



**BILLE AOIS-LIUNTAS, 1936.
SUPERANNUATION BILL, 1936.**

*Mar do tugadh isteach.
As introduced.*

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PERSONS TO RECEIVE COMPENSATION.

SAORSTÁT EIREANN.

BILLE AOIS-LIUNTAS, 1936.
SUPERANNUATION BILL, 1936.

BILL

5

entitled

AN ACT TO MAKE SPECIAL PROVISION IN RESPECT OF
THE APPLICATION OF THE SUPERANNUATION
ACTS, 1834 TO 1923, IN DIVERS CASES WHICH HAVE
10 ARISEN IN THE COURSE OF THE ADMINISTRATION
OF THOSE ACTS SINCE THE ESTABLISHMENT OF
SAORSTÁT EIREANN, AND TO REMOVE CERTAIN
ANOMALIES WHICH HAVE COME TO LIGHT IN THE
COURSE OF SUCH ADMINISTRATION, AND FOR
THOSE AND OTHER PURPOSES TO AMEND AND
15 EXTEND THE SAID ACTS.

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

1.—In this Act—

Definitions.

the expression “the Minister” means the Minister for Finance;
20 the expression “the Superannuation Acts” means the Super-
annuation Acts, 1834 to 1923 and this Act;

the expression “the Provisional Government” means the govern-
ment constituted in pursuance of Article 17 of the Treaty of 1921
to be a provisional government for the purposes mentioned in that
25 Article;

the expression “the civil service of Dáil Eireann” means the
civil service established under the authority of the First Dáil
Eireann and subsequently maintained under the authority of that
Dáil Eireann and its successors;

30 references to ceasing to be employed and to ceasing to serve include
cesser by any means, whether voluntary or involuntary, and in
particular include forfeiture of a post which would otherwise
have been obtained, refusal or deferment of assignment, and sus-
pension from duty without pay;

35 the expression “established service” means service in a capacity
in respect of which a superannuation allowance may be granted
under the Superannuation Acts;

the expression “established position” means a position in which
established service is rendered;

40 the expression “unestablished service” means service in a capacity
in which whole-time service is required but in respect of which a
superannuation allowance cannot be granted under the Superan-
nuation Acts;

the expression “unestablished position” means a position in which
45 unestablished service is rendered.

2.—(1) For the purposes of this Act, every of the following
services shall be a civil service to which re-instatement under this
Act applies, that is to say:—

Civil services to
which reinstatement under this
Act applies.

- (a) the civil service of Dáil Eireann;
- 50 (b) the civil service of the late United Kingdom of Great
Britain and Ireland;
- (c) the civil service of the United Kingdom of Great Britain
and Northern Ireland;
- (d) the civil service of Northern Ireland;
- 55 (e) the civil service of the Provisional Government;
- (f) the civil service of Saorstát Eireann.

(2) In this Act the expression "civil service to which re-instatement under this Act applies" means a civil service which is, by virtue of the foregoing sub-section of this section, a civil service to which re-instatement under this Act applies.

British civil services.

3.—(1) For the purposes of this Act, every of the following 5 civil services shall be a British civil service, that is to say:—

- (a) the civil service of the late United Kingdom of Great Britain and Ireland;
- (b) the civil service of the United Kingdom of Great Britain and Northern Ireland; 10
- (c) the civil service of Northern Ireland.

(2) In this Act the expression "British civil service" means a civil service which is, by virtue of the foregoing sub-section of this section, a British civil service.

Classification of service in the civil service of Dáil Eireann.

4.—(1) For the purposes of this Act— 15

- (a) a person who was appointed to a position in the civil service of Dáil Eireann before the 11th day of July, 1921, shall be deemed to have been appointed to an established position in that civil service, and
- (b) a person who was first appointed to a position in the 20 civil service of Dáil Eireann on or after the 11th day of July, 1921, shall be deemed to have been appointed to an unestablished position in that civil service.

(2) Whenever the Minister is satisfied that a particular person, on or after the 11th day of July, 1921, accepted at the request of 25 the Cabinet of the Second Dáil Eireann a consular or diplomatic post abroad in the civil service of Dáil Eireann and on the acceptance of such post sustained serious pecuniary loss by forced disposal of his business, the Minister may, if he so thinks fit and notwithstanding anything contained in the foregoing sub-section 30 of this section, deem such person for the purposes of this Act to have held an established position in the civil service of Dáil Eireann.

(3) The Minister, when giving a certificate under this Act in relation to a person who was employed in the civil service of Dáil 35 Eireann, shall have regard to the provisions of the foregoing sub-sections of this section.

Commencement and cesser of employment in the civil service of Dáil Eireann.

5.—(1) Whenever the Minister certifies in a certificate given by him under this Act that a person ceased to be employed in the 40 civil service of Dáil Eireann or that a person, having been employed in the civil service of Dáil Eireann, ceased to be employed in another civil service to which re-instatement under this Act applies, the following provisions shall have effect, that is to say:—

- (a) the Minister shall, in such certificate, state the date on which the employment of such person in the civil service 45 of Dáil Eireann is to be deemed to have begun for the purposes of such certificate and the purposes of the relevant section of this Act;
- (b) where such person was so employed for one continuous period only, the period of his said employment shall be 50 reckoned for the purposes of this Act as beginning on the date so stated;
- (c) where such person was so employed for two or more discontinuous periods, the period of his said employment shall be reckoned for the purposes of this Act as begin- 55 ning on the date so stated and continuing thenceforth without interruption to the end of the last of such discontinuous periods.

(2) References in this Act to cesser of employment solely for political reasons shall, where the employment consisted of two or more discontinuous periods of employment in the civil service of Dáil Eireann, be construed as referring only to the cesser of the last of such periods of employment.

6.—(1) Service in the civil service of the Provisional Government shall be deemed for all the purposes of the Superannuation Acts to be service in the civil service of Saorstát Eireann and may be reckoned for the purposes of those Acts accordingly.

Service in the civil service of the Provisional Government.

10 (2) Any doubt, question, or dispute as to whether the service of any particular person in the civil service of the Provisional Government is to be reckoned under this section as established service or as unestablished service shall be determined by the Minister, whose determination thereof shall be final.

15 7.—Every person in respect of whom the Minister gave a certificate under sub-section (1) of section 2 of the Superannuation and Pensions Act, 1923 (No. 34 of 1923), shall be deemed for the purposes of the Superannuation Acts to have served in the civil service of Saorstát Eireann as from the date on which he is
20 stated in such certificate to have been re-instated in that civil service, and the reference in the said sub-section to the period of service which he is otherwise qualified to reckon under those Acts shall be construed as including the period of such service subsequent to the said date of such re-instatement.

Construction of section 2 of the Superannuation and Pensions Act, 1923.

25 8.—(1) If the Minister, within two years after the passing of this Act—

Reckoning of established service in certain cases of interrupted service.

30 (a) certifies in writing under his hand that a particular person ceased to be employed in an established position in a civil service to which re-instatement under this Act applies and so ceased solely for political reasons and was subsequently appointed to an established position in the civil service of Saorstát Eireann, and

35 (b) by such certificate directs that this section shall apply to the determination for the purposes of the Superannuation Acts of the period of service of such person in the civil service of Saorstát Eireann,

40 then and in such case, whenever the period of service of such person in the civil service of Saorstát Eireann is being determined for the purposes of the said Acts, sub-section (3) of this section shall apply and have effect in relation to such determination.

45 (2) Such certificate as is mentioned in the first sub-section of this section may be given in respect of a person notwithstanding that such person, before the giving of such certificate and either before or after the passing of this Act, has retired on the ground of age or ill-health from the civil service of Saorstát Eireann or has died while in that civil service and, where such certificate is so given in respect of a person who has so retired or died, the following provisions shall have effect, that is to say:—

50 (a) if the period of service of such person in the civil service of Saorstát Eireann has been determined for the purposes of the Superannuation Acts before the giving of such certificate, it shall be re-determined in consequence of such certificate, and

55 (b) sub-section (3) of this section shall apply and have effect in relation to the determination or re-determination of the said period of service for the purposes of the said Acts, and

60 (c) such superannuation allowance, gratuity, or other benefit under the Superannuation Acts as is appropriate to such person's service, as determined or re-determined for the purposes of the said Acts in consequence of such certificate, may be granted under the said Acts to or in respect of such person as from his said retirement or death (as the case may be), and
65

(d) if any superannuation allowance, gratuity, or other benefit has been granted (whether before or after the passing of this Act) under the Superannuation Acts to or in respect of such person before the giving of such certificate, the said superannuation allowance, gratuity, or other benefit so granted may be adjusted or varied, as from the said retirement or death (as the case may be) of such person, in such manner as may be appropriate to the said re-determination of the service of such person in consequence of such certificate. 5 10

(3) Whenever the period of service in the civil service of Saorstát Eireann of a person in respect of whom a certificate has been given by the Minister under this section is being determined or re-determined for the purposes of the Superannuation Acts, the following periods shall be reckoned as one continuous period of established service in the civil service of Saorstát Eireann, that is to say :— 15

(a) the period (if any) of such person's employment in an established position in a civil service to which re-instatement under this Act applies, and 20

(b) so much as the Minister shall in the said certificate direct of the period from the date of the cesser of employment mentioned in the said certificate to the date of the appointment (similarly mentioned) to an established position in the civil service of Saorstát Eireann, and 25

(c) the period of such person's subsequent established service in the civil service of Saorstát Eireann.

(4) It shall not be lawful by virtue of this section to reckon for the purposes of the Superannuation Acts any service rendered by a person in any civil service before he attained the age of sixteen years. 30

Reckoning of unestablished service in certain cases of interrupted service.

9.—(1) If the Minister, within two years after the passing of this Act—

(a) certifies in writing under his hand that a particular person ceased to be employed in an unestablished position in a civil service to which re-instatement under this Act applies and so ceased solely for political reasons and was subsequently appointed to an unestablished position in the civil service of Saorstát Eireann, and 35

(b) by such certificate directs that this section shall apply to the determination for the purposes of the Superannuation Acts of the period of service of such person in the civil service of Saorstát Eireann, 40

then and in such case, whenever the period of service of such person in the civil service of Saorstát Eireann is being determined for the purposes of the said Acts, sub-section (3) of this section shall apply and have effect in relation to such determination. 45

(2) Such certificate as is mentioned in the first sub-section of this section may be given in respect of a person notwithstanding that such person, before the giving of such certificate and either before or after the passing of this Act, has retired on the ground of age or ill-health from the civil service of Saorstát Eireann or has died while in that civil service and, where such certificate is so given in respect of a person who has so retired or died, the following provisions shall have effect, that is to say :— 50 55

(a) if the period of service of such person in the civil service of Saorstát Eireann has been determined for the purposes of the Superannuation Acts before the giving of such certificate, it shall be re-determined in consequence of such certificate, and 60

(b) sub-section (3) of this section shall apply and have effect in relation to the determination or re-determination of the said period of service for the purposes of the said Acts, and

5 (c) such gratuity under the Superannuation Acts as is appropriate to such person's service, as determined or re-determined for the purposes of the said Acts in consequence of such certificate, may be granted under the said Acts to or in respect of such person, and

10 (d) if any gratuity has been granted (whether before or after the passing of this Act) under the Superannuation Acts to or in respect of such person before the giving of such certificate, the said gratuity so granted may be adjusted or varied in such manner as may be appropriate to the
15 said re-determination of the service of such person in consequence of such certificate.

(3) Whenever the period of service in the civil service of Saorstát Eireann of a person in respect of whom a certificate has been given by the Minister under this section is being determined
20 or re-determined for the purposes of the Superannuation Acts, the following periods shall be reckoned as one continuous period of unestablished service in the civil service of Saorstát Eireann, that is to say:—

25 (a) the period (if any) of such person's employment in a civil service to which re-instatement under this Act applies, and

(b) so much as the Minister shall in the said certificate direct of the period from the date of the cesser of employment mentioned in the said certificate to the date of the
30 appointment (similarly mentioned) to an unestablished position in the civil service of Saorstát Eireann, and

(c) the period of such person's subsequent unestablished service in the civil service of Saorstát Eireann.

(4) It shall not be lawful by virtue of this section to reckon for
35 the purposes of the Superannuation Acts any service rendered by a person in any civil service before he attained the age of sixteen years.

10.—(1) If the Minister, within two years after the passing of this Act—

40 (a) certifies in writing under his hand that a particular person ceased to be employed in an established position in a civil service to which re-instatement under this Act applies and so ceased solely for political reasons and was subsequently appointed to an
45 unestablished position in the civil service of Saorstát Eireann, and that the said appointment of such person to a position in the said civil service was made to an unestablished position solely because, by reason of such person's ill-health, he could not lawfully be
50 appointed to an established position in the said civil service, and

(b) by such certificate directs that this section shall apply to the determination for the purposes of the Superannuation Acts of the period of service of such person
55 in the civil service of Saorstát Eireann,

then and in such case, whenever the period of service of such person in the civil service of Saorstát Eireann is being determined for the purposes of the said Acts, sub-section (3) of this section shall apply and have effect in relation to such determination.

Reckoning of
established
service in certain
cases of ill-health.

(2) Such certificate as is mentioned in the first sub-section of this section may be given in respect of a person notwithstanding that such person, before the giving of such certificate and either before or after the passing of this Act, has retired on the ground of age or ill-health from the civil service of Saorstát Éireann or has died while in that civil service and, where such certificate is so given in respect of a person who has so retired or died, the following provisions shall have effect, that is to say:—

(a) if the period of service of such person in the civil service of Saorstát Éireann has been determined for the purposes of the Superannuation Acts before the giving of such certificate, it shall be re-determined in consequence of such certificate, and

(b) sub-section (3) of this section shall apply and have effect in relation to the determination or re-determination of the said period of service for the purposes of the said Acts, and

(c) such superannuation allowance, gratuity, or other benefit under the Superannuation Acts as is appropriate to such person's service, as determined or re-determined for the purposes of the said Acts in consequence of such certificate, may be granted under the said Acts to or in respect of such person as from his said retirement or death (as the case may be).

(3) Whenever the period of service in the civil service of Saorstát Éireann of a person in respect of whom a certificate has been given by the Minister under this section is being determined or re-determined for the purposes of the Superannuation Acts, the following provisions shall have effect, that is to say:—

(a) the continuous service of such person in the civil service of Saorstát Éireann from and after the date of the appointment mentioned in the said certificate to an unestablished position in the said civil service, shall be reckoned for the purposes of the Superannuation Acts as established service in the said civil service, and

(b) the following periods shall be reckoned as one continuous period of established service of Saorstát Éireann, that is to say:—

(i) the period (if any) of such person's employment in an established position in a civil service to which re-instatement under this Act applies, and

(ii) so much as the Minister shall in the said certificate direct of the period from the date of the cesser of employment mentioned in the said certificate to the date of the said appointment (similarly mentioned) to an unestablished position in the civil service of Saorstát Éireann, and

(iii) the period of service which, by virtue of the foregoing paragraph (a), is reckonable for the purposes of the Superannuation Acts as established service in the civil service of Saorstát Éireann, and

(c) such person shall in other respects be treated for the purposes of the Superannuation Acts as a civil servant within the meaning of those Acts.

(4) It shall not be lawful by virtue of this section to reckon for the purposes of the Superannuation Acts any service rendered by a person in any civil service before he attained the age of sixteen years.

11.—If the Minister, within two years after the passing of this Act, certifies in writing under his hand that a particular person ceased to be employed in an established position in a civil service to which re-instatement under this Act applies and so ceased solely for political reasons and is, in the opinion of the Minister, unsuitable by reason of age for appointment to an established position in the civil service of Saorstát Éireann or is, owing to ill-health, debarred from obtaining any position, established or unestablished, in that civil service, then and in such case it shall be lawful to grant to such person, as on and from the date of the passing of this Act, a superannuation allowance under the Superannuation Acts computed—

Reckoning of established service in certain cases affected by an age limit.

- (a) on such salary as shall be stated in that behalf by the Minister in his said certificate, and
- (b) on a period of established service deemed to have begun on such date (not earlier than the date on which such person was first appointed to an established position in a civil service to which re-instatement under this Act applies) as shall be stated in that behalf by the Minister in his said certificate and to have ended on whichever of the following dates is the earlier, that is to say, the date on which such person attained the age of sixty-five years or the date of the passing of this Act.

12.—(1) If the Minister, within two years after the passing of this Act—

Date of commencement of established service in certain special cases.

- (a) certifies in writing under his hand that a particular person who has been appointed to an established position in the civil service of Saorstát Éireann after the 1st day of February, 1926, and before the passing of this Act had previously ceased to be employed in an unestablished position in a civil service to which re-instatement under this Act applies and so ceased solely for political reasons, and
- (b) by such certificate directs that this section shall apply to the determination for the purposes of the Superannuation Acts of the period of service of such person in the civil service of Saorstát Éireann,

then and in such case, whenever the period of service of such person in the civil service of Saorstát Éireann is being determined for the purposes of the said Acts, sub-sections (3) and (4) of this section shall apply and have effect in relation to such determination.

(2) Such certificate as is mentioned in the first sub-section of this section may be given in respect of a person notwithstanding that such person, before the giving of such certificate and either before or after the passing of this Act, has retired on the ground of age or ill-health from the civil service of Saorstát Éireann or has died while in that civil service and, where such certificate is so given in respect of a person who has so retired or died, the following provisions shall have effect, that is to say:—

- (a) if the period of service of such person in the civil service of Saorstát Éireann has been determined for the purposes of the Superannuation Acts before the giving of such certificate, it shall be re-determined in consequence of such certificate, and
- (b) sub-sections (3) and (4) of this section shall apply and have effect in relation to the determination or re-determination of the said period of service for the purposes of the said Acts, and

- (c) such superannuation allowance, gratuity, or other benefit under the Superannuation Acts as is appropriate to such person's service, as determined or re-determined for the purposes of the said Acts in consequence of such certificate, may be granted under the said Acts to or in respect of such person as from his said retirement or death (as the case may be), and 5
- (d) if any superannuation allowance, gratuity, or other benefit has been granted (whether before or after the passing of this Act) under the Superannuation Acts to or in respect of such person before the giving of such certificate, the said superannuation allowance, gratuity, or other benefit so granted may be adjusted or varied, as from the said retirement or death (as the case may be) of such person, in such manner as may be appropriate to the said re-determination of the service of such person in consequence of such certificate. 10 15

(3) Whenever the period of service in the civil service of Saorstát Eireann of a person in respect of whom a certificate has been given by the Minister under this section is being determined or re-determined for the purposes of the Superannuation Acts, the following provisions shall have effect, that is to say:— 20

- (a) such person shall be deemed for the purposes of the said Acts to have served in an established position in the civil service of Saorstát Eireann (whether he was or was not actually serving in that civil service in any capacity) as from such date prior to his said appointment to an established position in the said civil service (but not earlier than the 1st day of February, 1926) as the Minister shall state in that behalf in his said certificate, and 25 30

- (b) the following periods shall be reckoned as one continuous period of established service in the said civil service, that is to say:— 35

- (i) the period beginning on the said date so stated in the said certificate and ending on the date of such person's said appointment to an established position in the said civil service, and 40

- (ii) the period of such person's continuous established service in the said civil service subsequent to the said date of his said appointment to an established position. 45

(4) Where, in the case of a person in respect of whom a certificate has been given by the Minister under this section, it is shown to the satisfaction of the Minister that the amount of the established service of such person for the purposes of the Superannuation Acts when determined in accordance with the foregoing provisions of this section is less than the amount of his established service for the purposes of the said Acts would be if it were determined on the basis of such person— 50

- (a) having rendered continuous service from the date of his first admission to a civil service to which re-instatement under this Act applies to the date of his appointment to an established position in the civil service of Saorstát Eireann, and 55

- (b) his having received during such service the benefits in the nature of establishment for which he would have been eligible under the normal practice which, if his service had in fact been continuous, would have applied to him, 60

the Minister may direct that the service of such person shall be determined for the purposes of the Superannuation Acts on the basis aforesaid (subject to the restriction that no service rendered by such person before he attained the age of sixteen years shall be reckoned in such determination) and upon such direction being given there shall be granted to or in respect of such person such superannuation allowance, gratuity, or other benefit under the said Acts as may be applicable upon such determination of the amount of his established service.

10 13.—(1) Any person who has or shall have obtained appointment to an established position in the civil service of Saorstát Eireann by means of a competitive examination held within four years before or within twelve months after the passing of this Act and confined to certain persons who have been re-instated or have
15 been offered re-instatement in unestablished or temporary posts shall, whenever the period of his service in the civil service of Saorstát Eireann is being determined for the purposes of the Superannuation Acts, be deemed to have served in an established position in the said civil service (whether he was or was not
20 serving in the said civil service in any capacity) as on and from such date prior to his said appointment to an established position, but not earlier than the 1st day of February, 1926, as the Minister shall direct, and the following periods shall be reckoned as one continuous period of established service in the civil service of
25 Saorstát Eireann for the purposes of the said Acts, that is to say:—

Date of commencement of established service in the case of certain examination entrants.

- 30 (a) the period beginning on the said date so directed by the Minister and ending on the date of his said appointment to an established position in the said civil service, and
- (b) the period of his continuous established service in the said civil service subsequent to the date of his said appointment to an established position.

35 (2) Where a person to whom the foregoing sub-section of this section would have applied if he had been in the civil service of Saorstát Eireann at the passing of this Act has, before such passing, retired on the ground of age or ill-health from or died while in that civil service, the following provisions shall have effect, that is to say:—

- 40 (a) the said sub-section shall be deemed to have applied to such person immediately before his said retirement or death (as the case may be), and
- 45 (b) such direction as is mentioned in the said sub-section may be given by the Minister after the passing of this Act and if so given shall have effect as on and from the retirement or death (as the case may be) of such person, and
- 50 (c) if the period of such person's service in the civil service of Saorstát Eireann has been determined for the purposes of the Superannuation Acts before the passing of this Act it shall be re-determined having regard to this section, and any superannuation allowance, gratuity, or benefit under the said Acts granted to such person before the passing of this Act shall be
55 adjusted or varied accordingly as from his said retirement or death.

14.—(1) The service in any British civil service of a person who is not a transferred officer within the meaning of the Civil Service (Transferred Officers) Compensation Act, 1929 (No. 36 of 1929), but was, before the passing of this Act, transferred
60 directly from a position in a British civil service to a position in the civil service of the Provisional Government or the civil service

Reckoning of service of persons transferred from a British civil service.

of Saorstát Eireann may, for the purposes of the Superannuation Acts, be deemed to be service in the civil service of Saorstát Eireann, and any superannuation allowance, gratuity, or other benefit granted to or in respect of him under the said Acts may be computed accordingly. 5

(2) A person who, having been transferred directly from an established position in a British civil service to a position in the civil service of Saorstát Eireann, retired from the latter civil service before the passing of this Act may for the purposes of the Superannuation Acts be deemed to have served in an established position 10 in the civil service of Saorstát Eireann within the meaning and for the purposes of the next preceding sub-section of this section, notwithstanding that his appointment to such position was never completed by the issue of a certificate in respect thereof by the Civil Service Commissioners. 15

(3) The two next preceding sub-sections of this section shall have and be deemed always to have had effect as from the establishment of Saorstát Eireann and shall accordingly operate to validate, subject to such (if any) adjustment or variation as may be appropriate in the circumstances, every grant of a superannuation allowance, gratuity, or other benefit granted or purported to be granted under the Superannuation Acts after such establishment and before the passing of this Act which would have been lawful if the said two next preceding sub-sections had been in force when such grant was made. 25

Reckoning of
service in certain
special cases.

15.—(1) Where a person rendering service which is established service or is deemed by virtue of this Act to be established service is, without interruption of time in the continuity of his employment, employed either exclusively or in addition to other duties in a civil position (other than as a member of the *Gárda Síochána*, 30 or as a teacher, or in any capacity in a preparatory college) in the public service of Saorstát Eireann service in which, but for this section, would not be established service, then and in such case, whenever the service of such person in the civil service of Saorstát Eireann is being determined for the purposes of the 35 Superannuation Acts, the service of such person in such civil position shall, if the Minister is satisfied that such person during the whole of such employment in such civil position rendered full-time service which was wholly remunerated directly out of moneys provided by the *Oireachtas*, be deemed for the purposes 40 of the Superannuation Acts to be and always to have been established service in the civil service of Saorstát Eireann.

(2) A person who formerly rendered service which is deemed by virtue of this Act to be established service in the civil service of Saorstát Eireann and subsequently rendered full-time service 45 in other positions in the public service of Saorstát Eireann and is, at the passing of this Act, serving in an established position in the said civil service in respect of which he received a certificate from the Civil Service Commissioners may, on the Minister being satisfied that there was no interruption of time in the continuity of his employment from the date on which he first commenced to render service deemed as aforesaid to be established service to the date of the passing of this Act and that during all such employment he was wholly remunerated directly out of moneys provided by the *Oireachtas*, be allowed to reckon for the 55 purposes of the Superannuation Acts the whole period from the said date on which he first commenced to render service deemed as aforesaid to be established service to the date of his appointment to an established position in the civil service of Saorstát Eireann as one continuous period of established service continuous 60 with his established service in such established position.

(3) In the case of a person who, while serving as an officer of the *Gárda Síochána*, was transferred to the civil service of Saorstát Eireann and at the passing of this Act holds an established position in that civil service, the Minister, if he so thinks 65 proper, may, whenever the period of service of such person in the said civil service is being determined for the purposes of the

Superannuation Acts, direct that so much as the Minister shall think proper and shall specify of the service of such person as an officer of the *Gárda Síochána* may be deemed to be established service in the civil service of *Saorstát Éireann*, and if the Minister
 5 gives such direction such person may be allowed to reckon for the purposes of the Superannuation Acts so much as is specified in such direction of his service as an officer of the *Gárda Síochána* as established service in the civil service of *Saorstát Éireann* and to reckon such established service and his continuous established
 10 service subsequent to his said transfer to the said civil service as one continuous period of established service in the said civil service for the purposes of the said Acts.

16.—(1) Every person who, at any time after the establishment of the Intermediate Education Commissioners, entered the employ-
 15 ment of those Commissioners, and was an inspector under the said Commissioners immediately before their dissolution, and became on such dissolution an inspector in the Department of Education may be allowed to reckon, for the purposes of the Superannuation Acts, his continuous service as such inspector under the said Commis-
 20 sioners as service in the civil service of *Saorstát Éireann*, and to reckon, for the purposes of the said Acts, the period of his said continuous service and the period of his continuous service as such inspector in the Department of Education subsequent to such dissolution as one period of continuous service in the civil service
 25 of *Saorstát Éireann*.

Reckoning of service under the Intermediate Education Commissioners in certain cases.

(2) The pension scheme made on the 10th day of September, 1914, by the Board of Intermediate Education for Ireland under section 2 of the Intermediate Education (Ireland) Act, 1913, shall not
 30 apply to any person to whom the foregoing sub-section of this section applies.

17.—Whenever the Minister is satisfied—

- (a) that a particular person ceased to be employed in an established position in a civil service to which re-instatement under this Act applies, and so ceased solely for political
 35 reason, and
- (b) that such person was subsequently appointed to an established position in the civil service of *Saorstát Éireann* and was thereafter removed from that civil service in such circumstances that section 7 of the Superannuation
 40 Act, 1859, applied to such removal, and
- (c) that the annual allowance which was granted under the said section 7 to such person on his said removal was less than would have been so granted to him if he had been
 45 entitled to reckon as continuous established service in the civil service of *Saorstát Éireann* the whole of the period from the date on which he was first appointed to an established position in a civil service to which re-instatement under this Act applies to the date of his said removal from the civil service of *Saorstát Éireann*,
 50 the Minister may increase, as from the date of the said removal of such person from the said civil service, the annual allowance granted as aforesaid to such person under the said section 7 to such amount as the Minister shall think proper having regard to all the circumstances of the case, but not exceeding the annual allowance
 55 which might have been granted to such person under the Superannuation Acts, if, on the date on which he was so removed, he had been allowed to reckon for the purposes of the said Acts the whole of the said period as continuous established service in the civil service of *Saorstát Éireann*, and such annual allowance had been
 60 computed by reference to the maximum salary attaching to the grade in which he was serving at the said date together with any pensionable allowance which at the said date attached to the post then held by him.

Increase of allowance under section 7 of the Superannuation Act, 1859.

Compensation to persons specified in the Schedule to this Act.

18.—Each of the persons specified in the Schedule to this Act, having been formerly employed in a civil service to which re-instatement under this Act applies and having ceased solely for political reasons to be so employed and being precluded by marriage from appointment to an established position in the civil service of 5 Saorstát Eireann, may be paid by the Minister, as soon as conveniently may be after the passing of this Act, the sum of three hundred pounds out of moneys provided by the Oireachtas.

Reckoning of service under the late Congested Districts Board in certain cases.

19.—(1) It shall be lawful for the Minister, if he shall so think 10 proper, to permit any person in the civil service of Saorstát Eireann who, before the establishment of Saorstát Eireann, obtained appointment to an established position as an assistant clerk (abstractor) in the civil service of the late United Kingdom of Great Britain and Ireland by means of a competitive examination and is allowed, by virtue of this Act or otherwise, to reckon his 15 service or any part of his service in the civil service of the said late United Kingdom as service in the civil service of Saorstát Eireann for the purposes of the Superannuation Acts, to include and reckon for the purposes of the said Acts any period of service in the employment of the Congested Districts Board subsequent 20 to the expiration of three months from the date of such competitive examination as service in whichever of the said civil services is appropriate having regard to the date of such service in the employment of the said Board.

(2) This section shall have and be deemed always to have had 25 effect as from the establishment of Saorstát Eireann and where such permission as is authorised by this section was given by the Minister before the passing of this Act and was acted on, this section shall operate to validate every grant of a superannuation allowance, gratuity, or other benefit granted or purported to be 30 granted under the Superannuation Acts by virtue of such permission before the passing of this Act which would have been lawful if this section had been in force when such grant was made and to validate payment made before the passing of this Act on account of any such superannuation allowance, gratuity, or other benefit 35 which would have been a lawful payment if the validation by this section of such superannuation allowance, gratuity, or other benefit had been effective when such payment was made.

Superannuation position of Quit Rent Office staff.

20.—(1) Every person serving in the civil service of Saorstát Eireann during the period or any part of the period which began 40 on the 1st day of April, 1923, and ended on the 31st day of March, 1926, whose service during that period or any part thereof was rendered in the Quit Rent Office but whose salary in respect of that period, or the portion thereof during which he was so rendering service in the said office, was not in fact charged 45 against or paid out of moneys provided by the Oireachtas, shall nevertheless be deemed for the purposes of the Superannuation Acts to have been paid out of moneys provided by the Oireachtas within the meaning of section 17 of the Superannuation Act, 1859, during the said period or the said portion thereof, as the 50 case may be.

(2) This section shall have and be deemed always to have had effect as on and from the 1st day of April, 1923, and shall accordingly operate to validate any superannuation allowance, gratuity, or other benefit granted under the Superannuation Acts 55 before the passing of this Act to or in respect of any person who retired from or died while in the civil service of Saorstát Eireann before such passing which would have been valid if this section had been in force when such superannuation allowance, gratuity, or other benefit was so granted and also to validate any payment 60 made before such passing on account of any such superannuation allowance, gratuity, or other benefit.

21.—(1) The Minister may make regulations prescribing the conditions under which persons for the time being in the civil service of Saorstát Eireann who have served (whether before or after or partly before and partly after the passing of this Act) in that civil service as inspector or as organiser in the Department of Education may be allowed to reckon teaching service performed before appointment as such inspector or organiser as established service for the purposes of the Superannuation Acts in the said civil service, and also prescribing the nature of the teaching service and the amount thereof which may be so reckoned and the extent to which and the manner in which such teaching service may be so reckoned.

Reckoning of teaching service as established service in certain cases.

(2) If and when regulations are made by the Minister under the foregoing sub-section of this section, every person to whom such regulations apply may be allowed, under the conditions, to the extent, and in the manner prescribed by such regulations, to reckon such teaching service and such amount thereof as shall be so prescribed as established service in the civil service of Saorstát Eireann for the purposes of the Superannuation Acts.

(3) The conditions prescribed by regulations made under this section shall include a condition that, in the case of persons who are transferred officers within the meaning of the Civil Service (Transferred Officers) Compensation Act, 1929 (No. 36 of 1929), no benefit accruing under or by virtue of this section shall be taken into account in determining any question of compensation under that Act.

22.—(1) Service (whether before or after or partly before and partly after the passing of this Act) by a person in a full-time civil position (other than as a member of the *Gárda Síochána*) in the public service of the Provisional Government or the public service of Saorstát Eireann to which he was (whether before or after the passing of this Act), or is deemed for the purposes of this section to have been, appointed by the Executive Council shall be deemed, for the purposes of the Superannuation Acts, to be and, in the case of any such service rendered before the passing of this Act, always to have been established service in the civil service of Saorstát Eireann.

Superannuation position of persons appointed to situations by the Executive Council.

(2) Every person who was appointed after the 6th day of December, 1921, to a full-time civil position (other than as a member of the *Gárda Síochána*) in the public service, appointment to which is at the passing of this Act or was at any time after the appointment of such person lawfully vested in the Executive Council, shall be deemed for the purposes of this section to have been appointed to such position by the Executive Council.

23.—(1) In the determination, for the purposes of the Superannuation Acts, of the service of a person who retired from or died while in the civil service of Saorstát Eireann on or after the 15th day of October, 1932, and before the passing of this Act or shall retire from or die while in that civil service at any time after such passing and, in either case, was employed in an established or an unestablished position in the Post Office of the Provisional Government immediately before and immediately after the period which began on the 11th day of September, 1922, and ended on the 30th day of September, 1922, and either did not render service during or receive remuneration in respect of any part of that period or rendered service during and received remuneration in respect of part only of the said period, the said period or the other part thereof (as the case may be) may, if the Minister so directs, be reckoned in the said service of such person and, if so reckoned, shall be reckoned as service continuous with the previous and the subsequent service of such person.

Reckoning of a period of absence from duty in the case of certain persons employed in the Post Office.

(2) In the case of a person to whom the foregoing sub-section of this section applies, who, before the passing of this Act, retired on the ground of age or ill-health from or died while in the civil service of Saorstát Eireann, such direction as is mentioned in the said sub-section may be given by the Minister after the passing of this Act, and if such direction is so given, such adjustment or variation shall be made of the superannuation allowance, gratuity, or other benefit awarded to or in respect of such person under the Superannuation Acts on his retirement or death (as the case may be) as shall be necessary to give effect to the said sub-section in relation to such person as from his retirement or death, as the case may be.

Application of the Superannuation Acts to certain services.

24.—(1) Full-time service as an officer of, or as a member of the staff of, the Oireachtas, or as a member of the staff of the Comptroller and Auditor-General, the Revenue Commissioners, the National Library of Ireland, or the National Gallery of Ireland shall, if such service is wholly remunerated directly out of moneys provided by the Oireachtas, be deemed, for the purposes of the Superannuation Acts, to be service in the civil service of Saorstát Eireann.

(2) The Minister may, if in his opinion the circumstances of the case so warrant, refuse to allow service in a post in which the holder is, by the terms of his appointment, only bound to render part-time service to be regarded for the purposes of this section as full-time service, notwithstanding that full-time service is in fact rendered.

(3) Moneys issued in accordance with section 10 of the Exchequer and Audit Departments Act, 1866, may be regarded for the purposes of this section as being paid directly out of moneys provided by the Oireachtas.

(4) This section shall have and be deemed to have had effect as from the establishment of Saorstát Eireann.

Reckoning of service with The Agricultural Credit Corporation, Limited, in certain cases.

25.—A person who, while rendering established service in the civil service of Saorstát Eireann, was transferred without interruption of time to the post of director and secretary of The Agricultural Credit Corporation, Limited, may be allowed to reckon for the purposes of the Superannuation Acts his continuous service in the said post of director and secretary as established service in the civil service of Saorstát Eireann continuous with his established service in the said civil service previous to his said transfer.

Certificates under the Superannuation and Pensions Act, 1923.

26.—(1) Whenever the Minister is of opinion that a certificate given or purported to be given under section 1 or section 2 of the Superannuation and Pensions Act, 1923 (No. 34 of 1923), in respect of any person was defective by reason of a misstatement of fact or other error of detail in such certificate or that a certificate under either of the said sections was omitted to be given in respect of any particular person solely through inadvertence and without any negligence or default on the part of such person, the Minister may, at any time within six months after the passing of this Act, give in respect of such person such certificate as is authorised by whichever of the said sections is applicable, and if the Minister states in such certificate that he is of opinion as aforesaid such certificate shall have effect under the appropriate section of the said Superannuation and Pensions Act, 1923, as if it had been given within six months after the passing of that Act.

(2) A certificate may be given under this Act in respect of a person in respect of whom a certificate was given under the Superannuation and Pensions Act, 1923 (No. 34 of 1923), where the cesser of employment which is the subject of the certificate under this Act occurred after the giving of the certificate under the said Superannuation and Pensions Act, 1923.

(3) Save as is authorised by this section, no certificate shall be given by the Minister under this Act in respect of any person in respect of whom a certificate was given under the Superannuation and Pensions Act, 1923 (No. 34 of 1923).

5 **27.**—Whenever the salary or emoluments of a person in an established position in the civil service of Saorstát Eireann in respect of whom a certificate or a direction has been given by the Minister under this Act would (but for this section) be required by section 12 or section 28 of the Superannuation Act, 1834, or by the joint
10 operation of both those sections to be computed by reference to the average salary or emoluments or salary and emoluments of such person over the period prescribed in that behalf by such section or sections and such period would include any time during which such person was not actually serving in an established position in the
15 civil service of Saorstát Eireann, the following provisions shall have effect, that is to say:—

Reckoning of average salary or emoluments in certain cases.

(a) if at the end of the period over which such average would so be required to be calculated, such person is serving in the established position in the civil service of Saorstát Eireann to which he was first appointed within the said
20 period, neither the said section 12 nor the said section 28 nor those sections jointly (as the case may be) shall apply and the salary or emoluments of such person shall not be averaged thereunder for the purposes of the
25 Superannuation Acts;

(b) if at the end of the said period, such person is serving in an established position other than the established position to which he was first appointed as aforesaid, the
30 said average shall be calculated over the period during which such person was actually serving in an established position in the civil service of Saorstát Eireann, in lieu of the period prescribed by the said section 12 or the said section 28 or the said sections jointly (as the case may be).

35 **28.**—(1) Whenever the Minister gives under this Act a certificate by virtue of which the person to whom such certificate relates can be allowed to reckon a period of established service in the civil service of Dáil Eireann as established service in the civil service of Saorstát Eireann for the purposes of the Superannuation Acts,
40 the Minister may by such certificate direct that whenever the period of established service of such person comes to be computed for the purposes of the said Acts, there shall be added to the period of established service which such person is otherwise entitled or allowed to reckon for those purposes such period (not exceeding in
45 any case five years) as the said Minister shall think proper having regard to the age, length of service, and other relevant circumstances of such person and shall specify in that behalf in such certificate.

Power to grant added years in certain cases.

(2) Whenever any such certificate as is mentioned in the foregoing sub-section of this section contains such direction as is
50 authorised by that sub-section, such direction shall have the effect of law and be complied with accordingly, but subject to the limitation that no person shall by virtue of such direction be entitled to any greater allowance or gratuity under the Superannuation
55 Acts than the maximum allowance or gratuity permitted by those Acts.

29.—Where a period is, by virtue of any provision of this Act, reckoned as service or as established service for the purposes of the Superannuation Acts, such period shall be so reckoned once
60 only for the purposes of the said Acts and no part thereof shall be reckoned twice for those purposes.

Prohibition of double reckoning of any period.

Contribution by the Post Office Savings Bank to superannuation liability.

30.—(1) In every financial year there shall be paid into the Exchequer from the funds of the Post Office Savings Bank, at such times and in such manner as the Minister shall direct, such sum as represents, in the opinion of the Minister, the liability accruing in respect of superannuation allowances, gratuities, or other benefits which will become payable under the Superannuation Acts to or in respect of persons in the civil service of Saorstát Éireann employed wholly or partly on work in or in connection with the Post Office Savings Bank.

(2) This section shall have and be deemed always to have had effect as from the establishment of Saorstát Éireann and shall accordingly operate to validate any payment made before the passing of this Act from the funds of the Post Office Savings Bank to the Exchequer which would have been valid if this section had been in force when such payment was made.

(3) Any payment into the Exchequer which could lawfully have been made under this section in any financial year which ended before the passing of this Act if this section had been in force in that financial year may be made after the passing of this Act.

Superannuation charges on the funds of the late Congested Districts Board.

31.—All charges in respect of superannuation which, but for the dissolution of the Congested Districts Board, would have fallen on the funds of that Board by reason of such funds having been declared, by order made under section 7 of the Superannuation and Pensions Act, 1923 (No. 34 of 1923), to be a public fund for the purposes of the Superannuation Act, 1892, shall be chargeable on and payable out of moneys provided by the Oireachtas.

Determination of disputed matters by the Minister.

32.—Every doubt, question, or dispute arising under this Act shall be decided by the Minister, whose decision thereon shall be final and conclusive.

Expenses.

33.—All expenses incurred in carrying this Act into execution shall be paid out of moneys provided by the Oireachtas.

Short title and citation.

34.—(1) This Act may be cited as the Superannuation Act, 1936.
(2) The Superannuation Acts, 1834 to 1923, and this Act may be cited together as the Superannuation Acts, 1834 to 1936.

SCHEDULE.

PERSONS TO RECEIVE COMPENSATION.

Name	Address	Name of Husband
Nora Bulfin (<i>née</i> Brick).	Derrinlough House, Birr, Offaly.	Eamonn Bulfin.
Margaret Mary (Madge) Comer (<i>née</i> Clifford).	Fairy Hill, Rathdowney, Leix.	John Joseph Comer.
Frances Cooney (<i>née</i> Brady) (Proinnsias Ní Bhrádháigh).	147 Strand Road, Merrion, Dublin.	Andrew Francis Cooney.
Bridget Houlihan (<i>née</i> Hegarty) (Brighid Ní Eigearthaigh).	55 Botanic Ave., Glasnevin, Dublin.	Gearóid Ua h-Uallacháin.
Anna Christina Kelly (<i>née</i> Fitzsimons).	"Bun Avon," Boghall Road, Bray, Co. Wicklow.	Francis Matthew Kelly.
Eilís Ní Conaill (<i>née</i> Ryan) (Eilís Ní Riain).	23 Vernon Grove, Clontarf, Dublin.	Seán Ó Conaill.
Katherine Barry Moloney (<i>née</i> Barry).	"Hinchoge," Carrickmines, Co. Dublin.	James Moloney.
Kathleen O'Doherty, (<i>née</i> Devaney).	6 Sun Drive Road, Kimmage, Rathmines, Dublin.	Liam O'Doherty.

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Saorstát Éireann.

BILLE AOIS-LIUNTAS, 1936.

BILLE

(mar do tugadh isteach)

dá ngairmtear

Acht chun socrúithe speisialta do dhéanamh maidir le feidhm na nAchtanna Aois-liúntas, 1834 go 1923, i gcásanna iomdha d'éirigh le linn na nAchtanna san do riaradh o bunúfodh Saorstát Éireann, agus chun deireadh do chur le haimhrialtachtaí áirithe tháinig chun soluis le linn an riartha san, agus chun na nAchtanna san do leasú agus do leathnú chun na gerícheanna san agus chun crícheanna eile.

An tAire Airgid do thug isteach.

Do hordúidh, ag Dáil Éireann, do chlóbhualaadh, 31adh Márta, 1936.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

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

Cló bhualte ag CAHILL & Co., LTD.,

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Wt. 4—163. 550. 7/36. C.&Co. (2255.)

Saorstát Éireann.

SUPERANNUATION BILL, 1936.

BILL

(as introduced)

entitled

An Act to make special provision in respect of the application of the Superannuation Acts, 1834 to 1923, in divers cases which have arisen in the course of the administration of those Acts since the establishment of Saorstát Éireann, and to remove certain anomalies which have come to light in the course of such administration, and for those and other purposes to amend and extend the said Acts.

Introduced by the Minister for Finance.

*Ordered, by Dáil Éireann, to be printed,
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