3. In Article 9(3) of the principal Order after the number "4B" there shall be inserted the number "4C".

Sealed with the Official Seal of the Ministry of Health and Local Government this 13th day of April, nineteen hundred and fifty-nine, in the presence of

(L.S.) *J. L. O. Andrews,*
Minister of Health and Local Government.

The Ministry of Finance hereby approves the foregoing Order.

Sealed with the Official Seal of the Ministry of Finance this 20th day of April, nineteen hundred and fifty-nine, in the presence of

(L.S.) *Terence O'Neill,*
Minister of Finance.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

The object of this Order is to provide for the payment of a contribution (additional to that prescribed under Article 4 of S.R. & O. 1956 No. 187) of £5 5s. 0d. from the Exchequer and £1 15s. 0d. from the Rates, each year for sixty years, in respect of local authority houses for which tenders have been submitted for approval to the Ministry on or after 1st January, 1959, and before 1st January, 1960.

The annual sum of £5 5s. 0d. from the Exchequer will also be payable in the case of houses to be built by housing associations.

The full amount of £7 a house, each year, will be payable from the Exchequer in the case of houses to be built by the Northern Ireland Housing Trust.

The Order also provides that in the case of the Housing Trust and housing associations the governing date is, in accordance with practice, the date of acceptance of a tender rather than the date of submission to the Ministry.

1959. No. 89 [NC]

ULSTER SPECIAL CONSTABULARY: PENSIONS

REGULATIONS, DATED 22ND MAY, 1959, MADE BY THE MINISTER 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 W. W. B. Topping, Q.C., 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:

1. In paragraph (3) of Regulation 4 of the Ulster Special Constabulary Pensions Regulations, 1950(d), as amended by Regulation 1 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1956(e), after the words "and is reduced in accordance with" there shall be inserted the words "the provisions of Regulation 13C, of Regulation 53, or of".

2. After Regulation 13B of the said Regulations there shall be inserted the following Regulation:

"Commutation of part of pension.

13C.—(1) A permanent member to whom Regulations 9, 10, 11 and 12 apply who has served on or after the 1st April, 1958, may, in accordance with the provisions of this Regulation, 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 either when entitled to reckon at least thirty years' pensionable service or in the circumstances mentioned in paragraph (1) of Regulation 11.

(2) For the purpose of commuting a portion of his pension a person shall—

(*a*) 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 one-sixth of the pension which would be payable but for the provisions of Regulation 53 and of Part V of the First Schedule, as (subject to the limitation contained in Regulation 53A) he may specify; and

(*b*) satisfy the Ministry of his good health and for that purpose submit himself to such medical examination as the Ministry may require.

(3) The notice of commutation shall be given by a person—

(*a*) not earlier than two months before his intended retirement nor later than six months after his retirement or than the 14th November, 1959, whichever is the later; or

(*b*) in the case of a person who retires with an ill-health pension and is entitled to reckon less than twenty-five years' pensionable service, not earlier than two months before his intended retirement nor later than—

(i) six months after he would, if he had continued to serve as a member instead of retiring with an ill-health pension, either have been entitled to reckon twenty-five years' pensionable service or have been required to retire under Regulation 12; or

(ii) the 14th November, 1959, whichever is the later,

and in the case of such a person as is mentioned in (*b*) of this paragraph the commutation notice shall be given only with the written consent of the Ministry unless, at the time when the notice is given, he would, if he

(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.) 1956, No. 75.

had continued to serve as aforesaid, have been entitled to reckon twenty-five years' pensionable service or have been required to retire as aforesaid.

(4) Where a person has complied with the provisions of sub-paragraphs (*a*) and (*b*) of paragraph (2), the Ministry shall forthwith send to him a written notification of the acceptance of the notice of commutation, which shall become effective—

(*a*) as from the time when the notification is received by him or, if sent by post, as from the time when it would be delivered to him in the ordinary course of post, or

(*b*) as from the date of his retirement,

whichever is the later:

Provided that the said notice shall not become effective if it was given more than two months before his retirement.

(5) Where a person retires or has retired and a notice of commutation given by him has become or becomes 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—

(*a*) where the notice is effective as from the time mentioned in sub-paragraph (*a*) of paragraph (4), 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;

(*b*) in relation to such a person as is mentioned in sub-paragraph (*b*) of paragraph (3) the preceding provisions of this paragraph shall have effect as if any reference therein to the date of retirement were a reference to the time as from which the notice is effective."

3.—(1) In Regulation 18 of the said Regulations after the words "they may" there shall be inserted the words "subject to the provisions of Regulation 34B".

(2) At the end of the said Regulation 18 there shall be added the following paragraph:

"(2) Where the Ministry and the Ministry of Finance are precluded by reason of the provisions of Regulation 34B from exercising their discretion under the preceding paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the pension."

4.—(1) In Regulation 28 of the said Regulations after the words "they may" there shall be inserted the words "subject to the provisions of Regulation 34B".

(2) At the end of the said Regulation 28 there shall be added the following paragraph:

"(2) Where the Ministry and the Ministry of Finance are precluded by reason of the provisions of Regulation 34B from exercising their