

SCHEDULES.

FIRST SCHEDULE

Section 7.

PROCEDURE OF THE COUNCIL OF IRELAND IN RELATION TO THEIR POWERS OF PRIVATE BILL LEGISLATION

- 1 Where any public authority or any persons (hereinafter referred to as " the promoters ") desire to obtain an order of the Council of Ireland in regard to any matter with respect to which the Council have power to make an order under section seven of this Act, the promoters may proceed by presenting a petition to the Council praying them to issue an order in accordance with the draft order submitted to them by the promoters, or in accordance with that draft, subject to such modifications as may appear necessary.
- 2 The Council may make standing orders (subject, in the case of orders as to fees, to the consent of the Treasuries of Southern Ireland and Northern Ireland) with respect to the procedure under this schedule and in particular with respect to—
 - (a) the time and manner in which petitions are to be presented ;
 - (b) the deposit of plans and books of reference ;
 - (c) the publication of notices, and, where land is to be taken, the service of notices on owners, lessees, and occupiers;
 - (d) the deposit of copies of the draft order, whether as originally presented or as proposed to be altered, with the Council of Ireland, and such departments of the Governments of Southern Ireland and Northern Ireland as may be prescribed by the Lord Lieutenant, and in such cases as may be prescribed by the Lord Lieutenant with such departments of the Government of the United Kingdom as may be so prescribed ;
 - (e) the holding of meetings of the Council for the consideration of petitions and draft orders ;
 - (f) the reference of petitions, draft orders, and oppositions to examiners for examination and report whether standing orders have been complied with and otherwise;
 - (g) the reference of draft orders for consideration by committees of the Council;
 - (h) oppositions to draft orders ;
 - (i) fees;so, however, that the standing orders shall authorise oppositions to a draft order by any persons who, if the petition had been a petition for a Bill presented to the Parliament of the United Kingdom, would have been entitled to appear and oppose the Bill, and shall require the reference of the draft order to a committee of the Council in any case where it is opposed and the opposition has not been withdrawn, and shall require the committee to sit in that part of Ireland in which the promoters reside or have their principal place of business.
- (3) The Council shall, after considering any reports received by them from any department with which copies of the draft order have been deposited, and, where

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the draft order has been referred to a committee of the Council, the report of that committee, determine whether to issue the order as prayed for, or to issue the order with such modifications as may appear to be necessary having regard to such representations and report as aforesaid, or to refuse to issue any order :

Provided that, where a draft order has been referred to a committee of the Council, and that committee has reported that the order should not be made, the Council shall refuse to issue an order.

SECOND SCHEDULE

Section 13.

COMPOSITION OF SENATE OF SOUTHERN IRELAND

PART I

OFFICES ENTITLING HOLDERS TO BE SENATORS

The Lord Chancellor of Ireland;
 The Lord Mayor of Dublin;
 The Lord Mayor of Cork.

PART II

NOMINATED SENATORS

		Number of Senators.
—		
Representatives of Commerce (including Banking), Labour, and the Scientific and Learned Professions, to be nominated by the Lord Lieutenant.	17	

PART III

ELECTED SENATORS

Description of Senators.		Number of Senators.	Electors.
Archbishops or Bishops of the Roman Catholic Church holding Sees situated wholly or partly in Southern Ireland.	4		The Archbishops and Bishops of the Roman Catholic Church holding Sees situated wholly or partly in Southern Ireland.

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Description of Senators.	Number of Senators.	Electors.
Archbishops or Bishops of the Church of Ireland holding Sees situated wholly or partly in Southern Ireland.	2	The Archbishops and Bishops of the Church of Ireland holding Sees situated wholly or partly in Southern Ireland.
Peers who are taxpayers or ratepayers in respect of property in and have residences in Southern Ireland.	16	The Peers who are taxpayers or ratepayers in respect of property in and have residences in Southern Ireland.
Members of His Majesty's Privy Council in Ireland of not less than two years' standing who are taxpayers or ratepayers in respect of property in and have residences in Southern Ireland.	8	The Members of His Majesty's Privy Council in Ireland who are taxpayers or ratepayers in respect of property in and have residences in Southern Ireland.
Representatives of County Councils in		
Leinster	4	{ By the Members of County Councils voting together as Provinces.
Munster	4	
Connaught	4	
Co. Donegal	2	
Co. Monaghan	2	
Co. Cavan	2	
	} 14	

THIRD SCHEDULE

Section 13.

COMPOSITION OF SENATE OF NORTHERN IRELAND

PART I

OFFICES ENTITLING HOLDERS TO BE SENATORS

The Lord Mayor of Belfast;
 The Mayor of Londonderry.

PART II

ELECTED SENATORS

Twenty-four senators to be elected by the members of the House of Commons of Northern Ireland.

FOURTH SCHEDULE

Section 13.

PROVISIONS WITH RESPECT TO THE NOMINATION, ELECTION, AND TERM OF OFFICE OF SENATORS

- 1 His Majesty may, by Orders in Council, make such provisions as may appear necessary or proper with respect to the election of senators, and in particular with respect to the making and keeping of lists of the electors specified in the third part of. the Second Schedule, the issue of writs, the modes of service, and the returns to be made to such writs.
- 2
 - (a) The term of office of every elected member of the Senate of Northern Ireland shall be eight years, provided that one half of such members shall retire at the end of every fourth year, the members to retire .at the end of the first four years being selected by lot.
 - (b) With respect to the members of the Senate of Southern Ireland, the term of office of every nominated senator, and of every elected senator (other than senators elected by, members of county councils) shall be ten years, and the term of office of a senator elected by members of county councils shall be three years. Provided that, where a particular qualification is required under Part III. of the Second Schedule for a senator to be elected by any of the classes of electors specified in that part of the said schedule, such a senator shall cease to hold office on ceasing to have that qualification. The disqualification of persons in Holy Orders shall not apply in respect of any Archbishop or Bishop of the Roman Catholic Church or Church of Ireland elected as a senator of the appropriate class.
 - (c) The term of office of a senator shall not be affected by a dissolution of the Parliament of Southern. Ireland or Northern Ireland.
 - (d) Senators shall retire at the end of their term of office and their seats shall be filled by new elections.
- 3 If the place of an elected senator becomes vacant before the expiration of his term of office by death, resignation, incapacity, or otherwise, the Lord Lieutenant shall cause a writ or writs to be issued for the election by the body by whom such senator was elected of a senator in his place, and, if the place of a nominated senator so becomes vacant, the Lord Lieutenant shall nominate a new senator in his place, but any senator so elected or nominated to fill a casual vacancy shall hold office only so long as the senator in whose stead he is elected or nominated would have held office.
- 4 At any contested election of four or more members of the Senate of Southern Ireland or of Northern Ireland, the election shall be according to the principle of proportional representation, each elector having one transferable vote as defined by the Representation of the People Act, 1918, and His Majesty in Council shall have the same power of making regulations in respect thereto as he has

under subsection (3) of section twenty of that Act and that subsection shall apply accordingly.

FIFTH SCHEDULE

Sections 14 and 71.

PART I

CONSTITUENCIES IN SOUTHERN IRELAND

BOROUGHS

Constituency.	Number of Members for Parliament of Southern Ireland.	Number of Members for Parliament of United Kingdom.
DUBLIN :		
Mid Dublin, consisting of the College Green and the Dublin Harbour Divisions.	4	1
North West Dublin, consisting of the Clontarf, St. James's and St. Michan's Divisions.	4	1
South City, consisting of St. Patrick's and St. Stephen's Green Divisions.	4	1
CORK.	4	1
Total (Boroughs)	16	4

COUNTIES

Constituency.	Number of Members for Parliament of Southern Ireland.	Number of Members for Parliament of United Kingdom.
Cavan	3	1
Donegal	6	1
Monaghan	3	1
Dublin	6	2
King' County }	4	1
Queen's County }		
Kildare }	5	1
Wicklow }		

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Constituency.	Number of Members for Parliament of Southern Ireland.	Number of Members for Parliament of United Kingdom.
Wexford	4	1
Carlow }	4	1
Kilkenny }		
Longford }	4	1
Westmeath }		
Louth }	5	1
Meath }		
Clare	4	1
East Limerick. }	4	1
Borough of Limerick }		
Kerry }	8	2
West Limerick }		
Cork, East }	3	1
Cork, North East }		
The remaining five divisions of Cork	8	2
Tipperary, East. }	5	1
Waterford. }		
Borough of Waterford }		
The remaining three divisions of Tipperary	4	1
Galway	7	2
North Mayo }	4	1
West Mayo }		
South Mayo }	4	1
South Roscommon }		
East Mayo }	5	1
Sligo }		
Leitrim }	4	1
North Roscommon }		
Total (Counties)	104	26

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UNIVERSITIES.

Constituency.	Number of Member for Parliament of Southern Ireland.	Number of Members for Parliament of United Kingdom.
Dublin University	4	2
National University	4	1
Total (Universities)	8	3

UNIVERSITIES.

—	Number of Members for Parliament of Southern Ireland.	Number of Members for Parliament of United Kingdom.
Total of Members :		
Borough Members	16	4
County Members	104	26
University Members	8	3
Total Members	128	33

PART II

CONSTITUENCIES IN NORTHERN IRELAND

BOROUGHS

Constituency.	Number of Members for Parliament of Northern Ireland.	Number of Members for Parliament of United Kingdom.
BELFAST:		
East Belfast, consisting of the Pottinger and the Victoria Divisions.	4	1
North Belfast, consisting of the Duncairn and the Shankill Divisions.	4	1
South Belfast, consisting of the Cromac and the Ormeau Divisions.	4	1
West Belfast, consisting of the Falls, St. Anne's and the Woodvale Divisions.	4	1
Total (Boroughs)	16	4

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COUNTIES

Constituency.	Number of Members for Parliament of Northern Ireland.	Number of Members for Parliament of United Kingdom.
Antrim	7	2
Armagh	4	1
Fermanagh }	8	2
Tyrone }		
Londonderry (including the Borough of Londonderry).	5	1
Down	8	2
Total (Counties)	32	8

UNIVERSITY.

Constituency.	Number of Members for Parliament of Northern Ireland.	Number of Members for Parliament of United Kingdom.
Queen's University of Belfast	4	1
Total (University)	4	1

—	Number of Members for Parliament of Northern Ireland.	Number of Members for Parliament of United Kingdom.
Total of Members :		
Borough members	16	4
County members	32	8'
University members	4	1
Total members	52	13

SIXTH SCHEDULE

Section 23.

IMPERIAL LIABILITIES AND EXPENDITURE

I National Debt charges, that is to say :—

- (1) The, charge in respect of the funded and unfunded debt of the United Kingdom, inclusive of terminable annuities paid out of the permanent annual charge for the National Debt and inclusive of the cost of the management of the said funded and unfunded debt; and

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- (2) All other charges on the Consolidated Fund of the United Kingdom for the repayment of borrowed money or to fulfil a guarantee, other than charges in respect of local loans stock and any guaranteed stock raised for the purpose of land purchase in Ireland, after deducting any sums received by way of interest on any advances made to "the Government of any of His Majesty's Dominions or any foreign country :
- Provided that any debt or charge incurred or created after the passing of this Act for raising money for the purpose of any expenditure which is not Imperial expenditure within the meaning of this Schedule shall be excluded.
- II Naval, Military, and Air Force Expenditure (including pensions and allowances payable to persons who have been members of or in respect of service in any of the naval, military, or air forces, or their widows or dependants, and provision for the training, education employment, and assistance for the re-instatement in civil life of persons who have ceased to be members of any such force).
- III Civil Expenditure, that is to say :—
- (a) Civil List and Royal Family.
- (b) Expenditure in connexion with—
- (i) the Parliament of the United Kingdom ;
 - (ii) The National Debt Commissioners ;
 - (iii) The Foreign Office and diplomatic and consular services, including secret service, special services, and telegraph subsidies;
 - (iv) The Colonial Office, including special services and telegraph subsidies;
 - (v) Trade with any place out of the United Kingdom ;
 - (vi) The Mint;
- (c) Such of the expenditure in connexion with any other Government department as the Joint Exchequer Board may determine to be Imperial expenditure;
- after deducting any sums received otherwise than by way of taxation which the Joint Exchequer Board may determine to be of the nature of Imperial receipts.

SEVENTH SCHEDULE

Sections 39 and 46.

PART I

SUPREME COURT OF JUDICATURE OF SOUTHERN IRELAND

- 1 (1) His Majesty's High Court of Justice in Southern Ireland shall consist of seven judges, namely, the Lord Chief Justice of Southern Ireland, who shall be president thereof, and six puisne judges, or, so long as the existing Master of the Rolls retains his office, the Master of the Rolls and five puisne judges.
- (2) The Judicial Commissioner of the Land Commission shall, by virtue of his office, be an additional judge of the High Court of Justice in Southern Ireland for the purposes of his powers and duties in relation to land purchase.

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- 2 (1) His Majesty's Court of Appeal in Southern Ireland shall consist of the Lord Chief Justice of Southern Ireland, who shall be president thereof, and two ordinary judges, who shall be known as Lords Justices of Appeal:

Provided that, so long as the existing Master of the Rolls retains his office, he shall ex officio be a member of the Court of Appeal.

- (2) The Lord Chief Justice of Southern Ireland may request any judge of the High Court of Justice in Southern Ireland to attend at any time for the purpose of sitting as an additional judge of the Court of Appeal in Southern Ireland, and any judge whose attendance is so requested shall attend accordingly, and while attending shall be deemed to be an additional judge of that Court of Appeal.

PART II

SUPREME COURT OF JUDICATURE OF NORTHERN IRELAND

- 1 (1) His Majesty's High Court of Justice in Northern Ireland shall consist of three judges, namely, the Lord Chief Justice of Northern Ireland, who shall be president thereof, and two puisne judges.
- (2) The Judicial Commissioner of the Land Commission shall, by virtue of his office, be an additional judge of the High Court of Justice in Northern Ireland for the purposes of his powers and duties in relation to land purchase.
- 2 (1) His Majesty's Court of Appeal in Northern Ireland shall consist of the Lord Chief Justice of Northern Ireland, who shall be president thereof, and two ordinary judges, who shall be known as Lords Justices of Appeal.
- (3) The Lord Chief Justice of Northern Ireland may request any Judge of the High Court of Justice in Northern Ireland to attend at any time for the purpose of sitting as an additional judge of the Court of Appeal in Northern Ireland, and any judge whose attendance is so requested shall attend accordingly, and while attending shall be deemed to be an additional judge of that Court of Appeal.

PART III

TRANSITORY PROVISIONS

- 1 All the existing judges of the Supreme Court of Judicature in Ireland, other than the Lord Chancellor, shall, as from the appointed day, be transferred to and become judges holding corresponding offices in the Supreme Court of Southern Ireland :

Provided that—

- (a) if any such judge not less than one month before the appointed day notifies to the Lord Chancellor of Ireland his desire to be transferred to the Supreme Court of Northern Ireland, he shall, if the Lord Chancellor and the Lord Chief Justice of Northern Ireland approve, be transferred to and become a judge of that Court instead of a judge of the Supreme Court of Southern Ireland; and
- (b) if any such judge so notifies to the Lord Chancellor of Ireland his desire to retire instead of being so transferred, His Majesty may, if he thinks fit, notwithstanding that such judge has not completed the period of service entitling him to a pension, grant to him such pension, not exceeding the

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pension; to which he would on that completion have been entitled, as His Majesty thinks fit;

- (c) the existing Lord Chief Justice of Ireland, if he becomes Lord Chief Justice of Southern Ireland, shall, so long as he holds that office, be entitled to retain the rank and title of Lord Chief Justice of Ireland, and to exercise any jurisdiction in respect of and on behalf of His Majesty as a visitor to any college or other charitable foundation exercisable by him on the appointed day ;
- (d) the Lord Chief Justice of Northern Ireland shall be appointed not less than one month before the appointed day.

2 If by reason of such transfers the number of judges of the Supreme Court of Southern Ireland or of the Supreme Court of Northern Ireland is greater than the number provided by this Act as the number of judges of those courts respectively, no new judge of that court shall be appointed until the number of the judges thereof has been reduced below such number as aforesaid.

3 Subject to the provisions of this Schedule with respect to the existing solicitors, all existing officers of or attached to the Supreme Court of Judicature in Ireland (including the Registrar in Lunacy and the officers employed in his office) shall, as from the appointed day, be transferred to and become officers holding corresponding offices in or attached to the Supreme Court of Southern Ireland :

Provided that—

- (a) if any such officer not less than one month before the appointed day notifies to the Lord Chancellor his desire to be transferred to the Supreme Court of Northern Ireland or to the High Court of Appeal for Ireland, he shall, if the Lord Chancellor and the Lord Chief Justices of Southern Ireland and Northern Ireland approve, be transferred to and become an officer of or attached to the Supreme Court of Northern Ireland, or the High Court of Appeal for Ireland; and
- (b) any such officer, if concerned wholly with functions of the Lord Chancellor which are retained by the Lord Chancellor, shall remain an officer of the Lord Chancellor, and, if concerned wholly or mainly with functions of the Lord Chancellor or Master of the Rolls which are by this Act transferred to the Lord Lieutenant, shall become an officer attached to the Lord Lieutenant, and shall hold office by the same tenure and upon the same terms and conditions by and upon which he holds office on the appointed day, and any question as to whether any such officer is wholly or mainly so concerned shall be determined by the Lord Lieutenant.

4 All existing members of the Irish Bar shall, as from the appointed day, become members both of the Bar of Southern Ireland and of the Bar of Northern Ireland, and shall have right of audience in the Supreme Court both of Southern Ireland and of Northern Ireland.

5 All existing solicitors of the Supreme Court of Judicature in Ireland shall, as from the appointed day, become solicitors of the Supreme Court both of Southern Ireland and of Northern Ireland and of the High Court of Appeal for Ireland.

6 Any person who on the appointed day is apprenticed to a solicitor of the Supreme Court of Judicature in Ireland shall, if he is thereafter admitted to be a solicitor of the Supreme Court of Southern Ireland or Northern Ireland, become, by virtue of such admission, a solicitor of, the Supreme Court of Northern Ireland or Southern Ireland and of the_ High Court of Appeal for Ireland.

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7 All proceedings, whether civil or criminal, which are pending in the Supreme Court of Judicature in Ireland at the appointed day, including proceedings in which a judgment or order has been given or made but not enforced, shall be transferred either to the Supreme Court of Southern Ireland or the Supreme Court of Northern Ireland in accordance with the following rules :—

- (1) If the parties agree, the proceeding, unless it relates to land, shall be transferred to the court so agreed upon.
- (2) If the proceeding relates to land, it shall be transferred to the court within the jurisdiction of which the land is situate :

Provided that, if the land is situate partly in Southern Ireland and partly in Northern Ireland, the proceeding shall be transferred, so far as it relates to land in Southern Ireland, to the Supreme Court of Southern Ireland, and, so far as it relates to land in Northern Ireland, to the Supreme Court of Northern Ireland, unless the proceeding is one with which either court would have jurisdiction to deal, in which case the proceeding shall be transferred in accordance with the rules applicable to proceedings other than those relating to land.

- (3) In any other case, the proceeding shall be transferred to the Supreme Court of Southern Ireland, unless the plaintiff or other person by whom the proceeding was instituted gives notice to the other party or parties of his desire to have it transferred to the Supreme Court of Northern Ireland, in which case it shall be transferred to the Supreme Court of Northern Ireland, provided that any other party, if he objects to the transfer of the proceeding to the Supreme Court of Northern Ireland, may apply to the High Court of Appeal for Ireland, and that court shall have jurisdiction to determine to which of the courts the proceeding is to be transferred, and the decision of the High Court of Appeal for Ireland in the matter shall be final.

Where a case is transferred under the foregoing rules to either court, proceedings thereon shall be continued as if the case had originated in and the previous proceedings had been taken in that court.

EIGHTH SCHEDULE

Section 55.

PROVISIONS AS TO COMPENSATION OF EXISTING IRISH OFFICERS

- 1 (1) If any existing Irish officer who is serving in the civil service of the Crown in an established capacity, or who, though not so serving in an established capacity, devotes his whole time to the duties of his office—
 - (a) retires under the conditions hereinafter defined as the statutory conditions of retirement; or
 - (b) retires with the permission of the Civil Service Committee given in accordance with this Schedule; or,
 - (c) is removed from office by the Government of Southern Ireland or Northern Ireland before he attains the age of sixty-five years for any cause other than misconduct or incapacity, or is required to retire by the Government of Southern Ireland or Northern Ireland before he attains that age for any cause other than as aforesaid;

he shall be entitled to receive such compensation as the Civil Service Committee may award to him in accordance with the provisions of Part I. of the Rules contained

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in this Schedule if he is serving in an established capacity, and in accordance with the provisions of Part II. of the Rules contained in this Schedule, if though not serving in an established capacity he devotes his whole time to the duties of his office.

- (2) If any existing Irish officer who is serving in the civil service of the Crown, not being an officer who is serving in an established capacity, or an officer who though not serving in an established capacity devotes his whole time to the duties of his office, is removed from /office or required to retire by the Government of Southern Ireland or Northern Ireland for any cause other than misconduct or incapacity, he shall be entitled to receive such compensation as the Civil Service Committee may award to him in accordance with the provisions of Part II. of the Rules contained in this Schedule.
 - (3) The compensation of an officer serving in an established capacity who has previously served in a non-established capacity may be determined in accordance with the provisions of Part II. instead of the provisions of Part I. of the Rules contained in this Schedule, if he so requires, and in that case the limit of the compensation shall be the amount of compensation which might have been awarded if his whole service had been service in an established capacity, and the compensation of an officer not serving in an established capacity may be determined in accordance with the provisions of Part I. instead of the provisions of Part II. of those Rules if the Civil Service Committee are satisfied that he serves in a capacity which under a condition of his employment qualifies him for a superannuation allowance or gratuity on terms not less advantageous than if he served in an established capacity, and accordingly in the application to him of the provisions of Part I. of those Rules references to that condition shall, where the context so requires, be substituted for references to the Superannuation Acts, 1834 to 1914.
- 2 For the purposes of this Schedule, the statutory conditions of retirement are that—
- (a) Retirement must take place within a period of seven years from the appointed day (in this Schedule referred to as the transitional period) ;
 - (b) Notice of the intention to retire must be given in accordance with regulations made by the Civil Service Committee ;
 - (c) The retirement must not take place until at least six months after the notice of retirement has been given, and may be postponed by the Civil Service Committee, if they think fit, to any later date (not being more than two years after the date of the notice) within the transitional period ; and
 - (d) The retiring officer must show to the satisfaction of the Civil Service Committee that he is not incapacitated by mental or bodily infirmity for the performance of his duties and that he has not attained the age of sixty-five years at the time when the notice is given.
- 3 The Civil. Service Committee shall not give their permission under this Schedule to an officer to retire unless that officer shows to the satisfaction of the Committee—
- (a) that the duties which he is required to perform are neither the same as nor analogous to the duties theretofore performed by him or involve an unreasonable addition to those duties; or
 - (b) that owing to changes in the conditions of his employment, his position has been materially altered.
- 4 (1) For the purpose of the provisions of this Act as to existing officers, petty sessions clerks and officers in the Registry of Petty Sessions Clerks shall be deemed to be officers in the civil service of the Crown, and officers in the Registry of Petty Sessions

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Clerks shall be deemed for the purposes of this Schedule to be officers to whom the Superannuation Acts, 1834 to 1914, apply.

This provision shall apply to the pensionable assistants of the petty sessions clerks at Cork and Belfast as it applies to the petty sessions clerks.

- 5 In this Schedule references to the Government of Southern Ireland or Northern Ireland shall include references to any department or officer of the Government of Southern Ireland or Northern Ireland and to the Council of Ireland.

RULES—PART I.

OFFICERS SERVING IN THE CIVIL SERVICE OF THE CROWN IN AN ESTABLISHED CAPACITY.

A.—On Retirement under the Statutory Conditions of Retirement

- 1 The compensation which may be awarded to the officer shall be an annual allowance, not exceeding in any case two-thirds of the salary on which the allowance is reckoned, or, if he has completed less than ten years of service as reckoned for the purposes of this provision, a gratuity.
- 2 The annual allowance or gratuity shall be calculated in like manner as the superannuation allowance or gratuity which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1914, if he retired on the 'ground of ill-health, save that, for the purposes of that calculation, the following provisions shall have effect, that is to say:—
- (a) His years of service shall be reckoned as if he had served up to the end of the transitional period, or to the time when he would have reached the age of sixty-five, whichever may be the earlier, and there shall be added any additional years which he may be entitled to reckon under section four of the Superannuation Act, 1859 :
 - (b) His salary, where there are periodical increments, shall be taken at the amount which it would have reached if he had continued to serve in the same office up to the end of the transitional period.

B.—On retirement with the 'permission of the Civil Service Committee under this Schedule or on being removed from office or required to retire by the Government of Southern Ireland or Northern Ireland before attaining the age of sixty-five years for any cause other than misconduct or incapacity

- 1 The compensation which may be awarded to the officer shall be an annual allowance not exceeding in any case two-thirds of the salary on which the allowance is reckoned, and not less than an allowance calculated in accordance with the following provisions, that is to say :—
- An annual allowance calculated in like manner as the superannuation allowance which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1914, if he retired on the ground of ill-health, save that, for the purposes of such calculation, the following provisions shall have effect, that is to say:—
- (a) Where the officer retires or is removed after the end of the transitional period, ten years shall be added as abolition years to the years of

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service which he would be entitled to reckon for the purposes of such superannuation allowance:

- (b) Where the officer retires or is removed during the transitional period his years of service shall be reckoned, and the amount of his salary shall be computed in the same manner as is provided in this Part of these Rules in the case of an officer retiring under the statutory conditions of retirement, and ten years shall be added as abolition years to the years of service so reckoned:

Provided that—

- (i) Where an officer at the time of leaving the service has attained the age of twenty-eight years but has not attained the age of thirty-three years, the abolition years to be added for the purpose of this article shall be seven years instead of ten, and, where an officer at the time of leaving the service has not attained the age of twenty-eight years, or where, whatever his age, his years of service as reckoned for the purposes of this article, exclusive of the abolition years, are less than ten, the abolition years to be added for those purposes shall be five years instead of ten; and
- (ii) No abolition years shall be added in excess of the difference between the age of an officer at the time of his leaving the service and the age of sixty-five.

C.—Officers to whom the Superannuation Act, 1909, applies

1 An officer to whom the Superannuation Act, 1909, applies by reason only of his having elected to adopt the provisions of that Act shall, if he so requires, be treated for the purpose of the determination of his compensation under this Schedule as if he had not so elected.

2 As respects any such officer who does not require his compensation to be determined as aforesaid, and any other officer to whom the Superannuation Act, 1909, applies, the provisions contained in Heads A and B of this Part of these Rules shall have effect subject to the following modifications, that is to say:—

- (a) The annual allowance or gratuity awarded under head A and the minimum annual allowance awarded under head B shall be calculated on the proportion of salary prescribed by subsection (1) of section one of the Superannuation Act, 1909, instead of the proportion prescribed by section two of the Superannuation Act, 1859, and the annual allowance which may be awarded shall not in any case exceed one-half of the salary on which the allowance is calculated :

- (b) In addition to the annual allowance or gratuity there shall be awarded to the officer an additional allowance—

(i) In the case of an officer falling under head B, not less than; and

(ii) In the case of an officer falling under head A, equal to—

an allowance calculated in like manner as an additional allowance under the Superannuation Act, 1909, and for the purposes of that calculation his years of service and salary shall be reckoned and computed as in the case of his annual allowance or gratuity, but the additional allowance so awarded shall not exceed one and a half times the amount of the salary on which the allowance is calculated, except in the case of an officer to whom the Superannuation Act, 1909, applies by reason of his having elected to adopt its provisions,

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and then only to the extent specified in section three of that Act.

RULES—PART II.

OFFICERS SERVING IN THE CIVIL SERVICE OF THE CROWN WHO ARE NOT SERVING IN AN ESTABLISHED CAPACITY.

The compensation which may be awarded to the officer shall be such gratuity or annual allowance (if any) as the Civil Service Committee think just having regard to the following considerations, that is to say:—

- (a) The conditions on which the officer was appointed;
- (b) The nature and duration of his employment;
- (c) In the case of officers who do not devote their whole time to the duties of their office, the amount of time so devoted;
- (d) The circumstances in which he is leaving the service;
- (e) The compensation which might have been awarded to him on leaving the service in similar circumstances if Part I. of these Rules had applied to him;
- (f) Any offer made to him of another office or employment under the Government of Southern Ireland or Northern Ireland or the Government of the United Kingdom;
- (g) The probability (if any) of his having continued in office for a longer period but for the passing of this Act; and
- (h) any other circumstances affecting his case.

- 2 The compensation shall in no case be greater than the compensation which might under Part I. of these Rules have been awarded to the officer on leaving the service in similar circumstances if that Part of these Rules had applied to him.

NINTH SCHEDULE

Section 60.

PROVISION AS TO COMPENSATION OF MEMBERS OF THE ROYAL IRISH CONSTABULARY AND DUBLIN METROPOLITAN POLICE

- 1 Any officer or constable who after the day of transfer—
- (a) retires voluntarily under the conditions in that behalf hereinafter contained;
or
 - (b) is removed or required to retire for any cause other than misconduct, and is not incapacitated for the performance of his duty by mental or bodily infirmity,

shall, unless he is qualified for the maximum pension that can be granted to him for length of service only under the existing enactments applicable to him, be entitled on retirement to receive such compensation as may be awarded to him by the Lord Lieutenant in accordance with the Rules contained in this Schedule.

- 2 The conditions of voluntary retirement are that—
- (a) Notice of the intention to retire must be given within two years after the day of transfer;
 - (b) The notice must be given in manner prescribed by the Lord Lieutenant;

- (c) The retirement must not take place until at least six months after the notice of retirement has been given, and may be postponed by the Lord Lieutenant, if he thinks fit, to any later date not being more than two years after the day of transfer; and
- (d) The retiring officer or constable must show to the satisfaction of the Lord Lieutenant that he is not incapacitated for the performance of his duties by mental or bodily infirmity, and will not be entitled to retire on the maximum pension for length of service under the enactments aforesaid before the expiration of two years from the date of transfer.

3 In the exercise of his powers under this Schedule the Lord Lieutenant shall act in accordance with instructions from His Majesty.

RULES.

1 The compensation which may be awarded to an officer or constable shall be an annual allowance. 2. Where the officer or constable is removed or required to retire the annual allowance shall be calculated in like manner as the pension which the officer or constable would have been entitled to receive if he had retired for length of service under the existing enactments applicable to him and had been qualified in respect of his length of service for a pension, save that, for the purposes of that calculation, the following provisions shall have effect:—

- (a) There shall be added to his completed years of actual service if the proportion of salary on which his allowance is calculated is one-fiftieth, ten years, and if that proportion is one-sixtieth, twelve years ;
- (b) His salary shall be taken at the amount which it would have reached if he had continued to serve in the same rank for the number of years so added, and, in the case of a district inspector of the Royal Irish Constabulary of the third class, as if he were entitled to promotion to the second class on the completion of one and a half years' service in the third class, and, in the case of a district inspector of the Royal Irish Constabulary of the second class, as if he were entitled to promotion to the first class on the completion of eleven years' service in the second class;
- (c) If the number of his completed years of service, as reckoned under this Rule, is less than the minimum number of years of service for which provision as respects pensions is made in the appropriate pension scale, that scale shall apply with the substitution of the number of his completed years of service as so reckoned for that minimum number; and
- (d) If he has, in addition to his completed years of actual service, served for a period exceeding six months, his service for that period shall be reckoned as a completed year of actual service.

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3 Where the officer or constable retires under the conditions of voluntary retirement, the provisions of the last preceding Rule shall apply with the substitution of five years for ten years and six years for twelve years.

4 The allowance awarded to an officer or constable shall in no case exceed two-thirds of his actual pensionable salary.

5 In the event of an officer or constable dying after an annual allowance has been awarded to him under this Schedule, the Lord Lieutenant may, if he thinks fit, grant a pension or gratuities to the widow and children of the officer or constable in like

Status: This is the original version (as it was originally enacted).

manner as if the allowance were a pension granted to the officer or constable on retirement.