Injury Warrant

Gratuities and Allowances to Civil Servants and others Injured or Contracting Disease in Discharge of Duty

WARRANT DATED 4TH FEBRUARY, 1953, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 39 OF THE SUPERANNUATION ACT (NORTHERN IRELAND), 1949 (a).

1953. No. 16

The Ministry of Finance (hereinafter referred to as " the Ministry ") in exercise of the powers conferred upon it by section 39 of the Superannuation Act (Northern Ireland), 1949, hereby directs as follows :—

PART I

Citation and Interpretation

1.—(1) This Warrant may be cited as the Injury Warrant (Northern Ireland), 1953.

(2) The Interpretation Act, 1889 (b) shall apply for the purposes of the interpretation of this Warrant in like manner as it applies by virtue of the Interpretation Act, 1921 (c) for the purposes of the interpretation of an Act of the Parliament of Northern Ireland.

(3) This Warrant shall come into force on the 10th day of February, 1953.

2.—(1) In this Warrant, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them —

" The Act " means the Superannuation Act (Northern Ireland), 1949 ;

" Adopted child " means a child whom the deceased had, prior to the date of his injury, adopted within the meaning of any enactment for the time being in force in the place in which he was domiciled at the date of his injury ;

' 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 Tables for Immediate Life Annuities framed under Part II of the Government Annuities Act, 1929 (d), and for the time being in force ;

" 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 ;

(a) 1949 c. 13 (b) 52 & 53 Vict. c. 63 (c) 12 Geo. 5 c. 4 (N.I.)
(d) 19 & 20 Geo. 5 c. 29

" Civil Servant " means a person serving in an established capacity in the civil service of Northern Ireland, other than an existing Irish Officer within the meaning of the Government of Ireland Act, 1920 (a), who holds his appointment directly from the Crown or has been admitted into the civil service with a certificate of the Civil Service Commissioners for Northern Ireland ;

" 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 ;

" Pension " means any superannuation or retiring or annual compensation allowance granted under the Superannuation Acts ;

" Salary and emoluments " means annual salary and emoluments ;

" Salary " includes wages ;

" Unestablished employee " means a person employed in an unestablished capacity within the meaning of section 3 of the Superannuation Act (Northern Ireland), 1935 (b) ;

" The Superannuation Acts " means the Superannuation Acts 1834 to 1919 as applied to the Civil Service of Northern Ireland and the Superannuation Acts (Northern Ireland), 1921 to 1951 (c).

(2) The following expressions have the meanings respectively assigned to them by the Act :—

" Additional allowance "
" Brother "
" Child "
" Father "
" Mother "
" Sister "
" Retiring age "

3. Any reference in this Warrant to the provisions of any enactment, regulations or rules shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment, regulations or rules.

Part II

Application and Scales of Award

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

(i) is a civil servant, or

(ii) is an unestablished employee, or

(a) 10 & 11 Geo. 5 c. 67 (b) 26 Geo. 5 c. 2 (c) 1951 c. 28

(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

and who, on or after the 11th day of August, 1949, 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.

(2) 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.

(3) 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 sub-paragraph (1) of this paragraph and to the date on which such disease is contracted.

5.—(1) Notwithstanding anything in the immediately preceding paragraph, this Warrant shall not apply to —

(*a*) any person employed in Northern Ireland by way of manual labour under a contract of service or apprenticeship ;

(*b*) any person employed in Northern Ireland otherwise than by way of manual labour, as a civil servant, an unestablished employee or under a contract of service, whose salary and emoluments do not exceed two hundred and fifty pounds a year, being a person to whom Scale A of this Warrant would otherwise have been applicable ;

(*c*) any person employed in Northern Ireland, otherwise than by way of manual labour, as a civil servant, an unestablished employee or under a contract of service, whose salary and emoluments do not exceed four hundred and twenty pounds a year, being a person to whom Scale I, Scale II or Scale III of this Warrant would otherwise have been applicable.

(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.

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 of this Warrant.

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 ;

(ii) persons who are injured while employed in special circumstances which, in the opinion of the Ministry, justify most exceptional treatment.

(2) Scale I 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 Acts, 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 ; and

(iii) civil servants habitually employed on duties in connection with explosives who are injured as a direct result of such employment ; and

(iv) civil servants who are injured while engaged on duties in underground workings in connection with mining or quarrying operations.

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

(i) civil servants other than those to whom either Scale A or Scale I applies ; and

(ii) unestablished employees employed in prisons, Borstal or other institutions, being officers eligible for superannuation awards under the Superannuation Acts, 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 III of this Warrant shall apply to unestablished employees other than those to whom Scale A, Scale I or Scale II applies.

8. 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.

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 of this Warrant, 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 person who is not otherwise qualified for a pension, 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 I

(2) Any person to whom Scale I applies and who retires by reason of his injury may, subject to the provisions of paragraph 11 of this Warrant, 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 person who is not otherwise qualified for a pension, 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 II

(3) Any person to whom Scale II applies and who retires by reason of his injury may, subject to the provisions of paragraph 11 of