
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 610

The Police (Injury Benefit) (Scotland) Regulations 2006

PART 6

PAYMENTS BY AND TO POLICE AUTHORITIES

Payment of awards otherwise than to beneficiary and application of payments

44.—(1) This regulation applies to the payment of any award under these Regulations to or in respect of a member of a police force, and any reference in it to the beneficiary is a reference to the person to whom, this regulation apart, the award is payable.

(2) Where the beneficiary is a child under the age of 18, the police authority may, if they think fit, in lieu of paying any sum on account of an award to that child, pay it to such other person as they may determine. A person who receives any sum in pursuance of this paragraph shall, subject to and in accordance with any directions of the police authority, apply the said sum for the benefit of that child under the age of 18.

(3) On the death of the beneficiary to whom a sum is due on account of an award which does not exceed £30,000 or such higher amount as may from time to time be prescribed for the purposes of section 1(3) of the Confirmation to Small Estates (Scotland) Act 1979⁽¹⁾, the police authority may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the authority to be beneficially entitled to the personal estate of the deceased or, as the authority think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the authority may determine.

(4) Where it appears to the police authority that the beneficiary is by reason of mental disorder or otherwise incapable of managing their affairs, in lieu of paying any sum on account of an award to that beneficiary—

- (a) they may, in their discretion, pay it in whole or in part to a person having the care of the beneficiary or such other person as they may determine; and
- (b) in so far as they do not so discharge their liability in respect thereof, the authority shall apply it in such manner as they think fit for the benefit of the beneficiary or their dependants.

A person who receives any sum in pursuance of sub paragraph (a) shall, subject to and in accordance with any directions of the police authority, apply the sum for the benefit of the beneficiary or their dependants.

(5) Where, as a result of any fraud, theft or negligence on the part of a regular police officer in connection with their service as such, a loss has occurred to the fund out of which an award is payable to the officer under these Regulations, in lieu of paying the whole or any part of any sum on account of the award to that beneficiary, the police authority may, if they think fit but subject to paragraph (6), apply it in making good the loss by retaining it in that fund:

(1) 1979 c. 22.

Provided that the aggregate amount retained in pursuance of this paragraph shall not exceed whichever is the lesser of the following amounts, namely–

- (a) the amount which is the actuarial value, at the time of the first retention, of the sums then or prospectively due to the regular police officer on account of the award; and
- (b) the amount of the said loss,

and, in the event of any dispute as to the amount of that loss, the power conferred by this paragraph shall not be exercisable save to the extent of any sum adjudged due to the police authority by an order of a competent court.

(6) Where the police authority exercise the power conferred by paragraph (5) they shall furnish the regular police officer concerned with a certificate showing the amount retained and the effect on the award.

(7) A police authority shall obtain a good discharge by paying or applying any sum in the manner provided by this regulation.