

SAORSTÁT EIREANN.

BILLE SEIRBHISI AITIULA (FEARACHAS SEALADACH)
(UIMH. 2), 1933.

LOCAL SERVICES (TEMPORARY ECONOMIES) (No. 2)
BILL, 1933.

Mar do ritheadh ag dhá Thigh an Oireachtais.

As passed by both Houses of the Oireachtas.

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1. Short title.
2. Definitions.
3. Definition of " salary."
4. Deductions from salaries of officers.
5. Deductions from salaries of officers who are officers of more than one local authority.
6. Calculation of deductions from salaries.
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LOCAL SERVICES (TEMPORARY ECONOMIES) (No. 2)
BILL, 1933.

5

BILL

entitled

AN ACT TO PROVIDE FOR THE MAKING OF DEDUC-
TIONS FROM REMUNERATION PAYABLE DURING
THE LOCAL FINANCIAL YEAR BEGINNING ON THE 10
1st DAY OF APRIL, 1934, TO PERSONS EMPLOYED BY
LOCAL AUTHORITIES AND FROM CERTAIN SCALES
OF EXPENSES AND TO PROVIDE FOR OTHER
MATTERS CONNECTED WITH THE MATTERS AFORE-
SAID AND IN PARTICULAR TO AMEND THE PUBLIC 15
SERVICES (TEMPORARY ECONOMIES) ACT, 1933.

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

Short title.

1.—This Act may be cited as the Local Services (Temporary
Economies) Act, 1934.

20

Definitions.

2.—(1) For the purposes of this Act each of the following
bodies and persons shall be a local authority, that is to say:—

(a) the council of a county, county borough, borough, or
urban district, a board of guardians, the commissioners
of a town, and a port sanitary authority, and 25

(b) a person appointed by or under a statute to perform the
functions or any of the functions of any such council,
board, or commissioners, and

(c) a committee or joint committee or a board or joint board
(whether incorporated or not incorporated) of or 30
appointed by any one or more of such councils, boards,
commissioners, authorities, or persons, and

(d) a school attendance committee, a vocational education
committee, and a committee of agriculture.

(2) In this Act the expression “ the Minister ”— 35

(a) in relation to a committee of agriculture means the
Minister for Agriculture, and

(b) in relation to a school attendance committee or a voca-
tional education committee means the Minister for
Education, and 40

(c) in relation to any other local authority means the
Minister for Local Government and Public Health,

(3) In this Act—

the word “ officer ” means any person in the employment of a
local authority other than a medical officer in such employment; 45

the word “ employment ” shall be construed as including engage-
ment and retainer;

the word “ rate ” includes percentage;

the expression “ the current local financial year ” means the
local financial year beginning on the 1st day of April, 1934. 50

3.—(1) In this Act the word "salary" means salary in respect of employment by a local authority and (save as is otherwise expressly provided) includes all salary, pay, wages, commission, fees, and other remuneration in respect of such employment whether
 5 fixed or paid under statute, order, or regulation or otherwise howsoever, and whether calculated by reference to a period of time or by reference to work done, or on any other basis, and also includes allowances and benefits (whether paid in money or given otherwise than in money) forming part of the remuneration in respect
 10 of such employment, but does not include any of the following payments, that is to say:—

- (a) payments made by way of allowance for or reimbursement of specific expenses incurred;
- 15 (b) payments (whether separate or included in other remuneration) which are expressly made or are deemed under this section to be made as an allowance for or towards necessary equipment;
- (c) payments made by or on behalf of a Department of State;
- 20 (d) payments by way of fees or other remuneration paid in pursuance of section 17 of the Juries Act, 1927 (No. 23 of 1927);
- (e) payments by a registration officer as part of the registration expenses referred to in section 12 of the Electoral Act, 1923 (No. 12 of 1923);
- 25 (f) payments by way of fees or other remuneration paid to an officer of a local authority the amounts of which such officer is required either by statute or by contract to hand over to the local authority by which such officer is employed; and
- 30 (g) payments by way of fees payable to registrars of births, deaths, and marriages under section 54 of the Registration of Births and Deaths (Ireland) Act, 1863 and under section 21 of the Registration of Marriages Act (Ireland) 1863; and
- 35 (h) payments by way of fees or other remuneration payable to registrars of stocks or other securities issued by local authorities.

(2) Where in the current local financial year any officer, other than an officer employed to perform duties of an occasional nature,
 40 purchases equipment required for the performance of his duties as such officer and for the purchase of which no allowance is expressly made to him, the Minister on the application of such officer may, if he thinks proper, declare in writing that a specified proportion of the salary of such officer, or of every officer
 45 of the class to which such officer belongs, is paid for the purpose of purchasing such equipment, and whenever the Minister so declares, such proportion of such salary shall be deemed to be payments made as an allowance for or towards necessary equipment.

50 (3) Where a person holds two or more offices from the salaries of which deductions are required by this Act to be made, his salary for the purposes of such deductions shall be taken to be the aggregate amount of the respective salaries of those offices and such aggregate amount shall be subject to such deduction as
 55 would be appropriate if it were the salary of one office.

(4) Where a person, who is in receipt of a salary from which a deduction is required by this Act to be made, earns and becomes entitled to be paid during the current local financial year special remuneration (in addition to his normal salary) in respect of
 60 services rendered to a local authority by him during that year or any part thereof, the annual rate of his salary for the purposes of this Act shall be taken to be the aggregate of the following amounts, that is to say:—

- (a) the annual rate of his normal salary, and
- 65 (b) the total amount of such special remuneration earned by and payable to him in the current local financial year.

4.—(1) From every salary which, during the current local financial year is earned by and payable to an officer in respect of employment by a local authority the local authority paying such salary shall make a deduction calculated in accordance with this Act.

5

(2) The deduction made under this Act from the salary of any person shall, so far as may be practicable, be made rateably from every payment of such salary made in the current local financial year and after the passing of this Act, save that deductions from any salary which would under this section have fallen to be made in the portion of the said year prior to the passing of this Act (if this Act had then been in force) shall be made from the next payment or payments (as the case may require) of such salary made after the passing of this Act, but so that not more shall be so deducted from any one such payment than fifty per cent. of such payment.

(3) All sums deducted under this Act from any moneys payable to an officer by way of salary shall be applied to the same purposes as the fund from which such moneys are paid to such officer.

20

5.—The following provisions shall apply and have effect in respect of every officer who holds offices under more than one local authority, that is to say:—

(a) for the purpose of the calculation of the deduction to be made under this Act from the salary of such officer, such salary shall be taken to be the aggregate of the salaries which he is entitled to receive in respect of his said offices;

(b) the said deduction, when calculated in pursuance of the foregoing paragraph of this section, shall be apportioned between the several salaries received by such officer by virtue of his said offices in proportion to the respective amounts of those salaries, and the amount so apportioned to any such salary shall, for the purpose of this Act, be the deduction in respect of such salary;

(c) the deduction to be made under this Act from any of the said salaries of such officer shall be made by the local authority paying such salary, save that where any such salary is paid, wholly or in part, otherwise than in money the Minister may direct that the whole or any specified part of such deduction shall, in lieu of being made by the local authority paying such salary, be made by a specified other local authority or specified other local authorities paying salary to such officer wholly or partly in money and, if more than one such local authority, in specified proportions, and whenever any such direction is given by the Minister the local authority or local authorities concerned shall comply therewith and every deduction made in pursuance of such direction shall be paid by the local authority making such deduction to the local authority by whom such deduction would have been required by this Act to be made if such direction had not been given.

55

6.—(1) The deduction to be made under this Act from the salary of an officer shall be calculated in the manner following, that is to say:—

(a) where the whole of such salary is variable remuneration, under Part I of the Schedule to this Act and at the rate applicable in that Part to the amount of such salary;

- (b) where no part of such salary is variable remuneration, under Part II of the Schedule to this Act and at the rate applicable under that Part to the amount of such salary;
- 5 (c) where a portion only of such salary is variable remuneration by adding together—
- 10 (i) a sum ascertained by applying to the portion of such salary which is variable remuneration the rate or rates in Part I of the Schedule to this Act which would be applicable if the whole of such salary were variable remuneration, and
- 15 (ii) a sum ascertained by applying to the portion of such salary which is not variable remuneration the rate or rates in Part II of the Schedule to this Act which would be applicable to that portion if none of such salary were variable remuneration;
- (d) where the service rendered by the officer is occasional, under Part III of the Schedule to this Act.

(2) For the purposes of the application under this section of
 20 Parts I and II respectively of the Schedule to this Act to the salary of any officer whose salary is in part only variable remuneration, such part of such salary shall be deemed to be the first part of such salary and the word "first" and the word
 25 "next" in the said Parts of the said Schedule when so applied shall be construed accordingly.

(3) Where the salary from which a deduction is to be made under this Act includes an allowance or benefit given otherwise than in money, or includes fees payable by persons other than the local authority employing the person in receipt of such salary,
 30 or includes both such allowance or benefit and such fees, the deduction to be made under this Act from such salary shall (though calculated on the whole of such salary) be made only from the portion of such salary which does not consist of such allowance, benefit, or fees.

(4) Where a part of the salary of an officer consists of an amount in respect of which a bonus, varying with the cost of living and calculated by reference to such amount, is paid to such officer, such amount and such bonus shall for the purposes of this section be taken together as one sum and such one sum shall be variable
 40 remuneration for the purposes of this section and is hereinafter in this section referred to as remuneration variable by reason of bonus.

(5) Where a part of the salary of an officer consists of remuneration variable by reason of bonus and part consists of an
 45 allowance or benefit given otherwise than in money, the said remuneration variable by reason of bonus and the value of such allowance or benefit shall be taken together as one sum for the purposes of this section, and such one sum shall also be variable remuneration for the purposes of this section.

(6) Where part of the salary of an officer consists of an allowance or benefit given otherwise than in money, and no part of such salary is remuneration variable by reason of bonus, the value of such allowance or benefit shall also be variable remuneration for the purposes of this section.

55 7.—For the purposes of calculating the deduction to be made under this Act from the salary of a person in continuous employment whose rate of salary is altered during the current local

Calculation of deduction where rate of salary is altered.

financial year, the following provisions shall have effect, that is to say :—

- (a) each part of the current local financial year during which the rate of salary of such person remains unaltered shall be treated as a separate employment; 5
- (b) the deduction proper to be made under this Act in respect of each such separate employment shall be ascertained and shall be calculated as if such separate employment were the only employment of such person during the current local financial year; 10
- (c) the deduction to be made under this Act from the salary of such person shall be the total of the several deductions ascertained under the next preceding paragraph of this section.
- (d) this section shall apply whether the said continuous employment of such person does or does not extend 15 over the whole of the current local financial year.

Relief in respect of deductions under Public Services (Temporary Economies) Act, 1933.

8.—In the calculation of the deduction to be made under this Act from the salary of an officer from whose salary deductions were or are made (whether before or after the passing of this Act or before or after the commencement of the current local financial year) under section 12 of the Public Services (Temporary Economies) Act, 1933 (No. 37 of 1933), such officer shall be entitled to credit against such deduction for the said deductions so made from his salary under the said section 12, and the amount of the said deduction shall be reduced accordingly. 20 25

Adjustment of deductions from salaries.

9.—Where, after the expiration of the current local financial year, any local authority ascertains that the deductions made or purported to be made under this Act in that year from the salary of any officer in its employment were either greater or less than the deductions required by this Act to be made from such salary, such local authority shall, before the end of the year 1935, adjust the amount of such deductions either (as the case may require) by a refund to such officer or by a deduction from the salary of such officer payable to him in the year 1935. 30 35

Saving for pensions, etc.

10.—(1) Nothing in this Act shall affect the amount of salary by reference to which the amount of any compensation, superannuation allowance, pension, or gratuity is computed nor the amount of salary by reference to which contributions to a pension fund or under a superannuation scheme are computed, and accordingly deductions made under or by virtue of this Act shall not be taken into account in the computation of any such compensation, allowance, pension, gratuity, or contribution nor in the calculation of any average on which such computation is based. 40 45

(2) Where a person who has been granted a superannuation allowance or a pension is in receipt of a salary from which a deduction is made under this Act, the amount of such allowance or pension actually payable shall be computed by reference to the full amount of such salary, and such deduction shall not be taken into account for the purpose of such computation. 50

Preservation of contracts of service.

11.—The making under this Act of a deduction from salary paid under a contract of service shall not operate to terminate such contract, and such contract shall, notwithstanding the making of such deduction, continue to subsist but subject to the obligation or right to make and the obligation to suffer such deduction. 55

Determination of disputes.

12.—(1) Every doubt, question, and dispute which shall arise as to whether any person is an officer within the meaning of this Act or as to the amount of the salary for the purposes of this Act of any officer or as to the amount of the deduction to be made under this Act from any such salary, and if such salary is 60

paid by more than one local authority, as to the amount of the deduction to be made from such salary under this Act by each such local authority, shall be determined by the Minister whose determination thereof shall be final.

- 5 (2) An auditor duly appointed to audit the accounts of a local authority may, on any audit of the accounts of such local authority, raise any such question as is mentioned in the foregoing sub-section of this section in relation to any payment appearing in such accounts of the salary of any officer of such local authority,
10 and every such question so raised shall be determined under this section by the Minister whose determination thereof shall be final.

13.—No resolution of a local authority increasing the salary of an officer of such local authority in respect of the current local financial year shall have effect after the passing of this Act unless
15 the Minister has consented to such increase.

Restriction on increase of salary.

14.—Where the Minister for Local Government and Public Health has, before the passing of this Act, fixed the remuneration of any person appointed under sub-section (3) of section 72 of the Local Government Act, 1925 (No. 5 of 1925), to perform the
20 duties of a local authority, the said Minister shall make and is hereby empowered to make for and in respect of the current local financial year such variation (if any) of such remuneration as shall, in his opinion, secure that the sum earned by and payable to such person as such remuneration in the current local financial
25 year shall be reduced by such amount as the said Minister shall think proper having regard to the deductions from salaries to be made under this Act and the other circumstances of the case.

Reduction of salary of person appointed to perform duties of local authority.

15.—The Minister for Justice shall make and is hereby empowered to make, for and in respect of the preparation of the
30 draft lists of persons qualified on the 15th day of November, 1934, to serve as jurors and liable so to serve, such variation of the scales in force under sub-section (3) of section 17 of the Juries Act, 1927 (No. 23 of 1927), as will in his opinion secure that the sums payable in respect of the preparation of the said draft lists
35 to any person in accordance with such scales will be reduced by such amount as the said Minister shall think proper having regard to the deductions from salaries to be made under this Act and the other circumstances of the case.

Reduction of expenses in relation to draft jurors lists.

16.—The Minister for Finance shall make and is hereby
40 empowered to make, for and in respect of the registration expenses incurred in relation to the preparation of the register of electors which will come into force on the 1st day of June, 1935, such variation of the scale of registration expenses framed by him under sub-section (3) of section 12 of the Electoral Act, 1923 (No.
45 12 of 1923), as will in his opinion secure that the sums payable in respect of such expenses to any person in accordance with such scale will be reduced by such amount as the said Minister shall think proper having regard to the deductions from salaries to be made under this Act and the other circumstances
50 of the case.

Reduction in registration expenses.

17.—(1) Where an officer (other than the chief executive officer) of any local authority held on the 1st day of April, 1934, offices under more than one local authority, he shall, not later than one fortnight after the passing of this Act, give to the
55 chief executive officer of each local authority by whom he was so employed written particulars of the nature of his employment with, and of the salary which he was or is entitled to receive from, each of the other local authorities by whom he was so employed.

Furnishing of information by officers.

60 (2) Where an officer (other than the chief executive officer) of any local authority became or becomes at any time in the current local financial year employed by any other local authority (whether he is or is not at that time also an officer of the first-mentioned local authority), he shall, within fourteen days after the
65 passing of this Act or his becoming so employed, whichever is the

later, give to the chief executive officer of every local authority by whom he is or was employed on or after the 1st day of April, 1934, written particulars of the nature of his employment with and of the salary he is or was entitled to receive from each of the other local authorities by whom he is or was so employed. 5

(3) Where, in the case of an officer to whom either of the foregoing sub-sections of this section applies, any variation occurs after the passing of this Act and before the end of the current local financial year in the nature of his employment with or the amount of the salary which he is entitled to receive from any of the local authorities by whom he is employed, such officer shall, not later than one fortnight after such variation takes effect, give to the chief executive officer of each of the other local authorities by whom he is employed written particulars of such variation. 10

(4) Where an officer (other than the chief executive officer) of any local authority receives any portion of his salary in the form of fees or other remuneration not paid to him by a local authority, such officer shall, within fourteen days after the passing of this Act, give to the chief executive officer of every local authority by which he is employed an estimate in writing of the probable amount of such fees or other remuneration to be received by him during the current local financial year, and shall also, within fourteen days after the 31st day of March, 1935, give to every such chief executive officer an account in writing of such fees or other remuneration actually received by him during the current local financial year. 15 20 25

(5) If any officer refuses or wilfully neglects to do any act or perform any duty the doing or performance of which is rendered obligatory for him by virtue of this section, the Minister may remove such officer from his position of employment by any or every local authority and such removal shall be deemed to be removal for misconduct. 30

(6) If an officer giving written particulars or an estimate in writing in pursuance of this section gives any such particulars or estimate which are or is to his knowledge false or misleading in a material respect, such officer shall be guilty of an offence under this section and on summary conviction thereof shall be liable to a fine not exceeding fifty pounds and also to be removed for misconduct by the Minister from his position of employment by any or every local authority. 35 40

Duty of chief executive officer.

18.—(1) The chief executive officer of every local authority shall submit to such local authority, in respect of each officer (not being an artisan, skilled labourer or a person hired to perform only subordinate duties or ordinary labour whose employment is occasional only) in the employment of such local authority during the current local financial year or any part thereof, a statement showing the estimated amount of the salary payable to such officer during the current local financial year and of the deduction to be made under this Act from such salary and where appropriate of the proportion of such deduction made by such local authority and such chief executive officer shall so submit such statement not later than one fortnight after the passing of this Act or the entry of the officer to whom such statement relates into the employment of such local authority, whichever is the later. 45 50 55

(2) Where a person is at any time in the current local financial year an officer of more than one local authority, the chief executive officer of any such local authority may at any time or times before the 1st day of January, 1936, request the chief executive officer of any other such local authority to supply to him written particulars of the amount and nature of the salary which such person is entitled to receive in the current local financial year by virtue of an office under such other local authority, and every chief executive officer of a local authority to whom a request is made under this sub-section shall comply with such request. 60 65

(3) If any chief executive officer refuses or wilfully neglects to do any act or perform any duty the doing or performance of which is rendered obligatory for him by virtue of this section, the Minister may remove such chief executive officer from his office, and such removal shall be deemed to be removal for misconduct. 5

(4) If any chief executive officer submitting a statement or supplying particulars in pursuance of this section submits any such statement or supplies any such particulars which is or are to his knowledge false or misleading in a material respect, such chief executive officer shall be guilty of an offence under this section and on summary conviction thereof shall be liable to a fine not exceeding fifty pounds and also to be removed for misconduct from his office.

Amendment of
the Public
Services
(Temporary
Economies) Act,
1933.

19.—Sub-section (2) of section 11 of the Public Services (Temporary Economies) Act, 1933 (No. 37 of 1933), is hereby amended as follows and shall be construed and have effect accordingly, that is to say:— 15

(a) by the insertion in that sub-section of the words " or will make " immediately after the words " has made," and 20

(b) by the deletion of the words " current financial year " and the insertion in lieu thereof of the word and figures " financial year beginning on the 1st day of April, 1934."

SCHEDULE.

RATES OF DEDUCTIONS.

PART I.

Where the annual rate of salary does not exceed £300—Nil.

" " " exceeds £300 but does not exceed £400—2 per cent. per annum of the salary.

Where the annual rate of salary exceeds £400—
per cent.

2 per annum from the first £400 of the annual rate of salary			
plus 2½	"	"	next £100 or part of £100 of the annual rate of salary
" 3	"	"	" £100 " £100 " "
" 4½	"	"	" £100 " £100 " "
" 6	"	"	" £100 " £100 " "
" 8	"	"	" £100 " £100 " "
" 10	"	"	" £100 " £100 " "
" 12½	"	"	" £100 " £100 " "
" 15	"	"	" £100 " £100 " "
" 17½	"	"	" £100 " £100 " "
" 20	"	"	" £100 " £100 " "
" 22½	"	"	" £200 " £200 " "

plus 25 per cent. per annum from so much of the annual rate of salary as is in excess of £1,600.

In no case shall the annual rate of a salary be reduced by deduction to less than £300.

PART II.

Where the annual rate of salary—
does not exceed £210—Nil.

exceeds £210 but does not exceed £300—5 per cent. per annum of the annual rate
of salary.

“ £300 “ “ £400—5½ “ “ “ “
“ £400 “ “ £500—5½ “ “ “ “

exceeds £500—5½ per cent. per annum from the first £500.

plus 6 per cent. per annum from the next £100 or part of £100 of the annual rate
of salary

“ 6½	“	“	£100	“	of £100	“
“ 7	“	“	£100	“	of £100	“
“ 8½	“	“	£100	“	of £100	“
“ 10	“	“	£100	“	of £100	“
“ 12½	“	“	£100	“	of £100	“
“ 15	“	“	£100	“	of £100	“
“ 17½	“	“	£100	“	of £100	“
“ 20	“	“	£100	“	of £100	“
“ 22½	“	“	£100	“	of £100	“

plus 25 per cent. per annum from so much as is in excess of £1,500.

In no case shall the annual rate of salary be reduced by deduction to less
than £210.

PART III.

- (i) In the case of artisans and other skilled labourers and persons hired to
perform only subordinate duties or ordinary labour—Nil.
- (ii) In all other cases—5 per cent. of the full amount payable.

BILLE SEIRBHISI AITIÚLA (FEARACHAS
SEALADACH) (Uimh. 2), 1933.

BILLE

dá ngairmtear

Acht chun a shoerú go mbainfear suimeanna de luach saothair is infiotha i rith na bliana airgeadais áitiúla dar tosach an ladh lá d'Abrán, 1934 le daoine ar fostú ag údaráis áitiúla agus de scálaí áirithe costaisí agus chun socruihte do dhéanamh i gcóir nithe eile bhaineas leis na nithe roimhraithe agus go sonnrách chun an Achta Sheirbhísí Puiblí (Fearachas Sealadach), 1933, do leasú.

*Rithte ag dhá Thigh an Oireachtais, Sadh
Bealtaine, 1934.*

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach ó Oifig Díolta Foillseacháin Rialtais, 5, Sráid Thobair Phádraig, Baile Atha Cliath, C.2.

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[*Leath-Raol Glan.*]

Wt. 5—979. 575. 5/34. C.&Co. (527.)

LOCAL SERVICES (TEMPORARY
ECONOMIES) (No. 2) BILL, 1933.

BILL

entitled

An Act to provide for the making of deductions from remuneration payable during the local financial year beginning on the 1st day of April 1934, to persons employed by local authorities and from certain scales of expenses and to provide for other matters connected with the matters aforesaid and in particular to amend the Public Services (Temporary Economies) Act, 1933.

*Passed by both Houses of the Oireachtas,
8th May, 1934.*

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