1966. No. 245 **[C]**

ROYAL ULSTER CONSTABULARY

Pensions

ORDER, DATED 4TH OCTOBER 1966, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 4 OF THE CONSTABULARY AND POLICE (IRELAND) ACT 1919 AND SECTION 2 OF THE CONSTABULARY ACT (NORTHERN IRELAND) 1922.

I, the Right Honourable Robert William Brian McConnell, Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 4 of the Constabulary and Police (Ireland) Act 1919(a) and section 2 of the Constabulary Act (Northern Ireland) 1922(b) and of all other powers enabling me in that behalf, with the concurrence of the Ministry of Finance do hereby order as follows:—

Citation

1. This Order may be cited as the Royal Ulster Constabulary Pensions (Amending) (No. 2) Order 1966, and shall be construed as one with the Royal Ulster Constabulary Pensions Orders 1949 to 1966, and those Orders and this Order may be cited together as the Royal Ulster Constabulary Pensions Orders 1949 to 1966.

Commencement

2. This Order shall come into operation on 5th October 1966.

Amendment of Royal Ulster Constabulary Pensions Order 1949

3. The Schedule to the Royal Ulster Constabulary Pensions Order 1949(c), as amended(d), shall be further amended as follows:—

(1) For paragraph 6(3)(*a*) (which provides that any relevant National Insurance injury benefit shall be taken into account for the purposes of entitlement to, and the amount of, a supplemental pension) there shall be substituted the following:—

"(*a*) any injury benefit payable under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(e) which relates to the relevant injury, together with, where he ceases to be a member on or after 6th October 1966, any supplement payable therewith under section 2 of the National Insurance (No. 2) Act (Northern Ireland) 1966"(f).

(2) For paragraph 6(3)(*c*) (which provides that any National Insurance sickness benefit payable on retirement shall be taken into account for the purposes aforesaid) there shall be substituted the following:—

(a) 9 & 10 Geo. 5. c. 68.
(b) 12 & 13 Geo. 5. c. 8 (N.I.).
(c) S.R. & O. (N.I.) 1949, No. 211.
(d) By the following S.R. & O.s (N.I.):—1950, No. 172; 1952, No. 89; 1953, No. 156; 1954, Nos. 98 and 118; 1955, No. 115; 1956, No. 49; 1957, No. 214; 1958, Nos. 81 and 184; 1959, No. 135; 1960, No. 13; 1961, Nos. 93 and 176; 1963, No. 64; 1964, Nos. 48 and 158; 1965, No. 66; 1966, No. 68.
(e) 1966. c. 9 (N.I.).
(f) 1966. c. 16 (N.I.).

"(*c*) any sickness benefit payable under the National Insurance Act (Northern Ireland) 1966(a) 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 that Act or regulations made thereunder, together with, where he ceases to be a member on or after 6th October 1966, any supplement thereto payable under section 2 of the National Insurance (No. 2) Act (Northern Ireland) 1966".

(3) For paragraph 12(3) (which relates to the discretionary increase of a widow's ordinary pension) there shall be substituted the following:—

"(3) Subject to sub-paragraphs (3A) and (4) the increase which may be granted under this paragraph shall be at a rate not exceeding 112s. 6d. a week for the first 26 weeks that the pension is payable and thereafter, during the periods and in the conditions set out in Part II of Appendix II, at a rate not exceeding 80s. 0d. a week.

(3A) Where the husband died before 6th July 1966, sub-paragraph (3) shall have effect as if the reference therein to 26 weeks were a reference to 13 weeks".

(4) For paragraph 13B(4) (which relates to the discretionary increase in a widow's special pension) there shall be substituted the following:—

"(4) Subject to sub-paragraph (5), the amount up to which the pension may be increased shall be one-sixth of her husband's annual pensionable pay for a week, increased in accordance with sub-paragraphs (5), (5A), (5D), (5F), (5H) and (5L) of paragraph 57, together with, for the first 26 weeks that the pension is payable, an amount not exceeding 112s. 6d. a week and thereafter, during the periods and in the conditions set out in Part II of Appendix II, an amount not exceeding 80s. 0d. a week:

Provided that, where the date on which the widow becomes entitled to a widow's special pension is 1st July 1949, or any later date, this sub-paragraph shall apply as if the reference to annual pensionable pay were a reference to average pensionable pay.

(5) Where the husband died before 6th July 1966, sub-paragraph (4) shall have effect as if the reference therein to 26 weeks were a reference to 13 weeks".

(5) For paragraph 1(iii) of Part II of Appendix II (which relates to the periods for which a discretionary increase in a widow's pension is payable) there shall be substituted the following:—

"(iii) any period during which the widow is incapable of self-support, within the meaning of section 34(7)(*a*) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, by reason of any infirmity which rendered her so incapable at the expiry of the period specified in sub-paragraph (ii), or—

(A) where the husband died before 6th July 1966, at the expiry of the first 13 weeks that the pension is payable, or

(B) where the husband died on or after 6th July 1966, at the expiry of the first 26 weeks that the pension is payable".

(6) At the end of paragraph 1(1) of Part IX of Appendix II there shall be added the following provision:—

"(*d*) where a widow is entitled to a supplementary allowance under section 4 of the National Insurance (No. 2) Act (Northern Ireland) 1966, that allowance shall be ignored".

(a) 1966. c. 6 (N.I.).

Submission of draft to Representative Body

I certify that section 4(2) of the Constabulary and Police (Ireland) Act 1919, which, as applied by the Constabulary Act (Northern Ireland) 1922, requires that a draft of any Order proposed to be made under the said section shall be submitted to the Representative Body or Bodies constituted by that Act and representing any rank or ranks affected, and that before the Order is made the Minister of Home Affairs shall consider any representations made by such Body or Bodies, has been fully observed.

Dated this 4th day of October 1966.

R. W. B. McConnell,
Minister of Home Affairs
for Northern Ireland.

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

Sealed with the Official Seal of the Ministry of Finance this 6th day of October 1966.

(L.S.) *R. R. Butler,*
Assistant Secretary.

EXPLANATORY NOTE

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

This Order amends the Royal Ulster Constabulary Pensions Order 1949.

The amendments in Article 3(1) and (2) provide that, where for the purpose of determining entitlement to, or the amount of, a supplemental pension, account is taken of any National Insurance injury or sickness benefit, account shall also be taken of any supplement to that benefit payable under section 2 of the National Insurance (No. 2) Act (Northern Ireland) 1966.

The amendments in Article 3(3) and (4) provide that the higher rate of discretionary increase in a widow's pension shall be paid for 26 weeks, instead of 13 weeks, where the husband died on or after 6th July 1966. The amendment in Article 3(5) is consequential.

The amendment in Article 3(6) provides that, where for the purpose of determining the amount of a widow's pension, account is taken of any National Insurance widow's benefit, any supplement to that benefit payable under section 4 of the National Insurance (No. 2) Act (Northern Ireland) 1966 shall be ignored.