

1973. No. 316

[C]

POLICE**Police Cadets (Northern Ireland): Pensions**

REGULATIONS, DATED 31ST AUGUST 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 10 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 power conferred on it by section 10 of the Police Act (Northern Ireland) 1970(a) and of every other power enabling it on that behalf, and after consulting the Police Authority and the Police Association in accordance with section 34(2) of that Act and the Police Council for the United Kingdom in accordance with section 4 of the Police Act 1969(b), hereby makes the following Regulations:—

PART I*Citation, commencement and revocation*

1.—(1) These Regulations may be cited as the Police Cadets (Pensions) (No. 2) Regulations (Northern Ireland) 1973, shall come into operation on 1st September 1973 and shall have effect from 1st April 1972.

(2) The Police Cadets (Pensions) Regulations (Northern Ireland) 1973(c) are hereby revoked.

Interpretation

2.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“dependant” means any relative of a police cadet other than his widow who was dependent on him to any degree at the time of his death;

“the principal Regulations” means the Royal Ulster Constabulary Pensions Regulations 1973(d);

(2) Regulations 4, 5, 9, 11(3), 12(1) and (4), 13, 61, 63 and 64, Part VIII and Regulations 71(1), 72 and 73 of the principal Regulations shall apply for the purposes of these Regulations, subject to any necessary adaptations, as they apply for the purposes of the said Regulations, but the said Regulation 61 as so applied shall have effect as if the proviso were omitted therefrom.

(3) For the purposes of these Regulations a reference to a qualifying injury is a reference to an injury received by a person, without his own default—

(a) while on duty as a police cadet or while on a journey necessary to enable him to report for duty or to return to his usual place of abode after duty, or

(b) while taking action which, in the opinion of the Police Authority, it was appropriate that he should have taken by reason of his being a police cadet, or

(a) 1970 c. 9 (N.I.).
(b) 1969 c. 63.

(c) S.R. & O. (N.I.) 1973, No. 28.
(d) S.R. & O. (N.I.) 1973, No. 317.

- (c) where he would not have received the injury had he not been known to be a police cadet, or
- (d) where the Police Authority are of the opinion that the preceding condition may be satisfied and that the injury should be treated as one received as aforesaid;

and includes a reference to an injury so received before the date from which these Regulations have effect.

(4) For the purposes of these Regulations and of the principal Regulations as applied hereby, disablement means inability occasioned by infirmity of mind or body, in the case of a police cadet, to perform the ordinary duties of a male or of a female member of the Royal Ulster Constabulary as the case may be or, in the case of a child, to earn a living; but where it is necessary to determine the degree of a police cadet's disablement it shall be determined by reference to the degree to which his earning capacity has been affected as the result of a qualifying injury:

Provided that a police cadet shall be deemed to be totally disabled if, as a result of a qualifying injury, he is receiving treatment as an in-patient in a hospital.

(5) For the purposes of these Regulations, a reference in the principal Regulations to a person serving as a member of the Royal Ulster Constabulary shall be construed as a reference to a person serving as a police cadet, and any reference in the said regulations to retirement or ceasing to be a member of the said constabulary shall be construed as a reference to the termination of a period of such service.

(6) For the purposes of these Regulations, a reference to a police cadet is a reference to a police cadet appointed under section 10 of the Police Act (Northern Ireland) 1970 and, except where the context otherwise requires, includes a reference to a person who has been a police cadet.

(7) For the purpose of calculating an award under these Regulations to or in respect of a police cadet—

- (a) his period of pensionable service shall be his period of service as a police cadet or, if the award is made under Part III, his period of such service commencing with the date of his 18th birthday;
- (b) his average pensionable pay shall be the aggregate of the pay to which he has been entitled in respect of his period of pensionable service divided by the number of years and fraction of a year comprised in that period, or, if that period is less than a year, multiplied by the reciprocal of the fraction which that period is of a year;
- (c) his average pensionable pay for a week shall be taken to be his average pensionable pay divided by $52\frac{1}{4}$.

Preventing of duplication

3.—(1) This Regulation shall apply to a police cadet who becomes a member of the Royal Ulster Constabulary or of the Royal Ulster Constabulary Reserve.

(2) Where a person to whom this Regulation applies is permanently disabled or dies as the result of a qualifying injury and in consequence thereof an award is payable under the principal Regulations or under the Royal Ulster Constabulary Reserve (Pensions) Regulations 1973(e) to him, his widow or child, then, he or, as the case may be, his widow or child shall not be entitled to an award under these Regulations.

Transitory provisions

4. 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.

PART II

5. This Part shall apply to—

- (a) a police cadet who, on or before his 18th birthday, ceases or has ceased to serve as such and is permanently disabled as the result of a qualifying injury, and
- (b) the widow or a dependant of a police cadet who dies or has died as the result of a qualifying injury either while serving as such before his 18th birthday or at any time if he ceased to serve as such on or before that birthday.

6.—(1) Subject to the provisions of paragraph (2) and of Regulations 2, 3 and 7, a person to whom this Part applies shall be entitled to a gratuity—

- (a) by way of a lump sum equal to twice the average pensionable pay of the police cadet to whom or in respect of whom the award is being made, or
- (b) by way of periodic payments equal in the aggregate to the lump sum aforesaid, or
- (c) by way of an annuity the capital value of which is equal to the said lump sum.

(2) Where more than one dependant is entitled to a gratuity under paragraph (1) the provisions of that paragraph shall apply to each gratuity as if for the lump sum amount specified therein there were substituted an amount equal to the said amount divided by the number of gratuities.

7. Where a gratuity has been awarded under Regulation 6 to a police cadet who subsequently dies, a gratuity under that Regulation may be awarded to his widow or a dependant of his if either—

- (a) the gratuity to the police cadet was by way of periodic payments and the police cadet dies before all the payments have been made, or
- (b) the said gratuity was by way of an annuity and the police cadet dies before receiving an aggregate amount equal to the capital value of the annuity,

and Regulation 6 shall apply to the gratuity to the widow or dependant as if for the lump sum amount specified in paragraph (1) thereof there were substituted the aggregate amount of the periodic payments outstanding at the police cadet's death or, as the case may be, the difference between the capital value of the annuity payable to the police cadet and the aggregate of the payments made to him before his death.

PART III

8. This Part shall apply in the case of a police cadet who ceases or has ceased to serve after his 18th birthday.

Police cadets ill-health and injury awards

9.—(1) Subject to Regulation 8, this Regulation shall apply to a police cadet who is permanently disabled as a result of a qualifying injury.

(2) Subject to the provisions of these Regulations, a police cadet to whom this Regulation applies shall be entitled to—

(a) a gratuity and, in addition, an injury pension,

(b) together with, if he ceased to serve on the grounds of disablement, an ill-health pension;

and, subject to paragraph (3), Regulations 17, 19, 21 (except for paragraphs (2) and (7)), 60 and 62 of the principal Regulations shall apply as if he were such a member of the Royal Ulster Constabulary as is mentioned in paragraphs (1) and 3(b) of the said Regulation 17 or, as the case may be, in paragraph (1) of the said Regulation 19.

(3) Regulation 17 of the principal Regulations, as so applied, shall have effect as if the references to Parts VII and VIII of Schedule 2 were omitted therefrom; but an ill-health pension payable hereunder shall be reduced in respect of any period beyond insured pensionable age by an amount calculated at the annual rate of the graduated retirement benefit which would be payable to the person concerned, on the assumption that he retired from regular employment on attaining insured pensionable age, in return for the payment in respect of his period of pensionable service of graduated contributions at the rate specified in section 4(1)(c) of the National Insurance Act (Northern Ireland) 1966(f) as originally enacted.

(4) If on the reconsideration of a police cadet's degree of disablement under Regulation 60 of the principal Regulations, as so applied, it is found that his disability has ceased—

(a) his injury pension, and

(b) his ill-health pension, if any,

shall be terminated.

Widow's special award

10.—(1) Subject to Regulation 8, this Regulation shall apply to the widow of a police cadet who dies or has died as a result of a qualifying injury.

(2) Subject to the provisions of these Regulations, a widow to whom this Regulation applies shall be entitled to a widow's 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, 30, 31, 32 and 41 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.

(f) 1966, c. 6 (N.I.).

Widow's augmented award

11.—(1) This Regulation shall apply to a widow to whom Regulation 10 applies and whose husband's death is the result of a qualifying injury 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 illegal custody, whether in the course of assisting a constable or otherwise, 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 preventing 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
- (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 principal Regulations (as applied by Regulation 10 of these Regulations) shall have effect subject to the provisions of Regulation 26 of the principal regulations as if her husband had been a member of the Royal Ulster Constabulary at the time that he received the injury and as if the reference in paragraph

(3) of the said Regulation 26 to annual pensionable pay were a reference to the annual pensionable pay of a police cadet attached to the London Metropolitan Police who has attained the age of 19 years.

Child's special allowance

12.—(1) Subject to Regulation 8, this Regulation shall apply to a child of a police cadet who dies or has died as a result of a qualifying injury.

(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, 39 and 41 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

13.—(1) Subject to Regulation 8, this Regulation shall apply to the child of a police cadet who dies or has died as the result of a qualifying injury where one of the conditions set out in Regulation 11(1) is satisfied and—

- (a) in the case of a man, does not leave a widow entitled to a gratuity under Regulation 10(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 that he received the injury, as if any reference in the said Regulation 36 to Regulation 26 of the principal Regulations were a reference to that Regulation as applied by Regulation 11 of these Regulations and as if the reference in paragraph (4) of the said Regulation 36 to annual pensionable pay were a reference to the annual pensionable pay of a police cadet attached to the London Metropolitan Police who has attained the age of 19 years.

Sealed with the Official Seal of the Ministry of Home Affairs 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 this 4th day of September 1973.

(L.S.)

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

EXPLANATORY NOTE

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

These Regulations, which have effect from 1st April 1972, supersede and revoke the Police Cadets (Pensions) Regulations (Northern Ireland) 1973, which had effect from 1st January 1973.

The revoked Regulations provided for the award of pensions, allowances, and gratuities to or in respect of police cadets who were permanently disabled or died as a result of an injury sustained in the execution of duty. The present Regulations make fresh provision for this purpose.

Under the revoked Regulations if a cadet had served as such after attaining the age of 18 years the award was, by the application with modifications of certain provisions of the Royal Ulster Constabulary Pensions Order 1949, related to the award which would be made if the cadet were a member of the Royal Ulster Constabulary. The present Regulations similarly apply with modifications certain provisions of the Royal Ulster Constabulary Pensions Regulations 1973, which Regulations have effect from 1st April 1972. The main differences between the provisions of the Order of 1949 and those of the Regulations of 1973 applied in the case of police cadets are that the latter provide for enhanced rates of benefits.