

1969. No. 164

[C]

## PENSIONS

## Injury Warrant (Northern Ireland) 1969

WARRANT, DATED 20TH JUNE 1969, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 18 OF THE SUPERANNUATION ACT (NORTHERN IRELAND) 1967 AS EXTENDED BY SECTION 7 OF THE ADMINISTRATIVE AND FINANCIAL PROVISIONS ACT (NORTHERN IRELAND) 1965.

The Ministry of Finance in exercise of the powers conferred on it by section 18 of the Superannuation Act (Northern Ireland) 1967(a) as extended by section 7 of the Administrative and Financial Provisions Act (Northern Ireland) 1965(b), and of all other powers enabling it in that behalf, hereby directs as follows:—

## PART I

## CITATION, COMMENCEMENT, INTERPRETATION, ETC.

*Citation and commencement*

1.—(1) This Warrant may be cited as the Injury Warrant (Northern Ireland) 1969 and shall come into operation on the 1st July 1969.

*Interpretation*

## 2. In this Warrant—

“additional allowance” means an allowance granted under section 3 of the Superannuation Act;

“annual value” in relation to a pension, allowance or other benefit, means the total value which would be payable during a year in respect of that pension, allowance or benefit;

“annuity value” in relation to an additional allowance or other sum for which a person is eligible or to which he is entitled, means the value thereof computed in accordance with the government annuity tables in force under section 53 of the Government Annuities Act 1929(c) at the commencement of the Finance Act 1962(d) as varied by any Order of the Treasury in force under section 33(4) of the Finance Act 1962;

“brother” includes, in relation to a person, every male child of his father or his mother;

“child” includes, in relation to a person, an illegitimate child, a stepchild and an adopted child;

“civil servant” has the meaning assigned to it by section 91(2) of the Superannuation Act;

“emoluments” means emoluments which if the recipient were a civil servant would be reckoned by the Ministry in the calculation of any superannuation benefits which might be granted to him;

“established officer” means a civil servant;

“father” includes, in relation to a person, his stepfather and a male person by whom he has been adopted;

(a) 1967. c. 24 (N.I.).

(b) 1965. c. 12 (N.I.).

(c) 19 &amp; 20 Geo. 5. c. 29.

(d) 10 &amp; 11 Eliz. 2. c. 44.

- “Ministerial office” means any of the offices specified in the Schedule to the Ministerial and Other Offices Act (Northern Ireland) 1964(e);
- “the Ministry” means the Ministry of Finance;
- “mother” includes, in relation to a person, his stepmother and a female person by whom he has been adopted;
- “retiring age” means, in relation to a civil servant, the age which a civil servant in accordance with the provisions of the Superannuation Act must, apart from sections 7 and 10 of that Act, attain in order that a superannuation allowance may be granted to him on retirement without a medical certificate;
- “salary and emoluments” means annual salary and emoluments;
- “salary” includes wages;
- “sister” includes, in relation to a person, every female child of his father or his mother;
- “the Superannuation Act” means the Superannuation Act (Northern Ireland) 1967;
- “unestablished employee” means a person employed in an unestablished capacity as defined in section 93(1) of the Superannuation Act, and includes a person employed in part-time service to which section 16 of the Superannuation Act applies.

#### *Revocation and Saving*

3.—(1) The Injury Warrant (Northern Ireland) 1953(f) and the Injury Warrant (Northern Ireland) 1965(g) are hereby revoked.

(2) Where an injury was sustained before the 11th August 1949 by a person to whom at the date of that injury any Warrant mentioned in the Schedule to the Injury Warrant (Northern Ireland) 1953 applied, any such Warrant shall continue to have effect in relation to any award in respect of that injury or of the death of the person by whom that injury was sustained.

## PART II

### AWARDS TO PERSONS INJURED OR CONTRACTING A DISEASE

#### *Application*

4.—(1) Subject as hereafter provided this Warrant shall apply to any person who—

- (i) is a civil servant; or
- (ii) is an unestablished employee; or
- (iii) not being a civil servant or an unestablished employee, is employed in a civil capacity, whether temporarily or permanently and whether for reward or not, for the purposes of the Government of Northern Ireland; or
- (iv) holds a Ministerial office;

and who, on or after the relevant date as defined in subparagraph (2) either

- (a) is injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (b) contracts a disease to which he is exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct.

(e) 1964, c. 12 (N.I.); 1965, c. 18 (N.I.). (g) S.R. & O. (N.I.) 1965, No. 133.  
 (f) S.R. & O. (N.I.) 1953, No. 16.

(2) In subparagraph (1) "the relevant date" means, in the case of a person other than a person holding a Ministerial office, the 11th August 1949 and, in the case of a person holding a Ministerial office, the 1st July 1965.

(3) For the purposes of this Warrant a person shall not be deemed to be employed in a civil capacity for the purposes of the Government of Northern Ireland by reason only that he renders or agrees to render services for those purposes in the ordinary course of his profession, trade or business.

(4) In this Warrant, unless the contrary intention appears, references to a person being injured and to the date on which an injury is sustained shall respectively be construed as including references to him contracting such a disease as is mentioned in subparagraph (1) and to the date on which such disease is contracted.

5.—(1) Notwithstanding anything in paragraph 4, this Warrant shall not apply to any person employed in Northern Ireland by way of manual labour under a contract of service or apprenticeship.

(2) In this paragraph the expression "contract" includes a contract whether expressed or implied and whether oral or in writing and also includes the relationship which subsists between the Crown and any person who is employed for reward (whether or not he is employed in the civil service of Northern Ireland) in a civil capacity for the purposes of the Government of Northern Ireland.

#### *Scales of Award*

6. Subject to the provisions of this Warrant, the allowances or gratuities which may be granted to persons to whom this Warrant applies shall be according to the scales set out in paragraph 9.

7.—(1) Scale A of this Warrant shall apply to—

- (i) persons who are injured while carried in pursuance of official instructions in any aircraft; and
- (ii) persons who are injured while employed in special circumstances which, in the opinion of the Ministry, justify most exceptional treatment.

(2) Scale B of this Warrant shall apply to—

- (i) established officers employed in prisons, Borstal or other institutions, being officers eligible for superannuation awards under the Superannuation Act, who are injured by the violence of a prisoner, a person undergoing detention or an inmate; and
- (ii) civil servants who are injured as the result of an explosion, or as a direct result of employment in connection with dangerous substances, in a Government establishment in which explosives are used, manufactured or stored;
- (iii) persons holding a Ministerial office who are injured as the result of an explosion in a Government establishment in which explosives are used, manufactured or stored; and
- (iv) civil servants habitually employed on duties in connection with explosives who are injured as a direct result of such employment; and
- (v) civil servants who are injured while engaged on duties in underground workings in connection with mining or quarrying operations.

(3) Scale C of this Warrant shall apply to—

- (i) civil servants and persons holding a Ministerial office other than those to whom either Scale A or Scale B applies; and

- (ii) unestablished employees employed in prisons, Borstal or other institutions, being officers eligible for superannuation awards under the Superannuation Act, who are injured by the violence of a prisoner, a person undergoing detention or an inmate; and
- (iii) unestablished employees who are injured as the result of an explosion, or as a direct result of employment in connection with dangerous substances, in a Government establishment in which explosives are used, manufactured or stored; and
- (iv) unestablished employees habitually employed on duties in connection with explosives who are injured as a direct result of such employment; and
- (v) unestablished employees who are injured while engaged on duties in underground workings in connection with mining or quarrying operations.

(4) Scale D of this Warrant shall apply to unestablished employees other than those to whom Scale A or Scale C applies.

8.—(1) In the application of this Warrant to a person, who not being a civil servant or an unestablished employee, is employed in a civil capacity for the purposes of the Government of Northern Ireland, the person shall be deemed to have been, when he sustained the injury, a civil servant, and for the purpose of calculating any award to be made to him or in respect of his death he shall be deemed to have been receiving at the date of the injury such salary and emoluments as in the opinion of the Ministry would have been payable to a civil servant employed to perform similar duties.

(2) In the application of this Warrant to a person holding a Ministerial office, such a person shall, for the purpose of calculating any award to be made to him or in respect of his death, be deemed to have been receiving when he sustained the injury, such salary and emoluments as shall be equal to the annual salary received by him at that date by virtue of his holding the said office, or where he receives no salary by virtue of his holding that office, such salary and emoluments as the Ministry may determine in his particular case.

#### SCALE A

9.—(1) Any person to whom Scale A applies and who retires by reason of his injury may, subject to the provisions of paragraph 11, be granted an annual allowance, according to the degree of impairment of his capacity to contribute to his support, at a rate not exceeding the proportion specified in the following table of his salary and emoluments at the date of the injury, with the addition, in the case of a civil servant who is not otherwise qualified for an annual allowance under Part I of the Superannuation Act or in the case of an unestablished employee, of one sixtieth of such salary and emoluments for each completed year of his service.

Degree of Impairment	Proportion of Salary and Emoluments
Slightly Impaired . . . .	One eighth
Impaired . . . . .	One quarter
Materially Impaired . . . .	Three eighths
Totally Destroyed . . . . .	One half

#### SCALE B

(2) Any person to whom Scale B applies and who retires by reason of his injury may, subject to the provisions of paragraph 11, be granted an annual

allowance, according to the degree of impairment of his capacity to contribute to his support, at a rate not exceeding the proportion specified in the following table of his salary and emoluments at the date of the injury, with the addition, in the case of a civil servant who is not otherwise qualified for an annual allowance under Part I of the Superannuation Act, of one sixtieth of such salary and emoluments for each completed year of his service.

Degree of Impairment	Proportion of Salary and Emoluments
Slightly Impaired . . . .	Six sixtieths
Impaired . . . . .	Twelve sixtieths
Materially Impaired . . . .	Eighteen sixtieths
Totally Destroyed . . . . .	Twenty-four sixtieths

SCALE C

(3) Any person to whom Scale C applies and who retires by reason of his injury may, subject to the provisions of paragraph 11, be granted an annual allowance, according to the degree of impairment of his capacity to contribute to his support, at a rate not exceeding the proportion specified in the following table of his salary and emoluments at the date of the injury, with the addition, in the case of a civil servant who is not otherwise qualified for an annual allowance under Part I of the Superannuation Act or in the case of an unestablished employee, of one sixtieth of such salary and emoluments for each completed year of his service.

Degree of Impairment	Proportion of Salary and Emoluments
Slightly Impaired . . . . .	Five sixtieths
Impaired . . . . .	Ten sixtieths
Materially Impaired . . . . .	Fifteen sixtieths
Totally Destroyed . . . . .	Twenty sixtieths

SCALE D

(4) Any person to whom Scale D applies who retires by reason of his injury and

- (a) whose capacity to contribute to his support is totally destroyed by the injury may, subject to the provisions of paragraph 11, be granted an annual allowance at a rate not exceeding fifteen sixtieths of his salary and emoluments at the date of the injury, with the addition of one sixtieth of such salary and emoluments for each completed year of his service;
- (b) whose capacity to contribute to his support is not totally destroyed by the injury may, subject to the provisions of paragraph 11, be granted a gratuity, according to the degree of impairment of his capacity to contribute to his support, not exceeding the proportion specified in the following table of his salary and emoluments at the date of the injury.

Degree of Impairment	Proportion of Salary and Emoluments
Slightly Impaired . . . . .	Three quarters
Impaired . . . . .	One and a half times
Materially Impaired . . . . .	Two and a quarter times

(5) In this paragraph and in paragraph 11 the expression "service" in relation to an unestablished employee means service which would be reckoned

by the Ministry for the purposes of section 15 or section 16 of the Superannuation Act and in relation to a civil servant means service in an established capacity together with any service in an unestablished capacity which, in the case of an unestablished employee, would be reckoned as aforesaid.

10. When a person to whom this Warrant applies, not being a person who retires by reason of his injury—

(a) is removed from his employment otherwise than at his request or by reason of his misconduct or

(b) ceases to hold a Ministerial office

and his capacity to contribute to his support is in the opinion of the Ministry impaired by reason of his injury, the Ministry may make such award as it may think reasonable having regard to the Scale applicable to him.

Provided that, where the employment of a civil servant who has attained the age of fifty years is terminated at his request before the retiring age under section 7 of the Superannuation Act, an award may be made to him under this paragraph when he attains the age which would have been the retiring age for him if he had continued in the employment in which he was when he was last a civil servant, or at such earlier date when an allowance by virtue of section 7 of the Superannuation Act is granted to him on compassionate grounds.

11.—(1) If, for the purpose of assessing the amount of any allowance or gratuity to be granted to any person on retirement, the degree of permanent impairment of his capacity to contribute to his support is in doubt, the Ministry may make a provisional award, to have effect until such time as the degree of permanent impairment can be determined.

(2) Where Scale D applies to a person and that person's capacity to contribute to his support is not totally destroyed by his injury, the provisional award may take the form of an annual allowance at a rate not exceeding the proportion specified in the following table of the person's salary and emoluments at the date of the injury with the addition of one sixtieth of such salary and emoluments for each completed year of his service:

Degree of Impairment	Proportion of Salary and Emoluments
Slightly Impaired . . .	Four sixtieths
Impaired . . . . .	Eight sixtieths
Materially Impaired . . .	Twelve sixtieths

12. If any person to whom this Warrant applies, not having retired, is temporarily unable to follow his employment by reason of his injury, the Ministry, in any case in which that person either is not eligible for sick pay or is eligible for sick pay at a rate which is less than the rate of annual allowance which might be awarded to him under this Warrant if he retired by reason of his injury, may grant to him such temporary allowance as it may think reasonable having regard to the Scale applicable to him.

13.—(1) An annual allowance granted to any person by virtue of this Warrant shall not, together with any other annual allowance under Part I of the Superannuation Act or under any other Act, and the annuity value at the date of retirement of any additional allowance, exceed five sixths of the annual salary and emoluments of his office at the date of the injury.

(2) For the purposes of this paragraph any reduction effected or to be effected in the amount of any additional allowance by way of contribution under Part II or Part III of the Superannuation Act shall be left out of account and, accordingly, the annuity value of any additional allowance shall be determined as if no such reduction as aforesaid had been, or had to be, made.

14.—(1) Subject to the following provisions of this paragraph, where a person to whom this Warrant applies sustains an injury, the amount of any gratuity or annual allowance which may be granted under the foregoing provisions of this Warrant shall be reduced by the value or, as may be appropriate, the annuity value or the annual value, of any rights which have accrued or probably will accrue to him from that injury in respect of industrial injury benefit, industrial disablement benefit or sickness benefit.

(2) For the purposes of this paragraph the value of any such right shall be the amount which the Ministry may determine to be either its value or, as the case may be, its annuity value or annual value.

(3) For the purposes of this paragraph, no account shall be taken of so much of a disablement pension as represents an increase payable under section 15 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(h) (increase of disablement pension where constant attendance needed) or under section 6 of the National Insurance (No. 2) Act (Northern Ireland) 1966(i) (increase of disablement pension in cases of exceptionally severe disablement).

(4) In this paragraph the expressions "industrial injury benefit", "industrial disablement benefit" and "sickness benefit" have the same meanings as in the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 and the National Insurance Act (Northern Ireland) 1966(j).

15. Where an annual allowance granted to a person is calculated in part by reference to the number of years of his service, the part so calculated shall be in lieu of any gratuity and additional allowance under sections 2 and 3 of the Superannuation Act or of any gratuity under sections 15 to 17 of the Superannuation Act.

16. A person employed in the civil service of Northern Ireland who is subject to the Superannuation Scheme of the Federated Superannuation System for Universities in respect of such employment shall, for the purposes of paragraphs 7 and 9, be deemed to be a civil servant who is qualified for an annual allowance under Part I of the Superannuation Act in respect of his service and any annual allowance granted to any such person under those paragraphs together with such sum as the Ministry may determine to be the annual value, on a fair and reasonable basis, according to the circumstances of the benefits of the policies or accumulated investments held in respect of him under the said Scheme, shall not exceed five sixths of his salary and emoluments at the date of the injury in respect of which such annual allowance is granted.

### PART III

#### AWARDS TO DEPENDANTS

##### General

17. Subject to the provisions of this Warrant where any person to whom this Warrant applies dies or has died on or after 7th August 1966 as a direct

(h) 1966. c. 9 (N.I.).  
(i) 1966. c. 16 (N.I.).

(j) 1966. c. 6 (N.I.).

result of the injury or has died before 7th August 1966 within seven years of the date of the injury as a direct result thereof there may be paid to or in respect of all or any of the persons mentioned in paragraphs 19 to 23 an annual allowance or gratuity at the rates hereafter specified according to the Scale applicable to the deceased.

**18.—(1)** An annual allowance payable to or in respect of any person under this part shall consist of—

(a) the principal allowance for which he is eligible under paragraphs 19 to 23, and

(b) any supplementary allowance for which he is eligible under paragraph 24.

(2) Where the widow of the deceased was not married to him at the date when he suffered the injury, an allowance shall not be paid to her under this part, unless—

(a) she was wholly or mainly dependent on him at the time of his death, and

(b) either—

(i) the marriage took place, if the deceased retired by reason of his injury, before his retirement, and, in any case, not less than one year before his death, or

(ii) the Ministry is of the opinion that there are exceptional circumstances justifying the payment of an allowance in her case.

(3) No allowance shall be paid to the widow of the deceased and no allowance or gratuity shall be paid to any other female if—

(a) in the case of the widow, she was at the time of the death cohabiting with a person other than the deceased or after the death she marries or cohabits with any person;

(b) in the case of a female who is not the widow of the deceased, she was at the time of the death married to or cohabiting with any person or after the death she marries or cohabits with any person;

and if, after the grant of an allowance to the widow or other female, she marries or cohabits with any person, the allowance shall cease from the date of the marriage or the commencement of the cohabitation:

Provided that where—

(i) an allowance is withheld or ceases under this subparagraph, and

(ii) the Ministry is satisfied at a subsequent date that the marriage or cohabitation has come to an end, or that there are compassionate grounds for the payment of the allowance notwithstanding the marriage

the Ministry may, if it thinks fit, grant or regrant the allowance as from that date.

(4) References in this part to a widow or her husband shall, in their application to a woman to whom this Warrant applies, be construed as references to a widower or his wife:

Provided that nothing in this part shall permit the grant of an award to a widower or to children where the deceased leaves a widower, unless such widower was, at the date of the deceased's death, permanently incapacitated and wholly or mainly dependent on her.

(5) Where under Part II or Part III of the Superannuation Act or section 9 of the Ministerial Salaries and Members' Pensions Act (Northern Ireland)



1965(k) a single pension is payable for the benefit of more than one person, any person for whose benefit that pension is payable shall be treated, for the purposes of this Warrant, as being eligible for a pension of an amount equal to the total amount of the pension divided by the number of persons for whose benefit it is payable.

(6) For the purposes of this part, the value of any pension, allowance, right or benefit shall be the amount which the Ministry may determine to be either its value or, as the case may be, its annuity value or annual value.

*Principal allowance to Widows*

19. Subject to the provisions of this Warrant, a principal allowance may be paid to the widow of the deceased person at a rate not exceeding the proportion specified in column 2, of the following table of the salary and emoluments of the deceased at the date when he suffered the injury:

1 Scale applicable to deceased	2 Proportion of salary and Emoluments
Scale A . . . .	Eleven sixtieths
Scale B . . . .	Eight sixtieths
Scale C . . . .	Six sixtieths
Scale D . . . .	Four sixtieths

*Principal allowance to Mothers or Fathers*

20.—(1) Subject to the provisions of this Warrant, where the deceased person leaves no widow or leaves a widow who is not eligible for an annual allowance under this Warrant, a principal allowance at the rate specified in paragraph 19 may be paid to his mother, or, where his mother is dead, his father, if his mother, or, as the case may be, his father, was wholly or mainly dependent on him at the time of his death.

(2) Subject to the provisions of this Warrant, where the deceased person leaves a widow who is eligible for an annual allowance under this Warrant, and a mother, or, where his mother is dead, a father, who was wholly or mainly dependent on him at the time of his death, a principal allowance may be paid to his mother, or, as the case may be, his father, at one half of the rate specified in paragraph 19.

*Principal allowance to Children*

21.—(1) In this and the two next following paragraphs the expression “period of childhood and full-time education” has the same meaning as in section 79 of the Superannuation Act and the expression “incapacitated” has the same meaning as in section 93(3) of that Act.

(2) Subject to the provisions of this Warrant, there may be paid in respect of each of the children of a deceased person to whom Scale A, Scale B or Scale C applies during the period of childhood and full-time education, a principal allowance at a rate not exceeding the following proportion of the rate specified in paragraph 19:—

(k) 1965. c. 18 (N.I).

(a) where the deceased leaves a widow eligible for an award under this Warrant, one sixth; and

(b) where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow, one third.

(3) No allowance under this part shall be payable at any time in respect of more than six children.

(4) Subject to the provisions of this paragraph, there may be paid in respect of the children of any deceased person to whom Scale D applies a gratuity not exceeding the proportion specified in column 2 of the following table of his salary and emoluments at the date of the injury, or the amount shown in column 3 of that table, whichever is the greater, multiplied by the aggregate (not exceeding 50) of the number of completed years in the periods between the date of the death of the deceased and the date when each child attains the age of sixteen years, so however that the total gratuity shall not in any case be less than the sum specified in column 4 of the said table:

1	2	3	4
Where the deceased leaves a widow eligible for an award under this Warrant.	One hundredth	£1	£10
Where the deceased does not leave a widow eligible for an award under this Warrant.	One fiftieth	£2	£20

Provided that where the deceased leaves a widow eligible for an award under this Warrant who dies while one or more of his children are under the age of sixteen years, there may be awarded in respect of such children an additional gratuity not exceeding one hundredth of the annual salary and emoluments of the deceased at the date of the injury or £1, whichever be the greater, multiplied by the aggregate of the numbers of completed years between the date of death of the widow and the date when each of such children attains the age of sixteen years, so however that if the gratuity originally granted in respect of the children was arrived at on the basis of the over-riding maximum of 50 years, the additional gratuity shall not exceed the amount calculated as aforesaid multiplied by a fraction in which the numerator is 50 and the denominator is the number of years on which the gratuity originally granted might have been calculated but for the over-riding maximum of 50 years.

(5) If in the opinion of the Ministry there are compassionate grounds for so doing, the Ministry may, subject to the provisions of this Warrant, grant to any child of the deceased person, being a child who, at the date of the deceased's death—

(a) was wholly or mainly dependent on him, and

(b) had ceased to be in the period of childhood and full-time education, a principal allowance, for such period as the Ministry may determine, at a rate not exceeding—

(i) where the deceased leaves a widow eligible for an award under this Warrant, one half of the rate specified in paragraph 19, or

- (ii) where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow, the rate specified in paragraph 19:

Provided that, where the deceased was a person to whom Scale D applies, he shall be deemed, for the purpose of determining the rate of principal allowance under this sub-paragraph, to have been a person to whom Scale C applies.

(6) Except where otherwise provided, a principal allowance payable to or in respect of any person under this paragraph and any supplementary allowance payable to or in respect of him under paragraph 24 shall be payable as from the date of death of the injured person, or, in the case of a posthumous child, as from the date of the child's birth.

(7) Nothing in this Warrant shall permit the grant of any allowance or gratuity in respect of a child unless that child was wholly or mainly dependent on the deceased at the time of his death or was a posthumous child.

(8) Nothing in this Warrant shall permit the grant of any allowance or gratuity in respect of a step-child, illegitimate child or adopted child at a higher rate than would have been payable in respect of such child if the deceased had left a widow eligible for a principal allowance under this Warrant, unless the Ministry in any particular case otherwise directs.

(9) Notwithstanding anything in paragraph 26, in the calculation of a gratuity under sub-paragraph (4), no account shall be taken of any family allowance payable under the Family Allowances Acts (Northern Ireland) 1966 to 1969.

22.—(1) The following provisions of this paragraph shall have effect in relation to any child (hereafter referred to as an "incapacitated child") who was incapacitated at the time of the deceased's death.

(2) The provisions of paragraph 21(3) shall not apply in relation to an incapacitated child.

(3) Notwithstanding that Scale D applies to the deceased, there may be paid in respect of any incapacitated child such principal allowance as would have been so payable if Scale C had applied to the deceased, and any incapacitated child in respect of whom a principal allowance is paid under this sub-paragraph shall be left out of account for the purpose of computing the amount of any gratuity payable under paragraph 21(4).

(4) Where at the time of the deceased's death any incapacitated child of his was wholly or mainly dependent on him and had ceased to be in the period of childhood and full-time education, a principal allowance may be paid to or in respect of him, during the period of his incapacity, at a rate not exceeding—

- (a) where the deceased leaves a widow eligible for an award under this Warrant, one half of the rate specified in paragraph 19, or
- (b) where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow, the rate specified in paragraph 19:

Provided that, where the deceased was a person to whom Scale D applies, he shall be deemed, for the purpose of determining the rate of principal allowance under this sub-paragraph, to have been a person to whom Scale C applies.

(5) A principal allowance granted in respect of an incapacitated child under paragraph 21(2) or under sub-paragraph (3) of this paragraph may be paid so

long as the incapacity continues, notwithstanding that the child ceases to be in the period of childhood and full-time education, and, as respects any period after he attains the age of sixteen years, may be increased to the rate which would be payable to him if he were a dependent incapacitated child to whom the last preceding sub-paragraph applies.

*Principal allowance to brothers and sisters*

23.—(1) Subject to the provisions of this Warrant, where there are no children of the deceased eligible for the grant of an allowance or gratuity under this Warrant, there may be paid to or in respect of any of the brothers or sisters of a deceased person to whom Scale A, Scale B or Scale C applies, during the period of childhood and full-time education, the like principal allowance, and to or in respect of any of the brothers or sisters of a deceased person to whom Scale D applies the like gratuity, that would have been payable under paragraph 21 if the brother, or, as the case may be, the sister, had been a child of the deceased:

Provided that—

- (a) no principal allowance shall be payable under this sub-paragraph at any time in respect of more than six persons; and
- (b) no principal allowance or gratuity shall be paid to or in respect of a brother or sister of the deceased unless that brother, or, as the case may be, that sister, was wholly or mainly dependent on the deceased at the time of his death.

(2) The provisions of paragraph 22 shall apply in relation to a brother or sister of the deceased who is incapacitated at the time of the deceased's death as they apply in relation to a child who was then incapacitated, and accordingly the like principal allowance may be paid to such a brother or sister that would have been payable under that paragraph if such person had been an incapacitated child of the deceased.

(3) If in the opinion of the Ministry there are compassionate grounds for so doing, the Ministry may grant to a brother or sister of the deceased person, being a brother or sister who, at the date of the deceased's death—

- (a) was wholly or mainly dependent on him, and
- (b) had ceased to be in the period of childhood and full-time education,

a principal allowance for such period as the Ministry may determine, at such rate as would have been payable if the brother, or, as the case may be, the sister, had been a dependent incapacitated child to whom the provisions of paragraph 22(4) apply.

*Supplementary allowances*

24.—(1) Subject to the provisions of paragraph 27, where a person to or in respect of whom a principal allowance is payable under this Warrant is not eligible for a pension under Part II or Part III of the Superannuation Act or sections 7 to 9 of the Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965 in respect of the service of the deceased, a supplementary allowance may be paid to or in respect of that person at a rate not exceeding such proportion of the salary and emoluments of the deceased at the date when he suffered the injury as is specified in column 2 or, as the case may require, column 3 of the following table:

1 Class of dependant	2 Where the deceased leaves a widow eligible for an award under this Warrant	3 Where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow
Widow . . . . .	One fifteenth	—
Mother or father . . . . .	One thirtieth	One fifteenth
Child or brother or sister eligible for a principal allowance at the rate specified in paragraph 21(2)	One ninetieth	One forty-fifth
Child or brother or sister eligible for a principal allowance at the rate specified in paragraph 21(5) or 22(4)	One thirtieth	One fifteenth

(2) Where—

- (a) a person to or in respect of whom a principal allowance is payable under this Warrant either—
- (i) is the widow, father or mother of the deceased, or
  - (ii) being a child, brother or sister of the deceased, is eligible for a principal allowance at the rate specified in paragraph 21(5) or 22(4), and
- (b) that person is eligible for a pension under Part II or Part III of the Superannuation Act or sections 7 to 9 of the Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965, and
- (c) the rate of the said pension is less than it would have been if the deceased had been a civil servant under the Superannuation Act with twenty years' reckonable service

a supplementary allowance may, subject to the provisions of this Warrant, be paid to or in respect of that person at a rate not exceeding the amount by which the annual rate of that pension is less than the annual rate of the pension for which he would have been eligible if the deceased had been a civil servant under the Superannuation Act with twenty years' reckonable service.

(3) Where a person, being the child, brother or sister of the deceased, is eligible for a principal allowance under this Warrant at the rate specified in paragraph 21(2), and he is eligible for a pension under Part II or Part III of the Superannuation Act or section 9 of the Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965, a supplementary allowance may be paid

in respect of him at a rate not exceeding the amount (if any) by which the annual rate of that pension is less than such proportion of the rate of the superannuation allowance of the deceased as is specified in column 2 or, as the case may require, column 3 of the following table:

1 Class of dependant	2 Where the deceased leaves a widow eligible for an award under this Warrant	3 Where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow
Child Brother or sister	One twelfth —	One sixth One sixth

Provided that, where the rate of the superannuation allowance of the deceased is less than it would have been if the deceased had been a civil servant under the Superannuation Act with twenty years' reckonable service, this sub-paragraph shall have effect as if the rate of the superannuation allowance of the deceased were the rate of the superannuation allowance for which he would have been eligible if he had been a civil servant under the Superannuation Act with twenty years' reckonable service.

(4) For the purposes of this paragraph "the rate of the superannuation allowance of the deceased" has the meaning assigned to that expression by section 47(2) of the Superannuation Act or to "personal pension" by section 9(3) of the Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965, as the case may be.

#### *Limit on annual allowances*

25.—(1) Where a person who is eligible for an annual allowance under this Warrant is also eligible for a pension under Part II or Part III of the Superannuation Act or sections 7 to 9 of the Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965 in respect of service of the deceased, the amount of the annual allowance shall be subject to the limitation specified in sub-paragraph (2) or, as the case may be, sub-paragraph (3).

(2) Where the person eligible for the annual allowance is the widow of the deceased, the annual allowance shall not exceed a sum which when added to any pension for which she is eligible under Part II of the Superannuation Act or sections 7 and 8 of the Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965, amounts to such proportion of the salary and emoluments of the deceased at the date when he suffered the injury as is specified in column 2 of the following table:

1 Scale applicable to deceased	2 Proportion of salary and Emoluments
Scale A	Seventeen sixtieths
Scale B	Fourteen sixtieths
Scale C	Twelve sixtieths

(3) Where the person eligible for the annual allowance is not the widow of the deceased, the annual allowance shall not exceed a sum which, when added to any pension for which he is eligible under Part II or Part III of the Superannuation Act or section 9 of the Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965, amounts to such proportion of the salary and emoluments of the deceased at the date when he suffered the injury as may be found by multiplying the appropriate proportion specified in the table in the last preceding sub-paragraph by the factor specified in column 2 or, as the case may require, column 3 of the following table:

1 Class of dependant	2 Where the deceased leaves a widow eligible for an award under this Warrant	3 Where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow
Mother or father	$\frac{1}{2}$	1
Child or brother or sister eligible for a principal allowance at the rate specified in paragraph 21(2)	$\frac{1}{6}$	$\frac{1}{3}$
Child or brother or sister eligible for a principal allowance at the rate specified in paragraph 21(5) or 22(4)	$\frac{1}{2}$	1

*Reductions by reason of other benefits*

26. Subject to the provisions of paragraph 21(9), where a person is eligible for an annual allowance or gratuity under this Warrant, the amount thereof shall be reduced by the value or, as may be appropriate, the annuity value or annual value, of—

- (a) any allowance payable in respect of that person under the Family Allowances Acts (Northern Ireland) 1966 to 1969, and
- (b) any rights which may accrue to or in respect of that person in respect of industrial death benefit payable under the National Insurance (Industrial Injuries) Acts (Northern Ireland) 1966 to 1969.

27. Where a person who is eligible for a principal allowance under this Warrant is also eligible for a pension or other benefit under a pension scheme to which the deceased was subject at a time when he was not serving in the civil service of Northern Ireland, and any period of service during which the deceased was subject to that scheme might have been taken into account for the purpose of determining whether he had completed the minimum period of service qualifying him for a superannuation allowance under the Superannuation Act, then, unless the Ministry otherwise directs in any particular case,

- (a) the person eligible for the principal allowance shall be treated for the purposes of paragraphs 24 and 25 as if he were eligible for a pension under Part II or Part III of the Superannuation Act;
- (b) the amount of any supplementary allowance for which he may be eligible under sub-paragraph (2) or (3) of paragraph 24 shall be reduced by the value, or, as may be appropriate, the annuity value or annual value, of the pension or other benefit payable to or in respect of him under the said pension scheme; and
- (c) the value or, as may be appropriate, the annuity value or annual value, of the pension or other benefit payable to or in respect of him under the said pension scheme shall be treated, for the purposes of paragraph 25, as if it were a pension for which he is eligible under Part II or Part III of the Superannuation Act, or, if he is eligible for a pension under Part II or Part III of the Superannuation Act, such pension shall be treated, for the purposes of paragraph 25, as if it were increased by such value as aforesaid.

#### PART IV

##### REDUCTIONS BY REASON OF RECOVERY OF DAMAGES IN RESPECT OF THE INJURY OR DEATH

28.—(1) Where the Ministry is satisfied that damages have been or will be recovered by any person, being damages in respect of an injury for which an award may be made under this Warrant or damages in respect of the death of the person to whom this Warrant applies, the Ministry may take those damages into account against any annual allowance or gratuity which might otherwise be payable under this Warrant in such manner and to such extent as it may think fit and may withhold or reduce the annual allowance or gratuity accordingly.

(2) For the purpose of this paragraph a person shall be deemed to recover damages—

- (i) whether they are paid in pursuance of a judgment or order of the court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim;
- (ii) if they are recovered for his benefit in respect of a claim under the Fatal Accidents Acts (Northern Ireland) 1846 to 1959.

#### PART V

##### APPLICATION OF WARRANT TO CLERKS OF THE CROWN AND PEACE

29. This Warrant shall in its application to clerks of the Crown and Peace have effect as if—

- (a) for the words “annual allowance under Part I of the Superannuation Act” in paragraphs 9 and 13, there were substituted the words “allowance under Part II of the Second Schedule to the County Courts Act (Northern Ireland) 1959”(1);
- (b) for the words “additional allowance” in paragraph 13, there were substituted the words “lump sum under section 121 of the County Courts Act (Northern Ireland) 1959”;
- (c) for the words “Part II or Part III of the Superannuation Act” in paragraph 13, there were substituted the words “section 127 of the County Courts Act (Northern Ireland) 1959”;

(1) 1959. c. 25.



- (d) for the words "Part II or Part III of the Superannuation Act" in paragraph 18, paragraph 24(1), (2)(b) and (3), paragraph 25 and paragraph 27 and the words "Part II of the Superannuation Act" in paragraph 25, there were substituted the words "section 122 of the County Courts Act (Northern Ireland) 1959"; and
- (e) for the words "the rate of the superannuation allowance of the deceased" there were substituted the words "the personal pension as defined in section 135(1) of the County Courts Act (Northern Ireland) 1959".

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 20th day of June 1969.

(L.S.)

R. M. MacDonald,  
Assistant Secretary.

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#### EXPLANATORY NOTE

*(This note is not part of the Warrant but is intended to indicate its general purport.)*

This Warrant reproduces with amendments the Injury Warrant (Northern Ireland) 1953 and the Injury Warrant (Northern Ireland) 1965 which provide for the grant of annual allowances or gratuities to Ministers, civil servants and persons employed by the Government in a civil capacity who are injured or who contract diseases in the discharge of their duties or, if the injury or disease proves fatal, to their dependants.

In particular the former limitation in the 1953 Warrant restricting payments to cases where death occurs within seven years of the date of the injury or contracting the disease is removed, changes in the personal circumstances qualifying widows and children for awards are made and in addition new formulae are introduced for computing the amounts of allowances to remove former anomalies in the relationship between benefits payable to persons eligible for contributory pensions under Part II or Part III of the Superannuation Act and amounts payable to other beneficiaries.