

SCHEDULES.

EIGHTH SCHEDULE

Section 55.

PROVISIONS AS TO COMPENSATION OF EXISTING IRISH OFFICERS

- 1 (1) If any existing Irish officer who is serving in the civil service of the Crown in an established capacity, or who, though not so serving in an established capacity, devotes his whole time to the duties of his office—
- (a) retires under the conditions hereinafter defined as the statutory conditions of retirement; or
 - (b) retires with the permission of the Civil Service Committee given in accordance with this Schedule; or,
 - (c) is removed from office by the Government of Southern Ireland or Northern Ireland before he attains the age of sixty-five years for any cause other than misconduct or incapacity, or is required to retire by the Government of Southern Ireland or Northern Ireland before he attains that age for any cause other than as aforesaid;

he shall be entitled to receive such compensation as the Civil Service Committee may award to him in accordance with the provisions of Part I. of the Rules contained in this Schedule if he is serving in an established capacity, and in accordance with the provisions of Part II. of the Rules contained in this Schedule, if though not serving in an established capacity he devotes his whole time to the duties of his office.

- (2) If any existing Irish officer who is serving in the civil service of the Crown, not being an officer who is serving in an established capacity, or an officer who though not serving in an established capacity devotes his whole time to the duties of his office, is removed from office or required to retire by the Government of Southern Ireland or Northern Ireland for any cause other than misconduct or incapacity, he shall be entitled to receive such compensation as the Civil Service Committee may award to him in accordance with the provisions of Part II. of the Rules contained in this Schedule.
- (3) The compensation of an officer serving in an established capacity who has previously served in a non-established capacity may be determined in accordance with the provisions of Part II. instead of the provisions of Part I. of the Rules contained in this Schedule, if he so requires, and in that case the limit of the compensation shall be the amount of compensation which might have been awarded if his whole service had been service in an established capacity, and the compensation of an officer not serving in an established capacity may be determined in accordance with the provisions of Part I. instead of the provisions of Part II. of those Rules if the Civil Service Committee are satisfied that he serves in a capacity which under a condition of his employment qualifies him for a superannuation allowance or gratuity on terms not less advantageous than if he served in an established capacity, and accordingly in the application to him of the provisions of Part I. of those Rules references to that condition shall, where the context so requires, be substituted for references to the Superannuation Acts, 1834 to 1914.

- 2 For the purposes of this Schedule, the statutory conditions of retirement are that—

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- (a) Retirement must take place within a period of seven years from the appointed day (in this Schedule referred to as the transitional period) ;
 - (b) Notice of the intention to retire must be given in accordance with regulations made by the Civil Service Committee ;
 - (c) The retirement must not take place until at least six months after the notice of retirement has been given, and may be postponed by the Civil Service Committee, if they think fit, to any later date (not being more than two years after the date of the notice) within the transitional period ; and
 - (d) The retiring officer must show to the satisfaction of the Civil Service Committee that he is not incapacitated by mental or bodily infirmity for the performance of his duties and that he has not attained the age of sixty-five years at the time when the notice is given.
- 3 The Civil. Service Committee shall not give their permission under this Schedule to an officer to retire unless that officer shows to the satisfaction of the Committee—
- (a) that the duties which he is required to perform are neither the same as nor analogous to the duties theretofore performed by him or involve an unreasonable addition to those duties; or
 - (b) that owing to changes in the conditions of his employment, his position has been materially altered.
- 4 (1) For the purpose of the provisions of this Act as to existing officers, petty sessions clerks and officers in the Registry of Petty Sessions Clerks shall be deemed to be officers in the civil service of the Crown, and officers in the Registry of Petty Sessions Clerks shall be deemed for the purposes of this Schedule to be officers to whom the Superannuation Acts, 1834 to 1914, apply.
- This provision shall apply to the pensionable assistants of the petty sessions clerks at Cork and Belfast as it applies to the petty sessions clerks.
- 5 In this Schedule references to the Government of Southern Ireland or Northern Ireland shall include references to any department or officer of the Government of Southern Ireland or Northern Ireland and to the Council of Ireland.

RULES—PART I.

OFFICERS SERVING IN THE CIVIL SERVICE OF THE CROWN IN AN ESTABLISHED CAPACITY.

A.—On Retirement under the Statutory Conditions of Retirement

- 1 The compensation which may be awarded to the officer shall be an annual allowance, not exceeding in any case two-thirds of the salary on which the allowance is reckoned, or, if he has completed less than ten years of service as reckoned for the purposes of this provision, a gratuity.
- 2 The annual allowance or gratuity shall be calculated in like manner as the superannuation allowance or gratuity which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1914, if he retired on the 'ground of ill-health, save that, for the purposes of that calculation, the following provisions shall have effect, that is to say:—
- (a) His years of service shall be reckoned as if he had served up to the end of the transitional period, or to the time when he would have reached the age

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of sixty-five, whichever may be the earlier, and there shall be added any additional years which he may be entitled to reckon under section four of the Superannuation Act, 1859 :

- (b) His salary, where there are periodical increments, shall be taken at the amount which it would have reached if he had continued to serve in the same office up to the end of the transitional period.

B.—On retirement with the 'permission of the Civil Service Committee under this Schedule or on being removed from office or required to retire by the Government of Southern Ireland or Northern Ireland before attaining the age of sixty-five years for any cause other than misconduct or incapacity

- 1 The compensation which may be awarded to the officer shall be an annual allowance not exceeding in any case two-thirds of the salary on which the allowance is reckoned, and not less than an allowance calculated in accordance with the following provisions, that is to say :—

An annual allowance calculated in like manner as the superannuation allowance which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1914, if he retired on the ground of ill-health, save that, for the purposes of such calculation, the following provisions shall have effect, that is to say:—

- (a) Where the officer retires or is removed after the end of the transitional period, ten years shall be added as abolition years to the years of service which he would be entitled to reckon for the purposes of such superannuation allowance:
- (b) Where the officer retires or is removed during the transitional period his years of service shall be reckoned, and the amount of his salary shall be computed in the same manner as is provided in this Part of these Rules in the case of an officer retiring under the statutory conditions of retirement, and ten years shall be added as abolition years to the years of service so reckoned:

Provided that—

- (i) Where an officer at the time of leaving the service has attained the age of twenty-eight years but has not attained the age of thirty-three years, the abolition years to be added for the purpose of this article shall be seven years instead of ten, and, where an officer at the time of leaving the service has not attained the age of twenty-eight years, or where, whatever his age, his years of service as reckoned for the purposes of this article, exclusive of the abolition years, are less than ten, the abolition years to be added for those purposes shall be five years instead of ten; and
- (ii) No abolition years shall be added in excess of the difference between the age of an officer at the time of his leaving the service and the age of sixty-five.

C.—Officers to whom the Superannuation Act, 1909, applies

- 1 An officer to whom the Superannuation Act, 1909, applies by reason only of his having elected to adopt the provisions of that Act shall, if he so requires, be treated for the purpose of the determination of his compensation under this Schedule as if he had not so elected.

- 2 As respects any such officer who does not require his compensation to be determined as aforesaid, and any other officer to whom the Superannuation Act,

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1909, applies, the provisions contained in Heads A and B of this Part of these Rules shall have effect subject to the following modifications, that is to say:—

- (a) The annual allowance or gratuity awarded under head A and the minimum annual allowance awarded under head B shall be calculated on the proportion of salary prescribed by subsection (1) of section one of the Superannuation Act, 1909, instead of the proportion prescribed by section two of the Superannuation Act, 1859, and the annual allowance which may be awarded shall not in any case exceed one-half of the salary on which the allowance is calculated :
- (b) In addition to the annual allowance or gratuity there shall be awarded to the officer an additional allowance—
 - (i) In the case of an officer falling under head B, not less than; and
 - (ii) In the case of an officer falling under head A, equal to—
 - an allowance calculated in like manner as an additional allowance under the Superannuation Act, 1909, and for the purposes of that calculation his years of service and salary . shall be reckoned and computed as in the case of his annual allowance or gratuity, but the additional allowance so awarded shall not exceed one and a half times the amount of the salary on which the allowance is calculated, except in the case of an officer to whom the Superannuation Act, 1909, applies by reason of his having elected to adopt its provisions, and then only to the extent specified in section three of that Act.

RULES—PART II.

OFFICERS SERVING IN THE CIVIL SERVICE OF THE CROWN WHO ARE NOT SERVING IN AN ESTABLISHED CAPACITY.

The compensation which may be awarded to the officer shall be such gratuity or annual allowance (if any) as the Civil Service Committee think just having regard to the following considerations, that is to say:—

- (a) The conditions on which the officer was appointed;
- (b) The nature and duration of his employment;
- (c) In the case of officers who do not devote their whole time to the duties of their office, the amount of time so devoted;
- (d) The circumstances in which he is leaving the service;
- (e) The compensation which might have been awarded to him on leaving the service in similar circumstances if Part I. of these Rules had applied to him;
- (f) Any offer made to him of another office or employment under the Government of Southern Ireland or Northern Ireland or the Government of the United Kingdom;
- (g) The probability (if any) of his having continued in office for a longer period but for the passing of this Act; and
- (h) any other circumstances affecting his case.

2 The compensation shall in no case be greater than the compensation which might under Part I. of these Rules have been awarded to the officer on leaving the service in similar circumstances if that Part of these Rules had applied to him.