

ÉIRE

BILLE AN OIREACHTAIS (LIUNTAISI DO CHOMHALTAI),
1938.

OIREACHTAS (ALLOWANCES TO MEMBERS) BILL, 1938.

Mar do leasúadh i gCoiste.

As amended in Committee.

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SCHEDULE:

Enactments repealed.

ÉIRE

BILLE AN OIREACHTAIS (LIUNTAISI DO CHOMHALTAI),
1938.

OIREACHTAS (ALLOWANCES TO MEMBERS) BILL, 1938.

BILL

5

entitled

AN ACT TO MAKE PROVISION FOR THE PAYMENT OF
ALLOWANCES TO MEMBERS OF EACH HOUSE OF
THE OIREACHTAS IN RESPECT OF THEIR DUTIES
AS PUBLIC REPRESENTATIVES AND FOR THE GRANT
TO SUCH MEMBERS OF FREE TRAVELLING
FACILITIES IN CONNECTION WITH THOSE DUTIES. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Definitions.

1.—In this Act—

the expression “ the Minister ” means the Minister for Finance; 15
the expression “ travelling facilities ” means—

(a) whichever one or more of the following is appropriate to
the case, that is to say:—

(i) the provision of free first-class railway travelling, or

(ii) the repayment of fare paid for travelling in any 20
public tram, omnibus, char-a-banc or similar public
conveyance, or

(iii) the repayment of expenses of travelling in the
traveller’s own motor car to such extent as may be
sanctioned by the Minister but, where railway 25
travelling is available over any portion of a journey
travelled in such motor car, not exceeding in
respect of such portion of such journey the cost of
first-class railway travelling over such portion, and

(b) the repayment of such other (if any) travelling expenses 30
as the Minister shall be satisfied were reasonably
incurred;

the word “ Dublin ” in its application to a member of the Oireachtas
travelling to or from Dublin by rail means the railway station in
the county borough of Dublin at which he terminates or commences 35
his journey.

Allowance and
travelling
facilities of
members of the
Oireachtas.

2.—Subject to the provisions of this Act, each member of the
Oireachtas shall, out of moneys provided by the Oireachtas, be paid
the allowance specified in this Act and be granted the travelling
facilities specified in this Act. 40

Amount of
allowance to
members of the
Oireachtas.

3.—(1) The allowance to be paid to each member of Dáil Eireann
under this Act shall on and after the date of the passing of this
Act be an allowance at the rate of £40 a month.

(2) The allowance to be paid to each member of Seanad Eireann
under this Act shall be an allowance at the rate of £30 a month. 45

(3) The salary for the time being payable to any member of the
Oireachtas by virtue of his holding any appointed office shall be
deemed to include the allowance payable to such member under this
Act, and accordingly no member of the Oireachtas shall, while he
is in receipt of a salary in respect of any such office, be entitled 50
to any further allowance under this Act.

(4) The allowances payable to members of the Oireachtas under this Act shall be exempt from income-tax (including sur-tax) and shall not be reckoned in computing income for the purposes of the Income Tax Acts.

5 (5) So much of the salary for the time being payable to a member of the Oireachtas by virtue of his holding any appointed office as is equal to the allowance which would be payable to such member under this Act if he did not hold that office shall be exempt from income-tax (including sur-tax) and shall not be reckoned in computing
10 income for the purposes of the Income Tax Acts.

(6) No provision in any British statute or in any Saorstát Eireann statute or in any Act of the Oireachtas (whether passed before or after the passing of this Act) whereby any pension payable out of the Central Fund or moneys provided by the Oireachtas is liable
15 to be suspended or abated, wholly or in part, in the event of the pensioner being in receipt of payments (by whatever name called in such statute or Act) out of moneys provided or to be provided by the Oireachtas shall, unless the contrary is expressly enacted therein, apply—

20 (a) to the allowances payable to members of the Oireachtas under this Act, or

(b) to so much of the salary for the time being payable to a member of the Oireachtas by virtue of his holding any appointed office as is equal to the allowance which would
25 be payable to such member under this Act if he did not hold that office,

nor shall any such pension be suspended or abated in respect of or on account of such allowance or so much of such salary.

(7) Each of the following offices shall be an appointed office for
30 the purposes of this section, that is to say:—

(a) the office of member of the Government;

(b) the office of Parliamentary Secretary;

(c) the office of Attorney-General;

(d) the office of Chairman of Dáil Eireann;

35 (e) the office of Deputy-Chairman of Dáil Eireann;

(f) the office of Chairman of Seanad Eireann;

(g) the office of Deputy-Chairman of Seanad Eireann.

4.—(1) The travelling facilities to be granted to each member
of the Oireachtas under this Act shall be—

40 (a) in the case of a member of Dáil Eireann who does not reside in his constituency, travelling facilities between—

(i) Dublin and any place in his constituency,

(ii) Dublin and his normal place of residence for the time being,

45 (iii) such normal place of residence and any place in his constituency;

(b) in the case of a member of Dáil Eireann who resides in his constituency, travelling facilities between Dublin and any place in his constituency;

50 (c) in the case of a member of Seanad Eireann, travelling facilities between Dublin and his normal place of residence for the time being;

(d) in the case of any member of the Oireachtas travelling facilities from and to his normal place of residence for the time being or from and to Dublin or, in the case of any member of Dáil Eireann, from and to any place in his constituency when undertaking journeys—

55 (i) to attend, on the invitation of a member of the Government, State functions, or

60 (ii) on the invitation of a member of the Government, to inspect important public works or visit institutions, or places, or districts.

Particulars of travelling facilities for members of the Oireachtas.

(2) References in sub-section (1) of this section to a normal place of residence shall be construed as meaning a normal place of residence within the national territory.

(3) The travelling facilities to be granted to each member of the Oireachtas shall be provided and paid in such manner and subject to such conditions as shall from time to time be prescribed by regulations made by the Minister (which regulations he is hereby authorised to make) after consultation with the Chairman of Dáil Eireann and the Chairman of Seanad Eireann.

(4) Where a member of either House of the Oireachtas is, under the preceding provisions of this Act, entitled, by way of travelling facilities, to repayment of travelling expenses, no payment in respect of such travelling expenses shall be made unless the claim therefor is, within one hundred days after such travelling expenses were incurred, lodged with, in case such House is Dáil Eireann, the Clerk of Dáil Eireann or, in case such House is Seanad Eireann, the Clerk of Seanad Eireann.

(5) Any regulations made under sub-section (2) of section 3 of the Oireachtas (Payment of Members) Act, 1923 (No. 18 of 1923), and in force immediately before the date of the passing of this Act shall be deemed to have been made under sub-section (3) of this section and may be amended or revoked by regulations under the said last mentioned sub-section and until so revoked and subject to any such amendment shall continue in force.

Commencement of allowance and travelling facilities.

5.—(1) The allowance and travelling facilities to be paid and granted under this Act to a member of the Oireachtas who is a member on the date of the passing of this Act shall commence—

(a) in case such member is on that date entitled, by compliance with the Standing Orders of the House of which he is a member to sit in that House as a member thereof, as on and from that date, and

(b) in any other case, as on and from the date on which such member first becomes, by compliance with the Standing Orders of the House of which he is a member, entitled under those Standing Orders to sit in that House as a member thereof.

(2) The allowance and travelling facilities to be paid and granted under this Act to a member of the Oireachtas who becomes a member of the Oireachtas after the date of the passing of this Act shall, subject to the provisions of this Act, commence—

(a) in case such member, within thirty days after the date of his then last election or (if he is a nominated member of Seanad Eireann) his then last nomination, becomes entitled, by compliance with the Standing Orders of the House of which he is a member, to sit in that House as a member thereof, as on and from that date, and

(b) in any other case, as on and from the day on which such member first becomes, by compliance with the Standing Orders of the House of which he is a member, entitled under the Standing Orders of that House, to sit in that House as a member thereof.

(3) If—

(a) a member of the Oireachtas who becomes such member after the date of the passing of this Act is prevented by illness or by some other involuntary and innocent cause from so complying with the Standing Orders of the House of which he is a member as to become entitled under those Standing Orders to sit as a member of the said House within thirty days after the date of his then last election or nomination thereto, and

(b) such member so complies with the said Standing Orders as to be entitled thereunder to sit as a member of the said House on the first day on which such House sits after such illness or other cause has ceased,

5 then and in that case such member shall be deemed for the purposes of sub-section (2) of this section to have so complied with the said Standing Orders as to have been entitled thereunder to sit in the said House as a member within thirty days after the date of his then last election or nomination thereto.

10 (4) A member of the Oireachtas shall be entitled to travelling facilities under this Act in respect of travelling once to Dublin for the purpose of so complying with the Standing Orders of the House of which he is a member as to become entitled under the said Standing Orders to sit as a member of such House, and shall
15 be entitled to such travelling facilities in all respects as if such travelling had taken place after the commencement of his right to travelling facilities under this Act.

(5) Whenever Dáil Eireann is dissolved any person who was a member of Dáil Eireann immediately before such dissolution and
20 was in Dublin on the date of such dissolution shall, within three days after such dissolution, be entitled to travelling facilities under this Act in respect of travelling once between Dublin and any place in his former constituency or his normal place of residence for the time being in all respects as if such travelling had taken place while
25 he was a member of Dáil Eireann.

(6) If any question or dispute shall arise as to whether, or the extent to which, a member of the Oireachtas is entitled to the benefit of any of the three immediately preceding sub-sections, such question or dispute shall be determined—

30 (a) in the case of a member of Dáil Eireann, by the Chairman of Dáil Eireann, and

(b) in the case of a member of Seanad Eireann, by the Chairman of Seanad Eireann,

and every such determination shall be final.

35 **6.**—Notwithstanding anything contained in section 2 of the Oireachtas (Payment of Members) Act, 1933 (No. 50 of 1933), as revived and applied to members of Seanad Eireann by sub-section (3) of section 10 of the Constitution (Consequential Provisions) Act, 1937 (No. 40 of 1937), and the repeal of such first-mentioned
40 Act effected by this Act, a member of Seanad Eireann who was present at the first assembly shall be entitled to receive and be paid travelling facilities under the Oireachtas (Payment of Members) Acts, 1923 to 1933, in respect of travelling to Dublin on a day before such first assembly for the purpose of attending Seanad
45 Eireann on its first assembly, and shall be entitled so to receive and be paid such travelling facilities in all respects as if such travelling had taken place on the day of such first assembly.

Travelling facilities of members of Seanad Eireann attending on its first assembly.

7.—The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that
50 Schedule.

Repeals.

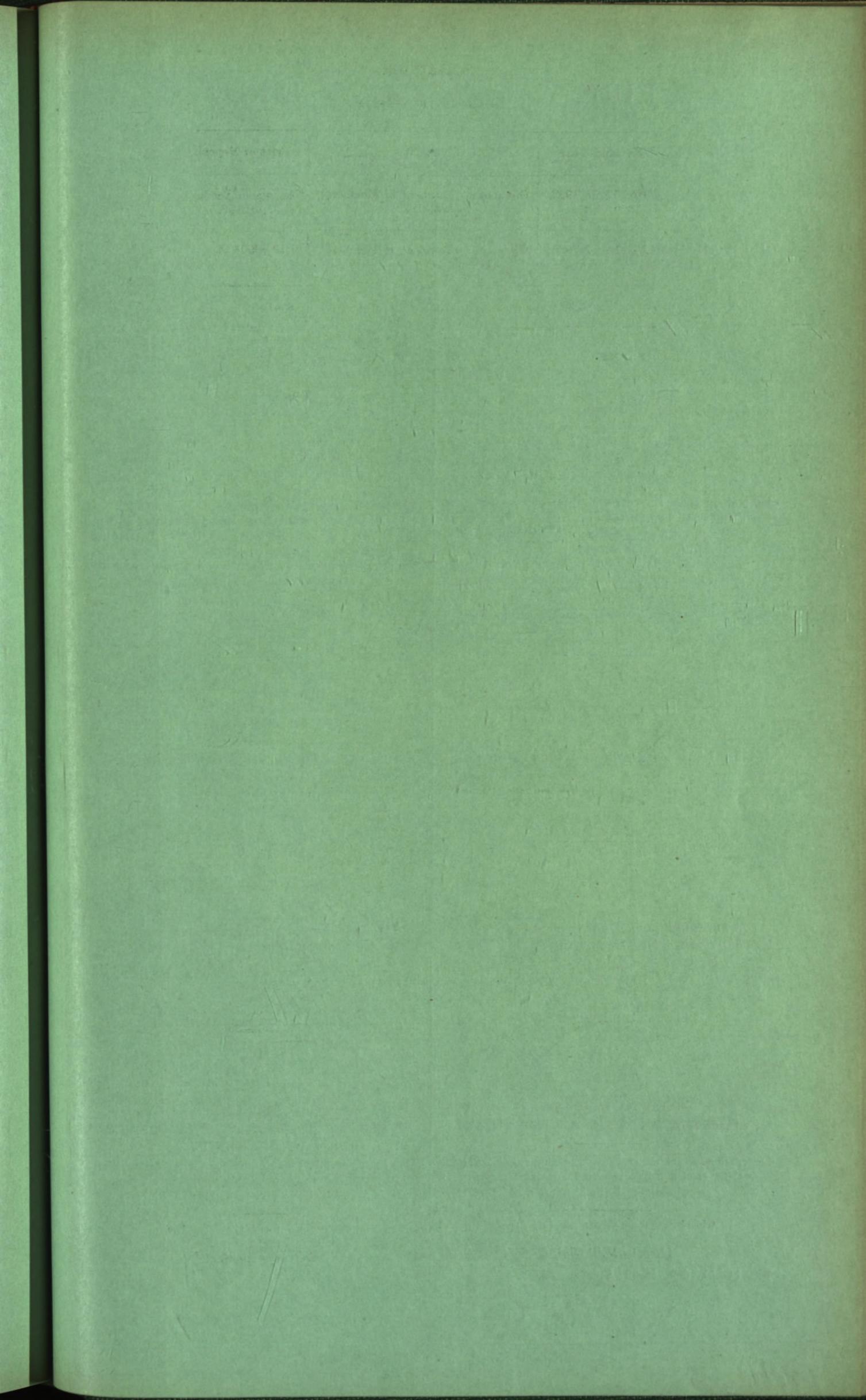
8.—This Act may be cited as the Oireachtas (Allowances to Members) Act, 1938.

Short title.

SCHEDULE.

ENACTMENTS REPEALED.

No. and Year.	Short title.	Extent of Repeal.
No. 18 of 1923.	Oireachtas (Payment of Members) Act, 1923.	The whole Act so far as unrepealed.
No. 29 of 1925.	Oireachtas (Payment of Members) (Amendment) Act, 1925.	The whole Act.
No. 17 of 1928.	Oireachtas (Payment of Members) Act, 1928.	The whole Act.
No. 50 of 1933.	Oireachtas (Payment of Members) Act, 1933.	The whole Act.



ÉIRE.

BILLE AN OIREACHTAIS (LIUNTAISI DO CHOMHALTAI), 1938.

BILLE

(mar do leasúiodh i gCoiste)

dá ngairmtear

Acht chun socrúithe do dhéanamh chun liúntaisí d'íoc le comhaltaí de gach Tigh den Oireachtas alos a ndualgaisí mar ionadaithe puiblí agus chun saoráidí do dheonadh do sna comhaltaí sin chun taisteal do dhéanamh gan íoc as maidir leis na dualgaisí sin.

An tAire Airgeadais do thug isteach.

Do hordúíodh, ag Dáil Eireann, do chlóbhuailadh, 30adh Mí na Samhna, 1938.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach ó Oifig Díolta Foillseacháin Rialtais, 3-4, Sráid an Choláiste, Baile Atha Cliath.

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ÉIRE.

OIREACHTAS (ALLOWANCES TO MEMBERS) BILL, 1938.

BILL

(as amended in Committee)

entitled

An Act to make provision for the payment of allowances to members of each House of the Oireachtas in respect of their duties as public representatives and for the grant to such members of free travelling facilities in connection with those duties.

Introduced by the Minister for Finance.

Ordered by Dáil Eireann, to be printed 30th November, 1938.

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