The Police Pensions (Scotland) (Amendment) Regulations, 1948

1948 No. 2828 (S. 210)

Made - - - - 28th December, 1948
Coming into Operation 3rd January, 1949

In exercise of the powers conferred on me by sections one and three of the Police Pensions Act, 1948(a), I hereby, with the consent of the Treasury and after consultation with the Scottish Police Council, make the following Regulations:—

1. The Regulations contained in the Police Pensions (Scotland) Regulations, 1948(b), and the Parts of the Schedules thereto specified in the first column of the Schedule to these Regulations shall have effect subject to the amendments specified in the second column of that Schedule.

2. After Regulation 59 of the Police Pensions (Scotland) Regulations, 1948, there shall be inserted the following Regulation:—

"59A. Where a chief constable is transferred to the combined force constituted by an amalgamation scheme under section one, two, or four of the Police (Scotland) Act, 1946(c), in pursuance of an agreement made by him before the date when the amalgamation scheme comes into force, in any capacity other than that of chief constable or assistant chief constable, or joins that force in any such capacity within the period of three months beginning with the said date, then, subject to any agreement to the contrary made between him and the joint police committee, he shall, while he serves in that force, be treated for purposes of Regulations 4 and 55 as if he were a chief constable".

3. These Regulations may be cited as the Police Pensions (Scotland) (Amendment) Regulations, 1948, and shall come into operation on the third day of January, 1949.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
28th December, 1948.

We consent,

Wm. Hannan,
Joseph Henderson,
Two of the Lords Commissioners of His Majesty's Treasury.

28th December, 1948.

(a) 11 & 12 Geo. 6. c. 24. (b) S.I. 1948 No. 1530, p. 3503 above.
(c) 9 & 10 Geo. 6. c. 71.

SCHEDULE

AMENDMENTS TO THE POLICE PENSIONS (SCOTLAND) REGULATIONS, 1948

Regulation 1	In paragraph (4) the words " and has died " shall be omitted.
Regulation 13	For sub-paragraph (*b*) of paragraph (3) there shall be substituted the following sub-paragraph:— " (*b*) in respect of any week during which the widow is not receiving:— (i) a retirement pension under the National Insurance Act, 1946(a), or (ii) a pension under the Old Age Pensions Act, 1936(b), or (iii) any grant payable in respect of the death of her husband out of any naval, military or air force fund in pursuance of any royal warrant or other instrument, or (iv) any payment made in respect of the death of her husband under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939 "(c), In paragraph (4) for the words " during the period of thirteen weeks next following her husband's death " there shall be substituted the words " for the first thirteen weeks during which the pension is payable ".
Regulation 16	At the end there shall be added the following paragraph:— " (2) Where an auxiliary policeman who is called up for service dies otherwise than as a result of an injury received in the execution of his duty as an auxiliary policeman, his widow shall be entitled to an award of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service ".
Regulation 18	For paragraph (5) there shall be substituted the following paragraph:— " (5) The increase, or as the case may be, the pension shall be payable only in respect of any week during which the widow is not receiving:— (*a*) widow's benefit or a retirement pension under the National Insurance Act, 1946, or (*b*) a pension under the Old Age Pensions Act, 1936, or (*c*) any grant payable in respect of the death of her husband out of any naval, military or air force fund in pursuance of any royal warrant or other instrument, or (*d*) any payment made in respect of the death of her husband under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939 ".

(a) 9 & 10 Geo. 6. c. 67. (b) 26 Geo. 5. & 1 Edw. 8. c. 31.
(c) 2 & 3 Geo. 6. c. 82.

Regulation 19

In paragraph (1) after the words " ordinary pension or gratuity " there shall be inserted the words " or be granted a pension in accordance with the provisions of paragraph (2) of Regulation 13 or paragraph (4) of Regulation 18 ".

Regulation 26

In paragraph (1) for the words " entitled to " there shall be substituted the word " granted ".

In paragraph (2) after the words " ordinary allowance " there shall be inserted the words " or an allowance granted in accordance with the provisions of paragraph (5) of Regulation 28 ".

Regulation 28

For paragraph (3) there shall be substituted the following paragraphs:—

" (3) Where a child in receipt of an allowance payable in accordance with the provisions of paragraph (1) of this Regulation on attaining the age of sixteen years is receiving full-time education, the allowance shall continue to be payable until the next thirty-first day of July or until he first ceases to receive full-time education, whichever is earlier.

(4) The amount of any allowance ascertained in accordance with the provisions of paragraphs (1) and (2) of this Regulation may, if the police authority by whom it is payable in their discretion think fit, be increased in the circumstances and manner provided by Part VI of the Third Schedule to these Regulations.

(5) The child of such a regular policeman or person who has been a regular policeman as is described in paragraph (6) of this Regulation, who is not entitled to an allowance from the police authority, may be granted an allowance, subject to the provisions of Part VI of the Third Schedule to these Regulations, if the police authority in their discretion think fit.

(6) The regular policeman or person who has been a regular policeman referred to in paragraph (5) of this Regulation is one who before the appointed day—

(*a*) has died while serving in the force, or

(*b*) has retired with a pension and died while still in receipt of the pension, or

(*c*) has died after having retired and received a gratuity after completing three years' service ".

Regulation 31

In sub-paragraph (*a*) of paragraph (1) for the words " a substantial extent " there shall be substituted the words " any degree ".

Regulation 32

At the end there shall be added the following paragraph:—

" (2) For the purposes of this Regulation an award under paragraph (2) of Regulation 16 shall be ignored ".

Regulation 38

In paragraph (2) after the word " rejoins " there shall be inserted the following words " or before the appointed day has rejoined ".

Regulation 59

In paragraph (4) for the words " the date when his period of overseas service would have terminated if it " there shall be substituted the words " the date on which he would have completed twenty-five years' pensionable service if the period of his overseas service ".

Regulation 65

For paragraph (1) there shall be substituted the following paragraphs:—

" (1) The pensionable pay of a member of a police force shall be his pay at the rate to which he was entitled immediately before the relevant date for the purposes of calculation.

(1A) The relevant date in the case of calculations for the purposes of pension contributions is the date on which the contribution falls due and in the case of calculations for the purposes of awards—

(*a*) if the award is made to or in respect of a regular policeman, is the date when he last ceased to be such in the force of the police authority by whom the award is payable, and

(*b*) if the award is made to or in respect of an auxiliary policeman, is the date of the end of the continuous period of being called up for service as such in which he received the injury which resulted in disablement ".

In paragraph (2) at the beginning there shall be inserted the words " Notwithstanding anything in paragraph (1) of this Regulation ".

For paragraph (3) there shall be substituted the following paragraph:—

" (3) Where the rate of pay of a member of a police force at the date of his death or retirement is temporarily reduced by way of punishment such a reduction shall for the purposes of this Regulation be ignored."

Second Schedule Part II

In paragraph (iii) for the words " the period of thirteen weeks next following her husband's death " there shall be substituted the words " the first thirteen weeks during which the pension is payable ".

Second Schedule Part VI

In paragraph (ii) for the words " entitled to " there shall be substituted the words " in receipt of ".

Third Schedule Part III

In sub-paragraph (*a*) of paragraph 2 the words " either the only child in that family for the time being " and " or that one of such children who is older than the others " shall be omitted.

For the words " (ii) the child is included in a family within the meaning of the Family Allowances Act, 1945," (**a**) there shall be substituted the following:—

" (ii) the child is the only child included in a family within the meaning of the Family Allowances Act, 1945, or that one of the children so included who is older than the others,"

Third Schedule Part VI

In paragraph 1:—

(1) for the words " Where under the provisions of Regulation 28 of these Regulations a child is entitled to an allowance and " there shall be substituted the words " Where a child is entitled to an allowance under paragraph (1) of Regulation 28 and the amount of the allowance as ascertained under the provisions of the said Regulation is less than seven shillings and sixpence a week, or where a child is granted an allowance under paragraph (5) of the said Regulation, and ";

(2) sub-paragraphs (*c*) and (*d*) shall be omitted;

(**a**) 8 & 9 Geo. 6. c. 41.

Third Schedule
Part VI—*contd.*

(3) for the words from " and during which " to the end of the paragraph there shall be substituted the words:—

" and during which the child is the only child included in a family within the meaning of the Family Allowances Act, 1945, or that one of the children so included who is older than the others the police authority may in their discretion grant an allowance of seven shillings and sixpence a week, or increase the amount of the allowance, if any, to which the child is entitled by the difference between the amount of the allowance ascertained as aforesaid and seven shillings and sixpence a week ".

In paragraph 2:—

(1) for the words " Where under the provisions of Regulation 28 of these Regulations a child is entitled to an allowance and " there shall be substituted the words " Where a child is entitled to an allowance under paragraph (1) of Regulation 28 and the amount of the allowance as ascertained under the provisions of the said Regulation is less than twelve shillings a week, or where a child is granted an allowance under paragraph (5) of the said Regulation, and ";

(2) sub-paragraphs (*c*) and (*d*) shall be omitted;

(3) the words " the child is included in a family within the meaning of the Family Allowances Act, 1945, and during which " shall be omitted;

(4) for the words from " increase the amount of the allowance " to the end of the paragraph there shall be substituted the words—

" (i) in the case of a child who is the only child included in a family within the meaning of the Family Allowances Act, 1945, or that one of the children so included who is older than the others, grant an allowance of twelve shillings a week, or increase the amount of the allowance, if any, to which the child is entitled by the difference between the amount of the allowance ascertained as aforesaid and twelve shillings a week;

(ii) in the case of any other child included in a family within the meaning of the Family Allowances Act, 1945, grant an allowance of seven shillings a week ".

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

Regulation 1 provides for various amendments to the existing Police Pensions (Scotland) Regulations. The main effects of these amendments are:—

(*a*) to restrict the occasions on which an award or an increase in an award to a widow shall be withheld (amendments to Regulations 13 (3) and 18) :

(*b*) to insure that the increased pension payable under Regulation 13 shall in all cases be paid for a full period of 13 weeks (amendments to Regulation 13 (4) and Second Schedule Part II):

(*c*) to provide an award for the widow of an auxiliary policeman who dies otherwise than as a result of an injury received in the execution of his duty (amendment to Regulation 16):

(*d*) to enable an allowance equal to that which would have been payable if the policeman had been insured under the Contributory Pensions Act to be granted to a child of a regular policeman who died before the appointed day where such an allowance is not already payable (amendments to Regulations 26 and 28, Second Schedule Part VI, Third Schedule Parts III and VI):

(*e*) to make it possible for a child's allowance granted under the Police Pensions Act, 1921, to be paid for the same extended period as children's allowances under the present regulations where the child is receiving full-time education (amendment to Regulation 28 (3)):

(*f*) to provide that a reduction in rate of pay by way of punishment shall be ignored for the purpose of calculating awards but not for calculating pension contributions (amendment to Regulation 65).

The other provisions of the Schedule are minor amendments intended to clarify and improve the existing Regulations.

Regulation 2 reproduces Section 7 (3) of the Police (Scotland) Act, 1946, which was repealed by the Police Pensions Act, 1948.

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5. POLICE CONFEDERATION

The Police Act, 1919 (Scotland) Order, 1948

1948 No. 1260 (S. 97)

Made - - - - 11*th June*, 1948
Coming into Operation 5*th July*, 1948

I, the Right Honourable Arthur Woodburn, one of His Majesty's Principal Secretaries of State, in pursuance of the powers conferred on me by subsection (1) of section thirteen of the Police Act, 1919(**a**), hereby make the following Order:—

1. The Police Act, 1919 (Scotland) Order of the 22nd March, 1920(**b**) is hereby revoked.

2.—(1) This Order may be cited as the Police Act, 1919 (Scotland) Order, 1948.

(2) This Order shall come into operation on the fifth day of July, 1948.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
11th June, 1948.

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

The Police (Scotland) (Amendment) (No. 2) Regulations, 1948 abolish the police rank of lieutenant with effect from 5th July, 1948 and this order, which comes into operation on that date, revokes the Police Act, 1919 (Scotland) Order of 22nd March, 1920 relating to police officers of that rank.

(**a**) 9 & 10 Geo. 5. c. 46. (**b**) S.R. & O. 1920 (No. 471) II, p. 547.