



BILLE BHORD SOLATHAIR AN LEICTREACHAIS
(AOIS-LIUNTAS), 1942.
ELECTRICITY SUPPLY BOARD (SUPERANNUATION)
BILL, 1942.

Mar do tugadh isteach.

'As introduced.

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ÉIRE.

BILLE BHORD SOLATHAIR AN LEICTREACHAIS (AOIS-LIUNTAS), 1942.

ELECTRICITY SUPPLY BOARD (SUPERANNUATION) BILL, 1942.

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BILL

entitled

AN ACT TO MAKE PROVISION FOR THE GRANT OF PENSIONS, ALLOWANCES, AND GRATUITIES TO OR IN RESPECT OF MEMBERS OF THE ELECTRICITY SUPPLY BOARD AND PERSONS EMPLOYED BY THE SAID BOARD, TO PROVIDE FOR THE SETTING UP BY THE SAID BOARD OF A TRIBUNAL TO DETERMINE DISPUTES BETWEEN THE SAID BOARD AND MANUAL WORKERS EMPLOYED BY IT, AND TO PROVIDE FOR DIVERS MATTERS CONNECTED WITH OR INCIDENTAL TO THE SEVERAL MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Definitions.

1.—In this Act—

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the expression “ the Minister ” means the Minister for Industry and Commerce;

the expression “ the Principal Act ” means the Electricity (Supply) Act, 1927 (No. 27 of 1927);

the expression “ the Board ” means the Electricity Supply Board;

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the expression “ superannuation scheme ” means a superannuation scheme which has the force of law by virtue of this Act and, where such scheme has been amended under this Act, means such scheme as so amended;

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the expression “ superannuation benefits ”, when used in relation to a superannuation scheme, includes pensions, allowances, and gratuities;

the expression “ manual worker ” means a person in the employment of the Board who is a manual worker for the purposes of the superannuation schemes.

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Payment of superannuation benefits to members of the Board.

2.—(1) Where a member of the Board required by the Principal Act or the terms of his appointment to devote the whole of his time to his duties as such member ceases, after not less than ten years continuous whole-time membership of the Board, to be a member of the Board by expiration of his term of office without reappointment or by resignation during his term of office either after he has attained the age of sixty years or on account of ill-health before attaining that age, it shall be lawful for the Board to grant to such member a pension for life of an amount per annum calculated at the rate of one forty-eighth of the yearly salary of such member for every completed year of the period of his continuous whole-time membership of the Board ending on the date of such cesser, but subject to a maximum of twenty forty-eighths of such yearly salary.

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(2) Where a member of the Board dies during his term of office after a period of not less than five years continuous whole-time membership ending at his death, it shall be lawful for the Board to grant and pay to the personal representative of such member a gratuity of an amount equal to the yearly salary of such member.

(3) Where a person to whom a pension is granted under subsection (1) of this section dies at such time after the cesser of his membership of the Board that the amount of such pension for the period from the date of such cesser to the date of his death is less than his yearly salary as a member of the Board, it shall be lawful for the Board to grant and pay to the personal representative of such person a gratuity of an amount equal to the sum by which the said amount of such pension for the said period falls short of the said yearly salary.

(4) For the purposes of this section,—

(a) the yearly salary of a member of the Board shall be taken to be his average yearly salary as such member during the period of three years expiring on the date of the cesser of his membership or of his death, as the case may be, and

(b) the expiration of the term of office of a member of the Board followed by his reappointment (whether actually made before, on, or after such expiration) to membership of the Board for a term beginning on the date, or the day after the date, of such expiration shall not constitute a break in the continuity of his membership of the Board.

3.—(1) Whenever a person to whom a pension (in this subsection referred to as the first-mentioned pension) has been granted under the next preceding section is in receipt of a pension (in this subsection referred to as the second-mentioned pension) in respect of service in any situation in a public department or under a local authority (whether the second-mentioned pension was granted before or after the grant of the first-mentioned pension), whichever of the following provisions is applicable shall apply and have effect, that is to say:—

Provisions in respect of the pensions of members of the Board.

(a) if the second-mentioned pension equals or exceeds one-half of the salary by reference to which the amount of the first-mentioned pension was computed, the first-mentioned pension shall not be payable in respect of any period for which the second-mentioned pension is payable;

(b) if the second-mentioned pension is less than one-half of the salary by reference to which the amount of the first-mentioned pension was computed, so much only of the first-mentioned pension shall be payable for any period in respect of which the second-mentioned pension is payable as is equal to the amount by which the second-mentioned pension falls short of one-half of the said salary.

(2) Whenever a person to whom a pension has been granted under the next preceding section is employed in any situation in a public department or under a local authority and either of the following provisions is applicable, then whichever of those provisions is applicable shall apply and have effect, that is to say:—

(a) during any period for which the yearly rate of such person's remuneration in the said situation equals or exceeds the salary by reference to which the said pension was computed, the said pension shall not be payable;

(b) during any period for which the yearly rate of such remuneration is less than the said salary but is greater

than the amount by which the said salary exceeds the said pension, so much only of the said pension shall be payable as is equal to the amount by which the yearly rate of such remuneration falls short of the said salary.

(3) In this section the expression "situation in a public department" includes— 5

- (a) any situation which is remunerated wholly or partly out of moneys (other than a single grant or occasional grants not renewed from year to year) provided by the Oireachtas, 10
- (b) any situation which is a public office within the meaning of the Superannuation Act, 1892, or any enactment amending that Act, and
- (c) any situation in or under or as a paid member of a board or body established by or under any Act of the Oireachtas which the Minister for Finance by order declares to be a public department for the purposes of this section. 15

Preparation by the Board of schemes for the superannuation of its employees.

4.—As soon as conveniently may be after the passing of this Act, the Board shall prepare in accordance with this section— 20

- (a) a scheme (in this Act referred to as the general employees superannuation scheme) for the grant and payment of superannuation benefits to all persons (with the exceptions mentioned in this Act and the scheme itself) employed by the Board who are not manual workers, and 25
- (b) a scheme (in this Act referred to as the manual workers superannuation scheme) for the grant and payment of superannuation benefits to all persons (with the exceptions mentioned in this Act and the scheme itself) employed by the Board who are manual workers. 30

Confirmation of schemes by the Minister.

5.—(1) Every scheme prepared by the Board in pursuance of the next preceding section shall be submitted by the Board to the Minister. 35

(2) When a scheme has been submitted to the Minister in pursuance of the foregoing sub-section of this section, the Minister shall either, as he shall think proper, refer such scheme back to the Board for reconsideration and fresh submission under the said sub-section or, by order made after consultation with the Minister for Finance, confirm such scheme either without modification or with such modifications (whether by way of addition, omission, or variation) as the Minister shall, after such consultation, think proper. 40

(3) When a scheme prepared by the Board has been confirmed by the Minister under this section, such scheme shall, as from the date of the order of the Minister confirming it, have the force of law in the form in which it was so confirmed. 45

Preparation and confirmation of amending schemes.

6.—(1) It shall be lawful for the Board whenever they think proper, to prepare a scheme (in this section referred to as an amending superannuation scheme) amending (whether by addition, omission, or variation) a superannuation scheme previously confirmed by the Minister or amending (whether as aforesaid) or revoking an amending superannuation scheme for the time being in force. 50
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(2) Every amending superannuation scheme prepared by the Board under this section shall be submitted by the Board to the Minister, and the Minister shall have the like powers and duties in relation to the confirmation of such amending superannuation

scheme as he has under this Act in relation to the confirmation of a scheme prepared and submitted by the Board under the foregoing provisions of this Act.

5 (3) No amending superannuation scheme shall operate so to amend
a superannuation scheme as to cause such superannuation scheme to
contravene in any manner the provisions of this Act in relation to
the matters to be provided for by or the provisions to be contained
in such superannuation scheme.

10 (4) When an amending superannuation scheme has been con-
firmed by the Minister under this section, such scheme shall, as
from the date of the order of the Minister confirming it, have the
force of law in the form in which it was so confirmed, and the
superannuation scheme to which such amending superannuation
15 scheme relates shall have effect subject to the provisions of such
amending superannuation scheme as so confirmed.

7.—(1) Every superannuation scheme shall—

General
provisions in
regard to the
contents of
superannuation
schemes.

20 (a) provide that a fund shall be set up out of which the
superannuation benefits payable under the scheme shall
be paid and that such fund shall be administered in
accordance with this Act and the regulations made there-
under by the Minister, and

25 (b) provide (save as otherwise provided by this section) that
every person entitled to superannuation benefits under
the scheme shall pay contributions to the said fund and
that the Board shall make to the said fund payments
equal in the aggregate to the aggregate amount of the
said contributions thereto, and

30 (c) provide that the Board shall defray the expenses of
administering the scheme and managing the said fund,
and

35 (d) indicate clearly the classes of persons in the employment
of the Board who are to be entitled to pay contributions
under the scheme and, in particular, define the classes
of persons who are to be deemed in relation to the
scheme to be manual workers, and

(e) prescribe the contributions payable and the superannua-
tion benefits receivable under the scheme and (subject
to the provisions of this Act) the service which will
qualify or be reckonable for such benefit, and

40 (f) provide (subject to the provisions of this section) the cir-
cumstances in which persons leaving the employment of
the Board before they have become entitled to super-
annuation benefits under the scheme will be entitled to
have contributions paid by them under the scheme
45 repaid, whether with or without interest, and

(g) provide for matters incidental or ancillary to all or any
of the matters mentioned in the foregoing paragraphs
of this sub-section.

50 (2) In addition to the matters mentioned in the next preceding
sub-section of this section, every superannuation scheme shall pro-
vide that only continuous service in the employment of the Board
ending on the date of retirement from that employment on account
of age or ill-health shall qualify or be reckonable for superannua-
tion benefits under the scheme, and the manual workers super-
55 annuation scheme shall further provide—

60 (a) that in the reckoning of such continuous service as afore-
said of any manual worker, any period of service of
such worker in the employment of the Board prior to
a break after the passing of this Act in that service
through wilful action on the part of such worker which

caused, or might have caused, an interruption in the generation, transmission, or distribution of electricity by the Board or which impeded, or might have impeded, the due performance of any of the functions or duties of the Board shall be excluded, and

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(b) that in the reckoning of such continuous service as aforesaid of any manual worker, any period of service of such worker in the employment of the Board prior to a break after the passing of this Act in that service shall be included if, but only if, such break was not due to such wilful action on the part of such worker as is mentioned in the next preceding paragraph of this sub-section and either the contributions paid to the said fund by such worker in respect of such period of service remain in the said fund or, where a sum in respect of such contributions or such contributions and interest thereon has been repaid to such worker, such sum is refunded to the said fund, whether with or without interest, but subject to the overriding limitations that no part of such prior service which is excluded by the said next preceding paragraph shall be so included and that only that service prior to such break which would have been so reckonable if such break had not occurred shall be included, and

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(c) that where, in the reckoning of such continuous service as aforesaid of any manual worker, any period of service of such worker is excluded in pursuance of paragraph (a) of this sub-section, all contributions paid to the said fund by such person or by the Board on his behalf in respect of the period of service so excluded shall remain in the said fund and shall not be repayable, and

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(d) that every dispute as to whether a break after the passing of this Act in the service of any manual worker in the employment of the Board was or was not due to such wilful action as is mentioned in paragraph (a) of this sub-section on the part of such worker shall be referable to the Tribunal to be established under this Act, and that the decision of the said Tribunal thereon shall be final and binding on all persons concerned.

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(3) Every superannuation scheme shall also contain provisions enabling persons to whom the scheme applies who are in the employment of the Board at the date of the confirmation of the scheme to include in their service reckonable for superannuation benefits under the scheme continuous service (in this sub-section referred to as prior service) in the employment of the Board prior to and ending on the said date, but subject to the following provisions, that is to say :—

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(a) if any such person pays to the fund set up for the purposes of the scheme appropriate contributions (with compound interest) in respect of his prior service, the Board shall also pay to the said fund appropriate contributions (with compound interest) in respect of such prior service, and such person shall (save as is otherwise provided in pursuance of the next preceding sub-section of this section) be entitled to reckon his prior service in full for benefits under the scheme, or

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(b) if any such person does not pay to the said fund contributions in respect of his prior service, the Board shall pay to the said fund appropriate contributions (with compound interest) in respect of such prior service, and such person shall (save as is otherwise provided in pursuance of the next preceding sub-section of this section) be entitled to reckon one-half and no more of his prior service for benefits under the scheme.

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(4) No superannuation scheme shall apply to or enable super-

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annuation benefits thereunder to be received by any excepted person.

In this sub-section the expression "excepted person" means a person who was transferred to the service of the Board under either sub-section (9) of section 39 or sub-section (5) of section 105 of the Principal Act and has, by virtue of such transfer, a right to superannuation benefits payable by the Board, not being a person who—

- (a) left the service of the Board before the passing of this Act, and
- (b) was thereupon granted by the Board an allowance for life or a gratuity, and
- (c) was, at any time after so leaving the service of the Board and before the passing of this Act, re-appointed to the service of the Board.

8.—(1) When a superannuation scheme has been confirmed by the Minister, the Minister may, by the order confirming such scheme or by a subsequent order made after consultation with the Minister for Finance, make regulations for all or any of the following purposes, that is to say:—

Financial provisions in relation to superannuation schemes.

- (a) providing for the setting up of the fund required by such scheme to be set up for the purposes thereof, and providing for the vesting of such fund in trustees and for the appointment of such trustees from time to time as occasion requires;
- (b) providing for the investment of such fund in accordance with this Act;
- (c) providing for the keeping and audit of the accounts of such fund;
- (d) providing for such other matters relating to the establishment, maintenance, and administration of such fund as the Minister considers proper to be provided for.

(2) The moneys comprised in a fund set up for the purposes of a superannuation scheme may be invested in one or more of the following ways, and in no other way, that is to say:—

- (a) in such securities for the time being authorised by law for the investment of trust funds as the trustees of the fund shall, after consultation with the Minister for Finance, think proper;
- (b) in such other securities for the time being approved of in that behalf by the Minister for Finance as the said trustees shall think proper;
- (c) in loans to the Board under the next following sub-section of this section.

(3) It shall be lawful for the trustees of a fund set up for the purposes of a superannuation scheme to lend to the Board, and for the Board to borrow from such trustees, out of such fund such moneys as such trustees and the Board shall think proper, and whenever any such moneys are so lent by such trustees to the Board the following provisions shall apply and have effect, that is to say:—

- (a) the Board shall pay to such trustees interest on such moneys at such rate as shall from time to time be agreed upon by such trustees and the Board, with the consent of the Minister for Finance,
- (b) such moneys shall be repayable on three months notice given in writing by such trustees to the Board or by the Board to such trustees;
- (c) such moneys shall be expended by the Board solely for the purpose of the exercise and performance of the powers and functions conferred by law on the Board;

(d) such moneys and the interest thereon shall, by virtue of this section, be charged on and recoverable out of all property on which advances by the Minister for Finance to the Board and the interest and sinking fund payments in respect thereof are for the time being charged and shall, as against such property, rank next after the charges mentioned in section 16 of the Principal Act. 5

(4) A fund set up for the purposes of a superannuation scheme shall be deemed to be set up under an irrevocable trust.

Establishment of the Tribunal.

9.—(1) As soon as conveniently may be after the passing of this Act, the Minister shall cause a tribunal (in this Act referred to as the Tribunal) to be established in accordance with this section for the purposes mentioned in this Act. 10

(2) The Tribunal shall consist of a chairman and two ordinary members appointed in accordance with the following provisions, that is to say:— 15

(a) one of the ordinary members of the Tribunal shall be nominated and appointed by the Board;

(b) the other of the ordinary members of the Tribunal shall be nominated and appointed in such manner as shall be determined by the Board, with the approval of the Minister, by the persons for the time being in the employment of the Board who are manual workers; 20

(c) the chairman of the Tribunal shall be nominated and appointed by the Minister. 25

(3) Every member of the Tribunal shall, unless he sooner dies or resigns, hold office as such member for five years from the date of his appointment, but shall be eligible for re-appointment.

(4) If the chairman of the Tribunal is for any reason temporarily unable to act as chairman, the Minister may nominate and appoint another person to act temporarily as the chairman of the Tribunal during such inability. 30

(5) If the ordinary member of the Tribunal nominated and appointed by the Board is for any reason temporarily unable to act as a member of the Tribunal, the Board shall nominate and appoint another person to act temporarily as a member of the Tribunal during such inability. 35

(6) If the ordinary member of the Tribunal nominated and appointed by the persons for the time being in the employment of the Board who are manual workers is for any reason temporarily unable to act as a member of the Tribunal, the said persons shall nominate and appoint (in the same manner as in the case of a nomination and appointment by them of an ordinary member of the Tribunal) another person to act temporarily as a member of the Tribunal during such inability. 40 45

Procedure of the Tribunal.

10.—(1) The Tribunal shall have power to do all or any of the following things, that is to say:—

(a) to regulate its own procedure and appoint the times and places of its sittings;

(b) to take evidence on oath and for that purpose to administer oaths; 50

(c) to allow any person or persons to be present at sittings of the Tribunal and to exclude any person or persons from such sittings.

(2) Where the Tribunal cannot reach a unanimous decision on any matter referred to it under this Act, the decision of the Tribunal shall be— 55

(a) where two of its members are in agreement, in accordance with the opinion of such two members, or

(b) in default of agreement between two of its members, in accordance with the opinion of the chairman.

5 (3) The decision of the Tribunal on any matter referred to it under this Act shall be given in writing signed by the chairman.

(4) The Tribunal shall have all such powers, rights, and privileges for enforcing the attendance of witnesses and examining them on oath and for compelling the production of documents as are
10 vested in the High Court or a Judge thereof in respect of the trial of an action, and a summons signed by the Chairman of the Tribunal shall be equivalent to and have the like effect as a formal process issued by the High Court for enforcing the attendance of witnesses or compelling the production of documents.

15 (5) If any person on being duly summoned under this section to attend as a witness before the Tribunal makes default in so attending or, being in attendance before the Tribunal as a witness, refuses to take an oath required by the chairman to be taken by him or refuses to produce any document in his power or control
20 required by the chairman to be produced by him or refuses to answer any questions required by the chairman to be answered by him, the chairman may certify the offence of such person to the High Court and that Court may, after such inquiry as it thinks proper to make, punish or take steps for the punishment of that person in like
25 manner as if he had been guilty of contempt of the said Court.

11.—(1) Every dispute which shall arise between the Board and all or any of the manual workers for the time being in the employment of the Board (including disputes declared by this Act to be referable to the Tribunal) shall, at the request of the Board or of
30 the other party or parties to the dispute, be referred to and be determined by the Tribunal.

Reference of disputes to the Tribunal.

(2) When determining a dispute in relation to rates of wages and hours of labour or either of them, the Tribunal shall have regard to the principle underlying the fair wages clause commonly inserted
35 in government contracts and to the general circumstances and conditions of employment by the Board, including the advantages of regular employment and the benefits under the superannuation schemes under this Act.

12.—(1) No person shall be entitled to pay any contribution or
40 receive any benefit under the manual workers superannuation scheme unless or until he has signed and deposited with the Board an undertaking that if and whenever he shall be concerned in a dispute with the Board in relation to his employment or the employment of any other person by the Board and the withdrawal or with-
45 holding, because of such dispute, of his services in his employment by the Board would or might cause an interruption in the generation, transmission, or distribution of electricity by the Board or would or might impede the due performance of any of the functions or duties of the Board, he will refer or join in referring such dispute to the Tribunal or consent to such dispute being so referred by
50 the Board and will accept and abide by the decision of the Tribunal on such dispute and will not, because of such dispute, withdraw or withhold his services in his employment by the Board.

Special provisions in relation to the manual workers superannuation scheme.

(2) If any dispute shall arise between the Board and a person
55 who has signed and deposited with the Board such undertaking as is mentioned in sub-section (1) of this section as to whether such person has or has not contravened such undertaking, such dispute shall be referable to the Tribunal and the decision of the Tribunal thereon shall be final and binding on the Board and on such person.

Power of the Board to pay allowances to certain persons transferred to the service of the Board.

13.—(1) This section applies to every person for the time being in the employment of the Board who was transferred to the service of the Board from service in an undertaking acquired by the Board under section 38 of the Principal Act and who, immediately before such transfer, had no superannuation rights referable to his service in such undertaking. 5

(2) Where a person to whom this section applies and who at the passing of this Act has not attained the age of sixty years retires from the service of the Board in such circumstances that he is entitled to a pension under a superannuation scheme under this Act, it shall be lawful for the Board, if they so think fit, to grant and pay to such person (by way of addition to such pension) a supplementary allowance for his life of such amount as the Board shall (subject to the provisions of the next following sub-section of this section) think proper. 10 15

(3) A supplementary allowance granted under the immediately preceding sub-section of this section to a person to whom this section applies shall not exceed one-half of the pension which such person (if he were not a person to whom this section applies) would have been entitled to receive under the superannuation scheme under this Act applicable to him if contributions under that scheme had been paid by him and by the Board in respect of each completed year of his actual service in the undertaking from which his transfer to the service of the Board took place. 20

(4) Where a person to whom this section applies and who at the passing of this Act has attained the age of sixty years retires from the service of the Board, it shall be lawful for the Board, if they so think fit, to grant and pay to such person an allowance for his life of an amount not exceeding three-eighths of the average annual rate of the salary or wages payable to him by the Board during the period of three years immediately before his retirement from the service of the Board. 25 30

Power of the Board to pay gratuities to persons excluded by ill-health from superannuation schemes.

14.—(1) This section applies to every person in the employment of the Board who is precluded solely on the ground of his health from paying contributions and receiving benefits under a superannuation scheme under this Act. 35

(2) It shall be lawful for the Board, if they so think fit, to pay to a person to whom this section applies a gratuity on his retirement from service in the employment of the Board of such amount as the Board shall think proper, but exceeding neither an amount equal to the annual salary or wages payable to such person by the Board immediately before his said retirement nor one-twelfth of such salary or wages multiplied by the number of years of service of such person in the employment of the Board. 40

Expenses.

15.—(1) The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. 45

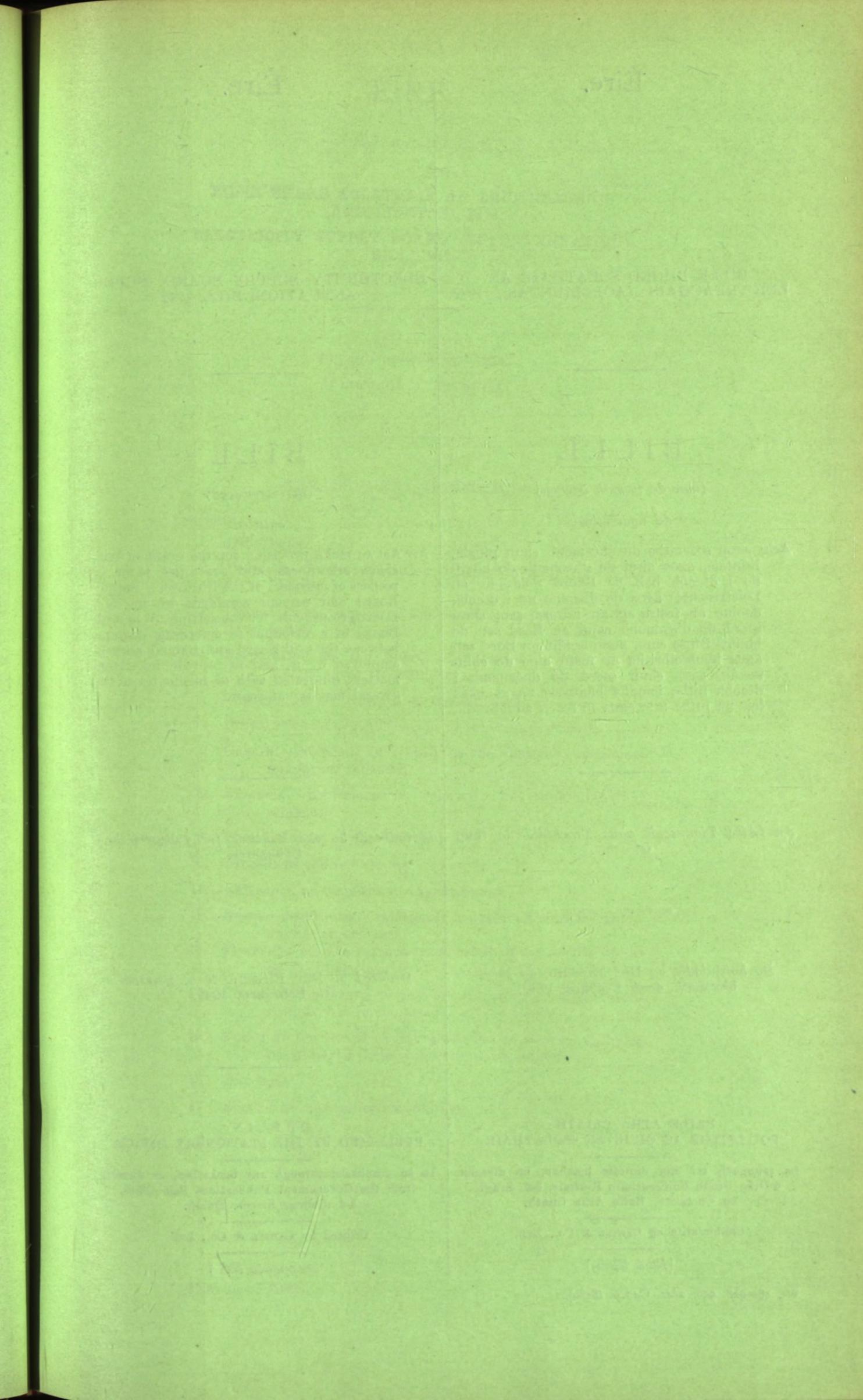
(2) All pensions, gratuities, allowances and other superannuation benefits payable by the Board under this Act, and all contributions and other moneys payable by the Board under a superannuation scheme, and all other expenses incurred by the Board under this Act shall be defrayed as part of the general expenses of the Board. 50

(3) The expenses under this Act in relation to the Tribunal (including fees) shall be defrayed by the Board as part of the general expenses of the Board. 55

Short title and collective citation.

16.—(1) This Act may be cited as the Electricity Supply Board (Superannuation) Act, 1942.

(2) The Electricity (Supply) Acts, 1927 to 1941, and this Act may be cited together as the Electricity (Supply) Acts, 1927 to 1942. 60



Éire.

BILLE BHORD SOLATHAIR AN
LEICTREACHAIS (AOIS-LIUNTAS), 1942.

BILLE

(mar do tugadh isteach)

dá ngairmtear

Acht chun soeruithe do dhéanamh chun pinsin, liúntais, agus aiseí do dheonadh do bhaill no i dtaobh ball de Bhord Soláthair an Leictreachais agus do dhaoine no i dtaobh daoine ar fostú ag an mBord san, chun soerú do dhéanamh chun an Bord san do bhunú Bínse chun aighnis idir an Bord san agus lámh-oibrithe ar fostú aige do chinneadh, agus chun soerú do dhéanamh i dtaobh nithe iomdha bhaineas no ghabhas leis na nithe uile agus fé seach adubhradh.

An tAire Tionnscaíl agus Tráchtála do thug isteach.

Do hordúíodh, ag Dáil Eireann, do chlóbhuailadh, 4adh Feabhra, 1942.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN SOLATHAIR.

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Éire.

ELECTRICITY SUPPLY BOARD (SUPER-
ANNUATION) BILL, 1942.

BILL

(as introduced)

entitled

An Act to make provision for the grant of pensions, allowances, and gratuities to or in respect of members of the Electricity Supply Board and persons employed by the said Board, to provide for the setting up by said Board of a Tribunal to determine disputes between the said Board and manual workers employed by it, and to provide for divers matters connected with or incidental to the several matters aforesaid.

Introduced by the Minister for Industry and Commerce.

Ordered by Dáil Eireann, to be printed, 4th February, 1942.

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