

## **The Military Service Pensions Acts, 1924, 1934 and 1949**

**The Military Service Pensions Act, 1924**, provided for the payment of military service pensions to persons "who rendered active service in Óglaigh na hÉireann, or the Irish Volunteers or the Irish Citizen Army or Fianna Éireann or the Hibernian Rifles, during the week commencing the 23 of April, 1916; or throughout the period from the 1 April, 1920 to the 31 March 1921; or throughout the period from the 1 April 1921 to the 11 of July 1921 and who in addition served in the National Forces or Defence Forces of Saorstát Éireann at any time subsequent to the 1 July, 1922 and prior to the 1 October, 1923.

A Board of Assessors was established; chaired by Mr Justice Cyril J Beatty, BL, a Justice of the District Court, with Edmund J Duggan, TD, Parliamentary Secretary to the Executive Council and Finian Lynch, TD Minister for Fisheries as members and Lieutenant General Gearóid O' Suilleavain (Retd) as Secretary to the Board. The Board approved the payment of pensions to 3855 applicants. About 9800 other applicants were stated to have prima facie cases but were deemed persons to whom the Act did not apply.

The amount of pension payable varied according to the rank held by the applicant, based on the rank structure of the National Forces/Defence Forces, with a sum of £5 applying per year of service and per Grade awarded. Thus in the case of Privates and Non-Commissioned Officers (Grade A) £5 applied, and £25 per year applied in the case of officers of a rank higher than Major General (Grade E). The number of years of continuous service counting towards pension was computed to arrive at a maximum of 14 years' active service throughout. Easter Week 1916 was counted as 4 years service, for example. The maximum pension thus awarded was £350.00.

All applicants' files considered and dealt with under the 1924 Act are designated 24/SP/xxx.

**The Military Services Pension Act, 1934** was framed to amend and extend the Act of 1924. It brought Cumann na mBan within the definition of the bodies already listed as constituting "the Forces" and effectively opened the legislation to allow persons who had pre-Truce service but took no further part in activities or active service and those who participated in the Civil War on the anti - Treaty /Irregular side to apply for Military Service Pensions.

A Referee, with significant statutory powers and an Advisory Committee of four members, two being "... persons who held high rank in the Forces before the 11th day of July 1921" and to be nominated by the Executive Council, was established. The first Referee was Mr Justice JK O'Connor.

The Advisory Committee consisted of John McCoy, former Divisional Commander 4th Northern; Humphrey Murphy, former Brigade Commander Kerry 1st Brigade (died 13 November 1935); replaced by Seamus Robinson, former Divisional Commander 2nd Southern; and civil servants S Fahy and John Jordan from Departments of Defence and Finance respectively.

Rules for determining notional grades of rank and for calculating the amount of pensions are set out in the First and Second Schedules to the Act. In effect, they differed little from the procedures followed in 1924, although Grade A now referred to the rank higher than Major

General and Grade E referred to the rank held by Privates and Non-Commissioned Officers. The computed years of service were retained and the sum of £5 per year of service and grade remained unchanged.

Applications were made to Pensions Branch, Department of Defence. Each applicant was assigned a file under the Series 34/SP/xxx and the application form (MSP1) was passed to the Referee, who initiated a file for that applicant under the Series MSP/34/Ref/xxx. The Referee went on to take oral evidence under oath, which is typed up on a question and answer basis and filed in each case. A pension was awarded where the case was proven. The 34/SP/xxx file usually functioned as a payments file in the case of successful applicants and as such, they were renumbered according to the applicants' grades. The detailed procedures followed in the adjudication of claims by the Referee and Advisory Committee, and the roles of "Brigade Committees" are set out in a public Notice issued by the Department of Defence in February, 1945.

**The Military Service Pensions (Amendment) Act, 1949** provided for the review of cases previously refused under the 1924 Act and the 1934 Act, by petition; the restoration of pensions forfeited under clauses of those Acts and new applications from veterans.