
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 610

The Police (Injury Benefit) (Scotland) Regulations 2006

PART 2

AWARDS ON INJURY OR DEATH

Abatement of certain gratuities in respect of damages or compensation

23.—(1) The police authority shall take into account against any gratuity payable under regulation 12 or 21 any damages or compensation which are recovered by any person in respect of the death or disability to which the gratuity relates and the gratuity may be withheld or reduced accordingly.

(2) For the purposes of this regulation—

(a) a person shall be deemed to have recovered damages—

(i) whether they are paid in pursuance of a judgment or order of the court or by way of settlement or compromise of their claim and whether or not proceedings are instituted to enforce the claim, or

(ii) if they are recovered for that person's benefit in respect of a claim under the Fatal Accidents Act 1976(1);

(b) “compensation” does not include an award of compensation made to a person in accordance with the Criminal Injuries Compensation Scheme if the amount of the award was reduced by the amount of any gratuity paid or payable to him under regulations 12 or 21.

(3) No payment in respect of a gratuity under regulation 12 or 21 shall be made to a person unless the person has given to the police authority a written undertaking that if the person recovers any damages or compensation in respect of the death or disability to which the gratuity relates the person will inform the authority thereof and, unless the damages or compensation have been taken into account in pursuance of paragraph (1), will pay to the police authority such sum as they may demand not exceeding—

(a) where the amount of the payment made by the police authority is less than the net amount of the damages or compensation, the amount of that payment; or

(b) where the amount of that payment is not less than the net amount of the damages or compensation, an amount equal to the net amount of the damages or compensation,

and, in this paragraph, “the net amount” in relation to damages or compensation recovered by any person means the amount of the damages or compensation after deducting tax payable in the United Kingdom or elsewhere to which the damages or compensation are subject.

(4) The police authority shall not demand any payment in pursuance of such an undertaking as is mentioned in paragraph (3)—

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- (a) after the death of the person to whom the payment in respect of a gratuity under regulation 12 or 21 was made; or
- (b) after the expiration of two years from the date on which the final determination of the amount of the damages or compensation first came to the knowledge of the police authority.