

SCHEDULE 4

Transitional provisions

PART 8

Transitional provisions relating to the existing police pension scheme

Pensionable service under the existing police pension scheme

35.—(1) This paragraph applies in relation to a transition member with continuity of service (T).

(2) The provisions of the existing police pension scheme relating to [^{F1}an election to purchase increased benefits made before 1st April 2022] continue to apply after the closing date as if T continued in pensionable service under that scheme.

(3) T may choose to end payments for added 60ths or added years after joining this scheme.

(4) In determining whether T qualifies under the existing police pension scheme for retirement benefits (other than an ill-health pension), T's pensionable service under that scheme terminates when T's pensionable service under this scheme terminates.

(5) In determining T's final salary for any purposes of the existing police pension scheme under Schedule 7 to the Act (final salary link), pensionable earnings derived from service under this scheme are to be regarded as derived from service under the existing police pension scheme.

Textual Amendments

F1 Words in [Sch. 4 para. 35\(2\)](#) substituted (1.4.2022) by [The Police and Firefighters' Pension Schemes \(Amendment\) Regulations 2022 \(S.I. 2022/336\)](#), regs. 1(2), **3(5)**

Becoming a deferred member of the existing police pension scheme

36.—(1) A transition member with continuity of service (T) does not become a deferred member of the existing police pension scheme unless T becomes a deferred member of this scheme.

(2) If T opts out of this scheme in relation to eligible service and T has at least 2 years' qualifying service ^{M1}—

(a) T becomes a deferred member of the existing police pension scheme in relation to that service; and

(b) any periodical payments for added 60ths or added years cease to be payable.

(3) If T re-enters pensionable service under this scheme after a gap in service not exceeding 5 years, T ceases to be a deferred member of the existing police pension scheme.

Marginal Citations

M1 See Part 6 (retirement benefits) for the meaning of “qualifying service”.

Qualifying for benefits on retirement under the existing police pension scheme

37.—(1) In determining whether a transition member with continuity of service (T) qualifies for benefits on retirement under the existing police pension scheme, T's pensionable service under the existing police pension scheme includes the total of—

Changes to legislation: There are currently no known outstanding effects for the *The Police Pensions Regulations 2015, PART 8.* (See end of Document for details)

- (a) T's continuous period of pensionable service under this scheme; and
 - (b) if a transfer payment has been received by this scheme in respect of T's accrued rights under another occupational pension scheme, T's pensionable service under that scheme.
- (2) In calculating T's continuous period of pensionable service under this scheme, a period of part-time service counts as if it were a period of full-time service.

Refund of contributions under the existing police pension scheme

38. If a transition member with continuity of service (T) opts out of this scheme and T has less than 2 years' qualifying service, T must be refunded all member contributions under the existing police pension scheme.

Calculation of weighted accrual for service in the 1987 scheme

39.—(1) This paragraph applies in relation to a 1987 transition member with continuity of service (“the member”).

(2) This paragraph applies for the purpose of calculating benefits (other than an ill-health pension) payable under the 1987 scheme for the purposes of this Schedule.

(3) The accrual rate for the member in the 1987 scheme is calculated as follows—

$$accrual = nx \frac{r}{q}$$

where—

“n” is the accrual that the member would have built up—

- (a) had the member remained in the 1987 scheme until the member ceased to be in pensionable service under this scheme, and
- (b) had the member been in full-time service throughout the continuous period of pensionable service;

“r” is the member's pensionable service under the 1987 scheme only; and

“q” is the total number of years of continuous pensionable service under the 1987 scheme and this scheme.

(4) In calculating “n”—

- (a) any period of part-time service is taken to be a period of full-time service; and
- (b) the maximum accrual of 2/3 applies.

(5) In calculating “r”—

- (a) part-time service is not taken to be full-time service; and
- (b) the limit of 30 years' service applies.

(6) In calculating “q”—

- (a) part-time service is taken to be full-time service; and
- (b) the limit of 30 years' service applies.

[^{F2}(7) The annual rate of pension payable to the member under the 1987 scheme is the higher of—

- (a) the amount calculated by multiplying the accrual rate by the member’s final pay; or,

(b) where a member is entitled to a deferred pension under regulation B5 (policeman's deferred pension) and under Part 6 (policeman's deferred pension) of Schedule B, the amount of pension that would have been payable under the 1987 scheme if those provisions applied for the calculation instead of sub-paragraphs (3) to (6) of this paragraph.]

(8) If the member is in part-time service, the member's final pay is calculated using the full-time equivalent rate of the member's pensionable earnings.

Textual Amendments

F2 Sch. 4 para. 39(7) substituted (8.10.2018) by [The Police and Firefighters Pensions \(Amendment\) Regulations 2018 \(S.I. 2018/997\)](#), regs. 1(2), 38

Calculation of lump sum under the 1987 scheme

40.—(1) In calculating the limit on the lump sum payable under regulation B7(4) of the 1987 Regulations (commutation – general provision) to a 1987 transition member, the member's continuous period of pensionable service under this scheme is included when calculating the member's pensionable service under the 1987 scheme.

(2) In calculating the member's continuous period of pensionable service under this scheme, a period of part-time service counts as if it were a period of full-time service.

Declaration under existing police pension scheme continues to have effect

41.—(1) This paragraph applies if a transition member with continuity of service has not made a declaration under these Regulations that another adult is the dependant of the member for the purpose of death benefits under this scheme.

(2) An existing declaration has effect as if made under these Regulations until the transition member makes a declaration under these Regulations.

(3) In this paragraph, “existing declaration” means a declaration which—

- (a) was made for the purpose of the existing police pension scheme; and
- (b) as at the closing date, had effect under that scheme.

Nomination under existing police pension scheme continues to have effect

42.—(1) This paragraph applies if a transition member with continuity of service has not nominated a person under these Regulations to receive a lump sum death grant under this scheme.

(2) An existing nomination has effect as if made under these Regulations until the transition member makes a nomination under these Regulations.

(3) In this paragraph, “existing nomination” means a nomination which—

- (a) was made for the purpose of the existing police pension scheme; and
- (b) as at the closing date, had effect under that scheme.

Changes to legislation:

There are currently no known outstanding effects for the The Police Pensions Regulations 2015, PART 8.