

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

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

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

WINTER ASSIZE

The Northern Ireland Winter Assize Order, 1955

1955. No. 163.

[NC]

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

ULSTER SPECIAL CONSTABULARY:

Pensions

REGULATIONS DATED 3RD NOVEMBER 1955, MADE BY THE MINISTER OF HOME AFFAIRS UNDER THE SPECIAL CONSTABLES ACT, 1914, AS EXTENDED AND AMENDED BY THE CONSTABULARY ACT (NORTHERN IRELAND), 1922, AND THE CONSTABULARY (PENSIONS) ACT (NORTHERN IRELAND); 1949.

1955. No. 171

[NC]

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

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

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

2. For paragraph (2A) of Regulation 14 of the Principal Regulations, as set out in Regulation 1 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1952, and amended by Regulation 4 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954, there shall be substituted the following paragraph:—

“(2A) A widow’s ordinary pension, including such a pension granted before the 25th April, 1955, shall be of the amount described in Part I of the Second Schedule, provided that where the date of the death of the husband is the 6th April, 1949, or any later date up to and including the 30th June, 1949, the pension in respect of any period after the 24th April, 1955, shall not be of less amount than it would have been if calculated in accordance with Part IA of the Second Schedule and where the date of the death of the husband is the 1st July, 1949, or any later date the pension in respect of any period after the 24th April, 1955, shall be of the amount described in the said Part IA.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. For paragraph 2A of Part III of the Second Schedule to the Principal Regulations as set out in Regulation 14 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1952, and amended by Regulation 22 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954, there shall be substituted the following paragraph:—

“2A. If she is entitled to a widowed mother’s allowance under the said Act that allowance shall for the purposes of this Part of this Schedule be deemed to be less than it is by the amount of eight shillings, together with three shillings and sixpence for each child included in her family within the meaning of the Family Allowance Act (Northern Ireland), 1945.”

10. For paragraph 3 of Part VII of the Second Schedule to the Principal Regulations as set out in Regulation 3 of the Ulster Special Constabulary Pensions (Amending (No. 2) Regulations, 1954, there shall be substituted the following paragraph:—

“3. If she is entitled to a widowed mother’s allowance under the said Act that allowance shall for the purposes of this Part of this Schedule be deemed to be less than it is by the amount of eight shillings, together with three shillings and sixpence for each child included in her family within the meaning of the Family Allowance Act (Northern Ireland), 1945.”

11. For sub-paragraph (b) of paragraph 2 of Part III and Part IIIA of the Third Schedule to the Principal Regulations as amended by Regulation 16 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1952, and by Regulations 26 and 27 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954, there shall be substituted the following sub-paragraph:—

“(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 eighteen shillings a week."

12. For sub-paragraphs (a) and (b) of paragraph 3 of Part III of the Third Schedule to the Principal Regulations as set out in Regulation 16 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1952, and amended by Regulation 26 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954, there shall be substituted the following sub-paragraphs:—

- " (a) 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 those children so included who is older than the others to a rate not exceeding eleven shillings and sixpence a week,
- (b) in any other case to a rate not exceeding eight shillings and sixpence a week."

13. For sub-paragraph (a) of paragraph 3 of Part IIIA of the Third Schedule to the Principal Regulations as set out in Regulation 16 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1952, and amended by Regulation 27 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954, there shall be substituted the following sub-paragraph:—

- " (a) 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 those children so included who is older than the others to a rate not exceeding eleven shillings and sixpence a week."

14. For Part VI of the Third Schedule to the Principal Regulations as amended by Regulation 18 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1952, and Regulation 29 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1954, there shall be substituted the following Part:—

"PART VI

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 of the Schedule and the amount of the allowance as ascertained under the provisions of the said Regulation is less than eleven 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 and
- (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, 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—

- (i) the increase in the amount of the allowance under paragraph (1) of the said Regulation as so ascertained shall be the difference between that amount and eleven shillings and sixpence a week, or
- (ii) the allowance granted under paragraph (5) of the said Regulation shall be eleven shillings and sixpence a week;

and in the case of any other child included in a family within the meaning of the Family Allowances Act (Northern Ireland), 1945, where that one of the children so included who is older than the others is in receipt of an allowance granted under paragraph (5) of the said Regulation the allowance granted under the said paragraph shall be three 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 eighteen 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 and
- (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, 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—

- (i) the increase in the amount of the allowance under paragraph (1) of the said Regulation as so ascertained shall be the difference between that amount and eighteen shillings a week, or
- (ii) the allowance granted under paragraph (5) of the said Regulation shall be eighteen shillings a week,

and in the case of any other child included in a family within the meaning of the Family Allowances Act (Northern Ireland), 1945, the allowance granted under paragraph (5) of the said Regulation shall be ten shillings a week."

15. For Part I of the Fourth Schedule to the Principal Regulations as set out in the Schedule appended to the Ulster Special Constabulary Pensions (Amending) Regulations, 1951, there shall be substituted the following Part:—

PART I

Staff Officer
 Assistant Staff Officer
 Superintendent, Royal Ulster Constabulary
 Central Stores
 Pay Master
 Assistant Pay Master
 Headquarters Clerk
 Special Service Driver

16. These Regulations shall have effect as from the 25th April, 1955, and may be cited as the Ulster Special Constabulary Pensions (Amending) Regulations, 1955, and shall be construed as one with the Ulster Special Constabulary Pensions Regulations, 1950 to 1954, and these Regulations and those Regulations may be cited together as the Ulster Special Constabulary Pensions Regulations, 1950 to 1955.

Dated this 3rd day of November, 1955.

George B. Hanna,
 Minister of Home Affairs
 for Northern Ireland.

ULSTER TRANSPORT AUTHORITY

*Abandonment of Railway
 Lines, p. 532*

*Terms and Conditions of
 Employment, p. 534*

Abandonment of Railway Lines

AN ORDER FOR ABANDONMENT, DATED THE 23RD DAY OF SEPTEMBER, 1955, MADE BY THE MINISTRY OF COMMERCE IN EXERCISE OF THE POWERS VESTED IN IT UNDER SECTION 58 OF THE TRANSPORT ACT (NORTHERN IRELAND), 1948 (a).

1955. No. 158

[NC]