

(3) a maximum moisture content of 5 per cent. is prescribed for all descriptions of dried milk (regulation 4(1) and Schedule 1);

(4) containers of dried skimmed milk are required, and containers of any other dried milk are permitted, to carry a declaration as to the milk fat content (regulation 5 and Schedule 2);

(5) the regulations do not apply to any sale of dried milk to a caterer or manufacturer; to any sale of dried milk for immediate consumption on or at the premises of the seller or in or at any stall or mobile refreshment vehicle; or to dried milk intended for export or consumption by a visiting force (regulation 3).

These regulations will come into operation on 11th March, 1965.

### 1964. No. 157

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.

### 1964. No. 158

[C]

## ROYAL ULSTER CONSTABULARY

### Pensions

ORDER, DATED 28TH SEPTEMBER, 1964, 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 Robert William Brian McConnell, Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 2 of the Constabulary Act (Northern Ireland) 1922(a), section 4 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:—

#### Citation

1. This Order may be cited as the Royal Ulster Constabulary Pensions (Amending) (No. 2) Order 1964, and shall be construed as one with the Royal Ulster Constabulary Pensions Orders 1949 to 1964, and those Orders and this Order may be cited together as the Royal Ulster Constabulary Pensions Orders 1949 to 1964.

(a) 12 & 13 Geo. 5. c. 8 (N.I.).  
(b) 9 & 10 Geo. 5. c. 68.

(c) 1949. c. 9.

*Commencement*

2. This Order shall come into operation on 1st October, 1964, and shall have effect from 1st August, 1964.

*Certificate*

3. I certify that section 4(2) 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. 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(a) and a reference to an Appendix shall be interpreted as a reference to an Appendix to the said Schedule.

5. In paragraph 6(3) (which relates to a member's supplemental pension) for the words "paragraph 6A, of paragraph 54" there shall be substituted the words "paragraph 6A, 6B or 54".

6. In paragraph 6A(1) (which relates to the commutation of part of a pension) for the words "who has served on or after the 1st April, 1958" there shall be substituted the words "who retires or retired on or after 2nd April, 1958, but (except as provided in paragraph 6B(9)) before 1st August, 1964".

7. After paragraph 6A there shall be inserted the following paragraph:

*"New provisions as to commutation of part of a pension"*

6B.—(1) This paragraph shall apply to a member who retires on or after 1st August, 1964.

(2) A member to whom this paragraph applies may, in accordance with the provisions thereof, 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 or retired either when entitled to reckon at least 30 years' pensionable service or in the circumstances mentioned in paragraph 5(1).

(3) For the purpose of commuting a portion of his pension a person shall 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 a quarter of the pension which would be payable but for the provisions of paragraph 54, as (subject to the limitation contained in paragraph 54A) he may specify:

(4) The notice of commutation shall be given by a person not earlier than 2 months before his intended retirement nor later than 6 months after his retirement.

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

(5) The notice of commutation given by a person shall become effective—

- (a) as from the date of his retirement; or
- (b) as from the date on which the notice is received by the Ministry, whichever is the later:

Provided that the notice of commutation shall not become effective if—

- (i) it was given more than 2 months before his retirement, or
- (ii) it relates to an ill-health pension which has sooner been terminated under paragraph 37.

(6) Where a person retires or has retired and a notice of commutation given by him becomes or has become 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 where the notice is effective as from the date mentioned in sub-paragraph (5)(b), 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.

(7) Where an ill-health pension is terminated under paragraph 37, after a notice of commutation in relation to the pension has become effective, and if thereafter the person concerned becomes entitled to a pension, other than a supplemental pension, and is entitled to reckon for the purposes thereof the period of pensionable service reckonable for the purposes of the ill-health pension first mentioned in this sub-paragraph, the other pension shall be reduced by the amount by which the ill-health pension would have been reduced if it had not been terminated as aforesaid.

(8) Where a person wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under sub-paragraph (7), he shall not specify in the notice of commutation a portion of the pension which, when aggregated with the said reduction, exceeds a quarter of the pension which would be payable but for the provisions of sub-paragraph (7) and of paragraph 54.

(9) A notice of commutation given before 1st October, 1964, for the purposes of paragraph 6A shall have effect for the purposes of this paragraph as if it had been given hereunder unless the person elects, by notice in writing given to the Ministry before 1st November, 1964, either—

- (a) to give in lieu thereof a fresh notification of commutation under this paragraph, or
- (b) to have paragraph 6A applied to him:

Provided that if, having elected as in (b), he fails to satisfy the Ministry of his good health he shall be entitled to withdraw that election and, if he so desires, to give a fresh notice of commutation under this paragraph."

8. For paragraph 13 (which relates to widows' special pensions) there shall be substituted the following paragraph:—

*“Widow's special pension*

13.—(1) This paragraph shall apply to a widow of a member who dies or has died on or after 5th July, 1948, as the result of an injury received in the execution of his duty as a member which is not wholly or mainly due to his own serious and culpable negligence or misconduct.

(2) A widow to whom this paragraph applies shall be entitled to a widow's special pension.

(3) Without prejudice to paragraph 13A(2), a widow's special pension shall be calculated in accordance with Parts III and IX of Appendix II.”

9. Paragraph 13A shall be renumbered 13B.

10. After paragraph 13 there shall be inserted the following paragraph:—

*“Widow's augmented award where husband's death results from an attack or injury received in effecting an arrest, etc.*

13A.—(1) This paragraph shall apply to a widow of a member whose death is the result of an injury received in the execution of his duty as a member which is not wholly or mainly due to his own serious and culpable negligence or misconduct and where—

- (a) he was attacked by a person or persons in a manner which, in the opinion of the Ministry, was intrinsically likely to cause death and death ensued on or after 5th July, 1948, as a result of the attack, or
- (b) the injury was received in the course of duties performed, in the opinion of the Ministry, for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody and death ensued on or after 1st August, 1964.

(2) A widow's special pension payable to a widow to whom this paragraph applies shall be calculated in accordance with Parts VII and IX of Appendix II in respect of any week for which the amount of the pension so calculated is greater than the amount calculated in accordance with Parts III and IX of Appendix II.

(3) A widow to whom this paragraph applies whose husband dies on or after 1st August, 1964, shall be entitled to a gratuity, as hereinafter provided, in addition to a widow's special pension.

(4) The gratuity under sub-paragraph (3) shall be of an amount equal to twice the annual pensionable pay (at the date of the death of the person in respect of whom the gratuity is payable) appropriate to a man holding the rank of a constable in the force and entitled to reckon 30 years' service for the purposes of pay.”

11. After paragraph 22 there shall be inserted the following paragraph:—

*“Child's gratuity where parent dies as a result of an attack or injury received in effecting an arrest, etc.*

22A.—(1) This paragraph shall apply to a child of a member who dies on or after 1st August, 1964, in the circumstances mentioned in paragraph 13A(1) and—

(a) in the case of a man, does not leave a widow entitled to a gratuity under paragraph 13A(3), or

(b) in the case of a woman, was the child's only surviving parent:

Provided that this paragraph shall apply to a child who at the date of the parent's death has attained the age of 16 years only if at that date the child has not attained the age of 19 years and either is undergoing full-time education or is an apprentice.

(2) A child to whom this paragraph applies shall be entitled to a gratuity, as hereinafter provided, in addition to a child's special allowance.

(3) The gratuity under sub-paragraph (2) shall be of the like amount as a widow's gratuity under paragraph 13A(3) except that, where two or more gratuities are payable under sub-paragraph (2) in respect of the death of the same person, each gratuity shall be of the said amount divided by the number of such gratuities."

12. In paragraph 25 (which contains limitations on a child's entitlement to an allowance) after the word "allowance", in the three places where it occurs, there shall be inserted the words "or gratuity".

13. For paragraph 30(2) (which provides that certain gratuities shall be ignored for the purposes of the provision preventing double entitlement to awards), there shall be substituted the following provision:—

"(2) For the purposes of this paragraph a gratuity granted under paragraph 13A(3) or 22A(2) or 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."

14. For paragraph 45(4) (which relates to the payment of gratuities) there shall be substituted the following provision:—

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

Provided that—

(a) in the case of a gratuity under paragraph 13A or 22A the Ministry may, pending the determination of any claim under the Criminal Injuries (Ireland) Acts for compensation in respect of the death of the member, defer payment or make such payment on account as they think fit; and

(b) 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."

15. For paragraph 54 (which relates to the allocation of part of a pension) there shall be substituted the following paragraph:—

*"Allocation of part of a pension*

54.—(1) This paragraph shall apply to a member who retires or retired on or after 2nd April, 1958.

(2) A member to whom this paragraph applies and who is entitled to reckon not less than 25 years' pensionable service may, in accordance with the provisions thereof, allocate a portion of any pension other than a supplemental pension to which he may become entitled and, notwithstanding that he has already allocated a portion of such a pension, he may—

- (a) allocate a further portion of that pension in favour of the beneficiary of the previous allocation; or
- (b) where that beneficiary has died, allocate a further portion of that pension in favour of some other beneficiary.

(3) A member to whom this paragraph applies may, in accordance with the provisions thereof, allocate a portion of a short service pension.

(4) 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 sub-paragraph (5) and 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 an allocation by a person entitled to reckon not less than 25 years' pensionable service, whether the notice of allocation is to become effective in accordance with (a) or (b) of sub-paragraph (6); 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 sub-paragraph (6)(a), the notice shall be given not earlier than 2 months before the person's intended retirement.

(5) The total portion of a pension which may be surrendered by a person under this paragraph shall not exceed a third of the pension which would be payable in his case but for the provisions of this paragraph, of paragraph 6A, of paragraph 6B and of Part V of Appendix I.

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

- (a) in the case of an allocation by a person who was entitled to reckon not less than 25 years' pensionable service when he gave the notice of allocation and stated therein that the notice should become effective in accordance with 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 2 months of giving the notice of allocation and in such case as from the date of retirement.

(7) Where a person retires or has retired and a notice of allocation given by him becomes or has become effective—

(a) the pension to which the notice relates shall be reduced in accordance with the notice as from the date from which it is payable (notwithstanding the death before that date of the beneficiary specified in the notice); and

(b) the Ministry shall, as from the person's death, pay to the beneficiary specified in the notice, if that person survives him, a pension of such amount as is the actuarial equivalent of the surrendered portion of the pension so specified.

(8) For the purposes of sub-paragraph (7)(b) the actuarial equivalent of the surrendered portion of the pension shall be calculated from the tables prepared by the Ministry and 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 (6);

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

(9) Where a person was entitled to reckon at least 25 years' pensionable service when he gave the notice of allocation and stated therein that it should become effective in accordance with (a) of sub-paragraph (6), then, if he dies or died before retiring, the Ministry shall pay to the beneficiary the like pension as they would have paid by virtue of that notice if he had retired immediately before he died.

(10) 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.

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

16. In paragraph 54A (which limits the right to commute or allocate part of a pension) after the words "paragraph 6A" there shall be inserted the words "or 6B".

17. In paragraph 1 of Part II of Appendix II for the words "13A" there shall be substituted the words "13B".

Dated this 28th day of September, 1964.

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

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

Dated this 30th day of September, 1964.

*Ivan Neill,*  
Minister of Finance for  
Northern Ireland.

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### EXPLANATORY NOTE

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

This Order makes certain changes in the Royal Ulster Constabulary pensions scheme, the changes being effected by amendments of the Royal Ulster Constabulary Pensions Order 1949, the principal Order relating to the scheme.

Article 7 introduces new arrangements for the commutation of part of a pension for a lump sum. The principal changes are (1) the policeman concerned no longer has to satisfy the Ministry of his good health, and (2) the proportion of his pension which may be commuted, subject to certain provisions, is increased from a sixth to a quarter. Articles 5, 6 and 16 contain incidental and consequential provisions.

Under the scheme as it is at present a widow of a policeman is entitled to a pension payable at a special rate if her husband dies as a result of an attack intrinsically likely to cause death. Article 10 provides that the widow shall also be entitled to this special rate if, on or after 1st August, 1964, her husband dies as a result of an injury received in the course of effecting an arrest or of preventing an escape or rescue from legal custody. It also provides that, where death occurs on or after 1st August, 1964, as a result of such an attack or injury, the widow shall be entitled not only to a pension at the special rate but also to a gratuity of an amount equal to twice the annual pay applicable to a constable with 30 years' service. Article 11 provides that the like amount shall be payable by way of gratuities to the children of a policeman who dies in these circumstances but does not leave a widow, or to those of a policewoman who was the children's only surviving parent. Such a child's gratuity is payable in addition to a child's special allowance. Articles 8, 9, 12, 13, 14 and 17 contain incidental and consequential amendments.

Article 15 introduces new arrangements for the allocation of part of a pension in favour of a dependant. The principal change is to permit a policeman who has already allocated a part of his pension to allocate a further part in favour of another dependant if the beneficiary of the first allocation dies.