

SAORSTÁT EIREANN.

BILLE UM PINSIN DO BHANALTRAÍ AGUS DO MHNA CABHARTHA, 1935.

NURSES' AND MIDWIVES' PENSIONS BILL, 1935.

Mar do ritheadh ag Seanad Éireann.

As passed by Seanad Éireann.

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SAORSTÁT EIREANN.

BILLE UM PINSIN DO BHANALTRAÍ AGUS DO MHNA
CABHARTHA, 1935.

NURSES' AND MIDWIVES' PENSIONS BILL, 1935.

BILL

5

entitled

AN ACT TO MAKE PROVISION FOR PENSIONS FOR
REGISTERED NURSES AND MIDWIVES AND FOR
THE PAYMENT OF CONTRIBUTIONS TOWARDS SUCH
PROVISION AND TO MAKE PROVISION FOR DIVERS 10
MATTERS CONNECTED WITH THE MATTERS AFORE-
SAID INCLUDING THE AMENDMENT OF THE PUBLIC
HOSPITALS ACT, 1933.

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

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Definitions.

1.—In this Act—

the expression “the Minister” means the Minister for Local
Government and Public Health;

the word “hospital” means an institution in Saorstát Eireann
which affords medical, surgical or dental treatment to human 20
beings and includes any institution or organisation in Saorstát
Eireann for the prevention, treatment or cure of human disease,
injury or deformity, or to expectant mothers or mothers with their
children of less than five years of age, but does not include hospitals
or infirmaries provided by local authorities or any institution or 25
organisation for affording asylum or treatment to blind, deaf, dumb
or mentally affected persons or any institution or organisation con-
ducted by persons for their private profit;

the word “nurse” means a woman who has adopted nursing as
her sole mode of livelihood and who is registered by the General 30
Nursing Council of Saorstát Eireann;

the word “midwife” means a person who carries on no other
occupation than that of midwife and who is certified by the Central
Midwives Board of Saorstát Eireann.

The appointed day.

2.—The Minister may by order appoint a day to be the 35
appointed day for the purposes of this Act.

Qualification for pension.

3.—Subject to the provisions of this Act, a pension shall, if
the statutory conditions are complied with, be payable to every
nurse registered by the General Nursing Council of Saorstát
Eireann and to every midwife registered by the Central Midwives 40
Board of Saorstát Eireann who has acted as such nurse or mid-
wife in Saorstát Eireann for a period or periods of not less than
twenty years in the aggregate.

Amount of pension and conditions of payment.

4.—(1) The pension payable to a nurse or midwife shall be a
sum of thirty pounds per annum, or such other sum as the 45
Minister may from time to time by order determine.

(2) In determining the amount of the pension payable to a nurse or midwife who is qualified to receive a pension under section 3 of this Act but who has been registered for a period of less than twenty years by the General Nursing Council of Saorstát Eireann or the Central Midwives' Board of Saorstát Eireann (as the case may be), the Minister may have regard to all or any of the following matters, that is to say:—

- (a) the number of years for which such registered nurse or midwife has acted as such nurse or midwife previous to or subsequent to the date of her registration;
- (b) the amount of income yielded by the Nurses Pensions Fund;
- (c) all such other matters as the Minister in his discretion shall think proper.

(3) The pension shall commence to be payable as from the date on which the nurse or midwife resigns from her occupation, and shall be paid monthly in advance and subject to such conditions as to identification or otherwise as the Minister may direct.

5.—(1) Before the appointed day the National Hospital Trustees shall out of the Hospitals Trust Fund, and notwithstanding the provisions of section 23 of the Public Hospitals Act, 1933 (No. 18 of 1933), transfer to the credit of a separate account the sum of two hundred and fifty thousand pounds, which shall form a separate fund to be known and in this Act referred to as the Nurses Pensions Endowment Trust and shall be held by the said Trustees upon trust to invest, manage and apply the same in accordance with this Act.

Nurses Pensions
Endowment
Trust.

(2) The Nurses Pensions Endowment Trust shall be invested and kept invested by the National Hospital Trustees in securities authorised by sub-section (2) of section 23 of the Public Hospitals Act, 1933, and the National Hospital Trustees may from time to time vary the investment or any part of the investment of the Nurses Pensions Endowment Trust.

(3) All interest, dividends and income and all sums in the nature of bonus received by the National Hospital Trustees in respect of the securities in which the Nurses Pensions Endowment Trust is invested shall be paid by the National Hospital Trustees to the Minister.

6.—For the purpose of making provision towards the cost of pensions payable under this Act the following provisions shall on and after the appointed day have effect, that is to say:—

Contributions.

(a) contributions shall be paid in such manner as the Minister shall prescribe by each nurse and midwife at the rate of sixpence per week commencing as from the appointed day;

(b) contributions shall be paid as from the appointed day and in such manner as the Minister shall prescribe by the governing body of every hospital in respect of each probationer nurse (if any) for the time being in training in such hospital at the rate of sixpence per week; and such contributions shall be paid by such governing body out of the general funds of such hospital and shall not be collected, either directly or indirectly, from such probationer nurses.

7.—(1) The Minister shall keep a separate fund (in this Act referred to as the Fund), to be called and known as the Nurses Pensions Fund, and shall maintain and manage such fund in accordance with this Act.

Nurses Pensions
Fund.

(2) There shall be paid into the Fund:—

(a) all interest, dividends and income and all sums in the nature of bonus received by the National Hospital Trustees in respect of the securities in which the Nurses Pensions Endowment Trust is invested; 5

(b) all moneys collected as contributions in pursuance of section 6 of this Act.

(3) All pensions payable under this Act shall be paid out of the Fund.

Nurses Pensions
Investment
Account.

8.—(1) Any sums standing to the credit of the Fund which are not required to meet current expenditure shall be transferred to the Minister for Finance and by him credited to an account (in this Act referred to as the Account) to be called and known as the Nurses Pensions Investment Account. 10

(2) Any sums standing to the credit of the Account shall be invested and kept invested at the discretion of the Minister for Finance on behalf of the Fund in all or any of the following ways, that is to say, in the purchase of any stock, fund or security in which Trustees are authorised by section 18 of the Adaptation of Enactments Act, 1922 (No. 2 of 1922) to invest trust funds 15 or in the purchase of any stocks, shares or securities the principal and interest of which are guaranteed under statutory authority by the Government of Saorstát Eireann, and any interest received from such investment shall be credited to the Account. 20

(3) If at any time the moneys in the Fund are insufficient to meet current liabilities the Minister for Finance shall out of the Account issue to the Fund such sums as may be required for the purpose of discharging those liabilities. 25

Form of accounts,
audit, etc.

9.—(1) Accounts of the Fund shall be kept in such form as the Minister, with the approval of the Minister for Finance, shall 30 approve or direct.

(2) Accounts of the Account shall be kept in such form as the Minister for Finance shall approve or direct.

(3) Within one year after the expiration of every year of account, the accounts kept in pursuance of this section for that 35 year shall be submitted for audit to the Comptroller and Auditor-General and when examined and certified by him shall be laid before each House of the Oireachtas.

Avoidance of
assignment or
charge, etc.

10.—Every assignment or charge on and every agreement to assign or charge a pension shall be void, and on the bankruptcy of 40 any person entitled to a pension such pension shall not pass to any trustee or other person acting on account of the creditors.

Regulations.

11.—(1) The Minister may, after consultation with the Minister for Finance, by order make regulations generally for carrying this Act into effect, and, without prejudice to the generality of 45 the foregoing, in particular:—

(a) for prescribing the manner in which pensions may be claimed and the manner in which pensions are to be paid;

(b) for enabling a person to be appointed on behalf of any claimant or person entitled to or in receipt of a pension who is by reason of any mental or other incapacity unable to act, to exercise any right to which such claimant or person may be entitled under this Act, and to authorise any person so appointed to receive 50 on behalf and for the benefit of such claimant or person any pension; 55

- 5 (c) for providing that, in the case of a person who being entitled to a pension had made a claim thereto, payment may be made of any sum which, if her claim had been allowed immediately before her death, would have become payable on account of the pension up to the date of her death;
- 10 (d) for providing that, subject to the regulations, probate or other proof of the title of the personal representatives of the deceased person may be dispensed with in the case of any such sum as is mentioned in the immediately preceding paragraph and that any such sum may be paid or distributed to or among the persons appearing in manner provided by the regulations to be entitled to receive the said sum or any part thereof either as being persons beneficially entitled thereto under any testamentary instrument or as next of kin or as being creditors of the deceased person, or to or among any one or more of such persons exclusive of the others, or in the case of any illegitimacy of the deceased person or any child of hers to or among such person or persons as may be directed by the regulations;
- 15 20 (e) for prescribing any matter or thing referred to in this Act as prescribed or to be prescribed.

25 (2) If pensions payable under this Act are paid by and at Post Offices, regulations under this section prescribing the manner in which they shall be paid shall be made with the consent of the Minister for Posts and Telegraphs.

12.—This Act may be cited as the Nurses' and Midwives' Short title.
Pensions Act, 1935.

BILLE UM PINSIN DO BHANALTRAÍ
AGUS DO MHNA CABHARTHA, 1935.

NURSES' AND MIDWIVES' PENSIONS
BILL, 1935.

BILLE

dá ngairmtear

Acht chun socrúithe do dhéanamh i dtaobh pinsean do bhanaltraí agus mná cabhartha elárúithe agus i dtaobh síntiúisí d'íoc mar chabhair chuige sin, agus chun socrúithe do dhéanamh i dtaobh nithe iomdha bhaineas leis na nithe roimhraithe agus ar a n-áirmhítear Acht na nOispidéal Puiblí, 1933 do leasú.

BILL

entitled

An Act to make provision for pensions for registered nurses and midwives and for the payment of contributions towards such provision and to make provision for divers matters connected with the matters aforesaid including the amendment of the Public Hospitals Act, 1933.

Rithte ag Seanad Éireann, 4^o Mí na Nodlag,
1935.

Passed by Seanad Éireann, 4th December,
1935.

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FOILLSITHE AG OIFIG AN tSOLATHAIR.

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

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