



STATUTORY INSTRUMENTS.

S.I. No. 610 of 2025



PENSION SCHEMES (FAMILY LAW) (AMENDMENT)
REGULATIONS 2025

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I, DARA CALLEARY, Minister for Social Protection, in exercise of the powers conferred on me by section 5 of the Pensions Act 1990 (No. 25 of 1990), as amended by section 4 of the Pensions (Amendment) Act 1996 (No. 18 of 1996) and section 47 of the Family Law (Divorce) Act 1996 (No. 33 of 1996) (as adapted by the Employment Affairs and Social Protection (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 447 of 2020)), with the consent of the Minister for Justice, Home Affairs and Migration, (as adapted by the Justice (Alteration of Name of Department and Title of Minister) Order 2025 (S.I. No. 242 of 2025)), hereby make the following Regulations:

Citation

1. These Regulations may be cited as the Pension Schemes (Family Law) (Amendment) Regulations 2025.

Amendment to Regulations

2. The Pension Schemes (Family Law) Regulations 1997 (S.I. No. 107 of 1997) are amended -

(a) in Regulation 3,

(i) by the insertion of the following definitions -

“ “CARE” means Career Average Revalued Earnings;

“CARE accrual basis” refers to when members accrue a portion of their retirement benefit for each relevant period during which they are in reckonable service by reference to their relevant pensionable earnings in that period. The portion of retirement benefit accrued which is to be included in the calculation of the total retirement benefit may be subject to adjustment up to the point of retirement or earlier date of leaving reckonable service in line with a specified index or otherwise as provided for in the rules in force;

“CARE Scheme” means a defined benefit scheme where, under the rules of the scheme, benefits are accrued on a CARE accrual basis;

“Pensionable earnings” means a person’s basic pay plus any approved allowances deemed to be pensionable by the person’s employer. "Single Public Service Pension Scheme" has the meaning given to it in the Public Service Pensions (Single Scheme and Other Provisions) Act 2012;”, and

(ii) by the substitution of the following definition for the definition of “defined benefit scheme”:

“ "defined benefit scheme" means a pension scheme, including a CARE Scheme, which is not a defined contribution scheme;”;

(b) in Regulation 4, in paragraph (2), by the substitution of “articles 7, 7A, 8, 8A, 9, 9A, 10, 10A, 11, 11A, 12, 12A, 13, 13A and 14” for “articles 7, 8, 9, 10, 11, 12, 13 and 14”;

(c) in Regulation 6, by the insertion of the following paragraph after paragraph (1):

“(1A)

(a) Where the rate or amount of part of the member spouse's retirement benefit payable under a defined benefit scheme is determined on a CARE accrual basis, then, for the purposes of these Regulations, the pension scheme in so far as it relates to such part of the retirement benefit shall be treated as a CARE Scheme and, in so far as it relates to the remaining part of the retirement benefit, shall be treated as a defined benefit scheme that is not a CARE Scheme.

(b) References in these Regulations to a CARE Scheme shall be construed as including references to such part of a defined benefit scheme as provides retirement benefit on a CARE accrual basis.”

(d) in Regulation 7 -

(i) by the insertion of the following paragraph after paragraph (1):

“(1A) This Regulation shall not apply to a CARE Scheme”,
and

(ii) in paragraph (2), in subparagraph (c), by the substitution of “euro” for “pound”;

(e) by the insertion of the following Regulation after Regulation 7:

“Regulation 7A CARE Scheme Active Member Calculation of designated benefit at normal pensionable age

(1) Where the member spouse is an active member of the CARE scheme concerned at the date of the order whose reckonable service does not terminate before normal pensionable age and who receives or commences to receive retirement benefit at normal pensionable age (as defined under the rules in force) the designated benefit payable from that pension scheme shall be calculated in accordance with this article.

(2) The designated benefit shall be calculated in accordance with the following formula:

$\beta \times P$ where

β = the amount of retirement benefit accrued by the member spouse over the relevant period which is adjusted, and becomes payable at normal pensionable age, in accordance with the rules in force (excluding any such benefit secured by additional voluntary contributions or which represents a transfer of accrued rights from another pension scheme);

P = the relevant percentage.

Provided that:

- (a) if, as a result of any cap, limit or other restriction provided for under the rules in force, the retirement benefit accrued by the member spouse over the relevant period is not taken into account for the purposes of calculating the retirement benefit payable at normal pensionable age in accordance with the rules in force, the designated benefit shall be calculated as if such cap, limit or other restriction provided for under the rules in force did not apply, provided always that the designated benefit calculated in accordance with this article may not exceed the total retirement benefit payable to or in respect of the member spouse at normal pensionable age under the rules in force and
- (b) the amount of designated benefit shall be calculated as the trustees decide to the next highest or next lowest whole euro or any amount within that range.”;
- (f) in Regulation 8 by the insertion of the following paragraph after paragraph (1):

“(1A) This Regulation shall not apply to a CARE Scheme.”;
- (g) by the insertion of the following Regulation after Regulation 8:

“Regulation 8A CARE Scheme Active Member Calculation of designated benefit on retirement earlier than normal pensionable age

 - (1) Save where article 9A applies, the member spouse is an active member of the CARE scheme concerned at the date of the order and subsequently receives or commences to receive retirement benefit (other than a refund of the contributions paid to that pension scheme) on termination of reckonable service before normal pensionable age (as defined under the rules in force), the designated benefit payable from that pension scheme shall be calculated in accordance with this article.
 - (2) The designated benefit shall be calculated in accordance with the following formula:

$\beta \times P$ where

β = the amount of retirement benefit accrued by the member spouse over the relevant period which is adjusted, and becomes payable, in accordance with the rules in force (excluding any such benefit secured by additional voluntary contributions or which represents a transfer of accrued rights from another pension scheme);

P = the relevant percentage.

Provided that:

- (a) if, as a result of any cap, limit or other restriction provided for under the rules in force, the retirement benefit accrued by the member spouse over the relevant period is not taken into account for the purposes of calculating the retirement benefit payable at normal pensionable age in accordance with the rules in force, the designated benefit shall be calculated as if such cap, limit or other restriction provided for under the rules in force did not apply, provided always that the designated benefit calculated in accordance with this article may not exceed the total retirement benefit payable to or in respect of the member spouse at normal pensionable age under the rules in force; and
 - (b) the amount of designated benefit shall be calculated as the trustees decide to the next highest or next lowest whole euro or any amount within that range.”;
- (h) in Regulation 9 -
- (i) by the designation of the Regulation as paragraph (1);
 - (ii) by the substitution of “Part 30 of the Taxes Consolidation Act, 1997” for “Chapter II of Part 1 of the Finance Act 1972”, and
 - (iii) by the insertion of the following paragraph after paragraph (1):

“(1A) This Regulation shall not apply to a CARE Scheme.”;
- (i) by the insertion of the following Regulation after Regulation 9:
- “Regulation 9A CARE Scheme Enhanced Retirement Benefit payable prior to normal pensionable age due to incapacity**
- (1) Where the member spouse is an active member of the CARE scheme concerned at the date of the order and subsequently receives or commences to receive retirement benefit on termination of reckonable service as a result of incapacity (within the meaning of that term under the requirements of the Revenue Commissioners for approval

of an occupational pension scheme under Part 30 of the Taxes Consolidation Act, 1997, prior to normal pensionable age, the designated benefit payable from that pension scheme shall be calculated in accordance with this article.

- (2) The designated benefit shall be calculated in accordance with the following formula:

$\beta \times P$ where

β = the amount of retirement benefit accrued by the member spouse over the relevant period which is adjusted, and becomes payable, in accordance with the rules in force (excluding any such benefit secured by additional voluntary contributions or which represents a transfer of accrued rights from another pension scheme and any additional benefit granted under the rules of the pension scheme specifically on account of retirement on incapacity (other than any additional benefit resulting from the waiving of the reduction in retirement benefit which would normally apply on early payment of retirement benefit));

P = the relevant percentage.

Provided that:

- (a) if, as a result of any cap, limit or other restriction provided for under the rules in force, the retirement benefit accrued by the member spouse over the relevant period is not taken into account for the purposes of calculating the retirement benefit payable at normal pensionable age in accordance with the rules in force, the designated benefit shall be calculated as if such cap, limit or other restriction provided for under the rules in force did not apply, provided always that the designated benefit calculated in accordance with this article may not exceed the total retirement benefit payable to or in respect of the member spouse at normal pensionable age under the rules in force; and

(b) the amount of designated benefit shall be calculated as the trustees decide to the next highest or next lowest whole euro or any amount within that range.”;

- (j) in Regulation 10, by the insertion of the following paragraph after paragraph (1):

“(1A) This Regulation shall not apply to a CARE Scheme.”;

- (k) by the insertion of the following Regulation after Regulation 10:

“Regulation 10A CARE Scheme Active Member Calculation of designated benefit on retirement later than normal pensionable age

- (1) Where the member spouse is an active member of the CARE scheme concerned at the date of the order and subsequently receives or commences to receive retirement benefit later than normal pensionable age (as defined under the rules in force), the designated benefit payable from that pension scheme shall be calculated in accordance with this article.
- (2) The designated benefit shall be calculated in accordance with the following formula:

$\beta \times P$ where

β = the amount of retirement benefit accrued by the member spouse over the relevant period which is adjusted, and becomes payable, in accordance with the rules in force (excluding any such benefit secured by additional voluntary contributions or which represents a transfer of accrued rights from another pension scheme);

P = the relevant percentage.

Provided that:

- (a) if, as a result of any cap, limit or other restriction provided for under the rules in force, the retirement benefit accrued by the member spouse over the relevant period is not taken into account for the purposes of calculating the retirement benefit payable at normal pensionable age in accordance with the rules in force, the designated benefit shall be calculated as if such cap, limit or other restriction provided for under the rules in force did not apply, provided always that the designated benefit calculated in accordance with this article may not exceed the total retirement benefit payable to or in respect of the member spouse at normal pensionable age under the rules in force; and
 - (b) the amount of designated benefit shall be calculated as the trustees decide to the next highest or next lowest whole euro or any amount within that range.”;
- (l) in Regulation 11, by the insertion of the following paragraph after paragraph (1):

“(1A) This Regulation shall not apply to a CARE Scheme.”

- (m) by the insertion of the following Regulation after Regulation 11:

“Regulation 11A CARE Scheme Active Member Calculation of designated benefit on retirement having previously withdrawn from reckonable service

- (1) Where the member spouse is an active member of the CARE scheme concerned at the date of the order whose reckonable service terminates before normal pensionable

age (as defined under the rules in force) other than on death or in accordance with article 8A or article 9A, the designated benefit payable from that pension scheme shall be calculated in accordance with this article provided that where the member spouse's reckonable service terminates and there is no entitlement to retirement benefit there shall be no designated benefit payable from that pension scheme.

- (2) Subject to article 11A (3) the designated benefit shall be calculated in accordance with the following formula:

$\beta \times P$ where

β = the amount of retirement benefit accrued by the member spouse over the relevant period which is adjusted, and becomes payable, in accordance with the rules in force (excluding any such benefit secured by additional voluntary contributions or which represents a transfer of accrued rights from another pension scheme);

P = the relevant percentage.

Provided that:

- (a) if, as a result of any cap, limit or other restriction provided for under the rules in force, the retirement benefit accrued by the member spouse over the relevant period is not taken into account for the purposes of calculating the retirement benefit payable at normal pensionable age in accordance with the rules in force, the designated benefit shall be calculated as if such cap, limit or other restriction provided for under the rules in force did not apply, provided always that the designated benefit calculated in accordance with this article may not exceed the total retirement benefit payable to or in respect of the member spouse at normal pensionable age under the rules in force; and
- (b) the amount of designated benefit shall be calculated as the trustees decide to the next highest or next lowest whole euro or any amount within that range.
- (3) Where the rules of an occupational pension scheme provide, to a member spouse on termination of reckonable service, a retirement benefit in the form of a refund of contributions in respect of retirement benefit service completed prior to 1st January, 1991 and a retirement benefit in the form of a deferred benefit in respect of retirement benefit service completed on or after 1st January, 1991, the designated benefit payable from that pension scheme shall be calculated in accordance with the following formula:

- (a) in respect of retirement benefit service completed prior to 1st January, 1991:

$\alpha_1 \times P$ where

α_1 = the amount of retirement benefit payable in the form of a refund of contributions payable on the basis of the rules in force (excluding any such benefit secured by additional voluntary contributions or which represents a transfer of accrued rights from another pension scheme) relating to retirement benefit service completed during the relevant period but prior to 1st January, 1991;

P = the relevant percentage.

- (b) in respect of retirement benefit service completed on or after 1st January, 1991:

$\alpha_2 \times P$ where

α_2 = the amount of retirement benefit payable in the form of a deferred benefit payable on the basis of the rules in force (excluding any such benefit secured by additional voluntary contributions or which represents a transfer of accrued rights from another pension scheme) relating to retirement benefit service completed during the relevant period but on or after 1st January, 1991;

P = the relevant percentage.

Provided that:

- (i) if, as a result of any cap, limit or other restriction provided for under the rules in force, the retirement benefit relating to retirement benefit service completed during the relevant period is not taken into account for the purposes of calculating the retirement benefit payable at normal pensionable age in accordance with the rules in force, the designated benefit shall be calculated as if such cap, limit or other restriction provided for under the rules in force did not apply, provided always that the designated benefit calculated in accordance with this article may not exceed the total retirement benefit payable to or in respect of the member spouse at normal pensionable age under the rules in force; and
 - (ii) the amount of designated benefit shall be calculated as the trustees decide to the next highest or next lowest whole euro or any amount within that range.
- (4) Where the rules of an occupational pension scheme provide to a member spouse on termination of reckonable service a retirement benefit in the form of a refund of contributions in respect of all retirement benefit service, the designated

benefit shall be calculated in accordance with article 11A (2).”;

- (n) in Regulation 12, by the insertion of the following paragraph after paragraph (1):

“(1A) This Regulation shall not apply to a CARE Scheme.”;

- (o) by the insertion of the following Regulation after Regulation 12:

“Regulation 12A CARE Scheme Deferred Pensioner Calculation of designated benefit

- (1) Where the member spouse is a deferred pensioner of the CARE scheme concerned at the date of the order, the designated benefit payable from that pension scheme shall be calculated in accordance with this article.
- (2) The designated benefit shall be calculated in accordance with the following formula:

$\beta \times P$ where

β = the amount of retirement benefit accrued by the member spouse over the relevant period which is adjusted, and becomes payable, in accordance with the rules in force (excluding any such benefit secured by additional voluntary contributions or which represents a transfer of accrued rights from another pension scheme);

P = the relevant percentage.

Provided that:

- (a) if, as a result of any cap, limit or other restriction provided for under the rules in force, the retirement benefit accrued by the member spouse over the relevant period is not taken into account for the purposes of calculating the retirement benefit payable at normal pensionable age in accordance with the rules in force, the designated benefit shall be calculated as if such cap, limit or other restriction provided for under the rules in force did not apply, provided always that the designated benefit calculated in accordance with this article may not exceed the total retirement benefit payable to or in respect of the member spouse at normal pensionable age under the rules in force; and
- (b) the amount of designated benefit shall be calculated as the trustees decide to the next highest or next lowest whole euro or any amount within that range.”;
- (p) in Regulation 13, by the insertion of the following paragraph after paragraph (1):
- “(1A) This Regulation shall not apply to a CARE Scheme.”;
- (q) by the insertion of the following Regulation after Regulation 13:

**“Regulation 13A CARE Scheme Current Pensioner
Calculation of designated benefit**

- (1) Where the member spouse is a current pensioner of the CARE scheme concerned at the date of the order, the designated benefit payable from that pension scheme shall be calculated in accordance with this article.
- (2) The designated benefit shall be calculated in accordance with the following formula:

$\beta \times P$ where

β = the amount of future payments of retirement benefit accrued by the member spouse over the relevant period which is adjusted, and payable in future instalments, in accordance with the rules in force (excluding any such benefit secured by additional voluntary contributions or which represents a transfer of accrued rights from another pension scheme);

P = the relevant percentage.

Provided that:

- (a) if, as a result of any cap, limit or other restriction provided for under the rules in force, the retirement benefit accrued by the member spouse over the relevant period is not taken into account for the purposes of calculating the retirement benefit payable at normal pensionable age in accordance with the rules in force, the designated benefit shall be calculated as if such cap, limit or other restriction provided for under the rules in force did not apply, provided always that the designated benefit calculated in accordance with this article may not exceed the total retirement benefit payable to or in respect of the member spouse at normal pensionable age under the rules in force; and
 - (b) the amount of designated benefit shall be calculated as the trustees decide to the next highest or next lowest whole euro or any amount within that range.”;
- (r) in Regulation 14, by the insertion of “, including a CARE scheme, “ after “under a defined benefit scheme”;
 - (s) in Regulation 21, by the substitution of the following paragraph for paragraph (b):
 - “(b) Where the transfer of accrued rights occurs before the date of the order and where the additional retirement benefit in respect of the transferred rights is determined on a defined benefit basis, the designated benefit in respect of such additional retirement benefit

shall be calculated in accordance with the following formula:

$(K \times L \times P) / M$ where

K = the amount of additional retirement benefit payable to or in respect of the member spouse under the receiving scheme by virtue of the transferred rights from the previous scheme;

L = the period of retirement benefit service which the member spouse has completed in the previous scheme which falls within the relevant period;

M = the period of retirement benefit service which the member spouse has completed in the previous scheme which gave rise to the transferred rights;

P = the relevant percentage.”

- (t) in Regulation 22, by the insertion of the following paragraphs after paragraph (2):

“(3) Where the basis of calculation of retirement benefit provided by a defined benefit scheme is altered to a CARE accrual basis after the date of the decree the designated benefit payable from that pension scheme shall be calculated on a defined benefit basis and as if the defined benefit scheme were not a CARE Scheme in accordance with the relevant articles of this Part.

(4) Where the basis of calculation of retirement benefit provided by a defined benefit scheme is altered to a CARE accrual basis prior to the date of the decree the designated benefit payable from that pension scheme in respect of the part calculated on a CARE accrual basis and the designated benefit payable in respect of the other part shall be calculated separately in accordance with the relevant articles of this Part.”;

- (u) in Regulation 23, by the insertion of the following paragraphs after paragraph (2):

“(3) Where the basis of calculation of retirement benefit provided by a defined benefit scheme is altered from a CARE accrual basis after the date of the decree the designated benefit payable from that pension scheme shall be calculated on a CARE accrual basis and as if the defined benefit scheme was a CARE Scheme in accordance with the relevant articles of this Part.

(4) Where the basis of calculation of retirement benefit provided by a defined benefit scheme is altered from

a CARE accrual basis prior to the date of the decree the designated benefit payable from that pension scheme in respect of the part calculated on a CARE accrual basis and the designated benefit payable in respect of the other part shall be calculated separately in accordance with the relevant articles of this Part.”;

- (v) in Regulation 31, in paragraph (2), by the substitution of “articles 11 or 11A or both.” for “article 11.”, and
- (w) in Regulation 40 -
 - (i) in paragraph (1)(a), by the substitution of “Where the designated benefit” for “Where designated benefit”, and
 - (ii) in paragraph (1)(b), by the substitution of “articles 11 or 11A (as applicable).” for “article 11.”.

The Minister for Justice, Home Affairs and Migration consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of
the Minister for Justice, Home Affairs and Migration,
24 October, 2025.

JIM O’CALLAGHAN,
Minister for Justice, Home Affairs and Migration.



GIVEN under my Official Seal,
30 November, 2025.

DARA CALLEARY,
Minister for Social Protection.

EXPLANATORY NOTE

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

These Regulations amend the Pension Schemes (Family Law) Regulations 1997 (S.I. No. 107/1997) as amended, in order to:

Account for Career Average Revalued Earnings (CARE) Schemes, in particular, the Single Public Service Pension Scheme. CARE schemes are a type of Defined Benefit pension scheme whereby benefits at retirement are based on earnings and length of membership of the scheme. Therefore, the method of calculating the value of final benefits in CARE schemes differs from traditional Defined Benefit schemes, which are calculated based on the value of a member's final salary. The proposed amendments address this by:

- Inserting and amending various definitions set out in Regulation 3.
- By the substitution of “articles 7, 7A, 8, 8A, 9, 9A, 10, 10A, 11, 11A, 12, 12A, 13, 13A and 14” for “articles 7, 8, 9, 10, 11, 12, 13 and 14 in Regulation 4.
- Inserting Regulations 7A, 8A, 9A, 10A, 11A, 12A and 13A, providing for the calculation of designated benefits under CARE schemes in various circumstances such as early or late retirement.
- Amending Regulations 7, 8, 9, 10, 11, 12 and 13 to exempt CARE schemes from each of these Regulations.
- Amending Regulation 14 to include CARE schemes.
- Amending Regulation 21 to include a new formula for CARE schemes.
- Amending Regulations 22, 23, 31 and 40 to account for CARE sc

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