

1966. No. 69

[NC]

ULSTER SPECIAL CONSTABULARY: PENSIONS

REGULATIONS, DATED 31ST MARCH, 1966, MADE BY THE MINISTER OF HOME AFFAIRS UNDER THE SPECIAL CONSTABLES ACT 1914 AND SECTION 8 OF THE CONSTABULARY ACT (NORTHERN IRELAND) 1922.

I, The Right Honourable Robert William Brian McConnell, Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by the Special Constables Act 1914(a) and Section 8 of the Constabulary Act (Northern Ireland) 1922(b) and of all other powers enabling me in that behalf, do hereby make the following Regulations:—

GENERAL

Citation

1. These Regulations may be cited as the Ulster Special Constabulary Pensions (Amending) Regulations 1966, and shall be construed as one with the Ulster Special Constabulary Pensions Regulations 1950 to 1965, and those Regulations and these Regulations may be cited together as the Ulster Special Constabulary Pensions Regulations 1950 to 1966.

Commencement

2. These Regulations shall come into operation on 1st April, 1966, and shall have effect as from 1st January, 1966.

Amendments of the Ulster Special Constabulary Pensions Regulations 1950

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

(1) In Regulation 17(4) (which relates to the discretionary increase in a widow's special pension) for the words "and (4H)" there shall be substituted the words "(4H) and (4L)".

(2) For paragraph (2) of Regulation 21 (which relates to awards to widows made before 5th July, 1948), there shall be substituted the following paragraph:—

"(2) The amount of any such pension as provided by paragraph (1) shall be increased in accordance with the following paragraphs of Regulation 56:—(4); (4A) (and, where the pension is calculated otherwise than by reference to annual pay, (4B)); (4D); (4F); (4H) and (4L)."

(3) In Regulation 56(4I) (which relates to the application of the Pensions (Increase) Act (Northern Ireland) 1963(e), after the words "in accordance with this paragraph" there shall be inserted the words "then, subject to paragraph (4JJ)".

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

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

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

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

(e) 1963. c. 3 (N.I.).

(4) For paragraph (4J) of Regulation 56 (which relates to the appropriate amount on which a pension increase would be based if the pension were increased under section 2 of the Pensions (Increase) Act (Northern Ireland) 1963) there shall be substituted the following paragraphs:—

“(4J) The appropriate amount mentioned in paragraph (4I) shall be the amount of—

- (a) forty-two shillings and fourpence, where the amount which falls to be increased under that paragraph is fifty-five shillings and twopence;
- (b) thirty-five shillings and elevenpence, where the amount which falls to be so increased is forty-six shillings and ninepence;
- (c) twenty-nine shillings and eightpence, where the amount which falls to be so increased is thirty-eight shillings and ninepence.

(4JJ) Where such an amount as is mentioned in paragraph (4I) is increased in accordance with that paragraph the amount of the increase thereunder shall be increased in accordance with paragraph (4L) and for the purpose thereof shall be treated as if it were a pension which began for the purpose of the Pensions (Increase) Act (Northern Ireland) 1966(a) before 1st April, 1957.”

(5) In Regulation 56(4K) for the words “and (4L)” there shall be substituted the words “and (4M)”.

(6) For paragraph (4L) of Regulation 56 there shall be substituted the following paragraphs:—

“(4L) Where it is provided that an amount shall be increased in accordance with this paragraph, it shall be increased by the amount, if any, by which a pension of the amount first mentioned would be increased under the Pensions (Increase) Act (Northern Ireland) 1966 if—

- (a) the person concerned were in receipt of such a pension; and
- (b) that pension were specified in Schedule I to that Act.

(4LL) For the purposes of paragraph (4L) the reference in section 1(1) of the Pensions (Increase) Act (Northern Ireland) 1966 to an annual rate and the reference in section 1(4) of that Act to an aggregate annual rate shall be construed, respectively, as a reference to the amount which falls to be increased expressed as an annual rate and as a reference to that amount after any increase thereof in accordance with paragraphs (4); (4A); (4B); (4D); (4F) and (4H) expressed as an annual rate.

(4M) Where it is provided that an amount shall be increased in accordance with paragraphs (4); (4A); (4B); (4D); (4F); (4H), or (4L)—

- (a) any increase in accordance with paragraph (4H) shall be additional to any increase in accordance with any of the said paragraphs (4) to (4F) inclusive; and
- (b) any increase in accordance with paragraph (4L) shall be additional to any increase in accordance with any of the said paragraphs (4) to (4H) inclusive.”

(7) Paragraph (4M) of Regulation 56 (which relates to the duration of an increase in a child's allowance)—shall be re-numbered (4N), and—

- (a) for the words “or (4H)” there shall be substituted the words “(4H) or (4L)”;

(b) for the words "the Pensions (Increase) Acts (Northern Ireland) of 1959(a) and 1963" there shall be substituted the words "the Pensions (Increase) Acts (Northern Ireland) of 1959, of 1963 and of 1966".

(8) For Part I of the Second Schedule (which relates to the calculation of a widow's ordinary pension by reference to her husband's rank where he was not paying pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay) there shall be substituted the following:—

"PART I

WIDOW'S ORDINARY PENSION

1. Subject to paragraph 2 the amount of a widow's ordinary pension in respect of each week shall be as set out hereunder:—

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

- (a) held a rank higher than that of Paymaster, the widow's ordinary pension shall be at the rate of fifty-five shillings and twopence a week;
- (b) held the rank of Paymaster, the widow's ordinary pension shall be at the rate of forty-six shillings and ninepence a week;
- (c) held a rank lower than that of Paymaster, the widow's ordinary pension shall be at the rate of thirty-eight shillings and ninepence a week.

2. The weekly amount specified in paragraph 1 of this Part shall be increased in accordance with paragraphs (4I) and (4JJ) of Regulation 56."

(9) For paragraph 1 of Part III of the Second Schedule (which relates to the calculation of a widow's special pension) there shall be substituted the following paragraph:—

"1. A widow's special pension shall not be less than the amount, which shall be increased in accordance with the provisions of paragraphs (4); (4A); (4D); (4F); (4H) and (4L) of Regulation 56 of the Regulations, 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 19 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 paragraphs (4); (4A); (4D); (4F); (4H) and (4L) of Regulation 56 of the Regulations, of one-third of her husband's annual pensionable pay for a week."

(10) In paragraph 1 of Part VII of the Second Schedule (which relates to the calculation of a widow's special pension where the husband's death results from an attack) for the words "and (4H)" there shall be substituted the words "(4H) and (4L)".

(11) For Part VIII of the Second Schedule (which relates to the calculation of a widow's ordinary pension) there shall be substituted the following Part:—

(a) 1959. c. 10.

"PART VIII

WIDOW'S ORDINARY PENSION—STANDARD RATE

1. Subject to paragraphs 2 and 3, the amount of a widow's ordinary pension determined in accordance with this Part shall be not more than forty one-hundred-and-eightieths of her husband's weekly average pensionable pay and, subject as aforesaid, shall be equal to one one-hundred-and-eightieth of his weekly average pensionable pay for each completed year of pensionable service up to twenty years with the addition of one one-hundred-and-eightieth for each completed half-year by which his pensionable service exceeded twenty years.

2. The amount of a widow's ordinary pension calculated in accordance with paragraph 1 shall be increased in accordance with the provisions of paragraphs (4F), (4H) and (4L) of Regulation 56.

3. Where in respect of any period the widow so elects, then, subject to paragraph 4, the weekly amount of her ordinary pension in respect of that period shall be, if her husband at the time when he ceased to be a member—

- (a) held a rank higher than that of Paymaster, fifty-five shillings and twopence;
- (b) held the rank of Paymaster, forty-six shillings and ninepence;
- (c) held a rank lower than that of Paymaster, thirty-eight shillings and ninepence.

4. The weekly amount of a widow's ordinary pension calculated in accordance with paragraph 3 shall be increased—

- (a) in accordance with paragraph (4I) and (4JJ) of Regulation 56; and
- (b) where the husband was entitled to reckon at least ten years' pensionable service, by one shilling and elevenpence."

(12) For paragraphs 1 and 2 of Part I of the Third Schedule (which provides that a child entitled to an ordinary allowance shall receive an allowance determined by reference to the parent's rank) there shall be substituted the following paragraphs:—

"1. Subject as hereafter in this Schedule 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 Paymaster, be at the rate of nineteen shillings and fivepence a week;
- (b) the rank of Paymaster, be at the rate of sixteen shillings and tenpence a week;
- (c) a rank lower than that of Paymaster, be at the rate of fifteen shillings and fourpence a week.

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

- (a) a rank higher than that of Paymaster, be at the rate of thirty-two shillings a week;
- (b) the rank of Paymaster, be at the rate of twenty-seven shillings and fourpence a week;

- (c) a rank lower than that of Paymaster, be at the rate of twenty-three shillings and ninepence a week.”

(13) For Part II of the Third Schedule there shall be substituted the following Part:—

“PART II

CHILD’S SPECIAL ALLOWANCE

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 paragraphs (4); (4A); (4D); (4F); (4H) and (4L) of Regulation 56 of the Regulations, 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 paragraphs (4); (4A); (4D); (4F); (4H) and (4L) of Regulation 56 of the Regulations, equal to two-fifteenths 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”.”

Dated this 31st day of March, 1966.

R. W. B. McConnell,
Minister of Home Affairs
for Northern Ireland.

EXPLANATORY NOTE

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

These Regulations amend the Ulster Special Constabulary Regulations 1950, so as to provide for increases in the pensions and allowances of the widows and children of deceased members of the Ulster Special Constabulary corresponding to those provided for pensioners generally in the Pensions (Increase) Act (Northern Ireland) 1966.