

## 1985 No. 54

## POLICE

## Royal Ulster Constabulary Pensions (Amendment) Regulations 1985

*Made* . . . . . 6th March 1985

*Coming into operation* . . . . . 1st May 1985

*To be laid before Parliament*

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(a), read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(b), and after consulting, in accordance with section 34(2) of the said Act of 1970, the Police Authority for Northern Ireland and the Police Association for Northern Ireland, and, in accordance with section 2(3) of the Police Negotiating Board Act 1980(c), the Police Negotiating Board for the United Kingdom, hereby, with the concurrence of the Treasury, makes the following regulations:—

*Citation, commencement and effect*

1.—(1) These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment) Regulations 1985.

(2) These regulations shall come into operation on 1st May 1985 and shall have effect—

- (a) for the purposes of regulation 3, as from 1st April 1984;
- (b) for the purposes of regulation 4, as from 1st April 1972; and
- (c) for the purposes of regulations 5 and 6, as from 23rd September 1983.

*Interpretation*

2. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary Pensions Regulations 1973(d).

*Meanings assigned to certain expressions, etc.*

3. After the definition of “armed forces” in regulation 4 of the principal regulations there shall be inserted the following provision—

“ “assistant chief constable” includes senior assistant chief constable;”.

*Persons treated as being in receipt of a pension*

4. There shall be substituted for regulation 9 of the principal regulations the following provision—

“9. For the purposes of these regulations a person shall be treated as being in receipt of an ordinary or, as the case may be, an ill-health, short service or injury pension if he would be in receipt of such a pension—

- (a) in the case of an ordinary pension—
  - (i) had he attained the age of 50 years; or

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(a) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and S.I. 1981/1670

(b) S.I. 1972/1073 (N.I. 10)

(c) 1980 c. 10

(d) S.R. & O. (N.I.) 1973 No. 317

- (ii) had it not been wholly withdrawn in accordance with the provisions of regulation 62;
- (b) in the case of an ill-health or short service pension, had it not been withdrawn as mentioned in paragraph (a)(ii) above;
- (c) in the case of an injury pension, had the aggregate reductions therein under paragraphs 3 and 4 of Part V of Schedule 2 not exceeded the amount of the pension calculated in accordance with paragraph 2 thereof."

### *Disablement*

5. In paragraph (2) of regulation 12 of the principal regulations there shall be inserted after the word "child" the words "or the widower of a member".

### *Dependent relative's special pension*

6.—(1) In paragraph (1) of regulation 33 of the principal regulations—

- (a) for the words "without his own default in the execution of his duty" there shall be substituted "without default by the member and in the execution of duty";
- (b) at the end of sub-paragraph (a) there shall be omitted the word "or";
- (c) after sub-paragraph (b) there shall be inserted the following provision—  
" (c) where the member was married and is survived by a widower who was permanently disabled at the time of her death, to the widower,"; and
- (d) for the words "his death" there shall be substituted the words "the member's death".

(2) There shall be substituted for paragraphs 1 and 2 of Part VII of Schedule 3 to the principal regulations the following provision—

"1.—(1) Where a dependent relative's special pension is granted in respect of the death of a member (in this Part referred to as "the deceased"), the pension shall, unless paragraph 2 applies, be determined in accordance with this paragraph.

(2) Subject to paragraphs 3 and 4 a pension determined in accordance herewith shall be of a weekly amount equal to 45% of the deceased's average pensionable pay for a week.

2.—(1) This paragraph applies where the deceased was married and is survived—

- (a) by a widow to whom there is payable, in respect of the deceased's death in respect of any week, a widow's special pension; or
- (b) by a widower to whom there is so payable a dependent relative's special pension,

and there is also so payable to any other person a dependent relative's special pension.

(2) Where this paragraph applies, the amount of the dependent relative's special pension payable to that other person shall, subject to paragraphs 3 and 4, be of an amount equal to 20% of the deceased's average pensionable pay for a week.";

and in paragraph 4, in each place where they occur, for the words "his average pensionable pay" there shall be substituted the words "the deceased's average pensionable pay".

Northern Ireland Office  
6th March 1985

*Douglas Hurd*  
One of Her Majesty's Principal  
Secretaries of State

We concur  
13th March 1985

*Donald Thompson*  
*John Major*  
Two of the Lords Commissioners  
of Her Majesty's Treasury

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations amend the Royal Ulster Constabulary Pensions Regulations 1973 (the principal regulations) with effect, as provided by regulation 1(2), in the case of regulation 3 as from 1st April 1984, in the case of regulation 4 as from 1st April 1972 and in the cases of regulations 5 and 6 as from 23rd September 1983.

Regulation 3 inserts a definition of assistant chief constable so that such references in the principal regulations will include the rank of senior assistant chief constable.

Regulation 4 amends regulation 9 of the principal regulations so that a police officer who retires with a pension which is subsequently withdrawn under regulation 62 of the said regulations on his re-employment as a member, as a reserve constable under the Act appointed on a full-time basis, or as a regular policeman in Great Britain, is to be treated as continuing to be in receipt of his pension. The effect will be, in case of his death, to entitle his widow to an ordinary pension based on his prior service.

Regulations 5 and 6 enables the Police Authority, on the death of a woman member, to grant a dependent relative's special pension to a surviving spouse where he was permanently disabled and substantially dependent on her immediately before her death, and makes consequential amendments to the provisions for calculating the amount of a dependent relative's special pension.