



STATUTORY INSTRUMENTS

**S.I. No. 295 of 2008**

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OCCUPATIONAL PENSION SCHEMES (FUNDING STANDARD)  
(AMENDMENT) REGULATIONS, 2008

**(Prn. A8/1096)**

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OCCUPATIONAL PENSION SCHEMES (FUNDING STANDARD)  
(AMENDMENT) REGULATIONS, 2008

The Minister for Social and Family Affairs, in exercise of the powers conferred on her by sections 5 and 52 of the Pensions Act 1990 (No. 25 of 1990), hereby makes the following Regulations:

*Citation and construction*

1. (1) These Regulations may be cited as the Occupational Pension Schemes (Funding Standard) (Amendment) Regulations 2008.

(2) These Regulations and the Occupational Pension Schemes (Funding Standard) Regulations 1993 to 2006 shall be construed together as one and may be cited as the Occupational Pension Schemes (Funding Standard) Regulations 1993 to 2008.

*Commencement*

2. These Regulations come into operation on 1st August 2008.

*Revocation*

3. Article 7 of the Occupational Pension Schemes (Funding Standard) Regulations, (S.I. No. 419 of 1993) is hereby revoked.

*Amendment to regulations*

4. The Occupational Pension Schemes (Funding Standard) Regulations, (S.I. No. 419 of 1993) are amended by substituting the following for Schedule C:

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 29th July, 2008.*

*Article 6.*

“ SCHEDULE C

SCHEMES EXCLUDED FROM THE PROVISIONS OF PART IV OF  
THE ACT

*PART I*

Agency for Personal Service Overseas Staff Superannuation (No.2)  
Scheme 1996

Agricultural Colleges Staff Superannuation Scheme 1985

An Bord Bia Superannuation Scheme

An Chomhairle Ealaíon Superannuation Scheme 1976

An tUdarás um Ard-Oideachas (Higher Education Authority) Staff Super-  
annuation Scheme 1980

Bord Iascaigh Mhara Craft and Manual Employees Superannuation Scheme

Bord Iascaigh Mhara Staff Superannuation Scheme 1990

Bord na gCapall Superannuation Scheme 1980

Bord Scannán na hÉireann Superannuation Scheme

Central Bank of Ireland Superannuation Scheme

CERT Superannuation Plan

Chester Beatty Library Staff Superannuation Scheme 1995

Civil Service (Established Staff) Superannuation Acts, 1834 to 1963 and  
Superannuation and Pensions Act 1976

Civil Service (Unestablished Staff) — Non-Contributory Pension Scheme  
for Non-Established State Employees

Coillte Teo No. 2 Fund

Colleges of Education Pension Scheme 1954

Colleges of Education Pension Scheme 1988

Combat Poverty Agency Superannuation Scheme 1997

Commission for Taxi Regulation

Competition Authority (Chairman and Members') Superannuation Scheme 1996

Contributory Pension Scheme for Clerical Staff serving in National and Secondary Schools

Contributory Pension Scheme for Non-Teaching Staff of Comprehensive and Community Schools

Contributory Superannuation Scheme for Members of Staff in Special Schemes under the Department of Education 1980 [Now under the aegis of the Department of Justice, Equality and Law Reform]

Crafts Council of Ireland Limited Staff Superannuation Scheme 1986

Crisis Pregnancy Agency Employee Superannuation Scheme 2007

Custom House Docks Development Authority Chairman's Superannuation Scheme 1990

Custom House Docks Development Authority Superannuation Scheme 1996

Data Protection Commissioner Superannuation Scheme 1993

Dublin Institute for Advanced Studies Scheme 1947, as amended

Dublin Institute for Advanced Studies Non-Established Employees Scheme 1983

Education Sector Superannuation Scheme 2001

Eircom No. 2 Pension Fund

Environmental Research Unit Staff Superannuation Scheme 1993

Eolas — The Irish Science and Technology Agency Staff Superannuation (Amendment) No. 1 Scheme 1994

Eolas — The Irish Science and Technology Agency Staff Superannuation (Amendment) No. 2 Scheme 1994

Fáilte Ireland

FÁS Superannuation (Amendment) Scheme 2000 in respect of the Director General Dr John Lynch

FÁS (Closed) Superannuation Scheme 1998

FÁS Superannuation Scheme 1998

Food Safety Authority of Ireland Staff Superannuation Scheme 2000

Foyle Area Pension Amendment Scheme

Health and Social Care Professionals Council Superannuation Scheme

Industrial Development Authority Staff Superannuation Scheme 1970 to 1981

Institiúid Teangeolaíochta Éireann Staff Superannuation Scheme 1986

Irish Lights Pension Scheme

Irish Museum of Modern Art Superannuation Scheme

Irish Sports Council Superannuation Scheme

Labour Court (Members) Superannuation Scheme 1971 to 1998

Labour Relations Commission Main Superannuation Scheme 1991 for the Chief Executive

Law Reform Commission Superannuation Scheme 1982

Lay Land Commissioners Superannuation Scheme 1979

Legal Aid Board Staff Superannuation Scheme 1981

Marine Institute Staff Superannuation Scheme 1998

Moorepark Technology Limited Superannuation Scheme

National College of Art and Design Staff Superannuation Scheme 1984

National Concert Hall Company Staff Superannuation Scheme 1987

National Council for Education Awards Staff Superannuation Scheme 1985

National Institute for Physical Planning and Construction Research Limited (An Foras Forbartha Teoranta) Superannuation Scheme 1975

National Library of Ireland

National Milk Agency Staff Superannuation Scheme 1997

National Museum of Ireland

National Roads Authority Superannuation Scheme 2002

National Safety Council Staff Superannuation Scheme 1991

National School Teachers Superannuation Scheme 1934

National Standards Authority of Ireland Superannuation Scheme 1996

National Treasury Management Agency Pension Scheme

National University of Ireland Maynooth Pension Plan

National University of Ireland General Pension Scheme

New Model Scheme, on Pay As You Go basis, for Stewarts Hospital in respect of new entrants with effect from 1 January 2007

NIHE Dublin Superannuation Scheme 1985

NIHE Limerick Superannuation Scheme 1982

Nominated Health Agencies Superannuation Schemes 1981 and 1985

North/South Pension Scheme

Nuclear Energy Board (An Bord Fuinnimh Nuicleigh) Staff Superannuation Scheme 1985

Ombudsman Superannuation Scheme 1987

Pension Scheme for the Directors/Deputy Directors in Special Schools under the Department of Education and Science [Now under the aegis of the Department of Justice, Equality and Law Reform]

Pension Scheme for the Staff of Colleges of Home Economics 1987

Regional Tourism Organisations Pension and Life Assurance Scheme

Restrictive Practices Commission (Members) Superannuation Scheme 1981 to 1986

Road Safety Authority

Royal Irish Academy Staff Scheme 1997

Royal Irish Academy Pension & Life Assurance Scheme 1964

Royal Irish Academy of Music Staff Superannuation Scheme 1989

Salmon Research Agency Pension Scheme

Scéim Aoisliúntas Fhoireann Bhord na Gaeilge 1982

Scéim Aoisliúntas Fhoireann Udarás na Gaeltachta 1991

Secondary Teachers Superannuation Scheme 1929

Shannon Free Airport Development Company Limited (General Employees) Superannuation Scheme 1966

St Laurence's Hospital Superannuation Scheme 1945

Superannuation (Education) Scheme 2004

Superannuation Scheme for officers employed under the scheme for the provision of (Oireachtas) secretarial assistance

Teagasc Staff Superannuation Scheme

Temple Bar Properties Limited Staff Superannuation Scheme 1999

The Central and Regional Fisheries Boards' Staff Superannuation Scheme 1983

The Irish Goods Council Contributory Pension and Life Assurance Scheme

The Pensions Board Staff Superannuation Scheme 1993

Thomond College of Education Limerick Superannuation Scheme 1984

Tourist Traffic Act 1952 (General Employees) Consolidating and Amending Superannuation Scheme 1992 [Bord Fáilte]

Trinity College Dublin Pension Scheme

University College Cork Pension Scheme Statute LXXIX

University College Dublin Pension Scheme Statute XCVI

University College Dublin Pre-1978 Pension Scheme

University College Galway Pension Scheme Statute XVII Chapter XXV

University College Galway Pension Scheme Statute LXI

University College Galway Pension Scheme Statute CLXI

Vocational Teachers' Superannuation Scheme 1998

Voluntary Hospitals (Officers) Superannuation Scheme 1969 (as amended in 1977 and 1995)

Voluntary Hospitals (Non-Officers) Superannuation Scheme 1985 (as amended in 1995)

Any defined benefit scheme established under article 7(8) of the Affordable Homes Partnership (Establishment) Order 2005

Any defined benefit scheme established, or continuing, under paragraph 3 of the Second Schedule of the Industrial Development Act 1993 (as amended under section 39(3) of Part IV of the Industrial Development (Enterprise Ireland) Act 1998)

Any defined benefit scheme established under sections 4 and 5 of schedule 7 of the Central Bank Act 1942 as inserted by the Central Bank and Financial Services Authority of Ireland Act 2004

Any defined benefit scheme established under section 4 of the European Assembly (Irish Representatives) Act 1979

Any defined benefit scheme established under section 5 of the Ombudsman for Children Act 2002

Any defined benefit scheme established under section 6 of the second schedule of the Official Languages Act 2003

Any defined benefit scheme established under section 6A of the Oireachtas (Allowance to Members) Act 1938 (as inserted by section 5 of the Oireachtas (Allowance to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1960)

Any defined benefit scheme established under section 9(1)(a) of the Local Government (Planning and Development) Act 1983 or section 119 of the Planning and Development Act 2000

Any defined benefit scheme established under section 11 of the Local Government (Planning and Development) Act 1976 or section 121 of the Planning and Development Act 2000

Any defined benefit scheme established under section 11 of the Schedule to the Radio and Television Act 1988

Any defined benefit scheme established under section 12 of the Private Security Services Act 2004

Any defined benefit scheme established under section 13 of the Radiological Protection Act 1991

Any defined benefit scheme established under section 17 of the Sustainable Energy Act 2002

Any defined benefit scheme established under section 14 of the Teaching Council Act 2001

Any defined benefit scheme established under section 15 of the Comhairle Act 2000

Any defined benefit scheme established under section 17 of the Ordnance Survey Ireland Act 2001

Any defined benefit scheme established under section 17 of the Family Support Agency Act 2001

Any defined benefit scheme established under section 20 of the Companies (Auditing and Accounting) Act 2003

Any defined benefit scheme established under section 20 of the Heritage Act 1995

Any defined benefit scheme established under section 20 or section 38 of the Industrial Development (Enterprise Ireland) Act 1998

Any defined benefit scheme established under section 20 of the Human Rights Commission Act 2000

Any defined benefit scheme established under section 21 of the Digital Hub Development Agency Act 2003

Any defined benefit scheme established under section 21 of the Industrial Development (Science Foundation Ireland) Act 2003

Any defined benefit scheme established under section 23 of the Health Act 2004

Any defined benefit scheme established under section 25 of the Grangegorman Development Agency Act 2005

Any defined benefit scheme established under section 25(7) of, and the fifth schedule to, the Universities Act 1997

Any defined benefit scheme made under section 27 of the Health Act 2007

Any defined benefit scheme established under section 28 of the Health Insurance Authority Act 1994

Any defined benefit scheme established under section 28 of the National Disability Authority Act 1999

Any defined benefit scheme established under section 29 of the Western Development Commission Act 1998

Any defined benefit scheme established under section 32 of the Public Health (Tobacco) Act 2002

Any defined benefit scheme established under section 33 or section 34 of the Environmental Protection Agency Act 1992

Any defined benefit scheme established under section 35 of the Dublin Docklands Development Authority Act 1997

Any defined benefit scheme established under section 36 of the Consumer Protection Act 2007

Any defined benefit scheme established under section 40 of the Mental Health Act 2001

Any defined benefit scheme established under section 41 of the Education (Welfare) Act 2000

Any defined benefit scheme established under section 44 of the Competition Act 2002

Any defined benefit scheme established under section 52 of the Qualifications (Education and Training) Act 1999

Any defined benefit scheme established or continuing under section 56 of the Safety, Health and Welfare at Work Act 2005

Any defined benefit scheme established under section 68 of the Personal Injuries Assessment Board Act 2003

Any defined benefit scheme established under section 59 or section 60 of the Sea-Fisheries and Maritime Jurisdiction Act 2006

Any defined benefit scheme established under section 130 of the Pensions Act 1990 (inserted by section 5 of the Pensions (Amendment) Act 2002)

Any defined benefit scheme established under section 163 of the Residential Tenancies Act 2004

Any defined benefit scheme established under section 184 or section 239 of the Children Act 2001

Any defined benefit scheme established under the Courts and Courts Officers Acts 1926 to 2003

Any defined benefit scheme established under the Defence Forces (Pensions) Acts 1932 to 2004

Any defined benefit scheme established under the Garda Síochána Act 1924, the Police Forces Amalgamation Act 1925 and the Garda Síochána Acts 2005 to 2007

Any defined benefit scheme or regulation made under the Local Government (Superannuation) Act 1980

Any defined benefit scheme established under the Oireachtas (Allowance to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992

Any defined benefit scheme or pension established or made under sections 13 and 14 of the Ministerial and Parliamentary Offices Act 1938

Any defined benefit scheme established under the National Treatment Purchase Fund Board (Establishment) Order 2004

*PART II*

Schemes for the purpose of providing benefits to the spouses and children of members of any of the schemes specified in Part I in the event of the death of a member.”

 L.S. GIVEN under the Official Seal of the Minister for Social and Family Affairs,  
24 July 2008

MARY HANAFIN.  
Minister for Social and Family Affairs

The Minister for Finance hereby consents to the making of these Regulations.

 L.S. GIVEN under the Official Seal of the Minister for Finance,  
24 July 2008

BRIAN LENIHAN.  
Minister for Finance.

## EXPLANATORY NOTE

*(This note is not part of the Statutory Instrument and does not purport to be a legal interpretation).*

These Regulations revise the list of schemes exempt from the funding standard requirements set down in Part IV of the Pensions Act 1990.

The funding standard applies to defined benefit schemes and will ensure that, over a period, sufficient assets are held within a scheme to meet liabilities in the event of the scheme being wound up. Trustees of schemes are required to submit actuarial funding certificates to the Pensions Board at regular intervals for the purpose of certifying whether or not the scheme satisfies the funding standard at the effective date.

Provision for exemption from the funding standard requirements is provided for in Section 52 of the Pensions Act, 1990 and in EU Directive 2003/41/EC.

This regulation provides for the revision of the list of schemes excluded under S.I. 419 of 1993.

Provision is also made for the revocation of Article 7 of the Occupational Pensions Scheme (Funding Standard) Regulations, 1993 (S.I. No. 419 of 1993). This Article provided for modifications of the relevant provisions in the case of a scheme established under the Forestry Act, 1988

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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