



BILLE THRAMBHEALACH CHORCAIGHE (CUITEAMH
D'FHOSTAITHE) 1933.

CORK TRAMWAYS (EMPLOYEES' COMPENSATION)
BILL, 1933.

*Mar do tugadh isteach.
As introduced.*

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SAORSTAT EIREANN

BILLE THRAMBHEALACH CHORCAIGHE (CUITEAMH D'FHOSTAITHE) 1933.

CORK TRAMWAYS (EMPLOYEES' COMPENSATION) BILL, 1933.

5

BILL

entitled

AN ACT TO PROVIDE FOR THE PAYMENT OF COMPENSATION TO CERTAIN FORMER EMPLOYEES OF THE CORK ELECTRIC SUPPLY COMPANY, LIMITED, AND TO PROVIDE FOR ADVANCES FROM THE CENTRAL FUND FOR THE PAYMENT OF SUCH COMPENSATION AND FOR THE REPAYMENT OF SUCH ADVANCES AND TO MAKE PROVISION FOR OTHER MATTERS IN CONNECTION WITH THE MATTERS AFORESAID.

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BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL.

Short title. 1.—This Act may be cited as the Cork Tramways (Employees' Compensation) Act, 1933. 20

Definitions. 2.—In this Act—
the expression “the Minister” means the Minister for Industry and Commerce;
the expression “the Corporation” means the Lord Mayor, Aldermen and Burgesses of Cork; 25
the expression “the Board” means the Electricity Supply Board;
the expression “the Tramway” means the electric tramways in the city and county of Cork which were formerly owned and operated by the Cork Electric Supply Company, Limited, and later by other persons; 30
references to employment on the Tramway shall be construed as references to employment on, in, or about the Tramway in a whole-time capacity; 35
the expression “the critical date” means (save where otherwise expressly provided) the 30th day of September, 1931;
the word “prescribed” means prescribed by regulations made by the Minister under this Act.

General regulations. 3.—The Minister may by order make regulations prescribing any matter or thing referred to in this Act as prescribed or to be prescribed. 40

PART II.

CORK TRAMWAYS (EMPLOYEES' COMPENSATION) ADVISORY COMMITTEE. 45

Establishment of Cork Tramways (Employees' Compensation) Advisory Committee. 4.—(1) As soon as may be after the passing of this Act there shall be established a committee (in this Act referred to as the Committee), which shall be known as and styled the Cork Tramways (Employees' Compensation) Advisory Committee, to fulfil the functions assigned to it by this Act. 50

(2) The Committee shall consist of three members of whom one, who shall be Chairman, shall be appointed by the Minister, one other shall be appointed by the Corporation, and one other shall be appointed by the Board.

5 (3) Every person who is appointed to be a member of the Committee shall hold office as such member until he resigns or dies, or the Committee is dissolved under this section, whichever first happens.

10 (4) Whenever a vacancy shall occur in the membership of the Committee by the resignation or death of a member thereof, the person by whom such member was appointed shall appoint a person to fill such vacancy.

15 (5) When the Minister is satisfied that no functions remain to be performed by the Committee and that the Committee is no longer required for the purposes of this Act, the Minister shall by order declare the Committee to be dissolved and thereupon the Committee shall become and be dissolved.

20 5.—The Minister, with the consent of the Minister for Finance, may appoint such and so many persons as he shall consider necessary to be officers of the Committee, and such persons shall hold office upon such terms and be remunerated by the Committee at such rates and in such manner as the Minister for Finance shall direct.

Officers of the Committee.

25 6.—(1) Every question at a meeting of the Committee shall be determined by the votes of a majority of the members of the Committee.

Procedure at meetings of the Committee.

30 (2) Subject to the provisions of the foregoing subsection of this section the Committee may regulate its own procedure and, in particular, may regulate and settle all or any of the following matters, that is to say:—

- (a) the times and places of the sittings of the Committee;
- (b) the persons to whom notice of the sittings of the Committee shall be given;
- 35 (c) the form and manner in which evidence shall be given to the Committee;
- (d) the attendance for viva voce examination or cross examination of persons who have made applications to the Minister under this Act or have given information either orally or in writing to the Committee;
- 40 (e) the admission or exclusion of any person to or from the sittings of the Committee.

45 7.—(1) The Committee shall have all such powers, rights, and privileges for enforcing the attendance of witnesses and examining them on oath (which any member of the Committee is hereby authorised to administer) or otherwise, and for compelling the production of documents as are vested in the High Court, or a judge thereof in respect of the trial of an action, and a summons signed by any one or more members of the Committee shall be equivalent to and have the like effect as a formal process issued by the High Court for enforcing the attendance of witnesses and compelling the production of documents.

Powers of the Committee.

- (2) If any person—
- (a) on being duly summoned as a witness before the Committee makes default in attending, or
 - 55 (b) being in attendance as a witness refuses to take an oath legally required by the Committee to be taken, or to produce any document in his power and control legally required by the Committee to be produced by him, or to answer any question to which the Committee may legally require an answer, or
 - 60 (c) does any other thing which would, if the Committee were a Court of Justice having power to commit for contempt of court, be contempt of such court,

the Committee may certify the offence of that person under their hands to the High Court and that Court may, after such inquiry as it thinks proper to make, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the said Court.

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(3) A witness before the Committee shall be entitled to the same immunities and privileges as he would have if he were a witness before the High Court.

Expenses of the Committee.

8.—(1) The Committee shall from time to time and, in particular, on demand by the Minister furnish to the Minister an account of the expenses (including the remuneration of their officers) incurred by them under this Act.

(2) Whenever the Committee furnishes an account of expenses to the Minister under this section, the Minister shall pay to the Committee such sum, not exceeding the amount of the account so furnished, as appears to the Minister with the sanction of the Minister for Finance to be the amount of such expenses necessarily and properly incurred by the Committee in the execution of their functions under this Act.

PART III.

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COMPENSATION UNDER THIS ACT.

Persons entitled to compensation under this Act.

9.—Every person who complies with all the following conditions shall, subject to the provisions of this Act, be entitled to compensation under this Act, that is to say:—

(a) he must have been employed on the Tramway on the critical date, and

(b) he must either have been not less than fifty years of age on the critical date or have been employed on the Tramway for a continuous period of not less than twelve years ending on the critical date, and

(c) he must not have received or be entitled to receive any compensation under the Electricity (Supply) Acts, 1927 to 1932, and

(d) an application must be made under this Act by him for compensation under this Act.

Special Provisions in respect of classes of particular persons.

10.—(1) In the case of a person who was employed on the Tramway on the critical date and was at any time prior to that date employed by the Cork Electric Supply Company, Limited, otherwise than on the Tramway, such employment by the said Company shall, for the purposes of this Act, be deemed to be employment on the Tramway.

(2) Where any person who is entitled to compensation under this Act or would, but for such temporary absence as is hereinafter mentioned, be entitled to such compensation, was temporarily absent from his employment on the Tramway and during the whole of such absence was engaged in service in any of the military forces serving under the authority of the first Dáil Eireann, the Second Dáil Eireann, or the Provisional Government of Ireland, or the British Army, Navy, or Air Force, or in either of the opposing forces during the civil strife in the years 1922, 1923, and 1924, or was interned or imprisoned in consequence of such service, such temporary absence shall, for the purposes of this Act, be reckoned with and included in his period of employment with the Tramway.

Applications for compensation.

11.—(1) Any person who claims to be entitled to compensation under this Act may, at any time within three months after the passing of this Act, apply in the prescribed form and manner to the Minister for such compensation as he may be entitled to under this Act.

(2) Whenever an application is duly made to the Minister under this section, the Minister shall refer such application to the Committee.

12.—(1) The Committee shall investigate in the prescribed manner every application which is referred to them under this Act and shall make to the Minister a report in the prescribed form in respect of such application. Investigation of applications by the Committee.

(2) Every report made by the Committee under this section shall, in addition to such matters (if any) as shall be prescribed, contain a statement of the opinion of the Committee as to whether the applicant is or is not a person entitled to compensation under this Act together with a statement of the facts as found by the Committee on which such opinion is based, and also, if the Committee is of opinion that the applicant is a person entitled to compensation under this Act, a statement of the following facts as found by the Committee, that is to say:—

(a) the duration, nature, and other relevant particulars of the employment of the applicant on the Tramway, and

(b) the amount of compensation, calculated in accordance with this section, payable to or in respect of the applicant.

(3) The amount of the compensation which is stated in a report made by the Committee to be payable to an applicant shall be calculated on the basis of one-twelfth of the yearly amount of the rate of salary or wages (whether weekly, monthly, yearly, or otherwise) of which the applicant was in receipt in respect of his employment on the Tramway on the critical date for every completed year of his employment on the Tramway.

13.—(1) Whenever the Minister receives from the Committee a report on an application for compensation under this Act he shall, (subject to any exercise of the power conferred on him by the next following sub-section of this section), if he is of opinion that the applicant is entitled to compensation under this Act, award and pay to such applicant the amount (if any) of such compensation which he shall think proper having regard to the terms of such report. Payment of Compensation.

(2) Whenever the Minister receives from the Committee a report on an application for compensation under this Act, the Minister may, if he so thinks fit, refer such report back to the Committee for such further investigation and report as he shall think proper to direct, and thereupon the Committee shall make the further investigation so directed and shall report thereon to the Minister.

PART IV.

FINANCIAL PROVISIONS.

14.—Such moneys as may be required by the Minister from time to time for the purposes of paying the remuneration of the officers of the Committee and the other expenses of the Committee, the compensation payable under this Act, and the expenses incurred by the Minister under this Act shall be paid out of moneys provided by the Oireachtas. Advances out of the Central Fund.

15.—(1) All moneys expended by the Minister for the purposes mentioned in the next preceding section of this Act shall be deemed to be a single advance made on a date to be fixed by the Minister for Finance having due regard to the dates of payment of the several moneys and made as to one moiety thereof to the Corporation and as to the other moiety thereof to the Board, and each moiety of such advance shall be repaid, with interest at such rate as shall be fixed by the Minister for Finance, by the payment to the Minister by the Corporation or the Board (as the case may

be) during the twenty financial years next after the making of such advance of a terminable annuity of such amount as shall be fixed by the Minister after consultation with the Minister for Finance.

(2) The terminable annuities payable by the Corporation and the Board respectively under this section shall be paid at such times and in such manner as the Minister for Finance shall direct and shall be recoverable by the Minister as a civil debt in any Court of competent jurisdiction. 5

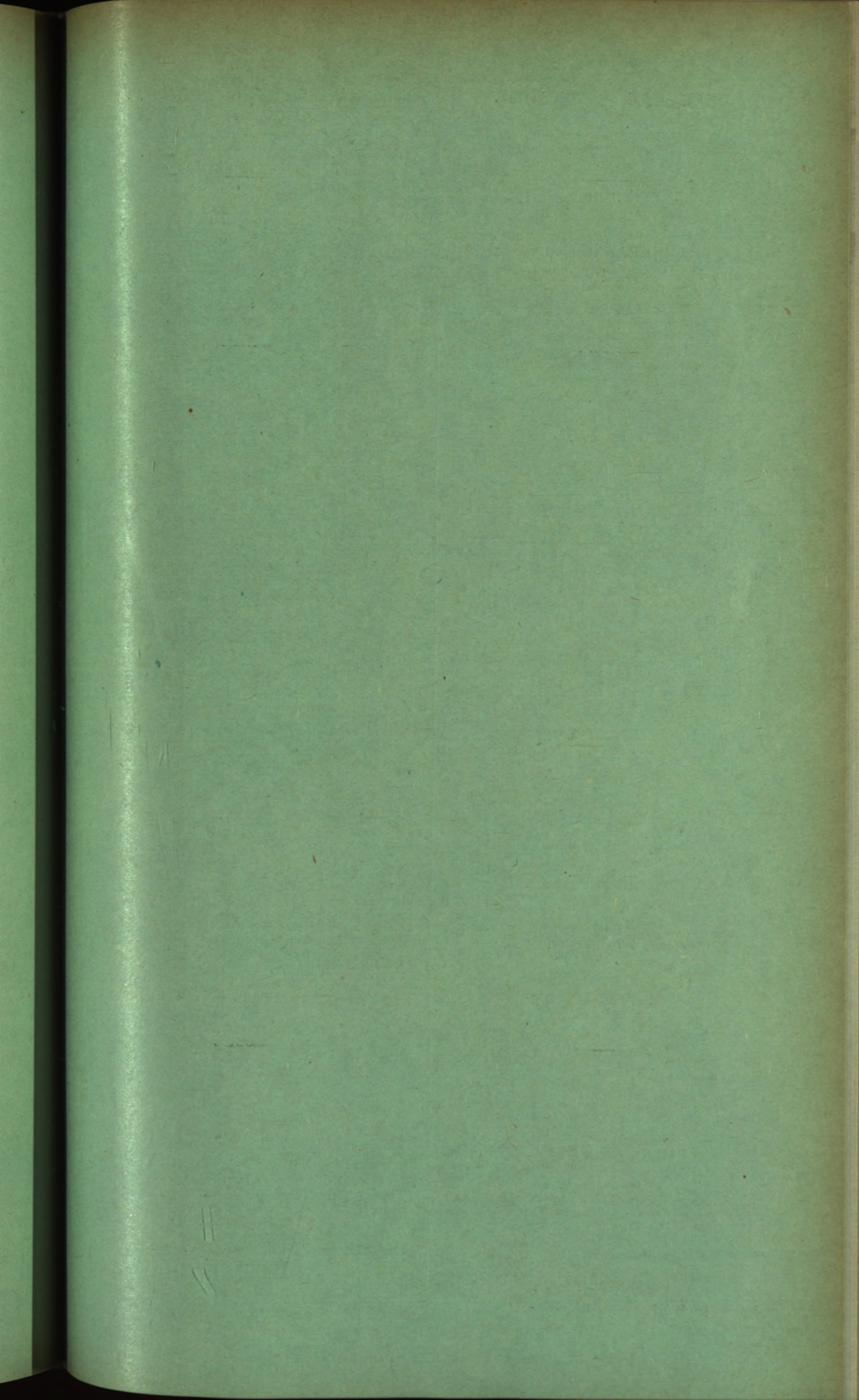
(3) A certificate sealed with the official seal of the Minister certifying that a specified sum is owing under this section by the Corporation or the Board (as the case may be) to the Minister shall be evidence until the contrary is shown that such sum is so owing to the Minister. 10

(4) All moneys paid to or recovered by the Minister under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct. 15

Raising of sums payable by the Corporation and the Board.

16.—(1) All sums payable by the Corporation to the Minister under this Act shall be raised as expenses incurred under the Public Health Acts. 20

(2) All sums payable by the Board to the Minister under this Act shall be paid out of the general revenue of the Board.



BILLE THRAMBHEALACH CHORCAIGHE
(CUITEAMH D'FHOSTAITHE), 1933.

CORK TRAMWAYS (EMPLOYEES' COM-
PENSATION) BILL, 1933.

BILLE

(mar do tugadh isteach)
dá ngairmtear

Acht chun soeruithe do dhéanamh chun cúitimh d'íoc le daoine áirithe bhí ar fostú ag Cuideachta Sholáthair Leictreachais Chorcaighe, Theoranta; agus chun soeruithe do dhéanamh chun roimh-íocanna do thabhairt amach as an bPrímh-Chiste d'fhonn an chúitimh sin d'íoc agus chun na roimh-íocanna san d'aisíoc agus chun soeruithe do dhéanamh i gcóir nithe eile bhaineas leis na nithe roimhráite.

An tAire Tionnscoil agus Tráchtála do thug
isteach.

Do horduíodh, ag Dáil Éireann, do chlo-
bhualadh, 7adh Abrán, 1933.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach
6 Oifig Díolta Foillseacháin Rialtais, 5, Sráid
Thobair Phádraig, Baile Atha Cliath, C.2.

Cló-bhuailte ag CAHILL & Co., LTD.

[Leath-Raol Glan.]

BILL

(as introduced)
entitled

An Act to provide for the payment of com-
pensation to certain former employees of
the Cork Electric Supply Company,
Limited; and to provide for advances from
the Central Fund for the payment of such
compensation and for the repayment of
such advances and to make provision for
other matters in connection with the
matters aforesaid.

Introduced by the Minister for Industry and
Commerce.

Ordered, by Dáil Éireann, to be printed,
7th April, 1933.

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly
from the Government Publications Sale Office,
5, Nassau Street, Dublin, C.2.

Printed by CAHILL & Co., LTD.

[Threepence Net.]