



STATUTORY INSTRUMENTS.

S.I. No. 91 of 2015

CÓRAS IOMPAIR ÉIREANN SPOUSES' AND CHILDREN'S PENSION
SCHEME FOR REGULAR WAGES STAFF (AMENDMENT) SCHEME
(CONFIRMATION) ORDER 2015

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I, PASCHAL DONOHOE, Minister for Transport, Tourism and Sport in exercise of the powers conferred on me by section 44(4) of the Transport Act 1950 (No. 12 of 1950) and Article 4 of the Córás Iompair Éireann (Additional Powers) Order 1988 (S.I. No. 381 of 1988), the Communications (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 1987 (S.I. No. 92 of 1987) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)) after consultation with the Minister for Public Expenditure and Reform, hereby order as follows:

1. This Order may be cited as the Córás Iompair Éireann Spouses' and Children's Pension Scheme for Regular Wages Staff (Amendment) Scheme (Confirmation) Order 2015.

2. In this Order "amending Scheme" means the Scheme amending the Córás Iompair Éireann Spouses' and Children's Pension Scheme for Regular Wages Staff (confirmed by the Córás Iompair Éireann Spouses' and Children's Pension Scheme for Regular Wages Staff (Confirmation) Order 2003 (S.I. No. 230 of 2003)) prepared by Córás Iompair Éireann and submitted to the Minister for Transport, Tourism and Sport under section 45(5) of the Transport Act 1950 (No. 12 of 1950), and set out in the Schedule to this Order.

3. The amending Scheme is confirmed and is deemed to have come into operation on 1 January 2015.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 13th March, 2015.*

SCHEDULE

CÓRAS IOMPAIR ÉIREANN SPOUSES' AND CHILDREN'S PENSION
SCHEME FOR REGULAR WAGES STAFF (AMENDMENT) SCHEME
2015

Interpretation

1. (1) In this amending Scheme—

“existing Scheme” means the C ras Iompair  ireann Spouses’ and Children’s Pension Scheme For Regular Wages Staff as set out in the Schedule to the C ras Iompair  ireann Spouses’ and Children’s Pension Scheme for Regular Wages Staff (Confirmation) Order 2003 (S.I. No. 230 of 2003) as amended by the 2004 amending scheme and the 2010 amending scheme;

“2004 amending scheme” means the amending scheme confirmed by the C ras Iompair  ireann Spouses’ and Children’s Pension Scheme for Regular Wages Staff (Amendment) Scheme (Confirmation) Order 2004 (S.I. No. 264 of 2004);

“2010 amending scheme” means the amending scheme confirmed by the C ras Iompair  ireann Spouses’ and Children’s Pension Scheme for Regular Wages Staff (Amendment) Scheme (Confirmation) Order 2010 (S.I. No. 204 of 2010);

“operative date” means 1 January 2015 in respect of Articles 2 and 3 of this amending Scheme.

(2) In this amending Scheme, unless otherwise expressly stated, the words and expressions used shall have the meanings assigned to them by the existing Scheme.

Continuance of existing Scheme

2. (1) Subject as hereinafter specifically provided the benefits provided by the existing Scheme shall continue to be paid or be payable under and in accordance with the terms thereof and without alteration to every existing pensioner whose pension commenced prior to the operative date and to the personal representative of any deceased pensioner or member if the deceased’s pension commenced or death occurred prior to the operative date.

(2) Subject as hereinafter specifically provided nothing in this amending Scheme shall affect the rights of any of the persons mentioned in the preceding subarticle, nor shall this amending Scheme affect any subsisting right or liability accrued to or in respect of, or incurred under the existing Scheme by, any person who retired from or left the service of the Board or died prior to the operative date.

Amendment of existing Scheme

3. Subject to Article 2 of this amending Scheme, the existing Scheme shall be amended with effect on and from the operative date so as to conform to the provisions hereinafter contained and every provision of the existing Scheme which is inconsistent with the provisions hereinafter contained shall cease to have effect.

4. The following is inserted after Article 20 (inserted by Article 5 of the 2004 amending scheme) of the existing Scheme:

“Promotion

21. (1) If a member of this Scheme is promoted in the service of the Board to a grade outside the regular wages staff and he or she is, as so promoted, qualified and entitled to join the C oras Iompair  ireann Spouses’ and Children’s Superannuation Scheme (hereinafter referred to as “the Superannuation Scheme”), he or she shall on such promotion cease to be a member of this Scheme and—

- (a) if and when he or she becomes a member of the Superannuation Scheme and he or she subsequently dies while entitled to a spouse’s pension under Article 6 of this Scheme or a children’s pension under Article 8 of this Scheme becomes payable on his or her death, such pension or pensions may be commuted and paid by means of a single lump sum subject to the provisions of the Taxes Consolidation Act 1997 and the rules of the Revenue Commissioners concerning the commutation of trivial pensions,
- (b) if, after he or she has become a member of the Superannuation Scheme, he or she is transferred back to the wages staff as a regular member thereof he or she shall, provided—
 - (i) he or she was a member of this Scheme before he or she was promoted to a grade outside the regular wages staff, and
 - (ii) he or she pays, or there is paid on his or her behalf, an amount into the Fund equal to the total periodic contributions he or she would have made to the Fund during the period he or she ceased to be a member on promotion,

be readmitted as a member of this Scheme notwithstanding that he or she may then exceed the age limit herein prescribed.”.

5. Article 1(1) of the existing scheme is amended by substituting for the definition of “Scheme Membership” (inserted by Article 2 of the 2010 amending scheme) the following:

“ ‘Scheme Membership’ means, subject to a maximum of 40 years—

- (a) the total periods of service in the employment of the Board during membership of the Scheme, including additional service purchased under Article 13, where service as a job sharing employee shall be treated as if the member was a full time employee, and
- (b) service which under the Superannuation and Pensions Act 1963 (No. 24 of 1963) has been given with an approved organisation and is to be treated as pensionable for the purposes of the Scheme,

but in none of the foregoing periods is included service in the employment of the Board on and after the date of becoming a member of the C oras Iompair  ireann Spouses' and Children's Superannuation Scheme on promotion from the regular wages staff;".



GIVEN under my Official Seal,
11 March 2015.

PASCHAL DONOHOE T.D.,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

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

The purpose of this Order is to amend the entitlements of members of the Scheme who are employees of the Board and who are promoted to the Salaried Grades and are eligible to join the C6ras Iompair 6ireann Spouses' and Children's Superannuation Pension Scheme.

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