3. PENSIONS

The Police Pensions (Scotland) Regulations, 1949*

1949 No. 1240 (S. 87)

Made - - - - 30*th June*, 1949
Coming into Operation 1*st July*, 1949

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Amendment of the Police Pensions (Scotland) Regulations, 1948.

In exercise of the powers conferred on me by sections one, three and five 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:—

PART I

GENERAL

Entitlement to award.

1.—(1) Subject to the provisions of these Regulations, every man or woman who is a regular policeman, that is to say, a member of a home police force who is not an auxiliary policeman, shall, on retiring from the force of which he is a member, be entitled to an award under these Regulations.

(2) Subject to the provisions of these Regulations, every man or woman who is permanently disabled as the result of any injury or disease whether of body or mind (hereafter in these Regulations referred to as " an injury ") received in the execution of his duty as a member of a police force without his own default shall be entitled to an award under these Regulations on retiring from the police force or, where he has retired before becoming disabled, on the date when he becomes so disabled which, if it cannot be ascertained, shall be taken to be the date when the claim that he is disabled is first made known to the police authority.

(3) The widow of a man who has been a member of a police force shall in the circumstances specified in these Regulations be entitled to an award.

(4) The child, step-child, illegitimate child and adopted child (hereafter in these Regulations referred to as " the child ") of a man or woman who has been a member of a police force shall be entitled on the death of that man or woman to an award in the circumstances specified in these Regulations:

Provided that this paragraph shall only apply to a stepchild, illegitimate child or adopted child who was dependent to a substantial extent on the said man or woman at the time of the death.

(a) 11 & 12 Geo. 6. c. 24.

(5) The chief constable of the force of an area which has been amalgamated with another police area by a scheme made under the Police (Scotland) Act, 1946(a), who is not transferred to the combined force by the scheme and does not, during the period of three months referred to in subsection (2) of section seven of that Act or, as the case may be, that subsection as applied by paragraph (*a*) of subsection (3) of section nine of that Act, join the combined force, shall be treated for the purposes of these Regulations as if he had retired at the end of the said period from the force of which he was chief constable.

Authorities responsible for payment of award.

2.—(1) An award which is payable on retirement shall be payable by the police authority of the force of which the person in question was a member at the time of his retirement.

(2) An award which is payable on disablement shall——

(*a*) where the injury was received by a regular policeman, be payable by the police authority of the force in which he last served as such, and

(*b*) where the injury was received by a member of a force other than a regular policeman, be payable by the police authority of the force of which he was a member at the time when he received the injury.

(3) An award to a widow or child to which the widow or, as the case may be, the child becomes entitled by reason of her husband, or as the case may be, his parent having been injured while a regular policeman shall be payable by the police authority of the force in which he last served as a regular policeman and in any other case shall be payable by the police authority of the force of which he was a member at the time when he received the injury.

Duration, amount and payment of awards.

3.—(1) A pension shall be for life unless it is forfeited under the Act or varied, suspended or terminated under these Regulations.

(2) The amount of a pension payable to a person who has been a member of a police force shall, in the manner hereafter provided, be calculated with reference to his average pensionable pay and shall be payable in respect of each year after his retirement.

(3) A pension to a widow or an allowance to a child shall be of such amount as is hereinafter provided and shall be payable in respect of each week.

PART II

AWARDS ON RETIREMENT AND DISABLEMENT

Policeman's ordinary pension.

4.—(1) Subject to the provisions of these Regulations, where a regular policeman who is entitled to reckon twenty-five years' pensionable service retires from a police force the award shall be an ordinary pension.

(2) The amount of an ordinary pension shall be determined in accordance with Parts I and III of the First Schedule to these Regulations.

(3) This Regulation shall not apply where—

(*a*) a chief constable or an assistant chief constable retires before he has attained the age of sixty, or

(a) 9 & 10 Geo. 6. c. 71.

(*b*) a regular policeman has not given to the police authority one month's written notice, or such shorter notice as the police authority may accept, of his intention to retire,

unless—

(i) the police authority otherwise decide, or

(ii) he is required to retire under the provisions of Part IX of these Regulations, or

(iii) he is required to retire as an alternative to dismissal.

(4) Paragraph (3) of this Regulation shall not apply in relation to such a chief constable as is described in paragraph (5) of Regulation 1 of these Regulations.

Policeman's ill-health award.

5.—(1) Where a regular policeman retires from a police force on the ground that he is permanently disabled, the award shall be an ill-health award which—

(*a*) if at the time when he so retires either—

(i) he is entitled to reckon ten years' pensionable service, or

(ii) his disablement is the result of an injury received in the execution of his duty,

shall be a pension (hereafter in these Regulations referred to as an " ill-health pension ") and

(*b*) in other cases, shall be a gratuity.

(2) The amount of the said pension or gratuity shall be determined in accordance with Parts II and III of the First Schedule to these Regulations.

Policeman's short service award.

6.—(1) Where a regular policeman is required to retire under the provisions of Part IX of these Regulations or a chief constable is deemed to retire under subsection (2) of section seven of the Police (Scotland) Act, 1946, or, as the case may be, under the said subsection (2) as applied by paragraph (*a*) of subsection (3) of section nine of that Act, the award shall, unless Regulation 4 of these Regulations applies, be a short service award.

(2) If at the time when he retires he is not entitled to reckon ten years' pensionable service, the award shall be a gratuity and otherwise shall be a pension (hereafter in these Regulations referred to as a " short service pension ").

(3) The amount of the said pension or gratuity shall be determined in accordance with paragraphs 1, 2 and 3 of Part II and with Part III of the First Schedule to these Regulations.

Policeman's supplemental pension.

7.—(1) Where a member of a police force or a person who has ceased to be such a member on or after the appointed day is permanently disabled as a result of an injury received without his own default in the execution of his duty (hereafter in this Regulation referred to as the " relevant injury ") the award shall include a supplemental pension in respect of any week in respect of which—

(*a*) none of the payments described in paragraph (3) of this Regulation is payable to him ; or

(*b*) if one or more of the said payments is payable, that payment or the aggregate of those payments, as the case may be, is less than the standard amount appropriate to his case determined in accordance with Part IV of the First Schedule to these Regulations.

(2) The amount of the supplemental pension in respect of any week shall—

(*a*) if none of the said payments is payable in respect of that week, be equal to the said appropriate standard amount; and

(*b*) if one or more of the said payments is payable in respect of that week, be equal to the difference between that payment or, as the case may be, the aggregate of those payments and the said appropriate standard amount.

(3) The payments referred to in paragraph (1) of this Regulation are—

(*a*) any injury benefit payable under the National Insurance (Industrial Injuries) Act, 1946(**a**), which relates to the relevant injury;

(*b*) any disablement pension payable under section twelve of the National Insurance (Industrial Injuries) Act, 1946, in respect of the relevant injury or so much of any such pension as relates to that injury, together with—

(i) any increase in such pension payable under section thirteen, fourteen, seventeen or eighteen of the said Act or so much of any such increase as is proportionate to that part of the said pension which relates to that injury; and

(ii) so long as he is receiving treatment as an in-patient at a hospital as a result of that injury, any increase in such pension payable under section sixteen, seventeen or eighteen of the said Act;

(*c*) any sickness benefit payable under the National Insurance Act, 1946(**b**), until the first day afer his retirement which is not or is deemed not to be a day of incapacity for work under section eleven of the last-mentioned Act or regulations made thereunder; and

(*d*) where the person concerned received the relevant injury while serving as a regular policeman any ordinary pension or ill-health pension which becomes payable under these Regulations after the time when he received the injury by the police authority of the force in which he was serving at that time.

(4) Where a person receives a disablement gratuity under the National Insurance (Industrial Injuries) Act, 1946(**a**), this Regulation shall apply as if he were entitled during the relevant period to a disablement pension under that Act of such amount as would be produced by converting the gratuity into an annuity for that period.

In this paragraph the expression "the relevant period" means the period taken into account, in accordance with section twelve of the said Act, for the purpose of making the assessment by reference to which the gratuity became payable.

Award where no other award payable.

8.—(1) Where a person retires from a police force in circumstances which do not entitle him to any other award under these Regulations, the award shall be of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service.

(2) Where a member of a police force is dismissed the police authority shall pay an amount equal to the amount of his aggregate pension contributions to such one of the persons hereinafter described as, in

(**a**) 9 & 10 Geo. 6. c. 62. (**b**) 9 & 10 Geo. 6. c. 67.

their discretion, they may think fit, or if in their discretion they think fit, shall distribute that amount among such of those persons in such shares and in such manner as in their discretion they may think fit.

The persons above referred to are the said member and all his dependants.

Awards to servicemen.

9.—(1) If a serviceman at the end of his relevant period of service in any of the naval, military or air forces of the Crown is permanently disabled he shall be entitled to the same award on the same conditions in all respects as if he had retired at the end of the said period on the ground of disablement.

(2) If a serviceman within one month from the end of the said period does not resume service in the force in circumstances in which no award is payable to him under these Regulations and does not become a regular policeman in another force with the written consent of the chief constable of the former force or, if he was immediately before the beginning of the said period the chief constable of the former force, with the written consent of the police authority of that force, paragraph (1) of Regulation 8 of these Regulations shall have effect as if he had retired from the force at the end of the said period.

PART III

AWARDS ON DEATH

Widows

Widow's ordinary pension.

10.—(1) Subject to the provisions of these Regulations, the widow of such a regular policeman as is described in paragraph (2) of this Regulation shall be entitled to a widow's ordinary pension of the amount described in Part I of the Second Schedule to these Regulations.

(2) The regular policeman referred to in paragraph (1) of these Regulations is one—

(*a*) who is entitled to reckon three years' pensionable service and—

(i) dies while serving in the force, or

(ii) retires because he is disabled and dies as the result of the same injury as resulted in his disablement, or

(iii) retires and receives a pension and dies while still in receipt of the pension ; or

(*b*) who, not being such a person as is described in sub-paragraph (*c*) of this paragraph, after completing three years' pensionable service retired between the first day of September, 1918, and the appointed day—

(i) on account of any injury and dies in consequence of that injury, or

(ii) with a pension and dies while in receipt of the pension ; or

(*c*) who—

(i) either was serving on the first day of September, 1918, or was a person who having, while serving as a regular policeman been called out as a reservist or entered or re-entered, enlisted or re-enlisted in any of His Majesty's naval, military or air forces for the purposes of the war in progress on that date, was on the said date serving in any such forces, and

(ii) would have been such a regular policeman as is referred to in sub-paragraph (*a*) or (*b*) of this paragraph if he had been entitled to reckon three years' pensionable service or, as the case may be, had completed three years' approved service.

Discretionary increase in widow's ordinary pension.

11.—(1) Where a widow is entitled to an ordinary pension under Regulation 10 of these Regulations the police authority may, in their discretion, increase that pension in accordance with the provisions of this Regulation.

(2) Where a person who was a regular policeman before the first day of September, 1918, and has not been a regular policeman since that date retired from being a regular policeman—

(*a*) on account of any injury and dies in consequence of that injury, or

(*b*) with a pension and dies while in receipt of the pension,

the police authority may in their discretion pay his widow, if she is not entitled to a special pension under these Regulations, a pension in accordance with the provisions of this Regulation.

(3) The increase or, as the case may be, the pension shall only be payable—

(*a*) if the widow would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act, 1946, but for the fact that her husband had not satisfied the contribution condition set out in paragraph (*a*) of sub-paragraph (1) of paragraph 4 of the Third Schedule to the said Act; and

(*b*) in respect of any week during which the widow is not receiving :—

(i) a retirement pension under the National Insurance Act, 1946, or

(ii) a person under the Old Age Pensions Act, 1946(**a**), 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(**b**).

(4) The rate by which the pension may be increased or the rate at which the pension may be granted shall be, for the first thirteen weeks during which the pension is payable, thirty-six shillings a week and thereafter, during the periods and in the conditions set out in Part II of the Second Schedule to these Regulations, twenty-six shillings a week.

Widow's special pension.

12.—(1) Where a man dies as the result of an injury received in the execution of his duty as a member of a police force without his own default, the award to his widow shall be a widow's special pension.

(2) The amount of a widow's special pension shall be determined in accordance with Part III of the Second Schedule to these Regulations.

Discretionary increase in widow's special pension.

13.—(1) Where a widow is entitled to a special pension under Regulation 10 of these Regulations the police authority may, in their discretion, increase that pension in accordance with the provisions of this Regulation.

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

(2) The increase shall be payable only—

(*a*) if the widow would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act, 1946, but for the fact that her husband had not satisfied the contribution condition set out in paragraph (*a*) of sub-paragraph (1) of paragraph 4 of the Third Schedule to the said Act; and

(*b*) in respect of any week during which the widow is not receiving—

(i) a retirement pension under the National Insurance Act, 1946; or

(ii) a pension under the Old Age Pensions Act, 1936; or

(iii) any grant payable out of any naval, military or air force fund made in respect of the death of her husband 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; or

(v) a pension under section nineteen of the National Insurance (Industrial Injuries) Act, 1946.

(3) The amount up to which the pension may be increased shall be the amount, which may be increased in accordance with the provisions of Regulation 63 of these Regulations, of one-sixth of her husband's average pensionable pay for a week, together with, for the first thirteen weeks that the pension is payable, thirty-six shillings a week and thereafter during the periods and in the conditions set out in Part II of the Second Schedule to these Regulations twenty-six shillings a week.

Gratuity in lieu of pension.

14. Where a widow is entitled to a pension and the police authority are satisfied that there is sufficient reason for granting her a gratuity in lieu thereof, they may in their discretion and with her consent substitute for the pension a gratuity, which shall be determined in accordance with Part IV of the Second Schedule to these Regulations.

Widow's ordinary gratuity.

15.—(1) Where a regular policeman dies and his widow is not entitled to a pension under these Regulations, the award shall be a widow's ordinary gratuity, which shall be determined in accordance with Part V of the Second Schedule to these Regulations.

(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 such, the award to his widow shall be a gratuity equal to the amount of his aggregate pension contributions in respect of the relevant period of service.

Date of payment of award.

16. A pension or gratuity to a widow shall be payable on the death of her husband except—

(*a*) where her husband was in receipt of a pension and he dies during a period in respect of which he has already received his pension, in which case the widow's pension shall be payable at the end of that period;

(*b*) where her husband has received a gratuity, in which case the widow's pension shall be payable at such time as the police authority may, in their discretion, determine to be reasonable, not being more than one year after his death, having regard to all the circumstances, including the amount of the gratuity.

Limitation on awards to widows with reference to date of marriage.

17.—(1) A widow shall not be entitled to a widow's ordinary pension or gratuity or be granted a pension in accordance with the provisions of paragraph (2) of Regulation 11 of these Regulations unless she was married to her husband before he last ceased to be a regular policeman.

(2) A widow shall not be entitled to a widow's special pension unless she was married to her husband before—

(*a*) if he received the injury while he was a regular policeman, he last ceased to be a regular policeman, and

(*b*) if he received the injury while serving as a member of a police force otherwise than as a regular policeman, the end of the continuous period of service during which he received the injury.

Limitation on award to widow living apart from husband.

18.—(1) When a man dies leaving a widow who was living apart from him at the time of his death, no pension or gratuity shall be payable to her unless either—

(*a*) at the time of the death the deceased was regularly contributing to her support, or was liable to contribute to her support by virtue of any agreement or any order of a competent court, or

(*b*) she was living apart from him because he had deserted her:

Provided that where the preceding provisions of this paragraph would prevent the payment of a widow's pension or gratuity, the police authority may in their discretion, if they consider that the application of those provisions would cause substantial hardship in that case, pay the pension or gratuity.

(2) For the purposes of this Regulation contributions to a woman for the support of her child shall be treated as contributions to her support.

Termination of widow's pension on remarriage.

19.—(1) Where a pension becomes payable to a widow under these Regulations other than Regulation 57 thereof then, if she subsequently remarries, she shall not be entitled to receive any payment on account of the pension in respect of any period after her remarriage:

Provided that if at any time after her remarriage she again becomes a widow, the police authority may, in their discretion, resume payment of the pension.

(2) Where a gratuity becomes payable to a widow under these Regulations then, if she subsequently remarries, so much of the gratuity as has not been paid before her remarriage shall not be payable thereafter:

Provided that if at any time after her remarriage the woman again becomes a widow, the police authority may, in their discretion pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage.

(3) Where a woman is cohabiting with a man this Regulation shall apply as if she were married to him.

Children

Child's ordinary allowance.

20.—(1) Subject to the provisions of these Regulations, each of the children of such a regular policeman or person who has been a regular policeman as is described in paragraph (2) of this Regulation shall be entitled to a child's ordinary allowance which shall be determined in accordance with Part I of the Third Schedule to these Regulations.

(2) The regular policeman or person who has been a regular policeman referred to in paragraph (1) of this Regulation is one who—

(*a*) dies while serving in the force, or

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

(*c*) dies after having retired when he was entitled to reckon not less than three years' pensionable service having received a gratuity.

Child's special allowance.

21. Subject to the provisions of these Regulations where a member of a police force or a person who has been a member of a police force dies as the result of an injury received in the execution of his duty without his own default, each of his children shall be entitled to a child's special allowance which shall be determined in accordance with Part II of the Third Schedule to these Regulations.

Variation in child's allowance.

22.—(1) Subject to the provisions of these Regulations a child's allowance may, if the police authority in their discretion think fit, be increased in accordance with Part III of the Third Schedule to these Regulations.

(2) Notwithstanding anything in Regulations 20 and 21 of these Regulations, a child's allowance shall in the circumstances specified in Part IV of the Third Schedule to these Regulations be reduced in accordance with the provisions of the said Part IV to nothing or be paid at a lesser amount than that to which the child would otherwise be entitled.

Gratuity in lieu of allowance.

23. Where a child is entitled to an allowance under these Regulations and the police authority are satisfied that there is sufficient reason for the grant of a gratuity in lieu thereof they may, in their discretion and with the consent of the child's surviving parent, if any, or guardian substitute for the allowance a gratuity which shall be determined in accordance with Part V of the Third Schedule to these Regulations.

Limitation on right to child's allowance.

24.—(1) A child shall not be granted an allowance under these Regulations unless—

(*a*) if a legitimate child, he is the child of or has been legitimated by, a marriage which took place before the relevant date,

(*b*) if a step-child, he is the child of a spouse whose marriage to the parent in respect of whose death the allowance is payable took place before the relevant date,

(*c*) if an illegitimate child, he was born before the relevant date,

(*d*) if an adopted child, he was adopted before the relevant date.

(2) The relevant date in the case of a child's ordinary allowance is the date on which the person in respect of whose death the allowance is payable ceased to be a regular policeman, and, in the case of a child's special allowance—

(*a*) if the said person received the injury while he was a regular policeman, is the date on which he last ceased to be a regular policeman,

(*b*) if the said person received the injury while serving as an auxiliary policeman, is the end of the continuous period of active service during which he received the injury.

Duration of child's allowance.

25. A child's allowance shall be payable up to the time when the child attains the age of sixteen years and, if on attaining that age he is receiving full-time education, thereafter until the next thirty-first day of July or until he first ceases to receive full-time education, whichever is the earlier.

Widows, Children and Dependants

Awards on death of serviceman.

26. If a serviceman dies during his relevant period of service in any of the naval, military or air forces of the Crown these Regulations shall have effect as if he had died while serving as a regular policeman in the force in which he ceased to serve when called up for service in one of the said forces of the Crown.

Awards to relatives or estate.

27.—(1) If a member of a police force dies and no other award is payable under these Regulations, the police authority—

(*a*) may, if in their discretion they think fit, grant a gratuity to any of his relatives who were dependent on him to any degree at the time of his death, and

(*b*) if either no gratuity is paid under sub-paragraph (*a*) of this paragraph or any gratuities so paid do not exhaust the maximum amount provided for in paragraph (3) of this Regulation, shall pay his legal personal representatives a gratuity sufficient to exhaust the said maximum amount.

(2) If the death of a person in receipt of a pension, not being a widow's pension, under these Regulations—

(*a*) results from an injury received in the execution of his duty, or

(*b*) takes place within two years of the grant of his pension,

the police authority may, in their discretion, grant a gratuity to any relative of his who was at the time of his death dependent on him to any degree.

(3) The aggregate of all gratuities paid under this Regulation shall not exceed the aggregate pension contributions in respect of the relevant period of service of the member of the police force or, as the case may be, the person in receipt of the pension.

Prevention of duplication.

28.—(1) A person who but for this Regulation would become entitled to two awards under this Part of these Regulations shall, on the events occurring which would otherwise create the entitlement, select one of the said awards and thereupon the entitlement to the other or, as the case may be, any further payment under the other, shall cease forthwith.

(2) For the purposes of this Regulation an award under paragraph (2) of Regulation 15 of these Regulations shall be ignored.

Provisions consequential on abolition of rank of lieutenant.

29. Where a member of a police force—

(*a*) retired before the fifth day of July, 1948, and at the time of his retirement held the rank of lieutenant; or

(*b*) immediately before the said day held the rank of lieutenant, and at the time of his retirement or death holds the rank of chief inspector;

his widow and any child of his shall be entitled to receive the like awards under these Regulations as if, at the date of his retirement or death, he had held the rank of superintendent.

PART IV

PENSIONABLE SERVICE

Reckoning of pensionable service.

30.—(1) A regular policeman shall be entitled to reckon as pensionable service all his service as such on and after the appointed day in the force of the police authority by whom the award is payable, together with such additional periods as he may be entitled so to reckon under the succeeding provisions of these Regulations; but where he leaves and rejoins the same force he shall not, save as provided in the said succeeding provisions, be entitled to reckon any period of service as such before he last rejoined the force:

Provided that he shall not be entitled to reckon as pensionable service—

(*a*) any period during which, if a woman, she was on unpaid maternity leave;

(*b*) if the police authority so direct, the whole or such part as they may direct of any period of suspension from duty under any regulations made under subsection (1) of section four of the Police Act, 1919(**a**), at the end of which he did not return to duty without having been found guilty of any offence under such regulations.

(2) A serviceman shall be entitled to reckon his relevant period of service in any of the naval, military or air forces of the Crown as pensionable service in the force in which he last did duty as a regular policeman.

(3) An auxiliary policeman shall be entitled to reckon as pensionable service all his active service as such since he was last called up for service as such.

Additions to pensionable service.

31. A regular policeman shall be entitled to reckon as pensionable service in the force—

(*a*) where he was serving as such immediately before the appointed day, any period of pensionable service which he was then entitled to reckon under the Police Pension (Scotland) Regulations, 1948(**b**);

(*b*) where from being a regular policeman in another police force he has transferred to the force, any period of pensionable service which he was entitled to reckon immediately before the transfer;

(*c*) where he has formerly retired from the force with an ill-health pension under these Regulations or under the Police Pensions (Scotland) Regulations, 1948, or a pension under the Police Pensions Acts which has been cancelled and subsequently rejoins the force, any period of pensionable service under these Regulations or under the Police Pensions (Scotland) Regulations, 1948, or of approved service under the Police Pensions Act, 1921, as the case may be, which he was entitled to reckon at the time when he so retired;

(*d*) where he has retired and has been in receipt of a pension in respect of a non-accidental injury under the Police Pensions Acts and that pension is cancelled, the period during which he was in receipt of that pension.

Additions to pensionable service on payment.

32.—(1) A regular policeman shall be entitled to reckon as pensionable service in the force any of the periods specified in this Regulation before he last entered the force on making to the police authority the payments so specified as appropriate.

(2) Where a regular policeman who retires or before the appointed days has retired and on retirement is not or was not granted a pension rejoins the force—

(i) the period shall be any period of pensionable service under these Regulations or the Police Pensions (Scotland) Regulations, 1948, or of approved service under the Police Pensions Act, 1921, as the case may be, which he was entitled to reckon at the time he retired;

(ii) the appropriate payment shall be any gratuity, return of pension contributions or rateable deductions, as the case may be, which he may have received on his retirement.

(**a**) 9 & 10 Geo. 5. c. 46. (**b**) S.I. 1948 (No. 1530) I, p. 3503.

(3) Where he has served as a member of the first class of the police reserve, of the Police War Reserve or of Class A of the Women's Auxiliary Police Corps or as a special constable, the period shall be half the period of active service as a member of the first class of the police reserve during which he was not in receipt of a pension under these Regulations, the Police Pensions (Scotland) Regulations, 1948, or the Police Pensions Acts, half the period of active service as a member of the Police War Reserve, half the period of active service as a member of the Women's Auxiliary Police Corps, whether in Class A of that Corps or otherwise, and half the period of service as a special constable while serving as such in a whole-time capacity and in receipt of pay in respect of such service; and the appropriate payment shall be five per cent. of, in the case of a man, ninety shillings, and in the case of a woman, seventy-nine shillings, in respect of each week which he is entitled under this paragraph to reckon as pensionable service.

(4) Where he was a person to whom section one of the Police and Fireman (War Service) Act, 1939(a), as extended by Regulation 60DA of the Defence (General) Regulations, 1939, applies, the period shall be the period during which he was engaged in war work within the meaning of the said Regulation between the date on which the emergency that was the occasion of the passing of the said Act came to an end and one year after that date; and the appropriate payment shall be the aggregate of the payments that he would have been required to make under the said Act (as so extended) in respect of the said period if the said date had fallen at the end of the said period.

Additions to pensionable service at discretion of police authority.

33.—(1) A regular policeman shall be entitled to reckon as pensionable service in the force to the extent specified in this Regulation any of the periods so specified before he last entered the force and, where paragraph (2) of this Regulation applies, on making to the police authority the payments specified in that paragraph.

(2) Where before joining the force he became entitled to a gratuity, return of pension contribution or rateable deductions on retiring from being a regular policeman in another force, the period, if his present police authority in their discretion think fit, shall be the whole or so much as his present police authority in their discretion think fit of the period of pensionable service under these Regulations or the Police Pensions (Scotland) Regulations, 1948, or of approved service under the Police Pensions Act, 1921, as the case may be, which he was entitled to reckon at the time he retired, on condition that he pays to them a proportionate part of any such gratuity, return of pension contributions or, as the case may be, rateable deductions.

(3) Where he has ceased to serve as a regular policeman in order to enter or enlist in any one of His Majesty's naval, military or air forces for the purposes of the war in progress on the eighteenth day of September, 1914, if the police authority of the force of which he was a member before he so ceased to serve in their discretion think fit, the period shall be the period of service in His Majesty's forces.

(4) Where a serviceman (1939-1945) after receiving a pension under the Police and Firemen (War Service) Acts, 1939 and 1944, rejoins or before the appointed day has rejoined as a regular policeman the force of the police authority by whom that pension was paid, he shall, if the police authority in their discretion so decide, be entitled to reckon as pensionable service the whole of the period during which he was in receipt of the said pension or such part of the said period as the police authority in their discretion decide.

(a) 2 & 3 Geo. 6. c. 103.

Added years in case of displaced chief constable.

34.—(1) Where a police area has been amalgamated with another police area by a scheme made under the Police (Scotland) Act, 1946(**a**), the chief constable of the force of an area so amalgamated who is deemed to have retired under subsection (2) of section seven of that Act—

(*a*) if during the period of three months referred to in the said subsection he joins the combined force, shall be entitled to reckon as pensionable service in the combined force the period during which he was in receipt of a salary under the said subsection;

(*b*) if during the said period he does not join the combined force, shall, at the expiration of the said three months, be entitled to reckon as pensionable service, the pensionable service which he was entitled to reckon at the date when he was so deemed to retire, with the addition of the said period of three months and also of the shortest of the three following periods, namely—

(i) ten years;

(ii) the period between the time when he was deemed to retire and the date on which he would, if he had continued to serve in the force from which he was so deemed to retire, have been entitled to reckon thirty years' pensionable service; and

(iii) the period between the date when he was so deemed to retire and the date on which he would, if he were to live so long, attain the age of sixty-five years.

(2) The reference in paragraph (1) of this Regulation to the chief constable of an amalgamated area includes a reference to a person who engaged for a period of overseas service and, immediately before he so engaged, was the chief constable of the force of an area which, while he was so engaged, was amalgamated with another police area and the reference to subsection (2) of section seven of the Police (Scotland) Act, 1946, includes a reference to that subsection as applied by paragraph (*a*) of subsection (3) of section nine of the said Act.

Reckoning of service furth of Scotland.

35. A regular policeman shall be entitled to reckon as pensionable service any service which—

(*a*) is pensionable service within the meaning of the Police Pensions Regulations, 1949(**b**), and

(*b*) he would have been entitled to reckon as pensionable service if it had been service in a police force to which these Regulations apply.

Provisions as to members of the Orkney and Zetland Police Forces.

36.—(1) A person who is serving on the appointed day as a regular policeman in the Orkney Police Force or in the Zetland Police Force shall be entitled to reckon as pensionable service the period of his non-contributing service if he pays to the police authority of the Orkney Police Force or of the Zetland Police Force, as the case may be, the appropriate pension contribution in respect of that service.

(2) In this Regulation—

(*a*) "non-contributing service" means, in the case of a member of the Orkney Police Force, whole-time service in the Orkney Police Force before the fifteenth day of January, 1938, or, in the case of a member of the Zetland Police Force, whole-time service in the Zetland Police Force or in the Lerwick Burgh Police Force before the twenty-ninth day of May, 1940; and

(a) 9 & 10 Geo. 6. c. 71. (b) S.I. 1949 No. 1241, p. 3331 above.

(*b*) " the appropriate pension contribution " means a contribution equal to two and a half per cent. of his pay in respect of each week of his non-contributing service during any period before the twenty-second day of November, 1926, together with five per cent. of his pay in respect of each week of such service during the period commencing on the twenty-second day of November, 1926, and ending, in the case of a member of the Orkney Police Force, on the fourteenth day of January, 1938, or, in the case of a member of the Zetland Police Force or of the Lerwick Burgh Police Force, on the twenty-eighth day of May, 1940.

Provisions as to unattested service prior to 1924 of policewomen in Glasgow.

37. A person who at any time in the year 1924 was attested as a regular policewoman in the Glasgow Police Force and who is serving in that capacity on the appointed day shall be entitled to reckon as pensionable service the period of her service as an unattested policewoman in that Force prior to the time at which she was attested as aforesaid if she pays to the police authority of that Force a contribution equal to two and a half per cent. of her pay in respect of each week of her said service as an unattested policewoman.

PART V

PENSIONABLE PAY AND CONTRIBUTIONS

Pensionable pay.

38.—(1) The pensionable pay of a member of a police force shall be his pay at the rate to which he is, from time to time, entitled.

(2) The average pensionable pay of a member of a police force shall be the aggregate of his pensionable pay during the three years immediately preceding the relevant date, ignoring any temporary reduction in rate of pay by way of punishment, divided by three:

Provided that where he was in receipt of pensionable pay for only part of the said period, the said aggregate shall be divided by the number of years and that fraction of a year for which he was in receipt of pensionable pay during the said period.

(3) The relevant date for the purposes of calculating average pensionable pay shall be—

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

(*b*) where an award is made to or in respect of an auxiliary policeman, the date of the end of the continuous period of active service as such in which he received the injury which resulted in disablement.

(4) Where, for the purpose of calculating an award to a widow or a child, it is necessary to determine average pensionable pay for a period of a week, it shall be taken to be average pensionable pay divided by fifty-two and one-sixth.

(5) A serviceman shall, for the purposes of the calculation of any award under these Regulations, be deemed to receive, during his relevant period of service in any of the naval, military or air forces of the Crown, the amount of pay he would have received if he had continued to serve in the police force.

(6) For the purpose of calculating the pension of the chief constable of the force of an area which has been amalgamated with another police area by a scheme made under the Police (Scotland) Act, 1946, to whom a pension becomes payable by virtue of paragraph (5) of Regulation 1 of these Regulations, his average pensionable pay shall include—

(*a*) where he was immediately before the date on which the area was amalgamated in receipt of a rent allowance, the annual amount of that rent allowance ;

(*b*) where he was immediately before the said date provided with a house or quarters free of rent and rates, the annual worth of the house or quarters as determined in their discretion and with the approval of the Secretary of State by the police authority of the force of which he was chief constable.

Pension contributions.

39.—(1) Subject to the provisions of these Regulations, a member of a police force shall pay pension contributions to the police authority equal to one shilling and two pence a week less than five per cent. of his pensionable pay, or in the case of a woman member, less than four-and-a-half per cent. of her pensionable pay.

(2) The pension contribution upon each instalment of pay shall fall due at the same time as that instalment and may without prejudice to any other method of payment be discharged by way of a deduction of an appropriate amount made by the police authority from the said instalment.

(3) Where a regular policeman was on the fifth day of July, 1948, a regular policeman, an auxiliary policeman or a serviceman (1939-1945), he shall pay pension contributions at the rate of twopence a week less than five per cent. of his pensionable pay, or in the case of a woman member, than four-and-a-half per cent. of her pensionable pay :

Provided that where he gave notice in accordance with the provisions of paragraph (3) of Regulation 43 of the Police Pensions (Scotland) Regulations, 1948, he shall pay contributions at the rate specified in paragraph (1) of this Regulation.

PART VI

CANCELLATION, REVISION, REDUCTION AND WITHDRAWAL OF AWARDS

Cancellation of ill-health and supplemental pensions.

40.—(1) As long as a person—

(*a*) is in receipt of an ill-health pension, and

(*b*) would not, if he had continued to serve as a regular policeman instead of retiring with an ill-health pension, have been entitled to reckon twenty-five years' pensionable service, and

(*c*) if he had continued so to serve, would not have been compelled to retire under Regulation 51 of these Regulations,

the police authority may, if they wish to exercise the powers conferred by this Regulation, consider, at such intervals as they may in their discretion think proper, whether his disability has ceased.

(2) If on any such consideration it is found that his disability has ceased, the police authority may give the person concerned notice that if he wishes to rejoin the force as a regular policeman within a period of not less than three months from the date on which he has been given such notice he will be permitted to do so.

(3) If the person concerned within the period referred to in paragraph (2) of this Regulation offers to rejoin the force as a regular policeman, he shall be permitted to do so in a rank not lower than that which he held immediately before he retired with the ill-health pension, and on the date when he so rejoins his ill-health and any supplemental pension shall cease.

(4) If he does not within the period referred to in paragraph (2) of this Regulation offer to rejoin the force as a regular policeman, his ill-health and any supplemental pension shall cease at the end of the said period.

Reassessment of supplemental pension.

41.—(1) Subject as hereinafter provided, where a supplemental pension is payable under these Regulations, the police authority shall, at such intervals as may be suitable, consider whether the degree of the pensioner's disablement has altered; and if after such consideration the police authority find that the degree of the pensioner's disablement has substantially altered, the pension shall be revised accordingly.

(2) Where the supplemental pension is in respect of an injury received while serving as a member of a police force who is not a regular policeman, then, if on any such consideration it is found that his disability has ceased, his supplemental pension shall cease.

Reduction of pension in case of default.

42. Where a member of a police force or a person who has been a member of a police force becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the police authority may reduce the amount of any ill-health award or supplemental pension payable to him by them by an amount not exceeding one-half of that to which he would otherwise be entitled:

Provided that this Regulation shall not apply where the person concerned would, if he had continued to serve instead of retiring with an ill-health award, have been entitled to reckon twenty-five years' pensionable service.

Withdrawal of pension during re-employment.

43. A police authority by whom a pension is payable under these Regulations may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is employed as a regular policeman in any police force.

Discharge of liability of police authority on withdrawal of pension.

44. To the extent to which a pension or allowance is withdrawn under any power conferred by the preceding provisions of these Regulations, the police authority shall be discharged from all actual or contingent liability in respect thereof.

PART VII

DETERMINATION OF QUESTIONS

Reference of medical questions.

45.—(1) Subject as hereinafter provided, the question whether a person is entitled to any and, if so, what awards under these Regulations shall be determined in the first instance by the police authority.

(2) Where the police authority are considering whether a person is disabled they shall refer for decision to a duly qualified medical practitioner selected by them the following questions:—

(*a*) whether the person concerned is disabled,

(*b*) whether the disablement is likely to be permanent,

and, if they are further considering whether to grant a supplemental pension, shall so refer the following questions:—

(*c*) whether the disablement is the result of an injury received in the execution of duty, and

(*d*) the degree of the person's disablement,

and, if they are considering whether to revise a supplemental pension, shall so refer question (*d*) above.

(3) A police authority, if they are considering the exercise of their powers under Regulation 42 of these Regulations, shall refer for decision to a duly qualified medical practitioner selected by them the question whether the person concerned has brought about or substantially contributed to the disablement by his own default.

(4) The certificate of the selected medical practitioner on the questions referred to him under the preceding provisions of this Regulation shall, subject to the provisions of Regulations 46 and 47 of these Regulations, be final.

Appeal to medical referees.

46.—(1) Where a person has been informed of the determination of the police authority on any question which involves the reference of questions under Regulation 45 of these Regulations to a selected medical practitioner, he shall, if within fourteen days after being so informed or such further period as the police authority may in any case allow he applies to the police authority for a copy of the certificate of the selected medical practitioner, be supplied with such a copy.

(2) If the person concerned is dissatisfied with the decision of the selected medical practitioner as set out in his certificate, he may, within fourteen days after being supplied with the certificate or such longer period as the police authority may allow and subject to and in accordance with the provisions of the Fourth Schedule to these Regulations, give notice to the police authority that he appeals against the said decision. The police authority shall notify the Secretary of State accordingly, and the Secretary of State shall appoint an independent person or persons (hereafter in these Regulations referred to as the "medical referee") to decide the appeal.

(3) The decision of the medical referee shall, if he disagrees with any part of the certificate of the selected medical practitioner, be expressed in the form of a certificate of his decision on any of the questions referred to the selected medical practitioner on which he disagrees with the latter's decision, and the decision of the medical referee shall, subject to the provisions of Regulation 47 of these Regulations, be final.

Further reference to medical referee.

47.—(1) A court hearing an appeal under section five of the Act may, if they consider that the evidence before the medical authority who has given the final decision was inaccurate or inadequate, refer the decision of that authority to him for reconsideration in the light of such facts as the court may direct; and the medical authority shall accordingly reconsider his decision and, if necessary, issue a fresh certificate which, subject to any further reconsideration under this paragraph, shall be final.

(2) The police authority and the claimant may, by agreement, refer any final decision of a medical authority who has given such a decision to him for reconsideration on fresh evidence and he shall accordingly reconsider his decision and, if necessary, issue a fresh certificate which, subject to any further reconsideration under this paragraph or under paragraph (1) of this Regulation, shall be final.

(3) If a court decide, or a claimant and the police authority agree, to refer a decision to the medical authority for reconsideration under this Regulation and that medical authority is unable or unwilling to act, the decision may be referred to a duly qualified medical practitioner selected by the court or, as the case may be, agreed upon by the claimant and the police authority, and his decision shall have effect as if it were that of the medical authority who gave the decision which is to be reconsidered.

(4) In this Regulation any reference to a medical authority who has given a final decision shall be construed as a reference to the selected medical practitioner, if the time for appeal from his decision has expired without an appeal to a medical referee being made, or to the medical referee, if there has been such an appeal.

Refusal to be medically examined.

48. If a question is referred to a medical authority under Regulation 45, 46 or 47 of these Regulations and the person concerned wilfully or negligently fails to submit himself to such medical examination as the medical authority may consider necessary in order to enable him to make his decision, then,

(*a*) if the question arises otherwise than on an appeal to a medical referee the police authority may make their determination on such evidence and medical advice as they in their discretion think necessary;

(*b*) if the question arises on an appeal to a medical referee, the appeal shall be deemed to be withdrawn.

PART VIII

PAYMENT AND APPLICATION OF AWARDS

Payment of awards.

49.—(1) Subject to the provisions of these Regulations, every pension or allowance payable thereunder shall, subject to such delay as may be necessary for the purpose of determining any question as to the liability of the police authority in respect thereof, be discharged by payments in advance at such reasonable intervals as the police authority may, in their discretion, determine.

(2) Where a person dies after receiving a sum paid in advance on account if a pension or allowance under these Regulations neither the said sum nor any part thereof shall be recoverable although referable to a period after his death.

(3) Where a widow remarries after receiving a sum paid in advance on account of a pension under these Regulations, neither the said sum nor any part thereof shall be recoverable although referable to a period after her remarriage.

(4) Every gratuity payable under these Regulations shall be paid in one sum:

Provided that where a police authority are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable period as they think fit.

Payment of awards otherwise than to person entitled.

50.—(1) Where any sum is due on account of a pension and any debt is due to the police authority from the pensioner, so much of the said sum as does not exceed the debt may be applied by the authority in or towards the satisfaction of the debt.

(2) If it appears to the police authority that a pensioner is insane or otherwise incapable of managing his affairs, the authority may in their discretion pay the pension or any part thereof to any person having the care of the pensioner, and, in so far as they do not dispose of the pension in that manner, may apply it in such manner as they think fit for the benefit of the pensioner or his dependants.

(3) On the death of a pensioner to whom a sum not exceeding £200 is due on account of a pension, the police authority may, without confirmation, probate, or any other formality or proof of title, pay the said sum to the persons appearing to the authority to be beneficially entitled to the moveable estate of the deceased or, as the authority think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the authority may determine.

(4) Where any sum is payable to a pupil on account of a pension, the authority may, if they think fit, in lieu of paying the said sum to the pupil, pay it to such other person as they may determine.

A person who receives any sum paid under this paragraph shall, subject to and in accordance with any directions of the police authority, apply the said sum for the pupil's benefit.

(5) This Regulation shall apply with respect to other awards payable under these Regulations as it applies with respect to pensions, and accordingly any reference in this Regulation to a pension shall be construed as including a reference to any other award, and any reference therein to a pensioner shall be construed as including a reference to a person to whom any award is payable.

(6) A police authority shall obtain a good discharge by applying or paying any sum in the manner provided by this Regulation.

PART IX

COMPULSORY RETIREMENT

Compulsory retirement on account of age.

51.—(1) Subject to the provisions of paragraph (2) of this Regulation, every regular policeman shall be required to retire—

(*a*) if he is a chief constable or an assistant chief constable, on attaining the age of sixty-five;

(*b*) if he is a superintendent or an inspector, on attaining the age of sixty;

(*c*) if he is a sergeant or constable, on attaining the age of fifty-five:

Provided that where a regular policeman was serving in any force on the twenty-eighth day of August, 1921, the time at which he shall cease to be a member of the force shall, unless at any time he elects by notice in writing to the police authority of the force in which he is serving that this proviso shall not apply to him, be the time at which he would have been required to retire on the ground of age if these Regulations had not come into force.

(2) The time at which, under paragraph (1) of this Regulation a person shall be required to retire may be postponed if the person concerned holds a rank above that of superintendent, by the police authority and, if he holds the rank of superintendent or any lower rank, by the chief constable:

Provided that no such postponement or postponements shall extend beyond five years from the time at which under the said paragraph (1) he would have been required to retire.

Compulsory retirement on grounds of efficiency of the force.

52. If a police authority determine that the retention in the force of a regular policeman, who if required to retire is entitled to receive a pension of an amount not less than two-thirds of his average pensionable pay, would not be in the general interests of efficiency, he may be required to retire on such date as the police authority determine.

Compulsory retirement on grounds of disablement.

53. Every regular policeman may be required to retire on the date on which the police authority determine that he ought so to retire on the ground that he is permanently disabled for the performance of his duty:

Provided that a retirement under this Regulation shall be void if, after the said date, on an appeal against the medical opinion on which the police authority acted in determining that he ought to retire, the medical referee decides that the appellant is not permanently disabled.

Effect of requirement to retire.

54. Where a person is required to retire under this Part of these Regulations he shall be deemed to retire on the date on which he is so required to retire.

PART X

MISCELLANEOUS AND SUPPLEMENTAL

Contributions between police authorities in case of transfer.

55.—(1) Subject to the provisions of this Regulation, where a regular policeman transfers or has transferred from one force to another in such circumstances that he is entitled to reckon pensionable service under these Regulations or the Police Pensions (Scotland) Regulations, 1948, or approved service under the Police Pensions Act, 1921, as the case may be, in the former force as such service in the latter, the police authority of the latter force shall be entitled, if they become liable to make any award under these Regulations to or in respect of that person, to a contribution of a proportionate part of such award from the police authority of the former force reckoned according to his service and pay while a member of the former force of an amount to be agreed between the authorities, or in default of agreement to be settled by arbitration.

(2) Where a regular policeman transfers or has transferred from a police force to which these Regulations apply to a police force to which the Police Pensions Regulations, 1949, apply in such circumstances that he is entitled to reckon pensionable service under these Regulations or the Police Pensions (Scotland) Regulations, 1948, or approved service under the Police Pensions Act, 1921, as the case may be in the former force as pensionable service within the meaning of the Police Pensions Regulations, 1949, the police authority of the latter force shall be entitled, if they become liable to make an award under the said Regulations to or in respect of that person, to a contribution of a proportionate part of such award from the police authority of the former force reckoned according to his service and pay while a member of the former force of an amount to be agreed between the authorities or in default of agreement to be settled by arbitration.

(3) Where a regular policeman transfers from an overseas corps to a home police force and becomes entitled to a supplemental pension or the widow or any child of a man who so transfers becomes entitled

to a widow's special pension or, as the case may be, a child's special allowance by reason of an injury received by the policeman while he was a member of the overseas corps, the police authority of the home police force shall be entitled to a contribution from the Secretary of State as police authority of the overseas corps of an amount equal to—

(*a*) the amount of any supplemental pension and the difference between any widow's special pension and the widow's ordinary pension that would otherwise have been payable and between any child's special allowance and the child's ordinary allowance that would otherwise have been payable, and

(*b*) the amount which the Secretary of State as police authority of the overseas corps would have been liable to contribute if the policeman had received the injury otherwise than in the execution of his duty.

(4) Where a reversionary member of a home police force has given the notice referred to in Regulation 34 of the Police Pensions Regulations, 1949 (which provides for the reckoning for pension of added years by certain members of overseas corps displaced by reason of redundancy), the Secretary of State as police authority of the overseas corps shall not be entitled to a contribution from the police authority of any home police force in respect of the period between the date when the member retired and the date on which he would have completed twenty-five years' pensionable service if the period of his overseas service had not been varied as mentioned in the said Regulation.

(5) Where a regular policeman leaves a police force and joins the Royal Ulster Constabulary with the consent of the police authority and the Government of Northern Ireland become liable to make payments under any legislation for the time being in force in Northern Ireland relating to pensions, allowances, gratuities, return of pension contributions or similar awards to or in respect of persons who have been members of the Royal Ulster Constabulary, the said Government shall be entitled to a contribution from the police authority of the said police force of such an amount as may be agreed between the said Government and the said police authority, or in default of such agreement be settled by arbitration, and the arbitrator shall take into consideration the amount of the contribution that would have been payable under these Regulations if the Royal Ulster Constabulary had been a home police force.

Chief constables who join or are transferred to a combined police force.

56. 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, 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 51 of these Regulations as if he were a chief constable.

Allocation of part of pension.

57.—(1) If before retiring with an ordinary pension or a short service pension a regular policeman—

(*a*) gives notice to the police authority by whom the pension will be payable of his intention to surrender a part of the pension not exceeding one-third thereof,

(*b*) nominates the person in whose favour the surrender is to take effect, and

(*c*) provides the police authority with such evidence of his good health as the authority consider satisfactory,

the pension shall be reduced accordingly, and after his death the police authority shall pay to the person so nominated, if that person survives him, a pension of such amount as, according to tables from time to time prepared by the Government Actuary, is actuarially equivalent, as at the time when the ordinary or short service pension first became payable, to that part of the pension which has been surrendered.

(2) A regular policeman shall not be entitled under this Regulation to surrender a part of his pension in favour of any person other than his spouse unless the police authority are satisfied that that person is dependent to a substantial extent on the regular policeman when he gives notice of his desire so to surrender part of his pension.

Minimum pension of ex-reversionary member of home police force.

58. Notwithstanding anything in these Regulations, where a person who has been a reversionary member of a home police force becomes a regular policeman in a home police force and an award becomes payable to or in respect of him by reason of his having received an injury in the execution of his duty as a member of an overseas corps without his own default, the award shall not be less than it would have been if he had not after being a reversionary member of a home police force become such a regular policeman.

Minimum pensions in respect of certain persons serving on the appointed day.

59. Notwithstanding anything in these Regulations in the case of a person who is on the appointed day—

(*a*) a member of a police force ; or

(*b*) a serviceman (1939-1945) entitled under Regulation 66 of these Regulations to reckon as pensionable service a period including that day ; or

(*c*) a serviceman whose relevant period of service in any of the naval, military or air forces of the Crown includes that day,

and who dies or retires within the period of three years beginning with that date, any award which becomes payable to or in respect of him, shall not be less than it would have been if it had been calculated in accordance with the Police Pensions (Scotland) Regulations, 1948, and if he had been entitled during the said period to a rate of pay in accordance with the scales in force immediately before the appointed day.

Pensionable service in respect of certain members of overseas corps.

60. Where a reversionary member of a home police force has served in an overseas corps for one year or less he shall be treated for all purposes of reckoning pensionable service as if the condition as to completion of not less than one year's approved service contained in subsection (1) of section eight of the Police Pensions Act, 1921, had not been applied by any regulations made under the Police (Overseas Service) Act, 1945(a).

Saving of sections 10 and 22 (2) of Police Pensions Act, 1921.

61. On the coming into force of these Regulations—

(*a*) section ten of the Police Pensions Act, 1921, shall continue to have effect so far as relates to the period between the date when these Regulations come into force and the date when rules under

(a) 9 & 10 Geo. 6. c. 17.

subsection (1) of section two of the Superannuation (Miscellaneous Provisions) Act, 1948(a), relating to employment in service as a member of a police force come into force, and

(*b*) subsection (2) of section twenty-two of the Police Pensions Act, 1921, shall continue to have effect.

Posthumous children.

62. Where a legitimate child is born after his father's death he shall, as from his birth, be entitled to receive any allowance which would have become payable to him under these Regulations or the Police Pensions Acts on his father's death if he had been born immediately before his father died, and any reference in these Regulations to an allowance payable on death shall be construed as including a reference to an allowance payable by virtue of this Regulation.

Increases in awards.

63. Where it is provided in these Regulations that an amount shall be increased in accordance with the provisions of this Regulation, it shall be increased by the amount by which a pension of the amount first mentioned would be increased if the person concerned were in receipt of such a pension and paragraph 2 of Part II of the First Schedule to the Pensions (Increase) Act, 1944(b), and subsection (3) of section two of the Pensions (Increase) Act, 1947(c), had not been included in Part I of the First Schedule to the Act.

PART XI

SERVICEMEN (1939-1945)

Awards to serviceman (1939–1945).

64.—(1) If a serviceman (1939-1945) is still serving in His Majesty's forces on the appointed day and is prevented, within such period after the appointed day as the Secretary of State on the application of the police authority of the force in which he was a regular policeman may direct, from resuming service in the force as a regular policeman because he is permanently disabled for the performance of his duty as such, these Regulations shall have effect as if he were serving in the force at the time when he was so disabled and as if his disablement were not the result of an injury received in the execution of his duty.

(2) If a serviceman (1939-1945) becomes entitled to an award under paragraph (1) of this Regulation the police authority may, in their discretion, pay him a pension in lieu of a gratuity at a rate not less than the amount of one-twelfth of his average pensionable pay, and may, in their discretion, increase any pension subject to and in accordance with Part V of the First Schedule to these Regulations.

(3) If a serviceman (1939-1945) resumes or has resumed his service as a regular policeman and is permanently disabled as a result of an injury received while serving in His Majesty's forces the police authority may exercise the same discretion as is conferred on them by paragraph (2) of this Regulation.

(4) If a serviceman (1939-1945), not being prevented within the meaning of paragraph (1) of this Regulation from resuming service, does not resume service, these Regulations shall have effect as if he had retired at the end of the period mentioned in the said paragraph (1) for reasons other than disablement.

(a) 11 & 12 Geo. 6. c. 33. (b) 7 & 8 Geo. 6. c. 21.
(c) 10 & 11 Geo. 6. c. 7.

Awards on death of serviceman (1939–1945).

65.—(1) If a serviceman (1939-1945) either—

(*a*) dies while serving in His Majesty's forces within such period after the appointed day as the Secretary of State, on the application of the police authority of the force in which he was a regular policeman, may direct, or

(*b*) within the same period is or before the appointed day has been prevented from resuming service in the force as a regular policeman by disablement and dies as the result of the same injury as resulted in his disablement,

these Regulations shall have effect as if he were serving in the force at the time of his death and his death had not resulted from an injury received in the execution of his duty as a regular policeman.

(2) The police authority may, in their discretion, pay a pension at a rate of not less than nineteen shillings and twopence a week to a widow who is entitled to a gratuity under paragraph (1) of this Regulation and may, in their discretion, increase any pension or allowance payable under this Regulation so, however, that the pension payable to any widow does not, when aggregated with the amount of any grant which is also payable to her out of any naval, military or air force fund in pursuance of any royal warrant or other instrument, exceed an amount, which shall be increased in accordance with the provisions of Regulation 63 of these Regulations, equal to one third of the deceased's average pensionable pay for a week and the allowance payable to any child does not, when so aggregated with any grant so payable to the child, exceed an amount, which shall be increased in accordance with the provisions of the said Regulation equal to one-fifteenth of the deceased's average pensionable pay for a week.

(3) Regulation 28 of these Regulations shall apply to an award under this Regulation as though this Regulation were included in Part III of these Regulations.

(4) If a serviceman (1939-1945) after resuming service as a regular policeman dies as the result of an injury received while serving in His Majesty's forces, the police authority may exercise the same discretion as is conferred on them by paragraph (2) of this Regulation.

(5) Where any grant which is to be aggregated under paragraph (2) of this Regulation is a gratuity, the amount of the grant for that period shall be taken to be the amount which would be payable for that period under Part I of the Government Annuities Act, 1929(a), if the gratuity had been laid out at the date when it became payable in the purchase of an annuity dependent on the life of the person to whom it is paid.

Additions to pensionable service in case of serviceman (1939–1945).

66. Where a serviceman (1939-1945) is, on the appointed day, still serving in His Majesty's forces, he shall be entitled to reckon as pensionable service any period of service after that day in His Majesty's forces up to such limit as the Secretary of State may from time to time in his case fix and such further period, not exceeding three months, after ceasing to be a member of His Majesty's forces and before becoming a member of the police force or becoming entitled to an award under these Regulations as the Secretary of State may fix, together with any period of pensionable service under the Police Pensions (Scotland) Regulations, 1948, which he was entitled to reckon immediately before the appointed day.

(a) 19 & 20 Geo. 5. c. 29.

Pension contributions in case of serviceman (1939–45).

67.—(1) A serviceman (1939-1945) shall pay pensions contributions to the police authority of the force in which he ceased to serve in order to serve in His Majesty's forces as though he were a person mentioned in paragraph (3) of Regulation 39 of these Regulations in respect of any period which he is entitled to reckon as pensionable service under Regulation 66 of these Regulations:

Provided that he shall not be compelled to pay pension contributions except in respect of such periods as those in respect of which he would have been compelled to pay sums equal to rateable deductions if the Act had not been passed.

(2) A serviceman (1939-1945) shall be deemed to receive until the date when he dies or is deemed under these Regulations to retire the pay which he would have received if he had continued to serve as a regular policeman in the force in which he ceased to serve in order to serve in His Majesty's forces.

PART XII

INTERPRETATION

Meanings assigned to certain expressions.

68. In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Police Pensions Act, 1948;

"appointed day" means the first day of July, 1949;

"approved service" has the same meaning as in the Police Pensions Acts;

"auxiliary policeman" means a member of the first class of the police reserve and a member of the Police War Reserve;

"average pensionable pay" has the meaning assigned to it by Regulation 38 of these Regulations;

"chief constable" or "chief officer of police" in relation to an overseas corps means the senior member of that corps;

"child" has the meaning assigned to it by paragraph (4) of Regulation 1 of these Regulations;

"home police force" has the same meaning as in the Police (Overseas Service) Act, 1945;

"injury" includes any injury or disease, whether of body or mind;

"inspector" includes chief inspector;

"medical referee" has the meaning assigned to it by paragraph (2) of Regulation 46 of these Regulations;

"member of the first class of the police reserve" includes any member of a home police force appointed temporarily other than a member of the Police War Reserve;

"overseas corps" means the special police corps of the Control Commission for Germany (British Element), the public safety branch of the Allied Commission for Austria (British Element), the British Police Mission to Greece and any body in which persons such as are mentioned in subsection (1) of section one of the Police (Overseas Service) Act, 1945, are serving and in relation to which regulations made under subsection (2) of section one of the said Act have been made;

" overseas service " means service in an overseas corps ;

" pensionable pay " has the meaning assigned to it by Regulation 38 of these Regulations ;

" Police Pensions Acts " mean the Police Pensions Acts, 1921 and 1926, and those Acts as applied and extended by or under any enactment ;

" regular policeman " means a member of a home police force who is not an auxiliary policeman ;

" reversionary member of a home police force " means a member of an overseas corps who has been a member of a home police force and has not lost his right of reversion under subsection (1) of section two of the Police (Overseas Service) Act, 1945, and includes a person who has transferred to that corps from being a civil servant within the meaning of the Superannuation Act, 1887(a) ;

" serviceman " means a person who has ceased to do duty as a regular policeman by reason of either—

(*a*) being called up for service in any of the naval, military or air forces of the Crown under the National Service Acts, 1939 to 1946, or under the National Service Act, 1947, or the National Service Act, 1948 ; or

(*b*) being required for training or called into actual service or called out for training or for permanent service in any of the said forces of the Crown in pursuance of his obligations as a member of the Territorial Army or any reserve of any of the said forces of the Crown ;

" serviceman (1939-1945) " means a person who ceased to serve as a regular policeman in such circumstances that he became a person to whom section one of the Police and Firemen (War Service) Act, 1939, applied ;

" superintendent " includes chief superintendent.

Ranks in an overseas corps.

69. A reference in these Regulations to a rank in a home police force shall, in relation to a member of an overseas corps, be construed as a reference to such rank in that corps as the Secretary of State may from time to time direct.

Transfers.

70. A reference in these Regulations to a regular policeman transferring from one force to another shall be construed as a reference to a regular policeman—

(*a*) leaving a home police force with the written consent of the chief constable of that force or, if he is the chief constable of that force, of the police authority of that force, for the purpose of joining another home police force as a regular policeman and joining that other force in that capacity ;

(*b*) leaving a home police force with the consent of the Secretary of State and with the written consent of the chief constable of that force acting with the consent of the police authority or, if he is the chief constable of that force, of the police authority, for the

(a) 50 & 51 Vict. c. 67.

purpose of engaging for a period of overseas service as a reversionary member of a home police force and joining an overseas corps in that capacity;

(*c*) exercising his right of reversion to a home police force under subsection (1) of section two of the Police (Overseas Service) Act, 1945, or that subsection as applied either by subsection (2) of section fourteen of the Police Act, 1946, or by subsection (1) of section nine of the Police (Scotland) Act, 1946, at the end of a period of overseas service; and

(*d*) at the end of a period of overseas service, joining, with the written consent of the chief constable of the home police force to which he had the right of reversion referred to in sub-paragraph (*c*) of this paragraph acting with the consent of the police authority of that force or, if he was at the time when he left that force the chief constable, of the police authority of that force, another home police force.

Retirement.

71. A reference in these Regulations to retirement includes a reference to an auxiliary policeman ceasing to be called up for active service and to the termination of a period of overseas service otherwise than by dismissal or transfer, but does not include a reference to leaving a force on transferring from one force to another or on joining the Royal Ulster Constabulary with the consent of the police authority, and a reference to a continuous period of service shall be construed as a reference to a period of service uninterrupted by any such retirement.

Supplemental pension.

72. A reference in these Regulations to a person being in receipt of a supplemental pension includes a reference to a person who would be in receipt of such a pension if the aggregate of any of the payments described in paragraph (3) of Regulation 7 of these Regulations were less than the standard amount appropriate to his case.

Aggregate pension contributions.

73. Where for the purpose of calculating the amount of any award it is necessary to do so by reference to the aggregate pension contributions of a person in respect of the relevant period of service, the relevant period of service shall be taken to be the period ending in the retirement, dismissal or death on which the award is payable and beginning where the person—

(*a*) was a regular policeman, with the date on which he became a regular policeman in the force from which he retired or was dismissed or in which he died or, if he has more than once been a regular policeman in that force, the date on which he last joined that force;

(*b*) was an auxiliary policeman, with the date of the commencement of his last continuous period of active service as such;

and the aggregate pension contributions in respect of the relevant period mean—

(i) the aggregate of the pension contributions made in respect of that period by that person to the police authority by whom the award is payable and any rateable deductions made in respect of that period by that authority from his pay under the Police

Pensions Acts and, where that person has made no pension contributions but has had rateable deductions made in respect of that period from his pay by that authority, those rateable deductions, together with—

(ii) the amount of any sum paid by that person to the said police authority as a condition of being entitled to reckon service before the said period as pensionable service or, as the case may be, approved service, and

(iii) where the person concerned has transferred to the force of the police authority by whom the award is payable, any sum which, had he retired instead of transferring, would have been calculable under the foregoing provisions of this paragraph as aggregate pension contributions at the time of the transfer.

Injury received in the execution of duty.

74. A reference to an injury received in the execution of duty by a member of a police force means an injury received in the execution of that person's duty as a constable and, where the person concerned is an auxiliary policeman, during a period of active service as such, and includes any injury received while on duty and while on a journey necessary to enable him to report for duty or to return home after duty.

Disablement.

75.—(1) A reference in these Regulations to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision and to that disablement being at that time likely to be permanent.

(2) Disablement where the person concerned is a member of a police force means inability to perform the ordinary duties, where the person is a man, of a male member of the force and, where the person is a woman, of a female member of the force.

(3) Where it is necessary to determine the degree of a person's disablement it shall be determined by reference to the degree to which his earning capacity has been affected as a result of an injury in respect of which the award is made and a person shall be deemed to be totally disabled if, and only if, as a result of such an injury, either he is incapable by reason of the disablement of earning any money in any employment or is receiving treatment as an in-patient at a hospital.

Disablement the result of an injury.

76. Disablement or treatment at a hospital shall be deemed to be the result of an injury if the injury has caused or substantially contributed to the disablement or the condition for which treatment is being received.

Injury received in the armed forces.

77. Notwithstanding anything in these Regulations relating to a period of service in any of the naval, military or air forces of the Crown, an injury received in the execution of duty as a member of one of the said forces of the Crown shall not be deemed to be an injury received in the execution of duty as a member of a police force.

Relevant period of service of a serviceman.

78. A reference to the relevant period of service in any of the naval, military or air forces of the Crown of a serviceman shall be construed as a reference to—

(*a*) any wholetime service in consequence of an enlistment notice under either the National Service Act, 1947, or the National Service Act, 1948, while he is serving by reason only of being deemed to be enlisted under one of these Acts, and

(*b*) any period of training or any embodied service in any of the naval, military or air forces of the Crown immediately succeeding a period of service as a regular policeman.

Combined police forces.

79.—(1) Where a police area is or has been amalgamated with another police area, the combined police force and the joint police committee for the combined area of which the first-named area for the time being forms part shall, for the purposes of these Regulations, be deemed to be the same force and authority as the force and the police authority for the first-named area.

(2) Where a police area is or has been divided, then in relation to any person—

(*a*) who is transferred by the instrument effecting the division from the combined force to another force, that other force and the police authority for the area of that other force shall for the purposes of these Regulations be deemed to be the same force and police authority as the combined force and the joint police committee for the combined area;

(*b*) who ceased to be a member of the combined force before the division of the combined area, the force and the police authority for that police area designated for the purpose by the instrument effecting the division shall, for the purposes of these Regulations, be deemed to be the same force and police authority as the combined force and the joint police committee for the combined area.

(3) In this paragraph a reference to amalgamation or the division of a police area includes a reference to an agreement under section sixty-one of the Police (Scotland) Act, 1857, and the termination of such an agreement, and a reference to a combined force or to a joint police committee for a combined area shall be construed accordingly.

Average pensionable pay and pensionable service of persons retiring before the appointed day.

80. Notwithstanding anything in these Regulations, for the purposes of an award payable in respect of a person who was a member of a police force and relating to a period of service—

(*a*) which ended in his retirement or dismissal before the fifth day of July, 1948, the expressions "average pensionable pay" and "pensionable service" shall have the meanings assigned to "annual pay" and "approved service" respectively by the Police Pensions Act, 1921;

(*b*) which ended in his retirement or dismissal on or after the fifth day of July, 1948, but before the appointed day the expressions "average pensionable pay" and "pensionable service" shall have the meanings assigned to "annual pensionable pay" and "pensionable service" respectively by the Police Pensions (Scotland) Regulations, 1948.

Periods of pensionable service under the Police Pensions (Scotland) Regulations, 1948, and approved service.

81. For the purposes of Part IV of these Regulations and of Regulation 66 thereof, a reference to a period which a person was entitled to reckon as a period of pensionable service under the Police Pensions (Scotland) Regulations, 1948, or as a period of approved service under the Police Pensions Act, 1921, shall include a reference to a period which he would have been so entitled to reckon had proviso (*a*) to paragraph (1) of Regulation 34 of the said Regulations been omitted and had subsection (1) of section seven of the said Act had effect as though the words "but shall not include" to the end of the said subsection were omitted.

82. The Interpretation Act, 1889(a), shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament. Application of the Interpretation Act.

PART XIII

ADAPTATIONS FOR EXISTING MEMBERS OF POLICE FORCES, REVOCATION AND DATE OF COMMENCEMENT

83.—(1) Notwithstanding anything in these Regulations where a person who is serving as a member of a police force on the appointed day— Adaptation for existing members of Police Forces.

(*a*) was so serving on the twenty-eighth day of August, nineteen hundred and twenty-one, and is compelled to retire within three years of the appointed day by the provisions of Regulation 51 of these Regulations, the provisions of paragraph (2) of this Regulation shall apply for the purpose of calculating the ordinary pension payable to him on such retirement;

(*b*) does not otherwise elect, the provisions of the said paragraph (2) shall apply for the purposes of calculating any award subsequently granted to or in respect of him.

(2) Any award to which the provisions of this paragraph apply which, but for this Regulation, would take into account the person's average pensionable pay, shall in lieu thereof take into account his pensionable pay within the meaning of Regulation 65 of the Police Pensions (Scotland) Regulations, 1948.

(3) Any election under paragraph (1) of this Regulation shall be made by giving notice in writing to the police authority of the force in which the person making the election is serving at the time of giving the notice.

84.—(1) Subject to the provisions of this Regulation the Police Pensions (Scotland) Regulations, 1948(b), and the Police Pensions (Scotland) (Amendment) Regulations, 1948(c), are hereby revoked. Revocations.

(2) The said Regulations shall continue to have effect in relation to—

(*a*) any award or claim to an award on the retirement or dismissal of a member of a police force before the appointed day;

(*b*) any award or claim to an award in respect of the death of a member of a police force before the appointed day;

(*c*) any award or claim to an award in respect of the disablement of a person as the result of any injury received without his own default in the execution of his duty where he is not a member of a police force and last ceased to be such before the appointed day.

(3) The said Regulations in so far as they continue to have effect shall do so subject to the amendments specified in the Appendix hereto.

(4) Section thirty-eight of the Interpretation Act, 1889, shall apply as if this Regulation were an Act of Parliament and as if the Regulations revoked by these Regulations were Acts of Parliament repealed by an Act of Parliament.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1948 (No. 1530) I, p. 3503.
(c) S.I. 1948 (No. 2828) I, p. 3546.

Citation, commencement and extent.

85.—(1) These Regulations may be cited as the Police Pensions (Scotland) Regulations, 1949, and shall come into operation on the first day of July, 1949.

(2) Except where the context otherwise requires, these Regulations shall extend to Scotland only.

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

St. Andrew's House,
Edinburgh, 1.

We consent,

R. J. Taylor,
Wm. Hannan,
Two of the Lords Commissioners of His Majesty's Treasury.

30th June, 1949.

FIRST SCHEDULE

Regulation 4.

PART I

POLICEMAN'S ORDINARY PENSION

The pension shall be of an amount equal to thirty-sixtieths of the policeman's average pensionable pay with the addition of one-sixtieth for each completed half year by which his pensionable service exceeds twenty-five years up to a maximum of forty-sixtieths:

Provided that where immediately before the fifth day of July, 1948, the scale of ordinary pensions applicable immediately before the commencement of the Police Pensions Act, 1921, applied to a regular policeman by virtue of paragraph (*a*) of the provision directed by paragraph (*e*) of subsection (1) of section thirty-four of that Act to be substituted for subsection (1) of section twenty-nine of that Act, that scale shall in his case be substituted for the scale described above and shall have effect as though for any reference to annual pay there were substituted a reference to average pensionable pay.

Regulations 5 and 6.

PART II

POLICEMAN'S ILL-HEALTH OR SHORT SERVICE AWARD

1. Where the award is a gratuity and the policeman has completed at least one year of pensionable service, the gratuity shall be whichever is the greater of the two following amounts:—

(i) one-twelfth of the policeman's average pensionable pay multiplied by the number of completed years of pensionable service which he is entitled to count; or

(ii) the policeman's aggregate pension contributions in respect of the relevant period of service.

2. Where the award is a gratuity and the policeman has not completed one year of pensionable service, the gratuity shall be an amount equal to the policeman's aggregate pension contributions in respect of the relevant period of service.

3. Where the award is a pension, the amount thereof shall be equal to one-sixtieth of the policeman's average pensionable pay for each completed year of pensionable service up to twenty years, with the addition of one-sixtieth for each completed half year by which his pensionable service exceeds twenty years, subject to a maximum of forty-sixtieths.

4. Where a member of a police force retires with an ill-health pension, and the pension is subsequently cancelled but he does not before the cancellation thereof resume service as a member of the force from which he retired with the pension, then, if the aggregate amount paid to him in respect of the pension is less than the amount of his aggregate pension contributions in respect of the relevant period of service, the police authority shall pay to him the difference.

PART III

Regulations 4, 5 and 6.

REDUCTIONS IN ORDINARY, ILL-HEALTH OR SHORT SERVICE PENSIONS

1. When a person in receipt of an ordinary pension, an ill-health pension or a short service pension attains, if he is a man, the age of sixty-five and, if she is a woman, the age of sixty, the pension shall, unless he is a person to whom one of the succeeding paragraphs of this Schedule applies, be reduced by an amount at an annual rate equal to the amount obtained by multiplying £1 14s. by the number of years specified in paragraph 4 of this Part of this Schedule.

2. Where a person who immediately before he retired and was granted a pension was paying contributions at the rate specified in paragraph (3) of Regulation 39 of these Regulations there shall not be any reduction of the pension under this Part of this Schedule.

3. When a person who immediately before he retired and was granted a pension was paying contributions at the rate specified in paragraph (1) of Regulation 39 of these Regulations by reason of the proviso to paragraph (3) of the said Regulation attains, if he is a man, the age of sixty-five, and, if she is a woman, the age of sixty, the pension shall be reduced by an amount at an annual rate equal to the amount obtained by multiplying the sum in the second column of the subjoined Table set opposite to the age in the first column of the said Table which he had attained at the appropriate date by the number of years specified in paragraph 4 of this Part of this Schedule:

TABLE

Age on appropriate date	Sums to be multiplied
	£ s. d.
Less than 23	1 14 0
23	1 13 0
24	1 12 0
25	1 11 0
26	1 10 6
27	1 10 0
28	1 9 6
29	1 9 0
30	1 8 6
31	1 8 0
32	1 7 6
33	1 7 0
34	1 6 6
35	1 6 0
36	1 6 0
37	1 5 6
38	1 5 0
39	1 5 0
40	1 4 6
41	1 4 6
42	1 4 0
43	1 4 0
44 or more	1 3 6

4. The number of years referred to in paragraph 1 and in paragraph 3 of this Part of this Schedule by which the sums therein respectively specified are to be multiplied for the purposes of those paragraphs is the highest whole number of years in the aggregate period during which the person concerned has paid contributions as a regular policeman at the rate specified in paragraph (1) of Regulation 39 of these Regulations:

Provided that in arriving at the said aggregate any period or periods—

(*a*) in respect of which the person concerned was not entitled to reckon any pensionable service for the purposes of the pension in question, or

(*b*) which fell after the date on which the person concerned would have been entitled, if he had retired, to a pension equal to two-thirds of his average pensionable pay,

shall be disregarded.

5. When a person in receipt of a short service pension under paragraph (5) of Regulation 1 of these Regulations attains the age of sixty-five the pension shall, in addition to any reduction under paragraph 1 or paragraph 3 of this Part of this Schedule, be reduced by any amount by which it was increased by the operation of paragraph (6) of Regulation 38 of these Regulations.

Regulation 7.

PART IV

STANDARD AMOUNT FOR REGULATION 7

1. The standard amount referred to in Regulation 7 of these Regulations shall be determined by reference to the number of the policeman's completed years of pensionable service and by reference to his average pensionable pay.

2. Where the policeman is totally disabled, the standard amount shall be the amount specified in the second column of the Table appended to this paragraph, and where the policeman is partly disabled, the standard amount shall be such proportion of the amount so specified as the degree of the actual disablement bears to total disablement, subject to its not being less than the proportion of the average pensionable pay specified in the third column of the said Table.

TABLE

Policeman's completed years of pensionable service	Standard amount on total disablement expressed in 60ths of average pensionable pay	Lower limit of standard amount expressed in 60ths of average pensionable pay
Less than 11	40	15
11 but less than 12 ...	41	16
12 but less than 13 ...	41	17
13 but less than 14 ...	42	18
14 but less than 15 ...	42	19
15 but less than 16 ...	43	20
16 but less than 17 ...	43	21
17 but less than 18 ...	44	22
18 but less than 19 ...	44	23
19 but less than 20 ...	45	24
20 but less than 21 ...	45	25
21 but less than 22 ...	46	27
22 but less than 23 ...	46	29
23 but less than 24 ...	47	31
24 but less than 25 ...	47	33
25 but less than 26 ...	48	35
26 but less than 27 ...	48	36
27 but less than 28 ...	49	37
28 but less than 29 ...	49	38
29 but less than 30 ...	50	39
30 or more	50	40

PART V

Regulation 64.

LIMITS IN RESPECT OF AWARDS TO SERVICEMEN (1939-1945)

1. The amount of the pension shall not when aggregated with the amount of any grant which is also payable to the same person out of any naval, military or air force fund in pursuance of any royal warrant or other instrument exceed the amount calculated according to the subjoined Table:—

TABLE

Completed years of pensionable service	Amount expressed in 60ths of average pensionable pay
Less than 11	45
11 or more but less than 16	48
16 or more but less than 21	51
21 or more but less than 26	54
26 or more but less than 30	57
30 or more	60

2. Where the grant, the amount whereof for any period is to be aggregated for the purpose of the last foregoing paragraph with the amount of a pension or allowance payable to any person for that period, is a gratuity, the amount of the grant for that period shall be taken to be the amount which would be payable for that period under Part I of the Government Annuities Act, 1929, if the gratuity had been laid out at the date when it became payable in the purchase of an annuity dependent on the life of that person.

SECOND SCHEDULE

PART I

Regulation 10.

WIDOW'S ORDINARY PENSION

The amount of a widow's ordinary pension in respect of each week shall be the amount calculated according to whichever of the two Schemes set out below applies from time to time to her case and, if both Schemes apply simultaneously, according to that one which would give her the higher amount in respect of that week.

The Schemes hereinbefore referred to are as follows:—

Scheme I

If her husband at the time when he ceased to be a regular policeman—

(*a*) held a rank higher than that of inspector, the widow's ordinary pension shall be at the rate of twenty-six shillings and tenpence a week;

(*b*) held the rank of inspector, the widow's ordinary pension shall be at the rate of twenty-three shillings a week;

(*c*) held a rank lower than that of inspector, the widow's ordinary pension shall be at the rate of nineteen shillings and twopence a week.

Scheme II

1. The widow's ordinary pension shall be at a rate equal to the amount set out in paragraph 2 of this Scheme and if the widow is receiving either widow's benefit under the National Insurance Act, 1946, or a retirement pension under the said Act by virtue of the insurance of her husband, that amount shall be reduced by the amount of such benefit or pension.

2. The amount first referred to in paragraph 1 of this Scheme is an amount, which shall be increased in accordance with the provisions of Regulation 63 of these Regulations, equal to the percentage of her husband's average pensionable pay for a week set out in the second column of the subjoined Table, opposite to the number of his completed years of pensionable service:—

TABLE

Number of completed years of pensionable service	Percentage of average pensionable pay for a week
10, 11, 12, 13 and 14	4 per cent.
15, 16, 17, 18 and 19	6 per cent.
20, 21, 22, 23 and 24	8 per cent.
25, 26, 27, 28 and 29	10 per cent.
30 or more	12½ per cent.

3. If any widow's benefit to which she may be entitled is either a widow's allowance under the National Insurance Act, 1946, increased under section twenty-three of that Act, or a widowed mother's allowance under that Act, and if any retirement pension is increased under the said section twenty-three, then the benefit or, as the case may be, the retirement pension is, for the purposes of this Scheme, to be deemed to be of an amount seven shillings and sixpence less than it is.

Regulations 11 and 13.

PART II

DISCRETIONARY INCREASE IN WIDOW'S ORDINARY OR SPECIAL PENSION

The periods referred to in Regulations 11 and 13 of these Regulations are as follows:—

(i) the period of the rest of the widow's life if, at the date of the husband's death, either she had attained the age of sixty or he and the widow had been married for not less than ten years and she had attained the age of fifty;

(ii) any period during which the widow either is pregnant by her late husband or has a family, within the meaning of the Family Allowances Act, 1945, which includes a child who is entitled to an allowance under these Regulations;

(iii) any period during which the widow is incapable of self-support within the meaning of paragraph (*a*) of subsection (5) of section thirty-five of the National Insurance (Industrial Injuries) Act, 1946, by reason of any infirmity which rendered her incapable of self-support within the meaning of the said enactment at the expiry either of the first thirteen weeks that the pension is payable or of the period specified in paragraph (ii) of this Part of this Schedule;

(iv) if the conditions specified in paragraph (iii) of this Part of this Schedule have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of any period of incapability of self-support within the meaning of the said paragraph (iii) which expires at a date when either the widow has attained the age of sixty or ten years have elapsed since the date of the marriage and the widow has attained the age of fifty;

(v) if the conditions specified in paragraph (ii) of this Part of this Schedule have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of the period mentioned in the said paragraph (ii) if at the expiry of that period either the widow has attained the age of sixty or ten years have elapsed since the date of the marriage and the widow has attained the age of forty.

Regulation 12.

PART III

WIDOW'S SPECIAL PENSION

1. A widow's special pension in respect of each week shall not be less than the amount, which shall be increased in accordance with the provisions of Regulation 63 of these Regulations, of one-sixth of her husband's average pensionable pay for a week and, subject as aforesaid, shall be such that, when it is added to—

(*a*) any pension payable to her under section nineteen of the National Insurance (Industrial Injuries) Act, 1946, in consequence of the death of her husband, and

(*b*) any widow's benefit or retirement pension payable to her under the National Insurance Act, 1946, by virtue of her husband's insurance,

the aggregate is equal to the amount, which shall be increased in accordance with the provisions of Regulation 63 of these Regulations, of one-third of her husband's average pensionable pay for a week.

2. If any widow's benefit to which she may be entitled is either a widow's allowance under the National Insurance Act, 1946, increased under section twenty-three of that Act, or a widowed mother's allowance under that Act, and if any retirement pension is increased under the said section twenty-three, then the benefit or, as the case may be, the retirement pension is, for the purposes of this Part of this Schedule, to be deemed to be of an amount seven shillings and sixpence less than it is.

PART IV

Regulation 14.

WIDOW'S GRATUITY IN LIEU OF PENSION

The gratuity referred to in Regulation 14 of these Regulations shall be such sum as may be agreed between the police authority and the widow not exceeding the capitalised value of the pension to which the gratuity is an alternative determined in accordance with tables prepared from time to time for that purpose by the Government Actuary.

PART V

Regulation 15.

WIDOW'S ORDINARY GRATUITY

The gratuity referred to in Regulation 15 of these Regulations shall be equal to whichever is the greater of the two following amounts:—

(i) one-twelfth of her husband's average pensionable pay multiplied by the number of his completed years of pensionable service;

(ii) the aggregate of the husband's pension contributions in respect of the relevant period of service.

THIRD SCHEDULE

PART I

Regulation 20.

CHILD'S ORDINARY ALLOWANCE

1. Subject as hereafter in this Schedule provided, a child's ordinary allowance shall, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a regular policeman—

(*a*) a rank higher than that of inspector, be at the rate of eight shillings and sixpence a week;

(*b*) the rank of inspector, be at the rate of seven shillings and sixpence a week;

(*c*) a rank lower than that of inspector, be at the rate of six shillings and sixpence a week.

2. Where both parents of the child are dead at the time when the allowance becomes payable, the child's ordinary allowance shall, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a regular policeman—

(*a*) a rank higher than that of inspector, be at the rate of twelve shillings and ninepence a week;

(*b*) the rank of inspector, be at the rate of eleven shillings and threepence a week;

(*c*) a rank lower than that of inspector, be at the rate of nine shillings and ninepence a week.

3. Where a child's surviving parent dies while the child is entitled to a child's ordinary allowace, the allowance shall, as from the date of the death, be determined in accordance with paragraph 2 of this Part of this Schedule.

PART II

CHILD'S SPECIAL ALLOWANCE

1. Subject as hereinafter provided, a child's special allowance shall be an amount, which shall be increased in accordance with the provisions of Regulation 63 of these Regulations, equal to one-fifteenth of the average pensionable pay for a week of the parent in respect of whose death the allowance is payable.

2. If neither parent of the child is alive at the time when the allowance first becomes payable, the child's special allowance shall be equal to an amount, which shall be increased in accordance with the provisions of Regulation 63 of these Regulations, equal to one-tenth of the average pensionable pay for a week of the parent in respect of whose death the allowance is payable.

3. Where a child's surviving parent dies while the child is entitled to a child's special allowance, the allowance shall, as from the date of the death, be determined in accordance with paragraph 2 of this Part of this Schedule.

Regulation 22.

PART III

DISCRETIONARY INCREASE IN CHILD'S ALLOWANCE

1. Where both parents of the child are dead—

(*a*) a child's ordinary allowance may be increased, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a regular policeman—

(i) a rank higher than that of inspector, to a rate not exceeding seventeen shillings a week,

(ii) the rank of inspector, to a rate not exceeding fifteen shillings a week,

(iii) a rank lower than that of inspector, to a rate not exceeding thirteen shillings a week ;

(*b*) a child's special allowance may be increased to an amount, which shall be increased in accordance with the provisions of Regulation 63 of these Regulations, equal to two-fifteenths of the average pensionable pay for a week of the parent in respect of whose death the allowance is payable.

2. Where the parent in respect of whose death the allowance is payable was the child's father—

(*a*) and the mother of the child is alive and would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act, 1946, but for the fact that the father had not satisfied the contribution condition set out in paragraph (*a*) of sub-paragraph (1) of paragraph 4 of the Third Schedule to the said Act, then, if the child is entitled to a child's allowance in respect of the death of the father, the child's allowance in respect of any week during which—

(i) the mother is not receiving a retirement pension under the said Act,

(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,

(iii) where the allowance is a child's special allowance, no allowance is payable under section twenty-one of the National Insurance (Industrial Injuries) Act, 1946, in respect of that child, and

(iv) no grant is payable to or in respect of the child out of any naval, military or air force fund in pursuance of any royal warrant or other instrument or under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939,

may be increased to a rate not exceeding seven shillings and sixpence a week;

(*b*) and the father had attained the age of sixty-five on the appointed day and the mother of the child is dead, the child's allowance in respect of any week during which—

(i) no person is receiving a guardian's allowance under the National Insurance Act, 1946, in respect of that child,

(ii) the child is included in a family within the meaning of the Family Allowances Act, 1945,

(iii) where the child's allowance is a child's special allowance, no allowance is payable under section twenty-one of the National Insurance (Industrial Injuries) Act, 1946, in respect of that child, and

(iv) no grant is payable to or in respect of the child out of any naval, military or air force fund in pursuance of any royal warrant or other instrument or under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939,

may be increased to a rate not exceeding twelve shillings a week.

PART IV

Regulation 22.

REDUCTION IN CHILD'S ALLOWANCE

1. In the circumstances hereinafter set out the amount of an allowance ascertained under Part I or, as the case may be, Part II of this Schedule, or if a police authority decide in their discretion to increase such an allowance in accordance with Regulation 22 of these Regulations and Part III of this Schedule, the maximum to which that allowance may be increased under the said Part III shall be reduced by the appropriate amount hereinafter set out, and if the appropriate amount is greater than the amount of the allowance or the said maximum, the amount of the allowance shall be reduced to nothing.

2. Where a child who is entitled to an allowance is the only child in that family so entitled or that one of the children in that family so entitled who is older than the others and the child's mother is in receipt under the National Insurance Act, 1946, of a widow's allowance or a retirement pension, which is increased under section twenty-three of the said Act, or of a widowed mother's allowance under the said Act, then that child's allowance shall be reduced by seven shillings and sixpence a week.

3. Where an allowance is payable in respect of a child under section twenty-one of the National Insurance (Industrial Injuries) Act, 1946, and a child's special allowance is also payable to that child, the said child's special allowance shall be reduced by seven shillings and sixpence a week.

4. Where an allowance is payable in respect of a child under the Family Allowances Act, 1945, that child's allowance shall be reduced by five shillings a week.

5. Where a guardian's allowance is payable in respect of a child under the National Insurance Act, 1946, that child's allowance shall be reduced by twelve shillings a week.

PART V

Regulation 23.

CHILD'S GRATUITY

The gratuity referred to in Regulation 23 of these Regulations shall be such sum as may be agreed between the police authority and the father, mother or guardian, as the case may be, not exceeding the capitalised value of the allowance to which the gratuity is an alternative determined in accordance with tables prepared from time to time by the Government Actuary.

Regulation 46.

FOURTH SCHEDULE

MEDICAL APPEALS

1. Every notice of appeal under paragraph (2) of Regulation 46 of these Regulations shall be in writing.

2. On receipt of the appeal the police authority shall forward to the Secretary of State two copies thereof and of the certificate appealed against, with the name and address of the appellant.

3. A medical referee shall appoint a time and place for interviewing the appellant and for any such further interviews or examinations as he may consider necessary, and shall give reasonable notice thereof to the appellant and to the police authority.

4. At any time before any interview with the medical referee either the appellant or the police authority may submit to the medical referee a statement relating to the subject matter of the appeal, and if they so submit a statement they shall send a copy thereof to the other party.

5. Any interview or examination may be attended (*a*) by the selected medical practitioner and (*b*) by any duly qualified medical practitioner appointed for the purpose by either party.

6. The medical referee shall give written notice to the police authority and to the appellant of his decision and, if that decision is that he disagrees with any part of the certificate of the selected medical practitioner, shall send a copy of his certificate to the police authority and to the appellant.

7.—(1) The medical referee shall be entitled to such fees and allowances as the Secretary of State may from time to time determine.

(2) The said fees and allowances shall be paid by the police authority and shall be treated as part of the police authority's expenses for the purposes of this Schedule.

8.—(1) Save as hereinafter provided, the expenses of each party to the appeal shall be borne by that party.

(2) Where the medical referee decides in favour of the police authority, the authority may require the appellant to pay towards the cost of the appeal such sum not exceeding the referee's total fees and allowances as the authority think fit.

(3) Where the medical referee decides in favour of the appellant, the police authority shall refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of any such interview or examination as is mentioned in paragraph 3 of this Schedule.

Regulation 84.

APPENDIX

AMENDMENTS OF THE POLICE PENSIONS (SCOTLAND) REGULATIONS, 1948

1. In Regulation 12, at the end of paragraph (1) there shall be added the following proviso:—

"Provided that where the date of the death of the husband is the sixth day of April, 1949, or any later date, the pension in respect of the period after the thirtieth day of June, 1949, shall be increased by such an amount that it is not less than it would have been if calculated in accordance with Part I of the Second Schedule to the Police Pensions (Scotland) Regulations, 1949."

2. In Regulation 13, in paragraph (4) for the words "up to which" there shall be substituted the words "by which" and at the end of the said paragraph there shall be added the following proviso:—

"Provided that where a pension calculated in accordance with Scheme II of Part I of the Second Schedule to these Regulations is increased, the increased pension shall not be at a higher rate than it would have been if it had been calculated in accordance with Scheme I of the said Part I and increased in accordance with the provisions of this Regulation."

3. After Regulation 14 there shall be inserted the following Regulation:—

"Discretionary increase in widow's special pension.

14A.—(1) Where a widow is entitled to a special pension under Regulation 14 of these Regulations the police authority may, in their discretion, increase that pension in accordance with the provisions of this Regulation.

(2) The increase shall only be payable—

(*a*) if the widow would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act, 1946, but for the fact that her husband had not satisfied the contribution condition set out in paragraph (*a*) of sub-paragraph (1) of paragraph 4 of the Third Schedule to the said Act; and

(*b*) in respect of any week during which the widow is not receiving—

(i) a retirement pension under the National Insurance Act, 1946; or

(ii) a pension under the Old Age Pensions Act, 1936; 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; or

(v) a pension under section nineteen of the National Insurance (Industrial Injuries) Act, 1946.

(3) The amount up to which the pension may be increased shall be the amount, which may be increased in accordance with the provisions of paragraph (6) of Regulation 66 of these Regulations, of one-sixth of her husband's pensionable pay, together with, for the first thirteen weeks that the pension is payable, thirty-six shillings a week and thereafter during the period and in the conditions set out in Part II of the Second Schedule to these Regulations twenty-six shillings a week."

4. In Regulation 22 at the end of paragraph (1) there shall be added the following proviso:—

"Provided that where the date of the death of the parent in respect of whose death the allowance is payable is the sixth day of April, 1949, or any later date the allowance in respect of the period after the thirtieth day of June, 1949, shall be increased by such an amount that it is not less than it would have been if calculated in accordance with Part I of the Third Schedule to the Police Pensions (Scotland) Regulations, 1949."

5. In Regulation 24 at the end of paragraph (1) there shall be added the following proviso—

"Provided that where the date of the death of the parent in respect of whose death the allowance is payable is the sixth day of April, nineteen hundred and forty-nine, or any later date, this Regulation shall have effect in respect of the period after the thirtieth day of June, 1949, as though for the reference to Part III of the Third Schedule to these Regulations there were substituted a reference to Part III of the Third Schedule to the Police Pensions (Scotland) Regulations, 1949."

6. In the Third Schedule, in paragraph 1 of Part IV the words "and Part III of this Schedule" shall be omitted and for the words "the said Part III" there shall be substituted the words "the said Regulation".

EXPLANATORY NOTE

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

The Regulations consolidate, with amendments, the Police Pensions (Scotland) Regulations, 1948, and the Police Pensions (Scotland) (Amendment) Regulations, 1948, which are revoked by Regulation 84, except in relation to deaths or retirements before the 1st July, 1949, when the new Regulations come into force. In these cases the old Regulations apply subject to the amendments in the Appendix, which provide in certain circumstances for awards to widows and children being increased.

The main changes are as follows. Regulations 10 and 11 increase a widow's ordinary pension. Regulation 13 gives the police authority discretion to increase a widow's special pension. Regulations 20 and 22 provide for increased child's ordinary allowance. Regulation 30 includes service under 20 years of age as pensionable service. Regulation 39 reduces the rate of pension contributions for a woman member of a police force. The awards dealt with in the First, Second and Third Schedules are to be calculated on three years' average pensionable pay instead of pensionable pay: but Regulation 59 provides that awards to or in respect of certain persons (including a person who is serving on the 1st July, 1949) who die or retire within three years of that date shall not be less than they would have been if calculated in accordance with the revoked Regulations and with reference to scales of pay in force before that date: and Regulation 83 provides that awards to or in respect of a person serving on the 1st July, 1949, who does not otherwise elect, shall be calculated on pensionable pay and not on average pensionable pay; it also makes special provision for calculating an ordinary pension where a person who was serving in a police force on the 28th August, 1921, is compelled to retire on grounds of age within three years after the 1st July, 1949.

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4. SPECIAL CONSTABLES

The Special Constables (Pensions) (Scotland) Order, 1949

1949 No. 1056 (S. 69)

Made - - - -	31*st May*, 1949
Laid before Parliament	1*st June*, 1949
Coming into Operation	2*nd June*, 1949

At the Court at Buckingham Palace, the 31st day of May, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas by the Special Constables Act, 1914(**a**), as amended by the Special Constables Act, 1923(**b**), power is conferred on His Majesty, by Order in Council, to make Regulations with respect to the appoint-

(**a**) 4 & 5 Geo. 5. c. 61. (**b**) 13 & 14 Geo. 5. c. 11.