



STATUTORY INSTRUMENTS.

S.I. No. 57 of 2016



IRISH WATER (PREVIOUS SERVICE) SUPERANNUATION SCHEME
2016

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S.I. No. 57 of 2016

IRISH WATER (PREVIOUS SERVICE) SUPERANNUATION SCHEME
2016

The Minister for the Environment, Community and Local Government, in exercise of the power conferred by section 9 (4) of the Water Services Act 2014 and with the consent of the Minister for Public Expenditure and Reform, hereby makes the following Scheme.

1. Short title

This Scheme may be cited as the Irish Water (Previous Service) Superannuation Scheme 2016.

2. Commencement

The Scheme shall commence from the 1 January 2014 which shall be known as the date of commencement of the Scheme.

3. Definitions

“Act of 2014” means the Water Services Act 2014;

“Civil Service Superannuation Scheme” means

- (i) the Established Civil Service Superannuation Scheme provided for by and under-
 - (a) the Superannuation Acts 1834 to 1963,
 - (b) the Superannuation and Pensions Act 1976,
 - (c) the Civil Service Widows’ and Children’s Contributory Pension Scheme 1977 to 1981, and
 - (d) the Civil Service Spouses’ and Children’s Contributory Pension Scheme, and
- (ii) the Non-Established Civil Service Superannuation Scheme provided for by and under—
 - (a) the Non-Contributory Pension Scheme for Non-Established State Employees,
 - (b) the Contributory Pension Scheme for Widows and Children of Non-Established State Employees, and

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 12th February, 2016.*

(c) the Contributory Pension Scheme for Spouses and Children of Non-Established State Employees,

either jointly or separately;

“Irish Water” means the company incorporated pursuant to section 4 of the Water Services Act 2013;

“Irish Water Defined Benefit Superannuation Scheme” means a scheme established by Irish Water pursuant to section 28(1) and section 28(1A) of the No. 2 Act of 2013 as amended by Section 9(1) (a) and (b) of the Act of 2014.

“Member” means a pensionable employee to whom this Scheme applies;

“Minister” means the Minister for the Environment, Community and Local Government;

“local authority” shall have the meaning assigned to it in section 1 of the Local Government (Superannuation) Act, 1980 (No. 8 of 1980) and, in addition, shall include a body within the meaning of section 2(9) of that Act, subject to the provisos that—

- (i) with effect from the 29th day of September, 1998, it shall not include a vocational education committee as respects a person referred to in article 3(2) of the Vocational Education Superannuation Schemes (Transfer of Departmental Administration and Ministerial Functions) Order, 1998 (S.I. No. 362 of 1998), and
- (ii) with effect from the 30th day of January, 2001, it shall not include a body referred to in article 3(2) of the Education Sector Superannuation Scheme (Transfer of Departmental Administration and Ministerial Functions) Order, 2001 (S.I. No. 14 of 2001);

“Local Government Superannuation Scheme” means any scheme or regulation made under the Local Government (Superannuation) Act 1980 (No. 8 of 1980) other than the Local Government (Superannuation) (Gratuities) Regulations, 1984 (as amended);

“No. 2 Act of 2013” means the Water Services (No. 2) Act 2013;

“relevant person” means a member of staff accepted into the employment of Irish Water in accordance with section 19 of the No. 2 Act of 2013 or appointed under section 27 of that Act who, immediately before such acceptance or appointment, was an officer of the Minister or a member of staff of a local authority or the Local Government Management Agency (unless their contracts of employment provide for a defined contribution scheme or a payment in lieu of pension or do not provide for any pension);

“relevant Schedule” means whichever of Schedule 1, Schedule 2 or Schedule 3 as described in Article 9 applies to the member;

“Single Public Service Pension Scheme” has the meaning given in section 9 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012.

4. Membership

(1) For the purposes of this Scheme “pensionable employee” means a relevant person.

(2) This Scheme is restricted to pensionable employees.

(3) Membership shall be compulsory for all pensionable employees.

5. Pensionable Remuneration and Net Pensionable Remuneration

For the purposes of calculating benefits under this Scheme, pensionable remuneration and net pensionable remuneration are as applicable to preserved pensions as set out in the relevant Schedule in respect of each member and amended as necessary to conform to the condition set out in Article 10(2).

6. Pensionable Service

For the purposes of calculating benefits under this Scheme, pensionable service is as set out in the relevant Schedule, in respect of each member, and includes any period while on secondment to Irish Water but does not include any service with Irish Water with effect on and from becoming a relevant person, and amended as necessary to conform to the conditions set out in Article 10.

7. Preserved Pension

Pensions under this Scheme shall be preserved until the member ceases employment with Irish Water or reaches the age at which preserved pension is paid in accordance with the relevant provisions under Article 9, whichever occurs last.

8. Retirement on Medical Grounds

Where a member retires or is retired on medical grounds from Irish Water in accordance with relevant provisions under Article 9, he/she may have his or her pension and lump sum payable from a date determined by Irish Water and the preserved pension payable under this Scheme in accordance with the provisions of Article 9 shall be paid without actuarial reduction from that date.

9. Scheme Rules

(1) The instruments or provisions listed in Schedule 1 shall comprise the Scheme rules for the Irish Water (Previous Service) Superannuation Scheme 2016 for relevant persons other than members of the Civil Service Superannuation Scheme or the Single Public Service Pension Scheme.

(2) The instruments or provisions listed in Schedule 2 shall comprise the Scheme rules for the Irish Water (Previous Service) Superannuation Scheme 2016 for relevant persons who were previously an officer of the Minister and a member of the Civil Service Superannuation Scheme.

(3) The instruments or provisions listed in Schedule 3 shall comprise the Scheme rules for the Irish Water (Previous Service) Superannuation Scheme 2016 for relevant persons who were previously members of the Single Public Service Pension Scheme.

10. Inter-scheme Linkages

(1) Single benefits payment

The Minister, with the consent of the Minister for Public Expenditure and Reform, and Irish Water may agree such appropriate arrangements as may be necessary so that benefits shall be paid from the same source as and, where possible, in conjunction with benefits payable under the Irish Water Defined Benefit Superannuation Scheme.

(2) Increases in Pensionable Remuneration and Net Pensionable Remuneration

Any increases in benefits payable under this Scheme which arise due to Irish Water increasing relevant pensionable remuneration or net pensionable remuneration in excess of the amount arising under the relevant Schedule as uprated with appropriate revisions in accordance with the relevant Schedule, shall be the responsibility of Irish Water as provided for in section 28 (7)(b) and (c) of the No. 2 Act of 2013 as amended by section 9(1)(c) of the Act of 2014.

(3) Professional Added Years

- (a) A pensionable employee shall be entitled to be considered for professional added years if, immediately before appointment to Irish Water, he/she was in a post which met the conditions as set out under Article 9 for the grant of professional added years and at date of retirement from Irish Water meets the conditions set out under the Irish Water Defined Benefit Superannuation Scheme for the grant of professional added years in respect of that same post.
- (b) For the purposes of calculating professional added years, pensionable service shall be calculated on the aggregate of actual pensionable service under this Scheme and actual pensionable service under the Irish Water Defined Benefit Superannuation Scheme.
- (c) Any addition to service under sub paragraph 10(3)(b) shall be divided between this Scheme and the Irish Water Defined Benefit Superannuation Scheme on a pro-rata basis based on the member's actual pensionable service under each Scheme.

(4) Purchased service

Any notional service purchased by a member prior to employment by Irish Water shall reckon as pensionable service under this Scheme. The purchase

agreement shall transfer to Irish Water and any future notional service purchased under that agreement shall reckon as pensionable service under the Irish Water Defined Benefit Superannuation Scheme.

(5) Ill-health notional service

- (a) For the purposes of calculating ill-health notional service, pensionable service shall be calculated on the aggregate of actual pensionable service under this Scheme and actual pensionable service under the Irish Water Defined Benefit Superannuation Scheme.
- (b) Any addition to service under sub-paragraph 10(5)(a) shall be divided between this Scheme and the Irish Water Defined Benefit Superannuation Scheme on a pro-rata basis based on the member's actual pensionable service under each scheme.

(6) Death in service

- (a) For the purposes of calculating death in service benefits, pensionable service shall be calculated on the aggregate of actual pensionable service under this Scheme and actual pensionable service under Irish Water Defined Benefit Superannuation Scheme.
- (b) Any addition to service under sub-paragraph 10(6)(a) shall be divided between this Scheme and the Irish Water Defined Benefit Superannuation Scheme on a pro-rata basis based on the member's actual pensionable service under each scheme.
- (c) Any death gratuity on death in service shall be calculated in line with the conditions set out in Article 9 and the equivalent provision in the Irish Water Defined Benefit Superannuation Scheme and shall be divided between this Scheme and the Irish Water Defined Benefit Superannuation Scheme on a pro-rata basis based on the member's actual pensionable service under each scheme.

(7) Supplementary Pensions

- (a) Where a person who was a fully insured member is in receipt of a combined pension under this Scheme and the Irish Water Defined Benefit Superannuation Scheme, is unemployed, and, due to causes outside his or her own control, fails to qualify for Social Welfare benefits or qualifies for Social Welfare benefits at a reduced rate, then he/she may be paid a supplementary pension provided he/she meets the conditions regarding the payment of supplementary pensions under Article 9 of this Scheme and the conditions regarding the payment of supplementary pensions under the Irish Water Defined Benefit Superannuation Scheme.
- (b) The cost of the supplementary pension under sub-paragraph 10(7)(a) shall be divided between this Scheme and the Irish Water Defined

Benefit Superannuation Scheme on a pro-rata basis based on the member's actual pensionable service under each scheme.

(8) Cap of 40 years' service between schemes

The aggregate of reckonable pensionable service under this Scheme and the Irish Water Defined Benefit Superannuation Scheme cannot exceed 40 years. Where the aggregate of service exceeds 40 years, reckonable pensionable service shall be divided between this Scheme and the Irish Water Defined Benefit Superannuation Scheme on a pro-rata basis based on the member's actual pensionable service under each scheme.

Schedule 1

All instruments made under the Local Government (Superannuation) Act 1980, including the Local Government (Superannuation) (Consolidation) Scheme, 1998 to 2014, other than the Local Government (Superannuation) (Gratuities) Regulations, 1984.

All instruments, circulars and other documents and instructions issued by the Department of the Environment, Community and Local Government and predecessor Departments regarding the Local Government Superannuation Scheme.

Schedule 2

- (i) The Superannuation Acts 1834 to 1963,
 - (ii) the Superannuation and Pensions Act 1976,
 - (iii) the Civil Service Widows' and Children's Contributory Pension Scheme 1977 to 1981,
 - (iv) the Civil Service Spouses' and Children's Contributory Pension Scheme,
 - (v) the Non-Contributory Pension Scheme for Non-Established State Employees,
 - (vi) the Contributory Pension Scheme for Widows and Children of Non-Established State Employees,
 - (vii) the Contributory Pension Scheme for Spouses and Children of Non-Established State Employees, and
 - (viii) all instruments, circulars and other documents and instructions issued by the Department of Public Expenditure and Reform and predecessor Departments regarding the Civil Service Superannuation Scheme,
- either jointly or separately.

Schedule 3

Legislative basis for Single Public Service Pension Scheme—

Public Service Pensions (Single Scheme and Other Provisions) Act 2012 and all instruments, circulars and other documents and instructions issued by the Department of Public Expenditure and Reform relating to it.



GIVEN under the Seal of the Minister for the Environment, Community and Local Government,
29 January 2016.

ALAN KELLY,
Minister for the Environment, Community and Local
Government.

The Minister for Public Expenditure and Reform hereby consents to the making of the above Scheme

5 February 2016.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.

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