

SAORSTÁT EIREANN.

BILLE ARM—PHINSEAN, 1923.

ARMY PENSIONS BILL, 1923.

*mar do leasúidh i gCoiste
as amended in Committee*

ARRANGEMENT OF SECTIONS.

Section.

1. Wounded officers and soldiers may be granted wound pensions.
2. Extra pensions to married men.
3. Certain other persons may be granted wound pensions.
4. Date on which wound pension is to commence.
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FIRST SCHEDULE.

Scale of wound pensions.

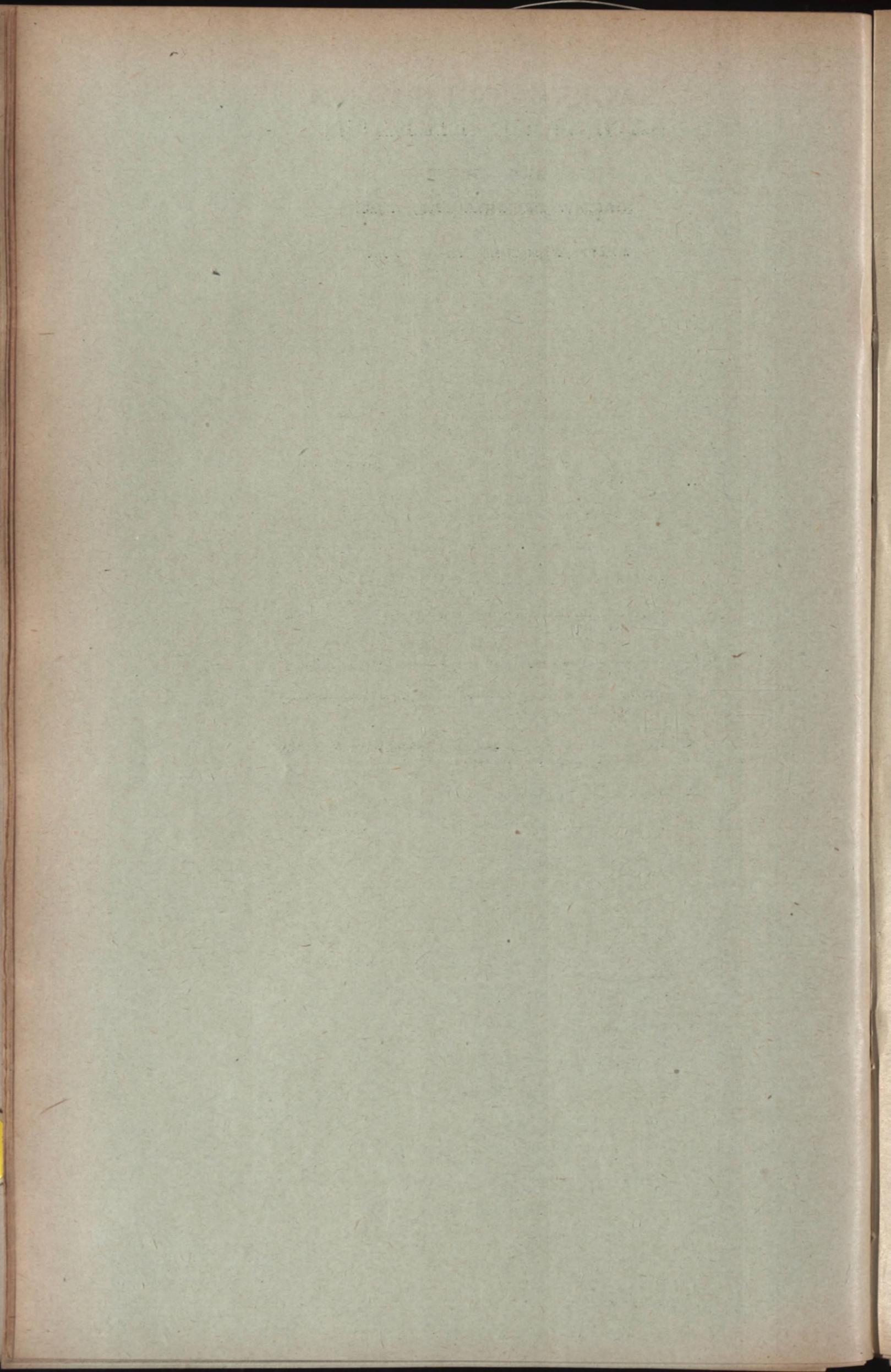
SECOND SCHEDULE.

Allowances (officers).

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Allowances (soldiers).

[No. 27 of 1923.]



SAORSTÁT EIREANN.

BILLE ARM—PHINSEAN, 1923.

ARMY PENSIONS BILL, 1923.

BILL.

Entitled

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AN ACT TO PROVIDE FOR THE PAYMENT OF WOUND
PENSIONS TO WOUNDED MEMBERS OF OGLAIGH
NA HEIREANN, INCLUDING THE ARMY AND THE
10 IRISH VOLUNTEERS AND ALSO OF THE IRISH
CITIZEN ARMY, 1916. AND FOR THE PAYMENT
OF ALLOWANCES AND GRATUITIES TO THE
WIDOWS, CHILDREN AND DEPENDANTS OF DE-
CEASED MEMBERS OF OGLAIGH NA HEIREANN,
15 INCLUDING THE ARMY AND THE IRISH VOLUN-
TEERS, AND ALSO OF THE IRISH CITIZEN ARMY,
1916, AND FOR OTHER PURPOSES CONNECTED
THEREWITH.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT
EIREANN AS FOLLOWS:—

20 1.—(1) Every officer and every soldier who is discharged from
the forces as medically unfit for further service and who is suffer-
ing from any of the disablements mentioned in the first column
of the First Schedule of this Act may, if such disablement is due
to a wound received on or after the 1st day of April, 1922, be
25 granted, subject to the provisions of this Act, a wound pension
at the rate mentioned in the appropriate column of the said First
Schedule opposite to the degree of his disablement mentioned
in the first column of that Schedule.

Wounded officers
and soldiers may
be granted wound
pensions.

30 (2) Every officer and every soldier who is discharged from the
forces as medically unfit for further service and who is suffering
from any disablement not mentioned in the first column of the
First Schedule to this Act may, if such disablement is due to a
wound received on or after the 1st day of April, 1922, be granted,
35 subject to the provisions of this Act, a wound pension at the rate
mentioned in the appropriate column of the said First Schedule
opposite the degree of disablement mentioned in the said first
column of that Schedule which most closely corresponds to the
disablement from which such officer or soldier is suffering as
aforesaid.

40 (3) Every officer and soldier who is discharged from the forces
as medically unfit for further service, and who is suffering from
a disablement, due to a wound received on or after the 1st day
of April, 1922, but less in degree than any of the disablements
mentioned in the first column of the First Schedule to this Act,
45 may be granted a gratuity of such amount, not exceeding, in
the case of an officer £100, or in the case of a soldier £60, as the
Minister, having regard to all the circumstances of such officer
or soldier, shall, with the consent of the Minister for Finance,
determine.

50 (4) This section applies to officers and soldiers who were so
discharged as aforesaid before the passing of this Act as well as
to officers and soldiers who shall be so discharged after the passing
of this Act.

Extra pensions to married men.

2.—(1) Whenever and so long as any officer or soldier to whom a wound pension is granted under this Act is a married man, a further pension at a rate not exceeding the rate mentioned in the appropriate column of the First Schedule to this Act opposite the rate of wound pension of which such officer or soldier is for the time being in receipt, may be granted to such officer or soldier during the continuance of his wound pension.

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(2) An officer or soldier shall not be considered to be a married man for the purposes of this section unless he was married before the day on which he received his wound, and he shall be considered to cease to be a married man for the purpose of this section on the death of his wife or the lawful annulment or dissolution of his marriage save that an officer or soldier shall be deemed to continue to be a married man for the purposes of this section for so long after the death of his wife or the dissolution or annulment of his marriage as he has any child living who in the case of an officer is a son under the age of 18 or a daughter under the age of 21, or in the case of a soldier is a son under the age of 16 or a daughter under the age of 18.

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(3) The further pension granted to an officer or soldier under this section may, if and whenever and for so long as the Minister for Defence so directs, in lieu of being paid to such officer or soldier be paid to his wife or applied for the maintenance, education or benefit of his child or of all or any of his children.

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Certain other persons may be granted wound pensions.

3.—(1) If the Minister certifies that any person who is suffering from any disablement due to a wound received before the 1st day of April, 1922, was at the time at which he received such wound a member of the Irish Volunteers or of the Irish Citizen Army and received such wound while performing his duty as such member, such person may be granted the like wound pension or gratuity and, if a married man, the like further pension as he would be entitled to under this Act if he had received such wound after the 1st day of April, 1922, and was an officer or a soldier discharged from the forces as medically unfit for further service.

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(2) For the purpose of determining the rate of the wound pension and further pension (if any) or the amount of the gratuity to be granted to any person under this section such person shall be deemed to have held the rank in the forces which shall be certified by the Minister to correspond most closely to the rank held by such person in the Irish Volunteers or the Irish Citizen Army (as the case may be).

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Date on which wound pension is to commence;

4.—(1) Save as is otherwise provided in this section a wound pension shall commence on the date on which the officer or soldier to whom the same is granted was discharged from the forces.

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(2) Where an officer or soldier was discharged from the forces before the passing of this Act and has since his discharge been in receipt of any allowance from the Minister whether for himself or his dependants, the wound pension payable to such officer or soldier shall commence on the date on which such allowance has ceased or shall cease.

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(3) Any wound pension granted to a person who was wounded before the 1st day of April, 1922, shall commence on the 1st day of April, 1922, unless such person became a member of the forces and was discharged therefrom after the 1st day of April, 1922, in which case the pension shall commence from the date of his discharge from the forces.

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Supply of medical appliances and provision of vocational training.

5.—(1) The Minister may from time to time supply with the consent of the Minister for Finance to any officer or soldier to whom a wound pension (whether temporary or permanent) has been granted under this Act such artificial limbs, crutches, special boots and other similar appliances as his case may require and may provide for the repair and renewal of any such appliances.

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(2) The Minister may with the consent of the Minister for Finance provide for any officer or soldier to whom a wound pension (whether temporary or permanent) has been granted under this Act such vocational training either free of charge or at a reduced charge as such officer or soldier shall apply for and the Minister for Defence shall consider suitable to his case.

6.—(1) The Minister may from time to time make Regulations for the medical examination and periodical re-examination of officers and soldiers who are or claim to be entitled to wound pensions under this Act.

Minister to make Regulations in respect of wound pensions.

(2) The Regulations made under this section shall provide that unless and until the disablement has reached its final condition no final grant of a wound pension shall be made to any officer or soldier within two years after the first grant of a wound pension to such officer or soldier.

7.—(1) The allowances and gratuities respectively specified in the second and third schedules to this Act may be granted to the widow, children, dependants and partial dependants of any officer or soldier—

Allowances may be granted to dependants of deceased officers and soldiers.

(a) who has been or shall be killed on or after the 1st day of April, 1922, in the course of his duty while on active service, provided the death of the officer or soldier was not due to any serious negligence or misconduct by such officer or soldier or

(b) who has or shall have received a wound on or after the 1st day of April 1922 and has or shall have died within three years after having received such wound, provided the death of the officer or soldier was solely due to such wound.

(2) Every allowance granted under this section shall commence from the date of the death of the deceased officer or soldier in respect of whom the same is payable or from such later date as the Minister shall in any particular case appoint.

(3) No person to whom an allowance is granted under this section shall, during the continuance of that allowance, be granted any other allowance under this or any other section of this Act.

8.—(1) If the Minister certifies that any person who was killed before the 1st day of April, 1922, or who has received a wound before the 1st day of April, 1922, and has or shall have died within three years after having received such wound, was at the time he was killed or received such wound a member of the Irish Volunteers or of the Irish Citizen Army and was killed or received such wound while performing his duty as such member, and if either the killing of such person was not due to any serious negligence or misconduct on his part, or his death was solely due to such wound as the case may be, the like allowances and gratuities may be granted to the widow, children, dependants or partial dependants of such person as could have been granted to them if such person was an officer or soldier of the forces and had been killed or had received the wound on or after the 1st day of April, 1922.

Allowances may be granted to dependants of certain other deceased persons.

(2) For the purpose of determining the date on which any allowance under this section is to commence, the person in respect of whom the same is payable shall, if he was killed, be deemed to have been killed on the 1st day of April, 1922, and if he died before the 1st day of April, 1922, consequent on a wound be deemed to have died on the 1st day of April, 1922.

(3) For the purpose of determining the amount of any allowance which may be granted under this section, the deceased person in respect of whom the same is granted shall be deemed to have held in the forces the rank which shall be certified by the Minister to correspond most closely to the rank held by such person in the Irish Volunteers or the Irish Citizen Army (as the case may be).

(4) In this section the word "killed" shall include death as an immediate result of refusing to take nourishment while detained in prison, and death by violence while a prisoner.

Mode of granting pensions, etc.

9.—Every pension, allowance and gratuity which may be granted under this Act shall be granted by the Minister with the consent of the Minister for Finance.

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Prohibition of assignment of pensions and allowances.

10.—(1) Every assignment of and every charge on and every agreement to assign or charge any pension, allowance or gratuity under this Act shall, except so far as the same is authorised by an Act for the time being in force, be void.

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(2) No pension, allowance or gratuity granted under this Act shall be capable of being taken in execution or otherwise alienated by process of law for the payment of any debts or liabilities of the officer, soldier or person to whom such pension, allowance or gratuity is granted under this Act.

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(3) Nothing in this section shall prevent the deduction from any pension, allowance or gratuity payable under this Act of any moneys which may be due or owing to the Minister by the person to whom such pension, allowance or gratuity is payable.

Forfeiture of pensions and allowances.

11.—(1) If any officer or soldier to whom a wound pension has been granted under this Act is, during the continuance of such pension, convicted of any crime or offence by a Court of competent jurisdiction in Saorstát Eireann and is sentenced by that Court for that crime or offence to imprisonment with or without hard labour for any term exceeding three months or to penal servitude for any term, the wound pension granted to such officer or soldier, and also any further pension granted to him on account of his being a married man, shall be forfeited as from the date of such conviction.

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(2) If any person to whom an allowance has been granted under this Act is, during the continuance of such allowance, convicted of any crime or offence by a Court of competent jurisdiction in Saorstát Eireann and is sentenced by that Court for that crime or offence to imprisonment with or without hard labour for any term exceeding one month or to penal servitude for any term, the allowance granted to such person shall be forfeited as from the date of such conviction.

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(3) If any such conviction and sentence as is mentioned in this Section is quashed or annulled, the forfeiture of a pension or allowance consequent on such conviction and sentence shall be quashed and annulled also.

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(4) If any person to whom any pension, allowance or continuing gratuity has been granted under this Act is guilty of any disgraceful conduct during the continuance of such pension, allowance or gratuity, the Minister may if in his opinion the circumstances of the case warrant his so doing, terminate the pension, allowance or gratuity granted to such person.

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Summary penalty for false declaration.

12.—(1) If any person with a view to obtaining a grant or payment of a pension, allowance or gratuity under this Act makes signs or uses any declaration, application or other written statement knowing the same to be false, such person shall be guilty of an offence and shall be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding five pounds.

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(2) For the purpose of proceedings in respect of any such offence as is mentioned in this section, the offence shall be deemed to have been committed either at the place where it was actually committed or at the place where the offender may happen to be.

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(3) Any declaration, application or other written statement on an appropriate official form bearing stamp purporting to be an office stamp of the Ministry of Defence or any sub-department thereof, or any Government Department concerned in the grant or payment of a pension, allowance or gratuity with a date subsequent to that on which the declaration, application or state-

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ment purports to have been made or signed shall, unless the contrary is proved, be evidence that the declaration, application or statement was made, signed or used with a view to obtaining a grant or payment of a pension, allowance or gratuity under this Act.

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13.—(1) No pension, allowance or gratuity shall be payable under this Act to or in respect of any officer or soldier on account of any wound or death which has been the subject of a decree for compensation under the Criminal Injuries (Ireland) Acts, 1919 and 1920, or either of those Acts.

Exclusion of cases otherwise compensated.

(2) Any compensation which may be received from or on behalf of the person alleged to be responsible for the act which caused the wounding or death of an officer or soldier may be taken into consideration in fixing the amount of any pension, allowance or gratuity which might be awarded under this Act to or in respect of such officer or soldier.

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14.—No officer, soldier or other person shall be entitled to receive any wound or other pension or any allowance or gratuity under this Act unless money for the payment of such pension, allowance or gratuity shall have been voted by the Oireachtas.

No pension receivable until money voted by Oireachtas.

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15.—All Regulations made by the Minister under this Act shall, immediately upon the same being made, be laid before both Houses of the Oireachtas, and if each House shall within twenty-one days on which either House has sat next after such Regulations were laid before it, pass a Resolution annulling such Regulations, such Regulations shall be annulled but without prejudice to the validity of any matter or thing done under such Regulations previous to the annulment thereof.

Regulations to be laid before the Oireachtas.

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16.—In this Act unless the context otherwise requires :—

Definitions.

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The expression " the forces " means any armed force under the control of the Minister for Defence the members of which by the terms of their commission, agreement, enlistment, enrolment, contract or otherwise in any way whatever are for the time being liable to render service continuously for a period to Saorstát Éireann.

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The expression " on active service " as applied to an officer or soldier means whenever such officer or soldier is attached to or forms part of a force which is engaged in operations against the enemy or is engaged in military operations in a place wholly or partly occupied by the enemy, and in this definition the word " enemy " includes all armed mutineers, armed rebels, armed rioters and pirates ;

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The word " officer " means any officer attached to or serving with the forces and includes any officer in pay as an officer of the forces ;

The word " soldier " includes any non-commissioned officer, acting non-commissioned officer or soldier of the forces ;

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The word " wound " means any wound or injury received by an officer or soldier in the course of his duty while on active service, but does not include any injury due to the serious negligence or misconduct of the officer or soldier ;

The word " disablement " includes partial disablement as well as total disablement ;

The word " Minister " means the Minister for Defence.

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17.—This Act may be cited as the Army Pensions Act, 1923. Short Title.

FIRST SCHEDULE.

SCALE OF WOUND PENSIONS.

Degree of Disablement.	Specific Injury.	Proportion corresponding to degree of disablement.	Wound Pension payable to Officer.	Wound Pension payable to non-commissioned Officers and men.	Further Pension payable to married Officers.	Further Pension payable to married non-commissioned Officers and men.
		per cent.	£ per annum	s. per week	s. per week	s. per week
1	Loss of two or more limbs	100	200	42	15	10
	Loss of both hands or of all fingers and thumbs ...	"	"	"	—	—
	Total loss of sight	"	"	"	—	—
	Wounds, injuries, or results of them, resulting in a disabled man being totally bedridden	"	"	"	—	—
	Wounds of or injuries to internal, thoracic, or abdominal organs involving total permanent disablement ...	"	"	"	—	—
	Total organic paralysis resulting from wounds or injuries to brain or spinal cord	"	"	"	—	—
2	Loss of an arm and one eye	90	180	37/9	13/6	9
	Loss of a leg and one eye	"	"	"	—	—
	Loss of a hand and a foot	"	"	"	—	—
	Loss of one arm through shoulder	"	"	"	—	—
3	Loss of both feet	80	160	33/7	12	8
	Amputation of leg at hip or below hip, with stump not exceeding 5 inches in length measured from tip of great trochanter; of right arm below shoulder, with stump not exceeding 6 inches measured from tip of acromion; or of left arm through shoulder ...	"	"	"	—	—
4	Lisfranc operation both feet	70 - 80	140 - 160	29/4 - 33/7	10/6 - 12	7 - 8
5	Amputation of leg below hip, with stump exceeding 5 inches in length measured from tip of great trochanter, but not below middle thigh; of left arm below shoulder, with stump not exceeding 6 inches measured from tip of acromion; or of right arm below shoulder, with stump exceeding 6 inches, measured from tip of acromion, through elbow, or below elbow, with stump not exceeding 5 inches measured from tip of clercranon	70	140	29/4	10/6	7
6	Amputation of leg below middle thigh, through knee, or below knee, with stump not exceeding 4 inches; of left arm below shoulder, with stump exceeding six inches measured from tip of acromion, through elbow, or below elbow, with stump not exceeding five inches measured from tip of clercranon; or of right arm below elbow, with stump exceeding five inches measured from tip of clercranon	60	120	25/2	9	6
7	Amputation of leg below knee, with stump exceeding four inches; or of left arm below elbow, with stump exceeding 5 inches measured from tip of clercranon	50	100	21	7/6	5
8	Loss of one eye, the result of G.S.W. or injury ...	40	80	16/9	6	4
	Loss of thumb or of four fingers of right hand ...	40	80	16/9	6	4
	Loss of thumb or of four fingers of left hand, or three fingers of right hand	30	60	12/7	4/6	3
	Lisfranc operation, one foot	30	60	12/7	4/6	3
	Loss of two fingers, either hand	20	40	8/4	3	2
	Loss of all toes of one foot	20	40	8/4	3	2
	Loss of all toes, both feet	20	40	8/4	3	2

NOTE.—In the case of left-handed men certified to be such, the compensation in respect of the left arm, hands, etc., will be the same as for a right arm, hand, etc., and *vice versa*.

SECOND SCHEDULE.

ALLOWANCES FOR DEPENDANTS OF OFFICERS.

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|---|--|---|---|
| 1 | Widow | | £90 per annum during widowhood, and a gratuity of £120 on first re-marriage. |
| 2 | Each son under the age of 18 | (a) While mother is living, £24 per annum.
(b) After death of mother, £40 per annum. | |
| 3 | Each daughter under the age of 21. | (a) While mother is living, £24 per annum.
(b) After death of mother, £40 per annum. | |
| 4 | Each child of or over the age of 12 and under the age of 18. | Repayment of amount proved to have been in fact necessarily and properly expended in school fees, but not exceeding £35 in any one calendar year. | |
| | (a) Mother | | One allowance at the rate of £1 per week |
| | (b) Father over 60 years of age or incapacitated by ill-health. | | If there are two or more such dependants, only one allowance shall be payable to such one of the dependants as the Minister for Defence shall direct. |
| | (c) Permanently invalided brother or sister. | | |
| | (d) Grandparents. | | |
| 6 | Each brother under the age of 18, and each sister under the age of 21. | An allowance of 7s. 6d. per week, but the total allowances under this section shall not in the case of any one officer exceed £1 per week, and no allowance shall be payable under any section in any case in which any allowance is payable under any of the foregoing sections. | |

7. Where an officer leaves orphan children in the care of any of the persons mentioned in Section 5 of this schedule who is dependent on him, the total allowances payable in respect of such person and such children (other than the allowance, if any, payable under Section 4) shall not exceed the total allowances which, if the officer had left a widow, would have been payable under sections 1 and 2 during the widowhood of such widow.

8. No allowance shall be payable to any person under the foregoing provisions of this Schedule unless such person was, at the date of the death of the officer in respect of whom such allowance is claimed, wholly dependent on such officer.

9. Where an officer leaves persons partially dependent on him, such persons shall not be granted any allowances, but in necessitous cases or other special circumstances a gratuity or gratuities may be granted to all or any such partial dependants. The total amount of the gratuities granted under this section in respect of any one officer shall not exceed the sum of £150.

10. Whenever any dependant was wholly or partially dependent on more than one deceased person, such dependant shall not receive, in respect of such deceased person, allowances or gratuities exceeding in the whole the maximum allowance which could be granted to such dependant under this Schedule in respect of any one of such deceased persons. In this clause the expression "deceased person" includes a deceased officer as well as a deceased soldier.

THIRD SCHEDULE.

ALLOWANCES FOR DEPENDANTS OF SOLDIERS.

- | | | |
|---|---|---|
| 1 | Widow | 17s. 6d. per week during widowhood, and a gratuity of £45 10s. 0d. on first re-marriage. |
| 2 | Children who are in the case of sons under the age of 16, or in the case of daughters under the age of 18. | (a) While mother is living, 5s. per week for the first child and 3s. 6d. per week for each other child.
(b) After the death of mother, 8s. 6d. per week for each child. |
| 3 | (a) Mother
(b) Father over 60 years of age or incapacitated by ill health.
(c) Permanently invalided brother or sister.
(d) Grandparents. | One allowance at the rate of 15s. per week. If there are two or more such dependants only one allowance shall be payable, and such allowance shall be paid to such one of the dependants as the Minister for Defence shall direct. |
| 4 | Each brother under the age of 16 and each sister under the age of 18. | Allowance of 5s. per week; but the total allowances under this section shall not in the case of any one soldier exceed 15s. per week. No allowance shall be payable under this section in any case in which any allowance is payable under any of the foregoing sections. |

5. Where a soldier leaves orphan children in the care of a person mentioned in section 3 of this schedule who is dependent on him, the total allowances payable in respect of such person and such children shall not exceed the total allowances which, if the soldier had left a widow, would have been payable under sections 1 and 2 during the widowhood of such widow.

6. No allowance shall be payable to any person under the foregoing provisions of this Schedule unless such person was, at the date of the death of the soldier in respect of whom such allowance is claimed, wholly dependent on such soldier.

7. Where a soldier leaves persons partially dependent on him, such persons shall not be granted any allowance, but in necessitous cases or other special circumstances a gratuity or gratuities may be granted to all or any such partial dependants. The total amount of the gratuities granted under this section in respect of any one soldier shall not exceed the sum of £100.

8. Whenever any dependant was wholly or partially dependent on more than one deceased person, such dependant shall not receive, in respect of such deceased person, allowances or gratuities exceeding in the whole the maximum allowance which could be granted to such dependant under this Schedule in respect of any one of such deceased persons. In this clause the expression "deceased person" includes a deceased officer as well as a deceased soldier.

Saorstát Éireann.

BILLE ARM—PHINSEAN, 1923.

BILLE

(mar do leasúidh i gCoiste)

dá ngairmtear

Acht a shoerúionn chun pinsin um chréachta d'íoc le baill chréachnuithe d'Oglaigh na hÉireann pe'ca baill den ghnáth-arm iad no óglaigh nách baill den ghnáth-arm agus líuntaisí agus aiscí d'íoc le baintreacha, le clann agus le cúram balla d'Oglaigh na hÉireann atá marbh pe'ca baill den ghnáth-arm na baill sin no oglaigh nách baill den ghnáth-arm agus chun crícheanna eile a bhaineas leis na nithe sin.

An t-Aire um Chosaint do thug isteach.

*Do hordúidh, ag Dáil Éireann, do chlóbhuála,
20adh Meitheamh, 1923.*

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[Leath-raol Glan.]

Saorstat Éireann.

ARMY PENSIONS BILL, 1923.

BILL

(as amended in Committee)

entitled

An Act to provide for the payment of wound pensions to wounded members of Oglaigh na hÉireann, including the Army and the Irish Volunteers, and for the payment of allowances and gratuities to the widows, children and dependants of deceased members of Oglaigh na hÉireann, including the Army and the Irish Volunteers, and for other purposes connected therewith.

Introduced by the Minister for Defence.

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