

Superannuation Handbook and Guidance Notes

Established Civil Service Scheme

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1. INTRODUCTION

1.1 This handbook sets out the current general superannuation arrangements covering established civil servants in Ireland. Its purpose is to

- promote a better understanding of superannuation matters among personnel staff and other interested parties throughout the civil service
- provide an information source concerning superannuation provisions applying to established civil servants
- provide a guide to the provisions of the Superannuation Acts and the Personnel Code (Part IV) relating to the superannuation arrangements of established civil servants.

1.2 The references in Appendix 1 indicate the origin of the relevant provisions and, in most cases, list circulars etc. from which further information may be obtained.

1.3 This handbook is not a legal interpretation of the existing superannuation provisions of established civil servants, nor does it purport to deal with every query that may arise concerning superannuation. Care has been taken to ensure that it is accurate but nothing can override the rules of the Scheme, as set out in the relevant Statutes, Regulations and other official documents and these should be consulted for the definitive position.

1.4 Personnel staff are reminded that officers who seek general information on superannuation matters may be referred to this website: www.cspensions.gov.ie

1.5 Specific queries from individual civil servants which relate to their own personal circumstances or the interpretation of pension scheme rules should be addressed to their own Personnel Section.

1.6 Officers who are aged 55 years or over may attend one of the pre-retirement courses run by the Centre for Management and Organisation Development (CMOD); these courses deal with superannuation matters as part of retirement preparation. (Further information on these courses may be obtained directly from CSTDC, Department of Finance, Unit 2, Central Business Park, Clonminch, Tullamore, Co. Offaly. Lo call 1890 661010.)

1.7 The superannuation provisions set out in this handbook apply equally to men and women unless the contrary is stated.

Format and Updates

1.8 Earlier editions of the Superannuation Handbook were distributed in hard copy. This edition will be available in electronic format only. Please ensure that you are referring to the most recent edition. Each update will carry the latest updated date.

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2. SUMMARY OF MAIN CHANGES SINCE THE 2000 EDITION

There have been some significant changes to the Civil Service Superannuation Scheme terms since this document was last updated. The main changes are outlined below.

2.1 Superannuation terms for “New Entrants” from 1 April 2004 - Public Service Superannuation (Miscellaneous Provisions) Act 2004

The Act increased the minimum pension age and removed the maximum retirement age for “New Entrant” Civil Servants. Details are in Chapter 3.

2.2 Qualifying Period for Benefits

For members serving on or after 2 June 2002, the qualifying period for certain benefits has been reduced from five years to two (see Chapter 8).

2.3 Cost Neutral Early Retirement

This facility allows actuarially reduced early retirement benefits to be paid immediately on resignation in lieu of preserved benefits. It is now available to staff who resign within 10 years of minimum pension age. For eligibility and full details, please see Chapter 13A.

2.4 Integration with Social Welfare Benefits

2.4.1 New Integration Formula

A new integration formula is now applicable, which delivers increased pensions to members whose full-time salary is less than 3 and $\frac{1}{3}$ times Contributory State Pension (CSP) – (see Chapter 7.2).

2.4.2 Pro-rata Integration

Pro-rata integration has been introduced for all Worksharing staff (see Chapter 7.3)

2.5 Access to the Scheme and reckoning of prior part-time service

There is now no minimum threshold for Scheme access (see 4.2). There are also new rules on the reckoning of prior part-time service (see Chapter 8).

2.6 Reckoning of Variable Pensionable Allowances

A new method for the reckoning of variable pensionable allowances has been proposed which assesses the best three consecutive years in the last ten. It is anticipated that a Circular is to be issued by the Department of Finance. Chapter 6 will be updated following publication of any relevant Circular.

2.7 Notional Service for Professional, Technical and Specialist Grades

A new scheme has been introduced for new entrants who are recruited from a competition advertised on or after 1 April 2005. (see Chapter 9.4.4)

2.8 Purchase of Added Years Scheme

The Purchase Scheme and Tables have been amended (see Chapter 14 and Appendix 2)

2.9 Disclosure Requirements

The requirements relating to disclosure of information to pension scheme members as set out in regulations made in 2005 and 2006 under the Pensions Act are summarised in Chapter 22.

2.10 Internal Dispute Resolution and the Pensions Ombudsman

The procedures for dispute resolution and appeals are described in Chapter 23 and the role of the Pensions Ombudsman is outlined.

2.11 Family Law Acts and Pensions

The significance of the Family Law Acts for the administration of the Superannuation Scheme is outlined in Chapter 21.

2.12 Provisions in the Finance Act 2006

The relevant provisions relating to benefit limits are outlined in Chapter 24.

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2A. SUMMARY OF MAIN BENEFITS

2A.1 An established civil servant may be eligible for one or more of the following benefits:

- Retirement pension and lump sum (see Chapter 11);
- Supplementary Pension (see Chapter 11.10);
- Preserved pension and lump sum (see Chapter 13);
- Cost Neutral Early Retirement pension and lump sum (see Chapter 13A)
- Preserved death gratuity (see Chapter 13);
- Short service gratuity (see Chapter 12.1);
- Marriage gratuity (see Chapter 12.2);
- Severance gratuity (see Chapter 12.3);
- Death gratuity (see Chapter 12.4);
- Balancing gratuity (see Chapter 12.5);
- Spouses' and children's pensions (see Chapter 16);
- Spouses' or dependant's allocated pension (see Chapter 20.3);
- Annual allowance, gratuity or compensation under the Injury Warrants (see Chapter 17).

3. SUPERANNUATION TERMS FOR “NEW ENTRANTS” FROM 1 APRIL 2004 - Public Service Superannuation (Miscellaneous Provisions) Act 2004

3.1 The Act generally increased the minimum pension age and removed the maximum retirement age for “New Entrants” to the public service.

3.2 In summary, in relation to Established Civil Servants, the Act

- increased to 55 the minimum age at which superannuation benefits may be paid to new entrants to the Prison Service;
- made 65 the minimum age at which superannuation benefits may be paid to all other new entrants to the civil service;
- provided that all new entrants to the civil service (other than members of the Prison Service) would not be required to retire on grounds of age; [the compulsory retirement age for members of the Prison Service remained unchanged at 60]
- made consequential provisions, such as removing penalties for new entrants who serve beyond the age of 65

The text of the Act is available at:

<http://www.oireachtas.ie/documents/bills28/acts/2004/A0704.pdf>

3.3 Definition of “New Entrant” in the Act – reference Section 2 of the Act

The term “new entrant” is defined in detail in Section 2 of the Act. In general, a person who is appointed as a public servant, as defined in the Act, on or after 1 April 2004 is a new entrant. There are, however, some exceptions. For example,

- staff on paid or unpaid leave or on secondment from public service bodies on 31 March 2004 will not be regarded as new entrants on their return;
- a person who received a written offer of employment prior to 1 April 2004 but had not taken up duty by that date will not be regarded as a new entrant on accepting that appointment;
- persons training in the Garda College who were admitted to training prior to 1 April 2004 will not be regarded as new entrants on completion of their training;
- staff who were employed in a temporary or seasonal capacity prior to 1 April 2004 will not be regarded as new entrants if they resume duty in the public service within the same contract of employment.

Provision has also been made that any public servant who was serving on 31 March 2004 and who leaves employment but subsequently returns, within a period of 26 weeks, to a public service job, will not be regarded as a new entrant. To facilitate

mobility, there are also provisions regarding staff who transfer within the public service.

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4. GENERAL CONDITIONS FOR SCHEME MEMBERSHIP AND ELIGIBILITY FOR BENEFITS

4.1 Membership of the Main Superannuation Scheme and associated Spouses and Children's Scheme is generally a condition of employment for Established Civil Servants. When the Spouses and Children's Scheme was first introduced and later revised, there were transitional arrangements and options, with regard to membership, for staff serving at the time – these are explained in Chapter 16.

4.2 There is no minimum hours requirement for access to the Superannuation Scheme or the associated Spouses' and Children's Scheme.

4.3 To be eligible for the award of a superannuation benefit an established civil servant must fulfil the following conditions:

- (a) the officer must have completed qualifying service (see Chapter 8.1), except in the case of a short-service gratuity or death in service benefits);
- (b) a certificate in respect of reckonable service must be issued (under Section 8 of the Superannuation Act 1859) and signed by the head officer of the Department/Office to which the officer belongs, stating that the officer has served with diligence and fidelity to the satisfaction of the head officer of the relevant Department/Office.

4.4 Where an officer is dismissed, resigns, retires or dies, any scheme benefit, including a refund of contributions, may be reduced (or stopped) in order to make good any financial loss to the State arising from the officer's activities (see also Chapter 18 below).

5. PENSIONABLE REMUNERATION

5.1 Lump sum superannuation benefits (i.e. retirement lump sums and all gratuities) are calculated by reference to **pensionable remuneration** and reckonable service. Pensionable remuneration is the aggregate of **pensionable salary** and **pensionable emoluments**.

5.2 Pension are also calculated by reference to pensionable remuneration for officers appointed prior to 6 April 1995. However, pensions for officers appointed on or after that date, are calculated by reference to pensionable remuneration and to an integration method which takes account of the Contributory State Pension (CSP) - *see Chapter 7*.

5.3 **Pensionable salary** is, generally, the annual salary of an officer on the last day of established service. Effective from 20 December 2001, if an officer is worksharing, pensionable salary is based on the salary which would be payable if the officer was working in a full-time capacity¹. Moreover, if any officer has had a change in grade or has received a personal change in salary - other than a general or grade increase or normal increments - within 3 years of the retirement date, his/her salary is averaged in calculating pensionable salary. The current equivalent of the lower salary (had he or she not been promoted) is averaged with the higher salary as follows:

$$\frac{S1 \times N1}{1095} + \frac{S2 \times N2}{1095}$$

where: **S1** is the higher salary;
S2 is the current equivalent of the lower salary (including any increments which would have been received in the lower grade);

N1 is the number of days in the higher position; and
N2 is the number of days in the lower position.

Averaging does not apply in the case of death in service where the officer, at the time of death, had the potential of at least three years' service to minimum pension age.

¹ Jobsharing officers who retired prior to that date also had their pensionable salary calculated in the same way.

6. PENSIONABLE EMOLUMENTS

6.1 **Emoluments** are benefits in cash or in kind which are additional to basic salary.

6.2 Pensionable emoluments are the average annual amount of an officer's emoluments, which are held at the last day of service and which are actually received and deemed to be pensionable, during the three years of reckonable service immediately preceding the officer's last day of established service.

A new method for the reckoning of variable pensionable allowances has been proposed which assesses the best three consecutive years in the last ten. It is anticipated that a Circular is to be issued by the Department of Finance. This Chapter will be updated following publication of any relevant Circular. The Circular is intended to apply in respect of any retirement or death in service occurring on or after 1 April 2004.

6.3 Generally speaking, pensionable emoluments are:

- (a) allowances for the performance of work done (e.g. higher duties allowance, Private Secretaries' allowance);
- (b) allowances for the conditions under which work is done (e.g. shift premia, unsocial hours allowances);
- (c) in certain exceptional cases, specifically approved by the Department of Finance, payments for compulsory, regular and rostered extra attendance which forms an inherent part of the conditions of service for certain posts and where such attendance is considered to be the most effective and economical means of carrying out the work involved;
- (d) the value (as determined by the Department of Finance) of certain perquisites provided free as part of an officer's conditions of employment (e.g. house, quarters, fuel and light, board and lodgings, uniforms).

Exceptions to averaging rule

6.4 A very limited number of allowances (e.g. reinstated widow's allowance) are treated like basic salary for superannuation purposes. These allowances are not subject to averaging arrangements unless they have been acquired during an officer's final 3 years of pensionable service.

Non-pensionable items

6.5 Allowances which recoup out-of-pocket expenses (e.g. mileage allowances, subsistence allowances, office accommodation allowances, foreign service allowances) are not reckonable pensionable.

6.6 Allowances for the performance of duties which do not form an integral part of the duties of an officer's own post (e.g. occasional work performed for another

Department/Office) are not pensionable. Payments such as gratuities, merit pay etc. are also not pensionable.

6.7 Overtime payments are not pensionable (although some payments which are termed overtime in the Department or Office in question may come within the ambit of 6.3(c) above).

Contributions

6.8 The reckoning of allowances for pension purposes is subject to the payment of appropriate contributions – see Chapter 10.

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7. INTEGRATION : POST 5 APRIL 1995 STAFF

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7.1 As indicated at paragraph 5.1, **an integration method** is used in calculating the pension (but not the lump sum) benefits of officers appointed on or after 6 April 1995. Integration takes into account the value of the Contributory State Pension (CSP) in calculating the pension payable from the Superannuation Scheme. The integration method or formula was amended effective from 1 January 2004.

7.2 The 2004 Integration Formula:

The method of calculating Main Scheme pension for officers recruited on or after 6 April 1995 who qualify for benefits on or after 1 January 2004 is:

- (a) For that part of the officer's pensionable remuneration which is less than or equal to $3\frac{1}{3}$ times the current rate of CSP, $\frac{1}{200}$ th of pensionable remuneration multiplied by the number of years of reckonable service

plus
- (b) For any part of the officer's Pensionable Remuneration which exceeds $3\frac{1}{3}$ times CSP, $\frac{1}{80}$ th of pensionable remuneration multiplied by the number of years of reckonable service

A multiplier of 3.333333 (i.e. 6 decimal places) is used to calculate $3\frac{1}{3}$ times CSP.

The maximum number of years of reckonable service is 40.

The CSP rate is the maximum Contributory State Pension payable by the Department of Social and Family Affairs to a single person without dependants on the last day of the officer's pensionable service.

7.3 Pro-rata Integration for Part-Time staff including work-sharers

7.3.1 In the case of:

- (a) jobsharing staff
- (b) with effect from 20 December 2001, worksharing or part-time staff, who have a full-time comparator and

who have paid all relevant contributions [see Chapter 10], the integration of main scheme pension benefits is calculated by reference to:

- notional full-time pensionable remuneration and
- actual service (i.e. a worksharer @ 50% accrues $\frac{1}{2}$ of one year's service for each calendar year)

7.4 Examples

[Calculations in these examples are rounded to nearest Euro]

7.4.1 Example 1:

A full-time member recruited post 5th April 95 who retires on or after 1 January 2004:

| | |
|-----------------------------------|-------------|
| Actual remuneration at retirement | = €24,000 |
| CSP at retirement (1 Jan 2005) | = €9,355.87 |
| 3 ¹ / ₃ CSP | = €31,186 |
| Pensionable remuneration | = €24,000 |
| Service (Actual reckonable) | = 40 years |

Pension =

$\frac{1}{200} \times$ Pensionable remuneration up to €31,186 x service
plus $\frac{1}{80}$ th of balance in excess of €31,186 x service

$$= \frac{€ 24,000 \times 40}{200} = \mathbf{€4,800} \text{ (note no balance in excess of €31,186)}$$

7.4.2 Example 2:

A full-time member recruited post 5th April 95 who retires on or after 1 January 2004:

| | |
|-----------------------------------|-------------|
| Actual remuneration at retirement | = €34,186 |
| CSP at retirement (1 Jan 2005) | = €9,355.87 |
| 3 ¹ / ₃ CSP | = €31,186 |
| Pensionable remuneration | = €34,186 |
| Service (Actual reckonable) | = 40 years |

Pension =

$\frac{1}{200} \times$ Pensionable remuneration up to €31,186 x service
plus $\frac{1}{80}$ th of balance in excess of €31,186 x service

$$= \frac{€ 31,186 \times 40}{200} = \mathbf{€6,237}$$

plus

$$\frac{€ 3,000 \times 40}{80} = \mathbf{€1,500}$$

Total = €7,737

7.4.3 Example 3:

A person in a category described in par 7.3.1 above has worked half-time for 40 years and retires after 1 January 2004:

| | |
|---|-------------|
| Actual remuneration at retirement | = €12,000 |
| CSP at retirement (1 Jan 2005) | = €9,355.87 |
| 3 ¹ / ₃ CSP | = €31,186 |
| Pensionable remuneration (notional full-time) | = €24,000 |
| Service (Actual reckonable, assuming all service is reckonable) | = 20 years |

Pension =

$\frac{1}{200}$ x Pensionable remuneration up to €31,186 x service
plus $\frac{1}{80}$ th of balance in excess of €31,186 x service

$$= \frac{\underline{\text{€ } 24,000 \times 20}}{200} = \text{€}2,400 \text{ (note no balance in excess of €31,186)}$$

7.4.4 Example 4:

A person in a category described in par 7.3.1 above has worked half-time for 40 years and retires after 1 January 2004:

| | |
|---|-------------|
| Actual remuneration at retirement | = €17,093 |
| CSP at retirement (1 Jan 2005) | = €9,355.87 |
| 3 ¹ / ₃ CSP | = €31,186 |
| Pensionable remuneration (notional full-time) | = €34,186 |
| Service (Actual reckonable, assuming all service is reckonable) | = 20 years |

Pension =

$\frac{1}{200}$ x Pensionable remuneration up to €31,186 x service
plus $\frac{1}{80}$ th of balance in excess of €31,186 x service

$$= \frac{\underline{\text{€ } 31,186 \times 20}}{200} = \text{€}3,119$$

plus

$$\frac{\underline{\text{€ } 3,000 \times 20}}{80} = \text{€}750$$

Total = €3,869

7.5 Points to Note including transitional arrangements

7.5.1 Integration Formula

(a) Prior to 1 January 2004, the integration formula was:

Pensionable remuneration minus (2 x CSP) x Years of Reckonable service

- (b) Pensions in payment on 1 January 2004, to or in respect of officers referred to in paragraph 7.2, were revised with effect from that date in line with the 2004 integration formula. Where a supplementary pension was in payment, a balancing gratuity had been paid or a Pensions Adjustment Order was in place, see paragraphs 12, 14, 19 and 20 of Circular 19/2005.

7.5.2 Pro-rata Integration

- (a) Pensions in payment on or after 20 December 2001 were subject to revision with effect from that date in line with Pro-rata integration subject to the former part-time staff member meeting the criteria at 7.3.1 above
- (b) The Pensions Section of the Department of Finance should be consulted in any case where an officer who was worksharing retired between 1 June 2001 and 19 December 2001
- (c) The approach to be used in the context of Pro-rata integration in cases of death-in-service or ill-health retirements is under consideration. Any such cases should be referred, in writing to the Pensions Section, Department of Finance.

7.5.3 Method of Revision

In cases of pension revision at 7.5.1 and 7.5.2, a revised pension should be calculated based on the position at retirement date. This pension is then uprated in the normal way and any increase applied from 1 January 2004 for paragraph 7.5.1 revisions and from 20 December 2001 for paragraph 7.5.2 revisions.

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8. QUALIFYING AND RECKONABLE SERVICE

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Qualifying Service

8.1 For Officers leaving on or after 2 June 2002, **qualifying service** is a minimum period of two calendar years in which the member is in service, **whether full-time, worksharing or part-time**. Transferred service and prior non-established service also counts towards qualifying service. Qualifying service is required for eligibility for Retirement Benefits (Chapter 11), Preserved Benefits (Chapter 13) and Actuarially Reduced Benefits (Chapter 13A) but is not required for Death in Service benefits.

Prior to 2 June 2002, the relevant minimum period was 5 years.

Reckonable Service

8.2 For service to be reckonable under the scheme, the following conditions apply.

8.2.1 It must be service in a directly employed personal capacity and not service under a contract for services or on a fee or commission paid basis.

8.2.2 Appropriate contributions must be paid.

8.2.3 Service will not reckon if additional remuneration in lieu of pensionability has been paid in respect of the service.

8.2.4 The aggregate of reckonable service for superannuation purposes cannot exceed 40 years.

8.2.5 Service which is reckoned for the benefits under the scheme cannot also reckon for the purposes of any other superannuation scheme which is financed largely or wholly from public monies.

8.3 The following service is reckonable for officers serving on or after 20 December 2001:

- (a) full-time established service while the officer was over 16, (and under 65 years of age in the case of officers who are not “2004 New Entrants”), in a Government Department or Office (see also Section 11.3);
- (b) job-sharing, work-sharing or part-time service - this reckons in the proportion which the hours worked bear to comparable full-time service,
- (c) service transferred to the civil service under the provisions of the Transfer Schemes (see Chapter 15);
- (d) notional service, being added years awarded:
 - (i) in cases of death in service (see Section 9.1); or
 - (ii) in cases of ill-health retirement (see Section 9.1);

- (iii) in cases of retirement due to abolition of office or Departmental reorganisation (see Section 9.2);
- (iv) in respect of certain pre-recruitment qualifications/experience (see Sections 9.3 and 9.4);
- (e) prior non-established service, which would be reckonable for the purpose of the Pension Scheme for Non-Established State Employees;
- (f) prior part-time service in the civil service (including prior part-time service of current full-time staff), on the following basis:
 - (i) for service given prior to 1 June 1973, where the hours worked were at least 18 hours per week, the service reckons on the basis of one half of comparable full-time service (*for further details see DPS Circular 46/75*),
 - (ii) for service given on or after 1 June 1973 and prior to 20 December 2001, where the hours worked were at least 8 hours per week, the service will reckon in the proportion which the hours worked bear to comparable full-time service,
 - (iii) for service given on or after 20 December 2001, the minimum 8 hour threshold at (ii) above does not apply.

These conditions assume that the part-time employee had an appropriate full-time comparator, as defined in the Protection of Employees (Part-time Work) Act 2001. Where this is not the case, the Pensions Section of the Department of Finance should be consulted.

Appropriate pro-rata contributions must be paid for the reckoning of prior part-time service (see Chapter 10) and the hours worked must have been recorded and verifiable.

- (g) service which is deemed to be established service, e.g. service, in certain circumstances, with the Dairy Disposal Company, the Hospitals Commission or the National Health Insurance Society;
- (h) service purchased under the Purchase Schemes (see Chapter 14).
- (i) service derived from a transfer value payment.

8.4 The service listed above is reckonable in years, with all days in excess of completed years reckoning on a *pro rata* basis.

8.5 Members of the Prison Service, who are subject to the 1919 Superannuation Act, have enhanced superannuation terms, under which actual service in excess of **20 years** is **doubled** for superannuation purposes, subject to a maximum of 40 years' reckonable service - thus, for example, a Prison Officer with **30 years'** actual service would secure maximum benefits.

8.6 Special leave or sick leave, either at full or half-pay, is reckonable **in full** for superannuation purposes.

8.7 **Unpaid leave, or sick leave at pension rate of pay, is not reckonable**, except for

- (a) special leave without pay for certain specific purposes, as indicated - and to the extent specified - in Finance Circulars **18/39, 23/50, 3/53, 41/69** and **2/76**;
- (b) periods - up to a maximum of 1 year - during which an officer was out of work due to an accident/disease contracted in the course of duty and during which the officer was in receipt of benefits under the Social Welfare (Occupational Injuries) Act 1966.

8.8 **Calculation of Reduced Reckonable Service arising from Unpaid Leave**

Department of Finance letter dated 29 March 2006 to Personnel Officers, “Unpaid Absences and Pensions Accrual” clarifies the Rules to be applied in calculating the impact of unpaid absences on reckonable service. These apply similarly to full-time staff or staff who work or have worked on a part-time, jobsharing or worksharing basis:

- (a) Reckonable service accrues in years (see 8.4 above). A member who works part-time accrues 1 year multiplied by the Full Time Equivalent (F.T.E.) decimal in each calendar year e.g. a member working half-time is credited with 1 year x 0.5.
- (b) For absences of individual days, a day is discounted for each day’s absence or for the proportion of the day the person is scheduled to work if the member is scheduled to work less than the full day.
- (c) for absences of more than 1 day and less than 13 weeks, the period of absence is taken as a block and all days (or portion of a day) that the person was scheduled to work in the period from the start to the end of the absence, inclusive, are discounted, including weekend days where the person has been absent on the last working day before and the first working day after the weekend. For worksharers the weekend days are calculated by multiplying those days by the F.T.E. decimal. Where the person has been absent on the last working day before a Public Holiday and the first working day after the Public Holiday, the pensionable service loss in respect of the Public Holiday is equal to the proportion of the day the person was scheduled to work on that day. Where payment is made in respect of a Public Holiday, falling within such a period of unpaid leave, that day (or part of the day) is pensionable.
- (d) For longer periods of absence, such as career breaks, the accrual of pensionable service is stopped and resumes when the member returns from the break.

Examples:

Work Schedule – 2 ½ Days on-2 ½ Days off

| | |
|---|----------|
| 2 ½ Days on/2 ½ Days off | FTE = .5 |
| Works Mon and Tues (full days) and Wed morning each week. | |

| Example A | | |
|----------------------------|--------------|--|
| Unpaid Leave | Pension Loss | |
| Week 1 – off Mon | 1 Full Day | |
| Total Pension Loss = 1 Day | | |

| Example B | | |
|--------------------------------|--------------|--|
| Unpaid Leave | Pension Loss | |
| Week 1 – off Mon, Tues, Wed am | 2 ½ Days | |
| Total Pension Loss = 2 ½ Days | | |

| Example C | | |
|--------------------------------|--------------|-----------------------|
| Unpaid Leave | Pension Loss | |
| Week 1 – off Mon, Tues Wed am | 2 ½ Days | 2 Weekend days * .5 = |
| Week 2 - off Mon, Tues, Wed am | 2 ½ Days | 1 Day |
| Total Pension Loss = 6 Days | | |

| Example D | | |
|--------------------------------|--------------|------------------------------------|
| Unpaid Leave | Pension Loss | |
| Week 1 – off Mon, Tues, Wed am | 2 ½ Days | 2 Weekend days * .5 = 1 Full Day + |
| Week 2 – off Mon, Tues, Wed am | 2 ½ Days | |
| Week 3 – off Mon | 1 Day | 2 Weekend days * .5 = 1 Full Day |
| Total Pension Loss = 8 Days | | |

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9. NOTIONAL SERVICE

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9.1 Death in service or ill-health retirement

9.1.1 Where an officer retires having completed at least 5 years' actual service due to a permanent disability which was not self-inflicted or dies in service, notional service may, at the discretion of the Minister for Finance, be added to his/her actual service on the following basis for the purposes of calculating death gratuity (in the case of death in service) or retirement lump sum and personal pension (in the case of retirement on grounds of ill-health):

- (a) officers with between 5 and 10 years actual reckonable service are credited with an equivalent amount of added service subject to such credited service not exceeding the additional reckonable service which would have accrued if the officer had remained in service up to age 65;
- (b) officers with between 10 and 20 years actual reckonable service are credited with the more favourable of
 - (i) an amount of service equal to the difference between actual reckonable service and 20 years, subject to such credited service not exceeding the additional reckonable service which would have accrued if the officer had remained in service up to age 65; or
 - (ii) 6 years and 243 days (i.e. two-thirds of a year), subject to such credited service not exceeding the additional service which would have accrued if the officer had remained in service up to minimum retirement age;
- (c) officers with more than 20 years actual reckonable service are credited with the same award of added service as at (b)(ii) above.

In the case of members of the Prison Service, substitute age 60 for age 65 above.

The application of the above rules to Worksharing and Part-time officers has yet to be finalised.

9.2 Abolition of Office/Departmental Reorganisation

9.2.1 If an officer retires or is removed from the civil service

- (a) in consequence of the abolition of his/her office; or
- (b) for the purpose of facilitating improvements in the organisation of the Department or Office to which the officer belongs, by which greater efficiency or economy can be effected,

the officer may, at the discretion of the Minister for Finance, be awarded notional service within limits and subject to certain conditions.

9.3. Designated Professional Grades

9.3.1 Under Section 6 of the Superannuation and Pensions Act, 1963, the Minister for Finance may award notional service for pre-recruitment professional experience required for appointment to professional grades which have been designated for this purpose under the Act. The grades currently designated are:

- (1) Local Government Inspector (Planning)
- (2) Junior Legal Assistant (Attorney General's Office)
- (3) Draughtsman (Attorney General's Office)
- (4) Senior Draughtsman (Attorney General's Office)
- (5) Chief Medical Officer (Department of Health and Children)
- (6) Local Government Inspector (Air Pollution)
- (7) Senior Statistician (Department of Education and Science)
- (8) Statistician (Input - Output) (Central Statistics Office)
- (9) Medical Referee (Department of Social and Family Affairs)
- (10) Medical Officer (Department of Health and Children)
- (11) Second Legal Assistant (Attorney General's Office)
- (12) Third Legal Assistant (Attorney General's Office)
- (13) Assistant Legal Adviser (Department of Environment, Heritage and Local Government)
- (14) Legal Assistant, Grade IV (Director of Public Prosecutions)
- (15) Third Assistant Solicitor (Office of the Revenue Commissioners)
- (16) Quantity Surveyor Grade I
- (17) Quantity Surveyor Grade II

9.3.2 A maximum of 10 years' notional service may be awarded to members of designated grades, subject to certain deductions (e.g. in respect of certain service which is transferable from other employments, or in respect of voluntary retirement before age 65).

9.4 Professional, Technical and Specialist Grades (“Ad Hoc” Schemes)

9.4.1 Notional service, may be awarded to officers appointed to certain professional, technical or specialist posts (including officers who formerly held such posts and moved to other posts in the civil service). Details of these arrangements are set out below.

9.4.2 There are currently 3 schemes relating to the award of notional service for the officers referred to at paragraph 9.4.1. These schemes are referred to below as:

- the **Old Scheme** (the original 1985 "ad hoc" Scheme as amended in 1997);
- the **New Scheme**, and
- the **Scheme for New Entrants**.

9.4.3 The Old Scheme:

This scheme applies to officers serving between 1 January 1993 and 31 March 1997 who do **not** opt to have their claim for an award determined under the terms of the **New Scheme**. Its main provisions can be summarised as follows. (Modifications to the applicable rules may be necessary in certain cases.)

- (1) To qualify for any award of notional service, all of the following conditions must be met
 - (a) the appointment must be to an established post (however officers initially appointed in an unestablished or temporary post which satisfies the requirements at (b)-(d) below and who subsequently secure establishment through recertification or Civil Service Commission competition may have their awards determined by reference to the requirements of the initial appointment);
 - (b) the appointment must be from a competition conducted by the Civil Service Commission;
 - (c) the competition regulations must specify minimum professional, technical, specialist or age qualifications and/or experience as being **essential** for appointment;
 - (d) the competition requirements for the post must be such as to prevent an officer from securing 40 years' actual service by age 65.

- (2) The **gross** notional service award, before appropriate adjustments, is as follows:
 - (a) where the minimum qualifications and/or experience requirements of the competition would have precluded appointment by age 25, the aggregate of the minimum number of years in which the qualifications can be obtained and the minimum number of years essential experience required, such aggregate to be calculated as if the commencement date was the officer's 18th birthday;
 - (b) where a minimum age of 25 is specified for entry to the competition, the period between the date specified in the competition by which candidates had to have attained age 25 and the officer's actual date of appointment, provided that any delay in taking up appointment was outside the officer's control;
 - (c) where a minimum age in excess of 25 is specified for entry to the competition, the sum of
 - (i) the minimum age limit reduced by 25; plus
 - (ii) the period between the officer's date of appointment and the date by which candidates at the competition have had to have attained the specified minimum age, provided that any delay in taking up appointment was outside the officer's control;

- (d) where the required minimum qualifications and/or experience would have precluded appointment by age 25 and a minimum age in excess of 25 was specified, the **greater** of the awards calculated under (a) and (c) above.
- (3) Where an unspecified number of years' experience is required in the competition regulations, the minimum number of years experience deemed to be required is the lowest number of years relevant experience of any person offered appointment from that competition, whether or not they accepted appointment.
- (4) The gross award cannot exceed actual service in the case of officers with between 5 and 10 years' actual service, or 10 years in any other case.
- (5) The amount of a gross award will be reduced where an officer
 - (a) had pensionable service in the civil service prior to appointment to the qualifying post;
 - (b) transferred, or could transfer, reckonable service into the civil service;
 - (c) was in pensionable employment before entry to the civil service and received or retains an entitlement to a pension, preserved pension or other occupational superannuation benefit in respect of that employment.
 - (d) is in receipt of, or retains an entitlement to, benefits deriving from a personal or private pension plan entered into before entry to the civil service;
 - (e) is entitled to any social welfare, social security or State pension benefit (other than a benefit secured by voluntary contributions) deriving from previous employment (this reduction is applicable only to officers with modified PRSI status; however, the reduction is applicable to **all** such foreign benefits irrespective of PRSI status);
 - (f) receives a separate award of notional service, e.g. ill-health notional service, and total notional service would exceed 10 years after the notional service award under this Scheme.
- (6) Reductions in respect of service at (5)(a) and 5(b) above are effected on a year-for-year basis. However where an officer's relevant experience for the purposes of eligibility for the competition includes both transferable and non-transferable service, the gross award is reduced by reference to transferable service but only to the extent that the relevant experience in a non-transferable post falls short of the minimum period of relevant experience required by the competition.
- (7) Reductions in respect of benefits referred to at (5)(c), 5(d) and 5(e) above are based on the value of the benefit in question, which is determined on an actuarial basis by the Department of Finance.
- (8) Special arrangements apply to officers who previously held a local authority professional post which would have attracted a notional service award under the

Local Government superannuation code if the officer had remained in the local authority service. Such an officer may be granted an award based on the initial local authority post where this is more favourable than the **net** award due under this Scheme (i.e. the gross award as reduced where appropriate in accordance with paragraph (5) above). In such cases, the award would be equal to the number of years of professional experience required for appointment to the initial local authority post, reduced where appropriate by the number of years, if any, of previous reckonable service (e.g. service in a local authority post which did not attract notional service, or service which was or could have been transferred into the local authority area) subject, however, to the provisions of paragraph (6) above.

(9) The net notional service award i.e. the gross award as reduced in accordance with the foregoing sub-paragraphs will be further reduced in the following circumstances

(a) **Worksharing/Career Break/Unpaid Leave:** where an officer avails of worksharing or takes a career break or special leave without pay, the net award is reduced to the amount represented by the formula

$$\frac{C \times D}{E}$$

where

C = the amount of the net award

D = the total period of service given in the civil service; and

E = the period between the date of the officer's appointment to the civil service and the date of his/her retirement;

(b) **Resignation with preserved benefits:** where an officer resigns before minimum retirement age with entitlement to preserved benefits, the net award is reduced to the amount represented by the formula

$$\frac{C \times A}{(A + B)}$$

where

A = actual reckonable service at date of resignation;

B = the period between the date of resignation and the date on which the officer attains minimum retirement age; and

C = the amount of the net award.

(10) Where an officer has held more than one added years' post in the civil service, only one award (whichever is most favourable to the officer concerned) may be made under the Scheme. Moreover if an officer qualifies for an award under the Scheme and is also a member of a designated professional grade under the 1963 Act (see Section 9.3 above), the officer may avail of **one award only** (either a Scheme award or an award under the 1963 Act, whichever is more favourable).

(11) The onus is on individual officers to apply for an award under the Scheme. Application may be made at any time after appointment but an award cannot formally be granted until the time of an officer's retirement.

- (12) Awards under the Scheme are not transferable under the Public Sector Transfer Network.
- (13) The aggregate of actual reckonable service and notional service awarded under this Scheme may not exceed 40 years.

9.4.4 The New Scheme

This Scheme applies to

- (a) officers appointed on or after 1 April 1997 and
- (b) officers serving between 1 January 1993 and 31 March 1997 who opt for its terms. Its provisions are largely the same as those of the Old Scheme, subject to the following variations

(1) **Calculation of Gross Award:** In cases where the prescribed minimum qualifications and/or experience preclude appointment by age 25 - see paragraph (2)(a) of Section 9.4.3 above –

the gross award is the figure arrived at by the formula

$$19 + A + B - 25$$

where

A is the minimum number of years in which the qualifications (if any) can be obtained; and

B is the minimum number of years of essential experience required (if any).

(2) **Special Awards for Certain Grades:** In the case of certain designated grades which are within the ambit of the Scheme and where

- (a) virtually all appointees are over age 25 on appointment, and
- (b) a substantial majority of appointees are aged 30 or over on appointment; and
- (c) in practice, it is reasonable to infer that the *de facto* requirements for the posts in terms of qualifications and experience exceeded those specified in the relevant competition regulations,

gross notional service awards will be allowed as follows

- (d) in the case of officers aged 30 or over on appointment, 5 years; and
- (e) in the case of officers aged between 25 and 30 on appointment, 5 years **minus** the difference between age on appointment and age 30.

(The only grades currently designated for special awards purposes are Local Government Auditor, County Development Team Secretary, Industrial Inspector (Marine Engineer) and officers originally appointed to the former grade of Placement Officer. Decisions regarding designation are a matter for the Department of Finance.)

(3) **Interface with purchase scheme - refunds:** in the case of an officer who purchased or is purchasing notional service, and who, after the grant of added years, would have more than 40 years' reckonable service at retirement, a pro-rata refund may be made through the payroll for purchased notional service over and above the 40 year maximum reckonable service allowable. No interest will be payable on such refunds.

(4) **Redeployed Staff:** Special rules apply to officers who were compulsorily redeployed to the civil service in the interests of public service rationalisation in the period 1987-1990 from posts which carried notional service entitlements and who were recertified as established civil servants. The Department of Finance should be consulted in this regard.

9.4.5 Scheme for 'New Entrants':

This Scheme applies to 'new entrants' as defined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004 who are recruited by competition advertised on or after 1 April 2005. 'New entrants' recruited by competition advertised **before** 1 April 2005 are covered by the New Scheme at 9.4.4 above.

The provisions of the Scheme for 'New Entrants' are largely the same as those of the New Scheme (9.4.4 above), subject to the following variations.

- (1) **Minimum service required to qualify for an award:** the minimum service requirement is 2 years.
- (2) **Experience requirement:** where specific experience was required but not quantified in the competition, a figure of 5 years will be taken as the experience requirement for the competition.
- (3) **Gross award:** the gross award shall in no circumstances exceed 5 years and shall not exceed actual service in the case of officers with between 2 and 5 years actual service.
- (4) **Resignation/retirement before pension age of 65:** although the minimum retirement age for 'new entrants' is 65, the following conditions apply:
 - (a) **resignation/retirement before age 60:** where an officer retires or resigns before age 60 the provisions at 9.4.3 (9)(b) will apply as if the reference to minimum retirement age was a reference to age 60.
 - (b) **resignation/retirement between ages 60 and 65:** where an officer retires

between ages 60 and 65, or resigns between ages 60 and 65 with preserved benefits, there will be no abatement of the **net award** by virtue of such early retirement or resignation.

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10. CONTRIBUTIONS

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10.1 Officers appointed prior to 6 April 1995 do not pay explicit employee contributions in respect of their main scheme benefits. Officers appointed on or after that date pay the following contributions

- (a) **1.5%** of **gross remuneration** (i.e. basic salary plus any pensionable allowances)
- (b) **3.5%** of **net remuneration** (i.e. gross remuneration - as indicated at (a) above – less twice the annual rate of the maximum Contributory State Pension (CSP) currently payable by the Department of Social and Family Affairs to a single person without dependants).

Part-time or worksharing staff pay contributions on a pro-rata basis. For a member who works on a ½ time basis, the contribution at (b) above would be calculated as follows:

$(\text{Gross notional full-time salary minus } 2 \times \text{CSP}) \times 3.5\% \times 50\%$

10.2 All officers who are members of the Spouses' and Children's Pension Scheme pay contributions in respect of the benefits provided by that Scheme - see Section 16 below.

10.3 Any officer who resigns from the civil service without qualifying for immediate or preserved benefits, and who does not transfer his/her service to another employment, is entitled to a refund of his/her contributions, subject to normal tax charges.

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11. RETIREMENT BENEFITS

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11.1 **Benefits:** An officer who retires

- (a) having reached the minimum pension age; or
- (b) due to incapacity to discharge his/her duties on grounds of mental or physical infirmity not brought about by the officer's negligence and likely to be permanent (and having completed 5 years actual service); or
- (c) due to the abolition of his/her office or the reorganisation of his/her Department/Office in order to achieve efficiency or economy (such cases must be referred to the Department of Finance),

may be paid an immediate retirement pension and lump sum. These immediate benefits are only awarded in the circumstances outlined above. However, an officer who resigns with an entitlement to preserved benefit (see Chapter 13) and who is within 10 years of preserved pension age may apply for an actuarially reduced lump sum and pension payable immediately on resignation – details are set out in Chapter 13A.

11.2 **Retirement conditions:**

The ages at which an officer may retire are shown on the following table:

| Category | Minimum Pension Age | Maximum Retirement Age |
|-------------------------------------|---|------------------------|
| 'New Entrant' ² Prisons | 55 | 60 |
| 'New Entrant' other | 65 | None |
| Prisons (other than 'New Entrants') | 55 (50 with 30 yrs service in Prison Service) | 60 |
| Other Officers | 60 | 65 |

11.3 **Retention:** Notwithstanding the conditions prescribed in paragraph 11.2, DPS Circular Letter 13/75 provides that an officer with a maximum retirement age may be retained for not more than 3 calendar months beyond the maximum retiring age in a pensionable capacity if such retention would increase the pension, lump sum or gratuity which could be awarded to him by

- (a) qualifying for an additional increment or reaching the maximum of the relevant salary scale, or
- (b) avoiding the necessity for the averaging of pensionable salary.

That Circular Letter also allows retention for other purposes in exceptional circumstances but such retention would be in a non-pensionable capacity.

11.4 **Recall to duty:** Any officer who retires on grounds of permanent incapacity before minimum pension age may, if subsequently considered by the Chief Medical

² For a definition of 'New Entrant', see Chapter 3.

Officer to be fit for duty while still under that age, be called upon to fill any civil service post for which previous service renders him/her eligible. In such circumstances the pension ceases to be paid and the lump sum originally awarded to the officer must be repaid, with compound interest, so that all his/her service may subsequently be reckoned for benefit purposes. Repayment may be effected by deduction from the officer's ultimate retirement lump sum. If, when called upon, such a retired officer declines to return to duty, and fails to satisfy an independent medical authority (known as the Medical Referee) that he/she remains permanently unfit for duty, his/her pension entitlements may be terminated, and only resumed if and when he/she attains minimum pension age, in which case the pension would be based on actual service only.

11.5 Retirement Lump Sum Calculation:

Retirement lump sum is **3/80ths** of **pensionable remuneration** (as defined in paragraph 5.1) for each year of reckonable service, subject to a maximum of 1½ times pensionable remuneration.

11.6 As indicated in Chapter 5, pensionable remuneration - and hence the amount of the retirement lump sum - is largely based on an officer's pay on the last day of service. However if within 3 months after the retirement date of an officer who retires on reaching maximum age, a general pay increase applies to the grade in which he/she formerly served, the lump sum may be revised to take account of that increase, provided the officer is still alive on the effective date of the increase.

11.7 Pension Calculation for staff recruited before 6 April 1995:

The method of calculation of pension for pre-6 April 95 staff (who pay the modified rate of PRSI) is 1/80th of pensionable remuneration per year of reckonable service, subject to a maximum of 40 years.

11.8 Pension Calculation for staff recruited after 5 April 1995:

The method of calculating Main Scheme pension for officers recruited on or after 6 April 1995 who qualify for benefits on or after 1 January 2004 is:

- (a) For that part of the officer's pensionable remuneration which is less than or equal to $3\frac{1}{3}$ times the current rate of CSP, $\frac{1}{200}$ th of pensionable remuneration multiplied by the number of years of reckonable service

plus
- (b) For any part of the officer's Pensionable Remuneration which exceeds $3\frac{1}{3}$ times CSP, $\frac{1}{80}$ th of pensionable remuneration multiplied by the number of years of reckonable service

A multiplier of 3.333333 (i.e. 6 decimal places) is used to calculate $3\frac{1}{3}$ times CSP.

The maximum number of years of reckonable service is 40.

The CSP rate is the maximum Contributory State Pension payable by the Department

of Social and Family Affairs to a single person without dependants on the last day of the officer's pensionable service.

(See also Chapter 7 – Integration : Post 5 April 1995 Staff)

Prior to 1 January 2004 the method of calculation for post-95 staff was:

$\frac{1}{80}$ th of net pensionable remuneration (pensionable remuneration minus twice the CSP) multiplied by the number of years of reckonable service, subject to a maximum of 40 years.

11.9 Unlike the officers recruited prior to 6 April 1995 (see paragraph 11.9), officers recruited on or after 6 April 1995 are insured for the full range of social insurance benefits payable by the Department of Social and Family Affairs, including Contributory State Pension and State Pension (Transition). Thus, in the case of an officer with maximum service (40 years) who retires at age 65 and has no dependants, his/her total pension benefit (i.e. social insurance pension **plus** civil service pension) would amount to 50% of pensionable remuneration (the same total award as is payable to a pre-6 April 1995 appointee). Moreover if the officer concerned has dependants, his/her total benefit would be in excess of 50% of pensionable remuneration.

11.10 **Supplementary Pension:**

In calculating pension at paragraph 11.7 above, it is assumed (a) that the officer concerned is always entitled to social insurance benefits and (b) that he/she is eligible for the maximum personal rate of such benefits. However, depending on a particular individual's PRSI contribution record, it may transpire that - through no fault of the officer concerned - he/she either has no entitlement to the specified social insurance benefits, or even if so entitled, is eligible for less than the maximum personal rate of the Contributory State Pension payable to a single person without dependants. In such cases, the officer may be paid a supplementary pension, to take account of the difference between their personal circumstances and the general assumptions on which standard pension calculations are based. Specifically, such a pension is payable to a retired officer in receipt of a civil service pension who is unemployed and, due to causes outside his/her control

- (a) fails to qualify for any social insurance benefit or pension (i.e. Disability Benefit, Unemployment Benefit, Invalidity Pension or State Pension); or
- (b) qualifies for one or other of the benefits referred to at (a) above, but at less than the maximum personal rate of the Contributory State Pension payable to a single person without dependants.

In such cases, the supplementary pension payable comprises the difference (if any) between

- (a) the amount of the actual pension awarded to the officer plus the amount (if any) of the personal rate of social insurance benefit or pension payable to him/her; and
- (b) the amount of the pension which would have been awarded to the officer if that pension had been calculated by reference to the calculation method for pre-6 April 1995 officers set out at paragraph 11.8.

In the case of delegated departments/offices, the Department/Office from which the

officer retires has the responsibility for ensuring that the supplementary pension, where appropriate, is put in payment.

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12. GRATUITIES

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12.1 **Short Service Gratuity:** A short service gratuity is payable to an officer who retires on grounds of permanent incapacity and who has at least 1 year of actual reckonable service but less than the minimum service (5 years' actual reckonable service) required for ill-health retirement lump sum and pension. The amount of the gratuity is

- (a) **1/12th** of pensionable remuneration for each year of actual reckonable service; plus
- (b) **3/80ths** of pensionable remuneration per year of actual reckonable service, provided the officer has at least **2** years' actual reckonable service.

In this calculation, part years reckon on a **pro rata** basis.

An officer with more than 2 years' service may opt for preserved benefits (see Chapter 13) in lieu of the Short Service Gratuity.

12.2 **Marriage Gratuity:** An officer appointed from a competition advertised prior to 1 February 1974 (or an officer serving in a temporary capacity before that date who - without a break in service - subsequently became established) who has at least 5 years' actual reckonable service prior to marriage, and who resigns from the civil service on or shortly before marriage, or within 2 years after the date of marriage, may be paid a marriage gratuity which, if applied for and awarded, **is in lieu of any other civil service superannuation benefit**. The amount of the gratuity is 1 month's pay for each year of actual reckonable service (pro-rata for part of a year) up to the date of marriage, subject to a maximum of **12 months'** pay. In this context, "pay" means

- (a) in the case of resignation on or before the date of marriage, remuneration on the last day of reckonable service;
- (b) in the case of resignation within two years after marriage, remuneration on the date of marriage revised to take account of pay increases (**excluding** incremental progression or promotion) applicable between that date and the date of resignation.

An officer who receives a marriage gratuity who is subsequently reappointed in an established capacity may refund the gratuity, in which case all prior service will be aggregated with subsequent service for superannuation purposes. For officers' convenience, refunds may be made (in instalments if desired) during service, or by deduction from final superannuation awards. Compound interest, on any balance outstanding, is charged on refunds made by officers who are reappointed in the normal course (e.g. through open competition). No interest is charged in the case of officers reinstated through statutory provisions pertaining to widowhood or non-support by spouses.

12.3 **Special Severance Gratuity:** An officer who retires or is removed from the civil service due to the abolition of his/her office or to Departmental reorganisation (see paragraph 11.1(c)) may, at the discretion of the Minister for Finance, be awarded a special severance gratuity in addition to pension and retirement lump sum, within statutory limits.

This gratuity is also payable in certain circumstances to Secretaries-General of Government Departments and Offices who, pursuant to their conditions of appointment, are obliged to retire before maximum retiring age on the expiration of their fixed-term appointments. The severance gratuity must be refunded where remuneration at Secretary General level, or higher, is maintained between the original date of retirement and the date of reaching age 65.

12.4 Death Gratuity: Where an officer dies during service, his/her legal personal representative is paid a gratuity equal to the greater of:

- (a) the officer's pensionable remuneration (see par 5.1); or
- (b) the amount of the retirement lump sum which the officer would have received if he/she had retired on grounds of ill-health on the date of his/her death.

Please consult with Pensions Section of the Department of Finance as to how the Death Gratuity is calculated in the case of Worksharing or part-time officers.

The legal personal representative is the person who acts as executor of the deceased officer's will, or administrator of the deceased officer's estate in the case of intestacy.

12.5 Balancing Gratuity: In cases where an officer dies after retiring with immediate pension and lump sum, and the amount of the lump sum, plus total pension payments up to the date of death, is less than the deceased officer's pensionable remuneration, a gratuity equal to the amount of that shortfall is payable to the deceased officer's legal personal representative.

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13. PRESERVED BENEFITS

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13.1 An officer who

- (a) leaves the civil service having completed a minimum of 2 years' qualifying service or who left between 1 June 1973 and 1 June 2002 (inclusive) with a minimum of 5 years' qualifying service;
- (b) has not reached the minimum pension age
- (c) is not entitled to immediate superannuation benefits
- (d) does not opt for actuarially reduced superannuation benefits, and
- (c) does not transfer his/her service to another employment,

is entitled to preserved superannuation benefits payable at the preserved pension age.

13.2 The “preserved pension age” is:

- (a) age 65 for “New Entrants” (see Chapter 3), other than members of the Prison Service,
- (b) age 60 for all other officers.

13.2 The benefits are:

- (a) preserved lump sum and pension (if a person survives to preserved pension age, or in the circumstances set out in paragraph 13.6);
- or
- (b) preserved death gratuity (if the person dies before an entitlement to preserved pension and lump sum arises).
- and
- (c) preserved spouses' and children's pensions, where applicable, if the officer was a member of the Spouses' and Children's Pension Scheme (see Chapter 16).

13.3 The method of calculation of the preserved lump sum and pension is as set out in paragraphs 5 to 9 of Chapter 11 but is based on the officer's pensionable remuneration (as defined in paragraph 5.1) uprated in line with general and any other pay increase applicable to the officer's former grade, which was applied to pensioners, between the date of his/her final day of reckonable service and the date on which the benefit becomes payable.

13.4 In the case of officers other than Prison Officers, reckonable service is calculated in the normal way. In the case of Prison Officers, reckonable service means whichever of the following is the lesser

- (a) **40** years; or
- (b) if the actual reckonable service which the officer would have had if he/she had served to **age 55 is 20 years or less**, his/her actual reckonable service at date of resignation ;

[SEE EXAMPLE 1 BELOW];

or

- (c) if the actual reckonable service which the officer would have had if he/she had served to **age 55 is more than 20 years**, the figure obtained by the formula

$$\frac{A \times C}{B}$$

where

A is actual reckonable service at date of resignation;

B is the lesser of **30** years, or the actual reckonable service the officer would have had if he/she had continued to serve to **age 55**; and

C is a period equivalent to **2B – 20**

[SEE EXAMPLE 2 BELOW]

Example 1

A Prison Officer resigns aged **45** after **9** years' service.

- Potential service if the Officer served to age 55 is less than 19 years.
- Total is < 20 years
- The calculation for Preserved Benefits is based on actual reckonable service of **9** years

Example 2

A Prison Officer resigns aged **34** after **10** years' service.

Actual Service is **10** years. Potential service if the Officer served to age 55 is 21 years.

Total is > 20 years - calculation for Preserved Benefits is:

$$\frac{A \times C}{B} = \frac{10 \times 40}{30} = \frac{40}{3} =$$

= **13 ⅓** years

13.6 Preserved lump sum and pension benefits are normally paid, **on application**, with effect from minimum pension age. However if, before reaching that age, a former officer incurs permanent ill-health and satisfies the Minister for Finance that if he/she were still serving, he/she would have been eligible to retire on grounds of incapacity, the benefits (based on actual reckonable service) may be paid early, with effect from the date (not earlier than the date of the former officer's application) on which the Minister is so satisfied.

13.7 If a former officer with eligibility for preserved benefits dies before preserved pension and lump sum become payable to him/her, a preserved death gratuity - equal to the amount of the preserved lump sum - is payable, on application, to his/her legal personal representative.

13.8 Details of preserved spouses' and children's pensions are included in Chapter 16.

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13A COST NEUTRAL EARLY RETIREMENT

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13A.1 Cost Neutral Early Retirement is a facility which allows qualifying officers who wish to retire up to ten years before preserved pension age to apply to receive immediate payment of lump sum and pension, as an alternative to preserved benefits. The lump sum and pension are reduced to make them the equivalent, in actuarial terms, of preserved benefits.

Eligibility

13A.2 An officer who

- (i) has completed two years' qualifying service (see Chapter 8) and
- (ii) at date of resignation is aged at least 50, if a preserved pension age of 60 applies or aged at least 55 if a preserved pension age of 65 applies,

may opt to apply for Cost Neutral Early Retirement in lieu of receiving preserved benefits. All applications are subject to paragraph 13A.19.

13A.3 The application to draw down cost neutral superannuation benefits must be made **not later than the date of resignation**; no applications will be accepted from persons who have already resigned except for cases covered by specified transitional arrangements on the introduction of the scheme .

Conditions

13A.4 Officers whose applications under 13A.2 above are approved, will have their pension and lump sum actuarially reduced. The reduced pension and lump sum will be calculated by applying the relevant percentages from the table at 13A.5 to the preserved benefit, with appropriate adjustment, as necessary, for exact age (i.e. years and days) at retirement.

13A.5 In adjusting for exact age at retirement, pension and lump sum will be calculated in accordance with the following formula:

$$[A + ((B/365) \times (C-A))] \times \text{preserved benefit based on service}$$

where

- A is the actuarial reduction factor (pension or lump sum, as appropriate) in the table below, appropriate to the person's age at his or her last birthday,
- B is the number of days since his or her last birthday, *and*
- C is the actuarial reduction factor (pension or lump sum, as appropriate) in the table below, appropriate to the person's age at his or her next birthday.

Retirement in the 12 months preceding preserved pension age: This means retirement between ages 59 and 60 years for persons with a preserved pension age of 60 years, and retirement between ages 64 and 65 years for persons with a preserved

pension age of 65 years. In such cases, the actuarial reduction factors to be applied should be determined by means of the above formula, with “C” (actuarial reduction factor at next birthday), set at 100%.

Table:

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

Persons with a preserved age of 60

| 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% |

Persons with a preserved age of 65

| 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 Pensions Modeller can be of assistance in estimating the benefits available under cost neutral early retirement (see www.cspensions.gov.ie).

13A.6 The actuarially reduced rate applies throughout the lifetime of the payment of a pension subject to adjustments in line with civil service pensions increases, as appropriate. An officer who avails of cost neutral early retirement cannot subsequently switch to payment of a preserved pension at normal preservation age (60 or 65 years).

Impact on Purchase of Notional Service

13A.7 CNER will have an impact on the benefit derived from purchase options. Two reductions will apply. Firstly, the relevant purchase scheme reduction arrangements, as appropriate (including the application of purchase scheme actuarial reduction factors appropriate to payment of pension at minimum pension age and the scheme reduction arrangements applying in the case of cessation of periodic contributions) will apply. Secondly, the resultant service will then be added to actual service and the relevant cost neutral early retirement factor will be applied to the preserved benefits derived from the aggregate service.

Impact on Professional Added Years

13A.8 Where a person who has been awarded professional added years opts for cost neutral early retirement, the appropriate reduction arrangements (under the relevant added years scheme) which apply in the case of termination of service below minimum pension age must be applied. The resultant net added years’ award is then added to actual service and the relevant cost neutral early retirement factors are applied to the preserved benefits derived from the aggregate service.

Spouses' and Children's Pension Schemes

13A.9 Benefits payable under the Spouses' and Children's Pension Scheme are not affected cost neutral early retirement, i.e. any benefits payable under the Spouses' and Children's Pension Scheme to survivors of early retirees will be the same as those payable to survivors of staff who opt for preservation of benefits.

13A.10 Any unpaid Spouses' and Children's Pension Scheme contributions must be deducted from the "preserved" lump sum, i.e. the preserved gross lump sum should first be calculated and the unpaid S&CPS contributions should then be deducted from this amount. The appropriate cost neutral early retirement factor is applied to the resultant net lump sum. In relation to other deductions from the lump sum which may arise, the Department of Finance should be consulted.

Dismissal

13A.11 Persons being dismissed from service may apply for cost neutral early retirement provided they meet the eligibility criteria and should be informed of this fact. However, applications from such persons must be approved by the Department of Finance.

Career break

13A.12 Employees on career break who avail of cost neutral early retirement should have their pension *and* lump sum determined by reference to the uprated pensionable remuneration applying at the time of their resignation.

Service decimal

13A.13 In calculating or updating pension benefits (e.g. to reflect pay increases) the service decimal or pay multiplier to be used is arrived at by dividing the pension payable (i.e. following application of the relevant cost neutral early retirement factor) by the total reckonable remuneration. The service decimal will have to be revised a Spouses' and Children Scheme's benefit becomes payable.

Supplementary pensions

13A.14 Supplementary pensions, where appropriate, are payable to persons availing of cost neutral early retirement on reaching the relevant preserved pension age (60 or 65 years, as appropriate). In the case of delegated departments/offices, the Department/Office from which the officer retires has the responsibility for ensuring that the supplementary pension, where appropriate, is put in payment.

Implications for Social Welfare benefits

13A.15 As the arrangements for securing Social Welfare credits may vary from time to time, all officers (regardless of PRSI class) should be advised to check their own individual situations with the Department of Social and Family Affairs prior to availing of cost neutral early retirement and to check, periodically, as to the up-to-date position. Failure to do so could adversely affect an officer's subsequent entitlement to Social Welfare benefits, such as State pension or survivor's pension.

Return to public service employment

13A.16 Where an officer who has availed of cost neutral early retirement returns to public service employment, that person will be subject to the relevant rules of this scheme and the superannuation scheme pertaining to their new employment (e.g. in relation to abatement/cessation of pension and maximum accrual rates). See 20.1.

13A.17 Service in respect of which an actuarially reduced pension is being paid cannot be aggregated with subsequent service in the same scheme or transferred between schemes.

Applications

13A.18 Departments/Offices should make eligible staff aware of the options available, in advance of the date of resignation. Applications for cost neutral early retirement should be made, in writing, through an officer's Personnel Unit. Departments should provide officers who are granted cost neutral early retirement with written confirmation of the terms of the arrangement prior to the date of retirement. Applications for payment of actuarially reduced superannuation benefits will not be considered from former staff members who have already resigned.

Restrictions

13A.19 Departments/Offices must consider all applications in light of business needs. Should a Department or Office consider that the number or nature of applications received are such as to pose difficulties for the effective or efficient operation of the Department/Office concerned, the Department of Finance should be consulted. It may, in such cases, become necessary for the Department of Finance, in consultation with the relevant Department/Office and relevant staff side representatives, as appropriate, to prioritise applications or place some restrictions on the numbers/levels approved in a particular period.

Monitoring and Review

13A.20 Departments/Offices have been requested to monitor carefully the operation of the cost neutral early retirement facility and to keep a record of the number of applications by grade, age, part-time/worksharing/full-time, geographical location and sex. The Department of Finance should be notified in the event of any problems or difficulties arising.

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14. PURCHASE OF NOTIONAL SERVICE

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The following information can only be considered a guide to the provisions of the purchase of notional service scheme. Personnel Sections should consult the relevant Circulars/Letters (listed at Appendix 1) for the definitive rules on purchase.

Purchase by reference to age 60 or age 65

14.1 Officers who have a minimum retirement age of 60 and a maximum retirement age of 65 may consider purchasing purchase service by reference to either age provided they will be short of 40 years service at age 60 or 65, as appropriate. Officers who are “new entrants” as defined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004 may purchase service by reference to age 65 **only**, as their minimum pension age is 65.

Purchase Conditions and Rates

14.2 There are certain conditions governing the amount of service an officer may purchase and details of the maximum amount which may be purchased are set out in Appendix 2 of this Handbook.

14.3 Service may be purchased by a lump-sum contribution or by periodic deductions from salary. Contribution rates vary by reference to age. Rates also depend on:

- (a) membership and non-membership of the Spouses’ and Children’s Pension Scheme;
- (b) whether purchase is by reference to age 60 and to age 65, and
- (c) whether the purchase is made by an officer appointed before and after 6 April 1995.

14.4 The rates are set out in Appendix 3 (Tables 1 to 8).

14.5 Please note that:

- (a) the purchase tables apply to both male and female (i.e. there is no distinction on gender basis for purchase), and
- (b) the lump-sum contribution rates for officers on Personal Pension Contribution (PPC) scales are levied on gross salary only (i.e. there are no Net Pay/Pay contribution rates for lump-sum purchase). For periodic purchase options, however, contributions for officers on PPC scales are levied on both Net Pay **and** Pay.

14.6 An officer who wishes to purchase service must, at the time of making or commencing the purchase,

- (a) be serving in an established capacity in the Civil Service and not on sick leave, or on special leave without pay, or suspended from duty (with or without pay); and

- (b) have already accrued, or have the prospect of accruing, at least 9 years' **actual** reckonable service by age 60 or 65, as appropriate.

14.7 Officers whose first year of employment in the Civil Service is in a Non-Established capacity on a contract basis prior to being confirmed as Established (e.g. Executive Officer, Administrative Officer, etc.) may **not** purchase notional service until they are confirmed as Established Officers.

Purchase Options

14.8 As indicated above, an officer may opt to purchase service by reference to age 60 or 65, as appropriate (age 65 only in the case of 'new entrants') and by either

- (a) periodic deductions from salary commencing on the officer's next birthday following the exercise of the purchase option and ending at age 60 or 65, as appropriate; these deductions are a fixed percentage of pay, so their cash amount will increase as salary rates increase during the term of the purchase agreement; or
- (b) a lump-sum contribution, calculated by reference to the rate of salary applicable at the time the option is exercised, at a percentage rate based on the officer's age next birthday.

14.9 Contributions (both periodic and lump-sum) are levied on basic salary only (ie. excluding allowances, etc.). Where, at retirement, an officer's final pensionable remuneration includes an amount in addition to basic salary (eg. a pensionable allowance), an extra purchase contribution is payable in respect of that additional amount by way of a deduction from the officer's retirement lump-sum.

14.10 Where an officer is paid less than full salary for any period, contributions are calculated and deducted as if full salary was payable for that period. However, no deductions are made during any unpaid periods of absence - in such cases the service credit in respect of purchased service is reduced using the formula in paragraph 14.13.

Periodic Contributions

14.11 An option to purchase by periodic contributions from salary may be made at any time up to 2 years before the appropriate retiring age - i.e. an officer who opts for this payment method must have the potential for at least 2 years' payments.

14.12 Where an officer is on a reduced rate of salary for any reason (eg. worksharers or officers working part-time) periodic contributions are **always** levied on the full-time rate of salary for the job, **not** the reduced rate of salary.

14.13 A periodic purchase option cannot be completely revoked once payments have commenced. However, an officer who wishes to cease making periodic contributions may do so by giving notice, in writing, of his/her intention to cancel the purchase agreement. In that event, the deductions from salary should be cancelled with effect

from the officer's next available payday. The service credit accrued up to that date is calculated by the formula:

$$\frac{A \times B}{C}$$

where

A = the number of years of notional service which the officer originally opted to purchase;

B = the period (to the nearest day) during which periodic contributions have been made; and

C = the total period during which periodic contributions should have been made had the officer completed the purchase agreement.

Note: in addition to calculating the service credit in a case where a periodic purchase agreement ceases before the due date, this formula is also used to calculate the service credit taking account of missed contributions (see par 14.20) during a periodic purchase agreement (eg. due to a period of special leave without pay).

Lump Sum Contributions

14.14 Service may also be purchased by a lump-sum contribution. Officers may exercise lump-sum options in the first and last 2 years of service and, subject to the following conditions, throughout their career:

- (a) only one such option may be made in any calendar year, and
- (b) the minimum amount of lump-sum contribution which may be made in this way is 10% of the officer's annual rate of salary, or, if less, the contribution required to purchase the officer's potential shortfall in service below the maximum reckonable service of 40 years. This 'once-a-year' option is in addition to the option whereby a period of special leave without pay can be purchased by lump-sum within 6 months' of return to duty – ie. an officer may purchase a period of special leave by lump sum and exercise a further lump-sum option in the same year.

14.15 In the case of officers on a reduced rate of salary (eg. worksharers or officers working part-time), "annual rate of salary" is **always** the full-time rate of salary for the job, **not** the reduced rate of salary.

14.16 In cases where special leave without pay has been granted to an officer, a sponsoring organisation, or the officer, may - subject to the normal rules of the purchase scheme - make a lump-sum purchase payment in respect of the period of special leave. In such cases the payment must be made within 6 months of the officer's return to duty.

14.17 Where a period of service to be purchased is less than 1 year, the purchase must always be made by lump-sum contribution.

Purchase while on a Career Break

14.18 An officer who is about to embark on a career break may apply **in advance** to have that period of leave reckoned for superannuation purposes, subject to the normal rules of the purchase scheme. The mechanism is that the officer makes lump-sum payments to his/her Department/Office on a quarterly basis on foot of quarterly requests from their Personnel Section. The amount due each quarter is calculated by applying the normal lump-sum purchase rate applicable to the officer concerned, determined by the officer's age next birthday at the time the quarterly payment due is being calculated, to the officer's uprated salary applicable at that time.

14.19 Officers currently on career break who are reckoning service under the arrangements in this Department's Letter to Personnel Officers dated 14 March 1990 (*Reckoning of Career Breaks Periods for Superannuation Purposes*) and are paying under the rates set out in that Letter may continue to have those rates applied for the duration of the career break.

Unpaid contributions during a Periodic purchase agreement

14.20 Under the purchase scheme rules, periodic purchase contributions are not levied during periods of absence without pay (e.g. term time, special leave without pay, etc.). The periodic contributions recommence upon return to service (at the same percentage rate(s) which applied before the period of leave) and, if the officer does not avail of the options set out in the next paragraph to take account of the unpaid contributions then, at retirement, a pro-rata reduction (see par 14.13) is applied to the amount of service the officer initially contracted to purchase to take account of those unpaid contributions. The officer may then consider purchasing the reduction under a separate lump-sum purchase option, subject to the normal rules of the scheme.

14.21 Alternatively, on return to employment, the officer may avail of one of the following options to take account of the unpaid contributions.

The first option is to make a single lump-sum payment within six months of the date of return to duty from the period of special leave. The payment due under this option is the amount obtained by:

- (a) applying the purchase rate(s) the officer is paying under the purchase agreement(s) to the annual rate of salary applicable on the date the officer returns to duty, and
- (b) multiplying the result at (a) by the number of days on leave without pay divided by 365.

The second option is to double-up on the periodic contributions for a period equivalent to the period of leave without pay when payment of periodic contributions recommences.

14.22 In addition to the pro-rata reduction mentioned in paragraph 14.20, it should be noted that the leave of absence period itself is an additional loss of service which may be purchased separately. If the officer wishes to purchase this additional shortfall in service then a separate purchase agreement, either by periodic contributions or lump-sum as appropriate, must be entered into in accordance with the

normal rules of the purchase scheme.

Purchase of service by Worksharers/Part-time Officers

14.23 Worksharers/Part-time officers who have completed at least 2 years' consecutive service in such work patterns may, subject to the normal purchase scheme rules, consider purchasing service on the assumption that they will continue to work in the worksharing/part-time pattern to the appropriate retirement age. The maximum amount of service which may be purchased is determined by the scheme rules in the normal way.

14.24 Where an officer who is purchasing (or purchased) service increases their worksharing or part-time attendance pattern, or returns to full-time attendance and, as a result, the service purchased or being purchased exceeds the amount required to bring the officer's potential reckonable service, by age 60 or 65, as appropriate, to 40 years, the contribution rate(s) must be adjusted (or cancelled altogether if required) and any excess contributions (including all contributions if necessary) should be refunded through the payroll system.

Crediting of purchased service

14.25 Purchased service reckons for all superannuation benefits (except marriage gratuity) provided that the officer concerned has the minimum actual service required to qualify for the benefit in question. Purchased service does not reckon in calculating any award of notional service which is service-related (e.g. ill-health added years).

14.26 Where periodic contributions cease before age 60 or 65, as appropriate (e.g. resignation, ill-health retirement; death in service), the amount of service purchased up to the date of cessation of the contributions is calculated using the formula in paragraph 14.13.

14.27 Where an officer who has purchased/is purchasing service dies in service, the service purchased at the date of death reckons in full for death gratuity and spouses' and children's pension purposes. However, if an officer qualifies for any other superannuation benefit before age 60 or 65, as appropriate (e.g. ill-health retirement), the portions of the officer's benefits which are attributable to purchased service are subject to actuarial reduction to take account of the early payment of those benefits. The extent to which the benefits are reduced is set out in Appendix 3 to this Handbook (Table 9 or 10, as appropriate).

Refunds

14.28 Payments made for purchased service - whether by periodic or lump-sum contributions - are refundable through the payroll system and only in the following limited circumstances:

- (a) if an officer resigns and receives a marriage gratuity;

- (b) if an officer does not qualify for superannuation benefits and does not transfer his/her service to another employment;
- (c) where an officer who is purchasing service leaves the Civil Service before attaining the minimum service requirement of 9 years, all purchase contributions must be refunded. Where an officer who is purchasing service leaves the Civil Service having attained 9 years' service but before attaining the minimum service required in respect of the amount of notional service being purchased, or already purchased, an appropriate refund of purchase contributions must be made so that the amount of service actually purchased concurs with the relevant limit in Appendix 3 (taking account of any retained benefits of course);
- (d) if an officer, having exercised an option to purchase service, subsequently becomes eligible for an award of notional service (see Section 9) as a result of which his/her total service would be in excess of the maximum reckonable (40 years). (See paragraph 14.29).

14.29 In a case described in paragraph 14.28(d), the refund arrangements are as follows:

- (a) where service has been purchased by lump-sum only, a refund will be made through the payroll in respect of the amount of purchased service which exceeds the 40-year limit;
- (b) where periods of service have been purchased both by lump-sum and periodic contributions, the excess service in respect of which a refund will be made (through the payroll) will be the service most recently purchased;
- (c) where an officer is purchasing service by periodic contributions, and all of that service would exceed the 40-year limit, deductions will cease forthwith and all contributions will be refunded through the payroll;
- (d) where an officer is purchasing service by periodic contributions, and some, but not all, of that service would exceed the 40-year limit, the rate of contributions will be adjusted under a revised purchase option, based on the officer's age next birthday at the date of the original option, aimed at securing only such service as is necessary for maximum benefits; excess contributions paid under the original option will be offset against contributions owed under the revised option, and any remaining excess will be refunded through the payroll.

14.30 Interest is **not** payable in respect of refunds of purchase contributions.

14.31 The element in purchase contributions attributable to benefits under the Spouses' and Children's Pension Scheme may also be refunded in certain limited circumstances, i.e. where periodic contributions paid under that Scheme are being refunded to, or in respect of, a Scheme member (see paragraphs 16.21 and 16.22 and Circular 1/90).

Employment Records:

14.32 Before an officer finalises a purchase option, the position regarding any transferred or transferable service, and retained superannuation benefits (if any) must be ascertained. Accordingly, officers interested in purchasing service must furnish full details of all previous employment to their Personnel Section.

Tax Relief:

14.33 The maximum amount of pension contributions in any one year for which a person is entitled to tax relief is related to age and is expressed as a percentage of gross income as follows:

| <u>Highest age in year of pension contribution</u> | <u>% of gross income for which tax relief is available for pension contributions</u> |
|--|--|
| under 30 | 15% |
| 30 to 39 | 20% |
| 40 to 49 | 25% |
| 50 to 54 | 30% |
| 55 to 59 | 35% |
| 60 and over | 40% |

14.34 Tax relief for periodic purchase contributions is given at source through the payroll. However, for purchase by lump-sum option, the relief must be claimed directly from the Revenue Commissioners by the officer concerned. Because the tax relief limits cover **all** superannuation contributions paid by an officer (including contributions under the Spouses' and Children's Pension Scheme) very large periodic or lump-sum purchase contributions may not be fully relievable for tax purposes in the year in which the contributions are made. In particular, worksharing/part-time officers (or any other officer on a reduced rate of salary) should note that, while purchase contributions are levied on the full annual rate of salary, the tax relief is based on an officer's actual income in a given year – i.e. the reduced rate of salary.

14.35 Officers considering purchase of service, particularly if the purchase option is at or very close to retirement, are advised prior to embarking on a purchase option to clarify the tax relief position with their own Tax Office if they have any queries in that regard.

Background Note

14.36 A scheme to enable officers to purchase additional years of notional service by reference to the retirement age of 60, at full actuarial cost to themselves, was introduced with effect from 1 April 1979. A revised scheme was introduced with effect from 1 February 1990 (Circular 1/90) in which the original 'age 60 option' was replaced with an option to purchase service by reference to the retirement age of 65

only (except, of course, in the case of those Prison Officers whose maximum retirement age is 60). Further provisions relating to (i) reckoning of a career break period while on the career break and (ii) purchase of service by jobsharers issued in March 1990 and June 1994 respectively. Additional purchase tables were drawn up in 1997 to cater for staff appointed to established positions on or after 6 April 1995 whose pension benefits are calculated by reference to net pensionable remuneration. In 2005 the lump-sum purchase rates were amended with effect from 3 May 2005. Circular 4/2006 amended the periodic purchase rates, reintroduced the option to purchase service by reference to age 60 (in addition to the age 65 option) for those who have a minimum retirement age of 60, and amended certain provisions of the purchase scheme.

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15. TRANSFER OF SERVICE

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The Transfer Scheme [The Public Sector Transfer Network]

15.1 The Transfer Scheme provides for the reckoning by each participating organisation of earlier pensionable service with any other member of the transfer "network". Under its provisions, there are links between the civil service, the Garda Siochana, the Defence Forces, the national and secondary teaching services and a large number of other participating bodies, comprising virtually all of the Irish public sector, together with a small number of private organisations. A list of organisations in the transfer network is available on request from the Department of Finance. Membership of the transfer network is voluntary for the organisations concerned. Not all organisations currently or previously in the public sector are members of the network.

15.2 The Scheme improves on the transfer provisions of the Superannuation and Pensions Act 1963 in the following respects

- (a) transfers after the "operative date" (see paragraphs 15.4 to 15.6) are automatic rather than discretionary;
- (b) "pre-operative date" service may be covered at the discretion of the final employing organisation;
- (c) service given in a non-pensionable capacity may be transferred in certain circumstances;
- (d) the organisations in the transfer network have a number of contribution options; and
- (e) a break in service does not necessarily debar the transfer of earlier service.

15.3 The detailed provisions of the Scheme are contained in the Transfer Scheme document issued in 1979, and in subsequent Letters to Personnel Officers. Its terms are outlined below.

Conditions

15.4 A transfer of service is normally allowed provided the following conditions are met

- (a) The service in question must be confirmed (i.e. the previous body must formally certify that the service was given). Where the personnel records of the previous body do not give detailed confirmation of the service being claimed, the Minister may, at his discretion, accept such supporting documentary evidence of the service as he may prescribe, in order to establish the veracity of the claim.
- (b) The service in question must have been satisfactory (i.e. of such a nature that a superannuation benefit would ultimately have been payable in respect of it if the person had remained in the employment of the previous body).

- (c) All reckonable service with the previous body must be transferred (not just a portion of it).
- (d) The service in question must have been either
- (i) pensionable service for the purpose of the previous body's pension scheme, or
 - (ii) service which was not pensionable at the time it was given, because the category of employees to which the person belonged was not then covered by a pension scheme, but which would have become pensionable if the person concerned had remained with that body up to retiring age.
- (e) The transfer must be either without a break in service or, if there was such a break and some or all of the intervening period was spent in the employment of another network body, the individual must transfer reckonable service in both bodies (i.e. an officer cannot in these circumstances opt to have the intervening period of service omitted from the transfer).
- (f) Transfer is debarred if a pension has already been paid in respect of the earlier service.
- (g) Where an officer is eligible for preserved superannuation benefits, or has previously been paid a refund of contributions (or any other form of lump sum payment) under the pension scheme of a network body, service with that body cannot be transferred unless the officer concerned
- (i) forgoes any entitlement to such preserved benefits where applicable, and
 - (ii) agrees to repay the amount of any lump sum (including a refund of contributions) previously paid, together with compound interest on that amount at the appropriate rates.
- (h) Where service with a previous body is reckonable under (d)(ii) above and that body has a contributory pension scheme, the officer concerned must pay appropriate contributions to his/her employing Department/Office in respect of such service, together with compound interest where applicable.

(Appropriate interest under g(ii) above means compound interest in respect of the period between the date of the original payment and the date of repayment. Interest at the rate of 3% per annum is payable in respect of periods up to 31 March 1971; 6% per annum in respect of periods between 1 April 1971 and 13 November 2000, and 4% per annum in respect of periods from 14 November 2000 onwards.)

Contributions

15.5 A contribution option is agreed bilaterally between network bodies when a transfer between these bodies first arises. The contribution options are:

- (a) "Knock-for-knock" - also known as "Paragraph 16(a)" (this is a reference to the

relevant paragraph in the Transfer Scheme) - which means that credit is given for transferred service but no cash payments are made between the bodies involved. The final employing body bears the full cost of the transferred service without any contribution from the earlier employing body.

(b) "1963 Act" - also known as "Paragraph 16(b)" - contributions. Under this option

- (i) where an employee retires on pension on ill-health or age grounds, a contribution toward the cost of pension (equal to 1/80th of salary on the last day of service with the first body for each year of reckonable service in that body) is payable to the second body. Payment by the first body is made half-yearly in arrears for the duration of pension payments by the final employing body. In addition, a contribution towards the cost of the retirement lump sum (equal to 3/80ths of the same salary figure for each year of service) is made by the first body.
- (ii) where an employee dies in the service of the final employing body, a contribution towards the death gratuity - equal to the contribution payable towards the cost of the retirement lump sum (see above) - is made by the first body.
- (iii) where spouses' and children's pensions are paid by the final body, an ongoing contribution - equal to half of the amount specified at (i) above in respect of pension - is made by the first body.

(c) "Up-rated 1963 Act" - or "paragraph 16(c)" - contributions. These are similar to the contributions at (b) above, except that they are up-rated in line with pension increases awarded throughout the public service.

(d) Transfer value (TV) - also known as "paragraph 16(d)" - payments. This is a single lump sum payment incorporating the transferred employee's accrued preserved benefits (including spouses' and children's benefits where appropriate). It is calculated by reference to special transfer value tables. This method has the advantage of being a once-off payment which cuts out subsequent administrative work. This contribution method may only be used for "post-operative date" transfers.

15.6 Transfer contributions are always based on full salary, even in cases where "co-ordination" with the Contributory State Pension applies (as in the case of established civil servants appointed on or after 6 April 1995). This means that a body with a co-ordinated pension scheme would make a payment based on full salary, even though its own pension payments are adjusted to take account of the Contributory State Pension. Equally, however, such a body would receive payments based on full salary in the case of transfers into that body.

Operative dates

15.7 Transfers to and from network bodies are divided into two categories - "pre-operative date" cases and "post-operative date" cases. The latter cases are automatically covered, as network bodies are obliged to honour "post-operative date" transfers. Employees who transfer before the agreed operative date (and are still

serving on that date) will only be covered if the final body so decides. Network bodies have discretion to cover "pre-operative date" cases either on a general or a selective basis. The bodies in parts I and II of the Scheme (the civil service, Garda Síochána, Defence Forces, and national and secondary teaching services) honour all "pre-operative date" cases.

15.8 The following points should be noted in considering whether a particular transfer falls into the "pre-operative date" or "post-operative date" category

- (a) where two bodies involved in a transfer case have different operative dates, the later date applies. For example, if A has an operative date of 1 June 1973 and B has an operative date of 12 July 1976, then 12 July 1976 becomes the operative date - any transfers occurring between both these bodies before 12 July 1976 are "pre-operative date", while those occurring on or after 12 July 1976 are "post-operative date";
- (b) a particular transfer case is judged to be "pre-operative date" or "post-operative date" on the basis of the date of departure from the first body. Thus, if a transferee joins a body after the operative date, he will still be classified as a "pre-operative date" case if he left the first body before that date (e.g. to take up employment outside the network);
- (c) a person who does not formally cease to be an employee of the first body until after the operative date but who had left its payroll (perhaps on special leave and working in the second body) before that date is classified as a "pre-operative date" transfer case;

15.9 The operative date for the civil service (established staff) is 1 June 1973. Each other network body decides its own operative date on joining the network, but that date cannot in any case be earlier than 1 June 1973.

Extent of Service Credit

15.10 Transferred service reckons for all superannuation purposes, including spouses' and children's scheme benefits, minimum service requirements, computation of ill-health notional service, death and short service gratuities. The scheme however provides for the transfer of service only as distinct from entitlements, such as an entitlement to a marriage gratuity. Thus, for example, if Organisation A provides marriage gratuities for certain categories of staff but Organisation B does not do so, a person who transfers from A to B does not thereby retain an entitlement to marriage gratuity.

15.11 In the case of transfers between bodies with standard superannuation terms - i.e. terms which provide a maximum pension of 2/3rds of pay (or, as more usual in the public sector, a maximum pension of 50% of pay and a maximum lump sum of 1.5 times pay), accruing over 40 years and payable at or after age 60 - actual service will, in general, be transferred on a "year-for-year" basis. Even though a network body may only allow completed years of service to reckon when calculating a pension under its scheme, any days of service in excess of a completed year are still transferable in so far as the days in question constitute "pensionable service".

15.12 In the case of transfers to and from certain groups with enhanced superannuation terms - e.g. the Garda Síochána and Prisons Service (both of which allow doubling of benefit for service in excess of 20 years, so that 30 years actual pensionable service equates to 40 years service in "normal" schemes) - a system known as "uniform accrual" operates. A person transferring into such a group has two options. He/she may opt to be credited with 3/4ths of his/her previous service, in which case the reduced service (when added to subsequent actual service in these groups) would, where appropriate, attract the "double benefit" provisions. Alternatively, he/she may opt to carry his/her full actual service, in which case doubling of benefit for service in excess of twenty would not apply to the transferred service. A person transferring out of such a group will be credited with 4/3rds of his/her actual service. A person transferring between two groups with similar enhanced superannuation terms will transfer the actual previous service.

Local Authorities

15.13 The transfer arrangements applicable to local authorities, health boards, and other bodies to which the local government superannuation code applies are independent from, but broadly similar to, the provisions of the Public Sector Transfer Scheme. That scheme is known as the Local Government Transfer Network and is administered by the Department of the Environment, Heritage and Local Government. Service can transfer to the local authorities from a body which is a member of that Network and vice versa.

Transfers involving Non-Network Bodies

15.14 There are enabling provisions in Part V of the Transfer Scheme to deal with transfers involving non-network bodies. The intention is to provide for the payment and receipt of transfer values in cases involving "specified organisations", i.e. non-network bodies which are willing to enter into reciprocal arrangements acceptable to the Minister for Finance and which have been approved by the Minister for the purpose of Part V. At present, only certain bodies are "specified organisations" e.g. the European Commission, Eurocontrol, European Investment Bank.

15.15 Transfer Values are used for all transfers with these bodies and these are calculated in accordance with the standard civil service transfer value tables. Transfers with the EU Commission are dealt with directly by the Department of Finance. All queries concerning such transfers should therefore be referred to the Superannuation Section of the Department of Finance. (See the Civil Service Superannuation Regulations, 1980 and DPS Letters to Personnel Officers of 17 December 1979 and 11 September 1981.)

15.16 Currently, in the case of transfers into the civil service from non-network bodies, any lump sum payment made by such a body may be used to purchase service on behalf of the transferee under the terms of the Purchase Scheme (if the transferee is eligible to participate in that Scheme). This arrangement must also comply with the requirements of general pensions legislation, which is the responsibility of the Minister for Social and Family Affairs.

Other Features

15.17 Service can be transferred only at the request of the officer concerned.

15.18 Transfer options should be made known to each new appointee at the time of appointment and to every officer resigning from the civil service.

15.19 Transfers should be effected as soon as possible after taking up a new appointment.

15.20 Officers on career breaks or other forms of special leave without pay cannot transfer their service to a new employer unless they formally resign from the civil service.

Background Note

15.21 Prior to 1963, no general scheme existed for the transfer of service for superannuation purposes between public sector employments, although provision had been made to cover service in organisations taken over by the State (e.g. the Congested Districts Boards). Arrangements had also been made for Department of Education Inspectors to reckon teaching service, and for the reckoning of Local Authority service.

15.22 Section 4 of the Superannuation and Pensions Act 1963 empowered the Minister for Finance to introduce arrangements to enable staff, in certain circumstances, to transfer their service for superannuation purposes between the civil service, Garda Síochána, Defence Forces, the national and secondary teaching services and other designated organisations within a "transfer network".

15.23 Following a review by the Joint Working Party on Superannuation (a subcommittee of the General Council under the Scheme of Conciliation and Arbitration for the Civil Service) a more flexible transfer scheme was introduced in 1979.

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16. SPOUSES' AND CHILDREN' S PENSIONS

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Membership

16.1 There are two schemes – the Original Scheme and the Revised Scheme.

16.2 Officers in the following categories are members of the Revised Scheme:

- (a) all officers appointed on or after 1 September 1984;
- (b) members of the Original Scheme who opted to join the Revised Scheme;
and
- (c) all other officers serving on and after 23 July 1968 who opted to join the Revised Scheme.

16.3 Officers in the following categories, who did not opt to join the Revised Scheme, are members of the Original Scheme:

- (a) male officers appointed on or after 1 January 1969 and before 1 September 1984;
- (b) male officers serving on and after 23 July 1968 (having been appointed prior to 1 January 1969) who did not avail of the facility to opt out of the Scheme;
- (c) female officers appointed on or after 1 June 1981 and before 1 September 1984; and
- (d) female officers serving after 29 February 1980 (having been appointed prior to 1 June 1981) who are eligible for retirement lump sums and who did not avail of the facility to opt out of the Scheme.

Benefits

16.4 Subject to the provisions of paragraphs 16.12, both the Original and the New Scheme provide for payment of a pension to the spouse and, where applicable, the children of a deceased member. (The definition of children includes stepchildren and adopted children.) The rate of spouse's pension is 50% of the deceased's pension. The "**deceased's pension**" means, for officers appointed before 6 April 1995,

- (a) where a member dies in service or after retirement with an ill-health pension, the pension which would have been payable if the member had served to age 65;
- (b) where a member dies while in receipt of pension (other than an ill-health pension), the member's actual pension entitlement;
- (c) where a member resigns with preserved pension entitlements but dies before reaching pension age, a pension based on actual service and on the

officer's pensionable remuneration, as increased by reference to pension increases granted in the interim.

Please consult with Pensions Section of the Department of Finance as to how the potential service referred to at (a) is calculated in the case of Worksharing or part-time officers.

16.5 For Officers appointed on or after 6 April 1995, the "**deceased's pension**" as defined in paragraph 16.4 is based on a notional figure arrived at by the formula

PR - CSP

where PR is the deceased officer's pensionable remuneration (as defined in paragraph 5.1 above); and CSP is the annual rate of Contributory State Pension payable - on the last day of the deceased officer's pensionable service - by the Department of Social and Family Affairs to a single person without dependants.

16.6 Rates of children's pension under the Scheme vary, depending on whether or not a spouse's pension is being paid and also on the number of eligible children:

(a) Where a spouse's pension is in payment and the number of eligible children is

- (i) less than 4 ----- $\frac{1}{6}$ th of the deceased's pension for each child,
- (ii) 4 or more ----- $\frac{1}{2}$ of the deceased's pension divided equally among the children,

(b) Where a spouse's pension is not in payment (because there is no spouse or the spouse subsequently dies) and the number of eligible children is

- (i) 1 ----- $\frac{1}{3}$ of the deceased's pension,
- (ii) 2 or more ----- $\frac{1}{2}$ of the deceased's pension divided equally among the children.

(The rates of pension referred to at (b) above may, at the discretion of the Minister for Finance, be applied in cases where no spouse's pension is payable to the parent of the surviving children or where the deceased member's children are in the care of a person other than the spouse.)

16.7 On the death of a member while in service or in receipt of pension, the rate of the spouse's pension for the first month (including any additions for children) is increased as follows:

- (a) where a member dies while in receipt of pension (or sick pay at pension rate), $\frac{1}{12}$ th of the deceased's annual pension or sick pay;
- (b) where a member dies in service, $\frac{1}{12}$ th of the deceased's annual pensionable pay;

provided that this enhanced rate is more favourable than that which would otherwise

be payable (see 16.4).

16.8 A spouse's pension ceases on remarriage (or cohabitation) but may subsequently be restored on compassionate grounds at the discretion of the Minister for Finance. Children's pensions may continue to be paid, at the Minister's discretion or if the marriage or cohabitation ends. Where a child is in the care of a member's spouse, the appropriate child's pension is paid to that spouse. If a child is not in a spouse's care, the child's pension is paid either direct to the child or to a person approved by the Minister.

Beneficiaries

16.9 Under both versions of the Scheme, "spouse" means the surviving spouse of a marriage which is accepted as valid under the law of the State. Accordingly, the scheme does not recognise either

- (a) common law marriages, or
- (b) re-marriage following a religious annulment which is not recognised by the State.

16.10 To be eligible for benefit under either version of the Scheme a child must be under 16 years of age, or under 22 years of age and in full-time education/training. However, in cases of permanent physical or mental incapacity, a child's pension may (if the incapacity occurred when the child was under 16, or under 22 while in full-time education/training) be continued for life.

16.11 A person who complies with the criteria set out in paragraph 16.10 may still be disqualified for children's pension if he/she

- (a) was not mainly dependent on the member immediately prior to the member's death;
- (b) is married or cohabiting with another person as man and wife; or
- (c) is in receipt of earnings sufficient for self-support (the criterion used here is the single person's rate of Contributory State Pension: if the earnings are greater than this no pension is payable; if not the entire pension is payable - i.e. partial abatement does not apply).

The disqualification rules in this paragraph may, however, be waived by the Minister for compassionate reasons in individual cases.

16.12 Whereas the eligibility rules set out in paragraphs 16.9 to 16.11 are common to both versions of the Scheme, the Original Scheme contains additional restrictive clauses which exclude the following categories of persons from benefit

- (a) non-marital children of members;
- (b) children conceived or adopted after a member's retirement/resignation;

- (c) where a member marries after retirement/resignation, the spouse (and stepchildren, if any) of that marriage;
- (d) where a member is widowed before joining the Scheme, and does not remarry before retirement/resignation, the children (if any) of the original marriage.

Where the deceased was a member of the original scheme and was married during scheme membership, a non-marital child may qualify for benefit in certain circumstances – the Department of Finance should be consulted for guidance in such a case.

Contributions

16.13 Two types of contribution are payable by members of both Schemes, Periodic Contributions and Non-periodic Contributions.

Periodic Contributions:

16.14 These contributions are paid by deduction from salary on a continuous basis. The contribution rate is 1.5% of salary. Periodic contributions are only payable in respect of periods of pensionable service - thus, they are not paid during periods of unpaid special or sick leave, or sick leave at pension rate of pay. Contributions are however payable during periods of paid sick leave, at full pay or half pay, and the contribution for these periods is invariably 1.5% of full pay (even where sick pay is at half rate). Contributions for members appointed before 6 April 1995, are related to basic salary and acting up allowances only (but excluding other allowances in the nature of pay). In the case of members appointed on or after 6 April 1995 periodic contributions are related to salary and any pensionable emoluments in the nature of pay held from time to time.

Non-periodic Contributions:

16.15 These contributions are paid (by deduction from retirement lump sum, preserved lump sum, death gratuity or preserved death gratuity, as appropriate) in respect of members who, on cesser of service,

- (a) are married, or
- (b) were married at some time during membership of the relevant Scheme.

16.16 Non-periodic contributions are payable in respect of "relevant service", which means:

- (a) for a married member, all service (including notional service) which is reckonable for spouse's pension purposes;
- (b) for a widowed or divorced member, the period from the start of the member's reckonable service up to the date of the the end of the marriage.

16.17 The non-periodic contribution rate is:

- (a) 1% of retiring salary for each year of relevant service, less any years in respect of which periodic contributions (or purchase contributions) were paid; plus
- (b) for members appointed before 6 April 1995, 1% of pensionable allowances (if any) (including 1% of the monetary value of pensionable emoluments in kind) for each year of relevant service; and
- (c) for members appointed on or after 6 April 1995, 1% of the monetary value of pensionable emoluments in kind (if any) for each year of relevant service.

16.18 Non-periodic contributions are not payable by any officer who was unmarried at all times during his/her membership of either Scheme.

16.19 Apart from cases involving pensionable allowances, payment of non-periodic contributions only arises if a member has not paid periodic contributions in respect of all relevant service, e.g.

- (a) in cases of death in service or retirement on grounds of ill-health (where the member is credited with notional service to maximum retiring age); or
- (b) in cases of service given prior to the date on which the system of periodic contributions commenced (1 January 1969 for males and 1 June 1981 for females), or
- (c) prior transferred service for which periodic contributions were not paid; or
- (d) other notional service, such as "ad hoc" notional service.

16.20 A member with "pre-Scheme service" (as at (b) in the preceding paragraph) may reduce or eliminate the non-periodic charge in respect of that service by paying additional periodic contributions.

Refund of Contributions

16.21 Under the both the Original and Revised Schemes, contributions paid by members are refunded in the following circumstances:

- (a) where a member ceases service (other than on death), does not qualify for pension or preserved pension and does not transfer service to another organisation - in this case, a full refund is payable (the most common reason for this is that the member has less than 2 years' service);
- (b) where a member dies and no benefit is payable under the Scheme because the provisions of the Civil Service Injury Warrants apply - in this case, a full refund is also payable, but with interest;
- (c) where a member has paid periodic contributions for a period in excess of 40 years; in this case, a refund is made in respect of the excess period only

(starting with the initial contributions paid by the member);

16.22 Refunds are also payable, under the Original Scheme only, in the following additional circumstances:

- (a) where a member is unmarried at the time of cesser of service, has remained unmarried throughout his/her period of membership of the Scheme and does not transfer service to another organisation - in this case, a full refund is payable;
- (b) where a member is widowed at the time of cesser of service and has paid periodic contributions in excess of "relevant service" (see par. 16.16(b)) - in this case, a refund is made in respect of the excess period (starting with the final contributions paid by the member);
- (c) where the spouse of a member who has retired on grounds of ill-health dies before the member reaches the compulsory retirement age - in this case, the member receives a partial refund of the non-periodic contributions which were deducted from the retirement lump sum.

16.23 All refunds of contributions in respect of living persons are generally subject to a tax charge. However, refunds in respect of Death in Service cases come within the ambit of the Revenue tax free limits for death in service lump sums, so refunds in such circumstance will generally, under current Revenue Rules, be tax free.

Ex Gratia Scheme

16.24 A special non-contributory scheme - entitled the Civil Service Widows' and Children's Ex Gratia Pension Scheme - applies in respect of staff who retired or died prior to 23 July 1968 and were as a result prevented from joining the contributory Schemes.

16.25 Under the Ex Gratia Scheme, the rates of pension benefit, and the rules governing eligibility for benefit, are the same as those which apply in the New Scheme except that the provisions at paragraph 16.7 above do not apply.

Background Note

16.26 Prior to 1968, there was no provision in the civil service superannuation code for the award of survivors' pensions on the death of a serving or retired officer, apart from allocated pensions and Injury Warrant benefits (see Sections 17 and 18 below). Following discussions and agreement with staff interests, the Civil Service Widows' and Children's Contributory Pension Scheme was introduced with effect from 23 July 1968. As implied by the original title, the Scheme was initially applicable to male officers only. New appointees became Scheme members automatically, while serving male staff were allowed to opt out of the Scheme if they so wished. Initially, the Scheme was operated on an administrative basis - it was given formal statutory effect in 1977.

16.27 In 1980/81 the Scheme was amended to cover female officers - it thus became a Spouses' (rather than a Widows') Scheme. As regards membership obligations, the

precedent set for male officers in 1968 was adhered to. Accordingly, membership of the Scheme was compulsory for new female appointees and serving staff were allowed to opt out.

16.28 A major revision of the Scheme came into effect in 1984, in agreement with staff interests. The revision entailed changes in the rules governing (a) eligible beneficiaries and (b) refunds of contributions - these aspects are set out in detail in paragraphs 16.12, and 16.22 below. The new rules apply automatically to all staff appointed on or after 1 September 1984. In the case of staff appointed prior to that date (including pensioners and deceased staff) application of the new rules was on an optional basis, and the original rules remain in force for those members who did not opt for the new regime. For ease of reference in the paragraphs following, the arrangements in operation immediately prior to the 1984 revision are referred to as the Original Scheme and the revised arrangements are referred to as the Revised Scheme.

(Details of the option arrangements relating to the Revised Scheme are set out in General Council Reports 1018 and 1043. Options were not confined to persons who were alive at the time of the revision - in the case of former officers who had died before 1 November 1984, options could be exercised by their spouses or legal personal representatives.)

16.29 The contribution system outlined in paragraphs 16.14 to 16.19 is common to both versions of the Scheme. However, in the application of the New Scheme to persons who, at the time of the 1984 revision, had left the service or were deceased, special contribution arrangements applied - see General Council Report 1018.

16.30 When the Ex Gratia Scheme was first introduced in 1969 rates of benefit were fixed at 50% of the corresponding contributory scheme rates. However, the Ex Gratia pension rates were progressively increased over the years, and full parity with the contributory scheme rates has applied since 1 January 1987. The special "exclusion clauses" in the Original Scheme (referred to in paragraph 16.14 above) formerly applied in the Ex Gratia Scheme also, but were abolished in 1984.

Information Note: Working Group on Spouses and Children's Schemes

16.31 A joint management-union "*Working Group on possible changes to Public Service Spouses' and Children's Pension Schemes*" is currently (late 2006) examining the feasibility of implementing certain reforms to survivors' superannuation benefits in the public service which were recommended by the Commission on Public Service Pensions. These recommendations include the payment of survivors' pensions to financially dependent non-marital partners of public servants through a nomination system, along with the removal of the bar on paying pensions to widows/widowers who remarry or cohabit and an improvement in the position of orphaned children in cases where both parents were members of the same Spouses' and Children's Scheme. It will be a matter for Government to consider what changes, if any, should be made after the Working Group has submitted its report.

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17. INJURY WARRANTS

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17.1 The Injury Warrants are a series of statutory instruments, made under the Superannuation Act 1887, which provide benefits to or in respect of officers who, through no fault of their own, are killed or injured while performing their duties. These benefits comprise (a) annual allowances, (b) gratuities, (c) loss of earnings allowances and (d) refunds of certain expenses. All claims for any of these benefits - details of which are outlined below - must be submitted to the Department of Finance for consideration.

Annual Allowance

17.2 To qualify for the award of an annual allowance under the Injury Warrants, all of the following conditions must be met

- (a) the injury must result in
 - (i) retirement on grounds of ill-health; or
 - (ii) death (within 7 years of the date of the injury);
- (b) the injury must occur in the actual discharge of duties;
- (c) the injury must be specifically attributable to the nature of the officer's duties; and
- (d) the injury must not result from the officer's own default.

17.3 Allowance payments are at varying rates, depending on the degree of impairment to which the officer's capacity to contribute to his/her support is impaired. These rates are set out in Appendix 4 to this Handbook.

17.4 The degree of impairment is assessed by the Chief Medical Officer for the civil service, but the final decision in this matter rests with the Minister for Finance.

17.5 If the injured officer is not eligible for any other superannuation benefits in respect of his/her service up to the date of injury, the allowance payment is a proportion of the officer's salary and emoluments at the date of injury.

17.6 If other superannuation benefits are payable to the injured officer in respect of his/her service up to the date of injury, the allowance payment is a proportion of the **difference** between

- (a) the officer's salary and emoluments at the date of injury; and
- (b) the amount of such superannuation benefits (i.e. the annual amount of any pension, plus the annuity value of any lump sum payable, calculated in a manner approved by the Minister for Finance).

17.7 The amount of the allowance payment, together with the value of any other superannuation benefits payable and any benefit payable under the Social Welfare

Acts, cannot in any case exceed **5/6ths** of the injured officer's salary and emoluments at the date of injury, uprated where appropriate..

17.8 An annual allowance may also be payable to the spouse and/or dependent children of an injured officer who dies as a direct result, and within 7 years, of the injury. This allowance may also be paid to the deceased officer's dependent parent(s), if any. The categories of dependant who may benefit, and the rates of payment, are set out in Appendix 4 to this Handbook.

17.9 To qualify for an annual allowance, a dependent parent of a deceased officer must be in receipt of a dependent parent's pension under the Occupational Injuries Acts. A dependent parent who is widowed will be eligible at the rate shown in Appendix 4 - where there are 2 such parents, each of them will qualify for half that rate.

17.10 The annual allowance payable to a spouse or child is **in substitution for** any pension otherwise payable under the Spouses' and Children's Pension Scheme - see Section 16 above - and as indicated in that Section, any contributions paid under that Scheme will be refunded with interest.

Special Gratuities

17.11 A special gratuity not exceeding **3.5 times** a deceased or injured officer's salary and emoluments at the date of injury may be payable where, as a result of injury sustained in the course of his/her duties

- (a) while travelling by air; or
- (b) as a direct result of war, insurrection or civil unrest,

an officer dies, or loses a limb(s) or an eye(s), or suffers total disablement.

17.12 When deciding the amount of a special gratuity in the case of an injury incurred outside the State, account is taken of any compensation paid by the State authorities in the country where the injury occurred.

17.13 The special gratuity is payable in addition to the normal death gratuity or retirement lump sum.

Loss of Earnings Allowance

17.14 In the case of injury referred to at 17.11 above, a special loss of earnings allowance may be paid, at the discretion of the Minister for Finance, for up to 2 years after the injury if an officer suffers temporary disablement as a result. The amount of this allowance - together with sick pay, pension, or any benefit under the Social Welfare Acts - must not exceed **5/6ths** of the current value of the officer's salary and emoluments at the date of injury. Also, the amount of the allowance, together with any special gratuity referred to above, cannot exceed **3.5 times** the officer's salary and emoluments at the date of injury.

Refund for Expenses

17.15 Vouched expenditure up to **€1270** may be recouped in respect of medical, surgical and hospital expenses, and also reasonable emergency travelling expenses (the latter emergency expenses include expenses incurred by the spouse or relatives of the officer and, in the case of death outside the State, necessary funeral expenses and the cost of transporting the remains to the State).

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18. TREATMENT OF DISMISSED OFFICERS

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18.1 With effect from 1 January 1994, in cases of dismissal or pre-emptive resignation, the former officers concerned retain entitlement to immediate superannuation benefits (if over minimum pension age) or preserved benefits (if below that age). **However in cases involving financial loss to the Exchequer, the amount of the loss - plus interest - is recouped by deduction from the benefits payable. Interest is charged at a compound rate in respect of the period between the date the loss was incurred and the date of recoupment. The compound rate is 6% per annum up to 13 November 2000 and 4% per annum in respect of periods from 14 November 2000 onwards.**

18.1 Prior to 1994, any established officer who - for whatever reason - was dismissed from his/her post, or resigned from his/her post so as to pre-empt dismissal, forfeited all entitlements to superannuation benefits.

18.3 The arrangements outlined at 18.1 also apply to dismissals or pre-emptive resignations arising **between 1 June 1973 and 31 December 1993**, on the following basis

- (a) Former officers who attained minimum retiring age before **1 January 1994** have their benefits paid, on application, (subject to any necessary recoupment) with effect from 1 January 1994 (without retrospection prior to that date). In such cases, lump sums are calculated on the basis of relevant salary scales in force on the dates the officers attained minimum retiring age (or on the last day of the officers' service, if later), and pensions are calculated by reference to salary scales in force on 1 January 1994;
- (b) In the case of former officers who are alive and attain minimum retiring age on or after **1 January 1994**, preserved benefits are payable, on application, with effect from the dates on which the persons concerned attain that age;
- (c) In the case of former officers who have died, subject to any necessary recoupment,
 - (i) preserved death gratuities, based on the relevant salary scales in force on the date of death, are payable to the former officers' estates; and
 - (ii) where applicable, preserved spouses' and children's pensions in respect of the deceased officers are payable on the following basis
 - (I) in the case of a former officer who died **before 1 January 1994**, the initial pension award is based on relevant salary scales on that date and is effective from that date (i.e. there is no retrospection prior to 1 January 1994); and

(II) in the case of former officers who died **on or after** 1 January 1994, the initial pension award is based on relevant salary scales on the date of death and is effective from that date.

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19. PENSION INCREASES

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19.1 Increases in civil service pensions are awarded at the discretion of the Minister for Finance under Regulations made under Section 29 of the Pensions (Increase) Act 1964. The Act does not prescribe what form the increases should take or how they should be calculated. In the Civil Service, since 1984 in respect of general pay increases and since 1986 in respect of general and special pay increases, the application of the Minister's discretion, in this regard, has been based on '*parity*' which means that, where increases paid to serving staff are being passed on to pensioners, the pension increases are effective from the same date as the increases being paid to serving staff. This is not the same as providing that pensioners are paid at the same rates as serving staff. There is no provision for a pensioner to be paid an increase in advance of any such increase having been paid to their serving counterpart.

19.2 In practice, all general pay increases since 1984 have been passed on to pensioners on the same basis as to serving staff. In the case of special pay increases for serving staff, some are passed on to pensioners, others are not.

19.3 Some of the conditions which may have to be met before special pay increases are passed on to pensioners are:

- (a) the increase must apply to all staff serving in the grades or posts concerned;
- (b) assimilation of serving staff to the revised pay scales must be on the basis of "corresponding points" (i.e. not on "starting pay on promotion" or "re-grading" terms);
- (c) the increase must not have been awarded in consequence of a substantial restructuring or alteration of duties which, in effect, constitutes regrading of the posts or grades concerned.
- (d) the increase must not have been awarded in respect of increased productivity from serving staff and the increase must be a permanent feature of the pay scale.

19.4 In applying pensions parity, a former officer who had not reached the maximum of the pay scale by the time of retirement is not subsequently deemed to advance along the incremental scale in respect of periods after retirement. Thus, for example, the pension of an officer who retires 6 months after reaching the 6th point on a 9-point salary scale will (subject to paragraph 19.5) be revised by reference to the 6th point of that scale or the corresponding point where the number of scale points subsequently changes.

19.5 Where a post or grade is abolished, the normal practice is to base the pension of an officer who has retired from that post or grade on the scale point of an existing related grade which is closest to the point held at retirement by the former employee. Future increases in the former employee's pension are then based on pay increases applicable to the existing grade concerned. Where a post is upgraded or downgraded subsequent to the date of an officer's retirement, the pension is increased by reference

to the pay the officer would have had if he or she had remained in the post, but ignoring the upgrading or downgrading which occurred after the retirement.

A post is not treated for this purpose as being downgraded solely because, for example, there is a change in the method of pay determination for serving staff. A post would only be regarded as being downgraded for this purpose if, for example, the change involved a reduction in the duties and responsibilities of the post and the person serving at the time of the downgrading retained the original salary rate on a personal basis - i.e. only a future appointee would be subject to the lower salary rate. If the change did not have these characteristics, pensions increases of staff who retired before the change would generally continue to be determined by reference to the salary rate of the serving staff.

19.6 Where a retired officer had allocated a portion of his or her pension to another person (under the arrangements referred to in Section 20.2), pay increases are applied to the notional full pension, which is then reallocated in the proportions determined by the former officer at the time of retirement.

19.7 Where a retiree is awarded a pension based on net pensionable remuneration, which takes account of the rate of social insurance pension paid on the date of retirement, such a pension is not recalculated in full (taking account of changes in the social insurance pension) on the occasion of a pay increase. In such cases, the officer's occupational pension, when calculated at retirement, is expressed as a percentage of full pay at that time - e.g. 30% of scale pay - and pension increases are based on changes in scale pay, without regard to changes in social insurance pension rates.

19.8 Where a pension is based on pensionable remuneration which includes pensionable emoluments, the element in the pension which reflects the emoluments is increased by reference to general pay increases only.

19.9 If an emolument which was not hitherto pensionable becomes pensionable, or a new pensionable emolument is introduced with effect from a specific date, officers who have retired prior to that date do not benefit from such developments.

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20. MISCELLANEOUS PROVISIONS

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20.1 Abatement of Pension

20.1.1 Where an officer who goes on pension is retained in the civil service, or is re-employed in the civil service in a non-established capacity beyond maximum retiring age, the pension is, where necessary, abated (i.e. reduced) during the period of retention to ensure that the amount of the pension, together with the officer's pay in respect of that period, does not exceed the remuneration which the officer would have received if, during that period, he/she had remained in the post which he or she held on the last day of reckonable service.

20.1.2 If a retained or re-employed officer has allocated part of his/her pension to another person (under the arrangements referred to at Section 20.2), the pension figure used for abatement purposes under 20.1.1 is the officer's full notional pension before allocation.

20.2 Allocation of Pension

20.2.1 The allocation of pension is a facility - introduced under the provisions of the Superannuation Act 1956 - which enables a civil servant, at retirement, to surrender part of their pension so as to provide a separate pension for their spouse and/or dependent relatives.

20.2.2 The primary purpose of the facility is to allow an officer to make some provision for their families, particularly after their death. Although the facility is still available to civil servants, its use has sharply declined since the introduction of spouses' and children's pensions (see Section 16).

20.2.3 Full details of the allocation arrangements are contained in an information booklet published by the Department of Finance, entitled **Superannuation Act 1956: Allocation of Pension; Instructions and Tables**.

20.3 Delegated Authority

20.3.1 All authority for superannuation awards is vested in the Minister for Finance, but the Minister can delegate that authority to other Ministers or designated persons.

20.3.2 The following Departments/Offices have been granted delegated authority to deal with superannuation benefits for established officers, other than short service gratuities, ill-health retirement benefits and the award of Spouses and Children's pensions which are dealt with by the Department of Finance.

Agriculture and Food

Arts, Sport and Tourism

Defence

Education and Science

Environment, Heritage and Local Government

Enterprise Trade and Employment

Communications, Marine and Natural Resources

Public Works

**Revenue Commissioners
Social, and Family Affairs
Transport**

20.4 Pensions Declarations

20.4.1 The Minister for Finance may require any person receiving a pension (or any person having care of an incapacitated pensioner) to make a statutory declaration before payment is made, and at periodic intervals thereafter.

20.4.2 Detailed instructions concerning pensions declarations are set out in the **1966 Pensions Declarations Rules** (S.I. 134 of 1966).

20.4.2 If a declaration is made within the State, it must be made before a registered Dáil elector who is not the pensioner or the spouse of the pensioner. If the pensioner is resident outside the State, the declaration must be made before a designated person (e.g. a clergyman).

20.4.3 Any person who knowingly makes a false declaration is guilty of an offence and, on summary conviction, is liable to a fine.

20.5 Procedures

20.5.1 Before a pension and lump sum may be awarded

- (a) full details of the service and salary record of the officer concerned must be furnished (on Form E.Gen.24) by the relevant Personnel Unit and Accounts Branch and (except as provided for at 20.3.2) forwarded to the Department of Finance for calculation of benefit; and
- (b) a pensions declaration form must be completed by the retiring officer.

20.5.2 Before a death gratuity can be paid

- (a) details of the service and salary of the deceased officer must be completed (on Form E.Gen.23) by the relevant Personnel Unit; and
- (b) a pensions declaration form must be completed by the legal personal representative of the deceased officer.

20.6 Purchase Contributions

20.6.1 Each Department/Office must keep a note of all contributions paid by each officer who opts to purchase service, whether by periodic deductions or lump sum contribution. These amounts are applied as Appropriations-in-Aid to the Vote for Superannuation and Retired Allowances. Transfers are made quarterly to that Vote.

20.7 Injury Warrant Payments

20.7.1 All payments under the Injury Warrants (which are made by the Paymaster General's Office) must be authorised by the Department of Finance and are charged to the appropriate Subhead on the Vote for Superannuation and Retired Allowances.

20.8 Distribution Without Probate

20.8.1 When an officer dies in service, or a retired officer dies, the Minister for Finance may, at his discretion, approve the payment of any outstanding superannuation benefit to that person's legal personal representative **without proof of probate**, provided the gross amount involved does not exceed **€ 20,000**.

20.9 Commutation of Pensions

20.9.1 In general, a pension or other annual superannuation allowance cannot be commuted (i.e. converted into a lump sum payment). However where a pension has been allocated under the Superannuation Act 1956 to a dependent relative under 21 years of age, a lump sum may - at the discretion of the Minister for Finance - be substituted for the allocated pension.

20.10 Payment of Pensions

20.10.1 All pensions are paid fortnightly in arrears.

20.10.2 By arrangement with the Paymaster-General's Office, deductions for VHI contributions, life assurance policies etc. may be made from pension at the request of the recipient.

20.11 Incapacity

20.11.1 Where a person in receipt of any pension or other superannuation benefit is certified by a medical practitioner to be physically or mentally incapacitated, and incapable of giving receipts for payments due, all or part of the pension or other benefit may be paid to

- (a) any institution caring for the beneficiary; or
- (b) a designated nominee for the beneficiary

in any proportion that the Minister for Finance shall decide. Such payments discharge the Minister of any obligations to the beneficiary as regards superannuation entitlements.

Note: Except in this case, and in the case of pension allocation, a pension may not be assigned to any third party. Also, a pension may not be charged for the clearance of a civil debt.

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21. IMPLICATIONS OF THE FAMILY LAW ACTS [Return to Contents page](#)

Family Law Acts (1995 and 1996)

21.1 The interaction between the Family Law Acts and the rules of the civil service pension schemes is extremely complex. Comprehensive information and guidelines on the effect of the Family Law Acts on the administration of pension schemes (including a glossary on Family Law terms, template information forms for the provision of information and guidelines on the checking/implementation of Pensions Adjustment Orders - PAOs) are available on the website **www.cspension.gov.ie**

21.2 These guidelines should be consulted in all cases and cases of doubt or difficulty should be referred to the Department of Finance.

Trustees of schemes under the Family Law Acts

21.3 In the case of the Civil Service, the staff who administer the schemes are deemed to be the Trustees. Staff of Departments/Offices with delegated authority to award pensions are the trustees of the Civil Service schemes for their employees. In the case of non-delegated Departments/Offices the trustees are the relevant staff in the Department of Finance.

Provision of Information under the Family Law Acts

21.4 Parties to proceedings under the Family Law Acts 1995 (Judicial Separation) or 1996 (Divorce) are obliged to include information about their superannuation entitlements in the Affidavit of Means which they must furnish to the court. This information should be supplied to the member by the Trustees. All requests for information must be made in writing and state that the information is required in connection with Family Law proceedings. The spouses of members are entitled to general information about the rules of the schemes but member-specific information may only be supplied to them with the consent of the member or on foot of a court order. All requests for actuarial valuations should be referred to the Department of Finance.

Pension Adjustment Orders (PAOs)

21.5 PAOs are orders granted by a court directing that some or all of the member's superannuation benefits should be paid to the member's spouse and/or dependent children. Such orders are granted only if a decree of judicial separation or divorce is obtained. The terms of a PAO may override the terms of the Pensions Act, 1990 and the rules of any superannuation scheme to which it refers to the extent necessary to secure payment under the order.

Checking/implementation of PAOs

21.6 Many courts will not make PAOs unless the trustees have seen the draft orders and verified that they are acceptable and will be implemented by them. Trustees are often, therefore, involved in correspondence about the effects and outcomes of draft orders submitted to them. When orders are made, the trustees are obliged, under the

law, to furnish the beneficiaries with certain information on the effect of the orders. They are also obliged to implement the orders when payment falls to be made. The Acts contain deadlines for the provision of certain information, making payments in certain circumstances, etc.

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22. OBLIGATIONS TO PROVIDE INFORMATION TO SCHEME MEMBERS

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22.1 Under S.I. No. 301 of 2006, every Pension Scheme Member and certain other people are entitled to information on pension benefits, etc., automatically, on request or in specified circumstances. Paragraphs 2 to 9, below, set out Departments' obligations in this context. The Regulations make the scheme trustees responsible for provision of such information. However, because the civil service pension schemes are not based on Trust Deeds, the actual request and delivery of information should be by way of the Personnel Officer. Therefore, if a member is making a request for information, he or she should submit the request in writing to the Personnel Officer of their Department or Office. The Personnel Officer is de facto responsible for supplying accurate information to the member.

Annual Benefit Statements

22.2 Benefit Statements must be provided **automatically** on an annual basis to every member of the civil service pension schemes. However, paper versions of such statements are not necessary where an electronic alternative is in place. In view of the availability in the Civil Service of such a facility, the Pensions Modeller www.cspensions.gov.ie, the requirements in the Regulations can be met by notifying members annually of some basic information about their salary and pension scheme and of how to access the electronic Pensions Modeller. The precise information required is as follows.

22.3 At least once in every year commencing on or after 1 January 2007, a notification must be given to each member that the information specified in (a) to (g) below is available to that person in electronic format and details of how the information can be accessed. Otherwise, that information must be supplied to the member on paper.

- (a) a description of the benefits available under the scheme and how they are calculated, including preserved benefits and a statement that benefits may be adjusted due to Pension Adjustment Orders,
- (b) whether the scheme provides a pension integrated with the Contributory State Pension and, if so, a statement that the scheme takes account of the Contributory State Pension,
- (c) a statement that qualification for the Contributory State Pension is subject to tests administered by the Department of Social and Family Affairs and the address and telephone number of the information service of the Department of Social and Family Affairs,
- (d) whether additional benefits can be secured, purchased or granted under the scheme by way of any or all of –
 - (i) notional service;
 - (ii) additional voluntary contribution; or
 - (iii) transfer of rights from another scheme or PRSA,

- (e) worked examples of the main benefits based on a range of salary bands (or on a range of rates applicable in the scheme) and a range of pensionable service bands,
- (f) names of trustees of the scheme at the date specified, and
- (g) relevant pay scales applicable at the date of the statement.

22.4 Members must also be informed of the availability of the Annual Report of the scheme of which they are a member not later than 4 weeks after it becomes available.

Basic information about the Scheme to be supplied to new members

22.5 Within two months of becoming a member, a person must be given the following information in writing. The information required will be available in the relevant FAQs on www.cspensions.gov.ie but Departments must, in line with (p) below, supply the name and contact details of the staff member(s) within the Department, to whom any queries can be addressed.

- (a) the categories of persons who are eligible to be members of the scheme.
- (b) whether or not membership of the scheme is a condition of employment and the categories of persons (if any) to whom such a condition applies.
- (c) the conditions of membership.
- (d) how members' contributions are calculated.
- (e) how employers' contributions are calculated.
- (f) whether the scheme is approved under Chapter II of Part I of the Finance Act, 1972 or Chapter 1 of Part 30 of the Taxes Consolidation Act, 1997, and, if not, whether an application for such approval of the scheme is under consideration by the Revenue Commissioners.
- (g) whether the scheme is a defined benefit or defined contribution scheme for the purposes of the Pensions Act 1990.
- (h) what benefits, if any, are payable under the scheme, and how they are calculated.
- (i) the conditions on which benefits are paid and any options relating thereto.
- (j) which benefits, if any, are payable only at some person's discretion.
- (k) which of the benefits are, and which are not, funded.
- (l) which of the benefits, if any, are such that fulfilment of the obligation to pay them to or in respect of particular members is guaranteed by means of one or more insurance policies which are specifically allocated to the provision of

benefits payable to or in respect of those members. Where the payment of the benefit under any life assurance policy is subject to the satisfaction of any underwriting criteria, this should be stated.

- (m) the short title of the Act or Acts of the Oireachtas (if any) which provides for both -
 - (a) the setting up of the scheme, and
 - (b) the determination of the rate or amount of the benefits under the scheme.
- (n) if the employer of any person who is entitled to benefits under the scheme has entered into an obligation to pay the benefits if the scheme's resources are insufficient to do so, the extent of that obligation.
- (o) other than in the case of a defined contribution scheme, if there is discretionary power under the scheme rules to increase pensions after they become payable, a statement that, where discretionary increases to pensions already in payment have been granted, details of who exercised this discretionary power and information about the increase given will be set out in the annual report.
- (p) the name or title and address of the person to whom enquiries about the scheme generally or about an individual's entitlement to benefit should be sent.
- (q) whether there is power to amend the scheme terms detailing who may amend the scheme and whether there are any significant conditions on the exercise of that power.
- (r) the arrangements (if any) which are made for the payment by members of additional voluntary contributions.
- (s) a statement that the scheme has been registered with the Pensions Board and the registration number.
- (t) a statement, that in the event of judicial separation or divorce, a Court application for a Pension Adjustment Order in respect of the retirement or contingent benefits payable to or in respect of a married member may be made noting that further information about the operation and impact of Pension Adjustment Orders may be obtained from the Pensions Board.
- (u) if the scheme provides an integrated pension (within the meaning of section 59C of the Act) the inclusion of a statement describing integration in the form set out below or in such other form as the trustees deem appropriate:
 - “This scheme is an integrated scheme meaning it is one that takes account of Old Age (Contributory) Pension (or other similar contributory benefits payable under social insurance) in designing the overall pension package. An integrated scheme

looks at the Old Age (Contributory) Pension as part of the total pension package. Both employers and employees make pay-related social insurance (PRSI) contributions and these in turn entitle scheme members to Social Welfare benefits.

Integration is used as a means of taking into account the benefits payable under the Social Welfare system to calculate –

- the amount of occupational pension required so that the combined pension from both sources is at the level being aimed for in designing the scheme;
- the level of contributions payable by the employee towards the cost of his or her occupational pension.”.

Information to be supplied on termination of relevant employment

22.6 The following information must be made available to a member, not later than two months from the date of termination of employment where the member has **not** acquired an entitlement to preserved benefits:

An explanation of any rights and options available to the member including –

- (a) details of whether a refund of contributions is available and an estimate of the amount of refund and an explanation of the method of calculating it, and
- (b) the name and address of the person from whom details of any other rights or options may be obtained on request.

22.7 The following information must be made available not later than two months from the date of termination of employment where the member **has** acquired an entitlement to preserved benefit:

- (a) the rights and options (if any) available to a member whose service in relevant employment terminates before he attains normal pensionable age, including details of:
 - (i) the amount of preserved benefit payable under the rules of the scheme to or in respect of a member, and the method by which such amount has been calculated;
 - (ii) the amount of benefits (if any) payable under the rules of the scheme to or in respect of a member in addition to those specified in subparagraph (i), and, for a member whose relevant employment terminated after 1st day of January 1991, the method by which such amount has been calculated;
 - (iii) the date or dates on which such benefits become payable;
 - (iv) whether there is an option to have alternative benefits payable immediately and the relevant details of such alternative benefits;

- (v) the provisions (or, as the case may be, a statement that there are no provisions) under which benefits may or will be increased, and the extent to which such increases are dependent on the exercise of a discretion;
 - (vi) whether a refund of contributions is available, or would be available in any circumstances, and in the latter case, a statement of the circumstances, and in either case, an estimate of the amount of the refund and an explanation of the method of calculating it;
 - (vii) the name and address of the scheme, its trustees and those responsible for the payment of the member's benefits.
- (b) whether any amount of money is available in respect of the member for transfer out of the scheme and, if so –
- (i) an estimate of the amount available, calculated on the basis that the member's service in relevant employment terminated or will terminate on one particular date;
 - (ii) the accrued rights to which that amount relates, and
 - (iii) if the amount available reflects a reduction made in accordance with the proviso to section 34(2) of the Pensions Act, this must be stated together with the amount of the reduction.
- (c) the procedures for claiming the member's benefits payable in the event of the termination of the member's service in relevant employment prior to normal pensionable age.
- (d) if any transfer payment has been effected or any amount has been paid in respect of the benefits specified in sub-paragraph (ii) of paragraph 22.7(a) by the trustees of the scheme without the consent of the member the name and address of the scheme to which the transfer payment or any amount has been paid or of the undertaking with whom the policy or contract of assurance has been entered into on behalf of the member.
- (e) whether a Pension Adjustment Order has been issued in respect of the member's benefits under the scheme and if so either a statement of the effect of the Pension Adjustment Order or details as to where further information relating to the effect and operation of the Pension Adjustment Order on the benefits to or in respect of the member may be obtained.

Information to be supplied on retirement or death of a member or beneficiary.

22.8. Where a benefit under the scheme has become payable or is about to become payable to

- (a) the member of the scheme,

- (b) the spouse of the member of the scheme, and
- (c) persons within the application of the scheme and qualifying for its benefits,

the (imminent) beneficiary must be supplied with the following information as soon as practicable and in any event within 2 months after the benefit becomes payable:

- (i) the amount of benefit which is payable to or in respect of the person and any options relating thereto and the procedure for exercising them,
- (ii) the method by which the amount specified in paragraph (i) has been calculated,
- (iii) if the amount of benefit is payable periodically the conditions (if any) subject to which the payment will continue,
- (iv) if a benefit is payable periodically the provisions (if any) under the rules of the scheme whereby the amount payable will be altered,

Information on request

22.9. The Regulations also provide that members may request a range of additional information, and time limits apply to such requests. On receipt of a request for such information, the Regulations should be consulted to ensure that the information is provided in an accordance with their requirements.

The following information must be supplied to any prospective member of the Scheme *on request* within 2 months of the request being made:

- (a) whether the member or prospective member has an option to purchase additional benefits or to acquire additional benefits in exchange for any transfer payment provided by another scheme and if so,
 - (i) the amount of these benefits or an explanation of how they will be calculated, and
 - (ii) a statement of how the option may be exercised.

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23. DISPUTE RESOLUTION AND APPEALS

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23.1 Serving staff or pensioners who have a complaint about a pensions issue should raise it with the Personnel Section of their Department, or former Department, in the first instance.

Pensions Ombudsman

23.2 In the event that the complaint cannot be resolved at local level, the complainant may be entitled to pursue it by Ministerial appeal and/or a complaint to the Pensions Ombudsman.

23.3 The Pensions Ombudsman investigates complaints about financial loss due to acts of maladministration in relation to occupational pensions and PRSAs, and certain disputes of fact or law in relation to acts done.

23.4 A determination by the Pensions Ombudsman cannot require:

- (i) a change in scheme rules or
- (ii) the substitution of the decision of the Pensions Ombudsman in cases where Trustees have exercised a discretionary power.

Time Limits for Complaints

23.5 The time limits for making such complaints are:

- (i) 6 years since the date of the act giving rise to the complaint or dispute or
- (ii) 3 years since the complainant became aware or should have been aware of the act giving rise to the complaint or dispute.

There is a total ban on any complainant going back further than 13th April 1996.

23.6 The Pensions Ombudsman cannot investigate a complaint until internal dispute resolution (IDR) procedures have been exhausted or the 3 month time limit expires. For the Civil Service schemes, the existing statutory provisions for Ministerial appeals are used, but on the basis that the Minister for Finance's decision is NOT final. The Ministerial appeals system does not fully overlap with the jurisdiction of the Pensions Ombudsman. In cases proceeding to the Pensions Ombudsman which are not suitable for Ministerial appeal, please consult the Department of Finance.

23.7 To ensure that deadlines are met, Departments must notify the Department of Finance as soon as a valid complaint (as in paragraph 23.3) is lodged. If in doubt, consult the Pensions Ombudsman's comprehensive website at <http://www.pensionsombudsman.ie> or contact the Pensions Ombudsman at: Office of the Pensions Ombudsman, 36, Upper Mount Street, Dublin 2. Tel+ 00353 [0] 1 6471650 Fax + 00353 [0] 1 6769577 email: info@pensionsombudsman.ie .

23.8 Even in cases where there are doubts as to whether a complaint is appropriate for the Pensions Ombudsman, Departments should process it in any case, pointing out such reservations.

23.9 Consideration of a valid complaint should begin on its receipt by a Department. The Department of Finance should be notified immediately of the complaint. The Department or Office receiving the complaint should assemble all papers (such as Personnel records, contributions records, scheme rules, legislation and the complaint as submitted together with any related correspondence), set out a factual description of the circumstances surrounding the complaint, any notable features and the rationale underlying the decision being complained of.

23.10 Copies of all papers related to the case should then be submitted to Pensions Section, Department of Finance at least 6 weeks prior to expiry of the three month deadline.

23.11 The Department of Finance will then arrange for the Minister for Finance to issue a determination, though further inter-Departmental consultation may be necessary in preparing such a final determination.

23.12 In cases where correspondence from the Pensions Ombudsman addresses both a specific complaint and more general issues, a prompt reply should be issued addressing the specific complaint, in consultation with the Department of Finance, as appropriate. If necessary, a subsequent, separate reply should be issued in relation to the broader points, again in consultation with the Department of Finance.

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24. TAXATION

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Contributions

24.1 The maximum amount of pension contributions in any one year on which a person is currently entitled to tax relief is related to age and is expressed as a percentage of gross income as follows:

| <u>Highest age in year of pension contribution</u> | <u>% of Gross Employment Income which % of gross income for which tax relief is available for pension contributions</u> |
|--|---|
| under 30 | 15% |
| 30 to 39 | 20% |
| 40 to 49 | 25% |
| 50 to 54 | 30% |
| 55 to 59 | 35% |
| 60 and over | 40% |

40%

24.2 Tax relief for periodic purchase contributions is given at source through the payroll. However, for purchase by lump-sum option, the relief must be claimed directly from the Revenue Commissioners by the officer concerned. Because the tax relief limits cover **all** superannuation contributions paid by an officer (including contributions under the Spouses' and Children's Pension Scheme) very large periodic or lump-sum purchase contributions may not be fully relievable for tax purposes in the year in which the contributions are made. In particular, worksharing/part-time officers (or any other officer on a reduced rate of salary) should note that, while purchase contributions are levied by reference to the full annual rate of salary, the tax relief is based on an officer's actual income in a given year – i.e. the reduced rate of salary.

24.3 Officers who have any concerns about their entitlements to tax relief, particularly in the context of purchase options at or close to retirement, should clarify their position with their own Tax Office prior to embarking on a purchase option.

Refund of Contributions

24.4 All refunds of main scheme and Spouses' and Children's contributions contributions in respect of living persons are generally subject to a tax charge, which is currently 20%. However, refunds in respect of Death in Service cases come within the ambit of the Revenue tax free limits for death in service lump sums, so refunds in such circumstance will generally, under current Revenue Rules, be tax free.

24.5 Refunds in the context of the Purchase Scheme are treated as income and are subject to normal statutory payroll deductions.

Finance Act 2006

24.6 Section 14(1)(e) of the Finance Act 2006 provides that a person with retirement benefits (from any source, including all public sector superannuation schemes, but excluding social welfare benefits) with an aggregate capital value on drawdown above a specified threshold is liable for tax on the amounts above that threshold. This threshold, which applies only to benefits payable for the first time on or after 7 December 2005, and which will be indexed from 2007 in line with an earnings factor, has been set at €5 million, though in certain circumstances a higher threshold may apply. Where the threshold is exceeded, an up-front income tax charge of 42% on the excess arises. **Under the Act, the administrator and the individual are made jointly and severally liable to the charge. It is therefore essential that the administrator is aware of and collects any tax due from the individual.**

24.7 In order to assess potential liability to the tax, a capital value has to be established whenever a person becomes entitled to receive a retirement benefit. In the civil service this will usually be at retirement or, for former civil servants, on reaching preserved pension age. The Act gives details as to how the capital value is to be calculated. In general, in the case of Defined Benefit schemes (the model applying in the civil service), the aggregate capital value is calculated by multiplying the person's annual pension on retirement by 20 and then adding that figure to the actual value of the lump sum.

24.8 While this change will not affect the vast majority of civil servants, it may impact on certain civil servants, in particular those who have pension arrangements additional to and independent of their civil service occupational pensions. Given the joint liability, it is vital that Government Departments and public service employers take full account of the relevant provisions of the Act in dealing with all employees retiring from now on, and make such employees aware of these provisions. The relevant provisions are contained in section 14 of the Act, in particular subsections 1(e), 1(f)(ii) and 2.

24.9 The Finance Act 2006 also provides for the taxation of lump sums where the payment is in excess of a specified limit, set initially at €1.25 million.

24.10 The Department of Finance letter of 27 October 2006 to all Secretaries General / Heads of Department/Office: **Finance Act 2006: Certain Pensions Implications for public service employers** should be referred to by Departments. A Declaration Form is attached to the letter. In order to assess potential liability to the tax, if any, **every officer or former officer** claiming retirement benefits from the Civil Service, must complete the declaration form.

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APPENDIX 1

SOURCES AND REFERENCES

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The sources and references for the contents of this Handbook are listed by Chapter below.

3. Superannuation terms for “New Entrants” from 1 April 2004 – Public Service Superannuation (Miscellaneous Provisions) Act 2004

1. Public Service Superannuation (Miscellaneous Provisions) Act 2004 [no. 7 of 2004]
2. Letter to Departments dated 26 March 2004 regarding the 2004 Act and “new entrants”

4. General Conditions for Scheme Membership and Eligibility for Benefits

1. Superannuation Act, 1859 (22 Vic C 26): S. 8
2. Circular 46/75: Revision of the Superannuation Code
3. Civil Service Superannuation Regulations, 1980 (S.1. 188 of 1980): Regulation 4(a)(i)

5/6. Pensionable Remuneration/Emoluments

1. Superannuation Act, 1834 (4 & 5 Guillemi iv C 24): S.12;28
2. Superannuation Act, 1919 (9 & 10 Geo V C 67): S. 1(1)(b)
3. Superannuation and Pensions Act, 1963 (No. 24 of 1963): S.8
4. DPS letter to Personnel Officer of 15 August, 1972: Superannuation - Misconduct Deductions
5. DPS letter to Personnel Officers of 8 December, 1972: superannuation - Acting Appointments
6. Circular 24/73 - Allowances in the nature of pay
7. Circular 46/75: Revision of the Superannuation Code
8. Civil Service Superannuation Regulations, 1980 (S.1. 188 of 1980): Regulations 3; 9(a); 11
9. Circular 6/95: Revised social insurance status and conditions of service of certain civil servants

7. Integration: Post 5 April 1995 staff

1. Circular 19/2005, 20 July 2005 - Revised Method of Integration
2. Circular 20/2005 dated 20 July 2005
3. Circular 3/2006 dated 29 March 2005 – extending time limit for option and other matters
4. Letter of 2 October 2006 to Departments – re options
5. Protection of Employees (Part-TimeWork) Act 2001

8. Reckonable Service

1. Superannuation Act, 1859 (22 Vic c 26): S.2
2. Circulars 18/39, 23/50, 3/53 and 41/69
3. Circular 46/75: Revision of the Superannuation Code
4. Civil Service Superannuation Regulations, 1980 (S.1. 188 of 1980): Regulations 2, 4, 5
5. Social Welfare (Consolidation) Act, 1981 (No.1 of 1981): S.310 to 313; Sixth Schedule
6. Civil Service Superannuation (No.2) Regulations, 1983 (S.1. 43 of 1983).
7. Department of Finance letter to Personnel Officers, 31 May 2002 regarding reduction of vesting period from 5 to 2 years

9.1 Notional Service: Ill health/Death in Service

1. Circular 46/75: Revision of the Superannuation Code
2. Civil Service Superannuation Regulations, 1980 (S.I. 188 of 1980): Regulation 5(3).

9.2 Notional Service: Abolition of Office/Reorganisation

1. Superannuation and Pensions Act, 1963 (No.24 of 1963): S.6;7

9.3 Notional Service: Designated Professional Grades

1. Superannuation and Pensions Act, 1963 (No.24 of 1963): S.6

9.4 "Ad Hoc" Notional Service

1. Ad hoc arbitration finding of 29 May, 1984, under the Civil Service Conciliation and Arbitration Scheme
2. Circular 11/85: Ad hoc arbitration finding on a claim for the award of added years to certain civil service grades
3. Department of Finance Letter to Personnel Officers of 21 December, 1988
4. Circular 12/97 : Revised Schemes for the award of professional, technical and specialist added years to certain civil servants
5. Department of Finance Letter to Personnel Officers of 19 March 1997
6. Circular 8/2005: Public Service Pension Reform: New scheme for the award of professional, technical and specialist added years to certain new entrant staff of the Civil and Public Service.

10. Contributions

1. Circular 6/95: Revised social insurance status and conditions of service of certain civil servants

11. Retirement Benefits

1. Superannuation Act, 1859 (22 Vic c 26): S.2; 10; 11
2. Superannuation Act, 1909 (9 Edw 7 c 10): S.1

3. Superannuation (Prison Officers) Act, 1919 (9 & 10 Geo 5. c 67): 5.1
4. Circular 2/55: Refund of gratuities by widows and officers retired on grounds of ill-health who are re-instated
5. DPS Circular Letter 13/75: Retention of civil servants beyond the age limit
6. Circular 46/75: Revision of the Superannuation Code
7. Civil Service Superannuation Regulations, 1980 (S.I. 188 of 1980): Regulations 3,7

12.1 Short Service Gratuity

1. Superannuation Act, 1859 (22 Vic c 26): S.6
2. Superannuation Act, 1909 (9 Edw. 7 & 10): S.1(2)
3. Circular 46/75: Revision of the Superannuation Code
4. Civil Service Superannuation Regulations 1980 (S.I. 188 of 1980): Regulation 4(b); 7(1)(a)

12.2 Marriage Gratuity

1. Circular 50/79: Re-admission of married women
2. Circular 37/75: Marriage gratuities in the civil service
3. DPS Letter to Personnel Officers of 20 November, 1979 Marriage gratuities - acting appointments.
4. DPS Letter to Personnel Officers of 22 May, 1986.
5. Circular 25/90 : Refund of Marriage Gratuities in the Civil Service.

12.3 Special Severance Gratuity

1. Superannuation and Pensions Act, 1963 (No.24 of 1963): S.7

12.4 Death Gratuity

1. Superannuation Act, 1909 (9 Edw 7 & 10): 5.2(1)
2. Superannuation Act, 1914 (4 & 5 Geo 5 c 86): 5.2
3. Circular 46/75: Revision of the Superannuation Code
4. Civil Service Superannuation Regulations, 1980 (S.I. 188 of 1980): Regulation 5(6); 7(1)(b)

12.5 Balancing Gratuity

1. Superannuation Act, 1909 (9 Edw 7 c 10): S.2(2)
2. Superannuation Act, 1956 (No. 38 of 1956): S.11

13. Preserved Benefits

1. Circular 46/75: Revision of the Superannuation Code
2. Civil Service Superannuation Regulations, 1980 (S.I. 188 of 1980) : Regulation 7 (I) (c)
3. DPS Letter to Personnel Officers of 11 September, 1981 Officers on special leave with the EEC.

4. DPS Letter to Personnel Officers of 28 January, 1982: Preservation of superannuation benefits by established civil servants

13A. Cost Neutral Early Retirement

1. Department of Finance Circular 10/2005: Public Service Pension Reform: Introduction of cost neutral early retirement
2. Department of Finance letter to Personnel Officers: Cost neutral early retirement: supplementary note to Department of Finance Circular 10/2005 dated 13 July 2005

14. Purchase of Service

1. Circular 46/75: Revision of the Superannuation Code
2. Circular 16/79 of 20 April, 1979: Purchase of notional service for superannuation purposes.
3. DPS Letter to Personnel Officers of 27 April 1979: Purchase of notional service for superannuation purposes.
4. DPS Letter to Personnel Officers of 28 September, 1979: Purchase of notional service for superannuation purposes.
5. Circular 1/90 of February 1990: Revised Purchase Scheme for Established Officers.
6. Department of Finance Letter to Personnel Officers of February 1990: Revised scheme for the purchase of notional service for superannuation purposes by established civil servants.
7. Department of Finance Letter to Personnel Officers of 31 July 1997
8. Letter to Personnel Officers 14 March 1990 "Reckoning of career break period for Superannuation Purposes
9. Letter to Personnel Officer of 17 June 1994 "Purchase of service for Superannuation Purposes by job-sharers.
10. Department of Finance Letter to Personnel Officers of 3 May 2005.
11. Department of Finance Letter to Personnel Officers of 5 May 2005.
12. Circular 4/2006: Purchase of notional service for superannuation purposes by Established Civil Servants and by Non-Established State Employees.

15. Transfer of Service

1. Superannuation and Pensions Act, 1963 (No. 24 of 1963): S.4
2. Circular 9/73: Reckoning for superannuation purposes of service with the Defence Forces during the Emergency
3. DPS Letter to Personnel Officers, 19 August, 1977: Reckoning for superannuation purposes of service with the Defence Forces during the Emergency
4. Draft Transfer Scheme, 19 April 1979
5. DPS Letter to Personnel Officers, 24 April, 1979: Transfer of service for superannuation purposes
6. DPS Letter to Personnel Officers of 17 December, 1979: transfer of pension rights to the EEC
7. DPS Letter to Personnel Officers 5 May, 1980
8. DPS Letter to Personnel Officers, 30 January 1981 Transfer of service for superannuation purposes
9. Letter to Personnel Officers, 31 August, 1983: Transfer of service for superannuation purposes

10. DPS Letter to Personnel Officers, 17 January, 1986 Superannuation Transfer Scheme
11. Civil Service Superannuation Regulations, 1980 (S.I. 188 of 1980): Regulation 5(4) to 5(9)
12. Department of Finance Letter of 14 July 2006 to certain Network members titled: Public Sector Transfer Network (PSTN) – revised Transfer Value tables.

16. Spouses and Children's Pensions

1. Confidential Circular 12/68: Contributory pension scheme for the widows and orphans of civil servants.
2. Circular 46/75: Amendment of the Superannuation Code
Part I. Appendix 1
3. Circular 15/76: Contributory pension scheme for the widows and orphans of civil servants.
4. Civil Service Widows' and Children's Contributory Pension Scheme, 1977 (S.I. No. 132 of 1977).
5. Circular 27/79: Amending Civil Service Widows' and Children's Contributory Pension Scheme.
6. Civil Service Widows' and Children's Contributory Pension (Amendment) Scheme, 1979 (S.I. No. 177 of 1979).
7. Circular 10/81: Revision of the Superannuation Code
8. Civil Service Widows' and Children's Contributory Pension (Amendment) Scheme, 1981 (S.I. No. 56 of 1981).
9. Circular 16/84: Civil Service Spouses' and Children's Contributory Pension Scheme.
10. DPS Letter to Personnel Officers of 24 July, 1984: Civil Service Spouses' and Children's Contributory Pension Scheme - Options for Retired Officers: Instructions to Departments.
11. DPS Letter to Personnel Officers of 31 August, 1984: Civil Service Spouses' and Children's Contributory Pension Scheme: Extension of Option Period for Serving Staff.
12. Circular 6/95: Revised social insurance status and conditions of service of certain civil servants

17. Injury Warrant Benefits

1. Superannuation Act, 1887 (50 & 51 (Vic c 67): s.1
2. Superannuation Act, 1909 (9 Edw 7 c 10): s.5
3. Superannuation Act, 1946 (No. 17 of 1946): s.2
4. Superannuation Act, 1887 (Section 1) Warrant, 1946 (S.R. & O. No. 236 of 1946)
5. Circular 20/46: Superannuation Act, 1887 (Section 1) Warrant, 1946
6. Finance Act, 1972 (No. 19 of 1972):S.21
7. Superannuation Act, 1887 (Section 1) Warrant, 1974 (S.I. No. 110 of 1974)
8. DPS Circular Letter 3/74: Superannuation Act, 1887 (Section 1) Warrant, 1974
9. Superannuation Act, 1887 (Section 1) Warrant, 1975 (S.I. No. 153 of 1975)
10. DPS Circular Letter 8/75: Superannuation Act, 1887 (Section 1) Warrant, 1975
11. Superannuation act, 1887 (Section 1) Warrant, 1978 (S.I. No. 297 of 1978)
12. Circular Letter 10/78: Superannuation Act, 1887 (Section 1) Warrant, 1978
13. Department of Finance Letter to Personnel Officers of April 1990: Revisions to Injury Warrant.

18. Treatment of Dismissed Officers

1. General Council Reports 1276 and 1333

19. Pensions Increases

1. Pensions (Increases) Act 1964 (No. 10 of 1964) and Regulations made thereunder

20.1 Abatement of Pension

1. Pensions (Abatement) Act, 1965 (No. 13 of 1965): S. 1;8; 9; Schedule

20.2 Allocation of Pension

1. Superannuation Act 1956 (No.38 of 1956)
2. Superannuation (Allocation of Pension) Regulations 1957 (S.I. No. 20 of 1957)
3. Finance Circular 6/57: Superannuation Act 1956
4. Explanatory Booklet issued by the Department of Finance (February 1967)

20.3 Delegated Authority

1. Superannuation and Pensions Act, 1963 (No.24 of 1963) S.26
2. Superannuation and Pensions Act, 1976 (No. 22 of 1976) S.4
3. Department of Finance letter to Personnel Officers of December 1988: Ad hoc added years

20.4 Pension Declarations

1. Superannuation Act, 1887 (Section 8) Regulations, 1956 (S.I. 205 of 1956) : Schedule
2. Appropriation Act, 1962 (No. 1 of 1962) S.5
3. Superannuation and Pensions Act, 1963 (No 24 of 1963):
4. Pensions Declarations Rules, 1966 (S.I.No.134 of 1966)
5. Pensions Declaration (Amendment) Rules 2003 (S.I. No. 171 of 2003)

20.8 Distribution without Probate

1. Superannuation Act, 1887 (50 & 51 Vic C 67) : S.8
2. Superannuation Act, 1914 (4 & 5 Geo 5 C 86) S.1
3. Superannuation and Pensions Act, 1976 (No. 22 of 1976): S.9(4); 10; 11; 12(2) (a); First Schedule
4. Civil Service Superannuation (Amendment) Regulations, 1982 (S.I. 215 of 1982) : Regulation 2
5. Civil Service Superannuation (Amendment) Regulations, 1988 (S.I. no. 141 of 1988).

20.9 Commutation of pension

1. Superannuation Act, 1956 (No. 38 of 1956) : S.7

20.10 Payment of pensions

1. DPS Circular Letter 1/78: Application for payment of pension and deductions from pensions

20.11 Incapacity

1. Superannuation and Pensions Act, 1963 (No. 24 of 1963): S.24

21. Implications of Family Law Acts

1. Family Law Acts of 1995, 1996
2. S.I. no. 84 of 1997 Circuit Court Rules (No. 1) of 97 (Judicial Separation and Family Law Reform Act 1989 and Family Law Act, 1995 and Family Law (Divorce) Act 1996
3. S.I. no. 107 of 1997 Pensions Schemes (Family Law) Regulations
4. S.I. no. 349 of 1998 Occupational Pension Schemes (Disclosure of Information) (No. 2) Regulations 1998
5. Letters to Personnel Officers of 19 December 2001 and 12 August 2004 – Family Law Legislation and the Administration of Public Service Pensions

22. Obligations to provide Information to Scheme Members

1. Department of Finance letter to Personnel Officers of 18 April 2001 – Pension Scheme Annual Report

23. Dispute resolution and Appeals

1. Superannuation Act, 1834 (4 & 5 Guillemi IV c 4): S.30
2. Superannuation and Pensions Act, 1963 (No. 24 of 1963)S.35
3. Superannuation and Pensions Act, 1976 (No. 22 of 1976):S.8(2)
4. Part IX of the Pensions Act 1990 (inserted by the Pensions (Amendment) Act 2002
5. Pensions Ombudsmans Regulations, 2003, (S.I. No. 397 of 2003)
6. Circular letter to all Heads of Departments/Offices re. Pensions Ombudsman complaints – 2 December 2004.

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Appendix 2

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Purchase of Added Years Tables (See Chapter 14)

PURCHASE OF SERVICE

Table A: Amount Of Service Which May Purchased

1. The maximum amount of notional service which may be purchased is as follows:

| Actual reckonable service (including transferred service but excluding notional added service) which the officer would have if he or she remains in service until age 60 or 65 as appropriate) | Maximum service purchasable |
|--|---|
| <u>Years</u> 20 or more | <u>Years</u> 40 years less reckonable service at age 60 or 65 (as appropriate) |
| 19 | 17 |
| 18 | 15 |
| 17 | 13 |
| 16 | 11 |
| 15 | 9 |
| 14 | 7 |
| 13 | 5 |
| 12 | 4 |
| 11 | 3 |
| 10 | 2 |
| 9 | 1 |

2. The amount of service which may be purchased together with service otherwise reckonable, shall not in any case exceed 40 years.

3. Where an officer who wishes to purchase service is also entitled to retained benefits from another occupational pension scheme, and those benefits are identical to the benefits which would be payable under the Superannuation Acts for an equivalent period of service, the amount of service which may be purchased will be the lesser of

- (i) the maximum amount specified in Table A; or
- (ii) the amount produced by the formula $40 - A - B$

where

A = the reckonable service which the officer would have at age 60 or 65 as appropriate; and

B = the length of the officer's pensionable service in the previous scheme.

4. Where the value of the retained benefits paid or payable is not identical to the value of the benefits which would be payable under the Superannuation Acts for an equivalent period of service, or where there are retained benefits under a personal or

private pension plan, the case must be referred to the Department of Finance for decision on the amount of service which may be purchased.

5. Where the potential service at the relevant age is less than 20 years but includes days of service in excess of a complete number of years, these days may be taken into account as follows. A number of days equal to 365 less the excess days in question may be purchased in addition to the appropriate number of years outlined in paragraph 1, e.g. an officer with potential service of 17 years and 145 days may purchase a maximum of 13 years and 220 days.

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Table 1: PERIODIC contribution rates for ESTABLISHED staff for purchase by reference to age 65 – MEMBERS of the Spouses’ and Children’s Scheme.

| Age next birthday | Integrated (PPC scales) * | | 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% |
| 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 to Table 5.

Table 2: LUMP-SUM contribution rates for ESTABLISHED staff for purchase by reference to age 65 – MEMBERS of the Spouses’ and Children’s Scheme.

| Age next birthday | Integrated (PPC scales) | 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% |
| 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: PERIODIC contribution rates for ESTABLISHED non-integrated (modified PRSI) staff for purchase by reference to age 65 – NON MEMBERS of the Spouses’ and Children’s Scheme.

| Age next birthday | % of gross salary |
|--------------------------|--------------------------|
| 26 | 0.58% |
| 27 | 0.60% |
| 28 | 0.62% |
| 29 | 0.64% |
| 30 | 0.66% |
| 31 | 0.68% |
| 32 | 0.70% |
| 33 | 0.72% |
| 34 | 0.74% |
| 35 | 0.76% |
| 36 | 0.79% |
| 37 | 0.81% |
| 38 | 0.83% |
| 39 | 0.86% |
| 40 | 0.88% |
| 41 | 0.91% |
| 42 | 0.94% |
| 43 | 0.97% |
| 44 | 1.01% |
| 45 | 1.05% |
| 46 | 1.09% |
| 47 | 1.16% |
| 48 | 1.23% |
| 49 | 1.32% |
| 50 | 1.42% |
| 51 | 1.53% |
| 52 | 1.66% |
| 53 | 1.81% |
| 54 | 1.99% |
| 55 | 2.20% |
| 56 | 2.46% |
| 57 | 2.79% |
| 58 | 3.21% |
| 59 | 3.78% |
| 60 | 4.57% |
| 61 | 5.76% |
| 62 | 7.74% |
| 63 | 11.71% |

Table 4: LUMP-SUM contribution rates for ESTABLISHED non-integrated (modified PRSI) staff for purchase by reference to age 65 – NON MEMBERS of the Spouses' and Children's Scheme.

| Age next birthday | % of gross salary |
|--------------------------|--------------------------|
| 26 | 30.0% |
| 27 | 30.6% |
| 28 | 31.1% |
| 29 | 31.6% |
| 30 | 32.0% |
| 31 | 32.5% |
| 32 | 32.8% |
| 33 | 33.1% |
| 34 | 33.4% |
| 35 | 33.6% |
| 36 | 33.8% |
| 37 | 33.9% |
| 38 | 34.0% |
| 39 | 34.1% |
| 40 | 34.0% |
| 41 | 34.0% |
| 42 | 33.9% |
| 43 | 33.7% |
| 44 | 33.5% |
| 45 | 33.3% |
| 46 | 33.0% |
| 47 | 32.6% |
| 48 | 32.3% |
| 49 | 31.9% |
| 50 | 31.4% |
| 51 | 30.9% |
| 52 | 30.4% |
| 53 | 29.9% |
| 54 | 29.3% |
| 55 | 28.7% |
| 56 | 28.1% |
| 57 | 27.6% |
| 58 | 27.0% |
| 59 | 26.5% |
| 60 | 25.9% |
| 61 | 25.4% |
| 62 | 25.0% |
| 63 | 24.5% |
| 64 | 24.1% |
| 65 | 23.7% |

Table 5: PERIODIC contribution rates for ESTABLISHED staff for purchase by reference to age 60 – MEMBERS of the Spouses’ and Children’s Scheme.

| Age next birthday | Integrated (PPC scales) * | | 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% |
| 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% |

* NOTE: In the case of Integrated Officers contributions are payable on both Net Salary and Gross Salary. ‘Net Salary’ = gross salary less twice the rate of Contributory Old Age Pension payable at the maximum rate to a person with no adult dependent or qualified children. (This footnote also applies to Table 1 above).

Table 6: LUMP-SUM contribution rates for ESTABLISHED staff for purchase by reference to age 60 – MEMBERS of the Spouses’ and Children’s Scheme.

| Age next birthday | Integrated (PPC scales) | 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% |
| 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% |

Table 7: PERIODIC contribution rates for ESTABLISHED non-integrated (modified PRSI) staff for purchase by reference to age 60 – NON MEMBERS of the Spouses' and Children's Scheme.

| Age next birthday | % of gross salary |
|--------------------------|--------------------------|
| 21 | 0.68% |
| 22 | 0.70% |
| 23 | 0.72% |
| 24 | 0.75% |
| 25 | 0.77% |
| 26 | 0.80% |
| 27 | 0.82% |
| 28 | 0.84% |
| 29 | 0.87% |
| 30 | 0.89% |
| 31 | 0.92% |
| 32 | 0.95% |
| 33 | 0.97% |
| 34 | 1.00% |
| 35 | 1.03% |
| 36 | 1.06% |
| 37 | 1.10% |
| 38 | 1.13% |
| 39 | 1.18% |
| 40 | 1.22% |
| 41 | 1.27% |
| 42 | 1.35% |
| 43 | 1.44% |
| 44 | 1.54% |
| 45 | 1.65% |
| 46 | 1.78% |
| 47 | 1.93% |
| 48 | 2.10% |
| 49 | 2.30% |
| 50 | 2.55% |
| 51 | 2.85% |
| 52 | 3.23% |
| 53 | 3.71% |
| 54 | 4.36% |
| 55 | 5.27% |
| 56 | 6.63% |
| 57 | 8.90% |
| 58 | 13.44% |

Table 8: LUMP-SUM contribution rates for ESTABLISHED non-integrated (modified PRSI) staff for purchase by reference to age 60 – NON MEMBERS of the Spouses' and Children's Scheme.

| Age next birthday | % of gross salary |
|--------------------------|--------------------------|
| 21 | 35.4% |
| 22 | 36.0% |
| 23 | 36.7% |
| 24 | 37.3% |
| 25 | 37.8% |
| 26 | 38.3% |
| 27 | 38.7% |
| 28 | 39.1% |
| 29 | 39.4% |
| 30 | 39.7% |
| 31 | 39.9% |
| 32 | 40.0% |
| 33 | 40.1% |
| 34 | 40.1% |
| 35 | 40.1% |
| 36 | 40.0% |
| 37 | 39.9% |
| 38 | 39.7% |
| 39 | 39.4% |
| 40 | 39.1% |
| 41 | 38.8% |
| 42 | 38.4% |
| 43 | 37.9% |
| 44 | 37.4% |
| 45 | 36.9% |
| 46 | 36.3% |
| 47 | 35.7% |
| 48 | 35.0% |
| 49 | 34.3% |
| 50 | 33.6% |
| 51 | 32.8% |
| 52 | 32.1% |
| 53 | 31.4% |
| 54 | 30.7% |
| 55 | 30.1% |
| 56 | 29.4% |
| 57 | 28.8% |
| 58 | 28.2% |
| 59 | 27.7% |
| 60 | 27.1% |

Table 9: Actuarial Reduction Factors for purchase by reference to age 65

| Age last birthday | Pension | Lump Sum |
|--------------------------|----------------|-----------------|
| 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 10: Actuarial Reduction Factors for purchase by reference to age 60

| Age last birthday | Pension | Lump Sum |
|--------------------------|----------------|-----------------|
| 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% |

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TABLE 1: ANNUAL ALLOWANCE PAYABLE UNDER THE INJURY WARRANTS

| Degree of impairment | Proportion of salary and emoluments (or of difference between salary and emoluments and other superannuation benefits) |
|----------------------|--|
| Slight impairment | 1/8th |
| Impairment | 1/4 |
| Material impairment | 3/8ths |
| Total impairment | ½ |

TABLE 2: ANNUAL ALLOWANCE PAYABLE TO SPOUSE AND/OR DEPENDENTS UNDER THE INJURY WARRANTS

| Relationship | Proportion of officer's salary and emoluments (1) |
|--|---|
| The spouse | 1/2 |
| Each child, where the person leaves a spouse to whom an award is granted | 2/15ths |
| Each child, where the person does not leave a spouse to whom an award is granted | 4/15ths |
| A dependent parent, where the person leaves a spouse, but no children | 1/18th |
| A dependent parent, where the person leaves a child or children but no spouse | 1/9th |
| A dependent parent, where the person leaves neither a spouse nor children | 1/3rd |

Notes:

(1) The aggregate of the pensions payable in respect of children cannot exceed 40% of the officer's salary and emoluments.

(2) In the case of dependent parent(s) the rate of benefit payable is the difference between the relevant proportion of salary and emoluments and the rate of Social Welfare dependent parent's pension.

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