# 1954 No. 485

# The Special Constables (Pensions) (Scotland) Order, 1954

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| *Made* - - - - | 13*th April*, 1954 |
| *Laid before Parliament* | 14*th April*, 1954 |
| *Coming into Operation* | 19*th April*, 1954 |

At the Court of Saint James, the 13th day of April, 1954

Present,

**Her Majesty Queen Elizabeth The Queen Mother.**
**Her Royal Highness The Princess Margaret.**

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| **Lord President** | **Mr. Secretary Lyttelton** |
| **Marquess of Reading** | **Major Lloyd George** |
| **Earl De La Warr** | **Mr. Peake** |

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the twentieth day of November, 1953, to delegate to Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, Her Royal Highness The Princess Royal and the Earl of Harewood, or any two or more of them, as Counsellors of State, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval of anything for which Her Majesty's approval in Council is required:

And Whereas by the Special Constables Act, 1914(**a**), as amended by the Special Constables Act, 1923(**b**), power is conferred upon Her Majesty to make, by Order in Council, 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 provision as is mentioned in the said Special Constables Act, 1914, as so amended:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, being authorised thereto by the said Letters Patent and in exercise of the power conferred by the said Special Constables Act, 1914, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

*Amendment of the Special Constables (Pensions) (Scotland) Order, 1950, relating to widows' pensions*

**1.** In the application of the Police Pensions (Scotland) Regulations, 1949(**e**), (as amended by the Police Pensions (Scotland) Regulations, 1950(**f**), the Police Pensions (Scotland) Regulations, 1951(**g**), and the Police Pensions (Scotland) Regulations, 1952(**h**)), to the calculation of the pension of the widow

(**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. 1949/1240 (1949 I, p. 3401).
(**f**) S.I. 1950/674 (1950 II, p. 362).
(**g**) S.I. 1951/2189 (1951 II, p. 229).
(**h**) S.I. 1952/2177 (1952 II, p. 2594).

of a special constable under the Special Constables (Pensions) (Scotland) Order, 1950(a), (as amended by the Special Constables (Pensions) (Scotland) Order, 1952(b), and the Special Constables (Pensions) (Scotland) Order, 1953(c)), those Regulations shall apply as further amended by the Police Pensions (Scotland) Regulations, 1953(d), (which amendments relate to increases in widows' pensions where the husband's death results or resulted from an attack upon him intrinsically likely to cause death), and accordingly in Article 1 of the Special Constables (Pensions) (Scotland) Order, 1950 (as amended by Article 1 of the Special Constables (Pensions) (Scotland) Order, 1952, and Article 1 of the Special Constables (Pensions) (Scotland) Order, 1953), in which the expression " principal Regulations " is defined, after the words " the Police Pensions (Scotland) Regulations, 1952 " there shall be added the words " and the Police Pensions (Scotland) Regulations, 1953 ".

*Amendments of the Special Constables (Pensions) (Scotland) Order, 1950, relating to notional pensionable pay*

**2.**—(1) In sub-paragraph (*a*) (iii) of paragraph (2) of Article 4 of the Special Constables (Pensions) (Scotland) Order, 1950 (as amended by the Special Constables (Pensions) (Scotland) Order, 1952), after the words " nineteen hundred and fifty-one " there shall be inserted the words " but before the fourteenth day of January, nineteen hundred and fifty-four " and the word " and " where it last occurs in the said sub-paragraph shall be omitted.

(2) In sub-paragraph (*a*) (iv) of the said paragraph (2), after the words " nineteen hundred and fifty-one " there shall be inserted the words " but before the fourteenth day of January, nineteen hundred and fifty-four ".

(3) After sub-paragraph (*a*) (iv) of the said paragraph (2) there shall be added the following sub-paragraphs:—

" (v) in the case of a man who ceases or ceased to hold that office after the thirteenth day of January, nineteen hundred and fifty-four, four hundred and forty-five 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 five hundred and fifty pounds; and

(vi) in the case of a woman who ceases or ceased to hold that office after the thirteenth day of January, nineteen hundred and fifty-four, three hundred and ninety-five 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 four hundred and ninety-five pounds.".

(4) Nothing in this Article shall affect any award which became payable under the said Order of 1950 before the coming into operation of this Order.

*Amendment of the Special Constables (Pensions) (Scotland) Order, 1949, in so far as it continues to have effect under Article 11 of the Special Constables (Pensions) (Scotland) Order, 1950, relating to widows' pensions*

**3.** In the application of the Police Pensions (Scotland) Regulations, 1948(e), (as amended by the Police Pensions (Scotland) (Amendment) Regulations, 1948(f), the Police Pensions (Scotland) Regulations, 1949, the Police

(a) S.I. 1950/674 (1950 II, p. 362).
(b) S.I. 1952/465 (1952 II, p. 2603).
(c) S.I. 1953/736 (1953 II, p. 1597).
(d) S.I. 1953/1833 (1953 II, p. 1594).
(e) S.I. 1948/1530 (1948 I, p. 3503).
(f) S.I. 1948/2828 (1948 I, p. 3546).

Pensions (Scotland) Regulations, 1951, and the Police Pensions (Scotland) Regulations, 1952), to the calculation of the pension of the widow of a special constable under the Special Constables (Pensions) (Scotland) Order, 1949(a), (as amended by the Special Constables (Pensions) (Scotland) Order, 1950, the Special Constables (Pensions) (Scotland) Order, 1952, and the Special Constables (Pensions) (Scotland) Order, 1953), those Regulations shall apply as further amended by the Police Pensions (Scotland) Regulations, 1953, (which amendments relate to increases in widows' pensions where the husband's death resulted from an attack upon him intrinsically likely to cause death), and accordingly—

(*a*) at the end of Article 3 of the Special Constables (Pensions) (Scotland) Order, 1949, which relates to awards to existing widows, there shall be added the words " and as though her husband had been an auxiliary policeman at the time that he received the injury as a result of which he died "; and

(*b*) in paragraph (6) of Article 11 of the Special Constables (Pensions) (Scotland) Order, 1949, (as amended by Article 11 of the Special Constables (Pensions) (Scotland) Order, 1950, Article 4 of the Special Constables (Pensions) (Scotland) Order, 1953), which defines the expression " principal Regulations ", after the words " the Police Pensions (Scotland) Regulations, 1952 " there shall be added the words " and the Police Pensions (Scotland) Regulations, 1953 ".

*Citation and commencement*

**4.** This Order may be cited as the Special Constables (Pensions) (Scotland) Order, 1954, and shall come into operation on the nineteenth day of April, 1954.

*W. G. Agnew.*

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## EXPLANATORY NOTE

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

The Special Constables (Pensions) (Scotland) Order, 1950, and the Special Constables (Pensions) (Scotland) Order, 1949, gave to special constables and their dependants certain pension benefits for which members of police forces and their dependants were eligible. The Police Pensions (Scotland) Regulations, 1953, provided that where a member of a police force, acting in the execution of his duty, was attacked in a manner which in the opinion of the police authority was intrinsically likely to cause death and died as a result of the attack, the amount of his widow's pension, together with certain payments under the National Insurance Acts, 1946, should be not less than half his pay as calculated for pension purposes. This Order makes similar provision in relation to the pension of the widow of a special constable, in Article 1 in the case of deaths on or after the 16th May, 1950, and in Article 3 in the case of deaths before that date. Article 2 provides for an increase in the notional average pensionable pay of a special constable ceasing to hold that office after the thirteenth day of January, 1954, where an award calculated on that pay becomes payable after the coming into operation of this Order.

(a) S.I. 1949/1056 (1949 I, p. 3444).