



**BILLE NA bPINSEAN SEIRBHISE MILEATA (LEASU),  
1952.  
MILITARY SERVICE PENSIONS (AMENDMENT) BILL,  
1952.**

*Mar a ritheadh ag Dáil Éireann.*

*As passed by Dáil Éireann.*

**ARRANGEMENT OF SECTIONS.**

**Section.**

1. Definitions.
2. Increase of pensions.
3. Option with respect to certain pensions.
4. Withdrawal of certain options.
5. Amendment of section 4 of Act of 1924.
6. Extension of time for making petitions under Act of 1949.
7. Termination of suspensions which may be made in or by reference to pensions.
8. Short title and collective citation.





BILLE NA bPINSEAN SEIRBHISE MILEATA (LEASU),  
1952.

MILITARY SERVICE PENSIONS (AMENDMENT) BILL,  
1952.

# BILL

5.

*entitled*

AN ACT TO AMEND THE MILITARY SERVICE PENSIONS  
ACTS, 1924 TO 1949.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

## Definitions.

1.—In this Act—

10.

“the Act of 1924” means the Military Service Pensions Act, 1924  
(No. 48 of 1924);

“the Act of 1934” means the Military Service Pensions Act, 1934  
(No. 43 of 1934);

“the Act of 1949” means the Military Service Pensions (Amend- 15.  
ment) Act, 1949 (No. 29 of 1949);

“the Minister” means the Minister for Defence.

## Increase of Pensions.

2.—(1) A pension under the Act of 1924 or the Act of 1934  
shall be increased by the appropriate sum.

(2) Increases under this section shall commence as follows: 20.

(a) in the case of a pension the day of commencement of  
which is on or before the 1st day of January, 1953, the  
increase shall commence as from the 1st day of January,  
1953, and

(b) in the case of a pension the day of commencement of which 25.  
is after the 1st day of January, 1953, the increase shall  
commence as from the day of the commencement of the  
pension.

(3) In applying *subsection (1)* of this section where the pension  
is granted on or after the day of the passing of this Act, the amount 30.  
of the pension shall first be determined without regard to this  
section and that amount shall then be increased.

(4) For the purposes of this section, the appropriate sum in rela-  
tion to a pension shall be—

(a) where the amount of the pension does not exceed £100 a 35.  
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 40.  
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 45.  
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.

3.—(1) Where a person who was a member of the Permanent Force on the 1st day of January, 1953, is the holder of a certificate of military service under the Act of 1924, he may, not later than three months after the passing of this Act or the granting of such certificate (whichever is the later), give notice in writing to the Minister that this section is to apply to any pension under the Act of 1924 that may be granted to him.

Option with respect to certain pensions.

(2) The following provisions shall have effect in relation to a pension under the Act of 1924 granted to a person who has given a notice under this section :

(a) in lieu of commencing on the day of such person's discharge from the Permanent Force, the pension shall commence—

(i) if the certificate of military service was granted before the 1st day of January, 1953—as from the 1st day of January, 1953, and

(ii) if such certificate was granted on or after the 1st day of January, 1953—as from such day (not being earlier than the 1st day of January, 1953, or later than the day immediately preceding the day of such person's discharge from the Permanent Force) as the Minister may appoint,

(b) in lieu of being based on the rank referred to in subsection (3) of section 4 of the Act of 1924, the pension shall be based on the substantive rank held by such person on the day of the commencement of the pension, and

(c) in calculating the pension, the references in the rules set out in the Second Schedule to the Act of 1924 to the date of discharge shall be construed as references to the day of the commencement of the pension and the last paragraph (beginning with the words "Where an applicant") of those Rules shall be disregarded.

(3) In this section "the Permanent Force" means the force established under Part I of the Defence Forces (Temporary Provisions) Act, 1923 (No. 30 of 1923).

4.—(1) Where a person has, before the passing of this Act—

Withdrawal of certain options.

(a) opted under subsection (2) of section 8 of the Act of 1924 to surrender his pension under the Act of 1924, or

(b) opted under subsection (2) of section 20 of the Act of 1934 to surrender his pension under the Act of 1934,

such person may, not later than three months after the passing of this Act, give notice in writing to the Minister that he wishes to withdraw the option.

(2) Where a person gives a notice under this section—

(a) the option to which the notice relates shall stand withdrawn,

(b) the withdrawal shall have retrospective effect as from the time when the option was exercised, and

(c) the overpayments out of moneys provided by the Oireachtas created by the giving of the notice shall be recovered by non-payment of the pensions of such person to an extent equivalent to the over-payments.

(3) In paragraph (c) of subsection (2) of this section "the pen-



sions" means, in relation to a person, either (as may be appropriate)—

- (a) (i) the pension of such person under the Act of 1924, and
- (ii) the superannuation allowance, pension or allowance of such person referred to in subsection (2) of section 8 of the Act of 1924 as amended by subsection (1) of section 4 of the Military Service Pensions Act, 1930 (No. 8 of 1930), or
- (b) (i) the pension of such person under the Act of 1934, and
- (ii) the superannuation allowance, pension or allowance of such person referred to in subsection (2) of section 20 of the Act of 1934.

Amendment of section 4 of Act of 1924.

5.—(1) The reference to discharge contained in subsection (1) of section 4 of the Act of 1924 and the same reference contained in subsection (3) of that section shall each be construed as not including a reference to discharge for the purpose of being appointed to commissioned rank.

(2) Where a person was, before the passing of this Act, granted under section 4 of the Act of 1924 a pension under that Act commencing as from the day of his discharge for the purpose of being appointed to commissioned rank, the pension shall stand revoked as from the day from which it became payable.

(3) Where—

- (a) a pension granted under section 4 of the Act of 1924 to a person stands revoked by virtue of subsection (2) of this section, and
- (b) such person is granted after the passing of this Act under section 4 of the Act of 1924 a new pension under that Act commencing as from a day before the passing of this Act,

the following provisions shall have effect:

- (i) if the aggregate of the payments made in respect of the revoked pension exceeds the aggregate of the arrears of the new pension, the arrears shall not be paid and the excess shall be recovered by non-payment of the new pension to an extent equivalent to the excess,
- (ii) if the aggregate of the payments made in respect of the revoked pension equals the aggregate of the arrears of the new pension, the arrears shall not be paid,
- (iii) if the aggregate of the payments made in respect of the revoked pension is less than the aggregate of the arrears of the new pension, so much only of the arrears shall be paid as is equal to the amount by which the aggregate of the payments made in respect of the revoked pension is less than the aggregate of the arrears of the new pension.

Extension of time for making petitions under Act of 1949.

6.—The reference to eighteen months after the passing of the Act of 1949 contained in paragraph (c) of subsection (1) of section 6 of that Act and the same reference contained in paragraph (c) of subsection (1) of section 11 of that Act shall each be construed as a reference to six months after the passing of this Act.

Termination of suspensions which may be made in or by reference to pensions.

7.—(1) Subsection (1) of section 8 of the Act of 1924 and subsection (1) of section 20 of the Act of 1934 are hereby repealed.

(2) (a) A pension under the Act of 1924 or the Act of 1934 shall be disregarded—

- (i) in determining whether a suspending provision applies in relation to the pensioner, and



(ii) if it is determined that that provision applies in relation to him, in that application.

5 (b) In *paragraph (a)* of this subsection "suspending provision" means a provision which is made by or under statute and under which the receipt of a pension under the Act of 1924 or the Act of 1934 affects to the detriment of the pensioner qualification for or the receipt or amount of another payment.

(c) Nothing in this subsection shall affect—

10 (i) section 7 of the Army Pensions Act, 1943 (No. 14 of 1943), or any joint directions under subsection (9) of that section, or

15 (ii) section 77, section 105 or section 106 of the Social Welfare Act, 1952 (No. 11 of 1952), or the Seventh Schedule to that Act, or

20 (iii) any provision which is made by or under statute and which prohibits the reckoning of the same period of time both for the purposes of a pension under the Act of 1924 or the Act of 1934 and also for the purposes of any other pension or any superannuation allowance, retired pay, gratuity, lump sum or other superannuation payment.

(3) This section shall have effect as on and from the 1st day of January, 1953.

25 **8.—**(1) This Act may be cited as the Military Service Pensions (Amendment) Act, 1953. Short title and collective citation.

(2) The Military Service Pensions Acts, 1924 to 1949, and this Act may be cited together as the Military Service Pensions Acts, 1924 to 1953.



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## BILLE

*dá ngairmtear*

Acht do leasú Acht na bPinsean Seirbhíse  
Míleata, 1924 go 1949.

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*An tAire Cosanta do thug isteach.*

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*Rite ag Dáil Éireann, 6ú Márta, 1953.*

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

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Wt. 4032—2053. 625. 3/53. C.&Co. (1836).

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## BILL

*entitled*

An Act to amend the Military Service Pensions  
Acts, 1924 to 1949.

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*Introduced by the Minister for Defence.*

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*Passed by Dáil Éireann, 6th March, 1953.*

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