STATUTORY INSTRUMENTS

# 1964 No. 1666

# POLICE

## ENGLAND AND WALES

# The Special Constables (Pensions) (Amendment) (No. 2) Order 1964

*Made - - - - 15th October* 1964
**To be laid before Parliament*
*Coming into Operation 2nd November* 1964

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 1(1) (for the purposes specified in paragraph (*c*) thereof) and by section 1(2) of the Special Constables Act 1914(a), as amended by section 1 of the Special Constables Act 1923(b) and modified by section 1(2) of the Police Pensions Act 1961(c), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

**1.** After Regulation 2 of the Order of 1962 (which relates to widows' special pensions) there shall be inserted the following Regulation :—

" *Widow's augmented award where husband's death results from an attack or injury received in effecting an arrest*

2A.—(1) This Regulation shall apply to a widow of a special constable whose death is the result of an injury received without his own default in the execution of his duty where—

(*a*) he 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, on or after 11th April 1949, as a result of the attack, or

(*b*) the injury was received in the course of duties performed, in the opinion of the police authority, for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody and death ensued on or after 1st August 1964.

(2) For the purpose of calculating a widow's special pension payable to a widow to whom this Regulation applies in respect of any period after 1st November 1964, Regulation 12 of the principal Regulations (as applied by Regulation 2 of this Order) shall have effect subject to the provisions of Regulation 12A(1) and (2) of the principal Regulations.

(3) Subject to the provisions of this Order, a widow to whom this Regulation applies whose husband died on or after 1st August 1964 shall be entitled to a gratuity in addition to a special pension and Regulations 12A(1), (3) and (4), 18(2), 19(1) and (3) and 20 of the principal

* This Instrument was laid before Parliament on 27th October 1964.

(a) 4 & 5 Geo. 5. c. 61. (b) 13 & 14 Geo. 5. c. 11. (c) 9 & 10 Eliz. 2. c. 35.

Regulations shall apply as if her husband had been an auxiliary policeman at the time that he received the injury.".

**2.** After Regulation 4 of the Order of 1962 (which relates to children's special allowances) there shall be inserted the following Regulation :—

"*Child's gratuity where parent's death results from an attack or injury received in effecting an arrest*

4A.—(1) This Regulation shall apply to a child of a special constable who died on or after 1st August 1964 in the circumstances mentioned in paragraph (1) of Regulation 2A of this Order and—

(*a*) in the case of a man, does not leave a widow entitled to a gratuity under paragraph (3) of the said Regulation 2A, or

(*b*) in the case of a woman, was the child's only surviving parent :

Provided that this Regulation shall apply to a child who at the date of the parent's death has attained the age of 16 years only if at that date the child has not attained the age of 19 years and either is undergoing full-time education or is an apprentice.

(2) Subject to the provisions of this Order, a child to whom this Regulation applies shall be entitled to a gratuity in addition to a special allowance and Regulations 22A and 26 of the principal Regulations shall apply as if the parent had been an auxiliary policeman at the time that he received the injury.".

**3.**—(1) In the application of the Police Pensions Regulations 1962(**a**), as amended(**b**) to an award to a widow or child of a special constable under the Order of 1962, those Regulations shall apply as further amended by the Police Pensions (Amendment) (No. 2) Regulations 1964(**c**) and the Police Pensions (Amendment) (No. 3) Regulations 1964(**d**) (which amendments relate to awards to widows and children).

(2) In accordance with paragraph (1) of this Regulation, for Regulation 13(1) of the Order of 1962 (which relates to interpretation), as set out in Regulation 1(2) of the Special Constables (Pensions) (Amendment) Order 1964(**e**), there shall be substituted the following provision :—

"(1) In this Order the expression 'the principal Regulations' means the Police Pensions Regulations 1962 as amended by the Police Pensions (Amendment) Regulations 1963(**f**), the Police Pensions (Amendment) (No. 2) Regulations 1963(**g**) the Police Pensions (Amendment) Regulations 1964(**h**), the Police Pensions (Amendment) (No. 2) Regulations 1964 and the Police Pensions (Amendment) (No. 3) Regulations 1964.".

**4.** In this Order any reference to the Order of 1962 is a reference to the Special Constables (Pensions) Order 1962(**i**), as amended(**j**).

**5.** This Order may be cited as the Special Constables (Pensions) (Amendment) (No. 2) Order 1964 and shall come into operation on 2nd November 1964.

*W. G. Agnew.*

(**a**) S.I. 1962/2756 (1962 III, p. 3785).
(**b**) S.I. 1963/550, 831, 1964/471 (1963 I, pp. 598, 1216; 1964 I, p. 759).
(**c**) S.I. 1964/1072 (1964 II, p. 2371).
(**d**) S.I. 1964/1232 (1964 II, p. 2867).
(**e**) S.I. 1964/507 (1964 I, p. 869).
(**f**) S.I. 1963/550 (1963 I, p. 598).
(**g**) S.I. 1963/831 (1963 I, p. 1216).
(**h**) S.I. 1964/471 (1964 I, p. 759).
(**i**) S.I. 1962/2786 (1962 III, p. 3977).
(**j**) The relevant amending instrument is S.I. 1964/507 (1964 I, p. 869).

## EXPLANATORY NOTE

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

This Order amends the Special Constables (Pensions) Order 1962, which gives to special constables and their dependants certain pension benefits for which members of police forces and their dependants are eligible, in particular, a widow of a special constable (like a widow of a member of a police force) is entitled to a pension payable at a special rate in a case where her husband died as a result of an attack intrinsically likely to cause death.

The Police Pensions (Amendment) (No. 2) Regulations 1964 and the Police Pensions (Amendment) (No. 3) Regulations 1964 relate, *inter alia*, to the benefits payable to the dependants of a member of a police force. Where the death of such a member occurs on or after 1st August 1964, they provide that his widow shall be entitled to a pension payable at the special rate not only in the case mentioned above but also in the case where the husband died as a result of an injury received in the course of effecting an arrest or preventing an escape or rescue from legal custody and, in either case, for the payment of a widow's gratuity in addition to a pension. Where the deceased does not leave a widow (or, in the case of a policewoman, was her children's only surviving parent) provision is made for the payment of children's gratuities in addition to special allowances.

The present Order makes similar provision as respects the benefits payable to the dependants of special constables who die in the circumstances mentioned above.