
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 142

The Police Pension Scheme (Scotland) Regulations 2015

PART 13

Supplementary

CHAPTER 3

Guaranteed minimum pensions

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⁽¹⁾ (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

(1) 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.

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.