1984 No. 41

POLICE

Royal Ulster Constabulary Pensions (Amendment) Regulations 1984

Made . . . . . 10th February 1984

Coming into operation . . . 15th March 1984

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, 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:—

Citation, commencement and effect

1.—(1) These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment) Regulations 1984.

(2) These regulations shall come into operation on 15th March 1984 and shall have effect—

(*a*) for the purposes of regulations 3, 4 and 8, as from 1st January 1982; and

(*b*) for the purposes of regulations 5, 6 and 7, as from 25th November 1982.

Interpretation

2. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary Pensions Regulations 1973(**d**).

Member's ordinary pension

3. At the end of paragraph (4) of regulation 16 of the principal regulations there shall be inserted the following words:—

"or, if he sooner becomes permanently disabled, before he becomes so disabled.".

Payment and duration of awards

4. For sub-paragraph (*a*) of paragraph (1) of regulation 72 of the principal regulations there shall be substituted the following provision:—

"(*a*) where the pension is an ordinary pension and the limitation imposed by regulation 16(4) on the making of payments in respect of a person entitled to reckon less than 30 years' pensionable service applies, in which case the pension shall be so payable as from the date he attains the age of 50 years or, if he sooner becomes permanently disabled, as from the date on which he becomes so disabled.".

(**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. & O. (N.I.) 1973 No. No. 317 as amended by S.R. 1976 No. 401 and S.R. 1978 Nos. 73 and 332

Child's ordinary and special allowances

5.—(1) In regulations 34(2) and 35(2) of the principal regulations there shall in each case before the words "and IV" be inserted the words "IIA", and in paragraph 1 of Part III of Schedule 4 to those regulations there shall be substituted for the words "Part I" the words "Parts I and IIA".

(2) There shall after Part II of Schedule 4 to the principal regulations be inserted the following provision:—

"PART IIA Regulations 34, 35 and 37

REDUCTION IN CHILD'S ALLOWANCE WHERE CHILD IN FULL-TIME REMUNERATED TRAINING

1.—(1) This Part shall apply where an allowance is payable to a child by virtue of regulation 34, 35 or 37 (or would be so payable but for the provisions of this Part) and the child is—

(*a*) in full-time training for a trade, profession or calling, and

(*b*) in receipt of remuneration in respect of that training in excess of the specified annual rate:

Provided that, where the parent in respect of whose death a child's allowance is payable to that child died or ceased to be a member before 15th March 1984, this Part shall not apply in the case of that child until he has attained the age of 19.

(2) In this Part—

"the relevant child" means a child in whose case this Part applies by virtue of sub-paragraph (1);

"the specified annual rate" means an amount rounded up to the nearest £1, equal to £250 a year, increased from time to time by the amount by which a corresponding official pension within the meaning of the Pensions (Increase) Act (Northern Ireland) 1971(**a**) of that amount, which began on 1st June 1972, would from time to time be increased under an Order made under section 2 of that Act or Article 69 of the Social Security Pensions (Northern Ireland) Order 1975(**b**) if such a pension were payable to the relevant child and fell to be paid on the days on which his remuneration fell to be paid;

"the excess remuneration" means the amount by which the relevant child's remuneration exceeds the specified annual rate; and

"the relevant provisions" means paragraphs 1(3) and 2(3) of Part I, and paragraphs 1(3) and 2(3) of Part II, of this Schedule.

2. In the case of any relevant child—

(*a*) if the annual amount of the allowance is greater than the amount of the excess remuneration, it shall be reduced by the amount of the excess remuneration; and

(*b*) if the amount of the excess remuneration is equal to or greater than the annual amount of the allowance which, but for this sub-paragraph, would be payable to him, no allowance shall be so payable to him.

3.—(1) Where as well as any relevant child there are other children to whom allowances are payable in respect of the same death, in circumstances to which

(a) 1971 c. 35 (N.I.) as modified by S.I. 1974/1741

(b) S.I. 1975/1503 (N.I. 15) as amended by Article 10 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))

any of the relevant provisions apply (or would but for this paragraph apply), the allowances payable to those other children (hereinafter called "the other allowances") shall be calculated in accordance with the following provisions of this Part.

(2) If paragraph 2(*a*) applies to any child, then, subject to sub-paragraphs (3) and (4), the other allowances shall be increased by dividing the excess remuneration in his case amongst those other allowances.

(3) If paragraph 2(*b*) applies to any child, then, subject to sub-paragraphs (2) and (4), the other allowances shall be recalculated as if he were not a child of the member.

(4) Notwithstanding the preceding provisions of this Part—

(*a*) no child shall by virtue of those provisions receive an allowance greater than that to which he would be entitled if the relevant provision in question did not apply to his case; and

(*b*) the total amount to be paid under each of the relevant provisions, together with any increase in that amount required by virtue of paragraph 5(2) of Part I, or as the case may be, paragraph 3 of Part II, shall not by virtue of the preceding provisions of this Part exceed the maximum amount which otherwise would be paid under the relevant provision in question, together with any such increase in that amount required as aforesaid.".

Limitation on child's award

6. Regulation 39 of the principal regulations shall have effect subject to the following amendments:—

(*a*) the word "or" immediately following sub-paragraph (*e*) of paragraph (1) and sub-paragraph (*f*) of that paragraph shall be omitted, and for the words "and, without prejudice as aforesaid" to the end of the paragraph there shall be substituted the following words:—

"and, without prejudice to the foregoing, a child's gratuity shall not be granted to a child who attained the age of 17 years before the date of the relevant parent's death unless at that date he is—

(i) undergoing full-time education; or

(ii) in full-time training of at least one year's duration for a trade, profession or calling (hereinafter referred to as "full-time vocational training"); or

(iii) both permanently disabled and substantially dependent on that parent.";

(*b*) there shall be substituted for paragraph (2) the following paragraphs:—

"(2) Subject to paragraph (2A), a child's allowance shall not be payable to a child who has attained the age of 16 years and who is in full-time employment, unless he is in full-time vocational training, or to a child who has attained the age of 17 years unless he is—

(*a*) undergoing full-time education; or

(*b*) in full-time vocational training; or

(*c*) permanently disabled, and—

(i) was both permanently disabled and substantially dependent on the relevant parent at the time of his death; or

(ii) became so disabled while in receipt of a child's allowance; or

(iii) the Police Authority, having regard to all the circumstances of the case, in their discretion determine to pay a child's allowance to him.

(2A) A child's allowance shall not be payable by virtue of sub-paragraph (*a*) or (*b*) of paragraph (2) to a child who has attained the age of 19 years unless—