

STATUTORY INSTRUMENTS

1971 No. 1469

CONSTABULARY, IRELAND

The Royal Irish Constabulary (Widows' Pensions)
Regulations 1971*Made* - - - 2nd September 1971*Laid before Parliament* 14th September 1971*Coming into Operation* 20th September 1971

In exercise of the powers conferred on me by section 1 of the Royal Irish Constabulary (Widows' Pensions) Act 1954(a) (read with Article 2(1) of the Minister for the Civil Service Order 1968(b)), I hereby, with the consent of the Minister for the Civil Service, make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Royal Irish Constabulary (Widows' Pensions) Regulations 1971 and shall come into operation on 20th September 1971.

Revocations

2. The Regulations set out in the Schedule hereto are hereby revoked.

Interpretation

3.—(1) In these Regulations "the standard weekly rate" means the rate of £6.00 a week unless the widow is over the age of 80 years in which case it means the rate of £6.25 a week.

(2) In these Regulations "state insurance benefit" means any benefit or pension under the National Insurance Act 1965(c) or the National Insurance (Industrial Injuries) Act 1965(d) or any similar benefit or pension paid out of public funds in Northern Ireland, any of the Channel Islands, the Isle of Man or the Republic of Ireland.

(3) In these Regulations, "child" includes a stepchild and a child adopted in pursuance of an order of a court of law; and for the purposes of these Regulations a child may be treated as a dependent child—

(a) during any period while he is under the age of 15 years;
and

(b) during any period before the first day of August next following the day on which he attains the age of 16 years while he is undergoing full-time instruction in a school or is an apprentice.

(a) 1954 c. 17.

(b) S.I. 1968/1656 (1968 III, p. 4485).

(c) 1965 c. 51.

(d) 1965 c. 52.

(4) Any reference in these Regulations to the rate of any pension shall be construed as a reference to that rate after taking into account any increases payable under the Pensions (Increase) Act 1971(a).

(5) For the purpose of determining the amount of any payment under these Regulations there shall be deemed to be 52 weeks and one-sixth of a week in every year.

(6) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended by or under any subsequent enactment.

(7) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Supplementary allowance payable to certain widow pensioners

4. Where the widow of a former member of the Royal Irish Constabulary is entitled to a pension under the enactments (other than the Royal Irish Constabulary (Widows' Pensions) Act 1954) relating to the pensions of that force, then, if and for so long as—

(a) the conditions prescribed by Regulation 7 of these Regulations are satisfied in her case, and

(b) the combined rate of the said pension and of any state insurance benefit received by her is less than the standard weekly rate,

a supplementary allowance may, if the Secretary of State thinks fit, be paid to that widow at such rate, subject to the provisions of Regulation 6 of these Regulations, as will secure that the combined rate of the said pension of any state insurance benefit received by her and of the said allowance is equal to the standard weekly rate.

Pension payable to certain widows not otherwise entitled to pension

5. Where a widow is not entitled to a pension under the aforesaid enactments in a case where her husband ceased to be a member of the Royal Irish Constabulary before 1st September 1918, or if his rank was higher than that of head constable major before 1st April 1919, then, if and for so long as—

(a) the conditions prescribed by Regulation 7, and one of the further conditions prescribed by Regulation 8, of these Regulations are satisfied in her case, and

(b) the rate of any state insurance benefit received by her is less than the standard weekly rate,

a pension may, if the Secretary of State thinks fit, be paid to that widow at such rate, subject to the provisions of Regulation 6 of these Regulations, as will secure that the combined rate of the said pension and of any state insurance benefit received by her is equal to the standard weekly rate :

Provided that the rate of the pension shall, subject to the provisions of Regulation 6 of these Regulations, be £0.25 a week in any case where the weekly rate otherwise payable under this Regulation would be less than that sum.

Adjustment of supplementary allowances and pensions in relation to non-contributory pensions

6. Where a widow is in receipt of a non-contributory pension under the Old Age Pensions Act 1936(a), or any similar pension paid out of public funds in Northern Ireland, any of the Channel Islands, the Isle of Man or the Republic of Ireland, the Secretary of State may make such reduction in the amount of any supplementary allowance or pension otherwise payable to her under these Regulations as may be necessary to secure that she shall receive the greatest possible amount in respect of the supplementary allowance or pension, as the case may be, and the non-contributory pension taken together.

Conditions for payment of supplementary allowances and pensions

7.—(1) The prescribed conditions referred to in Regulations 4(a) and 5(a) of these Regulations are the following, that is to say :—

- (a) that the widow married her husband before he ceased to be a member of the Royal Irish Constabulary ;
- (b) that she has attained the age of 60 or is incapable of self-support or has a dependent child ;
- (c) that she is ordinarily resident in the United Kingdom, any of the Channel Islands, the Isle of Man or the Republic of Ireland.

(2) For the purposes of sub-paragraph (b) of the foregoing paragraph, a woman shall be deemed incapable of self-support if, but only if, she is incapable of supporting herself by reason of physical or mental infirmity and is likely to remain so incapable for a prolonged period.

Further conditions for payment of pensions

8. The further prescribed conditions referred to in Regulation 5(a) of these Regulations are the following, that is to say :—

- (a) that the member in question died while serving in the Royal Irish Constabulary or while in receipt of a pension under the enactments relating to the pensions of that force ;
- (b) that having retired without a pension from that force on account of injury or disease, he died in consequence of that injury or disease ;
- (c) that he died or was disabled while employed on naval or military service in such circumstances that subsection (2) of section 1 of the Irish Police (Naval and Military Service) Act 1915(b) applied in his case.

Payments after remarriage

9. Where the widow of a former member of the Royal Irish Constabulary has remarried and again become a widow, the same payments may be made to her under these Regulations as if she had not remarried ; but save as aforesaid no payment shall be made under these Regulations where a widow of a former member of that force has remarried or is otherwise cohabiting with a man.

Application of provisions of 1922 Order

10. Articles 15 and 16 of the Royal Irish Constabulary Pensions Order 1922(a) (which relate to the assignment, forfeiture and withdrawal of pensions and contain provisions regulating payment), shall apply to any supplementary allowance or pension payable under these Regulations as the said Articles apply to a pension payable under that Order.

R. Maudling,
One of Her Majesty's Principal
Secretaries of State.

2nd September 1971.

Consent of the Minister for the Civil Service given under his Official Seal on 2nd September 1971.

(L.S.)

K. H. McNeill,
Authorised by the
Minister for the Civil Service.

SCHEDULE

REGULATIONS REVOKED

The Royal Irish Constabulary (Widows' Pensions) Regulations 1958	S.I. 1958/101 (1958 I, p. 354).
The Royal Irish Constabulary (Widows' Pensions) Regulations 1961	S.I. 1961/402 (1961 I, p. 584).
The Royal Irish Constabulary (Widows' Pensions) Regulations 1963	S.I. 1963/920 (1963 II, p. 1547).
The Royal Irish Constabulary (Widows' Pensions) Regulations 1965	S.I. 1965/500 (1965 I, p. 1249).
The Royal Irish Constabulary (Widows' Pensions) Regulations 1967	S.I. 1967/1501 (1967 III, p. 4208).
The Royal Irish Constabulary (Widows' Pensions) Regulations 1969	S.I. 1969/1517 (1969 III, p. 4937).

(a) S.R. & O. 1922/945 (1922, p. 112).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate, with amendments, the Royal Irish Constabulary (Widows' Pensions) Regulations 1958 and the Regulations amending those Regulations (set out in the Schedule).

Under the Regulations of 1958, as amended, there may be paid to certain widows of former members of the Royal Irish Constabulary a pension or an allowance supplementary to an existing pension. A pension or allowance is not payable unless the rate of any state insurance benefit received by the widow is less than £5·00 a week and (subject to a minimum rate of £0·25 a week in the case of a pension) it is to be at such rate as will secure that the combined rate of the Royal Irish Constabulary awards and the widow's state insurance benefit, if any, is equal to £5·00 a week; for this purpose state insurance benefit means any benefit or pension under the National Insurance Act 1965 or the National Insurance (Industrial Injuries) Act 1965 or similar benefit or pension paid out of public funds in Northern Ireland, any of the Channel Islands, the Isle of Man or the Republic of Ireland.

The main change made by the present Regulations is to substitute for the references in the Regulations of 1958 to the weekly rate of £5·00 references to the standard weekly rate. This is defined in Regulation 3(1) as £6·00 a week in the case of a widow who is not over the age of 80 years and as £6·25 a week in the case of a widow who is over that age.