1973. No. 28 **[C]**

POLICE CADETS

Pensions

REGULATIONS, DATED 1ST FEBRUARY 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 10 OF THE POLICE ACT (NORTHERN IRELAND) 1970.

The Ministry of Home Affairs on behalf of the Secretary of State, in exercise of the powers conferred on it by section 10 of the Police Act (Northern Ireland) 1970(a) and of all other powers enabling it in that behalf and after consulting the Police Authority, the Police Association and, in accordance with the Police Act 1969(b), the Police Council for the United Kingdom hereby makes the following Regulations:—

PART I

Citation and commencement

1. These Regulations may be cited as the Police Cadets (Pensions) Regulations (Northern Ireland) 1973, shall come into operation on 1st February 1973 and shall have effect as from 1st January 1973.

Interpretation

2.—(1) In these Regulations—

"dependant" means any relative other than his widow who was dependent to any degree on a police cadet at the time of his death;

"injury" includes any injury or disease, whether of body or mind;

"Ministry" means the Ministry of Home Affairs;

'Schedule" means the Schedule to the Royal Ulster Constabulary Pensions Order 1949(c).

(2) Paragraphs 1(2), 1(4), 39(2), 40, 42, 43, 44, 45, 46, 47, 57(4)(*b*), 57(4A), 57(8) and 57(9) of the Schedule shall apply for the purposes of these Regulations as they apply for the purposes of the Schedule as if a police cadet were a member of the Royal Ulster Constabulary.

(3) For the purposes of these Regulations a reference to a qualifying injury is a reference to an injury received by a person, without his own serious or culpable negligence or misconduct—

(*a*) while on duty as a police cadet or while on a journey necessary to enable him to report for duty or to return to his usual place of abode after duty, or

(*b*) while taking action which, in the opinion of the Ministry, it was appropriate that he should take by reason of his being a police cadet,

and includes a reference to an injury so received before the date from which these Regulations have effect.

(a) 1970 c. 9 (N.I.).
(b) 1969. c. 63.
(c) S.R. & O. (N.I.) 1949, No. 211.

(4) For the purposes of these Regulations a reference in the Schedule to a person serving as a member shall be construed as a reference to a person serving as a police cadet; and any reference in the Schedule to retirement or to ceasing to be a member shall be construed as a reference to the termination of a period of such service.

(5) For the purposes of these Regulations a reference to a police cadet is a reference to a police cadet appointed under section 10 of the Police Act (Northern Ireland) 1970 and, except where the context otherwise requires, includes a reference to a person who has been a police cadet.

(6) For the purpose of calculating an award under these Regulations to or in respect of a police cadet—

(*a*) his period of pensionable service shall be his period of service as a police cadet or, if the award is made under Part III, his period of such service from the date of his 18th birthday;

(*b*) his average pensionable pay shall be the aggregate of the pay to which he has been entitled in respect of his period of pensionable service divided by the number of years and fractions of a year comprised in that period; and

(*c*) his average pensionable pay for a week shall be taken to be his average pensionable pay divided by $52\frac{1}{5}$.

PART II

3. This Part shall apply to—

(*a*) a police cadet who, while under the age of 18 years, ceases to serve as such and is permanently disabled as the result of a qualifying injury, and

(*b*) the widow or a dependant of a police cadet who dies as the result of a qualifying injury either when serving as such while under the age of 18 years or at any time if he ceased to serve as such while under that age.

4.—(1) Subject to the provisions of paragraph (2) and of Regulations 2 and 5, a person to whom this Part applies shall be entitled to a gratuity—

(*a*) by way of a lump sum equal to twice the average pensionable pay of the police cadet to whom or in respect of whom the award is being made, or

(*b*) by way of periodical payments equal in the aggregate to the lump sum aforesaid, or

(*c*) by way of an annuity the capital value of which is equal to the said lump sum.

(2) Where more than one dependant is entitled to a gratuity under paragraph (1) the provisions of that paragraph shall apply to each gratuity as if for the lump sum amount specified therein there were substituted an amount equal to the said amount divided by the number of gratuities.

5. Where a gratuity has been awarded under Regulation 4 to a police cadet who subsequently dies a gratuity under that Regulation may be awarded to his widow or a dependant of his if either—

(*a*) the gratuity to the police cadet was by way of periodical payments and the police cadet dies before all the payments are completed, or

(*b*) the said gratuity was by way of an annuity and the police cadet dies before receiving an aggregate amount equal to the capital value of the gratuity,

and Regulation 4 shall apply to the gratuity to the widow or dependant as if for the lump sum amount specified in paragraph (1) thereof there were substituted the aggregate amount of the periodical payments outstanding at the police cadet's death or, as the case may be, the difference between the capital value of the annuity payable to the police cadet and the aggregate of the payments made to him before his death.

PART III

6. This Part shall apply to—

(*a*) a police cadet who ceases to serve as such after attaining the age of 18 years and who is permanently disabled as the result of a qualifying injury, and

(*b*) the widow or a child of a police cadet who has served as such after attaining the age of 18 years and who dies as the result of a qualifying injury.

Police Cadet's ill-health and supplemental pensions

7.—(1) Subject to the provisions of these Regulations, a police cadet to whom this Part applies shall be entitled to a supplemental pension together with, where he ceases to serve as such on the grounds that he is disabled, an ill-health pension; and subject to Regulation 2 and to paragraphs (2) to (5) of this Regulation, paragraph 2, 4, 6, 6B(1) to (6) and 38 of the Schedule shall apply as if he were such a member of the Royal Ulster Constabulary as is mentioned in paragraph 4(1)(*a*)(ii) or, as the case may be, in paragraph 6(1) of the Schedule.

(2) Paragraph 4 of the Schedule, as so applied, shall have effect as if the references to Parts III and V of Appendix I were omitted therefrom.

(3) An ill-health pension payable under paragraph 4 of the Schedule, as so applied, shall be reduced in respect of any period beyond insured pensionable age by an amount calculated at the annual rate of the graduated retirement benefit which would be payable to the pension concerned, on the assumption that he retired from regular employment on attaining insured pensionable age, in return for the payment in respect of his period of pensionable service of graduated contributions at the rate specified in section 4(1)(*c*) of the National Insurance Act (Northern Ireland) 1966(**d**), as originally enacted.

(4) For the purposes of paragraph (3) the expressions "graduated contribution" and "graduated retirement benefit" shall have the meanings respectively which they have for the purposes of the National Insurance Act (Northern Ireland) 1966, and a 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.

(5) Paragraph 38 of the Schedule, as so applied, shall have effect as if the reference to a supplemental pension included a reference to an ill-health pension.

(**d**) 1966. c. 6 (N.I.).

Widow's special pension

8. Subject to the provisions of Regulation 2 and of this Part, a widow to whom this Part applies shall be entitled to a special pension and paragraphs 2, 13, 14, 16, 18, 19, 20 and 30B of the Schedule shall apply as if her husband had been a member of the Royal Ulster Constabulary at the time that he received the qualifying injury.

Widow's augmented award

9.—(1) This Regulation shall apply to a widow where one of the following conditions is satisfied in relation to her husband, 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, whether in the course of assisting a constable or otherwise, 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 Ministry are of the opinion that one of the preceding conditions may be satisfied, and that this Regulation should apply, or

(*e*) the Ministry are of the opinion that the injury was received otherwise than as 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 a widow's special pension payable to a widow to whom this Regulation applies, paragraph 13 of the Schedule (as applied by Regulation 8) shall have effect subject to the provisions of paragraph 13A(1) and (2) of the Schedule.

(3) Subject to the provisions of Regulation 2 and of this Part, a widow to whom this Regulation applies shall be entitled to a gratuity in addition to a special pension and paragraphs 13A(1), (3) and (4) 18, 19 and 20 shall apply as if her husband had been a member of the Royal Ulster Constabulary at the time that he received the injury and as if the reference in the said paragraph 13A(4) to annual pensionable pay were a reference to the annual pensionable pay of a police cadet attached to the London Metropolitan Police who has attained the age of 19 years.

Child's special allowances

10. Subject to the provisions of Regulation 2 and of this Part, a child to whom this Part applies shall be entitled to a child's special allowance and paragraphs 2, 22, 23, 24, 25, 25A, 26 and 30B of the Schedule shall apply as if the parent had been a member of the Royal Ulster Constabulary at the time that he received the injury.

Child's special gratuity

11.—(1) This Regulation shall apply to a child where one of the conditions set out in Regulation 9(1) is satisfied in relation to the child's parent and—

(*a*) in the case of a man, he does not leave a widow entitled to a gratuity under Regulation 9(3), or

(*b*) in the case of a woman, she was the child's only surviving parent.

(2) Subject to the provisions of Regulation 2 and of this Part, a child to whom this Regulation applies shall be entitled to a gratuity in addition to a special allowance and paragraphs 22A and 25 of the Schedule shall apply as if the parent had been serving as a member of the Royal Ulster Constabulary at the time that he received the injury and as if any reference in the said paragraph 22A to paragraph 13A were a reference to that paragraph as applied by Regulation 9.

Sealed with the Official Seal of the Ministry of Home Affairs this 1st day of February 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 this 1st day of February 1973.

(L.S.)

C. F. Darling,
Assistant Secretary,
Ministry of Finance.

EXPLANATORY NOTE

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

These Regulations provide for the award of pensions, allowances and gratuities to or in respect of police cadets who are permanently disabled or die as the result of a qualifying injury as defined in Regulation 2(3). Where a cadet's service ceases while he is under the age of 18 years the award is a gratuity, but where he serves up to or beyond that age the award is, by the application with modifications of certain provisions of the Royal Ulster Constabulary Pensions Order 1949, related to the award which would be made if the cadet were a member of the Royal Ulster Constabulary.