

licensee last notified to the Ministry and such licence shall be deemed to be revoked as from the date of such service.

The licensee shall, within three days after a notice shall have been delivered to him personally or left at the address last notified to the Ministry, deliver up his licence at such place as may be specified in the notice.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 1st day of July, 1949, in the presence of

(L.S.)

Arthur Acheson Farrell,
Assistant Secretary.

ROYAL ULSTER CONSTABULARY : PENSIONS

ORDER, DATED 29TH DECEMBER, 1949, MADE BY THE MINISTER OF HOME AFFAIRS UNDER THE CONSTABULARY AND POLICE (IRELAND) ACT, 1919, AS APPLIED BY THE CONSTABULARY ACT (NORTHERN IRELAND), 1922, AND THE CONSTABULARY (PENSIONS) ACT (NORTHERN IRELAND), 1949.

1949. No. 211

I, THE RIGHT HONOURABLE BRIAN MAGINESS, K.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by Section 2 of the Constabulary Act (Northern Ireland), 1922, Section 4 of the Constabulary and Police (Ireland) Act, 1919, as applied by the said Act of 1922, and by the Constabulary (Pensions) Act (Northern Ireland), 1949, and of all other powers enabling me in that behalf, do hereby order that the pensions and gratuities to be granted on retirement to members, including women members, of the Royal Ulster Constabulary of the several ranks, classes and grades indicated in the Schedule to this Order and the pensions, gratuities and allowances of the widows, children and dependants of such members shall be in accordance with the rates, scales and conditions prescribed in that Schedule, and I hereby revoke, except so far as the contrary is provided in the said Schedule, the Royal Ulster Constabulary Pensions Orders, 1923 to 1948; the Royal Ulster Constabulary (Women Members) Pensions Order, 1946; paragraph 12 of the Schedule to the Royal Ulster Constabulary Pay Order, 1947, and paragraph 7 of the Schedule to the Royal Ulster Constabulary (Women Members) Pay Order, 1947.

I hereby declare that this Order is made for the purpose of modifying, in connection with the coming into force of the National Insurance Acts (Northern Ireland), 1946, the law as to the pensions payable to, or in respect of, members of the Royal Ulster Constabulary, and I hereby repeal, with effect from the 5th July, 1948, so much of paragraph 3 of Part I of the First Schedule to the Pensions (Increase) Act (Northern Ireland), 1944, as refers to a pension payable by virtue of the Constabulary Act (Northern Ireland), 1922, under the orders relating

to the pensions of the Royal Ulster Constabulary, except so far as the contrary is provided in the Schedule appended hereto.

And I certify that sub-section (2) of Section 4 of the Constabulary and Police (Ireland) Act, 1919, which provides that a draft of any Order proposed to be made under the said section shall be submitted to the representative body or bodies constituted by that Act and representing any rank or ranks affected, and that before making the Order the Ministry of Home Affairs shall consider any representations made by such body or bodies, has been fully observed.

This Order shall have effect as from the 5th July, 1948, and may be cited as the Royal Ulster Constabulary Pensions Order, 1949.

Dated this 29th day of December, 1949.

Brian Maginess,

Minister of Home Affairs for Northern Ireland.

I, THE RIGHT HONOURABLE J. MAYNARD SINCLAIR, Minister of Finance for Northern Ireland, hereby signify my concurrence in the foregoing Order and Schedule thereto.

Dated this 30th day of December, 1949.

J. M. Sinclair,

Minister of Finance for Northern Ireland.

SCHEDULE REFERRED TO IN THE FOREGOING ORDER

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PART I

GENERAL

1.—(1) Subject to the provisions of this Schedule every member of the Entitlement Royal Ulster Constabulary (hereafter in this Schedule referred to as to award. " member ") shall, on retiring from the Royal Ulster Constabulary (hereafter in this Schedule referred to as " the force ") be entitled to an award under this Schedule.

(2) Subject to the provisions of this Schedule, every member who is permanently disabled as the result of any injury or disease whether of body or mind (hereafter in this Schedule referred to as " an injury ") received in the execution of his duty as a member of the force without his own default shall be entitled to an award under this Schedule on retiring from the force or, where he has retired before becoming disabled, on the date when he becomes so disabled which, if it cannot be ascertained, shall be taken to be the date when the claim that he is disabled is first made known to the Inspector General.

(3) The widow of a man who has been a member shall, in the circumstances specified in this Schedule, be entitled to an award.

(4) The child, step-child, illegitimate child and adopted child (hereafter in this Schedule referred to as the " child ") of a person who has been a member shall be entitled on the death of that person to an award in the circumstances specified in this Schedule :

Provided that this sub-paragraph shall only apply to a step-child, illegitimate child or adopted child who was dependent to a substantial extent on the said person at the time of the death.

2.—(1) A pension shall be for life unless it is forfeited, varied, suspended or terminated under this Schedule.

(2) The amount of a pension payable to a person who has been a member shall, in the manner hereafter provided, be calculated with reference to his annual pensionable pay and shall be payable in respect of each year after his retirement :

Duration, amount and payment of awards.

Provided that where the date of retirement is the 1st July, 1949, or any later date this sub-paragraph shall have effect as though for the word "annual" there were substituted the word "average."

(3) A pension to a widow or an allowance to a child shall be of such amount as is hereafter provided and shall be payable in respect of each week.

PART II

AWARDS ON RETIREMENT AND DISABLEMENT

Member's
ordinary
pension.

3.—(1) Subject to the provisions of this Schedule, where a member who is entitled to reckon twenty-five years' pensionable service retires from the force, the award shall be an ordinary pension.

(2) The amount of an ordinary pension shall be determined in accordance with Parts I and III of Appendix I :

Provided that where the date of retirement is the 1st July, 1949, or any later date an ordinary pension shall be determined in accordance with Parts IA and III of the said Appendix.

(3) This paragraph shall not apply where—

(a) an Inspector General or Deputy Inspector General retires without the consent of the Governor of Northern Ireland before he has attained the age of sixty, or

(b) a member has not given to the Inspector General one month's written notice or such shorter notice as the Inspector General may accept of his intention to retire,

unless—

(i) he is required to retire under the provisions of Part IX of this Schedule, or

(ii) he is required to retire as an alternative to dismissal.

Member's
ill-health
award.

4.—(1) Where a member retires from the force on the ground that he is permanently disabled, the award shall be an ill-health award which—

(a) if at the time when he so retires either—

(i) he is entitled to reckon ten years' pensionable service, or

(ii) his disablement is the result of an injury received in the execution of his duty,

shall be a pension (hereafter in this Schedule referred to as an "ill-health pension"), and

(b) in other cases, shall be a gratuity.

(2) The amount of the said pension or gratuity shall be determined in accordance with Parts II and III of Appendix I :

Provided that where the date of retirement is the 1st July, 1949, or any later date the amount of the said pension or gratuity shall be determined in accordance with Parts IIA and III of the said Appendix.

Member's
short service
award.

5.—(1) Where a member is required to retire under the provisions of sub-paragraph (1) of paragraph 4S, the award shall, unless paragraph 3 applies, be a short service award.

(2) If at the time when he retires he is not entitled to reckon ten years' pensionable service, the award shall be a gratuity and otherwise shall be a pension (hereafter in this Schedule referred to as a "short service pension").

(3) The amount of the said pension or gratuity shall be determined in accordance with Parts II and III of Appendix I :

Provided that where the date of retirement is the 1st July, 1949, or any later date the amount of the said pension or gratuity shall be determined in accordance with Parts IIA and III of the said Appendix.

6.—(1) Where a member or a person who has been a member is permanently disabled as a result of an injury received in the execution of his duty without his own default, (hereinafter in this paragraph referred to as “ the relevant injury ”) the award shall include a supplemental pension in respect of any week in respect of which—

- (a) none of the payments described in sub-paragraph (3) is payable to him, or
- (b) if one or more of the said payments is payable, that payment or the aggregate of those payments, as the case may be, is less than the standard amount appropriate to his case determined in accordance with Part IV of Appendix I.

(2) The amount of the supplemental pension in respect of any week shall—

- (a) if none of the said payments is payable in respect of that week, be equal to the said appropriate standard amount, and
- (b) if one or more of the said payments is payable in respect of that week, be equal to the difference between that payment or, as the case may be, the aggregate of those payments and the said appropriate standard amount.

(3) The payments referred to in sub-paragraph (1) are—

- (a) any injury benefit payable under the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, which relates to the relevant injury ;
- (b) any disablement pension payable under Section twelve of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, in respect of the relevant injury or so much of any such pension as relates to that injury, together with —
 - (i) any increase in such pension payable under Section thirteen, fourteen, seventeen or eighteen of the said Act or so much of any such increase as is proportionate to that part of the said pension which relates to that injury ; and
 - (ii) so long as he is receiving treatment as an in-patient at a hospital as a result of that injury any increase in such pension payable under Section sixteen, seventeen or eighteen of the said Act.
- (c) any sickness benefit payable under the National Insurance Act, (Northern Ireland) 1946, until the first day after his retirement which is not or is deemed not to be a day of incapacity for work under section ten of the last-mentioned Act or regulations made thereunder, and
- (d) where the person concerned received the relevant injury while serving as a member any ordinary pension or ill-health pension which becomes or became payable under this Schedule or, as the case may be, the Royal Ulster Constabulary Pensions Orders after the time when he received the injury.

(4) For the purposes of this paragraph no account shall be taken of so much of a disablement pension as represents an increase payable under section fifteen of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946.

(5) Where a person receives a disablement gratuity under the National Insurance (Industrial Injuries) Act, (Northern Ireland) 1946, this paragraph shall apply as if he were entitled during the relevant period to a disablement pension under that Act of such amount as would be produced by converting the gratuity into an annuity for that period.

In this sub-paragraph the expression "the relevant period" means the period taken into account, in accordance with section twelve of the said Act, for the purpose of making the assessment by reference to which the gratuity became payable.

Award where no other award payable.

7. Where a member retires from the force in circumstances which do not entitle him to any other award under this Schedule, the award shall be of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service.

Award in case of dismissal.

8. Where a member is dismissed from the force the Ministry shall either pay to him or apply for the benefit of his dependants an amount equal to the whole of his aggregate pension contributions in respect of the relevant period of service.

Awards to servicemen.

9.—(1) If a serviceman at the end of his relevant period of service in the armed forces of the Crown is permanently disabled, he shall be deemed to have retired from the force and shall be entitled to the same award on the same conditions in all respects as if he had retired at the end of the said period on the ground of disablement.

(2) If a serviceman within one month from the end of the said period does not resume service in the force in circumstances in which no award is payable to him under this Schedule paragraph 7 shall have effect as if he had retired from the force at the end of the said period.

Existing pensions.

10. Subject to the provisions of paragraph 42 nothing in this Order shall affect any pension granted on the retirement of any person if the retirement occurred before the 5th July, 1948, and the pension provisions in force immediately before the said date shall continue to apply in relation to such pensions as though this Order had not been made.

PART III

AWARDS ON DEATH

Widows

Widow's ordinary pension.

11.—(1) Subject to the provisions of this Schedule, the widow of such a member as is described in sub-paragraph (2) shall be entitled to a widow's ordinary pension of the amount described in Part I of Appendix II :

Provided that where the date of the death of the husband is the 6th April, 1949, or any later date up to and including the 30th June, 1949, the pension in respect of any period after the 30th June, 1949, shall not be of less amount than it would have been if calculated in accordance with Part IA of Appendix II and where the date of the death of the husband is the 1st July, 1949, or any later date the pension shall in all cases be of the amount described in the said Part IA.

- (2) The member referred to in sub-paragraph (1) is one—
- (a) who is entitled to reckon three years' pensionable service and—
- (i) dies while serving in the force, or
 - (ii) retires because he is disabled and his death results from the same injury as resulted in his disablement, or
 - (iii) retires and receives a pension and dies while still in receipt of the pension; or
- (b) who, after completing three years' approved service retired from the force between the 1st June, 1922, and the 5th July, 1948—
- (i) on account of any injury and dies in consequence of that injury, or
 - (ii) with a pension and dies while in receipt of the pension;
- (3) A member who has been granted a compensation allowance in respect of service in the Royal Irish Constabulary and whose combined service in the Royal Irish Constabulary and in the force, reckoned in accordance with paragraph 52 would, but for the payment of such compensation allowance, have entitled him to a pension, shall, for the purpose of this paragraph, be regarded as having been granted a pension from the date of discharge.

12.—(1) Where a widow is entitled to an ordinary pension under paragraph 11 the Ministry with the consent of the Ministry of Finance may, in their discretion, increase that pension in accordance with the provisions of this paragraph.

Discretionary increase in widow's ordinary pension.

- (2) The increase shall only be payable—
- (a) if the widow would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act, (Northern Ireland), 1946, but for the fact that her husband had not satisfied the contribution condition set out in paragraph (a) of sub-paragraph (1) of paragraph 4 of the Third Schedule to the said Act; and
- (b) in respect of any week during which the widow is not receiving—
- (i) a retirement pension under the National Insurance Act, (Northern Ireland), 1946, or
 - (ii) a pension under the Old Age Pensions Act, (Northern Ireland), 1936, or
 - (iii) any grant payable out of any naval, military or air force fund made in respect of the death of her husband in pursuance of any royal warrant or other instrument, or
 - (iv) any payment made in respect of the death of her husband under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939.

(3) The rate up to which the pension may be increased shall be, for the first thirteen weeks that the pension is payable, thirty-six shillings a week and thereafter, during the periods and in the conditions set out in Part II of Appendix II, twenty-six shillings a week:

Provided that with effect from the 1st July, 1949, this sub-paragraph shall have effect as if for the words "up to which" there were substituted the words "by which."

(4) Where a pension calculated in accordance with Scheme II of Part I or Scheme II of Part IA of Appendix II is increased under this

paragraph the increased pension shall not be at a higher rate than it would have been if it had been calculated in accordance with Scheme I of the same Part and increased in accordance with the provisions of this paragraph :

Provided that this sub-paragraph shall have effect only from the 1st July, 1949.

Widow's special pension.

13.—(1) Where a man dies as the result of an injury received in the execution of his duty as a member without his own default, the award to his widow shall be a widow's special pension.

(2) The amount of a widow's special pension shall be determined in accordance with Part III of Appendix II.

Discretionary increase in widow's special pension.

13A. (1) The provisions of this paragraph shall apply with effect only from 1st July, 1949.

(2) Where a widow is entitled to a special pension under paragraph 13 the Ministry, with the consent of the Ministry of Finance may, in their discretion, increase that pension in accordance with the provisions of this paragraph.

(3) The increase shall only be payable —

(a) if the widow would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act (Northern Ireland), 1946, but for the fact that her husband had not satisfied the contribution condition set out in paragraph (a) of sub-paragraph (1) of paragraph 4 of the Third Schedule to the said Act ; and

(b) in respect of any week during which the widow is not receiving

(i) a retirement pension under the National Insurance Act (Northern Ireland), 1946, or

(ii) a pension under the Old Age Pensions Act (Northern Ireland), 1936, or

(iii) any grant payable out of any naval, military or air force fund made in respect of the death of her husband in pursuance of any royal warrant or other instrument, or

(iv) any payment in respect of the death of her husband under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939, or

(v) a pension under section nineteen of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946.

(4) The amount up to which the pension may be increased shall be the amount, which may be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57 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, thirty-six shillings a week and thereafter during the period and in the conditions set out in Part II of Appendix II twenty-six shillings a week :

Provided that where the date on which the widow becomes entitled to a widow's special pension is the 1st July, 1949 or any later date this sub-paragraph shall apply as though for the words " annual pensionable pay " there were substituted the words " average pensionable pay " .

Gratuity in lieu of pension.

14. Where a widow is entitled to a pension and the Ministry and the Ministry of Finance are satisfied that there is sufficient reason for granting

her a gratuity in lieu thereof, they may in their discretion and with her consent substitute for the pension a gratuity determined in accordance with Part IV of Appendix II.

15. Where a member dies and his widow is not entitled to a pension under this Schedule, the award shall be a widow's ordinary gratuity which shall be determined in accordance with Part V of Appendix II. Widow's ordinary gratuity.

16. A pension or gratuity to a widow shall be payable on the death of her husband except— Date of payment of award.

- (a) where her husband was in receipt of a pension and he dies during a period in respect of which he has already received his pension, in which case the widow's pension shall be payable at the end of that period ;
- (b) where her husband has received a gratuity, in which case the widow's pension shall be payable at such time as the Ministry may, in their discretion, determine to be reasonable, not being more than one year after his death, having regard to all the circumstances, including the amount of the gratuity.

17.—(1) Where a member or a person who has been a member has died and immediately before the 5th July, 1948, his widow was entitled to a pension or gratuity under the Royal Ulster Constabulary Pensions Orders, any such widow shall continue to be entitled to the pension or gratuity in all respects in the same manner as if this Order had not come into force : Awards to existing widows.

Provided that the pension payable in each case shall be that provided for in the said Orders without taking into account, except in the manner hereinafter specified, any increase under the Pensions (Increase) Acts, (Northern Ireland), 1944 and 1947.

(2) The amount of any such pension as provided by sub-paragraph (1) shall be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57.

(3) Where a widow is entitled under the provisions of sub-paragraphs (1) and (2) to a pension the Ministry with the consent of the Ministry of Finance may, in their discretion, increase that pension in accordance with the provisions of this paragraph.

(4) Where the widow of a member is not entitled to a pension from the Ministry, and would have been entitled to such pension if in paragraph 5 (a) of the Royal Ulster Constabulary Pensions Order, 1923, the words "three years' approved service" had been substituted for the words "five years' approved service" the Ministry with the consent of the Ministry of Finance, if in their discretion they think fit, may grant her a pension in accordance with the provisions of this paragraph.

(5) The increase or, as the case may be, the pension referred to in sub-paragraphs (3) and (4) respectively shall only be payable in respect of any week during which the widow is not receiving —

- (a) widow's benefit or a retirement pension under the National Insurance Act, (Northern Ireland), 1946; or
- (b) a pension under the Old Age Pensions Act, (Northern Ireland), 1936, or
- (c) any grant payable out of any naval, military or air force fund made in respect of the death of her husband in pursuance of any royal warrant or other instrument, or

(d) any payment made in respect of the death of her husband under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939.

(6) The rate up to which the pension referred to in sub-paragraph (3), may be increased or the rate at which the pension may be granted under sub-paragraph (4) shall be, during the periods and in the conditions set out in Part VI of Appendix II, twenty-six shillings a week.

(7) Where the Ministry decide to increase or to grant a pension under sub-paragraph (3) or (4) they may if in their discretion they think fit and with the consent of the Ministry of Finance increase or grant such pension with effect from any date not earlier than the 5th July, 1948.

Limitation on awards to widows with reference to date of marriage.

18. A widow shall not be entitled to a widow's special or ordinary pension or gratuity or be granted a pension in accordance with the provisions of sub-paragraph (4) of paragraph 17 unless she was married to her husband before he last ceased to be a member.

Limitation on award to widow living apart from husband.

19.—(1) When a man dies leaving a widow who was living apart from him at the time of his death, no pension or gratuity shall be payable to her unless either—

(a) at the time of the death the deceased was regularly contributing to her support, or was liable to contribute to her support by virtue of any agreement or any order of a competent court, or

(b) she was living apart from him because he had deserted her :

Provided that where the preceding provisions of this paragraph would prevent the payment of a widow's pension or gratuity, the Ministry, with the consent of the Ministry of Finance may in their discretion, if they consider that the application of those provisions would cause substantial hardship in that case, pay the pension or gratuity.

(2) For the purposes of this paragraph, contributions to a woman for the support of her child shall be treated as contributions to her support.

Termination of widow's pension on remarriage.

20.—(1) Where a pension becomes payable to a widow under this Schedule other than paragraph 54, then, if she subsequently remarries, she shall not be entitled to receive any payment on account of the pension in respect of any period after her remarriage :

Provided that if at any time after her remarriage she again becomes a widow, the Ministry may, in their discretion, resume payment of the pension.

(2) Where a gratuity becomes payable to a widow under this Schedule then, if she subsequently remarries, so much of the gratuity as has not been paid before her remarriage shall not be payable thereafter :

Provided that if at any time after her remarriage the woman again becomes a widow, the Ministry may, in their discretion, pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage.

(3) Where and for so long as a woman is cohabiting with a man this paragraph shall apply as if she were married to him.

Children

21.—(1) Subject to the provisions of this Schedule, each of the children of such a member or person who has been a member as is described in sub-paragraph (2) shall be entitled to a child's ordinary allowance determined in accordance with Part I of Appendix III :

Provided that where the date of the death of the parent in respect of whose death the allowance is payable is the 6th April, 1949, or any later date up to and including the 30th June, 1949, the allowance in respect of any period after the 30th June, 1949, shall not be of less amount than it would have been if calculated in accordance with Part 1A of Appendix III and where the date of such death is the 1st July, 1949, or any later date the allowance shall in all cases be determined in accordance with the said Part 1A.

(2) The member or person who has been a member referred to in sub-paragraph (1) is one who—

- (a) dies while serving in the force, or
- (b) retires or has retired with a pension and dies while still in receipt of the pension, or
- (c) dies after having retired when he was entitled to reckon not less than three years' pensionable service or, if he retired before the 5th July, 1948, after completing three years' approved service, and in either case received a gratuity.

(3) A member who has been granted a compensation allowance in respect of service in the Royal Irish Constabulary and whose combined service in the Royal Irish Constabulary and in the force, reckoned in accordance with paragraph 52 would, but for the payment of such compensation allowance, have entitled him to a pension, shall, for the purpose of this paragraph, be regarded as having been granted a pension from the date of discharge.

22. Subject to the provisions of this Schedule, where a member, or a person who has been a member dies as the result of an injury received in the execution of his duty without his own default, each of his children shall be entitled to a child's special allowance determined in accordance with Part II of Appendix III.

23.—(1) Subject to the provisions of this Schedule, a child's allowance may, if the Ministry in their discretion think fit, and with the consent of the Ministry of Finance, be increased in accordance with Part III of Appendix III :

Provided that where the date of the death of the parent in respect of whose death the allowance is payable is the 6th April, 1949, or any later date this sub-paragraph shall have effect in respect of any period after the 30th June, 1949, as though for the reference to Part III of Appendix III there were substituted a reference to Part IIIA of the said Appendix.

(2) Notwithstanding anything in paragraphs 21 and 22 a child's allowance, in the circumstances described in Part IV of Appendix III of this Schedule shall, in accordance with the provisions of the said Part IV, be reduced to nothing or be paid at a lesser amount than that to which the child would otherwise be entitled.

Gratuity in lieu of allowance.

24. Where a child is entitled to an allowance under this Schedule and the Ministry and the Ministry of Finance are satisfied that there are sufficient reasons for the grant of a gratuity in lieu thereof they may, in their discretion and with the consent of the child's surviving parent (if any) or guardian, substitute for the allowance a gratuity determined in accordance with Part V of Appendix III.

Limitation on right to child's allowance.

25.—(1) A child shall not be granted an allowance under this Schedule unless—

- (a) if a legitimate child, he is the child of or has been legitimated by a marriage which took place before the relevant date,
- (b) if a step-child, he is the child of a spouse whose marriage to the parent in respect of whose death the allowance is payable took place before the relevant date,
- (c) if an illegitimate child, he was born before the relevant date.
- (d) if an adopted child, he was adopted before the relevant date.

(2) The relevant date for the purposes of sub-paragraph (1) is the date on which the person in respect of whose death the allowance is payable last ceased to be a member.

Duration of child's allowance.

26. A child's allowance shall be payable up to the time when the child attains the age of sixteen years and, if on attaining that age he is receiving full-time education, thereafter until the next thirty-first day of July or until he first ceases to receive full-time education, whichever is the earlier.

Awards to children of parent who died before 5th July, 1948.

27.—(1) Where a member or a person who has been a member has died and immediately before the 5th July, 1948, any child of his was entitled to an allowance under the Royal Ulster Constabulary Pensions Orders, any such child shall continue to be entitled to the allowance in all respects in the same manner as if this Order had not come into force :

Provided that the allowance payable in each case shall be that provided for in the said Orders without taking into account, except in the manner hereinafter specified, any increase under the Pensions (Increase) Acts, (Northern Ireland), 1944 and 1947.

(2) The amount of any such allowance as provided by sub-paragraph (1) shall be of an amount increased in accordance with the provisions of sub-paragraph (5) of paragraph 57.

(3) Where a child in receipt of an allowance payable in accordance with the provisions of sub-paragraph (1) is receiving full-time education on attaining the age of sixteen years, the allowance shall continue to be payable until the next thirty-first day of July or until he first ceases to receive full-time education, whichever is earlier.

(4) The amount of any allowance ascertained in accordance with the provisions of sub-paragraphs (1) and (2) may, if the Ministry in their discretion think fit, and with the consent of the Ministry of Finance, be increased in the circumstances and manner provided by Part VI of Appendix III.

(5) The child of such a member or person who has been a member as is described in sub-paragraph (6) who is not entitled to an allowance from the Ministry, may be granted an allowance, subject to the provisions of Part VI of Appendix III, if the Ministry in their discretion think fit, and the Ministry of Finance consents.

(6) The member or person who has been a member referred to in sub-paragraph (5) is one who before the 5th July, 1948 —

- (a) has died while serving in the force, or
- (b) has retired with a pension and died while still in receipt of the pension, or
- (c) has died after having retired and received a gratuity after completing three years' approved service.

Widows, Children and Dependants

28. If a serviceman dies during his relevant period of service in the armed forces of the Crown, this Schedule shall have effect as if he had died while serving as a member. Awards on death of servicemen.

29.—(1) If a member dies and no other award is payable under this Schedule, the Ministry— Awards to relatives or estate.

(a) may, if in their discretion they think fit, and with the consent of the Ministry of Finance, grant a gratuity to any of his relatives who were dependent on him to any degree at the time of his death, and

(b) if either no gratuity is paid under (a) hereof or any gratuities so paid do not exhaust the maximum amount provided for in sub-paragraph (3), shall pay his legal personal representatives a gratuity sufficient to exhaust the said maximum amount.

(2) If the death of a person in receipt of a pension, not being a widow's pension, under this Schedule—

(a) results from an injury received in the execution of his duty, or

(b) takes place within two years of the grant of his pension, the Ministry may, in their discretion, and with the consent of the Ministry of Finance, grant a gratuity to any relative who was at the time of his death dependent on him to any degree.

(3) The aggregate of all gratuities paid under this paragraph shall not exceed the aggregate pension contributions in respect of the relevant period of service of the member or, as the case may be, the person in receipt of the pension.

30. A person who but for this paragraph would become entitled to two awards under this Part of this Schedule shall, on the events occurring which would otherwise create the entitlement, select one of the said awards and thereupon the entitlement to the other or, as the case may be, any further payment under the other, shall cease forthwith. Prevention of duplication.

PART IV

PENSIONABLE SERVICE

31.—(1) A member shall be entitled to reckon as pensionable service all his service as such on and after the 5th July, 1948, together with such additional periods as he may be entitled so to reckon under the succeeding provisions of this Schedule, but where he leaves and rejoins the force shall not, save as provided in the said succeeding provisions, be entitled to reckon any period of service as such before he last rejoined the force :

Provided that he shall not be entitled to reckon as pensionable service—

- (a) any service before attaining the age of twenty years except (i) where he is permanently disabled as the result of an injury received in the execution of his duty as a member without his own default or (ii) where he retires or dies on or after the 1st July, 1949.
 - (b) any period during which he was on unpaid leave ;
 - (c) if the Ministry so direct the whole or such part as they may direct of any period of suspension from duty under the regulations for the time being in force governing the discipline of the force, at the end of which he did not return to duty without having been found guilty of any offence under such regulations.
- (2) Where a member has ceased to do duty as such in order to become a serviceman he shall be entitled to reckon as pensionable service his relevant period of service in the armed forces of the Crown.

Additions
to pension-
able service.

32. A member shall be entitled to reckon as pensionable service in the force—

- (a) where he was serving as such immediately before the 5th July, 1948, any period of approved service which he was then entitled to reckon under the Royal Ulster Constabulary Pensions Orders.
- (b) where from being a regular policeman in Great Britain he has transferred to the force, any period of pensionable service which he was entitled to reckon immediately before the transfer ;
- (c) where he has formerly retired from the force with an ill-health pension under this Schedule or a pension under the Royal Ulster Constabulary Pensions Orders which has been cancelled under this Schedule or those Orders and has subsequently rejoined the force, any period of pensionable service or, as the case may be, approved service which he was entitled to reckon at the time when he so retired ;
- (d) where he has retired and has been in receipt of a pension in respect of a non-accidental injury under the Royal Ulster Constabulary Pensions Orders and that pension is cancelled, the period during which he was in receipt of that pension.
- (e) where he is or has been seconded for the performance of police duties in any foreign country for the time being in the occupation of His Majesty, or for the performance of police duties on behalf of the Government of any country or territory outside the United Kingdom, the period of such secondment.

Additions to
pensionable
service on
payment.

33.—(1) A member shall be entitled to reckon as pensionable service in the force any of the periods before he last entered the force specified in this paragraph on making to the Ministry the payments so specified as appropriate in such manner and within such period as the Ministry, with the consent of the Ministry of Finance, may approve.

(2) Where a member who retires or before the 5th July, 1948, has retired from the force and on retirement is not or was not granted a pension rejoins the force, the period shall be that which he was entitled to reckon as pensionable service when he so retired or, if he so retired before the 5th July, 1948, the period which he was entitled then to reckon as approved service, and the appropriate payment shall be any gratuity, return of pension contributions or, as the case may be, rateable deductions which he may have received on his retirement.

(3) Where he has served as a member of the Ulster Special Constabulary in a whole-time paid capacity the period shall be one half the period of service as such, provided that in reckoning the said service no account shall be taken of service before the 22nd November, 1921; and the appropriate payment shall be one half of any sum which he may have received in respect of service given after the 22nd November, 1921, in that force as bounty in lieu of pension, together with the following amount that is to say, payment at the rate of 5 per cent. of 49s. per week in respect of half the whole-time paid service falling between 22nd November, 1921, and 2nd September, 1939, and payment at the rate of 5 per cent. of 90s. per week in respect of half the whole-time paid service falling after 2nd September, 1939:

Provided that this sub-paragraph shall not apply in the case of any member who on the date of the coming into force of this Order was entitled, under the Royal Ulster Constabulary Pension Orders, to reckon as approved service in the force any service in the Ulster Special Constabulary.

34.—(1) If the Ministry in their discretion think fit a member who joins or has joined the force having previously served in a police force in Great Britain shall be entitled to reckon as pensionable service in the force to the extent specified in sub-paragraph (2) the period so specified before he entered the force on making to the Ministry the payments specified in that sub-paragraph.

(2) Where before joining the force he became entitled to a gratuity, return of pension contributions or rateable deductions on retiring from being a regular policeman in Great Britain, the period, if the Ministry in their discretion think fit, shall be the whole or so much as the Ministry in their discretion think fit of the period of pensionable service or, where he retired before the 5th July, 1948, approved service which he was entitled to reckon on so retiring on condition that he pays to the Ministry a proportionate part of any such gratuity, return of pension contributions or, as the case may be, rateable deductions.

35. Where a member has ceased to serve as such in order voluntarily to enter or enlist in any one of His Majesty's naval, military or air forces for the purposes of the war in progress on the 3rd September, 1939, he shall, if the Ministry in their discretion think fit, be entitled to reckon as pensionable service the whole, or so much as the Ministry may in their discretion think fit, of the period of service in His Majesty's forces, provided he pays or has paid to the Ministry a sum equivalent to the amount of rateable deductions for which he would have been liable if he had continued to serve in the force during the period so reckoned. For the purpose of computation of such payment, the member shall be deemed in respect of the said period to have been in receipt of the pay which he would have received if he had continued to serve in the force.

PART V

PENSION CONTRIBUTIONS

36.—(1) Subject to the provisions of this Schedule, a member shall pay pension contributions to the Ministry equal to one shilling and twopence a week less than five per cent of his pensionable pay.

(2) Payment of pension contributions shall be effected by way of a deduction of an appropriate amount from each instalment of pay.

(3) A person who on the 5th July, 1948, is a member shall pay pension contributions at the rate of twopence a week less than five per cent. of his pensionable pay, but may elect, if he gives notice in writing to that effect to the Ministry not later than three months after the date of this Order to pay pension contributions at the rate specified in sub-paragraph (1), and if he so elects he shall be liable to pay pension contributions at the latter rate from the 5th July, 1948, and any overpayment of contributions already made since that date shall be repaid to him and he shall remain liable to pay pension contributions at the latter rate while he is a member.

(4) Notwithstanding anything in the preceding sub-paragraphs the pension contributions of a woman member in respect of any period after the 30th June, 1949, shall be calculated as though for the words "five per cent." in sub-paragraphs (1) and (3) there were substituted the words "four-and-a-half per cent."

PART VI

CANCELLATION, REVISION, REDUCTION, FORFEITURE, ETC., OF AWARDS

Cancellation of ill-health and supplemental pension.

37.—(1) As long as a person—

(a) is in receipt of an ill-health pension,

(b) would not if he had continued to serve as a member instead of retiring with an ill-health pension have been entitled to reckon twenty-five years' pensionable service, and

(c) if he continued so to serve would not have been compelled to retire under paragraph 48,

the Ministry may consider, at such intervals as they in their discretion think proper, whether his disability has ceased.

(2) If on any such consideration it is found that his disability has ceased the Inspector General may require the person concerned to rejoin the force in a rank not lower than the rank he held immediately before he retired with the ill-health pension and on the date when he so rejoins the ill-health pension and any supplemental pension shall cease. If he fails to rejoin within three months from the date on which he was required to do so the ill-health pension and any supplemental pension shall cease at the end of the said three months.

Reassessment of supplemental pension.

38. Any supplemental pension shall be granted for such period as may be fixed by the Ministry with the consent of the Ministry of Finance after report by the Inspector General of the circumstances of the case, and, if at the expiration of that period the degree of disablement is unaltered, the pension shall be renewed from time to time. If at any time the Ministry and the Ministry of Finance are satisfied by the evidence of a duly qualified medical practitioner that the degree of the pensioner's disablement has substantially altered, the pension shall be reassessed according to the degree of disablement.

Reduction, suspension or disallowance of an award; abatement of arrears.

39.—(1) Where a member, or any widow, child or dependant of a member receives any compensation in respect of the injury or death of the member, awarded under the Criminal Injuries (Ireland) Acts such compensation may be taken into account in assessing any pension, allowance or gratuity payable under this Schedule in respect of such injury or death, and such

pension, allowance or gratuity may be reduced, suspended or disallowed accordingly, and where the compensation is received after assessment it may be taken into account and the assessment may be amended or cancelled accordingly, but no such reduction, suspension, disallowance, amendment or cancellation will be made where it is shown to the satisfaction of the Ministry and the Ministry of Finance that in assessing such compensation the Court had cognisance of the fact that a pension or gratuity had been or would be awarded under the terms of this Schedule without reference to the decision of the Court on such claim for compensation.

(2) Where payments in respect of any award under this Order are in arrears for any period and assistance grants under the National Assistance Act, 1948, or the National Assistance Act (Northern Ireland), 1948, have been made for that period or any part of that period by reference to the requirements of the person to whom payments under the award are due, the said payments may, at the discretion of the Ministry, be abated to the extent to which the actual amount of these assistance grants exceeds what would have been their amount, as decided by the National Assistance Board or the National Assistance Board (Northern Ireland), as the case may be, if the said payments had not fallen into arrears.

40. Where a member or a person who has been a member becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the Ministry, with the consent of the Ministry of Finance, may reduce the amount of any ill-health award or supplemental pension payable to him by them by an amount not exceeding one-half of that to which he would otherwise be entitled :

Reduction of pension in case of default.

Provided that this paragraph shall not apply where the person concerned would, if he had continued to serve instead of retiring with an ill-health award, have been entitled to reckon twenty-five years' pensionable service.

41.—(1) Where a person in receipt of a pension under this Schedule takes service in any police force or is appointed to an office in a public department of the Government of the United Kingdom or the Government of Northern Ireland, the Ministry, with the consent of the Ministry of Finance, may suspend his pension in whole or in part so long as he remains in that service or office.

Suspension of award during re-employment.

(2) The Ministry may with the like consent cancel or reduce the pension which would otherwise have been payable under this Schedule to a widow, if the widow is in receipt of a pension from some police or other authority in respect of any such service or appointment as aforesaid taken or held by her husband, and may, with the like consent and in like circumstances, cancel or reduce any allowances which would otherwise have been payable to a child.

42.—(1) Every award granted under this Schedule is granted and every pension (whether described as a pension or allowance) granted under the Royal Ulster Constabulary Pensions Orders shall be deemed to have been granted only upon condition that it may be forfeited by the Ministry on the report of the Inspector General and with the consent of the Ministry of Finance in any of the following cases, that is to say, if the grantee :—

Forfeiture of award.

- (a) is convicted of any offence and is sentenced to penal servitude or to imprisonment for a term exceeding twelve months ; or

- (b) enters into or continues to carry on any business, occupation or employment which is illegal, or in which the grantee has made use of the fact of former employment in the force in a manner which the Inspector General considers to be discreditable or improper ; or
- (c) supplies to any person or publishes in a manner which the Inspector General considers to be discreditable or improper any information which the grantee had obtained in the course of employment in the force ; or
- (d) solicits or, without the consent of the Inspector General, accepts directly or indirectly any testimonial or gift of a pecuniary value on retirement from the force, or otherwise in connection with his service in the force ; or
- (e) enters into or continues in any business, occupation or employment as a private detective, after being prohibited in writing to do so by the Inspector General on any reasonable grounds :

Provided that an award or pension shall not be forfeited under (b) hereof unless reasonable warning has previously been given in writing by the Inspector General.

(2) A forfeiture under this paragraph may affect the pension or allowance wholly or in part, and may be permanent or temporary as the Ministry, on the report of the Inspector General and with the consent of the Ministry of Finance, may determine.

(3) Save as aforesaid such a pension as aforesaid shall not be capable of being forfeited.

Discharge of liability of Ministry on withdrawal of pension.

43. To the extent to which a pension or allowance is withdrawn under any of the preceding provisions of this Schedule, the Ministry shall be discharged from all actual or contingent liability in respect thereof.

PART VII

DETERMINATION OF QUESTIONS

Reference of medical questions.

44.—(1) Before granting a pension or gratuity on the ground that a member is permanently disabled as the result of an injury the Ministry shall be satisfied by the evidence (obtained after medical examination of the member) of some duly qualified medical practitioner or practitioners selected by them with the approval of the Ministry of Finance that the member is so disabled and that the disablement is likely to be permanent.

(2) Where the member concerned claims that he is permanently disabled as the result of an injury received in the execution of his duty, the Ministry and the Ministry of Finance shall also be satisfied that the injury was received in the execution of his duty and that the disablement is attributable to the injury, and where the application is for a supplemental pension shall also be satisfied that the injury was received without the default of the applicant, and shall determine the degree of disablement, and for the purpose of determining any of the said questions, which ought to be determined on medical grounds, shall take like evidence as above-mentioned.

(3) Before cancelling an ill health award on the ground that a person's disability has ceased, or varying a supplemental pension on the ground that a person's degree of disablement has substantially altered, or reducing the amount of any ill health award or supplemental pension

under the provisions of paragraph 40, the Ministry shall be satisfied on like evidence as above mentioned, that the disability has ceased, or that the degree of disablement has substantially altered or that the member or person has brought about or substantially contributed to the disablement by his own default, as the case may require.

(4) If a member or any person in receipt of an ill health award or supplemental pension refuses or wilfully or negligently fails when required by the Ministry or the Inspector General at any time to be examined by some duly qualified medical practitioner selected as aforesaid for the purpose of determining any question of disablement or default arising under this Schedule, the Ministry with the consent of the Ministry of Finance may make their determination on such evidence and medical advice as they in their discretion think necessary.

PART VIII

PAYMENT AND ASSIGNMENT OF AWARDS

45.—(1) Subject to the provisions of this Schedule, every pension or Payment allowance payable thereunder shall, subject to such delay as may be neces- of awards. sary for the purpose of determining any question arising in respect thereof be discharged by payments in advance at such reasonable intervals as the Ministry may, in their discretion, determine.

(2) Where a person dies after receiving a sum paid in advance on account of a pension or allowance under this Schedule neither the said sum nor any part thereof shall be recoverable although referable to a period after his death.

(3) Where a widow remarries after receiving a sum paid in advance on account of a pension under this Schedule neither the said sum nor any part thereof shall be recoverable, although referable to a period after her remarriage.

(4) Every gratuity payable under this Schedule shall be paid in one sum :

Provided that where the Ministry and the Ministry of Finance are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable period as they think fit.

46. Every assignment of or charge on an award granted under this Assignment Schedule and every agreement to assign or charge such an award shall, ex- of awards. cept so far as it is made for the benefit of the family of the pensioner be void and, on the bankruptcy of the pensioner such an award shall not pass to any trustee or other person acting on behalf of the creditors.

47.—(1) Where any sum is due on account of a pension, and any debt Payment is due by the pensioner to the Ministry or to any other Ministry of the of awards Government of Northern Ireland or to the Crown, so much of the said other than sum as does not exceed the debt may be applied by the Ministry in or to person entitled towards the satisfaction of the debt.

(2) On the death of a pensioner to whom a sum not exceeding two hundred pounds is due on account of a pension, the Ministry may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the Ministry to be beneficially entitled

to the personal estate of the deceased or, as the Ministry think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the Ministry may determine.

(3) Where any sum is payable to a minor on account of a pension, the Ministry may, if they think fit, in lieu of paying the said sum to the minor, pay it to such other person as they may determine.

A person who receives any sum paid under this sub-paragraph shall, subject to and in accordance with any directions of the Ministry apply the said sum for the minor's benefit.

(4) This paragraph shall apply with respect to other awards payable under this Schedule as it applies with respect to pensions, and accordingly any reference in this paragraph to a pension shall be construed as including a reference to any other award, and any reference therein to a pensioner shall be construed as including a reference to a person to whom any award is payable.

(5) The Ministry shall obtain a good discharge by applying or paying any sum in the manner provided by this paragraph.

PART IX

COMPULSORY RETIREMENT

Compulsory retirement on account of age, etc.

48.—Retirement from the force shall be compulsory :—

(1) (a) for members below the rank of District Inspector on attaining the age of fifty-seven ;

(b) for members of the rank of District Inspector, County Inspector, Commissioner of the County Borough of Belfast, Deputy Inspector General and Medical Officer of the force on attaining the age of sixty ;

(c) for the Inspector General on attaining the age of sixty-five ; except that in special cases the Inspector General, with the consent of the Governor of Northern Ireland, may extend any member's service for a further period, in no case exceeding five years, on being satisfied that such extension would be in the interests of efficiency.

(2) for women members on marrying or in the case of widows on remarriage.

Compulsory retirement on grounds of efficiency of the force.

49. If the Minister on the report of the Inspector General determines that the retention in the force of a member who if required to retire would be entitled to receive a pension of an amount not less than two-thirds of his pensionable pay would not be in the general interests of efficiency, he may be required to retire on such date as the Minister determines.

Compulsory retirement on grounds of disablement.

50. Every member may be required to retire on the date on which the Minister determines that he ought so to retire on the ground that he is permanently disabled for the performance of his duty :

Effect of requirement to retire.

51. Where a person is required to retire under this Part of this Schedule he shall be deemed to retire on the date on which he is so required to retire.

PART X

MISCELLANEOUS AND SUPPLEMENTAL

52.—(1) Without prejudice to the Memorandum of Agreement dated the 13th March, 1923, entitled "Royal Irish Constabulary, Apportionment of Pensions, Compensation Allowances and Gratuities," made between the British Government and the Government of Northern Ireland and confirmed by the Joint Exchequer Board on the 3rd April, 1923, under the provisions of Section 32 of the Government of Ireland Act, 1920, as amended by the First Schedule to the Irish Free State (Consequential Provisions) Act, 1922 (Section 2), the provisions of this paragraph shall, notwithstanding anything contained in this Schedule to the contrary, apply to members of the force who joined the force prior to the 1st November, 1922, after disbandment from the Royal Irish Constabulary.

Special provisions applicable to members of the Royal Irish Constabulary who joined the force before the 1st November, 1922.

(2) When the member retires, approved service in the Royal Irish Constabulary and approved service or, as the case may be, pensionable service in the force combined shall be reckoned for purposes of pension, and from the amount of pension arrived at by such reckoning, hereinafter termed the gross pension, there shall be deducted the amount of compensation allowance awarded on disbandment, and the balance, if any, shall be the amount of pension to be awarded in respect of service in the force.

(3) Where the member dies, approved service in the Royal Irish Constabulary and approved service or, as the case may be, pensionable service in the force combined shall be reckoned for the purpose of calculating the pension, allowance or gratuity to his widow and children and from the amount of such pension, allowance or gratuity, as the case may be, arrived at by such reckoning, there shall be deducted the amount of pension, allowance or gratuity to which the widow and children may be entitled under the provisions of Rule 4 of Part I of the Schedule to the Constabulary (Ireland) Act, 1922, and the balance, if any, shall be the amount to be awarded in respect of the deceased's service in the force. When the combined service in the Royal Irish Constabulary and in the force so calculated does not entitle the widow and children to pension, allowance or gratuity, no pension, allowance or gratuity shall be awarded in addition to the grant made under the Constabulary (Ireland) Act, 1922.

(4) For all purposes of pension, gratuity or allowances under this paragraph and for all other purposes of this Schedule, service in the Royal Irish Constabulary and the force shall be reckoned as continuous service even though a period shall have elapsed between the date of disbandment and the date of enlistment in the force, provided, however, that such period, not having been served in either force, shall not be reckoned when calculating combined service.

53. Where a member transfers from the force to a police force in Great Britain, in such circumstances that he is entitled to reckon pensionable service or, as the case may be, approved service in the force, as pensionable service in the police force in Great Britain, the police authority of the latter force shall be entitled, if they become liable to make any award under regulations made under the Police Pensions Act, 1948, to or in respect of that person, to receive from the Ministry a contribution of such an amount as may be agreed between the Ministry and the police authority concerned, or in default of agreement settled by arbitration, and in the latter event the arbitrator shall take into consideration the amount

Transfer of member to police force in Great Britain.

of the contribution that would have been payable if the force had been a police force in Great Britain.

Allocation
of part of
pension.

54.—(1) If before retiring with an ordinary pension or a short service pension a member—

- (a) gives notice to the Ministry of his intention to surrender a portion of the pension not exceeding one-third thereof, and
- (b) nominates the person in whose favour the surrender is to take effect, and
- (c) provides the Ministry with such evidence of his good health as the Ministry consider satisfactory,

the pension shall be reduced accordingly, and after his death the Ministry shall pay to the person so nominated, if that person survives him, a pension of such amount as, according to tables from time to time prepared by the Ministry, is actuarially equivalent, as at the time when the ordinary or short service pension first became payable, to that part of the pension which he has surrendered.

(2) A member being a man shall not be entitled under this paragraph to surrender a part of his pension in favour of any person other than his wife unless the Ministry are satisfied that that person is dependent to a substantial extent on the member when he gives notice of his desire so to surrender part of his pension.

(3) A member being a woman shall not be entitled under this paragraph to surrender a part of her pension in favour of any person unless the Ministry are satisfied that that person is dependent to a substantial extent on the member when she gives notice of her desire so to surrender part of her pension.

Post-
humous
children.

55. Where a legitimate child is born after his father's death he shall, as from his birth, be entitled to receive any allowance which would have become payable to him under this Schedule or the Royal Ulster Constabulary Pensions Orders on his father's death if he had been born immediately before his father died, and any reference in this Schedule to an allowance payable on death shall be construed as including a reference to an allowance payable by virtue of this paragraph.

Pensionable
pay.

56.—(1) The pensionable pay of a member shall be his pay at the rate to which he is or has been from time to time entitled and in the case of a member who served in the force before the 5th July, 1948, shall, for the purposes of this paragraph, include pay at the rate to which he was entitled before that date.

(2) The annual pensionable pay of a member shall for the purpose of awards be his pay at the annual rate to which he was entitled when he last ceased to be a member :

Provided that where a member at the date of his retirement or death holds a rank to which he has been promoted within the three preceding years his annual pensionable pay for the purposes of awards shall be the aggregate of his pensionable pay during the three years immediately preceding the date when he last ceased to be a member, divided by three, save that nothing in this proviso shall reduce the amount of any award below what it would have been if the promotion had not occurred.

For the purposes of this sub-paragraph any temporary reduction in rate of pay while absent from duty on sick leave or by way of punishment shall be ignored.

(3) The average pensionable pay of a member shall for the purpose of awards be the aggregate of his pensionable pay during the three years immediately preceding the date when he last ceased to be a member, ignoring any temporary reduction in rate of pay while absent from duty on sick leave or by way of punishment, divided by three :

Provided that where the member was in receipt of 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 for which he was in receipt of pensionable pay during the said period.

(4) For the purposes of the calculation of any awards under this Schedule, a member to whom paragraph 32 (e) applies shall in respect of the period of his secondment, and a serviceman shall in respect of his relevant period of service in the armed forces of the Crown, be deemed to be entitled or to have been entitled to pay at the rates to which he would have been entitled if he had continued to serve in the force.

(5) For the purposes of this paragraph the following shall be recognized as ranks in the force, that is to say —

Inspector General,
Deputy Inspector General,
Commissioner of the County Borough of Belfast,
County Inspector,
Medical Officer,
District Inspector,
Head Constable,
Sergeant,
Constable.

(6) Where it is necessary for the purpose of any award under this Schedule to calculate the annual pensionable pay of, or the pay received in any period by a person who was conditioned to weekly pay, such person shall be deemed to have been entitled to annual pay at the rate of fifty-two and one-sixth times the amount of the weekly pay and where for the purpose of calculating an award to a widow or a child it is necessary to determine annual pensionable or average pensionable pay for a period of a week it shall be taken to be the annual pensionable or average pensionable pay divided by fifty-two and one-sixth.

(7) Notwithstanding anything in this Order, for the purposes of an award payable in respect of a person who was a member and relating to a period of service which ended in his retirement or dismissal before 1st July, 1949, the expression "average pensionable pay" shall have the meaning assigned in this paragraph to "annual pensionable pay."

57.—(1) In this Schedule, unless the context otherwise requires, the Interpretation Act, 1919, shall apply, and the following expressions have the meanings hereby respectively assigned to them, that is to say—

"the existing Acts" means the Constabulary Act (Northern Ireland), 1922, and the enactments relating to the Royal Irish Constabulary as applied by that Act.

"approved service" has the same meaning as in the Police Pensions Act, 1921, or the Royal Ulster Constabulary Pensions Orders as the case may require.

"child" has the meaning assigned to it by sub-paragraph (4) of paragraph 1.

"Constable" means a Constable and Woman Constable of the Royal Ulster Constabulary and includes a Head Constable and Woman

Head Constable and Sergeant and Woman Sergeant of that force.

“date of disbandment” means the date from which Compensation awarded to any member of the Royal Ulster Constabulary under the provisions of the Constabulary (Ireland) Act, 1922, became payable, and the word “disbandment” shall be interpreted accordingly.

“the force” has the meaning assigned to it by sub-paragraph (1) of paragraph 1.

“injury” includes any injury or disease, whether of body or mind.

“Inspector General” means the Inspector General of the force.

“member” has the meaning assigned to it by sub-paragraph (1) of paragraph 1 and includes the Inspector General and the Deputy Inspector General.

“the Minister” means the Minister of Home Affairs.

“the Ministry” means the Ministry of Home Affairs.

“Officer” means a member of the Royal Ulster Constabulary not being a “Constable.”

“pensionable pay” has the meaning assigned to it by paragraph 56.

“police authority” has the same meaning as in Section thirty of the Police Pensions Act, 1921.

“police force in Great Britain” means any police force maintained for any police area mentioned in the Third Schedule to the Police Pensions Act, 1921, or maintained by virtue of any scheme under the Police Act, 1946, or under the Police (Scotland) Act, 1946.

“rateable deduction” means any deduction made from pay as a contribution towards the general pension charge of the Royal Ulster Constabulary under the Royal Ulster Constabulary Pay Order, 1922, or the Royal Ulster Constabulary (Women Members) Pay Order, 1944, or any Order amending or re-enacting either of these Orders.

“regular policeman in Great Britain” means a member of a police force in Great Britain who is not within the meaning of the Police Pensions Regulations, 1948, or the Police Pension (Scotland) Regulations, 1948, an auxiliary policeman.

“retire” includes resign and retirement and retired shall be construed accordingly.

“Royal Ulster Constabulary Pensions Orders” means the Royal Ulster Constabulary Pensions Orders, 1923 to 1948, and the Royal Ulster Constabulary (Women Members) Pensions Order, 1946.

“serviceman” means a person who has ceased to do duty as a member by reason of being required for training or called into actual service or called out for training or for permanent service in the armed forces of the Crown in pursuance of his obligations as a member of the Territorial Army or any reserve of the armed forces of the Crown.

(2) The Interpretation Act (Northern Ireland), 1921, applies to this Order as it applies to the interpretation of an Act of Parliament.

(3) A reference in this Schedule to retirement does not include a reference to leaving the force on transferring to a force in Great Britain.

(4) A reference in this Schedule to a person being in receipt of a supplemental pension includes a reference to a person who would be in receipt of such a pension if the aggregate of any of the payments described in sub-paragraph (3) of paragraph 6 were less than the standard amount appropriate to his case.

(5) Where it is provided in this Schedule that an amount shall be increased in accordance with the provisions of this sub-paragraph, it shall be increased by the amount by which a pension of the amount first mentioned would be increased if the person concerned were in receipt of such a pension and paragraph 3 of Part I of the First Schedule to the Pensions (Increase) Act, (Northern Ireland), 1944, had not been repealed as provided in this Order.

(6) Where for the purpose of calculating the amount of any award it is necessary to do so by reference to the aggregate pension contributions of a person in respect of the relevant period of service, such period of service shall be taken to be the period ending in the retirement, dismissal or death on which the award is payable and beginning with the date on which he last joined the force and the aggregate pension contributions in respect of the relevant period means—

- (i) the aggregate of the pension contributions made in respect of that period by that person to the Ministry and any rateable deductions made in respect of that period by the Ministry from his pay and, where that person has made no pension contributions but has had rateable deductions made in respect of that period from his pay by the Ministry, those rateable deductions, together with—
- (ii) the amount of any sum paid by that person to the Ministry as a condition of being entitled to reckon service before the said period as pensionable service or, as the case may be, approved service, and
- (iii) where the person concerned has transferred to the force from a police force in Great Britain, any sum which had he retired instead of transferring would have been calculable under regulations made under the Police Pensions Act, 1948, as aggregate pension contributions at the time of the transfer.

(7) A reference in this Schedule to an injury received in the execution of duty by a member means an injury received in the execution of that person's duty as a Constable or Officer of the force and includes any injury received while on duty and while on a journey necessary to enable him to report for duty or to return home after duty and any injury which has been determined by a Court of Law to be a criminal injury within the meaning of the Criminal Injuries (Ireland) Acts.

(8) A reference in this Schedule to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision and to that disablement being at that time likely to be permanent, and disablement where the person concerned is a member means inability to perform the ordinary duties, where the person is a man, of a male member and, where the person is a woman, of a female member and where it is necessary to determine the degree of a person's disablement it shall be determined by reference to the degree to which his earning capacity has been affected as a result of an injury in respect of which the award is made, and a person shall be deemed to be totally disabled if, and only if, as a result of such an injury, either he is incapable by reason of the disablement of earning any money in any employment or is receiving treatment as an in-patient at a hospital.

(9) Disablement or treatment at a hospital shall, for the purposes of this Schedule, be deemed to be the result of an injury if the injury

has caused or substantially contributed to the disablement or the condition for which treatment is being received.

(10) A reference in this Schedule to the relevant period of service in the armed forces of the Crown of a serviceman is to be construed as a reference to any period of training or any embodied service in any of the armed forces of the Crown immediately succeeding a period of service as a member.

(11) A reference in this Schedule to a member transferring to a police force in Great Britain shall be construed as a reference to his leaving the force, with the consent of the Inspector General and the approval of the Ministry for the purpose of becoming a regular policeman in Great Britain and becoming such regular policeman; and a reference in this Schedule to a member having transferred from a police force in Great Britain shall be construed as a reference to his having ceased to be a regular policeman in Great Britain with the consent of the police authority of his force for the purpose of becoming a member, and become a member.

(12) The provisions of existing Acts shall in relation to the matters dealt with in this Schedule have effect subject to the Schedule and so far as inconsistent with the Schedule those provisions shall cease to have effect.

(13) The provisions of this Schedule unless otherwise expressly stated shall apply to the Inspector General and Deputy Inspector General in like manner so nearly as circumstances admit as they apply to any other member of the force except that, for the purpose of such application, references to the Inspector General shall be read as references to the Ministry and references to the Ministry shall be read as references to the Governor of Northern Ireland.

(14) Notwithstanding anything in this Schedule relating to a period of service in the armed forces of the Crown, an injury received in the execution of duty as a member of the armed forces shall not be deemed to be an injury received in the execution of duty as a member.

(15) In this Schedule, unless the contrary intention appears, a reference to an appendix shall be construed as a reference to an appendix to this Schedule, a reference to a paragraph shall be construed as a reference to a paragraph contained in this Schedule, and in the case of a paragraph in an Appendix, shall be construed as a reference to a paragraph in the same part of the Appendix, and a reference to a sub-paragraph shall be construed as a reference to a sub-paragraph in the same paragraph.

(16) For the purposes of paragraphs 12 and 13A and sub-paragraph (3) of paragraph 17 "pension" shall be deemed to include any pension to which the widow is entitled by reason of her husband's service in the Royal Irish Constabulary.

(17) Where a member or a person who has been a member retires or dies on or after the 1st July, 1949, and any award becomes payable to or in respect of him, such award shall be calculated as though a reference in this Order to a period which he was entitled to reckon as a period of approved service included a reference to a period which he would have been so entitled to reckon had the words in paragraph (1) of Article 9 of the Royal Ulster Constabulary Pensions Order, 1923, "but shall not include" to the end of the said paragraph been omitted:

Provided that this sub-paragraph shall not authorise the reckoning, as

approved service, of any period during which a person served in the Ulster Special Constabulary before he attained the age of twenty years, unless he repays, or has repaid to the Ministry any bounty in lieu of pension which he may have received in respect of that period.

58.—(1) Notwithstanding anything in this Order, where a person who is a member on the 1st July, 1949, does not consent, in the manner prescribed by the Ministry to have the system of "averaging" applied in his case for the purposes of awards under this Order, the provisions of sub-paragraph (2) shall apply for the purposes of calculating any award subsequently granted to or in respect of him.

Awards to members serving on 1st July, 1949, who do not elect for averaging.

(2) Any award to which the provisions of this sub-paragraph apply which but for this paragraph would take into account the person's average pensionable pay shall in lieu thereof take into account his annual pensionable pay within the meaning of sub-paragraph (2) of paragraph 56.

59. Notwithstanding anything in this Order where a person who is a member on the 1st July, 1949, dies or retires within the period of three years beginning with that date any award based on his pay which becomes payable to or in respect of him shall not be less than it would have been :—

Minimum pensions in respect of certain persons serving on the 1st July, 1949.

- (a) if it had taken account of his annual pensionable pay within the meaning of sub-paragraph (2) of Paragraph 56 instead of his average pensionable pay within the meaning of sub-paragraph (3) of the said paragraph, and
- (b) if he had been entitled during the said period to a rate of pay in accordance with the scales in force immediately before the 1st July, 1949.

APPENDIX I

PART I

MEMBER'S ORDINARY PENSION

Paragraph 3 (Schedule).

1. The amount of the pension shall be calculated in accordance with the subjoined Table, except that if the amount of the pension as so calculated would be less than the amount it would have been had the person in question become entitled to receive an ordinary pension by retiring after due notice from the force at an earlier date the pension to which he is entitled shall be of the last-named amount :

TABLE

Member's completed years of pensionable service	Pension expressed in 60ths of annual pensionable pay
25 but less than 26	30
26 but less than 27	32
27 but less than 28	34
28 but less than 29	36
29 but less than 30	38
30 or more	40

2. The amount of the pension calculated under paragraph 1 shall be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57 of the Schedule.

PART IA

MEMBERS ORDINARY PENSION

Paragraph 3 (Schedule).

The pension shall be of an amount equal to thirty-sixtieths of the member's average pensionable pay with the addition of one-sixtieth for each completed half year by which his pensionable service exceeds twenty-five years up to a maximum of forty-sixtieths.

PART II

MEMBER'S ILL-HEALTH OR SHORT SERVICE AWARD

Paragraphs 4
and 5
(Schedule).

1. Where the award is a gratuity the gratuity shall be one-twelfth of the member's annual pensionable pay multiplied by the number of completed years of pensionable service which he is entitled to count, provided that for the purpose of this assessment there shall be added to such pensionable service a period not exceeding five years.

2. Where the award is a pension, the amount thereof which shall be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57 of the Schedule, shall be calculated in accordance with the following Table, the figures in the second column of the Table representing sixtieths of the member's annual pensionable pay :—

TABLE

Member's completed years of pensionable service	Pension expressed in 60ths of annual pensionable pay
Less than 2	1
2 but less than 3	2
3 but less than 4	3
4 but less than 5	4
5 but less than 6	5
6 but less than 7	6
7 but less than 8	7
8 but less than 9	8
9 but less than 10	9
10 but less than 11	10
11 but less than 12	11
12 but less than 13	12
13 but less than 14	13
14 but less than 15	14
15 but less than 16	15
16 but less than 17	16
17 but less than 18	17
18 but less than 19	18
19 but less than 20	19
20 but less than 21	20
21 but less than 22	22
22 but less than 23	24
23 but less than 24	26
24 but less than 25	28
25 but less than 26	30
26 but less than 27	32
27 but less than 28	34
28 but less than 29	36
29 but less than 30	38
30 or more	40

3. Where a member retires with an ill-health pension, and the pension is subsequently cancelled but he does not before the cancellation thereof resume service as a member then, if the aggregate amount paid to him in respect of the pension is less than the amount of his aggregate pension contributions in respect of the relevant period of service, the Ministry shall pay to him the difference.

PART IIA

MEMBERS' ILL-HEALTH OR SHORT SERVICE AWARD

Paragraphs 4
and 5
(Schedule).

1. Where the award is a gratuity the gratuity shall be one-twelfth of the member's average pensionable pay multiplied by the number of completed years of pensionable service which he is entitled to count provided that for the purposes of this assessment there shall be added to such pensionable service a period not exceeding five years.

2. Where the award is a pension the amount thereof shall be equal to one-sixtieth of the member's average pensionable pay for each completed year of pensionable service up to twenty years, with the addition of one-sixtieth for each completed half year by which his pensionable service exceeds twenty years, subject to a maximum of forty-sixtieths.

3. Where a member retires with an ill-health pension and the pension is subsequently cancelled but he does not before the cancellation thereof resume service as a member then, if the aggregate amount paid to him in respect of the pension is less than the amount of his aggregate pension contributions in respect of the relevant period of service, the Ministry shall pay to him the difference.

PART III

REDUCTIONS IN ORDINARY, SHORT SERVICE OR ILL-HEALTH PENSIONS

Paragraphs 3,
4 and 5
(Schedule)

1. When a person in receipt of an ordinary pension, a short service pension or an ill-health pension attains, if he is a man, the age of sixty-five and, if she is a woman, the age of sixty, the pension shall, unless he is a person to whom one of the succeeding paragraphs of this Appendix applies, be reduced by an amount at an annual rate equal to the amount obtained by multiplying £1 14s. by the number of years specified in paragraph 4.

2. Where a person who immediately before he retired and was granted a pension was paying contributions at the rate specified in sub-paragraph (3) of paragraph 36 of the Schedule, there shall not be any reduction of the pension under this Part of this Appendix.

3. When a person who immediately before he retired and was granted a pension was paying contributions at the rate specified in sub-paragraph (1) of paragraph 36 of the Schedule by reason of an election under sub-paragraph (3) of the said paragraph, attains, if he is a man, the age of sixty-five and, if she is a woman, the age of sixty, the pension shall be reduced by an amount at an annual rate equal to the amount obtained by multiplying the sum in the second column of the subjoined Table set opposite to the age in the first column of the said Table which he had attained at the 5th July, 1948, by the number of years specified in paragraph 4 :—

TABLE

Age on 5th July, 1948.	Sums to be multiplied
Less than 23	£ s d 1 14 0
23	1 13 0
24	1 12 0
25	1 11 0
26	1 10 6
27	1 10 0
28	1 9 6
29	1 9 0
30	1 8 6
31	1 8 0
32	1 7 6
33	1 7 0
34	1 6 6
35	1 6 0
36	1 6 0
37	1 5 6
38	1 5 0
39	1 5 0
40	1 4 6
41	1 4 6
42	1 4 0
43	1 4 0
44 or more	1 3 6

4. The number of years referred to in paragraph 1 and in paragraph 3 by which the sums therein respectively specified are to be multiplied for the purposes of those

paragraphs is the highest whole number of years in the aggregate period during which the person concerned has paid contributions as a member at the rate specified in sub-paragraph (1) of paragraph 36 of the Schedule :

Provided that in arriving at the said aggregate any period or periods—

- (a) in respect of which the person concerned was not entitled to reckon any pensionable service for the purposes of the pension in question, or
- (b) which fell after the date on which the person concerned would have been entitled, if he had retired, to a pension based on thirty years' pensionable service.

shall be disregarded.

PART IV

STANDARD AMOUNT FOR PARAGRAPH 6 OF THE SCHEDULE

1. The standard amount referred to in paragraph 6 of the Schedule shall be determined by reference to the number of the member's completed years of pensionable service and by reference to his annual pensionable pay.

2. Where the member is totally disabled, the standard amount shall be the amount specified in the second column of the Table appended to this paragraph, and where the member is partly disabled, the standard amount shall be such proportion of the amount so specified as the degree of the actual disablement bears to total disablement, subject to its not being less than the proportion of the annual pensionable pay specified in the third column of the said Table :

Provided that the amount calculated according to the second column of the said Table and that calculated according to the third column of the said Table shall both be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57 of the Schedule.

TABLE

Member's completed years of pensionable service	Standard amount on total disablement expressed in 60ths of annual pensionable pay	Lower limit of standard amount expressed in 60ths of annual pensionable pay
Less than 11	40	15
11 but less than 12	41	16
12 but less than 13	41	17
13 but less than 14	42	18
14 but less than 15	42	19
15 but less than 16	43	20
16 but less than 17	43	21
17 but less than 18	44	22
18 but less than 19	44	23
19 but less than 20	45	24
20 but less than 21	45	25
21 but less than 22	46	27
22 but less than 23	46	29
23 but less than 24	47	31
24 but less than 25	47	33
25 but less than 26	48	35
26 but less than 27	48	36
27 but less than 28	49	37
28 but less than 29	49	38
29 but less than 30	50	39
30 or more	50	40

3. Where the date on which a member or a person who has been a member becomes entitled to a supplemental pension is the 1st July, 1949, or any later date the preceding paragraphs shall apply in his case as though for any reference therein to "annual" there were substituted a reference to "average" and as though the proviso to paragraph 2 were omitted.

APPENDIX II

PART I

Paragraph 11
(Schedule).

WIDOW'S ORDINARY PENSION

The amount of a widow's ordinary pension in respect of each week shall be the amount calculated according to whichever of the two Schemes set out below applies from time to time to her case and, if both Schemes apply simultaneously, according to that one which would give her the higher amount in respect of that week.

The Schemes hereinbefore referred to are as follows :—

Scheme I

If her husband at the time when he ceased to be a member—

- (a) held a rank higher than that of Head Constable; the widow's ordinary pension shall be at the rate of nineteen shillings and twopence a week ;
- (b) held the rank of Head Constable, the widow's ordinary pension shall be at the rate of fifteen shillings and fourpence a week ;
- (c) held a rank lower than that of Head Constable the widow's ordinary pension shall be at the rate of eleven shillings and sixpence a week.

Scheme II

1. The widow's ordinary pension shall be at a rate equal to the amount set out in paragraph 2, and if the widow is receiving either widow's benefit under the National Insurance Act, (Northern Ireland), 1946, or a retirement pension under the said Act by virtue of the insurance of her husband, that amount shall be reduced by the amount of such benefit or pension.

2. The amount first referred to in paragraph 1 is an amount, which shall be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57 of the Schedule, equal to the percentage of her husband's annual pensionable pay for a week set out in the second column of the subjoined Table opposite to the number of years of pensionable service or, where he retired before the 5th July, 1948, and has not since that date been a member, approved service he was entitled to reckon at the time of his so leaving set out in the first column of the said Table :—

TABLE

Number of completed years of pensionable service	Percentage of annual pensionable pay for a week
10, 11, 12, 13 and 14	4 per cent.
15, 16, 17, 18 and 19	6 per cent.
20, 21, 22, 23 and 24	8 per cent.
25, 26, 27, 28 and 29	10 per cent.
30 or more	12½ per cent.

3. If any widow's benefit to which she may be entitled is either a widow's allowance under the National Insurance Act, (Northern Ireland), 1946, increased under section twenty-two of that Act, or a widowed mother's allowance under that Act, and if any retirement pension is increased under the said section twenty-two, then the benefit or, as the case may be, the retirement pension is, for the purposes of this Scheme, to be deemed to be of an amount seven shillings and sixpence less than it is.

PART IA

WIDOW'S ORDINARY PENSION

Paragraph 11
(Schedule).

The amount of a widow's ordinary pension in respect of each week shall be the amount calculated according to whichever of the two Schemes set out below applies from time to time to her case and, if both Schemes apply simultaneously, according to that one which would give her the higher amount in respect of that week.

The Schemes hereinbefore referred to are as follows :—

Scheme I

If her husband at the time he ceased to be a member—

- (a) held a rank higher than that of Head Constable, the widow's ordinary pension shall be at the rate of twenty-six shillings and ténpence a week ;
- (b) held the rank of Head Constable, the widow's ordinary pension shall be at the rate of twenty-three shillings a week ;
- (c) held a rank lower than that of Head Constable the widow's ordinary pension shall be at the rate of nineteen shillings and twopence a week.

Scheme II

1. The widow's ordinary pension shall be at a rate equal to the amount set out in paragraph 2, and if the widow is receiving either widow's benefit under the National Insurance Act, (Northern Ireland), 1946, or a retirement pension under the said Act by virtue of the insurance of her husband, that amount shall be reduced by the amount of such benefit or pension.

2. The amount first referred to in paragraph 1 is an amount, which shall be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57 of the Schedule, equal to the percentage of her husband's average pensionable pay for a week set out in the second column of the subjoined Table opposite to the number of his completed years of pensionable service or, where he retired before the 5th July, 1948, and has not since that date been a member, approved service he was entitled to reckon at the time of his so leaving set out in the first column of the said Table :—

TABLE

Number of completed years of pensionable service	Percentage of average pensionable pay for a week
10, 11, 12, 13 and 14 	4 per cent.
15, 16, 17, 18 and 19 	6 per cent.
20, 21, 22, 23 and 24 	8 per cent.
25, 26, 27, 28 and 29 	10 per cent.
30 or more 	12½ per cent.

3. If any widow's benefit to which she may be entitled is either a widow's allowance under the National Insurance Act, (Northern Ireland), 1946, increased under section twenty-two of that Act, or a widowed mother's allowance under that Act, and if any retirement pension is increased under the said section twenty-two, then the benefit or, as the case may be, the retirement pension is, for the purposes of this Scheme, to be deemed to be of an amount seven shillings and sixpence less than it is.

PART II

DISCRETIONARY INCREASE IN WIDOW'S ORDINARY OR SPECIAL PENSION

The periods referred to in paragraphs 12 and 13A of the Schedule are as follows :—

- (i) the period of the rest of the widow's life if, at the date of the husband's death, either she had attained the age of sixty or he and the widow had been married for not less than ten years and she had attained the age of fifty ;
- (ii) any period during which the widow either is pregnant by her late husband or has a family, within the meaning of the Family Allowances Act, (Northern Ireland), 1945, which includes a child who is entitled to an allowance under this Schedule ;
- (iii) any period during which the widow is incapable of self-support within the meaning of paragraph (a) of subsection (5) of section thirty-five of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, by reason of any infirmity which rendered her incapable of self-support within the meaning of the said enactment at the expiry either of the first thirteen weeks that the pension is payable or of the period specified in sub-paragraph (ii) ;
- (iv) if the conditions specified in sub-paragraph (iii) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of any period of incapability of self-support within the meaning of sub-paragraph (iii) which expires at a date when either the widow has attained the age of sixty or ten years have elapsed since the date of the marriage and the widow has attained the age of fifty ;

- (v) if the conditions specified in sub-paragraph (ii) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of the period mentioned in sub-paragraph (ii) if at the expiry of that period either the widow has attained the age of sixty or ten years have elapsed since the date of the marriage and the widow had attained the age of forty.

PART III

WIDOW'S SPECIAL PENSION

Paragraph 13
(Schedule).

1. A widow's special pension shall not be less than the amount, which shall be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57 of the Schedule of one-sixth of her husband's annual pensionable pay for a week and, subject as aforesaid, shall be such that, when it is added to —

- (a) any pension payable to her under section nineteen of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, in consequence of the death of her husband; and
- (b) any widow's benefit or retirement pension payable to her under the National Insurance Act, (Northern Ireland), 1946, by virtue of her husband's insurance,

the aggregate is equal to the amount, which shall be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57 of the Schedule, of one-third of her husband's annual pensionable pay for a week.

2. If any widow's benefit to which she may be entitled is either a widow's allowance under the National Insurance Act (Northern Ireland), 1946, increased under section twenty-two of that Act, or a widowed mother's allowance under that Act, and if any retirement pension is increased under the said section twenty-two, then the benefit or, as the case may be, the retirement pension is, for the purposes of paragraph 1, to be deemed to be of an amount seven shillings and sixpence less than it is.

3. Where the date on which a widow becomes entitled to a widow's special pension is the 1st July, 1949, or any later date paragraph 1 shall apply in her case, as though for any reference therein to "annual pensionable pay" there were substituted a reference to "average pensionable pay."

PART IV

WIDOW'S GRATUITY IN LIEU OF PENSION

Paragraph 14
(Schedule).

1. The gratuity referred to in paragraph 14 of the Schedule shall be such sum as may be agreed between the Ministry and the widow not exceeding the capitalised value of the pension to which the gratuity is an alternative determined in accordance with tables prepared from time to time for that purpose by the Ministry.

PART V

WIDOW'S ORDINARY GRATUITY

Paragraph 15
(Schedule).

1. The gratuity referred to in paragraph 15 of the Schedule shall be of such amount as the Ministry with the consent of the Ministry of Finance shall determine but not exceeding one-twelfth of her husband's annual pensionable pay for each completed year of pensionable service provided that where her husband has served for a period of less than seven years his pensionable service shall for purposes of this assessment only be reckoned as seven years.

2. Where the date of the death of the husband is the 1st July, 1949, or any later date paragraph 1 shall apply as though for the reference therein to "annual" there were substituted a reference to "average."

PART VI

DISCRETIONARY INCREASE IN WIDOW'S PENSION WHERE HUSBAND DIED BEFORE
5TH JULY, 1948.Paragraph 17
(Schedule).

The periods referred to in paragraph 17 of the Schedule are as follows:—

- (i) any period after the widow has attained the age of sixty;
- (ii) any period during which the widow has a family within the meaning of the Family Allowances Act, (Northern Ireland), 1945, which includes a child in receipt of an allowance from the Ministry;

- (iii) any period during which the widow is incapable of self-support within the meaning of paragraph (a) of subsection (5) of section thirty-five of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, by reason of any infirmity which rendered her incapable of self-support within the meaning of the said enactment either on the 5th July, 1948, or at the expiry of the period mentioned in sub-paragraph (ii) ;
- (iv) if the conditions specified in sub-paragraph (iii) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of any period of incapability of self-support within the meaning of sub-paragraph (iii) which expires at a date when either the widow has attained the age of sixty or ten years have elapsed since the date of the marriage and the widow has attained the age of fifty ;
- (v) and if the conditions specified in sub-paragraph (ii) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of the period mentioned in sub-paragraph (ii) if at the expiry of that period either the widow has attained the age of sixty or ten years have elapsed since the marriage and the widow has attained the age of forty.

APPENDIX III

PART I

CHILD'S ORDINARY ALLOWANCE

1. Subject as hereafter in this Appendix provided, a child's ordinary allowance shall, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member.

- (a) a rank higher than that of Head Constable, be at the rate of eight shillings and one penny a week ;
- (b) the rank of Head Constable, be at the rate of six shillings and sevenpence a week ;
- (c) a rank lower than that of Head Constable, be at the rate of five shillings and fivepence a week.

2. Where both parents of the child are dead at the time when the allowance becomes payable, the child's ordinary allowance shall, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member—

- (a) a rank higher than that of Head Constable, be at the rate of twelve shillings and twopence a week ;
- (b) the rank of Head Constable, be at the rate of nine shillings and elevenpence a week ;
- (c) a rank lower than that of Head Constable, be at the rate of eight shillings and twopence a week.

3. Where a child's surviving parent dies while the child is entitled to a child's ordinary allowance, the allowance shall, as from the date of the death, be determined in accordance with paragraph 2.

PART IA

CHILD'S ORDINARY ALLOWANCE

1. Subject as hereafter in this Appendix provided, a child's ordinary allowance shall, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member.

- (a) a rank higher than that of Head Constable, be at the rate of eight shillings and sixpence a week ;
- (b) the rank of Head Constable, be at the rate of seven shillings and sixpence a week ;
- (c) a rank lower than that of Head Constable, be at the rate of six shillings and sixpence a week.

2. Where both parents of the child are dead at the time when the allowance becomes payable, the child's ordinary allowance shall, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member—

- (a) a rank higher than that of Head Constable, be at the rate of twelve shillings and ninepence a week ;

- (b) the rank of Head Constable, be at the rate of eleven shillings and threepence a week;
- (c) a rank lower than that of Head Constable, be at the rate of nine shillings and ninepence a week.

3. Where a child's surviving parent dies while the child is entitled to a child's ordinary allowance, the allowance shall, as from the date of the death, be determined in accordance with paragraph 2.

PART II

CHILD'S SPECIAL ALLOWANCE

Paragraph 22
(Schedule).

1. Subject as hereinafter provided, a child's special allowance shall be at the rate of an amount, which shall be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57 of the Schedule, equal to one-fifteenth of the annual pensionable pay for a week of the parent in respect of whose death the allowance is payable.

2. If neither parent of the child is alive at the time when the allowance first becomes payable, the child's special allowance shall be at a rate equal to an amount, which shall be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57 of the Schedule, equal to one-tenth of the annual pensionable pay for a week of the parent in respect of whose death the allowance is payable.

3. Where a child's surviving parent dies while the child is entitled to a child's special allowance, the allowance shall, as from the date of the death, be determined in accordance with paragraph 2.

4. Where the date of the death of the parent in respect of whose death the allowance is payable is the 1st July, 1949, or any later date paragraphs 1 and 2 shall apply as though for any reference therein to "annual pensionable pay" there were substituted a reference to "average pensionable pay."

PART III

DISCRETIONARY INCREASE IN CHILD'S ALLOWANCE

Paragraph 23
(Schedule).

1. Where both parents of the child are dead—

(a) a child's ordinary allowance may be increased, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member—

- (i) a rank higher than that of Head Constable, to a rate not exceeding sixteen shillings and twopence a week,
- (ii) the rank of Head Constable, to a rate not exceeding thirteen shillings and twopence a week,
- (iii) a rank lower than that of Head Constable, to a rate not exceeding ten shillings and tenpence a week;

(b) a child's special allowance may be increased to an amount, which shall be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57 of the Schedule, equal to two-fifteenths of the annual pensionable pay for a week of the parent in respect of whose death the allowance is payable.

2. Where the parent in respect of whose death the allowance is payable was the child's father—

(a) and the mother of the child is alive and would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act, (Northern Ireland), 1946, but for the fact that the father had not satisfied the contribution condition set out in paragraph (a) of sub-paragraph (i) of paragraph 4 of the Third Schedule to the said Act, then, if the child is entitled to a child's allowance in respect of the death of the father the child's allowance in respect of any week during which—

- (i) the mother is not receiving a retirement pension under the said Act,
- (ii) the child is the only child included in a family within the meaning of the Family Allowances Act, (Northern Ireland), 1945, or that one of the children so included who is older than the others.

- (iii) where the allowance is a child's special allowance, no allowance is payable under section twenty-one of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, 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,
- (b) may be increased to a rate not exceeding seven shillings and sixpence a week ; and the father had attained the age of sixty-five on the 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, and
 - (iii) where the child's allowance is a child's special allowance, no allowance is payable under section twenty-one of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, in respect of that child,
 - (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,
- may be increased to a rate not exceeding twelve shillings a week.

PART IIIA

DISCRETIONARY INCREASE IN CHILD'S ALLOWANCE

Paragraph 23
(Schedule).

1. Where both parents of the child are dead —
 - (a) a child's ordinary allowance may be increased, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member —
 - (i) a rank higher than that of Head Constable, to a rate not exceeding seventeen shillings a week,
 - (ii) the rank of Head Constable, to a rate not exceeding fifteen shillings a week,
 - (iii) a rank lower than that of Head Constable, to a rate not exceeding thirteen shillings a week ;
 - (b) a child's special allowance may be increased to an amount, which shall be increased in accordance with the provisions of sub-paragraph (5) of paragraph 57 of the Schedule, equal to two-fifteenths of the average pensionable pay for a week of the parent in respect of whose death the allowance is payable.

2. Where the parent in respect of whose death the allowance is payable was the child's father—
 - (a) and the mother of the child is alive and would have been entitled to receive widow's benefit or a retirement pension under the National Insurance Act, (Northern Ireland), 1946, but for the fact that the father had not satisfied the contribution condition set out in paragraph (a) of sub-paragraph (1) of paragraph 4 of the Third Schedule to the said Act, then, if the child is entitled to a child's allowance in respect of the death of the father the child's allowance in respect of any week during which—
 - (i) the mother is not receiving a retirement pension under the said Act,
 - (ii) the child is the only child included in a family within the meaning of the Family Allowances Act (Northern Ireland), 1945, or that one of the children so included who is older than the others.
 - (iii) where the allowance is a child's special allowance, no allowance is payable under section twenty-one of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, 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,
- may be increased to a rate not exceeding seven shillings and sixpence a week ;
- (b) and the father had attained the age of sixty-five on the 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, and
 - (iii) where the child's allowance is a child's special allowance, no allowance is payable under section twenty-one of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1946, in respect of that child,
 - (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,
- may be increased to a rate not exceeding twelve shillings a week.

PART IV

REDUCTION IN CHILD'S ALLOWANCE

Paragraph 23
(Schedule).

1. In the circumstances hereinafter set out the amount of an allowance ascertained under Part I or Part IA or, as the case may be, Part II of this Appendix, or if the Ministry with the consent of the Ministry of Finance decide in their discretion to increase such an allowance in accordance with paragraph 23 of the Schedule the maximum to which that allowance may be increased under the said paragraph shall be reduced by the appropriate amount hereinafter set out, and if the appropriate amount is greater than the amount of the allowance or the said maximum, the amount of the allowance shall be reduced to nothing.

2. Where a child who is entitled to an allowance is the only child in that family so entitled or that one of the children in that family so entitled who is older than the others and the child's mother is in receipt under the National Insurance Act (Northern Ireland) 1946, of a widow's allowance or a retirement pension, which is increased under section twenty-two of the said Act, or of a widowed mother's allowance under the said Act, then that child's allowance shall be reduced by seven shillings and sixpence a week.

3. Where an allowance is payable in respect of a child under section twenty-one of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and a child's special allowance is also payable to that child, the said child's special allowance shall be reduced by seven shillings and sixpence a week.

4. Where an allowance is payable in respect of a child under the Family Allowances Act (Northern Ireland), 1945, that child's allowance shall be reduced by five shillings a week.

5. Where a guardian's allowance is payable in respect of a child under the National Insurance Act, (Northern Ireland), 1946, that child's allowance shall be reduced by twelve shillings a week.

PART V

CHILD'S GRATUITY

Paragraph 24
(Schedule).

The gratuity referred to in paragraph 24 of the Schedule shall be such sum as may be agreed between the Ministry and the father, mother or guardian, as the case may be, not exceeding the capitalised value of the allowance to which the gratuity is an alternative determined in accordance with tables prepared from time to time by the Ministry.

PART VI

DISCRETIONARY INCREASE IN CHILD'S ALLOWANCE WHERE PARENT DIED BEFORE
5TH JULY, 1948Paragraph 27
(Schedule).

1. Where a child is entitled to an allowance under sub-paragraph (1) of paragraph 27 of the Schedule and the amount of the allowance as ascertained under the provisions

of the said paragraph is less than seven shillings and sixpence a week or where a child is granted an allowance under sub-paragraph (5) of the said paragraph, and—

(a) the parent in respect of whose death the allowance is payable was his father ;

(b) the mother of the child is alive ;

then in respect of any week during which the mother is not receiving widow's benefit or a retirement pension under the National Insurance Act (Northern Ireland), 1946, and 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, and during which the child is the only child included in a family within the meaning of the Family Allowances Act, (Northern Ireland), 1945, or that one of the children so included who is older than the others the Ministry with the consent of the Ministry of Finance may in their discretion grant an allowance of seven shillings and sixpence a week, or increase the amount of the allowance, if any, to which the child is entitled, by the difference between the amount of the allowance ascertained as aforesaid and seven shillings and sixpence a week.

2. Where a child is entitled to an allowance under sub-paragraph (I) of paragraph 27 and the amount of the allowance as ascertained under the provisions of the said paragraph is less than twelve shillings a week, or where a child is granted an allowance under sub-paragraph (5) of the said paragraph, and

(a) the person in respect of whose death the allowance is payable was his father,

(b) the mother of the child is dead,

then in respect of any week during which no person is receiving a guardian's allowance under the National Insurance Act (Northern Ireland), 1946, in respect of that child, and 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, the Ministry with the consent of the Ministry of Finance may in their discretion—

(i) in the case of a child who is the only child included in a family within the meaning of the Family Allowances Act, (Northern Ireland), 1945, or that one of the children so included who is older than the others, grant an allowance of twelve shillings a week or increase the amount of the allowance, if any, to which the child is entitled by the difference between the amount of the allowance ascertained as aforesaid and twelve shillings a week ;

(ii) in the case of any other child included in a family within the meaning of the Family Allowances Act, (Northern Ireland), 1945, grant an allowance of seven shillings a week.

RYEGRASS SEED

THE RYEGRASS SEED (EXEMPTION) (NORTHERN IRELAND) ORDER, 1949,
DATED 20TH DAY OF OCTOBER, 1949, MADE BY THE MINISTRY OF
AGRICULTURE UNDER SECTION 2 OF THE RYEGRASS SEED (TEMPORARY
PROVISIONS) ACT (NORTHERN IRELAND) 1949 (a).

1949. No. 184

The Ministry of Agriculture for Northern Ireland (in this Order referred to as " the Ministry ") by virtue and in exercise of the powers vested in it by Sub-Section (2) of Section 2 of the Ryegrass Seed (Temporary Provisions) Act (Northern Ireland) 1949 hereby orders and directs as follows :

1. The provisions of Sub-Section (1) of Section 2 of the Ryegrass Seed (Temporary Provisions) Act (Northern Ireland) 1949 shall not apply to —

(a) 13 Geo. 6, c.8.