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Circular Letter S.5/88

29 January, 1988.

Local Government Officers (Widows and Orphans Ex-Gratia Pension) (Amendment) Scheme, 1987 - S.I. No. 313 of 1987.

Local Government Employees (Widows and Orphans Ex-Gratia Pension) (Amendment) Scheme, 1987 - S.I. No. 314 of 1987.

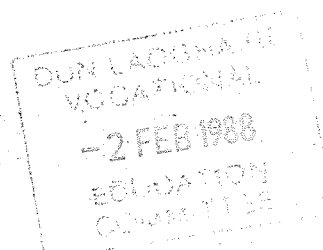
A Chara,

1. I am directed by the Minister for the Environment to forward herewith one copy of the statutory schemes referred to above. The Schemes were signed by the Minister and the Minister for Finance on 10th December, 1987. Additional copies of the Schemes may be obtained, in due course, from the Stationery Office when they are printed. In the meantime local authorities should arrange to photocopy the enclosed copies where extra copies are required.
2. The Schemes amend the 1984 Widows and Orphans Ex-Gratia Pension Schemes to provide pensions for certain additional categories of widows and children of -
 - (a) male pensionable officers who either died in office or ceased to hold office before 23rd July, 1968 and
 - (b) male pensionable servants who either died in employment or ceased to hold employment before 27 May, 1977.
3. Provision is made in article 9 of both Schemes in relation to the appropriate commencement date for the payment of pensions in certain specified circumstances. Article 10 is a new provision which corresponds generally to article 16 of the contributory schemes. A sheet outlining the scope of the Revised Schemes is attached.
4. Any enquiries in relation to the Schemes should be addressed in writing to the Superannuation Section of the Department, Floor 5, Apollo House, Dublin 2, or by telephone to 793377, extensions 2710, 2712, 2713 and 2723.

Mise, le meas,

M.R. Ward

M.R. Ward,
Principal Officer,



Scope of Revised Scheme

Beneficiaries under Revised Schemes

- (1) wife of officer/employee,
irrespective of date of marriage
- (2) all legitimate children of
officer/employee
- (3) illegitimate children of officer/
employee
- (4) all step-children of officer/
employee
- (5) all adopted children of officer/
employee

Beneficiaries under Existing Scheme

- (1) wife of officer/employee if
marriage takes place before
retirement
- (2) legitimate children of officer/
employee if (a) conceived
before retirement and (b)
member was married before
retirement
- (3) (not covered)
- (4) step-children of officer/
employee of (a) member was
married during the period of
employment and (b) member's
marriage to child's parent takes
place before retirement
- (5) adopted children of officer/
employee if (a) member was
married during the period of
employment and (b) child was
adopted while member was married
and (c) adoption takes place
before retirement

Local Government Officers (Widows and Orphans
Ex-Gratia Pension) (Amendment) Scheme, 1987

DUBLIN

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S.I. No. 313 of 1987.

Local Government Officers (Widows and Orphans Ex-Gratia Pension) (Amendment) Scheme, 1987

The Minister for the Environment in exercise of the power conferred on him by sections 2 and 5 of the Local Government (Superannuation) Act, 1980 (No. 8 of 1980), with the consent of the Minister for Finance, hereby makes the following Scheme:

- Short Title. 1. This Scheme may be cited as the Local Government Officers (Widows and Orphans Ex-Gratia Pension) (Amendment) Scheme, 1987.
- Commencement. 2. (1) This Scheme, other than articles 6 and 8, shall be deemed to have come into force on the 1st day of September, 1984.
- (2) Articles 6 and 8 of this Scheme shall be deemed to have come into force on the 1st day of January, 1986.
- Interpretation. 3. In this Scheme -
- "the Principal Scheme" means the Local Government Officers (Widows and Orphans Ex-Gratia Pension) Scheme, 1984 (S.I. No. 320 of 1984).
- Amendment of Article 3 of the Principal Scheme. 4. Article 3 of the Principal Scheme is hereby amended -
- (a) by the deletion in sub-article (1) in the definition of the word "child" of the word "legitimate", and
- (b) by the deletion in sub-article (6)(b) of the words ",before the termination of his reckonable service,".
- Amendment of Article 5 of the Principal Scheme. 5. Article 5 of the Principal Scheme is hereby amended -
- (a) by the substitution of the following paragraph for paragraph (e) of sub-article (1):

"(e) where he leaves a child or children a pension for such child or children (hereafter in this Scheme referred to as 'a children's pension').", and

(b) by the deletion of the proviso to sub-article (1).

Amendment of Article 6 of the Principal Scheme.

6. Article 6 of the Principal Scheme is hereby amended by the substitution of the following paragraphs for paragraph (c) of sub-article (5):

"(c) During the period beginning on the 1st day of July, 1979, and ending on the 31st day of December, 1985, the rate of a widow's pension may not exceed five-twelfths of the rate of the deceased's pension.

(d) During the period beginning on the 1st day of January, 1986, and ending on the 31st day of December, 1986, the rate of a widow's pension may not exceed eleven twenty-fourths of the rate of the deceased's pension.

(e) As on and from the 1st day of January, 1987, the rate of a widow's pension may not exceed one-half of the rate of the deceased's pension."

Amendment of article 7 of Principal Scheme.

7. Article 7 of the Principal Scheme is hereby amended by the deletion of sub-article (1).

Amendment of Article 8 of the Principal Scheme.

8.(1)Article 8 of the Principal Scheme is hereby amended by the substitution of the following Table for the Table to sub-article (4):

" TABLE

Rate of children's pension under this Scheme

PART I

Where the deceased leaves no widow or, where he leaves a widow and the widow dies, the rate of children's pension under this Scheme shall be as follows:-

Period	Rate
From the commencement of this Scheme to the 26th day of May, 1977.	2/24ths of the deceased's pension for one child plus 1/24th for each additional child up to a fourth additional child.
From the 27th day of May, 1977 to the 30th day of June, 1977.	4/24ths of the deceased's pension for one child plus 2/24ths for a second child.

From the 1st day of July, 1977 to the 30th day of June, 1979.	2/9ths of the deceased's pension for one child plus 1/9th for a second child.
From the 1st day of July, 1979 to the 31st day of December, 1985.	10/36ths of the deceased's pension for one child plus 5/36ths for a second child.
From the 1st day of January, 1986 to the 31st day of December, 1986.	11/36ths of the deceased's pension for one child plus 11/72ths for a second child.
From the 1st day of January, 1987.	1/3rd of the deceased's pension for one child plus 1/6th for a second child.

PART II

Subject to article 8(5), where the deceased leaves a widow, the rate of children's pension under this Scheme shall be as follows:-

Period	Rate
From the commencement of this Scheme to the 26th day of May, 1977.	1/24th of the deceased's pension for one child plus 1/24th for each additional child up to a fifth additional child.
From the 27th day of May, 1977 to the 30th day of June, 1977.	2/24ths of the deceased's pension for one child plus 2/24ths for each additional child up to a second additional child.
From the 1st day of July, 1977 to the 30th day of June, 1979.	1/9th of the deceased's pension for one child plus 1/9th for each additional child up to a second additional child.
From the 1st day of July, 1979 to the 31st day of December, 1985.	5/36ths of the deceased's pension for one child plus 5/36ths for each additional child up to a second additional child.
From the 1st day of January, 1986 to the 31st day of December, 1986.	11/72ths of the deceased's pension for one child plus 11/72ths for each additional child up to a second additional child.
From the 1st day of January, 1987.	1/6th of the deceased's pension for one child plus 1/6th for each additional child up to a second additional child.

(2) Article 8 of the Principal Scheme is hereby further amended by the substitution of the following subparagraphs for subparagraph (iii) of paragraph (b) of sub-article (5):

"(iii) during the period beginning on the 1st day of July, 1979, and ending on the 31st day of December, 1985, five-twelfths of the rate of the deceased's pension,

(iv) during the period beginning on the 1st day of January, 1986, and ending on the 31st day of December, 1986, eleven twenty-fourths of the rate of the deceased's pension,

(v) as on and from the 1st day of January, 1987, one-half of the rate of the deceased's pension."

Payment of
Widow's and
Children's
Pensions.

9.(1) (a) Subject to paragraph (b), where a widow's pension or a children's pension may be granted by reason only of the making of this Scheme, notwithstanding articles 2 and 5 of the Principal Scheme, the pension shall not be payable from a date earlier than the 1st day of September, 1984.

(b) Where a widow's pension or a children's pension is granted under paragraph (a) on foot of an application received by a local authority on or after the 1st day of March, 1986, notwithstanding articles 2 and 5 of the Principal Scheme, the pension shall be payable from -

(i) in any case where the application is received within six months from the date of the deceased's death, the date of the deceased's death,

(ii) in any other case, the date of receipt of the application.

(2) Where a widow's pension or a children's pension is granted under the Principal Scheme on foot of an application received by a local authority on or after the date of the making of this Scheme, notwithstanding articles 2 and 5 of the Principal Scheme, the pension shall be payable from -

(a) in any case where the application is received within six months from the date of the deceased's death, the date of the deceased's death,

(b) in any other case, the date of receipt of the application.

Marriage of
former male
pensionable
officer whose
early death is
to be foreseen.

10. Where a former male pensionable officer marries and -

- (a) he dies within the year beginning on the date of the marriage, and
- (b) there are no children of the marriage, and
- (c) the local authority is of the opinion that his death within the year beginning with the date of the marriage was, at that date, to be foreseen by him or his wife,

for the purpose of this Scheme the marriage may be regarded by the local authority as not having taken place.

GIVEN under the Official Seal of the Minister for the Environment this 10th day of December, 1987.

L.S. Padraig Flynn

Minister for the Environment.

The Minister for Finance hereby consents to the Local Government Officers (Widows and Orphans Ex-Gratia Pension) (Amendment) Scheme, 1987.

GIVEN under the Official Seal of the Minister for Finance this 10th day of December, 1987.

L.S. Ray MacSharry

Minister for Finance.

Explanatory Note

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

This Scheme amends the superannuation provisions contained in the Local Government Officers (Widows and Orphans Ex-Gratia Pension) Scheme, 1984 to provide pensions for the widows and children of certain male officers of local authorities who retired or died before 23rd July, 1968.

Published by the Stationery Office, Dublin.

Local Government Employees (Widows and Orphans
Ex-Gratia Pension) (Amendment) Scheme, 1987

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S.I. No. 314 of 1987.

Local Government Employees (Widows and Orphans Ex-Gratia Pension) (Amendment) Scheme, 1987

The Minister for the Environment in exercise of the power conferred on him by sections 2 and 5 of the Local Government (Superannuation) Act, 1980 (No. 8 of 1980), with the consent of the Minister for Finance, hereby makes the following Scheme:

- Short Title. 1. This Scheme may be cited as the Local Government Employees (Widows and Orphans Ex-Gratia Pension) (Amendment) Scheme, 1987.
- Commencement. 2. (1) This Scheme, other than articles 6 and 8, shall be deemed to have come into force on the 1st day of September, 1984.
- (2) Articles 6 and 8 of this Scheme shall be deemed to have come into force on the 1st day of January, 1986.
- Interpretation. 3. In this Scheme -
- "the Principal Scheme" means the Local Government Employees (Widows and Orphans Ex-Gratia Pension) Scheme, 1984 (S.I. No. 319 of 1984).
- Amendment of Article 3 of the Principal Scheme. 4. Article 3 of the Principal Scheme is hereby amended -
- (a) by the deletion in sub-article (1) in the definition of the word "child" of the word "legitimate", and
- (b) by the deletion in sub-article (6)(b) of the words ",before the termination of his pensionable local service,".
- Amendment of Article 5 of the Principal Scheme. 5. Article 5 of the Principal Scheme is hereby amended -
- (a) by the substitution of the following paragraph for paragraph (e) of sub-article (1):
- "(e) where he leaves a child or children a pension for such child or children (hereafter in this Scheme referred to as 'a children's pension').", and

(b) by the deletion of the proviso to sub-article (1).

Amendment of Article 6 of the Principal Scheme.

6. Article 6 of the Principal Scheme is hereby amended by the substitution of the following paragraphs for paragraph (c) of sub-article (5):

"(c) During the period beginning on the 1st day of July, 1979, and ending on the 31st day of December, 1985, the rate of a widow's pension may not exceed five-twelfths of the rate of the deceased's pension.

(d) During the period beginning on the 1st day of January, 1986, and ending on the 31st day of December, 1986, the rate of a widow's pension may not exceed eleven twenty-fourths of the rate of the deceased's pension.

(e) As on and from the 1st day of January, 1987, the rate of a widow's pension may not exceed one-half of the rate of the deceased's pension."

Amendment of Article 7 of the Principal Scheme.

7. Article 7 of the Principal Scheme is hereby amended by the deletion of sub-article (1).

Amendment of Article 8 of the Principal Scheme.

8.(1) Article 8 of the Principal Scheme is hereby amended by the substitution of the following Table for the Table to sub-article (4):

" TABLE

Rate of children's pension under this Scheme

PART I

Where the deceased leaves no widow or, where he leaves a widow and the widow dies, the rate of children's pension under this Scheme shall be as follows:-

Period	Rate
From the commencement of this Scheme to the 30th day of June, 1977.	4/24ths of the deceased's pension for one child plus 2/24ths for a second child.
From the 1st day of July, 1977 to the 30th day of June, 1979.	2/9ths of the deceased's pension for one child plus 1/9th for a second child.

From the 1st day of July, 1979 to the 31st day of December, 1985.	10/36ths of the deceased's pension for one child plus 5/36ths for a second child.
From the 1st day of January, 1986 to the 31st day of December, 1986.	11/36ths of the deceased's pension for one child plus 11/72ths for a second child.
From the 1st day of January, 1987.	1/3rd of the deceased's pension for one child plus 1/6th for a second child.

PART II

Subject to article 8(5), where the deceased leaves a widow, the rate of children's pension under this Scheme shall be as follows:-

Period	Rate
From the commencement of this Scheme to the 30th day of June, 1977.	2/24ths of the deceased's pension for one child plus 2/24ths for each additional child up to a second additional child.
From the 1st day of July, 1977 to the 30th day of June, 1979.	1/9th of the deceased's pension for one child plus 1/9th for each additional child up to a second additional child.
From the 1st day of July, 1979 to the 31st day of December, 1985.	5/36ths of the deceased's pension for one child plus 5/36ths for each additional child up to a second additional child.
From the 1st day of January, 1986 to the 31st day of December, 1986.	11/72ths of the deceased's pension for one child plus 11/72ths for each additional child up to a second additional child.
From the 1st day of January, 1987.	1/6th of the deceased's pension for one child plus 1/6th for each additional child up to a second additional child.

- (2) Article 8 of the Principal Scheme is hereby further amended by the substitution of the following subparagraphs for subparagraph (iii) of paragraph (b) of sub-article (5):

"(iii) during the period beginning on the 1st day of July, 1979, and ending on the 31st day of December, 1985, five-twelfths of the rate of the deceased's pension,

(iv) during the period beginning on the 1st day of January, 1986, and ending on the 31st day of December, 1986, eleven twenty-fourths of the rate of the deceased's pension,

(v) as on and from the 1st day of January, 1987, one-half of the rate of the deceased's pension."

Payment of
Widow's and
Children's
Pensions.

- 9.(1) (a) Subject to paragraph (b), where a widow's pension or a children's pension may be granted by reason only of the making of this Scheme, notwithstanding articles 2 and 5 of the Principal Scheme, the pension shall not be payable from a date earlier than the 1st day of September, 1984.
- (b) Where a widow's pension or a children's pension is granted under paragraph (a) on foot of an application received by a local authority on or after the 1st day of March, 1986, notwithstanding articles 2 and 5 of the Principal Scheme, the pension shall be payable from -
- (i) in any case where the application is received within six months from the date of the deceased's death, the date of the deceased's death,
- (ii) in any other case, the date of receipt of the application.
- (2) Where a widow's pension or a children's pension is granted under the Principal Scheme on foot of an application received by a local authority on or after the date of the making of this Scheme, notwithstanding articles 2 and 5 of the Principal Scheme, the pension shall be payable from -
- (a) in any case where the application is received within six months from the date of the deceased's death, the date of the deceased's death,
- (b) in any other case, the date of receipt of the application.

Marriage of former male pensionable servant whose early death is to be foreseen.

10. Where a former male pensionable servant marries and -
- (a) he dies within the year beginning on the date of the marriage, and
 - (b) there are no children of the marriage, and
 - (c) the local authority is of the opinion that his death within the year beginning with the date of the marriage was, at that date, to be foreseen by him or his wife,

for the purpose of this Scheme the marriage may be regarded by the local authority as not having taken place.

GIVEN under the Official Seal of the Minister for the Environment this 10th day of December, 1987.

L.S. Padraig Flynn

Minister for the Environment.

The Minister for Finance hereby consents to the Local Government Employees (Widows and Orphans Ex-Gratia Pension) (Amendment) Scheme, 1987.

GIVEN under the Official Seal of the Minister for Finance this 10th day of December, 1987.

L.S. Ray MacSharry

Minister for Finance.

Explanatory Note

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

This Scheme amends the superannuation provisions contained in the Local Government Employees (Widows and Orphans Ex-Gratia Pension) Scheme, 1984 to provide pensions for the widows and children of certain male employees of local authorities who retired or died before 27th May, 1977.

Published by the Stationery Office, Dublin.