ULSTER SPECIAL CONSTABULARY: PENSIONS

REGULATIONS DATED 9TH MAY, 1956, MADE BY THE MINISTER OF HOME AFFAIRS UNDER THE SPECIAL CONSTABLES ACT, 1914, AS EXTENDED AND AMENDED BY THE CONSTABULARY ACT (NORTHERN IRELAND), 1922, AND THE CONSTABULARY (PENSIONS) ACT (NORTHERN IRELAND), 1949.

1956. No. 75 [NC]

I, THE RIGHT HONOURABLE TERENCE O'NEILL, D.L., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by the Special Constables Act, 1914, as extended and amended by Section Eight of the Constabulary Act (Northern Ireland), 1922, and by sub-section (4) of Section Four of the Constabulary (Pensions) Act (Northern Ireland), 1949, and of all other powers enabling me in that behalf, do hereby make the following Regulations:—

1. At the end of paragraph (3) of Regulation 4 of the Ulster Special Constabulary Pensions Regulations, 1950, there shall be added the words—

"and for the purposes of paragraphs (1) and (2) any such pension as is mentioned in sub-paragraph (*d*) and is reduced in accordance with Part V of the First Schedule shall be deemed not to have been so reduced."

2. For paragraph (2) of Regulation 9 of the said Regulations there shall be substituted the following paragraph:—

(2) The amount of an ordinary pension shall be determined in accordance with Parts I, III and V of the First Schedule.

Provided that where the date of retirement is the 1st July, 1949, or any later date an ordinary pension shall be determined in accordance with Parts IA, III and V of the said Schedule.

3. For paragraph (2) of Regulation 10 of the said Regulations there shall be substituted the following paragraph:—

(2) The amount of the said pension or gratuity shall be determined in accordance with Parts II, III and V of the First Schedule.

Provided that where the date of retirement is the 1st July, 1949, or any later date the amount of the said pension or gratuity shall be determined in accordance with Parts IIA, III and V of the said Schedule.

4. For paragraph (3) of Regulation 11 of the said Regulations there shall be substituted the following paragraph:—

(3) The amount of the said pension or gratuity shall be determined in accordance with Parts II, III and V of the First Schedule.

Provided that where the date of retirement is the 1st July, 1949, or any later date the amount of the said pension or gratuity shall be determined in accordance with Parts IIA, III and V of the said Schedule.

5. For paragraph (2A) of Regulation 14 of the said Regulations there shall be substituted the following paragraph:—

(2A) A widow's ordinary pension, including such a pension granted before the 25th April, 1955, shall be of the amount described in Part I of the Second Schedule:

Provided that—

(i) where the date of the death of the husband is the 6th April, 1949, or any later date up to and including the 30th June, 1949, the pension in respect of any period after the 24th April, 1955, shall not be of less amount than it would have been if calculated in accordance with Part IA of the Second Schedule,

(ii) where the date of the death of the husband is the 1st July, 1949, or any later date the pension in respect of any period after the 24th April, 1955, shall be of the amount described in the said Part IA, and

(iii) where immediately before his death or retirement the husband was paying pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay the pension shall be of the amount described in Part VIII of the Second Schedule.

6. For paragraph (1) of Regulation 15 of the said Regulations there shall be substituted the following paragraph:—

(1) Where, under Regulation 14, a widow is entitled to an ordinary pension calculated in accordance with Part I or Part IA of the Second Schedule the Ministry, with the consent of the Ministry of Finance, may increase that pension in accordance with the provisions of this Regulation.

7. For paragraph (1) of Regulation 16 of the said Regulations there shall be substituted the following paragraph:—

(1) Where a member or a person who has been a member dies as the result of an injury received in the execution of his duty as a member without his own default his widow shall be entitled to a widow's special pension.

8. For paragraph (1) of Regulation 23 of the said Regulations there shall be substituted the following paragraph:—

(1) A widow shall not be entitled to a pension or gratuity under this Part of these Regulations if at the time of her husband's death—

(*a*) she was separated from him by an order or decree of a competent court, and

(*b*) he was not required by an order or decree of a competent court to contribute to her support and was not, in fact, regularly contributing to her support.

9. At the end of Regulation 25 of the said Regulations there shall be added the following paragraph:—

(3) Notwithstanding the foregoing provisions of this Regulation no child's ordinary allowance shall be payable in respect of the death of a person for such period or periods, if any, as a widow's ordinary pension calculated in accordance with paragraph 1 of Part VIII of the Second Schedule is payable in respect of that person's death.

10. After Regulation 29 of the said Regulations there shall be inserted the following Regulation:—

29A. An allowance to a child shall be payable as from the date of the death of the parent in respect of whom it is payable or, in the case of an allowance to a posthumous child, as from the date of the birth of the child except—

(*a*) where the parent was in receipt of a pension and he dies during the period in respect of which he has already received his pension, in which case the allowance shall not be payable before the end of that period;

(*b*) where the parent has received a gratuity, in which case the allowance shall be payable at such time as the Ministry may in their discretion determine to be reasonable, not being more than one year after his death having regard to all the circumstances, including the amount of the gratuity.

11. For paragraph (2) of Regulation 37 of the said Regulations there shall be substituted the following paragraph:—

(2) Where a member who retires or before 5th July, 1948, has retired from the force and on retirement is not or was not granted a pension rejoins the force the period shall be that which he was entitled to reckon as pensionable service when he so retired or if he so retired before 5th July, 1948, the period which he was entitled then to reckon as approved service and the appropriate payment shall be any gratuity, bounty, return of pension contributions or, as the case may be, rateable deductions which he may have received on his retirement, so, however, that where immediately before his retirement he was paying additional pension contributions under Regulation 38A the appropriate payment shall be reduced by the amount he had paid by way of such contributions.

12. For paragraph (2) of Regulation 38 of the said Regulations there shall be substituted the following paragraph:—

(2) The pension contributions (including additional pension contributions, if any, payable under the provisions of Regulation 38A) upon each instalment of pay shall fall due at the same time as that instalment and may, without prejudice to any other method of payment, be discharged by way

of a deduction of an appropriate amount from the said instalment.

13. At the end of Regulation 38 of the said Regulations there shall be added the following paragraphs:—

(6) Notwithstanding the provisions of paragraphs (1), (3) and (3A) of this Regulation the pension contributions of a permanent member to whom Regulations 9, 10, 11 and 12 apply shall, in respect of service after the 31st March, 1956, and subject to the provisions of paragraphs (7) and (8), be calculated as if for the words "five per cent." in paragraphs (1), (3) and (3A) there were substituted the words "six-and-a-quarter per cent.".

(7) Where such a permanent member as is described in paragraph (6) who is serving in the force on the 1st April, 1956, does not before the appropriate day elect by written notice to the Ministry to pay pension contributions at the increased rate specified in paragraph (6) he shall, in respect of any service on or after the appropriate day, pay pension contributions at the rate at which he would be liable to pay but for the provisions of paragraph (6) and the Ministry shall refund to him one-and-a-quarter per cent. of his pensionable pay in respect of the period between 1st April, 1956, and the appropriate day:

Provided that if such a member gives written notice to the Ministry that he does not intend to exercise his right of election under this paragraph, this paragraph shall apply as if for the second and third references to the appropriate day there were substituted references to the first day of the pay period during which he gives such notice.

(8) For the purposes of paragraph (7) "appropriate day" shall mean—

(*a*) the 1st July, 1956, or

(*b*) where the member retires before the 1st July, 1956, the last day of his service with the force.

14. After Regulation 38 of the said Regulations there shall be inserted the following Regulation:—

38A. Where such a permanent member as is described in paragraph (6) of Regulation 38 who is serving in the force on the 1st April, 1956—

(*a*) is entitled on that day to reckon not more than twenty years' pensionable service, and

(*b*) will be entitled to reckon at least twenty-five years' pensionable service before he becomes subject to retirement under the provisions of Regulation 12, and

(*c*) has elected in accordance with the provisions of paragraph (7) of Regulation 38 to pay pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay,

then, for the purpose of avoiding a reduction in pension under Part V of the First Schedule, he may by written notice to the Ministry elect, before the appropriate day specified in para-

graph (8) of Regulation 38, to pay additional pension contributions, and where he has so elected he shall pay such pension contributions from the said appropriate day at a rate calculated in accordance with the Fifth Schedule until such time as he becomes entitled to reckon twenty-five years' pensionable service or retires, whichever is the earlier.

15. For Regulation 50 of the said Regulations there shall be substituted the following Regulation:—

50.—(1) If the Minister on the report of the Inspector General determines that the retention in the force of a member who, if required to retire, would be entitled to receive a pension of an amount not less than two-thirds of his average pensionable pay would not be in the general interests of efficiency, the member may be required to retire on such date as the Minister may determine.

(2) For the purposes of this Regulation a member who is paying pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay shall be deemed, if required to retire, to be entitled to the pension to which he would be entitled but for the provisions of Part V of the First Schedule.

16. Regulation 54 of the said Regulations shall be omitted.

17. For (i) of paragraph (5) of Regulation 56 of the said Regulations there shall be substituted the following:—

(i) The aggregate of the pension contributions (including additional pension contributions under the provisions of Regulation 38A), made in respect of that period by that person to the Ministry and any rateable deductions made in respect of that period by the Ministry from his pay and where that person has made no pension contributions but has had rateable deductions made in respect of that period from his pay by the Ministry, those rateable deductions together with—

18. For Regulation 59 of the said Regulations there shall be substituted the following Regulation:—

59. For the purposes of these Regulations the following shall be regarded as equivalent ranks:—

Ulster Special Constabulary	*Royal Ulster Constabulary*
Staff Officer	Deputy Inspector General
County or City Comandant	County Inspector
Assistant Staff Officer	District Inspector
Superintendent, Royal Ulster Constabulary Central Stores	District Inspector
Adjutant	District Inspector
Paymaster	Head Constable
Sergeant Instructor	Sergeant
Sergeant Armourer	Sergeant
Sergeant	Sergeant
Special Constable Senior Clerk	Sergeant
Special Constable	Constable

19.—(1) For paragraph 2 of Part III of the First Schedule to the said Regulations there shall be substituted the following paragraph:—

2. Where a person who immediately before he retired and was granted a pension was paying pension contributions at a rate of twopence a week less than the appropriate percentage of his pensionable pay there shall not be any reduction of the pension under this Part of this Schedule.

(2) For paragraph 3 of the said Part III there shall be substituted the following paragraph:—

3. When a person who immediately before he retired and was granted a pension was paying pension contributions at a rate of one shilling and twopence a week less than the appropriate percentage of his pensionable pay by reason of the making of such an election or the giving of such notice as is mentioned in paragraph (3) or (3A) of Regulation 38 attains the age of sixty-five the pension shall be reduced by an amount at an annual rate equal to the amount obtained by multiplying the sum in the second column of the subjoined Table set opposite to the age in the first column of the said Table which he had attained on the 5th July, 1948. by the number of years specified in paragraph 4:—

(3) For paragraph 4 of the said Part III there shall be substituted the following paragraph:—

4. The number of years referred to in paragraph 1 and in paragraph 3 by which the sums therein respectively specified are to be multiplied for the purposes of those paragraphs is the highest whole number of years in the aggregate period during which the person concerned has paid contributions as a member at the rate of one shilling and twopence a week less than a percentage of his pensionable pay or, being a member who has transferred from the Royal Ulster Constabulary, has paid pension contributions at a rate of one shilling and two pence a week less than the appropriate percentage of his pensionable pay:

Provided that in arriving at the said aggregate any period or periods—

(*a*) in respect of which the person concerned was not entitled to reckon any pensionable service for the purposes of the pension in question, or

(*b*) which fell after the date on which the person concerned would have been entitled if he had retired to a pension based on thirty years' pensionable service,

shall be disregarded.

20. At the end of the First Schedule to the said Regulations there shall be added the following Part:—

"PART V

Regulations 9, 10 and 11.

REDUCTIONS IN ORDINARY, ILL-HEALTH OR SHORT-SERVICE PENSIONS PAYABLE TO PERSONS PAYING PENSION CONTRIBUTIONS AT A RATE RELATED TO SIX-AND-A-QUARTER PER CENT. OF PENSIONABLE PAY

1. The amount of an ordinary, ill-health or short-service pension payable to a man who was, immediately before his retirement, paying pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay shall, subject to the provisions of this Part of this Schedule, be reduced by an amount which is that percentage of his pension which is set out in the second column of the subjoined Table opposite the number of completed years of pensionable service he is entitled to reckon—

(*a*) by virtue of service before the 1st April, 1956, and

(*b*) by virtue of service on or after the 1st April, 1956, in respect of which he has not paid pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay:—

TABLE

Completed years of pensionable service	Percentage reduction in pension
1	0·2
2	0·4
3	0·5
4	0·6
5	0·8
6	0·9
7	1·0
8	1·2
9	1·3
10	1·5
11	1·6
12	1·7
13	1·8
14	1·9
15	2·0
16	2·1
17	2·2
18	2·3
19	2·4
20	2·5
21	2·6
22	2·7
23	2·8
24	2·9
25	2·9
26	3·0
27	3·1
28	3·1
29	3·2
30 or more	3·3

2. If he elected to pay additional pension contributions under Regulation 38A or under paragraph 36A of the Schedule to the Royal Ulster Constabulary Pension Order, 1949, and paid such contributions until he became entitled to reckon twenty-five years' pensionable service or retired with a pension, in calculating the amount of the said reduction no account shall be taken of any service before the 1st April, 1956, which he was entitled to reckon as pensionable service when he made the said election.

3. In calculating the amount of the said reduction there shall be disregarded any reduction in the amount of the pension in accordance with the provisions of Part III of this Schedule."

21. In the Second and Third Schedules to the said Regulations for the words "Assistant Paymaster" where those words occur there shall be substituted the word "Paymaster".

22. At the end of the Second Schedule to the said Regulations there shall be added the following Part:—

"PART VIII

Regulation 14.

WIDOW'S ORDINARY PENSION—STANDARD RATE

1. Subject to paragraph 2 of this Part of this Schedule the amount of a widow's ordinary pension determined in accordance with this Part of this Schedule shall be not more than forty one-hundred-and-eightieths of her husband's weekly average pensionable pay and, subject as aforesaid, shall be equal to one one-hundred-and-eightieth of his weekly average pensionable pay for each completed year of pensionable service up to

twenty years with the addition of one one-hundred-and-eightieth for each completed half-year by which his pensionable service exceeded twenty years.

2. Where in respect of any period a widow so elects, the weekly amount of her ordinary pension in respect of that period shall be, if her husband at the time when he ceased to be a member—

(*a*) held a rank higher than that of Paymaster, twenty-six shillings and tenpence;

(*b*) held the rank of Paymaster, twenty-three shillings;

(*c*) held a rank lower than that of Paymaster, nineteen shillings and twopence;

so, however, that where the husband was entitled to reckon at least ten years' pensionable service the aforesaid amounts shall be increased by one shilling and elevenpence."

23. For Part I of the Fourth Schedule to the said Regulations there shall be substituted the following:—

PART I

Staff Officer
Assistant Staff Officer
Superintendent, Royal Ulster Constabulary Central Stores
Paymaster
Headquarters Clerk
Special Service Driver

24. After the Fourth Schedule to the said Regulations there shall be added the following Schedule:—

FIFTH SCHEDULE

Regulation 38A

ADDITIONAL PENSION CONTRIBUTIONS

1. Where a member has elected to pay additional pension contributions, he shall pay such contributions at a rate equal to that percentage of his pensionable pay which is set out in the second column of the subjoined Table opposite the number of completed years of pensionable service he was entitled to reckon, at the time he made his election, by virtue of service before the 1st April, 1956:—

TABLE

Completed years of pensionable service	Rate expressed as a percentage of pensionable pay
1	0·1
2	0·1
3	0·2
4	0·2
5	0·3
6	0·4
7	0·5
8	0·6
9	0·7
10	0·8
11	0·9
12	1·1
13	1·3
14	1·6
15	1·9
16	2·3
17	2·7
18	3·3
19	4·1
20	4·1

25. These Regulations shall have effect as from the 1st April, 1956, and may be cited as the Ulster Special Constabulary Pensions (Amending) Regulations, 1956, and shall be construed as one with the Ulster Special Constabulary Pensions Regulations, 1950 to 1955, and these Regulations and those Regulations may be cited together as the Ulster Special Constabulary Pension Regulations, 1950 to 1956.

Dated this 9th day of May, 1956.

Terence O'Neill,
Minister of Home Affairs
for Northern Ireland.

ULSTER TRANSPORT AUTHORITY

Abandonment of Railway Lines

1956. No. 158 **[NC]**

AN ORDER FOR ABANDONMENT, DATED THE 10TH DAY OF OCTOBER, 1956, MADE BY THE MINISTRY OF COMMERCE IN EXERCISE OF THE POWERS VESTED IN IT UNDER SECTION 58 OF THE TRANSPORT ACT (NORTHERN IRELAND), 1948(a).

WHEREAS by virtue of an Arrangement dated the Tenth day of December, 1948, made in pursuance of the provisions of Section 65 of the Transport Act (Northern Ireland), 1948, between the British Transport Commission of 55 Broadway, Westminster, London, S.W.1., of the one part and the Ulster Transport Authority (hereinafter referred to as "the Authority") of the other part (which said Arrangement was subsequently, in pursuance of sub-section (2) of the said Section, duly confirmed by each House of Parliament) that part of the undertaking of the British Transport Commission situate in Northern Ireland theretofore operated and managed by the Northern Counties Committee, established in pursuance of the provisions of Section 25 of the Midland Railway (Belfast and Northern Counties Railway) Purchase Act, 1903 became vested in the Authority;

AND WHEREAS the Authority have published Notices in accordance with the provisions of Section 57 of the said Act of 1948 of their intention in respect of each of the sections of railway lines hereinafter mentioned to terminate wholly the transport services then or hitherto provided thereon, that is to say, the sections of railway lines between the points following:—between Magherafelt and Cookstown, and between Limavady Junction and Limavady;

AND WHEREAS no objections having been received by the Ministry of Commerce (hereinafter referred to as "the Ministry") within the period specified in any of the said Notices in respect of either of the said sections of railway lines, the Authority thereupon as provided by sub-section (3) of the said section 57, became entitled to terminate wholly the transport services on

(a) 1948 Ch. 16 (N.I.).