Dated this 23rd day of May, 1958.

W. W. B. Topping,
Minister of Home Affairs
for Northern Ireland.

I, the Right Honourable Terence O'Neill, D.L., Minister of Finance for Northern Ireland, hereby signify my concurrence in the foregoing Order.

Dated this 28th day of May, 1958.

Terence O'Neill,
Minister of Finance
for Northern Ireland.

ORDER, DATED 24TH NOVEMBER, 1958, MADE BY THE MINISTER OF HOME AFFAIRS 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.

1958. No. 184 [C]

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 section two of the Constabulary Act (Northern Ireland), 1922, section four of the Constabulary and Police (Ireland) Act, 1919, as applied by the said Act of 1922, and by the Constabulary (Pensions) Act (Northern Ireland), 1949, and of all other powers enabling me in that behalf, do hereby order as follows:—

1. In sub-paragraph (3) of paragraph 6 of the Schedule to the Royal Ulster Constabulary Pensions Order, 1949, as amended by the Royal Ulster Constabulary Pensions (Amending) Order, 1950, and the Royal Ulster Constabulary Pensions (Amending) Order, 1956, after the words " and is reduced in accordance with " there shall be inserted the words " the provisions of paragraph 6A, of paragraph 54, or of ".

2. After paragraph 6 of the said Schedule there shall be inserted the following paragraph:—

" *Commutation of part of pension.*

6A.—(1) A member who has served on or after the 1st April, 1958, may, in accordance with the provisions of this paragraph, 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 sub-paragraph (1) of paragraph 5.

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

(*a*) 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 one-sixth of the pension which would be payable but for the provisions of paragraph 54 and of Part V of Appendix I, as (subject to the limitation contained in paragraph 54A) 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 31st May, 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 paragraph 48; or

(ii) the 31st May, 1959, whichever is the later,

and in the case of such a person as is mentioned in (*b*) of this sub-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 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 (*a*) and (*b*) of sub-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 (*a*) of sub-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 (*b*) of sub-paragraph (3) the preceding provisions of this sub-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 paragraph 14 of the said Schedule after the words "they may" there shall be inserted the words "subject to the provisions of paragraph 30B".

(2) At the end of the said paragraph 14 there shall be added the following sub-paragraph:—

"(2) Where the Ministry and the Ministry of Finance are precluded by reason of the provisions of paragraph 30B from exercising their discretion under the preceding sub-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 paragraph 24 of the said Schedule after the words "they may" there shall be inserted the words "subject to the provisions of paragraph 30B".

(2) At the end of the said paragraph 24 there shall be added the following sub-paragraph:—

"(2) Where the Ministry and the Ministry of Finance are precluded by reason of the provisions of paragraph 30B from exercising their discretion under the preceding sub-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 allowance."

5. At the end of paragraph 30 of the said Schedule there shall be added the following sub-paragraph:—

"(2) For the purposes of this paragraph a gratuity substituted for part of a widow's pension or child's allowance under paragraph 14 or 24 as the case may be shall be ignored."

6. After paragraph 30A of the said Schedule there shall be inserted the following paragraph:—