

1979 No. 784 (S.75)
POLICE
**The Special Constables (Pensions) (Scotland) Amendment
Regulations 1979**

<i>Made - - - -</i>	<i>2nd July 1979</i>
<i>Laid before Parliament</i>	<i>16th July 1979</i>
<i>Coming into Operation</i>	<i>7th August 1979</i>

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, I hereby make the following regulations:—

1. These regulations may be cited as the Special Constables (Pensions) (Scotland) Amendment Regulations 1979.
2. These regulations shall come into operation on 7th August 1979 and shall have effect—
 - (a) for the purposes of paragraph (a) of regulation 3 of these regulations, as from 1st December 1975,
 - (b) for the purposes of paragraph (b) of that regulation, as from 6th April 1978.
3. The Special Constables (Pensions) (Scotland) Regulations 1973(c) shall have effect—
 - (a) from 1st December 1975 subject to the amendments specified in Part I of the schedule to these regulations;
 - (b) from 6th April 1978 subject to the amendments specified in Part II of that schedule.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
2nd July 1979.

(a) 1967 c. 77; section 26 was extended by sections 12 and 15(5) of the Superannuation Act 1972 (c. 11).
(b) 1961 c. 35. (c) S.I. 1973/433, amended by S.I. 1974/1630.

SCHEDULE

Regulation 3

PART I

AMENDMENTS TAKING EFFECT FROM 1ST DECEMBER 1975

1. For paragraph (1) of regulation 3 there shall be substituted the following paragraph—

“3.—(1) In these regulations the expression “the principal regulations” means the Police Pensions Regulations 1973 as amended by the Police Pensions (Amendment) Regulations 1974 and the Police Pensions (Amendment) Regulations 1975(a).”.

PART II

AMENDMENTS TAKING EFFECT FROM 6TH APRIL 1978

1. For paragraph (1) of regulation 3, (as amended by Part I of this schedule) there shall be substituted the following paragraph—

“3.—(1) In these regulations the expression “the principal regulations” means the Police Pensions Regulations 1973 as amended by the Police Pensions (Amendment) Regulations 1974, the Police Pensions (Amendment) Regulations 1975 and the Police Pensions (Amendment) (No. 2) Regulations 1978(b).”.

2. In regulation 5—

(a) for the words “regulations 28, 31(1), 33(2), 34 and 35” in paragraph (2) there shall be substituted the words “regulations 28, 31, 33(2), 34 and 35”; and

(b) there shall be inserted after paragraph (2) the following paragraphs—

“(3) regulation 31 of the principal regulations, as so applied, shall have effect as if the words “before he has attained insured pensionable age” were omitted therefrom.

(4) regulation 34 of the principal regulations, as so applied, shall have effect as if paragraph (3) were omitted therefrom.”.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Regulations amend the Special Constables (Pensions) Scotland Regulations 1973 ("the 1973 Regulations") which make special constables and their dependants eligible for injury benefits available to regular policemen and their dependants under the Police Pensions Regulations 1973 ("the principal Regulations").

The benefits made available by the Regulations are as follows:—

- (1) Part I of the Schedule to the Regulations attracts to the 1973 Regulations an amendment to the principal Regulations made by the Police Pensions (Amendment) Regulations 1975 with effect from 1 December 1975. The amendment enables the payment of sums not exceeding £1,500 to be made to estates without confirmation.
- (2) Part II of the Schedule to the Regulations attracts to the 1973 Regulations amendments to the principal Regulations made by the Police Pensions (Amendment) (No. 2) Regulations 1978. The amendments to the principal Regulations met the requirements for contracting-out of the State scheme with effect from 6th April 1978. Special Constables are not contracted-out, and therefore the reference to insured pensionable age in Regulation 31 (which deals with the payment of a gratuity in lieu of pension) and the provision for payment of a widow's requisite benefit pension in Regulation 34 (which deals with awards to a widow living apart from her husband) require to be excluded in their application to special constables.

Retrospective effect for the Regulations is authorised by sections 12 and 15 of the Superannuation Act 1972.

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