1973. No. 315 **[C]**

POLICE

Royal Ulster Constabulary: Pensions

REGULATIONS, DATED 31ST AUGUST 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 25 OF THE POLICE ACT (NORTHERN IRELAND) 1970.

The Ministry of Home Affairs, with the concurrence of the Ministry of Finance and on behalf of the Secretary of State, in exercise of the powers conferred on it by section 25 of the Police Act (Northern Ireland) 1970(**a**) and every other power enabling it in that behalf, and after consulting the Police Authority and the Police Association in accordance with section 34(2) of that Act and the Police Council for the United Kingdom in accordance with section 4 of the Police Act 1969(**b**), hereby makes the following Regulations:—

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Royal Ulster Constabulary Pensions (Transitory Provisions) Regulations 1973.

(2) These Regulations shall come into operation on 1st September 1973 and shall have effect as from 1st April 1972.

Interpretation

2. In these Regulations references to the 1949 Order and to the 1973 Regulations are, respectively, references to the Royal Ulster Constabulary Pensions Order 1949(**c**), and to the Royal Ulster Constabulary Pensions Regulations 1973(**d**).

Commutation—variation of notice

3.—(1) This Regulation shall apply to a member who retired on or after 1st April 1972 but before 1st September 1973.

(2) Where a member to whom this Regulation applies has given notice of commutation under paragraph 6B of the Schedule to the 1949 Order (in this Regulation referred to as the "original notice") he may give further notice to the Police Authority of his wish to increase the portion of his pension commuted to such portion, not exceeding a quarter of the pension which would be payable but for the provisions of Regulation 22 of the 1973 Regulations as (subject to the limitation contained in Regulation 23 thereof) he may specify.

(3) Where a further notice has been given under paragraph (2) of this Regulation the original notice shall have effect for the purposes of Regulation 21 of the 1973 Regulations as if given thereunder but as if the portion of the pension specified therein were that specified in the further notice.

(**a**) 1970. c. 9 (N.I.). (**b**) 1969. c. 63.

(**c**) S.R. & O. (N.I.) 1949, No. 211, and see amendments by the following S.R. & O.s (N.I.):—1950, No. 172; 1952, No. 89; 1953, No. 156; 1954, Nos. 98 and 118; 1955, No. 115; 1956, No. 49; 1957, No. 214; 1958, Nos. 81 and 184; 1959, No. 135; 1960, No. 13; 1961, Nos. 93 and 176; 1963, No. 64; 1964, Nos. 48 and 158; 1965, No. 66; 1966, Nos. 68 and 245; 1967, Nos. 18 and 277; 1968, No. 128; 1969, Nos. 39, 204 and 228; 1970, Nos. 98 and 203; 1971, Nos. 118, 404 and 407; 1972, Nos. 165 and 336; 1973, No. 135.

(**d**) S.R. & O. (N.I.) 1973, No. 317.

Allocation—variation of notice

4.—(1) This Regulation shall apply to a member who retired on or after 1st April 1972 but before 1st September 1973.

(2) Where a member to whom this Regulation applies has given notice of allocation under paragraph 54 of the Schedule to the 1949 Order (in this Regulation referred to as the "original notice") he may give further notice to the Police Authority of his wish to increase the portion of his pension surrendered to such portion as he may specify so, however, that the total portion of the pension which may be surrendered for the purposes of allocation shall not exceed a third of the pension which would be payable but for the provisions of Regulations 21 and 22 of the 1973 Regulations and Part VIII of Schedule 2 thereto.

(3) Where a further notice has been given under paragraph (2) of this Regulation the original notice shall have effect for the purposes of Regulation 22 of the 1973 Regulations as if given thereunder but as if the portion of the pension specified therein were that specified in the further notice.

(4) Nothing in this Regulation shall be construed as derogating from any right of a member under Regulation 22(1) of the 1973 Regulations to allocate a further portion of his pension notwithstanding that he has already allocated a portion of that pension.

Allocation—cancellation of notice

5.—(1) This Regulation shall apply to a member who—

(*a*) was serving as such immediately before 1st April 1972, and

(*b*) has exercised the right of election accorded by either Regulation 51(3), Regulation 52(3) and Regulation 54(3) of the 1973 Regulations.

(2) Where a member to whom this Regulation applies has given notice of allocation under paragraph 54 of the Schedule to the 1949 Order (in this Regulation referred to as the "original notice") and the beneficiary specified therein is his wife and she is still alive, he may give further notice to the Police Authority of his wish to cancel the original notice.

(3) Where a further notice has been given under paragraph (2) of this Regulation the original notice shall not have effect for the purposes of Regulation 22 of the 1973 Regulations.

Provisions supplemental to Regulations 3, 4 *and* 5

6. Notice under any of the preceding Regulations shall be given in writing before 1st December 1973 and, if given before 31st October 1973, shall be given to the Ministry of Home Affairs instead of to the Police Authority.

Awards for a period ending 1st December 1972

7. For the purpose of determining the amount payable on account of an award for a period ending before 1st December 1972, the 1973 Regulations shall have effect subject to the modifications set out in the Schedule hereto.

Injury compensation awarded before 1st September 1973

8. If before 1st September 1973 a court, when awarding compensation under the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968(e) to a person who satisfies the conditions for an award under the 1973 Regulations, was not aware of the award which could be made to that person under those Regulations, the award under the said Regulations may be reduced, suspended or disallowed accordingly.

(e) 1968. c. 9 (N.I.).