1982 No. 373

POLICE

Royal Ulster Constabulary Pensions (Amendment No. 2) Regulations 1982

Made . . . . . *25th October 1982*

Coming into operation . . . *15th December 1982*

To be laid before Parliament

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(**a**) read with Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972(**b**) and after consulting, in accordance with section 34(2) of the said Act, the Police Authority for Northern Ireland and the Police Association for Northern Ireland, and, in accordance with section 2(3) of the Police Negotiating Board Act 1980(**c**), the Police Negotiating Board for the United Kingdom, hereby with the concurrence of the Treasury, makes the following regulations:—

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation, commencement and effect

1. These regulations may be cited as the Royal Ulster Constabulary Pensions (Amendment No. 2) Regulations 1982 and shall come into operation on 15th December 1982 but shall have effect as from 24th November 1980 except for regulation 4 which shall have effect as from 12th November 1979 and regulation 11 which shall have effect as from 1st April 1982.

Interpretation

2. In these regulations—

"the Order of 1949" means the Royal Ulster Constabulary Pensions Order 1949(**d**) and in Part II of these regulations any reference to a paragraph by number is a reference to that paragraph as numbered in the Schedule to that Order;

"the principal regulations" means the Royal Ulster Constabulary Pensions Regulations 1973(**e**).

PART II

AMENDMENTS TO THE ORDER OF 1949

Insertion of paragraph 28A

3. After paragraph 28 there shall be added the following paragraph:—

(a) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and S.I. 1981/1670
(b) S.I. 1972/1073 (N.I. 10)
(c) 1980 c. 10
(d) S.R. & O. (N.I.) 1949 No. 211 (p. 379) as amended by S.R. & O. (N.I.) 1956 No. 49 (p. 563); S.R. & O. (N.I.) 1970 No. 203; S.R. & O. (N.I.) 1971 No. 407; S.R. & O. (N.I.) 1973 No. 135; S.R. 1975 No. 64; and S.R. 1981 No. 216
(e) S.R. & O. (N.I.) 1973 No. 317 as amended by S.R. 1976 No. 401; S.R. 1978 No. 332; S.R. 1980 No. 99; and S.R. 1981 No. 216

"Awards not based on pension or notional pension

28A. Appendix VII shall have effect for the purpose of calculating the amount of certain awards to widows or children under this Order which are not calculated by reference to the pension or notional pension of the husband or parent.".

Application of the Social Security Pensions (Northern Ireland) Order 1975(a)

4.—(1) In paragraph 51A after the words "section 2, of that Act" there shall be inserted the words "or Article 69 of the Social Security Pensions (Northern Ireland) Order 1975."

(2) In sub-paragraphs (*b*), (*c*) and (*d*) of the said paragraph 51A for the words "that Act", in each place where they occur, there shall be substituted the words "the said Act of 1971."

Widow's ordinary pension

5. For paragraph 1 of Scheme I of Part I of Appendix II to the Schedule to the Order of 1949 there shall be substituted the following provision:—

"1. Subject to paragraph 2 of this Scheme, the weekly amount of a widow's ordinary pension shall be calculated in accordance with paragraph 1 of Appendix VII by reference to the rank held by her husband at the time when he ceased to be a member.".

Widow's ordinary pension – standard rate

6. For paragraph 3 of Part VIII of Appendix II to the Schedule to the Order of 1949 there shall be substituted the following provision:—

"3. Where in respect of any period the widow so elects, then, subject to paragraph 4, the weekly amount of her ordinary pension in respect of that period shall be calculated in accordance with paragraph 1 of Appendix VII by reference to the rank held by her husband at the time when he ceased to be a member.".

Child's ordinary allowance

7. In Part I of Appendix III to the Schedule to the Order of 1949 for paragraphs 1 and 2 there shall be substituted the following provisions:—

"1. Subject as hereafter in this Appendix provided, a child's ordinary allowance shall be the weekly amount calculated in accordance with paragraph 2 of Appendix VII by reference to the rank which the relevant parent held at the time when he ceased to be a member.

2. Where both parents of the child are dead at the time when the allowance became payable, the child's ordinary allowance shall be the weekly amount calculated in accordance with paragraph 3 of Appendix VII by reference to the rank which the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member.".

Special provisions about awards not based on pension or notional pension

8. After Appendix VI to the Schedule to the Order of 1949 there shall be inserted the following provisions:—

"APPENDIX VII

SPECIAL PROVISIONS ABOUT AWARDS NOT BASED ON PENSION OR NOTIONAL PENSION

1.—(1) In any week the amount of a widow's pension under paragraph 1 of Scheme 1 of Part I of Appendix II or under paragraph 3 of Part VIII of that

(a) S.I. 1975/1503 (N.I. 15) as amended by Article 10 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))

Appendix shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 4.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be, where her husband at the time he ceased to be a member—

(*a*) held a rank higher than that of head constable, £11.39;

(*b*) held the rank of head constable, £9.87;

(*c*) held a rank lower than that of head constable, £8.43,

increased in each case by 56p if the pension is payable under the said paragraph 3 and the husband was entitled to reckon at least 10 years' pensionable service.

2.—(1) In any week the amount of an allowance under paragraph 1 of Part I of Appendix III shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 4.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be, if the relevant parent at the time he ceased to be a member—

(i) held a rank higher than that of head constable, £3.48;

(ii) held the rank of head constable, £3.02;

(iii) held a rank lower than that of head constable, £2.77.

3.—(1) In any week the amount of an allowance under paragraph 2 of Part I of Appendix III shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 4.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be, if the relevant parent at the time he ceased to be a member—

(i) held a rank higher than that of head constable, £5.73;

(ii) held the rank of head constable, £4.92;

(iii) held a rank lower than that of head constable, £4.24.

4.—(1) Subject to sub-paragraph (2) a sum specified in a preceding paragraph shall be increased to the amount which would be payable in the relevant week in respect of a corresponding official pension having regard to relevant orders under Article 69 of the Social Security Pensions (Northern Ireland) Order 1975 and as if for any reference to an annual rate in the relevant orders there were substituted a reference to a weekly rate.

(2) For the purposes of sub-paragraph (1) above—

(*a*) the reference to an official pension means an official pension, within the meaning of the Pensions (Increase) Act (Northern Ireland) 1971(**a**), which began on 30th June 1978, and

(*b*) in performing the necessary calculations sums shall be expressed to the nearest penny (a half penny to count as one penny).''.

PART III

AMENDMENTS TO THE PRINCIPAL REGULATIONS

Insertion of regulation 39A

9. After regulation 39 of the principal regulations there shall be inserted (under the heading 'General') the following regulation:—

''*Awards not based on pension or notional pension*

39A. Schedule 10 shall have effect for the purpose of calculating the amount of certain awards to widows or children under these regulations which are not

(**a**) 1971 c. 35 (N.I.) as modified by S.I. 1974/1741

calculated by reference to the pension or notional pension of the husband or parent.''.

Awards on death of servicemen

10.—(1) In paragraph (4)(*a*) of regulation 82 of the principal regulations there shall be inserted at the end the words ''calculated in accordance with paragraph 4 of Schedule 10''.

(2) Paragraph (5) of the said regulation shall be omitted.

Awards – other auxiliary members

11. In regulation 94(3) of the principal regulations the words ''provided that his retirement has not been voluntary'' shall be omitted.

Contracting-out

12. In regulation 101 of the principal regulations paragraph 7(A) shall be omitted.

Widow's ordinary pension

13. For paragraph 3 of Part I of Schedule 3 to the principal regulations there shall be substituted the following provision:—

''3. Where in respect of any period a widow so elects, the weekly amount of her ordinary pension in respect of that period shall be calculated in accordance with paragraph 1 of Schedule 10 by reference to the rank held by her husband at the time when he ceased to be a member.''.

Widow's accrued pension

14. For paragraph 4 of Part IV of Schedule 3 to the principal regulations there shall be substituted the following provision:—

''4. Where in respect of any period a widow so elects, the weekly amount of her accrued pension in respect of that period shall be calculated in accordance with paragraph 1 of Schedule 10 by reference to the rank held by her husband at the time when he ceased to be a member:

Provided that this paragraph shall not apply to the widow of a regular policeman where the pensionable service which reckoned for the purpose of calculating his deferred pension was less than five years, unless he was entitled to reckon pensionable service by virtue of the whole of his qualifying service.''.

Child's ordinary allowance

15.—(1) In Part I of Schedule 4 to the principal regulations for paragraph 1(4) there shall be substituted the following provision:—

''(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 weekly amount of the allowance shall be calculated in accordance with paragraph 2 of Schedule 10 by reference to the rank which the relevant parent held at the time when he ceased to be a member.''.

(2) For paragraph 2(4) of the said Part I there shall be substituted the following provision:—

''(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 weekly amount of the allowance shall be calculated in accordance with paragraph 3 of Schedule 10 by reference to the rank which the relevant parent held at the time when he ceased to be a member.''.

Special provisions about awards not based on pension or notional pension

16. After Schedule 9 to the principal regulations there shall be inserted the following provisions:—

"SCHEDULE 10

SPECIAL PROVISIONS ABOUT AWARDS NOT BASED ON PENSION OR NOTIONAL PENSION

1.—(1) In any week the amount of a widow's pension under paragraph 3 of Part I or paragraph 4 of Part IV of Schedule 3 shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 5.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be, where her husband at the time he ceased to be a member—

(*a*) held a rank higher than that of inspector, £11.39;

(*b*) held the rank of inspector, £9.87;

(*c*) held a rank lower than that of inspector, £8.43, increased in each case by 56p if—

(i) the pension is payable under the said paragraph 3 and the husband was entitled to reckon at least 10 years' pensionable service; or

(ii) the pension is payable under the said paragraph 4 and the husband ceased to serve on or after 6th April 1975 and would, had he continued to serve until he could be required to retire on account of age, have become entitled to reckon at least 10 years' pensionable service.

2.—(1) In any week the amount of an allowance under paragraph 1(4) of Part I of Schedule 4 shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 5.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be, if the relevant parent at the time he ceased to be a member—

(i) held a rank higher than that of inspector, £3.48;

(ii) held the rank of inspector, £3.02;

(iii) held a rank lower than that of inspector, £2.77.

3.—(1) In any week the amount of an allowance under paragraph 2(4) of Part I of Schedule 4 shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 5.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be, if the relevant parent at the time he ceased to be a member—

(i) held a rank higher than that of inspector, £5.20;

(ii) held the rank of inspector, £4.53;

(iii) held a rank lower than that of inspector, £4.15.

4.—(1) In any week the amount of a widow's pension under regulation 82(4)(*a*) shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 5.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be £8.43.

5.—(1) Subject to sub-paragraph (2) a sum specified in a preceding paragraph shall be increased to the amount which would be payable in the relevant week in respect of a corresponding official pension having regard to relevant orders under Article 69 of the Social Security Pensions (Northern Ireland) Order 1975 and as if for any reference to an annual rate in the relevant orders there were substituted a reference to a weekly rate.

(2) For the purposes of sub-paragraph (1) above—

(*a*) the reference to an official pension means an official pension, within the meaning of the Pensions (Increase) Act (Northern Ireland) 1971, which began on 30th June 1978, and

(*b*) in performing the necessary calculations sums shall be expressed to the nearest penny (a half penny to count as one penny).".

James Prior
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
25th October 1982

We concur,

J. A. Cope
P. L. Brooke
Two of the Lords Commissioners of Her Majesty's Treasury

4th November 1982

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Royal Ulster Constabulary Pensions Order 1949 and the Royal Ulster Constabulary Pensions Regulations 1973. Regulation 4 has effect from 12th November 1979 and regulation 11 has effect from 1st April 1982 but the other regulations have effect from 24th November 1980 (retrospection is authorised by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972).

Regulation 4 amends paragraph 51A of the Schedule to the Royal Ulster Constabulary Pensions Order 1949 which provides for certain awards under those regulations to be increased by reference to the Pensions (Increase) Act (Northern Ireland) 1971. The increases under that regulation are calculated by reference to Orders made under section 2 of the 1971 Act but with effect from 12th November 1979 the relevant Orders are made under Article 69 of the Social Security Pensions (Northern Ireland) Order 1975. Regulation 4 inserts a reference to Orders under the 1975 Order with effect from 12th November 1979.

Regulation 11 amends regulation 94(3) of the Royal Ulster Constabulary Pensions Regulations 1973 to provide that in certain circumstances a non-pensionable auxiliary member may receive a gratuity whether or not his retirement is voluntary.

The remaining amendments to the 1949 Order and the 1973 Regulations are concerned with awards under those regulations which are at present of specified amounts. These amounts have been increased by amending regulations in line with the increases in pensions made by the Pensions (Increase) Act (Northern Ireland) 1971 and the Social Security Pensions (Northern Ireland) Order 1975. The amendments made by these regulations ensure that the amounts of these awards will increase automatically in line with increases in pensions under the 1975 Order and will so avoid the need for frequent amending regulations.