



**AN BILLE RIALTAIS AITIUIL (AOISLIUNTAS)
(UIMH. 2), 1979**

**LOCAL GOVERNMENT (SUPERANNUATION) (NO. 2)
BILL, 1979**

EXPLANATORY MEMORANDUM

General

1. This is an enabling Bill whereby by means of statutory schemes and regulations made thereunder, the superannuation conditions of local authority employees, hitherto provided for in enactments, will be set out. The main enactment which contains the superannuation conditions of local authority employees is the Local Government (Superannuation) Act, 1956. A small number of employees have remained subject to superannuation conditions set out in the Mental Treatment Act, 1945. Experience has shown that the incorporation of superannuation conditions in enactments tends to lead to inflexibility and delays in securing formal authority for desirable changes. The present Bill will enable changes in such conditions to be dealt with in future by statutory schemes and regulations.

2. A number of changes in the superannuation conditions of local authority employees were introduced, with Government approval, in 1977. The changes were recommended in a report of a Working Party set up for the purpose in 1976 which was representative of the relevant employee and employer interests. Because of the time lag necessarily involved in obtaining statutory authority for the changes and in order to avoid hardship, the recommendations were put into effect in anticipation of the necessary legislation. It is the intention that statutory authority for these changes and for certain other improvements in superannuation terms which were put into effect in advance of legislation will be provided by way of schemes and regulations under the Bill.

Scope of Bill

3. Under section 1 of the Bill, local authorities for the purposes of the Bill include vocational education committees, committees of agriculture and school attendance committees. By virtue of subsection (9) of section 2 and sections 7, 8 and 9 of the Bill, the present position, whereby the local authority superannuation code also applies to employees of health boards and certain other statutory bodies, is being continued. In addition other health bodies administering public health services may be brought within the scope of the Bill if, under section 2 (9) (c) they are designated for this purpose by the Minister for Health, with the consent of the Minister for the Environment.

The making of schemes

4. Section 2 of the Bill will enable the Minister for the Environment, with the consent of the Minister for the Public Service, to make or amend superannuation schemes in respect of local authority employees and employees of other bodies to whom the local authority superannuation code applies. A consolidated scheme, or schemes, will be made under section 2 in due course embodying provisions corresponding to those contained in the enactments listed in the Second Schedule and, on the making of such a scheme or schemes, these enactments will be repealed under section 11. In the interval between the passing of the Bill and the introduction of a consolidated scheme

or schemes, schemes will be made providing retrospective authority for ex-gratia and contributory widows' and orphans' pension schemes, which were introduced in respect of local authority employees, with Government approval, in anticipation of legislation.

Amendment of existing provisions by regulations

5. Section 3 of the Bill will enable the Minister for the Environment, with the consent of the Minister for the Public Service, to amend by regulations the particular enactments which are listed in the First Schedule to the Bill. Such regulations may be made only within the period commencing on the passing of the Bill and the repeal of enactments under section 11 and will provide statutory authority for certain changes in conditions, brought into operation in advance of legislation and including in particular the changes brought into operation following the acceptance of the recommendations of the Working Party mentioned in paragraph 2. In accordance with subsection (3) of section 3, the First Schedule may be amended by regulations made by the Minister; since such an amendment would involve an extension of the scope of the Bill, subsection (5) requires that regulations of this kind be laid before both Houses of the Oireachtas in draft and not made until a resolution approving the draft has been approved by each House.

Gratuities in respect of non-pensionable service

6. A recommendation of the Working Party referred to in paragraph 2 was that gratuities should be paid, on retirement, in respect of service which by virtue of the relevant conditions of employment was not eligible to be pensionable. Regulations under section 4 will provide for the granting of such gratuities. The particular kinds of service which will be taken into account for the purposes of the gratuities will be specified by the Minister under subsection (3) of section 4.

Amendment of certain enactments

7. The provisions of the Health (Corporate Bodies) Act, 1961, the Health Act, 1970 and the Local Government Services (Corporate Bodies) Act, 1971 enable the Local Government (Superannuation) Act, 1956 to be applied with or without modifications to employees of certain bodies established under those Acts. Sections 7, 8 and 9 respectively, of the Bill will enable superannuation conditions provided for in schemes or regulations under the Bill to be applied, with or without modifications, to employees of such bodies.

Miscellaneous Provisions

8. Section 5 makes provision for the laying of schemes and regulations (other than regulations under subsection (3) of section 3—see final sentence of paragraph 5—before both Houses of the Oireachtas. Section 6 provides for the saving of existing rights. Section 10 deals with the financial matters which arise in consequence of the Bill. Section 12 contains the short title of the Bill and provides for the commencement of sections 2, 3, 4, 7, 8, 9, 10 and 11 (under which the enactments mentioned in the Second Schedule will be repealed) on a date or dates to be fixed by Ministerial orders.

*An Roinn Comhshaoil,
Samhain, 1979.*