

*Changes to legislation:* There are currently no known outstanding effects for the Police and Justice Act 2006, SCHEDULE 3. (See end of Document for details)

## SCHEDULES

### SCHEDULE 3 U.K.

Section 5

#### POWER TO MERGE POLICE PENSION SCHEMES

##### *Introduction*

- 1 In this Schedule—
- “the 1976 Act” means the Police Pensions Act 1976 (c. 35);
  - “1976 Act scheme” means a pension scheme established by regulations under section 1 of the 1976 Act (pensions for police in Great Britain);
  - “the 1998 Act” means the Police (Northern Ireland) Act 1998 (c. 32);
  - “1998 Act scheme” means a pension scheme established by regulations under section 25(2)(k) of the 1998 Act (pensions for members of Police Service of Northern Ireland) or section 26(2)(g) of that Act (pensions for members of Police Service of Northern Ireland Reserve);
  - “police pension scheme” means a 1976 Act scheme or a 1998 Act scheme;
  - “police pensions regulations” means—
    - (a) regulations under section 1 of the 1976 Act;
    - (b) regulations under section 25(2)(k) or 26(2)(g) of the 1998 Act.

#### **Commencement Information**

**II** Sch. 3 para. 1 in force at 31.12.2007 by S.I. 2007/3203, art. 3(b)

##### *Power to merge police pension schemes*

- 2 (1) Regulations may—
- (a) revoke those provisions of the police pensions regulations that apply to persons who became members of a police pension scheme before 6th April 2006, and
  - (b) make equivalent provision establishing a single pension scheme for the benefit of those persons.
- (2) In sub-paragraph (1)(b) “equivalent provision” means, subject to sub-paragraph (3), provision having the same effect as the provisions revoked.
- (3) The regulations may make changes to the effect of the provisions revoked if the changes—
- (a) are made as a result of consolidating the provisions of the different police pensions regulations into a single pension scheme, and
  - (b) do not make the scheme less beneficial to any member of it than the police pension scheme of which he was previously a member.

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**Commencement Information**

**I2** Sch. 3 para. 2 in force at 31.12.2007 by S.I. 2007/3203, art. 3(b)

*Exercise of power to establish merged scheme*

- 3 (1) This paragraph applies to the first regulations under this Schedule.
- (2) The power to make the regulations is exercisable by the Secretary of State with the consent of the Treasury.
- [<sup>F1</sup>(3) The Secretary of State shall—
- (a) consult with the Police Advisory Board for England and Wales before exercising the power as regards England and Wales;
  - (b) consult with the Police Negotiating Board for Scotland before exercising the power as regards Scotland;
  - (c) consult with the Northern Ireland Policing Board and the Police Association for Northern Ireland before exercising the power as regards Northern Ireland.]
- (4) The regulations may be framed so as to have effect as from a date before the making of the regulations.

**Textual Amendments**

**F1** Sch. 3 para. 3(3) substituted (1.9.2014 for E.W.N.I., 17.8.2023 for S.) by *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, ss. 133(5), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2125, art. 4(b); S.I. 2023/829, art. 2(b)

**Commencement Information**

**I3** Sch. 3 para. 3 in force at 31.12.2007 by S.I. 2007/3203, art. 3(b)

*Exercise of power to amend merged scheme*

- 4 (1) The power to make amending regulations is exercisable as if—
- (a) any provision of the 1976 Act applying to regulations under section 1 of that Act,
  - (b) any provision of Northern Ireland legislation applying to regulations under section 25(2)(k) of the 1998 Act, and
  - (c) any provision of Northern Ireland legislation applying to regulations under section 26(2)(g) of the 1998 Act,
- applied also to the amending regulations.
- (2) In this paragraph “amending regulations” means regulations amending regulations previously made under this Schedule.

**Commencement Information**

**I4** Sch. 3 para. 4 in force at 31.12.2007 by S.I. 2007/3203, art. 3(b)

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*Application of provisions of other Acts*

- 5 (1) The provisions of—
- (a) section 8A of the 1976 Act (information in connection with police pensions etc),
  - (b) section 9 of that Act (assignment etc of pension to be void), and
  - (c) section 10 of that Act (obtaining pension by self-inflicted injury etc),
- apply to regulations under this Schedule, so far as relating to persons who are former members of a 1976 Act Scheme, as they apply to regulations under section 1 of the 1976 Act.
- (2) The Pensions (Increase) Act 1971 (c. 56) has effect as if a reference in paragraph 15 or 43 of Schedule 2 to a pension payable under the Police Pensions Act 1976 included a reference to a pension payable under regulations under this Schedule to a person who is a former member of a 1976 Act Scheme.

**Commencement Information**

**I5** Sch. 3 para. 5 in force at 31.12.2007 by S.I. 2007/3203, art. 3(b)

*Transitional provision*

- 6 A reference, however expressed, in any document (including an enactment) to—
- (a) regulations under section 1 of the 1976 Act,
  - (b) regulations under section 25(2)(k) of the 1998 Act, or
  - (c) regulations under section 26(2)(g) of the 1998 Act,
- is to be read, where the context allows, as including a reference to regulations under this Schedule.

**Commencement Information**

**I6** Sch. 3 para. 6 in force at 31.12.2007 by S.I. 2007/3203, art. 3(b)

*Continuity of schemes for tax purposes*

- 7 A pension scheme established under this Schedule is to be regarded for the purposes of Part 4 of the Finance Act 2004 (c. 12) (taxation of pension schemes etc) as a continuation of each police pension scheme that it replaces, and not as a different scheme.

**Commencement Information**

**I7** Sch. 3 para. 7 in force at 31.12.2007 by S.I. 2007/3203, art. 3(b)

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