

ROYAL ULSTER CONSTABULARY RESERVE**Pensions**

REGULATIONS, DATED 11TH JANUARY 1972, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 26 OF THE POLICE ACT (NORTHERN IRELAND) 1970.

The Ministry of Home Affairs in exercise of the powers conferred on it by section 26 of the Police Act (Northern Ireland) 1970(a) and of all other powers enabling it in that behalf and after consulting the Police Authority and the Police Association hereby makes the following Regulations:—

Citation

1. These Regulations may be cited as the Royal Ulster Constabulary Reserve (Pensions) Regulations 1972.

Interpretation

2.—(1) In these Regulations the expression “the Schedule” means the Schedule to the Royal Ulster Constabulary Pensions Order 1949(b).

(2) Paragraphs 1(2), 57(4)(b), 57(4A), 57(8) and 57(9) of the Schedule shall apply for the purposes of these Regulations as they apply for the purposes of the Schedule.

(3) For the purposes of these Regulations a reference to an injury received by a person in the execution of his duty as a reserve constable shall include a reference to any injury received while on duty or while on a journey necessary to enable him to report for duty or to return home after duty.

(4) For the purposes of these Regulations a reference to a reserve constable is a reference to a reserve constable appointed under section 9 of the Police Act (Northern Ireland) 1970 and, except where the context otherwise requires, includes a reference to a person who has been a reserve constable.

Reserve constable's supplemental pension

3.—(1) This Regulation shall apply to a person who ceases to hold the office of reserve constable and is permanently disabled from following his ordinary employment as a result of an injury received in the execution of his duty as a reserve constable which is not wholly or mainly due to his own serious and culpable negligence or misconduct.

(2) Subject to the provisions of these Regulations, a person to whom this Regulation applies shall be entitled to a supplemental pension and paragraphs 6, 38 and 40 of the Schedule shall apply as if he had been a member of the Royal Ulster Constabulary at the time that he received the injury.

(a) 1970. c. 9 (N.I.).

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

Widow's special pension

4.—(1) This Regulation shall apply to a widow of a reserve constable who dies as the result of an injury received in the execution of his duty as a reserve constable which is not wholly or mainly due to his own serious and culpable negligence or misconduct.

(2) Subject to the provisions of these Regulations, a widow to whom this Regulation applies shall be entitled to a special pension and paragraphs 13, 14(1), 18, 19 and 20 of the Schedule shall apply as if her husband had been a member of the Royal Ulster Constabulary at the time that he received the injury.

Widow's augmented award

5.—(1) This Regulation shall apply to a widow of a reserve constable whose death is the result of an injury received in the execution of his duty as a reserve constable which is not wholly or mainly due to his own serious and culpable negligence or misconduct where, subject to paragraph (4), one of the following conditions is satisfied, namely that—

- (a) he was attacked by a person or persons in a manner which was intrinsically likely to cause death, or
- (b) the injury was received in the course of duties performed for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody, or
- (c) the injury was received in the course of duties performed—
 - (i) for the immediate purpose of saving the life of another person or of preventing loss of human life, and
 - (ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury, or
- (d) the Ministry are of the opinion that one of the preceding conditions may be satisfied, and that this Regulation should apply, or
- (e) the Ministry are of the opinion that the injury was received otherwise than as aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would have been payable had one of the conditions specified in sub-paragraphs (a), (b) and (c) been satisfied.

(2) For the purpose of calculating a widow's special pension payable to a widow to whom this Regulation applies, paragraph 13 of the Schedule (as applied by Regulation 4) shall have effect subject to the provisions of paragraphs 13A(1) and (2) of the Schedule.

(3) Subject to the provisions of these Regulations, a widow to whom this Regulation applies shall be entitled to a gratuity in addition to a special pension and paragraphs 13A(1), (3) and (4) and 18, 19 and 20 of the Schedule shall apply as if her husband, at the time that he received the injury, had been serving as a member of the Royal Ulster Constabulary.

Child's special allowance

6.—(1) This Regulation shall apply to a child of a reserve constable who dies as the result of an injury received in the execution of his duty as a reserve constable which is not wholly or mainly due to his own serious and culpable negligence or misconduct.

(2) Subject to the provisions of these Regulations, a child to whom this Regulation applies shall be entitled to a child's special allowance and paragraphs 22, 23, 24(1) and 25 of the Schedule shall apply as if the parent had been a member of the Royal Ulster Constabulary at the time that he received the injury.

Child's special gratuity

7.—(1) This Regulation shall apply to a child of a reserve constable who dies as the result of an injury received in the execution of his duty as a reserve constable which is not wholly or mainly due to his own serious and culpable negligence or misconduct and where, subject to paragraph (3), one of the conditions set out in Regulation 5(1) is satisfied and—

- (a) in the case of a man, does not leave a widow entitled to a gratuity under Regulation 5(3), or
- (b) in the case of a woman, was the child's only surviving parent:

Provided that this Regulation 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) Subject to the provisions of these Regulations, a child to whom this Regulation applies shall be entitled to a gratuity in addition to a special allowance and paragraphs 22A and 25 of the Schedule shall apply as if the parent, at the time that he received the injury, had been serving as a member of the Royal Ulster Constabulary.

Average pensionable pay and pensionable service

8. For the purpose of calculating an award under these Regulations to or in respect of a reserve constable—

- (a) his average pensionable pay or average pensionable pay for a period of a week, as the case may be, shall be calculated in accordance with the Appendix;
- (b) he shall be deemed to have completed less than 11 years' pensionable service.

Application of certain provisions of the Schedule

9. Paragraphs 2, 16, 25A, 26 and 39 to 47 of the Schedule shall apply for the purposes of these Regulations as if a reserve constable were a member of the Royal Ulster Constabulary.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 11th day of January 1972.

(L.S.)

M. K. Harris,
Assistant Secretary.

The Ministry of Finance hereby concurs in the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 17th day of January 1972.

(L.S.)

C. F. Darling,
Assistant Secretary,
Ministry of Finance

APPENDIX

Regulation 8

Average Pensionable Pay

1.—(1) Subject to the provisions of this Appendix, for the purpose of calculating an award under these Regulations to or in respect of a reserve constable his average pensionable pay or average pensionable pay for a period of a week shall be of an amount determined in accordance with sub-paragraph (2).

(2) The average pensionable pay or average pensionable pay for a period of a week of a reserve constable shall be deemed to be of the like amount as his average pensionable pay or, as the case may be, his average pensionable pay for a week (within the meaning of the Schedule) would have been, at the date at which he ceased to hold that office, had his appointment and service at any time as a reserve constable been appointment and service in the rank of a constable as a member of the Royal Ulster Constabulary.

2. For the purpose of calculating an award under these Regulations to or in respect of a reserve constable, his average pensionable pay for a period of a week shall be taken to be his average pensionable pay divided by $52\frac{1}{4}$.

3. In this Appendix a reference to a person's ceasing to hold the office of reserve constable is a reference to his first ceasing to hold that office after he received the injury by virtue of which the award is payable.

EXPLANATORY NOTE

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

These Regulations apply to reserve constables those provisions, modified as necessary, of the Royal Ulster Constabulary Pensions Scheme which relate to awards in respect of injuries received on duty without serious and culpable negligence or misconduct.