1953 No. 1833 (S. 124)

The Police Pensions (Scotland) Regulations, 1953

Made - - - - 11*th December*, 1953
Coming into Operation 21*st December*, 1953

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

PART I

Amendments of the Police Pensions (Scotland) Regulations, 1949

1. For paragraph (2) of Regulation 12 of the Police Pensions (Scotland) Regulations, 1949(b), as set out in Regulation 15 of the Police Pensions (Scotland) Regulations, 1951(c), and amended by Regulation 3 of the Police Pensions (Scotland) Regulations, 1952(d), there shall be substituted the following paragraph:—

"(2) A widow's special pension, including such a pension granted before the twenty-first day of December, 1953, shall be of the amount described in Part III of the Second Schedule to these Regulations:

Provided that where her husband acting in the execution of his duty as a member of a police force is or was attacked by a person or persons in a manner which in the opinion of the police authority is or was intrinsically likely to cause death and death ensues or ensued as a result of the attack, then the pension shall be of the amount described in Part VI of the said Schedule in respect of any week for which that amount is greater than the amount described in the said Part III."

2. At the end of the Second Schedule to the said Regulations of 1949 there shall be added the following Part:—

"PART VI Regulation 12.

Widow's Special Pension where Husband's Death results from an Attack

1. A widow's special pension 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(e), 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(f), by virtue of her husband's insurance,

the aggregate is equal to the amount of one-half of her husband's average pensionable pay for a week.

2. If she is entitled under the National Insurance Act, 1946, to a widow's allowance or a retirement pension which is increased under section twenty-three of the said Act then for the purposes of this Part of this Schedule that allowance or pension shall be deemed not to have been so increased.

(a) 11 & 12 Geo. 6. c. 24.
(b) S.I. 1949/1240; 1949 I, p. 3401.
(c) S.I. 1951/2189; 1951 II, p. 229.
(d) S.I. 1952/2177; 1952 III, p. 2594.
(e) 9 & 10 Geo. 6. c. 62.
(f) 9 & 10 Geo. 6. c. 67.

3. If she is entitled to a widowed mother's allowance under the said Act that allowance shall for the purposes of this Part of this Schedule be deemed to be less than it is by the amount of eight shillings together with two shillings and sixpence for each child included in her family within the meaning of the Family Allowances Act, 1945(a)."

PART II

Amendments of the Police Pensions (Scotland) Regulations, 1948, in so far as they continue to have effect under Regulation 84 of the Police Pensions (Scotland) Regulations, 1949

3. For paragraph (2) of Regulation 14 of the Police Pensions (Scotland) Regulations, 1948(b), as set out in Regulation 28 of the Police Pensions (Scotland) Regulations, 1951, there shall be substituted the following paragraph:—

"(2) A widow's special pension which was granted under this Regulation shall be of the amount described in Part III of the Second Schedule to these Regulations;

Provided that where the husband acting in the execution of his duty as a member of a police force was attacked by a person or persons in a manner which in the opinion of the police authority was intrinsically likely to cause death and death ensued as a result of the attack, then the pension shall be of the amount described in Part VII of the said Schedule in respect of any week for which that amount is greater than the amount described in the said Part III."

4. After paragraph (8) of Regulation 18 of the said Regulations of 1948 as set out in Regulation 20 of the Police Pensions (Scotland) Regulations, 1952, there shall be added the following paragraph:—

"(9) Where a widow is entitled under the provisions of this Regulation to a pension and her husband acting in the execution of his duty as a member of a police force was attacked by a person or persons in a manner which in the opinion of the police authority was intrinsically likely to cause death and death ensued as a result of the attack, then notwithstanding the preceding provisions of this Regulation, the pension shall be of the amount described in Part VII of the Second Schedule to these Regulations in respect of any week for which that amount is greater than the amount calculated in accordance with the preceding provisions of this Regulation.".

5. At the end of the Second Schedule to the said Regulations of 1948 there shall be added the following Part:—

"PART VII Regulations 14 and 18.

Widow's Pension where Husband's Death results from an Attack

1. A widow's special pension or a widow's pension payable under Regulation 18 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

(a) 8 & 9 Geo. 6. c. 41. (b) S.I. 1948/1530; 1948 I, p. 3503.

(*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 of one-half of her husband's pensionable pay.

2. If she is entitled under the National Insurance Act, 1946, to a widow's allowances or a retirement pension which is increased under section twenty-three of the said Act then for the purposes of this Part of this Schedule that allowance or pension shall be deemed not to have been so increased.

3. If she is entitled to a widowed mother's allowance under the said Act that allowance shall for the purposes of this Part of this Schedule be deemed to be less than it is by the amount of eight shillings together with two shillings and sixpence for each child included in her family within the meaning of the Family Allowances Act, 1945."

PART III

Citation and Commencement

6. These Regulations may be cited as the Police Pensions (Scotland) Regulations, 1953, and shall come into operation on the twenty-first day of December, 1953.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

10th December, 1953.

We consent,

Edward Heath,
Hendrie D. Oakshott,
Two of the Lords Commissioners of Her Majesty's Treasury.

11th December, 1953.

EXPLANATORY NOTE

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

These regulations relate to increases in widows' pensions and provide that where a member of a police force, acting in the execution of his duty, was attacked in a manner which in the opinion of the police authority was intrinsically likely to cause death and died as a result of the attack, his widow's pension, together with certain payments under the National Insurance Acts, 1946, shall not be less than half his pay as calculated for pension purposes. Regulations 1 and 2 make the provision in the case of deaths on or after the 1st July, 1949; Regulations 3 and 5 in the case of deaths between the 5th July, 1948, and that date; and Regulations 4 and 5 in the case of deaths before the 5th July, 1948.