



AN BILLE ARM-PHINSEAN, 1973
ARMY PENSIONS BILL, 1973

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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AN BILLE ARM-PHINSEAN, 1973
ARMY PENSIONS BILL, 1973

BILL

entitled

AN ACT TO AMEND AND EXTEND THE ARMY PENSIONS ACTS, 1923 TO 1971.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act—

“the Acts” means the Army Pensions Acts, 1923 to 1971;

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;

1932, No. 24.

“the Act of 1932” means the Army Pensions Act, 1932;

1937, No. 15.

“the Act of 1937” means the Army Pensions Act, 1937;

1941, No. 2.

“the Act of 1941” means the Army Pensions Act, 1941;

1943, No. 14.

“the Act of 1943” means the Army Pensions Act, 1943;

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1946, No. 3.

“the Act of 1946” means the Army Pensions Act, 1946;

1953, No. 23.

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

1960, No. 39.

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

1968, No. 12.

“the Act of 1968” means the Army Pensions Act, 1968;

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“relevant minimum” means—

(i) in the case of a pension payable in respect of disablement due to a wound or payable under paragraphs (c) (i), (c) (ii) or (c) (iv) of section 28 (1), or paragraphs (d) (i), (d) (ii) or (d) (iv) of section 29 (1) of the Act of 1937, twenty per cent., or

(ii) in any other case, eighty per cent.

(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.

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Revision of final pensions under the Act of 1923, the Act of 1927 and the Act of 1932.

2.—(1) Where—

(a) a person to whom a final grant of pension has been made under the Act of 1923, the Act of 1927 or the Act of 1932, and

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(b) in respect of whom the period of ten years prescribed in section 19 or 24 of the Act of 1932 has expired,

such person may, notwithstanding anything contained in the Acts, at any time in the first instance, and not earlier than two years after his first or most recent application (as the case may be) in any other instance, apply to the Minister to have the amount of his pension reviewed, provided that such person furnishes to the Minister sufficient medical evidence to show that the degree of his disablement is—

(i) in case the person is then in actual receipt of the pension, ten per cent. or more in excess of his previous degree of disablement, or

10 (ii) in case the pension is then suspended under this section, not less than the relevant minimum.

(2) The Minister may, if he is satisfied that special circumstances exist, permit a person to whom *subsection (1)* of this section applies to apply for a review of the amount of his pension before the expiration of two years after the first or most recent application (as the case may be) for such review.

(3) Where a person makes an application under this section, the Minister may request the Army Pensions Board to re-examine that person and re-assess his degree of disablement and, upon such re-
20 assessment being made, the following provisions shall have effect—

(a) in case that person is at that time in actual receipt of the pension, then—

25 (i) if the degree of his disablement is found on such re-assessment to be greater than the previous degree of his disablement, or less than the previous degree of his disablement but not less than the relevant minimum, the Minister may, if he so thinks fit, increase or reduce the amount of the pension to an amount appropriate to the degree of disablement so re-assessed, or

30 (ii) if the degree of his disablement is found on such re-assessment to be less than the relevant minimum, the Minister shall suspend the pension, without prejudice however to the right of the person to make further application under this section, or

35 (b) in case the pension is at that time suspended under this section, then—

40 (i) if the degree of his disablement is found on such re-assessment to be not less than the relevant minimum, the Minister may, if he so thinks fit, remove the suspension and grant the pension at an amount appropriate to the degree of disablement so re-assessed, or

45 (ii) if the degree of his disablement is found on such re-assessment to be less than the relevant minimum, the pension shall continue to be suspended without prejudice however to the right of the person to make a further application under this section.

(4) Every increase or removal of suspension of a pension under this section shall take effect from such date (being not earlier than the date of the passing of this Act) as the Minister thinks fit and every decrease or suspension of a pension under this section shall take effect from such date (being not earlier than the date of the re-assessment which resulted in such decrease or suspension) as the
50 Minister thinks fit.

(5) References in this section to the previous degree of disablement of a person making an application under this section shall be construed as referring to the degree of disablement by reference to

which the amount of the final grant of the pension to the person was determined or, if the degree of disablement of the person was re-assessed under this section, to the degree of disablement as last so re-assessed before the making of the application.

(6) Where—

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(a) a person is in receipt of a final grant of a pension in respect of disablement due to disease based on a degree of disablement of not less than eighty per cent.,

(b) that person applies to the Minister under this section for a review of his pension,

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(c) the Minister refers the application to the Army Pensions Board for re-assessment, and

(d) the Army Pensions Board re-assess the degree of that person's disablement at less than eighty per cent. but not less than fifty per cent., the Minister may, if he so thinks fit, grant to that person a final pension under section 26 of the Act of 1937, section 6 of the Act of 1941, section 6 of the Act of 1943 or section 5 of the No. 2 Act of 1960, as the case may be, commencing on such date (being not earlier than the date of the passing of this Act) as the Minister may determine.

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Revision of final pensions under the Act of 1937, the Act of 1941, the Act of 1943 and the No. 2 Act of 1960.

3.—(1) Where a person to whom a final pension has been granted under—

(a) section 26 of the Act of 1937,

(b) section 6 of the Act of 1941,

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(c) section 6 of the Act of 1943, or

(d) section 5 of the No. 2 Act of 1960,

such person may, notwithstanding anything contained in the Acts, at any time in the first instance, and not earlier than two years after his first or most recent application (as the case may be) in any other instance, apply to the Minister to have the amount of his pension reviewed, provided that such person furnishes to the Minister sufficient medical evidence to show that the degree of his disablement is not less than eighty per cent.

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(2) The Minister may, if he is satisfied that special circumstances exist, permit a person to whom *subsection (1)* of this section applies to apply for a review of the amount of his pension before the expiration of two years after the first or most recent application (as the case may be) for such review.

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(3) Where a person makes an application under this section, the Minister may request the Army Pensions Board to re-examine that person and re-assess his degree of disablement and, upon such re-assessment being made the following provisions shall have effect—

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(a) in case that person is at that time in actual receipt of the pension, then—

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(i) if the degree of his disablement is found on such re-assessment to be not less than eighty per cent. the Minister may, if he so thinks fit, grant a pension of an amount appropriate to the degree of disablement so re-assessed, or

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(ii) if the degree of his disablement is found on such re-assessment to be less than fifty per cent., the Minister shall suspend the pension without prejudice however to the right of the person to make a further application under this section, or

(b) in case the pension is at that time suspended under this section, then—

(i) if the degree of his disablement is found on such re-assessment to be less than eighty per cent. but not less than fifty per cent., the Minister may, if he so thinks fit, remove the suspension and grant a final pension under section 26 of the Act of 1937, section 6 of the Act of 1941, section 6 of the Act of 1943 or section 5 of the No. 2 Act of 1960, as the case may be, or

(ii) if the degree of his disablement is found on such re-assessment to be less than fifty per cent., the pension shall continue to be suspended without prejudice however to the right of the person to make a further application under this section.

(4) Every pension granted to a person under this section based on a degree of disablement of not less than eighty per cent. or removal of suspension of a pension under this section shall commence from such date (being not earlier than the date of the passing of this Act) as the Minister thinks fit, and every suspension of a pension under this section shall take effect from such date (being not earlier than the date of the re-assessment which resulted in such suspension) as the Minister thinks fit.

(5) Where a final grant of pension to which *subsection (1)* of this section applies has been made to a person and that person is, on the re-assessment of the degree of his disablement under this section, granted a pension by virtue of *subsection (3)* of this section, the final grant of pension shall, as on and from the date on which the pension granted by virtue of *subsection (3)* of this section commences, be revoked.

(6) A pension granted as a result of a re-assessment under this section in respect of disablement due to disease and based on a degree of disablement of not less than eighty per cent. shall be deemed to be a final grant of pension under the Act of 1927 or the Act of 1932, as the case may be.

4.—(1) Where a person to whom a final pension has been granted under—

(a) section 28 or 29 of the Act of 1937,

(b) section 12 of the Act of 1946, or

(c) section 7 of the No. 2 Act of 1960,

such person may, notwithstanding anything contained in the Acts, at any time in the first instance, and not earlier than two years after his first or most recent application (as the case may be) in any other instance, apply to the Minister to have the amount of his pension reviewed, provided that such person furnishes to the Minister sufficient medical evidence to show that the degree of his disablement is—

(i) in case the person is then in actual receipt of the pension, ten per cent. or more in excess of his previous degree of disablement, or

Revision of final pensions under the Act of 1937, the Act of 1946 and the No. 2 Act of 1960.

(ii) in case the pension is then suspended under this section, not less than the relevant minimum.

(2) The Minister may, if he is satisfied that special circumstances exist, permit a person to whom *subsection (1)* of this section applies to apply for a review of the amount of his pension before the expiration of two years after the first or most recent application (as the case may be) for such review. 5

(3) Where a person makes an application under this section, the Minister may request the Army Pensions Board to re-examine that person and re-assess his degree of disablement and, upon such reassessment being made the following provisions shall have effect— 10

(a) in case the person is at that time in actual receipt of the pension—

(i) if the degree of his disablement is found on such re-assessment to be greater than the previous degree of his disablement or less than the previous degree of his disablement but not less than the relevant minimum, the Minister may, if he so thinks fit, increase or reduce the pension to an amount appropriate to the degree of disablement so re-assessed, or 20

(ii) if the degree of his disablement is found on such reassessment to be less than the relevant minimum, the Minister shall suspend the pension, without prejudice however to the right of the person to make a further application under this section, or 25

(b) in case the pension of the person is at that time suspended under this section, then—

(i) if the degree of his disablement is found on such reassessment to be not less than the relevant minimum, the Minister may, if he so thinks fit, remove the suspension and fix the pension at an amount appropriate to the degree of disablement so reassessed, or 30

(ii) if the degree of his disablement is found on such reassessment to be less than the relevant minimum, the pension shall continue to be suspended without prejudice however to the right of the person to make a further application under this section. 35

(4) Every increase of a pension or removal of suspension of a pension under this section shall take effect from such date (being not earlier than the date of the passing of this Act) as the Minister thinks fit, and every decrease of a pension or suspension of a pension under this section shall take effect from such date (being not earlier than the date of the re-assessment which resulted in such decrease or suspension) as the Minister thinks fit. 45

(5) References in this section to the previous degree of disablement of a person making an application under this section shall be construed as referring to the degree of disablement by reference to which the amount of the final grant of the pension was determined or, if the degree of disablement of the person was re-assessed under this section, to the degree of disablement as last so re-assessed before the making of the application. 50

5.—(1) Where—

(a) a person was awarded, before the passing of the Act of 1937, a gratuity under the Act of 1923 or the Act of 1927 in respect of a disablement due to a wound, and 55

(b) in respect of whom the period of twelve months prescribed in section 10 (2) of the Act of 1937 has expired,

such person may, notwithstanding anything contained in the Acts, make one final application to the Minister to have the amount of such award reviewed.

(2) Where a person makes an application under this section, the Minister may request the Army Pensions Board to re-examine that person and re-assess his degree of disablement and, upon such re-assessment being made, if the degree of his disablement is found to be not less than twenty per cent., the Minister may, if he so thinks fit, award a pension of an amount appropriate to the degree of disablement so re-assessed.

(3) Every pension granted by virtue of this section shall commence from such date (not being earlier than the date of the passing of this Act) as the Minister may determine.

(4) A pension granted to any person as a result of a re-assessment under this section shall be deemed to be a final grant of pension under the Act of 1923 or the Act of 1927, as the case may be.

6.—(1) Where—

(a) a person to whom an award of gratuity in respect of disablement due to a wound was made under the Act of 1932, and

Review of awards of gratuities under the Act of 1932.

(b) in respect of whom the period of five years prescribed in section 18 (2) of the Act of 1932 has expired,

such person may, notwithstanding anything contained in the Acts, make one final application to the Minister to have the amount of such award reviewed.

(2) Where a person makes an application under this section, the Minister may request the Army Pensions Board to re-examine that person and re-assess his degree of disablement and, upon such re-assessment being made, if the degree of his disablement is found to be not less than twenty per cent. the Minister may, if he so thinks fit, award a pension of an amount appropriate to the degree of disablement so re-assessed.

(3) Every pension granted by virtue of this section shall commence from such date (not being earlier than the date of the passing of this Act) as the Minister may determine.

(4) A pension granted to any person as a result of a re-assessment under this section shall be deemed to be a final grant of pension under the Act of 1932.

7.—(1) Where—

(a) before the passing of the Act of 1953, a person was awarded a gratuity under section 12 of the Act of 1927 in respect of disablement due to a wound received on or after the 3rd September, 1939 and the period of twelve months prescribed in section 49 (3) of the Act of 1953 has expired, or

Review of awards of gratuities under the Act of 1927.

(b) on or after the passing of the Act of 1953, a person was or is awarded a gratuity under section 12 of the Act of 1927 in respect of disablement due to a wound and the period of five years prescribed in section 49 (2) of the Act of 1953 has expired,

such person may, notwithstanding anything contained in the Acts, make one final application to the Minister to have the amount of such award reviewed.

(2) Where a person makes an application under this section, the Minister may request the Army Pensions Board to re-examine that person and re-assess his degree of disablement and, upon such re-assessment being made, if the degree of disablement is found to be not less than twenty per cent. the Minister may, if he so thinks fit, grant a pension to that person of an amount appropriate to the degree of disablement so re-assessed. 5

(3) Every pension granted to a person under this section shall commence from such date (being not earlier than the date of the passing of this Act) as the Minister may determine. 10

(4) A pension granted to any person as a result of a re-assessment under this section shall be deemed to be a final pension under the Act of 1927.

Right of review
when disability due
to disease is less
than fifty per cent.

8.—(1) Where a person to whom a grant of a pension under—

(a) section 26 of the Act of 1937, 15

(b) section 6 of the Act of 1941,

(c) section 6 of the Act of 1943, or

(d) section 5 of the No. 2 Act of 1960,

was or is refused solely on the ground that his degree of disablement was less than fifty per cent. such person may, at any time in the first instance, and not earlier than two years after his first or most recent application (as the case may be) in any other instance, apply to the Minister to have his application for a pension reviewed provided that such person furnishes to the Minister sufficient medical evidence to show that the degree of his disablement is not less than fifty per cent. 20 25

(2) The Minister may, if he is satisfied that special circumstances exist, permit a person to whom *subsection (1)* of this section applies to apply for a review of his application for a pension before the expiration of two years after the first or most recent application (as the case may be) for such review. 30

(3) Where a person makes an application under this section, the Minister may request the Army Pensions Board to re-examine that person and re-assess his degree of disablement. 35

(4) If the degree of disablement of that person is found on a re-assessment under this section to be not less than eighty per cent. the Minister may, if he so thinks fit, grant a pension of an amount appropriate to the degree of disablement so re-assessed. 40

(5) A pension granted to any person as a result of a re-assessment under this section in respect of disablement due to disease and based on a degree of disablement of not less than eighty per cent. shall be deemed to be a final grant of pension under the Act of 1927 or the Act of 1932, as the case may be. 45

(6) If the degree of disablement of the applicant is found on a re-assessment under this section to be less than eighty per cent. but not less than fifty per cent. the Minister may, if he so thinks fit, grant to that person a final pension under section 26 of the Act of 1937, section 6 of the Act of 1941, section 6 of the Act of 1943 or section 5 of the No. 2 Act of 1960, as the case may be. 50

(7) Every pension granted to a person under this section shall commence from such date (being not earlier than the date of the passing of this Act) as the Minister may determine. 55

9.—(1) Where a person to whom a grant of a pension under—

Right of review
when disability
aggravated etc. by
service is less than
the relevant
minimum.

(a) section 28 or 29 of the Act of 1937,

(b) section 12 of the Act of 1946, or

(c) section 7 of the No. 2 Act of 1960,

- 5 was or is refused solely on the ground that his degree of disablement was or is less than the relevant minimum, such person may, at any time, in the first instance, and not earlier than two years after his first or most recent application (as the case may be) in any other instance, apply to the Minister to have his application for a
10 pension reviewed, provided that such person furnishes to the Minister sufficient medical evidence to show that the degree of his disablement is not less than the relevant minimum.

- (2) The Minister may, if he is satisfied that special circumstances exist, permit a person to whom *subsection (1)* of this section applies
15 to apply for a review of his application for a pension before the expiration of two years after the first or most recent application (as the case may be) for such review.

- (3) Where a person makes an application under this section the Minister may request the Army Pensions Board to re-examine that
20 person and re-assess his degree of disablement.

(4) If the degree of disablement of that person is found on a re-assessment under this section to be not less than the relevant minimum, the Minister may, if he so thinks fit, grant a pension of an amount appropriate to the degree of disablement so re-assessed.

- 25 (5) Every pension granted to a person by virtue of this section shall commence from such date (being not earlier than the date of the passing of this Act) as the Minister may determine.

- 10.—(1) Sections 14 (6) and 15 (4) of the Act of 1927 and section
11 (1) of the Act of 1968, are each hereby amended by the substitution for "marriage allowance as a married soldier" of "a married rate of pay in accordance with Defence Force Regulations".
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Amendment of
sections 14 and 15
of the Act of 1927
and section 11 of
the Act of 1968.

(2) In this section "Defence Force Regulations" means regulations made by the Minister under section 97 of the Defence Act, 1954.

1954, No. 18.

- 35 (3) This section shall be deemed to have come into operation on the 1st day of June, 1969.

11.—(1) The widow of a person who—

Extension of Army
Pensions Act, 1971.

- (a) had been granted a certificate of military service under the Military Service Pensions Act, 1924, but was disqualified
40 from being awarded a pension under that Act by reason of being a serving member of the forces,

1924, No. 48.

(b) died while serving in the forces, and

- (c) would have been eligible for the award of a pension under that Act, if he had not so died, but had been discharged
45 from the forces,

shall be deemed to be a widow to whom section 1 (1) of the Army Pensions Act, 1971, applies.

1971, No. 26.

(2) This section shall be deemed to have come into operation on the 1st day of October, 1971.

Repeal of section 7 (2) of Army Pensions Act, 1949, and section 10 of the Act of 1968.

12.—(1) Section 7 (2) of the Army Pensions Act, 1949, and section 10 of the Act of 1968 are hereby repealed.

1949, No. 19.

(2) This section shall be deemed to have come into operation on the 29th day of August, 1970.

Short title and collective citation.

13.—(1) This Act may be cited as the Army Pensions Act, 1973. 5

(2) The Army Pensions Acts, 1923 to 1971, and this Act may be cited together as the Army Pensions Acts, 1923 to 1973.

BILLE

dá ngairtear

Acht do leasú agus do leathnú na nAchtanna
Arm-Phinsean, 1923 go 1971.

*Meastar a bheith rite ag dhá Theach an
Oireachtais, 11 Nollaig, 1973*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

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BILL

entitled

An Act to amend and extend the Army Pensions
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