

Reference No: P18/15/55; **Date:** 14/02/57

Circular 6/1957:- Superannuation Act, 1956

A Dhuine Uasail,

1. I am directed by the Minister for Finance to state that the Superannuation Act, 1956, (No. 38 of 1956) enables a civil servant retiring on pension otherwise than through ill-health, to surrender part of his pension to secure a pension for his wife or for a dependent relative nominated by him. A woman civil servant is entitled to make a surrender in favour of a dependent relative. The Act comes into operation on the 15th February, 1957, in accordance with the Superannuation Act, 1956, (Appointed Day) Order, 1957, (S.I. No. 21 of 1957). An established civil servant retiring on pension on or after that date may, accordingly, avail himself of the benefits of the Act, provided that he is in sound health and that the other conditions of the Act and of the Regulations made thereunder are fulfilled in his case. The procedure set out in this Circular should be followed in any case where an officer of your Department desires to make an allocation of pension under the Act.

2. The Regulations made under the Act and referred to in the preceding paragraph are the Superannuation Act (Allocation of Pensions) Regulations, 1957, (S.I. No. 20 of 1957) copies of which may be obtained from the Stationery Office. A booklet of Instructions for the guidance of civil servants who intend to avail themselves of the benefits of the Act has been prepared and a copy is enclosed; further copies may be obtained on application of this Department. The general conditions to be fulfilled by a civil servant who wishes to make an allocation of pension under the Act, the restrictions on the amount of his own pension which he may surrender and other relevant matters are explained in detail in the Instructions. The amount of a beneficiary's pension under the Act is the actuarial equivalent of the amount of pension surrendered by the civil servant and is determined in accordance with tables which have been approved by the Minister for Finance for the purposes of the Act. Copies of these tables are appended to the Instructions.

3. Officers who may be dealing with applications under the Act should familiarise themselves with the provisions of the Act and of the Regulations as this Circular and the Instructions do not purport to be exhaustive, nor have they any statutory force.

4. Shortly before an established officer reaches age 60 (age 55 in the case of certain Prison or Asylum Officers) and provided his state of health is such that retirement on health grounds is not anticipated, he should be formally notified that he may, if he so wishes, be entitled to make an allocation of part of his pension under the Superannuation Act, 1956. If the officer so requests he should be supplied with copies of the Act and Regulations and of the booklet of Instructions and Tables. A provisional estimate of his pension and retiring lump sum should also be given to him if he applies for it and indicates the date on which he proposes to retire. When an established officer has entered his 65th year he should, unless he is already taking steps to make an allocation, be formally reminded, at least nine months before his 65th birthday, that he may be entitled to make an allocation under the Act and that he will be supplied, on application, with the necessary documents as above and also with a provisional estimate of his pension and lump sum. Specimen notifications, which may be used under this paragraph, will be found in the Appendix to this Circular.

5. Any question regarding the eligibility of an officer for a pension under the Superannuation Acts or the amount of his pension and lump sum should be referred to this Department, orally in case of urgency, otherwise accompanied by a Form. E. Gen. 8 completed as far as possible. As the grant of pension to a civil servant is subject to the fulfilment of the conditions of the Superannuation Acts as the date of retirement, any estimate of pension or lump sum cannot imply any commitment or promise to grant a pension. A pension cannot be granted unless the officer has at least 10 years' pensionable service.

6. With the estimate of his pension the officer should be given a copy of Form A, on which his notice of allocation must be lodged more than six months before the date of his retirement. Copies of Form A can be obtained from this Department. In this connection care should be taken to settle the date of retirement in good time in any case in which there is question of retaining an officer in an established capacity after the age of 65, as the six months' period reckons backwards from the actual date of retirement. It is in the officer's own interest to lodge his notice of allocation some weeks before the closing date, so as to enable any error to be detected in time and also to avoid delay in the granting of his own superannuation award.

7. The officer should be instructed to lodge his notice of allocation with the Establishment Officer of your Department who should immediately issue to the officer a formal acknowledgement of its receipt. The Establishment Officer should examine the application to ensure as far as possible that Form A has been correctly completed and that the necessary evidence of the birth and marriage/dependency of the beneficiary (see paragraphs 11 and 13 of the Instructions) has been furnished. If the date of his own birth stated by the officer on Form A disagrees with that appearing in departmental records the officer should be requested to produce a birth certificate. The documents should then be forwarded without delay to this Department, together with a proposal in the usual form for the Officer's own award under the Superannuation Acts.

8. The Minister has discretion to allow a notice of allocation to be lodged six months, or less, before the date of retirement if he is satisfied that it was not practicable for the officer to lodge the notice in due time. The Minister will exercise his discretion so as to allow notice of allocation to be lodged not later than 30th April, 1957, in any case where retirement takes place before 31st October, 1957. Notifications under paragraph 4 above should be issued immediately to all established officers aged 60 or over (55 in the case of certain Prison, etc. Officers) or who will reach that age on or before the 30th October, 1957. The notice should state that any of these officers who, during the period ending 30th October, 1957 is being retired on reaching the age limit, or who elects to retire on pension before reaching the age limit, may lodge a notice of allocation up to, but not later than, 30th April, 1957. Where an officer is retiring before 30th April, 1957, he should be asked to indicate whether he intends to make an allocation so that the award of his pension may be deferred, if necessary.

9. Where a civil servant desires to lodge a notice of allocation after the appropriate closing date under Paragraph 6 or Paragraph 8 above, he should furnish a statement of the grounds on which he claims that it was not practicable for him to lodge the notice in time. When transmitting the officer's statement with the completed Form A, your Department should furnish any comments or observations which may assist the Minister to decide whether to accept the notice or not. If for any reason it was not possible to give an officer copies of the Instructions and Tables, etc. in time to enable him to lodge his notice of allocation before the appropriate closing date, an explanation should be furnished.

10. If the notice of allocation is found to be in order your Department will be notified accordingly and will be asked to make arrangements to have the officer medically examined. The Chief Medical Officer should be supplied with a copy of Form 8 prescribed by the Regulations, together with particulars of the officer's sick leave for the five years ending on a current date) and also with any other relevant Departmental information concerning the officer's health. Details should be given of any prolonged or excessive sick leave during service prior to the last five years. Information as to where the officer is serving should also be furnished. Copies of Form B can be obtained from this Department.

11. If the officer who is to be medically examined lives in the Dublin area or can conveniently come to Dublin, the Chief Medical Officer will carry out the examination. In other cases he should be asked to nominate a doctor to carry out the medical examination. Arrangements for the examination should be made by your Department and, if the examination is to be made locally, information respecting the candidate, as indicated in paragraph 8 above, should be furnished to the nominated doctor together with a copy of Form B for completion by him. After the examination, the completed Form B should be sent to

this Department together with any information regarding the officer which was supplied to the examining doctor.

12. The Minister's decision on the officer's health will be conveyed to you should notify the officer of the decision and obtain from him a written acknowledgment of receipt of the notification. If the Minister has decided that the officer is not of sound health, the officer should be informed, when he is being notified of the decision, that he can apply to have it reviewed after examination by the Medical Referee. Any such application for review must be lodged with your Department within 14 days of the date on which the officer receives notification of the Minister's decision.

13. Dr. Harold Quinlan, 43, Fitzwilliam Place, Dublin, has been nominated Medical Referee for the purpose of the Regulations. Applications for review should be sent direct to him by the Department with all relevant information and he should be asked, after consideration of the medical report and other documents, to examine the officer and to furnish a report on the officer's health. The report of the Medical Referee, when received, should be transmitted to this Department with the accompanying documents. The Minister's decision on the appeal will be conveyed to you and you should notify it in writing to the officer.

14. (a) If, following medical examination or examination by the Medical Referee, the Minister is of opinion that the officer is not then of sound health but that his health might be restored after a short interval, he may defer a decision and require the officer to undergo a further medical examination at a later date. You will be advised if this course is adopted in any particular case, and the arrangements indicated above will be repeated in connection with the further medical examination. In such a case an appeal for review of the Minister's decision may be requested by the officer under paragraph 12 above provided that the officer has not already been examined by the Medical Referee.

(b) If, in a case where the Minister has decided that the officer is of sound health, the date of retirement is postponed more than three months after the date of the Minister's decision, the Minister may, if he thinks fit, require the officer to undergo a further medical examination after which the Minister will decide afresh on the officer's health. Should the Minister's new decision be unfavourable, the officer may apply for review under paragraph 12.

15. Where the examination is performed by the Chief Medical Officer the fee (which should be collected by the Department before the examination) will be as follows:

Maximum inclusive salary of post	Fee
Not exceeding £456	15/-
Exceeding £456 but not exceeding £658	20/-
Exceeding £658 but not exceeding £1,135	30/-
Exceeding £1,135	42/6

Where the examination is performed by a doctor nominated by the Chief Medical Officer, the civil servant will be responsible for the doctor's fee and should arrange to pay the fee at the time of examination. Travelling etc. expenses must be borne in all cases by the officer himself.

16. Sums collected by your Department in respect of medical fees should be remitted quarterly to the Accountant of this Department who will bring them to account as Exchequer Extra Receipts through the Vote for superannuation and Retired Allowances.

17. A notice of allocation may be cancelled or amended by a notice lodged by the officer with your Department up to but not later than the date of his retirement. Any such notice should be transmitted without delay to this Department. Exceptionally, a variation in the amount of pension surrendered may be allowed after retirement. (See Instructions.)

18. It a person who has not surrendered part of his pension is, after he has retired, re-employed in a public Department, and if the pay of his new employment plus his pension exceeds the pay of his old employment at the time of his retirement, his pension is abated during the period of the new employment by the amount of the excess. (Section 20 of the Superannuation Act, 1834). If a person who has surrendered part of his pension under the Regulations is similarly re-employed, his pension, as reduced by the amount surrendered, will be abated, during the period of the new employment, by the amount, if any, by which his pension would be abated during that period if he had not surrendered a part of his pension (Section 10 of the Superannuation Act, 1956). Where the abatement of pension to be made under this provision is an amount greater than the pension as reduced by the surrender, the balance will be deducted from the officer's pay during re-employment. Departments proposing to re-employ a pensioner should as certain whether the pensioner has made a surrender of part of pension under the Act, and, if he has done so, and the salary to be offered on re-employment is greater than the salary of the officer's former established post as reduced by the amount of pension surrendered, the case should be referred to this Department for instructions.

19. Any question of doubt or difficulty should be referred to this Department, orally in the first instance (Extension 40).

20. The contents of this Circular and of the Instructions should be brought to the notice of all established officers in your Department.

Mise, le meas,
Maire Bhreathnach

Appendix

I. Specimen notification to be given to an established civil servant shortly before he/she reaches age 60.

Mr./Miss

I am to inform you that you will reach age 60 on If you are retiring on pension after that age and you are in sound health you may be entitled under the Superannuation Act, 1956, to make an allocation of part of your pension to provide a pension for a named dependent relative. e.g. wife, sister, child, etc.

Copies of the Act and Regulations and other necessary information will be supplied to you on application to (c)

Notice of allocation should be lodged not later than six calendar months before the date of retirement, e.g. an officer retiring on 1st December should lodge his notice of allocation not later than the previous 1st June.

If you contemplate making an allocation, you will be given an estimate of the pension and lump sum that will be awarded to you on retirement on application to (c)

You should apply for the estimate early in the last year of your service stating the date on which you propose to retire. This will enable you to lodge your allocation notice in good time.

II. Specimen notification to be given to an established civil servant not later than 9 months before he/she is to be retired on grounds of age, if the officer has not already taken steps to make an allocation.

Mr./Miss

I am to inform you that you will reach the age of 65 on and that you will be retired from the Civil Service on (a)

If you are in sound health you may be entitled, under the Superannuation Act, 1956, to make an allocation of part of your pension to provide a pension for a named dependent relative, e.g. wife, sister, child, etc.

Copies of the Act and Regulations and other necessary information will be supplied to you on application to (c)

Notice of allocation should be lodged not later than six months before the date of retirement, i.e. on or before (b) in your case.

If you contemplate making an allocation, an estimate of the pension and lump sum that will be awarded to you on retirement will be given to you on application to (c).

You should apply for the estimate soon as possible, so that you may lodge your notice of allocation in good time.

(a) Insert 65th birthday or such later date as may have been appointed for the officer's retirement.

(b) Insert the date immediately before the commencement of the period of 6 calendar months ending on the date of retirement, e.g. 30th June, 1957, in the case of an officer retiring on the 31st December, 1957.

Note: See Paragraph 8 of the Circular for special closing date for officers retiring before 31st October, 1957.

(c) Insert appropriate directions, e.g. Establishment Officer, giving full address.