1965. No. 67 **[NC]**

ULSTER SPECIAL CONSTABULARY: PENSIONS

REGULATIONS, DATED 25TH MARCH, 1965, MADE BY THE MINISTER OF HOME AFFAIRS UNDER THE SPECIAL CONSTABLES ACT 1914, AS EXTENDED AND AMENDED BY THE CONSTABULARY ACT (NORTHERN IRELAND) 1922 AND THE CONSTABULARY (PENSIONS) ACT (NORTHERN IRELAND) 1949.

I, The Right Honourable Robert William Brian McConnell, Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by the Special Constables Act 1914(**a**), as extended and amended by section 8 of the Constabulary Act (Northern Ireland) 1922(**b**) and by section 4(4) of the Constabulary (Pensions) Act (Northern Ireland) 1949(**c**), and of all other powers enabling me in that behalf, do hereby make the following Regulations:—

PART I

GENERAL

Citation

1. These Regulations may be cited as the Ulster Special Constabulary Pensions (Amending) Regulations 1965, and shall be construed as one with the Ulster Special Constabulary Pensions Regulations 1950 to 1964, and those Regulations and these Regulations may be cited together as the Ulster Special Constabulary Pensions Regulations 1950 to 1965.

Commencement

2. Parts I and III shall have effect as from 25th March, 1965, and Part II shall have effect as from 29th March, 1965.

Interpretation

3.—(1) In these Regulations, unless the contrary intention appears, a reference to a Regulation shall be interpreted as a reference to a Regulation in the Ulster Special Constabulary Pensions Regulations 1950(**d**) and a reference to a Schedule shall be interpreted as a reference to a Schedule to the said Regulations.

(2) In these Regulations the expressions "1951 Regulations"(**e**), "1956 Regulations"(**f**) and "1963 Regulations"(**g**) mean the Ulster Special Constabulary Pensions (Amending) Regulations made in the year mentioned, and the expressions "1959 (No. 2) Regulations"(**h**), "1961 (No. 2) Regulations"(**i**), "1964 Regulations"(**j**) and "1964 (No. 2) Regulations"(**k**) mean the Ulster Special Constabulary Pensions (Amending) Regulations dated 22nd May, 1959, 3rd August, 1961, 18th March, 1964, and 28th September, 1964, respectively.

(**a**) 4 & 5 Geo. 5. c. 61.
(**b**) 12 & 13 Geo. 5. c. 8 (N.I.).
(**c**) 1949. c. 9.
(**d**) S.R. & O. (N.I.) 1950, No. 97.
(**e**) S.R. & O. (N.I.) 1951, No. 123.
(**f**) S.R. & O. (N.I.) 1956, No. 75.
(**g**) S.R. & O. (N.I.) 1963, No. 65.
(**h**) S.R. & O. (N.I.) 1959, No. 89.
(**i**) S.R. & O. (N.I.) 1961, No. 177.
(**j**) S.R. & O. (N.I.) 1964, No. 49.
(**k**) S.R. & O. (N.I.) 1964, No. 159.

PART II

AMENDMENTS OF THE REGULATIONS RELATING TO DISCRETIONARY AWARDS TO WIDOWS AND CHILDREN

4. For Regulation 15(3) as set out in Regulation 23 of the 1963 Regulations (which relates to the discretionary increase in a widow's ordinary pension), there shall be substituted the following provision:—

"(3) The increase which may be granted in a pension to which this Regulation refers shall be an amount not exceeding one hundred and twelve shillings and sixpence a week during the first thirteen weeks that the pension is payable and thereafter, during the periods and in the conditions set out in Part II of the Second Schedule, an amount not exceeding eighty shillings a week."

5. For Regulation 17(4) as set out in Regulation 24 of the 1963 Regulations (which relates to the discretionary increase in a widow's special pension), there shall be substituted the following provision:—

"(4) The amount up to which the pension may be increased shall be the amount, which shall be increased in accordance with the provisions of paragraphs (4), (4A), (4D), (4F) and (4H) of Regulation 56, of one-sixth of her husband's annual pensionable pay for a week together with, for the first thirteen weeks that the pension is payable, an amount not exceeding one hundred and twelve shillings and sixpence a week and thereafter, during the periods and in the conditions set out in Part II of the Second Schedule, an amount not exceeding eighty shillings a week:

Provided that, where the date on which the widow becomes entitled to a widow's special pension is 1st July, 1949, or any later date this paragraph shall apply as though for the words 'annual pensionable pay' there were substituted the words 'average pensionable pay'."

6. For Regulation 21(6) as set out in Regulation 25 of the 1963 Regulations (which relates to awards to widows made before 5th July, 1948), there shall be substituted the following provision:—

"(6) The rate up to which the pension referred to in paragraph (3) may be increased or the rate at which the pension referred to in paragraph (4) may be granted shall not exceed the rate up to which the pension could be increased if it had been awarded under the provisions of Regulation 14 and were increasable under the provisions of Regulation 15:

Provided that if the pension referred to in paragraph (3) is a widow's special pension, including such a pension increased before 29th March, 1965, it may be increased by an amount not exceeding eighty shillings a week."

7. Paragraph 31 (which relates to awards to the children of a member who died before 5th July, 1948) shall be omitted.

8. For Part IX of the Second Schedule as set out in Regulation 8 of the 1964 Regulations (which relates to the extent to which certain national insurance benefits are to be taken into account in calculating a widow's pension), there shall be substituted the following Part:—

"PART IX

1.—(1) For the purposes of Parts III and VII of this Schedule—

(*a*) where a widow is entitled under the National Insurance Act (Northern Ireland) 1946(**a**) to a widow's allowance or retirement pension which is increased under section 22 of the said Act, that allowance or pension shall be deemed not to have been so increased;

(*b*) where a widow is entitled under the said Act to a widowed mother's allowance or a retirement pension which is increased under section 5 of the National Insurance Act (Northern Ireland) 1959(**b**), the allowance or pension shall be deemed not to have been so increased;

(*c*) where a widow is entitled under the said Act of 1946 to a widowed mother's allowance under section 16(1)(*b*)(i) of that Act that allowance shall be deemed to be less than it is by the amount specified in sub-paragraph (2).

(2) The amount referred to in paragraph 1(1)(*c*) is the aggregate of:—

(*a*) forty shillings for the only or eldest child included in the widow's family within the meaning of the Family Allowances Act (Northern Ireland) 1945(**c**);

(*b*) thirty-two shillings for the second child so included; and

(*c*) thirty shillings for each subsequent child so included."

9. For paragraph 2 of Part III of the Third Schedule there shall be substituted the following paragraph:—

"2. Where the parent in respect of whose death the allowance is payable was the child's father and the father had attained the age of sixty-five on 5th July, 1948, and the mother of the child is dead, the child's allowance in respect of any week during which—

(i) no person is receiving a guardian's allowance under the National Insurance Act (Northern Ireland) 1946 in respect of that child;

(ii) the child is included in a family within the meaning of the Family Allowances Act (Northern Ireland) 1945;

(iii) where the child's allowance is a child's special allowance, no allowance is payable under section 21 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946(**d**) in respect of that child; and

(iv) no grant is payable to or in respect of the child out of any naval, military or air force fund in pursuance of any royal warrant or other instrument or under any scheme made under the Personal Injuries (Emergency Provisions) Act 1939(**e**)

may be increased to a rate not exceeding forty shillings a week."

10. For paragraph 3(*a*), (*b*) and (*c*) of Part III of the Third Schedule as set out in Regulation 9 of the 1964 Regulations (which Part relates to a discretionary increase in a child's allowance) there shall be substituted the following sub-paragraphs:—

"(*a*) in the case of a child who is the only or eldest child included in a family within the meaning of the Family Allowances Act (Northern Ireland) 1945, to a rate not exceeding forty shillings a week;

(**a**) 1946. c. 23. (**b**) 1959. c. 21. (**c**) 1945. c. 19.
(**d**) 1946. c. 21. (**e**) 2 & 3 Geo. 6. c. 82.