



# Constabulary and Police (Ireland) Act 1883

1883 CHAPTER 14 46 and 47 Vict

## PART I

### *Royal Irish Constabulary*

#### **6 Proof of incapacity for duty and return to service of pensioner on recovery from incapacity, and revision of pension.**

[<sup>F1</sup>(1) Where a pension is granted to a constable who, after having served for less than twenty-five years, retires on the ground of his being incapacitated by infirmity of mind or body for the discharge of his duty, the Inspector General shall, before granting such pension, be satisfied, by the evidence of some legally qualified medical practitioner or practitioners employed or approved by him, that such constable is so incapacitated, and that the incapacity is likely to be permanent, and afterwards, until the power under this Act of requiring the constable to serve again ceases, shall yearly or otherwise, from time to time, also satisfy himself by the like evidence that such incapacity continues.]

[<sup>F1</sup>(2) In the event of such incapacity ceasing before the expiration of such time as would, together with the period of service prior to his retirement, make up a period of twenty-five years, the constable, if he became a member of the force after the passing of this Act, shall be liable to serve again in the force, and if before the expiration of the said time he declines so to serve, or if when serving again he neglects to perform his duty satisfactorily, being in a competent state of health, he shall forfeit his pension.]

[<sup>F1</sup>(3) A constable so serving again shall be entitled to retire at the same time as he would be entitled to do if the time which elapsed between his retirement and the renewal of his service were service, but the time which so elapsed shall not be reckoned as service in calculating his pension on his retirement subsequent to such renewal.]

(4) Where a pension is granted to a constable who has served for less than fifteen years on the ground of his being incapacitated by infirmity of mind or body for the discharge of his duty, and the Inspector General is, before the expiration of such time as would

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**Changes to legislation:** *Constabulary and Police (Ireland) Act 1883, Section 6 is up to date with all changes known to be in force on or before 29 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*

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together with the period of his service prior to the grant of the pension make up a period of twenty-five years, satisfied, by the evidence of some legally qualified medical practitioner or practitioners employed or approved by him, or otherwise, that such incapacity has partly ceased, the Inspector General may, subject to the limits in the pension scale, reduce permanently or temporarily the pension granted to such constable.

- (5) If a constable fails or refuses, when so required by the Inspector General, to be examined by some legally qualified medical practitioner or practitioners employed or approved by such Inspector General, the Inspector General shall have the same power of [<sup>F2</sup>requiring such constable to serve again and of forfeiting or] reducing the pension of such constable as he would have under this section if satisfied by the evidence of any such practitioner that the incapacity of such constable had wholly or partly ceased.

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#### Textual Amendments

- F1** S. 6(1)–(3) repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, **Sch. Pt. XII**
- F2** Words repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), s. 1, **Sch. Pt. XII**

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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](#)