1971 No. 233

POLICE

The Special Constables (Pensions) Regulations 1971

Made - - -	11*th February* 1971
Laid before Parliament	12*th February* 1971
Coming into Operation	15*th February* 1971

In exercise of the powers conferred on me by section 34 of the Police Act 1964(**a**) (read with section 1(2) of the Police Pensions Act 1961(**b**)), I hereby make the following Regulations :—

Citation and commencement

1. These Regulations may be cited as the Special Constables (Pensions) Regulations 1971 and shall come into operation on 15th February 1971.

Revocations

2. The former pension provisions are hereby revoked to the extent that they have not heretofore been revoked and, accordingly, the Regulations set out in Schedule 1 to these Regulations are hereby revoked.

Interpretation

3.—(1) In these Regulations the expression "the principal Regulations" means the Police Pensions Regulations 1971(**c**).

(2) Regulations 4, 5(6), 10, 13(1), (3) and (4), 14, 17(2) and 18 of the principal Regulations shall apply for the purposes of these Regulations as they apply for the purposes of the said Regulations.

(3) For the purposes of these Regulations 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.

(4) (*a*) Where a police area is or has been combined with another police area, the combined police area of which the first named area for the time being forms part and the police authority and police fund therefor shall, for the purposes of these Regulations, be deemed to be the same area, authority and fund as the first named area and the authority and fund therefor.

(**a**) 1964 c. 48. (**b**) 1961 c. 35. (**c**) S.I. 1971/232.(1971 I, p. 700).

(*b*) Where a police area is or has been divided, in relation to any special constable who is transferred by the instrument effecting the division from the divided area to another police area, the other area and the police authority and police fund therefor shall, for the purposes of these Regulations, be deemed to be the same area, authority and fund as the divided area and the authority and fund therefor.

(*c*) Where a police area is or has been combined or divided as aforesaid, any special constable who is transferred, by the instrument effecting the combination or division, from that police area to another police area shall, for the purposes of these Regulations, be deemed to have been appointed a special constable for the area to which he is transferred on the day on which he was last appointed a special constable for the police area first mentioned in this sub-paragraph.

(*d*) In relation to a special constable who has served as such on or after 23rd May 1966, a reference in this paragraph to the division of a police area includes a reference to the transfer of part of a police area, on or after 1st April 1966, on the date on which an order affecting the area, made under section 140 of the Local Government Act 1933(**a**) or under Part II of the Local Government Act 1958(**b**), comes into force.

(5) For the purposes of these Regulations 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, or to ceasing to be a member of a police force, shall be construed as a reference to the termination of such a period.

(6) For the purposes of these Regulations a reference to the former pension provisions is a reference to the provisions of the Special Constables (Pensions) Orders and Regulations set out in Schedule 1 to these Regulations, in Schedule 2 to the Special Constables (Pensions) Regulations 1966(**c**) and in Schedule 2 to the Special Constables (Pensions) Order 1962(**d**) (that is to say the instruments made before the making of these Regulations which applied to special constables provisions of regulations made under the Police Pensions Act 1948(**e**)), except that a reference to the former pension provisions of 1923 or 1945 shall be construed as a reference to—

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

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

(7) For the purposes of these Regulations a reference to a special constable is a reference to a special constable appointed under the Special Constables Act 1831(**i**), section 196 of the Municipal Corporations Act 1882(**j**) or section 16 of the Police Act 1964 and, except where the context otherwise requires, includes a reference to a person who has been a special constable.

(**a**) 1933 c. 51. (**b**) 1958 c. 55.
(**c**) S.I. 1966/1590 (1966 III, p. 5008); revoked by these Regulations.
(**d**) S.I. 1962/2786 (1962 III, p. 3977); revoked by S.I. 1966/1590 (1966 III, p. 5008).
(**e**) 1948 c. 24.
(**f**) 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).
(**g**) The relevant amending instruments are S.R. & O. 1942/1904, 1945/323, 1640, 1947/1010 (Rev. XVIII, pp. 180, 185; 1942 I, p. 76; 1945 I, pp. 125, 126; 1947 I, p. 353).
(**h**) S.R. & O. 1945/323 (1945 I, p. 125); revoked by S.I. 1948/866 (1948 XVIII, p. 180; 1948 I, p. 3480).
(**i**) 1831 c. 41; repealed by 1964 c. 48.
(**j**) 1882 c. 50; repealed as respects section 196 by 1964 c. 48.

Special constable's supplemental pension

4.—(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 these Regulations, a person to whom this Regulation applies shall be entitled to a supplemental pension and Regulations 22, 66(1) and (2), 67 and 106 of the principal Regulations shall apply as if he had been an auxiliary policeman at the time that he received the injury.

(3) Regulation 66(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

5.—(1) This Regulation shall apply to a 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 these Regulations, a widow to whom this Regulation applies shall be entitled to a special pension and Regulations 31, 33, 36(1), 38(2), 39(1) and (3) and 40 of the principal Regulations and Part XIII thereof shall apply as if her husband had been an auxiliary policeman at the time that he received the injury.

(3) Nothing in Regulation 39(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 the former pension provisions, but in such a case, Regulation 39(2) of the principal Regulations shall apply as if the pension were an award mentioned in that provision.

Widow's augmented award

6.—(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, subject to paragraph (4) of this Regulation, one of the following conditions is satisfied, namely that—

(*a*) he was attacked by a person or persons in a manner which 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 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, or

(*c*) the injury was received in the course of duties performed—

(i) for the immediate purpose of saving the life of another person or of preventing loss of human life, and

(ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury,

and death ensued on or after 1st January 1970, or

(*d*) the police authority are of the opinion that one of the preceding conditions may be satisfied, and that this Regulation should apply, or

(*e*) the police authority are of the opinion that the injury was received otherwise than as aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would have been payable had one of the conditions specified in sub-paragraphs (*a*), (*b*) and (*c*) been satisfied, and death ensued on or after 15th February 1971.

(2) For the purpose of calculating a widow's special pension payable to a widow to whom this Regulation applies, Regulation 31 of the principal Regulations (as applied by Regulation 5 of these Regulations) shall have effect subject to the provisions of Regulation 32(1), (2) and (5) of the principal Regulations.

(3) Subject to the provisions of these Regulations, a widow to whom this Regulation applies whose husband dies on or after 1st August 1964 shall be entitled to a gratuity in addition to a special pension and Regulations 32(1), (3), (4) and (5), 38(2), 39(1) and (3) and 40 of the principal Regulations shall apply as if her husband, at the time that he received the injury, had been serving as an auxiliary policeman in the police force for the police area for which he was appointed.

(4) Without prejudice to the application of this Regulation by virtue of paragraph (1) thereof in the case of a widow of a special constable who died before 15th February 1971, this Regulation shall apply to such a widow if it would have applied by virtue of paragraph (1) had the words "in the opinion of the police authority" been inserted—

(*a*) in sub-paragraph (*a*) thereof, after the word "which",

(*b*) in sub-paragraph (*b*) thereof, after the word "performed", and

(*c*) in sub-paragraph (*c*) thereof, after the word "performed",

and had sub-paragraph (*d*) thereof been omitted.

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

7.—(1) This Regulation shall apply to a 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 former 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 34(3) and (4) and 35 of the principal Regulations and Part XIII thereof shall apply as if—

(*a*) the pension was one to which the widow continued to be entitled under Regulation 34(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.

(**a**) 1921 c. 31.

Child's special allowance

8.—(1) This Regulation shall apply to a 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 these Regulations, a child to whom this Regulation applies shall be entitled to a child's special allowance and Regulations 42, 44, 45(1) and 46 of the principal Regulations and Part XIII thereof shall apply as if the parent had been an auxiliary policeman at the time that he received the injury.

Child's special gratuity

9.—(1) This Regulation shall apply to a child of a special constable who dies or has died on or after 1st August 1964 as the result of an injury received without his own default in the execution of his duty where, subject to paragraph (3) of this Regulation, one of the conditions set out in paragraph (1) of Regulation 6 of these Regulations is satisfied and—

(*a*) in the case of a man, does not leave a widow entitled to a gratuity under paragraph (3) of the said Regulation 6, 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 these Regulations, a child to whom this Regulation applies shall be entitled to a gratuity in addition to a special allowance and Regulations 43 and 46 of the principal Regulations shall apply as if the parent, at the time that he received the injury, had been serving as an auxiliary policeman in the police force for the police area for which he was appointed.

(3) Without prejudice to the application of this Regulation by virtue of paragraph (1) thereof in the case of a child of a special constable who died before 15th February 1971, this Regulation shall apply to such a child if it would have applied by virtue of paragraph (1) had Regulation 6(1) been modified as provided in Regulation 6(4) of these Regulations.

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

10.—(1) This Regulation shall apply to a widow entitled to an award under Regulation 5 of these Regulations where the husband—

(*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 to whom this Regulation applies by such amount as they may from time to time think fit, not exceeding £0·50 a week.

Average pensionable pay and pensionable service

11. For the purpose of calculating an award under these Regulations 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 2 to these Regulations ;

(*b*) he shall be deemed to have completed less than 11 years' pensionable service.

Limitation on application of Regulation 106 *of the principal Regulations*

12. 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 these Regulations, that an amount shall be increased in accordance with Regulation 106 of the principal Regulations or with Part XIII thereof (which includes Regulation 106), the said amount shall be increased in accordance with the said Regulation 106 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

13. Regulations 3, 69, 70, 71, 72, 73, 76, 77 and 78 of the principal Regulations shall apply for the purposes of these Regulations as if a special constable were a member of a police force and as if any reference in the said Regulation 3 to the former Regulations (that is to say, the Regulations made under the Police Pensions Act 1948 before the making of the principal Regulations)—

(*a*) were a reference to those Regulations as applied to special constables by the former pension provisions, 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**), to Regulation 6 of the Special Constables (Pensions) Order 1962 and to Regulation 8 of the Special Constables (Pensions) Regulations 1966.

Application of certain provisions of the Police Pensions Act 1948

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

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

(*b*) an award under the former 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.

(**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); revoked by S.I. 1962/2786 (1962 III, p. 3977).
(**c**) S.I. 1950/673 (1950 II, p. 341); revoked by S.I. 1962/2786 (1962 III, p. 3977).

(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 these Regulations as though it were a pension mentioned in subsections (1)(*a*) and (1)(*b*) of that section;

(*b*) an award under the former 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 these Regulations as though such an award were a pension mentioned in that section.

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

15.—(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 2 to these Regulations, 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

16. An award under these Regulations 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.

R. Maudling,
One of Her Majesty's
Principal Secretaries of State.

Home Office,
Whitehall.
11th February 1971.

(**a**) 1939 c. 103.

SCHEDULE 1

Regulation 2

FORMER PENSION PROVISIONS REVOKED

The Special Constables (Pensions) Regulations 1966	S.I. 1966/1590 (1966 III, p. 5008).
The Special Constables (Pensions) (Amendment) Regulations 1967	S.I. 1967/1546 (1967 III, p. 4311).
The Special Constables (Pensions) (Amendment) Regulations 1968	S.I. 1968/1989 (1968 III, p. 5420).
The Special Constables (Pensions) (Amendment) Regulations 1969	S.I. 1969/724 (1969 II, p. 1958).
The Special Constables (Pensions) (Amendment) (No. 2) Regulations 1969	S.I. 1969/1514 (1969 III, p. 4920).
The Special Constables (Pensions) (Amendment) (No. 3) Regulations 1969	S.I. 1969/1850 (1969 III, p. 5790).
The Special Constables (Pensions) (Amendment) Regulations 1970.	S.I. 1970/1571 (1970 III, p. 5323).

Regulation 11

SCHEDULE 2

AVERAGE PENSIONABLE PAY

1.—(1) Subject to the provisions of this Schedule, for the purpose of calculating an award under these Regulations to or in respect of a special constable his average pensionable pay or average pensionable pay for a period of a week—

(*a*) in the case of a special constable last appointed such on or after 1st March 1967, shall be of an amount determined in accordance with sub-paragraph (2) of this paragraph;

(*b*) in the case of a special constable last appointed such before 1st March 1967 who ceased to hold that office on or after that date, shall be of an amount determined in accordance with sub-paragraph (2) of this paragraph or with sub-paragraph (3) thereof if the amount so calculated is higher;

(*c*) in the case of a special constable who ceased to hold that office before 1st March 1967, shall be determined in accordance with sub-paragraph (3) of this paragraph.

(2) In a case in which this sub-paragraph applies, the average pensionable pay or average pensionable pay for a period of a week of a special constable shall be deemed to be of the like amount as his average pensionable pay or, as the case may be, his average pensionable pay for a week (within the meaning of the principal Regulations) would have been, at the date at which he ceased to hold that office, had his appointment and service at any time as a special constable for any police area been appointment and service in the rank of a constable as a regular policeman in the police force for that area.

(3) In a case in which this sub-paragraph applies, the average pensionable pay or average pensionable pay for a period of a week of a special constable 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 paragraph 1(3) of this Schedule no account shall be taken of his first two completed years of service as such.

3. Where a special constable appointed for the City of London or for the Metropolitan Police District ceased to hold that office on or after 1st January 1966, his average pensionable pay determined in accordance with paragraph 1(3) of this Schedule shall be increased by £50 00 a year.

4. Where an award is payable under any provision of these Regulations to or in respect of a special constable, and the like award first became payable to or in respect of him under the former pension provisions—

(*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 these Regulations, 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.

5. Where an award under these Regulations 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.

6. For the purpose of calculating an award under these Regulations 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 $52\frac{1}{8}$.

7. In this Schedule a reference to a person's appointment as a special constable, otherwise than in paragraph 1(2) thereof, 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	£3·50 a week	£0·05	—
On or after 20th December 1945, but before 21st May 1947	£4·50 a week	£0·075	£5·85 a week
On or after 21st May 1947, but before 1st July 1949	£5·25 a week	£0·075	£6·60 a week
On or after 1st July 1949, but before 3rd August 1951	£330·00 a year	£5·00	£420·00 a year
On or after 3rd August 1951, but before 14th January 1954	£400·00 a year	£5·00	£505·00 a year
On or after 14th January 1954, but before 8th September 1955	£445·00 a year	£5·00	£550·00 a year
On or after 8th September 1955, but before 1st February 1957	£475·00 a year	£7·50	£640·00 a year
On or after 1st February 1957, but before 22nd April 1958	£490·00 a year	£7·50	£660·00 a year
On or after 22nd April 1958, but before 1st September 1960	£510·00 a year	£8·25	£695·00 a year
On or after 1st September 1960, but before 1st September 1962	£600·00 a year	£17·00	£970·00 a year
On or after 1st September 1962, but before 1st February 1963	£620·00 a year	£18·00	£1,005·00 a year
On or after 1st February 1963, but before 1st September 1964	£635·00 a year	£18·00	£1,030·00 a year
On or after 1st September 1964	£800·00 a year	£14·00	£1,105·00 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	£3·50 a week	£0·05	—
On or after 20th December 1945, but before 21st May 1947	£4·50 a week	£0·075	£5·85 a week
On or after 21st May 1947, but before 1st July 1949	£5·25 a week	£0·075	£6·60 a week
On or after 1st July 1949, but before 3rd August 1951	£290·00 a year	£5·00	£380·00 a year
On or after 3rd August 1951, but before 14th January 1954	£355·00 a year	£5·00	£455·00 a year
On or after 14th January 1954, but before 8th September 1955	£395·00 a year	£5·00	£495·00 a year
On or after 8th September 1955, but before 1st February 1957	£425·00 a year	£7·50	£575·00 a year
On or after 1st February 1957, but before 22nd April 1958	£440·00 a year	£7·50	£595·00 a year
On or after 22nd April 1958, but before 1st September 1960	£460·00 a year	£8·25	£625·00 a year
On or after 1st September 1960, but before 1st September 1962	£540·00 a year	£17·00	£875·00 a year
On or after 1st September 1962, but before 1st February 1963	£560·00 a year	£18·00	£905·00 a year
On or after 1st February 1963, but before 1st September 1964	£570·00 a year	£18·00	£930·00 a year
On or after 1st September 1964	£720·00 a year	£14·00	£995·00 a year

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations (which come into force on 15th February 1971 and apply to special constables appointed in England and Wales) consolidate, subject to amendments, the Regulations set out in Schedule 1, that is to say the Special Constables (Pensions) Regulations 1966 and the instruments amending those Regulations.

The instruments 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 1966. The present Regulations make fresh provision for this purpose by similarly applying the Police Pensions Regulations 1971, which consolidated (subject to amendments) the earlier Police Pensions Regulations.