

1971. No. 407

[C]

ROYAL ULSTER CONSTABULARY**Pensions**

ORDER, DATED 31ST DECEMBER 1971, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 4 OF THE CONSTABULARY AND POLICE (IRELAND) ACT 1919, SECTION 2 OF THE CONSTABULARY ACT (NORTHERN IRELAND) 1922 AND THE CONSTABULARY (PENSIONS) ACT (NORTHERN IRELAND) 1949.

I, THE RIGHT HONOURABLE BRIAN FAULKNER, Minister of Home Affairs, with the concurrence of the Ministry of Finance, in exercise of the powers conferred on me by section 4 of the Constabulary and Police (Ireland) Act 1919(a), section 2 of the Constabulary Act (Northern Ireland) 1922(b), the Constabulary (Pensions) Act (Northern Ireland) 1949(c) and of all other powers enabling me in that behalf and after consulting the Police Council for the United Kingdom in accordance with the Police Act 1969(d) and considering any representations by the Police Association, do hereby order as follows:—

Citation and commencement

1. This Order may be cited as the Royal Ulster Constabulary Pensions (Amending) (No. 3) Order 1971 and shall have effect as from 1st September 1971.

Amendments to the Royal Ulster Constabulary Pensions Order 1949

2. The Schedule to the Royal Ulster Constabulary Pensions Order 1949(e) as amended(f) shall be further amended as follows:—

(1) In each of the following provisions for the reference to sub-paragraphs (5) to (5M) of paragraph 57 (or any of those sub-paragraphs) there shall be substituted a reference to Part IXA of this Schedule:—

- (a) Paragraph 13B(4);
- (b) Paragraph 17(2);
- (c) Appendix II, Part I, Scheme II, paragraph 2;
- (d) Appendix II, Part III, paragraph 1;
- (e) Appendix II, Part VIII, paragraph 2;
- (f) Appendix III, Part II, paragraphs 1 and 2.

(2) In paragraph 17(1) the proviso shall be omitted.

(3) After Part IX there shall be inserted Part IXA as set out in the Schedule to this Order.

(4) In paragraph 57 sub-paragraphs (5) to (5NN) shall be omitted.

(a) 9 & 10 Geo. 5. c. 68.

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

(c) 1949. c. 9.

(d) 1969. c. 63.

(e) S.R. & O. (N.I.) 1949, No. 211.

(f) By the following S.R. & O.s (N.I.):—1950, No. 172; 1952, No. 89; 1953, No. 156; 1954, Nos. 98 and 118; 1955, No. 115; 1956, No. 49; 1957, No. 214; 1958, Nos. 81 and 184; 1959, No. 135; 1960, No. 13; 1961, Nos. 93 and 176; 1963, No. 64; 1964, Nos. 48 and 158; 1965, No. 66; 1966, Nos. 68 and 245; 1967, Nos. 18 and 277; 1968, No. 128; 1969, Nos. 39, 204 and 228; 1970, Nos. 98 and 203; 1971, Nos. 118 and 404.

- (5) In Appendix II, Part I, for Scheme I there shall be substituted the following provisions:—

“SCHEME I

1. Subject to paragraph 2 of this Scheme a widow's ordinary pension shall be the weekly amount in the second or third column of the following Table, as appropriate, set opposite to the rank in the first column of the said Table which her husband held at the time when he ceased to be a member:—

Husband's rank	Weekly amount	
	If paragraph 52(3) of the Schedule applies	Otherwise
Higher than inspector or head constable	£2.41	£4.47
Inspector or head constable	£1.95	£3.88
Lower than inspector or head constable	£1.66	£3.31

2. The weekly amount of a pension derived from a weekly amount specified in the second column of the Table in paragraph 1 shall be increased in accordance with Part IXA of the Schedule, so however that the notional pension referred to in paragraph 51A of the Schedule shall be treated as having begun on 1st July 1955.”

- (6) In Appendix II, Part VII, paragraph 1, for the words from “the aggregate” to the end there shall be substituted the words “the aggregate is equal to the amount of one-half of her husband's pensionable pay for a week, which amount shall be increased in accordance with the provisions of Part IXA of the Schedule, so however that the notional pension referred to in paragraph 51A of the Schedule shall not be treated as having begun for the purposes of the said Part IA and the Pensions (Increase) Act (Northern Ireland) 1971 earlier than 1st April 1952”.
- (7) In Appendix II, Part VIII, paragraph 3—
- (a) for “65s. 2d.” there shall be substituted “£4.47”;
- (b) for “55s. 3d.” there shall be substituted “£3.88”; and
- (c) for “45s. 10d.” there shall be substituted “£3.31”.
- (8) In Appendix II, Part VIII, for paragraph 4 there shall be substituted the following paragraph:—
- “4. Where the husband was entitled to reckon at least 10 years' pensionable service the weekly amount of a widow's pension calculated in accordance with paragraph 3 shall be increased by 20p.”
- (9) In Appendix III, Part I, paragraph 1—
- (a) for “23s. 0d.” there shall be substituted “£1.36”;
- (b) for “19s. 11d.” there shall be substituted “£1.18”; and
- (c) for “18s. 2d.” there shall be substituted “£1.08”.
- (10) In Appendix III, Part I, paragraph 2—
- (a) for “37s. 10d.” there shall be substituted “£2.24”;
- (b) for “32s. 4d.” there shall be substituted “£1.92”; and
- (c) for “28s. 1d.” there shall be substituted “£1.66”.

Dated this 31st day of December 1971.

Brian Faulkner,
Minister of Home Affairs
for Northern Ireland.

The Ministry of Finance hereby signifies its concurrence in the foregoing Order.

Sealed with the Official Seal of the Ministry of Finance this 31st day of December 1971.

(L.S.)

C. F. Darling,
Assistant Secretary.

SCHEDULE

"PART IXA

Application of the Pensions (Increase) Act (Northern Ireland) 1971*Increase by reference to the Pensions (Increase) Act (Northern Ireland) 1971*

51A. Where it is provided in this Schedule that for the purpose of calculating an award (hereinafter referred to in this Part of this Schedule as "the relevant award") an amount shall be increased in accordance with this Part of this Schedule it shall be increased by the amount, if any, by which a pension, within the meaning of the Pensions (Increase) Act (Northern Ireland) 1971(g) of the amount first mentioned would from time to time be increased under sections 1 and 6(1), or under an order made under section 2, of that Act if—

- (a) the person concerned were in receipt of such a pension (hereinafter referred to in this Part of this Schedule as "the notional pension");
- (b) the notional pension were one of the pensions which are specified in paragraph 4 of Schedule 2 to that Act;
- (c) the notional pension were subject to any regulations under section 5(3) of that Act applicable to a pension so specified; and
- (d) save as otherwise provided in this Schedule, the notional pension began within the meaning of that Act, on the date on which the relevant award so began.

Preservation for certain purposes of benefit of previous increases

51B.—(1) For the purpose of determining an increase under paragraph 51A by reference to section 6(1) of the said Act of 1971, the 1971 rate of the notional pension shall be ascertained in accordance with this paragraph and, save as hereinafter provided, the provisions of section 6(4), (5) and (6) of that Act shall not have effect.

(2) Where the relevant award (other than a widow's pension to which paragraph 52(3) of the Schedule applies) was being paid on 31st August 1971 at a rate which included relevant increases, the 1971 rate of the notional pension shall be taken to be the amount first mentioned in paragraph 51A, together with the relevant increases as calculated at that date and expressed as an annual rate unless it is shown that that rate should have been revised or that there is a change of circumstances which would affect the 1971 rate if ascertained under sub-paragraph (3).

(3) Where the relevant award does not fall within sub-paragraph (2) the 1971 rate of the notional pension shall be ascertained in accordance with section 6(5) and (6) of the said Act of 1971 as if it were one of the pensions specified in paragraph 4 of Schedule 2 to that Act.

(4) Where the relevant award is a widow's pension which began within the meaning of the said Act on or before 1st April 1961, and sub-paragraph (2) applies, then, unless the pensioner had attained the age of 70 on or before 31st August 1971, there shall be added to the 1971 rate of the notional pension as ascertained under sub-paragraph (2) an amount prescribed by order of the Ministry of Finance under section 6(6) of that Act, in the case of a pension specified in paragraph 4 of Schedule 2 to the said Act of 1971, as corresponding to the increase provided for by section 2 of the Pensions (Increase) Act (Northern Ireland) 1963(h).

(5) In this paragraph any reference to relevant increases is a reference to increases in accordance with the appropriate provisions of paragraph 57(5) to (5M).

Duration of increase in child's allowance

51C. Where it is provided in this Schedule that for the purpose of calculating a child's allowance an amount shall be increased in accordance with this Part of this Schedule, then that amount shall be increased so long as the allowance is payable and accordingly paragraph 51A shall have effect for the said purpose as if section 3(3) were omitted from the Pensions (Increase) Act (Northern Ireland) 1971 (which provision would otherwise govern the duration of the increase)."

EXPLANATORY NOTE

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

This Order contains amendments to the Royal Ulster Constabulary Pensions Orders 1949 to 1971, the purpose of which is (1) to increase flat-rate pensions and allowances to the extent to which they would be increased if the Pensions (Increase) Act (Northern Ireland) 1971 applied to them, and (2) to substitute for the provisions applying the former Pensions (Increase) Acts to widows' pensions and children's allowances related to police pay provisions applying the 1971 Pensions (Increase) Act.

Provision is also made for an increase from 1s. 11d (10p) to 20p in the weekly amount added to the flat-rate pension payable to a widow whose husband paid pension contributions related to $6\frac{1}{2}\%$ of his pay where the flat-rate is more favourable than the prescribed proportion of his average pensionable pay.

Special provision is also made for widows entitled to both Royal Irish Constabulary and Royal Ulster Constabulary pensions.