CHAPTER 55.

An Act to make provision for the disbandment of the Royal Irish Constabulary and with respect to magistrates appointed under the Acts relating to that Force, and for the validation of things done or omitted in the execution or purported execution of those Acts, and for other purposes incidental thereto. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Disbandment of the Royal Irish Constabulary.

1.—(1) The Royal Irish Constabulary shall be disbanded on such day, not being later than the thirty-first day of August, nineteen hundred and twenty-two, as may be fixed by the Lord Lieutenant, and on or before that date every officer and constable of that force shall retire from the force as and when required by the Lord Lieutenant, and shall, on his retirement, be entitled to receive such compensation as may be awarded to him by the Treasury in accordance with the rules contained in Part I. of the Schedule to this Act and, in the event of his dying after a compensation allowance has been awarded to him, the Treasury shall grant a pension or gratuities to his widow and children in accordance with the said rules.

Provided that, in awarding any such compensation, allowance, pension or gratuity, no deduction shall be made by reason of the fact that any compensation has been awarded to the officer or constable in respect of injuries sustained in the discharge of his duties.

(2) The provisions contained in Part II. of the Schedule to this Act shall apply as respects compensation allowances awarded in pursuance of this section in like manner as they apply as respects pensions under the Royal Irish Constabulary Pensions Order, 1922, with the substitution of references to a Secretary of State for references to the Inspector-General.

(3) If any officer or constable to whom a compensation allowance has been awarded in pursuance of this section takes service in any police force to which this subsection applies, the allowance may be suspended in whole or in part so long as he remains in such force. This subsection applies to any police force the expenses of which are defrayed in whole or in part out of moneys provided by Parliament or by any Parliament in Ireland, or out of funds assisted by the Exchequer or by any Exchequer in Ireland.

(4) Sections eight and ten of the Police Pensions Act, 1921, shall not apply to the service in the Royal Irish Constabulary of any officer or constable to whom a compensation allowance has been awarded in pursuance of this section, or to his prior service in any other police force so far as the same has, for the purposes of the award, been reckoned as service in the Royal Irish Constabulary, but, if any such officer or constable takes service in any police force and on his ultimate retirement therefrom is awarded a pension, then, if the amount of the compensation allowance when added to the amount of his pension exceeds the higher of the two following sums,— 11 & 12 Geo. 5. c. 31.

(*a*) two-thirds of the salary on which his compensation allowance was calculated; or

(*b*) two-thirds of the salary of which he was in receipt at the time of his ultimate retirement;

or should those sums be equal, exceeds either of those sums, his compensation allowance may be suspended to the extent of the excess:

Provided that, where the officer or constable on his ultimate retirement is awarded a lump sum instead of or in addition to a pension, the annual amount which would represent that sum, if converted into a life annuity, shall be determined by the Treasury, and the amount so determined shall, for the purpose of the foregoing provision, be deemed to be or to form part of his pension.

(5) The Pensions Commutation Acts, 1871 to 1882, shall apply to any officer or constable to whom a compensation allowance is awarded in pursuance of this section in like manner as if he had retired from the permanent civil service of the Crown on the abolition of his office, and any terminable annuity payable to the

National Debt Commissioners in respect of the commutation of a compensation allowance shall be paid out of the same funds as the allowance:

Provided that, in such cases and on such terms as the Treasury may by regulation prescribe, the Treasury may, on the application of any such officer or constable, commute a portion of the compensation allowance so awarded to him as aforesaid for an annuity for a term of two years but ceasing on his death if he dies within that term, and in such case the following provisions shall have effect:—

(*a*) the capital sum representing the portion of the compensation allowance to be commuted shall be ascertained in accordance with the tables and the rule for determining age for the time being in force under the Pensions Commutation Acts, 1871 to 1882;

(*b*) the capital sum so ascertained shall be applied by the National Debt Commissioners in providing an annuity for such term as aforesaid, and the National Debt Commissioners shall have power to grant such an annuity;

(*c*) in calculating the amount of the annuity, the same rate of interest shall be assumed as is assumed in calculating such capital sum as aforesaid;

(*d*) subject as aforesaid, the annuity shall be calculated in such manner and in accordance with such tables, and shall be payable in such manner and at such times as the Treasury may by regulations prescribe;

(*e*) sums payable or paid on account of any such annuities as aforesaid shall, for the purposes of sections six and eight of the Pensions Commutation Act, 1871, be treated as amounts awarded as commutations of pensions under that Act as applied by this subsection.

33 & 34 Vict. c. 36.

46 & 47 Vict. c. 14.

(6) Section nine of the Constabulary and Police (Ireland) Act, 1883 (which relates to the punishment of persons obtaining pensions, &c., by fraud), shall apply in the case of compensation allowances, commutation annuities, pensions, and gratuities awarded or payable in

pursuance of this section in like manner as it applies in the case of pensions and gratuities under that Act.

(7) Where, for the purpose of expediting the disbandment of the Royal Irish Constabulary, any member of that force has, since the twenty-fifth day of January, nineteen hundred and twenty-two, and before the passing of this Act, been discharged with compensation, his discharge and the grant of compensation to him shall be as valid and effectual as if they had been expressly authorised by this Act, and the compensation shall be treated as compensation payable under this Act, and the provisions of this Act with respect to a compensation allowance awarded in pursuance of this section shall apply to any annual allowance so granted.

(8) All compensation payable to officers and constables of the Royal Irish Constabulary under this Act (including any compensation which is to be treated as so payable), and any pensions and gratuities granted to widows and children of such officers and constables in pursuance of this Act shall be paid out of moneys provided by Parliament.

(9) The powers of the Lord Lieutenant or Inspector-General with respect to pensions, allowances, or gratuities of members of the Royal Irish Constabulary, their widows, children, or dependents, under the Acts or Orders relating to that force may, after the day fixed for the disbandment of the said force, be exercised by a Secretary of State with the approval of the Treasury.

(10) For the purposes of section fifty-seven of the Government of Ireland Act, 1920, so far as it relates to pensions of officers and constables of the Royal Irish Constabulary payable at the date of transfer, the day fixed for the disbandment of the Royal Irish Constabulary shall, so far as respects Northern Ireland, be treated as the date of transfer. 10 & 11 Geo. 5. c. 67.

Transfer of public services in connection with resident magistrates.

2. On the day fixed for the disbandment of the Royal Irish Constabulary the public services in connection with magistrates appointed under the Acts relating to that force shall, as respects Northern Ireland, be transferred from the Government of the United Kingdom to the Government of Northern Ireland, and the provisions of the Government of Ireland Act, 1920, in their application to Northern Ireland, shall have effect accordingly in

like manner as if the said day had been duly determined by His Majesty in Council under section nine of the said Act to be the date for the purpose aforesaid.

Validation of things done or omitted in the execution of the Acts relating to the Royal Irish Constabulary.

3. Anything done or omitted after the first day of January, nineteen hundred and nineteen, in relation to the appointment or distribution of officers or constables of the Royal Irish Constabulary, including the appointment or purported appointment of officers or constables in excess of the numbers authorised to be appointed by the Acts relating to that force, or otherwise in the execution or purported execution of those Acts, shall be deemed to have been lawfully done or omitted if the act or omission was authorised by the Lord Lieutenant or Chief Secretary or is certified by a Secretary of State to have been necessary or expedient with a view to the restoration or maintenance of order in Ireland.

Short title.

4. This Act may be cited as the Constabulary (Ireland) Act, 1922.

Section 1.

SCHEDULE.

PART I.

RULES.

1. The compensation which may be awarded to an officer or constable shall be an annual allowance.

2. The annual allowance shall be calculated in like manner as the pension which the officer or constable would have been entitled to receive if he had retired for length of service under the existing enactments applicable to him, and had been qualified in respect of his length of service for a pension, save that, for the purposes of that calculation, the following provisions shall have effect:—

(*a*) There shall be added to his completed years of actual service if the proportion of salary on which his allowance is calculated is one-fiftieth, ten years, and if that proportion is one-sixtieth, twelve years;

(*b*) His salary shall be taken at the amount which it would have reached if he had continued to serve in the same rank for the number of years so added, and in the case of a district inspector of the third class, as if he

were entitled to promotion to the second class on the completion of one and a half years' service in the third class, and, in the case of a district inspector of the second class, as if he were entitled to promotion to the first class on the completion of eleven years' service in the second class;

(*c*) If the number of his completed years of service, as reckoned under this rule, is less than the minimum number of years of service for which provision as respects pensions is made in the appropriate pension scale, that scale shall apply with the substitution of the number of his completed years of service as so reckoned for that minimum number; and

(*d*) If he has, in addition to his completed years of actual service, served for a period exceeding six months, his service for that period shall be reckoned as a completed year of actual service:

Provided that in the case of the surgeon of the Royal Irish Constabulary his compensation allowance may, should he so desire, be calculated in like manner as the pension which he would have been entitled to receive on retirement under the existing enactments applicable to him if the years to be added as aforesaid were added to his years of age instead of to his completed years of actual service.

3. The allowance awarded to an officer or constable shall in no case exceed two-thirds of the salary on which the allowance is calculated.

4. In the event of an officer or constable dying after an annual allowance has been awarded to him under this Act, the Treasury shall grant a pension or gratuities to the widow and children of the officer or constable in like manner as if the allowance were a pension granted to the officer or constable on retirement, and as if his years of service had been the years on which the allowance was calculated.

5. In these rules the expression "existing enactments" means enactments in force at the time of the passing of this Act, and includes any orders made under those enactments and in force at that time.

PART II.

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

15. 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 or under the

Interim 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 Inspector-General or to the Crown, the Inspector-General 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 Inspector-General so direct, probate or other proof of the title of the personal representative of the deceased may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the Inspector-General 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 Inspector-General may think fit, and the Inspector-General, and any officer of the Inspector-General 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 Inspector-General or to give up any equipment or to make any payment due to the Inspector-General; 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.

16.—(1) A pension or allowance under this Order is granted only upon condition that it becomes forfeited and may be withdrawn by the Inspector-General, with the consent of the Treasury, 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.

(2) Such forfeiture and withdrawal may affect the pension or allowance wholly or in part, and may be permanent or temporary as the Inspector-General with the consent of the Treasury may determine.

CHAPTER 56.

An Act to amend the law with respect to offences against persons under the age of sixteen, and with respect to penalties under section thirteen of the Criminal Law Amendment Act, 1885, and to repeal section five of the Punishment of Incest Act, 1908. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present