

This Scottish Statutory Instrument corrects errors in S.S.I. 2015/142 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2015 No. 325

PUBLIC SERVICE PENSIONS

The Police Pension Scheme (Scotland) Amendment Regulations 2015

Made - - - - *8th September 2015*
Laid before the Scottish
Parliament - - - - *10th September 2015*
Coming into force - - *1st November 2015*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1(1) and (2)(g) of, and paragraph 7(b) of Schedule 2 to, the Public Service Pensions Act 2013⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 21(1) of that Act, the Scottish Ministers consulted the representatives of such persons as appeared to the Scottish Ministers likely to be affected by these Regulations.

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Police Pension Scheme (Scotland) Amendment Regulations 2015.

(2) These Regulations come into force on 1st November 2015 and have effect from 1st April 2015.

Amendment of the Police Pension Scheme (Scotland) Regulations 2015

2. The Police Pension Scheme (Scotland) Regulations 2015⁽²⁾ are amended as follows.

3. In regulation 2 (interpretation), in the definition of “death gratuity” for “(death benefits)” substitute “(death gratuities)”.

4. In paragraph (3) of regulation 66 (decision of selected medical practitioner)—

(a) in sub-paragraph (b), for “that inability” substitute “the inability referred to in sub-paragraph (a);

(1) 2013 c.25; section 3(3)(b) enables scheme regulations to make retrospective provision.

(2) S.S.I. 2015/142.

- (b) after sub-paragraph (b), omit “and”; and
- (c) at the end, insert—
 - “; and
 - (d) the inability referred to in sub-paragraph (c) is occasioned by infirmity of mind or body and is likely to continue until the day on which—
 - (i) the member reaches normal pension age under this scheme; or
 - (ii) the member dies (if the selected medical practitioner considers the member is likely to die before reaching normal pension age under this scheme).”
- 5. In paragraph (1) of regulation 132 (reduction in pensions in cases of wide age disparity), after “adult’s” insert “pension”.
- 6. In paragraph (5) of regulation 137 (payment of pensions under Part 9), for “paragraph (3)” substitute “paragraph (4)”.
- 7. In paragraph (4)(a) of regulation 149 (meaning of “final pay”), for “regulation 159” substitute “regulation 150”.
- 8. In paragraph (4) of regulation 157 (payment of one benefit only in respect of deceased member), for “manger” substitute “manager”.
- 9. In paragraph (1) of regulation 170 (transfer payments made to other schemes or pension arrangements), for “regulation 174” substitute “regulation 166”.
- 10. In paragraph (3) of regulation 198 (appeals to tribunal), for “Regulation 115” substitute “Regulation 215”.
- 11. After paragraph (3) of regulation 201 (forfeiture: offences committed by members), insert—
 - “(3A) The pension supervising authority may to the extent that in its discretion it thinks fit restore to the member or apply for the benefit of an eligible child or surviving adult of the member any amount of pension that has been forfeited under this regulation.”
- 12. In Schedule 1 (medical decisions: appeals and reconsideration)—
 - (a) in paragraph 1 (interpretation)—
 - (i) for ““final” decision”, substitute ““final decision””; and
 - (ii) in paragraph (d) of the definition of “medical decision”, for “regulation 97” substitute “regulation 96”; and
 - (b) in the title of paragraph 7, omit “and costs”.

St Andrew’s House,
Edinburgh
8th September 2015

JOHN SWINNEY
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Pension Scheme (Scotland) Regulations 2015 so as to correct errors and omissions in that instrument. The Regulations have retrospective effect as from 1st April 2015 (the date on which the Regulations being amended came into force).