

**2015 No. 174**

**PENSIONS**

**The Police Pensions (Amendment) (Scotland) Regulations 2015**

*Made* - - - - *21st April 2015*

*Laid before the Scottish Parliament* *21st April 2015*

*Coming into force* - - *20th May 2015*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1 of the Police Pensions Act 1976(a) and all other powers enabling them to do so.

In accordance with section 1(1) of that Act, they have consulted with the Police Negotiating Board for the United Kingdom(b).

**Citation, commencement, effect and extent**

1.—(1) These Regulations may be cited as the Police Pensions (Amendment) (Scotland) Regulations 2015 and come into force on 20th May 2015.

(2) These Regulations have effect from 22nd May 2014.

(3) These Regulations extend to Scotland only.

**Amendment of the Police Pensions Regulations 1987**

2. In regulation B7 (commutation – general provision) of the Police Pensions Regulations 1987(c)—

(a) in paragraph (1), for “and (7)” substitute “, (7) and (7A)”;

(b) in paragraph (7), after “Actuary” insert “(except as provided for in paragraphs (7A) and (7B))”; and

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(a) 1976 c.35. Section 1 was amended by section 2(3) of the Police Negotiating Board Act 1980 (c.10), section 1(1) of the Police and Firemen’s Pensions Act 1997 (c.52) and paragraph 129 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c.13). These powers were extended by section 42 of the Welfare Reform and Pensions Act 1999 (c.30). The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750), article 2 and Schedule 1. The requirement for consent by the Minister for the Civil Service under section 1 was transferred to the Treasury by virtue of S.I. 1981/1670, and such consent is not required in the exercise by the Scottish Ministers of the transferred functions by virtue of S.I. 1999/1750 and section 63 of the Scotland Act 1998 (c.46).

(b) See section 61 of the Police Act 1996 (c.16) and section 2(3) of the Police Negotiating Board Act 1980 (c.10), which substituted the Police Negotiating Board for the United Kingdom for the Police Council for the United Kingdom. Section 131 of the Anti-social Behaviour, Crime and Policing Act 2014 (c.12) abolishes the Police Negotiating Board, but this provision remains to be commenced in relation to Scotland.

(c) S.I. 1987/257; regulation B7 has been amended by S.S.I. 2001/459, S.S.I. 2007/68, S.S.I. 2008/387 and S.S.I. 2010/85.

(c) after paragraph (7), insert—

“(7A) Paragraph (7B) applies in a case where—

- (a) a person’s date of retirement falls after 21st May 2014 and before 1st April 2022;  
and
- (b) the lump sum calculated under paragraph (7) (ignoring the proviso) would have been greater had it been calculated from tables prepared by the Scheme Actuary for the purposes of this regulation as it has effect in England.

(7B) The lump sum payable under paragraph (7) (before application of any reduction) is the greater sum calculated on the basis referred to in paragraph (7A)(b) and, for the purposes of paragraph (4)(b), that is to be treated as the sum calculated in accordance with paragraph (7).”.

St Andrew’s House,  
Edinburgh  
21st April 2015

*JOHN SWINNEY*  
A member of the Scottish Government

## **EXPLANATORY NOTE**

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

These Regulations amend regulation B7 of the Police Pensions Regulations 1987. A special rule is provided for calculating the lump sum payable in respect of commuting a portion of pension in a case where a police officer retires between 22nd May 2014 and 31st March 2022.

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