

SCHEDULE

Regulation 4

MINOR AND CONSEQUENTIAL AMENDMENTS TO THE POLICE PENSIONS REGULATIONS 1987

Amendment of regulation A9 (reckoning of service for purpose of awards)

1. In regulation A9, after paragraph (3) there shall be inserted—
“(4) In the case of a regular policeman who is also a pension credit member under Part M, no account shall be taken of the pension credit in the reckoning of service for purposes of awards.”.

Amendment of regulation B7 (commutation – general provision)

2. In regulation B7, after paragraph (9) there shall be inserted—
“(10) This regulation shall not apply to a pension credit member, who shall be subject to the commutation provisions in Regulation M11.”.

Amendment of regulation B8 (commutation – small pensions)

3. In regulation 8, in paragraph (1) after the words “together with” there shall be inserted—
“any pension to which he is entitled under regulation M11 and”.

Amendment of regulation B9 (allocation)

4. In regulation B9, in paragraph (1) after the word “Part” there shall be inserted “but not to a pension credit under Part M”.

Insertion of new regulation B12

5. After regulation B11 the following regulation shall be inserted—

“Pension debit members

B12. Where a pension debit member is entitled to an award under regulation B1, B2, B3 or B5—

- (a) the award is calculated by reference to the member’s rights under this Scheme as reduced by virtue of section 31 of the 1999 Act and in accordance with such tables and other guidance as are provided for the purpose by the Government Actuary; and
- (b) regulations B7 to B10 have effect accordingly.”.

Insertion of new regulation C10

6. After regulation C9 the following regulation shall be inserted—

“Pension debit members

C10. Where a pension debit member dies leaving a surviving spouse, any award under regulations C1, C4, C5, C6, C7 or C8, and the pension under any of those regulations by reference to which any payment under regulation C9 is made, is calculated by reference to the member’s rights under this Scheme as reduced by virtue of section 31 of the 1999 Act

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and in accordance with such tables and other guidance as are provided for the purpose by the Government Actuary.”.

Insertion of new regulation D6

7. After regulation D5 the following regulation shall be inserted–

“Pension debit members

D6. Where a pension debit member dies leaving a child, the reduction in his rights under this Scheme by virtue of section 31 of the 1999 Act is disregarded for the purposes of calculating any award payable under this Part.”.

Amendment of regulation E3 (gratuity – estate)

8. In regulation E3,

- (a) at the end of sub-paragraph (2)(c) the word “and” shall be omitted; and
- (b) after sub-paragraph (2)(d) there shall be inserted–
 - “(e) the actuarial value of any pension credit under Part M.”.

Amendment of regulation F8A (former police authority to provide certificate of the amount of pensionable service giving entitlement to pension)

9. In regulation F8A, in paragraph (2) after sub-paragraph (b) there shall be added–

- “(c) where that policeman is a pension debit member under Part M, the appropriate percentage by which his future benefits are to be reduced under Regulation M5.”.

Amendment of regulation F9 (Transfer values payable under interchange arrangements)

10. In regulation F9–

- (a) in paragraph (3) after “Subject to paragraph (3A)” there shall be inserted “and paragraph (3B)” ; and
- (b) after paragraph (3A) there shall be inserted–
 - “(3B) Where a pension debit exists under Part M, the amount of any transfer value payable under this regulation shall be decreased by the actuarial value of that debit.”.

Amendment of regulation F10 (Transfer values payable following cessation of contributions)

11. In regulation F10–

- (a) in paragraph (4) after “Subject to paragraph (5)” there shall be inserted “and paragraph (9)” ; and
- (b) after paragraph (8) there shall be inserted:–
 - “(9) Where a pension debit exists under Part M, the amount of any transfer value payable under this regulation shall be decreased by the actuarial value of that debit.”.

Insertion of new regulation F10A

12. After regulation F10 the following regulation shall be inserted:–

“Prohibition on accepting or paying transfer values for pension credit rights

F10A. A transfer value may not be accepted or paid in respect of any pension credit rights under Part M.”.

Amendment of regulation G3 (additional and further contributions)

13. In regulation G3, after paragraph (5) there shall be inserted–

“(6) This regulation is subject to regulation M12.”.

Amendment of regulation K4 (withdrawal of pension during service as a regular policeman)

14. In regulation K4, in paragraph (1) after “force” there shall be inserted “, save that such withdrawal shall not apply to any pension credit under Part M,”.

Amendment of regulation K5 (forfeiture of pension)

15. In regulation K5(1) after “special pension)” there shall be inserted “or to a pension payable to a pension credit member under Part M”.

Amendment of regulation L1 (authorities responsible for payment of awards)

16. In regulation L1 after paragraph (2) there shall be inserted–

“(3) An award payable to or in respect of a pension credit member under Part M, and any sum paid in commutation of such an award, is payable by the relevant police authority.

(4) In this Scheme “the relevant police authority”, in relation to a pension credit member, means–

- (a) the police authority who employ the pension debit member from whose rights the pension credit member’s pension credit is derived at the time when the pension sharing order takes effect, or,
- (b) if he is not then employed by a police authority, the police authority by whom he was last employed.”.

Amendment of regulation L4 (payment of awards otherwise than to beneficiary and application of payments)

17. In regulation L4(1) after “member of a police force” there shall be inserted “or a pension credit member”.

Amendment of Schedule A

18. In Schedule A (glossary of expressions) there shall be inserted in the appropriate places in alphabetical order the following definitions–

““the 1993 Act” means the Pension Schemes Act 1993(1);

“the 1995 Act” means the Pensions Act 1995(2);

“the 1999 Act” means the Welfare Reform and Pensions Act 1999(3);

“active member” has the same meaning as in section 124 of the 1995 Act;

(1) 1993 c. 48.
(2) 1995 c. 26.
(3) 1999 c. 30.

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- “appropriate percentage” has the meaning given in regulation M5(4);
- “appropriate rights” has the meaning given in regulation M7(3);
- “ex-spouse” means an individual to whom pension credit rights under this Scheme have been or are to be awarded following a pension sharing order;
- “indexing” means indexing in accordance with the Government Index of Retail Prices;
- “the Inland Revenue” means the Commissioners of Inland Revenue;
- “member of this Scheme” means a member of this Scheme and includes an active member, a deferred member and a pension credit member;
- “pension credit benefits” means in relation to this Scheme the benefits payable under the Scheme to or in respect of a pension credit member by virtue of his appropriate rights under this Scheme attributable to a pension credit;
- “pension credit member” means an individual who is a member of this Scheme, either,
- (i) solely for the provision of a pension credit benefit; or,
 - (ii) for the wholly separate provision of a pension credit benefit, where benefits accrue or have accrued to that individual under this Scheme for any other reason;
- “pension credit rights” means rights to future benefits under this Scheme which are attributable to a pension credit;
- “pension credit” has the meaning given in regulation M3(a);
- “pension debit member” means a member, whether an active member, a deferred member or a pensioner member, whose shareable rights under this Scheme are subject to a pension debit;
- “pension sharing order or provision” means any order which is mentioned in section 28(1) of the 1999 Act or Article 25(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(4);
- “pensionable service” has the meaning given by section 124(1) of the 1995 Act;
- “shareable rights” has the same meaning given by section 27(2) of the 1999 Act and means any rights under a pension arrangement other than those described in section 2 of The Pension Sharing (Valuation) Regulations 2000(5);
- “this Scheme” means the pension scheme regulated by the 1987 Regulations;
- “transferee” has the meaning given by section 29(8) of the 1999 Act; and
- “transferor” has the meaning given by section 29(8) of the 1999 Act.”

Amendment of Schedule B

19. In Part I of Schedule B (policeman’s ordinary pension)–

- (a) in paragraph 2 after the words “subject to” there shall be inserted “paragraph 3 and”; and
- (b) after paragraph 2 there shall be inserted–

“**3.** For the purposes of paragraph 2 any difference in those amounts attributable to a pension debit is disregarded.”.

20. In paragraph 3(2) of Part V of Schedule B (policeman’s injury award), after “up-rating of widow’s pension)” there shall be inserted “or by virtue of a pension debit”.

(4) S.I.2000/1052.

(5) S.I. 2000/1052.

Amendment of Schedule C

21. In Schedule C (widows' awards), after paragraph 4 there shall be added:–

“**5.** Where the spouse is the spouse of a pension debit member, paragraph 3 shall not apply unless the pension calculated in accordance with Regulation E10 is greater than the pension derived from the member’s pension before account is taken of the reduction under section 31 of the 1999 Act.”.

Amendment of Schedule F

22. In Part II of Schedule F (transfers and current interchange arrangements) after paragraph 12 of Section 1 there shall be inserted–

“**13.** In the case of a pension debit member, the transfer value is reduced by such amount as is calculated in accordance with such guidance as is provided for the purpose by the Government Actuary.”.

23. In Part IV of Schedule F (calculation of transfer values and reckonable service by reference to accrued rights) after paragraph 4 of section 1 there shall be inserted–

“**5.** In the case of a pension debit member, the transfer value shall be reduced by such amount as is calculated in accordance with such guidance as is provided for the purpose by the Government Actuary.”.