CONSTABULARY, IRELAND

1956 No. 427

The Royal Irish Constabulary (Widows' Pensions) Regulations, 1956

Made - - - -	21*st March*, 1956
Laid before Parliament	28*th March*, 1956
Coming into Operation	1*st April*, 1956

In exercise of the powers conferred on me by section one of the Royal Irish Constabulary (Widows' Pensions) Act, 1954(a), I hereby, with the consent of the Treasury, make the following Regulations:—

Supplementary allowance payable to certain widow pensioners

1. Where the widow of a former member of the Royal Irish Constabulary is entitled to a pension under the enactments (other than the Royal Irish Constabulary (Widows' Pensions) Act, 1954) relating to the pensions of that force, then, if and for so long as—

(*a*) the conditions prescribed by Regulation 3 of these Regulations are satisfied in her case, and

(*b*) the combined rate of the said pension and of her relevant income, determined in accordance with the Schedule to these Regulations, is less than forty shillings a week,

a supplementary allowance may, if the Secretary of State thinks fit, be paid to that widow at such rate as will secure that the combined rate of the said pension, of her relevant income determined as aforesaid and of the said allowance is equal to forty shillings a week.

Pension payable to certain widows not otherwise entitled to pension

2. Where a widow is not entitled to a pension under the aforesaid enactments in a case where her husband ceased to be a member of the Royal Irish Constabulary before the first day of September, 1918, or if his rank was higher than that of head constable major before the first day of April, 1919, then, if and for so long as—

(*a*) the conditions prescribed by Regulation 3, and one of the further conditions prescribed by Regulation 4, of these Regulations are satisfied in her case, and

(*b*) the rate of her relevant income, determined in accordance with the Schedule to these Regulations, is less than forty shillings a week,

a pension may, if the Secretary of State thinks fit, be paid to that widow at such rate as will secure that the combined rate of the said pension and of her relevant income determined as aforesaid is equal to forty shillings a week:

(a) 2 & 3 Eliz. 2. c. 17.

Provided that the rate of the pension shall be five shillings a week in any case where the weekly rate otherwise payable under this Regulation would be less than that sum.

Conditions for payment of supplementary allowances and pensions

3.—(1) The prescribed conditions referred to in paragraph (*a*) of each of the foregoing Regulations are the following, that is to say:—

(*a*) that the widow married her husband before he ceased to be a member of the Royal Irish Constabulary;

(*b*) that she has attained the age of sixty or is incapable of self-support or has a dependent child;

(*c*) that she is ordinarily resident in the United Kingdom, any of the Channel Islands, the Isle of Man or the Republic of Ireland.

(2) For the purposes of sub-paragraph (*b*) of the foregoing paragraph, a woman shall be deemed incapable of self-support if, but only if, she is incapable of supporting herself by reason of physical or mental infirmity and is likely to remain so incapable for a prolonged period.

Further conditions for payment of pensions

4. The further prescribed conditions referred to in paragraph (*a*) of Regulation 2 of these Regulations are the following, that is to say:—

(*a*) that the member in question died while serving in the Royal Irish Constabulary or while in receipt of a pension under the enactments relating to the pensions of that force;

(*b*) that having retired without a pension from that force on account of injury or disease, he died in consequence of that injury or disease;

(*c*) that he died or was disabled while employed on naval or military service in such circumstances that subsection (2) of section one of the Irish Police (Naval and Military Service) Act, 1915(**a**), applied in his case.

Payments after remarriage

5. Where the widow of a former member of the Royal Irish Constabulary has remarried and again become a widow, the same payments may be made to her under these Regulations as if she had not remarried; but save as aforesaid no payment shall be made under these Regulations where a widow of a former member of that force has remarried or is otherwise cohabiting with a man.

Application of provisions of 1922 *Order*

6. Articles 15 and 16 of the Royal Irish Constabulary Pensions Order, 1922(**b**) (which relate to the assignment, forfeiture and withdrawal of pensions and contain provisions regulating payment), shall apply to any supplementary allowance or pension payable under these Regulations as the said Articles apply to a pension payable under that Order.

(**a**) 5 & 6 Geo. 5. c. 32. (**b**) S.R. & O. 1922/945 (1922, p. 112).

Interpretation

7.—(1) In these Regulations, "child" includes a stepchild and a child adopted in pursuance of an order of a court of law; and for the purposes of these Regulations a child may be treated as a dependent child—

(*a*) during any period while he is under the age of fifteen years; and

(*b*) during any period before the first day of August next following the day on which he attains the age of sixteen years while he is undergoing full-time instruction in a school or is an apprentice.

(2) Any reference in these Regulations to the rate of any pension shall be construed as a reference to that rate after taking into account any increase payable under any Pensions (Increase) Act, that is to say, under any enactment, whether passed before or after the making of these Regulations, providing for increases in any pensions payable under the enactments relating to the pensions of the Royal Irish Constabulary.

(3) For the purpose of determining the amount of any payment under these Regulations there shall be deemed to be fifty-two weeks and one-sixth of a week in every year.

(4) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended by or under any subsequent enactment.

(5) The Interpretation Act, 1889(**a**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Revocation, citation and commencement

8.—(1) The Royal Irish Constabulary (Widows' Pensions) Regulations, 1954(**b**), and the Royal Irish Constabulary (Widows' Pensions) Regulations, 1955(**c**), are hereby revoked.

(2) These Regulations may be cited as the Royal Irish Constabulary (Widows' Pensions) Regulations, 1956, and shall come into operation on the first day of April, 1956.

G. Lloyd-George,
One of Her Majesty's Principal Secretaries of State.

21st March, 1956.

We consent,

Martin Redmayne,
Gerald Wills,
Two of the Lords Commissioners of Her Majesty's Treasury.

21st March, 1956.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1954/703 (1954 I, p. 510).
(c) S.I. 1955/529 (1955 I, p. 518).

SCHEDULE Regulations 1 and 2

DETERMINATION OF RELEVANT INCOME

1. For the purposes of Regulations 1 and 2 of these Regulations, the weekly rate of the relevant income of a widow shall be determined from the aggregate of—

(*a*) the annual amount received by her of any benefit or pension under the National Insurance Acts, 1946(a), or the Old Age Pensions Act, 1936(b), or of any similar benefit or pension paid out of public funds in Northern Ireland, any of the Channel Islands, the Isle of Man or the Republic of Ireland, and

(*b*) so much of her annual private income, calculated in accordance with paragraph 2 of this Schedule, as exceeds one hundred and four pounds.

2. For the purposes of the foregoing paragraph, the annual private income of a widow shall include—

(*a*) any pension, grant, allowance or annuity received by her (other than a pension payable under the enactments relating to the pensions of the Royal Irish Constabulary, assistance grants and any such benefit or pension as is specified in sub-paragraph (*a*) of the foregoing paragraph);

(*b*) where land or house property or other buildings are owned by her and occupied by her in whole or in part, the net annual value thereof;

(*c*) where land or house property or other buildings are owned by her and not occupied by her at all, but let in whole or in part unfurnished, the net annual value thereof or the rent per annum receivable by her in respect of such letting, whichever is the less (plus the excess rent (if any) to be included under sub-paragraph (*f*) of this paragraph);

(*d*) interest or dividends paid to her on stocks, shares, mortgages or other securities or on moneys on deposit;

(*e*) profits or wages earned by her in any trade, business (including farming or husbandry), profession, employment or vocation, including overtime pay and bonus (if any) and the value of board, lodging, fuel, light or other benefits, if any, whether receivable in cash or in kind;

(*f*) the annual value of any net receipts by her by way of income from other sources (including profits of letting furnished houses or other premises and excess rents from letting unfurnished houses or other premises in respect of which she is chargeable under sections one hundred and seventy-five and one hundred and seventy-six of the Income Tax Act, 1952(c)).

3.—(1) In sub-paragraph (*a*) of the last foregoing paragraph, the expression "assistance grants" means assistance grants within the meaning of the National Assistance Act, 1948(d), or similar grants paid out of public funds in Northern Ireland, any of the Channel Islands, the Isle of Man or the Republic of Ireland.

(2) For the purposes of sub-paragraphs (*b*) and (*c*) of the last foregoing paragraph, land or house property or other buildings held by the widow on lease shall be deemed to be owned by her if, and only if, the lease is a ground lease, that is to say, a lease at a rent (or, where the rent varies, at a maximum rent) which does not substantially exceed the rent which a tenant might reasonably have been expected, at the commencement of the term created by the lease, to pay for the land comprised in the lease, excluding any buildings, for a term equal to the term created by the lease.

(a) 9 & 10 Geo. 6. c. 62 and 9 & 10 Geo. 6. c. 67. (b) 26 Geo. 5 & 1 Edw. 8. c. 31.
(c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10. (d) 11 & 12 Geo. 6. c. 29.

4. For the purpose of determining the annual private income of a widow in accordance with this Schedule—

(*a*) the net annual value of any land or house property or other buildings situate in Great Britain or Northern Ireland shall be taken to be the annual value as assessed for the purposes of income tax under Schedule A, less—

(i) any sum by which the assessment is reduced for the purposes of collection in respect of the cost of repairs;

(ii) any further sum on which income tax could be reclaimed by the widow under the provisions of section one hundred and one of the Income Tax Act, 1952, on the ground that the cost to her, on the average of the five preceding years, of the maintenance, repairs, insurance and management of the property has exceeded the sum by which the assessment is reduced for the purposes of collection in respect of the cost of repairs;

(iii) any sums allowable in respect of empty property, land tax, drainage rates, lost rents, tithe redemption annuity and other allowances of a like nature, and (in Scotland) owner's rates, and (in Northern Ireland) landlord's rates and certain annuities;

(*b*) the net annual value of any land or house property or other buildings situate elsewhere shall be calculated on a basis as near as practicable to that specified in sub-paragraph (*a*) of this paragraph;

(*c*) from the income of the widow (other than a pension specified in the First Schedule to the Pensions (Increase) Act, 1944(a), or the First Schedule to the Pensions (Increase) Act, 1952(b), or a service pension as defined in the Second Schedule to the said Act of 1944) a deduction shall be allowed in respect of the amount of interest, ground rent, or (in Scotland) feu duty or ground annual, or other annual charges payable out of, or secured on her property or income:

Provided that no deduction shall be allowed under this sub-paragraph in respect of—

(i) rates or taxes or any premium on a policy of insurance;

(ii) any instalment of the repayment of the principal of a loan;

(iii) any charge which may also be allowed as a deduction under sub-paragraph (*a*) or (*b*) of this paragraph;

(iv) any bank interest which has already been allowed as a deduction in calculating profits; or

(v) payments made towards the maintenance of her dependants.

5. For the purpose of enabling the relevant income of a widow to be determined in accordance with this Schedule, she may be required to make a declaration of income in such form and at such times as may be determined by the Secretary of State.

EXPLANATORY NOTE

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

These Regulations consolidate with two minor amendments the provisions of the Royal Irish Constabulary (Widows' Pensions) Regulations, 1954, and the Royal Irish Constabulary (Widows' Pensions) Regulations, 1955, which are revoked by Regulation 8. In Regulation 7 (2), for the reference in the Regulations of 1954 to the Pensions (Increase) Acts of 1920 and 1924, of 1944 and 1947 and of 1952, there is substituted a reference in general terms to any Pensions (Increase) Act; in paragraph 4 of the Schedule the provisions of Regulations 4 and 5 of the Increase of Pensions (Calculation of Income) Regulations, 1952, are set out instead of being incorporated by reference as in the Regulations of 1954.

(a) 7 & 8 Geo. 6. c. 21. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.