

1972. No. 165

[C]

ROYAL ULSTER CONSTABULARY

Pensions

ORDER, DATED 5TH JULY 1972, MADE BY THE SECRETARY OF STATE UNDER SECTION 4 OF THE CONSTABULARY AND POLICE (IRELAND) ACT 1919, SECTION 2 OF THE CONSTABULARY ACT (NORTHERN IRELAND) 1922 AND THE CONSTABULARY (PENSIONS) ACT (NORTHERN IRELAND) 1949.

I, THE RIGHT HONOURABLE WILLIAM WHITELOW, M.C., M.P., one of Her Majesty's Principal Secretaries of State, in exercise of the powers conferred on me by section 4 of the Constabulary and Police (Ireland) Act 1919(a), section 2 of the Constabulary Act (Northern Ireland) 1922(b) and the Constabulary (Pensions) Act (Northern Ireland) 1949 (c) by virtue of section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(d) and all other powers me thereunto enabling, and after consulting the Police Association and, in accordance with the Police Act 1969(e), the Police Council for the United Kingdom, do hereby order as follows:—

Citation and commencement

1.—(1) This Order may be cited as the Royal Ulster Constabulary Pensions (Amending) Order 1972 and shall be construed as one with the Royal Ulster Constabulary Pensions Orders 1949 to 1971 and those Orders and this Order may be cited together as the Royal Ulster Constabulary Pensions Orders 1949 to 1972.

(2) This Order shall have effect, as regards Articles 2, 3 and 4, from 5th July 1972 and, as regards Article 5, from 1st September 1971.

Amendments to the Royal Ulster Constabulary Pensions Order 1949

2.—(1) The Schedule to the Royal Ulster Constabulary Pensions Order 1949(f) as amended(g) shall be further amended in accordance with the provisions of Articles 3, 4 and 5.

(2) Unless the context requires otherwise, a reference herein to a sub-paragraph, paragraph or appendix shall be deemed to be a reference to a sub-paragraph, paragraph or appendix in, or to, the aforesaid Schedule.

3. For sub-paragraph (3) of paragraph 3 (which relates to restrictions on the award of an ordinary pension) there shall be substituted the following sub-paragraphs:—

“(3) Except in the circumstances mentioned in sub-paragraph (4), this paragraph shall not apply to a member where—

(a) 9 & 10 Geo. 5 c. 68.

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

(c) 1949 c. 9.

(d) 1972 c. 22.

(e) 1969 c. 63.

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

(g) By the following S.R. & O.s (N.I.):—1950, No. 172; 1952, No. 89; 1953, No. 156; 1954, Nos. 98 and 118; 1955, No. 115; 1956, No. 49; 1957, No. 214; 1958, Nos. 81 and 184; 1959, No. 135; 1960, No. 13; 1961, Nos. 93 and 176; 1963, No. 64; 1964, Nos. 48 and 158; 1965, No. 66; 1966, Nos. 68 and 245; 1967, Nos. 18 and 277; 1968, No. 128; 1969, Nos. 39, 204 and 228; 1970, Nos. 98 and 203; 1971, Nos. 118, 404 and 407.

- (a) he retires or retired without having given to the Police Authority a month's written notice of his intention to retire or such shorter notice as may have been accepted by the Police Authority; or
 - (b) being a chief constable, deputy chief constable or assistant chief constable he retires before attaining the age of 60 years: so, however, that this restriction shall not apply in the case of an assistant chief constable who is or was in post on 5th July 1972.
- (4) The circumstances referred to in sub-paragraph (3) are that:—
- (a) the Police Authority decide or have decided that this paragraph should apply in his case; or
 - (b) he is or was required to retire on account of age, or on the ground that his retention in the Force would not be in the general interests of efficiency, or as an alternative to dismissal."

4. For paragraph 48 (which relates to compulsory retirement from the Force) there shall be substituted the following paragraph:—

"48.—(1) Subject to sub-paragraph (2) every member shall be required to retire—

- (a) if he is the chief constable, or a deputy chief constable or assistant chief constable, on attaining the age of 65 years;
- (b) if he is a chief superintendent, superintendent, chief inspector or inspector, on attaining the age of 60 years;
- (c) if he is a sergeant or constable, on attaining the age of 55 years;

Provided that in the case of a chief inspector, inspector, sergeant or constable who is or was in post on 5th July 1972 the compulsory age of retirement shall be 57 years, except that he shall have the option of having the compulsory age limit as prescribed in (b) or (c) as the case may be applied to him.

(2) The time at which, under sub-paragraph (1), a person shall be required to retire may be postponed, if the person concerned holds a rank above that of chief superintendent, by the Police Authority, and, if he holds the rank of chief superintendent or any lower rank, by the chief constable, with the approval of the Police Authority:

Provided that no such postponement or postponements shall extend beyond five years from the time at which, under sub-paragraph (1), he would have been required to retire."

5. In Appendix I there shall be omitted—

- (a) paragraph 2 of Part I;
- (b) in paragraph 2 of Part II the words "which shall be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57 of the Schedule";
- (c) in Part IV, the proviso to paragraph 2.

Dated this 5th day of July 1972.

W. Whitelaw,
One of Her Majesty's Principal
Secretaries of State

The Ministry of Finance hereby signifies its concurrence in the foregoing Order.

Sealed with the Official Seal of the Ministry of Finance this 10th day of July 1972,

(L.S.)

C. F. Darling,
Assistant Secretary

EXPLANATORY NOTE

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

This Order amends the provisions of the Royal Ulster Constabulary Pensions Scheme as follows: it includes assistant chief constables among those to whom restrictions on the award of an ordinary pension apply before the age of 60 years (Article 3); it makes provision for the compulsory retirement of assistant chief constables from the force at age 65; it increases the compulsory retiring age to 60 in the case of inspectors and chief inspectors and reduces it to 55 in the case of sergeants and constables; it also allows discretionary extensions of service to all ranks (Article 4); in Appendix I to the principal Order references relating to the Pensions (Increase) Act (Northern Ireland) 1944 have been removed. (Article 5).