1973. No. 28 **[C]**

POLICE CADETS

Pensions

REGULATIONS, DATED 1ST FEBRUARY 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 10 OF THE POLICE ACT (NORTHERN IRELAND) 1970.

The Ministry of Home Affairs on behalf of the Secretary of State, in exercise of the powers conferred on it by section 10 of the Police Act (Northern Ireland) 1970(a) and of all other powers enabling it in that behalf and after consulting the Police Authority, the Police Association and, in accordance with the Police Act 1969(b), the Police Council for the United Kingdom hereby makes the following Regulations:—

PART I

Citation and commencement

1. These Regulations may be cited as the Police Cadets (Pensions) Regulations (Northern Ireland) 1973, shall come into operation on 1st February 1973 and shall have effect as from 1st January 1973.

Interpretation

2.—(1) In these Regulations—

"dependant" means any relative other than his widow who was dependent to any degree on a police cadet at the time of his death;

"injury" includes any injury or disease, whether of body or mind;

"Ministry" means the Ministry of Home Affairs;

'Schedule" means the Schedule to the Royal Ulster Constabulary Pensions Order 1949(c).

(2) Paragraphs 1(2), 1(4), 39(2), 40, 42, 43, 44, 45, 46, 47, 57(4)(*b*), 57(4A), 57(8) and 57(9) of the Schedule shall apply for the purposes of these Regulations as they apply for the purposes of the Schedule as if a police cadet were a member of the Royal Ulster Constabulary.

(3) For the purposes of these Regulations a reference to a qualifying injury is a reference to an injury received by a person, without his own serious or culpable negligence or misconduct—

(*a*) while on duty as a police cadet or while on a journey necessary to enable him to report for duty or to return to his usual place of abode after duty, or

(*b*) while taking action which, in the opinion of the Ministry, it was appropriate that he should take by reason of his being a police cadet,

and includes a reference to an injury so received before the date from which these Regulations have effect.

(a) 1970 c. 9 (N.I.).
(b) 1969. c. 63.
(c) S.R. & O. (N.I.) 1949, No. 211.

(4) For the purposes of these Regulations a reference in the Schedule to a person serving as a member shall be construed as a reference to a person serving as a police cadet; and any reference in the Schedule to retirement or to ceasing to be a member shall be construed as a reference to the termination of a period of such service.

(5) For the purposes of these Regulations a reference to a police cadet is a reference to a police cadet appointed under section 10 of the Police Act (Northern Ireland) 1970 and, except where the context otherwise requires, includes a reference to a person who has been a police cadet.

(6) For the purpose of calculating an award under these Regulations to or in respect of a police cadet—

(*a*) his period of pensionable service shall be his period of service as a police cadet or, if the award is made under Part III, his period of such service from the date of his 18th birthday;

(*b*) his average pensionable pay shall be the aggregate of the pay to which he has been entitled in respect of his period of pensionable service divided by the number of years and fractions of a year comprised in that period; and

(*c*) his average pensionable pay for a week shall be taken to be his average pensionable pay divided by $52\frac{1}{5}$.

PART II

3. This Part shall apply to—

(*a*) a police cadet who, while under the age of 18 years, ceases to serve as such and is permanently disabled as the result of a qualifying injury, and

(*b*) the widow or a dependant of a police cadet who dies as the result of a qualifying injury either when serving as such while under the age of 18 years or at any time if he ceased to serve as such while under that age.

4.—(1) Subject to the provisions of paragraph (2) and of Regulations 2 and 5, a person to whom this Part applies shall be entitled to a gratuity—

(*a*) by way of a lump sum equal to twice the average pensionable pay of the police cadet to whom or in respect of whom the award is being made, or

(*b*) by way of periodical payments equal in the aggregate to the lump sum aforesaid, or

(*c*) by way of an annuity the capital value of which is equal to the said lump sum.

(2) Where more than one dependant is entitled to a gratuity under paragraph (1) the provisions of that paragraph shall apply to each gratuity as if for the lump sum amount specified therein there were substituted an amount equal to the said amount divided by the number of gratuities.

5. Where a gratuity has been awarded under Regulation 4 to a police cadet who subsequently dies a gratuity under that Regulation may be awarded to his widow or a dependant of his if either—

(*a*) the gratuity to the police cadet was by way of periodical payments and the police cadet dies before all the payments are completed, or