



AN BILLE ARM-PHINSEAN, 1980
ARMY PENSIONS BILL, 1980

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

ARRANGEMENT OF SECTIONS

Section

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ACTS REFERRED TO

Army Pensions Act, 1923	1923, No. 26
Army Pensions Act, 1927	1927, No. 12
Army Pensions Act, 1943	1943, No. 14
Army Pensions Act, 1949	1949, No. 19
Army Pensions Act, 1953	1953, No. 23
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Army Pensions Act, 1968	1968, No. 12
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AN BILLE ARM-PHINSEAN, 1980
ARMY PENSIONS BILL, 1980

BILL

entitled

AN ACT TO PROVIDE FOR THE GRANTING OF ALLOW- 5
ANCES TO THE WIDOWS OF SPECIAL ALLOWANCE
HOLDERS UNDER THE ARMY PENSIONS ACT, 1943
OR THE ARMY PENSIONS ACT, 1953, AND TO AMEND
AND EXTEND THE ARMY PENSIONS ACTS, 1923 TO
1973. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

“the Acts” means the Army Pensions Acts, 1923 to 1973;

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

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

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

“the Act of 1949” means the Army Pensions Act, 1949;

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

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

“the Act of 1968” means the Army Pensions Act, 1968. 15 20

Allowances to
widows of
persons granted
special
allowances.

2.—(1) The Minister may grant an allowance of £185 per annum to the widow (provided she has not remarried) of a person who dies (whether before or after the passing of this Act) while in receipt of a special allowance granted under the Act of 1943 or the Act of 1953. 25

(2) Where a person (whether before or after the passing of this Act)—

(a) applied for the grant of a special allowance and died before such grant could be made,

(b) whose award of a special allowance was being reviewed, 30
died before such review was completed,

(c) whose payment of a special allowance was suspended, died before the restoration of the allowance,

and the Minister is satisfied that, but for the death of that person, he would have complied with the statutory conditions for the grant, further grant or restoration, as the case may be, of a special allowance, the Minister may declare the widow of such person
5 to be a widow to whom *subsection (1)* of this section applies.

(3) Every allowance granted to a widow under *subsection (1)* of this section shall be payable from—

(a) the 1st day of July, 1980, or

(b) the day following the date of death of her husband,

10 whichever is the later.

(4) Where (whether before or after the passing of this Act)—

(a) a person dies who, at any time prior to his death, was granted a special allowance under the Act of 1943 or the Act of 1953, and

15 (b) the special allowance so granted was terminated on the grounds that his yearly means exceeded the appropriate annual sum prescribed in the Acts or in the Army Pensions (Increase) Regulations made thereunder,

the Minister may grant to the widow (provided she has not remarried)
20 an allowance of £185 per annum if her yearly means do not equal or exceed the appropriate annual sum prescribed in the Army Pensions (Increase) Regulations made under the Acts for the award of a special allowance.

(5) Every allowance granted to a widow under *subsection (4)* of
25 this section shall be payable from such date (being not earlier than the 1st day of July, 1980) as the Minister may determine.

(6) If a widow to whom an allowance is granted under this section remarries, the allowance shall be terminated from the date of her remarriage.

30 (7) Every application for an allowance under this section shall be in such form and contain such particulars as the Minister may require.

(8) Sections 9 to 12 and section 14 of the Act of 1923, and sub-
sections (1), (2) and (5) of sections 2 and 13 of the Act of 1949,
35 shall apply, in relation to an allowance granted under this section, as if that allowance were an allowance mentioned in any of the said sections.

3.—(1) There may be deducted from any allowance payable to a widow under *section 2* of this Act, any overpayment of a special allowance which may have been made to the widow's former husband. Deductions from allowances.

40 (2) Whenever a deduction is to be made from an allowance pursuant to *subsection (1)* of this section, payment of the allowance may be withheld until the amount of the deduction has been ascertained.

4.—Whenever a widow to whom *section 2* of this Act applies is qualified for the payment of an allowance under the Acts which
45 would be higher than the allowance payable under the said *section 2*, no allowance shall be payable to such widow under the said *section 2*. Provision against double allowance.

Allowances
to certain
widows and
children.

5.—(1) Where a married officer or a married soldier—

- (a) is killed (whether before or after the passing of this Act) in the course of his duty as a member of the forces or in circumstances attributable to his service in the forces, or
- (b) receives (whether before or after the passing of this Act) 5 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,

the widow of such officer or soldier (provided she has not remarried) and his children (if any) shall be entitled to an allowance calculated 10 in accordance with *subsection (2)* of this section.

(2) A widow, who is entitled to an allowance under this section, shall be paid an amount equal to one-half of her husband's annual pay at the date of his death or discharge and every child who is entitled to such an allowance shall be paid an amount equal to— 15

- (a) if his mother is alive, $13\frac{1}{3}$ per cent of his father's annual pay at the date of his death or discharge,

or

- (b) if his mother is dead, $26\frac{2}{3}$ per cent of his father's annual pay at the date of his death or discharge: 20

Provided that the total of the allowances payable in respect of the children in any case shall not exceed forty per cent of the deceased officer's or soldier's, as the case may be, annual pay at the date of his death or discharge.

(3) Where an allowance is granted to a widow or to a child under *subsection (1)* of this section— 25

- (a) no pension shall be payable to the widow or to the child under the contributory pensions schemes administered by the Minister for the benefit of the widows and children of deceased officers and soldiers and any contributions 30 deducted from the pay of the deceased officer or soldier, as the case may be, under those schemes shall be refunded to the next of kin of such officer or soldier and there shall be no liability under those schemes for lump sum deductions; 35

- (b) no pension shall be payable to the widow or to the child under the *ex-gratia* pension scheme administered by the Minister for the benefit of the widows and children of deceased soldiers;

- (c) no pension shall be payable to the widow or to the child of a deceased officer under Article 20 of the Defence Forces (Pensions) Scheme, 1937; 40

- (d) no allowance shall be payable to the widow or to the child under section 15 (2) of the Act of 1927.

(4) Sections 9 to 14 of the Act of 1923, sections 7, 15 (3) and 21 45 of the Act of 1927, section 2 of the Act of 1949 and section 13 of the Act of 1959 shall apply to an allowance granted under this section.

(5) In this section—

“child” means a person who is under the age of 16 years or, if such person is pursuing a full-time course of education, a child who is under the age of 21 years,

5 “annual pay at the date of his death or discharge” means such annual pay as adjusted from time to time and reflected in the Army Pensions (Increase) Regulations made under section 7 of the Act of 1968.

(6) This section shall be deemed to have come into operation on
10 the 1st day of March, 1975.

6.—(1) Notwithstanding anything contained in the Acts, any person, to whom a pension, allowance or gratuity could not be granted solely on the grounds that an application was not made within the time limit prescribed in the Acts, may renew his applica-
15 tion for such pension, allowance or gratuity, as the case may be, provided that such renewed application is made within twelve months after the passing of this Act.

Time limits for making applications under the Acts.

(2) Any person whose application for a pension, allowance or gratuity under the Acts was refused, before the passing of this Act, on grounds other than the ground that an application was not made
20 within the prescribed time, shall not, by virtue of subsection (1) of this section, be entitled to renew such application.

(3) Notwithstanding anything contained in any other enactment, a pension, allowance or gratuity granted by virtue of this section
25 shall commence from such date as the Minister may determine.

7.—(1) Whenever the Minister for the Public Service approves of— Regulations.

- (a) increases in pensions (including further or married pensions) and allowances under the Acts, whether or not the pension or allowance is in course of payment;
- 30 (b) increases in any gratuity or appropriate annual sum under the Acts;
- (c) the relaxation of conditions for the review or for the grant of pensions, allowances and gratuities under the Acts;
- (d) the extension of time limits for the receipt of applications
35 under the Acts;
- (e) the introduction of new benefits, whether by way of pensions, allowances or gratuities under the Acts;
- (f) any consequential amendments of any of the Acts which are necessary as a result of any provision of regulations
40 under this section;

the Minister may, with the consent of the Minister for the Public Service, make regulations providing for the appropriate provisions.

(2) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be
45 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 the House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything done thereunder.

(3) Regulations under this section may be deemed to commence from such date (not being earlier than the 2nd day of December, 5 1974) as the Minister may determine.

Repeal.

8.—(1) Section 3 (4) of the Act of 1968 is hereby repealed.

(2) *Subsection (1)* of this section shall be deemed to have come into operation on the 11th day of June, 1968.

Short title and collective citation.

9.—(1) This Act may be cited as the Army Pensions Act, 1980. 10

(2) The Army Pensions Acts, 1923 to 1973, and this Act may be cited together as the Army Pensions Acts, 1923 to 1980.

BILL

BILLE

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under the Act...
and...
1973

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Acht do dhéanamh socrú chun liúntais a dheonú do bhaintreacha shealbhóirí liúntais speisialta faoin Acht Arm-Phinsean, 1943 nó faoin Acht Arm-Phinsean, 1953, agus do leasú agus do leathnú na nAchtanna Arm-Phinsean, 1923 go 1973.

*Ritheadh ag dhá Theach an Oireachtais,
26 Meitheamh, 1980*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

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

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entitled

An Act to provide for the granting of allowances to the widows of special allowance holders under the Army Pensions Act, 1943 or the Army Pensions Act, 1953, and to amend and extend the Army Pensions Acts, 1923 to 1973.

*Passed by both Houses of the Oireachtas,
26th June, 1980*

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