

**1973 No. 434 (S.31)**
**POLICE**
**The Police Cadets (Pensions) (Scotland) Regulations 1973**

<i>Made</i>	- - -	<i>12th March 1973</i>
<i>Laid before Parliament</i>		<i>19th March 1973</i>
<i>Coming into Operation</i>		<i>9th April 1973</i>

In exercise of the powers conferred on me by section 27 of the Police (Scotland) Act 1967(a), as read with section 13 of the Superannuation (Miscellaneous Provisions) Act 1967(b) and extended and amended by sections 12 and 15 of the Superannuation Act 1972(c), and of all other powers enabling me in that behalf, and after consultation with the Police Council for the United Kingdom in accordance with section 4(5) of the Police Act 1969(d), I hereby make the following regulations:—

*Citation, commencement and effect*

1.—(1) These regulations may be cited as the Police Cadets (Pensions) (Scotland) Regulations 1973.

(2) These regulations shall come into operation on 9th April 1973 and shall have effect as from 1st April 1972 except that for the purposes of regulation 2(2) they shall have effect as from 1st December 1972.

*Old cases*

2.—(1) The Police Cadets (Pensions) (Scotland) Regulations 1971(e) shall cease to have effect except in the case of an award to or in respect of a person who ceased to serve as a police cadet before 1st April 1972, including an award on the death of such a person on or after the said date.

(2) The said regulations of 1971 shall, subject as aforesaid, have effect subject to the amendments set out in the Schedule hereto.

(3) Nothing hereafter in these regulations shall apply in such a case as is mentioned in paragraph (1).

*Interpretation*

3.—(1) In these regulations the expression “the principal regulations” means the Police Pensions Regulations 1973(f).

(2) Regulations 3, 4, 5, 10, 12(4), 13(1) and (4), 14, 17, 18 and 111 of the principal regulations shall apply for the purposes of these regulations, subject to any necessary adaptations, as they apply for the purposes of the said regulations.

(3) For the purposes of these regulations a reference to a qualifying injury is a reference to an injury received by a person, without his own default—

(a) while on duty as a police cadet or while on a journey necessary to

(a) 1967 c. 77.

(b) 1967 c. 28.

(c) 1972 c. 11.

(d) 1969 c. 63.

(e) S.I. 1971/246 (1971 I, p. 849).

(f) S.I. 1973/428 (1973 I, p. 1401).

enable him to report for duty or to return to his usual place of abode after duty, or

(b) while taking action which, in the opinion of the police authority, it was appropriate that he should have taken by reason of his being a police cadet, or

(c) where he would not have received the injury had he not been known to be a police cadet, or

(d) where the police authority are of the opinion that the preceding condition may be satisfied and that the injury should be treated as one received as aforesaid;

and, in the case of a police cadet in relation to whom these regulations have taken effect, includes a reference to an injury so received before these regulations took effect in relation to him.

(4) For the purposes of these regulations and of the principal regulations as applied hereby, disablement means inability occasioned by infirmity of mind or body, in the case of a police cadet, to perform the ordinary duties of a male or of a female member of a police force, as the case may be, or, in the case of a child, to earn a living; but where it is necessary to determine the degree of a police cadet's disablement it shall be determined by reference to the degree to which his earning capacity has been affected as a result of a qualifying injury:

Provided that a police cadet shall be deemed to be totally disabled if, as a result of a qualifying injury, he is receiving treatment as an in-patient at a hospital.

(5) For the purposes of these regulations, a reference in the principal regulations to a person serving as a regular policeman or member of a police force shall be construed as a reference to a person serving as a police cadet attached to a particular police force; and any references in the said regulations to retirement, or to ceasing to be a member of a police force, shall be construed as a reference to the termination of a period of such service.

(6) For the purposes of these regulations a reference in the principal regulations to the Police Pensions Regulations 1971(a) shall be construed as a reference to those regulations as applied by the Police Cadets (Pensions) (Scotland) Regulations 1971.

(7) For the purposes of these regulations, a reference to a police cadet is a reference to a police cadet appointed under section 8 of the Police (Scotland) Act 1967 and, except where the context otherwise requires, includes a reference to a person who has been a police cadet; and references to the police force to which a police cadet is attached, to the chief officer of police and to the police authority are, respectively, references to the police force with a view to becoming a member of which the cadet is undergoing training, the chief officer of that force and the police authority maintaining that force.

#### *Effect of regulations*

4.—(1) These regulations shall have effect in relation to a police cadet—

(a) who on appointment has not attained the age of 18 years, only as from his attaining that age;

(b) who on appointment has attained that age, as from his appointment;

and, except where the context otherwise requires, any reference in these regulations to a police cadet is a reference to a cadet who has served and has attained that age.

(2) Notwithstanding anything in paragraph (1) of this regulation, these regu-

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(a) S.I. 1971/232 (1971 I, p. 700).

lations shall have effect in relation to a police cadet who on 1st April 1971—

- (a) was serving as such by virtue of his appointment before that date, and
- (b) had attained the age of 18 years,

except that these regulations shall not have effect in relation to such a police cadet if, before that date, he elected under regulation 3(2) of the Police Cadets (Pensions) (Scotland) Regulations 1971 that those regulations should not have effect in relation to him.

(3) Where these regulations have effect in relation to a police cadet they shall have effect to the exclusion of any other provision for pension, allowance or gratuity in respect of his service as such contained in or in force under any enactment; and on these regulations taking effect in relation to him (otherwise than as mentioned in paragraph (1)(b)) of this regulation, he shall be deemed for the purpose of a return of any contributions made by him under any such provision to have ceased to serve as a police cadet; and, accordingly, to have ceased to be treated as employed by his police authority:

Provided that nothing in this paragraph shall affect the operation of the National Insurance Act 1965(a) or the National Insurance (Industrial Injuries) Act 1965(b).

*Police cadet's ill-health and injury awards*

5.—(1) This regulation shall apply to a police cadet who ceases or has ceased to serve as such and is permanently disabled as a result of a qualifying injury.

(2) Subject to the provisions of these regulations, a police cadet to whom this regulation applies shall be entitled to a gratuity and an injury pension, together with, if he ceased to serve on the ground of disablement, an ill-health pension; and, subject to paragraphs (3) and (5) of this regulation, regulations 20, 22, 24 (except for paragraphs (2) and (7)), 66(1), 67 and 68 of the principal regulations shall apply as if he were such a regular policeman as is mentioned in paragraphs (1) and (3)(b) of the said regulation 20 or, as the case may be, in paragraph (1) of the said regulation 22.

(3) Regulation 20 of the principal regulations, as so applied shall have effect as if the references to Parts VII and VIII of Schedule 2 were omitted therefrom; but an ill-health pension payable hereunder shall be reduced in respect of any period beyond insured pensionable age—

- (a) by an amount calculated at an annual rate obtained by multiplying £1.70 by the number of completed years of pensionable service which the person concerned is entitled to reckon, and
- (b) by an amount calculated at the annual rate of the graduated retirement benefit which would be payable to the person concerned, on the assumption that he retired from regular employment on attaining insured pensionable age, in return for the payment in respect of his period of pensionable service of graduated contributions at the rate specified in section 4(1)(c) of the National Insurance Act 1965, as originally enacted.

(4) If on the reconsideration of a police cadet's degree of disablement under regulation 66(1) of the principal regulations, as so applied, it is found that his disability has ceased—

- (a) his injury pension, and
- (b) his ill-health pension, if any,

shall be terminated.

(a) 1965 c. 51.

(b) 1965 c. 52.

(5) Regulation 67 of the principal regulations, as so applied, shall have effect as if the proviso were omitted therefrom.

*Widow's special award*

**6.**—(1) This regulation shall apply to a widow of a police cadet who dies or has died as a result of a qualifying injury.

(2) Subject to the provisions of these regulations, a widow to whom this regulation applies shall be entitled to a special pension and, in addition but subject to regulation 28(5) of the principal regulations (as applied hereby), to a gratuity, and regulations 28, 31, 33(2), 34, 35 and 44 of the principal regulations and Part XIII thereof shall apply as if her husband had been a regular policeman at the time he received the injury.

*Widow's augmented award*

**7.**—(1) This regulation shall apply to a widow of a police cadet whose death is the result of a qualifying injury where one of the following conditions is satisfied, namely that—

- (a) he was attacked by a person or persons in a manner which was intrinsically likely to cause death and death ensued as a result of the attack, or
- (b) the injury was received in the course of duties performed for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody, whether in the course of assisting a constable or otherwise, or
- (c) the injury was received in the course of duties performed—
  - (i) for the immediate purpose of saving the life of another person or of preventing loss of human life, and
  - (ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury, or
- (d) the police authority are of the opinion that one of the preceding conditions may be satisfied, and that this regulation should apply, or
- (e) the police authority are of the opinion that the injury was received otherwise than as aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would have been payable had one of the conditions specified in sub-paragraphs (a), (b) and (c) of this paragraph been satisfied.

(2) For the purpose of calculating a widow's special pension and gratuity payable to a widow to whom this regulation applies, regulation 28 of the principal regulations (as applied by regulation 6 of these regulations) shall have effect subject to the provisions of regulation 29 of the principal regulations as if her husband had been a regular policeman at the time that he received the injury and as if the reference in paragraph (3) of the said regulation 29 to annual pensionable pay were a reference to the annual pensionable pay of a police cadet attached to the metropolitan police force who has attained the age of 19 years.

*Children's special allowance*

**8.**—(1) This regulation shall apply to a child of a police cadet who dies or has died as the result of a qualifying injury.

(2) Subject to the provisions of these regulations, a child to whom this regulation applies shall be entitled to a child's special allowance and regulations

38, 41, 42 and 44 of the principal regulations and Part XIII thereof shall apply as if the parent had been a regular policeman at the time that he received the injury.

*Child's special gratuity*

**9.**—(1) This regulation shall apply to a child of a police cadet who dies or has died as the result of a qualifying injury where one of the conditions set out in regulation 7(1) of these regulations is satisfied and

(a) in the case of a man, does not leave a widow entitled to a gratuity under regulation 6(2) of these regulations or,

(b) in the case of a woman, was the child's only surviving parent.

(2) Subject to the provisions of these regulations, a child to whom this regulation applies shall be entitled to a gratuity in addition to a special allowance and regulations 39 and 42 of the principal regulations shall apply as if the parent had been a regular policeman at the time that he received the injury, as if any reference in the said regulation 39 to regulation 29 of the principal regulations were a reference to that regulation as applied by regulation 7 of these regulations and as if the reference in paragraph (4) of the said regulation 39 to annual pensionable pay were a reference to the annual pensionable pay of a police cadet attached to the metropolitan police force who had attained the age of 19 years.

*Prevention of duplication*

**10.**—(1) This regulation shall apply to a police cadet who becomes a member of a police force.

(2) Where a person to whom this regulation applies is permanently disabled or dies as a result of a qualifying injury and in consequence thereof an award is payable under the principal regulations to him, his widow or child, then, he or, as the case may be, his widow or child shall not be entitled to an award under these regulations.

*Average pensionable pay and pensionable service*

**11.** For the purpose of calculating an award under these regulations to or in respect of a police cadet—

(a) his period of pensionable service shall be his period of service as a police cadet on and after the date on which these regulations have effect in relation to him;

(b) his pensionable pay shall be his pay in respect of his period of pensionable service and, subject as aforesaid, regulation 55(2), (4), (5) and (9) of the principal regulations shall apply for the purposes of determining his average pensionable pay or average pensionable pay for a week as if he had been a regular policeman.

*Application of certain provisions of the principal regulations*

**12.** Regulations 69 and 70, Part VIII (except for regulation 76) and regulations 79, 80 and 81 of the principal regulations shall, subject to any necessary adaptations, apply for the purposes of these regulations as they apply for the purposes of the principal regulations.

*Authority by whom payments are to be made*

**13.** An award under these regulations shall be payable by the police auth-

ority maintaining the police force to which the police cadet was attached at the time when he received the injury by virtue of which the award is payable.

*Gordon Campbell,*  
One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh.  
12th March 1973.

#### SCHEDULE

##### AMENDMENTS TO THE POLICE CADETS (PENSIONS) (SCOTLAND) REGULATIONS 1971

1. (1) In the application of the Police Pensions Regulations 1971(a) to the calculation of an award to the widow or child of a police cadet under the Police Cadets (Pensions) (Scotland) Regulations 1971(b), the first mentioned regulations shall apply as amended by the Police Pensions (Amendment) Regulations 1972(c) (which amendments relate to increases in widows' and children's awards).

(2) In accordance with the preceding sub-paragraph, for regulation 2(1) of the Police Cadets (Pensions) (Scotland) Regulations 1971 (which defines the expression "the principal regulations") there shall be substituted the following provision:—

"2.--(1) In these regulations the expression "the principal regulations" means the Police Pensions Regulations 1971 as amended by the Police Pensions (Amendment) Regulations 1972."

2. In regulation 5(2) of the Police Cadets (Pensions) (Scotland) Regulations 1971 (widow's special pension) after the words "the principal regulations" there shall be inserted the words "and Part XIII thereof".

3. In regulation 7(2) of the said regulations of 1971 (child's special allowance) after the words "the principal regulations" there shall be inserted the words "and Part XIII thereof".

(a) S.I. 1971/232 (1971 I, p. 700).  
(c) S.I. 1972/1642 (1972 III, p. 4829).

(b) S.I. 1971/246 (1971 I, p. 849).

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations, which apply to police cadets in Scotland, have effect, save as mentioned below, as from 1st April 1972 (retrospective effect is authorised by sections 12 and 15 of the Superannuation Act 1972). They apply to the exclusion of the Police Cadets (Pensions) (Scotland) Regulations 1971 in the case of a cadet who has served on or after that date.

The Regulations of 1971 gave to police cadets and their dependants certain pension benefits for which members of police forces and their dependants were eligible by applying certain provisions of the Police Pensions Regulations 1971. The present Regulations make fresh provision for this purpose by similarly applying the Police Pensions Regulations 1973. The main differences between the provisions of the Police Pensions Regulations of 1971 and of 1973 applied in the case of police cadets are that the Regulations of 1973 provide for enhanced rates of benefits.

Regulation 2(2) of the present regulations, which has effect as from 1st December 1972 (the date from which increases in pensions authorised by the Pensions Increase (Annual Review) Order 1972 (S.I. 1972/1298) were payable), makes provision for the increase of widows' pensions and children's allowances which remain payable under the Police Cadets (Pensions) (Scotland) Regulations 1971.

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