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**BILLE NA bPINSEAN (MEADU), 1949.  
PENSIONS (INCREASE) BILL, 1949.**

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*Mar a ritheadh ag dhá Thigh an Oireachtais.  
As passed by both Houses of the Oireachtas.*

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**Section.**

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**SCHEDULE.**

**SCHEDULED PENSIONS.**





BILLE NA bPINSEAN (MEADU), 1949.  
PENSIONS (INCREASE) BILL, 1949.

# BILL

*entitled*

AN ACT TO PROVIDE FOR THE INCREASE OF CERTAIN 5  
PENSIONS PAYABLE IN RESPECT OF PUBLIC  
SERVICE.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Interpretation.

1.—(1) In this Act—

appropriate sum.

the expression “the appropriate sum” has the meaning appro- 10  
priate in accordance with *section 2* of this Act;

harbour  
authority.

the expression “harbour authority” means a harbour authority  
within the meaning of the Harbours Act, 1946 (No. 9 of 1946);

local  
authority.

the expression “local authority” means any of the following  
bodies :— 15

(a) a local authority for the purposes of the Local Govern-  
ment Acts, 1925 to 1946,

(b) a vocational education committee,

(c) a committee of agriculture,

(d) a school attendance committee, 20

(e) the Dublin Fever Hospital Board,

(f) the Cork Fever Hospital Board;

mental hospital  
authority.

the expression “mental hospital authority” means a mental  
hospital authority within the meaning of the Mental Treatment  
Act, 1945 (No. 19 of 1945); 25

scheduled pension.

the expression “scheduled pension” means a pension or allowance  
specified in the Schedule to this Act and, where the expression  
comprises a reference to a particular Part of that Schedule, means  
a pension or allowance specified in that Part.

(2) A scheduled pension which is awarded in respect of service 30  
which ended before the 1st day of April, 1949, and which comes  
in course of payment in whole or in part on a subsequent day  
shall be deemed for the purposes of the Schedule to this Act to  
have been in course of payment on the 1st day of April, 1949,  
except in the case of an award in respect of a person on his retire- 35  
ment from employment which is approved employment within the  
meaning of section 4 of the Superannuation Act, 1914.

Appropriate  
sum.

2.—(1) Subject to *subsection (2)* of this section, for the pur-  
poses of this Act the appropriate sum in relation to a scheduled  
pension shall be— 40

(a) where the amount of the pension does not exceed £100 a  
year, 50 per cent. of the amount of the pension,

(b) where the amount of the pension exceeds £100 a year but  
does not exceed £125 a year, £50 a year,



- (c) where the amount of the pension exceeds £125 a year but does not exceed £150 a year, 40 per cent. of the amount of the pension,
- (d) where the amount of the pension exceeds £150 a year but does not exceed £200 a year, £60 a year,
- (e) where the amount of the pension exceeds £200 a year but does not exceed £346 3s. 1d. a year, 30 per cent. of the amount of the pension,
- (f) where the amount of the pension exceeds £346 3s. 1d. a year, sufficient to bring the amount of the pension to £450 a year.
- (2) The following provisions shall have effect for the purposes of subsection (1) of this section:
- (a) the amount of a pension in the computation of which any emergency bonus has been taken into account shall be deemed to be the amount which would have resulted if the emergency bonus had not been taken into account;
- (b) the amount of a pension which is paid partly out of moneys provided by the Oireachtas and partly out of moneys administered by another government shall not include any increase payable out of moneys administered by the other government, but the appropriate sum shall be reduced by the amount of any such increase;
- (c) the amount of a pension shall, subject to the foregoing paragraphs of this subsection, be the amount of the full pension, whether the pension is in course of payment in full, in part or not at all.

3.—(1) A scheduled (Part I) pension shall be increased—

- (a) in the case of a restricted pension, to the lesser amount, and
- (b) in any other case, by the appropriate sum.

Increase of scheduled (Part I) Pension.

(2) In subsection (1) of this section—  
the expression "restricted pension" means a scheduled (Part I) pension—

- (i) which is specified in paragraph (a), (b), (c), (d), (e), (g), (h) or (i) of Part I of the Schedule to this Act, and
- (ii) which, if increased by the appropriate sum, would be greater than the pension payable to or in respect of a person of equivalent status and service whose service ended on the 31st day of October, 1946;

the expression "the lesser amount" means—

- (a) in the case of a pension specified in paragraph (a), (b) or (c) of Part I of the Schedule to this Act granted to an unmarried man, the amount which would have been determined under paragraph (b) of this definition if the pensioner had been married, and
- (b) in any other case, the amount of the pension, payable to or in respect of a person of equivalent status and service, which is referred to in paragraph (ii) of the foregoing definition.

(3) In the case of a pension payable to or in respect of a person who was a member of the Dublin Metropolitan Police and whose service therein ended before the commencement of the Police Forces Amalgamation Act, 1925 (No. 7 of 1925), a reference in subsection (2) of this section to a person of equivalent status and service shall be construed as a reference to a person who was a member of the Garda Síochána of equivalent status and service.



(4) Where a pension increased under this section includes an element attributable to any emergency bonus, that element shall not be payable in respect of any period beginning on or after the 1st day of April, 1949.

Increase of  
scheduled (Part II)  
pension.

4.—A scheduled (Part II) pension shall be increased by the appropriate sum. 5

Increase of  
scheduled  
(Part III) pension.

5.—(1) A scheduled (Part III) pension which is less than the amount specified in *subsection (2)* of this section shall be increased to that amount.

(2) The amount referred to in *subsection (1)* of this section is— 10

(a) the amount obtained by—

(i) recalculating the pension in question by reference to a cost-of-living index figure of 185, and

(ii) increasing such pension, as so recalculated, by the appropriate sum, or 15

(b) the amount obtained by recalculating the pension in question by reference to a cost-of-living index figure of 270,

whichever is the less.

Increase of  
scheduled  
(Part IV) pension.

6.—(1) The local authority who granted a scheduled (Part IV) pension may, within twelve months after the passing of this Act, grant one increase (and no more) of the pension, and the increase shall be an increase to such extent as may be sanctioned by the Minister, or is in accordance with an approval which is applicable to the pension and which has been given by the Minister in respect of a class of such pensions. 20 25

(2) Where a person is aggrieved by a refusal or failure during the period of twelve months after the passing of this Act to grant an increase under *subsection (1)* of this section, such person may, in the case of a refusal, not later than six months after the refusal, or, in the case of a failure, not later than six months after the expiration of the said twelve months, appeal to the Minister against the refusal or failure. 30

(3) Where a person is aggrieved by an increase granted under *subsection (1)* of this section, he may, not later than six months after the grant of the increase, appeal against it to the Minister. 35

(4) On an appeal under this section, the Minister may either refuse the appeal or make such provisions as should, in his opinion, have been made by the local authority concerned, and any provisions so made by the Minister shall have effect as if made by that authority. 40

(5) The decision of the Minister on any appeal under this section shall be final.

(6) The fact that a scheduled (Part IV) pension has been increased under section 79 of the Local Government (Superannuation) Act, 1948 (No. 4 of 1948), shall not prevent the grant of such increase (if any) as may be appropriate under this section. 45

(7) In this section, the expression "the Minister" means—

(a) in relation to a local authority other than a mental hospital authority, the Minister for Local Government, and 50



(b) in relation to a mental hospital authority, the Minister for Health.

7.—(1) The harbour authority who granted a scheduled (Part V) pension may, within twelve months after the passing of this Act, grant one increase (and no more) of the pension. Increase of scheduled (Part V) pension.

(2) An increase under this section shall be in accordance with regulations made by the Minister for Industry and Commerce and, in framing the regulations, that Minister shall have regard to the provisions of the other sections of this Act with respect to increase of pensions.

8.—(1) Where a person has been granted more than one pension— Person having more than one pension.

(a) no payments shall be made at any time in respect of an increase granted to such person under this Act if such payments would bring the aggregate of the pensions to more than £450 a year,

(b) if each of the pensions is either a scheduled (Part I) pension or a scheduled (Part III) pension, the increase under this Act shall, subject to *paragraph (a)* of this subsection, be an increase equal to the appropriate sum ascertained as if the aggregate of the pensions was one scheduled pension and such increase shall be allocated between the pensions proportionately.

(2) For the purposes of this section, the word "pension" means any pension, allowance or compensation payable out of moneys provided by the Oireachtas or out of the Central Fund, out of the funds of a local authority or harbour authority or out of the Secondary Teachers' Pension Fund or the Shannon Navigation Fund.

9.—An increase under this Act of a scheduled pension shall have effect from (and inclusive of) the day of the commencement of the pension or the 1st day of April, 1949, whichever is the later. Commencement of increase.

10.—Where an increase in a scheduled pension was in course of payment under the Pensions (Increase) Act, 1920, on the 1st day of April, 1949, the pension shall be deemed for the purposes of this Act to comprise the total amount in course of payment on that date, and the provisions of the Pensions (Increase) Act, 1920, shall, without prejudice to the said increase, cease to apply to the pension. Pension increased under Pensions (Increase) Act, 1920.

11.—Every provision, being a provision which was made by or under statute and which applied in relation to a scheduled pension increased under this Act before such increase, shall apply to the pension as so increased, including, in particular, every such provision with respect to the fund, moneys or other source out of which the pension is to be paid or with respect to the manner in which the cost of the pension is to be borne, defrayed or contributed to. Application of certain provisions.

12.—An increase under this Act of a scheduled (Part I), scheduled (Part II) or scheduled (Part III) pension shall be granted by— Grant of increase by Minister.

(a) in the case of a pension specified in paragraph (a), (b) or (c) in Part I of the Schedule to this Act, the Minister for Education,

(b) in the case of a scheduled (Part I) or scheduled (Part III) pension, being a pension granted to or in respect of a former member of the Dublin Metropolitan Police or the Garda Síochána, the Minister for Justice,



(c) in the case of an annual allowance granted under the Superannuation Acts, 1834 to 1947, in respect of service which ended in the Department of Posts and Telegraphs, the Minister for Posts and Telegraphs, and

(d) in any other case, the Minister for Finance. 5

Modification of  
Royal Irish  
Constabulary  
(Resigned and  
Dismissed)  
Pensions Order,  
1924.

13.—Where a person has been granted a pension specified in paragraph (f) of Part I of the Schedule to this Act and also another scheduled pension, subarticle (b) of Article 5 of the Royal Irish Constabulary (Resigned and Dismissed) Pensions Order, 1924 (S. R. & O., No. 9 of 1924), shall have effect in relation to him with such modifications (if any) in his favour as the Minister for Finance considers proper. 10

Special provision  
where certain  
compensation has  
been awarded.

14.—Where—

(a) owing to the award of compensation in respect of the injury or death of a former member of the Dublin Metropolitan Police or the Garda Síochána, a pension has not been awarded or has been granted at a reduced rate, and 15

(b) the pension that, apart from the award of compensation, would have been granted would have been increased under this Act, 20

the following provisions shall have effect:

(i) the Minister for Finance may, at his discretion, grant, with effect from (and inclusive of) the 1st day of April, 1949, the pension that, apart from the award of compensation, would have been granted, 25

(ii) the pension so granted shall be increased in accordance with this Act, but, as so increased, shall be subject to such reduction in respect of the award of compensation as the Minister for Finance may direct, 30

(iii) the pension so granted shall, where there has been a previous grant of a pension at a reduced rate, be in lieu of the latter pension. 35

Determination  
of disputed  
matters by  
Minister for  
Finance.

15.—Every doubt, question or dispute arising under this Act in relation to a scheduled (Part I), scheduled (Part II) or scheduled (Part III) pension shall be decided by the Minister for Finance, whose decision thereon shall be final and conclusive.

Increase of  
certain pensions  
payable by  
Electricity  
Supply Board.

16.—(1) In this section— 40

the expression "the Act of 1927" means the Electricity Supply Act, 1927 (No. 27 of 1927),

the expression "the Board" means the Electricity Supply Board,

the expression "authorised undertaker" has the meaning assigned to it by the Act of 1927 for the purposes of that Act. 45

(2) This section applies to every pension (whether it commenced before or on or shall commence after the date of the passing of this Act) which complies with all the following conditions, that is to say:—

(a) the pension is payable by the Board, and 50

(b) the pension is payable to a person (in this subsection referred to as the pensioner) who was transferred by virtue of subsection (9) or subsection (11) of section 39 of the Act of 1927 from the employment of an authorised undertaker to the employment of the Board and has left or shall hereafter leave the employment of the 55



Board on the ground of age or ill-health or by reason of one of the circumstances mentioned in paragraphs (a), (b) and (c) of subsection (2) of section 44 of the Local Government Act, 1925 (No. 5 of 1925), and

5 (c) the pension was or shall be awarded to the pensioner on his so leaving the employment of the Board and was or shall be so awarded to him by virtue of his superannuation rights in the employment of the said authorised undertaker, and

10 (d) a portion of the pension is calculated by reference to a cost-of-living index figure or two or more cost-of-living index figures.

(3) The portion of a pension to which this section applies which is calculated by reference to a cost-of-living index figure or two or  
15 more cost-of-living index figures shall not be variable in consequence of changes in such index figure or index figures but, in lieu thereof, the said portion of the pension shall be calculated by reference to a cost-of-living index figure of 270.

(4) The Emergency Powers (No. 244) Order, 1942 (S. R. & O.,  
20 No. 519 of 1942), is hereby revoked.

17.—Nothing in this Act shall be construed as authorising an increase in— General restriction.

(a) any compensation payable under Article 10 of the Treaty of 1921,

25 (b) any allowance or payment not being a scheduled pension or a pension to which *section 16* of this Act applies, or

(c) any gratuity.

18.—This Act may be cited as the Pensions (Increase) Act, 1950. Short title.

## SCHEDULE.

*Section 1.*

### SCHEDULED PENSIONS.

#### PART I.

A pension or allowance of less than £450 a year which was in course of payment in whole or in part on the 1st day of April, 1949, and which was—

(a) a pension granted under the National School Teachers (Ireland) Act, 1879,

(b) a pension granted under the National School Teachers' Superannuation Schemes, 1934 to 1948, in respect of service which ended before the 31st day of October, 1946,

(c) a pension granted under the Secondary Teachers' Superannuation Schemes, 1929 to 1947, in respect of service which ended before the 1st day of September, 1946,

(d) a pension or allowance granted under the Constabulary and Police (Ireland) Act, 1883, as amended by the Constabulary and Police (Ireland) Act, 1908, the Constabulary and Police (Ireland) Act, 1914, the Constabulary and Police (Ireland) Act, 1916, the Constabulary and Police (Ireland) Act, 1918 and the Constabulary and Police (Ireland) Act, 1919, in respect of service which ended before the 1st day of July, 1940, not being a pension granted under the Dublin Metropolitan Police Pensions Orders, 1922 and 1924, or those orders as varied by the Garda Síochána Pensions Orders, 1925 to 1942, to or in respect of a person who became a member of the amalgamated force under the Police Forces Amalgamation Act, 1925 (No. 7 of 1925),



- (e) a pension granted under the Garda Síochána Pensions Orders, 1925 to 1942, or the Dublin Metropolitan Police Pensions Orders, 1922 and 1924, or those orders as varied by the Garda Síochána Pensions Orders, 1925 to 1942, in respect of service which ended before the 1st day of July, 1940, not being a pension specified in the foregoing paragraph or a widow's pension or a child's allowance,
- (f) a pension granted under the Royal Irish Constabulary (Resigned and Dismissed) Pensions Orders, 1924, 1929 and 1936, not being a widow's pension,
- (g) an annual allowance granted under the Superannuation Acts, 1834 to 1947, in respect of service which ended before the 1st day of July, 1940,
- (h) an annual allowance granted under a warrant made under section 1 of the Superannuation Act, 1887, in respect of service which ended before the 1st day of July, 1940,
- (i) a special annual allowance granted by way of compensation under section 7 of the Superannuation Act, 1859, or section 6 of the Superannuation Act, 1909, in respect of service which ended before the 1st day of July, 1940, or
- (j) a pension granted in respect of service which ended before the 1st day of July, 1940, to a person who had been employed by the Commissioners of Public Works in Ireland in relation to the care or conservancy of the navigation or the drainage of the River Shannon or any tributary thereof or of works constructed for the improvement of such navigation or drainage.

## PART II.

A widow's pension or child's allowance granted whether before or after the passing of this Act under the Ministerial and Parliamentary Offices Acts, 1938 to 1949.

## PART III.

A pension or allowance of less than £450 a year which—

- (a) was granted in respect of service which ended after the 30th day of June, 1940, and before the 1st day of July, 1943,
- (b) was in course of payment in whole or in part on the 1st day of April, 1949, and
- (c) has been increased under the Emergency Powers (No. 354) Order, 1945 (S.R. & O. No. 29 of 1945), the Superannuation Act, 1947 (No. 29 of 1947), or the Garda Síochána (Pensions) Act, 1947 (No. 41 of 1947), by reference to a cost of living index figure not exceeding 260.

## PART IV.

An allowance of less than £450 a year which was granted by a local authority in respect of service which ended before the 1st day of July, 1943, and was in course of payment in whole or in part on the 1st day of April, 1949.

## PART V.

An allowance of less than £450 a year which was granted by a harbour authority in respect of service which ended before the 31st day of March, 1949, and was in course of payment in whole or in part on the 1st day of April, 1949.



BILF

BITE



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BILLE

*dá ngairmtear*

Acht do dhéanamh socruithe chun pinsin áirithe is infoctha i leith seirbhíse poiblí a mhéadú.

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BILL

*entitled*

An Act to provide for the increase of certain pensions payable in respect of public service.

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Rite ag dhá Thigh an Oireachtais, 8ú Márta, 1950.

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Passed by both Houses of the Oireachtas, 8th March, 1950.

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