



**AN BILLE AOISLIUNTAS AGUS PINSEAN, 1976
SUPERANNUATION AND PENSIONS BILL, 1976**

*Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas*

ARRANGEMENT OF SECTIONS

Section

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AN BILLE AOISLIUNTAS AGUS PINSEAN, 1976
SUPERANNUATION AND PENSIONS BILL, 1976

BILL

entitled

AN ACT TO ENABLE THE MINISTER FOR THE PUBLIC 5
SERVICE TO MAKE SUPERANNUATION SCHEMES IN
RESPECT OF PUBLIC SERVICE, TO AMEND OR RE-
PEAL CERTAIN PROVISIONS OF THE SUPERANNUA-
TION ACTS, 1834 TO 1963, AND CERTAIN OTHER 10
ENACTMENTS AND TO MAKE PROVISION FOR
MATTERS CONNECTED WITH THE MATTERS AFORE-
SAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Definitions.

1.—In this Act—

“civil servant” means a person holding a position in the Civil Service; 15

“the Civil Service” means the Civil Service of the Government and
the Civil Service of the State;

1956, No. 45.

“established civil servant” means a civil servant who is paid out of
moneys voted by the Oireachtas and in respect of whom a certi- 20
ficate has been issued under section 26 of the Civil Service Com-
missioners Act, 1956, or a person who is so paid and who either,
pursuant to section 27 of that Act, is deemed to possess such a
certificate or, pursuant to section 2 of the Ministers and Secretaries
Act, 1924, is appointed the principal officer of a Department of
State; 25

1924, No. 16.

“the Minister” means the Minister for the Public Service;

“severance gratuity” means a gratuity payable to an established civil
servant who retires or is removed from the Civil Service,

(a) in consequence of the abolition of his office, or

(b) for the purpose of facilitating improvements in the organisa- 30
tion of the department or body to which he belongs by
which greater efficiency or economy can be effected;

1975, No. 28.

“the Social Welfare Acts” means the following, namely, the Old
Age Pensions Acts, 1908 to 1975, the Unemployment Assistance Acts,
1933 to 1975, the Widows' and Orphans' Pensions Acts, 1935 to 1975, 35
the Social Welfare (Children's Allowances) Acts, 1944 to 1975, the
Social Welfare Acts, 1952 to 1975, the Social Welfare (Supplemen-
tary Welfare Allowances) Act, 1975, and any enactment which
amends or extends all or any of those Acts;

1937, No. 38.

“statute” and “statutory instrument” have the same meaning as 40
they have, respectively, in section 3 of the Interpretation Act, 1937;

“transfer value” means a payment in respect of the transfer of
superannuation benefits and calculated in a manner specified by the
Minister.

2.—(1) The Minister may make and carry out in accordance with its terms a scheme or schemes for the granting of pensions, gratuities (including severance gratuities and injury benefits) and other allowances on retirement or death, or in such other circumstances as may be specified therein, to or in respect of persons to whom this section applies.

Superannuation schemes as regards civil servants and certain other persons.

(2) Without prejudice to the generality of *subsection (1)* of this section, a scheme under this section may—

- (a) be contributory or non-contributory,
- 10 (b) provide for the payment or receipt by the Minister of transfer values in relation to persons to whom this section applies,
- (c) provide for the payment by way of a return of contributions paid pursuant to such a scheme, with or without
15 interest,
- (d) have effect from a date which is earlier than the date of the scheme but which is not earlier than—
 - (i) in case the scheme provides for the payment of pensions to the widows and children of deceased persons who, having been persons to whom this section applies, died or retired before the 23rd day of July, 1968, and who either,
20
 - (A) are or have been in receipt of a pension deemed by virtue of *section 9* of this Act to have been granted under *section 2* of this Act, or
25
 - (B) at the date of their death had service complying with conditions specified in the scheme,
 - the 1st day of October, 1969,
 - (ii) in case the scheme makes such provision in respect of deceased persons who, having been persons to whom this section applies, and—
30
 - (A) who during the period beginning on the said 23rd day of July and ending on the 31st day of December, 1968, either elected to join the scheme or did not exercise an option not to join the scheme,
35
 - (B) who during the period mentioned in *clause (A)* of this subparagraph exercised the option so mentioned and who, notwithstanding the exercise by them of the option, during the period beginning on the 1st day of January, 1969, and ending on the 31st day of December, 1971, elected to join the scheme,
40
 - (C) who during the period mentioned in the said *clause (A)* exercised the option so mentioned, and subsequently and during the period beginning on the said 23rd day of July and ending on the 31st day of December, 1971, either died or retired from the Civil Service or otherwise ceased to be persons to whom this section applies, and who elected to join the scheme, or in respect of or in relation to whom pursuant to the scheme such an election was made, during the said period beginning on the said 23rd day of July and ending on the 31st day of December, 1971,
45

the said 23rd day of July,

- (iii) in case the scheme makes such provision in respect of deceased persons who were persons to whom this section applies and who both became such persons and died or otherwise ceased to be such persons on or after the 1st day of January, 1969, the said 5 1st day of January,
 - (iv) in case the scheme makes provisions other than provisions mentioned in the foregoing subparagraphs of this paragraph, the 1st day of January, 1970,
 - (e) apply in relation to pensions, allowances or gratuities paid 10 or payable to or in respect of persons who, having been persons to whom this section applies, have died or ceased to be persons to whom this section applies before the commencement of the scheme,
 - (f) require or authorise the payment of pensions, allowances 15 or gratuities to or in respect of persons mentioned in *paragraph (e)* of this subsection,
 - (g) authorise the payment, without the production of probate or otherwise proving the title of the personal representative of a deceased person, of any sum, not exceeding an 20 amount specified in the scheme, which is due in respect of any benefit under the scheme,
 - (h) in relation to appointments made after the passing of this Act to the office of Comptroller and Auditor General, provide that subsection (1) of section 2 of the Comptroller 25 and Auditor General (Amendment) Act, 1944, shall not apply to the holder of or to a particular person holding that office.
- 1944, No. 19.
- (3) This section applies to any person who—
- (a) on or after the 23rd day of July, 1968, 30
 - (i) is an established civil servant,
 - (ii) is a member of the staff of the Houses of the Oireachtas within the meaning of section 2 of the Staff of the Houses of the Oireachtas Act, 1959,
 - (iii) holds the office of Comptroller and Auditor General 35 and who at any time before being appointed to that office was an established civil servant,
 - (iv) is a Commissioner of the Irish Land Commission appointed pursuant to section 4 of the Land Law (Commission) Act, 1923, 40
 - (v) is an officer or servant appointed pursuant to section 13 of the National Gallery of Ireland Act, 1854,
 - (vi) is a person appointed pursuant to section 2 (1) of the Property Values (Arbitrations and Appeals) Act, 1960, to be a property arbitrator, 45
 - (b) before the said 23rd day of July,
 - (i) died and who at the time of his death either was an established civil servant or held an office or appointment referred to in *subparagraph (ii), (iii), (iv), (v) or (vi) of paragraph (a)* of this section, 50
 - (ii) was a person who, having been an established civil servant, had retired from the Civil Service, or, having been the holder of an office or appointment so
- 1959, No. 38.
- 1923, No. 27.
- 1854, c. 99.
- 1960, No. 45.

referred to, had retired from the office or appointment, and who, in either case, died on any day which is subsequent to the date of his retirement,

5 (iii) was a person who, having been an established civil servant, had retired from the Civil Service, or, having been the holder of an office or appointment so referred to, had retired from the office or appointment, and who, in either case, was on the 1st day of January, 1970, in receipt of a pension or allowance in respect of service in the Civil Service, office or appointment,

10 (c) is a person of a class or description specified in regulations made by the Minister.

(4) Different schemes may be made under this section in relation to different classes of persons to whom this section applies.

15 (5) A sum to be paid by the Minister pursuant to a provision which is included in a scheme under this section by virtue of *paragraph (g) of subsection (2)* of this section may be paid or distributed to or among persons appearing to the Minister to be beneficially entitled to the estate of the deceased person concerned, or to or among any one or more of those persons, or in the case of the illegitimacy of the deceased person concerned or his children (being a case to which section 9 of the Legitimacy Act, 1931, does not apply), to or among such persons as the Minister may think fit, and the Minister shall be discharged from all liability in respect of any such payment or distribution. 1931, No. 13.

20 (6) Where a pension is abated in full, whether before or after the passing of this Act, by virtue of any enactment (other than this Act), then for the purposes of this section the pension shall be deemed to have been received by the person by whom, but for the abatement, it would have been received.

25 (7) Where it appears to the Minister that a provision in any statute or statutory instrument is inconsistent with, or has become unnecessary or requires to be adapted, modified or otherwise amended in consequence of, any provision of a scheme under this section, subject to *subsection (8)* of this section, he may by a scheme under this section repeal or amend the provision.

30 (8) A scheme under this section which repeals or amends a provision contained either in the Social Welfare Acts, or in any statutory instrument made under those Acts, shall be made by the Minister only with the consent of the Minister for Social Welfare.

(9) A scheme made pursuant to *subsection (7)* of this section may have retrospective effect as on and from a day which is not earlier than the 23rd day of July, 1968.

35 (10) The amendment of any provision by a scheme under this section shall not prejudice any power to amend that provision conferred otherwise than by this section.

40 (11) Subject to *subsection (8)* of this section, the Minister may at any time make a scheme amending or revoking a scheme under this section.

45 (12) *Subsection (7)* of this section shall come into operation on the commencement of *section 11* of this Act.

3.—(1) The Minister may, to the extent specified in the third column of the *First Schedule* to this Act and within the period beginning on the passing of this Act and ending on the commencement of *section 11* of this Act, by regulation provide for the cesser of or otherwise amend Minister may amend certain existing civil service superannuation provisions.

any enactment mentioned in the second column of that Schedule (which enactments relate to the superannuation of persons to whom *section 2* of this Act applies) together with any statutory instrument, in so far as it is made, or is deemed to have been made, under any enactment mentioned in the said third column. 5

(2) Subject to *subsection (4)* of this section, the Minister may by regulations provide for the cesser of or otherwise amend any provision in any statute or statutory instrument where it appears to him that the provision is inconsistent with, or has become unnecessary or requires to be adapted, modified or otherwise amended in consequence of, any provision of regulations under this section. 10

(3) Subject to *subsection (4)* of this section, the Minister may by regulations amend the *First Schedule* to this Act so as to extend the application of *subsection (1)* of this section either to the whole of, or to any enactment contained in, any statute. 15

(4) Regulations under this section which—

(a) provide for the cesser or other amendment of any provision of, or of any statutory instrument made under, the Social Welfare Acts,

(b) extend the application of *subsection (1)* of this section to the whole of, or to any enactment contained in, any statute comprised in the Social Welfare Acts, 20

shall be made by the Minister only with the consent of the Minister for Social Welfare.

(5) Where regulations under *subsection (3)* of this section are proposed to be made by the Minister, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been approved by each such House. 25

(6) The amendment of any provision by regulations under this section shall not prejudice any power to amend that provision conferred otherwise than by this section. 30

(7) Regulations under this section may have retrospective effect as on and from any day which is not earlier than the 1st day of January, 1970. 35

Delegation of superannuation functions.

4.—The Minister may, to such extent and subject to such conditions as he thinks fit, delegate to any other Minister of State, or to any person who is by regulations made by the Minister and for the time being in force declared to be a person to whom this section applies, any power conferred on him by a scheme under *section 2* of this Act to grant any pension, gratuity or other allowance, to pay or receive any transfer value, or to make or receive any contribution or other payment, and in case such a Minister of State or other person, pursuant to a delegation under this section, is to make a payment in the manner described in *paragraph (g)* of *section 2 (2)* of this Act of a sum so described, *section 2 (5)* of this Act shall apply as regards the payment but subject to the modification that the persons to or among whom the sum is paid or distributed shall, in lieu of being determined in accordance with that section by the Minister, be so determined by that Minister of State or other person. 40 45 50

Amendment of section 2 of Comptroller and Auditor General (Amendment) Act, 1944.

5.—Section 2 of the Comptroller and Auditor General (Amendment) Act, 1944, is hereby amended by the addition of the following proviso to *subsection (1)*:

“; provided that a person who holds the office of Comptroller and Auditor General shall not be entitled to make an election 55

under this subsection if he is a person to whom, by virtue of a scheme under *section 2* of the *Superannuation and Pensions Act, 1976*, and which is for the time being in force, subsection (1) of this section is not to apply”

5 and the said subsection (1), as so amended, is set out in the following Table.

TABLE

10 2.—(1) Where a person who is serving in an established capacity in the Civil Service is appointed Comptroller and Auditor General, he shall, if he so elects, be entitled to have applied to him the provisions of the Superannuation Acts, 1834 to 1942, as those Acts were applicable to him while so serving in the Civil Service, in lieu of the provisions of subsection (2) of section 2 of the Principal Act and his service as Comptroller and Auditor General shall, for the purposes of such application, be deemed to be service in an established capacity in the Civil Service and to be reckonable with his actual service in an established capacity in the Civil Service; provided that a person who holds the office of Comptroller and Auditor General shall not be entitled to make an election under this subsection if he is a person to whom, by virtue of a scheme under *section 2* of the *Superannuation and Pensions Act, 1976*, and which is for the time being in force, subsection (1) of this section is not to apply.

25 6.—The reference in section 26 of the Superannuation and Pensions Act, 1963, to the Superannuation Acts, 1834 to 1963, shall be construed as a reference to those Acts as amended by any regulations under *section 3* of this Act.

Amendment of section 26 of Superannuation and Pensions Act, 1963.

1963, No. 24.

30 7.—(1) The expenses incurred in the administration of this Act shall, to such extent as may be sanctioned by the Minister, be paid out of moneys provided by the Oireachtas.

Expenses.

(2) Any contribution or other payment which falls to be paid by the Minister pursuant to a scheme under *section 2* of this Act shall be paid by the Minister out of,

35 (a) in case the payment is to a person who held the office of Comptroller and Auditor General, the Central Fund, or

(b) in any other case, moneys provided by the Oireachtas.

40 (3) Any contribution or other payment which by virtue of this Act is received by the Minister shall be paid into or disposed of for the benefit of the Exchequer in accordance with directions of the Minister for Finance.

45 8.—(1) Every regulation or scheme made by the Minister under this Act, other than a regulation under *section 3* (3), 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 or scheme is passed by either such House within the next twenty-one days on which that House has sat after the regulation or scheme is laid before it, the regulation or scheme, as the case may be, shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Regulations and schemes generally.

(2) Any regulations or scheme made by the Minister under this Act may provide for the determination by the Minister of questions arising under, or by virtue of the making of, the regulations or scheme

and may provide that the decision of the Minister on any such questions shall be final.

(3) Any scheme made by the Minister under this Act may provide that any reference in any statute (other than this Act), or in any particular such statute specified in the scheme, to the Superannuation Acts for the time being in force shall be construed as, or as including, as the case may be, a reference to the scheme, and in case any such provision is included in such a scheme, the enactment to which the provision relates shall be construed and shall have effect in accordance with the provision. 10

Savers.

9.—(1) The repeal or amendment of any enactment by or under this Act shall not affect—

- (a) any pension, allowance or gratuity granted to or in respect of a person under any statute (other than this Act),
- (b) any agreement, determination, decision, surrender, election or nomination made, notice or approval given or contribution paid under any such enactment, 15
- (c) any other thing granted, made, given, paid or done under any such enactment

and such pension or allowance shall continue to be paid as if the enactment had not been so repealed or amended and, where the context so admits, the pension, allowance or gratuity, or the thing mentioned in *paragraph (b)* or *(c)* of this subsection, shall be deemed to have been granted, made, given, paid or done under the corresponding provision of a scheme made under *section 2* of this Act. 20 25

(2) Any reference in any statute (other than this Act), or in any document (unless the context otherwise requires), to a pension under, or to a pension granted under, the Superannuation Acts, 1834 to 1963, shall be construed as including a reference to a pension under, or to a pension granted, or deemed under this Act to have been granted, under, a scheme made under *section 2* of this Act, as may be appropriate. 30

(3) Any reference in any statute (other than this Act) or document to—

- (a) any enactment repealed, whether in whole or in part, by this Act, 35
- (b) a group of two or more such statutes which is comprised of such enactments or which contains any such enactment,
- (c) a group of two or more provisions contained in two or more such statutes and which is comprised of such enactments or contains any such enactment, 40

shall, where the context so admits, be construed as, or as including, a reference to the corresponding scheme under this Act, or to the corresponding provision of such a scheme, as may be appropriate.

1887, c. 67.

(4) Section 8 of the Superannuation Act, 1887, shall not apply in relation to any pension, gratuity or allowance granted under a scheme under *section 2* of this Act. 45

Different amount may be substituted for amount specified in section 8 of Superannuation Act, 1887. 1956, No. 22.

10.—(1) The Minister may by order substitute a different amount for the amount specified in section 8 of the Superannuation Act, 1887, as amended by section 35 of the Finance Act, 1956, and *section 9* of this Act, and in case an order is made under this section, then for so long as the order is in force the said section 8, as so amended, shall be construed and have effect as if the reference 50

therein to five hundred pounds were a reference to the amount specified in the order.

(2) The Minister may by order amend or revoke an order under this section (including an order under this subsection).

- 5 (3) Where an order under this section is proposed to be made, a draft of the order shall be laid before both Houses of the Oireachtas and the order shall not be made until a resolution approving of the order has been passed by each such House.

- 10 11.—The enactments mentioned in the *Second Schedule* to this Act are hereby repealed to the extent specified in the third column of that Schedule. Repeals.

12.—(1) This Act may be cited as the Superannuation and Pensions Act, 1976. Short title and commencement.

- 15 (2) (a) Sections 9 (4) and 10 of this Act shall come into operation on such day as shall be fixed therefor by order of the Minister.

(b) Section 11 of this Act shall come into operation on such day as shall be so fixed.

FIRST SCHEDULE

ENACTMENTS REFERRED TO IN *section 3 (1)*

Section 3 (1).

Session and Chapter or Number and Year	Short Title	Extent to which <i>section 3 (1)</i> applies
4 & 5 Will. 4, c. 24.	Superannuation Act, 1834.	Sections 12 and 28.
22 Vict. c. 26.	Superannuation Act, 1859.	Sections 2, 6, 10 and 17.
50 & 51 Vict. c. 67.	Superannuation Act, 1887.	Sections 3 and 8.
9 Edw. 7, c. 10.	Superannuation Act, 1909.	Sections 1, 2 (1) and 6 (1).
4 & 5 Geo. 5, c. 86.	Superannuation Act, 1914.	Section 4 (1).
9 & 10 Geo. 5, c. 67.	Superannuation (Prison Officers) Act, 1919.	Section 1 (1).
No. 39 of 1936.	Superannuation Act, 1936.	Section 21 (1).
No. 14 of 1954.	Superannuation Act, 1954.	Section 2 (4).
No. 10 of 1956.	Local Government (Superannuation) Act, 1956.	Sections 11 (1), 34 (1) and 67 (1).
No. 24 of 1963.	Superannuation and Pensions Act, 1963.	Section 4, subsections (1) and (2) of section 5, and section 8.

SECOND SCHEDULE

ENACTMENTS REPEALED

Session and Chapter or Number and Year	Short Title	Extent of Repeal
4 & 5 Will. 4, c. 24.	Superannuation Act, 1834.	Sections 12, 21, 28 and 30.
22 Vict. c. 26.	Superannuation Act, 1859.	The whole Act.
34 & 35 Vict. c. 36.	Pensions (Commutation) Act, 1871.	Section 3 (2).
50 & 51 Vict. c. 67.	Superannuation Act, 1887.	Sections 2 and 3, sections 5 to 7 and section 10.
55 & 56 Vict. c. 40.	Superannuation Act, 1892.	The whole Act.
9 Edw. 7, c. 10.	Superannuation Act, 1909.	The whole Act, other than section 5.
4 & 5 Geo. 5, c. 86.	Superannuation Act, 1914.	Sections 1 and 2.
9 and 10 Geo. 5, c. 67.	Superannuation (Prison Officers) Act, 1919.	The whole Act.
No. 32 of 1927.	Currency Act, 1927.	In section 31 (4) the words "and the Minister may determine the said funds to be public funds for the purposes of the Superannuation Act, 1892".
No. 39 of 1936.	Superannuation Act, 1936.	Sections 21, 22 and 24.
No. 38 of 1956.	Superannuation Act, 1956.	The whole Act.
No. 38 of 1959.	Staff of the Houses of the Oireachtas Act, 1959.	Section 27.
No. 24 of 1963.	Superannuation and Pensions Act, 1963.	Section 4, subsections (1) and (2) of section 5, sections 6, 7 and 8, paragraphs (a) and (b) of section 23 (1), and sections 25 and 27.
No. 13 of 1965.	Pensions (Abatement) Act, 1965.	Section 1.

AMERICAN OVERSIGHT ACT OF 1964

BILL

BILL

An Act to amend the Internal Revenue Code of 1954 to provide for the payment of interest on the principal of the public debt...

That the Secretary of the Treasury be and he is authorized to issue such orders, regulations, and instructions as may be necessary to carry out the purposes of this Act...

Passed by both houses of the Congress
June 1964

Printed at the Government Printing Office
Washington, D.C.

PRINTED BY THE GOVERNMENT PRINTING OFFICE

U.S. GOVERNMENT PRINTING OFFICE: 1964 O - 352-100

This bill is printed in accordance with the provisions of the Act of October 3, 1917, and the Act of October 3, 1917, as amended.

This bill is printed in accordance with the provisions of the Act of October 3, 1917, and the Act of October 3, 1917, as amended.

U.S. GOVERNMENT PRINTING OFFICE: 1964 O - 352-100

U.S. GOVERNMENT PRINTING OFFICE: 1964 O - 352-100

BILLE

dá ngairtear

Acht dá chumasú d'Aire na Seirbhíse Poiblí scéimeanna aoisliúntas a dhéanamh i leith seirbhíse poiblí, do leasú nó d'aisghairm forálacha áirithe de na hAchtanna Aoisliúntas, 1834 go 1963, agus d'achtacháin áirithe eile agus do dhéanamh socrú le haghaidh nithe a bhaineann leis na nithe réamhráite.

*Rite ag dhá Theach an Oireachtais,
30 Meitheamh, 1976*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais, An Stuaire, Ard-Oifig an Phoist, Baile Átha Cliath, nó tr son díoltóir leabhar.

Clóbhualte ag CAHILL (1976) LIMITED.

10p

BILL

entitled

An Act to enable the Minister for the Public Service to make superannuation schemes in respect of public service, to amend or repeal certain provisions of the Superannuation Acts, 1834 to 1963, and certain other enactments and to make provision for matters connected with the matters aforesaid.

*Passed by both Houses of the Oireachtas,
30th June, 1976*

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