1963. No. 64 **[C]**

ROYAL ULSTER CONSTABULARY

Pensions

ORDER, DATED 26TH MARCH, 1963, 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 Brian Faulkner, Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section two of the Constabulary Act (Northern Ireland) 1922(**a**), section four 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:—

PART I

GENERAL

Citation

1. This Order may be cited as the Royal Ulster Constabulary Pensions (Amending) Order 1963, and shall be construed as one with the Royal Ulster Constabulary Pensions Orders 1949 to 1961, and those Orders and this Order may be cited together as the Royal Ulster Constabulary Pensions Orders 1949 to 1963.

Commencement

2.—(1) This Order 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.

Certificate

3. I certify that sub-section (2) of section four 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.—(1) 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(**d**), and a reference to an Appendix shall be interpreted as a reference to an Appendix to the said Schedule.

(**a**) 12 & 13 Geo. 5. c. 8 (N.I.).
(**b**) 9 & 10 Geo. 5. c. 68.
(**c**) 1949. c. 9.
(**d**) S.R. & O. (N.I.) 1949, No. 211.

(2) In this Order, the expressions "1953 Order(a)", "1955 Order(b)", "1956 Order(c)", "1957 Order(d)" and "1960 Order(e)" mean in each case the Royal Ulster Constabulary Pensions (Amending) Order made in the year mentioned, and the expressions "1958 Order" and "1961 Order" mean the Royal Ulster Constabulary Pensions (Amending) Order 1958(f) dated 23rd May, 1958, and the Royal Ulster Constabulary Pensions (Amending) Order 1961(g) dated 29th March, 1961, respectively.

PART II

AMENDMENTS OF THE SCHEDULE RELATING TO AWARDS TO WIDOWS AND CHILDREN

5. In sub-paragraph (4) of paragraph 13A, as set out in Article 8 of the 1961 Order (which relates to the discretionary increase in a widow's special pension), for the words "and (5F)" there shall be substituted the words "(5F) and (5H)".

6. At the end of sub-paragraph (2) of paragraph 17, as set out in Article 6 of the 1957 Order and amended by paragraph 5 of the Schedule to the 1960 Order (which relates to awards to widows made before 5th July, 1948), there shall be added—

"and (*e*) sub-paragraph (5H)".

7. At the end of sub-paragraph (2) of paragraph 27, as set out in Article 10 of the 1957 Order and amended by paragraph 9 of the Schedule to the 1960 Order (which relates to awards to children made before 5th July, 1948), there shall be added "and (*e*) sub-paragraph (5H)".

8. After sub-paragraph (5G) of paragraph 57, as set out in paragraph 10 of the Schedule to the 1960 Order (which relates to the application of the Pensions (Increase) Act (Northern Ireland) 1959(h)), there shall be inserted the following sub-paragraphs:—

"(5H) Where it is provided in this Schedule that an amount shall be increased in accordance with this sub-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(i), 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.

(5I) Where it is provided in this Schedule 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 sub-paragraph, it shall be increased by the amount, if any, by which a pension of the appropriate amount specified in sub-paragraph (5J) 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;

(a) S.R. & O. (N.I.) 1953, No. 156.
(b) S.R. & O. (N.I.) 1955, No. 115.
(c) S.R. & O. (N.I.) 1956, No. 49.
(d) S.R. & O. (N.I.) 1957, No. 214.
(e) S.R. & O. (N.I.) 1960, No. 13.
(f) S.R. & O. (N.I.) 1958, No. 81.
(g) S.R. & O. (N.I.) 1961, No. 91.
(h) 1959. c. 10.
(i) 1963. c. 3 (N.I.).

(*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.

(5J) The appropriate amount mentioned in sub-paragraph (5I) shall be the weekly amount of—

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

(*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.

(5K) For the purposes of sub-paragraphs (5H), (5I), (5J) and (5L)—

(*a*) in relation to an increase under sub-paragraph (5H), 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 sub-paragraphs (5), (5A), (5B), (5D) and (5F), expressed as an annual rate;

(*b*) in relation to an increase under sub-paragraph (5I), 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 sub-paragraph (5J) expressed as an annual rate.

(5L) Where it is provided in this Schedule that an amount shall be increased in accordance with sub-paragraphs (5), (5A), (5B), (5D), (5F) or (5H) any increase in accordance with sub-paragraph (5H) shall be additional to any increase in accordance with any of the other sub-paragraphs mentioned.

(5M) Where it is provided in this Schedule that for the purpose of calculating a child's allowance an amount shall be increased in accordance with sub-paragraphs (5), (5A), (5B), (5D), (5F) or (5H), then that amount shall be so increased so long as the allowance is payable and, accordingly, the aforesaid sub-paragraphs shall have effect for the said purpose as if—

(*a*) section 1(3) were omitted from the Pensions (Increase) Act (Northern Ireland) 1944 (which provision governs the increase, under the Pensions (Increase) Acts (Northern Ireland) of 1944(**a**) 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)."

9. For the first paragraph of Part I of Appendix II and Scheme I in the said Part I, as amended by Article 13 of the 1953 Order, Article 13 of the 1957 Order

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

and paragraph 11 of the Schedule to the 1960 Order (which relates to the calculation of a widow's ordinary pension by reference to her husband's rank in lieu of his annual, or where he died on or after 1st July, 1949, his average pensionable pay where he was not paying pension contributions at a rate related to six-and-a-quarter per cent. thereof), there shall be substituted the following paragraph and Scheme:—

"The amount of a widow's ordinary pension calculated in accordance with this Part shall be the amount calculated according to Scheme I set out below or, where the husband was entitled to reckon at least 10 years' pensionable service, according to whichever of the Schemes set out below would yield to the widow the higher pension in respect of that week.

Scheme I

1. Subject to paragraph 2 of this Scheme, if her husband at the time when he ceased to be a member—

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

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

(*c*) held a rank lower than that of head constable, 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 Scheme shall be increased in accordance with sub-paragraph (5I) of paragraph 57."

10. In paragraph 2 of Scheme II of Part I of Appendix II as amended by Article 13 of the 1953 Order, Article 13 of the 1957 Order and paragraph 11 of the Schedule to the 1960 Order (which relates to the calculation of a widow's ordinary pension by reference to her husband's pensionable pay where he was not paying pension contributions at a rate related to six-and-a-quarter per cent. thereof) for the words "and (5F)" there shall be substituted the words "(5F) and (5H)".

11. In paragraph 1 of Part III of Appendix II, as amended by Article 15 of the 1953 Order, Article 15 of the 1957 Order and paragraph 12 of the Schedule to the 1960 Order (which relates to the calculation of a widow's special pension) for the words "and (5F)", in both places where they occur, there shall be substituted the words "(5F) and (5H)".

12. In paragraph 1 of Part VII of Appendix II, as set out in Article 3 of the 1954 Order and amended by Article 16 of the 1957 Order and paragraph 13 of the Schedule to the 1960 Order (which relates to the calculation of a widow's special pension where the husband's death results from an attack) for the words "and (5F)" there shall be substituted the words "(5F) and (5H)".

13. For Part VIII of Appendix II, as set out in Article 21 of the 1956 Order and amended by Article 17 of the 1957 Order and paragraph 14 of the Schedule to the 1960 Order (which relates to the calculation of a widow's ordinary pension where her husband was paying pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay) 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 sub-paragraphs (5F) and (5H) of paragraph 57.

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 head constable, forty-seven shillings and sixpence;

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

(*c*) held a rank lower than that of head constable, 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 sub-paragraph (5I) of paragraph 57; and

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

14. For paragraphs 1 and 2 of Part I of Appendix III, as amended by Article 18 of the 1957 Order and paragraph 15 of the Schedule to the 1960 Order (which provides that a child entitled to an ordinary allowance shall receive an allowance determined by reference to the parent's rank), there shall be substituted the following paragraphs:—

"1. Subject as hereafter in this Appendix provided, a child's ordinary allowance shall, if the parent in respect of whose death the allowance is payable, held at the time when he ceased to be a member—

(*a*) a rank higher than that of head constable, be at the rate of sixteen shillings and eightpence a week;

(*b*) the rank of head constable, be at the rate of fourteen shillings and sixpence a week;

(*c*) a rank lower than that of head constable, be at the rate of thirteen shillings and twopence a week.

2. Where both parents of the child are dead at the time when the allowance became payable, the child's ordinary allowance shall, if the parent in respect of whose death the allowance is payable held at the time he ceased to be a member—

(*a*) a rank higher than that of head constable, be at the rate of twenty-seven shillings and sevenpence a week;