

2023 No. 213

PUBLIC SERVICE PENSIONS, ENGLAND AND WALES

POLICE, ENGLAND AND WALES

**The Police Pensions (Contributions and Pensionable Earnings)
(Amendment) (England and Wales) Regulations 2023**

Made - - - -at 11.00 a.m. on 27th February 2023

Laid before Parliament at 3.00 p.m. on 27th February 2023

Coming into force - - - - 1st April 2023

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1(1), (2)(g), 2, 3(1), (2) and (3)(b) of, and paragraph 7 of Schedule 2 and paragraph 9 of Schedule 3 to, the Public Service Pensions Act 2013(a).

In accordance with section 21(1) of the Public Service Pensions Act 2013(b) the Secretary of State has consulted representatives of such persons as appeared likely to be affected by these Regulations.

In accordance with section 22(2)(a) of that Act, before making regulation 3 the Secretary of State consulted representatives of such persons as appeared likely to be affected by that regulation, with a view to reaching agreement.

In accordance with section 22(2)(b) of that Act, the Secretary of State has laid a report before Parliament.

In accordance with section 3(5) of that Act, these Regulations are made with the consent of the Treasury.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Police Pensions (Contributions and Pensionable Earnings) (Amendment) (England and Wales) Regulations 2023, and come into force on 1st April 2023.

(2) These Regulations extend to England and Wales.

(3) In these Regulations, “the 2015 Regulations” means the Police Pensions Regulations 2015(c).

(a) 2013 c. 25. Section 3 was amended by section 94 of the Public Service Pensions and Judicial Offices Act 2022 (c. 7).

(b) Section 21 was amended by section 94(8) of the Public Service Pensions and Judicial Offices Act 2022.

(c) S.I. 2015/445.

Pensionable earnings

- 2.—(1) Regulation 33 (pensionable earnings) of the 2015 Regulations is amended as follows.
- (2) For paragraph (2), substitute—
- “(2) A member’s pensionable earnings for any period means pay to which the member is entitled in that period, account being taken of any retrospective increase in that pay.”.
- (3) In paragraph (3), omit “rate of” at both places it occurs.
- (4) In paragraph (4), omit “rate of” at both places it occurs.
- (5) This regulation has effect from 1st April 2015.

Member contributions

- 3.—(1) Regulation 170 (rate of member contributions) of the 2015 Regulations is amended as follows.
- (2) In the heading to the table(a)—
- (a) for the words “falling in period beginning” substitute “starting on or after”;
- (b) omit the words “and ending 31st March 2023”.

At 11.00 a.m. on 27th February 2023

Chris Philp
Minister of State
Home Office

We consent to these Regulations

23rd February 2023

Scott Mann
Steve Double
Two of the Lords Commissioners of His Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Pensions Regulations 2015 (S.I. 2015/445) (“the 2015 Regulations”) in respect of member contributions and pensionable earnings.

Regulation 2 amends regulation 33 of the 2015 Regulations, to clarify the position in respect of pensionable earnings of part-time members. Regulation 33 has been interpreted as excluding overtime payments to part-time members from pensionable earnings, contrary to the policy intention. As amended, regulation 33 does not distinguish between members in full-time and members in part-time service and provides that all pay to which members are entitled is pensionable pay. The amendments have retrospective effect, in reliance on the power in section 3(3)(b) of the Public Sector Pensions Act 2013 (c. 25).

Regulation 3 amends regulation 170 of the 2015 Regulations, which makes provision for the contributions payable by members of the scheme in the scheme years to 31st March 2023. Regulation 3 removes the end date so that the contribution rates will continue to apply for future scheme years. Since this involves a change to a protected element of the scheme constituted by the 2015 Regulations, the Secretary of State has consulted representatives of those likely to be affected by the change with a view to reaching agreement and has laid a report before Parliament.

(a) The table heading was amended by S.I. 2019/378 and 2020/188.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector or community bodies is foreseen.

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