

**1978 No. 332****POLICE****Royal Ulster Constabulary Pensions (Amendment No. 2)  
Regulations 1978**

*Made* . . . . . 27th October 1978

*Coming into operation* . . . . . 30th November 1978

*To be laid before Parliament*

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(a) read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(b) and after consulting, in accordance with section 34(2) of the said Act, the Police Authority for Northern Ireland and the Police Association for Northern Ireland and, in accordance with section 4(5) of the Police Act 1969(c), the Police Council for the United Kingdom, hereby with the concurrence of the Minister for the Civil Service makes the following regulations:—

*Citation*

1. These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment No. 2) Regulations 1978.

*Commencement and effect*

2. These regulations shall come into operation on 30th November 1978 and shall have effect—

- (a) for the purposes of paragraph (a) of regulation 4, as from 1st September 1973,
- (b) for the purposes of paragraph (b) of that regulation, as from 6th April 1975,
- (c) for the purposes of paragraph (c) of that regulation, as from 6th April 1978.

3. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary Pensions Regulations 1973(d).

4. The principal regulations shall have effect:—

- (a) from 1st September 1973 subject to the amendments specified in Part I of the Schedule;
- (b) from 6th April 1975 subject to the amendments specified in Part II of the Schedule;

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(a) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)

(b) S.I. 1972/1073 (N.I. 10)

(c) 1969 c. 63

(d) S.R. & O. (N.I.) 1973 No. 317 (II, p. 1722) as amended by S.R. 1976 No. 401 (II, p. 2231); and S.R. 1978 No. 73

(c) from 6th April 1978 subject to the amendments specified in Part III of the Schedule and subject to the transitional provisions of Part IV of the Schedule.

Northern Ireland Office  
27th October 1978

*Roy Mason*  
One of Her Majesty's Principal  
Secretaries of State

The concurrence of the Minister for the Civil Service given under his official seal on 27th October 1978.

(L.S.)

*T. A. A. Hart*  
Authorised by the Minister for  
the Civil Service

## SCHEDULE

Regulation 4

## PART I

**Amendments to the principal regulations taking effect from 1st September 1973**

After regulation 20 there shall be inserted the following provisions:—

*“Deferred pension where ill health pension is cancelled*

20A.—(1) This regulation shall apply to a member—

- (a) who retired with an ill health pension the unsecured portion of which is terminated under regulation 59(4) on a date (“the date of termination”) falling on or after 1st September 1973, otherwise than on his rejoining the force, and
- (b) who possesses the qualifications required by regulation 20B(1).

(2) A member to whom this regulation applies shall, as from the date of termination, be entitled to a deferred pension in accordance with the provisions of regulation 20B.

*Supplementary provisions about deferred pensions*

20B.—(1) The qualifications referred to in regulation 20A are that the member has service which satisfies one of the following conditions (such service is hereinafter referred to as qualifying service)—

- (a) his pensionable service is 5 years or more;
- (b) his pensionable service is less than 5 years but he has an earlier period of service as a member which does not count towards his pensionable service and the aggregate of that service and that period is 5 years or more;
- (c) his pensionable service is less than 5 years but is reckoned by virtue of service as a member and some other employment and the aggregate of that service and that employment is 5 years or more:

Provided that an earlier period of service shall not count as qualifying service for the purposes of sub-paragraph (b) if there is a break of more than one month between it and the later qualifying service.

(2) Where a member is entitled to a pension under regulation 20A he shall be entitled to a deferred pension calculated in accordance with Part VI of Schedule 2, subject, however, to Parts VII and VIII of that Schedule; but no payment shall be made on account of the pension in respect of the period before he attains the age of 60 years or, if he sooner becomes permanently disabled, before he becomes so disabled, or in respect of any period if he has relinquished his entitlement for the purposes of regulation 46 or 47 by written notice to the Police Authority.”

## PART II

**Amendments to the principal regulations taking effect from 6th April 1975**

1. After regulation 20B (inserted by Part I of this Schedule) there shall be inserted the following provision:—

*“Pension by way of equivalent benefit for certain members serving on 5th April 1975*

20C.—(1) Subject to paragraph (2), this regulation shall apply to a member who was serving as such on 5th April 1975 and ceases or has ceased to serve in circumstances—

- (a) which do not entitle him to a pension other than such as is mentioned in this regulation; and
- (b) in which no payment in lieu of contributions falls to be made or has been made.

(2) Where a member who was serving as such on 5th April 1975 ceases or has ceased to serve in circumstances in which a transfer value is payable in respect of him under regulation 75 or 75A, this regulation shall apply to him only if he satisfies the Police Authority that he is not entitled under any superannuation arrangements (including these regulations) to a pension—

- (a) in the calculation of which account is taken of the service which would be taken into account in calculating a pension under this regulation; and
- (b) which would be at least as favourable in his case as a pension under this regulation.

(3) A member to whom this regulation applies shall, on attaining insured pensionable age and where appropriate satisfying the Police Authority as mentioned in paragraph (2), be entitled to a pension which equals the graduated retirement benefit mentioned in regulation 5(4)."

2. In regulation 21(1), after the words "injury pension" there shall be inserted the words "or a pension under regulation 20C".

3. In regulation 24(1)(c), after the words "deferred pension" there shall be inserted the words "or a pension under regulation 20C".

4. In regulation 34(1)(b), after the words "deferred pension" there shall be inserted the words "or a pension under regulation 20C".

### PART III

#### Amendments to the principal regulations taking effect from 6th April 1978

1. In regulation 4, after paragraph (3), there shall be inserted the following provision:—

"(4) For the purposes of these regulations the weekly rate of a pension shall be determined as if there were 52½ weeks in each year."

2. In regulation 5 there shall be inserted after paragraph (5) the following provisions:—

"(6) In these regulations the following expressions shall have the meanings respectively which they have for the purposes of the Social Security Pensions (Northern Ireland) Order 1975:—

"contracted-out employment";

"contracted-out scheme";

"guaranteed minimum" and "guaranteed minimum pension";

"contributions equivalent premium".

(7) In these regulations any reference to a case in which a contributions equivalent premium has been paid includes a reference to a case in which such a premium is payable but has not been paid by virtue of regulations under Schedule 2 to the Social Security Pensions (Northern Ireland) Order 1975 dispensing with the payment of such a premium where its amount would be inconsiderable.

(8) In these regulations any reference to the guaranteed minimum in relation to a pension under a pension scheme at a particular time is a reference to the amount certified by the Department of Health and Social Services as that minimum at that time."

3. For regulation 20 there shall be substituted the following provision:—  
*"Deferred pension and award where no transfer value and no other award is payable*

20.—(1) This regulation shall apply to a person who ceases or has ceased to be a member in circumstances in which no transfer value is payable in respect of him and which do not entitle him to any award other than such as is mentioned in this regulation or in regulation 20C.

- (2) Where this regulation applies to a member who—  
 (a) possesses the qualifications required by regulation 20B(1), and  
 (b) has not exercised the right of election under regulation 20D,

he shall, on ceasing to be a member, be entitled to a deferred pension in accordance with the provisions of regulation 20B(2).

- (3) A person to whom this regulation applies who  
 (a) is not a member, or

- (b) is a member who does not possess the qualifications required by regulation 20B(1) and who will not attain insured pensionable age before the end of the tax year in which he ceases or has ceased to be a member,

shall, subject to Part IX of Schedule 2, be entitled to an award by way of repayment of his aggregate pension contributions.”

4. In regulation 20B (inserted by Part I of this Schedule)—

- (a) in paragraph (1) for the words “regulation 20A” there shall be substituted the words “regulations 20 and 20A”; and  
 (b) in paragraph (2) for the words “regulation 20A” there shall be substituted the words “regulation 20, 20A or 20D”.

5. After regulation 20C (inserted by Part II of this Schedule) there shall be inserted the following provision:—

*“Transitional award*

20D.—(1) This regulation applies to a member who qualifies for a deferred pension by virtue of service partly before 6th April 1978 and partly on or after that date and whose average pensionable pay has not exceeded £5,000 in any tax year.

(2) A member to whom this regulation applies may, within three months of ceasing to be a member, elect that regulation 20 shall not apply in his case by notice in writing to the Police Authority.

(3) Where immediately before his death a member to whom this regulation applies enjoyed, but had not exercised, the right of election conferred by paragraph (2) his widow may, by notice in writing given to the Police Authority within three months of his death, or within such longer period as the Authority may allow in the circumstances of the case, request that these regulations should have effect as if he had exercised that right of election; and, in such a case, these regulations shall so have effect.

(4) Where the right of election conferred by paragraph (2) has been exercised by a member or by his widow, the member shall not be granted a deferred pension under regulation 20 but shall be entitled to an award under this regulation.

(5) An award under this regulation shall comprise—

- (a) subject to Part IX of Schedule 2 an award by way of repayment of the member's aggregate pension contributions, excluding such contributions as are specified in paragraph (8); and  
 (b) where his period of pensionable service is greater than the appropriate period of service, a deferred pension in accordance with the provisions of regulation 20B(2) but disregarding that part of his period of pensionable service which is comprised in the appropriate period of service.

(6) The appropriate period of service referred to in paragraph (5) is—

- (a) in the case of a member who ceases to serve before he has attained the age of 26—  
 (i) whose contracted-out employment is less than five years, all his pensionable service, or

- (ii) in any other case, his pensionable service before 6th April 1978; or
- (b) in the case of a member who has attained the age of 26 years when he ceases to serve—
  - (i) whose qualifying service, disregarding service before 6th April 1975, is less than five years, his pensionable service before 6th April 1978, or
  - (ii) in any other case, his pensionable service before 6th April 1975.

(7) Where pensionable service is reckonable by virtue of the receipt of a transfer value by the Police Authority, the amount of pensionable service performed before a certain date shall be deemed to be such as bears to the total pensionable service so reckonable the same proportion as the former service performed before that date bears to the total former service.

(8) The contributions excluded by paragraph (5)(a) are the contributions or analogous payments which were paid after the end of the appropriate period of service, except those—

- (a) paid to the Police Authority for the purpose of increasing benefit payable in respect of that period of service; or
- (b) specified, by the person responsible for the superannuation arrangements applicable to a previous period of service or employment, as having been paid for the purpose of increasing any benefit payable in respect of that part of the previous service or employment by virtue of which the person concerned is entitled to reckon an appropriate period of service."

6. After regulation 21 there shall be inserted the following provision:—

"21A.—(1) Where the pension of a member who has attained insured pensionable age, together with any increase under the Pensions (Increase) Act 1971(e), does not exceed £52 per annum, the Police Authority may at their discretion, commute the pension for a gratuity.

(2) A gratuity under this regulation shall be of such amount as is the actuarial equivalent of the pension, calculated from tables prepared by the Government Actuary.

(3) Where a member is entitled to more than one pension, those pensions shall be treated as one for the purposes of this regulation."

7. For regulation 23 there shall be substituted the following provision:—

"23.—(1) A member shall not under regulation 21 commute for a lump sum, nor under regulation 22 allocate in favour of his wife or other dependant—

- (a) such a portion of his pension that that pension becomes payable at a rate less than two-thirds of the rate at which it would have been payable but for the provisions of the said regulations and of Part VIII of Schedule 2; or
- (b) where the pension is a deferred pension, and at the date on which it becomes payable he has a guaranteed minimum in relation to the pension provided by these regulations, such a portion of his pension that that pension becomes payable at a rate which, including any increase under the Pensions (Increase) Act 1971, is less than that minimum."

8. For regulation 28 there shall be substituted the following provision:—

"28.—(1) Where a widow is entitled to a pension which does not exceed £52 per annum, the Police Authority may, at their discretion, commute the pension for a gratuity.

(2) Where a widow is entitled to a pension on the death of her husband before he has attained insured pensionable age and the Police Authority are satisfied that there are sufficient reasons for granting her a gratuity in lieu of the part of the weekly amount of the pension which exceeds the guaranteed minimum pension, they may, subject to the provisions of regulation 41, in their discretion and with her consent, commute for a gratuity that part, or so much thereof as may be commuted without contravening regulation 41.

(3) A gratuity under this regulation shall be calculated in accordance with Part VI of Schedule 3."

9. In regulation 29(1) after the word "member", where it appears for the second time, there shall be inserted the words "where he dies before the end of the tax year preceding that in which he would have attained insured pensionable age".

10. After regulation 29 there shall be inserted the following provisions:—

"29A.—(1) This regulation shall apply to a widow of a member entitled to reckon less than three years' pensionable service who, after the beginning of the tax year in which he attained, or would have attained, insured pensionable age—

(a) dies or has died while serving as such; or

(b) ceases or has ceased to serve as such.

(2) A widow to whom this regulation applies shall, unless she is a widow to whom regulation 25 applies, be entitled to an award comprising—

(a) in respect of the first 13 weeks following the husband's death, a temporary pension of such amount as secures that, in respect of each such week, the aggregate amount of the payment under this sub-paragraph and of any children's allowances payable in respect of the husband's death is of the like amount as his pensionable pay or his pension, as the case may be, for a week immediately before he died, and

(b) thereafter a widow's requisite benefit pension calculated in accordance with Part VIII of Schedule 3.

(3) If the capitalised value of the annual amount of the pension payable under paragraph (2)(b) to a widow whose husband died while serving as a member, as calculated by the Government Actuary, is less than the husband's average pensionable pay, the widow shall be entitled to a gratuity equal to the amount by which the capitalised value of the pension aforesaid falls short of the husband's average pensionable pay."

11. For regulation 30 there shall be substituted the following provision:—

"*Limitation on award to widow with reference to date of marriage*

30.—(1) A widow shall not be entitled to an award under any provision of this Part unless she was married to her husband before he last ceased to serve as a member.

(2) A widow who but for paragraph (1) would be entitled to a widow's award under regulation 24, 25, 26 or 27 shall be entitled instead to a pension calculated in accordance with Part IX of Schedule 3."

12. In paragraph (1) of regulation 31 after the words "Subject to" there shall be inserted the words "regulation 101 and".

13. After paragraph (2) of regulation 31 there shall be inserted the following provisions:—

"(3) A widow who but for paragraph (1) would be entitled to a widow's award under regulation 24, 25, 26 or 27 shall be entitled instead to a widow's requisite benefit pension calculated in accordance with Part VIII of Schedule 3."

14. In regulation 32(3)

(a) for the words "a woman has cohabited with another man" there shall be substituted the words "a woman and a man to whom she is not married are living together as husband and wife"; and

(b) for the word "cohabitation" there shall be substituted the words "living together".

15. In regulation 42 there shall be inserted at the end of the regulation the following provision:—

"(2) This regulation does not apply to a pension under regulation 101."

16. In regulation 46(2A) for the words "relinquished as mentioned in regulation 20(2)" there shall be substituted the words "relinquished as mentioned in regulation 20B(2)".

17. In regulation 47A for paragraph (4) there shall be substituted the following provision:—

"(4) Notwithstanding anything in this regulation, the provisions thereof shall not apply—

- (a) where the former service was service last as a member;
- (b) where the member concerned is entitled to reckon pensionable service under regulation 45(a) by virtue of former service as a regular policeman in Great Britain; or
- (c) where the member concerned had a guaranteed minimum in relation to the pension provided by the former superannuation arrangements unless
  - (i) those arrangements are of a kind mentioned in paragraph 1(2) of Part II of Schedule 7, or
  - (ii) that guaranteed minimum is no greater than a notional deferred pension calculated by reference to the pensionable service which, under Part II of Schedule 7, would be reckonable if the transfer value were paid."

18. In regulation 61 the words "or deferred pension" shall be omitted and for the words from "Provided that" to "pensionable service" there shall be substituted the following provision:—

"Provided that—

- (a) this regulation shall not apply where the person concerned has been a member and is in receipt of an ill-health pension and would, if he had continued to serve instead of retiring with that pension, have been entitled to reckon 25 years' pensionable service; and
- (b) where the pension of a member has been reduced under this regulation, then if when he attains the age of 60 years the reduced pension is less than the amount of the deferred pension which would have been payable had he been granted such a pension on the date of his ceasing to serve it shall be increased to that amount."

19. For regulation 63 there shall be substituted the following provision:—

*"Forfeiture of pension"*

63.—(1) This regulation shall apply to a pension payable to or in respect of a member.

(2) Subject to paragraph (5), the Police Authority may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the grantee has been convicted of an offence mentioned in paragraph (3) and, in the case of a widow's pension, that offence was committed after the death of the pensioner's husband.

(3) The offences referred to in paragraph (2) are—

- (a) an offence of treason;
- (b) one or more offences under the Official Secrets Acts 1911 to 1939 for which the grantee has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least ten years.



(4) Subject to paragraph (5), the Police Authority may determine that the pension to which this regulation applies be forfeited, in whole or in part and permanently or temporarily as they may specify, if the grantee has been convicted of an offence committed in connection with his service as a member which is certified by the Secretary of State either to have been gravely injurious to the interest of the State or to be liable to lead to serious loss of confidence in the public service.

(5) In the case of a pension to which this regulation applies, other than an injury pension, the Police Authority in determining whether a forfeiture should be permanent or temporary and affect a pension in whole or in part, may make different determinations in respect of the secured and unsecured portions of the pension; but the secured portion of such a pension shall not be forfeited permanently and may be only forfeited temporarily for a period expiring before the grantee attains insured pensionable age or for which he is imprisoned or otherwise detained in legal custody."

20. For paragraph (1) of regulation 73 there shall be substituted the following provision:—

"(1) Where a loss to the funds of the Police Authority has occurred as a result of fraud, theft or negligence committed by a member in connection with his service as such and any sum is due from the Authority to him on account of a pension, the Authority may withhold that sum in whole or in part and on so doing shall furnish him with a certificate showing the amount withheld and the effect on the pension:

Provided that—

- (a) where the pension is an ordinary, ill-health or short service pension and the sum due on account thereof is in respect of a period beyond insured pensionable age, only so much of the sum as is due on account of the unsecured portion of the pension may be applied as mentioned in this paragraph;
- (b) the amount withheld from a pension, including the capital value of the amounts withheld from annual payments, shall not exceed the amount of the loss;
- (c) no amount shall be withheld from such part of any pension as is attributable to service otherwise than as a member; and
- (d) in the event of any dispute as to the amount of the loss no amount shall be withheld unless the amount of the loss becomes enforceable under an order of a competent court."

21. In paragraph (1) of regulation 75A after sub-paragraph (a) there shall be inserted the following provision:—

"(aa) who has not attained insured pensionable age on the date of retirement;"

22. In paragraph (5) of regulation 75A after sub-paragraph (b) there shall be inserted the following provision:—

"or,

- (c) where a person has a guaranteed minimum in relation to the pension provided by these regulations, unless—
  - (i) the new service is in a scheme which is a contracted-out scheme when the transfer value is paid, or
  - (ii) a contributions equivalent premium has been paid in respect of him by the Police Authority and not repaid."

23. After Part XIV there shall be inserted the following Part:—

“PART XV

MISCELLANEOUS

*Contracting-out*

101.—(1) This regulation shall apply if any service becomes contracted-out employment by reference to these regulations.

(2) Any entitlement to a pension under this regulation shall not be reduced or extinguished under any other provision of these regulations save that—

(a) where that pension, together with any increase under the Pensions (Increase) Act 1971, does not exceed £52 per annum it may be commuted under regulation 21A or 28:

(b) where the person entitled to that pension has been convicted of—

(i) an offence of treason, or

(ii) one or more offences under the Official Secrets Acts 1911 to 1939 for which he has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years,

the pension may be forfeited under regulation 63.

(3) Where a widow is entitled to a pension under this regulation—

(a) if she remarries before she attains the age of 60, her entitlement shall cease; and

(b) no payment shall be made on account of such pensions for any period before she attains the age of 60 during which she and a man to whom she is not married are living together as husband and wife.

(4) Subject to paragraphs (5) and (6), if a person has a guaranteed minimum in relation to the pension provided by this Scheme—

(a) he shall, subject to paragraph (8) be entitled from insured pensionable age to a pension the weekly rate of which is equal to his guaranteed minimum; and

(b) where he dies at any time and leaves a widow, then, unless his pension has been forfeited under regulation 63(2), she shall be entitled to a pension the weekly rate of which is equal to one half of that guaranteed minimum.

(5) Paragraph (4) shall not apply in relation to a person who has retired from service as a member and has entered other contracted-out employment if a transfer value has been paid under regulation 75A in respect of him.

(6) Where a person is entitled to a pension under any other provision of these regulations—

(a) a pension under paragraph (4) shall not be paid unless that person's pension calculated in accordance with that paragraph is greater than that other pension disregarding any secured portion; and

(b) where a pension under paragraph (4) is paid, that person shall receive only the secured portion, if any, of that other pension.

(7) In paragraph (6), references to a pension include any increase in that pension under the Pensions (Increase) Act 1971 and where that paragraph applies to a person who is entitled to both an injury pension and either an ill-health, ordinary, short service or deferred pension, those pensions shall be treated as one for the purposes of that paragraph.

(8) No payments shall be made on account of the pension referred to in paragraph (4)(a) in respect of any period within five years of the member's attaining insured pensionable age during which—

(a) he has not ceased to serve as a member; or

(b) his pension is withdrawn, in whole or in part, in consequence of a decision of the Police Authority taken under regulation 62 before he attained insured pensionable age.”

24. In Part IV of Schedule 2, after paragraph 2 there shall be inserted the following provision:—

“2A. Where the member ceased to serve after the beginning of the tax year in which he attains insured pensionable age, the gratuity calculated in accordance with the preceding provisions of this Part shall be reduced by an amount equal to the capitalised value, as calculated by the Government Actuary, of the annual rate of any pension paid to him under regulation 101.”

25. In Part I of Schedule 3, for paragraph 1 there shall be substituted the following provision:—

“1. Subject to paragraphs 2 and 3, the annual amount of a widow's ordinary pension shall be whichever is the greater of the two following pensions—

- (a) a pension equal to one half of her husband's pension or notional pension referred to in paragraph 4,
- (b) the annual amount of a widow's requisite benefit pension calculated in accordance with Part VIII of this Schedule disregarding paragraph 2 of that Part.

26. In Part IV of Schedule 3, at the end of sub-paragraph (1) of paragraph 4 there shall be inserted the following provision:—

“Provided that this sub-paragraph shall not apply to the widow of a member where the pensionable service which reckoned for the purpose of calculating his deferred pension was less than five years, unless he was entitled to reckon pensionable service by virtue of the whole of his qualifying service.”

27. In Part IV of Schedule 3, at the end of paragraph 4 there shall be inserted the following provision:—

“(3) Where the husband ceased to serve on or after 6th April 1975 and would, had he continued to serve until he could be required to retire on account of age, have become entitled to reckon at least 10 years' pensionable service, the weekly amount of the widow's accrued pension calculated in accordance with paragraph 4 shall be increased by an amount equal to the amount specified in paragraph 3(2) of Part I of this Schedule.”

28. For Part VI of Schedule 3 there shall be substituted the following provisions:—

#### “PART VI

#### WIDOW'S GRATUITY IN LIEU OF PENSION

The gratuity referred to in regulation 28 shall be a sum equal to 11 times the annual value of the pension or, as the case may be, of that part of the pension which is commuted, or such greater sum as may be agreed between the Police Authority and the widow, not exceeding the capitalised value of the pension or of that part thereof to which the gratuity is an alternative, calculated in accordance with tables prepared from time to time for that purpose by the Government Actuary.”

29. After Part VII of Schedule 3 there shall be inserted the following provisions:—

#### “PART VIII

#### WIDOW'S REQUISITE BENEFIT PENSION

1. Subject to paragraph 2, the annual amount of a widow's requisite benefit pension shall be an amount equal to her husband's average pensionable pay divided by 160 and multiplied by the period in years of his pensionable service after 5th April 1978.

2. The amount of a pension calculated in accordance with paragraph 1 shall be increased in accordance with Part XIV of these regulations.

## PART IX

## WIDOW'S PENSION WHERE MEMBER MARRIES AFTER RETIREMENT

1. The annual amount of a pension under regulation 30(2) shall be the greater of the two following amounts, namely—

- (a) one half of the husband's notional pension referred to in paragraph 2, or
- (b) her husband's average pensionable pay divided by 160 and multiplied by the period in years of his pensionable service after 5th April 1978.

2. The notional pension referred to in paragraph 1 shall be the pension referred to in paragraph 4(1)(a) of Part I of Schedule 3, as though that paragraph included reference to a deferred pension, multiplied by a fraction of which the numerator is the period in years of his pensionable service after 5th April 1978 and the denominator is the period in years of his total pensionable service, subject in each case to a maximum of 30 years.

3. The amount of a pension calculated in accordance with paragraphs 1 and 2 shall be increased in accordance with Part XIV of these regulations.

4.—(1) This paragraph shall apply where the husband was in receipt of a pension.

(2) Where this paragraph applies, the widow's pension under regulation 30(2) shall, so far as is necessary, be increased in respect of the first thirteen weeks for which it is payable so as to secure that, in respect of each such week, the aggregate amount of the pension and of any children's allowances payable in respect of the husband's death is no less than the weekly amount of his pension immediately before he died.

(3) For the purposes of this paragraph there shall be disregarded any reduction in the husband's pension in consequence of—

- (a) Part VIII of Schedule 2, or
- (b) his entitlement to any additional benefit within the meaning of paragraph 4 of Part V of Schedule 2."

30. In Part I of Schedule 7

(a) in paragraph 1

(i) the word "and" shall be omitted between sub-paragraph (1)(c) and sub-paragraph (1)(d);

(ii) after sub-paragraph (1)(d) there shall be inserted the following provision:—

"(e) in the case of a member who, at the time of his ceasing to be a member has a guaranteed minimum in relation to the pension provided by these regulations, the amount of that guaranteed minimum, and

(f) the amount of any contributions equivalent premium in respect of him which has been paid by the Police Authority and not repaid."

(b) in paragraph 2(1), for the word "fourth" there shall be substituted the word "fifth".

(c) in paragraph 2(3), for the word "fifth" there shall be substituted the word "sixth";

(d) in paragraph 4, for the words "or 75A(2)(a), (b) or (e)" there shall be substituted the words "or 75A(2)(a) or (b)";

(e) in paragraph 5, for the words "paragraph 6" there shall be inserted the words "paragraph 6 and 6A"; and

(f) after paragraph 6 there shall be inserted the following provisions:—

"6A. Where a member at the time of his ceasing to be a member has a guaranteed minimum in relation to the pension provided by these regulations the transfer value shall be reduced by the amount of that guaranteed minimum, expressed as an annual pension, multiplied by the appropriate factor specified in the fourth column of the Table or, in the case of a woman, in the seventh column thereof.

6B. Where a contributions equivalent premium has been paid in respect of the member and has not been repaid, the transfer value shall be reduced by the amount of that premium."

31. In Part II of Schedule 7—

(a) in paragraph 1—

(i) the word "and" shall be omitted between sub-paragraph (1)(c) and sub-paragraph (1)(d);

(ii) after sub-paragraph (1)(d) there shall be inserted the following provision:—

"(e) where he, on ceasing to be in his former service, had a guaranteed minimum in relation to the pension provided by the superannuation arrangements to which he was then subject, the amount of that guaranteed minimum."

(b) in paragraph 2(2), for the word "fifth" there shall be substituted the word "sixth";

(c) at the end of paragraph 2(2) there shall be inserted the following provision:—

"(2A) Where on the date that the member ceased to be in his former service he had a guaranteed minimum in relation to the pension provided by the superannuation arrangements to which he was then subject, the amount of that guaranteed minimum, expressed as an annual pension, shall be multiplied by the appropriate factor specified in the fourth column of the Table or, in the case of a woman, in the seventh column thereof, and the transfer value shall be adjusted by the addition of that product."

(d) in paragraph 2(3), after the word "adjustment" there shall be inserted the words "or adjustments";

(e) in paragraph 3(1), for the word "fourth" there shall be substituted the word "fifth"; and

(f) in paragraph 3(3), for the word "fifth" there shall be substituted the word "sixth".

32. In Schedule 7, for Part III there shall be substituted the following provision:—

PART III

TABLE

Age last birthday before date of cessation	Men			Women		
	Basic factor	N.I. factor	GMP factor	Basic factor	N.I. factor	GMP factor
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Less than 20	5.00	.25	1.47	7.00	.50	2.20
20	5.05	.25	1.50	7.05	.50	2.24
21	5.10	.25	1.53	7.10	.55	2.28
22	5.15	.30	1.56	7.15	.60	2.32
23	5.20	.30	1.59	7.20	.65	2.36
24	5.25	.30	1.62	7.25	.70	2.40

TABLE

Age last birthday before date of cessation	Men			Women		
	Basic factor	N.I. factor	GMP factor	Basic factor	N.I. factor	GMP factor
(1)	(2)	(3)	(4)	(5)	(6)	(7)
25	5.30	.35	1.65	7.35	.75	2.45
26	5.35	.40	1.68	7.40	.80	2.50
27	5.40	.40	1.71	7.45	.85	2.55
28	5.45	.45	1.74	7.50	.90	2.60
29	5.50	.50	1.78	7.55	.95	2.66
30	5.55	.50	1.81	7.65	1.05	2.71
31	5.60	.55	1.85	7.70	1.15	2.77
32	5.65	.60	1.88	7.80	1.25	2.82
33	5.70	.65	1.92	7.90	1.35	2.88
34	5.75	.70	1.95	7.95	1.45	2.93
35	5.80	.80	1.99	8.05	1.55	2.99
36	5.85	.90	2.02	8.15	1.65	3.05
37	5.90	1.00	2.06	8.25	1.75	3.11
38	5.95	1.10	2.10	8.35	1.85	3.17
39	6.00	1.20	2.14	8.45	1.95	3.24
40	6.05	1.30	2.18	8.55	2.10	3.31
41	6.10	1.40	2.22	8.65	2.25	3.38
42	6.15	1.50	2.26	8.75	2.45	3.45
43	6.20	1.60	2.30	8.85	2.65	3.52
44	6.25	1.70	2.34	8.95	2.90	3.59
45	6.30	1.80	2.39	9.05	3.15	3.66
46	6.40	1.90	2.44	9.15	3.40	3.74
47	6.50	2.00	2.48	9.25	3.70	3.82
48	6.60	2.20	2.53	9.35	4.00	3.90
49	6.70	2.40	2.58	9.45	4.35	3.98
50	6.80	2.60	2.62	9.55	4.75	4.06
51	6.90	2.90	2.67	9.65	5.15	4.15
52	7.10	3.20	2.72	9.80	5.60	4.24
53	7.30	3.50	2.78	9.95	6.10	4.33
54	7.50	3.80	2.84	10.10	6.65	4.43
55	7.70	4.20	2.90	10.30	7.25	4.53
56	8.00	4.60	2.97	10.50	7.95	4.63
57	8.30	5.00	3.04	10.75	8.75	4.74
58	8.60	5.40	3.12	11.05	9.65	4.85
59	9.00	5.80	3.20	11.40	10.65	4.97
60	9.50	6.30	3.28	11.75	11.75	—
61	9.50	6.80	3.36	11.75	11.75	—
62	9.50	7.40	3.44	11.75	11.75	—
63	9.50	8.10	3.53	11.75	11.75	—
64	9.50	9.00	3.64	11.75	11.75	—
65	9.50	9.50	—	11.75	11.75	—

## PART IV

## TRANSITIONAL PROVISIONS

1. Where a member retired before 6th April 1978, regulations 20 and 20D of the principal regulations as set out in Part III of this Schedule shall not have effect in relation to him but regulation 20 of the principal regulations as originally made shall continue to have effect.

2. Where before 30th November 1978 the Police Authority have determined under regulation 63 of the principal regulations as originally made that an award be forfeited, that determination shall continue to have effect notwithstanding the amendment of those regulations made by Part III of this Schedule.

## EXPLANATORY NOTE

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

These regulations amend the Royal Ulster Constabulary Pensions Regulations 1973 with effect, as provided by regulation 2, from the dates mentioned below (retrospective effect is authorised by Articles 14 and 15 of the Superannuation Order (Northern Ireland) 1972).

The principal changes to the 1973 Regulations are those made by Part III of the Schedule to these regulations, which takes effect from 6th April 1978. These changes enable the 1973 Regulations to satisfy the requirements for the issue of a contracting-out certificate under Article 33 of the Social Security Pensions (Northern Ireland) Order 1975.

Part I of the Schedule, which takes effect from 1st September 1973, adds to the 1973 Regulations provisions conferring a right to a deferred pension where an ill-health pension is cancelled in certain circumstances.

Part II of the Schedule, which takes effect from 6th April 1975, adds to the 1973 Regulations provisions conferring a right to a pension (equal to the graduated retirement benefit) on certain members serving on that date who would not otherwise be entitled to a pension under the 1973 Regulations.