

P. W. Hanagan



DEPARTMENT OF HEALTH

MENTAL TREATMENT ACT, 1961

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**MEMORANDUM  
ON  
SUPERANNUATION**

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# MENTAL TREATMENT ACT, 1961

## MEMORANDUM ON SUPERANNUATION

### INTRODUCTION.

1. Under the Mental Treatment Act, 1961, mental hospital staff were, as from the 1st April, 1961, brought within the general scope of the Local Government (Superannuation) Act, 1956, (referred to later in this memorandum as the 1956 Act); subject to the making of some special provisions for existing pensionable staff\* and for staff having the care or charge of patients in the usual course of their employment. The Minister for Local Government is now the appropriate Minister for the purposes of the superannuation provisions which apply to mental hospital staff, other than the provisions contained in section 65 of the Mental Treatment Act, 1945, regarding the keeping of a register of those having the care or charge of patients in the usual course of their employment.
2. A person who, immediately before the 1st April, 1961, was a pensionable officer or servant of a mental hospital authority may, however, opt to remain subject to the provisions which then applied to him for any continuous period during which he remains a mental hospital officer or servant. Any such person wishing to exercise this option must do so before the **1st April, 1962**. This can most conveniently be done by letter addressed to his or her employing authority.
3. This memorandum has been prepared for the information of existing pensionable mental hospital staff to assist them in deciding whether to exercise the option referred to in paragraph 2.

### PROVISIONS OF THE MENTAL TREATMENT ACT, 1961

4. The provisions of the Mental Treatment Act, 1961, in regard to superannuation are contained in sections 40 and 41 and the First Schedule. The effect of these provisions is set out, in broad outline, in paragraphs 5 to 8 below.
5. The purpose of section 40 is to place beyond doubt the ability of an established civil servant to aggregate and reckon all his earlier pensionable service, part of which was given under a mental hospital authority and part in another established position in the civil service.
6. Subsection (2) of section 41 covers the suspension or reduction of an allowance on the re-appointment of a recipient.
7. Subsection (4) of section 41 relates to the keeping of a register of officers and servants who have the care or charge of patients in the usual course of their employment. Such staff are entitled to certain additional superannuation benefits—the principal benefits being that registered staff may reckon as two years each year of pensionable service in excess of twenty and that retirement is permissible at the age of 55 instead of at the normal age of 60. The main effects of the amendments are—

\* "Existing pensionable staff" and similar terms are used throughout this Memorandum to indicate staff who, immediately prior to the 1st April, 1961, were contributing under section 9 of the Asylum Officers' Superannuation Act, 1909, or section 85 of the Mental Treatment Act, 1945.

(a) a specific obligation is imposed on a mental hospital authority—

(i) to enter in the register the names of those entitled to be entered in the register ;

(ii) to remove from the register the names of those not entitled to remain on the register as they have ceased to have the care or charge of patients in the usual course of their employment ;

(b) the Minister is empowered to prescribe conditions, the fulfilment of which would entitle an officer or servant, part only of whose employment consists of the care or charge of patients, to have his name entered in the register.

There is provision for an appeal to the Minister against any refusal to enter a name in the register or any decision to remove a name from the register.

8. The remaining superannuation provisions are most easily followed if subsections (1), (3) and (5) of section 41 and the First Schedule are considered together—

(a) subsection (1) of section 41 provides for the application of the 1956 Act to mental hospital staff subject to the amendments specified in the First Schedule of the 1961 Act. The amendments in paragraphs 1 to 6, 10, 11, 15 and 16 of the Schedule provide the general technical amendments to permit of the application of the 1956 Act to mental hospital staff ;

(b) paragraphs 7, 8, 12 and 13 of the Schedule provide that officers and servants having the care or charge of patients will be in the same position as fire brigade officers and servants. The main benefits are that each year of service over twenty will count as two for superannuation purposes, and retirement at the age of 55 years with twenty years service is permitted ;

(c) paragraphs 9 and 14 of the Schedule provide that an existing officer or servant will continue to pay a contribution of 3% for any continuous period, after the coming into operation of section 41, during which he remains a local authority officer or servant.

(d) in addition to making technical amendments, paragraph 6 of the Schedule (officers) and paragraph 11 (servants)—

(i) provide that an existing officer or servant may opt to remain subject to the provisions which formerly applied to him for any continuous period after the coming into operation of section 41 on the 1st April, 1961, during which he remains a mental hospital officer or servant ;

(ii) make a number of transitional provisions in regard to the assimilation of existing staff under the 1956 Act ;

(e) subsection (3) of section 41 provides for the transfer from the Minister for Health to the Minister for Local Government of most functions in regard to superannuation under the 1909 and 1945 Acts ;

(f) subsection (5) of section 41 limits the application of sections 77 and 78 of the Mental Treatment Act, 1945, to the widows and children of existing registered officers and servants (see paragraphs 6 (e) and 11 (e) of the First Schedule).

## MAIN DIFFERENCES BETWEEN FORMER PROVISIONS AND THE NEW PROVISIONS IN SO FAR AS EXISTING PENSIONABLE STAFF ARE CONCERNED,

### 9. Limitations of Memorandum

It would be impossible in a memorandum of this nature to set out in detail every difference between the provisions of the Asylum Officers' Superannuation Act, 1909, the provisions of the Mental Treatment Act, 1945, and those which will apply to existing pensionable officers and servants who accept the superannuation provisions of the Mental Treatment Act, 1961. The broad differences between the main provisions are, however, set out in paragraphs 10 to 17 of this memorandum and in tables (A), (B), (C), (D), (E), and (F). References in the following paragraphs and in the tables, to the provisions of the 1956 Act are to that Act as it will apply in future to *existing permanent officers and servants*. It should be clearly understood that the following paragraphs and tables set out the general position only. In considering whether or not to exercise his option, it is a matter for each officer and servant to have regard to the actual statutory provisions and to consider whether, in addition to the facts set out in this Memorandum, there are any special circumstances which would have a bearing on his decision.

### 10. Service which may be reckoned.

#### (a) 1909 Act (Officers and Servants)

All service, whether continuous or not continuous, by an established officer or servant may be aggregated and reckoned subject to the following limitations:—

- (i) where a period of service with an authority is of less than two years duration it may not be reckoned;
- (ii) where an officer moved after the 1st April, 1910, to another mental hospital, his service with the first hospital may not be reckoned unless he moved with the sanction of the authority of that hospital.

#### (b) 1945 Act (Officers and Servants)

All service, whether continuous or not continuous, by a permanent officer or servant under any local authority may be reckoned, but any periods of service of less than twelve months duration are excluded. An officer or servant may also reckon service given in the Civil Service.

#### (c) 1956 Act (Officers)

All service, whether continuous or not continuous, as a pensionable officer or servant of any local authority as well as service as an established Civil Servant which is continuous with the local authority service may be reckoned. Service under other bodies may also be reckoned in certain circumstances, but this is unlikely to affect the position of mental hospital officers.

33. (d) 1956 Act (Servants)

All service as a pensionable servant or as a pensionable officer of any local authority may be aggregated and reckoned as well as pensionable service in the Civil Service which is continuous with subsequent service as an officer or servant of a local authority. Service under a local authority which may be reckoned includes any period of employment during a local financial year in which the servant had 200 or more service days. The service days of a pensionable servant are converted to years by dividing the aggregate of such days by 300. A servant cannot, however, be credited with more than 300 service days in any local financial year.

**II. Conditions for receipt of Superannuation Benefits**

(a) 1909 Act (Officers and Servants)

(i) Normal Retirement

An annual allowance is payable if the officer or servant has at least 20 years of service and is not less than 60 years (55 years in the case of officers and servants of the first class).

(ii) Retirement on incapacity caused by illness or injury (other than injury in the actual discharge of duty)

An annual allowance is payable if the officer or servant has at least ten years of service.

(iii) Retirement on incapacity caused by injury in the actual discharge of duty

There is no qualifying age or length of service prescribed.

(b) 1945 Act (Officers and Servants)

(i) Normal Retirement

An annual allowance and lump sum are payable if the officer or servant has at least 20 years of service and is not less than 60 years (55 years in the case of officers and servants who are registered as having the care or charge of patients in the usual course of their employment).

(ii) Retirement (I) due to illness or injury other than at (iii); (II) on removal for a cause other than misconduct or incapacity; (III) where the post is abolished or (IV) where the person resigns, with the consent of the Minister, on account of changes made, to his detriment, in his conditions of service without reasonable cause.

An annual allowance and lump sum are payable provided the person concerned has at least ten years of service. In the case of officers or servants registered as having the care or charge of patients in the usual course of their employment who become incapacitated by illness, an allowance and lump sum may be paid after five years of service.

(iii) Retirement on incapacity caused by injury in the actual discharge of duty

There is no qualifying age or length of service prescribed.

(c) 1956 Act (Officers)

(i) *Normal Retirement*

An annual allowance and lump sum are payable if the officer has at least 20 years of service and is not less than 60 years (55 years in the case of an officer registered as having the care or charge of patients in the usual course of employment).

(ii) *Retirement (I) due to permanent infirmity of mind or body; (II) on removal from office for a cause other than misconduct or unfitness; (III) where the office of the officer is abolished or (IV) where the officer resigns in a case in which his position is materially altered to his detriment by changes in its conditions made without reasonable cause*

If the officer concerned has at least one year and less than ten years of service, a short service gratuity is payable. If the officer has ten years of service or more, an annual allowance and lump sum are payable.

(iii) *Retirement on incapacity caused by injury in the actual discharge of duty*

There is no qualifying period of service and no qualifying age in such cases. Where the statutory conditions are fulfilled a gratuity or annual allowance may be paid by the local authority subject to the Minister's sanction.

(d) 1956 Act (Servants)

(i) *Normal Retirement*

An annual allowance is payable if the servant has at least 20 years of service and is not less than 60 years (55 years in the case of a servant registered as having the care or charge of patients in the usual course of employment).

(ii) *Retirement due to permanent infirmity of mind or body*

An annual allowance is payable if the servant has not less than ten years of pensionable service. Where the servant has at least one year and less than ten years of service a gratuity is payable.

(iii) *Retirement on incapacity caused by injury in the actual discharge of duty*

There is no qualifying age or length of service prescribed and a local authority may, with the Minister's sanction, pay a gratuity or annual allowance where the appropriate statutory conditions are fulfilled.



## 12. Payment where officer or servant dies

### (a) 1909 Act (Officers and Servants)

#### (i) Death in service due to injuries received in the actual discharge of duty

An annual allowance or a gratuity may be paid to the widow or children.

#### (ii) Death in service due to illness contracted in the service

If the officer or servant has not less than ten years of service his widow or children may be paid a gratuity

### (b) 1945 Act (Officers and Servants)

#### (i) Death in service due to injuries received in the actual discharge of duty.

Where an officer or servant dies while in the service as the result of injury at work and is survived by a widow or, in the case of a widower or a widow, by children under 16 years, an allowance for life may be granted at the discretion of the mental hospital authority and subject to the consent of the Minister.

#### (ii) Death in service due to illness contracted in the service

Where an officer or servant who is registered as having the care or charge of patients in the usual course of his employment, dies while in the service as the result of illness contracted in the service, an allowance may be paid to the widow, or in the case of a widower or a widow, to children under 16 years at the discretion of the mental hospital authority and subject to the consent of the Minister.

#### (iii) Death gratuities

In the case of all officers and servants with not less than five years of pensionable service a sum, equivalent to not less than one year's salary or more than one year's salary plus one-half, may be paid to the legal personal representative at the discretion of the local authority.

### (c) 1956 Act (Officers)

#### (i) Death within seven years due to injuries received in the actual discharge of duty

A gratuity or allowance may be paid to the widow, widower, dependant father, mother or children at the discretion of the local authority, subject to the sanction of the Minister provided the appropriate statutory conditions are fulfilled.

(ii) *Death in service due to physical or mental illness contracted in service.* (Existing Registered Officers only—see paragraph 9 of this Memorandum and paragraph 6 (e) of the First Schedule to the 1961 Act)

Where an officer dies while in the service of a mental hospital authority as the result of illness contracted in that service, an allowance may be paid to the widow or, in the case of a widower or widow, in respect of children under 16 years at the discretion of the authority and subject to the consent of the Minister.

(iii) In the case of officers who are not registered there is no specific provision for the payment of allowances to widows or children where death is not due to injuries received in the actual discharge of duty but a male officer may enter into an agreement with the local authority that, in consideration of a reduction in the lump sum which would otherwise be payable to him on retirement or of a reduced death gratuity in the event of death in the service, the local authority will pay, subject to Regulations to be made by the Minister, an allowance to the widow of one-third of what the officer would have been entitled to had he lived. An officer may also, on retirement, surrender up to one-third of his or her allowance in return for an allowance for a widow or one specified dependant.

(iv) *Death gratuities*

In cases where an officer has five years service or more the local authority must grant to the legal personal representative a gratuity of not less than a year's salary or more than one and a half times that salary. In cases where the deceased officer had at least one year and less than five years service the local authority must grant to the legal personal representative a gratuity not exceeding one-twelfth of annual remuneration for each year of service.

(d) 1956 Act (Servants)

(i) *Death within seven years due to injuries received in the actual discharge of duty.*

A gratuity or an allowance may be paid to the widow, widower, dependant father, mother, or children at the discretion of the local authority, subject to the sanction of the Minister, provided the appropriate statutory conditions are fulfilled.

(ii) *Death in service due to physical or mental illness contracted in the service* (Applies to existing Registered Servants only—see paragraph 9 of this Memorandum and paragraph 11 (e) of the First Schedule to the 1961 Act)

An allowance may be paid to the widow for life at the discretion of the mental hospital authority subject to the sanction of the Minister. The allowance may also be paid in the case of a widower or a widow, in respect of children under sixteen years.

(iii) Where death is not due to injuries received in the actual discharge of duty there is no specific provision for allowances to the widows or children of unregistered servants, but a servant who has retired may surrender up to one-third of his or her allowance in return for an allowance to a widow or one specified dependant.

(iv) *Death Gratuities*  
Where a servant has been in employment for five years or longer and dies the local authority must grant to the legal personal representative a gratuity equal to the yearly wages. Where the servant who has died has been in the service for at least one year and less than five years the local authority must grant to the legal personal representative a gratuity not exceeding four and one-third times the weekly wages for each year of service.

### 13. Calculation of Benefit

(a) 1909 Act (*Officers and Servants*)  
Benefits are calculated on the basis of salary or wages averaged over the three years prior to cesser of office. Annual allowances are calculated on the basis of one-sixtieth of the averaged salary for each year of pensionable service in the case of officers and servants of the second class, and one-fiftieth of averaged salary for each year of pensionable service in the case of officers and servants of the first class. In no case may the allowance paid exceed two-thirds of the averaged salary or wages. No lump sum is payable.

#### (b) 1945 Act (*Officers and Servants*)

Benefits are payable on the basis of the average salary or wages payable over the three years prior to cesser of office. Officers and servants who are registered as having the care or charge of patients in the usual course of employment may reckon as two years each year of service in excess of 20. Annual allowances are calculated on the basis of one-eightieth of the averaged salary or wages for each year of pensionable service subject to a maximum allowance of one-half of the averaged remuneration. Lump sums are calculated on the basis of one-thirtieth of the averaged salary or wages for each year of pensionable service subject to a maximum lump sum of one and one-half times the averaged remuneration.

#### (c) 1956 Act (*Officers*)

Benefits are calculated normally on the basis of annual rate of salary payable at the date of retirement (but if an officer has changed his grade of office during the three years prior to the retirement the average over that period is taken). Officers who are registered as having the care or charge of patients in the usual course of their employment may reckon as two years each year of pensionable service in excess of 20.

Annual allowances are calculated on the basis of one-eightieth of salary for each year of pensionable service subject to a maximum allowance of one-half of remuneration. Lump sums are calculated on the basis of one-thirtieth of salary for each year of pensionable service, subject to a maximum of one and one-half times remuneration.

(d) 1956 Act (Servants)

Benefits are calculated normally on the basis of the annual equivalent of the weekly rate of wages at date of cesser of employment. (In cases where the servant concerned has moved from one class of servant to another during the three years prior to retirement his wages over the three years are averaged for pension purposes). Servants who are registered as having the care or charge of patients in the usual course of employment may reckon as two years each year of service in excess of 20. The annual allowance payable is based on one-sixtieth of the annual equivalent of wages for each year of pensionable service subject to a maximum allowance of two-thirds of that annual equivalent. No lump sum is payable.

#### 14. Added Years

(a) 1909 Act (Officers and Servants)

Not more than ten years may be added, with the consent of the Minister, on account of any peculiar professional qualifications or services or special circumstances entitling to consideration, to the service of an officer or servant who, on normal retirement had not less than 20 years of service, or, on retirement due to incapacity, had not less than ten years of service.

(b) 1945 Act (Officers and Servants)

Specific provision exists in the Mental Treatment Act, 1945, for the addition of years only in cases where officers or servants who are registered as having the care or charge of patients in the usual course of their employment retire due to incapacity caused by physical or mental illness contracted while in the service. In such cases up to ten years may be added at the discretion of the local authority, subject to the consent of the Minister. If the addition of years has the effect of increasing the service of an officer or servant to over 20 years, the excess years over 20 may be doubled. Special provision may be made; however, in cases of retirement due to injury at work; of removal for a cause other than misconduct or incapacity; where the post is abolished or where the person resigns, with the consent of the Minister, on account of changes made, to his detriment in his conditions of service without reasonable cause.

(c) 1956 Act (Officers)

To be eligible for the addition of years an officer must have had at least ten years of service.

(I) Where, in the case of such an officer—

- (i) he is removed from office for a cause other than misconduct or unfitness; or

(ii) his office is abolished; or

(iii) his position has been materially altered to his detriment by changes made in its conditions without reasonable cause and he resigns his office,

the local authority may add to his service a period not exceeding—

(A) if his service is 20 years or more—ten years,

(B) if his service is less than 20 years—half that service.

(II) In other cases of retirement of such officers (other than cases of removal for misconduct or unfitness) years may be added for the following main reasons which are of interest to mental hospital officers—

(i) where an officer retires from an office the qualifications of which are professional;

(ii) where an officer retires because of permanent infirmity of mind or body;

(iii) where an officer retires from an office on account of an age limit and it had not been a condition of his appointment that he should retire at that age;

(iv) where an officer had temporary service immediately preceding permanent service;

(v) where the aggregate service of an officer amounted to a number of completed years and a fraction of a year exceeding three-quarters.

In the case of (iv) above the period added may not exceed one-half of the temporary service and in the case of (v) a fraction of a year exceeding three-quarters may be reckoned as a complete year.

Added years for the reasons mentioned at (i) to (v) above may be granted only in accordance with Regulations made by the Minister. Apart from doubling of years over 20 in the case of registered officers and servants, not more than 10 years *in all* may be added.

## 15. Miscellaneous

(a) 1909 Act (*Officers and Servants*)

(i) *Return of Contributions*

Contributions must be returned in the case of any officer or servant not entitled to a superannuation allowance who loses his office for any cause other than misconduct or voluntary resignation.

(ii) *Marriage Gratuities*

There is no provision for payment of a marriage gratuity, but if a female officer or servant leaves to be married after not less than three years of service she may be repaid her contributions.

(b) 1945 Act (*Officers and Servants*)

(i) *Return of Contributions*

In general the position is that in cases of voluntary resignation and where no superannuation benefit is payable contributions may be returned by the local authority but there is no obligation on them to do so.

(ii) *Marriage Gratuities*

A female officer or servant with not less than five years of service who retires to get married, must be paid a gratuity of one-twelfth of salary for each year of service subject to a maximum gratuity of one year's salary.

(c) 1956 Act (*Officers and Servants*)

(i) *Return of Contributions*

The position is that generally in cases of voluntary resignation and where no superannuation benefit is payable the return of contributions is obligatory on the local authority.

(ii) *Marriage Gratuities*

The position is the same as under the 1945 Act.

16. In addition to the main differences set out above there are variations in the different Acts in regard to such matters as the defining of the value of emoluments, the provisions in regard to misconduct, etc. The variations are not very great, but it is only by the detailed application of the various provisions to the circumstances of the individual officer or servant that it would be feasible to determine whether the variations would have any material effect on his position.

#### GENERAL

17. The provisions in section 40 and subsection (4) of section 41 will apply to existing mental hospital staff who were subject to the 1945 Act whether they come under the provisions of the 1956 Act or opt to remain subject to the provisions of the 1945 Act.
18. The rate of contribution under the 1909 and 1945 Acts is 3% and this rate will also apply to existing officers and servants now subject to the 1956 Act. The 3% will continue to apply to them for as long as they remain in the continuous pensionable service of any local authority. Transfer to the service of another hospital, promotion or reversion (even to the status of servant) will not affect the 3% contribution so long as there is no break in service.

19. Having regard to the position as detailed in paragraphs 4 to 17 of this memorandum, tables have been prepared to assist existing pensionable staff in deciding whether or not to exercise the option referred to in paragraph 2. There are six tables and they cover the position of—

A.—First-class officers who were subject to the provisions of the 1909 Act;

B.—Second-class officers who were subject to the provisions of the 1909 Act;

C.—Registered officers who were subject to the Mental Treatment Act, 1945;

D.—Registered servants who were subject to the Mental Treatment Act, 1945;

E.—Unregistered officers who were subject to the Mental Treatment Act, 1945;

F.—Unregistered servants who were subject to the Mental Treatment Act, 1945.

The tables set out in broad outline the main benefits formerly enjoyed by pensionable officers and servants and those which they now enjoy under the 1956 Act as applied to existing mental hospital staff.

It is necessary to emphasise the limitation of the information given in the tables—see paragraph 9.

An Roinn Sláinte,  
Iúil, 1961.

Table A

## Officers of the first class who were pensionable under the Asylum Officers' Superannuation Act, 1909.

Nature of Provision	1909 Act	1956 Act
(a) Contribution ...	3%	3%
(b) Basis of annual allowance.	Fiftieths of remuneration. Maximum two-thirds of remuneration.	Eightieths of remuneration. Maximum one-half of remuneration.
(c) Lump sum ...	None	Thirtieths of remuneration. Maximum one and one-half times remuneration.
(d) Remuneration on which allowance and lump sum are based.	Average for three years before retirement.	Retiring salary in most cases.
(e) Normal qualification for allowance and lump sum.	Twenty years of service at age 55.	Twenty years of service at age 55; double each year of service after 20.
(f) Added years ...	Up to ten years, subject to sanction of Minister, for any peculiar professional qualifications or services or special circumstances entitling to consideration.	Up to ten years in all, subject to the Regulations made by the Minister, for the following main reasons— (i) in respect of professional qualifications; (ii) in respect of temporary service immediately preceding permanent service; (iii) in cases where an officer retires due to an age-limit imposed after his appointment; and (iv) in cases where an officer retires due to permanent infirmity of mind or body. (Only one-half of the service at (ii) may be added: where total service amounts to a number of completed years and a fraction exceeding three-quarters, an extra year may be added to the number of completed years in respect of the fraction.)
(g) Retirement on permanent incapacity.	I.— <i>Due to injury at work.</i> Gratuity not exceeding one year's salary or annual allowance not exceeding two-thirds of salary subject to discretion of local authority. No qualifying period.  II. <i>Due to illness or injury (other than at I)</i> Annual allowance must be granted in cases with not less than ten years of service.	I.— <i>Due to injury at work.</i> Allowance up to five-sixths of salary or gratuity at discretion of local authority subject to sanction of Minister—no qualifying period. Allowance and lump sum must be paid after ten years of service.  II. <i>Due to permanent infirmity of mind or body.</i> (i) After ten years of service allowance and lump sum must be paid. Added years may be granted up to a maximum of ten. (ii) With five years and less than ten years of service a gratuity of up to one years salary is paid. (iii) With one year and less than five years of service a gratuity not exceeding one-twelfth of salary for each year of service is paid.
(h) Benefits on death ...	I. <i>Death in service due to injuries received in the course of duty.</i> Annual allowance or gratuity at the discretion of the local authority, to widow or children—gratuity not to exceed one year's salary, or total contributions; allowance not to exceed two-thirds of salary.  II. <i>Death in service with ten years of service or more.</i> Gratuity to widow or children, at the discretion of the local authority, not exceeding total contributions or one year's salary, whichever is the larger amount.	I. <i>Death within seven years due to injuries received in the actual discharge of duty.</i> Allowance up to five-sixths of salary or a gratuity to widow, widower, dependent father, mother or children at discretion of local authority, subject to sanction of the Minister.  II. <i>Death in service due to physical or mental illness contracted in the service.</i> Allowance to widow of up to one-third of salary or, in respect of children (in the case of a widower or widow) of up to one-half of salary, subject, in each case, to the sanction of the Minister.  III. <i>Death in service (for any cause).</i> A gratuity must be paid to legal personal representative as follows:— (i) with five years of service upwards—one-thirtieth of salary for each year subject to a minimum of one year's salary and a maximum of one and one-half times salary; (ii) with one year and less than five years of service—not more than one-twelfth of salary for each year of service.
(i) Marriage Gratuity (Female Officers).	Contributions may be returned in the case of an officer with at least three years of service.	IV. <i>Additional Benefits.</i> A male officer may, subject to regulations to be made by the Minister, enter into an agreement with the local authority whereby a reduced lump sum or death gratuity is payable but an allowance of one-third of that which would have been payable to him had he lived, becomes payable to his widow on his death. An officer may surrender not more than one-third of his or her allowance (that is, after he or she has retired) in return for an allowance to a widow or one dependant on his death.  Marriage gratuity must be paid in the case of officers with at least five years of service. Gratuity is calculated at the rate of one-twelfth of salary for each year of service subject to a maximum of one year's salary. In the case of officers with less than five years of service, contributions must be returned.



Table B

## Officers of the second class who were pensionable under the Asylum Officers' Superannuation Act, 1909.

Nature of Provision	1909 Act	1956 Act
(a) Contribution ... ..	3%	3%
(b) Basis of annual allowance.	Sixtieths of remuneration. Maximum two-thirds of remuneration.	Eightieths of remuneration. Maximum one-half of remuneration.
(c) Lump sum ... ..	None	Thirtieths of remuneration. Maximum one and one-half times remuneration.
(d) Remuneration on which allowance and lump sum are based.	Average for three years before retirement.	Retiring salary.
(e) Normal qualification for allowance and lump sum.	Twenty years of service at age 60.	Twenty years of service at age 60.
(f) Added years ... ..	Up to ten years, subject to sanction of Minister, for any peculiar professional qualifications or services or special circumstances entitling to consideration.	Up to ten years in all, subject to the Regulations made by the Minister, for the following main reasons— (i) in respect of professional qualifications; (ii) in respect of temporary service immediately preceding permanent service; (iii) in cases where an officer retires due to an age-limit imposed after his appointment; and (iv) in cases where an officer retires due to permanent infirmity of mind or body. (Only one-half of the service at (ii) may be added. Where total service amounts to a number of completed years and a fraction exceeding three-quarters, an extra year may be added to the number of completed years in respect of the fraction).
(g) Retirement on permanent incapacity.	I.— <i>Due to injury at work.</i> Gratuity not exceeding one year's salary or annual allowance not exceeding two-thirds of salary subject to discretion of local authority. No qualifying period.  II.— <i>Due to illness or injury (other than at I).</i> Annual allowance must be granted in cases with not less than ten years of service.  I.— <i>Death in service due to injuries received in the course of duty.</i> Annual allowance or gratuity, at the discretion of the local authority, to widow or children—gratuity not to exceed one year's salary or total contributions; allowance not to exceed two-thirds of salary.  II.— <i>Death in service with ten years of service or more.</i> Gratuity to widow or children, at the discretion of the local authority, not exceeding total contributions or one year's salary, whichever is the larger amount.	I.— <i>Due to injury at work.</i> Allowance up to five-sixths of salary or gratuity at discretion of local authority subject to sanction of Minister—no qualifying period. Allowance and lump sum must be paid after ten years of service.  II.— <i>Due to permanent infirmity of mind or body.</i> (i) After ten years of service allowance and lump sum must be paid. Added years may be granted up to a maximum of ten; (ii) With five years and less than ten years of service a gratuity of up to one year's salary must be paid. (iii) With one year and less than five years of service a gratuity not exceeding one-twelfth of salary for each year of service must be paid.  I.— <i>Death within seven years due to injuries received in the actual discharge of duty.</i> Allowance up to five-sixths of salary or gratuity to widow, widower, dependent father, mother or children at discretion of local authority, subject to sanction of the Minister.  II.— <i>Death in service (for any cause).</i> A gratuity must be paid to legal personal representative as follows— (i) with five years of service upwards—one-thirtieth of salary for each year subject to a minimum of one year's salary and a maximum of one and one-half times salary; (ii) with one year and less than five years of service—not more than one-twelfth of salary for each year of service.  III.— <i>Additional Benefits.</i> A male officer may, subject to regulations to be made by the Minister, enter into an agreement with the local authority whereby a reduced lump sum or death gratuity is payable but an allowance of one-third of that which would have been payable to him had he lived, becomes payable to his widow on his death. An officer may surrender not more than one-third of his or her allowance (that is, after he or she has retired) in return for an allowance to a widow or one dependant on his death.
(h) Benefits on death ... ..		
(i) Marriage Gratuity (Female Officers).	Contributions may be returned in the case of an officer with at least three years of service.	Marriage gratuity must be paid in the case of officers with at least five years of service. Gratuity is calculated at the rate of one-twelfth of salary for each year of service subject to a maximum of one year's salary. In the case of an officer with less than five years of service, contributions must be returned.

Table C

## Registered officers who were subject to the Mental Treatment Act, 1945.

Nature of Provision	1945 Act	1956 Act
(a) Contribution ... ..	3%	3%
(b) Basis of annual allowance.	Eightieths of remuneration. Maximum one-half of remuneration.	Eightieths of remuneration. Maximum one-half of remuneration.
(c) Lump sum ... ..	Thirtieths of remuneration. Maximum one and one-half times remuneration.	Thirtieths of remuneration. Maximum one and one-half times remuneration.
(d) Remuneration on which allowance and lump sum are based.	Average for three years before retirement.	Retiring salary in most cases.
(e) Normal qualification for allowance and lump sum.	Twenty years of service at age 55: double each year over twenty.	Twenty years of service at age 55: double each year of service after 20.
(f) Added years ... ..	Officers with ten years or more of service retiring due to physical or mental illness contracted in service—up to ten years may be added, with the sanction of the Minister. Where years added bring service over twenty, the years in excess of twenty may be doubled.	Up to ten years in all, subject to the Regulations made by the Minister, for the following main reasons— (i) in respect of professional qualifications; (ii) in respect of temporary service immediately preceding permanent service; (iii) in cases where an officer retires due to an age-limit imposed after his appointment, and  (iv) in cases where an officer retires due to permanent infirmity of mind or body. (Only one-half of the service at (ii) may be added: where total service amounts to a number of completed years and a fraction exceeding three-quarters, an extra year may be added to the number of completed years in respect of the fraction).
(g) Retirement on permanent incapacity.	I.— <i>Due to injury at work.</i> Allowance and lump sum, at discretion of local authority, and subject to sanction of Minister—no qualifying period.  II.— <i>Due to physical or mental injury or illness.</i> May be given allowance and lump sum after five years: must be given allowance and lump sum after 10 years. Years of service may be doubled in each case.	I.— <i>Due to injury at work.</i> Allowance up to five-sixths of salary or gratuity, at discretion of local authority, subject to sanction of Minister—no qualifying period. Allowance and lump sum must be paid after ten years of service.  II.— <i>Due to permanent infirmity of mind or body.</i> (i) After ten years of service allowance and lump sum must be paid. Added years may be granted up to a maximum of ten. (ii) With five years and less than ten years of service a gratuity of up to one year's salary must be paid. (iii) With one year and less than five years of service a gratuity not exceeding one-twelfth of salary for each year of service must be paid.
(h) Benefits on death ...	I.— <i>Death in service due to injuries received in the course of duty.</i> Allowance to widow for life at discretion of local authority, subject to sanction of Minister. Similarly to children under 16 years in the case of a widower or widow. Allowance to widow may not exceed one-third of remuneration and that to children may not exceed one-half of remuneration.  II.— <i>Death in service due to physical or mental illness contracted in service.</i> Allowance to widow for life at discretion of local authority and subject to sanction of Minister. Similarly to dependent children under 16 years in the case of widow or widower. Limits as at I.  III.— <i>Death in service with five years service or more.</i> Legal personal representative may be paid lump sum of not less than one year's remuneration or more than one and one-half times remuneration.	I.— <i>Death within seven years due to injuries received in the actual discharge of duty.</i> Allowance up to five-sixths of salary or gratuity to widow, widower, dependent father, mother or children at discretion of local authority, subject to sanction of the Minister.  II.— <i>Death in service due to physical or mental illness contracted in the service.</i> Allowance to widow of up to one-third of salary or in respect of children (in the case of a widower or widow) of up to one-half of salary, subject, in each case, to the sanction of the Minister.  III.— <i>Death in service (for any cause).</i> A gratuity must be paid to legal personal representative as follows— (i) with five years of service upwards—one-thirtieth of salary for each year subject to a minimum of one year's salary and a maximum of one and one-half times salary; (ii) with one year and less than five years of service—not more than one-twelfth of salary for each year of service.
(ii) Marriage Gratuity (Female Officers).	Qualifying period—five years. Gratuity of one-twelfth of remuneration for each year of service up to a year's remuneration must be paid. If less than five years of service, contributions may be returned.	IV.— <i>Additional Benefits.</i> A male officer may, subject to regulations to be made by the Minister, enter into an agreement with the local authority whereby a reduced lump sum or death gratuity is payable but an allowance of one-third of that which would have been payable to him had he lived, becomes payable to his widow on his death. An officer may surrender not more than one-third of his or her allowance (that is, after he or she has retired) in return for an allowance to a widow or one dependant on his death.  Marriage gratuity must be paid in the case of officers with at least five years of service. Gratuity is calculated at the rate of one-twelfth of salary for each year of service subject to a maximum of one year's salary. In the case of officers with less than five years of service, contributions must be returned.

Table D

## Unregistered officers who were subject to the Mental Treatment Act, 1945.

Nature of Provision	1945 Act	1956 Act
(a) Contribution ... ..	3%	3%
(b) Basis of annual allowance.	Eightieths of remuneration. Maximum one-half of remuneration.	Eightieths of remuneration. Maximum one-half of remuneration.
(c) Lump sum ... ..	Thirtieths of remuneration. Maximum one and one-half times remuneration.	Thirtieths of remuneration. Maximum one and one-half times remuneration.
(d) Remuneration on which allowance and lump sum are based.	Average for three years before retirement.	Retiring salary in most cases.
(e) Normal qualification for allowance and lump sum.	Twenty years of service at age 60.	Twenty years of service at age 60.
(f) Added years ... ..	None	Up to ten years in all, subject to the Regulations made by the Minister, for the following main reasons— (i) in respect of professional qualifications ; (ii) in respect of temporary service immediately preceding permanent service ; (iii) in cases where an officer retires due to an age-limit imposed after his appointment ; and (iv) in cases where an officer retires due to permanent infirmity of mind or body. (Only one-half of the service at (ii) may be added. Where total service amounts to a number of completed years and a fraction exceeding three-quarters, an extra year may be added to the number of completed years in respect of the fraction).
(g) Retirement on permanent incapacity.	I.— <i>Due to injury at work.</i> Allowance and lump sum, at discretion of local authority, and subject to sanction of Minister—no qualifying period.  II.— <i>Due to physical or mental injury or illness.</i> Allowance and lump sum must be paid after ten years of service.	I.— <i>Due to injury at work.</i> Allowance up to five-sixths of salary or a gratuity at discretion of local authority subject to sanction of Minister—no qualifying period. Allowance and lump sum must be paid after ten years of service.  II.— <i>Due to permanent infirmity of mind or body.</i> (i) After ten years of service allowance and lump sum must be paid. Added years may be granted up to a maximum of ten. (ii) With five years and less than ten years of service a gratuity of up to one year's salary must be paid. (iii) With one year and less than five years of service a gratuity not exceeding one-twelfth of salary for each year of service must be paid.
(h) Benefits on death ...	I.— <i>Death in service due to injuries received in the course of duty.</i> Allowance to widow for life at discretion of local authority, subject to sanction of Minister. Similarly to children under 16 years in the case of a widower or widow. Allowance to widow may not exceed one-third of remuneration and that to children may not exceed one-half of remuneration.  II.— <i>Death in service with five years of service or more.</i> Legal personal representative may be paid lump sum of not less than one year's remuneration or more than one and one-half times remuneration.	I.— <i>Death within seven years due to injuries received in the actual discharge of duty.</i> Allowance up to five-sixths of salary or gratuity to widow, widower, dependent father, mother or children at discretion of local authority, subject to sanction of the Minister.  II.— <i>Death in service (for any cause).</i> A gratuity must be paid to the legal personal representative as follows :— (i) with five years of service upwards—one-thirtieth of salary for each year subject to a minimum of one year's salary and a maximum of one and one-half times salary ; (ii) with one year and less than five years of service—not more than one-twelfth of salary for each year of service.  III.— <i>Additional Benefits.</i> A male officer may, subject to Regulations to be made by the Minister, enter into an agreement with the local authority whereby a reduced lump sum or death gratuity is payable, but an allowance of one-third of that which would have been payable to him had he lived, becomes payable to his widow on his death. An officer may surrender not more than one-third of his or her allowance (that is, after he or she has retired) in return for an allowance to a widow or one dependent on his death.
(i) Marriage Gratuity (Female Officers).	Qualifying period—five years : gratuity of one-twelfth of remuneration for each year of service up to a year's remuneration must be paid. If less than five years of service, contributions may be returned.	Marriage gratuity must be paid in the case of officers with at least five years of service. Gratuity is calculated at the rate of one-twelfth of salary for each year of service subject to a maximum of one year's salary. In the case of officers with less than five years of service, contributions must be returned.

Table E

## Registered Servants who were subject to the Mental Treatment Act, 1945

Nature of Provision	1945 Act	1956 Act
(a) Contribution ... ..	3%	3%
(b) Basis of annual allowance.	Eightieths of remuneration. Maximum one-half of remuneration.	Sixtieths of remuneration. Maximum two-thirds of remuneration.
(c) Lump sum ... ..	Thirtieths of remuneration. Maximum one and one-half times remuneration.	None.
(d) Wages on which pension based.	Average for three years before retirement.	Retiring wages in most cases.
(e) Normal qualification for pension.	Twenty years of service at age 55—double each year over twenty.	Twenty years of service at age 55—double each year of service after twenty.*
(f) Added years.	Servants with ten years or more of service retiring due to physical or mental illness contracted in service—up to ten years may be added, with the sanction of the Minister. Where years added bring service over twenty, the years in excess of twenty may be doubled.	None.
(g) Retirement on permanent incapacity.	<p>I.—<i>Due to injury at work.</i> Allowance and lump sum, at discretion of local authority, and subject to sanction of Minister—no qualifying period.</p> <p>II.—<i>Due to physical or mental injury or illness.</i> May be given allowance and lump sum after five years: <i>Must</i> be given allowance and lump sum after 10 years. Years of service may be doubled in each case.</p>	<p>I.—<i>Due to injury at work.</i> Allowance up to five-sixths of wages or gratuity at discretion of local authority subject to sanction of Minister. No qualifying period. Allowance must be paid after 10 years of service.</p> <p>II.—<i>Due to permanent infirmity of mind or body.</i> (i) Annual allowance must be paid after ten years of service ; (ii) With not less than five years and less than ten years of service a gratuity of up to one year's wages must be paid. (iii) With not less than one year and less than five years of service, a gratuity not exceeding one month's wages for each year of service must be paid.</p>
(h) Benefits on death ...	<p>I.—<i>Death in service due to injuries received in the course of duty.</i> Allowance to widow for life at discretion of local authority, subject to sanction of Minister. Similarly to children under 16 years in the case of a widower or widow. Allowance to widow may not exceed one-third of remuneration and that to children may not exceed one-half of remuneration.</p> <p>II.—<i>Death in service due to physical or mental illness contracted in service.</i> Allowance to widow for life at discretion of local authority and subject to sanction of Minister. Similarly to dependent children under 16 years in the case of widow or widower. Limits as at I.</p> <p>III.—<i>Death in service with five years service or more.</i> Legal personal representative may be paid lump sum of not less than one year's remuneration or more than one and one-half times remuneration.</p>	<p>I.—<i>Death within seven years of injury received in the actual discharge of duty.</i> Allowance, up to five-sixths of wages, or a gratuity to widow, widower, dependent father, mother or children at discretion of local authority, subject to sanction of Minister.</p> <p>II.—<i>Death in service due to physical or mental illness contracted in the service.</i> Allowance to widow of up to one-third of wages or in respect of children (in the case of a widow or widower) of up to one-half of wages, subject, in each case, to the sanction of the Minister.</p> <p>III.—A servant on retirement may surrender up to one-third of his pension in return for allowance for widow or one dependant on his death.</p> <p>IV.—<i>Death in service.</i> (i) With at least five years of service—legal personal representative must be paid a gratuity equal to one year's wages. (ii) With not less than one year and less than five years of service—legal personal representative must be paid a gratuity not exceeding approximately one month's wages for each year of service.</p>
(i) Marriage Gratuity (Female Servants).	Qualifying period five years. Gratuity of approximately one month's wages for each year of service subject to a maximum of one year's wages. If less than five years of service contributions may be returned.	Qualifying period five years. Gratuity of approximately one month's wages for each year of service subject to a maximum of one year's wages. In the case of a servant with less than 5 year's service, contributions must be returned.

\*N.B.—See paragraph 10 (d) of Memorandum regarding the reckoning of service of a pensionable servant under the 1956 Act—in particular the requirement that 300 service days are necessary to make a year of pensionable local service.

Table F

## Unregistered servants who were subject to the Mental Treatment Act, 1945.

Nature of Provision	1945 Act	1956 Act
(a) Contribution ... ..	3%	3%
(b) Basis of annual allowance.	Eightieths of remuneration. Maximum one-half of remuneration.	Sixtieths of remuneration—maximum two-thirds of remuneration.
(c) Lump sum ... ..	Thirtieths of remuneration. Maximum one and one-half times remuneration.	None.
(d) Wages on which pension based.	Average for three years before retirement.	Retiring wages in most cases.
(e) Normal qualifications for pension.	Twenty years of service at age 60.	Twenty years of service at age 60.*
(f) Retirement on permanent incapacity.	I.— <i>Due to injury at work.</i> Allowance and lump sum at discretion of local authority, and subject to sanction of Minister—no qualifying period.  II.— <i>Due to physical or mental injury or illness.</i> Allowance and lump sum must be paid after ten years of service.	I.— <i>Due to injury at work.</i> Allowance up to five-sixths of wages, or a gratuity at discretion of local authority subject to sanction of Minister—no qualifying period. Allowance must be paid after ten years of service.  II.— <i>Due to permanent infirmity of mind or body.</i> (i) After ten years of service allowance must be paid. (ii) With five years and less than ten years of service a gratuity of up to one year's wages must be paid. (iii) With one year and less than five years of service a gratuity not exceeding one month's wages for each year of service must be paid.
(g) Benefits on death ...	I.— <i>Death in service due to injuries received in the course of duty.</i> Allowance to widow for life at discretion of local authority, subject to sanction of Minister. Similarly to children under 16 years in the case of a widower or widow. Allowance to widow may not exceed one-third of remuneration and that to children may not exceed one-half of remuneration.  II.— <i>Death in service with five years service or more.</i> Legal personal representative may be paid lump sum of not less than one year's remuneration or more than one and one-half times remuneration.	I.— <i>Death within seven years of injury received in the actual discharge of duty.</i> Allowance, up to five-sixths of wages, or a gratuity to widow, widower, dependent father, mother or children at discretion of local authority, subject to sanction of Minister  II.— <i>Death in service.</i> (i) With at least five years of service—legal personal representative must be paid a gratuity equal to one year's wages. (ii) With not less than one year and less than five years of service—legal personal representative must be paid a gratuity not exceeding one month's wages for each year of service.  III.— <i>Additional Benefit.</i> A servant, on retirement, may surrender up to one-third of his pension in return for allowance for widow or one dependant on his death.
(h) Marriage Gratuity (Female Servants).	Qualifying period five years. Gratuity of approximately one month's wages for each year of service subject to a maximum of one year's wages. If less than five years service, contributions may be returned.	Qualifying period five years. Gratuity of approximately one month's wages for each year of service subject to a maximum of one year's wages. In the case of a servant with less than 5 years service, contributions must be returned.

\*N.B.—See paragraph 10 (d) of Memorandum regarding the reckoning of service of a pensionable servant under the 1956 Act—in particular the requirement that 300 service days are necessary to make a year of pensionable local service.