ROYAL ULSTER CONSTABULARY

Pensions

ORDER, DATED 23RD OCTOBER, 1957, 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.

1957. No. 214 [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:—

PART I

AMENDMENTS OF THE SCHEDULE TO THE ROYAL ULSTER CONSTABULARY PENSIONS ORDER, 1949, TO TAKE EFFECT FROM AND INCLUDING 1ST APRIL, 1956

1. For sub-paragraph (2A) of paragraph 11 as set out in the Order of 1956 there shall be substituted the following:

"(2A) A widow's ordinary pension, including such a pension granted before 1st April, 1956, shall be determined in accordance with Part I of Appendix II:

Provided that, where immediately before his death or retirement the husband was paying pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay, the pension shall be determined in accordance with Part VIII of Appendix II."

2.—(1) In sub-paragraph (1) of paragraph 12 as set out in the Order of 1956 for the words "calculated in accordance with Part I or Part IA" there shall be substituted the words "determined in accordance with Part I".

(2) For sub-paragraph (4) of paragraph 12 there shall be substituted the following sub-paragraph:—

"(4) Where a pension determined in accordance with Scheme II of Part I of Appendix II is increased under this paragraph the increased pension shall not be at a higher rate than it would have been if it had been determined in accordance with Scheme I of the said Part I and increased in accordance with the provisions of this paragraph."

3. In sub-paragraph (2) of paragraph 13 as set out in the Order of 1955 for the words "25th April, 1955" there shall be substituted the words "1st April, 1956".

4. In sub-paragraph (4) of paragraph 13A as set out in the Order of 1955 for the words "sub-paragraph (5) and sub-paragraph (5A)" there shall be substituted the words "sub-paragraphs (5), (5A) and (5D)".

5. At the end of paragraph 16 there shall be added—

"(*c*) where the entitlement to the pension arises at a date subsequent to that of the death of her husband."

6.—(1) For sub-paragraph (2) of paragraph 17 as amended by the Order of 1953 there shall be substituted the following sub-paragraph:—

"(2) The amount of any such pension as provided by sub-paragraph (1) shall be increased in accordance with the following sub-paragraphs of paragraph 57:—

(*a*) sub-paragraph (5);

(*b*) sub-paragraph (5A), and, where the pension is calculated otherwise than by reference to annual pay, sub-paragraph (5B); and

(*c*) sub-paragraph (5D)."

(2) At the end of sub-paragraph (5) of paragraph 17 there shall be added the words "and then only during the periods and subject to the conditions set out in Part VI of Appendix II".

(3) For sub-paragraph (6) of paragraph 17 as set out in the Order of 1955 there shall be substituted the following sub-paragraph:—

"(6) The rate up to which the pension referred to in sub-paragraph (3) may be increased or the rate at which the pension referred to in sub-paragraph (4) may be granted shall be the rate up to which the pension could be increased if it had been awarded under the provisions of paragraph 11 and were increasable under the provisions of paragraph 12:

Provided that if the pension referred to in sub-paragraph (3) is a widow's special pension the references in this sub-paragraph to paragraphs 11 and 12 shall be construed as references to paragraphs 13 and 13A respectively."

(4) Sub-paragraph (8) of paragraph 17 as set out in the Order of 1955 shall be omitted.

7. In sub-paragraph (1) of paragraph 21 as amended by the Order of 1953 for the words "1st October, 1952", in both places where they occur, there shall be substituted the words "1st April, 1956", and for the words "30th September, 1952" there shall be substituted the words "31st March, 1956".

8. In sub-paragraph (2) of paragraph 22 as set out in the Order of 1953 for the words "first day of October, 1952" there shall be substituted the words "1st April, 1956"

9. In sub-paragraph (1) of paragraph 23 as set out in the Order of 1955 for the words "24th April, 1955" there shall be substituted the words "31st March, 1956".

10. For sub-paragraph (2) of paragraph 27 as amended by the Order of 1953 there shall be substituted the following sub-paragraph:—

"(2) The amount of any such allowance as provided by sub-paragraph (1) shall be increased in accordance with the following sub-paragraphs of paragraph 57:—

(*a*) sub-paragraph (5);

(*b*) sub-paragraph (5A), and, where the allowance is calculated otherwise than by reference to annual pay, sub-paragraph (5B); and

(*c*) sub-paragraph (5D)."

11. Sub-paragraph (3A) of paragraph 36 as set out in the Order of 1952 shall be omitted.

12.—(1) In sub-paragraph (5) of paragraph 57 as amended by the Order of 1953 the last sentence shall be omitted.

(2) For sub-paragraph (5D) of paragraph 57 as set out in the Order of 1953 there shall be substituted the following sub-paragraphs:—

"(5D) Where it is provided in this Schedule that an amount shall be increased in accordance with the provisions of this sub-paragraph it shall be increased by the amount by which a pension of the first-mentioned amount would be increased 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), 1956.

(5E) For the purposes of sub-paragraph (5D) any reference in sub-section (1) of section one of the Pensions (Increase) Act (Northern Ireland), 1956, or in the Second Schedule thereto to the thirty-first day of December, 1947, shall be construed as a reference to the first day of July, 1949, and any reference in the said Second Schedule—

(*a*) to a relevant pension shall be construed as including a reference to the award of an amount which this Schedule provides shall be increased in accordance with the provisions of the said sub-paragraph;

(*b*) to the basic rate of the relevant pension shall be construed as including a reference to the annual rate of such an award, ignoring any increase in accordance with the provisions of the said sub-paragraph; and

(*c*) to the authorised increase shall be construed as including a reference to the increase in accordance with the provisions of the said sub-paragraph."

13.—(1) In Scheme I of Part I of Appendix II as amended by the Order of 1953—

(*a*) for the rate of "twenty-six shillings and tenpence a week" there shall be substituted the rate of "thirty-seven shillings and ninepence a week";

(*b*) for the rate of "twenty-three shillings a week" there shall be substituted the rate of "thirty-two shillings and a penny a week"; and

(*c*) for the rate of "nineteen shillings and twopence a week" there shall be substituted the rate of "twenty-six shillings and sixpence a week".

(2) In paragraph 2 of Scheme II of the said Part I as amended by the Order of 1953 for the words "(5) and (5A)" there shall be substituted the words "(5), (5A) and (5D)".

(3) At the end of Scheme II of the said Part I there shall be added the following paragraph:—

"5. Where the date of the death of the husband is the 1st July, 1949, or any later date then any reference in paragraph 2 to "annual pensionable pay" shall be construed as a reference to "average pensionable pay."

14. Part IA of Appendix II shall be omitted.

15. In paragraph 1 of Part III of Appendix II as amended by the Order of 1953 for the words "(5) and (5A)", in both places where they occur, there shall be substituted the words "(5), (5A) and (5D)".

16. In paragraph 1 of Part VII of Appendix II as set out in the Order of 1954 after the words "is equal to the amount" there shall be inserted the words "which shall be increased in accordance with the provisions of sub-paragraph (5D) of paragraph 57".

17. In Part VIII of Appendix II as set out in the Order of 1956—

(*a*) for the amount "twenty-six shillings and tenpence" there shall be substituted the amount "thirty-seven shillings and ninepence";

(*b*) for the amount "twenty-three shillings" there shall be substituted the amount "thirty-two shillings and a penny"; and

(*c*) for the amount "nineteen shillings and twopence" there shall be substituted the amount "twenty-six shillings and sixpence".

18.—(1) In paragraph 1 of Part I of Appendix III—

(*a*) for the rate of "eight shillings and one penny a week" there shall be substituted the rate of "eight shillings and eightpence a week";

(*b*) for the rate of "six shillings and sevenpence a week" there shall be substituted the rate of "seven shillings and a penny a week"; and

(*c*) for the rate of "five shillings and fivepence a week" there shall be substituted the rate of "five shillings and tenpence a week".

(2) In paragraph 2 of the said Part I—

(*a*) for the rate of "twelve shillings and twopence a week" there shall be substituted the rate of "thirteen shillings and a penny a week";

(*b*) for the rate of "nine shillings and elevenpence a week" there shall be substituted the rate of "ten shillings and eightpence a week"; and

(*c*) for the rate of "eight shillings and twopence a week" there shall be substituted the rate of "eight shillings and ninepence a week".

19.—(1) In paragraph 1 of Part IA of Appendix III as amended by the Order of 1953—

(*a*) for the rate of "twelve shillings and eightpence a week" there shall be substituted the rate of "thirteen shillings and threepence a week";

(*b*) for the rate of "eleven shillings a week" there shall be substituted the rate of "eleven shillings and sixpence a week"; and

(*c*) for the rate of "ten shillings a week" there shall be substituted the rate of "ten shillings and fivepence a week".

(2) In paragraph 2 of the said Part IA as amended by the Order of 1953—

(*a*) for the rate of "sixteen shillings and eightpence a week" there shall be substituted the rate of "seventeen shillings and sevenpence a week";

(*b*) for the rate of "fourteen shillings and threepence a week" there shall be substituted the rate of "fifteen shillings a week"; and

(*c*) for the rate of "twelve shillings and eightpence a week" there shall be substituted the rate of "thirteen shillings and threepence a week".

20. In paragraphs 1 and 2 of Part II of Appendix III as amended by the Order of 1953 for the words "(5) and (5A)", in both places where they occur, there shall be substituted the words "(5), (5A) and (5D)".

21.—(1) In sub-paragraph (*a*) of paragraph 1 of Part III of Appendix III as amended by the Order of 1953—

(*a*) for the rate of "sixteen shillings and twopence a week" there shall be substituted the rate of "seventeen shillings and fourpence a week";

(*b*) for the rate of "thirteen shillings and twopence a week" there shall be substituted the rate of "fourteen shillings and a penny a week"; and

(*c*) for the rate of "ten shillings and tenpence a week" there shall be substituted the rate of "eleven shillings and eightpence a week".

(2) In sub-paragraph (*b*) of the said paragraph 1 as amended by the Order of 1953 for the words "(5) and (5A)" there shall be substituted the words "(5), (5A) and (5D)".