The Special Constables (Pensions) (Scotland) Order, 1950

1950 No. 674 (S. 49)

Made - - - -	25*th April*, 1950
Laid before Parliament	26*th April*, 1950
Coming into Operation	16*th May*, 1950

At the Court at Buckingham Palace, the 25th day of April, 1950

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 Burgh Police (Scotland) Act, 1892(**c**), or any local Act or the Special Constables (Scotland) Act, 1914(**d**) 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 special constable or a person who has ceased to hold that office on or after the sixteenth day of May, nineteen hundred and fifty, becomes 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, he shall be entitled to a supplemental pension and Regulations 7, 41 and 42 of the Police Pensions (Scotland) Regulations, 1949(**e**) (in this Order referred to as the "principal Regulations"), shall apply as if he had been an auxiliary policeman at the time when 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 without his own default in the execution of his duty as a special constable, his widow shall be entitled to a special pension and Regulations 12, 13, 14, 16, paragraph (2) of Regulation 17, and Regulations 18 and 19 of the principal Regulations shall apply as if he had been an auxiliary policeman at the time when he received the injury.

Child's special allowance

3. Subject to the provisions of this Order, where a man dies as the result of an injury received without his own default in the execution of his duty as a special constable, each of his children shall be entitled to a child's special allowance and Regulations 21, 22, 23, 24 and 25 of the principal Regulations shall apply as if he had been an auxiliary policeman at the time when he received the injury.

(a) 4 & 5 Geo. 5. c. 61. (b) 13 & 14 Geo. 5. c. 11.
(c) 55 & 56 Vict. c. 55. (d) 4 & 5 Geo. 5. c. 53.
(e) S.I. 1949 (No. 1240) I, p. 3401.

Pensionable service and pensionable pay

4.—(1) For the purposes of calculating an award under this Order to a widow or a child of a special constable who ceased to serve as such before the first day of July, nineteen hundred and forty-nine, the special constable's average pensionable pay for a period of a week—

(*a*) where he ceased to hold that office before the nineteenth day of February, nineteen hundred and forty-six, shall be deemed to be seventy shillings;

(*b*) where he ceased to hold that office after the eighteenth day of February, nineteen hundred and forty-six, but before the twenty-first day of May, nineteen hundred and forty-seven, shall be deemed to be ninety shillings; and

(*c*) where he ceased to hold that office after the twentieth day of May, nineteen hundred and forty-seven, but before the first day of July, nineteen hundred and forty-nine, shall be deemed to be one hundred and five shillings 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 thirty-two shillings:

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 (Scotland) Order, No. 2, 1940(**a**), his average pensionable pay for a period of a week shall be his pay at the rate to which he was entitled immediately before the end of that continuous period.

(2) For the purposes of calculating any award under this Order to or in respect of a special constable who ceased or ceases to hold that office on or after the first day of July, nineteen hundred and forty-nine—

(*a*) the special constable's average pensionable pay shall be deemed to be—

(i) in the case of a man, three hundred and thirty pounds with an addition of five pounds for each completed year (other than the first two) for which he has held the office since his appointment, subject to a maximum of four hundred and twenty pounds, and

(ii) in the case of a woman, two hundred and ninety pounds with an addition of five pounds for each completed year (other than the first two) for which she has held the office since her appointment, subject to a maximum of three hundred and eighty pounds;

(*b*) the provisions of paragraph (4) of Regulation 38 of the principal Regulations shall apply; and

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

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

(**a**) S.R. & O. 1940 (No. 1275) I, p. 200.

Increases in awards

5.—(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 Regulation 63 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 Article 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 (Scotland) Order, No. 2, 1940.

Application of certain provisions of the Police Pensions Act, 1948

6.—(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 as though an award under this Order were a pension mentioned in subsection (1) 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 as though—

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

(*b*) 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

7. The provisions of Parts VII and VIII and of Regulations 44 and 62 of the principal Regulations shall apply to an award under this Order.

Authority responsible for payment of award

8. 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.

Interpretation

9.—(1) The provisions of Regulations 68, 72, paragraphs (1) and (3) of Regulation 75 and Regulations 76 and 82 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 a reference to an 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) The expression " the principal Regulations " means the Police Pensions (Scotland) Regulations, 1949, and for the purposes of this Order any reference

(a) 11 & 12 Geo. 6. c. 24.

in the principal Regulations to the police authority shall be construed as a reference to 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 one, two or four of the Police (Scotland) Act, 1946(**a**), (which relate to the amalgamation by scheme of two or more police areas and to the amendment of such scheme) the joint police committee for the new area shall be deemed for the purposes of this Order, to be the same authority as the police authority or joint police committee for an area which ceases to be a separate police area by virtue of such a scheme.

(*b*) for the purposes of this paragraph the expression "new area" shall have the meaning assigned to it in paragraph 8 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) Unless 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 or under any other Act, Order or Regulations.

Amendments

10. In Article 1 of the Special Constables (Scotland) Order, 1942(**b**), for the words "sub-paragraph (1) of paragraph 6 of the Special Constables (Scotland) Order, 1923"(**c**), there shall be substituted the words "Articles 1, 2 and 4 of the Special Constables (Pensions) (Scotland) Order, 1949, and Articles 1, 2 and 3 of the Special Constables (Pensions) (Scotland) Order, 1950", and for the words "sub-paragraph (2) of the said paragraph 6" there shall be substituted the words "Article 6 of the Special Constables (Pensions) (Scotland) Order, 1949, and Article 4 of the Special Constables (Pensions) (Scotland) Order, 1950".

Orders revoked

11.—(1) Subject to the provisions of this Article, the Special Constables (Pensions) (Scotland) Order, 1949(**d**), is hereby revoked.

(2) The said Order shall continue to have effect in relation to—

(*a*) any award to a widow or child of a person who died before the sixteenth day of May, nineteen hundred and fifty, and any claim to such an award;

(*b*) any award to a person who last ceased to hold the office of special constable before the sixteenth day of May, nineteen hundred and fifty, in respect of his incapacity or disablement and any claim to such an award.

(3) The said Order in so far as it continues to have effect shall do so subject to the amendments set out in the Schedule hereto.

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

(**a**) 9 & 10 Geo. 6. c. 71. (**b**) S.R. & O. 1942 (No. 1975) I, p. 77.
(**c**) S.R. & O. 1923 (No. 1232) p. 152. (**d**) S.I. 1949 (No. 1056) I, p. 3444.
(**e**) 52 & 53 Vict. c. 63.

Citation and commencement

12. This Order may be cited as the Special Constables (Pensions) (Scotland) Order, 1950, and shall come into operation on the sixteenth day of May, 1950.

E. C. E. Leadbitter.

SCHEDULE

AMENDMENT OF THE SPECIAL CONSTABLES (PENSIONS) (SCOTLAND) ORDER, 1949

Article 2. For the words "Regulations 14, 15, 17" there shall be substituted the words "Regulations 14, 14A, 15, 17", and there shall be added the following paragraph:—

"(2) Where a special pension is payable to a widow of a special constable who, after he received the injury in respect of which the said pension is payable, first ceased to hold that office on or after the first day of July, nineteen hundred and forty-nine, then the police authority may increase the said pension in respect of the period after the sixteenth day of May, nineteen hundred and fifty, by such amount not exceeding ten shillings a week as they may from time to time think fit".

Article 4. There shall be added the following paragraph:—

"(2) Where a special allowance is payable to a child of a special constable who, after he received the injury in respect of which the said allowance is payable, first ceased to hold that office on or after the first day of July, nineteen hundred and forty-nine, then the police authority may increase the said allowance in respect of the period after the sixteenth day of May, nineteen hundred and fifty, by such amount not exceeding four shillings a week as they may from time to time think fit".

Article 11. At the end of paragraph (6) there shall be added the words "as amended by the Police Pensions (Scotland) (Amendment) Regulations, 1948(a) and the Police Pensions (Scotland) Regulations, 1949".

EXPLANATORY NOTE

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

This Order makes fresh provision for the payment of awards to or in respect of special constables who, as a result of injury on duty, retire or die after the 15th May, 1950, by applying to them with certain modifications the provisions of the Police Pensions (Scotland) Regulations, 1949, which relate to auxiliary policemen. It amends the Special Constables (Pensions) (Scotland) Order, 1949 (which continues to apply to awards in relation to retirements or deaths before the 16th May, 1950), by enabling awards to widows and children to be increased in certain circumstances.

(a) S.I. 1948 (No. 2828) I, p. 3546.