

SCHEDULE 3

Regulation 6(8)

TRANSFER ELECTIONS UNDER REGULATION 6(8)

1. Where a regular police officer wishes to make a transfer election in accordance with regulation 6(8) the officer shall do so by giving written notice to the police authority—

- (a) in the case of an officer to whom these Regulations apply by virtue of regulation 6(2)(a)(iv) or (v), or to whom regulation 6(6) or (7) applies, or is such as is mentioned in regulation 6(8)(c), within such period of 3 months beginning no later than 1st January 2007 as the Scottish Ministers may determine, or such longer period as the police authority may, by reason of exceptional circumstances in that officer's case, in their discretion allow; or
- (b) in the case of an officer—
 - (i) to whom these Regulations apply by virtue of regulation 6(2)(ii);
 - (ii) to whom these regulations apply by virtue of regulation 6(2)(a)(iv) or (v) and who rejoined that officer's force or joined another force on a date after that on which the period of 3 months mentioned in sub-paragraph (a) commenced;
 - (iii) who for the purposes of regulation 6(6)(b) is treated as continuing to serve notwithstanding that officer's dismissal or requirement to resign and whose reinstatement following a successful appeal occurs on a date after that on which the period of 3 months mentioned in sub-paragraph (a) commenced; or
 - (iv) who is such as is mentioned in regulation 6(8)(c) and who rejoined that officer's force on a date after that on which the period of months mentioned in sub-paragraph (a) commenced,

within the period of 3 months beginning on the date on which the officer first so rejoined that officer's force or joined another force or, as the case may be, was reinstated (or such longer period as the police authority may, by reason of exceptional circumstances in that officer's case, in their discretion allow).

2. A transfer election made in accordance with regulation 6(8) within the period of 3 months mentioned in paragraph 1(a) (or such longer period as the police authority may allow in accordance with paragraph 1(a)) shall, in the case of an officer to whom regulation 6(6) applies, take effect as from 6th April 2006; but in the case of—

- (a) such a transfer made by any other officer to whom paragraph 1(a) applies; or
- (b) an officer such as is mentioned in paragraph 1(b),

the transfer election shall take immediate effect unless—

- (c) in a case falling within paragraph 1(a), regulation 6(7) applies to the officer and the officer has made a transfer election before the cancellation of the election to stop paying contributions has come into effect, in which case the transfer election takes effect at the same time as the cancellation; or
- (d) in a case falling within paragraph 1(a) or (b), regulation 6(2)(a)(ii) applies to the officer, in which case the transfer election takes effect in accordance with paragraph 9.

3. A regular police officer who makes such a transfer election shall, no later than the last day of the period of 3 months mentioned in paragraph 1(a) or (b), as the case may be (or such longer period as the police authority may allow in accordance with paragraph 1), pay all pension contributions then payable by that officer under the 1987 Regulations, including any payment the officer has undertaken to make under regulation F4 or F5 (previous service reckonable on payment) of those Regulations, and all periodical contributions then payable by that officer under the Police Pensions (Purchase of Increased Benefits) Regulations 1987.

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4. As from the date on which a regular police officer’s transfer election takes effect, the officer may no longer pay pension contributions under the 1987 Regulations.

5. As from the date on which such a transfer election takes effect, the total pensionable service the regular police officer concerned was entitled to reckon under the 1987 Regulations immediately before the said date, calculated in accordance with paragraphs 6, 7 and 9, shall be reckonable as pensionable service for the purposes of these Regulations.

6. For the purposes of paragraph 5, the total pensionable service which a regular police officer was entitled to reckon immediately before that date shall be calculated by the police authority as the sum of–

- (a) the pensionable service the officer was entitled to reckon under Part F of the 1987 Regulations at that time, multiplied by the appropriate conversion factor–
 - (i) where the officer has not yet attained the age of 55 years, applicable to that officer’s age next birthday at the notional commencement of pension contributions under the 1987 Regulations; or
 - (ii) where the officer has attained the age of 55 years, applicable to the number of years’ qualifying service as a regular police officer the officer has completed as at the date on which that officer’s transfer election takes effect,

given in the following table–

TABLE OF CONVERSION FACTORS

<i>If under age 55</i>	<i>If aged 55 or above</i>	<i>Periods with full spouse benefit</i>	<i>For female officers, periods with no spouse benefit</i>
<i>Age next birthday at the notional commencement of pension contributions under 1987 Regulations</i>	<i>Number of years’ qualifying service completed immediately before the date on which the transfer election takes effect</i>		
25 and below	30	7/6ths	113%
26	29	115%	111%
27	28	113%	109%
28	27	111%	107%
29	26	108%	104%
30	25	105%	101%
31	24	102%	98%
32	23	99%	95%
33	22	96%	92%
34	21	92%	88%
35 and above	20 or fewer	88%	84%

and

- (b) in the case of a regular police officer who had elected to purchase increased benefits in accordance with the Police Pensions (Purchase of Increased Benefits) Regulations 1987(1), such additional 60ths as that officer would have been entitled to reckon under regulation 8(2) of the Police Pensions (Purchase of Increased Benefits) Regulations 1987 if, immediately before the date on which that officer's transfer election takes effect, that officer had made an election under regulation G4 of the 1987 Regulations, multiplied by the conversion factor of 88%:

Provided that—

- (a) where a regular police officer has not paid the full amount due in accordance with paragraph 3 before the expiry of the period mentioned in that paragraph, the pensionable service the officer was entitled to reckon under the 1987 Regulations in respect of the period of service to which the contributions in question relate shall be the same proportion of that period of service as the amount which has been so paid bears to the total amount due; except that where the person concerned dies before the expiry of that period there shall be reckonable the full period of that officer's pensionable service to which the amount due relates notwithstanding that the amount due has, in full or in part, not been paid in accordance with paragraph 3;
- (b) in the case of a pension debit member, that officer's pension debit under the 1987 Regulations shall be multiplied by the conversion factor of 105% and shall be treated as a pension debit under regulation 36; and
- (c) for the purposes of these Regulations, the total pensionable service the officer was entitled to reckon under the 1987 Regulations shall not exceed 35 years.

7. In paragraph 6—

“age next birthday at the notional commencement of pension contributions under the 1987 Regulations”, in relation to a regular police officer, means the age that officer would attain on the birthday following the date on which that officer would have attained an exact age determined by subtracting the length of that officer's qualifying service under the 1987 Regulations from that officer's exact age on the date when that officer commenced paying contributions under these Regulations, where—

“qualifying service” and “qualifying service under the 1987 Regulations” mean the period in years the officer was entitled to reckon as pensionable service under the 1987 Regulations, except that where some or all of the service the officer was so entitled to reckon was part-time service it means the period in years that officer would have been entitled to reckon as pensionable service if in any period of part-time service that officer had served full-time.

8.—(1) A regular police officer to whom—

- (a) regulation 6(2)(a)(iv) or (v), (6), (7) or (8) (c) applies and who does not make a transfer election within the period mentioned in paragraph 1(a) or (b), as the case may be; or
- (b) regulation 6(5) applies; and
- (c) who, in either case, is entitled to a deferred pension under regulation B5 of the 1987 Regulations, and who does not make a transfer election within the period mentioned in paragraph 1(a) or (b), as the case may be,

may make a transfer election by giving written notice to the police authority at any time before that officer's retirement.

(1) S.I. 1987/2215; relevant amendments were made by S.I. 1990/805, 2002/3202, 2004/2354 and 2005/1439.

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(2) In such a case, the pensionable service the officer was entitled to reckon under the 1987 Regulations which is to be reckoned as pensionable service for the purposes of these Regulations shall be calculated and credited by the police authority in accordance with tables and guidance issued for the purpose by the Scheme actuary, as if a transfer value had been received under regulation 15(1).

9. In the case of a regular police officer who, after making a transfer election in accordance with paragraph 1(b), makes an appropriate payment in accordance with regulation 13(1) in respect of a period of service as a regular police officer which ceased before the date on which that transfer election took effect, the officer shall be entitled to reckon as pensionable service for the purposes of these Regulations a period calculated by the police authority by multiplying the period of pensionable service to which the appropriate payment relates by the appropriate conversion factor applicable to that officer's age next birthday at the notional commencement of pension contributions under the 1987 Regulations, given in the table set out in paragraph 6.

10. In the case of a regular police officer whose transfer election has taken effect, regulation 26 (aggregate pension contributions for the purposes of repayment) shall have effect as if, in paragraph (2), for "the officer became a regular police officer" to "taken to have begun", there were substituted "on which a transfer election made by that officer in accordance with the provisions of Schedule 3 took effect".

11. In the case of a regular police officer who had allocated a portion of any pension to which that officer might become entitled in accordance with regulation B9 of the 1987 Regulations, such allocation shall have no further effect as from the date on which that officer's transfer election takes effect.

12. As from the date on which a transfer election made by a regular police officer takes effect, entitlement to awards to or in respect of that officer under the 1987 Regulations shall cease, except for entitlement to pension credit benefits.

13. In relation to a regular police officer who makes a transfer election, regulation 58 (lump sum payments) shall have effect as if, for "the officer last began to serve as such" in paragraph (1), there were substituted "the officer made their transfer election under regulation 6(8)".

14. A regular police officer by whom pension contributions are payable under regulation G2(1) of the 1987 Regulations may make a provisional declaration for the purposes of regulation 40(2) which shall be—

- (a) submitted to the police authority of the force in which the officer is serving, no later than—
 - (i) the expiry of the last day of the period of 3 months mentioned in paragraph 1(a) (or of such longer period as the police authority may allow in accordance with that paragraph); or
 - (ii) the day immediately before that on which the officer makes their transfer election, whichever shall first occur; and
- (b) be in the form specified in regulation 40(2).

15. A provisional declaration made in accordance with paragraph 14 shall, as from the date on which the transfer election in question takes effect, take effect as if it had been made on that date pursuant to regulation 40(2):

Provided that if a regular police officer who has made a provisional declaration in accordance with paragraph 14 does not make a transfer election within the period of 3 months mentioned in paragraph 1(a) (or such longer period as the police authority may allow under paragraph 1) the provisional declaration shall cease to have effect as from the end of that period.

16. In the case of a regular police officer—

- (a) to whom these Regulations apply by virtue of regulation 6(2)(a)(v); or

(b) to whom regulation 6(8)(c) applies,

and whose transfer election has taken effect, if a portion of that officer's ill-health pension or deferred pension was commuted for a lump sum under regulation B7 of the 1987 Regulations, the proviso to regulation 28(1)(b) and regulation 28(2) shall have effect as if references to the previous lump sum payment (in the proviso to regulation 28(1)(b)) and to the most recent lump sum payment (in regulation 28(2)) included references to the lump sum paid by way of commutation.

17.—(1) If a regular police officer is ineligible for pension awards payable on the ground of permanent disablement under regulation G7 of the 1987 Regulations and is an officer to whom regulation 6(5), (6) or (7) applies, that officer may at the time of making that officer's transfer election request by notice in writing given to the police authority that that officer's eligibility for pension awards payable on the ground of permanent disablement be redetermined by the police authority in accordance with regulation 8.

(2) Where a regular police officer gives such notice as is mentioned in sub-paragraph (1), regulation 8 shall apply to that officer and that officer's eligibility for pension awards payable on the ground of permanent disablement shall be determined by the police authority in accordance with that regulation, subject to any appeal in accordance with regulation 70; and if the police authority determine under regulation 8(3) or 8(4) (as applicable) that the risk presented by that officer that that officer will retire on the ground that that officer is permanently disabled is such that the likely cost of providing that officer with benefits under these Regulations is not disproportionately high that officer shall be eligible for pension awards payable on the ground of permanent disablement from the date on which that officer's transfer election took effect but only in respect of that officer's pensionable service from that date.

(3) Where a regular police officer is eligible for pension awards payable on the ground of permanent disablement in accordance with sub-paragraph (2)—

(a) regulation 29 shall apply to that officer from the date on which that officer's transfer election took effect; and

(b) in calculating that officer's entitlement to any standard ill-health pension or any enhanced top-up ill-health pension the pensionable service that officer is entitled to reckon as at the date of that officer's retirement shall only comprise service from the date on which that officer's transfer election took effect.

(4) If, as a result of a determination and any appeal following that determination under sub-paragraph (2), the officer is ineligible for pension awards payable on the ground of permanent disablement for the purposes of these Regulations that officer may within 28 days of receiving notice of such ineligibility, elect to cancel that officer's transfer election by notice in writing given to the police authority.

(5) Where a regular police officer has elected to cancel that officer's transfer election in accordance with paragraph (4), that officer shall be treated for all purposes as if the transfer election had not been made.

18.—(1) This sub-paragraph applies to a regular police officer who has made a transfer election in accordance with regulation 6(8) and who was ineligible for pension awards payable on the ground of permanent disablement under regulation G7 of the 1987 Regulations.

(2) A regular police officer to whom sub-paragraph (1) applies shall be ineligible for pension awards payable on the ground of permanent disablement in respect of the pensionable service that officer is entitled to reckon for the purposes of these Regulations under paragraphs 5 or 8, as applicable; and that officer shall remain so ineligible in respect of such pensionable service even if that officer subsequently makes an election under regulation 9(1) which is later cancelled under regulation 9(5) or that officer retires or otherwise ceases to serve and subsequently rejoins that officer's force or joins another force.

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(3) Subject to paragraph 17, a regular police officer to whom sub-paragraph (1) applies shall also be ineligible for pension awards payable on the ground of permanent disablement for the purposes of these Regulations, as if that officer were so ineligible under regulation 8(5).