
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 142

The Police Pension Scheme (Scotland) Regulations 2015

PART 13

Supplementary

CHAPTER 3

Guaranteed minimum pensions

Interpretation and application

194.—(1) This Chapter does not apply to—

- (a) a pension that is forfeited—
 - (i) as a result of a conviction for treason; or
 - (ii) under regulation 201 (forfeiture: offences committed by members), in a case where the relevant offence within the meaning of that regulation is an offence under the Official Secrets Acts 1911 to 1989⁽¹⁾;
- (b) a pension that is commuted under regulation 122 (option for pension credit member to commute whole pension: serious ill-health); or
- (c) a pension that is commuted under regulation 193 (commutation of small pensions) where the conditions in regulation 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996⁽²⁾ (payment of a guaranteed minimum pension as a lump sum) are met.

(2) But if any other provision of this scheme is inconsistent with this Chapter, this Chapter prevails.

(3) In this Chapter—

- (a) “GMP age”—
 - (i) for a man, means 65; and
 - (ii) for a woman, means 60; and
- (b) references to the amount of a pension are to its amount after the subtraction of the commutation amount (if any).

⁽¹⁾ 1989 c.6; see section 16(2) for the meaning of “Official Secrets Acts 1911 to 1989”.

⁽²⁾ S.I. 1996/1172. Regulation 162 was substituted by S.I. 2006/744 and amended by S.I. 2006/1337, S.I. 2009/2930 and S.I. 2010/499.

Guaranteed minimum under section 14 of PSA 1993

195.—(1) This regulation applies in relation to a member of this scheme (P) who has a guaranteed minimum under section 14 of PSA 1993⁽³⁾ (earner's guaranteed minimum) in relation to benefits under this scheme.

(2) Nothing in these Regulations permits or requires anything that would cause requirements under that Act in relation to such a member and such a member's rights under a scheme not to be met in relation to P.

(3) Nothing in these Regulations prevents anything from being done which is necessary or expedient for the purpose of meeting such requirements in relation to P.

(4) The following provisions are without prejudice to the generality of paragraphs (2) and (3).

(5) Paragraph (6) applies if, apart from this regulation—

(a) a pension would not be payable to P under this scheme; or

(b) the weekly rate of the pensions payable would be less than the guaranteed minimum.

(6) A pension at a weekly rate equal to the guaranteed minimum is payable to P for life from—

(a) the date on which P reaches GMP age; or

(b) the date on which pensions the aggregate weekly rate of which is equal to the guaranteed minimum are so payable.

(7) A pension is not payable under paragraph (6) until P leaves eligible service if, after reaching GMP age, P continues in eligible service.

(8) A pension is not payable under paragraph (6) until P leaves employment if—

(a) after reaching GMP age, P continues in employment that is not eligible service; and

(b) P consents to a postponement of P's entitlement under paragraph (6).

(9) If P continues in employment for 5 years after reaching GMP age and does not then leave employment, P is entitled from the end of that period to so much of P's pension under Parts 7 and 8 as equals P's guaranteed minimum (or, as the case may be, to so much of P's pensions under Parts 7 and 8 as together have a weekly rate equal to P's guaranteed minimum), unless P consents to a further postponement of P's entitlement under paragraph (6).

(10) In the circumstances provided for in paragraph (7), (8) or (9), the amount of the guaranteed minimum to which P is entitled under paragraph (6) is increased in accordance with section 15 of PSA 1993 (increase of guaranteed minimum where commencement of guaranteed minimum pension postponed).

(11) Paragraph (12) applies if P has a guaranteed minimum under section 14 of PSA 1993 in relation to the whole or part of a pension as a result of receipt by this scheme of a transfer payment from another pension scheme in respect of which the member had such a guaranteed minimum.

(12) If P becomes entitled to payment for life of a pension under Parts 7 and 8 before reaching GMP age, the weekly rate of the pension, so far as attributable to the transfer payment, must not be less than the guaranteed minimum, multiplied by such factor as is indicated in actuarial tables for a person of P's age and sex at the date on which the pension becomes payable.

Contracting-out rights

196.—(1) This regulation applies if—

(3) Section 14 was amended by the Pensions Act 1995 (c.26), Schedule 5, paragraph 27 and Schedule 7, Part 3; the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2), Schedule 1, paragraph 38; and the Proceeds of Crime Act 2002 (c.29), Schedule 11, paragraphs 1 and 22.

- (a) P has ceased to be in employment that is contracted-out employment by reference to this scheme; and
 - (b) paragraph (2) applies.
- (2) This paragraph applies if either—
- (a) a transfer payment in respect of all P’s rights to benefits under this scheme, except P’s rights in respect of P’s guaranteed minimum or rights under section 9(2B) of PSA 1993(4)(requirements for certification of schemes: general) (“P’s contracting-out rights”) has been made; or
 - (b) P has no rights to benefits under this scheme apart from P’s contracting-out rights.
- (3) If this regulation applies—
- (a) from the date on which P reaches GMP age, P is entitled to a pension payable for life at a weekly rate equal to P’s guaranteed minimum (if any); and
 - (b) from the date on which P reaches normal pension age under this scheme, P is entitled to a lump sum and pension in respect of P’s rights under section 9(2B) of PSA 1993.
- (4) Despite paragraph (3), P is not to be regarded as a pensioner member of this scheme for the purpose of Part 9 (death benefits).
- (5) In this regulation, “contracted-out employment” has the meaning given in section 8(1) of PSA 1993.

(4) Subsection (2B) was inserted by the Pensions Act 1995 (c.26.) section 136(3) and amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999, Schedule 1, paragraph 35.