
STATUTORY INSTRUMENTS

2015 No. 445

The Police Pensions Regulations 2015

PART 1

Preliminary

Citation and commencement

- 1.—(1) These Regulations—
- (a) may be cited as the Police Pensions Regulations 2015; and
 - (b) apply to members of a police force in England and Wales.
- (2) These Regulations come into force on 1st April 2015.

Interpretation

- 2.—(1) In these Regulations—
- “the Act” means the Public Service Pensions Act 2013;
 - “FA 2004” means the Finance Act 2004(1);
 - “PA 1995” means the Pensions Act 1995(2);
 - “PA 1996” means the Police Act 1996;
 - “PIA 1971” means the Pensions (Increase) Act 1971(3);
 - “PRSPA 2011” means the Police Reform and Social Responsibility Act 2011(4);
 - “PSA 1993” means the Pension Schemes Act 1993(5);
 - “WRPA 1999” means the Welfare Reform and Pensions Act 1999(6);
 - “the 2003 Regulations” means the (7);
 - “the 1988 NI police pension scheme” means the scheme constituted by the Royal Ulster Constabulary Pensions Regulations 1988(8);
 - “the 1987 scheme” means the scheme constituted by the Police Pensions Regulations 1987(9);
 - “1987 transition member” has the meaning given in Schedule 4;
 - “the 2006 scheme” means the scheme constituted by the Police Pensions Regulations 2006(10);

(1) 2004 c. 12.
(2) 1995 c. 26.
(3) 1971 c. 56.
(4) 2011 c. 13.
(5) 1993 c. 48.
(6) 1999 c. 30.
(7) S.I. 2003/527.
(8) S.R. 1988 (N.I.) No. 364.
(9) S.I. 1987/257.
(10) S.I. 2006/3415.

“2006 transition member” has the meaning given in Schedule 4;

“the 2009 NI police pension scheme” means the scheme constituted by the Police Pension (Northern Ireland) Regulations 2009⁽¹¹⁾;

“the 2015 NI police pension scheme” means a scheme established under the Public Service Pensions Act (Northern Ireland) 2014⁽¹²⁾ for payment of retirement pensions to or in respect of members of the police service in Northern Ireland which comes into force on 1st April 2015;

“the 2015 Scotland police pension scheme” means a scheme established under section 1 of the Act for payment of retirement pensions to or in respect of members of a police force in Scotland which comes into force on 1st April 2015;

“accrued added pension” means—

- (a) accrued added (self only) pension (if any); and
- (b) accrued added (all beneficiaries) pension (if any);

“accrued added (all beneficiaries) pension”, for the purpose of calculating the amount of retirement added pension or the provisional amount of deferred added (all beneficiaries) pension, has the meaning given in regulation 45(6);

“accrued added (self only) pension”, for the purpose of calculating the amount of retirement added pension or the provisional amount of deferred added (self only) pension, has the meaning given in regulation 45(5);

“accrued club transfer earned pension”, for the purpose of calculating the amount of retirement earned pension or the provisional amount of deferred club transfer earned pension, has the meaning given in regulation 45(4);

“accrued earned pension” means—

- (a) in relation to this scheme—
 - (i) accrued standard earned pension (if any); and
 - (ii) accrued club transfer earned pension (if any);
- (b) in relation to another pension scheme or the existing police pension scheme, accrued rights to benefits under that scheme derived from—
 - (i) pension which is earned under that scheme; or
 - (ii) pension which is attributable to a transfer payment received by that scheme;

“accrued pension” means—

- (a) accrued earned pension; and
- (b) accrued added pension (if any);

“accrued rights”, in relation to benefits under this scheme, does not include a right to benefits attributable (directly or indirectly) to a pension credit;

“accrued standard earned pension”, for the purpose of calculating the amount of retirement earned pension or the provisional amount of deferred standard earned pension, has the meaning given in regulation 45(3);

“active member”, in relation to this scheme, means a person who is in pensionable service⁽¹³⁾ under this scheme;

“active member’s account” has the meaning given in regulation 55(2);

⁽¹¹⁾ S.R. 2009 (N.I.) No. 79.

⁽¹²⁾ 2014 c. 2 (N.I.).

⁽¹³⁾ See section 37 of the Act for the meaning of “pensionable service”.

“actuarial guidance” means guidance given by the Secretary of State after consultation with the scheme actuary;

“actuarial reduction” has the meaning given in regulation 50(4) (actuarial reduction on early payment of pension);

“actuarial tables” means tables determined by the Secretary of State after consultation with the scheme actuary;

“added pension” means—

- (a) added (self only) pension (if any); and
- (b) added (all beneficiaries) pension (if any);

“added (all beneficiaries) pension” means added pension payable in respect of a member after the member has died;

“added (self only) pension” means added pension payable to a pensioner member;

“adoption leave” means—

- (a) for a person in service as a member of a home police force, leave taken in accordance with a determination under regulation 33(8)(c) of the 2003 Regulations; or
- (b) for person in service as a member of a police force in England and Wales other than a home police force, any period of equivalent leave taken by the person while in that service;

“adoption support leave” means—

- (a) for a person in service as a member of a home police force, leave taken in accordance with a determination under regulation 33(8)(d) of the 2003 Regulations; or
- (b) for a person in service as a member of a police force in England and Wales other than a home police force, any period of equivalent leave taken by the person while in that service;

“age addition” has the meaning given in regulation 48(3);

“amount of added pension”, in relation to a scheme year, means an amount calculated in accordance with regulation 58(7);

“amount of credited pension” has the meaning given in regulation 71(5);

“amount of standard earned pension”, in relation to a scheme year, means an amount calculated in accordance with regulation 58(4) (amount of pension for a scheme year);

“annual rate”—

- (a) for each description of pension, has the meaning given in Part 7 (retirement benefits); and
- (b) in relation to pensionable earnings, means the amount of pensionable earnings payable for a scheme year;

“appeal board” has the meaning given in Schedule 1 (medical decisions: appeals and reconsideration);

“assistant inspector of constabulary” means an assistant inspector of constabulary appointed under section 56 of PA 1996;

“assumed age addition” has the meaning given in regulation 49(3);

“assumed pay”, except as otherwise provided in Part 10 (contributions), means the amount of pensionable earnings an active member of this scheme is taken to receive under regulation 34(2) (assumed pay) in respect of a period of assumed pay;

“the beginning date”, in relation to a pension not attributable (directly or indirectly) to a pension credit, means the date on which the pension is deemed to begin for the purpose of section 8(2) of PIA 1971(14);

“career break”, in relation to a member of this scheme, means a period of unpaid leave whether or not it exceeds 5 years which is agreed by the employer in accordance with a determination under regulation 33(12) of the 2003 Regulations;

“child’s added pension” means a pension payable to an eligible child under regulation 145(4)(d);

“child’s earned pension” means a pension payable to an eligible child under regulation 145(4)(a);

“child’s enhanced upper tier ill-health pension” means a pension payable to an eligible child under regulation 145(4)(c);

“child’s lower tier ill-health pension” means a pension payable to an eligible child under regulation 145(4)(b);

“closing date”, in relation to a transition member, has the meaning given in paragraph 1 of Schedule 4 (transitional provisions);

“club scheme” has the meaning given in Part 11 (transfers);

“club transfer arrangements” has the meaning given in Part 11;

“club transfer earned pension” means pension attributable to receipt of a club transfer value payment;

“club transfer value” has the meaning given in Part 11;

“club transfer value payment” has the meaning given in Part 11;

“the commutation amount” means the amount of pension exchanged for a lump sum as a result of the exercise of the option to exchange part of a pension for a lump sum—

- (a) exercisable under regulation 124 (option to commute part of pension) in relation to a retirement pension; or
- (b) exercisable under regulation 131 (option for pension credit member to commute part of pension) in relation to a pension credit member’s pension;

“connected scheme” means another statutory pension scheme that is connected, within the meaning of section 4(6) of the Act, with this scheme;

“continuity of service”—

- (a) in relation to service in the 1987 scheme and this scheme, has the meaning given in paragraph 4 of Schedule 4; and
- (b) in relation to service in the 2006 scheme and this scheme, has the meaning given in paragraph 5 of that Schedule;

“continuous period of pensionable service”, in relation to this scheme, means a period of pensionable service under this scheme disregarding any gap in service not exceeding 5 years;

“death benefits” means benefits payable under Part 9 (death benefits);

“death gratuity” means a gratuity paid under Chapter 8 of Part 9 (death benefits);

“deferred member”, in relation to this scheme, has the meaning given in regulation 43;

“deferred member’s account” has the meaning given in regulation 64(3);

(14) Section 8(2) was amended by the Pensions (Miscellaneous Provisions) Act 1990 (c.7) section 1(5) and the Welfare Reform and Pensions Act 1999 (c.30) section 39(1) and (4). Section 8(2) of PIA 1971 may be applied subject to such modifications, adaptations and exceptions as may be specified in regulations under section 5(3) of that Act.

“description of accrued pension” means accrued pension of a description mentioned in regulation 44;

“description of deferred added pension” means—

- (a) deferred added (all beneficiaries) pension; or
- (b) deferred added (self only) pension;

“description of deferred earned pension” means—

- (a) deferred standard earned pension;
- (b) deferred club transfer earned pension;

“description of deferred pension” means—

- (a) deferred standard earned pension;
- (b) deferred club transfer earned pension;
- (c) deferred added (all beneficiaries) pension; or
- (d) deferred added (self only) pension;

“description of pension” means—

- (a) standard earned pension;
- (b) transferred pension;
- (c) club transfer earned pension;
- (d) added (all beneficiaries) pension; or
- (e) added (self only) pension;

“dual capacity member” has the meaning given in regulation 199;

“duly qualified medical practitioner” means a registered medical practitioner who holds—

- (a) the minimum qualification of Associate of the Faculty of Occupational Medicine or the equivalent EEA qualification; or
- (b) any other equivalent qualification acceptable to the scheme manager;

“early payment reduction” has the meaning given in regulation 50(4) (actuarial reduction on early payment of pension);

“eligible child” has the meaning given in regulation 144;

“eligible child’s pension” has the meaning given in regulation 143;

“eligible service” has the meaning given in regulation 21;

“employment” includes an office or appointment and related expressions are to be read accordingly;

“employer”, in relation to a member of a police force, means the police pension authority for that member acting in exercise of its functions as employer;

“enhanced upper tier ill-health pension” means a pension payable to a member who meets the upper tier threshold;

“the existing NI police pension scheme” means—

- (a) for a 1987 transition member, the 1988 NI police pension scheme;
- (b) for a 2006 transition member, the 2009 NI police pension scheme;

“the existing police pension scheme” means—

- (a) the 1987 scheme; or
- (b) the 2006 scheme;

“the existing Scotland police pension scheme” means the scheme constituted by the Police Pensions (Scotland) Regulations 2007(15);

“final pay” has the meaning given in regulation 159;

“first day of eligible service” has the meaning given in regulation 25;

“full retirement pension” means the following pensions payable under Part 7, Chapter 2 (full retirement benefits)—

- (a) a retirement earned pension; and
- (b) a retirement added pension (if any);

“full retirement pension which comes into payment early on grounds of permanent medical unfitness”, in relation to a member of this scheme, means a full retirement pension to which the member becomes entitled under regulation 91(3) (entitlement to full retirement pension (deferred pension));

“gap in service”, in relation to service in this scheme, means any period after a member’s first day of eligible service—

- (a) in which the member is not in eligible service; or
- (b) in respect of which the member is opted out of this scheme under Chapter 2 of Part 4;

“guaranteed minimum” means the guaranteed minimum as defined in sections 14 and 17 of PSA 1993 (minimum pensions for earners, widows and widowers)—

- (a) as increased in accordance with the requirements of section 109 of that Act (annual increase of minimum pensions); and
- (b) if a reduction has been made under section 15A of that Act (reduction of guaranteed minimum in consequence of pension debit), as reduced in accordance with that section;

“guaranteed minimum pension” has the meaning given in section 8(2) of PSA 1993;

“home police force” means—

- (a) a police force maintained under section 2 of PA 1996;
- (b) the metropolitan police force; or
- (c) the City of London police force;

“ill-health benefits” means—

- (a) an ill-health pension; or
- (b) a full retirement pension which comes into payment early on grounds of permanent medical unfitness;

“ill-health pension” means—

- (a) for a transition member with continuity of service, a transition member’s ill-health pension payable under paragraph 23 of Schedule 4; or
- (b) otherwise, a lower tier ill-health pension and an enhanced upper tier ill-health pension (if applicable) payable under Part 7 (retirement benefits);

“ill-health pension under this scheme” means a lower tier ill-health pension and if applicable an enhanced upper tier ill-health pension payable under Part 7;

“index adjustment” means—

(a) in relation to the opening balance of earned pension other than club transfer earned pension for any scheme year, the change in prices in that scheme year⁽¹⁶⁾, plus 1.25%; and

(b) in relation to the opening balance of club transfer earned pension for any scheme year, the in-service revaluation index that the sending scheme would have applied to that amount of earned pension for that scheme year, had the earned pension not been transferred;

“injury received in the execution of duty” has the meaning given in regulation 6 of the Police (Injury Benefit) Regulations 2006⁽¹⁷⁾ and “the result of an injury” is construed in accordance with regulation 8 of those Regulations;

“Injury Benefits Regulations” means—

(a) the Police (Injury Benefit) Regulations 2006; or

(b) scheme regulations providing for payment of injury benefits to members of a police force in England and Wales;

“in-service revaluation index”, in relation to a pension scheme, means the percentage increase or decrease by which the pensionable earnings of a person, or a proportion of those earnings accrued as a pension, are revalued whilst the person is in pensionable service in that pension scheme;

“inspector of constabulary” means an inspector of constabulary appointed under section 54 of PA 1996;

“last active scheme year” means the scheme year in which an active member of this scheme ceases to be in pensionable service under this scheme;

“last day of pensionable service” means the last day of a continuous period of pensionable service under this scheme;

“the leaving year” means the scheme year in which the last day of pensionable service falls;

“lower tier ill-health pension” means a pension payable under Part 7 to a member who meets the lower tier threshold;

“lower tier threshold”, in relation to entitlement to payment of an ill-health pension, has the meaning given in regulation 101 (payment thresholds);

“lump sum death grant” means a lump sum paid under Chapter 6 of Part 9 (death benefits) on the death of a member;

“maternity leave” means—

(a) for a person in service as a member of a home police force, leave taken in accordance with a determination under regulation 33(7) of the 2003 Regulations; or

(b) for a person in service as a member of a police force in England and Wales other than a home police force, any period of equivalent leave taken by the person while in that service;

“maternity support leave” means—

(a) for a person in service as a member of a home police force, leave taken in accordance with a determination under regulation 33(8)(a) of the 2003 Regulations; or

(b) for a person in service as a member of a police force in England and Wales other than a home police force, any period of equivalent leave taken by the person while in that service;

⁽¹⁶⁾ Under section 9 of the Act the change in prices to be applied in a period is the percentage increase or decrease as a Treasury order under that section may specify in relation to the period.

⁽¹⁷⁾ S.I. 2006/932.

“member”, in relation to this scheme, means an active member, deferred member, pensioner member or pension credit member of this scheme;

“member of a home police force” has the meaning given in Part 2;

“member of a police force”, in relation to England and Wales, means—

- (a) a member of a home police force;
- (b) a member of a police force other than a home police force;
- (c) a former member of a home police force; or
- (d) a former member of a police force other than a home police force;

“member of a police force other than a home police force” has the meaning given in Part 2;

“member contributions” has the meaning given in Part 10 (contributions);

“NCA” means the body known as the National Crime Agency;

“normal minimum pension age” has the same meaning as in section 279(1) of FA 2004;

“occupational pension scheme” has the meaning given in section 1 of PSA 1993;

“opening balance”, in relation to a description of pension for a scheme year, has the meaning given in regulation 59(3);

“parental leave” means—

- (a) for a person in service as a member of a home police force, leave taken in accordance with a determination under regulation 33(8)(b) of the 2003 Regulations; or
- (b) for a person in service as a member of a police force in England and Wales other than a home police force, any period of equivalent leave taken by the person while in that service;

“part-time service” means—

- (a) in relation to a member of a home police force, service by a person appointed under regulation 5 of the 2003 Regulations; or
- (b) in relation to a member of a police force other than a home police force, part-time service under the member’s terms and conditions of employment;

“pay period” means the period in respect of which a payment of pensionable earnings is made;

“payments for added pension” means payments resulting from the exercise of the added pension option under Schedule 3;

“pension credit” has the meaning given in section 124(1) of PA 1995;

“pension credit member”, in relation to this scheme, means a person who has rights under this scheme which are attributable (directly or indirectly) to a pension credit under a pension sharing order following divorce or nullity of marriage;

“pension credit member’s account” has the meaning given in regulation 71;

“pension credit member’s pension” means a pension payable under regulation 126;

“pension debit” means a debit under section 29(1)(a) of WRPA 1999;

“pension debit member”, in relation to this scheme, means a person who is a member of this scheme whose benefits or future benefits under this scheme have been reduced under section 31 of WRPA 1999 (reduction under pension sharing order following divorce or nullity of marriage);

“another pension scheme” means—

- (a) another occupational pension scheme that is a registered pension scheme but is not a connected scheme; or

(b) a personal pension scheme;

“pension sharing order” means any provision or order specified in section 28 of WRPA 1999;

“pension supervising authority”, in relation to a member of a police force in England and Wales, has the meaning given in regulation 210;

“pensionable earnings”, in relation to any period—

(a) for the purpose of calculating member contributions, has the meaning given in Part 10; and

(b) otherwise, has the meaning given in regulation 33 (pensionable earnings);

“pensioner member”, in relation to this scheme, means a person who is entitled to payment for life of a retirement pension under this scheme;

“period of assumed pay” has the meaning given in regulation 34(2);

“period of permanent service” means a period in which P is absent from duty because of being called out, or recalled, for permanent service in Her Majesty’s armed forces in pursuance of a call-out notice served, or a call-out or recall order made, under the Reserve Forces Act 1996(18);

“permanently medically unfit”, in relation to a member of a police force, has the meaning given in regulation 76 (decision of selected medical practitioner);

“personal pension scheme” means a personal pension scheme as defined in section 1 of PSA 1993 that is a registered pension scheme;

“PIA index adjustment”, in relation to the opening balance of added pension for any scheme year, means the amount by which the annual rate of a pension of an amount equal to the opening balance would have been increased in that year under PIA 1971 if—

(a) that pension were eligible to be so increased; and

(b) the beginning date for that pension were the first day of the previous scheme year;

“police force”, in relation to England and Wales, has the meaning given in Part 2 (establishment of scheme for members of a police force);

“police pension authority” has the meaning given in regulation 7;

“a police pension scheme” means—

(a) this scheme;

(b) the 2015 Scotland police pension scheme; or

(c) the 2015 NI police pension scheme;

“the police service in Northern Ireland” means those persons who are eligible to be a member of—

(a) the 2015 NI police pension scheme;

(b) the 2009 NI police pension scheme; or

(c) the 1988 NI police pension scheme;

“the Police Service of Scotland” has the meaning given in section 6 of the Police and Fire Reform (Scotland) Act 2012(19);

“protected member”, in relation to the existing police pension scheme, has the meaning given in Schedule 4 (transitional provisions);

(18) 1996 c. 14.

(19) 2012 asp 8.

“provisional amount”, in relation to a description of deferred pension, has the meaning given in regulation 65;

“qualifying service”, for the purpose of this scheme, has the meaning given in regulation 88;

“registered”, in relation to a pension scheme, means registered under Chapter 2 of Part 4 of FA 2004;

“regular employment” means employment for an annual average of at least 30 hours per week;

“retirement account” has the meaning given in regulation 68(4);

“retirement added pension” means—

- (a) retirement added (self only) pension (if any); and
- (b) retirement added (all beneficiaries) pension (if any);

“retirement benefits” means benefits payable under Part 7 (retirement benefits);

“retirement earned pension” means, in relation to this scheme—

- (a) retirement standard earned pension (if any); and
- (b) retirement club transfer earned pension (if any);

“retirement index adjustment”, in relation to an amount of accrued earned pension, has the meaning given in regulation 46;

“retirement pension” means a full retirement pension or an ill-health pension;

“retirement PIA index adjustment”, in relation to an amount of accrued added pension, has the meaning given in regulation 47;

“this scheme” means the scheme established by these Regulations;

“scheme actuary” means the individual appointed by the Secretary of State under Part 12 (actuarial valuations and employer cost cap);

“scheme closing date” means 31st March 2015;

“scheme manager” has the meaning given in regulation 9;

“scheme year” means a period of one year beginning with 1st April and ending with 31st March;

“selected medical practitioner” has the meaning given in Schedule 1 (medical decisions: appeals and reconsideration);

“sending scheme” has the meaning given in Part 11 (transfers);

“sick leave” means—

- (a) for a person in service as a member of a home police force, leave taken in accordance with a determination under regulation 33(5) of the 2003 Regulations; or
- (b) for a person in service as a member of a police force in England and Wales other than a home police force, any period of equivalent leave taken by the person while in that service;

“specified NCA officer” has the meaning given in regulation 6;

“standard earned pension” means pension which is earned under this scheme and which is payable without actuarial reduction—

- (a) to an active member of this scheme who becomes a pensioner member of this scheme on reaching normal pension age under this scheme⁽²⁰⁾; or
- (b) to a deferred member of this scheme who becomes a pensioner member of this scheme on reaching the member’s state pension age;

(20) See section 10(2) of the Act for the meaning of normal pension age under this scheme.

“statutory pay” means statutory adoption pay, statutory maternity pay, ordinary statutory paternity pay or additional statutory paternity pay within the meaning of the Social Security Contributions and Benefits Act 1992(21);

“surviving adult”, in relation to a deceased member of this scheme, has the meaning given in regulation 134;

“surviving adult partner” has the meaning given in regulation 135;

“surviving adult’s added pension” means a pension payable under regulation 137(2)(d);

“surviving adult’s earned pension” means a pension payable under regulation 137(2)(a);

“surviving adult’s enhanced upper tier ill-health pension” means a pension payable under regulation 137(2)(c);

“surviving adult’s lower tier ill-health pension” means a pension payable under regulation 137(2)(b);

“surviving adult’s pension” has the meaning given in regulation 136;

“surviving civil partner” has the meaning given in regulation 134;

“surviving spouse” has the meaning given in regulation 134;

“transfer payment” has the meaning given in Part 11;

“transfer value” has the meaning given in Part 11;

“transfer value payment” has the meaning given in Part 11;

“transferred pension” means pension attributable to receipt of a transfer value payment;

“transition date” has the meaning given in Part 1 of Schedule 4 (transitional provisions);

“transition member” means—

(a) a 1987 transition member; or

(b) a 2006 transition member;

“UK police service” has the meaning given in regulation 5(3);

“upper tier threshold”, in relation to entitlement to payment of an ill-health pension, has the meaning given in regulation 101 (payment thresholds); and

“weekly rate”, in relation to a guaranteed minimum pension, has the same meaning as in regulation 55(1) of the Occupational Pension Schemes (Contracting-out) Regulations 1996(22).

(2) For the purpose of these Regulations, the following persons are members of the police service in Northern Ireland—

(a) a constable of the Police Service of Northern Ireland as defined in section 1(2) of the Police (Northern Ireland) Act 2000(23);

(b) a constable of the Police Service of Northern Ireland Reserve as defined in section 1(4) of that Act;

(c) a police trainee within the meaning of section 36(3) of that Act;

(d) a police reserve trainee within the meaning of section 37(3) of that Act; and

(e) a police service cadet within the meaning of section 42 of that Act.

(21) 1992 c. 4.

(22) S.I. 1996/1172.

(23) 2000 c. 32 (N.I.).

PART 2

Establishment of scheme for members of a police force

Establishment of scheme

3. These Regulations establish a scheme for the payment of pensions and other benefits to or in respect of members of a police force(24) in England and Wales other than special constables or police cadets(25).

Members of a home police force

4.—(1) In these Regulations, “member of a home police force” means—

- (a) a member of a police force maintained under section 2 of PA 1996;
- (b) a member of the metropolitan police force; or
- (c) a member of the City of London police force.

(2) For the purpose of paragraph (1)—

- (a) “a member of a police force maintained under section 2 of PA 1996” does not include a special constable or a police cadet;
- (b) “a member of the metropolitan police force” does not include a special constable or a police cadet;
- (c) “a member of the City of London police force” does not include a special constable or a police cadet.
- (d) the commissioner, deputy commissioner, assistant commissioners and deputy assistant commissioners of police of the metropolis are deemed to be members of the metropolitan police force; and
- (e) the commissioner and assistant commissioners of police for the City of London are deemed to be members of the City of London police force.

(3) For the purpose of these Regulations, a member of a home police force remains in service as a member of that police force during—

- (a) a career break; and
- (b) any other period of unpaid leave—
 - (i) that does not exceed 5 years; and
 - (ii) during which the employment relationship continues(26).

Members of a police force other than a home police force

5.—(1) For the purpose of these Regulations—

- (a) a body mentioned in column 2 of the table is deemed to be a police force in England and Wales to the extent that the person described in the corresponding item in column 1 is employed by that body; and
- (b) the person described in column 1 of the table is deemed to be in service as a member of the police force mentioned in the corresponding item in column 2.

(24) Under paragraph 7 of Schedule 1 to the Act, “members of a police force” in relation to England and Wales includes special constables and police cadets. See section 101 of PA 1996 for the meaning of “police force”.

(25) See the Special Constables (Pensions) Regulations 1973 (S.I. 1973/431) and the Police Cadets (Pensions) Regulations 1973 (S.I. 1973/430).

(26) See regulation 22 for periods of unpaid leave during which the employment relationship continues.

(2) For the purpose of these Regulations, a member of a police force mentioned in column 2 of the table remains in service as a member of that police force during—

- (a) a career break; and
- (b) any other period of unpaid leave—
 - (i) that does not exceed 5 years; and
 - (ii) during which the employment relationship continues⁽²⁷⁾.

<i>Item</i>	<i>Column 1 – Deemed members of a police force</i>	<i>Column 2 – Deemed police forces</i>
1	A person appointed as Chief Inspector of Constabulary who is a former member of a home police force, the Police Service of Scotland or the police service in Northern Ireland.	The body in or with which the person is serving.
2	A person engaged on service as an inspector of constabulary or an assistant inspector of constabulary who is a former member of a home police force, the Police Service of Scotland or the police service in Northern Ireland.	The body in or with which the person is serving.
3	A specified NCA officer ⁽²⁸⁾ based in England, Wales or Scotland.	The NCA.
4	A person engaged on service as chief executive of the body known as the College of Policing who immediately before beginning that service was in UK police service.	The College of Policing.
5	A person holding the office of constable who is engaged as a member of staff of the Disclosure and Barring Service and who immediately before becoming so engaged was in UK police service.	The Disclosure and Barring Service.
6	A person engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 ⁽²⁹⁾ who immediately before becoming so engaged was in UK police service.	The Independent Police Complaints Commission.
7	A person in service as an officer pursuant to an appointment made in connection with the provision	The body in or with which the person is serving.

⁽²⁷⁾ See regulation 22 for periods of unpaid leave during which the employment relationship continues.

⁽²⁸⁾ See regulation 6 for the meaning of “specified NCA officer”.

⁽²⁹⁾ 2002 c. 30.

<i>Item</i>	<i>Column 1 – Deemed members of a police force</i>	<i>Column 2 – Deemed police forces</i>
	by the Secretary of State of assistance under the International Development Act 2002(30).	
8	A person appointed as Chief Inspector of the UK Border Agency who has held the office of constable and who immediately before the appointment was in UK police service.	The department of the Secretary of State.
9	A person engaged on temporary service in accordance with arrangements made under section 26(2) of PA 1996.	The body in or with which the person is serving.
10	A person engaged on relevant service under section 97 of PA 1996.	The department of the Secretary of State.

- (3) For the purpose of the table, a person was in UK police service if the person was—
- an active member or eligible to be an active member of a police pension scheme;
 - in pensionable service or eligible to be in pensionable service under the existing police pension scheme; or
 - in service or eligible to be in service which was pensionable under the existing NI police pension scheme or the existing Scotland police pension scheme.

(4) For the purpose of these Regulations, a person engaged on relevant service under section 97 of PA 1996 as a National Crime Agency officer who is based in Scotland is deemed to be in service as a member of a police force in England and Wales other than a home police force.

Meaning of “specified NCA officer”

6.—(1) For the purpose of these Regulations, a person in service as a National Crime Agency officer is a specified NCA officer if paragraph (2), (3) or (4) applies.

- (2) This paragraph applies if—
- the person’s service is as the Director General of the NCA; and
 - immediately before beginning that service, the person was in UK police service.
- (3) This paragraph applies if—
- the person is in service as an NCA officer in a role that is designated by the Director General of the NCA, with the agreement of the Treasury, as a role that requires police skills; and
 - immediately before beginning that service, the person was in UK police service.
- (4) This paragraph applies if—
- the person is a transition member; and

- (b) immediately before becoming an active member of this scheme, the person's service as a National Crime Agency officer was eligible service within the meaning of section 11(9) to (13) of the Police Pensions Act 1976⁽³¹⁾.

PART 3

Governance

Police pension authority

7. In these Regulations, the police pension authority for a member of a police force mentioned in column 1 is the person or body mentioned in column 2.

<i>Column 1 – Member of a police force</i>	<i>Column 2 – Police pension authority</i>
A member of a police force maintained under section 2 of PA 1996 other than the Chief Constable.	The Chief Constable.
A member of the metropolitan police force other than the Commissioner of Police of the Metropolis.	The Commissioner of Police of the Metropolis.
A member of the City of London police force other than the Commissioner of Police for the City of London.	The Commissioner of Police for the City of London.
The Chief Constable of a police force.	The police and crime commissioner ⁽³²⁾ for that force.
The Commissioner of Police of the Metropolis.	The Mayor's Office for Policing and Crime ⁽³³⁾ .
The Commissioner of Police for the City of London.	The Common Council ⁽³⁴⁾ .
A person engaged on service as an inspector of constabulary or an assistant inspector of constabulary who is a former member of a home police force, the Police Service of Scotland or the police service in Northern Ireland.	The Secretary of State.

⁽³¹⁾ 1976 c. 35.

⁽³²⁾ See section 101 of PA 1996 for the meaning of "a police and crime commissioner".

⁽³³⁾ See section 101 of PA 1996 for the meaning of "the Mayor's Office for Policing and Crime".

⁽³⁴⁾ See section 101 of PA 1996 for the meaning of "the Common Council".

<i>Column 1 – Member of a police force</i>	<i>Column 2 – Police pension authority</i>
A person appointed as Chief Inspector of Constabulary who is a former member of a home police force, the Police Service of Scotland or the police service in Northern Ireland.	The Secretary of State.
A specified NCA officer other than the Director General of the NCA.	The Director General of the NCA.
A person appointed as the Director General of the NCA who immediately before the appointment was in UK police service.	The Secretary of State.
A person engaged on service as chief executive of the body known as the College of Policing who immediately before beginning that service was in UK police service.	The College of Policing.
A person holding the office of constable who is engaged as a member of staff of the Disclosure and Barring Service and who immediately before becoming so engaged was in UK police service.	The Disclosure and Barring Service.
A person engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002(35) who immediately before becoming so engaged was in UK police service.	The Independent Police Complaints Commission.
A person in service as an officer pursuant to an appointment made in connection with the provision by the Secretary of State of assistance under the International Development Act 2002.	The Secretary of State or the Secretary of State for International Development.
A person appointed as Chief Inspector of the UK Border Agency who has held the office of constable and who immediately before the appointment was in UK police service.	The Secretary of State.
A person engaged on temporary service in accordance with arrangements made under section 26(2) of PA 1996.	The Secretary of State.

(35) 2002 c. 30.

Column 1 – Member of a police force

Column 2 – Police pension authority

A person engaged on relevant service under section 97 of PA 1996.

The Secretary of State.

Alteration of police areas

8.—(1) This regulation applies if a police area(**36**) in relation to a home police force is combined with another police area to form part of that police area, or is divided into 2 or more police areas, by an order made under—

- (a) section 32 of the Police Act 1996;
- (b) section 58 of the Local Government Act 1972; or
- (c) section 17 of the Local Government Act 1992.

(2) If a police area (“the original police area”) is combined with another police area to form part of that police area (“the combined police area”), for the purpose of these Regulations—

- (a) the police force for the combined police area is taken to be the police force for the original police area; and
- (b) the police pension authority for a member of the police force for the combined police area is taken to be the police pension authority for a member of the police force for the original police area.

(3) If as a result of dividing a police area (“the divided police area”), a member of the home police force in the divided police area is transferred to a home police force in another police area (“the new police area”), for the purpose of these Regulations—

- (a) the police force for the new police area is taken to be the police force for the divided police area; and
- (b) the police pension authority for a member of the police force for the new police area is taken to be the police pension authority for a member of the police force for the divided police area.

Scheme manager

9.—(1) The police pension authority for a member of a police force is responsible for managing and administering this scheme and any statutory pension scheme that is connected with it(**37**) in relation to that member.

(2) Pensions and other benefits payable under this scheme are payable by the scheme manager.

(3) A statutory pension scheme that is a defined contributions scheme(**38**) is not connected with this scheme.

(4) In these Regulations, “scheme manager” in relation to a member of a police force means the police pension authority for that member acting in exercise of its functions under paragraph (1).

Scheme manager approval

10. In this Part, “scheme manager approval” means—

(36) See section 101 of the Police Act 1996 (c. 16) for the meaning of “police area”.

(37) See section 4(6) of the Act which sets out when statutory pension schemes are “connected”.

(38) See section 37 of the Act for the meaning of “defined contributions scheme”.

- (a) for a Police Pensions Board established to assist one scheme manager, the approval of that scheme manager; or
- (b) for a Police Pensions Board established to assist more than one scheme manager, the approval of each of those scheme managers.

Delegation

11.—(1) The Secretary of State may delegate any functions under these Regulations, including this power to delegate.

(2) The scheme manager may delegate any functions under these Regulations, including this power to delegate.

Scheme manager’s obligation to pass on member’s records

12.—(1) Paragraph (2) applies if a member of a police force in England and Wales (“the original police force”) becomes a member of another police force in England and Wales (“the new police force”).

(2) The scheme manager for the original police force must give the scheme manager for the new police force within 3 months after the member becomes a member of the new police force any information or documents required by the scheme manager for the new police force for the purpose of—

- (a) the scheme manager’s functions under these Regulations; or
- (b) records required to be kept by the scheme manager under regulations made under section 16 of the Act.

(3) Paragraph (4) applies if a member of a police force in England and Wales (“the original police force”) becomes a member of the Police Service of Scotland.

(4) The scheme manager for the original police force must give the scheme manager for the Police Service of Scotland any information or documents required by the scheme manager for the Police Service of Scotland for the purpose of—

- (a) the scheme manager’s functions under the 2015 Scotland police pension scheme; or
- (b) records required to be kept by the scheme manager under regulations made under section 16 of the Act.

(5) Paragraph (6) applies if a member of a police force in England and Wales (“the original police force”) becomes a member of the police service in Northern Ireland (“the NI police service”).

(6) The scheme manager for the original police force must give the scheme manager for the NI police service any information or documents required by the scheme manager for the NI police service for the purpose of—

- (a) the scheme manager’s functions under the 2015 NI police pension scheme; or
- (b) records required to be kept by the scheme manager under regulations made under section 16 of the Public Service Pensions Act (Northern Ireland) 2014⁽³⁹⁾.

Police Pension Boards: establishment

13.—(1) The scheme manager must ensure that a pension board⁽⁴⁰⁾ (“a Police Pension Board”) is established to assist the scheme manager—

- (a) to secure compliance with—

⁽³⁹⁾ 2014 c. 2 (N.I.).

⁽⁴⁰⁾ See section 5(8) of the Act for the meaning of “pension board”.

- (i) these Regulations;
 - (ii) any other legislation relating to the governance and administration of this scheme and any statutory pension scheme that is connected with it; and
 - (iii) any requirements imposed by the Pensions Regulator in relation to this scheme or any statutory pension scheme that is connected with it; and
- (b) in the performance of the scheme manager’s functions under these Regulations.
- (2) A Police Pension Board may be established to assist more than one scheme manager.
- (3) The following scheme managers must identify an established Police Pension Board to assist them—
- (a) the Secretary of State;
 - (b) the Director General of the NCA;
 - (c) the College of Policing;
 - (d) the Disclosure and Barring Service;
 - (e) the Independent Police Complaints Commission;
 - (f) the Secretary of State for International Development.
- (4) In paragraph (3), “established Police Pension Board” means a Police Pension Board which has been established to assist another scheme manager.

Police Pension Boards: membership

- 14.**—(1) Subject to regulation 16 (conflicts of interest), a Police Pension Board is to consist of the following members who are to be entitled to vote in its proceedings (“voting members”)—
- (a) a chair and a deputy chair appointed by the scheme manager; and
 - (b) at least 4, and no more than 12, persons appointed by the chair with scheme manager approval.
- (2) The chair and deputy chair must not both be employer representatives or member representatives⁽⁴¹⁾.
- (3) If the scheme manager does not appoint an independent chair, the chair and deputy chair must alternate their roles at intervals agreed by the Board.
- (4) Equal numbers of employer representatives and member representatives must be appointed to the Board.
- (5) The chair, with scheme manager approval, may appoint to the Police Pension Board up to 4 independent members who are not to be entitled to vote in the Board’s proceedings (“non-voting members”).
- (6) A member of a Police Pension Board is to hold and vacate office in accordance with the terms of that member’s appointment.
- (7) In this regulation, “independent” means neither an employer representative nor a member representative.

Police Pension Boards: procedure

- 15.**—(1) A Police Pension Board may determine its own procedures, subject to scheme manager approval.
- (2) If there is a tied vote on any issue, the chair has a casting vote.

(41) See section 5(6) of the Act for the meaning of “employer representatives” and “member representatives”.

Police Pension Boards: conflicts of interest

16.—(1) Before appointing, or approving the appointment of, any person under regulation 14 (membership), the scheme manager must be satisfied that that person does not have a conflict of interest⁽⁴²⁾.

(2) The scheme manager must be satisfied from time to time that none of the members of a Police Pension Board has a conflict of interest.

(3) If the scheme manager determines that a member of a Police Pension Board has a conflict of interest, the scheme manager must terminate the appointment of the member.

(4) A member of a Police Pension Board, or a person proposed to be appointed as such a member, must provide the scheme manager with any information the scheme manager may reasonably require for the purpose of paragraph (1) or (2).

Payment of fees and expenses

17. The scheme manager may—

- (a) pay fees to or in respect of members of a Police Pension Board of such amounts as the scheme manager may determine; and
- (b) reimburse members of a Police Pension Board in respect of any reasonable expenses incurred by them in the performance of their duties in relation to this scheme.

Scheme advisory board: establishment

18.—(1) A scheme advisory board is established⁽⁴³⁾.

(2) The scheme advisory board is responsible for providing advice to the Secretary of State, at the Secretary of State's request, on the desirability of making changes to this scheme.

(3) The scheme advisory board may provide advice (on request or otherwise) to a scheme manager or to a Police Pension Board in relation to the effective and efficient administration and management of this scheme and any statutory pension scheme that is connected with it.

(4) The scheme advisory board may determine its own procedures, subject to the approval of the Secretary of State.

Scheme advisory board: membership

19.—(1) Subject to regulation 20 (conflicts of interest), the Secretary of State must appoint the members of the Police Advisory Board for England and Wales to be the members of the scheme advisory board.

(2) A member of the scheme advisory board is to hold and vacate office in accordance with the terms of that member's appointment.

(3) In this regulation, "Police Advisory Board for England and Wales" means the board which is continued under section 63(1) of PA 1996.

Scheme advisory board: conflicts of interest

20.—(1) Before appointing a person as a member of the scheme advisory board, the Secretary of State must be satisfied that that person does not have a conflict of interest⁽⁴⁴⁾.

⁽⁴²⁾ See section 5(5) of the Act for the meaning of "conflict of interest".

⁽⁴³⁾ See section 7(6) of the Act for the meaning of "scheme advisory board".

⁽⁴⁴⁾ See section 7(5) of the Act for the meaning of "conflict of interest".

(2) The Secretary of State must be satisfied from time to time that none of the members of the scheme advisory board has a conflict of interest.

(3) If the Secretary of State determines that a member of the scheme advisory board has a conflict of interest, the Secretary of State must terminate the appointment of the member.

(4) A member of the scheme advisory board, or a person proposed to be appointed as such a member, must provide the Secretary of State with any information the Secretary of State may reasonably require for the purpose of paragraph (1) or (2).

PART 4

Scheme membership

CHAPTER 1

Active membership

Eligible service

21.—(1) A member of a police force in England and Wales—

- (a) is in eligible service; and
- (b) is eligible to be an active member of this scheme.

(2) While a person is a protected member of the existing police pension scheme, the person—

- (a) is not in eligible service; and
- (b) is not eligible to be an active member of this scheme.

(3) For the purpose of these Regulations, a member of a police force remains in eligible service during—

- (a) a career break; and
- (b) any other period of unpaid leave—
 - (i) that does not exceed 5 years; and
 - (ii) during which the employment relationship continues⁽⁴⁵⁾.

(4) For the purpose of these Regulations, a member of a police force remains in eligible service during a period of permanent service unless during that period of permanent service P is in pensionable service in—

- (a) an existing scheme⁽⁴⁶⁾ that relates to the armed forces or another scheme under section 1 of the Act that relates to the armed forces; or
- (b) any other occupational pension scheme.

Periods of unpaid leave

22.—(1) For the purpose of determining entitlement to payment of benefits to or in respect of a member of this scheme, the member is taken to be an active member of this scheme during the following periods of unpaid leave—

- (a) a career break; and
- (b) any other period of unpaid leave—

⁽⁴⁵⁾ See regulation 22 for periods of unpaid leave during which the employment relationship continues.

⁽⁴⁶⁾ See section 18(2) of the Act for the meaning of “existing scheme”.

- (i) that does not exceed 5 years; and
 - (ii) during which the employment relationship continues.
- (2) For the purpose of these Regulations, the employment relationship continues during the following periods of unpaid leave—
- (a) unpaid leave mentioned in regulation 172(1) (option to pay member contributions for period of unpaid leave) that does not exceed 5 years;
 - (b) unpaid sick leave that does not exceed 5 years;
 - (c) a career break;
 - (d) any other period of unpaid leave—
 - (i) that does not exceed 5 years; and
 - (ii) that is approved by the employer as a period in respect of which the employment relationship continues⁽⁴⁷⁾.

Period of permanent service

23. For the purpose of determining entitlement to payment of benefits to or in respect of a member of this scheme, the member is taken to be an active member of this scheme during a period of permanent service.

CHAPTER 2

Automatic enrolment

Application of Chapter

24. This Chapter applies in relation to a continuous period of eligible service.

Interpretation of Chapter

25. In this Chapter—

“automatic re-enrolment date”, in relation to a person in eligible service, means a date determined under regulation 12 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010⁽⁴⁸⁾;

“continuous period of eligible service” means a period of eligible service disregarding any period not exceeding 5 years in which the person is not in eligible service⁽⁴⁹⁾; and

“first day of eligible service” means the first day of a continuous period of eligible service.

Automatic enrolment

26.—(1) A person (P) begins pensionable service under this scheme on P’s first day of eligible service unless—

- (a) regulation 31 (opting out before the end of the initial period of eligible service) applies; or
 - (b) P is a transition member with continuity of service and paragraph (2) applies.
- (2) This paragraph applies if—
- (a) P’s first day of eligible service is the day after P’s closing date; and

⁽⁴⁷⁾ See regulation 22 for periods of unpaid leave during which the employment relationship continues.

⁽⁴⁸⁾ *S.I. 2010/772*; regulation 12 was amended by *S.I. 2012/215*.

⁽⁴⁹⁾ See Chapter 1 of this Part. For the purpose of these Regulations, a member of a police force on a period of unpaid leave from that police force remains in eligible service.

(b) as at P's closing date, P was opted out of the existing police pension scheme.

(3) Paragraph (4) applies in relation to a person (P) in service as a member of a police force in England and Wales ("the original police force") who becomes a member of another police force in England and Wales ("the new police force").

(4) A person in pensionable service under this scheme in relation to the original police force continues in pensionable service under this scheme when P becomes a member of the new police force.

(5) Paragraph (6) applies in relation to a person (P) who is a member of the police service in Northern Ireland or the Police Service of Scotland who becomes a member of a police force in England and Wales ("the new police force").

(6) A person in pensionable service under the 2015 NI police pension scheme or the 2015 Scotland police pension scheme begins pensionable service under this scheme when P becomes a member of the new police force.

Opting in to this scheme

27.—(1) A person in eligible service who is not in pensionable service under this scheme may opt to become an active member of this scheme in relation to that eligible service.

(2) The option under this regulation may only be exercised by written notice to the scheme manager ("opt-in notice").

(3) The option under this regulation is taken to be exercised on the date on which the opt-in notice is received by the scheme manager⁽⁵⁰⁾.

(4) If P opts out of this scheme within 12 months after opting in, P may not opt in again until after the end of that period of 12 months.

(5) A person who was in pensionable service before beginning a career break or any other period of unpaid leave is taken to re-enter pensionable service when returning from the career break or other period of unpaid leave.

When an opt-in takes effect

28. If P opts in to this scheme in relation to eligible service, P becomes an active member of this scheme in relation to that service—

(a) at the beginning of the first pay period beginning on or after the date on which the option is exercised; or

(b) if the scheme manager considers that time inappropriate, at any other time the scheme manager considers appropriate.

Automatic re-enrolment

29.—(1) This regulation applies if, on the automatic re-enrolment date, a person in eligible service is not in pensionable service under this scheme.

(2) On the automatic re-enrolment date, the scheme manager must enrol P in this scheme in relation to that eligible service if the employer is required under section 5 (automatic re-enrolment) of the Pensions Act 2008⁽⁵¹⁾ to make arrangements for P to be an active member of a pension scheme.

(3) For the purpose of paragraph (2), the employer is required to make arrangements under that section even if—

⁽⁵⁰⁾ See regulation 28 for when an opt-in has effect.

⁽⁵¹⁾ 2008 c. 30. Section 5 was amended by the Pensions Act 2011 (c. 19) sections 4(2), (3) and (4), 5(3) and (4) and 6(3).

- (a) P has not reached the age of 22;
- (b) P has reached normal pension age under this scheme; or
- (c) the earnings requirements under that section are not met.

Opting out of this scheme

30.—(1) A person (P) opts out of this scheme in relation to eligible service if P opts not to be an active member of this scheme in relation to that service.

(2) P may only exercise the option under paragraph (1) by written notice to the scheme manager (“opt-out notice”).

(3) The option is taken to be exercised on the date on which the opt-out notice is received by the scheme manager.

Opting out before the end of the initial period of eligible service

31.—(1) This regulation applies if a person (P) opts out of this scheme in relation to eligible service—

- (a) before the end of 3 months after P’s first day of eligible service (or within any longer period the scheme manager considers appropriate); or
- (b) before the end of one month after the automatic re-enrolment date (or within any longer period the scheme manager considers appropriate).

(2) If paragraph (1)(a) applies, P is taken never to have been in pensionable service under this scheme in relation to that eligible service.

(3) If paragraph (1)(b) applies, P is taken not to have been in pensionable service under this scheme during the period referred to in paragraph (1)(b).

(4) This regulation does not require the scheme manager to pay P any additional amount which becomes payable by P in respect of national insurance contributions because P has not after all been an active member of this scheme during any period.

Opting out after the initial period of eligible service

32.—(1) This regulation applies if—

- (a) regulation 31 (opting out before the end of the initial period of eligible service) does not apply; and
- (b) a person (P) opts out of this scheme in relation to eligible service—
 - (i) 3 months or more after P’s first day of eligible service; or
 - (ii) one month or more after P’s automatic re-enrolment date.

(2) If P exercises the option under paragraph (1)(b), P ceases to be in pensionable service under this scheme—

- (a) on the first day of the first pay period beginning on or after the date on which the option is exercised; or
- (b) if the scheme manager considers that day inappropriate, on the first day of any later pay period the scheme manager considers appropriate.

CHAPTER 3

Pensionable earnings and assumed pay

Pensionable earnings

33.—(1) This regulation applies for the purpose of these Regulations, other than for the purpose of calculating the rate of member contributions under Part 10 (contributions).

(2) A member's pensionable earnings for any period—

(a) for a member in full-time service, means pay at the rate to which the member is entitled in that period, account being taken of any retrospective increase in that rate;

(b) for a member in part-time service, means so much of the member's pay at that rate as is attributable to the member's determined hours specified under the member's part-time appointment, account being taken of any retrospective increase in that rate.

(3) For a person in service as a member of a home police force, the rate of pay to which the member is entitled is the rate of pay to which the member is entitled as such a member.

(4) For a person in service as a member of a police force in England and Wales other than a home police force, the rate of pay to which the member is entitled is the rate of pay to which the member is entitled under the member's terms and conditions of employment.

Pensionable earnings during a period of assumed pay

34.—(1) An active member of this scheme (P) is taken to receive in respect of a period of assumed pay an amount equal to the sum of—

(a) the amount of pensionable earnings that P would have received in respect of the period of assumed pay had the circumstances in paragraph (2) not applied; and

(b) any increase the scheme manager considers appropriate.

(2) For the purpose of these Regulations, "a period of assumed pay" is a period in respect of which any of the following circumstances apply—

(a) P is on reduced pay while on sick leave, paid adoption leave, paid maternity leave, paid parental leave, paid maternity support leave or paid adoption support leave;

(b) P is receiving statutory pay;

(c) P is on unpaid maternity leave during the first 26 weeks of maternity leave;

(d) P is absent from duty because of being called out, or recalled, for permanent service in Her Majesty's armed forces in pursuance of a call-out notice served, or a call-out or recall order made, under the Reserve Forces Act 1996⁽⁵²⁾; or

(e) P voluntarily surrenders pensionable earnings in whole or in part.

(3) Paragraph (2)(d) does not apply to any period of permanent service during which P is in pensionable service in—

(a) an existing scheme⁽⁵³⁾ that relates to the armed forces or another scheme under section 1 of the Act that relates to the armed forces; or

(b) any other occupational pension scheme.

⁽⁵²⁾ 1996 c. 14.

⁽⁵³⁾ See section 18(2) of the Act for the meaning of "existing scheme".

CHAPTER 4

Eligibility for payment of ill-health benefits

Interpretation

35.—(1) For the purpose of this Chapter, “final medical report” has the meaning given in—

- (a) regulation 39(1) (selected medical practitioner’s report);
- (b) regulation 40(3) (selected medical practitioner’s revised report); or
- (c) regulation 41(4) (revised report by third registered medical practitioner).

(2) For the purpose of this Chapter, the likely cost of providing a person with benefits under this scheme is disproportionately high if it is more than 50% greater than the likely cost of providing benefits under this scheme to a person who has not been identified as presenting a risk of retiring on grounds of permanent medical unfitness.

Determination of eligibility for payment of ill-health benefits

36.—(1) This regulation applies in relation to the following persons—

- (a) every new member of a police force in England and Wales;
- (b) every member of a police force in England and Wales who opts under Chapter 2 (automatic enrolment) to become an active member of this scheme.

(2) This regulation does not apply to a person who, not more than 5 years before being appointed to a police force in England and Wales—

- (a) was an active member of a police pension scheme; and
- (b) was eligible under that scheme for payment of benefits on grounds of permanent medical unfitness.

(3) Before P joins this scheme, the scheme manager may require P to submit to an examination by a selected medical practitioner in order that the scheme manager may determine P’s eligibility under this scheme for payment of ill-health benefits.

(4) If the scheme manager requires P to submit to an examination under this regulation, the scheme manager, by applying the opinion set out in the final medical report and advice from the scheme actuary, must determine whether the risk that P will retire on grounds of permanent medical unfitness (“the risk”) is such that the likely cost of providing P with benefits under this scheme is disproportionately high.

(5) P is ineligible under this scheme for payment of ill-health benefits if the scheme manager determines under this regulation that the risk is such that the likely cost of providing P with benefits under this scheme is disproportionately high.

(6) If the scheme manager determines under this regulation that the risk is such that the likely cost of providing P with benefits under this scheme is not disproportionately high, P is eligible under this scheme for payment of ill-health benefits from the first day of pensionable service under this scheme.

(7) A person to whom this regulation applies by virtue of paragraph (1)(b) must pay any fee charged for an examination or report under this regulation.

Re-determination of eligibility for payment of ill-health benefits

37.—(1) This regulation applies in relation to a person (P) who is ineligible under this scheme for payment of ill-health benefits.

(2) The scheme manager may require P to submit to an examination by a selected medical practitioner in order that the scheme manager may re-determine P's eligibility under this scheme for payment of ill-health benefits.

(3) If the scheme manager requires P to submit to an examination under this regulation, the scheme manager, by applying the opinion set out in the final medical report and advice from the scheme actuary, must determine whether the risk that P will retire on grounds of permanent medical unfitness ("the risk") is such that the likely cost of providing P with benefits under this scheme is disproportionately high.

(4) If the scheme manager determines under this regulation that the risk is such that the likely cost of providing P with benefits under this scheme is not disproportionately high, P is eligible under this scheme for payment of ill-health benefits from the date of that determination.

(5) P is taken to begin pensionable service under this scheme on the date of that determination for the purpose of calculating—

- (a) the annual rate of ill-health pension under this scheme; or
- (b) the annual rate of a full retirement pension which comes into payment early on grounds of permanent medical unfitness.

Reduced rate of member contributions

38.—(1) A reduced member contributions rate applies to an active member of this scheme who is ineligible under this scheme for payment of ill-health benefits.

(2) If the scheme manager determines under regulation 37 (re-determination of eligibility for payment of ill-health benefits) that the member is eligible under this scheme for payment of ill-health benefits, the reduced member contributions rate ceases to apply from the date of that determination.

(3) In this regulation, "reduced member contributions rate" means a reduced rate of member contributions which applies to the member under Part 10 (contributions).

Selected medical practitioner's report

39.—(1) A selected medical practitioner who examines a person (P) under this Chapter must send a report ("the selected medical practitioner's report") to the scheme manager giving an opinion on the likelihood and likely timing of P becoming permanently medically unfit for performing the ordinary duties of a member of the police force.

(2) The selected medical practitioner, in giving an opinion on the likelihood of P becoming permanently medically unfit for performing the ordinary duties of a member of the police force, must consider—

- (a) the likelihood of P becoming unable to perform those duties; and
- (b) the likelihood of that inability continuing until the day on which—
 - (i) P reaches normal pension age under this scheme; or
 - (ii) P dies (if the selected medical practitioner considers P is likely to die before reaching normal pension age under this scheme).

(3) A copy of the selected medical practitioner's report must be given to P.

(4) Subject to an appeal under regulation 40 (appeal against selected medical practitioner's report), for the purpose of this Chapter the selected medical practitioner's report is the final medical report.

Appeal against selected medical practitioner's report

40.—(1) P may appeal to the scheme manager against the selected medical practitioner's report if—

- (a) the scheme manager determines under this Chapter that the risk that P will retire on grounds of permanent medical unfitness is such that the likely cost of providing P with benefits under this scheme is disproportionately high (“the scheme manager’s determination”);
- (b) P is given written notice of the scheme manager’s determination; and
- (c) P is dissatisfied with the opinion in the selected medical practitioner’s report on the likelihood or likely timing (or both) of P becoming permanently medically unfit for performing the ordinary duties of a member of the police force.

(2) An appeal is made under this regulation if—

- (a) within 28 days after receiving notice of the scheme manager’s determination, P gives the scheme manager notice of intent to appeal; and
- (b) within 2 months (or such longer period as may be agreed by the scheme manager) after receiving notice of the scheme manager’s determination, P provides the scheme manager with evidence that P has been examined by a registered medical practitioner (“the appellant’s medical practitioner”) who disagrees with the opinion in the selected medical practitioner’s report.

(3) On an appeal under this regulation, the scheme manager must ask the selected medical practitioner—

- (a) to reconsider the selected medical practitioner’s report in light of the evidence provided by P; and
- (b) if necessary, to produce a revised report on the likelihood and likely timing of P becoming permanently medically unfit for performing the ordinary duties of a member of the police force (“the selected medical practitioner’s revised report”).

(4) The selected medical practitioner must send a revised report to the scheme manager and to P.

(5) Subject to regulation 41, for the purpose of this Chapter that revised report is the final medical report.

Revised report by third registered medical practitioner

41.—(1) If P within 28 days after receiving the selected medical practitioner’s revised report gives written notice to the scheme manager that P is dissatisfied with the opinion contained in the revised report, the scheme manager must appoint a third registered medical practitioner to examine P.

(2) The third registered medical practitioner must be—

- (a) a person who is acceptable to both the selected medical practitioner and the appellant’s medical practitioner; or
- (b) if the medical practitioners fail to agree, a person whom the scheme manager considers appropriate.

(3) The third registered medical practitioner must send the scheme manager and P a written statement giving an opinion on the likelihood and likely timing of P becoming permanently medically unfit for performing the ordinary duties of a member of the police force.

(4) If the third registered medical practitioner disagrees with any part of the selected medical practitioner’s revised report—

- (a) the third registered medical practitioner’s written statement must be in the form of a revised report which must be sent to the scheme manager and to P; and

- (b) for the purpose of this Chapter, that revised report is the final medical report.

Refusal to be medically examined

42.—(1) This regulation applies in relation to a member of a police force in England and Wales who opts under Chapter 2 (automatic enrolment) to become an active member of this scheme.

(2) The scheme manager may make a determination under this Chapter on such evidence and medical advice as the scheme manager in its discretion thinks necessary if the member wilfully or negligently fails to submit to any medical examination or to attend any interviews that a medical practitioner considers necessary in order to make a decision or give an opinion under this Chapter.

CHAPTER 5

Deferred membership

Meaning of “deferred member”

43.—(1) A person (P) becomes a deferred member of this scheme in relation to a continuous period of pensionable service under this scheme (“period of service”) if paragraph (2) or (4) applies.

(2) This paragraph applies if—

- (a) P ceases to be an active member of this scheme in relation to the period of service before reaching P’s state pension age;
- (b) on ceasing to be an active member, P does not become a pensioner member of this scheme in relation to the period of service; and
- (c) P has at least 2 years’ qualifying service or a transfer payment otherwise than from another occupational pension scheme has been received by this scheme in relation to P.

(3) For the purpose of this regulation, a person on a period of unpaid leave during which the employment relationship continues⁽⁵⁴⁾ ceases to be an active member if the period of leave exceeds 5 years.

(4) A person becomes a deferred member of this scheme in relation to an amount of accrued added pension if—

- (a) the circumstances in regulation 105(1) (deferment of added pension attributable to recent payments) apply; or
- (b) the person exercises the option under regulation 123 (option to defer payment of retirement added pension).

PART 5

Pension accounts

CHAPTER 1

Accrued pension

Descriptions of accrued pension

44. For the purpose of these Regulations, the descriptions of accrued pension are—

- (a) accrued standard earned pension;

⁽⁵⁴⁾ See regulation 22 for periods of unpaid leave during which the employment relationship continues.

- (b) accrued club transfer earned pension;
- (c) accrued added (all beneficiaries) pension; and
- (d) accrued added (self only) pension.

Calculation of amount of accrued pension for purpose of deferment or retirement

45.—(1) For the purpose of calculating an amount of retirement earned pension or retirement added pension or the provisional amount of a description of deferred pension, the amount of accrued pension is an amount calculated in accordance with this regulation.

(2) The amount of accrued club transfer earned pension is to be calculated separately in relation to each sending scheme.

(3) The amount of accrued standard earned pension is the total of the following amounts specified in the active member’s account at the end of the last day of pensionable service—

- (a) the sum of the opening balance of standard earned pension for the last active scheme year and the index adjustment for that opening balance;
- (b) the amount of standard earned pension for the last active scheme year;
- (c) the sum of the opening balance of transferred pension for the last active scheme year and the index adjustment for that opening balance; and
- (d) the amount of transferred pension for the last active scheme year.

(4) The amount of accrued club transfer earned pension is the total of the following amounts specified in the active member’s account at the end of the last day of pensionable service—

- (a) the sum of the opening balance of club transfer earned pension for the last active scheme year and the index adjustment for that opening balance; and
- (b) the amount of club transfer earned pension for the last active scheme year.

(5) The amount of accrued added (self only) pension is the total of the following amounts specified in the active member’s account at the end of the last day of pensionable service—

- (a) the sum of the opening balance of accrued added (self only) pension for the last active scheme year and the PIA index adjustment for that opening balance; and
- (b) the amount of accrued added (self only) pension for the last active scheme year.

(6) The amount of accrued added (all beneficiaries) pension is the total of the following amounts specified in the active member’s account at the end of the last day of pensionable service—

- (a) the sum of the opening balance of accrued added (all beneficiaries) pension for the last active scheme year and the PIA index adjustment for that opening balance; and
- (b) the amount of accrued added (all beneficiaries) pension for the last active scheme year.

CHAPTER 2

Calculation of adjustments

Calculation of “retirement index adjustment”

46.—(1) The retirement index adjustment for an amount of accrued earned pension is—

amount of accrued earned pension \times retirement index percentage

where—

“amount of accrued earned pension” means an amount of any description of accrued earned pension; and

“retirement index percentage” means the retirement index percentage calculated under paragraph (2) for that description of accrued earned pension.

(2) The retirement index percentage is—

$$A \times \frac{B}{12}$$

where—

A means—

- (a) for accrued club transfer earned pension, the in-service revaluation index that applies in relation to the sending scheme for the leaving year; and
- (b) for accrued standard earned pension, the in-service revaluation index that applies in relation to this scheme for the leaving year;

B is the number of complete months in the period between the beginning of the leaving year and the end of the last day of pensionable service; and

“complete month” includes an incomplete month that consists of at least 16 days.

Calculation of “retirement PIA index adjustment”

47.—(1) The retirement PIA index adjustment for an amount of accrued added pension is calculated in accordance with paragraph (2).

(2) The retirement PIA index adjustment is the amount by which the annual rate of a pension of an amount equal to the amount of accrued added pension would have been increased in the leaving year under PIA 1971 if—

- (a) that pension were eligible to be so increased; and
- (b) the beginning date for that pension were the day after the last day of pensionable service.

Determination of “the age addition”

48.—(1) This regulation applies in relation to each scheme year in which an active member’s account is open that is subsequent to the scheme year in which the member reaches normal pension age under this scheme, other than—

- (a) the scheme year in which the account is required to be established under this Part; and
- (b) the scheme year immediately following that.

(2) At the beginning of the scheme year, for each description of pension, the scheme manager in accordance with actuarial guidance must determine the age addition to be awarded for that scheme year by reference to the opening balance of that description of pension for the previous scheme year.

(3) In these Regulations, “the age addition” means an additional amount of pension determined by reference to the proportion of the previous scheme year for which a member had reached normal pension age under this scheme.

Determination of “the assumed age addition”

49.—(1) This regulation applies if—

- (a) a deferred member’s account is established under this Part for a member who reached the member’s state pension age in the last year of pensionable service at least one month before the last day of pensionable service; or

- (b) a retirement account is established under this Part for a member who reached normal pension age under this scheme in the last year of pensionable service at least one month before the last day of pensionable service.
- (2) For each description of accrued pension specified in the account, the scheme manager in accordance with actuarial guidance must determine the assumed age addition to be awarded.
- (3) In these Regulations “the assumed age addition” means—
 - (a) for an amount of accrued standard earned pension not attributable to a transferred pension, the age addition that would have been awarded for standard earned pension had the member not left pensionable service in the leaving year, determined by reference to the proportion of the leaving year for which the member was an active member of this scheme who had reached normal pension age under this scheme;
 - (b) for an amount of accrued standard earned pension attributable to a transferred pension, the age addition that would have been awarded for transferred pension had the member not left pensionable service in the leaving year, determined by reference to the proportion of the leaving year for which the member was an active member of this scheme who had reached normal pension age under this scheme;
 - (c) for an amount of accrued club transfer earned pension, the age addition that would have been awarded for club transfer earned pension had the member not left pensionable service in the leaving year, determined by reference to the proportion of the leaving year for which the member was an active member of this scheme who had reached normal pension age under this scheme;
 - (d) for an amount of accrued added (self only) pension, the age addition that would have been awarded for added pension of that description had the member not left pensionable service in the leaving year, determined by reference to the proportion of the leaving year for which the member was an active member of this scheme who had reached normal pension age under this scheme;
 - (e) for an amount of accrued added (all beneficiaries) pension, the age addition that would have been awarded for added pension of that description had the member not left pensionable service in the leaving year, determined by reference to the proportion of the leaving year for which the member was an active member of this scheme who had reached normal pension age under this scheme.

Actuarial reduction on early payment of pension (early payment reduction)

- 50.—**(1) An actuarial reduction (“early payment reduction”) is applied when calculating the annual rate of pension payable to—
- (a) an active member who becomes a pensioner member of this scheme before reaching normal pension age under this scheme;
 - (b) a deferred member who becomes a pensioner member of this scheme before reaching the member’s state pension age; or
 - (c) a person who becomes a pension credit member of this scheme before reaching the member’s state pension age.
- (2) An early payment reduction is not applied when calculating—
- (a) the annual rate of ill-health pension under this scheme; or
 - (b) the annual rate of full retirement pension which comes into payment early on grounds of permanent medical unfitness.
- (3) An early payment reduction is calculated by reference to the following—

- (a) for an active member who claims payment of a full retirement pension before reaching normal pension age, normal pension age under this scheme;
 - (b) for a deferred member of this scheme who claims payment of a full retirement pension before reaching the member's state pension age, the member's state pension age.
- (4) In these Regulations—
- “actuarial reduction” means a reduction determined by the scheme manager in accordance with actuarial guidance or actuarial tables; and
 - “early payment reduction” means an actuarial reduction that is applied under paragraph (1).

Late payment supplement

51. In this Part, “late payment supplement”, in relation to the provisional amount of a description of deferred pension, means an additional amount of pension determined by the scheme manager (in accordance with actuarial guidance or actuarial tables) to be appropriate if a deferred member of this scheme is over the member's state pension age when the member becomes entitled to payment of a full retirement pension under Part 7, Chapter 2 (full retirement benefits).

CHAPTER 3

Pension accounts: general

Establishment of pension accounts: general

52.—(1) The scheme manager must establish and maintain one or more pension accounts for each member of this scheme in accordance with this Part.

- (2) A pension account—
- (a) may be kept in any form the scheme manager considers appropriate; and
 - (b) must specify the details required by these Regulations.

(3) References in these Regulations to any amount specified in a pension account are references to the amount that is required by these Regulations to be so specified and not, if different, the amount actually so specified.

Closure and adjustment of pension accounts on transfer out

53.—(1) Except as otherwise provided in this regulation, the scheme manager must close all pension accounts relating to a member of this scheme if—

- (a) a transfer payment is made in respect of all of the member's accrued rights under this scheme; or
- (b) all member contributions and payments for added pension made by the member are refunded to the member under Part 10 (contributions).

(2) Paragraph (1) does not require the scheme manager to close an account that includes amounts to which the transfer payment does not relate or is not attributable.

(3) An account that is not closed because of paragraph (2) must be adjusted as the scheme manager considers appropriate to reflect the extinguishment of rights under this scheme⁽⁵⁵⁾.

(4) Paragraph (1)(a) does not require the scheme manager to close a pension credit member's account if the transfer payment is made in respect of the accrued rights of a member who is both—

⁽⁵⁵⁾ Regulation 177 provides for extinguishment of rights following the refund of all members' contributions and payments for added pension made by the member. Regulation 186 provides for extinguishment of rights following the making of a transfer value payment.

- (a) a pension credit member of this scheme; and
- (b) an active member, deferred member or pensioner member of this scheme.

CHAPTER 4

Active member's account

Application of Chapter

54. This Chapter applies in relation to a continuous period of pensionable service under this scheme.

Establishment of active member's account

55.—(1) The scheme manager must establish a pension account for a member who is in pensionable service under this scheme from the day on which the member begins that pensionable service.

(2) For the purpose of these Regulations, an account established under paragraph (1) is called an active member's account.

Receipt of a transfer value payment

56.—(1) This regulation applies if a transfer value payment is received from another pension scheme (other than a connected scheme) in relation to an active member of this scheme.

(2) On receiving the transfer value payment, the scheme manager must credit the active member's account with the amount of transferred pension calculated under regulation 191 (amount of transferred pension).

Receipt of a club transfer value payment

57.—(1) This regulation applies if a club transfer value payment is received from another club scheme in relation to an active member of this scheme.

(2) On receiving the club transfer value payment, the scheme manager must credit the active member's account, in relation to the sending scheme, with the amount of club transfer earned pension the member is entitled to count under regulation 193 (amount of club transfer earned pension).

Amount of pension for a scheme year

58.—(1) This regulation applies in relation to each scheme year in which an active member's account is open.

(2) The active member's account must specify, in relation to each description of pension, the amount of that description of pension for the scheme year.

(3) The amount of club transfer earned pension for a scheme year must be specified separately in relation to each sending scheme.

(4) The amount of standard earned pension for a scheme year is $\frac{1}{55.3}$ of the member's pensionable earnings for that year⁽⁵⁶⁾.

(5) The amount of transferred pension for a scheme year is the amount (if any) which the member is entitled to count under regulation 191 (amount of transferred pension) for that year.

(56) See Part 4, Chapter 3 for the amount of pensionable earnings a member is taken to receive during a period of assumed pay.

(6) The amount of club transfer earned pension for a scheme year is the amount (if any) which the member is entitled to count under regulation 193 (amount of club transfer earned pension) for that year.

(7) The amount of added pension of any description for a scheme year is the amount (if any) credited to the active member's account in that scheme year under Chapter 3 or 4 of Schedule 3 (payments for added pension).

(8) For the purpose of paragraph (4), in respect of a period of assumed pay under this scheme, "pensionable earnings" means the member's assumed pay.

Opening balance, index adjustment, PIA index adjustment and age addition

59.—(1) This regulation applies in relation to each scheme year in which an active member's account is open other than the scheme year in which that account is established.

(2) The active member's account must specify the following—

- (a) the opening balance of standard earned pension, club transfer earned pension (if any) and transferred pension (if any) for the scheme year and the index adjustment for each opening balance;
- (b) the opening balance of added (self only) pension (if any) and added (all beneficiaries) pension (if any) for the scheme year and the PIA index adjustment for each opening balance;
- (c) if applicable, the age addition awarded at the beginning of the scheme year for each description of pension.

(3) In these Regulations, "opening balance" in relation to standard earned pension, club transfer earned pension or transferred pension—

- (a) for the scheme year immediately following the scheme year in which the active member's account is established, means the amount of that pension for the previous scheme year at the end of the previous scheme year; and
- (b) for any subsequent scheme year, means the sum of the following amounts—
 - (i) the opening balance of that pension for the previous scheme year and the index adjustment for that opening balance;
 - (ii) the amount of that pension for the previous scheme year as at the end of the previous scheme year; and
 - (iii) if applicable, the age addition awarded at the beginning of the previous scheme year.

(4) In these Regulations, "opening balance" in relation to added pension—

- (a) for the scheme year immediately following the scheme year in which the active member's account is established, means the amount of that pension for the previous scheme year at the end of the previous scheme year; and
- (b) for any subsequent scheme year, means the sum of the following amounts—
 - (i) the opening balance of that pension for the previous scheme year and the PIA index adjustment for that opening balance;
 - (ii) the amount of that pension for the previous scheme year as at the end of the previous scheme year; and
 - (iii) if applicable, the age addition awarded at the beginning of the previous scheme year.

Closure and re-establishment of active member's account

60.—(1) The scheme manager must close an active member's account in relation to a continuous period of pensionable service under this scheme when the scheme manager establishes in relation to that period of service—

- (a) a deferred member's account under Chapter 5; or
- (b) a retirement account under Chapter 6; or

(2) If a deferred member or pensioner member re-enters pensionable service under this scheme, the scheme manager must re-establish an active member's account under this Chapter when the scheme manager closes—

- (a) the member's deferred member's account under Chapter 5; or
- (b) the member's retirement account under Chapter 6.

Active member's account to remain open during periods of unpaid leave

61.—(1) This regulation applies to the following periods of unpaid leave—

- (a) a career break; or
- (b) any other period of unpaid leave—
 - (i) that does not exceed 5 years; and
 - (ii) during which the employment relationship continues⁽⁵⁷⁾.

(2) During a period of unpaid leave mentioned in paragraph (1)(a) or (b), the scheme manager must make entries in the active member's account as if, during that period, the member—

- (a) was in pensionable service under this scheme; but
- (b) received no pensionable earnings.

(3) The active member's account must be closed and a deferred member's account opened if a period of unpaid leave other than a career break exceeds 5 years.

Adjustment of active member's account after period of unpaid family leave or unpaid sick leave

62.—(1) This regulation applies in respect of an active member of this scheme who opts to pay member contributions under regulation 172 (option to pay member contributions for period of unpaid leave) on the return from a period of unpaid leave mentioned in that regulation.

(2) On payment of the full amount of contributions for the period of unpaid leave, the active member's account is to be adjusted so that for the period of unpaid leave the member is taken to receive pensionable earnings at the rate that applied at the beginning of the period of unpaid leave.

(3) If the member does not pay the full amount by the end of the payment period under regulation 173(1) (payment of member contributions for unpaid leave), the active member's account is to be adjusted so that for the period determined by the scheme manager under regulation 173(4) the member is taken to receive pensionable earnings at the rate that applied at the beginning of the period of unpaid leave.

(57) See regulation 22 for periods of unpaid leave during which the employment relationship continues.

CHAPTER 5

Deferred member's account

Application of Chapter

63.—(1) This Chapter applies in relation to a continuous period of pensionable service under this scheme.

(2) For a person who is a deferred member of this scheme in relation to 2 or more continuous periods of pensionable service, this Chapter applies separately in relation to each of those periods of service.

Establishment of deferred member's account

64.—(1) This regulation applies when an active member of this scheme becomes a deferred member of this scheme in relation to a continuous period of pensionable service.

(2) The scheme manager must—

- (a) close the active member's account for that period of service; and
- (b) establish a pension account for the deferred member for that period of service.

(3) For the purpose of these Regulations, an account established under paragraph (2)(b) is called a deferred member's account.

Provisional amount of deferred pension

65.—(1) The deferred member's account must specify the provisional amount of each description of deferred pension.

(2) The provisional amount of each description of deferred earned pension is the sum of—

- (a) the amount of the relevant accrued earned pension calculated under regulation 45 ("accrued amount");
- (b) the retirement index adjustment for the accrued amount; and
- (c) the assumed age addition (if any) for the accrued amount.

(3) The retirement index adjustment is not applied in relation to an amount of accrued earned pension if a transfer payment was made before the end of the last active scheme year in respect of the member's rights to that accrued pension.

(4) The provisional amount of each description of deferred added pension is the sum of—

- (a) the amount of the relevant accrued added pension calculated under regulation 45 ("accrued amount");
- (b) the retirement PIA index adjustment for the accrued amount; and
- (c) the assumed age addition (if any) for the accrued amount.

(5) In this regulation—

"relevant accrued earned pension" means—

- (a) for a deferred standard earned pension, accrued standard earned pension;
- (b) for a deferred club transfer earned pension, accrued club transfer earned pension.

"relevant accrued added pension" means—

- (a) for a deferred added (self only) pension, accrued added (self only) pension; and
- (b) for a deferred added (all beneficiaries) pension, accrued added (all beneficiaries) pension.

Adjustment of provisional amount

66.—(1) This regulation applies when a deferred member of this scheme in relation to a continuous period of pensionable service becomes entitled to payment for life of a full retirement pension for that period of service.

(2) For the provisional amount of each description of deferred pension, the deferred member's account must specify—

- (a) the late payment supplement (if any);
- (b) the early payment reduction (if any); and
- (c) the commutation amount (if any).

Closure of deferred member's account after gap in service not exceeding 5 years

67.—(1) This regulation applies when a deferred member of this scheme in relation to a continuous period of pensionable service re-enters pensionable service under this scheme after a gap in service not exceeding 5 years.

(2) The scheme manager must—

- (a) close the deferred member's account in relation to that period of service and treat the deferred member's account as if it were never established;
- (b) re-establish the active member's account under Chapter 4 in relation to that period of service; and
- (c) make entries in the active member's account as if, during the gap in service, the member—
 - (i) was in pensionable service under this scheme; but
 - (ii) received no pensionable earnings.

CHAPTER 6**Retirement account****Establishment of retirement account**

68.—(1) This regulation applies in relation to a continuous period of pensionable service under this scheme.

(2) For a person who is a pensioner member of this scheme in relation to 2 or more continuous periods of pensionable service, this Chapter applies separately in relation to each of those periods of service.

(3) When an active member of this scheme becomes entitled to payment for life of a retirement pension in relation to that period of service, the scheme manager must—

- (a) close the active member's account for that period of service; and
- (b) establish an account for the pensioner member for that period of service.

(4) For the purpose of these Regulations, an account established for a pensioner member under paragraph (3)(b) is called a retirement account.

Amount of retirement earned pension and retirement added pension

69.—(1) The retirement account must specify the amount of retirement earned pension and retirement added pension.

(2) The amount of retirement earned pension is the sum of—

- (a) the amount of accrued earned pension calculated under regulation 45 ("accrued amount");

- (b) the retirement index adjustment for the accrued amount; and
 - (c) the assumed age addition (if any) for the accrued amount.
- (3) The amount of a description of retirement added pension (if any) is the sum of—
- (a) the amount of the relevant accrued added pension calculated under regulation 45 (“accrued amount”);
 - (b) the retirement PIA index adjustment for the accrued amount; and
 - (c) the assumed age addition (if any) for the accrued amount.
- (4) For each amount of retirement earned pension and retirement added pension, the retirement account must specify—
- (a) the early payment reduction (if any); and
 - (b) the commutation amount (if any).
- (5) In this regulation, “relevant accrued added pension” means—
- (a) for a retirement added (self only) pension, accrued added (self only) pension; and
 - (b) for a retirement added (all beneficiaries) pension, accrued added (all beneficiaries) pension.

Closure of retirement account

- 70.** The scheme manager must close a retirement account if—
- (a) a retirement earned pension ceases to be payable under Part 7; or
 - (b) an ill-health pension under this scheme ceases to be payable under Part 7.

CHAPTER 7

Pension accounts for pension credit members

Establishment of pension credit member’s account

71.—(1) The scheme manager must establish a pension account for each pension credit member of this scheme (“the pension credit member’s account”).

(2) If a pension credit is derived from 2 or more pension debit members, the scheme manager must establish a pension credit member’s account in relation to each pension debit member.

(3) On the establishment of a pension credit member’s account, the pension credit member’s account must specify the amount of credited pension, and for that amount—

- (a) the early payment reduction (if any); and
- (b) the commutation amount (if any).

(4) On the establishment of the pension credit member’s account, the accounts established under this Part for the pension debit member must be reduced by the relevant amount.

(5) In this regulation—

“amount of credited pension” means an amount equal to the pension credit calculated in accordance with regulations made under paragraph 5(b) of Schedule 5 to WRPA 1999; and

“relevant amount” is the amount determined by the scheme manager in accordance with actuarial guidance having regard to—

- (a) the cash equivalent that would have been payable under Chapter 2 of Part 4A (requirements relating to pension credit benefit: transfer values) of PSA 1993(**58**) in

(58) Part 4A was inserted by the Welfare Reform and Pensions Act 1999 (c. 30) section 37.

respect of the pension credit member's right to benefits under this scheme attributable (directly or indirectly) to the pension credit; and

- (b) sections 29 (creation of pension credits and debits) and 31 (reduction of benefit) of WRPA 1999.

Other pension accounts

72. If a pension credit member of this scheme is also an active member, deferred member or pensioner member of this scheme, the scheme manager must establish a pension credit member's account in addition to any other account established for the member under this Part.

PART 6

Retirement pensions payable on grounds of permanent medical unfitness

CHAPTER 1

General

Police pension authority

73. In this Part, "police pension authority" means the police pension authority acting in exercise of its functions as employer or scheme manager.

Medical unfitness

74.—(1) In these Regulations—

"infirmity" means a disease, injury, or medical condition, and includes a mental disorder, injury or condition;

"injury" includes any injury or disease, whether of body or of mind; and

"medical unfitness", in relation to a member of a police force or a former member of a police force, means inability occasioned by infirmity of mind or body—

- (a) to perform the ordinary duties of a member of the police force; or
- (b) to engage in any regular employment.

(2) For the purpose of this Part, "ordinary duties of a member of the police force" in relation to a former member of a home police force means the ordinary duties of a member of the home police force.

Permanent medical unfitness

75.—(1) In these Regulations, a reference to a member of a police force or a former member of a police force ("the member") being permanently medically unfit is taken to be a reference to—

- (a) the member being medically unfit at the time the selected medical practitioner decides the question; and
- (b) that medical unfitness being at that time likely to be permanent.

(2) For the purpose of deciding whether or not the member's medical unfitness is likely to be permanent, the member is taken to receive normal appropriate medical treatment.

(3) In this regulation, "appropriate medical treatment" does not include medical treatment that the police pension authority acting in exercise of its functions as scheme manager decides is reasonable for the member to refuse.

(4) The member may appeal under regulation 207 (appeals to Crown Court) or 208 (appeals to Secretary of State) against a decision of the police pension authority as to whether a refusal to accept medical treatment is reasonable.

Decision of selected medical practitioner

76.—(1) This regulation applies for the purpose of this Part.

(2) The selected medical practitioner must decide that the member is permanently medically unfit for performing the ordinary duties of a member of the police force if the selected medical practitioner is of the opinion that—

- (a) the member is unable to perform the ordinary duties of a member of the police force;
- (b) that inability is occasioned by infirmity of mind or body and is likely to continue until the day on which—
 - (i) the member reaches normal pension age under this scheme; or
 - (ii) the member dies (if the selected medical practitioner considers the member is likely to die before reaching normal pension age under this scheme).

(3) The selected medical practitioner must decide that the member is permanently medically unfit for engaging in any regular employment if the selected medical practitioner is of the opinion that—

- (a) the member is unable to perform the ordinary duties of a member of the police force;
- (b) that inability is occasioned by infirmity of mind or body and is likely to continue until the day on which—
 - (i) the member reaches normal pension age under this scheme; or
 - (ii) the member dies (if the selected medical practitioner considers the member is likely to die before reaching normal pension age under this scheme);
- (c) the member is unable to engage in regular employment otherwise than as a member of a police force; and
- (d) that inability is occasioned by infirmity of mind or body and is likely to continue until the day on which—
 - (i) the member reaches normal pension age under this scheme; or
 - (ii) the member dies (if the selected medical practitioner considers the member is likely to die before reaching normal pension age under this scheme).

Refusal to be medically examined or attend interviews

77.—(1) The police pension authority may make a determination under this Part on such evidence and medical advice as the police pension authority in its discretion thinks necessary if—

- (a) a question as to whether a member of a police force is permanently medically unfit is referred to a selected medical practitioner for decision; and
- (b) the member wilfully or negligently fails to submit to any medical examination or to attend any interviews that the selected medical practitioner considers necessary in order to make a decision.

(2) An appeal under Schedule 1 against a decision of a selected medical practitioner is taken to be withdrawn if—

- (a) a question as to whether a member of a police force is permanently medically unfit is referred to an appeal board for decision; and
- (b) the person wilfully or negligently fails to submit to any medical examination or to attend any interviews that the appeal board considers necessary in order to make a decision.

A report under this Part

78. For the purpose of these Regulations—

- (a) a reference to a report under Part 6 is a reference to—
 - (i) a report under regulation 81, 83 or 86 (“the report under this Part”); or
 - (ii) a report given under Schedule 1 on an appeal or reconsideration if that report has replaced the report under this Part; and
- (b) a reference to a report under regulation 81, 83 or 86 is a reference to—
 - (i) the report under that regulation; or
 - (ii) a report given under Schedule 1 on an appeal or reconsideration if the report under Schedule 1 has replaced the report under this Part.

CHAPTER 2**Compulsory ill-health retirement****Application of Chapter**

79. This Chapter applies in relation to a member of a police force (“the member”)—

- (a) who is an active member of this scheme; or
- (b) who, for the purpose of determining entitlement to payment of benefits to or in respect of the member, is taken to be an active member of this scheme⁽⁵⁹⁾.

Former member of home police force

80.—(1) In this Chapter, “former member of a home police force” means—

- (a) a specified NCA officer;
 - (b) a person engaged on temporary service in accordance with arrangements made under section 26(2) of PA 1996; or
 - (c) a person engaged on relevant service under section 97 of PA 1996.
- (2) For the purpose of this Chapter—
- (a) a former member of a home police force is taken to be a member of the home police force; and
 - (b) “police pension authority”, in relation to the former member of the home police force, means the police pension authority for the home police force.

Referral of medical questions for purpose of regulation 82

81.—(1) Before considering whether a person in service as a member of a police force (“the member”) should be compulsorily retired under regulation 82, the police pension authority must refer the following questions to a selected medical practitioner for decision—

- (a) whether the member is medically unfit for performing the ordinary duties of a member of the police force;
- (b) whether that medical unfitness is likely to be permanent;
- (c) whether the member is medically unfit for engaging in any regular employment; and
- (d) whether that medical unfitness is likely to be permanent.

⁽⁵⁹⁾ See Chapter 1 of Part 4 (active membership) for when a member of a police force is taken to be an active member of this scheme.

- (2) The selected medical practitioner must—
 - (a) examine or interview the member as the selected medical practitioner thinks appropriate;
 - (b) decide the questions referred to the selected medical practitioner under paragraph (1); and
 - (c) give the police pension authority and the member a report containing a decision on those questions.
- (3) That report is final, subject to—
 - (a) an appeal under Schedule 1 against the decision of the selected medical practitioner; or
 - (b) the referral under Schedule 1 of the decision of the selected medical practitioner for reconsideration.

Compulsory retirement on grounds of permanent medical unfitness

- 82.**—(1) This regulation applies if—
- (a) the police pension authority refers questions relating to the member’s permanent medical unfitness to a selected medical practitioner under regulation 81(1);
 - (b) the selected medical practitioner gives the police pension authority and the member a report under that regulation; and
 - (c) the report contains the decision that the member is permanently medically unfit for performing the ordinary duties of a member of the police force.
- (2) The police pension authority, after considering all the relevant circumstances and all the advice and information available to the police pension authority (including input from the member)—
- (a) may require the member to retire on the date the police pension authority considers the member ought to retire on the ground that the member is permanently medically unfit for performing the ordinary duties of a member of the police force; or
 - (b) may require the member to continue to serve as a member of the police force.

Compulsory retirement of member who was required to continue to serve

- 83.**—(1) This regulation applies if, under regulation 82(2)(b) (compulsory retirement on grounds of permanent medical unfitness), the police pension authority requires the member to continue to serve as a member of a police force.
- (2) The police pension authority, at any time in its discretion it determines, may consider whether the member’s medical unfitness has ceased, significantly worsened or significantly improved.
- (3) In considering the matters mentioned in paragraph (2), the police pension authority must refer the following questions to a selected medical practitioner for decision—
- (a) whether the member continues to be medically unfit for performing the ordinary duties of a member of the police force; and
 - (b) if so, whether—
 - (i) the member is also medically unfit for engaging in any regular employment; and
 - (ii) that medical unfitness is likely to be permanent.
- (4) The selected medical practitioner must examine or interview the member as the selected medical practitioner thinks appropriate.
- (5) If the selected medical practitioner decides that the member continues to be medically unfit for performing the ordinary duties of a member of the police force, the selected medical practitioner does not need to decide if that medical unfitness is likely to be permanent.

(6) The selected medical practitioner must give the police pension authority and the member a report containing the decisions on the questions referred under paragraph (3).

(7) That report is final, subject to—

- (a) an appeal against the decision under Schedule 1; or
- (b) the referral of the decision for reconsideration under Schedule 1.

(8) The police pension authority must require the member to retire on the ground that the member is permanently medically unfit for performing the ordinary duties of a member of the police force if, after considering all the relevant circumstances and all the advice and information available to the police pension authority, the police pension authority determines that the member ought to retire.

Compulsory retirement void if appeal successful

84. The compulsory retirement of a member under this Part is void if—

- (a) the selected medical practitioner decides that the member is permanently medically unfit for performing the ordinary duties of a member of the police force;
- (b) the member appeals under Schedule 1 against the decision of the selected medical practitioner; and
- (c) the appeal board decides that the member is not permanently medically unfit for performing the ordinary duties of a member of the police force.

CHAPTER 3

Early payment of full retirement pension on grounds of permanent medical unfitness

Application of Chapter

85.—(1) This Chapter applies in relation to a member of a police force who is a deferred member of this scheme.

(2) For the purpose of this Chapter—

- (a) a former member of a home police force is taken to be a member of the home police force; and
- (b) “police pension authority”, in relation to the former member of the home police force, means the police pension authority for the home police force.

Referral of medical questions for purpose of early payment of a full retirement pension on grounds of permanent medical unfitness

86.—(1) Before considering whether a deferred member of this scheme is entitled to early payment of a full retirement pension on grounds of permanent medical unfitness, the police pension authority must refer the following questions to a selected medical practitioner for decision—

- (a) whether the member is medically unfit for performing the ordinary duties of a member of the police force;
- (b) whether that medical unfitness is likely to be permanent;
- (c) whether the member is medically unfit for engaging in any regular employment; and
- (d) whether that medical unfitness is likely to be permanent.

(2) The selected medical practitioner must—

- (a) examine or interview the member as the selected medical practitioner thinks appropriate;
- (b) decide the questions referred to the selected medical practitioner under paragraph (1); and

- (c) give the police pension authority and the member a report containing a decision on those questions.
- (3) That report is final, subject to—
 - (a) an appeal under Schedule 1 against the decision of the selected medical practitioner; or
 - (b) the referral under Schedule 1 of the decision of the selected medical practitioner for reconsideration.
- (4) For the purpose of paragraph (1), “early payment” means payment before the member reaches the member’s state pension age(60).

PART 7

Retirement benefits

CHAPTER 1

General

Application of Part

- 87.**—(1) This Part applies in relation to retirement benefits payable in respect of a continuous period of pensionable service under this scheme (“period of service”).
- (2) In this Part, “active member”, in relation to this scheme, means a person—
 - (a) who is an active member of this scheme; or
 - (b) who, for the purpose of determining entitlement to payment of benefits to or in respect of the member, is taken to be an active member of this scheme(61).

Qualifying service

- 88.**—(1) In these Regulations, “qualifying service” means the total of—
- (a) any continuous period of pensionable service under this scheme not counting—
 - (i) any gap in service;
 - (ii) any career break;
 - (iii) any other period of unpaid leave;
 - (b) if a transfer payment has been received by this scheme in respect of a member’s accrued rights under another occupational pension scheme, the member’s period of pensionable service under that scheme;
 - (c) for a 2006 transition member with continuity of service, the member’s period of pensionable service under the 2006 scheme before the member’s transition date(62); and
 - (d) for a 1987 transition member with continuity of service, the period of pensionable service the member is entitled to reckon under the 1987 scheme before the member’s transition date(63).
- (2) In calculating the member’s qualifying service, a period of part-time service under this scheme or under the existing police pension scheme counts as if it were a period of full-time service.

(60) See regulation 91(3) for entitlement to early payment of a full retirement pension on grounds of permanent medical unfitness.

(61) See Chapter 1 of Part 4 (active membership) for when a member of a police force is taken to be an active member of this scheme.

(62) This includes any service transferred into the 2006 scheme before the member’s transition date.

(63) This includes any service transferred into the 1987 scheme before the member’s transition date.

- (3) None of the following is counted when calculating qualifying service—
- (a) any pensionable service under this scheme in respect of which a person's rights under this scheme are extinguished⁽⁶⁴⁾;
 - (b) any pensionable service under the existing police pension scheme in respect of which a person's rights under that scheme are extinguished;
 - (c) any service transferred into the 1987 scheme after the member's closing date;
 - (d) any unauthorised absence from eligible service.

Descriptions of full retirement pension

- 89.** For the purpose of this Part, the descriptions of full retirement pension are—
- (a) retirement standard earned pension;
 - (b) retirement club transfer earned pension;
 - (c) retirement added (self only) pension; and
 - (d) retirement added (all beneficiaries) pension.

CHAPTER 2

Full retirement benefits

Entitlement to full retirement pension (active members)

90.—(1) An active member of this scheme who has reached normal minimum pension age is entitled to payment for life of a retirement earned pension if—

- (a) the member has ceased to be in pensionable service under this scheme;
- (b) the member has at least 2 years' qualifying service or a transfer payment otherwise than from another occupational pension scheme has been received by this scheme in relation to the member;
- (c) the member has left eligible service; and
- (d) the member claims payment of a full retirement pension under regulation 92 (claim – active members).

(2) On becoming entitled to payment for life of a retirement earned pension, P is entitled to payment for life of a retirement added pension of any description if the retirement account specifies an amount of retirement added pension of that description.

Entitlement to full retirement pension (deferred members)

91.—(1) A deferred member of this scheme is entitled to payment for life of a retirement earned pension if paragraph (2), (3) or (4) applies.

- (2) This paragraph applies if—
- (a) the member has reached the member's state pension age;
 - (b) the member has at least 2 years' qualifying service or a transfer payment otherwise than from another occupational pension scheme has been received by this scheme in relation to the member; and
 - (c) the member has left eligible service.

⁽⁶⁴⁾ Regulation 177 provides for extinguishment of rights following the refund of all members' contributions and payments for added pension made by the member. Regulation 186 provides for extinguishment of rights following the making of a transfer value payment.

- (3) This paragraph applies if—
- (a) the member has not reached the member’s state pension age;
 - (b) the member has left eligible service;
 - (c) the selected medical practitioner gives a report under regulation 86 (early payment on grounds of permanent medical unfitness) that the member is permanently medically unfit for engaging in any regular employment; and
 - (d) the member is eligible under this scheme for payment of ill-health benefits⁽⁶⁵⁾.
- (4) This paragraph applies if—
- (a) the member has reached normal minimum pension age but has not reached the member’s state pension age;
 - (b) the member has at least 2 years’ qualifying service or a transfer payment otherwise than from another occupational pension scheme has been received by this scheme in relation to the member;
 - (c) the member has left eligible service; and
 - (d) the member claims payment of a full retirement pension under regulation 96 (claim for early payment otherwise than on grounds of permanent medical unfitness (deferred members)).
- (5) On becoming entitled to payment for life of a retirement earned pension, P is entitled to payment for life of a retirement added pension of any description if the deferred member’s account specifies a provisional amount of the relevant deferred added pension.
- (6) In this regulation, “relevant deferred added pension” means—
- (a) for a retirement added (self only) pension, a deferred added (self only) pension;
 - (b) for a retirement added (all beneficiaries) pension, a deferred added (all beneficiaries) pension.

Claim for payment of full retirement pension (active members)

- 92.**—(1) This regulation applies in relation to an active member of this scheme.
- (2) A claim for payment of a full retirement pension—
- (a) may only be made by written notice to the scheme manager; and
 - (b) must comply with the notice period specified in regulation 93.
- (3) If the member claims payment of the pension before reaching normal pension age under this scheme, the notice must state if the member has opted to buy out the early payment reduction.
- (4) A full retirement pension calculated under regulation 98 (active members) is payable to the member in respect of each month as from the member’s last day of eligible service.

Notice period for active members

- 93.**—(1) The following members must give at least 3 months’ notice of intent to claim the pension—
- (a) an inspector of constabulary;
 - (b) a member of a home police force holding one of the following ranks—
 - (i) Chief Constable, Deputy Chief Constable, Assistant Chief Constable;

⁽⁶⁵⁾ See Chapter 4 of Part 4 for when a member is eligible under this scheme for payment of ill-health benefits.

- (ii) Commissioner, Deputy Commissioner, Assistant Commissioner, Deputy Assistant Commissioner or Commander of Police of the Metropolis;
- (iii) Commissioner, Assistant Commissioner or Commander of Police for the City of London.

(2) The following members must give at least one month's notice of intent to claim the pension—

- (a) an assistant inspector of constabulary;
- (b) a member of a home police force holding a rank not mentioned in paragraph (1).

(3) For the purpose of this regulation, a person engaged on relevant service under section 97 of PA 1996 is deemed to hold the rank to which the member is entitled to revert at the end of the period of relevant service.

(4) Unless this regulation provides otherwise, a member of a police force other than a home police force must give notice of intent to claim the pension in accordance with the notice period that applies under the member's terms and conditions of employment in relation to termination of service.

(5) The scheme manager may in its discretion accept a shorter notice period determined by the scheme manager.

Full retirement pension payable at member's state pension age (deferred members)

94.—(1) This regulation applies in relation to a deferred member of this scheme who becomes entitled under regulation 91(2) to payment of a full retirement pension on reaching the member's state pension age.

(2) For the purpose of an appeal to the Crown Court under regulation 207 or an appeal to the Secretary of State under regulation 208, the member is taken to claim payment of the full retirement pension when the member reaches the member's state pension age.

(3) A full retirement pension calculated under regulation 99 (deferred members) is payable to the member in respect of each month as from the day on which the member reaches the member's state pension age.

Full retirement pension payable early on grounds of permanent medical unfitness (deferred members)

95.—(1) This regulation applies in relation to a deferred member of this scheme who becomes entitled under regulation 91(3) to payment of a full retirement pension on grounds of permanent medical unfitness.

(2) For the purpose of an appeal to the Crown Court under regulation 207 or an appeal to the Secretary of State under regulation 208, the deferred member is taken to claim payment of the full retirement pension on the earlier of—

- (a) the date on which the deferred member asked the police pension authority to refer the questions to the selected medical practitioner under regulation 86; or
- (b) the date on which the police pension authority referred those questions on its own initiative.

(3) A full retirement pension calculated under regulation 99 (deferred members) is payable to the member in respect of each month as from the date on which the member is taken to claim payment of the pension under paragraph (2).

Claim for early payment of full retirement pension otherwise than on grounds of permanent medical unfitness (deferred members)

96.—(1) A deferred member of this scheme who claims early payment of a full retirement pension otherwise than on grounds of permanent medical unfitness must give at least one month's notice of intent to claim payment of the pension.

(2) The claim for payment of the pension may only be made by written notice to the scheme manager.

(3) The notice—

- (a) must state if the member has opted to buy out the early payment reduction; and
- (b) must specify the date from which payment of the pension is claimed.

(4) A full retirement pension calculated under regulation 99 (deferred members) is payable to the member in respect of each month as from the date specified in the notice.

Members who have been dismissed or required to resign

97.—(1) This regulation applies in relation to a member of a police force—

- (a) who is dismissed or is required to resign; and
- (b) who has reached normal minimum pension age.

(2) This paragraph applies if the member has at least 2 years' qualifying service or a transfer payment otherwise than from another occupational pension scheme has been received by this scheme in relation to the member.

(3) If paragraph (2) does not apply, the member is entitled to a refund of all member contributions and payments for added pension under Part 10 (contributions).

(4) If paragraph (2) applies, unless the member chooses to defer payment of the pension—

- (a) for the purpose of an appeal to the Crown Court under regulation 207 or an appeal to the Secretary of State under regulation 208, the member is taken to claim payment of a full retirement pension on the date of dismissal; and
- (b) the member is entitled to payment for life of a full retirement pension calculated under regulation 98 (active members) in respect of each month as from the date of dismissal.

(5) If paragraph (2) applies and the member chooses to defer payment of the pension, the member becomes entitled to payment for life of a full retirement pension—

- (a) under regulation 91(2) when the member reaches the member's state pension age; or
- (b) under regulation 91(4), if the member claims early payment of the pension under regulation 96 (claim for early payment otherwise than on grounds of permanent medical unfitness (deferred members)).

Annual rate of full retirement pension (active members)

98.—(1) This regulation applies when an active member of this scheme becomes entitled to payment for life of a full retirement pension.

(2) The annual rate of each description of full retirement pension payable to the member is calculated by—

- (a) taking the amount of that description of full retirement pension specified in the retirement account;
- (b) subtracting the early payment reduction (if any) specified in that account in relation to that amount; and

(c) subtracting the commutation amount (if any) specified in that account in relation to that amount.

(3) The annual rate of any description of full retirement pension is calculated without subtracting the early payment reduction if the member buys out the early payment reduction in relation to that description of full retirement pension.

Annual rate of full retirement pension (deferred members)

99.—(1) This regulation applies when a deferred member of this scheme becomes entitled to payment for life of a full retirement pension.

(2) The annual rate of any description of full retirement pension payable to the member is calculated by—

- (a) taking the provisional amount of the relevant description of deferred pension specified in the deferred member’s account;
- (b) adding the late payment supplement (if any) specified in that account in relation to that provisional amount;
- (c) subtracting the early payment reduction (if any) specified in that account in relation to that amount; and
- (d) subtracting the commutation amount (if any) specified in that account in relation to that amount.

(3) The annual rate of any description of full retirement pension is calculated without subtracting the early payment reduction if—

- (a) the member buys out the early payment reduction in relation to that description of full retirement pension; or
- (b) the full retirement pension comes into payment early on grounds of permanent medical unfitness⁽⁶⁶⁾.

(4) In this regulation, “the relevant description of deferred pension” means—

- (a) for a retirement standard earned pension, deferred standard earned pension;
- (b) for a retirement club transfer earned pension, deferred club transfer earned pension;
- (c) for a retirement added (self only) pension, deferred added (self only) pension; and
- (d) for a retirement added (all beneficiaries) pension, deferred added (all beneficiaries) pension.

Full retirement pension ceasing to be payable

100.—(1) A full retirement pension ceases to be payable to a member who re-enters pensionable service under this scheme within 28 days after the last day of the service in relation to which the pension was payable.

(2) If paragraph (1) applies in relation to a member—

- (a) the scheme manager must—
 - (i) cease to pay the pension; and
 - (ii) recover any payment of pension or lump sum made;
- (b) the retirement account must be closed; and
- (c) the active member’s account must be re-established under Part 5 (pension accounts) and treated as if it had never been closed.

⁽⁶⁶⁾ See regulation 91(3) for when a full retirement pension comes into payment early on grounds of permanent medical unfitness.

CHAPTER 3

Ill-health pension

Payment thresholds

101.—(1) A member of this scheme meets the lower tier threshold for payment of an ill-health pension (“lower tier threshold”) under this Chapter if the selected medical practitioner gives a report under Part 6 containing the decision that—

- (a) the member is permanently medically unfit for performing the ordinary duties of a member of the police force; but
- (b) the member is not permanently medically unfit for engaging in any regular employment.

(2) A member of this scheme meets the upper tier threshold for payment of an ill-health pension (“upper tier threshold”) under this Chapter if the selected medical practitioner gives a report under Part 6 containing the decision that the member is permanently medically unfit for engaging in any regular employment.

Entitlement to payment of ill-health pension

102.—(1) An active member of this scheme who has not reached normal pension age under this scheme is entitled to payment for life of an ill-health pension under this Chapter if the conditions in paragraph (2) are met.

(2) The conditions are—

- (a) the police pension authority acting in exercise of its functions as employer requires the member to retire on a date determined by the police pension authority under Part 6;
- (b) the member has at least 2 years’ qualifying service or is permanently medically unfit as the result of an injury received without the member’s default in the execution of duty; and
- (c) the member is eligible under this scheme for payment of ill-health benefits.

(3) An ill-health pension under this Chapter is payable as follows—

- (a) if the member meets the lower tier threshold, a lower tier ill-health pension is payable;
- (b) if the member meets the upper tier threshold—
 - (i) a lower tier ill-health pension is payable; and
 - (ii) an enhanced upper tier ill-health pension is payable.

(4) A retirement added pension of any description is payable with a lower tier ill-health pension if the retirement account specifies an amount of retirement added pension of that description.

(5) For a transition member with continuity of service, a transition member’s ill-health pension is payable under paragraph 23 of Schedule 4.

(6) For a pensioner member who becomes entitled to an enhanced upper tier ill-health pension under regulation 112 or 113, an ill-health pension is payable in accordance with that regulation.

Payment of ill-health pension

103.—(1) For the purpose of an appeal to the Crown Court under regulation 207 or an appeal to the Secretary of State under regulation 208, an active member of this scheme is taken to claim payment of an ill-health pension under this Chapter on the date on which the member is required to retire under Part 6.

(2) An ill-health pension under this Chapter is payable to the member in respect of each month as from the date on which the member is required to retire under Part 6.

Annual rate of ill-health pension under this scheme

104.—(1) The annual rate of ill-health pension under this scheme(67) is calculated as follows(68).

(2) The annual rate of a lower tier ill-health pension is calculated in the same way as the annual rate of retirement earned pension(69) is calculated under regulation 98 (annual rate of full retirement pension (active members)), but without subtracting the early payment reduction.

(3) The annual rate of any retirement added pension payable with a lower tier ill-health pension is calculated in the same way as it is calculated under regulation 98 (annual rate of full retirement pension (active members)), but without subtracting the early payment reduction.

(4) The annual rate of an enhanced upper tier ill-health pension payable to a member whose aggregate period of service is less than 5 years is the lesser of—

- (a) $\text{total accrued earned pension} \times 3$; and
- (b) $\frac{\text{final pay}}{55.3} \times \frac{\text{assumed period of pensionable service}}{2}$

where—

“total accrued earned pension” means—

- (a) for a 2006 transition member with continuity of service, the total amount of accrued earned pension under both this scheme and the 2006 scheme; or
- (b) for any other member, the amount of accrued earned pension under this scheme;

“assumed period of pensionable service” means the period (expressed in years)—

- (a) beginning with the day after the member’s period of service ceased; and
- (b) ending with the day before the day on which the member will reach normal pension age under this scheme (assuming that the member lives until that age); and

“final pay” has the meaning given in regulation 159.

(5) The annual rate of an enhanced upper tier ill-health pension payable to a member whose aggregate period of service is 5 years or more is—

$$\frac{\text{final pay}}{55.3} \times \frac{\text{assumed period of pensionable service}}{2}$$

where—

“assumed period of pensionable service” has the same meaning as in paragraph (4); and

“final pay” has the meaning given in regulation 159.

(6) In this regulation, “aggregate period of service” means—

- (a) for a 2006 transition member with continuity of service—
- (i) the member’s continuous period of pensionable service under this scheme; and
- (ii) the member’s pensionable service under the 2006 scheme before the member’s transition date; or
- (b) for any other member, the member’s continuous period of pensionable service under this scheme.

(67) For the annual rate of a transition member’s ill-health pension, see Schedule 4, Part 6.

(68) An ill-health pension is payable from the day after the date on which the police pension authority requires the member to retire under Part 6.

(69) Regulation 45 provides for the calculation of an amount of accrued earned pension. This amount forms the basis for determining the amount of retirement earned pension under regulation 69. The annual rate of retirement earned pension in relation to active members is calculated under regulation 98.

(7) For a member whom the scheme manager determines under regulation 37 (re-determination of eligibility for payment of ill-health benefits) is eligible under this scheme for payment of ill-health benefits, the member's continuous period of pensionable service under this scheme is taken to begin on the date of that determination.

(8) In calculating a member's aggregate period of service, a period of part-time service under this scheme or under the 2006 scheme counts as if it were a period of full-time service.

(9) In calculating a member's assumed period of pensionable service ("the assumed period"), the member is taken to be in part-time service during the assumed period for the same proportion of time as the member was in part-time service during the member's aggregate period of service.

Deferment of added pension attributable to recent payments

105.—(1) This regulation applies in relation to a member of this scheme—

- (a) who is entitled to payment for life of an ill-health pension under this scheme; and
- (b) whose active member's account at the end of the last day of pensionable service specifies an amount of accrued added pension that is attributable in whole or in part to a lump sum payment for added pension made under Schedule 3 within the 12 months before the relevant day.

(2) The member becomes a deferred member of this scheme in respect of that amount of accrued added pension and accordingly—

- (a) a deferred member's account must be established under Part 5 (pension accounts);
- (b) that amount of accrued added pension must be specified in the deferred member's account as the provisional amount of the relevant description of deferred added pension; and
- (c) that amount of accrued added pension is not included in the calculation of the annual rate of retirement added pension payable with the lower tier ill-health pension.

(3) In paragraph (1), "the relevant day" means—

- (a) the day on which the police pension authority first referred the questions under regulation 81 (referral of medical questions for purpose of regulation 82) to the selected medical practitioner for a decision by virtue of which the member is entitled to payment of the ill-health pension; or
- (b) if the member was on sick leave on that day and did not return to service from that leave, the day on which that leave began.

CHAPTER 4

Reduction of ill-health benefits

Referral of medical question for purpose of reduction of benefits

106.—(1) This regulation applies if the scheme manager is considering the exercise of powers under regulation 107 (reduction of pension in case of default).

(2) The scheme manager must refer to a selected medical practitioner for decision the question whether the person has brought about or substantially contributed to the medical unfitness by the person's own default.

(3) The decision of the selected medical practitioner on the question referred under this regulation must take the form of a report.

(4) A copy of the report must be given to the scheme manager and to the member.

(5) That report is final, subject to—

- (a) an appeal against the decision under Schedule 1; or

- (b) the referral of the decision for reconsideration under Schedule 1.

Reduction of pension in case of default

107.—(1) This regulation applies in relation to—

- (a) a deferred member of this scheme who on the ground of permanent medical unfitness for engaging in any regular employment becomes entitled under regulation 91(3) to payment of a full retirement pension before reaching the member's state pension age⁽⁷⁰⁾;
- (b) an active member of this scheme who becomes entitled under Chapter 3 to payment of an ill-health pension under this scheme; or
- (c) a pensioner member of this scheme who becomes entitled under Chapter 5 to payment of an enhanced upper tier ill-health pension.

(2) The scheme manager may reduce the amount of full retirement pension or ill-health pension under this scheme by an amount not exceeding a half of that to which the member would otherwise be entitled if the selected medical practitioner gives a report on the question referred under regulation 106 (referral of medical question for purpose of reduction of benefits) containing the decision that the member has become medically unfit by the member's own default.

(3) For the purpose of this regulation, the selected medical practitioner may decide that the member has become medically unfit by the member's own default if, in the opinion of the selected medical practitioner, the member has brought about, or has substantially contributed to, the member's medical unfitness.

(4) The reduction of a pension under this regulation ceases to have effect—

- (a) in respect of a member mentioned in paragraph (1)(a) or (b), when the member reaches normal pension age under this scheme; or
- (b) in respect of a member mentioned in paragraph (1)(c), when the member reaches the member's state pension age.

(5) When the member reaches the member's state pension age, if the reduced pension is less than the amount of full retirement pension that would have been payable to the member under regulation 91(2) had the member reached the member's state pension age when the member left eligible service, the scheme manager must increase the pension to that amount.

(6) The member may appeal under regulation 207 (appeals to Crown Court) or 208 (appeals to Secretary of State) against the decision of the scheme manager to reduce a pension under this regulation.

Refusal to be medically examined

108. The scheme manager may make a decision under this Chapter on such evidence and medical advice as the scheme manager in its discretion thinks necessary if—

- (a) the question in regulation 106 (referral of medical question for purpose of reduction of benefits) is referred to a selected medical practitioner for decision; and
- (b) the member wilfully or negligently fails to submit to any medical examination or to attend any interviews that the selected medical practitioner considers necessary in order to make a decision.

⁽⁷⁰⁾ See regulation 91(3) for when a full retirement pension comes into payment early on grounds of permanent medical unfitness.

Decision of scheme manager void if appeal against decision of selected medical practitioner is successful

109. A decision of the scheme manager under this Chapter is void if—
- (a) the selected medical practitioner decides that the member has brought about or substantially contributed to the medical unfitness by the member’s own default;
 - (b) the member appeals under Schedule 1 against the decision of the selected medical practitioner; and
 - (c) the appeal board decides that the member did not bring about or substantially contribute to the medical unfitness by the member’s own default.

CHAPTER 5

Review of ill-health benefits

Review of lower tier ill-health pension

- 110.—(1) This regulation applies in relation to a person (P) who—
- (a) is receiving payment of a lower tier ill-health pension but not an enhanced upper tier ill-health pension; and
 - (b) has not reached normal pension age under this scheme.
- (2) The scheme manager may periodically review whether P’s medical unfitness has ceased or significantly worsened.
- (3) A periodic review under paragraph (2) may be carried out at any time the scheme manager in its discretion determines.
- (4) The scheme manager must carry out a review as to whether P’s medical unfitness has ceased or significantly worsened if the scheme manager is notified that P’s medical unfitness has worsened.
- (5) In carrying out a review under paragraph (2) or (4), the scheme manager must refer the questions in 117(2) (referral of medical questions for purpose of a review: lower tier ill-health pension) to a selected medical practitioner for decision.
- (6) In this regulation, “medical unfitness” means inability occasioned by infirmity of mind or body to perform the ordinary duties of a member of the police force.

Cancellation of lower tier ill-health pension if medical unfitness ceases

- 111.—(1) This regulation applies if—
- (a) the scheme manager carries out a review under regulation 110; and
 - (b) the selected medical practitioner gives a report on the questions referred under regulation 117(2) containing the decision that P has ceased to be medically unfit for performing the ordinary duties of a member of the police force.
- (2) The scheme manager may give P notice that P may rejoin the police force—
- (a) within the period of 3 months beginning with the date on which P is given the notice; and
 - (b) at a rank not lower than the rank which P held immediately before the ill-health pension became payable.
- (3) The lower tier ill-health pension ceases to be payable to P on the earlier of—
- (a) the last day of the 3 month period; or
 - (b) the day on which P rejoins the police force.
- (4) Paragraph (5) applies if—

- (a) a lower tier ill-health pension ceases to be payable under paragraph (3)(a); but
 - (b) P is not entitled to receive payment of a full retirement pension under Chapter 2 (full retirement benefits) because P has less than 2 years qualifying service.
- (5) The scheme manager must pay the difference to P if the aggregate of the following is less than P's aggregate pension contributions in respect of the relevant period of service—
- (a) the sums paid in respect of the pension; and
 - (b) the actuarial value, determined by the scheme manager in accordance with actuarial tables, of any pension to which P is entitled under regulation 205 (guaranteed minimum under section 14 of PSA 1993).

Entitlement to enhanced upper tier ill-health pension following claim for payment

112.—(1) This regulation applies if—

- (a) the scheme manager carries out a review under regulation 110(4) (review of lower tier ill-health pension); and
- (b) the selected medical practitioner gives a report on the questions referred under regulation 117(2) containing the decision that P is permanently medically unfit for engaging in any regular employment.

(2) P is entitled to payment of an enhanced upper tier ill-health pension from the claim date, calculated in accordance with regulation 104 (annual rate of ill-health pension under this scheme) and payable in accordance with this regulation in addition to the lower tier ill-health pension.

(3) The enhanced upper tier ill-health pension is payable in respect of each month as from the claim date.

(4) P is not taken to claim payment of an enhanced upper tier ill-health pension if the claim date is more than 5 years after the date on which P became entitled to payment for life of the lower tier ill-health pension.

(5) The time limit in paragraph (4) does not apply if P's medical unfitness is attributable to a progressive medical condition which, of its nature, could have been expected, as at the time of P's retirement, to affect P with increasing severity.

(6) In this regulation—

“claim date” means the date on which the scheme manager is notified that P's medical unfitness has worsened; and

“progressive medical condition” means—

- (a) a medical condition specified in Schedule 2 (progressive medical conditions); or
- (b) a medical condition specified on a list published by the Secretary of State for the purpose of this regulation.

Entitlement to enhanced upper tier ill-health pension following periodic review

113.—(1) This regulation applies if—

- (a) the scheme manager carries out a periodic review under regulation 110(2) (review of lower tier ill-health pension); and
- (b) the selected medical practitioner gives a report on the questions referred under regulation 117(2) containing the decision that P is permanently medically unfit for engaging in any regular employment.

(2) P is entitled to payment of an enhanced upper tier ill-health pension from the claim date, calculated in accordance with regulation 104 (annual rate of ill-health pension under this scheme) and payable in accordance with this regulation in addition to the lower tier ill-health pension.

(3) P is not entitled to payment of an enhanced upper tier ill-health pension under this regulation if the claim date is more than 5 years after the date on which P became entitled to payment for life of the lower tier ill-health pension.

(4) The time limit in paragraph (3) does not apply if P's medical unfitness is attributable to a progressive medical condition which, of its nature, could have been expected, as at the time of P's retirement, to affect P with increasing severity.

(5) The enhanced upper tier ill-health pension is payable in respect of each month as from the claim date.

(6) In this regulation, "claim date" means the date on which the scheme manager refers the questions in regulation 117(2) (referral of medical questions for purpose of a review: lower tier ill-health pension) to a selected medical practitioner for decision.

Review and cancellation of enhanced upper tier ill-health pension

114.—(1) This regulation applies in relation to a person (P) who—

- (a) is receiving payment of both a lower tier ill-health pension and an enhanced upper tier ill-health pension; and
- (b) has not reached P's state pension age.

(2) The scheme manager may periodically review whether the person's medical unfitness has ceased or significantly improved.

(3) A review may be carried out at intervals of no less than 5 years as the scheme manager in its discretion determines.

(4) The scheme manager must refer the questions in regulation 117(3) (referral of medical questions for purpose of a review: enhanced upper tier ill-health pension) to a selected medical practitioner for decision.

(5) If the selected medical practitioner gives a report on the questions referred under regulation 117(3) containing the decision that P has ceased to be medically unfit for engaging in any regular employment, P ceases to be entitled to payment of the enhanced upper tier ill-health pension.

(6) P ceases to be entitled to payment of the enhanced upper tier ill-health pension—

- (a) at the end of the period of 3 months beginning with the date of the report which contains the decision by the selected medical practitioner that P has ceased to be medically unfit for engaging in any regular employment; or
- (b) if earlier, the day on which P returns to eligible service.

(7) P remains entitled to payment for life of the lower tier ill-health pension unless—

- (a) the scheme manager, on a review under another regulation in this Chapter, refers the questions under regulation 117(2) (referral of medical questions for purpose of a review: lower tier ill-health pension) to the selected medical practitioner for decision; and
- (b) the selected medical practitioner gives a report on those questions containing the decision that P has ceased to be medically unfit for performing the ordinary duties of a member of the police force.

(8) In paragraph (2), "medical unfitness" means inability occasioned by infirmity of mind or body to engage in any regular employment.

Cancellation of ill-health pension: failure to receive appropriate medical treatment

115.—(1) This regulation applies if—

- (a) the scheme manager carries out a review under regulation 110 (review of lower tier ill-health pension) or 114 (review and cancellation of enhanced upper tier ill-health pension);
- (b) the selected medical practitioner gives P a written notice stating the opinion that—
 - (i) P’s medical unfitness for performing the ordinary duties of a member of the police force would be expected to have ceased if P had received normal appropriate medical treatment; and
 - (ii) P is not receiving, or has not received, appropriate medical treatment; and
- (c) the scheme manager gives P a written notice stating the opinion that P’s failure to receive appropriate medical treatment is attributable to P’s wilfulness or negligence and giving notice of the scheme manager’s powers under paragraph (2).

(2) The scheme manager may cease payment of the ill-health pension if the scheme manager decides that—

- (a) P’s failure to receive appropriate medical treatment is attributable to P’s wilfulness or negligence; and
- (b) P has persisted in that failure after receiving both—
 - (i) a written notice from the selected medical practitioner under paragraph (1)(b); and
 - (ii) a written notice from the scheme manager under paragraph (1)(c).

(3) In this regulation—

“appropriate medical treatment” does not include medical treatment that the scheme manager decides is reasonable for P to refuse⁽⁷¹⁾; and

“medical unfitness” means inability occasioned by infirmity of mind or body to perform the ordinary duties of a member of the police force.

Review and cancellation of full retirement pension which came into payment early on grounds of permanent medical unfitness

116.—(1) This regulation applies in relation to a person (P) who—

- (a) is receiving payment of a full retirement pension which came into payment early on grounds of permanent medical unfitness⁽⁷²⁾; and
- (b) has not reached P’s state pension age.

(2) The scheme manager may periodically review whether P’s medical unfitness has ceased.

(3) A review may be carried out at intervals of no less than 5 years as the scheme manager in its discretion determines.

(4) The scheme manager must refer the questions in regulation 117(4) (referral of medical questions for purpose of a review: full retirement pension) to a selected medical practitioner for decision.

(5) If the selected medical practitioner gives a report on the questions referred under regulation 117(4) containing the decision that the member has ceased to be medically unfit for engaging in any regular employment, the scheme manager must cease to make payments of the full retirement pension from the beginning of the next pay period.

⁽⁷¹⁾ See provisions on appeals.

⁽⁷²⁾ See regulation 91(3) for when a full retirement pension comes into payment early on grounds of permanent medical unfitness.

(6) In this regulation, “medical unfitness” means inability occasioned by infirmity of mind or body to engage in any regular employment.

Referral of medical questions for purpose of a review

117.—(1) This regulation applies in relation to the following reviews.

(2) Where the scheme manager is considering whether the medical unfitness of a person receiving payment of a lower tier ill-health pension but not an enhanced upper tier ill-health pension has ceased or significantly worsened, the scheme manager must refer the following questions to a selected medical practitioner for decision—

- (a) whether the person continues to be medically unfit for performing the ordinary duties of a member of the police force; and
- (b) if so, whether—
 - (i) the person is also medically unfit for engaging in any regular employment; and
 - (ii) that medical unfitness is likely to be permanent.

(3) Where the scheme manager is considering whether the medical unfitness of a person receiving payment of both a lower tier ill-health pension and an enhanced upper tier ill-health pension has ceased or significantly improved, the scheme manager must refer the following questions to a selected medical practitioner for decision—

- (a) whether the person continues to be medically unfit for engaging in any regular employment; and
- (b) if not, whether the person continues to be medically unfit for the performance of the ordinary duties of a member of the police force.

(4) Where the scheme manager is considering whether the medical unfitness of a person receiving payment of a full retirement pension which came into payment early on grounds of permanent medical unfitness has ceased, the scheme manager must refer the question whether the person continues to be medically unfit for engaging in any regular employment to a selected medical practitioner for decision.

(5) If the selected medical practitioner decides that the question mentioned in paragraph (2)(a) or a question mentioned in paragraph (3) or (4) is answered in the affirmative, the selected medical practitioner does not need to consider the question as to the likelihood of that medical unfitness continuing permanently.

(6) The decision of the selected medical practitioner on a question referred under this regulation must take the form of a report.

(7) A copy of the report must be given to the scheme manager and to the member.

(8) That report is final, subject to—

- (a) an appeal against the decision under Schedule 1; or
- (b) the referral of the decision for reconsideration under Schedule 1.

Refusal to be medically examined

118. The scheme manager may make a decision under this Chapter on such evidence and medical advice as the scheme manager in its discretion thinks necessary if—

- (a) a question as to the medical unfitness of a member of a police force is referred to a selected medical practitioner for decision; and

- (b) the member wilfully or negligently fails to submit to any medical examination or to attend any interviews that the selected medical practitioner considers necessary in order to make a decision.

Decision of scheme manager void if appeal against decision of selected medical practitioner is successful

- 119.**—(1) A decision of the scheme manager under this Chapter is void if—
- (a) the selected medical practitioner decides that—
 - (i) the member is permanently medically unfit for performing the ordinary duties of a member of the police force; or
 - (ii) the member is permanently medically unfit for engaging in any regular employment;
 - (b) the member appeals under Schedule 1 against the decision of the selected medical practitioner; and
 - (c) the appeal board decides that the member is not so permanently medically unfit.
- (2) A decision of the scheme manager under this Chapter is void if—
- (a) the selected medical practitioner decides that—
 - (i) the member is not permanently medically unfit for performing the ordinary duties of a member of the police force; or
 - (ii) the member is not permanently medically unfit for engaging in any regular employment;
 - (b) the member appeals under Schedule 1 against the decision of the selected medical practitioner; and
 - (c) the appeal board decides that the member is so permanently medically unfit.

CHAPTER 6

Payment options

Options under this Chapter

- 120.** The options under this Chapter are—
- (a) the option under regulation 122 to buy out the early payment reduction;
 - (b) the option under regulation 123 to defer payment of a retirement added pension;
 - (c) the option under regulation 124 (option to commute part of pension) to exchange part of a full retirement pension or ill-health pension for a lump sum.

Exercising an option under this Chapter

121.—(1) A member may exercise an option under this Chapter by written notice to the scheme manager.

(2) In this Chapter, “option notice” means a notice by which a member exercises an option under this Chapter.

Option to buy out early payment reduction

122.—(1) This regulation applies if a member of this scheme claims payment of a full retirement pension under Chapter 2 and—

- (a) if the member is an active member, the member has not reached normal pension age under this scheme; or
 - (b) if the member is a deferred member, the member has not reached the member's state pension age.
- (2) The member may opt under this regulation to buy out the early payment reduction that would otherwise apply to the calculation of the annual rate of full retirement pension.
- (3) The cost must be met by way of a special payment to this scheme—
- (a) made by the member;
 - (b) made by the employer of an active member or a deferred member in eligible service (“the employer”); or
 - (c) made partly by the member and partly by the employer.
- (4) The employer, in relation to an active member or a deferred member in eligible service, may make a special payment using a lump sum payable to the member under the compensation scheme if the employer determines that such a payment would assist the economical, effective and efficient management of its functions having taken account of the costs likely to be incurred in the particular case.
- (5) Any special payment by the employer must be made—
- (a) in accordance with the compensation scheme; or
 - (b) with the consent of the Secretary of State.
- (6) If the employer makes a special payment under paragraph (5)(a)—
- (a) the lump sum payable to the member under the compensation scheme is reduced by the amount of the special payment; and
 - (b) if the amount of the special payment is more than the whole of the lump sum payable to the member under the compensation scheme, any difference is not chargeable to the member.
- (7) The cost of buying out the early payment reduction is an amount determined by the scheme manager in accordance with actuarial guidance.
- (8) Any special payment made by a member must be made in accordance with the requirements of the scheme manager.
- (9) In this regulation, “the compensation scheme” means the scheme contained in the determination made under regulation 14A of the 2003 Regulations (Annex DA) providing for payment of a compensation lump sum to a member of a police force on voluntary retirement.

Option to defer payment of retirement added pension

- 123.**—(1) This regulation applies in relation to a member of this scheme who, on or after reaching normal pension age under this scheme, becomes entitled to payment for life of a retirement added pension of any description.
- (2) The member may opt under this regulation to defer payment of the retirement added pension of that description.
- (3) A member who exercises the option under this regulation becomes a deferred member of this scheme in respect of the retirement added pension of that description and accordingly—
- (a) a deferred member's account must be established under Part 5 (pension accounts); and
 - (b) the amount of retirement added pension of that description must be specified in the deferred member's account as the provisional amount of deferred added pension of that description.

(4) The member is entitled to payment for life of the retirement added pension of that description when the member claims payment of that pension.

(5) A member may only claim payment of a pension under this regulation by giving at least one month's written notice to the scheme manager.

(6) The notice must specify the date from which payment of the pension is claimed.

(7) The annual rate of retirement added pension is calculated in accordance with regulation 99 (annual rate of full retirement pension (deferred members)).

Option to commute part of pension

124.—(1) A member who becomes entitled to payment for life of a full retirement pension or an ill-health pension may opt under this regulation to exchange part of the pension for a lump sum.

(2) An option under this regulation may only be exercised before the first payment of the pension is made.

(3) If a member exercises the option, for every £1 by which the amount of the member's annual rate of full retirement pension or ill-health pension is reduced, the member must be paid a lump sum of £12.

(4) The lump sum may not be more than 25% of the amount advised by the scheme actuary as representing the cash value of the pension.

(5) A member may not exchange pension for lump sum under this regulation to the extent that it would result in a scheme chargeable payment for the purposes of Part 4 of FA 2004 (see section 241 of that Act).

(6) If paragraph (7) applies, the member may opt to exchange only so much of the pension that exceeds the guaranteed minimum, multiplied by such factor as is indicated for a person of the member's description in actuarial tables.

(7) This paragraph applies if the member has a guaranteed minimum under section 14 of PSA 1993 in relation to the whole or part of a pension as a result of receipt by this scheme of a transfer payment from another pension scheme in respect of which the member had such a guaranteed minimum.

PART 8

Benefits for pension credit members

Interpretation

125. In this Part, "claim date" has the meaning given in regulation 127 (claim for payment of pension credit member's pension).

Entitlement to pension credit member's pension

126. A pension credit member (P) of this scheme who has reached normal minimum pension age is entitled to payment for life of a pension credit member's pension under this scheme if—

- (a) the pension sharing order under which P is entitled to the pension credit has taken effect;
- (b) P has claimed payment of the pension under this Part; and

- (c) the scheme manager is satisfied that on the claim date the requirements of regulation 7(5) of the Pension Sharing (Pension Credit Benefit) Regulations 2000(73) are met.

Claim for payment of pension credit member's pension

127.—(1) The claim for payment of a pension credit member's pension may only be made by written notice to the scheme manager.

- (2) The notice must specify the date from which payment of the pension is claimed ("claim date").
(3) The notice must be given at least one month before the claim date.

Payment of pension credit member's pension

128. A pension credit member's pension is payable in respect of each month as from the claim date.

Annual rate of pension credit member's pension

129. The annual rate of a pension credit member's pension is calculated by—

- (a) taking the amount of credited pension specified in the pension credit member's account;
(b) subtracting the early payment reduction (if any) specified in that account in relation to that amount; and
(c) subtracting the commutation amount (if any) specified in that account in relation to that amount.

Pension credit member's rights

130.—(1) If regulation 7(5) of the Pension Sharing (Pension Credit Benefit) Regulations 2000 (early retirement or deferred retirement) applies, the scheme manager must be reasonably satisfied that the requirements of that regulation have been met.

(2) Benefits that are attributable (directly or indirectly) to a pension credit may not be aggregated with any other benefit to which a pension credit member is entitled under this scheme.

(3) If a pension credit member is a dual capacity member, benefits are payable to or in respect of the member in each of the member's capacities.

Option for pension credit member to commute part of pension

131.—(1) A pension credit member who becomes entitled to payment of a pension credit member's pension under this scheme may opt to exchange part of the pension for a lump sum.

- (2) The option under this regulation may only be exercised—
(a) by written notice to the scheme manager; and
(b) before the first payment of the pension is made.

(3) If a pension credit member exercises the option under this regulation, for every £1 by which the amount of the member's annual rate of pension credit member's pension is reduced, the member must be paid a lump sum of £12.

(4) A pension credit member may not exchange pension for lump sum under this regulation to the extent that it would result in a scheme chargeable payment for the purposes of Part 4 of FA 2004 (see section 241 of that Act).

(5) This regulation does not apply if the pension debit member from whose rights the pension is derived received a lump sum under Part 7 (retirement benefits) before the date on which the pension sharing order takes effect.

Option for pension credit member to commute whole pension (serious ill-health)

132.—(1) This regulation applies in relation to a pension credit member whom a selected medical practitioner certifies has a life-expectancy of less than 12 months.

(2) The pension credit member may opt to exchange the whole of the pension credit member's pension under this scheme for a lump sum.

(3) The option under this regulation ("this option") may only be exercised—

- (a) by written notice to the scheme manager; and
- (b) before the first payment of the pension is made.

(4) The lump sum—

- (a) is an amount equal to the total annual amount of the pension credit member's pension, multiplied by 5; and
- (b) must be paid to the pension credit member as soon as is reasonably practicable after this option is exercised.

(5) In this regulation, "total annual amount" in relation to a pension credit member's pension means the total of—

- (a) the annual rate of pension to which the member would be entitled apart from this option, calculated as at the date this option is exercised, but without subtracting the early payment reduction (if any); and
- (b) the amount of increase (if any) in the annual rate of that pension under PIA 1971 calculated as at that date.

(6) The payment of a lump sum under this regulation in place of a pension discharges all liabilities under this scheme in respect of that pension.

PART 9

Death benefits

CHAPTER 1

Application of Part

Application of Part

133.—(1) This Part applies in relation to death benefits payable in respect of a continuous period of pensionable service under this scheme ("period of service").

(2) In this Part, "active member", in relation to this scheme, means a person—

- (a) who is an active member of this scheme; or
- (b) who, for the purpose of determining entitlement to payment of benefits to or in respect of the member, is taken to be an active member of this scheme⁽⁷⁴⁾.

⁽⁷⁴⁾ See Chapter 1 of Part 4 (active membership) for when a member of a police force is taken to be an active member of this scheme.

CHAPTER 2

Pensions for surviving adults

Surviving adults

134. In these Regulations—

“surviving adult”, in relation to a deceased member of this scheme, means the member’s surviving spouse, surviving civil partner or surviving adult partner;

“surviving civil partner”, in relation to a deceased member of this scheme, means a person who was in a civil partnership⁽⁷⁵⁾ with the member at the date of the member’s death; and

“surviving spouse”, in relation to a deceased member of this scheme, means a person who was married to the member at the date of the member’s death.

Meaning of “surviving adult partner”

135.—(1) A person (P) is a surviving adult partner of a deceased member of this scheme if—

(a) the member has sent to the scheme manager a written declaration in a form required by the scheme manager signed by both the member and P that—

(i) P and the member were cohabiting as partners in an exclusive, committed long-term relationship;

(ii) either P was financially dependent on the member or P and the member were financially interdependent;

(iii) the member was able to marry or form a civil partnership with P; and

(iv) the member acknowledged an obligation to give the scheme manager a signed notice of revocation should the relationship terminate;

(b) the member has not revoked the declaration before the member’s death; and

(c) P has satisfied the scheme manager that—

(i) the circumstances in sub-paragraphs (i) to (iii) of paragraph (a) continued to subsist at the time of the member’s death; and

(ii) the period of cohabitation had been of at least 2 years’ duration at the time of the member’s death.

(2) The scheme manager may in its discretion accept a shorter period of cohabitation if satisfied in the particular circumstances of the case that the member and P would have cohabited as partners for at least 2 years had the member not died.

(3) The member or P may revoke a declaration at any time by giving a signed notice to the scheme manager in any form the scheme manager requires.

(4) On receipt of a declaration or notice under this regulation, the scheme manager must send the member a written notification of its receipt.

Meaning of “surviving adult’s pension”

136. In these Regulations, “surviving adult’s pension” means any of the following pensions payable to a surviving adult under this Chapter—

(a) a surviving adult’s earned pension;

(b) a surviving adult’s lower tier ill-health pension;

⁽⁷⁵⁾ See section 1 of the Civil Partnership Act 2004 (c. 33) for the meaning of “civil partnership”.

- (c) a surviving adult's enhanced upper tier ill-health pension;
- (d) a surviving adult's added pension.

Entitlement to surviving adult's pension

137.—(1) This regulation applies in relation to a member who was at the date of death—

- (a) an active member of this scheme with at least 2 years' qualifying service;
- (b) a deferred member of this scheme; or
- (c) a pensioner member of this scheme.

(2) The surviving adult of the member is entitled to payment for life of a surviving adult's pension as follows—

- (a) if the member was entitled to payment for life of a retirement earned pension at the date of the member's death, or would have become entitled to such a pension had the member not died, a surviving adult's earned pension;
- (b) if the member was entitled to payment for life of a lower tier ill-health pension at the date of the member's death, a surviving adult's lower tier ill-health pension;
- (c) if the member was entitled to payment for life of both a lower tier ill-health pension and an enhanced upper tier ill-health pension at the date of the member's death, a surviving adult's lower tier ill-health pension and a surviving adult's enhanced upper tier ill-health pension;
- (d) if the member was entitled to payment for life of a retirement added (all beneficiaries) pension at the date of the member's death or would have become entitled to such a pension had the member not died, a surviving adult's added pension.

(3) The scheme manager may in its discretion withhold a surviving adult's pension that would otherwise be payable to a surviving spouse if the member and the surviving spouse were married less than 6 months before the member's death.

(4) The scheme manager may in its discretion withhold a surviving adult's pension that would otherwise be payable to a surviving civil partner if the civil partnership was formed less than 6 months before the member's death.

(5) Paragraphs (3) and (4) are subject to regulation 151 (guaranteed minimum pensions for surviving spouses and civil partners).

Surviving adult's pension payable in respect of pension debit member

138. The annual rate of surviving adult's pension payable in respect of a pension debit member is calculated by reference to the pension debit member's rights under these Regulations as reduced under section 31 of WRP A 1999.

Annual rate of surviving adult's pensions payable on death of pensioner member

139.—(1) This regulation applies on the death of a pensioner member of this scheme (P).

(2) The annual rate of a surviving adult's earned pension is an amount equal to 50% of the annual rate of retirement earned pension calculated without subtracting the early payment reduction (if any).

(3) The annual rate of a surviving adult's lower tier ill-health pension is an amount equal to 50% of the annual rate of P's lower tier ill-health pension.

(4) The annual rate of a surviving adult's enhanced upper tier ill-health pension is an amount equal to 50% of the annual rate of P's enhanced upper tier ill-health pension.

(5) The annual rate of a surviving adult's added pension is an amount equal to 50% of the annual rate of retirement added (all beneficiaries) pension calculated without subtracting the early payment reduction (if any).

(6) In accordance with section 7(4) of PIA 1971, for the purposes of this regulation there is to be disregarded any increase in the annual rate of a pension since the beginning date for that pension.

Annual rate of surviving adult's pensions payable on death of deferred member

140.—(1) This regulation applies on the death of a deferred member of this scheme.

(2) The annual rate of a surviving adult's earned pension is an amount equal to 50% of the sum of the provisional amount of deferred earned pension specified in the deferred member's account.

(3) The annual rate of a surviving adult's added pension is an amount equal to 50% of the provisional amount of deferred added (all beneficiaries) pension specified in the deferred member's account.

(4) In this regulation "deferred earned pension" means—

- (a) deferred standard earned pension; and
- (b) deferred club transfer earned pension (if any).

Annual rate of surviving adult's pensions payable on death of active member

141.—(1) This regulation applies on the death of an active member of this scheme who has at least 2 years' qualifying service.

(2) The annual rate of a surviving adult's earned pension is an amount equal to 50% of the annual rate of ill-health pension under this scheme that would have been payable to the member on the date of the member's death had the member met the upper tier threshold.

(3) The annual rate of a surviving adult's added pension is an amount equal to 50% of the amount of retirement added (all beneficiaries) pension that would have been specified in the member's retirement account had the member become entitled to payment for life of such a pension on the date of the member's death.

Reduction in pensions in cases of wide age disparity

142.—(1) This regulation applies if, on the death of a member of this scheme, a surviving adult's pension becomes payable to a surviving adult who is more than 12 years younger than the member.

(2) The annual rate of the surviving adult's pension is reduced by the lower of—

- (a) 50% of the amount of the annual rate of the pension calculated under regulation 139, 140 or 141; and
- (b) $2.5 \times (N - 12)\%$ of the amount of the annual rate of the pension so calculated,

where N is the number of whole years by which the surviving adult is younger than the member.

CHAPTER 3

Pensions for eligible children

Meaning of "eligible child's pension"

143. In these Regulations, "eligible child's pension" means any of the following pensions payable to an eligible child under this Chapter—

- (a) a child's earned pension;
- (b) a child's lower tier ill-health pension;

- (c) a child's enhanced upper tier ill-health pension;
- (d) a child's added pension.

Meaning of "eligible child"

144.—(1) In these Regulations, "eligible child", in relation to a deceased member of this scheme, means a person mentioned in paragraph (2) who meets one of the conditions in paragraph (3).

(2) The persons are—

- (a) a natural child of a member born before the member's death;
- (b) a natural child of a member born after the member's death if the child's mother was pregnant with the child at the date of the member's death;
- (c) an adopted child or step-child of the member; or
- (d) any other child or young person who, in the opinion of the scheme manager, at the date of the member's death was substantially dependent on the member, financially or because of physical or mental impairment.

(3) The conditions are—

- (a) that the person is 18 or under;
- (b) that the person is under 23 and in full-time education or full-time vocational training on a course of at least one year's duration;
- (c) that the person is under 23 and, in the opinion of the scheme manager, unable to engage in any regular employment because of physical or mental impairment;
- (d) that in the opinion of the scheme manager—
 - (i) the person is dependent on the member at the date of the member's death because of physical or mental impairment;
 - (ii) the person is unable to engage in any regular employment because of that impairment; and
 - (iii) that impairment is likely to be permanent.

Eligible child's pension

145.—(1) This regulation applies if a member of this scheme dies leaving an eligible child.

(2) An eligible child's pension is only payable in respect of such period or periods during which a child or young person is an eligible child.

(3) An eligible child's pension is not payable in respect of any period before a child's birth.

(4) An eligible child's pension is payable in respect of an eligible child as follows—

- (a) a child's earned pension is payable if the member was entitled to payment for life of a retirement earned pension at the date of the member's death or the member would have become entitled to such a pension had the member not died;
- (b) a child's lower tier ill-health pension is payable if a lower tier ill-health pension was payable to the member at the date of the member's death;
- (c) a child's enhanced upper tier ill-health pension is payable if an enhanced upper tier ill-health pension was payable to the member at the date of the member's death;
- (d) a child's added pension is payable if the member was entitled to payment for life of a retirement added (all beneficiaries) pension at the date of the member's death or would have become entitled to such a pension had the member not died.

(5) Part 7 of Schedule 4 (transitional provisions) provides for payment of an eligible child's pension in respect of a transition member with continuity of service—

- (a) who dies as an active member of this scheme; and
- (b) who has at least 2 years' qualifying service.

Annual rate of eligible child's pension

146.—(1) The annual rate of an eligible child's pension is determined by reference to the annual rate of the corresponding surviving adult's pension (disregarding any reduction falling to be made under regulation 142 (wide age disparity)) whether or not a surviving adult's pension becomes payable on the death of the member.

(2) For the purposes of this regulation, the corresponding surviving adult's pensions are—

- (a) for a child's earned pension, a surviving adult's earned pension;
- (b) for a child's lower tier ill-health pension, a surviving adult's lower tier ill-health pension;
- (c) for a child's enhanced upper tier ill-health pension, a surviving adult's enhanced upper tier ill-health pension; and
- (d) for a child's added pension, a surviving adult's added pension.

(3) If an eligible child's pension is payable in respect of one or 2 eligible children, the annual rate of eligible child's pension is equal to 50% of the annual rate of the corresponding surviving adult's pension.

(4) If an eligible child's pension is payable in respect of 3 or more eligible children, the annual rate of eligible child's pension payable to each eligible child is equal to the appropriate fraction of 50% of the annual rate of the corresponding surviving adult's pension.

(5) In this regulation, "the appropriate fraction" means $\frac{2}{Y}$ where—

Y is the number of eligible children in respect of whom the annual rate of eligible child's pension is calculated.

(6) In calculating the annual rate of eligible child's pension payable on the death of a pension debit member of this scheme, the reduction of the pension debit member's benefits under section 31 of WRPA 1999 is disregarded.

CHAPTER 4

Payment of pensions for surviving adults and eligible children

Payment of pensions under this Part

147.—(1) A surviving adult's pension is payable in respect of each month as from the date of the member's death.

(2) An eligible child's pension is payable—

- (a) in respect of each month as from the date of a member's death; or
- (b) for an eligible child born after the member's death, in respect of each month as from the day on which that child is born.

(3) For the purpose of an appeal to the Crown Court under regulation 207 or an appeal to the Secretary of State under regulation 208, a person is taken to claim payment of a surviving adult's pension or eligible child's pension in respect of a member—

- (a) on the date of the member's death; or

- (b) for an eligible child born after the member's death, on the day on which that child is born.
- (4) An eligible child's pension payable in respect of an eligible child aged under 18 must be paid—
 - (a) if the child is in the care of the member's surviving adult, to the surviving adult (unless the scheme manager directs otherwise); and
 - (b) in any other case, to a person determined by the scheme manager.
- (5) A person who receives a sum under paragraph (3) must apply that sum for the benefit of the child.

Suspension and recovery of pensions paid under this Part

- 148.**—(1) This regulation applies if—
- (a) on a member's death a pension is paid under this Part; and
 - (b) it later appears to the scheme manager that the member or the person to whom the pension was paid made a false declaration or deliberately suppressed a material fact in connection with the claim for payment.
- (2) The scheme manager may—
- (a) cease paying the pension; and
 - (b) recover any payment of the pension.
- (3) Paragraph (2) does not affect any other right the scheme manager has to recover a payment or an overpayment.

Provisional payment of eligible child's pension: later adjustments

- 149.**—(1) This regulation applies where—
- (a) an active member, deferred member or pensioner member of this scheme has died;
 - (b) a pension is paid in respect of one or more persons under this Part on the basis that they were eligible children at the date of the member's death and that there were then no other eligible children; and
 - (c) it later appears that—
 - (i) a person in respect of whom an eligible child's pension was paid was not an eligible child on the date of death;
 - (ii) on that date one or more other persons was an eligible child; or
 - (iii) a child who was born after the member's death is an eligible child.
- (2) The scheme manager may adjust the amount of pension payable in respect of each eligible child to take account of the matters in paragraph (1)(c).
- (3) Paragraph (2) does not affect any right the scheme manager has to recover a payment or an overpayment.

Adjustment of benefits to comply with FA 2004 where members die over 75

- 150.**—(1) This regulation applies if—
- (a) a member of this scheme dies after reaching the age of 75; and
 - (b) apart from this regulation, any part of a pension to which any person becomes entitled under this Part on the death would not qualify as a dependants' scheme pension for the purposes of section 167 of FA 2004 (the pension death benefit rules) (see paragraphs 16 to 16C of Schedule 28 to that Act).

(2) The benefit payable to the person may be adjusted in any way as determined by the scheme manager so that it qualifies as a dependants' scheme pension for the purposes of section 167 of FA 2004.

Guaranteed minimum pensions for surviving spouses and civil partners

151.—(1) This regulation applies in relation to a person (P) who is the surviving spouse or civil partner of a deceased active, deferred or pensioner member who has a guaranteed minimum under section 17 of PSA 1993 in relation to the member's benefits under this scheme.

(2) Nothing in these Regulations permits or requires anything that would cause requirements under PSA 1993 that relate to such a person or that relate to the rights of such a person not to be met in relation to P.

(3) Nothing in these Regulations prevents anything from being done which is necessary or expedient for the purpose of meeting such requirements in relation to P.

(4) The following paragraphs are without prejudice to the generality of paragraphs (2) and (3).

(5) If apart from this regulation a pension would not be payable to P under this Part—

- (a) a pension the weekly rate of which is equal to the guaranteed minimum is payable to P for life; or
- (b) pensions the aggregate weekly rate of which is equal to the guaranteed minimum are so payable.

(6) If apart from this regulation the weekly rate of a pension payable to P under this Part would be less than the guaranteed minimum, the pensions payable are increased to the amount specified in paragraph (5).

(7) Paragraphs (5) and (6) do not apply to a pension that is—

- (a) forfeited as a result of a conviction for treason; or
- (b) forfeited under regulation 211 (forfeiture: offences committed by members) where the relevant offence within the meaning of that regulation is an offence under the Official Secrets Acts 1911 to 1989⁽⁷⁶⁾.

CHAPTER 5

Nominations for lump sum death grants

Nominations for lump sum death grants

152.—(1) A member of this scheme may nominate an individual to receive a lump sum death grant.

(2) A nomination may only be made by giving a signed notice to the scheme manager in a form the scheme manager requires.

(3) A member may revoke or alter a nomination by giving a further signed notice to the scheme manager in a form the scheme manager requires.

(4) On receipt of a notice under this regulation, the scheme manager must send the member a written notification of its receipt.

Invalid nominations of individuals

153.—(1) If the nomination of an individual is invalid, any lump sum death grant that would have been payable to the individual is payable to the member's legal personal representative.

⁽⁷⁶⁾ 1989 c. 6; see section 16(2) for the meaning of "Official Secrets Acts 1911 to 1989".

- (2) A nomination of an individual is invalid if—
- (a) the individual predeceases the member; or
 - (b) the individual is convicted of the offence of murder of the member.

(3) The scheme manager may determine that the nomination of an individual is invalid if the individual is convicted of manslaughter of the member or any other offence (apart from murder) of which the unlawful killing or wounding of the member is an element.

Recovery of payment if nomination found to be invalid

154.—(1) The scheme manager may recover a lump sum death grant paid to any person if the person's nomination is subsequently found to be invalid.

(2) Paragraph (1) does not affect any other right the scheme manager has to recover a payment or an overpayment.

CHAPTER 6

Payment of lump sum death grants

Payment of lump sum death grants: general

155.—(1) A lump sum death grant is payable in respect of—

- (a) an active member of this scheme who dies; or
- (b) a pension credit member of this scheme who dies before any benefits attributable (directly or indirectly) to a pension credit become payable.

(2) A lump sum death grant is payable whether or not a surviving adult's pension or death gratuity is payable in respect of the member.

(3) A lump sum death grant is not payable in respect of a member who dies after reaching 75 (see regulation 158 for payment of a pension instead of a lump sum for members who have reached 75).

Persons who may be paid lump sum death grant

156.—(1) The scheme manager must pay a lump sum death grant to any surviving spouse or surviving civil partner of the member, unless immediately before the member's death—

- (a) the member and the spouse or civil partner were separated by an order or decree of a competent court; and
- (b) the member was not required by the order to contribute, and was not in fact regularly contributing—
 - (i) to the support of the spouse or civil partner; or
 - (ii) to the support of a child of the spouse or civil partner.

(2) If a lump sum death grant is not paid under paragraph (1), the scheme manager may in its discretion pay a lump sum death grant to any surviving adult partner of the member, if the surviving adult partner—

- (a) claims payment of a surviving adult's pension; and
- (b) satisfies the scheme manager that at the time of the member's death—
 - (i) the circumstances stated in the declaration under regulation 135 (meaning of "surviving adult partner") continued to subsist; and
 - (ii) the member and the surviving adult partner had cohabited for at least 2 years.

(3) The scheme manager may in its discretion accept a shorter period of cohabitation if satisfied in the particular circumstances of the case that the member and P would have cohabited as partners for at least 2 years had the member not died.

(4) If a lump sum death grant is not paid under paragraph (1) or (2), the scheme manager may in its discretion pay a lump sum death grant to a person nominated under regulation 152 (nominations for lump sum death grants) if the nomination has effect at the date of the member's death.

(5) If a lump sum death grant is not paid under paragraph (1), (2) or (4), the scheme manager may in its discretion pay a lump sum death grant to the member's legal personal representative.

(6) For the purpose of an appeal to the Crown Court under regulation 207 or an appeal to the Secretary of State under regulation 208, a surviving spouse or surviving civil partner of a deceased member is taken to claim payment of a lump sum death grant on the date of the member's death.

Pension protection lump sum death benefit

157.—(1) A lump sum death grant is treated for the purposes of FA 2004 as a pension protection lump sum death benefit if and to the extent that—

- (a) the member has given written notice to the scheme manager that the lump sum death grant is to be so treated; and
- (b) the lump sum death grant meets all of the conditions required by FA 2004 for it to be treated as a pension protection lump sum death benefit (see paragraph 14 of Part 2 (lump sum death benefit rule) of Schedule 29 to FA 2004(77)).

(2) The scheme manager may deduct tax from the lump sum death grant if the scheme manager is liable for tax under section 206 of FA 2004 in respect of a pension protection lump sum death benefit.

Payment of pension instead of lump sum death grant for members who have reached 75

158.—(1) This regulation applies if an active member dies after reaching 75.

(2) The scheme manager must pay a pension under this regulation to any surviving spouse or surviving civil partner of the member.

(3) If there is no surviving spouse or surviving civil partner, the scheme manager may pay a pension to—

- (a) a surviving adult partner of the member;
- (b) a person nominated by the member under regulation 152; or
- (c) the member's legal personal representative.

(4) The restrictions in regulation 156 (persons who may be paid lump sum death grant) relating to payment of a lump sum death grant also apply to payment of a pension under this regulation.

(5) A pension payable under this regulation is payable in respect of each month as from the date of the member's death for the 5 year period beginning with the date of death.

(6) The amount of each payment of pension must be equal to the sum of—

- (a) the amount of pension that would have been payable to the member had the member—
 - (i) become entitled to payment of the pension on the date of death; and
 - (ii) lived until the end of the 5 year period beginning with the date of death; and
- (b) any increases in the annual rate of that pension under PIA 1971 during the 5 year period.

(7) For the purpose of an appeal to the Crown Court under regulation 207 or an appeal to the Secretary of State under regulation 208, a surviving spouse or surviving civil partner of a deceased

(77) Paragraph 14 was amended by the Finance Act 2011 (c. 11) Schedule 16 paragraphs 32 and 34.

member is taken to claim payment of a pension under this regulation on the date of the member's death.

CHAPTER 7

Amount of lump sum death grant

Meaning of “final pay”

159.—(1) In these Regulations, “final pay” in relation to a continuous period of pensionable service under this scheme (“period of service”) means the greater of the following amounts—

- (a) the amount of a member's pensionable earnings payable in respect of the 12 months ending with the last day of pensionable service;
- (b) the amount of a member's pensionable earnings payable in respect of any scheme year in the 10 scheme years immediately before the last active scheme year (“the earnings year”).

(2) For the purpose of determining which of the amounts mentioned in paragraph (1) is the greater—

- (a) if the member's period of service was less than 12 months, the amount in paragraph (1)(a) is an amount equal to the member's annualised final pay; and
- (b) the amount in paragraph (1)(b) is adjusted for inflation in accordance with paragraph (3).

(3) The amount of pensionable earnings payable in respect of the earnings year is adjusted for inflation by increasing it by the same amount as that by which the annual rate of a pension of an amount equal to the amount of pensionable earnings would have been increased under PIA 1971 by the day following the last day of pensionable service if—

- (a) that pension was eligible to be so increased; and
- (b) the beginning date for that pension was the first day of the next scheme year after the earnings year.

(4) For the purpose of this regulation—

- (a) “annualised final pay” has the meaning given in regulation 160 (meaning of “annualised final pay”);
- (b) in respect of a period of assumed pay under this scheme, “pensionable earnings” means the member's assumed pay; and
- (c) if the member is a transition member with continuity of service, “pensionable earnings” in respect of any period includes the member's pensionable earnings under the existing police pension scheme before the transition date for that member.

Meaning of “annualised final pay”

160.—(1) This regulation applies for the purpose of regulation 159(2)(a) (meaning of “final pay”).

(2) If the member's period of service was less than 12 months, the member's annualised final pay is—

$$FP \times \frac{365}{N}$$

where—

FP is the amount of the member's pensionable earnings payable in respect of that period of service; and

N is the number of days in that period.

(3) But if the period of service includes 29th February, paragraph (1) has effect with “366” substituted in place of “365”.

(4) For the purpose of this regulation—

(a) in respect of a period of assumed pay under this scheme, “pensionable earnings” means the member’s assumed pay; and

(b) if the member is a transition member with continuity of service, “pensionable earnings” in respect of any period includes the member’s pensionable earnings under the existing police pension scheme before the transition date for that member.

Amount of lump sum death grant payable on death of active member

161.—(1) This regulation applies in relation to a continuous period of pensionable service under this scheme (“period of service”).

(2) If the member is a transition member with continuity of service, the period of service includes the member’s period of pensionable service under the existing police pension scheme before the transition date for that member.

(3) The amount of the lump sum death grant payable in respect of a person (P) who dies as an active member is—

(a) if P’s period of service was at least 12 months—

$$P's \text{ final pay} \times 3$$

(b) if P’s period of service was less than 12 months—

$$P's \text{ annualised final pay} \times 3$$

Amount of lump sum death grant payable on death of pension credit member

162.—(1) This regulation applies if a pension credit member of this scheme dies before any benefits derived from a pension credit have become payable to the member.

(2) The amount of the lump sum death grant is equal to—

$$\text{annual rate of pension} \times 3$$

where—

“annual rate of pension” means the annual rate of pension credit member’s pension to which the member would have been entitled if the member had reached the member’s state pension age on the date of the member’s death.

Amount payable under court order to former spouse or civil partner

163.—(1) This regulation applies if on or after the death of a member of this scheme the scheme manager is required under a court order to pay any part of a lump sum death grant to the member’s former spouse or civil partner.

(2) The amount of the lump sum death grant is first determined as if no such order had been made, and then this Part applies as if the amount of the lump sum death grant were reduced by the amount payable under the court order.

CHAPTER 8

Death gratuities

Application of Chapter

164.—(1) This Chapter applies in relation to a member’s continuous period of pensionable service under this scheme (“the period of service”).

(2) If a member has more than one period of service, this Chapter applies in relation to each period of service.

Death gratuities - dependants

165.—(1) This regulation applies in relation to a member of this scheme—

- (a) who dies as a deferred member or pensioner member of this scheme if the death results from an injury received in the execution of duty; or
- (b) who dies as a pensioner member of this scheme if the member dies within 2 years after becoming a pensioner member.

(2) The scheme manager may in its discretion grant a gratuity to any person who at the date of the member’s death was in the opinion of the scheme manager—

- (a) wholly or partly financially dependent on the member; or
- (b) wholly or partly dependent on the member because of physical or mental impairment.

(3) The total amount of any gratuities granted under this regulation must not exceed the sum of all member contributions and payments for added pension made by the member under this scheme.

Death gratuity – estate

166.—(1) This regulation applies in relation to a member of this scheme—

- (a) who dies as a deferred member or pensioner member of this scheme if the death results from an injury received in the execution of duty; or
- (b) who dies as a pensioner member of this scheme if the member dies within 2 years after becoming a pensioner member.

(2) If the sum of the amounts in paragraph (3) is less than the sum of all member contributions and payments for added pension made by the member under this scheme, the scheme manager must pay to the member’s legal personal representative a gratuity equal to the difference.

(3) The amounts are—

- (a) any amount of pension or lump sum paid to the member in relation to the period of service, together with any increase under PIA 1971;
- (b) the capitalised value (determined by the scheme manager in accordance with actuarial tables) of any surviving adult’s pension or eligible child’s pension granted in respect of the member’s death;
- (c) if the member is also a pension credit member, the actuarial value of any pension credit; and
- (d) any gratuity granted under regulation 165 (death gratuities - dependants) in respect of the member’s death.

(4) For the purpose of an appeal to the Crown Court under regulation 207 or an appeal to the Secretary of State under regulation 208, a claim for payment of a gratuity under this regulation is taken to be made on the date of the member’s death.

CHAPTER 9

Prevention of duplication of benefits

Payment of one benefit only in respect of deceased member

167.—(1) This regulation applies for the purpose of determining benefits payable to a surviving adult or eligible child (P) in respect of a member's continuous period of pensionable service under this scheme.

- (2) P is not entitled to be paid in respect of the member's period of service both—
 - (a) a surviving adult's pension or an eligible child's pension; and
 - (b) an award under the Injury Benefits Regulations.
- (3) P may choose which of the benefits in paragraph (2) P wishes to be paid.
- (4) If P chooses which benefit P wishes to be paid, the scheme manager must pay P that benefit.
- (5) If P does not choose which benefit P wishes to be paid, the scheme manager must pay P—
 - (a) the benefit which is for the time being greater; or
 - (b) if the amount of both benefits is the same, that amount.

PART 10

Contributions

Amount of pensionable earnings

168.—(1) For the purpose of determining the rate of member contributions under this Part, the amount of a member's pensionable earnings for any period is determined in accordance with this regulation.

(2) The amount of pensionable earnings for any pay period for a person in full-time service as a member of a home police force means the rate of pay to which the member is entitled as such a member in that pay period, account being taken of any retrospective increase in that rate.

(3) The amount of pensionable earnings for any pay period for a person in full-time service as a member of a police force in England and Wales other than a home police force means the rate of pay to which the member is entitled under the member's terms and conditions of employment in that pay period, account being taken of any retrospective increase in that rate.

(4) The amount of pensionable earnings for any pay period for a member in part-time service is the amount of pensionable earnings that would be payable to that member in that pay period if the member were in full-time service.

(5) Unless paragraph (6), (7) or (8) applies, the amount of the member's pensionable earnings during any period of assumed pay is equal to the member's assumed pay.

(6) For any period of assumed pay under regulation 34(2)(a) (assumed pay - reduced pay), the amount of the member's pensionable earnings is equal to the member's reduced pay while on sick leave, paid adoption leave, paid maternity leave, paid parental leave, paid maternity support leave or paid adoption support leave.

(7) For any period of assumed pay under regulation 34(2)(b) (assumed pay - statutory pay), the amount of the member's pensionable earnings is the amount of statutory pay actually paid to or for the member in respect of the period of adoption leave, maternity leave, parental leave, maternity support leave or adoption support leave.

(8) For any period of assumed pay under regulation 34(2)(d) (assumed pay – permanent service), if the service pay is less than the rate of pay (account being taken of any retrospective increase in that rate) to which the member was entitled at the beginning of the period of permanent service, the amount of the member’s pensionable earnings is equivalent to that rate of pay.

Annualised rate of pensionable earnings

169.—(1) For the purpose of this Part, a member’s annualised rate of pensionable earnings is calculated in accordance with this regulation.

(2) Where a member’s pensionable earnings for a scheme year are payable to the member in 12 instalments, the member’s annualised rate of pensionable earnings is calculated as follows, rounded down to the nearest whole pound—

$$12P$$

where P is the amount of a payment of the member’s pensionable earnings.

(3) Where a member’s pensionable earnings for a scheme year are payable to the member otherwise than in 12 instalments, the member’s annualised rate of pensionable earnings is calculated as follows, rounded down to the nearest whole pound—

$$P \times \frac{365}{N}$$

where—

P is the amount of a payment of the member’s pensionable earnings; and

N is the number of days in the relevant pay period.

(4) For the purpose of paragraph (3), the relevant pay period is—

- (a) for the first payment of pensionable earnings, the period beginning on the member’s first day of pensionable service and ending on the day before the day that this payment of pensionable earnings is made; or
- (b) otherwise, the period beginning on the day the previous payment of pensionable earnings was made and ending on the day before the day that this payment of pensionable earnings is made.

(5) If the scheme year in which the payment of pensionable earnings is made includes 29th February, paragraph (3) has effect with “366” substituted in place of “365”.

Rate of member contributions

170.—(1) An active member of this scheme must pay contributions to this scheme (“member contributions”) on the member’s pensionable earnings within the meaning of regulation 33 for each pay period at a rate determined under this regulation (“member contributions rate”).

(2) The member contributions rate during a scheme year mentioned in the table is the percentage, set out in column 2 or 3 of the table, which applies to a member’s annualised rate of pensionable earnings calculated in relation to each payment of the member’s pensionable earnings.

(3) Column 2 sets out the member contributions rate which applies if the scheme manager determines under Chapter 4 of Part 4 that the member is eligible under this scheme for payment of ill-health benefits⁽⁷⁸⁾ (“full member contributions rate”).

(4) Column 3 sets out the member contributions rate which applies if the scheme manager determines under regulation 36 (determination of eligibility for payment of ill-health benefits) that

⁽⁷⁸⁾ See Chapter 2 of Part 4 (determination of eligibility for payment of ill-health benefits).

the member is ineligible under this scheme for payment of ill-health benefits (“reduced member contributions rate”).

(5) A reduced member contributions rate ceases to apply to a member from the date the scheme manager determines under regulation 37 (re-determination of eligibility for payment of ill-health benefits) that the member is eligible under this scheme for payment of ill-health benefits.

(6) The member contributions rate which applies to a member’s pensionable earnings is the rate which applies when the payment of pensionable earnings is made.

(7) For the purpose of paragraph (6), for any pay period in respect of which the member is taken to receive assumed pay, the assumed pay is taken to be paid when the payment of the member’s pensionable earnings for that pay period would have been made had the circumstances in regulation 34(2) (assumed pay) which apply to the member not applied.

For each scheme year falling in period beginning 1st April 2015 and ending 31st March 2019

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Annualised rate of pensionable earnings</i>	<i>Full member contributions rate</i>	<i>Reduced member contributions rate</i>
£27,000 or less	12.44%	9.94%
More than £27,000 but less than £60,000	13.44%	10.94%
£60,000 or more	13.78%	11.28%

Payment of member contributions

171.—(1) Member contributions for each pay period are to be deducted by the member’s employer in respect of the member’s pensionable earnings for that pay period.

(2) A member’s employer may make contributions on the member’s behalf in circumstances determined by the scheme manager.

Option to pay member contributions for period of unpaid leave

172.—(1) This regulation applies in respect of an active member of this scheme who returns from a period of—

- (a) unpaid adoption leave;
- (b) unpaid maternity leave;
- (c) unpaid parental leave;
- (d) unpaid maternity support leave;
- (e) unpaid adoption support leave; or
- (f) unpaid sick leave.

(2) For the purpose of paragraph (1), unpaid leave does not include any leave in respect of which statutory pay is payable under the Social Security Contributions and Benefits Act 1992.

(3) The member may by written notice to the scheme manager opt to pay the amount of contributions that would have been payable for the period of unpaid leave.

(4) A member may exercise this option in relation to one or more periods of unpaid sick leave if—

- (a) each period of unpaid sick leave does not exceed 6 months; and

- (b) the total period of unpaid sick leave does not exceed 12 months.
- (5) The option must be exercised by the earlier of—
 - (a) the end of the 3 month period beginning with the day on which the member returns to work; and
 - (b) the member's last day of pensionable service under this scheme.
- (6) On receipt of a notice under paragraph (3), the scheme manager must calculate the amount of contributions payable and give the member a notice stating that amount.
- (7) For the purpose of calculating the amount of contributions payable, the annual rate of the member's pensionable earnings is taken to be the rate that applied at the beginning of the period of unpaid leave.

Payment of member contributions for unpaid leave

- 173.**—(1) Within 6 months after receiving a notice under regulation 172(6) (“payment period”), the member must pay to the scheme manager the full amount stated in that notice.
- (2) If the member leaves eligible service before the full amount is paid, the member must pay the balance within 2 months after leaving eligible service, as long as this falls within the payment period.
- (3) The amount may be paid by—
 - (a) a lump sum payment made by the member; or
 - (b) instalments deducted by the member's employer from the member's pay.
- (4) If the full amount is not paid by the end of the payment period, the scheme manager taking into account the unpaid amount must determine the period of unpaid leave in respect of which the member is taken to receive pensionable earnings.
- (5) The member is taken to have paid the full amount if—
 - (a) the member dies within the payment period; or
 - (b) the member dies—
 - (i) before the end of the 3 month period beginning with the day on which the member returns to work; and
 - (ii) before giving notice under regulation 172(3).

Employer contributions

- 174.**—(1) Each employer of an active member of this scheme must pay contributions to this scheme in respect of the member at the rate of 21.3% of the member's annualised rate of pensionable earnings (“employer contributions”).
- (2) Employer contributions must be paid at the intervals the scheme manager in accordance with actuarial guidance may for the time being determine.
- (3) In addition, the employer must pay the following charges to this scheme at the rate and at the intervals the scheme manager may for the time being determine—
 - (a) annual administration charges;
 - (b) any other administrative charges.

Deduction of payments for added pension under Schedule 3

- 175.** Schedule 3 has effect for the purpose of enabling deductions of payments for added pension.

Refund of all member contributions and payments for added pension made by the member

176.—(1) This regulation applies in relation to a continuous period of pensionable service under this scheme (“the period of service”).

(2) If paragraph (3) applies, the scheme manager must refund all member contributions and payments for added pension made by the member in relation to the period of service.

(3) This paragraph applies if—

(a) the member opted out under regulation 31 (opting out before the end of the initial period of eligible service); or

(b) the member’s pensionable service ceases and—

(i) the member has less than 2 years’ qualifying service; and

(ii) if a transfer payment has been received by this scheme in relation to the member, it was from another occupational pension scheme.

(4) Member contributions and payments for added pension made by the member are not refundable if—

(a) a transfer payment has been made in respect of the member’s accrued rights to benefits under this scheme; or

(b) a retirement pension has become payable to the member in respect of the period of service.

(5) If paragraph (3)(b) applies, the member is entitled to be paid an amount equal to the sum of all member contributions and payments for added pension made by the member, less an amount equal to the income tax payable under section 205 (short service refund lump sum charge) of FA 2004(79) as a result of a refund of those contributions and payments.

(6) If all member contributions and payments for added pension made by the member are refunded under this regulation, the member’s rights under this scheme in relation to the period of service are extinguished.

(7) For the purpose of an appeal to the Crown Court under regulation 207 or an appeal to the Secretary of State under regulation 208, a person is taken to claim payment of a refund of contributions and payments under this regulation if the conditions in paragraph (3) are met.

Member repays refund of contributions on rejoining this scheme

177.—(1) This regulation applies to a member who—

(a) was in pensionable service under this scheme (“earlier period of service”);

(b) received a refund under regulation 176 (refund of all member contributions and payments for added pension made by the member) in relation to that earlier period of service; and

(c) after a gap in service not exceeding 5 years, re-joins this scheme.

(2) If within 6 months after re-joining this scheme (or any longer time the scheme manager determines) the member repays to the scheme manager the amount of the refund received under regulation 176, the active member’s account must be adjusted to specify the amount of accrued earned pension as at the last day of pensionable service for the earlier period of service.

PART 11
Transfers
CHAPTER 1
Preliminary

Application of Part**178.** This Part—

- (a) supplements the rights conferred by or under Chapter 4 of Part 4 of PSA 1993 (transfer values) and is without prejudice to that Chapter; and
- (b) supplements the rights conferred by or under Chapter 5 of that Part (early leavers: cash transfer sums and contribution refunds)**(80)** and is without prejudice to that Chapter.

Interpretation of Part**179.** In this Part—

“cash equivalent”, in relation to benefits under this scheme other than accrued earned pension, means an amount calculated in accordance with regulations made under section 97 of PSA 1993;

“club scheme” means a registered occupational pension scheme (other than a connected scheme) that has agreed to make and receive club transfer value payments under the club transfer arrangements;

“club transfer arrangements” means arrangements approved by the Minister for the Civil Service as providing reciprocal arrangements between this scheme and other registered occupational pension schemes for making and receiving club transfer value payments;

“club transfer value”, in relation to accrued earned pension under this scheme or under another club scheme, means an amount calculated by the scheme manager—

- (a) in accordance with the club transfer arrangements; and
- (b) by reference to the guidance and tables provided by the Government Actuary for this purpose that are in use on the date used for the calculation;

“club transfer value payment” means payment of a club transfer value;

“guarantee date” has the meaning given in regulation 182 (statement of entitlement);

“guaranteed cash equivalent”, in relation to benefits under this scheme other than accrued earned pension, means the cash equivalent of those benefits at the guarantee date, as specified in a statement of entitlement;

“sending scheme” means a club scheme which pays a club transfer value;

“statement of entitlement”, in relation to the accrued rights to benefits under this scheme of a deferred member, means a statement by the scheme manager at the guarantee date setting out—

- (a) the cash equivalent of benefits under this scheme other than accrued earned pension; and
- (b) the club transfer value of accrued earned pension under this scheme;

“transfer payment” means a transfer value payment or a club transfer value payment;

“transfer value” means—

(80) Chapter 5 of Part 4 of PSA 1993 was inserted by section 264 of the Pensions Act 2004 (c. 35).

- (a) for accrued rights to benefits under this scheme (other than rights to accrued earned pension), an amount equal to—
 - (i) the guaranteed cash equivalent of those benefits; or
 - (ii) the guaranteed cash equivalent together with any increase payable under regulation 184 (calculating the amount of a transfer value or club transfer value); and
- (b) for accrued rights to benefits under another pension scheme (other than rights to accrued club transfer earned pension), an amount—
 - (i) determined by the scheme actuary of that scheme; and
 - (ii) specified in a statement of accrued rights provided by the scheme manager of that scheme; and

“transfer value payment” means a payment of a transfer value.

CHAPTER 2

Transfers out

Transfer payments made to other schemes or pension arrangements

180.—(1) Subject to regulation 185 (request for transfer out after member repays to scheme manager a refund received under regulation 184), a transfer payment may only be made in respect of the accrued rights to benefits of a deferred member of this scheme.

(2) A transfer payment may only be made to—

- (a) a registered pension scheme that is not a connected scheme; or
- (b) a pension arrangement that is a qualifying recognised overseas pension scheme for the purposes of Part 4 of FA 2004 (see section 169(2)(**81**) of that Act).

(3) A transfer payment may not be made in respect of rights that are attributable (directly or indirectly) to a pension credit.

(4) A member may only require the scheme manager to use a transfer payment in a way specified in section 95(2)(**82**) of PSA 1993.

(5) A member may only require the scheme manager to make a club transfer value payment in the period of 12 months beginning with the day on which the member becomes eligible to be an active member of the club scheme to which the payment is to be made.

(6) If section 96(2)(**83**) of PSA 1993 applies, benefits attributable to the following may be excluded from the transfer payment—

- (a) the member’s accrued rights to a guaranteed minimum pension; or
- (b) the member’s accrued rights attributable to service in contracted-out employment on or after 6th April 1997.

(7) In this regulation, “contracted-out employment” has the meaning given in section 8(1) of PSA 1993.

(81) Section 169(2) was amended by the Finance Act 2013 (c. 29) section 53(2) and (3).

(82) Section 95(2) was amended by S.I. 2001/3649.

(83) Section 96(2) was amended by PA 1995, paragraph 63 of Schedule 5; WRPA 1999, paragraph 3 of Schedule 2 and Part 1 of Schedule 13; the Pensions Act 2007 (c. 22), paragraphs 1 and 29 of Schedule 4 and Part 6 of Schedule 7; and S.I. 2011/1730.

Application for a statement of entitlement

181.—(1) This regulation applies in relation to a deferred member of this scheme (P) who requires a transfer payment to be made in respect of P’s accrued rights to benefits under this scheme.

(2) Before requesting the transfer payment, P must apply for a statement of entitlement by written notice to the scheme manager.

(3) P may withdraw the application by written notice to the scheme manager at any time before the statement is provided.

(4) P may make a second application by written notice to the scheme manager in the period of 12 months beginning with the date of the first application⁽⁸⁴⁾.

Statement of entitlement

182.—(1) The scheme manager must specify in the statement of entitlement the date by reference to which the cash equivalent or club transfer value is calculated (“guarantee date”).

(2) Unless paragraph (4) applies, the guarantee date must fall within both the following periods—

(a) the 3 months beginning with the date of the member’s application for the statement of entitlement (“the 3 month period”); and

(b) the 10 days ending with the date on which the member is provided with that statement (“the 10 day period”).

(3) In counting the 10 day period, Saturdays, Sundays, Christmas Day, New Year’s Day and Good Friday are excluded.

(4) The scheme manager may specify in the statement of entitlement a guarantee date that falls within the 6 months beginning with the date of the member’s application for the statement of entitlement if, for reasons beyond the control of the scheme manager, the information needed to calculate the amount of the cash equivalent or club transfer value cannot be obtained before the end of the 3 month period.

Request for transfer payment to be made

183.—(1) A deferred member of this scheme who is provided with a statement of entitlement may request a transfer payment to be made in respect of the member’s accrued rights to benefits under this scheme.

(2) The request for the transfer payment must—

(a) be made by written notice to the scheme manager;

(b) specify the pension scheme or other pension arrangement to which the transfer payment is to be made; and

(c) meet any other conditions the scheme manager requires.

(3) The member by written notice to the scheme manager may withdraw the request at any time before the transfer payment is made.

(4) The member may not withdraw the request if an agreement for the use of the whole or part of the transfer payment has already been entered into with a third party.

⁽⁸⁴⁾ This provision overrides regulation 6(3) of S.I. 1996/1847.

Calculating the amount of a transfer value or club transfer value

184.—(1) If a transfer value is paid later than 6 months after the guarantee date, the amount of the guaranteed cash equivalent must be increased in accordance with regulations made under section 97 of PSA 1993.

(2) If a club transfer value is paid later than 6 months after the guarantee date, the amount of the club transfer value as specified in the statement of entitlement must be increased if necessary so that it is equal to the amount it would have been if the guarantee date had been the date on which the payment is made.

(3) If the transfer value or club transfer value is less than the minimum transfer value, the amount of the transfer value or club transfer value must be increased so that it is equal to the amount of the minimum transfer value.

(4) In this regulation, “minimum transfer value” means the total of—

- (a) the sum of all member contributions and payments for added pension made by the member; and
- (b) the sum of all transfer payments received by this scheme in relation to the member.

Request for transfer out after member repays to scheme manager a refund received under regulation 184

185.—(1) This regulation applies to a member who—

- (a) receives a refund under regulation 176 (refund of all member contributions and payments for added pension made by the member); and
- (b) enters new pension arrangements with a new employer.

(2) The member may request a transfer payment to be made under this Chapter to the new pension arrangements in respect of the member’s accrued rights to benefits under this scheme if the member repays to the scheme manager the amount refunded under regulation 176 and any interest payable under paragraph (3)—

- (a) within 12 months after entering a new club scheme (or any longer period the scheme manager determines); or
- (b) within 6 months after entering any other pension arrangements (or any longer period the scheme manager determines).

(3) Interest is payable on the amount refunded under regulation 176 if the member repays that amount more than a year after the member receives the refund.

(4) For the purpose of paragraph (3), interest is calculated at the rate of 5% each year, compounded with yearly rests.

Effect of transfers out

186. If a transfer payment is made under this Chapter in respect of a member’s accrued rights to benefits under this scheme, those rights are extinguished.

CHAPTER 3

Transfers in

Application of Chapter

187. This Chapter applies in relation to an active member of this scheme (P) who has accrued rights under another pension scheme.

Interpretation of Chapter

188. In this Chapter—

“club transfer statement” means a statement under regulation 192 of the amount of club transfer earned pension;

“transfer date” means the earlier of—

- (a) if the scheme manager has provided a transfer statement or a club transfer statement, the last day of the period of 2 months beginning with the date of the statement; and
- (b) the day on which the transfer payment is received by the scheme manager;

“transfer payment request” means a request to the scheme manager under this Chapter that a transfer payment be accepted from another pension scheme;

“transfer statement” means a statement under regulation 190(2).

Request for acceptance of a transfer payment

189.—(1) P may by written notice to the scheme manager request that a transfer payment be accepted in respect of some or all of P’s accrued rights to benefits under another pension scheme.

(2) A transfer payment request—

(a) must specify—

- (i) the pension scheme from which the transfer payment is to be made; and
- (ii) the anticipated amount of the transfer payment;

(b) must meet any other conditions the scheme manager requires; and

(c) subject to paragraph (3), must be made during the period of 12 months beginning with P’s first day of eligible service.

(3) The scheme manager may treat a transfer payment request as having been made earlier than it was if the scheme manager considers it reasonable to do so in the circumstances.

(4) Subject to paragraph (5), on receiving a transfer payment request, the scheme manager may accept the transfer payment if the conditions (if any) that the scheme manager required are met.

(5) The scheme manager may not accept a transfer payment if—

(a) it would be applied in whole or in part in respect of—

- (i) the member’s entitlement to a guaranteed minimum pension; or
- (ii) the entitlement of the member’s spouse or civil partner to a guaranteed minimum pension; and

(b) it is less than the amount required for that purpose, as calculated by the scheme manager in accordance with actuarial guidance and actuarial tables prepared for the purposes of this paragraph.

Transfer statement

190.—(1) This regulation applies in relation to a request for a transfer value payment to be accepted from another pension scheme.

(2) The scheme manager may require that, before making a transfer payment request, P must ask the scheme manager to provide a statement of the amount of transferred pension that P will be entitled to count under regulation 191 (amount of transferred pension) if the transfer date falls within the period of 2 months beginning with the date of that statement.

(3) The amount specified in the transfer statement must be an amount calculated by the scheme manager in accordance with actuarial guidance and actuarial tables by reference to—

- (a) factors relating to P's circumstances as at the end of that 2-month period; and
- (b) any other factors as at the date of the statement that the scheme actuary considers should apply.

Amount of transferred pension

191.—(1) This regulation applies in relation to any transfer value payment received in relation to P from another pension scheme.

(2) For the scheme year in which the transfer date falls, the amount of transferred pension P is entitled to count in respect of the transfer payment is—

- (a) the amount specified in the transfer statement; or
- (b) if such a statement is not provided, an amount calculated by the scheme manager in accordance with actuarial guidance and actuarial tables by reference to any factors as at the transfer date that the scheme actuary considers should apply.

(3) The amount of transferred pension P is entitled to count in a scheme year must not be more than 50% of P's annual rate of pensionable earnings at the day P becomes an active member of this scheme.

Club transfer statement

192.—(1) This regulation applies in relation to a request by P for a club transfer value payment to be accepted from another club scheme.

(2) The scheme manager may require that, before making the transfer payment request, P must ask the scheme manager to provide a statement of the amount of club transfer earned pension that P will be entitled to count under regulation 193 if the transfer date falls within the period of 2 months beginning with the date of that statement.

(3) The amount of club transfer earned pension specified in the statement must be calculated by the scheme manager in accordance with actuarial guidance and actuarial tables by reference to—

- (a) factors relating to P's circumstances as at the end of that 2-month period; and
- (b) any other factors as at the date of the statement that the scheme actuary considers should apply.

(4) The statement must specify the basis on which an amount of accrued earned pension is revalued under the sending scheme while a member is in pensionable service under that scheme.

Amount of club transfer earned pension

193.—(1) This regulation applies in relation to a club transfer value payment received from another club scheme in relation to P.

(2) For the scheme year in which the transfer date falls, the amount of club transfer earned pension P is entitled to count in respect of a club transfer value payment is—

- (a) the amount specified in the club transfer statement; or
- (b) if such a statement is not provided, an amount calculated by the scheme manager in accordance with actuarial guidance and actuarial tables by reference to any factors as at the transfer date that the scheme actuary considers should apply.

CHAPTER 4

NI and Scotland transfers

Interpretation

194. In this Chapter, “another police pension scheme” means a police pension scheme other than this scheme.

Transfers out

195.—(1) This regulation applies if a person—

- (a) ceases to be an active member of this scheme; and
- (b) begins pensionable service under another police pension scheme.

(2) This regulation does not apply if—

- (a) the person begins pensionable service under another police pension scheme after a gap in pensionable service exceeding 5 years;
- (b) all member contributions and payments for added pension made by the member under this scheme have been refunded under regulation 176; or
- (c) a retirement pension has become payable under this scheme.

(3) On the first day of pensionable service in another police pension scheme, the member’s accrued rights to benefits under this scheme become the member’s accrued rights to benefits under the other police pension scheme.

Transfers in

196.—(1) This regulation applies if a person—

- (a) ceases to be an active member of another police pension scheme; and
- (b) begins pensionable service under this scheme.

(2) This regulation does not apply if—

- (a) the person begins pensionable service under this scheme after a gap in pensionable service exceeding 5 years;
- (b) a repayment of contributions has been made to the person under the other police pension scheme; or
- (c) a retirement pension has become payable to the person under the other police pension scheme.

(3) On the first day of pensionable service in this scheme, the member’s accrued rights to benefits under the other police pension scheme become the member’s accrued rights to benefits under this scheme.

PART 12

Actuarial valuations and employer cost cap

Appointment of scheme actuary and actuarial valuations

197.—(1) The Secretary of State must appoint an individual (the “scheme actuary”) to provide a consulting service on actuarial matters in relation to this scheme and any connected scheme.

(2) The scheme actuary is responsible for—

- (a) carrying out valuations of this scheme and any connected scheme; and
- (b) preparing reports on the valuations.

(3) Before appointing an individual as scheme actuary the Secretary of State must be satisfied that the individual is appropriately qualified to carry out valuations of this scheme and any connected scheme in accordance with directions under section 11 of the Act (“the Treasury directions”).

(4) The scheme administrator is responsible for providing the scheme actuary with any data that the scheme actuary requires in order to carry out a valuation and prepare a report on the valuation.

(5) A valuation of this scheme and any connected scheme and the preparation of a report on the valuation must be carried out in accordance with the Treasury directions.

(6) Valuations of this scheme must be carried out within a time-frame which enables requirements in the Treasury directions regarding dates applicable to the valuation to be met.

Employer cost cap

198.—(1) The employer cost cap for this scheme is 12.8% of pensionable earnings of members of this scheme.

(2) In the circumstances specified in paragraph (4), the Secretary of State must consult such persons (or those appearing to the Secretary of State to represent such persons) as appear to the Secretary of State likely to be affected by any steps that will be taken, with a view to reaching agreement on the steps required to achieve the target cost for this scheme.

(3) If, following such consultation, agreement is not reached the fraction of the member’s pensionable earnings specified in regulation 58 (amount of pension for a scheme year) as the amount of standard earned pension for a scheme year must be adjusted for pensionable earnings after the date of the adjustment, so that the target cost for this scheme is achieved.

(4) The circumstances are that the cost of this scheme goes beyond the margin either side of the employer cost cap for this scheme specified in regulations under section 12(5)(a) of the Act.

(5) In this regulation—

“cost of this scheme” means the cost of this scheme calculated following a valuation in accordance with regulation 197; and

“target cost for this scheme” means the target cost for this scheme specified in regulations under section 12(5)(b) of the Act.

PART 13

Supplementary

CHAPTER 1

Dual capacity members

Meaning of “dual capacity member”

199.—(1) A person (P) is a dual capacity member of this scheme if—

- (a) P is a member of this scheme in 2 or more of the following capacities—
 - (i) an active member;
 - (ii) a deferred member;
 - (iii) a pensioner member;

- (b) P is both a pension credit member of this scheme and a member of this scheme in one or more of the following capacities—
 - (i) an active member;
 - (ii) a deferred member;
 - (iii) a pensioner member;
 - (c) P is a member of this scheme in relation to 2 or more continuous periods of pensionable service; or
 - (d) P is a pension credit member of this scheme entitled to 2 or more pension credits.
- (2) For the purpose of paragraph (1)(a) and (b)—
- (a) in determining whether a person who is an active member is also a pensioner member, the fact that the person is an active member and the person's rights in that capacity are to be disregarded; and
 - (b) in determining whether a person who is an active member or pensioner member is also a deferred member, the fact that the person is an active member or pensioner member and the person's rights in that capacity are to be disregarded.

Payment of benefits to or in respect of a dual capacity member

- 200.**—(1) If a person is a dual capacity member of this scheme—
- (a) the benefits that are payable to or in respect of the member in each of the member's capacities are treated separately for the purposes of these Regulations; and
 - (b) the amounts payable to or in respect of the member in each of the member's capacities are determined accordingly.
- (2) In relation to payment of death benefits, paragraph (1) does not prevent the calculation under regulation 161 of a lump sum death grant payable on the death of an active member of this scheme being made by reference to amounts that are relevant to the member in another capacity.

CHAPTER 2

Payment of benefits: general

Reduction in pension debit member's benefits

- 201.**—(1) The benefits to which a pension debit member is entitled under Part 7 are subject to the reduction to be made under section 31 of WRPA 1999.
- (2) Member contributions and payments for added pension refunded under Part 10 to a pension debit member are subject to the reduction to be made under section 31 of WRPA 1999.

Late payment of retirement index adjustment or retirement PIA index adjustment

202. Nothing in these Regulations requires any part of a pension attributable to a retirement index adjustment or retirement PIA index adjustment to be paid before the end of the last active scheme year.

Commutation of small pensions

- 203.**—(1) This regulation applies if—
- (a) the pension entitlement of a single capacity member or the pension entitlement of a single capacity member's beneficiary does not exceed the small pensions commutation maximum; or

- (b) the total pension entitlement of a dual capacity member or the total pension entitlement of a dual capacity member's beneficiary does not exceed the small pensions commutation maximum.
- (2) Unless the member has reached the member's state pension age, this regulation does not apply if—
- (a) the pension entitlement of the member or the member's beneficiary under paragraph (1) (a) is equal to or exceeds the member's guaranteed minimum; or
- (b) the total pension entitlement of the member or the member's beneficiary under paragraph (1)(b) is equal to or exceeds the member's guaranteed minimum.
- (3) The scheme manager may pay the member or the member's beneficiary a lump sum of an amount advised by the scheme actuary as representing the cash value of the pension if—
- (a) the member or the member's beneficiary consents to receipt of a lump sum in place of the pension; and
- (b) the requirements of the commutation provisions that apply in the circumstances are met.
- (4) The payment of a lump sum under this regulation in place of a pension discharges all liabilities under this scheme in respect of that pension.
- (5) In this regulation—
- “beneficiary”, in relation to a deceased member, means the surviving adult or eligible child of the member;
- “the commutation provisions” means the provisions permitting the commutation of pensions set out in—
- (a) regulation 19, 20 or 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996⁽⁸⁵⁾;
- (b) regulation 2 of the Occupational Pension Schemes (Assignment, Forfeiture, Bankruptcy etc.) Regulations 1997⁽⁸⁶⁾;
- (c) paragraph 7 of Schedule 29 (authorised lump sums – supplementary) to FA 2004 (which defines trivial commutation lump sums for the purposes of Part 4 of that Act)⁽⁸⁷⁾ and, in relation to a pension payable under Part 9 (death benefits), paragraph 20 of that Schedule (which defines trivial commutation lump sum death benefit for the purposes of Part 4 of that Act)⁽⁸⁸⁾; and
- (d) regulation 3 of the Pension Sharing (Pension Credit Benefit) Regulations 2000⁽⁸⁹⁾;
- “single capacity member” means a member of this scheme who is not a dual capacity member; and
- “the small pensions commutation maximum” means the amount that is permitted to be commuted having regard to the commutation provisions that apply in the circumstances.

⁽⁸⁵⁾ S.I. 1996/1172.

⁽⁸⁶⁾ S.I. 1997/785. Regulation 2 was amended by S.I. 2002/681, 2005/706, 2006/744, 2006/778 and 2009/2930.

⁽⁸⁷⁾ Paragraph 7 was amended by Finance Act 2011 (c.11) Schedule 16 paragraphs 23 and 29 and Schedule 18 paragraphs 1, 3 and 4 and S.I. 2006/572.

⁽⁸⁸⁾ Paragraph 20 was amended by Finance Act 2011 (c. 11) Schedule 16 paragraphs 32 and 39 and Schedule 18 paragraphs 1, 3 and 6.

⁽⁸⁹⁾ S.I. 2000/1054. Regulation 3 was amended by S.I. 2009/2930.

CHAPTER 3

Guaranteed minimum pensions

Interpretation and application

204.—(1) This Chapter does not apply to—

- (a) a pension that is forfeited—
 - (i) as a result of a conviction for treason; or
 - (ii) under regulation 211 (forfeiture: offences committed by members), in a case where the relevant offence within the meaning of that regulation is an offence under the Official Secrets Acts 1911 to 1989⁽⁹⁰⁾;
- (b) a pension that is commuted under regulation 132 (option for pension credit member to commute whole pension: serious ill-health); or
- (c) a pension that is commuted under regulation 203 (commutation of small pensions) where the conditions in regulation 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996⁽⁹¹⁾ (payment of a guaranteed minimum pension as a lump sum) are met.

(2) But if any other provision of this scheme is inconsistent with this Chapter, this Chapter prevails.

(3) In this Chapter—

- (a) “GMP age”—
 - (i) for a man, means 65; and
 - (ii) for a woman, means 60; and
- (b) references to the amount of a pension are to its amount after the subtraction of the commutation amount (if any).

Guaranteed minimum under section 14 of PSA 1993

205.—(1) This regulation applies in relation to a member of this scheme (P) who has a guaranteed minimum under section 14 of PSA 1993⁽⁹²⁾ (earner’s guaranteed minimum) in relation to benefits under this scheme.

(2) Nothing in these Regulations permits or requires anything that would cause requirements under that Act in relation to such a member and such a member’s rights under a scheme not to be met in relation to P.

(3) Nothing in these Regulations prevents anything from being done which is necessary or expedient for the purpose of meeting such requirements in relation to P.

(4) The following provisions are without prejudice to the generality of paragraphs (2) and (3).

(5) Paragraph (6) applies if, apart from this regulation—

- (a) a pension would not be payable to P under this scheme; or
- (b) the weekly rate of the pensions payable would be less than the guaranteed minimum.

(6) A pension at a weekly rate equal to the guaranteed minimum is payable to P for life from—

- (a) the date on which P reaches GMP age; or

⁽⁹⁰⁾ 1989 c.6; see section 16(2) for the meaning of “Official Secrets Acts 1911 to 1989”.

⁽⁹¹⁾ S.I. 1996/1172. Regulation 162 was substituted by S.I. 2006/744 and amended by S.I. 2006/1337, 2009/2930 and 2010/499.

⁽⁹²⁾ Section 14 was amended by the Pensions Act 1995 (c. 26) Schedule 5 paragraph 27 and Schedule 7 Part 3, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) Schedule 1 paragraph 38 and the Proceeds of Crime Act 2002 (c. 29) Schedule 11 paragraphs 1 and 22.

- (b) the date on which pensions the aggregate weekly rate of which is equal to the guaranteed minimum are so payable.
- (7) A pension is not payable under paragraph (6) until P leaves eligible service if, after reaching GMP age, P continues in eligible service.
- (8) A pension is not payable under paragraph (6) until P leaves employment if—
 - (a) after reaching GMP age, P continues in employment that is not eligible service; and
 - (b) P consents to a postponement of P's entitlement under paragraph (6).
- (9) If P continues in employment for 5 years after reaching GMP age and does not then leave employment, P is entitled from the end of that period to so much of P's pension under Parts 7 and 8 as equals P's guaranteed minimum (or, as the case may be, to so much of P's pensions under Parts 7 and 8 as together have a weekly rate equal to P's guaranteed minimum), unless P consents to a further postponement of P's entitlement under paragraph (6).
- (10) In the circumstances provided for in paragraph (7), (8) or (9), the amount of the guaranteed minimum to which P is entitled under paragraph (6) is increased in accordance with section 15 of PSA 1993 (increase of guaranteed minimum where commencement of guaranteed minimum pension postponed).
- (11) Paragraph (12) applies if P has a guaranteed minimum under section 14 of PSA 1993 in relation to the whole or part of a pension as a result of receipt by this scheme of a transfer payment from another pension scheme in respect of which the member had such a guaranteed minimum.
- (12) If P becomes entitled to payment for life of a pension under Parts 7 and 8 before reaching GMP age, the weekly rate of the pension, so far as attributable to the transfer payment, must not be less than the guaranteed minimum, multiplied by such factor as is indicated in actuarial tables for a person of P's age and sex at the date on which the pension becomes payable.

Contracting-out rights

- 206.**—(1) This regulation applies if—
- (a) P has ceased to be in employment that is contracted-out employment by reference to this scheme; and
 - (b) paragraph (2) applies.
- (2) This paragraph applies if either—
- (a) a transfer payment in respect of all P's rights to benefits under this scheme, except P's rights in respect of P's guaranteed minimum or rights under section 9(2B) of PSA 1993⁽⁹³⁾(requirements for certification of schemes: general) ("P's contracting-out rights") has been made; or
 - (b) P has no rights to benefits under this scheme apart from P's contracting-out rights.
- (3) If this regulation applies—
- (a) from the date on which P reaches GMP age, P is entitled to a pension payable for life at a weekly rate equal to P's guaranteed minimum (if any); and
 - (b) from the date on which P reaches normal pension age under this scheme, P is entitled to a lump sum and pension in respect of P's rights under section 9(2B) of PSA 1993.
- (4) Despite paragraph (3), P is not to be regarded as a pensioner member of this scheme for the purpose of Part 9 (death benefits).

⁽⁹³⁾ Subsection (2B) was inserted by the Pensions Act 1995 (c. 26) section 136(3) and amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 Schedule 1 paragraph 35.

(5) In this regulation, “contracted-out employment” has the meaning given in section 8(1) of PSA 1993.

CHAPTER 4

Appeals in relation to payment of benefits

Appeals to Crown Court

207.—(1) This regulation applies in relation to payment of benefits under this scheme to or in respect of a member of a home police force.

(2) The member or person claiming payment of a benefit in respect of the member (P) may, subject to regulation 209 (limitation on appeals against decision of scheme manager), appeal to the Crown Court against any of the following decisions—

- (a) a decision by the scheme manager to refuse to accept P’s claim for payment of a benefit;
- (b) a decision by the scheme manager to refuse to pay P a benefit the entitlement to which arises on the fulfilment of conditions which do not include a claim for payment;
- (c) a decision by the scheme manager to refuse to accept P’s claim for payment of a benefit larger than the benefit granted to P;
- (d) a decision by the police pension authority acting in exercise of its functions as scheme manager under regulation 75 (permanent medical unfitness) as to whether a refusal to accept medical treatment is reasonable;
- (e) a decision by the scheme manager under regulation 115 (cancellation of ill-health pension: failure to receive appropriate medical treatment) as to whether a refusal to accept medical treatment is reasonable;
- (f) a decision by the scheme manager under regulation 107 (reduction of pension in case of default) to reduce the amount of pension payable to the member.

(3) The Crown Court, after enquiring into the case, may make such order in the matter as appears to it to be just.

Appeals to Secretary of State

208.—(1) This regulation applies in relation to payment of benefits under this scheme to or in respect of a member of a police force in England and Wales other than a home police force.

(2) The member or person claiming payment of a benefit in respect of the member (P) may, subject to regulation 209, appeal to the Secretary of State against any of the following decisions—

- (a) a decision by the scheme manager to refuse to accept P’s claim for payment of a benefit;
- (b) a decision by the scheme manager to refuse to pay P a benefit the entitlement to which arises on the fulfilment of conditions which do not include a claim for payment;
- (c) a decision by the scheme manager to refuse to accept P’s claim for payment of a benefit larger than the benefit granted to P;
- (d) a decision by the police pension authority acting in exercise of its functions as scheme manager under regulation 75 (permanent medical unfitness) as to whether a refusal to accept medical treatment is reasonable;
- (e) a decision by the scheme manager under regulation 115 (cancellation of ill-health pension: failure to receive appropriate medical treatment) as to whether a refusal to accept medical treatment is reasonable;
- (f) a decision by the scheme manager under regulation 107 (reduction of pension in case of default) to reduce the amount of pension payable to the member.

(3) Regulation 225 (procedure on appeals to the Secretary of State) sets out the procedure for appeals under this regulation to the Secretary of State.

Limitation on appeals against decision of scheme manager

209.—(1) A person may not appeal under regulation 207 (appeals to Crown Court) or 208 (appeals to the Secretary of State) against anything done by the scheme manager, police pension authority or pension supervising authority under a power conferred by these Regulations which is expressly stated to be a power in respect of which the scheme manager, police pension authority or pension supervising authority may exercise a discretion.

(2) Unless a court hearing an appeal under regulation 207 or a tribunal hearing an appeal under regulation 208 refers a medical decision⁽⁹⁴⁾ for reconsideration under Schedule 1, the court or tribunal hearing the appeal are bound by a final decision of a medical authority⁽⁹⁵⁾ under Schedule 1.

CHAPTER 5

Forfeiture and set-off

Pension supervising authority

210.—(1) For the purpose of this Chapter, the table in this regulation specifies the pension supervising authority for a member of a police force in England and Wales.

(2) The pension supervising authority may require the scheme manager to withhold benefits payable to a member under this Chapter.

<i>Member of a police force</i>	<i>Pension supervising authority</i>
A member of a police force maintained under section 2 of PA 1996.	A police and crime commissioner ⁽⁹⁶⁾
A member of the metropolitan police force.	The Mayor’s Office for Policing and Crime ^{FootnoteRef Ref="f00101" xmlns="http://www.tso.co.uk/assets/namespace/legislation"/>}
A member of the City of London police force.	The Common Council ⁽⁹⁷⁾
A person engaged on service as an inspector of constabulary or an assistant inspector of constabulary who is a former member of a home police force, the Police Service of Scotland or the police service in Northern Ireland.	The Secretary of State
A person appointed as Chief Inspector of Constabulary who is a former member of a home police force, the Police Service of Scotland or the police service in Northern Ireland.	The Secretary of State
A specified NCA officer ⁽⁹⁸⁾ .	The Secretary of State
A person engaged on service as chief executive of the body known as the College of Policing who	The College of Policing

⁽⁹⁴⁾ See paragraph 1 of Schedule 1 for the meaning of “medical decision”.

⁽⁹⁵⁾ See paragraph 1 of Schedule 1 for the meaning of “medical authority”.

⁽⁹⁶⁾ See section 101 of PA 1996 for the meaning of “a police and crime commissioner”.

⁽⁹⁷⁾ See section 101 of PA 1996 for the meaning of “the Common Council”.

⁽⁹⁸⁾ See regulation 6 for the meaning of “specified NCA officer”.

<i>Member of a police force</i>	<i>Pension supervising authority</i>
immediately before beginning that service was in UK police service.	
A person holding the office of constable who is engaged as a member of staff of the Disclosure and Barring Service and who immediately before becoming so engaged was in UK police service.	The Disclosure and Barring Service
A person engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 ⁽⁹⁹⁾ who immediately before becoming so engaged was in UK police service.	The Independent Police Complaints Commission
A person in service as an officer pursuant to an appointment made in connection with the provision by the Secretary of State of assistance under the International Development Act 2002.	The Secretary of State or the Secretary of State for International Development
A person appointed as Chief Inspector of the UK Border Agency who has held the office of constable and who immediately before the appointment was in UK police service.	The Secretary of State
A person engaged on temporary service in accordance with arrangements made under section 26(2) of PA 1996.	The Secretary of State
A person engaged on relevant service under section 97 of PA 1996.	The Secretary of State

Forfeiture: offences committed by members

211.—(1) If a member is convicted of a relevant offence, the pension supervising authority may, to the extent the pension supervising authority considers appropriate, require the scheme manager to withhold benefits payable under this scheme to or in respect of the member.

(2) Paragraph (3) applies if benefits are to be withheld as a result of an offence falling within paragraph (b) of the definition of “relevant offence”.

(3) The scheme manager may only withhold that part of a person’s pension that exceeds any guaranteed minimum to which the person is entitled under—

(a) section 14 of PSA 1993 (earner’s guaranteed minimum); or

(b) section 17⁽¹⁰⁰⁾ of that Act (minimum pension for surviving spouses and civil partners).

(4) The pension supervising authority may to the extent that in its discretion it thinks fit restore to the member or apply for the benefit of an eligible child or surviving adult of the member any amount of pension that has been forfeited under this regulation.

(5) In this regulation—

⁽⁹⁹⁾ 2002 c. 30.

⁽¹⁰⁰⁾ Section 17 was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) Schedule 1 paragraph 39; the Child Support, Pensions and Social Security Act 2000 (c. 19) Schedule 5 paragraph 1 and Schedule 9 Part 3; the Pensions Act 2004 (c. 35) section 284(2); the Pensions Act 2007 (c. 22) section 14(2); the Marriage (Same Sex Couples) Act 2013 (c. 30) Schedule 4 paragraphs 18 and 20; and S.I. 2005/2050 and 2014/560.

“forfeiture certificate” means a certificate given by the Secretary of State for the Home Department stating that the Secretary of State for the Home Department considers that the offence—

- (a) has been gravely injurious to the interests of the State; or
- (b) is liable to lead to serious loss of confidence in service by members of police forces in England and Wales; and

“relevant offence” means—

- (a) one or more offences under the Official Secrets Acts 1911 to 1989(101) for which the member has been sentenced on the same occasion to—
 - (i) a term of imprisonment of at least 10 years; or
 - (ii) 2 or more consecutive terms of imprisonment which add up to at least 10 years;
- (b) an offence committed in connection with the member’s service as a member of a police force and in respect of which the Secretary of State for the Home Department has issued a forfeiture certificate.

Forfeiture: offences committed by a member’s beneficiary

212.—(1) If the beneficiary of a deceased member of this scheme is convicted of a relevant criminal offence, the pension supervising authority may, to the extent the pension supervising authority considers appropriate, require the scheme manager to withhold benefits payable to the beneficiary in respect of the member.

(2) The scheme manager may withhold benefits but may only withhold that part of a pension that exceeds any guaranteed minimum to which the beneficiary is entitled under section 17 of PSA 1993.

(3) If the scheme manager withholds all of the benefits payable to a beneficiary, Part 9 (death benefits) applies as if the beneficiary had died before the member.

(4) In this regulation—

“beneficiary”, in relation to a deceased member of this scheme, means the surviving adult or eligible child of the member;

“relevant criminal offence” means—

- (a) the murder of the member;
- (b) the manslaughter of the member; or
- (c) any other offence of which the unlawful killing of the member is an element.

Forfeiture: relevant monetary obligations and relevant monetary losses

213.—(1) If a member (P) owes a relevant monetary obligation or has caused a relevant monetary loss, the pension supervising authority may, to the extent the pension supervising authority considers appropriate, require the scheme manager to withhold benefits payable to P under this scheme.

(2) The scheme manager may withhold benefits but may only withhold that part of P’s pension that exceeds any guaranteed minimum to which P is entitled under section 14 of PSA 1993.

(3) The scheme manager may not withhold more than the lesser of—

- (a) the amount of the relevant monetary obligation or relevant monetary loss; and
- (b) the value of P’s entitlement to benefits.

(4) The scheme manager may only withhold benefits if—

(101) 1989 c. 6; see section 16(2) for the meaning of “Official Secrets Acts 1911 to 1989”.

- (a) there is no dispute as to the amount of the relevant monetary obligation or relevant monetary loss; or
 - (b) the relevant monetary obligation or relevant monetary loss is enforceable as follows—
 - (i) under an order of a competent court;
 - (ii) in consequence of an award of an arbitrator; or
 - (iii) in Scotland, in consequence of an award of an arbiter appointed (failing agreement between the parties) by the sheriff.
- (5) In this regulation—
- “relevant monetary obligation” means a monetary obligation which—
- (a) was incurred to the Crown or P’s employer (if different);
 - (b) was incurred after P became an active member of this scheme;
 - (c) arose out of P’s criminal, negligent or fraudulent act or omission; and
 - (d) arose out of or was connected with P’s service as a member of a police force; and
- “relevant monetary loss” means a monetary loss which—
- (a) was caused to this scheme; and
 - (b) arose as a result of P’s criminal, negligent or fraudulent act or omission.

Set-off

214.—(1) The pension supervising authority may require the scheme manager to set off a relevant monetary obligation against a member’s entitlement to benefits under this scheme.

(2) In this regulation, a “relevant monetary obligation” is a monetary obligation owed by a member (P), which satisfies the conditions in paragraph (3), (4) or (5).

- (3) The conditions are that the monetary obligation—
 - (a) was incurred to the Crown or P’s employer (if different);
 - (b) was incurred after P became an active member of this scheme; and
 - (c) arose out of or was connected with P’s service as a member of a police force.
- (4) The conditions are that the monetary obligation—
 - (a) was incurred to this scheme; and
 - (b) arose out of P’s criminal, negligent or fraudulent act or omission.
- (5) The conditions are that the monetary obligation—
 - (a) was incurred to this scheme; and
 - (b) arose out of a payment made to P in error by the scheme manager.

(6) Paragraph (7) applies if a set-off is to be applied as a result of P owing a relevant monetary obligation which satisfies the conditions in paragraph (3).

(7) Where this paragraph applies, the scheme manager may not apply a set-off against that part of P’s entitlement to benefits that represents transfer credits within the meaning of section 124(1) (interpretation of Part 1) of PA 1995(**102**) (other than prescribed transfer credits for the purposes of section 91(5)(d) (exceptions from the inalienability of occupational pensions) of PA 1995(**103**)).

(102) Section 124(1) was amended by the Welfare Reform and Pensions Act 1999 (c. 30) Schedule 12 paragraphs 43 and 61, the Child Support, Pensions and Social Security Act 2000 (c. 19) Schedule 5 paragraph 8, the Pensions Act 2004 section 7(2), Schedule 12 paragraphs 34, 43 and 69 and Schedule 13 Part 1 and S.I. 2005/2053, 2006/745 and 2014/560.

(103) Section 91(5)(d) was amended by the Welfare Reform and Pensions Act 1999 (c. 30) Schedule 12 paragraphs 43 and 57. See S.I. 1997/785 which prescribes the transfer credits.

(8) The scheme manager may only apply a set-off against that part of a member's pension that exceeds any guaranteed minimum to which the member is entitled under section 14 of PSA 1993.

(9) The value of the set-off applied must not exceed the lesser of—

- (a) the amount of the relevant monetary obligation; and
- (b) the value of P's entitlement to benefits.

(10) The scheme manager may only set off a relevant monetary obligation against P's entitlement to benefits if—

- (a) there is no dispute as to the amount of the relevant monetary obligation; or
- (b) the relevant monetary obligation is enforceable—
 - (i) under an order of a competent court;
 - (ii) in consequence of an award of an arbitrator; or
 - (iii) in Scotland, in consequence of an award of an arbiter appointed (failing agreement between the parties) by the sheriff.

Forfeiture and set-off: procedure

215.—(1) If the pension supervising authority proposes to require the scheme manager to withhold benefits or apply a set-off against a person's entitlement to benefits, the pension supervising authority must notify the person of the proposal in writing.

(2) If the scheme manager withholds benefits under regulation 213 (forfeiture: relevant monetary obligations and relevant monetary losses) or applies a set-off against an entitlement to benefits under regulation 214 (set-off), the scheme manager must give the member a certificate showing—

- (a) the amount withheld or set off; and
- (b) the effect of the withholding or set-off on the member's benefits under this scheme.

Forfeiture: appeals to Crown Court

216.—(1) If the pension supervising authority proposes to require the scheme manager to withhold any benefits payable in respect of a person's service as a member of a home police force ("the member"), the member or a person claiming payment of a benefit in respect of the member may, subject to regulation 209 (limitations on appeals), appeal against the proposal to the Crown Court.

(2) On an appeal made under paragraph (1), the Crown Court may by order—

- (a) confirm or reject the proposal; or
- (b) amend the proposal so as to reduce the extent to which the benefits are withheld.

(3) The scheme manager must comply with any order made by the Crown Court.

Forfeiture: appeals to Secretary of State

217.—(1) If the pension supervising authority proposes to require the scheme manager to withhold any benefits payable to or in respect of a member ("the member") of a police force other than a home police force, the member or a person claiming payment of a benefit in respect of the member may, subject to regulation 209 (limitations on appeals), appeal against the proposal to the Secretary of State.

(2) Regulation 225 (procedure on appeals to the Secretary of State) sets out the procedure for appeals under this regulation to the Secretary of State.

CHAPTER 6

Payment and deduction of tax

Scheme manager to be scheme administrator for purposes of Part 4 of Finance Act 2004

218. The scheme manager is appointed to be responsible for all functions that are functions conferred or imposed on the scheme administrator by or under Part 4 of FA 2004 (pension schemes etc).

Payment on behalf of members of lifetime allowance charge

219.—(1) A member of this scheme may request the scheme manager to pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of FA 2004 ("the amount") if—

- (a) an event that is a benefit crystallisation event ("the event") listed in the table in section 216(1) of FA 2004(**104**) occurs in relation to the member; and
- (b) the member and the scheme manager are jointly and severally liable in relation to the event.

(2) A request may only be made by notice given to the scheme manager before the event occurs.

(3) The scheme manager may only comply with a request if the member pays the amount to the scheme manager on or before the date on which the event occurs.

Reduction of benefits where lifetime allowance charge payable

220.—(1) This regulation applies if—

- (a) an event that is a benefit crystallisation event ("the event") listed in the table in section 216(1) of FA 2004 ("the table") occurs in relation to a member;
- (b) the member and the scheme manager are jointly and severally liable in relation to the event; and
- (c) no request has been duly made under regulation 219 in relation to the event or, if such a request has been made, the scheme manager is prevented from complying with it by paragraph (3) of that regulation.

(2) If this regulation applies—

- (a) the scheme manager must pay the tax payable on the event;
- (b) if the event is benefit crystallisation event 8 in the table (transfer to qualifying recognised overseas pension scheme), the amount or value of the sums or assets transferred must be reduced; and
- (c) in the case of any other event in the table, the amount or value of the benefits payable to or in respect of the member must be reduced.

(3) The amount or value of the reduction—

- (a) must fully reflect the amount of the tax so paid;
- (b) must be determined in accordance with guidance provided by the scheme manager; and
- (c) in the case of any reduction to pension benefits, must be consistent with normal actuarial practice.

(104)Section 216(1) was amended by the Finance Act 2005 (c.7) Schedule 10 paragraphs 1, 31 and 42; the Finance Act 2006 (c.25) Schedule 23 paragraphs 1 and 30; the Finance Act 2008 (c.9) Schedule 29 paragraphs 1, 4 and 5; and the Finance Act 2011(c.11) Schedule 16 paragraphs 43, 62, 73 and 104.

Information about payment of annual allowance charge

221.—(1) If a member’s pension scheme input amount for this scheme for a tax year exceeds the amount of the annual allowance for that tax year, paragraph (2) applies in respect of the member for that tax year.

(2) The scheme manager must, no later than 31st July after the end of the tax year, provide the member with any information the scheme manager considers appropriate to assist the member to arrange payment of the annual allowance charge for that tax year.

(3) In this regulation—

“annual allowance” has the meaning given in section 228 (annual allowance) of FA 2004(**105**);

“annual allowance charge” has the meaning given in section 227 (annual allowance charge) of FA 2004(**106**);

“pension scheme input amount” has the same meaning as in section 237B(2) of FA 2004(**107**) (liability of scheme administrator); and

“tax year” means a period of one year which is the period of assessment for income tax purposes.

Reduction of benefits where annual allowance charge paid by scheme manager

222.—(1) This regulation applies where—

(a) a member gives valid notice to the scheme manager of joint and several liability for an annual allowance charge under section 237B(3) of FA 2004; and

(b) the scheme manager satisfies the liability specified in the notice.

(2) The amount or value of the benefits payable to or in respect of the member for the tax year to which the notice relates must be reduced by the scheme manager in accordance with paragraph (3).

(3) Subject to paragraph (4), the amount or value of the reduction of benefits—

(a) must fully reflect the amount paid by the scheme manager; and

(b) must be consistent with normal actuarial practice.

(4) Benefits may only be reduced under this regulation to the extent that the reduction would not result in the loss of any part of a guaranteed minimum pension to which a person is entitled under sections 14 (earner’s guaranteed minimum) or 17 (minimum pension for surviving spouses and civil partners) of PSA 1993.

(5) In this regulation—

“annual allowance charge” has the meaning given in section 227 (annual allowance charge) of FA 2004; and

“tax year” means a period of one year which is the period of assessment for income tax purposes.

(105) Section 228 was substituted by the Finance Act 2011, Schedule 17, paragraph 4 and was amended by the Finance Act 2013, section 49.

(106) Section 227 was amended by the Finance Act 2009 (c. 10), Schedule 2, paragraphs 10 and 15 and the Finance Act 2011, Schedule 17, paragraph 3.

(107) 2004 c. 12; section 237B was inserted by the Finance Act 2011 (c. 11), Schedule 17, paragraph 15 and was amended by the Finance Act 2013 (c. 29), Schedule 46, paragraphs 119 and 129.

CHAPTER 7

General

General prohibition on unauthorised payments

223. Nothing in these Regulations requires or authorises the making of any payment, which, if made, would be an unauthorised payment for the purposes of Part 4 of FA 2004 (pension schemes etc.) (see section 160(5) of that Act).

Calculation of periods of membership and service

224.—(1) For the purposes of this scheme, periods of membership and service are to be expressed in the first instance in whole years, and days and fractions of a day, and the initial aggregation of periods that require to be aggregated is done in the first instance by reference to periods so expressed.

This is subject to paragraph (3).

(2) If, when all periods of membership or service that require to be aggregated have been aggregated, there is any excess part day over the number of whole days, that excess is rounded up to a full day.

This is subject to paragraph (3).

(3) If membership or service is referred to in these Regulations as membership or service in years—

- (a) the days referred to in paragraph (1); and
- (b) the full days referred to in paragraph (2),

are converted into years by dividing the number of days in excess of the period of whole years by 365, and using the result to 4 decimal places.

(4) If a period of membership or service is less than one year, this regulation applies as if the words “whole years, and” were omitted from paragraph (1) and the words “in excess of the period of whole years” were omitted from paragraph (3).

Procedure on appeals to the Secretary of State

225.—(1) An appeal to the Secretary of State under regulation 208 (appeals to Secretary of State: payment of benefits) or 217 (appeals to Secretary of State: forfeiture) must—

- (a) be made by notice in writing; and
- (b) specify the grounds of appeal.

(2) The Secretary of State, on receiving a notice of appeal, must appoint an appeal tribunal (“the tribunal”) to hear the appeal.

(3) The tribunal must consist of 3 persons including—

- (a) a barrister or solicitor of not less than 7 years’ standing who must be appointed as chair;
- (b) a former member of a police force who before leaving the police force held a rank not below Superintendent.

(4) The tribunal must—

- (a) determine the time and place of the hearing and of any postponed or adjourned hearing; and
- (b) give reasonable notice of those details to the appellant and to the scheme manager (“the parties”).

(5) Either party may—

- (a) be represented before the tribunal by counsel, a solicitor or any other person the party considers appropriate;
 - (b) adduce evidence; and
 - (c) cross-examine witnesses.
- (6) The tribunal must determine its own procedure but—
- (a) the tribunal must have regard to the practice of the Crown Court that applies to an appeal under regulation 207 (appeals to Crown Court); and
 - (b) the rules of evidence that apply to an appeal under that regulation apply to an appeal under this regulation.
- (7) The tribunal, after hearing and determining the appeal, may make any order as appears to it just.
- (8) The order must state the reasons for the decision and each of the parties must be given a copy.
- (9) Either party may appeal to the High Court in accordance with rules of court on any point of law arising from a decision of the tribunal under this regulation.

Evidence of entitlement

226.—(1) The scheme manager may require any person who is receiving a pension under this scheme to provide evidence to establish—

- (a) the person's identity; and
- (b) the person's continuing entitlement to payment of any amount.

(2) If the person does not provide the required evidence, the scheme manager may withhold the whole or any part of any benefits payable under this scheme in respect of the person.

Provision of benefit information statements to members

227. The scheme manager must provide benefit information statements to each active member of this scheme in accordance with—

- (a) section 14 of the Act (information about benefits); and
- (b) Treasury directions given under that section.

Transitional provisions

228. Schedule 4 (transitional provisions) has effect.

27th February 2015

Mike Penning
Minister of State
Home Office

We consent

26th February 2015

Mark Lancaster
Harriett Baldwin
Two of the Lords Commissioners of Her
Majesty's Treasury