

1968 No. 1995 (S.181)

POLICE

The Special Constables (Pensions) (Scotland) Amendment Regulations 1968

<i>Made</i>	- - -	16th December 1968
<i>Laid before Parliament</i>		30th December 1968
<i>Coming into Operation</i>		1st January 1969

In exercise of the powers conferred on me by section 26 of the Police (Scotland) Act 1967^(a) (as read with section 1(2) of the Police Pensions Act 1961^(b)) 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 26(9)(b) of the said Act of 1967, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Special Constables (Pensions) (Scotland) Amendment Regulations 1968 and shall come into operation on 1st January 1969 and shall have effect:—

- (a) for the purposes of regulation 3 thereof, as from that date;
- (b) for the purposes of regulation 4 thereof, as from 1st March 1967.

Interpretation

2. In these regulations any reference to the Instrument of 1966 is a reference to the Special Constables (Pensions) (Scotland) Regulations 1966^(c), as amended ^(d).

3.—(1) In the application of the Police Pensions Regulations 1966^(e) to the calculation of the pension of the widow, or the allowance of a child, of a special constable under the Instrument of 1966, those regulations shall apply as amended by the Police Pensions (Amendment) Regulations 1968^(f) (which amendments relate to increases in widows' and children's awards).

(2) In accordance with paragraph (1) of this regulation, for regulation 2(1) of the Instrument of 1966 (which, as set out in the Special Constables (Pensions) (Scotland) Amendment Regulations 1967, defines the expression "the principal regulations") there shall be substituted the following paragraph:—

'(1) In these regulations the expression "the principal regulations" means the Police Pensions Regulations 1966 as amended by the Police Pensions (Amendment) (No. 2) Regulations 1967^(g) and the Police Pensions (Amendment) Regulations 1968.'

(a) 1967 c. 77.

(c) S.I. 1966/1625 (1966 III, p. 5066).

(e) S.I. 1966/1582 (1966 III, p. 4894).

(g) S.I. 1967/1500 (1967 III, p. 4204).

(b) 1961 c. 35.

(d) S.I. 1967/1553 (1967 III, p. 4315).

(f) S.I. 1968/530 (1968 I, p. 1269).

4. For paragraph 1 of Schedule 1 to the Instrument of 1966 (which provides for the average pensionable pay of a special constable to be calculated in accordance with the Tables set out in that Schedule) there shall be substituted the following paragraph :—

“1.—(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—

(a) in the case of a special constable last appointed such on or after 1st March 1967, shall be of an amount determined in accordance with sub-paragraph (2) of this paragraph ;

(b) in the case of a special constable last appointed such before 1st March 1967 who ceased to hold that office on or after that date, shall be of an amount determined in accordance with sub-paragraph (2) of this paragraph or with sub-paragraph (3) thereof if the amount so calculated is higher ;

(c) in the case of a special constable who ceased to hold that office before 1st March 1967, shall be of an amount determined in accordance with sub-paragraph (3) of this paragraph.

(2) In a case in which this sub-paragraph applies, the average pensionable pay or average pensionable pay for a period of a week of a special constable shall be deemed to be of the like amount as his average pensionable pay or, as the case may be, his average pensionable pay for a week (within the meaning of the principal regulations) would have been, at the date at which he ceased to hold that office, had his appointment and service at any time as a special constable for any police area been appointment and service in the rank of constable as a regular policeman in the police force for that area.

(3) In a case in which this sub-paragraph applies, the average pensionable pay or average pensionable pay for a period of a week of a special constable 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.”

5. In paragraph 2 of the said Schedule 1 (which relates to the reckoning of service for the purposes of paragraph 1) for the words “the preceding paragraph” there shall be substituted the words “paragraph 1(3) of this Schedule”.

6. In paragraph 6 of the said Schedule 1 (which relates to the interpretation of the Schedule) after the words “a reference to a person’s appointment as a special constable” there shall be inserted the words “otherwise than in paragraph 1(2) thereof”.

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

St. Andrew’s House,
Edinburgh, 1.
16th December 1968.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Special Constables (Pensions) (Scotland) Regulations 1966 which give to special constables and their dependants certain pension benefits for which members of police forces and their dependants are eligible.

The Police Pensions (Amendment) Regulations 1968 provide that certain benefits payable to dependants of members of police forces shall be increased. Regulation 3 of these Regulations provides for similar increases in the benefits payable to the dependants of special constables.

Awards under the Special Constables (Pensions) (Scotland) Regulations 1966 are calculated by reference to a scale of notional remuneration, referred to as average pensionable pay. Regulation 4 of these Regulations provides (subject to a saving in certain cases for the existing scale where more favourable) that in the case of a special constable who ceased to hold that office on or after 1st March 1967 this notional average pensionable pay should be of the like amount as the actual average pensionable pay of a member of a police force of the rank of constable with the same service as the special constable. Regulation 4 has retrospective effect to 1st March 1967 by virtue of Regulation 1(b) (which is made in exercise of the power conferred by section 26(4) of the Police (Scotland) Act 1967).