Penalties and expenses.

9. Penalties and expenses under this Act may be sued for and recovered either by the Council or by the vestry or district board concerned in the same manner as penalties under the Metropolis Management Act 1855 and the Acts amending the same.

Expenses of Act.

10. Any costs charges and expenses incurred by the Council of and incidental to the preparing applying for and passing of this Act shall be paid by the Council.

CHAPTER 67.

An Act to make provision respecting the Pensions, Allowances, and Gratuities of Police Constables in Scotland, and their Widows and Children, and to make other provisions respecting the Police of Scotland.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Superannuation of Constables.

Right of constables to pensions.

1. Subject to the provisions of this Act, every constable in a police force—

(*a*) if he has completed not less than twenty-five years approved service, and is not less than fifty-five years, or, if a constable above the rank of sergeant, sixty years of age, shall, on the expiration of such time not exceeding four months after he has given written notice to the police authority of his desire to retire as the police authority may fix, be entitled without a medical certificate to retire and receive a pension for life; and

(*b*) if after he has completed twenty years approved service he is, in the opinion of the police authority, incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire and receive a pension for life; and

(*c*) if before he has completed twenty years approved service he is incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire, and thereupon the police authority may, if they think fit, grant him a gratuity; and

(*d*) if at any time he is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, shall be entitled on a medical certificate to retire and receive a pension for life.

Pension allowances and gratuities to widow and children.

2.—(1.) If a constable dies whilst in a police force from the effect of an injury received in the execution of his duty without his own default, the police authority shall grant a pension to his widow, and allowances to his children.

(2.) If a constable dies whilst in a police force from any other cause, the police authority may, if they think fit, grant gratuities to his widow and children or any of them.

(3.) If a constable to whom a pension has been granted because he was incapacitated for the performance of his duty by an injury received in the execution of his duty, without his own default, dies from the effects of the injury within twelve months after the grant of the pension, the police authority may, if they think fit, grant a pension to his widow, either for a term of years or otherwise.

(4.) If a constable to whom a pension has been granted dies within twelve months after the grant of the pension, the police authority may, if they think fit, grant gratuities to his widow and children or any of them.

Pension scale.

3.—(1.) The pensions, allowances, and gratuities granted to constables of a police force and to their widows and children shall be in accordance with the pension scale for the force.

(2.) The pension scale for a force shall be—

(*a*) as regards ordinary pensions, the scale set forth in Part I. of the First Schedule to this Act; and

(*b*) as regards special pensions and allowances and gratuities, the scale set forth in Part II. of that Schedule.

(2.) The rules contained in Part III. of the First Schedule to this Act shall apply to all pensions, allowances, and gratuities granted under this Act.

Reckoning of service for pension.

4.—(1.) The service of a constable for the purposes of this Act shall be subject to such deductions in respect of sickness, misconduct, or neglect of duty as may be made therefrom in pursuance of the regulations of the force to which the constable belongs; and the expression "approved service" shall for the purposes of this Act mean such service as may after such deductions as aforesaid (if any) be certified under the order of the police authority to have been diligent and faithful service, but shall not, unless the regulations of the police force otherwise prescribe, include service before twenty-one years of age.

(2.) A certificate signed by the chief officer of a police force as to the period of a constable's approved service in that force shall be sufficient evidence thereof.

(3.) Where a deduction is made from a constable's service in respect of sickness, misconduct, or neglect of duty, notice of the deduction shall as soon as may be after the occurrence of the cause for which the deduction is made be given to the constable, and the constable may appeal to the chief officer of his police force against any act of an officer of police superior to the constable which prevents him from reckoning any period of actual service as approved service, and any period of actual service allowed by the chief officer on such appeal shall be deemed to be approved service.

(4.) Where a constable has served in more than one police force in Great Britain approved service in any such police force in which he has completed not less than three years approved service, and from which he has with the written sanction of the chief officer of that force removed to another force, shall be reckoned as approved service in the force in which the constable is serving at the time of his retirement.

(5.) Where a constable with the knowledge of the police authority or of the chief officer of his police force belongs to the army reserve or naval reserve and is called out for training or for permanent service, he shall be entitled, on returning to the police force after the end of such training or service, to reckon any approved service which he was entitled to reckon at the commencement thereof.

Proof of incapacity for duty, liability to serve again, and revision of pension.

5.—(1.) Before granting to a constable an ordinary pension on the ground of his being incapacitated by infirmity for the performance of his duty, the police authority shall be satisfied by the evidence of some legally qualified medical practitioner or practitioners, selected by the police authority, that the constable is so incapacitated, and that the incapacity is likely to be permanent.

(2.) Where the application is for a special pension the police authority shall also be satisfied that the injury was received by the constable in the execution of his duty, that it was received without the default of the constable, and that the infirmity is attributable to the injury, and shall also determine whether the injury was accidental or not, and whether the disability of the constable for earning his livelihood is total or partial, and for the purpose of determining any of the said questions which ought to be determined on medical grounds shall take the like evidence as above mentioned.

(3.) Where a pension is granted to a constable on the ground of incapacity for the performance of his duty, the police authority shall yearly or otherwise, until the power under this Act of requiring the constable to serve again ceases, satisfy themselves that the incapacity continues, and unless they resolve that such evidence is unnecessary, shall satisfy themselves by the like evidence as above mentioned.

(4.) In the event of the incapacity ceasing before the time at which the constable would, if he had continued to serve, have been entitled without a medical certificate to retire and receive a pension for life, the police authority may cancel his pension and require him to serve again in the police force, in a rank not less than the rank which he held before his retirement, at a rate of pay not less than the rate which he received before his retirement.

(5.) Where a constable so serves again, the provisions of this Act as to retirement and pensions, allowances, and gratuities shall apply as if he had not previously retired, save that except in the case of pensions for non-accidental injuries received in the execution of duty he shall not reckon as approved service the time which elapsed between his former retirement and the commencement of his service again.

(6.) Where a pension is granted to a constable on a scale applicable to total disability for earning a livelihood, it shall be so granted for such period as may be fixed by the police authority.

and if at the expiration of that period the pensioner continues to be totally so disabled the pension shall, in the discretion of the police authority, either be made permanent or renewed from time to time. If at any time before the pension is made permanent the police authority are satisfied by the evidence of a legally qualified medical practitioner selected by the police authority that the pensioner's disability for earning his livelihood has become partial, the pension shall, within the limits allowed by the pension scale, be reduced to the amount allowed by the provisions of the scale applicable to cases of partial disability.

(6.) If a constable fails or refuses, when required by the police authority, to be examined by some legally qualified medical practitioner selected by that authority, the police authority may deal with the constable in all respects as if they were satisfied by the evidence of such a practitioner that the constable is not incapacitated for the performance of his duty, or, as the case may be, is only partially disabled.

(7.) The decision of the police authority on the matters above in this section mentioned shall be final.

Power to reduce where infirmity partially due to misconduct.

6. Where a constable retires on account of infirmity of mind or body, and the police authority are satisfied on medical evidence that the constable has brought about or contributed to the infirmity by his own default or his vicious habits, the police authority may in their discretion reduce the amount of his pension by an amount not exceeding one half of the pension to which he would be otherwise entitled.

Assignment of pensions and regulations as to payment of pensions, &c.

7. The following provisions shall have effect with respect to every pension, allowance, and gratuity (in this section referred to as a "grant") payable by the police authority to any person (in this section referred to as the pensioner):—

(1.) Every assignation of and security over a grant, and every agreement to assign or give security over a grant, shall, except so far as made for the benefit of the family of the pensioner, be void, and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other persons acting on behalf of the creditors:

(2.) Where any parochial relief is given to a pensioner or to anyone whom he is liable to maintain, the police authority may pay the whole or any part of the grant to the parochial board or other authority giving the relief, and the same, when so paid, may be applied in repayment of any sums expended in such relief, and, subject thereto, shall be paid or applied by the parochial board or other authority to or for the benefit of the pensioner:

(3.) If the pensioner neglects to maintain any person whom he is liable to maintain, the police authority may in their discretion pay or apply the whole or any part of the grant to or for the benefit of that person:

(4.) If the pensioner appears to the police authority to be insane or otherwise incapacitated to act, the police authority may pay so much of the grant as the police authority think fit to the

institution or person having the care of the pensioner, and may pay the surplus (if any) or such part thereof as the authority think fit for or towards the maintenance and benefit of the wife and relatives of the pensioner:

(5.) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant, then, if the police authority so direct, confirmation or other proof of the title of the personal representative of the deceased may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the police authority to be beneficially entitled to the personal estate of the deceased pensioner, or to or among any one or more of those persons, or in case of the illegitimacy of the deceased pensioner, to or among such persons as the police authority may think fit, and the police authority and any officer of the police authority making the payment shall be discharged from all liability in respect of any such payment or distribution:

(6.) Any sum payable to a minor on account of a grant may be paid either to the minor or to such person and on such conditions for the benefit of the minor as to the police authority seems expedient:

(7.) Where a payment is made to any person by a police authority in pursuance of this section, the receipt of that person shall be a good discharge to that authority for the sum so paid:

(8.) A police authority may, with the consent of the Secretary for Scotland, make rules with respect to declarations to be taken for any purpose relating to grants payable by that authority, and while any such rules made by a police authority are in force, a person shall not be entitled to receive any sum in respect of a grant payable by that authority until any declaration required by those rules has been made:

(9.) Any person who makes a false declaration for the purpose of the said rules, knowing the same to be untrue in any material particular, shall be liable on conviction to forfeit the grant, and shall also be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding sixty days, or to a fine not exceeding twenty-five pounds, to be paid (notwithstanding anything in any other Act, whether relating to municipal corporations or otherwise) to the pension fund of the police authority by whom the rules were made, or on conviction by a jury to imprisonment, with or without hard labour, for a term not exceeding two years.

Forfeiture of pension or allowance.

8. A pension or allowance under this Act is granted only upon condition that it becomes forfeited, and may be withdrawn by the police authority, in any of the following cases:—

(*a*) if the grantee is convicted of any offence for which he is sentenced to penal servitude, or to imprisonment for a term exceeding three months with hard labour, or to imprisonment for a term exceeding twelve months whether with or without hard labour; or

(*b*) if the grantee knowingly associates with thieves or reputed thieves; or

(*c*) if the grantee refuses to give to the police all information and assistance in his power for the detection of crime, for the apprehension of criminals, and for the suppression of any disturbance of the public peace; or

(*d*) if the grantee enters into or continues to carry on any business, occupation, or employment which is illegal or in which he has made use of the fact of his former employment in the police in a manner which the police authority consider to be discreditable and improper.

Such forfeiture and withdrawal may affect the pension wholly or in part, and may be permanent or temporary, as the police authority may determine.

Punishment for obtaining pension, &c. by fraud.

9. If a person obtains any pension, gratuity, or allowance under this Act, or any payment on account of any such pension, gratuity, or allowance, by false representation, false evidence, or personation, or by malingering or feigning disease or infirmity, or by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, or by any other fraudulent conduct, he shall be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding sixty days, or to a fine not exceeding twenty-five pounds, to be paid (notwithstanding anything in any other Act whether relating to municipal corporations or otherwise) to the pension fund of the force from which he obtained the pension, gratuity, or allowance, and also to forfeit the pension, gratuity, or allowance obtained.

Saving of right of dismissal and reduction in rank.

10. Nothing in this Act shall prejudice the existing right of any police authority to dismiss any constable, or to reduce him to any lower rank or lower rate of pay, or shall prevent his claim to pension from being refused on account of misconduct or of negligence in the discharge of his duties or on account of any of the grounds on which his pension, if granted, would be liable to be forfeited and withdrawn.

Appeal in case of forfeiture or refusal of pension or allowance.

11. In any of the following cases—

(*a*) where a pension after being granted to a constable has subsequently in pursuance of this Act been declared to have been forfeited, and

(*b*) where a constable is dismissed without a pension to which he would be otherwise entitled, and in any other case where a constable or the widow or child of a constable claims a pension or allowance under this Act as of right, and the police authority do not admit the claim,

such constable, widow, or child may apply to the police authority for a re-consideration of the claim to the pension or allowance, and if aggrieved by the decision upon such re-consideration may apply to the sheriff having jurisdiction in the place where the constable was last serving, and the sheriff, after inquiry into the case, may make such order in the matter as appears to him just, which order shall be final; but nothing in this section shall confer a right

to appeal against the exercise of any discretion, or against any decision which is declared by this Act to be final.

Application of Act to chief officer of police.

12. The provisions of this Act shall apply to a chief officer of police in like manner, so nearly as circumstances admit, as they apply to any other constable, except that, in the case of a chief officer, the certificate of approved service and the sanction to removal from one force to another may be given by a resolution of the police authority.

Suspension of pension in case of appointment to new office.

13.—(1.) Where a constable in receipt of a pension under this Act from a police authority takes service in any police force, his pension may be suspended by that police authority in whole or in part so long as he remains in that service.

(2.) If a constable in receipt of a pension under this Act is appointed to an office remunerated out of money provided by Parliament, or out of local rates, he shall not, while holding that office, receive more of the pension than together with the remuneration of that office is equal to one and a half times the remuneration of the office in respect of which the pension was awarded.

Provisions as to certain cases of service in two capacities.

14. Where an officer of any police force is appointed to be one of Her Majesty's inspectors of constabulary, the police authority of that force shall pay to the Treasury out of the pension fund the same sum as they would under this Act pay, in the absence of agreement, if the officer had removed with proper sanction to another police force; and the officer on ceasing to be inspector shall be entitled for the purpose of any superannuation or other allowance to reckon as service as one of Her Majesty's inspectors the approved service which he was entitled to reckon in the police force.

Rateable deductions from pay to be carried to pension fund.

15.—(1.) The police authority of every police force shall deduct from the pay of every constable in the force—

(*a*) sums after the rate of two and a half per cent. per annum on his pay (in this Act referred to as the rateable deduction); and

(*b*) such stoppages during sickness, and such fines for misconduct, as may be provided by the regulations respecting the force.

(2.) Where a constable in any police force removes with the written sanction of the chief officer of that force to some other police force the police authority of the first-mentioned force shall pay to the police authority of the latter force either a sum equal to the aggregate amount of the rateable deductions made from the pay of the constable during his service in the first-mentioned force, together with the aggregate amount of such proportion of the Exchequer contribution herein-after mentioned as has been paid in respect of those deductions, or such other sum as may be agreed on between the authorities.

Establishment of pension fund, and fines, &c. to be carried to fund.

16.—(1.) There shall be established under this Act a pension fund of every police force, and there shall be carried to that fund—

(*a*) the deductions (including stoppages and fines) made in pursuance of this Act from the pay of the constables in the force; and

(*b*) the fines imposed by a court of summary jurisdiction, when imposed on constables in the force; and

(*c*) the net sums arising from the sale of worn or cast clothing supplied for the use of constables of the force; and

(*d*) such proportion of any sum received on account of constables whose services have been lent in consideration of payment as the police authority may consider to be a fair contribution to the pension fund in respect of those constables; and

(*e*) the net sums received in the police area for pedlars certificates.

Distribution of sums granted out of Customs and Excise duties for police superannuation.

17.—(1.) Any annual sum which under an Act passed in the present session relating to the distribution of certain duties of Customs and Excise is required to be distributed among the police authorities of the police forces in Scotland (which sum is in this Act referred to as the Exchequer contribution) shall be distributed according to the following basis of distribution, that is to say:—

(*a.*) In respect of the financial year current at the passing of this Act the said sum shall be distributed among the police authorities of every such police force in proportion to the number of efficient men in such force during the year ending the fifteenth day of March last preceding the end of such financial year, as ascertained by the Secretary for Scotland, and the proportion to be paid to each force shall be invested and applied in like manner as the rateable deductions herein-after mentioned.

(*b.*) There shall be paid in respect of every subsequent financial year to the police authority of every such police force a sum equal to the amount of the rateable deductions made during the year ending the fifteenth day of March last preceding the end of the financial year, from the pay of the constables belonging to that force, and that sum shall be invested and applied in like manner as those deductions.

(*c.*) The residue shall at the same time be distributed among the police authorities of those forces in proportion to the amounts paid during the year ending the fifteenth day of March last preceding the end of the financial year in respect of pensions, allowances, and gratuities out of their pension funds established under this Act respectively, and the proportion to be paid to each force shall be carried to the pension fund and may be dealt with as annual income of that fund.

(2.) Provided that a police authority shall not in respect of any year ending the fifteenth day of March receive any payment under this section unless the Secretary for Scotland gives a certificate that the management and efficiency of the police force under that authority and (after the year ending the fifteenth day of March current at the passing of this Act) the administration of the pension fund of that force have during that year been satisfactory; and if the Secretary for Scotland withholds that certificate as regards any police authority the amount which would otherwise be payable to that authority under this section shall be forfeited to the Crown and paid into the Exchequer.

(3.) Before any such certificate is finally withheld in respect of any police force, the Secretary for Scotland shall communicate with the

police authority of the force, and that authority may address any statement on the subject to the Secretary for Scotland; and in every case in which the certificate is withheld a statement of the grounds on which the Secretary for Scotland has withheld his certificate, together with any such statement of the police authority, shall be laid before Parliament.

(4.) The sums to be paid to each police authority under this section shall be certified by the Secretary for Scotland, who may, if he thinks proper, vary his certificate, but unless it is so varied his certificate shall be conclusive.

(5.) Where owing to any special circumstances affecting any particular police force the sum payable to that force under the foregoing provisions of this section would, in the opinion of the Secretary for Scotland, be inequitable as between that force and some other force or forces, the Secretary for Scotland may make such modification in the basis of distribution as appears to him to be necessary to meet the equities of the case.

(6.) The basis of distribution under this section may also be varied in such manner and in accordance with such conditions as may from time to time be set forth in regulations made by the Secretary for Scotland and submitted to Parliament. All such regulations shall be laid on the table of both Houses of Parliament, and shall not come into operation until they have lain on the table of each House for not less than thirty days on which that House has sat.

(7.) This section shall come into operation on the passing of this Act.

Accounts and investment of pension fund.

18.—(1.) All sums which, in pursuance of this Act, are to be carried to the pension fund of a police force shall be received and accounted for, and paid to the treasurer of that fund, in such manner as the police authority may direct.

(2.) The pension fund of a police force shall be kept as a separate fund, but the treasurer of the police fund shall be the treasurer of the pension fund, and all enactments and regulations relating to the accounts of the police fund, and to the making up, audit, and publication thereof, and to the power of disallowance (if any) and otherwise shall, so nearly as circumstances admit, apply to the pension fund.

(3.) The surplus of the annual income of the pension fund above the expenditure thereout shall, as soon as may be, be invested in such name as the police authority direct, and in any manner authorised by law for investments by trustees, and all investments on account of the fund, under this section or otherwise, are in this Act referred to as the capital of the pension fund.

(4.) There shall also be invested in accordance with the foregoing provisions as part of the capital of the pension fund and not applied as annual income the following sums, namely:—

(*a.*) The rateable deductions from the pay of constables; and

(*b.*) Any sum received by a police authority in respect of the transfer of a constable from one police force to another; and

(*c.*) The proportion carried to the pension fund of any sum received on account of constables whose services are lent in consideration of payment; and

(*d.*) That portion of the Exchequer contribution which is in pursuance of this Act to be invested and applied in like manner as the rateable deductions.

But, save as in this Act mentioned, all sums payable to a pension fund in pursuance of this Act, and all dividends and other annual sums received in respect of the investments of the pension fund, may be dealt with as annual income of the fund.

(5.) The sum required for the payment to be made by a police authority in respect of a constable who removes to another police force, or in respect of a constable to whom the whole or any part of the rateable deductions from his pay is paid on his leaving the force need not be paid out of the income of the pension fund, but may, if the police authority paying the same think fit, be paid either out of money in the hands of the treasurer and required by this Act to be invested or out of money raised by the realisation of a sufficient part of the capital of the pension fund.

(6.) Save as is expressly provided by this Act the capital of the pension fund shall not be applied for paying any sums payable out of that fund.

Guarantee of pension fund by police fund.

19.—(1.) If at any time the annual income of the pension fund is insufficient to pay the expenses of managing the fund, and the pensions, allowances, gratuities, and other sums payable thereout, the deficiency shall be paid out of the police fund.

(2.) The police authority may advance out of the police fund or may, without any consent, borrow on the security of that fund any moneys necessary to provide any sums becoming payable out of the pension fund, but such moneys, together with reasonable interest thereon, shall be repaid to the police fund, or be paid off by the police authority out of the first moneys paid to the pension fund as annual income of that fund for the year in respect of which such first-mentioned moneys were so advanced or borrowed.

20 & 21 Vict. c. 72.

(3.) In the case of a county divided into districts within the meaning of section fifty-eight of the Police (Scotland) Act, 1857, the deficiency shall be supplied by the several districts, as part of the local expenditure thereof, rateably in proportion to the number of constables appointed for each such district.

(4.) Where the police force of a burgh has been consolidated with the police force of a county, the deficiency shall be supplied out of the police funds of the county and burgh respectively in accordance with an agreement between the police authorities of the county and burgh made as nearly as may be in the same manner and subject to the same conditions as an agreement to consolidate the police force of a burgh with the police force of a county can be made, and in default of any such agreement shall be supplied in such manner as may be determined by a sole arbiter appointed by the Secretary for Scotland.

(5.) Where a burgh or police burgh forms part of a county under the provisions of section thirteen of the Local Government (Scotland)

Act, 1889, any deficiency as aforesaid shall be supplied under the provisions of section sixty of the said Act.

(6.) Where the rate which can be levied for the police fund of a burgh is limited, an addition to that rate may be levied for the purpose of raising the sum required to supply the deficiency.

Power to consolidate pension funds in certain cases.

20. Where, after the commencement of this Act, any two or more police forces are consolidated under the provisions of the Police (Scotland) Act, 1857, the pension funds of such forces may be consolidated in such manner and subject to such conditions, as nearly as may be in accordance with the provisions of this Act, as the Secretary for Scotland may determine upon the joint application of the police authorities of such forces; and the Secretary for Scotland may, on the like application, recall or vary his determination, but unless so recalled or varied, and if so varied, it shall have effect as if it were contained in this Act. Provided that any determination by the Secretary for Scotland under this section shall be laid on the table of both Houses of Parliament, and shall not come into operation until it has lain on the table of each house for not less than thirty days on which that House has sat.

Repayment to police fund of advances.

21. Where any deficiency in the annual income of the pension fund of a force shall have been paid out of the police fund, if at any time thereafter the annual income of the pension fund shall prove more than sufficient to pay the expenses of managing the fund, and the pensions, allowances, gratuities, and other sums payable thereout, the deficiency as aforesaid shall be repaid to the police fund out of the annual income.

Power for police authority to make regulations.

22. Every police authority may make regulations with respect to the deductions from a constable's service for sickness, misconduct, or neglect of duty, and with respect to stoppages of pay during sickness and fines for misconduct, and with respect to any other matter for which provision may be made for the purposes of this Act by regulations of a police force.

All regulations for a police force made before the commencement of this Act with respect to any of the above matters shall have effect as if made under the powers given by this section.

Return of rateable deductions on leaving force.

23. If a constable not having been dismissed for fraud or dishonesty leaves a police force without a pension or gratuity, the police authority shall pay him the whole or part of the rateable deductions which have been made from his pay; but this section shall not apply in the case of his being removed to another police force.

Provisional orders by Secretary of State.

24.—(1.) Where it appears to a police authority that the assets of their pension fund exceed the amount required for meeting the liabilities thereon, and that it is expedient to provide for the application of the excess or any part thereof, the police authority may apply to the Secretary for Scotland, and thereupon the Secretary for Scotland may frame and submit to Parliament for confirmation a provisional order authorising the payment out of the pension fund of such sums, for such purposes, during such period, and subject to such conditions as may seem expedient.

(2.) Where it appears to a police authority that by reason of their pension fund being sufficient to meet the liabilities thereon it is unnecessary to make any further investments on account of the capital thereof, the police authority may apply to the Secretary for Scotland, and thereupon the Secretary of Scotland may frame and submit to Parliament for confirmation a provisional order authorising the discontinuance of those investments.

(3.) A provisional order under this section shall be of no force unless and until it is confirmed by Act of Parliament, but when so confirmed shall have effect with any modifications made therein by Parliament.

(4.) If, while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to that order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

(5.) All costs, charges, and expenses incurred by the Secretary for Scotland in relation to any order under this section shall be defrayed by the authority applying for the order.

Limit of age for appointment, &c. to police force.

25.—(1.) A person shall not be appointed to any police force unless—

(*a*) Except as herein-after mentioned, he is under the age of twenty-five years; and

(*b*) has been certified by a legally qualified medical practitioner, selected by the police authority, to be in good health and of sound constitution, and fitted to perform the duties of his office.

(2.) The limit of age in this section before mentioned shall not apply in the case of a person immediately transferred from another police force, or who has within the immediately preceding three months served in Her Majesty's navy or army; provided that such person, when he is transferred or appointed, shall not be more than thirty years of age.

(3.) The limit of age in the case of a chief officer of police on first appointment shall be forty-five years, or such less number of years as may from time to time be prescribed by the Secretary for Scotland.

Declaration by constables respecting previous service.

26. A police authority may require every constable at the time of his appointment to appear before a justice of the peace, and make and sign a declaration as to his previous service in a police force or public employment, in the form contained in the Second Schedule to this Act, or to the like effect; and if any constable knowingly makes a false declaration, he shall be liable, on summary conviction, to be imprisoned, with or without hard labour, for any period not exceeding sixty days.

PART II.

Temporary and Supplemental Provisions.

Application of Act to existing

27. For the purpose of adapting the provisions of Part I. of this Act to existing constables (that is to say, to constables

appointed to police forces before the commencement of this Act), the following provisions shall have effect: fund and constables.

(1.) Where the Exchequer contribution to the police authority of a police force becomes payable before a pension fund is established for the force in pursuance of this Act, the payment of the contribution shall be deferred until the Secretary for Scotland has certified that the fund is so established:

(2.) Every police authority shall, before the first day of January one thousand eight hundred and ninety-one, cause written notice to be given to every constable in the police force under that authority, requiring him to inform that authority in writing, before the date of the commencement of this Act, whether he does or does not accept the provisions of this Act in lieu of the existing enactments respecting superannuation and allowances or pensions:

(3.) This Act shall not apply to any existing constable who, before the date of the commencement of this Act, whether any such notice has or has not been given to him, declines in writing to accept the provisions of this Act; but save as aforesaid this Act shall apply to all existing constables; and those constables shall be deemed to have surrendered in favour of the police authority all right to any provision made before the commencement of this Act, either wholly or partly, by the police authority for the superannuation of such constables, or, in case of their death, for their widows and children, or any of them whether that provision is made by an annual allowance, insurance, or otherwise:

(4.) If by reason of the police authority not having given such notice as aforesaid an existing constable becomes entitled to a less pension than he would have been entitled to receive if this Act had not passed, he may apply to the sheriff, who may make such order as may seem just for the purpose of preventing the constable from suffering any loss by reason of the notice not having been given:

(5.) In the case of any constable who retires on a pension within seven years after the commencement of this Act without the rateable deductions having been made from his pay during all the years counted to his credit for pension, such pension shall be diminished by the equivalent, so near as may be, of the rateable deductions during every year for which such deductions have not been made. Such equivalent shall be calculated according to tables to be approved and certified by the Secretary for Scotland:

(6.) In the case of any existing constable to whom this Act applies, his approved service for any period before the commencement of this Act in the force in which he is serving at the time of his retirement shall be reckoned as approved service; and his service for not less than three years either wholly or partly before the commencement of this Act in any police force in Great Britain from which he removed with the sanction of the chief officer or police authority of that force to another force, shall (notwithstanding the sanction was not

given in writing) be reckoned as approved service for the said period in the last-mentioned force unless the police authority who give him the notice respecting the acceptance of this Act, inform him in writing at the time of such notice that they refuse to allow the said service to be reckoned, but their refusal shall not prevent the reckoning of that service under any other provision of this section:

(8.) Any description of service before the commencement of this Act, either in a police force or otherwise, which any existing constable to whom this Act applies is at the commencement of this Act entitled to reckon as service for any period towards superannuation out of the existing pension or superannuation fund of his police force, and which is not reckoned under any other provision of this Act, shall be reckoned for the same period for the purposes of pension under this Act:

(9.) The provisions of this Act as to an officer of police who has been appointed one of Her Majesty's inspectors of constabulary, with a salary paid out of money provided by Parliament, shall apply in the case of an officer so appointed before the commencement of this Act, in like manner as if he had been so appointed after the commencement of this Act.

Application of Act to Greenock Police Superannuation Fund.

28. Whereas the provost and magistrates of the burgh of Greenock are the trustees and administrators of a superannuation fund for the benefit of the police force within the said burgh, the following provisions shall, for the purpose of adapting the provisions of Part I. of this Act to the said fund, have effect:

(1.) The provost and magistrates of the said burgh shall retain the management and control of the said fund for the purpose of paying, and shall pay, any pension or other allowance or gratuity to any constable, or his widow and children to whom such pension or other allowance or gratuity shall have been granted before the commencement of this Act.

(2.) So soon as may be after the determination of all pensions or other allowances payable as aforesaid, the provost and magistrates of the said burgh shall transfer the said fund to the police authority of the said burgh under this Act as part of the pension fund established under this Act, and as part of the capital thereof: Provided always, that the provost and magistrates of the said burgh may from time to time, after the commencement of this Act, with the approval of the Secretary for Scotland, transfer to the said police authority such portion of the said fund as may be no longer required to meet the claims thereon.

(3.) All payments or contributions by members of the police force of the said burgh towards the said superannuation fund shall forthwith, after the commencement of this Act, cease and determine.

Act to supersede local Acts.

29. The provisions of this Act shall have effect, notwithstanding anything in any other Act, general or local, to the contrary.

30. In this Act, unless the context otherwise requires,— Definitions.

The expression "constable" means and includes the chief officer of any police force, and the other members of such force appointed by and subject to the orders of such chief officer:

The expression "police area" means one of the areas set forth in the first column of the Third Schedule to this Act; and the expressions "police authority," "chief officer of police," and "police fund," mean, as respects each police area, the authority, officer, and fund respectively mentioned opposite to that area in the second, third, and fourth columns of that schedule; and the expression "police force" means a force administered by one of the police authorities mentioned in the said schedule. Provided as follows: In the case of a county the powers of the police authority under this Act, with respect to the accounting for and payment of sums to be carried to the pension fund or police fund, and with respect to investments, and to advances from or borrowing on the security of the police fund and repaying sums advanced or paying off sums borrowed, shall be exercised by the county council, and any sum payable under this Act by the police authority shall be payable by the county council on the requisition of the standing joint committee of the commissioners of supply and county council:

The expression "court of summary jurisdiction" means the sheriff or any two justices of the peace sitting in open court or any magistrate or magistrates within the meaning of the Summary Jurisdiction Acts:

The expression "Police (Scotland) Act, 1857," means the Act twenty and twenty-one Victoria, chapter seventy-two:

The expression "treasurer" includes any officer, by whatever name known, who performs the duties of treasurer in relation to any police fund:

The expression "fine" includes a pecuniary penalty:

The expressions "county" and "burgh" and "police burgh" have the same meanings respectively as in the Local Government (Scotland) Act, 1889, but shall not include any burgh or police burgh not maintaining a separate police force: 52 & 53 Vict. c. 50.

The expression "medical certificate" means a medical certificate granted by a legally qualified medical practitioner, or legally qualified medical practitioners, selected by the police authority.

For the purposes of this Act, an injury to a constable shall be deemed to be accidental, if, in the opinion of the police authority, it was not primarily caused by the constable having knowingly encountered serious danger when he received it.

31. Notwithstanding anything in this Act or in any repeal by this Act every person in receipt of any superannuation, or other allowance at the commencement of this Act shall continue to be entitled to receive the same, subject to the same limitations and conditions as before the commencement of this Act, and the same shall not be altered under this Act, and shall, save as otherwise expressly provided by this Act, be paid out of the like funds, as nearly as may be, as if this Act had not passed. Saving for existing superannuations.

Repeal.

32. The Acts mentioned in the Fourth Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned, and so much of any other Act as regulates the superannuation of any police force in Great Britain, or is inconsistent with this Act, is also hereby repealed:

Provided that this repeal shall not affect the right of any police authority to grant any superannuation or other allowance or gratuity to any existing constable to whom this Act does not apply, or to the widow and child of any such constable, or either of them, and shall not affect the right of any such constable, widow, or child to claim such superannuation or other allowance or gratuity, and any such allowance or gratuity may be granted and claimed accordingly, and the claim shall be allowed as if this Act had not passed.

Commencement of Act.

33. This Act shall come into operation on the first day of April one thousand eight hundred and ninety-one, except as to anything which is by this Act required or authorised to be done before that date, and except as to any provision which is expressed to come into operation on the passing of this Act.

Short title.

34. This Act may be cited as the Police (Scotland) Act, 1890.

Extent of Act.

35. This Act shall extend to Scotland only.

SCHEDULES.

Section 8.

FIRST SCHEDULE.

PENSION SCALE.

PART I.

Ordinary Pensions.

(1.) The pension to a constable on retirement shall be as follows (that is to say)—

(*a*) if he has completed twenty years approved service an annual sum equal to twenty sixtieths of his annual pay; and

(*b*) if he has completed twenty-one years, but less than twenty-eight years, approved service, an annual sum equal to twenty sixtieths of his annual pay, with an addition equal to one sixtieth of his annual pay for every year of approved service above twenty years; and

(*c*) if he has completed twenty-eight years approved service, an annual sum equal to twenty-eight sixtieths of his annual pay, with an addition equal to two sixtieths of his annual pay for every year of approved service above twenty-eight years, so, however, that the pension shall not exceed two thirds of his annual pay.

PART II.

Maximum of Gratuity to Constable.

(2.) Any gratuity on retirement to a constable who is incapacitated for the performance of his duty shall not exceed the amount of one month's pay for every completed year of approved service.

Special Pensions.

(3.) The pension to a constable who is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default shall vary according as the injury is or is not accidental, and according as the constable is partially or totally disabled from earning his livelihood.

(4.) The pension scales in such cases shall be as follows:—

Scale A.

If the injury is accidental and the constable is partially disabled—

(*a*) if he has completed not more than five years approved service, an annual sum equal to ten sixtieths of his annual pay;

(*b*) if he has completed more than five and not more than ten years approved service, an annual sum equal to twelve sixtieths of his annual pay;

(*c*) if he has completed more than ten and not more than twenty years approved service, an annual sum equal to twenty sixtieths of his annual pay; and

(*d*) if he has completed more than twenty years approved service, an annual sum equal to the pension authorised under Article (1) of this schedule.

Scale B.

If the injury is accidental and the constable is totally disabled—

(*a*) if he has completed not more than ten years approved service, an annual sum equal to fifteen sixtieths of his annual pay;

(*b*) if he has completed more than ten and not more than twenty years approved service, an annual sum equal to twenty sixtieths of his annual pay;

(*c*) if he has completed more than twenty years approved service, an annual sum equal to the pension authorised under Article (1) of this schedule, with an addition equal to five sixtieths of his annual pay, provided that the pension shall not exceed two thirds of his annual pay.

Scale C.

If the injury is not accidental and the constable is partially disabled—

(*a*) if he has completed not more than ten years approved service, an annual sum equal to twenty sixtieths of his annual pay;

(*b*) if he has completed more than ten and not more than twenty years approved service, an annual sum equal to thirty sixtieths of his annual pay;

(*c*) if he has completed more than twenty years approved service, an annual sum equal to the pension authorised under Article (1) of this schedule, with an addition equal to ten sixtieths of his annual pay, provided that the pension shall not exceed two thirds of his annual pay.

Scale D.

If the injury is not accidental and the constable is totally disabled—

Such sum not exceeding full pay and not less than the amount prescribed by Scale C. as the police authority may determine.

Pensions Allowances and Gratuities to Widow and Children.

(5.) Where a constable without his own default loses his life from the effect of an injury received in the execution of his duty, the pension to his

widow and the allowances to his children shall be according to the following scale:—

(*a.*) The pension to the widow shall be an annual sum of fifteen pounds;

(*b.*) The allowance to each child shall be an annual sum of two pounds ten shillings, or, if there be no widow, such annual sum not exceeding five pounds as the police authority may determine:

Provided that the police authority may, in the case of a constable of a rank higher than that of sergeant, increase the above amounts, so, however, that the pension for a widow of an inspector do not exceed the annual sum of twenty-five pounds, and the pension for a widow of an officer of a rank higher than that of inspector do not exceed thirty pounds, and the allowance for a child of a constable of a rank higher than that of sergeant do not exceed the annual sum of five pounds.

(6.) Where a constable dies under circumstances which do not entitle his widow and children to a pension or allowance under the preceding article of this schedule, or, where a constable dies within twelve months after the grant of a pension, any gratuities to the widow and children shall not exceed in the whole the amount of one month's pay for every completed year of approved service of the deceased constable.

PART III.

GENERAL RULES.

(7.) The pension to a widow shall continue only while she remains a widow and is of good character.

(8.) The allowance to a child shall not continue after the child attains the age of fifteen years.

(9.) In estimating any pension, gratuity, or allowance for the purposes of this Act—

(*a*) a pension or gratuity to a constable shall be calculated according to the amount of his annual pay at the date of his retirement; the annual pay of a constable shall include boot money where a special allowance is made for that purpose;

(*b*) a pension or gratuity to the widow and an allowance or gratuity to a child of a constable shall be calculated according to the amount of the constable's annual pay at the date of his death;

(*c*) but where a constable has, in the course of the three years next before the date of his retirement or death, been in receipt of a different annual pay from that which he is receiving at that date, his annual pay at the date of the retirement or death shall be deemed to be the average annual amount of pay received by him for the said three years, instead of the annual amount actually received by him at that date.

Section 26.

SECOND SCHEDULE.

DECLARATION.

I, *A.B.*, now residing in the parish of in the county of , solemnly and sincerely declare that I have* never served in any police force in Great Britain, nor in the Royal Irish Constabulary, nor in the Royal Navy, nor in Her Majesty's army, nor in the militia, nor under the Post Office, nor under any public department

[*or* that I have served in the police force for years, from to , and in Her Majesty's army for years from to , and am now in the Army Reserve, but have not served

* Insert according to the circumstances.

in the Royal Irish Constabulary nor in the Royal Navy, nor in the militia, nor under the Post Office, nor under any public department, *or as the case may be*].

Declared before me.

(Signed) *A.B.*

At the day of 18 .

THIRD SCHEDULE.

Section 30.

POLICE AREAS AND AUTHORITIES.

Police Area.	Police Authority.	Chief Officer of Police.	Police Fund.
A county - -	The standing joint committee of the commissioners of supply and the county council.	The chief constable	The police rate.
A burgh or police burgh.	The police commissioners or the town council acting as police commissioners.	The chief constable or superintendent.	The police rate or any fund or rate applicable to the expenses of the police force.

FOURTH SCHEDULE.

Section 32.

ACTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
20 & 21 Vict. c. 72. -	An Act to render more effectual the police in counties and burghs in Scotland.	Sections fifty-two and fifty-three.
25 & 26 Vict. c. 101.	The General Police and Improvement (Scotland) Act, 1862.	Section one hundred and twenty-one from "and also to make "provision" down to end of section.

CHAPTER 68.

An Act to amend the Public Libraries (England) Acts.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: