SCOTTISH STATUTORY INSTRUMENTS

2005 No. 200

PENSIONS

The Police Pensions Amendment (Scotland) Regulations 2005

Made - - - -	*30th March 2005*
Laid before the Scottish Parliament - - - -	*31st March 2005*
Coming into force - -	*3rd May 2005*

The Scottish Ministers, in exercise of the powers conferred by section 1 of the Police Pensions Act 1976(**1**), and of all other powers enabling them in that behalf, after consultation with the Police Negotiating Board for the United Kingdom(**2**), hereby make the following Regulations:

Citation, commencement, extent and effect

1.—(1) These Regulations may be cited as the Police Pensions Amendment (Scotland) Regulations 2005.

(2) These Regulations shall come into force on 3rd May 2005, and shall have effect from 1st October 2004.

(3) These Regulations extend to Scotland only.

Amendment of the Police Pensions Regulations 1987

2.—(1) The Police Pensions Regulations 1987(**3**) shall be amended in accordance with this Regulation.

(2) In regulation B1(5) (policeman's ordinary pension) after "permanently disabled" insert "and he is not ineligible under regulations G7 (eligibility for pension awards payable on the ground of permanent disablement) and G8 (appeals against decisions on eligibility for pension awards payable

(**1**) 1976 (c. 35) ("the Act"). Section 1 is amended by section 2(3) of the Police Negotiating Board Act 1980 (c. 10), section 103 and paragraph 28 of Schedule 7 to the Police Act 1996 (c. 16), and section 1(1) of the Police and Firemen's Pensions Act 1997 (c. 52). These powers are extended by section 42 of the Welfare Reform and Pensions Act 1999 (c. 30). The functions of the Secretary of State under the Act as regards Scotland are transferred to the Scottish Ministers by S.I.1999/1750 article 2, Schedule 1. The requirement for consent by the Minister for the Civil Service under section 1 of the Act was transferred to the Treasury by virtue of S.I. 1981/1670, and such consent is not required in the exercise by the Scottish Ministers of the transferred functions by virtue of S.I. 1999/1750.

(**2**) See section 2(3) of the Police Negotiating Board Act 1980 (c. 10), which substituted the Police Negotiating Board for the United Kingdom for the Police Council for the United Kingdom.

(**3**) S.I. 1987/257; relevant amendments were made by S.I. 1987/341 and 2215, 1988/1339, 1989/733, 1990/805, 1991/15171992/1343 and 2349, 1994/641, 1996/867, 1997/1429 and 2852, 1998/577 and 2001/3649 and S.S.I. 2000/193, 2001/459, 2003/406 and 2004/486.

on the ground of permanent disablement) for a pension award payable on the ground of permanent disablement".

(3) In regulation B3(1) (policeman's ill health award) after "preceding his retirement" insert "or to a regular policeman who under regulations G7 and G8 is ineligible for a pension award payable on the ground of permanent disablement."

(4) In regulation B5(4)(a) (policeman's deferred pension) after "permanently disabled" insert "and he is not ineligible under regulations G7 and G8 for a pension award payable on the ground of permanent disablement".

(5) For regulation G2(1) (pension contributions payable by regular policeman) substitute–

"(1) Subject to paragraph (3), a regular policeman shall pay to the police authority pension contributions at the rate of 1 pence a week less than–

(a) in a case where he is ineligible under regulation G7 or G8 for a pension award payable on the ground of permanent disablement, 7_ per cent of his pensionable pay; and

(b) in any other case, 11 per cent of his pensionable pay.".

(6) In regulation G4(5) (election not to pay pension contributions)–

(a) at the end of sub paragraph (ii) insert "; and";

(b) after sub paragraph (ii) insert–

"(iii) a regular policeman in respect of whom it is finally determined, following a medical examination under regulation G7 or G8, that the likely cost of providing him with the benefits under these Regulations is disproportionately high, shall be entitled to cancel his election under paragraph (1) only on the basis that he shall not be eligible to receive pension awards payable on the ground of permanent disablement.".

(7) After regulation G6 insert–

"**Eligibility for pension awards payable on the ground of permanent disablement**

G7.—(1) A person to whom this regulation applies, shall, if required by the police authority for that force, submit to an examination by a duly qualified medical practitioner selected by the authority ("the selected medical practitioner") in order that the authority may determine his eligibility to receive pension awards payable on the ground of permanent disablement.

(2) This regulation applies to–

(a) a candidate for appointment to a police force (other than on transfer from another force), and

(b) a regular policeman who seeks under regulation G4(5) (election not to pay pension contributions) to cancel his election that regulation G2(1) (pension contributions payable by regular policeman) shall not apply in his case.

(3) The selected medical practitioner shall report to the police authority his opinion on the likelihood and likely timing of that person becoming permanently disabled for the performance of his duty, and such a report shall, subject to an appeal under this regulation, be final.

(4) A copy of any such report shall be supplied to the person who is the subject of that report, at his request.

(5) The police authority shall determine, by applying the opinion of the selected medical practitioner and advice from the Government Actuary, whether the risk presented by that person that he will retire on the ground that he is permanently disabled is such that the likely cost of providing him with benefits under these Regulations is disproportionately high.