POLICY NOTE

THE POLICE PENSIONS (AMENDMENT) (SCOTLAND) REGULATIONS 2020

SSI 2020/33

The above instrument was made in exercise of the powers conferred by section 1(1) and (2)(g) of, and paragraph 7(b) of Schedule 2 to, the Public Service Pensions Act 2013 ("the 2013 Act"). The instrument is subject to negative procedure.

Purpose of this instrument: This instrument makes minor amendments to the suite of police pensions regulations and injury provisions to reflect a recent legal judgment affecting public service pension schemes. The instrument makes other changes in relation to the administration of the scheme.

Policy Objective

Changes to survivor benefits reflect the Supreme Court's ruling on 12 July 2017 in the Walker v Innospec case ([2017] UKSC 47) that the company's position had been incompatible with EU Directive 2000/78/EC on discrimination in the workplace. It was concluded that Mr Walker's male spouse should be entitled to a pension calculated on the basis of all the years of his service with Innospec, provided that at the time of Mr Walker's death they remained married. The amendments are fully retrospective and remove the current restriction on using only service from April 1988 for benefits paid to survivors of civil partnerships and same sex marriages.

Only the 1987 pension scheme regulations are being amended because this is the only pension scheme that limits the service to be taken into account when calculating the survivor benefit for same-sex civil partners or spouses. The 2007 Injury Benefits regulations are being amended for the same reason.

Changes to the Police Pensions (Additional Voluntary Contributions) Regulations 1991 are made to add a new approved provider. Following consultation with its members, Equitable Life transferred its business to Utmost Life and Pensions limited, with this change taking effect from 1 January 2020. Regulation 7 adds the new provider to the scheme effective from that date.

Regulations 3, 6, 9 and 10 allow for members of the 1987 and 2007 scheme to buy back pensionable service in relation to any period of unpaid maternity support leave during the period from 3 April 2011 to 1 September 2014.

Regulation 11 removes the time limit on member contribution rate to avoid the need to make regular changes to the scheme regulations to provide for the ongoing collection of member contributions. This is consistent with the provisions of the 1987 and 2006 police scheme regulations. Additionally, Regulation 11 clarifies the meaning of final pay in the 2015 scheme regulations in relation to part-time members, to ensure the level of enhancement for member retiring with an entitlement to enhanced upper tier ill health benefits is proportionate

to that awarded to whole time members, consistent with the approach taken for the 2006 scheme.

Consultation

To comply with the requirements of Section 21 of the 2013 Act, a draft statutory instrument was issued for consultation between 13 December 2019 to 27 January 2020. A copy of the consultation document is available on the Scottish Public Pension Agency's website https://pensions.gov.scot/. A summary of consultation responses will also be made available on the SPPA website.

Impact Assessments

The Minister for Public Finance and Digital Economy confirms that no Business and Regulatory Impact Assessment is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Financial Effects

The changes provided by this instrument will not have a material impact on the costs of the scheme.

Scottish Public Pensions Agency
An Agency of the Scottish Government
February 2020