

(2) There shall be ascertained the amount by which, if the member had, on retiring from the force, been entitled to a pension reducible under the provisions of the said Part III, that pension would be reduced on his attaining the age of sixty-five.

(3) The amount referred to in sub-paragraph (1) shall be the product obtained by multiplying the amount shown in the second column of the subjoined table in relation to an age which corresponds with that of the member when he retired from the force by the ratio which the amount ascertained in accordance with sub-paragraph (2) bears to £1.

TABLE

Age	Amount		
	£	s.	d.
Under 25	1	14	0
25 and under 26	1	16	0
26 and under 27	1	18	0
27 and under 28	2	0	0
28 and under 29	2	2	0
29 and under 30	2	4	0
30 and under 31	2	7	0
31 and under 32	2	9	0
32 and under 33	2	11	0
33 and under 34	2	13	0
34 and under 35	2	15	0
35 and under 36	2	18	0
36 and under 37	3	0	0
37 and under 38	3	2	0
38 and under 39	3	5	0
39 and under 40	3	7	0
40 and under 41	3	10	0
41 and under 42	3	13	0
42 and under 43	3	15	0
43 and under 44	3	18	0
44 and under 45	4	1	0
45 and under 46	4	4	0
46 and under 47	4	7	0
47 and under 48	4	10	0
48 and under 49	4	14	0
49 and under 50	4	18	0
50 and under 51	5	1	0
51 and under 52	5	5	0
52 and under 53	5	9	0
53 and under 54	5	13	0
54 and under 55	5	17	0
55 and under 56	6	2	0
56 and under 57	6	8	0
57 and under 58	6	14	0
58 and over	7	0	0

### PART-TIME FIRE OFFICERS AND FIREMEN: PENSIONS

ORDER, DATED 3RD DECEMBER, 1955, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SUB-SECTIONS (1) AND (3) OF SECTION TEN OF THE FIRE SERVICES (AMENDMENT) ACT (NORTHERN IRELAND), 1950.

1955. No. 182.

[C]

The Ministry of Home Affairs, by virtue and in exercise of the powers conferred upon it by sub-sections (1) and (3) of section

ten of the Fire Services (Amendment) Act. (Northern Ireland), 1950(a), hereby makes the following Order, that is to say:—

1. The provisions of the Ulster Special Constabulary Pensions Regulations, 1950(b), as amended by the Ulster Special Constabulary Pensions (Amending) Regulations, 1951(c), the Ulster Special Constabulary Pensions (Amending) Regulations, 1952(d), the Ulster Special Constabulary Pensions (Amending) Regulations, 1954(e), the Ulster Special Constabulary Pensions (Amending) (No. 2) Regulations, 1954(f), and the Ulster Special Constabulary Pensions (Amending) Regulations, 1955(g), shall, as set out in the Schedule hereto and subject to the exceptions and modifications therein specified, apply to the fire officers and firemen employed in a part-time capacity by the Northern Ireland Fire Authority.

2. This Order may be cited as the Fire Services (Part-time Fire Officers and Firemen) Pensions Order (Northern Ireland), 1955, and shall, save as may otherwise be provided in the Schedule hereto, have effect from 1st October, 1952.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 3rd day of December, nineteen hundred and fifty-five, in the presence of

(L.S.)

*R. F. R. Dunbar,*  
Assistant Secretary.

## SCHEDULE

Extent of the application of the provisions of the Ulster Special Constabulary Pensions Regulations, 1950 to 1955, to fire officers and firemen employed in a part-time capacity by the Northern Ireland Fire Authority.

### ARRANGEMENT OF REGULATIONS

#### PART I

##### GENERAL

##### REGULATION

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

#### PART II

##### AWARDS ON RETIREMENT AND DISABLEMENT

4. Member's injury pension.

(a) 1950, c. 4.

(b) S.R. & O. (N.I.) 1950 No. 97.

(c) S.R. & O. (N.I.) 1951 No. 123.

(d) S.R. & O. (N.I.) 1952 No. 157.

(e) S.R. & O. (N.I.) 1954 No. 30.

(f) S.R. & O. (N.I.) 1954 No. 119.

(g) S.R. & O. (N.I.) 1955 No. 171.

## PART IV

## AWARDS ON DEATH

*Widows*

16. Widow's pension.
18. Gratuity in lieu of pension.
20. Date of payment of award.
22. Limitation on award to widow with reference to date of marriage.
23. Limitation on award to widow living apart from husband.
24. Termination of widow's pension on remarriage.

*Children*

26. Child's allowance.
27. Variation in child's allowance.
28. Gratuity in lieu of child's allowance.
29. Limitation on right to child's allowance.
30. Duration of child's allowance.

*Widows, Children and Dependants*

33. Awards to relatives.
34. Prevention of duplication.

## PART V

## PENSIONABLE SERVICE

35. Reckoning of pensionable service.
36. Additions to pensionable service.

## PART VII

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

## REGULATION

40. Reassessment of injury pension.
41. Reduction, suspension or disallowance of an award: abatement of arrears.
44. Withdrawal of pension or allowance for misconduct.
45. Discharge of liability of Authority 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 persons entitled.

## PART X

## COMPULSORY RETIREMENT

51. Compulsory retirement on grounds of disablement.
52. Effect of requirement to retire.

## PART XI

## MISCELLANEOUS AND SUPPLEMENTAL

- 54. Posthumous children.
- 55. Pensionable pay.
- 56. Interpretation.
- 59. Equivalent ranks.

## SCHEDULES

## FIRST SCHEDULE

Part IV—Standard amount for Regulation 4.

## SECOND SCHEDULE

Part III—Widow's pension.

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

## THIRD SCHEDULE

Part II —Child's allowance.

Part IIIA—Discretionary increase in child's allowance.

Part IV —Reduction in child's allowance.

Part V —Child's gratuity.

## PART I

## GENERAL

REGULATION 1. Applied with modification as follows:—

*Entitlement to award*

1.—(1) Subject to the provisions of these Regulations, every part-time member of the fire force of the Northern Ireland Fire Authority (hereafter in these Regulations referred to as a "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 fireman without his own default shall, subject to the provisions of Regulation 4, be entitled to an award under these Regulations on retiring from that fire force (hereafter in these Regulations referred to as "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 Authority.

(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 or 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,

REGULATION 2. Applied with modification as follows:—

*Duration, amount and payment of awards*

2.—(1) A pension shall be for life unless it is varied, suspended, terminated or withdrawn under these Regulations.

(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 pensionable pay and shall, subject to the provisions of Regulation 4, be payable in respect of each week after his retirement.

(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

REGULATION 3. Not applied.

REGULATION 4. Applied with modification as follows:—

*Member's injury pension*

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 (hereafter in this Regulation referred to as "the relevant injury"), the award shall be an injury pension, which shall be payable only in respect of any week in respect of which—

- (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 injury 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; and

(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.

(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.

REGULATIONS 5 TO 8. Not applied.

### PART III

#### PERMANENT MEMBERS

REGULATIONS 9 TO 13B. Not applied.

### PART IV

#### AWARDS ON DEATH

##### *Widows*

REGULATIONS 14 AND 15. Not applied.

REGULATION 16. Applied with modification as follows:—

##### *Widow's pension*

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 fireman without his own default, the award to his widow shall be a widow's pension.

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

REGULATION 17. Not applied.

REGULATION 18. Applied with modification as follows:—

*Gratuity in lieu of pension*

18. Where a widow is entitled to a pension and the Authority 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.

REGULATION 19. Not applied.

REGULATION 20. Applied with modification as follows:—

*Date of payment of award*

20. A pension or gratuity awarded to a widow shall be payable on the death of her husband except 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.

REGULATION 21. Not applied.

REGULATION 22. Applied with modification as follows:—

*Limitation on award to widow with reference to date of marriage*

22. A widow shall not be entitled to a widow's pension unless she was married to her husband before he last ceased to be a member.

REGULATION 23. Applied with modification as follows:—

*Limitation on award to widow 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, then, notwithstanding anything in these Regulations, 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 Authority 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.

REGULATION 24. Applied with modification as follows:—

*Termination of widow's pension on remarriage*

24.—(1) Where a pension becomes payable to a widow under these Regulations, then, if she subsequently remarries, she shall not be entitled to receive any payment on account of the pension in respect of any period after her remarriage:

Provided that, if at any time after her remarriage she again becomes a widow, the Authority 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 Authority 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*

REGULATION 25. Not applied.

REGULATION 26. Applied with modification as follows:—

#### *Child's 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 as a fireman without his own default, each of his children shall be entitled to a child's allowance determined in accordance with Part II of the Third Schedule.

REGULATION 27. Applied with modification as follows:—

#### *Variation in child's allowance*

27.—(1) Subject to the provisions of these Regulations, a child's allowance may, if the Authority in their discretion from time to time think fit, be increased in accordance with Part IIIA of the Third Schedule.

(2) Notwithstanding anything in Regulation 26 a child's allowance shall, in the circumstances described in Part IV of the Third Schedule and 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.

REGULATION 28. Applied with modification as follows:—

#### *Gratuity in lieu of child's allowance*

28. Where a child is entitled to an allowance under these Regulations and the Authority 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.

REGULATION 29. Applied without modification.

#### *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.

REGULATION 30. Applied with modification as follows:—

*Duration of child's allowance*

30.—(1) A child's allowance shall be payable on the death of the person in respect of whose death the allowance is payable except where that person 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 allowance shall be payable at the end of that period.

(2) 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.

REGULATION 31. Not applied.

*Widows, Children and Dependants*

REGULATIONS 32 AND 32A. Not applied.

REGULATION 33. Applied with modification as follows:—

*Awards to relatives*

33.—(1) If a member dies as the result of an injury received in the execution of his duty as a member without his own default and no other award is payable under these Regulations the Authority may, in their discretion, grant a gratuity to any of his relatives who were dependent on him to any degree at the time of his death.

(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 Authority may, in their discretion, 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 five per cent. of the aggregate of the pay which the member or, as the case may be, the person in receipt

of the pension would have received in respect of his period of pensionable service had he been paid throughout that period at the rate of his pensionable pay.

REGULATION 34. Applied without modification.

*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

REGULATION 35. Applied with modification as follows:—

*Reckoning of pensionable service*

35.—(1) Subject to the provisions of paragraph (4) a member shall be entitled to reckon as pensionable service all his part-time service as a member on and after 1st April, 1950, 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 such service before he last rejoined the force.

(2) Subject to the provisions of paragraph (3) a member shall not be entitled to reckon as pensionable service any period of absence from duty as a member without payment of remuneration, including any period of suspension from duty terminating with his having been found guilty of an offence against discipline or a criminal offence.

(3) Where a member is or has been absent from duty without remuneration, the Authority may, in their discretion, at any time while he is a member of the force, resolve that the whole or any part of the period of absence shall be included in his period of pensionable service for the purposes of these Regulations.

(4) Notwithstanding anything in paragraph (1) in the reckoning of the pensionable service of a member each year of part-time service shall be reckoned as six months' pensionable service.

REGULATION 36. Applied with modification as follows:—

*Additions to pensionable service*

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

(a) if he was serving as such on 1st April, 1950, any continuous period of service as a retained fireman up to 31st March, 1950, in any one or more of the following services, that is to say—

- (i) the fire brigade of a local authority;
- (ii) the National Fire Service (Northern Ireland);
- (iii) the fire brigade of a fire authority under the Act of 1947;

- (b) if, having retired from the force with an injury pension, he ceases to be entitled to that pension and rejoins the force, any period of pensionable service which he was entitled to reckon when he so retired;
- (c) if, having retired from the force without an injury pension, he subsequently rejoins, so much of any period of pensionable service which he was entitled to reckon when he retired as the Authority may in their discretion think fit:

Provided that, for the purposes of this Regulation, whole-time service in the armed forces of the Crown or in the National Fire Service in Great Britain or in Northern Ireland shall not be regarded as breaking continuity of part-time service in any or all of the services referred to in paragraph (a).

REGULATIONS 37 TO 37B. Not applied.

#### PART VI

##### PENSION CONTRIBUTIONS

REGULATION 38. Not applied.

#### PART VII

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

REGULATION 39. Not applied.

REGULATION 40. Applied with modification as follows:—

##### *Reassessment of injury pension*

40. Subject as hereinafter provided, where a person is entitled to an injury pension under these Regulations, the Authority shall, at such reasonable intervals as they may think fit, consider whether the degree of the pensioner's disablement has altered, and, if after such consideration the Authority find 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.

REGULATION 41. Applied with modification as follows:—

##### *Reduction, suspension or disallowance of an award: abatement of arrears*

41.—(1) Where a member, or a person who has been a member, or any widow, child or dependant of any such member or person receives any compensation in respect of the injury or death of the member or person, 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 reduction, suspension, disallowance, amendment or cancellation will be made where it is shown to the satisfaction of the Authority that in assessing such compensation the Court had

cognisance of the fact that a pension, allowance 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 a member, or a person who has been a member, or a widow, child or dependant of any such member or person, 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 person 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.

REGULATIONS 41A TO 43. Not applied.

REGULATION 44. Applied with modification as follows:—

*Withdrawal of pension or allowance for misconduct*

44. Where any person to whom a pension or allowance is payable under these Regulations—

(a) is sentenced for any offence to preventive detention or corrective training or to imprisonment for a term exceeding twelve months, or

(b) becomes, or continues to be, engaged in any business, occupation or employment which is illegal,

the Authority may, in their discretion, withdraw the pension or allowance either wholly or in part and either temporarily or permanently; and so much of any pension or allowance as is withdrawn under this Regulation may, to such extent as the Authority, in their discretion, think fit, be applied by the Authority for the benefit of any dependant of the person to whom it would otherwise be payable:

Provided that a pension or allowance shall not be withdrawn under (b) hereof unless reasonable warning has previously been given in writing by or on behalf of the Authority.

REGULATION 45. Applied with modification as follows:—

*Discharge of liability of Authority 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 Authority shall be discharged from all actual or contingent liability in respect thereof.

## PART VIII

### DETERMINATION OF QUESTIONS

REGULATION 46. Applied with modification as follows:—

*Reference of medical questions*

46.—(1) Subject as hereinafter provided, the question whether a person is entitled to any, and, if so, what awards under these Regulations shall be determined in the first instance by the Authority.

(2) Subject to the provisions of these Regulations, the Authority shall consider the medical evidence of at least one duly qualified medical practitioner selected by the Authority before determining, for the purposes of these Regulations, any of the following questions—

- (a) whether a person is disabled;
- (b) whether a person's disablement is likely to be permanent;
- (c) whether a person's disablement is the result of an injury received in the execution of his duty as a fireman;
- (d) the degree of a person's disablement;
- (e) whether a person has brought about or substantially contributed to his disablement by his own default; and
- (f) whether a person's disability has ceased:

Provided that, where the Authority are unable to obtain such evidence by reason of the wilful or negligent failure of any person to submit to medical examination by some duly qualified medical practitioner or practitioners selected by the Authority, the Authority may dispense with such evidence and may give such decision on the question at issue as they may in their discretion choose to give, either without medical evidence or upon such medical evidence as they think fit.

(3) Where any person claims that he is entitled to a pension, allowance or gratuity under the provisions of these Regulations, or to any payment on account of any such pension, allowance or gratuity, and the Authority do not admit the claim at all, or do not admit the claim to the full extent thereof, the person concerned may apply to the Authority for a reconsideration of the claim, and, if aggrieved by the decision on such reconsideration, may appeal to the Ministry against the decision of the Authority.

(4) The Ministry shall, unless it appears to it that the case is of such a nature that it can properly be determined without taking oral evidence, arrange for the hearing of the appeal, and at any hearing the appellant shall be entitled to have an opportunity of submitting statements relating to the subject matter of the appeal, calling witnesses, giving evidence and making such representations as he desires, and shall be entitled to have the assistance in presenting his case of a person selected by himself.

(5) The Ministry shall, where a medical question is involved in the appeal, consider the medical evidence of at least one independent medical practitioner selected by it.

(6) After considering, in accordance with the foregoing provisions of this Regulation, all the circumstances of the case the Ministry shall either allow the claim to such extent as it thinks fit or dismiss the appeal:

Provided that nothing in this paragraph shall authorise the Ministry to control or restrict the exercise of any discretion which is by these Regulations vested in the Authority.

(7) The decision of the Ministry on an appeal under paragraph (3) shall be final and binding on both parties.

## PART IX

## PAYMENT AND ASSIGNMENT OF AWARDS

REGULATION 47. Applied with modification as follows:—

*Payment 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 Authority may, in their discretion, determine.

(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 Authority 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 period as they think fit.

REGULATION 48. Applied with modification as follows:—

*Assignment of awards*

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 in so far as it is made for the benefit of the family of the pensioner and with the consent of the Authority, 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.

REGULATION 49. Applied with modification as follows:—

*Payment of awards other than to persons entitled*

49.—(1) Where any sum is due on account of a pension, and any debt is due by the pensioner to the Authority, so much of the said sum as does not exceed the debt may be applied by the Authority in or towards the satisfaction of the debt.

(2) On the death of a pensioner to whom a sum not exceeding two hundred pounds is due on account of a pension, the Authority may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the Authority to be beneficially entitled to the personal estate of the deceased or, as the Authority 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 Authority may determine.

(3) Where any sum is payable to a minor on account of a pension, the Authority may, in their discretion, in lieu of paying

the said sum to the minor, pay it to such other person as they may determine, and a person who receives any sum so paid shall, subject to and in accordance with any directions of the Authority, 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 Authority shall obtain a good discharge by applying or paying any sum in the manner provided by this Regulation.

## PART X

### COMPULSORY RETIREMENT

REGULATION 50. Not applied.

REGULATION 51. Applied with modification as follows:—

#### *Compulsory retirement on grounds of disablement*

51. Retirement shall be compulsory for any member if he is required by the Authority to retire on the ground that he is permanently disabled for the performance of his duty.

REGULATION 52. Applied with modification as follows:—

#### *Effect of requirement to retire*

52. Where a member is required to retire under Regulation 51 he shall be deemed to retire on the date on which he is so required to retire.

REGULATIONS 52A AND 52B. Not applied.

## PART XI

### MISCELLANEOUS AND SUPPLEMENTAL

REGULATION 53. Not applied.

REGULATION 54. Applied with modification as follows:—

#### *Posthumous children*

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 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.

REGULATION 55. Applied with modification as follows:—

#### *Pensionable pay*

55.—(1) For the purposes of an award under these Regulations, the pensionable pay of a member shall be the remuneration, exclusive of any allowances, appropriate to a whole-time fire

officer or fireman of equivalent rank at the minimum of the scale of remuneration payable to such whole-time fire officer or fireman at the date of the member's last day of service, and equivalent rank for this purpose shall be determined in accordance with the provisions of Regulation 59.

(2) Where in the case of a member conditioned or deemed to be conditioned to an annual rate of pay it is necessary for any of the purposes of these Regulations to determine pensionable pay for a period of a week it shall be taken to be the annual rate of pensionable pay divided by fifty-two and one-sixth.

REGULATION 56. Applied with modification as follows:—

*Interpretation*

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—

“the Act of 1947” means the Fire Services Act (Northern Ireland) (Reprint), 1947;

“the Authority” means the Northern Ireland Fire Authority;

“award” includes any pension, allowance or gratuity;

“child” has the meaning assigned to it by paragraph (3) of Regulation 1;

“fire force” means the fire officers and firemen employed by the Authority in the discharge of their functions as regards provision of local fire services;

“injury” includes any injury or disease, whether of body or mind;

“local authority” means the council of a county borough or other borough or of an urban or rural district;

“member” has the meaning assigned to it by paragraph (1) of Regulation 1;

“the Ministry” means the Ministry of Home Affairs;

“part-time member” means a fire officer or fireman not employed as a whole-time member of the fire force who undertakes, in consideration of payment of fees to him, to give part-time service in the fire force as required;

“pensionable pay” has the meaning assigned to it by Regulation 55;

“retained fireman” means a member of the fire brigade of a local authority or of a fire authority constituted under the Act of 1947, or a member of the National Fire Service (Northern Ireland) who undertook, in consideration of payment of fees to him, to give part-time service in such fire brigade or in the National Fire Service (Northern Ireland);

“retire” includes resign, and retirement and retired shall be construed accordingly.

(2) A reference in these Regulations to a person being in receipt of a pension includes a reference to a person who would be in receipt of a pension but for the provisions of Regulation 41.



(3) A reference in these Regulations to a person being entitled to an injury pension includes a reference to a person to whom such a pension would be payable 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) A reference in these Regulations to an injury received by a person in the execution of his duty as a fireman means an injury received in the execution of that person's duty—

(a) as a fire officer or fireman in the force; or

(b) as a fire officer or fireman in the fire brigade of a fire authority constituted under the Act of 1947, or as a member of the National Fire Service (Northern Ireland) after 19th March, 1946,

and includes any injury received while on duty or while on a journey necessary to enable him to report for duty or to return home after duty:

Provided that part (b) of this paragraph shall apply only if the injury was received during a period of service that has been taken into account in reckoning the person's pensionable service for the purposes of these Regulations.

(5) 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 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 normal earning capacity in his ordinary profession, trade or occupation has been affected as a result of the 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; and disablement shall not be deemed to exist if the earning capacity of that person in his ordinary profession, trade or occupation (or in some analogous class of employment) is not impaired.

(6) 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.

REGULATIONS 57 AND 58. Not applied.

REGULATION 59. Applied with modification as follows:—

*Equivalent ranks*

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

*Retained member*

*Whole-time fire officer  
or fireman*

Fireman

Fireman

Leading Fireman

Leading Fireman

Section Leader

Section Leader

REGULATIONS 60 AND 61. Not applied.

## FIRE SERVICES

## FIRST SCHEDULE

PARTS I TO III. Not applied.

PART IV. Applied with modification as follows:—

## 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 pensionable pay for a week.

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 pensionable pay for a week specified in the third column of the said Table:

TABLE

Member's completed years of pensionable service	Standard amount on total disablement expressed in 60ths of pensionable pay for a week	Lower limit of standard amount expressed in 60ths of pensionable pay for a week
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 or more ... ..	45	25

## SECOND SCHEDULE

PARTS I TO II. Not applied.

PART III. Applied with modification as follows:—

## PART III (REGULATION 16)

*Widow's pension*

1. The amount of a widow's pension in respect of each week shall not be less than the amount of one-sixth of her husband's 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 of one-third of her husband's pensionable pay for a week.

2. If she is entitled under the National Insurance Act (Northern Ireland), 1946, to a widow's allowance or a retirement pension which is increased under section twenty-two of the said Act, then, for the purposes of this Part of this Schedule, that allowance or pension shall be deemed not to have been so increased.

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 two shillings and sixpence for each child included in her family within the meaning of the Family Allowances Act (Northern Ireland), 1945:

Provided that, in relation to any period for which the widow's pension is payable after 24th April, 1955, the reference in this paragraph to two shillings and sixpence shall be construed as a reference to three shillings and sixpence.

PART IV. Applied with modification as follows:—

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 Authority 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 Authority.

PARTS V AND VI. Not applied.

THIRD SCHEDULE

PARTS I AND IA. Not applied.

PART II. Applied with modification as follows:—

PART II (REGULATION 26)

*Child's allowance*

1. Subject as hereinafter provided, the amount of a child's allowance in respect of each week shall be an amount equal to one-fifteenth of the 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 amount of the child's allowance in respect of each week shall be an amount equal to one-tenth of the 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 allowance, the amount of the allowance in respect of each week shall, as from the date of the death, be determined in accordance with paragraph 2.

PART III. Not applied.

PART IIIA. Applied with modification as follows:—

PART IIIA (REGULATION 27)

*Discretionary increase in child's allowance*

Where both parents of the child are dead the amount of a child's allowance in respect of each week may be increased to an amount equal to two-fifteenths of the pensionable pay for a week of the parent in respect of whose death the allowance is payable.

PART IV. Applied with modification as follows:—

PART IV (REGULATION 27)

*Reduction in child's allowance*

1. In the circumstances hereinafter set out the amount of an allowance in respect of each week ascertained under Part II of this Schedule, or, if the Authority decide in their discretion to increase such an allowance in accordance with Regulation 27, the maximum amount in respect of

each week 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 of the said maximum amount in respect of each week 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.

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, at the higher weekly rate prescribed by that section and a child's allowance is also payable to that child, the said child's allowance shall be reduced by seven shillings and sixpence.

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.

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.

PART V. Applied with modification as follows:—

PART V (REGULATION 28)

*Child's gratuity*

The gratuity referred to in Regulation 28 shall be such sum as may be agreed between the Authority and the 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 Authority.

PART VI. Not applied.

FOURTH SCHEDULE

Not applied.

---

FISHERIES

**Foyle Area (Licensing of Fishing Engines) Regulations, 1955.**

REGULATIONS DATED THE 12TH JANUARY, 1955 MADE BY THE FOYLE FISHERIES COMMISSION WITH THE APPROVAL OF THE MINISTER FOR AGRICULTURE OF THE REPUBLIC OF IRELAND UNDER SECTION 13 OF THE FOYLE FISHERIES ACT, 1952, AND OF THE MINISTRY OF COMMERCE FOR NORTHERN IRELAND UNDER SECTION 13 OF THE FOYLE FISHERIES ACT (NORTHERN IRELAND), 1952.

1955. No. 12

[C]

This Order has been revoked by S.R.O. 1955 No. 70 and is not printed at length in this Volume.