

ÉIRE.

BILLE ARM-PHINSEAN, 1940.
ARMY PENSIONS BILL, 1940.

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

ARRANGEMENT OF SECTIONS.

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14. Short title and collective citation.

ÉIRE.

BILLE ARM-PHINSEAN, 1940.
ARMY PENSIONS BILL, 1940.

BILL

entitled

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AN ACT TO AMEND AND EXTEND THE ARMY PENSIONS ACTS, 1923 TO 1937.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Definitions.

1.—(1) In this Act—

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 Part III of the Act of 1932 and Part III of the Act of 1937; 10

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 and Part III of the Act of 1937; 15

the expression “ the Act of 1932 ” means the Army Pensions Act, 1932 (No. 24 of 1932) and, where the context so permits, shall be construed as meaning that Act as amended by Part IV of the Act of 1937; 20

the expression “ the Act of 1937 ” means the Army Pensions Act, 1937 (No. 15 of 1937);

the expression “ the Acts ” means the Army Pensions Acts, 1923 to 1937. 25

(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.

Time limit for making applications for disability pensions under the Act of 1927.

2.—(1) Every application for the grant of a disability pension shall be made within twelve months after the date of the passing of this Act. 30

(2) Where an application was duly made before the passing of this Act by any person for a disability pension, and such application was refused on the grounds that the Act of 1927 did not apply to him, such person shall not be entitled by virtue of the preceding sub-section of this section to renew such application. 35

(3) Where a disability pension is granted to any person who applies therefor on or after the date of the passing of this Act, such pension shall commence as on and from such date (not being earlier than the date of the passing of this Act) as the Minister may determine. 40

(4) In this section the expression “ disability pension ” means a pension under sections 9, 10 or 13 of the Act of 1927.

(5) Paragraph (b) of section 26 of the Act of 1932 is hereby repealed. 45

Amendment of section 19 of the Act of 1937.

3.—Sub-section (3) of section 19 of the Act of 1937 is hereby amended by the substitution in paragraph (d) of the said sub-section of the words “ was at the time of his death in receipt of ” for the words “ was granted ”.

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

4.—(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 shall be made within twelve months after the date of the passing of this Act. 50

(2) Every application for the grant of an allowance or gratuity under Part II of the Act of 1932 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 within twelve months after the date of the passing of this Act.

(3) Every application for the grant of an allowance or gratuity under Part II of the Act of 1932 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 expiration of twelve months after the date of the death of such person.

(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 on the grounds that the said Part II did not apply to him, such person shall not be entitled by virtue of any of the preceding sub-sections of this section to renew such application.

(5) Where a pension or allowance under Part II of the Act of 1932 is granted to any person who applies therefor on or after the date of the passing of this Act, such pension or allowance shall commence as on and from such date (not being earlier than the date of the passing of this Act) as the Minister may determine.

(6) Section 22 of the Act of 1937 is hereby repealed.

5.—(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,

no claim in respect of the death of such person for an allowance or gratuity under the said Part II by the widow or any child or dependant of such person shall be entertained.

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

(3) Section 23 of the Act of 1937 is hereby repealed.

6.—(1) Where an application is made on or after the date of the passing of this Act by a person for a disability pension and such application is referred to the Army Pensions Board under section 9 of the Act of 1932, then, if such person is at the date of his examination by the Army Pensions Board suffering from a disease attributable to military service, within the meaning of Part II of the Act of 1932, the following provisions shall have effect, that is to say:—

(a) if 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;

(b) 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;

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

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

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

(2) Every application for a pension under this section shall be in such form and contain such particulars as the Minister may direct.

(3) 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. 5

(4) Sub-section (4) of section 26 of the Act of 1937 shall not apply in any case where an application for a disability pension is made later than the 2nd day of June, 1938. 10

(5) In this section—

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

the expression "degree of disablement" has the same meaning as in the Act of 1927; 15

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

Time limit for making applications for pensions under Part VI of the Act of 1937.

7.—(1) Every application for a pension under Part VI of the Act of 1937 shall be made to the Minister within twelve months after the date of the passing of this Act. 20

(2) Where an application was duly made before the date of the passing of this Act by a person for a pension under Part VI of the Act of 1937, and such application was refused on the ground that the said Part VI did not apply to him, such person shall not by virtue of sub-section (1) of this section, be entitled to renew his application. 25

(3) Paragraph (a) of section 30 of the Act of 1937 is hereby repealed.

Commencement of pensions under Part VI of the Act of 1937.

8.—Where—

(a) a pension under Part VI of the Act of 1937 is granted after the date of the passing of this Act, and 30

(b) the application for such pension was not made before the 1st day of July, 1938,

such pension shall, notwithstanding anything contained in section 32 of the Act of 1937, commence on such date (not being earlier than the date of the passing of this Act) as the Minister may determine. 35

Commencement of dependants' allowances under Part VII of the Act of 1937.

9.—Every dependant's allowance granted under Part VII of the Act of 1937 to a person who made application therefor on or after the date of the passing of this Act shall commence on such date (not being earlier than the date of the passing of this Act) as the Minister may determine. 40

Time limit for making applications for dependants' allowances under Part VII of the Act of 1937.

10.—(1) Paragraph (b) of sub-section (1) of section 38 of the Act of 1937 shall be construed and have effect as if, for the reference in sub-paragraph (i) of the said paragraph to two years after the passing of the Act of 1937, there were substituted a reference to twelve months after the date of the passing of this Act. 45

(2) Sub-section (2) of section 38 of the Act of 1937 is hereby repealed, and in lieu thereof it is hereby enacted that save as provided by Part VII of the Act of 1937, no application for a dependant's allowance under the said Part VII which has been refused shall be reviewed after the expiration of two years from the date of the passing of this Act. 50

Time limit for making applications for special gratuities under Part VII of the Act of 1937.

11.—(1) Every application for a special gratuity under Part VII of the Act of 1937 shall be made within twelve months after the date of the passing of this Act. 55

(2) Where an application was duly made before the date of the passing of this Act by a person for a special gratuity under Part VII of the Act of 1937, and such application was refused on the ground that the said Part VII did not apply to him, such person shall not, by virtue of sub-section (1) of this section, be entitled to renew his application.

(3) Paragraph (b) of sub-section (1) of section 42 of the Act of 1937 is hereby repealed.

10 12.—(1) Where an applicant for a pension, allowance, or gratuity is summoned by the Board to attend for medical examination and fails or refuses to do so, the Board shall inform the Minister accordingly, and thereupon the following provisions shall have effect:—

Refusal of applications for pensions, etc., in case of failure of applicants to attend before the Army Pensions Board.

(a) the Minister may refuse such application;

15 (b) where the Minister decides not to refuse the application, the following provisions shall have effect, that is to say:—

(i) the Minister shall inform the Board of his decision;

20 (ii) the Board shall, not later than three months after being so informed, again summon the applicant to attend for medical examination,

(iii) if the applicant fails or refuses to attend in pursuance of such summons, the Board shall inform the Minister accordingly and thereupon the Minister shall refuse the application;

25 (c) where the Minister refuses the application, the applicant shall not be entitled to renew his application nor shall an award of any pension, allowance, or gratuity be made to the applicant.

30 (2) This section applies to all applications under the Acts which are pending on the date of the passing of this Act and to all applications under the Acts made on or after the said date.

(3) In this section—

35 the expression “the Board” means the Army Pensions Board; the expression “pension, allowance or gratuity” means a pension, allowance or gratuity under the Acts.

13.—(1) Where—

(a) the widow of a person, who died on or after the date of the passing of this Act, is granted an allowance under the Acts, and

Reduction of dependants' allowances in certain cases.

40 (b) such widow is also entitled to a pension under the Widows' and Orphans' Pensions Acts, 1935 to 1937

the said allowance may, in respect of any period during which the said pension is payable, be reduced by such amount as the Minister, with the consent of the Minister for Finance, shall determine.

45 (2) Where—

(a) the child of a person, who died on or after the date of the passing of this Act, is granted an allowance under the Acts, and

50 (b) such child is also entitled to a pension under the Widows' and Orphans' Pensions Acts, 1935 to 1937,

the said allowance may, in respect of any period during which the said pension is payable, be reduced by such amount as the Minister, with the consent of the Minister for Finance, may determine.

14.—(1) This Act may be cited as the Army Pensions Act, 1941.

Short title and collective citation.

55 (2) The Acts and this Act may be cited together as the Army Pensions Acts, 1923 to 1941.

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BILLE ARM-PHINSEÁN, 1940.

ARMY PENSIONS BILL, 1940.

BILLE

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dá ngairmtear

entitled

Acht chun na nAchtanna Arm-Phinsean, 1923 go 1937, do leasú agus do leathnú.

An Act to amend and extend the Army Pensions Acts, 1923 to 1937.

Rithte ag Dáil Eireann, 5adh Feabhra, 1941.

Passed by Dáil Eireann, 5th February, 1941.

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