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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 610**

**The Police (Injury Benefit) (Scotland) Regulations 2006**

**PART 5**

**REVISION AND WITHDRAWAL OR FORFEITURE OF AWARDS**

**Reassessment of injury pension**

**37.**—(1) Subject to the provisions of this Part, where an injury pension is payable under these Regulations, the police authority shall, at such intervals as may be suitable, consider whether the degree of the pensioner's disablement has altered; and if after such consideration the police authority find that the degree of the pensioner's disablement has substantially altered, the pension shall be revised accordingly.

(2) Where the person concerned is not also in receipt of an ordinary, ill health or short-service pension under the 1987 Regulations, if on any such reconsideration it is found that their disability has ceased, their injury pension shall be terminated.

(3) Where payment of an ill health pension is terminated in pursuance of regulation K1(4) of the 1987 Regulations, there shall also be terminated any injury pension under regulation 11 above payable to the person concerned.

(4) Where early payment of a deferred pension ceases in pursuance of regulation K1(7) of the 1987 Regulations, then any injury pension under regulation 11 above payable to the person concerned shall also be terminated.

**Reduction of pension in case of default**

**38.**—(1) Where a member of a police force or a person who has been a member of a police force becomes permanently disabled and has brought about or substantially contributed to the disablement by their own default, the police authority may reduce the amount of any injury award payable to that person by them by an amount not exceeding a half of that to which the person would otherwise be entitled:

Provided that—

- (a) this regulation shall not apply where the person concerned has been a regular police officer and is in receipt of an ill health pension under regulation B3 of the 1987 Regulations and would, if the officer had continued to serve instead of retiring with that pension, have been entitled to reckon for the purposes of those Regulations 25 years' pensionable service (and, for the purposes of this proviso, in the case of a regular police officer who has spent one or more periods in part time service, in determining the number of years of pensionable service the officer would have been entitled to reckon a period of service by virtue of which their pensionable service is reckonable is reckonable as if it were a period of full time service); and
- (b) where the injury pension of a regular police officer by whom pension contributions were payable under regulation G2 of the 1987 Regulations has been reduced under this regulation, then if when the officer attains the age of 60 years the reduced pension is less

than the amount of the deferred pension which would have been payable had the officer been granted such a pension under regulation B5 of the 1987 Regulations on the date of their ceasing to serve it shall be increased to that amount.

### **Withdrawal of pension during service as a regular police officer**

**39.**—(1) Subject to paragraph (2), a police authority by whom an injury pension is payable under regulation 11 or under regulation 20 may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is serving as a regular police officer in any police force; and, where they have done so, they shall be discharged from all actual or contingent liability in respect of the pension or the part thereof withdrawn for the period in question.

(2) This regulation does not apply to a pension under regulation B9(7)(b) of the 1987 Regulations (allocation).

### **Forfeiture**

**40.**—(1) This regulation applies to a pension payable to or in respect of a member of a police force under regulations 11, 13 or 20.

(2) A police authority responsible for the payment of a pension to which this regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the pensioner has been convicted of an offence mentioned in paragraph (3) and, in the case of an adult survivor's pension, that offence was committed after the death of the pensioner's spouse or, as the case may be, civil partner.

(3) The offences referred to in paragraph (2) are—

- (a) an offence of treason; and
- (b) one or more offences under the Official Secrets Acts 1911 to 1989<sup>(1)</sup> for which the member has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least ten years.

(4) A police authority responsible for payment to a member of a police force of a pension to which this regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the member has been convicted of an offence committed in connection with their service as a member of a police force which is certified by the Scottish Ministers either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(5) To the extent to which a pension is forfeited under this regulation, the police authority shall be discharged from all actual or contingent liability in respect of that pension.

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(1) 1911 c. 288, 1920 c. 75, 1939 c. 121 and 1989 c. 6.