

Reference No: P18/24/78; **Date:** 28/11/78

Circular 10/1978:- Superannuation Act, 1887 (Section 1) Warrant, 1978

A Chara,

Please refer to the DPS Circular Letter 8/75 about the Superannuation Act, 1887 (Section 1) Warrant, 1975.

2. The Minister of State at this Department has made a further Injury Warrant entitled the Superannuation Act, 1887 (Section 1) Warrant, 1978. The purpose of the new Warrant, a copy of which is attached, is to increase, with effect from 1 June 1973, the rates of annual allowance payable to the widow and children of an officer who dies as a result of an injury incurred, without his own default, in the course of, and in the actual discharge of, his official duties. The new rates provide a widow's allowance of 50% of her late husband's salary, together with $13 \frac{1}{3}$ rd% of salary for each child up to a maximum of three. Where there is no widow, an allowance of $26 \frac{2}{3}$ rd% of salary is payable in respect of one child, or 40% of salary where there are two or more children. The new Warrant also provides, in a case where the deceased officer was a member of the Civil Service Widows' and Children's Contributory Pension Scheme, for the payment of an amount equivalent to any contributions made by the officer under that scheme.

3. It should be noted that an officer's dependants cannot receive allowances or pensions both under the Injury Warrant and the Civil Service Widows' and Children's Contributory Pension Scheme (or any equivalent Scheme). Departments should, therefore, ascertain, before any award is made under the scheme, that there is no claim, or likelihood of a claim, arising under the Injury Warrant. Where such a claim has been, or is likely to be, made the case should be referred to this Department before any decision is taken about an award under the Scheme.

4. Any existing Injury Warrant Allowances which are affected by the new arrangements will be revised by this Department.

Mise, le meas,
William P Smith

S.I. No. 297 of 1978 - Superannuation Act, 1887 (Section 1) Warrant, 1978

I, Ray Mac Sharry, Minister of State at the Department of the Public Service, in exercise of the powers conferred on me by section 1 of the Superannuation Act, 188 (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), and by the Public Service (Delegation of Ministerial Functions) Order, 1978 (S.I. No. 117 of 1978), do by this Warrant order as follows:

1. (1) This Warrant may be cited as the Superannuation Act, 1887 (Section 1) Warrant, 1978.
- (2) This Warrant shall be deemed to have come into operation on the 1st day of June, 1973.
2. The Interpretation Act, 1937 (No. 38 of 1937), applies to this Warrant.

3. The Superannuation Act, 1887 (Section 1) Warrant, 1946 (S.R. & O., No. 236 of 1946), is hereby amended by -

(a) the substitution for the Table in Article 7(1) of the following Table: "Table to Article 7(1)

Relations	Proportion of salary and emoluments
The widow	50%
Each child, where the deceased leaves a widow to whom an award is granted	13 1/3rd%
Each child, where the deceased does not leave a widow to whom an award is granted	26 2/3rd%
The dependent mother, where the deceased leaves a widow, but no children	5 5/9th%
The dependent mother, where the deceased leaves a child or children but no widow	11 1/9th%
The dependent mother, where the deceased leaves neither a widow nor any children	33 1/3rd%

(b) the insertion after paragraph (1) of Article 7 of the following paragraph:

"(1A) Whenever the widow and child of a person to whom this Warrant applies is entitled pursuant to paragraph (1) of this Article to be paid an allowance in respect of the death of that person, and that person was a member of the pension scheme established under the Civil Service Widows' and Children's Contributory Pension Scheme, 1977 (S.I. No. 132 of 1977), there shall be paid to the widow or child, as the case may be, in addition to the allowance payable under paragraph (1) of this Article, an amount equal to the sum which would have been payable under Article 10 of that pension scheme in respect of periodic contributions if that person had, at all times during his membership of that pension scheme, been unmarried together with, in relation to the period commencing on the day following the 31st day of December of the year in which the contribution was paid and terminating on the day preceding the effective date of such allowance, compound interest, computed with yearly rests, thereon, at an annual rate,

or rates, to be determined by the Minister from time to time."

(c) the substitution in Article 7(4) for "one-third" of "40%",

(d) the substitution in Article 7(5) for "one-eighteenth" of "13 1/3rd%", and

(e) the insertion in Article 8 after "1946" of "other than a pension under the Civil Service Widows' and Children's Contributory Pension Scheme, 1977, or the Civil Service Widows' and Children's Ex Gratia Pensions Scheme, 1977 (S.I. No. 133 of 1977), or any scheme amending or extending either or those schemes, or any other occupational or superannuation arrangements deemed by the Minister to be of a similar nature to such schemes".

Given under my hand, this 31st day of October, 1978
Ray Mac Sharry, Minister of State at the Department of 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 for an increase in the rates of annual allowance payable to the widows and children of a person employed in the civil service who dies as a result of an injury incurred in the course of official duty.