(3) a maximum moisture content of 5 per cent. is prescribed for all descriptions of dried milk (regulation 4(1) and Schedule 1);

(4) containers of dried skimmed milk are required, and containers of any other dried milk are permitted, to carry a declaration as to the milk fat content (regulation 5 and Schedule 2);

(5) the regulations do not apply to any sale of dried milk to a caterer or manufacturer; to any sale of dried milk for immediate consumption on or at the premises of the seller or in or at any stall or mobile refreshment vehicle; or to dried milk intended for export or consumption by a visiting force (regulation 3).

These regulations will come into operation on 11th March, 1965.

1964. No. 157

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.

1964. No. 158 [C]

ROYAL ULSTER CONSTABULARY

Pensions

ORDER, DATED 28TH SEPTEMBER, 1964, MADE BY THE MINISTER OF HOME AFFAIRS WITH THE CONCURRENCE OF THE MINISTER OF FINANCE UNDER THE CONSTABULARY AND POLICE (IRELAND) ACT 1919, AS APPLIED 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 section 2 of the Constabulary Act (Northern Ireland) 1922(**a**), section 4 of the Constabulary and Police (Ireland) Act 1919(**b**), as applied by the said Act of 1922, and by the Constabulary (Pensions) Act (Northern Ireland) 1949(**c**), and of all other powers enabling me in that behalf, do hereby order as follows:—

Citation

1. This Order may be cited as the Royal Ulster Constabulary Pensions (Amending) (No. 2) Order 1964, and shall be construed as one with the Royal Ulster Constabulary Pensions Orders 1949 to 1964, and those Orders and this Order may be cited together as the Royal Ulster Constabulary Pensions Orders 1949 to 1964.

(**a**) 12 & 13 Geo. 5. c. 8 (N.I.).
(**b**) 9 & 10 Geo. 5. c. 68.
(**c**) 1949. c. 9.

Commencement

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

Certificate

3. I certify that section 4(2) of the Constabulary and Police (Ireland) Act 1919, which, as applied by the Constabulary Act (Northern Ireland) 1922, provides that a draft of any Order proposed to be made under the said section shall be submitted to the Representative Body or Bodies constituted by that Act and representing any rank or ranks affected, and that before the Order is made the Minister of Home Affairs shall consider any representations made by such Body or Bodies, has been fully observed.

Interpretation

4. In this Order, unless the contrary intention appears, a reference to a paragraph shall be interpreted as a reference to a paragraph in the Schedule to the Royal Ulster Constabulary Pensions Order 1949(a) and a reference to an Appendix shall be interpreted as a reference to an Appendix to the said Schedule.

5. In paragraph 6(3) (which relates to a member's supplemental pension) for the words "paragraph 6A, of paragraph 54" there shall be substituted the words "paragraph 6A, 6B or 54".

6. In paragraph 6A(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 (except as provided in paragraph 6B(9)) before 1st August, 1964".

7. After paragraph 6A there shall be inserted the following paragraph:

"New provisions as to commutation of part of a pension

6B.—(1) This paragraph shall apply to a member who retires on or after 1st August, 1964.

(2) A member to whom this paragraph 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 paragraph 5(1).

(3) For the purpose of commuting a portion of his pension a person shall give notice in writing (in this paragraph 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 paragraph 54, as (subject to the limitation contained in paragraph 54A) 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.

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

(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 paragraph 37.

(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 sub-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 paragraph 37, 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 sub-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 sub-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 sub-paragraph (7) and of paragraph 54.

(9) A notice of commutation given before 1st October, 1964, for the purposes of paragraph 6A shall have effect for the purposes of this paragraph as if it had been given hereunder unless the person elects, by notice in writing given to the Ministry before 1st November, 1964, either—

(*a*) to give in lieu thereof a fresh notification of commutation under this paragraph, or

(*b*) to have paragraph 6A applied to him:

Provided that if, having elected as in (*b*), he fails to satisfy the Ministry of his good health he shall be entitled to withdraw that election and, if he so desires, to give a fresh notice of commutation under this paragraph."

8. For paragraph 13 (which relates to widows' special pensions) there shall be substituted the following paragraph:—

"Widow's special pension

13.—(1) This paragraph 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 paragraph applies shall be entitled to a widow's special pension.

(3) Without prejudice to paragraph 13A(2), a widow's special pension shall be calculated in accordance with Parts III and IX of Appendix II."

9. Paragraph 13A shall be renumbered 13B.

10. After paragraph 13 there shall be inserted the following paragraph:—

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

13A.—(1) This paragraph 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 paragraph applies shall be calculated in accordance with Parts VII and IX of Appendix II 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 Appendix II.

(3) A widow to whom this paragraph 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 sub-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 constable in the force and entitled to reckon 30 years' service for the purposes of pay."

11. After paragraph 22 there shall be inserted the following paragraph:—

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

22A.—(1) This paragraph shall apply to a child of a member who dies on or after 1st August, 1964, in the circumstances mentioned in paragraph 13A(1) and—