1973. No. 314 **[C]**

POLICE

Royal Ulster Constabulary Reserve: Pensions

REGULATIONS, DATED 31ST AUGUST 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 26 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 26 of the Police Act (Northern Ireland) 1970(**a**) and of 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, hereby makes the following Regulations:—

Citation and commencement

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

(2) These Regulations shall come into operation on 1st September 1973 and, except as provided in paragraph (3), shall have effect as from 1st April 1972.

(3) Regulations 10, the proviso to paragraph (1) of Regulation 11 and paragraph (3) of the said Regulation shall have effect from the date hereof.

Old cases

2.—(1) In Regulations 4(2) and 6(2) of the Royal Ulster Constabulary Reserve (Pensions) Regulations 1972(**b**) there shall in each case after the words "the Schedule," be inserted the words "and Part IXA thereof".

(2) The said Regulations of 1972 shall cease to have effect except in the case of an award to or in respect of a person who ceased to hold the office of reserve constable before 1st April 1972, including an award on the death of such a person on or after the said date.

(3) Save as provided in paragraph (1) nothing in these Regulations shall apply in such a case as is mentioned in paragraph (2).

Interpretation

3.—(1) In these Regulations the expression "the principal Regulations" means the Royal Ulster Constabulary Pensions Regulations 1973(**c**).

(2) Regulations, 3, 4, 9, 11(2) and (4), 12(1), (2), (3) and (4) and 13 of the principal Regulations shall apply for the purposes of these Regulations, subject to the necessary adaptations as they apply for the purposes of the said Regulations.

(3) Subject to Regulation 12(3) of the principal Regulations, in these Regulations disablement means inability occasioned by infirmity of mind or body in the case of a reserve constable to follow his normal employment or, in the case of a child, to earn a living.

(a) 1970. c. 9 (N.I.).
(b) S.R. & O. (N.I.). 1972, No. 15.
(c) S.R. & O. (N.I.) 1973, No. 317.

(4) For the purposes of these Regulations a reference in the principal Regulations to any provision of the Royal Ulster Constabulary Pensions Order 1949(**d**) shall be construed as a reference to that provision as applied by the Royal Ulster Constabulary Reserve (Pensions) Regulations 1972.

(5) For the purposes of these Regulations a reference to a reserve constable is a reference to a reserve constable appointed under section 9 of the Police Act (Northern Ireland) 1970 and, except, where the context otherwise requires, includes a reference to a person who has been a reserve constable.

Reserve constable's injury awards

4.—(1) This Regulation shall apply to a person who ceases to hold the office of reserve constable and is permanently disabled as a result of an injury received without his own default in the execution of his duty as a reserve constable.

(2) Subject to the provisions of these Regulations, a person to whom this Regulation applies shall be entitled to a gratuity and, in addition, to an injury pension and Regulations 19, 60 and 61 shall apply as if he had been a member of the Royal Ulster Constabulary at the time that he received the injury.

Widow's special award

5.—(1) This Regulation shall apply to a widow of a reserve constable who dies or who has died as the result of an injury received without his own default in the execution of his duty as a reserve constable.

(2) Subject to the provisions of these Regulations, a widow to whom this Regulation applies shall be entitled to a special pension and, in addition but subject to Regulation 25(5) of the principal Regulations (as applied hereby) to a gratuity and Regulations 25, 28(1), 30, 31 and 32 of the principal Regulations and Part XIV thereof shall apply as if her husband had been a member of the Royal Ulster Constabulary at the time that he received the injury.

Widow's augmented award

6.—(1) This Regulation shall apply to the widow of a reserve constable whose death is the result of an injury received without his own default in the execution of his duty as a reserve constable where one of the following conditions is satisfied, namely that—

(*a*) he was attacked by a person or persons in a manner which was intrinsically likely to cause death and death ensued as a result of the attack, or

(*b*) the injury was received in the course of duties performed for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody, or

(*c*) the injury was received in the course of duties performed—

(i) for the immediate purpose of saving the life of another person or of preventing the loss of human life, and

(ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury, or

(*d*) the Police Authority are of the opinion that one of the preceding conditions may be satisfied, and that this Regulation should apply, or

(**d**) S.R. & O. (N.I.) 1949, No. 211.

(*e*) the Police Authority are of the opinion that the injury was received otherwise than as aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would have been payable had one of the conditions specified in sub-paragraphs (*a*), (*b*) and (*c*) been satisfied.

(2) For the purpose of calculating a widow's special pension and gratuity payable to a widow to whom this Regulation applies, Regulation 25 of the the principal Regulations (as applied by Regulation 5 of these Regulations) shall have effect subject to the provisions of Regulation 26 of the principal Regulations.

Dependent relative's special pension

7.—(1) This Regulation shall apply where a reserve constable dies or has died as the result of an injury received without his own default in the execution of his duty as a reserve constable, and in such case, shall apply—

(*a*) to a parent or (without prejudice to the following sub-paragraph) to a brother or sister who had attained the age of 19 years before the reserve constable's death, or

(*b*) subject to his having attained the age of 19 years, to any child of the reserve constable, whether or not he had attained that age before the reserve constable's death,

being a person who was substantially dependent on the reserve constable immediately before his death (hereinafter referred to as a "dependent relative").

(2) A dependent relative to whom this Regulation applies may be granted a special pension if the Police Authority, having regard to all the circumstances of the case, in their discretion so determine, and Regulation 33 of the principal Regulations and Part XIV thereof shall apply as if the reserve constable had been a member of the Royal Ulster Constabulary at the time that he received the injury.

Child's special allowance

8.—(1) This Regulation shall apply to the child of a reserve constable who dies or has died as the result of an injury received without his own default in the execution of his duty as a reserve constable.

(2) Subject to the provisions of these Regulations, a child to whom this Regulation applies shall be entitled to a child's special allowance and Regulations 35, 38(1) and 39 of the principal Regulations and Part XIV thereof shall apply as if the parent had been a member of the Royal Ulster Constabulary at the time that he received the injury.

Child's special gratuity

9.—(1) This Regulation shall apply to the child of a reserve constable who dies or has died as the result of an injury received without his own default in the execution of his duty as a reserve constable where one of the conditions set out in Regulation 6(1) is satisfied and—

(*a*) in the case of a man, does not leave a widow entitled to a gratuity under Regulation 5(2), or

(*b*) in the case of a woman, was the child's only surviving parent.