STATUTORY INSTRUMENTS.

S.I. No. 248 of 2007.

HOUSES OF THE OIREACHTAS (MEMBERS) PENSIONS (AMENDMENT) SCHEME 2007.

(Prn. A7/1022)

S.I. No. 248 of 2007.

HOUSES OF THE OIREACHTAS (MEMBERS) PENSIONS (AMENDMENT) SCHEME 2007.

I, BRIAN COWEN, Minister for Finance, in exercise of the powers conferred on me by section 6A (inserted by section 5 of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1960 (No. 12 of 1960), and amended by section 4 of the Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act 1983 (No. 32 of 1983), section 7 of the Oireachtas (Allowances to Members) (Amendment) Act 1994 (No. 21 of 1994), section 10 of the Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act 1998 (No. 5 of 1998) and section 27 of the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001 (No. 33 of 2001)) of the Oireachtas (Allowances to Members) Act 1938 (No. 34 of 1938), hereby make the following scheme:

1. (1) This Scheme may be cited as the Houses of the Oireachtas (Members) Pensions (Amendment) Scheme 2007.

(2) This Scheme comes into operation on 24 May 2007.

2. The Houses of the Oireachtas (Members) Pensions (Amendment) Scheme 1997 (S.I. No. 212 of 1997) (as amended by the Houses of the Oireachtas (Members) Pensions (Amendment)) (No. 2) Scheme 1998 (S.I. No. 373 of 1998)) is amended:

(*a*) in clause 3—

(i) by substituting the following for subclause (1):

"(1) A pension payable under the new Scheme to a former member, who had at any time been in receipt of an additional allowance, shall be increased in accordance with the following formula—

$$F = P + \frac{(A \times Y)}{7{,}300}$$

where—

F is the pension as increased by this Scheme,

P is the pension payable under the new Scheme before being increased under this Scheme,

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 1*st June*, 2007.

A is—

(I) where the former member had been in receipt of an additional allowance in respect of one position only, the additional allowance currently payable to the holder of such position, or

(II) where the former member held more than one position in respect of which he had been in receipt of an additional allowance, the weighted average additional allowance calculated as follows—

$$\frac{\Sigma\ (AA_1 \times T_1) \ldots (AA_n \times T_n)}{\Sigma T_1 \ldots T_n}$$

where—

$AA_1 \ldots AA_n$ represents the additional allowances in descending order of monetary value currently payable in respect of each position which was held by the former member and in respect of which an additional allowance was payable, provided that in calculating $\Sigma\ (AA_1 \times T_1) \ldots (AA_n \times T_n)$, the sum of the periods (T_1, $T_2 \ldots T_n$) in respect of which each additional allowance was held shall not exceed 3,650 days,

$T_1 \ldots T_n$ represent the period in days during which each of those positions was held subject to the sum of $T_1 \ldots T_n$ not exceeding 3,650 days, and

Y is—

(I) the total number of days in respect of which an additional allowance was payable to the former member, or

(II) 3,650 days,

whichever is the lesser.",

(ii) by substituting the following for the formula contained in subclause (2):

$$\text{“Fw} = \text{Pw} + \frac{(\text{A} \times \text{Y})}{(7{,}300 \times 2)}\text{”},$$

and

(iii) by substituting the following for the formula contained in subclause (4):

$$\text{“Gf} = \text{G} + \frac{(3 \times \text{A} \times \text{Y})}{7{,}300}\text{”},$$

and

(*b*) in clause 4—

(i) by substituting the following for subclause (1):

"(1) A pension payable under subclause (1) of Clause 5 of the old Scheme to a former member, who had at any time been in receipt of an additional allowance, shall be increased in accordance with the following formula—

$$F = P + \frac{(A \times 4/3Y)}{20}$$

where—

F is the pension as increased by this Scheme,

P is the pension payable under the old Scheme before being increased under this Scheme,

A is—

(I) where the former member had been in receipt of an additional allowance in respect of one position only, the additional allowance currently payable to the holder of such position, or

(II) where the former member held more than one position in respect of which he had been in receipt of an additional allowance, the weighted average additional allowance calculated as follows—

$$\frac{\Sigma\ (Aa_1 \times Tt_1) \ldots (Aa_n \times Tt_n)}{\Sigma Tt_1 \ldots Tt_n}$$

where—

$Aa_1 \ldots Aa_n$ represents the additional allowances in descending order of monetary value currently payable in respect of each position which was held by the former member and in respect of which an additional allowance was payable, provided that in calculating $\Sigma\ (Aa_1 \times Tt_1) \ldots (Aa_n \times Tt_n)$, the sum of the periods (Tt_1, $Tt_2 \ldots Tt_n$) in respect of which each additional allowance was held shall not exceed 3,650 days,

Tt_1 .... Tt_n represent the period in days during which each of those positions was held subject to the sum of Tt_1 .... Tt_n not exceeding 3,650 days, and

Y is—

(I) the total number of years during which an additional allowance was payable, such number of years being calculated by dividing by 365 the total number of days during which an additional allowance was payable to the person and reckoning on a pro rata basis any fraction of a year in the result of the calculation, or

(II) 10

whichever is the lesser.",

(ii) by substituting the following for the formula contained in subclause (2):

$$\text{"Fr} = \text{Pr} + \frac{(\text{A x Y})}{20}\text{"},$$

(iii) by substituting the following for the formula contained in subclause (5):

$$\text{"}\frac{(3 \text{ x A x Y})}{20}\text{"},$$

and

(iv) by substituting the following for the formula contained in subclause (6):

$$\text{"}\frac{(\text{A x Y})}{40}\text{".}$$

L.S.

GIVEN under my Official Seal,
9 May 2007

BRIAN COWEN
Minister for Finance.

EXPLANATORY NOTE

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

This scheme amends the basis on which certain additional allowances payable to members of the Oireachtas (for example in respect of responsibility as Chairperson of an Oireachtas Committee) can be reckoned in the calculation of benefits under the Houses of the Oireachtas (Members) Pensions Scheme.

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