

## 1966 No. 1625 (S. 132)

## POLICE

**The Special Constables (Pensions) (Scotland)  
Regulations 1966**

<i>Made</i> - - - -	23rd December 1966
<i>Laid before Parliament</i>	30th December 1966
<i>Coming into Operation</i>	1st January 1967

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 as read with paragraph 8 of Schedule 7 to the Police Act 1964(c) and of all other powers enabling me in that behalf, and after consultation with the Committee and such bodies and associations as are mentioned in section 11(6)(b) of the said Act of 1956, I hereby make the following regulations :—

*Citation and commencement*

1. These regulations may be cited as the Special Constables (Pensions) (Scotland) Regulations 1966 and shall come into operation on 1st January 1967.

*Interpretation*

2.—(1) In these regulations the expression “the principal regulations” means the Police Pensions Regulations 1966(d).

(2) Regulations 98, 99(6), 104, 107(1), (3) and (4), 108, 111(2) and 112 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 section 1, 2 or 4 of the Police (Scotland) Act 1946(e) or section 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 said regulations to retirement, or to ceasing to be a member of a police force, shall be construed as a reference to the termination of such a period.

(a) 1956 c. 26. (b) 1961 c. 35. (c) 1964 c. 48. (d) S.I. 1966/1582 (1966 III, p. 4894).  
(e) 1946 c. 71.

(6) For the purposes of these regulations a reference to the former pension provisions is a reference to the provisions of the Orders and Regulations set out in Schedule 2 to these regulations and in Schedule 2 to the Special Constables (Pensions) (Scotland) Regulations 1962(a) (that is to say the instruments made before the making of these regulations which applied to special constables provisions of regulations made under the Police Pensions Act 1948(b)), except that a reference to the former pension provisions of 1923 or 1945 shall be construed as a reference to—

- (a) paragraph 6 of the Special Constables (Scotland) Order 1923(c) as originally made or as from time to time amended, or
- (b) paragraphs 1 and 2 of the Special Constables (Scotland) Order 1945(d).

(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(e) or any local Act or the Special Constables (Scotland) Act 1914(f) 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, 49(1) and (2), 50 and 89 of the principal regulations shall apply as if he had been an auxiliary policeman at the time that he received the injury.

(3) Regulation 49(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 a 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 13, 15, 18(1), 20(2), 21(1) and (3) and 22 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 21(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 the former pension provisions, but in such a case, regulation 21(2) of the principal regulations shall apply as if the pension were an award mentioned in that provision.

(a) S.I. 1962/2808 (1962 III, p. 4041).

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

(c) S.R. & O. 1923/1232 (Rev. XVIII, p. 254; 1923, p. 152).

(d) S.R. & O. 1945/324 (1945 I, p. 127).

(e) 1892 c. 55.

(f) 4 & 5 Geo. 5. c. 53.

*Widow's augmented award where husband's death results from an attack or injury received in effecting an arrest*

5.—(1) This regulation shall apply to a widow of a special constable whose death is the result of an injury received without his own default in the execution of his duty where—

- (a) he was attacked by a person or persons in a manner which, in the opinion of the police authority, was intrinsically likely to cause death and death ensued, on or after 2nd June 1949, as a result of the attack ;  
or
- (b) the injury was received in the course of duties performed, in the opinion of the police authority, for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody and death ensued on or after 1st August 1964.

(2) For the purpose of calculating a widow's special pension payable to a widow to whom this regulation applies, regulation 13 of the principal regulations (as applied by regulation 4 of these regulations) shall have effect subject to the provisions of regulation 14(1) and (2) of the principal regulations.

(3) Subject to the provisions of these regulations, a widow to whom this regulation applies whose husband dies on or after 1st August 1964 shall be entitled to a gratuity in addition to a special pension and regulations 14(1), (3) and (4), 20(2), 21(1) and (3) and 22 of the principal regulations shall apply as if her husband, at the time that he received the injury, had been serving as an auxiliary policeman in the police force for the police area for which he was appointed.

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

6.—(1) This regulation shall apply to a 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 former pension provisions of 1923 or 1945 (which applied to special constables certain provisions of 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 16(3) and (4) and 17 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 16(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*

7.—(1) This regulation shall apply to a 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 24, 26, 28(1) and 29 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 gratuity where parent's death results from an attack or injury received in effecting an arrest*

8.—(1) This regulation shall apply to a child of a special constable who dies on or after 1st August 1964 in the circumstances mentioned in regulation 5(1) of these regulations, and—

(a) in the case of a man, does not leave a widow entitled to a gratuity under regulation 5(3); or

(b) in the case of a woman, was the child's only surviving parent:

Provided that this regulation shall apply to a child who at the date of the parent's death has attained the age of 16 years only if at that date the child has not attained the age of 19 years and either is undergoing full time education or is an apprentice.

(2) Subject to the provisions of these regulations, a child to whom this regulation applies shall be entitled to a gratuity in addition to a special allowance and regulations 25 and 29 of the principal regulations shall apply as if the parent at the time that he received the injury had been serving as an auxiliary policeman in the police force for the police area for which he was appointed.

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

9.—(1) This regulation shall apply to a 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 former 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 60(3) of the principal regulations, as applied by regulation 13 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 27(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 27(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*

10.—(1) This regulation shall apply to a widow or child entitled to an award under regulation 4 or 7 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.

*Average pensionable pay and pensionable service*

11. For the purpose 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 89 of the principal regulations*

12. 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 89 of the principal regulations or with Part XI thereof (which includes regulation 89), the said amount shall be increased in accordance with the said regulation 89 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*

13. Regulations 52, 53, 54, 55, 56, 59, 60, 61 and 114 of the principal regulations shall apply for the purposes of these regulations as if any reference in the said regulation 114 to the former regulations (that is to say, the regulations made under the Police Pensions Act 1948 before the making of the principal regulations)—

- (a) were a reference to those regulations as applied to special constables by the former pension provisions ; 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), and to regulation 8 of the Special Constables (Pensions) (Scotland) Regulations 1962.

*Application of certain provisions of the Police Pensions Act 1948*

14.—(1) Section 4 of the Police Pensions Act 1948 (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 former 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 subsection (1)(a) and subsection (1)(b) of that section ;  
 (b) an award under the former 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.

(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.

(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).

*Limitation on application of regulations to constables to whom the Police and Firemen (War Service) Act 1939 applied*

15.—(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 Firemen (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*

16. 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*

17. The regulations set out in Schedule 2 to these regulations are hereby revoked.

*William Ross,*  
One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.  
23rd December 1966.

SCHEDULE 1

Regulation 11

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 Column 2 of the appropriate Table in this Schedule, with the addition of the sum so set out in Column 3 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 Column 4 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 the former pension provisions—

- (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. Where 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 52½.

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)

Column 1 Period during which office ceased to be held	Column 2 Average pensionable pay or average pensionable pay for period of a week	Column 3 Increment	Column 4 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, but before 1st September 1964 ...	£635 a year	£18	£1,030 a year
On or after 1st September 1964 ...	£800 a year	£14	£1,105 a year

**TABLE II**  
**AVERAGE PENSIONABLE PAY (WOMEN)**

Column 1 Period during which office ceased to be held	Column 2 Average pensionable pay or average pensionable pay for period of a week	Column 3 Increment	Column 4 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, but before 1st September 1964 ... ..	£570 a year	£18	£930 a year
On or after 1st September 1964 ... ..	£720 a year	£14	£995 a year

Regulation 17

**SCHEDULE 2**

**SPECIAL CONSTABLES (PENSIONS) (SCOTLAND)**  
**REGULATIONS REVOKED**

Column 1 <i>Regulations revoked</i>	Column 2 <i>References</i>
The Special Constables (Pensions) (Scotland) Regulations 1962.	S.I. 1962/2808 (1962 III, p. 4041).
The Special Constables (Pensions) (Scotland) Amendment Regulations 1966.	S.I. 1966/818 (1966 II, p. 1881).
The Special Constables (Pensions) (Scotland) Amendment (No. 2) Regulations 1966.	S.I. 1966/1230 (1966 III, p. 3296).



## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations, which come into force on 1st January 1967, consolidate, subject to minor amendments, the Special Constables (Pensions) (Scotland) Regulations 1962 as amended. The regulations revoked (Schedule 2) gave special constables appointed in Scotland and their dependants a right to some of the pension benefits that are provided for regular policemen and their dependants, by applying, with modifications certain provisions of the Police Pensions Regulations 1962. The present regulations make fresh provision for this purpose by similarly applying the Police Pensions Regulations 1966, which consolidated the earlier Police Pensions Regulations.