

Police Consultees

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Your ref:  
Our ref:

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Dear Colleagues

**The Police and Fire Reform (Scotland) Act 2012 – proposed amendments to the Police Pension Schemes in Scotland**  
**Automatic Enrolment – proposed changes to the New Police Pension Scheme (Scotland)**

The purpose of this letter is to seek your views on draft amendments to Police Pensions (Scotland) Regulations to reflect

- (i) the establishment of the Police Service of Scotland
- (ii) the introduction of automatic enrolment

**Single Police Service**

The Scottish Government published an initial consultation paper in February 2011 seeking views on the future of the police and fire service. A further consultation paper setting out proposals for how the new single Scottish services will work in practice, and seeking views on the detailed legislative provisions to be taken forward to Parliament, was published in September 2011. The Police and Fire Reform (Scotland) Act 2012 was granted Royal Assent on 7 August 2012.

The Police and Fire Reform (Scotland) Act 2012 creates a single Police Service of Scotland and a single Scottish Fire and Rescue Service to serve local communities and meet the demands and challenges of the 21<sup>st</sup> century.

The Police Service of Scotland goes live on 1 April 2013 and is a change in organisational structure, **there will be no changes to the pension benefits available to officers**. More detail on the proposed amendments to the Regulations can be found at Annex A. Relevant draft Scottish Statutory Instruments can be found on this [link](#).



## **Automatic Enrolment**

The Pensions Act 2008 introduces a number of new employer duties to give improved access to pension provision. A key requirement is to automatically enrol eligible jobholders into a qualifying pension scheme. Police Officers are “eligible jobholders” and minor amendments to the Regulations are required to ensure that police pensions arrangements fully comply with the legislation. Under the Act, employers must offer a qualifying pension scheme. In common with the other public service schemes, the police schemes meet the conditions specified.

More detail on the proposed amendments to the Regulations can be found at Annex A. The draft Scottish Statutory Instrument can be found on this [link](#).

Any responses to these regulations should be sent by email to: [Claire.McGow@scotland.gsi.gov.uk](mailto:Claire.McGow@scotland.gsi.gov.uk) or by mail to the following address no later than 21 February 2013:

Police Service Reform  
Policy Branch  
SPPA  
7 Tweedside Park  
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A copy of the consultation document will also be available on the Agency’s website at: [Police Consultations](#).

Yours faithfully

Claire McGow  
SPPA



# **ANNEX A**

## **Single Police Authority**

### **Background**

The Police and Fire Reform (Scotland) Act 2012 creates a single Police Service of Scotland and a single Scottish Fire and Rescue Service to serve local communities and meet the demands and challenges of the 21<sup>st</sup> century.

The Aims of reform are that single police and fire services for Scotland will:

- Protect and improve local services, despite financial cuts, by stopping duplication of support services and not cutting the frontline;
- Create more equal access to specialist support and national capacity – like murder investigation teams, firearms teams and flood rescue – where and when they are needed;
- Strengthen the connection between police and fire services and communities by creating a new formal relationship with all 32 local authorities, creating opportunities for many more locally elected members to have a formal say in police and fire services in their areas, and better integrating with community planning partnerships.

### **Police Cadets and Special Constables**

Regulations covering Police Cadets and Special Constables will be drafted in early 2013. In the meantime, any cases that would affect one of these groups should be referred directly to SPPA for advice.

### **Amendments to the Regulations**

#### **The Police Pensions Regulations 1987**

##### **New Regulation A4A**

Regulation A4A provides for the 1987 Regulations to be read after 1 April 2013 in such a way that acts by the existing police forces will be treated as acts of the Police Service of Scotland (PSS). The new regulation focuses only on forces, since relevant provision in relation to police authorities, chief constables and constables is already made by way of paragraph 9 of Schedule 5 to the 2012 Act

##### **Regulation A6 (meaning of certain expressions)**

Paragraphs (5G) to (5l) (reference to Scottish Crime and Drug Enforcement Agency (SCDEA)) have been omitted.

##### **Regulation A15 (alterations in police areas)**

This regulation has been omitted



## **Regulation A16 (transfers)**

Paragraphs (a) and (e) are omitted in light of a move to a single authority.

**Regulations A17, B1, B2, F3 and H6** have been amended to refer to the relevant sections of the Police and Fire Reform (Scotland) Act 2012.

## **Schedule A**

**Schedule 1 (glossary of expressions)** takes into account the Police and Fire Reform (Scotland) Act 2012, expands the definition of 'home police force' so as to include 'the Police Service of Scotland', and omits the definitions of 'police member of SCDEA', 'SCDEA' and 'SPSA'.

## **The Police Pensions (Scotland) Regulations 2007**

### **New Regulation 2A**

Regulation 2A provides for the 2007 Regulations to be read after 1 April 2013 in such a way that acts by the existing police forces will be treated as acts of the Police Service of Scotland (PSS). The new regulation focuses only on forces, since relevant provision in relation to police authorities, chief constables and constables is already made by way of paragraph 9 of Schedule 5 to the 2012 Act

### **Regulation 3 (meaning of certain expressions)**

Reference to SCDEA has been omitted.

### **Regulation 5 (transfers)**

Paragraphs (a) and (b) are omitted in light of a move to a single authority

### **Regulation 17 (retirement)**

This regulation has been amended to refer to the relevant section of the Police and Fire Reform (Scotland) Act 2012.

### **Regulations 87 (alterations in police areas) and 88 (chief constables affected by alterations in police areas)**

These regulations have been omitted.

### **Schedule 1 (glossary of expressions)**

Takes into account the Police and Fire Reform (Scotland) Act 2012, expands the definition of 'home police force' so as to include 'the Police Service of Scotland', defines 'police authority' to mean the Scottish Police Authority, and omits the definitions of 'police member of SCDEA', 'SCDEA' and 'SPSA'.



## **The Police (Injury Benefit) (Scotland) Regulations 2007**

### **New Regulation 2A**

Regulation 2A provides for the 2007 Regulations to be read after 1 April 2013 in such a way that acts by the existing police forces will be treated as acts of the Police Service of Scotland (PSS). The new regulation focuses only on forces, since relevant provision in relation to police authorities, chief constables and constables is already made by way of paragraph 9 of Schedule 5 to the 2012 Act.

### **Regulation 3 (meaning of certain expressions)**

Reference to SCDEA has been omitted

### **Regulation 6 (injury received in the execution of duty)**

Paragraph (6) of this regulation is amended..

### **Schedule 1 (glossary of expressions)**

Takes into account the Police and Fire Reform (Scotland) Act 2012, expands the definition of 'home police force' so as to include 'the Police Service of Scotland', and omits the definitions of 'police member of SCDEA', 'SCDEA' and 'SPSA'.

## **The Police Pension Account (S) Regulations (SSI 2010/232)**

These Regulations will be revoked from 1 April 2013. Administrative guidance will be issued in due course.

### **Automatic Enrolment**

#### **Background**

The 2008 Act laid the foundations for a fundamental reform of workplace pensions ("Workplace Pension Reform") by requiring every employer to automatically enrol their eligible workers into a qualifying pension scheme, if they are not already in one, and to contribute to that pension. These reforms are being introduced on a rolling basis from October 2012 with large employers (and, in turn, their staff) being subject to the new requirements first.

All eligible officers not currently contributing to the police pension scheme will be automatically enrolled on the Service's automatic enrolment/staging date. Officers can choose to opt out of the scheme once they have been automatically enrolled. Where a worker has opted out, employers have a duty under the legislation to re-enrol them automatically back into the scheme every three years and whenever they achieve eligibility under the legislation. The 2007 Regulations currently prevent certain people from being members and this amendment effectively removes that bar.

All officers who are eligible jobholders need to be *entitled* to become an active member of the relevant scheme, which will be the New Police Pension Scheme, from the Service's staging date. The draft Regulations are designed to achieve that purpose.



