



STATUTORY INSTRUMENTS.

**S.I. No. 435 of 2009**

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SECONDARY, COMMUNITY AND COMPREHENSIVE SCHOOL  
TEACHERS PENSION SCHEME 2009

**(Prn. A9/1491)**

S.I. No. 435 of 2009

SECONDARY, COMMUNITY AND COMPREHENSIVE SCHOOL  
TEACHERS PENSION SCHEME 2009

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S.I. No. 435 of 2009

SECONDARY, COMMUNITY AND COMPREHENSIVE SCHOOL  
TEACHERS PENSION SCHEME 2009

I, BATT O'KEEFFE, Minister for Education and Science, with the consent of the Minister for Finance, in exercise of the powers conferred on me by section 2 of the Teachers' Superannuation Act 1928 (No. 32 of 1928), as amended by the Teachers' Superannuation (Amendment) Act 1990 (No. 28 of 1990) and adapted by the Education (Alteration of Name of Department and Title of Minister) Order 1997 (S.I. No. 430 of 1997), hereby make the following scheme:

Part 1

CITATION AND GENERAL INTERPRETATION

*Citation*

1. This Scheme may be cited as the Secondary, Community and Comprehensive School Teachers Pension Scheme 2009.

*Interpretation*

2. (1) In this Scheme—

“Act of 1998” means the Education Act 1998 (No. 51 of 1998);

“actual pensionable service” means pensionable service referred to in Article 6(1) other than any period or service which is referred to in subparagraph (f), (g) or (h) of that provision;

“allowance” means each allowance in the nature of pay lawfully determined or lawfully approved by the Minister and which is designated as pensionable by him or her but does not include any sums paid in respect of overtime, commission, gratuity, special fees, travelling allowance, subsistence allowance and the like, the money equivalent of any emolument or benefit in kind (including motor car or other vehicle) or any payment toward or in respect of such emoluments;

“approved pension scheme” means a pension scheme or an organization that provides a pension scheme that has been designated by the Minister for the Environment, Heritage and Local Government or by the Minister of Finance for the purposes of transferring pensionable service between pension schemes;

“capitation grant” means an annual grant payable to a secondary, community or comprehensive school in an amount calculated by reference to the number of pupils registered to attend the school on 30 September in each school year;

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 3rd November, 2009.*

“community school” means a post-primary school which has been established as a community school by deed of trust to which the Minister is a party and, in the case of a school operating on or after 22 December 2000, is recognised by the Minister in accordance with section 10 of the Act of 1998;

“comprehensive school” means a post-primary school which has been established as a comprehensive school by a deed of trust to which the Minister is a party and, in the case of a school operating on or after 22 December 2000, is recognised by the Minister in accordance with section 10 of the Act of 1998;

“compulsory retirement age” means the age attained by the member on the last day of the school year in which the member attains 65 years of age or, in the case of a member born in the month of August and who has been a member without interruption from a date before 1 September 2001, the last day of the school year in which the member attains 66 years of age;

“fully insured member” means a member who is, or was before attaining 66 years of age, insured for State pension (contributory);

“job-sharer” means a full time teacher or chaplain who, under an arrangement which has been approved by the Minister, works half the standard number of hours of a full time teacher or chaplain to which Part 2 applies;

“medical grounds” means an infirmity of mind or body which the Minister is satisfied is likely to be permanent and to render a person incapable from discharging his or her duties as a teacher or chaplain;

“Minister” means the Minister for Education and Science or his or her predecessors, as the case may be;

“net pensionable remuneration” means the amount by which pensionable remuneration exceeds twice the annual maximum personal rate of State pension (contributory) payable on the last day of pensionable service to a person who has no adult dependant or qualified children;

“net remuneration” means the amount by which remuneration exceeds twice the annual maximum personal rate of State pension (contributory) payable from time to time to a person who has no adult dependant or qualified children;

“new entrant” has the meaning assigned to it by section 2 of the Superannuation (Miscellaneous Provisions) Act 2004 (No. 7 of 2004);

“pensionable allowance” shall be construed in accordance with Article 5;

“pensionable remuneration” shall be construed in accordance with Article 5;

“pensionable service” means service to which Article 6(1) applies;

“pensionable supervision and substitution payment” shall be construed in accordance with Article 5;

“personal rate” in relation to any social welfare benefit, means the rate of such benefit which is payable under the Social Welfare Acts to an unmarried person excluding any increase that is payable on age grounds, or by virtue of the recipient living alone, or in respect of a qualified adult or child dependant, and “maximum personal rate” shall be construed accordingly;

“personal representative” means the executor or the administrator for the time being of a deceased person;

“preparatory college” means a college established by the Minister for the purpose of providing a course of secondary education for young persons who wish to prepare themselves for admission to a training college with a view to becoming teachers in primary schools;

“quasi-permanent employment” means the employment of a person who is time-tabled to teach for not less than 9 hours per week for the duration of the school year in any one school;

“reduced rate”, in relation to any social welfare benefit, means the personal rate of such benefit provided that rate is less than the maximum personal rate of State pension (contributory);

“registered secondary teacher” means a teacher whose name, at the relevant time, was entered on the register of the Registration Council (being the Council constituted under section 1 of the Intermediate Education (Ireland) Act 1914 and dissolved by the Teaching Council Act 2001 (No. 8 of 2001));

“remuneration” means the aggregate of salary and pensionable allowances and pensionable supervision and substitution payments;

“salary” means—

- (a) the annual sum payable to a member in accordance with salary scales published from time to time by the Minister with the consent of the Minister for Finance, and
- (b) in respect of periods worked on or after 1 August 1996 on a part-time basis, the hourly rate payable to a member multiplied by 735,

but does not include any sums payable in respect of overtime, commission, gratuity, special fees, travelling allowance, subsistence allowance and the like, the money equivalent of any emolument or benefit in kind (including motor car or other vehicle) or any payment toward or in respect of such emoluments;

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

“secondary school” means a school providing post-primary education to its students and which—

- (a) is in receipt of funds provided by the Oireachtas in respect of the education activities for students of that school or the remuneration of teachers in that school, and
- (b) in the case of a school operating on or after 22 December 2000, is recognised under section 10 of the Education Act 1998,

and includes a preparatory college;

“social welfare benefit” means State pension (contributory), State pension (transition), invalidity pension, illness benefit or jobseeker’s benefit payable under the Social Welfare Acts;

“State pension (contributory)” means the State pension (contributory) payable under the Social Welfare Acts;

“State pension (transition)” means the State pension (transition) payable under the Social Welfare Acts;

“teacher” includes the principal or deputy principal of a secondary school, community school, comprehensive school or preparatory college;

“years” means—

- (a) in the case of a member working on a full time basis, a figure determined by the formula  $A + B/365$  where A is the number of completed years in the period in question and B is any number of days additional to a completed year or a number of completed years in that period, or
- (b) in the case of a member working on a part-time basis, a figure determined by the formula  $C \times 365/735$  where C is the number of hours worked in each year.

(2) This section shall be deemed to have come into operation on 17 May 1929.

## Part 2

### MEMBER’S PERSONAL PENSION PROVISIONS

#### *Commencement (Part 2)*

3. This Part shall be deemed to have come into operation on 17 May 1929.

#### *Membership*

4. (1) Subject to paragraph (2), each of the following persons is automatically a member of this Part:

- (a) a person appointed on or after 1 September 2001 as a teacher in a secondary school, community school or comprehensive school or a chaplain in a community school or comprehensive school;

(b) a person appointed to full time or part-time service (provided that such part-time service constitutes quasi-permanent employment) on or after 1 August 1996 and before 1 September 2001 and who is—

- (i) a qualified teacher in a secondary school, community school or comprehensive school, or
- (ii) a chaplain in a community school or comprehensive school.

(2) The persons described in subparagraph (a) and (b) of paragraph (1) are automatically members only if—

- (a) they were appointed to a post specified in the relevant subparagraph on or after 1 March 1996 for the first time or after a break in service that ended on or after 1 March 1996; and
- (b) in the case of a person appointed as a teacher in a secondary school who was not in receipt of remuneration paid by the Minister, the reason that the remuneration was not paid by the Minister was for some reason other than the fact that the school in which he or she is employed has exceeded its quota of teachers determined by the Minister.

(3) Each of the following persons are eligible for membership in this Part:

- (a) in the case of a person described in subparagraph (a) or (b) of paragraph (1) who is appointed as a teacher in a secondary school, the teacher did not receive remuneration paid by the Minister solely by reason of the fact that the school in which he or she is employed has exceeded its quota of teachers determined by the Minister;
- (b) a person appointed before 1 August 1996 at the age of not less than 21 years and who was—
  - (i) a registered secondary teacher serving in a full time post in a secondary school without an interruption in service and who was receiving remuneration paid by the Minister or was not receiving remuneration paid by the Minister solely because the school had exceeded its quota of teachers sanctioned by the Minister,
  - (ii) serving in comprehensive school or community school in a permanent teaching post without an interruption in service,
  - (iii) serving in comprehensive school or community school in the post of chaplain without an interruption in service where his or her appointment occurred on or after 1 August 1990, or
  - (iv) serving as a teacher in a full time post in a preparatory college without an interruption in service.

(4) A person who is eligible for Part 2 membership under paragraph (3) may apply to the Minister for Part 2 membership and the application must be in such form as the Minister may determine and contain such information that the Minister may require to determine eligibility for benefits and for the proper operation of this Scheme.

(5) A person who applies for Part 2 membership and who is not a person serving in a permanent teaching post in a community school may be admitted to such membership from a date not earlier than 15 months before the date on which the application was received by the Minister.

(6) The rights and entitlements in respect of superannuation of every person who becomes a Part 2 member as a result of being transferred, at the direction of the Minister, from a school established or maintained by a vocational education committee to a community school or comprehensive school, shall not, by virtue of such transfer, be any less beneficial than those rights and entitlements enjoyed by that person immediately before such commencement.

(7) A teacher or chaplain serving in a permanent post in a community school may apply, at any time before 1 August 1996, to withdraw from Part 2 membership and he or she is entitled to a refund of the contributions paid in respect of the service in question.

*Pensionable remuneration*

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

- (a) retiring salary,
- (b) pensionable allowances, and
- (c) pensionable supervision and substitution payments.

(2) In this Article, “retiring salary” means—

- (a) subject to subparagraph (b), the annual rate of salary payable to the member at the date of his or her retirement or death, or
- (b) in the case of a member who is working on a part-time basis—
  - (i) where such service is given under a regular part-time contract, a rate of salary equal to the full time equivalent annual rate of salary to that which he or she is paid at the date of his or her retirement or death, or
  - (ii) where such service is given otherwise that under a regular part-time contract and is paid on an hourly basis, the hourly rate of salary payable to him or her at the date of his or her retirement or death multiplied by 735.

(3) For the purposes of paragraph (2), in the case of a person on an approved leave without pay at the date of his or her retirement or death, the rate of salary

or hourly rate of salary payable to him or her means the rate which would have been paid if he or she were not on an approved leave without pay.

- (4) (a) Subject to subparagraphs (c) to (f), for the purposes of this Article pensionable allowances in respect of any member who ceases pensionable service on or after 1 August 1986 shall comprise the aggregate of the annual rate of each such allowance (in this paragraph referred to as a “relevant allowance”) held on the last day of pensionable service, provided that such allowance has been held throughout the last 3 years of pensionable service immediately preceding retirement or death.
- (b) For the purposes of this paragraph, in the case of a person on an approved leave without pay at the date of his or her retirement or death, the rate of allowance held by him or her means the rate which would have been held if he or she were not on an approved leave without pay.
- (c) If throughout the last 3 years of such pensionable service, the pensionable allowances for the purposes of this Article shall, subject to subparagraphs (e) and (f), comprise the average of the relevant allowance or allowances determined in accordance with subparagraph (d).
- (d) The average of a relevant allowance shall be determined by multiplying the annual rate of the allowance appropriate on the last day of pensionable service by 1/1095 and multiplying that result by the number of days during the last three years of pensionable service in respect of which the allowance was payable.
- (e) Subparagraph (d) shall not apply to a relevant allowance where a member—
- (i) dies in service and who, but for his or her death, would have had the potential of holding the allowance for not less than 3 years of pensionable service, before 31 August in the year in which he or she would have reached 65 years, or
  - (ii) retires or is retired on grounds of permanent infirmity before 60 years of age and who, but for his or her retirement, would have had the potential of holding the allowance, for not less than 3 years of pensionable service, on reaching such age.
- (f) The pensionable allowances, for the purposes of this Article, for a member referred to in subparagraph (e) shall be the aggregate of the annual rate of each such allowance held on the date of retirement or death.
- (5) (a) Subject to the provisions of this paragraph, for the purposes of this Article pensionable supervision and substitution payments shall comprise the average annual payments made to a member as a result of his or her entering into a commitment on or after 1 September 2004

to undertake supervision or substitution duties, or both, and fulfilling that commitment up to and including his or her last day of pensionable service.

- (b) Relevant payments for a period of 37 hours per school year (or any lesser but not any greater period) may comprise a pensionable supervision and substitution payment.
- (c) The average annual pensionable supervision and substitution payments shall be determined as follows:
  - (i) if the member received payments in each of the final 3 years of pensionable service, by aggregating the amount of the payments paid in those years and dividing the result by 3;
  - (ii) if, in the member's last 3 years of pensionable service, the member received payments in only the final 2 years, by aggregating the amount of the payments paid in those years and dividing the result by 2;
  - (iii) if, in the member's last 3 years of pensionable service, the member received payments in only the final year, by aggregating the amount of the payments paid in that year.
- (d) (i) If a member who has entered into a commitment referred to in subparagraph (a) fails to fulfil the commitment, none of the payments received by the member under that commitment or any future commitment shall be treated as supervision and substitution payments for the purposes of this paragraph.
- (ii) A member to whom clause (i) applies is not entitled to a refund of pension contributions in respect of payments for supervision or substitution duties.
- (iii) Clause (i) shall not apply to a member who fails to fulfil the commitment referred to in subparagraph (a) up to and including his or her last day of pensionable service where this failure is caused by—
  - (I) his or her absence on approved sick leave, or
  - (II) some other reason not caused by the member's own fault or negligence.

*Pensionable service*

6. (1) For the purposes of this Part, pensionable service shall, subject to a maximum of 40 years, comprise the aggregate of—

- (a) service given as a teacher in a secondary school, community school or comprehensive school or a chaplain in a community school or comprehensive school on or after the date of commencement of Part 2

membership (not being service falling within subparagraph (c) of this paragraph) and, in the case of a member who is not a new entrant, such service shall exclude service given after compulsory retirement age;

- (b) service given in a full time position as a teacher in a secondary school, community school or comprehensive school or chaplain in a community school or comprehensive school before the date of commencement of Part 2 membership that has been purchased in accordance with Article 58;
- (c) service given in a part-time position as a teacher in a secondary school, community school or comprehensive school or chaplain in a community school or comprehensive school on or after the date of commencement of Part 2 membership—
  - (i) where such service was given on or after 1 September 2001, all such service which shall be credited on a pro rata basis to full time service and, in the case of service given otherwise than under a regular part-time contract, such crediting shall be in accordance with the formula specified in Table 1 to this Article,
  - (ii) where such service was given on or after 1 August 1996 and before 1 September 2001—
    - (I) if given under an eligible part-time contract, all such service so given calculated in accordance with the formula specified in Table 2 to this Article,
    - (II) if given otherwise than under an eligible part-time contract—
      - (A) in the case of a member who gave not less than 300 hours of service in a school year, all such service calculated in accordance with the formula specified in Table 3 to this Article,
      - (B) in the case of a member who gave less than 300 hours of service in a school year, such of that service calculated by applying the formula specified in Table 4 to this Article to only so much of the hours so worked that comprise 9 or more hours worked in the week or each of the weeks concerned,
  - (iii) where such service was given before 1 August 1996—
    - (I) if given under an eligible part-time contract—
      - (A) in the case of a member who was contracted to teach more than 21 hours per week, service equivalent to that of a member in full time service, or

(B) in the case of a member who was contracted to teach 21 hours or less per week, service equivalent to half that of a member in full time service,

or

(II) if given otherwise than under an eligible part-time contract—

(A) in the case of a member who gave not less than 300 hours of service in a school year, service equivalent to half that of a member in full-time service, or

(B) in the case of a member who gave less than 300 hours of service in a school year, service for each week in which 9 or more hours were given shall be credited in accordance with the formula specified in Table 5 to this Article;

- (d) service given in a part-time position as a teacher in a secondary school, community school or comprehensive school or chaplain in a community school or comprehensive school before the date of commencement of Part 2 membership that has been purchased in accordance with Article 58 and the amount of service shall be determined in accordance with clauses (i) to (iii) of subparagraph (c);
- (e) service that is pensionable under an approved pension scheme and that has been transferred to this Scheme in accordance with arrangements approved by the Minister for the Environment, Heritage and Local Government or the Minister for Finance;
- (f) in the case of a member who has preserved benefits in accordance with Article 8 and in respect of whom there is a transfer value for pension benefits from a pension scheme that is not an approved pension scheme, such additional service as the amount of the transfer value will purchase in accordance with conditions determined by the Minister for Finance;
- (g) notional service which he or she opts to purchase in accordance with Chapter 2 of Part 4;
- (h) ill-health notional service as defined in paragraph (3);
- (i) periods during which a member was absent from approved service at a secondary school, community school or comprehensive school due to industrial action provided such periods are approved by the Minister and the Minister for Finance; and
- (j) special leave without pay under a contract to work in a programme funded or recognised by the organisation known as Irish Aid up to a maximum period of 2 years if the term of work under the contract is 6 months or longer and the person is a member of this Scheme at the beginning of the contract.

(2) No member is entitled to a period of pensionable service, other than ill-health notional service as defined in paragraph (3), unless the appropriate contributions for that service have been paid.

(3) (a) A member in full time or part time service at a secondary school, community school or comprehensive school who has completed 5 or more years of actual pensionable service and who retires, or is retired, on medical grounds in accordance with the provisions of Article 9(1) may, at the discretion of the Minister, have a period of notional service (referred to subsequently in this Article as “ill-health notional service”) added to his or her actual pensionable service, provided that the aggregate of pensionable service and ill-health notional service does not exceed 40 years.

(b) Subject to subparagraph (c), the amount of ill-health notional service which a member in full time service may receive shall be as follows:

(i) a member whose actual pensionable service is not less than 5 years but less than 10 years shall receive an amount of ill-health notional service equal to whichever of the following is the lesser:

(I) the amount of actual pensionable service at date of retirement, or

(II) such amount as would, combined with his or her actual pensionable service, equal the pensionable service which he or she would have had if he or she had retired at compulsory retirement age or, in the case of new entrants, had retired at 65 years of age,

(ii) a member whose actual pensionable service is not less than 10 years but less than 20 years shall receive an amount of ill-health notional service equal to whichever of the 2 amounts of service specified in the following subclauses (I) and (II) is the greater:

(I) an amount of service equal to whichever of the following is the lesser:

(A) the period by which 20 years exceeds the said actual pensionable service, or

(B) such amount as would, combined with his or her actual pensionable service, equal the pensionable service which he or she would have had if he or she had retired at compulsory retirement age or, in the case of new entrants, had retired at 65 years of age,

(II) an amount of service equal to whichever of the following is the lesser:

(A) 6 years and 243 days, or

- (B) such amount as would combined with his or her actual pensionable service equal the pensionable service which he or she would have had if he or she had retired at 60 years of age,
- (iii) a member with more than 20 years of actual pensionable service at retirement shall receive an amount of ill-health notional service equal to whichever of the following is the lesser:
- (I) 6 years and 243 days, or
- (II) the amount by which the pensionable service he or she would have had if he or she had served until 60 years of age exceeds his or her pensionable service at retirement.
- (c) If the member is serving under a fixed term contract, the maximum amount of ill-health notional service which a member may receive is the term of service under the contract.
- (d) The amount of ill-health notional service which a member in part-time service may receive shall be the pro rata share of the amount of ill-health notional service that the member would receive under subparagraph (b) based on the member's actual part-time service given pursuant to the arrangement under which the member was working at the time of his or her retirement.

Table 1

Formula for purposes of paragraph (1)(c)(i)

$$\frac{A \times 365}{735}$$

where A is the number of hours worked in the school year concerned

Table 2

Formula for purposes of paragraph (1)(c)(ii)(I)

$$\frac{A \times 365}{22}$$

where A is the number of hours the member has been contracted to work in each week in the school year concerned

Table 3

Formula for purposes of paragraph (1)(c)(ii)(II)(A)

$$\frac{A \times 365}{1148}$$

where A is the number of hours worked in the school year concerned

Table 4

Formula for purposes of paragraph (1)(c)(ii)(II)(B)

$$\frac{A \times 365}{1148}$$

where A is the number of hours lastly mentioned in subclause (II)(B) of paragraph (1)(c)(ii) worked in the school year concerned

Table 5

Formula for purposes of paragraph (1)(c)(iii)(II)(B)

$$\frac{A \times 284.7}{52.18}$$

where A is the number of weeks referred to in the provision above in the school year concerned

*Benefits — main cases (other than those involving preserved benefit)*

7. (1) A member is, on retirement, entitled to receive benefits in accordance with paragraph (3) or (4) where he or she—

(a) in the case of a new entrant, has attained 65 years of age and has at least 2 years actual pensionable service;

(b) in the case of a member who is not a new entrant, has attained—

(i) 60 years of age and retires—

(I) on or after 2 June 2002, provided that he or she has at least 2 years actual pensionable service,

(II) on or after 30 June 1976 and before 2 June 2002, provided that he or she has at least 5 years actual pensionable service, or

(III) before 30 June 1976, provided that he or she has at least 10 years actual pensionable service;

or

(ii) 55 years of age and has—

(I) not less than 35 years actual pensionable service,

(II) on or after 1 September 1996, not less than 34 years actual pensionable service where the member's training before entry to teaching was of not less than 3 years' duration but not more than 4 years' duration, or

(III) on or after 1 September 1996, not less than 33 years actual pensionable service where the member's training before entry to teaching was not less than 4 years' duration.

(2) A member shall be regarded as having at least 2 years actual pensionable service under paragraph (1) if—

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

(3) Subject to the provisions of this Part, a member shall on retirement have a right to receive—

- (a) a gratuity comprising a single payment of  $\frac{3}{80}$ ths of his or her pensionable remuneration, and
- (b) a pension comprising—
  - (i) in the case of a member who is not a fully insured member,  $\frac{1}{80}$ th of his or her pensionable remuneration,
  - (ii) in the case of a fully insured member who retires on or after 1 January 2004, the total of the following subclauses—
    - (I)  $\frac{1}{200}$ th of such pensionable remuneration as does not exceed the threshold derived by multiplying the maximum personal rate of State pension (contributory) applicable on the last day of pensionable service by 3.333333,
    - (II)  $\frac{1}{80}$ th of such pensionable remuneration as exceeds the said threshold,
  - (iii) in the case of a fully insured member who retires before 1 January 2004,  $\frac{1}{80}$ th of his or her net pensionable remuneration,

multiplied by the member's total number of years of pensionable service subject to a maximum of 40 years' service.

(4) Where a member retires on medical grounds in accordance with Article 9, he or she shall have a right to receive—

- (a) a benefit in accordance with paragraph (3) where he or she has not less than 5 years actual pensionable service;
- (b) a gratuity comprising a single payment of  $\frac{1}{12}$ th of his or her pensionable remuneration plus  $\frac{3}{80}$ ths of his or her pensionable remuneration for each year of pensionable service where he or she—

- (i) has not less than 2 years but less than 5 years actual pensionable service, and
  - (ii) accepts in writing such a gratuity in lieu of the preserved benefits payable to him or her under Article 8(2) in the case of a member in pensionable service on or after 2 June 2002;
- or
- (c) a gratuity comprising a single payment of 1/12th of his or her pensionable remuneration for each year of pensionable service where he or she has less than 2 years actual pensionable service.

*Benefits — other cases (including those involving preserved benefit)*

- 8. (1) (a) Where a member dies while in pensionable service, his or her personal representative shall have a right to receive the greater of—
    - (i) his or her pensionable remuneration, or
    - (ii) the gratuity that would have been payable to him or her had the member retired on medical grounds on the date of his or her death.
  - (b) Where a former member who has been paid a benefit under this Part, other than a benefit under paragraph (2), subsequently dies and the benefit payable or paid in respect of pension, including any amount which would have been payable had the provisions of Article 12 not applied to him or her, and gratuity, subtracting any deductions required to be made in respect of non-periodic contributions under Part 3, is less than the gratuity which could have been granted to his or her personal representative if he or she had died on the date of his or her retirement, then such personal representative shall be eligible to receive a gratuity equal to the deficiency.
- (2) (a) Where a person ceases to be a member—
    - (i) before 2 June 2002 on other than medical grounds, or
    - (ii) on or after 2 June 2002, on any grounds,

before attaining 60 years of age or, in the case of a new entrant, 65 years of age, he or she shall, on attaining the relevant age, have a right to receive a preserved pension and preserved gratuity provided that—

    - (I) where he or she so ceases to be a member on or after 2 June 2002, he or she has not less than 2 years actual pensionable service,
    - (II) where he or she ceases to be a member on or after 30 June 1977 and before 2 June 2002, he or she has not less than 5 years actual pensionable service, or

(III) where he or she ceases to be a member before 30 June 1977, he or she has not less than 10 years actual pensionable service,

and he or she does not receive any other benefit under this Part in respect of his or her pensionable service and such service is not reckoned for pension purposes by him or her in another employment under approved arrangements.

- (b) Where a former member who is eligible to retire under Article 7(1)(b) dies before attaining 60 years of age, a preserved death gratuity shall be payable to the person's personal representative in respect of him or her.
- (c) An application for payment of a preserved gratuity and preserved pension to or in respect of a member eligible therefor under this paragraph shall be made to the Minister by the member at any time after attaining 60 years of age or, in the case of a new entrant, after attaining 65 years of age.
- (d) (i) A preserved gratuity or preserved death gratuity shall not exceed an amount obtained by the formula:

$$\frac{3A \times B}{80}$$

where—

A is the number of years of pensionable service subject to a maximum of 40 years, and

B is the pensionable remuneration at the date of resignation of the member, taking into account pension increases that correspond to matching pensions increases granted in the interval between the date of resignation and—

(I) in the case of a preserved gratuity, the date on which he or she attains 60 years of age or, in the case of a new entrant, 65 years of age, or

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

- (ii) A preserved pension shall not exceed an amount obtained by the formula:

$$\frac{A \times B}{80}$$

where—

A is the number of years of pensionable service, subject to a maximum of 40, and

B is the pensionable remuneration or, in the case of a fully insured member, net pensionable remuneration, at date of resignation of the member, taking into account pay increases that correspond to matching pensions increases granted in the interval between the date of resignation and the date on which the member attains 60 years of age or, in the case of a new entrant, 65 years of age.

(e) A member who is referred to in Article 7(1)(b)(i) may claim either separate preserved pensions or a single aggregated pension in respect of—

(i) pensionable service which was as a fully insured member, and

(ii) pensionable service which was not as a fully insured member,

subject to the requirement that the combined service shall not exceed 40 years and that any preserved pension shall not become payable until the member retires.

(f) A member with any combination of service specified in subparagraph (e) who subsequently becomes a new entrant may on retirement:

(i) before attaining 65 years of age, claim a preserved pension in respect of pensionable service specified in subparagraph (e), and

(ii) at 65 years of age, claim either separate preserved pensions or a single aggregated pension in respect of:

(I) pensionable service as specified in subparagraph (e), and

(II) pensionable service as a new entrant,

subject to the requirement that the combined service shall not exceed 40 years.

(3) (a) A supplementary pension shall, on application, be payable to a fully insured member or to a member whose pension is calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured where he or she—

(i) is in receipt of a pension under this Part,

(ii) is unemployed, and

(iii) due to causes outside his or her control fails to qualify for social welfare benefit or qualifies for social welfare benefit at a reduced rate,

provided that, where he or she has retired under Part 5 of this Scheme, a supplementary pension shall not be payable until he or she attains 60 years of age or, in the case of a new entrant, 65 years of age.

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

$$A - (B+C)$$

where—

A is the amount of the pension which would be payable to the former member if such pension had been calculated by reference to pensionable remuneration rather than net pensionable remuneration,

B is the amount of the pension actually payable to the former member, and

C is the annual amount of the reduced rate of the social welfare benefit, if any, which is payable to the former member.

- (c) A separate supplementary pension shall be payable in respect of each preserved pension to which a member is entitled under paragraph (2)(e) or (f).

(4) Where a member retires on other than medical grounds on or after 2 June 2002 and—

- (a) has less than 2 years actual pensionable service, and

- (b) does not transfer his or her pensionable service under this Part to an approved pension scheme,

the former member is entitled to a refund of his or her contributions without interest and less an amount equal to any liability for income tax in respect of such contributions.

(5) For the purposes of determining whether the requirement under this Article or Article 7 as respects service for payment of a benefit is satisfied, each week of pensionable part-time service shall be reckoned as a week of full time pensionable service.

*Retirement on medical grounds*

9. (1) Where a member retires or is retired on medical grounds, a benefit under Article 7(4) shall be payable provided that—

- (a) he or she supplies to the Minister sufficient medical evidence to satisfy the Minister that such member is incapable by reason of infirmity of mind or body of discharging his or her duties as a teacher or chaplain and that the infirmity is likely to be permanent;

- (b) he or she, if requested by the Minister, undergoes a medical examination carried out by a registered medical practitioner nominated by the Minister;
- (c) such infirmity has not been caused by the member's own fault or negligence; and
- (d) he or she did not make a false declaration about, or suppress a material fact concerning, his or her health when applying for a post to which this Part applies.

(2) Where any of the conditions specified in paragraph (1) are not satisfied, preserved benefits under Article 8(2) shall apply in substitution for any benefit under Article 7(4).

*Payment of pension or preserved pension*

10. Save as is otherwise provided for in this Part, pensions and preserved pensions payable under this Part shall be paid fortnightly in arrears and shall continue during the lifetime of a former member.

*Contributions*

11. (1) Each member shall pay a contribution calculated in accordance with this Article in respect of the member's pensionable service referred to in the following paragraphs from the date he or she becomes a member.

(2) (a) In the case of periodic contributions for service referred to in Article 6(1)(a) and (c)(i), the contribution shall comprise 5% of remuneration, or in the case of a fully insured member, 3.5% of net remuneration and 1.5% of remuneration.

(b) In the case where it was not possible to pay periodic contributions for service referred to in Article 6(1)(c), the non-periodic contributions for that service shall comprise 5% of remuneration, or in the case of a fully insured member, 3.5% of net remuneration and 1.5% of remuneration—

(i) in the case of service given on or after 1 September 2001, at the rates applicable at the time the service was given, and

(ii) in the case of service given before 1 September 2001, at the rate applicable on 20 December 2001.

(c) In the case of non-periodic contributions for service referred to in Article 6(1)(i), the contributions shall comprise 5% of remuneration or, in the case of a fully insured member, 3.5% of net remuneration and 1.5% of remuneration payable on retirement and the remuneration and net remuneration shall be based on the member's remuneration on his or her last day of pensionable service before retirement;

- (d) In the case of non-periodic contributions for periods of special leave referred to in Article 6(1)(j), the contributions shall be determined in accordance with Article 52.
- (e) For the purposes of this paragraph, “remuneration” means—
- (i) in the case of a member who is working on a full-time basis, the remuneration he or she actually receives, or
  - (ii) in the case of a member who is working on a part-time basis and who—
    - (I) is in receipt of pro rata pay — a pro rata amount of the remuneration payable in respect of notional full time service, or
    - (II) is not in receipt of pro rata pay and is paid on an hourly basis, a pro rata amount of the relevant hourly part-time rate payable multiplied by 735.
- (3) (a) There shall be payable, in accordance with subparagraph (b), to the Minister by the board of management of a secondary school in which a member is in full time service a contribution, in respect of such member, comprising €25.40 per annum in respect of the period for which such member gives pensionable service.
- (b) The contribution by a board of management of a school shall become due and owing on the expiration of each school year and shall be deducted from the payment of capitation grant to the school or, where the board of management does not receive such a grant, shall be paid by the board to the Minister.
- (c) A contribution comprising €25.40 per annum shall be paid into a fund by the Minister at the expiration of each school year in respect of each member in a comprehensive school, community school or preparatory college who is in full time service in such year.

*Employment subsequent to retirement or resignation*

12. (1) Where a member whose contributions have been refunded to him or her under Article 8(4) is re-employed in pensionable service before 1 September 2009, the service for which such contributions were refunded may be reckoned provided that he or she pays to the Minister the amount of the contributions refunded to him or her plus compound interest on the amount refunded plus the amount deducted in respect of liability for income tax at the rate of 3 per cent per annum with half-yearly rests from the date of payment to him or her and, with effect from 14 November 2000, at the rate of 4 per cent per annum with half-yearly rests.

(2) The Minister may agree to accept payment under paragraph (1) by instalments, provided that interest at the rates provided for in paragraph (1) applies to the outstanding balance.

(3) Where a member whose contributions have been refunded to him or her under Article 8(4) is re-employed in pensionable service on or after 1 September 2009, the service for which such contributions were refunded may be reckoned provided that he or she pays the Minister contributions calculated in accordance with Article 11(2) based on the remuneration, excluding yearly increments in salary and pensionable allowances, that the member would have received at the time of paying the contribution if the member had continued in pensionable service.

(4) The Minister may agree to accept payment under paragraph (3) by instalments, provided that the remuneration used to calculate the payment of an instalment is based on the remuneration, excluding yearly increments in salary and pensionable allowances, that the member would have received at the time of paying the instalment if the member had continued in service.

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

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

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

(7) For the purposes of paragraph (6) if, subsequent to the former member's last day of pensionable service in the position referred to in subparagraph (a) of that paragraph—

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

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

*Prohibition on duplication of benefits*

13. (1) Subject to paragraph (2), a member shall not be entitled to reckon—
- (a) the same period of service more than once unless, in the case of a gratuity, he or she has repaid a gratuity having an entitlement to do so,
  - (b) the same period of service for the purposes of this Part and also for the purposes of an approved pension scheme, or
  - (c) service in any week which brings total service in respect of that week to more than full time service for the purposes of this Part.
- (2) The restrictions under paragraph (1) shall not apply to a member of a pension scheme made pursuant to the Oireachtas (Allowances to Members) Act 1938 (No. 34 of 1938).
- (3) Where a member of this Part is a member of either House of the Oireachtas, he or she shall discount the teaching service which overlaps with the minimum service needed to acquire a full Ministerial pension.

## Part 3

## SPOUSES' AND CHILDREN'S PENSION PROVISIONS

## Chapter 1

*Preliminary**Interpretation (Part 3)*

14. (1) In this Part—
- “adopted child” means—
- (a) a child adopted by a member of a Chapter of this Part (whether alone or jointly with any other person) either in pursuance of an adoption order or in accordance with the law of a country or territory other than the State and recognised by the law of the State as valid, or
  - (b) in the case of a member of a Chapter of this Part and who is married and applies, before the termination of his or her contributing membership, for an adoption order in respect of a child and dies before the adoption procedure is completed and the child is subsequently adopted by the member's spouse, that child from the date on which the member has had custody of him or her;

“adoption order” means an adoption order made under the Adoption Acts 1952 to 1998;

“net pensionable remuneration (Spouses' and Children's Scheme)” means the amount by which pensionable remuneration exceeds the annual maximum personal rate of State pension (contributory) payable on date of cessation of service;

“spouse” means a party to a marriage recognised by the law of the State as valid;

“widower’s (contributory) pension” and “widow’s (contributory) pension” means the widower’s (contributory) pension and widow’s (contributory) pension payable under the Social Welfare Acts.

(2) This section shall be deemed to have come into operation on 23 July 1968.

## Chapter 2

### *Current Spouses’ and Children’s Contributory Pension Provisions*

#### *Commencement (Chapter 2)*

15. This Chapter shall be deemed to have come into operation on 1 April 2004.

#### *Interpretation (Chapter 2)*

16. (1) In this Chapter—

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

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

“children’s pension” has the meaning assigned to it by Article 18;

“deceased” means a member or former member of Chapter 2 referred to in Article 18;

“deceased’s pension” means—

- (a) in the case of a person who is awarded a pension otherwise than on retirement on medical grounds—
  - (i) where he or she is not fully insured, the amount of such pension, or

- (ii) where he or she is fully insured or where the pension is calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, the greater of the following:
  - (I) the amount of such pension;
  - (II) the amount of the pension which would have been granted to him or her if it had been calculated by reference to net pensionable remuneration (Spouses' and Children's Scheme);
- (b) in the case of a person who is awarded a pension on retirement on medical grounds, the amount of the pension which would have been granted to him or her if it fell to be calculated by reference to—
  - (i) his or her pensionable remuneration, or in the case of person who is fully insured or where the pension is calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, his or her net pensionable remuneration (Spouses' and Children's Scheme), at the date of retirement taking into account any pay increases that correspond to matching pensions increases granted during the period between retirement and death, and
  - (ii) the pensionable service which he or she would have had if he or she has served until compulsory retirement age or, in the case of a new entrant, 65 years of age;
- (c) in the case of a deceased person to whom a preserved pension was payable—
  - (i) where he or she is not fully insured, the amount of such pension, or
  - (ii) where he or she is fully insured or where the pension is calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, the greater of the following:
    - (I) the amount of such pension;
    - (II) the amount of the preserved pension which would have been granted to him or her if it had been calculated by reference to net pensionable remuneration (Spouses' and Children's Scheme) instead of net pensionable remuneration at the date of resignation taking into account any pay increases that correspond to matching pensions increases granted during the period between resignation and death;
- (d) in the case of a person who resigned with entitlement to a preserved pension under Article 8, and who subsequently died before attaining

60 years of age or, in the case of a new entrant, 65 years of age, or before making application for a preserved pension, an amount equal to—

$$\frac{D \times E}{80}$$

where—

D is the number of years of pensionable service at the date of resignation, subject to a maximum of 40 years, and

E is such person's pensionable remuneration or, in the case of a person who is fully insured or where the pension is calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, his or her net pensionable remuneration (Spouses' and Children's Scheme) at the date of resignation taking into account pay increases that correspond to matching pensions increases granted during the period between resignation and death;

or

- (e) in the case of a person who dies while serving as a member, the pension for which he or she would be eligible if paragraph (b) of this definition applied;

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

“spouse's pension” has the meaning assigned to it by Article 18.

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

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

- (a) a person who was not wholly or mainly dependent on a member or former member immediately preceding the member's death,
- (b) a person who is married or is cohabiting with another as man and wife, or
- (c) a person referred to in paragraph (b)(ii) of the definition of “child” in paragraph (1) to, or in respect of whom, emoluments in respect of such instruction or training are payable by, or on behalf of, the

employer and which are of such an amount as makes the person self-supporting,

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

*Chapter 2 members*

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

- (a) a person admitted to Part 2 membership for the first time on or after 1 September 2005;
- (b) a person admitted to Part 2 membership during the period from 1 September 2005 to 31 March 2006 and who was previously a member of Part 2 but had not retired on pension from such membership or, where he or she had so retired, was then a Chapter 2 member or a Chapter 3 member, provided that he or she was not a member of Part 2 at any time during the period from 31 March 2004 to 31 August 2005;
- (c) a person admitted to Part 2 membership after 31 March 2006 and who was previously a member of Part 2 but had not retired on pension from such membership or, where he or she had so retired, was then a Chapter 2 member or a Chapter 3 member;
- (d) a member of Part 2 at any time during the period from 31 March 2004 to 31 August 2005 and who exercised an option to become a Chapter 2 member before 1 April 2006;
- (e) any person admitted to Part 2 membership on or after 1 September 2005 and who had previously retired from Part 2 membership on pension but was not then a Chapter 2 member or a Chapter 3 member, provided that, within 6 months of being notified of the non-periodic contributions due in respect of the period of Part 2 membership given before such retirement, he or she made payment of the contributions in question.

(2) A person who exercises an option to become a Chapter 2 member shall be liable for the payment of periodic contributions, with effect from 1 April 2004, or the date of his or her appointment, if later.

(3) Where a person who is entitled to exercise an option to become a Chapter 2 member dies without having exercised the option before 1 April 2006, the option may be exercised by the person's spouse or personal representative not later than 3 months after the grant of probate in respect of the person's estate.

*Power to grant spouses' and children's pensions (Chapter 2)*

18. Subject to the provisions of this Chapter, the Minister shall, on the death of member or former member of Chapter 2 who was receiving or was entitled to receive a pension under Part 2, grant, in respect of the deceased's service—

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

*Spouses' pensions (Chapter 2)*

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

- (a) where the spouse was, at the time of the death of the member or former member, cohabiting with a person other than the deceased as man and wife, or
- (b) in respect of any time after the death of the member or former member when the spouse is remarried or is so cohabiting with any person.

(2) Notwithstanding paragraph (1), where—

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

the Minister may, if he or she thinks fit, grant or re-grant, as may be appropriate, the pension—

- (i) in the case of a marriage or cohabitation which has come to an end, from the date on which such marriage or cohabitation ended, or
- (ii) in any other case, from a date not earlier than the date on which the relevant application is received by the Minister.

(3) (a) A spouse shall not be eligible for a spouse's pension under this Chapter in respect of more than one member.

- (b) Where a spouse would, save for this paragraph, be eligible for a spouse's pension in respect of 2 or more members the spouse shall be entitled to whichever pension provides him or her with the most favourable benefits.

(4) Subject to paragraph (1) and Article 69 (2), a spouse's pension may be paid for the whole of the period beginning on the death of the deceased and ending with the death of the spouse.

(5) (a) For the purposes of Article 25 (which relates to non-periodic contributions), on the death of a member or former member of this Chapter who was not married at retirement and who subsequently married, a pension shall be payable under this Chapter based on all pensionable service, including service which, had the member or former member not been unmarried at retirement, would have been paid by way of non-periodic contributions under that Article.

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

(6) The rate of a spouse's pension is  $\frac{1}{2}$  the rate of the deceased's pension.

(7) (a) In the case of the death of a member or former member of Chapter 2 who was fully insured or where the member or former member's pension was calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, the Minister shall, subject to subparagraph (b), pay to his or her spouse a supplementary pension, the amount of which shall not exceed the amount, if any, obtained by applying the following formula, namely,  $A - B$  where—

A is the rate of spouse's pension which would have resulted from the calculation referred to in paragraph (6) if the deceased's pension had been based on pensionable remuneration, and

B is the rate of spouse's pension resulting from the calculation referred to in paragraph (6) together with the personal rate of widow's (contributory) pension or widower's (contributory) pension, if any, payable to the spouse.

(b) The supplementary pension under subparagraph (a) shall be payable in respect of any period during which the spouse—

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

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

(8) Notwithstanding paragraph (6) where, on the death of a member or former member of Chapter 2, other than a former member who qualifies for a preserved pension, a spouse's pension becomes payable to his or her spouse, the

rate of that pension may, in respect of the first month after his or her death, be increased to—

- (a) where he or she dies while a member of Chapter 2,  $\frac{1}{12}$ th the rate of his or her pensionable remuneration, or
- (b) where he or she dies after being granted a pension and he or she is—
  - (i) not fully insured, where the rate of pension payable to him or her on the date of his or her death is greater than the rate of spouse's pension otherwise payable under this Chapter,  $\frac{1}{12}$ th such rate of pension, or
  - (ii) fully insured or where the pension is calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, where the rate of pension payable to him or her on the date of his or her death, if it had been calculated on the basis of net pensionable remuneration (Spouses' and Children's Scheme) instead of net pensionable remuneration, is greater than the rate of spouse's pension otherwise payable under this Chapter,  $\frac{1}{12}$ th such rate of pension,

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

*Children's pensions — beneficiaries (Chapter 2)*

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

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

*Children's pensions — rate and mode of payment (Chapter 2)*

21. (1) (a) A children's pension under this Chapter shall be paid to the deceased's spouse where the eligible children are in the spouse's care or, where any child in respect of whom the pension is payable is not in such care, the pension shall be paid either to the child or to such other person as the Minister may determine.

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

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

- (2) A children's pension may be paid only in relation to a period subsequent to the death of the deceased.
- (3) The rate of children's pension under this Chapter is—
- (a) where the deceased is not survived by a spouse or he or she is survived by a spouse who subsequently dies, in respect of periods after the spouse's death—
- (i) where there is one child,  $\frac{1}{3}$  the deceased's pension, or
- (ii) where there are 2 or more children, a rate in respect of each child equivalent to  $\frac{1}{2}$  the deceased's pension divided by the number of children;
- or
- (b) subject to paragraph (4), where the deceased is survived by a spouse—
- (i) where there are not more than 3 children,  $\frac{1}{6}$ th the deceased's pension for each child, or
- (ii) where there are more than 3 children, a rate in respect of each child equivalent to  $\frac{1}{2}$  the deceased's pension divided by the number of children.
- (4) (a) Where the children of the deceased are at the time of, or at any time after, his or her death in the care of some person other than a parent or step-parent of the children, the Minister may, if he or she thinks fit, direct that for so long as they are in such care paragraph (3)(a) shall apply notwithstanding that the spouse is still alive and, where the Minister so directs, paragraph (3)(a) shall be construed and shall have effect in accordance with the direction.
- (b) Where some but not all of the children of the deceased are at the time of, or at any time after, his or her death in the care of a person other than a parent or step-parent of the children, the rate of that portion of the children's pension which is payable in respect of the children who are in the care of that person may be calculated by reference to the rates specified in paragraph (3)(a) provided that the amount of children's pension payable in respect of the deceased shall not exceed  $\frac{1}{2}$  the rate of the deceased's pension.
- (5) Notwithstanding the foregoing provisions of this Article, where the deceased is survived by a spouse and a spouse's pension is not granted to the spouse under this Chapter or, if one is so granted to the spouse and it ceases to be paid before his or her death, a children's pension shall not be payable under this Chapter in respect of any period comprised within the lifetime of the spouse or within the time in respect of which the spouse's pension is not payable, as may be appropriate, unless the Minister in his or her discretion directs that such a pension shall be payable and, where the Minister gives such a direction, he or

she may, if he or she thinks fit, further direct that paragraph (4) shall apply as respects any such period.

*Periodic contributions (Chapter 2)*

22. (1) Each member of Chapter 2 shall pay periodic contributions calculated in accordance with this Article.

(2) The contribution shall comprise 1.5% of remuneration or, in the case of a person who exercises an option to become a Chapter 2 member (having opted not to become a member of Chapter 3 at the time the entitlement to exercise the relevant option was provided to him or her), 2% of remuneration.

(3) A person admitted to Chapter 2 membership shall commence payment of contributions specified in this Article with effect from 1 April 2004 or the date on which he or she becomes a member, whichever is the later, and ending when he or she ceases to be a member.

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

*Refund of contributions (Chapter 2)*

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

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

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

(4) (a) A Chapter 2 member who retires on pension or dies in service and who has been in the religious life and bound by a vow of celibacy throughout the period of his or her membership is entitled to a refund of his or her periodic contributions.

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

(5) Where periodic contributions are refunded in accordance with paragraph (1) to a person who subsequently becomes a member of this Chapter, the period to which the contributions relate may become pensionable under this Chapter only if the contributions are treated as contributions refunded under Article 8(4) and are repaid in accordance with Article 12.

*Former members becoming members (Chapter 2)*

24. (1) Subject to paragraph (2), where a former member becomes a member of this Chapter in a position in respect of which the annual rate of remuneration or, in respect of part-time employment, the whole-time equivalent of the annual rate of remuneration, is at least the equivalent of the remuneration on which his or her pension was based, any entitlement to a spouse's pension or children's pension under this Chapter in respect of his or her previous membership shall be disregarded (and, accordingly, any entitlement to spouse's pension or children's pension shall be determined solely by reference to the member's present membership of this Chapter).

(2) Where a person, on becoming a member of this Chapter, had at any time previously been a member of this Chapter and had paid periodic contributions during such period of membership, such period shall be excluded in determining the number of relevant years under Article 25(10) provided that—

- (a) no refund of those contributions is or was paid, or
- (b) such refund, where made in accordance with paragraph (4) of Article 23, has been repaid in accordance with that paragraph, or
- (c) in the case of a refund made under Article 23(1), the period of service to which the refund relates has been made pensionable in accordance with Chapter 3 of Part 4.

(3) Where a member was entitled to claim separate preserved pensions or a single aggregated pension but had not made a claim under subparagraph (e) or (f) of Article 8(2) before his death while a member, the spouse's and children's pension in respect of that member shall be calculated on the greater of the following:

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

*Non-periodic contributions (Chapter 2)*

25. (1) Non-periodic contributions shall not be payable by or in respect of a member or former member of Chapter 2 who has been unmarried throughout the period of his or her membership.

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

- (a) death, or

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

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

(3) Subject to paragraph (4), the non-periodic contribution shall comprise 1% of pensionable remuneration multiplied by the number of relevant years, including days in excess of completed years or, in the case of a person who is admitted to Chapter 2 membership having opted not to join Chapter 3 at the time of its commencement, 1.5% of pensionable remuneration multiplied by the number of relevant years, including days in excess of completed years.

(4) The non-periodic contribution for part-time service shall be calculated under subparagraph (b) of Article 11(2), except that the contribution under this Article is comprised solely of 1.5% of remuneration at the rate applicable to the person according to that subparagraph.

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

- (a) on which he or she attains 60 years of age or, where the member is a new entrant, 65 years of age, in the case of a preserved gratuity, or
- (b) of his or her death, in the case of a preserved death gratuity.

(6) Where, subsequent to the date on which a person ceases to be a member of Chapter 2, the pension payable to him or her or to his or her spouse (but not the retirement gratuity, death gratuity, preserved gratuity or preserved death gratuity) falls to be increased because of an increase in the pensionable service of such member, the Minister may adjust the amount of the contribution under this Article to take account of such increase.

- (7) (a) At the discretion of the Minister and subject to conditions specified by him or her, a member may elect to pay, over a period of one school year beginning on or after 1 September 2006, additional contributions equal in each case to the amount of the periodic contributions payable in respect of that period or, in the case of a member who is in part-time service, payable by reference to the full time equivalent of the member’s remuneration in respect of such period.
- (b) Where one or more such additional contributions are made under subparagraph (a), this Article shall apply to the person by whom the contribution or contributions is or are made subject to the modification that, in calculating the number of relevant years, such number

shall be reduced by one for every contribution made by the person under subparagraph (a).

(c) Additional periodic contributions under subparagraph (a) shall be refundable in accordance with the provisions of Article 23.

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

(9) Where a person to whom paragraph (1) or (3) of Article 12 applies becomes a former member of Chapter 2 by retiring on pension, whether on medical grounds or otherwise, then the contribution payable under paragraph (3) or (4) at the termination of his or her final period of membership shall be reduced by the amount of the contribution paid under the relevant paragraph when he or she became a former member, provided there was no refund of that contribution.

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

(a) in relation to a member of Chapter 2 who, being then married, ceases to be a member—

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

(ii) if such cesser is due to death or retirement on medical grounds, the number of years of pensionable service which he or she would have had if he or she had served to compulsory retirement age or, in the case of a new entrant, 65 years of age,

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

(b) in relation to a member of Chapter 2 who, being then unmarried, ceases to be a member, the period of pensionable service which he or she had on the date of termination of his or her last marriage before such cesser, reduced by the period of pensionable service, if any, for which periodic contributions have been paid by him or her and are not refundable.

(11) Where a member or former member of Chapter 2 gave service, other than as a teacher in a secondary school, community school or comprehensive school or chaplain in a community school or comprehensive school, which is reckonable under Article 6, any portion of that service in respect of which he or she paid periodic contributions under a pension scheme similar to this Chapter shall, provided that those contributions were not refunded to him or her, be excluded in determining the number of relevant years under paragraph (10).

*Marriage of members whose early death is to be foreseen (Chapter 2)*

26. Where a member or a former member of Chapter 2 marries and—

- (a) he or she dies within a year of the date of the marriage,
- (b) he or she had no children with the spouse either before or after the marriage, and
- (c) the Minister is of the opinion that his or her death within the said period was, at the date of the marriage, to be foreseen by him or her or by his or her spouse,

then the Minister may for the purposes of this Chapter regard the marriage as not having taken place and, where the marriage is so regarded, all necessary adjustments (including, if need be, repayment to the Minister of sums paid in respect of pensions already granted under this Chapter) shall be made accordingly.

### Chapter 3

*Spouses' and Children's Contributory Pension Provisions (Provisions Introduced From 1968 And Onwards)*

*Commencement (Chapter 3)*

27. This Chapter shall be deemed to have come into operation on 23 July 1968 in respect of male members and on 1 June 1981 in respect of female members.

*Interpretation (Chapter 3)*

28. (1) In this Chapter—

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

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

save that, in the case of the person who reaches 21 years of age before 1 July 1977, this definition shall not apply to him or her during the period beginning on the day on which he or she reaches such age and ending on 30 June 1977;

“children’s pension” has the meaning assigned to it by Article 30;

“deceased” means a member or former member of Chapter 3 referred to in Article 30;

“deceased’s pension” means—

- (a) in the case of a person who is awarded a pension, including a pension awarded because of retirement on medical grounds before 2 December 1975, or in the case of a person awarded a preserved pension—
  - (i) where he or she is not fully insured, the amount of such pension, or
  - (ii) where he or she is fully insured or where the pension is calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, the greater of the following:
    - (I) the amount of such pension;
    - (II) the amount of the pension which would have been granted to him or her if it had been calculated by reference to net pensionable remuneration (Spouses’ and Children’s Scheme),
- (b) in the case of a person who is not awarded a pension but has given not less than 5 but not more than 10 years pensionable service and retires on medical grounds—
  - (i) before 30 June 1974, an amount equivalent to 1/80th of his or her pensionable remuneration for each completed year of pensionable service but excluding any days in excess of completed years,
  - (ii) on or after 30 June 1974 and before 30 June 1976, an amount equivalent to 1/80th of his or her pensionable remuneration for each year of pensionable service and for any days in excess of completed years to be treated on a pro rata basis,
- (c) in the case of a person who retires on medical grounds on or after 2 December 1975 and is awarded a pension—
  - (i) where he or she dies before 30 June 1977—
    - (I) in respect of the period before 30 June 1977, the amount of such pension,

(II) in respect of the period on or after 30 June 1977, the amount of the pension which would be granted to him or her if it fell to be calculated by reference to the pensionable service which he or she would have had if he or she had served to compulsory retirement age or, in the case of a new entrant, 65 years of age,

or

(ii) where he or she is a person other than a person who died before 30 June 1977 and who is not fully insured, the amount of the pension which would be granted to him or her if it fell to be calculated by reference to the pensionable service which he or she would have had if he or she had served to compulsory retirement age or, in the case of a new entrant, 65 years of age,

(iii) where he or she is a member who is fully insured or where the pension is calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, the greater of the following:

(I) the amount of such pension;

(II) the amount of the pension which would be granted to him or her if it fell to be calculated by reference to net pensionable remuneration (Spouses' and Children's Scheme) and the pensionable service which he or she would have had if he or she had served to compulsory retirement age or, in the case of a new entrant, 65 years of age provided that, where the member has paid periodic contributions (based on net remuneration) in respect of a period of service purchased in accordance with Chapter 3 of Part 4, the portion of the deceased's pension based on such service shall be calculated by reference to net pensionable remuneration,

(d) in the case of a person who resigned with entitlement to a preserved pension, and who dies before attaining 60 years of age or, in the case of a new entrant, 65 years of age, or before making application for the preserved pension—

(i) where he or she is not fully insured, the amount of the preserved pension, or

(ii) where he or she is fully insured or where the pension is calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, the greater of the following:

(I) the amount of such preserved pension;

- (II) the amount of the preserved pension which would be granted to him or her if it had been calculated by reference to net pensionable remuneration (Spouses' and Children's Scheme), if he or she had, at date of death, attained 60 years of age or, in the case of a new entrant, 65 years of age, and had applied for the preserved pension,
- (e) in the case of a person who dies while serving as a member before 30 June 1977, having given not less than 5 years pensionable service, the amount of the pension which would be granted to him or her if it fell to be calculated by reference to the pensionable service which he or she would have had if he or she had served to compulsory retirement age, or
- (f) in the case of a person who dies while serving as a member on or after 30 June 1977, having given not less than 5 years pensionable service or having the potential to give not less than 5 years pensionable service by compulsory retirement age or, in the case of a new entrant, 65 years of age—
  - (i) where he or she is not fully insured, the amount of the pension which would be granted to him or her if it fell to be calculated by reference to the pensionable service which he or she would have had if he or she had served to compulsory retirement age or, in the case of a new entrant, 65 years of age, or
  - (ii) where he or she is fully insured or where the pension is calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, the greater of the following:
    - (I) the amount of the pension described in clause (i);
    - (II) the amount of the pension which would be granted to him or her if it fell to be calculated by reference to net pensionable remuneration (Spouses' and Children's Scheme) and the pensionable service which he or she would have had if he or she had served to compulsory retirement age or, in the case of a new entrant, 65 years of age;

“former member” in respect of Chapter 3 membership, means a member of Chapter 3 who, being then married dies, retires under Part 2 or resigns from employment as a teacher or chaplain;

“pensionable service” means service which is pensionable under Article 6 and, in the case of a member of this Chapter who died in service or who, on or after 2 December 1975, retired on medical grounds, the member's potential service to compulsory retirement age or, in the case of a new entrant, to 65 years of age, provided that total pensionable service shall not exceed 40 years;

“periodic contributions” means the contributions referred to in Article 34;

“spouse’s pension” has the meaning assigned to it by Article 30.

(2) Paragraphs (2) and (3) of Article 16 shall apply to the definition of “child” in this Article as they apply to the definition of “child” in Article 16.

*Chapter 3 members*

29. Each of the following persons is a Chapter 3 member:

- (a) any male teacher or chaplain who is a member of Part 2 and who—
  - (i) became a member of Part 2 on or after 1 October 1969 and before 1 September 2005, or
  - (ii) being a member of Part 2 during the whole or any part of the period beginning on 23 July 1968 and ending on 30 September 1969,—
    - (I) did not opt out of becoming a Chapter 3 member between 23 July 1968 and 31 December 1971,
    - (II) opted not to become a Chapter 3 member between 23 July 1968 and 30 September 1969 and who, notwithstanding the exercise by him or her of the option in that manner, during the period beginning on 1 October 1969 and ending on 31 December 1971, elected to become a Chapter 3 member, or
    - (III) opted not to become a Chapter 3 member between 23 July 1968 and 30 September 1969 and who subsequently between 23 July 1968 and 31 December 1971, either died or retired from pensionable service or otherwise ceased to be a person to whom this Chapter applies,
- and—
  - (A) who, notwithstanding the exercise by him of the option in that manner, during the last-mentioned period in this subclause elected to become a Chapter 3 member, or
  - (B) in respect of whom, notwithstanding the exercise by him of the option in that manner, an election was made to become a Chapter 3 member during that last-mentioned period,
- (b) any female teacher or chaplain who is a member of Part 2 and who—
  - (i) became a member of Part 2 on or after 1 November 1981 and before 1 September 2005 or, in the case of a teacher or chaplain in a community school, on or after 1 February 1982 and before 1 September 2005, or

- (ii) being a member of Part 2 during the whole or any part of the period beginning on 1 June 1981 and ending on 31 October 1981 or, in the case of a teacher or chaplain in a community school, ending on 31 January 1982, during such period elected to become a Chapter 3 member or did not exercise an option to do so, or
- (iii) during the period beginning on 1 June 1981 and ending on 31 October 1981 or, in the case of a teacher or chaplain in a community school, ending on 31 January 1982, opted not to become a Chapter 3 member and who, notwithstanding the exercise by her of that option in that manner, during the same period elected to become a Chapter 3 member, or
- (iv) during the period beginning on 1 June 1981 and ending on 31 October 1981 or, in the case of a teacher or chaplain in a community school, ending on 31 January 1982 opted not to become a Chapter 3 member and who subsequently, during such period, either died or retired from pensionable service or otherwise ceased to be a person to whom this Chapter applies, and—
  - (I) who, notwithstanding the exercise by her of the option in that manner, during the period mentioned in this clause (whether ending on 31 October 1981 or 31 January 1982, as appropriate) elected to become a Chapter 3 member, or
  - (II) in respect of whom, notwithstanding the exercise by her of the option in that manner, an election was made to become a Chapter 3 member during the said period.

*Power to grant spouses' and children's pensions (Chapter 3)*

30. (1) Subject to the provisions of this Chapter, the Minister shall, on the death of a person referred to in paragraph (2) (in this Chapter referred to as the "deceased") grant, in respect of the person's service—

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

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

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

- (a) the person is—
  - (i) a member of Chapter 3, or
  - (ii) a former member of Chapter 3, and
- (b) a pension, death gratuity, preserved pension or preserved death gratuity or, if the person retired on medical grounds before 30 June 1976 having given not less than 5 and not more than 10 years pensionable service, a gratuity, has been, or is awarded, to or in respect of the person.

*Spouses' pensions (Chapter 3)*

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

- (a) where the spouse was, at the time of the death of the former member, cohabiting with a person other than the deceased as man and wife, or
- (b) in respect of any time after the death of the former member when the spouse is remarried or is so cohabiting with any person.

(2) Notwithstanding paragraph (1), where—

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

the Minister may, if he or she thinks fit, grant or re-grant, as may be appropriate, the pension—

- (i) in the case of a marriage or cohabitation which has come to an end, from the date on which such marriage or cohabitation ended, or
- (ii) in any other case, a date not earlier than the date on which the relevant application is received by the Minister.

(3) (a) A spouse shall not be eligible for a spouse's pension under this Chapter in respect of more than one member.

- (b) Where a spouse would, save for this paragraph, be eligible for a spouse's pension in respect of 2 or more members the spouse shall be entitled to whichever pension provides him or her with the most favourable benefits.

(4) Subject to paragraph (1), a spouse's pension may be paid for the whole of the period beginning on the death of the deceased and ending with the death of the spouse.

- (5) The rate of a spouse's pension is  $\frac{1}{2}$  the rate of the deceased's pension.
- (6) (a) Where a member or former member dies who was fully insured or where the member's or former member's pension is calculated on a combination of service provided when the person was not fully insured and service provided when the person was fully insured, the Minister shall, with effect from a date which is not earlier than 6 April 1995, and subject to subparagraph (b), pay to his or her spouse a supplementary pension, the amount of which shall not exceed the amount, if any, obtained by applying the following formula, namely, A-B where—

A is the rate of spouse's pension which would have resulted from the calculation referred to in paragraph (5) if the deceased's pension had been based on pensionable remuneration, and

B is the rate of spouse's pension resulting from the calculation referred to in paragraph (5) together with the personal rate of widow's (contributory) pension or widower's (contributory) pension, if any, payable to the spouse.

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

(7) Notwithstanding paragraph (5), where on the death on or after 30 June 1977, of a member or former member, other than a former member who qualifies for a preserved pension, a spouse's pension becomes payable to his or her spouse, the rate of that pension may, in respect of the first month after his or her death, be increased to—

- (a) where he or she dies while a member,  $\frac{1}{12}$ th the rate of his or her pensionable remuneration, or
- (b) where he or she dies after being granted a pension and where the rate of pension payable to him or her on the date of his or her death is greater than the rate of spouse's pension otherwise payable under this Chapter,  $\frac{1}{12}$ th of such rate of pension,

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

*Children's pensions — beneficiaries (Chapter 3)*

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

- (a) the deceased is married to the mother or father of the child, as the case may be, at some time during the period of his or her membership; and
- (b) the child is born before or during the period of the deceased's membership or not more than 10 months after the deceased ceased to be a member.

(2) A pension may be granted under this Chapter for an adopted child of the deceased only if

- (a) the adoption occurs
  - (i) before or during the period of the deceased's membership; or
  - (ii) after the period of the deceased's membership but only if the deceased had applied, before the termination of membership, for an adoption order in respect of the child, the deceased dies before the adoption procedure is completed and the child is subsequently adopted by the member's spouse;

and

- (b) the deceased is married at some time during the period of his or her membership.

(3) A pension may be granted under this Chapter for a step-child of the deceased

- (a) only in respect of a period on or after 1 January 1979; and
- (b) only if the deceased's marriage that makes the deceased the step-parent of the step-child occurs
  - (i) before the period of the deceased's membership and the marriage continues to the time that the deceased became a member; or
  - (ii) during the period of the deceased's membership.

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

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

*Children's pensions — rate and mode of payment (Chapter 3)*

33. (1) (a) A children's pension under this Chapter shall be paid to the relevant former member's spouse where the eligible children are in the spouse's care or, where any child in respect of whom the pension is payable is not in such care, the pension shall be paid either to the child or to such other person as the Minister may determine.
- (b) Where children are in the care of 2 or more persons, different parts of the children's pension shall be paid to those persons in such proportions as the Minister may determine.
- (c) A children's pension shall be applied for the benefit of the children for whom it is granted.
- (2) A children's pension may only be paid in relation to a period subsequent to the death of the deceased.
- (3) During the period beginning on 23 July 1968 and ending on 30 June 1977, the rate of children's pension under this Chapter is—
- (a) where the deceased is not survived by a spouse or is survived by a spouse who subsequently dies, in respect of periods after the spouse's death,  $\frac{2}{12}$ ths the deceased's pension for the first child plus  $\frac{1}{12}$ th for each additional child up to a fourth additional child;
- (b) subject to paragraph (5), where the deceased is survived by a spouse,  $\frac{1}{12}$ th the deceased's pension for the first child, plus  $\frac{1}{12}$ th for each additional child up to a fifth additional child.
- (4) From 1 July 1977, the rate of children's pension under this Chapter is—
- (a) where the deceased is not survived by a spouse or is survived by a spouse who subsequently dies, in respect of periods after the spouse's death,  $\frac{4}{12}$ ths of the deceased's pension for the first child plus  $\frac{2}{12}$ ths for a second child;
- (b) subject to paragraph (5), where the deceased is survived by a spouse,  $\frac{2}{12}$ ths of the deceased's pension for the first child plus  $\frac{2}{12}$ ths for each additional child up to a second additional child.
- (5) (a) Where, on or after 1 July 1977, the children of the deceased are at the time of, or at any time after, his or her death in the care of some person other than his or her spouse, the Minister may, if he or she thinks fit, direct that for so long as they are in such care paragraph (3)(a) or 4(a), or both, shall apply notwithstanding that the spouse is still alive, and, where the Minister so directs, paragraph (3)(a) or (4)(a) (or both) shall be construed and have effect in accordance with the direction.
- (b) Where, on or after 1 July 1977, some but not all of the children of the deceased are at the time of, or at any time after, his or her death in

the care of a person other than his or her spouse, the rate of that portion of the children's pension which is payable in respect of the children who are in the care of that person may be calculated by reference to the rates specified in paragraph (3)(a) or 4(a), or both as appropriate, provided that the amount of children's pension payable in respect of the deceased shall not exceed  $\frac{1}{2}$  the rate of the deceased's pension.

(6) Notwithstanding the foregoing provisions of this Article, where the deceased is survived by a spouse and a spouse's pension is not granted to the spouse under this Chapter or, one is so granted to the spouse and it ceases to be paid before his or her death, a children's pension shall not be payable under this Chapter in respect of any period comprised within the lifetime of the spouse or within the time in respect of which a spouse's pension is not payable, as may be appropriate, unless the Minister in his or her discretion directs that such a pension shall be payable and, where the Minister gives such a direction, he or she may, if he or she thinks fit, further direct that paragraph (5) shall apply as respects any such period.

*Periodic contributions (Chapter 3)*

34. (1) Each member of Chapter 3 shall pay periodic contributions that comprise 1.5% of remuneration.

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

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

*Refund of contributions (Chapter 3)*

35. (1) Where a person—

- (a) ceases to be a member of Chapter 3 and was unmarried at all times during his or her membership of this Chapter, or
- (b) on ceasing to be a member of Chapter 3 other than on death, on so ceasing was married, and either—
  - (i) is not eligible under Part 2 for the grant of a pension and gratuity, or
  - (ii) having retired on medical grounds before 30 June 1976, and having given not less than 5 and not more than 10 years pensionable service, is not eligible for a gratuity, or
- (c) before 30 June 1977, ceases to be a member due to death and on so ceasing was married and had less than 5 years pensionable service, or

- (d) on or after 30 June 1977 ceases to be a member due to death and his or her pensionable service, together with the pensionable service he or she would have if he or she had served to compulsory retirement age or, in the case of a new entrant, 65 years of age, is less than 5 years,

then if his or her pensionable service is not transferred to an approved pension scheme, or if he or she is not eligible for a preserved pension and preserved gratuity, the person is entitled to a refund of the whole of his or her periodic contributions.

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

- (a) does not exceed 40 years,
- (b) is, if he or she ceased to be a member before 30 June 1974, an exact number of years, or
- (c) if he or she is unmarried when he or she ceased to be a member, does not exceed a period equal to the length of service on the date of his or her spouse's death.

(3) Where a married member retires on medical grounds and his or her spouse subsequently dies before he or she attains compulsory retirement age or, in the case of a new entrant, 65 years of age, the former member is entitled to a refund of contributions paid in respect of the period subsequent to the spouse's death.

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

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

- (a) contributions in respect of Part 2 for the period in question have not been refunded or, where they have been refunded together with the periodic contributions, have been repaid in accordance with Article 12, and
- (b) the person repays to the Minister the amount of the periodic contributions so refunded to him or her and the provisions of Article 12 apply to the repayment.

*Former members becoming members (Chapter 3)*

36. (1) Subject to paragraph (3), where a former member becomes, before 1 August 1996, a member of this Chapter, any prospective entitlement to a spouse's or children's pension under this Chapter in respect of his or her previous service shall be disregarded (and, accordingly, any entitlement to a spouse's pension or children's pension shall be determined solely by reference to the member's present membership of this Chapter).

(2) Subject to paragraph (3), where a former member becomes, on or after 1 August 1996, a member of this Chapter in a position in respect of which the annual rate of remuneration or, in respect of part-time employment, the whole-time equivalent of the annual rate of remuneration, is at least the equivalent of the remuneration on which the pension was based, any prospective entitlement to a spouse's pension or children's pension under this Chapter in respect of his or her previous membership shall be disregarded (and, accordingly, any entitlement to a spouse's pension or children's pension shall be determined solely by reference to the member's present membership of this Chapter).

(3) Where a person, on becoming a member of this Chapter, had at any time previously been a member of this Chapter and had paid periodic contributions during such period of membership, the period in respect of which he or she paid such periodic contributions shall be excluded in determining the number of relevant years under Article 37(9) provided that—

- (a) no refund of those contributions is or was paid, or
- (b) such refund, where paid, has been repaid in accordance with Article 35(5) or, where the application to repay the periodic contributions and contributions made under Part 2 has been made on or after 1 March 1996, the period of service to which the refund relates has been purchased in accordance with Chapter 3 of Part 4.

(4) Where a person to whom paragraph (1) or (2) applies becomes a former member by retiring on pension, whether on medical grounds or otherwise, then the contribution payable under Article 37 at the termination of his or her final period of membership shall be reduced by the amount of the contribution paid under that Article when he or she first became a former member (that is to say, on the first occasion of his or her becoming a former member), provided there was no refund of that contribution.

(5) Where a member was entitled to claim separate preserved pensions or a single aggregated pension but had not made a claim under subparagraph (e) or (f) of Article 8(2) before his death while a member, the spouses' and children's pension in respect of that member shall be calculated on the greater of the following:

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

*Non-periodic contributions (Chapter 3)*

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

(2) Where a member of this Chapter was married at any time during the period of his or her membership and he or she—

(a) ceases to be a member before 30 June 1976, and such cesser is due to—

(i) death or retirement on medical grounds after not less than 5 years pensionable service, or

(ii) retirement on pension,

(b) ceases to be a member on or after 30 June 1976 and before 30 June 1977 and such cesser is due to—

(i) death after not less than 5 years pensionable service, or

(ii) retirement on pension, or

(c) ceases to be a member on or after 30 June 1977 and such cesser is due to—

(i) death, and his or her pensionable service together with the pensionable service he or she would have if he or she had served until compulsory retirement age or, in the case of a new entrant, 65 years of age, is not less than 5 years, or

(ii) retirement on pension or resignation with entitlement to a preserved pension,

then, unless the number of relevant years is nil, a contribution under this Article (in this Article referred to as a “non-periodic contribution”) shall be payable by way of reduction in the amount of the member’s gratuity, death gratuity, preserved gratuity, preserved death gratuity or the gratuity payable to a member who retired on medical grounds before 30 June 1976 or in such other manner as the Minister may require.

(3) Subject to paragraph (4), the non-periodic contribution shall comprise 1% of the member’s pensionable remuneration multiplied by the number of relevant years, days in excess of completed years being taken into account in the case of a member whose membership ceases on or after 30 June 1974.

(4) The non-periodic contribution for part-time service shall be calculated under subparagraph (b) of Article 11(2), except that the contribution under this Article is comprised solely of 1.5% of remuneration at the rate applicable to the person according to that subparagraph.

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

(a) on which he or she attains 60 years of age or, where the member is a new entrant, 65 years of age, in the case of a preserved gratuity, or

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

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

(7) (a) At the discretion of the Minister and subject to conditions specified by him or her, a member may elect to pay, over periods of one or more school years beginning on or after 1 September 2006, additional contributions equal in each case to the amount of the periodic contributions payable in respect of that period or, in the case of a member who is in part-time service, payable by reference to the wholetime equivalent of the member's remuneration in respect of such period.

(b) Where one or more additional contributions are made under subparagraph (a), this Article shall apply to the person by whom the contribution or contributions is or are made subject to the modification that, in calculating the number of relevant years, such number shall be reduced by one for every contribution made by the person under subparagraph (a).

(c) Additional periodic contributions under subparagraph (a) shall be refundable in accordance with the provisions of Article 35.

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

(9) In this Article, "the number of relevant years" means—

(a) in relation to a member of Chapter 3 who, being then married, ceases to be a member because of death before 30 June 1974, the number of whole years of service which he or she would have had if he or she had served to compulsory retirement age, excluding any fraction of a year and reduced by the number of whole years of service, if any, in respect of which periodic contributions have been paid by him or her and are not refundable,

- (b) in relation to a member of Chapter 3 who, being then married, ceases to be a member otherwise than by death before 30 June 1974, the number of whole years of service which he or she then had, excluding any fraction of a year and reduced by the number of whole years of service, if any, in respect of which periodic contributions have been paid by him or her and are not refundable,
- (c) in relation to a member of Chapter 3 who, being then unmarried, ceases to be a member before 30 June 1974, the number of whole years of service which he or she had on the date of termination of his or her last marriage before such cesser, reduced by the number of whole years of service, if any, for which periodic contributions have been paid by him or her and are not refundable,
- (d) in relation to a member of Chapter 3 who, being then married, ceases to be a member because of death on or after 30 June 1974, the period of pensionable service which he or she would have had if he or she had served to compulsory retirement age or, in the case of a new entrant, to 65 years of age, reduced by the period of service, if any, in respect of which periodic contributions have been paid by him or her and are not refundable,
- (e) in relation to a member of Chapter 3 who, being then married, ceases to be a member otherwise than by death on or after 30 June 1974 and before 2 December 1975, the period of pensionable service which he or she then had reduced by the period of service, if any, for which periodic contributions have been paid by him or her and are not refundable,
- (f) in relation to a member of Chapter 3 who, being then unmarried, ceases to be a member on or after 30 June 1974, the period of pensionable service which he or she had on the date of termination of his or her last marriage before such cesser, reduced by the period of service, if any, for which periodic contributions have been paid by him or her and are not refundable,
- (g) in relation to a member of Chapter 3 who, being then married, ceases to be a member on retirement on medical grounds on or after 2 December 1975, the period of pensionable service which he or she would have had if he or she had served to compulsory retirement age or, in the case of a new entrant, 65 years of age, reduced by the period of service, if any, for which periodic contributions have been paid by him or her and are not refundable, or
- (h) in relation to a member of Chapter 3 who, being then married, ceases to be a member on retirement, otherwise than on medical grounds, on or after 2 December 1975, the period of pensionable service which he or she then had, reduced by the period of service, if any, for which periodic contributions have been paid by him or her and are not refundable.

(10) Where a member or former member of Chapter 3 gave service, other than as a teacher in a secondary school, community school or comprehensive school or chaplain in a community school or comprehensive school, which is reckonable under Article 6, any portion of that service in respect of which he or she paid periodic contributions under a pension scheme similar to this Chapter shall, provided those contributions were not refunded to him or her, be excluded in determining the number of relevant years under paragraph (9).

*Marriages of members whose early death is to be foreseen (Chapter 3)*

38. Where a member marries and—

- (a) he or she dies within a year of the date of the marriage,
- (b) he or she had no children with the spouse either before or after the marriage, and
- (c) the Minister is of the opinion that his or her death within said period was, at the date of the marriage, to be foreseen by him or her or by his or her spouse,

then the Minister may for the purposes of this Chapter regard the marriage as not having taken place and, where the marriage is so regarded, all necessary adjustments (including, if need be, repayment to the Minister of sums paid in respect of pensions already granted under this Chapter and refunds of contributions made under this Chapter) shall be made accordingly.

## Chapter 4

*Secondary Teachers Widows' and Children's Ex-Gratia Pension Provisions*

*Commencement (Chapter 4)*

39. This Chapter shall be deemed to have come into operation on 23 July 1968.

*Interpretation (Chapter 4)*

40. (1) In this Chapter—

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

- (a) under 16 years of age,
- (b) under 21 years of age and who is—
  - (i) receiving full-time instruction at any university, college, school or other educational establishment, or
  - (ii) undergoing full-time instruction or training approved by the Minister and provided by any person (in this Chapter referred to as “the employer”) for any vocation, profession or trade, or

- (c) permanently incapacitated by reason of mental or physical infirmity from maintaining himself or herself and who, when his or her permanent incapacity first occurred, was a person described in any of the foregoing paragraphs of this definition,

save that, in the case of a person who attains 21 years of age before 1 July 1977, this definition shall not apply to him or her during the period beginning on the day on which he or she reaches such age and ending on 30 June 1977;

“children’s pension” has the meaning assigned to it by Article 42;

“deceased” means a member or former member of Chapter 4 referred to in Article 42;

“deceased’s pension” means—

- (a) in the case of a person who retired on pension, the amount of such pension;
- (b) in the case of a person who, having reached compulsory retirement age, was permitted to continue in service and dies in service, the amount of the pension to which he would have been entitled if he had retired on the date of death but excluding from actual pensionable service any days in excess of completed years;
- (c) in the case of a person who dies while serving as a member of Part 2, the amount of the pension which would have been granted to him if, on the date of death, he retired on medical grounds and then had the actual pensionable service he would have had if he had served to compulsory retirement age excluding any days in excess of completed years;

“widow” means the wife of the deceased where both the deceased and his wife were parties to a marriage recognised by the law of the State as valid;

“widow’s pension” has the meaning assigned to it by Article 42.

(2) Paragraphs (2) and (3) of Article 16 shall apply to the definition of “child” in this Article as they apply to the definition of “child” in Article 16.

(3) Section 11(b) of the Interpretation Act 1937 (No. 38 of 1937) and section 18(b) of the Interpretation Act 2005 (No. 23 of 2005) shall not apply to this Chapter but, to avoid doubt, this paragraph does not affect the importing of the masculine gender and of the feminine gender with respect to the following words in this Chapter:

- (a) “child”;
- (b) “employer”;
- (c) “Minister”;

- (d) “parent”;
- (e) “person” (other than when referable to the deceased);
- (f) “personal representative”.

*Chapter 4 members*

41. Each of the following men is a Chapter 4 member:

- (a) a teacher or chaplain who retired on a pension before 23 July 1968;
- (b) a teacher or chaplain who, before 23 July 1968, died while a member of Part 2 and had not less than 10 years actual pensionable service to compulsory retirement age at the date of death and
  - (i) had given not less than 5 years actual pensionable service, or
  - (ii) in respect of whom a death gratuity was paid;
- (c) a teacher or chaplain having attained compulsory retirement age before 23 July 1968 while a member of Part 2 and who was permitted to continue in service and would have been eligible for a pension under Part 2 if he had retired on reaching compulsory retirement age.

*Power to grant widows’ and children’s pensions*

42. (1) Subject to the provisions of this Chapter, the Minister may, on the death of a Chapter 4 member, grant in respect of his service—

- (a) where he is survived by a widow, a pension to that widow (in this Chapter referred to as a “widow’s pension”), and
  - (b) where he had a wife at any time before his actual pensionable service ceased (whether or not the marriage continued until his death and whether or not a widow’s pension is, or can be, granted), a pension for his children (in this Chapter referred to as a “children’s pension”).
- (2) The grant of a pension under this Article shall be with effect from—
- (a) subject to paragraph (b), the date of the deceased’s death or 23 July 1968, whichever is the later, or
  - (b) in the case of a deceased who died before 23 July 1968 and who falls within Article 41(c), 23 July 1968.

*Widows’ pensions (Chapter 4)*

43. (1) A widow’s pension shall not be granted or paid under this Chapter—

- (a) where the widow was, at the time of the death of the deceased, cohabiting with a man other than the deceased as man and wife, or
- (b) in respect of any time after the death of the deceased when the widow is remarried or is so cohabiting with any man.

(2) Where—

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

the Minister may, if he or she thinks fit, grant or regrant, as may be appropriate, the pension—

- (i) in the case of a marriage or cohabitation which has come to an end, from the date on which such marriage or cohabitation ended, or
  - (ii) in any other case, a date not earlier than the date on which the relevant application is received by the Minister.
- (3) (a) A widow shall not be eligible for a widow's pension under this Chapter in respect of more than one person to whom this Chapter applies.
- (b) Where a widow would, save for this paragraph, be eligible for a widow's pension in respect of more than one person to whom this Chapter applies, the widow shall be treated under this Chapter in the way which will give the most favourable result for the widow.
- (4) Subject to paragraph (1), a widow's pension may be paid for the whole of the period beginning on the death of the deceased and ending with the death of the widow.

(5) The rate of a widow's pension is—

- (a) during the period beginning on the commencement of this Chapter and ending on 30 June 1977,  $\frac{1}{4}$  the rate of the deceased's pension,
- (b) during the period beginning on 1 July 1977 and ending on 30 June 1979,  $\frac{1}{3}$  the rate of the deceased's pension,
- (c) during the period beginning on 1 July 1979 and ending on 31 December 1985,  $\frac{5}{12}$ ths the rate of the deceased's pension,
- (d) during the period beginning on 1 January 1986 and ending on 31 December 1986  $\frac{11}{24}$ ths the rate of the deceased's pension, and
- (e) on and from 1 January 1987,  $\frac{1}{2}$  the rate of the deceased's pension.

*Children's pensions — beneficiaries (Chapter 4)*

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

- (a) the deceased is married to the mother of the child at some time during the period of his membership; and
  - (b) the child is born before or during the period of the deceased's membership or not more than 10 months after the deceased ceased to be a member.
- (2) A pension may be granted under this Chapter for an adopted child of the deceased only if—
- (a) the adoption occurs—
    - (i) before or during the period of the deceased's membership; or
    - (ii) after the period of the deceased's membership but only if the deceased had applied, before the termination of membership, for an adoption order in respect of the child, the deceased dies before the adoption procedure is completed and the child is subsequently adopted by the member's spouse;

and
  - (b) the deceased is married at some time during the period of his membership.
- (3) A pension may be granted under this Chapter for a step-child of the deceased—
- (a) only in respect of a period on or after 1 January 1979; and
  - (b) only if the deceased's marriage that makes the deceased the step-parent of the step-child occurs—
    - (i) before the period of the deceased's membership and the marriage continues to the time that the deceased became a member; or
    - (ii) during the period of the deceased's membership.
- (4) (a) A child shall not be eligible for a children's pension in respect of more than one member.
- (b) Where a child would, save for this paragraph, be eligible for a children's pension in respect of 2 or more members, the child shall be treated under this Chapter in the way which, in the opinion of the Minister, will give the most favourable overall result for the child.

*Children's pensions — rate and mode of payment (Chapter 4)*

45. (1) (a) A children's pension under this Chapter shall be paid to the deceased's widow if the eligible children are in her care, and where any child in respect of whom the pension is payable is not in such care, the pension shall be paid either to the child or to such other person as the Minister may determine.

- (b) Where children are in the care of 2 or more persons, different parts of the children's pension shall be paid to those persons in such proportions as the Minister may determine.
  - (c) The children's pension is to be applied for the benefit of the children for whom it is granted.
- (2) A children's pension may be paid only in relation to a period subsequent to the death of the deceased.
- (3) During the period beginning on the commencement of this Chapter and ending on 31 May 1973, the rate of children's pension under this Chapter is—
- (a) where the deceased is not survived by a widow or is survived by a widow who subsequently dies, in respect of periods after her death,  $\frac{2}{24}$ ths the deceased's pension for the first child plus  $\frac{1}{24}$ th the deceased's pension for each additional child up to a fourth additional child, or
  - (b) subject to paragraph (5), where the deceased is survived by a widow,  $\frac{1}{24}$ th the deceased's pension for the first child, plus one  $\frac{1}{24}$ th the deceased's pension for each additional child up to a fifth additional child.
- (4) (a) During the period beginning on 1 June 1973 and ending on 30 June 1977, the rate of children's pension under this Chapter is—
- (i) where the deceased is not survived by a widow or is survived by a widow who subsequently dies, in respect of periods after her death,  $\frac{4}{24}$ ths the deceased's pension for the first child plus  $\frac{2}{24}$ ths the deceased's pension for a second child, or
  - (ii) subject to paragraph (5), where the deceased is survived by a widow,  $\frac{2}{24}$ ths the deceased's pension for the first child plus  $\frac{2}{24}$ ths the deceased's pension for each additional child up to a second additional child.
- (b) During the period beginning on 1 July 1977 and ending on 30 June 1979, the rate of children's pension under this Chapter is—
- (i) where the deceased is not survived by a widow or is survived by a widow who subsequently dies, in respect of periods after her death,  $\frac{2}{9}$ ths the deceased's pension for the first child plus  $\frac{1}{9}$ th the deceased's pension for a second child, or
  - (ii) subject to paragraph (5), where the deceased is survived by a widow,  $\frac{1}{9}$ th the deceased's pension for the first child plus  $\frac{1}{9}$ th the deceased's pension for each additional child up to a second additional child.

- (c) During the period beginning on 1 July 1979 and ending on 31 December 1985, the rate of a children's pension under this Chapter is—
- (i) where the deceased is not survived by a widow or is survived by a widow who subsequently dies, in respect of periods after her death,  $\frac{10}{36}$ ths the deceased's pension for the first child plus  $\frac{5}{36}$ ths the deceased's pension for a second child, or
  - (ii) subject to paragraph (5), where the deceased is survived by a widow,  $\frac{5}{36}$ ths the deceased's pension for the first child plus  $\frac{5}{36}$ ths the deceased's pension for each additional child up to a second additional child.
- (d) During the period beginning on 1 January 1986 and ending on 31 December 1986, the rate of a children's pension under this Chapter is—
- (i) where the deceased is not survived by a widow or if he is survived by a widow who subsequently dies, in respect of periods after her death,  $\frac{11}{36}$ ths the deceased's pension for the first child plus  $\frac{11}{72}$ nds the deceased's pension for a second child, or
  - (ii) subject to paragraph (5), where the deceased is survived by a widow,  $\frac{11}{72}$ nds the deceased's pension for the first child plus  $\frac{11}{72}$ nds the deceased's pension for each additional child up to a second additional child.
- (e) On and from 1 January 1987, the rate of a children's pension under this Chapter is—
- (i) where the deceased is not survived by a widow or is survived by a widow who subsequently dies, in respect of periods after her death,  $\frac{1}{3}$ rd the deceased's pension for the first child plus  $\frac{1}{6}$ th the deceased's pension for a second child, or
  - (ii) subject to paragraph (5), where the deceased is survived by a widow,  $\frac{1}{6}$ th the deceased's pension for the first child plus  $\frac{1}{6}$ th the deceased's pension for each additional child up to a second additional child.
- (5) (a) Where, on or after 1 July 1977, the children of the deceased are at the time of, or at any time after, his death, in the care of some person other than their parent or step-parent, the Minister may, if he or she thinks fit, direct that for so long as they are in such care any or all, as may be appropriate, of the following provisions, namely paragraph (3)(a) and clause (i) of each of paragraphs (4)(a) to (e) shall apply notwithstanding that the parent or step-parent is still alive, and where the Minister so directs this Article shall be construed and shall have effect in accordance with the direction.

(b) Where, on or after 1 July 1977, some but not all of the children of the deceased are at the time of, or at any time after, his death in the care of a person other than their parent or step-parent, the rate of that portion of the children's pension which is payable in respect of the children who are in the care of that person may be calculated by reference to all or any, as may be appropriate, of the rates specified in paragraph (3)(a) and clause (i) of each of paragraphs (4)(a) to (e), provided that the amount of children's pension payable in respect of a deceased shall not exceed—

- (i) during the period beginning on 1 July 1977 and ending on 30 June 1979, 1/3rd the rate of the deceased's pension,
- (ii) during the period beginning on 1 July 1979 and ending on 31 December 1985, 5/12ths the rate of the deceased's pension,
- (iii) during the period beginning on 1 January 1986 and ending on 31 December 1986, 11/24ths the rate of the deceased's pension, or
- (iv) on and from 1 January 1987,  $\frac{1}{2}$  the rate of the deceased's pension.

(6) Notwithstanding the foregoing provisions of this Article, where the deceased is survived by a widow and no widow's pension is granted to her under this Chapter or, if one is so granted to her and ceases to be paid before her death, a children's pension shall not be payable under this Chapter in respect of any period comprised within the lifetime of the widow or within the time in respect of which a widow's pension is not payable, as may be appropriate, unless the Minister directs that such a pension shall be so payable, and if the Minister gives such a direction he or she may, if he or she thinks fit, further direct that paragraph (5) shall apply in respect of any such period.

#### Part 4

#### PURCHASE OF NOTIONAL SERVICE AND CERTAIN OTHER SERVICE

#### Chapter 1

#### *Commencement, Interpretation and Application*

#### *Commencement of certain provisions of this Part*

46. (1) Subject to paragraphs (2) and (3), this Part shall be deemed to have come into operation on 1 March 1983.

(2) Article 57 shall be deemed to have come into operation on 30 June 1977.

(3) Chapter 3 shall be deemed to have come into operation on 1 March 1996.

*Interpretation (Part 4)*

47. (1) For the purposes of this Part—

“regular part-time” means, in relation to a teacher or chaplain, a teacher or chaplain who has been working part-time for not less than 2 consecutive years under a regular part time contract and has an established part-time work pattern as a proportion of full time attendance;

“relevant age” means—

- (a) 65 years of age in the case of members who opt to purchase service in accordance with the appropriate Table in Schedule 1, being a Table the heading of which specifies the age of 65;
- (b) 60 years of age in the case of members who opt to purchase service in accordance with the appropriate Table in Schedule 1, being a Table the heading of which specifies the age of 60.

(2) In Chapter 2, a reference to the purchase of service is a reference to the purchase of notional service.

*Application of Part 4*

48. This Part applies to members of Part 2 who are giving pensionable service on or after 1 March 1983, and who—

- (a) are in permanent or temporary full time positions or, from 1 September 2001, are in regular part-time posts;
- (b) would have not less than 9 years’ actual pensionable service (excluding purchased notional service) by the time they attain the relevant age;
- (c) subject to Article 49(10), are not on sick leave or suspended from duty (either with or without pay);
- (d) are not disqualified by virtue of having received, or having an entitlement to, retained benefits (within the meaning of Schedule 2); and
- (e) exercise a valid option in accordance with this Part.

## Chapter 2

*Purchase of Notional Service Generally**General conditions for the purchase of notional service*

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

- (2) (a) An option to purchase service by periodic deductions from remuneration may be exercised at any time during the member’s service, provided that—

- (i) he or she is in appropriate service at the time of exercise of the option,
  - (ii) not less than 2 years will elapse between the date of the member's next birthday and the date on which the member will reach the relevant age, and
  - (iii) without the purchase of service under this Chapter he or she would not have 40 years pensionable service before reaching the relevant age.
- (b) For the purposes of subparagraph (a), "appropriate service" means—
- (i) service given prior to 1 September 2001 as a teacher in a secondary school, community school or comprehensive school or chaplain in a community school or comprehensive school in a pensionable full time or a job-sharing capacity;
  - (ii) service given on or after 1 September 2001 as a pensionable full time or a regular part-time teacher in a secondary school, community school or comprehensive school or chaplain in a community school or comprehensive school.
- (3) An option to purchase service by lump sum payment may be exercised while a person is a member of Part 2 subject to the following conditions:
- (a) where the option is exercised on or after 27 October 2006, it shall be exercised—
    - (i) by way of a lump sum contribution once during each year, provided that—
      - (I) the amount of contribution is not less than 10% of the member's remuneration or net remuneration, as appropriate, or
      - (II) where the amount of the contribution that would be required to purchase all of the service that is capable of being purchased under this Chapter is less than 10% of the member's remuneration or net remuneration, as appropriate, the member shall purchase all of the service capable of being so purchased;
- or
- (ii) by way of lump sum where a member has been on a period of leave without pay, in order to reckon such period or such shorter period as the member chooses, provided that it is exercised within 6 months of return to duty following such period of leave, and the period of leave has interrupted a periodic purchase contract;

- (b) where the option is exercised on or after 22 October 1991 and before 27 October 2006—
- (i) within 2 years of the person becoming a member of Part 2 or commencing full time service as a teacher in a secondary school, community school or comprehensive school or chaplain in a community school or comprehensive school, whichever is later, or
  - (ii) on the date of the member's retirement or within 2 years prior to that date, or
  - (iii) within 6 months of the member's return to duty following a period of leave without pay provided that the amount of service which may be purchased in such a case shall not exceed the duration of the period of leave;
- (c) where the option is exercised on or after 1 March 1983 and before 22 October 1991, within 2 years of the person becoming a member of Part 2, or before 1 March 1985 in the case of a member who was in pensionable service on 1 March 1983.

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

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

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

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

- (a) on or after 27 October 2006, with effect from the date of his or her next available pay day, not being later than 4 weeks from the date of receipt of written notification of such cesser, or
- (b) before 10 October 2006, with effect from the date of his or her next birthday following receipt of his or her written notification of such cesser.

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

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

(10) A member who retires on ill-health grounds on or after 10 May 2005 shall be eligible to purchase service by lump sum payment.

(11) The reference in paragraph (3)(a)(ii) to a period of leave having interrupted a periodic purchase contract shall be construed as a reference to a period of leave having been taken at a date falling within the period over which a contract to purchase service by periodic contributions operates.

*Special conditions for purchase by members on certain types of contracts*

50. (1) Subject to paragraph (2), a member who is employed on a fixed-term contract or a fixed purpose contract and who, in either case, is in pensionable service on or after 1 September 2001 may purchase service under this Chapter.

(2) A member who is employed on—

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

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

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

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

*Special conditions for purchase by job-sharing and part-time members*

51. (1) Before 1 January 2002, a member who is job-sharing may purchase service under this Chapter where his or her potential service to the relevant age, if he or she were to return to full time service, would be less than 40 years.

(2) On or after 1 January 2002 and before 27 October 2006, a member who is job-sharing may purchase service under this Chapter where his or her potential service to the relevant age, if he or she were to return to full time service, would be greater than 40 years, provided that—

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

(b) either—

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

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

(3) On or after 27 October 2006, a member who is job-sharing or working part-time may purchase service under this Chapter where his or her potential

service to the relevant age, if he or she were to return to full time service, would be greater than 40 years provided that he or she has, at the time he or she exercises an option to purchase service, been job-sharing or working part-time for not less than 2 consecutive years in a regular part-time position.

(4) (a) Subject to subparagraph (b), a member to whom paragraph (3) applies and who was in service on or after 10 May 2005 and before 27 October 2006 (the “relevant dates”) may elect, before 28 January 2007, to purchase service under this Chapter at the rates applicable to the member’s age on a birthday of the member that occurs between the relevant dates.

(b) Where a member elects to purchase service in accordance with subparagraph (a)—

(i) in the case of a purchase of service under this Chapter by way of lump sum payment, the contribution shall be calculated by reference to the member's remuneration on the date of the exercise of the option and shall be paid within 6 months from that date, or

(ii) in the case of a purchase of service under this Chapter by way of periodic contributions, payment shall commence on the member's next available pay day and shall continue until the date on which the member attains 60 years of age, and any arrears of contributions due in relation to the period between the member's last birthday (being a date not earlier than 10 May 2005) and the date of commencement of payment of contributions shall be paid within 12 months from that pay day.

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

*Special arrangements relating to leave without pay*

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

(a) the period commences on or after 1 September 1991;

(b) the member concerned is otherwise eligible to purchase service under this Chapter;

(c) the member concerned pays the appropriate contributions during the period of leave without pay; and

(d) the application to have that period reckoned as notional service is made before the period of leave commences.

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

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

- (a) in the case of leave without pay commencing on or after 1 September 1991 and before 28 October 2006—
  - (i) in respect of members who are not fully insured, 18 1/6% of remuneration for those who are members of Chapter 2 or 3 of Part 3 or 15 1/6% of remuneration for those who are not members of Chapter 2 or 3 of Part 3, or
  - (ii) in respect of members who are fully insured, 6 1/6% of remuneration and 12% of net remuneration for those who are members of Chapter 2 or 3 of Part 3 or 4 2/3% of remuneration and 10½% of net remuneration for those who are not members of Chapter 2 or 3 of Part 3;
- (b) in the case of leave without pay commencing on or after 28 October 2006, payment at the lump-sum contribution rate applicable to the member concerned and specified in the appropriate Table in Schedule 1, determined by the member's age next birthday on the last day of the quarter in respect of which the quarterly payment due is being calculated.

(4) For the purposes of this Article, "remuneration" means the actual rate of remuneration or net remuneration, as appropriate, on the member's last day of service before the commencement of the leave without pay taking account of any pay increases during the course of the leave.

*Special arrangements for payment of unpaid contributions during periodic purchase agreement*

53. (1) Where a period of leave without pay has interrupted a periodic purchase contract referred to in paragraph (3)(a)(ii) of Article 49 (as that expression is to be construed in accordance with paragraph (11) of that Article), the following options may be exercised in order to make good the resulting deficiency in purchased notional service:

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

(2) The amount of the single lump-sum payment referred to in paragraph (1)(a) shall be the amount obtained by applying the purchase rate the member

is paying under the purchase contract to the annual rate of remuneration applicable on the date the member returns to duty and multiplying that result by the number of days on leave without pay divided by 365.

*Procedures for purchase of notional service*

54. (1) Subject to Article 52, where a member opts to purchase service under this Chapter by way of periodic deductions from remuneration, contributions shall be payable from the date of the member's next birthday until the date the member reaches the relevant age.

(2) The amount of a periodic contribution payable under this Article shall be based on the member's remuneration and the rate of contribution shall be determined in accordance with the appropriate Table in Schedule 1.

(3) (a) Where a member opts to purchase service under this Chapter by way of lump sum payment, the contribution shall be based on remuneration at the date the member exercises the option and the rate of contribution shall be determined in accordance with the appropriate Table in Schedule 1.

(b) A lump sum payment under subparagraph (a) shall be paid not later than 6 months from the date of exercising the option.

(c) Where payment is not made within the period specified in subparagraph (b), the exercise of the option shall be deemed invalid.

(4) For the purposes of this Article, "remuneration" means—

(a) the pensionable remuneration, by reference to which the member's retirement gratuity is calculated, where the option to purchase is made at retirement, or

(b) the actual rate of a member's remuneration or net remuneration, as appropriate, from time to time, where the option to purchase is made before retirement,

and, in the case of a member who is job-sharing or in a part-time post, "remuneration" shall mean remuneration, as defined in the preceding subparagraphs, and shall be the full time rate of remuneration or net remuneration for the position and not the reduced job-sharing or part-time rate of remuneration or net remuneration.

*Crediting of purchased service*

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

(2) In the case of a retirement before 1 November 1997 by a member who entered into a contract under the administrative arrangements concerning purchase of service introduced by the Minister with effect from 1 March 1983 (referred to subsequently in this Article as the "1983 arrangements"), the

member shall, in order to benefit from the service purchased, have attained the age of 60 years, except where he or she dies or retires on medical grounds.

(3) A member who entered into a contract under the administrative arrangements concerning purchase of service introduced by the Minister with effect from 22 October 1991 (referred to subsequently in this Article as the “1991 arrangements”) or who retires on or after 1 November 1997, having entered into a contract under the 1983 arrangements, shall have the service purchased reckoned with effect from date of retirement, subject, where appropriate, to actuarial reduction provided for in paragraph (6).

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

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

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

where—

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

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

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

(6) Service purchased by way of lump sum contribution or the proportionate service (calculated in accordance with paragraph (5) and purchased by way of periodic contributions) shall be actuarially reduced at a rate calculated in accordance with the appropriate Table in Schedule 3 where the following circumstances apply:

- (a) a member who has purchased service under the 1983 arrangements qualifies, before 60 years of age, for a benefit on or after 1 November 1997, other than a benefit arising from death or retirement on medical grounds; or
- (b) a member who has purchased service under the 1991 arrangements qualifies for a benefit before the relevant age other than a benefit arising from death.

(7) When exercising an option to purchase service under this Chapter, a member shall also opt for the preservation of benefits in circumstances where

he or she satisfies the conditions for the award of such preserved benefits as specified in Article 8, but if the member retires on medical grounds in accordance with Article 9 nothing in this paragraph shall restrict the right of the member to select a gratuity under Article 7(4)(b).

(8) Where a member who has purchased service under this Chapter qualifies for additional service on ill-health grounds under Article 9, the service purchased under this Chapter shall be credited, after the added service under the relevant provision is credited.

*Refunds (Chapter 2)*

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

(2) (a) A member who is in pensionable service on or after 1 August 1998 and who has purchased service under this Chapter such that his or her total pensionable service would exceed 40 years and 91 days is entitled to a refund of those of the contributions paid under this Chapter as constitute the excess pensionable service.

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

$$\frac{A}{B}$$

where—

A is the excess service, and

B is the total amount of service purchased.

(3) Where a member to whom Chapter 3 of Part 3 applies, while unmarried—

(a) dies in service, or

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

the former member is entitled to a refund of contributions paid under this Chapter in accordance with the following:

(i) if the member has paid by periodic deductions from remuneration or net remuneration, as appropriate, the amount of the refund is all of the contributions paid since the member's marriage or, as the case may be, last marriage ended;

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

- (I) the contribution paid, or
- (II) a proportion of the contribution determined by the formula  $A/B$ , where—

A is the period (expressed to the nearest day) since the member's marriage, or, as the case may be, last marriage ended, and

B is the period (expressed to the nearest day) since the date on which the member exercised the option to purchase service.

(4) The rate of contribution for spouses' and children's benefits is the rate obtained by subtracting the rate of contribution appropriate to a member who is not a member of Chapter 3 of Part 3 from the rate of contribution actually paid.

(5) Refunds under paragraph (1) or (2) shall be paid in the same way as refunds of contributions for spouses' pensions are paid under the relevant Chapter of Part 3.

(6) A deduction in respect of liability for income tax shall be made from all refunds of contributions.

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

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

(b) The amount of the excess contributions under the original option shall be equal to the proportion of all contributions paid to date under that option determined in accordance with the formula  $A/B$  where—

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

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

#### *Transitional arrangements*

57. (1) In the case of members giving actual pensionable service on 1 March 1983, whose actual pensionable service commenced on or before 30 June 1977, this Chapter shall apply with the following modifications:

- (a) the option period referred to in Article 49(3)(c) shall terminate on 1 March 1985,
- (b) a member may opt, before 1 September 1983, to purchase service as follows:
- (i) pay periodic contributions with effect from his or her next birthday after 30 June 1977 calculated as if such member had exercised the option on 30 June 1977 and the amount payable in respect of contributions due in relation to the period prior to the date of commencement of deduction of periodic contributions shall be payable by lump sum within 6 months from that date; or
  - (ii) pay a lump sum contribution by reference to the member's age at 30 June 1977 and remuneration at date of exercise of the option.
- (2) (a) A member serving in a pensionable capacity on 30 June 1977 who retired on or after 60 years of age before 1 March 1983 and was not, immediately prior to retirement, on sick leave or retirement on medical grounds or suspended from duty, may exercise an option to pay a lump sum which option shall be exercised, and the contribution paid, before 1 September 1983.
- (b) The contribution under this paragraph shall be calculated by reference to the member's age on 30 June 1977, and the pensionable remuneration on which his or her retirement benefits were calculated.
- (c) The benefits in respect of the purchased service under this paragraph shall be calculated in accordance with the following:
- (i) he or she shall receive an increase in his or her lump sum (the "basic lump sum") equivalent to  $(A/B) \times C$  where—
    - A is the number of years of service purchased,
    - B is the number of years (any fraction of a year being taken into account on a pro rata basis) by reference to which the basic lump sum was calculated, and
    - C is the amount of the basic lump sum,
  - (ii) the pension in payment to him or her on the date on which he or she pays the contribution due shall be increased with effect from that date by a percentage equivalent to—

$$\frac{100 \times A}{B}$$

where "A" and "B" have the same meaning as they have in clause (i).

(3) The terms of the administrative arrangements concerning purchase of service introduced by the Minister with effect from 22 October 1991 may also be availed of by any member whose birthday in 1991 occurs after 23 January and who opts to purchase service before 21 October 1991, in which case—

- (a) where the member opts to purchase service by way of periodic deductions from remuneration, contributions shall be payable at the appropriate rate from the date of the member's birthday in 1992, or
  - (b) where the member opts to purchase service by lump sum payment, the contribution shall be based on the member's remuneration at the date of exercising the option and shall be at the rate appropriate to the member's age on his or her next birthday after 22 October 1991.
- (4) (a) The contribution specified in paragraph (3)(b) shall be paid not later than 6 months from the date of exercising the option.
- (b) Where payment is not made within the period specified in subparagraph (a), the option shall be deemed invalid.

### Chapter 3

#### *Certain Other Service*

##### *Purchase of certain other service*

58. (1) Subject to the provisions of this Article, a person who is a member of Part 2 on or after 1 March 1996 is eligible to purchase the following types of service given before the date of commencement of Part 2 membership:

- (a) service specified in Article 6(1)(b) or (d), or
  - (b) service as a teacher who is employed in a secondary school and who is not in receipt of remuneration paid directly by the Minister.
- (2) Where it is proposed to purchase service specified in Article 6(1)(b), the following conditions shall apply:
- (a) where the amount of such service exceeds 5 years, the member may, subject to a minimum purchase of 5 years, purchase such amount as he or she chooses;
  - (b) where the amount of such service is not more than 5 years, the member shall purchase all of the service.
- (3) A member shall only be permitted to purchase service specified in Article 6(1)(d) if all service specified in Article 6(1)(b) has been purchased.
- (4) (a) A member who wishes to purchase service under this Chapter shall apply to the Minister in that behalf—
- (i) in the case of purchase by way of periodic deductions, within 12 months from becoming a member, or

- (ii) at retirement.
- (b) (i) An application under this Article shall be made in the form and manner determined by the Minister and shall include, where the Minister so requires, the submission to the Minister of satisfactory evidence of prior service.
- (ii) Where a requirement under clause (i) with respect to the submission of satisfactory evidence is not complied with, the Minister shall refuse to permit the relevant service to be purchased.
- (5) Each member shall pay a contribution in respect of each year of purchased service under this Chapter which shall—
- (a) comprise 1.5% of remuneration plus—
    - (i) 5% of net remuneration in the case of those who are members of Chapter 2 or 3 of Part 3, or
    - (ii) 3.5% of net remuneration in the case of those who are not members of Chapter 2 or 3 of Part 3,
  - (b) be payable, following the determination of what the member's relevant service is, either—
    - (i) immediately by way of a lump sum, or
    - (ii) at retirement through a deduction being made from the retirement gratuity or death gratuity.
- (6) (a) A member who is purchasing an amount of service under Chapter 2 may use, as appropriate, some or all of the contributions paid in respect of each year of such purchase of service, in order to purchase service under this Chapter.
- (b) Where the amount paid for service under Chapter 2, together with compound interest at the rate of 6% per year since date of payment or since 1 March 1996, whichever is later, falls short of the amount payable for purchase of actual service under this Chapter, the shortfall may be paid—
- (i) immediately, or
  - (ii) through purchase of the actual service at retirement by way of a deduction from the retirement gratuity.
- (c) (i) The deduction payable under paragraph (b)(ii) shall be based on remuneration or net remuneration, as appropriate, at retirement and shall be reduced by the value (as increased in the manner provided in clause (ii)) of the amount paid for service under Chapter 2.

- (ii) The increase in value referred to in clause (i) shall be constituted by adding compound interest, at the rate of 6% per year since date of cessation of payment or since 1 March 1996, whichever is later, and date of retirement, to the original amount paid for the service under Chapter 2.

## Part 5

### COST NEUTRAL EARLY RETIREMENT

#### *Commencement (Part 5)*

59. This Part shall be deemed to have come into operation on 1 April 2004.

#### *Interpretation (Part 5)*

60. (1) In this Part—

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

“relevant circular” means Circular PEN07/05 of the Department of Education and Science.

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

#### *Benefits under cost neutral early retirement*

61. (1) Subject to Article 62, where an application for cost neutral early retirement by a member is granted, the amount of gratuity and pension payable to the member shall be the amount, if any, arrived at by the formula:

$$[A + ((\frac{B}{365}) \times (C - A))] \times D$$

where—

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

- (a) column (2) or (3), as the case may be, of Table 1 in Schedule 4 in the case of members who are not new entrants, and
- (b) column (2) or (3), as the case may be, of Table 2 in Schedule 4 in the case of members who are new entrants,

opposite the mention in column (1) of that Table of the age of the member (and, for the purposes of this definition, a reference in that column (1) to an age of the member shall be read as a

reference to that age at the member's immediately previous birthday),

B is the number of days since the member's previous birthday,

C is the relevant actuarial reduction factor specified in the definition of "A", but, for the purposes of this definition, a reference in column (1) of any Table in Schedule 4 to an age of the member shall be read as a reference to that age at the member's next birthday, and

D is the preserved benefit the member would be entitled to receive based on service referred to in Article 8(2) and without the application of an actuarial reduction.

(2) Where an application for cost neutral early retirement by a member is granted, the relevant actuarial reduction factor shall apply for the lifetime of the payment of the pension and the member shall not be entitled to receive a preserved pension at 60 years of age or, in the case of a new entrant, at 65 years of age.

(3) Where an application for cost neutral early retirement by a member is granted, a supplementary pension in accordance with Article 8(3) may be payable to the former member on his or her attaining 60 years of age or, in the case of a new entrant, 65 years of age.

*Purchase of notional service*

62. (1) Where a member, who is not a new entrant, is purchasing notional service in accordance with Chapter 2 of Part 4 on the basis of retiring on attaining 65 years of age and his or her application for cost neutral early retirement is granted then, in determining pensionable service for the purpose of the formula specified in Article 61, the notional purchase actuarial reduction factors appropriate to retirement at 60 years of age shall be applied to the proportionate amount of notional service purchased at the time of resignation or, where purchase is being made by way of lump sum, the amount of notional service contracted for, and that figure shall be added to actual pensionable service.

(2) Where a member, other than a person to whom paragraph (1) applies, is purchasing notional service in accordance with Chapter 2 of Part 4 and his or her application for cost neutral early retirement is granted then, in determining pensionable service for the purpose of the formula specified in Article 61, the proportionate amount of notional service purchased at the time of resignation or, where purchase is being made by way of lump sum, the amount of notional service contracted for, shall be added to actual pensionable service.

*Restriction on reckoning of service on subsequent employment.*

63. Notwithstanding anything in Article 8(2)(e) or (f), where a person retires on foot of an application for cost neutral early retirement that has been granted and subsequently is appointed to a pensionable post, pensionable service in respect of which that application was granted shall not be reckonable for the purposes of calculating pensionable service on his or her future retirement or

for transferring service in accordance with arrangements approved by the Minister for the Environment, Heritage and Local Government or the Minister for Finance.

## Part 6

### GENERAL PROVISIONS

#### *Applications for benefits*

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

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

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

(3) The application may be made by—

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

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

#### *Time limit if former member dies*

65. (1) If a former member is entitled to a benefit under Part 2 dies after this Scheme is made and before making an application for the benefit, the benefit is extinguished unless the personal representative of the member submits to the Minister an application on behalf of the member within one year after the member's death, or such longer period allowed under paragraph (2).

(2) The Minister may, on written application of the personal representative, extend the one year period if the Minister is satisfied that good reasons exist for

the failure of the personal representative to submit an application within the one year period, provided that the extension does not create an application period that exceeds 2 years after the former member's death.

(3) When the Minister accepts an application for a pension from a personal representative in the situation described in paragraph (1) or (2), the period that the pension is payable starts on the day that the application is received unless the Minister is satisfied that there are good reasons to justify paying the pension from the normal day of entitlement.

#### *Annual declaration*

66. Every person receiving a pension under this Scheme shall each year, by a date specified by the Minister, provide the Minister with a declaration respecting eligibility for the benefit and other matters relating to the benefit as required by the Minister and that is in such form as the Minister may specify.

#### *Applications for refunds*

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

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

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

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

#### *Assignments*

68. (1) Every assignment of or charge on, and every agreement to assign or charge, a pension or gratuity shall be void and on the bankruptcy of any person entitled to a pension or gratuity the pension or gratuity shall not pass to any trustee or other person acting on behalf of the creditors.

(2) Where a person in receipt of a benefit becomes incapable of giving a receipt for payments due, the Minister may make such payments in whole or in part to such persons, including care-givers, as the Minister thinks fit, and the Minister shall be discharged from all liability in respect of any sum so paid.

(3) The Minister may, before making payments such as are referred to in paragraph (2), require that the person to whom such payments are to be made—

- (a) gives an undertaking that the pension will be solely used for the benefit of the person who becomes incapable of giving a receipt for payments, and

- (b) furnishes sufficient evidence of incapacity of that person to provide receipts for payments due.

*Cesser or reduction of benefits*

69. (1) Where a member is dismissed or resigns or otherwise ceases to hold a post and has been guilty of misconduct involving a financial loss to the Minister or the State, the Minister may refuse or reduce any benefit or refund of contributions which might otherwise be payable under this Scheme in order to make good such a loss.

(2) The Minister may reduce or cease paying a pension awarded under this Scheme if the person in receipt of the pension has been guilty of misconduct involving a financial loss to the Minister, the State or a recognised school, in order to make good such a loss.

*Appeals*

70. (1) An actual or potential beneficiary, or a person acting on his or her behalf, may apply to the Minister for a determination in respect of—

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

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

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

- (a) the full name, address and date of birth of the actual or potential beneficiary,
  - (b) the address to be used for service of documents in connection with the application,
  - (c) a statement concerning the nature of the complaint or dispute with sufficient details to show why the actual or potential beneficiary is aggrieved, and
  - (d) such other information as the Minister may reasonably require.
- (3) (a) The Minister shall make a determination in relation to an application and notify in writing the complainant of the determination within 3 months from the date on which all the details specified in paragraph (2) are received by the Minister.

- (b) The notification under subparagraph (a) shall include—
  - (i) a statement of the determination,

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

*Repayment of pensions overpaid*

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

*Pension fund*

72. (1) The pension fund established under Article 10 of the Secondary Teachers' Superannuation Scheme 1929 is continued for the purposes of this Scheme under the name "Secondary, Community and Comprehensive School Teachers' Superannuation Fund".

(2) The Fund is to be maintained and managed by the Minister.

(3) All contributions shall be paid into the Fund and all pensions and gratuities shall be paid from the Fund.

(4) Moneys provided by the Oireachtas for the purposes of paying pensions and gratuities under this Scheme shall be paid into the Fund.

## Part 7

## MISCELLANEOUS

*1996 Early Retirement Scheme*

73. (1) In this Article, “Early Retirement Scheme” means the Early Retirement Scheme for Teachers established on 31 July 1996 administered by the Department of Education and Science.

(2) A reference in this Chapter to a strand of the Early Retirement Scheme is a reference to the provisions of that Scheme to which the description “Strand” is given by that Scheme.

(3) Subject to the following paragraphs, where a Part 2 member accepts retirement pursuant to the Early Retirement Scheme and is subsequently employed in any capacity in any area of the public sector, payment of pension to that person under that Scheme ceases and shall not be resumed until the cessation of such employment or on the person’s 60th birthday or, in the case of a new entrant, 65th birthday, whichever is the later and, on resumption, the added years previously awarded under that Scheme shall be disregarded for benefit purposes.

- (4) (a) Where a Part 2 member granted retirement under Strand 3 of the Early Retirement Scheme is subsequently employed as a teacher or lecturer in any of the circumstances permitted by the Early Retirement Scheme, then payment of any pension shall, subject to subparagraphs (b) and (c), not be affected by that fact if the employment is as a substitute or part-time teacher or lecturer and undertaken on an intermittent or casual basis.
- (b) No pension shall be payable to the former member for any period during which the rate of remuneration for such employment is greater or equal to the rate of remuneration on which his or her pension is based.
- (c) Where a former member of Part 2 is employed in the circumstances mentioned in this paragraph and the amount of his or her pension, when added to the remuneration for such employment, exceeds the rate of remuneration on which his or her pension is based, the pension shall, for the period for which remuneration for such employment is payable, be reduced by such amount as equals the amount of that excess.
- (d) For the purpose of subparagraph (a)—
- (i) any single period of employment which comprises more than 3 months shall not be regarded as casual, and
  - (ii) any periods of employment which, in aggregate, comprise more than 50% of the school year shall not be regarded as casual or intermittent.

(5) Where a member—

- (a) accepts retirement pursuant to Strand 2 or 3 of the Early Retirement Scheme, and
- (b) is subsequently employed by the State Examinations Commission as an examiner or superintendent of examinations,

paragraph (3) shall not apply to such employment.

(6) This Article shall be deemed to have come into operation on 1 May 1997.

*Transfer value payments — approved tables, etc.*

74. (1) The Minister for Finance shall—

- (a) cause to be prepared, and to be submitted to him or her under this paragraph, tables for the purposes of calculating payments in relation to the transfer of the value of pension entitlements in respect of persons
  - (i) transferring to pensionable service from service in an employment outside the public service, and
  - (ii) transferring to service in an employment outside the public service from pensionable service;
- (b) if he or she considers it to be appropriate to do so, approve tables that are so submitted to him or her.

(2) In approving any such tables, the Minister for Finance shall determine the manner in which any payment referred to in paragraph (1) shall be made and any such payment shall be made in accordance with that determination.

*Confirmation of certain matters*

75. (1) In this Article, “post-1972 benefit” means any pension or gratuity—

- (a) granted after 1972 and before the making of this Scheme to or in respect of a person formerly employed in a secondary school, community school or comprehensive school,
- (b) provision for which is not made by any other provision of this Scheme, and
- (c) the granting and payment of which is—
  - (i) provided for in the documents set out in Schedule 5 and implemented under administrative arrangements made by the Minister with the consent of the Minister for Finance, and
  - (ii) subject to the terms and conditions of those arrangements.

(2) Any post-1972 benefit granted by the Minister before this Scheme is made is confirmed and, if the terms and conditions of the arrangements of the post-1972 benefit are such that its payment is to continue during a period after this Scheme is made, then the post-1972 benefit shall continue (subject to those terms and conditions) to be paid during that period.

(3) Any decision made by the Minister before this Scheme is made in respect of an application made by or on behalf of a person formerly employed in a secondary school, community school or comprehensive school for a post-1972 benefit and that is made in accordance with the terms and conditions of the arrangements of the post-1972 benefit is confirmed.

*Revocations*

76. (1) The Secondary Teachers' Superannuation Schemes 1929 to 1972, being the following statutory instruments, are revoked:

- (a) Secondary Teachers' Superannuation Scheme 1929 (S.R. & O. No. 19 of 1929);
- (b) Secondary Teachers' Superannuation (Amendment) Scheme 1932 (S.R. & O. No. 54 of 1932);
- (c) Secondary Teachers' Superannuation (Amendment) Scheme 1933 (S.R. & O. No. 107 of 1933);
- (d) Secondary Teachers' Superannuation (Amendment) Scheme 1935 (S.R. & O. No. 48 of 1935);
- (e) Secondary Teachers' Superannuation (Amendment) Scheme 1942 (S.R. & O. No. 141 of 1942);
- (f) Secondary Teachers' Superannuation (Amendment) Scheme 1947 (S.R. & O. No. 358 of 1947);
- (g) Secondary Teachers' Superannuation (Amendment) Scheme 1949 (S.I. No. 322 of 1949);
- (h) Secondary Teachers' Superannuation (Amendment) Scheme 1951 (S.I. No. 48 of 1951);
- (i) Secondary Teachers' Superannuation (Amendment) Scheme 1952 (S.I. No. 56 of 1952);
- (j) Secondary Teachers' Superannuation (Amendment) Scheme 1954 (S.I. No. 234 of 1954);
- (k) Secondary Teachers' Superannuation (Amendment) Scheme 1956 (S.I. No. 153 of 1956);
- (l) Secondary Teachers' Superannuation (Amendment) Scheme 1963 (S.I. No. 112 of 1963);

- (m) Secondary Teachers' Superannuation (Amendment) (No. 2) Scheme 1963 (No. 244 of 1963);
- (n) Secondary Teachers' Superannuation (Amendment) Scheme 1966 (S.I. No. 125 of 1966);
- (o) Secondary Teachers' Superannuation (Amendment) Scheme 1967 (S.I. No. 46 of 1967);
- (p) Secondary Teachers' Superannuation (Amendment) Scheme 1968 (S.I. No. 35 of 1968);
- (q) Secondary Teachers' Superannuation (Amendment) Scheme 1972 (S.I. No. 35 of 1972);
- (r) Secondary Teachers' Superannuation (Amendment) (No. 2) Scheme 1972 (S.I. No. 171 of 1972).

(2) Notwithstanding the repeal of the Secondary Teachers' Superannuation Schemes 1934 to 1972 (referred to as the former Scheme), the former Scheme prevails if there is any divergence between the former Scheme and this Scheme with respect to—

- (a) any pension or gratuity that was granted under the former Scheme, or
- (b) the power to refuse to grant a pension or gratuity that was exercised under the former Scheme.

## SCHEDULES

## Schedule 1

TABLES OF CONTRIBUTION RATES AT WHICH NOTIONAL SERVICE MAY BE  
PURCHASED

## 1. In this Schedule—

- (a) a reference to a periodic contribution rate or a lump sum contribution rate is a reference to a rate in respect of a periodic contribution or, as the case may be, a lump sum contribution provision for which is made under Chapter 2 of Part 4, and
- (b) a reference to purchase of service is a reference to purchase of notional service under Chapter 2 of Part 4.

2. Each Table in this Schedule specifies, by reference to the matters and periods mentioned in the Heading to it and opposite the mention, in column (1) of it, of the age the man or woman concerned will attain on his or her birthday next falling after exercising the relevant option—

## (a) in the case of Tables 1 and 2—

- (i) in columns (2) and (4), respectively, the periodic or, as the case may be, lump sum contribution rate at which service may be purchased by him or her if he or she is a member of Chapter 2 or 3 of Part 3, and
- (ii) in columns (3) and (5), respectively, the periodic or, as the case may be, lump contribution rate at which service may be purchased by him or her if he or she is neither a member of Chapter 2 nor 3 of Part 3,

## (b) in the case of Tables 3 to 6—

- (i) in columns (2) and (3), respectively, the periodic or, as the case may be, lump sum contribution rate at which service may be purchased by him or her if he or she is neither a member of Chapter 2 nor 3 of Part 3, and
- (ii) in columns (4) and (5), respectively, the periodic or, as the case may be, lump contribution rate at which service may be purchased by him or her if he or she is a member of Chapter 2 or 3 of Part 3,

## (c) in the case of Tables 7 to 10—

- (i) as respects net remuneration, in columns (2) and (3), respectively, the periodic or, as the case may be, lump sum contribution rate at which service may be purchased by him or her, whether or not

he or she is a member of Chapter 2 or 3 of Part 3, but subject to its also being purchased at the rate, as regards remuneration, specified in those Tables as mentioned in clause (ii), and

- (ii) as respects remuneration, in columns (4) and (5), respectively, the periodic or, as the case may be, lump sum contribution rate at which service may be purchased by him or her, whether or not he or she is such a member, but subject to its also being purchased at the rate, as regards net remuneration, specified in those Tables as mentioned in clause (i),

(d) in the case of Tables 11 to 14—

- (i) in column (2), the periodic or, as the case may be, lump sum contribution rate at which service may be purchased by him or her as a member of Chapter 2 or 3 of Part 3 or, as the case may be, as a person who is not a member of either of those Chapters and who, in each case, is fully insured,
- (ii) in column (3), the periodic or, as the case may be, lump sum contribution rate at which service may be purchased by him or her as a member of Chapter 2 or 3 of Part 3 or, as the case may be, as a person who is not a member of either of those Chapters and, who in each case, is not fully insured,

(e) in the case of Tables 15 to 18—

(i) where he or she is fully insured—

(I) as respects net remuneration, in column (2) the periodic contribution rate at which service may be purchased by him or her as a member of Chapter 2 or 3 of Part 3 or, as the case may be, as a person who is not a member of either of those Chapters, but subject, in each case, to its also being purchased at the rate, as regards remuneration, specified in those Tables as mentioned in subclause (II),

(II) as respects remuneration, in column (3), the periodic contribution rate at which service may be purchased by him or her as a member of Chapter 2 or 3 of Part 3 or, as the case may be, as a person who is not a member of either of those Chapters, but subject, in each case, to its also being purchased at the rate, as regards net remuneration, specified in those Tables as mentioned in subclause (I),

- (ii) where he or she is not fully insured, in column (4), the periodic contribution rate at which service may be purchased by him or

her as a member of Chapter 2 or 3 of Part 3 or, as the case may be, as a person who is not a member of either of those Chapters.

3. In the application of Table 13, 14, 17 or 18 in this Schedule to a member to whom paragraph (4) of Article 51 (which relates to job-sharers) applies, that Table shall have effect subject to the necessary modifications, as regards the references to age in column (1) of it and any other relevant references, so as to enable that paragraph (4) to have full effect.

Table 1

## Periodic contribution rates

(applicable during the period from 1 March 1983 and ending immediately before 22 October 1991) in relation to purchase of notional service, by reference to age 60, by members and non-members of Chapters 2 and 3 of Part 3 who, in each case, are not fully insured.

Age next birthday at exercise of option (1)	Contribution for men who are members of Chapter 2 or 3 of Part 3 (2)	Contribution for men who are neither members of Chapter 2 nor 3 of Part 3 (3)	Contribution for women who are members of Chapter 2 or 3 of Part 3 (4)	Contribution for women who are neither members of Chapter 2 nor 3 of Part 3 (5)
	%	%	%	%
20	0.23	0.16	0.29	0.21
21	0.24	0.17	0.30	0.22
22	0.27	0.19	0.31	0.23
23	0.28	0.20	0.32	0.24
24	0.30	0.22	0.33	0.26
25	0.32	0.24	0.35	0.28
26	0.34	0.25	0.37	0.30
27	0.36	0.27	0.39	0.32
28	0.38	0.29	0.41	0.34
29	0.41	0.31	0.43	0.36
30	0.42	0.32	0.45	0.38
31	0.44	0.34	0.47	0.40
32	0.46	0.35	0.50	0.43
33	0.48	0.37	0.53	0.46
34	0.51	0.39	0.56	0.49
35	0.53	0.41	0.61	0.53
36	0.56	0.43	0.65	0.57
37	0.59	0.46	0.69	0.61
38	0.63	0.49	0.73	0.65
39	0.66	0.52	0.76	0.68
40	0.71	0.56	0.81	0.73
41	0.76	0.60	0.85	0.77
42	0.81	0.64	0.91	0.83
43	0.88	0.70	0.97	0.89
44	0.95	0.76	1.04	0.95
45	1.03	0.83	1.13	1.04
46	1.13	0.92	1.21	1.12
47	1.25	1.02	1.31	1.22
48	1.36	1.12	1.43	1.34
49	1.50	1.24	1.58	1.49
50	1.69	1.41	1.75	1.66
51	1.89	1.58	1.96	1.87
52	2.14	1.80	2.22	2.12
53	2.50	2.11	2.54	2.44
54	2.97	2.52	3.05	2.95
55	3.55	3.03	3.63	3.53
56	4.61	3.95	4.60	4.49
57	6.03	5.20	6.36	6.25
58	9.39	8.14	9.11	9.00

Table 2

## Lump sum contribution rates

(applicable during the period from 1 March 1983 and ending immediately before 22 October 1991) in relation to purchase of notional service, by reference to age 60, by members and non-members of Chapters 2 and 3 of Part 3 who, in each case, are not fully insured

Age next birthday at exercise of option (1)	Contribution for men who are members of Chapter 2 or 3 of Part 3 (2)	Contribution for men who are neither members of Chapter 2 nor 3 of Part 3 (3)	Contribution for women who are members of Chapter 2 or 3 of Part 3 (4)	Contribution for women who are neither members of Chapter 2 or 3 of Part 3. (5)
	%	%	%	%
20	9.57	6.63	10.34	7.95
21	9.60	6.72	10.45	8.07
22	9.65	6.84	10.60	8.24
23	9.76	7.01	10.72	8.40
24	9.87	7.18	10.83	8.57
25	9.97	7.34	10.92	8.72
26	10.08	7.50	11.05	8.89
27	10.20	7.66	11.16	9.05
28	10.35	7.83	11.29	9.21
29	10.50	7.99	11.43	9.37
30	10.66	8.14	11.59	9.54
31	10.85	8.31	11.79	9.76
32	11.04	8.48	12.03	10.02
33	11.23	8.64	12.26	10.25
34	11.41	8.80	12.47	10.48
35	11.59	8.96	12.68	10.70
36	11.78	9.13	12.89	10.92
37	11.95	9.29	13.09	11.15
38	12.14	9.48	13.38	11.42
39	12.37	9.71	13.61	11.63
40	12.65	9.98	13.85	11.86
41	12.88	10.20	14.08	12.09
42	13.12	10.43	14.30	12.31
43	13.33	10.65	14.63	12.64
44	13.53	10.87	14.93	12.93
45	13.78	11.14	15.20	13.22
46	13.97	11.36	15.52	13.54
47	14.16	11.59	15.79	13.83
48	14.45	11.91	16.05	14.11
49	14.73	12.20	16.36	14.44
50	15.04	12.52	16.68	14.77
51	15.32	12.81	16.99	15.11
52	15.63	13.14	17.30	15.46
53	16.01	13.53	17.63	15.84
54	16.35	13.88	17.95	16.20
55	16.67	14.22	18.30	16.61
56	17.04	14.61	18.71	17.07
57	17.48	15.07	19.10	17.51
58	17.84	15.47	19.52	17.99
59	18.26	15.93	19.92	18.46
60	18.75	16.46	20.33	18.94
61	18.79	16.50	20.63	18.98
62	18.83	16.54	21.01	19.02
63	18.87	16.58	21.50	19.06
64	18.94	16.65	22.10	19.09
65	19.04	16.75	22.55	19.20

Table 3

## Lump sum contribution rates

(applicable during the period from 22 October 1991 and ending immediately before 10 May 2005) in relation to purchase of notional service, by reference to age 65, by members and non-members of Chapters 2 and 3 of Part 3 who, in each case, are not fully insured

Age next birthday at exercise of option (1)	Contribution for men who are neither members of Chapter 2 nor 3 of Part 3 (2)	Contribution for women who are neither members of Chapter 2 nor 3 of Part 3 (3)	Contribution for men who are members of Chapter 2 or 3 of Part 3 (4)	Contribution for women who are members of Chapter 2 or 3 of Part 3 (5)
20	7.96	10.15	10.90	11.05
21	8.08	10.30	11.03	11.21
22	8.21	10.46	11.18	11.37
23	8.33	10.61	11.32	11.53
24	8.46	10.77	11.47	11.70
25	8.59	10.94	11.63	11.88
26	8.72	11.10	11.78	12.04
27	8.85	11.27	11.95	12.22
28	8.99	11.44	12.11	12.40
29	9.13	11.61	12.28	12.58
30	9.27	11.78	12.46	12.76
31	9.40	11.96	12.63	12.95
32	9.55	12.14	12.81	13.14
33	9.69	12.32	12.99	13.33
34	9.84	12.51	13.18	13.53
35	9.99	12.70	13.37	13.73
36	10.15	12.89	13.55	13.93
37	10.30	13.09	13.75	14.13
38	10.46	13.29	13.94	14.34
39	10.62	13.49	14.14	14.55
40	10.79	13.70	14.34	14.76
41	10.96	13.91	14.54	14.98
42	11.13	14.13	14.75	15.20
43	11.31	14.35	14.95	15.42
44	11.49	14.57	15.17	15.65
45	11.68	14.80	15.38	15.89
46	11.87	15.04	15.60	16.12
47	12.07	15.28	15.84	16.37
48	12.27	15.52	16.04	16.61
49	12.49	15.77	16.27	16.87
50	12.71	16.04	16.51	17.12
51	12.94	16.31	16.74	17.39
52	13.18	16.58	16.99	17.65
53	13.43	16.87	17.24	17.95
54	13.70	17.16	17.50	18.24
55	13.99	17.46	17.77	18.54
56	14.30	17.78	18.05	18.85
57	14.63	18.11	18.35	19.18
58	14.98	18.45	18.66	19.51
59	15.36	18.81	19.00	19.86
60	15.76	19.19	19.35	20.22
61	16.20	19.58	19.73	20.61
62	16.67	20.00	20.14	21.02
63	17.17	20.44	20.58	21.45
64	17.72	20.91	21.06	21.90
65	18.36	21.53	21.46	22.58

Table 4

## Lump sum contribution rates

(applicable during the period from 22 October 1991 and ending immediately before 10 May 2005) in relation to purchase of notional service, by reference to age 60, by members and non-members of Chapters 2 and 3 of Part 3 who, in each case, are not fully insured

Age next birthday at exercise of option (1)	Contribution for men who are neither members of Chapter 2 nor 3 of Part 3 (2)	Contribution for women who are neither members of Chapter 2 nor 3 of Part 3 (3)	Contribution for men who are members of Chapter 2 or 3 of Part 3 (4)	Contribution for women who are members of Chapter 2 or 3 of Part 3 (5)
20	10.53	12.89	13.32	13.75
21	10.69	13.09	13.50	13.95
22	10.86	13.28	13.68	14.16
23	11.02	13.48	13.87	14.36
24	11.19	13.69	14.06	14.57
25	11.37	13.89	14.26	14.79
26	11.54	14.10	14.46	15.00
27	11.72	14.32	14.66	15.22
28	11.90	14.53	14.87	15.45
29	12.08	14.75	15.08	15.68
30	12.26	14.97	15.30	15.91
31	12.45	15.20	15.52	16.14
32	12.64	15.43	15.75	16.38
33	12.83	15.66	15.97	16.62
34	13.03	15.90	16.21	16.87
35	13.23	16.14	16.44	17.12
36	13.44	16.39	16.68	17.37
37	13.64	16.64	16.92	17.63
38	13.86	16.89	17.17	17.89
39	14.07	17.15	17.42	18.16
40	14.29	17.41	17.67	18.43
41	14.52	17.68	17.92	18.70
42	14.76	17.96	18.19	18.98
43	14.99	18.24	18.45	19.37
44	15.23	18.53	18.73	19.56
45	15.48	18.82	19.00	19.85
46	15.74	19.12	19.28	20.16
47	16.00	19.43	19.57	20.47
48	16.28	19.74	19.87	20.78
49	16.56	20.06	20.17	21.10
50	16.86	20.40	20.48	21.44
51	17.17	20.74	20.80	21.78
52	17.50	21.10	21.13	22.13
53	17.85	21.46	21.47	22.49
54	18.22	21.84	21.83	22.87
55	18.61	22.23	22.21	23.26
56	19.03	22.64	22.60	23.66
57	19.48	23.06	23.02	24.08
58	19.97	23.50	23.47	24.51
59	21.45	23.96	23.95	24.97
60	21.09	24.56	24.53	25.55

Table 5

## Periodic contribution rates

(applicable during the period from 22 October 1991 and ending immediately before 10 November 2006) in relation to purchase of notional service, by reference to age 65, by members and non-members of Chapters 2 and 3 of Part 3 who, in each case, are not fully insured

Age next birthday at exercise of option (1)	Contribution for men who are neither members of Chapter 2 nor 3 of Part 3 (2)	Contribution for women who are neither members of Chapter 2 nor 3 of Part 3 (3)	Contribution for men who are members of Chapter 2 or 3 of Part 3 (4)	Contribution for women who are members of Chapter 2 or 3 of Part 3 (5)
20	0.25	0.32	0.34	0.35
21	0.26	0.33	0.35	0.36
22	0.27	0.34	0.37	0.37
23	0.28	0.35	0.38	0.38
24	0.29	0.36	0.39	0.39
25	0.30	0.37	0.40	0.40
26	0.31	0.39	0.41	0.42
27	0.32	0.40	0.43	0.43
28	0.33	0.41	0.44	0.45
29	0.34	0.43	0.46	0.46
30	0.35	0.44	0.48	0.48
31	0.37	0.46	0.49	0.50
32	0.38	0.48	0.51	0.52
33	0.40	0.50	0.53	0.54
34	0.41	0.52	0.56	0.56
35	0.43	0.54	0.58	0.59
36	0.45	0.57	0.60	0.61
37	0.47	0.59	0.63	0.64
38	0.49	0.62	0.66	0.67
39	0.52	0.65	0.69	0.70
40	0.54	0.68	0.72	0.73
41	0.57	0.71	0.76	0.77
42	0.60	0.75	0.80	0.81
43	0.64	0.79	0.84	0.85
44	0.67	0.84	0.89	0.90
45	0.71	0.89	0.94	0.95
46	0.76	0.94	1.00	1.01
47	0.81	1.00	1.07	1.07
48	0.87	1.07	1.14	1.15
49	0.93	1.15	1.22	1.23
50	1.00	1.24	1.31	1.32
51	1.09	1.34	1.41	1.43
52	1.19	1.46	1.54	1.55
53	1.30	1.59	1.68	1.70
54	1.44	1.75	1.84	1.87
55	1.60	1.95	2.04	2.07
56	1.80	2.19	2.28	2.32
57	2.06	2.49	2.59	2.64
58	2.38	2.87	2.98	3.04
59	2.82	3.39	3.50	3.58
60	3.43	4.11	4.22	4.33
61	4.36	5.19	5.32	5.47
62	5.90	7.00	7.14	7.36
63	8.99	10.63	10.79	11.15

Table 6

## Periodic contribution rates

(applicable during the period from 22 October 1991 and ending immediately before 10 November 2006) in relation to purchase of notional service, by reference to age 60, by members and non-members of Chapters 2 and 3 of Part 3 who, in each case, are not fully insured

Age next birthday at exercise of option (1)	Contribution for men who are neither members of Chapter 2 nor 3 of Part 3 (2)	Contribution for women who are neither members of Chapter 2 nor 3 of Part 3 (3)	Contribution for men who are members of Chapter 2 or 3 of Part 3 (4)	Contribution for women who are members of Chapter 2 or 3 of Part 3 (5)
20	0.36	0.44	0.46	0.47
21	0.37	0.45	0.47	0.48
22	0.39	0.47	0.49	0.50
23	0.40	0.49	0.50	0.52
24	0.41	0.50	0.52	0.54
25	0.43	0.52	0.54	0.56
26	0.45	0.54	0.56	0.58
27	0.46	0.56	0.58	0.60
28	0.48	0.59	0.60	0.62
29	0.50	0.61	0.63	0.65
30	0.52	0.63	0.65	0.67
31	0.55	0.66	0.68	0.70
32	0.57	0.69	0.71	0.73
33	0.60	0.72	0.74	0.77
34	0.63	0.76	0.78	0.80
35	0.66	0.79	0.82	0.84
36	0.69	0.83	0.86	0.88
37	0.73	0.88	0.90	0.93
38	0.77	0.93	0.95	0.98
39	0.81	0.98	1.00	1.04
40	0.86	1.04	1.06	1.10
41	0.91	1.10	1.13	1.16
42	0.97	1.17	1.20	1.24
43	1.04	1.25	1.28	1.32
44	1.11	1.34	1.37	1.41
45	1.20	1.44	1.48	1.52
46	1.30	1.56	1.59	1.64
47	1.41	1.69	1.73	1.78
48	1.55	1.85	1.89	1.95
49	1.70	2.04	2.08	2.14
50	1.89	2.26	2.30	2.38
51	2.13	2.53	2.58	2.66
52	2.42	2.88	2.93	3.02
53	2.80	3.32	3.37	3.48
54	3.30	3.91	3.96	4.09
55	4.01	4.74	4.79	4.95
56	5.07	5.98	6.03	6.25
57	6.85	8.04	8.10	8.40
58	10.41	12.19	12.24	12.71

Table 7

## Lump sum contribution rates

(applicable during the period from 6 April 1995 and ending immediately before 10 May 2005) in relation to purchase of notional service, by reference to age 65, by persons irrespective of whether they are members of Chapter 2 or 3 of Part 3 but who, in each case, are fully insured

Age next birthday at exercise of option (1)	Contribution as respects net pay in respect of men (2)	Contribution as respects net pay in respect of women (3)	Contribution as respects pay in respect of men (4)	Contribution as respects pay in respect of women (5)
20	9.19	9.75	1.60	1.77
21	9.34	9.89	1.63	1.80
22	9.47	10.04	1.65	1.83
23	9.60	10.18	1.68	1.85
24	9.74	10.33	1.71	1.88
25	9.87	10.49	1.73	1.91
26	10.01	10.64	1.76	1.94
27	10.16	10.80	1.79	1.97
28	10.30	10.96	1.82	2.00
29	10.45	11.12	1.84	2.03
30	10.60	11.28	1.87	2.06
31	10.76	11.45	1.90	2.09
32	10.91	11.62	1.93	2.12
33	11.07	11.79	1.96	2.16
34	11.23	11.96	1.99	2.19
35	11.40	12.14	2.02	2.22
36	11.56	12.32	2.05	2.26
37	11.73	12.50	2.08	2.29
38	11.90	12.69	2.12	2.33
39	12.08	12.88	2.15	2.36
40	12.25	13.07	2.18	2.40
41	12.43	13.26	2.22	2.43
42	12.62	13.46	2.25	2.47
43	12.80	13.66	2.29	2.51
44	12.99	13.87	2.33	2.55
45	13.18	14.07	2.37	2.59
46	13.37	14.29	2.41	2.63
47	13.57	14.50	2.45	2.68
48	13.77	14.72	2.49	2.72
49	13.98	14.95	2.53	2.76
50	14.19	15.18	2.58	2.81
51	14.41	15.42	2.63	2.86
52	14.63	15.66	2.68	2.90
53	14.86	15.91	2.73	2.95
54	15.09	16.16	2.78	3.01
55	15.33	16.42	2.84	3.06
56	15.59	16.69	2.90	3.12
57	15.86	16.97	2.97	3.17
58	16.14	17.26	3.04	3.23
59	16.44	17.56	3.12	3.30
60	16.76	17.88	3.21	3.36
61	17.10	18.21	3.30	3.43
62	17.46	18.55	3.40	3.50
63	17.85	18.92	3.51	3.58
64	18.27	19.30	3.62	3.66
65	18.73	19.71	3.75	3.75

Table 8

## Lump sum contribution rates

(applicable during the period from 6 April 1995 and ending immediately before 10 May 2005) in relation to purchase of notional service, by reference to age 60, by persons irrespective of whether they are members of Chapter 2 or 3 of Part 3 but who, in each case, are fully insured

Age next birthday at exercise of option (1)	Contribution as respects net pay in respect of men (2)	Contribution as respects net pay in respect of women (3)	Contribution as respects pay in respect of men (4)	Contribution as respects pay in respect of women (5)
20	11.62	12.34	1.87	1.98
21	11.80	12.52	1.90	2.01
22	11.97	12.71	1.93	2.04
23	12.15	12.90	1.96	2.07
24	12.32	13.09	1.99	2.10
25	12.50	13.28	2.02	2.13
26	12.68	13.48	2.06	2.16
27	12.87	13.68	2.09	2.20
28	13.05	13.88	2.12	2.23
29	13.25	14.09	2.15	2.26
30	13.44	14.30	2.19	2.30
31	13.64	14.51	2.22	2.33
32	13.84	14.72	2.26	2.37
33	14.04	14.94	2.29	2.40
34	14.25	15.17	2.33	2.44
35	14.46	15.39	2.36	2.48
36	14.67	15.62	2.40	2.52
37	14.89	15.85	2.44	2.55
38	15.11	16.09	2.47	2.59
39	15.34	16.33	2.51	2.63
40	15.57	16.58	2.55	2.67
41	15.80	16.82	2.59	2.72
42	16.03	17.08	2.63	2.76
43	16.27	17.34	2.68	2.80
44	16.52	17.60	2.72	2.84
45	16.77	17.87	2.77	2.89
46	17.02	18.14	2.81	2.94
47	17.28	18.42	2.86	2.98
48	17.55	18.70	2.91	3.03
49	17.82	18.99	2.96	3.08
50	18.10	19.29	3.01	3.13
51	18.39	19.59	3.07	3.19
52	18.68	19.91	3.13	3.24
53	18.99	20.23	3.19	3.30
54	19.31	20.56	3.25	3.35
55	19.64	20.90	3.32	3.41
56	19.99	21.25	3.39	3.47
57	20.36	21.61	3.47	3.54
58	20.75	21.99	3.56	3.61
59	21.17	22.39	3.65	3.68
60	21.62	22.80	3.75	3.75

Table 9

## Periodic contribution rates

(applicable during the period from 6 April 1995 and ending immediately before 10 November 2006) in relation to purchase of notional service, by reference to age 65, by persons irrespective of whether they are members of Chapter 2 or 3 of Part 3 but who, in each case, are fully insured

Age next birthday at exercise of option	Contribution as respects net pay in respect of men	Contribution as respects net pay in respect of women	Contribution as respects pay in respect of men	Contribution as respects pay in respect of women
(1)	(2)	(3)	(4)	(5)
20	0.29	0.30	0.06	0.06
21	0.30	0.31	0.06	0.06
22	0.31	0.32	0.06	0.06
23	0.32	0.33	0.06	0.06
24	0.33	0.34	0.07	0.07
25	0.34	0.35	0.07	0.07
26	0.35	0.37	0.07	0.07
27	0.36	0.38	0.07	0.07
28	0.37	0.39	0.08	0.08
29	0.39	0.41	0.08	0.08
30	0.40	0.42	0.08	0.08
31	0.42	0.44	0.08	0.08
32	0.43	0.45	0.09	0.09
33	0.45	0.47	0.09	0.09
34	0.47	0.49	0.09	0.10
35	0.49	0.51	0.10	0.10
36	0.51	0.53	0.10	0.10
37	0.53	0.56	0.11	0.11
38	0.56	0.58	0.11	0.11
39	0.59	0.61	0.12	0.12
40	0.61	0.64	0.12	0.12
41	0.64	0.67	0.13	0.13
42	0.68	0.71	0.14	0.14
43	0.72	0.75	0.15	0.15
44	0.76	0.79	0.15	0.15
45	0.80	0.84	0.16	0.16
46	0.85	0.89	0.17	0.17
47	0.91	0.94	0.19	0.18
48	0.97	1.01	0.20	0.20
49	1.04	1.08	0.21	0.21
50	1.12	1.16	0.23	0.23
51	1.21	1.25	0.25	0.25
52	1.31	1.36	0.27	0.27
53	1.43	1.49	0.30	0.29
54	1.57	1.64	0.33	0.32
55	1.74	1.81	0.37	0.36
56	1.95	2.03	0.41	0.40
57	2.22	2.31	0.47	0.45
58	2.55	2.66	0.54	0.52
59	3.00	3.13	0.63	0.61
60	3.63	3.79	0.76	0.74
61	4.57	4.78	0.95	0.93
62	6.13	6.42	1.26	1.24
63	9.27	9.72	1.89	1.87

Table 10

## Periodic contribution rates

(applicable during the period from 6 April 1995 and ending immediately before 10 November 2006) in relation to purchase of notional service, by reference to age 60, by persons irrespective of whether they are members of Chapter 2 or 3 of Part 3 but who, in each case, are fully insured

Age next birthday at exercise of option (1)	Contribution as respects net pay in respect of men (2)	Contribution as respects net pay in respect of women (3)	Contribution as respects pay in respect of men (4)	Contribution as respects pay in respect of women (5)
20	0.39	0.41	0.07	0.07
21	0.41	0.43	0.07	0.07
22	0.42	0.44	0.07	0.07
23	0.44	0.46	0.08	0.08
24	0.45	0.48	0.08	0.08
25	0.47	0.49	0.08	0.08
26	0.49	0.51	0.08	0.08
27	0.50	0.53	0.09	0.09
28	0.52	0.55	0.09	0.09
29	0.55	0.58	0.09	0.09
30	0.57	0.60	0.10	0.10
31	0.59	0.62	0.10	0.10
32	0.62	0.65	0.11	0.11
33	0.65	0.68	0.11	0.11
34	0.68	0.71	0.12	0.12
35	0.71	0.75	0.12	0.12
36	0.75	0.79	0.13	0.13
37	0.79	0.83	0.13	0.14
38	0.83	0.87	0.14	0.14
39	0.87	0.92	0.15	0.15
40	0.93	0.97	0.16	0.16
41	0.98	1.03	0.17	0.17
42	1.05	1.10	0.18	0.18
43	1.12	1.17	0.19	0.19
44	1.20	1.26	0.21	0.21
45	1.29	1.35	0.22	0.22
46	1.39	1.46	0.24	0.24
47	1.51	1.59	0.26	0.26
48	1.65	1.73	0.28	0.29
49	1.81	1.90	0.31	0.31
50	2.01	2.11	0.35	0.35
51	2.25	2.37	0.39	0.39
52	2.55	2.68	0.44	0.44
53	2.94	3.09	0.51	0.51
54	3.46	3.63	0.61	0.60
55	4.18	4.40	0.74	0.73
56	5.27	5.54	0.93	0.92
57	7.08	7.45	1.25	1.24
58	10.70	11.27	1.88	1.87

Table 11

Lump sum contribution rates (applicable from 10 May 2005) in relation to purchase of notional service, by reference to age 65, by persons who are members of Chapter 2 or 3 of Part 3

Age next birthday	Contribution for persons who are fully insured	Contribution for persons who are not fully insured
(1)	(2)	(3)
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%

Age next birthday (1)	Contribution for persons who are fully insured (2)	Contribution for persons who are not fully insured (3)
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 12

Lump sum contribution rates (applicable from 10 May 2005) in relation to purchase of notional service, by reference to age 65, by persons who are neither members of Chapter 2 nor 3 of Part 3

Age next birthday (1)	Contribution for persons who are fully insured (2)	Contribution for persons who are not fully insured (3)
26	24.3%	30.0%
27	24.8%	30.6%
28	25.2%	31.1%
29	25.5%	31.6%
30	25.9%	32.0%
31	26.1%	32.5%
32	26.4%	32.8%
33	26.6%	33.1%
34	26.7%	33.4%
35	26.8%	33.6%
36	26.8%	33.8%
37	26.8%	33.9%
38	26.8%	34.0%
39	26.6%	34.1%
40	26.5%	34.0%
41	26.3%	34.0%
42	26.0%	33.9%
43	25.7%	33.7%
44	25.3%	33.5%
45	24.9%	33.3%
46	24.4%	33.0%
47	23.9%	32.6%
48	23.3%	32.3%
49	22.7%	31.9%
50	22.1%	31.4%
51	21.4%	30.9%
52	20.7%	30.4%
53	20.0%	29.9%
54	19.7%	29.3%
55	19.9%	28.7%
56	20.1%	28.1%
57	20.3%	27.6%
58	20.6%	27.0%

Age next birthday (1)	Contribution for persons who are fully insured (2)	Contribution for persons who are not fully insured (3)
59	20.8%	26.5%
60	21.1%	25.9%
61	21.1%	25.4%
62	20.8%	25.0%
63	21.0%	24.5%
64	21.4%	24.1%
65	21.7%	23.7%

Table 13

Lump sum contribution rates (applicable from 10 May 2005) in relation to purchase of notional service, by reference to age 60, by persons who are members of Chapter 2 or 3 of Part 3

Age next birthday (1)	Contribution for persons who are fully insured (2)	Contribution for persons who are not fully insured (3)
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%

Age next birthday (1)	Contribution for persons who are fully insured (2)	Contribution for persons who are not fully insured (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 14

Lump sum contribution rates (applicable from 10 May 2005) in relation to purchase of notional service, by reference to age 60, by persons who are neither members of Chapter 2 nor 3 of Part 3

Age next birthday (1)	Contribution for persons who are fully insured (2)	Contribution for persons who are not fully insured (3)
21	28.5%	35.4%
22	29.0%	36.0%
23	29.5%	36.7%
24	29.9%	37.3%
25	30.3%	37.8%
26	30.7%	38.3%
27	30.9%	38.7%
28	31.1%	39.1%
29	31.3%	39.4%
30	31.4%	39.7%
31	31.4%	39.9%
32	31.4%	40.0%
33	31.3%	40.1%
34	31.2%	40.1%
35	31.0%	40.1%
36	30.7%	40.0%
37	30.4%	39.9%
38	30.0%	39.7%
39	29.5%	39.4%
40	29.0%	39.1%
41	28.5%	38.8%
42	27.9%	38.4%
43	27.2%	37.9%
44	26.5%	37.4%
45	25.7%	36.9%
46	24.9%	36.3%
47	24.0%	35.7%
48	23.1%	35.0%
49	22.9%	34.3%
50	23.1%	33.6%
51	23.4%	32.8%
52	23.6%	32.1%
53	23.8%	31.4%
54	24.1%	30.7%

Age next birthday (1)	Contribution for persons who are fully insured (2)	Contribution for persons who are not fully insured (3)
55	24.4%	30.1%
56	24.3%	29.4%
57	23.9%	28.8%
58	23.6%	28.2%
59	24.2%	27.7%
60	24.8%	27.1%

Table 15

Periodic contribution rates (applicable from 10 November 2006) in relation to purchase of notional service, by reference to age 65, by persons who are members of Chapter 2 or 3 of Part 3

Age next birthday (1)	Contribution as respects net remuneration for persons who are fully insured (2)	Contribution as respects remuneration for persons who are fully insured (3)	Contribution as respects remuneration for persons who are not fully insured (4)
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%

Age next birthday (1)	Contribution as respects net remuneration for persons who are fully insured (2)	Contribution as respects remuneration for persons who are fully insured (3)	Contribution as respects remuneration for persons who are not fully insured (4)
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%

Table 16

Periodic contribution rates (applicable from 10 November 2006) in relation to purchase of notional service, by reference to age 65, by persons who are neither members of Chapter 2 nor 3 of Part 3

Age next birthday (1)	Contribution as respects net remuneration for persons who are fully insured (2)	Contribution as respects remuneration for persons who are fully insured (3)	Contribution as respects remuneration for persons who are not fully insured (4)
26	0.58%	0.09%	0.58%
27	0.60%	0.09%	0.60%
28	0.62%	0.10%	0.62%
29	0.64%	0.10%	0.64%
30	0.66%	0.10%	0.66%
31	0.69%	0.11%	0.68%
32	0.70%	0.11%	0.70%
33	0.72%	0.11%	0.72%
34	0.74%	0.12%	0.74%
35	0.76%	0.12%	0.76%
36	0.78%	0.12%	0.79%
37	0.79%	0.13%	0.81%
38	0.81%	0.13%	0.83%
39	0.84%	0.14%	0.86%
40	0.85%	0.14%	0.88%
41	0.87%	0.14%	0.91%
42	0.89%	0.15%	0.94%
43	0.91%	0.15%	0.97%
44	0.93%	0.16%	1.01%
45	0.96%	0.17%	1.05%
46	0.98%	0.17%	1.09%
47	1.04%	0.18%	1.16%
48	1.10%	0.20%	1.23%
49	1.18%	0.21%	1.32%
50	1.26%	0.22%	1.42%
51	1.35%	0.24%	1.53%
52	1.46%	0.26%	1.66%
53	1.59%	0.29%	1.81%
54	1.74%	0.31%	1.99%
55	1.93%	0.35%	2.20%
56	2.15%	0.39%	2.46%
57	2.43%	0.44%	2.79%
58	2.79%	0.51%	3.21%

Age next birthday (1)	Contribution as respects net remuneration for persons who are fully insured (2)	Contribution as respects remuneration for persons who are fully insured (3)	Contribution as respects remuneration for persons who are not fully insured (4)
59	3.26%	0.60%	3.78%
60	3.93%	0.72%	4.57%
61	4.94%	0.91%	5.76%
62	6.62%	1.22%	7.74%
63	9.97%	1.85%	11.71%

Table 17

Periodic contribution rates (applicable from 10 November 2006) in relation to purchase of notional service, by reference to age 60, by persons who are members of Chapter 2 or 3 of Part 3

Age next birthday (1)	Contribution as respects net remuneration for persons who are fully insured (2)	Contribution as respects remuneration for persons who are fully insured (3)	Contribution as respects remuneration for persons who are not fully insured (4)
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%

Age next birthday (1)	Contribution as respects net remuneration for persons who are fully insured (2)	Contribution as respects remuneration for persons who are fully insured (3)	Contribution as respects remuneration for persons who are not fully insured (4)
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%

Table 18

Periodic contribution rates (applicable from 10 November 2006) in relation to purchase of notional service, by reference to age 60, by persons who are neither members of Chapter 2 nor 3 of Part 3

Age next birthday (1)	Contribution as respects net remuneration for persons who are fully insured (2)	Contribution as respects remuneration for persons who are fully insured (3)	Contribution as respects remuneration for persons who are not fully insured (4)
21	0.69%	0.09%	0.68%
22	0.72%	0.10%	0.70%
23	0.74%	0.10%	0.72%
24	0.77%	0.11%	0.75%
25	0.79%	0.11%	0.77%
26	0.82%	0.11%	0.80%
27	0.84%	0.11%	0.82%
28	0.86%	0.12%	0.84%
29	0.89%	0.12%	0.87%
30	0.91%	0.12%	0.89%
31	0.93%	0.13%	0.92%
32	0.95%	0.13%	0.95%
33	0.97%	0.14%	0.97%
34	1.00%	0.14%	1.00%
35	1.02%	0.14%	1.03%
36	1.04%	0.15%	1.06%
37	1.06%	0.15%	1.10%
38	1.09%	0.16%	1.13%
39	1.11%	0.17%	1.18%
40	1.14%	0.17%	1.22%
41	1.17%	0.18%	1.27%
42	1.24%	0.19%	1.35%
43	1.31%	0.20%	1.44%
44	1.40%	0.21%	1.54%
45	1.50%	0.23%	1.65%
46	1.61%	0.25%	1.78%
47	1.74%	0.27%	1.93%
48	1.89%	0.29%	2.10%
49	2.07%	0.32%	2.30%
50	2.28%	0.35%	2.55%
51	2.55%	0.39%	2.85%
52	2.87%	0.45%	3.23%
53	3.29%	0.51%	3.71%

Age next birthday (1)	Contribution as respects net remuneration for persons who are fully insured (2)	Contribution as respects remuneration for persons who are fully insured (3)	Contribution as respects remuneration for persons who are not fully insured (4)
54	3.86%	0.60%	4.36%
55	4.64%	0.73%	5.27%
56	5.82%	0.92%	6.63%
57	7.79%	1.23%	8.90%
58	11.72%	1.86%	13.44%

## Schedule 2

## LIMITS ON AMOUNT OF SERVICE WHICH MAY BE PURCHASED

1. For the purposes of this Schedule—

“relevant pensionable service” includes periods of leave without pay purchased in accordance with Article 52, but excludes other types of notional service purchased under Chapter 2 of Part 4;

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

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

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

TABLE

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

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

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

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

(a) the maximum specified in column (2) of the Table to paragraph 3; and

(b)  $40 - A$ ,

where  $A$  is the relevant pensionable service which the teacher or chaplain would have at the relevant age.

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

## Schedule 3

CALCULATION OF ACTUARIALLY REDUCED EQUIVALENT OF NOTIONAL SERVICE  
PURCHASED

Where payment of a superannuation benefit, other than a death gratuity or a benefit under Part 3, which takes account of purchased service commences before the date of the member's relevant age (for example, where a teacher or chaplain who is purchasing service retires before the relevant age), each Table in this Schedule specifies, by reference to the periods and matters mentioned in the heading to it and opposite the mention, in column (1) of it, of the age at which payment of benefit commences or, as the case may be, the man's or woman's age on his or her next birthday—

(a) in the case of Tables 1 and 2—

- (i) in column (2), the factor to be used in respect of a gratuity,
- (ii) in columns (3) and (4), respectively, the factor to be used in respect of a pension,

in calculating the actuarially reduced equivalent of the proportionate service purchased at that date, and

(b) in the case of Tables 3 and 4—

- (i) in column (2), the factor to be used in respect of a pension,
- (ii) in column (3), the factor to be used in respect of a gratuity,

in calculating the actuarially reduced equivalent of the proportionate service purchased at that date.

Table 1

Factor to be used (applicable during the period from 22 October 1991 and ending immediately before 27 October 2006) in calculating the actuarially reduced equivalent of the proportionate service purchased in the case of members for whom the relevant age is 65

Age at which payment of benefit commences	Factor to be used in calculating gratuity	Factor to be used in calculating pension in the case of a male	Factor to be used in calculating pension in the case of a female
(1)	(2)	(3)	(4)
64	0.98	0.92	0.93
63	0.95	0.85	0.87
62	0.93	0.78	0.82
61	0.91	0.73	0.77
60	0.89	0.68	0.72
59	0.87	0.63	0.68
58	0.85	0.59	0.64
57	0.83	0.55	0.61
56	0.81	0.51	0.58
55	0.79	0.48	0.55
54	0.78	0.45	0.52
53	0.76	0.42	0.49
52	0.74	0.40	0.47
51	0.72	0.38	0.45
50	0.71	0.36	0.43
49	0.69	0.34	0.41
48	0.68	0.33	0.39
47	0.66	0.31	0.37
46	0.64	0.29	0.35
45	0.63	0.28	0.34
44	0.62	0.27	0.33
43	0.60	0.25	0.31
42	0.59	0.24	0.30
41	0.57	0.23	0.29
40	0.56	0.22	0.28
39	0.55	0.21	0.27
38	0.53	0.20	0.26
37	0.52	0.20	0.25
36	0.51	0.19	0.24
35	0.50	0.18	0.23
34	0.49	0.17	0.22
33	0.47	0.17	0.21
32	0.46	0.16	0.20
31	0.45	0.15	0.20
30	0.44	0.15	0.19

Table 2

Factor to be used (applicable during the period from 22 October 1991 and ending immediately before 27 October 2006) in calculating the actuarially reduced equivalent of the proportionate service purchased in the case of members for whom the relevant age is 60

Age at which payment of benefit commences	Factor to be used in calculating gratuity	Factor to be used in calculating pension in the case of a male	Factor to be used in calculating pension in the case of a female
(1)	(2)	(3)	(4)
59	0.98	0.93	0.94
58	0.95	0.87	0.89
57	0.93	0.81	0.84
56	0.91	0.76	0.80
55	0.89	0.72	0.76
54	0.87	0.67	0.72
53	0.85	0.63	0.68
52	0.83	0.60	0.65
51	0.81	0.57	0.62
50	0.79	0.54	0.59
49	0.77	0.51	0.56
48	0.75	0.48	0.54
47	0.73	0.46	0.51
46	0.72	0.44	0.49
45	0.70	0.42	0.47
44	0.68	0.40	0.45
43	0.67	0.38	0.43
42	0.65	0.36	0.41
41	0.64	0.34	0.40
40	0.62	0.33	0.38
39	0.61	0.32	0.37
38	0.59	0.30	0.35
37	0.58	0.29	0.34
36	0.56	0.28	0.33
35	0.55	0.27	0.32
34	0.54	0.26	0.30
33	0.52	0.25	0.29
32	0.51	0.24	0.28
31	0.50	0.23	0.27
30	0.49	0.22	0.26

Table 3

Factor to be used (applicable on or after 27 October 2006) in calculating the actuarially reduced equivalent of the proportionate service purchased in the case of members for whom the relevant age is 65

Age last birthday	Pension	Gratuity
(1)	(2)	(3)
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%

Age last birthday (1)	Pension (2)	Gratuity (3)
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 4

Factor to be used (applicable on or after 27 October 2006) in calculating the actuarially reduced equivalent of the proportionate service purchased in the case of members for whom the relevant age is 60

Age last birthday (1)	Pension (2)	Gratuity (3)
30	30.6%	55.7%
31	31.6%	56.8%
32	32.6%	57.9%
33	33.6%	59.0%
34	34.7%	60.2%
35	35.9%	61.4%
36	37.1%	62.6%
37	38.4%	63.8%
38	39.7%	65.1%
39	41.1%	66.4%
40	42.5%	67.7%
41	44.1%	69.0%
42	45.7%	70.4%
43	47.4%	71.8%
44	49.2%	73.2%
45	51.1%	74.6%
46	53.1%	76.1%
47	55.2%	77.6%
48	57.4%	79.1%
49	59.8%	80.7%
50	62.4%	82.2%
51	65.1%	83.9%
52	67.9%	85.5%
53	71.0%	87.2%
54	74.3%	88.9%
55	77.8%	90.7%
56	81.6%	92.4%
57	85.7%	94.3%
58	90.1%	96.1%
59	94.8%	98.0%
60	100.0%	100.0%

## Schedule 4

## COST NEUTRAL EARLY RETIREMENT ACTUARIAL REDUCTION FACTORS

Table 1

Members who are not new entrants		
Age of member (to be construed in accordance with Article 61(1)) (1)	Pension (2)	Gratuity (3)
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%

Table 2

Members who are new entrants		
Age of member (to be construed in accordance with Article 61(1)) (1)	Pension (2)	Gratuity (3)
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%

## Schedule 5

## DOCUMENTS RELATING TO CERTAIN BENEFITS GRANTED AFTER 1972

Table

Document Identification Number	Document Type	Document Title or Subject Matter
101/08	Circular of the Department of Education and Science	Immediate Suspension of the Early Retirement Scheme for Teachers
20/02	Circular of the Department of Education and Science	This provides for the reckoning of the pay increases due on 1 October 2000 in the retirement gratuities of certain teachers and chaplains.
01/02	Circular of the Department of Education and Science	This provides further information on the purchase of actual service given in secondary, community and comprehensive schools.
6/2000	Agreed report of the Conciliation Council for Teachers	This provides for the application, on a once-off basis, of the 5.5% pay increase payable with effect from 1 October 2000 to the lump sum payable to teachers and chaplains who were compulsorily retired on age grounds at the end of the 1999/00 academic year.
37/98	Circular of the Department of Education and Science	This provides for the requirements of a health declaration and medical examiner's report on the appointment to pensionable posts in secondary schools.
10/98	Circular of the Department of Education and Science	This provides for arrangements for the purchase by retired teachers or chaplains of teaching service for superannuation purposes.
25/97	Circular of the Department of Education and Science	Implementation of Early Retirement Provisions for Primary and Post-Primary Teachers
34/91	Circular of the Department of Education and Science	Revised Pension Purchase Scheme for Members of the Secondary Teachers' Superannuation Scheme.
6/91	Agreed report of the Conciliation Council for Teachers	Revised Pension Purchase Scheme for Members of the Secondary Teachers' Superannuation Scheme.
M-2/88	Circular of the Department of Education and Science	Voluntary Redundancy Scheme for Secondary Teachers

Document Identification Number	Document Type	Document Title or Subject Matter
4/87	Agreed report of the Conciliation Council for Teachers	Abolished use of quarters in method of calculating averages and amended definition of retiring salary.
12/83	Circular of the Department of Education and Science	Purchase of Notional Service for Superannuation Purposes in the Case of Teachers in Secondary, Comprehensive and Community Schools
10/81	Agreed report of the Conciliation Council for Teachers	Agreed Report of discussions on a claim from the ASTI that the Secondary Teachers' Superannuation Scheme be amended to enable teachers and chaplains to buy back past service which was pensionable.
6/80	Agreed report of the Conciliation Council for Teachers	This provides for the abolition of the former rule that a person lost their entitlement to a pension if they had been out of service for more than 10 years.
2.75	Letter of Department of Finance Sanction	Reckoning of certain service for lump sums.
9/73	Circular of the Department of Finance	Reckoning for superannuation purposes of service with the Defence Forces during the Emergency (2 September 1939 to 31 October 1946)
8/73	Letter of Department of Finance Sanction	Pension credit for unemployment periods.



GIVEN under my Official Seal,  
27 October 2009.

BATT O'KEEFFE,  
Minister for Education and Science.

The Minister for Finance hereby consents to the foregoing Scheme.



GIVEN under my Official Seal,  
27 October 2009.

BRIAN LENIHAN,  
Minister for Finance.

BAILE ÁTHA CLIATH  
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