

1987 No. 1700 (S.122)

POLICE

**The Police Cadets (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 27 of the Police (Scotland) Act 1967(a), as extended by section 13 of the Superannuation (Miscellaneous Provisions) Act 1967(b) and sections 12 and 15(5)(d) of the Superannuation Act 1972(c), and of all other powers enabling him in that behalf, and after consultation with the Police Negotiating Board for the United Kingdom in accordance with section 2(3) of the Police Negotiating Board Act 1980(d), hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Police Cadets (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 Police Cadets (Pensions) (Scotland) Regulations 1973(e) (hereinafter referred to as “the principal Regulations”).

(2) Notwithstanding regulation 3(4) 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.

(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.

(a) 1967 c.77; section 27(3) was amended by section 4(8) of the Police Act 1969 (c.63), and by section 111(2) of the Police and Criminal Evidence Act 1984 (c.60).
(b) 1967 c.28; section 13 was amended by the Police (Scotland) Act 1967, Schedule 4, by the Social Security Act 1973 (c.38), Schedule 27, paragraph 72, and by the Social Security (Consequential Provisions) Act 1975 (c.18), Schedule 1, Part I.
(c) 1972 c.11.
(d) 1980 c.10.
(e) S.I. 1973/434, amended by S.I. 1974/1629, 1979/783, 1980/1410, 1982/1660, 1987/1699.

Injury benefit

3.—(1) The Police (Injury Benefit) Regulations 1987(a) 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 police cadet; and
- (iii) within 12 months of so receiving that injury, becomes or became totally and permanently disabled as a result thereof; and

(b) a police cadet 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 police cadet 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(b) to any of the provisions of the Police Pensions Regulations 1973(c) or, as the case may be, the Police Pensions Regulations 1987(d) shall include references to those provisions as applied in relation to police cadets by the principal Regulations.

(3) These Regulations shall have effect in relation to a police cadet notwithstanding regulation 4(3) of the principal Regulations; and accordingly there shall be inserted therein after the words “any enactment” the words “other than the Police Cadets (Injury Benefit) (Scotland) Regulations 1987”.

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

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

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

(b) 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).

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

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

The 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).