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 Regulations, 1948, and the Police Pensions (No. 2) Regulations, 1948 (which are revoked by Regulation 88), 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 29 includes service under 20 years of age as pensionable service: Regulation 37 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 60 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 87 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 and 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) Order, 1949

1949 No. 589

Made - - - -	*29th March,* 1949
Laid before Parliament	*29th March,* 1949
Coming into Operation	*11th April,* 1949

At the Court at Buckingham Palace, the 29th day of March, 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 appointment and position of special constables appointed under the Special

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

Constables Act, 1831(a), or under section one hundred and ninety-six of the Municipal Corporations Act, 1882(b), and by these Regulations to make such provisions as are mentioned in the said Special Constables Act, 1914, as so amended:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

Special Constable's supplemental pension.

1. Subject to the provisions of this Order, where a man becomes permanently disabled from following his ordinary employment as a result of an injury received in the execution of his duty as a special constable without his own default, he shall be entitled to a supplemental pension and Regulations 7, 43 and 44 of the Police Pensions Regulations, 1948(c) (hereafter in these Regulations referred to as the "principal Regulations"), shall apply as if he had been an auxiliary policeman at the time that he received the injury.

Widow's special pension.

2. Subject to the provisions of this Order, where a man dies as the result of an injury received in the execution of his duty as a special constable without his own default, his widow shall be entitled to a special pension and Regulations 14, 15, 17, paragraph (2) of Regulation 19 and Regulations 20 and 21 of the principal Regulations shall apply as if he had been an auxiliary policeman at the time that he received the injury.

Awards to existing widows.

3. Subject to the provisions of this Order, where a widow is entitled to a pension under the Special Constables Order, 1923(d), or the Special Constables Order, 1945(e), the provisions of Regulation 18 of the principal Regulations shall apply as though the said pension were a pension to which she continued to be entitled under paragraph (1) of the said Regulation.

Child's special allowance.

4. Subject to the provisions of this Order, where a man dies as the result of an injury received in the execution of his duty as a special constable without his own default, each of his children shall be entitled to a child's special allowance and Regulations 23, 24, 25, 26 and 27 of the principal Regulations shall apply as if he had been an auxiliary policeman at the time that he received the injury.

Awards to children under the Special Constables Order, 1923, and the Special Constables Order, 1945.

5. Subject to the provisions of this Order, where a child of a special constable is entitled to an allowance under the Special Constables Order, 1923, or the Special Constables Order, 1945, the provisions of Regulation 28 of the principal Regulations shall apply as though the said allowance were an allowance to which the child continued to be entitled under paragraph (1) of the said Regulation.

Pensionable service and pensionable pay.

6.—(1) For the purposes of calculating an award under this Order, the following provisions shall apply:—

(*a*) a special constable shall be deemed to have completed less than eleven years' pensionable service;

(a) 1 & 2 Will. 4. c. 41. (b) 45 & 46 Vict. c. 50.
(c) S.I. 1948 (No. 1531) I, p. 3429; and *see* S.I. 1948 (No. 2802) I, p. 3475.
(d) S.R. & O. 1923 (No. 905) p. 147; and *see* S.R. & O. 1942 (No. 1904) I, p. 76, S.R. & O. 1945 (No. 1640) I, p. 126, S.R. & O. 1947 (No. 1010) I, p. 353 and S.I. 1948 (No. 866) I, p. 3480.
(e) S.R. & O. 1945 (No. 323) I, p. 125; and *see* S.I. 1948 (No. 866) I, p. 3480.

(*b*) the pensionable pay of a special constable—

(i) who ceased to hold that office before the twentieth day of December, nineteen hundred and forty-five, shall be deemed to be seventy shillings weekly with an addition of one shilling weekly for each completed year for which he held the office after his appointment, subject to a maximum of ninety shillings weekly,

(ii) who ceased to hold that office after the nineteenth day of December, nineteen hundred and forty-five, but before the twenty-first day of May, nineteen hundred and forty-seven, shall be deemed to be ninety shillings weekly with an addition of one shilling and sixpence weekly for each completed year (other than the first two) for which he held the office after his appointment, subject to a maximum of one hundred and seventeen shillings weekly, and

(iii) who ceased or ceases to hold that office after the twentieth day of May, nineteen hundred and forty-seven, shall be deemed to be one hundred and five shillings weekly with an addition of one shilling and sixpence weekly for each completed year (other than the first two) for which he held or has held the office since his appointment, subject to a maximum of one hundred and thirty-two shillings weekly:

Provided that where a special constable received the injury in respect of which the award is payable after the thirty-first day of March, nineteen hundred and forty-five, and during a continuous period of whole-time service for which he was granted pay under the Special Constables Order, 1940(a), his pensionable pay shall be his pay at the rate to which he was entitled immediately before the end of that continuous period.

(2) In this Regulation a reference to a person's appointment as a special constable is a reference to his last appointment as such before he received the injury in respect of which the award is granted and a reference to his ceasing to hold that office is a reference to his first ceasing to hold that office after he received the said injury.

Increases in awards.

7.—(1) Where it is provided in the principal Regulations, as applied by this Order, that an amount shall be increased in accordance with the provisions of paragraph (6) of Regulation 69 of the principal Regulations, the amount shall only be so increased if the injury in respect of which the award is made was received by a special constable in a period for which he held the office which ended before the first day of April, nineteen hundred and forty-seven.

(2) This Regulation shall not apply in the case of an award in respect of an injury received by a special constable after the thirty-first day of March, nineteen hundred and forty-five, and during a continuous period of whole-time service for which he was granted pay under the Special Constables Order, 1940(a).

(a) S.R. & O. 1940 (No. 1193) I, p. 198; and *see* S.I. 1948 (No. 866) I, p. 3480.

Application of certain provisions of the Police Pensions Act, 1948.

8.—(1) The provisions of section four of the Police Pensions Act, 1948(**a**) (which relate to the forfeiture of pensions), shall apply to every award under this Order, the Special Constables Order, 1923(**b**), or the Special Constables Order, 1945(**c**), as though—

(*a*) an award under this Order were a pension mentioned in subsection (1) of the said section,

(*b*) the Special Constables Order, 1923, and the Special Constables Order, 1945, were included in the rules and regulations referred to in subsection (4) of the said section.

(2) The provisions of section five of the said Act (which relate to appeals against refusal or forfeiture of a pension) shall apply in respect of an award under this Order, the Special Constables Order, 1923, or the Special Constables Order, 1945, as though—

(*a*) an award under this Order were a pension mentioned in paragraphs (*a*) and (*b*) of subsection (1) of the said section,

(*b*) an award under the Special Constables Order, 1923, or the Special Constables Order, 1945, were a pension mentioned in paragraph (*b*) of subsection (1) of the said section,

(*c*) a special constable served in the police force for the police area for which he is appointed.

(3) The provisions of section seven of the said Act (which relate to assignments of or charges on a pension and to fraudulent conduct in obtaining a pension) shall apply to an award under this Order as though such an award were a pension mentioned in the said section.

Application of certain provisions of the principal Regulations.

9. The provisions of Parts VII and VIII and of Regulations 46, 58 and 67 of the principal Regulations shall apply to an award under this Order.

Funds out of which payments are to be made.

10. An award under this Order shall be payable out of the police fund by the police authority for the police area for which the special constable was appointed at the time when he received the injury.

Interpretation.

11.—(1) The provisions of paragraphs (1), (5), (6), (9), (10) and (15) of Regulation 69 of the principal Regulations shall apply to the interpretation of this Order as they apply to the interpretation of the said Regulations.

(2) A reference to an injury received by a man in the execution of his duty as a special constable 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.

(3) A reference to the " police authority " means the authority for the police area for which the special constable is appointed.

(4) (*a*) Where an amalgamation scheme is or has been made or approved by the Secretary of State under section three, four or six of the Police Act, 1946(**d**) (which relate to the amalgamation by scheme

(a) 11 & 12 Geo. 6. c. 24.
(b) S.R. & O. 1923 (No. 905) p. 147; and *see* S.R. & O. 1942 (No. 1904) I, p. 76, S.R. & O. 1945 (No. 1640) I, p. 126, S.R. & O. 1947 (No. 1010) I, p. 353 and S.I. 1948 (No. 866) I, p. 3480.
(c) S.R. & O. 1945 (No. 323) I, p. 125; and *see* S.I. 1948 (No. 866) I, p. 3480.
(d) 9 & 10 Geo. 6. c. 46.

of two or more police areas and to amendments of such a scheme), the police authority and police fund for the new area shall be deemed, for the purposes of this Order, to be the same authority and the same fund as the authority and the fund for the transferred area.

(*b*) For the purposes of this paragraph " new area " and " transferred area " shall have the meanings assigned to them in paragraph 10 of the Third Schedule to the said Act.

(5) For the purposes of this Order any reference in the principal Regulations to a continuous period of service shall be construed as a reference to a period during which a special constable holds that office in the police area for which he is appointed and any reference in the said Regulations to retirement shall be construed as a reference to the termination of such a period.

(6) A reference to the " principal Regulations " means the Police Pensions Regulations, 1948(**a**).

(7) Except so far as the context otherwise requires any reference in this Order to any Act, Order or Regulations shall be construed as a reference to that Act, that Order or those Regulations as amended by any other Act, Order or Regulations.

Construction of Special Constables Order, 1942.

12. In paragraph 1 of the Special Constables Order, 1942(**b**), references to subsection (1) of paragraph 11 of the Special Constables Order, 1923(**c**), shall be construed as references to Regulations 1, 2 and 4 of this Order and references to subsection (2) of the said paragraph as references to Regulation 6 of this Order.

Orders revoked.

13.—(1) Paragraph 11 of the Special Constables Order, 1923(**d**), the Special Constables Order (No. 2) 1945(**e**), and the Special Constables Order, 1947(**f**), are hereby revoked.

(2) Section thirty-eight of the Interpretation Act, 1889(**g**), shall apply as if this Order were an Act of Parliament and as if the Orders revoked by this Order were Acts of Parliament repealed by an Act of Parliament.

Citation and commencement.

14. This Order may be cited as the Special Constables (Pensions) Order, 1949, and shall come into operation on the eleventh day of April, 1949.

E. C. E. Leadbitter.

EXPLANATORY NOTE

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

This Order revokes certain orders relating to the payment of awards to or in respect of special constables and makes fresh provision in that behalf. Those provisions of the Police Pensions Regulations, 1948, which relate to auxiliary policemen are applied, with certain modifications, to special constables.

(**a**) S.I. 1948 (No. 1531) I, p. 3429; and *see* S.I. 1948 (No. 2802) I, p. 3475.
(**b**) S.R. & O. 1942 (No. 1904) I, p. 76; and *see* S.I. 1948 (No. 866) I, p. 3480.
(**c**) S.R. & O. 1923 (No. 905) p. 147; and *see* S.R. & O. 1942 (No. 1904) I, p. 76 and S.R. & O. 1945 (No. 1640) I, p. 126.
(**d**) S.R. & O. 1923 (No. 905) p. 147; and *see* S.R. & O. 1942 (No. 1904) I, p. 76, S.R. & O. 1945 (No. 323) I, p. 125, S.R. & O. 1945 (No. 1640) I, p. 126, S.R. & O. 1947 (No. 1010) I, p. 353 and S.I. 1948 (No. 866) I, p. 3480.
(**e**) S.R. & O. 1945 (No. 1640) I, p. 126; and *see* S.I. 1948 (No. 866) I, p. 3480.
(**f**) S.R. & O. 1947 (No. 1010) I, p. 353.
(**g**) 52 & 53 Vict. c. 63.