



STATUTORY INSTRUMENTS

S.I. No. 84 of 2008



SOCIAL WELFARE AND PENSIONS ACT 2008 (SECTIONS 26, 29, 30
AND 31) (COMMENCEMENT) ORDER, 2008

(Prn. A8/0408)

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AND 31) (COMMENCEMENT) ORDER, 2008

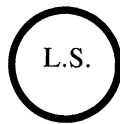
The Minister for Social and Family Affairs, in exercise of the powers conferred on him by section 1(6) of the Social Welfare and Pensions Act 2008 (No. 2 of 2008), hereby orders as follows:

Citation.

1. This Order may be cited as the Social Welfare and Pensions Act 2008 (Sections 26, 29, 30 and 31) (Commencement) Order 2008.

Commencement.

2. The 14th day of April 2008 is appointed as the day on which sections 26, 29, 30 and 31 of the Social Welfare and Pensions Act 2008 come into operation.



GIVEN under the Official Seal of the Minister for
Social and Family Affairs,
1 April 2008

MARTIN CULLEN
Minister for Social and Family Affairs.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 4th April, 2008.*

EXPLANATORY NOTE

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

This Order provides for the commencement of sections 26, 29, 30 and 31 of the Social Welfare and Pensions Act 2008 with effect from the 14th April 2008, as follows:

Section 29 of the Social Welfare and Pensions Act 2008 provides for a number of miscellaneous amendments to the Pensions Act as follows—

- amends section 2 of the Act by inserting a definition for “accumulated value” and amending the definition of “defined contribution scheme” to clarify that the long service benefit is based on the accumulated value of contributions and investment returns rather than being in total directly determined by the amount of the contributions paid. Sections 27(2) and 30(1) of the Act are also being amended as a consequence of the new definition of “accumulated value”;
- amends section 3B(2) of the Act which is purely technical in nature to clarify that certificates given by officers of the Board can state that the notice referred to in that section was received by a date 3 days after the date on which the notice was sent rather than exactly 3 days after the date of sending;
- amends section 4(1) of the Act allowing the Revenue Commissioners and the Pensions Ombudsman exchange certain information;
- amends section 54 of the Act to allow the Pensions Board request certain statistical information from trustees of small trust RACs;
- amends section 141(4) of the Pensions Act in relation to the enforcement of determinations made by the Pensions Ombudsman to include the registered office or the place of business of a person against whom a determination has been made;
- Schedule 2 to the Act provides for formal textual amendments only.

Section 30 provides for a technical amendment to the Family Law Act 1995.

Section 31 provides a similar amendment to the Family Law (Divorce) Act 1996.

Both of these amendments are as a consequence of the amendment being made in section 29 of the Act to the definition in the Pensions Act 1990 of “defined contribution scheme”.

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