



## AN BILLE ARM-PHINSEAN, 1980

### ARMY PENSIONS BILL, 1980

#### EXPLANATORY MEMORANDUM

The purpose of the Bill is to amend the Army Pensions Acts, 1923 to 1973, to provide flat-rate allowances for the widows of special allowance holders and enhanced allowances for the widows and children of military personnel who are killed in the course of duty or who die from a wound sustained in the course of duty within four years after receiving the wound. It also proposes an extension of the time limit for the renewal of applications in certain cases, contains a regulations-making provision and proposes to repeal a specific provision of the Army Pensions Act, 1968.

Section 1 deals with definitions and does not call for comment.

Sections 2, 3 and 4 deal with the flat-rate allowance of £185 per annum announced in the Budget statement of 27 February, 1980 for the widows of special allowance holders. Provision is included for the grant of the new allowance to the widows of veterans who were about to be granted special allowances or whose special allowances were about to be renewed but who died before the statutory conditions were fulfilled. Widows of former special allowance holders whose allowances were terminated on the ground that their means exceeded the appropriate annual sum are being included also, provided that their own means do not exceed the relevant current appropriate annual sum for the award of a special allowance.

Section 5 provides that where a married officer or a married soldier—

- (a) is killed in the course of his duty as a member of the forces,  
or
- (b) receives, while serving in the forces, a wound attributable to such service and dies within four years after receiving such wound in circumstances attributable solely to the wound his widow and eligible children will be entitled to the following allowances:—

Widow	— 50% of deceased's annual pay
Each eligible child	— If the mother is alive, 13½ per cent of deceased's annual pay
	— If the mother is dead, 26½ per cent of deceased's annual pay,

subject to a maximum total allowance in respect of the children of 40 per cent of the deceased's annual pay.



The enhanced allowances thus proposed would be payable from 1 March, 1975 and would supplant existing pensions and allowances. Any contributions paid by the deceased towards a contributory scheme for the widows and children of officers or soldiers would be refunded to the widow. A number of general sections of existing Army Pensions Acts would apply to the allowances.

Section 6 provides that any person, whose application for benefit under the Army Pensions Acts was refused solely on the ground that it was not made within the statutory time limit may renew the application within twelve months after the enactment of the Bill.

Section 7 would enable enhanced pensions and allowances, relaxation of conditions for the grant of pensions, allowances and gratuities, extension of time limits and any consequential amendments of the Acts to be promulgated by regulations made by the Minister, with the consent of the Minister for the Public Service. It also provides for the laying of such regulations before both Houses of the Oireachtas and for annulment.

Section 8 repeals section 3 (4) of the Act of 1968 which prescribed a time limit for the receipt of an application under section 3 of that Act for an allowance by the widow of a disablement pensioner whose degree of disablement at the date of death was 50% or higher.

Section 9 contains the customary provisions regarding short title, collective citation and construction.

**An Roinn Cosanta,  
Meitheamh, 1980.**

Section 1 deals with definitions and does not call for comment.

Section 2 deals with the new allowance of £185 per annum announced in the Budget Statement of 25 February, 1980 for the widows of special allowance holders. Provision is made for the grant of the new allowance to the widows of soldiers who were about to be granted special allowances or whose special allowances were about to be renewed but who died before the Minister's decision was notified. Widows of former special allowance holders whose allowances were terminated on the ground that their means exceeded the appropriate annual sum are also included and provided that their own means do not exceed the relevant current appropriate annual sum for the award of a special allowance.

Section 3 provides that where a married officer or a married soldier—

(a) is killed in the course of his duty as a member of the forces

(b) receives while serving in the forces a wound attributable to such service and dies within four years after receiving such wound in circumstances attributable solely to the service, his widow and eligible children will be entitled to the following allowances:—

**Widow**  
Each eligible child—  
— If the mother is alive, 13% per cent of deceased's annual pay.  
— If the mother is dead, 26% per cent of deceased's annual pay.

subject to a maximum total allowance in respect of the children of 40 per cent of the deceased's annual pay.  
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