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STATUTORY INSTRUMENTS

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**1987 No. 1698 (S.120)**

**POLICE**

**The Special Constables (Injury Benefit) (Scotland) Regulations 1987**

<i>Made</i>	- - - -	<i>18th September 1987</i>
<i>Laid before Parliament</i>		<i>5th October 1987</i>
<i>Coming into force</i>	- -	<i>28th October 1987</i>

The Secretary of State, in exercise of the powers conferred on him by section 26 of the Police (Scotland) Act 1967<sup>(1)</sup>, as read with section 1(2) of the Police Pensions Act 1961<sup>(2)</sup> and as extended by sections 12 and 15(5)(c) of the Superannuation Act 1972<sup>(3)</sup>, and of all other powers enabling him in that behalf, and after submitting a draft of the following Regulations to and considering any representations made by the Joint Central Committee and such bodies and associations as are mentioned in section 26(9)(b) of the said Act of 1967, hereby makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Special Constables (Injury Benefit) (Scotland) Regulations 1987.

(2) These Regulations shall come into force on 28th October 1987 and shall have effect as from 25th November 1982.

**Interpretation**

2.—(1) Subject to the following provisions of these Regulations, these Regulations shall be construed as one with the Special Constables (Pensions) (Scotland) Regulations 1973<sup>(4)</sup> (hereinafter referred to as “the principal Regulations”).

(2) Notwithstanding regulation 3(3) of the principal Regulations, in these Regulations “totally disabled” means incapable by reason of the disablement in question of earning any money in any employment and “total disablement” shall be construed accordingly.

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(1) 1967 c. 77; section 26 was amended by section 4(8) of the Police Act 1969 (c. 63), by section 2(4) of the Police Negotiating Board Act 1980 (c. 10), and by section 111 of the Police and Criminal Evidence Act 1984 (c. 60).  
(2) 1961 c. 35; section 1(2) was amended by the Police Pensions Act 1976 (c. 35), Schedule 2, paragraph 3(b).  
(3) 1972 c. 11.  
(4) S.I. 1973/433, amended by S.I. 1974/1630, 1979/784, 1980/1411.

(3) Notwithstanding any enactment applied by regulation 3(2) of the principal Regulations, the reference in regulation 3(1)(a) of these Regulations to a person being totally and permanently disabled is to be taken as a reference to that person being totally disabled at the time when the question arises for decision and to that total disablement being at that time likely to be permanent.

### **Injury benefit**

**3.—(1)** The Police (Injury Benefit) Regulations 1987(**5**) shall apply, subject to the necessary modifications, in relation to—

(a) a person who—

- (i) receives or received an injury without his own default and in the execution of his duty, whether before, on or after 25th November 1982; and
- (ii) on or after that date ceases or has ceased to serve as a special constable; and
- (iii) within 12 months of so receiving that injury, becomes or became totally and permanently disabled as a result thereof; and

(b) a special constable who—

- (i) receives or received an injury without his own default and in the execution of his duty, whether before, on or after 25th November 1982; and
  - (ii) was serving as a special constable on or after that date; and
  - (iii) within 12 months of so receiving that injury, dies or has died as a result thereof;
- as they apply in the case of a person such as is mentioned in regulation 4(1) or, as the case may be, regulation 5(1) of those Regulations.

(2) For the purposes of paragraph (1) any references in the Police (Injury Benefit) Regulations 1987(**6**) to any of the provisions of the Police Pensions Regulations 1973(**7**) or, as the case may be, the Police Pensions Regulations 1987(**8**) shall include references to those provisions as applied in relation to special constables by the principal Regulations.

New St. Andrew's House,  
Edinburgh  
18th September 1987

*Michael B. Forsyth*  
Parliamentary Under Secretary of State, Scottish  
Office

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(5) S.I. 1987/156, amended by S.I. 1987/256 and 341.

(6) These Regulations were amended by S.I. 1987/256, with effect from 1st April 1987, so as to substitute for references to the Police Pensions Regulations 1973 (S.I. 1973/428) references to the Police Pensions Regulations 1987 (S.I. 1987/257).

(7) S.I. 1973/428, to which there are amendments not relevant to these Regulations, revoked at 1st April 1987 by S.I. 1987/256.

(8) S.I. 1987/257, brought into force at 1st April 1987 by S.I. 1987/256.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply to special constables appointed in Scotland, make provision for enhanced benefits in cases of death or total disablement resulting from an injury received by a special constable in the execution of his duty, similar to that made in relation to members of police forces by the Police (Injury Benefit) Regulations 1987.

These Regulations come into force on 28th October 1987 and have effect as from 25th November 1982. (Retrospective effect is authorised by sections 12 and 15 of the Superannuation Act 1972).