STATUTORY INSTRUMENTS

1962 No. 2786

POLICE

ENGLAND AND WALES

The Special Constables (Pensions) Order 1962

Made - - - -	19*th December* 1962
Laid before Parliament	31*st December* 1962
Coming into Operation	1*st January* 1963

At the Court at Buckingham Palace, the 19th day of December 1962

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 paragraphs (*c*) and (*e*) 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:—

Special constable's supplemental pension

1.—(1) This Regulation shall apply to a person who ceases or has ceased to hold the office of special constable on or after 11th April 1949 and is permanently disabled from following his ordinary employment as a result of an injury received without his own default in the execution of his duty as a special constable.

(2) Subject to the provisions of this Order, a person to whom this Regulation applies shall be entitled to a supplemental pension and Regulations 4, 45 (1) and (2), 46 and 81 of the principal Regulations shall apply as if he had been an auxiliary policeman at the time that he received the injury.

(3) Regulation 45 (2) of the principal Regulations shall not apply where the person concerned last ceased to hold the office of special constable before 16th May 1950.

Widow's special pension

2.—(1) This Regulation shall apply to the widow of a special constable who dies or has died on or after 11th April 1949 as the result of an injury received without his own default in the execution of his duty as a special constable.

(2) Subject to the provisions of this Order, a widow to whom this Regulation applies shall be entitled to a special pension and Regulations 12, 13, 16 (1), 18 (2), 19 (1) and (3) and 20 of the principal Regulations and Part XI thereof shall apply as if her husband had been an auxiliary policeman at the time that he received the injury.

(3) Nothing in Regulation 19 (1) of the principal Regulations shall apply to a widow's special pension if she became entitled to the like pension before 6th May 1957 under an Order revoked by this Order, but in such

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

a case, Regulation 19 (2) of the principal Regulations shall apply as if the pension were an award mentioned in that provision.

Widow's pension under the pension provisions of 1923 *or* 1945

3.—(1) This Regulation shall apply to the widow of a special constable who died before 11th April 1949.

(2) Where a widow to whom this Regulation applies was immediately before 11th April 1949 entitled to a pension under the pension provisions of 1923 or 1945 (which applied to special constables certain provisions of the Police Pensions Act 1921(a)), she shall continue to be entitled to the pension in all respects in the same manner as if the said provisions had not been revoked, so however that it shall be calculated in accordance with this Regulation.

(3) For the purposes of calculating the pension Regulations 14 (3) and (4) and 15 of the principal Regulations and Part XI thereof shall apply as if—

(*a*) the pension was one to which the widow continued to be entitled under Regulation 14 (2) of the principal Regulations, and

(*b*) her husband had been an auxiliary policeman at the time that he received the injury as a result of which he died.

Child's special allowance

4.—(1) This Regulation shall apply to the child of a special constable who dies or has died on or after 11th April 1949 as the result of an injury received without his own default in the execution of his duty as a special constable.

(2) Subject to the provisions of this Order, a child to whom this Regulation applies shall be entitled to a child's special allowance and Regulations 22, 23, 25 (1) and 26 of the principal Regulations and Part XI thereof shall apply as if the parent had been an auxiliary policeman at the time that he received the injury.

Child's allowance under the pension provisions of 1923 *or* 1945

5.—(1) This Regulation shall apply to the child of a special constable who died before 11th April 1949.

(2) Where a child to whom this Regulation applies was immediately before 11th April 1949 entitled to an allowance under the pension provisions of 1923 or 1945 (which applied to special constables certain provisions of the Police Pensions Act 1921), he shall continue to be entitled to the allowance, subject to Regulation 56 (3) of the principal Regulations, as applied by Regulation 9 of this Order, in all respects in the same manner as if the said provisions had not been revoked, so however that it shall be calculated in accordance with this Regulation.

(3) For the purposes of calculating the allowance Regulation 24 (3) and (4) of the principal Regulations and Part XI thereof shall apply as if the allowance were one to which the child continued to be entitled under Regulation 24 (2) of the principal Regulations.

Increase in awards to dependants of special constable who both ceased to serve and died between 1*st July* 1949 *and* 16*th May* 1950

6.—(1) This Regulation shall apply to a widow or child entitled to an award under Regulation 2 or 4 of this Order, where the husband or parent, as the case may be—

(a) 11 & 12 Geo. 5. c. 31.

(*a*) first ceased to hold the office of special constable, after receiving the injury as a result of which he died, on or after 1st July 1949, and

(*b*) died before 16th May 1950.

(2) The police authority may increase the award to a widow or child to whom this Regulation applies by such amount as they may from time to time think fit, not exceeding—

(*a*) in the case of a widow's special pension, 10s. 0d. a week ; or

(*b*) in the case of a child's special allowance, 4s. 0d. a week.

Average pensionable pay and pensionable service

7. For the purpose of calculating an award under this Order to or in respect of a special constable—

(*a*) his average pensionable pay or average pensionable pay for a period of a week, as the case may be, shall be calculated in accordance with Schedule 1 to this Order ;

(*b*) he shall be deemed to have completed less than eleven years' pensionable service.

Limitation on application of Regulation 81 *of the principal Regulations*

8. Where, for the purpose of calculating an award to or in respect of a special constable, it is provided in the principal Regulations, as applied by this Order, that an amount shall be increased in accordance with Regulation 81 of the principal Regulations or with Part XI thereof (which includes Regulation 81), the said amount shall be increased in accordance with the said Regulation 81 only if the injury by virtue of which the award is payable was received by the special constable—

(*a*) during a period for which he held the office of special constable which ended before 1st April 1947, or

(*b*) after 31st March 1945 and during a continuous period of whole-time service for which he was granted pay under the Special Constables Order 1940(a).

Application of certain provisions of the principal Regulations

9. Regulations 48, 49, 50, 51, 52, 55, 56, 57 and 104 of the principal Regulations shall apply for the purposes of this Order as if a special constable were a member of a police force and as if any reference in the said Regulation 104 to the former Regulations (that is to say, the Regulations revoked by, and set out in Schedule 8 to, the principal Regulations)—

(*a*) were a reference to those Regulations as applied to special constables by the Orders revoked by this Order, and

(*b*) included a reference to Regulations 2 (2) and 4 (2) of the Special Constables (Pensions) Order 1949(b), as set out in the Schedule to the Special Constables (Pensions) Order 1950(c).

Application of certain provisions of the Police Pensions Act 1948

10.—(1) Section 4 of the Police Pensions Act 1948(d) (which relates to the forfeiture of pensions) shall apply to—

(*a*) an award under this Order as though it were a pension mentioned in subsection (1) of that section ;

(a) S.R. & O. 1940/1193 (1940 I, p. 198) ; revoked by S.I. 1948/866 (Rev. XVIII, p. 180 ; 1948 I, p. 3480). (b) S.I. 1949/589 (1949 I, p. 3379).
(c) S.I. 1950/673 (1950 II, p. 341). (d) 11 & 12 Geo. 6. c. 24.

(*b*) an award under the pension provisions of 1923 or 1945 as though those provisions were included in the rules and regulations referred to in subsection (4) of that section.

(2) Section 5 of the said Act of 1948 (which relates to appeals against forfeiture or refusal of a pension) shall apply to—

(*a*) an award under this Order as though it were a pension mentioned in subsections (1) (*a*) and (1) (*b*) of that section;

(*b*) an award under the pension provisions of 1923 or 1945 as though it were a pension mentioned in subsection (1) (*b*) of that section,

and, in either case, as though a special constable served in the police force for the police area for which he is appointed.

(3) Section 7 of the said Act of 1948 (which relates 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 that section.

Limitation on application of Order to constables to whom the Police and Firemen (War Service) Act 1939 applied

11.—(1) This Regulation shall apply to a person who—

(*a*) ceased to serve as a member of a police force in such circumstances that section 1 of the Police and Firemen (War Service) Act 1939(**a**), as extended by Regulation 60DA of the Defence (General) Regulations 1939, applied in his case, and

(*b*) was appointed a special constable during the period which was treated, in his case, as a period of approved service in a police force, by virtue of section 2 (1) of that Act as so extended (hereafter in this Regulation referred to as his period of war service).

(2) No award shall be payable to or in respect of a person to whom this Regulation applies by virtue of an injury received by him during his period of war service.

(3) If a person to whom this Regulation applies continued to hold the office of special constable after the end of his period of war service, by virtue of his appointment during that period, then, for the purposes of Schedule 1 to this Order, the date of his appointment as a special constable shall be deemed to be the date of the end of his period of war service.

Authority by whom payments are to be made

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

Interpretation

13.—(1) In this Order the expression "the principal Regulations" means the Police Pensions Regulations 1962(**b**).

(2) Regulations 88, 94, 97 (1), (3) and (4), 98, 101 (2) and 102 of the principal Regulations shall apply for the purposes of this Order as they apply for the purposes of the said Regulations.

(3) For the purposes of this Order a reference to an injury received by a person in the execution of his duty as a special constable shall include a reference to any injury received while on duty or while on a journey necessary to enable him to report for duty or to return home after duty.

(**a**) 2 & 3 Geo. 6. c. 103. (**b**) S.I. 1962/2756 (1962 III, p. 3785).

(4) (*a*) Where an amalgamation scheme is or has been made or approved by the Secretary of State under section 3, 4 or 6 of the Police Act 1946(**a**) (which relate to the amalgamation of police areas), 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 Schedule 3 to the said Act of 1946.

(5) For the purposes of this Order a 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 or held that office in the police area for which he is or was appointed; and any reference in the said Regulations to retirement shall be construed as a reference to the termination of such a period.

(6) For the purposes of this Order a reference to the pension provisions of 1923 or 1945 is a reference to—

(*a*) paragraph 11 of the Special Constables Order 1923(**b**) as originally made or as from time to time amended(**c**); or

(*b*) paragraphs 1 and 2 of the Special Constables Order 1945(**d**).

(7) For the purposes of this Order a reference to a special constable is a reference to a special constable appointed under the Special Constables Act 1831(**e**) or section 196 of the Municipal Corporations Act 1882(**f**) and, except where the context otherwise requires, includes a reference to a person who has been a special constable.

Revocations

14.—(1) The Special Constables (Pensions) Orders set out in Schedule 2 to this Order (that is to say the Orders made before the making of this Order which apply to special constables provisions of regulations made under the Police Pensions Act 1948) are hereby revoked to the extent that they have not heretofore been revoked by such Orders.

(2) Paragraph 1 of the Special Constables Order 1942(**g**) (which, as amended(**h**), limits in certain cases the application of the Orders revoked by paragraph (1) of this Regulation) is hereby revoked.

Citation and commencement

15. This Order may be cited as the Special Constables (Pensions) Order 1962 and shall come into operation on 1st January 1963.

W. G. Agnew.

(**a**) 9 & 10 Geo. 6. c. 46.
(**b**) S.R. & O. 1923/905 (Rev. XVIII, p. 180: 1923, p. 147); revoked as respects paragraph 11 by S.I. 1949/589 (1949 I, p. 3379).
(**c**) The relevant amending instruments are S.R. & O. 1942/1904 (Rev. XVIII, p. 185: 1942 I, p. 76), 1945/323, 1640, 1947/1010 (1945 I, pp. 125, 126; 1947 I, p. 353).
(**d**) S.R. & O. 1945/323 (1945 I, p. 125); revoked by S.I. 1948/866 (Rev. XVIII, p. 180: 1948 I, p. 3480).
(**e**) 1 & 2 Will. 4. c. 41.
(**f**) 45 & 46 Vict. c. 50.
(**g**) S.R. & O. 1942/1904 (Rev. XVIII, p. 185: 1942 I, p. 76).
(**h**) The relevant amending instruments are S.I. 1950/673, 1955/702 (1950 II, p. 341; 1955 II, p. 1893).

Regulation 7

SCHEDULE 1

AVERAGE PENSIONABLE PAY

1. Subject to the provisions of this Schedule, for the purpose of calculating an award under this Order to or in respect of a special constable his average pensionable pay or average pensionable pay for a period of a week shall be deemed to be the sum set out, opposite to the period during which he ceased to hold that office, in the second column of the appropriate Table in this Schedule, with the addition of the sum so set out in the third column of that Table for each completed year of service as a special constable from the date of his appointment as such, subject to the maximum, if any, so set out in the fourth column of that Table.

2. Where a special constable ceased to hold that office on or after 20th December 1945 but before 8th September 1955, then for the purpose of the preceding paragraph no account shall be taken of his first 2 completed years of service as such.

3. Where an award is payable under any provision of this Order to or in respect of a special constable, and the like award first became payable to or in respect of him under an Order revoked by this Order—

(*a*) on or after 1st July 1949 but before 16th May 1950;

(*b*) on or after 3rd August 1951 but before 3rd March 1952;

(*c*) on or after 14th January 1954 but before 19th April 1954;

(*d*) on or after 8th September 1955 but before 6th May 1957;

(*e*) on or after 22nd April 1958 but before 6th April 1959;

(*f*) on or after 1st September 1960 but before 1st July 1961; or

(*g*) on or after 1st September 1962 but before 1st January 1963,

then, for the purpose of calculating the award under this Order, the appropriate Table shall have effect as if for any reference therein to the first date mentioned in the applicable sub-paragraph of this paragraph there were substituted a reference to the second date so mentioned.

4. Where an award under this Order to or in respect of a special constable is payable by virtue of an injury received by him after 31st March 1945 and during a continuous period of whole-time service for which he was granted pay under the Special Constables Order 1940, then paragraph 1 of this Schedule shall not apply for the purpose of calculating the award but his average pensionable pay for a period of a week shall be deemed to be his pay for a week at the rate to which he was entitled immediately before the end of that continuous period of service.

5. For the purpose of calculating an award under this Order to or in respect of a special constable, his average pensionable pay for a period of a week shall be taken to be his average pensionable pay divided by 52⅛.

6. In this Schedule 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 by virtue of which the award is payable and a reference to his ceasing to hold that office is a reference to his first ceasing to hold that office after he received that injury.

TABLE I

AVERAGE PENSIONABLE PAY (MEN)

Period during which office ceased to be held	Average pensionable pay or average pensionable pay for period of a week	Increment	Maximum
Before 20th December 1945	70s. a week	1s. 0d.	—
On or after 20th December 1945, but before 21st May 1947	90s. a week	1s. 6d.	117s. a week
On or after 21st May 1947, but before 1st July 1949	105s. a week	1s. 6d.	132s. a week
On or after 1st July 1949, but before 3rd August 1951	£330 a year	£5	£420 a year
On or after 3rd August 1951, but before 14th January 1954	£400 a year	£5	£505 a year
On or after 14th January 1954, but before 8th September 1955	£445 a year	£5	£550 a year
On or after 8th September 1955, but before 1st February 1957	£475 a year	£7 10s.	£640 a year
On or after 1st February 1957, but before 22nd April 1958	£490 a year	£7 10s.	£660 a year
On or after 22nd April 1958, but before 1st September 1960	£510 a year	£8 5s.	£695 a year
On or after 1st September 1960, but before 1st September 1962	£600 a year	£17	£970 a year
On or after 1st September 1962, but before 1st February 1963	£620 a year	£18	£1,005 a year
On or after 1st February 1963 ...	£635 a year	£18	£1,030 a year

TABLE II

AVERAGE PENSIONABLE PAY (WOMEN)

Period during which office ceased to be held	Average pensionable pay or average pensionable pay for period of a week	Increment	Maximum
Before 20th December 1945	70s. a week	1s. 0d.	—
On or after 20th December 1945, but before 21st May 1947	90s. a week	1s. 6d.	117s. a week
On or after 21st May 1947, but before 1st July 1949	105s. a week	1s. 6d.	132s. a week
On or after 1st July 1949, but before 3rd August 1951	£290 a year	£5	£380 a year
On or after 3rd August 1951, but before 14th January 1954	£355 a year	£5	£455 a year
On or after 14th January 1954, but before 8th September 1955	£395 a year	£5	£495 a year
On or after 8th September 1955, but before 1st February 1957	£425 a year	£7 10s.	£575 a year
On or after 1st February 1957, but before 22nd April 1958	£440 a year	£7 10s.	£595 a year
On or after 22nd April 1958, but before 1st September 1960	£460 a year	£8 5s.	£625 a year
On or after 1st September 1960, but before 1st September 1962	£540 a year	£17	£875 a year
On or after 1st September 1962, but before 1st February 1963	£560 a year	£18	£905 a year
On or after 1st February 1963 ...	£570 a year	£18	£930 a year

SCHEDULE 2 Regulation 14

SPECIAL CONSTABLES (PENSIONS) ORDERS REVOKED

Order partially revoked by the Special Constables (Pensions) Order 1950

The Special Constables (Pensions) Order 1949 S.I. 1949/589 (1949 I, p. 3379).

Orders partially revoked by the Special Constables (Pensions) Order 1955

The Special Constables (Pensions) Order 1950 S.I. 1950/673 (1950 II, p. 341).

The Special Constables (Pensions) Order 1952 S.I. 1952/345 (1952 II, p. 2545).

The Special Constables (Pensions) Order 1953 S.I. 1953/735 (1953 II, p. 1590).

The Special Constables (Pensions) Order 1954 S.I. 1954/484 (1954 II, p. 1787).

Other Orders

The Special Constables (Pensions) Order 1955 S.I. 1955/701 (1955 II, p. 1888).

The Special Constables (Pensions) (No. 2) Order 1955 S.I. 1955/702 (1955 II, p. 1893).

The Special Constables (Pensions) Order 1957 S.I. 1957/750 (1957 II, p. 1886).

The Special Constables (Pensions) Order 1958 S.I. 1958/420 (1958 II, p. 1943).

The Special Constables (Pensions) Order 1959 S.I. 1959/531 (1959 II, p. 2121).

The Special Constables (Pensions) Order 1960 S.I. 1960/1063 (1960 II, p. 2755).

The Special Constables (Pensions) Order 1961 S.I. 1961/1200 (1961 II, p. 2365).

EXPLANATORY NOTE

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

This Order (which comes into force on 1st January 1963 and applies to special constables appointed in England and Wales) consolidates, subject to increases in notional average pensionable pay, the Orders set out in Schedule 2, that is to say the Special Constables (Pensions) Order 1955 (which relates to awards made on and after 9th May 1955), the Special Constables (Pensions) Order 1950 (which relates to awards made between 16th May 1950 and 9th May 1955) and the Special Constables (Pensions) Order 1949 (which relates to awards made between 11th April 1949 and 16th May 1950 and also, in the case of widows' and children's awards, to such awards made before 11th April 1949) and the Orders amending these three principal Orders.

The Orders revoked gave to special constables and their dependants certain pension benefits for which members of police forces and their dependants were eligible by applying, with modifications, certain provisions of the Police Pensions Regulations of 1955, 1949 and 1948. The present Order makes fresh provision for this purpose by similarly applying the Police Pensions Regulations 1962, which consolidated the earlier Regulations.

Schedule 1 to the present Order provides for an increase in the notional average pensionable pay of a special constable ceasing to hold that office on or after 1st September 1962 where an award calculated on that pay first becomes payable on or after 1st January 1963. It also provides for a further increase in that notional pay in the case of special constables who cease to hold that office on or after 1st February 1963.