



STATUTORY INSTRUMENTS.

S.I. No. 157 of 2017



ADOPTION AUTHORITY OF IRELAND SUPERANNUATION
SCHEME 2017

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The Adoption Authority of Ireland, in exercise of the powers conferred on it by section 123 of the Adoption Act 2010 (No. 21 of 2010), with the approval of the Minister for Children and Youth Affairs and the consent of the Minister for Public Expenditure and Reform, hereby makes the following scheme:

1. (1) This Scheme may be cited as the Adoption Authority of Ireland Superannuation Scheme 2017.

(2) This Scheme comes into operation 3 April 2017.

2. The Rules set out in the Schedule to the Rules for Pre-existing Public Service Pension Scheme Members Regulations 2014 (S.I. No. 582 of 2014) are adopted as a scheme for the granting of superannuation benefits to or in respect of members of the staff, including the Chief Executive Officer, of the Adoption Authority of Ireland, subject to the modifications set out in Article 3.

3. The modifications referred to in Article 2 are as follows:

(a) the addition of the following definitions to Article 4 of the Schedule:

“Civil Service” means the Civil Service of the Government and the Civil Service of the State;

“redeployed person” means a person who redeployed to the Adoption Authority of Ireland from another public service body and who, immediately prior to such redeployment, was subject to pension terms which correspond to those applicable to non-established State employees in the Civil Service;

(b) the substitution of the following for Article 29(3):

“(3) In the case where the former member dies while in receipt of a pension, other than a pension based on Article 18 (Cost Neutral Early Retirement), a preserved pension or a pension awarded on medical grounds, the reference pension is—

(a) in relation to a person other than a person referred to in paragraph (b), the amount of such pension, or

(b) in relation to a person who was fully insured other than a redeployed person, the pension which would have been granted to him or her if it had been calculated by reference

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 21st April, 2017.*

to net pensionable remuneration (survivor's benefits) at the date of his or her retirement, as adjusted by reference to Article 47.”;

(c) the substitution of the following for Article 29(4):

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

- (a) where the deceased member was not fully insured, his or her pensionable remuneration at date of retirement as adjusted by reference to Article 47, and the pensionable service which the deceased member would have had if he or she had served to age 65, or, if earlier, to the date on which his or her contract of employment would expire, or
- (b) where the deceased member was fully insured and was not a redeployed person, his or her net pensionable remuneration (survivor's benefits) at the date of retirement as adjusted by reference to Article 47 during the period between retirement and death and the pensionable service which the deceased member would have had if he or she had served to age 65 or, if earlier, to the date on which his or her employment contract would expire, or
- (c) where the deceased member was a redeployed person, the formula contained in Article 11(2), save that C is the pensionable service which the deceased member would have had if he or she had served to age 65 or, if earlier, to the date on which his or her employment contract would expire, and subject to the adjustment of such reference pension by reference to Article 47 during the period between retirement and death,

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

(d) the substitution of the following for Article 29(5):

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

- (a) in relation to a person other than a person referred to in paragraph (b), the amount of such pension, or

(b) in relation to a person who was fully insured other than a redeployed person, the preserved pension which would have been payable to him or her if it had been calculated by reference to net pensionable remuneration (survivor's benefits) at the date of resignation as adjusted by reference to Article 47 during the period between resignation and death.”;

(e) the substitution of the following for Article 29(6):

“(6) In the case where the deceased member had entitlement to a preserved pension but at date of death had not attained the minimum pension age, the reference pension—

(a) in relation to a person other than a redeployed person, is an amount equal to:

$D \times E / 80$ where

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

E is—

(i) where the deceased member is not fully insured, his or her pensionable remuneration at date of resignation as adjusted by reference to Article 47 during the period between resignation and death,

(ii) where the deceased member is fully insured, his or her net pensionable remuneration (survivor's pension) at the date of resignation as adjusted by reference to Article 47 during the period between resignation and death, or

(b) in relation to a redeployed person, is an amount calculated in accordance with the formula contained in Article 11(2), save that C is the number of years of reckonable service at the date of resignation and subject to the adjustment of such reference pension by reference to Article 47 during the period between resignation and death.”.

(f) the substitution of “in relation to a person other than a person referred to in subparagraph (ii)” for “in relation to a member who is not fully insured” in Article 31(1)(c)(i);

(g) the substitution of “in relation to a person who is fully insured other than a redeployed person” for “in relation to a member who is fully insured” in Article 31(1)(c)(ii);

(h) the substitution of the following for Article 38(2):

“(2) (a) In the case of an active member who is fully insured other than a redeployed person, periodic contributions shall be payable at the rate of $1\frac{1}{2}\%$ of pensionable remuneration or, where he or she is in receipt of reduced remuneration because of absence from employment during a period of sick leave, of the amount of salary, or pensionable remuneration, as the case may be, that would be payable to him or her if he or she was not so absent.

(b) In the case of a redeployed person, periodic contributions shall be payable at the rate of $1\frac{1}{2}\%$ of net pensionable remuneration or, where he or she is in receipt of reduced remuneration because of absence from employment during a period of sick leave, of the amount of net pensionable remuneration that would be payable to him or her if he or she was not so absent.”;

(i) the substitution of the following for Article 41(3):

“(3) Subject to Paragraph (4) a contribution under this Article shall—

(a) in the case of an active member other than a redeployed person, be at the rate of 1% of the member’s pensionable remuneration multiplied by the number of relevant years, or

(b) in the case of a redeployed person, be at the rate of 1% of the member’s net pensionable remuneration multiplied by the number of relevant years.

and shall be called in this Scheme a “non-periodic contribution”.”.

The Minister for Children and Youth Affairs approves the foregoing Scheme.



GIVEN under my Official Seal,
19 January 2017.

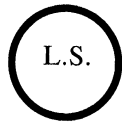
KATHERINE ZAPPONE,
Minister for Children and Youth Affairs.

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



GIVEN under my Official Seal,
7 February 2017.

PASCHAL DONOHOE,
Minister for Public Expenditure and Reform.



GIVEN under the Official Seal of the Adoption Authority of Ireland,
13 April 2017.

GEOFFREY SHANNON,
Chairperson.

EXPLANATORY NOTE

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

The purpose of these Regulations is to adopt the Rules set out in the Schedule to the Rules for Pre-existing Public Service Pension Scheme Members Regulations 2014 (S.I. No. 582 of 2014) as a scheme for the granting of superannuation benefits to or in respect of members of the staff of the Adoption Authority of Ireland, including the Chief Executive, who are not members of the Single Public Service Pension Scheme.

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