1961. No. 70 **[C]**

NATIONAL INSURANCE

Modification of the Ulster Special Constabulary Pensions Provisions

REGULATIONS, DATED 23RD MARCH, 1961, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SUB-SECTION (4) OF SECTION 66 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946, AND SUB-SECTION (1) OF SECTION 14 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1959.

Whereas the Ministry of Finance has determined under sub-section (4) of section sixty-six of the National Insurance Act (Northern Ireland), 1946(**a**), that the Minister of Home Affairs is the appropriate Minister to make regulations under that sub-section modifying the scheme for the provision of pensions and other benefits established by the Special Constables Act, 1914(**b**), as applied by the Constabulary Act (Northern Ireland), 1922(**c**), and the Constabulary (Pensions) Act (Northern Ireland), 1949(**d**), and the Regulations made thereunder:

Now, therefore, in exercise of the powers conferred on me by the said sub-section (4) as extended by section fourteen of the National Insurance Act (Northern Ireland), 1959(**e**), I hereby make the following Regulations:—

Citation

1. These Regulations may be cited as the National Insurance (Modification of the Ulster Special Constabulary Pensions Provisions) Regulations, 1961.

Awards to which Regulations apply

2. These Regulations shall apply to pensions, gratuities and other awards, other than supplemental pensions, granted to or in respect of members on retirement or dismissal on or after the 3rd April, 1961, under the Ulster Special Constabulary Pensions Regulations.

Forfeiture and suspension

3.—(1) Except for such causes as may be prescribed by regulations made under paragraph (*c*) of sub-section (1) of section seven of the National Insurance Act (Northern Ireland), 1959, the secured portion of a pension to which these Regulations apply shall not be capable of being forfeited or, save as respects any period before insured pensionable age, suspended.

(2) Without prejudice to the generality of paragraph (1), as respects a pension to which these Regulations apply—

(*a*) paragraph (2) of Regulation 39 of the Ulster Special Constabulary Pensions Regulations, 1950(**f**) (which relates to the cancellation of ill-health and supplemental pensions), shall apply only to the unsecured portion of the pension, but where, but for the provisions of this sub-paragraph, the whole pension would cease, the secured portion of the pension shall not be payable in respect of any period before insured pensionable age;

(**a**) 1946. c. 23.
(**b**) 4 & 5 Geo. 5. c. 61.
(**c**) 12 & 13 Geo. 5, c. 8 (N.I.).
(**d**) 1949. c. 9.
(**e**) 1959. c. 21.
(**f**) S.R. & O. (N.I.) 1950, No. 97.

(*h*) paragraph (1) of Regulation 41 of the Ulster Special Constabulary Pensions Regulations, 1950, as amended by Regulation 9 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1952(**a**) (which relates to the taking into account, for the purpose of assessing a pension, of compensation for injury under the Criminal Injuries (Ireland) Acts), shall apply only to the unsecured portion of the pension, and to the secured portion of the pension in respect of any period before insured pensionable age;

(*c*) paragraph (3) of the said Regulation 41 (which relates to the taking into account, for the purpose of assessing a pension, of a pension, grant or allowance out of any naval, military or air force fund in pursuance of any Royal Warrant or other instrument in respect of the incapacity of a member) shall apply only to the unsecured portion of the pension, and to the secured portion of the pension in respect of any period before insured pensionable age;

(*d*) paragraph (4) of the said Regulation 41, as set out in Regulation 14 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1958(**b**) (which relates to the taking into account, for the purpose of assessing a pension, of a pension, allowance or gratuity in respect of certain police and Government service), shall apply only to the unsecured portion of the pension, and to the secured portion in respect of any period before insured pensionable age;

(*e*) paragraph (*a*) of Regulation 41A of the Ulster Special Constabulary Pensions Regulations, 1950, as set out in Regulation 16 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954(**c**) (which provides for the deduction from a police pension of compensation allowance awarded on disbandment of the Royal Irish Constabulary), shall apply only to the unsecured portion of the pension, and to the secured portion of the pension in respect of any period before insured pensionable age;

(*f*) the provisions of Regulation 44 of the Ulster Special Constabulary Pensions Regulations, 1950 (which relates to the temporary and permanent forfeiture by the Ministry of police pensions), shall apply only to the forfeiture, whether temporary or permanent, of the unsecured portion of the pension, and to the temporary forfeiture of the secured portion of the pension for a period before insured pensionable age, or during the imprisonment or detention in legal custody of the pensioner, and the Ministry in determining under the said Regulation 44 whether a forfeiture shall be permanent or temporary and affect the pension in whole or in part, may make different determinations in respect of the secured and unsecured portions of the pension;

(*g*) Regulation 48 of the Ulster Special Constabulary Pensions Regulations, 1950 (which relates to an assignment of or charge on an award), shall have effect so that any such assignment of or charge on a pension, made for the benefit of the family of the pensioner, shall apply only to the unsecured portion of the pension, and to the secured portion of the pension in respect of any period before insured pensionable age;

(*h*) paragraph (1) of Regulation 49 of the Ulster Special Constabulary Pensions Regulations, 1950 (which relates to the application of a sum due on account of a pension in satisfaction of certain debts), shall apply only

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(**a**) S.R. & O. (N.I.) 1952, No. 157.
(**b**) S.R. & O. (N.I.) 1958, No. 61.
(**c**) S.R. & O. (N.I.) 1954, No. 30.

to a sum due on account of the unsecured portion of the pension or due in respect of any period before insured pensionable age on account of the secured portion of the pension;

(*i*) paragraph 3 of Part IIA of the First Schedule to the Ulster Special Constabulary Pensions Regulations, 1950 (which provides for the payment to an ill-health pensioner who does not rejoin the force on cancellation of his pension of an amount equal to the excess, if any, of his aggregate pension contributions over the payments made to him in respect of the pension), shall have effect as if—

(i) the reference therein to the cancellation of an ill-health pension were a reference to the cancellation of the unsecured portion of such a pension, and

(ii) the reference therein to the aggregate amount paid in respect of an ill-health pension were a reference to the aggregate of that amount and the actuarial value of the secured portion of the pension, in so far as it is payable under sub-paragraph (*a*), determined in accordance with tables prepared by the Ministry; and

(*j*) Part III of the First Schedule to the Ulster Special Constabulary Pensions Regulations, 1950, as amended by Regulation 19 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1956(**a**) (which relates to reductions in ordinary, ill-health and short-service pensions in respect of periods beyond insured pensionable age), shall apply only to the unsecured portion of the pension.

Reduction of award other than a pension where payment in lieu of contributions falls to be made

4.—(1) Where a payment in lieu of contributions falls to be made in respect of a member's service in the force and—

(*a*) a short-service gratuity is payable by the Ministry on his retirement, or

(*b*) an ill-health gratuity is so payable and the Ministry determines that the provisions of this Regulation shall apply, or

(*c*) an amount equal to his aggregate pension contributions in respect of the relevant period of service is payable by the Ministry to him or his dependants on his retirement or dismissal,

the award in question shall be reduced by an amount equal to the amount which could be retained out of the award under sub-section (4) of section nine of the National Insurance Act (Northern Ireland), 1959, if the award were a refund of payments to which that sub-section applies.

(2) Where a payment in lieu of contributions may fall to be made in respect of a member's service in the force and such an award as is mentioned in paragraph (1) is payable as mentioned therein, the Ministry may reduce the amount of the award in question by the amount by which it would be reduced under the said paragraph (1) if the payment in lieu of contributions in fact fell to be made, so however that, if the said payment does not fall to be made within the period of seventy-eight weeks from the date when the person concerned ceases to be a member or within such shorter period as the Ministry may determine, then any reduction under this paragraph in the amount of the award shall cease to have effect and the difference between the full and the reduced amounts thereof shall become payable.

(**a**) S.R. & O. (N.I.) 1956, No. 75.