Now, therefore, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. Section 22 of the Land Powers (Defence) Act, 1958, shall come into force on the 27th day of October, 1958.

2. This Order may be cited as the General Claims Tribunal (Transfer Date) Order, 1958.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order fixes the 27th October, 1958, as the date when section 22 of the Land Powers (Defence) Act, 1958, comes into force. Section 22 abolishes the General Claims Tribunal and transfers its jurisdiction to the Lands Tribunal in England and appropriate tribunals in Scotland and Northern Ireland.

CONSTABULARY, IRELAND

1958 No. 101

The Royal Irish Constabulary (Widows' Pensions) Regulations, 1958

Made - - - -	*20th January*, 1958
Laid before Parliament	*23rd January*, 1958
Coming into Operation	*27th January*, 1958

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 4 of these Regulations are satisfied in her case, and

(*b*) the combined rate of the said pension and of any state insurance benefit received by her is less than fifty shillings a week,

---

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

a supplementary allowance may, if the Secretary of State thinks fit, be paid to that widow at such rate, subject to the provisions of Regulation 3 of these Regulations, as will secure that the combined rate of the said pension, of any state insurance benefit received by her and of the said allowance is equal to fifty 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 4, and one of the further conditions prescribed by Regulation 5, of these Regulations are satisfied in her case, and

(*b*) the rate of any state insurance benefit received by her is less than fifty shillings a week,

a pension may, if the Secretary of State thinks fit, be paid to that widow at such rate, subject to the provisions of Regulation 3 of these Regulations, as will secure that the combined rate of the said pension and of any state insurance benefit received by her is equal to fifty shillings a week:

Provided that the rate of the pension shall, subject to the provisions of Regulation 3 of these Regulations, be five shillings a week in any case where the weekly rate otherwise payable under this Regulation would be less than that sum.

Adjustment of supplementary allowances and pensions in relation to non-contributory pensions

3. Where a widow is in receipt of a non-contributory pension under the Old Age Pensions Act, 1936(a), or any similar pension paid out of public funds in Northern Ireland, any of the Channel Islands, the Isle of Man or the Republic of Ireland, the Secretary of State may make such reduction in the amount of any supplementary allowance or pension otherwise payable to her under these Regulations as may be necessary to secure that she shall receive the greatest possible amount in respect of the supplementary allowance or pension, as the case may be, and the non-contributory pension taken together.

Conditions for payment of supplementary allowances and pensions

4.—(1) The prescribed conditions referred to in paragraph (*a*) of Regulations 1 and 2 of these 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.

(a) 26 Geo. 5 & 1 Edw. 8. c. 31.

Further conditions for payment of pensions

5. 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

6. 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

7. 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.

Interpretation

8.—(1) In these Regulations, "state insurance benefit" means any benefit or pension under the National Insurance Acts, 1946(c), or 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.

(2) 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.

(3) 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.

(a) 5 & 6 Geo. 5. c. 32. (b) S.R. & O. 1922/945 (1922, p. 112).
(c) 9 & 10 Geo. 6. c. 62 and 9 & 10 Geo. 6. c. 67.

(4) 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.

(5) 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.

(6) 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

9.—(1) The Royal Irish Constabulary (Widows' Pensions) Regulations, 1956(b), are hereby revoked.

(2) These Regulations may be cited as the Royal Irish Constabulary (Widows' Pensions) Regulations, 1958, and shall come into operation on the twenty-seventh day of January, 1958.

R. A. Butler,
One of Her Majesty's Principal Secretaries of State.

14th January, 1958.

We consent,

Martin Redmayne,
Anthony Barber,
Two of the Lords Commissioners of Her Majesty's Treasury.

20th January, 1958.

EXPLANATORY NOTE

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

These Regulations re-enact with amendments the Royal Irish Constabulary (Widows' Pensions) Regulations, 1956, which are revoked by Regulation 9.

The main changes are as follows. Under the 1956 Regulations an award by way of supplementary allowance or pension might be paid to certain widows of former members of the Royal Irish Constabulary if the widow's other income (after certain deductions) was less than 40s. a week. The award was normally such as would secure that the combined rate of the award and the other income was equal to 40s. a week. The present Regulations substitute for the rate of 40s. a week the rate of 50s. a week and limit the other income to be taken into account to income by way of benefit or pension under the National Insurance Acts, 1946, or by way of 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.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1956/427 (1956 I, p. 515).