

**Reference No:** P18/8/45;     **Date:** 14/10/1946

**Circular 20/1946:- Superannuation Act, 1887 (Section 1) Warrant, 1946.**

A Dhuine Uasail,

I am directed by the Minister for Finance to state that consequent on the revocation of the Emergency Powers (No. 356) Order, 1945, and the passing of the Superannuation Act, 1946, the Superannuation Act, 1887 (Section 1) Warrant, 1945, which was the subject of this Department's Circular No. 18/45 of the 5th July, 1945, has been superseded by the Superannuation Act, 1887 (Section 1) Warrant, 1946, a copy of which is attached.

2.       The new Warrant differs from the 1945 Warrant only to the extent that references to injuries resulting from belligerent action have been deleted.

3. The terms of paragraph 3 of Circular No.18/45 will continue to apply.

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**EIRE.**

**STATUTORY RULES AND ORDERS 1946. No. 236.**

**SUPERANNUATION ACT, 1887 (SECTION 1) WARRANT, 1946.**

I, PROINNSIAS MAC AODHAGAIN, Minister for Finance, in exercise of the powers conferred on me by section 1 of the Superannuation Act, 1887 (as amended by the Superannuation Act, 1946), and by section 5 of the Superannuation Act, 1909, and of every and any other power me in this behalf enabling, do by this Warrant order as follows:

1.       This Warrant may be cited as the Superannuation Act, 1887 (Section 1) Warrant, 1946.

2.       The Interpretation Act, 1937 (No. 38 of 1938) applies to this Warrant.

3.       (1)     In this Warrant -

the word "emoluments" means emoluments which, if the recipient were an established officer, would in the calculation of any award which could be granted to him under the Superannuation Acts, 1834 to 1946, be taken into account by the Minister and to the extent to which they would be so taken into account;

the expression "the Minister" means the Minister for Finance;

the word "pension" means any superannuation or retiring or annual compensation allowance granted under the Superannuation Acts, 1834 to 1946;

the expression "salary and emoluments" means annual salary and emoluments;

the word "workman" means a workman within the meaning of the Workmen's Compensation Act, 1934 (No. 9 of 1934), who-

(a) is injured in the State, or

(b) is injured outside the State in circumstances in which compensation is payable in respect of such injury under the said Act or under any Act relating to workmen's compensation for the time being in force in Great Britain, Northern Ireland or the Isle of Man.

(2) A person to whom, by virtue of section 12 of the Agriculture Act, 1931 (No. 8 of 1931), a pension may be granted shall be deemed to be an established officer for the purposes of this Warrant.

4. This Warrant applies to any person (not being a workman) employed in the Civil Service who, without his own default, is, on or after the 3rd day of September, 1939 -

(a) injured in the actual discharge of his duties by some injury specifically attributable to the nature of his duties, or

(b) injured while, in the actual discharge of his duties, carried, pursuant to official instructions or with official permission, in any aircraft.

5. Subject to this Warrant, any person to whom this Warrant applies and who retires by reason of his injury may be granted,

(a) in case he is an unestablished officer or an established officer who is not eligible for a pension in respect of his service, an annual allowance, according to the degree of impairment of his capacity to contribute to his support, not exceeding the proportion, specified in the Table to this Article, of his salary and emoluments at the date of his injury,

(b) in case he is an established officer who is eligible for a pension in respect of his service, an annual allowance, according to the degree of impairment of his capacity to contribute to his support, not exceeding the proportion specified in the said table of the difference between,

(i) his salary and emoluments at the date of the injury, and

(ii) the amount of any pension, including the annuity value (calculated in such manner as the Minister directs) of any additional allowance granted to him under the Superannuation Acts, 1834 to 1946, in respect of his service.

Table to Article 5.

Degree of impairment	Proportion of salary emoluments, or of difference between salary and emoluments and pension
Slightly impaired	One eighth
Impaired	One quarter
Materially impaired	Three-eighths
Totally destroyed	One half

6. (1) Where a person to whom this Warrant applies retires wholly or partly on account of age or infirmity, but his capacity to contribute to his support is, in the opinion of the Minister, impaired by reason of his injury, the Minister may make such award as he thinks reasonable.

(2) If, for the purpose of assessing the amount of any allowance to any person to whom this Warrant applies, the degree of permanent impairment of his capacity to contribute to his support is in doubt, the Minister may make a provisional award to have effect until such time as the degree of permanent impairment can be finally determined.

(3) Where any person to whom this Warrant applies is unable to follow his employment by reason of his injury, but there is doubt whether or not he will retire by reason thereof, the Minister, in any case in which the person either is not eligible for sick pay or is eligible for sick pay at a rate which is less than the rate of annual allowance which might be awarded to him under this Warrant if he retires by reason of his injury, may grant to him such provisional allowance as the Minister thinks reasonable.

(4) (a) An annual allowance granted to any person to whom this Warrant applies shall not, together with any superannuation allowance for which he is otherwise qualified, exceed five-sixths of his salary and emoluments at the date of the injury in respect of which such annual allowance is payable.

(b) In this paragraph the expression "superannuation allowance" includes an annual compensation or retiring allowance under the Superannuation Acts, 1834 to 1946 and the annuity value (calculated in such manner as the Minister may direct) of any additional allowance under those Acts.

7. (1) If any person to whom this Warrant applies dies within seven years of the date of his injury and as a direct result thereof, the Minister may, subject to this Article, pay

(a) to his widow (if she was married to him at the date of his injury), so long as she remains unmarried and of good character,

(b) to his mother, if wholly dependent upon him for her support at the date of his death,

(c) in respect of each of his children who, in the case of legitimate children, were born not later than nine months after the date of his injury and, in the case of step-children, illegitimate children or children in relation to whom he was in loco parentis at the date of his injury, were wholly or mainly dependent upon him at the date of his injury for support,

an annual allowance, payable as on and from the day after the date of the death of the deceased or, in the case of a posthumous child, from the date of its birth, not exceeding, as the case may be, the proportion, calculated in accordance with the Table to this paragraph of the salary and emoluments of the deceased at the date of his injury.

#### **Table to Article 7(1)**

Relations	Proportion of salary and emoluments
The widow	One-third
Each child, where the deceased leaves a widow to whom an award is granted	One-eighteenth
Each child, where deceased does not leave	

a widow to whom an award is granted	One-ninth
The dependent mother, where the deceased leaves a widow, but no children	One-eighteenth
The dependent mother, where the deceased leaves a child or children but no widow	One-ninth
The dependent mother, where the deceased leaves neither a widow nor any children	One-third

(2) The allowance under paragraph (1) of this Article in respect of a child shall be payable until the child attains the age of sixteen years and so long thereafter, up to the age of twenty-one years, as the child remains as a student at school or at a university.

(3) Where in respect of the death of any person

(a) an allowance has been granted under paragraph (1) of this Article to the widow of that person, and

(b) an allowance has also been granted under the said paragraph (1) in respect of any child, and

(c) the widow dies during the continuance of the allowance in respect of that child,

the allowance in respect of that child shall, as from the date of the death of the widow, be payable at a rate double the rate at which, but for this paragraph, it would have been payable.

(4) Notwithstanding anything contained in paragraphs (1) or (3) of this Article, the aggregate of the allowances payable under paragraph (1) of this Article in respect of the children of a person shall not exceed one-third of the salary and emoluments of that person at the date of the injury.

(5) Nothing in this Article shall permit of the grant of an allowance in respect of the step-child or illegitimate child of a person or in respect of a child in relation to whom a person was in loco parentis at the date of his injury at a higher rate than one one-eighteenth of the salary and emoluments of that person at the date of his injury, unless the Minister in any particular case otherwise directs.

8. Any award under this Warrant to a person or to his widow or dependents shall be in addition to any allowance or gratuity for which such person, his legal personal representatives or his dependents may be eligible under the Superannuation Acts, 1834 to 1946.

9. In the application of this Warrant to a woman employed in the Civil Service, references to a widow or her husband shall be construed as references to a widower or his wife, subject to the provision that nothing in this Warrant shall permit the grant of an award to a widower or to children in the case where the deceased leaves a widower unless such widower was at the date of her death permanently incapacitated and dependent on the deceased.

10. The provisions of any Warrants made under section 1 of the Superannuation Act, 1887, or under that section as amended by or under any other enactment, and in force immediately before the making of this Warrant shall cease to apply to any person to whom this Warrant applies.

GIVEN under my Official Seal, this 19th day of July, 1946.  
(Signed) Proinsias Mac Aodhagain, Minister for Finance.