



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

JCC Circular 34 of 2015

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Dear Colleague

Police Pensions – Legal Challenge – Information

Throughout the pension reform process SPF has taken the best available legal advice from solicitors and counsel about the legality of the changes the Government made to police pensions. We have recently taken further advice from leading counsel as to whether the position has changed or is affected by the publication of the Police Pensions Regulations 2015.

All possible challenges have been considered including:

- Public law (judicial review: but being primary legislation, this is not subject to this);
- European law and Human Rights law (in several recent cases the European Court of Human Rights has not been swayed by arguments that those on the public service have had to bear the brunt of economic reform); and
- Discrimination. (The key challenge here considered was whether these pension changes would be age discrimination: however, the law states that age discrimination can be justified as a proportionate means to a legitimate end, and it is likely to be considered as such in this instance).

We are aware of the widely reported developments involving the Leigh Day law firm but, based on our legal advice, at this time, we will not be challenging the introduction of the Police Pension Scheme 2015. However, we will continue to monitor how the scheme operates in practice and we maintain an open mind should circumstances change to the extent that a potentially successful legal challenge could be made.

It is important to note that at this time and contrary to the commentary attached to the information in circulation, no actual challenge has been mounted.

Yours sincerely

Calum Steele
General Secretary