

2013 No. 184

POLICE

PENSIONS

**The Police Reform (Pensions Amendments) (Scotland)
Regulations 2013**

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| <i>Made</i> - - - - | <i>29th May 2013</i> |
| <i>Laid before the Scottish Parliament</i> | <i>31st May 2013</i> |
| <i>Coming into force</i> - - | <i>1st July 2013</i> |

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).

PART 1

General

Citation, commencement, effect and extent

1.—(1) These Regulations may be cited as the Police Reform (Pensions Amendments) (Scotland) Regulations 2013.

(2) These Regulations come into force on 1st July 2013 and, subject to paragraph (3), have effect from 1st April 2013.

(3) Regulations 12(e), 17(a) and 23(c) have effect from 1st October 2012.

(4) These Regulations extend to Scotland only.

(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). The functions of the Secretary of State under the Act as regards Scotland are transferred to Scottish Ministers by article 2 of and Schedule 1 to S.I. 1999/1750. The requirement for consent by the Minister for the Civil Service under section 1 of the Act was transferred to the Treasury by virtue of S.I. 1986/1670 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). See also the definition of "police force" in section 11(3) of the Police Pensions Act 1976, as relevantly amended by paragraph 12(3)(d)(i) of Schedule 2 to S.I. 2013/602.

(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 Police Council for the United Kingdom.

PART 2

Amendment of the Police Pensions Regulations 1987

General

2. The Police Pensions Regulations 1987(a) are amended in accordance with regulations 3 to 12.

Regulation A6

3. In regulation A6 (meaning of certain expressions)(b), omit paragraphs (5G) to (5I).

Regulation A15

4. Omit regulation A15 (alterations in police areas).

Regulation A16

5. In regulation A16 (transfers), omit paragraphs (a) and (e).

Regulation A17

6. In regulation A17 (retirement)(c), in paragraph (1)(a) for the words from “section 26” to “2006” substitute “section 48 of the 2012 Act”.

Regulation B1

7. In regulation B1(3) (policeman’s ordinary pension)—

- (a) in sub-paragraph (b), for “regulation 11 of the Police (Scotland) Regulations 2004(d)” substitute “regulation 7 of the Police Service of Scotland Regulations 2013(e)”; and
- (b) in sub-paragraph (d), for “section 4(4)(d) of the Police (Scotland) Act 1967(f)” substitute “section 14 of the 2012 Act”.

Regulation B2

8. In regulation B2 (policeman’s short service award), in paragraph (1)(c) for “section 4(4)(d) of the Police (Scotland) Act 1967” substitute “section 14 of the 2012 Act”.

Regulation E8

9. In regulation E8 (increase of widow’s pension or child’s allowance during first 13 weeks)(g), in paragraph (2A)(b) after “2004” insert “or regulation 26 of the Police Service of Scotland Regulations 2013”.

Regulation F3

10. In regulation F3 (previous service reckonable without payment)(h), in paragraph (1)(e) for “section 38A(3) of the Police (Scotland) Act 1967” substitute “section 15(5) of the 2012 Act”.

(a) S.I. 1987/257.

(b) Relevant amending instrument is S.S.I. 2011/154.

(c) Relevant amending instrument is S.S.I. 2011/154.

(d) S.S.I. 2004/257.

(e) S.S.I. 2013/35.

(f) 1967 c.77.

(g) Relevant amending instruments are S.S.I. 2008/387, 2010/85 and 2011/154.

(h) Relevant amending instrument is S.S.I. 2010/85.

Regulation H6

11. In regulation H6 (appeal by overseas policeman, inspector of constabulary or central police officer), in paragraph (10)(b) for “section 33 or 34 of the Police (Scotland) Act 1967” substitute “section 71 or 72 of the 2012 Act”.

Schedule A

12. In Schedule A (glossary of expressions)(a)—

(a) after the definition of “the 1999 Act”, add—

““the 2012 Act” means the Police and Fire Reform (Scotland) Act 2012(b);”;

(b) in the definition of “central police officer”, for “section 38(1) of the Police (Scotland) Act 1967” substitute “section 15(5) of the 2012 Act”;

(c) in the definition of “central service”, for “section 38A(1)(b) or (bc) of the Police (Scotland) Act 1967” substitute—

“any of the following kinds of temporary service in pursuance of section 15 of the 2012 Act—

(a) service in accordance with section 72(1)(b) or 73(1)(b) of the 2012 Act as an assistant inspector of constabulary or, as the case may be, as a staff officer of the inspectors of constabulary;

(b) service under the Crown in connection with research or other services connected with the police provided by the Scottish Ministers; or

(c) service as a member of staff of SOCA;”;

(d) in the definition of “chief officer of police”, omit the words from “and in relation” to “General”;

(e) in the definition of “home police force”, at the end insert “or the Police Service of Scotland”;

(f) in the definition of “maternity leave”, for “has the same meaning as in regulation 4(1) of the Police (Scotland) Regulations 2004” substitute “means leave taken in accordance with a determination under regulation 33(7) of the Police (Scotland) Regulations 2004 or under regulation 25(7) of the Police Service of Scotland Regulations 2013”;

(g) in the definition of “member of a police force”, omit paragraph (h) and the word “and” immediately before it;

(h) in the definition of “parental leave”, after “2004” insert “, regulation 25(8)(b) of the Police Service of Scotland Regulations 2013”;

(i) in the definition of “part-time service”, for the words from “regulation 8A” to “1976” substitute “regulation 3 of the Police Service of Scotland Regulations 2013”;

(j) in the definition of “police authority”, omit the words from “, and accordingly” to the end;

(k) omit the definition of “a police member of SCDEA” and the definition relating to “Police Operating Account” and “Police Pension Account” ;

(l) in the definition of “regular policeman”—

(i) omit paragraph (g); and

(ii) in paragraph (h), for the words from “accordance” to the end substitute “pursuance of section 15 of the 2012 Act with any person engaged in activity outwith the United Kingdom”;

(m) omit the definition of “SCDEA”;

(a) Relevant amending instruments are S.I. 1997/1429 and S.S.I. 2010/232 and 2011/154.

(b) 2012 asp 8.

- (n) in the definition of “sick leave”, after “2004” insert “, regulation 25(5) of the Police Service of Scotland Regulations 2013”; and
- (o) omit the definition of “SPSA”.

PART 3

Amendment of the Police (Injury Benefit) (Scotland) Regulations 2007

General

13. The Police (Injury Benefit) (Scotland) Regulations 2007(a) are amended in accordance with regulations 14 to 17.

Regulation 3

14. In regulation 3 (meaning of certain expressions)(b), omit paragraphs (7) and (8).

Regulation 6

15. In regulation 6(6) (injury received in the execution of duty), omit the words from “and in this paragraph” to the end.

Regulation 42

16. In regulation 42(1) (accounts out of which and into which payments are to be made)(c), omit the words from “and are to be paid” to the end.

Schedule 1

17. In Schedule 1 (glossary of expressions)(d)—

- (a) in the definition of “home police force”, at the end insert “or the Police Service of Scotland”;
- (b) in the definition of “member of a police force”, omit paragraph (e) and the word “and” immediately before it;
- (c) omit the definitions of “police member of SCDEA” and “Police Operating Account”;
- (d) in the definition of “regular police officer”, omit all the words which come after the end of paragraph (e);
- (e) in the definition of “relevant service”, for the words from “has the” to “1967” substitute “means temporary service under section 15 of the Police and Fire Reform (Scotland) Act 2012”; and
- (f) omit the definitions of “SCDEA” and “SPSA”.

(a) S.S.I. 2007/68.

(b) Relevant amending instrument is S.S.I. 2011/154.

(c) Relevant amending instrument is S.S.I. 2010/232.

(d) Relevant amending instruments are S.S.I. 2008/387, 2010/232 and 2011/154.

PART 4

Amendment of the Police Pensions (Scotland) Regulations 2007

General

18. The Police Pensions (Scotland) Regulations 2007(a) are amended in accordance with regulations 19 to 23.

Regulation 3

19. In regulation 3 (meaning of certain expressions)(b)—

- (a) in paragraph (1), omit “, or a police member of SCDEA”; and
- (b) omit paragraph (5).

Regulation 5

20. In regulation 5 (transfers)(c), omit paragraphs (a) and (b).

Regulation 17

21. In regulation 17 (retirement), in paragraph (1)(d)—

- (a) for “within the meaning of section 4(4)(d) of the Police (Scotland) Act 1967”, substitute “under section 14 of the 2012 Act”; and
- (b) omit “in question”.

Regulations 87 and 88

22. Omit regulations 87 (alterations in police areas) and 88 (chief constables affected by alterations in police areas).

Schedule 1

23. In Schedule 1 (glossary of expressions)(d)—

- (a) after the definition of “the 1999 Act”, add—
 - ““the 2012 Act” means the Police and Fire Reform (Scotland) Act 2012;”;
- (b) in the definition of “chief constable”, for “section 3 of the Police (Scotland) Act 1967” substitute “section 99(1) of the 2012 Act”;
- (c) in the definition of “home police force”, at the end insert “or the Police Service of Scotland”;
- (d) in the definition of “maternity leave”, for “has the same meaning as in regulation 4(1) of the Police (Scotland) Regulations 2004” substitute “means leave taken in accordance with a determination under regulation 33(7) of the Police (Scotland) Regulations 2004 or under regulation 25(7) of the Police Service of Scotland Regulations 2013”;
- (e) in the definition of “parental leave”, after “2004” insert “, regulation 25(8)(b) of the Police Service of Scotland Regulations 2013”;
- (f) in the definition of “part-time service”, omit “or as a police member of SCDEA”;

(a) S.S.I. 2007/201.

(b) Relevant amending instrument is S.S.I. 2011/154.

(c) Relevant amending instruments are S.S.I. 2008/387 and 2010/85.

(d) Relevant amending instruments are S.S.I. 2010/232 and 2011/154.

- (g) for the definition of “police authority”, substitute—
 ““police authority” means the Scottish Police Authority;”;
- (h) omit the definition of “a police member of SCDEA” and the definition relating to “Police Operating Account” and “Police Pension Account”;
- (i) in the definition of “regular police officer”, omit “a police member of SCDEA,”;
- (j) in the definition of “relevant service”, for the words from “has the” to “1967” substitute “means temporary service under section 15 of the 2012 Act”; and
- (k) omit the definitions of “SCDEA” and “SPSA”.

PART 5

Revocation

The Police Pension Account (Scotland) Regulations 2010

- 24.** The Police Pension Account (Scotland) Regulations 2010(a) are revoked.

St Andrew’s House,
Edinburgh
29th May 2013

JOHN SWINNEY
A member of the Scottish Government

(a) S.S.I. 2010/232.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend various pensions instruments so as to make changes consequential on the creation of the Police Service of Scotland and the Scottish Police Authority. The instruments are the Police Pensions Regulations 1987, the Police (Injury Benefit) (Scotland) Regulations 2007 and the Police Pensions (Scotland) Regulations 2007. In addition, the Police Pension Account (Scotland) Regulations 2010 are revoked.

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