



**AN BILLE RIALTAIS AITIUIL (AOISLIUNTAS), 1947.  
LOCAL GOVERNMENT (SUPERANNUATION) BILL,  
1947.**

**EXPLANATORY MEMORANDUM.**

This Bill is being introduced to meet a general demand for certain reforms of the superannuation law affecting staffs of local authorities. The objects of the Bill are

- (1) to amend the existing law governing the superannuation of officers of local authorities; and
- (2) to enable local authorities to grant pensions to their established servants.

No change is being made in the position of officers and servants of Mental Hospital Authorities for whose superannuation provision generally on similar lines to the present Bill has already been made in the Mental Treatment Act, 1945. The terms "established officer" or "established servant" in the Bill are used to describe officers or servants whose superannuation will be governed by the provisions of the Bill.

**SATISFACTORY SERVICE.**

Service with diligence and fidelity and to the satisfaction of the local authority will be the prerequisites to the grant of superannuation. Provision is, however, made for the reduction of the normal superannuation to an extent not less than fifty per cent. where the local authority are not of opinion that the established officer or established servant has served with diligence and fidelity and to their satisfaction.

**ESTABLISHED OFFICERS.**

The classes of officers entitled to superannuation will remain similar to those set out in Part IV of the Local Government Act, 1925.

A pensionable officer for the purposes of the Bill means a permanent officer who devotes the whole of his time to the service of one or more than one local authority. An exception as regards whole-time service is made for permanent officers who are required to be registered medical practitioners, nurses or midwives. In addition whole-time status is not taken away by the fact that an officer of a local authority also acts as superintendent registrar of births, deaths or marriages or as registrar of marriages. For the purposes of enabling existing officers to qualify, subject to age, for registration as established officers, pensionable officers as defined under Part IV of the Local Government Act are also included in the definition of pensionable officer under the Bill. A pensionable officer under the Local Government Act of 1925 means any officer (other than a temporary officer) who either—

- (a) devotes the whole of his time to the service of one or more local bodies, or
- (b) is required by virtue of his office to be a registered medical practitioner, nurse, or midwife.

Specific rights are conferred by the 1925 Act on persons appointed Standing Solicitors of local bodies before the passing of the Local Government (Ireland) Act, 1919, and on persons permanently appointed before the passing of the Act to be compounders of medicine for the purposes of any Act relating to the relief of the poor.



The Bill will apply to all officers appointed after the commencement of Part II. Existing pensionable officers will be allowed to elect for the Bill, if at the date of the commencement of Part II they have not reached 60 years of age or, in the case of officers of Fire Brigades, 55 years of age.

#### BENEFITS FOR ESTABLISHED OFFICERS.

The grounds on which lump sums and allowances may be awarded to established officers are as follows:

- (1) The attainment of the age of 60 with not less than 20 years' pensionable local service. A modification is made in favour of Fire Brigade Officers for whom the qualification age will be 55.
- (2) Incapacity for performing duties by reason of permanent infirmity of mind or body with not less than 10 years' pensionable local service.
- (3) Removal for a cause other than misconduct or unfitness with not less than 10 years' pensionable local service.
- (4) Abolition of office with not less than 10 years' local service.
- (5) Material alteration in conditions without reasonable cause provided the officer resigns with the sanction of the appropriate Minister and has not less than 10 years' pensionable local service.
- (6) Attainment of a specified age limit for retirement with not less than 10 years' pensionable local service.

A number of changes are proposed in the method of calculating superannuation benefits. Under the Local Government Act, 1925, the practice has been to calculate pensions at the rate of one-sixtieth for each year of service subject to a maximum pension of two-thirds of the remuneration. Under the Bill, the basis will be one-eightieth for each year of service subject to a maximum of one-half of the remuneration. In addition to a retiring allowance based on eightieths the officer on retirement can be granted a lump sum equivalent to one-thirtieth of his pensionable remuneration for each year of his service or one and a half times his pensionable remuneration, whichever is the lesser. The effect of the change can be seen from the following figures relating to the case of an officer of 40 years' service with a remuneration of £300 on retirement:

	Local Government Act, 1925.	Proposed under the present Bill.
Lump Sum Payment	Nil	£400
Pension	£200	£150

If the officer dies having had not less than 5 years' service, a gratuity shall be paid to his legal personal representatives. The gratuity shall be not less than a year's pensionable remuneration but may be greater if the officer had more than 30 years' service subject to a maximum of one and one half times his pensionable remuneration. For example, the legal personal representatives of an officer with 40 years' service would receive 40/30ths or  $1\frac{1}{3}$  times the amount of the salary.

#### SCHEMES TO BE CONTRIBUTORY.

All newly-appointed officers must contribute at the rate of 5% of their pensionable remuneration. Existing pensionable officers who elect for the Bill will be exempt from contributions. It is not proposed to create specific Superannuation Funds, as the general security for the payment of superannuation will be the revenues of the local authority. Contributions shall be returned where the established officer having less than 10 years' pensionable service ceases to hold office for a cause other than misconduct or incapacity. The return of contributions to the legal personal representative is also provided for where an established officer dies having had less than five years' pensionable service. Female established officers with



less than five years' pensionable service who retire by reason of marriage will also be entitled to a refund of contributions paid. In cases of voluntary resignation the local authority will have a discretion as to the refund of contributions.

Returned contributions may be repaid when a person who has ceased to be an established officer, again becomes an established officer of a local authority by virtue of a subsequent re-appointment.

#### FEMALE ESTABLISHED OFFICERS.

Female established officers will obtain the same benefits as male established officers. An important change is proposed as regards marriage gratuities. Formerly these gratuities could be granted without a minimum period of service. The Bill provides that a minimum service of 5 years will be required in future. Existing female officers will have the same discretion to elect for the Bill as existing male officers.

#### SERVICE TO BE RECKONED IN CASES OF ESTABLISHED OFFICERS.

The service to be reckoned will be any service with the local authority as an established officer including any service for the purposes of the Local Government Act, 1925, or previous Acts. In the case of Fire Brigade Officers any service in excess of 20 years will be doubled. Service with other local authorities will be reckonable but in cases where the service was less than two years the written sanction of the local authority and the sanction of the appropriate Minister to the officer's resignation will be necessary before the service can be aggregated. Excluded periods will be any period before a date on which, not being ill, or otherwise incapacitated or not acting on authorisation by deputy an officer deliberately absents himself from work.

Service in an established position in the Civil Service can be reckoned as local pensionable service provided the consent of the Minister for Finance and the local authority have been obtained. An officer of a local authority with not less than ten years' pensionable service who is appointed in future to an established post in the Civil Service will reckon as service any period of pensionable service under a local authority.

#### ESTABLISHED SERVANTS.

Local authorities which may adopt Part III of the Act will be empowered to grant retiring allowances to their established servants. The power to adopt this Part of the Act will be a reserved function under the County Management Acts. A local authority may determine the maximum number of permanent servants to be employed.

Existing permanent servants of local authorities who, on the date when the Bill comes into operation, have not reached 60 years of age (or in case of fire brigade servants 55 years of age) may apply to be registered as established servants. No contributions will be required from existing pensionable servants who elect for the Bill. Existing pensionable servants who on the same date will have reached the above age limits will remain subject to the existing law governing their superannuation. Existing non-pensionable servants, not entitled by reason of age to apply for the benefits of the Bill but who are permanent servants, will come under Part IV of the Local Government Act, 1925. Cases of this kind can be granted pensions on retirement at 65, provided 25 years' service has been rendered or when retirement is caused by incapacity due to permanent infirmity of mind or body and 10 years' service has been rendered. The practice in 1925 Act cases is to calculate pensions on the basis of one-sixtieth for each year of service. Gratuities in the event of death will not be payable. No contributions will be payable by servants coming within the 1925 Act.

Established servants for the purposes of the Bill will be servants whose employment is of a permanent and whole-time character, and who have three consecutive years' employment. Employment



on State-aided schemes for the provision of employment and the relief of distress will be excluded. A break of two months in each year for contingencies such as illness, or interruption of work not due to the fault of the servant will be allowed. When these conditions have been complied with a servant may be entered on the local register of established servants. Subsequently he will remain on the register only so long as he has worked 200 working days in each year. If this condition is breached his name must be removed from the register unless he has had ten or more years' pensionable service. The name of a servant will not be removed from the register for short interruptions of employment provided the local authority has not decided not to employ him again.

#### BENEFITS FOR ESTABLISHED SERVANTS.

The grounds on which lump sums and allowances can be awarded to established servants are as follows:—

- (1) The attainment of the age of 60 with not less than 20 years' pensionable local service. A modification is made in favour of Fire Brigade servants similar to those made for Fire Brigade Officers.
- (2) Incapacity for performing duties by reason of permanent infirmity of mind or body with not less than 10 years' pensionable local service.
- (3) The attainment of the specified age limit for retirement with not less than 10 years' pensionable local service.

The pension rate for established servants will be *sixtieths* and not *eightieths* as in the case of officers. In view of the higher rate of pension, no retiring lump sum will be paid to servants on retirement but a lump sum equivalent to one year's pay will be granted to the legal personal representatives in the event of death while employed. Female established servants will also be entitled to marriage gratuities as in the case of established officers.

#### CONTRIBUTIONS FOR ESTABLISHED SERVANTS.

As in the case of officers the contributions will be 5 per cent. of the remuneration but existing pensionable servants who elect for the Act will not be liable for contributions. Servants who are at present non-pensionable and who become established servants will be required to contribute. Refunds of contributions will be made as in the case of officers and also where the name of the servant is removed from the register on the grounds that he has not been employed for 200 days or more in a particular year. In the case of a servant having not less than 10 years' pensionable service and whose name is removed from the register on the grounds that he has not been employed for 200 days or more in a particular year, the contributions to be refunded will be those in respect of the particular year.

As in the case of officers, pensionable servants who are 60 years (or in the case of Fire Brigades 55 years) or older at the date of adoption of Part III of the Act cannot avail of its provisions and must remain subject to the Local Government Act, 1925.

#### SERVICE TO BE RECKONED.

An established servant will be entitled to reckon as service any period during which he was an established servant of a local authority and any prior pensionable service under any other local authority. In the case of members of Fire Brigades service in excess of 20 years will be doubled. Periods excluded will be any period before a date on which, not being ill or otherwise incapacitated or not acting on authorisation by deputy, a servant deliberately absents himself from duty or any period in any year during which he is not employed for 200 days.



#### MISCELLANEOUS PROVISIONS.

The provisions of section 23 of the Local Government Act, 1941, empowering the Minister to fix retiring age limits are applied in relation to officers and servants of the Dublin and Cork Fever Hospital Boards, and in relation to established servants generally of local authorities. A similar provision is made in relation to established servants of Committees of Agriculture and of Vocational Education Committees.

Superannuation allowances granted under any Act to officers or servants retiring between the 1st November, 1946, and 1st November, 1949, may be reviewed by local authorities with the sanction of the Minister.

#### APPEALS.

Rights of appeal are given in regard to failure to enter names on register, against removals from register, against the amount of a pension or against failure to return contributions. Particulars of benefits to be awarded may also be applied for in advance of retirement.

*Roinn Rialtais Aitiúil.*

*Aibreán, 1947.*



The provisions of section 23 of the Local Government Act, 1941, empowering the Minister to fix retiring age limits are applied in relation to officers and servants of the Police and Fire Departments. A similar provision is made in relation to established servants of Committees of Agriculture and of Forestry Education Committees.

Superannuation allowances granted under any Act in relation to servants of the Minister, the Police, Fire and the Forestry Departments, may be reviewed by local authorities with the sanction of the Minister.

#### APPEALS

Rights of appeal are given in regard to failure to grant pension or against removals from pension against the amount of a pension or against failure to return contributions. Particulars of benefits to be awarded may also be applied for in advance of retirement.

Robert Riddell, M.P.  
Aberdeen, 1947