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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 261**

**POLICE**

**Royal Ulster Constabulary Reserve  
(Part-time) Pensions Regulations 1997**

*Made - - - - 2nd June 1997*

*To be laid before Parliament*

*Coming into operation 1st July 1997*

The Secretary of State, in pursuance of section 26 of the Police Act (Northern Ireland) 1970(1), and after consulting, in accordance with section 34(2) of that Act, the Police Authority and the Police Association, hereby with the concurrence of the Treasury makes the following regulations:—

**Citation and commencement**

1. These regulations may be cited as the Royal Ulster Constabulary Reserve (Part-time) Pensions Regulations 1997 and shall come into operation on 1st July 1997.

**Interpretation**

2. In these regulations the following expressions have the meanings hereby assigned to them—
- “the 1949 Order” means the Royal Ulster Constabulary Pensions Order 1949(2);
  - “other relevant provision” means the 1949 Order, the 1950 Regulations, the Pensions Regulations or the Royal Ulster Constabulary Reserve (Full-time) Pensions Regulations 1994(3);
  - “other relevant service” means service as a full-time reserve member or service in the Royal Ulster Constabulary or in the Ulster Special Constabulary;
  - “the Pensions Regulations” means the Royal Ulster Constabulary Pensions Regulations 1988(4);
  - “the 1950 Regulations” means the Ulster Special Constabulary Pensions Regulations 1950(5);

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(1) 1970 c. 9 (N.I.) as amended by 1994 c. 29 and modified by S.I. 1973/2163  
(2) S.R. & O. (N.I.) 1949 No. 211 (p. 379)  
(3) S.R. 1994 No. 197 as amended by S.R. 1996 No. 5  
(4) S.R. 1988 No. 374 as amended by S.R. 1988 No. 438, S.R. 1989 No. 387, S.R. 1990 No. 411, S.R. 1993 No. 223, S.R. 1993 No. 327 and S.R. 1996 No. 4  
(5) S.R. & O. (N.I.) 1950 No. 97 (p. 617)

“reserve force” means the Royal Ulster Constabulary Reserve;

“reserve member” means a member of the reserve force appointed on a part-time basis and includes a person who has been a reserve member;

“full-time reserve member” means a member of the reserve force appointed on a full-time basis.

### **Revocation and saving**

3.—(1) Subject to paragraph (2), the Royal Ulster Constabulary Reserve (Pensions) Regulations 1973<sup>(6)</sup> shall cease to have effect in so far as they apply to reserve members except in the case of an award or payment to or in respect of a person who retired or otherwise ceased to be a reserve member before 1st July 1997, including an award on the death of such a person on or after the said date.

(2) In the case of a person who became a reserve member before 1st July 1997 to whom any award becomes payable under these regulations and to whom, if these regulations had not been made, an award would have been payable under those regulations of 1973, the award so payable shall be of the amount calculated in accordance with those regulations of 1973 or of the amount calculated in accordance with the corresponding provisions of these regulations, whichever amount is the greater.

### **Application of the Pensions Regulations to reserve members**

4.—(1) Subject to the modifications in regulation 5—

- (a) regulations A2, A4, A7, A10(2) and (3), A11, A12, B4, C2, C3, C5, C8(1), C9, D2, D3, D5, E1, E4, E5(1), (2) and (4) and E9 of the Pensions Regulations shall apply to reserve members; and
- (b) regulations K2 and K3 of the Pensions Regulations shall apply to any pension payable under regulation B4 of the Pensions Regulations as applied to reserve members by subparagraph (a).

(2) Regulations E7, K5, Part H and regulations L1(1), L2, L3 and L4 of the Pensions Regulations shall, subject to any necessary adaptations, apply for the purposes of this regulation as they apply for the purposes of the Pensions Regulations.

### **Modification of provisions applied to reserve members**

5.—(1) In their application by virtue of regulation 4(1), the provisions specified in that paragraph (“the applied provisions”) shall have effect subject to the modifications in paragraphs (2) to (6).

(2) The applied provisions shall have effect as if for the word “member” where it appears therein there were substituted “member of the Royal Ulster Constabulary Reserve appointed on a part-time basis”.

(3) Subject to regulation A11(3) of the Pensions Regulations, in the applied provisions disablement means inability occasioned by infirmity of mind or body in the case of a reserve member to follow his normal employment or, in the case of a child, to earn a living.

(4) Regulation E4 shall have effect as if the words “before he attained state pensionable age” were omitted therefrom.

(5) A reference in the applied provisions to any provision of the 1949 Order shall be construed as a reference to that provision as applied by the Royal Ulster Constabulary Reserve (Pensions) Regulations 1972<sup>(7)</sup>.

(6) Regulation 7 shall have effect for calculating an award under any of the applied provisions.

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(6) S.R. & O. (N.I.) 1973 No. 314 as amended by S.R. 1988 No. 375

(7) S.R. & O. (N.I.) 1972 No. 15

### **Restriction on account of other pension award**

6. Where the widow or a child of a reserve member becomes entitled to a widow's pension or a child's allowance, as the case may be, under other relevant provision or to a compensation award under the 1950 Regulations equivalent to such pension or allowance, any pension or allowance which would but for this regulation be payable under any of the applied provisions to the widow or the child shall be payable only if, and in respect of such period as, its annual rate exceeds the annual rate of the first-mentioned pension or allowance (or equivalent compensation award) and then only at the annual rate of the excess:

Provided that, if the first-mentioned widow's pension or equivalent compensation has been so determined that a child's allowance or equivalent compensation award is not payable, it shall for the purposes of this regulation be deemed to include any child's ordinary allowance or equivalent compensation award which would otherwise be payable.

### **Average pensionable pay and pensionable service**

7.—(1) For the purpose of calculating an award under any of the applied provisions to or in respect of a reserve member his average pensionable pay or average pensionable pay for a period of a week 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 Pensions Regulations) would have been at the date when he last ceased to be a reserve member had his appointment and service at any time as a reserve member been appointment and service in the rank of constable as a full-time reserve member:

Provided that, if a reserve member is, or was at the date of his death, entitled to a pension under other relevant provision or becomes entitled to long-term or retirement compensation under the 1950 regulations or if his widow or a child of his becomes entitled to a compensation award under those regulations, then for the purposes of this paragraph his period of service as a reserve member shall be deemed to include his other relevant service reckonable for the purposes of pay.

(2) Subject to the provisions of paragraph (3), for the purpose of calculating an award under any of the applied provisions to or in respect of a reserve member his pensionable service shall be deemed to be his period, or the aggregate of his periods, of service as a reserve member.

(3) For the purpose of calculating an award under any of the applied provisions to or in respect of a reserve member who is, or was at the date of his death, entitled to a pension under other relevant provision or who becomes entitled to claim long-term or retirement compensation under the 1950 regulations or whose widow or a child of his becomes entitled to compensation under those regulations—

- (a) his pensionable service shall be deemed to be the sum of his other relevant service reckonable for pension purposes and his period, or the aggregate of his periods, of service as a reserve member;
- (b) his pension under the 1949 Order or his pension or any periodic compensation payable to him under the 1950 Regulations shall be deemed to be such a pension as is mentioned in paragraph 3 of Part V of Schedule B to the Pensions Regulations; and
- (c) any lump sum retirement compensation payable to him under the 1950 Regulations shall be treated as if it were such a gratuity as is mentioned in paragraph 4(4) of the said Part V.

### **Amendment of the Royal Ulster Constabulary Reserve (Injury Benefit) Regulations 1988**

8. Regulation 3 of the Royal Ulster Constabulary Reserve (Injury Benefit) Regulations 1988(8) shall have effect in so far as it applies to reserve members as if—

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (a) in paragraph (1) there were substituted for the words “Royal Ulster Constabulary Reserve (Pensions) Regulations 1973” the words “Royal Ulster Constabulary Reserve (Part-time) Pensions Regulations 1997”;
- (b) in paragraph (2) there were substituted for the words “regulation 3(3)” the words “regulation 5(3)”; and
- (c) in paragraph (3) there were substituted for the words “regulation 3(2)” the words “regulation 4(1)” and there were inserted after the words “the principal regulations” the words “to members of the Royal Ulster Constabulary Reserve appointed on a part-time basis”.

Northern Ireland Office  
19th May 1997

*Marjorie Mowlam*  
One of Her Majesty’s Principal Secretaries of  
State

We concur

2nd June 1997

*Graham Allen*  
*John McFall*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations revoke, in so far as they apply to the RUC (Part-time) Reserve, and re-enact in a different format the Royal Ulster Constabulary Reserve (Pensions) Regulations 1973 which applied to members of the Royal Ulster Constabulary Reserve the provisions of the Royal Ulster Constabulary Pensions Regulations 1988 relating to member's injury award, widow's special award, widow's augmented award, adult dependent relative's special pension, child's special allowance and child's special gratuity.

Under these regulations such awards are no longer calculated, as was the case under the revoked regulations, on the basis that the member's service was service as a constable in the RUC, subject to a maximum of 10 years: regulation 7 provides that the member's service is to be treated as service as a full-time member of the Reserve without restriction as to its length.

Regulation 8 makes consequential amendments to the Royal Ulster Constabulary Reserve (Injury Benefit) Regulations 1988 in their application to the Part-time Reserve.