
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 68

The Police (Injury Benefit) (Scotland) Regulations 2007

PART 6

PAYMENTS BY AND TO POLICE AUTHORITIES

Authorities responsible for payment of awards

41.—(1) An award which is payable to or in respect of a person by reason of their having served as a regular police officer shall be payable by the police authority of the force in which the officer last served as such.

(2) An award which is payable to or in respect of a person by reason of their having been injured while serving as a member of a police force other than a regular police officer shall be payable by the police authority of the force in which the officer was serving when the officer received the injury.

Funds out of which and into which payments are to be made

42. All payments for the purpose of these Regulations made by or to a police authority will be the responsibility of the police authority except there shall be paid out of moneys provided by Parliament or, as the case may be, into the Scottish Consolidated Fund all payments for the purposes of these Regulations made by or to the Scottish Ministers by reason that they are treated as the police authority in relation to an inspector of constabulary or a police officer engaged on relevant service.

Payment and duration of awards

43.—(1) Subject to the provisions of these Regulations, in particular of regulation 11(2) and Part 5, the pension of a member of a police force under these Regulations shall be payable in respect of each year as from the date of their retirement.

(2) Subject to the provisions of these Regulations, in particular of regulation 19, an adult survivor's special pension or child's special allowance shall be payable in respect of each week as from the death of the husband or, as the case may be, the deceased civil partner or parent or, in the case of a special allowance payable to a posthumous child, as from the birth of the child.

(3) Subject to the provisions of these Regulations, in particular—

- (a) regulation 16;
- (b) regulation 19;
- (c) regulation 20(3); and
- (d) Part 5,

a pension or allowance shall be payable for life and shall be discharged by payments in advance at such reasonable intervals as the police authority may, in their discretion, determine except that payment on account of a pension or allowance may be delayed, in whole or in part, pending the determination of any question as to the liability of the police authority in respect thereof, including any question as to the continuance of that liability.

(4) Where a person dies after receiving a sum paid in advance on account of a pension or allowance, neither that sum nor any part of it shall be recoverable although referable to a period after their death.

(5) Where an adult survivor remarries or enters into a civil partnership after receiving a sum paid in advance on account of a pension, neither that sum nor any part of it shall be recoverable although referable to a period after their remarriage or civil partnership.

(6) Subject to the provisions of these Regulations, a gratuity under these Regulations shall become payable as soon as the entitlement to it arises and shall be paid forthwith in one sum except that—

- (a) payment on account thereof may be delayed, in whole or in part, pending the determination of any question as to the liability of the police authority in respect thereof; and
- (b) where the police authority are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable period as they think fit.

Payment of awards otherwise than to beneficiary and application of payments

44.—(1) This regulation applies to the payment of any award under these Regulations to or in respect of a member of a police force, and any reference in it to the beneficiary is a reference to the person to whom, this regulation apart, the award is payable.

(2) Where the beneficiary is a child under the age of 18, the police authority may, if they think fit, in lieu of paying any sum on account of an award to that child, pay it to such other person as they may determine. A person who receives any sum in pursuance of this paragraph shall, subject to and in accordance with any directions of the police authority, apply the sum for the benefit of that child under the age of 18.

(3) On the death of the beneficiary to whom a sum is due on account of an award which does not exceed £30,000 or such higher amount as may from time to time be prescribed for the purposes of section 1(3) of the Confirmation to Small Estates (Scotland) Act 1979⁽¹⁾, the police authority may, without probate, confirmation or any other formality or proof of title, pay the sum to the persons appearing to the authority to be beneficially entitled to the personal estate of the deceased or, as the authority think fit, pay the sum to 1 or more of those persons or distribute it among all or any of those persons in such proportions as the authority may determine.

(4) Where it appears to the police authority that the beneficiary is by reason of mental disorder or otherwise incapable of managing their affairs, in lieu of paying any sum on account of an award to that beneficiary—

- (a) they may, in their discretion, pay it in whole or in part to a person having the care of the beneficiary or such other person as they may determine; and
- (b) in so far as they do not so discharge their liability in respect thereof, the authority shall apply it in such manner as they think fit for the benefit of the beneficiary or their dependants.

(5) A person who receives any sum in pursuance of paragraph (4)(a) shall, subject to and in accordance with any directions of the police authority, apply the sum for the benefit of the beneficiary or their dependants.

(6) Where, as a result of any fraud, theft or negligence on the part of a regular police officer in connection with their service as such, a loss has occurred to the fund out of which an award is payable to the officer under these Regulations, in lieu of paying the whole or any part of any sum on account of the award to that beneficiary, the police authority may, if they think fit but subject to paragraph (8), apply it in making good the loss by retaining it in that fund.

(1) 1979 c. 22.

(7) But the aggregate amount retained in pursuance of paragraph (6) shall not exceed whichever is the lesser of—

- (a) the amount which is the actuarial value, at the time of the first retention, of the sums then or prospectively due to the regular police officer on account of the award; and
- (b) the amount of the loss,

and, in the event of any dispute as to the amount of that loss, the power conferred by paragraph (6) shall not be exercisable save to the extent of any sum adjudged due to the police authority by an order of a competent court.

(8) Where the police authority exercise the power conferred by paragraph (6) they shall furnish the regular police officer concerned with a certificate showing the amount retained and the effect on the award.

(9) A police authority shall obtain a good discharge by paying or applying any sum in the manner provided by this regulation.