

ROYAL ULSTER CONSTABULARY.

Pensions.

MADE BY THE MINISTER OF HOME AFFAIRS FOR NORTHERN IRELAND, IN EXERCISE OF THE POWERS CONFERRED BY SECTION 2 OF THE CONSTABULARY ACT (NORTHERN IRELAND) 1922,* AND BY SUBSECTION (1) OF SECTION 4 OF THE CONSTABULARY AND POLICE (IRELAND) ACT, 1919, AS APPLIED BY THE SAID ACT OF 1922.

1923. No. 29.

From the date of the establishment of the Royal Ulster Constabulary the Pensions and Gratuities to be granted on retirement to members of the Royal Ulster Constabulary of the several ranks, classes and grades indicated in the Schedule to this Order and the Pensions Gratuities and Allowances of the Widows and Children of such members shall be in accordance with the rates, scales and conditions prescribed in that Schedule, and I hereby revoke the Royal Irish Constabulary Pensions (Interim) Order, 1920, the Royal Irish Constabulary Pensions Order, 1922, the Royal Irish Constabulary Pensions (Supplemental) Order, 1922, and the Royal Irish Constabulary Pensions (Supplemental) (No. 2) Order, 1922, as applied by the Constabulary Act (Northern Ireland), 1922, without prejudice to anything done thereunder.

This Order may be cited as the Royal Ulster Constabulary Pensions Order, 1923.

R. Dawson Bates,

Minister of Home Affairs for
Northern Ireland.

30th May, 1923.

I, THE RIGHT HONOURABLE HUGH M'DOWELL POLLOCK, Minister of Finance for Northern Ireland, hereby signify my concurrence in the foregoing Order and Schedule thereto.

H. M. Pollock,

Minister of Finance for
Northern Ireland.

30th May, 1923.

SHORT TITLE.

1. This Order may be cited as the Royal Ulster Constabulary Pensions Order, 1923.

DEFINITIONS.

2. (1) In this Order, except where the context otherwise requires, the following expressions shall have the respective meanings hereby assigned to them:—

“The Act of 1919” means the Constabulary and Police (Ireland) Act, 1919.

* 12 & 13 Geo. 5 (N.I.) c. 8.

“The Force” means the Royal Ulster Constabulary.

“Members of the Force” includes any person who was a member of the force on or after the 1st day of June, 1922.

“Inspector General” means the Inspector-General of the force.

“Constable” means a constable of the force and includes a head constable and sergeant of the force.

“Officer” means a member of the force, not being a constable.

“The Ministry” means the Ministry of Home Affairs.

“The Pay Order 1922” means the Royal Ulster Constabulary Pay Order, 1922, and includes any order for the time being in operation amending or re-enacting that Order.

“The Existing Acts” means the Constabulary Act (Northern Ireland) 1922 and the enactments relating to the Royal Irish Constabulary as applied by that Act.

“The Date of Disbandment” means the date from which compensation awarded to any member of the Royal Ulster Constabulary, under the provisions of the Constabulary (Ireland) Act, 1922, became payable, and the word “disbandment” shall be interpreted accordingly.

“Police force in Great Britain” means any police force in Great Britain within the meaning of the Police Pensions Act, 1921.

“Rateable deduction” means any deduction made from pay under Article 12 of the Schedule to the Pay Order, 1922.

(2) The Interpretation Act (Northern Ireland), 1921, applies to this Order as it applies to the interpretation of an Act of Parliament.

AGE OF COMPULSORY RETIREMENT.

3. The rates and scales of pay prescribed by the Pay Order 1922, shall be subject to the following conditions with respect to retirement from the force :—

Retirement shall be compulsory—

- for members of the force below the rank of District Inspector on attaining the age of fifty-seven ;
- for District Inspectors and County Inspectors, the Commissioners of the County Boroughs of Belfast and Londonderry, the Medical Officer of the force and the Barrack Master of the Depot, on attaining the age of sixty ;
- for the Inspector-General and the Deputy Inspector-General on attaining the age of sixty-five ;

except that in special cases the Inspector-General, with the consent of the Governor of Northern Ireland, may extend any such person's service for a further period, in no case exceeding five years, on being satisfied that such extension would be in the interests of efficiency.

PENSIONS AND GRATUITIES OF MEMBERS OF THE FORCE.

4.—(1) Subject to the provisions of this Order, every member of the force—

- (a) if he has completed twenty-five years' approved service, and has given to the Inspector-General three months' written notice, or such shorter notice as the Inspector-General may accept, of his intention to retire, shall be entitled, on the expiration of such notice, without a medical certificate to retire and receive an ordinary pension for life; and
- (b) if he has completed ten years' approved service, and is incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire and receive an ordinary pension for life; and
- (c) if at any time he is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, shall be entitled on a medical certificate to retire and receive a special pension for life; and
- (d) if he has not completed ten years' approved service and is incapacitated for the performance of his duty by infirmity of mind or body not occasioned by such injury as aforesaid, shall be entitled on a medical certificate to retire and receive a gratuity.

(2) Where a member of the force is compelled to retire under this Order on the ground of age, then

- (a) if he is not entitled without a medical certificate to retire and receive a pension he shall be entitled to receive such ordinary pension or gratuity as he would have been entitled to receive had he then retired on a medical certificate; and
- (b) any pension or gratuity to which he is entitled shall be payable as from his retirement and no notice of intention to retire shall be required.

(3) An Inspector-General or Deputy Inspector-General shall not, except with the consent of the Governor of Northern Ireland be entitled to retire without a medical certificate and receive an ordinary pension, unless at the time of his retirement he has attained the age of sixty.

(4) An Inspector-General shall be entitled to count for purposes of pension or gratuity a period not exceeding ten years which he may have served in the Navy, Army or Air Force of the Imperial Government and in the Army, Air Force or Police Force of the Government of India or of any Colonial Government, provided that from the pension calculated on the basis of combined service there shall be deducted a sum as is hereinafter set forth and provided also that, except in cases of retirement due to ill health, this regulation shall not apply until the officer has attained the age of sixty and has served at least fifteen years in the Royal Ulster Constabulary. The sum to be deducted as aforesaid shall be a sum which bears the same proportion to the total pension earned in the outside service as the number of added years bears to such service.

(5) No gratuity shall be payable to a member of the force who retires before the expiration of any period which is treated under the Pay Order, 1922, as being a period of probationary service or is a period of service as a cadet within the meaning of that Order.

PENSIONS AND GRATUITIES OF WIDOWS.

5. Subject to the provisions of this Order—

- (a) where a member of the force who has completed five years' approved service, dies whilst serving in the force or whilst in receipt of a pension from the force or in consequence of any disease or injury on account of which he retired from the force, his widow shall be entitled to a widow's ordinary pension ; and
- (b) where in any case a member of the force dies whilst serving in the force from the effects of an injury received in the execution of his duty without his own default, or, having been granted a pension in respect of any such injury, dies from the effects of such injury, his widow shall be entitled where the injury was accidental to a widow's ordinary pension, and where the injury was non-accidental to a widow's special pension ; and
- (c) where a member of the force dies whilst serving in the force and his widow is not entitled to a pension under this Order, his widow shall be entitled to a gratuity ; and
- (d) where a widow is entitled to a pension under this Order and the Inspector-General satisfies the Ministry and the Ministry of Finance that there are special reasons for the grant of a gratuity in lieu thereof the Ministry may, with her consent, grant her a gratuity accordingly :

ALLOWANCES AND GRATUITIES OF CHILDREN AND DEPENDANTS.

6. Subject to the provisions of this Order—

- (a) Where a member of the force dies whilst in the force, or where a member of the force having been granted a pension dies within twelve months after the grant of the pension or at any time from the effects of an injury received in the execution of his duty without his own default, his children under sixteen years of age shall be entitled to allowances until they severally reach the age of sixteen years and ;
- (b) Where the child of a member of the force is entitled to an allowance under this Order and the Inspector General satisfies the Ministry and the Ministry of Finance that there are special reasons for the grant of a gratuity in lieu thereof, the Ministry may, with the consent of the man's widow, or, if he leaves no widow, the guardian of the child, grant a gratuity accordingly ; and
- (c) Where a member of the force dies whilst in the force or where a member of the force, having been granted a pension, dies within twelve months after the grant of the pension, or at any time from the effects of an injury received in the execu-

tion of his duty without his own default, on the recommendation of the Inspector-General the Ministry with the consent of the Ministry of Finance, may, if it thinks fit, grant a gratuity to any relative who has been substantially dependent on him, having regard both to the amount contributed by the deceased and to the needs of the dependants.

SCALES OF PENSIONS, ALLOWANCES AND GRATUITIES.

7. The pensions, allowances and gratuities payable under this Order shall be awarded by the Ministry with the consent of the Ministry of Finance and shall be in accordance with the scales and provisions contained in the First Schedule hereto, and the general rules contained in Part III. of that Schedule shall apply to such pensions, allowances and gratuities ;

Provided that where a member of the force or his widow, child or dependant receives any compensation in respect of the injury or death of the member, whether awarded under the Criminal Injuries (Ireland) Acts or awarded or paid otherwise, such compensation may be taken into account in assessing any pension, gratuity or allowance payable in respect of such injury or death, and where the compensation is received after assessment it may be taken into account and the assessment may be amended or cancelled accordingly, but no such amendment or cancellation will be made in the case of an injury in respect of which an award under the Criminal Injuries (Ireland) Acts is made where it is shown to the satisfaction of the Ministry and the Ministry of Finance that in assessing such compensation the Court had cognizance of the fact that a pension or gratuity had been or would be awarded under the terms of this Order without reference to the decision of the Court on such claim for compensation.

PENSIONS OF MEMBERS CONTINUING TO SERVE AFTER

QUALIFICATION FOR PENSION.

8.—(1) Where a member of the force is entitled to retire on a pension without a medical certificate, but continues to serve in the force, the Ministry on the recommendation of the Inspector General and with the consent of the Ministry of Finance, may direct that the member shall be entitled, on retiring at any time thereafter, to receive a pension not less in amount than that to which he would have been entitled if he had retired instead of continuing in the force, and in such case the right to receive on retirement such pension shall not, while he continues to serve in the force, be liable to forfeiture, except in the cases in which a pension when granted is liable to forfeiture under this Order.

(2) Before such direction is given, and every year thereafter, the Inspector General shall cause such member of the force to be examined by some duly qualified medical practitioner, and, if on any such examination, it is found that he is not physically fit for further service, the Inspector General shall not permit him to continue to serve in the force.

(3) Where such a direction is given, a member of the force, who is entitled to retire without a medical certificate and to receive a pension at the maximum rate provided by this Order, may be granted by the Ministry with the consent of the Ministry of Finance, in consideration

of his continuing to serve, an allowance at the rate not exceeding twelve-and-a-half per cent. of his pay. Any such allowance, if granted, shall not be reckoned in the calculation of the amount of pension or gratuity awarded, and no rateable deduction shall be made therefrom under the Pay Order, 1922.

SERVICE TO BE RECKONED FOR PENSION.

9.—(1) Section 4 of the Constabulary (Ireland) Act 1908 shall cease to have effect and the service of a member of the force for the purposes of this Order shall be subject to such deductions in respect of sickness, misconduct, or neglect of duty as may be made therefrom in pursuance of the rules contained in the Second Schedule of this Order and the expression "approved service" shall, for the purposes of this Order mean such service, including service in the Royal Irish Constabulary or Special Constabulary, as may, after such deduction as aforesaid (if any), be certified by the Inspector General to have been diligent and faithful service, but shall not include service before attaining the age of twenty years, except in the case of a member of the force who before attaining that age is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default:

(2) Where a deduction is made from the service of a member of the force in respect of sickness, misconduct or neglect of duty, notice of the deduction shall be given to him as soon as may be after the occurrence of the cause for which the deduction is made; and he may appeal to the Inspector General against any act of any superior officer which prevents him from reckoning any period of actual service as approved service, and any period of actual service allowed by the Inspector General on such appeal shall be deemed to be approved service.

CONTINUOUS SERVICE IN TWO OR MORE FORCES.

10. Where a member of the force has previously served in a police force or forces in Great Britain approved service in such force or forces in which he has completed not less than one year's approved service shall be reckoned as approved service in the Royal Ulster Constabulary.

Provided that no such previous service shall be so reckoned unless each removal has been made with the written sanction of the chief officer of the force from which the member removes.

DISCONTINUOUS SERVICE IN THE ROYAL ULSTER CONSTABULARY.

11. Where a member of the force who has retired from the force without a pension rejoins or has rejoined the force there shall be reckoned as approved service the period of approved service which he was entitled to reckon at the end of his previous service, if he repays to the Ministry the amount of any gratuity which may have been granted to him or any sums paid to him under the provisions of Article 20 of this Order.

SERVICE OF MEN BELONGING TO RESERVE FORCES.

12. Where a member of the force with the knowledge of the Inspector General belongs to any Royal Naval Reserve Force or to the

Army Reserve or Air Force Reserve, and is required for training or called into actual service or called out for training or for permanent service, he shall be entitled on returning to the force after the end of such training or service, to reckon any approved service which he was entitled to reckon at the commencement of such training or service ; and his period of training or service and any period during which he was incapacitated for police duty owing to an injury received during his period of training or service without his own default, shall be reckoned in the computation of the approved service.

SPECIAL PROVISIONS APPLICABLE TO MEMBERS OF THE ROYAL IRISH CONSTABULARY WHO JOIN THE ROYAL ULSTER CONSTABULARY.

13. Without prejudice to the Memorandum of Agreement dated 13th March, 1923, entitled " Royal Irish Constabulary, Apportionment of Pensions, Compensation Allowances and Gratuities," made between the British Government and the Government of Northern Ireland and confirmed by the Joint Exchequer Board on the 3rd day of April, 1923, under the provisions of section 32 of the Government of Ireland Act 1920, as amended by the First Schedule to the Irish Free State (Consequential Provisions) Act 1922 (Section 2) the following provisions shall apply to members of the force who joined the force prior to 1st November 1922 after disbandment from the Royal Irish Constabulary .

(1) In the calculation of pensions or gratuities payable to such members, or of the pensions, allowances, and gratuities payable to their widows and children and dependants the following methods shall be adopted :—

(a) When the member retires, approved service in the Royal Irish Constabulary and in the force combined shall be reckoned for purposes of pension, and from the amount of pension arrived at by such reckoning, hereinafter termed the gross pension, there shall be deducted the amount of compensation allowance awarded on disbandment, and the balance if any, shall be the amount of pension to be awarded in respect of service in the force.

When the combined service in the Royal Irish Constabulary and in the force so calculated does not entitle the member to a pension, no pension or gratuity shall be awarded in addition to the compensation allowance awarded on disbandment.

(b) When the member retires during the term of years which represent the added years granted on disbandment, and with a higher rank than that which he held on disbandment, to the gross pension calculated as in sub-section (a) of this Article there shall be added the proportion of the disbandment allowance attributable to the number of added years granted on disbandment which have not been served in the force and from the sum of the amounts so arrived at, there shall be deducted the amount of the compensation allowance awarded on disbandment, and the balance shall be the amount of pension to be awarded in respect of service in the force ;

(c) Pensions, Allowances and Gratuities to widows and children shall be reckoned on the basis of approved service in the Royal Irish Constabulary and the force combined.

(2) For all purposes of pension, gratuity or allowances under this section, and for all other purposes of this Order, service in the Royal Irish Constabulary and the force shall be reckoned as continuous service even though a period shall elapse between the date of disbandment and the date of enlistment in the force :

Provided however, that such period, not having been served in either force, shall not be reckoned when calculating combined service.

**SPECIAL PROVISIONS APPLICABLE TO MEMBERS OF THE SPECIAL
CONSTABULARY, CLASS "A" JOINING THE FORCE.**

14.—(a) In the case of members of that Class of the Special Constabulary known as Class "A" who join the force as Constables prior to 31st March, 1924, and in the case of officers of the said Class "A" who prior to the termination of three years from the date of this Order have been or may be appointed to be officers on joining the force and whose service in the Special Constabulary and Royal Ulster Constabulary has been continuous there shall be reckoned for purposes of pension or gratuity, or of pensions, allowances or gratuities to their widows children or dependants, approved service in the Special Constabulary Class "A" provided that members repay to the Ministry within two years from the date of this Order or from the date of joining the force, if later, any sum which they may have received in the said Special Constabulary as bounty in lieu of pension.

Members of the force who come within the provisions of this Article shall be required to notify to the Inspector General, within a period not later than 1st October, 1923, or within a period of four months from date of joining, if later, their acceptance or otherwise of the provisions of this Article :

(b) Where a member of the force retires before repaying the full amount of the aforesaid bounty, and would on retirement, but for the non-repayment of such bounty, be entitled to a pension or gratuity such pension or gratuity shall be awarded in accordance with the provisions of this Order ; but the portion of the bounty remaining unpaid at the time of retirement shall be deducted in such amounts as the Ministry may determine.

**PROOF OF INCAPACITY FOR DUTY, LIABILITY TO SERVE AGAIN AND
REVISION OF PENSION.**

15.—(1) Before granting a pension or gratuity on the ground that a member of the force is incapacitated by infirmity of mind or body for the performance of his duty the Ministry shall be satisfied by the evidence of some duly qualified medical practitioner or practitioners selected by it with the approval of the Ministry of Finance that the member is so incapacitated and that the incapacity is likely to be permanent.

(2) Where the application is for a special pension, the Ministry and the Ministry of Finance shall also be satisfied that the injury was received in the execution of duty, that it was received without the default of the applicant, and that the infirmity is attributable to the

injury, and shall determine whether the injury was accidental or not, and the degree of disablement; and, for the purpose of determining any of the said questions which ought to be determined on medical grounds, shall take the like evidence as above mentioned.

(3) Where any pension is granted on the ground of incapacity for the performance of duty, the Ministry shall, yearly or otherwise, until the power under this Article of requiring the pensioner to serve again ceases, satisfy itself that the incapacity continues, and unless the Ministry decides that such evidence is unnecessary, shall satisfy itself by the like evidence as above mentioned.

(4) In the event of the incapacity ceasing before the time at which the pensioner would, if he had continued to serve, have been entitled without a medical certificate to retire and receive a pension for life, the Ministry on the recommendation of the Inspector General may cancel his pension and the Inspector General may require him to serve again in the force, in a rank not lower than the rank which he held before his retirement, and at a rate of pay not less than that on which his pension was calculated.

(5) Where a pensioner so serves again, the provisions of this Order shall apply as if he had not previously retired save that, except where the pension was granted in respect of a non-accidental injury received in the execution of duty he shall not reckon as approved service the time which elapsed between his former retirement and the re-commencement of his service.

(6) Any special pension shall be granted for such period as may be fixed after report by the Inspector General of the circumstances of the case, by the Ministry with the consent of the Ministry of Finance, and, if at the expiration of that period the degree of disablement is unaltered; the pension shall, at the discretion of the Ministry, be either renewed from time to time or made permanent. If within five years of the pensioner's retirement or at any time before the pension is made permanent the Ministry and the Ministry of Finance are satisfied by the evidence of a duly qualified medical practitioner that the degree of the pensioner's disablement has substantially altered, the pension shall be reassessed according to the degree of disablement.

(7) If a member of the force or pensioner refuses or wilfully or negligently fails, when required by the Inspector General to be examined by some duly qualified medical practitioner selected as aforesaid, the Ministry on the report of the Inspector General and with the consent of the Ministry of Finance may deal with him in all respects as if he was satisfied by the evidence of such a practitioner as to whether the member is incapacitated for the performance of duty, or as the case may be, as to the degree of his disablement.

POWER TO REDUCE PENSION WHERE INFIRMITY IS DUE TO MISCONDUCT.

16. Where a member of the force retires on account of infirmity of mind or body, and the Ministry and the Ministry of Finance are satisfied on medical evidence that the member has brought about or contributed to the infirmity by his own default or his vicious habits, the Ministry may with the consent of the Ministry of Finance reduce the amount of his pension or gratuity by an amount not exceeding one-half of that to which he would be otherwise entitled.

ASSIGNMENT OF PENSIONS AND REGULATIONS AS TO PAYMENT OF PENSIONS, &C.

17. The following provisions shall have effect with respect to every pension, allowance and gratuity (in this Article referred to as a grant) payable under this Order to any person (in this Article referred to as the pensioner) :—

- (1) Every assignment of and charge on a grant and every agreement to assign or charge a grant, shall except so far as made for the benefit of the family of the pensioner, be void, and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other person acting on behalf of the creditors.
- (2) Where any sum is due from the pensioner to the Ministry or to any department of the government of Northern Ireland or to the Crown, the Ministry may deduct the amount of any such sum from the grant.
- (3) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant, then, if the Ministry so directs, probate or other proof of the title of the personal representatives of the deceased may be dispensed with and the sum may be paid or distributed to or among the persons appearing to the Ministry to be beneficially entitled to the personal estate of the deceased pensioner or to or among any one or more of those persons, or in the case of the illegitimacy of the deceased pensioner, to or among such persons as the Ministry may think fit, and the Ministry and the Inspector General or any officer of the Inspector General or any member of the force making the payment shall be discharged from all liability in respect of any such payment or distribution.
- (4) Every grant which is a pension or allowance (other than a pension or allowance payable to an officer of higher rank than a County Inspector or to the widow or children of such officer) shall be paid, after the first instalment, in advance, except in the case of a refusal to quit police quarters or premises owned or rented by or on behalf of the Receiver or any Department of the Government of Northern Ireland or to give up any equipment or to make any payment due to the Ministry; but, where a person dies whilst in receipt of a grant paid in advance, no return shall be required of any payments which have been made in respect of any period after his death.

FORFEITURE OF PENSION OR ALLOWANCE.

18.—(1) A pension or allowance under this Order is granted only upon condition that it becomes forfeited and may be withdrawn by the Ministry on the report of the Inspector General on the circumstances of the case, with the consent of the Ministry of Finance, in any of the following cases, that is to say, if the grantee—

- (a) is convicted of any offence and is sentenced to penal servitude or to imprisonment for a term exceeding three months; or
- (b) knowingly associates with thieves or reputed thieves; or
- (c) refuses to give to the police all information and assistance in the power of the grantee, for the detection of crime, for

- the apprehension of criminals, or for the suppression of any disturbance of the public peace ; or
- (d) enters into or continues to carry on any business, occupation or employment which is illegal, or in which the grantee has made use of the fact of former employment in the force in a manner which the Inspector General considers to be discreditable or improper ; or
 - (e) supplies to any person or publishes in a manner which the Inspector General considers to be discreditable or improper any information which the grantee may have obtained in the course of employment in the force ; or
 - (f) solicits or, without the consent of the Inspector General, accepts directly or indirectly any testimonial or gift of a pecuniary value on retirement from the force, or otherwise in connection with his service in the force ; or
 - (g) enters into or continues in any business, occupation or employment as a private detective, after being prohibited to do so by the Inspector General on any reasonable grounds ; or
 - (h) is guilty of any conduct which is illegal, or in the opinion of the Inspector General and the Ministry disgraceful.
- (2) Such forfeiture and withdrawal may affect the pension or allowance wholly or in part, and may be permanent or temporary as the Ministry on the report of the Inspector General with the consent of the Ministry of Finance may determine.

SUSPENSION OF PENSION IN CASE OF SERVICE IN ANOTHER FORCE, &c.

19.—(1) Where a person in receipt of a pension under this Order takes service in any police force or is appointed to any office remunerated out of moneys provided by Parliament or which is a public office within the meaning of the Superannuation Act 1892, the Ministry on the report of the Inspector General and with the consent of the Ministry of Finance may suspend his pension in whole or in part so long as he remains in that service or office.

(2) The Ministry on the report of the Inspector General may with the like consent cancel or reduce the pension, which would otherwise have been payable under this Order to a widow, if the widow is in receipt of a pension from some police or other authority in respect of any such service or appointment as aforesaid taken or held by her husband, and may, with the like consent and in like circumstances, cancel or reduce any allowances which would otherwise have been payable to a child.

For the purposes of this Article "Parliament" shall include any Parliament in the British Islands.

RETURN OF RATEABLE DEDUCTIONS.

20.—(1) Where a member of the force, not having been dismissed or required to retire as an alternative to dismissal leaves the force without a pension or gratuity, the Ministry except where the member leaves in such circumstances as will enable him to reckon his approved service in the force for the purpose of pension, shall pay him the whole of the rateable deductions which have been made from his pay, and any bounty repaid by him under Article 14 shall be similarly repaid.

(2) Where a member of the force is required to retire as an alternative to dismissal the Ministry on the report of the Inspector General and with the consent of the Ministry of Finance may pay the whole or any part of any rateable deductions which have been made from his pay, or apply the same in such manner as the Ministry thinks fit for the benefit of the member's wife or children, (if any) and, where a member of the force is dismissed, the Ministry, on the report of the Inspector General and with the consent of the Ministry of Finance may apply the whole or any part of such rateable deductions in such manner as the Ministry thinks fit for the benefit of his wife or children (if any) and any bounty repaid under Article 14 may be treated in the same manner.

EXISTING ACTS.

21 The provisions of existing Acts shall in relation to the matters dealt with in this Order have effect subject to the Order and so far as inconsistent with the Order those provisions shall cease to have effect :

Provided that nothing in this Order shall prejudice any existing right of dismissing a member of the force, or requiring him to retire as an alternative to dismissal, or reducing him to any lower rank or lower rate of pay, or shall prevent his claim to a pension from being refused on account of misconduct or on account of any of the grounds on which his pension, if granted, would be liable to be forfeited and withdrawn.

MEANING OF "TOTAL DISABLEMENT," ETC.

22. For the purposes of this Order—

(1) The expression "Total disablement." means total loss of earning capacity in any employment, and, in the case of partial disablement, the degree of disablement shall be based upon the degree to which earning capacity is affected.

(2) Any injury suffered by a member of the force :

- (a) Whilst on duty or whilst on a journey necessary to enable him to report for duty or to return home after duty ; or
- (b) Whilst not on duty in the performance of some act which is within the scope of a constable's ordinary duties ; or
- (c) In consequence of some act performed in the execution of his duty ; or
- (d) Whilst acting as a fireman, or assisting in the extinguishing of fire, or in protecting life or property from fire ; or
- (e) Which has been determined by a Court of law to be a Criminal injury within the meaning of the Criminal Injuries (Ireland) Acts,

shall be deemed to have been suffered in the execution of his duty.

(3) Any injury intentionally inflicted, or incurred in the performance of a duty involving special risks, shall be deemed to be a non-accidental injury.

APPLICATION TO INSPECTOR GENERAL, &C.

23. The provisions of this Order, unless otherwise expressly stated, shall apply to the Inspector-General and Deputy Inspector-General in like manner, so nearly as circumstances admit, as they apply to any other member of the force, except that for the purpose of such application references to the Inspector General shall be read as references to the Governor of Northern Ireland.

DATE OF COMMENCEMENT.

24. This Order shall take effect as from the 1st June 1922, and that date shall be deemed to be the date of commencement of the Order.

SCHEDULES.

FIRST SCHEDULE.

SCALES OF PENSIONS, ALLOWANCES AND GRATUITIES.

PART I.

MEMBERS OF THE FORCE.

(a) ORDINARY PENSIONS.

SCALES.

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| <p>1. On retirement after completing twenty-five or more years' service.</p> <p>2. On retirement with medical certificate after completing ten or more years' service.</p> | } | <p>1/60th of the annual pay for every completed year of approved service with an additional 1/60th of the annual pay for the 21st and every subsequent completed year of approved service, but so that the pension shall not exceed two-thirds of the annual pay.</p> |
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(b) SPECIAL PENSIONS.

3. On total disablement from an injury received in the execution of duty—

- (a) if the injury is non-accidental, such proportion of the annual pay as is specified in scale number 1 set out in the subjoined table ;
- (b) if the injury is accidental, such proportion of the annual pay as is specified in scale number 2 in the said table ;
- (c) if it is not possible to determine definitely whether the injury is accidental or non-accidental such rate intermediate between the rates prescribed in the preceding paragraphs (a) and (b) as the Ministry with the consent of the Ministry of Finance may determine.

4. On partial disablement from an injury received in the execution of duty—such proportion of the pension applicable in case of total disablement as the degree of disablement bears to total disablement.

Provided that the pension shall not be less than such proportion of the annual pay as is specified, if the injury was non-accidental, in scale number 3 in the subjoined table and otherwise in scale number 4 in the said table.

(c) GRATUITIES.

5. On retirement with Medical Certificate with less than ten years' approved service—the gratuity shall be an amount equal to one-twelfth of the annual pay for each completed year of approved service, provided that for the purpose of this assessment, the approved service shall be reckoned by adding to actual service a period not exceeding five years.

TABLE.
 SCALES OF PENSIONS.
 PROPORTION OF PENSION TO PAY ON RETIREMENT.

	Scale No. 1.	Scale No. 2.	Scale No. 3.	Scale No. 4.
Completed years of approved service.	On total disablement from non-accidental injury received in execution of duty.	On total disablement from accidental injury received in execution of duty.	On partial disablement from non-accidental injury.	On partial disablement from accidental injury.
1 or less	60ths. 45	60ths. 30	60ths. 20	60ths. 10
2 "	45	30	20	10
3 "	45	30	20	10
4 "	45	30	20	10
5 "	45	30	20	10
6 "	45	30	20	10
7 "	45	30	20	10
8 "	45	30	20	10
9 "	45	30	20	10
10 "	45	30	20	10
11 "	48	32	21	11
12 "	48	32	22	12
13 "	48	32	23	13
14 "	48	32	24	14
15 "	48	32	25	15
16 "	51	34	26	16
17 "	51	34	27	17
18 "	51	34	28	18
19 "	51	34	29	19
20 "	51	34	30	20
21 "	54	36	32	22
22 "	54	36	34	24
23 "	54	36	36	26
24 "	54	36	38	28
25 "	54	36	40	30
26 "	57	38	40	32
27 "	57	38	40	34
28 "	57	38	40	36
29 "	57	38	40	38
30 or over	60	40	40	40

Proportion of Pension to pay on retirement.

PART II.

WIDOWS AND CHILDREN.

(a) WIDOWS' PENSIONS.

6. Widow's ordinary pension.—The pension shall be the amount specified under (i) or (ii) of the following scales whichever is the greater, that is to say :—

Scale (i).—If her husband was a constable or sergeant at the time of his death or retirement, at the rate of £30 a year ;
if he was a head constable at the time of his death or retirement, at the rate of £40 a year ;
if he was a higher rank at the time of his death or retirement at the rate of £50 a year.

Scale (ii).—An amount ascertained according to the length of her husband's service and his pay at the time of his death or retirement as follows :—

Completed Years of Service.	Approved	Percentage of Annual Pay
		Per cent
30 years or over	12½
25 years and under 30	10
20 years and under 25	8
15 years and under 20	6
10 years and under 15	4

subject, however, in the case of the widow of a pensioner, to a deduction equal to twenty-five per cent. of the amount for each complete year for which her husband's pension had been drawn.

7. Widow's Special Pension.—The pension shall be equal to one-third of her husband's annual pay at the time of his death or retirement.

(b) WIDOW'S GRATUITIES.

8. The gratuity shall be of such amount as the Ministry, with the consent of the Ministry of Finance, shall determine, but not exceeding one-twelfth of her husband's annual pay for each completed year of approved service.

Where a member of the force has served for a period of less than seven years, his approved service shall, for purposes of this assessment only, be reckoned as seven years.

(c) CHILDREN'S ALLOWANCES.

9. Member of the force or pensioner dying as the result of non-accidental injury received in the execution of duty.—The allowance in respect of each child who has not attained the age of sixteen shall be an annual allowance, up to the time that the child attains the age of sixteen, at the rate of one-fifteenth of the annual pay, and, if he leaves no widow or the widow dies before all the children attain the age of sixteen, the allowance may be increased up to two-fifteenths of such pay in respect of each child under sixteen ; but in any case the aggregate amount paid in any year by way of children's allowances when added to the widow's pension, if any, shall not exceed two-thirds of such pay.

10. Member of the force or Pensioner dying from any other cause.—The allowance in respect of each child who has not attained the age of sixteen, shall be an annual allowance up to the time that child attains the age of sixteen, at the rate of :—

£10 in the case of a person who was a constable or sergeant at the time of his death or retirement.

£12 in the case of a person who was a head constable at the time of his death or retirement ;

£15 in the case of a person who was of a higher rank at the time of his death or retirement :

Provided that the aggregate amount of such allowances in any year shall not exceed £30, £40 and £50 in the three cases respectively ; but if he leaves no widow, or if the widow dies before all the children attain the age of sixteen, the actual allowance or allowances and the aggregate amount of any allowances may be increased by fifty per cent. above the sums hereinbefore mentioned.

(d) CHILDREN'S GRATUITIES.

11. The gratuity shall be of such amount as the Ministry, with the consent of the Ministry of Finance, may determine, not exceeding one-sixtieth of the annual pay for each completed year of approved service of the member of the force or pensioner, so that the total amount of any gratuity or gratuities granted to the children or to the widow and children does not exceed one-twelfth of the annual pay for each completed year of approved service and the total amount of any gratuities granted to the children shall not, in any case, exceed the annual pay.

Where a member of the force has served for a period of less than seven years, his approved service shall, for the purpose of this assessment, be reckoned as seven years.

(3) DEPENDANT'S GRATUITIES.

12. The total amount of any gratuity or gratuities paid to a dependant or dependants of a member of the force or pensioner shall be of such amount as the Ministry, with the consent of the Ministry of Finance, shall determine, but not exceeding one-twelfth of the constable's annual pay for each completed year of approved service, provided that, for the purpose of this assessment, the approved service, if less than seven years, shall be reckoned by adding to actual service a period not exceeding five years.

PART III.

GENERAL RULES.

13. The same person shall not be entitled, unless expressly so provided in this Order, to a gratuity in addition to a pension or allowance, or to both an ordinary pension and a special pension.

14. A gratuity shall be paid in one sum, except that in special cases it may be paid by instalments or applied on behalf of the grantee if the Ministry on the recommendation of the Inspector General considers that it would be to the advantage of a widow, child or dependant to do so ; and a child's allowance or gratuity or a dependant's gratuity may be paid to a guardian or trustee if the Ministry on the recommendation of the Inspector-General considers that it would be to the advantage of the child or dependant to do so.

15. If the widow of a member of the force was at the time of his death living apart from her husband (not having been deserted by him), a pension or gratuity shall be paid to her only if the Ministry on the recommendation of the Inspector-General is satisfied that the husband regularly contributed to her support; and the amount of a pension shall not, in such case, exceed the amount which the husband contributed.

16. The widow and children of a pensioner shall not receive any pension, allowance or gratuity unless the marriage took place before he retired on pension.

17. The pension of the widow of a member of the force to whom a gratuity has been granted on retirement shall be payable as from such date after his death as the Ministry, on the report of the Inspector-General, and with the consent of the Ministry of Finance, may determine, and the pension of the widow of a pensioner shall be payable as from the end of the last period in respect of which her husband's pension was paid.

18. The payment of a widow's pension or the balance of a widow's gratuity shall, if at any time she re-marries, be suspended, but, in the event of her again becoming a widow, shall be resumed on proof to the satisfaction of the Ministry, with the consent of the Ministry of Finance, that her circumstances are such that the pension or balance of gratuity is necessary for her support, and that she is of good character, and deserving of bounty out of the public funds.

19. A widow's pension or the balance of a widow's gratuity shall be payable only so long as she is of good character.

20.—(a) In calculating any pension, gratuity or allowance, for the purposes of this order, "annual pay" means annual pay at the date of death or retirement as the case may require :

Provided that :—

- (1) Where a member of the force at the date of his retirement or death holds a rank to which he has been promoted within the three preceding years, his annual pay at the date of the retirement or death shall be deemed to be the average annual amount of pay received by him for the said three years, instead of the annual amount actually received by him at that date, so, however, that the pension, allowance or maximum gratuity payable shall not be less than if he had continued in his former rank; and
- (2) Where the pay at the date of death or retirement was weekly pay, the amount of the annual pay shall be deemed to be fifty-two times the amount of the weekly pay.

(b) For the purpose of the foregoing provisions of this rule, the following shall be recognised as ranks in the force, that is to say :—

Inspector-General

Deputy Inspector-General

Commissioner of the County Borough of Belfast

County Inspector

Commissioner of the County Borough of Londonderry

Medical Officer of the force

Barrack Master of the Depot

District Inspector, Class 1

District Inspector, Class 2

District Inspector, Class 3

Head Constable

Sergeant

Constable

SECOND SCHEDULE.

RULES WITH RESPECT TO DEDUCTIONS FROM APPROVED SERVICE FOR SICKNESS, MISCONDUCT, OR NEGLIGENCE OF DUTY.

(a) A member of the force who on account of illness or for other cause (not being an injury suffered in the execution of his duty) is allowed leave of absence or suspended, and who does not subsequently resume the performance of his regular duties for one month at least, is not entitled to have the time of such absence or suspension reckoned as part of his period of approved service.

(b) A member of the force who is suspended for a week, or longer, on account of misconduct is not entitled to have the time of such suspension reckoned as part of his period of approved service unless he is reinstated with pay during suspension.

(c) A member of the force who is absent from duty without leave is not entitled to have the time of absence reckoned as part of his period of approved service.

Representative Bodies, Establishment of.

RULES UNDER THE CONSTABULARY AND POLICE (IRELAND) ACT, 1919,
AS APPLIED BY THE CONSTABULARY ACT (NORTHERN IRELAND),
1922, MADE BY THE MINISTER OF HOME AFFAIRS, (NORTHERN
IRELAND.

1923. No. 36.

WHEREAS BY THE CONSTABULARY AND POLICE (IRELAND) ACT, 1919, it is amongst other things enacted that for the