

1963. No. 64

[C]

ROYAL ULSTER CONSTABULARY**Pensions**

ORDER, DATED 26TH MARCH, 1963, MADE BY THE MINISTER OF HOME AFFAIRS WITH THE CONCURRENCE OF THE MINISTER OF FINANCE 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.

I, the Right Honourable Brian Faulkner, 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(a), section four of the Constabulary and Police (Ireland) Act 1919(b), as applied by the said Act of 1922, and by the Constabulary (Pensions) Act (Northern Ireland) 1949(c), and of all other powers enabling me in that behalf, do hereby order as follows:—

PART I**GENERAL***Citation*

1. This Order may be cited as the Royal Ulster Constabulary Pensions (Amending) Order 1963, and shall be construed as one with the Royal Ulster Constabulary Pensions Orders 1949 to 1961, and those Orders and this Order may be cited together as the Royal Ulster Constabulary Pensions Orders 1949 to 1963.

Commencement

- 2.—(1) This Order shall come into operation on 29th March, 1963.
- (2) Parts I, II and III shall have effect as from 1st January, 1963.
- (3) Part IV shall have effect as from 27th May, 1963.

Certificate

3. 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.

Interpretation

4.—(1) In this Order, unless the contrary intention appears, a reference to a paragraph shall be interpreted as a reference to a paragraph in the Schedule to the Royal Ulster Constabulary Pensions Order 1949(d), and a reference to an Appendix shall be interpreted as a reference to an Appendix to the said Schedule.

(a) 12 & 13 Geo. 5. c. 8 (N.I.).

(c) 1949. c. 9.

(b) 9 & 10 Geo. 5. c. 68.

(d) S.R. & O. (N.I.) 1949, No. 211.

(2) In this Order, the expressions "1953 Order(a)", "1955 Order(b)", "1956 Order(c)", "1957 Order(d)" and "1960 Order(e)" mean in each case the Royal Ulster Constabulary Pensions (Amending) Order made in the year mentioned, and the expressions "1958 Order" and "1961 Order" mean the Royal Ulster Constabulary Pensions (Amending) Order 1958(f) dated 23rd May, 1958, and the Royal Ulster Constabulary Pensions (Amending) Order 1961(g) dated 29th March, 1961, respectively.

PART II

AMENDMENTS OF THE SCHEDULE RELATING TO AWARDS TO WIDOWS AND CHILDREN

5. In sub-paragraph (4) of paragraph 13A, as set out in Article 8 of the 1961 Order (which relates to the discretionary increase in a widow's special pension), for the words "and (5F)" there shall be substituted the words "(5F) and (5H)".

6. At the end of sub-paragraph (2) of paragraph 17, as set out in Article 6 of the 1957 Order and amended by paragraph 5 of the Schedule to the 1960 Order (which relates to awards to widows made before 5th July, 1948), there shall be added—

"and (e) sub-paragraph (5H)".

7. At the end of sub-paragraph (2) of paragraph 27, as set out in Article 10 of the 1957 Order and amended by paragraph 9 of the Schedule to the 1960 Order (which relates to awards to children made before 5th July, 1948), there shall be added "and (e) sub-paragraph (5H)".

8. After sub-paragraph (5G) of paragraph 57, as set out in paragraph 10 of the Schedule to the 1960 Order (which relates to the application of the Pensions (Increase) Act (Northern Ireland) 1959(h)), there shall be inserted the following sub-paragraphs:—

"(5H) Where it is provided in this Schedule that an amount shall be increased in accordance with this sub-paragraph, it shall be increased by the amount, if any, by which a pension of the amount first mentioned would be increased under sections 1 and 2 of the Pensions (Increase) Act (Northern Ireland) 1963(i), if—

- (a) the person concerned were in receipt of such a pension; and
- (b) that pension were specified in Part I of the First Schedule to the Pensions (Increase) Act (Northern Ireland) 1959, and so was one which might be increased under sections 1 and 2 of the said Act of 1963.

(5I) Where it is provided in this Schedule that an amount calculated otherwise than by reference to a rate of pensionable pay or average pensionable pay shall be increased in accordance with this sub-paragraph, it shall be increased by the amount, if any, by which a pension of the appropriate amount specified in sub-paragraph (5J) would be increased under section 2 of the Pensions (Increase) Act (Northern Ireland) 1963, if—

- (a) the person concerned were in receipt of such a pension;

(a) S.R. & O. (N.I.) 1953, No. 156.

(b) S.R. & O. (N.I.) 1955, No. 115.

(c) S.R. & O. (N.I.) 1956, No. 49.

(d) S.R. & O. (N.I.) 1957, No. 214.

(e) S.R. & O. (N.I.) 1960, No. 13.

(f) S.R. & O. (N.I.) 1958, No. 81.

(g) S.R. & O. (N.I.) 1961, No. 91.

(h) 1959, c. 10.

(i) 1963, c. 3 (N.I.).

(b) that pension were specified in Part I of the First Schedule to the Pensions (Increase) Act (Northern Ireland) 1959, and so was one which might be increased under section 2 of the said Act of 1963; and

(c) that pension were one which began for the purposes of the said Act of 1963 before 1st April, 1956.

(5J) The appropriate amount mentioned in sub-paragraph (5I) shall be the weekly amount of—

(a) forty-two shillings and fourpence, where the amount which falls to be increased under that sub-paragraph is forty-seven shillings and sixpence;

(b) thirty-five shillings and elevenpence, where the amount which falls to be so increased is forty shillings and threepence;

(c) twenty-nine shillings and eightpence, where the amount which falls to be so increased is thirty-three shillings and fourpence.

(5K) For the purposes of sub-paragraphs (5H), (5I), (5J) and (5L)—

(a) in relation to an increase under sub-paragraph (5H), the reference in section 1(1) of the Pensions (Increase) Act (Northern Ireland) 1963, to an annual rate and the reference in section 6(1) of that Act to an aggregate annual rate shall be construed respectively as a reference to the amount which falls to be increased expressed as an annual rate and as a reference to that amount, after any increase thereof in accordance with sub-paragraphs (5), (5A), (5B), (5D) and (5F), expressed as an annual rate;

(b) in relation to an increase under sub-paragraph (5I), the reference in section 6(1) of that Act to an aggregate annual rate shall be construed as a reference to the appropriate amount specified in sub-paragraph (5J) expressed as an annual rate.

(5L) Where it is provided in this Schedule that an amount shall be increased in accordance with sub-paragraphs (5), (5A), (5B), (5D), (5F) or (5H) any increase in accordance with sub-paragraph (5H) shall be additional to any increase in accordance with any of the other sub-paragraphs mentioned.

(5M) Where it is provided in this Schedule that for the purpose of calculating a child's allowance an amount shall be increased in accordance with sub-paragraphs (5), (5A), (5B), (5D), (5F) or (5H), then that amount shall be so increased so long as the allowance is payable and, accordingly, the aforesaid sub-paragraphs shall have effect for the said purpose as if—

(a) section 1(3) were omitted from the Pensions (Increase) Act (Northern Ireland) 1944 (which provision governs the increase, under the Pensions (Increase) Acts (Northern Ireland) of 1944(a) and 1947(b), of 1952(c) and 1956(d), of pensions payable to dependants other than widows), and

(b) section 1(4) were omitted from the Pensions (Increase) Act (Northern Ireland) 1959 (which provision governs the increase, under the Pensions (Increase) Acts (Northern Ireland) of 1959 and 1963, of such pensions)."

9. For the first paragraph of Part I of Appendix II and Scheme I in the said Part I, as amended by Article 13 of the 1953 Order, Article 13 of the 1957 Order

(a) 1944. c. 19.
(b) 1947. c. 4.

(c) 1952. c. 25.
(d) 1956. c. 7.

and paragraph 11 of the Schedule to the 1960 Order (which relates to the calculation of a widow's ordinary pension by reference to her husband's rank in lieu of his annual, or where he died on or after 1st July, 1949, his average pensionable pay where he was not paying pension contributions at a rate related to six-and-a-quarter per cent. thereof), there shall be substituted the following paragraph and Scheme:—

“The amount of a widow's ordinary pension calculated in accordance with this Part shall be the amount calculated according to Scheme I set out below or, where the husband was entitled to reckon at least 10 years' pensionable service, according to whichever of the Schemes set out below would yield to the widow the higher pension in respect of that week.

Scheme I

1. Subject to paragraph 2 of this Scheme, if her husband at the time when he ceased to be a member—

- (a) held a rank higher than that of head constable, the widow's ordinary pension shall be at the rate of forty-seven shillings and sixpence a week;
- (b) held the rank of head constable, the widow's ordinary pension shall be at the rate of forty shillings and threepence a week;
- (c) held a rank lower than that of head constable, the widow's ordinary pension shall be at the rate of thirty-three shillings and fourpence a week.

2. The weekly amount specified in paragraph 1 of this Scheme shall be increased in accordance with sub-paragraph (5I) of paragraph 57.”

10. In paragraph 2 of Scheme II of Part I of Appendix II as amended by Article 13 of the 1953 Order, Article 13 of the 1957 Order and paragraph 11 of the Schedule to the 1960 Order (which relates to the calculation of a widow's ordinary pension by reference to her husband's pensionable pay where he was not paying pension contributions at a rate related to six-and-a-quarter per cent. thereof) for the words “and (5F)” there shall be substituted the words “(5F) and (5H)”.

11. In paragraph 1 of Part III of Appendix II, as amended by Article 15 of the 1953 Order, Article 15 of the 1957 Order and paragraph 12 of the Schedule to the 1960 Order (which relates to the calculation of a widow's special pension) for the words “and (5F)”, in both places where they occur, there shall be substituted the words “(5F) and (5H)”.

12. In paragraph 1 of Part VII of Appendix II, as set out in Article 3 of the 1954 Order and amended by Article 16 of the 1957 Order and paragraph 13 of the Schedule to the 1960 Order (which relates to the calculation of a widow's special pension where the husband's death results from an attack) for the words “and (5F)” there shall be substituted the words “(5F) and (5H)”.

13. For Part VIII of Appendix II, as set out in Article 21 of the 1956 Order and amended by Article 17 of the 1957 Order and paragraph 14 of the Schedule to the 1960 Order (which relates to the calculation of a widow's ordinary pension where her husband was paying pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay) there shall be substituted the following Part:—

"PART VIII

WIDOW'S ORDINARY PENSION—STANDARD RATE

1. Subject to paragraphs 2 and 3 of this Part, the amount of a widow's ordinary pension determined in accordance with this Part shall be not more than forty one-hundred-and-eightieths of her husband's weekly average pensionable pay and, subject as aforesaid, shall be equal to one one-hundred-and-eightieth of his weekly average pensionable pay for each completed year of pensionable service up to twenty years with the addition of one one-hundred-and-eightieth for each completed half-year by which his pensionable service exceeded twenty years.

2. The amount of a widow's ordinary pension calculated in accordance with paragraph 1 shall be increased in accordance with the provisions of sub-paragraphs (5F) and (5H) of paragraph 57.

3. Where in respect of any period the widow so elects, then, subject to paragraph 4, the weekly amount of her ordinary pension in respect of that period shall be, if her husband at the time when he ceased to be a member—

- (a) held a rank higher than that of head constable, forty-seven shillings and sixpence;
- (b) held the rank of head constable, forty shillings and threepence;
- (c) held a rank lower than that of head constable, thirty-three shillings and fourpence.

4. The weekly amount of a widow's ordinary pension calculated in accordance with paragraph 3 shall be increased—

- (a) in accordance with sub-paragraph (5I) of paragraph 57; and
- (b) where the husband was entitled to reckon at least ten years' pensionable service, by one shilling and elevenpence."

14. For paragraphs 1 and 2 of Part I of Appendix III, as amended by Article 18 of the 1957 Order and paragraph 15 of the Schedule to the 1960 Order (which provides that a child entitled to an ordinary allowance shall receive an allowance determined by reference to the parent's rank), there shall be substituted the following paragraphs:—

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

- (a) a rank higher than that of head constable, be at the rate of sixteen shillings and eightpence a week;
- (b) the rank of head constable, be at the rate of fourteen shillings and sixpence a week;
- (c) a rank lower than that of head constable, be at the rate of thirteen shillings and twopence a week.

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

- (a) a rank higher than that of head constable, be at the rate of twenty-seven shillings and sevenpence a week;

- (b) the rank of head constable, be at the rate of twenty-three shillings and sixpence a week;
- (c) a rank lower than that of head constable, be at the rate of twenty shillings and fivepence a week."

15. In paragraphs 1 and 2 of Part II of Appendix III, as amended by Article 18 of the 1953 Order, Article 20 of the 1957 Order and paragraph 17 of the Schedule to the 1960 Order (which Part relates to the calculation of a child's special allowance), for the words "and (5F)" in both places where they occur there shall be substituted the words "(5F) and (5H)".

PART III

MISCELLANEOUS PROVISIONS

16. At the end of paragraph 6 (which relates to a member's supplemental pension) there shall be added the following sub-paragraph:—

"(6) Where a member is entitled to both a supplemental pension and some other such pension as is mentioned in sub-paragraph (3)(d) then, except where the context otherwise requires, those pensions shall, for the purposes of this Schedule, constitute a single award."

17. For paragraph 8 (which relates to awards in case of dismissal) there shall be substituted the following paragraphs:—

"8. Where a member, other than a member to whom paragraph 8A applies, is dismissed from the force the Ministry shall either pay to him or apply for the benefit of his dependants an amount equal to the whole of his aggregate pension contributions in respect of the relevant period of service.

8A. If a member—

- (a) entitled to reckon at least 25 years' pensionable service, and
- (b) dismissed on or after 1st January, 1963, otherwise than for a cause for which a pension granted to him could have been forfeited under paragraph 42, would have been entitled to an ordinary pension if he had retired on the date of his dismissal, having given a month's notice to the Inspector General, then this Schedule shall apply in his case as if he had so retired."

18.—(1) In the provisos to sub-paragraphs (1) and (2) of paragraph 20 (which relates to the termination of a widow's pension on remarriage and to a widow's gratuity), after the word "widow" there shall be inserted the words "or that marriage is dissolved".

(2) For sub-paragraph (3) of paragraph 20 there shall be substituted the following sub-paragraph:—

"(3) Where after her husband's death a woman has cohabited with another man, this paragraph shall apply as if for the period of such cohabitation she were married to him and any reference in this paragraph to her remarriage, her again becoming a widow or the marriage being dissolved shall be construed accordingly."

19. In sub-paragraph (1)(c) of paragraph 37 (which relates to the cancellation of awards) for the word "would" there shall be substituted the word "could".

20.—(1) At the beginning of sub-paragraph (1) of paragraph 41 (which relates to the suspension of an award during re-employment), there shall be inserted the words "Subject to sub-paragraph (2)".

(2) For sub-paragraph (2) there shall be substituted the following sub-paragraph:—

"(2) Sub-paragraph (1) shall not apply to a widow's pension or pension under paragraph 54 payable in respect of the death, on or after 1st January, 1963, of a member or person who has been a member."

21. For sub-paragraph (4) of paragraph 45 (which relates to the payment of awards) there shall be substituted the following sub-paragraph:—

"(4) Every gratuity payable under this Schedule shall become payable as soon as the entitlement arises and shall be payable in one sum:

Provided that where the Ministry 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 amount and over such reasonable period as they think fit."

22. For the definition of the expression "child" in sub-paragraph (1) of paragraph 57 (which relates to interpretation) there shall be substituted the following definition:—

"child" has the meaning assigned to it by sub-paragraph (4) of paragraph 1, and the expressions "father", "mother" and "parent" shall be construed accordingly".

23. For Part 1A of Part 1 of Appendix 1 (which relates to the calculation of a member's ordinary pension) there shall be substituted the following Part:—

"PART 1A

MEMBER'S ORDINARY PENSION

1. Subject to paragraph 2 of this Part, the pension shall be of an amount equal to thirty-sixtieths of the member's average pensionable pay with the addition, subject to a maximum of forty-sixtieths, of a sixtieth for each completed half-year by which his pensionable service exceeds twenty-five years.

2. In the case of a person who retires or retired on or after 1st January, 1963, if the amount of the pension calculated in accordance with the preceding paragraph would be less than the amount it would have been had the person in question become entitled to receive an ordinary pension by retiring after due notice from the force at an earlier date, then the pension shall be of the last-mentioned amount."

PART IV

AMENDMENTS OF THE SCHEDULE RELATING TO DISCRETIONARY AWARDS TO WIDOWS AND CHILDREN

24. For sub-paragraph (3) of paragraph 12 as set out in Article 6 of the 1961 Order (which relates to the discretionary increase in a widow's ordinary pension), there shall be substituted the following sub-paragraph:—

"(3) Subject to the provisions of sub-paragraph (4) the increase which may be granted in a pension to which this paragraph refers shall be an

amount not exceeding ninety-five shillings a week during the first thirteen weeks that the pension is payable and thereafter, during the periods and in the conditions set out in Part II of Appendix II, an amount not exceeding sixty-seven shillings and sixpence a week."

25. For sub-paragraph (4) of paragraph 13A as set out in Article 8 of the 1961 Order and amended by Article 5 (which relates to the discretionary increase in a widow's special pension), there shall be substituted the following sub-paragraph:—

"(4) The amount up to which the pension may be increased shall be the amount, which shall be increased in accordance with the provisions of sub-paragraphs (5), (5A), (5D), (5F) and (5H) of paragraph 57, 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, an amount not exceeding ninety-five shillings a week and thereafter, during the periods and in the conditions set out in Part II of Appendix II, an amount not exceeding sixty-seven shillings and sixpence 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'."

26. For sub-paragraph (6) of paragraph 17 as set out in Article 9 of the 1961 Order (which relates to awards to widows made before 5th July, 1948), there shall be substituted the following sub-paragraph:—

"(6) The rate up to which the pension referred to in sub-paragraph (3) may be increased or the rate at which the pension referred to in sub-paragraph (4) may be granted shall not exceed the rate up to which the pension could be increased if it had been awarded under the provisions of paragraph 11 and were increasable under the provisions of paragraph 12:

Provided that if the pension referred to in sub-paragraph (3) is a widow's special pension, including such a pension increased before 27th May, 1963, it may be increased by an amount not exceeding sixty-seven shillings and sixpence a week"

27. For Part IX of Appendix II, as set out in Article 35 of the 1957 Order and amended by Article 7 of the 1958 Order and Article 11 of the 1961 Order (which relates to the extent to which certain national insurance benefits are to be taken into account in calculating a widow's pension), there shall be substituted the following Part:—

"PART IX

COMPUTATION OF WIDOW'S BENEFIT AND RETIREMENT PENSIONS

For the purposes of Parts I, III and VII of this Appendix—

- (a) where a widow is entitled under the National Insurance Act (Northern Ireland) 1946(a) to a widow's allowance or retirement pension which is increased under section twenty-two of the said Act, that allowance or pension shall be deemed not to have been so increased;
- (b) where a widow is entitled under the said Act to a widowed mother's allowance or a retirement pension which is increased by virtue of section five of the National Insurance Act (Northern Ireland) 1959(b),

(a) 1946. c. 23.

(b) 1959. c. 21.

the allowance or pension shall be deemed not to have been so increased;

- (c) where a widow is entitled under the said Act of 1946 to a widowed mother's allowance by virtue of sub-paragraph (i) of paragraph (b) of sub-section (1) of section sixteen of that Act that allowance shall be deemed to be less than it is by the amount of eight shillings together with twenty-two shillings for each child included in her family within the meaning of the Family Allowances Act (Northern Ireland) 1945(a)."

28.—(1) In paragraph 2 of Part III of Appendix III, as amended by Article 19 of the 1952 Order, Article 19 of the 1953 Order, Article 11 of the 1955 Order, Article 8 of the 1958 Order and by Article 12 of the 1961 Order (which relates to the discretionary increase in a child's allowance), for the words "thirty-two shillings and sixpence" there shall be substituted the words "thirty-seven shillings and sixpence".

(2) For sub-paragraphs (a) and (b) of paragraph 3 of Part III of Appendix III as set out in Article 12 of the 1961 Order there shall be substituted the following sub-paragraphs:—

- "(a) in the case of a child who is the only or eldest child included in a family within the meaning of the Family Allowances Act (Northern Ireland) 1945, to a rate not exceeding thirty shillings a week;
- (b) in any other case to a rate not exceeding twenty-seven shillings a week."

29.—(1) In paragraph 1 of Part VI of Appendix III as set out in Article 14 of the 1955 Order and amended by Article 38 of the 1957 Order, Article 10 of the 1958 Order and by Article 13 of the 1961 Order (which relates to a child's discretionary allowance and the discretionary increase in an allowance where the parent died before 5th July, 1948), for the words "twenty-five shillings" wherever they occur there shall be substituted the words "thirty shillings" and for the words "seventeen shillings" there shall be substituted the words "twenty-two shillings".

(2) For sub-paragraph (2) of paragraph 2 of the said Part VI, as set out in Article 10 of the 1958 Order and amended by Article 13 of the 1961 Order, there shall be substituted the following sub-paragraph:—

- "(2) The appropriate amount referred to in the preceding sub-paragraph shall be—
- (a) thirty-seven shillings and sixpence in the case of a child who is the only or eldest child included in a family within the meaning of the Family Allowances Act (Northern Ireland) 1945;
- (b) twenty-nine shillings and sixpence in the case of a child who is the first child, other than the eldest, so included;
- (c) twenty-seven shillings and sixpence in the case of any other child so included."

Dated this 26th day of March, 1963.

Brian Faulkner,
Minister of Home Affairs for
Northern Ireland.

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

Dated this 26th day of March, 1963.

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

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

The purpose of this Order is to amend the Royal Ulster Constabulary Pensions Order 1949.

Part I contains formal provisions, including the interpretation of certain expressions used in Parts II, III and IV.

Part II provides for increases in the pensions and allowances of the widows and children of deceased members of the Royal Ulster Constabulary. These widows and children were not covered by the Pensions (Increase) Act (Northern Ireland) 1963, and the purpose of this Part is to grant them increases corresponding to those set out in the Act.

Part III modifies the conditions for the award of pensions, the main changes being as follows:—

Article 17 secures the pension rights of members with 25 years' service. If such a member is dismissed otherwise than on grounds on which a pension may be forfeited, he will be treated for pension purposes as though he had retired. He is also protected against any reduction in the amount of his ordinary pension (e.g. as a result of reduction in rank by way of punishment), which is to be calculated as at the time most favourable in his case as regards the amount of the pension (Article 25).

Article 18 provides that payment of a widow's pension may be resumed where, after she has re-married, that marriage is dissolved.

Part IV provides for changes in certain provisions of the Order in consequence of the National Insurance Act (Northern Ireland) 1963(a), the main changes being as follows:—

Articles 24, 25 and 26 increase the amount by which widows' pensions may be increased in those cases in which discretionary increases are permitted.

Articles 28 and 29 make similar provision in relation to children's allowances.

Article 27 adjusts the extent of the abatement of a widow's pension by a widowed mother's national insurance allowance.

(a) 1963. c. 9 (N.I.).