

1965. No. 67

[NC]

ULSTER SPECIAL CONSTABULARY: PENSIONS

REGULATIONS, DATED 25TH MARCH, 1965, MADE BY THE MINISTER 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 Robert William Brian McConnell, 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 8 of the Constabulary Act (Northern Ireland) 1922(b) and by section 4(4) 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 1965, and shall be construed as one with the Ulster Special Constabulary Pensions Regulations 1950 to 1964, and those Regulations and these Regulations may be cited together as the Ulster Special Constabulary Pensions Regulations 1950 to 1965.

Commencement

2. Parts I and III shall have effect as from 25th March, 1965, and Part II shall have effect as from 29th March, 1965.

Interpretation

3.—(1) 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) and a reference to a Schedule shall be interpreted as a reference to a Schedule to the said Regulations.

(2) In these Regulations the expressions “1951 Regulations”(e), “1956 Regulations”(f) and “1963 Regulations”(g) mean the Ulster Special Constabulary Pensions (Amending) Regulations made in the year mentioned, and the expressions “1959 (No. 2) Regulations”(h), “1961 (No. 2) Regulations”(i), “1964 Regulations”(j) and “1964 (No. 2) Regulations”(k) mean the Ulster Special Constabulary Pensions (Amending) Regulations dated 22nd May, 1959, 3rd August, 1961, 18th March, 1964, and 28th September, 1964, respectively.

(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.) 1951, No. 123.
 (f) S.R. & O. (N.I.) 1956, No. 75.

(g) S.R. & O. (N.I.) 1963, No. 65.
 (h) S.R. & O. (N.I.) 1959, No. 89.
 (i) S.R. & O. (N.I.) 1961, No. 177.
 (j) S.R. & O. (N.I.) 1964, No. 49.
 (k) S.R. & O. (N.I.) 1964, No. 159.

PART II

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

4. For Regulation 15(3) as set out in Regulation 23 of the 1963 Regulations (which relates to the discretionary increase in a widow's ordinary pension), there shall be substituted the following provision:—

“(3) The increase which may be granted in a pension to which this Regulation refers shall be an amount not exceeding one hundred and twelve shillings and sixpence 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 eighty shillings a week.”

5. For Regulation 17(4) as set out in Regulation 24 of the 1963 Regulations (which relates to the discretionary increase in a widow's special pension), there shall be substituted the following provision:—

“(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 one hundred and twelve shillings and sixpence a week and thereafter, during the periods and in the conditions set out in Part II of the Second Schedule, an amount not exceeding eighty shillings 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'.”

6. For Regulation 21(6) as set out in Regulation 25 of the 1963 Regulations (which relates to awards to widows made before 5th July, 1948), there shall be substituted the following provision:—

“(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 29th March, 1965, it may be increased by an amount not exceeding eighty shillings a week.”

7. Paragraph 31 (which relates to awards to the children of a member who died before 5th July, 1948) shall be omitted.

8. For Part IX of the Second Schedule as set out in Regulation 8 of the 1964 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

1.—(1) 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 22 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 under section 5 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 under section 16(1)(b)(i) of that Act that allowance shall be deemed to be less than it is by the amount specified in sub-paragraph (2).
- (2) The amount referred to in paragraph 1(1)(c) is the aggregate of:—
- (a) forty shillings for the only or eldest child included in the widow's family within the meaning of the Family Allowances Act (Northern Ireland) 1945(c);
 - (b) thirty-two shillings for the second child so included; and
 - (c) thirty shillings for each subsequent child so included."

9. For paragraph 2 of Part III of the Third Schedule there shall be substituted the following paragraph:—

"2. Where the parent in respect of whose death the allowance is payable was the child's father and the father had attained the age of sixty-five on 5th July, 1948, and the mother of the child is dead, the child's allowance in respect of any week during which—

- (i) no person is receiving a guardian's allowance under the National Insurance Act (Northern Ireland) 1946 in respect of that child;
- (ii) the child is included in a family within the meaning of the Family Allowances Act (Northern Ireland) 1945;
- (iii) where the child's allowance is a child's special allowance, no allowance is payable under section 21 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946(d) in respect of that child; and
- (iv) no grant is payable to or in respect of the child out of any naval, military or air force fund in pursuance of any royal warrant or other instrument or under any scheme made under the Personal Injuries (Emergency Provisions) Act 1939(e)

may be increased to a rate not exceeding forty shillings a week."

10. For paragraph 3(a), (b) and (c) of Part III of the Third Schedule as set out in Regulation 9 of the 1964 Regulations (which Part relates to a discretionary increase in a child's allowance) 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 forty shillings a week;

(a) 1946. c. 23.
(d) 1946. c. 21.

(b) 1959. c. 21.

(e) 1945. c. 19.

(c) 2 & 3 Geo. 6. c. 82.

- (b) in the case of the second child so included to a rate not exceeding thirty-seven shillings a week;
- (c) in the case of each subsequent child so included to a rate not exceeding thirty-five shillings a week."

11. Part VI of the Third Schedule (which Part relates to a discretionary increase in the allowance of the child of a member who died before 5th July, 1948) shall be omitted.

PART III

MISCELLANEOUS AMENDMENTS OF THE REGULATIONS

12. For Regulation 3(1) as set out in Regulation 5 of the 1961 (No. 2) Regulations there shall be substituted the following:—

"3.—(1) A person who as a full-time member retires from the force shall receive a gratuity provided that at the date of retirement either—

- (a) he has attained the age of sixty years, or
- (b) he is permanently disabled."

13.—(1) In Regulation 4(3) as amended by the 1956 Regulations, the 1959 (No. 2) Regulations and the 1964 (No. 2) Regulations (which relates to the calculation of a supplemental pension), there shall be inserted after subparagraph (d) the following:—

"(e) where the member or person becomes entitled to a supplemental pension with effect from a date not earlier than 25th March, 1965, any gratuity payable under Regulation 3 or 4A."

(2) After Regulation 4(5) there shall be inserted the following:—

"(5A) Where a person receives a gratuity under Regulation 3 or 4A, this Regulation shall apply as if he were entitled as from the date of payment thereof to an ordinary pension under these Regulations of such amount as would be produced by converting the gratuity into an annuity for life."

14. For Regulation 4A(1)(b) as set out in the 1961 (No. 2) Regulations (which relates to the award of gratuities to members who have been mobilised for full-time service) there shall be substituted the following:—

"(b) where the demobilisation occurred before 3rd August, 1961, he was not entitled to an award under Regulation 4."

15. For Regulation 32A as set out in Regulation 12 of the 1961 (No. 2) Regulations there shall be substituted the following:—

"32A. Where a part-time member who is mobilised for full-time service dies and at the date of his death had the service requisite for an award under Regulation 4A, the Ministry shall, provided that no other award is payable under these Regulations (except under Regulation 33), pay to or for the benefit of his widow or children or to or for the benefit of any of his relatives who were dependent on him to any degree at the time of his death an amount equal to the amount of the gratuity to which he would have been entitled under the provisions of Regulation 4A had he ceased to be mobilised on the said date and had the cessation not been due to his voluntarily relinquishing mobilised service or to his being removed from such service on account of misconduct."

16. In Regulation 34B as set out in Regulation 6 of the 1959 (No. 2) Regulations (which limits the discretion to grant a gratuity in lieu of a widow's pension or child's allowance) for the words "Regulation 13C", in both places where they occur, there shall be substituted the words "Regulation 13C or 13D".

17. In Regulation 37A(1) as set out in Regulation 8 of the 1951 Regulations (which relates to additions to pensionable service on repayment) for the words "paragraph (1A) of Regulation 3" there shall be substituted "Regulation 4A".

18.—(1) For Regulation 55(1) there shall be substituted the following:—

"(1) A member's pensionable pay shall be his pay at the rate appropriate to him from time to time while occupying a post involving full-time service."

(2) For Regulation 55(3) there shall be substituted the following subparagraphs:—

"(3) A member's average pensionable pay for the purpose of an award other than under Regulation 4A shall be the aggregate of his pensionable pay during the three years immediately preceding the date on which he last ceased to be a member divided by three:

Provided that—

- (a) if during the said three years the member suffered any temporary reduction in rate of pay due to absence from duty on sick leave or by way of punishment the said reduction shall be deemed not to have occurred;
- (b) if the member was entitled to pensionable pay for only part of the said three years, the said aggregate shall be divided by the number of years and that fraction of a year comprising the said part; and
- (c) if the member was not entitled to pensionable pay for any part of the said three years his average pensionable pay shall be the annual rate of pay to which he would have been entitled if he had become mobilised for full-time service on his last day of service.

(3A) The provisions of paragraph (3) shall apply for the purposes of an award under Regulation 4A subject to—

- (a) references to pensionable pay being construed as references only to such pay while the member was mobilised for full-time service; and
- (b) the reference to the date on which he last ceased to be a member being construed as a reference to the date on which he last ceased to be mobilised for full-time service."

Dated this 25th day of March, 1965.

R. W. B. McConnell,
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.)

These Regulations amend the Ulster Special Constabulary Pensions Regulations 1950, mainly, in consequence of the National Insurance &c. Act (Northern Ireland) 1964, those provisions relating to widows' and children's allowances.

Regulations 4, 5 and 6 raise the amount by which widows' pensions may be increased in those cases in which discretionary increases are permitted. Regulations 9 and 10 make similar provision in relation to children's allowances.

Regulation 8 adjusts the extent of the abatement of a widow's pension by a widowed mother's National Insurance allowance.

Regulation 12 enables a full-time member to receive a gratuity whether or not he may be entitled to a supplemental pension.

Regulation 13 provides that where a member who becomes entitled to a supplemental pension is also entitled to a gratuity the annuity equivalent of the gratuity will be taken into account in determining the rate of the supplemental pension.

Regulation 14 enables a demobilised member to be awarded a gratuity, whether or not he may be entitled to a supplemental pension.

Regulation 15 enables the equivalent of a gratuity to be paid, on the death of a mobilised member, to a dependent relative.

Regulation 18 effects minor variations in the definition of pensionable pay.

1965. No. 68

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.

1965. No. 69

[C]

ANIMALS

Licensing of Bulls

RULES, DATED 9TH APRIL, 1965, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE LIVE STOCK BREEDING ACT (NORTHERN IRELAND) 1922, AS AMENDED BY SECTION 2 OF THE AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND) 1960.

The Ministry of Agriculture in exercise of the powers conferred on it by the Live Stock Breeding Act (Northern Ireland) 1922(a), as amended by Section 2 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland)

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