

SEANAD EIREANN.

AN BILL IOMPAIR (Uimh. 2), 1944.
TRANSPORT (No. 2) BILL, 1944.



Leasuithe curtha isteach sa tSeanaid.
Amendments inserted by the Seanad.

1. Section 28. In sub-section (1), page 15, lines 27 and 28, the words "on the request of any holder of stock of the Company, to that holder" deleted and the words "to every holder of stock of the Company" substituted therefor.
2. Section 39. In sub-section (7), line 36, after the word "reasons" the words "and shall, if the Chairman contravenes (by omission or act) any of the provisions of sub-section (9) of this section" inserted.
3. Section 43. Sub-section (1) deleted and the following sub-section substituted therefor :—
 - "(1) (a) Where
 - (i) a person was, on the *1st day of July, 1944*, an officer or servant of either dissolved company, and
 - (ii) that person has not, before the establishment date, become a pensioner or annuitant by reason of his service in that company, or voluntarily retired or been removed from the service of that company by reason of misconduct or incapacity, and
 - (iii) that person's office or situation is abolished after the said *1st day of July, 1944*, and whether before, on or after the establishment date, and
 - (iv) the said office or situation is abolished directly and solely in anticipation of or as the result of the amalgamation effected by this Part,that person shall be paid by the Company compensation calculated in the manner set out in the *Fifth Schedule* to this Act.
 - (b) If any dispute or difference shall arise between the Company and any person entitled or claiming to be entitled to compensation under paragraph (a) of this sub-section as to whether that person's office or situation was or was not abolished directly and solely in anticipation of or as the result of the amalgamation effected by this Part, it shall be presumed, unless the contrary is proved by the Company, that the office or situation was so abolished.
 - (c) Where a person is dismissed from the service of the dissolved railway company or of the Company in such circumstances that he is entitled to compensation under sub-section (4) of section 9 of the Railways Act, 1933 (No. 9 of 1933), then, notwithstanding anything in paragraph (a) of this sub-section, he shall not be entitled to compensation by virtue of that paragraph."
4. Section 47. Sub-section (3) deleted and the following sub-section substituted therefor :—
 - "(3) Every open competitive examination held in pursuance of

this section shall be open to all persons who are ordinarily resident within the national territory or who are Irish citizens or the children of Irish citizens and who pay the fees and possess the qualifications as to age, health and character prescribed by the regulations relating to the examination."

5. Section 62. Sub-section (3) deleted and the following sub-section substituted therefor :—

"(3) No person lawfully crossing the railway of the Company at any level crossing or by means of any accommodation works maintained in pursuance of section 68 of the Railways Clauses Act, 1845, shall be liable to any fine under this section."

6. Section 91. In line 34, page 37, the word "conditions" deleted and the word "particulars" substituted therefor.

7. Section 104. In sub-section (1)—

(a) in line 43, the word "amended" deleted and the word "altered" substituted;

(b) in line 47, after the word "schedule", the following words and brackets "(as so settled or altered)" inserted.

8. Section 110. In sub-section (8) at the end of the sub-section the words "to any person, including such owner," inserted.

9. Fifth Schedule. In page 64, paragraph 1, sub-paragraph (2) clause (c) lines 23 to 29, inclusive, deleted and the following clause substituted therefor—

"(c) if that person was suspended or dismissed from the service of a former transport undertaker on or after the 1st day of April, 1916, and before the 6th day of December, 1921, but was subsequently reinstated, and the Minister certifies that his suspension or dismissal was due to his national sympathies, such period (not exceeding the period between his suspension or dismissal and his reinstatement) as the Minister may direct shall be included in the period of his pensionable service;".

10. Fifth Schedule. In page 64, in paragraph 1, before sub-paragraph (3) the following sub-paragraph inserted—

"(3) For the purposes of this Schedule 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 of a half or over being treated as one and any lesser fraction being disregarded."

11. Fifth Schedule. In page 65, in paragraphs 2 and 3, the word "completed" where that word occurs in lines 10, 18, 20, 22, 25, 29 and 32 deleted.