STATUTORY INSTRUMENTS

1966 No. 818 (S. 56)

POLICE

The Special Constables (Pensions) (Scotland) Amendment Regulations 1966

Made - - - -	28*th June* 1966
Laid before Parliament	15*th July* 1966
Coming into Operation	18*th July* 1966

In exercise of the powers conferred on me by section 11 of the Police (Scotland) Act 1956(a) as modified by section 1(2) of the Police Pensions Act 1961(b) and as read with paragraph 8 of Schedule 7 to the Police Act 1964(c) and of all other powers enabling me in that behalf, and no representations having been made to me under section 11(6) of the said Act of 1956, following the submission of a draft to the Police Advisory Board for Scotland, I hereby make the following regulations:—

1. These regulations may be cited as the Special Constables (Pensions) (Scotland) Amendment Regulations 1966 and shall come into operation on 18th July 1966.

2. The Special Constables (Pensions) (Scotland) Regulations 1962(d) shall have effect subject to the following amendments:—

(*a*) After Regulation 4 (which relates to the widow's special pension) 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*

4A.—(1) This regulation shall apply to the 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 2nd June 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 17th July 1966, Regulation 12 of the principal regulations (as applied by Regulation 4 of these regulations) shall have effect subject to the provisions of Regulation 12A(1) and (2) of the principal regulations.

(a) 1956 c. 26. (b) 1961 c. 35. (c) 1964 c. 48. (d) S.I. 1962/2808 (1962 III, p. 4041).

(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 12A(1), (3) and (4), 18(2), 19(1) and (3) and 20 of the principal regulations shall apply as if her husband had been an auxiliary policeman at the time that he received the injury.";

(*b*) after Regulation 6 (which relates to a child's special allowance) 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*

6A.—(1) This regulation shall apply to the child of a special constable who died on or after 1st August 1964 in the circumstances mentioned in Regulation 4A(1) hereof and—

(*a*) in the case of a man, does not leave a widow entitled to a gratuity under Regulation 4A(3), 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 22A and 26 of the principal regulations shall apply as if the parent had been an auxiliary policeman at the time he received the injury.";

(*c*) Schedule 1 (which provides for the calculation of an award by reference to a scale of national remuneration, described as "average pensionable pay") shall have effect as from 1st September 1964 as if for the entries contained in Tables I and II therein relating to the average pensionable pay of men and women, respectively, who ceased to hold the office of special constable on or after 1st February 1963 there were substituted the entries contained, respectively, in the following Tables I and II:—

TABLE I

Average Pensionable Pay (Men)

Period during which office ceased to be held	Average pensionable pay	Increment	Maximum
On or after 1st February 1963, but before 1st September 1964 ...	£635 a year	£18	£1,030 a year
On or after 1st September 1964	£800 a year	£14	£1,105 a year

TABLE II

Average Pensionable Pay (Women)

Period during which office ceased to be held	Average Pensionable pay	Increment	Maximum
On or after 1st February 1963, but before 1st September 1964 ...	£570 a year	£18	£930 a year
On or after 1st September 1964	£720 a year	£14	£995 a year

(*d*) for Regulation 2(1) (which defines the expression "the principal regulations") there shall be substituted the following:—

"(1) In these regulations the expression 'the principal regulations' means the Police Pensions Regulations 1962(a) as amended by the Police Pensions (Amendment) Regulations 1963(b), the Police Pensions (Amendment) (No. 2) Regulations 1963(c), the Police Pensions (Amendment) Regulations 1964(d), the Police Pensions (Amendment) (No. 2) Regulations 1964(e), the Police Pensions (Amendment) (No. 3) Regulations 1964(f), the Police Pensions (Amendment) Regulations 1965(g), and the Police Pensions (Amendment) Regulations 1966(h).";

and

(*e*) in Regulation 2(2) for the words "Regulations 88" there shall be substituted the words "Regulations 88, 89(6)".

3. In the application of the Police Pensions Regulations 1962 to the calculation of the pension of the widow, or the allowance of a child, of a special constable under the Special Constables (Pensions) (Scotland) Regulations 1962 the Police Pensions Regulations 1962 shall apply as amended by the Police Pensions (Amendment) Regulations 1963, the Police Pensions (Amendment) (No. 2) Regulations 1963, the Police Pensions (Amendment) Regulations 1964, the Police Pensions (Amendment) Regulations 1965 and the Police Pensions (Amendment) Regulations 1966 (which amendments relate to increases in widow's pensions and children's allowances) and as amended by the Police Pensions (Amendment) (No. 2.) Regulations 1964 and the Police Pensions (Amendment) (No. 3.) Regulations 1964 (which amendments relate to awards to widows and children).

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
28th June 1966.

(a) S.I. 1962/2756 (1962 III, p. 3785).
(b) S.I. 1963/550 (1963 I, p. 598).
(c) S.I. 1963/831 (1963 I, p. 1216).
(d) S.I. 1964/471 (1964 I, p. 759).
(e) S.I. 1964/1072 (1964 II, p. 2371).
(f) S.I. 1964/1232 (1964 II, p. 2867).
(g) S.I. 1965/585 (1965 I, p. 1835).
(h) S.I. 1966/274 (1966 I, p. 737).

EXPLANATORY NOTE

(This Note is not part of the regulations.)

1. These regulations amend the Special Constables (Pensions) (Scotland) Regulations 1962 (which give special constables and their dependants a right to some of the pension benefits that are provided for regular policemen and their dependants by the Police Pensions Regulations 1962). They apply to special constables and their dependants certain additional or improved benefits that have been made available to regular policemen and their dependants since the principal regulations (i.e. the Special Constables (Pensions) (Scotland) Regulations 1962) were made.

2. The widow of a special constable (like the widow of a regular policeman) is entitled to a pension which is payable at a special rate in the case where her husband died as a result of an attack likely to cause death. The Police Pensions (Amendment) (No. 3) Regulations 1964 allowed the special rate of pension to be paid to the widow of a regular policeman who died on or after 1st August 1964, as a result of an injury received in the course of effecting an arrest or preventing an escape or rescue from legal custody. Provision was also made for the payment of a special gratuity to widows in both categories. These regulations, by inserting a new Regulation 4A in the principal regulations, apply these provisions to the widows of special constables.

3. A new Regulation 6A is also inserted in the principal regulations to provide (as in the case of regular policemen) for the payment of the gratuity to the child (a) of a special constable who does not leave a widow or, (b) of a special policewoman, if she was her child's only surviving parent.

4. Under the principal regulations, awards to or in respect of special constables are calculated by reference to a scale of notional remuneration corresponding to the scales of regular police pay in force at the time. These regulations now provide for an increase in the scale in the case of a special constable who ceased to hold that office on or after 1st September 1964. For this purpose, the regulations have retrospective effect to that date.

5. Regulation 3 applies to special constables and their dependants various amendments to the Police Pensions Regulations 1962 which provide for (a) increases in various benefits calculated by reference to the Pensions (Increase) Acts of 1962 and 1965; (b) the extension to 19 of the age to which a child who is undergoing full-time education or an apprenticeship is entitled to an allowance; (c) increases in the amounts of certain discretionary children's benefits; (d) an adjustment in the extent of the abatement of a widow's pension by a National Insurance widowed mother's allowance; and (e) further increases in the discretionary benefits payable to the dependants of members of police forces.

6. Throughout this explanatory note, the expression "principal regulations" has been used to refer to the Special Constables (Pensions) (Scotland) Regulations 1962. This contrasts with the use of the expression in the body of the regulations where it applies to the Police Pensions Regulations 1962, as amended.