1964. No. 159 **[NC]**

ULSTER SPECIAL CONSTABULARY

Pensions

REGULATIONS, DATED 28TH SEPTEMBER, 1964, MADE BY THE MINISTRY 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:—

Citation

1. These Regulations may be cited as the Ulster Special Constabulary Pensions (Amending) (No. 2) Regulations 1964, 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 1964.

Commencement

2. These Regulations shall come into operation on 1st October, 1964, and shall have effect from 1st August, 1964.

Interpretation

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

AMENDMENTS OF THE REGULATIONS

4. In Regulation 4(3) (which relates to a member's supplemental pension) for the words "Regulation 13C, of Regulation 53" there shall be substituted the words "Regulation 13C, 13D or 53".

5. In Regulation 13C(1) (which relates to the commutation of part of a pension) for the words "who has served on or after the 1st April, 1958" there shall be substituted the words "who retires or retired on or after 2nd April, 1958, but before 1st August, 1964".

6. After Regulation 13C there shall be inserted the following Regulation:—

"New provisions as to commutation of part of a pension

13D.—(1) This Regulation shall apply to a permanent member to whom Regulations 9, 10, 11 and 12 apply who retires on or after 1st August, 1964.

(**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.

(2) A member to whom this Regulation applies may, in accordance with the provisions thereof, commute for a lump sum a portion of any pension, other than a supplemental pension, to which he is or may become entitled, provided, in the case of an ordinary pension, that he retires or retired either when entitled to reckon at least 30 years' pensionable service or in the circumstances mentioned in Regulation 11(1).

(3) For the purpose of commuting a portion of his pension a person shall give notice in writing (in this Regulation called 'notice of commutation') to the Ministry of his wish to surrender and commute for a lump sum such portion of his pension, not exceeding a quarter of the pension which would be payable but for the provisions of Regulation 53, as (subject to the limitation contained in Regulation 53A) he may specify.

(4) The notice of commutation shall be given by a person not earlier than 2 months before his intended retirement nor later than 6 months after his retirement.

(5) The notice of commutation given by a person shall become effective—

(*a*) as from the date of his retirement; or

(*b*) as from the date on which the notice is received by the Ministry, whichever is the later:

Provided that the notice of commutation shall not become effective if—

(i) it was given more than 2 months before his retirement, or

(ii) it relates to an ill-health pension which has sooner been terminated under Regulation 39.

(6) Where a person retires or has retired and a notice of commutation given by him becomes or has become effective, the Ministry shall reduce the pension to which the notice relates in accordance with the notice as from the time from which the notice is effective and shall pay to him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Ministry:

Provided that where the notice is effective as from the date mentioned in paragraph (5)(*b*), the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement.

(7) Where an ill-health pension is terminated under Regulation 39, after a notice of commutation in relation to the pension has become effective, and if thereafter the person concerned becomes entitled to a pension, other than a supplemental pension, and is entitled to reckon for the purposes thereof the period of pensionable service reckonable for the purposes of the ill-health pension first mentioned in this paragraph, the other pension shall be reduced by the amount by which the ill-health pension would have been reduced if it had not been terminated as aforesaid.

(8) Where a person wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under paragraph (7), he shall not specify in the notice of commutation a portion of the pension which, when aggregated with the said reduction, exceeds a quarter of the

pension which would be payable but for the provisions of paragraph (7) and of Regulation 53."

7. For Regulation 16 (which relates to widows' special pensions) there shall be substituted the following Regulation:—

"Widow's special pension

16.—(1) This Regulation shall apply to a widow of a member who dies or has died on or after 5th July, 1948, as the result of an injury received in the execution of his duty as a member which is not wholly or mainly due to his own serious and culpable negligence or misconduct.

(2) A widow to whom this Regulation applies shall be entitled to a widow's special pension.

(3) Without prejudice to Regulation 16A(2), a widow's special pension shall be calculated in accordance with Parts III and IX of the Second Schedule."

8. After Regulation 16 there shall be inserted the following Regulation:—

"Widow's augmented award where husband's death results from an attack or injury received in effecting an arrest, etc.

16A.—(1) This Regulation shall apply to a widow of a member whose death is the result of an injury received in the execution of his duty as a member which is not wholly or mainly due to his own serious and culpable negligence or misconduct and where—

(*a*) he was attacked by a person or persons in a manner which, in the opinion of the Ministry, was intrinsically likely to cause death and death ensued on or after 5th July, 1948, as a result of the attack, or

(*b*) the injury was received in the course of duties performed, in the opinion of the Ministry, for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody and death ensued on or after 1st August, 1964.

(2) A widow's special pension payable to a widow to whom this Regulation applies shall be calculated in accordance with Parts VII and IX of the Second Schedule in respect of any week for which the amount of the pension so calculated is greater than the amount calculated in accordance with Parts III and IX of the said Schedule.

(3) A widow to whom this Regulation applies whose husband dies on or after 1st August, 1964, shall be entitled to a gratuity, as hereinafter provided, in addition to a widow's special pension.

(4) The gratuity under paragraph (3) shall be of an amount equal to twice the annual pensionable pay (at the date of the death of the person in respect of whom the gratuity is payable) appropriate to a man holding the rank of a special constable in the force and entitled to reckon 30 years' service for the purposes of pay."

9. After Regulation 26 there shall be inserted the following Regulation:—

"Child's gratuity where parent dies as a result of an attack or injury received in effecting an arrest, etc.

26A.—(1) This Regulation shall apply to a child of a member who dies on or after 1st August, 1964, in the circumstances mentioned in Regula-