



STATUTORY INSTRUMENTS.

S.I. No. 344 of 2022

CÓRAS IOMPAIR ÉIREANN SPOUSES' AND CHILDREN'S PENSION
SCHEME FOR REGULAR WAGES STAFF (AMENDMENT) SCHEME
(CONFIRMATION) ORDER 2022

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(CONFIRMATION) ORDER 2022

I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by section 44(4) of the Transport Act 1950 (No. 12 of 1950), the Communications (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 1987 (S. I. No. 92 of 1987) and Article 4 of the Córás Iompair Éireann (Additional Powers) Order 1988 (S. I. No. 381 of 1988) (as adapted by the Transport, Tourism and Sport (Alteration of Name of Department and Title of Minister) Order 2020 (S. I. No. 351 of 2020) and 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 2022.

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 under section 45(5) of the Transport Act 1950 (No. 12 of 1950), and set out in the Schedule.

3. The amending Scheme is confirmed and comes into operation on 18 July 2022.

SCHEDULE

CÓRAS IOMPAIR ÉIREANN SPOUSES' AND CHILDREN'S PENSION SCHEME FOR REGULAR WAGES STAFF (AMENDMENT) SCHEME 2022

1. Definitions and Construction

1.1 In this Scheme:

“**Actual or Potential Beneficiary**” means a Member, any person who has been a Member, any surviving dependant of a deceased Member, any person claiming to be a Member or a surviving dependant of a deceased Member, a personal representative of a deceased Member or a widow or widower or surviving Civil Partner of a deceased Member.

“**Adopted Child**” means in relation to any Member, a Child adopted by a person (whether alone or jointly with another 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 and includes, in relation to a deceased Member, a Child who had been:

- (a) in the custody of the Deceased;
- (b) in the custody of the Spouse or Civil Partner of the Deceased; or
- (c) jointly in the custody of the Deceased and his or her Spouse or Civil Partner, but only if—
 - (i) the Deceased or, before the death of the Deceased, his or her Spouse or Civil Partner had duly applied to adopt the Child, and
 - (ii) before the adoption procedure is completed the Member dies and the Child is subsequently adopted by the Deceased's Spouse or Civil Partner

and references to lawfully adopted or to a person by whom another person has been adopted shall be construed accordingly.

“**Adoption Order**” means an Adoption Order made under the Adoption Acts 1952 to 2017.

“**the Board**” has the same meaning as it has in the Main Scheme.

“**Child**” means a Child or step-Child of the Deceased or a Child lawfully adopted by the Deceased, where the Child is:

- (a) *en ventre sa mere* at the date of the Deceased's death,
- (b) a person under the age of 16 years;
- (c) a person under the age of 21 years and is receiving full-time instruction at any university, college, school or other educational establishment; or

- (d) a person under the age of 21 years and is undergoing full-time instruction or training by any person (in this Scheme referred to as the “**Employer**”) for any vocation, profession or trade, being instruction or training approved of by the Trustees for the purposes of this Scheme; or
- (e) a person who is 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 to whom paragraph (a), (b), or (c) of this definition related,

PROVIDED THAT where, in relation to a person referred to in paragraph (b) or (c) above a break occurs in his or her full-time instruction or training, then, unless the Trustees otherwise direct, he or she shall for the duration of such break be regarded as having ceased to be a Child for the purposes of this Scheme,

AND PROVIDED FURTHER THAT the following shall not be regarded as a Child within the meaning of this Scheme, namely:

- (i) a person who was not wholly or mainly dependent on a Member immediately prior to the Member’s death;
- (ii) a person who is married, in a Civil Partnership or is cohabiting with another person; or
- (iii) a person referred to in paragraph (c) above 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, provided that if there are compassionate grounds for so doing, the Trustees may in their absolute discretion and for so long as they think fit regard such person as being a Child for the purposes of this Scheme,

and “**Children**” means more than one such Child.

“**Children’s Pension**” has the meaning assigned to it by Rule 5 of this Scheme.

“**CIÉ**” means Córas Iompair Éireann.

“**Civil Partner**” means in relation to a Member, a person with whom he or she is a party to a Civil Partnership which has not been dissolved or the subject of a decree of nullity (as provided for in Parts 11 and 12 respectively of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24 of 2010)).

“**Civil Partnership**” means either:

- (a) a relationship registered as a civil partnership in accordance with Part 7A of the Civil Registration Act 2004 (No. 3 of 2004); or
- (b) a legal relationship registered in accordance with the laws of another jurisdiction which has been the subject of a Ministerial

Order under section 5(1) of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24 of 2010).

“**Committee**” means the Committee appointed in accordance with the provisions of the C  ras Iompair   ireann Pension Scheme For Regular Wages Staff (Amendment) Scheme 1988 (S.I. No. 258 of 1988) as amended by S.I. No. 117 of 1988 and whose powers, rights, discretions, privileges, duties, and liabilities transferred to the Trustees with effect from the Operative Date whereupon the Committee ceased to exist.

“**Contributing Member**” means a member of the Main Scheme.

“**C  ras Iompair   ireann Superannuation Scheme 1951**” means the superannuation scheme set out in the Schedule to the C  ras Iompair   ireann Superannuation Scheme 1951 (Confirmation) Order 1951 (S. I. No 353 of 1951), as last amended by the C  ras Iompair   ireann Superannuation Scheme 1951 (Amendment) Scheme (Confirmation) (No. 3) Order 2018 (S. I. No. 644 of 2018).

“**Deceased**” has the meaning assigned to it by Rule 5 of this Scheme.

“**Deceased’s Pension**” means, in relation to a Deceased but subject to Rule 2 of this Scheme:

- (a) where he or she retires on account of his or her ill-health before reaching the Normal Age of Retirement and is awarded a pension, the pension which would be granted to him or her if, at the time of his or her retirement, he or she had attained his or her Normal Age of Retirement, increased by reference to pension increases granted to him or her during the period between his or her retirement and his or her death;
- (b) where he or she dies while a Contributing Member having at least five years’ membership of the Main Scheme, the pension for which he or she would have qualified if, on the date of death, he or she had retired and then had attained his or her Normal Age of Retirement;
- (c) where otherwise than on retirement due to infirmity, he or she is awarded a pension or deferred pension, the amount of such pension or deferred pension, increased by reference to pension increases granted during the period between his or her retirement and his or her death.

“**Existing Scheme**” means the C  ras Iompair   ireann Spouses’ and Children’s Pension Scheme for Regular Wages Staff confirmed by S. I. No. 230 of 2003 and subsequently amended by the amending schemes confirmed by statutory instruments numbered 264 of 2004, 204 of 2010, 91 of 2015 and 64 of 2016.

“**Former Member**” means a Member who, being then married or in a Civil Partnership or whose spouse or Civil Partner had died while he or she was a Contributing Member, had retired and been awarded a pension under the Main Scheme or had left the service and has been awarded a Vested Benefit which has since come into payment.

“**Full Time Employee**” means an employee appointed to the Regular Wages Staff whose terms and conditions of employment are designated by the Board as full time employment.

“**Fund**” has the same meaning as it has in the Main Scheme.

“**Job Sharing Employee**” means an employee appointed to the Regular Wages Staff whose terms and conditions of employment include job-sharing arrangements as designated from time to time by the Board.

“**Main Scheme**” means the C oras Iompair  ireann Pension Scheme for Regular Wages Staff confirmed by S. R. & O. No. 242 of 1945 and subsequently amended by the amending schemes confirmed by statutory instruments numbered 115 of 1949, 34 of 1955, 226 of 1957, 56 of 1961, 48 of 1965, 7 of 1967, 58 of 1969, 77 of 1971, 252 of 1974, 288 of 1977, 74 of 1980, 181 of 1982, 132 of 1985, 288 of 1985, 319 of 1985, 55 of 1987, 117 of 1988, 258 of 1988, 31 of 1989, 233 of 1991, 120 of 1992, 420 of 1992, 115 of 1996, 428 of 2000, 93 of 2001 and 123 of 2002, 209 of 2004, 263 of 2004, 9 of 2006, 671 of 2007, 49 of 2010, 205 of 2010, 90 of 2015, 476 of 2015, 63 of 2016, 373 of 2017, 378 of 2017, 536 of 2018 and 645 of 2018.

“**Member**” means a person who is a Member of this Scheme pursuant to Rule 3 of this Scheme.

“**Minister**” means the Minister for Transport.

“**Normal Age of Retirement**” has the same meaning as it has in the Main Scheme.

“**Operative Date**” means the date specified by the Order confirming this Scheme.

“**Pensionable Salary**” has the same meaning as it has in the Main Scheme.

“**Pensions Act**” means the Pensions Act 1990 and includes any statutory amendment or re-enactment of that Act for the time being in force and any regulations made thereunder.

“**Periodic Contributions**” has the meaning assigned to it by Rule 10 of this Scheme.

“**Reduced Pension**” has the same meaning as it has in the Main Scheme.

“**Regular Wages Staff**” has the same meaning as it has in the Main Scheme.

“**this Scheme**” means the Existing Scheme as amended by this Scheme.

“**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 Rule 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;
- (c) the period of service to age 66 years, or the Member's Normal Age of Retirement if later, which a Member would have accrued had he or she remained in service to that age, but:
 - (i) the Member retires on account of ill-health before reaching his or her Normal Age of Retirement and is awarded an ill-health Reduced Pension; or
 - (ii) the Member dies while a Contributing Member having at least five years' membership of the Main Scheme; or
 - (iii) the Member's services are dispensed with because of redundancy and he or she qualifies for a Reduced Pension under the Main Scheme; and
- (d) any periods of a Member's absence from service which, upon the Member's subsequent re-employment by the Board and readmission to the Regular Wages Staff, the Board has deemed in its discretion to be continuous service notwithstanding its interruption and in respect of which the Member has paid to the Fund the amount equivalent to the total contributions he or she would have made to the Fund had he or she continued in service without interruption (including the amount of any contributions already refunded to such Member together with appropriate compound interest)

BUT in none of the foregoing periods of service set out in paragraphs (a), (b), (c) or (d) 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 (relating to the C oras Iompair  ireann Superannuation Scheme 1951) on promotion from the Regular Wages Staff prior to the Operative Date.

“Survivor’s Pension” has the meaning assigned to it by Rule 5 of this Scheme.

“Trustees” means the person (including a corporate body) appointed as the Trustees of the Main Scheme from time to time (including, for the avoidance of doubt, Trustees who are Member Elected Trustees as defined in the rules of the Main Scheme).

“Vested Benefit” means a benefit arising under Article 9 of the amending scheme confirmed by statutory instrument number 226 of 1957 (as from time to time amended) or Article 10 of the amending scheme confirmed by statutory instrument number 115 of 1996.

1.2 Existing Scheme

- (a) Continuance of the Existing Scheme
 - (i) 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.

- (ii) Nothing in this amending Scheme shall affect the rights of any of the persons mentioned in the preceding sub-Rule 1.2(a)(i), nor shall this amending Scheme affect any subsisting right or liability accrued to 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.

(b) **Amendment of the Existing Scheme**

Subject to sub-Rule 1.2(a)(ii), the Existing Scheme shall be amended with effect on and from the Operative Date or such other dates as may be specified herein 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.

(c) **Transfer of Committee Powers and Duties to the Trustees**

With effect on and from the Operative Date all references to the Committee in the Existing Scheme shall be construed as references to the Trustees and all powers rights discretions privileges duties of and liabilities held or incurred by the Committee before this Scheme was confirmed and came into operation, transfer hereby, with effect from the Operative Date, without any further transfer or assignment, to the Trustees.

2. Maximum pension payable

For the purposes of this Scheme, the Survivor's Pension shall not exceed half of the Deceased's pension or commuted pension where the Member has previously commuted a portion of his or her pension.

3. Membership

3.1 All Regular Wages Staff who are admitted to membership of the Main Scheme on or after 4 June 2003 shall become Members of this Scheme and shall as soon as practicable after that date provide to the Secretary in the form prescribed by the Committee or Trustees (as appropriate):

- (a) any information or evidence necessary to establish his or her entitlement to be admitted to the Scheme;
- (b) any information or evidence required for the administration of the Scheme in respect of him or her; and
- (c) any necessary authority to the Board for the deduction of contributions from pay, or any other authority to the Board or

the Trustees which may be necessary for the administration of the Scheme in respect of him or her.

3.2 Every member of the Regular Wages Staff who before 4 June 2003 had been admitted to membership of the Main Scheme was afforded an opportunity to apply to become a Member of this Scheme, and if the completed option forms of that person were received by the Committee or the relevant CIÉ Department within 60 days from the date on which the option forms were received by that person, he or she was so admitted.

3.3 If a Member of this Scheme ceases to be a member of the Main Scheme he or she shall cease membership of this Scheme.

4. **Free cover for Children after the death of a spouse or Civil Partner**

If, after a person becomes a Member of this Scheme but before his or her retirement:

(a) the Member's spouse or Civil Partner dies; and

(b) there is at that time a Child or Children,

then any such Child will, on the Member's death, be eligible for a Children's pension without increase in the contribution payable under Rule 12 of this Scheme.

5. **Power to grant Survivors' and Children's Pensions**

Subject to the provisions of this Scheme, on the death of a Contributing or Former Member (in this Scheme referred to as the "**Deceased**") to or in respect of whom a pension or death benefit has been, or is awarded, the Trustees shall grant:

(a) where the Deceased leaves a spouse or Civil Partner, a pension to that spouse or Civil Partner in accordance with Rule 6 (in this Scheme referred to as a "**Survivor's Pension**"); and

(b) where he or she is survived by one or more Children, a pension in respect of each such Child in accordance with Rule 7 (in this Scheme referred to as a "**Children's Pension**"),

but any marriage or Civil Partnership of the Member which takes place after he or she had ceased to be a Contributing Member shall not be taken into account for the purposes of this Scheme, and any reference to a marriage, Civil Partnership, a spouse or the Children of the Deceased shall be construed accordingly.

6. **Survivor's Pensions**

6.1 A Survivor's Pension shall not be granted or paid under this Scheme:

(a) if in the opinion of the Trustees the spouse or Civil Partner was at the time of the death of the Member cohabiting with a person other than the Deceased; or

(b) in respect of any period after the said death during which the spouse or Civil Partner is to the knowledge of the Trustees

remarried or in a different Civil Partnership or is, in the opinion of the Trustees, cohabiting with any person.

6.2 Notwithstanding sub-Rule 6.1, where:

- (a) a pension under this Scheme is not granted or ceases; and
- (b) at a subsequent date to the date of the marriage, Civil Partnership or cohabitation by reason of which the pension was not granted or ceased, the Trustees are of the opinion that the marriage, Civil Partnership or cohabitation has come to an end, or that there are compassionate grounds for the payment of pension,
- (c) the Trustees may, if they think fit, grant or re-grant, as may be appropriate, the pension as from:
 - (i) in case the marriage, Civil Partnership or cohabitation has in the opinion of the Trustee come to an end, the date on which the marriage, Civil Partnership or cohabitation ended; and
 - (ii) in any other case, a date not earlier than the date on which the relevant application is received by the Trustees.

6.3 Sub-Rule 6.2 does not apply in any case where the spouse or Civil Partner is entitled to benefit under this or any other public sector spouses' and children's pension scheme by virtue of the fact that the spouse of the second marriage or the Civil Partner of the second Civil Partnership was a Member of this Scheme.

6.4 Subject to sub-Rule 6.1, a Survivor'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 or Civil Partner.

6.5 The rate of a Survivor's Pension shall be $1/80^{\text{th}}$ of the Deceased's pension multiplied by the number of complete years of Scheme Membership, subject to a maximum of $40/80^{\text{ths}}$.

6.6 Notwithstanding sub-Rule 6.5, where on the death of a Contributing Member or Former Member, other than a Former Member who qualifies for a Vested Benefit, a Survivor's Pension becomes payable to his or her spouse or Civil Partner, the rate of that pension may, in respect of the first month after his or her death, be increased to:

- (a) in case he or she dies while a Contributing Member, one-twelfth of the rate of his or her Pensionable Salary;
- (b) in case he or she dies after being granted a pension and the rate of pension payable to him or her on the date of his or her death is greater than the rate of Survivor's Pension otherwise payable under this Scheme, one-twelfth of the said rate of pension,

but that the rate as so increased shall be reduced by the rate of any Children's Pensions payable under this Scheme.

7. **Children's Pensions and beneficiaries**

- 7.1 A pension may not be granted under this Scheme in respect of a Child:
- (a) because he or she is the Adopted Child of the Deceased and he or she was adopted by the Deceased after the date on which the Deceased ceased to be a Contributing Member; or
 - (b) because he or she is the step-Child of the Deceased, if the Deceased's marriage to, or Civil Partnership with, the Child's parent took place after the last day of the Deceased's membership of this Scheme.
- 7.2 A Child shall not be eligible for a Children's Pension in respect of more than one Member. Where there would, apart from this sub-Rule, be an eligibility for Children's Pension in respect of two or more Members, the Child will count as eligible in respect of one of them in the way which, in the opinion of the Trustees, will give the most favourable overall result for the Child or Children in question.

8. **Children's Pensions, rate and mode of payment**

- 8.1 A Children's Pension under this Scheme will be paid to the relevant Member's spouse if the eligible Children are in the spouse's care, and in case any Child in respect of whom the pension is payable is not in such care, the pension will be paid either to the Child or to such other person as the Trustees may determine. If the Children are in the care of more than one person different parts of the Children's Pension shall be paid to those persons in such proportions as the Trustees may determine. In all cases, the pension is to be applied for the benefit of the Children for whom it is granted.
- 8.2 A Children's Pension may only be paid in relation to a period subsequent to the death of the Deceased.
- 8.3 The rate of Children's Pension under this Scheme shall be:
- (a) where the Deceased leaves no spouse or, if the Deceased leaves a spouse and the spouse dies, after the spouse's death:
 - (i) where there is only one Child, $1/120^{\text{th}}$ of the Deceased's Pension multiplied by the number of complete years of Scheme Membership, subject to a maximum of $40/120^{\text{ths}}$;
 - (ii) where there are two or more Children, a rate in respect of each Child equivalent to F/G where F is $1/80^{\text{th}}$ of the Deceased's Pension multiplied by the number of complete years of Scheme Membership subject to a maximum of $40/80^{\text{ths}}$ and G is the number of Children;
 - (b) subject to sub-Rule 8.4, where the Deceased leaves a spouse:
 - (i) where there are not more than three Children, for each Child $1/240^{\text{th}}$ of the Deceased's Pension multiplied by the number of complete years of Scheme Membership subject to a maximum of $40/240^{\text{ths}}$;

- (ii) where there are more than 3 Children, a rate in respect of each Child equivalent to X/Y where X is $1/80^{\text{th}}$ of the Deceased's Pension multiplied by the number of complete years of Scheme Membership subject to a maximum of $40/80^{\text{ths}}$ and Y is the number of Children.
- 8.4 (a) Where the Children of the Deceased are at the time of, or at any time after, the Deceased's death in the care of some person other than the Deceased's spouse, the Trustees may, if they think fit, and for so long as the Children are in such care apply the rate of pension provided for in sub-Rule 8.3(a) notwithstanding that the spouse is still alive.
- (b) Where some but not all of the Children of the Deceased are at the time of, or at any time after, the Deceased's death in the care of a person other than the Deceased's 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 sub-Rule 8.3(a). The amount of Children's Pension payable in respect of a Deceased by virtue of this sub-Rule shall not exceed one-half of the rate of the Deceased's Pension.
- 8.5 Notwithstanding the foregoing provisions of this Rule, where:
- (a) the Deceased leaves a surviving spouse; and
 - (b) either:
 - (i) no Survivor's Pension is granted to him or her under this Scheme; or
 - (ii) if one was so granted, it ceased to be paid before the spouse's death,

then, no Children's Pension shall be payable under this Scheme as respects any period comprised within the lifetime of the spouse or within the time in respect of which no Survivor's Pension is payable, as may be appropriate, unless the Trustees in their absolute discretion decide that such a pension shall be so payable, and in case they shall so decide, they may if they think fit apply sub-Rule 8.4 as respects any such period.

- 8.6 References in this Rule 8 to the spouse of a Member shall be read as being references to the spouse or Civil Partner of the Member.

9. **Payment of Pension**

Any pension payable under this Scheme shall be paid by means of an electronic fund transfer and be paid monthly no later than the last day of each calendar month.

10. **Periodic Contributions**

- 10.1 Contributions payable under this Rule are in this Scheme referred to as "**Periodic Contributions**" and shall be payable by a Member as follows:

- (a) the rate of the contribution shall be one per cent of:
 - (i) the amount of the Pensionable Salary from time to time payable to him or her; or
 - (ii) where he or she is in receipt of reduced wages because of absence from employment, the amount of the Pensionable Salary that would be payable to him or her if he or she were not so absent;
- (b) in respect of his or her Pensionable Salary during the period commencing on the date on which he or she becomes a Member for the purposes of this Scheme and ending when he or she ceases to be a Contributing Member; and
- (c) at such times and in such manner as the Trustees may determine.

10.2 No contributions shall be payable under this Scheme by a Member for any period which does not constitute Scheme Membership.

11. **Refund of contributions**

11.1 If a Member:

- (a) ceases to be a Contributing Member and was unmarried or was not a party to a Civil Partnership at all times during his or her Scheme Membership; or
- (b) ceases to be a Contributing Member otherwise than on death, retirement on pension or leaving service with entitlement to a Vested Benefit, having been married or party to a Civil Partnership at any time during the period or for a portion of the period which this Scheme applied to him or her,

then if his or her pensionable membership for superannuation purposes is not transferred to another organisation or service, the whole of his or her Periodic Contributions shall be returned to him or her or to his or her legal personal representative, and all entitlements and potential entitlements in respect of him or her under the terms of this Scheme shall cease.

11.2 In any case other than a case mentioned in sub-Rule 11.1(a) or 11.1(b), a Member on ceasing to be a Contributing Member may have returned to him or her, or if his or her membership ceases due to death, to his or her legal personal representative, such of those contributions, if any, beginning with his or her initial contributions and working forward, or, in the case of a Member covered by sub-Rule 11.2(b), his or her final contribution and working back, as is necessary to ensure that the period in respect of which such contributions are paid by him or her without being returned:

- (a) does not exceed 40 years; and
- (b) if he or she is widowed or becomes a surviving Civil Partner when ceasing to be a Contributing Member, does not exceed a

period equal to the length of service on the date of his or her spouse's or Civil Partner's death

- 11.3 Where any contributions are returned under this Rule they shall be returned without interest and will be subject to deduction of tax at the appropriate rate.

12. **Non-Periodic Contributions**

- 12.1 Where a Member was married or was a party to a Civil Partnership throughout the period, or for a portion of the period, during which this Scheme applied to him or her and he or she ceases to be a Contributing Member due to:

- (a) death after at least five years' membership of this Scheme; or
- (b) retirement on pension; or
- (c) leaving service, except by reason of redundancy, with entitlement to a Vested Benefit,

then unless the number of relevant years is nil, a contribution under this Rule will be payable by way of reduction in the amount of a Member's capital sum or death benefit or in such other manner as the Trustees may require.

- 12.2 A contribution under sub-Rule 12.1 shall be equal to 2 per cent of the annual amount of the Member's Pensionable Salary multiplied by the number of relevant years.

- 12.3 At the discretion of the Trustees and subject to conditions specified by them, a Member may elect to pay additional contributions at the rate equal to 2 per cent of the annual amount of the Member's Pensionable Salary, over the period of 12 months beginning on a date specified by the Trustees, being a date not earlier than the date of the election, and in case one or more such additional contributions are made, this Rule shall apply to the person by whom the contribution or contributions is or are made subject to the following modification, namely that in calculating what is the number of relevant years that number shall be reduced by one for every contribution made by the person under this sub-Rule.

- 12.4 In this Rule, the "**number of relevant years**" means Scheme Membership, subject to a maximum of 40 years, less the number of years for which Periodic Contributions have been paid and are not returnable.

- 12.5 Where a Member to whom this Rule applies gave service with an organisation other than the CIÉ in respect of which an additional benefit entitlement is granted under the Main Scheme, any portion of that service during which he or she paid Periodic Contributions under a scheme similar to this Scheme may, provided that those contributions were not refunded to him or her, be excluded in determining the number of relevant years under sub-Rule 12.4.

- 12.6 A contribution under sub-Rule 12.1 shall be payable by a Member whose services are dispensed with because of redundancy and who qualifies for a superannuation allowance under the Main Scheme as

follows. At the date of his or her retirement he or she shall pay a further contribution amounting to 1.5% of the annual rate of his or her Pensionable Salary at that date for each year between the age at which he or she retires and his or her Normal Age of Retirement and the pension or pensions in respect of his or her spouse and Children payable upon his or her death shall be the pension or pensions which would have been payable if the Member had the service which he or she would have had if he or she had remained in membership to his or her Normal Age of Retirement.

13. Purchase of additional service under this Scheme

13.1 A Member who was a Member of the Main Scheme prior to the commencement of this Scheme and whose Scheme Membership by age 66 years, or the Member's Normal Age of Retirement if later, would be less than 40 years shall, subject to sub-Rule 13.2 below and to the limits to be determined by the Board, be entitled to purchase additional years of Scheme Membership in accordance with Rule 12.

13.2 The additional service which may be purchased in accordance with Rule 12 is limited to the period of membership of the Main Scheme prior to joining this Scheme and, when aggregated with service purchased with Periodic Contributions and service which under the Superannuation and Pensions Act 1963 (S.I. No. 24 of 1963) has been given with an approved organisation and is treated as pensionable for the purposes of this Scheme, may not exceed 40 years' service.

14. Marriages of Members whose early death is to be foreseen

Where a Member marries and:

- (a) dies within the year beginning on the date of the marriage; and
- (b) there are no Children born of the marriage; and
- (c) the Trustees are of the opinion that the Member's death within the year beginning with the date of the marriage was, at that date, to be foreseen by the Member or his or her spouse,

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

15. Duty to give information

15.1 A Member of this Scheme shall give to the Trustees such information as is necessary for the proper operation of this Scheme in relation to the Member.

15.2 The surviving spouse or Civil Partner of a deceased Member shall give to the Trustees such information as is necessary for the proper operation of this Scheme in relation to her or him (as the case may be), the deceased Member or any Children of that Member.

- 15.3 A person having the care of a Child of a deceased Member shall give to the Trustees such information as is necessary for the proper operation of this Scheme in relation to that Child.
- 15.4 The legal personal representative of a deceased Member shall give to the Trustees such information as is necessary for the proper operation of this Scheme in relation to the spouse, Civil Partner or any Children of that Member.
- 15.5 Payment of pension under this Scheme shall be subject to the making by the spouse, Civil Partner or, where the Children's Pension is not payable to the spouse or Civil Partner, by the person having the care of the Children in question, of any declaration in such form and at such time as the Trustees may determine.

16. Repayment of pensions overpaid

If at any time a person receives payments on foot of a pension under this Scheme and such person is not entitled under this Scheme to such payments, or if a person receives payments on foot of a pension which exceed those which are appropriate under this Scheme, such person or, in case such person is dead, the legal personal representative of such person, shall pay to the Fund 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 Trustees as a simple contract debt in any court of competent jurisdiction.

17. Payment to legal personal representative

Whenever, under the provisions of this Scheme, payments are to be made to the legal personal representative of the Deceased and the persons laying claim to payment are other than those to whom Grant of Probate or Letters of Administration in the estate of the Deceased have been issued, payment may be withheld pending the raising of such representation, or, at the discretion of the Trustees, may be made to such person or persons and upon such conditions as the Trustees shall think fit.

18. Discretionary application

If a pensioner becomes incapable of giving a receipt for payments due, the Trustees shall have discretion to make such payments in whole or in part to such persons, including the authorities of any institution having care of the pensioner, as the Trustees think fit, and the Trustees shall be discharged from all liability in respect of any sum so paid.

19. Review of pensions

- 19.1 Prior to 1 July in each year following the confirmation of this Scheme, the Board shall, in consultation with the Actuary, review the rate of pension in payment under this Scheme (other than vested pensions which have come into payment) with a view to increasing the rate of payment, having regard to:

- (a) any maximum increase in pensions authorised by the Minister, with the consent of the Minister for Public Expenditure and

Reform, for the purpose of ensuring that public service norms as to pension increases are not exceeded, having regard to increases in rates of pay for the employees of CIÉ;

- (b) the financial condition of the Fund; and
 - (c) any other matter which the Board considers to be relevant.
- 19.2 For the purpose of its review the Board shall obtain from the Actuary advice on the cost of increasing the rate of payment and the effect such increase would have on the financial position of the Fund.
- 19.3 Following its review, the Board shall determine the amount or amounts or rate or rates of increase to be made to each pension in payment under this Scheme (other than vested pensions which have come into payment) with effect from the next 1 July, and shall notify the Trustees accordingly.
- 19.4 Except where the Trustees determine, after consulting the Actuary, that:
- (a) no such increases should be paid; or
 - (b) that all such increases should be reduced rateably,
- the Trustees shall, subject always to any maximum increase authorised by the Minister with the consent of the Minister for Public Expenditure and Reform as aforesaid, pay the increases with effect from the next 1 July.
- 19.5 In this Rule “Actuary” has the meaning ascribed to it in the Main Scheme.

20. **Complaints concerning the Scheme**

- 20.1 The Trustees shall, in handling any complaint made by, or dispute concerning, an Actual or Potential Beneficiary of the Scheme comply with the requirements and procedures for the handling of such complaints and disputes in accordance with the requirements of the Financial Services and Pensions Ombudsman Act 2017 (S.I. No. 22 of 2017).

21. **Promotion**

- 21.1 If, prior to the Operative Date, a Member of this Scheme was promoted in the service of the Board to a grade outside the Regular Wages Staff and he or she was, 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 have ceased 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 Survivor’s Pension under Rule 6 of this Scheme or a Children’s Pension under Rule 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 Regular 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.

- 21.2 If, on or after the Operative Date, a Member of this Scheme is promoted in the service of the Board to a grade outside the Regular Wages Staff he or she shall not be entitled to join the C oras Iompair  ireann Spouses' and Children's Superannuation Scheme, notwithstanding anything to the contrary set out therein, but shall continue to be a Member of this Scheme.



GIVEN under my Official Seal,
6 July, 2022.

EAMON RYAN,
Minister for Transport.

EXPLANATORY NOTE

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

This Order confirms the amendment of the existing CIÉ regular wages staff spouses' and children's pensions schemes consistent with amendments to the related main scheme, the Córas Iompair Éireann Pension Scheme for Regular Wages Staff.

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