

Changes to legislation: Constabulary and Police (Ireland) Act 1883, SCHEDULE II is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE II

PENSION SCALE

Pensions and Gratuities to Constables

- (^{F1}) The pension to a constable on retirement shall be according to the following scale; that is to say,
- (a) if he has completed fifteen but less than twenty-one years service, an annual sum equal to one fiftieth of his annual pay for every completed year of service; and
 - (b) if he has completed twenty-one but less than twenty-five years service, an annual sum equal to twenty fiftieths of his annual pay with an addition of two fiftieths of his annual pay for every completed year of service about twenty years; and
 - (c) if he has completed twenty-five years service an annual sum equal to thirty fiftieths of his annual pay with an addition of one fiftieth of his annual pay for every completed year of service above twenty-five years, so, however, that the pension shall not exceed two thirds of his annual pay.]

Textual Amendments

- F1** Sch. 2 para. (1) repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, Sch. Pt. XII

- (2) The pension to a constable on retirement who is partially incapacitated by infirmity of mind or body occasioned in the execution of his duty without his own default shall, in the case of accidental injury, be according to the following scale, that is to say,
- (a) if he has completed not more than five years service, an annual sum not more than ten fiftieths of his annual pay; and
 - (b) if he has completed more than five and not more than ten years service, an annual sum not more than twelve fiftieths of his annual pay; and
 - (c) if he has completed more than ten years and not more than fifteen years service an annual sum not more than fifteen fiftieths of his annual pay; [^{F2}and]
 - [^{F2}(d) if he has completed fifteen years service, an annual sum not more than his annual pay:]

[^{F2}Provided that if he has completed fifteen years service the pension shall not be less than the sum to which he is entitled under article one of this schedule.]

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Textual Amendments

F2 Para. (2) sub-para. (d), the word “and” preceding it, and the proviso, repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1976 \(c. 12\)](#), s. 1, **Sch. Pt. XII**

- (3) The pension to a constable on retirement who is wholly incapacitated by infirmity of mind or body occasioned in the execution of his duty without his own default shall, in the case of accidental injury, be according to the following scale, that is to say,
- (a) if he has completed not more than ten years service, an annual sum not more than fifteen fiftieths of his annual pay; and
 - (b) if he has completed more than ten and not more than fifteen years service, an annual sum not more than twenty fiftieths of his annual pay; ^[F3]and
 - ^[F3](c) if he has completed more than fifteen years service, an annual sum not more than his annual pay:]

^[F3]Provided that if he has completed fifteen years service the pension shall not be less than the sum to which he is entitled under article one of this schedule.]

Textual Amendments

F3 Para.(3) sub-para.(c),the word “and” preceding it,and the proviso,repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1976 \(c. 12\)](#), s. 1, **Sch. Pt. XII**

- (4) The pension to a constable on retirement who is partially incapacitated by infirmity of mind or body occasioned in the execution of his duty without his own default in a case other than a case of accidental injury, shall be according to the following scale; that is to say,
- (a) if he has completed not more than ten years service, an annual sum not more than twenty fiftieths of his annual pay; and
 - (b) if he has completed more than ten but not more than fifteen years service, an annual sum not more than one half of his annual pay; ^[F4]and
 - ^[F4](c) if he has completed more than fifteen years service, an annual sum not more than his annual pay:]

^[F4]Provided that if he has completed fifteen years service the pension shall not be less than the sum to which he is entitled under article one of this schedule.]

Textual Amendments

F4 Para.(4) sub-para.(c),the word “and” preceding it,and the proviso,repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1976 \(c. 12\)](#), s. 1, **Sch. Pt. XII**

- (5) The pension to a constable on retirement who is wholly incapacitated by infirmity of mind or body occasioned in the execution of his duty without his own default, in a case other than a case of accidental injury, shall be an annual sum not more than his annual pay, ^[F5]and if he has completed fifteen years service, not less than the sum to which he is entitled under article one of this schedule].

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Textual Amendments

F5 Words repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976(c. 12), s. 1, Sch. Pt. XII

- (^{F6}) Any gratuity to a constable on his retirement who is incapacitated for the performance of his duty by infirmity of mind or body occasioned without his own default, but otherwise than in the execution of his duty, shall not exceed the amount of one month's pay for every completed year of service.]

Textual Amendments

F6 Para.(6) repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, **Sch. Pt. XII**

- (7) Where, on account of the infirmity of mind or body of a constable having been brought about or been contributed to by his own default or by his vicious habits, the pension granted to such constable is of less amount than that to which he would otherwise be entitled, the diminution of such pension shall not exceed five fiftieths of the annual pay of such constable.
- (8) A pension granted to a constable who has completed less than the fifteen years service shall not, if reduced on account of partial recovery from his incapacity, be less than one fiftieth of his annual pay for every completed year of service of such constable.

Pensions, Allowances, and Gratuities to Widows and Children

- (9) Where a constable has died from some cause which, if it had only incapacitated him for the performance of his duty, would have entitled him to a pension for life, the pension to his widow [^{F7}and the allowances to his children]shall be according to the following scale:
- (a) the pension to the widow shall be an annual sum equal to one tenth of the constable's pay or the sum of ten pounds, whichever is the larger; [^{F8}and]
- [^{F8}(b) the allowance to each child shall be an annual sum equal to one fiftieth of the constable's pay or two pounds ten shillings, whichever is the larger.]

Textual Amendments

F7 Words repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, **Sch. Pt.11.1. XII**

F8 Para.(9) sub-para.(b) and the word "and" preceding it repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, **Sch. Pt. XII**

Modifications etc. (not altering text)

C1 Para. (9) amended by *Constabulary and Police (Ireland) Act 1918 (c. 53), s. 3(1)*

- (^{F9}10) Where a constable has died from some cause not arising from his own default, but so that his widow and children are not entitled to pension or allowance under the preceding article of this schedule, any gratuities to the widow and children shall not exceed in the whole the amount of gratuity which could be given to the constable if he had at the time of his death become wholly incapacitated and retired.]

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Textual Amendments

F9 Paras. (10), (11), (13) repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, Sch. Pt. XII

- (^{F10}11) The gratuity granted to the widow and children of a constable who dies within twelve months after the grant of a pension shall not exceed the difference between the annual pay of such constable and the amount he has actually received in respect of his pension.]

Textual Amendments

F10 Paras. (10), (11), (13) repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, Sch. Pt. XII

- (12) The pension to a widow shall continue only while she . . . ^{F11} continues to be of good character.

Textual Amendments

F11 Words repealed by Constabulary and Police (Ireland) Act 1918 (c. 53), s. 3(3)

Modifications etc. (not altering text)

C2 Para. (12) extended by Constabulary and Police (Ireland) Act 1918 (c. 53), s. 3(3)

- (^{F12}13) The allowance to a child shall not continue after the child attains the age of fifteen years.]

Textual Amendments

F12 Paras. (10), (11), (13) repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, Sch. Pt. XII

General Provisions

- (14) For the purpose of estimating any pension, [^{F13}gratuity, or allowance] under this schedule—
- (a) a pension [^{F14}or gratuity] to a constable shall be calculated according to the amount of his annual pay at the date of his retirement, or of the injury or cause occasioning the incapacity which compels his retirement, whichever is the larger;
 - (b) a pension [^{F15}or gratuity] to the widow [^{F15}and an allowance or gratuity to a child] of a constable shall be calculated according to the amount of the constable's annual pay at the date of his death or of the injury or cause occasioning his death, or where he had a pension of his retirement;
 - (c) but where a constable who becomes a member of the force after the passing of this Act has, in the course of the three years next before the date of his retirement, or death, or such injury, or cause, been in receipt of a different annual pay from that which he is receiving at that date, his annual pay at

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the date of the retirement, death, injury, or cause shall be deemed to be the average annual amount of pay received by him for the said three years, instead of the annual amount actually received by him at that date.

- [^{F16}(d) Section twelve of the ^{M1}Superannuation Act 1834, shall continue to apply to the pensions and gratuities to be granted to constables who became members of the Royal Irish Constabulary before the passing of this Act. Nothing contained in this Act shall be taken to extend that section to any pension or gratuity to which it would not apply if this Act had not been passed.]

The annual pay with reference to which pensions [^{F17}and allowances] under this Act shall be calculated is the pay set out in the First and Third Schedules to this Act. In converting weekly pay into annual pay the year shall be taken to be fifty-two weeks.

Textual Amendments

- F13** Words repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, **Sch. Pt. XII**
- F14** Words repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, **Sch. Pt. XII**
- F15** Words repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, **Sch. Pt. XII**
- F16** Para. (14) sub-para.(d) repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, **Sch. Pt. XII**
- F17** Words repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, **Sch. Pt. XII**

Marginal Citations

- M1** 1834 c. 24.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act repealed by [1998 c. 32 Sch. 6](#)