
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 610

The Police (Injury Benefit) (Scotland) Regulations 2006

PART 2

AWARDS ON INJURY OR DEATH

Adult survivor's special award

13.—(1) This regulation applies to a surviving spouse or surviving civil partner (“an adult survivor”) of a member of a police force who dies or has died as the result of an injury received without their own default in the execution of their duty (“the deceased officer”).

(2) An adult survivor to whom this regulation applies shall, subject to paragraph (6) and regulation 15, be entitled to an award which shall comprise—

- (a) an adult survivor's special pension calculated in accordance with paragraphs (3) to (5) subject, however, to regulation 28; and
- (b) subject to paragraphs (7) and (8), a gratuity of an amount equal to 25% of the deceased officer's average pensionable pay together with, where the officer died while serving as a member of a police force, an amount equal to whichever is the greater of the following amounts—
 - (i) the deceased officer's average pensionable pay,
 - (ii) 2¼ times the annual amount of the ill-health pension which would have been payable under regulation B3 of the 1987 Regulations to the deceased officer had they retired on the ground that they were permanently disabled on the day on which the officer died.

(3) Subject to paragraphs (4) and (5), the weekly amount of an adult survivor's special pension shall be equal to 45% of the deceased officer's average pensionable pay for a week.

(4) Where, in respect of any week, a pension is payable to the widow in pursuance of section 67 of the Social Security Act 1975(1) in consequence of her husband's death and the amount of that pension exceeds that of a widow's pension under section 26 of that Act as specified in Part I of Schedule 4 thereto at the time of the husband's death, then the amount of her special pension in respect of that week shall be reduced by that excess.

(5) Where the provisions governing the amount of pensions under section 67 of the Social Security Act 1975 have changed after the death of the husband, the reduction under sub paragraph (4) in respect of any week shall not exceed the amount which would have been the amount thereof in respect of that week had those provisions not changed.

(6) An adult survivor shall not be entitled to an adult survivor's special award unless the surviving spouse was married to the deceased officer or, as the case may be, the surviving civil partner and the deceased officer were civil partners, during a period—

- (a) before the deceased officer last ceased to be a regular police officer, if the officer received the injury while serving as such; or
- (b) before the end of the continuous period of service during which the officer received the injury, in any other case.

(7) An adult survivor who, but for paragraph (6)(a), would be entitled to an award under paragraph (2) shall, instead, be entitled to a pension calculated in accordance with the provisions of paragraphs (8) to (12); and such pension shall be treated for the purposes of paragraph (14) and regulation 28 (increase during first 13 weeks) as if it were a special award under this regulation.

(8) The annual amount of a pension under paragraph (7) shall be one half of the appropriate proportion of the ill health pension under regulation B3 of the 1987 Regulations to which the deceased officer would have been entitled had the officer, when they ceased to serve, retired because the officer was disabled in circumstances entitling them to such a pension.

(9) Subject to paragraphs (10), (11) and (12), for the purposes of paragraph (8) the appropriate proportion means the proportion which the deceased officer's pensionable service reckonable by reason of service or employment after 5th April 1978 bears to their total pensionable service; and for these purposes, in a case where the deceased officer had made an election under regulation G4 of the 1987 Regulations, their pensionable service shall be calculated as if such election had not been made.

(10) Where a pension becomes payable under paragraph (7) to a widower or to the surviving civil partner of a female police officer, paragraph (9) has effect with the substitution for "5th April 1978" of "16th May 1990" or, as the case may be, the day before the date from which service before 17th May 1990 counts in consequence of an election under regulation G6 of the 1987 Regulations (payments by women members to enhance widowers' and surviving civil partners' awards).

(11) But where a pension becomes payable under paragraph (7) to the surviving civil partner of a female police officer and as a consequence of an election under regulation G6 paragraph (9) would, but for this paragraph, have effect with the substitution for "5th April 1978" of a date before 6th April 1988, then paragraph (9) shall have effect with the substitution for "5th April 1978" of "5th April 1988".

(12) Where a pension becomes payable under paragraph (7) to the surviving civil partner of a male police officer, paragraph (9) has effect with the substitution for "5th April 1978" of "5th April 1988".

(13) Where the deceased officer was entitled to a gratuity under regulation 11 then—

- (a) if it equalled, or exceeded, the gratuity under paragraph (2)(b), the gratuity under paragraph (2)(b) shall not be payable; and
- (b) in any other case, the gratuity under paragraph (2)(b) shall be reduced by the amount of the deceased officer's gratuity.

(14) The amount of an adult survivor's special pension or gratuity determined in accordance with the preceding provisions of this regulation shall be increased in accordance with regulation 29 (increase by reference to the Pensions (Increase) Acts).