ÉIRE.

AN BILLE UM CHUIDEACHTA MHOR-BHOITHRE IARAINN AN DEISCIRT (SCEIM AOISLIUNTAS), 1947.

GREAT SOUTHERN RAILWAYS COMPANY (SUPERANNUATION SCHEME) BILL, 1947.

Mar do ritheadh ag Dáil Eireann.

As passed by Dáil Eireann.

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SCHEDULE.

THE NEW SUPERANNUATION SCHEME.

[No. 25*a* of 1947.]

ÉIRE.

AN BILLE UM CHUIDEACHTA MHOR-BHOITHRE IARAINN AN DEISCIRT (SCEIM AOISLIUNTAS), 1947.

GREAT SOUTHERN RAILWAYS COMPANY (SUPERANNUATION SCHEME) BILL, 1947. 5

BILL

entitled

AN ACT TO ESTABLISH A SCHEME FOR THE PROVISION OF SUPERANNUATION ALLOWANCES FOR OR IN RESPECT OF CERTAIN EMPLOYEES OF THE FORMER GREAT SOUTHERN RAILWAYS COMPANY SOME OF WHOM ARE OR ARE ENTITLED TO BECOME MEMBERS OF THE FUND OF THE RAILWAY CLEARING SYSTEM SUPERANNUATION FUND CORPORATION, AND TO PROVIDE FOR CERTAIN OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. 10 15

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

PART I.

PRELIMINARY AND GENERAL. 20

Short Title.

1.—This Act may be cited as the Great Southern Railways Company (Superannuation Scheme) Act, 1947.

Definitions.

2.—In this Act—

Company.

the expression " the Company " means Córas Iompair Éireann;

Corporation.

the expression " the Corporation " means the Railway Clearing System Superannuation Fund Corporation; 25

new Fund.

the expression " the new Fund " means the Fund established by the new superannuation scheme;

new superannuation scheme.

the expression " the new superannuation scheme " means the scheme, a copy whereof is set out in the Schedule to this Act; 30

old Fund.

the expression " the old Fund " means the Fund of the Corporation;

proposed British Bill.

the expression " the proposed British Bill " means a Bill, proposed to be promoted by the Corporation in the Parliament of the United Kingdom of Great Britain and Northern Ireland, providing (amongst other matters) for the transfer to the trustees of the new Fund of all the assets of the Corporation comprised in Section C and Section D of the old Fund, less the sum of £751 16s. 10d. (seven hundred and fifty-one pounds, sixteen shillings and ten pence), being an amount bearing the same proportion of the total expenses borne by the Corporation in connection with the re-organisation of the old Fund under the Railway Clearing System Superannuation Fund Act, 1941, as the membership (contributing and superannuated members) relating to the former Great Southern Railways Company bore to the total membership (contributing and superannuated members) of the old Fund as at the 30th day of June, 1941. 35 40 45

Reimbursement of Corporation's expenses of promoting the proposed British Bill.

3.—The Company shall pay to the Corporation a sum equal to the costs and expenses incurred by the Corporation in connection with the proposed British Bill, whether the said Bill is enacted or not.

4.—(1) Part II of this Act shall not come into operation unless and until the proposed British Bill has been enacted.

Commencement of Part II.

(2) If the proposed British Bill is enacted on or before the date of the passing of this Act, Part II of this Act shall come into operation on the day which is three months after the date of the passing of this Act.

(3) If the proposed British Bill is enacted after the date of the passing of this Act, Part II of this Act shall come into operation on the day which is three months after the date of the enactment of the proposed British Bill.

PART II.

CONFIRMATION OF NEW SUPERANNUATION SCHEME AND PROVISIONS IN RELATION TO SECTIONS C AND D OF THE OLD FUND.

5.—In this Part, the expression " the operative date " means the date on which this Part comes into operation.

The operative date.

6.—(1) The new superannuation scheme is hereby confirmed and given the force of law.

Confirmation of the new superannuation scheme.

(2) The new Fund shall be deemed to be set up under an irrevocable trust.

7.—The Company shall bear the expenses incidental to and in conection with the transfer to the trustees of the new Fund of the assets comprised in Section C and Section D of the old Fund.

Expenses of transfer of assets of Sections C and D of the old Fund.

8.—In the event of the new Fund being at any time insufficient to provide for the payment of any benefits immediately payable under the new superannuation scheme, the Company shall pay the said benefits to the extent to which the new Fund is insufficient to provide for the payment thereof.

Liability of Company to pay benefits to the extent to which the new Fund is insufficient.

9.—(1) In this section, the expression " the Act of 1944 " means the Transport Act, 1944 (No. 21 of 1944).

Amendment of section 45 of the Transport Act, 1944.

(2) Section 45 of the Act of 1944 shall have effect as if the words " and includes the Railway Clearing System Superannuation Fund " did not occur in subsection (1) of that section.

(3) Subsection (8) of section 45 of the Act of 1944 is hereby repealed.

10.—(1) In this section—

Provisions in relation to Sections C and D of the old Fund.

the expression " the transferred members " means the persons who, immediately before the operative date, are contributing or superannuated members of Section C or Section D of the old Fund,

the expression " the existing liabilities of the Corporation " means any sum, being either—

(*a*) a sum which accrued due before the operative date on foot of any periodical payment payable under the Rules of the Corporation to or in respect of a transferred member and which has not been paid,

(*b*) any other sum which became due before the operative date under the Rules of the Corporation to or in respect of a transferred member and which has not been paid;

the expression "the contingent liabilities of the Corporation" means any sum which, but for this section, would under the Rules of the Corporation become due on or after the operative date to or in respect of a transferred member, and includes any liability under Rule 6 of the Supplemental Rules contained in the Second Schedule to the Rules made under the Railway Clearing System Superannuation Fund Acts, 1873 to 1914. 5 10

(2) On the operative date—

(*a*) every transferred member shall cease to be a member of Section C or Section D (as the case may be) of the old Fund,

(*b*) the existing liabilities of the Corporation and the contingent liabilites of the Corporation shall cease to be claims against the Corporation, and no claim shall be maintainable by any person against the Corporation or the trustees of the old Fund in respect thereof, 15

(*c*) the existing liabilities of the Corporation shall be and become charges on the new Fund and shall be paid thereout by the trustees of the new Fund. 20

(3) The Company shall pay to the Corporation a sum equal to any expenses incurred by the Corporation in relation to the administration of Section C or Section D of the old Fund and which have not been discharged out of Section C or Section D of the old Fund before the operative date. 25

Sections 2 and 6.

SCHEDULE.

The New Superannuation Scheme.

Name of scheme and situation of offices.

1.—The name of this scheme is the "Córas Iompair Éireann, Salaried Officers' and Clerks' (G.S.R.) Superannuation Scheme" and the offices of the scheme shall be in Dublin.

Definitions.

2.—(1) In this scheme the following expressions have the respective meanings assigned to them in this rule unless there is something inconsistent in the subject matter or the context:—

"the company" means Córas Iompair Éireann;

"the directors" means the directors for the time being of the company;

"the trustees" means the Transport Subsidiary Limited or other trustee or trustees for the time being of this scheme;

"the Minister" means the Minister for Industry and Commerce;

"the fund" means the fund established by this scheme;

"salaried officer or clerk" means either:

(*a*) an officer or servant (whether male or female) remunerated at a salary fixed at a rate per annum; or,

(*b*) a person in any of the supervisory grades; or

(*c*) a woman clerk in the service remunerated otherwise than at a salary fixed at a rate per annum;

"the supervisory grades" means those grades so described in the various agreements between the Great Southern Railways Company and sundry trade unions regarding rates of pay and/or conditions of service;

"the service" means the service of the company or of the Great Southern Railways Company in the capacity of salaried officer or clerk;

"the old fund" means the fund of the Railway Clearing System Superannuation Fund Corporation;

"contributing member" means a member other than a superannuated member either of the scheme or of section C or section D of the old fund;

"superannuated member" means a member either of the scheme or of section C or section D of the old fund, who has become entitled to receive benefits thereunder;

"the date of transfer" means the day on which sections C and D of the old fund are transferred to the trustees for the benefit of the fund;

"pre-1913 member" means a member who became a contributing member before the first day of July, 1913;

"1913–1941 member" means a member who became a contributing member after the thirtieth day of June, 1913, and before the 1st day of July, 1941;

"post 1941 member" means a member who became a contributing member on or after the first day of July, 1941;

"the committee" means the committee from time to time appointed under these rules;

"the contributors' committee-men" means the members of the committee from time to time appointed by the contributing members;

"the directors' committee-men" means the members of the committee from time to time appointed by the directors;

"the auditors" means the two auditors of the fund mentioned in Rule 50 of this scheme;

"the secretary" means the person for the time being holding the office of secretary of the committee;

"medical officer" means one of the medical officers of the company or a medical officer appointed by the committee;

"general meeting" means a general meeting of the contributing members duly called and constituted and any adjournment thereof;

"month" means calendar month.

(2) In this scheme save where the context otherwise requires:—

(*a*) words importing the singular number include the plural number;

(*b*) words importing the plural number include the singular number, and

(*c*) words importing the masculine gender include the feminine gender.

Purpose of the fund.

3.—The fund is established for the purpose of providing annuities and other benefits for:—

(*a*) persons who having been in the employment of the Great Southern Railways Company immediately before the 1st day of January, 1945, are in the service on the date of transfer or enter the service after that date, and

(*b*) persons who immediately before the date of transfer are superannuated members.

Expenses.

4.—The trustees shall make provision for payment out of the fund of all costs charges and expenses properly incurred in administering the fund, the payment and discharge of which is not otherwise provided for by this scheme.

The Trustees.

5.—(1) The first trustee of this scheme shall be Transport Subsidiary Limited.

(2) The power of appointing a new trustee or trustees of the fund is vested in the company after consultation with the committee and subject to the approval of the Minister.

(3) The power of removing a trustee from office as trustee of this scheme is vested in the company after consultation with the committee and with the consent of the Minister.

(4) If at any time there is no trustee of the fund the company may act as trustee of the fund pending the appointment of a new trustee or trustees.

(5) If at any time the company with such consent as aforesaid appoints individuals to be trustees in place of Transport Subsidiary Limited or in place of any corporation who may be trustee of this scheme, the number of trustees so appointed shall not exceed five and, if at any time, their number is reduced below three the company with such consent as aforesaid shall forthwith appoint one or more new trustees to bring the number of the trustees to three at the least.

Constitution of the fund.

6.—(1) The fund shall be set up on the date of transfer.

(2) The fund shall consist of:—

(*a*) such moneys assets and investments as shall be transferred from the old fund;

(*b*) the contributions of the contributing members;

(*c*) the contributions of the company;

(*d*) any interest received from the investment of moneys in the hands of the trustees belonging to the fund, and

(*e*) any other sums which may be paid to the trustees or the committee from time to time for the purposes of this scheme.

Investment of the fund.

7.—(1) The fund shall be vested in the trustees and the trustees shall keep proper accounts of the fund which shall be audited as hereinafter provided.

(2) Any moneys in the hands of the trustees belonging to the fund and not required for the immediate purposes of this scheme, shall as soon as practicable be invested in the name, or under the control of the trustees in such securities as the company shall, after consultation with the committee think proper or may be lent to the company repayable on demand at an agreed rate of interest.

Administration of this scheme.

8.—This scheme shall be administered by the committee.

Payments and receipts.

9.—(1) The trustees shall stand possessed of the fund, upon trust, out of the income thereof, and as far as may be necessary out of the capital to make provision (as mentioned in the next paragraph of this rule) for the benefits payable under this scheme.

(2) The trustees shall make provision for the payment of all benefits under the scheme by lodging from time to time in a separate current account to be kept in a bank by the accountant of the company for that purpose such sums as according to certified details to be furnished by the committee to the trustees, the trustees shall consider necessary to enable payment to be made from time to time of all moneys properly payable out of the fund. The trustees shall ensure that any unexpended balance on this current account from time to time is duly accounted for to them.

(3) All payments due to superannuated members and others out of the fund shall be made out of the moneys lodged to the credit of the separate account as aforesaid, by cheques drawn on the said account and not otherwise. All cheques drawn on the said account shall be prepared by the said accountant and signed by him and by the secretary of the company or their deputies. The committee shall supply the necessary lists, accounts and vouchers to enable the accountant to prepare the cheques and each such list, account and voucher shall be signed by one directors' committeeman and by one contributors' committeeman and by the secretary to the committee. The committee shall cause proper records and accounts to be kept of all such payments. The trustees shall so far as is reasonably possible satisfy themselves that such records and accounts are accurately kept.

Membership.

10.—(1) On the date of transfer all persons who are superannuated members shall become and be superannuated members of this scheme and all persons who are contributing members shall become and be contributing members of this scheme.

(2) A person who becomes a member of this scheme by virtue of paragraph (1) of this rule shall not be entitled to receive either from the fund or from the old fund a return of his contributions or of interest on his contributions under the provisions of Rule 6 of the Supplemental Rules of the old fund by reason of the cesser of payments to the old fund by the company or the Great Southern Railways Company or by reason of his having ceased to be a member of the old fund ; and every provision of this scheme under which a person is or may be entitled to the same benefits as those to which he would have been entitled from the old fund shall be construed as subject to the provisions of this paragraph.

(3) A woman who is permanently employed at the date of transfer by the company and who was employed immediately before the 1st day of January, 1945, by the Great Southern Railways Company as a salaried officer or clerk, and who was not more than 50 years of age on the 1st day of July, 1941, may become a contributing member as from the date of transfer if she sends to the secretary not later than six months after the date of transfer notice in writing of her intention to become a member, together with such medical certificates and other evidence as satisfies the committee that she is of good health and free from infirmity of mind or body.

(4) Any person who was in the employment of the Great Southern Railways Company immediately before the 1st day of January, 1945, and thereafter enters the service and who would have been entitled to become a member of the old fund if the Great Southern Railways Company had not been dissolved may (subject to his complying with any procedure and satisfying any condition which he would have been required to comply with or satisfy before becoming a member of the old fund) become a contributing member of this scheme.

(5) The following modifications shall be made in this scheme in its application to a woman member, that is to say :—

(*a*) the expression "fifty-five years" shall be substituted for "sixty years" wherever it occurs ;

(*b*) for each of the tables contained respectively in Rules 14 and 16, there shall be substituted the table set forth in Rule 25 ;

(c) for the person described in sub-paragraph (a) of Rule 23 there shall be substituted one dependent relative, who (if younger) is not more than ten years younger than the member; and

(d) each of the ages mentioned in sub-paragraph (f) of Rule 23 shall be reduced by five years.

(6) A contributing member shall cease to be a contributing member, if

(a) he becomes a superannuated member, or

(b) he leaves the service of the company without becoming a superannuated member under the rules.

(7) A woman salaried officer or clerk may, if she so desires, and subject as is hereinafter provided have her membership ante-dated to any date not earlier than the date of her entering the service or the first day of January, 1923, whichever is the later on condition that she pays to the fund :—

(a) back contributions on the same basis as if she had been a male contributing member from the date to which her membership is ante-dated until the date of her admission, and

(b) compound interest at four per centum per annum upon such back contribution from the date at which it would have been payable;

provided however that if her age at the 1st day of July, 1941, exceeded forty-five years, her membership must be ante-dated to a day preceding the date of her attaining the age of forty-five years and back contributions and interest paid to the fund, as provided in sub-paragraph (a) and sub-paragraph (b) of this paragraph.

(8) Every member of this scheme shall be bound by the rules.

Contributions.

11.—(1) Every contributing member (whether or not, in the case of a contributing member who immediately before the 1st day of July, 1941, was in the service, he exercises the option reserved to such members by paragraph (1) of Rule 15 to decline the benefits provided for in Rule 14) shall contribute a sum equal to such percentage of his salary as is provided for in the following scales, and in the case of a person who was a contributing member immediately before the day of transfer shall pay to the fund any amount by which his contributions in respect of his salary since the 1st day of July, 1941, have been less than they would have been if calculated in accordance with whichever of the said scales applies to him :—

(a) for each pre-1913 member :—

SCALE

Age next birthday on first becoming a contributing member	Percentage of salary
28 or under	4
29 to 33	4½
34 to 37	5
38 to 40	5½
41, 42	6
43 to 45	6½

(b) for each 1913–1941 member :—

SCALE

Age next birthday on first becoming a contributing member	Percentage of salary
19 or under	4
20 to 24	4½
25 to 29	5
30 to 33	5½
34 to 37	6
38 to 40	6½
41 to 43	7
44, 45	7½

(c) for each post 1941 member :—

SCALE

Age next birthday on first becoming a contributing member	Percentage of salary
22 or under	5
23 to 25	5¼
26 to 28	5½
29 to 31	5¾
32 to 34	6
35, 36	6¼
37, 38	6½
39, 40	6¾
41, 42	7
43	7¼
44, 45	7½

(2) The contributions to be made by a contributing member under this rule may be deducted from time to time by the company from his salary and paid by the company to the fund in accordance with the directions of the trustees ; but if any contribution is not so deducted it shall be paid by the contributing member himself to the fund in accordance with the directions of the trustees.

(3) The company shall contribute to the fund sums equal to the amounts contributed by the members and at such times as the members make their contributions, and shall pay every such contribution to the fund in accordance with the directions of the trustees.

Salary for the purpose of this scheme.

12.—For the purpose of calculating benefits under this scheme salary shall be deemed to be the sum on which contributions have been based.

Rights of superannuated members at date of transfer.

13.—(1) Every person who was a superannuated member at the date of transfer shall subject to paragraph 2 of this rule be entitled to receive from the fund :—

(*a*) the benefits and rights which they would have been entitled to from the old fund, and

(*b*) the supplementary allowances (if any) which were granted to such persons by the company, or by the Great Southern Railways Company ;

but no other benefits.

(2) Every person who on and after the 1st day of July, 1941, became and was at the date of transfer a superannuated member if :—

(*a*) before the expiration of three months from the date of transfer he elects, by notice in writing to the secretary, to be entitled as is in this rule provided, and

(*b*) he pays to the fund any amount by which his contributions in respect of his salary between the said 1st day of July, 1941, and the date of his retirement were less than they would have been if calculated in accordance with the appropriate scale in Rule 11,

shall be entitled to receive from the fund, as and from the date of his retirement, the appropriate benefits and rights hereinafter provided for contributing members of the fund in place of the benefits, rights and allowances which, save for such election and payment, he would be entitled to receive under paragraph (1) of this rule.

Superannuation allowance.

14.—(1) Every contributing member who has been such for ten years and upwards shall on attaining the age of sixty years or at any time thereafter provided he leaves the service be thereupon entitled to cease making contributions and be superannuated and shall be entitled to receive from the fund by way of superannuation allowance a capital sum and an annuity for life.

(2) The said capital sum shall be a sum equal to one-fortieth part of the annual salary of which the member was in receipt at the date of his retirement multiplied by the number of completed years during which he has been a contributing member but not exceeding forty years in all.

(3) The said annuity shall be an annual sum equal to the aggregate of :—

(*a*) one one-hundred-and-twentieth part of the average annual salary of which he shall have been in receipt throughout the whole period of his contributing membership, if not exceeding forty years and throughout the last forty years of his contributing membership if he has been a contributing member for more than forty years, multiplied by the number of completed years during which he has been a contributing member or forty, whichever shall be the lesser ; and

(*b*) one one-hundred-and-twentieth part of the average annual salary of which he shall have been in receipt during the period of seven years of his contributing membership immediately prior to the date of his retirement multiplied by the number of completed years during which he shall have been a contributing member or forty, whichever shall be the lesser ;

provided that such annuity shall in no case be less than the sum shown by the following scale :—

SCALE

Completed years of contributing membership	Minimum amount per annum of annuity	
	If salary at date of retirement is £200 per annum or over	If salary at date of retirement is less than £200 per annum
	£	£
26 or over	120	100
25	116	98
24	112	96
23	108	94
22	104	92
21	100	90
20	96	88
19	92	86
18	88	84
17	84	82
16	80	80
10 to 15	78	78

Exercise of option to decline benefits.

15.—(1) Every contributing member who immediately before the first day of July, 1941, was in the service may exercise in the manner specified in paragraph (2) of this rule the option to decline the benefits provided for in Rule 14 and in lieu thereof may elect to receive from the fund benefits and a supplementary pension (if any) the same as those to which he would have become entitled in the circumstances and under the conditions mentioned in paragraph (1) of the said Rule 14, if he had continued to be a member of the old fund, and the Acts, rules and arrangements existing immediately before the 1st day of January, 1945, had continued to apply to him.

(2) Every contributing member as aforesaid who desires to exercise the option of declining shall notify the secretary in writing of such desire at any time before the expiration of twelve months from the date of transfer unless he shall retire from the service at an earlier date in which case he shall notify such desire before the date of his retirement from the service.

Retirement through incapacity after ten years membership.

16.—(1) Any contributing member, who has been a contributing member for ten years and upwards who retires from the service before attaining sixty years of age in consequence of incapacity to perform his duties, arising from accident or mental or physical infirmity not resulting from his own misconduct, and who satisfies the committee with regard to such incapacity shall be entitled, subject to the provisions of this rule, on his retirement from the service to receive by way of superannuation allowance a capital sum and an annuity for life calculated on the same basis as is provided in Rule 14 except that the minimum amount per annum shall be in accordance with the following scale instead of the scale set forth in that rule :—

SCALE

Completed years of contributing membership	Minimum amount per annum of annuity
	£
26 or over	100
25	97
24	94
23	91
22	88
21	85
20	82
19	79
18	76
17	74
16	72
10 to 15	70

(2) The following provisions shall apply in relation to a person who is in receipt of an annuity under paragraph (1) of this rule, that is to say :—

(*a*) the committee may at any time, while he is under sixty years of age, require him to give such evidence as they shall deem satisfactory of his continued incapacity and of the amount of his earnings (if any) and if he shall not give such evidence may vary suspend or revoke his annuity and if they revoke the same may at any time cancel such revocation ;

(*b*) if in the opinion of the committee he has recovered sufficientl to be able to earn an income the committee may suspend o revoke his annuity as they may think the circumstances justify and may accordingly from time to time fix and vary the amount of his annuity;

(*c*) if in the opinion of the committee he has recovered sufficiently to return and does return to the service the committee may deal with his case in such manner as they deem just and reasonable taking all the circumstances into consideration.

(3) If his annuity has been reduced, suspended or revoked as aforesaid he shall on attaining sixty years of age and for the remainder of his life be entitled to receive an annuity for life in accordance with paragraph (1) of this rule whether his incapacity continues or not and whether or not he is earning an income.

Retirement through incapacity before ten years membership.

17.—Every person who has been a contributing member for less than ten years and who retires from the service in consequence of incapacity arising from accident or mental or physical infirmity not resulting from his own misconduct and who satisfies the committee with regard to such incapacity shall on such retirement cease to be a contributing member and become a superannuated member and shall be entitled to receive on retirement an annuity for life of twenty pounds per annum subject to the provisions of paragraph (2) of Rule 16, which shall apply to his case.

Disability of superannuated member to manage his affairs, etc.

18.—When a person who shall have become entitled under this scheme to a superannuation allowance or other payment is unable by reason of physical or mental disability to manage his affairs or to sign documents the committee may from time to time order the payment of the allowance or other payment to his wife or other person having charge of him. And such payment shall be made accordingly and shall be deemed to be a payment to the member who shall have no claim in consequence thereof against the trustees or the committee or the fund.

Death before superannuation.

19.—If any contributing member dies before being superannuated there shall be paid out of the fund to his representatives a sum equal to one-thirtieth of the annual salary of which he was in receipt at the date of his death multiplied by the number of completed years during which he was a contributing member or a sum equal to one-half of such annual salary whichever shall be the greater provided that the amount payable shall not be less than the total amount of the contributions of such member to the fund and to the old fund together with a sum equal to two-and-a-half per centum upon the total salary upon which he has contributed to the fund and to the old fund.

Death after superannuation.

20.—Upon the death of a superannuated member his representatives shall be entitled or, in the case of such a member whose normal pension or part of whose normal pension has been converted into a joint annuity pursuant to Rule 23, upon the death of the member and the joint annuitant the representatives of the survivor of them shall be entitled to receive from the fund an amount equal to the sum which would have been payable under Rule 19 if the member had died on the day before that on which he became a superannuated member, subject in each case to a deduction from the sum so payable of the amount already paid as annuity and capital sum on account of the member (including any amount to the member or the joint annuitant in respect of a joint annuity under Rule 23).

Membership after salary is stopped in consequence of ill-health.

21.—Any contributing member the payment of whose salary shall be stopped in consequence of ill-health shall be entitled so long as his name remains on the books of the company but not in any case for a longer period than two years to continue his membership provided that the same contributions be paid to the fund as were paid by and in respect of such member prior to his salary being stopped. After the said period he shall be dealt with in accordance with Rules 16, 17 or 18, as the case may require.

Voluntary retirement or dismissal.

22.—Any contributing member who retires from the service of the company voluntarily, or is dismissed from the service of the company before becoming entitled to any superannuation allowance shall cease to be a member and shall be entitled to receive from the fund his own contributions without interest and shall have no further claim upon the fund. Provided that in the case of any such member dismissed from the service for dishonesty or fraud the company shall have a lien upon the amount of his contributions for any sums which may be due from him to them and subject to that lien the committee may in their discretion order the payment of the contributions or the balance thereof in whole or in part to any dependent of the member or such other person as the committee may determine in lieu of payment to the member and such payment shall be made accordingly and shall be deemed to be a payment to the member who shall have no claim in consequence thereof against the trustees or the committee or the fund.

23.—Any member subject to the provisions of this rule shall have the option of electing to convert the annuity to which he is entitled upon becoming a superannuated member under Rule 14 at the rate therein provided (hereinafter referred to as the "normal pension") or any part thereof into such a joint annuity as is specified in paragraph (*b*) of this rule payable during the joint lives of himself or a person (hereinafter called the "joint annuitant") of the description mentioned in paragraph (*a*) of this rule and during the life of the survivor of them. **Joint annuities.**

(*a*) The description of the person above referred to in this rule is as follows :—

(i) in the case of a married male member his wife if alive ;

(ii) in the case of an unmarried member, widower or widow one dependent relative who (if younger) is not more than fifteen years younger than the member ;

(*b*) the joint annuity into which the normal pension may be converted as mentioned in this rule shall be :—

(i) in the case where the joint annuitant is the wife of the member a joint annuity of an amount determined in accordance with paragraph (*c*) of this rule ; and

(ii) in the case where the joint annuitant is a dependent relative a joint annuity of such amount or amounts as may be determined by the committee with the advice of the actuaries ;

(*c*) the scales for the conversion of a normal pension into an annuity payable during the joint lives of a member and his wife and the life of the survivor shall be as follows :—

SCALE A.—ANNUITY PAYABLE TO RETIRED MEMBER

Age of wife (on last birthday) at date of member's retirement	For each £100 of normal pension the following annuity will be payable to the retired member and so in proportion for any part of £100					
	Age (on last birthday) of member at date of retirement					
	60 years	61 years	62 years	63 years	64 years	65 years
Years	£ s.	£ s.	£ s.	£ s.	£ s.	£ s.
45	84 0	—	—	—	—	—
46	84 6	83 8	—	—	—	—
47	84 14	83 16	82 16	—	—	—
48	85 2	84 4	83 4	82 2	—	—
49	85 10	84 12	83 12	82 12	81 10	—
50	85 18	85 0	84 0	83 0	82 0	80 18
51	86 8	85 10	84 10	83 10	82 8	81 6
52	86 16	85 18	85 0	84 0	82 18	81 16
53	87 4	86 8	85 10	84 10	83 8	82 6
54	87 14	86 16	85 18	85 0	83 18	82 16
55	88 2	87 6	86 8	85 10	84 10	83 8
56	88 12	87 16	86 18	86 0	85 0	84 0
57	89 2	88 6	87 8	86 10	85 10	84 10
58	89 12	88 16	87 18	87 0	86 2	85 2
59	90 2	89 6	88 10	87 12	86 14	85 14
60	90 10	89 16	89 0	88 4	87 6	86 6
61	91 0	90 6	89 10	88 14	87 18	86 18
62	91 10	90 16	90 2	89 6	88 10	87 12
63	92 0	91 6	90 12	89 18	89 2	88 4
64	92 8	91 16	91 2	90 8	89 12	88 16
65	92 18	92 6	91 14	91 0	90 4	89 8
66	—	92 16	92 4	91 10	90 16	90 0
67	—	—	92 14	92 2	91 8	90 12
68	—	—	—	92 12	91 18	91 4
69	—	—	—	—	92 10	91 16
70	—	—	—	—	—	92 8

If the member's age at retirement is sixty-six years or more or if the age of his wife is outside the range of Scale A the joint annuity payable to the retired member shall be determined by the actuaries.

SCALE B.—ANNUITY PAYABLE TO A MEMBER'S WIDOW.

One-third of the annuity calculated in accordance with Scale A will be payable to the retired member's widow during her life commencing on the day following that on which the retired member dies.

(*d*) if the joint annuitant dies before the member the annuity payable to the member will continue unaltered in amount ;

(*e*) the minimum amount of a member's normal pension which may be converted into a joint annuity shall be the whole of the normal pension if not exceeding £120 ; and £120 of the normal pension if the amount thereof exceeds £120 ; a part of the normal pension to be so converted must be a whole number of pounds and the difference between such part and the normal pension must not be less than ten pounds ;

(*f*) the said option shall be exercisable only after the member has attained the age of fifty-four years and six months and shall only be exercisable as of right and without medical examination before the member attains the age of fifty-five years ;

(*g*) any member who has not exercised the said option within the time limited by paragraph (*f*) of this rule may at any time within three months immediately before the date of his retirement apply to the committee for leave to exercise the said option. Before giving such leave the committee shall require the member to submit himself for medical examination but subject thereto may give or withhold such leave in their discretion. An application under this paragraph for leave to exercise the said option shall be irrevocable and if leave is given the application shall operate as an exercise of the option by the member making the application ;

(*h*) every exercise by a member of the said option shall be irrevocable except in the following cases, that is to say :—

(i) if the joint annuitant dies before the member has become a superannuated member under Rule 14, or if the member is under the provisions of Rules 16 and 17 superannuated before attaining the retiring age the exercise of the said option by him shall automatically be revoked ;

(ii) the committee may in their discretion on the written request of a member made at any time before or within one month after his retirement permit the revocation of the said option if in their opinion the circumstances justify the revocation ;

(*i*) upon the exercise of the said option by any member being revoked either automatically or with the permission of the committee the member shall be remitted to the rights to which he would have been entitled under Rule 14 hereof as if the option had never been exercised by him ;

(*j*) every application for leave to exercise the said option shall be in writing by the member and addressed to the committee and delivered to the secretary accompanied by a certificate of birth of the joint annuitant and where the joint annuitant is the member's wife a certificate of the marriage or by such other evidence thereof as the committee may think fit to accept.

Commutation of superannuation allowances.

24.—On retirement of any member from the service the committee may with the consent of the company agree with him to convert any capital sum to which he is entitled under the scheme into a supplementary annuity or in exceptional cases and having regard to the state of health or other circumstances of the member to commute the whole or part of any annuity to which he is entitled into a capital sum the basis for conversion or commutation in each case to be decided by the actuaries.

Minimum amount of annuities to female members.

25.—The minimum amount of annuities of female persons admitted to membership of this scheme shall be in accordance with the following scale :—

SCALE

Completed years of contributing membership	Minimum amount per annum of annuity
	£
25 or over	78
24	76
23	74
22	72
21	70
20	68
19	66
18	64
17	62
10 to 16	60

26.—No member shall receive under this scheme a lesser amount by way of superannuation allowance than he would have been entitled to from the old fund and the Great Southern Railways Company if this scheme had not been enacted. Minimum superannuation allowance.

27.—Save as prescribed by this scheme no contributing member shall have any claim upon the fund. No claims on the fund outside this scheme.

28.—All annuities shall be paid monthly on the last day of each calendar month or at the option of the recipient at greater intervals if approved by the committee. Periodical payment of annuities.

29.—No member shall be entitled to any benefit from the fund whilst in the service.

30.—(1) Subject to the provisions of this scheme the management and direction of the fund shall be vested in a committee of eight persons—four of whom shall be directors' committee-men and four contributors' committee-men—who shall be appointed or elected as hereinafter mentioned. The committee.

(2) All acts of the committee and all questions coming or arising before the committee may be done and decided by the majority of such members of the committee as are present and vote at a meeting of the committee.

(3) The proceedings of the committee shall not be invalidated by any vacancy among their members or by any defect in the qualification or election of any member.

(4) The chairman at a meeting of the committee shall, in case of equality of votes, have a second or casting vote.

(5) The quorum at a meeting of the committee shall be five members, of whom at least two shall be directors' committee-men and at least two shall be contributors' committee-men.

(6) The chairman of the committee shall be appointed by the committee from among the directors' committee-men.

(7) The chairman of a meeting of the committee shall be the chairman of the committee, if he is present, and in his absence, the senior directors' committee-man who is present.

(8) Subject to this rule the committee shall regulate its own procedure.

31.—The committee shall decide on all claims made upon the fund. Decision of claims.

32.—Whenever it shall be needful for the committee to decide a question of fact they shall be at liberty to act upon such proofs and presumptions as they shall deem satisfactory, whether the same shall be legally admissible as evidence or not and their decision shall be final. Decisions by the committee of questions of fact.

33.—The directors' committee-men shall be appointed by the directors, and the qualifications appointment and retirement from time to time of the directors' committee-men shall be regulated by the directors. The directors committee-men.

34.—(1) The contributors' committee-men shall be elected by the contributing members, and the following regulations shall be observed with regard to their election :— The contributors' committee-men.

(*a*) The qualification for a contributors' committee-man shall be that he is a contributing member.

(*b*) After the first election of the contributors' committee-men an election shall take place every three years.

(*c*) Not later than six weeks before the date of the annual general meeting in a year in which an election is to be held the secretary shall send to the officer of the company in charge of any department of the company to which any contributing member is attached a notice for exhibition in his department inviting nominations of candidates.

(*d*) A nomination of a candidate must reach the secretary not less than twenty-eight days before the date of the annual meeting. It must be in writing signed by eight adult contributing members, and be accompanied by a written consent signed by the candidate.

(*e*) If more than four candidates are validly nominated, the secretary shall send to every adult contributing member not later than fourteen days before the meeting a ballot paper showing the names of the candidates in alphabetical order. A contributing member wishing to vote may vote for not more than four

candidates, and shall return the paper to the secretary who shall deposit it in the ballot box.

(*f*) Two scrutineers shall be appointed by the committee who shall examine the voting papers after 1 p.m. on the day before the day of the annual general meeting and notify the result to the chairman at the meeting.

(*g*) Those four candidates who have received the greatest number of votes shall be elected, or if there is an equality of votes the candidate to be elected shall be determined by lot.

(*h*) The chairman of the annual general meeting shall declare the results of the election, and his decision as to the candidates who have been elected embodied in the said declaration shall be final.

(2) Any casual vacancy in the office of contributors' committee-men caused by death or resignation shall be filled immediately by the remaining contributors' committee-men and the committee shall advise the members of such appointment in such manner as the committee shall decide. The person so appointed shall retain his office until the next election.

First election of contributors' committee-men.

35.—(1) The first election of contributors' committee-men shall take place in the year 1948.

(2) Any members who immediately before the date of transfer are contributors' committee-men for the purposes of the old fund shall be provisional contributors' committee-men until the holding of the first election.

(3) If the number of provisional contributors' committee-men under paragraph (2) of this Rule is less than four, the directors shall appoint to be provisional contributors' committee-men, a number of adult contributing members equal to the deficiency.

(4) Until the first election the directors' committee-men and the provisional contributors' committee-men shall constitute the committee.

Liabilities of trustee or member of committee.

36.—A trustee or a member of the committee shall not be held liable for any loss occasioned by negligence or breach of trust in connection with the fund in any case in which such trustee or member has acted honestly and reasonably and ought fairly to be excused.

General meetings.

37.—(1) The annual general meeting shall be held in June of each year for the purpose of receiving the annual statement of accounts and balance sheet with the certificate and report thereon (if any) of the auditors and for the conduct of the general business of this scheme.

(2) Extraordinary general meetings shall be held whenever convened by the committee.

(3) The committee shall convene an extraordinary general meeting whenever required to do so by a requisition signed by not less than 100 adult contributing members.

(4) General meetings shall be held at such time and place as the committee shall appoint from time to time.

(5) All adult contributing members who are present personally or by proxy shall have a vote at a general meeting.

Proposal of motions.

38.—Any contributing member desiring to propose at an annual meeting a motion relating to the affairs or administration of this scheme or the fund must give notice in writing so as to reach the secretary not less than 28 days before the date of the meeting.

Proxies at a general meeting.

39.—Instruments appointing proxies at a general meeting shall be either printed or written, or partly printed and partly written and signed by the appointer, and attested and given to the secretary, or deposited at the office of this scheme forty-eight hours before the time appointed for the meeting. No person shall be appointed a proxy except an adult contributing member, or a committee-man appointed by the directors under Rule 33. The following shall be the form of the instrument of proxy :—

I, A.B., a contributing member of the Córas Iompair Éireann, Salaried Officers and Clerks (G.S.R.) Superannuation Scheme hereby appoint C.D., another contributing member (or a committee-man) of the said scheme to act as my proxy at the general meeting to be held on the day of and at every adjournment thereof.

As witness my hand this day of

Witness (Signed) A.B.

Business of meetings.

40.—No general meeting shall enter upon any business not set forth in the notice by which it shall have been convened ; neither shall any subject be brought before any meeting for discussion unless the secretary shall

have been apprised twenty-eight days before the meeting. All meetings may be adjourned.

41.—The committee calling any general meeting shall give not less than twenty-one days notice by advertisement or otherwise as the committee may determine of the day, place and hour appointed for the general meeting and in the case of an annual general meeting this notice shall be accompanied by the annual report of the committee and the certified statement of accounts and auditors' report, if any. Notice of meetings.

42.—The chairman of the committee shall be the chairman of any general meeting but in his absence the chairman of any general meeting shall be chosen by the contributing members at such meeting from (a) the contributors' committee-men, or if none is available, then from (b) the directors' committee-men, or if none is available, then from (c) the contributing members, at such meeting. In the case of equality of votes at any general meeting the chairman of the meeting shall have a casting vote. Chairman of meeting.

43.—If ten members shall not be present in person within one hour after the time appointed for a general meeting it shall stand adjourned to that day week at the same place and hour and so if need be from week to week until such ten members shall be present. Quorum at meetings.

44.—Minutes of the proceedings of any general meeting shall thereat or with all convenient speed thereafter be recorded by the secretary in a book kept for that purpose and be signed by the chairman of the meeting, or in the case of his default or incapacity by any three or more contributing members present thereat and such minutes when so recorded and signed shall in the absence of proof of error therein be conclusive evidence of such proceedings. Minutes of proceedings at meetings.

45.—No general meeting shall have any powers except such as are conferred upon it expressly or by implication by this scheme. Powers of meetings.

46.—The committee shall from time to time, with the consent of the directors as to the individual selected, appoint one of the staff of the company to be secretary to the committee, and the person so appointed may at any time be removed from office by the committee with the like consent. The secretary.

47.—The remuneration for all services performed in carrying this scheme into effect shall be paid by the company. Remuneration for services performed.

48.—The Secretary shall act generally under the orders of the committee, and shall perform the following duties, that is to say— Duties of the secretary.

He shall keep the record books and papers relating to the fund and the business thereof.

He shall receive and report to the committee all applications for membership of this scheme and for allowances from the fund, resignations and other matters to be brought under the consideration of the committee.

He shall give notice of all general meetings called by the committee.

He shall record the minutes of the proceedings of all general meetings and of all meetings of the committee and the attendance of members of the committee.

He shall perform such other duties for the purposes of this scheme as the committee from time to time appoint.

He shall see that each member is supplied with a copy of this scheme, and he shall supply on demand to any member an additional copy of this scheme, and a copy of the annual statement of accounts with the certificate and report thereon (if any) of the auditors, provided such demand is accompanied by a payment of two shillings and sixpence.

49.—A temporary substitute for the secretary may at any time be appointed by the committee with the consent of the directors. Substitute for secretary.

50.—(1) There shall be two auditors of the fund of whom one shall be the auditor for the time being of the company and the other, who shall be called the contributors' auditor, shall be appointed and hold office in accordance with the subsequent provisions of this rule. The auditors of the fund.

(2) As soon as may be after the election of contributors' committee-men the contributors' committee-men elected thereat shall appoint a contributing member to act as contributors' auditor of the fund and shall notify to the secretary the name of the person so appointed.

(3) A casual vacancy occurring in the office of contributors' auditor shall be filled as soon as may be after such occurrence by the appointment of a contributing member by the contributors' committee-men then in office.

(4) A person appointed to the office of contributors' auditor shall, subject to his death, resignation or disqualification, hold the office until his successor is appointed after the next election of contributors' committee-men.

Actuary—appointment duties and remuneration.

51.—The directors shall from time to time appoint an actuary or actuaries who shall discharge the functions assigned under this scheme to the actuaries, and shall carry out investigation of the position of the fund whenever the directors consider it necessary. The company shall cause an investigation of the fund to be made by the actuary or actuaries not less often than once in every five years, and a report on each such investigation to be made to the committee by the actuary or actuaries. Each such report shall be laid before the next following annual general meeting. The remuneration of the actuary or actuaries shall be paid by the company.

Accounts.

52.—(1) The trustees and the committee shall cause full and true accounts to be kept up to the 31st December in each year of the fund, and all dealings with the fund.

(2) The accounts shall be audited by the auditors who shall certify as to their accuracy, or furnish a report thereon in time to enable copies to be sent to the contributing members with the notice of the annual general meeting.

(3) The trustees, the committee and the secretary shall give to the auditors all reasonable assistance in their power.

Records.

53.—The committee shall cause full and true records to be kept of the times and commencement of membership, of the dates of the first contributions, and all other relevant matters in relation to the contributing members, and shall also cause to be kept a register of the contributing members.

Amendment of scheme.

54.—(1) Subject to the provisions of this rule the company may, and shall, if so required by the committee prepare and submit to the Minister a scheme (in this rule referred to as an amending scheme) amending this scheme (whether by addition, omission or variation).

(2) Where an amending scheme is submitted to the Minister under paragraph (1) of this rule the Minister may refer the scheme back to the company for reconsideration and fresh submission or by order confirm the scheme either without modification or with such modification (whether by way of addition, omission or variation) as the Minister thinks proper.

(3) Before confirming or refusing to confirm an amending scheme the Minister shall hear all parties desirous of being heard and appearing to him to be interested therein.

(4) No amending scheme shall relate to either Rule 3 or Rule 26 or operate so as to prevent a member of this scheme who has been a member of Section C or Section D of the old fund or a person claiming in his right from being entitled to benefits from the fund not less in value than those to which he or such person (as the case may be) would (whether legally or by customary practice) have been entitled from the old fund and the Company if this scheme had not been enacted.

(5) Where an amending scheme is confirmed by the Minister under paragraph (2) of this rule the said amending scheme as so confirmed shall have effect, and this scheme shall be deemed to be amended accordingly.

(6) Whenever this scheme shall be amended by an amending scheme under this rule the Secretary shall cause the amendments to be printed and distributed to the contributing members and to such other persons as the committee shall think fit.

Solvency of the fund.

55.—The solvency of the fund is guaranteed by the company to the extent only that sufficient money shall be available at all times to meet the immediate cash requirements of the fund for the payment at such times of the benefits provided in this scheme.

Disposal of surpluses.

56.—When the purpose of the fund is fully accomplished as the result of the death of the last person entitled to any benefit out of the fund or at any earlier date on which the actuary or actuaries certify that there is a surplus on the fund which will not in any event be required to meet the liabilities of the fund, and such surplus shall become the property of the company.

Saver for right of company to terminate employment.

57.—Nothing in this scheme shall in any way restrict the right of the company to terminate the employment of any member at any time and membership of this scheme is not to be taken as indicating permanence of employment.

Interpretation.

58.—Any question as to the meaning of any provision of this scheme or any matter arising thereout shall be determined by the committee and their decision shall be final.

Éire.

AN BILLE UM CHUIDEACHTA MHOR-BHOITHRE IARAINN AN DEISCIRT (SCEIM AOISLIUNTAS), 1947.

BILLE

dá ngairmtear

Acht do bhunú Scéime chun aoisliúntais a sholáthar le haghaidh nó i leith fostaithe áirithe le Sean-Chuideachta Mhór-Bhóithre Iarainn an Deiscirt ar comhaltaí cuid acu, nó a bhfuil teideal ag cuid acu teacht chun bheith ina gcomhaltaí, de Chiste Chorporáid Chiste Aoisliúntas an Chórais Imréitigh Iarnróid, agus do dhéanamh socruithe i dtaobh nithe áirithe eile a bhaineas leis na nithe réamhráite.

Do hordaíodh, ag Dáil Eireann, *do chló-bhualadh,* 1*ú Iúil,* 1947.

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Éire.

GREAT SOUTHERN RAILWAYS COMPANY (SUPERANNUATION SCHEME) BILL, 1947.

BILL

entitled

An Act to establish a scheme for the provision of Superannuation Allowances for or in respect of certain employees of the former Great Southern Railways Company some of whom are or are entitled to become members of the Fund of the Railway Clearing System Superannuation Fund Corporation, and to provide for certain other matters connected with the matters aforesaid.

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