

SCHEDULE 1

Regulation 2(a)

GLOSSARY OF EXPRESSIONS

1. In these Regulations, unless the context otherwise requires, the following expressions shall be construed as follows—

- “the 1987 Regulations” means the Police Pensions Regulations 1987⁽¹⁾;
- “adult survivor” has the meaning assigned to it by regulation 13(1);
- “aggregate pension contributions”, for the purpose of calculating an award, has the meaning assigned to it by regulation 4(4);
- “average pensionable pay” has the meaning assigned to it by regulation 4(2);
- “board of medical referees” has the meaning assigned to it by paragraph 4 of Schedule 6;
- “child” means (without regard to age) legitimate or illegitimate child, step child or adopted child and any other child who is substantially dependent on the member of a police force concerned and either is related to that member or is the child of their spouse or civil partner, and “parent” shall be construed accordingly;
- “disablement” and cognate expressions have the meanings assigned to them by regulation 7;
- “home police force” means any police force within the meaning of the Police (Scotland) Act 1967⁽²⁾;
- “husband” includes wife;
- “infirmary” has the meaning assigned to it by regulation 7;
- “injury” includes any injury or disease, whether of body or of mind;
- “injury received in the execution of duty” has the meaning assigned to it by regulation 6 and “the result of an injury” shall be construed in accordance with regulation 8;
- “medical authority means the independent qualified medical practitioner providing a decision under Regulation H1(2) of the 1997 Regulations or the board of medical referees if the independent qualified medical practitioner’s decision is subsequently changed on appeal under Regulation H2(3) of those regulations;
- “member of a police force” includes—
- (a) an inspector of constabulary; and
 - (b) a police officer engaged on relevant service;
- “overseas corps” means any body in which persons such as are mentioned in section 1(1) of the Police (Overseas Service) Act 1945⁽³⁾ are serving and in relation to which regulations made under section 1(2) of that Act have been made;
- “overseas police officer” means—
- (a) a member of an overseas corps, or
 - (b) an officer to whom section 10 of the Overseas Development and Co operation Act 1980⁽⁴⁾ or the Overseas Service Act 1958⁽⁵⁾ applies or applied and whose service as such an officer is or was for the time being service in respect of which section 11 of the said Act of 1980 or section 5 of the said Act of 1958 has or had effect
- and has the same meaning as “overseas policeman” in the 1987 Regulations;

(1) S.I. 1987/257.
(2) 1967 c. 77.
(3) 1945 c. 17.
(4) 1980 c. 63.
(5) 1958 c. 14.

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- “overseas service” means service as an overseas police officer;
- “pensionable pay” has the meaning assigned to it by regulation 4(1);
- “the Pensions (Increase) Acts” means the Pensions (Increase) Act 1971⁽⁶⁾ and the Pensions (Increase) Act 1974⁽⁷⁾;
- “public holiday” means Christmas Day, the 26th December (if it falls on a Saturday or Sunday), the 1st January (if it so falls), Good Friday or a bank holiday;
- “regular police officer” means—
- (a) a member of a home police force;
 - (b) an inspector of constabulary; and
 - (c) a police officer engaged on relevant service and any other overseas police officer
- and has the same meaning as “regular policeman” in the 1987 Regulations;
- “the Scheme actuary” means the actuary for the time being appointed by the Scottish Ministers to provide a consulting service on actuarial matters relevant to these Regulations;
- “step child” includes a person who is the child of the civil partner of the member of a police force concerned, but is not the child of that member;
- “widow” includes widower; and
- “wife” includes husband.

SCHEDULE 2

Regulation 10(1)

PART 1

AMENDMENTS OF THE 1987 REGULATIONS

1. In regulation A2(b) (supplementary provisions) for “, the Police Pensions (War Service) (Transferees) Regulations 1985 and the Police (Injury Benefit) Regulations 1987 as amended by regulations 5, 6 and 7” substitute “and the Police Pensions (War Service) (Transferees) Regulations 1985 as amended by regulations 5 and 6”.
2. In regulation A8 (persons treated as being in receipt of a pension)—
 - (a) for “, ill health or as the case may be, injury”, substitute “or as the case may be, ill health”; and
 - (b) omit paragraph (c).
3. In regulation A12(2), omit “Subject to paragraph 3”.
4. At the end of regulation B5(2)(b) (policeman’s deferred pension) insert “or to an award under regulation 11 of the Injury Benefit Regulations”.
5. In regulation B6(1)(b) (award by way of repayment of aggregate pension contributions) after “this Part” insert “or to an award under regulation 11 of the Injury Benefit Regulations”.
6. In regulation B7(8)(b) (commutation general provision), after “injury pension” insert “under regulation 11 of the Injury Benefit Regulations”.
7. In regulation B8 (commutation-small pensions)—

⁽⁶⁾ 1971 c. 56.

⁽⁷⁾ 1974 c. 9.

- (a) in paragraph (1), after “together with” insert “any injury pension to which he is entitled under regulation 11 of the Injury Benefit Regulations,”; and
 - (b) in paragraph (3), after “one pension” insert “(including an injury pension under regulation 11 of the Injury Benefit Regulations)”.
- 8.** In regulation C1(1)(b) (widow’s ordinary pension), for “and an injury pension” substitute “pension under regulation B3 and an injury pension under regulation 11 of the Injury Benefit Regulations”.
- 9.** In regulation C5 (limitation on award to widow with reference to date of marriage or formation of a civil partnership and pension in case of post-retirement marriage or formation of a civil partnership)–
- (a) omit paragraph (2); and
 - (b) in paragraph (3), omit “or (2)(a),” and “, C2”.
- 10.** In regulation C6 (widow’s requisite benefit and temporary pension)–
- (a) in paragraph (1), for “, C2(1) or C4(1)” substitute “or C4(1) or not entitled to an adult survivor’s special award under regulation 13 of the Injury Benefit Regulations”;
 - (b) in paragraph (2), after “an injury pension” insert “under regulation 11 of the Injury Benefit Regulations”; and
 - (c) in paragraph (4)(b), for the words following “such a pension” substitute “under regulation 11 of the Injury Benefit Regulations but for his entitlement to additional benefit within the meaning of paragraph 7(3) of Schedule 3 to those Regulations and, where he is, or is so treated as being, in receipt of such a pension, the provisions of paragraph 7(3) shall be disregarded in determining the weekly amount of that pension.”.
- 11.** In regulation C7(1) (widow’s award where no other award payable)–
- (a) omit “, C 2” ; and
 - (b) after “applies” insert “and who has no entitlement to an adult survivor’s special award under regulation 13 of the Injury Benefit Regulations”.
- 12.** In regulation D1(b) (child’s ordinary allowance), for “and an injury pension” substitute “pension under regulation B3 and an injury pension under regulation 11 of the Injury Benefit Regulations”.
- 13.** In regulation D5 (child’s allowance or special gratuity- limitations)–
- (a) in paragraph (1), omit “or gratuity” and “and “a special gratuity””;
 - (b) in paragraph (2), omit sub paragraph (b);
 - (c) omit paragraph (7);
 - (d) in paragraph (8), for “, (5) and (7)” substitute “and (5)”;
 - (e) in paragraph (9), omit “or special gratuity”.
- 14.** In regulation E3 (gratuity estate)–
- (a) in paragraph (2)(a), after “injury pension” insert “under regulation 11 of the Injury Benefit Regulations”;
 - (b) in paragraph (2)(c), after “including” insert “any such pension or allowance granted under the Injury Benefit Regulations and”;
 - (c) at the end of paragraph (2)(d), insert “(including any such gratuity granted under the Injury Benefit Regulations)”.

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15. In regulation E4(6) (gratuity in lieu of widow’s pension), omit “or special” in both places where it appears.

16. In regulation E7 (prevention of duplication)–

- (a) in paragraph (1)(a), after “Part C” insert “of these Regulations or under regulation 13 of the Injury Benefit Regulations”; and
- (b) in paragraph (1)(b), for “or an adult dependent relative’s pension under regulation E1” substitute “or a child’s special allowance under regulation 17 of the Injury Benefit Regulations or an adult dependent relative’s special pension under regulation 20 of the said Regulations”.

17. In regulation E8 (increase of widow’s pension or child’s allowance during first 13 weeks)–

- (a) in paragraph (1), omit “, special” in both places where it appears;
- (b) in paragraph (2)(i), for the words from “paragraph 4” to “member’s” substitute “paragraph 7(3) of Schedule 3 to the Injury Benefit Regulations (police officer’s”;
- (c) in paragraph (2)(ii), after “injury pension” insert “under regulation 11 of the Injury Benefit Regulations”.

18. In regulation G1(5)(a) (pensionable and average pensionable pay), omit the words from “regulation B4” to “augmented award)” and the words from “D2” to “special pension)”.

19. In regulation H1(2) (reference of medical questions), omit the words from “and, if they are further considering” onwards.

20. In regulation J1(policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act)–

- (a) in paragraph (2)(b), after “Part B” insert “or an injury pension under regulation 11 of the Injury Benefit Regulations”;
- (b) in paragraph (2)(c)(ii), after “Part B” insert “or an injury pension under regulation 11 of the Injury Benefit Regulations” and after “regulation K4”, insert “ or, as the case may be, regulation 39 of the Injury Benefit Regulations”;
- (c) in paragraph (3), after “Part B” in the first place where it appears, insert “or an injury pension under regulation 11 of the Injury Benefit Regulations”;
- (d) in paragraph (3)(a), omit “other than an injury pension” and for “some other” substitute “under regulation 11 of the Injury Benefit Regulations and a”;
- (e) in paragraph (3)(b), omit “, in the case of a pension other than an injury pension,”;
- (f) in paragraph (4)(a), after “Part C” insert “or a widow’s special pension under regulation 13 of the Injury Benefit Regulations”;
- (g) in paragraph 4A(a), omit the words from “regulation E1(3)” to “regulation E1(1)(c) or” and after “Part C” insert “or under regulation 20 of the Injury Benefit Regulations (adult dependent relative’s special pension) by virtue of paragraph (1)(c) of the said regulation”;
- (h) in paragraph (5), after “Part C” in the first place where it appears insert “or a special pension under regulation 13 of the Injury Benefit Regulations” and after “Part C” in the second place where it appears insert “or such a special pension as aforesaid”;
- (i) in paragraph (5A), for “E1(3) by virtue of regulation E1(1)(c)” substitute “20 of the Injury Benefit Regulations by virtue of paragraph (1)(c) of that regulation”; and
- (j) in paragraph (6)(c), omit “or under regulation E1”.

21. In regulation K1(cancellation of pensions)–

- (a) at the heading, omit “and injury”; and

- (b) in paragraph (4), omit “(a)” which precedes sub-paragraph (a), “and” which follows that sub-paragraph and sub-paragraph (b).
- 22.** In regulation K3 (reduction of pension in case of default), omit “or injury”.
- 23.** In regulation K4(1) (withdrawal of pension during service as a regular policeman), omit “or under regulation E1 (adult dependent relative’s special pension)”.
- 24.** In regulation K5(1) (forfeiture of pension), omit “or under regulation E1 (adult dependent relative’s special pension)”.
- 25.** In regulation L3 (payment and duration of awards)—
- (a) omit paragraph (1)(b);
 - (b) in paragraph 2(ii), omit “other than an injury gratuity under regulation B4”; and
 - (c) omit paragraph (3)(d).
- 26.** In Schedule A (glossary of expressions)—
- (a) insert at the appropriate place “the Injury Benefit Regulations” means the Police (Injury Benefit) (Scotland) Regulations 2006⁽⁸⁾; and
 - (b) omit the definitions of “injury”, “injury received in the execution of duty” and “the result of an injury”.
- 27.** In paragraph 1(2)(b) of Part I of Schedule C (widow’s ordinary pension), for “ill health and an injury pension” insert “an ill-health pension under Part B and an injury pension under regulation 11 of the Injury Benefit Regulations”.
- 28.** In paragraph 1 of Part IV of Schedule C (widow’s pension in case of post retirement marriage)—
- (a) for “or special award under regulation C1 or C2” substitute “under regulation C1”; and
 - (b) omit sub paragraph (c) and the word “and” immediately preceding it.
- 29.** In paragraph 1 of Part I of Schedule D (child’s ordinary allowance)—
- (a) in sub paragraph (4), for “, ill health or injury pension” substitute “or ill health pension or an injury pension under regulation 11 of the Injury Benefit Regulations”; and
 - (b) in sub paragraph (5), after “ill health pension” insert “under Part B” and after “injury pension” insert “under regulation 11 of the Injury Benefit Regulations”.
- 30.** In paragraph (3)(1)(b) of Part I of Schedule D, for “ill health and an injury pension” insert “an ill health pension under Part B and an injury pension under regulation 11 of the Injury Benefit Regulations”.
- 31.** In Schedule J—
- (a) in Part I, omit paragraphs 6 and 7;
 - (b) in Part II, omit paragraph 6;
 - (c) in paragraph 4(4) of Part VI, omit paragraphs (a), (b), (f), (i) and (j); and
 - (d) in paragraph 8(1C)(j) of Part VI, omit “and injury”.
- Regulation 10(2)

(8) S.S.I. 2006/610.

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PART 2

AMENDMENTS OF THE POLICE PENSIONS (SUPPLEMENTARY PROVISIONS) REGULATIONS 1987

1. In regulation 8, in the heading, paragraph (1) and paragraph (2) for “, 6 or 7” substitute “or 6”.

PART 3

REVOCATIONS

<i>Instrument</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Police (Injury Benefit) Regulations 1987	S.I. 1987/156	The whole instrument
The Police Pensions (Supplementary Provisions) Regulations 1987	S.I. 1987/256	Regulation 7
The Police Pensions Regulations 1987	S.I. 1987/257	Regulation A11 Regulation A13 Regulation B4 Regulation C2 Regulation C3 Regulation D2 Regulation D3 Regulation E1 Regulation K2 Part V of Schedule B Part II of Schedule C Part II of Schedule D Part I of Schedule E In Schedule J, paragraphs 6 and 7 of Part I, paragraph 6 of Part II and paragraph 4 of Part VII
The Police Pensions (Part-time Service) Amendment (Scotland) Regulations 2005	S.S.I. 2005/495	Paragraph 4 of Schedule 1

SCHEDULE 3

Regulation 11

POLICE OFFICER'S INJURY AWARD

1. A gratuity under regulation 11 shall be calculated by reference to the person's degree of disablement and their average pensionable pay and shall be—

- (a) in the case of a police officer all of whose service by virtue of which their pensionable service is reckonable was full-time, the amount specified as appropriate to their degree of disablement in column (2) of the Table in paragraph 3; and
- (b) in the case of a police officer any of whose service by virtue of which their pensionable service is reckonable was part time, the amount given by the formula—

$$\frac{GR}{Q}$$

where—

G is the amount that the gratuity would be if all the service were full time service,

R is the period in years of their pensionable service, and

Q is the period that would be the period in years of their pensionable service if periods of part time service were reckonable as if they were periods of full time service.

2. If in a case where any of the police officer's service by virtue of which their pensionable service is reckonable was part-time service, the amount of the gratuity calculated in accordance with paragraph 1 would be less than it would have been if the person had become entitled to receive the gratuity at an earlier date, then that amount shall be substituted for it.

3. An injury pension shall be calculated by reference to the person's degree of disablement, their average pensionable pay and the period in years of their pensionable service, and, subject to the following paragraphs, shall be—

- (a) in the case of a police officer all of whose service by virtue of which their pensionable service is reckonable was full-time, of the amount of their minimum income guarantee specified as appropriate to their degree of disablement in column (3), (4), (5) or (6) of the following Table; and
- (b) in the case of a police officer any of whose service by virtue of which their pensionable service is reckonable was part-time, of the amount given by the formula—

$$\frac{MR}{Q}$$

where—

M is the amount that their minimum income guarantee would be if all the service were full time service and R and Q are the same as in paragraph 1;

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<i>Degree of disablement</i>	<i>Gratuity expressed as % of average pensionable pay</i>	<i>Minimum income guarantee expressed as % of average pensionable pay⁴⁷</i>			
		<i>Less than 5 years' service</i>	<i>5 or more but less than 15 years' service</i>	<i>15 or more but less than 25 years' service.</i>	<i>25 or more years' service.</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>	<i>(6)</i>
25% or less (slight disablement)	12.5%	15%	30%	45%	60%
More than 25% but not more than 50% (minor disablement)	25%	40%	50%	60%	70%
More than 50% but not more than 75% (major disablement)	37.5%	65%	70%	75%	80%
More than 75% (very severe disablement)	50%	85%	85%	85%	85%

4. If in a case where any of the police officer’s service by virtue of which their pensionable service is reckonable was part time service, the amount of the pension calculated in accordance with paragraph 3 would be less than it would have been if the person had become entitled to receive the pension at an earlier date, then that amount shall be substituted for it.

5. In paragraphs 2, 3 and 4, references to a person’s pensionable service shall in the case of a regular police officer who has made an election under regulation G4(1) of the 1987 Regulations be construed as references to the service which would have been reckonable by that person if they had not made such an election.

6. The amount of an injury pension, calculated as aforesaid, shall be reduced, where the person concerned received the relevant injury (within the meaning of regulation 11) during a period of service as a regular police officer, by three-quarters of any other pension calculated by reference to Schedule B to the 1987 Regulations.

7. For the purposes of sub paragraph (1), such other pension as is there mentioned which is reduced—

- (a) in accordance with the provisions of regulation B7 (commutation-general provisions or B9 (allocation) of the 1987 Regulations;
- (b) in accordance with the provisions of Part VIII of Schedule B (reduction related to up-rating of widow’s pension) to the 1987 Regulations; or

(c) by virtue of a pension debit,
shall be deemed not to have been so reduced.

(2) In the case of a regular police officer who has made an election under regulation G4(1) of the 1987 Regulations, sub paragraph (1) shall have effect as if for the reference to three-quarters of any other pension calculated by reference to pensionable service reckonable by reason of that period of service there were substituted a reference to the amount of any other pension which would have been so calculated had he not made such an election.

8.—(1) The amount of the injury pension in respect of any week, calculated as aforesaid, shall be reduced on account of any such additional benefit as is mentioned in sub paragraph (3) to which the person concerned is entitled in respect of the same week and, subject to sub paragraph (2), the said reduction shall be of an amount equal to that of the additional benefit or, in the case of benefit mentioned in sub paragraph (3)(a) or (b), of so much thereof as is there mentioned.

(2) Where the provisions governing scales of additional benefits have changed after the person concerned ceased to be a member of a police force, the amount of the reduction in respect of any week on account of a particular benefit shall not exceed the amount which would have been the amount thereof in respect of that week had those provisions not changed, it being assumed, in the case of such benefit as is mentioned in sub-paragraph (3)(a)(ii), that it would have borne the same relationship to the former maximum amount thereof.

(3) The following benefits are the additional benefits referred to in this paragraph—

- (a) any industrial injuries benefit under section 94 of the Social Security Contributions and Benefits Act 1992⁽⁹⁾ in respect of the relevant injury or so much of any such pension as relates to that injury (referred to in this sub paragraph as the relevant part of the pension), together with—
 - (i) any increase in such pension by way of unemployability supplement under Part 1 of Schedule 7 to that Act or so much of any such increase as is proportionate to the relevant part of that pension so, however, that where the person concerned is entitled to an unemployability supplement which is increased under Part 1 of the said Schedule, the unemployability supplement shall be deemed not to have been so increased;
 - (ii) any increase in such pension under section 94 of that Act (reduced earnings allowance) or so much of any such increase as is proportionate to the relevant part of that pension; and
 - (iii) so long as the person concerned is receiving treatment as an in-patient at a hospital as a result of the relevant injury, any increase in such pension under Part 3 of Schedule 7 to that Act (hospital treatments);
- (b) any reduced earnings allowance under section 94 of that Act in respect of the relevant injury or so much of any such allowance as relates to that injury; and
- (c) until the first day after their retirement which is not, or is deemed not to be, a day of incapacity for work within the meaning of section 30A, or, as the case may be, a day on which the person is incapable of work within the meaning of sections 68 and 69, of that Act—
 - (i) any incapacity benefit under section 30A of that Act; or
 - (ii) any severe disablement allowance under sections 68 and 69, including, in each case, any increase under any provision of Part 4 of that Act (dependants).

(9) 1992 c. 4.

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(4) Where a person has become entitled to a disablement gratuity under Part 2 of Schedule 7 to the Social Security Contributions and Benefits Act 1992 in respect of the relevant injury, this paragraph shall have effect as if the person were entitled during the relevant period to a disablement pension of such amount as would be produced by converting the gratuity into an annuity for the said period.

(5) In this sub paragraph the expression “the relevant period” means the period taken into account, in accordance with section 94 of that Act, for the purpose of making the assessment by reference to which the gratuity became payable.

9. No payment shall be made in respect of an injury pension for any week in which the aggregate reductions under paragraphs 6 and 7 exceed the amount of the pension calculated in accordance with paragraph 3.

10. In a case where—

- (a) a former police officer was in part-time service before the date on which the Police Pensions (Part time Service) Regulations 2005⁽¹⁰⁾ came into force; and
- (b) the amount of their award calculated in accordance with this Schedule would be less than it would have been if those Regulations had not been made;

then the award shall be of that amount instead.

SCHEDULE 4

Regulation 19

REDUCTION IN CHILD'S SPECIAL ALLOWANCE DURING FULL TIME REMUNERATED TRAINING ETC

1.—(1) In this Schedule—

“relevant child” means, subject to sub paragraph (2), a child entitled to a special allowance who is—

- (a) in full-time training for a trade, profession or calling; and
- (b) in receipt of remuneration in respect of that training at an annual rate in excess of the specified rate;

“specified rate” means a sum equivalent to the annual rate (rounded up to the nearest £1) of the applicable amount of personal allowance payable to a single claimant aged not less than 18 but less than 25 years, as specified in the Income Support (General) Regulations 1987⁽¹¹⁾ as up rated from time to time in accordance with an order under section 150(2) of the Social Security Administration Act 1992⁽¹²⁾;

“excess remuneration” means the annual amount by which the annual rate of the relevant child’s remuneration exceeds the specified rate; and

“relevant provision” means regulation 17(4) or regulation 17(6).

(2) A child shall not be a relevant child for the purposes of this Schedule if and in so far as their allowance falls to be increased in accordance with regulation 28 (increase during first 13 weeks).

2. In the case of any relevant child—

- (a) if the annual amount of the special allowance is greater than the amount of their excess remuneration, it shall be reduced by the amount of that excess remuneration; or

⁽¹⁰⁾ S.I. 2005/1439; the Regulations came into force on 22nd June 2005.

⁽¹¹⁾ S.I. 1987/1967.

⁽¹²⁾ 1992 c. 5.

- (b) if the amount of that excess remuneration is equal to or greater than the annual amount of the allowance which, but for this sub paragraph, would be payable to that child, the allowance shall not be payable.

3.—(1) Where as well as any relevant child there are other children to whom special allowances are payable in respect of the death of the same person and either of the relevant provisions applies, the special allowances payable to those other children (“the other special allowances”) shall be increased as provided in this paragraph.

(2) If paragraph 2(a) applies in the case of any relevant child, then, without prejudice to sub paragraph (3), the annual amount of each of the other special allowances shall be increased by an amount equal to their excess remuneration divided by the number of other special allowances.

(3) If paragraph 2(b) applies in the case of any relevant child, then, without prejudice to sub paragraph (2), each of the other special allowances shall be recalculated as if the relevant child were not entitled to a special allowance.

(4) Notwithstanding the provisions of sub paragraphs (2) and (3), no child shall by virtue of these provisions receive a special allowance greater than that to which they would be entitled if no relevant provision applied in their case.

SCHEDULE 5

Regulation 20

ADULT DEPENDENT RELATIVE'S SPECIAL PENSION

1. Subject to paragraphs 2, 3 and 4, a dependent relative’s special pension shall be of a weekly amount equal to 45% of the average pensionable pay for a week of the member of a police force in respect of whose death it was granted (“the deceased”).

2. In respect of any week in respect of which there are payable in respect of the deceased’s death both—

- (a) a widow’s special pension or, where the deceased was a married woman or a woman in a civil partnership, a dependent relative’s special pension granted to her widower or surviving civil partner; and
- (b) a dependent relative’s special pension other than, where the deceased was a married woman or a woman in a civil partnership, one granted as aforesaid,

the dependent relative’s special pension mentioned in sub paragraph (b) shall not be of the amount mentioned in paragraph 1 but, subject to paragraphs 3 and 4, of an amount equal to 20% of the deceased’s average pensionable pay for a week.

3. The amount of a dependent relative’s special pension determined in accordance with paragraph 1 or 2 shall be increased in accordance with regulation 29 (increase by reference to the Pensions (Increase) Acts).

4.—(1) Where in respect of any week the aggregate amount of—

- (a) any widow’s special pension; and
- (b) any child’s special allowance,

payable in respect of the deceased’s death equals or exceeds the amount of the deceased’s average pensionable pay for a week, no dependent relative’s special pension shall be payable in respect of that week.

(2) Where in respect of any week the aggregate amount of—

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- (a) any widow's special pension;
- (b) any child's special allowance; and
- (c) any dependent relative's special pension,

payable in respect of the deceased's death would exceed the amount of the deceased's average pensionable pay for a week, the dependent relative's pension shall be reduced by such factor as will ensure that that aggregate does not exceed that amount.

(3) For the purposes of this paragraph any increase in a pension or allowance in accordance with regulation 29 (increase by reference to the Pensions (Increase) Acts) shall be ignored.

SCHEDULE 6

Regulation 31

MEDICAL APPEALS

1. Every notice of appeal under regulation 31(1) and statement of grounds under regulation 31(2) shall be in writing.

2. On receiving a notice of appeal against a report issued under regulation 30 and the appellant's statement of grounds for appeal, the police authority, unless regulation 32(2) applies, shall forward to the Scottish Ministers copies of appeal and all other documents that are determined as necessary by the Scottish Ministers.

3. The Scottish Ministers shall refer an appeal to a board of medical referees and shall supply them with copies of the police authority's decision, the report of the selected medical practitioner, the appellant's notification of appeal and the appellant's written statement of the grounds for appeal, and any other relevant information.

4.—(1) The board of medical referees shall consist of not less than three medical practitioners appointed by, and in accordance with, arrangements approved by the Scottish Ministers, provided that—

- (a) at least one member of the board of medical referees shall be a specialist in a medical condition relevant to the appeal;
- (b) one member of the board of medical referees will be appointed chairman; and
- (c) where there is an equality of voting among members of the board of medical referees, the chairman shall have a second or casting vote.

(2) The board of medical referees shall appoint a time and place for interviewing the appellant and for any such further interviews or examinations as it may consider necessary and shall give not less than 21 days notice thereof to the appellant and police authority.

5.—(1) Where either party to the appeal intends to submit written evidence or a written statement at an interview, that party shall, subject to sub paragraph (2), submit it to the board of medical referees, the other party and the Scottish Ministers not less than 10 days before the date appointed for the interview.

(2) Where any written evidence or statement has been submitted under sub paragraph (1), any written evidence or statement in response may be submitted by the other party to the board of medical referees and the party submitting the first-mentioned evidence or statement and the Scottish Ministers at any time not less than 5 days before the date appointed for the interview.

(3) Where any written evidence or statement is submitted in contravention of paragraphs (1) or (2) the board of medical referees may postpone or adjourn the date appointed for the interview.

(4) References in sub paragraphs (1) and (2) to periods of days shall exclude weekends and public holidays.

6.—(1) Any hearing (including any examination) may be attended by—

- (a) the selected medical practitioner; and
- (b) a duly qualified medical practitioner appointed for the purpose by the appellant,

although they may only observe any examination.

(2) If the selected medical practitioner does not attend any examination then a duly qualified medical practitioner appointed for that purpose by the police authority may attend the examination as an observer.

(3) If any hearing includes an examination then only medical practitioners may be present for that part of the hearing.

7. The board of medical referees shall supply the police authority, the appellant and the Scottish Ministers with a written statement of its decision and where the board of medical referees disagrees with any part of the selected medical practitioner's report, the board of medical referees shall supply a revised report.

8.—(1) There shall be paid to the board of medical referees—

- (a) such fees as are determined in accordance with arrangements made by the Scottish Ministers; or
- (b) where no such arrangements have been made, such fees and allowances as the Scottish Ministers may from time to time determine.

(2) Any fees and allowances payable to the board of medical referees under sub paragraph (1) shall be paid by the police authority and shall be treated as part of the expenses of the police authority for the purposes of this Schedule except that any fees and allowances payable in consequence of—

- (a) the withdrawal or postponement of an interview; or
- (b) a postponement or adjournment which is the result of any written evidence or statement being made to the board of medical referees outwith the time limits specified in paragraph 5 above,

may be recovered, in whole or in part, by the police authority from the party or parties whose actions or omissions resulted in the withdrawal, postponement or adjournment of the interview.

9.—(1) Save as hereinafter provided, the expenses of each party to the appeal shall be borne by that party.

(2) Where the board of medical referees decides in favour of the police authority and reports that in its opinion the appeal was frivolous or vexatious, the authority may require the appellant to pay towards the cost of the appeal such sum not exceeding the board of medical referees total fees and allowances as the authority think fit.

(3) Where the board of medical referees decides in favour of the appellant, the police authority shall refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of any such interview or examination as is mentioned in paragraph 4.