

1963. No. 65

[NC]

ULSTER SPECIAL CONSTABULARY: PENSIONS

REGULATIONS, DATED 26TH MARCH, 1963, MADE BY THE MINISTRY 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.

I, The Right Honourable Brian Faulkner, Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by the Special Constables Act 1914(a), as extended and amended by Section Eight of the Constabulary Act (Northern Ireland) 1922(b), and by sub-section (4) of Section Four of the Constabulary (Pensions) Act (Northern Ireland) 1949(c), and of all other powers enabling me in that behalf, do hereby make the following Regulations:—

PART I**GENERAL***Citation*

1. These Regulations may be cited as the Ulster Special Constabulary Pensions (Amending) Regulations 1963, and shall be construed as one with the Ulster Special Constabulary Pensions Regulations 1950 to 1961, and those Regulations and these Regulations may be cited together as the Ulster Special Constabulary Pensions Regulations 1950 to 1963.

Commencement

2.—(1) These Regulations 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.

Interpretation

3. In these Regulations, unless the contrary intention appears, a reference to a Regulation shall be interpreted as a reference to a Regulation in the Ulster Special Constabulary Pensions Regulations 1950(d), a reference to a Schedule shall be interpreted as a reference to a Schedule to the said Regulations, and the expressions “1955 Regulations(e)”, “1956 Regulations(f)”, “1958 Regulations(g)” and “1960 Regulations(h)” mean in each case the Ulster Special Constabulary Pensions (Amending) Regulations made in the year mentioned, the expression “1954 Regulations” means the Ulster Special Constabulary Pensions (Amending) Regulations 1954(i), dated 5th March, 1954, the expression “1954 (No. 2) Regulations” means the Ulster Special Constabulary Pensions (Amending) (No. 2) Regulations 1954(j), dated 4th August, 1954, the expression “1959 Regulations” means the Ulster Special Constabulary Pensions (Amending) Regulation 1959(k), dated 20th March, 1959, and the expression “1961 Regulations” means the Ulster Special Constabulary Pensions (Amending) Regulations 1961(l), dated 29th March, 1961.

(a) 4 & 5 Geo. 5. c. 61.

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

(c) 1949. c. 9.

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

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

(f) S.R. & O. (N.I.) 1956, No. 75.

(g) S.R. & O. (N.I.) 1958, No. 61.

(h) S.R. & O. (N.I.) 1960, No. 3.

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

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

(k) S.R. & O. (N.I.) 1959, No. 52.

(l) S.R. & O. (N.I.) 1961, No. 94.

PART II

AMENDMENTS OF THE REGULATIONS RELATING TO AWARDS
TO WIDOWS AND CHILDREN

4. In paragraph (4) of Regulation 17, as set out in Regulation 7 of the 1961 Regulations (which relates to the discretionary increase in a widow's special pension), for the words "and (4F)" there shall be substituted the words "(4F) and (4H)".

5. At the end of paragraph (2) of Regulation 21, as set out in Regulation 8 of the 1958 Regulations and amended by paragraph 7 of the 1960 Regulations (which relates to awards to widows made before 5th July, 1948), there shall be added "and (e) paragraph (4H)".

6. At the end of paragraph (2) of Regulation 31, as set out in Regulation 12 of the 1958 Regulations and amended by Regulation 11 of the 1960 Regulations (which relates to awards to children made before 5th July, 1948), there shall be added "and (e) paragraph (4H)".

7. After paragraph (4G) of Regulation 56, as set out in Regulation 12 of the 1960 Regulations (which relates to the application of the Pensions (Increase) Act (Northern Ireland) 1959(a)), there shall be inserted the following paragraphs:—

"(4H) Where it is provided in these Regulations that an amount shall be increased in accordance with this 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(b), 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.

(4I) Where it is provided in these Regulations 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 paragraph, it shall be increased by the amount, if any, by which a pension of the appropriate amount specified in paragraph (4J) 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;
- (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.

(4J) The appropriate amount mentioned in paragraph (4I) shall be the weekly amount of—

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

(a) 1959. c. 10.

(b) 1963. c. 3 (N.I.).

- (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.

(4K) For the purposes of paragraphs (4H), (4I), (4J) and (4L)—

- (a) in relation to an increase under paragraph (4H), 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 paragraphs (4), (4A), (4B), (4D) and (4F), expressed as an annual rate;
- (b) in relation to an increase under paragraph (4I), 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 paragraph (4J) expressed as an annual rate.

(4L) Where it is provided in these Regulations that an amount shall be increased in accordance with paragraphs (4), (4A), (4B), (4D), (4F) or (4H) any increase in accordance with paragraph (4H) shall be additional to any increase in accordance with any of the other paragraphs mentioned.

(4M) Where it is provided in these Regulations that for the purpose of calculating a child's allowance an amount shall be increased in accordance with paragraphs (4), (4A), (4B), (4D), (4F) or (4H), then that amount shall be so increased so long as the allowance is payable and, accordingly, the aforesaid paragraphs shall have effect for the said purpose as if—

- (a) section 1(3) were omitted from the Pensions (Increase) Act (Northern Ireland) 1944(a), (which provision governs the increase, under the Pensions (Increase) Acts (Northern Ireland) of 1944 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)."

8. For Part I of the Second Schedule as amended by Regulation 16 of the 1958 Regulations and Regulation 13 of the 1960 Regulations (which relates to the calculation of a widow's ordinary pension) there shall be substituted the following:—

"PART I

WIDOW'S ORDINARY PENSION

1. Subject to paragraph 2 of this Part the amount of a widow's ordinary pension in respect of each week shall be as set out hereunder:—

If her husband at the time when he ceased to be a member—

- (a) held a rank higher than that of Paymaster, the widow's ordinary pension shall be at the rate of forty-seven shillings and sixpence a week;
- (b) held the rank of Paymaster, the widow's ordinary pension shall be at the rate of forty shillings and threepence a week;

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

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

(c) held a rank lower than that of Paymaster, 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 Part shall be increased in accordance with paragraph (4I) of Regulation 56."

9. In paragraph 1 of Part III of the Second Schedule as amended by Regulation 22 of the 1954 Regulations, Regulation 18 of the 1958 Regulations and Regulation 14 of the 1960 Regulations (which relates to the calculation of a widow's special pension) for the words "and (4F)", in both places where they occur, there shall be substituted the words "(4F) and (4H)".

10. In paragraph 1 of Part VII of the Second Schedule as amended by Regulation 3 of the 1954 (No. 2) Regulations, Regulation 19 of the 1958 Regulations and Regulation 15 of the 1960 Regulations (which relates to the calculation of a widow's special pension where the husband's death results from an attack) for the words "and (4F)" there shall be substituted the words "(4F) and (4H)".

11. For Part VIII of the Second Schedule, as set out in Regulation 22 of the 1956 Regulations and amended by Regulation 20 of the 1958 Regulations and Regulation 16 of the 1960 Regulations (which relates to the calculation of a widow's ordinary pension) 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 paragraphs (4F) and (4H) of Regulation 56.

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 Paymaster, forty-seven shillings and sixpence;
- (b) held the rank of Paymaster, forty shillings and threepence;
- (c) held a rank lower than that of Paymaster, 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 paragraph (4I) of Regulation 56; and
- (b) where the husband was entitled to reckon at least ten years' pensionable service, by one shilling and elevenpence."

12. For paragraphs 1 and 2 of Part I of the Third Schedule as amended by Regulation 21 of the 1956 Regulations, Regulation 21 of the 1958 Regulations and Regulation 17 of the 1960 Regulations (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 Schedule 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 Paymaster, be at the rate of sixteen shillings and eightpence a week;
- (b) the rank of Paymaster, be at the rate of fourteen shillings and sixpence a week;
- (c) a rank lower than that of Paymaster, 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 Paymaster, be at the rate of twenty-seven shillings and sevenpence a week;
- (b) the rank of Paymaster, be at the rate of twenty-three shillings and sixpence a week;
- (c) a rank lower than that of Paymaster, be at the rate of twenty shillings and fivepence a week."

13. In paragraphs 1 and 2 of Part II of the Third Schedule, as amended by Regulation 25 of the 1954 Regulations, Regulation 23 of the 1958 Regulations and Regulation 19 of the 1960 Regulations (which Part relates to the calculation of a child's special allowance), for the words "and (4F)" in both places where they occur there shall be substituted the words "(4F) and (4H)".

PART III

MISCELLANEOUS PROVISIONS

14. At the end of Regulation 4 (which relates to a member's supplemental pension) there shall be added the following 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 these Regulations, constitute a single award."

15. For Regulation 6 (which relates to awards in case of dismissal) there shall be substituted the following Regulation:—

"6. Where a member, other than a member to whom paragraph (6) of Regulation 9 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."

16. At the end of Regulation 9 (which relates to the calculation of a permanent member's ordinary pension) there shall be added the following paragraph:—

"(6) If a permanent 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 Regulation 44, 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 these Regulations shall apply in his case as if he had so retired."

17.—(1) In the provisos to paragraphs (1) and (2) of Regulation 24 (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 paragraph (3) of Regulation 24 there shall be substituted the following paragraph:—

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

18. In sub-paragraph (1)(c) of Regulation 39 (which relates to the cancellation of awards) for the word "would" there shall be substituted the word "could".

19.—(1) At the beginning of paragraph (1) of Regulation 43 (which relates to the suspension of an award during re-employment), there shall be inserted the words "Subject to paragraph (2)".

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

"(2) Paragraph (1) shall not apply to a widow's pension or pension under Regulation 53 payable in respect of the death, on or after 1st January, 1963, of a member or person who has been a member."

20. For paragraph (4) of Regulation 47 (which relates to the payment of awards) there shall be substituted the following paragraph:—

"Every gratuity payable under these Regulations 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."

21. For the definition of the expression "child" in paragraph (1) of Regulation 56 (which relates to interpretation) there shall be substituted the following definition:—

" "child" has the meaning assigned to it by paragraph (3) of Regulation 1 and the expressions "father", "mother" and "parent" shall be construed accordingly".

22. For Part 1A of Part 1 of the First Schedule (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, 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 REGULATIONS RELATING TO DISCRETIONARY AWARDS TO WIDOWS AND CHILDREN

23. For paragraph (3) of Regulation 15 as set out in Regulation 5 of the 1961 Regulations (which relates to the discretionary increase in a widow's ordinary pension), there shall be substituted the following paragraph:—

"(3) The increase which may be granted in a pension to which this Regulation refers, including such a pension increased before 27th May, 1963, 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 the Second Schedule, an amount not exceeding sixty-seven shillings and sixpence a week."

24. For paragraph (4) of Regulation 17 as set out in Regulation 7 of the 1961 Regulations and amended by Regulation 4 (which relates to the discretionary increase in a widow's special pension), there shall be substituted the following 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 paragraphs (4), (4A), (4D), (4F) and (4H) 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, an amount not exceeding ninety-five shillings a week and thereafter, during the periods and in the conditions set out in Part II of the Second Schedule, 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 1st July, 1949, or any later date this paragraph shall apply as though for the words 'annual pensionable pay' there were substituted the words 'average pensionable pay'."

25. For paragraph (6) of Regulation 21 as set out in Regulation 8 of the 1961 Regulations (which relates to awards to widows made before 5th July, 1948), 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 referred to in 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 Regulation 14 and were increasable under the provisions of Regulation 15:

Provided that if the pension referred to in 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."

26. For Part IX of the Second Schedule as set out in Regulation 35 of the 1958 Regulations and amended by Regulation 7 of the 1959 Regulations and Regulation 10 of the 1961 Regulations (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 III and VII of this Schedule—

- (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), 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(c)."

27.—(1) In sub-paragraph (b) of paragraph 2 of Part III of the Third Schedule as set out in Regulation 11 of the 1955 Regulations and amended by Regulation 8 of the 1959 Regulations and Regulation 11 of the 1961 Regulations (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 the Third Schedule as set out in Regulation 11 of the 1961 Regulations 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."

28.—(1) In paragraph 1 of Part VI of the Third Schedule as set out in Regulation 14 of the 1955 Regulations and amended by Regulation 38 of the 1958 Regulations, Regulation 10 of the 1959 Regulations and by Regulation 12 of the 1961 Regulations (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 Regulation 10 of the 1959 Regulations and amended by Regulation 12 of the 1961 Regulations there shall be substituted the following sub-paragraph:—

"(2) The appropriate amount referred to in the preceding sub-paragraph shall be—

(a) 1946. c. 23.
(b) 1959. c. 21.

(c) 1945. c. 19.

- (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.

EXPLANATORY NOTE

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

The purpose of these Regulations is to amend the Ulster Special Constabulary Pensions Regulations 1950.

Part I contains formal provisions, including the interpretation of certain expressions mentioned 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 Ulster Special 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 appropriate to those set out in the Act.

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

Regulation 16 secures the pension rights of permanent 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 at the time most favourable in his case as regards the amount of the pension (Regulation 22).

Regulation 17 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 Regulations in consequence of the National Insurance Act (Northern Ireland) 1963(a), the main changes being as follows:—

Regulations 23, 24 and 25 increase the amount by which widows' pensions may be increased in those cases in which discretionary increases are permitted.

Regulations 27 and 28 make similar provision in relation to children's allowances.

Regulation 26 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.).