1970. No. 143 **[NC]**

COMPENSATION AND PENSIONS

REGULATIONS, DATED 6TH MAY 1970, MADE BY THE MINISTER OF HOME AFFAIRS UNDER THE SPECIAL CONSTABLES ACT 1914 AND SECTION 8 OF THE CONSTABULARY ACT (NORTHERN IRELAND) 1922.

I, the Right Honourable Robert W. Porter, Q.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by the Special Constables Act 1914(a) and section 8 of the Constabulary Act (Northern Ireland) 1922(b) and of all other powers enabling me in that behalf, do hereby make the following Regulations:—

Citation

1. These Regulations may be cited as the Ulster Special Constabulary Pensions (Amending) (No. 2) Regulations 1970 and shall be construed as one with the Ulster Special Constabulary Pensions Regulations 1950 to 1970 and shall be included in the Regulations which may be cited together as the Ulster Special Constabulary Pensions Regulations 1950 to 1970.

Commencement

2. These Regulations shall have effect as from 1st January 1970.

Amendments of the Ulster Special Constabulary Pensions Regulations 1950

3. The Ulster Special Constabulary Pensions Regulations 1950(c), as amended(d), shall be further amended as follows:—

(1) After Regulation 52B there shall be added the following Regulation:—

"Compensation in respect of disbandment of the Force

52C.—(1) Where the retirement of a member as described in paragraph 1 of the Sixth Schedule has become necessary because of the disbandment of the Force, he shall be entitled to have his case considered for the award of long-term compensation allowance, retirement compensation or related payments in accordance with the provisions of the said Schedule.

(2) The provisions of Parts I, II, III, IV, V, VII, IX, X and XI of these Regulations shall, in so far as they are applicable, have effect in relation to retirement compensation and related payments payable in accordance with the Sixth Schedule as they have effect in relation to other awards under these Regulations, except where the said Schedule otherwise provides."

(2) After the Fifth Schedule, there shall be added the following Schedule:—

(a) 4 & 5 Geo. 5. c. 61.
(b) 12 & 13 Geo. 5. c. 8 (N.I.).
(c) S.R. & O. (N.I.) 1950, No. 97.
(d) By the following S.R. & O. (N.I.):—1951, No. 123; 1952, No. 157; 1954, Nos. 30 and 119; 1955, No. 171; 1956, No. 75; 1958, No. 61; 1959, Nos. 52 and 89; 1960, No. 3; 1961, Nos. 94 and 177; 1963, No. 65; 1964, Nos. 49 and 159; 1965, No. 67; 1966, Nos. 69, 255 and 270; 1967, No. 305; 1968, No. 191; 1969, Nos. 64, 205 and 230.

"SIXTH SCHEDULE

Compensation for Loss or Diminution of Emoluments or of Pension Rights on Disbandment of the Force

Persons to whom the Schedule applies

1.—(1) Subject to the provisions of sub-paragraphs (2) and (3), this Schedule shall apply only to such a permanent member as is described in Parts I, II and III of the Fourth Schedule or a full-time member who has not attained the age of 65 years on 30th April 1970 (hereinafter in this Schedule referred to as the 'relevant date'):

Provided that the Ministry may apply any or all of the provisions of this Schedule to—

(*a*) any person who, not having died before the relevant date, had served as such a member and retired after 31st December 1969 but before the relevant date; and

(*b*) with the consent of the Ministry of Finance, any other member:

and provided further that the provisions in this Schedule relating to retirement compensation shall not apply to any person who becomes a member of the Royal Ulster Constabulary.

(2) Where the context so requires, the provisions of this Schedule shall apply to the widows, children and dependants of the persons specified in sub-paragraph (1) other than any who become members of the Royal Ulster Constabulary.

(3) The provisions of this Schedule relating to compensation for a widow, children or dependants shall apply also to the widow, children or dependants of a person who would have been included in provision (*a*) of sub-paragraph (1) had he not died before the relevant date.

Conditions for payment of long-term compensation

2.—(1) Without prejudice to any other requirement of this Schedule, the conditions for the payment of long-term compensation to any person are that—

(*a*) he has suffered loss of employment or loss or diminution of emoluments attributable solely to the disbandment of the Force; and

(*b*) he has made a claim for such compensation in accordance with paragraph 21 within 6 months (or such longer period as the Ministry may in special circumstances allow) from the commencement of the period in respect of which the claim is made.

(2) Claims for long-term compensation for loss of employment shall in all respects be treated as claims for such compensation for the loss of emoluments occasioned thereby and the provisions of this Schedule shall apply to all such claims accordingly.

Factors to be considered in determining payment of long-term compensation

3.—(1) For the purpose of determining whether long-term compensation for loss or diminution of emoluments should be paid to any person, and, if so, the amount of the compensation (subject to the limits set out in this Schedule) the Ministry shall have regard to the extent to which he has sought suitable employment and the emoluments which he might have acquired by accepting other suitable employment offered to him.

(2) No account shall be taken for the purposes of this paragraph of an offer of employment where the Ministry is satisfied—

(*a*) that acceptance would have involved undue hardship to the person claiming compensation; or

(*b*) that he was prevented from accepting the offer by reason of ill-health or other circumstances beyond his control; or

(*c*) that the offer is conditional on the claimant passing an examination or test.

Amount of long-term compensation payable for loss of emoluments

4.—(1) Long-term compensation for loss of emoluments shall, subject to the provisions of this Schedule, be payable until the person to whom it is payable attains the age of 65 years or until his death, whichever first occurs, and shall not exceed a maximum rate calculated in accordance with the provisions of sub-paragraph (2).

(2) Long-term compensation shall, in respect of a person to whom it applies, not exceed an annual rate equivalent to two-thirds of his annual emoluments in the Force and subject as aforesaid shall—

(*a*) where he is not in employment, be equivalent to the annual rate of two-thirds of his annual emoluments in the Force, abated by the annual rate of any unemployment, sickness or industrial injuries benefits or any training grant from public funds to which he may be entitled, excluding any National Insurance benefits claimable by him in respect of a dependant; or

(*b*) where he is in employment, be equivalent to the difference between the annual rate of his emoluments in the Force and the annual rate, where this is less, of his emoluments in his employment.

Intervals at which long-term compensation is payable

5. Long-term compensation shall, subject to the provisions of this Schedule, be paid to a person at intervals equivalent to those at which the emoluments of his employment in the Force were previously paid or at such other intervals as may be agreed between the person and the Ministry.

Termination of long-term compensation

6. Except for a person to whom paragraph 13(3) or (4) applies, the right to long-term compensation shall cease from the date from which a retirement award becomes payable.

Definition of emoluments

7. For the purpose of calculating the amount of long-term compensation awarded to a person—

(*a*) emoluments in the Force shall be deemed to be the sum of the annual rate of pay (advanced through the pay scale applicable on the relevant date) to which he would have been entitled had he continued to serve and the annual rent allowance, if any, to which he was entitled on the relevant date;

(*b*) emoluments in any subsequent employment shall be deemed to be the sum of his annual earnings and any rent allowance or the annual value of any accommodation attached to such employment;

so, however, that where a person had earned emoluments prior to the relevant date from a source other than the Ulster Special Constabulary an amount equal to the emoluments so earned in the year ending on the relevant date shall be excluded from the emoluments mentioned in (*b*) so long as he continues to earn from that source an equivalent annual amount, or if on continuing to earn emoluments from that source these are reduced, an amount equal to such reduced earnings.

Date from which long-term compensation is to be payable

8.—(1) Long-term compensation shall be payable with effect from the date of the claim or from any earlier date permitted by the succeeding provisions of this paragraph.

(2) Where a claim for long-term compensation is duly made within 13 weeks of the occurrence of the loss or diminution which is the subject of the claim, the award shall be made retrospective to the date on which the loss or diminution occurred.

(3) Where a claim for long-term compensation is made after the expiry of the period mentioned in sub-paragraph (2), the award may at the discretion of the Ministry be made retrospective to a date not earlier than 13 weeks prior to the date on which the claim was made:

Provided that if the Ministry is satisfied that the failure to make the claim within the period mentioned in sub-paragraph (2) was due to ill-health or other circumstances beyond the claimant's control, the award may be made retrospective to a date not earlier than that on which the loss or diminution occurred.

Advance payment of long-term compensation

9.—(1) Within 6 months of the relevant date a person to whom this Schedule applies, other than a person who elects to take premature payment of his lump sum retirement compensation award in accordance with paragraph 13(3) or (4) may elect to take an advance by way of lump sum of the long-term compensation payable in his case under either method 1, which shall be a repayable advance, as set out in sub-paragraph (2), or method 2, which shall be a non-repayable advance, as set out in sub-paragraph (3).

(2) The provisions of method 1 shall be as follows:—

(*a*) The person concerned may elect to receive a sum equal to one-quarter of the maximum annual rate of long-term compensation payable in his case, multiplied by a number not exceeding 6, or, in the case of a person who has attained the age of 59 years, a number not exceeding the number of years (including any fraction of a year) by which his age is less than 65 years.

(*b*) The Ministry shall pay the sum specified in sub-paragraph (*a*) provided it is satisfied, taking into account all the relevant circumstances, that the sum is likely to be repaid in accordance with the following provisions of this paragraph.

(*c*) Repayment to the Ministry of the sum specified in sub-paragraph (*a*) together with interest thereon shall be in accordance with and subject to the following provisions of this paragraph.

(*d*) Repayment shall be made—

(i) by equal instalments at the same intervals at which long-term compensation would be payable and over a number of years not exceeding 6 or the number of years (including any fraction of a year) until the person attains the age of 65, whichever is the less, commencing from the date of the payment; or

(ii) where a person is in receipt of long-term compensation, by instalments of such amount as, taken together with deductions from instalments of long-term compensation, will enable repayment of the sum specified in (*a*) to be effected within the number of years as is mentioned in (i).

(*e*) If a repayment instalment is not made by the due date the Ministry may, without prejudice to any other action open to it, take legal action for the recovery of any amount, including interest, outstanding.

(*f*) If a repayment instalment is outstanding at the date on which a retirement award is due to come into payment, the Ministry may deduct from moneys payable under such an award an amount equal to the outstanding instalment.

(*g*) No interest shall be charged in respect of the first year following the payment but thereafter interest shall be payable as follows on the amount of the sum outstanding from time to time—

(i) in respect of the second and remaining number of years in respect of which the sum was calculated, at 5% per annum; and

(ii) in respect of any subsequent period, at a rate to be determined by the Ministry with the consent of the Ministry of Finance.

(*h*) Where the death of a person to whom a sum was paid in accordance with sub-paragraph (*a*) occurs within the agreed period of repayment, repayment of the balance due, other than any arrears outstanding at the date of death, shall be waived.

(3) The provisions of method 2 shall be as follows:—

(*a*) The person concerned may elect to receive a sum equal to one-quarter of the maximum annual rate of long-term compensation payable in his case, multiplied by 6, or in the case of a person who has attained the age of 59 years the number of years (including any fraction of a year) by which his age is less than 65 years.

(*b*) Where a person elects to receive the sum referred to in sub-paragraph (*a*) the annual sum referred to in paragraph 4(2)—

(i) shall not exceed one-half of his annual emoluments in the Force;

(ii) where he is not in employment, be equal to one-half of his annual emoluments in the Force, abated by the annual rate of any unemployment, sickness or industrial injuries benefit or any training grant to which he might be entitled, excluding any National Insurance benefits claimable by him in respect of a dependant; or

(iii) where he is in employment, then, within the limitation imposed by (i), be equal to the difference between five-sixths of his annual emoluments in the Force and the annual amount, where this is less, of his emoluments in his employment.

Compounding of long-term compensation

10. A person entitled to long-term compensation under paragraph 4 may, with the approval of the Ministry, elect to receive in lieu of any future instalments of such compensation falling due a lump sum amount calculated by multiplying two-thirds of the annual rate of such compensation as then assessed by 9 or by the number of years (including any fraction of a year) remaining before he will attain the age of 65 years, whichever is the less.

Retirement Compensation, etc.

Entitlement to retirement compensation and related payments

11.—(1) The Ministry shall, subject to the provisions of this Schedule, pay retirement compensation to any person to whom it applies and shall make the other payments for which provision is made in paragraph 16.

(2) Paragraph 2 shall apply in relation to retirement compensation as it applies in relation to long-term compensation.

Additional factors governing payment of retirement compensation

12.—(1) Subject to the provisions of this Schedule, the Ministry, in calculating the annual rate of the retirement compensation payable to a person to whom the Schedule applies, shall credit him with additional pensionable service on the following basis, namely—

If on the relevant date—

(*a*) he has attained the age of 54 but not 55 years: 10 years;

(*b*) he is 55 years of age or older: such number of years and fraction of a year as he would have required to serve until he attained the age of 65; or

(*c*) he has not attained the age of 54: within a maximum of 10 years, one year in respect of each completed year of reckonable pensionable service; and, if his service includes a fraction of a year equal to or in excess of six months, one year in respect thereof.

(2) When retirement compension is awarded or when an award is reviewed under paragraph 19, the additional compensation payable in consequence of any pensionable service credited to a person under sub-paragraph (1) may be reduced or withheld to such extent as the Ministry may think reasonable, having regard to any pension in respect of any further employment obtained by him.

(3) Where, on the relevant date, a member is entitled to reckon less than ten years' pensionable service, he may elect to waive his right to be credited with such additional pensionable service as would enable him to reckon more than nine years' pensionable service for the purpose of this Schedule.

Date of commencement of retirement compensation

13.—(1) Retirement compensation shall come into payment when a person to whom this Schedule applies attains the age of 65 years but, subject to the provisions of sub-paragraphs (2) and (3) and provided he has not received a payment under paragraph 10, he may elect to have payment of the award commence at any time after attaining the age of 55, and in the event of such election being exercised before he has attained the age of 60 he shall not, except as provided at paragraph 15(1) be entitled to be credited with additional pensionable service in accordance with paragraph 12(1).

(2) No election as is specified in sub-paragraph (1) by a person may, without the approval of the Ministry, be permitted if a payment has been made to him in accordance with paragraph 9 and has not, with due interest thereon in accordance with paragraph 9(2), if applicable, been repaid, or if he has, within the previous 6 years, received an advance of long-term compensation under paragraph 9(3).

(3) A person who cannot qualify under the Schedule for an annual amount as retirement compensation but who would, but for the disbandment of the Force, have become entitled to an ordinary or short-service pension if he served until attaining the age of 65 years may elect to have the lump sum due to him as retirement compensation paid to him at any time before he reaches that age; and in that event the said lump sum shall be not less than one-third of his annual rate of pay at the relevant date, and there shall also be paid a sum equal to his aggregate pension contributions.

(4) A person to whom sub-paragraph 12(3) applies and who has waived his right to all or some of the additional pensionable service with which he could have been credited may elect to have the lump sum due to him as retirement compensation paid to him at any time before he attains the age of 65 years together with a sum equal to his aggregate pension contributions.

Basis of calculation of retirement compensation

14.—(1) Retirement compensation under the provisions of this Schedule shall be calculated on the maximum of the pay scale, if any, applicable to him at the relevant date, or, if no pay scale is then applicable to him, on his annual rate of pay at that date.

(2) If the person was a member to whom Regulations 9, 10 and 11 applied and is entitled to reckon at least 10 completed years' pensionable service the retirement award shall be an annual amount calculated, subject to sub-paragraph (1), as if it were a retirement pension payable under these Regulations.

(3) If the person was not such a member as is referred to in sub-paragraph (2) the retirement award shall be a lump sum calculated, subject to sub-paragraph (1), as if it were a retirement gratuity payable under these Regulations.

Retirement compensation payable to a person on his becoming incapacitated, etc.

15.—(1) Where a person to whom this Schedule applies, before attaining the age of 65—

(*a*) becomes incapacitated in circumstances in which, if the Force had not been disbanded and if he had continued to serve as a member, he would have become entitled to a pension or gratuity; or

(*b*) would, if the Force had not been disbanded and if he had continued to serve as a member, have become entitled to retire with an ordinary or short-service pension,

he shall be entitled on the happening of either event to claim, in lieu of any compensation to which he would otherwise be entitled under this Schedule, retirement compensation based on the pensionable service he is entitled to reckon at the date on which the Ministry received his claim, but excluding (unless he has then attained the age of 60 years) any additional pensionable service credited to him under paragraph 12(1) which extends beyond that date:

Provided that he shall not, without the consent of the Ministry, be so entitled if, within the previous 6 years, he has received an advance of long-term compensation under paragraph 9(3) or if, within the previous 9 years, he has received a compounded sum under paragraph 10.

(2) On receipt of a claim under sub-paragraph (1) the Ministry shall consider whether the claimant is a person to whom that sub-paragraph applies, and within thirteen weeks after the date of the receipt of the claim—

(*a*) if it is satisfied that he is not such a person, it shall notify him in writing accordingly; or

(*b*) if it is satisfied that he is such a person, it shall assess the amount of compensation payable to him and notify him in writing accordingly,

and any such notification shall, for the purposes of this Schedule, be deemed to be a notification by the Ministry of a decision on a claim for compensation.

(3) The Ministry may require any person who makes a claim under sub-paragraph (1)(*a*) to submit himself to a medical examination by a registered medical practitioner selected by the Ministry, and if it does so, it shall also offer the person an opportunity of submitting a report from his own medical adviser as a result of an examination by him, and the Ministry shall take that report into consideration, together with the report of the medical practitioner selected by it.

(4) If a person wishes to receive compensation under this paragraph, he shall so inform the Ministry in writing within one month from the receipt of a notification under sub-paragraph (2); and, notwithstanding the provisions of Regulation 9(2), the compensation shall be payable as from the date on which the Ministry received the claim.

Compensation payable to a widow or dependants

16. If on the death of a person to whom this Schedule applies, the widow, child or other dependant would have become entitled to an award under these Regulations if the Force had not been disbanded and if that person had continued to serve as a member, the widow, child or other dependant, as the case may be, shall be entitled to a compensation award equivalent to the award to which she would have been entitled as aforesaid:

Provided that any calculation which would have been based on average pensionable pay and pensionable service shall be based on the amount specified in paragraph 14(1) and on the pensionable service which the person was entitled to reckon for the purposes of retirement compensation or would, if not in receipt of such compensation at the date of his death, have been entitled so to reckon at that date.

Reduction of long-term compensation

17.—(1) Where in any week a person is entitled to long-term compensation for loss or diminution of emoluments and is also entitled to unemployment, sickness or injury benefit under any Act relating to National Insurance or a training grant payable from public funds, there shall be deducted from the long-term compensation payable for that week a sum equal to the amount by which the aggregate of such National Insurance benefit or training grant claimable in respect of that week (excluding such benefit or grant claimable by him in respect of a dependant) and the weekly rate at which the long-term compensation would be payable but for this paragraph exceeds such weekly rate;

Provided that this sub-paragraph shall not apply in relation to any such sickness or injury benefit in so far as an equivalent sum is deducted from the emoluments of his current employment.

(2) In sub-paragraph (2) the expression 'weekly rate' means seven three hundred and sixty-fifths of the relevant annual rate.

Notification of change of circumstances

18. Where—

(*a*) a person entitled to long-term compensation enters employment, or ceases to hold employment, or receives any increase in his remuneration in employment; or

(*b*) a person entitled to retirement compensation enters such service or is appointed to such office as is referred to in Regulation 43(1), or ceases to be in such service or to hold such office, or receives any increase in his remuneration in respect thereof, or becomes entitled to any superannuation benefit on ceasing to hold employment, or receives any increase in such benefit; or

(*c*) a person entitled to long-term compensation starts to receive any benefit, any increase in benefit or any further benefit under any Act relating to National Insurance, or any training grant or increase thereof from public funds, or ceases to receive any such benefit or grant,

he shall forthwith inform the Ministry in writing of that fact.

Review of awards of long-term or retirement compensation

19.—(1) The Ministry shall, within a period of two years after the date on which any decision on a claim for long-term or retirement compensation (other than compensation payable under paragraph 13(1)) is notified to a claimant under paragraph 21, and at intervals of not more than six months, review its decision or, where the claim has been the subject of an appeal, the decision of the tribunal, and this Schedule shall apply in relation to any such review as it applies in relation to the initial determination of the claim; and on such review, in the light of any material change in the circumstances of the case, compensation may be awarded, or compensation previously awarded may be increased, reduced or discontinued, subject to the limits set out in this Schedule.

(2) The person to whom the decision relates may require the Ministry to carry out the review mentioned in sub-paragraph (1) at any time within the period of two years mentioned in that sub-paragraph if he considers that there has been a change in the circumstances of his case which is material for the purposes of this Schedule.

(3) The Ministry shall carry out a review in accordance with sub-paragraph (1), notwithstanding the expiration of the period mentioned therein if—

(*a*) the emoluments of employment or work undertaken as a result of the disbandment of the Force had been taken into account in determining the amount of any compensation awarded; and

(*b*) such employment or work has been lost or the emoluments thereof reduced otherwise than by reason of misconduct or incapacity to perform such duties as the person might reasonably have been required to perform; and

(*c*) the Ministry is satisfied that such loss or reduction is causing him hardship;

and where any decision is so reviewed, the decision shall be subject to further review in accordance with sub-paragraph (1) as if the review carried out under this sub-paragraph had been the initial determination of the claim.

(4) The Ministry shall give to a person to whom a decision relates not less than 14 days' notice of any review of that decision to be carried out under this paragraph unless the review is carried out at his request.

Compounding of awards

20. In a case where an annual sum which has been or might be awarded under this Schedule does not exceed £52, the Ministry may, at its discretion and with the agreement of the claimant, compound its liability in respect thereof by paying a lump sum equivalent to the capital value of the annual sum.

Procedure on making claims

21.—(1) Every claim for compensation under this Schedule and every request for a review of an award of long-term or retirement compensation shall be made in accordance with this paragraph.

(2) Every such claim and request shall be made to the Ministry in a form approved by the Ministry, and shall state whether any other claim for compensation has been made by the claimant under this Schedule.

(3) The Ministry shall consider any such claim or request in accordance with the relevant provisions of this Schedule and shall notify the person making the claim or request in writing of its decision—

(*a*) in the case of a claim for, or request for the review of an award of, long-term or retirement compensation, not later than thirteen weeks after the receipt of the claim or request; and

(*b*) in any other case, as soon as possible after the decision,

but the decision of the Ministry shall not be invalidated by reason of the fact that notice of the decision is given after the expiry of the period mentioned in this sub-paragraph.

(4) Every notification of a decision by the Ministry (whether granting or refusing compensation or reviewing an award, or otherwise affecting any compensation under this Schedule) shall contain a statement—

(*a*) giving reasons for the decision; and

(*b*) showing how any compensation has been calculated and, in particular, if the amount is less than the maximum which could have been awarded under this Schedule, showing the factors taken into account in awarding that amount.

Claimant to furnish information

22.—(1) Any person claiming or receiving compensation or whose award of compensation is being reviewed shall furnish all such information as the Ministry may at any time reasonably require; and he shall verify the same in any such manner, including the production of books or of original documents in his possession or control, as may be reasonably so required.

(2) Any such person shall, on receipt of reasonable notice, present himself for interview at any such place as the Ministry may reasonably require; and any person who attends for interview may, if he so desires, be represented by his adviser.

Procedure on death of claimant

23.—(1) In the event of the death of a claimant or of a person who, if he had survived, could have been a claimant, a claim for compensation under this Schedule may be continued or made, as the case may be, by his personal representatives.

(2) Where any such claim is continued or made as aforesaid by personal representatives, the personal representatives shall, as respects any steps to be taken or thing to be done by them in order to continue to make the claim, be deemed for the purpose of this Schedule to be the person entitled to claim, but, save as aforesaid, the person in whose right they continue or make the claim shall be deemed for the purposes of this Schedule to be such person, and the relevant provisions of this Schedule shall be construed accordingly.

Calculation of service

24. For the purpose of making any calculation under this Schedule in respect of a person's pensionable service, all periods of such service shall be aggregated, and, except where reference is made to completed years of service, if the aggregated service includes a fraction of a year, that fraction shall, if it equals or exceeds six months, be treated as a year, and shall in any other case be disregarded.

Right of appeal from decision of the Ministry

25.—(1) Every person who is aggrieved by any decision of the Ministry with respect to a compensation question or by any failure on the part of the Ministry to notify him of such decision within the appropriate time prescribed by this Schedule may within thirteen weeks of the notification to him of the decision or the expiry of the prescribed time, as the case may be, institute proceedings for the determination of the question by a tribunal in accordance with the rules of procedure laid down in the Industrial Tribunals (Employment and Compensation) Regulations (Northern Ireland) 1967(e) and this Schedule; and the tribunal shall determine the question accordingly.

(2) For the purposes of any such proceedings a person or persons may be appointed to sit with the tribunal as assessor or assessors.

(3) The Ministry shall give effect to the decision of a tribunal subject to any modifications that may be required in consequence of any appeal from that decision on a point of law.

Definition

26. In this Schedule 'tribunal' means a tribunal established under section 13 of the Industrial Training Act (Northern Ireland) 1964(f)."

Dated this 6th day of May 1970.

R. W. Porter,
Minister of Home Affairs
for Northern Ireland.

EXPLANATORY NOTE

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

These Regulations introduce a Sixth Schedule to the Ulster Special Constabulary Pensions Regulations 1950 to provide for the payment of compensation to or in respect of certain classes of permanent and full-time members of the Ulster Special Constabulary who suffer loss of employment attributable to the disbandment of that Force.

(e) S.R. & O. (N.I.) 1967, No. 110. (f) 1964. c. 18 (N.I.).

The compensation payable is—

(*a*) long-term compensation for loss of emoluments or, where lower emoluments are earned in alternative employment, compensation in respect of the diminution;

(*b*) retirement compensation for loss or diminution of pension rights;

(*c*) compensation to the widow, child or other dependant or personal representative of a claimant who was a permanent member on 1st January 1970.

For the purposes of these Regulations the relevant date is taken to be 30th April 1970.

The qualifying conditions and factors to be considered for such compensation are set out in paragraphs 2 and 3 of the Schedule. Long-term compensation will in normal circumstances cease when a retirement award is paid.

The method of calculating the maximum long-term compensation is set out in paragraph 4. The maximum amount payable is two-thirds of emoluments in the Ulster Special Constabulary on the relevant date.

Paragraph 9 provides that an advance payment of long-term compensation may be made by either of two methods; the first is in the form of a repayable advance and the second is non-repayable. In the former case, repayment will be made either by cash payments or by a reduction in long-term compensation or both; in the latter case, the maximum limit of long-term compensation will be reduced to one-half of his emoluments in the Force, and where the claimant is in employment his emoluments in the Force will, for calculation purposes, be deemed to have been reduced by one-sixth. Paragraph 10 provides for compounding long-term compensation.

Retirement compensation is based on accrued pension or gratuity rights supplemented by the addition of notional years of service (paragraph 12). It is normally not payable until age 65, but provision is made for earlier commencement: from age 55 to 60, but without added years. On becoming incapacitated or on reaching a point where the claimant could have retired on pension the number of notional years to be added depends on the date of the claim (paragraphs 13 and 15).

Compensation to widows and dependants will be based, where applicable, on the pensionable service of the deceased person which was or would have been reckonable at the date of his death (paragraph 16).

Paragraph 19 provides for long-term and retirement compensation to be reviewed and for awards to be varied in the light of changes in circumstances.

Paragraph 25 relates to the procedure for appeals by claimants who are aggrieved by a decision or the failure of the Miinstry to notify its decision. Appeals lie to a tribunal appointed by the Ministry of Health and Social Services.