EXPLANATORY NOTE

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

The Special Constables (Pensions) Order, 1950, and the Special Constables (Pensions) 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 (No. 2) Regulations, 1955, provided for larger discretionary increases in awards made to widows and children of members of police forces and adjusted the extent of the abatement of a widow's pension by National Insurance awards. This Order makes similar provision in relation to awards to widows and children of special constables, in Regulation 1 in the case of deaths between 16th May, 1950, and 9th May, 1955, and in Regulation 2 in the case of deaths before 16th May, 1950.

Regulation 3 amends the Special Constables Order, 1942, to include a reference to the Special Constables (Pensions) Order, 1955, which comes into operation on the same day as this Order.

1955 No. 703

The Special Constables (Pensions) (Scotland) Order, 1955

Made - - - -	*6th May,* 1955
Laid before Parliament	*6th May,* 1955
Coming into Operation	*9th May,* 1955

At the Court at Buckingham Palace, the 6th day of May, 1955

Present,

The Queen'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 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 provisions as are mentioned in the said Special Constables Act, 1914, as so amended:

Now, therefore, Her Majesty 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. 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 ninth day of May, nineteen hundred and fifty-five, 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 6, 39 and 40 of the Police Pensions (Scotland) Regulations, 1955(**e**) (hereafter in this Order

(**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. 1955/485 (p. 1959 below).

referred to as the "principal Regulations"), shall apply as if he had been an auxiliary policeman at the time that 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 10, 11, 12, 14, paragraph (2) of Regulation 15, Regulations 16, 17, 65 and paragraph (1) of Regulation 66 of the principal Regulations shall apply as if he had been an auxiliary policeman at the time that 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 19, 20, 21, 22, 23, 24, 65 and paragraph (1) of Regulation 66 of the principal Regulations shall apply as if he had been an auxiliary policeman at the time that he received the injury.

Average pensionable pay and pensionable service

4. For the purposes 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 determined in accordance with the Schedule to this Order;

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

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 65 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 the 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, but before the tenth day of May, nineteen hundred and forty-eight, during a continuous period of whole-time service for which he was granted pay under the Special Constables (Scotland) Order No. 2, 1940(**a**).

Application of certain provisions of the Police Pensions Act, 1948

6.—(1) The provisions of section four of the Police Pensions Act, 1948(**b**) (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*) the Regulations contained in this Order were made under the said Act, and

(*b*) a special constable served in the police force for the police area for which he is appointed.

(**a**) S.R. & O. 1940/1275 (1940 I, p. 200). (**b**) 11 & 12 Geo. 6. c. 24.

(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 Part VII and of Regulations 42, 48 and 49 of the principal Regulations shall apply to an award under this Order.

Authority by whom payments are to be made

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 70, 74, paragraphs (1) and (3) of Regulation 77 and Regulations 78 and 84 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 any 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) (*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.

(4) 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.

(5) Except so far as 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 any other Act, Order or Regulations.

Partial revocations

10.—(1) The Special Constables (Pensions) (Scotland) Order, 1950(**b**), the Special Constables (Pensions) (Scotland) Order, 1952(**c**), the Special Constables (Pensions) (Scotland) Order, 1953(**d**), and the Special Constables (Pensions) (Scotland) Order, 1954(**e**), shall cease to have effect save in relation to—

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

(a) 9 & 10 Geo 6. c. 71.
(b) S.I. 1950/674 (1950 II, p. 362).
(c) S.I. 1952/465 (1952 II, p. 2603).
(d) S.I. 1953/736 (1953 II, p. 1597).
(e) S.I. 1954/485 (1954 II, p. 1796).

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

(2) Section thirty-eight of the Interpretation Act, 1889(a), shall apply in relation to the said Orders, to the extent that they ceased to have effect under this Article, as if this Order were an Act of Parliament and as if the said Orders were Acts of Parliament repealed by an Act of Parliament.

Citation and commencement

11. This Order may be cited as the Special Constables (Pensions) (Scotland) Order, 1955, and shall come into operation on the ninth day of May, 1955.

W. G. Agnew.

SCHEDULE Article 4

PENSIONABLE SERVICE

1. For the purpose of calculating an award under this Order to a widow or child of a special constable who ceased to serve as such before the twentieth day of December, nineteen hundred and forty-five, the special constable's average pensionable pay for a period of a week shall be deemed to be seventy shillings with an addition of one shilling for each completed year of service as a special constable reckoned from the date of his appointment.

2. For the purpose of calculating an award under this Order to a special constable who ceases to serve as such on or after the ninth day of May, 1955, or to a widow or child of a special constable who ceases or ceased to serve as such on or after the twentieth day of December, nineteen hundred and forty-five, the special constable's average pensionable pay or average pensionable pay for a period of a week, shall be deemed to be the sum set out, opposite the period during which he ceased to hold office, in the second column of the appropriate Table to this Schedule, with an addition of the sum so set out in the third column of the said Table for each completed year of service as a special constable (other than the first two) from the date of his appointment as such, subject to the maximum so set out in the fourth column of the said Table.

In this paragraph the expression "appropriate Table" means, in the case of a special constable who is a man, the First Table to this Schedule and, in the case of a special constable who is a woman, the Second Table to this Schedule.

3. Notwithstanding anything in paragraphs 1 and 2 of this Schedule, for the purpose of calculating an award under this Order to a widow or child of a special constable who received the injury in respect of which the award is payable, after the thirty-first day of March, nineteen hundred and forty-five, but before the tenth day of May, nineteen hundred and forty-eight, during a continuous period of whole-time service for which he was granted pay under the Special Constables (Scotland) Order No. 2, 1940, his average pensionable pay for a period of a week shall be deemed to be his pay at the rate to which he was entitled immediately before the end of that continuous period.

4. Where, for the purpose of calculating an award to a widow or child of a special constable who ceases or ceased to serve as such on or after the first day of July, nineteen hundred and forty-nine, it is necessary to determine average pensionable pay for a period of a week it shall be taken to be average pensionable pay divided by fifty-two and one-sixth.

(a) 52 & 53 Vict. c. 63.

5. 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 in respect of which the award is granted and a reference to his ceasing to hold that office is a reference to his first ceasing to hold that office after he received the said injury.

FIRST TABLE

Men

Period during which office ceased to be held	Average pensionable pay or average pensionable pay for period of a week	Annual increment	Maximum
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	£445 a year	£5	£550 a year

SECOND TABLE

Women

Period during which office ceased to be held	Average pensionable pay or average pensionable pay for period of a week	Annual increment	Maximum
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	£395 a year	£5	£495 a year

EXPLANATORY NOTE

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

This Order consolidates with amendments the Special Constables (Pensions) (Scotland) Order, 1950, the Special Constables (Pensions) (Scotland) Order, 1952, the Special Constables (Pensions) (Scotland) Order, 1953, and the Special Constables (Pensions) (Scotland) Order, 1954, which cease to have effect under Article 10, except in relation to deaths or retirements before 9th May, 1955, when the new Order comes into force.

The Police (Pensions) (Scotland) Regulations, 1955, provided for adjustments in widows' pensions and children's allowances for members of the regular police as a result of the passing of the National Insurance Act, 1954. The main change made by this Order is to make similar provision in relation to awards to widows and children of special constables.

1955 No. 704

The Special Constables (Pensions) (Scotland) (No. 2) Order, 1955

Made - - - -	*6th May*, 1955
Laid before Parliament	*6th May*, 1955
Coming into Operation	*9th May*, 1955

At the Court at Buckingham Palace, the 6th day of May, 1955

Present,

The Queen'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 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 is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Amendment of the Special Constables (Pensions) (Scotland) Order, 1950, in so far as it continues to have effect under Article 10 of the Special Constables (Pensions) (Scotland) Order, 1955, relating to widows' pensions and children's allowances

1. In the application of the Police Pensions (Scotland) Regulations, 1949(**e**) (as amended by the Police Pensions (Scotland) Regulations, 1950(**f**), the

(**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. 1950/764 (1950 II, p. 353).