

17. These Regulations may be cited as the Ulster Special Constabulary (Appointment and Position) Regulations, 1950, and shall have effect as from the date hereof.

Dated this 6th day of October, 1950.

*Brian Maginess,*

Minister of Home Affairs for Northern Ireland.

### Pensions

REGULATIONS, DATED 19TH JUNE, 1950, 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.

1950. No. 97

## ARRANGEMENT OF REGULATIONS

### PART I

#### REGULATION

#### GENERAL

1. Entitlement to injury award.
2. Duration, amount and payment of awards.

### PART II

#### AWARDS ON RETIREMENT AND DISABLEMENT

3. Member's ill-health gratuity.
4. Member's supplemental pension.
5. Award where no other award payable.
6. Award in case of dismissal.
7. Awards to servicemen.
8. Existing pensions.

### PART III

#### PERMANENT MEMBERS

9. Ordinary pension.
10. Ill-health award
11. Short service award.
12. Compulsory retirement on account of age.
13. Application of Regulations 9 to 12.

### PART IV

#### AWARDS ON DEATH

#### *Widows*

14. Widow's ordinary pension.
15. Discretionary increase in widow's ordinary pension.

16. Widow's special pension.
17. Discretionary increase in widow's special pension.
18. Gratuity in lieu of pension.
19. Widow's ordinary gratuity.
20. Date of payment of award.
21. Awards to existing widows.
22. Limitation on awards to widows with reference to date of marriage.
23. Limitation on award to widow who was living apart from husband.
24. Termination of widow's pension on remarriage.

*Children*

25. Child's ordinary allowance.
26. Child's special allowance.
27. Variation in child's allowance.
28. Gratuity in lieu of allowance.
29. Limitation on right to child's allowance.
30. Duration of child's allowance.
31. Awards to children of parent who died before 5th July, 1948.

*Widows, Children and Dependants*

32. Awards on death of servicemen.
33. Awards to relatives or estate.
34. Prevention of duplication.

PART V

PENSIONABLE SERVICE

35. Reckoning of pensionable service.
36. Additions to pensionable service.
37. Additions to pensionable service on payment.

PART VI

PENSION CONTRIBUTIONS

38. Pension contributions.

PART VII

CANCELLATION, REVISION, REDUCTION, FORFEITURE, ETC., OF AWARDS

39. Cancellation of ill-health and supplemental pension.
40. Reassessment or cancellation of supplemental pension.
41. Reduction, suspension or disallowance of an award : abatement of arrears.
42. Reduction of pension in case of default.
43. Suspension of award during re-employment, etc.
44. Forfeiture of award.
45. Discharge of liability of Ministry on withdrawal of pension.

PART VIII

DETERMINATION OF QUESTIONS

46. Reference of medical questions.

PART IX

PAYMENT AND ASSIGNMENT OF AWARDS

47. Payment of awards.  
48. Assignment of awards.  
49. Payment of awards other than to person entitled.

PART X

COMPULSORY RETIREMENT

50. Compulsory retirement on grounds of efficiency of the force.  
51. Compulsory retirement on grounds of disablement.  
52. Effect of requirement to retire.

PART XI

MISCELLANEOUS AND SUPPLEMENTAL

53. Allocation of part of pension.  
54. Posthumous children.  
55. Pensionable pay.  
56. Interpretation.  
57. Awards to permanent and full time members serving on the 1st July, 1949 who do not elect for "averaging."  
58. Minimum pensions in respect of certain persons serving on the 1st July, 1949.  
59. Equivalent ranks.  
60. Revocations, etc.  
61. Citation, etc.

SCHEDULES

FIRST SCHEDULE

- Parts I and IA.—Member's ordinary pension.  
Parts II and IIA.—Member's ill-health or short service award.  
Part III.—Reductions in ordinary, short service or ill-health pensions.  
Part IV.—Standard amount for Regulation 4.

SECOND SCHEDULE

- Parts I and IA.—Widow's ordinary pension.  
Part II.—Discretionary increase in widow's ordinary or special pension.  
Part III.—Widow's special pension.

Part IV.—Widow's gratuity in lieu of pension.

Part V.—Widow's ordinary gratuity.

Part VI.—Discretionary increase in widow's pension where husband died before 5th July, 1948.

#### THIRD SCHEDULE

Parts I and IA.—Child's ordinary allowance.

Part II.—Child's special allowance.

Parts III and IIIA.—Discretionary increase in child's allowance.

Part IV.—Reduction in child's allowance.

Part V.—Child's gratuity.

Part VI.—Discretionary increase in child's allowance where parent died before 5th July, 1948.

#### FOURTH SCHEDULE

I, THE RIGHT HONOURABLE BRIAN MAGINESS, K.C., M.P., 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 for the purpose of modifying in connection with the coming into force of the National Insurance Acts (Northern Ireland), 1946, the law as to the pensions payable to or in respect of members of the Ulster Special Constabulary :—

#### PART I

#### GENERAL

Entitlement  
to injury  
award.

1.—(1) Subject to the provisions of these Regulations, every member of the Ulster Special Constabulary (hereafter in these Regulations referred to as "member") who is permanently disabled as the result of any injury or disease whether of body or mind (hereafter in these Regulations referred to as "an injury") received in the execution of his duty as a member of the Ulster Special Constabulary (hereafter in these Regulations referred to as "the force") without his own default shall be entitled to an award under these Regulations on retiring from the force, or, where he has retired before becoming disabled, on the date when he becomes so disabled which, if it cannot be ascertained, shall be taken to be the date when the claim that he is disabled is first made known to the Inspector General.

(2) The widow of a person who has been a member shall, in the circumstances specified in these Regulations, be entitled to an award.

(3) The child, step-child, illegitimate child and adopted child (hereafter in these Regulations referred to as the "child") of a person who has been a member shall be entitled on the death of that person to an award in the circumstances specified in these Regulations :

Provided that this paragraph shall apply only to a step-child, illegitimate child or adopted child who was dependent to a substantial extent on the said person at the time of the death.

2.—(1) A pension shall be for life unless it is forfeited, varied, suspended or terminated under these Regulations. Duration,  
amount and  
payment of  
awards.

(2) The amount of a pension payable to a person who has been a member shall, in the manner hereafter provided, be calculated with reference to his annual pensionable pay and shall be payable in respect of each year after his retirement :

Provided that where the date of retirement is the 1st July, 1949, or any later date this paragraph shall have effect as though for the word "annual" there were substituted the word "average."

(3) A pension to a widow or an allowance to a child shall be of such amount as is hereafter provided and shall be payable in respect of each week.

## PART II

### AWARDS ON RETIREMENT AND DISABLEMENT

3.—(1) Where a full time member retires from the force on the ground that he is permanently disabled and the disablement is not the result of an injury received in the execution of his duty without his own default he shall receive a gratuity. Member's  
ill-health  
gratuity.

(2) The amount of the said gratuity shall be determined in accordance with paragraph 1 of Part II 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 gratuity shall be determined in accordance with paragraph 1 of Part IIA of the said Schedule.

4.—(1) Where a member or a person who has been a member is permanently disabled as a result of an injury received in the execution of his duty without his own default, (hereinafter in this Regulation referred to as "the relevant injury") the award shall include a supplemental pension in respect of any week in respect of which — Member's  
supplemental  
pension.

(a) none of the payments described in paragraph (3) is payable to him, or

(b) if one or more of the said payments is payable, that payment or the aggregate of those payments, as the case may be, is less than the standard amount appropriate to his case determined in accordance with Part IV of the First Schedule.

(2) The amount of the supplemental pension in respect of any week shall —

(a) if none of the said payments is payable in respect of that week, be equal to the said appropriate standard amount, and

(b) if one or more of the said payments is payable in respect of that week, be equal to the difference between that payment or, as the case may be, the aggregate of those payments and the said appropriate standard amount.

(3) The payments referred to in paragraph (1) are —

(a) any injury benefit payable under the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, which relates to the relevant injury ;

(b) any disablement pension payable under Section twelve of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, in respect of the relevant injury or so much of any such pension as relates to that injury, together with —

(i) any increase in such pension payable under Section thirteen, fourteen, seventeen or eighteen of the said Act or so much of any such increase as is proportionate to that part of the said pension which relates to that injury ; and

(ii) so long as he is receiving treatment as an in-patient at a hospital as a result of that injury any increase in such pension payable under Section sixteen, seventeen or eighteen of the said Act.

(c) any sickness benefit payable under the National Insurance Act, (Northern Ireland) 1946, until the first day after his retirement which is not or is deemed not to be a day of incapacity for work under section ten of the last-mentioned Act or regulations made thereunder, and

(d) any ordinary pension, short service pension or ill-health pension which becomes or became payable under these Regulations.

(4) For the purposes of this Regulation no account shall be taken of so much of a disablement pension as represents an increase payable under section fifteen of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946.

(5) Where a person receives a disablement gratuity under the National Insurance (Industrial Injuries) Act, (Northern Ireland) 1946, this Regulation shall apply as if he were entitled during the relevant period to a disablement pension under that Act of such amount as would be produced by converting the gratuity into an annuity for that period.

In this paragraph the expression " the relevant period " means the period taken into account, in accordance with section twelve of the said Act, for the purpose of making the assessment by reference to which the gratuity became payable.

Award where no other award payable.

5. Where a member retires from the force in circumstances which do not entitle him to any other award under these Regulations, he shall receive an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service.

6. Where a member is dismissed from the force the Ministry shall either pay to him or apply for the benefit of his dependants an amount equal to the whole of his aggregate pension contributions in respect of the relevant period of service. <sup>Award in case of dismissal.</sup>

7.—(1) If a serviceman at the end of his relevant period of service in the armed forces of the Crown is permanently disabled, he shall be deemed to have retired from the force and shall be entitled to the same award on the same conditions in all respects as if he had retired at the end of the said period on the ground of disablement. <sup>Awards to servicemen.</sup>

(2) If a serviceman within one month from the end of the said period does not resume service in the force in circumstances in which no award is payable to him under these Regulations, Regulation 5 shall have effect as if he had retired from the force at the end of the said period.

8. Subject to the provisions of Regulation 44 nothing in these Regulations shall affect any pension granted on the retirement of any person if the retirement occurred before the 5th July, 1948, and the pension provisions in force immediately before the said date shall continue to apply in relation to such pensions as though these Regulations had not been made. <sup>Existing pensions.</sup>

### PART III

#### PERMANENT MEMBERS

9.—(1) Subject to the provisions of these Regulations, where a member of the permanent establishment of the force who holds an appointment specified in the Fourth Schedule (in these Regulations referred to as "permanent member") is entitled to reckon twenty-five years' pensionable service and retires from the force, he shall receive an ordinary pension. <sup>Ordinary pension.</sup>

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

(3) This Regulation shall not apply where a member has not given to the Inspector General one month's written notice or such shorter notice as the Inspector General may accept of his intention to retire, unless—

- (i) he is required to retire under the provisions of Regulation 12 or Part X of these Regulations, or
- (ii) he is required to retire as an alternative to dismissal.

10.—(1) Where a permanent member retires from the force on the ground that he is permanently disabled, he shall receive an award which — <sup>III-health award.</sup>

- (a) if at the time when he so retires either —
- (i) he is entitled to reckon ten years' pensionable service; or
  - (ii) his disablement is the result of an injury received in the execution of his duty,
- shall be a pension (hereafter in these Regulations referred to as an "ill-health pension"), and
- (b) in other cases, shall be a gratuity.

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

Short service award.

11.—(1) Where a permanent member is required to retire under the provisions of Regulation 12 or Part X of these Regulations he shall, unless Regulation 9 applies, receive a short service award.

(2) If at the time when he retires he is not entitled to reckon ten years' pensionable service, the award shall be a gratuity and otherwise shall be a pension (hereafter in these Regulations referred to as a "short service pension").

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

Compulsory retirement on account of age.

12. Retirement from the force shall be compulsory for permanent members on attaining the age of 60 except that the Inspector General may, with the consent of the Governor of Northern Ireland, extend the service of any such member for a further period but in no case exceeding 5 years on being satisfied that such extension would be in the interests of efficiency.

Application of Regulations 9 to 12.

13. Regulations 9, 10, 11 and 12 shall not apply to any person who is over 45 years of age on first admission to an appointment specified in the Fourth Schedule or who has not been certified as medically fit on such admission unless such person was an existing permanent member within the meaning of the Ulster Special Constabulary Pensions Order, 1936, made by the Minister on the 19th November, 1936, as amended by the Ulster Special Constabulary Pensions (Amending) Order, 1944, made by the Minister on the 22nd March, 1944 who did not notify the Inspector General of his non-acceptance of the provisions of the said Order in accordance with Article 6 thereof.

#### PART IV

#### AWARDS ON DEATH

##### Widows

Widow's ordinary pension.

14.—(1) Subject to the provisions of these Regulations, the widow of



such a permanent or full time member or person who has been a permanent or full time member as is described in paragraph (2) shall be entitled to a widow's ordinary pension 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 30th June, 1949, 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 shall in all cases be of the amount described in the said Part IA.

(2) The member or person who has been a member referred to in paragraph (1) is one —

(a) who is entitled to reckon three years' pensionable service and —

- (i) dies while serving in the force, or
- (ii) retires because he is disabled and his death results from the same injury as resulted in his disablement, or
- (iii) retires and receives a pension and dies while still in receipt of the pension ; or

(b) who, after completing three years' approved service retired from the force between the 22nd November, 1921, and the 5th July, 1948 —

- (i) on account of any injury and dies in consequence of that injury, or
- (ii) with a pension and dies while in receipt of the pension.

15.—(1) Where a widow is entitled to an ordinary pension under Regulation 14 the Ministry with the consent of the Ministry of Finance may, in their discretion, increase that pension in accordance with the provisions of this Regulation.

Discretionary increase in widow's ordinary pension.

(2) The increase shall only be payable —

(a) if the widow would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act, (Northern Ireland), 1946, but for the fact that her husband had not satisfied the contribution condition set out in paragraph (a) of sub-paragraph (1) of paragraph 4 of the Third Schedule to the said Act ; and

(b) in respect of any week during which the widow is not receiving —

- (i) a retirement pension under the National Insurance Act, (Northern Ireland), 1946, or
- (ii) a pension under the Old Age Pensions Act, (Northern Ireland), 1936, or
- (iii) any grant payable out of any naval, military or air force fund made in respect of the death of her husband in pursuance of any royal warrant or other instrument, or

- (iv) any payment made in respect of the death of her husband under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939.

(3) The rate up to which the pension may be increased shall be, for the first thirteen weeks that the pension is payable, thirty-six shillings a week and thereafter, during the periods and in the conditions set out in Part II of the Second Schedule, twenty-six shillings a week :

Provided that with effect from the 1st July, 1949, this paragraph shall have effect as if for the words " up to which " there were substituted the words " by which."

16.—(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, the award to his widow shall be a widow's special pension.

(2) The amount of a widow's special pension shall be determined in accordance with Part III of the Second Schedule.

17.—(1) The provisions of this Regulation shall apply with effect only from 1st July, 1949.

(2) Where a widow is entitled to a special pension under Regulation 16, the Ministry, with the consent of the Ministry of Finance may, in their discretion, increase that pension in accordance with the provisions of this Regulation.

(3) The increase shall only be payable —

(a) if the widow would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act (Northern Ireland), 1946, but for the fact that her husband had not satisfied the contribution condition set out in paragraph (a) of sub-paragraph (1) of paragraph 4 of the Third Schedule to the said Act ; and

(b) in respect of any week during which the widow is not receiving

(i) a retirement pension under the National Insurance Act (Northern Ireland), 1946, or

(ii) a pension under the Old Age Pensions Act (Northern Ireland), 1936, or

(iii) any grant payable out of any naval, military or air force fund made in respect of the death of her husband in pursuance of any royal warrant or other instrument, or

(iv) any payment in respect of the death of her husband under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939, or

(v) a pension under section nineteen of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946.

(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) of Regulation 56, of one sixth of her husband's

Widow's  
special  
pension.

Discretion-  
ary increase  
in widow's  
special  
pension.

annual pensionable pay for a week together with, for the first thirteen weeks that the pension is payable, thirty-six shillings a week and thereafter during the period and in the conditions set out in Part II of the Second Schedule twenty-six 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 paragraph shall apply as though for the words " annual pensionable pay " there were substituted the words " average pensionable pay ".

18. Where a widow is entitled to a pension and the Ministry and the Ministry of Finance are satisfied that there is sufficient reason for granting her a gratuity in lieu thereof, they may in their discretion and with her consent substitute for the pension a gratuity determined in accordance with Part IV of the Second Schedule. Gratuity in lieu of pension.

19. Where a permanent or full-time member dies and his widow is not entitled to a pension under these Regulations, the award shall be a widow's ordinary gratuity which shall be determined in accordance with Part V of the Second Schedule. Widow's ordinary gratuity.

20. A pension or gratuity to a widow shall be payable on the death of her husband except — Date of payment of award.

- (a) where her husband was in receipt of a pension and he dies during a period in respect of which he has already received his pension, in which case the widow's pension shall be payable at the end of that period ;
- (b) where her husband has received a gratuity, in which case the widow's pension 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.

21.—(1) Where a member or a person who has been a member has died and immediately before the 5th July, 1948, his widow was entitled to a pension or gratuity under the Ulster Special Constabulary Pensions Orders, any such widow shall continue to be entitled to the pension or gratuity in all respects in the same manner as if these Regulations had not come into force : Awards to existing widows.

Provided that the pension payable in each case shall be that provided for in the said Orders without taking into account, except in the manner hereinafter specified, any increase under the Pensions (Increase) Acts, (Northern Ireland), 1944 and 1947.

(2) The amount of any such pension as provided by paragraph (1) shall be increased in accordance with the provisions of paragraph (4) of Regulation 56.

(3) Where a widow is entitled under the provisions of paragraphs (1) and (2) to a pension the Ministry with the consent of the Ministry of Finance may, in their discretion, increase that pension in accordance with the provisions of this Regulation.

(4) Where the widow of a member is not entitled to a pension from the Ministry, and would have been entitled to such pension if in paragraph 5 (a) of the Ulster Special Constabulary Pensions Order, 1924, the words "three years' approved service" had been substituted for the words "five years' approved service" the Ministry with the consent of the Ministry of Finance, if in their discretion they think fit, may grant her a pension in accordance with the provisions of this Regulation.

(5) The increase or, as the case may be, the pension referred to in paragraphs (3) and (4) respectively shall only be payable in respect of any week during which the widow is not receiving —

- (a) widow's benefit or a retirement pension under the National Insurance Act, (Northern Ireland), 1946, or
- (b) a pension under the Old Age Pensions Act (Northern Ireland), 1936, or
- (c) any grant payable out of any naval, military or air force fund made in respect of the death of her husband in pursuance of any royal warrant or other instrument, or
- (d) any payment made in respect of the death of her husband under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939.

(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, twenty-six shillings a week.

(7) Where the Ministry decide to increase or to grant a pension under paragraph (3) or (4) they may if in their discretion they think fit and with the consent of the Ministry of Finance increase or grant such pension with effect from any date not earlier than the 5th July, 1948.

Limitation on awards to widows with reference to date of marriage.

22. A widow shall not be entitled to a widow's special or ordinary pension or gratuity or be granted a pension in accordance with the provisions of paragraph (4) of Regulation 21 unless she was married to her husband before he last ceased to be a member.

Limitation on award to widow who was living apart from husband.

23.—(1) Where a member or a person who has been a member dies leaving a widow who was living apart from him at the time of his death, no pension or gratuity shall be payable to her unless either —

- (a) at the time of the death the deceased was regularly contributing to her support, or was liable to contribute to her support by virtue of any agreement or any order of a competent court, or
- (b) she was living apart from him because he had deserted her :

Provided that where the preceding provisions of this Regulation would prevent the payment of a widow's pension or gratuity, the Ministry, with the consent of the Ministry of Finance may in their discretion, if they consider that the application of those provisions would

cause substantial hardship in that case, pay the pension or gratuity.

(2) For the purposes of this Regulation, contributions to a woman for the support of her child shall be treated as contributions to her support.

24.—(1) Where a pension becomes payable to a widow under these Regulations other than Regulation 53, then, if she subsequently marries, she shall not be entitled to receive any payment on account of the pension in respect of any period after her remarriage : Termination of widow's pension on re-marriage.

Provided that if at any time after her remarriage she again becomes a widow, the Ministry may, in their discretion, resume payment of the pension.

(2) Where a gratuity becomes payable to a widow under these Regulations then, if she subsequently remarries, so much of the gratuity as has not been paid before her remarriage shall not be payable thereafter :

Provided that if at any time after her remarriage the woman again becomes a widow, the Ministry may, in their discretion, pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage.

(3) Where and for so long as a woman is cohabiting with a man this Regulation shall apply as if she were married to him.

### *Children*

25.—(1) Subject to the provisions of these Regulations, each of the children of such a permanent or full time member or person who has been a permanent or full time member as is described in paragraph (2) shall be entitled to a child's ordinary allowance determined in accordance with Part I of the Third Schedule. : Child's ordinary allowance.

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 up to and including the 30th June, 1949, the allowance in respect of any period after the 30th June, 1949, shall not be of less amount than it would have been if calculated in accordance with Part IA of the Third Schedule and where the date of such death is the 1st July, 1949, or any later date the allowance shall in all cases be determined in accordance with the said Part IA.

(2) The member or person who has been a member referred to in paragraph (1) is one who —

- (a) dies while serving in the force, or
- (b) retires or has retired with a pension and dies while still in receipt of the pension, or
- (c) dies after having retired when he was entitled to reckon not less than three years' pensionable service or, if he retired before the 5th July, 1948, after completing three years' approved service, and in either case received a gratuity.

Child's  
special  
allowance.

26. Subject to the provisions of these Regulations, 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 without his own default, each of his children shall be entitled to a child's special allowance determined in accordance with Part II of the Third Schedule.

Variation in  
child's  
allowance.

27.—(1) Subject to the provisions of these Regulations, a child's allowance may, if the Ministry in their discretion 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 paragraph shall have effect in respect of any period after the 30th June, 1949, as though for the reference to Part III of the Third Schedule there were substituted a reference to Part IIIA of the said Schedule.

(2) Notwithstanding anything in Regulations 25 and 26 a child's allowance, in the circumstances described in Part IV of the Third Schedule shall, in accordance with the provisions of the said Part IV, be reduced to nothing or be paid at a lesser amount than that to which the child would otherwise be entitled.

Gratuity in  
lieu of  
allowance.

28. Where a child is entitled to an allowance under these Regulations and the Ministry and the Ministry of Finance are satisfied that there are sufficient reasons for the grant of a gratuity in lieu thereof they may, in their discretion and with the consent of the child's surviving parent (if any) or guardian, substitute for the allowance a gratuity determined in accordance with Part V of the Third Schedule.

Limitation  
on right to  
child's  
allowance.

29.—(1) A child shall not be granted an allowance under these Regulations unless —

- (a) if a legitimate child, he is the child of or has been legitimated by a marriage which took place before the relevant date;
- (b) if a step-child, he is the child of a spouse whose marriage to the parent in respect of whose death the allowance is payable took place before the relevant date,
- (c) if an illegitimate child, he was born before the relevant date.
- (d) if an adopted child, he was adopted before the relevant date.

(2) The relevant date for the purposes of paragraph (1) is the date on which the person in respect of whose death the allowance is payable last ceased to be a member.

Duration of  
child's  
allowance.

30. A child's allowance shall be payable up to the time when the child attains the age of sixteen years and, if on attaining that age he is receiving full-time education, thereafter until the next thirty-first day of July or until he first ceases to receive full-time education, whichever is the earlier.

31.—(1) Where a member or a person who has been a member has died and immediately before the 5th July, 1948, any child of his was entitled to an allowance under the Ulster Special Constabulary Pensions Orders, any such child shall continue to be entitled to the allowance in all respects in the same manner as if these Regulations had not come into force : Awards to children of parent who died before 5th July, 1948.

Provided that the allowance payable in each case shall be that provided for in the said Orders without taking into account, except in the manner hereinafter specified, any increase under the Pensions (Increase) Acts, (Northern Ireland), 1944 and 1947.

(2) The amount of any such allowance as provided by paragraph (1) shall be of an amount increased in accordance with the provisions of paragraph (4) of Regulation 56.

(3) Where a child in receipt of an allowance payable in accordance with the provisions of paragraph (1) is receiving full-time education on attaining the age of sixteen years, the allowance shall continue to be payable until the next thirty-first day of July or until he first ceases to receive full-time education, whichever is earlier.

(4) The amount of any allowance ascertained in accordance with the provisions of paragraphs (1) and (2) may, if the Ministry in their discretion think fit, and with the consent of the Ministry of Finance, be increased in the circumstances and manner provided by Part VI of the Third Schedule.

(5) The child of such a permanent or full time member or person who has been a permanent or full time member as is described in paragraph (6) who is not entitled to an allowance from the Ministry, may be granted an allowance, subject to the provisions of Part VI of the Third Schedule, if the Ministry in their discretion think fit, and the Ministry of Finance consents.

(6) The member or person who has been a member referred to in paragraph (5) is one who before the 5th July, 1948 —

- (a) has died while serving in the force, or
- (b) has retired with a pension and died while still in receipt of the pension, or
- (c) has died after having retired and received a gratuity after completing three years' approved service.

(7) Where the Ministry decide to increase the amount of or to grant an allowance under paragraphs (4) and (5) they may, if in their discretion they think fit, and with the consent of the Ministry of Finance increase the amount of or grant such allowance with effect from any date not earlier than the 5th July, 1948.

#### *Widows, Children and Dependants*

32. If a serviceman dies during his relevant period of service in the armed forces of the Crown, these Regulations shall have effect as if he had died while serving as a member. Awards on death of servicemen.

Awards to relatives or estate.

33.—(1) If a member dies and no other award is payable under these Regulations, the Ministry —

(a) may, if in their discretion they think fit, and with the consent of the Ministry of Finance, grant a gratuity to any of his relatives who were dependent on him to any degree at the time of his death, and

(b) if either no gratuity is paid under (a) hereof or any gratuities so paid do not exhaust the maximum amount provided for in paragraph (3), shall pay his legal personal representatives a gratuity sufficient to exhaust the said maximum amount.

(2) If the death of a person in receipt of a pension, not being a widow's pension, under these Regulations —

(a) results from an injury received in the execution of his duty, or

(b) takes place within two years of the grant of his pension, the Ministry may, in their discretion, and with the consent of the Ministry of Finance, grant a gratuity to any relative who was at the time of his death dependent on him to any degree.

(3) The aggregate of all gratuities paid under this Regulation shall not exceed the aggregate pension contributions in respect of the relevant period of service of the member or, as the case may be, the person in receipt of the pension.

Prevention of duplication.

34. A person who but for this Regulation would become entitled to two awards under this Part of these Regulations shall, on the events occurring which would otherwise create the entitlement, select one of the said awards and thereupon the entitlement to the other or, as the case may be, any further payment under the other, shall cease forthwith.

## PART V

### PENSIONABLE SERVICE

Reckoning of pensionable service.

35.—(1) Subject to the provisions of paragraph (3) a member shall be entitled to reckon as pensionable service all his service as a member on and after the 5th July, 1948, together with such additional periods as he may be entitled so to reckon under the succeeding provisions of these Regulations, but where he leaves and rejoins the force shall not, save as provided in the said succeeding provisions, be entitled to reckon any period of service as such before he last rejoined the force :

Provided that he shall not be entitled to reckon as pensionable service —

(a) any period during which he was on unpaid leave ;

(b) if the Ministry so direct the whole or such part as they may direct of any period of suspension from duty under the regulations for the time being in force governing the discipline of the force, at the end of which he did not return to duty without having been found guilty of any offence under such regulations.



(2) Where a permanent or full time member has ceased to do duty as such in order to become a serviceman he shall be entitled to reckon as pensionable service his relevant period of service in the armed forces of the Crown.

(3) Notwithstanding anything in paragraph (1) :—

- (i) in reckoning the pensionable service of a part-time member the first four years of his service or any part thereof shall be reckoned as one year's pensionable service and after the completion of four years' part-time service any subsequent year of part-time service shall be reckoned as six months' pensionable service.
- (ii) in reckoning the pensionable service of a permanent member for the purpose of a calculation of awards under the provisions of Regulations 9, 10 and 11, service in an appointment specified in the Fourth Schedule shall alone be reckoned.
- (iii) in reckoning the pensionable service of a full-time member for the purpose of the calculation of an award under the provisions of Regulation 3, only service as a full-time member shall be reckoned.

36. A member shall be entitled to reckon as pensionable service Additions  
to pension-  
able service.  
in the force —

- (a) where he was serving as such immediately before the 5th July, 1948, any period of approved service which he was then entitled to reckon under the Ulster Special Constabulary Pensions Orders;
- (b) where he has formerly retired from the force with an ill-health or supplemental pension under these Regulations or a pension under the Ulster Special Constabulary Pensions Orders which has been cancelled under these Regulations or those Orders and has subsequently rejoined the force, any period of pensionable service or, as the case may be, approved service which he was entitled to reckon at the time when he so retired;
- (c) where he has retired and has been in receipt of a pension in respect of a non-accidental injury under the Ulster Special Constabulary Pensions Orders and that pension is cancelled, the period during which he was in receipt of that pension;
- (d) where he, being a permanent member, is or has been seconded for the performance of police duties in any foreign country for the time being in the occupation of His Majesty, or for the performance of police duties on behalf of the Government of any country or territory outside the United Kingdom, the period of such secondment;
- (e) where he, being a part-time member, retired from the force without having received any bounty in respect of his service in the force and on retirement was not granted any

pension, gratuity, return of pension contributions or other award under these Regulations or under the Ulster Special Constabulary Pensions Orders, any period of pensionable or, as the case may be, approved service which he was entitled to reckon at the time when he so retired.

Additions to pensionable service on payment.

**37.**—(1) A member shall be entitled to reckon as pensionable service in the force any of the periods before he last entered the force specified in this Regulation on making to the Ministry the payments so specified as appropriate in such manner and within such period as the Ministry, with the consent of the Ministry of Finance, may approve.

(2) Where a member who retires or before the 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 the 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 or in respect of such pensionable or approved service.

(3) Nothing in this Regulation or in Regulation 36 shall be construed as authorising the reckoning, for the purpose of the calculation of an award under the provisions of Regulation 3, of service other than service as a full-time member, nor, for the purpose of the calculation of awards under the provisions of Regulations 9, 10 and 11, of service other than service in an appointment specified in the Fourth Schedule.

## PART VI

### PENSION CONTRIBUTIONS

Pension contributions.

**38.**—(1) Subject to the provisions of these Regulations, a member shall pay pension contributions to the Ministry equal to one shilling and twopence a week less than five per cent. of his pensionable pay.

(2) Payment of pension contributions shall be effected by way of a deduction of an appropriate amount from each instalment of pay.

(3) A person who on the 5th July, 1948, was a permanent member shall pay pension contributions at the rate of twopence a week less than five per cent. of his pensionable pay, but may elect, if he gives notice in writing to that effect to the Ministry not later than three months after the date of these Regulations to pay pension contributions at the rate specified in paragraph (1), and if he so elects he shall be liable to pay pension contributions at the latter rate from the 5th July, 1948, and any overpayment of contributions already made since that date shall be repaid to him and he shall remain liable to pay pension contributions at the latter rate while he is a member.

(4) Paragraph (1) shall not apply to a part-time member who is not mobilized, to a full-time member whose pay is not assimilated to Royal Ulster Constabulary rates of pay nor to a part-time member who is mobilized for any period not exceeding fourteen consecutive days.

## PART VII

## CANCELLATION, REVISION, REDUCTION, FORFEITURE, ETC., OF AWARDS

39.—(1) As long as a person —

- (a) is in receipt of an ill-health pension,
- (b) would not if he had continued to serve as a permanent member instead of retiring with an ill-health pension have been entitled to reckon twenty-five years' pensionable service, and
- (c) if he continued so to serve would not have been compelled to retire under Regulation 12,

the Ministry may consider, at such intervals as they in their discretion think proper, whether his disability has ceased.

(2) If on any such consideration it is found that his disability has ceased the Inspector General may require the person concerned to rejoin the force in a rank not lower than the rank he held immediately before he retired with the ill-health pension and on the date when he so rejoins the ill-health pension and any supplemental pension shall cease. If he fails to rejoin within three months from the date on which he was required to do so the ill-health pension and any supplemental pension shall cease at the end of the said three months.

40. Any supplemental pension shall be granted for such period as may be fixed by the Ministry with the consent of the Ministry of Finance after report by the Inspector General of the circumstances of the case, and, if at the expiration of that period the degree of disablement is unaltered, the pension shall be renewed from time to time. If at any time the Ministry and the Ministry of Finance are satisfied by the evidence of a duly qualified medical practitioner that the pensioner's disablement has substantially altered in degree or has ceased, the pension shall be reassessed according to the degree of disablement or cancelled.

41.—(1) Where a member, or a person who has been a member, or any widow, child or dependant of a member or of a person who has been a member receives any compensation in respect of the injury or death of the member, awarded under the Criminal Injuries (Ireland) Acts such compensation may be taken into account in assessing any pension, allowance or gratuity payable under these Regulations in respect of such injury or death, and such pension, allowance or gratuity may be reduced, suspended or disallowed accordingly, and where the compensation is received after assessment it may be taken into account and the assessment may be amended or cancelled accordingly, but no such

Cancellation  
of ill-health  
and supple-  
mental  
pension.

Reassess-  
ment or can-  
cellation of  
supplemen-  
tal pension.

Reduction,  
suspension  
or disallow-  
ance of an  
award ;  
abatements of  
arrears.

reduction, suspension, disallowance, amendment or cancellation will be made where it is shown to the satisfaction of the Ministry and the Ministry of Finance that in assessing such compensation the Court had cognisance of the fact that a pension or gratuity had been or would be awarded under the terms of these Regulations without reference to the decision of the Court on such claim for compensation.

(2) Where payments in respect of any award under these Regulations are in arrears for any period and assistance grants under the National Assistance Act, 1948, or the National Assistance Act (Northern Ireland), 1948, have been made for that period or any part of that period by reference to the requirements of the person to whom payments under the award are due, the said payments may, at the discretion of the Ministry, be abated to the extent to which the actual amount of these assistance grants exceeds what would have been their amount, as decided by the National Assistance Board or the National Assistance Board (Northern Ireland), as the case may be, if the said payments had not fallen into arrears.

(3) Where a member, or a person who has been a member, or any widow, child or dependant of a member or of a person who has been a member is receiving any pension, grant or allowance out of any Naval, Military or Air Force fund in pursuance of any Royal warrant or other instrument in respect of the incapacity or death of such member or has commuted such pension, grant or allowance or any part thereof the amount of such pension, grant or allowance may be taken into account in the assessment of any pension, allowance or gratuity payable under these Regulations in respect of such incapacity or death and such pension, allowance or gratuity may be reduced, suspended or disallowed accordingly.

(4) Where a member, or a person who has been a member, or any widow, child or dependant of a member or of a person who has been a member is entitled to or is in receipt of any pension, allowance or gratuity from the Imperial Government in respect of service in the Royal Irish Constabulary or has commuted such pension or allowance or any part thereof the amount of such pension, allowance or gratuity may be taken into account in the assessment of any pension, allowance or gratuity under these Regulations and such pension, allowance or gratuity may be reduced, suspended or disallowed accordingly.

Reduction  
of pension  
in case of  
default.

42. Where a member or a person who has been a member becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the Ministry, with the consent of the Ministry of Finance, may reduce the amount of any ill-health award or supplemental pension payable to him under these Regulations by an amount not exceeding one-half of that to which he would otherwise be entitled :

Provided that this Regulation shall not apply where the person concerned was a permanent member who would, if he had continued to

serve instead of retiring with an ill-health award, have been entitled to reckon twenty-five years' pensionable service.

43.—(1) Where a person in receipt of a pension under these Regulations takes service in any police force or is appointed to an office in a public department of the Government of the United Kingdom or the Government of Northern Ireland, the Ministry, with the consent of the Ministry of Finance, may suspend his pension in whole or in part so long as he remains in that service or office.

Suspension  
of award  
during re-  
employment.

(2) The Ministry may with the like consent cancel or reduce the pension which would otherwise have been payable under these Regulations to a widow, if the widow is in receipt of a pension from some police or other authority in respect of any such service or appointment as aforesaid taken or held by her husband, and may, with the like consent and in like circumstances, cancel or reduce any allowances which would otherwise have been payable to a child.

44.—(1) Every award granted under these Regulations is granted and every pension (whether described as a pension or allowance) granted under the Ulster Special Constabulary Pensions Orders shall be deemed to have been granted only upon condition that it may be forfeited by the Ministry on the report of the Inspector General and with the consent of the Ministry of Finance in any of the following cases, that is to say, if the grantee :—

Forfeiture  
of award.

- (a) is convicted of any offence and is sentenced to penal servitude or to imprisonment for a term exceeding twelve months ; or
- (b) enters into or continues to carry on any business, occupation or employment which is illegal, or in which the grantee has made use of the fact of former employment in the force in a manner which the Inspector General considers to be discreditable or improper ; or
- (c) supplies to any person or publishes in a manner which the Inspector General considers to be discreditable or improper any information which the grantee had obtained in the course of employment in the force ; or
- (d) solicits or, without the consent of the Inspector General, accepts directly or indirectly any testimonial or gift of a pecuniary value on retirement from the force, or otherwise in connection with his service in the force ; or
- (e) enters into or continues in any business, occupation or employment as a private detective, after being prohibited in writing to do so by the Inspector General on any reasonable grounds :

Provided that an award or pension shall not be forfeited under (b) hereof unless reasonable warning has previously been given in writing by the Inspector General.

(2) A forfeiture under this Regulation may affect the pension or allowance wholly or in part, and may be permanent or temporary as the Ministry, on the report of the Inspector General and with the consent of the Ministry of Finance, may determine.

(3) Save as aforesaid such a pension as aforesaid shall not be capable of being forfeited.

Discharge of liability of Ministry on withdrawal of pension.

45. To the extent to which a pension or allowance is withdrawn under any of the preceding provisions of these Regulations, the Ministry shall be discharged from all actual or contingent liability in respect thereof.

## PART VIII

### DETERMINATION OF QUESTIONS

Reference of medical questions.

46.—(1) Before granting a pension or gratuity on the ground that a member is permanently disabled as the result of an injury the Ministry shall be satisfied by the evidence (obtained after medical examination of the member) of some duly qualified medical practitioner or practitioners selected by them with the approval of the Ministry of Finance that the member is so disabled and that the disablement is likely to be permanent.

(2) Where the member concerned claims that he is permanently disabled as the result of an injury received in the execution of his duty, the Ministry and the Ministry of Finance shall also be satisfied that the injury was received in the execution of his duty and that the disablement is attributable to the injury, and where the application is for a supplemental pension shall also be satisfied that the injury was received without the default of the applicant, and shall determine the degree of disablement, and for the purpose of determining any of the said questions, which ought to be determined on medical grounds, shall take like evidence as above-mentioned.

(3) Before cancelling an ill health award or supplemental pension on the ground that a person's disability has ceased, or varying a supplemental pension on the ground that a person's degree of disablement has substantially altered, or reducing the amount of any ill health award or supplemental pension under the provisions of Regulation 42, the Ministry shall be satisfied on like evidence as above mentioned, that the disability has ceased, or that the degree of disablement has substantially altered or that the member or person has brought about or substantially contributed to the disablement by his own default, as the case may require.

(4) If a member or any person in receipt of an ill health award or supplemental pension refuses or wilfully or negligently fails when required by the Ministry or the Inspector General at any time to be examined by some duly qualified medical practitioner selected as aforesaid for the purpose of determining any question of disablement or default arising under these Regulations, the Ministry with the consent

of the Ministry of Finance may make their determination on such evidence and medical advice as they in their discretion think necessary.

## PART IX

### PAYMENT AND ASSIGNMENT OF AWARDS

47.—(1) Subject to the provisions of these Regulations, every pension or allowance payable thereunder shall, subject to such delay as may be necessary for the purpose of determining any question arising in respect thereof be discharged by payments in advance at such reasonable intervals as the Ministry may, in their discretion, determine. <sup>Payment of awards.</sup>

(2) Where a person dies after receiving a sum paid in advance on account of a pension or allowance under these Regulations neither the said sum nor any part thereof shall be recoverable although referable to a period after his death.

(3) Where a widow remarries after receiving a sum paid in advance on account of a pension under these Regulations neither the said sum nor any part thereof shall be recoverable, although referable to a period after her remarriage.

(4) Every gratuity payable under these Regulations shall be paid in one sum :

Provided that where the Ministry and the Ministry of Finance are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable periods as they think fit.

48. Every assignment of or charge on an award granted under these Regulations and every agreement to assign or charge such an award shall, except so far as it is made for the benefit of the family of the pensioner be void and, on the bankruptcy of the pensioner such an award shall not pass to any trustee or other person acting on behalf of the creditors. <sup>Assignment of awards.</sup>

49.—(1) Where any sum is due on account of a pension, and any debt is due by the pensioner to the Ministry or to any other Ministry of the Government of Northern Ireland or to the Crown, so much of the said sum as does not exceed the debt may be applied by the Ministry in or towards the satisfaction of the debt. <sup>Payment of awards other than to person entitled.</sup>

(2) On the death of a pensioner to whom a sum not exceeding two hundred pounds is due on account of a pension, the Ministry may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the Ministry to be beneficially entitled to the personal estate of the deceased or, as the Ministry think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the Ministry may determine.

(3) Where any sum is payable to a minor on account of a pension, the Ministry may, if they think fit, in lieu of paying the said sum to the minor, pay it to such other person as they may determine.

A person who receives any sum paid under this paragraph shall, subject to and in accordance with any directions of the Ministry apply the said sum for the minor's benefit.

(4) This Regulation shall apply with respect to other awards payable under these Regulations as it applies with respect to pensions, and accordingly any reference in this Regulation to a pension shall be construed as including a reference to any other award, and any reference therein to a pensioner shall be construed as including a reference to a person to whom any award is payable.

(5) The Ministry shall obtain a good discharge by applying or paying any sum in the manner provided by this Regulation.

## PART X

### COMPULSORY RETIREMENT

Compulsory retirement on grounds of efficiency of the force.

**50.** If the Minister on the report of the Inspector General determines that the retention in the force of a permanent member who if required to retire would be entitled to receive a pension of an amount not less than two-thirds of his pensionable pay would not be in the general interests of efficiency, he may be required to retire on such date as the Minister determines.

Compulsory retirement on grounds of disablement.

**51.** Every member may be required to retire on the date on which the Minister determines that he ought so to retire on the ground that he is permanently disabled for the performance of his duty.

Effect of requirement to retire.

**52.** Where a person is required to retire under Part III or this Part of these Regulations he shall be deemed to retire on the date on which he is so required to retire.

## PART XI

### MISCELLANEOUS AND SUPPLEMENTAL

Allocation of part of pension.

**53.—(1)** If before retiring with an ordinary pension or a short service pension a permanent member —

- (a) gives notice to the Ministry of his intention to surrender a portion of the pension not exceeding one-third thereof, and
- (b) nominates the person in whose favour the surrender is to take effect, and
- (c) provides the Ministry with such evidence of his good health as the Ministry consider satisfactory,

the pension shall be reduced accordingly, and after his death the Ministry shall pay to the person so nominated, if that person survives him, a pension of such amount as, according to tables from time to time prepared by the Ministry, is actuarially equivalent, as at the time when



the ordinary or short service pension first became payable, to that part of the pension which he has surrendered.

(2) A permanent member shall not be entitled under this Regulation to surrender a part of his pension in favour of any person other than his wife unless the Ministry are satisfied that that person is dependent to a substantial extent on the member when he gives notice of his desire so to surrender part of his pension.

54. Where a legitimate child is born after his father's death he shall, as from his birth, be entitled to receive any allowance which would have become payable to him under these Regulations or the Ulster Special Constabulary Pensions Orders on his father's death if he had been born immediately before his father died, and any reference in these Regulations to an allowance payable on death shall be construed as including a reference to an allowance payable by virtue of this Regulation. <sup>Post-humous children.</sup>

55.—(1) The pensionable pay of a full time or permanent member shall be his pay at the rate to which he is or has been from time to time entitled and in the case of such a member who served in the force before the 5th July, 1948, shall for the purposes of this Regulation include pay at the rate to which he was entitled before that date. <sup>Pensionable pay.</sup>

The pensionable pay of a part-time member shall be the pay to which he is or was or would have been entitled on mobilisation.

(2) The annual pensionable pay of a full time or permanent member shall for the purpose of awards be his pay at the annual rate to which he was entitled when he last ceased to be a member and in the case of a part-time member shall be his pay at the rate to which he was or would have been entitled on mobilisation on the date he last ceased to be a member :

Provided that where a permanent or full time member at the date of his retirement or death holds a rank to which he has been promoted within the three preceding years his annual pensionable pay for the purposes of awards shall be the aggregate of his pensionable pay during the three years immediately preceding the date when he last ceased to be a member, divided by three, save that nothing in this proviso shall reduce the amount of any award below what it would have been if the promotion had not occurred.

For the purposes of this paragraph any temporary reduction in rate of pay while absent from duty on sick leave or by way of punishment shall be ignored.

(3) The average pensionable pay of a member shall for the purpose of awards be the aggregate of his pensionable pay during the three years immediately preceding the date when he last ceased to be a member, ignoring any temporary reduction in rate of pay while absent from duty on sick leave or by way of punishment, divided by three :

Provided that where the member was a member for only part of the said three years the said aggregate shall be divided by the number of years and that fraction of a year during which he was a member in the said period.

(4) For the purposes of the calculation of any awards under these Regulations, a permanent member to whom Regulation 36 (d) applies shall in respect of the period of his secondment, and a serviceman shall in respect of his relevant period of service in the armed forces of the Crown, be deemed to be entitled or to have been entitled to pay at the rates to which he would have been entitled if he had continued to serve in the force.

(5) Where it is necessary for the purpose of any award under these Regulations to calculate the annual pensionable pay of, or the pay received in any period by a person who was conditioned or deemed to be conditioned to weekly pay, such person shall be deemed to have been entitled to annual pay at the rate of fifty-two and one-sixth times the amount of the weekly pay and where for the purpose of calculating an award to a widow or a child it is necessary to determine annual pensionable or average pensionable pay for a period of a week it shall be taken to be the annual pensionable or average pensionable pay divided by fifty-two and one-sixth.

(6) Notwithstanding anything in these Regulations, for the purposes of an award payable in respect of a person who was a member and relating to a period of service which ended in his retirement or dismissal before 1st July, 1949, the expression "average pensionable pay" shall have the meaning assigned in this Regulation to "annual pensionable pay."

Interpreta-  
tion.

56.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say —

"existing Acts" means the Constabulary Act (Northern Ireland), 1922, and the enactments relating to the Special Constabulary as applied by that Act.

"approved service" has the same meaning as in the Ulster Special Constabulary Pensions Orders.

"award" includes any pension or gratuity.

"child" has the meaning assigned to it by paragraph (3) of Regulation 1.

"full time member" means a member who is neither a part-time member nor a permanent member.

"the force" has the meaning assigned to it by paragraph (1) of Regulation 1.

"injury" includes any injury or disease, whether of body or mind;

"Inspector General" means the Inspector General of the Royal Ulster Constabulary.

- “member” has the meaning assigned to it by paragraph (1) of Regulation 1.
- “mobilisation” means mobilisation for full-time service.
- “the Minister” means the Minister of Home Affairs.
- “the Ministry” means the Ministry of Home Affairs.
- “part-time member” means a member who is not ordinarily required to perform full-time service save on mobilisation.
- “part-time service” means the service of a part-time member whether such member is or is not performing full time service.
- “pensionable pay” has the meaning assigned to it by Regulation 55.
- “permanent member” has the meaning assigned to it by Regulation 9.
- “rateable deduction” means any deduction made from pay as a contribution towards the general pension charge of the Ulster Special Constabulary.
- “retire” includes resign and retirement and retired shall be construed accordingly.
- “Ulster Special Constabulary Pensions Orders” means the Ulster Special Constabulary Pensions Orders referred to in Regulation 60.
- “serviceman” means a person who has ceased to do duty as a permanent or full time member by reason of being required for training or called into actual service or called out for training or for permanent service in the armed forces of the Crown in pursuance of his obligations as a member of the Territorial Army or any reserve of the armed forces of the Crown.

(2) The Interpretation Act, 1889 shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(3) A reference in these Regulations to a person being in receipt of a supplemental pension includes a reference to a person who would be in receipt of such a pension if the aggregate of any of the payments described in paragraph (3) of Regulation 4 were less than the standard amount appropriate to his case.

(4) Where it is provided in these Regulations that an amount shall be increased in accordance with the provisions of this paragraph, it shall be increased by the amount by which a pension of the amount first mentioned would be increased if the person concerned were in receipt of such a pension and paragraph 3 of Part I of the First Schedule to the Pensions (Increase) Act, (Northern Ireland), 1944, had not been repealed as provided in these Regulations.

(5) Where for the purpose of calculating the amount of any award it is necessary to do so by reference to the aggregate pension contributions of a person in respect of the relevant period of service, such period of service shall be taken to be the period ending in the

retirement, dismissal or death on which the award is payable and beginning with the date on which he last joined the force and the aggregate pension contributions in respect of the relevant period means —

- (i) the aggregate of the pension contributions made in respect of that period by that person to the Ministry and any rateable deductions made in respect of that period by the Ministry from his pay and, where that person has made no pension contributions but has had rateable deductions made in respect of that period from his pay by the Ministry, those rateable deductions, together with —
- (ii) the amount of any sum paid by that person to the Ministry as a condition of being entitled to reckon service before the said period as pensionable service or, as the case may be, approved service.

(6) A reference in these Regulations to an injury received in the execution of duty by a member means an injury received in the execution of that person's duty as a member of the force and includes any injury received while on duty and while on a journey necessary to enable him to report for duty or to return home after duty and any injury which has been determined by a Court of Law to be a criminal injury within the meaning of the Criminal Injuries (Ireland) Acts.

(7) A reference in these Regulations to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision and to that disablement being at that time likely to be permanent, and disablement where the person concerned is a permanent or full time member means inability to perform the ordinary duties of a member and where it is necessary to determine the degree of a person's disablement it shall be determined by reference to the degree to which his earning capacity has been affected as a result of an injury in respect of which the award is made, and a person shall be deemed to be totally disabled if, and only if, as a result of such an injury, either he is incapable by reason of the disablement of earning any money in any employment or is receiving treatment as an in-patient at a hospital :

Provided that in the case of a part-time member disablement shall not be deemed to exist if his earning capacity in his ordinary profession, trade or occupation (or in some analogous class of employment) is not impaired.

(8) Disablement or death or treatment at a hospital shall, for the purposes of these Regulations, be deemed to be the result of an injury if the injury has caused or substantially contributed to the disablement or death or the condition for which treatment is being received.

(9) A reference in these Regulations to the relevant period of service in the armed forces of the Crown of a serviceman is to be construed as a reference to any period of training or any embodied service in any of the armed forces of the Crown immediately succeeding a period of service as a member.

(10) The provisions of existing Acts shall in relation to the matters dealt with in these Regulations have effect subject to the Regulations and so far as inconsistent with the Regulations those provisions shall cease to have effect.

(11) Notwithstanding anything in these Regulations relating to a period of service in the armed forces of the Crown, an injury received in the execution of duty as a member of the armed forces shall not be deemed to be an injury received in the execution of duty as a member.

(12) In these Regulations unless the contrary intention appears a reference to a Regulation shall be construed as a reference to a Regulation contained in these Regulations, a reference to a paragraph shall be construed as a reference to a paragraph in the same Regulation or, as the case may be, Part of the Schedule, a reference to a sub-paragraph shall be construed as a reference to a sub-paragraph contained in the same paragraph and a reference to a Schedule shall be construed as a reference to a Schedule to these Regulations.

57.—(1) Notwithstanding anything in these Regulations, where a person who was a permanent or full time member on the 1st July, 1949, does not consent, in the manner prescribed by the Ministry to have the system of "averaging" applied in his case for the purposes of awards under these Regulations, the provisions of paragraph (2) shall apply for the purposes of calculating any award subsequently granted to or in respect of him.

Awards to permanent and full time members serving on 1st July, 1949 who do not elect for averaging.

(2) Any award to which the provisions of this paragraph apply which but for this Regulation would take into account the person's average pensionable pay shall in lieu thereof take into account his annual pensionable pay within the meaning of paragraph (2) of Regulation 55.

58. Notwithstanding anything in these Regulations where a person who was a member on the 1st July, 1949, dies or retires within the period of three years beginning with that date any award based on his pay which becomes payable to or in respect of him shall not be less than it would have been :—

Minimum pensions in respect of certain persons serving on the 1st July, 1949.

- (a) if it had taken account of his annual pensionable pay within the meaning of paragraph (2) of Regulation 55 instead of his average pensionable pay within the meaning of paragraph (3) of the said Regulation, and
- (b) if he had been entitled during the said period to a rate of pay in accordance with the scales in force immediately before the 1st July, 1949.

59. For the purposes of these Regulations the following shall be regarded as equivalent ranks :—

Equivalent ranks.

<i>Ulster Special Constabulary</i>	<i>Royal Ulster Constabulary</i>
Staff Officer ... ..	Deputy Inspector General
County or City Commandant	County Inspector
Assistant Staff Officer ...	District Inspector
Barrack Master ... ..	„
Adjutant ... ..	„
Paymaster ... ..	„
Assistant Paymaster ... ..	Head Constable
Sergeant Instructor ... ..	Sergeant
Armourer Sergeant ... ..	„
Sergeant ... ..	„
Senior Special Constable Clerk	„
Special Constable ... ..	Constable

Revocations,  
etc.

**60.** Subject to the provisions of these Regulations the Ulster Special Constabulary Pensions Order, 1924, the Ulster Special Constabulary Pensions (Amending) Order, 1924, the Ulster Special Constabulary Pensions (Amending) Order, 1936, made by the Minister on the 19th November, 1936, the Ulster Special Constabulary Pensions (Amending) Order, 1944, made by the Minister on the 22nd March, 1944, and the Ulster Special Constabulary Pensions (Amending) (No. 2) Order, 1944, made by the Minister on the 12th December, 1944, are hereby revoked and so much of paragraph 3 of Part I of the First Schedule to the Pensions (Increase) Act (Northern Ireland), 1944, as applies to a pension payable by virtue of the Constabulary Act (Northern Ireland), 1922, under the Orders relating to the pensions of the Ulster Special Constabulary is hereby repealed, except so far as the contrary is provided in these Regulations.

Citation, etc.

**61.** These Regulations may be cited as the Ulster Special Constabulary Pensions Regulations, 1950, and shall have effect as from the 5th July, 1948.

Dated this 19th day of June, 1950.

*Brian Maginness,*

Minister of Home Affairs for Northern Ireland.

## FIRST SCHEDULE

## PART I

Regulation 9.

## MEMBER'S ORDINARY PENSION

1. The amount of the pension shall be calculated in accordance with the subjoined Table :

TABLE

Member's completed years of pensionable service	Pension expressed in 60ths of annual pensionable pay
25 but less than 26	30
26 but less than 27	32
27 but less than 28	34
28 but less than 29	36
29 but less than 30	38
30 or more	40

2. The amount of the pension calculated under paragraph 1 shall be increased in accordance with the provisions of paragraph (4) of Regulation 56.

## PART IA

## MEMBER'S ORDINARY PENSION

Regulation 9.

The pension shall be of an amount equal to thirty-sixtieths of the member's average pensionable pay with the addition of one-sixtieth for each completed half year by which his pensionable service exceeds twenty-five years up to a maximum of forty-sixtieths.

## PART II

## MEMBER'S ILL-HEALTH OR SHORT SERVICE AWARD

Regulations 3,  
10 and 11.

1. Where the award is a gratuity the gratuity shall be one-twelfth of the member's annual pensionable pay multiplied by the number of completed years of pensionable service which he is entitled to count, provided that for the purpose of this assessment there shall be added to such pensionable service a period not exceeding five years :

Provided that where the member has received any bounty in lieu of pension while serving in the force and has not refunded such bounty to the Ministry, the amount of his gratuity shall be such that, when added to his bounty, the aggregate shall not exceed one-twelfth of the annual pensionable pay of a member of the Royal Ulster Constabulary of equivalent rank with pensionable service equal to that of the member, multiplied by the total number of completed years of pensionable service which the member is entitled to count, under this paragraph.

2. Where the award is a pension, the amount thereof which shall be increased in accordance with the provisions of paragraph (4) of Regulation 56 shall be calculated in accordance with the following Table, the figures in the second column of the Table representing sixtieths of the member's annual pensionable pay :—

TABLE

Member's completed years of pensionable service	Pension expressed in 60ths of annual pensionable pay
Less than 2	1
2 but less than 3	2
3 but less than 4	3
4 but less than 5	4

TABLE—Continued.

Member's completed years of pensionable service	Pension expressed in 60ths of annual pensionable pay
5 but less than 6	5
6 but less than 7	6
7 but less than 8	7
8 but less than 9	8
9 but less than 10	9
10 but less than 11	10
11 but less than 12	11
12 but less than 13	12
13 but less than 14	13
14 but less than 15	14
15 but less than 16	15
16 but less than 17	16
17 but less than 18	17
18 but less than 19	18
19 but less than 20	19
20 but less than 21	20
21 but less than 22	22
22 but less than 23	24
23 but less than 24	26
24 but less than 25	28
25 but less than 26	30
26 but less than 27	32
27 but less than 28	34
28 but less than 29	36
29 but less than 30	38
30 or more	40

3. Where a member retires with an ill-health pension, and the pension is subsequently cancelled but he does not before the cancellation thereof resume service as a member then, if the aggregate amount paid to him in respect of the pension is less than the amount of his aggregate pension contributions in respect of the relevant period of service, the Ministry shall pay to him the difference.

## PART IIA

Regulations 3,  
10 and 11.

## MEMBER'S ILL-HEALTH OR SHORT SERVICE AWARD

1. Where the award is a gratuity the gratuity shall be one-twelfth of the member's average pensionable pay multiplied by the number of completed years of pensionable service which he is entitled to count provided that for the purposes of this assessment there shall be added to such pensionable service a period not exceeding five years :

Provided that where the member has received any bounty in lieu of pension while serving in the force and has not refunded such bounty to the Ministry, the amount of his gratuity shall be such that, when added to his bounty, the aggregate shall not exceed one-twelfth of the average pensionable pay of a member of the Royal Ulster Constabulary of equivalent rank with pensionable service equal to that of the member, multiplied by the total number of completed years of pensionable service which the member is entitled to count under this paragraph.

2. Where the award is a pension the amount thereof shall be equal to one-sixtieth of the member's average pensionable pay for each completed year of pensionable service up to twenty years, with the addition of one-sixtieth for each completed half year by which his pensionable service exceeds twenty years, subject to a maximum of forty-sixtieths.

3. Where a member retires with an ill-health pension and the pension is subsequently cancelled but he does not before the cancellation thereof resume service as a member then, if the aggregate amount paid to him in respect of the pension is less than the amount of his aggregate pension contributions in respect of the relevant period of service, the Ministry shall pay to him the difference.



## PART III

Regulations 9,  
10 and 11.

## REDUCTIONS IN ORDINARY, SHORT SERVICE OR ILL-HEALTH PENSIONS

1. When a person in receipt of an ordinary pension, a short service pension or an ill-health pension attains the age of sixty-five the pension shall, unless he is a person to whom one of the succeeding paragraphs of this Schedule applies, be reduced by an amount at an annual rate equal to the amount obtained by multiplying £1 14s. by the number of years specified in paragraph 4.

2. Where a person who immediately before he retired and was granted a pension was paying contributions at the rate specified in paragraph (3) of Regulation 38 there shall not be any reduction of the pension under this Part of this Schedule.

3. When a person who immediately before he retired and was granted a pension was paying contributions at the rate specified in paragraph (1) of Regulation 38 by reason of an election under paragraph (3) of the said Regulation attains the age of sixty-five the pension shall be reduced by an amount at an annual rate equal to the amount obtained by multiplying the sum in the second column of the subjoined Table set opposite to the age in the first column of the said Table which he had attained at the 5th July, 1948, by the number of years specified in paragraph 4 :—

TABLE

Age on 5th July, 1948.				Sums to be multiplied		
				£	s	d
Less than 23	...	...	...	1	14	0
23	...	...	...	1	13	0
24	...	...	...	1	12	0
25	...	...	...	1	11	0
26	...	...	...	1	10	6
27	...	...	...	1	10	0
28	...	...	...	1	9	6
29	...	...	...	1	9	0
30	...	...	...	1	8	6
31	...	...	...	1	8	0
32	...	...	...	1	7	6
33	...	...	...	1	7	0
34	...	...	...	1	6	6
35	...	...	...	1	6	0
36	...	...	...	1	6	0
37	...	...	...	1	5	6
38	...	...	...	1	5	0
39	...	...	...	1	5	0
40	...	...	...	1	4	6
41	...	...	...	1	4	6
42	...	...	...	1	4	0
43	...	...	...	1	4	0
44 or more	...	...	...	1	3	6

4. The number of years referred to in paragraph 1 and in paragraph 3 by which the sums therein respectively specified are to be multiplied for the purposes of those paragraphs is the highest whole number of years in the aggregate period during which the person concerned has paid contributions as a member at the rate specified in paragraph (1) of Regulation 38.

Provided that in arriving at the said aggregate any period or periods—

(a) in respect of which the person concerned was not entitled to reckon any pensionable service for the purposes of the pension in question, or

(b) which fell after the date on which the person concerned would have been entitled, if he had retired, to a pension based on thirty years pensionable service,

shall be disregarded.

## PART IV

Regulation 4.

## STANDARD AMOUNT FOR REGULATION 4

1. The standard amount referred to in Regulation 4 shall be determined by reference to the number of the member's completed years of pensionable service and by reference to his annual pensionable pay.

2. Where the member is totally disabled, the standard amount shall be the amount specified in the second column of the Table appended to this paragraph, and where the member is partly disabled, the standard amount shall be such proportion of the amount so specified as the degree of the actual disablement bears to total disablement, subject to its not being less than the proportion of the annual pensionable pay specified in the third column of the said Table :

Provided that the amount calculated according to the second column of the said Table and that calculated according to the third column of the said Table shall both be increased in accordance with the provisions of paragraph (4) of Regulation 56.

TABLE

Member's completed years of pensionable service	Standard amount on total disablement expressed in 60ths of annual pensionable pay	Lower limit of standard amount expressed in 60ths of annual pensionable pay
Less than 11	40	15
11 but less than 12	41	16
12 but less than 13	41	17
13 but less than 14	42	18
14 but less than 15	42	19
15 but less than 16	43	20
16 but less than 17	43	21
17 but less than 18	44	22
18 but less than 19	44	23
19 but less than 20	45	24
20 but less than 21	45	25
21 but less than 22	46	27
22 but less than 23	46	29
23 but less than 24	47	31
24 but less than 25	47	33
25 but less than 26	48	35
26 but less than 27	48	36
27 but less than 28	49	37
28 but less than 29	49	38
29 but less than 30	50	39
30 or more	50	40

3. Where the date on which a member or a person who has been a member becomes entitled to a supplemental pension is the 1st July, 1949, or any later date the preceding paragraphs shall apply in his case as though for any reference therein to "annual" there were substituted a reference to "average" and as though the proviso to paragraph 2 were omitted.

## SECOND SCHEDULE

## PART I

Regulation 14.

## WIDOW'S ORDINARY PENSION

The amount of a widow's ordinary pension in respect of each week shall be as set out hereunder :—

If her husband at the time when he ceased to be a member—

- (a) held a rank higher than that of Assistant-Paymaster, the widow's ordinary pension shall be at the rate of nineteen shillings and twopence a week ;
- (b) held the rank of Assistant-Paymaster, the widow's ordinary pension shall be at the rate of fifteen shillings and fourpence a week ;
- (c) held a rank lower than that of Assistant-Paymaster, the widow's ordinary pension shall be at the rate of eleven shillings and sixpence a week.

## PART IA

## WIDOW'S ORDINARY PENSION

Regulation 14.

The amount of a widow's ordinary pension in respect of each week shall be as set out hereunder.

If her husband at the time he ceased to be a member —

- (a) held a rank higher than that of Assistant Paymaster, the widow's ordinary pension shall be at the rate of twenty-six shillings and tenpence a week ;
- (b) held the rank of Assistant Paymaster, the widow's ordinary pension shall be at the rate of twenty-three shillings a week ;
- (c) held a rank lower than that of Assistant Paymaster the widow's ordinary pension shall be at the rate of nineteen shillings and twopence a week.

## PART II

## DISCRETIONARY INCREASE IN WIDOW'S ORDINARY OR SPECIAL PENSION

Regulations 15 and 17.

The periods referred to in Regulations 15 and 17 are as follows :—

- (i) the period of the rest of the widow's life if, at the date of the husband's death, either she had attained the age of sixty or he and the widow had been married for not less than ten years and she had attained the age of fifty ;
- (ii) any period during which the widow either is pregnant by her late husband or has a family, within the meaning of the Family Allowances Act, (Northern Ireland), 1945, which includes a child who is entitled to an allowance under these Regulations ;
- (iii) any period during which the widow is incapable of self-support within the meaning of paragraph (a) of subsection (5) of section thirty-five of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, by reason of any infirmity which rendered her incapable of self-support within the meaning of the said enactment at the expiry either of the first thirteen weeks that the pension is payable or of the period specified in sub-paragraph (ii) ;
- (iv) if the conditions specified in sub-paragraph (iii) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of any period of incapability of self-support within the meaning of sub-paragraph (iii) which expires at a date when either the widow has attained the age of sixty or ten years have elapsed since the date of the marriage and the widow has attained the age of fifty ;
- (v) if the conditions specified in sub-paragraph (ii) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of the period mentioned in sub-paragraph (ii) if at the expiry of that period either the widow has attained the age of sixty or ten years have elapsed since the date of the marriage and the widow had attained the age of forty.

## PART III

## WIDOW'S SPECIAL PENSION

Regulation 16.

1. A widow's special pension shall not be less than the amount, which shall be increased in accordance with the provisions of paragraph (4) of Regulation 56 of one-sixth of her husband's annual pensionable pay for a week and, subject as aforesaid, shall be such that, when it is added to—

- (a) any pension payable to her under section nineteen of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, in consequence of the death of her husband ; and
- (b) any widow's benefit or retirement pension payable to her under the National Insurance Act, (Northern Ireland), 1946, by virtue of her husband's insurance,

the aggregate is equal to the amount, which shall be increased in accordance with the provisions of paragraph (4) of Regulation 56, of one-third of her husband's annual pensionable pay for a week.

2. If any widow's benefit to which she may be entitled is either a widow's allowance under the National Insurance Act (Northern Ireland), 1946, increased under section twenty-two of that Act, or a widowed mother's allowance under that Act, and if any retirement pension is increased under the said section twenty-two, then the benefit or, as the case may be, the retirement pension is, for the purposes of paragraph 1, to be deemed to be of an amount seven shillings and sixpence less than it is.

3. Where the date on which a widow becomes entitled to a widow's special pension is the 1st July, 1949, or any later date paragraph 1 shall apply in her case, as though for any reference therein to "annual pensionable pay" there were substituted a reference to "average pensionable pay."

## PART IV

Regulation 18.

## WIDOW'S GRATUITY IN LIEU OF PENSION

The gratuity referred to in Regulation 18 shall be such sum as may be agreed between the Ministry and the widow not exceeding the capitalised value of the pension to which the gratuity is an alternative determined in accordance with tables prepared from time to time for that purpose by the Ministry.

## PART V

Regulation 19.

## WIDOW'S ORDINARY GRATUITY

1. The gratuity referred to in Regulation 19 shall be of such amount as the Ministry with the consent of the Ministry of Finance shall determine but not exceeding one-twelfth of her husband's annual pensionable pay for each completed year of pensionable service provided that where her husband has served for a period of less than seven years his pensionable service shall for purposes of this assessment only be reckoned as seven years.

2. Where the date of the death of the husband is the 1st July, 1949, or any later date paragraph 1 shall apply as though for the reference therein to "annual" there were substituted a reference to "average."

## PART VI

Regulation 21.

## DISCRETIONARY INCREASE IN WIDOW'S PENSION WHERE HUSBAND DIED BEFORE 5TH JULY, 1948.

The periods referred to in Regulation 21 are as follows :—

- (i) any period after the widow has attained the age of sixty ;
- (ii) any period during which the widow has a family within the meaning of the Family Allowances Act, (Northern Ireland), 1945, which includes a child in receipt of an allowance from the Ministry ;
- (iii) any period during which the widow is incapable of self-support within the meaning of paragraph (a) of subsection (5) of section thirty-five of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, by reason of any infirmity which rendered her incapable of self-support within the meaning of the said enactment either on 5th July, 1948, or at the expiry of the period mentioned in sub-paragraph (ii) ;
- (iv) if the conditions specified in sub-paragraph (iii) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of any period of incapability of self-support within the meaning of sub-paragraph (iii) which expires at a date when either the widow has attained the age of sixty or ten years have elapsed since the date of the marriage and the widow has attained the age of fifty ;
- (v) and if the conditions specified in sub-paragraph (ii) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of the period mentioned in sub-paragraph (ii) if at the expiry of that period either the widow has attained the age of sixty or ten years have elapsed since the marriage and the widow has attained the age of forty.

## THIRD SCHEDULE

Regulation 25.

## PART I

## CHILD'S ORDINARY ALLOWANCE

1. Subject as hereafter in this Schedule provided, a child's ordinary allowance shall, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member—

- (a) a rank higher than that of Assistant-Paymaster, be at the rate of eight shillings and one penny a week ;
- (b) the rank of Assistant -Paymaster be at the rate of six shillings and sevenpence a week ;
- (c) a rank lower than that of Assistant-Paymaster, be at the rate of five shillings and fivepence a week.

2. Where both parents of the child are dead at the time when the allowance becomes payable, the child's ordinary allowance shall, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member—

- (a) a rank higher than that of Assistant-Paymaster, be at the rate of twelve shillings and twopence a week ;
- (b) the rank of Assistant-Paymaster, be at the rate of nine shillings and elevenpence a week ;
- (c) a rank lower than that of Assistant-Paymaster, be at the rate of eight shillings and twopence a week.

3. Where a child's surviving parent dies while the child is entitled to a child's ordinary allowance, the allowance shall, as from the date of the death, be determined in accordance with paragraph 2.

#### PART IA

##### CHILD'S ORDINARY ALLOWANCE

Regulation 25.

1. Subject as hereafter in this Schedule provided, a child's ordinary allowance shall, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member—

- (a) a rank higher than that of Assistant Paymaster, be at the rate of eight shillings and sixpence a week ;
- (b) the rank of Assistant Paymaster, be at the rate of seven shillings and sixpence a week ;
- (c) a rank lower than that of Assistant Paymaster, be at the rate of six shillings and sixpence a week.

2. Where both parents of the child are dead at the time when the allowance becomes payable, the child's ordinary allowance shall, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member—

- (a) a rank higher than that of Assistant Paymaster, be at the rate of twelve shillings and ninepence a week ;
- (b) the rank of Assistant Paymaster, be at the rate of eleven shillings and threepence a week ;
- (c) a rank lower than that of Assistant Paymaster, be at the rate of nine shillings and ninepence a week.

3. Where a child's surviving parent dies while the child is entitled to a child's ordinary allowance, the allowance shall, as from the date of the death, be determined in accordance with paragraph 2.

#### PART II

##### CHILD'S SPECIAL ALLOWANCE

Regulation 26.

1. Subject as hereinafter provided, a child's special allowance shall be at the rate of an amount, which shall be increased in accordance with the provisions of subparagraph (4) of Regulation 56, equal to one-fifteenth of the annual pensionable pay for a week of the parent in respect of whose death the allowance is payable.

2. If neither parent of the child is alive at the time when the allowance first becomes payable, the child's special allowance shall be at a rate equal to an amount, which shall be increased in accordance with the provisions of paragraph (4) of Regulation 56, equal to one-tenth of the annual pensionable pay for a week of the parent in respect of whose death the allowance is payable.

3. Where a child's surviving parent dies while the child is entitled to a child's special allowance, the allowance shall, as from the date of the death, be determined in accordance with paragraph 2.

4. Where the date of the death of the parent in respect of whose death the allowance is payable is the 1st July, 1949, or any later date paragraphs 1 and 2 shall apply as though for any reference therein to "annual pensionable pay" there were substituted a reference to "average pensionable pay."

Regulation 27.

### PART III

#### DISCRETIONARY INCREASE IN CHILD'S ALLOWANCE

1. Where both parents of the child are dead—

- (a) a child's ordinary allowance may be increased, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member—
  - (i) a rank higher than that of Assistant-Paymaster, to a rate not exceeding sixteen shillings and twopence a week,
  - (ii) the rank of Assistant-Paymaster, to a rate not exceeding thirteen shillings and twopence a week,
  - (iii) a rank lower than that of Assistant-Paymaster, to a rate not exceeding ten shillings and tenpence a week ;
- (b) a child's special allowance may be increased to an amount, which shall be increased in accordance with the provisions of paragraph (4) of Regulation 56, equal to two-fifteenths of the annual pensionable pay for a week of the parent in respect of whose death the allowance is payable.

2. Where the parent in respect of whose death the allowance is payable was the child's father—

- (a) and the mother of the child is alive and would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act, (Northern Ireland), 1946, but for the fact that the father had not satisfied the contribution condition set out in paragraph (a) of sub-paragraph (1) of paragraph 4 of the Third Schedule to the said Act, then, if the child is entitled to a child's allowance in respect of the death of the father the child's allowance in respect of any week during which—
  - (i) the mother is not receiving a retirement pension under the said Act,
  - (ii) the child is the only child included in a family within the meaning of the Family Allowances Act, (Northern Ireland), 1945, or that one of the children so included who is older than the others.
  - (iii) where the allowance is a child's special allowance, no allowance is payable under section twenty-one of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, in respect of that child, and
  - (iv) no grant is payable to or in respect of the child out of any naval, military or air force fund in pursuance of any royal warrant or other instrument or under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939,
 may be increased to a rate not exceeding seven shillings and sixpence a week ;
- (b) and the father had attained the age of sixty-five on the 5th July, 1948, and the mother of the child is dead, the child's allowance in respect of any week during which—
  - (i) no person is receiving a guardian's allowance under the National Insurance Act (Northern Ireland), 1946, in respect of that child,
  - (ii) the child is included in a family within the meaning of the Family Allowances Act (Northern Ireland), 1945, and
  - (iii) where the child's allowance is a child's special allowance, no allowance is payable under section twenty-one of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, in respect of that child,
  - (iv) no grant is payable to or in respect of the child out of any naval, military or air force fund in pursuance of any royal warrant or other instrument or under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939,
 may be increased to a rate not exceeding twelve shillings a week.

## PART IIIA

## DISCRETIONARY INCREASE IN CHILD'S ALLOWANCE

Regulation 27.

## 1 Where both parents of the child are dead —

- (a) a child's ordinary allowance may be increased, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member —
- (i) a rank higher than that of Assistant Paymaster, to a rate not exceeding seventeen shillings a week,
  - (ii) the rank of Assistant Paymaster, to a rate not exceeding fifteen shillings a week,
  - (iii) a rank lower than that of Assistant Paymaster, to a rate not exceeding thirteen shillings a week ;
- (b) a child's special allowance may be increased to an amount, which shall be increased in accordance with the provisions of paragraph (4) of Regulation 56, equal to two-fifteenths of the average pensionable pay for a week of the parent in respect of whose death the allowance is payable.

## 2. Where the parent in respect of whose death the allowance is payable was the child's father —

- (a) and the mother of the child is alive and would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act, (Northern Ireland), 1946, but for the fact that the father had not satisfied the contribution condition set out in paragraph (a) of sub-paragraph (1) of paragraph 4 of the Third Schedule to the said Act, then, if the child is entitled to a child's allowance in respect of the death of the father the child's allowance in respect of any week during which —
- (i) the mother is not receiving a retirement pension under the said Act,
  - (ii) the child is the only child included in a family within the meaning of the Family Allowances Act (Northern Ireland), 1945, or that one of the children so included who is older than the others.
  - (iii) where the allowance is a child's special allowance, no allowance is payable under section twenty-one of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, in respect of that child, and
  - (iv) no grant is payable to or in respect of the child out of any naval, military or air force fund in pursuance of any royal warrant or other instrument or under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939,
- may be increased to a rate not exceeding seven shillings and sixpence a week;
- (b) and the father had attained the age of sixty-five on the 5th July, 1948, and the mother of the child is dead, the child's allowance in respect of any week during which —
- (i) no person is receiving a guardian's allowance under the National Insurance Act (Northern Ireland), 1946, in respect of that child,
  - (ii) the child is included in a family within the meaning of the Family Allowances Act (Northern Ireland), 1945, and
  - (iii) where the child's allowance is a child's special allowance, no allowance is payable under section twenty-one of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, in respect of that child,
  - (iv) no grant is payable to or in respect of the child out of any naval, military or air force fund in pursuance of any royal warrant or other instrument or under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939,
- may be increased to a rate not exceeding twelve shillings a week.

## PART IV

## REDUCTION IN CHILD'S ALLOWANCE

Regulation 27.

1. In the circumstances hereinafter set out the amount of an allowance ascertained under Part I or Part IA or, as the case may be, Part II of this Schedule, or if the Ministry with the consent of the Ministry of Finance decide in their discretion to increase such an allowance in accordance with Regulation 27 the maximum to which

that allowance may be increased under the said Regulation shall be reduced by the appropriate amount hereinafter set out, and if the appropriate amount is greater than the amount of the allowance or the said maximum, the amount of the allowance shall be reduced to nothing.

2. Where a child who is entitled to an allowance is the only child in that family so entitled or that one of the children in that family so entitled who is older than the others and the child's mother is in receipt under the National Insurance Act (Northern Ireland) 1946, of a widow's allowance or a retirement pension, which is increased under section twenty-two of the said Act, or of a widowed mother's allowance under the said Act, then that child's allowance shall be reduced by seven shillings and sixpence a week.

3. Where an allowance is payable in respect of a child under section twenty-one of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and a child's special allowance is also payable to that child, the said child's special allowance shall be reduced by seven shillings and sixpence a week.

4. Where an allowance is payable in respect of a child under the Family Allowances Act (Northern Ireland), 1945, that child's allowance shall be reduced by five shillings a week.

5. Where a guardian's allowance is payable in respect of a child under the National Insurance Act, (Northern Ireland), 1946, that child's allowances shall be reduced by twelve shillings a week.

#### PART V

Regulation 28.

#### CHILD'S GRATUITY

The gratuity referred to in Regulation 28 shall be such sum as may be agreed between the Ministry and the father, mother or guardian, as the case may be, not exceeding the capitalised value of the allowance to which the gratuity is an alternative determined in accordance with tables prepared from time to time by the Ministry.

#### PART VI

Regulation 31.

#### DISCRETIONARY INCREASE IN CHILD'S ALLOWANCE WHERE PARENT DIED BEFORE 5TH JULY, 1948

1. Where a child is entitled to an allowance under paragraph (1) of Regulation 31 and the amount of the allowance as ascertained under the provisions of the said Regulation is less than seven shillings and sixpence a week or where a child is granted an allowance under paragraph (5) of the said Regulation, and —

(a) the parent in respect of whose death the allowance is payable was his father;

(b) the mother of the child is alive;

then in respect of any week during which the mother is not receiving widow's benefit or a retirement pension under the National Insurance Act (Northern Ireland), 1946, and no grant is payable to or in respect of the child out of any naval, military or air force fund in pursuance of any royal warrant or other instrument or under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939, and during which the child is the only child included in a family within the meaning of the Family Allowances Act, (Northern Ireland), 1945, or that one of the children so included who is older than the others the Ministry with the consent of the Ministry of Finance may in their discretion grant an allowance of seven shillings and sixpence a week, or increase the amount of the allowance, if any, to which the child is entitled, by the difference between the amount of the allowance ascertained as aforesaid and seven shillings and sixpence a week.

2. Where a child is entitled to an allowance under paragraph (1) of Regulation 31 and the amount of the allowance as ascertained under the provisions of the said Regulation is less than twelve shillings a week, or where a child is granted an allowance under paragraph (5) of the said Regulation, and

(a) the person in respect of whose death the allowance is payable was his father,

(b) the mother of the child is dead,



then in respect of any week during which no person is receiving a guardian's allowance under the National Insurance Act (Northern Ireland), 1946, in respect of that child, and no grant is payable to or in respect of the child out of any naval, military or air force fund in pursuance of any royal warrant or other instrument or under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939, the Ministry with the consent of the Ministry of Finance may in their discretion —

- (i) in the case of a child who is the only child included in a family within the meaning of the Family Allowances Act, (Northern Ireland), 1945, or that one of the children so included who is older than the others, grant an allowance of twelve shillings a week or increase the amount of the allowance, if any, to which the child is entitled by the difference between the amount of the allowance ascertained as aforesaid and twelve shillings a week ;
- (ii) in the case of any other child included in a family within the meaning of the Family Allowances Act (Northern Ireland), 1945, grant an allowance of seven shillings a week.

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FOURTH SCHEDULE

Staff Officer,  
 Assistant Staff Officer,  
 Barrack Master,  
 Paymaster,  
 Assistant Paymaster,  
 Headquarters Clerks,  
 Special Service Driver

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ULSTER TRANSPORT AUTHORITY

*Transferred Undertakings :*  
*Compensation, p. 657*  
*Pensions, p. 667*

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**Compensation**

REGULATIONS,\* DATED 18TH MAY, 1950, MADE BY THE MINISTRY OF COMMERCE, WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER SECTION 38 OF THE TRANSPORT ACT (NORTHERN IRELAND), 1948 (a).

1950. No. 113

The Ministry of Commerce, in exercise of the powers conferred upon it by section 38 of the Transport Act (Northern Ireland), 1948, hereby makes the following Regulations :—

1.—(1) These Regulations shall come into operation on 28th June, 1950, and shall be deemed to have had effect from 30th September, 1948.

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(a) 1948 Ch. 16, (N.I.)

\* These Regulations were approved in draft in accordance with subsection (3) of Section 71 of the Transport Act (N.I.), 1948, by the Senate and the House of Commons on 27th June, 1950.