

# ÉIRE.

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## BILLE AOISLIUNTAS, 1942. SUPERANNUATION BILL, 1942.

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*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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# ÉIRE.

## BILLE AOISLIUNTAS, 1942. SUPERANNUATION BILL, 1942.

# BILL

*entitled*

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AN ACT TO AMEND AND EXTEND THE SUPERANNUATION ACTS, 1834 TO 1936.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Interpretation

1.—(1) In this Act—

the expression “ the Minister ” means the Minister for Finance; 10  
the expression “ the Act of 1923 ” means the Superannuation and Pensions Act, 1923 (No. 34 of 1923);

the expression “ the Act of 1936 ” means the Superannuation Act, 1936 (No. 39 of 1936).

(2) Every expression used in this Act to which a meaning is 15  
assigned by the Act of 1936 for the purposes of the Act of 1936 has in this Act the meaning so assigned to it.

Reckoning of  
service in a  
British civil  
service of  
established  
Civil Servants.

2.—(1) In the case of a person serving at the date of the pass-  
ing of this Act in an established position in the Civil Service, in  
respect of whom a certificate was issued under sub-section (1) of 20  
section 2 of the Act of 1923, or under section 9 or section 12 of  
the Act of 1936, and who received a pension or gratuity on ceas-  
ing to be employed in a British civil service, the service in respect  
of which such pension or gratuity was granted shall be reckoned 25  
for the purposes of the Superannuation Acts to the extent to  
which it would have been reckoned if no pension or gratuity had  
been awarded in respect of it.

(2) Where a person to whom sub-section (1) of this section  
would apply if he were serving in the Civil Service at the date  
of the passing of this Act, retired from the Civil Service before 30  
the date of the passing of this Act, and was, at the date of his  
retirement, serving in an established position in the Civil Service,  
any superannuation allowance granted to him on retirement may  
be adjusted or varied as from the date of his retirement as if the  
foregoing sub-section had applied to him at that date. 35

Established  
service of certain  
technical  
assistants in the  
Ordnance Survey.

3.—(1) Where—

(a) a certificate was issued under sub-section (1) of section 2  
of the Act of 1923 in respect of a person who is serving,  
at the date of the passing of this Act, in an unestab-  
lished position as a technical assistant in the Ordnance 40  
Survey; and

(b) such person was before the 1st day of April, 1922,  
employed as an unestablished civil assistant in the  
Ordnance Survey and received a gratuity on ceasing  
to be so employed, and 45

(c) the period commencing on the date on which such person  
was so employed as an unestablished civil assistant and  
ending on the date immediately before the date of the  
passing of this Act is fifteen years or more,

the following provisions shall, for the purposes of the Superannuation Acts have effect, that is to say:—

- 5 (i) such person shall be deemed, as on and from the expiration of fifteen years from the commencement of such period, to have been appointed to an established position in the Civil Service, and
- (ii) for the purposes of the Superannuation Acts, the service of such person may be reckoned as established service as from a date seven and a half years prior to the date of such expiration.
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(2) Where—

- (a) a certificate was issued under sub-section (1) of section 2 of the Act of 1923, in respect of a person who was serving in an unestablished position as a technical assistant in the Ordnance Survey, but who retired from that position before the date of the passing of this Act; and
- 15
- (b) such person was before the 1st day of April, 1922, employed as an unestablished civil assistant in the Ordnance Survey and received a gratuity on ceasing to be so employed; and
- 20
- (c) the period commencing on the date on which such person was so employed as a civil assistant and ending on the date immediately before the date on which such person retired from his position as an unestablished technical assistant in the Ordnance Survey was fifteen years or more;
- 25

the following provisions shall, for the purposes of the Superannuation Acts have effect, that is to say:—

- 30 (i) such person, if alive at the date of the passing of this Act, shall be deemed, as on and from the expiration of fifteen years from the commencement of such period, to have been appointed to an established position in the Civil Service, and
- (ii) for the purposes of the Superannuation Acts, the service of such person may be reckoned as established service as from a date seven and a half years prior to the date of such expiration.
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(3) The provisions of sub-section (2) of this section shall apply to a person to whom they would apply if he had rendered continuous service in the Ordnance Survey from the date on which a certificate in respect of him was issued under sub-section (1) of section 2 of the Act of 1923 to the date of his retirement, and any periods during which he served in the Ordnance Survey from the date of the said certificate to the date of his retirement may be reckoned as one continuous period of service for the purposes of the Superannuation Acts.

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4.—(1) Where by virtue of section 2 or section 3 of this Act a pension or other award is granted under the Superannuation Acts to any person who received a pension or gratuity on ceasing to be employed in a British civil service, the grant shall be made subject to such adjustment or refund or deduction as the Minister thinks fit in respect of the pension or gratuity received on so ceasing to be employed.

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Adjustment or variation of pension, etc., and redetermination of service in certain cases.

(2) Where the service of a person has been determined for the purposes of the Superannuation Acts under any statutory provision or otherwise, his service may be re-determined for the said purposes having regard to the provisions of section 2 or section 3 of this Act, and, if any superannuation allowance, gratuity or other benefit is or has been granted to him under the Superannuation Acts, it may be adjusted or varied accordingly with effect from the date of his retirement.

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Superannuation allowances of persons serving in the Meteorological service.

5.—Where a person was serving at Valentia Observatory in an established position in the British Meteorological service at the date on which that Observatory was transferred to the Government of Saorstát Éireann, and was subsequently transferred directly to a post in the Civil Service, the service of such person in a British civil service may, for the purposes of the Superannuation Acts, be deemed to be service in the Civil Service, and any superannuation allowance, gratuity or other benefit granted to him under the Superannuation Acts may be computed accordingly, subject to such adjustment or variation (if any) as may be appropriate in the circumstances. 5 10

Amendment of section 8 of the Act of 1936.

6.—In the case of any person who—

(a) fulfilled the conditions necessary for the issue of a certificate by the Minister under paragraph (a) of subsection (1) of section 8 of the Act of 1936, but in respect of whom no certificate was issued under the said section, and 15

(b) retired on the grounds of age after the passing of the Act of 1936 but before the passing of this Act, and

(c) was granted extra-statutorily a superannuation award equal to that for which he would have been eligible if such certificate had been issued, 20

a certificate under the said section 8 shall be deemed to have been duly issued in respect of him.

Contributions towards superannuation liability.

7.—(1) Where a claim or payment is required by statute or otherwise to be made in respect of the expenses of services rendered by a State authority, such expenses shall be deemed to include such charges, in respect of superannuation allowances, gratuities or other benefits under the Superannuation Acts to or in respect of persons employed wholly or partly in rendering those services, as the Minister shall determine to be proper. 25 30

(2) Each of the following shall be a State authority for the purposes of this section:—

(a) a Minister of State,

(b) the Local Appointments Commissioners, 35

(c) any body determined by the Minister to be a State authority for the purposes of this section.

Determination of disputed matters by the Minister.

8.—Every doubt, question, or dispute arising under this Act shall be decided by the Minister, whose decision thereon shall be final and conclusive. 40

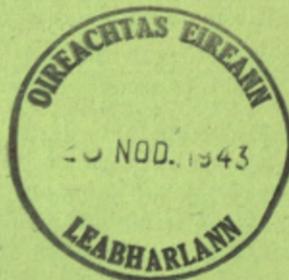
Expenses.

9.—All expenses incurred in carrying this Act into execution shall be paid out of moneys provided by the Oireachtas.

Short title and citation.

10.—(1) This Act may be cited as the Superannuation Act, 1942.

(2) The Superannuation Acts, 1834 to 1936, and this Act may be cited together as the Superannuation Acts, 1834 to 1942. 45





Éire.

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BILLE AOISLIUNTAS, 1942.

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BILLE

*dá ngairmtear*

Acht do leasú agus do leathnú na nAchtanna  
Aoisliúntas, 1834 go 1936.

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*Tuigtear a bheith rithte ag dhá Thigh an  
Oireachtais, 2adh Mí na Nodlag, 1942.*

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[*Tuistiún Glan.*]

Éire.

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SUPERANNUATION BILL, 1942.

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BILL

*entitled*

An Act to amend and extend the Superannuation  
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*Deemed to have been passed by both Houses of  
the Oireachtas, 2nd December, 1942.*

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