

Dated this 23rd day of May, 1958.

*W. W. B. Topping,*  
Minister of Home Affairs  
for Northern Ireland.

I, the Right Honourable Terence O'Neill, D.L., Minister of Finance for Northern Ireland, hereby signify my concurrence in the foregoing Order.

Dated this 28th day of May, 1958.

*Terence O'Neill,*  
Minister of Finance  
for Northern Ireland.

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ORDER, DATED 24TH NOVEMBER, 1958, MADE BY THE MINISTER OF HOME AFFAIRS UNDER THE CONSTABULARY AND POLICE (IRELAND) ACT, 1919, AS APPLIED BY THE CONSTABULARY ACT (NORTHERN IRELAND), 1922, AND THE CONSTABULARY (PENSIONS) ACT (NORTHERN IRELAND), 1949.

1958. No. 184

[C]

I, the Right Honourable W. W. B. Topping, Q.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section two of the Constabulary Act (Northern Ireland), 1922, section four of the Constabulary and Police (Ireland) Act, 1919, as applied by the said Act of 1922, and by the Constabulary (Pensions) Act (Northern Ireland), 1949, and of all other powers enabling me in that behalf, do hereby order as follows:—

1. In sub-paragraph (3) of paragraph 6 of the Schedule to the Royal Ulster Constabulary Pensions Order, 1949, as amended by the Royal Ulster Constabulary Pensions (Amending) Order, 1950, and the Royal Ulster Constabulary Pensions (Amending) Order, 1956, after the words "and is reduced in accordance with" there shall be inserted the words "the provisions of paragraph 6A, of paragraph 54, or of".

2. After paragraph 6 of the said Schedule there shall be inserted the following paragraph:—

*"Commutation of part of pension.*

6A.—(1) A member who has served on or after the 1st April, 1958, may, in accordance with the provisions of this paragraph, commute for a lump sum a portion of any pension, other than a supplemental pension, to which he is or may become entitled, provided, in the case of an ordinary pension, that he retires either when entitled to reckon at least thirty years' pensionable service or in the circumstances mentioned in sub-paragraph (1) of paragraph 5.

(2) For the purpose of commuting a portion of his pension a person shall—

- (a) give notice in writing (in this paragraph called 'notice of commutation') to the Ministry of his wish to surrender and commute for a lump sum such portion of his pension, not exceeding one-sixth of the pension which would be payable but for the provisions of paragraph 54 and of Part V of Appendix I, as (subject to the limitation contained in paragraph 54A) he may specify; and
- (b) satisfy the Ministry of his good health and for that purpose submit himself to such medical examination as the Ministry may require.
- (3) The notice of commutation shall be given by a person—
- (a) not earlier than two months before his intended retirement nor later than six months after his retirement or than the 31st May, 1959, whichever is the later; or
- (b) in the case of a person who retires with an ill-health pension and is entitled to reckon less than twenty-five years' pensionable service, not earlier than two months before his intended retirement nor later than—
- (i) six months after he would, if he had continued to serve as a member instead of retiring with an ill-health pension, either have been entitled to reckon twenty-five years' pensionable service or have been required to retire under paragraph 48; or
- (ii) the 31st May, 1959, whichever is the later,
- and in the case of such a person as is mentioned in (b) of this sub-paragraph the commutation notice shall be given only with the written consent of the Ministry unless, at the time when the notice is given, he would, if he had continued to serve as aforesaid, have been entitled to reckon twenty-five years' pensionable service or have been required to retire as aforesaid.
- (4) Where a person has complied with the provisions of (a) and (b) of sub-paragraph (2), the Ministry shall forthwith send to him a written notification of the acceptance of the notice of commutation, which shall become effective—
- (a) as from the time when the notification is received by him or, if sent by post, as from the time when it would be delivered to him in the ordinary course of post, or
- (b) as from the date of his retirement,
- whichever is the later:
- Provided that the said notice shall not become effective if it was given more than two months before his retirement.
- (5) Where a person retires or has retired and a notice of commutation given by him has become or becomes effective the Ministry shall reduce the pension to which the notice relates

in accordance with the notice as from the time from which the notice is effective and shall pay to him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Ministry:

Provided that—

- (a) where the notice is effective as from the time mentioned in (a) of sub-paragraph (4), the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement;
- (b) in relation to such a person as is mentioned in (b) of sub-paragraph (3) the preceding provisions of this sub-paragraph shall have effect as if any reference therein to the date of retirement were a reference to the time as from which the notice is effective."

3.—(1) In paragraph 14 of the said Schedule after the words "they may" there shall be inserted the words "subject to the provisions of paragraph 30B".

(2) At the end of the said paragraph 14 there shall be added the following sub-paragraph:—

"(2) Where the Ministry and the Ministry of Finance are precluded by reason of the provisions of paragraph 30B from exercising their discretion under the preceding sub-paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the pension."

4.—(1) In paragraph 24 of the said Schedule after the words "they may" there shall be inserted the words "subject to the provisions of paragraph 30B".

(2) At the end of the said paragraph 24 there shall be added the following sub-paragraph:—

"(2) Where the Ministry and the Ministry of Finance are precluded by reason of the provisions of paragraph 30B from exercising their discretion under the preceding sub-paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the allowance."

5. At the end of paragraph 30 of the said Schedule there shall be added the following sub-paragraph:—

"(2) For the purposes of this paragraph a gratuity substituted for part of a widow's pension or child's allowance under paragraph 14 or 24 as the case may be shall be ignored."

6. After paragraph 30A of the said Schedule there shall be inserted the following paragraph:—

*“ Limitation on discretion to grant a gratuity in lieu of a pension or allowance.*

30B.—(1) Where a person has died while in receipt of a pension, other than a supplemental pension, (in this paragraph referred to as ‘ the principal pension ’) the Ministry and the Ministry of Finance shall not under paragraph 14 or 24 substitute for the whole or any part of a widow’s pension or child’s allowance payable in respect of him a gratuity the actuarial value of which, when added to that of—

- (a) any other gratuity so substituted under paragraph 14 or 24, and
- (b) any lump sum paid under paragraph 6A by reason that a portion of the principal pension was commuted,

exceeds one-quarter of the actuarial value of the principal pension, any reduction therein under paragraph 6A being ignored.

(2) For the purposes of this paragraph the actuarial value of a gratuity, lump sum or pension shall be the actuarial value calculated by the Ministry at the time of the husband’s or father’s retirement.”

7. For paragraph 54 of the said Schedule there shall be substituted the following paragraphs:—

*“ Allocation of part of a pension.*

54.—(1) A member who is entitled to reckon not less than twenty-five years’ pensionable service may, in accordance with the provisions of this paragraph, allocate a portion of any pension, other than a supplemental pension, to which he may become entitled under this Order and, notwithstanding that he has already allocated a portion of such a pension, he may so allocate a further portion of that pension in favour of the same beneficiary.

(2) A member may, in accordance with the provisions of this paragraph, allocate a portion of a short service pension.

(3) For the purpose of allocating a portion of his pension a person shall—

- (a) give notice in writing (in this paragraph called ‘ notice of allocation ’) to the Ministry stating—
  - (i) his wish to surrender such portion of his pension as (subject to the limitations contained in paragraph 54A) he may specify;
  - (ii) the person in whose favour the surrender is to take effect (in this paragraph called ‘ the beneficiary ’), being his wife or some other person who the Ministry are satisfied is substantially dependent on him;
  - (iii) in the case of the first or only allocation by a person entitled to reckon not less than twenty-five years’ pensionable service, whether the

notice of allocation is to become effective in accordance with (a) or (b) of sub-paragraph (4); and

- (b) satisfy the Ministry of his good health and for that purpose submit himself to such medical examination as the Ministry may require.

A person shall give notice of allocation before he retires, but except where, in such case as is mentioned in (a)(iii) of this sub-paragraph, the notice of allocation is to become effective in accordance with (a) of sub-paragraph (4), the notice shall be given not earlier than two months before the person's intended retirement:

Provided that a person who was serving as a member on the 1st April, 1958, and who retires or has retired with an ill-health pension before the 1st December, 1958, may give notice of allocation not later than the 31st December, 1958.

(4) Where a person has complied with the provisions of (a) and (b) of sub-paragraph (3), the Ministry shall forthwith send to him a written notification that the Ministry has accepted the notice of allocation, which shall become effective—

- (a) in the case of the first or only allocation by a person who was entitled to reckon not less than twenty-five years' pensionable service when he gave the notice of allocation and stated therein that the notice should become effective in accordance with (a) of this sub-paragraph—

(i) as from the time when the notification is received by him or, if sent by post, as from the time when it would be delivered to him in the ordinary course of post, or

(ii) as from the date of his retirement, whichever is the earlier;

- (b) in any other case, if, and only if, he retires within two months of giving the notice of allocation and in such case as from the date of retirement.

(5) Where a person retires or has retired and a notice of allocation given by him has become or becomes effective, the pension to which the notice relates shall be reduced in accordance with the notice as from the date of his retirement (notwithstanding, in a case to which (a)(i) of the preceding sub-paragraph applies, the death of the beneficiary before the date of retirement).

(6) Where a person retires with a pension which is reduced as provided in the preceding sub-paragraph, the Ministry shall as from his death pay to the beneficiary, if that person survives him, a pension of such amount as is the actuarial equivalent, calculated from tables prepared by the Ministry, of the surrendered portion of the pension.

The said actuarial equivalent shall be calculated from tables in force at the time when the notice of allocation became effective, which tables shall—

- (a) take account of the age of the member and of the age of the beneficiary at that time, and
- (b) make different provision according to whether the notice of allocation became effective in accordance with (a) or (b) of sub-paragraph (4);

and separate calculations shall be made in respect of separate allocations.

(7) Where a person is entitled to reckon at least twenty-five years' pensionable service when he gives a notice of allocation and states therein that it should become effective in accordance with (a) of sub-paragraph 4, then, if he dies before retiring, the Ministry shall pay to the beneficiary the like pension as they would have paid if he had retired immediately before he died and that notice had been the only notice of allocation.

(8) Where, under the provisions of paragraph 54 as originally made, the pension of a member has been reduced with effect from a date earlier than 2nd April, 1958, as a result of his having given notice of intention to surrender a portion thereof, his pension and the pension of the person nominated by him shall be determined in accordance with those provisions.

(9) Any reference in this Schedule to a widow's pension, however expressed, shall be construed as excluding a reference to a pension payable to a widow under this paragraph.

*Limitation on right to commute or allocate part of a pension.*

54A. A member shall not under paragraph 54 allocate in favour of his wife or other dependant, nor shall he so allocate and under paragraph 6A commute for a lump sum, such portion of his pension that that pension becomes payable at a rate less than two-thirds of the rate at which it would have been payable but for the provisions of the said paragraphs and of Part V of Appendix I."

8. In Part IV of Appendix II to the said Schedule, after the words "of the pension" there shall be inserted the words "or of that part thereof".

9. In Part V of Appendix III to the said Schedule after the words "of the allowance" there shall be inserted the words "or of that part thereof".

10. At the end of paragraph 3 of the said Schedule there shall be added the following sub-paragraph:—

"(4) Where a member is suspended from duty under the provisions of the Royal Ulster Constabulary Disciplinary Regulations sub-paragraph (3) shall apply to such member as though for the words 'one month's written notice' there were substituted the words 'three months' written notice'."

11. I certify that sub-section (2) of section four of the Constabulary and Police (Ireland) Act, 1919, which, as applied

by the Constabulary Act (Northern Ireland), 1922, provides that a draft of any Order proposed to be made under the said section shall be submitted to the representative body or bodies constituted by that Act and representing any rank or ranks affected, and that before the Order is made the Minister of Home Affairs shall consider any representations made by such body or bodies; has been fully observed.

12. This Order shall come into operation on the 1st December, 1958, and shall have effect from the 1st April, 1958, except Article 10 which shall have effect from the date hereof.

13. This Order may be cited as the Royal Ulster Constabulary Pensions (Amending) (No. 2) Order, 1958, and shall be construed as one with the Royal Ulster Constabulary Pensions Orders, 1949 to 1958, and those Orders and this Order may be cited together as the Royal Ulster Constabulary Pensions Orders, 1949 to 1958.

Dated this 24th day of November, 1958.

*W. W. B. Topping,*  
Minister of Home Affairs  
for Northern Ireland.

I, the Right Honourable Terence O'Neill, D.L., Minister of Finance for Northern Ireland, hereby signify my concurrence in the foregoing Order.

Dated this 2nd day of December, 1958.

*Terence O'Neill,*  
Minister of Finance  
for Northern Ireland.

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### Representative Body

RULES DATED 18TH MARCH, 1958, MADE BY THE MINISTER OF HOME AFFAIRS UNDER THE CONSTABULARY AND POLICE (IRELAND) ACT, 1919, AS APPLIED BY THE CONSTABULARY ACT (NORTHERN IRELAND), 1922.

1958. No. 35

[NC]

I, the Right Honourable Walter William Buchanan Topping, Q.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section one of the Constabulary and Police (Ireland), 1919, as applied by the Constabulary Act (Northern Ireland), 1922, and of all other powers enabling me in that behalf, do hereby make the following Rules:—

1. In Rule 7 of the Rules(a) made by the Minister of Home Affairs on the 25th July, 1951, (which provides for the election of members, and annual meeting, of the Boards of the Repre-

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(a) S.R. & O. (N.I.), 1951, No. 146.