AN BILLE AOISLIUNTAS, 1956.
SUPERANNUATION BILL, 1956.

Mar a tuigtear a bheith rite ag dhá Thigh an Oireachtais.

As deemed to have been passed by both Houses of the Oireachtas.

ARRANGEMENT OF SECTIONS.

Section.

1. Definitions.
2. Appointment of appointed day.
3. Surrender of part of annual superannuation allowance.
4. Value of pension under this Act.
5. Duration of pension under this Act.
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11. Effect of surrender on gratuity under section 2 (2) of Superannuation Act, 1909.
12. Payments and expenses of Minister and sums received in respect of medical examinations.
13. Short title and collective citation.

AN BILLE AOISLIUNTAS, 1956.
SUPERANNUATION BILL, 1956.

BILL

entitled

AN ACT TO AMEND AND EXTEND THE SUPERANNUATION ACTS, 1834 TO 1954.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Definitions.

1.—(1) In this Act—

"the appointed day" means the day appointed under *section 2* of this Act;

"dependant" means, in relation to a person, a member of the family of such person who, at the time when such person notifies the Minister of his wish to make a surrender under this Act, is wholly or in part dependent on the earnings of such person;

"member of the family" means father, mother, step-father, step-mother, son, daughter, grandson, grand-daughter, step-son, step-daughter, brother, sister, half-brother, half-sister, uncle, aunt, nephew, niece, son-in-law or daughter-in-law;

"the Minister" means the Minister for Finance;

"established civil servant" means a civil servant whose service is in a capacity in respect of which a superannuation allowance may be granted.

(2) For the purposes of the definition of "member of the family" contained in *subsection (1)* of this section, a person adopted under the Adoption Act, 1952 (No. 25 of 1952), shall be considered as the son or daughter of the adopter or adopters born to him, her or them in lawful wedlock and not to be the son or daughter of any other person.

Appointment of appointed day.

2.—The Minister may by order appoint a day to be the appointed day for the purposes of this Act.

Surrender of part of annual superannuation allowance.

3.—(1) A male established civil servant retiring on or after the appointed day otherwise than on the ground of ill-health may, with respect to any annual superannuation allowance, compensation allowance or retiring allowance that may be granted to him by the Minister, surrender part of that allowance as from its commencement in return for the grant by the Minister under this Act of a pension to the wife or one dependant of the civil servant specified by him.

(2) A female established civil servant retiring on or after the appointed day otherwise than on the ground of ill-health may, with respect to any annual superannuation allowance, compensation allowance or retiring allowance that may be granted to her by the Minister, surrender part of that allowance as from its commencement in return for the grant by the Minister under this Act of a pension to one dependant of the civil servant specified by her.

(3) The foregoing provisions of this section shall have effect subject to the subsequent provisions of this Act and the provisions of regulations made by the Minister.

(4) The regulations under *subsection* (*3*) of this section may, in particular, make provision with respect to all or any of the following matters:

(*a*) notification by a person of the person's wish to make a surrender under this Act may be lodged not later than a specified time before the date of retirement,

(*b*) a person shall not be entitled to make a surrender under this Act unless the Minister decides that the person is of sound health,

(*c*) requirement by the Minister of production by a person wishing to make a surrender under this Act of any proofs which the Minister may consider necessary (including, in particular, production of a statutory declaration that the proposed grantee (not being the wife of the person) is, in relation to the person, a dependant),

(*d*) a surrender shall remain valid, unless duly cancelled or amended, notwithstanding that as the result of a subsequent alteration of the amount, or estimated amount, of the superannuation allowance, compensation allowance or retiring allowance, the amount of allowance to be surrendered is not within the limits provided for in this Act,

(*e*) notice of a surrender shall become null and void if, on a day on which the person wishing to make a surrender under this Act is an established civil servant, either that person or the proposed grantee of the pension under this Act dies,

(*f*) where a person is required to undergo medical examination under the regulations, the person shall be responsible for payment of the fee for the examination.

(5) Where—

(*a*) a person has made a surrender under this Act,

(*b*) a pension under this Act has been granted in relation to the surrender to a grantee other than the wife of the person, and

(*c*) the person has submitted to the Minister, pursuant to regulations under this section, a statutory declaration that the grantee is, in relation to the person, a dependant,

if the Minister ascertains at any time after the grant of the pension that the grantee was, in relation to the person, not a dependant, the surrender and pension shall be deemed valid, but the grantee of the pension, in case payment of the pension has not commenced, shall forfeit the pension and, in case payment of the pension has commenced, shall forfeit so much thereof as remains unpaid.

Value of pension under this Act.

4.—A pension under this Act shall be granted so as to be of such value as, on the date of retirement, is actuarially equivalent (in accordance with such tables as, on the date of the retirement, stand approved of by the Minister for the purposes of this section) to what is surrendered.

Duration of pension under this Act.

5.—(1) A pension under this Act granted to the wife of a person shall be payable either, as the person may elect when he makes the surrender under this Act.—

(*a*) during the period (if any) for which the wife survives the person, or

(*b*) during both the period of the joint lives of the person and the wife subsequent to the retirement of the person and the period (if any) for which the wife survives the person.

(2) A pension under this Act granted to a dependant of a person shall be payable during the period (if any) for which the dependant survives the person.

Varying rate of pension in certain cases.

6.—In the case of a pension under this Act which is payable during the periods specified in *paragraph* (*b*) of *subsection* (*1*) of *section 5* of this Act, the rate of the pension for the second period shall be double the rate thereof for the first period.

Substitution of annuity for pension.

7.—(1) Where—

(*a*) a pension granted under this Act to a dependant of a person is payable, and

(*b*) the dependant has not attained the age of twenty-one years,

the Minister may substitute for the pension (disregarding any payments already made) an annuity which—

(I) is payable for whichever of the following periods is the shorter:

(i) the period beginning on the date of the substitution and ending on the date of the death of the dependant,

(ii) the period beginning on the date of the substitution and ending on such date, not earlier than five years after the date of the substitution, as may be determined by the Minister, and

(II) is of such value as, on the date of the substitution, is actuarially equivalent (in accordance with such tables as, on the date of the substitution, stand approved of by the Minister for the purposes of this section) to the pension (disregarding any payments already made).

(2) The following provisions shall have effect for the purposes of substitutions under *subsection* (*1*) of this section:

(*a*) a substitution shall not be made save on the request of the parent or guardian of the dependant,

(*b*) a substitution shall not be made unless the Minister decides that the dependant is in good health,

(*c*) for the purpose of deciding as to the health of the dependant, the Minister may require the dependant to undergo medical examination and the parent or guardian of the dependant shall be responsible for payment of the fee for the examination,

(*d*) subject to the foregoing paragraphs of this subsection, the making of a substitution shall be at the discretion of the Minister.

Payment where grantee has not attained age of twenty-one years.

8.—Where—

(*a*) a pension or annuity granted under this Act is payable, and

(*b*) the grantee has not attained the age of twenty-one years,

payments of the pension or annuity shall, until the grantee attains the age of twenty-one years, be made to the parent or guardian of the grantee.

9.—Where a person surrenders under this Act part of an allowance— Restrictions as respects amount surrendered.

(*a*) he shall not surrender less than such portion of the allowance as would provide a pension under this Act after his death equal to one-fourth of the amount of the allowance remaining after the surrender,

(*b*) he shall not surrender more than—

(i) one-third of the allowance, or

(ii) such portion of the allowance as would provide a pension under this Act after his death equal to the amount of the allowance remaining after the surrender,

whichever is the less, and

(*c*) he shall not surrender an amount of the allowance which is not an exact number of pounds.

10.—Where a person surrenders under this Act part of an allowance, then, for the purpose of determining whether any, and, if so, what, amount may be paid to him under section 20 of the Superannuation Act, 1834, by way of the allowance in respect of any period during which, after retiring, he is employed in a public department, the profits of the office from which he retired shall be treated as reduced by the amount surrendered by him as aforesaid. Effect of surrender on allowance under section 20 of Superannuation Act, 1834.

11.—Where a person surrenders under this Act part of an allowance, then, for the purpose of calculating the amount of any gratuity which may be granted to his legal personal representative under subsection (2) of section 2 of the Superannuation Act, 1909, the sums actually received by him at the time of his death on account of the allowance shall be deemed to be the sums which would have been so received but for the surrender. Effect of surrender on gratuity under section 2(2) of Superannuation Act, 1909.

12.—(1) The payments made and expenses incurred by the Minister in giving effect to this Act and in the administration thereof shall be paid out of moneys provided by the Oireachtas. Payments and expenses of Minister and sums received in respect of medical examinations.

(2) The sums received by the Minister in respect of medical examinations for the purposes of this Act shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister may direct.

13.—(1) This Act may be cited as the Superannuation Act, 1956. Short title and collective citation.

(2) The Superannuation Acts, 1834 to 1954, and this Act may be cited together as the Superannuation Acts, 1834 to 1956.

AN BILLE AOISLIÚNTAS, 1956.

BILLE

dá ngairmtear

Acht do leasú agus do leathnú na nAcht Aoisliúntas, 1834 go 1954.

Tuigtear a bheith rite ag dhá Thigh an Oireachtais, 21 *Samhain,* 1956.

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SUPERANNUATION BILL, 1956.

BILL

entitled

An Act to amend and extend the Superannuation Acts, 1834 to 1954.

Deemed to have been passed by both Houses of the Oireachtas, 21*st November,* 1956.

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