

1973. No. 317

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POLICE**Royal Ulster Constabulary : Pensions**

REGULATIONS, DATED 31ST AUGUST 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 25 OF THE POLICE ACT (NORTHERN IRELAND) 1970.

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The Ministry of Home Affairs, with the concurrence of the Ministry of Finance and on behalf of the Secretary of State, in exercise of the powers conferred on it by section 25 of the Police Act (Northern Ireland) 1970(a) and of every other power enabling it in that behalf, and after consulting the Police Authority and the Police Association in accordance with section 34(2) of that Act and the Police Council for the United Kingdom in accordance with section 4 of the Police Act 1969(b), hereby makes the following Regulations:

PART I

CITATION, COMMENCEMENT, APPLICATION, ETC.

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Royal Ulster Constabulary Pensions Regulations 1973.

(2) These Regulations shall come into operation on 1st September 1973 and, subject to paragraph (3), shall have effect as from 1st April 1972.

(3) Regulations 65(4), 66 to 70 and 71(1) shall have effect from 31st October 1973.

(a) 1970 c. 9 (N.I.).

(b) 1969 c. 63

2.—(1) The Royal Ulster Constabulary Pensions Order 1949, that is to say, the Order mentioned in Schedule 1, as amended by the various amending Orders therein specified (hereinafter referred to as “the 1949 Order”), shall cease to have effect except in the case of an award or payment to or in respect of or relating to—

- (a) a person who retired or otherwise ceased to be a member before 1st April 1972, or
- (b) a person, being a serviceman who did not resume duty as a member, whose period of relevant service in the armed forces ended before 1st April 1972,

including an award on the death of such a person on or after the said date.

(2) Nothing in these Regulations shall apply in such a case as is mentioned in paragraph (1).

Transitional and transitory provisions

3.—(1) Subject to Regulation 2(2) and the provisions of the Royal Ulster Constabulary Pensions (Transitory Provisions) Regulations 1973(c) these Regulations shall have effect as if anything done, or treated as done, for the purposes of the 1949 Order had been done under or for the corresponding provisions of these Regulations.

(2) Without prejudice to the generality of paragraph (1), references therein to anything done shall include—

- (a) the determination of a question;
- (b) the exercise of a discretion;
- (c) the making of a payment; and
- (d) the giving of a notice.

(3) For the purpose of either—

- (a) determining the amount payable on account of an award for a period ending before 1st December 1972, or
- (b) an award to a person who has before 1st September 1973 been awarded compensation under the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968(d)

these Regulations shall have effect subject to the provisions of the Royal Ulster Constabulary Pensions (Transitory Provisions) Regulations 1973.

(4) Regulation 11(2)(c) and Parts III to IX, XI and XII shall, in so far as they refer to the Police Authority, have effect subject to the provisions of the Royal Ulster Constabulary Pensions (Transitory Provisions) Regulations 1973.

PART II

INTERPRETATION

Meanings assigned to certain expressions, etc.

4.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“the Act” means the Police Act (Northern Ireland) 1970;

“approved service” has the same meaning as in the 1949 Order;

“armed forces” means the naval, military or air forces of the Crown, including any women’s service administered by the Defence Council or formerly administered by the Admiralty, Army Council or Air Council;

“auxiliary member” means a person who immediately before 1st May 1970 was a member of the Ulster Special Constabulary performing full-time duty with the Royal Ulster Constabulary and who was embodied in the Royal Ulster Constabulary with effect from that date;

“average pensionable pay” has the meaning assigned to it by Regulation 48;

“child” means (without regard to age) legitimate or illegitimate child, step-child or adopted child and any other child who is substantially dependent on a member and either is related to him or is the child of his spouse; and the expressions “father”, “mother”, and parent shall be construed accordingly;

“the force” means the Royal Ulster Constabulary;

“injury” includes any injury or disease, whether of body or mind;

“inspector” includes chief inspector;

“medical referee” has the meaning assigned to it by Regulation 66(3);

“member” means a member of the Royal Ulster Constabulary other than an auxiliary member and includes the Chief Constable and the Deputy Chief Constable;

“the Ministry” means the Ministry of Home Affairs;

“the 1949 Order” has the meaning assigned to it by Regulation 2(1);

“pensionable pay” has the meaning assigned to it by Regulation 48;

“police authority in Great Britain” has the same meaning as “police authority” in the Police Pensions Act 1948 and accordingly in relation to a Scottish police force has the same meaning as in the Police (Scotland) Act 1967;

“the Police Authority” has the same meaning as in the Act;

“police force in Great Britain” means any police force within the meaning of the Police Act 1964 or the Police (Scotland) Act 1967;

“rateable deductions” means any deductions made from pay made as a contribution towards the general pension charge of the Royal Ulster Constabulary under the Royal Ulster Constabulary Pay Order 1922(e) or the Royal Ulster Constabulary (Women Members) Pay Order 1944(f) or any Order amending or re-enacting either of these Orders; and in the case of an auxiliary member means any corresponding deductions made from his pay as a member of the Ulster Special Constabulary;

“regular policeman in Great Britain” means a member of a police force in Great Britain who is not, within the meaning of any legislation for the time being in force relating to the pensions of members of police forces in Great Britain, an auxiliary policeman;

“serviceman” means a person who has ceased to do duty as a member by reason of being required for training or called into actual service or called out for training or for permanent service in the armed forces of the Crown in pursuance of his obligations as a member of any reserve of the said armed forces;

“superintendent” includes chief superintendent.

(2) Nothing in these Regulations shall be construed as making provision contrary to the Northern Ireland (Temporary Provisions) Act 1972(g) and, accordingly, so long as section 1 of that Act has effect any reference to the Minister of Home Affairs shall be construed as a reference to the Secretary of State.

(3) In these Regulations any reference to 1p or 6p a week less than a percentage of a person’s pensionable pay includes, in relation to a period before 15th February 1971, a reference to 2d. or 1s.2d. a week, as the case may be, less than that percentage.

Meaning of certain expressions related to the operation of the National Insurance Acts

5.—(1) In these Regulations the following expressions have the meanings respectively which they have for the purpose of the National Insurance Act (Northern Ireland) 1966(h):—

“employed contributor’s employment”;

“graduated contribution”;

“graduated retirement benefit”;

“non-participating employment”;

“payment in lieu of contributions”.

(2) In these Regulations any reference to insured pensionable age is a reference to the age of 65 years in the case of a man, or 60 years in the case of a woman.

(3) In these Regulations any reference to a participating period of relevant employment is a reference to a period of employed contributor’s employment after 5th April 1961 and before insured pensionable age other than—

(a) service in the armed forces; and

(b) non-participating employment at the end of which no payment in lieu of contributions falls to be made;

and for the purposes of this paragraph a period of employed contributor’s employment or of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work, and similar temporary interruptions.

(4) In these Regulations any reference to the secured portion of a pension is a reference to the portion of a pension which equals the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining insured pensionable age, in return for a payment in lieu of contributions in respect of the whole of any period of non-participating employment by virtue of which he is entitled to reckon pensionable service for the purposes of the pension, being a period of non-participating employment at the end of which no payment in lieu of contributions fell to be made; and any reference to the unsecured portion of a pension shall be construed accordingly.

For the purposes of this paragraph a period of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(5) For the purposes of these Regulations the annual rate of retirement benefit shall be calculated as if there were $52\frac{1}{6}$ weeks in each year.

Persons who have been members

6. In these Regulations, unless the context otherwise requires, a reference to a member, however expressed, shall include a reference to a person who has been a member.

Transfers

7.—(1) A reference in these Regulations to a member transferring to a police force in Great Britain shall be construed as a reference to his leaving the force with the consent of the chief constable, or in the case of a senior officer, with the consent of the Police Authority and the approval of the Minister of Home Affairs, for the purpose of becoming a regular policeman in Great Britain, and becoming such regular policeman.

(2) A reference in these Regulations to a member having transferred from a police force in Great Britain shall be construed as a reference to his having ceased to be a regular policeman in Great Britain with such consent as is mentioned in paragraph (3) for the purpose of becoming a member, and his becoming a member.

(3) The consent referred to in paragraph (2) is—

(a) in the case of a chief officer of police, an assistant chief constable or deputy chief constable, the consent of the police authority in Great Britain concerned;

(b) in any other case, the consent of the chief officer of police, acting with the consent of the police authority in Great Britain concerned.

Retirement

8.—(1) A reference in these Regulations to retirement includes a reference to the services of a member being dispensed with under regulations for the time being in force under section 25 of the Police Act (Northern Ireland) 1970 (other than regulations relating to the maintenance of discipline or to dismissal) but does not include a reference to leaving the force on transferring to a police force in Great Britain, and a reference to a continuous period of service is a reference to a period of service uninterrupted by any such retirement.

(2) For the purposes of these Regulations a member shall be taken to retire immediately following his last day of service during the relevant period of service.

Persons treated as being in receipt of a pension

9. For the purposes of these Regulations a person shall be treated as being in receipt of an ordinary or, as the case may be, an injury pension if he would be in receipt of such a pension—

- (a) in the case of an ordinary pension, had he attained the age of 50 years, or had the whole of the pension not been withdrawn under the provisions of Regulation 62; or
- (b) in the case of an injury pension, had the aggregate reductions therein under paragraphs 3 and 4 of Part V of Schedule 2 not exceeded the amount of the pension calculated in accordance with paragraph 2 thereof.

Aggregate pension contributions

10.—(1) For the purpose of calculating the amount of an award by reference to the aggregate pension contributions of a person in respect of the relevant period of service, the relevant period of service shall be taken to be the period ending in the retirement, dismissal or death on which the award is payable and beginning with the date on which he last joined the force otherwise than as a serviceman resuming service within a month of the end of his period of relevant service in the armed forces.

(2) For the purpose aforesaid the aggregate pension contributions in respect of the relevant period of service shall be taken to be the sum of the following amounts—

- (a) the aggregate of the pension contributions (including such additional and further contributions as are mentioned in Regulations 50 and 51) made in respect of that period by the person concerned and any rateable deductions made in respect of that period from his pay;
- (b) any such additional or further payment by way of a lump sum as is mentioned in Regulation 52 made during the relevant period by that person;
- (c) the amount of any sum paid by that person (including any sum paid in pursuance of an undertaking) as a condition of being entitled to reckon pensionable service or, as the case may be, approved service by virtue of service before the said period; and
- (d) where that person has transferred to the force from a police force in Great Britain any sum which, had he retired instead of transferring, would have been calculable under regulations made under the Police Pensions Act 1948 as aggregate pension contributions at the time of transfer.

Injury received in the execution of duty

11.—(1) A reference in these Regulations to an injury received in the execution of duty by a member means an injury received in the execution of that person's duty as a member.

(2) For the purpose of these Regulations an injury shall be treated as received by a member in the execution of his duty as such if—

- (a) the member concerned received the injury while on duty or while on a journey necessary to enable him to report for duty or return home after duty, or
- (b) he would not have received the injury had he not been known to be a member, or

(c) the Police Authority are of the opinion that the preceding condition may be satisfied and that the injury should be treated as one received as aforesaid.

(3) For the purposes of these Regulations an injury shall be treated as received without the default of the member concerned unless the injury is wholly or mainly due to his own serious and culpable negligence or misconduct.

(4) Notwithstanding anything in these Regulations relating to a period of service in the armed forces, an injury received in the execution of duty as a member of the armed forces shall not be deemed to be an injury received in the execution of duty as a member.

(5) In the case of a member who has served as a police cadet in relation to whom Part III of the Police Cadets (Pensions) (No. 2) Regulations (Northern Ireland) 1973(i) had taken effect a qualifying injury within the meaning of those Regulations shall be treated as if it has been received by him as mentioned in paragraph (1); and where such a qualifying injury is so treated, any reference to duties in Regulation 26(1) shall be construed as including a reference to duties as a police cadet.

Disablement

12.—(1) A reference in these Regulations to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision and to that disablement being at that time likely to be permanent.

(2) Subject to paragraph (3), disablement means inability, occasioned by infirmity of body or mind, to perform the ordinary duties of a male or female member as the case may be, except that in relation to a child it means inability, occasioned as aforesaid, to earn a living.

(3) Where it is necessary to determine the degree of a person's disablement, it shall be determined by reference to the degree to which his earning capacity has been affected as the result of an injury received without his own default in the execution of his duty as a member;

Provided that a person shall be deemed to be totally disabled if as a result of a relevant injury he is receiving treatment as an in-patient in a hospital.

(4) Where a person has retired before becoming disabled and the date on which he became disabled cannot be ascertained, it shall be taken to be the date on which the claim that he is disabled is first made known to the Police Authority.

Disablement or death the result of an injury

13. For the purposes of these Regulations disablement or death or treatment at a hospital shall be deemed to be the result of an injury if the injury has caused or substantially contributed to the disablement or death or the condition for which treatment is being received.

Relevant service in the armed forces

14. A reference in these Regulations to relevant service in the armed forces shall be construed as a reference to any period of training or any embodied service in any of the armed forces immediately succeeding a period of service as a member.

(i) S.R. & O. (N.I.) 1973, No. 316.

References to awards

15. In these Regulations, unless the context otherwise requires, a reference to an award shall be construed as a reference to an award under these Regulations.

PART III

AWARDS ON RETIREMENT AND DISABLEMENT

Member's ordinary pension

16.—(1) Subject to paragraphs (2) and (4) this Regulation shall apply to a member who retires or has retired when entitled to reckon at least 25 years' pensionable service.

(2) Except in the circumstances described in paragraph (3) this Regulation shall not apply to a member where—

- (a) he retires or has retired without having given to the Police Authority a month's written notice of his intention to retire or such shorter notice as may have been accepted by the Police Authority; or
- (b) being a chief constable or deputy chief constable, or an assistant chief constable other than one holding that rank on 5th July 1972, he retires before attaining the age of 60 years.

(3) The circumstances referred to in paragraph (2) are that—

- (a) the Police Authority decide or have decided that this paragraph should apply in his case; or
- (b) he is or was required to retire on account of age or on the ground that his retention in the force would not be in the general interest of efficiency, or as an alternative to dismissal.

(4) Subject to the provisions of these Regulations a member to whom this Regulation applies shall be entitled to an ordinary pension of an amount calculated in accordance with Part I of Schedule 2, subject, however, to Parts VII and VIII of that Schedule; but in the case of a person entitled to reckon less than 30 years' pensionable service no payments shall be made on account of the pension in respect of the period, if any, after his retirement before he has attained the age of 50 years.

(5) In the case of a person who—

- (a) was serving as a member on 7th August 1961; or
- (b) is entitled under Regulation 45(b) to reckon as pensionable service a period of which includes that date,

the limitation imposed by paragraph (4) on the making of payments in respect of a period before a person has attained the age of 50 years shall not apply to his first retirement on or after that date; and any person who has retired with an ill-health pension and subsequently rejoins the force in the circumstances, and within the period, mentioned in Regulation 59(2) shall be treated for the purposes of this paragraph as if he had not retired but had served as a member throughout the period for which he was in receipt of that pension.

Member's ill-health award

17.—(1) This Regulation shall apply to a member who retires or has retired on the ground that he is or was permanently disabled.

(2) A member to whom this Regulation applies shall be entitled to an ill-health award as hereinafter provided.

- (3) In the case of a member who is or was at the time of his retirement—
- (a) entitled to reckon at least 5 years' pensionable service; or
 - (b) disabled as the result of an injury received in the execution of his duty,

the award under paragraph (2) shall be an ill-health pension calculated in accordance with Part II of Schedule 2, subject however to Parts VII and VIII of that Schedule.

(4) In the case of any other member the award under paragraph (2) shall be an ill-health gratuity calculated in accordance with Part IV of Schedule 2, subject however to Part IX of that Schedule.

Member's short-service award

18.—(1) This Regulation shall apply to a member who retires or has retired when entitled to reckon less than 25 years' pensionable service and who is or was required to retire on account of age.

(2) A member to whom this Regulation applies shall be entitled to a short-service award as hereinafter provided.

(3) In the case of a member entitled at the time of his retirement to reckon at least 5 years' pensionable service, the award under paragraph (2) shall be a short-service pension calculated in accordance with Part III of Schedule 2, subject however to Parts VII and VIII of that Schedule.

(4) In the case of any other member the award under paragraph (2) shall be a short-service gratuity calculated in accordance with Part IV of Schedule 2, subject however to Part IX of that Schedule.

Member's injury awards

19.—(1) This Regulation shall apply to a member who ceases or has ceased to be a member and is permanently disabled as the result of an injury received without his own default in the execution of his duty as a member (in Part V of Schedule 2 referred to as the "relevant injury").

(2) A member to whom this Regulation applies shall be entitled to a gratuity and, in addition, to an injury pension, in both cases calculated in accordance with Part V of Schedule 2, but payment of an injury pension shall be subject to the provisions of paragraph 5 of the said Part V.

Deferred pension and award where no other award 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.

(2) A person to whom this Regulation applies who—

(a) has attained the age of 26 years,

(b) is entitled to reckon at least 5 years' pensionable service or, though not so entitled, is entitled to reckon pensionable service by virtue of service or employment aggregating at least 5 years, and

(c) elects that this paragraph shall apply in his case by notice in writing given to the Police Authority within 3 months of 1st September 1973 or the date on which he ceased to be a member, whichever is the later, or within such longer period as the Police Authority may allow in the circumstances of his case,

shall, on so ceasing, 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 payments shall be made on account of the pension—

- (i) 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
- (ii) if he sooner relinquishes his entitlement to the pension by written notice given to the Police Authority, in respect of any period thereafter.

(3) In the case of a person who ceased to be a member before 1st September 1973 an election under paragraph (2)(c) shall have no effect unless within the period there mentioned he repays to the Police Authority any award made in his case under paragraph 7 of the Schedule to the 1949 Order pending the making of these Regulations.

(4) A person to whom this Regulation applies who, on retirement, is not granted a pension under paragraph (2) shall be entitled to an award, subject to Part IX of Schedule 2, of an amount equal to his aggregate pension contributions in respect of the relevant period of service.

(5) Where a person to whom this Regulation applies is dismissed in circumstances in which, had he already retired with a pension, that pension would be liable to forfeiture under Regulation 63, the Police Authority may determine that he be not granted a deferred pension, and in such case, the person shall, notwithstanding anything in paragraph (2), not be entitled to such a pension.

The provisions of Regulation 69 relating to appeals shall apply in relation to a determination under this paragraph as they apply in relation to the forfeiture of a pension.

(6) Subject to the provisions of Part IX of Schedule 2, if a person to whom this Regulation applies is dismissed and is not granted a pension under paragraph (2), the Police Authority shall grant an award of an amount equal to his aggregate pension contributions in respect of the relevant period of service to such one of those persons hereinafter described as, in their discretion they think fit or, if in their discretion they think fit, shall distribute that award among such of those persons in such shares and in such manner as in their discretion they may think fit.

The persons above referred to are the said person and all his dependants.

(7) In the case of a person—

(a) who ceases to be a member on or after 6th April 1973, and

(b) whose annual pensionable pay has at any time exceeded £5,000,

this Regulation shall have effect as if sub-paragraph (c) of paragraph (2) and paragraphs (3), (4) and (6) were omitted.

Commutation

21.—(1) A member may, in accordance with this Regulation, commute for a lump sum a portion of any pension, other than an injury pension, to which he is or may become entitled, provided, in the case of an ordinary pension, that he retires or retired when entitled to reckon at least 30 years' pensionable service or in the circumstances mentioned in Regulation 18(1).

(2) In the case of a deferred pension, the following provisions of this Regulation shall have effect as if any reference therein to retirement or the date thereof were a reference to the coming into payment of the deferred pension or the date thereof.

(3) For the purpose of commuting a portion of his pension in accordance with this Regulation a person shall give notice in writing (in this Regulation called "notice of commutation") to the Police Authority of his wish to surrender and commute for a lump sum such portion of his pension (not exceeding a quarter of the pension which would be payable but for the provisions of Regulation 22 as (subject to the limitation contained in Regulation 23) he may specify.

(4) The notice of commutation shall be given by a person not earlier than 2 months before his intended retirement nor later than 6 months after his retirement.

(5) The notice of commutation given by a person shall become effective—

(a) as from the date of his retirement; or

(b) as from the date on which the notice is received by the Police Authority,

whichever is the later:

Provided that the notice of commutation shall not become effective if—

(i) it was given more than 2 months before his retirement, or

(ii) it relates to an ill-health pension and the unsecured portion of that pension has sooner been terminated under Regulation 59.

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

Provided that where the notice is effective as from the date mentioned in paragraph (5)(b) 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.

(7) Where the unsecured portion of an ill-health pension is terminated under Regulation 59, after a notice of commutation in relation to that pension has become effective—

(a) no reduction shall be made under paragraph (6) in the secured portion of the pension in so far as it is payable under Regulation 59;

(b) if thereafter the person concerned becomes entitled to a pension, other than an injury pension, and is entitled to reckon for the purposes thereof the period of pensionable service reckonable for the purposes of the ill-health pension first mentioned in this paragraph, the unsecured portion of the other pension shall be reduced by the amount by which the ill-health pension would have been reduced if it had not been terminated as aforesaid.

(8) Where a person wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under paragraph (7)(b) he shall not specify in the notice of commutation a portion of the pension which, when aggregated with the said reduction, exceeds a quarter of the pension which would be payable but for the provisions of paragraph (7)(b) and of Regulation 22.

(9) Without prejudice to the generality of Regulation 3 but subject to the provisions of the Royal Ulster Constabulary Pensions (Transitory Provisions) Regulations 1973, the commutation of a pension, the giving of a notice or any other thing done under paragraph 6B of the Schedule to the 1949 Order shall have effect for the purposes of this Regulation as if done thereunder.

Allocation

22.—(1) A member who is entitled to reckon not less than 25 years' pensionable service may, subject to and in accordance with this Regulation, allocate a portion of any pension, other than an injury pension, and, notwithstanding that he has already allocated a portion of such pension, he may—

- (a) allocate a further portion of that pension in favour of the beneficiary of the previous allocation;
- (b) where that beneficiary has died, allocate a further portion of that pension in favour of some other beneficiary, or
- (c) where (not having attained the age of 70 years) he proposes to marry or re-marry, allocate a further portion of that pension in favour of his spouse by that marriage.

(2) A member may, subject to and in accordance with this Regulation, allocate a portion of a short service or deferred pension and, notwithstanding that he has already allocated a portion of such a pension, he may, where (not having attained the age of 70 years) he proposes to marry or re-marry, allocate a further portion of that pension in favour of his spouse by that marriage.

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

(a) within the time limits mentioned in paragraph (4), give notice in writing (in this Regulation called "notice of allocation") to the Police Authority stating—

- (i) his wish to surrender such portion of his pension as, subject to the limitations contained in paragraph (5) and in Regulation 23, 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 Police Authority are satisfied is substantially dependent on him,
- (iii) in the case of a person entitled to reckon not less than 25 years' pensionable service who has not retired, whether the notice is to become effective in accordance with sub-paragraph (a) or (d) of paragraph (6); and

(b) satisfy the Police Authority of his good health and for that purpose submit himself to such medical examinations as they may require.

(4) Notice of allocation shall be given—

(a) where in such a case as is mentioned in paragraph (3)(a)(iii), the notice is to become effective in accordance with paragraph (6)(a) before the person's intended retirement.

- (b) where a person in receipt of a pension who has not attained the age of 70 years proposes to marry or re-marry and the beneficiary is his spouse by that marriage, before but not earlier than 2 months before his intended marriage;
 - (c) where the pension is a deferred pension but the preceding sub-paragraph does not apply, before but not earlier than 2 months before the pension comes into payment;
 - (d) in any other case before but not earlier than 2 months before the person's intended retirement.
- (5) The total portion of a pension which may be surrendered by a person under this Regulation shall not exceed a third of the pension which would be payable in his case but for the provisions of this Regulation, of Regulation 21 and of Part VIII of Schedule 2.
- (6) Where a person has complied with the provisions of sub-paragraphs (a) and (b) of paragraph (3) the Police Authority shall forthwith send him a written notification that they have accepted the notice of allocation, which shall become effective—
- (a) in such case as is mentioned in paragraph (4)(a), where the notice is to be effective in accordance with this sub-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 received by him in the ordinary course of post, or
 - (ii) as from the date of his retirement, whichever is the earlier;
 - (b) in such case as is mentioned in paragraph (4)(b) if, and only if, the proposed marriage takes place within 2 months of giving the notice of allocation and in that event as from the date of the marriage;
 - (c) in such case as is mentioned in paragraph (4)(c) if, and only if, the deferred pension comes into payment within 2 months of giving the notice of allocation and in that event only from the date it comes into payment;
 - (d) in any other case if, and only if, the person retires within 2 months of giving the notice of allocation and in that event as from the date of retirement.
- (7) Where a person retires or has retired and a notice of allocation given by him becomes effective—
- (a) the pension to which the notice relates shall be reduced in accordance with the notice (notwithstanding the previous death of the beneficiary) as from the date from which the pension is payable or on which the notice becomes effective, whichever is the later; and
 - (b) the Police Authority shall as from the person's death pay to the beneficiary specified in the notice, if that person survives him, a pension of such amount as is the actuarial equivalent of the surrendered portion of the pension so specified.
- (8) For the purposes of sub-paragraph (7)(b) the actuarial equivalent of the surrendered pension shall be calculated from tables prepared by the Government Actuary and 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 or not the notice of allocation becomes effective in accordance with paragraph (6)(a), and separate calculations shall be made in respect of separate allocations.

(9) Where a person was entitled to reckon at least 25 years' pensionable service when he gave the notice of allocation and stated therein that it should become effective in accordance with paragraph (6)(a), then, if he dies before retiring, the Police Authority shall pay to the beneficiary the like pension they would have paid by virtue of that notice if he had retired immediately before he died.

(10) Without prejudice to the generality of Regulation 3 but subject to the provisions of the Royal Ulster Constabulary Pensions (Transitory Provisions) Regulations 1973, the allocation of a portion of a pension, the giving of a notice or any other thing done under, or having effect for the purposes of, paragraph 54 of the Schedule to the 1949 Order shall have effect for the purposes of this Regulation as if done thereunder.

(11) 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 pension

23. 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, such portion of his pension that that pension becomes payable at a rate less than 2 thirds of the rate at which it would become payable but for the provisions of the said Regulations and Part VIII of Schedule 2.

PART IV

AWARDS ON DEATH

Widows

Widow's ordinary pension

24.—(1) This Regulation shall apply to a widow of a member entitled to reckon at least 3 years' pensionable service—

- (a) who dies or has died while serving in the force; or
- (b) who, having retired because he was disabled, dies or has died as a result of the same injury as resulted in his disablement; or
- (c) who, having retired with a pension other than a deferred pension, dies or has died while still in receipt of that pension.

(2) A widow to whom this Regulation applies shall be entitled to an ordinary pension calculated in accordance with Parts I and V of Schedule 3 subject, however, to the provisions of sub-paragraph (3).

(3) Where the husband was serving as a member or entitled to a pension other than a deferred pension either—

- (a) on 1st September 1973; or
- (b) at the date of his death where that date is before 1st September 1973, and he or, as the case may be, his widow has not exercised the rights of election accorded by Regulations 51, 52, 54 and 55 for the purpose of avoiding the application to the calculation of the widow's ordinary pension—

- (i) of paragraphs 2 and 3 of Part II of Schedule 3 where before 1st April 1972 he last paid pension contributions at a rate related to 5% of his pensionable pay, or
 - (ii) of paragraph 3 in any other case,
- then the said Part II shall apply and, accordingly, for the purpose of calculating the widow's pension, Part I of Schedule 3 shall have effect subject to the provisions of Part II.

Widow's special award

25.—(1) This Regulation shall apply to the widow of a member who dies or has died as the result of an injury received without his own default in the execution of his duty.

(2) A widow to whom this Regulation applies shall be entitled to a widow's special pension and, in addition, but subject to paragraph (5), to a gratuity.

(3) Without prejudice to Regulation 26(2) a widow's special pension shall be calculated in accordance with Parts III and V of Schedule 3.

(4) Without prejudice to Regulation 26(3) a gratuity under paragraph (2) shall be an amount, which shall be increased in accordance with Part XIV, equal to 25% of the husband's average pensionable pay less any injury gratuity to which he was entitled under Regulation 19.

(5) A gratuity under paragraph (2) shall not be payable if the husband was so entitled to an injury gratuity equal to or exceeding 25% of his average pensionable pay.

Widow's augmented award

26.—(1) This Regulation shall apply to a widow of a member whose death is the result of an injury received without his own default in the execution of his duty where one of the following conditions is satisfied, namely that—

- (a) he was attacked by a person or persons in a manner which was intrinsically likely to cause death and death ensued as a result of the attack, or
- (b) the injury was received in the course of duties performed for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody, or
- (c) the injury was received in the course of duties performed—
 - (i) for the immediate purpose of saving the life of another person or of preventing loss of human life, and
 - (ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury, or
- (d) the Police Authority are of the opinion that one of the preceding circumstances may be satisfied and that this Regulation should apply, or
- (e) the Police Authority are of the opinion that the injury was received otherwise than aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would have been payable had one of the conditions specified in sub-paragraphs (a), (b) and (c) been satisfied.

(2) For the purpose of calculating the special pension payable to a widow to whom this Regulation applies, Part III of Schedule 3 shall have effect as if for the reference in paragraph 1 thereof to 45% of the husband's average pensionable pay for a week there were substituted a reference to 50% thereof.

(3) The gratuity payable under Regulation 25(2) to a widow to whom this Regulation applies shall not be less than it would have been had this Regulation not so applied but, subject as aforesaid, Regulation 25(4) and (5) shall not apply to the gratuity, which shall be of an amount equal to twice the annual pensionable pay, at the date of the husband's death, of a man—

- (a) holding the rank of constable in the London Metropolitan Police, and
- (b) entitled to reckon 30 years' service for the purposes of pay.

Widow's accrued pension

27.—(1) This Regulation shall apply to the widow of a member who dies while entitled to a deferred pension, whether or not that pension has come into payment.

(2) A widow to whom this Regulation applies shall be entitled to an accrued pension calculated in accordance with Parts IV and V of Schedule 3.

Gratuity in lieu of pension

28.—(1) Where a widow is entitled to an ordinary or special pension and the Police Authority are satisfied that there is sufficient reason for granting her a gratuity in lieu thereof, they may, subject to the provisions of Regulation 41, in their discretion and with her consent substitute for the pension a gratuity calculated in accordance with Part VI of Schedule 3.

(2) Where the Police Authority are precluded by reason of the provisions of Regulation 41 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.

Widow's award where no other award payable

29.—(1) This Regulation shall apply to a widow of a member who dies while serving as a member.

(2) A widow to whom this Regulation applies shall, unless she is a widow to whom Regulation 24 or 25 applies, be entitled to an award under this Regulation.

(3) An award under this Regulation shall comprise—

- (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 subparagraph and of any children's allowances payable in respect of the husband's death is of the like amount as his pensionable pay for a week immediately before he died, and
- (b) an ordinary gratuity of an amount equal to the husband's average pensionable pay.

Limitation on award to widow with reference to date of marriage

30. 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.

Limitation on award to widow living apart from husband

31.—(1) Subject to paragraph (2) a widow shall not be entitled to an award under any provision of this Part if at the time of her husband's death—

- (a) she was separated from him by an order or decree of a competent court; and
- (b) he was not required by an order or decree of a competent court to contribute to her support and was not in fact regularly contributing to her support.

(2) For the purposes of this Regulation contributions to a woman for the support of her child shall be treated as contributions to her support.

Termination of widow's pension on remarriage

32.—(1) Where a widow entitled to a pension under any provision of this Part remarries or has remarried she shall not be entitled to receive any payment on account of the pension in respect of any date after her remarriage:

Provided that if at any time after her remarriage the woman has again become a widow or that marriage has been dissolved the Police Authority may in their discretion bring the pension into payment.

(2) Where a widow entitled to a gratuity under this Part remarries or has remarried, so much of the gratuity as has not been paid before her remarriage shall not be payable thereafter:

Provided that if at any time after her remarriage the woman has again become a widow or that marriage has been dissolved, the Police Authority may in their discretion pay to her the sums which they were actually or contingently liable to pay her in respect of the gratuity immediately before her remarriage.

(3) Where after her husband has died a woman has cohabited with another man, this Regulation shall apply as if for the period of such cohabitation she were married to him and any reference in this Regulation to her remarriage, her again becoming a widow or the marriage being dissolved shall be construed accordingly.

*Adult Dependent Relatives**Dependent relative's special pension*

33.—(1) This Regulation shall apply where a member dies or has died as the result of an injury received without his own default in the execution of his duty and, in any such case, shall apply—

- (a) to a parent or (without prejudice to the following sub-paragraph) to a brother or sister of the member who had attained the age of 19 years before the member's death, or
- (b) subject to his having attained the age of 19 years, to any child of the member whether or not he had attained that age before the member's death,

being a person who was substantially dependent on the member immediately before his death (hereinafter referred to as a "dependent relative").

(2) A dependent relative to whom this Regulation applies may be granted a special pension if the Police Authority, having regard to all the circumstances of the case, in their discretion so determine.

(3) A dependent relative's pension shall be calculated in accordance with Part VII of Schedule 3 and, subject to paragraph 4 thereof, shall be payable for such period or periods as the Police Authority may, in their discretion, from time to time determine.

Children

Child's ordinary allowance

34.—(1) This Regulation shall apply to the child of a member who dies or has died—

- (a) while serving as such; or
- (b) having retired with a pension other than a deferred pension, while still in receipt of the pension; or
- (c) having retired with a gratuity when entitled to reckon at least 3 years' pensionable service.

(2) A child to whom this Regulation applies shall be entitled to a child's ordinary allowance calculated in accordance with Parts I and IV of Schedule 4.

Child's special allowance

35.—(1) This Regulation shall apply to a child of a member who dies or has died as the result of an injury received without his own default in the execution of his duty.

(2) A child to whom this Regulation applies shall be entitled to a child's special allowance calculated in accordance with Parts II and IV of Schedule 4.

Child's special gratuity

36.—(1) This Regulation shall apply to a child of a member who dies or has died as the result of an injury received in the execution of duty where one of the conditions set out in Regulation 26(1) is satisfied and—

- (a) in the case of a man, does not leave a widow entitled to a gratuity under Regulation 25(2), or
- (b) in the case of a woman, was the child's only surviving parent.

(2) A child to whom this Regulation applies shall be entitled to a gratuity, as hereinafter provided, in addition to a child's special allowance.

(3) The gratuity under paragraph (2) shall be of the amount mentioned in paragraph (4) except that, where two or more such gratuities are payable in respect of the same person, each gratuity shall be of the said amount divided by the number of such gratuities.

(4) The said amount shall be an amount equal to twice the annual pensionable pay, at the time of that parent's death, of a man—

- (a) holding the rank of constable in the London Metropolitan Police, and
- (b) entitled to reckon 30 years' service for the purposes of pay.

Child's accrued allowance

37.—(1) This Regulation shall apply to a child of a member who dies while entitled to a deferred pension, whether or not that pension has come into payment.

(2) A child to whom this Regulation applies shall be entitled to an accrued allowance calculated in accordance with Parts III and IV of Schedule 4.

Gratuity in lieu of allowance

38.—(1) Where a child is entitled to an ordinary or special allowance and the Police Authority are satisfied that there are sufficient reasons for the grant of a gratuity in lieu thereof, they may, subject to the provisions of Regulation 41, in their discretion and with the consent of the child's surviving parent (if any) or guardian, substitute for the allowance a gratuity calculated in accordance with Part V of Schedule 4.

(2) Where the Police Authority are precluded by reason of the provisions of Regulation 41 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.

Limitation on child's award

39.—(1) A child's allowance or gratuity (other than a gratuity in lieu of an allowance) shall not be granted—

- (a) to a child born after the relevant date specified in paragraph (3) or (4) otherwise than of a marriage which took place before the relevant date;
- (b) by virtue of his being a step-child, to the child of a spouse whose marriage to the relevant parent took place on or after the relevant date;
- (c) by virtue of his being substantially dependent on the relevant parent, to a child who was not so dependent before the relevant date;
- (d) by virtue of his being an adopted child, to a child adopted on or after the relevant date;
- (e) except in the case of a legitimate child of the relevant parent, to a child who was not substantially dependent on that parent at the time of his death; or
- (f) to a child who had attained the age of 19 years before the date of the relevant parent's death unless at that date he is permanently disabled, and, without prejudice as aforesaid, a child's gratuity shall not be granted to a child who had attained the age of 16 years before the date of the death of the relevant parent unless at that date he is undergoing full-time education or is an apprentice or is permanently disabled.

(2) A child's allowance shall not be payable—

- (a) after the child has attained the age of 16 years unless he is undergoing full-time education or is an apprentice or is permanently disabled;
- (b) after the child has attained the age of 19 years, unless he is permanently disabled and has been so disabled since attaining that age or, where later, since the death of the relevant parent.

(3) For the purposes of paragraph (1), the relevant date is the date on which the relevant parent last ceased to serve as a member.

(4) Any reference in this Regulation to the relevant parent is a reference to the parent in respect of whose death the child's allowance or gratuity would be payable but for the provisions hereof.

General

Gratuities—relatives or estate

40.—(1) Where a member dies while serving as such and no other award is payable under these Regulations, the Police Authority—

- (a) may, in their discretion if they think fit, grant a gratuity to any of his relatives who were dependent on him to any degree at the time of his death; and
 - (b) if either no gratuity is paid under sub-paragraph (a) or any gratuities so paid do not exhaust the maximum amount provided for in paragraph (3), shall pay his legal personal representative a gratuity sufficient to exhaust the said maximum amount.
- (2) Where a member dies while in receipt of a pension and death—
- (a) results from an injury received in the execution of his duty; or
 - (b) takes place within 2 years of the grant of his pension,

the Police Authority may, in their discretion, grant a gratuity to any relative who was at the time of his death dependent on him to any degree.

(3) The aggregate of all gratuities paid under this Regulation shall not exceed the aggregate pension contributions in respect of the relevant period of service of the member concerned.

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

41.—(1) Where a person has died while in receipt of a pension other than an injury pension (in this Regulation referred to as “the principal pension”), the Police Authority shall not under Regulation 28 or 38 substitute for the whole or 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 28 or 38; and
- (b) any lump sum paid under Regulation 21 by reason that a portion of the principal pension was commuted,

exceeds a quarter of the actuarial value of the principal pension, any reduction therein under Regulation 21 being ignored.

(2) For the purposes of this Regulation the actuarial value of a gratuity, lump sum or pension shall be the actuarial value at the time of the husband’s or parent’s retirement as calculated by the Government Actuary.

Prevention of duplication

42. A person who, but for this Regulation, would be entitled to receive two awards by way of pension or allowance under this Part in respect of any particular period shall be entitled to receive one only of those awards in respect of that period; and the award payable shall be that from time to time selected by the person or, in default of such selection, where one award is for the time being greater than the other, the award which is for the time being the greater.

PART V

PENSIONABLE SERVICE

Reckoning of pensionable service

43. The pensionable service reckonable by a member at any date (herein-after referred to in this Part as the "relevant date") shall be determined in accordance with the succeeding provisions of this Part:

Provided that any period of unpaid maternity leave shall not be reckonable as pensionable service.

Current Service

44. Subject to the provisions of these Regulations there shall be reckonable by a member in respect of his service in the force, being service since he last joined or rejoined the force before the relevant date—

- (a) all such service on or after 1st April 1972; and
- (b) where he last joined or rejoined the force before 1st April 1972 any period before that date which he was entitled to reckon as pensionable service under the 1949 Order.

Previous service reckonable without payment

45. There shall be reckonable by a member as pensionable service—

- (a) where from being a regular policeman in Great Britain he has transferred to the force, any period of pensionable service reckonable by him, immediately before the transfer, for the purposes of the legislation for the time being in force relating to the pensions of regular policemen in Great Britain;
- (b) where he previously retired with an ill-health pension, including such a pension payable under the 1949 Order, that pension was terminated in whole or in part under Regulation 59 or any corresponding provision of the 1949 Order, any period of pensionable service (including such service before 1st April 1972) reckonable by him at the time he retired.

Previous service reckonable on payment

46.—(1) Subject to Regulation 52(4) there shall be reckonable by a member as pensionable service, in the circumstances specified in this Regulation, the periods so specified before he last entered the force before the relevant date, subject, in the case of any such period, to his having applied to the Police Authority, within 3 months from the date when he last entered the force (or such longer period as the Police Authority may allow in the circumstances of his case), to have the period so reckoned and to his having made to the Police Authority the appropriate payment.

(2) Where before the relevant date a member retired from the force without a pension (including a pension under the 1949 Order) or with a deferred pension which he has relinquished under Regulation 20(2)—

- (a) the period shall be any period of pensionable service (including such service before 1st April 1972) reckonable by him at the time he retired;

(b) the appropriate payment shall be an amount equal to any gratuity or return of pension contributions, as the case may be, which he may have received on his retirement, so, however, that where immediately before his retirement he was paying additional or further contributions under Regulation 50 or 51 or any corresponding provision of the 1949 Order the payment shall be reduced by the amount he had paid by way of such contributions.

(3) Where a member previously served as (i) a permanent member of the Ulster Special Constabulary or (ii) an auxiliary member who immediately before 1st May 1970 was such a permanent member—

(a) the period shall be any period of pensionable service (including service before 1st April 1972) which he was, when he ceased to serve as such permanent or, as the case may be, auxiliary member entitled to reckon for the purposes of an ordinary pension;

(b) the appropriate payment shall be an amount equal to any gratuity or, as the case may be, return of pension contributions which he may have received on ceasing so to serve.

(4) Where a member previously served as (i) a member of the Ulster Special Constabulary in a whole-time paid capacity (not being a permanent member) or (ii) an auxiliary member other than such as is mentioned in paragraph (3)—

(a) the period shall be half of any period of pensionable service (including service before 1st April 1972) which he was, when he ceased to serve as such a member of the Ulster Special Constabulary or, as the case may be, as such an auxiliary member, entitled to reckon for the purposes of a gratuity;

(b) the appropriate payment shall be an amount equal to half of any gratuity or, as the case may be, return of pension contributions which he may have received on ceasing so to serve.

Previous service reckonable at discretion of the Police Authority

47.—(1) Subject to Regulation 52(4), if the Police Authority in their discretion so decide, there shall be reckonable as pensionable service by such a member as is mentioned in paragraph (2), in the circumstances specified in that paragraph, the period mentioned therein, subject to his having applied to the Police Authority, within 3 months from the date when he last entered the force (or such longer period as the Police Authority may allow in the circumstances of his case) for the period to be so reckonable and to his making to the Police Authority the appropriate payment.

(2) A member referred to in paragraph (1) is one who previously ceased to serve as a regular policeman in Great Britain without a pension or with a deferred pension which he has relinquished and—

(a) the period shall be the whole of any period of pensionable service (including service before 1st April 1972) reckonable by him when he so ceased to serve, for the purposes of the legislation then in force relating to the pensions of regular policemen in Great Britain or so much of that period as the Police Authority may in their discretion think fit;

- (b) the appropriate payment shall be the whole or a proportionate part of an amount equal to any gratuity or return of pension contributions, as the case may be, which he received on so ceasing to serve, so however that, where, immediately before ceasing to serve, he was paying additional or further contributions under provisions of the legislation mentioned in sub-paragraph (a) corresponding to Regulation 50 or 51, the payment shall be reduced by the whole or the proportionate part of the amount he had paid by way of such contributions.

PART VI

PENSIONABLE PAY, CONTRIBUTIONS AND OTHER ADDITIONAL AND FURTHER PAYMENTS

Pensionable pay

48.—(1) The pensionable pay of a member at any time means his pay at the rate to which he is or was then entitled.

(2) The average pensionable pay of a member shall, subject to paragraphs (3) and (4), be the aggregate of his pensionable pay during the period of a year ending with the relevant date:

Provided that where he was in receipt of pensionable pay for part only of that period, the said aggregate shall be multiplied by the reciprocal of the fraction of that year for which he was in receipt of pensionable pay.

(3) Where the amount of a member's average pensionable pay, determined in accordance with paragraph (2), is less than the amount it would have been had he not suffered a temporary reduction in rate of pay by way of punishment, it shall be increased by the difference between the two said amounts.

(4) Where the amount of a member's average pensionable pay, determined in accordance with paragraphs (2) and (3), is less than it would have been had the relevant date been the corresponding date in one of the two preceding years (whichever year yields the higher amount) it shall be increased by the difference between the two said amounts.

(5) Where an award is to be made to or in respect of a member the relevant date for the purpose of determining his average pensionable pay shall be the date of his last day of service in the force.

(6) Where a member has served as a member of a police force in Great Britain during part of the period of 3 years ending with the date mentioned in paragraph (5) and if such part is reckonable as pensionable service under Regulations 45 or 47, then paragraphs (2), (3) and (4) shall have effect as if any reference in paragraph (2) to pensionable pay included a reference to such pay within the meaning of the legislation relating to the pensions of regular policemen in Great Britain.

(7) A serviceman shall, for the purpose of these Regulations, be deemed to receive, during his period of relevant service in the armed forces, the amount of pay he would have received if he had continued to serve in the force.

(8) Where, for the purpose of calculating an award to a widow or a child, it is necessary to determine average pensionable pay for a week, it shall be taken to be average pensionable pay divided by 52 $\frac{1}{2}$.

Rate of payment of pension contributions

49.—(1) Subject to the provisions of these Regulations, a member shall pay pension contributions to the Police Authority, in the case of a man at the rate of 6p a week less than 7% of his pensionable pay or, in the case of a woman, less than 5% of her pensionable pay.

(2) This Regulation shall apply in the case of a member who was a member on 5th July 1948 and did not give notice in accordance with paragraph 36(3) of the Schedule to the 1949 Order as if for any reference to a rate of 6p a week less than a percentage of his pensionable pay there were substituted a reference to a rate of 1p a week less than that percentage of his pensionable pay.

Additional contributions—preserved provisions

50. Where a man elected in accordance with paragraph 36A of the Schedule to the 1949 Order to pay additional pension contributions and has not since he so elected become entitled to reckon 25 years' pensionable service or retired, he shall pay such contributions at a rate calculated in accordance with paragraph 1 of Part I of Schedule 5 until such time as he becomes entitled to reckon 25 years' pensionable service or retires, whichever is the earlier.

Additional and further payments by way of contributions—current provisions

51.—(1) This Regulation shall apply to a man who—

- (a) is on 1st September 1973 serving as a member and entitled to reckon less than 41 years' pensionable service, and
- (b) cannot before 1st April 1977 be required to retire on account of age in accordance with Regulation 76(1).

(2) A man to whom this Regulation applies who, before 1st April 1972, last paid pension contributions at a rate related to 5% of his pensionable pay may, for the purpose of avoiding the application of paragraph 2 of Part II of Schedule 3 to the calculation of his widow's ordinary pension, elect to pay additional contributions at a rate calculated in accordance with paragraph 2 of Part I of Schedule 5.

(3) Subject to Regulation 56(2), a man to whom this Regulation applies may, for the purpose of avoiding the application of paragraph 3 of Part II of Schedule 3 to the calculation of his widow's ordinary pension, elect to pay further pension contributions at a rate calculated in accordance with paragraph 3 of Part I of Schedule 5.

(4) Where a man elects as mentioned in paragraph (2) or (3), he shall pay additional or, as the case may be, further pension contributions with effect from 1st April 1973 until, subject to paragraph (5), the following date, namely—

- (a) if, on 1st September 1973, he was entitled to reckon less than 19 years' pensionable service, or, if on that date he was a regular policeman in Great Britain and entitled to reckon less than 19 years' pensionable service for the purposes of the legislation then in force relating to the pensions of such policemen, the date on which he becomes entitled to reckon 25 years' pensionable service;
- (b) in any other case, 1st April 1978.

(5) Additional or further pension contributions payable under this Regulation shall cease to be payable on retirement; but, where a member was paying contributions immediately before retiring with an ordinary pension, that pension shall be reduced in accordance with paragraph 6 of Part VIII of Schedule 2.

(6) Notwithstanding anything in paragraphs (2) and (3), a man shall not so exercise the rights of election accorded by those paragraphs that the aggregate rate at which he is liable to pay pension contributions (including additional contributions under Regulation 50 or this Regulation and further contributions under this Regulation) exceeds 15% of his pensionable pay.

Additional and further payments by way of lump sum or reduction of pension

52.—(1) This Regulation shall apply to a man who is on 1st September 1973—

- (a) serving as a member, or
- (b) entitled to an ordinary short-service or deferred pension, having retired on or after 1st April 1972.

(2) A man to whom this Regulation applies who, before 1st April 1972, last paid pension contributions at a rate related to 5% of his pensionable pay may, for the purpose mentioned in Regulation 51(2), elect either—

- (a) to make an additional payment by way of a lump sum calculated in accordance with paragraph 2 of Part II of Schedule 5, or
- (b) that any ordinary, ill-health, short-service or deferred pension payable to him shall be reduced in accordance with paragraph 2 of Part VIII of Schedule 2.

(3) Subject to Regulation 56(2), a man to whom this Regulation applies may for the purpose mentioned in Regulation 51(3) elect either—

- (a) to make a further payment by way of lump sum calculated in accordance with paragraph 3 of Part II of Schedule 5, or
- (b) that any ordinary, ill-health, short-service or deferred pension payable to him shall be reduced in accordance with paragraph 3 of Part VIII of Schedule 2.

(4) In the case of a man to whom this Regulation applies by virtue of paragraph (1)(a), Regulation 46 or 47 shall only apply by virtue of the conditions specified in the Regulation in question being satisfied on or after 1st September 1973—

- (a) where he has not elected as mentioned in paragraph (2)(b), if he agrees that any ordinary, ill-health, short-service or deferred pension payable to him shall be reduced in accordance with paragraph 2 of Part VIII of Schedule 2;
- (b) where he has not elected as mentioned in paragraph (3)(b), if he agrees that such pension shall be reduced in accordance with paragraph 3 of the said Part VIII.

Application of Regulation 51 or 52 in certain cases

53.—(1) This Regulation shall apply to a person who—

- (a) left the force for the purpose of joining or re-joining, after 1st April 1973, a police force in Great Britain; and
- (b) on 1st September 1973 is a member of that police force.

(2) A person to whom this Regulation applies shall be treated for the purposes of Regulations 51(1) and 52(1) as if he had not left the force until after 1st September 1973.

Additional and further payments in the case of an ill-health pensioner

54.—(1) This Regulation shall apply to a man who is on 1st September 1973 entitled to an ill-health pension, having retired on or after 1st April 1972.

(2) A man to whom this Regulation applies who, before 1st April 1972, last paid pension contributions at a rate related to 5% of his pensionable pay may, for the purpose mentioned in Regulation 51(2), elect either—

- (a) to make additional payments in accordance with this Regulation, or,
- (b) that his ill-health pension shall be reduced in accordance with paragraph 2 of Part VIII of Schedule 2.

(3) Subject to Regulation 56(2), a man to whom this Regulation applies may, for the purpose mentioned in Regulation 51(3), elect either—

- (a) to make further payments in accordance with this Regulation, or
- (b) that his ill-health pension shall be reduced in accordance with paragraph 3 of Part VIII of Schedule 2.

(4) Where a man elects as mentioned in paragraph (2)(a) or (3)(a), he shall make additional or, as the case may be, further payments in respect of the period beginning with the date of his election which corresponds in duration with that of his service as a member on or after 1st April 1972, being payments equivalent to the payments by way of additional or further pension contributions in respect of that period which he would have made had he been liable to make such contributions, calculated in accordance with paragraph 2 or, as the case may be, paragraph 3 of Part I of Schedule 5, so however that for the purposes hereof the references in those paragraphs to the time at which a man made his election shall be construed as references to the time of his retirement and, should he die before completing his additional or further payments, no such payments shall be due in respect of the period following his death.

(5) Where a man elects as mentioned in paragraph (2)(a) or (3)(a), the additional or, as the case may be, further payments shall be made to the Police Authority and may, without prejudice to any other method of payment, be discharged by way of deductions of appropriate amounts made from instalments of his pension.

Additional and further payments in respect of deceased member

55.—(1) This Regulation shall apply in the case of a man who dies or has died on or after 1st April 1972 but before 1st December 1973—

- (a) either while serving as a member or having retired on or after 1st April 1972, and
- (b) not having exercised any right of election accorded by Regulations 51, 52 or 54.

(2) The widow of a man in whose case this Regulation applies who, before 1st April 1972, last paid pension contributions at a rate related to 5% of his pensionable pay may, for the purpose of avoiding the application of paragraph 2 of Part II of Schedule 3 to the calculation of her widow's ordinary pension, elect to make additional payments in accordance with this Regulation.

(3) Subject to Regulation 56(2), the widow of a man in whose case this Regulation applies may, for the purpose of avoiding the application of paragraph 3 of Part II of Schedule 3 to the calculation of her widow's ordinary pension, elect to make further payments in accordance with this Regulation.

(4) Where a widow elects as mentioned in paragraph (2) or (3), the provisions of paragraphs (4) and (5) of Regulation 54 shall apply, subject to the necessary adaptations, as they apply where a man elects as mentioned in paragraph (2)(a) or (3)(a) of the said Regulation.

Provisions supplemental to Regulations 51 to 55

56.—(1) In the case of a man to whom both Regulations 51 and 52 apply, the rights of election accorded by paragraph (2) or, as the case may be, paragraph (3) of each of those Regulations shall be alternative rights.

(2) Where a member last paid pension contributions before 1st April 1972 at a rate related to 5% of his pensionable pay—

- (a) he shall not exercise the right of election accorded by either Regulation 51(3) or Regulation 52(3) unless he also exercises the right of election accorded by either Regulation 51(2) or Regulation 52(2);
- (b) he shall not exercise the right of election accorded by paragraph (3) of Regulation 54 unless he also exercises the right of election accorded by paragraph (2) thereof;
- (c) his widow shall not exercise the right of election accorded by paragraph (3) of Regulation 55 unless she also exercises the right of election accorded by paragraph (2) thereof.

(3) Any election under Regulation 51, 52, 54 or 55 shall be made by notice in writing to the Police Authority.

(4) Any such election and any payment of a lump sum in pursuance of an election under Regulation 52 shall be made before 1st December 1973 except that the widow of a man who has died before the said date may exercise a right of election accorded by Regulation 55 on or after the said date if she does so within 3 months of his death.

(5) Where a member elects under Regulation 52 or 54 that his pension shall be reduced and, on the date on which he so elects, he is in receipt of an ordinary, ill-health, short-service or deferred pension, that pension shall be re-calculated as from the date on which it became payable.

Application of Part VI to members who transferred from police force in Great Britain

57.—(1) This Regulation shall apply to a member who transferred from a police force in Great Britain.

(2) Without prejudice to the generality of Regulation 97 in the case of a member to whom this Regulation applies—

- (a) Regulation 49(2) shall apply as if a member of a police force in Great Britain were a member of the force and the reference therein to paragraph 36(3) of the Schedule to the 1949 Order included a corresponding reference to Regulation 41(3) of the Police Pensions Regulations 1948(j) or to Regulation 43(3) of the Police Pensions (Scotland) Regulations 1948(k);

- (b) Regulation 50 shall apply as if the reference therein to paragraph 36A of the Schedule to the 1949 Order included a reference to Regulation 35A of the Police Pensions Regulations 1955(l), as set out in Regulation 13 of the Police Pensions Regulations 1956(m) or to Regulation 37A of the Police Pensions (Scotland) Regulations 1955(n), as set out in Regulation 13 of the Police Pensions (Scotland) Regulations 1956(o);
- (c) notwithstanding that he is not such a man as is mentioned in Regulation 51(1), if he elected to pay additional or further contributions under any provision of the legislation relating to the pensions of regular policemen in Great Britain corresponding to Regulation 51(2) or (3), Regulation 51 and Part I of Schedule 5 shall apply as if he had elected under Regulation 51(2) or, as the case may be, Regulation 51(3).

Method of paying pension contributions

58. The pension contributions (including additional and further pension contributions, if any) upon each instalment of pay shall fall due at the same time as that instalment and may, without prejudice to any other method of payment, be discharged by way of deduction of an appropriate amount made by the Police Authority from the said instalment:

Provided that the Police Authority may allow additional or further contributions due in respect of a past period by virtue of an election under Regulation 51 to be discharged by deductions from instalments of pay over such period not exceeding 6 months as they consider reasonable.

PART VII

CANCELLATION, REVISION, REDUCTION, WITHDRAWAL AND FORFEITURE OF AWARDS

Cancellation of ill-health and injury pensions

59.—(1) As long as a person—

- (a) is in receipt of an ill-health pension;
- (b) would not, if he had continued to serve as a member instead of retiring with an ill-health pension, have been entitled to reckon 25 years' pensionable service; and
- (c) if he had continued so to serve, could not have been required to retire on account of age,

the Police Authority may, if they wish to exercise the powers conferred by this Regulation, consider, at such intervals as they in their discretion think proper, whether his disability has ceased.

(2) If on any such consideration it is found that his disability has ceased, the Police Authority may give the person concerned notice that, if he wishes to rejoin the force within a period of not less than 3 months from the date on which he has been given such notice, he will be permitted to do so.

(3) If the person concerned within the period referred to in paragraph (2) offers to rejoin the force he shall be permitted to do so in a rank not lower than that he held immediately before he retired with the ill-health pension.

(4) On the person concerned rejoining the force as mentioned in paragraph (3) or, where he does not offer to rejoin within the period referred to in paragraph (2), at the end of that period there shall be terminated—

- (a) the unsecured portion of his ill-health pension; and
- (b) any injury pension to which he is entitled.

(5) Where the unsecured portion of an ill-health pension is terminated under paragraph (4) the secured portion of that pension shall not be payable in respect of any period before insured pensionable age.

Reassessment of injury pension

60. Subject as hereinafter provided, where an injury pension is payable under these Regulations, the Police Authority shall, at such intervals as may be suitable, consider whether the degree of the pensioner's disablement has altered; and, if after such consideration the Police Authority find that the degree of disablement has substantially altered, the pension shall be revised accordingly.

Reduction of pension in case of default

61. Where a member or a person who has been a member becomes permanently disabled and has brought about or substantially contributed to the disablement by his own default, the Police Authority may reduce the amount of any ill-health award, injury pension or deferred pension payable to him by an amount not exceeding a half of that to which he would otherwise be entitled:

Provided that this Regulation shall not apply where the person concerned 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.

Withdrawal of pension during service as a policeman

62.—(1) Subject to paragraph (2) the Police Authority may, in their discretion, withdraw the whole or any part of a pension awarded under these Regulations for any period during which the pensioner is—

- (a) a member, or
- (b) a reserve constable under the Act appointed on a full-time basis, or
- (c) a regular policeman in Great Britain.

(2) This regulation shall not apply to a widow's pension or a pension under Regulation 22.

Forfeiture of award

63.—(1) Subject to paragraph (2), the Police Authority may determine that the award be forfeited, in whole or in part and permanently or temporarily as they may specify, in any of the following cases, that is to say, if the grantee—

- (a) is convicted of any offence and is sentenced to imprisonment for a term exceeding 12 months; or

- (b) enters into or continues to carry on any business, occupation or employment which is illegal or in which he has made use of the fact of former service in the force in a manner which the chief constable considers to be discreditable or improper; or
- (c) supplies to any person or publishes in a manner which the chief constable considers to be discreditable or improper information which he had obtained in the course of his service in the force; or
- (d) solicits or, without the consent of the chief constable, accepts directly or indirectly any testimonial or gift having any pecuniary value on retirement from the force or otherwise in connection with his service in the force; or
- (e) enters into or continues in any business occupation or employment as a private detective after the chief constable has given him notice in writing requiring him on any reasonable grounds not to do so;

Provided that a pension shall not be forfeited under sub-paragraph (b) unless reasonable warning has previously been given in writing to the grantee by the chief constable.

(2) In the case of a pension granted to a member other than injury pension the Police Authority, in determining whether forfeiture shall be permanent or temporary and affect the 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 forfeited temporarily only for a period expiring before the person concerned attains insured pensionable age or for which he is imprisoned or otherwise detained in legal custody.

Discharge of liability of the Police Authority

64. To the extent to which a pension or allowance is withdrawn or forfeited under any power conferred by the preceding provisions of these Regulations the Police Authority shall be discharged from all actual or contingent liability in respect thereof.

PART VIII

DETERMINATION OF QUESTIONS

Reference of medical questions

65.—(1) Subject as hereinafter provided the question whether a person is entitled to any and, if so, what awards under these Regulations shall be decided in the first instance by the Police Authority.

(2) Where the Police Authority are considering whether a person is permanently disabled, they shall refer for decision to a duly qualified medical practitioner selected by them the following questions—

- (a) whether the person concerned is disabled;
- (b) whether the disablement is likely to be permanent;

and, if they are further considering whether to grant an injury pension, shall so refer the following questions:—

- (c) whether the disablement is the result of an injury received in the execution of duty; and
- (d) the degree of the person's disablement;

and, if they are considering whether to revise an injury pension, shall so refer question (d) above.

(3) The Police Authority, if they are considering the exercise of their powers under Regulation 61, shall refer for decision, in like manner as they would refer a question under paragraph (2), the question whether the person concerned has brought about or substantially contributed to the disablement by his own default.

(4) The decision of the selected medical practitioner on the questions referred to him under this Regulation shall be expressed in the form of a certificate and shall, subject to Regulations 66 and 67, be final.

Appeal to medical referee

66.—(1) Where any person has been informed of the determination of the Police Authority on any question which involves the reference of questions under Regulation 65, to a selected medical practitioner, he shall, if within 14 days after being so informed or such further period as the Police Authority may allow, he applies to the Police Authority for a copy of the certificates of the selected medical practitioner, be supplied with such a copy.

(2) If the person concerned is dissatisfied with the decision of the selected medical practitioner as set out in his certificate, he may, within 14 days after being supplied with the certificate or such longer period as the Police Authority may allow and subject to and in accordance with the provisions of Schedule 6, give notice to the Police Authority that he appeals against the said decision.

(3) An appeal under paragraph (2) shall be decided by a medical referee appointed in accordance with Schedule 6 (hereinafter in these Regulations referred to as the "medical referee"). The decision of the medical referee shall, if he disagrees with any part of the certificate of the selected medical practitioner, be expressed in the form of a certificate of his decision on any of the questions referred to the selected medical practitioner on which he disagrees with the latter's decision, and the decision of the medical referee shall, subject to the provisions of Regulation 67, be final.

Further reference to medical authority

67.—(1) A tribunal hearing an appeal under Regulation 69 may, if they consider that the evidence before the medical authority who has given the final decision was inaccurate or inadequate, refer the decision of that authority to him for reconsideration in the light of such facts as the tribunal may direct, and the medical authority shall accordingly reconsider his decision and, if necessary, issue a fresh certificate which, subject to any further reconsideration under this paragraph, shall be final.

(2) The Police Authority and the claimant may, by agreement, refer any final decision of a medical authority who has given such a decision to him for reconsideration on fresh evidence, and he shall accordingly reconsider his decision and, if necessary, issue a fresh certificate, which, subject to any further reconsideration under this paragraph or paragraph (1), shall be final.

(3) If a tribunal decide, or a claimant and the Police Authority agree, to refer a decision to the medical authority for reconsideration under this Regulation and that medical authority is unable or unwilling to act, the decision may be referred to a duly qualified medical practitioner selected by the tribunal or, as the case may be, agreed upon by the claimant and the Police Authority, and his decision shall have effect as if it were that of the medical authority who gave the decision which is to be reconsidered.

(4) In this Regulation a medical authority who has given a final decision means the selected medical practitioner, if the time for appeal from his decision has expired without an appeal to a medical referee being made, and the medical referee, if there has been such an appeal.

Refusal to be medically examined

68. If a question is referred to a medical authority under Regulation 65, 66 or 67 and the person concerned wilfully or negligently fails to submit himself to such medical examination or to attend such interviews as the medical authority may consider necessary in order to enable him to make his decision, then—

- (a) if the question arises otherwise than on an appeal to a medical referee, the Police Authority may make their determination on such evidence and medical advice as they in their discretion think necessary;
- (b) if the question arises on an appeal to a medical referee, the appeal shall be deemed to have been withdrawn.

Appeal

69.—(1) Where a member or a person claiming an award in respect of a member is aggrieved by the refusal of the Police Authority to admit a claim to receive as of right an award or a larger award than that granted or by the forfeiture under Regulation 63 by the Police Authority, of any award granted to or in respect of that member, he may, subject to Regulation 70, give notice of appeal to the Ministry.

(2) The Ministry, on receiving such notice of appeal, shall appoint an appeal tribunal (hereinafter in this Regulation referred to as the tribunal) consisting of 3 persons, including a barrister or solicitor of not less than 7 years' standing who shall act as chairman, and a retired member of the force or of a police force in Great Britain who, before he retired, held a rank not lower than that of superintendent or district inspector.

(3) The time and place for the hearing, or any postponed or adjourned hearing, of the appeal shall be determined by the tribunal, which shall give reasonable notice thereof to the appellant and to the Police Authority (hereinafter in this Regulation described as "the parties").

(4) Either party may be represented before the tribunal by counsel or by a solicitor, or by some other person approved by the tribunal, and may adduce evidence and cross-examine witnesses.

(5) The rules of evidence applicable in the case of an appeal to a county court under section 44 of the County Courts Act (Northern Ireland) 1959(p) shall apply in the case of an appeal under this Regulation.

(6) Subject to the preceding provisions of this Regulation the tribunal shall determine its own procedure.

(7) The tribunal, after enquiring into the case, shall make such order in the matter as appears to it to be just.

(8) An appeal shall lie on a point of law from any decision of a tribunal under this Regulation to the High Court in accordance with rules of court.

(p) 1959. c. 25.

Limitation on appeals

70.—(1) An appeal shall not lie under Regulation 69 against anything done by the Police Authority in the exercise of a power conferred by these Regulations which is expressly declared thereby to be a power which they are to exercise in their discretion.

(2) Subject to Regulation 65, in any proceedings under Regulation 69 the tribunal shall be bound by any final decision of a medical authority within the meaning of Regulation 67.

PART IX

PAYMENT OF AWARDS AND TRANSFER VALUES, ETC.

Payments by and to the Police Authority

71.—(1) Awards under these Regulations shall be paid by the Police Authority as part of the cost of carrying out their functions under the Act.

(2) Pension contributions and other payments to the Police Authority by way of contributions or lump sum under these Regulations shall for the purposes of section 31(2) of the Act be deemed to be receipts by the Authority which are not required to be applied in a particular manner or for a particular purpose.

Payment and duration of awards

72.—(1) Subject to the provisions of these Regulations, the pension of a member shall be payable in respect of each year as from the date of his retirement, except—

- (a) where the pension is an ordinary pension and the limitation imposed by Regulation 16(4) on the making of payments in respect of the period before he has attained the age of 50 years applies, in which case the pension shall be so payable as from the date he attains that age;
- (b) where the pension is an injury pension and he retired before becoming disabled, in which case the pension shall be so payable as from the date he becomes disabled;
- (c) where the pension is a deferred pension, in which case the pension shall be so payable as from the date he attains the age of 60 years or, if he sooner becomes permanently disabled, as from the date on which he becomes so disabled.

(2) Subject to the provisions of these Regulations, a widow's pension or child's allowance shall be payable in respect of each week as from the death of the husband or, as the case may be, of the parent or, in the case of a posthumous child, as from the birth of the child, except—

- (a) where the husband or parent was in receipt of a pension and dies during a period in respect of which he has already received his pension, in which case the pension or allowance shall not be payable before the end of that period;
- (b) where the husband or parent has received a gratuity other than an injury gratuity under Regulation 19, in which case the pension or allowance shall be payable from such time as the Police Authority may, in their discretion, determine to be reasonable, not being more than a year after his death, having regard to all the circumstances, including the amount of the gratuity.

(3) Subject to the provisions of these Regulations and, in particular, of—

- (a) Regulation 29(3)(a) (widow's temporary pension);
- (b) Regulation 33(3) (dependant relative's special pension),
- (c) Regulation 39(2) (child's allowance), and
- (d) Part VII (forfeiture, etc),

a pension or allowance shall be payable for life and shall, subject to such delay as may be necessary for the purpose of determining any question as to the liability of the Police Authority in respect thereof, be discharged by payments in advance at such reasonable intervals as the Police Authority may, in their discretion, determine.

(4) Where a person dies after receiving a sum paid in advance on account of a pension or allowance, neither the said sum nor any part thereof shall be recoverable although referable to a period after his death.

(5) Where a widow remarries after receiving a sum paid in advance on account of a pension neither the said sum nor any part thereof shall be recoverable although referable to a period after her remarriage.

(6) Subject to the provisions of these Regulations, a gratuity shall become payable as soon as the entitlement thereto arises and shall be payable in one sum:

Provided that where the Police Authority are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable period as they think fit.

Payment of award otherwise than to person entitled

73.—(1) Where any sum is due on account of a pension and any debt is due from the pensioner to the Police Authority or to the Crown or to any department or agency of the Government of the United Kingdom or the Government of Northern Ireland or to a Northern Ireland department under the Northern Ireland Constitution Act 1973, so much of the said sum as does not exceed the debt may be applied by the Police Authority towards the satisfaction of the debt:

Provided that 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.

(2) If it appears to the Police Authority that a pensioner is by reason of mental disorder incapable of managing his affairs, the Authority shall consult the Department for the Affairs of Patients, Royal Courts of Justice (Ulster), Belfast, as to whether a Committee of his estate has been, or ought to be appointed; and if such a Committee has been appointed, or as soon as such an appointment has been made, the Authority shall comply with the directions of the said Department as to how payments in respect of the pension are to be made. If such a Committee has not been appointed and no application is in contemplation regarding the appointment of such a Committee, the Authority may, in their discretion, after consultation with the said Department, pay the pension to any person having care of the pensioner, in discharge, or on account, of his maintenance or to provide him with extra comforts, and, in so far as they do not dispose of the pension in that manner, may apply it in such manner as they think fit for the benefit of the pensioner or his dependants.

(3) If it appears to the Police Authority that a pensioner is for some reason other than mental disorder incapable of managing his affairs, the Authority may in their discretion deal with the pension as in paragraph (2) where a Committee of the pensioner's estate has not been appointed and no application is in contemplation regarding the appointment of such a Committee, except that they need not consult the Department for the Affairs of Patients.

(4) On the death of a pensioner to whom a sum not exceeding £500 is due on account of a pension the Police Authority may without probate, confirmation or any other formality or proof of title pay the said sum to the persons appearing to the Authority to be beneficially entitled to the personal estate of the deceased or, as the Authority may think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the Authority may determine.

(5) Where any sum is payable to a minor on account of a pension, the Authority may, if they think fit, in lieu of paying the said sum to the minor, pay it to such other person as they may determine.

A person who receives any sum paid under this paragraph shall, subject to and in accordance with any directions of the Police Authority, apply the said sum for the benefit of the minor.

(6) This Regulation shall apply with respect to awards other than pensions as it applies with respect to pensions, and accordingly any reference in this Regulation to a pension shall be construed as including a reference to any other award, and any reference therein to a pensioner shall be construed as including a reference to a person to whom any award is payable.

(7) The Police Authority shall obtain a good discharge by applying or paying any sum in the manner provided by this Regulation.

Taxation of certain awards

74.—(1) This Regulation shall apply to any payment on account of an award made to a member during his lifetime which constitutes a repayment of contributions within the meaning of paragraph 2 of Part II of Schedule 5 to the Finance Act 1970(q).

(2) The Police Authority may deduct from any payment to which this Regulation applies the tax for the time being chargeable thereon under paragraph 2 of the said Part II.

Transfer values payable on transfer from the force to a police force in Great Britain

75.—(1) This Regulation shall apply where a member has transferred to a police force in Great Britain and the police authority for that force is contingently liable to make payments to or in respect of him under any legislation for the time being in force relating to the pensions of members of police forces in Great Britain.

(2) Where this Regulation applies the police authority in Great Britain mentioned in paragraph (1) shall be entitled to receive from the Police Authority a transfer value calculated in accordance with Schedule 7.

PART X

COMPULSORY RETIREMENT

Compulsory retirement on account of age

76.—(1) Subject to paragraph (2) every member shall be required to retire—

- (a) if he is the chief constable or a deputy chief constable or assistant chief constable, on attaining the age of 65 years,
- (b) if he is a superintendent or inspector, on attaining the age of 60 years,
- (c) if he is a sergeant or constable, on attaining the age of 55 years:

Provided that, in the case of a member holding a rank not higher than that of inspector who was serving on 5th July 1972, the time at which he shall be required to retire shall, unless at any time he elects or has elected by notice in writing to the Police Authority that this proviso shall not apply to him, be on attaining the age of 57 years.

(2) The time at which, under paragraph (1), a person shall be required to retire may be postponed, if the person holds a rank above that of superintendent, by the Police Authority, and, if he holds a rank of superintendent or any lower rank, by the chief constable with the approval of the Police Authority:

Provided that no such postponement or postponements shall extend beyond 5 years from the time at which, under paragraph (1), he would have been required to retire.

Compulsory retirement on grounds of efficiency of the force

77.—(1) This Regulation shall apply to a member other than a chief constable, deputy chief constable or assistant chief constable, who, if required to retire would be entitled to receive a pension of any amount not less than 2 thirds of his average pensionable pay.

(2) If the Police Authority determine that the retention in the force of a member to whom this Regulation applies would not be in the general interests of efficiency, he may be required to retire on such date as the Police Authority determine.

Compulsory retirement of member whose pension is reduced

78. For the purpose of the preceding provisions of this Part a member shall be deemed, if required to retire, to be entitled to the pension to which he would be entitled but for the provisions of Part VIII of Schedule 2.

Compulsory retirement on grounds of disablement

79. Every member may be required to retire on the date on which the Police Authority determine that he ought so to retire on the grounds that he is permanently disabled for the performance of his duty:

Provided that a retirement under this Regulation shall be void if, after the said date, on an appeal against the medical opinion on which the Police Authority acted in determining that he ought to retire, the medical referee decides that the appellant is not permanently disabled.

Effect of requirement to retire

80. Where a person is required to retire under this Part he shall be deemed to retire on the date on which he is so required to retire.

PART XI

SERVICEMEN

Awards to servicemen

81.—(1) This Regulation shall apply to a serviceman who at the end of his period of relevant service in the armed forces is or was permanently disabled for the performance of duty as a member.

(2) A serviceman to whom this Regulation applies shall be entitled to the same award on the same conditions in all respects as if he had retired from the force at the end of the said period on the ground of disablement.

(3) Where the disablement is the result of an injury received during the serviceman's period of relevant service in the armed forces, the Police Authority may, in their discretion—

(a) pay in lieu of a gratuity under this Regulation a pension at the rate of a twelfth of his average pensionable pay; and

(b) subject to and in accordance with paragraph 1 of Schedule 8 increase any pension payable under this Regulation.

(4) In the case of a serviceman whose pension is increased under paragraph 3(b), no account of the increase shall be taken for the purposes of Regulations 21 and 22 and of Part VIII of Schedule 2.

Awards on death of servicemen

82.—(1) If a serviceman entitled to reckon 3 years' pensionable service—

(a) dies or has died during his period of relevant service in the armed forces; or

(b) having been permanently disabled for duty as a member at the end of the said period (without any intervening period of service as such) dies or has died as a result of the same injury as resulted in his disablement or while in receipt of a pension,

his widow shall be entitled to the same pension on the same conditions in all respects as if he were such a member as is described in Regulation 24(1).

(2) If a serviceman dies or has died during his period of relevant service in the armed forces and his widow is not entitled to a pension, she shall be entitled to a gratuity under Regulation 29 on the same conditions in all respects as if he were a member.

(3) If a serviceman—

(a) dies or has died during his period of relevant service in the armed forces, or

(b) having been permanently disabled for duty as a member at the end of the said period (without any intervening period of service as such) dies or has died while in receipt of a pension, or, being a person entitled to reckon not less than 3 years' pensionable service, dies or has died having received a gratuity,

then each of his children shall be entitled to the same allowance on the same conditions in all respects as if he were such a member as is mentioned in Regulation 34(1).

(4) Where a serviceman dies or has died as a result of an injury received during his period of relevant service in the armed forces, the Police Authority may, in their discretion—

- (a) pay to his widow, in lieu of a gratuity under this Regulation, a pension; and
- (b) subject to and in accordance with paragraphs 2 and 3 of Schedule 8, from time to time increase any pension or allowance payable in respect of him under this Regulation.

(5) The weekly amount of any pension payable under paragraph (4)(a) shall be £3.64.

(6) Regulations 31 and 42 shall apply to an award under this Regulation as though this Regulation were included in Part IV of these Regulations.

Application of Regulation 40

83. In relation to a serviceman Regulation 40 shall apply—

- (a) where he dies during his period of relevant service in the armed forces, as if he died while serving as a member; and
- (b) where he dies as the result of an injury received during the said period, as if he died as the result of an injury received in the execution of his duty as a member.

Servicemen who resume service as members

84.—(1) If a serviceman who resumes or has resumed service as a member is permanently disabled or dies or has died as a result of an injury received during his period of relevant service in the armed forces, the Police Authority may, in relation to any award payable to or in respect of him (other than an award under Regulation 20), exercise the same discretions as are conferred by Regulation 81 or by Regulation 82.

(2) In the case of a member whose pension is increased under Regulation 81(3)(b) as applied by this Regulation, no account of the increase shall be taken for the purposes of Regulations 21 and 22 and of Part VIII of Schedule 2.

Servicemen who do not resume service as members

85. If a serviceman within 1 month of the end of his period of relevant service in the armed forces does not or did not resume service as a member he shall be treated for the purposes of Regulations 10, 20, 45 and 46 as having left the force at the end of his period of relevant service in the armed forces.

Pensionable service

86. A serviceman shall be entitled to reckon as pensionable service his period of relevant service in the armed forces.

Pension contributions, etc

87.—(1) This Part shall have effect only in the case of a serviceman who pays or has paid pension contributions (other than additional or further contributions) to the Police Authority, as though he had remained a member, in respect of his period of relevant service in the armed forces:

Provided that this Part shall have effect notwithstanding that pension contributions are not or have not been paid as aforesaid by a serviceman in respect of any period during which his service pay when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(r) is less than his pensionable pay.

(2) In the case of a serviceman any reference in these Regulations to service as a member or as a regular policeman in Great Britain on or after 1st April 1972 or in respect of which he has paid contributions at a rate related to 6.25% of his pensionable pay shall be construed as including a reference to his period of relevant service in the armed forces on or after that date or, as the case may be, in respect of which he has paid, or is deemed to have paid, pension contributions at that rate.

PART XII

AUXILIARY MEMBERS

Pensionable service

88. An auxiliary member shall be entitled to reckon as pensionable service all his service as such on or after 1st May 1970, together with such service as he was entitled to reckon immediately before that date as pensionable service under the Ulster Special Constabulary Pensions Regulations 1950(s).

Pensionable pay

89. Regulation 48 (except paragraphs (6) and (7)) shall apply to an auxiliary member as it applies to a member.

Pension contributions etc

90.—(1) Regulations 49(1), 51 (except paragraph (2)), 52 (except paragraph (2)), 54 (except paragraph (2)), 55 (except paragraph (2)) and 56 (except paragraph (2)) shall apply to an auxiliary member who immediately before 1st May 1970 was a permanent member of the Ulster Special Constabulary within the meaning of the Ulster Special Constabulary Pensions Regulations 1950 as they apply to a member and as if references to service as a member were references to service as an auxiliary member and as if the references in Regulation 51(1)(b) to Regulation 76(1) were a reference to Regulation 92(1) or (2).

(2) An auxiliary member other than such an auxiliary member as is mentioned in paragraph (1) shall pay pension contributions to the Police Authority at the rate of 6p a week less than 5% of his pensionable pay.

(3) Regulation 58 shall apply to pension contributions payable in accordance with this Regulation.

Aggregate pension contributions

91.—(1) For the purpose of calculating the amount of an award to or in respect of an auxiliary member by reference to his aggregate pension contributions in respect of the relevant period of service, the relevant period of service shall be taken to be the period ending in the retirement, dismissal or death on which the award is payable and beginning with the date on which he last began a period of service in the Ulster Special Constabulary in a whole-time paid capacity.

(r) 1951. c. 65.

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

(2) For the purpose aforesaid the aggregate pension contributions in the relevant period of service shall be taken to be the sum of the following amounts—

- (a) the aggregate of the pension contributions made by the person concerned as a member of the Ulster Special Constabulary in respect of that part of the relevant period of service ending on 30th April 1970 and any rateable deductions made in respect of the said part from his pay;
- (b) the amount of any sum paid by him (including any sum paid in pursuance of an undertaking) as a condition of being allowed to reckon pensionable service by virtue of service in the Ulster Special Constabulary before the said period;
- (c) the aggregate of the pension contributions made by that person as an auxiliary member, including any such additional contributions as are mentioned in Regulation 51; and
- (d) any such additional or further payment by way of lump sum as is mentioned in Regulation 52 made during the relevant period by that person:

Provided that if the person concerned has been repaid part of such pension contributions or rateable deductions as are mentioned in sub-paragraph (a), the said sum shall be reduced by the amount repaid.

Compulsory retirement

92.—(1) An auxiliary member holding the rank he held on 1st May 1970 who immediately before that date was such a member of the Ulster Special Constabulary as is mentioned in Regulation 90(1) shall be required to retire on attaining the age of 60 years, but the date on which he shall be so required may be postponed by the chief constable with the approval of the Police Authority:

Provided that no postponement or postponements shall extend beyond 5 years.

(2) The provisions of Regulation 76 shall apply to an auxiliary member other than such as is mentioned in paragraph (1) as if he were a member.

(3) An auxiliary member may be required to retire on the date on which the Police Authority determine that he ought so to retire on the ground that he is permanently disabled for the performance of his duty:

Provided that a requirement under this paragraph shall be void if, after the said date, on an appeal against the medical opinion on which the Police Authority acted in determining that he ought to retire, the medical referee decides that the appellant is not permanently disabled.

(4) The provisions of Regulations 77 and 78 shall apply to an auxiliary member as if he were a member.

(5) Where a person is required to retire under this Regulation he shall be deemed to retire on the date on which he is so required to retire.

Awards—auxiliary members who have been permanent members of the Ulster Special Constabulary

93.—(1) This Regulation shall apply in the case of an auxiliary member who, immediately before 1st May 1970, was a permanent member of the Ulster Special Constabulary.

(2) Subject to this Part, an award shall be made (or, if appropriate, may at the discretion of the Police Authority be made) to or in respect of an auxiliary member in whose case this Regulation applies in the circumstances and subject to the conditions in which an award would (or could) be made if he were a member, and the relevant provisions of these Regulations shall accordingly apply.

Awards—other auxiliary members

94.—(1) This Regulation shall apply in the case of an auxiliary member other than such as is mentioned in Regulation 93(1).

(2) Subject to this Part, an award shall be made (or, if appropriate, may at the discretion of the Police Authority be made) to or in respect of an auxiliary member in whose case this Regulation applies if he is permanently disabled as a result of an injury received without his own default in the execution of his duty as an auxiliary member or dies as a result of such an injury, subject to the conditions in which an award would (or could) be made if he were a member, and the relevant provisions of these Regulations shall accordingly apply:

Provided that, if he is entitled to a gratuity under paragraph (3), paragraph 3(1) of Part V of Schedule 2 shall apply as if for the reference to any other pension under these Regulations there were substituted a reference to such an amount as would be produced by converting the said gratuity into an annuity for life from the date of payment thereof.

(3) Subject to this Part, if an auxiliary member in whose case this Regulation applies retires when entitled to reckon at least 7 years' pensionable service, including any mobilised service which he was so entitled to reckon under Regulation 37B of the Ulster Special Constabulary Pension Regulations 1950, then, provided that his retirement has not been voluntary, he shall be entitled to a gratuity of an amount equal to a twelfth of his average pensionable pay multiplied by the number of his completed years of pensionable service as mentioned in this paragraph:

Provided that for the purposes of this paragraph there shall be added to his pensionable service a period appropriate to his circumstances as follows:—

- | | |
|---|---------|
| (a) if he is unmarried or widowed without dependants | 2 years |
| (b) if he is married or is unmarried or widowed with one dependant | 3 years |
| (c) if he is married with one dependant child or is unmarried or widowed with 2 dependants | 4 years |
| (d) if he is married with more than one dependant child or unmarried or widowed with more than 2 dependants | 5 years |

(4) If an auxiliary member in whose case this Regulation applies retires and is not entitled to an award under paragraph (2) or (3), he shall be entitled to an award of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service.

(5) If an auxiliary member in whose case this Regulation applies is dismissed the Police Authority shall grant an award of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service to such one of the persons hereinafter described as, in their discretion, they may think fit or, if in their discretion they think fit, shall distribute that award among such of those persons in such shares and in such manner as they may think fit.

The persons above referred to are the said auxiliary member and all his dependants.

(6) If an auxiliary member in whose case this Regulation applies dies while serving as such and his widow is not entitled to an award under paragraph (2) she shall, subject to this Part, be entitled to an award as if Regulation 29 applied to her.

(7) If an auxiliary member in whose case this Regulation applies dies while serving as such and no other award is payable under these Regulations, then, subject to this Part, the Police Authority may, in their discretion they think fit, grant a gratuity to any of his relatives who were dependent on him to any degree as if Regulation 40 applied, and shall, if appropriate, pay his legal personal representative a gratuity as if paragraph (1)(b) of that Regulation applied.

Awards—general

95.—(1) The relevant provisions mentioned in Regulation 93(2) or 94(2) mean the provisions of these Regulations relating to such an award as is appropriate in the circumstances on which an auxiliary member retires, is dismissed, is disabled or dies.

(2) For the purposes of an award to or in respect of an auxiliary member references in the relevant provisions mentioned in paragraph (1) to the pensionable service, pensionable pay or pension contributions of the member concerned or to his aggregate pension contributions in respect of the relevant period of service or to an injury received without his own default in the execution of his duty as a member shall be construed as references to corresponding matters in relation to the auxiliary member concerned.

(3) In relation to awards to or in respect of auxiliary members the following Regulations shall apply as they apply in relation to awards to or in respect of members, that is to say: Regulations 1(2) and (3), 4, 5, 6, 8, 9, 11 to 13, 15, 21 to 23, 28, 30, 31, 32, 38, 39, 41, 42, 59 to 74, and 99 to 100.

Award where award is payable in respect of service in the Royal Ulster Constabulary

96. If a person entitled to an award in respect of service in the Royal Ulster Constabulary, whether rendered by that person or by some other person, satisfies the conditions for an award under this Part, the first-mentioned award may be taken into account in the assessment of the other award, which may be reduced, suspended or disallowed accordingly.

PART XIII

SUPPLEMENTAL PROVISION IN SPECIAL CASES

Members who were formerly regular policemen in Great Britain

97. Where a member is entitled to reckon service as a regular policeman in Great Britain as pensionable service then, except where the context otherwise requires and without prejudice to any express provision of these Regulations, these Regulations shall have effect as if anything done by him or in his case under, or for the purposes of, a provision of the legislation relating to the pensions of regular policemen in Great Britain which corresponds to a provision of these Regulations or of the 1949 Order had been done under, or for the purposes of, that corresponding provision.

Member dismissed after 25 years' service

98.—(1) This Regulation shall apply in the case of a member entitled to reckon at least 25 years' pensionable service and dismissed otherwise than for a cause for which a pension granted to him could have been forfeited under Regulation 63.

(2) If a member in whose case this Regulation applies would have been entitled to an ordinary pension if he had retired on the date of his dismissal, having given a month's notice to the Police Authority of his intention to retire, then these Regulations shall apply in his case as if he had so retired.

PART XIV

APPLICATION OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1971

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

99. Where it is provided in these Regulations that, for the purpose of calculating an award by way of periodic payments or a gratuity (in this Regulation referred to as "the relevant award"), an amount shall be increased in accordance with this Part it shall be increased by the amount, if any, by which a corresponding pension, within the meaning of the Pensions (Increase) Act (Northern Ireland) 1971(t), of the amount first mentioned would from time to time be increased under an order made under section 2 of that Act if—

- (a) such a pension (in this Regulation referred to as "the notional pension") were payable to the person concerned;
- (b) the notional pension were one of the pensions which are specified in paragraph 4 of Schedule 2 to that Act, and
- (c) the notional pension began, within the meaning of that Act, and became payable on the days on which the relevant award so began and became payable.

Duration of increase in child's allowance

100. Where it is provided in these Regulations that, for the purpose of calculating a child's allowance, an amount shall be increased in accordance with this Part, then that amount shall be increased so long as the allowance is payable, and accordingly Regulation 99 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).

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 31st day of August 1973.

(L.S.)

E. N. Barry,
Assistant Secretary.

The Ministry of Finance on behalf of the Secretary of State hereby concurs in the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 4th day of September 1973.

(L.S.)

C. F. Darling,
Assistant Secretary.

(t) 1971. c. 35 (NI.).

SCHEDULE 1

Regulation 2

Royal Ulster Constabulary Pensions Order 1949 and Amending Orders

<i>Title</i>	<i>S.R. & O. (N.I.) No.</i>	<i>Page in annual volume</i>
The Royal Ulster Constabulary Pensions Order 1949	1949 No. 211	379
The Royal Ulster Constabulary Pensions (Amending) Order 1950	1950 No. 172	586
The Royal Ulster Constabulary Pensions (Amending) Order 1952	1952 No. 89	453
The Royal Ulster Constabulary Pensions (Amending) Order 1953	1953 No. 156	335
The Royal Ulster Constabulary Pensions (Amending) Order 1954	1954 No. 98	649
The Royal Ulster Constabulary Pensions (Amending) (No. 2) Order 1954	1954 No. 118	651
The Royal Ulster Constabulary Pensions (Amending) Order 1955	1955 No. 115	476
The Royal Ulster Constabulary Pensions (Amending) Order 1956	1956 No. 49	563
The Royal Ulster Constabulary Pensions (Amending) Order 1957	1957 No. 214	811
The Royal Ulster Constabulary Pensions (Amending) Order 1958	1958 No. 81	519
The Royal Ulster Constabulary Pensions (Amending) (No. 2) Order 1958	1958 No 184	523
The Royal Ulster Constabulary Pensions (Amending) Order 1959	1959 No. 135	379
The Royal Ulster Constabulary Pensions (Amending) Order 1960	1960 No. 13	31
The Royal Ulster Constabulary Pensions (Amending) Order 1961	1961 No. 93	437
The Royal Ulster Constabulary Pensions (Amending) (No. 2) Order 1961	1961 No. 176	715
The Royal Ulster Constabulary Pensions (Amending) Order 1963	1963 No. 64	203
The Royal Ulster Constabulary Pensions (Amending) Order 1964	1964 No. 48	227

<i>Title</i>	<i>S.R. & O. (N.I.) No.</i>	<i>Page in annual volume</i>
The Royal Ulster Constabulary Pensions (Amending) (No. 2) Order 1964	1964 No. 158	787
The Royal Ulster Constabulary Pensions (Amending) Order 1965	1965 No. 66	280
The Royal Ulster Constabulary Pensions (Amending) Order 1966	1966 No. 68	252
The Royal Ulster Constabulary Pensions (Amending) (No. 2) Order 1966	1966 No. 245	790
The Royal Ulster Constabulary Pensions (Amending) Order 1967	1967 No. 18	20
The Royal Ulster Constabulary Pensions (Amending) (No. 2) Order 1967	1967 No. 277	974
The Royal Ulster Constabulary Pensions (Amending) Order 1968	1968 No. 128	456
The Royal Ulster Constabulary Pensions (Amending) Order 1969	1969 No. 39	188
The Royal Ulster Constabulary Pensions (Amending) (No. 2) Order 1969	1969 No. 204	811
The Royal Ulster Constabulary Pensions (Amending) (No. 3) Order 1969	1969 No. 228	1033
The Royal Ulster Constabulary Pensions (Amending) Order 1970	1970 No. 98	475
The Royal Ulster Constabulary Pensions (Amending) (No. 2) Order 1970	1970 No. 203	1111
The Royal Ulster Constabulary Pensions (Amending) Order 1971	1971 No. 118	595
The Royal Ulster Constabulary Pensions (Amending) (No. 2) Order 1971	1971 No. 404	1776
The Royal Ulster Constabulary Pensions (Amending) (No. 3) Order 1971	1971 No. 407	1797
The Royal Ulster Constabulary Pensions (Amending) Order 1972	1972 No. 165	955
The Royal Ulster Constabulary Pensions (Amending) (No. 2) Order 1972	1972 No. 336	1682
The Royal Ulster Constabulary Pensions (Amending) Order 1973	1973 No. 135	

SCHEDULE 2

Regulation 16

Awards to Members

PART I

MEMBER'S ORDINARY PENSION

1. Subject as hereafter in this Schedule provided, the pension shall be of an amount equal to 30 sixtieths of the member's average pensionable pay with the addition, subject to a maximum of 40 sixtieths, of a sixtieth for each completed half year by which his pensionable service exceeds 25 years.

2. If the amount of the pension calculated in accordance with the preceding paragraph would be less than the amount it would have been had the member become entitled to receive an ordinary pension by retiring after due notice at an earlier date, then, subject as hereafter in this Schedule provided, the pension shall be of the last-mentioned amount.

PART II

Regulation 17

MEMBER'S ILL-HEALTH PENSION

1. Subject as hereafter in this Schedule provided, the amount of the pension shall be determined in accordance with paragraph 2, 3 or 4 as the case may require.

2. Where the member has not completed 5 years' pensionable service, the amount of the pension shall not be less than a sixtieth of his average pensionable pay and, subject as aforesaid, shall be equal to a sixtieth of his average pensionable pay for each completed year of pensionable service.

3. Where the member has completed 5 years' but less than 11 years' pensionable service, subject to paragraph 5, the amount of the pension shall be equal to two sixtieths of his average pensionable pay for each completed year of pensionable service.

4. Where the member has completed at least 11 years' pensionable service, the amount of the pension shall not be less than 20 sixtieths of his average pensionable pay and, subject as aforesaid and to paragraph 5, shall be equal to 7 sixtieths of his average pensionable pay with the addition—

(a) of a sixtieth for each completed year of pensionable service up to 20 years, and

(b) of a sixtieth for each completed half year by which his pensionable service exceeds 20 years.

5. In the case of a member who, had he continued to serve until he could be required to retire on account of age, would have become entitled to an ordinary or short service pension, a pension calculated in accordance with paragraph 3 or 4 shall not exceed the pension to which he would so have become entitled calculated, however, by reference to the average pensionable pay by reference to which the ill-health pension is calculated.

6. Where the unsecured portion of an ill-health pension is terminated under Regulation 59(4) on the member not offering to rejoin the force within the period mentioned in Regulation 59(2) then if the aggregate of—

(a) the sums paid in respect of the pension; and

(b) the actuarial value of the secured portion of the pension (in so far as it is payable under Regulation 59(5)) determined in accordance with tables prepared by the Government Actuary,

is less than his aggregate pension contributions in respect of the relevant period of service, the Police Authority shall pay to the pensioner the difference.

PART III

Regulation 18

MEMBER'S SHORT SERVICE PENSION

Subject as hereafter in this Schedule provided, the amount of the pension shall be equal to a sixtieth of the member's average pensionable pay for each completed year of pensionable service up to 20 years, with the addition of a sixtieth for each completed half year by which his pensionable service exceeds 20 years.

PART IV

Regulations 17 and 18

MEMBER'S ILL-HEALTH OR SHORT SERVICE GRATUITY

1. Where the member has not completed a year's pensionable service, subject as hereafter in this Schedule provided, the gratuity shall be of an amount equal to the member's aggregate pension contributions in respect of the relevant period of service.

2. Where the member has completed at least a year's pensionable service, subject as hereafter in this Schedule provided, the gratuity shall be of an amount equal to whichever is the greater of the two following amounts:—

- (a) a twelfth of the member's average pensionable pay multiplied by the number of his completed years of pensionable service;
- (b) the member's aggregate pension contributions in respect of the relevant period of service.

3. Where the member last joined the force on or before 31st August 1973 there shall for the purposes of paragraph 2 be added to his pensionable service a period appropriate to his circumstances as follows:—

- (a) If he is unmarried or widowed and without any dependants 2 years
- (b) If he is married or is unmarried or widowed with one dependant 3 years
- (c) If he is married with one dependant child or is unmarried or widowed with 2 dependants 4 years
- (d) If he is married with more than one dependant child or is married or widowed with more than 2 dependants 5 years

PART V

Regulation 19

MEMBER'S INJURY AWARDS

1. A gratuity under Regulation 19 shall be calculated by reference to the member's degree of disablement and his average pensionable pay and shall be the amount specified as appropriate to his degree of disablement in column (2) of the following table.

2. An injury pension shall be calculated by reference to the member's degree of disablement, his average pensionable pay and the number of his completed years of pensionable service, and, subject to the following paragraphs, shall be of the amount specified as appropriate to his degree of disablement in column (3), (4), (5) or (6) of the following table, whichever is applicable to his completed years of pensionable service.

TABLE

Degree of disablement	Gratuity expressed as % of average pensionable pay	Pension expressed as % of average pensionable pay			
		Less than 5 years' service	5 or more but less than 15 years' service	15 or more but less than 25 years' service	25 or more years' service
(1)	(2)	(3)	(4)	(5)	(6)
25% or less (slight disablement)	12.5%	15%	30%	45%	60%
More than 25% but not more than 50% (minor disablement)	25%	40%	50%	60%	70%
More than 50% but not more than 75% (major disablement)	37.5%	65%	70%	75%	80%
More than 75% (severe disablement)	50%	85%	85%	85%	85%

3.—(1) The amount of an injury pension shall be reduced by three-quarters of any other pension to which the person concerned is entitled under these Regulations.

(2) For the purposes of sub-paragraph (1), such other pension as is there mentioned which is reduced in accordance with the provisions of Regulation 21 or 22 or of Part VIII of Schedule 2 shall be deemed not to have been so reduced.

4.—(1) The amount of the injury pension in respect of any week shall be reduced on account of any such additional benefit as is mentioned in sub-paragraph (3) which is payable to the person concerned in respect of the same week.

(2) Where the provisions governing scales of additional benefits have changed after the person concerned ceased to be a member, the amount of the reduction in respect of any week on account of a particular benefit shall not exceed the amount which would have been the amount thereof in respect of that week had those provisions not changed, it being assumed, in the case of such benefit as is mentioned in sub-paragraph (3)(b)(ii), that it would have borne the same relationship to the former maximum amount thereof.

(3) The following benefits are the additional benefits referred to in this paragraph:—

- (a) any injury benefit payable under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(u) which relates to the relevant injury, together with any supplement payable therewith under section 2 of the National Insurance (No. 2) Act (Northern Ireland) 1966(v);
- (b) any disablement pension payable under section 12 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 in respect of the relevant injury or so much of any such pension as relates to that injury (hereinafter referred to as the relevant part of the pension), together with—

(u) 1966. c. 9 (N.I.).

(v) 1966. c. 16 (N.I.).

- (i) any increase in such pension payable by way of unemployability supplement under section 13 of the said Act or so much of any such increase as is proportionate to the relevant part of the said pension so, however, that where he is entitled to an unemployability supplement which is increased under section 13A of the said Act, the unemployability supplement shall be deemed not to have been so increased;
- (ii) any increase in such pension payable under section 14 of the said Act (special hardship) or so much of any such increase as is proportionate to the relevant part of the said pension;
- (iii) any increase in such pension payable under section 17 or 18 of the said Act (dependants) or so much of any such increase as is proportionate to the relevant part of the said pension, and
- (iv) so long as he is receiving treatment as an in-patient at a hospital as a result of that injury, any increase in such pension payable under 16, 17 or 18 of the said Act (hospital treatment and dependants),

so, however, that an increase (or the proportionate part thereof) under each of the sections aforesaid shall be treated as a particular benefit for the purposes of sub-paragraph (2);

- (c) until the first day after his retirement which is not or is deemed not to be a day of incapacity for work under section 19 of the National Insurance Act (Northern Ireland) 1966—
 - (i) any sickness benefit payable under the said Act, together with any increase therein payable under section 39 or 42 of the said Act (dependants) and any supplement thereto payable under section 2 of the National Insurance (No. 2) Act (Northern Ireland) 1966 (short-term earnings related benefit), or
 - (ii) any invalidity pension payable under the Social Services (Parity) Order (Northern Ireland) 1971, together with any increase therein payable under section 39 or 42A of the National Insurance Act (Northern Ireland) 1966 (dependants),

so, however, that the benefits aforesaid shall not constitute separate particular benefits but a single benefit for the purposes of sub-paragraph (2).

(4) Where a person has received a disablement gratuity under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, this paragraph shall apply as if he were entitled during the relevant period to a disablement pension under the said Act of such amount as would be produced by converting the gratuity into an annuity for that period.

In this sub-paragraph the expression "the relevant period" means the period taken into account, in accordance with section 12 of the said Act, for the purpose of making the assessment by reference to which the gratuity became payable.

5. No payment shall be made in respect of an injury pension for any week in which the aggregate reductions under paragraphs 3 and 4 exceed the amount of the pension calculated in accordance with paragraph 2.

6. In the case of a person who—

(a) received the relevant injury during a period of service which included 1st April 1972 or ended before 1st September 1973, and

(b) is entitled to reckon less than 5 years' pensionable service,

an injury pension shall be calculated and payable in accordance with the preceding provisions of this Part or in accordance with the provisions of paragraph 6 of the Schedule to the 1949 Order, as from time to time amended (which provisions govern supplemental pensions), whichever are the more favourable in his case when he first becomes entitled to the pension.

PART VI

Regulation 20

MEMBER'S DEFERRED PENSION

1. The amount of a member's deferred pension shall be calculated by reference to—

- (a) the pensionable service he is entitled to reckon (here referred to as "actual service");
- (b) the pensionable service he would have become entitled to reckon had he continued to serve until he could retire with a maximum ordinary pension (disregarding Regulation 16(2)) or until he could be required to retire on account of age, whichever is the earlier (here referred to as "hypothetical service"), and
- (c) his average pensionable pay.

2. Subject as hereafter in this Schedule provided, the member's pension shall be such that it is the same proportion of the hypothetical pension referred to in paragraph 3 as his actual service is of his hypothetical service, in both cases calculated in completed years, as respects the first 20 years of service, and in completed half years, as respects service in excess of 20 years.

3. The hypothetical pension referred to in paragraph 2 is a pension of an amount equal to a sixtieth of his average pensionable pay for each completed year of his hypothetical service up to 20 years with the addition of a sixtieth for each completed half year by which his hypothetical service exceeds 20 years.

PART VII Regulations 16, 17, 18 and 20

REDUCTION OF PENSION AT INSURED PENSIONABLE AGE

1.—(1) Subject as hereafter in this paragraph provided, the unsecured portion of an ordinary, ill-health, short service or deferred pension shall be reduced in respect of any period beyond insured pensionable age by an amount calculated at an annual rate obtained by multiplying £1.70 by the number of years specified in sub-paragraph (4).

(2) In the case of a person who immediately before he retired and was granted a pension was paying pension contributions at a rate of 1p a week less than the appropriate percentage of his pensionable pay there shall not be any reduction in the pension under this paragraph.

(3) Subject as hereafter in this paragraph provided, in the case of a person who immediately before he retired and was granted a pension was paying pension contributions at a rate of 6p a week less than the appropriate percentage of his pensionable pay by reason of the giving of such a notice as is mentioned in Regulation 49(2) as extended by Regulation 57(2)(a) the reduction under sub-paragraph (1) shall be calculated not as therein stated but at an annual rate obtained by multiplying the sum in the second column of the following table set opposite to the age in the first column of the said table which he had attained at the appropriate date by the number of years specified in sub-paragraph (4):—

TABLE

<i>Age at appropriate date</i>	<i>Sums to be multiplied</i>
	£
Less than 23	1.70
23	1.65
24	1.60
25	1.55
26	1.525
27	1.50
28	1.475
29	1.45
30	1.425
31	1.40
32	1.375
33	1.35
34	1.325
35	1.30
36	1.30
37	1.275
38	1.25
39	1.25
40	1.225
41	1.225
42	1.20
43	1.20
44 or more	1.175

In this sub-paragraph the expression "appropriate date" means 5th July 1948.

(4) The number of years referred to in sub-paragraph (1) and in sub-paragraph (3) by which the sums therein respectively specified are to be multiplied for the purposes of those sub-paragraphs is the highest whole number of years in the aggregate period during which the person concerned has paid contributions as a member or as a regular policeman in Great Britain at a rate of 6p less than the appropriate percentage of his pensionable pay:

Provided that in arriving at the said aggregate there shall be disregarded any periods or period—

- (a) in respect of which the person concerned was not entitled to reckon any pensionable service for the purposes of the pension in question; or
- (b) which fell after the date on which the person concerned would have been entitled, if he had retired, to a pension equal to two-thirds of his average pensionable pay.

2.—(1) Where a person in receipt of an ordinary, ill-health, or short service or deferred pension has been in service or employment otherwise than as a member or as a member of the Ulster Special Constabulary—

- (a) in respect of which he was subject to superannuation arrangements;
- (b) by virtue of which he is entitled to reckon pensionable service for the purposes of the pension; and
- (c) the period of which includes a participating period of relevant employment,

then, for the purpose of abating the pension in relation to that participating period of relevant employment, any provision of the said arrangements in operation when he left the said service or employment the effect of which is that pensions payable thereunder are to be reduced in connection with the operation of the National Insurance Act 1959(w) or the National Insurance Act (Northern Ireland) 1959(x) or of any provision of the National Insurance Act 1965(y) or the National Insurance Act (Northern Ireland) 1966 relating to graduated contributions or graduated retirement benefit shall apply, subject to the necessary adaptations and modifications, as though the provisions were contained in this paragraph and as if—

(i) the pension were payable under the said arrangements, and

(ii) any other period of service or employment by virtue of which he is entitled to reckon pensionable service for the purposes of the pension were a period of non-participating employment at the end of which no payment in lieu of contributions falls to be made.

(2) The Police Authority, in determining any question arising under sub-paragraph (1) and relating to a particular service or employment, shall be entitled to treat as conclusive any relevant certificate issued, with the agreement of the person concerned, by his employer in that service or employment.

(3) Where for the purposes of the superannuation arrangements applicable to such service or employment as is mentioned in sub-paragraph (1) the person concerned was entitled to reckon service by virtue of some previous service or employment, that previous service or employment shall be treated for the purposes of this paragraph as if it were part of the service or employment first mentioned in this sub-paragraph.

3.—(1) Where a person in receipt of an ordinary, ill-health, short service or deferred pension is entitled to reckon as pensionable service for the purposes of the pension a period of employment as a member or as a member of the Ulster Special Constabulary which is a participating period of relevant employment, then in relation to that period the unsecured portion of the pension shall be reduced in accordance with the provisions of paragraph (2).

(2) Where the unsecured portion of a pension is reduced in accordance with the provisions of this sub-paragraph, the annual rate of that portion of the pension shall be reduced in respect of any period beyond insured pensionable age by the annual rate of the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining insured pensionable age, in return for a payment in lieu of contributions in respect of the whole of the period referred to in sub-paragraph (1):

Provided that where only part of the period mentioned in sub-paragraph (1) is reckonable as pensionable service for the purpose of a pension the annual rate of the unsecured portion of the pension shall be reduced by that portion of the annual rate of the graduated retirement benefit which the said part bears to the whole period.

4.—(1) Where a person in receipt of the secured portion of an ill-health pension the unsecured portion of which has been terminated in the circumstances mentioned in Regulation 59(4) is also in receipt of some other pension, being an ordinary, ill-health, short service or deferred pension and is entitled to reckon for the purposes of that other pension the period of pensionable service reckonable for the purposes of the ill-health pension, then the unsecured portion of that other pension shall be reduced in accordance with the provisions of sub-paragraph (2).

(2) Where the unsecured portion of an ordinary, ill-health, short service or deferred pension is reduced in accordance with the provisions of this sub-paragraph, the annual rate of that portion shall be reduced in respect of any period beyond insured pensionable age by the annual rate of the secured portion of the ill-health pension first mentioned in this paragraph.

(w) 7 & 8 Eliz. 2. c. 47.

(y) 1965. c. 51.

(x) 1959. c. 21.

PART VIII Regulations 16, 17, 18 and 20

REDUCTION OF PENSION IN SPECIFIED CASES

1. An ordinary, ill-health, short service or deferred pension payable to a man shall, in the cases mentioned in this Part, be reduced in accordance therewith; and any reference in this Part to a pension is a reference to such a pension.

2.—(1) This paragraph shall apply in the case of a man entitled to reckon pensionable service otherwise than—

(a) by virtue of service as a member or as a regular policeman in Great Britain on or after 1st April 1972, or

(b) by virtue of such service before that date in respect of which he has paid pension contributions at a rate related to 6.25% of his pensionable pay, except that this paragraph shall not apply in the case of a man to whom Regulation 52 or 54 applies who last paid pension contributions before 1st April 1972 at a rate related to 5% of his pensionable pay unless he elected or agreed under Regulation 52(2)(b) or (4)(a) or Regulation 54(2)(b) that his pension be reduced.

(2) The pension of a man in whose case this paragraph applies shall, subject to the provisions of this Part, be reduced by that percentage specified in the second column of the following table opposite the number of completed years of pensionable service he is entitled to reckon otherwise than as mentioned in sub-paragraph (1)(a) or (b) being, where he agreed to the reduction under Regulation 52(4)(a), pensionable service which he became so entitled to reckon under Regulation 46 or 47 on or after 1st September 1973.

(3) If the man elected to pay additional contributions as mentioned in Regulation 50 (including that Regulation as extended by Regulation 57(2)(b)) and paid such contributions until he became entitled to reckon 25 years' pensionable service or retired with a pension, in calculating the amount of the reduction under this paragraph no account shall be taken of any service which was taken into account for the purpose of calculating the rate at which the additional contributions were payable.

3.—(1) This paragraph shall apply in the case of a man entitled to reckon pensionable service otherwise than by virtue of service as a member or as a regular policeman in Great Britain on or after 1st April 1972; except that this paragraph shall not apply in the case of a man to whom Regulation 52 or 54 applies unless he elected or agreed under Regulation 52(3)(b) or (4)(b) or 54(3)(b) that his pension be reduced.

(2) The pension of a man in whose case this paragraph applies shall, subject to the provisions of this Part, be reduced by the percentage specified in the third column of the following table opposite the number of completed years of pensionable service he is entitled to reckon otherwise than as mentioned in sub-paragraph (1), being, where he agreed to the reduction under Regulation 52(4)(b), pensionable service which he became so entitled to reckon under Regulation 46 or 47 on or after 1st September 1973.

4. In calculating the amount of a reduction in a man's pension under paragraph 2 or 3 no account shall be taken of any service on or after 1st April 1956 which he is entitled to reckon as pensionable service by virtue of Regulation 86 and the proviso to Regulation 87(1).

5. In calculating the amount of a reduction in a man's pension under paragraph 2 or 3 no account shall be taken of any reduction in the amount of the pension in accordance with the provisions of Regulation 21 or 22 or of Part VII of this Schedule, and, where the pension falls to be reduced under both those paragraphs, for the purpose of calculating each reduction, no account shall be taken of the other reduction.

6.—(1) In the case of a man who elected under Regulation 51 to pay additional or further pension contributions and was still paying such contributions immediately before retiring with an ordinary pension, the annual amount of that pension shall be reduced for the period mentioned in sub-paragraph (2) by the annual amount of those contributions immediately before his retirement, calculated by reference to his pensionable pay at that time so, however, that no account of the said reduction shall be taken for the purposes of calculating any other reduction in the pension under these Regulations.

(2) The period referred to in sub-paragraph (1) shall be one corresponding to that for which the additional or further contributions would have remained payable had the man not retired but starting, where the pension is not payable as from the date of his retirement, with the date from which it is payable.

TABLE

<i>Completed years of pensionable service taken into account</i>	<i>Percentage reduction in pension</i>	
	<i>Under paragraph 2</i>	<i>Under paragraph 3</i>
1	0.2	0.2
2	0.4	0.4
3	0.5	0.5
4	0.6	0.7
5	0.8	0.8
6	0.9	0.9
7	1.0	1.0
8	1.2	1.1
9	1.3	1.2
10	1.5	1.3
11	1.6	1.4
12	1.7	1.5
13	1.8	1.6
14	1.9	1.6
15	2.0	1.7
16	2.1	1.8
17	2.2	1.9
18	2.3	2.0
19	2.4	2.0
20	2.5	2.1
21	2.6	2.1
22	2.7	2.2
23	2.8	2.2
24	2.9	2.3
25	2.9	2.3
26	3.0	2.4
27	3.1	2.4
28	3.1	2.5
29	3.2	2.5
30 or more	3.3	2.5

PART IX

Regulations 17, 18 and 20

REDUCTION OF AWARDS OTHER THAN PENSIONS

1. Where a payment in lieu of contributions falls to be made by the Police Authority in respect of a member and—

- (a) a short service gratuity is payable on his retirement; or
- (b) an ill-health gratuity is so payable and the Police Authority determine that the provisions of this Part of this Schedule shall apply; or
- (c) an amount equal to his aggregate pension contributions in respect of the relevant period of service is payable to him or his dependants on his retirement or dismissal,

the award in question shall be reduced by an amount equal to the amount which could be retained out of the award by the Police Authority under section 59(4) of the National Insurance Act (Northern Ireland) 1966 if the award were a refund of payments to which that provision applies.

2. Where a payment in lieu of contributions may fall to be made by the Police Authority in respect of a member and such an award as is mentioned in paragraph 1 is payable as mentioned therein, the Police Authority may reduce the amount of the award in question by the amount by which it would be reduced under the said paragraph 1 if the payment in lieu of contributions in fact fell to be made, so however, that, if the said payment does not fall to be made within the period of 78 weeks from the date when the person concerned ceases to be a member or within such shorter period as the Police Authority may determine, then any reduction in the amount of the award under this paragraph shall cease to have effect and the difference between the full and the reduced amounts thereof shall become payable.

SCHEDULE 3

Widows' and Adult Dependants

PART I

Regulation 24

WIDOW'S ORDINARY PENSION

1.—(1) Subject to paragraphs 2 and 3, the annual amount of a widow's ordinary pension shall equal a half of that of her husband's pension or notional pension referred to in paragraph 4.

(2) The weekly amount of a widow's ordinary pension shall be taken to be the annual amount divided by 52½.

2. The amount of a widow's ordinary pension calculated in accordance with paragraph 1 shall be increased in accordance with Part XIV of these Regulations.

3.—(1) Where in respect of any period a widow so elects, then, subject to sub-paragraphs (2) and (3), 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 inspector, £4.92;

(b) held the rank of inspector, £4.27;

(c) held a rank lower than that of inspector, £3.64.

(2) Where the husband was entitled to reckon at least 10 years' pensionable service the weekly amount of a widow's ordinary pension calculated in accordance with this paragraph shall be increased by 22p.

4.—(1) The husband's pension or notional pension mentioned in paragraph 1(1) shall be—

(a) Where he died while entitled to an ordinary, short-service or ill-health pension, that pension;

(b) in any other case, the ill-health pension to which he would have been entitled had he retired with such a pension immediately before he died, calculated, in either case, in accordance with the following sub-paragraph.

(2) For the purposes of paragraph 1(1), in calculating the husband's pension or notional pension the following provisions shall be disregarded, that is to say—

(a) the restrictions on payments on account of an ordinary pension contained in Regulation 16(4); and

(b) the provisions for the reduction of a pension contained in Regulations 21(6) and 22(7) and in Parts VII and VIII of Schedule 2.

PART II

Regulation 24

TRANSITIONAL MODIFICATIONS OF PART I

1.—(1) Where this Part of this Schedule applies, Part I of this Schedule (hereinafter referred to as Part I) shall have effect as if the relevant provisions of this Part were substituted for paragraph 1(1) thereof and paragraph 4 of Part I shall have effect accordingly.

(2) In this Part "pre-1972 pensionable service" means the pensionable service the husband was entitled to reckon otherwise than by virtue of service as a member or as a regular policeman in Great Britain on or after 1st April 1972.

2.—(1) This paragraph shall apply where—

- (a) the husband, before 1st April 1972, last paid pension contributions at a rate related to 5% of his pensionable pay, and
- (b) neither he nor the widow exercised a right of election accorded by Regulation 51(2), 52(2), 54(2) or 55(2).

(2) Subject to paragraphs 2 and 3(1) of Part I but disregarding paragraph 3(2) thereof, where this paragraph applies the annual amount of the widow's ordinary pension shall equal a half of the amount specified in paragraph 4 of this Part:

Provided that the amount payable in respect of any week shall not be less than it would have been had the weekly amount of the pension been calculated as provided in Scheme II of Part I of Appendix II to the Schedule to the 1949 Order.

3.—(1) This paragraph shall apply where—

- (a) paragraph 2 does not apply since either the husband did not pay pension contributions as mentioned in sub-paragraph (1)(a) thereof or, if he did, he or the widow exercised a right of election mentioned in sub-paragraph (1)(b) thereof, and
- (b) neither the husband nor the widow exercised a right of election accorded by Regulation 51(3), 52(3), 54(3) or 55(3).

(2) Subject to paragraphs 2 and 3 of Part I, the annual amount of the widow's ordinary pension shall, subject to sub-paragraph (3), equal a third of the annual amount of her husband's pension or notional pension with the addition of a sixth of the amount specified in paragraph 4 of this Part.

(3) Except where the husband dies while in receipt of an ordinary or short-service pension, his widow's ordinary pension shall be of an annual amount not less than a half of the amount specified in paragraph 5.

4. The amount specified in this paragraph shall be the difference between the two following amounts, subject, however, to paragraph 6—

- (a) an amount equal to a sixtieth of the husband's average pensionable pay for each completed year of pensionable service up to 20 years with the addition of a sixtieth for each completed half-year by which his pensionable service exceeds 20 years;
- (b) an amount calculated as aforesaid but by reference only to the husband's pre-1972 pensionable service.

5.—(1) In this paragraph the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“relevant number of years” means the number of years (if any) by which the member's completed years pre-1972 pensionable service fall short of 20 years;

“relevant pensionable service” means a member's pensionable service reduced by his completed years of pre-1972 pensionable service;

“weighted relevant pensionable service” means a member's completed years of relevant pensionable service up to the relevant number of years with the addition of a year for each completed half-year by which his relevant pensionable service exceeds the relevant number of years.

(2) The amount specified in this paragraph shall be the annual amount of the husband's ill-health or notional pension calculated in accordance with Part II of Schedule 2 but, subject to paragraph 6—

- (a) where his weighted relevant pensionable service does not exceed 20 years, by reference thereto;
- (b) where that service exceeds 20 years, by reference to his relevant pensionable service with the addition of a half-year for each completed year of pre-1972 service,

instead of by reference to his pensionable service.

6. Where the husband's completed years of pensionable service exceed 30 years, then there shall be reduced by that excess—

- (a) his completed years of pensionable service taken into account for the purposes of paragraph 4(a);
- (b) his completed years of pre-1972 pensionable service taken into account for the purposes of paragraph 4(b);
- (c) his completed years of pre-1972 pensionable service taken into account for the purposes of paragraph 5(2)(b) (otherwise than for the purpose of determining his relevant pensionable service).

PART III

Regulations 25 and 26

WIDOW'S SPECIAL PENSION

1. Subject to paragraphs 2 and 3, the weekly amount of a widow's special pension calculated in accordance with this Part of this Schedule shall be equal to 45% of her husband's average pensionable pay for a week.

2.—(1) Where, in respect of any week, a pension under section 19 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 is payable to the widow in consequence of her husband's death and the amount of that pension exceeds that of a widow's pension under the National Insurance Act (Northern Ireland) 1966 as specified in Schedule 3 thereto at the time of the husband's death, then the amount of her special pension in respect of that week shall be reduced by that excess.

(2) Where the provisions governing the amounts of pensions under section 19 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 have changed after the death of the husband, the reduction under sub-paragraph (1) in respect of any week shall not exceed the amount which would have been the amount thereof in respect of that week had those provisions not changed.

3. The weekly amount of a widow's special pension, calculated in accordance with paragraphs 1 and 2, shall be increased in accordance with Part XIV of these Regulations.

PART IV

Regulation 27

WIDOW'S ACCRUED PENSION

1.—(1) In this Part the husband's half-rate service means the aggregate of—

- (a) his pensionable service reckonable by virtue of service as a member or as a regular policeman in Great Britain on or after 1st April 1972;
- (b) his pensionable service (if any) reckonable by virtue of service on or after 1st April 1956 and Regulation 86 and the proviso to Regulation 87(1);
- (c) if, immediately before he retired, he was paying further contributions under Regulation 51 in pursuance of an election thereunder, the proportion specified in sub-paragraph (3) of the pensionable service taken into account under Part I of Schedule 5 in calculating those contributions;
- (d) if he had elected under Regulation 52 to make a further payment by way of lump sum, the pensionable service taken into account under Part II of Schedule 5 in calculating that lump sum;
- (e) if his deferred pension fell to be reduced in accordance with paragraph 3 of Part VIII of Schedule 2, the proportion specified in sub-paragraph (4) of the pensionable service taken into account in calculating the reduction.

- (2) In this Part the husband's mixed rate service means the aggregate of—
- (a) his pensionable service reckonable by virtue of service as a member or as a regular policeman in Great Britain in respect of which he has paid pension contributions at a rate related to 6.25% of his pensionable pay;
 - (b) his pensionable service reckonable as mentioned in sub-paragraph (1)(a) and (b);
 - (c) if, immediately before he retired, he was paying additional contributions under Regulation 50 or 51 in pursuance of such an election as is mentioned in the Regulation in question, the proportion mentioned in sub-paragraph (3) of the pensionable service taken into account, under Part I of Schedule 5, in calculating those contributions;
 - (d) if he had elected under Regulation 52 to make an additional payment by way of lump sum, the pensionable service taken into account under Part II of Schedule 5 in calculating that lump sum;
 - (e) if his deferred pension fell to be reduced in accordance with paragraph 2 of Part VIII of Schedule 2, the proportion mentioned in sub-paragraph (4) of the pensionable service taken into account calculating the reduction.

(3) The proportion referred to in sub-paragraph (1)(c) or sub-paragraph (2)(c) shall be the proportion which the period for which the husband paid further contributions or, as the case may be, additional contributions, bore to the period by which the pensionable service he was entitled to reckon at the time when he made the election referred to in the sub-paragraph in question fell short of 25 years or, where that period is less than 5 years, to a period of 5 years, each period being reckoned in completed years and completed months.

(4) The proportion referred to in sub-paragraph (1)(e) or sub-paragraph (2)(e) shall be the proportion which the period of the man's actual service—

(a) on or after 1st April 1972, in the case of sub-paragraph (1)(e), or

(b) on or after 1st April 1956, in the case of sub-paragraph (2)(e),

as a member or as a regular policeman in Great Britain, bears to the period of such service as he would have had if (irrespective of the date of his death) he had not retired until entitled to an immediately payable ordinary pension or until he could be required to retire on account of age, whichever is the earlier, each period being reckoned in completed years and completed months.

2.—(1) Subject to paragraphs 3 and 4, the annual amount of a widow's accrued pension shall equal the aggregate of the following amounts, namely—

(a) in respect of the husband's half-rate service, a sixth of the corresponding proportion of his deferred pension;

(b) in respect of his mixed-rate service, a third of the corresponding proportion of his deferred pension.

(2) For the purposes of sub-paragraphs (1)(a) and (b), the corresponding proportion means the proportion which the husband's half-rate or, as the case may be, mixed-rate service bears to the pensionable service reckonable by him, each period being reckoned in completed years up to 20 years and in completed half-years in so far as it exceeds 20 years.

(3) The weekly amount of a widow's accrued pension shall be taken to be the annual amount divided by 52½.

3. The amount of a widow's accrued pension calculated in accordance with paragraph 2 shall be increased in accordance with Part XIV of these Regulations.

4. Where in respect of any period a widow so elects, then, the weekly amount of her accrued 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 inspector, £4.92;

(b) held the rank of inspector, £4.27;

(c) held a rank lower than that of inspector, £3.64.

PART V

Regulations 24, 25 and 27

INCREASE IN WIDOW'S PENSION DURING FIRST 13 WEEKS.

1.—(1) This Part shall apply unless, immediately before his death, the husband was neither serving as a member nor in receipt of a pension.

(2) For the purposes of this paragraph the provisions of Regulation 9 relating to persons treated as being in receipt of an ordinary pension shall be disregarded:

2.—(1) Where this Part applies, a widow's ordinary, special or accrued pension shall, so far as necessary, be increased in respect of the first 13 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 not less than—

- (a) his pensionable pay for a week immediately before he died, where he was serving, or
- (b) the weekly amount of his pension immediately before he died in any other case.

(2) 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.

PART VI

Regulation 28

WIDOW'S GRATUITY IN LIEU OF PENSION

The gratuity referred to in Regulation 28 shall be such 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.

PART VII

Regulation 33

DEPENDENT RELATIVE'S SPECIAL PENSION

1.—(1) Where the member in respect of whose death a dependent relative's special pension is granted (in this Part referred to as the "deceased") was married and the widow or widower is alive, the pension shall, subject to paragraphs 3 and 4, be determined in accordance with this paragraph.

(2) A pension determined in accordance herewith shall be of a weekly amount equal to 20% of the deceased's average pensionable pay for a week.

2.—(1) Where the deceased was not married or in respect of any period after the death of the widow or widower, the amount of the dependent relative's special pension shall, subject to paragraphs 3 and 4, be determined in accordance with this paragraph.

(2) A pension determined in accordance herewith shall be of a weekly amount equal to 45% of the deceased's average pensionable pay for a week.

3. The amount of a dependent relative's special pension shall be increased in accordance with Part XIV of these Regulations.

4.—(1) Where in respect of any week the aggregate amount of—

(a) any widow's special pension, and

(b) any child's special allowance

payable in respect of the deceased's death equals or exceeds the amount of his average pensionable pay for a week, no dependent relative's special pension shall be payable in respect of that week.

(2) Where in respect of any week the aggregate amount of—

(a) any widow's special pension,

(b) any child's special allowance, and

(c) any dependent relative's special pension,

payable in respect of the deceased's death would exceed the amount of his average pensionable pay for a week, the dependent relative's pension shall be reduced by such factor as will ensure that the said aggregate does not exceed the said amount.

(3) For the purposes of this paragraph any increase in a pension or allowance in accordance with Part XIV of these Regulations shall be ignored.

SCHEDULE 4

Regulation 34

Children

PART I

CHILD'S ORDINARY ALLOWANCE

1.—(1) Where one of the child's parents is alive, the child's ordinary allowance in respect of the death of a member (in this Part referred to as the "relevant parent") shall, subject to paragraphs 5 and 6, be determined in accordance with this paragraph.

(2) Subject to sub-paragraphs (3) and (4), an allowance determined in accordance herewith shall be of an annual amount equal to 12.5% of the amount specified in paragraph 3 or 4, as the case may be.

(3) Subject to sub-paragraph (4), where 4 or more children's ordinary allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 37.5% of the amount specified in paragraph 3 or 4, as the case may be, divided by the total number of allowances so payable.

(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the allowance shall be of the weekly amount in the second column of the following Table set opposite to the rank in the first column thereof which the relevant parent held at the time when he ceased to be a member.

TABLE

<i>Parent's rank</i>	<i>Weekly amount</i>
Higher than Inspector	£1.50
Inspector	£1.30
Lower than Inspector	£1.19

2.—(1) Where the relevant parent was the child's only surviving parent or in respect of the period after the death of the child's other parent, the child's ordinary allowances shall, subject to paragraph 5, be determined in accordance with this paragraph, but where the relevant parent died before 1st September 1973 it may be paid in accordance with paragraph 2 of Part I of Appendix III to the Schedule to the 1949 Order.

(2) Subject to sub-paragraphs (3) and (4), an allowance determined in accordance herewith shall be of an annual amount equal to 25% of the amount specified in paragraph 3 or 4, as the case may be.

(3) Subject to sub-paragraph (4), where 3 or more children's ordinary allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 50% of the amount specified in paragraph 3 or 4, as the case may be, divided by the total number of allowances so payable.

(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the allowance shall be of the weekly amount in the second column of the following Table set opposite to the rank in the first column thereof which the relevant parent held at the time he ceased to be a member:—

TABLE

<i>Parent's rank</i>	<i>Weekly amount.</i>
Higher than Inspector	£2.47
Inspector	£2.11.
Lower than Inspector	£1.83

3.—(1) Except where the relevant parent is such a person as is mentioned in paragraph 4(1), the specified amount shall be that of his pension or notional pension, that is to say—

- (a) where he dies while entitled to an ordinary, short-service or ill-health pension, that pension;
- (b) in any other case, the ill-health pension to which he would have been entitled had he retired with such a pension immediately before he died, calculated, in either case, in accordance with the following sub-paragraph.

(2) For the purposes of paragraph 1 or 2, in calculating the parent's pension or notional pension the following provisions shall be disregarded, that is to say—

- (a) the restrictions on payments on account of an ordinary pension contained in Regulation 16(4), and
- (b) the provisions for the reduction of a pension contained in Regulations 21(6) and 22(7) and in Parts VII and VIII of Schedule 2.

4.—(1) This paragraph shall apply where the relevant parent is the father and he was serving as a member or entitled to a pension other than a deferred pension either—

- (a) on 1st September 1973, or
- (b) at the date of his death where that date is before 1st December 1973,

and he or, as the case may be, his widow has not exercised the rights of election accorded by Regulations 51, 52, 54 and 55 for the purpose of avoiding the application to the calculation of his widow's ordinary pension (if any)—

- (i) of paragraphs 2 and 3 of Part II of Schedule 3, where, before 1st April 1972, he last paid pension contributions at a rate related to 5% of his pensionable pay, or
- (ii) of paragraph 3 of the said Part II, in any other case.

(2) Where this paragraph applies, the specified amount shall be the difference between the two following amounts, subject, however, to sub-paragraph (3)—

- (a) an amount equal to a sixtieth of the father's average pensionable pay for each completed year of pensionable service up to 20 years with the addition of a sixtieth for each completed half-year by which his pensionable service exceeds 20 years;
- (b) an amount calculated as aforesaid but by reference only to the father's pre-1972 pensionable service, that is to say the pensionable service he was entitled to reckon otherwise than by virtue of service as a member or as a regular policeman in Great Britain on or after 1st April 1972.

(3) Where the father's completed years of pensionable service exceed 30 years, then there shall be reduced by that excess—

- (a) his completed years of pensionable service taken into account for the purposes of sub-paragraph (2)(a);
- (b) his completed years of pre-1972 pensionable service taken into account for the purposes of sub-paragraph (2)(b);

5.—(1) The weekly amount of a child's ordinary allowance determined in accordance with sub-paragraph (2) or (3) of paragraph 1 or, as the case may be, of paragraph 2 shall be taken to be the annual amount thereof divided by 52½.

(2) The amount of a child's ordinary allowance determined as mentioned in sub-paragraph (1) shall be increased in accordance with Part XIV of these Regulations.

6.—(1) Where in respect of any week the aggregate rate at which—

(a) any widow's ordinary pension, and

(b) any children's ordinary allowances determined in accordance with sub-paragraph (2) or (3) of paragraph 1,

are payable in respect of a person who died while entitled to a pension other than a deferred pension exceeds the rate at which that pension was payable immediately before his death, the children's allowances shall be reduced by such factor as will ensure that the said aggregate rate does not exceed the last-mentioned rate.

(2) For the purposes of this paragraph there shall be ignored—

(a) any increase in a widow's pension or child's allowance in accordance with Part XIV of these Regulations, and

(b) any reduction in the deceased person's pension other than a reduction under Regulation 21(6) or 22(7) or (in the case of an injury pension) under paragraph 3(1) of Part V of Schedule 2,

PART II

Regulation 35

CHILD'S SPECIAL ALLOWANCE

1.—(1) Where one of the child's parents is alive, the child's special allowance in respect of the death of a member (in this Part referred to as the "relevant parent") shall, subject to paragraph 3, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an amount equal to 10% of the average pensionable pay for a week of the relevant parent.

(3) Where 5 or more children's special allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an amount equal to 40% of the average pensionable pay for a week of the relevant parent divided by the total number of allowances so payable.

2.—(1) Where the relevant parent was the child's only surviving parent or in respect of the period after the death of the child's other parent, the child's special allowance shall, subject to paragraph 3, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an amount equal to 20% of the average pensionable pay for a week of the relevant parent.

(3) Where 5 or more children's special allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an amount equal to 80% of the average pensionable pay for a week of the relevant parent divided by the total number of allowances so payable.

3. The amount of a child's special allowance determined in accordance with paragraph 1 or 2 shall be increased in accordance with Part XIV of these Regulations.

PART III

Regulation 37

CHILD'S ACCRUED ALLOWANCE

1. Subject as hereinafter provided, a child's accrued allowance shall be determined in like manner as an ordinary allowance would be determined under Part I of this Schedule if the child were entitled to such an allowance.

2. Except where the parent in respect of whose death the allowance is payable (in this Part referred to as the "relevant parent") is such a person as is referred to in paragraph 3, the specified amount, for the purposes of paragraph 1 or 2 of the said Part I as applied hereby, shall be the amount of the relevant parent's deferred pension and not the amount specified in the said Part I.

3.—(1) This paragraph shall apply where the relevant parent is the father and he is entitled to reckon pensionable service otherwise than by virtue of—

- (a) service as a member or as a regular policeman in Great Britain on or after 1st April 1972;
- (b) by virtue of service on or after 1st April 1956 and Regulation 86 and the proviso to Regulation 87(1).

(2) Where this paragraph applies, the specified amount, for the purposes of paragraph 1 or 2 of Part I of this Schedule as applied hereby, shall be the following proportion of the amount of the relevant parent's deferred pension, that is to say, the proportion which that parent's half-rate service (within the meaning of Part IV of Schedule 3) bears to the pensionable service reckonable by him, each period being reckoned in completed years up to 20 years and in completed half-years in so far as it exceeds 20 years, and not the amount specified in the said Part I.

4. For the purposes of paragraph 1 or 2 of Part I of this Schedule as applied hereby, in calculating the relevant parent's deferred pension the following provisions shall be disregarded, that is to say—

- (a) the restrictions on payment contained in Regulation 20(2), and
- (b) the provisions for the reduction of a pension contained in Regulations 21(6) and 22(7) and in Parts VII and VIII of Schedule 2.

5. For the purposes of Part I of this Schedule as applied hereby, paragraph 6 thereof shall have effect as if for sub-paragraph (1) thereof there were substituted the following provision, namely, that where in respect of any week the aggregate rate at which—

- (a) any widow's accrued pension, and
- (b) any children's accrued allowances determined in accordance with sub-paragraph (2) or (3) of paragraph 1 of the said Part I,

exceeds the rate at which the husband and father's deferred pension was payable immediately before his death, or would have been so payable had he attained the age of 60 years, the children's allowances shall be reduced by such factor as will ensure that the said aggregate rate does not exceed the last-mentioned rate.

PART IV

Regulations 34, 35 and 37

INCREASE IN CHILD'S ALLOWANCE IN CERTAIN CASES
DURING FIRST 13 WEEKS

1. This Part shall apply where the person in respect of whose death the allowance is payable was—

(a) a man who did not leave a widow entitled to a pension which was payable for a continuous period of 13 weeks, or

(b) a woman who was the child's only surviving parent,

unless, immediately before his death, that person was neither serving nor in receipt of a pension.

2. Where this Part applies, a child's ordinary, special or accrued allowance shall, so far as necessary, be increased in respect of the first 13 weeks for which it is payable so as to secure that, in respect of each such week, it is not less than the amount specified in paragraph 2(1)(a) or (b) of Part V of Schedule 3 except that, where two or more such allowances are payable in respect of the death of the same person, each allowance shall be so increased that it is of that amount divided by the number of such allowances:

Provided that where a widow's pension is payable in respect of any such week, a child's allowance in respect of the death of the same person shall not be so increased in respect of that week.

PART V

Regulation 38

CHILD'S GRATUITY IN LIEU OF ALLOWANCE

The gratuity referred to in Regulation 38 shall be such sum as may be agreed between the Police Authority and the father, mother or guardian, as the case may be, not exceeding the capitalised value of the allowance or of that part thereof to which the gratuity is an alternative calculated in accordance with tables prepared from time to time by the Government Actuary.

SCHEDULE 5

Regulations 50 and 51

Additional and Further Payments**PART I****CONTRIBUTIONS**

1. Where additional pension contributions are payable by a man under Regulation 50 in pursuance of such an election as is there mentioned, he shall pay such contributions at the rate specified in the second column of the Table in Appendix IV to the Schedule to the 1949 Order opposite to the number of completed years of service reckonable by him, at the time he made his election, by virtue of service before 1st April 1956.

2. Where additional pension contributions are payable by a man in pursuance of an election under Regulation 51(2), he shall pay such contributions at the rate specified in the second column of the following Table opposite to the number of completed years of pensionable service reckonable by him immediately before 1st September 1973 otherwise than by virtue of service on or after 1st April 1972 as a member or as a regular policeman in Great Britain.

3. Where further pension contributions are payable by a man in pursuance of an election under Regulation 51(3), he shall pay such contributions at the rate specified in the third column of the following Table opposite to the number of completed years of pensionable service reckonable by him immediately before 1st September 1973 otherwise than by virtue of service on or after 1st April 1972 as a member or as a member of a police force in Great Britain.

TABLE

Completed years of pensionable service taken into account	Rate expressed as a percentage of pensionable pay	
	Additional contributions	Further contributions
1	0.1	0.1
2	0.1	0.1
3	0.2	0.2
4	0.3	0.2
5	0.3	0.3
6	0.4	0.3
7	0.5	0.4
8	0.6	0.5
9	0.7	0.6
10	0.9	0.7
11	1.1	0.8
12	1.3	0.9
13	1.5	1.1
14	1.8	1.3
15	2.2	1.5
16	2.6	1.8
17	3.2	2.2
18	4.0	2.7
19	4.6	3.1
20	4.8	3.3
21	5.0	3.4
22	5.2	3.5
23	5.4	3.6
24	5.6	3.8
25	5.8	3.9
26	6.0	4.0
27	6.1	4.2
28	6.3	4.3
29	6.5	4.4
30	6.6	4.5
31	6.7	4.5
32	6.8	4.6
33	6.9	4.6
34	7.0	4.7
35	7.1	4.7
36	7.2	4.8
37	7.2	4.9
38	7.3	4.9
39	7.4	5.0

PART II

Regulation 52

LUMP SUMS

1. Where a payment by way of a lump sum is payable by a man in pursuance of an election under Regulation 52(2) or (3), it shall be calculated by reference to his annual pensionable pay immediately before 1st April 1972 or, if he was not then in receipt of pensionable pay, on the date on which he was thereafter first in receipt of such pay.

2. Where an additional payment by way of a lump sum is payable by a man in pursuance of an election under Regulation 52(2), the sum shall be of an amount equal to the percentage of his said pensionable pay specified in the second column of the following Table opposite to the number of completed years of pensionable service reckonable by him immediately before 1st September 1973 otherwise than by virtue of service on or after 1st April 1972 as a member or as a regular policeman in Great Britain.

3. Where a further payment by way of a lump sum is payable by a man in pursuance of an election under Regulation 52(3), the sum shall be of an amount equal to the percentage of his said pensionable pay specified in the third column of the following Table opposite to the number of years of pensionable service reckonable by him immediately before 1st September 1973 otherwise than by virtue of service on or after 1st April 1972 as a member or as a regular policeman in Great Britain.

TABLE

<i>Completed years of pensionable service taken into account</i>	<i>Payment expressed as a percentage of pensionable pay</i>	
	<i>Additional payment</i>	<i>Further payment</i>
1	1.2	1.0
2	2.0	1.6
3	2.9	2.3
4	3.8	3.0
5	4.7	3.7
6	5.7	4.4
7	6.7	5.2
8	7.8	5.9
9	8.9	6.6
10	10.0	7.3
11	11.1	8.1
12	12.2	8.8
13	13.3	9.6
14	14.5	10.3
15	15.7	11.1
16	16.9	11.8
17	18.2	12.6
18	19.5	13.3
19	20.7	14.0
20	21.9	14.8
21	23.1	15.5
22	24.3	16.3
23	25.5	17.1
24	26.7	17.9
25	27.7	18.6
26	28.6	19.2
27	29.4	19.7
28	30.1	20.2
29	30.7	20.6
30	31.2	20.9
31	31.5	21.1
32	31.7	21.2
33	31.8	21.3
34	31.9	21.4
35	32.0	21.5
36	32.2	21.6
37	32.3	21.7
38	32.5	21.8
39 or more	32.7	22.0

SCHEDULE 6

Regulation 66

Medical Appeals

1. Every notice of appeal under Regulation 66(2) shall be in writing.
2. On receipt of the appeal the Police Authority shall forward to the Ministry 2 copies thereof and of the certificate appealed against, with the name and address of the appellant.
3. The Ministry shall appoint an independent person or persons (hereafter in this Schedule referred to as the "medical referee") to decide the appeal.
4. A medical referee shall appoint a time and place for interviewing the appellant and for any such further interviews or examinations as he may consider necessary and shall give reasonable notice thereof to the appellant and the Police Authority.
5. At any time before any interview with the medical referee the appellant or the Police Authority may submit to the medical referee a statement relating to the subject matter of the appeal, and if they so submit a statement they shall send a copy thereof to the other party.
6. Any interview or examination may be attended by—
 - (a) the selected medical practitioner; and
 - (b) any duly qualified medical practitioner appointed for the purpose by either party.
7. The medical referee shall give written notice to the Police Authority and appellant of his decision and, if that decision is that he disagrees with any part of the certificate of the selected medical practitioner, shall send a copy of his certificate to the Police Authority and the appellant.
- 8.—(1) The medical referee shall be entitled to such fees and allowances as the Ministry may, with the approval of the Ministry of Finance, from time to time determine.
 - (2) The said fees and allowances shall be paid by the Police Authority.
- 9.—(1) Save as hereinafter provided, the expenses of each party to the appeal shall be borne by that party.
 - (2) Where the medical referee decides in favour of the Police Authority, the Authority may require the appellant to pay towards the cost of the appeal such sum not exceeding the referee's total fees and allowances as the Authority think fit.
 - (3) Where the medical referee decides in favour of the appellant, the Police Authority shall refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of any such interview or examination as is mentioned in paragraph 4.

SCHEDULE 7

Regulation 75

Transfer Values

1.—(1) The transfer value payable by the Police Authority under Regulation 75 shall, subject as hereafter in this Schedule provided, be calculated in accordance with this paragraph.

(2) The amounts shown in the second and third columns of the following Table or, where the transfer value is payable in respect of a woman, in the fourth and fifth columns thereof, in relation to an age which corresponds with that of the member are to be multiplied respectively by the number of completed years and the number of completed months aggregating less than a year, which the member was entitled to reckon as pensionable service immediately before the date of transfer:

Provided that in calculating the number of completed years and completed months which he was entitled to reckon as aforesaid—

(a) any period by which his pensionable service exceeded 30 years shall be ignored; and

(b) any period by which his pensionable service exceeded 20 years but did not exceed 30 years shall be counted twice.

(3) The sum of the products aforesaid is the transfer value appropriate in respect of £100 of annual pensionable pay.

(4) The total transfer value referred to in sub-paragraph (1) is to be calculated proportionately by reference to the annual pensionable pay of the member.

TABLE

Age in years	Sum in respect of £100 of annual pensionable pay			
	In the case of a man, for each completed		In the case of a woman, for each completed	
	Year	Month	Year	Month
	£	£	£	£
Less than 24	19.70	1.65	12.50	1.05
24	19.70	1.65	12.60	1.05
25	19.70	1.65	12.85	1.05
26	19.70	1.65	13.30	1.10
27	19.70	1.65	13.90	1.15
28	19.70	1.65	14.60	1.20
29	19.70	1.65	15.40	1.30
30	19.75	1.65	16.25	1.35
31	19.85	1.65	17.15	1.45
32	20.05	1.65	18.05	1.50
33	20.30	1.70	18.90	1.55
34	20.60	1.70	19.75	1.65
35	21.00	1.75	20.55	1.70
36	21.45	1.80	21.25	1.75
37	21.95	1.85	21.85	1.80
38	22.45	1.85	22.40	1.85
39	22.95	1.90	22.90	1.90
40	23.45	1.95	23.40	1.95
41	23.90	2.00	23.90	2.00
42	24.35	2.05	24.40	2.05
43	24.80	2.05	24.90	2.05
44	25.25	2.10	25.40	2.10
45	25.65	2.15	25.90	2.15
46	25.95	2.15	26.40	2.20
47	26.20	2.20	26.85	2.25
48	26.40	2.20	27.25	2.25
49	26.55	2.20	27.55	2.30
50	26.65	2.20	27.80	2.30
51	26.70	2.20	28.05	2.35
52	26.75	2.25	28.30	2.35
53	26.80	2.25	28.50	2.40
54	26.85	2.25	28.70	2.40
55 or more	26.90	2.25	28.85	2.40

2.—(1) A transfer value calculated as aforesaid shall be reduced in accordance with sub-paragraphs (2) and (3)—

(a) in the case of a member other than one who, immediately before the date of transfer, was paying pension contributions at the rate of 1p a week less than the appropriate percentage of his pensionable pay;

(b) in the case of a member entitled to reckon pensionable service, immediately before the date of transfer, by virtue of a participating period of relevant employment.

(2) The amount shown in the second column of the following Table or, in the case of a woman, in the third column thereof, in relation to an age which corresponds with that of the member is the amount of the reduction in respect of each £1 by which the annual value of his pension would be reduced—

(a) under paragraph 1 of Part VII of Schedule 2, in a case in which sub-paragraph (1)(a) applies, and

(b) under paragraphs 2 and 3 of the said Part VII, in a case in which sub-paragraph (1)(b) applies.

in respect of any period beyond insured pensionable age, if he had become entitled to a pension on the date of transfer.

(3) The total reduction is to be calculated proportionately by reference to the amount by which the annual value of such a pension would be so reduced:

(4) For the purposes of sub-paragraph (1)(b) and of the provisions supplied by sub-paragraph (2)(b) a period shall be treated as a participating period of relevant employment notwithstanding that a payment in lieu of contributions only fell to be made after the date of transfer.

TABLE
REDUCTION OF TRANSFER VALUE

Age in years	Reduction for each £1. by which annual value of pension would be reduced	
	In the case of a man	In the case of a woman
Less than 24	£ 1.80	£ 1.40
24	1.95	1.65
25	2.10	1.90
26	2.25	2.20
27	2.35	2.55
28	2.45	2.90
29	2.60	3.30
30	2.70	3.75
31	2.80	4.25
32	2.95	4.70
33	3.05	5.10
34	3.20	5.45
35	3.30	5.75
36	3.45	6.05
37	3.60	6.35
38	3.70	6.65
39	3.85	6.95
40	4.00	7.25
41	4.15	7.55
42	4.30	7.80
43	4.45	8.05
44	4.60	8.30
45	4.75	8.60
46	4.95	8.95
47	5.15	9.30
48	5.35	9.65
49	5.55	10.00
50	5.75	10.35
51	5.95	10.70
52	6.20	11.10
53	6.45	11.50
54	6.70	11.90
55	7.00	12.35
56	7.30	12.80
57	7.60	13.30
58	7.95	13.85
59	8.30	14.45
60	8.70	
61	9.15	
62	9.60	
63	10.10	
64	10.60	

3.—(1) For the purpose of calculating a transfer value payable, any reference to the age of the member shall be construed as a reference to his age at the date of transfer.

(2) Any reference in this Schedule to the annual pensionable pay of a member is a reference to the annual value of his pensionable pay immediately before the date of transfer, any retrospective increase therein granted after that time being ignored.

SCHEDULE 8

Regulations 81 and 82

Limits in Respect of Awards To or In Respect of Servicemen

1.—(1) The amount of the pension payable to a serviceman for any period shall not, when aggregated with the amount of any armed forces pension or award which is also payable to or in respect of him for that period in pursuance of any Royal Warrant or other instrument, exceed the amount of the award which would have been payable for that period if the injury as a result of which he is permanently disabled had been treated as if it were an injury received without his own default in the execution of his duty as a member.

(2) The reference in the preceding sub-paragraph to an armed forces pension or award shall not include an allowance for constant attendance, wear and tear of clothing or comforts.

2. The amount of the pension payable to the widow of a serviceman for any period shall not, when aggregated with the amount of any armed forces pension or award which is also so payable for that period in respect of her husband in pursuance of any Royal Warrant or other instrument, exceed the amount of the pension which would have been payable for that period if the injury as a result of which her husband died had been treated as if it were an injury received without his own default in the execution of his duty as a member.

3. The amount of the allowance payable to a child of a serviceman for any period shall not, when aggregated with the amount of any armed forces pension or award payable to or for the child for that period in respect of the father in pursuance of any Royal Warrant or other instrument, exceed the amount of the allowance which would have been payable for that period if the injury as a result of which the father died had been treated as if it were an injury received without his own default in the execution of his duty as a member.

4. Where the armed forces award the amount whereof for any period is to be aggregated for the purpose of this Schedule with the amount of any pension or allowance payable to any person for that period is a gratuity, the amount of the armed forces award for the period shall be taken to be the amount which would be payable for that period under Part I of the Government Annuities Act 1929(z) if the gratuity had been laid out at the date when it became payable in the pursuance of any annuity dependent on the life of that person.

EXPLANATORY NOTE

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

These Regulations have, with minor exceptions, effect from 1 April 1972 and apply from that date to the exclusion of the Royal Ulster Constabulary Pensions Order 1949 in the case of members of the Constabulary with service on or after that date, but have effect subject to the Royal Ulster Constabulary Pensions (Transitory Provisions) Regulations 1973. The main differences between the provisions of the present Regulations and the provisions which they replace are described below.

The normal qualifying period of service for an ill-health or short service pension is reduced from 10 to 5 years (Regulations 17(3)(a) and 18(3)). Ill-health pensions are payable at enhanced rates (Part II of Schedule 2).

A member of the Constabulary disabled as the result of an injury received in the execution of duty is entitled not only to an injury pension (corresponding to a supplemental pension under the 1949 Order) but also to a gratuity (Regulation 19). Injury pensions are payable at enhanced rates (Part V of Schedule 2).

A person with 5 years' service who has attained the age of 26 years can normally, on ceasing to be a member in circumstances in which no other award is payable, elect to be granted a deferred pension (which becomes payable at the age of 60 or earlier in case of disablement) instead of a return of pension contributions (Regulation 20).

Widows' pensions and children's allowances are payable at enhanced rates (Schedules 3 and 4), in particular during the first 13 weeks for which they are payable. Where the member died as the result of an injury received in the execution of duty a gratuity is normally payable in addition to a widow's special pension (Regulation 25(2)). Provision is made for the payment of pensions and allowances to the widows and children of men who have elected to be granted deferred pensions (Regulations 27 and 37).

Where a member dies as a result of an injury received in the execution of duty there is discretionary power to grant a special pension to any adult relative who was dependent on him (Regulation 33).

Awards are normally calculated in pensionable pay averaged over the last year, instead of the last 3 years (Regulation 48).

The provision already made for increased pension contributions, 7% (in the case of a male member) and 5% (in the case of a female member) of pensionable pay (less 6p or 1p a week) is repeated.

Only where a member has paid pension contributions throughout his period of service at this new rate or equivalent "additional" or "further" payments are made, are his widow and children entitled to the full benefit of the enhanced rates of dependant's awards. Regulations 51 to 56 enable a person to elect to make these equivalent payments.

The Regulations apply to auxiliary members who were permanent members of the Ulster Special Constabulary as they apply to members of the Royal Ulster Constabulary. The pension contributions of other auxiliary members and the range of awards for which their service qualifies are the same as when the persons concerned were "mobilised" members of the Ulster Special Constabulary.