

EIRE.

BILLE UM OIFIGI AIREACHTA AGUS PAIRLIMINTE, 1938. MINISTERIAL AND PARLIAMENTARY OFFICES BILL, 1938.

*Mar a tuigtear a bheith rithte ag dhá Thigh an Oireachtais.
As deemed to have been passed by both Houses of the Oireachtas.*

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PRELIMINARY AND GENERAL.

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2. Repeals.

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ENACTMENT REPEALED IN PART.

ÉIRE.

BILLE UM OIFIGI AIREACHTA AGUS PAIRLIMINTE, 1938.
MINISTERIAL AND PARLIAMENTARY OFFICES BILL, 1938.

BILL

entitled

5

AN ACT TO MAKE PROVISION FOR REGULATING THE SALARIES OF MEMBERS OF THE GOVERNMENT, PARLIAMENTARY SECRETARIES, THE ATTORNEY-GENERAL, THE CHAIRMAN AND THE DEPUTY CHAIRMAN OF DÁIL EIREANN, AND THE CHAIRMAN AND THE DEPUTY CHAIRMAN OF SEANAD EIREANN, TO PROVIDE FOR THE PAYMENT OF ADDITIONAL ALLOWANCES TO THE LEADERS OF CERTAIN PARTIES IN DAIL EIREANN, TO PROVIDE FOR THE PAYMENT OF PENSIONS, GRATUITIES AND ALLOWANCES TO AND IN RESPECT OF PERSONS WHO HAVE HELD CERTAIN MINISTERIAL AND PARLIAMENTARY OFFICES, AND TO PROVIDE FOR CERTAIN OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. 10 15 20

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

PART I.

PRELIMINARY AND GENERAL.

Short title.

1.—This Act may be cited as the Ministerial and Parliamentary Offices Act, 1938. 25

Repeals.

2.—The enactment mentioned in the Schedule to this Act is hereby repealed to the extent mentioned in the third column of that Schedule.

PART II.

REMUNERATION OF MEMBERS OF THE GOVERNMENT, PARLIAMENTARY SECRETARIES, THE ATTORNEY-GENERAL, AND THE CHAIRMAN AND DEPUTY CHAIRMAN OF DÁIL EIREANN AND SEANAD EIREANN. 30

Remuneration of Members of the Government and Parliamentary Secretaries.

3.—(1) There shall be paid to the Taoiseach an annual sum by way of salary not exceeding the sum of £2,500 and to each other member of the Government an annual sum by way of salary not exceeding the sum of £1,700. 35

(2) In lieu of sub-section (5) of section 7 of the Ministers and Secretaries Act, 1924 (No. 16 of 1924), repealed by this Act, it is hereby enacted that there shall be paid an annual sum by way of salary, not exceeding the sum of £1,200, to every Parliamentary Secretary appointed under the said section 7 who shall not, by the terms of his appointment, be declared to be appointed without salary. 40

(3) No person entitled to receive a salary under this section shall, at any one time, be paid more than one such salary. 45

(4) The total number of persons who are, at any one time, in receipt of salaries under this section shall not exceed twenty-two.

4.—There shall be paid to the Attorney-General an annual sum by way of salary not exceeding the sum of £2,500.

Remuneration of the Attorney-General.

5 5.—(1) There shall be paid to the Chairman of Dáil Eireann an annual sum by way of salary not exceeding the sum of £1,700, and to the Deputy Chairman of Dáil Eireann an annual sum by way of salary not exceeding the sum of £1,000.

Remuneration of Chairman and Deputy Chairman of Dáil Eireann.

10 (2) Whenever Dáil Eireann is dissolved and the person who was immediately before the dissolution thereof, the Chairman of Dáil Eireann, has not announced to Dáil Eireann before such dissolution that he does not desire to become a member of Dáil Eireann at the general election consequent on such dissolution, the salary payable under this section to such person shall continue to be paid to him until, on the reassembly of Dáil Eireann after such dissolution, his successor is appointed.

20 6.—(1) There shall be paid to the Chairman of Seanad Eireann an annual sum by way of salary not exceeding the sum of £1,200, and to the Deputy Chairman of Seanad Eireann an annual sum by way of salary not exceeding the sum of £750.

Remuneration of the Chairman and Deputy Chairman of Seanad Eireann.

25 (2) Whenever there is a general election for Seanad Eireann, the salary payable under this section to the person who was, on the day before the polling day of such general election, the Chairman of Seanad Eireann, shall continue to be paid to such person until, on the reassembly of Seanad Eireann after such general election, his successor is appointed.

30 7.—(1) Where a member of the Oireachtas who is the holder of an office mentioned in this Part of this Act gives notice in writing to the Minister for Finance that he desires to draw so much only of the salary attached to that office as is equal to the exempted part, there shall be paid, in respect of such salary, to such person a sum equal to the exempted part only.

Supplemental provisions in relation to salaries.

35 (2) In this section the expression "the exempted part" when used in relation to a salary means so much of such salary as is, by virtue of sub-section (5) of section 3 of the Oireachtas (Allowances to Members) Act, 1938 (No. — of 1938), exempt from income tax (including sur-tax).

8.—Every salary payable under this Part of this Act shall be paid out of moneys provided by the Oireachtas.

Payment of salaries out of moneys provided by the Oireachtas.

PART III.

ALLOWANCES TO LEADERS OF CERTAIN PARTIES IN DÁIL EIREANN.

9.—(1) In this Part of this Act—
the expression "the Second Party" means—

Definitions for the purposes of Part III.

45 (a) in case there are for the time being more than two Parties in Dáil Eireann, that one of the Parties (excluding the Government Party) in Dáil Eireann which has for the time being the greatest numerical strength in Dáil Eireann;

50 (b) in any other case, the Party in Dáil Eireann which is not the Government Party;

55 the expression "the Third Party" means that one of the Parties (excluding the Government Party) in Dáil Eireann which has for the time being the second greatest numerical strength in Dáil Eireann, and in respect of which the following conditions are complied with, that is to say:—

(c) that it contested the then next preceding general election for members of Dáil Eireann as an organised party, and

(d) that not less than seven members of that Party were elected at such general election;

the expression " the Leader of the Second Party " means the member of Dáil Eireann who is for the time being the Leader of the Second Party;

the expression " the Leader of the Third Party " means the member of Dáil Eireann who is for the time being the Leader of the Third Party. 5

(2) If any question should at any time arise as to—

(a) which (if any) Party in Dáil Eireann is the Second Party, or

(b) which (if any) Party in Dáil Eireann is the Third Party, 10 the following provisions shall have effect, that is to say:—

(i) the matter shall be decided by the Chairman of Dáil Eireann who shall give his decision in writing signed by him, and such decision shall for the purposes of this Act be final and conclusive and 15 binding on all persons and tribunals whatsoever,

(ii) if two or more Parties in Dáil Eireann are of equal numerical strength in Dáil Eireann, the Chairman of Dáil Eireann shall, in giving any decision under this sub-section, have regard to the relative 20 numbers in which such Parties were returned to Dáil Eireann at general elections held prior to the then next preceding general election for members of Dáil Eireann.

Payment of annual allowance to the Leader of the Second Party and the Leader of the Third Party.

10.—(1) There shall be paid to the Leader of the Second Party 25 an annual sum by way of allowance for expenses of £800.

(2) Subject to the provisions of this Act, there shall be paid to the Leader of the Third Party, whenever there is any such Party, an annual sum by way of allowance for expenses of £500.

(3) The number of allowances payable under this section shall 30 not at any one time exceed two.

(4) The allowance payable under this section to the Leader of the Second Party or the Leader of the Third Party shall be in addition to the allowance payable to him under the Oireachtas (Allowances to Members) Act, 1938 (No. — of 1938), and shall 35 be payable in respect of any period (commencing on or after the date of the passing of this Act) in respect of which the last-mentioned allowance is payable to him, and no other period.

(5) Every allowance payable under this section shall be exempt from income-tax (including sur-tax) and no such allowance shall 40 be reckoned in computing income for the purposes of the Income Tax Acts.

Conditions of payment of allowance to the Leader of the Third Party

11.—The following provisions shall apply to the payment of the allowance payable under the next preceding section to the Leader of the Third Party, that is to say:— 45

(a) no such allowance shall be payable unless the numerical strength in Dáil Eireann of the Third Party is not less than seven;

(b) such allowance shall cease to be paid if the numerical strength in Dáil Eireann of the Third Party at any time 50 falls below seven;

(c) if the numerical strength in Dáil Eireann of the Third Party falls below seven by reason of the death, resignation or disqualification of a member or members of the Third Party, the numerical strength thereof shall, for the 55 purposes of this section, be deemed to be not less than seven until the vacancy or each of the vacancies in Dáil Eireann caused by such death, resignation or disqualification is filled.

Payment of allowances out of Central Fund.

12.—Every allowance payable under this Part of this Act shall 60 be charged upon and payable out of the Central Fund or the grow- ing produce thereof.

PART IV.

PENSIONS AND ALLOWANCES TO AND IN RESPECT OF FORMER HOLDERS OF CERTAIN MINISTERIAL AND PARLIAMENTARY OFFICES.

13.—In this Part of this Act—

5 the expression “ ministerial office ” means any office which is one of the following, namely:—

Definitions for the purposes of Part IV

(a) the office of member of the Cabinet in, or Chairman of the First Dáil Eireann, the Second Dáil Eireann or the Third Dáil Eireann;

10 (b) the office of member of the Provisional Government;

(c) the office of member of the Executive Council of Saorstát Eireann or of Minister appointed under Article 55 of the Constitution of Saorstát Eireann;

15 (d) the office of Chairman of the Chamber of Deputies (Dáil Eireann) established by the Constitution of Saorstát Eireann;

(e) the office of member of the Government;

(f) the office of Chairman of Dáil Eireann;

20 the expressions “ the First Dáil Eireann ”, “ the Second Dáil Eireann ”, and “ the Third Dáil Eireann ” have the same meaning as those expressions respectively have in the Interpretation Act, 1923 (No. 46 of 1923);

25 the expression “ the Provisional Government ” means the Government constituted pursuant to Article 17 of the Second Schedule to the Constitution of the Irish Free State (Saorstát Eireann) Act, 1922 (No. 1 of 1922);

the expression “ secretarial office ” means the office of Parliamentary Secretary;

30 the expression “ qualifying office ” means an office which is either a ministerial office or a secretarial office.

(2) Where the Taoiseach certifies in writing that any person performed, during any period commencing on or after the 6th day of December, 1922, and ending on or before the 18th day of June, 1924, duties analogous to those now performable by a Parliamentary Secretary, such person shall, for the purposes of this Part of this Act, be deemed to have held a secretarial office during that period.

(3) Where a person relinquishes a qualifying office and is forthwith appointed to another qualifying office, such person shall, for the purposes of this Part of this Act, be deemed not to have ceased to hold a qualifying office on the occasion of such relinquishment.

(4) Where a person held two or more qualifying offices during a particular period, he shall be deemed for the purposes of this Part of this Act, to have held during such period one only of such qualifying offices.

45 14.—(1) Where—

(a) a person, who does not hold a qualifying office on the date of the passing of this Act, held a ministerial office before that date and his pensionable service on that date is three years or more, or

Pensions to former holders of ministerial offices.

50 (b) a person has held a ministerial office before the 6th day of December, 1922, and has held before the date of the passing of this Act secretarial office for a period of not less than seven years,

55 such person shall become entitled on the date of the passing of this Act to a pension (in this Act referred to as a ministerial pension).

(2) Where—

(a) a person, who holds a qualifying office on or after the date of the passing of this Act, ceases to hold a qualifying office, and

(b) his pensionable service is on the date of such cesser three years or more, and

(c) such person is not on the date of such cesser entitled to a pension under sub-section (1) of this section or this sub-section,

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such person shall on the date of such cesser become entitled to a pension (in this Act also referred to as a ministerial pension).

(3) A ministerial pension shall be at the following rates, that is to say:—

so long as the pensionable service of the person entitled thereto is less than four years, three hundred pounds per annum,

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if and so long as such person's pensionable service is less than five years, but not less than four years, three hundred and fifty pounds per annum,

if and so long as such person's pensionable service is less than six years, but not less than five years, four hundred pounds per annum,

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if and so long as such person's pensionable service is less than seven years, but not less than six years, four hundred and fifty pounds per annum,

in case such person's pensionable service is not less than seven years, five hundred pounds per annum.

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(4) For the purposes of this section—

(a) the number of years during which a person held secretarial office shall be taken to be the result obtained by dividing the number of days during which such person held a secretarial office by the number three hundred and sixty-five, any fraction over being disregarded;

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(b) the number of years of pensionable service of a person shall be taken to be the result obtained by dividing the number of days of his pensionable service by the number three hundred and sixty-five, any fraction over being disregarded;

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(c) the pensionable service of a person shall be the sum of each period which such person is entitled to reckon as a period of pensionable service under the subsequent provisions of this sub-section;

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(d) each of the following periods shall in respect of any person be a period of pensionable service—

(i) if he held ministerial office before the 11th day of July, 1921, a period equal to twice the length of any period before that day during which he held ministerial office,

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(ii) if he held ministerial office on or after the 11th day of July, 1921, any period commencing on or after that day during which he held ministerial office, subject however to this limitation, namely, that if he was during any period a member of the Cabinet in the Second Dáil Eireann or the Third Dáil Eireann and also a member of the Provisional Government, such period shall not be reckonable as a period during which he was both a member of such Cabinet and also a member of the Provisional Government,

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(iii) if his pensionable service as computed under the preceding provisions of this sub-section is three years or more and he had held secretarial office, or if paragraph (b) of sub-section (1) of this section applies to him, a period equal to half the period during which he held any secretarial office.

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(5) A ministerial pension shall, for the purposes of sub-section (1) of section 8 of the Military Service Pensions Act, 1924 (No. 48 of 1924), or sub-section (1) of section 20 of the Military Service Pensions Act, 1934 (No. 43 of 1934), be deemed not to be a pension or allowance payable out of public moneys.

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15.—(1) Where a person who was Attorney-General of Saorstát Eireann ceased, in pursuance of sub-section (2) of section 6 of the Ministers and Secretaries Act, 1924 (No. 16 of 1924), to hold that office and his qualifying service is on the date of the passing of this Act three years or more, such person shall become entitled on the date of the passing of this Act to a gratuity of an amount equal to one half of the salary attached to that office at the date of such cesser.

Gratuities
to former
law officers.

(2) Where a person who was Attorney-General retires from that office and his qualifying service on the date of such retirement is three years or more, such person shall, unless he has been previously paid a gratuity under sub-section (1) of this section or this sub-section, become entitled on the date of such retirement to a gratuity of an amount equal to one half of the salary attached to that office at the date of such retirement.

(3) For the purpose of this section—

(a) the qualifying service of a person shall be the sum of each period during which such person held the office of Attorney-General of Saorstát Eireann or the office of Attorney-General, and

(b) the number of years of qualifying service of a person shall be taken to be the result obtained by dividing the number of days of his qualifying service by the number three hundred and sixty-five, any fraction over being disregarded.

(4) No gratuity under sub-section (2) of this section shall be payable to a person if, on his retirement from the office of Attorney-General—

(a) he is appointed to any whole-time office the remuneration of which exceeds one thousand pounds per annum and either is charged on the Central Fund or the growing produce thereof or is payable directly out of moneys provided by the Oireachtas,

(b) he is appointed on the nomination of the Government or a Minister of State to any office the remuneration of which exceeds one thousand pounds per annum.

(5) Where any gratuity under sub-section (2) of this section is paid to a person and such person is within twelve months after his retirement from the office of Attorney-General appointed to any such office as is mentioned in paragraph (a) or paragraph (b) of the next preceding sub-section, such person shall pay to the Minister for Finance a sum equal to the amount of that gratuity.

16.—(1) Where a person, who does not hold a qualifying office on the date of the passing of this Act, held a secretarial office before that date and his pensionable service on that date is three years or more, such person shall become entitled on the date of the passing of this Act to a pension (in this Act referred to as a secretarial pension).

Pensions to
former holders of
secretarial
offices.

(2) Where—

(a) a person who holds a qualifying office on or after the date of the passing of this Act ceases to hold a qualifying office, and

(b) his pensionable service is on the date of such cesser three years or more, and

(c) such person is not on the date of such cesser entitled to a ministerial pension or a pension under sub-section (1) of this section or this sub-section,

such person shall on the date of such cesser become entitled to a pension (in this Act also referred to as a secretarial pension).

(3) A secretarial pension shall be at the following rates, that is to say:—

so long as the pensionable service of the person entitled thereto is less than four years, two hundred pounds per annum,

if and so long as such person's pensionable service is less than five years, but not less than four years, two hundred and thirty-three pounds six shillings and eight pence per annum, 5

if and so long as such person's pensionable service is less than six years, but not less than five years, two hundred and sixty-six pounds thirteen shillings and four pence per annum, 10

if and so long as such person's pensionable service is less than seven years, but not less than six years, three hundred pounds per annum,

in case such person's pensionable service is not less than seven years, three hundred and thirty-three pounds six shillings and eight pence per annum. 15

(4) For the purposes of this section—

(a) the number of years of pensionable service of a person shall be taken to be the result obtained by dividing the number of days of his pensionable service by the number three hundred and sixty-five, any fraction over being disregarded; 20

(b) the pensionable service of a person shall be the sum of each period which such person is entitled to reckon as a period of pensionable service under the subsequent provisions of this sub-section; 25

(c) each of the following periods shall in respect of any person be a period of pensionable service—

(i) if he held ministerial office before the 11th day of July, 1921, a period equal to twice the length of any period before that day during which he held ministerial office, 30

(ii) if he held ministerial office on or after the 11th day of July, 1921, any period commencing on or after that day during which he held ministerial office, subject however to this limitation, namely, that if he was during any period a member of the Cabinet in the Second Dáil Eireann or the Third Dáil Eireann and also a member of the Provisional Government, such period shall not be reckonable as a period during which he was both a member of such Cabinet and also a member of the Provisional Government, 40

(iii) any period during which he held any secretarial office. 45

(5) A secretarial pension shall, for the purposes of sub-section (1) of section 8 of the Military Service Pensions Act, 1924 (No. 48 of 1924), or sub-section (1) of section 20 of the Military Service Pensions Act, 1934 (No. 43 of 1934), be deemed not to be a pension or allowance payable out of public moneys. 50

Commencement
of ministerial
and secretarial
pensions.

17.—Where a person is entitled to a ministerial pension or a secretarial pension, then— 60

(a) if such person is not the holder of a qualifying office on the date of the passing of this Act and becomes entitled to such pension on the said date, such pension shall commence to be payable— 55

(i) in case such person duly applies therefor not later than six months after the said date, as on and from the said date, 60

(ii) in any other case, as on and from the date on which such person duly applies therefor;

(b) if such person is the holder of a qualifying office on or after the date of the passing of this Act and becomes entitled to such pension on or after the said date, such pension shall commence to be payable—

5 (i) in case such person duly applies therefor not later than six months after the date on which he became entitled thereto, as on and from the day next following the said last-mentioned date,

10 (ii) in any other case, as on and from the date on which such person duly applies therefor.

15 18.—If any question arises as to whether a person held ministerial office before the 6th day of December, 1922, or as to the period during which a person who held a ministerial office before that date held that office, the question shall be referred to a committee consisting of three persons, namely—

Determination of questions of ministerial service.

(a) the Taoiseach or some person nominated by him,

(b) the Leader of the Second Party, within the meaning of Part III of this Act, or some person nominated by him,

30 (c) the Chairman of Dáil Eireann or some person nominated by him,

and the decision of such committee on such question shall be final and conclusive and binding on all persons and tribunals whatsoever.

20 19.—(1) Where a person becomes entitled on the same day to both a ministerial pension and a secretarial pension, such person shall be deemed not to be entitled to such secretarial pension.

Prohibition of double pensions.

(2) Where a person who is entitled to a secretarial pension subsequently becomes entitled to a ministerial pension such person shall as on and from the date on which he becomes entitled to such ministerial pension cease to be entitled to such secretarial pension.

25 (3) A person shall not be entitled to reckon the same period of time both for the purpose of a ministerial pension or a secretarial pension and also for the purpose of a pension or allowance under the Military Service Pensions Acts, 1924 to 1934, or the Superannuation Acts, 1834 to 1936, or any other Act, whether passed
35 before or after the passing of this Act, whereunder such person shall or may become entitled to any pension the amount of which is determined by length of service.

(4) Where—

40 (a) a person who is entitled to a military service pension under the Military Service Pensions Act, 1924 (No. 48 of 1924), becomes entitled on the date of the passing of this Act to a ministerial pension or a secretarial pension, and

45 (b) any period of time which is reckoned for the purpose of computing the amount of such military service pension would, but for the next preceding sub-section, be reckonable also for the purpose of computing the amount of such ministerial pension or secretarial pension, and

50 (c) such person has, not later than twelve months after the date on which he has applied for such ministerial pension or secretarial pension, given notice in writing to the Minister for Finance that he desires to surrender so much of such military service pension as is calculated by reference to either (as may be stated in such notice) such period of time or any specified part thereof,

55 the following provisions shall as on and from the giving of such notice have effect, that is to say:—

(i) such military service pension shall be reduced by the amount thereof which such person so desires to surrender, and

60 (ii) such period of time or such specified part thereof (as the case may be) shall, for the purpose of calcu-

lating the amount of such ministerial pension or secretarial pension, be treated as a period of pensionable service and be deemed to be of the same notional length as if it were calculated under the First Schedule to the said Act. 5

Pensions and allowances to widows and children of deceased holders of qualifying offices.

20.—(1) Where—

- (a) a person, who died before the date of the passing of this Act but did not hold a qualifying office at the date of his death, would, if this Act had been in force at that date, have been entitled at that date to a pension, or 10
- (b) a person, who died before the date of the passing of this Act and held a qualifying office at the date of his death, would, if this Act had been in force at that date and he had ceased to hold such office on that date, have been entitled at that date to a pension, or 15
- (c) a person, who died on or after the date of the passing of this Act but did not hold a qualifying office at the date of his death, was at that date entitled to a pension, or
- (d) a person, who died on or after the date of the passing of this Act and held a qualifying office at the date of his death, would, if he had ceased to hold such office on that date, have been entitled at that date to a pension, 20

the following provisions shall, subject to the provisions of this Act, have effect, that is to say:—

- (e) the widow of such person shall, unless such person died before the date of the passing of this Act and she has re-married, be entitled to receive a pension (in this Act referred to as a widow's pension) of an amount equal to half the amount of the pension to which such person would have been so entitled or was entitled (as the case may be); 25
- (f) each child of such person who is for the time being a minor shall, during his or her minority, be entitled to receive—
 - (i) in case the mother of such child survives such person, an allowance (in this Act referred to as a child's allowance) at the rate of £30 per annum, increasable, in the event of such widow dying during such minority, as from the date of her death, to £50 per annum, 35
 - (ii) in case the mother of such child does not survive such person, an allowance (in this Act also referred to as a child's allowance) at the rate of £50 per annum; 40
- (g) in case such person died before the date of the passing of this Act and did not hold a qualifying office at the date of his death, any child, who is not the child or step-child of such person and was, during the period commencing on the date on which such person last ceased to hold a qualifying office and ending on the date of his death, living with and supported and maintained by such person, and is for the time being a minor, shall, during his or her minority, be entitled to receive— 50
 - (i) in case such person leaves a widow, an allowance (in this Act referred to as a child's allowance) at the rate of £30 per annum, increasable, in the event of such widow dying during such minority, as from the date of her death, to £50 per annum, 55
 - (ii) in case such person leaves no widow, an allowance (in this Act also referred to as a child's allowance) at the rate of £50 per annum. 60

(2) No widow's pension shall be payable to the widow of a person unless their marriage took place either while he held a

qualifying office or previous to a period during which he held a qualifying office.

(3) No child's allowance under paragraph (f) of sub-section (1) of this section shall be payable to the child of a person
5 who held a qualifying office unless the marriage of which such child is the issue took place either while such person held a qualifying office or previous to a period during which such person held a qualifying office.

(4) Every widow's pension shall terminate upon the re-marriage
10 of the person to whom such pension is granted.

(5) For the purposes of this section, the minority of a child who is a female shall be deemed to terminate, in case she marries under the age of twenty-one years, upon her marriage.

(6) In this section the word "pension" when used without
15 qualification means a pension which is either a ministerial pension or a secretarial pension.

(7) The following provisions shall have effect in respect of any widow's pension or child's allowance payable in respect of a deceased person, that is to say:—

20 (a) if such person dies before the date of the passing of this Act, such pension or allowance shall commence to be payable—

(i) in case an application therefor is duly made not later
25 than six months after such date, as on and from the 1st day of April, 1938, or the day next following the date of the death of such person, whichever day is the later, or

(ii) in any other case, as on and from the date on which the application therefor is duly made;

30 (b) if such person dies on or after the date of the passing of this Act, such pension or allowance shall commence to be payable—

(i) in case an application therefor is duly made not
35 later than six months after the date of such person's death, as on and from the day following such date, or

(ii) in any other case, as on and from the date on which the application therefor is duly made.

(8) Where provision has been made by any Saorstát Eireann
40 statute for the payment, out of the Central Fund or out of moneys provided by the Oireachtas, of any sum or sums, whether by way of grant, annuity or otherwise, to or for the benefit of the widow or any child of a person who was the holder of a ministerial office, no widow's pension shall be payable to such widow nor shall any
45 child's allowance be payable to such child.

(9) A widow's pension shall, for the purposes of sub-section (1) of section 8 of the Military Service Pensions Act, 1924 (No. 48 of 1924), or sub-section (1) of section 20 of the Military Service Pensions Act, 1934 (No. 43 of 1934), be deemed not to be a pension
50 or allowance payable out of public moneys.

21.—(1) It shall be a condition precedent to the grant of any pension, gratuity or allowance under this Part of this Act that an application (which shall be in the prescribed form and contain the prescribed particulars) shall be made therefor to the Minister for
55 Finance by the person entitled thereto or, in the case of a child's allowance, by the guardian of the child entitled thereto or some other person approved by the said Minister.

Grant of pensions, gratuities and allowances.

(2) All pensions, gratuities and allowances under this Part of this Act shall be granted by the Minister for Finance.

(3) Every child's allowance granted by the Minister for Finance to a child shall be paid for the benefit of such child to the guardian of such child or to some other person approved by the said Minister.

(4) The Minister for Finance may make regulations in relation to any matter or thing referred to in this section as prescribed, and the word "prescribed" in this section means prescribed by such regulations, and different regulations may be made in relation to ministerial pensions, gratuities under this Part of this Act, secretarial pensions, widows' pensions, and children's allowances.

Prohibition of assignment, etc., of pensions, gratuities and allowances.

22.—(1) Every assignment of and every charge on and every agreement to assign or charge any pension, gratuity or allowance under this Part of this Act shall, except so far as the same is authorised by an Act for the time being in force, be null and void.

(2) No pension, gratuity or allowance granted under this Part of this Act shall be capable of being taken in execution or otherwise alienated by process of law for the payment of any debts or liabilities of the person to whom such pension, gratuity or allowance is granted under this Part of this Act.

Suspension of pensions and allowances.

23.—(1) Where a person to whom a pension under Part IV is for the time being payable is in receipt of any payment out of public moneys, the following provisions shall, while such person is in receipt of the payment out of public moneys, have effect, that is to say :—

- (a) if the annual amount of the payment out of public moneys does not exceed the sum of one hundred pounds, the pension under Part IV shall be reduced by five per cent.,
- (b) if the annual amount of the payment out of public moneys exceeds the sum of one hundred pounds but does not exceed the sum of one hundred and fifty pounds, the pension under Part IV shall be reduced by ten per cent.,
- (c) if the annual amount of the payment out of public moneys exceeds the sum of one hundred and fifty pounds but does not exceed the sum of two hundred pounds, the pension under Part IV shall be reduced by twenty per cent.,
- (d) if the annual amount of the payment out of public moneys exceeds the sum of two hundred pounds but does not exceed the sum of two hundred and fifty pounds, the pension under Part IV shall be reduced by thirty per cent.,
- (e) if the annual amount of the payment out of public moneys exceeds the sum of two hundred and fifty pounds but does not exceed the sum of three hundred pounds, the pension under Part IV shall be reduced by forty per cent.,
- (f) if the annual amount of the payment out of public moneys exceeds the sum of three hundred pounds but does not exceed the sum of three hundred and fifty pounds, the pension under Part IV shall be reduced by fifty per cent.,
- (g) if the annual amount of the payment out of public moneys exceeds the sum of three hundred and fifty pounds but does not exceed the sum of four hundred pounds, the pension under Part IV shall be reduced by sixty per cent.,
- (h) if the annual amount of the payment out of public moneys exceeds the sum of four hundred pounds but does not

exceed the sum of four hundred and fifty pounds, the pension under Part IV shall be reduced by seventy per cent.,

5 (i) if the annual amount of the payment out of public moneys exceeds the sum of four hundred and fifty pounds but does not exceed the sum of five hundred pounds, the pension under Part IV shall be reduced by eighty per cent.,

10 (j) if the annual amount of the payment out of public moneys exceeds the sum of five hundred pounds but does not exceed the sum of five hundred and fifty pounds, the pension under Part IV shall be reduced by ninety per cent.,

15 (k) if the annual amount of the payment out of public moneys exceeds the sum of five hundred and fifty pounds, the pension under Part IV shall be reduced by one hundred per cent.

(2) Where—

20 (a) a person to whom a pension under Part IV is for the time being payable is then in receipt of any payment out of public moneys, and

(b) the annual amount of the payment out of public moneys exceeds one hundred pounds, and

25 (c) the total amount receivable on foot of the payment out of public moneys and the pension under Part IV (if the latter were reduced under the paragraph of sub-section (1) of this section which would, but for this present sub-section, be applicable) would be less than the total amount (in this sub-section referred to as the hypothetical amount) which would be receivable on foot of the payment out of public moneys and the pension under Part IV (if the former were the larger sum or the only sum mentioned in, and the latter were reduced by the percentage mentioned in, the paragraph next preceding the said first-mentioned paragraph of the said sub-section (1)),

then the pension under Part IV shall be reduced only to such an amount as will, when added to the payment out of public moneys, equal the hypothetical amount.

40 (3) In this section—

the expression "pension under Part IV" means a pension or allowance payable under this Part of this Act;

the expression "payment out of public moneys" means—

45 (a) any remuneration, pension or allowance payable out of moneys provided by the Oireachtas or out of the Central Fund or out of the funds of a local authority, or

(b) any remuneration of a position to which the holder has been nominated by the Government, or a Minister of State,

50 but does not include—

(c) a pension under Part IV, or

(d) an allowance under Part III of this Act, or

55 (e) a pension or allowance under the Army Pensions Acts, 1923 to 1937, in respect of a wound or disability suffered prior to the 1st day of October, 1924, or

(f) a pension under the Military Service Pensions Acts, 1924 to 1934, in any case in which the pensioner is also entitled to a widow's pension.

60 24.—Every pension, gratuity, and allowance payable under this Part of this Act shall be charged upon and payable out of the Central Fund or the growing produce thereof.

Payment of pensions, gratuities and allowances out of Central Fund.

SCHEDULE.

ENACTMENT REPEALED IN PART.

Number and year.	Short Title.	Extent of Repeal.
No. 16 of 1924.	Ministers and Secretaries Act, 1924.	Section 4; subsection (5) of section 7.



ÉIRE.

SEOL ADUNAS NA RIASTAIRS
SEOL ADUNAS NA RIASTAIRS

BILLE UM OIFIGI AIREACHTA AGUS
PAIRLIMINTE, 1938.

BILLE

dá ngairmtear

Acht chun socrúithe do dhéanamh i dtaobh tuarastal comhaltáí den Riaghaltas, Rúnaithe Páirliminte, an Ard-Aighne, Cathaoirligh agus Leas-Chathaoirligh Dháil Éireann, agus Cathaoirligh agus Leas-Chathaoirligh Sheanad Éireann do rialáil, chun socrúithe do dhéanamh i dtaobh líuntaisí breise d'foc le treoraithe Páirtithe áirithe i nDáil Éireann, chun socrúithe do dhéanamh i dtaobh pinsean, aiseí agus líuntaisí d'foc le daoine agus i leith daoine do bhí i seilbh oifigí áirithe Aireachta agus Páirliminte, agus chun socrúithe do dhéanamh i dtaobh nithe áirithe eile bhaineas leis na nithe roimhráite.

Mar a tuigtear a bheith rithe ag dhá Thigh an Oireachtais, 15adh Mí na Nodlag, 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

SEOL ADUNAS NA RIASTAIRS
SEOL ADUNAS NA RIASTAIRS

MINISTERIAL AND PARLIAMENTARY
OFFICES BILL, 1938.

BILL

entitled

An Act to make provision for regulating the salaries of members of the Government, Parliamentary Secretaries, the Attorney-General, the Chairman and the Deputy-Chairman of Dáil Éireann, and the Chairman and the Deputy-Chairman of Seanad Éireann, to provide for the payment of additional allowances to the Leaders of certain Parties in Dáil Éireann, to provide for the payment of pensions, gratuities and allowances to and in respect of persons who have held certain Ministerial and Parliamentary offices, and to provide for certain other matters connected with the matters aforesaid.

As deemed to have been passed by both Houses of the Oireachtas, 15th December, 1938.

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