation 17 (automatic enrolment), after “day of eligible service” insert “or on P’s automatic enrolment date”.

6. After regulation 17, insert—

“Exceptions

17A.—(1) Where the employer considers that the circumstances specified in regulation 5B, 5C or 5D of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(b) apply in relation to an officer, the employer may choose under section 3(2) or 5(2) of the Pensions Act 2008 not to enrol the officer on that person’s enrolment date or automatic re-enrolment date.

(2) In such a case, the employer is to be treated as having satisfied the duty in section 3(2) or 5(2) of the Pensions Act 2008.”.

7. In regulation 20 (automatic re-enrolment), in paragraph (2) at the end insert “and the employer has not made the choice referred to in regulation 17A(1)”.

8. In regulation 22 (opting out before the end of the initial period of eligible service) —

(a) after sub-paragraph (a) of paragraph (1) insert—

“(aa) before the end of 3 months after the automatic enrolment date (or within any longer period the scheme manager considers appropriate);” and

(b) after paragraph (2) insert—

“(2A) If paragraph (1)(aa) applies, P is taken not to have been in pensionable service under this scheme.”.

9. In regulation 23 (opting out after the initial period of eligible service), after paragraph (1)(b)(i) insert—

“(ia) 3 months or more after P’s automatic enrolment date;”.

10. In regulation 25 (pensionable earnings during a period of assumed pay), in paragraph (2)(a) after “maternity leave,” insert “paid shared parental leave,”.

11. In regulation 37 (calculation of “retirement index adjustment”), in paragraph (b) in the definition of “A” in paragraph (2), for “in-service revaluation index” substitute “index adjustment”.

12. In regulation 41 (actuarial reduction on early payment of pension)—

(a) after paragraph (3), insert—

“(3A) In a case where an active member or a deferred member has after [*date of commencement*] transferred under regulation 186 the member’s accrued rights to benefits under another police pension scheme, the early payment reduction is calculated—

(a) by applying in relation to those accrued rights the early payment reduction which would have applied if the member had remained in the other police pension scheme; and

(b) in accordance with paragraph (3) in relation to the member’s remaining rights to benefits.”; and

(b) in paragraph (4), after “early payment reduction” insert “, other than in paragraph (3A)(a),”.

(a) 2008 c.30; section 3(7) was amended by the Pensions Act 2011 (c.19), section 6(1)

(b) S.I. 2010/772; regulations 5B to 5D were added by S.I. 2015/501.

13. After regulation 51, insert—

“Ill-health pension ceases to be payable

51A. Where an ill-health pension ceases to be payable under Part 7 and the pensioner member re-enters pensionable service—

- (a) the scheme manager must close the retirement account;
- (b) the scheme manager must re-establish the active member’s account and credit it with an amount equal to the annual rate of lower tier ill-health pension payable when the ill-health award was first made;
- (c) the scheme manager must make entries in the active member’s account as if, during the gap in pensionable service, the member—
 - (i) was in pensionable service under this scheme; but
 - (ii) received no pensionable pay.”.

14. After regulation 55, insert—

“Account established after ill-health pension ceases to be payable

55A. If a lower tier ill-health pension ceases to be payable to a person (P) under Part 7 and P does not re-enter pensionable service—

- (a) a deferred member’s account must be established; and
- (b) that account must be credited with an amount equal to the annual rate of the lower tier ill-health pension payable immediately before the lower tier ill-health pension ceased to be payable.”.

15. For regulation 125 (Meaning of “surviving adult partner”), substitute—

“Meaning of “surviving adult partner”

125.—(1) For the purposes of these Regulations, a person is a surviving adult partner in relation to a member if, at the date of the member’s death, that person is—

- (a) the spouse or civil partner of the member;
- (b) cohabiting with the member and—
 - (i) is not married or in a civil partnership with that member,
 - (ii) is not the spouse or civil partner of any other person,
 - (iii) could enter into a marriage or civil partnership under the law of Scotland with the member but has not done so,
 - (iv) is financially dependent on the scheme member, or is, with the scheme member, in a state of mutual financial dependency, and
 - (v) is in a long-term relationship with the scheme member.

(2) In paragraph (1), “long-term relationship” means a relationship that has continued for a period of at least two years ending with the date on which the question of the person’s status in relation to the member falls to be considered, or such shorter period as the scheme manager may in any particular case think fit.”.

16. In regulation 146(1) for “must” substitute “may”.

17. In regulation 158 (amount of pensionable earnings), in paragraph (5) after “maternity leave,” insert “paid shared parental leave,”.

18. In regulation 162 (option to pay member contributions for period of unpaid leave), after paragraph (1)(b) insert—

“(ba) unpaid shared parental leave;”.

19. In regulation 178 (interpretation of Chapter), in the definition of “transfer date” for “earlier” substitute “later”.

20. In schedule 3 (payments for added pension), in paragraph 9(4) after “maternity leave,” insert “paid shared parental leave,”.

A member of the Scottish Government

St Andrew’s House,
Edinburgh

2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous amendments to the Police Pension Scheme (Scotland) Regulations 2015.