STATUTORY INSTRUMENTS

1962 No. 2808 (S. 134)

POLICE

The Special Constables (Pensions) (Scotland) Regulations 1962

Made - - - -	*20th December* 1962
Laid before Parliament	*31st December* 1962
Coming into Operation	*1st January* 1963

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 of all other powers enabling me in that behalf, and no representations having been made to me in pursuance of subsection (6) of the said section 11, I hereby make the following regulations:—

Citation and commencement

1. These Regulations may be cited as the Special Constables (Pensions) (Scotland) Regulations 1962 and shall come into operation on 1st January 1963.

Interpretation

2.—(1) In these regulations the expression "the principal regulations" means the Police Pensions Regulations 1962(**c**).

(2) Regulations 88, 94, 97 (1), (3) and (4), 98, 101 (2) and 102 of the principal regulations shall apply for the purposes of these regulations as they apply for the purposes of the principal 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 an amalgamation scheme is or has been made or approved by the Secretary of State under sections 1, 2 or 4 of the Police (Scotland) Act 1946(**d**) or sections 17, 18 or 20 of the Police (Scotland) Act 1956 (which relate to the amalgamation of police areas) the joint police committee for the combined area shall be deemed, for the purposes of these regulations, 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 "combined area" shall have the meaning assigned to it in the said Act of 1956.

(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 principal regulations to retirement shall be construed as a reference to the termination of such a period.

(**a**) 4 & 5 Eliz. 2. c. 26. (**b**) 9 & 10 Eliz. 2. c. 35.
(**c**) S.I. 1962/2756 (1962 III, p. 3785). (**d**) 9 & 10 Geo. 6. c. 71.

(6) For the purposes of these regulations a reference to the pension provisions of 1923 or 1945 is a reference to—

(*a*) paragraph 6 of the Special Constables (Scotland) Order 1923(**a**) as originally made or as from time to time amended, or

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

(7) For the purposes of these regulations a reference to a special constable is a reference to a special constable appointed under the Burgh Police (Scotland) Act 1892(**c**) or any local Act or the Special Constables (Scotland) Act 1914(**d**) or the Police (Scotland) Act 1956 and, except where the context otherwise requires, includes a reference to a person who has been a special constable.

Special constable's supplemental pension

3.—(1) This regulation shall apply to a person who ceases or has ceased to hold the office of special constable on or after 2nd June 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 4, 45 (1) and (2), 46 and 81 of the principal regulations shall apply as if he had been an auxiliary policeman at the time that he received the injury.

(3) Regulation 45 (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

4.—(1) This regulation shall apply to the widow of a special constable who dies or has died on or after 2nd June 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 12, 13, 16 (1), 18 (2), 19 (1) and (3) and 20 of the principal regulations and Part XI thereof shall apply as if her husband had been an auxiliary policeman at the time that he received the injury.

(3) Nothing in Regulation 19 (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 an order revoked by these regulations, but in such a case Regulation 19 (2) of the principal regulations shall apply as if the pension were an award mentioned in that provision.

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

5.—(1) This regulation shall apply to the widow of a special constable who died before 2nd June 1949.

(2) Where a widow to whom this regulation applies was immediately before 2nd June 1949 entitled to a pension under the pension provisions of 1923 or 1945 (which applied to special constables certain provisions of

(**a**) S.R. & O. 1923/1232 (Rev. XVIII, p. 254: 1923, p. 152).
(**b**) S.R. & O. 1945/324 (1945 I, p. 127).
(**c**) 55 & 56 Vict. c. 55.
(**d**) 4 & 5 Geo. 5. c. 53.

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 14 (3) and (4) and 15 of the principal regulations and Part XI thereof shall apply as if—

(*a*) the pension was one to which the widow continued to be entitled under Regulation 14 (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.

Child's special allowance

6.—(1) This regulation shall apply to the child of a special constable who dies or has died on or after 2nd June 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 22, 23, 25 (1) and 26 of the principal regulations and Part XI thereof shall apply as if the parent had been an auxiliary policeman at the time that he received the injury.

Child's allowance under the pension provisions of 1923 *or* 1945

7.—(1) This regulation shall apply to the child of a special constable who died before 2nd June 1949.

(2) Where a child to whom this regulation applies was immediately before 2nd June 1949 entitled to an allowance under the pension provisions of 1923 or 1945 (which applied to special constables certain provisions of the Police Pensions Act 1921), he shall continue to be entitled to the allowance, subject to Regulation 56 (3) of the principal regulations, as applied by Regulation 11 of these regulations, 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 allowance Regulation 24 (3) and (4) of the principal regulations and Part XI thereof shall apply as if the allowance were one to which the child continued to be entitled under Regulation 24 (2) of the principal regulations.

Increase in awards to dependants of special constables who both ceased to serve and died between 1st July 1949 *and 16th May* 1950

8.—(1) This regulation shall apply to a widow or child entitled to an award under Regulation 4 or 6 of these regulations where the husband or parent as the case may be—

(*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 or child to whom this regulation applies by such amount as they may from time to time think fit, not exceeding—

(*a*) in the case of a widow's special pension, 10s. 0d. a week ; or

(*b*) in the case of a child's special allowance, 4s. 0d. a week.

(a) 11 & 12 Geo. 5. c. 31.

Average pensionable pay and pensionable service

9. For the purposes 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 1 to these regulations ;

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

Limitation on application of Regulation 81 *of the principal regulations*

10. 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 81 of the principal regulations or with Part XI thereof (which includes Regulation 81), the said amount shall be increased in accordance with the said Regulation 81 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 (Scotland) Order No. 2 1940(**a**).

Application of certain provisions of the principal regulations

11. Regulations 48, 49, 50, 51, 52, 55, 56, 57 and 104 of the principal regulations shall apply for the purposes of these regulations as if any reference in the said Regulation 104 to the former regulations (that is to say, the regulations revoked by, and set out in Schedule 8 to, the principal regulations)—

(*a*) were a reference to those regulations as applied to special constables by the orders and regulations revoked by these regulations, and

(*b*) included a reference to Regulations 2 (2) and 4 (2) of the Special Constables (Pensions) (Scotland) Order 1949(**b**), as set out in the schedule to the Special Constables (Pensions) (Scotland) Order 1950(**c**).

Application of certain provisions of the Police Pensions Act 1948

12.—(1) Section 4 of the Police Pensions Act 1948(**d**) (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 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.

(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 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.

(a) S.R. & O. 1940/1275 (1940 I, p. 200).
(b) S.I. 1949/1056 (1949 I, p. 3444).
(c) S.I. 1950/674 (1950 II, p. 362).
(d) 11 & 12 Geo. 6. c. 24.

(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

13.—(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 Fireman (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 1 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

14. 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.

Revocations

15.—(1) The Special Constables (Pensions) (Scotland) Orders and Regulations set out in Schedule 2 to these regulations (that is to say the orders and regulations made before the making of these regulations which apply to special constables provisions of regulations made under the Police Pensions Act 1948) are hereby revoked to the extent that they have not heretofore been revoked by such orders and regulations.

(2) Paragraph 1 of the Special Constables (Scotland) Order 1942(**b**) (which, as amended, limits in certain cases the application of the orders and regulations revoked by paragraph (1) of this regulation) is hereby revoked.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
20th December 1962.

(a) 2 & 3 Geo. 6. c. 103. (b) S.R. & O. 1942/1975 (Rev. XVIII, p. 258: 1942 I, p. 77).

Regulation 9

SCHEDULE 1

AVERAGE PENSIONABLE PAY

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 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 the preceding paragraph no account shall be taken of his first 2 completed years of service as such.

3. 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 an order or regulations revoked by these regulations—

(*a*) on or after 1st July 1949, but before 16th May 1950;

(*b*) on or after 3rd August 1951, but before 12th 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 7th April 1959;

(*f*) on or after 1st September 1960, but before 3rd April 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.

4. When 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 (Scotland) Order No. 2 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.

5. 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 $52\frac{1}{8}$.

6. 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 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	70s. a week	1s.	—
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, but before 8th September 1955	£445 a year	£5	£550 a year
On or after 8th September 1955, but before 1st February 1957	£475 a year	£7 10s.	£640 a year
On or after 1st February 1957, but before 22nd April 1958	£490 a year	£7 10s.	£660 a year
On or after 22nd April 1958, but before 1st September 1960	£510 a year	£8 5s.	£695 a year
On or after 1st September 1960, but before 1st September 1962	£600 a year	£17	£970 a year
On or after 1st September 1962, but before 1st February 1963	£620 a year	£18	£1,005 a year
On or after 1st February 1963	£635 a year	£18	£1,030 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	70s. a week	1s.	—
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, but before 8th September 1955	£395 a year	£5	£495 a year
On or after 8th September 1955, but before 1st February 1957	£425 a year	£7 10s.	£575 a year
On or after 1st February 1957, but before 22nd April 1958	£440 a year	£7 10s.	£595 a year
On or after 22nd April 1958, but before 1st September 1960	£460 a year	£8 5s.	£625 a year
On or after 1st September 1960, but before 1st September 1962	£540 a year	£17	£875 a year
On or after 1st September 1962, but before 1st February 1963	£560 a year	£18	£905 a year
On or after 1st February 1963	£570 a year	£18	£930 a year

SCHEDULE 2 Regulation 15

SPECIAL CONSTABLES (PENSIONS) ORDERS AND REGULATIONS REVOKED

Order partially revoked by the Special Constables (Pensions) (Scotland) Order 1950

The Special Constables (Pensions) (Scotland) Order 1949 S.I. 1949/1056 (1949 I, p. 3444).

Orders partially revoked by the Special Constables (Pensions) (Scotland) Order 1955

The Special Constables (Pensions) (Scotland) Order 1950 S.I. 1950/674 (1950 II, p. 362).

The Special Constables (Pensions) (Scotland) Order 1952 S.I. 1952/465 (1952 II, p. 2603).

The Special Constables (Pensions) (Scotland) Order 1953 S.I. 1953/736 (1953 II, p. 1597).

The Special Constables (Pensions) (Scotland) Order 1954 S.I. 1954/485 (1954 II, p. 1796).

Other orders and regulations

The Special Constables (Pensions) (Scotland) Order 1955 S.I. 1955/703 (1955 II, p. 1895).

The Special Constables (Pensions) (Scotland) (No. 2) Order 1955 S.I. 1955/704 (1955 II, p. 1900).

The Special Constables (Pensions) (Scotland) Regulations 1957 S.I. 1957/743 (1957 II, p. 1892).

The Special Constables (Pensions) (Scotland) Regulations 1958 S.I. 1958/499 (1958 II, p. 1945).

The Special Constables (Pensions) (Scotland) Regulations 1959 S.I. 1959/586 (1959 II, p. 2123).

The Special Constables (Pensions) (Scotland) Regulations 1960 S.I. 1960/1050 (1960 II, p. 2759).

The Special Constables (Pensions) (Scotland) Regulations 1961 S.I. 1961/618 (1961 I, p. 1363).

EXPLANATORY NOTE

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

These regulations (which come into force on 1st January 1963 and apply to special constables appointed in Scotland) consolidate, subject to increases in notional average pensionable pay, the orders and regulations set out in Schedule 2, that is to say the Special Constables (Pensions) (Scotland) Order 1955 (which relates to awards made on and after 9th May 1955), the Special Constables (Pensions) (Scotland) Order 1950 (which relates to awards made between 16th May 1950 and 9th May 1955) and the Special Constables (Pensions) (Scotland) Order 1949 (which relates to awards made between 2nd June 1949 and 16th May 1950 and also, in the case of widows' and children's awards, to such awards made before 2nd June 1949) and the orders and regulations amending these three principal orders.

The orders and regulations revoked gave to special constables and their dependants certain pension benefits for which regular members of police forces and their dependants were eligible by applying, with modifications, certain provisions of the Police Pensions (Scotland) Regulations of 1955, 1949 and 1948. The present regulations make fresh provision for this purpose by similarly applying the Police Pensions Regulations 1962, which consolidated the earlier regulations.

Schedule 1 to the present regulations provides for an increase in the notional average pensionable pay of a special constable ceasing to hold that office on or after 1st September 1962 where an award calculated on that pay first becomes payable on or after 1st January 1963. It also provides for a further increase in that notional pay in the case of special constables who cease to hold that office on or after 1st February 1963.