



STATUTORY INSTRUMENTS.

**S.I. No. 290 of 2015**



EDUCATION SECTOR SUPERANNUATION SCHEME 2015

S.I. No. 290 of 2015

EDUCATION SECTOR SUPERANNUATION SCHEME 2015

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## EDUCATION SECTOR SUPERANNUATION SCHEME 2015

I, JAN O’SULLIVAN, Minister for Education and Skills, with the consent of the Minister for Public Expenditure and Reform, in exercise of the powers conferred on me by section 2 and section 5 of the Local Government (Superannuation) Act 1980 (No. 8 of 1980) and the Order entitled Education Sector Superannuation Scheme (Transfer of Departmental Administration and Ministerial Functions) Order, 2001 — S.I. No. 14/2001, hereby make the following Scheme:

## Part 1

## CITATION AND GENERAL INTERPRETATION

*Citation*

1. This Scheme may be cited as the Education Sector Superannuation Scheme 2015 or the ESSS 2015.

*Interpretation*

2. “1956 Scheme” means the provisions relating to personal pension benefits for Lecturers, Officers and Non-officers who were members of the Local Government Superannuation Scheme, but who did not opt to become members of this Scheme, under Article 4(5)(a) or Article 5(5)(a);

“1956 Scheme Members” means members of the 1956 Scheme who did not opt to become members of Part 2 of this Scheme, under Article 4(5)(a) or Article 5(5)(a);

“2004 Act” means the Public Service Superannuation (Miscellaneous Provisions) Act 2004 (No. 7 of 2004);

“2010 Act” means the Civil Partnership and Certain Rights and Obligations of Co-habitants Act 2010 (No. 24 of 2010);

“2012 Act” means the Public Service Pensions (Single Scheme and Other Provisions) Act 2012 (No. 37 of 2012);

“academic year” means a year beginning on 1 September and ending on the following 31 August;

“age limit” means the maximum age, stipulated by the Minister with the consent of the Minister for Public Expenditure and Reform, to which pensionable service may accrue;

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 14th July, 2015.*

“active member” means a member who has not terminated his or her employment or has not had his or her employment terminated with the Board or Institute through resignation, retirement, dismissal or death and “active membership” shall be construed accordingly, provided that a period of active membership while on unpaid absence or on Temporary Rehabilitation Remunerations shall not reckon as pensionable or as qualifying service for any scheme benefit;

“actual remuneration” means in the case of a person in Limited Membership, the actual salary and actual allowances received from time to time by the member or former member while working on a part-time basis;

“actual pensionable service” means service as defined in Article 11 or 12 but excluding notional service as defined at 11(3)(b),(c),(d),(e) and (g) or at 12(3)(b),(c),(d),(e) and (g);

“adoption order” means an order for the adoption of a child made before the establishment day for the Adoption Authority of Ireland, by An Bord Uchtála under the Adoption Acts 1952 to 1998, or on or after the establishment day for the Adoption Authority of Ireland, by that Authority under the Adoption Act 2010;

“allowances” means such allowances, expressed on a wholetime basis, in the nature of pay, lawfully determined or lawfully approved by the Board or Institute, which are designated as pensionable by the Minister with the consent of the Minister for Public Expenditure and Reform, but excluding any sums paid in respect of overtime, commission, gratuity, special fees, travelling allowance, subsistence allowance and the like, the money equivalent of any emolument or benefit in kind (including motor car or other vehicle) or payment toward or in respect of such emoluments;

“approved pension scheme” means a pension scheme or an organisation that provides a pension scheme that has been designated by the Minister for the Environment, Community and Local Government or the Minister for Public Expenditure and Reform for the purpose of transferring service between pension schemes;

“Board” means on or after 1 July 2013, an Education and Training Board established under Section 9 of the Education and Training Boards Act 2013 (No. 11 of 2013) and prior to that date a Vocational Education Committee;

“Chaplain” means a person employed in an Institute of Technology who provides chaplaincy services on a wholetime basis in a post which has a direct comparator in the sector and which is an ex-quota post approved by the Minister;

“civil partner” means a civil partner within the meaning of the 2010 Act;

“compound interest” means—

- (a) where a period in respect of which outstanding contributions were not repaid was before 14 November 2000,
  - (i) and the period of service in respect of which the repayment or payment is made was before 1 January 1984, 7% per annum,
  - (ii) and the period of service in respect of which the repayment or payment is made was on or after 1 January 1984, 6% per annum,
- (b) 4% per annum where a period in respect of which outstanding contributions were not repaid was on or after 14 November 2000 and before 1 December 2014,
- (c) 3.5% per annum where a period in respect of which outstanding contributions were not repaid was on or after 1 December 2014 and
- (d) at any other rate per annum as determined from time to time by the Minister for Public Expenditure and Reform;

“compulsory retirement age” means, other than in the case of new entrants—

- (a) for non-officers, age 65, age 66 or on the last day of the school or academic year in which the member attains age 65, in accordance with the terms and conditions of service, the retirement policy of the Board or Institute and the approval of the Board or Institute concerned, and
- (b) for officers, the age attained by the member on the last day of the school or academic year in which the member attains 65 years of age;

“contributory State Pension” means the maximum personal rate of State Pension (Contributory) payable under the Social Welfare Acts from time to time to a single person excluding any addition that is payable on age grounds, or by virtue of the recipient living alone, or in respect of a qualified adult or child dependent;

“contributory survivor’s pension” means “the Widow’s, Widower’s or surviving Civil Partner’s (Contributory) Pension” payable under the Social Welfare Acts;

“Cost Neutral Early Retirement” has the meaning given in Article 21(2);

“deceased member” has the meaning given in Article 42 and Article 54 (Power to Grant Survivors’ and Children’s Pensions);

“deceased’s pension” has the meaning given in Article 43 and Article 55 (Survivors’ Pensions — Calculation);

“death gratuity” has the meaning given in Article 24;

“earlier service” has the meaning given in Article 75;

“established non-officer” means a person who is deemed a non-officer who is subject to the modified rate of PRSI;



“former member” means a person who, having ceased to be an active member, is entitled to or is in receipt of retirement benefits under this Scheme or is entitled to claim at some future date retirement benefits under this Scheme;

“fully insured” in this scheme means having employment with a Board or Institute in respect of which the person concerned is an employed contributor within the meaning of section 12(1) of the Social Welfare Consolidation Act 2005—

(a) who is liable for an employee contribution payable at a rate specified in section 13(2) of that Act, not being a person to whom Article 81, 82, 83, or 88 of the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 (S.I. No. 312 of 1996) applies, or

(b) to whom Article 87 of those Regulations applies;

“historic pay” has the meaning given in Article 13(2);

“ill-health vesting period” means, in relation to retirement on medical grounds, the equivalent of 5 years’ wholtime actual pensionable service or, for any retirement that takes place on or after 1 August 2012, 5 years’ in pensionable service whether whole-time or part-time;

“Institute” means an Institute of Technology (formerly Regional Technical College) as established under the Institutes of Technology Acts 1992 to 2006, or under the Dublin Institute of Technology Acts 1992 to 2006;

“job-sharer” means a whole-time employee who, under an arrangement which has been approved by the Minister with the consent of the Minister for Public Expenditure and Reform, works 50% of the standard hours of the wholtime post;

“lawfully adopted child” means a child adopted by a Scheme member or former Scheme member (whether alone or jointly with any other person) either in pursuance of an adoption order or in accordance with the law of a country or territory other than the State and recognised by the law of the State as valid;

“lecturer” means a person employed by an Institute in an Assistant Lecturer, College Teacher, Lecturer I, Lecturer II, Lecturer III, Structured Lecturer, Senior Lecturer 1 (Teaching), Senior Lecturer II or Senior Lecturer III grade;

“limited membership” means terms which are applicable to a part-time member who being a fully insured member of Part 2 prior to 21 May 2008, does not exercise an option to have or is not eligible to have pro-rata terms applied to him or her under the terms of Department of Education and Science Circular Letter 25/08 and such a person shall be known as a limited scheme member;

“Local Government Superannuation Code” means any scheme or regulation made under the Local Government (Superannuation) Act 1980 (No. 8 of 1980) other than the Local Government (Superannuation) (Gratuities) Regulations

1984 (as amended) or the provisions of Part V of the Local Government (Superannuation) (Consolidation) Scheme 1998;

“lump sum” means an amount, other than pension, calculated in accordance with this Scheme and due as a consequence of retirement, or resignation of the member;

“lump sum payment” means a once off payment in respect of superannuation contributions or the purchase of notional service;

“medical grounds” shall be construed in accordance with Article 22(7);

“member” has the meaning given in section 2 of the Pensions Act 1990, that is, in relation to this Scheme, any person who, having been admitted to membership under the rules of the Scheme, remains entitled to any benefit under the Scheme. It includes an active member, a former member and a pensioner;

“minimum pension age” has the meaning given in Article 9;

“Minister” means the Minister for Education and Skills or any of his or her predecessors;

“new entrant” has the meaning given in section 2 of the 2004 Act;

“net actual remuneration” means in relation to a person in Limited Membership, the amount by which the actual remuneration of such Scheme member exceeds twice the rate of contributory State Pension payable from time to time;

“net pensionable remuneration” in relation to a Scheme member, means the amount by which the pensionable remuneration of such Scheme member exceeds twice the rate of contributory State Pension payable from time to time;

“net remuneration” in relation to a Scheme member, means the amount by which the remuneration of such Scheme member exceeds twice the rate of contributory State Pension payable from time to time;

“net pensionable remuneration (survivor’s benefits)” means the amount by which pensionable remuneration exceeds the rate of contributory State Pension payable on the last day of pensionable service;

“net salary” in relation to a Scheme member, means the amount by which the salary of such Scheme member exceeds twice the rate of contributory State Pension payable from time to time;

“non-periodic contributions” has the meaning assigned to it in Article 50 and Article 62;

“non-academic officer” means an officer who is not a lecturer;

“non-officer” means a scheme member who is not an officer;

“officer” means a lecturer or a non-academic officer;

“part-time employee” means an employee who works less than the standard hours of a comparable employee in a whole-time post;

“pension” means the benefit or benefits, other than any lump sum, payable periodically—

- (a) to a person, in respect of his or her pensionable service, as a consequence of his or her retirement, resignation, or otherwise ceasing or having ceased to be a Scheme member, or
- (b) in respect of such service, to another person as a consequence of death or otherwise,

but does not include payments, or so much of any payment, paid solely in respect of any injury caused as a result of such service;

“pensionable allowance” shall be construed in accordance with Article 6 and Article 7;

“pensionable post” means, subject to the approval of the Minister with the consent of the Minister for Public Expenditure and Reform, a post or position with a Board or Institute which-

- (a) is declared in the conditions of service attaching to the post to be a pensionable post for the purposes of this Scheme,
- (b) which is stated in a written offer of appointment to the post to be a pensionable post for the purposes of the Scheme, or
- (c) other than the case in (a) or (b), subsequent to a person’s appointment to a post, that post has been declared to be a pensionable post;

“pensionable remuneration” has the meaning given in Article 6 and Article 7;

“pensionable service” has the meaning given in Article 11 and Article 12;

“pension adjustment order” means an order made by the court under section 12 of the Family Law Act 1995, section 17 of the Family Law (Divorce) Act 1996 or section 121 or 187 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

“pensioner” means a member who is in receipt of a benefit under this scheme;

“Pension Scheme” in relation to this Scheme, is an occupational pension scheme for the provision of pension and lump sums on the terms set out in these Regulations;

“Pensions Ombudsman Regulations” means the Pensions Ombudsman Regulations 2003 to 2007 including any enactment or regulation which amends or extends or may amend or extend any or all of those regulations;

“periodic contributions” has the meaning assigned to it by Article 47 and Article 59;

“personal rate” in relation to a contributory Social Welfare Benefit, means the rate of such benefit payable under the Social Welfare Acts to a single person excluding any addition that is payable on age grounds, or by virtue of the recipient living alone, or in respect of a qualified adult or child dependent and “maximum personal rate” shall be construed accordingly;

“preserved death gratuity” has the meaning given in Article 19;

“preserved lump sum” has the meaning given in Article 17 and Article 19;

“preserved pension” has the meaning given in Article 17 and Article 18;

“preserved pension age” has the meaning given in Article 10;

“pro-rata part-time Assistant Lecturer” means a part-time Lecturer who in respect of his or her conditions of employment is treated in a similar manner to a comparable full-time lecturer;

“public service body” has the meaning given in section 5 of the 2012 Act;

“public service pension scheme” has the meaning given in Section 1(1) of the 2004 Act;

“quasi-permanent employment” in accordance with Department of Education and Science Circular Pen 16/02 means employed for a minimum of 200 hours and of 25 weeks in a given academic year;

“reckonable service” means pensionable service;

“reduced rate”, in relation to any Social Welfare benefit, means the personal rate of such benefit if that rate is less than the rate of contributory State Pension;

“remuneration” means the aggregate of salary and allowances (multiplied by 52.18 in the case of weekly allowances);

“salary” means the annual wholetime equivalent basic rate of remuneration, excluding allowances, payable from time to time as lawfully determined or lawfully approved by the Board or Institute with the approval of the Minister and approved as pensionable by them, within guidelines issued by the Minister for Public Expenditure and Reform, excluding any sums in respect of overtime, commission, gratuity, special fees, travelling allowance, subsistence allowance and the like, the money equivalent of any emolument or benefit in kind (including motor car or other vehicle) or any payment toward or in respect of such emoluments;

“school year” means a year beginning on 1 September and ending on the following 31 August;

“Social Welfare Acts” means the Social Welfare Acts 1981 to 2013 including any enactment which amends or extends any or all of those Acts and any Regulation, Warrant or Order made under those Acts as amended;

“Social Welfare Benefit” means State Pension (Contributory), State Pension (Transition); Illness Benefit, Invalidity Pension or Jobseekers Benefit payable under the Social Welfare Acts or any equivalent contributory benefit, by whatever name called, substituted for any of those benefits in any future enactment amending the Social Welfare Acts;

“spouse” means a partner to a marriage recognised at a given time by the law of the State as valid;

“supplementary pension” had the meaning given in Article 23;

“survivor’s pension” has the meaning given in Part 3;

“survivor’s supplementary pension” shall be construed in accordance with Article 44(6) and Article 56(5);

“temporary rehabilitation remuneration” means a payment made, in certain circumstances, by the Board or Institute to a member who is on sick leave. Any period in respect of which the member is in receipt of such a payment does not constitute pensionable service in this Scheme and the payment does not constitute remuneration for the purposes of this Scheme;

“transfer network” means the Public Service Transfer Network or the Local Government Transfer Network under the Local Government Superannuation Code which provides for the transfer of service between participating public service pension schemes under certain conditions;

“transfer value payment” means—

(a) a payment calculated in accordance with such tables approved and in such manner as is determined by the Minister for Public Expenditure and Reform or the Minister for the Environment, Community and Local Government under the Local Government Code,

or

(b) a payment from a Revenue approved pension scheme or arrangement to the Scheme so as to secure additional service for a member in accordance with such tables approved by the Minister for Public Expenditure and Reform,

— as appropriate;

“variable allowance” means a sum of money which is variable in nature and is paid to a non-officer in respect of compulsory overtime, clothing allowance, shift allowance or such other allowance which is deemed to be a variable allowance

by the Minister with the consent of the Minister for Public Expenditure and Reform;

“vesting period” means for any period ending after 1 June 2002, 24 months service as an active member, whether whole-time or part-time; for any period ending on or after 30 June 1976 and before 2 June 2002, 5 years’ actual pensionable service and for any period ending before 30 June 1976, 10 years’ actual pensionable service. A Lecturer shall be regarded as having completed the vesting period if for any period ending after 1 June 2002—

- (a) in the case of a member who is working on a casual basis, he or she has been employed for a period or periods comprising not less than 334 days, and
- (b) in all other cases, he or she has been employed under a contract of employment for a period or periods comprising not less than 730 days;

“work-sharer” means a whole-time employee who, under an arrangement which has been approved by the Minister with the consent of the Minister for Public Expenditure and Reform, works less than the standard hours of the whole-time post;

“years” means a figure determined by the formula  $A + (B/365)$ , where A is the number of completed years in the period in question and B is any number of days additional to the completed number of years in that period, and “year” shall be construed accordingly.

## Part 2

### MEMBERS’ PERSONAL PENSION PROVISIONS

#### *Commencement (Part 2)*

- 3. This Part shall be deemed to have come into operation on 27 May 1977.

## Chapter 1

### *Members’ Main Personal Pension Provisions*

#### *Scheme Membership and Access to Scheme Membership — Lecturers*

4. (1) “Pensionable employee” means a person employed in a pensionable post.

- (2) Membership of this Part does not apply to a person who—
  - (a) is not a new entrant and whose potential pensionable service on appointment to a pensionable post would be less than the vesting period or
  - (b) was given an option for membership under Paragraph 5 and who did not accept the option.

- (3) Subject to Paragraph (2), membership of this Part is compulsory for all pensionable employees.
- (4) Each of the following persons is automatically a pensionable employee if employed in a pensionable post:
- (a) permanent whole-time Lecturers who commenced pensionable employment on or after 01 June 1978. Prior unqualified service must be reckoned and the relevant contributions paid;
  - (b) effective from 01 September 1996 and in accordance with Department of Education and Science Circular Letter Pen 16/02, all fully qualified Temporary Whole-time Lecturers and Pro-Rata Part-time Assistant Lecturers provided that such lecturers had met the medical conditions for membership;
  - (c) effective from 01 September 1996 and in accordance with Department of Education and Science Circular Letter Pen 16/02, all fully qualified Part-Time Hourly paid Assistant Lecturers who were in quasi-permanent employment during any academic year from 1 September 1996 to 19 December 2001 for a minimum of 200 hours and for a minimum of 25 weeks, provided that such Part-time Hourly paid Assistant Lecturers had met the medical conditions required for membership;
  - (d) effective from 01 September 1996 a Lecturer in an eligible Part Time (EPT) post who is not fully qualified but has been in regular part time service without interruptions from a date prior to 01 September 1987;
  - (e) effective from 01 September 1996 a Lecturer holding a Pro Rata Part Time Assistant Lecturer position who is not fully qualified but was appointed to the post as a result of the special competition, confined to certain Part Time Lecturers which was held during the 1999/2000 academic year;
  - (f) effective from 01 September 2001, an unqualified Lecturer is automatically a pensionable employee. Prior service must be reckoned and contributions paid in accordance with Article 13;
  - (g) effective from 21 May 2008 a part time Lecturer appointed after that date will automatically be a pensionable employee, provided that he or she has an appropriate full time comparator and is in a pensionable post. Prior service must be reckoned and contributions paid in accordance with Article 13.
- (5) Subject to Paragraph (2), each of the following persons is a member of this Part following acceptance of an option to become a member and on the terms attaching to the option:
- (a) A Lecturer who was a member of the 1956 Scheme and who exercised an option during the period 27 May 1977 and 31 May 1978 or between 1 January 1990 and 30 November 1990 to become a member of Part 2;

(b) Effective from 01 September 2001, a part time Lecturer who has an appropriate full time comparator and who is in a pensionable post and who paid the appropriate contributions.

(6) On an employee's first appointment to a pensionable post, the Institute shall make available to him or her a copy of the rules of this Scheme.

(7) A member who is not a new entrant may not continue in membership of this Scheme after having reached the compulsory retirement age.

*Scheme Membership and Access to Scheme Membership — Non-academic Officers and Non-officers*

5. (1) "Pensionable employee" means a person employed in a pensionable post.

(2) Membership of this Part does not apply to a person—

(a) who is not a new entrant and whose potential pensionable service on appointment to a pensionable post would be less than the vesting period or

(b) who was given an option for membership under Paragraph 5 and who did not accept the option.

(3) Subject to Paragraph (2), membership of this Part is compulsory for all pensionable employees.

(4) Each of the following persons is automatically a pensionable employee if employed in a pensionable post:

(a) permanent wholetime officers who commenced employment in a pensionable post on or after 1 June 1978;

(b) Temporary wholetime officers with effect from 1 January 1998 in accordance with Department of Education and Science Circular Letter Pen 01/03 in the case of an officer employed by the Institute or in accordance with Department of Education and Science Circular Letter Pen 02/03 in the case of an officer employed by the Board;

(c) Co-ordinators, Resource Staff and part-time tutors employed in Youthreach Centres on or after 1 September 1996;

(d) Adult Literacy Organisers employed on or after 1 July 1999 in accordance with Department of Education and Science Circular Letter M15/2001;

(e) Adult Education Guidance Counsellors and Adult Education Guidance Co-ordinators in accordance with Department of Education and Science Circular Letter 70/04;



- (f) Special Needs Assistants employed in an ETB from their date of appointment in the approved post;
- (g) Non-officers who commenced employment on or after 1 June 1978, provided that, between that date and 20 December 2001, the minimum qualifying period was reached in the financial year;
- (h) effective from 21 May 2008, a part-time officer or non-officer appointed after that date will automatically become a member of this Part, provided that he or she has an appropriate full-time comparator who is in a pensionable post.

In this Paragraph “the minimum qualifying period” means, prior to 20 December 2001, the 130 working days which the non-officer was required to serve in a financial year in order to qualify as a pensionable employee in that financial year.

(5) Subject to Paragraph 2, each of the following persons is a member of this Part following acceptance of an option to become a member and on the terms attaching to the option:

- (a) An officer or non-officer who was a member of the 1956 Scheme and who exercised an option during the period 27 May 1977 and 31 May 1978, or between 1 January 1990 and 30 November 1990 to become a member of Part 2;
- (b) effective from 1 April 1996, a part-time non-officer who has paid the appropriate contributions in accordance with Department of Education and Science Circular Letter 25/2008.

(6) On an employee’s first appointment to a pensionable post, the Board or Institute shall make available to him or her a copy of the rules of this Scheme.

(7) A member who is not a new entrant may not continue in membership of this Scheme after having reached the compulsory retirement age.

*Pensionable Remuneration — Lecturers*

6. (1) In this Part “pensionable remuneration” means the aggregate of—

- (a) retiring salary and
- (b) pensionable allowances.

(2) Retiring Salary means—

- (a) where a member had the same scale of salary and has been in the same grade for the last 3 years of his or her pensionable service, the salary of the member at the date of retirement or death;

- (b) where a member had not had the same scale of salary or had not been in the same grade in the last 3 years of his or her pensionable service and—
    - (i) where that member is under 62 years of age and dies in service, the salary of the member at the date of death, or
    - (ii) where that member ceases to be an active member on retirement on medical grounds before age 60 with potential service of 3 years or more to age 60 so as to avoid averaging, the salary of the member at date of retirement;
  - (c) In any case other than those set out in (a) and (b), retiring salary shall be averaged by multiplying by 1/1095 the annual rate of salary appropriate on the last day of pensionable service for each grade in which the member served during the last 3 years of pensionable service, and multiplying the result by the number of days of his or her employment in each grade during those years, subject to the retiring salary so taken not exceeding the annual basic rate of salary payable at retirement or death. Where the pensionable service of the member is less than 3 years, the number of days of pensionable service shall be substituted for 1095;
  - (d) in the case of a member who is working on a part-time basis and subject to Department of Public Expenditure and Reform Circular 11/2012—
    - (i) where such service is given under a regular part-time contract, a rate of salary equal to the full time equivalent annual rate of salary to that which he or she is paid at the date of his or her retirement or death;
    - (ii) where such service is given otherwise than under a regular part-time contract and is paid on an hourly basis, the hourly rate of salary payable to him or her at the date of his or her retirement or death multiplied by 630, where the terms of Department of Education and Science Circular letter 25/08 apply, or
    - (iii) in the case of a member with Limited Scheme Membership, salary is based on the actual remuneration paid at retirement or death. In the case of a member who has fluctuating hours, remuneration is calculated on a year by year basis with reference to the uprated actual salary at retirement or death.
- (3) For the purposes of Paragraph (2), in the case of a person on an approved leave without pay at the date of his or her retirement or death, the rate of salary or hourly rate of salary payable to him or her means the rate which would have been paid if he or she were not on an approved leave without pay.
- (4) Pensionable allowances means—

- (a) Subject to Paragraphs (c) to (f), for the purposes of this Article pensionable allowances in respect of any member who ceases pensionable service shall comprise the aggregate of the annual rate of each such allowance (in this Paragraph referred to as a “relevant allowance”) held on the last day of pensionable service, provided that such allowance has been held at all times during the last 3 years of pensionable service immediately preceding retirement or death;
- (b) For the purposes of this paragraph, in the case of a person on an approved leave without pay at the date of his or her retirement or death, the rate of allowance held by him or her means the rate which would have been held if he or she were not on an approved leave without pay;
- (c) If pensionable allowances are held in the final 3 years of such pensionable service, and are held for more than the minimum period as specified by the Minister and for less than 3 years, the pensionable allowances for the purposes of this Article shall, subject to Paragraphs (e) and (f), comprise the average of the relevant allowance or allowances, determined in accordance with Paragraph (d);
- (d) The average of a relevant allowance shall be determined by multiplying the annual rate of the allowance appropriate on the last day of pensionable service by 1/1095 and multiplying that result by the number of days during the last three years of pensionable service in respect of which the allowance was payable;
- (e) Paragraph (d) shall not apply to a relevant allowance where a member—
  - (i) dies in service and who, but for his or her death, would have had the potential of holding the allowance for not less than 3 years of pensionable service, before 31 August in the year in which he or she would have reached 65 years, or
  - (ii) ceases to be an active member on retirement on medical grounds before 60 years of age and who, but for his or her retirement, would have had the potential of holding the allowance, for not less than 3 years of pensionable service, on reaching such age;
- (f) The pensionable allowances, for the purposes of this Article, for a member referred to in Paragraph (e) shall be the aggregate of the annual rate of each such allowance held on the date of retirement or death.

*Pensionable Remuneration — Non-academic Officers and Non-officers*

7. (1) In this Part “pensionable remuneration” means the aggregate of—

- (a) retiring salary and
- (b) pensionable allowances.

## (2) Retiring Salary means—

- (a) where a member had the same scale of salary and has been in the same grade for the last 3 years of his or her pensionable service, the salary of the member at the date of retirement or death;
- (b) where a member had not had the same scale of salary or had not been in the same grade in the last 3 years of his or her pensionable service and—
  - (i) where that member is under 62 years of age and dies in service, the salary of the member at the date of death, or
  - (ii) where that member ceases to be an active member on retirement on medical grounds before age 60 with potential service of 3 years or more to age 60 so as to avoid averaging, the salary of the member at date of retirement;
- (c) In any case other than those set out in (a) and (b), retiring salary shall be averaged by multiplying by 1/1095 the annual rate of salary appropriate on the last day of pensionable service for each grade in which the member served during the last 3 years of pensionable service, and multiplying the result by the number of days of his or her employment in each grade during those years, subject to the retiring salary so taken not exceeding the annual basic rate of salary payable at retirement or death. Where the pensionable service of the member is less than 3 years, the number of days of pensionable service shall be substituted for 1095;
- (d) subject to Paragraph (e) and subject to terms of the Department of Public Expenditure and Reform Circular 11/2012, in the case of a member who is working on a part-time basis—
  - (i) where such service is given under a regular part-time contract, a rate of salary equal to the full time equivalent annual rate of salary to that which he or she is paid at the date of his or her retirement or death,
  - (ii) where such service is given otherwise than under a regular part-time or job-sharing/work-sharing contract and the member is paid on an hourly basis, the hourly rate of salary payable to him or her at the date of his or her retirement or death multiplied by wholetime equivalent hours, apply, or;
- (e) in the case of a member with Limited Scheme Membership who is working on a part-time basis, salary is based on the actual remuneration at retirement or death. In the case a member has fluctuating hours, remuneration is calculated on a year by year basis using the uprated actual salary at retirement or death.

(3) For the purposes of Paragraph (2), in the case of a person on approved leave without pay at the date of his or her retirement or death, the rate of salary or hourly rate of salary payable to him or her means the rate which would have been paid if he or she were not on an approved leave without pay.

(4) Pensionable Allowance means—

- (a) Subject to Paragraphs (c) to (f), for the purposes of this Article pensionable allowances in respect of any member who ceases pensionable service shall comprise the aggregate of the annual rate of each such allowance (in this Paragraph referred to as a “relevant allowance”) held on the last day of pensionable service, provided that such allowance has been held at all times during the last 3 years of pensionable service immediately preceding retirement or death.
- (b) For the purposes of this paragraph, in the case of a person on an approved leave without pay at the date of his or her retirement or death, the rate of allowance held by him or her means the rate which would have been held if he or she were not on an approved leave without pay;
- (c) If pensionable allowances are held in the last 3 years of such pensionable service and are held for more than the minimum period as specified by the Minister and for less than 3 years, the pensionable allowances for the purposes of this Article shall, subject to Paragraphs (e) and (f), comprise the average of the relevant allowance or allowances determined in accordance with Paragraph (d);
- (d) The average of a relevant allowance shall be determined by the following formula:

$$(A \times B) / 1095$$

where—

**A** is the annual rate of the allowance on the last day of pensionable service and

**B** is the number of days during the last 3 years of pensionable service in respect of which the allowance was payable;

- (e) Paragraph (d) shall not apply to a relevant allowance where a member—
  - (i) dies in service and who, but for his or her death, would have had the potential of holding the allowance for not less than 3 years of pensionable service, before 31 August in the year in which he or she would have reached 65 years, or
  - (ii) ceases to be an active member on retirement on medical grounds before 60 years of age and who, but for his or her retirement,

would have had the potential of holding the allowance, for not less than 3 years of pensionable service, on reaching such age;

- (f) The pensionable allowances, for the purposes of this Article, for a member referred to in Paragraph (e) shall be the aggregate of the annual rate of each such allowance held on the date of retirement or death;
- (g) Variable allowances are reckonable for pension purposes in accordance with the provisions of Department of Education and Science Circular Letter 87/2008.

*Qualifying Conditions for Benefits*

8. (1) Other than for a benefit under Article 22 (Retirement on Medical Grounds) payable where a member has less than 2 years' service, a scheme member who has not completed the vesting period will not be entitled to receive personal pension benefits and on leaving service will be entitled to a refund of contributions under Article 13(4).

(2) Subject to Paragraph (3), if the member has completed the vesting period, he or she may not receive such benefits until he or she has reached the minimum pension age in the case of retirement or the preserved pension age where the member resigns with an entitlement to a preserved pension.

(3) Notwithstanding Paragraph (2), pensions benefits may be payable under this Part to a member before the minimum pension age or the preserved pension age, as the case may be, in accordance with the provisions of Article 22 (Retirement on medical grounds), Article 18 (Preserved Pension payable on Medical Grounds) or Article 21(Cost Neutral Early Retirement).

(4) Benefits in respect of a member on death in service, may be paid without reference to the vesting period or the minimum pension age.

*Minimum Pension Age*

9. The minimum pension age for new entrants is 65 and for all other members is age 60.

*Preserved Pension Age*

10. The preserved pension age is age 65 for new entrants and age 60 for all other members.

*Pensionable Service — Lecturers*

11. (1) For the purposes of this Part, pensionable service shall exclude service given after the age limit in the case of a member who is not a new entrant and, subject to a maximum of 40 years' service in this Scheme, subject to a maximum of 1 years' reckonable service for each year as a member of this Part and subject to Article 65 (Prohibition as Duplication of Benefits) and Article 75 (Treatment of Earlier Service), comprise the aggregate of-

- (a) paid service given as a Lecturer on or after the commencement of scheme membership (not being service falling within Paragraph (c) of

this paragraph) and, in the case of a member who is not a new entrant, such service shall exclude service given after reaching the age limit, provided that any period during which a member was or is a work-sharer or job-sharer shall be reckonable in the proportion which the hours worked bear to comparable whole-time hours;

- (b) service given in a full-time position as a Lecturer before the date of commencement of membership that has been purchased in accordance with Article 13(2) (Contributions);
- (c) service given in a part-time position as a Lecturer on or after the commencement of scheme membership on the basis of the relevant provisions in subparagraphs (d) to (g);
- (d) where the service referred to in Paragraph (c) was given on or after 1 September 2001, all such service shall be credited on a pro-rata basis to full time service and, in the case of service given otherwise than under a regular part-time contract, such crediting shall be, in respect of an academic year, in accordance with the formula:

<b>A/630</b>
where <b>A</b> is the number of hours worked in the academic year concerned;

- (e) where the service referred to in Paragraph (c) was given on or after 1 September 1996 and before 1 September 2001-
  - (i) in the case of a member whose hours worked in the academic year come to at least half of comparable wholetime yearly service subject to maximum credit of one year's pensionable service, all of such service calculated, in respect of an academic year, in accordance with the following formula:

<b>A/835</b>
where <b>A</b> is the number of hours worked in the academic year concerned;

- (ii) in the case of a member who gave less than half of comparable yearly service in the academic year by applying the following formula to only so much of the hours so worked that comprise 7 or more hours worked in the week or each of the weeks concerned:

<b>A/835</b>
where <b>A</b> is the number of hours set out in this Paragraph (ii);

- (f) Where the service referred to in Paragraph (c) was given between 1 September 1977 and 31 August 1996, where hours worked in the academic year are—
  - (i) equal to or greater than comparable wholetime service, the service is credited as 1 year of reckonable service,

- (ii) at least half, but less than, comparable wholetime yearly service the service credited is the total hours worked divided by comparable yearly service,
- (iii) in the case of a member who gave less than half of comparable wholetime yearly service, pensionable service is credited for each week of at least 10 hours, in the proportion which the total reckonable hours worked bear to comparable wholetime yearly service.

In this Paragraph, “comparable wholetime yearly service” means, in accordance with Department of Education and Science Circular Pen 09/04, with reference to the first substantive post to which he or she is appointed-

- (I) in the case of a College Teacher post from 1 December 1979, 700 hours,
  - (II) in the case of a Lecturer I post from 2 December 1979 to 31 August 1982, 595 hours,
  - (III) in the case of a Lecturer I post from 1 September 1982, 560 hours, and
  - (IV) in the case of a Lecturer post from 1 September 1998, 560 hours.
- (g) Where the service referred to in Paragraph (c) was given prior to 1 September 1977—
- (i) where the number of hours of service given in an academic year is equal or greater than 800, pensionable service in that academic year is 1 year;
  - (ii) where the number of hours of service given is 400 or greater and less than 800, one-half of one years’ pensionable service;
  - (iii) where a member gives less than 400 hours of service in an academic year, pensionable service credit of one-half of a week is given for each week worked comprising 10 hours or more. Pensionable service, expressed as a fraction of a year, is calculated by applying the formula:

**A/B/2**

**A** is the number of weeks where 10 hours or more are worked;  
**B** is the number of weeks, being either 35 or 36, in the relevant academic year

- (h) where a member gave service in a part-time position as a Lecturer before the date of commencement of scheme membership for which contributions have been paid in accordance with Article 13(2), the amount of service to be determined in accordance with Paragraphs (d) to (g);



- (i) in the case of part-time staff who are in Limited Scheme Membership who resign, retire or die while serving on a part-time basis, service is credited as one full year for each year of service, but final salary is in accordance with Article 6(2)(d)(iii);
- (j) EPT service given in any academic year shall be reckoned in the proportion which the contracted weekly hours bear to wholetime weekly hours for the EPT post. Service as Pro-rata part-time lecturer shall also be reckoned in this way.

(2) No member is entitled to a period of pensionable service, other than any ill-health added years awarded on retirement on medical grounds as defined in Article 22, unless the appropriate contributions have been paid.

*Transferred Service and Additional Notional Pensionable Service*

(3) The following actual or notional pensionable service may be added to actual service subject to the relevant conditions, the limit on reckonable service of 40 years and a maximum aggregate added years under paragraphs (c) and (e) of 10 years—

- (a) service which is pensionable (or but for the condition that it is less than the vesting period would be pensionable) under an approved pension scheme and has been transferred to this Scheme under the Transfer Networks;
- (b) notional service which a member may opt to purchase in accordance with Chapter 2 of Part 2 (Additional Voluntary Benefits: Purchase of Notional Service);
- (c) any notional service credited under Article 22 (Retirement on Medical Grounds);
- (d) in the case of a member for whom a transfer value in respect of superannuation benefits in a former employment other than service referred to in Paragraph (a) is received by this Scheme, such additional service as the amount of the transfer value will purchase on the basis of actuarial tables approved by the Minister for Public Expenditure and Reform;
- (e) professional added years in accordance with Department of Environment Circular Letter S.6/87 and Department of Education and Science Circular Pen 03/05 and Department of Education and Science Circular Pen 23/05;
- (f) such additional service as may be credited by the repayment, with compound interest, of a marriage gratuity in accordance with terms approved by the Minister for Public Expenditure and Reform;
- (g) special leave without pay for a person under a contract to work in a programme funded or recognised by the organisation known as Irish

Aid up to a maximum period of 2 years if the term of work under that contract is 6 months or longer and the person is a member of this Scheme at the beginning of the contract and the organisation purchases the service in accordance with Chapter 2 of Part 2 (Additional Voluntary Benefits: Purchase of Notional Service);

- (h) where a member of this Part is granted special leave without pay by the Institute in order to take up an appointment with an institute of the European Union and such special leave ceases by reason of his or her return to employment in a pensionable post in the Institute, he or she shall be entitled to reckon as service the period of service with the E.U. institution which was actual service reckonable for the purposes of the institution's pension scheme where—
  - (i) he or she is not awarded a pension, preserved pension, severance gratuity, compensation payment or any equivalent benefit from the E.U. institution, and
  - (ii) the E.U. institution makes an agreed payment to the Board or Institute in respect of such service;
- (i) such additional service as may be credited by the repayment, with compound interest, of a gross superannuation refund received on resignation in respect of a previous period of service in accordance with terms approved by the Minister for Public Expenditure and Reform.

(4) Except as otherwise provided for in this Part, a period of unpaid leave of absence or of unpaid absence from service is not reckonable for pension purposes.

*Pensionable Service — Non-academic Officers and Non-officers*

12. (1) For the purposes of this Part, pensionable service in respect of non-academic officers and non-officers shall exclude service given after the age limit in the case of a member who is not a new entrant, subject to a maximum of 40 years, subject to a maximum of one year's service in any one year and subject to Article 65 (Prohibition on Duplication of Benefits) and Article 75 (Treatment of Earlier Service), comprise the aggregate of-

- (a) paid service given on or after the commencement of scheme membership (not being service falling within Paragraph (c) of this paragraph) and, in the case of a member who is not a new entrant, such service shall exclude service given after reaching the age limit, provided that any period during which a member was or is a work-sharer or job-sharer shall be reckonable in the proportion which the hours worked bear to comparable whole-time hours;
- (b) service given in a wholetime position before the date of commencement of membership that has been purchased in accordance with Article 13 (Contributions);

- (c) service given in a part-time position on or after the commencement of scheme membership on the basis of the relevant provisions in Paragraph (d) to (f) or such other provisions as determined by the Minister;
- (d) Where the service referred to in Paragraph (c) was prior to 27 May 1977, and where the hours worked per week were 18 hours or more, the service reckons on the basis of one half of the comparable full-time service;
- (e) Where the service referred to in Paragraph (c) was given on or after 27 May 1977 and before 1 September 2001 in the case of an officer or before 1 April 1996 in the case of a non-officer, and where the hours worked were at least 10 hours per week, the service will reckon in the proportion which the hours worked bear to comparable full-time service;
- (f) Where the service referred to in Paragraph (c) was given on or after 1 September 2001 in the case of an officer or 1 April 1996 in the case of a non-officer, all hours worked are reckonable in the proportion which the hours worked bear to comparable full-time service;
- (g) qualifying days given by non-officers on payment of the appropriate contributions;
- (h) service given in a part-time position before the date of commencement of scheme membership for which contributions have been paid in accordance with Article 13, the amount of service to be determined in accordance with paragraphs (d) to (f) or such other provision as determined by the Minister;
- (i) in the case of part-time staff who are in Limited Membership and resign, retire or die while serving on a part-time basis, service is credited as one full year for each year in service, but final salary is calculated in accordance with Article 7(2)(e).

In Paragraph (1)(g), “qualifying days” means the number of days in that financial year for which a non-officer was required to serve prior to 2001 in order to be made pensionable.

(2) No member is entitled to a period of pensionable service, other than ill-health added years awarded on retirement on medical grounds as defined in Article 22, unless the appropriate contributions have been paid.

*Transferred Service and Additional Notional Pensionable Service*

(3) The following actual or notional pensionable service may be added to actual service in this Scheme subject to the relevant conditions, the limit on reckonable service of 40 years and a maximum aggregate added years under paragraphs (c) and (e) of 10 years—

- (a) service which is pensionable (or but for the condition that it is less than the vesting period would be pensionable) under an approved pension scheme and has been transferred to this Scheme under the Transfer Networks;
- (b) notional service which a member may opt to purchase in accordance with Chapter 2 of Part 2 (Additional Voluntary Benefits: Purchase of Notional Service);
- (c) any notional service credited under Article 22 (Retirement on Medical Grounds);
- (d) in the case of a member for whom a transfer value in respect of superannuation benefits in a former employment other than service referred to in Paragraph (a) is received by this Scheme, such additional service as the amount of the transfer value will purchase on the basis of actuarial tables approved by the Minister for Public Expenditure and Reform;
- (e) in the case of Officers, professional added years in accordance with Department of Environment Circular S. 6/87 and Department of Education and Science Circular Pen 03/05 and Department of Education and Science Circular PEN 23/05;
- (f) Such additional service as may be credited by the repayment, with compound interest, of a marriage gratuity in accordance with terms approved by the Minister for Public Expenditure and Reform;
- (g) special leave without pay for a person under a contract to work in a programme funded or recognised by the organisation known as Irish Aid up to a maximum period of 2 years if the term of work under that contract is 6 months or longer and the person is a member of this Scheme at the beginning of the contract and the organisation purchases the service in accordance with Chapter 2 of Part 2 (Additional Voluntary Benefits: Purchase of Notional Service);
- (h) Where a member of this Part is granted special leave without pay by the Board or Institute in order to take up an appointment with an institute of the European Union and such special leave ceases by reason of his or her return to employment in a pensionable post in the Board or Institute, he or she shall be entitled to reckon as service the period of service with the E.U. institution which was actual service reckonable for the purposes of the institution's pension scheme where—
  - (i) he or she is not awarded a pension, preserved pension, severance gratuity, compensation payment or any equivalent benefit from the E.U. institution, and
  - (ii) the E.U. institution makes an agreed payment to the Board or Institute in respect of such service;

- (i) Such additional service as may be credited by the repayment, with compound interest, of a gross superannuation refund received on resignation in respect of a previous period of service in accordance with terms approved by the Minister for Public Expenditure and Reform.

(4) Except as otherwise provided for in this Part, a period of unpaid leave of absence or of unpaid absence from service is not reckonable for pension purposes.

#### *Contributions*

13. (1) Contributions under this Part for service given after entry to the Scheme membership are:

- (a) in the case of members who are not fully insured, 5% of remuneration;
- (b) in the case of members who are fully insured, 1.5% of remuneration and 3.5% of net remuneration;
- (c) in the case of part-time members to whom Limited Membership applies, under the terms of the Department of Education and Science Circular Letter 30/99 or Department of Education and Science Circular Letter 24/08, 1.5% of actual remuneration and 3.5% of net actual remuneration;
- (d) in the case of part-time members who are fully insured and the revised arrangements for certain part-time public servants applies, under the terms of Department of Education and Science Circular letter 25/08, 1.5% of remuneration and 3.5% of net remuneration multiplied in each case by the proportion the contract hours bear to the wholetime equivalent hours;
- (e) in the case of a part-time member who pays contributions in accordance with Paragraph (c) and subsequently becomes wholetime, he or she must pay the appropriate pro-rata contributions in accordance with Paragraph (d);
- (f) Where in respect of any members referred to in paragraphs (a) and (b), in respect of any period that that member was not working on a full-time basis, contributions are adjusted by proportion that the number of hours worked bears to comparable whole-time hours, in accordance with Paragraph (d).

(2) Contributions under this Part for service given prior to entry to Scheme membership are:

- (a) in the case of officers and established non-officers who are not fully insured-
  - (i) in the case of temporary whole-time service, 2.5% of historic pay for any reckonable service given up to 31 December 1985 and 5% of historic pay for any reckonable service given after that date;

- (ii) in the case of reckonable part-time service, 5% of historic pay for any reckonable service;
- (iii) where there is a liability for contributions under subparagraph (a) (i) or (ii), he or she should receive a notification that the contributions outstanding should be paid over a specified period of time;
- (iv) where the outstanding contributions are not paid within the specified period in Paragraph (iii), compound interest shall be applied to any outstanding balance. Any outstanding contributions together with compound interest shall be deducted from the benefits payable under this Scheme.

In this Paragraph:—

“the specified period” is a period equal to the period of service prior to entry to this Scheme, and,

“historic pay” means the actual remuneration, without adjustment, paid to the member on the date the service was given and

“historic net pay” means the amount by which historic pay exceeds the rate of contributory State Pension payable at that time;

(b) In the case of non-officers who are fully insured:

- (i) in the case of non-officers who were admitted to membership of this Scheme before 1 April 1996 and who have prior full-time service to be purchased the rate of contribution is 4% of historic pay for service given up to 26 May 1977 and 1.5% of historic pay plus 3.5% of historic net pay for service given from 27 May 1977 to 31 March 1996;
- (ii) in the case of non-officers who were admitted to this Scheme after 1 April 1996, and who have prior part-time service to be purchased, the rate of contribution is 1.5% of actual remuneration plus 3.5% of net actual remuneration;
- (iii) in the case of non-officers who opted to join in accordance with Department of Education and Science Circular Letter 25/2008, after 1 April 1996, and who have prior part-time service to be purchased, the rate of contribution is 1.5% of remuneration plus 3.5% of net remuneration multiplied in each case by the proportion the contract hours bear to the wholetime hours, but in respect of service given prior to 1 April 1996, at the remuneration and contributory State Pension rates on 1 April 1996;
- (iv) where there is a liability for contributions under Paragraph (i), (ii) or (iii), or additional contributions under Part 2 membership for certain part-time public servants, he or she should be

presented with the notification to pay the necessary contributions. The member should be informed in writing that he or she must pay the contributions over a specified period of time;

- (v) where there is a liability for contributions under Paragraph (i) or (ii) and where the outstanding contribution is not paid within the specified period of time under Paragraph (iv), compound interest shall be applied to any outstanding balance. Any outstanding balance including compound interest shall be deducted from any benefits payable under this Scheme;
  - (vi) where there is a liability for contributions under Paragraph (iii) and where the outstanding contributions are not paid within the specified period of time under Paragraph (iv), the outstanding liability will be determined by the salary and contributory State Pension rates applicable on the date of payment. Any outstanding liability shall be deducted from any benefit payable under this Scheme, based on the salary and contributory State Pension rates applicable at the time of the payment of the benefit.
- (c) in the case of members, other than non-officers who are fully insured-
- (i) in the case of wholtime members who had prior service, the rate of contribution is 1.5% of remuneration and 3.5% of net remuneration for each year of liability;
  - (ii) where there is a liability for past service under Paragraph (i), and a delay in notification is not the fault of the member, the relevant contributions should be calculated on the basis of the remuneration and contributory State Pension rates applicable on the date which is three months after the date the member became pensionable;
  - (iii) in the case of members who had prior part-time service before 1 September 2001 the rate of contribution is the rate set out in Paragraph (i) but based on remuneration and contributory State pension rate on 20 December 2001 or the remuneration held and the contributory State Pension rate in force within three months of appointment to a pensionable post, whichever is the more favourable;
  - (iv) where there is a liability for contributions under Paragraph (i) or (iii), and the member has not been formally notified by the Scheme administrator of the relevant contributions outstanding, he or she shall be given three months to pay the outstanding contributions from the date of notification;
  - (v) if the contributions due exceed 20% of the Officers gross annual salary, the three month period can be extended to ensure that the payments are maintained below the 20% threshold;

- (vi) in giving a member notice of a liability for outstanding contributions under Paragraph (iv), the Scheme administrator shall inform the member in writing that if the sum outstanding is not paid in full within the period under Paragraph (iv) or (v), compound interest will accrue on any outstanding balance from the date the period expires;
- (vii) where there is a liability for contributions under Paragraph (i) or (iii) and where the outstanding contributions are not paid within the specified period of time referred to in Paragraph (iv) or (v), compound interest will be applied to any outstanding contributions. Any outstanding liability including compound interest will be deducted from any benefit payable under the scheme;
- (viii) where there is a liability for contributions under Department of Education and Science Circular Letter 25/2008, he or she should be presented with the notification to pay the necessary contributions. The member should be informed in writing by the Board or Institute that he or she must pay the contributions in accordance with the time limits set out in that Circular or if the member is notified, on or after 1 September 2014, of contributions due, he or she must pay the necessary contributions in accordance with the time limits set out in Department of Education and Skills Circular Letter 62/2014;
- (ix) if the full liability for outstanding contributions under Paragraph (viii) is not discharged in accordance with the time limits referred to in that Paragraph, the outstanding liability will be determined by salary and contributory State Pension rates applicable on the date of payment. Any outstanding liability will be deducted from any benefits payable under this Scheme based on the salary and contributory State Pension rates applicable at the date of payment of the benefits.

- (3) (a) Where a member is in receipt of a reduced rate of remuneration because of absence from employment during a period in respect of which the member was in receipt of sick pay, the contributions in respect of that period will be calculated by reference to the rate of remuneration payable to him or her if he or she were not so absent.
- (b) No contributions are payable during a period in respect of which a member is in receipt of Temporary Rehabilitation Remuneration.

*Refund of Contributions in certain cases*

- (4) (a) Where a member who has not completed the vesting period—
  - (i) whose active membership of this Scheme ceases other than on medical grounds or death, and



- (ii) who does not transfer his or her pensionable service in accordance with the Transfer Network,

his or her contributions (including contributions paid under Part 3 (Survivors' and Children's Benefits)) shall be returned, without interest, to him or her by the Board or Institute less an amount equal to any income tax or other statutory liability. Accordingly the person is, except where Paragraph (5) applies, not entitled to receive any further benefit under this Scheme in respect of the period of such membership.

(5) Where a person—

- (a) has had contributions returned under Paragraph (4),
- (b) is subsequently re-employed before 21 May 2008 as a pensionable member in this Scheme or in another Public Service Pension Scheme to which the service may be transferred, and
  - (i) pays such amount to the Board or Institute as would, on the date of payment or of the final payment where Paragraph (4) applies, represent the gross amount of contributions paid to him or her with, compound interest on such amount as may be specified by the Board or Institute and such rate of interest as determined by the Minister for Public Expenditure and Reform,

then he or she shall have his or her pensionable service, referred to in Paragraph (4), restored.

- (c) is subsequently re-employed after 21 May 2008 as a pensionable member in this Scheme or in another Public Service Pension Scheme to which the service may be transferred, and
  - (i) where the period of service being restored has been given since 1 September 2001 in the case of an officer or since 1 April 1996 in the case of a non-officer, the period will be restored through paying contributions to the Board or Institute on the basis of whole-time equivalent pay rates current at the time of payment or
  - (ii) where the period of service being restored has been given prior to 1 September 2001 in the case of an officer or prior to 1 April 1996 in the case of a non-officer, the service will be restored by payment of such amount to the Board or Institute as would, on the date of payment or of the final payment, represent the amount of gross contributions paid to him or her with compound interest on such amount and at such rate per annum as may be specified by Board or Institute with the approval of the Minister for Public Expenditure and Reform.

(6) For the purposes of Paragraph (5), the Board or Institute may at its discretion agree to accept payment of the amount concerned in more than one payment but, unless otherwise provided for in this Article, compound interest will continue to apply on all outstanding contributions.

*Pension Calculation on Retirement*

14. (1) A member who is not fully insured who retires having attained the minimum pension age shall be eligible to receive a pension of an amount per annum calculated at the rate of 1/80th of his or her pensionable remuneration at retirement for each year of pensionable service.

(2) Subject to Paragraphs (3) and (4), a member who is fully insured and has a pension in payment on or after 1 January 2004, or retires on or after that date having completed the vesting period and having attained the minimum pension age, shall be eligible to receive a pension of an amount per annum calculated in accordance with the formula:

$[A \times C / 200] + [B \times C / 80]$ , where

**A** is

(a) if the member's pensionable remuneration is less than or equal to 3 and 1/3rd times the annual rate of contributory State Pension payable on the last day of the member's pensionable service, the amount of the member's pensionable remuneration;

or

(b) if the member's pensionable remuneration exceeds 3 and 1/3rd times the annual rate of contributory State Pension payable on the last day of the member's pensionable service, that part of the member's pensionable remuneration which equals 3 and 1/3rd times the rate of contributory State Pension;

**B** is that part (if any) of the member's pensionable remuneration which exceeds 3 and 1/3rd times the annual rate of contributory State Pension payable on the last day of the member's pensionable service; and

**C** is the amount of the member's pensionable service, subject to a maximum of 40 years.

(3) Where a former member who was fully insured and who had an entitlement to a pension prior to 1 January 2004, that pension in respect of any period in payment prior to 1 January 2004 is calculated as 1/80th of his or her net pensionable remuneration at retirement for each year of pensionable service.

(4) Where a member or former member has Limited Membership the pension is calculated as 1/80th of his or her net pensionable remuneration at retirement for each year of pensionable service.

*Lump Sum Calculation on Retirement*

15. (1) A member who retires having attained the minimum pension age shall be eligible to receive a lump sum calculated at the rate of 3/80th of pensionable remuneration for each year of pensionable service subject to a maximum of 120/80th.

(2) Where a general increase in pay becomes effective within a period of 3 months following the member's 65th birthday and the former member who has opted to retire on his or her 65th birthday is alive on the date the increase becomes effective, the lump sum determined under Paragraph (1) may be adjusted to take into account the pensionable remuneration which would have applied on the date such general increase becomes effective.

*Balancing Gratuity on Death in Retirement*

16. (1) If the person who has been granted a pension and lump sum dies and the aggregate amount of—

- (a) pension paid or payable (including any amount which would have been payable had the provisions of Article 63 (Employment subsequent to Resignation or Retirement) or Article 64 (Re-employment of a Pensioner by a Public Service Body) not applied, and
- (b) the lump sum (before any deductions are made for non-periodic contributions in respect of survivor's benefits or other contributions deducted from the lump sum)

is less than the gratuity which would have been granted to his or her legal personal representative, had the former member died on the date of his or her retirement if calculated in accordance with Article 24(1)(a), (Death Gratuity on Death in Service), the legal personal representative shall be eligible to receive a gratuity equal to the deficiency.

*Preservation of Benefits*

17. (1) Where a member ceases to be an active member after completing the vesting period before preserved pension age other than—

- (a) on retirement on medical grounds with immediate pension, having completed the ill-health vesting period or
- (b) not having completed the ill-health vesting period and having opted in writing for the gratuities under Article 22(2), (Retirement on Medical Grounds),

he or she will, on attaining the preserved pension age, be eligible to receive a preserved pension and preserved lump sum, provided that—

- (i) he or she does not receive any other benefit in respect of the service which gave rise to preserved pension or lump sum, and
- (ii) that service is not reckoned for pension purposes by him or her in another employment in any public service pension scheme.

(2) Where a member to whom Paragraph (1) applies and provided that member became a Part 2 member before 1 February 1995, he or she may, in writing, waive the entitlement to preserved pension and preserved lump sum and apply to have his or her superannuation contributions returned to him or her by the Board or Institute. On receipt of the member's application, the Board or Institute shall return the relevant contributions to the former member, less an amount equal to income tax or any other statutory liability, and the Board or Institute shall not grant any other benefit to or in respect of the former member.

*Preserved Pension Calculation including Preserved Pension payable on Medical Grounds*

18. (1) A preserved pension shall be the amount which would have been awarded to the former member under Article 14 (Pension Calculation on Retirement) if he or she had attained minimum pension age on the date of resignation, as adjusted in accordance with Article 71 (Adjustment to Pensions) in the interval between the date of resignation and the date of attaining preserved pension age.

(2) A preserved pension shall be awarded to the former member on attaining preserved pension age and on application being made by him or her. Where the former member dies on or after attaining the preserved pension age without having applied for the preserved pension, an amount equal to the preserved pension which would have been payable between the preserved pension age and the date of death shall be payable to the legal personal representative of the former member on valid application being made.

(3) Where a person to whom Paragraph (1) applies incurs permanent ill-health and satisfies the Board or Institute that, if still serving, he or she would be eligible to retire on medical grounds under Article 22(7), (Retirement on Medical Grounds) then a preserved pension and preserved lump sum may be paid with effect from the date, without the award of ill-health added years, (not earlier than the date of the receipt by the Board or Institute of the former member's application) on which the Board or Institute is so satisfied.

(4) Where a preserved pension is granted to a person in accordance with Paragraph (3), the Board or Institute may, at any time after the person is awarded the pension and before the person has reached the preserved pension age, review or further review the matter and upon such reviews—

- (a) where the pension is being paid and the Board or Institute is satisfied that, had the application been made at the date of the review (or further review), such application would not have been granted, the Board or Institute shall grant no further payments of pension from the date of the review until the person attains the preserved pension age, or
- (b) where the payment of the pension has ceased in accordance with Paragraph (a), and the Board or Institute is satisfied that, had such application been made at the date of the further review the application

would have been allowed, payment of the pension shall be recommenced, from the date of the further review.

*Preserved Lump Sum or Preserved Death Gratuity*

19. (1) The amount of a preserved lump sum or preserved death gratuity shall be the amount which would have been awarded to the former member under Article 15 (Lump Sum Calculation on Retirement) if he or she had attained minimum pension age on the date of resignation, as adjusted by reference to Article 71 (Adjustment to Pensions) in the interval between the date of resignation and the date—

- (a) on which he or she attains the preserved pension age, in the case of a preserved lump sum, or
- (b) of his or her death before preserved pension age, in the case of a preserved death gratuity.

(2) A lump sum shall be awarded to the former member on attaining preserved pension age and on application being made by him or her or in the event that he or she dies before reaching that age, a preserved death gratuity shall be payable in respect of the member on application by his or her legal personal representative.

*Split Pensions in this Scheme*

20. (1) (a) A new entrant who is entitled to preserved benefits payable at age 60 in respect of earlier service as a member, or
- (b) a fully insured member who is entitled to preserved benefits as a member during which service he or she was not fully insured,

may opt in writing, before any benefit falls due for payment, to retain entitlement to the preserved benefits in this Scheme subject to—

- (i) payment of the preserved pension not commencing before the date on which his or her membership of the Scheme ceases,
- (ii) in the event of death in service, for the purposes of Article 24(1)(a), (Death Gratuity on Death in Service) actual annual remuneration is reduced by an amount calculated as 3/80th of pensionable remuneration, as adjusted in accordance with Article 71 (Adjustment to Pensions), at date of death for each year of earlier service as a scheme member, and
- (iii) in the event of death in service, the aggregate of the preserved death gratuity and the death gratuity shall not exceed the amount of gratuity calculated on the basis of 40 years pensionable service.

(2) In the absence of receipt of a valid option under Paragraph (1) the Board or Institute will pay the benefits due on the basis of the aggregate of the 2 periods of service.

*Cost Neutral Early Retirement*

21. (1) This Article shall be deemed to have come into operation on 1 April 2004.

(2) (a) In this Article—

a member has attained the “specified age” where he or she has attained an age such that the difference between that age and his or her preserved pension age is 10 years or less;

“cost neutral early retirement” means retirement in the circumstances and under the conditions set out in the relevant circulars and in respect of which retirement provision is made by that circular for eligibility for the payment of certain benefits;

“relevant circulars” mean Department of Education and Science Circular Letter PEN 05/05 and Department of Education and Science Circular Letter Pen 24/05.

(3) Where—

(a) on or after 1 April 2004, a member, having completed the vesting period, resigns and on the date on which that resignation has effect he or she has not attained the preserved pension age but has attained or will have attained the specified age, and

(b) before the date on which that resignation has effect, the member had applied in writing to the Board or Institute to have his or her pension and lump sum benefits paid with effect from that date, and

(c) the Board or Institute agrees to those benefits being so paid,

then those benefits shall be calculated by reference to the calculation of the member’s preserved benefits but the amount of each benefit shall be reduced by reference to the actuarial table in Paragraph (6) and the benefits shall be paid in accordance with the provisions of Paragraphs (4) to (12).

(4) In this Article, a reference to an application for cost neutral early retirement being granted is a reference to such an application that is made, and which is granted, in accordance with the relevant circular.

*Benefits under Cost Neutral Early Retirement*

(5) Subject to Paragraphs (9) to (11), where an application for cost neutral early retirement by a member is granted, the amount of lump sum and pension payable to the member shall be the amount, if any, arrived at by the formula:

$$[A + ((B/365) \times (C - A))] \times D$$

where

A is the actuarial reduction factor in relation to pension or lump sum specified in—

- (a) column (2) or (3), as the case may be, of the Table in Paragraph 6(a) of this Article in the case of members who have a preserved pension age of 60, or
- (b) column (2) or (3), as the case may be, of the Table in Paragraph 6 (b) of this Article in the case of members who have a preserved pension age of 65

B is the number of days since the member’s last birthday,

C is the relevant actuarial reduction factor specified in the definition of “A”, but, for the purposes of this definition, a reference in column (1) of Table(a) or (b) to an age of the member shall be read as a reference to that age at the member’s next birthday, and

D is the preserved benefit the member would be entitled to receive based on service referred to in Article 17 (Preservation of Benefits) and without the application of an actuarial reduction.

(6) TABLES

Factors to be applied to preserved benefits to derive actuarially reduced benefits.

(a)

<b>Members with a preserved age of 60</b>		
Age last birthday	Pension	Lump sum
50	62.4%	82.2%
51	65.1%	83.9%
52	67.9%	85.5%
53	71.0%	87.2%
54	74.3%	88.9%
55	77.8%	90.7%
56	81.6%	92.4%
57	85.7%	94.3%
58	90.1%	96.1%
59	94.8%	98.0%

(b)

<b>Members with a preserved age of 65</b>		
Age last birthday	Pension	Lump sum
55	58.2%	82.4%
56	61.1%	84.0%
57	64.1%	85.6%
58	67.4%	87.3%
59	71.0%	89.0%
60	74.8%	90.7%
61	79.0%	92.5%
62	83.6%	94.3%
63	88.5%	96.1%
64	94.0%	98.0%

The values in these tables may be amended by a determination from time to time of the Minister for Public Expenditure and Reform, from an effective date specified by that Minister.

(7) Where an application for cost neutral early retirement by a member is granted, the relevant actuarial reduction factor shall apply for the lifetime of the payment of the pension and the member shall not be entitled to receive a preserved pension on reaching the preserved pension age.

(8) Where an application for cost neutral early retirement by a member is granted, a supplementary pension in accordance with Article 23 (Supplementary Pension) may be payable to the former member but not before reaching his or her preserved pension age.

*Purchase of Notional Service and Cost Neutral Early Retirement*

(9) Where a member, who is not a new entrant, is purchasing notional service in accordance with Chapter 2 of this Part (Additional Voluntary Benefits) on the basis of retiring on attaining 65 years of age and his or her application for cost neutral early retirement is granted then, in determining pensionable service for the purpose of the formula specified in Paragraph (5), the notional purchase actuarial reduction factors appropriate to retirement at 60 years of age shall be applied to the proportionate amount of notional service purchased at the time of resignation or, where purchase is being made by way of lump sum, the amount of notional service contracted for, and that figure shall be added to actual pensionable service.

(10) Where a member, other than a person to whom Paragraph (1) applies, is purchasing notional service in accordance with Chapter 2 of this Part (Additional Voluntary Benefits) and his or her application for cost neutral early retirement is granted then, in determining pensionable service for the purpose of the formula specified in Paragraph (5), the proportionate amount of notional service purchased at the time of resignation or, where purchase is being made



by way of lump sum, the amount of notional service contracted for, shall be added to actual pensionable service.

(11) Where a person who has been awarded Professional Added Years opts for cost neutral early retirement two reductions will apply. Firstly, the appropriate reduction arrangements (under the relevant Added Years Scheme) which apply in the case of termination of service below minimum pension age will apply. Secondly, the resultant service (if any) will then be added to actual service and the relevant cost neutral early retirement factor in the relevant Table in Paragraph 6 will be applied to the preserved benefits derived from the aggregate service.

*Restriction on reckoning of service on subsequent employment.*

(12) Notwithstanding anything in Article 11 and Article 12 (Pensionable Service), where a person retires on foot of an application for cost neutral early retirement that has been granted and subsequently is appointed to a pensionable post, pensionable service in respect of which that application was granted shall not be reckonable for the purposes of calculating pensionable service on his or her future retirement or for transferring service in accordance with the Transfer Network.

*Retirement on Medical Grounds*

22. (1) A member who has completed at least one year's actual pensionable service and less than the vesting period who ceases to be an active member on retirement on medical grounds in accordance with Paragraph (7) shall be eligible to receive a gratuity of 1/12th of pensionable remuneration at retirement for each year of pensionable service.

(2) A member who has completed the vesting period but not the ill-health vesting period who ceases to be an active member on retirement on medical grounds in accordance with Paragraph (7) shall be eligible to receive a gratuity of 1/12th of pensionable remuneration for each year of pensionable service and, in addition, a gratuity equal to 3/80th of pensionable remuneration for each year of pensionable service, provided the member opts in writing to accept such gratuities in lieu of any preserved benefits under the scheme.

(3) A member who has completed the ill-health vesting period and who ceases to be an active member on retirement on medical grounds in accordance with Paragraph (7), may have a period of notional service (to be referred to as "ill-health added years") as provided for in Paragraph (4), added to his or her pensionable service and have pension and lump sum payable from a date as determined by the Board or Institute.

(4) The ill-health added years shall be calculated as follows—

- (a) a member whose actual pensionable service is between 5 and 10 years will be allowed an equivalent amount of ill-health added years, provided such added years does not exceed the additional amount of pensionable service the member would have had, if he or she served

to age 65 or, if earlier, the date on which the member's contract of employment would expire;

(b) a member whose actual pensionable service is between 10 and 20 years will be allowed the more favourable of—

(i) added years equal to the period by which 20 years exceeds the member's actual pensionable service, provided such added years does not exceed the additional amount of pensionable service the member would have had if he or she had served to 65 or, if earlier, to the date on which his or her contract of employment would expire; or

(ii) 6 years and 243 days, the added years not to exceed the additional amount of pensionable service the member would have had if he or she served to age 60 or, if earlier, to the date his or her contract of employment would expire;

(c) A member who has more than 20 years of actual pensionable service at retirement will be allowed added years, whichever is the lesser of—

(i) 6 years and 243 days, or

(ii) the amount of additional service the member would have had, if he or she had served to age 60, or, if earlier, to the date on which his or her contract of employment would expire.

(5) Where there is a limit stipulated for the total amount of added years in Paragraph 4 by reference to potential service to age 60 or 65, such years will be calculated in respect of job-sharing, work-sharing or part-time members as provided for in Department of Public Expenditure and Reform Circular 11/2012.

(6) In calculating added years under Paragraph (4), service which is transferred under the Transfer Networks or service in respect of which an application has been received by the Board or Institute to transfer service shall be taken into account by the Board or Institute as if it was actual pensionable service.

(7) Subject to the provisions of the ill-health retirement procedures of the Board or Institute as approved from time to time by the Minister, where a member ceases to be an active member on retirement on medical grounds, a benefit under this Article shall only be paid where the following conditions are met—

(a) Medical evidence must be supplied, in relation to which the Board or Institute must be satisfied that the member is incapable due to infirmity of mind or body of discharging the duties of his or her post and that the infirmity is likely to be permanent. The member must, when requested by the Board or Institute, undergo examination by a registered medical practitioner and his or her case must be assessed by an Occupational Physician nominated by the Board or Institute. The

Occupational Physician will make a recommendation to the Board or Institute based on the evidence available;

- (b) the retirement must be wholly due to the infirmity;
- (c) the infirmity must not be caused by the member's own fault or negligence;
- (d) the member must not have made a false declaration about his or her health nor have suppressed a material fact about his or her health when applying to take up a post in the Board or Institute;
- (e) the decision to approve an application for retirement on medical ground is made by the Board or Institute based on the recommendation of the Occupational Physician.

(8) Where any of the conditions in Paragraph (7) are not met, Articles 14 (Pension Calculation on Retirement) and 15 (Lump Sum Calculation on Retirement) or Articles 17 (Preservation of Benefits), 18 (Preserved Pension Calculation etc.), 19 (Preserved Lump Sum etc.) or 21 (Cost Neutral Early Retirement), shall apply, as appropriate, in lieu of benefits under this Article.

- (9) (a) A member who ceases to be an active member on retirement on medical grounds and is in receipt of ill-health retirement pension benefit, may from time to time be required by the Board or Institute to submit medical evidence of the continued existence of the ill-health, and may be required to attend for medical examination.
- (b) Prior to taking up any post in a Board or Institute, following application for and provisional appointment to such a post in the case of a former member to whom Paragraph (a) applies, he or she must submit fresh medical evidence to the Occupational Physician nominated by the Board or Institute.
- (c) If the Occupational Physician deems the former member medically fit to be employed,
  - (i) Pensions benefits in payment will cease immediately on taking up a post under Paragraph (b),
  - (ii) future pension and lump sum benefits will be based on actual service and will not include the notional ill-health added years in the calculation and
  - (iii) the lump sum awarded on subsequent retirement will be reduced by the amount of the lump sum paid on the occurrence of the first retirement.
- (d) If a member fails or refuses to submit medical evidence of the continued existence of the ill-health and/or attend for medical examination the pension benefits in payment will cease.

*Supplementary Pension*

23. (1) This Article refers to a member who—

- (a) is fully insured as a member of this Scheme, or,
- (b) whose pension is calculated on a combination of service provided when the person was not fully insured and of service provided when the person was fully insured under this Scheme, and

Who, subject to Paragraph (2), is in receipt of a pension under Article 14 (Pension Calculation on Retirement), 21 (Cost Neutral Early Retirement) or 22 (Retirement on Medical Grounds) or a preserved pension.

(2) Where a member to whom Paragraph (1) applies—

- (a) for reasons outside of his or her control, fails to qualify for a Social Welfare Benefit or qualifies for a Social Welfare benefit at a reduced rate,
- (b) is unemployed and
- (c) other than a person in receipt of a pension under Article 22 (Retirement on Medical Grounds), has reached the preserved pension age,

then, so long as the Board or Institute is satisfied that the pre-conditions set out in this Article are met, the former member may, at the discretion of the Board or Institute, be paid a supplementary pension.

(3) The amount of supplementary pension payable shall be the amount, if any, arrived at by the formula:

**A** — (**B** + **C**) where—

**A** is the amount of pension or preserved pension which would have been payable to the former member, in respect of the period for which he or she was a fully insured member, if he or she had not been fully insured;

**B** is the amount of pension actually payable to the former member, in respect of the period for which he or she was a fully insured member, and

**C** is the amount of personal Social Welfare Benefit payable to the former member.

(4) A member who is in receipt of a supplementary pension under this Article, is obliged to inform the Board or Institute if circumstances change which would affect his or her eligibility for a supplementary pension or which would impact on the amount of supplementary pension for which he or she is eligible.

(5) The Board or Institute shall review supplementary pensions in payment periodically and shall confirm whether or not a supplementary pension should continue in payment and the rate of such payment (if any).

*Death Gratuity on Death in Service*

24. (1) Subject to Article 20 (Split Pensions in this Scheme), if a member dies while an active member, his or her legal personal representative shall be eligible, subject to Paragraph (3), to receive a death gratuity which will be the greater of—

- (a) his or her actual annual remuneration payable at date of death,
- (b) the lump sum that would have been payable had the member retired on medical grounds on the date of his or her death, or
- (c) in the case of a non-officer who dies in service after 23 February 1996, a sum not exceeding 97.43% of the second point of the Local Authority Craftworker's pay scale or from such dates as may be fixed from time to time by the Minister, such other sum as may be determined by the Minister with the consent of the Minister for Public Expenditure and Reform,

and in the case of a part-time member, a job-sharer or a work-sharer, the provisions of Department of Public Expenditure and Reform Circular 11/2012 will apply.

(2) Notwithstanding the provisions of Paragraph (1), the gratuity may, in respect of a member who dies in service on or after 1 January 1986 and who is married or in a civil partnership at date of death, be granted at the discretion of the Board or Institute, with the approval of the Minister, but subject to Paragraph (3), to the spouse or civil partner, as appropriate.

(3) Payment of a Death Gratuity under this Article, is subject to compliance with the requirements of the Office of the Paymaster General.

*Surrender of Portion of Pension*

25. A member who retires may surrender a portion of their pension to a civil partner, spouse or specified dependant in accordance with the terms and conditions approved by the Minister from time to time with the consent of the Minister for Public Expenditure and Reform.

*Gratuity or Allowance in Case of Injury*

26. (1) Where a member is injured—

- (a) in the actual discharge of his or her duty, and
- (b) without his or her own default, and
- (c) by some injury attributable solely to the nature of his or her duty,

the Board or Institute may grant to him or her, and, if within seven years after the date of the injury, he or she dies as a direct result thereof, to his or her spouse, civil partner, father or mother, if wholly dependent on him or her at the time of his or her death, and to or in respect of his or her children, or any of them, such gratuity or allowance in money for life or for a limited period as the Board or Institute may consider reasonable and as may be sanctioned by the Minister either generally or in any particular case.

(2) Where an allowance is granted under this Article to, or in respect of, an injured person and there is also payable to, or in respect of him or her, all or any of the following:

- (a) any other pension, allowance or temporary rehabilitation remuneration payable by the Board or Institute,
- (b) any lump sum or gratuity so payable,
- (c) (i) any amount so payable by way of compensation under section 97 of the Social Welfare Consolidation Act 2005, or by way of injury benefit or disablement benefit under Chapter 13 of Part 2 of the Social Welfare Consolidation Act 2005,
- (ii) State Pension (contributory), retirement pension, invalidity pension, illness benefit, disability benefit or unemployment benefit, and
- (d) where he or she has died, any pension payable to his or her spouse or civil partner under Chapter 13 of Part 2 of the Social Welfare Consolidation Act 2005,

the allowance under this article together with so much as may be equivalent to whatever is also payable as aforesaid shall not exceed five-sixths of the remuneration (inclusive of the money value of emoluments (being any apartments, rations or other perquisites in kind), if any) of the position in which he or she received the injury.

## Chapter 2

### *Additional Voluntary Benefits: Purchase of Notional Service in this Scheme*

#### *Purchase of Notional Service — Commencement (Chapter 2)*

27. (1) This Chapter shall be deemed to have come into operation on 27 May 1977.

#### *Purchase of Notional Service — Interpretation*

28. (1) For the purposes of this Chapter—

“1981 arrangements” means the arrangements, set out in S.I. 421/1986 concerning purchase of service, introduced with effect from 2 February 1981;

“1990 arrangements” means the arrangements, set out in S.I. 184/1992 concerning purchase of service, introduced with effect from 1 July 1990;

“regular part-time” means, in relation to a member of Part 2, (Members Personal Pension Provisions) a member who has been working part-time for not less than 2 consecutive years under a regular part time contract and has an established part-time work pattern as a proportion of full time attendance;

“relevant age” means—

- (a) 65 years of age in the case of a new entrant or in the case of a member, other than a new entrant, who opts to purchase service in accordance with the appropriate Table in Schedule 1, being a Table the heading of which specifies the age of 65;
- (b) 60 years of age in the case of members, who are not new entrants and who opt to purchase service in accordance with the appropriate Table in Schedule 1, being a Table the heading of which specifies the age of 60.

*Purchase of Notional Service — Application of Chapter 2*

29. (1) This Chapter applies to members of Part 2 (Members Personal Pension Provisions) who are giving pensionable service on or after 2 February 1981, and who—

- (a) are in permanent, temporary full time or job-sharing positions or, from 20 October 2006, are in work-sharing positions or in regular part-time posts;
- (b) would have not less than 9 years’ actual pensionable service (excluding purchased notional service) by the time they attain the relevant age;
- (c) subject to Article 30(10) (Purchase of Notional Service — General Conditions), are not on sick leave or suspended from duty (either with or without pay);
- (d) are not disqualified by virtue of having received, or having an entitlement to, retained benefits within the meaning of Schedule 2 (Limits on the amount of Service which may be Purchased); and
- (e) exercise a valid option in accordance with this Chapter.

*Purchase of Notional Service — General Conditions*

30. (1) The service which may be purchased under this Chapter shall not exceed the limits specified in Schedule 2.

- (2) (a) An option to purchase service by periodic deductions from salary may be exercised at any time during the member’s service, provided that—
  - (i) he or she is in appropriate service at the time of exercise of the option,

- (ii) not less than 2 years will elapse between the date of the member's next birthday and the date on which the member will reach the relevant age, and
  - (iii) without the purchase of service under this Chapter he or she would not have 40 years pensionable service before reaching the relevant age.
- (b) For the purposes of Paragraph (a), "appropriate service" means—
- (i) pensionable service given as member in a pensionable full time or job-sharing capacity;
  - (ii) pensionable service given on or after 20 October 2006 as a pensionable worksharing or a regular part-time member.
- (3) An option to purchase service by lump sum payment may be exercised while a person is a member of Part 2 subject to the following conditions:
- (a) where the option is exercised on or after 20 October 2006, it shall be exercised—
    - (i) by way of a lump sum payment, no more than once during each year, provided that—
      - (I) the amount of contribution is not less than 10% of the member's salary or net salary, as appropriate, or
      - (II) where the amount of the contribution that would be required to purchase all of the service that is capable of being purchased under this Chapter is less than 10% of the member's salary or net salary, as appropriate, the member shall purchase all of the service capable of being so purchased;
  - or
  - (ii) by way of a lump sum payment where a member has been on a period of leave without pay, in order to reckon such period or such shorter period as the member chooses, provided that it is exercised within 6 months of return to duty following such period of leave, and the period of leave has interrupted a periodic purchase contract;
- (b) where the option is exercised on or after 1 July 1990 and before 20 October 2006—
- (i) within 2 years of the person becoming a member of Part 2 (Members' Personal Pension Provisions) or commencing full time service as a Part 2 member whichever is later, or



- (ii) on the date of the member's retirement or within 2 years prior to that date, or
  - (iii) within 6 months of the member's return to duty following a period of leave without pay provided that the amount of service which may be purchased in such a case shall not exceed the duration of the period of leave;
- (c) where the option is exercised after 2 February 1981 and before 1 July 1990, or before 2 February 1981 in the case of a member who was in pensionable service on that date, within 2 years of the person becoming a member of Part 2 (Members' Personal Pensions Provisions), or 2 February 1983 whichever is later.

(4) Notwithstanding anything in the preceding provisions of this Article, where the amount of service being purchased is less than one year it shall be payable by way of a lump sum payment.

(5) An option to purchase service by either lump sum or periodic deduction shall be exercised in writing while the member is giving pensionable service and before he or she reaches the relevant age.

(6) A member shall be prohibited from revoking an option exercised in accordance with this Chapter, except where notice in writing of the revocation is given before the lump sum payment is made or the periodic deductions commence.

(7) In the case of an option exercised to pay by way of periodic deductions, a member may, if he or she so wishes, choose to cease paying the contributions—

- (a) on or after 20 October 2006, with effect from the date of his or her next available pay day, not being later than 4 weeks from the date of receipt by the Board or Institute of written notification of such cesser, or
- (b) before 20 October 2006, with effect from the date of his or her next birthday following receipt by the Board or Institute of his or her written notification of such cesser.

(8) Where a member exercises more than one option to purchase service, each such option shall be treated separately for the purposes of this Chapter.

(9) An option to purchase service by reference to 60 years of age shall not be available to new entrants.

(10) A member who retires on ill-health grounds on or after 1 July 1990 shall be eligible to purchase service by lump sum payment, but not later than the date of retirement.

(11) The reference in Paragraph (3)(a)(ii) to a period of leave having interrupted a periodic purchase contract shall be construed as a reference to a period

of leave having been taken at a date falling within the period over which a contract to purchase service by periodic contributions operates.

(12) On or after 1 January 1995, where a member goes on special leave without pay under a contract to work for a minimum period of 6 months in a programme funded or recognised by the organisation known as Irish Aid, that organisation may purchase notional service on behalf of the member for a minimum amount of notional service of 6 months and a maximum amount of 2 years.

*Purchase Conditions for Specific types of Contracts*

31. (1) Subject to Paragraph (2), a member who is employed on a fixed-term contract or a fixed purpose contract and who, in either case, is in pensionable service on or after 20 October 2006 may purchase service under this Chapter.

(2) A member who is employed on—

(a) a fixed-term contract which provides that it is non-renewable, or

(b) a fixed-purpose contract which would not be expected to extend beyond a 9 year period,

may not purchase service under this Chapter unless he or she has prior pensionable service or has transferred service under approved transfer arrangements which, in either case, would result in potential service exceeding 9 years.

(3) A member who is employed on a contract of indefinite duration shall be regarded as having potential service to the relevant age.

*Purchase Provisions for job-sharing, worksharing and part-time members*

32. (1) Before 1 July 1990, a member who is job-sharing may purchase service under this Chapter where his or her potential service to the relevant age, if he or she were to return to full time service, would be less than 40 years.

(2) On or after 1 July 1990 and before 20 October 2006, a member who is job-sharing may purchase service under this Chapter provided that—

(a) the period over which his or her contract to purchase service under this Chapter is to operate will not expire before his or her reaching 65 years of age; and

(b) either—

(i) he or she has, at the time he or she exercises the option to purchase such service, been job-sharing for not less than 5 years, or

(ii) he or she is not less than 50 years of age at the time he or she commences job-sharing.

(3) On or after 20 October 2006, a member who is job-sharing, worksharing or working part-time may purchase service under this Chapter provided that he or she has, at the time he or she exercises an option to purchase service, been

job-sharing, worksharing or working part-time for not less than 2 consecutive years in a regular part-time position.

(4) Where a member who is purchasing service pursuant to Paragraph (2) or (3) increases his or her job-sharing, worksharing or part-time attendance pattern, or returns to full-time service and, as a result, the service being purchased exceeds the amount required to bring his or her potential pensionable service, by the relevant age, to 40 years service, the contribution rate shall be adjusted or, if necessary, the payment of contributions shall be cancelled and the member is entitled to a refund of any excess contributions (including all contributions if necessary).

*Purchase Provisions relating to leave without pay*

33. (1) A period of leave without pay may be purchased under this Chapter as notional service only if:

- (a) the period commences on or after 1 July 1990;
- (b) the member concerned is otherwise eligible to purchase service under this Chapter;
- (c) the member concerned pays the appropriate contributions during the period of leave without pay; and
- (d) the application to have that period reckoned as notional service is made before the period of leave commences.

(2) The contributions under this Article shall be payable before the last day of each of the following months, namely November, February, May and August.

(3) The following contribution rates shall apply for the purposes of this Article:

- (a) in the case of leave without pay commencing on or after 1 July 1990 and on or before 20 October 2006, or leave without pay and the 1990 arrangements applied, the appropriate rate set out in the S. I. 184 of 1992;
- (b) in the case of leave without pay commencing on or after 20 October 2006, payment at the lump-sum contribution rate applicable to the member concerned and specified in the appropriate Table in Schedule 1 (Purchase of Notional Service Tables and Actuarial Reduction Tables for Purchase of Notional Service), determined by the member's age next birthday on the last day of the quarter in respect of which the quarterly payment due is being calculated.

*Provisions for payment of unpaid purchase contributions during a Periodic Purchase Agreement*

34. (1) Where a period of leave without pay has interrupted a periodic purchase contract referred to in Paragraph (11) of Article 30 (Purchase of Notional

Service — General Conditions), the following options may be exercised in order to make good the resulting deficiency in purchased notional service:

- (a) making a single lump sum payment, of an amount determined in accordance with Paragraph (2), within 6 months from the date of return to duty from the period of leave, or
- (b) doubling-up on the periodic contributions for a period equivalent to the period of leave without pay when the member recommences payment of periodic contributions.

(2) The amount of the single lump-sum payment referred to in Paragraph (1)(a) shall be the amount obtained by applying the purchase rate the member is paying under the purchase contract to the annual rate of salary applicable on the date the member returns to duty and multiplying that result by the number of days on leave without pay divided by 365.

*Provisions for Periodic and Lump Sum Purchase of Notional Service*

35. (1) Subject to Article 33 (Purchase Provisions Relating to Leave without pay), where a member opts to purchase service under this Chapter by way of periodic deductions from salary, contributions shall be payable from the date of the member's next birthday until the date the member reaches the relevant age.

(2) The amount of a periodic contribution payable under this Article shall be based on the member's salary and the rate of contribution shall be determined in accordance with the appropriate Table in Schedule 1 (Purchase of Notional Service Tables and Actuarial Reduction Tables for Purchase of Notional Service), provided that the values in these tables may be amended by a determination from time to time of the Minister for Public Expenditure and Reform, from an effective date specified by that Minister.

- (3) (a) Where a member opts to purchase service under this Chapter by way of lump sum payment, the contribution shall be based on salary at the date the member exercises the option and the rate of contribution shall be determined in accordance with the appropriate Table in Schedule 1 (Purchase of Notional Service Tables and Actuarial Reduction Tables for Purchase of Notional Service), provided that the values in these tables may be amended by a determination from time to time of the Minister for Public Expenditure and Reform, from an effective date specified by that Minister.
- (b) A lump sum payment under Paragraph (a) shall be paid not later than 6 months from the date of exercising the option.
- (c) Where payment is not made within the period specified in Paragraph (b), the exercise of the option shall be deemed invalid.

(4) Where a member opts to purchase a number of years of notional service by way of periodic deductions or by way of a lump sum payment and the pensionable remuneration by reference to which his or her retirement lump sum,

death gratuity, preserved lump sum or preserved death gratuity includes pensionable allowances, an additional contribution will be payable by him or her by way of a deduction from the retirement lump sum, death gratuity, preserved lump sum or preserved death gratuity. The additional contribution will be the amount calculated as if—

- (a) at the date of retirement, resignation or death, he or she had exercised an option to purchase by a single payment the number of years of notional service which he or she had already opted to purchase, and
  - (b) the rate of salary by reference to which the calculation is made is equal to the amount of the pensionable allowances.
- (5) (a) Where, at any time, it appears to the Minister for Public Expenditure and Reform that the contribution rates or the actuarial reduction factors do not meet the requirement that the provisions contained in this Chapter are cost-neutral, he or she may revise such rates or factors.
- (b) The provisions of Paragraph (a) shall not apply to a person who, before the effective date of any revision of contribution rates or factors, had opted to purchase notional service under this Chapter.

*Crediting of Purchased Service*

36. (1) Subject to the following provisions of this Article, service purchased under this Chapter shall be taken into account for the purpose of calculating all pension benefits other than marriage gratuities.

(2) In the case of a retirement by a member who entered into a contract under the 1981 arrangements, the member shall, in order to benefit from the service purchased, have attained the age of 60 years, except where he or she dies or retires on medical grounds.

(3) A member who entered into a contract under the 1990 arrangements shall have the service purchased reckoned with effect from date of commencement of the pension payments, subject, where appropriate, to actuarial reduction provided for in Paragraph (6).

(4) Where a member continues in service until the relevant age and where he or she is purchasing service under this Chapter by way of periodic contributions and continues to pay such contributions up to the relevant age, the full amount of any service purchased shall reckon as pensionable service.

(5) Where a member, who is purchasing service under this Chapter by way of periodic deductions, ceases to pay such contributions before the relevant age, the amount of purchased service to be granted to the member shall be determined by the formula:

$$(A*B)/C$$

Where—

**A** is the number of years' service which the member opted to purchase,

**B** is the period during which periodic deductions have actually been paid, and

**C** is the period during which periodic contributions would have been paid if the member had continued to pay such contributions up to the relevant age.

(6) Service purchased by way of lump sum payment or the proportionate service (calculated in accordance with Paragraph (5) and purchased by way of periodic contributions) shall be actuarially reduced at a rate calculated in accordance with the appropriate Table in Schedule 1, Table 13 or 14 as applicable, (Purchase of Notional Service Tables and Actuarial Reduction Tables for Purchase of Notional Service), as adjusted to take into account the number of days for which purchase contributions have been made since last birthday, where the following circumstances apply:

- (a) a member who has purchased service under the 1981 arrangements qualifies, before 60 years of age, for a benefit, other than a benefit arising from death;
- (b) a member who has purchased service under the 1990 arrangements qualifies for a benefit before age 65 other than a benefit arising from death, or
- (c) a member who has purchased service under this Chapter, qualifies for a benefit before the relevant age other than a benefit arising from death.

(7) When exercising an option to purchase service under this Chapter, a member may also opt for the preservation of benefits in circumstances where he or she satisfies the conditions for the award of such preserved benefits as specified in Article 17 (Preservation of Benefits), but if the member retires on medical grounds in accordance with Article 22 (Retirement on Medical Grounds) nothing in this Paragraph shall restrict the right of the member to elect for a gratuity under Article 22(2).

(8) Where a member who has purchased service under this Chapter qualifies for additional service on ill-health grounds under Article 22 (Retirement on Medical Grounds), the service purchased under this Chapter shall be credited, after the added service under Article 22 is credited.

*Refunds of Purchase Contributions in certain circumstances*

37. (1) Where a member, who has purchased service under this Chapter, does not qualify for a benefit or for a transfer of service for pension purposes to an approved pension scheme, the member is entitled to a refund of contributions paid under this Chapter.

- (2) (a) A member who is in pensionable service on or after 1 August 1998 and who has purchased service under this Chapter such that his or her total pensionable service would exceed 40 years and 91 days is

entitled to a refund of those of the contributions paid under this Chapter as constitute the excess pensionable service.

- (b) The amount of moneys to be refunded under Paragraph (a) shall be determined by the formula:

$$(A/B)*C$$

where—

**A** is the excess service, and

**B** is the total amount of service purchased

**C** is the total value of the contributions paid.

- (3) (a) Where a member who has purchased service under this Chapter ceases employment with less than 9 years' actual reckonable service, including transferred service, and does not transfer to a pensionable post in another public service body, all purchase contributions will be refunded.
- (b) Where a member who has purchased service under this Chapter ceases employment and does not transfer to a pensionable post in another public service body, and he or she has exceeded the limits specified in Schedule 2, the excess purchase contributions shall be refunded in accordance with the formula:

$$A/B*C$$

Where-

**A** is the excess service purchased,

**B** is the total amount of service purchased

**C** is the total value of the contributions paid.

(4) Where a member to whom Chapter 2 of Part 3 (Survivors' and Children's Contributory Pension Provisions — Closed Scheme) applies, while unmarried and not in a civil partnership—

- (a) dies in service, or
- (b) retires or resigns (other than when the member's service is transferred to another organisation or service),

the former member or his or her legal personal representative is entitled to a refund of the survivors' and children's portion of the purchase contributions paid under this Chapter in accordance with the following:

- (i) if the member has paid by periodic deductions, the amount of the refund is all of the survivors' and children's portion of the purchase contributions paid, if the member was unmarried or not in a civil partnership at all times as a Part 2 (Members Personal

Pension Provisions) member or all of the survivors' and children's portion of the purchase contributions paid since the member's last marriage or civil partnership ended;

(ii) if the member has paid by lump sum payments, the amount of the refund is the lesser of the following:

(I) all the survivors' and children's portion of the purchase contributions paid where the member was unmarried or not in a civil partnership at all times during the period of Part 2 (Members Personal Pension Provisions) membership, or

(II) the survivors' and children's portion of the purchase contributions paid as determined by the formula-

$A/B * C$ , where—

**A** is the period (expressed to the nearest day) from the date the member's marriage or civil partnership, or, as the case may be, last marriage or last civil partnership ended, to the date of the member's final day of service,

**B** is the period (expressed to the nearest day) from the date on which the member exercised the option to purchase service to the member's final day of service, and

**C** is the total value of the contributions paid.

(5) The rate of contribution for survivors' and children's benefits is the rate obtained by subtracting the rate of contribution appropriate to a member who is not a member of Part 3 (Survivors' and Children's Benefits) from the rate of contribution actually paid.

(6) A refund made in accordance with Paragraph (4) will be subject to the deduction in respect of any liability for income tax and any other statutory liability, as such deductions would apply to salary.

(7) Where a member is purchasing service by periodic deductions and it becomes clear that he or she would not qualify for a benefit in respect of all of the service which he or she contracted to purchase, a revised rate of periodic contribution (using the same Table under which the original rate was determined) shall be determined based on the member's age next birthday, on the date of the original option and the maximum period of purchased service which would be reckonable.

(8) (a) Where Paragraph (7) applies, the deductions at the revised rate referred to in that Paragraph shall commence as soon as possible but excess contributions paid under the original option shall be offset against contributions due under the option exercised to make contributions at that revised rate.



- (b) The amount of the excess contributions under the original option shall be equal to the proportion of all contributions paid to date under that option determined in accordance with the formula:

**A/B** where—

**A** is the portion of such service in respect of which the member would not qualify for a benefit, and

**B** is the period of service which the member contracted to purchase.

*Transitional Arrangements*

38. (1) A member, other than a new entrant, serving between 27 April 2005 and 20 October 2006 may, if more favourable, opt to purchase service by reference to age 60 using the rates applicable to their age on a birthday, known as “the relevant birthday”, occurring between those 2 dates rather than the rates applicable to their age on their next birthday. The option must be exercised not later than 20 January 2007 in accordance with the following provisions—

- (a) in the case of a lump sum purchase, the contribution due will be calculated by reference to the member’s salary on the date the option was exercised and must be paid in full within 6 months of that date,
- (b) in the case of an option to purchase by periodic contributions, payment will commence on the member’s next available payday and will continue until the date on which the member attains age 60. The arrears of contributions due for the period between the member’s relevant birthday (being a date not earlier than 27 April 2005) and the date of the commencement of payment of contributions must be paid within 12 months of that payday.

*Transitional arrangements and purchase rates operative prior to 20 October 2006*

(2) Notwithstanding the revocations in Article 77, the Purchase Tables set out in S.I. 421 of 1986 continue to apply in respect of members who purchased or continue to purchase service under the 1981 arrangements and the Purchase Tables set out in S.I. 184 of 1992 continue to apply to members who purchased or continue to purchase service under the 1990 arrangements.

Part 3

SURVIVORS’ AND CHILDREN’S BENEFITS

Chapter 1

*Current Survivors’ and Children’s Contributory Pension Provisions*

*Commencement (Chapter 1)*

39. (1) This Chapter shall be deemed to have come into operation on 1 September 1984.

*Interpretation (Chapter 1)*

## 40. (1) In this Chapter—

“child” means, subject to paragraphs (2), (3) and (4), a child, step-child or lawfully adopted child of the deceased who is—

- (a) under 16 years of age,
- (b) under 21 years of age, or with effect from 1 January 1997, under 22 years of age and who is—
  - (i) receiving full-time instruction at any university, college, school or other educational establishment, or
  - (ii) undergoing full-time instruction or training approved by the Minister with the consent of the Minister for Public Expenditure and Reform and provided by any person (in this Chapter referred to as “the employer”) for any vocation, profession or trade, or
- (c) permanently incapacitated by reason of mental or physical infirmity from maintaining himself or herself and who, when his or her permanent incapacity first occurred, was a person described in Paragraph (a) or (b);

“children’s pension” has the meaning assigned to it by Article 45 and 46;

“deceased member” means a member or former member of Chapter 1, referred to in Article 42;

“deceased’s pension” has the meaning given in Article 43;

“former member” in respect of Chapter 1 membership, means a member of Chapter 1 who dies, retires on pension under Part 2 or resigns from employment;

“pensionable service” means service which is pensionable under Article 11 or Article 12 and, in the case of a member of this Chapter who died in service or who, on or after 1 June 1973 retired on medical grounds, the member’s potential service to compulsory retirement age or, in the case of a new entrant, to 65 years of age, provided that total pensionable service shall not exceed 40 years;

“survivor’s pension” has the meaning assigned to it by Article 43.

- (2) (a) Subject to Paragraph (b), where, in relation to a person referred to in Paragraph (b) of the definition of “child” in Paragraph (1), a break occurs in his or her full-time instruction or training then, unless the Board or Institute with the approval of the Minister otherwise, in its absolute discretion directs, he or she shall, for the duration of such break, be regarded as having ceased to be a child for the purposes of this Chapter.

- (b) Where a child, referred to in Paragraph (a), is undertaking a multi-annual programme of education, instruction or training, the relevant institution's holiday period shall not constitute a break, provided the child resumes the programme of training or instruction immediately following the holiday period.

(3) The following persons shall not be regarded as a child within the meaning of this Chapter, namely:

- (a) a person who was not wholly or mainly dependent on a member or former member immediately preceding the member's death,
- (b) a person who is married, in a civil partnership or is cohabiting, or
- (c) a person referred to in Paragraph (b)(ii) of the definition of "child" in Paragraph (1) to, or in respect of whom, emoluments in respect of such instruction or training are payable by, or on behalf of, the employer and which are of such an amount as makes the person self-supporting,

save that, where the Board or Institute, subject to the direction of the Minister is satisfied that there are compassionate grounds for doing so, he or she may direct that a person be treated as such a child notwithstanding the foregoing provisions and, where the Minister gives such a direction, then, for so long as the direction remains in force, the person shall be treated as such a child.

(4) Where in respect of a person to whom Paragraph (3)(c) relates, a break occurs in his or her education, instruction or training, then unless the Board or Institute with the approval of the Minister otherwise, in its absolute discretion, directs, he or she shall for the duration of such break, be regarded as a child for the purposes of this scheme.

#### *Membership (Chapter 1)*

41. (1) Each of the following persons is a Chapter 1 member:

- (a) a person admitted to Part 2 membership for the first time on or after 1 January 1986 with effect from the date he or she is admitted to such membership;
- (b) a person who having had Part 2 membership during the period from 1 September 1984 to 31 December 1985 elected in writing during that period to have this Chapter applied to him or her with effect from 1 September 1984 or the date his or her Part 2 membership commenced, whichever is the later.

(2) Where a person who is entitled to exercise an option to become a Chapter 1 member dies before 31 December 1985 without having exercised the option, the option may be exercised by the person's spouse or personal representative.

*Power to grant Survivors' and Children's Pensions (Chapter 1)*

42. (1) Subject to the provisions of this Chapter, the Board or Institute shall, on the death of a member or former member of Chapter 1 (in this Chapter referred to as “the deceased member”) and in respect of whom a pension, preserved pension, death gratuity or preserved death gratuity has been or may be awarded under Part 2, grant, in respect of the deceased’s service—

- (a) where he or she is survived by a spouse or civil partner, a pension to that spouse or civil partner (in this Chapter referred to as a “survivor’s pension”), and
- (b) where he or she is survived by a child or children (whether or not a survivor’s pension is, or can be, granted), a pension for that child or those children (in this Chapter referred to as a “children’s pension”).

*Survivors' Pensions — Calculation (Chapter 1)*

43. (1) In this Article, “deceased’s pension” means—

- (a) subject to (b) the pension set out in each of Paragraphs (3) to (8) as appropriate in each case, but with maximum pensionable service of 40 years,
- (b) in the case of a non-officer who is not an established non-officer the expression “net pensionable remuneration (survivor’s benefits)” shall be read as “net pensionable remuneration”.

(2) The survivor’s pension shall be one half of the deceased’s pension.

(3) In the case where the former member dies while in receipt of a pension, other than a pension based on Article 21 (Cost Neutral Early Retirement), a preserved pension or a pension awarded on medical grounds, the deceased’s pension is—

- (a) where the deceased member was not fully insured, the amount of such pension, or
- (b) where the deceased member was fully insured, the pension which would have been granted to him or her if calculated by reference to net pensionable remuneration (survivor’s benefits) at the date of his or her retirement, as adjusted by reference to Article 71 (Adjustment to Pensions).

(4) In the case where the former member dies following retirement on medical grounds, the deceased’s pension is the pension which would have been granted to him or her if it fell to be calculated by reference to—

- (a) where the deceased member was not fully insured, his or her pensionable remuneration at date of retirement as adjusted by reference to Article 71 (Adjustment to Pensions), and the pensionable service which the deceased would have had if he or she had served to age 65,

or, to the date on which his or her contract of employment would expire, if earlier, or

- (b) where the deceased was fully insured, his or her net pensionable remuneration (survivor's benefits) at the date of retirement as adjusted by reference to Article 71 (Adjustment to Pensions) during the period between retirement and death and the pensionable service which the deceased would have had if he or she had served to age 65 or, to the date on which his or her employment contract would expire, if earlier;

provided that in the case of a former member who was job-sharing, work-sharing or part-time, service to age 65 is calculated as set out in the Department of Public Expenditure and Reform Circular 11/2012.

(5) In the case of a preserved pension being in payment to the deceased or where the deceased had an entitlement to a preserved pension, having attained the preserved pension age, the deceased's pension is—

- (a) where the deceased was not fully insured, the amount of such pension, or
- (b) where the deceased was fully insured, the preserved pension which would have been payable to him or her if it had been calculated by reference to net pensionable remuneration (survivor's benefits) at the date of resignation as adjusted by reference to Article 71 (Adjustment to Pensions) during the period between resignation and death.

(6) In the case where the deceased member had entitlement to a preserved pension but at date of death had not attained the minimum pension age, the deceased's pension is an amount equal to:

**D x E / 80** where

**D** is the number of years of reckonable service at the date of resignation and

**E** is—

- (a) where the deceased member is not fully insured, his or her pensionable remuneration at date of resignation as adjusted by reference to Article 71 (Adjustment to Pensions) during the period between resignation and death, or
- (b) where the deceased member is fully insured, his or her net pensionable remuneration (survivor's pension) at the date of resignation as adjusted by reference to Article 71 (Adjustment to Pensions) during the period between resignation and death.

(7) In the case where the deceased member dies while an active member of the scheme, the deceased's pension is the pension to which he or she would

have been eligible if Paragraph (4) applied to him or her at date of death and as if references in that Paragraph to retirement were removed.

(8) In the case where the deceased member elected to be paid a Cost Neutral Early Retirement Pension under Article 21, the deceased's pension is the amount of the pension calculated in accordance with Paragraph (5), had the former member not received a Cost Neutral Early Retirement Pension.

*Survivors' pensions — Grant and Payment (Chapter 1)*

44. (1) A survivor's pension shall not be granted or paid under this Chapter—

- (a) where the spouse or civil partner was, at the time of the death of the member or former member, cohabiting with a person other than the deceased, or
- (b) in respect of any period after the death of the member or former member when the spouse or civil partner is married, in a civil partnership or is cohabiting with any person.

(2) Notwithstanding Paragraph (1), where—

- (a) a pension under this Chapter is not granted or ceases to be paid under Paragraph (1), and
- (b) at a date subsequent to the date of the marriage, civil partnership or cohabitation by reason of which the pension was withheld or ceased to be paid, the Board or Institute is satisfied that the marriage, civil partnership or cohabitation has come to an end, or that there are compassionate grounds for the payment of pension,

the Board or Institute with the approval of the Minister, may, if it thinks fit, grant or re-grant, as may be appropriate, the pension—

- (i) in the case of a marriage, civil partnership or cohabitation which has come to an end, from the date on which such marriage, civil partnership or cohabitation ended, or
  - (ii) in any other case, from a date not earlier than the date on which the relevant application is received by the Board or Institute.
- (3) (a) A spouse or civil partner shall not be eligible for a survivor's pension under this Chapter in respect of more than one member.
- (b) Where a spouse or civil partner would, save for this paragraph, be eligible for a survivor's pension in respect of 2 or more members, he or she shall be entitled to whichever pension provides him or her with the most favourable benefits.
- (c) As provided in section 54 of the 2012 Act, with effect from 1 November 2012, a person shall be eligible to receive only one survivor's pension from a public service pension scheme, except in the

case where the person is eligible for more than one survivor's pension in respect of a deceased person who was in receipt of or was eligible to receive more than one public service pension.

(4) Subject to Paragraph (1) and Article 72, (Cesser or reduction of benefits) a survivor's pension may be paid for the whole of the period beginning on the death of the deceased and ending with the death of the surviving spouse or civil partner.

(5) (a) For the purposes of Article 50 (Non-periodic contributions), on the death of a member or former member of this Chapter who was not married and not in a civil partnership at retirement and who subsequently married or entered a civil partnership, a pension shall be payable under this Chapter based on all pensionable service, including service which, had the member or former member been married or in a civil partnership at retirement, would have been paid for by way of non-periodic contributions under that Article.

(b) Where Paragraph (a) applies, the deceased member's estate shall not be liable for the payment of any further contributions under that Article.

(6) (a) In the case of the death of a member or former member of Chapter 1 who was fully insured or where the member or former member's pension was calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, the Board or Institute may, subject to Paragraph (b), pay to his or her spouse or civil partner a supplementary pension, the amount of which shall not exceed the amount, if any, obtained by applying the following formula, namely,

**A — B** where—

**A** is the rate of survivor's pension which would have resulted from the calculation referred to in Article 43(3)(a) if the deceased's pension had been based on pensionable remuneration, and

**B** is the rate of survivor's pension resulting from the calculation referred to in Article 43(3)(b) together with the personal rate of the contributory survivor's pension, if any, payable to the spouse or civil partner.

(b) The supplementary pension under Paragraph (a) may be payable in respect of any period during which the spouse or civil partner—

(i) fails to qualify for contributory survivor's pension where such failure is due to causes outside his or her control, or

(ii) qualifies for contributory survivor's pension at less than the maximum personal rate due to causes outside his or her control.

(7) Notwithstanding Paragraph (6) where, on the death of a member or former member of this Chapter, other than a former member who qualifies for a preserved pension or a cost neutral early retirement pension, a survivor's pension becomes payable, the rate of that pension may, in respect of the first month after his or her death, be increased to—

- (a) where he or she dies while an active member of this Chapter, 1/12th the rate of his or her pensionable remuneration,
- (b) where he or she dies while in receipt of Temporary Rehabilitation Remuneration and the rate of Temporary Rehabilitation Remuneration is greater than the rate of the survivor's pension, one twelfth of the rate of Temporary Rehabilitation Remuneration at date of death, or
- (c) where he or she dies after being granted a pension and he or she is—
  - (i) not fully insured, where the rate of pension payable to him or her on the date of his or her death is greater than the rate of survivor's pension otherwise payable under this Chapter, 1/12th such rate of pension, or
  - (ii) fully insured or where the pension is calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, where the rate of pension payable to him or her on the date of his or her death, if it had been calculated on the basis of net pensionable remuneration (Survivors' Benefits) instead of net pensionable remuneration, is greater than the rate of survivor's pension otherwise payable under this Chapter, 1/12th such rate of pension,

provided that the rate as so increased shall be reduced by the rate of any children's pension payable under this Chapter and that the amount payable to the spouse or civil partner under this Chapter in respect of the period of one month commencing on the day immediately following that of the deceased members death may be paid at any time on or after the first day of such period.

*Children's Pensions — Beneficiaries (Chapter 1)*

45. (1) A child shall not be eligible for a children's pension in respect of more than one member.

(2) Where, save for this Article, there would be an eligibility for a children's pension in respect of 2 or more members, the child shall count as eligible in respect of one of them in the way which, in the opinion of the Board or Institute, will give the most favourable overall result for the child or children in question.

*Children's pensions — Rate and Mode of Payment (Chapter 1)*

46. (1) (a) A children's pension under this Chapter shall be paid to the deceased's spouse where the eligible children are in the spouse's care or, where any child in respect of whom the pension is payable is not



in such care, the pension shall be paid either to the child or to such other person as the Board or Institute may determine.

(b) Where children are in the care of 2 or more persons, different parts of the children's pension shall be paid to those persons in such proportions as the Board or Institute may determine.

(c) A children's pension shall be applied for the benefit of the children for whom it is granted.

(2) A children's pension may be paid only in relation to a period subsequent to the death of the deceased.

(3) The rate of children's pension under this Chapter is—

(a) where the deceased is not survived by a spouse or civil partner or he or she is survived by a spouse or civil partner who subsequently dies, in respect of periods after the spouse's or civil partner's death—

(i) where there is one child,  $\frac{1}{3}$  the deceased's pension, or

(ii) where there are 2 or more children, a rate in respect of each child equivalent to  $\frac{1}{2}$  the deceased's pension divided by the number of children;

or

(b) subject to Paragraph (4), where the deceased is survived by a spouse or civil partner—

(i) where there are not more than 3 children,  $\frac{1}{6}$ th the deceased's pension for each child, or

(ii) where there are more than 3 children, a rate in respect of each child equivalent to  $\frac{1}{2}$  the deceased's pension divided by the number of children.

(4) Where the children of the deceased are at the time of, or at any time after, his or her death in the care of some person other than a spouse or civil partner of the deceased, the Board or Institute may, if it thinks fit, direct that for so long as they are in such care Paragraph (3)(a) shall apply notwithstanding that the spouse or civil partner is still alive and, where the Board or Institute so directs, Paragraph (3)(a) shall be construed and shall have effect in accordance with the direction.

(5) Notwithstanding the foregoing provisions of this Article, where the deceased is survived by a spouse or civil partner and a survivor's pension is not granted under this Chapter or, if one is so granted and it ceases to be paid before his or her death, a children's pension shall not be payable under this Chapter in respect of any period comprised within the lifetime of the spouse or civil partner or within the time in respect of which the survivor's pension is not

payable, as may be appropriate, unless the Board or Institute in its discretion directs that such a pension shall be payable and, where the Board or Institute gives such a direction, it may, if it thinks fit, further direct that Paragraph (4) shall apply as respects any such period. This discretion may not be exercised in a case where a survivor's pension is not payable due to the provisions of section 54 of the 2012 Act.

*Periodic Contributions (Chapter 1)*

47. (1) Each member of Chapter 1 shall pay periodic contributions calculated in accordance with this Article.

- (2) (a) For officers who remain in Limited Membership, contributions shall comprise 1.5% of actual remuneration,
- (b) for non-officers who remain in Limited Membership, contributions shall comprise 1.5% of net actual remuneration,
- (c) for non-officers who are not established non-officers, the contribution shall comprise 1.5% of net remuneration, and
- (d) for all other members it shall consist of 1.5% of remuneration,

provided that in the case of members referred to in Paragraph (c) or (d), where in respect of any period that the member is not working on a wholetime basis, the contribution rate is adjusted by reference to the proportion that the number of hours worked bears to the number of hours that would have been worked if the member had been working on a wholetime basis.

(3) A person admitted to Chapter 1 membership shall commence payment of contributions specified in this Article with effect from 1 September 1984 or the date on which he or she becomes a member, whichever is the later, and ending when he or she ceases to be a member. Such payments shall be made at such times and in such manner as the Minister may determine.

(4) Where the member is in receipt of reduced remuneration because of absence from employment due to a period of sick leave, contributions will be at the rate payable as if the member's remuneration was not so reduced.

(5) Contributions shall not be payable under this Chapter by a member for any period which does not constitute pensionable service.

- (6) (a) Subject to Paragraph (b), at the discretion of the Board or Institute and subject to conditions specified by the Minister, additional contributions may be made by the member—
  - (i) subject to Paragraph (ii) and Paragraph (iii), equal in each case to the amount of the periodic contributions payable,
  - (ii) subject to Paragraph (iii), in the case of a member who is in part-time service or work-sharing and is not a Limited Scheme member, payable by reference to remuneration, or

- (iii) in the case of a non-officer who is not an established non-officer, and who is in part-time service or work-sharing and is not a Limited Scheme member, payable by reference to net remuneration,

in respect of such period, to reduce an outstanding liability in respect of a period for which periodic contributions were not paid.

- (b) Where one or more additional contributions are made under Paragraph (a), this Article shall apply to the person by whom the contribution or contributions is or are made subject to the modification that, in calculating the number of relevant years in Article 50 (Non-Periodic Contributions (Chapter 1)), such number shall be reduced by one for every annual contribution made by the person under Paragraph (a).
- (c) Additional periodic contributions under Paragraph (a) shall be refundable in accordance with the provisions of Article 48.

(7) As provided for in Department of Education and Science Circular Letter Pen 09/04, compound interest shall be applied at a rate specified from time to time by the Minister for Public Expenditure and Reform, in respect of any outstanding contributions from the date he or she becomes a member, where there is a specified period within which to make the contributions and that period has expired. Compound interest will thereafter apply to all outstanding contributions.

*Refund of Contributions (Chapter 1)*

48. (1) (a) Where a person ceases to be a member of this Chapter, other than on death, and on so ceasing is not eligible under Part 2 for the grant of a pension and lump sum, or preserved pension and preserved lump sum, then if his or her pensionable service is not transferred to an approved pension scheme, the person is entitled to receive a refund of the whole of his or her periodic contributions made under this Chapter.

- (b) Where a member who was awarded a pension on retirement on medical grounds in accordance with Article 22 is re-employed by the Board or Institute in a pensionable post, then any non-periodic contributions in respect of potential service to age 65 which were deducted from the lump sum payable on the initial retirement shall be returned to him or her.

(2) A person who, on ceasing to be an active member of this Chapter, has paid periodic contributions for a period in excess of 40 years is entitled, or on his or her death as an active member, his or her legal personal representative is entitled, to a refund of such of those contributions, beginning with his or her initial contributions and working forward, as is necessary to secure that the period in respect of which such contributions are paid by him or her without being refunded does not exceed 40 years.

(3) Where any contributions are refunded by the Board or Institute under this Article, they shall be refunded without interest and less an amount equal to any liability for income tax or any other statutory liability in respect of such contributions.

(4) (a) A Chapter 1 member who retires on pension or dies in service and who has been in the religious life and bound by a vow of celibacy throughout the period of his or her membership is entitled to a refund of his or her periodic contributions.

(b) Where a person referred to in Paragraph (a) leaves the religious life or ceases to be bound by a vow of celibacy and subsequently becomes a member of this Chapter, he or she shall repay to the Minister the amount of the periodic contributions refunded to him or her, together with compound interest on that amount from the date of payment to him or her at such rate as the Minister, with the consent of the Minister for Public Expenditure and Reform, may from time to time determine.

(5) Where periodic contributions are refunded in accordance with Paragraph (1) to a person who subsequently becomes a member of this Chapter, the period to which the contributions relate may become pensionable under this Chapter only if the contributions are treated as contributions refunded under Article 13 and are repaid in accordance the provisions of that Article.

*Former members returning to Membership (Chapter 1)*

49. (1) Subject to Paragraph (2), where a former member becomes a member of this Chapter and does not opt for a split pension under Article 20 (Split Pensions in this Scheme), any entitlement to a survivor's pension or children's pension under this Chapter in respect of his or her previous membership shall be disregarded and, accordingly, any entitlement to survivor's pension or children's pension shall be determined solely by reference to the member's present membership of this Chapter but with the earlier service reckonable.

(2) Where a person, on becoming a member of this Chapter, had at any time previously been a member of this Chapter and had paid periodic contributions during such period of membership, such period shall be excluded in determining the number of relevant years under Article 50(8) provided that—

(a) no refund of those contributions is or was paid,

(b) such refund, where made in accordance with Paragraph (5) of Article 48, has been repaid in accordance with that paragraph, or,

(c) where the application to repay the periodic contributions and contributions made under Part 2 (Members Personal Pension Benefits) has been made, appropriate contributions in respect of the period of service to which the refund relates have been made.

(3) Where a person to whom Paragraph (1) or (2) applies becomes a former member by retiring on pension, whether on medical grounds or otherwise, then

the contribution payable under Article 50 (Non-periodic Contributions) at the termination of his or her final period of membership shall be reduced by the amount of the contribution paid under that Article when he or she first became a former member (that is to say, on the first occasion of his or her becoming a former member), provided there was no refund of that contribution.

(4) Where a member was entitled to claim separate preserved pensions or a single aggregated pension but had not made an application for the pension or pensions before his death while a member, the survivor's and children's pension in respect of that member shall be calculated on the greater of the following:

- (a) the separate pensions;
- (b) the single aggregated pension.

*Non-periodic Contributions (Chapter 1)*

50. (1) Non-periodic contributions shall not be payable by or in respect of a member or former member of this Chapter who has been unmarried and not in a civil partnership throughout the period of his or her membership.

(2) Where a member of this Chapter was married or in a civil partnership throughout the period, or for a portion of the period, of his or her membership and he or she ceases to be an active member due to—

- (a) death, or
- (b) retirement on pension or resignation with entitlement to a preserved pension,

then, unless the number of relevant years is nil, a contribution under this Article (in this Article referred to as a “non-periodic contribution”) shall be payable by way of reduction in the amount of his or her retirement lump sum, death gratuity, preserved lump sum or preserved death gratuity or in such other manner as the Board or Institute may require.

(3) Subject to Paragraph (4), the non-periodic contribution shall comprise—

- (a) for officers who remain in Limited Membership, the contribution shall comprise 1% of actual pensionable remuneration,
- (b) for non-officers who remain in Limited Membership, the contribution shall comprise 1% of net actual pensionable remuneration,
- (c) for non-officers who are not established non-officers, the contribution shall comprise 1% of net pensionable remuneration and
- (d) for all other members it shall comprise of 1% of pensionable remuneration,

multiplied in each case by the number of relevant years.

(4) Where the non-periodic contribution is to be deducted from a preserved lump sum or preserved death gratuity, the contribution shall be calculated by reference to the member's pensionable remuneration or net pensionable remuneration taking into account any pay adjustments that correspond to matching pensions adjustments made in the interval between the date of resignation and the date—

(a) on which he or she attains the preserved pension age, in the case of a preserved lump sum, or

(b) of his or her death, in the case of a preserved death gratuity.

(5) Where, subsequent to the date on which a person ceases to be a member of this Chapter, the pension payable to him or her or to his or her spouse or civil partner (but not the retirement lump sum, death gratuity, preserved lump sum or preserved death gratuity) falls to be increased because of an increase in the pensionable service of such member, the Board or Institute may adjust the amount of the contribution under this Article to take account of such increase.

(6) The maximum pensionable service for the purposes of this Article is 40 years.

(7) Where a person to whom Paragraph (1) or (3) of Article 63 (Employment subsequent to Resignation or Retirement) applies becomes a former member of Chapter 1 by retiring on pension, whether on medical grounds or otherwise, then the contribution payable under Paragraph (3) or (4) at the termination of his or her final period of membership shall be reduced by the amount of the contribution paid under the relevant Paragraph when he or she became a former member, provided there was no refund of that contribution.

(8) In this Article, “the number of relevant years” means—

(a) in relation to a member of this Chapter who, being then married or in a civil partnership, ceases to be an active member—

(i) if such cesser is caused otherwise than by death or retirement on medical grounds, the number of years of pensionable service which he or she then had, or

(ii) if such cesser is due to death or retirement on medical grounds—

(I) in the case of a member who is not a new entrant, the number of years of pensionable service which he or she would have had if he or she had served to compulsory retirement age,

(II) in the case of a new entrant, the number of years of pensionable service which he or she would have had if he or she had served to 65 years of age, or

- (III) the date on which his or her contract of employment would expire if this date is earlier than the age specified at (I) or (II),

reduced, in each case, by the period of pensionable service, if any, for which periodic contributions have been paid by him or her and are not refundable; or

- (b) in relation to a member of this Chapter who, being then unmarried and not in a civil partnership, ceases to be a member-

- (i) by reason other than death, the period of pensionable service which he or she had on the date of termination of his or her last marriage or civil partnership while in service,

- (ii) due to death, and there is no Pension Adjustment Order in place in respect of the Survivors' Pension on death-in-service, the period of pensionable service which he or she had at the termination of his or her last marriage or civil partnership,

- (iii) due to death and there is a Pension Adjustment Order in place in respect of the Survivors' Pension on death-in-service—

- (I) the number of years of pensionable service which he or she would have had if he or she had served to compulsory retirement age,

- (II) in the case of a new entrant, the number of years of pensionable service which he or she would have had if he or she had served to 65 years of age, or

- (III) the date on which his or her contract of employment would expire if this date is earlier than the age specified at (I) or (II),

reduced by the period of pensionable service, if any, for which periodic contributions have been paid by him or her and are not refundable.

(9) For the purposes of this Chapter, in the case of a member who is part-time, job-sharing or work-sharing, potential service to compulsory retirement age, age 65 or to the end of the contract of employment is calculated, where applicable, in accordance with Department of Public Expenditure and Reform Circular 11/2002.

(10) Where a member or former member of this Chapter gave service, other than as a Part 2 member, which is reckonable under Article 11 or Article 12 (Pensionable Service), any portion of that service in respect of which he or she paid periodic contributions under a pension scheme (including Chapter 2 of this Part) similar to this Chapter shall, provided that those contributions were not refunded to him or her, be excluded in determining the number of relevant years under Paragraph (8).

## Chapter 2

*Survivors' and Children's Contributory Pension Provisions (Closed Scheme)  
Introduced in 1968**Commencement (Chapter 2)*

51. This Chapter shall be deemed to have come into operation on 23 July 1968 in respect of male officers, 27 May 1977 in respect of male non-officers and on 10 January 1984 in respect of female members.

*Interpretation (Chapter 2)*

52. (1) In this Chapter—

“child” means, subject to Paragraph (2), a child, adopted child or step-child of the deceased who is—

- (a) under 16 years of age,
- (b) under 21 years of age or, with effect from 1 January 1997, is under 22 years of age, and who, in either case, is—
  - (i) receiving full-time instruction at any university, college, school or other educational establishment, or
  - (ii) undergoing full-time instruction or training approved by the Minister and provided by any person (in this Chapter referred to as “the employer”) for any vocation, profession or trade, or
- (c) permanently incapacitated by reason of mental or physical infirmity from maintaining himself or herself and who, when his or her permanent incapacity first occurred, was a person described in any of the foregoing paragraphs of this definition,

save that, in the case of the person who reaches 21 years of age before 27 May 1977, this definition shall not apply to him or her during the period beginning on the day on which he or she reaches such age and ending on 27 May 1977;

“children’s pension” has the meaning assigned to it by Article 57 and 58;

“deceased member” means a member or former member of Chapter 2 referred to in Article 54 (Power to Grant Survivors’ and Children’s Pensions (Chapter 2));

“deceased’s pension” has the meaning given in Article 55 (Survivors’ Pensions Calculation (Chapter 2));

“former member” in respect of Chapter 2 membership, means a member of Chapter 2 who, being then married or in a civil partnership, dies, retires under Part 2 or resigns from employment as a member of Part 2;

“pensionable service” means service which is pensionable under Article 11 or Article 12, together with any additional service provided for in this Chapter for



the purposes of the calculation of any Survivor's or Children's pension under this Chapter; provided that total pensionable service shall not exceed 40 years;

“survivor's pension” has the meaning assigned to it by Article 54 (Power to grant Survivors' and Children's Pensions (Chapter 2)).

(2) Paragraphs (2), (3) and (4) of Article 40 (Interpretation (Chapter 1)) shall apply to the definition of “child” in this Article as they apply to the definition of “child” in Article 40.

*Membership (Chapter 2)*

53. (1) Each of the following persons is a Chapter 2 member:

- (a) any male member who is a member of Part 2 and who—
  - (i) as an officer, became pensionable on or after 1 January 1970 and before 1 January 1986,
  - (ii) as a non-officer, became pensionable and a member of Part 2 on or after 1 January 1979 and before 1 January 1986,
  - (iii) as an officer being pensionable during the whole or any part of the period beginning on 23 July 1968 and ending on 31 December 1969,—
    - (I) who between 23 July 1968 and 31 December 1971 elected in writing to have Chapter 2 apply to him, with effect from 23 July 1968 or from the date of becoming a Part 2 member, whichever is later, or
  - (iv) being a non-officer and a member of Part 2 before 1 January 1979 and who as a member or a pensioner elected in writing on or before 28 September 1979 to have Chapter 2 apply to him with effect from 27 May 1977 or from the date of becoming a Part 2 member, whichever is later.
- (b) Paragraph (a) (iii) and (a) (iv) shall apply to the widow or legal personal representative of a person to whom those paragraphs apply.
- (c) any female who is a member of Part 2 and who—
  - (i) became pensionable on or after 1 October 1984 and before 1 January 1986, with effect from the date of her membership of Part 2;
  - (ii) any female member who having been a Part 2 member between 10 January 1984 and the 30 September 1984, elected in writing during that period to have Chapter 2 applied to her with effect from 10 January 1984 or from the date of the commencement of her Part 2 membership, whichever is later.

(d) Paragraph (c)(ii) shall apply to the widower or legal personal representative of a person to whom that Paragraph applies.

(2) This Chapter ceases to apply to a person who elected to have the terms of Chapter 1 applied to him or her.

*Power to grant Survivors' and Children's Pensions (Chapter 2)*

54. (1) Subject to the provisions of this Chapter, the Board or Institute shall, on the death of a person referred to in Paragraph (2) (in this Chapter referred to as the “deceased member”) grant, in respect of the person’s service—

- (a) where he or she is survived by a spouse or civil partner, a pension to that person (in this Chapter referred to as a “survivor’s pension”), and
- (b) where he or she had a spouse at any time after this Chapter first applied to him or her (whether or not the marriage continued until his or her death and whether or not a survivor’s pension is, or can be, granted), a pension for his or her children (in this Chapter referred to as a “children’s pension”),

provided that any marriage or civil partnership of the deceased which takes place after he or she has ceased to be a member shall not be taken into account for the purposes of this Chapter, and accordingly any reference to a marriage, civil partnership, a spouse, a civil partner, the widow, widower or the children of the deceased shall be construed in accordance with this proviso.

(2) The person mentioned in Paragraph (1) is a person in relation to whom the following conditions are satisfied—

- (a) the person is—
  - (i) a member of this Chapter, or
  - (ii) a former member of this Chapter, and
- (b) a pension, death gratuity, preserved pension or preserved death gratuity or, if the person retired on medical grounds before 27 May 1977 having given not less than 5 and not more than 10 years pensionable service, a gratuity, has been, or is awarded, to or in respect of the person.

*Survivors' Pensions — Calculation (Chapter 2)*

55. (1) In this Article, “deceased’s pension”—

- (a) subject to Paragraph (b) means the pension set out in each of Paragraphs (3) to (8) as appropriate in each case, but calculated on the basis of no more than 40 years pensionable service,
- (b) in the case of a non-officer who is not an established non-officer the expression “net pensionable remuneration (survivor’s benefits)” shall be read as “net pensionable remuneration”.

(2) The survivor's pension shall be one half of the deceased's pension.

(3) In the case where the former member dies while in receipt of a pension, other than a pension based on Article 21 (Cost Neutral Early Retirement), a preserved pension or a pension awarded on medical grounds, the deceased's pension is—

- (a) where the deceased member was not fully insured, the amount of such pension, or
- (b) where the deceased member was fully insured, the pension which would have been granted to him or her if calculated by reference to net pensionable remuneration (survivor's benefits) at the date of his or her retirement, as adjusted by reference to Article 71 (Adjustment to Pensions).

(4) In the case where the former member dies following retirement on medical grounds, the deceased's pension is the pension which would have been granted to him or her if it fell to be calculated by reference to—

- (a) where the deceased member was not fully insured, his or her pensionable remuneration at date of retirement as adjusted by reference to Article 71 (Adjustment to Pensions), and the pensionable service which the deceased would have had if he or she had served to age 65, or, to the date on which his or her contract of employment would expire, if earlier, or
- (b) where the deceased was fully insured, his or her net pensionable remuneration (survivor's benefits) at the date of retirement as adjusted by reference to Article 71 (Adjustment to Pensions) during the period between retirement and death and the pensionable service which the deceased would have had if he or she had served to age 65 or, to the date on which his or her employment contract would expire, if earlier,

provided that in the case of a former member who was job-sharing, work-sharing or part-time, service to age 65 is calculated as set out in the Department of Public Expenditure and Reform Circular 11/2012.

(5) In the case of a preserved pension being in payment to the deceased or where the deceased had an entitlement to a preserved pension, having attained the minimum pension age, the deceased's pension is—

- (a) where the deceased was not fully insured, the amount of such pension, or
- (b) where the deceased was fully insured, the preserved pension which would have been payable to him or her if it had been calculated by reference to net pensionable remuneration (survivor's benefits) at the date of resignation as adjusted by reference to Article 71 (Adjustment to Pensions) during the period between resignation and death.

(6) In the case where the deceased member had entitlement to a preserved pension but at date of death had not attained the minimum pension age, the deceased's pension is an amount equal to:

**D x E / 80** where

**D** is the number of years of reckonable service at the date of resignation and

**E** is—

- (a) where the deceased member is not fully insured, his or her pensionable remuneration at date of resignation as adjusted by reference to Article 71 (Adjustment to Pensions) during the period between resignation and death, or
- (b) where the deceased member is fully insured, his or her net pensionable remuneration (survivor's pension) at the date of resignation as adjusted by reference to Article 71 (Adjustment to Pensions) during the period between resignation and death.

(7) In the case where the deceased member dies while an active member of the scheme, the deceased's pension is the pension to which he or she would have been eligible if Paragraph (4) applied to him or her at date of death and as if references in that Paragraph to retirement were removed.

(8) In the case where the deceased member elected to be paid a Cost Neutral Early Retirement Pension under Article 21, the deceased's pension is the amount of the pension calculated in accordance with Paragraph (5), had the former member not received a Cost Neutral Early Retirement Pension.

*Survivors' Pensions — Grant and Payment (Chapter 2)*

56. (1) A survivor's pension shall not be granted or paid under this Chapter—

- (a) where the spouse or civil partner was, at the time of the death of the former member, cohabiting with a person other than the deceased, or
- (b) in respect of any time after the death of the former member when the surviving spouse or civil partner is remarried or in a civil partnership or is cohabiting with any person.

(2) Notwithstanding Paragraph (1), where—

- (a) a pension under this Chapter is not granted or ceases to be paid under Paragraph (1), and
- (b) at a date subsequent to the date of the marriage or civil partnership or cohabitation by reason of which the pension was withheld or ceased to be paid, the Board or Institute is satisfied that the marriage or civil

partnership or cohabitation has come to an end, or that there are compassionate grounds for the payment of pension,

the Board or Institute with the approval of the Minister may, if it thinks fit, grant or re-grant, as may be appropriate, the pension—

- (i) in the case of a marriage, civil partnership or cohabitation which has come to an end, from the date on which such marriage, civil partnership or cohabitation ended, or
  - (ii) in any other case, a date not earlier than the date on which the relevant application is received by the Board or Institute.
- (3) (a) A person shall not be eligible for a survivor's pension under this Chapter in respect of more than one member.
- (b) Where a person would, save for this paragraph, be eligible for a survivor's pension in respect of 2 or more members that person shall be entitled to whichever pension provides him or her with the most favourable benefits.
- (c) As provided in section 54 of the 2012 Act, with effect from 1 November 2012, a person shall be eligible to receive only one survivor's pension from a public service pension scheme, except in the case where the person is eligible for more than one survivor's pension in respect of a person who was in receipt of or was eligible to receive more than one public service pension.
- (4) Subject to Paragraph (1), a survivor's pension may be paid for the whole of the period beginning on the death of the deceased and ending with the death of the surviving spouse or civil partner.
- (5) (a) In the case of the death of a member or former member of Chapter 2 who was fully insured or where the member or former member's pension was calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, the Board or Institute may, subject to Paragraph (b), pay to his or her spouse or civil partner a supplementary pension, the amount of which shall not exceed the amount, if any, obtained by applying the following formula, namely,

**A — B** where—

**A** is the rate of survivor's pension which would have resulted from the calculation referred to in Article 55(3)(a) if the deceased's pension had been based on pensionable remuneration, and

**B** is the rate of survivor's pension resulting from the calculation referred to in Article 55(3)(b) together with the personal rate of the contributory survivor's pension, if any, payable to the spouse or civil partner.

- (b) The supplementary pension under Paragraph (a) may be payable in respect of any period during which the spouse or civil partner—
  - (i) fails to qualify for contributory survivor's pension where such failure is due to causes outside his or her control, or
  - (ii) qualifies for contributory survivor's pension at less than the maximum personal rate due to causes outside his or her control.

(6) Notwithstanding Paragraph (5) where, on the death of a member or former member of this Chapter, other than a former member who qualifies for a preserved pension or a cost neutral early retirement pension, a survivor's pension becomes payable, the rate of that pension may, in respect of the first month after his or her death, be increased to—

- (a) where he or she dies while an active member of this Chapter, 1/12th the rate of his or her pensionable remuneration,
- (b) where he or she dies while in receipt of Temporary Rehabilitation Remuneration and the rate of Temporary Rehabilitation Remuneration is greater than the rate of the survivor's pension, one twelfth of the rate of Temporary Rehabilitation Remuneration at date of death, or
- (c) where he or she dies after being granted a pension and he or she is—
  - (i) not fully insured, where the rate of pension payable to him or her on the date of his or her death is greater than the rate of survivor's pension otherwise payable under this Chapter, 1/12th such rate of pension, or
  - (ii) fully insured or where the pension is calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, where the rate of pension payable to him or her on the date of his or her death, if it had been calculated on the basis of net pensionable remuneration (Survivors' Benefits) instead of net pensionable remuneration, is greater than the rate of survivor's pension otherwise payable under this Chapter, 1/12th such rate of pension,

provided that the rate as so increased shall be reduced by the rate of any children's pension payable under this Chapter and that the amount payable to the spouse or civil partner under this Chapter in respect of the period of one month commencing on the day immediately following that of the deceased members death may be paid at any time on or after the first day of such period.

*Children's Pensions — Beneficiaries (Chapter 2)*

57. (1) A pension may be granted under this Chapter for a child (other than an adopted child or step-child) only if—

- (a) the deceased is married to the mother or father of the child, as the case may be, at some time during the period of his or her membership of this Chapter; and
  - (b) the child is born before or during the period of the deceased's membership or not more than 10 months after the deceased ceased to be an active member.
- (2) A pension may be granted under this Chapter for an adopted child of the deceased only if
- (a) the adoption occurs
    - (i) before or during the period of the deceased's membership; or
    - (ii) after the period of the deceased's membership but only if the deceased had applied, before the termination of membership, for an adoption order in respect of the child, the deceased dies before the adoption procedure is completed and the child is subsequently adopted by the member's spouse;
  - and
  - (b) the deceased is married at some time during the period of his or her membership.
- (3) A pension may be granted under this Chapter for a step-child of the deceased
- (a) only in respect of a period on or after 1 January 1979; and
  - (b) only if the deceased's marriage that makes the deceased the step-parent of the step-child occurs
    - (i) before the period of the deceased's membership and the marriage continues to the time that the deceased became a member; or
    - (ii) during the period of the deceased's membership.
- (4) (a) A child shall not be eligible for a children's pension in respect of more than one member.
- (b) Where, save for this paragraph, there would be an eligibility for a children's pension in respect of 2 or more members, the child shall count as eligible in respect of one of them in the way which, in the opinion of the Board or Institute, will give the most favourable overall result for the child or children in question.

*Children's Pensions — Rate and Mode of Payment (Chapter 2)*

58. (1) (a) A children's pension under this Chapter shall be paid to the relevant former member's spouse where the eligible children are in his or her care or, where any child in respect of whom the pension is

payable is not in such care, the pension shall be paid either to the child or to such other person as the Board or Institute may determine.

- (b) Where children are in the care of 2 or more persons, different parts of the children's pension shall be paid to those persons in such proportions as the Board or Institute may determine.
  - (c) A children's pension shall be applied for the benefit of the children for whom it is granted.
- (2) A children's pension may only be paid in relation to a period subsequent to the death of the deceased.

(3) The rate of children's pension under this Chapter is—

- (a) where the deceased is not survived by a spouse or civil partner or is survived by a spouse or civil partner who subsequently dies, in respect of periods after the spouse's or civil partner's death—
  - (i) where there is one child, 1/3rd of the deceased's pension, or
  - (ii) where there are 2 or more children, a rate in respect of each child equivalent to 1/2 the deceased's pension divided by the number of children;
- (b) subject to Paragraph (5), where the deceased is survived by a spouse or civil partner—
  - (i) 1/6th of the deceased's pension for each child where there is one child or two children, and
  - (ii) where there are 3 or more children, a rate in respect of each child equivalent to 1/2 the deceased's pension divided by the number of children.

(4) Where the children of the deceased person are at the time of, or at any time after, his or her death in the care of some person other than his or her spouse or civil partner, the Board or Institute may, if it thinks fit, direct that for so long as they are in such care Paragraph (3)(a) shall apply notwithstanding that the spouse or civil partner is still alive, and, where the Board or Institute so directs, Paragraph (3)(a) shall be construed and have effect in accordance with the direction.

(5) Notwithstanding the foregoing provisions of this Article, where the deceased is survived by a spouse or civil partner and a survivor's pension is not granted under this Chapter or, one is so granted to the spouse or civil partner and it ceases to be paid before his or her death, a children's pension shall not be payable under this Chapter in respect of any period comprised within the lifetime of the spouse or civil partner or within the time in respect of which a survivor's pension is not payable, as may be appropriate, unless the Board or Institute in its discretion directs that such a pension shall be payable and, where



the Board or Institute gives such a direction, it may, if it thinks fit, further direct that Paragraph (4) shall apply in respect of any such period. This discretion may not be exercised where a survivor's pension is not payable due to the provisions of section 54 of the 2012 Act.

*Periodic Contributions (Chapter 2)*

59. (1) Each member of Chapter 2 shall pay periodic contributions that comprise—

- (a) For officers who remain in Limited Membership, contributions shall comprise 1.5% of actual remuneration,
- (b) for non-officers who remain in Limited Membership, contributions shall comprise 1.5% of net actual remuneration,
- (c) for non-officers who are not established non-officers, the contribution shall comprise 1.5% of net remuneration, and
- (d) for all other members it shall comprise of 1.5% of remuneration,

provided that in the case of members referred to in Paragraph (c) or (d), where in respect of any period that the member is not working on a wholetime basis, the contribution rate is adjusted by reference to the proportion that the number of hours worked bears to the number of hours that would have been worked if the member had been working on a wholetime basis.

(2) A person admitted to Chapter 2 membership shall commence payment of contributions specified in this Article with effect from the date of commencement of this Chapter or the date on which he or she becomes a member, whichever is the later, and ending when he or she ceases to be a member. Such payments shall be made at such times and in such manner as the Minister may determine.

(3) Where a member is in receipt of reduced remuneration because of absence from employment due to a period of sick leave, contributions will be at the rate payable as if the member's remuneration was not so reduced.

(4) Contributions shall not be payable under this Chapter by a member for any period which does not constitute pensionable service.

- (5) (a) Subject to Paragraph (b), at the discretion of the Board or Institute and subject to conditions specified by the Minister, additional contributions may be made by the member—
  - (i) subject to Paragraph (ii) and Paragraph (iii), equal in each case to the amount of the periodic contributions payable,
  - (ii) subject to Paragraph (iii), in the case of a member who is in part-time service or work-sharing and is not a Limited Scheme member, payable by reference to remuneration, or

(iii) in the case of a non-officer who is not an established non-officer, and who is in part-time service or work-sharing and is not a Limited Scheme member, payable by reference to net remuneration,

in respect of such period, to reduce an outstanding liability in respect of a period for which periodic contributions were not paid.

- (b) Where one or more additional contributions are made under Paragraph (a), this Article shall apply to the person by whom the contribution or contributions is or are made subject to the modification that, in calculating the number of relevant years in Article 62 (Non-Periodic Contributions (Chapter 2)), such number shall be reduced by one for every annual contribution made by the person under Paragraph (a).
- (c) Additional periodic contributions under Paragraph (a) shall be refundable in accordance with the provisions of Article 60 (Refund of Contributions).

*Refund of Contributions (Chapter 2)*

60. (1) Where a person—

- (a) ceases to be a member of Chapter 2 and was unmarried or not in a civil partnership at all times during his or her membership of this Chapter, or
- (b) on ceasing to be a member of Chapter 2 other than on death, on so ceasing was married or in a civil partnership, and is not eligible under Part 2 for the grant of a pension, lump sum, preserved pension or preserved lump sum,

then, if his or her pensionable service is not transferred to an approved pension scheme, the Board or Institute will refund the contributions he or she made in respect of membership of this Chapter, less an amount equal to any income tax or other statutory liability.

(2) In any case, other than a case referred to in Paragraph (1), a member of this Chapter on ceasing to be an active member is entitled, or on his or her death as an active member his or her legal personal representative is entitled, to a refund of such of those contributions, if any, beginning with his or her initial contributions and working forward, or, in the case of a member to whom Paragraph (b) of this Paragraph applies, his or her final contributions and working back, as is necessary to secure that the period in respect of which such contributions are paid by him or her without being refunded—

- (a) does not exceed 40 years, or
- (b) if he or she is unmarried and not in a civil partnership when he or she ceased to be a member, does not exceed a period equal to the length of service on the date of his or her spouse's or civil partner's death.

(3) Where a married member or a member in a civil partnership retires on medical grounds and his or her spouse or civil partner subsequently dies before the former member attains compulsory retirement age the former member is entitled to a refund of contributions paid in respect of the period subsequent to the spouse's or civil partner's death.

(4) Where any contributions are refunded under this Article, they shall be refunded without interest.

(5) Where periodic contributions are refunded in accordance with this Article to a person who subsequently becomes a member of this Chapter, the period to which the contributions relate may become reckonable under this Chapter provided that—

- (a) contributions in respect of Part 2 (Members Personal Pension Provisions) for the period in question have not been refunded or, where they have been refunded together with the periodic contributions, have been repaid in accordance with Article 13 (Contributions), and
- (b) the person repays to the Minister the amount of the periodic contributions so refunded to him or her and the provisions of Article 13 (Contributions) apply to the repayment.

*Former Members Returning to Membership (Chapter 2)*

61. (1) Subject to Paragraph (3), where a former member becomes, a member of this Chapter and does not opt for a split pension under Article 20, any prospective entitlement to a survivor's or children's pension under this Chapter in respect of his or her previous service shall be disregarded (and, accordingly, any entitlement to a survivor's pension or children's pension shall be determined solely by reference to the member's present membership of this Chapter).

(2) Where a person, on becoming a member of this Chapter, had at any time previously been a member of this Chapter and had paid periodic contributions during such period of membership, the period in respect of which he or she paid such periodic contributions shall be excluded in determining the number of relevant years under Article 62(7) (Non-periodic Contributions), provided that—

- (a) no refund of those contributions is or was paid, or
- (b) such refund, where paid, has been repaid in accordance with Article 60(5) (Refund of Contributions) or, where the application to repay the periodic contributions and contributions made under Part 2 (Members Personal Pension Benefits) has been made, appropriate contributions in respect of the period of service to which the refund relates have been made.

(3) Where a person to whom Paragraph (1) or (2) applies becomes a former member by retiring on pension, whether on medical grounds or otherwise, then the contribution payable under Article 62 (Non-periodic Contributions) at the

termination of his or her final period of membership shall be reduced by the amount of the contribution paid under that Article when he or she first became a former member (that is to say, on the first occasion of his or her becoming a former member), provided there was no refund of that contribution.

(4) Where a member was entitled to claim separate preserved pensions or a single aggregated pension but had not made a claim under Article 20 (Split Pensions in this Scheme) before his death while a member, the survivor's and children's pension in respect of that member shall be calculated on the greater of the following:

- (a) the separate pensions;
- (b) the single aggregated pension.

*Non-Periodic Contributions (Chapter 2)*

62. (1) Non-periodic contributions shall not be payable by or in respect of a member who has been unmarried and not in a civil partnership throughout the period of his or her membership.

(2) Where a member of this Chapter was married or in a civil partnership at any time during the period of his or her membership and he or she ceases to be a member and such cesser is due to—

- (i) death, and his or her pensionable service together with the pensionable service he or she would have if he or she had served until compulsory retirement age is not less than the vesting period, or
- (ii) retirement on pension or resignation with entitlement to a preserved pension,

then, unless the number of relevant years is nil, a contribution under this Article (in this Article referred to as a “non-periodic contribution”) shall be payable by way of reduction in the amount of the member's lump sum, death gratuity, preserved lump sum, preserved death gratuity or the gratuity payable to a member who retired on medical grounds or in such other manner as the Minister may require.

(3) Subject to Paragraph (4), the non-periodic contribution shall comprise—

- (a) for officers who remain in Limited Membership, the contribution shall comprise 1% of actual pensionable remuneration,
- (b) for non-officers who remain in Limited Membership, the contribution shall comprise 1% of net actual pensionable remuneration,
- (c) for non-officers who are not established non-officers, the contribution shall comprise 1% of net pensionable remuneration and
- (d) for all other members it shall comprise of 1% of pensionable remuneration,

multiplied in each case by the number of relevant years.

(4) Where the non-periodic contribution is being deducted from a preserved lump sum or preserved death gratuity, the non-periodic contribution shall be calculated by reference to the member's pensionable remuneration or net pensionable remuneration as appropriate taking into account any pay adjustments that correspond to matching pensions adjustments granted during the period between the date of resignation and the date—

- (a) on which he or she attains 60 years of age in the case of a preserved lump sum, or
- (b) of his or her death, in the case of a preserved death gratuity.

(5) Where, subsequent to the date on which a person ceases to be an active member, the pension payable to him or her or to his or her spouse or civil partner (but not the retirement lump sum, death gratuity, preserved lump sum or preserved death gratuity) falls to be increased because of an increase in the pensionable service of such a member, the Board or Institute may adjust the amount of the contribution under this Article to take account of such increase.

(6) The maximum pensionable service for the purposes of this Article is 40 years.

(7) In this Article, “the number of relevant years” means—

- (a) in relation to a member of this Chapter who, being then married or in a civil partnership, ceases to be a member because of death, the period of pensionable service which he or she would have had if he or she had served to compulsory retirement age reduced by the period of service, if any, in respect of which periodic contributions have been paid by him or her and are not refundable,
- (b) in relation to a member of this Chapter who, being then unmarried and not in a civil partnership, ceases to be an active member—
  - (i) by reason other than death, the period of pensionable service which he or she had on the date of termination of his or her last marriage or civil partnership while in service,
  - (ii) due to death, and there is no Pension Adjustment Order in place in respect of Survivors' Pension on death-in-service, the period of pensionable service which he or she had at the termination of his or her last marriage or civil partnership, or
  - (iii) due to death, and there is a Pension Adjustment Order in place, the period of pensionable service which he or she would have had if he or she had served to compulsory retirement age or, if earlier, the date on which his or her contract of employment would expire,

reduced by the period of service, if any, for which periodic contributions have been paid by him or her and are not refundable. In the case of a member who is part-time, job-sharing or work-sharing, potential service to compulsory retirement age or to the end of the contract of employment, if earlier, is calculated where applicable, in accordance with Department of Public Expenditure and Reform Circular 11/2012.

- (c) in relation to a member of this Chapter who, being then married or in a civil partnership, ceases to be a member on retirement on medical grounds, the period of pensionable service which he or she would have had if he or she had served to compulsory retirement age reduced by the period of service, if any, for which periodic contributions have been paid by him or her and are not refundable, or
- (d) in relation to a member of this Chapter who, being then married or in a civil partnership, ceases to be a member on retirement, otherwise than on medical grounds, the period of pensionable service which he or she then had, reduced by the period of service, if any, for which periodic contributions have been paid by him or her and are not refundable.

(8) Where a member or former member of this Chapter gave service, other than as a Part 2 member, which is reckonable under Article 11 or Article 12 (Pensionable Service), any portion of that service in respect of which he or she paid periodic contributions under a pension scheme similar to this Chapter shall, provided those contributions were not refunded to him or her, be excluded in determining the number of relevant years under Paragraph (7).

(9) For the purposes of this Chapter, in the case of a member who is part-time or work-sharing, potential service to compulsory retirement age or to the end of the contract of employment is calculated, where applicable, in accordance with Department of Public Expenditure and Reform Circular 11/2012.

#### Part 4

##### GENERAL PROVISIONS

###### *Employment subsequent to Resignation or Retirement*

63. (1) Where a member whose contributions have been refunded to him or her under Article 13(4) is re-employed in pensionable service, the service for which such contributions were refunded may be reckoned provided that he or she pays to the Board or Institute the amount specified in Article 13(5).

(2) Where a former member who has retired on grounds of ill-health and been awarded a pension and lump sum, or a gratuity only, and is subsequently appointed to pensionable service, the amount of any lump sum or gratuity awarded to the person on his or her subsequent retirement from that service shall be reduced by the amount of the lump sum or gratuity paid to him or her on the occurrence of the first retirement.

(3) Where a former member who has retired and been awarded a pension and lump sum or a gratuity only, and is subsequently appointed to a post which accrues pensionable service under Part 2, no more of any pension or preserved pension payable to him or her shall be paid for any period of receipt of the payment under that pensionable service as may be specified by the Minister than so much as, with such payment, equals the remuneration which the person would have received in respect of such period if, during it, he or she—

- (a) held the position in which he or she served on the last day of his or her pensionable service, and
- (b) was remunerated at the rate of remuneration which he or she was in receipt of on that date.

(4) For the purposes of Paragraph (3) if, subsequent to the former member's last day of pensionable service in the position referred to in subparagraph (a) of that paragraph—

- (a) changes have taken place in the rate of remuneration referred to in that paragraph, or
- (b) where that position has ceased to exist, changes to the said rate would have taken place if that position had not ceased to exist,

then the rate of remuneration referred to in that Paragraph shall be treated as being varied by taking account of so much of those changes as may be specified by the Minister.

*Re-employment of a Pensioner by a Public Service Body*

64. (1) Where—

- (a) a pension is duly payable from this Scheme to a former member under the Scheme and
- (b) the pensioner is appointed, on or after 1 November 2012, to a position in respect of which remuneration is paid by a public service body,

then no more of the pension shall be paid, in respect of any specified period of receipt of the remuneration to which Paragraph (b) relates, than so much as, with that remuneration, equals the pensionable remuneration which the pensioner would have received in respect of that period if, during it, he or she—

- (i) held the position or employment in which he or she served on the last day of his or her service but was remunerated—
  - (I) at the rate of pensionable remuneration for that position or employment on that day, or
  - (II) at that rate of pensionable remuneration as amended to take account of so much of any change in that rate since that day as may be specified by the Minister.

*Prohibition on Duplication of Benefits*

65. (1) A member shall not be entitled to reckon—

- (a) the same period of service more than once unless, in the case of a gratuity, he or she has repaid a gratuity having an entitlement to do so, or
- (b) service in any week which brings total service in respect of that week to more than full time service for the purposes of Part 2.

(2) In this Article, “service” means a period of service for the purposes of Part 2 or for the purposes of any approved pension scheme.

*Application for Benefits*

66. (1) No benefit shall be paid under this Scheme unless the Board or Institute receives an application in respect of the benefit that meets the requirements of this Article.

(2) The application shall be made in the form and manner determined by the Board or Institute and shall contain—

- (a) a declaration as to eligibility for the benefit and other matters relating to the benefit applied for that is in such form as the Board or Institute may require, and
- (b) evidence of date of birth of the relevant member or former member or child.

(3) The application may be made by—

- (a) in the case of benefits payable under this Scheme to a former member, the member (before becoming the former member) or the former member or, if he or she dies, his or her personal representative,
- (b) in the case of benefits payable under this Scheme to a surviving spouse or civil partner of a former member, the spouse, civil partner or the personal representative of the former member, or
- (c) in the case of benefits payable under this Scheme in respect of a child of a former member or the personal representative of the former member, a spouse or civil partner of the former member or a parent or person having the care of the child.

(4) The person submitting the application shall provide such additional information that the Board or Institute may require to determine eligibility for benefits and for the proper operation of this Scheme.

(5) Where a member intends to retire or resign from a particular date, he or she may opt, not later than 6 months and not earlier than 12 months before that date, to give the Board or Institute notice in writing stating—



- (a) that he or she intends to retire on that date, and
- (b) that he or she wishes to be given details of his or her prospective benefits on retirement.

(6) Within 2 months of receipt of a written notice referred to in Paragraph (5), the Board or Institute will give to the member a statement of the prospective benefits due to the member on the retirement or resignation date indicated by the member, together with any qualifications relating to any benefit relating to potential service to that date.

*Obligation to pay Benefits*

67. (1) In respect of pensionable service as a member of this Scheme, pension benefit and lump sum benefit (including any such benefit that is a preserved pension benefit or preserved lump sum benefit and any such benefit that is a survivor's or children's benefit and any such benefit that is a gratuity) shall only be paid under the rules of this Scheme.

(2) The calculation and payment of any benefits which fall due to be paid under this Scheme shall be a function of—

- (a) the Board or Institute or
- (b) such other body that the Minister has directed in writing to carry out such function either generally or in respect of any class or classes of active or former Scheme members.

(3) Nothing in Paragraph (2) shall be read so as to prevent the Board or Institute making arrangements for the payment as its agent of any Scheme benefit through a third party.

(4) Pensions payable under this scheme shall be paid in arrears and shall continue—

- (a) throughout the life of the former Scheme member concerned, and
- (b) where appropriate, after the former Scheme member's death, during the period of entitlement in respect of any other person concerned.

(5) Where a benefit is payable under this Scheme to a person who is a beneficiary of the scheme (in this Article called "the relevant person") with respect to whom the Board or Institute is satisfied, on the certificate of a registered medical practitioner approved by the Minister, that the relevant person concerned is unable by reason of mental or physical disability to give a receipt for the amount, the Board or Institute may, unless a court of competent jurisdiction has otherwise ordered, pay the benefit—

- (a) wholly or partly to any institution or person having care of the relevant person, or

(b) as to part thereof, to any institution or person having care of the relevant person, and, as to the remainder, wholly or partly to or both—

(i) the spouse or civil partner of the relevant person, and

(ii) such persons as the relevant Board or Institute, having sought and considered all relevant facts in the case, considers to be dependents of the relevant person,

and in such manner as the Board or Institute thinks fit and on the condition that the payments made are applied for the benefit of the relevant person.

(6) No action by the relevant Board or Institute under Paragraph (5) affects any enduring power of attorney provided for in accordance with Part II of the Powers of Attorney Act 1996.

(7) Any payments made under Paragraph (5) shall discharge the Board or Institute as makes them, as fully as if they were made directly to the relevant person.

#### *Periodic Declaration*

68. (1) Every person receiving a pension under this Scheme shall periodically, by a date specified by the paying authority, provide the Board or Institute or the Board's or Institute's paying authority with a declaration in respect of continued entitlement for the benefit and other matters relating to the benefit as required by the paying authority and that is in such form as the paying authority may specify.

(2) Every person receiving a supplementary pension under this Scheme shall periodically as requested by the paying authority provide a declaration in respect of continuing eligibility for the benefit and any other matters relating to the benefit as the paying authority may specify.

#### *Applications for Refunds*

69. (1) No refund of contributions shall be paid under this Scheme unless the Board or Institute receives an application in respect of the refund that meets the requirements of this Article.

(2) The application shall be made in the form and manner determined by the Board or Institute and shall contain a declaration as to eligibility for the refund, and other matters relating to the refund applied for that is in such form as the Board or Institute may require.

(3) The application may be made by the person entitled to the refund or if he or she dies, his or her personal representative.

(4) The person submitting the application shall provide such additional information that the Board or Institute may require to determine entitlement for the refund and for the proper operation of this Scheme.

*Assignments*

70. (1) Other than as provided for in Article 67(5) (Obligation to pay Benefits) or Article 72 (Cesser or Reduction of Benefits), every assignment of, or charge on, and every agreement to assign or charge a pension under this Scheme shall be void.

*Adjustment to Pensions*

71. (1) The Board or Institute shall implement such adjustments to pensions in payment as may be authorised from time to time by the Minister for Public Expenditure and Reform.

*Cesser or Reduction of Benefits*

72. (1) In accordance with the provisions of the 2012 Act, where a member—

- (a) is dismissed or retired, or resigns or retires, as a consequence of misconduct involving a finding of a financial loss to the Board or Institute or the State, or
- (b) otherwise ceases to hold employment
  - (i) as a consequence of misconduct involving a finding of a financial loss to the Board or Institute or the State, or
  - (ii) in contemplation of such a finding which is substantially made,

then the Board or Institute may, in order to make good the loss together with compound interest at a rate as may be determined by the Minister from time to time for the purpose of making good the value of the loss, take any action set out in Paragraph (2).

(2) For the purposes of Paragraph (1), the Board or Institute may—

- (a) where contributions would, but for this Article, be returned to a scheme member under Article 13 (Contributions), Article 48 (Refund of Contributions (Chapter 1) or Article 60 (Refund of Contributions (Chapter 2)), reduce or not return the amount of such returnable contributions,
- (b) in any other case (including a case to which provisions relating to death or retirement on medical grounds relate) refuse or reduce any preserved pension, any preserved lump sum or any other benefit with effect from the date the person ceases to hold employment which might otherwise be duly payable.

(3) Where a pension is being paid to a person by the Board or Institute and that person is convicted in any court of an offence in the commission of which a financial loss to the Board, Institute or the State has occurred, then the Board or Institute may reduce or cease paying the pension in order to make good such loss together with compound interest at a rate as may be determined by the Minister from time to time for the purpose of making good the value of the loss.

(4) Interest to which this Article relates shall be charged in respect of the period between the date on which the loss was incurred and the date of the final payment.

### *Appeals*

73. (1) An actual or potential beneficiary, or a person acting on his or her behalf, may make an application to the Minister for a determination in relation to a complaint or dispute through the Internal Disputes Resolution procedure operated by the Department of Education and Skills. An actual or potential beneficiary, or a person acting on his or her behalf, may apply to the Minister for a determination in respect of—

- (a) a complaint relating to circumstances in which he or she believes he or she has sustained financial loss caused by an act of mal-administration, or
- (b) any dispute of fact or law that arises in relation to an act,

done by or on behalf of a person responsible for the management of this Scheme.

(2) An application shall be in writing, signed by or on behalf of the actual or potential beneficiary and shall contain the following details—

- (a) the full name, address and date of birth of the actual or potential beneficiary,
  - (b) the address to be used for service of documents in connection with the application,
  - (c) a statement concerning the nature of the complaint or dispute with sufficient details to show why the actual or potential beneficiary is aggrieved, and
  - (d) such other information as the Minister may reasonably require.
- (3) (a) The Minister shall make a determination in relation to an application and notify in writing the complainant and the Board or the Institute of the determination within 3 months from the date on which all the details specified in Paragraph (2) are received by the Minister.
- (b) The notification under Paragraph (a) shall include—
- (i) a statement of the determination,
  - (ii) a reference to any legislation (other than this Scheme), legal precedent, ruling of the Pensions Authority, ruling or practice of the Revenue Commissioners or other material relied upon in making the determination,

- (iii) a reference to the provisions of this Scheme relied upon in making the determination and, where a discretion has been exercised, a reference to those of its provisions by which such discretion is conferred,
- (iv) a statement that the determination is not binding upon any person unless, upon or after the making of the determination, the person assents, in writing, to be bound by it, and
- (v) a statement that the applicant should establish whether or not the complaint or dispute is one in respect of which the Pensions Ombudsman has jurisdiction to investigate under section 131 of the Pensions Act 1990 (No. 25 of 1990) and that further information can be found in an information booklet available from the office of the Pensions Ombudsman (and the statement shall include details of the address of that office).

*Repayment of Pensions Overpaid*

74. (1) Where at any time a person receives payments on foot of any Scheme benefit and such person is not entitled under this Scheme to such payments, or where a person receives payments on foot of a Scheme benefit which exceed those which are appropriate under this Scheme, such person or, where such a person is deceased, the personal representative of such person, shall pay to the Board or Institute on demand such payments or excess payments, as may be appropriate, and such payments or excess payments shall, in default of payment, be recoverable by the Board or Institute as a simple contract debt in any court of competent jurisdiction.

*Treatment of Earlier Service*

75. (1) “earlier service” means service by reference to which any of the benefits referred to in Paragraph (2) were calculated, subject to the relevant scheme rules.

(2) The maximum service reckonable for benefits under the Scheme is 40 years subject in the case of—

- (a) members who have retained an entitlement to preserved benefits under Article 17 (Preservation of Benefits),
- (b) members whose pensions were suspended under Article 63 (Employment subsequent to Resignation or Retirement),
- (c) members (or former members) whose pensions were abated under the provisions of Article 64 (Re-employment of a Pensioner in a Public Service Body), and
- (d) members with an entitlement to benefits payable from any other public service pension scheme

to maximum service not exceeding the difference between the earlier service and 40 years, provided that in the case of Paragraph (d) where the member had

accrued more than 40 years' service in more than one scheme up to and including 27 July 2012, he or she retains an entitlement to the total amount of that service accrued to that date if retained in more than one scheme, in accordance with the provisions of subsections 52(6) and 52(7) of the 2012 Act.

*Confirmation of certain matters*

76. (1) In this Article, "pre-scheme benefit" means any benefit, including access to membership of Part 2 or Chapter 1 or Chapter 2 of Part 3—

- (a) granted before the making of this Scheme to or in respect of a member;
- (b) provision for which is not made by any other provision of this Scheme, and
- (c) the granting or payment of which is—
  - (i) provided for in the relevant Regulations under the Local Government Superannuation Code, Circulars or other documents approved and implemented under administrative arrangements made by the Minister with the consent of the Minister for Public Expenditure and Reform, and
  - (ii) subject to the terms and conditions of those arrangements.

(2) Any pre-scheme benefit granted by the Board or Institute with the consent of the Minister before this Scheme is made is confirmed and, if the terms and conditions of the arrangements of the pre-scheme benefit are such that its payment is to continue during a period after this Scheme is made, then the benefit shall continue to be paid during that period, subject to those terms and conditions.

- (3) (a) Any decision made by the Board or Institute on terms approved by the Minister before this Scheme is made, in respect of an application made by or on behalf of a member for a pre-scheme benefit or
- (b) any valid option exercised, by or on behalf of a scheme member, for Scheme membership or for a pre-scheme benefit,

that is made, or exercised, as the case may be, in accordance with the terms and conditions of the option or the pre-scheme benefit, is confirmed.

(4) Notwithstanding the Revocations listed in Article 77 (referred to as the former scheme), the former scheme prevails if there is any divergence between this Scheme and the former Scheme in respect to—

- (a) any pre-scheme benefit that was validly granted under the former scheme and
- (b) the power to refuse to grant a pre-scheme benefit that was exercised under the former scheme.

*Revocations*

77. (1) The Schemes mentioned in the following Table are revoked in so far as they make provision for Part 2 (Members Personal Pension Provisions) Members of this Scheme.

Table

Local Government (Superannuation) (Consolidation) Scheme, 1998 — S.I. 455  
of 1998 but excluding—

- (a) provisions relating to 1956 Scheme members as defined in section 2 of this Scheme.
- (b) provisions contained in Chapter 3 and Chapter 4 of Part III.



## **SCHEDULES**

Schedule 1 — Purchase of Notional Service Tables and Actuarial Reduction Tables for Purchase of Notional Service.

THE TABLES IN THE SCHEDULES ARE SUBJECT TO REVISION FROM TIME TO TIME AS DETERMINED BY THE MINISTER FOR PUBLIC EXPENDITURE AND REFORM AND SHALL APPLY ACCORDINGLY.

Schedule 2 — Limits on the amount of service which may be purchased

## SCHEDULE 1

**Table 1 — Officers: Purchase by reference to age 65**

**Member of the Survivors' and Children's Scheme**

**Periodic contribution rates (applicable from 10/11/06)**

Age next birthday	Integrated (Class A PRSI)		Non-Integrated (modified PRSI)
	% of net salary	% of gross salary	% of gross salary
26	0.68%	0.09%	0.65%
27	0.70%	0.09%	0.67%
28	0.73%	0.10%	0.70%
29	0.75%	0.10%	0.72%
30	0.77%	0.10%	0.74%
31	0.80%	0.11%	0.76%
32	0.82%	0.11%	0.79%
33	0.84%	0.11%	0.81%
34	0.87%	0.12%	0.83%
35	0.89%	0.12%	0.86%
36	0.91%	0.12%	0.88%
37	0.93%	0.13%	0.91%
38	0.96%	0.13%	0.93%
39	0.98%	0.14%	0.96%
40	1.00%	0.14%	0.99%
41	1.03%	0.14%	1.02%
42	1.05%	0.15%	1.05%
43	1.07%	0.15%	1.09%
44	1.10%	0.16%	1.13%
45	1.13%	0.17%	1.17%
46	1.16%	0.17%	1.22%
47	1.23%	0.18%	1.30%
48	1.30%	0.20%	1.38%
49	1.39%	0.21%	1.48%
50	1.49%	0.22%	1.58%
51	1.60%	0.24%	1.71%
52	1.72%	0.26%	1.85%
53	1.87%	0.29%	2.01%
54	2.05%	0.31%	2.21%
55	2.26%	0.35%	2.44%
56	2.52%	0.39%	2.73%
57	2.84%	0.44%	3.09%
58	3.25%	0.51%	3.55%

**Table 1 continued— Officers: Purchase by reference to age 65****Member of the Survivors' and Children's Scheme****Periodic contribution rates (applicable from 10/11/06)**

<b>Age next birthday</b>	<b>Integrated (Class A PRSI)</b>		<b>Non-Integrated (modified PRSI)</b>
	<b>% of net salary</b>	<b>% of gross salary</b>	<b>% of gross salary</b>
59	3.80%	0.60%	4.17%
60	4.57%	0.72%	5.03%
61	5.72%	0.91%	6.32%
62	7.64%	1.22%	8.48%
63	11.48%	1.85%	12.80%

\* see Footnote 1 to Table 5.

**Table 2 — Officers: Purchase by reference to age 65****Member of the Survivors' and Children's Scheme****Lump Sum contribution rates (applicable from 10/5/05)**

Age next birthday	Integrated (Class A PRSI)	Non-integrated (modified PRSI)
	% of gross salary	% of gross salary
26	27.5%	33.6%
27	28.0%	34.3%
28	28.4%	34.8%
29	28.8%	35.4%
30	29.2%	35.9%
31	29.5%	36.3%
32	29.8%	36.7%
33	30.0%	37.0%
34	30.1%	37.3%
35	30.2%	37.6%
36	30.3%	37.8%
37	30.2%	37.9%
38	30.2%	38.0%
39	30.0%	38.0%
40	29.8%	38.0%
41	29.6%	37.9%
42	29.3%	37.7%
43	28.9%	37.6%
44	28.5%	37.3%
45	28.0%	37.0%
46	27.5%	36.7%
47	26.9%	36.3%
48	26.3%	35.9%
49	25.6%	35.4%
50	24.9%	34.9%
51	24.1%	34.3%
52	23.3%	33.7%
53	22.5%	33.1%
54	21.9%	32.5%
55	22.2%	31.8%
56	22.4%	31.1%
57	22.6%	30.4%
58	22.8%	29.7%

**Table 2 continued — Officers: Purchase by reference to age 65****Member of the Survivors' and Children's Scheme****Lump Sum contribution rates (applicable from 10/5/05)**

<b>Age next birthday</b>	<b>Integrated (Class A PRSI)</b>	<b>Non-integrated (modified PRSI)</b>
	<b>% of gross salary</b>	<b>% of gross salary</b>
59	23.1%	29.1%
60	23.3%	28.5%
61	23.3%	27.9%
62	22.9%	27.3%
63	23.0%	26.8%
64	23.4%	26.3%
65	23.7%	25.8%

**Table 3 — Officers: Purchase by reference to age 65****Non-member of the Survivors' and Children's Scheme****Periodic contribution rates (applicable from 10/11/06)**

Age next birthday	Integrated (Class A PRSI)*		Non-integrated (modified PRSI)
	% of net salary	% of gross salary	% of gross salary
26	0.58%	0.09%	0.58%
27	0.60%	0.09%	0.60%
28	0.62%	0.10%	0.62%
29	0.64%	0.10%	0.64%
30	0.66%	0.10%	0.66%
31	0.69%	0.11%	0.68%
32	0.70%	0.11%	0.70%
33	0.72%	0.11%	0.72%
34	0.74%	0.12%	0.74%
35	0.76%	0.12%	0.76%
36	0.78%	0.12%	0.79%
37	0.79%	0.13%	0.81%
38	0.81%	0.13%	0.83%
39	0.84%	0.14%	0.86%
40	0.85%	0.14%	0.88%
41	0.87%	0.14%	0.91%
42	0.89%	0.15%	0.94%
43	0.91%	0.15%	0.97%
44	0.93%	0.16%	1.01%
45	0.96%	0.17%	1.05%
46	0.98%	0.17%	1.09%
47	1.04%	0.18%	1.16%
48	1.10%	0.20%	1.23%
49	1.18%	0.21%	1.32%
50	1.26%	0.22%	1.42%
51	1.35%	0.24%	1.53%
52	1.46%	0.26%	1.66%
53	1.59%	0.29%	1.81%
54	1.74%	0.31%	1.99%
55	1.93%	0.35%	2.20%
56	2.15%	0.39%	2.46%
57	2.43%	0.44%	2.79%
58	2.79%	0.51%	3.21%

**Table 3 continued — Officers: Purchase by reference to age 65****Non-member of the Survivors' and Children's Scheme****Periodic contribution rates (applicable from 10/11/06)**

<b>Age next birthday</b>	<b>Integrated (Class A PRSI)*</b>		<b>Non-integrated (modified PRSI)</b>
	<b>% of net salary</b>	<b>% of gross salary</b>	<b>% of gross salary</b>
59	3.26%	0.60%	3.78%
60	3.93%	0.72%	4.57%
61	4.94%	0.91%	5.76%
62	6.62%	1.22%	7.74%
63	9.97%	1.85%	11.71%

\* see Footnote 1 to Table 5.

**Table 4 — Officers: Purchase by reference to age 65****Non-member of the Survivors' and Children's Scheme****Lump Sum contribution rates (applicable from 10/5/05)**

Age next birthday	Integrated (Class A PRSI)	Non-Integrated (modified PRSI)
	% of gross salary	% of gross salary
26	24.3%	30.0%
27	24.8%	30.6%
28	25.2%	31.1%
29	25.5%	31.6%
30	25.9%	32.0%
31	26.1%	32.5%
32	26.4%	32.8%
33	26.6%	33.1%
34	26.7%	33.4%
35	26.8%	33.6%
36	26.8%	33.8%
37	26.8%	33.9%
38	26.8%	34.0%
39	26.6%	34.1%
40	26.5%	34.0%
41	26.3%	34.0%
42	26.0%	33.9%
43	25.7%	33.7%
44	25.3%	33.5%
45	24.9%	33.3%
46	24.4%	33.0%
47	23.9%	32.6%
48	23.3%	32.3%
49	22.7%	31.9%
50	22.1%	31.4%
51	21.4%	30.9%
52	20.7%	30.4%
53	20.0%	29.9%
54	19.7%	29.3%
55	19.9%	28.7%
56	20.1%	28.1%
57	20.3%	27.6%
58	20.6%	27.0%



**Table 4 continued — Officers: Purchase by reference to age 65****Non-member of the Survivors' and Children's Scheme****Lump Sum contribution rates (applicable from 10/5/05)**

<b>Age next birthday</b>	<b>Integrated (Class A PRSI)</b>	<b>Non-Integrated (modified PRSI)</b>
	<b>% of gross salary</b>	<b>% of gross salary</b>
59	20.8%	26.5%
60	21.1%	25.9%
61	21.1%	25.4%
62	20.8%	25.0%
63	21.0%	24.5%
64	21.4%	24.1%
65	21.7%	23.7%

**Table 5 — Officers: Purchase by reference to age 60****Member of the Survivors' and Children's Scheme****Periodic contribution rates (applicable from 27/4/05 — see Footnote 2)**

Age next birthday	Integrated (Class A PRSI)*		Non-integrated (modified PRSI)
	% of net salary	% of gross salary	% of gross salary
21	0.78%	0.09%	0.74%
22	0.81%	0.10%	0.77%
23	0.84%	0.10%	0.79%
24	0.87%	0.11%	0.82%
25	0.90%	0.11%	0.85%
26	0.93%	0.11%	0.88%
27	0.95%	0.11%	0.90%
28	0.98%	0.12%	0.93%
29	1.01%	0.12%	0.96%
30	1.03%	0.12%	0.98%
31	1.06%	0.13%	1.01%
32	1.09%	0.13%	1.04%
33	1.11%	0.14%	1.07%
34	1.13%	0.14%	1.10%
35	1.16%	0.14%	1.13%
36	1.19%	0.15%	1.17%
37	1.22%	0.15%	1.21%
38	1.24%	0.16%	1.24%
39	1.27%	0.17%	1.29%
40	1.30%	0.17%	1.34%
41	1.33%	0.18%	1.39%
42	1.41%	0.19%	1.48%
43	1.50%	0.20%	1.57%
44	1.60%	0.21%	1.68%
45	1.71%	0.23%	1.80%
46	1.84%	0.25%	1.94%
47	1.98%	0.27%	2.10%
48	2.16%	0.29%	2.29%
49	2.36%	0.32%	2.51%
50	2.60%	0.35%	2.78%
51	2.90%	0.39%	3.11%
52	3.27%	0.45%	3.51%

**Table 5 continued — Officers: Purchase by reference to age 60****Member of the Survivors' and Children's Scheme****Periodic contribution rates (applicable from 27/4/05 — see Footnote 2)**

Age next birthday	Integrated (Class A PRSI)*		Non-integrated (modified PRSI)
	% of net salary	% of gross salary	% of gross salary
53	3.74%	0.51%	4.04%
54	4.37%	0.60%	4.74%
55	5.26%	0.73%	5.71%
56	6.59%	0.92%	7.18%
57	8.80%	1.23%	9.63%
58	13.22%	1.86%	14.52%

FOOTNOTE 1: \*In the case of Integrated Officers, contributions are payable on both Net Salary and Gross Salary. 'Net Salary' = gross salary less twice the maximum personal rate of State Pension (Contributory). (This footnote also applies to Table 1 and 3 above).

FOOTNOTE 2: Under transitional provisions, set out in Paragraph 5 of Department of Education and Science Circular 0125/2006, the relevant birthday may be the first birthday occurring after 26/4/05.

**Table 6 — Officers: Purchase by reference to age 60****Member of the Survivors' and Children's Scheme****Lump Sum contribution rates (applicable from 27/4/05 — see Footnote)**

Age next birthday	Integrated (Class A PRSI)	Non-integrated (modified PRSI)
	% of gross salary	% of gross salary
21	31.5%	38.8%
22	32.1%	39.5%
23	32.6%	40.2%
24	33.1%	40.8%
25	33.5%	41.4%
26	33.8%	41.9%
27	34.1%	42.4%
28	34.4%	42.8%
29	34.5%	43.1%
30	34.7%	43.4%
31	34.7%	43.6%
32	34.7%	43.8%
33	34.6%	43.9%
34	34.4%	43.9%
35	34.2%	43.8%
36	33.9%	43.7%
37	33.5%	43.6%
38	33.1%	43.4%
39	32.6%	43.1%
40	32.1%	42.7%
41	31.4%	42.3%
42	30.8%	41.9%
43	30.0%	41.4%
44	29.2%	40.8%
45	28.4%	40.2%
46	27.5%	39.5%
47	26.6%	38.8%
48	25.6%	38.1%
49	25.1%	37.3%
50	25.3%	36.5%
51	25.6%	35.7%
52	25.8%	34.9%
53	26.0%	34.1%
54	26.3%	33.3%

**Table 6 continued — Officers: Purchase by reference to age 60****Member of the Survivors' and Children's Scheme****Lump Sum contribution rates (applicable from 27/4/05 — see Footnote)**

<b>Age next birthday</b>	<b>Integrated (Class A PRSI)</b>	<b>Non-integrated (modified PRSI)</b>
	<b>% of gross salary</b>	<b>% of gross salary</b>
55	26.6%	32.6%
56	26.5%	31.9%
57	26.0%	31.2%
58	25.6%	30.5%
59	26.2%	29.9%
60	26.8%	29.2%

FOOTNOTE: Under transitional provisions, set out in Paragraph 5 of Department of Education and Science Circular 0125/2006, the relevant birthday may be the first birthday occurring after 26/4/05.

**Table 7 — Officers: Purchase by reference to age 60****Non-member of the Survivors' and Children's Scheme****Periodic contribution rates (applicable from 27/4/05 — see Footnote 2)**

Age next birthday	Integrated (Class A PRSI) *		Non-integrated (modified PRSI)
	% of net salary	% of gross salary	% of gross salary
21	0.69%	0.09%	0.68%
22	0.72%	0.10%	0.70%
23	0.74%	0.10%	0.72%
24	0.77%	0.11%	0.75%
25	0.79%	0.11%	0.77%
26	0.82%	0.11%	0.80%
27	0.84%	0.11%	0.82%
28	0.86%	0.12%	0.84%
29	0.89%	0.12%	0.87%
30	0.91%	0.12%	0.89%
31	0.93%	0.13%	0.92%
32	0.95%	0.13%	0.95%
33	0.97%	0.14%	0.97%
34	1.00%	0.14%	1.00%
35	1.02%	0.14%	1.03%
36	1.04%	0.15%	1.06%
37	1.06%	0.15%	1.10%
38	1.09%	0.16%	1.13%
39	1.11%	0.17%	1.18%
40	1.14%	0.17%	1.22%
41	1.17%	0.18%	1.27%
42	1.24%	0.19%	1.35%
43	1.31%	0.20%	1.44%
44	1.40%	0.21%	1.54%
45	1.50%	0.23%	1.65%
46	1.61%	0.25%	1.78%
47	1.74%	0.27%	1.93%
48	1.89%	0.29%	2.10%
49	2.07%	0.32%	2.30%
50	2.28%	0.35%	2.55%
51	2.55%	0.39%	2.85%
52	2.87%	0.45%	3.23%

**Table 7 continued — Officers: Purchase by reference to age 60****Non-member of the Survivors' and Children's Scheme****Periodic contribution rates (applicable from 27/4/05 — see Footnote 2)**

<b>Age next birthday</b>	<b>Integrated (Class A PRSI) *</b>		<b>Non-integrated (modified PRSI)</b>
	<b>% of net salary</b>	<b>% of gross salary</b>	<b>% of gross salary</b>
53	3.29%	0.51%	3.71%
54	3.86%	0.60%	4.36%
55	4.64%	0.73%	5.27%
56	5.82%	0.92%	6.63%
57	7.79%	1.23%	8.90%
58	11.72%	1.86%	13.44%

**Table 8 — Officers: Purchase by reference to age 60****Non-member of the Survivors' and Children's Scheme****Lump Sum contribution rates (applicable from 27/4/05 — see Footnote)**

Age next birthday	Integrated (Class A PRSI)	Non-Integrated (modified PRSI)
	% of gross salary	% of gross salary
21	28.5%	35.4%
22	29.0%	36.0%
23	29.5%	36.7%
24	29.9%	37.3%
25	30.3%	37.8%
26	30.7%	38.3%
27	30.9%	38.7%
28	31.1%	39.1%
29	31.3%	39.4%
30	31.4%	39.7%
31	31.4%	39.9%
32	31.4%	40.0%
33	31.3%	40.1%
34	31.2%	40.1%
35	31.0%	40.1%
36	30.7%	40.0%
37	30.4%	39.9%
38	30.0%	39.7%
39	29.5%	39.4%
40	29.0%	39.1%
41	28.5%	38.8%
42	27.9%	38.4%
43	27.2%	37.9%
44	26.5%	37.4%
45	25.7%	36.9%
46	24.9%	36.3%
47	24.0%	35.7%
48	23.1%	35.0%
49	22.9%	34.3%
50	23.1%	33.6%
51	23.4%	32.8%
52	23.6%	32.1%
53	23.8%	31.4%
54	24.1%	30.7%



**Table 8 continued — Officers: Purchase by reference to age 60****Non-member of the Survivors' and Children's Scheme****Lump Sum contribution rates (applicable from 27/4/05 — see Footnote)**

<b>Age next birthday</b>	<b>Integrated (Class A PRSI)</b>	<b>Non-Integrated (modified PRSI)</b>
	<b>% of gross salary</b>	<b>% of gross salary</b>
55	24.4%	30.1%
56	24.3%	29.4%
57	23.9%	28.8%
58	23.6%	28.2%
59	24.2%	27.7%
60	24.8%	27.1%

NOTE: Under transitional provisions, set out in Paragraph 5 of Department of Education and Science Circular 0125/2006, the relevant birthday may be the first birthday occurring after 26/4/05.

**Table 9 — Non-officers: Purchase by reference to age 65****Members and Non-members of the Survivors' and Children's Scheme****Periodic contribution rates (applicable from 10/11/06)**

Age next birthday	Members of S&C Scheme		Non-Members of S&C Scheme	
	% of Pay	% of Net Pay *	% of Pay	% of Net Pay *
26	0.09%	0.66%	0.09%	0.58%
27	0.09%	0.69%	0.09%	0.60%
28	0.10%	0.71%	0.10%	0.62%
29	0.10%	0.73%	0.10%	0.64%
30	0.10%	0.76%	0.10%	0.66%
31	0.11%	0.78%	0.11%	0.68%
32	0.11%	0.80%	0.11%	0.70%
33	0.11%	0.82%	0.11%	0.72%
34	0.12%	0.85%	0.12%	0.74%
35	0.12%	0.87%	0.12%	0.76%
36	0.12%	0.89%	0.12%	0.78%
37	0.13%	0.91%	0.13%	0.80%
38	0.13%	0.93%	0.13%	0.82%
39	0.14%	0.95%	0.14%	0.83%
40	0.14%	0.97%	0.14%	0.85%
41	0.14%	0.99%	0.14%	0.87%
42	0.15%	1.02%	0.15%	0.89%
43	0.15%	1.04%	0.15%	0.91%
44	0.16%	1.06%	0.16%	0.93%
45	0.17%	1.09%	0.17%	0.96%
46	0.17%	1.12%	0.17%	0.98%
47	0.18%	1.18%	0.18%	1.04%
48	0.20%	1.26%	0.20%	1.10%
49	0.21%	1.34%	0.21%	1.18%
50	0.22%	1.43%	0.22%	1.26%
51	0.24%	1.54%	0.24%	1.35%
52	0.26%	1.66%	0.26%	1.46%
53	0.29%	1.80%	0.29%	1.59%
54	0.31%	1.97%	0.31%	1.74%
55	0.35%	2.18%	0.35%	1.93%
56	0.39%	2.42%	0.39%	2.15%
57	0.44%	2.73%	0.44%	2.43%
58	0.51%	3.13%	0.51%	2.79%
59	0.60%	3.66%	0.60%	3.26%
60	0.72%	4.40%	0.72%	3.93%

**Table 9 (continued)— Non-officers: Purchase by reference to age 65  
Members and Non-members of the Survivors' and Children's Scheme**  
**Periodic contribution rates (applicable from 10/11/06)**

Age next birthday	Members of S&C Scheme		Non-Members of S&C Scheme	
	% of Pay	% of Net Pay *	% of Pay	% of Net Pay *
61	0.91%	5.51%	0.91%	4.94%
62	1.22%	7.37%	1.22%	6.62%
63	1.85%	11.07%	1.85%	9.97%

\* FOOTNOTE: The periodic contribution rates for Integrated Staff on full PRSI are levied on both Net Pay and Pay. 'Net Pay' = gross pay less twice the rate of contributory old age pension payable at the maximum rate to a person with no adult dependent or qualified children.

**Table 10 — Non-officers: Purchase by reference to age 65**  
**Members and Non-members of the Survivors' and Children's Scheme**  
**Lump Sum contribution rates (applicable from 10/5/05)**

Age next birthday	Members of S&C	Non-Members
	% of Pay *	% of Pay *
26	27.0%	24.3%
27	27.5%	24.8%
28	27.9%	25.2%
29	28.3%	25.5%
30	28.7%	25.9%
31	29.0%	26.1%
32	29.3%	26.4%
33	29.5%	26.6%
34	29.6%	26.7%
35	29.7%	26.8%
36	29.8%	26.8%
37	29.7%	26.8%
38	29.7%	26.8%
39	29.5%	26.6%
40	29.3%	26.5%
41	29.1%	26.3%
42	28.8%	26.0%
43	28.4%	25.7%
44	28.0%	25.3%
45	27.5%	24.9%
46	27.0%	24.4%
47	26.4%	23.9%
48	25.8%	23.3%
49	25.1%	22.7%
50	24.4%	22.1%
51	23.6%	21.4%
52	22.8%	20.7%
53	22.0%	20.0%
54	21.4%	19.7%
55	21.7%	19.9%
56	21.9%	20.1%
57	22.1%	20.3%
58	22.3%	20.6%
59	22.6%	20.8%
60	22.8%	21.1%

**Table 10 (continued) — Non-officers: Purchase by reference to age 65**  
**Members and Non-members of the Survivors' and Children's Scheme**  
**Lump Sum contribution rates (applicable from 10/5/05)**

Age next birthday	Members of S&C	Non-Members
	% of Pay *	% of Pay *
61	22.8%	21.1%
62	22.4%	20.8%
63	22.5%	21.0%
64	22.9%	21.4%
65	23.2%	21.7%

\* FOOTNOTE: The lump-sum contribution rates for Integrated Staff on full PRSI are levied on Pay only (i.e. there are no Net Pay/Pay contribution rates as heretofore).

**Table 11 — Non-officers — Purchase by reference to age 60****Members and Non-members of the Survivors' and Children's Scheme****Periodic contribution rates (applicable from 27/4/05 — see Footnote 2)**

Age next birthday	Members of S&C Scheme		Non-Members of S&C Scheme	
	% of Pay	% of Net Pay *	% of Pay	% of Net Pay *
21	0.09%	0.77%	0.09%	0.69%
22	0.10%	0.80%	0.10%	0.72%
23	0.10%	0.83%	0.10%	0.74%
24	0.11%	0.85%	0.11%	0.77%
25	0.11%	0.88%	0.11%	0.79%
26	0.11%	0.91%	0.11%	0.82%
27	0.11%	0.94%	0.11%	0.84%
28	0.12%	0.96%	0.12%	0.86%
29	0.12%	0.99%	0.12%	0.89%
30	0.12%	1.00%	0.12%	0.91%
31	0.13%	1.03%	0.13%	0.93%
32	0.13%	1.06%	0.13%	0.95%
33	0.14%	1.08%	0.14%	0.97%
34	0.14%	1.11%	0.14%	1.00%
35	0.14%	1.13%	0.14%	1.02%
36	0.15%	1.15%	0.15%	1.04%
37	0.15%	1.18%	0.15%	1.06%
38	0.16%	1.21%	0.16%	1.09%
39	0.17%	1.24%	0.17%	1.11%
40	0.17%	1.27%	0.17%	1.14%
41	0.18%	1.30%	0.18%	1.17%
42	0.19%	1.37%	0.19%	1.24%
43	0.20%	1.46%	0.20%	1.31%
44	0.21%	1.55%	0.21%	1.40%
45	0.23%	1.66%	0.23%	1.50%
46	0.25%	1.78%	0.25%	1.61%
47	0.27%	1.93%	0.27%	1.74%
48	0.29%	2.09%	0.29%	1.89%
49	0.32%	2.29%	0.32%	2.07%
50	0.35%	2.52%	0.35%	2.28%
51	0.39%	2.81%	0.39%	2.55%
52	0.45%	3.17%	0.45%	2.87%
53	0.51%	3.63%	0.51%	3.29%
54	0.60%	4.24%	0.60%	3.86%

**Table 11 (continued) — Non-officers — Purchase by reference to age 60****Members and Non-members of the Survivors' and Children's Scheme****Periodic contribution rates (applicable from 27/4/05 — see Footnote 2)**

Age next birthday	Members of S&C Scheme		Non-Members of S&C Scheme	
	% of Pay	% of Net Pay *	% of Pay	% of Net Pay *
55	0.73%	5.10%	0.73%	4.64%
56	0.92%	6.38%	0.92%	5.82%
57	1.23%	8.53%	1.23%	7.79%
58	1.86%	12.81%	1.86%	11.72%

\* FOOTNOTE 1: The periodic contribution rates for Integrated Officers on full PRSI are levied on both Net Pay and Pay. 'Net Pay' = gross pay less twice the rate of contributory old age pension payable at the maximum rate to a person with no adult dependent or qualified children.

FOOTNOTE 2: Under transitional provisions, set out in Paragraph 5 of Circular 0125/2006, the relevant birthday may be the first birthday occurring after 26/4/05.

**Table 12 — Non-officers — Purchase by reference to age 60****Members and Non-members of the Survivors' and Children's Scheme****Lump Sum contribution rates (applicable from 27/4/05 — see Footnote 2)**

Age next birthday	Members of S&C	Non-Members
	% of Pay *	% of Pay *
21	31.0%	28.5%
22	31.6%	29.0%
23	32.1%	29.5%
24	32.6%	29.9%
25	33.0%	30.3%
26	33.3%	30.7%
27	33.6%	30.9%
28	33.9%	31.1%
29	34.0%	31.3%
30	34.2%	31.4%
31	34.2%	31.4%
32	34.2%	31.4%
33	34.1%	31.3%
34	33.9%	31.2%
35	33.7%	31.0%
36	33.4%	30.7%
37	33.0%	30.4%
38	32.6%	30.0%
39	32.1%	29.5%
40	31.6%	29.0%
41	30.9%	28.5%
42	30.3%	27.9%
43	29.5%	27.2%
44	28.7%	26.5%
45	27.9%	25.7%
46	27.0%	24.9%
47	26.0%	24.0%
48	25.1%	23.1%
49	24.6%	22.9%
50	24.8%	23.1%
51	25.1%	23.4%
52	25.3%	23.6%
53	25.5%	23.8%
54	25.8%	24.1%
55	26.0%	24.4%



**Table 12 (continued) — Non-officers — Purchase by reference to age 60****Members and Non-members of the Survivors' and Children's Scheme****Lump Sum contribution rates (applicable from 27/4/05 — see Footnote 2)**

Age next birthday	Members of S&C	Non-Members
	% of Pay *	% of Pay *
56	26.0%	24.3%
57	25.5%	23.9%
58	25.1%	23.6%
59	25.7%	24.2%
60	26.3%	24.8%

\* FOOTNOTE 1: The lump-sum contribution rates for Integrated Staff on full PRSI are levied on Pay only (i.e. there are no Net Pay/Pay contribution rates as heretofore).

FOOTNOTE 2: Under transitional provisions, set out in Paragraph 5 of Circular 0125/2006, the relevant birthday may be the first birthday occurring after 26/4/05.

**Table 13****Actuarial Reduction Factors****Purchase by reference to age 65**

<b>Age last birthday</b>	<b>Pension</b>	<b>Lump Sum</b>
30	22.9%	50.7%
31	23.6%	51.7%
32	24.4%	52.8%
33	25.2%	53.8%
34	26.0%	54.9%
35	26.9%	55.9%
36	27.8%	57.0%
37	28.7%	58.2%
38	29.7%	59.3%
39	30.8%	60.5%
40	31.8%	61.7%
41	33.0%	62.9%
42	34.2%	64.1%
43	35.5%	65.4%
44	36.8%	66.7%
45	38.2%	68.0%
46	39.7%	69.3%
47	41.3%	70.6%
48	43.0%	72.0%
49	44.8%	73.4%
50	46.7%	74.8%
51	48.7%	76.3%
52	50.8%	77.8%
53	53.1%	79.3%
54	55.6%	80.8%
55	58.2%	82.4%
56	61.1%	84.0%
57	64.1%	85.6%
58	67.4%	87.3%
59	71.0%	89.0%
60	74.8%	90.7%
61	79.0%	92.5%
62	83.6%	94.3%
63	88.5%	96.1%
64	94.0%	98.0%
65	100.0%	100.0%

**Table 14**  
**Actuarial Reduction Factors**  
**Purchase by reference to age 60**

<b>Age last birthday</b>	<b>Pension</b>	<b>Lump Sum</b>
30	30.6%	55.7%
31	31.6%	56.8%
32	32.6%	57.9%
33	33.6%	59.0%
34	34.7%	60.2%
35	35.9%	61.4%
36	37.1%	62.6%
37	38.4%	63.8%
38	39.7%	65.1%
39	41.1%	66.4%
40	42.5%	67.7%
41	44.1%	69.0%
42	45.7%	70.4%
43	47.4%	71.8%
44	49.2%	73.2%
45	51.1%	74.6%
46	53.1%	76.1%
47	55.2%	77.6%
48	57.4%	79.1%
49	59.8%	80.7%
50	62.4%	82.2%
51	65.1%	83.9%
52	67.9%	85.5%
53	71.0%	87.2%
54	74.3%	88.9%
55	77.8%	90.7%
56	81.6%	92.4%
57	85.7%	94.3%
58	90.1%	96.1%
59	94.8%	98.0%
60	100.0%	100.0%

**SCHEDULE 2****Limits on Amounts of Service which may be Purchased**

1. For the purposes of this Schedule—

“relevant pensionable service” includes periods of leave without pay purchased in accordance with the provisions of Chapter 2 of Part 2;

“retained benefits” means benefits from another public sector pension scheme and includes pensions, commutation payments, lump sums, gratuities and refunds of superannuation contributions.

2. The maximum amount of service which may be purchased depends on the member’s prospective pensionable service at the relevant age and any retained benefits received or receivable by virtue of earlier service under another occupational pension scheme as defined in section 2 of the Pensions Act 1990.

3. For a member who would have at least 9 years’ relevant pensionable service at the relevant age and who is not entitled to retained benefits, the maximum amount of service which may be purchased is that specified in column (2) of the Table to this Paragraph opposite the mention in column (1) of that Table of the relevant pensionable service which the member would have if he or she remains in service until the relevant age.

TABLE

Relevant pensionable service (1)	Maximum service which can be purchased (2)
20 years or more	Difference between 40 years and pensionable service by the relevant age
19 years	17 years
18 years	15 years
17 years	13 years
16 years	11 years
15 years	9 years
14 years	7 years
13 years	5 years
12 years	4 years
11 years	3 years
10 years	2 years
9 years	1 year

4. The limits specified in the Table to Paragraph 3 are subject to the overriding restriction that the amount of service which may be purchased, together with service which is otherwise pensionable, shall not in any case exceed 40 years.

5. Where the potential pensionable service at the relevant age is less than 20 years but includes days of service in excess of a complete number of years, a number of days equal to 365 days less the excess days in question may be purchased in addition to the appropriate number of years specified in column (2) of the Table to Paragraph 3.

6. Where a member is entitled to retained benefits for earlier service under another public sector pension scheme, and those benefits are identical to the benefits which would be payable under this Scheme for an equivalent period of service, the maximum number of years of notional service which may be purchased shall be the smaller of—

- (a) the maximum specified in column (2) of the Table to Paragraph 3; and
- (b) 40 — A,

where A is the relevant pensionable service which the member would have at the relevant age.

7. Where the value of the retained benefits paid or payable is not identical to the value of the superannuation benefits which would be payable under this Scheme in respect of an equivalent period, the amount of service which may be purchased by the member concerned shall be determined by the Minister after consultation with the Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,  
9 July 2015.

JAN O'SULLIVAN,  
Minister for Education and Skills.

The Minister for Public Expenditure and Reform hereby consents to the foregoing Scheme.



GIVEN under my Official Seal,  
9 July 2015.

BRENDAN HOWLIN,  
Minister for Public Expenditure and Reform.

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FOILSEACHÁIN RIALTAIS,  
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