ULSTER SPECIAL CONSTABULARY: PENSIONS

REGULATIONS DATED 9TH MAY, 1956, 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.

1956. No. 75 [NC]

I, THE RIGHT HONOURABLE TERENCE O'NEILL, D.L., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by the Special Constables Act, 1914, as extended and amended by Section Eight of the Constabulary Act (Northern Ireland), 1922, and by sub-section (4) of Section Four of the Constabulary (Pensions) Act (Northern Ireland), 1949, and of all other powers enabling me in that behalf, do hereby make the following Regulations:—

1. At the end of paragraph (3) of Regulation 4 of the Ulster Special Constabulary Pensions Regulations, 1950, there shall be added the words—

"and for the purposes of paragraphs (1) and (2) any such pension as is mentioned in sub-paragraph (*d*) and is reduced in accordance with Part V of the First Schedule shall be deemed not to have been so reduced."

2. For paragraph (2) of Regulation 9 of the said Regulations there shall be substituted the following paragraph:—

(2) The amount of an ordinary pension shall be determined in accordance with Parts I, III and V of the First Schedule.

Provided that where the date of retirement is the 1st July, 1949, or any later date an ordinary pension shall be determined in accordance with Parts IA, III and V of the said Schedule.

3. For paragraph (2) of Regulation 10 of the said Regulations there shall be substituted the following paragraph:—

(2) The amount of the said pension or gratuity shall be determined in accordance with Parts II, III and V of the First Schedule.

Provided that where the date of retirement is the 1st July, 1949, or any later date the amount of the said pension or gratuity shall be determined in accordance with Parts IIA, III and V of the said Schedule.

4. For paragraph (3) of Regulation 11 of the said Regulations there shall be substituted the following paragraph:—

(3) The amount of the said pension or gratuity shall be determined in accordance with Parts II, III and V of the First Schedule.

Provided that where the date of retirement is the 1st July, 1949, or any later date the amount of the said pension or gratuity shall be determined in accordance with Parts IIA, III and V of the said Schedule.

5. For paragraph (2A) of Regulation 14 of the said Regulations there shall be substituted the following paragraph:—

(2A) A widow's ordinary pension, including such a pension granted before the 25th April, 1955, shall be of the amount described in Part I of the Second Schedule:

Provided that—

(i) where the date of the death of the husband is the 6th April, 1949, or any later date up to and including the 30th June, 1949, the pension in respect of any period after the 24th April, 1955, shall not be of less amount than it would have been if calculated in accordance with Part IA of the Second Schedule,

(ii) where the date of the death of the husband is the 1st July, 1949, or any later date the pension in respect of any period after the 24th April, 1955, shall be of the amount described in the said Part IA, and

(iii) 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 of the amount described in Part VIII of the Second Schedule.

6. For paragraph (1) of Regulation 15 of the said Regulations there shall be substituted the following paragraph:—

(1) Where, under Regulation 14, a widow is entitled to an ordinary pension calculated in accordance with Part I or Part IA of the Second Schedule the Ministry, with the consent of the Ministry of Finance, may increase that pension in accordance with the provisions of this Regulation.

7. For paragraph (1) of Regulation 16 of the said Regulations there shall be substituted the following paragraph:—

(1) Where a member or a person who has been a member dies as the result of an injury received in the execution of his duty as a member without his own default his widow shall be entitled to a widow's special pension.

8. For paragraph (1) of Regulation 23 of the said Regulations there shall be substituted the following paragraph:—

(1) A widow shall not be entitled to a pension or gratuity under this Part of these Regulations if at the time of her husband's death—

(*a*) she was separated from him by an order or decree of a competent court, and

(*b*) he was not required by an order or decree of a competent court to contribute to her support and was not, in fact, regularly contributing to her support.

9. At the end of Regulation 25 of the said Regulations there shall be added the following paragraph:—

(3) Notwithstanding the foregoing provisions of this Regulation no child's ordinary allowance shall be payable in respect of the death of a person for such period or periods, if any, as a widow's ordinary pension calculated in accordance with paragraph 1 of Part VIII of the Second Schedule is payable in respect of that person's death.

10. After Regulation 29 of the said Regulations there shall be inserted the following Regulation:—

29A. An allowance to a child shall be payable as from the date of the death of the parent in respect of whom it is payable or, in the case of an allowance to a posthumous child, as from the date of the birth of the child except—

(*a*) where the parent was in receipt of a pension and he dies during the period in respect of which he has already received his pension, in which case the allowance shall not be payable before the end of that period;

(*b*) where the parent has received a gratuity, in which case the allowance shall be payable at such time as the Ministry may in their discretion determine to be reasonable, not being more than one year after his death having regard to all the circumstances, including the amount of the gratuity.

11. For paragraph (2) of Regulation 37 of the said Regulations there shall be substituted the following paragraph:—

(2) Where a member who retires or before 5th July, 1948, has retired from the force and on retirement is not or was not granted a pension rejoins the force the period shall be that which he was entitled to reckon as pensionable service when he so retired or if he so retired before 5th July, 1948, the period which he was entitled then to reckon as approved service and the appropriate payment shall be any gratuity, bounty, return of pension contributions or, as the case may be, rateable deductions which he may have received on his retirement, so, however, that where immediately before his retirement he was paying additional pension contributions under Regulation 38A the appropriate payment shall be reduced by the amount he had paid by way of such contributions.

12. For paragraph (2) of Regulation 38 of the said Regulations there shall be substituted the following paragraph:—

(2) The pension contributions (including additional pension contributions, if any, payable under the provisions of Regulation 38A) upon each instalment of pay shall fall due at the same time as that instalment and may, without prejudice to any other method of payment, be discharged by way

of a deduction of an appropriate amount from the said instalment.

13. At the end of Regulation 38 of the said Regulations there shall be added the following paragraphs:—

(6) Notwithstanding the provisions of paragraphs (1), (3) and (3A) of this Regulation the pension contributions of a permanent member to whom Regulations 9, 10, 11 and 12 apply shall, in respect of service after the 31st March, 1956, and subject to the provisions of paragraphs (7) and (8), be calculated as if for the words "five per cent." in paragraphs (1), (3) and (3A) there were substituted the words "six-and-a-quarter per cent.".

(7) Where such a permanent member as is described in paragraph (6) who is serving in the force on the 1st April, 1956, does not before the appropriate day elect by written notice to the Ministry to pay pension contributions at the increased rate specified in paragraph (6) he shall, in respect of any service on or after the appropriate day, pay pension contributions at the rate at which he would be liable to pay but for the provisions of paragraph (6) and the Ministry shall refund to him one-and-a-quarter per cent. of his pensionable pay in respect of the period between 1st April, 1956, and the appropriate day:

Provided that if such a member gives written notice to the Ministry that he does not intend to exercise his right of election under this paragraph, this paragraph shall apply as if for the second and third references to the appropriate day there were substituted references to the first day of the pay period during which he gives such notice.

(8) For the purposes of paragraph (7) "appropriate day" shall mean—

(*a*) the 1st July, 1956, or

(*b*) where the member retires before the 1st July, 1956, the last day of his service with the force.

14. After Regulation 38 of the said Regulations there shall be inserted the following Regulation:—

38A. Where such a permanent member as is described in paragraph (6) of Regulation 38 who is serving in the force on the 1st April, 1956—

(*a*) is entitled on that day to reckon not more than twenty years' pensionable service, and

(*b*) will be entitled to reckon at least twenty-five years' pensionable service before he becomes subject to retirement under the provisions of Regulation 12, and

(*c*) has elected in accordance with the provisions of paragraph (7) of Regulation 38 to pay pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay,

then, for the purpose of avoiding a reduction in pension under Part V of the First Schedule, he may by written notice to the Ministry elect, before the appropriate day specified in para-