

3. In Article 9(3) of the principal Order after the number "4B" there shall be inserted the number "4C".

Sealed with the Official Seal of the Ministry of Health and Local Government this 13th day of April, nineteen hundred and fifty-nine, in the presence of

(L.S.)

J. L. O. Andrews,

Minister of Health and Local Government.

The Ministry of Finance hereby approves the foregoing Order.

Sealed with the Official Seal of the Ministry of Finance this 20th day of April, nineteen hundred and fifty-nine, in the presence of

(L.S.)

Terence O'Neill,

Minister of Finance.

EXPLANATORY NOTE

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

The object of this Order is to provide for the payment of a contribution (additional to that prescribed under Article 4 of S.R. & O. 1956 No. 187) of £5 5s. 0d. from the Exchequer and £1 15s. 0d. from the Rates, each year for sixty years, in respect of local authority houses for which tenders have been submitted for approval to the Ministry on or after 1st January, 1959, and before 1st January, 1960.

The annual sum of £5 5s. 0d. from the Exchequer will also be payable in the case of houses to be built by housing associations.

The full amount of £7 a house, each year, will be payable from the Exchequer in the case of houses to be built by the Northern Ireland Housing Trust.

The Order also provides that in the case of the Housing Trust and housing associations the governing date is, in accordance with practice, the date of acceptance of a tender rather than the date of submission to the Ministry.

1959. No. 89

[NC]

ULSTER SPECIAL CONSTABULARY: PENSIONS

REGULATIONS, DATED 22ND MAY, 1959, MADE BY THE MINISTER OF HOME AFFAIRS UNDER THE SPECIAL CONSTABLES ACT, 1914, AS EXTENDED AND AMENDED BY THE CONSTABULARY ACT (NORTHERN IRELAND), 1922, AND THE CONSTABULARY (PENSIONS) ACT (NORTHERN IRELAND), 1949.

I, The Right Honourable W. W. B. Topping, Q.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by

the Special Constables Act, 1914(a), as extended and amended by Section Eight of the Constabulary Act (Northern Ireland), 1922(b), and by sub-section (4) of Section Four of the Constabulary (Pensions) Act (Northern Ireland), 1949(c), and of all other powers enabling me in that behalf, do hereby make the following Regulations:

1. In paragraph (3) of Regulation 4 of the Ulster Special Constabulary Pensions Regulations, 1950(d), as amended by Regulation 1 of the Ulster Special Constabulary Pensions (Amending) Regulations, 1956(e), after the words "and is reduced in accordance with" there shall be inserted the words "the provisions of Regulation 13C, of Regulation 53, or of".

2. After Regulation 13B of the said Regulations there shall be inserted the following Regulation:

"Commutation of part of pension.

13C.—(1) A permanent member to whom Regulations 9, 10, 11 and 12 apply who has served on or after the 1st April, 1958, may, in accordance with the provisions of this Regulation, commute for a lump sum a portion of any pension, other than a supplemental pension, to which he is or may become entitled, provided, in the case of an ordinary pension, that he retires either when entitled to reckon at least thirty years' pensionable service or in the circumstances mentioned in paragraph (1) of Regulation 11.

(2) For the purpose of commuting a portion of his pension a person shall—

- (a) give notice in writing (in this Regulation called 'notice of commutation') to the Ministry of his wish to surrender and commute for a lump sum such portion of his pension, not exceeding one-sixth of the pension which would be payable but for the provisions of Regulation 53 and of Part V of the First Schedule, as (subject to the limitation contained in Regulation 53A) he may specify; and
 - (b) satisfy the Ministry of his good health and for that purpose submit himself to such medical examination as the Ministry may require.
- (3) The notice of commutation shall be given by a person—
- (a) not earlier than two months before his intended retirement nor later than six months after his retirement or than the 14th November, 1959, whichever is the later; or
 - (b) in the case of a person who retires with an ill-health pension and is entitled to reckon less than twenty-five years' pensionable service, not earlier than two months before his intended retirement nor later than—
 - (i) six months after he would, if he had continued to serve as a member instead of retiring with an ill-health pension, either have been entitled to reckon twenty-five years' pensionable service or have been required to retire under Regulation 12; or
 - (ii) the 14th November, 1959, whichever is the later,

and in the case of such a person as is mentioned in (b) of this paragraph the commutation notice shall be given only with the written consent of the Ministry unless, at the time when the notice is given, he would, if he

(a) 4 & 5 Geo. 5. c. 61.
 (b) 12 & 13 Geo. 5. c. 8 (N.I.).
 (c) 1949. c. 9.

(d) S.R. & O. (N.I.) 1950, No. 97.
 (e) S.R. & O. (N.I.) 1956, No. 75.

had continued to serve as aforesaid, have been entitled to reckon twenty-five years' pensionable service or have been required to retire as aforesaid.

(4) Where a person has complied with the provisions of sub-paragraphs (a) and (b) of paragraph (2), the Ministry shall forthwith send to him a written notification of the acceptance of the notice of commutation, which shall become effective—

(a) as from the time when the notification is received by him or, if sent by post, as from the time when it would be delivered to him in the ordinary course of post, or

(b) as from the date of his retirement,

whichever is the later :

Provided that the said notice shall not become effective if it was given more than two months before his retirement.

(5) Where a person retires or has retired and a notice of commutation given by him has become or becomes effective the Ministry shall reduce the pension to which the notice relates in accordance with the notice as from the time from which the notice is effective and shall pay to him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Ministry :

Provided that—

(a) where the notice is effective as from the time mentioned in sub-paragraph (a) of paragraph (4), the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement;

(b) in relation to such a person as is mentioned in sub-paragraph (b) of paragraph (3) the preceding provisions of this paragraph shall have effect as if any reference therein to the date of retirement were a reference to the time as from which the notice is effective."

3.—(1) In Regulation 18 of the said Regulations after the words "they may" there shall be inserted the words "subject to the provisions of Regulation 34B".

(2) At the end of the said Regulation 18 there shall be added the following paragraph :

"(2) Where the Ministry and the Ministry of Finance are precluded by reason of the provisions of Regulation 34B from exercising their discretion under the preceding paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the pension."

4.—(1) In Regulation 28 of the said Regulations after the words "they may" there shall be inserted the words "subject to the provisions of Regulation 34B".

(2) At the end of the said Regulation 28 there shall be added the following paragraph :

"(2) Where the Ministry and the Ministry of Finance are precluded by reason of the provisions of Regulation 34B from exercising their

discretion under the preceding paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the allowance."

5. At the end of Regulation 34 of the said Regulations there shall be added the following paragraph:

"(2) For the purposes of this Regulation a gratuity substituted for part of a widow's pension or child's allowance under Regulation 18 or 28 as the case may be shall be ignored."

6. After Regulation 34A of the said Regulations there shall be inserted the following Regulation:

"Limitation on discretion to grant a gratuity in lieu of a pension or allowance.

34B.—(1) Where a person has died while in receipt of a pension, other than a supplemental pension, (in this Regulation referred to as 'the principal pension') the Ministry and the Ministry of Finance shall not under Regulation 18 or 28 substitute for the whole or any part of a widow's pension or child's allowance payable in respect of him a gratuity the actuarial value of which, when added to that of—

- (a) any other gratuity so substituted under Regulation 18 or 28, and
- (b) any lump sum paid under Regulation 13C by reason that a portion of the principal pension was commuted,

exceeds one-quarter of the actuarial value of the principal pension, any reduction therein under Regulation 13C being ignored.

(2) For the purposes of this Regulation the actuarial value of a gratuity, lump sum or pension shall be the actuarial value calculated by the Ministry at the time of the husband's or father's retirement."

7. For Regulation 53 of the said Regulations there shall be substituted the following Regulations:

"Allocation of part of a pension.

53.—(1) A permanent member to whom Regulations 9, 10, 11 and 12 apply and who is entitled to reckon not less than twenty-five years' pensionable service may, in accordance with the provisions of this Regulation, allocate a portion of any pension, other than a supplemental pension, to which he may become entitled under these Regulations and, notwithstanding that he has already allocated a portion of such a pension, he may so allocate a further portion of that pension in favour of the same beneficiary.

(2) A permanent member to whom Regulations 9, 10, 11 and 12 apply may, in accordance with the provisions of this Regulation, allocate a portion of a short service pension.

(3) For the purpose of allocating a portion of his pension a person shall—

- (a) give notice in writing (in this Regulation called 'notice of allocation') to the Ministry stating—
 - (i) his wish to surrender such portion of his pension as (subject to the limitations contained in Regulation 53A) he may specify;

- (ii) the person in whose favour the surrender is to take effect (in this Regulation called 'the beneficiary'), being his wife or some other person who the Ministry are satisfied is substantially dependent on him;
- (iii) in the case of the first or only allocation by a person entitled to reckon not less than twenty-five years' pensionable service, whether the notice of allocation is to become effective in accordance with (a) or (b) of paragraph 4; and

(b) satisfy the Ministry of his good health and for that purpose submit himself to such medical examination as the Ministry may require.

A person shall give notice of allocation before he retires, but except where, in such case as is mentioned in (iii) of sub-paragraph (a) of this paragraph, the notice of allocation is to become effective in accordance with sub-paragraph (a) of paragraph (4), the notice shall be given not earlier than two months before the person's intended retirement.

(4) Where a person has complied with the provisions of sub-paragraphs (a) and (b) of paragraph (3), the Ministry shall forthwith send to him a written notification that the Ministry has accepted the notice of allocation, which shall become effective—

(a) in the case of the first or only allocation by a person who was entitled to reckon not less than twenty-five years' pensionable service when he gave the notice of allocation and stated therein that the notice should become effective in accordance with sub-paragraph (a) of this paragraph—

(i) as from the time when the notification is received by him or, if sent by post, as from the time when it would be delivered to him in the ordinary course of post, or

(ii) as from the date of his retirement,
whichever is the earlier;

(b) in any other case, if, and only if, he retires within two months of giving the notice of allocation and in such case as from the date of retirement.

(5) Where a person retires or has retired and a notice of allocation given by him has become or becomes effective, the pension to which the notice relates shall be reduced in accordance with the notice as from the date of his retirement (notwithstanding, in a case to which (i) of sub-paragraph (a) of the preceding paragraph applies, the death of the beneficiary before the date of retirement).

(6) Where a person retires with a pension which is reduced as provided in the preceding paragraph, the Ministry shall as from his death pay to the beneficiary, if that person survives him, a pension of such amount as is the actuarial equivalent, calculated from tables prepared by the Ministry, of the surrendered portion of the pension.

The said actuarial equivalent shall be calculated from tables in force at the time when the notice of allocation became effective, which tables shall—

(a) take account of the age of the member and of the age of the beneficiary at that time, and

(b) make different provision according to whether the notice of allocation became effective in accordance with sub-paragraph (a) or (b) of paragraph (4);

and separate calculations shall be made in respect of separate allocations.

(7) Where a person is entitled to reckon at least twenty-five years' pensionable service when he gives a notice of allocation and states therein that it should become effective in accordance with sub-paragraph (a) of paragraph (4), then, if he dies before retiring, the Ministry shall pay to the beneficiary the like pension as they would have paid if he had retired immediately before he died and that notice had been the only notice of allocation.

(8) Where, under the provisions of Regulation 53 as originally made, the pension of a member has been reduced with effect from a date earlier than 2nd April, 1958, as a result of his having given notice of intention to surrender a portion thereof, his pension and the pension of the person nominated by him shall be determined in accordance with those provisions.

(9) Any reference in these Regulations to a widow's pension, however expressed, shall be construed as excluding a reference to a pension payable to a widow under this Regulation.

Limitation on right to commute or allocate part of a pension.

53A. A member shall not under Regulation 53 allocate in favour of his wife or other dependant, nor shall he so allocate and under Regulation 13C commute for a lump sum, such 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 V of the First Schedule."

8. In Part IV of the Second Schedule to the said Regulations after the words "of the pension" there shall be inserted the words "or of that part thereof".

9. In Part V of the Third Schedule after the words "of the allowance" there shall be inserted the words "or of that part thereof".

10. These Regulations shall come into operation on the 15th May, 1959, and shall have effect from the 1st April, 1958.

11. These Regulations may be cited as the Ulster Special Constabulary Pensions (Amending) (No. 2) Regulations, 1959, and shall be construed as one with the Ulster Special Constabulary Pensions Regulations, 1950 to 1959, and those Regulations and these Regulations may be cited together as the Ulster Special Constabulary Pensions Regulations, 1950 to 1959.

Dated this 22nd day of May, 1959.

W. W. B. Topping,
Minister of Home Affairs
for Northern Ireland.