SCOTTISH STATUTORY INSTRUMENTS

2000 No. 193

POLICE

The Police Pensions (Scotland) Amendment Regulations 2000

Made - - - -	*15th June 2000*
Laid before the Scottish Parliament - - - -	*16th June 2000*
Coming into force - -	*8th July 2000*

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

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Police Pensions (Scotland) Amendment Regulations 2000 and shall come into force on 8th July 2000, but–

(a) regulation 3(1) to (8) (so far as those paragraphs relate to maternity leave) shall have effect as from 10th June 1994;

(b) regulation 3(1) to (8) (so far as those paragraphs do not have effect in accordance with sub-paragraph (a) above) shall have effect as from 1st September 1995.

(2) In these Regulations "the principal Regulations" mean the Police Pensions Regulations 1987(**2**).

(3) These Regulations extend to Scotland only.

Amendment of the Police Pensions Regulations 1987

2. Subject to regulation 4, the principal Regulations shall be amended in accordance with the provisions of regulation 3 and any reference in those provisions to a numbered regulation is a reference to the regulation so numbered in the principal Regulations.

(**1**) 1976 c. 35; section 1(1) was amended by the Police Negotiating Board Act 1980 (c. 10), section 2(3); powers of the Secretary of State under section 1 of the Police Pensions Act 1976 are exercisable by Scottish Ministers as regards Scotland by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999 No. 1750), article 2 and Schedule 1.

(**2**) S.I.1987/257, as amended by S.I. 1987/753 and 2215, 1988/1339, 1989/733, 1990/401, 805, 1127 and 1573, 1991/1517, 1992/1343 and 2349, 1993/1198, 1994/641, 1996/867, 1997/1429 and 2852, 1998/577 and 2000/843.

Unpaid sick leave and maternity leave

3.—(1) In regulation F1(1)(**3**), for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs:–

"(a) any period of unpaid maternity leave granted in the case of a woman which ended before 27th February 1986;

(b) any period of unpaid maternity leave granted in the case of a woman falling on or after 27th February 1986 which ended before 10th June 1994 in respect of which the conditions specified in paragraph (1A) are not satisfied;

(c) any period of unpaid maternity leave falling on or after 10th June 1994 (not being a period which falls within the first 14 weeks of any period of statutory maternity leave taken by a person in respect of whom no election under regulation G4 was effective immediately before the commencement of that period of unpaid maternity leave) in respect of which the conditions specified in paragraph (1B) are not satisfied;

(d) any period of unpaid sick leave taken after 31st August 1995 in respect of which the conditions specified in paragraph (1C) are not satisfied;

(e) any other period of unpaid leave falling on or after 27th February 1986 except such a period taken by a person who ceased to serve as a regular policeman before 1st September 1988.".

(2) In regulation F1(1A), for "(a)(ii)" there shall be substituted "(b)".

(3) After regulation F1(1A) there shall be inserted the following paragraphs:–

"(1B) The conditions referred to in sub-paragraph (c) of the proviso to paragraph (1) are that the person concerned–

(a) was serving as a regular policeman during the period immediately preceding a period of maternity leave which includes the period of unpaid maternity leave in question and no election under regulation G4 was effective in respect of that person immediately before the commencement of that period of unpaid leave;

(b) in accordance with the provisions of paragraph (1D) pays to the police authority a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid maternity leave in question if her notional pensionable pay during that period had been at the same rate as her pensionable pay (including any statutory maternity pay payable to her under the Social Security Contributions and Benefits Act 1992(**4**)) immediately before the commencement of the period of unpaid maternity leave which constituted or included the period in question.

(1C) The conditions referred to in sub-paragraph (d) of the proviso to paragraph (1) are that the person concerned–

(a) was serving as a regular policeman during the period immediately preceding a period of sick leave which includes the period of unpaid sick leave in question and no election under regulation G4 was effective in respect of that person immediately before the commencement of that period of unpaid leave;

(b) in accordance with the provisions of paragraph (1D) pays to the police authority a sum equal to the sum of the pension contributions which would have been payable for the period of unpaid sick leave in question if his notional pensionable pay during that period had been at the same rate as his pensionable pay immediately before the commencement of the period of unpaid sick leave which constituted or included the period in question;

(**3**) Relevant amendments to regulation F1 were made by S.I. 1988/1339.
(**4**) 1992 c. 4

(c) that the period of unpaid sick leave in question–

(i) does not exceed six months; and

(ii) when aggregated with any other period or periods of unpaid sick leave which fulfils, or all of which fulfil, the conditions specified in sub-paragraphs (a) and (b), does not exceed twelve months.

(1D) The person concerned shall, by notice in writing given to the police authority within a period ending–

(i) three months after the day on which the period of leave which includes the period of unpaid leave in question ended, or

(ii) on the day, if earlier, on which he last serves as a regular policeman,

inform the police authority that he wishes to make the payment referred to in paragraph (1B)(b) or (1C)(b) and in respect of which period of leave, and which method of payment under sub-paragraph (c) he elects to use; provided that, where the person concerned dies before the end of the period specified in this sub-paragraph without having given such notice, the condition so specified shall be deemed to have been satisfied in respect of any period of leave which would otherwise be reckonable by him under this regulation and the person concerned shall be deemed to have elected to make payment by way of instalments under sub-paragraph (c)(ii);

(b) On receipt of the notice referred to in sub-paragraph (a), the police authority shall calculate the amount due under paragraph (1B)(b) or (1C)(b) and give written notice of that amount to the person concerned;

(c) Payment under paragraph (1B)(b) or (1C)(b) may be made by the person concerned either–

(i) by way of a lump sum; or

(ii) by instalments on the same dates as pension contributions are payable by him under regulation G2(1);

provided that where the person concerned has elected to make payment by way of instalments under sub-paragraph (ii), the balance due afterpayment of any of those instalments may be paid by way of a lump sum equal to that balance at any time before the due date;

(d) The total amount due under paragraph (1B)(b) or (1C)(b) shall be paid no later than six months after the person concerned is notified by the police authority as to the amount payable or, if he ceases to serve as a regular policeman before then, before the date on which he so ceases ("the due date"); provided that–

(i) in a case where the person concerned ceases to serve as a regular policeman before the total amount due has been paid under this paragraph, any lump sum payment made within two months of so ceasing or of receiving notification from the police authority as to the amount payable, whichever is the later, shall be deemed to have been made by the due date;

(ii) in a case where the person concerned has elected to pay the amount due by instalments and remains in service as a regular policeman throughout the period during which the instalments are paid, any amount which remains due as at the due date may be paid by instalments after that date but no later than 30 months after the date to the extent necessary to ensure that the instalments paid, together with the total of any other contributions payable under regulations made under the Act other than the Police Pensions