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 & 20 Geo. 5. c. 29.
(d) 10 & 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