SUMMARY JURISDICTION.

Petty Sessions : Districts and Times.

ORDER, DATED 22ND SEPTEMBER, 1942, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER THE SUMMARY JURISDICTION AND CRIMINAL JUSTICE ACT (NORTHERN IRELAND), 1935.

1942. No. 146.

In pursuance of the provisions of sub-section (1) of Section 10 of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, the Ministry of Home Affairs, after consultation with the County Court Judge and the Resident Magistrate concerned, hereby orders and directs as follows :—

As and from the 1st day of December, 1942, Petty Sessions shall be regularly held in the Petty Sessions District of Toomebridge on the Second Monday in each month at 10.30 a.m.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 22nd day of September, Nineteen hundred and forty-two, in the presence of

(L.S.) *H. C. Montgomery*,
Assistant Secretary.

SUPERANNUATION.

Gratuities and Allowances : Civil Servants.

1942. No. 181.

WARRANT dated 24th September, 1942, made by the Ministry of Finance under section 1 of the Superannuation Act, 1887 (a) as amended by section 5 of the Superannuation Act, 1909 (b) and section 9 of the Superannuation Act (Northern Ireland), 1935 (c).

WHEREAS it is provided by the Superannuation Act, 1921 (d) (passed by the Parliament of Northern Ireland) that the provisions of the Superannuation Acts, 1834 to 1914, including the Superannuation Act, 1887, and the Superannuation Act, 1909, shall, subject as in the said Act of 1921 provided, apply to the civil service of Northern Ireland in like manner as they apply to the civil service of the United Kingdom,

(a) 50 & 51 Vict. c. 67.
(b) 9 Edw. 7, c. 10.
(c) 26 Geo. 5 & 1 Edw. 8, c. 2.
(d) 12 Geo. 5, c. 3.

with certain modifications, including the substitution therein of the Ministry of Finance for the Treasury.

AND WHEREAS section 1 of the Superannuation Act, 1887, was amended in its application to the civil service of Northern Ireland by section 9 of the Superannuation Act (Northern Ireland), 1935;

NOW, THEREFORE, the Ministry of Finance for Northern Ireland, (hereinafter referred to as "the Ministry") in exercise of the powers conferred upon it by section one of the Superannuation Act, 1887, (as amended in its application as aforesaid by section nine of the Superannuation Act (Northern Ireland), 1935) and by section five of the Superannuation Act, 1909, hereby directs as follows :—

1. This Warrant shall apply to any person employed in the Civil Service of Northern Ireland (not being a "workman" as hereinafter defined) who is injured on or after the date of this Warrant—

(*a*) in the actual discharge of his duty; and

(*b*) without his own default; and

(*c*) by some injury specifically attributable to the nature of his duty, otherwise than while carried, in pursuance of official instructions, in any aircraft.

2. 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 3 of this Warrant.

Scale I shall apply to—

(*a*) established officers of prisons, criminal lunatic asylums or institutions, who are injured by the violence of a prisoner, person undergoing detention, lunatic or mental defective; and

(*b*) established officers 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

(*c*) established officers habitually employed on duties in connection with explosives who are injured as a direct result of employment in connection with explosives.

Scale II shall apply to—

(*a*) established officers other than those to whom Scale I applies; and

(*b*) unestablished employees of such prisons, criminal lunatic asylums or institutions as aforesaid who are injured by the violence of a prisoner, person undergoing detention, lunatic or mental defective; and

(*c*) 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

(*d*) unestablished employees habitually employed on duties in connection with explosives who are injured as a direct result of employment in connection with explosives.

Scale III shall apply to unestablished employees other than those to whom Scale II applies.

3. SCALE I.

Any person to whom Scale I applies and who retires by reason of his injury may, subject to the provisions of paragraph 4 of this Warrant be granted an annual allowance, 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 his injury, with the addition, in the case of an officer who is not otherwise qualified for a pension, of one 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.

Any person to whom Scale II applies and who retires by reason of his injury may, subject to the provisions of paragraph 4 of this Warrant, be granted an annual allowance, 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 such injury, with the addition, in the case of an unestablished employee or of an established officer who is not otherwise qualified for a pension, of one 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 III.

Any person to whom Scale III applies who retires by reason of his injury and :—

(*a*) whose capacity to contribute to his support is totally destroyed by his injury may, subject to the provisions of paragraph 4 of this Warrant, be granted an annual allowance not exceeding fifteen-sixtieths of his salary and emoluments at the date of such injury, with the addition of one 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 his injury may, subject to the provisions of paragraph 4 of this Warrant, 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 such injury.

Degree of Impairment.	Proportion of Salary and Emoluments.
Slightly impaired ...	One-half
Impaired	The whole
Materially impaired ...	One-and-a-half times

In this paragraph the expression " service ", in relation to an unestablished employee, means service which would be reckoned by the Ministry for the purposes of section 4 of the Superannuation Act, 1887, and, in relation to an established officer, 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.

4.—(1) In any case in which a person to whom this Warrant applies retires wholly or partly on account of age or infirmity, but 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.

(2) If, for the purpose of assessing the amount of any allowance or gratuity to be granted to any person to whom this Warrant applies, 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 finally determined.

(3) Where any person to whom this Warrant applies is unable to follow his employment by reason of his injury, but there is doubt whether or not he will retire by reason thereof, 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 retires by reason of his injury, may grant to him such provisional allowance as the Ministry may think reasonable, having regard to the Scale applicable to him.

(4) An annual allowance granted to any person to whom this Warrant applies shall not, together with any superannuation allowance

(as defined in sub-section 3 of section 1 of the Superannuation Act, 1887, as amended by section 9 of the Superannuation Act (Northern Ireland), 1935) for which he is otherwise qualified, exceed five-sixths of his salary and emoluments at the date of the injury in respect of which such annual allowance is granted.

Awards to Widows

5. If any person to whom this Warrant applies dies within seven years of the date of his injury and as a direct result thereof, there may be paid to his widow (if she was married to such person at the date when the injury was sustained), so long as she remains unmarried and of good character, an annual allowance, according as Scale I, Scale II or Scale III applied to the deceased, not exceeding the proportion specified in column 2 of the following table of his salary and emoluments at the date of his injury, or the amount specified in column 3 of that table, whichever be the greater :—

1	2	3
Scale applicable to deceased	Proportion of Salary and emoluments	Minimum Allowance.
Scale I	Ten sixtieths	£22 10s 0d
Scale II	Ten sixtieths	£15
Scale III	Eight sixtieths	£15

Awards to Children

6.—(1) If any person to whom Scale I or Scale II applies dies within seven years of the date of his injury and as a direct result thereof, there may be paid, subject to the provisions of paragraph 9 of this Warrant, in respect of each of his children, until such child attains the age of 15 years, and so long thereafter, up to the age of 18 years as the child remains at school, an annual allowance not exceeding the proportion ascertainable from the following table of the allowance which might have been granted to his widow under paragraph 5 of this Warrant.

	Where Scale I applies	Where Scale II applies
Where the deceased leaves a widow to whom an award is granted ...	One sixth	One eighth
Where the deceased does not leave a widow to whom an award is granted.	One third	One fourth
Where the deceased leaves a widow to whom an award is granted and who subsequently dies, as from the date of her death. ...	One third	One fourth

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

7. Subject to the provisions of paragraph 9 of this Warrant, there may be paid in respect of the children of any person to whom Scale III applies and who dies within seven years of the date of his injury as a direct result thereof, a gratuity not exceeding the proportion of his salary and emoluments at the date of his injury mentioned in the second column of the following table, or the amount given in the third column of that table, whichever be the greater, multiplied by the aggregate (not exceeding 50) of the number of completed years in the period between the date of the death of the deceased and the date when each child attains the age of fifteen years, so however that the total gratuity shall not in any case be less than the sum mentioned in the fourth column of the said table.

1	2	3	4
Where the deceased leaves a widow to whom an award is granted	One hundredth	£1	£10
Where the deceased does not leave a widow to whom an award is granted. ...	One fiftieth	£2	£20

Provided that where the deceased leaves a widow to whom an award has been granted and who dies while one or more of his children is or are under the age of fifteen years, there may be awarded in respect of such children an additional gratuity not exceeding one one-hundredth part of the annual salary and emoluments of the deceased at the date of his injury or £1, whichever be the greater, multiplied by the aggregate of the number of completed years between the date of the death of the widow and the date when each of such children attains the age of fifteen 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.

8. Except where otherwise provided, any annual allowance payable under paragraph 5, 6 or 7 of this Warrant shall be payable as from the date of the death of the deceased injured person, or, in the case of a posthumous child, as from the date of its birth.

9. Nothing in paragraph 6 or 7 of this Warrant shall permit—

(*a*) the grant of any allowance or gratuity in respect of any child unless, in the case of a legitimate child, that child was born not later than nine months after the date of the injury directly causing the death of the deceased, or, in the case of a step-child, illegitimate child or adopted child, that child was born or adopted before the date of such injury and was wholly or mainly dependent upon the deceased for support ; or

(*b*) 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 to whom an allowance had been granted, unless the Ministry in any particular case otherwise directs.

Awards to Dependent Mothers.

10. If any person to whom this Warrant applies dies within seven years of the date of his injury and as a direct result thereof, without leaving a widow eligible for the grant of an allowance under this Warrant, but leaving a mother wholly dependent upon him for her support, the award which might have been made to the widow under this Warrant may be made to the mother.

11. Where an annual allowance is granted to a person under paragraph 3 of this Warrant calculated in part by reference to the number of years of his service, the part so calculated shall be in lieu of any gratuity under section 6 of the Superannuation Act, 1859, (a) or section 4 of the Superannuation Act, 1887, but, save as aforesaid, any award under this Warrant to any person, or to his widow or dependants, shall be in addition to any allowance or gratuity for which such person, his legal personal representatives or his dependants may be eligible under the Superannuation Acts (Northern Ireland) 1921 to 1935, or any enactment thereby applied.

Awards to Injured Women and to Dependants of Women who Die as the Result of an Injury.

12. References in this Warrant to a widow or her husband shall, in their application to a woman employed in the Civil Service of Northern Ireland, be read as references to a widower or his wife, provided that nothing therein shall permit the grant of an award to a widower, or to children, in the case where the deceased leaves a widower, unless such widower was permanently incapacitated and was dependent upon the deceased at the date of her death.

13. The Warrant of the Ministry dated 4th November, 1925 (b), as amended by the Warrant of the Ministry dated 18th May, 1927 (c), shall not apply to any person to whom this Warrant applies.

(a) 22 Vict. c. 26.
(b) S. R. & O. 1925, (No. 103) p. 316.
(c) S. R. & O. 1927, (No. 58) p. 235.

14.—(1) In this Warrant, unless the context otherwise requires :—

the expression " emoluments " means emoluments which, if the recipient were an established officer, would be reckoned by the the Ministry in the calculation of any superannuation benefits which might be granted to such officer ;

the expression " salary and emoluments " means annual salary and emoluments ;

the expression " pension " means any superannuation or retiring or annual compensation allowance granted under the Superannuation Acts, (Northern Ireland), 1921 to 1935, or any enactment thereby applied ;

the expression " 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 locality in which he was domiciled at the date of his injury ; and

the expression " workman " means a workman as defined by the Workmen's Compensation Act (Northern Ireland), 1927 (**a**), and any statutory modification thereof who :—

(*a*) is injured in Northern Ireland ; or

(*b*) is injured outside Northern Ireland in circumstances in which compensation is payable in respect of his injury under any Act relating to workmen's compensation for the time being in force in Great Britain, Northern Ireland, the Isle of Man or Eire.

(2) The Interpretation Act, 1921 (**b**), shall apply for the purpose of the interpretation of this Warrant as it applies for the purpose of the interpretation of an Act of the Parliament of Northern Ireland.

15. This Warrant may be cited as the Injury Warrant, No. 1, (Northern Ireland), 1942.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland, this 24th day of September, 1942, in the presence of

(L.S.) *C. H. Petherick,*
Assistant Secretary.

Gratuities and Allowances in case of Civil Servants injured in Discharge of Duty (While Carried in Aircraft).

1942. No. 182.

WARRANT dated 24th September, 1942, made by the Ministry of

(a) 17 & 18 Geo. 5, c. 16.
(b) 12 Geo. 5, c. 4.