
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 610

The Police (Injury Benefit) (Scotland) Regulations 2006

PART 1

GENERAL PROVISIONS

Injury received in the execution of duty

6.—(1) A reference in these Regulations to an injury received in the execution of duty by a member of a police force means an injury received in the execution of that person's duty as a constable and, where the person concerned is an auxiliary police officer, during a period of active service as such.

(2) For the purposes of these Regulations an injury shall be treated as received by a person in the execution of their duty as a constable if—

- (a) the member concerned received the injury while on duty or while on a journey necessary to enable that member to report for duty or return home after duty;
- (b) the member would not have received the injury had they not been known to be a constable; or
- (c) the police authority is of the opinion that the preceding condition may be satisfied and that the injury should be treated as one received in the execution of duty.

(3) In the case of a person who is not a constable but is within the definition of “member of a police force” in the glossary set out in Schedule 1 by reason of their being an officer there mentioned, paragraphs (1) and (2) shall have effect as if the references to a constable were references to such an officer.

(4) For the purposes of these Regulations an injury shall be treated as received without the default of the member concerned unless the injury is wholly or mainly due to their own serious and culpable negligence or misconduct.

(5) Notwithstanding anything in the 1987 Regulations relating to a period of service in the armed forces, an injury received in the execution of duty as a member of the armed forces shall not be deemed to be an injury received in the execution of duty as a member of a police force.

(6) In the case of a regular police officer who has served as a police cadet in relation to whom the Police Cadets (Pensions) (Scotland) Regulations 1973(1) had taken effect,

- (a) a qualifying injury within the meaning of those Regulations shall be treated for the purposes of these Regulations as if it had been received by that officer as mentioned in paragraph (1); and
- (b) where such a qualifying injury is so treated, any reference to duties in regulation 14(1) (adult survivor's augmented award) shall be construed as including a reference to duties as a police cadet; and,

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in this paragraph the reference to the Police Cadets (Pensions) (Scotland) Regulations 1973 is a reference to the Regulations from time to time in force made, or having effect as if made, under section 27 of the Police (Scotland) Act 1967⁽²⁾.

(2) 1967 c. 77.