



**BILLE NA bPINSEAN SEIRBHISE MILEATA (LEASU),
1952.**

**MILITARY SERVICE PENSIONS (AMENDMENT) BILL,
1952.**

EXPLANATORY MEMORANDUM.

1. The Bill proposes to amend the Military Service Pensions Acts, 1924 to 1949, in a number of respects.

2. Section 2 provides that military service pensions shall be increased as follows:—

AMOUNT OF PENSION.		INCREASE.
Not exceeding £100 per annum.		50%
Exceeding £100 but not exceeding £125 per annum.		£50 per annum.
„ £125 „ „ „ „	£150 „ „	40%
„ £150 „ „ „ „	£200 „ „	£60 per annum.
„ £200 „ „ „ „	£346-3-1 „	30%
„ £346-3-1 per annum.		Sufficient to bring amount of pension to £450 per annum,

These increases are similar to those provided by the Pensions (Increase) Act, 1950, for certain pensions payable in respect of public service. The increase will, in each case, commence as from the 1st January, 1953, or from the date of commencement of the pension, whichever is the later.

3. A member of the Permanent Force holding a certificate of military service under the Military Service Pensions Act, 1924, is at present ineligible to draw a military service pension until he ceases to be a member, his pension then being based on his substantive rank on retirement or discharge, or his substantive rank on the 1st February, 1924, whichever is the higher. Section 3 of the Bill provides that such a member may opt to receive his military service pension while still serving. If the certificate of military service was granted before the 1st January, 1953, the pension will be payable as from the 1st January, 1953. Otherwise payment will commence from such date not earlier than 1st January, 1953, as the Minister may appoint. Each person concerned will have to exercise the option not later than three months from the date on which the Bill becomes law or the date on which he is awarded a certificate of military service, whichever is the later.

4. Subsection 8 (2) of the Military Service Pensions Act, 1924, as amended, provides that a person shall not be entitled to reckon the same period of time both for the purpose of a military service pension under the Act and also for the purpose of a superannuation allowance, pension or allowance under the Superannuation Acts, but that any such person may, if he so desires, surrender his military service pension and reckon for the superannuation allowance, pension or allowance, and in the manner specified in the Act, any period of time which, but for the section, he could have reckoned for both purposes. Subsection 20 (2) of the Military Service Pensions Act, 1934, provides similarly with regard to pensions under that Act. Section 4 of the present Bill now proposes that a person who has already exercised an option under

the Acts mentioned will be given an opportunity of revoking that option, any such revocation to take effect as from the date on which the original option took effect. It is provided that where any such revocation has the result that an overpayment will have been made from public funds, the overpayment will be recovered.

5. Section 5 provides that the time limit laid down in the Military Service Pensions (Amendment) Act, 1949, for the submission of petitions for the re-examination of rejected applications made under the Acts of 1924 and 1934, shall be extended to a date six months after the Bill becomes law.

6. Section 6 provides for the repeal, as from the 1st January, 1953, of subsection 8 (1) of the Act of 1924 and subsection 20 (1) of the Act of 1934. Consequently, abatement of military service pensions in respect of remuneration, pensions or allowances payable out of public moneys or by a local authority will be abolished. In certain cases, possession of a military service pension affects, to the detriment of the pensioner, qualification for, or the receipt of or amount of other payments. Section 6 also provides, therefore, that save in certain specified cases, this position will no longer apply. The exceptions are payments of special allowances, old age pensions and widows' and orphans' non-contributory pensions which, under the Statutes relating to them, are subject to a means test. There is also a proviso relating to the reckoning of the same period of time for more than one payment.

Roinn Cosanta.

Eanair, 1953.