**1973. No. 314** **[C]**

# POLICE

## Royal Ulster Constabulary Reserve: Pensions

REGULATIONS, DATED 31ST AUGUST 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 26 OF THE POLICE ACT (NORTHERN IRELAND) 1970.

The Ministry of Home Affairs, with the concurrence of the Ministry of Finance and on behalf of the Secretary of State, in exercise of the powers conferred on it by section 26 of the Police Act (Northern Ireland) 1970(**a**) and of every other power enabling it in that behalf, and after consulting the Police Authority and the Police Association in accordance with section 34(2) of that Act, hereby makes the following Regulations:—

*Citation and commencement*

**1.**—(1) These Regulations may be cited as the Royal Ulster Constabulary Reserve (Pensions) Regulations 1973.

(2) These Regulations shall come into operation on 1st September 1973 and, except as provided in paragraph (3), shall have effect as from 1st April 1972.

(3) Regulations 10, the proviso to paragraph (1) of Regulation 11 and paragraph (3) of the said Regulation shall have effect from the date hereof.

*Old cases*

**2.**—(1) In Regulations 4(2) and 6(2) of the Royal Ulster Constabulary Reserve (Pensions) Regulations 1972(**b**) there shall in each case after the words "the Schedule," be inserted the words "and Part IXA thereof".

(2) The said Regulations of 1972 shall cease to have effect except in the case of an award to or in respect of a person who ceased to hold the office of reserve constable before 1st April 1972, including an award on the death of such a person on or after the said date.

(3) Save as provided in paragraph (1) nothing in these Regulations shall apply in such a case as is mentioned in paragraph (2).

*Interpretation*

**3.**—(1) In these Regulations the expression "the principal Regulations" means the Royal Ulster Constabulary Pensions Regulations 1973(**c**).

(2) Regulations, 3, 4, 9, 11(2) and (4), 12(1), (2), (3) and (4) and 13 of the principal Regulations shall apply for the purposes of these Regulations, subject to the necessary adaptations as they apply for the purposes of the said Regulations.

(3) Subject to Regulation 12(3) of the principal Regulations, in these Regulations disablement means inability occasioned by infirmity of mind or body in the case of a reserve constable to follow his normal employment or, in the case of a child, to earn a living.

(a) 1970. c. 9 (N.I.).
(b) S.R. & O. (N.I.). 1972, No. 15.
(c) S.R. & O. (N.I.) 1973, No. 317.

(4) For the purposes of these Regulations a reference in the principal Regulations to any provision of the Royal Ulster Constabulary Pensions Order 1949(**d**) shall be construed as a reference to that provision as applied by the Royal Ulster Constabulary Reserve (Pensions) Regulations 1972.

(5) For the purposes of these Regulations a reference to a reserve constable is a reference to a reserve constable appointed under section 9 of the Police Act (Northern Ireland) 1970 and, except, where the context otherwise requires, includes a reference to a person who has been a reserve constable.

*Reserve constable's injury awards*

**4.**—(1) This Regulation shall apply to a person who ceases to hold the office of reserve constable and is permanently disabled as a result of an injury received without his own default in the execution of his duty as a reserve constable.

(2) Subject to the provisions of these Regulations, a person to whom this Regulation applies shall be entitled to a gratuity and, in addition, to an injury pension and Regulations 19, 60 and 61 shall apply as if he had been a member of the Royal Ulster Constabulary at the time that he received the injury.

*Widow's special award*

**5.**—(1) This Regulation shall apply to a widow of a reserve constable who dies or who has died as the result of an injury received without his own default in the execution of his duty as a reserve constable.

(2) Subject to the provisions of these Regulations, a widow to whom this Regulation applies shall be entitled to a special pension and, in addition but subject to Regulation 25(5) of the principal Regulations (as applied hereby) to a gratuity and Regulations 25, 28(1), 30, 31 and 32 of the principal Regulations and Part XIV thereof shall apply as if her husband had been a member of the Royal Ulster Constabulary at the time that he received the injury.

*Widow's augmented award*

**6.**—(1) This Regulation shall apply to the widow of a reserve constable whose death is the result of an injury received without his own default in the execution of his duty as a reserve constable where one of the following conditions is satisfied, namely that—

(*a*) he was attacked by a person or persons in a manner which was intrinsically likely to cause death and death ensued as a result of the attack, or

(*b*) the injury was received in the course of duties performed for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody, or

(*c*) the injury was received in the course of duties performed—

(i) for the immediate purpose of saving the life of another person or of preventing the loss of human life, and

(ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury, or

(*d*) the Police Authority are of the opinion that one of the preceding conditions may be satisfied, and that this Regulation should apply, or

(**d**) S.R. & O. (N.I.) 1949, No. 211.

(*e*) the Police Authority are of the opinion that the injury was received otherwise than as aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would have been payable had one of the conditions specified in sub-paragraphs (*a*), (*b*) and (*c*) been satisfied.

(2) For the purpose of calculating a widow's special pension and gratuity payable to a widow to whom this Regulation applies, Regulation 25 of the the principal Regulations (as applied by Regulation 5 of these Regulations) shall have effect subject to the provisions of Regulation 26 of the principal Regulations.

*Dependent relative's special pension*

**7.**—(1) This Regulation shall apply where a reserve constable dies or has died as the result of an injury received without his own default in the execution of his duty as a reserve constable, and in such case, shall apply—

(*a*) to a parent or (without prejudice to the following sub-paragraph) to a brother or sister who had attained the age of 19 years before the reserve constable's death, or

(*b*) subject to his having attained the age of 19 years, to any child of the reserve constable, whether or not he had attained that age before the reserve constable's death,

being a person who was substantially dependent on the reserve constable immediately before his death (hereinafter referred to as a "dependent relative").

(2) A dependent relative to whom this Regulation applies may be granted a special pension if the Police Authority, having regard to all the circumstances of the case, in their discretion so determine, and Regulation 33 of the principal Regulations and Part XIV thereof shall apply as if the reserve constable had been a member of the Royal Ulster Constabulary at the time that he received the injury.

*Child's special allowance*

**8.**—(1) This Regulation shall apply to the child of a reserve constable who dies or has died as the result of an injury received without his own default in the execution of his duty as a reserve constable.

(2) Subject to the provisions of these Regulations, a child to whom this Regulation applies shall be entitled to a child's special allowance and Regulations 35, 38(1) and 39 of the principal Regulations and Part XIV thereof shall apply as if the parent had been a member of the Royal Ulster Constabulary at the time that he received the injury.

*Child's special gratuity*

**9.**—(1) This Regulation shall apply to the child of a reserve constable who dies or has died as the result of an injury received without his own default in the execution of his duty as a reserve constable where one of the conditions set out in Regulation 6(1) is satisfied and—

(*a*) in the case of a man, does not leave a widow entitled to a gratuity under Regulation 5(2), or

(*b*) in the case of a woman, was the child's only surviving parent.

(2) Subject to the provisions of these Regulations a child to whom this Regulation applies shall be entitled to a gratuity in addition to a special allowance and Regulations 36 and 39 of the principal Regulations shall apply as if the parent had been a member of the Royal Ulster Constabulary at the time when he received the injury.

*Restriction on account of other pension award*

**10.** Where the widow or a child of a reserve constable becomes entitled to a widow's pension or a child's allowance, as the case may be, under the principal Regulations or the Royal Ulster Constabulary Pensions Order 1949 or the Ulster Special Constabulary Pensions Regulations 1950(e) or to a compensation award under the said Regulations of 1950 equivalent to such pension or allowance, any pension or allowance which would but for this Regulation be payable under these Regulations to the widow or the child shall be payable only if, and in respect of such period as, its annual rate exceeds the annual rate of the first-mentioned pension or allowance (or equivalent compensation award) and then only at the annual rate of the excess:

Provided that, if the first-mentioned widow's pension or equivalent compensation has been so determined that a child's allowance or equivalent compensation award is not payable, it shall for the purposes of this Regulation be deemed to include any child's ordinary allowance or equivalent compensation award which would otherwise be payable.

*Average pensionable pay and pensionable service*

**11.**—(1) For the purpose of calculating an award under these Regulations to or in respect of a reserve constable his average pensionable pay or average pensionable pay for a period of a week shall be deemed to be of the like amount as his average pensionable pay, or, as the case may be, his average pensionable pay for a week (within the meaning of the principal Regulations) would have been at the date when he last ceased to hold the office of reserve constable had his appointment and service at any time as a reserve constable been appointment and service in the rank of constable as a member of the Royal Ulster Constabulary:

Provided that, if a reserve constable is, or was at the date of his death, entitled to a pension under the principal Regulations or the Royal Ulster Constabulary Pensions Order 1949 or the Ulster Special Constabulary Pensions Regulations 1950 or becomes entitled to long-term or retirement compensation under the said Regulations of 1950 or if his widow or child of his becomes entitled to a compensation award under the last-mentioned Regulations, then for the purposes of this paragraph his period of service as a reserve constable shall be deemed to include his service reckonable for the purposes of pay in the Royal Ulster Constabulary or the Ulster Special Constabulary, as the case may be.

(2) Subject to the provisions of paragraph (3), for the purpose of calculating an award under these Regulations to or in respect of a reserve constable his pensionable service shall be deemed to be his period, or the aggregate of his periods, of service as a reserve constable, subject to a maximum of 10 years.

(e) S.R. & O. (N.I.) 1950, No. 97.

(3) For the purpose of calculating an award under these Regulations to or in respect of a reserve constable who is, or was at the date of his death, entitled to a pension under the principal Regulations or the Royal Ulster Constabulary Pensions Order 1949 or the Ulster Special Constabulary Pensions Regulations 1950 or who becomes entitled to claim long-term or retirement compensation under the said Regulations of 1950 or whose widow or a child of his becomes entitled to compensation under the last-mentioned Regulations—

(*a*) his pensionable service shall be deemed to be the sum of his pensionable service in the Royal Ulster Constabulary or the Ulster Special Constabulary, as the case may be, and his period, or the aggregate of his periods, of service as a reserve constable;

(*b*) his pension under the said Order of 1949 or his pension or any periodic compensation payable to him under the said Regulations of 1950 shall be deemed to be such a pension as is mentioned in paragraph 3 of Part V of Schedule 2 to the principal Regulations; and

(*c*) any lump sum retirement compensation payable to him under the said Regulations of 1950 shall be treated as if it were such a gratuity as is mentioned in paragraph 4(4) of the said Part V.

*Application of certain provisions of the principal Regulations*

**12.** Regulations 42, 63 and 64, Part VIII and Regulations 71(1), 72 and 73 of the principal Regulations shall, subject to any necessary adaptations, apply for the purposes of these Regulations as they apply for the purposes of the principal Regulations.

*Injury compensation awarded before 1st September 1973*

**13.** If before 1st September 1973 a court, when awarding compensation under the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968(f) to a person who satisfies the conditions for an award under these Regulations, was not aware of the award which could be made to that person under these Regulations, the award to that person under these Regulations may be reduced, suspended or disallowed accordingly.

*Transitory provisions*

**14.** Any reference in these Regulations to the Police Authority shall be construed during any period before 31st October 1973 as a reference to the Ministry of Home Affairs.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 31st day of August 1973.

(L.S.)

*E. N. Barry,*
Assistant Secretary.

The Ministry of Finance on behalf of the Secretary of State hereby concurs in the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 4th day of September 1973.

(L.S.)

*C. F. Darling,*
Assistant Secretary,
Ministry of Finance.

(f) 1968. c. 9 (N.I.).

## EXPLANATORY NOTE

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

These Regulations apply to reserve constables who held office on or after 1st April 1972 those provisions, modified as necessary, of the revised Royal Ulster Constabulary pensions scheme, having effect as from that date and providing enhanced rates of benefit which relate to awards in respect of injuries received without default in the execution of duty.