

1966. No. 255

[NC]

ULSTER SPECIAL CONSTABULARY

Pensions

REGULATIONS, DATED 4TH OCTOBER 1966, MADE BY THE MINISTER OF HOME AFFAIRS UNDER THE SPECIAL CONSTABLES ACT 1914 AND SECTION 8 OF THE CONSTABULARY ACT (NORTHERN IRELAND) 1922.

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) and section 8 of the Constabulary Act (Northern Ireland) 1922(b) and of all other powers enabling me in that behalf, do hereby make the following Regulations:—

Citation

1. These Regulations may be cited as the Ulster Special Constabulary Pensions (Amending) (No. 2) Regulations 1966 and shall be construed as one with the Ulster Special Constabulary Pensions Regulations 1950 to 1966, and those Regulations and these Regulations may be cited together as the Ulster Special Constabulary Pensions Regulations 1950 to 1966.

Commencement

2. These Regulations shall come into operation on 5th October 1966.

Amendment to the Ulster Special Constabulary Pensions Regulations 1950

3. The Ulster Special Constabulary Pensions Regulations 1950(c), as amended(d), shall be further amended as follows:—

(1) For Regulation 4(3)(a) (which provides that any relevant injury benefit shall be taken into account for the purposes of entitlement to, and amount of, a supplemental pension) there shall be substituted the following:—

“(a) any injury benefit payable under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(e) which relates to the relevant injury, together with, where he ceases to be a member on or after 6th October 1966, any supplement payable therewith under section 2 of the National Insurance (No. 2) Act (Northern Ireland) 1966”(f).

(2) For Regulation 4(3)(c) (which provides that any sickness benefit payable on retirement shall be taken into account for the purposes aforesaid) there shall be substituted the following:—

“(c) any sickness benefit payable under the National Insurance Act (Northern Ireland) 1966(g) until the first day after his retirement which is not or is deemed not to be a day of incapacity for work

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

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

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

(d) By the following S.R. & O.s (N.I.):—1951, No. 123; 1952, No. 157; 1954, Nos. 30 and 119; 1955, No. 171; 1956, No. 75; 1958, No. 61; 1959, Nos. 52 and 89; 1960, No. 3; 1961, Nos. 94 and 177; 1963, No. 65; 1964, Nos. 49 and 159; 1965, No. 67; 1966, No. 69.

(e) 1966. c. 9 (N.I.).

(f) 1966. c. 16 (N.I.).

(g) 1966. c. 6 (N.I.).

under section 19 of that Act or regulations made thereunder, together with, where he retires on or after 6th October 1966, any supplement thereto payable under the National Insurance (No. 2) Act (Northern Ireland) 1966”.

(3) At the beginning of Regulation 4A(1) (which relates to the award of gratuities on demobilisation) there shall be inserted the words “Subject to Regulation 4B”.

(4) After Regulation 4A there shall be inserted the following new Regulation:—

“4B.—(1) Where a person who as a part-time member has been mobilised for full-time service is demobilised and would on that account be entitled to a redundancy payment under the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(a) if that Act applied to persons rendering full-time service in the force in a mobilised capacity, he shall, subject to paragraph (2), be entitled to a redundancy grant equal to the amount of the said redundancy payment.

(2) If a person is entitled to an award under paragraph (1) and also to an award under Regulation 4A he shall select one of the awards and thereupon entitlement to the other shall cease”.

(5) At the end of Regulation 5 there shall be added the words “not being a redundancy grant”.

(6) For Regulation 15(3) (which relates to the discretionary increase of a widow’s ordinary pension) there shall be substituted the following:—

“(3) Subject to paragraph (4), the increase which may be granted under this Regulation shall be at a rate not exceeding 112s. 6d. a week for the first 26 weeks that the pension is payable and thereafter, during the periods and in the conditions set out in Part II of the Second Schedule, at a rate not exceeding 80s. 0d. a week.

(4) Where the husband died before 6th July 1966, paragraph (3) shall have effect as if the reference therein to 26 weeks were a reference to 13 weeks”.

(7) For Regulation 17(4) (which relates to the discretionary increase of a widow’s special pension) there shall be substituted the following:—

“(4) Subject to paragraph (5), 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), (4H) and (4L) of Regulation 56, of one-sixth of her husband’s pensionable pay for a week, together with, for the first 26 weeks that the pension is payable, an amount not exceeding 112s. 6d. and thereafter, during the periods and in the conditions set out in Part II of the Second Schedule, an amount not exceeding 80s. 0d. a week:

Provided that, where the date on which the widow becomes entitled to a pension is 1st July 1949, or any later date, this paragraph shall apply as if the reference to annual pensionable pay were a reference to average pensionable pay.

(5) Where the husband died before 6th July 1966, paragraph (4) shall have effect as if the reference therein to 26 weeks were a reference to 13 weeks”.

(a) 1965. c. 19 (N.I.).

(8) For paragraph 1(iii) of Part II of the Second Schedule (which relates to the periods for which a discretionary increase in a widow's pension is payable) there shall be substituted the following:—

“(iii) any period during which the widow is incapable of self-support, within the meaning of section 34(7)(a) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, by reason of any infirmity which rendered her so incapable at the expiry of the period specified in sub-paragraph (ii), or—

(A) where the husband died before 6th July 1966, at the expiry of the first 13 weeks that the pension is payable, or

(B) where the husband died on or after 6th July 1966, at the expiry of the first 26 weeks that the pension is payable”.

(9) At the end of paragraph 1(1) of Part IX of the Second Schedule there shall be added the following provision:—

“(d) where the widow is entitled to a supplementary allowance under section 4 of the National Insurance (No. 2) Act (Northern Ireland) 1966 that allowance shall be ignored”.

Dated this 4th day of October 1966.

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.

The amendments in Regulation 3(1) and (2) provide that, where for the purpose of determining entitlement to, or the amount of, a supplemental pension, account is taken of any National Insurance injury or sickness benefit, account shall also be taken of any supplement to that benefit payable under section 2 of the National Insurance (No. 2) Act (Northern Ireland) 1966.

The amendments in Regulation 3(3), (4) and (5) provide for the payment of redundancy grants to certain mobilised part-time members on demobilisation.

The amendments in Regulation 3(6) and (7) provide that the higher rate of discretionary increase in a widow's pension shall be paid for 26 weeks, instead of 13 weeks, where the husband died on or after 6th July 1966. The amendment in Regulation 3(8) is consequential.

The amendment in Regulation 3(9) provides that, where for the purpose of determining the amount of a widow's pension, account is taken of any National Insurance widow's benefit, any supplement to that benefit payable under section 4 of the National Insurance (No. 2) Act (Northern Ireland) 1966 shall be ignored.