

TRANSPORT TRIBUNAL FOR NORTHERN IRELAND

ORDER DATED 27TH AUGUST, 1951, MADE BY THE MINISTRY OF COMMERCE UNDER THE TRANSPORT ACT (NORTHERN IRELAND), 1948.

1951. No. 153

The Ministry of Commerce in exercise of the powers vested in it by sub-section two of section forty-seven of the Transport Act (Northern Ireland), 1948, hereby makes the following Order :—

1. The 1st day of September, 1951, shall be the appointed day for the purposes of Part VI of the Transport Act (Northern Ireland), 1948.

2. This Order may be cited as the Transport Tribunal for Northern Ireland (Appointed Day) Order, 1951.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 27th day of August, 1951, in the presence of

(L.S.)

Arthur Acheson Farrell,
Assistant Secretary.

ULSTER SPECIAL CONSTABULARY**Pensions**

REGULATIONS, DATED 29TH JUNE, 1951, 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.

1951. No. 123

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

1. For paragraph (1) of Regulation 3 of the Ulster Special Constabulary Pensions Regulations, 1950, (hereafter in these Regulations referred to as the "Principal Regulations") there shall be substituted the following paragraphs :—

" (1) Where a full-time member retires from the force he shall receive a gratuity, provided that, at the date of retirement, either —

- (a) 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, or
 - (b) he has attained the age of sixty years.
- “ (1A) Where a part-time member, who is mobilised for full-time service, ceases to be so mobilised he shall receive a gratuity provided that —
- (a) at the date of such cessation he is entitled to reckon at least seven years' pensionable service, and
 - (b) the cessation was not due to his voluntarily relinquishing mobilised service or to his being removed from such service on account of misconduct, and
 - (c) he is not entitled to an award under the provisions of Regulation 4.”

2. For Regulation 5 of the Principal Regulations there shall be substituted the following Regulation :—

“ 5. Where a member retires from the force and no other award is payable to him under these Regulations, other than an award under paragraph (1A) of Regulation 3, he shall receive an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service.”

3. At the end of Regulation 13 of the Principal Regulations there shall be inserted the words “ or was a person who on 1st July, 1951, held an appointment specified in Part II or Part III of the Fourth Schedule.”

4. After Regulation 13 of the Principal Regulations there shall be inserted the following Regulations :—

“ 13A. Notwithstanding anything in these Regulations a member who holds an appointment specified in either Part II or Part III of the Fourth Schedule shall be deemed to be a permanent member ; provided, however, that this Regulation shall not apply to a member who holds such an appointment on 1st July, 1951, and who notifies the Ministry in the manner and within such time as the Ministry may approve that he does not wish it to apply to him, and such member shall for all the purposes of these Regulations be deemed to be a full-time member and paragraph (5) of Regulation 38 shall not apply to him.

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

5. After Regulation 32 of the Principal Regulations there shall be inserted the following Regulation :—

“ 32A. Where a part-time member who is mobilised for full time service dies and at the date of his death was entitled to reckon at least seven years pensionable service the Ministry, provided his death was not the result of an injury received in the execution of his duty without his own default, shall pay to or for the benefit of his widow or to or for the benefit of his widow and child or children an amount equivalent to the amount of the gratuity to which he would have been entitled under the provisions of paragraph (1A) of Regulation 3 had he ceased to be mobilised on the said date and had the cessation not been due to his voluntarily relinquishing mobilised service or to his being removed from such service on account of misconduct.”

6. In paragraph (1) of Regulation 33 of the Principal Regulations after the word “ Regulations ” there shall be inserted the words “ except under Regulation 32A.”

7. For sub-paragraph (ii) of paragraph (3) of Regulation 35 of the Principal Regulations there shall be substituted the following sub-paragraph :—

“ (ii) In reckoning the pensionable service of a permanent member for the purpose of the calculation of an award under the provisions of Regulations 9, 10, and 11 there shall, subject to the provisions of Regulation 37A, be taken into account only service as a permanent member in an appointment specified in the Fourth Schedule, provided that in respect of a member who, on 1st July, 1951, first became a permanent member in an appointment specified in Part II of the said Schedule there shall be reckoned as pensionable service any previous period since the 1st October, 1950, during which he served as a full-time member, and provided further that in respect of a member who, on the 1st July, 1951, first became a permanent member in an appointment specified in Part III of the said Schedule there shall be reckoned as pensionable service any previous period since the 1st June, 1946, during which he served continuously as a full-time member.”

8. After Regulation 37 of the Principal Regulations there shall be inserted the following Regulations :—

“ 37A.—(1) A permanent member shall be entitled on making payment to the Ministry in such manner and within such period as the Ministry with the consent of the Ministry of Finance may approve of the amount specified in paragraph (2) to reckon as pensionable service for the purposes of Regulations 9, 10, and 11 one half of any continuous service in the force in a whole-time paid capacity provided that for this purpose no account shall be taken of service before the

22nd November, 1921, of any period of service which under the Ulster Special Constabulary Pensions Order, 1936, made by the Minister on the 19th November, 1936, or under sub-paragraph (ii) of paragraph (3) of Regulation 35 is reckonable in whole or in part as approved or pensionable service nor of any period of mobilised service in respect of which the member becomes or became entitled to a gratuity under the provisions of paragraph (1A) of Regulation 3 and for the purpose of this Regulation continuous service in the force shall be construed as including any period of service in the armed forces of the Crown which the member was entitled to reckon as pensionable service under the provisions of paragraph (2) of Regulation 35.

(2) The payment referred to in paragraph (1) shall be one half of any sum which the member may have received as Bounty in lieu of pension in respect of such continuous full-time service together with $2\frac{1}{2}$ per cent. of the pay received in respect of such service.

(3) For the purposes of calculating continuous service under paragraph (1) absence from full-time service for any period not exceeding three years shall not be regarded as breaking the continuity of service.

“ 37B. Notwithstanding anything in this Part of these Regulations a member shall be entitled to reckon as pensionable service for the purpose of paragraph (1A) of Regulation 3 and for the purpose of calculating the amount of any gratuity payable under the provisions of the said paragraph all his continuous mobilised service after the 21st November, 1921, excluding any such service previously reckoned for the said purpose and in respect of which a gratuity became payable under the said provisions and such continuous mobilised service shall alone be reckoned for the said purpose. In the application of this Regulation absence from mobilised service for a period not exceeding three years shall not be deemed to break the continuity of such service.”

9. After paragraph (4) of Regulation 38 of the Principal Regulations there shall be inserted the following paragraph :—

“ (5) Subject to the provisions of Regulation 13A paragraph (4) shall, with effect from 1st October, 1950, cease to apply to a member holding an appointment as Adjutant.”

10. In paragraph (2) of Regulation 46 of the Principal Regulations there shall be omitted the words “ and the Ministry of Finance ” and in paragraph (4) of the said Regulation there shall be omitted the words “ with the consent of the Ministry of Finance.”

11. After Regulation 52 of the Principal Regulations there shall be inserted the following Regulations :—

" 52A. Retirement shall be compulsory for full-time members and for permanent members to whom Regulation 12 does not apply on attaining the age of sixty years, 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 five years, on being satisfied that such extension would be in the interests of efficiency provided that nothing in this Regulation shall require the member who, on 1st July, 1951, holds the post of County Commandant, Co. Tyrone, to retire before the 12th July, 1953.

" 52B. A member for whom a compulsory retirement age is, with effect from 1st July, 1951, prescribed in these Regulations and who on that date has already attained the age of sixty-five years shall retire on such date thereafter as the Minister may determine that he ought so to retire, not being later than 1st January, 1952."

12. At the end of paragraph (5) of Regulation 56 of the Principal Regulations there shall be inserted the words " provided that for the purposes of this paragraph no account shall be taken of any period of mobilised service in respect of which a gratuity became payable under the provisions of paragraph (1A) of Regulation 3 nor of any pension contributions or rateable deductions made in respect of any such period."

13. For the Fourth Schedule to the Principal Regulations there shall be substituted the Schedule appended to these Regulations.

14. Regulations 57 and 58 of the Principal Regulations shall not apply in relation to any pension, gratuity or other award authorised by any amendment of or addition to the Principal Regulations effected by these Regulations.

15. No amendment of or addition to the Principal Regulations by these Regulations effected shall be construed as authorising the payment of a pension, gratuity or other award to or in respect of a member who retires, dies or ceases to be mobilised before 1st July, 1951.

16. These Regulations shall have effect as from 1st July, 1951, and may be cited as the Ulster Special Constabulary Pensions (Amending) Regulations, 1951, and shall be construed as one with the Ulster Special Constabulary Pensions Regulations, 1950, and those Regulations and these Regulations may be cited together as the Ulster Special Constabulary Pensions Regulations, 1950 and 1951.

Dated this 29th day of June, 1951.

Brian Maginess

Minister of Home Affairs for Northern Ireland.