

SAORSTÁT EIREANN.

BILLE ARM-PHINSEAN, 1936. ARMY PENSIONS BILL, 1936.

*Mar do ritheadh ag Dáil Eireann.
As passed by Dáil Eireann.*

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SAORSTÁT EIREANN.

BILLE ARM-PHINSEAN, 1936.

ARMY PENSIONS BILL, 1936.

BILL

entitled

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AN ACT TO AMEND AND EXTEND THE ARMY PENSIONS ACTS, 1923 TO 1932.

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

PART I.

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PRELIMINARY AND GENERAL.

Short title and citation.

1.—(1) This Act may be cited as the Army Pensions Act, 1937.

(2) The Army Pensions Acts, 1923 to 1932, and this Act may be cited together as the Army Pensions Acts, 1923 to 1937.

Definitions.

2.—(1) In this Act—

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the expression “ the Act of 1923 ” means the Army Pensions Act, 1923 (No. 26 of 1923), and, where the context so permits, shall be construed as meaning that Act as amended by the Act of 1927 and by Part III of the Act of 1932;

the expression “ the Act of 1927 ” means the Army Pensions Act, 1927 (No. 12 of 1927), and, where the context so permits, shall be construed as meaning that Act as amended by Part III of the Act of 1932;

the expression “ the Acts of 1923 and 1927 ” means the Act of 1923 and the Act of 1927;

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the expression “ the Act of 1932 ” means the Army Pensions Act, 1932 (No. 24 of 1932);

the expression “ the Acts ” means the Army Pensions Acts, 1923 to 1932.

(2) Every word and expression used in this Act to which a particular meaning is given by the Acts for the purposes of the Acts has in this Act the meaning so given.

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PART II.

ALLOWANCES TO RELATIVES OF SIGNATORIES TO THE PROCLAMATION PUBLISHED ON EASTER MONDAY, 1916.

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Allowances to relatives of signatories to the Proclamation published on Easter Monday, 1916.

3.—(1) There shall be paid out of moneys provided by the Oireachtas—

(a) to the widow (if any) of a Signatory, an annual allowance of five hundred pounds during her life, and

(b) to each son and daughter (if any) of a Signatory, an annual allowance of two hundred pounds payable until he or she shall either attain the age of twenty-five years or die under that age, and

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(c) to each sister of a Signatory, an annual allowance of one hundred pounds during her life.

(2) Each allowance under this section shall commence on the date of the passing of this Act and shall be payable monthly in arrear during the period for which it is payable.

(3) Where a person entitled to an allowance under this section is immediately before the date of the passing of this Act in receipt of an allowance under the Acts, such last mentioned allowance shall cease to be payable as on and from the date of the passing of this Act.

(4) In this section the word "Signatory" means a person who signed the Proclamation published on Easter Monday, 1916.

PART III.

AMENDMENT OF THE ARMY PENSIONS ACTS, 1923 AND 1927, AND PART III OF THE ARMY PENSIONS ACT, 1932.

4.—Where an allowance is payable under section 7 of the Act of 1923 to any of the dependants (being dependants mentioned in paragraph 5 of the Second Schedule to the Act of 1923) of any person who was executed in the Rising of 1916, the said paragraph shall, in relation to such dependant be construed and have effect, as on and from the date of the passing of this Act, as if there were substituted for the words and figures "£1 per week" the words and figures "£90 per annum."

Amendment of section 7 of the Act of 1923.

5.—(1) Section 7 of the Act of 1927 is hereby amended in the following respects and the Act of 1927, and the Act of 1927 as amended by this Part of this Act, shall be construed and have effect accordingly, that is to say:—

Amendment of sections 7 and 12 of the Act of 1927.

(a) by the deletion in sub-section (1) of the said section of the words "(save as is hereinafter otherwise provided)", and

(b) by the deletion of sub-section (3) of the said section.

(2) Section 12 of the Act of 1927 is hereby amended in the following respects and the Act of 1927 shall be construed and have effect accordingly, that is to say:—

(a) by the deletion in sub-sections (1) and (4) of the said section of the words "or on behalf of the Minister (as the case may be)", and

(b) by the deletion in sub-section (6) of all words after the word "shall" and the substitution for the words so deleted of the words "be the degree assessed in that behalf by the Army Pensions Board."

6.—(1) Sub-section (1) of section 9 of the Act of 1927 is hereby amended by the substitution of the words and figures "or becomes, by reason of matters definitely attributable to such service, after such date but before the 1st day of July, 1938" for the words "or becomes after such date but within four years after his discharge" now contained therein, and the Act of 1927 shall be construed and have effect accordingly.

Amendment of section 9 of the Act of 1927.

(2) Where, by virtue of the amendment of sub-section (1) of section 9 of the Act of 1927 effected by this section, a disability pension is after the date of the passing of this Act granted under the said sub-section (1) to any person, such pension shall, notwithstanding anything contained in sub-section (3) of the said section 9, commence as on and from such date as the Minister may, having regard to all the circumstances of the case, determine, but such date shall not be earlier than the date of his examination by the Army Pensions Board at which his disablement was assessed at a degree not less than the minimum degree of disablement.

7.—(1) Sub-section (1) of section 10 of the Act of 1927 is hereby amended by the substitution of the words and figures "or becomes, by reason of matters definitely attributable to such service, after such date but before the 1st day of July, 1938," for the words "or becomes after such date but within four years

Amendment of section 10 of the Act of 1927.

after his discharge " now contained therein, and the Act of 1927 shall be construed and have effect accordingly.

(2) Where, by virtue of the amendment of sub-section (1) of section 10 of the Act of 1927 effected by this section, a disability pension is after the date of the passing of this Act granted under 5 the said sub-section (1) to any person, such pension shall, notwithstanding anything contained in sub-section (3) of the said section 10, commence as on and from such date as the Minister may having regard to all the circumstances of the case determine, but such date shall not be earlier than the date of his 10 examination by the Army Pensions Board at which his disablement was assessed at a degree not less than the minimum degree of disablement.

Amendment of section 13 of the Act of 1927.

8.—(1) Sub-section (1) of section 13 of the Act of 1927 is hereby amended by the insertion, before the words " not less 15 than " now contained therein, of the words and figures " or becomes, by reason of matters definitely attributable to such military service or to such military service and such service in the forces, after such date but before the 1st day of July, 1938," and the Act of 1927 shall be construed and have effect 20 accordingly.

(2) Where, by virtue of the amendment of sub-section (1) of section 13 of the Act of 1927 effected by this section, a disability pension is granted under the said sub-section (1) to any person, such pension shall, notwithstanding anything contained in 25 sub-section (3) of the said section 13, commence as on and from such date as the Minister may having regard to all the circumstances of the case determine, but such date shall not be earlier than the date of his examination by the Army Pensions Board at which his disablement was assessed at a degree not less than 30 the minimum degree of disablement.

Amendment of section 14 of the Act of 1927.

9.—Notwithstanding anything contained in paragraph (i) of sub-section (1) of section 14 of the Act of 1927, the Minister shall not on or on account of the death of any person to whom, by virtue of paragraph (e) of the said sub-section, the said sub-section applies 35 grant to the widow or any child of such person any gratuity unless his marriage to such widow took place before the 1st day of June, 1937.

Finality of awards in respect of wounds under the Acts of 1923 and 1927.

10.—(1) Where before the passing of this Act an award of a gratuity under the Acts of 1923 and 1927, in respect of a wound, 40 was made or an award of a pension or gratuity under the said Acts, in respect of a wound, was refused, such award or the refusal of such award (as the case may be) shall, save as is otherwise provided by this section, be final and incapable of reconsideration or review.

(2) Any person to whom an award of a gratuity under the Acts 45 of 1923 and 1927 in respect of a wound was made before the passing of this Act or any person to whom an award of a pension or gratuity under the said Acts in respect of a wound was refused before the passing of this Act solely on the ground that such person was not suffering from any disablement may apply within twelve months 50 after the date of the passing of this Act to the Minister to have the amount of such award or the refusal of such award (as the case may be) reconsidered and thereupon the Minister, if he thinks proper so to do, may refer the matter to the Army Pensions Board for reconsideration and may, on the report of the Army Pensions Board, 55 grant such pension or gratuity (if any) as could have been granted if such report had been made when the case was first investigated under the Acts of 1923 and 1927, subject to the limitation that any pension so granted shall commence on such date (not being earlier than the date of the passing of this Act or the date on which the disability is found by the Army Pensions Board to have reached 60 twenty per cent. whichever is the later) as the Minister may determine.

(3) Section 23 of the Act of 1932 is hereby repealed.

11.—(1) Paragraph (a) of section 26 (which amends section 18 of the Act of 1927) of the Act of 1932 is hereby repealed and in lieu thereof it is hereby enacted that every application by a person discharged from the forces (whether before or after the passing of this Act) for the grant of a wound pension or gratuity under the Acts of 1923 and 1927, on account of a wound attributable to service shall be made within twelve months after his discharge from the forces or twelve months after the date of the passing of this Act, whichever is the later.

Amendment of section 26 of the Act of 1932.

(2) Where an application was made (whether before or after the passing of this Act) by any person for the grant of a pension or gratuity under the Acts of 1923 and 1927 on account of a wound received by him and attributable to service, and such application was (whether before or after the passing of this Act) refused, such person shall not be entitled, by virtue of sub-section (1) of this section, to make a further application for such pension or gratuity.

12.—(1) The following provision shall apply in respect of any pension granted, on or after the date of the passing of this Act, under the Acts of 1923 and 1927 to a person on account of a wound attributable to service in the forces, that is to say:—

Commencement of certain pensions under the Acts of 1923 and 1927.

(a) in case the application for such pension was made before the date of the passing of this Act and within the time appointed by paragraph (a) of section 26 of the Act of 1932, such pension shall, save as otherwise expressly provided by this Part of this Act, commence from such date (not being earlier than the 1st day of April, 1932, or the date on which the disability is found by the Army Pensions Board to have reached twenty per cent., whichever is the later) as the Minister may determine;

(b) in any other case, such pension shall commence from such date (not being earlier than the date of the passing of this Act, or the date of the discharge from the forces or the date on which the disability is found by the Army Pensions Board to have reached twenty per cent. whichever is the latest) as the Minister may determine.

(2) Every pension granted, on or after the date of the passing of this Act, under the Act of 1927 to a person on account of disease attributable to service in the forces shall, save as otherwise expressly provided by this Part of this Act, commence on such date (not being earlier than the 1st day of April, 1932, or the date on which the disability is found by the Army Pensions Board to have reached the minimum degree of disablement, whichever is the later) as the Minister may determine.

13.—Where a final grant of a pension to any person has been made under the Act of 1923, or the Act of 1927, or the Act of 1927 as amended by this Part of this Act, and the Minister, in exercise of the powers conferred on him by sub-section (1) of section 24 (including the said section as applied by the next following section of this Act) of the Act of 1932, increases, reduces or suspends such pension, the Minister may, on the recommendation of the Army Pensions Board, direct that such final grant be revoked, and in that case the following provisions shall have effect, that is to say:—

Revocation of final grants of pensions under the Acts of 1923 and 1927.

(a) such final grant shall be revoked;

(b) notwithstanding anything contained in the said sub-section (1), such person shall, in the event of a final grant of such pension being subsequently made, not be entitled to make any representation to the Minister under the said sub-section (1) after the expiration of ten years from the date on which the final grant so revoked was made.

14.—The expression “ the Acts of 1923 and 1927 ” wherever it occurs in section 24 of the Act of 1932 shall be construed as including the Act of 1927 as amended by this Part of this Act.

Application of section 24 of the Act of 1932.

PART IV.

AMENDMENT OF PART II OF THE ARMY PENSIONS ACT, 1932.

Amendment of section 8 of the Act of 1932.

15.—(1) Sub-section (1) of section 8 of the Act of 1932 is hereby amended by the insertion therein of the following paragraph in lieu of paragraph (d) now contained therein, and the said sub-section shall be construed and have effect accordingly, that is to say:—

“(d) whether there is any evidence that such person contracted any disease during his military service, and, if so, the particulars of such evidence, and, if such person is dead, the date of his death, and”

(2) Section 8 of the Act of 1932 is hereby amended by the insertion therein of the following two sub-sections in lieu of sub-section (2) now contained therein and the said section shall be construed and have effect and be deemed always to have had effect accordingly, that is to say:—

“(2) Every certificate (in this Act referred to as a service certificate) issued by the Registration Board to the Minister in pursuance of this section shall be in the prescribed form and shall, subject to any variation of such certificate made by the Registration Board under sub-section (3) of this section, be final and conclusive evidence of the matters of fact certified therein.

(3) The Minister may, on the ground that evidence not available prior to the issue of such certificate has since become available, at any time request the Registration Board to review any service certificate, and thereupon the Registration Board shall review such certificate and may, after such review, either, as they think proper, confirm or vary such certificate.”

Provisions consequential on variation of service certificates.

16.—(1) Where a service certificate, which was issued in respect of a person who made an application for a pension or a gratuity under Part II of the Act of 1932, is reviewed under sub-section (3) of section 8 of the Act of 1932, and varied on such review, the following provisions shall have effect, that is to say:—

(a) in case it appeared from such certificate, as originally issued, that such person was not a person (in this sub-section referred to as a qualified person) to whom a pension or gratuity could be granted under Part II of the Act of 1932, and it appears from such certificate, as so varied, that such person is a qualified person, then—

(i) the provisions of section 9 of the Act of 1932 shall apply in respect of such application in like manner as if it appeared from such certificate, before such variation, that such person was a qualified person.

(ii) In case such application was for the grant under Part II of the Act of 1932 of a pension or gratuity in respect of a wound, the refusal of such application shall, for the purposes of section 18 of the Act of 1932, be deemed not to be the refusal of an award.

(iii) any pension granted under Part II of the Act of 1932 to such person shall commence on such date (not being earlier than the date of the passing of this Act) as the Minister may determine;

(b) in case it appeared from such certificate, as originally issued, that such person was a qualified person and a pension was granted under Part II of the Act of 1932 to him accordingly, and it appears from such certificate, as so varied, that such person is not a qualified person, the Minister shall by order revoke such pension as from the date of such order;

(c) in case it appeared from such certificate, as originally issued, that such person was a qualified person and a pension was granted under Part II of the Act of 1932 to him accordingly, and it appears from such certificate as so varied, that such person is a qualified person, and the amount of such pension is greater or less than the amount to which, having regard to the terms of such certificate as so varied, he is entitled, the Minister shall by order decrease or increase such pension accordingly from the date of such order.

(2) Where a service certificate, which was issued in respect of a deceased person in respect of whom an application was made for an allowance or gratuity under Part II of the Act of 1932, is reviewed under sub-section (3) of section 8 of the Act of 1932, and varied on such review, the following provisions shall have effect, that is to say:—

(a) in case it appeared from such certificate, as originally issued, that such deceased person was not a person (in this sub-section referred to as a qualified person) in respect of whom an allowance or gratuity could be granted under Part II of the Act of 1932, and it appears from such certificate, as so varied, that such deceased person is a qualified person, then—

(i) the provisions of section 9 of the Act of 1932 shall apply in respect of such application in like manner as if it appeared from such service certificate, before such variation, that such deceased person was a qualified person,

(ii) any allowance granted under Part II of the Act of 1932 in respect of such deceased person shall commence on such date (not being earlier than the date of the passing of this Act) as the Minister may determine;

(b) in case it appeared from such certificate, as originally issued, that such deceased person was a qualified person and an allowance in respect of such deceased person was accordingly granted under Part II of the Act of 1932, and it appears from such certificate, as so varied, that such deceased person is not a qualified person, the Minister shall by order revoke such allowance as from the date of such order.

(3) References in this section to the Act of 1932 shall be construed as meaning the Act of 1932, or the Act of 1932 as amended by this Part of this Act.

17.—(1) Where—

(a) a service certificate has been issued in respect of a person, and

(b) it appears from such service certificate that such person was a member of an organisation to which Part II of the Act of 1932 applies, and

(c) such person being such a member was during any period ending before the 30th day of September, 1923, interned or imprisoned by or by order of the British Government, the Government of Saorstát Eireann, the Provisional Government, or the Government of Northern Ireland, and

(d) such person lost from any cause, while so interned or imprisoned, a leg, an arm, or an eye,

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

(i) such loss shall be deemed, for the purposes of sub-section (1) of section 10 of the Act of 1932, to be a disablement due to a wound attributable to military service, and Part II of the Act of 1932 shall be construed and have effect accordingly;

Amenament or section 10 of the Act of 1932.

- (ii) the critical date for the purposes of sub-section (4) of the said section 10 shall be the date on which such person suffered such loss;
- (iii) any pension granted to such person under the said sub-section (1) shall, notwithstanding anything contained in sub-section (1) of section 15 of the Act of 1932, commence as on and from the date of the passing of this Act.

(2) Sub-section (2) of section 10 of the Act of 1932 is hereby amended by the insertion, after the words "his said examination" now contained therein, of the words and figures "or, in case such date falls before the 30th day of June, 1938, becomes, by reason of matters definitely attributable to military service, after such date but before the 1st day of July, 1938," and Part II of the Act of 1932 shall be construed and have effect accordingly.

(3) Where, by virtue of the amendment of sub-section (2) of section 10 of the Act of 1932 effected by this section, a pension is granted under the said sub-section (2) to any person, such pension shall, notwithstanding anything contained in sub-section (1) of section 15 of the Act of 1932 or in this Act, commence as on and from such date as the Minister may, having regard to all the circumstances of the case, determine, but such date shall not be earlier than the date of his examination by the Army Pension Board at which his disablement was assessed at a degree not less than the minimum degree of disablement.

Amendment of section 12 of the Act of 1932.

18.—(1) Where—

- (a) an allowance is payable under section 12 of the Act of 1932 to the widow of any person (other than a person who signed the Proclamation published on Easter Monday, 1916), and
- (b) such person was killed or executed in the Rising of 1916,

Part I of the Second Schedule to the Act of 1932, shall, in relation to such widow, be construed and have effect, as on and from the date of the passing of this Act, as if there were substituted for the words and figures "£67 10s. per annum during widowhood and a gratuity of £90 on first re-marriage" the words and figures "£90 per annum during widowhood and gratuity of £120 on first re-marriage."

(2) Sub-section (1) of section 12 of the Act of 1932 shall be construed and have effect as if in paragraph (b) of the said sub-section there were substituted for the expression "or gratuity as is mentioned in the said Part II" now contained therein the expression "as is mentioned in the said Part II or such gratuity as is mentioned in Part III of the said Schedule."

Further amendment of section 12 of the Act of 1932.

19.—(1) Section 12 of the Act of 1932 shall (in addition to the persons to whom the said section applies by virtue of paragraphs (a) (b) and (c) of sub-section (3) of the said section) also apply to every person who was a member of an organisation to which Part II of the Act of 1932 applies and who complied with one of the following conditions, that is to say:—

- (a) such person was engaged in post-truce military service (either in addition to or without pre-truce military service) and died before the date of the passing of this Act from—
 - (i) a wound attributable to pre-truce military service or post-truce military service or
 - (ii) a disease attributable to pre-truce military service or post-truce military service or pre-truce military service and post-truce military service;

(b) such person died while engaged in military service from a disease not attributable to military service, and so died either while a member of an Active Service Unit or while detained in a prison or ship or an internment camp.

5 (2) Where—

(a) a deceased member of an organisation to which Part II of the Act of 1932 applies was engaged in post-truce military service (either in addition to or without pre-truce military service) and

10 (b) such member died before the date of the passing of this Act, and

(c) such member died from either—

15 (i) a wound attributable to pre-truce military service or post-truce military service, or

(ii) a disease attributable to pre-truce military service or post-truce military service or pre-truce military service and post-truce military service, and

(d) such member leaves a widow, and

20 (e) the marriage of such widow to such member took place, in case his death was due to a wound, after the date on which he received such wound or, in case his death was due to disease, after the 1st day of October, 1928,

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

25 (i) no allowance or gratuity shall be granted under sub-section (1) of section 12 of the Act of 1932 to any person on account of the death of such member, and

30 (ii) in case such person died on or after the 10th day of December, 1932 and was not granted a pension in respect of such wound or disease under Part II of the Act of 1932, or died before the 10th day of December, 1932, the Minister, with the consent of the Minister for Finance, may on account of the death of such member grant to the widow or children of such member a gratuity of one hundred and twelve pounds and ten shillings.

(3) Where—

40 (a) a deceased member of an organisation to which Part II of the Act of 1932 applies was engaged in post-truce military service (either in addition to or without pre-truce military service) and

(b) such member died on or after the 10th day of December, 1932, and

(c) such member died either from—

45 (i) a wound attributable to pre-truce military service or post-truce military service, or

(ii) a disease attributable to pre-truce military service or post-truce military service or pre-truce military service and post-truce military service, and

50 (d) such member was granted a pension in respect of such wound or disease under Part II of the Act of 1932,

no allowance or gratuity shall be granted under sub-section (1) of section 12 of the Act of 1932 to any person on account of the death of such member but, the Minister may, if such member was not granted a married pension and leaves a widow or children and his marriage to such widow took place before the 1st day of June, 1937, grant to such widow or children a gratuity of one hundred and twelve pounds and ten shillings.

60 (4) An allowance granted under sub-section (1) of section 12 of the Act of 1932 on account of the death of a person to whom the said section 12 applies by virtue of sub-section (1) of this section shall, notwithstanding anything contained in sub-sections (2) and (3) of section 15 of the Act of 1932, commence as on and from the date of the passing of this Act.

(5) The following provisions of section 12 of the Act of 1932 are hereby repealed, that is to say, paragraph (d) of sub-section (3), and sub-sections (4) and (5).

Application of section 14 of the Act of 1932.

20.—The expression “ this Part of this Act ” in section 14 of the Act of 1932 shall be construed as meaning Part II of the Act of 1932 or Part II of the Act of 1932, as amended by this Part of this Act.

Amendment of section 15 of the Act of 1932.

21.—(1) Where—

(a) a pension (including a married pension) is after the date of the passing of this Act granted under Part II of the Act of 1932, and

(b) the application for such pension was not duly made before the 11th day of December, 1933,

such pension shall, notwithstanding anything contained in sub-section (1) of section 15 of the Act of 1932, commence, save where otherwise expressly provided by this Part of this Act, as on and from the date of the passing of this Act.

(2) Where—

(a) an allowance is, after the date of the passing of this Act, granted under Part II of the Act of 1932 to the widow, children, or dependants of a person who died before the 11th day of December, 1932, and

(b) the application for such allowance was not duly made before the 11th day of December, 1933, such allowance shall, notwithstanding anything contained in sub-section (2) or sub-section (3) of section 15 of the Act of 1932, commence as on and from the date of the passing of this Act.

(3) Where—

(a) an allowance is, after the date of the passing of this Act, granted under Part II of the Act of 1932 to the widow, children or dependants of a person who died on or after the 11th day of December, 1932, and before the date of the passing of this Act, and

(b) the application for such allowance was not duly made within twelve months after the death of such person such allowance shall, notwithstanding anything contained in sub-section (3) of section 15 of the Act of 1932, commence as on and from the date of the passing of this Act.

(4) Sub-section (2) of section 15 of the Act of 1932 is hereby amended by the insertion in the said sub-section of the words “ or on ” after the word “ before ” now contained therein, and the said sub-section shall be construed and have effect accordingly.

Time limit for making applications for pensions, etc., under Part II of Act of 1932.

22.—(1) Every application by a person who was a member of an organisation to which Part II of the Act of 1932 applies for the grant of a pension or gratuity under the said Part II or under the said Part II, as amended by this Act, shall be made within twelve months after the date of the passing of this Act.

(2) Every application for the grant of an allowance or gratuity under the said Part II or under the said Part II as amended by this Act, to the widow, children or dependants of a person who died on or before the date on which this Act is passed shall be made before the 1st day of July, 1938.

(3) Every application for the grant of an allowance or gratuity under the said Part II or under the said Part II as amended by this Act, to the widow, children or dependants of a person who dies after the day on which this Act is passed shall be made before the 1st day of July, 1938, or before the expiration of twelve months after the date of the death of such person, whichever is the later.

(4) Where an application was duly made before the passing of this Act by any person for a pension, allowance or gratuity under Part II of the Act of 1932, and such application was refused, the following provisions shall have effect, that is to say:—

(a) in case such application was refused on the ground that Part II of the Act of 1932 did not apply to him, and the said Part II as amended by this Part of this Act applies to him, such person may renew such application;

(b) in any other case such person shall not be entitled, by virtue of any of the preceding sub-sections of this section, to renew such application.

(5) Section 16 of the Act of 1932 is hereby repealed.

23.—(1) Where—

(a) a person dies more than twelve months after the passing of this Act, and

(b) such person's death is due to a wound or disease, and

(c) such person did not within twelve months after the date of the passing of this Act apply for a pension in respect of such wound or disease under Part II of the Act of 1932, as amended by this Act, no claim in respect of the death of such person for an allowance or gratuity under the said Part II, as so amended, by the widow or any child or dependant of such person shall be entertained.

Time limit for application for allowances and gratuities under Part II of the Act of 1932 by widows' children and dependants of certain persons.

(2) Nothing in this section shall be construed as limiting the operation of sub-section (3) of the immediately preceding section.

(3) Section 17 of the Act of 1932 is hereby repealed.

24.—Where a final grant of a pension to any person has been made under Part II of the Act of 1932, or Part II of the Act of 1932, as amended by this Part of this Act, and the Minister, in exercise of the powers conferred on him by sub-section (1) of section 19 of the Act of 1932, increases, reduces or suspends such pension, the Minister may, on the recommendation of the Army Pensions Board, direct that such final grant be revoked, and in that case the following provisions shall have effect, that is to say:—

Revocation of of final grants of pensions under Part II of the Act of 1932.

(a) such final grant shall be revoked;

(b) notwithstanding anything contained in the said sub-section (1), such person shall, in the event of a final grant of such pension being subsequently made, not be entitled to make any representation to the Minister under the said sub-section (1) after the expiration of ten years from the date on which the final grant so revoked was made.

25.—The expression "under this Part of this Act" whenever it occurs in sections 11, 13, 18 and 19 of the Act of 1932 shall be construed as including Part II of the Act of 1932 as amended by this Part of this Act.

Application of certain sections of Part II of the Act of 1932.

PART V.
DISABILITY PENSIONS IN RESPECT OF DISABLEMENTS DUE TO DISEASE
ATTRIBUTABLE TO SERVICE WHERE DISABILITY IS LESS THAN EIGHTY
PER CENT. AND NOT LESS THAN FIFTY PER CENT.

Disability pensions in respect of disease attributable to service where disability is less than 80 per cent. and not less than 50 per cent.

26.—(1) Where an application by a person for a disability pension was, before the date of the passing of this Act, refused solely on the ground that the disablement from which he was suffering was less than eighty per cent. in degree, and such person applies to the Minister, before the 1st day of July, 1938, for re-examination by the Army Pensions Board under this sub-section, the Minister shall request the Army Pensions Board to re-examine such person, and thereupon the following provisions shall have effect, that is to say:—

(i) the Army Pensions Board shall re-examine such person accordingly; 5

(ii) if his degree of disablement is at the date of such re-examination less than eighty per cent. and not less than fifty per cent., there may be granted to such person a final pension of fifteen shillings per week commencing on such date (not being earlier than the date of the passing of this Act) as the Minister may determine; 15

(iii) if his degree of disablement is at the date of such re-examination not less than eighty per cent. but such person is not awarded a disability pension, there may be granted to such person a final pension of fifteen shillings per week commencing from such date (not being earlier than the date of the passing of this Act) as the Minister may determine; 20

(iv) if his degree of disablement is at the date of such re-examination not less than eighty per cent. and such person is awarded a disability pension, but his degree of disablement is found on any subsequent periodical re-examination to be less than eighty per cent., but not less than fifty per cent., there may be granted to such person, if he applies to the Minister therefor, not later than twelve months after such periodical re-examination, a final pension of one pound per week commencing on such date (not being earlier than the date of the cesser of such disability pension) as the Minister may determine; 25

(v) where such person is granted a pension under this sub-section, no disability pension shall be granted to or payable to such person. 35

In this sub-section the expression 'disability pension' means a pension under section 9 or section 10 or section 13 of the Act of 1927, or a pension under sub-section (2) of section 10 of the Act of 1932. 40

(2) Where a person was, before the date of the passing of this Act, in receipt of a disability pension and such person is not at the said date in receipt of such disability pension by reason of his degree of disablement having fallen below eighty per cent., and such person applies to the Minister before the 1st day of July, 1938, for re-examination by the Army Pensions Board under this sub-section, the Minister shall request the Army Pensions Board to re-examine such person, and thereupon the following provisions shall have effect, that is to say:—

(i) the Army Pensions Board shall re-examine such person accordingly; 55

(ii) if his degree of disablement is at the date of such re-examination less than eighty per cent. but not less than fifty per cent., there may be granted to such person a final pension of one pound per 60

week commencing on such date (not being earlier than the date of the passing of this Act) as the Minister may determine;

- 5 (iii) if his degree of disablement is at the date of such re-examination not less than eighty per cent. and such person is awarded a disability pension, but his degree of disablement is on any subsequent periodical re-examination found to be less than 10 eighty per cent. and not less than fifty per cent., there may, if he applies to the Minister therefor, not later than twelve months after such periodical re-examination, be granted to such person a final pension of one pound per week commencing on such 15 date (not being earlier than the date of the cesser of such disability pension) as the Minister may determine;
- (iv) where such person is granted a pension under this sub-section, no disability pension shall be granted or payable to him.

20 In this sub-section the expression "disability pension" means a pension under section 9 or section 10 or section 13 of the Act of 1927 or a pension under sub-section (2) of section 10 of the Act of 1932.

(3) Where a person is on the date of the passing of this Act in 25 receipt of a disability pension and his degree of disability is subsequently found on any periodical re-examination to be less than eighty per cent. and not less than fifty per cent. and such person applies, within twelve months after the date of such periodical re-examination, for a pension under this sub-section, the following 30 provisions shall have effect, that is to say:—

- (i) there may be granted to such person a final pension of one pound per week commencing from such date (not being earlier than the date of the cesser of such disability pension) as the Minister may 35 determine;
- (ii) where a pension is granted under this sub-section to such person no disability pension shall be granted or payable to such person.

In this sub-section the expression "disability pension" means a 40 pension under section 9 or section 10 or section 13 of the Act of 1927 or a pension under sub-section (2) of section 10 of the Act of 1932.

(4) Where—

- 45 (a) an application is duly made before the date of the passing of this Act by a person for a disability pension and such application is not referred, before the said date, to the Army Pensions Board under section 9 of the Act of 1932, but is subsequently so referred, or
- 50 (b) an application is duly made before the said date for a disability pension and such application is before the said date referred to the Army Pensions Board under the said section 9, but such person has not been examined by the Army Pensions Board before the said date, or
- 55 (c) an application is made on or after the said date by a person for a disability pension and such application is referred to the Army Pensions Board under the said section 9,

then, if such person is at the date of his examination by the Army Pensions Board suffering from a disease attributable to military 60 service, within the meaning of Part II of the Act of 1932, the following provisions shall have effect, that is to say:—

- (i) if such examination takes place before the 30th day of June, 1938, and his degree of disablement is found on the date of such examination to be less

than eighty per cent. and not less than fifty per cent., there may be granted to such person, if he applies to the Minister therefor not later than twelve months after such examination, a final pension of fifteen shillings per week commencing from such date (not being earlier than the date of the passing of this Act) as the Minister may determine, 5

(ii) if such examination takes place on or after the 30th day of June, 1938, and his degree of disablement is found on the date of such examination to be less than eighty per cent. but not less than fifty per cent., there may be granted to such person a final pension of fifteen shillings per week commencing from such date (not being earlier than the date of the passing of this Act) as the Minister may determine, 10 15

(iii) if his degree of disablement is found on the date of such examination to be not less than eighty per cent. but is found on any periodical re-examination to be less than eighty per cent. but not less than fifty per cent., there may be granted to such person, if he applies to the Minister therefor, not later than twelve months after such re-examination, a final pension of one pound per week commencing on such date (not being earlier than the date of the cesser of his former disability pension) as the Minister may determine; 20 25

(iv) where such person is granted a pension under this sub-section, no disability pension shall be granted or payable to him. 30

In this sub-section—

the expression "disability pension" means a pension under sub-section (2) of section 10 of the Act of 1932.

(5) Every application for re-examination by the Army Pensions Board under this section and for a pension under this section shall be in such form and contain such particulars as the Minister may direct. 35

(6) Sections 9 to 14 of the Act of 1923 shall apply in respect of pensions granted under this section and to persons to whom such pensions are payable as if such pensions were the pensions mentioned in those sections respectively. 40

(7) Persons applying under this section for re-examination by the Army Pensions Board shall for the purposes of section 21 of the Act of 1927 be deemed to be applicants for the pensions mentioned in sub-section (1) of the said section 21. 45

(8) In this section—

the expression "degree of disablement" has the same meaning as in the Act of 1927; 50

the expression "periodical re-examination" means a periodical re-examination under section 6 of the Act of 1923.

PART VI.

PENSIONS IN RESPECT OF DISABLEMENTS DUE TO WOUNDS OR DISEASE AGGRAVATED BY MILITARY SERVICE.

Assessment of degree of disablement.

27.—(1) The following provisions shall for the purposes of this Part of this Act have effect in relation to a person suffering from a disablement due to a wound, that is to say:— 55

(a) in case such disablement is one of the disablements mentioned in the first column of the Fourth Schedule to

the Act of 1927, the degree of such person's disablement shall be the degree of disablement set out in the second column of that Schedule opposite to the disablement from which such person is so suffering,

5 (b) in any other case the degree of such person's disablement shall be the degree assessed in that behalf by the Army Pensions Board.

(2) The following provisions shall for the purposes of this Part of this Act have effect in relation to a person suffering from a
10 disablement due to a disease, that is to say:—

(a) the degree of such person's disablement shall be the degree assessed in that behalf by the Army Pensions Board, and

15 (b) the assessment of such person's disablement shall be made on a percentage basis, and total disablement shall be assessed at one hundred per cent. and every disablement less than total disablement shall be assessed as a percentage of total disablement.

28.—(1) Where—

20 (a) a person has been discharged from the forces before the date of the passing of this Act; and

(b) such person is not entitled to a pension under the Acts or the Acts as amended by this Act; and

(c) such person is at the date of his examination by the Army Pensions Board suffering from—

25 (i) a disablement (not being less in degree than twenty per cent.) due to a wound aggravated by—

30 (I) a wound attributable to service in the forces and received during the period (in this section referred to as the service period) commencing on the 1st day of April, 1922, and ending on the 30th September, 1924 while a member of the forces, or

35 (II) a disease attributable to service in the forces during the service period, or

(III) service in the forces during the service period, or

40 (ii) a disablement (not being less in degree than twenty per cent.) due to a disease aggravated by a wound attributable to service in the forces and received during the service period while a member of the forces, or

(iii) a disablement (not being less in degree than eighty per cent.) due to a disease aggravated by—

45 (I) a disease attributable to service in the forces during the service period, or

(II) service in the forces during the service period, or

50 (iv) a disablement (not being less in degree than twenty per cent.) due to a disease which was accelerated or excited by a wound attributable to service in the forces and received during the service period while a member of the forces, or

55 (v) a disablement (not being less in degree than eighty per cent.) due to a disease which was accelerated or excited by—

(I) a disease attributable to service in the forces during the service period or

(II) service in the forces during the service period,

there may, if such disablement manifested itself before the 1st
60 day of July, 1926, be granted to such person a pension at the rate

Pensions to former members of the forces in respect of wounds or disease aggravated, etc., by service.

mentioned in the second column of the Schedule to this Act opposite to the appropriate degree of disablement in the first column of that Schedule.

(2) Every application for a pension under this section shall be referred by the Minister to the Army Pensions Board. 5

Pensions to members of organisations to which Part II of the Act of 1932 applies in respect of wounds or disease aggravated, etc., by service.

29.—(1) Where—

- (a) a person was a member of an organisation to which Part II of the Act of 1932 applies, and
- (b) such person was engaged in military service, and
- (c) such person is not entitled to a pension under the Acts 10 or the Acts as amended by this Act; and
- (d) such person is at the date of his examination by the Army Pensions Board suffering from—
 - (i) a disablement (not being less in degree than twenty per cent.) due to a wound aggravated 15 by—
 - (I) a wound attributable to military service, or
 - (II) a disease attributable to military service, or
 - (III) military service, or
 - (ii) a disablement (not being less in degree than 20 twenty per cent.) due to a disease aggravated by a wound attributable to military service, or
 - (iii) a disablement (not being less in degree than eighty per cent.) due to a disease aggravated by—
 - (I) a disease attributable to military, service, or 25
 - (II) military service, or
 - (iv) a disablement (not being less in degree than 30 twenty per cent.) due to a disease which was accelerated or excited by a wound attributable to military service, or
 - (v) a disablement (not being less in degree than eighty per cent.) due to a disease which was accelerated or excited by—
 - (I) a disease attributable to military, service, or 35
 - (II) military service, 35

there may, if such disablement manifested itself before the 1st day of July, 1926, be granted to such person a pension at the rate mentioned in the second column of the First Schedule to this Act opposite to the appropriate degree of disablement in the first column of that Schedule. 40

(2) Every application for a pension under this section shall be referred by the Minister to the Military Service Registration Board and thereupon the provisions of section 8 of the Act of 1932, as amended by Part IV of this Act, shall apply in respect of such application and of the service certificate in respect of the 45 applicant issued by the said Board.

(3) Where the Minister after having referred under the immediately preceding sub-section to the Military Service Registration Board an application by a person for the grant of a pension under this section receives from the said Board a service 50 certificate in respect of such person, the Minister shall, unless it appears from such certificate that such person is not a person (in this section referred to as a qualified person) to whom a pension could be granted under this section, refer the said application to the Army Pensions Board. 55

(4) Where a service certificate, which was issued in respect of a person who made an application for a pension under this

section, is reviewed under sub-section (3) of section 8 of the Act of 1932, and varied on such review, the following provisions shall have effect, that is to say:—

5 (a) in case it appeared from such certificate, as originally issued, that such person was not a qualified person and it appears from such certificate, as so varied, that such person is a qualified person, then, the provisions of sub-section (3) of this section shall apply in respect of such application in like manner as if it
10 appeared from such certificate, before such variation, that such person was a qualified person;

15 (b) in case it appeared from such certificate, as originally issued, that such person was a qualified person and a pension was granted under this section to him accordingly, and it appears from such certificate, as so varied, that such person is not a qualified person, the Minister shall by order revoke such pension as from the date of such order.

20 **30.**—The following provisions shall have effect in relation to applications for pensions under this Part of this Act, that is to say:—

Provisions in relation to applications for pensions under Part VI.

(a) every application shall be made to the Minister before the 1st day of July, 1938,

25 (b) every application shall be in such form and contain such particulars as the Minister may direct.

30 **31.**—(1) Whenever an application for a pension under this Part of this Act is referred to the Army Pensions Board, they shall assess and report to the Minister the degree of disability from which the applicant is suffering and shall also report to the Minister on such other matters arising on such application as they may be requested by the Minister to report upon, and for the purposes of such report shall cause such application to be investigated in such manner as the Minister may direct.

Report by Army Pensions Board on applications for pensions under Part VI.

35 (2) The Army Pensions Board may, for the purposes of carrying out the duties imposed on them by this section, make all such inquiries, summon all such witnesses, and take such evidence on oath (which any member is hereby authorised to administer) or otherwise as they may deem necessary.

40 **32.**—Each pension under this Part of this Act shall commence on such day (not being earlier than the date of the passing of this Act) as the Minister may determine.

Commencement of pensions under Part VI.

45 **33.**—(1) Sections 6, and 9 to 14 of the Act of 1923, and sections 21 and 23 of the Act of 1927, shall apply in respect of pensions under this Part of this Act, persons who are or who claim to be entitled to such pensions, persons to whom such pensions are granted and persons applying for such pensions as if such pensions were the pensions mentioned in those sections respectively.

Application of certain sections of Army Pensions Acts, 1923 and 1927, in respect of pensions under Part VI.

50 (2) The reference in section 21 of the Act of 1927 to persons attending in the city or county of Dublin as applicants or witnesses before the Army Pensions Board pursuant to a summons of that Board shall be construed as including a reference to persons attending in the city or county of Dublin as applicants or witnesses before the Military Service Registration Board pursuant to a summons by that Board.

PART VII.

SPECIAL DEPENDANTS' ALLOWANCES AND SPECIAL GRATUITIES.

Special dependants' Allowances.

Deceased persons in respect of whom this Part of this Act applies. **34.**—This Part of this Act applies in respect of every deceased person who was a member of an organisation to which Part II of the Act of 1932 applies and who complies with one of the following conditions, that is to say :— **5**

- (a) such person was killed while engaged in military service and was so killed in circumstances attributable to such military service; **10**
- (b) such person was engaged in pre-truce military service only and received a wound attributable to such service and died within four years after receiving such wound and his death was due to such wound;
- (c) such person was engaged in pre-truce military service only and died before the 11th day of July, 1925 and his death was due to disease attributable to such service; **15**
- (d) such person was—
 - (i) engaged in post-truce military service (either in addition to or without pre-truce military service), and **20**
 - (ii) died, before the date of the passing of this Act, from a wound attributable to pre-truce military service, or post-truce military service, or a disease attributable to pre-truce military service or post-truce military service or pre-truce military service and post-truce military service. **25**

“Dependant relatives.” **35.**—In this Part of this Act— the expression “dependant relative” when used in relation to a deceased person in respect of whom this Part of this Act applies means a person— **30**

- (a) who is either the mother, father (being over the age of sixty or incapacitated by ill-health), a permanently invalided brother, or permanently invalided unmarried sister of such deceased person, and **35**
- (b) who either—
 - (i) was dependant on such deceased person at the date of his death, or
 - (ii) should, in the opinion of the Minister for Finance, be treated having regard to all the circumstances of the case, as a dependant of such deceased person. **40**

Yearly means of dependant relatives. **36.**—For the purpose of this Part of this Act the yearly means of a dependant relative of a deceased person in respect of whom this Part of this Act applies shall be the yearly means of such dependant relative as ascertained in accordance with the joint directions of the Minister and the Minister for Finance. **45**

Allowance to certain relatives of deceased members of organisations to which Part II of the Act of 1932 applies. **37.**—(1) Subject to the provisions of this Part of this Act, there may be granted an allowance (in this Part of this Act referred to as a dependant's allowance) to any person in whose case the Minister and the Minister for Finance are satisfied that the statutory conditions are complied with: **50**

(2) A dependant's allowance granted to any person shall be an annual sum of such amount as will, when added to the yearly means of such person, not equal or exceed forty pounds.

(3) For the purposes of this section the statutory conditions for the grant of a dependant's allowance to a person shall be—

- 5 (a) that such person is a dependant relative of a deceased person in respect of whom this Part of this Act applies; and
- (b) that such a person is not in receipt of an allowance under the Acts, and
- 10 (c) that no other individual is in receipt of a dependant's allowance or an allowance under the Acts in respect of such deceased person;
- (d) that the yearly means of such person do not equal or exceed forty pounds.

15 (4) A dependant's allowance shall, subject to any directions of the Minister in special cases, be paid monthly in arrear and subject to such conditions as to identification or otherwise as the Minister may direct.

(5) Every dependant's allowance shall commence on such date (not being earlier than the date of the passing of this Act) as the Minister may determine.

20 **38.**—(1) The following provisions shall apply in respect of applications for a dependant's allowance, that is to say:— Applications for dependants' allowances.

- (a) every application shall be in such form and contain such particulars as the Minister may require,
- 25 (b) every application by a dependant relative of a person in respect of whom this Part of this Act applies shall—
- (i) if such relative is a parent of such deceased person, be made within two years after the date of the passing of this Act,
- 30 (ii) if such relative is a brother or sister of such deceased person, be made within five years after the said date.

(2) Save as otherwise provided by this Part of this Act, no application for a dependant's allowance which has been refused shall be reviewed after the expiration of the relevant period for making applications appointed by the immediately preceding sub-section.

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39.—(1) Every application for a dependant's allowance in respect of a deceased person in respect of whom this Part of this Act applies shall be referred by the Minister to the Military Service Registration Board, and thereupon the provisions of section 8 of the Act of 1932, as amended by Part IV of this Act, shall apply in respect of such application and of the service certificate issued in respect of such deceased person by the said Board. Reference of applications for dependants' allowances to the Military Service Registration Board and the Army Pensions Board.

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(2) Where the Minister after having referred under the immediately preceding sub-section to the Military Service Registration Board an application for the grant of a dependant's allowance in respect of a deceased person in respect of whom this Part of this Act applies, receives from the said Board a service certificate in respect of such deceased person, the Minister shall, unless it appears from such service certificate that such deceased person is not a deceased person (in this section referred to as a qualified person) in respect of whom this Part of this Act applies, refer the said application to the Army Pensions Board.

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(3) Where a service certificate, which was issued in respect of a deceased person in respect of whom an application was made for a dependant's allowance, is reviewed under sub-section (3)

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of section 8 of the Act of 1932, and varied on such review, the following provisions shall have effect, that is to say:—

(a) in case it appeared from such certificate, as originally issued, that such deceased person was not a qualified person and it appears from such certificate, as so varied, that such deceased person is a qualified person, then the provisions of sub-section (2) of this section shall apply in respect of such application in like manner as if it appeared from such service certificate, before such variation, that such deceased person was a qualified person; 10

(b) in case it appeared from such certificate, as originally issued, that such deceased person was a qualified person and a dependant's allowance in respect of such deceased person was accordingly granted, and it appears from such certificate, as so varied, that such deceased person is not a qualified person, the Minister shall by order revoke such allowance as from the date of such order. 15

Revision of dependants' allowances.

40.—(1) A dependant's allowance shall be subject to periodic review (not more frequently than once a year) on such occasions and at such intervals as the Minister shall, with the consent of the Minister for Finance, determine and if it appears as the result of any such review that the person to whom such allowance is granted has ceased, by reason of his yearly means, to be entitled to such allowance or to such allowance at the rate then payable, the allowance shall (as the case may require) either be terminated with effect from such date as the Minister with the consent of the Minister for Finance may determine or be reduced to the appropriate rate as from the date of the review. 25

(2) If any person from whom a dependant's allowance has been withdrawn under the provisions of the immediately preceding subsection, or to whom a dependant's allowance is payable at a rate less than fifteen shillings a week, shall subsequently claim that he is eligible for the grant of an allowance or for the grant of an allowance at a higher rate than that already payable to him, the Minister may, if he is of opinion that there are good grounds for so doing, cause such claim to be reviewed (but not more frequently than once a year) and if it is found that the claimant is in fact entitled to receive a dependant's allowance or an increased dependant's allowance, such allowance or increased allowance shall be payable as from the date on which the claim is received by the Minister or from the date on which the claimant becomes entitled to the payment of such allowance or increased allowance, whichever is later. 30 35 40

Special Gratuities.

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Ex-gratia payment to certain persons wounded or injured.

41.—(1) The Minister may, with the consent of the Minister for Finance, grant a gratuity (in this Part of this Act referred to as a special gratuity) of such amount (not exceeding one hundred pounds) as he thinks proper to any person in respect of whom all the following conditions are complied with, that is to say:— 50

(a) such person during the period commencing on the 1st day of April, 1916 and ending on the 30th day of September, 1923, received a wound or injury either—

(i) by reason of the fact that such person was keeping arms the property of any of the said organisations, 55
or

(ii) by being accidentally shot by a member of one of the said organisations who was staying in the house of such person and was evading arrest.

(b) such person was not, at the time he received such wound or injury, a member of any of the organisations to which Part II of the Act of 1932 applies. 60

(2) No person who is entitled to a pension, allowance or gratuity under the Acts, or under the Acts as amended by this Act, or under any other Part of this Act shall be entitled to apply for or be granted a special gratuity.

5 42.—(1) The following provisions shall apply in respect of applications for special gratuities, that is to say:—

Applications for special gratuities.

(a) every application shall be in such form and contain such particulars as the Minister may require,

10 (b) every application shall be made before the 1st day of July, 1938.

(2) No application for a special gratuity which has been refused shall be reviewed after the 30th day of June, 1938.

Reference of applications for special gratuities to the Army Pensions Board.

43.—Every application for a special gratuity shall be referred by the Minister to the Army Pensions Board.

15 *Provisions relating to Dependants' Allowances and Special Gratuities.*

44.—(1) Whenever an application for a dependant's allowance or a special gratuity is referred to the Army Pensions Board under this Part of this Act, they shall report to the Minister on such matters arising on such application as they may be requested by the Minister to report upon, and for the purposes of such report shall cause such application to be investigated in such manner as the Minister may direct.

Report by Army Pensions Board on applications for dependants' allowances and special gratuities.

25 (2) The Army Pensions Board may for the purposes of carrying out the duties imposed on them by this section make all such inquiries, summon all such witnesses and take such evidence on oath (which any member is hereby authorised to administer) as they may deem necessary.

30 45.—(1) Sections 9, 10, 11, 12 and 14 of the Act of 1923, and section 21 of the Act of 1927 shall apply in respect of dependants' allowances and special gratuities, persons who are or claim to be entitled to such allowances and gratuities, persons to whom such allowances and gratuities are granted, and persons applying for such allowances and gratuities as if such allowances and gratuities were the allowances and gratuities mentioned in those sections respectively.

Application of certain sections of Acts of 1923 and 1927.

35 (2) Section 13 of the Act of 1923 shall apply in respect of special gratuities as if such gratuities were the gratuities mentioned in the said section.

40 (3) The reference in section 21 of the Act of 1927 to persons attending in the city or county of Dublin as applicants or witnesses before the Army Pensions Board pursuant to a summons of that Board shall be construed as including a reference to persons attending in the city or county of Dublin as applicants or witnesses before the Military Service Registration Board pursuant to a summons of that Board.

PART VIII.

MISCELLANEOUS PROVISIONS.

50 46.—Where a gratuity under the Acts in respect of a deceased person has been awarded (whether before or after the passing of this Act) no further application for a gratuity under the Acts in respect of such deceased person shall be entertained by the Minister.

Restriction on application for gratuities under the Acts in respect of deceased persons.

Conclusiveness
of certain
findings of the
Army Pensions
Board.

47.—(1) The findings of the Army Pensions Board, as set out in their report (whether made before or after the passing of this Act) under the Acts or this Act in regard to the following matters arising in respect of any application under the Acts or this Act shall, subject to any revision of such findings by the Army Pensions Board under sub-section (2) of this section, be final and conclusive and binding on all persons and tribunals whatsoever, that is to say:—

- (a) the attributability of a wound, or disease to service;
- (b) the attributability of a disablement to a wound or disease attributable to service;
- (c) the attributability of an increase in a disablement, caused by a disease attributable to service, to such service;
- (d) the attributability of death to service;
- (e) the attributability of death to a wound or disease attributable to service;
- (f) the attributability of death to a wound or disease in respect of which a pension was granted under the Acts;
- (g) the attributability of the aggravation of a wound or disease to a subsequent wound or disease or to service;
- (h) the attributability of the acceleration or excitation of a disease to a subsequent wound or disease or to service;
- (i) the date on which a disablement, due to a wound or a disease, which was aggravated, accelerated or excited by a wound, a disease or service, first manifested itself;

and reference in this section to a report shall be construed as references to a report made by the Army Pensions Board so far as such report relates to any of the matters mentioned in this sub-section.

(2) Where the Army Pensions Board have under the Acts or this Act made a report to the Minister, the Minister may, on the ground that evidence not available prior to the issue of such report has since become available, at any time request the Army Pensions Board to review their report, and the Army Pensions Board shall thereupon review such report and may, either, as they think fit, confirm or vary such report.

(3) Where a report, which was made by the Army Pensions Board in respect of an application made by any person for a pension, gratuity or allowance under the Acts, is reviewed under sub-section (2) of this section and is varied on such review, the following provisions shall have effect, that is to say:—

- (a) in case it appeared from such report as originally made, that such person was not a person (in this paragraph referred to as a qualified person) to whom a pension, allowance, or gratuity could be granted under the Acts and it appears from such report, as so varied, that such person is a qualified person, then, the Minister may grant to such person such pension, allowance, or gratuity (if any) as could have been granted under the Acts if such report as so varied were the original report, and any such pension or allowance so granted shall commence from such date (not being earlier than the date of the passing of this Act) as the Minister may determine;
- (b) in case it appeared from such report as originally made, that such person was a person (in this paragraph referred to as a qualified person) to whom a pension or

allowance could be granted under the Act, and a pension or allowance was granted to him accordingly, and it appears from such report, as so varied, that such person is not a qualified person, the Minister shall by order revoke such pension or allowance as from the date of such order;

(c) in case it appeared from such report, as originally made, that such person was a person (in this paragraph referred to as a qualified person) to whom a pension could be granted under the Acts and a pension was granted to him accordingly, and it appears from such report, as so varied, that such person is a qualified person and the amount of such pension is greater or less than the amount to which, having regard to the terms of such report as so varied, he is entitled, the Minister shall by order decrease or increase such pension accordingly as from such date (not being earlier than, in case such pension is decreased, the date of such order or, in case such pension is increased the date of the passing of this Act) as the Minister may determine.

(4) In this section—

the expression “ the Acts ” means the Acts, as amended by Part III and Part IV of this Act;

the word “ service ” means service which is either—

- (a) service in the forces, or
- (b) military service within the meaning of Part II of the Act of 1932.

48.—Where—

- (a) the Minister has proposed to grant (whether before or after the date of the passing of this Act) a pension or gratuity under the Acts, or has proposed to grant a pension under the Acts as amended by Part III or Part IV of this Act, and
- (b) the person to whom the Minister proposed to grant such pension or gratuity dies after such proposal has been submitted to the Minister for Finance but before such proposal has been sanctioned by him, and
- (c) such person was at the date of his death living in the house of the individual by whom such person was being supported in whole or in part,

Death of applicant for pension or gratuity after grant by Minister but before sanction of Minister for Finance.

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

- (i) in the case of any such pension, the Minister may, if he thinks proper, with the consent of the Minister for Finance, pay to such individual a sum not exceeding the amount which would, at the date of such person's death, have accrued due on foot of such pension, if the grant of such pension had been sanctioned by the Minister for Finance on the date on which the Minister proposed to grant such pension,
- (ii) in the case of any such gratuity, the Minister may, if he thinks fit, with the consent of the Minister for Finance, pay to such individual a sum not exceeding the amount which would have been payable on foot of such gratuity, if the grant of such gratuity had been sanctioned by the Minister for Finance on the date on which the Minister proposed to grant such gratuity.

49.—Where either before or after the passing of this Act—

- (a) an application was or is made by any person for the grant of a pension, gratuity or allowance under the Acts or under the Acts as amended by this Act or under this Act, and

Evidence of refusal of applications for pensions, etc.

(b) a notification purporting to be signed by an officer of the Minister was or is sent to such person informing him that such application has been refused,

such application shall be deemed for the purpose of the Acts and this Act to have been refused as on the date on which such notification was or is so sent.

Time limit for prosecutions.

50.—Notwithstanding anything contained in section 10 of the Petty Sessions (Ireland) Act, 1851 a prosecution for an offence under section 12 of the Act of 1923 (including that section as applied by the Act of 1927, the Act of 1932 and this present Act) may be brought within six months after the date when evidence to sustain the prosecution came to the notice of the Minister, and a certificate under the hand of the Minister as to the date on which evidence to sustain such prosecution came to his notice shall for the purposes of this section be conclusive.

SCHEDULE.

RATES OF PENSIONS UNDER PART VI.

Degree of Disablement. (1)	Pension. (2)
per cent.	per annum
100	£100
90	90
80	80
70	70
60	60
50	50
40	40
30	30
20	20

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
CHICAGO, ILLINOIS

REPORT OF THE
COMMISSIONERS OF THE
LAND OFFICE

STATE OF ILLINOIS
1880

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Saorstát Éireann.

Saorstát Éireann.

BILLE ARM-PHINSEAN, 1936.

ARMY PENSIONS BILL, 1936.

BILLE

dá ngairmtear

Acht chun na nAchtanna Arm-Phinsean, 1923 go 1932, do leasú agus do leathnú.

BILL

entitled

An Act to amend and extend the Army Pensions Acts, 1923 to 1932.

Rithte ag Dáil Éireann, 1adh Meitheamh, 1937.

Passed by Dáil Éireann, 1st June, 1937.

EAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN TSOLATHAIR.

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

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

To be purchased through any bookseller, or directly from the Government Publications Sale Office, 5 Nassau Street, Dublin, C.2.

Clo-bhuailte ag CAHILL AND CO., LTD.

Printed by CAHILL AND CO., LTD.

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