

EXECUTIVE NOTE

The Police Pensions Amendment (Scotland) Regulations 2006 SSI/2006/285

The above instrument is made in exercise of the powers conferred by section 1 of the Police Pensions Act 1976 (as amended). Functions under that Act as regards Scotland have been executively devolved to the Scottish Ministers. The instrument is subject to negative resolution procedure. The amendments include retrospective effect which is permitted by section 1(5) of the Act. The instrument makes amendments to both the Police Pension Regulations 1987 (SI 1987/257) and the Police Pensions (Additional Voluntary Contributions) Regulations 1991 (SI 1991/1304). The instrument applies only to Scotland.

Policy Objectives

The amendments make provision for there to be the same range of survivor benefits in respect of police officers who form civil partnerships as of officers who marry. This results from the requirements set in place by the Civil Partnership Act 2004. The amendments also include a provision specifying that any request by a police officer wishing to opt back into the current pension scheme had to be done no later than 5 April 2006. A new police pension scheme has been introduced from 6 April 2006 and any election made by a police officer to rejoin the pension scheme will only apply to the new scheme. Police officers appointed from 6 April become members of the new scheme unless they elect not to be a member.

Regulation 1 provides that the amendments relating to civil partners shall be backdated to 5th December 2005, the date on which the Civil Partnership Act 2004 came into force. Forces have been instructed by means of a Scottish Public Pensions Agency police circular to apply these provisions administratively in the interim. The amendment relating to opting back into the Police Pension Scheme comes into effect on 5 April 2006.

Although survivor benefits for civil partners will be restricted to reckonable service accrued from 6 April 1988, paragraph 9 of the Schedule amends regulation G6 of the Police Pensions Regulations 1987 to provide women officers with a further chance to pay extra contributions to up-rate the pre-1990 service for the purpose of these benefits. A similar opportunity was offered previously to women to buy back pre 1990 service for widowers' benefits and any such pre-1990 service which has already been up-rated for widowers' benefits will count for surviving civil partners' benefits as well. However, it is recognised that some women may not have wanted to take advantage of regulation G6 before, on the basis that it benefited married officers only. This provision allows for a full three-month election period for opting to make such payments commencing from when this amendment regulation comes into force.

Regulation 3 and Schedule 2 provide that survivor benefits received as a result of additional voluntary contributions are payable to surviving civil partners as well as widows and widowers.

Consultation

In accordance with the provisions of section 1 of the Police Pensions Act 1976 this instrument was sent in draft to the Police Negotiating Board for consultation. The Regulations have been the subject of consultation with other Government departments and interested parties. The Home Office has already made similar changes to the Police Pension Regulations 1987 and Police Pensions (Additional Voluntary Contributions) Regulations 1991 in England and Wales.

Financial Effects

No Regulatory Impact Assessment has been prepared because no impact on the private or voluntary sector is foreseen.

An assessment of the financial impact to public sector pension schemes was included in the regulatory impact assessment published with the Civil Partnership Act 2004. The impact from the cost of extending survivor benefits to include civil partners and from providing survivor benefits on the basis of service from 1988 depends on the take-up of civil partnerships. The final Regulatory Impact assessment for the Civil Partnership Act 2004 can be viewed at <http://www.dti.gov.uk/access/ria/pdf/ria-civilpartnerships2004.pdf>

It should also be noted that the instrument will also strengthen the attractiveness of the police service to a more diverse workforce and help in its modernisation.