



**AN BILLE UM LOINGEAS ÉIREANN TEORANTA
(ÍOCAÍOCHTAÍ LE hIARFHOSTAITHE), 1994
IRISH SHIPPING LIMITED (PAYMENTS TO FORMER
EMPLOYEES) BILL, 1994**

*Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann*

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
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ACT REFERRED TO

Redundancy Payments Act, 1967

1967, No. 21



AN BILLE UM LOINGEAS ÉIREANN TEORANTA
(ÍOCAÍOCHTAÍ LE HIARFHOSTAITHE), 1994
IRISH SHIPPING LIMITED (PAYMENTS TO FORMER
EMPLOYEES) BILL, 1994

BILL

5

entitled

AN ACT TO ENABLE THE MINISTER FOR THE MARINE
TO PROVIDE FOR THE MAKING OF PAYMENTS TO
CERTAIN FORMER EMPLOYEES OF IRISH SHIPPING
LIMITED AND TO PROVIDE FOR CONNECTED MAT- 10
TERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

“the Act of 1967” means the Redundancy Payments Act, 1967;

“applicant” has the meaning assigned to it by *section 4 (3)* of this Act; 15

“the company” means Irish Shipping Limited;

“former employee” means a person who was employed by the com-
pany for a period of which not less than 104 weeks was a period of
continuous employment (within the meaning of Schedule 3 of the Act
of 1967) and continued to be so employed until the 14th day of 20
November, 1984;

“the Minister” means the Minister for the Marine;

“lump sum” has the meaning assigned to it by *section 2* of this Act;

“personal representative” means the executor or administrator for 25
the time being of a deceased person;

“service” means the total number of years of reckonable service
(within the meaning of the Act of 1967) of the former employee with
the company during the period beginning on the date of com-
mencement of the employee’s employment with the company and 30
ending on the 14th day of November, 1984.

Payment of lump
sum to former
employees of
company.

2.—(1) Subject to the subsequent provisions of this Act, the Mini-
ster shall, on application to the Minister in that behalf by a former
employee or, if the former employee has died whether before or after
the passing of this Act, by his or her personal representative, pay to 35
the former employee or the personal representative, as the case may

be, out of moneys provided by the Oireachtas, a sum (referred to in this Act as "a lump sum") calculated in accordance with the provisions of *subsection (2)* of this section.

5 (2) The amount of a lump sum under *subsection (1)* of this section shall be an amount equal to the product of three times the former employee's normal weekly remuneration (within the meaning of the Act of 1967) and the number of years (within the meaning of Schedule 3 of that Act) of service with the company.

10 (3) The amount of a lump sum under *subsection (1)* of this section shall not exceed £50,000.

(4) Schedule 3 (other than paragraphs 1 and 2 thereof) of the Act of 1967 shall apply, with any necessary modifications, in relation to a lump sum as it applies in relation to a lump sum (within the meaning of that Act).

15 3.—(1) The Minister shall, as soon as may be after the commencement of this Act, appoint a committee (in this Act referred to as "the Committee") to advise and assist the Minister in the performance of his or her functions under this Act.

Appointment of
Committee.

20 (2) The members of the Committee shall be appointed from time to time by the Minister as occasion requires and shall consist of—

(a) two officers of the Minister,

(b) an officer of the Minister for Finance nominated by the Minister for Finance,

25 (c) an officer of the Minister for Enterprise and Employment nominated by the Minister for Enterprise and Employment, and

(d) an officer of the Revenue Commissioners nominated by the Revenue Commissioners.

30 (3) The Minister shall from time to time as occasion requires appoint a chairman of the Committee from amongst the members appointed pursuant to *subsection (2) (a)* of this section.

(4) The quorum for a meeting of the Committee shall be three.

(5) The Committee may act notwithstanding one or more vacancies among its members.

35 (6) Subject to the provisions of this Act, the Committee shall regulate its own procedure and business.

40 (7) Where a member of the Committee dies, resigns or is temporarily unable to act as such member, the Minister may appoint another person to be a member of the Committee to fill the casual vacancy so occasioned and the person so appointed shall be appointed in the same manner as the member of the Committee who occasioned the casual vacancy.

(8) The Minister may at any time dissolve the Committee appointed under this section.

Applications for payment of lump sum.

4.—(1) An application for the payment of a lump sum under this Act shall be made in writing to the Minister within 12 months after the date of the passing of this Act.

(2) An application shall be in such form as the Minister may specify or in a form to the like effect. 5

(3) A person who applies to the Minister for the payment of a lump sum under this Act ("the applicant") shall furnish to the Minister the information requested in the specified form together with such further information as the Minister may request for the purpose of his or her functions under this section and, if the applicant fails to comply with this subsection, the Minister may refuse to pay the applicant the lump sum. 10

(4) Notwithstanding *subsection (1)* of this section, the Minister may, if he or she thinks fit, extend the period of time referred to in the said *subsection (1)*. 15

(5) Where the Minister proposes to refuse an application for the payment of a lump sum under this Act, he or she shall notify in writing the applicant of his or her proposal and of the reasons for it.

(6) A person who has been notified of a proposal under *subsection (5)* of this section may, within 21 days of receipt of the notification, make representations in writing to the Minister and the Minister shall— 20

(a) before deciding the matter, take into consideration any representations duly made to him or her under this subsection in relation to the proposal, and 25

(b) notify the person in writing of his or her decision and of the reasons for it.

(7) A notification of a proposal of the Minister under *subsection (5)* of this section shall include a statement that the person concerned may make representations to the Minister within 21 days of the receipt by him or her of the notification. 30

Prohibition of false information.

5.—(1) A person shall not give false information to the Minister in relation to an application for the payment of a lump sum under this Act.

(2) A person who contravenes *subsection (1)* of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000. 35

(3) It shall be a defence for a person charged with an offence under this section to show that he or she did not know and could not, with the exercise of reasonable care, have known that the information was false. 40

Reference of applications for payment of lump sum to Committee.

6.—(1) Every application for the grant of a lump sum under *section 2* of this Act shall be referred by the Minister to the Committee.

(2) The Committee shall investigate an application referred to it for the purpose of ascertaining— 45

(a) whether the applicant is a former employee of the company or the personal representative of a former employee,

(b) the period of service with the company of the former employee concerned,

(c) the normal weekly remuneration of the former employee concerned,

5 (d) whether a lump sum is or is not payable to the applicant,

(e) the calculation of such lump sum (if any), or

(f) any other facts relevant to the payment of the lump sum,

and shall, as soon as may be, prepare a report in writing on the result of the investigation and shall transmit the report to the Minister.

10 (3) The Committee shall furnish to the Minister such information as he or she may from time to time require regarding its activities.

15 (4) The Committee may, for the purposes of an investigation under this section, require an applicant to answer a question, furnish information or produce a document or thing relevant to the investigation of the application concerned.

7.—Where a person who is entitled to the payment of a lump sum under this Act dies before the making of the payment, the lump sum shall be paid to his or her personal representative. Payment of lump sum to personal representative of deceased person.

20 8.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses of Minister.

9.—(1) This Act may be cited as the Irish Shipping Limited (Payments to Former Employees) Act, 1994. Short title and commencement.

25 (2) This Act shall come into operation on such day as the Minister may appoint by order.

AN BILLE UM LOINGEAS ÉIREANN
TEORANTA (ÍOCAÍOCHTAÍ LE
HIARFHOSTAITHE), 1994

BILLE

dá ngairtear

Acht dá chumasú d'Aire na Mara socrú a dhéanamh chun íocaíochtaí a dhéanamh le hiarfhostaithe áirithe de chuid Loingeas Éireann Teoranta agus do dhéanamh socrú i dtaobh nithe comhghaolmhara.

Aire na Mara a thíolaic

*Ritheadh ag Dáil Éireann,
21 Aibreán, 1994*

**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.

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IRISH SHIPPING LIMITED (PAYMENTS
TO FORMER EMPLOYEES) BILL, 1994

BILL

entitled

An Act to enable the Minister for the Marine to provide for the making of payments to certain former employees of Irish Shipping Limited and to provide for connected matters.

Presented by the Minister for the Marine

*Passed by Dáil Éireann,
21st April, 1994*

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