



AN BILLE ARM-PHINSEAN, 1968
ARMY PENSIONS BILL, 1968

Mar a meastar a bheith rite ag dhá Theach an Oireachtais
As deemed to have been passed by both Houses of the Oireachtas

ARRANGEMENT OF SECTIONS

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SCHEDULE

ENACTMENTS REPEALED



AN BILLE ARM-PHINSEAN, 1968
ARMY PENSIONS BILL, 1968

BILL

entitled

AN ACT TO AMEND AND EXTEND THE ARMY PENSIONS 5
ACTS, 1923 TO 1964.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Interpretation.

1.—(1) In this Act—

“the Acts” means the Army Pensions Acts, 1923 to 1964;

1923, No. 26.

“the Act of 1923” means the Army Pensions Act, 1923;

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1927, No. 12.

“the Act of 1927” means the Army Pensions Act, 1927;

1953, No. 23.

“the Act of 1953” means the Army Pensions Act, 1953;

1959, No. 15.

“the Act of 1959” means the Army Pensions Act, 1959;

1960, No. 39.

“the No. 2 Act of 1960” means the Army Pensions (No. 2) Act, 1960;

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1962, No. 22.

“the Act of 1962” means the Army Pensions Act, 1962.

(2) This Act shall be construed as one with the Acts.

(3) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.

Amendment of
the Acts in
relation to
married pensions.

2.—(1) The relevant provisions of the Acts, in so far as they apply 20
to a person who is granted a wound pension or a disability pension
under the Acts or a pension to which section 7 of the Act of 1962
applies (whether the pension is granted before or after the passing of
this Act), shall be construed as if the sole condition necessary for the
grant of a further pension or a married pension to that person was 25
that he should be a married man for the purposes of the Acts, and
accordingly, on application being made to the Minister, the appropriate
further pension or married pension under the Acts shall be payable
to that person for so long as he continues to be a married man for
those purposes. 30

(2) In this section “the relevant provisions of the Acts” means—

(a) section 2 (2) of the Act of 1923,

(b) sections 9 (2), 10 (2), 11 (2), 12 (2) and 13 (2) of the Act of 1927,

1932, No. 24.

(c) section 10 (3) of the Army Pensions Act, 1932, and

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(d) section 7 (2) of the Act of 1962.

3.—(1) Where—

- (a) a person dies while in receipt of a wound pension or a disability pension under the Acts or a pension to which section 7 of the Act of 1962 applies,
- (b) the pension payable to that person at the time of his death was based on a degree of disablement of not less than fifty per cent, and
- (c) that person was at the time of his death a married man for the purposes of the Acts,

Allowances to certain widows and children (wound or disability pension or pension to which section 7 of the Act of 1962 applies).

notwithstanding anything contained in the Acts and irrespective of whether or not that person's death was due solely to the disablement in respect of which the pension was granted, the Minister may grant to the widow (provided she has not remarried) and children of that person the appropriate allowances under the Acts, as amended by this Act.

(2) Where a person died before the passing of this Act and the conditions specified in subsection (1) (a), (1) (b) and (1) (c) were satisfied in his case then, notwithstanding anything contained in the Acts, and irrespective of whether or not that person's death was due solely to the disablement in respect of which the pension was granted, the Minister may grant to the widow (provided she has not remarried) and children of that person the appropriate allowances under the Acts, as amended by this Act.

(3) An allowance shall not be granted under this section in respect of a deceased person whose death was due to serious negligence or misconduct on his part.

(4) Every application for an allowance under this section shall be made—

(a) in the case of a person mentioned in subsection (2) not later than twelve months after the date of the passing of this Act,

(b) in any other case, not later than twelve months after the relevant death.

(5) Section 5 of the Act of 1959, in so far as it relates to a person to whom section 14 (2) (d), section 15 (1) (d) or section 15 (2) (d) of the Act of 1927 applies, is hereby repealed.

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4.—(1) Where—

(a) a person died while in receipt of either a wound pension under the Acts or a pension under section 28 or 29 of the Army Pensions Act, 1937,

(b) the pension payable to that person at the time of his death was based on a degree of disablement of less than fifty per cent,

(c) that person would have been entitled, immediately before his death, to a further pension or a married pension if the sole condition necessary for the grant of that further pension or married pension had been that he was at that time a married man for the purposes of the Acts, and

(d) that person's death was due solely to the disablement in respect of which the pension was granted,

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the Minister, on application being made to him, may grant to the widow (provided she has not remarried) and children of that person the appropriate allowances under the Acts, as amended by this Act.

(2) Every application for an allowance under this section shall be made not later than twelve months after the date of the passing of this Act.

Allowances to certain widows and children (wound pension or pension under section 28 or 29 of the Army Pensions Act, 1937).

1937, No. 15.

Wound pensions and gratuities for members of First Line Reserve.

5.—(1) Notwithstanding anything contained in the Acts, a member of the Reserve of Officers (First Line) or the Reserve of Men (First Line) who is suffering from a disablement due to a wound attributable to his service in the forces may apply for and, where appropriate, be granted a wound pension or gratuity under section 12 of the Act of 1927. 5

(2) In the case of a person to whom *subsection (1)* applies, the date of his discharge from the forces for purposes of section 12 of the Act of 1927 shall be deemed to be as follows—

(a) where the wound is attributable to service in the Permanent Defence Force—the date on which his service in that Force terminated, 10

(b) where the wound is attributable to service in the Reserve of Officers (First Line) or the Reserve of Men (First Line)—the date of the wound. 15

(3) Where a wound pension is granted to any person under section 12 of the Act of 1927 (as extended by this section) the pension shall not be payable in respect of any period during which such person is entitled to service pay as a member of the Reserve of Officers (First Line) or the Reserve of Men (First Line). 20

(4) Every application by a person for a wound pension or gratuity under section 12 of the Act of 1927 (as extended by this section) shall be made within twelve months after his discharge from the forces or before the expiration of twelve months after the date of the passing of this Act, whichever is the later. 25

Reconsideration of applications refused under section 4 (1) (d) of the Act of 1953.

6.—Where, either before or after the passing of this Act, an application for the grant of an allowance under section 4 (1) (d) of the Act of 1953 was or is refused by reason of the fact that the applicant failed to establish that he was permanently invalided, the Minister may from time to time reconsider the application at the request of the applicant and the said section shall operate in relation to every such request in the same manner as if it were the original application. 30

Power to increase pensions, allowances and gratuities by regulations.

7.—(1) Whenever the Minister for Finance approves of increases in—

(a) any pension (including a further or married pension) or allowance under the Acts, whether or not the pension or allowance is in course of payment, or 35

(b) any gratuity or appropriate annual sum under the Acts,

and such increases form part of a general increase in pensions payable in respect of public service, the Minister may, with the consent of the Minister for Finance, make regulations providing for the appropriate increases. 40

(2) Every regulation made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next subsequent twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. 45

(3) *Subsection (1)* shall be deemed to have come into operation on the 1st day of October, 1964. 50

8.—Section 13 of the Act of 1959 is hereby amended by the substitution for subsections (2) and (3) of the following subsections: Amendment of section 13 of the Act of 1959.

5 “(2) Where a person, to whom a wound pension or a disability pension is payable, and his wife have adopted a child, that child shall, for the purposes of the provisions of the Acts and this Act relating to further or married pensions, be considered as the child of the adopters born to them in lawful wedlock and not to be the child of any other person.

10 “(3) Where a deceased person, to whom a wound pension or a disability pension was payable, and his wife adopted a child, the child shall, for the purposes of the provisions of the Acts and this Act relating to dependants’ allowances, be considered as the child of the adopters born to them in lawful wedlock and not to be the child of any other person.”

15 9.—Section 6 (1) of the No. 2 Act of 1960 is hereby amended by the insertion after paragraph (a) of the following— Amendment of section 6(1) of the No. 2 Act of 1960.

“(aa) the reference in paragraph (b) of that subsection to four years shall be construed as a reference to eight years, and ”.

20 10.—Part IV of the Second Schedule to the No. 2 Act of 1960 is hereby amended by the insertion of the following paragraph after paragraph 1— Amendment of Second Schedule to the No. 2 Act of 1960.

25 “1A. For the purposes of this Part of this Schedule a relative (mentioned in paragraph 1 of this Part of this Schedule) of a deceased soldier shall be treated as a dependant of such soldier if, but only if, such soldier had, in accordance with Defence Force Regulations in that behalf, made a voluntary allotment from his pay to such relative and such allotment was payable to such relative at the date on which the service of such soldier with a United Nations Force commenced.”

11.—(1) Where before or after the passing of this Act—

35 (a) a person either dies while serving in the forces or, having been discharged from the forces, dies within eight years after such discharge and was not granted a pension under the Acts,

Allowances to certain widows and children (service with United Nations Force).

(b) that person was, in the case of an officer, a married man for the purposes of the Acts or, if a soldier, in receipt of marriage allowance as a married soldier at the following time:—

40 (i) in case he died while serving in the forces—at the time of his death,

(ii) in case he died after having been discharged from the forces—immediately before such discharge, and

45 (c) that person’s death was due to disease aggravated, accelerated or excited by—

(i) a wound or disease attributable to service with a United Nations Force, or

(ii) service with a United Nations Force,

50 the Minister may grant to the widow and children of that person the several allowances and gratuities specified in the Second Schedule to the Act of 1962.

(2) Every application for an allowance under this section shall be made before the expiration of twelve months after the date of the passing of this Act or before the expiration of twelve months after the relevant death, whichever is the later.

Amendment of
section 7 of the
Act of 1962.

12.—(1) Section 7 of the Act of 1962 is hereby amended— 5

(a) by the substitution of the following subsections for subsections (1) and (2) respectively:

“ (1) This section applies to—

(a) a pension under section 26 of the Act of 1937,

(b) a pension under section 28 of that Act, 10

(c) a pension under section 29 of that Act,

(d) a pension under section 6 of the Act of 1941,

(e) a pension granted under section 6 of the Act of 1943 to a person who, on the date of his discharge from the forces, was, in the case of an officer, a married officer within the meaning of the Defence Force Regulations governing on that date the pay of officers and, in the case of a soldier, in receipt of marriage allowance as a married soldier, 15 20

(f) a pension under section 12 of the Act of 1946 so granted,

(g) a pension under section 5 of the No. 2 Act of 1960 so granted,

(h) a pension under section 7 of the No. 2 Act of 1960 so granted. 25

(2) If a person who is granted a pension to which this section applies was married before the critical date as defined by the next subsection and is at the date of the commencement of his pension or the 4th day of August, 1962, (whichever is the later) a married man for the purposes of this section, he shall, for so long as he continues to be a married man for those purposes, be entitled to be paid and receive a married pension at the appropriate rate specified in the First Schedule to this Act.” 30 35

(b) by the deletion in subsection (3) (a) (ii) of “wound or”, and

(c) by the deletion in subsection (7) of “for a pension” wherever those words occur.

(2) Every application for a pension or allowance under section 7 of the Act of 1962 shall be made— 40

(a) in the case of an application under subsection (2) or subsection (6), not later than twelve months after the date of the passing of this Act, and

(b) in the case of an application under subsection (5), before the expiration of twelve months after the death or twelve months after the date of the passing of this Act, whichever is the later. 45

Application of
certain sections
of previous
Acts.

13.—Sections 9 to 14 of the Act of 1923, sections 7, 14 (5), 21 and 23 of the Act of 1927, section 2 of the Army Pensions Act, 1949, and section 13 of the Act of 1959 shall apply in respect of pensions 50

1949, No. 19.

and allowances under section 7 of the Act of 1962 and allowances under *section 11* of this Act, to persons who are or claim to be entitled to such pensions and allowances, persons to whom such pensions and allowances are granted, and persons applying for such pensions and allowances, as if such pensions and allowances were the pensions and allowances mentioned in those sections respectively.

14.—(1) Any pension or allowance granted by virtue of this Act shall, notwithstanding anything contained in any other enactment, be payable from such date, not being earlier than the passing of this Act, as the Minister may determine.

Commencement of, and form of application for, pensions or allowances.

(2) Every application by a person for a pension or allowance under the Acts as amended by this Act shall be in such form and contain such particulars as the Minister may require.

15.—The enactments mentioned in *column (2)* of the Schedule to this Act are hereby repealed to the extent specified in *column (3)* of that Schedule.

Repeals.

16.—(1) This Act may be cited as the Army Pensions Act, 1968.

Short title and collective citation.

(2) The Acts and this Act may be cited together as the Army Pensions Acts, 1923 to 1968.

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SCHEDULE

ENACTMENTS REPEALED

Section 15.

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 24 of 1932.	Army Pensions Act, 1932.	Section 25 (1).
No. 3 of 1946.	Army Pensions Act, 1946.	In the heading to column (3) of the First Schedule, the words "born not later than nine months after the date of the pensioner's discharge".
No. 19 of 1949.	Army Pensions Act, 1949.	In the heading to column (3) of Part III of the First Schedule, the words "born not later than nine months after the date of his discharge".
No. 23 of 1953.	Army Pensions Act, 1953.	Section 6 (1).
No. 15 of 1959.	Army Pensions Act, 1959.	Sections 7, 12 and, in section 13 (4), the words "before the date on which the special allowance commenced".
No. 39 of 1960.	Army Pensions (No. 2) Act, 1960.	In the heading to the third column of Part III of the First Schedule, the words "born not later than nine months after the date of his discharge".

BILLE

dá ngairtear

Acht do leasú agus do leathnú na nAchtanna
Arm-Phinsean, 1923 go 1964.

BILL

entitled

An Act to amend and extend the Army Pensions
Acts, 1923 to 1964.

*Meastar a bheith rite ag dhá
Theach an Oireachtais,
5 Meitheamh, 1968*

*Deemed to have been passed by
both Houses of the Oireachtas,
5th June, 1968*

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