

Reference No: P18/19/72; **Date:** 20/08/75

Circular 37/1975:- Marriage gratuities in the Civil Service

A Dhuine Uasail,

I am directed by the Minister for the Public Service to say that he has accepted an agreed recommendation made by the General Council in May 1975, under the scheme of conciliation and arbitration for the civil service, relating to marriage gratuities for female officers. Accordingly, I am to convey sanction for the application of the arrangements set out in the paragraphs which follow.

Officers eligible for marriage gratuities

2 (a) An established officer serving on 1 February 1974 will continue to be eligible for a marriage gratuity. She will retain this eligibility if she is, without break in service, appointed to another established post as a result of a competition advertised after that date.

 (b) An unestablished officer serving on 1 February 1974 who, without break in service, is appointed to an established post after that date by way of competition confined to serving unestablished staff will be eligible for a marriage gratuity on the same terms as apply to persons serving in an established capacity on that date. She will not be eligible for a marriage gratuity if she marries before appointment to an established post.

 (c) An officer appointed to an established post after 1 February 1974 as a result of a competition advertised before that date will be eligible for a marriage gratuity.

 (d) An officer appointed to an established post after 1 February, 1974 who (i) transfers her pension rights to that post under section 4 of the Superannuation and Pensions Act 1963, or (ii) is able to reckon earlier local authority service under section 67 of the Local Government (Superannuation) Act, 1956, will be eligible for marriage gratuity on the same terms as apply to established staff serving on that date provided that, under her conditions of service in her former employment at the time of transfer, there was provision for the grant of marriage gratuity.

Date of resignation in order to qualify for a gratuity

3. A officer coming within the scope of paragraph 2 preceding will qualify for the payment of a marriage gratuity provided she fulfils the usual conditions and resigns on, or shortly before, the date of her marriage or within two years thereafter.

Method of calculation of gratuity

4. (a) At least five years of reckonable service are required to qualify for a marriage gratuity. The gratuity is calculated at the rate of one month's pay for each completed year of such service (and pro rata for periods of less than a year), subject to a maximum of a year's pay.

 (b) The gratuity is based on reckonable service up to the date of resignation or the date of marriage, whichever is the earlier.

 (c) The rate of pay to be used in calculating the gratuity.

 (i) in the case of resignation on or before the date of marriage, is pensionable pay on the last day of reckonable service,

(ii) in the case of resignation within two years after marriage, will be the up-rated equivalent, at the date of resignation, of the rate of pensionable pay which applied at the date of marriage. Increments or changes in pay due to change of grade after marriage should not be taken into account in calculating up-rated pay, e.g. the up-rated pay of a Clerical Officer on the 6th point of the scale at the date of marriage would be the 6th point of the corresponding scale at the date of resignation.

(d) Arrangements should be made as soon as possible to effect any necessary adjustments, arising from (c)(ii) preceding, in payments of marriage gratuities made since 1 February, 1974. Similar adjustments may also be made, where appropriate, in gratuities awarded in respect of service which ended between 31 July 1973 (i.e. the date of the removal of the marriage bar in the civil service) and 31 January 1974.

Indication of intention to marry

5. So as to qualify for marriage gratuity an officer resigning before marriage must indicate her intention of marrying and, in the normal course, must marry within two months of the date of her resignation.

Officers not eligible for marriage gratuities; preserved superannuation benefits

6. (a) Except as provided in paragraph 2 of this circular, an officer recruited to an established post from a competition advertised after 1 February 1974 will not be eligible for a marriage gratuity.

(b) An officer to whom paragraph 2 applies and who does not resign on marriage or within two years of marriage will not be eligible for, and will forfeit any claim to, a marriage gratuity.

(c) An officer specified at (a) or (b) above, or who does not otherwise fulfil the conditions for the award of a marriage gratuity, may, of course, qualify for preserved superannuation benefits in respect of service which would otherwise have been reckoned towards a marriage gratuity, provided she has at least five years of such service. Details of these benefits will be set out in a comprehensive circular on the revision of the Superannuation Code to be issued in due course.

Preserved superannuation benefits not applicable where marriage gratuity paid

7. Payment of a marriage gratuity will, in future, be conditional on the officer concerned acknowledging in writing that she thereby forfeits all claims to preserved superannuation benefits unless, of course, she is subsequently re-employed in a pensionable capacity (see paragraph 8 below).

Refund of Marriage gratuity

8. Officers reappointed in a pensionable capacity after 31 July 1973 must refund any marriage gratuity paid to them, whether such payment was made before or after that date. By virtue of such refund, pensionable service reckoned previously for marriage gratuity will reckon, along with subsequent pensionable service, for superannuation purposes (including death gratuity).

9. (a) Refunds of gratuities may, to suit the convenience of officers, be made either

- (i) during pensionable service or
- (ii) by deduction from death gratuity or retiring lump sum.

(b) For the purpose of such refunds gratuities will be re-calculated at the pay rates equivalent at the time of repayment to the rate of pay on which the gratuity was originally based.

10. (a) A refund of marriage gratuity, on the basis set out in paragraph 9 preceding, during an officer's subsequent service may be spread over any period of time.

(b) Repayments to be made in the 12 month period following 1 July in any year will be by reference to the pay rates operative on that date.

(c) Repayments may be made in instalments of a month's (or multiple thereof) up-rated pay, calculated as in paragraph 9(b). The only circumstance in which payment of a smaller instalment will be acceptable is where, because of the reckoning of service in days rather than completed years of service (to be covered in the forthcoming circular on the revision of the Superannuation Code), the gratuity includes a fraction of a month's pay. In such a case this fraction, similarly up-rated, will be accepted as an instalment if the rest of the gratuity has already been refunded.

Example:

An officer with a pensionable salary of £1,800 resigns on marriage after 6 years and 183 days of service. She receives a marriage gratuity of 6½ months' pay, or £975. She is subsequently re-employed in a pensionable capacity and decides to repay part of her gratuity in a year commencing on 1 July, on which date the up-rated equivalent pay is £2,400 and the corresponding gratuity £1,300. The repayments may be in multiples of month's pay, viz. £200, £400, £600, £800, £1,000 or £1,200. The balance of £100 representing the amount attributable to the fraction of a month, will only be accepted as a concluding instalment.

(d) An officer wishing to repay all or part of her gratuity on the foregoing basis in a 12 month period commencing 1 July should inform her Personnel Branch before 1 July so that arrangements can be made to deduct the gratuity, or an instalment of it, from her wages or salary in the 12 month period following that date. The repayment of an instalment of one month's up-rated pay may not be spread over a longer period than 12 months.

(e) An officer who desires to refund a marriage gratuity during subsequent service by means of a single lump sum payment may do so. In such a case the gratuity will be recalculated by reference to the pay rates operative on 1 July preceding the date of repayment.

(f) Repayment of gratuity by way of deduction from final lump sum or death gratuity will be by reference to pay rates in operation at the time of final retirement or death or, where the deduction is from preserved benefits, pay rates operative when these benefits become payable.

(g) In the case of an officer who was paid a marriage gratuity and who has already been re-employed in the civil service the arrangements for refund of gratuity set out in this paragraph supersede any provisions governing such refund set out in her Conditions of Service applicable on re-employment. Any case in which a part of the gratuity has already been refunded should be reported in writing to this Department.

Re-instated widows and certain re-employed married women

11. The existing arrangements affecting re-instated widows as set out in paragraph IV (f) (ii) of Department of Finance Circular 29/69 will continue to operate and are now being extended to other married women re-employed under Section 4 of the Civil Service (Employment of Married Women) Act 1973.

Notification of officers concerned

12. Acknowledgement in writing of notification of the terms of this circular should be obtained from

(i) all officers eligible for a marriage gratuity (those who have remained in the civil service after marriage should be notified as quickly as possible);

(ii) re-employed officers who would be affected by the provisions relating to the refund of marriage gratuities.

Difficulties in application of this Circular

13. Any difficulties which may arise out of the application of this circular should be referred in writing to this Department.

Mise, le meas,
S. Mac Gamhna