Women Members, Pensions

ORDER, DATED 22ND MARCH, 1946, MADE BY THE MINISTER OF HOME AFFAIRS UNDER THE CONSTABULARY AND POLICE (IRELAND) ACT, 1919, AS APPLIED BY THE CONSTABULARY ACT (NORTHERN IRELAND), 1922.

1946. No. 47

I, THE RIGHT HONOURABLE EDMOND WARNOCK, K.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by Section 2 of the Constabulary Act (Northern Ireland), 1922, and by Section 4 of the Constabulary and Police (Ireland) Act, 1919, as applied by the said Act of 1922, and of all other powers enabling me in that behalf, do hereby order that as from the 1st June, 1943, the Pensions and Gratuities to be granted on retirement to Women Members of the Royal Ulster Constabulary and the Gratuities and Allowances of the children and dependent relatives of such Women Members shall be in accordance with the Rates, Scales and Conditions prescribed in the Schedules appended hereto.

And I certify that Sub-Section (2) of Section 4 of the Constabulary and Police (Ireland) Act, 1919, which provides that a draft of any Order proposed to be made under the said Section shall be submitted to the representative body or bodies constituted by the Act and representing any rank or ranks affected, and that before making the Order the Ministry of Home Affairs shall consider any representations made by such body or bodies, has been fully observed.

This Order shall apply only to Women Members of the Royal Ulster Constabulary and may be cited as The Royal Ulster Constabulary (Women Members) Pensions Order, 1946.

Dated this 22nd day of March, 1946.

Edmond Warnock,
Minister of Home Affairs for Northern Ireland.

I, THE RIGHT HONOURABLE J. MAYNARD SINCLAIR, Minister of Finance for Northern Ireland, hereby signify my concurrence in the foregoing Order and Schedules thereto.

Dated this 3rd day of April, 1946.

J. M. Sinclair,
Minister of Finance for Northern Ireland.

SCHEDULES REFERRED TO IN THE FOREGOING ORDER

FIRST SCHEDULE

Definitions

1.—(1) In this Order, except where the context otherwise requires,

the following expressions shall have the respective meanings hereby assigned to them :—

" The Force " means the Royal Ulster Constabulary.

" Member of the Force " means any woman who was a member of the force on or after the 1st day of June, 1943.

" Inspector General " means the Inspector General of the Force.

" The Ministry " means the Ministry of Home Affairs.

" The Pay Order, 1944," means the Royal Ulster Constabulary (Women Members) Pay Order, 1944, 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.

" 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 4 of the Schedule to the Pay Order, 1944.

(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

2. The rates and scales of pay prescribed by the Pay Order, 1944, shall be subject to the following conditions with respect to retirement from the force :—

Retirement shall be compulsory for members of the force

(*a*) on attaining the age of fifty-seven, 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.

(*b*) on marrying or, being a widow, on re-marrying.

Pensions and Gratuities of Members of the Force

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

(*a*) if she 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 her 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 she has completed ten years' approved service, and is incapacitated for the performance of her 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 she is incapacitated for the performance of her duty by infirmity of mind or body occasioned by an injury received in the execution of her duty without her own default, shall be entitled on a medical certificate to retire and receive a special pension for life ; and

(*d*) if she has not completed ten years' approved service and is incapacitated for the performance of her 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 she is not entitled without a medical certificate to retire and receive a pension she shall be entitled to receive such ordinary pension or gratuity as she would have been entitled to receive had she then retired on a medical certificate ; and

(*b*) any pension or gratuity to which she is entitled shall be payable as from her retirement and no notice of intention to retire shall be required.

(3) 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, 1944, as being a period of probationary service.

Allowances and Gratuities of Children and Dependants

4.—(1) 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 her duty without her own default, her 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 member's widower, or, if she leaves no widower, 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 execution of her duty without her 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, other than the widower, (if any), who has been substantially dependent on her, having regard both to the amount contributed by the deceased and to the needs of the dependants.

(2) No allowance or gratuity shall be payable in respect of any child of a deceased member or pensioner during the lifetime of the father of the child except where the Ministry is satisfied that he cannot support the child.

Scales of Pensions, Allowances and Gratuities

5. 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 scale and provisions in the Second Schedule, 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 any child or dependant, other than the widower, of a member of the force 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, allowance or gratuity payable in respect of such injury or death, and such pension, allowance or gratuity may be reduced, suspended or disallowed accordingly, 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 reduction, suspension, disallowance, 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 cognisance 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.

Provided also that where a member of the force or any child or dependant of a member of the force is entitled to or is already in receipt of any pension, allowance or gratuity from the Imperial Government in respect of the incapacity or death of such member resulting from service in the Navy, Army, or Air Force or has commuted such pension or allowance or any part thereof, the amount of such pension, allowance or gratuity may be taken into consideration in the assessment of any pension, allowance or gratuity under this Order, and such pension, allowance or gratuity may be reduced, suspended or disallowed accordingly, if, in all the circumstances of the case, it seems equitable so to do.

Pensions of Members continuing to serve after Qualification for Pension

6.—(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 she would have been entitled if she had retired instead of continuing in the force, and in such case the right to receive on retirement such pension shall not, while she 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 she is not physically fit for further service, the Inspector General shall not permit her 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 her continuing to serve, an allowance at the rate not exceeding twelve-and-a-half per cent. of her 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.

Service to be reckoned for Pension

7.—(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 Third Schedule of this Order and the expression "approved service" shall, for the purposes of this Order mean such service as may, after such deduction as aforesaid (if any), be certified by the Inspector General to have been diligent and faithful service.

(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 deduction shall be given to her as soon as may be after the occurrence of the cause for which the deduction is made; and she may appeal to the Inspector General against any act of any superior officer which prevents her 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

8. 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 she has completed not less than one year's approved service shall be reckoned as approved service in the Royal Ulster Constabulary.