

1973 No 431

POLICE

The Special Constables (Pensions) Regulations 1973

<i>Made</i>	9th March 1973
<i>Laid before Parliament</i>	27th March 1973
<i>Coming into Operation</i>	1st April 1973

In exercise of the powers conferred on me by section 34 of the Police Act 1964(a) (read with section 1(2) of the Police Pensions Act 1961(b)), as amended and extended by sections 12 and 15 of the Superannuation Act 1972(c) I hereby make the following Regulations —

Citation commencement and effect

1—(1) These Regulations may be cited as the Special Constables (Pensions) Regulations 1973

(2) These Regulations shall come into operation on 1st April 1973 and shall have effect as from 1st April 1972

Old cases

2—(1) The old cases Regulations, that is to say the Regulations set out in the Schedule to these Regulations shall cease to have effect except in the case of an award to or in respect of a person who ceased to hold the office of special constable before 1st April 1972 including an award on the death of such a person on or after the said date

(2) Nothing in these Regulations shall apply in such a case as is mentioned in paragraph (1)

Interpretation

3—(1) In these Regulations the expression the principal Regulations means the Police Pensions Regulations 1973(d)

(2) Regulations 3 4 10 12(2) and (4) 13(1) (3) and (4) 14 17(2) and 18 of the principal Regulations shall apply for the purposes of these Regulations subject to any necessary adaptations as they apply for the purposes of the said Regulations

(a) 1964 c 48

(b) 1961 c 35

(c) 1972 c 11

(d) S I 1973/428 (1973 I p 1401)

(3) Subject to Regulation 13(3) of the principal Regulations in these Regulations disablement means inability occasioned by infirmity of mind or body in the case of a special constable to follow his ordinary employment or in the case of a child to earn a living

(4)(a) Where a police area is or has been combined with another police area the combined police area of which the first named area for the time being forms part and the police authority and the police fund therefor shall for the purposes of these Regulations, be deemed to be the same area authority and fund as the first named area and the authority and fund therefor

(b) Where a police area is or has been divided in relation to any special constable who is transferred by the instrument effecting the division from the divided area to another police area the other area and the police authority and police fund therefor shall for the purposes of these Regulations be deemed to be the same area authority and fund as the divided area and the authority and fund therefor

(c) Where a police area is or has been combined or divided as aforesaid any special constable who is transferred by the instrument effecting the combination or division from that police area to another police area shall for the purposes of these Regulations, be deemed to have been appointed a special constable for the area to which he is transferred on the day on which he was last appointed a special constable for the police area first mentioned in this sub paragraph

(d) In relation to a special constable who has served as such on or after 23rd May 1966 a reference in this paragraph to the division of a police area includes a reference to the transfer of part of a police area on or after 1st April 1966 on the date on which an order affecting the area made under section 140 of the Local Government Act 1933(a) or under Part II of the Local Government Act 1958(b) comes into force

(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

(6) For the purposes of these Regulations a reference in the principal Regulations to the Police Pensions Regulations 1971(c) shall be construed as a reference to those Regulations as applied by the Special Constables (Pensions) Regulations 1971(d)

(7) For the purposes of these Regulations a reference to a special constable is a reference to a special constable appointed under section 16 of the Police Act 1964 and except where the context otherwise requires includes a reference to a person who has been a special constable

(a) 1933 c 51

(b) 1958 c 55

(c) SI 1971/232 (1971 I p 700)

(d) SI 1971/233 (1971 I p 802)

Special constable's injury awards

4—(1) This Regulation shall apply to a person who ceases or has ceased to hold the office of special constable and is permanently disabled 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 gratuity and in addition to an injury pension and Regulations 22, 66 and 67 of the principal Regulations shall apply as if he had been an auxiliary policeman at the time that he received the injury

Widow's special award

5—(1) This Regulation shall apply to a widow of a special constable who dies or has died 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 in addition but subject to Regulation 28(5) of the principal Regulations (as applied hereby) to a gratuity and Regulations 28, 31(1), 33(2), 34 and 35 of the principal Regulations and Part XIII thereof shall apply as if her husband had been an auxiliary policeman at the time that he received the injury

Widow's augmented award

6—(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 one of the following conditions is satisfied, namely that—

- (a) he was attacked by a person or persons in a manner which was intrinsically likely to cause death and death ensued as a result of the attack or
- (b) the injury was received in the course of duties performed for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody or
- (c) the injury was received in the course of duties performed—
 - (i) for the immediate purpose of saving the life of another person or of preventing loss of human life and
 - (ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury or
- (d) the police authority are of the opinion that one of the preceding conditions may be satisfied and that this Regulation should apply or
- (e) the police authority are of the opinion that the injury was received otherwise than as aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would have been payable had one of the conditions specified in sub paragraphs (a), (b) and (c) been satisfied

(2) For the purpose of calculating a widow's special pension and gratuity payable to a widow to whom this Regulation applies, Regulation 28 of the principal Regulations (as applied by Regulation 5 of these Regulations) shall have effect subject to the provisions of Regulation 29 of the principal Regulations

Dependent relative's special pension

7—(1) This Regulation shall apply where a special constable dies or has died as the result of an injury received without his own default in the execution of his duty as a special constable and in such case shall apply—

(a) to a parent or (without prejudice to the following sub paragraph) to a brother or sister of the constable who had attained the age of 19 years before the constable's death or

(b) subject to his having attained the age of 19 years to any child of the constable whether or not he had attained that age before the constable's death

being a person who was substantially dependent on the constable immediately before his death (hereinafter referred to as a dependent relative)

(2) A dependent relative to whom this Regulation applies may be granted a special pension if the police authority having regard to all the circumstances of the case in their discretion so determine and Regulation 36 of the principal Regulations and Part XIII thereof shall apply as if the special constable had been an auxiliary policeman at the time that he received the injury

Child's special allowance

8—(1) This Regulation shall apply to a child of a special constable who dies or has died 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 38, 41(1) and 42 of the principal Regulations and Part XIII thereof shall apply as if the parent had been an auxiliary policeman at the time that he received the injury

Child's special gratuity

9—(1) This Regulation shall apply to a child of a special constable who dies or has died as the result of an injury received without his own default in the execution of his duty where one of the conditions set out in paragraph (1) of Regulation 6 of these Regulations is satisfied and—

(a) in the case of a man does not leave a widow entitled to a gratuity under paragraph (2) of Regulation 5 of these Regulations or

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

(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 39 and 42 of the principal Regulations shall apply as if the parent had been an auxiliary policeman at the time that he received the injury

Average pensionable pay and pensionable service

10 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 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 last ceased to hold the office of special constable had his appointment and service at any time as a special constable for any police area been appointment and service in the rank of a constable as a regular policeman in the police force for that area and
- (b) his pensionable service shall be deemed to be subject to a maximum of 10 years his period or the aggregate of his periods of service as a special constable

Application of certain provisions of the principal Regulations

11 Regulations 45 69 and 70 Part VIII (except for Regulation 76) and Regulations 79 80 and 81 of the principal Regulations shall subject to any necessary adaptations apply for the purposes of these Regulations as they apply for the purposes of the principal Regulations

Authority by whom payments are to be made

12 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

Robert Carr

One of Her Majesty's Principal
Secretaries of State

Home Office
Whitehall
9th March 1973

SCHEDULE

Regulation 2

OLD CASES REGULATIONS

The Special Constables (Pensions) Regulations 1971	SI 1971/233 (1971 I p 802)
The Special Constables (Pensions) (Amendment) Regulations 1971	SI 1971/584 (1971 I p 1576)
The Special Constables (Pensions) (Amendment) (No 2) Regulations 1971	SI 1971/1328 (1971 II p 3799)
The Special Constables (Pensions) (Amendment) (No 3) Regulations 1971	SI 1971/1467 (1971 III p 4142)
The Special Constables (Pensions) (Lump Sum Payments to Widows Etc) Regulations 1972	SI 1972/1845 (1972 III p 5357)

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations which apply to special constables appointed in England and Wales have effect as from 1st April 1972 (retrospective effect is authorised by sections 12 and 15 of the Superannuation Act 1972) They apply to the exclusion of the Special Constables (Pensions) Regulations 1971 in the case of a special constable who has held office on or after that date

The Regulations of 1971 gave to special constables and their dependants certain pension benefits for which members of police forces and their dependants were eligible by applying certain provisions of the Police Pensions Regulations 1971 The present Regulations make fresh provision for this purpose by similarly applying the Police Pensions Regulations 1973 The main differences between the provisions of the Police Pensions Regulations of 1971 and of 1973 applied in the case of special constables are that the Regulations of 1973 provide for enhanced rates of benefits

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