1971. No. 118 **[C]**

ROYAL ULSTER CONSTABULARY

Pensions

ORDER, DATED 23RD APRIL 1971, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 4 OF THE CONSTABULARY AND POLICE (IRELAND) ACT 1919, SECTION 2 OF THE CONSTABULARY ACT (NORTHERN IRELAND) 1922 AND THE CONSTABULARY (PENSIONS) ACT (NORTHERN IRELAND) 1949.

I, the Right Honourable Brian Faulkner, Minister of Home Affairs, with the concurrence of the Ministry of Finance, in exercise of the powers conferred on me by section 4 of the Constabulary and Police (Ireland) Act 1919(**a**), section 2 of the Constabulary Act (Northern Ireland) 1922(**b**), the Constabulary (Pensions) Act (Northern Ireland) 1949(**c**) and of all other powers enabling me in that behalf and after consulting the Police Council for the United Kingdom and the Representative Bodies constituted by the said Act of 1919, do hereby order as follows:—

Citation and commencement

1. This Order may be cited as the Royal Ulster Constabulary Pensions (Amending) Order 1971 and shall have effect as from 2nd November 1970.

Amendments of the Royal Ulster Constabulary Pensions Order 1949

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

(1) At the end of paragraph 12 (discretionary increase in widow's ordinary pension) there shall be added the following sub-paragraph:—

> "(5) In this paragraph a reference to widow's benefit or a retirement pension under the National Insurance Act (Northern Ireland) 1966(**f**) does not include a reference to such a benefit or pension payable by virtue of section 1 of the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970(**g**)."

(2) At the end of paragraph 13B (discretionary increase in widow's special pension) there shall be added the following sub-paragraph:—

> "(6) In this paragraph a reference to widow's benefit or a retirement pension under the National Insurance Act (Northern Ireland) 1966 does not include a reference to such a benefit or pension payable by virtue of section 1 of the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970."

(**a**) 9 & 10 Geo. 5. c. 68.
(**b**) 12 & 13 Geo. 5. c. 8 (N.I.).
(**c**) 1949. c. 9.
(**d**) S.R. & O. (N.I.) 1949, No. 211.
(**e**) By the following S.R. & Os. (N.I.):—1950, No. 172; 1952, No. 89; 1953, No. 156; 1954, Nos. 98 and 118; 1955, No. 115; 1961, Nos. 93 and 176; 1963, No. 64; 1964, Nos. 48 and 158; 1965, No. 66; 1966, Nos. 68 and 245; 1967, Nos. 18 and 277; 1968, No. 128; 1969, Nos. 39, 204 and 228; 1970, Nos. 98 and 203.
(**f**) 1966. c. 6 (N.I.).
(**g**) 1970. c. 28 (N.I.).

(3) In paragraph 17 (awards to widows under former Orders and discretionary increases therein) there shall be inserted the following sub-paragraph:—

"(8) In this paragraph a reference to widow's benefit or a retirement pension under the National Insurance Act (Northern Ireland) 1966 does not include a reference to such a benefit or pension payable by virtue of section 1 of the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970."

(4) At the end of paragraph 1(1) of Part IX of Appendix II (computation of widows' benefit and retirement pensions) there shall be added the following:—

"(*d*) a reference in any of the said Parts to widow's benefit or a retirement pension under the National Insurance Act (Northern Ireland) 1966 does not include a reference to such a benefit or pension payable by virtue of section 1 of the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970."

Dated this 23rd day of April 1971.

Brian Faulkner,
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 23rd day of April 1971.

(L.S.)

C. F. Darling,
Assistant Secretary.

EXPLANATORY NOTE

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

This Order is made in consequence of the passing of the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970, section 1 of which contains provision for national insurance pensions (by way of retirement pension or widow's benefit) for or in respect of persons over pensionable age for national insurance purposes on 5th July 1948. The payment of a pension by virtue of section 1 is not subject to any contribution conditions.

Under the Royal Ulster Constabulary Pensions Order 1949 there is discretionary power to increase the police pension of a widow where she would have been able to receive national insurance widow's benefit or a retirement pension had her husband paid the necessary national insurance contributions. The increase is at a rate not exceeding the national insurance pension which she would have been able to receive. It is not payable if the widow is receiving one of certain payments specified in the Order. The amendments made by paragraphs (1), (2) and (3) of Article 2 of the present Order provide that receipt of national insurance widow's benefit or a retirement pension by virtue of section 1 of the 1970 Act will not debar a widow from receiving a discretionary increase, the rate of which can be appropriately adjusted.

The amendment made by paragraph (4) of Article 2 provides that in certain circumstances in which the rate of a widow's police pension depends on the rate of any national insurance widow's benefit or retirement pension which she receives, any such benefit or pension payable to her by virtue of section 1 of the 1970 Act shall be ignored.

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This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading PUBLIC HEALTH.