
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 486

The Police Pensions Amendment (Scotland) Regulations 2004

Retrospective effect in certain cases

5.—(1) In relation to a case where a person transferred from the British Transport Police Force to become a regular policeman on or after 1st February 2001, but before 1st December 2004, and either—

- (a) the British Transport Police Force Superannuation Fund has prior to 1st December 2004 paid to the police authority concerned a transfer value in respect of that transfer, and his pensionable service in respect of his former service would if recalculated in accordance with the amendments made by these Regulations, satisfy the condition stated in paragraph (4); or
- (b) no such payment has been made prior to 1st December 2004, but the regular policeman applies in writing to the police authority by 30th November 2005 for such a transfer payment to be accepted, and for the period of pensionable service in respect of his former service to be calculated in accordance with the amendments made by these Regulations,

then paragraphs 6 and 15 of the Schedule to these Regulations have effect in relation to that regular policeman from 1st February 2001⁽¹⁾.

(2) In relation to a case where—

- (a) a person transferred from the British Transport Police Force to become a regular policeman on or after 30th April 1998, but before 1st February 2001, and either—
 - (i) the British Transport Police Force Superannuation Fund has prior to 1st December 2004 paid to the police authority concerned a transfer value in respect of that transfer and that policeman applies to that authority by 28th February 2005 for his pensionable service in respect of his former service to be recalculated in accordance with the amendments made by these Regulations, in circumstances where the condition stated in paragraph (4) applies; or
 - (ii) no such payment has been made prior to 1st December 2004 but the policeman applies to the police authority concerned by 28th February 2005 for such a transfer payment to be accepted and for the period of pensionable service in his former service to be calculated in accordance with the amendments made by these Regulations; and
- (b) the police authority concerned agree to such a recalculation or calculation as the case may be;

then paragraphs 6 and 15 of the Schedule to these Regulations have effect in relation to that regular policeman from 30th April 1998.

(3) In relation to any other case where a person transfers from the British Transport Police Force to become a regular policeman on or after 1st December 2004, paragraphs 6 and 15 have effect from 1st December 2004.

⁽¹⁾ Retrospective effect is permitted by section 1 (5) of the Police Pensions Act 1976.

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

(4) The condition mentioned in paragraphs (1)(a) and (2)(a)(i) is that the period of pensionable service reckonable in respect of the policeman's former service as a result of recalculation, as if the transfer value had been a transfer payment accepted in accordance with the amendments made by these Regulations, is no less than the period already reckonable.

(5) References in paragraphs (1)(a) and (2)(a)(i) to the recalculation of pensionable service in respect of a regular policeman's former service include references to a recalculation of any resulting award to him or in respect of him, in accordance with the amendments made by these Regulations, where he has ceased to be a regular policeman, and the reference in paragraph (2)(a)(i) to an application by that policeman shall include an application by or on behalf of the person who is entitled to such an award.

(6) The requirements in paragraphs (1)(b) and (2)(a)(i) and (ii) for an application to be made by a particular date shall be met if—

- (a) the police authority are satisfied that there is good cause why the application could not be made by that date;
- (b) the application is made by such later date as the police authority specify; and
- (c) the administrators of the British Transport Police Force Superannuation Fund agree that the requirement may be met by that later date.