

## SCHEDULE 4

Regulation 228

### Transitional provisions

## PART 1

### General

#### Interpretation

**1.** In this Schedule—

“the 1987 Regulations” means the Police Pensions Regulations 1987<sup>(1)</sup>;

“the 2006 Regulations” means the Police Pensions Regulations 2006<sup>(2)</sup>;

“1987 transition member” means a person—

- (a) who is a member of the 1987 scheme by virtue of his or her pensionable service under that scheme before the transition date; and
- (b) who is a member of this scheme by virtue of his or her pensionable service under this scheme;

“2006 transition member” means a person—

- (a) who is a member of the 2006 scheme by virtue of his or her pensionable service under that scheme before the transition date; and
- (b) who is a member of this scheme by virtue of his or her pensionable service under this scheme;

“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<sup>(3)</sup>;

“closing date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the existing police pension scheme, the tapered protection closing date for that member; or
- (b) if the member is not a protected member of the existing police pension scheme, the scheme closing date;

“exception” means an exception to section 18(1) of the Act;

“full protection member”—

- (a) in relation to the 1987 scheme, has the meaning given in Part 2 of this Schedule;
- (b) in relation to the 2006 scheme, has the meaning given in Part 3 of this Schedule;
- (c) in relation to the 1988 NI police pension scheme or the 2009 NI police pension scheme, has the meaning given in the 2015 NI police pension scheme; and
- (d) in relation to an existing scheme other than the 1987 scheme or the 2006 scheme, means a person in respect of whom an exception under section 18(6) of the Act applies for the purpose of that scheme;

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(1) [S.I. 1987/257](#).

(2) [S.I. 2006/3415](#).

(3) 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.

*Status: This is the original version (as it was originally made).*

“period of service”—

- (a) in relation to this scheme, means a continuous period of pensionable service under this scheme;
- (b) in relation to an existing scheme, the 1988 NI police pension scheme or the 2009 NI police pension scheme, means a period of pensionable service under that scheme;

“protected member”, in relation to the existing police pension scheme, means a full protection member or tapered protection member of that scheme;

“protection period”—

- (a) for a full protection member of the 1987 scheme, has the meaning given in Part 2 of this Schedule;
- (b) for a full protection member of the 2006 scheme, has the meaning given in Part 3 of this Schedule;
- (c) for a tapered protection member of the 1987 scheme, has the meaning given in Part 4 of this Schedule;
- (d) for a tapered protection member of the 2006 scheme, has the meaning given in Part 5 of this Schedule;

“tapered protection member”—

- (a) in relation to the 1987 scheme, has the meaning given in Part 4 of this Schedule;
- (b) in relation to the 2006 scheme, has the meaning given in Part 5 of this Schedule;
- (c) in relation to the 1988 NI police pension scheme or the 2009 NI police pension scheme, has the meaning given in the 2015 NI police pension scheme; and
- (d) in relation to an existing scheme other than the 1987 scheme or the 2006 scheme, means a person in respect of whom an exception under section 18(6) of the Act applies for the purpose of that scheme; and

“transition date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the existing police pension scheme, the day after the tapered protection closing date for that member;
- (b) if the member is not a protected member of that scheme, the day after the scheme closing date.

### **Meaning of “tapered protection closing date”**

2.—(1) The tapered protection closing date for a tapered protection member of the existing police pension scheme is a date between 24th May 2015 and 31st March 2022 (inclusive) determined by the scheme manager by reference to a table published for that purpose set out in the document entitled *Police Pension Scheme: Reform Design Framework* published by the Home Office on 3rd September 2012(4).

(2) If a tapered protection member falls within more than one sub-paragraph in a paragraph in Part 4 or 5 of this Schedule, the scheme manager must determine the tapered protection closing date by reference to the table which provides the latest tapered protection closing date.

### **Pensionable service under a police scheme**

3.—(1) For the purpose of this Schedule, a transition member (T) is in pensionable service under a police scheme while T is on unpaid leave from the employment to which that service relates.

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(4) A copy is available at <https://www.gov.uk/government/publications/police-pension-reform-design-framework>.

- (2) For the purpose of sub-paragraph (1)—
- “a police scheme” means—
- (a) the 1987 scheme;
  - (b) the 1988 NI police pension scheme;
  - (c) the 2006 scheme;
  - (d) the existing Scotland police pension scheme;
  - (e) the 2009 NI police pension scheme;
  - (f) the 2015 Scotland police pension scheme; or
  - (g) the 2015 NI police pension scheme; and
- “unpaid leave”, in relation to employment to which pensionable service under a police scheme relates, means—
- (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<sup>(5)</sup>.

#### **Continuity of service (1987 transition members)**

4.—(1) A 1987 transition member (T) has continuity of service for the purpose of these Regulations if T has continuity of service in relation to—

- (a) a period of service under the 1987 scheme; and
- (b) a period of service under this scheme.

(2) T has continuity of service in relation to a period of service under the 1987 scheme and a period of service under this scheme unless those periods of service are separated by a gap in pensionable service exceeding 5 years which—

- (a) begins on or before T’s transition date; and
- (b) ends on the day on which T becomes an active member of this scheme.

(3) For the purpose of sub-paragraph (2), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under—

- (a) an existing scheme other than the 2006 scheme or the existing Scotland police pension scheme;
- (b) the 1988 NI police pension scheme;
- (c) another scheme under section 1 of the Act providing for payment of retirement pensions;
- (d) the 2015 NI police pension scheme.

#### **Continuity of service (2006 transition members)**

5.—(1) A 2006 transition member (T) has continuity of service for the purpose of these Regulations if T has continuity of service in relation to—

- (a) a period of service under the 2006 scheme; and
- (b) a period of service under this scheme.

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

*Status: This is the original version (as it was originally made).*

(2) T has continuity of service in relation to a period of service under the 2006 scheme and a period of service under this scheme unless those periods of service are separated by a gap in pensionable service exceeding 5 years which—

- (a) begins on or before T’s transition date; and
- (b) ends on the day on which T becomes an active member of this scheme.

(3) For the purpose of sub-paragraph (2), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under—

- (a) an existing scheme;
- (b) the 1988 NI police pension scheme;
- (c) the 2009 NI police pension scheme;
- (d) another scheme under section 1 of the Act providing for payment of retirement pensions; or
- (e) the 2015 NI police pension scheme.

**Meaning of “active member” of the 1987 scheme or the equivalent NI police pension scheme**

6.—(1) This paragraph applies in relation to—

- (a) the 1987 scheme; and
- (b) the 1988 NI police pension scheme.

(2) For the purpose of this Schedule, a transition member (T) is an active member of a scheme mentioned in sub-paragraph (1) on a given date if on that date T is in pensionable service<sup>(6)</sup> under that scheme.

**Meaning of “active member” of the 2006 scheme or the equivalent NI police pension scheme**

7.—(1) This paragraph applies in relation to—

- (a) the 2006 scheme; and
- (b) the 2009 NI police pension scheme.

(2) For the purpose of this Schedule, a transition member (T) is an active member of a scheme mentioned in sub-paragraph (1) on a given date if on that date—

- (a) T is in pensionable service under that scheme; or
- (b) T is on a gap in pensionable service not exceeding 5 years.

(3) For the purpose of sub-paragraph (2)(b), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under—

- (a) an existing scheme other than the 1987 scheme;
- (b) the 2009 NI police pension scheme;
- (c) another scheme under section 1 of the Act providing for payment of retirement pensions; or
- (d) the 2015 NI police pension scheme.

**Meaning of “active member” of an existing scheme**

8.—(1) This paragraph applies in relation to an existing scheme other than the 1987 scheme or the 2006 scheme (“the existing scheme”).

(2) For the purpose of this Schedule, a transition member (T) is an active member of the existing scheme on a given date if on that date—

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(6) See the definition of “pensionable service” in section 37 of the Act.

- (a) T is in pensionable service under that scheme; or
  - (b) T is on a gap in pensionable service not exceeding 5 years.
- (3) For the purpose of sub-paragraph (2)(b), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under—
- (a) an existing scheme;
  - (b) the 1988 NI police pension scheme;
  - (c) the 2009 NI police pension scheme;
  - (d) another scheme under section 1 of the Act providing for payment of retirement pensions; or
  - (e) the 2015 NI police pension scheme.

## PART 2

### Exceptions for full protection members of the 1987 scheme

#### **Meaning of “full protection member” (the 1987 scheme)**

9.—(1) A person (P) to whom paragraph 11 applies is a full protection member of the 1987 scheme.

(2) P ceases to be a full protection member of the 1987 scheme when P ceases to be in pensionable service under that scheme.

#### **Exception for full protection member during protection period**

10.—(1) The protection period for a full protection member of the 1987 scheme—

- (a) begins on the day after the scheme closing date; and
- (b) ends when P ceases to be a full protection member of the 1987 scheme.

(2) In respect of the protection period—

- (a) P is in pensionable service under the 1987 scheme;
- (b) section 18(1) of the Act does not apply in respect of that pensionable service; and
- (c) benefits are to be provided under the 1987 scheme to or in respect of P in relation to that pensionable service.

#### **Active member of the 1987 scheme on scheme closing date**

11.—(1) This paragraph applies if any of the following sub-paragraphs applies.

(2) This sub-paragraph applies if—

- (a) P was an active member of the 1987 scheme on the scheme closing date and on 31st March 2012; and
- (b) on 1st April 2012, P had reached 45.

(3) This sub-paragraph applies if—

- (a) P was an active member of the 1987 scheme on the scheme closing date and on 31st March 2012;
- (b) on 1st April 2012—
  - (i) P had reached 38; and
  - (ii) P had at least 20 years’ pensionable service under the 1987 scheme.

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- (4) This sub-paragraph applies if—
- (a) on 31st March 2012, P was an active member of the 1988 NI police pension scheme;
  - (b) on the scheme closing date, P was an active member of the 1987 scheme;
  - (c) P did not have a gap in pensionable service between ceasing pensionable service under the 1988 NI police pension scheme and beginning pensionable service under the 1987 scheme; and
  - (d) P would have been a full protection member of the 1988 NI police pension scheme had P remained in pensionable service under that scheme.

## PART 3

### Exceptions for full protection members of the 2006 scheme

#### **Meaning of “full protection member” (the 2006 scheme)**

12.—(1) A person (P) to whom paragraph 14 applies is a full protection member of the 2006 scheme.

(2) P ceases to be a full protection member of the 2006 scheme when P ceases to be in pensionable service under that scheme.

#### **Exception for full protection member during protection period**

- 13.—(1) The protection period for a full protection member of the 2006 scheme—
- (a) begins on the day after the scheme closing date; and
  - (b) ends when P ceases to be a full protection member of the 2006 scheme.
- (2) In respect of the protection period—
- (a) P is in pensionable service under the 2006 scheme;
  - (b) section 18(1) of the Act does not apply in respect of that pensionable service; and
  - (c) benefits are to be provided under the 2006 scheme to or in respect of P in relation to that pensionable service.

#### **Active member of the 2006 scheme on scheme closing date**

- 14.—(1) This paragraph applies if any of the following sub-paragraphs applies.
- (2) This sub-paragraph applies if—
- (a) on the scheme closing date and on 31st March 2012, P was an active member of the 2006 scheme; and
  - (b) unless P dies, P would reach 55 on or before 1st April 2022.
- (3) This sub-paragraph applies if—
- (a) on 31st March 2012, P was an active member of the 1988 NI police pension scheme;
  - (b) on the scheme closing date, P was an active member of the 2006 scheme; and
  - (c) unless P dies, P would reach 55 on or before 1st April 2022.
- (4) This sub-paragraph applies if—
- (a) on 31st March 2012, P was an active member of the 2009 NI police pension scheme;
  - (b) on the scheme closing date, P was an active member of the 2006 scheme; and

- (c) unless P dies, P would reach 55 on or before 1st April 2022.
- (5) This sub-paragraph applies if—
  - (a) on 31st March 2012, P was an active member of an existing scheme other than the 2006 scheme (“the existing scheme”);
  - (b) on the scheme closing date, P was an active member of the 2006 scheme; and
  - (c) unless P dies, P would reach 55 on or before 1st April 2022.

## PART 4

### Exceptions for tapered protection members of the 1987 scheme

#### **Meaning of “tapered protection member” (the 1987 scheme)**

**15.**—(1) A person (P) to whom paragraph 17 applies is a tapered protection member of the 1987 scheme.

(2) P ceases to be a tapered protection member of the 1987 scheme on whichever of the following days occurs first—

- (a) P’s tapered protection closing date; or
- (b) the day on which P ceases to be in pensionable service under the 1987 scheme.

#### **Exception for tapered protection members during protection period**

**16.**—(1) The protection period for a tapered protection member of the 1987 scheme—

- (a) begins on the day after the scheme closing date; and
- (b) ends when P ceases to be a tapered protection member of the 1987 scheme.

(2) In respect of the protection period—

- (a) P is in pensionable service under the 1987 scheme;
- (b) section 18(1) of the Act does not apply in respect of that pensionable service; and
- (c) benefits are to be provided under the 1987 scheme to or in respect of P in relation to that pensionable service.

#### **Active member of the 1987 scheme on scheme closing date**

**17.**—(1) This paragraph applies if any of the following sub-paragraphs applies.

(2) This sub-paragraph applies if—

- (a) P was an active member of the 1987 scheme on the scheme closing date and on 31st March 2012; and
- (b) on 1st April 2012, P had reached 41 but had not reached 45.

(3) This sub-paragraph applies if—

- (a) P was an active member of the 1987 scheme on the scheme closing date and on 31st March 2012; and
- (b) on 1st April 2012—
  - (i) P had reached 34 but had not reached 38; and
  - (ii) P had at least 20 years’ pensionable service under the 1987 scheme.

(4) This sub-paragraph applies if—

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- (a) P was an active member of the 1987 scheme on the scheme closing date and on 31st March 2012; and
- (b) on 1st April 2012—
  - (i) P had reached 38 but had not reached 45; and
  - (ii) P had at least 16 but less than 20 years' pensionable service under the 1987 scheme.
- (5) This sub-paragraph applies if—
  - (a) P was an active member of the 1987 scheme on the scheme closing date and on 31st March 2012; and
  - (b) on 1st April 2012—
    - (i) P had not reached 38;
    - (ii) P had less than 20 years' pensionable service under the 1987 scheme; and
    - (iii) the sum of P's age in years and the number of years of P's pensionable service under the 1987 scheme is at least 54 but less than 58.
- (6) This sub-paragraph applies if—
  - (a) on 31st March 2012, P was an active member of the 1988 NI police pension scheme;
  - (b) on the scheme closing date, P was an active member of the 1987 scheme;
  - (c) P did not have a gap in pensionable service between ceasing pensionable service under the 1988 NI police pension scheme and beginning pensionable service under the 1987 scheme; and
  - (d) P would have been a full protection member or tapered protection member of the 1988 NI police pension scheme had P remained in pensionable service under that scheme.

## PART 5

### Exceptions for tapered protection members of the 2006 scheme

#### **Meaning of “tapered protection member” (the 2006 scheme)**

**18.**—(1) A person (P) to whom paragraph 20 applies is a tapered protection member of the 2006 scheme.

(2) P ceases to be a tapered protection member of the 2006 scheme on whichever of the following days occurs first—

- (a) P's tapered protection closing date; or
- (b) the day on which P ceases to be in pensionable service under the 2006 scheme.

#### **Exception for tapered protection members during protection period**

**19.**—(1) The protection period for a tapered protection member of the 2006 scheme—

- (a) begins on the day after the scheme closing date; and
- (b) ends when P ceases to be a tapered protection member of the 2006 scheme.

(2) In respect of the protection period—

- (a) P is in pensionable service under the 2006 scheme;
- (b) section 18(1) of the Act does not apply in respect of that pensionable service; and



- (c) benefits are to be provided under the 2006 scheme to or in respect of P in relation to that pensionable service.

**Active member of the 2006 scheme on scheme closing date**

- 20.**—(1) This paragraph applies if any of the following sub-paragraphs applies.
- (2) This sub-paragraph applies if—
    - (a) on the scheme closing date and on 31st March 2012, P was an active member of the 2006 scheme; and
    - (b) unless P dies, P would reach 55 between 2nd April 2022 and 1st April 2026 (inclusive).
  - (3) This sub-paragraph applies if—
    - (a) on 31st March 2012, P was an active member of the 1988 NI police pension scheme;
    - (b) on the scheme closing date, P was an active member of the 2006 scheme; and
    - (c) unless P dies, P would reach 55 between 2nd April 2022 and 1st April 2026 (inclusive).
  - (4) This sub-paragraph applies if—
    - (a) on 31st March 2012, P was an active member of the 2009 NI police pension scheme;
    - (b) on the scheme closing date, P was an active member of the 2006 scheme; and
    - (c) unless P dies, P would reach 55 between 2nd April 2022 and 1st April 2026 (inclusive).
  - (5) This sub-paragraph applies if—
    - (a) on 31st March 2012, P was an active member of an existing scheme other than the 2006 scheme (“the existing scheme”);
    - (b) on the scheme closing date, P was an active member of the 2006 scheme; and
    - (c) unless P dies, P would reach 55 between 2nd April 2022 and 1st April 2026 (inclusive).

## PART 6

### Payment of ill-health pension to transition members with continuity of service

**Meaning of “ill-health pension” in relation to the existing police pension scheme**

**21.** For the purpose of this Part, “ill-health pension”, in relation to the existing police pension scheme, means—

- (a) an ill-health award under regulation B3 of the 1987 Regulations (policeman’s ill-health award); or
- (b) a standard ill-health pension under regulation 30 of the 2006 Regulations (calculation of standard ill-health pension).

**Meaning of “normal pension age under the existing police pension scheme”**

- 22.**—(1) This paragraph applies for the purpose of this Part.
- (2) For a 2006 transition member, “normal pension age under the existing police pension scheme” means the normal pension age under the 2006 scheme.
  - (3) For a 1987 transition member, “normal pension age under the existing police pension scheme” means—

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- (a) for a member of a home police force who is not a member of the metropolitan police force or an overseas policeman within the meaning of Schedule A to the 1987 Regulations, the voluntary retirement age determined under regulation A4(4) of the 1987 Regulations;
- (b) for a member of the metropolitan police force, the voluntary retirement age determined under regulation A4(5) of the 1987 Regulations; or
- (c) for a member of a police force who does not have a voluntary retirement age under the 1987 Regulations, the age of 60.

**Transition member who has not reached normal pension age under the existing police pension scheme**

**23.**—(1) This paragraph applies in relation to a transition member with continuity of service who—

- (a) becomes entitled under Chapter 3 of Part 7 to payment for life of an ill-health pension; and
  - (b) has not reached normal pension age under the existing police pension scheme.
- (2) If this paragraph applies—
- (a) an ill-health pension is not payable under the existing police pension scheme;
  - (b) if the member is a 2006 transition member, a lump sum is not payable under regulation 28(1)(b) of the 2006 Regulations; and
  - (c) a pension is payable in accordance with this paragraph (“transition member’s ill-health pension”).
- (3) If the member meets the lower tier threshold only—
- (a) the annual rate of transition member’s ill-health pension is the sum of—
    - (i) the annual rate of a lower tier ill-health pension payable under Chapter 3 of Part 7; and
    - (ii) the amount of pension mentioned in sub-paragraph (5); and
  - (b) if the member is a 2006 transition member, the member is entitled to payment of a lump sum equivalent to the amount of lump sum that would have been payable to the member under regulation 28(1)(b) of the 2006 Regulations if the member had been entitled to the payment of an ill-health pension under the 2006 scheme.
- (4) If the member meets the upper tier threshold—
- (a) the annual rate of transition member’s ill-health pension is the sum of—
    - (i) the annual rate of a lower tier ill-health pension payable under Chapter 3 of Part 7;
    - (ii) the annual rate of an enhanced upper tier ill-health pension payable under Chapter 3 of Part 7; and
    - (iii) the amount of pension mentioned in sub-paragraph (5); and
  - (b) if the member is a 2006 transition member, the member is entitled to payment of a lump sum equivalent to the amount of lump sum that would have been payable to the member under regulation 28(1)(b) of the 2006 Regulations if the member had been entitled to the payment of an ill-health pension under the 2006 scheme.
- (5) The amount is—
- (a) for a 2006 transition member, the annual rate of ill-health pension that would have been payable under the 2006 scheme if the member was entitled to payment of an ill-health pension under that scheme; or
  - (b) for a 1987 transition member, the better of the following—

- (i) the annual rate of ill-health pension that would have been payable under the 1987 scheme on the member's closing date if P had retired on that date;
- (ii) a pension that would have been payable on retirement under regulation B1, B2 or B5 of the 1987 scheme, calculated in accordance with paragraph 39 of this Schedule (calculation of weighted accrual for service in the 1987 scheme).

(6) If, after a transition member's ill-health pension becomes payable, a transfer payment is made from the existing police pension scheme in respect of the member's rights under that scheme, the scheme manager must deduct from the amount of pension mentioned in sub-paragraph (5) an amount equal to the value of the pension represented by that transfer payment.

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

(8) The proportion of a transition member's ill-health pension that represents the amount of pension mentioned in sub-paragraph (5) is subject to the same conditions, and ceases to be payable in the same circumstances, as if it were an ill-health pension payable under the existing police pension scheme.

(9) For the purpose of sub-paragraph (8)—

- (a) the member's pensionable service since the closing date is taken to be pensionable service under the existing police pension scheme; and
- (b) any member contributions paid under this scheme are taken to be paid under the existing police pension scheme.

#### **When transition member reaches normal pension age under the existing police pension scheme**

**24.**—(1) This paragraph applies in relation to a transition member with continuity of service who is receiving payment of a transition member's ill-health pension under paragraph 23.

(2) When the member reaches normal pension age under the existing police pension scheme—

- (a) the proportion of the transition member's ill-health pension that represents the amount of pension mentioned in paragraph 23(5) ceases to be payable under this scheme;
- (b) a pension becomes payable under the existing police pension scheme in accordance with sub-paragraph (3); and
- (c) if the member is a 2006 transition member, a lump sum is not payable under regulation 28(1)(b) of the 2006 Regulations.

(3) A pension is payable under the existing police pension scheme as follows—

- (a) for a 2006 transition member, a pension is payable under regulation 28(1)(a) of the 2006 Regulations; and
- (b) for a 1987 transition member, an ill-health pension is payable under the 1987 scheme.

(4) For the purpose of sub-paragraph (3), in calculating the annual rate of pension payable under the existing police pension scheme the following are subtracted from the amount of pension calculated under that scheme—

- (a) the proportion of the commutation amount (if any) that related to the amount of pension mentioned in paragraph 23(5); and
- (b) an amount equal to any transfer payment made to another scheme before the member reached normal pension age under the existing police pension scheme.

(5) Before the amount in sub-paragraph (4)(a) is subtracted, it must be increased by the amount by which the annual rate of a pension of that amount would have been increased under PIA 1971 if—

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- (a) that pension was eligible to be so increased; and
- (b) the beginning date for that pension was the date the transition member's ill-health pension became payable.

## PART 7

Payment of death benefits in respect of transition members with continuity of service

### **Annual rate of surviving adult's pension payable under this scheme when a 1987 transition member dies as a pensioner member**

**25.**—(1) This regulation applies in relation to a 1987 transition member with continuity of service who dies as a pensioner member of this scheme.

(2) Benefits for surviving spouses and surviving civil partners are not payable under the 1987 scheme in respect of the member.

(3) The annual rate of a surviving adult's earned pension is the sum of—

- (a) the amount calculated under regulation 139; and
- (b) the amount of annual pension which would have been payable under the 1987 scheme to the member's surviving spouse or surviving civil partner had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse or surviving civil partner would have been entitled under the 1987 scheme.

### **Annual rate of surviving adult's pension payable under this scheme when a 2006 transition member dies as a pensioner member**

**26.**—(1) This regulation applies in relation to a 2006 transition member with continuity of service who dies as a pensioner member of this scheme.

(2) Benefits for surviving spouses, surviving civil partners or other adult dependants are not payable under the 2006 scheme in respect of the member.

(3) The annual rate of a surviving adult's earned pension is the sum of—

- (a) the amount calculated under regulation 139; and
- (b) the amount of annual pension which would have been payable under the 2006 scheme to the member's surviving spouse, surviving civil partner or other adult dependant had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse, surviving civil partner or other adult dependant would have been entitled under the 2006 scheme.

### **Annual rate of surviving adult's pension payable under this scheme when a 1987 transition member dies as a deferred member**

**27.**—(1) This regulation applies in relation to a 1987 transition member with continuity of service who dies as a deferred member of this scheme.

(2) Benefits for surviving spouses or surviving civil partners are not payable under the existing police pension scheme in respect of the member.

- (3) The annual rate of a surviving adult's earned pension is the sum of—
  - (a) the amount calculated under regulation 140; and
  - (b) the amount of annual pension which would have been payable under the 1987 scheme to the member's surviving spouse or surviving civil partner had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse or surviving civil partner would have been entitled under the 1987 scheme.

**Annual rate of surviving adult's pension payable under this scheme when a 2006 transition member dies as a deferred member**

**28.**—(1) This regulation applies in relation to a 2006 transition member with continuity of service who dies as a deferred member of this scheme.

(2) Benefits for surviving spouses, surviving civil partners or other adult dependants are not payable under the 2006 scheme in respect of the member.

- (3) The annual rate of a surviving adult's earned pension is the sum of—
  - (a) the amount calculated under regulation 140; and
  - (b) the amount of annual pension which would have been payable under the 2006 scheme to the member's surviving spouse, surviving civil partner or other adult dependant had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse, surviving civil partner or other adult dependant would have been entitled under the 2006 scheme.

**Annual rate of surviving adult's pension payable under this scheme when a 1987 transition member dies as an active member**

**29.**—(1) This paragraph applies in relation to a 1987 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.

(2) Benefits for surviving spouses or surviving civil partners are not payable under the existing police pension scheme in respect of the member.

- (3) The annual rate of surviving adult's earned pension payable under this scheme is the sum of—
  - (a) the amount calculated under regulation 141; and
  - (b) the amount of annual pension which would have been payable under the 1987 scheme to the member's surviving spouse or surviving civil partner had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under sub-paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse or surviving civil partner would have been entitled under the 1987 scheme.

*Status: This is the original version (as it was originally made).*

**Annual rate of surviving adult's pension payable under this scheme when a 2006 transition member dies as an active member**

**30.**—(1) This paragraph applies in relation to a 2006 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.

(2) Benefits for surviving spouses, surviving civil partners or other adult dependants are not payable under the 2006 scheme in respect of the member.

(3) The annual rate of surviving adult's earned pension payable under this scheme is the sum of—

- (a) the amount calculated under regulation 141; and
- (b) the amount of annual pension which would have been payable under the 2006 scheme to the member's surviving spouse, surviving civil partner or other adult dependant had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under sub-paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse, surviving civil partner or other adult dependant would have been entitled under the 2006 scheme.

**Payment of eligible child's pension in respect of any transition member**

**31.**—(1) This paragraph applies in relation to a transition member with continuity of service—

- (a) who dies as an active member of this scheme and has at least 2 years' qualifying service;
- (b) who dies as a deferred member of this scheme;
- (c) who dies as a pensioner member of this scheme.

(2) Benefits for eligible children are not payable under the existing police pension scheme in respect of the member.

(3) The annual rate of child's earned pension payable under this scheme is the sum of—

- (a) the annual rate of child's earned pension calculated under regulation 146; and
- (b) the amount of annual pension which would have been payable under the existing police pension scheme to any eligible children of the member had those benefits been payable under the existing police pension scheme in respect of the member.

(4) The amount of pension payable under sub-paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the eligible child would have been entitled under the existing police pension scheme.

**Lump sum death grant payable on death of active member**

**32.**—(1) This paragraph applies in relation to a transition member with continuity of service who dies as an active member of this scheme.

(2) On the death of the member—

- (a) a lump sum death grant is payable in respect of the member under regulation 161; but
- (b) a death in service lump sum death grant is not payable under the existing police pension scheme.

**Death gratuities - dependants**

**33.**—(1) This paragraph applies in relation to a transition member with continuity of service—

- (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 under both this scheme and the 2006 scheme if the conditions for payment are met under both—
- (a) regulation 165 (death gratuities – dependants); and
  - (b) regulation 44 of the 2006 Regulations (death gratuities – dependants).
- (3) The scheme manager may grant a gratuity under both this scheme and the 1987 scheme if the conditions for payment are met under both—
- (a) regulation 165; and
  - (b) regulation E2 of the 1987 Regulations (gratuities – dependent relatives).

#### **Death gratuity – estate**

- 34.**—(1) This paragraph applies in relation to a transition member with continuity of service who dies as a deferred member or pensioner member or active member of this scheme.
- (2) The scheme manager may in its discretion grant a gratuity under both this scheme and the 2006 scheme if the conditions for payment are met under both—
- (a) regulation 166 (death gratuity – estate); and
  - (b) regulation 45 of the 2006 Regulations (death gratuity – estate).
- (3) The scheme manager may grant a gratuity under both this scheme and the 1987 scheme if the conditions for payment are met under both—
- (a) regulation 166; and
  - (b) regulation E3 of the 1987 Regulations (gratuity – estate).

## **PART 8**

### **Transitional provisions relating to the existing police pension scheme**

#### **Pensionable service under the existing police pension scheme**

- 35.**—(1) This paragraph applies in relation to a transition member with continuity of service (T).
- (2) The provisions of the existing police pension scheme relating to purchase of increased benefits<sup>(7)</sup> continue to apply after the closing date as if T continued in pensionable service under that scheme.
- (3) T may choose to end payments for added 60ths or added years after joining this scheme.
- (4) In determining whether T qualifies under the existing police pension scheme for retirement benefits (other than an ill-health pension), T's pensionable service under that scheme terminates when T's pensionable service under this scheme terminates.
- (5) In determining T's final salary for any purposes of the existing police pension scheme under Schedule 7 to the Act (final salary link), pensionable earnings derived from service under this scheme are to be regarded as derived from service under the existing police pension scheme.

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(7) See [S.I. 1987/2215](#) for purchase of added 60ths. See regulations 56 to 60 of the 2006 Regulations for purchase of added years.

*Status: This is the original version (as it was originally made).*

### **Becoming a deferred member of the existing police pension scheme**

**36.**—(1) A transition member with continuity of service (T) does not become a deferred member of the existing police pension scheme unless T becomes a deferred member of this scheme.

(2) If T opts out of this scheme in relation to eligible service and T has at least 2 years' qualifying service<sup>(8)</sup>—

- (a) T becomes a deferred member of the existing police pension scheme in relation to that service; and
- (b) any periodical payments for added 60ths or added years cease to be payable.

(3) If T re-enters pensionable service under this scheme after a gap in service not exceeding 5 years, T ceases to be a deferred member of the existing police pension scheme.

### **Qualifying for benefits on retirement under the existing police pension scheme**

**37.**—(1) In determining whether a transition member with continuity of service (T) qualifies for benefits on retirement under the existing police pension scheme, T's pensionable service under the existing police pension scheme includes the total of—

- (a) T's continuous period of pensionable service under this scheme; and
- (b) if a transfer payment has been received by this scheme in respect of T's accrued rights under another occupational pension scheme, T's pensionable service under that scheme.

(2) In calculating T's continuous period of pensionable service under this scheme, a period of part-time service counts as if it were a period of full-time service.

### **Refund of contributions under the existing police pension scheme**

**38.** If a transition member with continuity of service (T) opts out of this scheme and T has less than 2 years' qualifying service, T must be refunded all member contributions under the existing police pension scheme.

### **Calculation of weighted accrual for service in the 1987 scheme**

**39.**—(1) This paragraph applies in relation to a 1987 transition member with continuity of service ("the member").

(2) This paragraph applies for the purpose of calculating benefits (other than an ill-health pension) payable under the 1987 scheme for the purposes of this Schedule.

(3) The accrual rate for the member in the 1987 scheme is calculated as follows—

$$accrual = n \times \frac{r}{q}$$

where—

"n" is the accrual that the member would have built up—

- (a) had the member remained in the 1987 scheme until the member ceased to be in pensionable service under this scheme, and
- (b) had the member been in full-time service throughout the continuous period of pensionable service;

"r" is the member's pensionable service under the 1987 scheme only; and

<sup>(8)</sup> See Part 6 (retirement benefits) for the meaning of "qualifying service".



“q” is the total number of years of continuous pensionable service under the 1987 scheme and this scheme.

(4) In calculating “n”—

- (a) any period of part-time service is taken to be a period of full-time service; and
- (b) the maximum accrual of 2/3 applies.

(5) In calculating “r”—

- (a) part-time service is not taken to be full-time service; and
- (b) the limit of 30 years’ service applies.

(6) In calculating “q”—

- (a) part-time service is taken to be full-time service; and
- (b) the limit of 30 years’ service applies.

(7) The annual rate of pension payable to the member under the 1987 scheme is calculated by multiplying the accrual rate by the member’s final pay.

(8) If the member is in part-time service, the member’s final pay is calculated using the full-time equivalent rate of the member’s pensionable earnings.

#### **Calculation of lump sum under the 1987 scheme**

**40.**—(1) In calculating the limit on the lump sum payable under regulation B7(4) of the 1987 Regulations (commutation – general provision) to a 1987 transition member, the member’s continuous period of pensionable service under this scheme is included when calculating the member’s pensionable service under the 1987 scheme.

(2) In calculating the member’s continuous period of pensionable service under this scheme, a period of part-time service counts as if it were a period of full-time service.

#### **Declaration under existing police pension scheme continues to have effect**

**41.**—(1) This paragraph applies if a transition member with continuity of service has not made a declaration under these Regulations that another adult is the dependant of the member for the purpose of death benefits under this scheme.

(2) An existing declaration has effect as if made under these Regulations until the transition member makes a declaration under these Regulations.

(3) In this paragraph, “existing declaration” means a declaration which—

- (a) was made for the purpose of the existing police pension scheme; and
- (b) as at the closing date, had effect under that scheme.

#### **Nomination under existing police pension scheme continues to have effect**

**42.**—(1) This paragraph applies if a transition member with continuity of service has not nominated a person under these Regulations to receive a lump sum death grant under this scheme.

(2) An existing nomination has effect as if made under these Regulations until the transition member makes a nomination under these Regulations.

(3) In this paragraph, “existing nomination” means a nomination which—

- (a) was made for the purpose of the existing police pension scheme; and
- (b) as at the closing date, had effect under that scheme.

## PART 9

### Transfer of final salary benefits

#### **Meaning of “final salary benefits”**

**43.**—(1) In this Part, “final salary benefits” means benefits accrued under a final salary scheme, subject to sub-paragraph (2).

(2) Where only part of the pension entitlement payable under a final salary scheme to or in respect of a person which is based on the pensionable service of that person is or may be determined by reference to the person’s final salary, “final salary benefits” means the benefits in respect of which the pension entitlement is so determined.

#### **Acceptance of club transfer value payments**

**44.**—(1) If the scheme manager accepts a transfer payment under regulation 189 (request for acceptance of a transfer payment) on the condition that any part of the transfer payment that relates to the member’s final salary benefits is to be paid into the existing police pension scheme, that part of the transfer payment must be paid into the 2006 scheme.

(2) Any part of a club transfer value payment received from another pension scheme that relates to a member’s final salary benefits must be paid into the 2006 scheme.

#### **Joining this scheme or the 2006 scheme**

**45.**—(1) This paragraph applies to a person who transfers final salary benefits into the 2006 scheme after the scheme closing date.

(2) Unless the person is a protected member of the 2006 scheme—

- (a) the person joins this scheme;
- (b) the person is taken to be a transition member with continuity of service; and
- (c) the service to which the final salary benefits relate is counted when calculating qualifying service.

(3) If the person is a protected member of the 2006 scheme, the person joins the 2006 scheme.

## PART 10

### Pensionable service after the scheme closing date

#### **Transition member with continuity of service**

**46.**—(1) A transition member with continuity of service joins this scheme—

- (a) if the member is in pensionable service on the transition date, on that date; or
- (b) if the member is not in pensionable service on the transition date, when the member re-enters pensionable service after that date.

(2) A transition member who does not have continuity of service joins this scheme when the member re-enters pensionable service—

- (a) on or after the transition date; or
- (b) on or after ceasing to be a full protection member.

**Active member of the 1988 NI police pension scheme on scheme closing date who joins 1987 scheme**

- 47.—(1) This paragraph applies in relation to a person (P) who—
- (a) was an active member of the 1988 NI police pension scheme on the scheme closing date and on 31st March 2012; and
  - (b) ceases to be in pensionable service under the 1988 NI police pension scheme.
- (2) P joins the 1987 scheme if—
- (a) P does not have a gap in pensionable service after ceasing to be in pensionable service under the 1988 NI police pension scheme; and
  - (b) P would have been a full protection member or tapered protection member of the 1988 NI police pension scheme had P remained in pensionable service under that scheme.
- (3) P is taken to be a full protection member or tapered protection member of the 1987 scheme.
- (4) P's protection period—
- (a) begins on the day P joins the 1987 scheme; and
  - (b) ends when P ceases to be a full protection member or tapered protection member of the 1987 scheme.

**Active member of the 1988 NI police pension scheme on scheme closing date who joins 2006 scheme**

- 48.—(1) This paragraph applies in relation to a person (P) who—
- (a) was an active member of the 1988 NI police pension scheme on the scheme closing date and on 31st March 2012; and
  - (b) ceases to be in pensionable service under the 1988 NI police pension scheme.
- (2) P joins the 2006 scheme if—
- (a) P re-enters pensionable service not more than 5 years after ceasing to be in pensionable service under the 1988 NI police pension scheme; and
  - (b) P would have been a full protection member or tapered protection member of the 1988 NI police pension scheme had P remained in pensionable service under that scheme.
- (3) P is taken to be a full protection member or tapered protection member of the 2006 scheme.
- (4) P's protection period—
- (a) begins on the day P joins the 2006 scheme; and
  - (b) ends when P ceases to be a full protection member or tapered protection member of the 2006 scheme.

**Active member of the 1987 scheme on scheme closing date**

- 49.—(1) This sub-paragraph applies in relation to a person (P) who—
- (a) was an active member of the 1987 scheme on the scheme closing date and on 31st March 2012; and
  - (b) ceases to be in pensionable service under the 1987 scheme.
- (2) This sub-paragraph applies in relation to a person (P) who—
- (a) was an active member of the 1988 NI police pension scheme on 31st March 2012;
  - (b) was an active member of the 1987 scheme on the scheme closing date; and
  - (c) ceases to be in pensionable service under the 1987 scheme.

*Status: This is the original version (as it was originally made).*

- (3) P joins the 2006 scheme if—
  - (a) P re-enters pensionable service not more than 5 years after ceasing to be in pensionable service under the 1987 scheme; and
  - (b) P would have been a full protection member or tapered protection member of the 1987 scheme had P re-entered pensionable service under that scheme.
- (4) P is taken to be a full protection member or tapered protection member of the 2006 scheme.
- (5) P's protection period—
  - (a) begins on the day P joins the 2006 scheme; and
  - (b) ends when P ceases to be a full protection member or tapered protection member of the 2006 scheme.

**Deferred member of the 1987 scheme on scheme closing date**

- 50.**—(1) This paragraph applies in relation to a member of the 1987 scheme (P) who—
- (a) was not an active member of the 1987 scheme on the scheme closing date;
  - (b) has a gap in pensionable service of not more than 5 years; and
  - (c) re-enters pensionable service after the scheme closing date.
- (2) Unless P is a protected member of the 2006 scheme—
- (a) P joins this scheme; and
  - (b) P is taken to be a 1987 transition member with continuity of service.
- (3) If the person is a protected member of the 2006 scheme, the person joins the 2006 scheme.
- (4) For the purpose of sub-paragraph (1)(b), T is not on a gap in pensionable service after the scheme closing date while T is in pensionable service under—
- (a) an existing scheme other than the 2006 scheme or the existing Scotland police pension scheme;
  - (b) the 1988 NI police pension scheme;
  - (c) another scheme under section 1 of the Act providing for payment of retirement pensions;
  - (d) the 2015 NI police pension scheme.

**Active member of the 2009 NI police pension scheme on scheme closing date**

- 51.**—(1) This paragraph applies in relation to a person (P) who—
- (a) was an active member of the 2009 NI police pension scheme on the scheme closing date and on 31st March 2012; and
  - (b) ceases to be in pensionable service under the 2009 NI police pension scheme.
- (2) P joins the 2006 scheme if—
- (a) P re-enters pensionable service not more than 5 years after ceasing to be in pensionable service under the 2009 NI police pension scheme; and
  - (b) P would have been a full protection member or tapered protection member of the 2009 NI police pension scheme had P re-entered pensionable service under that scheme.
- (3) P is taken to be a full protection member or tapered protection member of the 2006 scheme.
- (4) P's protection period—
- (a) begins on the day P joins the 2006 scheme; and

- (b) ends when P ceases to be a full protection member or tapered protection member of the 2006 scheme.

**Active member of the existing Scotland scheme on the scheme closing date**

- 52.**—(1) This paragraph applies in relation to a person (P) who—
- (a) on the scheme closing date and on 31st March 2012, was an active member of the existing Scotland scheme;
  - (b) ceases to be in pensionable service under the existing Scotland scheme;
  - (c) would have been a full protection member of the existing Scotland scheme had P re-entered pensionable service under that scheme.
- (2) P joins the 2006 scheme if—
- (a) P re-enters pensionable service not more than 5 years after ceasing to be in pensionable service under the existing Scotland scheme; and
  - (b) P would have been a full protection member or tapered protection member of the existing Scotland scheme had P re-entered pensionable service under that scheme.
- (3) P is taken to be a full protection member or tapered protection member of the 2006 scheme.
- (4) P’s protection period—
- (a) begins on the day P joins the 2006 scheme; and
  - (b) ends when P ceases to be a full protection member or tapered protection member of the 2006 scheme.

**Active member of an existing scheme on the scheme closing date**

- 53.**—(1) This paragraph applies in relation to a person (P) who—
- (a) on the scheme closing date and on 31st March 2012, was an active member of an existing scheme (“the existing scheme”) other than the 1987 scheme, the 2006 scheme or the existing Scotland scheme;
  - (b) ceases to be in pensionable service under the existing scheme; and
  - (c) unless P dies, P would reach 55 on or before 1st April 2022.
- (2) P joins the 2006 scheme if—
- (a) P re-enters pensionable service not more than 5 years after ceasing to be in pensionable service under the existing scheme; and
  - (b) P would have been a full protection member or tapered protection member of the existing scheme had P re-entered pensionable service under that scheme.
- (3) P is taken to be a full protection member or tapered protection member of the 2006 scheme.
- (4) P’s protection period—
- (a) begins on the day P joins the 2006 scheme; and
  - (b) ends when P ceases to be a full protection member or tapered protection member of the 2006 scheme.