
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 201

The Police Pensions (Scotland) Regulations 2007

PART 1

GENERAL PROVISIONS

Citation, commencement, effect and extent

1.—(1) These Regulations may be cited as the Police Pensions (Scotland) Regulations 2007 and come into force on 30th March 2007 but have effect from 6th April 2006⁽¹⁾ subject to paragraph (2).

(2) The following regulations have effect from 30th March 2007—

(a) regulation 13(3)(b); and

(b) regulation 78(7).

(3) These Regulations extend to Scotland only.

Meaning of certain expressions and references – general provision

2. In these Regulations—

(a) the expressions contained in the glossary set out in Schedule 1 shall be construed as provided in that Schedule;

(b) any reference to a member of a police force, however expressed, includes a reference to a person who has been such a member; and

(c) any reference to an award, however expressed, is a reference to an award under these Regulations.

Meaning of certain expressions in relation to persons who are not members of a home police force

3.—(1) For the purposes of these Regulations, an inspector of constabulary or a police officer engaged on relevant service shall be deemed to be a member of a home police force; and any reference to such a person transferring from one force to another, however expressed, shall be construed accordingly.

(2) In relation to an inspector of constabulary or an officer engaged on relevant service, any reference in these Regulations to the police authority shall be construed as a reference to the Scottish Ministers.

Disablement

4.—(1) A reference in these Regulations to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision and to that disablement being at that time likely to be permanent.

(1) Retrospective effect is permitted by section 1(5) of the Police Pensions Act 1976 (c. 35).

(2) For the purposes of deciding if a person’s disablement is likely to be permanent, that person shall be assumed to receive normal appropriate medical treatment for the disablement, and in this paragraph “appropriate medical treatment” shall not include medical treatment that it is reasonable in the opinion of the police authority for that person to refuse.

(3) Subject to paragraph (4), disablement means inability, occasioned by infirmity of mind or body, to perform the ordinary duties of a member of a police force or, as the case may be, to engage in any regular employment otherwise than as a regular police officer, except that in relation to a child survivor or an adult survivor of a member of a police force it means inability, occasioned by infirmity of mind or body, to earn a living.

(4) Where a person has retired or otherwise ceased to serve as a regular police officer before becoming disabled and the date on which that person becomes disabled cannot be ascertained, it shall be taken to be the date on which the claim that that person is disabled is first made to the police authority.

(5) In this regulation, “infirmity” means a disease, injury or medical condition, and includes a mental disorder, injury or condition.

Transfers

5. A reference to a regular police officer transferring from one force to another shall be construed as a reference to a regular police officer—

- (a) leaving a home police force for the purpose of joining another home police force as a regular police officer and joining that other force in that capacity, where—
 - (i) not being the chief constable of, or a constable on probation in, the force first mentioned in this paragraph, the person leaves that force after giving a month’s notice in writing of their intention to do so to the police authority of that force, or such shorter period of notice as may have been accepted by that authority; or
 - (ii) being the chief constable of, or a constable on probation in, that force, the person leaves that force with the written consent of the chief constable or, in the case of the chief constable, of the police authority of that force; or
- (b) at the end of a period of relevant service joining another home police force as a regular police officer subject, in the case of a person who was, at the time they left the home police force in which that person was serving immediately before engaging on that period of relevant service, the chief constable of that force, to their doing so with the written consent of the police authority of that force.