



**AN BILLE UM AN OIREACHTAS (LIÚNTAIS DO
CHOMHALTAÍ) AGUS OIFIGÍ AIREACHTA, PARLAIMINTE
AGUS BREITHIÚNACHA (LEASÚ), 1983**

**OIREACHTAS (ALLOWANCES TO MEMBERS) AND
MINISTERIAL, PARLIAMENTARY AND JUDICIAL OFFICES
(AMENDMENT) BILL, 1983**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

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3. Payments to persons who are members of Dáil Éireann on date of a dissolution of Dáil Éireann.
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5. Pensions to former Chairmen and Deputy Chairmen of Seanad Éireann.
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ACTS REFERRED TO

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[No. 30 of 1983]

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Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act, 1977	1977, No. 29
Superannuation and Pensions Act, 1963	1963, No. 24



AN BILLE UM AN OIREACHTAS (LIÚNTAIS DO
CHOMHALTAÍ) AGUS OIFIGÍ AIREACHTA, PARLAIMINTE
AGUS BREITHIÚNACHA (LEASÚ), 1983

5 OIREACHTAS (ALLOWANCES TO MEMBERS) AND
MINISTERIAL, PARLIAMENTARY AND JUDICIAL OFFICES
(AMENDMENT) BILL, 1983

BILL

entitled

10 AN ACT TO AMEND THE OIREACHTAS (ALLOWANCES TO
MEMBERS) ACTS, 1938 TO 1977, THE MINISTERIAL AND
PARLIAMENTARY OFFICES ACTS, 1938 TO 1977, AND
THE COURTS (SUPPLEMENTAL PROVISIONS) ACTS,
1961 TO 1981.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

15 1.—In this Act—

Definitions.

“the Act of 1938” means the Ministerial and Parliamentary Offices Act, 1938;

“the Act of 1961” means the Courts (Supplemental Provisions) Act, 1961;

20 “the Act of 1968” means the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1968;

“the Act of 1973” means the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1973;

25 “the Act of 1977” means the Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act, 1977;

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

30 2.—(1) The allowance payable monthly under subsection (1) (inserted by the Act of 1973) of section 3 of the Oireachtas (Allowances to Members) Act, 1938, to each member of Dáil Éireann shall, with effect from the 1st day of September, 1983, be and be deemed to have been £16,413 per annum and the allowance payable monthly to each member of Seanad Éireann under subsection (2) (inserted by the Act of 1973) of the said section 3 shall, with effect from the said
35 1st day of September, be and be deemed to have been £9,127 per annum.

Increase of certain allowances, salaries and other remuneration.

(2) The annual sum payable by way of salary under subsection (1) (inserted by the Act of 1973) or subsection (2) (inserted by the Act of 1977) of section 3 of the Act of 1938 shall, with effect from the 1st day of September, 1983, be and be deemed to have been a sum not exceeding— 5

- (a) in the case of the Taoiseach, £27,937,
- (b) in the case of the Tánaiste, £20,585,
- (c) in the case of a member of the Government, other than the Taoiseach or the Tánaiste, £18,381,
- (d) in the case of a Minister of State appointed under section 1 of the Ministers and Secretaries (Amendment) (No. 2) Act, 1977, £10,292. 10

(3) The annual sum payable by way of salary under section 4 (inserted by the Act of 1973) of the Act of 1938 to the Attorney General shall, with effect from the 1st day of September, 1983, be and be deemed to have been a sum not exceeding— 15

- (a) in case the person who holds the office is not a member of either House of the Oireachtas, £29,647,
- (b) in case a member of either House of the Oireachtas holds the office, £18,381. 20

(4) (a) The annual sum payable by way of salary under subsection (1) (inserted by the Act of 1973) of section 5 of the Act of 1938 to the Chairman of Dáil Éireann shall, with effect from the 1st day of September, 1983, be and be deemed to have been a sum not exceeding £18,381, and the annual sum so payable under the said section 5 (1) to the Deputy Chairman of Dáil Éireann shall, with effect from the said 1st day of September, be and be deemed to have been a sum not exceeding £10,292, and 25

(b) the annual sum payable by way of salary under subsection (1) (inserted by the Act of 1973) of section 6 of the Act of 1938 to the Chairman of Seanad Éireann shall, with effect from the said 1st day of September, be and be deemed to have been a sum not exceeding £7,654, and the annual sum payable under the said section 6 (1) to the Deputy Chairman of Seanad Éireann shall, with effect from the said 1st day of September, be and be deemed to have been a sum not exceeding £4,345. 30 35

(5) The annual sums payable under section 9A (inserted by the Act of 1973) and section 10 (as amended by the Act of 1973) of the Act of 1938 by way of allowance for expenses, shall, with effect from the 1st day of September, 1983, be and be deemed to have been— 40

- (a) in the case of the sum payable under subsection (1) of the said section 9A, £70,390,
- (b) in the case of the sum payable under paragraph (a) of subsection (2) of the said section 9A, £49,273, 45
- (c) in the case of the sum payable under paragraph (b) of subsection (2) of the said section 9A, £21,117,

- (d) in the case of the sum payable under paragraph (a) of subsection (3) of the said section 9A, £35,195,
- (e) in the case of the sum payable under paragraph (b) of the said subsection (3), £35,195, divided in the manner specified in that paragraph,
- (f) in the case of the sum payable under subsection (1) of the said section 10, £175,973,
- (g) in the case of the sum payable under paragraph (a) of subsection (2) of the said section 10, £139,754,
- (h) in the case of the sum payable under paragraph (b) of the last-mentioned subsection (2), £69,366,
- (i) in the case of the sum payable under paragraph (a) of subsection (3) of the said section 10, £87,987, and
- (j) in the case of the sum payable under paragraph (b) of the last-mentioned subsection (3), £87,987, divided in the manner specified in that paragraph.

(6) The annual sums payable by way of remuneration under subsections (1), (2), (3) and (9) (which subsections were inserted by the Courts (Supplemental Provisions) (Amendment) (No. 2) Act, 1968) of section 46 of the Act of 1961 to the Chief Justice and each ordinary judge of the Supreme Court, the President of the High Court and each ordinary judge of the High Court, the President of the Circuit Court and each ordinary judge of the Circuit Court and the President of the District Court and each other justice of the District Court shall—

- (a) with effect from the 1st day of December, 1981, be and be deemed to have been increased by amounts equal to 2 per cent. of such sums,
- (b) with effect from the 1st day of March, 1982, be and be deemed to have been increased by amounts equal to 6 per cent. of such sums as increased as aforesaid,
- (c) with effect from the 1st day of October, 1982, be and be deemed to have been increased by amounts equal to 5 per cent. of such sums as increased as aforesaid, and
- (d) with effect from the 1st day of September, 1983, be and be deemed to have been increased by amounts equal to 4.75 per cent. of such sums as increased as aforesaid,

and the said sums, as increased as aforesaid, are set out in the Table to this subsection.

TABLE

to the Chief Justice	£44,355 a year
to the President of the High Court	£38,473 a year
to each ordinary judge of the Supreme Court	£36,268 a year
to each ordinary judge of the High Court	£32,592 a year
to the President of the Circuit Court	£32,592 a year
to each ordinary judge of the Circuit Court	£26,712 a year
to the President of the District Court	£26,712 a year
to each other justice of the District Court	£22,299 a year

(7) (a) Whenever, on or after the passing of this Act, there is a general increase of remuneration in the Civil Service with effect from a particular day, pursuant to agreements or arrangements having effect on a general basis in the Civil Service (whether or not they also apply in relation to persons employed other than in the Civil Service)— 5

(i) the allowances payable under section 3 of the Oireachtas (Allowances to Members) Act, 1938,

(ii) the annual sums payable under sections 3, 4, 5, 6, 9A and 10 of the Act of 1938, and 10

(iii) the annual sums payable by way of remuneration under section 46 of the Act of 1961, 10

shall be increased correspondingly with effect from that day and, accordingly, an order under section 3A (inserted by the Act of 1973) of the Oireachtas (Allowances to Members) Act, 1938, section 8A (inserted by the Act of 1973) of the Act of 1938 or section 46 (as amended by the Courts (Supplemental Provisions) (Amendment) (No. 2) Act, 1968 and the Act of 1977) of the Act of 1961 shall not apply in relation to any such increases. 20

(b) In this subsection "Civil Service" has the meaning assigned to it by the Civil Service Commissioners Act, 1956.

Payments to persons who are members of Dáil Éireann on date of a dissolution of Dáil Éireann.

3.—A person who is a member of Dáil Éireann on a day on which Dáil Éireann is dissolved shall, out of moneys provided by the Oireachtas, be paid an amount equal to one-eighteenth of the yearly amount of the allowance payable under section 2 of the Oireachtas (Allowances to Members) Act, 1938 (such yearly amount being calculated by reference to the rate of such allowance on that day). 25

Amendment of section 6A of Oireachtas (Allowances to Members) Act, 1938.

4.—(1) Section 6A (inserted by the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1960) of the Oireachtas (Allowances to Members) Act, 1938, is hereby amended by the substitution for subsection (4) (inserted by the Superannuation and Pensions Act, 1963) of the following subsections: 30

"(4) The Minister may make a scheme amending or revoking a scheme under this section (including a scheme under this subsection). 35

(4A) Every scheme made under subsection (4) of this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next twenty-one days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder." 40

(2) The references in the said section 6A to pensions for members of the Oireachtas shall be construed as references to pensions, gratuities and other allowances on death or on ceasing otherwise to hold office as members of the Oireachtas for or in respect of such members and the reference in subsection (3) of that section to that section shall be construed as a reference to subsection (2) of that section.

5 5.—(1) Section 13 of the Act of 1938 is hereby amended, as respects any person who ceases after the passing of this Act to hold a qualifying office (within the meaning of the Act of 1938), by—

Pensions to former Chairmen and Deputy Chairmen of Seanad Éireann.

10 (a) the substitution of the following definition for the definition of “secretarial office”:

“ ‘secretarial office’ means any office which is one of the following:

(a) the office of Deputy Chairman of Dáil Éireann;

15 (b) the office of Minister of State;

(c) the office of Chairman of Seanad Éireann;

(d) the office of Deputy Chairman of Seanad Éireann;”

and

20 (b) the deletion of “, the office of Minister of State” in the definition of “qualifying office” (inserted by the Act of 1977).

25 (2) In determining the rate of pension under subsection (3) (inserted by the Act of 1968) of section 16 of the Act of 1938 payable to a person who ceases to hold a qualifying office and to whom that section applies by virtue of *subsection (1)* of this section, the references in the said subsection (3) to the annual sum payable by way of salary to a Parliamentary Secretary shall be construed as references to the annual sum payable by way of salary to the person immediately before such

30 cesser as the holder of that qualifying office.

35 6.—(1) Section 3A (inserted by the Act of 1973) of the Oireachtas (Allowances to Members) Act, 1938, is hereby amended by the insertion in subsection (1) after “increase” of “or decrease” and the said subsection, as so amended, is set out in the Table to this subsection.

Amendment of section 3A of Oireachtas (Allowances to Members) Act, 1938, and section 8A of Act of 1938.

TABLE

40 (1) The Government may, whenever they so think fit, by order increase or decrease either or both of the following, namely, the allowance to each member of Dáil Éireann and the allowance to each member of Seanad Éireann, payable under section 3 of this Act.

(2) Section 8A (inserted by the Act of 1973) of the Act of 1938 is hereby amended by the insertion in subsection (1) after “increase” of “or decrease” and so much of the said subsection as precedes paragraph (a) thereof, as so amended, is set out in the Table to this

45 subsection.

TABLE

(1) The Government may, whenever they so think fit, by order increase or decrease all or any one or more of the following, namely,

Amendment of section 16 of Act of 1938.	7.—Where, in relation to a person who ceases or ceased to hold ministerial office on or after the 1st day of January, 1978—	5
	(a) the pensionable service (which expression has in this section the same meaning as in the Act of 1938) of the person by reference to his period of ministerial office is or was less than 3 years, and	
	(b) the pensionable service of the person includes pensionable service by reference to a period of secretarial office (within the meaning of the Act of 1938) other than as a Minister of State,	10
	any pension to which the person is entitled under section 16 of the Act of 1938 shall be calculated by reference to the salary that, in the opinion of the Minister, would have been payable to him if he had held the office of Minister of State throughout the period during which he held such a secretarial office as aforesaid and shall not be calculated by reference to the salary payable to him as the holder of such a secretarial office as aforesaid.	15 20
Laying of certain orders before Houses of Oireachtas.	8.—(a) Every order made under section 3A (inserted by the Act of 1973) of the Oireachtas (Allowances to Members) Act, 1938, or section 8A (inserted by the Act of 1973) of the Act of 1938 shall be laid before Dáil Éireann as soon as may be after it is made and, if a resolution annulling the order is passed by Dáil Éireann within the next twenty-one days on which Dáil Éireann has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.	25 30
	(b) Every order made under subsection (9) (inserted by the Courts (Supplemental Provisions) (Amendment) (No. 2) Act, 1968) of section 46 of the Act of 1961 shall be laid before each House of the Oireachtas as soon as may be after it is made.	35
Repeals and consequential provision.	9.—(1) The following provisions are hereby repealed:	
	(a) the words “for enabling the scheme to be wound up by resolution passed by each House of the Oireachtas and” in subsection (5) (inserted by the Superannuation and Pensions Act, 1963) of section 6A (inserted by the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1960) of the Oireachtas (Allowances to Members) Act, 1938,	40
	(b) subsection (3) (inserted by the Act of 1977) of section 8A (inserted by the Act of 1973) and (as respects persons ceasing, after the passing of this Act, to hold the particular qualifying office referred to in section 15 of the Act of	45

1938) subsection (5) (inserted by the Act of 1973) of section 13 and the said section 15 of the Act of 1938,

5 (c) subsection (3) (inserted by the Act of 1977) of section 3A (inserted by the Act of 1973) of the Oireachtas (Allowances to Members) Act, 1938, and

(d) paragraph (c) (inserted by the Act of 1977) of subsection (9) (inserted by the Courts (Supplemental Provisions) (Amendment) (No. 2) Act, 1968) of section 46 of the Act of 1961.

10 (2) Where—

(a) a pension under the Act of 1938 becomes payable to or in respect of a person, and

15 (b) the pensionable service in respect of which the pension is payable includes pensionable service in respect of which the person was paid a gratuity under section 15 (repealed by this section) of the Act of 1938,

20 no payment of such pension shall be made until an amount equal to the amount of the gratuity has been paid to the Minister; and the Minister shall cause any such amount paid to him to be paid into the Central Fund.

10.—(1) This Act may be cited as the Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act, 1983. Short title and collective citation.

25 (2) The Oireachtas (Allowances to Members) Acts, 1938 to 1977, and this Act, in so far as it amends those Acts, may be cited together as the Oireachtas (Allowances to Members) Acts, 1938 to 1983.

(3) The Ministerial and Parliamentary Offices Acts, 1938 to 1977, and this Act, in so far as it amends those Acts, may be cited together as the Ministerial and Parliamentary Offices Acts, 1938 to 1983.

30 (4) The Courts (Supplemental Provisions) Acts, 1961 to 1981, and this Act, in so far as it amends those Acts, may be cited together as the Courts (Supplemental Provisions) Acts, 1961 to 1983.

AN BILLE UM AN OIREACHTAS
(LIÚNTAIS DO CHOMHALTAÍ) AGUS
OIFIGÍ AIREACHTA, PARLAIMINTE
AGUS BREITHIÚNACHA (LEASÚ), 1983

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú na nAchtanna um an Oireachtas (Liúntais do Chomhaltaí), 1938 go 1977, na nAchtanna um Oifigí Aireachta agus Parlaiminte, 1938 go 1977, agus Achtanna na gCúirteanna (Forálacha Forlíontacha), 1961 go 1981.

*An tAire na Seirbhíse Poiblí a thólaic,
1 Samhain, 1983*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais, Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath 2, nó trí aon díoltóir leabhar.

Clóbhualte ag CAHILL PRINTERS LIMITED.

45p

OIREACHTAS (ALLOWANCES TO
MEMBERS) AND MINISTERIAL,
PARLIAMENTARY AND JUDICIAL
OFFICES (AMENDMENT) BILL, 1983

BILL

(as initiated)

entitled

An Act to amend the Oireachtas (Allowances to Members) Acts, 1938 to 1977, the Ministerial and Parliamentary Offices Acts, 1938 to 1977, and the Courts (Supplemental Provisions) Acts, 1961 to 1981.

*Presented by the Minister for the Public Service,
1st November, 1983*

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or directly from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2.

Printed by CAHILL PRINTERS LIMITED.

45p