



STATUTORY INSTRUMENTS.

S.I. No. 42 of 2017



TRANSPORT INFRASTRUCTURE IRELAND (RPA (2003) PLAN)
SUPERANNUATION (AMENDMENT) SCHEME 2017

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Transport Infrastructure Ireland, in exercise of the powers conferred by section 25 of the Transport (Railway Infrastructure) Act 2001 (No. 55 of 2001) as amended, with the approval of the Minister for Transport, Tourism and Sport and the consent of the Minister for Public Expenditure and Reform, hereby make the following Scheme:

Citation

1. This scheme may be cited as the Transport Infrastructure Ireland (RPA (2003) Plan) Superannuation (Amendment) Scheme 2017.

Definitions

2. In this scheme “Principal Scheme” means the Transport (Railway Infrastructure) Act 2001 Railway Procurement Agency Pension and Life Assurance Plan 2003 Superannuation (No. 1) Scheme 2012.

Commencement

3. This scheme shall be deemed to have come into operation on 1 August 2015 which shall be known as the date of commencement.

Amendments to the “Principal Scheme”

4. The Principal Scheme is amended—

(a) by inserting into Paragraph 3.1 the following definitions:

- (i) ““Dormant Member” means a Member who has opted out of the Scheme and has elected to be eligible to become a Scheme member for the purposes of the SPSPS within the meaning of section 10 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012 in accordance with Rule 4.1(e) and whose membership of the Scheme is subject to the conditions set out in Rule 4.1(e).”.
- (ii) ““SPSPS” means the Single Public Service Pension Scheme established and governed by the Public Service Pensions (Single Scheme and Other Provisions) Act 2012 as amended.”.

(b) by substituting for the definition of “member” in Paragraph 3.2 the following:

““Member” means an Employee of the Employer who becomes a Member in accordance with paragraph 4.1(a) or (b) and who has completed and delivered the application

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 10th February, 2017.*

form required in accordance with paragraph 4.2 PROVIDED THAT an Employee who has opted out of membership of this Scheme for future service in accordance with paragraph 4.1(d) shall be treated as a Dormant Member and is a Member solely for the purposes of the Deed and Rule 4.1(e) and the Rules referred to in that Rule. For this purpose "employee" means a person who is employed by any of the Employers.”.

(c) by substituting for Paragraph 4.1(b) the following:

“(b) Subject to paragraph 4.1(d) below, an Employee who commenced Service on or after 1st September 2007 but on or before 31 July 2015:

- (i) may elect to become a Member during their first year of Service; and
- (ii) shall be obliged to become a Member with effect from the date of completion of one year’s Service.”.

(d) by inserting after Paragraph 4.1(b) the following:

“(bb) With effect from 1 August 2015, no Employees shall become Members of the Scheme.”.

(e) by substituting for Paragraph 4.1(d) the following:

“(d) Employees who were formerly employed in the Light Rail Project Office may elect to become a Member at any time prior to 31 July 2015 and prior to 31 July 2015 are automatically eligible for death in service benefit under paragraph 7.5. If no election is made before 1 August 2015, such Employee shall no longer be eligible for membership of the Scheme and shall no longer be eligible for death in service benefit under paragraph 7.5.”.

(f) by inserting after Paragraph 4.1(d) the following:

“(e) Employees who have become Members of the Scheme in accordance with paragraphs 4.1(a), (b) or (d) may elect on or before 31 July 2018 and by written notice to the Principal Employer and the Trustees to become a Dormant Member and to elect that section 15(1) of the Roads Act 2015 shall no longer apply to them in respect of future service. Following such election, no further contributions shall be payable by the Employer in respect of such a Dormant Member under paragraph 5.2, the Dormant Member shall not make contributions to the Scheme under paragraphs 5.1(a) and (b) and the Member shall not be eligible for death in service

benefit under paragraph 7.5. A Dormant Member may, subject to any applicable requirements of the Revenue Commissioners, make contributions under paragraph 5.1(c).”.

(g) by substituting for Paragraph 6.5 the following:

“6.5 Death Benefits on death during absence

If an Employee other than an Employee who is a Dormant Member dies on or before 31 July 2015 during a period of Statutory Leave, death benefits under paragraph 7.5 or 7.6 will apply as if he had not been absent and had been working in accordance with his normal practice and receiving his full Salary.”.

(h) by substituting for Paragraph 7.5 the following:

“7.5 Benefits of an Employee on Death in Service before Retirement

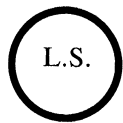
On the death before retirement on or before 31 July 2015 of an Employee who is not a Member and who is not a Dormant Member a lump sum benefit shall be payable in accordance with paragraph 8.2 in the amount of twice the Employee’s Salary.”.



GIVEN under the Seal of Transport Infrastructure Ireland,
3 February 2017.

MICHAEL NOLAN,
Transport Infrastructure Ireland.

The Minister for Transport, Tourism and Sport approves the making of the above Scheme.



GIVEN under the Official Seal of the Minister for Transport, Tourism and Sport,
3 February 2017.

SHANE ROSS,
Minister for Transport, Tourism and Sport.

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



GIVEN under the Official Seal of the Minister for Public Expenditure and Reform,
7 February 2017.

PASCHAL DONOHOE,
Minister for Public Expenditure and Reform.

EXPLANATORY NOTE

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

The Roads Act 2015 provided for the legal dissolution of the Railway Procurement Agency (RPA) and the transfer of its functions and employees to the National Roads Authority (NRA), now known as Transport Infrastructure Ireland (TII). The purpose of these regulations is to amend the Transport (Railway Infrastructure) Act 2001 Pension and Life Assurance Plan 2003 Superannuation (No. 1) Scheme 2012 in respect of certain matters relating to the transfer of employees from the RPA to TII.

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