1. After Rule 4 there shall be inserted the following rule:—

"**4A.** When any question of fact is involved in such an appeal, the evidence bearing on such question shall be given orally unless the Court or Judge, as respects that evidence or any part thereof, otherwise directs."

2. In Rule 7, the reference to Rules 11 and 12 of Order LVIII shall be deleted.

WINTER ASSIZE

The Northern Ireland Winter Assize Order, 1955

1955. No. 163. [NC]

This Order in Council being of temporary effect is not printed at length in this Volume.

ULSTER SPECIAL CONSTABULARY:

Pensions

REGULATIONS DATED 3RD NOVEMBER 1955, 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.

1955. No. 171 [NC]

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 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. For Regulation 13B of the Ulster Special Constabulary Pensions Regulations, 1950, hereinafter referred to as the "Principal Regulations", as set out in Regulation 4 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1951, there shall be substituted the following Regulation:—

"**13B.** Where by virtue of Regulation 13 Regulations 9, 10, 11 and 12 do not apply to a permanent member, then paragraph (1) of Regulation 3 and paragraph (4) of Regulation 38 shall apply to such member as though he were a full-time member."

2. For paragraph (2A) of Regulation 14 of the Principal Regulations, as set out in Regulation 1 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1952, and amended by Regulation 4 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954, 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 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 and 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."

3. For paragraph (3) of Regulation 15 of the Principal Regulations as set out in Regulation 5 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954, there shall be substituted the following paragraph:—

"(3) A pension increased under this Regulation, including such a pension increased before the 25th April, 1955, shall be payable at a rate increased by fifty-five shillings a week for the first thirteen weeks that the pension is payable and thereafter during the periods and in the conditions set out in Part II of the Second Schedule by forty shillings a week."

4. For paragraph (2) of Regulation 16 of the Principal Regulations as set out in Regulation 1 of the Ulster Special Constabulary Pensions (Amending) (No. 2) Regulations, 1954, there shall be substituted the following paragraph:—

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

Provided that where her husband acting in the execution of his duty as a member is or was attacked by a person or persons in a manner which in the opinion of the Ministry is or was intrinsically likely to cause death and death ensues or ensued as a result of the attack, then the pension shall be of the amount described in Part VII of the said Schedule in respect of any week for which that amount is greater than the amount described in the said Part III."

5. For paragraph (4) of Regulation 17 of the Principal Regulations as amended by Regulation 7 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954, there shall be substituted the following paragraph:—

"(4) The amount up to which the pension may be increased shall be the amount, which may be increased in accordance with the provisions of paragraph (4) and paragraph (4A) of Regulation 56 of one-sixth of her husband's annual pensionable pay for a week, together with, for the first thirteen weeks that the pension is payable, fifty-five shillings a week and thereafter during the period and in the conditions set out in Part II of the Second Schedule forty shillings a week.

Provided that where the date on which the widow becomes entitled to a widow's special pension is the 1st July,

1949, or any later date this sub-paragraph shall apply as though for the words 'annual pensionable pay' there were substituted the words 'average pensionable pay'."

6.—(1) For paragraph (6) of Regulation 21 of the Principal Regulations as amended by Regulation 8 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954, there shall be substituted the following paragraph:—

"(6) The rate up to which the pension referred to in paragraph (3) may be increased or the rate at which the pension may be granted under paragraph (4) shall be, during the periods and in the conditions set out in Part VI of the Second Schedule, forty shillings a week."

(2) For paragraph (8) of the said Regulation 21 as set out in Regulation 8 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954, there shall be substituted the following paragraph:—

"(8) Where a widow is in receipt of a pension increased or granted under the foregoing provisions of this Regulation before the 25th April, 1955, then during the periods that the pension so increased or granted is payable, the pension shall be further increased or increased up to the rate of forty shillings a week."

7. For paragraph (1) of Regulation 27 of the Principal Regulations as amended by Regulation 6 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1952, and Regulation 11 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954, there shall be substituted the following paragraph:—

"(1) Subject to the provisions of these Regulations, a child's allowance may, if the Ministry in their discretion from time to time think fit, and with the consent of the Ministry of Finance, be increased in accordance with Part III of the Third Schedule.

Provided that where the date of the death of the parent in respect of whose death the allowance is payable is the 6th April, 1949, or any later date this sub-paragraph shall have effect in respect of any period after the 24th April, 1955, as though for the reference to Part III of the Third Schedule there were substituted a reference to Part IIIA of the said Schedule."

8. For paragraph (8) of Regulation 31 of the Principal Regulations as set out in Regulation 7 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1952, and amended by Regulation 12 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954, there shall be substituted the following paragraph:—

"(8) An allowance increased or granted under the foregoing provisions of this Regulation, including such an allowance increased or granted before the 25th April, 1955, shall be of the increased amount or of the amount described in Part VI of the Third Schedule."