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STATUTORY INSTRUMENTS

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**2015 No. 445**

**The Police Pensions Regulations 2015**

**PART 13**

Supplementary

CHAPTER 5

Forfeiture and set-off

**Forfeiture: offences committed by members**

**211.**—(1) If a member is convicted of a relevant offence, the pension supervising authority may, to the extent the pension supervising authority considers appropriate, require the scheme manager to withhold benefits payable under this scheme to or in respect of the member.

(2) Paragraph (3) applies if benefits are to be withheld as a result of an offence falling within paragraph (b) of the definition of “relevant offence”.

(3) The scheme manager may only withhold that part of a person's pension that exceeds any guaranteed minimum to which the person is entitled under—

- (a) section 14 of PSA 1993 (earner's guaranteed minimum); or
- (b) section 17<sup>M1</sup> of that Act (minimum pension for surviving spouses and civil partners).

(4) 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.

(5) In this regulation—

“forfeiture certificate” means a certificate given by the Secretary of State for the Home Department stating that the Secretary of State for the Home Department considers that the offence—

- (a) has been gravely injurious to the interests of the State; or
- (b) is liable to lead to serious loss of confidence in service by members of police forces in England and Wales; and

“relevant offence” means—

- (a) one or more offences under the Official Secrets Acts 1911 to 1989<sup>M2[F1]</sup>, or under section 18 of, or listed in section 33(3)(a) of, the National Security Act 2023,] for which the member has been sentenced on the same occasion to—
  - (i) a term of imprisonment of at least 10 years; or
  - (ii) 2 or more consecutive terms of imprisonment which add up to at least 10 years;
- (b) an offence committed in connection with the member's service as a member of a police force and in respect of which the Secretary of State for the Home Department has issued a forfeiture certificate.

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**Textual Amendments**

- F1** Words in [reg. 211\(5\)](#) inserted (20.12.2023) by [The National Security Act 2023 \(Consequential Amendments of Subordinate Legislation\) Regulations 2023 \(S.I. 2023/1267\)](#), reg. 1(2), **Sch. para. 50(2)**
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**Marginal Citations**

- M1** [Section 17](#) was amended by the [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#) Schedule 1 paragraph 39; the [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#) Schedule 5 paragraph 1 and Schedule 9 Part 3; the [Pensions Act 2004 \(c. 35\)](#) section 284(2); the [Pensions Act 2007 \(c. 22\)](#) section 14(2); the [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#) Schedule 4 paragraphs 18 and 20; and [S.I. 2005/2050](#) and [2014/560](#).
- M2** [1989 c. 6](#); see [section 16\(2\)](#) for the meaning of “Official Secrets Acts 1911 to 1989”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Police Pensions Regulations 2015, Section 211.