1988 No. 376

POLICE

Royal Ulster Constabulary (Injury Benefit) Regulations 1988

Made . . . . . *3rd October 1988*

Coming into operation . . *1st January 1989*

To be laid before Parliament

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(**a**), read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(**b**), and after consulting, in accordance with section 34(2) of the said Act of 1970, the Police Authority for Northern Ireland and the Police Association for Northern Ireland, and, in accordance with section 2(3) of the Police Negotiating Board Act 1980(**c**), the Police Negotiating Board for the United Kingdom, hereby, with the concurrence of the Treasury, makes the following regulations:—

PART I

PRELIMINARY

Citation

1. These regulations may be cited as the Royal Ulster Constabulary (Injury Benefit) Regulations 1988.

Commencement and effect

2. These regulations shall come into operation on 1st January 1989 and shall have effect as from 25th November 1982.

Interpretation

3.—(1) Subject to the following provisions of these regulations, these regulations shall be construed as one with the Royal Ulster Constabulary Pensions Regulations 1988(**d**) (hereinafter referred to as "the principal regulations").

(2) Without prejudice to paragraph (1)—

(*a*) in these regulations—

(i) "taxable allowances" includes all taxable allowances payable by virtue of regulations from time to time in force under section 25 of the Police Act (Northern Ireland) 1970;

(**a**) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and S.I. 1981/1670
(**b**) S.I. 1972/1073 (N.I. 10)
(**c**) 1980 c. 10
(**d**) S.R. 1988 No. 374

(ii) "total remuneration", in relation to a member, means the sum of his pensionable pay and taxable allowances payable to him;

(iii) notwithstanding regulation A11(3) of the principal regulations, "totally disabled" means incapable by reason of the disablement in question of earning any money in any employment and "total disablement" shall be construed accordingly; and

(*b*) in the case of a person who is totally disabled, regulation A11(1) of the principal regulations shall have effect, for the purposes of these regulations, as if the reference to "that disablement being ..... likely to be permanent" were a reference to the total disablement of that person being likely to be permanent.

PART II

BENEFIT ON DISABLEMENT OR DEATH

Disablement gratuity

4.—(1) This regulation shall apply to a person who—

(*a*) receives or received an injury without his own default in the execution of his duty, whether before, on or after 25th November 1982; and

(*b*) on or after that date ceases or has ceased to be a member; and

(*c*) within 12 months of so receiving that injury, becomes or became totally and permanently disabled as a result thereof.

(2) Subject to the following provisions of these regulations, the Police Authority shall pay to him a gratuity of an amount equal to whichever is the lesser of the following amounts, namely—

(*a*) five times the annual value of his pensionable pay on his last day of service as a member;

(*b*) the sum of four times his total remuneration during the 12 months ending with his last day of service as a member and the amount of his aggregate pension contributions in respect of the relevant period of service.

Death gratuity

5.—(1) Subject to paragraph (2), this regulation shall apply to a member who—

(*a*) receives or received an injury without his own default in the execution of his duty, whether before, on or after 25th November 1982; and

(*b*) was serving as such a member on or after that date; and

(*c*) within 12 months of so receiving that injury dies or has died as a result thereof.

(2) In the case of a person who had ceased to serve as a member before his death, this regulation shall only apply to him if his death also occurred before any decision by a medical authority under regulation H1, H2 or H3 of the principal regulations that he was totally and permanently disabled as a result of that injury and where this regulation applies it shall apply to the exclusion of regulation 4.

(3) Subject to the following provisions of these regulations, where a member to whom this regulation applies—

(*a*) leaves a widow (unless, by reason of regulation C5 or C8 of the principal regulations, she would not qualify for a special award under regulation C2 thereof); or

(*b*) does not leave any such widow, but leaves a child (unless, by reason of regulation D5(1), (3), (4) or (5) of the principal regulations, that child would not qualify for a special allowance under regulation D2 thereof); or

(*c*) does not leave any such widow or child, but leaves a dependent relative to whom a special pension may be paid under regulation E1 of the principal regulations,

the Police Authority shall pay to his widow or, as the case may be, to the child or dependent relative a gratuity of an amount equal to whichever is the lesser of the following amounts, namely—

(i) five times the annual value of his pensionable pay on his death or, if earlier, on his last day of service as a member;

(ii) the sum of four times his total remuneration during the 12 months ending with his death, or, if earlier, with his last day of service as a member and the amount of his aggregate pension contributions in respect of the relevant period of service.

(4) Where a member to whom this regulation applies leaves two or more children or two or more dependent relatives, then the amount of the gratuity so payable shall be divided by the Police Authority among the children or dependent relatives (as the case may be) in their discretion.

PART III
GENERAL

Gratuities paid in anticipation

6. Where, before 1st January 1989, the Police Authority pays to any person a gratuity in respect of the death or disablement of a member as the result of an injury received by him in the execution of his duty, and the gratuity is at any time thereafter certified by the Police Authority as having been so paid in anticipation of the coming into force of these regulations—

(*a*) nothing in these regulations shall entitle that person to any further payment in respect of the death or disablement of the member in question; and

(*b*) for the purposes of these regulations, the gratuity shall be treated as if it were a gratuity paid to that person under these regulations.

Abatement in respect of gratuities payable under the principal regulations

7.—(1) The amount of any gratuity payable to a member under regulation 4 shall be reduced by deducting therefrom the amount of any gratuity paid, or treated as paid, to him under regulation B2(4), B3(4) or B4 of the principal regulations.

(2) The amount of any gratuity payable to any person under regulation 5 in respect of the death of a member shall be reduced by deducting therefrom—