



Number 5 of 1998

**OIREACHTAS (ALLOWANCES TO MEMBERS) AND
MINISTERIAL, PARLIAMENTARY, JUDICIAL AND COURT
OFFICES (AMENDMENT) ACT, 1998**

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**OIREACTHAS (ALLOWANCES TO MEMBERS) AND
MINISTERIAL, PARLIAMENTARY, JUDICIAL AND COURT
OFFICES (AMENDMENT) ACT, 1998**

AN ACT TO AMEND AND EXTEND THE OIREACTHAS
(ALLOWANCES TO MEMBERS) ACTS, 1938 TO 1996,
AND THE MINISTERIAL AND PARLIAMENTARY
OFFICES ACTS, 1938 TO 1996, AND TO AMEND THE
COURTS (SUPPLEMENTAL PROVISIONS) ACTS, 1961
TO 1995, AND THE COURTS OF JUSTICE AND COURT
OFFICERS (SUPERANNUATION) ACT, 1961.

[1st April, 1998]

BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:

PART I

Preliminary and General

1.—(1) This Act may be cited as the Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act, 1998.

Short title,
construction and
collective citation.

(2) This Act, in so far as it extends or amends the Oireachtas (Allowances to Members) Acts, 1938 to 1996, shall be construed as one with those Acts and all of them may be cited together as the Oireachtas (Allowances to Members) Acts, 1938 to 1998.

(3) This Act, in so far as it extends or amends the Ministerial and Parliamentary Offices Acts, 1938 to 1996, shall be construed as one with those Acts and all of them may be cited together as the Ministerial and Parliamentary Offices Acts, 1938 to 1998.

(4) This Act, in so far as it amends the Courts (Supplemental Provisions) Acts, 1961 to 1995, shall be construed as one with those Acts and all of them may be cited together as the Courts (Supplemental Provisions) Acts, 1961 to 1998.

(5) This Act, in so far as it amends the Courts of Justice and Court Officers (Superannuation) Act, 1961, shall be construed as one with the Court Officers Acts, 1926 to 1995, and all of them may be cited together as the Court Officers Acts, 1926 to 1998.

[No. 5.] *Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act, 1998.* [1998.]

Pt.I
Interpretation.

2.—(1) In this Act—

“the Act of 1938” means the Ministerial and Parliamentary Offices Act, 1938;

“the Act of 1960” means the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1960;

“the Act of 1961” means the Courts of Justice and Court Officers (Superannuation) Act, 1961;

“the Act of 1962” means the Oireachtas (Allowances to Members) Act, 1962;

“the Act of 1964” means the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1964;

“the Act of 1977” means the Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act, 1977;

“the Act of 1991” means the Courts (Supplemental Provisions) (Amendment) Act, 1991;

“the Act of 1992” means the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1992;

“the Act of 1994” means the Oireachtas (Allowances to Members) (Amendment) Act, 1994;

“the Act of 1996” means the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act, 1996;

“court officer” means a Master of the High Court, Taxing Master or County Registrar;

“the Principal Act” means—

(a) in *Part II*, the Oireachtas (Allowances to Members) Act, 1938, and

(b) in *Part III*, the Courts (Supplemental Provisions) Act, 1961.

(2) A reference in this Act to another enactment is to that enactment as amended, adapted or extended by or under any subsequent enactment, including this Act.

PART II

Provisions Relating to Members of the Oireachtas and Parliamentary and Ministerial Offices

3.—(1) The Government may, by order—

(a) provide for the payment, to the extent specified in the order, to a member of the Oireachtas who holds the position of—

(i) Party Whip in Dáil Éireann,

(ii) Assistant Government Whip in Dáil Éireann,

Allowances to whips and others.

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- (iii) Leader of the House in Seanad Éireann, Pt.II S.3
- (iv) Deputy Leader of the House in Seanad Éireann,
- (v) Government Whip in Seanad Éireann,
- (vi) Assistant Government Whip in Seanad Éireann,
- (vii) Opposition Leaders in Seanad Éireann, or
- (viii) Opposition Whips in Seanad Éireann,

of an allowance in respect of the member's duties as holder of that position, and

(b) determine from time to time—

- (i) the positions in respect of which an allowance is to be paid,
- (ii) the rate of the allowance, and
- (iii) the date from which the allowance is payable.

(2) An order under this section may provide for different rates of allowance for different positions and different dates from which the allowance is payable in respect of different positions.

(3) In this section—

“Assistant Government Whip in Dáil Éireann” means a member of Dáil Éireann nominated by the Taoiseach to be the holder of that position;

“Assistant Government Whip in Seanad Éireann”, “Deputy Leader of the House in Seanad Éireann” and “Government Whip in Seanad Éireann” mean the members of Seanad Éireann nominated by the Taoiseach to be the holders of the respective positions;

“Leader of the House in Seanad Éireann” has the meaning that “Leader of the House” has in the Standing Orders of Seanad Éireann;

“Opposition Leader in Seanad Éireann” means the member of Seanad Éireann who is the leader of a group having not less than two members in opposition in Seanad Éireann;

“Opposition Whip in Seanad Éireann” means the member of Seanad Éireann who is the whip of a group not having less than two members in opposition in Seanad Éireann;

“Party Whip in Dáil Éireann” means the member of Dáil Éireann nominated by the leader of a party in Dáil Éireann, having not less than two members in Dáil Éireann, to be the whip of that party.

4.—(1) The Government may, by order—

- (a) provide for the payment, to the extent specified in the order, to a member of the Oireachtas who holds the position of—

- (i) chairperson of an Oireachtas Committee or sub-committee, or

Allowances to chairpersons, etc., of Oireachtas Committees.

[No. 5.] *Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act, 1998.* [1998.]

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(ii) vice-chairperson of or whip to an Oireachtas Committee,

of an annual allowance in respect of the member's duties as holder of that position, and

(b) determine from time to time—

(i) the Oireachtas Committees, sub-committees and positions in respect of which the allowance is to be paid,

(ii) the rate of the allowance, and

(iii) the date from which the allowance is payable.

(2) An order under this section may provide for—

(a) different rates for different Oireachtas Committees and sub-committees and for different positions with different Committees and sub-committees, and

(b) different dates from which the allowance is payable for different Oireachtas Committees and sub-committees.

(3) In this section and in *section 5* of this Act—

“Oireachtas Committee” means—

(a) a committee appointed by order of either or both Houses of the Oireachtas,

(b) the British-Irish Inter-Parliamentary Body,

(c) the All Party Committee on Strategic Management Initiative, and

(d) such other committee as may be specified by order of the Government and that consists of members of the Oireachtas appointed to the committee in a manner similar to the manner in which members are appointed to the committee referred to in *paragraph (c)*;

“sub-committee” means a sub-committee of an Oireachtas Committee.

Allocations for allowances to other Committee members.

5.—(1) The Government may, by order—

(a) provide for the allocation to the chairperson of an Oireachtas Committee of an annual amount to enable allowances to be paid, at rates determined by that Committee, to—

(i) members of the Committee, or

(ii) members of any of its sub-committees,

other than those holding the positions mentioned in *section 3* or *4* of this Act, in respect of the performance of specific duties that are assigned to them by the Committee or sub-committee and that relate to its operation, and

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(b) determine from time to time—

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(i) the Oireachtas Committees in respect of which allocations are to be made,

(ii) the amount of the allocation, and

(iii) the date from which the allocation is payable.

(2) An order under this section may provide for—

(a) different amounts by way of allocation for different Oireachtas Committees, and

(b) different dates from which the allocation is payable for different Oireachtas Committees.

6.—(1) An allowance under *section 3, 4 or 5* of this Act—

Payment of allowances.

(a) shall be payable in addition to the annual sum by way of salary payable to the member concerned under *section 2* (as amended by the Act of 1992) of the Principal Act,

(b) shall not be payable in respect of a period for which such salary is not payable, and

(c) shall not be payable to a member who holds an office referred to in Part II (as amended by the Act of 1977) of the Act of 1938.

(2) If a member is eligible during any period to receive more than one of the allowances provided for in *sections 3, 4 and 5* of this Act, only the higher or highest of those allowances shall be paid or payable to the member during that period.

(3) Allowances which are payable under *section 3 or 4* of this Act, and allocations which are to be provided under *section 5* of this Act, shall be paid and provided out of moneys provided by the Oireachtas.

7.—(1) Whenever, on or after the passing of this Act, there is a general increase of remuneration in the Civil Service with effect from a particular day, pursuant to agreements or arrangements having effect on a general basis throughout the Civil Service, the allowances payable under *sections 3 and 4* of this Act and the allocations made under *section 5* of this Act shall be increased correspondingly with effect from that day without an order being made under this Act in respect of any such increases.

Increase of allowances and allocations corresponding with general increase of remuneration in Civil Service.

(2) *Subsection (1)* shall apply whether or not the agreements or arrangements referred to in that subsection apply also in relation to persons employed other than in the Civil Service.

(3) In this section, “the Civil Service” has the meaning assigned to it by the Civil Service Commissioners Act, 1956.

8.—(1) An order under *section 3, 4 or 5* of this Act may, if so expressed, have retrospective effect.

Orders relating to allowances under *sections 3 and 4* and

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(2) The power to make an order under *section 3, 4 or 5* of this Act includes the power to amend or revoke the order.

(3) Every order made under *section 3, 4 or 5* of this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either House within the next 21 days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Amendment of Principal Act — travelling facilities.

9.—(1) Section 4 of the Principal Act is hereby amended—

(a) by the insertion of the following subsection after subsection (2):

“(2A) References in subsection (1) to a member of the Oireachtas shall be construed as including a former Taoiseach, or any other former office holder, who is not currently an office holder and who has the use of a State car while continuing to serve as a member.”,

and

(b) by the deletion of subsections (3) and (4).

(2) *Subsection (1)(a)* shall be deemed to have come into operation on the 6th day of June, 1997, and *subsection (1)(b)* shall be deemed to have come into operation on the 1st day of January, 1997.

Amendment of Principal Act — deductions for contributory pension scheme.

10.—Section 6A (inserted by the Act of 1960) of the Principal Act is hereby amended by the substitution of the following subsection for subsection (2):

“(2) A scheme to which this section applies shall have effect in accordance with its terms and the Minister shall, in accordance with regulations—

(a) make deductions from the allowances paid to members of the Oireachtas under this Act and *sections 3, 4 and 5* of the Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act, 1998, and

(b) pay those deductions into the fund maintained pursuant to the scheme.”.

Amendment of Act of 1938 — allowances for qualifying parties, etc.

11.—(1) Section 10 (inserted by the Act of 1996) of the Act of 1938 is hereby amended—

(a) by the deletion of subsection (3),

(b) in subsection (4) by the substitution of “There” for “Subject to subsection (8) of this section, there”,

(c) by the insertion of the following subsection after subsection (4):

“(4A) Subject to the approval of the Minister for Finance and to such exceptions, restrictions and conditions

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as may be provided for by regulations, there may be provided to a qualifying party secretarial facilities for the purposes of facilitating the Parliamentary activities of its elected members.”, Pt.II S.11

and

(d) by the substitution of the following subsection for subsection (8):

“(8) Any allowance which is payable, and any facility which is to be provided, by virtue of this section shall be paid and provided in addition to any other allowance or salary payable, or any other facility provided, under the Oireachtas (Allowances to Members) Acts, 1938 to 1998, or the Ministerial and Parliamentary Offices Acts, 1938 to 1998.”.

(2) Subsection (3) of section 10 (inserted by the Act of 1996) of the Act of 1938 shall be deemed never to have had effect and accordingly any amount by which an allowance was reduced under that section shall be repaid to the person whose allowance was reduced.

12.—Section 13A (inserted by the Act of 1992) of the Act of 1938 is hereby amended—

Amendment of Act of 1938 — ministerial and secretarial pensions.

(a) in subsection (4) by the deletion of “Provided that any fraction of a year in the result obtained under paragraph (a) or (b) of this subsection shall be disregarded.”,

(b) in subsection (5) by the substitution of the following paragraph for paragraph (a):

“(a) A pension under this section shall be at the rate of 25 per cent. of the appropriate salary, plus 5 per cent. of the appropriate salary for each additional year of service in excess of 3 years, portions of a year being reckoned on a pro-rata basis, subject to a maximum of 7 such additional years.”,

and

(c) in subsection (5)(b) by the substitution of the following subparagraph for subparagraph (ii):

“(ii) as respects a secretarial pension—

(I) in case the person concerned—

(A) held a ministerial office on or after the 1st day of January, 1978, or

(B) has served for not less than 3 years in a qualifying office, or in a number of such offices, other than an office which became a qualifying office by virtue of section 5(1) of the Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act, 1983,

the annual sum payable for the time being by way of salary to the holder of the office of Minister of State,

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Ministerial, Parliamentary, Judicial and
Court Offices (Amendment) Act, 1998.*

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(II) in any other case, the annual sum payable for the time being by way of salary in respect of the last qualifying office, other than a ministerial office, held by the person concerned,

or, where greater, the weighted average of the salaries payable to the current holder of each of the qualifying offices held by the person concerned, calculated as follows:

(C) the number of days for which the person concerned held a qualifying office shall be multiplied by the annual sum payable for the time being by way of salary to the holder of the qualifying office;

(D) the sum of the results obtained in accordance with subclause (C) in relation to each qualifying office held by the person concerned shall be divided by the total number of days (subject to a maximum of 3,650 days) for which that person held a qualifying office:

Provided that, for the purposes of subclause (C), the total number of days reckoned shall not exceed 3,650 days and time served in a qualifying office the current holder of which has a higher salary than the current holder of another qualifying office formerly held by the person concerned shall be reckoned before time served in the other qualifying office.”.

Amendment of Act of 1938 — pro-rata pensions.

13.—The Act of 1938 is hereby amended—

(a) in section 13B (inserted by the Act of 1992) by the substitution in subsection (5)(b) of “shall be reckoned on a pro-rata basis” for “shall be disregarded”, and

(b) by the insertion of the following section after section 13B:

“Pro-rata pensions. 13C.—(1) This section applies to a person who—

(a) is in receipt of a pension that—

(i) is calculated in accordance with section 13D, 14 or 16 of this Act, and

(ii) is less than the pension payable to a person with not less than 8 years of pensionable service, and

(b) is not in receipt of a supplementary pension under section 13B of this Act.

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(2) Where in calculating the original pension of a person to whom this section applies a fraction of a year was disregarded under section 14(4)(b) or 16(4)(a) of this Act, that person's pension under section 14 or 16, as appropriate, may be increased by an amount calculated in accordance with the formula—

$$\frac{F \times (Z - Y) \times S}{100}$$

Where—

F is the fraction so disregarded;

Z is the percentage amount of appropriate salary which would have been payable under section 14 or 16 of this Act, as the case may be, if the person concerned had completed one further year of pensionable service;

Y is the percentage amount of the appropriate salary which is payable under section 14 or 16 of this Act;

S is the appropriate salary.

(3) In this section—

'appropriate salary', in relation to a person to whom this section applies, means the salary on the basis of which the person's pension is calculated under section 14 or 16 of this Act, as appropriate;

'original pension', in relation to a person to whom this section applies, means the pension to which that person was entitled under section 14 or 16 of this Act, as appropriate, on the operative date, or, if the person held a qualifying office on that date, the pension to which he would have been so entitled had he ceased to hold office on that date;

'pensionable service' means pensionable service within the meaning of section 14 or 16 of this Act, as appropriate."

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[No. 5.] *Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act, 1998.* [1998.]

Pt.II
Amendment of Act
of 1938 —
averaging of service.

14.—(1) The Act of 1938 is hereby amended by the insertion of the following section after section 13C (inserted by the *Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act, 1998*):

“Averaging of
ministerial and
secretarial service
for secretarial
pension.

13D.—Where more favourable to the person concerned, a pension calculated under section 16 of this Act on the basis of the annual sum mentioned in subsection (3) of that section may instead be calculated as if that annual sum were the amount of the weighted average of the annual sums payable by way of salary to the current holder of each of the qualifying offices held by the person concerned calculated as follows:

- (a) the number of days for which the person concerned held a qualifying office shall be multiplied by the annual sum payable for the time being by way of salary to the current holder of that office, and
- (b) the sum of the results obtained in accordance with paragraph (a) of this section in relation to each qualifying office held by the person concerned shall be divided by the total number of days (subject to a maximum of 2,920 days) for which that person held a qualifying office:

Provided that, for the purposes of paragraph (a) of this section, the total number of days which may be reckoned shall not exceed 2,920 days and time served in a qualifying office the current holder of which has a higher salary than the current holder of another qualifying office formerly held by the person concerned shall be reckoned before time served in the other qualifying office.”.

(2) This section and *sections 12 and 13* shall be deemed to have come into operation on the 6th day of June, 1997.

Amendment of Act
of 1962 —
overnight
allowances.

15.—Section 1 (substituted by the Act of 1996) of the Act of 1962 is hereby amended—

- (a) by the substitution of the following subsection for subsection (2):

“(2) Where a member to whom this section applies makes an overnight stay in the Dublin area because the member—

- (a) proposes to attend a meeting next day,
- (b) attends a meeting on any day to which subsection (2)(a) of this section does not apply, or

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(c) attends at Leinster House for the purpose of using its facilities, Pt.II S.15

the member may, subject to subsections (3) and (4) and to such exceptions, restrictions and conditions as may be provided for by regulations, be paid out of moneys provided by the Oireachtas an overnight allowance in respect of accommodation in the amount sanctioned by the Minister for Finance for the purposes of this section.”,

and

(b) by the addition of the following subsection after subsection (3):

“(4) In the case of an attendance at Leinster House for the purpose mentioned in subsection (2)(c) of this section, the payment of an overnight allowance under subsection (2) shall be subject to—

(a) a maximum of twenty-five allowances per year in respect of such attendances, and

(b) no payment being made if the member concerned is eligible for a payment by virtue of subsection (2)(a) or (b) of this section.”.

16.—Section 2 (inserted by the Act of 1992 and amended by the Act of 1996) of the Act of 1962 is hereby amended by the insertion of the following subsections after subsection (2):

Amendment of Act of 1962 — special secretarial allowances.

“(2A) Subject to such exceptions, restrictions and conditions as may be provided for by regulations, each member of Dáil Éireann and each member of Seanad Éireann shall be granted, in addition to the secretarial facilities granted under subsection (1) of this section, a special secretarial allowance of—

(a) £5,000 per year, in the case of a member of Dáil Éireann, and

(b) £3,750 per year, in the case of a member of Seanad Éireann.

(2B) The Minister for Finance may, by regulations, do either or both of the following:

(a) increase the amounts granted under subsection (2A) of this section as a special secretarial allowance;

(b) determine the method by which such an allowance may be increased.”.

17.—Section 3 of the Act of 1962 is hereby amended by the addition of the following subsection after subsection (2):

Amendment of Act of 1962 — retrospective regulations.

“(3) Regulations under this Act may, if so expressed, have retrospective effect.”.

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Pt. II

Amendment of Act of 1964 — travelling facilities and regulations.

18.—Section 5 of the Act of 1964 is hereby amended—

(a) by the insertion of the following subsections after subsection (1):

“(1A) The Minister for Finance may, by regulations, determine—

- (a) the date from which travelling facilities are payable,
- (b) the rate or rates of travelling facilities payable to a member or members of Dáil Éireann,
- (c) the rate or rates of travelling facilities payable to a member or members of Seanad Éireann,
- (d) any method of future revision of the rate or rates of travelling facilities, and
- (e) the manner in which, and the exceptions, restrictions and conditions subject to which, travelling facilities are to be provided and paid to members of the Oireachtas.

(1B) Regulations under this Act may, if so expressed, have retrospective effect.”,

and

(b) by the substitution of the following subsection for subsection (2):

“(2) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either House within the next 21 days on which that House has sat after the regulation has been laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.”.

Amendment of Act of 1992 — allowance for expenses for members of Oireachtas.

19.—Section 3(4) of the Act of 1992 is hereby amended by the substitution of the following paragraph for paragraph (e):

“(e) the manner in which, and the exceptions, restrictions and conditions subject to which, the allowance is to be provided and paid.”.

Amendment of Act of 1992 — regulations.

20.—The Act of 1992 is hereby amended by the insertion of the following section after section 5:

“Retrospective regulations.

5A.—Regulations under this Act may, if so expressed, have retrospective effect.”.

[1998.] *Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act, 1998.* [No. 5.]

21.—(1) Section 836 of the Taxes Consolidation Act, 1997, is hereby amended by the insertion of the following subsection after subsection (1):

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Amendment of
Taxes Consolidation
Act, 1997.

“(1A) Subsection (1) shall apply to—

(a) an allowance payable under section 2 of the Oireachtas (Allowances to Members) Act, 1938, and section 5 of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1964, in respect of travelling facilities within the meaning of the first-mentioned Act, and

(b) an allowance payable under section 1 or 2 of the Oireachtas (Allowances to Members) Act, 1962,

as it applies to an allowance payable under section 3 of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1992.”.

(2) *Subsection (1)* shall be deemed to have come into operation on the 6th day of April, 1997.

22.—For the avoidance of doubt, it is hereby declared that—

Clarification of
certain matters.

(a) a regulation under the Oireachtas (Allowances to Members) Acts, 1938 to 1996, and

(b) anything done in accordance with that regulation,

shall not be invalid by reason only that, at the time that regulation was made, the Act under which it was made did not expressly authorise such a regulation to have retrospective effect.

23.—(1) Sections 2 to 5 of the Act of 1994 are hereby repealed.

Repeal of certain
provisions of Act of
1994.

(2) Any order that was made under section 2 or 3 of the Act of 1994 before the commencement of this section shall continue to have effect until it is replaced by an order made under *section 3* or *4* of this Act, as appropriate.

(3) The repeal of sections 2 to 5 of the Act of 1994 shall not prejudice the payment of pensions to members of the Oireachtas who contributed, by way of deductions from the allowances provided under those sections, to the fund maintained pursuant to the Houses of the Oireachtas (Members) Pension Scheme.

PART III

Provisions Relating to Judges and Court Officers

24.—In the case of a judge of the Supreme Court or the High Court who is serving as such on or after the 19th day of December, 1996, paragraph 2 of Part 1 of the Second Schedule to the Principal Act shall have effect as if the following subparagraphs were substituted for subparagraphs (2) and (3) of that paragraph:

Modification of
pension provisions
of Principal Act as
applied to certain
Supreme Court
judges and High
Court judges.

“(2) There shall be granted to a judge of the Supreme Court or the High Court to whom this paragraph applies and who, having reached the age of 65 years, vacates his office after 15

[No. 5.] *Oireachtas (Allowances to Members) and [1998.]
Ministerial, Parliamentary, Judicial and
Court Offices (Amendment) Act, 1998.*

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years or more of service a pension for life of one-half of his remuneration at the time of such vacation of office.

(3) There shall be granted to a judge of the Supreme Court or the High Court to whom this paragraph applies and who, owing to age or permanent infirmity, vacates his office after 5 years or more of service a pension for life of one-eighth of his remuneration at the time of such vacation of office with the addition of three-eighths of such remuneration for every completed year of service in excess of five, subject to a maximum pension of one-half of such remuneration.”.

Modification of
pension provisions
of Principal Act as
applied to certain
Circuit Court
judges.

25.—In the case of a judge of the Circuit Court who is serving as such on or after the 19th day of December, 1996, paragraph 5 of Part II of the Second Schedule to the Principal Act shall have effect as if the following subparagraphs were substituted for subparagraphs (2) and (3) of that paragraph:

“(2) There shall be granted to a judge of the Circuit Court to whom this paragraph applies and who, having reached the age of 65 years, vacates his office after 15 years or more of service a pension for life of one-half of his remuneration at the time of such vacation of office.

(3) There shall be granted to a judge of the Circuit Court to whom this paragraph applies and who, owing to age or permanent infirmity, vacates his office after five years or more of service a pension for life of one-eighth of his remuneration at the time of such vacation of office with the addition of three-eighths of such remuneration for every completed year of service in excess of five, subject to a maximum pension of one-half of such remuneration.”.

Modification of
pension provisions
of Principal Act as
applied to certain
District Court
judges.

26.—In the case of a judge of the District Court who is serving as such on or after the 19th day of December, 1996—

(a) paragraph 8 of Part III of the Second Schedule to the Principal Act shall have effect as if the following subparagraphs were substituted for subparagraphs (2) and (3) of that paragraph:

“(2) There shall be granted to a judge of the District Court to whom this paragraph applies and who, having reached the age of 65 years, vacates his office after 20 years or more of service a pension for life of one-half of his remuneration at the time of such vacation of office.

(3) There shall be granted to a judge of the District Court to whom this paragraph applies and who, owing to age or permanent infirmity, vacates his office after five years or more of service a pension for life of one-eighth of his remuneration at the time of such vacation of office with the addition of one-fortieth of such remuneration for every completed year of service in excess of five, subject to a maximum pension of one-half of such remuneration.”.

[1998.] *Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act, 1998.* [No. 5.]

and

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- (b) paragraph 10 of Part III of the Second Schedule to the Principal Act shall have effect as if the words “a pension for life of one-eighth of his remuneration at the time of such vacation of office with the addition of 3/160ths of such remuneration for every completed year of service in excess of ten, subject to a maximum pension of one-half of such remuneration.” were substituted for everything after “he shall be entitled to”.

27.—In the case of a court officer who is serving as such on or after the 19th day of December, 1996, section 57 of the Principal Act shall have effect as if in subsection (1) of that section the following paragraphs were substituted for paragraphs (i) and (ii):

Modification of pension provisions of Principal Act as applied to certain court officers.

- “(i) if he has completed twenty or more years of such service, one-half of the annual remuneration in respect of the office which he ceases to hold, or
- (ii) if he has not completed twenty years of such service, one-eighth of the annual remuneration in respect of the office which he ceases to hold together with one-fortieth of that remuneration for each (if any) completed year of service in excess of five.”.

28.—In the case of a judge or court officer who is serving as such on or after the 19th day of December, 1996, section 2 (in relation to such a judge) and section 4 (in relation to such a court officer) of the Act of 1961 shall have effect as if—

Modification of pension provisions of Act of 1961 as applied to certain judges and court officers.

- (a) in subsection (2) of the applicable section—
- (i) the reference to one and one-half the yearly amount of the pension were a reference to three times the yearly amount of the pension, and
- (ii) the words “as reduced under subsection (5) of this section” were deleted,
- (b) in subsection (3) of the applicable section the words “or, if greater, the gratuity that would have been payable to him under subsection (2) of this section if, on the date of his death, he had retired owing to permanent infirmity” were inserted after “at the time of his death”, and
- (c) the following subsection were substituted for subsection (5) of the applicable section:

“(5) Any gratuity payable under this section shall fall to be reduced by reference to any contribution due in accordance with the terms of the Scheme of Pensions for Spouses and Children of the Judiciary and Court Officers.”.

29.—In the case of a judge or court officer who ceased to serve as such before the 19th day of December, 1996, and to whom the Act of 1961 applied, the Minister for Finance may, if, after consulting with the Attorney General, he considers it necessary to do so, pay such supplementary gratuity, together with such interest thereon as

Supplementary gratuity for certain judges and court officers.

[No. 5.] *Oireachtas (Allowances to Members) and [1998.]
Ministerial, Parliamentary, Judicial and
Court Offices (Amendment) Act, 1998.*

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he considers appropriate, as if, at the time of the retirement of the person concerned, the words “an amount not exceeding one and nine-tenths times the yearly amount of the pension” had been substituted for the words “an amount equal to one and one-half times the yearly amount of the pension” in section 2(2) or 4(2) of that Act, as the case may be.

Modification of
pension provisions
of Act of 1991.

30.—In the case of a judge or court officer who ceased to serve as such on or after the 19th day of December, 1996, the Act of 1991 shall have effect as if—

- (a) in section 3(1)(a) of that Act “3/80ths” were substituted for “one-twentieth”,
- (b) in section 3(1)(b) of that Act “1/40th” were substituted for “one-thirtieth”,
- (c) in section 3(1)(c) of that Act “3/160ths” were substituted for “one-fortieth”,
- (d) in section 3(2) of that Act “1/40th” were substituted for “one-thirtieth”, and
- (e) in section 6(4) of that Act “one-half” were substituted for “two-thirds”.

Commencement of
certain provisions.

31.—*Sections 24 to 28 and section 30* of this Act shall be deemed to have come into operation on the 19th day of December, 1996.