1963. No. 65 **[NC]**

ULSTER SPECIAL CONSTABULARY: PENSIONS

REGULATIONS, DATED 26TH MARCH, 1963, 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 Brian Faulkner, 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 Eight of the Constabulary Act (Northern Ireland) 1922(**b**), and by sub-section (4) of Section Four 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 1963, and shall be construed as one with the Ulster Special Constabulary Pensions Regulations 1950 to 1961, and those Regulations and these Regulations may be cited together as the Ulster Special Constabulary Pensions Regulations 1950 to 1963.

Commencement

2.—(1) These Regulations shall come into operation on 29th March, 1963.

(2) Parts I, II and III shall have effect as from 1st January, 1963.

(3) Part IV shall have effect as from 27th May, 1963.

Interpretation

3. 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**), a reference to a Schedule shall be interpreted as a reference to a Schedule to the said Regulations, and the expressions "1955 Regulations(**e**)", "1956 Regulations(**f**)", "1958 Regulations(**g**)" and "1960 Regulations(**h**)" mean in each case the Ulster Special Constabulary Pensions (Amending) Regulations made in the year mentioned, the expression "1954 Regulations" means the Ulster Special Constabulary Pensions (Amending) Regulations 1954(**i**), dated 5th March, 1954, the expression "1954 (No. 2) Regulations" means the Ulster Special Constabulary Pensions (Amending) (No. 2) Regulations 1954(**j**), dated 4th August, 1954, the expression "1959 Regulations" means the Ulster Special Constabulary Pensions (Amending) Regulation 1959(**k**), dated 20th March, 1959, and the expression "1961 Regulations" means the Ulster Special Constabulary Pensions (Amending) Regulations 1961(**l**), dated 29th March, 1961.

(**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.) 1955, No. 171.
(**f**) S.R. & O. (N.I.) 1956, No. 75.
(**g**) S.R. & O. (N.I.) 1958, No. 61.
(**h**) S.R. & O. (N.I.) 1960, No. 3.
(**i**) S.R. & O. (N.I.) 1954, No. 30.
(**j**) S.R. & O. (N.I.) 1954, No. 119.
(**k**) S.R. & O. (N.I.) 1959, No. 52.
(**l**) S.R. & O. (N.I.) 1961, No. 94.

PART II

AMENDMENTS OF THE REGULATIONS RELATING TO AWARDS TO WIDOWS AND CHILDREN

4. In paragraph (4) of Regulation 17, as set out in Regulation 7 of the 1961 Regulations (which relates to the discretionary increase in a widow's special pension), for the words "and (4F)" there shall be substituted the words "(4F) and (4H)".

5. At the end of paragraph (2) of Regulation 21, as set out in Regulation 8 of the 1958 Regulations and amended by paragraph 7 of the 1960 Regulations (which relates to awards to widows made before 5th July, 1948), there shall be added "and (*e*) paragraph (4H)".

6. At the end of paragraph (2) of Regulation 31, as set out in Regulation 12 of the 1958 Regulations and amended by Regulation 11 of the 1960 Regulations (which relates to awards to children made before 5th July, 1948), there shall be added "and (*e*) paragraph (4H)".

7. After paragraph (4G) of Regulation 56, as set out in Regulation 12 of the 1960 Regulations (which relates to the application of the Pensions (Increase) Act (Northern Ireland) 1959(**a**)), there shall be inserted the following paragraphs:—

"(4H) Where it is provided in these Regulations that an amount shall be increased in accordance with this paragraph, it shall be increased by the amount, if any, by which a pension of the amount first mentioned would be increased under sections 1 and 2 of the Pensions (Increase) Act (Northern Ireland) 1963(**b**), if—

(*a*) the person concerned were in receipt of such a pension; and

(*b*) that pension were specified in Part I of the First Schedule to the Pensions (Increase) Act (Northern Ireland) 1959, and so was one which might be increased under sections 1 and 2 of the said Act of 1963.

(4I) Where it is provided in these Regulations that an amount calculated otherwise than by reference to a rate of pensionable pay or average pensionable pay shall be increased in accordance with this paragraph, it shall be increased by the amount, if any, by which a pension of the appropriate amount specified in paragraph (4J) would be increased under section 2 of the Pensions (Increase) Act (Northern Ireland) 1963, if—

(*a*) the person concerned were in receipt of such a pension;

(*b*) that pension were specified in Part I of the First Schedule to the Pensions (Increase) Act (Northern Ireland) 1959, and so was one which might be increased under section 2 of the said Act of 1963; **and**

(*c*) that pension were one which began for the purposes of the said Act of 1963 before 1st April, 1956.

(4J) The appropriate amount mentioned in paragraph (4I) shall be the weekly amount of—

(*a*) forty-two shillings and fourpence, where the amount which falls to be increased under that paragraph is forty-seven shillings and sixpence;

(**a**) 1959. c. 10. (**b**) 1963. c. 3 (N.I.).

(*b*) thirty-five shillings and elevenpence, where the amount which falls to be so increased is forty shillings and threepence;

(*c*) twenty-nine shillings and eightpence, where the amount which falls to be so increased is thirty-three shillings and fourpence.

(4K) For the purposes of paragraphs (4H), (4I), (4J) and (4L)—

(*a*) in relation to an increase under paragraph (4H), the reference in section 1(1) of the Pensions (Increase) Act (Northern Ireland) 1963, to an annual rate and the reference in section 6(1) of that Act to an aggregate annual rate shall be construed respectively as a reference to the amount which falls to be increased expressed as an annual rate and as a reference to that amount, after any increase thereof in accordance with paragraphs (4), (4A), (4B), (4D) and (4F), expressed as an annual rate;

(*b*) in relation to an increase under paragraph (4I), the reference in section 6(1) of that Act to an aggregate annual rate shall be construed as a reference to the appropriate amount specified in paragraph (4J) expressed as an annual rate.

(4L) Where it is provided in these Regulations that an amount shall be increased in accordance with paragraphs (4), (4A), (4B), (4D), (4F) or (4H) any increase in accordance with paragraph (4H) shall be additional to any increase in accordance with any of the other paragraphs mentioned.

(4M) Where it is provided in these Regulations that for the purpose of calculating a child's allowance an amount shall be increased in accordance with paragraphs (4), (4A), (4B), (4D), (4F) or (4H), then that amount shall be so increased so long as the allowance is payable and, accordingly, the aforesaid paragraphs shall have effect for the said purpose as if—

(*a*) section 1(3) were omitted from the Pensions (Increase) Act (Northern Ireland) 1944(**a**), (which provision governs the increase, under the Pensions (Increase) Acts (Northern Ireland) of 1944 and 1947(**b**), of 1952(**c**) and 1956(**d**), of pensions payable to dependants other than widows); and

(*b*) section 1(4) were omitted from the Pensions (Increase) Act (Northern Ireland) 1959 (which provision governs the increase under the Pensions (Increase) Acts (Northern Ireland) of 1959 and 1963, of such pensions)."

8. For Part I of the Second Schedule as amended by Regulation 16 of the 1958 Regulations and Regulation 13 of the 1960 Regulations (which relates to the calculation of a widow's ordinary pension) there shall be substituted the following:—

"PART I

WIDOW'S ORDINARY PENSION

1. Subject to paragraph 2 of this Part the amount of a widow's ordinary pension in respect of each week shall be as set out hereunder:—

If her husband at the time when he ceased to be a member—

(*a*) held a rank higher than that of Paymaster, the widow's ordinary pension shall be at the rate of forty-seven shillings and sixpence a week;

(*b*) held the rank of Paymaster, the widow's ordinary pension shall be at the rate of forty shillings and threepence a week;

(**a**) 1944. c. 19.
(**b**) 1947. c. 4.
(**c**) 1952. c. 25.
(**d**) 1956. c. 7.

(*c*) held a rank lower than that of Paymaster, the widow's ordinary pension shall be at the rate of thirty-three shillings and fourpence a week.

2. The weekly amount specified in paragraph 1 of this Part shall be increased in accordance with paragraph (4I) of Regulation 56."

9. In paragraph 1 of Part III of the Second Schedule as amended by Regulation 22 of the 1954 Regulations, Regulation 18 of the 1958 Regulations and Regulation 14 of the 1960 Regulations (which relates to the calculation of a widow's special pension) for the words "and (4F)", in both places where they occur, there shall be substituted the words "(4F) and (4H)".

10. In paragraph 1 of Part VII of the Second Schedule as amended by Regulation 3 of the 1954 (No. 2) Regulations, Regulation 19 of the 1958 Regulations and Regulation 15 of the 1960 Regulations (which relates to the calculation of a widow's special pension where the husband's death results from an attack) for the words "and (4F)" there shall be substituted the words "(4F) and (4H)".

11. For Part VIII of the Second Schedule, as set out in Regulation 22 of the 1956 Regulations and amended by Regulation 20 of the 1958 Regulations and Regulation 16 of the 1960 Regulations (which relates to the calculation of a widow's ordinary pension) there shall be substituted the following Part:—

"PART VIII

WIDOW'S ORDINARY PENSION—STANDARD RATE

1. Subject to paragraphs 2 and 3 of this Part, the amount of a widow's ordinary pension determined in accordance with this Part shall be not more than forty one-hundred-and-eightieths of her husband's weekly average pensionable pay and, subject as aforesaid, shall be equal to one one-hundred-and-eightieth of his weekly average pensionable pay for each completed year of pensionable service up to twenty years with the addition of one one-hundred-and-eightieth for each completed half-year by which his pensionable service exceeded twenty years.

2. The amount of a widow's ordinary pension calculated in accordance with paragraph 1 shall be increased in accordance with the provisions of paragraphs (4F) and (4H) of Regulation 56.

3. Where in respect of any period the widow so elects, then, subject to paragraph 4 the weekly amount of her ordinary pension in respect of that period shall be, if her husband at the time when he ceased to be a member—

(*a*) held a rank higher than that of Paymaster, forty-seven shillings and sixpence;

(*b*) held the rank of Paymaster, forty shillings and threepence;

(*c*) held a rank lower than that of Paymaster, thirty-three shillings and fourpence.

4. The weekly amount of a widow's ordinary pension calculated in accordance with paragraph 3 shall be increased—

(*a*) in accordance with paragraph (4I) of Regulation 56; and

(*b*) where the husband was entitled to reckon at least ten years' pensionable service, by one shilling and elevenpence."

12. For paragraphs 1 and 2 of Part I of the Third Schedule as amended by Regulation 21 of the 1956 Regulations, Regulation 21 of the 1958 Regulations and Regulation 17 of the 1960 Regulations (which provides that a child entitled