7. Where within the meaning of the Royal Ulster Constabulary Pensions Orders, 1949 to 1956, a regular policeman in Great Britain has transferred to the force, he shall be entitled to reckon for purposes of pay in the rank in which he joins the force all service in the same rank which at the date of the transfer, he was entitled to reckon for purposes of pay in the force from which he transferred.

8. Where a person who has been a regular policeman in Great Britain, within the meaning of the Royal Ulster Constabulary Pensions Orders, 1949 to 1956, joins the force he shall, if the Ministry in its discretion thinks fit, be entitled to reckon for purposes of pay his period of service in the force in Great Britain.

Pensions

ORDER, DATED 5TH APRIL, 1956, 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.

1956. No. 49 [C]

I, THE RIGHT HONOURABLE GEORGE BOYLE HANNA, 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. For sub-paragraph (2) of paragraph 3 of the Schedule to the Royal Ulster Constabulary Pensions Order, 1949, there shall be substituted the following sub-paragraph:—

(2) The amount of an ordinary pension shall be determined in accordance with Parts I, III and V of Appendix I:

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 Appendix.

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

(2) The amount of the said pension or gratuity shall be determined in accordance with Parts II, III and V of Appendix I:

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 Appendix.

3. For sub-paragraph (3) of paragraph 5 of the said Schedule there shall be substituted the following sub-paragraph:—

(3) The amount of the said pension or gratuity shall be determined in accordance with Parts II, III and V of Appendix I:

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 Appendix.

4. At the end of sub-paragraph (3) of paragraph 6 of the said Schedule there shall be added the words—

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

5. For sub-paragraph (2A) of paragraph 11 of the said Schedule as set out in Article 1 of the Royal Ulster Constabulary Pensions (Amending) Order, 1955, there shall be substituted the following sub-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 Appendix II:

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 Appendix II,

(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 Appendix II.

6. For sub-paragraph (1) of paragraph 12 of the said Schedule there shall be substituted the following sub-paragraph:—

(1) Where, under Paragraph 11, a widow is entitled to an ordinary pension calculated in accordance with Part I or Part IA of Appendix II the Ministry, with the consent of the Ministry of Finance, may increase that pension in accordance with the provisions of this paragraph.

7. For sub-paragraph (1) of paragraph 13 of the said Schedule there shall be substituted the following sub-paragraph:—

(1) Where a man 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 sub-paragraph (1) of paragraph 19 of the said Schedule there shall be substituted the following sub-paragraph:—

(1) A widow shall not be entitled to a pension or gratuity under this Part of this Schedule 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 paragraph 21 of the said Schedule, as amended by the Royal Ulster Constabulary Pensions (Amending) Order, 1953, there shall be added the following sub-paragraph:—

(4) Notwithstanding the foregoing provisions of this paragraph 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 Appendix II is payable in respect of that person's death.

10. After paragraph 25 of the said Schedule there shall be inserted the following paragraph:—

25A. 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 sub-paragraph (2) of paragraph 33 of the said Schedule there shall be substituted the following sub-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, 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 paragraph 36A the appropriate payment shall be reduced by the amount he had paid by way of such contributions.

12. For paragraph 34 of the said Schedule there shall be substituted the following paragraph:—

34. Where before joining the force a member served as a regular policeman in a police force in Great Britain and on retiring therefrom became entitled to a gratuity or return of pension contributions or of rateable deductions he shall, if the Ministry in their discretion so decide, be entitled to reckon as pensionable service the whole, or so much as the Ministry think fit, of the period of service as a regular policeman taken into account in the calculation of such gratuity or return of pension contributions or of rateable deductions, on condition that he pays to the Ministry a sum equal to such gratuity or return of pension contributions or of rateable deductions, or the proportionate part of such a sum, as the case may be, so, however, that where immediately before his retirement as a regular policeman he was paying additional pension contributions under Regulation 35A of the Police Pensions Regulations, 1955, or under Regulation 37A of the Police (Scotland) Pensions Regulations, 1955, the said sum shall be reduced by the amount he paid by way of such contributions.

13. For sub-paragraph (2) of paragraph 36 of the said Schedule there shall be substituted the following sub-paragraph:—

(2) The pension contributions (including additional pension contributions, if any, payable under the provisions of paragraph 36A) 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.

14. At the end of paragraph 36 of the said Schedule there shall be added the following sub-paragraphs :—

(5) Notwithstanding the foregoing provisions of this paragraph, the pension contributions of a member, other than a woman member, in respect of service after the 31st March, 1956, shall, subject to the provisions of sub-paragraphs (6) and (7), be calculated as if for the words " five per cent." in sub-paragraphs (1) and (3) there were substituted the words " six-and-a-quarter per cent.".

(6) Where a member, other than a woman member, who is serving in the force on the 1st April, 1956, or is then seconded for police duty overseas does not before the appropriate day

elect by written notice to the Ministry to pay pension contributions at the increased rate specified in sub-paragraph (5) 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 sub-paragraph (5), 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 a member gives written notice to the Ministry that he does not intend to exercise his right of election under this sub-paragraph, this sub-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.

(7) For the purposes of sub-paragraph (6) "appropriate day" shall mean—

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

(*b*) where the member is seconded for police duty overseas such date as the Ministry may determine, or

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

15. After paragraph 36 of the said Schedule there shall be inserted the following paragraphs:—

36A. Where a member, other than a woman member, who is serving in the force on the 1st April, 1956, or is then seconded for police duty overseas—

(*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 paragraph 48, and

(*c*) has elected in accordance with the provisions of sub-paragraph (6) of paragraph 36 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 Appendix I, he may by written notice to the Ministry elect, before the appropriate day specified in sub-paragraph (7) of paragraph 36, to pay additional pension contributions, and where he has so elected he shall pay such pension contributions from the said appropriate day at a rate calculated in accordance with Appendix IV until such time as he becomes entitled to reckon twenty-five years' pensionable service or retires, whichever is the earlier.

36B. The preceding provisions of this part of this Schedule shall apply in the case of a member who has been a member of a police force in Great Britain as if—

(*a*) he had been a member of the force;