

Reference No: E105/2/72; **Date:** 26/04/74

Circular 3/1974:- Superannuation Act 1887 (Section 1) Warrant, 1974

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1. Please refer to Department of Finance Circular 20/46 about the Superannuation Act 1887 (Section 1) Warrant 1946.
2. The Minister for the Public Service has made a further Injury Warrant entitled the Superannuation Act 1887 (Section 1) Warrant 1974. The purpose of the new Warrant, a copy of which is enclosed, is to provide cover up to a limit of £20,000 for a civil servant injured on official duty while travelling by air or injured by an injury which is directly attributable to the existence of a state of war, civil commotion or the like.
3. The new Injury Warrant makes it unnecessary for persons travelling by air to take out insurance policies (unless they wish to do so at their own expense) and accordingly Confidential Circular 2/73 is hereby cancelled.
4. The terms of the new Injury Warrant should be brought immediately to the notice of officers who may be concerned in your Department/Office. They should be made aware at the same time that the cost of insurance policies in respect of air travel will not in future be recouped.

Mise le meas,
S Mac Gamhna

S.I. No. 110 of 1974 - Superannuation Act, 1887, (Section 1) Warrant, 1974

I, Richie Ryan, Minister for the Public Service, in exercise of the powers conferred on me by section 1 of the Superannuation Act, 1887 (as amended by the Superannuation Act, 1946 (No 17 of 1946)), and by section 5 of the Superannuation Act, 1909, and by the Public Service (Transfer of Departmental Administration and Ministerial Functions) Order, 1973 (S.I. No. 294 of 1973), do by this Warrant order as follows:

1. This Warrant may be cited as the Superannuation Act, 1887 (Section 1) Warrant, 1974.
2. The Interpretation Act, 1937 (No 38 of 1937), applies to this Warrant.
3. In this Warrant -

"the Minister" means the Minister for the Public Service;
"salary and emoluments" means annual salary and emoluments.
4. This Warrant applies to any person employed in the civil service who, in the actual discharge of his duties pursuant to official instructions and without his own default is, on or after the date of the making of this Warrant

(a) injured while travelling by air or

(b) injured by an injury which is directly attributable to the existence of a state of war, revolution, serious and widespread disturbance or civil commotion or which is directly attributable to an act which would amount to an act of war or revolution.

5. If any person to whom the Warrant applies dies as a direct result of his injury the Minister may pay to his legal personal representative a special gratuity not exceeding £20,000.

6. If any person to whom this Warrant applies loses the sight of one or both eyes or loses one or more limbs as a direct result of his injury, or is certified to the Ministers satisfaction to have suffered total disablement rendering him unable to follow his employment as a civil servant, the Minister may pay such person a special gratuity not exceeding £20,000.

7. (1) If any person to whom this Warrant applies suffers as a direct result of his injury temporary total disablement or temporary partial disablement rendering him unable to follow his employment as a civil servant, the Minister may pay to such person for a period not exceeding 104 weeks after such accident a special weekly allowance in respect of loss of earnings.

(2) The amount of such special weekly allowance shall be determined by the Minister and shall be such that, together with any sick pay (including any benefit under the Social Welfare Acts, 1952 to 1973) or superannuation allowance for which he is otherwise qualified, it shall not exceed five-sixths of that person's weekly salary and emoluments at the date of the injury.

8. (1) If any person to whom this Warrant applies incurs as a direct result of his injury medical, surgical, hospital, nursing home or emergency travel expenses, the Minister may, subject to such expenditure being proved to his satisfaction, refund so much of the expenditure as he considers reasonable subject to a maximum of £1,000 in a particular case.

(2) In this Article "emergency travel expenses" means the cost of transport and accommodation incurred in respect of the person injured, or of any relative or friend who has necessarily to travel or to remain with, or escort, the person injured back to the State or, in case the person injured dies as a result of his injuries whilst outside the State, necessary funeral expenses and the cost of transporting the remains to the State.

9. (1) Any payments made to a particular person under Articles 5., 6 or 7 of this Warrant shall not exceed £20,000 in the aggregate.

(2) Where a payment falls to be made in pursuance of Article 4(b) of this Warrant, regard shall be had to any amounts recoverable from public moneys under any other scheme of compensation (other than an award of the type specified in Article 10 of this Warrant), or, if the injury is incurred outside the State, regard shall be had to any amount payable in respect of that injury under any scheme of compensation established by the state where the injury occurs and payable out of the public moneys of that state.

10. Any award under this Warrant to a person or to his legal personal representative shall, except as provided in Article 7(2) of this Warrant, be in addition to any allowance or gratuity for which such person would be eligible under the Superannuation Acts, 1834 to 1963, or any other occupational or superannuation arrangements.

Given under my Official seal, this 25th day of April 1974.
Richie Ryan, Minister for the Public Service.

Explanatory Note:

(This note is not part of the instrument and does not purport to be a legal interpretation).

This Warrant provides mainly for the payment of a special gratuity of up to £20,000 where a person employed in the civil service suffers serious injury or death while on official duty as a result of an air crash or of an injury attributable to the existence of a state of war civil commotion or the like.