



STATUTORY INSTRUMENTS.

**S.I. No. 291 of 2012**

---

LOCAL GOVERNMENT (SUPERANNUATION) (CONSOLIDATION)  
(AMENDMENT) SCHEME 2012

LOCAL GOVERNMENT (SUPERANNUATION) (CONSOLIDATION)  
(AMENDMENT) SCHEME 2012

The Minister for the Environment, Community and Local Government, in exercise of the power conferred on him by sections 2 and 5 of the Local Government (Superannuation) Act 1980 (No. 8 of 1980), as adapted by the Environment, Heritage and Local Government (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 193 of 2011), and with the consent of the Minister for Public Expenditure and Reform, in exercise of the powers conferred on him by sections 2 and 5 of the Local Government (Superannuation) Act 1980 (No. 8 of 1980) and by sections 7 and 9 of the Ministers and Secretaries (Amendment) Act 2011, hereby makes the following Scheme:

*Short Title*

1. (1) This Scheme may be cited as the Local Government (Superannuation) (Consolidation) (Amendment) Scheme 2012.

(2) This Scheme, the Local Government (Superannuation) (Consolidation) Scheme 1998 (S.I. No. 455 of 1998), the Local Government (Superannuation) (Consolidation) (Amendment) Scheme 2002 (S.I. No. 288 of 2002), the Local Government (Superannuation) (Consolidation) (Amendment) Scheme 2004 (S.I. No. 178 of 2004) and the Local Government (Superannuation) (Consolidation) (Amendment) Scheme 2007 (S.I. No. 177 of 2007) shall be construed as one and may be cited together as the Local Government (Superannuation) (Consolidation) Scheme, 1998 to 2012.

*Interpretation*

2. In this Scheme—

“the Principal Scheme” means the Local Government (Superannuation) (Consolidation) Scheme 1998 (S.I. No. 455 of 1998).

*Amendment of article 66 of the Principal Scheme*

3. Article 66 of the Principal Scheme, as amended by article 18 of the Local Government (Superannuation) (Consolidation) (Amendment) Scheme 2007 is hereby amended by the addition of the following paragraph to sub-article (5) thereof:

“(d) This sub-article shall not apply to anyone first appointed to an office of city or county manager, assistant city or county manager or director of services, or the office of Personnel Officer, Dublin City Council on or after the coming into operation of this Order.”

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 31st July, 2012.*

*Amendment of article 78 of the Principal Scheme*

4. Article 78 of the Principal Scheme, as amended by article 23 of the Local Government (Superannuation) (Consolidation) (Amendment) Scheme 2007 is hereby further amended by the substitution of the following article

“78. (1) Where pursuant to section 47 of the Local Government Act, 1991 (No. 11 of 1991), or section 47A of that Act, as inserted by section 1 of the Local Government Act 2000 (No. 25 of 2000), or section 1 of the Local Government Act, 2001 (No. 37 of 2001), a person who holds the office of manager on the day before the coming into operation of this Order ceases to hold office before he or she has attained the age of sixty-five years and he or she is not re-appointed to such office or appointed to any other office of manager pursuant to the provisions of the Local Authorities (Officers and Employees) Act, 1926 (No. 39 of 1926), as extended by the provisions of the City and County Management (Amendment) Act, 1955 (No. 12 of 1955), or he or she does not otherwise become a registered officer of a local authority, the following provisions shall apply:

(a) there shall be added to his or her pensionable local service a period not exceeding—

(i) if his or her pensionable local service is twenty years or more — ten years,

(ii) if his or her pensionable local service is less than twenty years and not less than ten years — half that pensionable local service, and

(iii) if his or her pensionable local service is less than ten years and not less than five years — five years,

subject to the provisos—

(I) that a period shall not be added so as to make his or her service greater than forty years,

(II) that his or her pensionable local service, together with the additional period provided for in this paragraph, shall not exceed the pensionable local service which he or she would have had if he or she had continued to serve to the age of sixty-five years, and

(III) that the aggregate of any period added under article 66(5) of the Principal Scheme and the additional period provided for in this paragraph shall not exceed ten years,

(b) article 66(5)(c) of the Principal Scheme shall not apply,

- (c) there shall be granted to him or her a special severance gratuity amounting to—
  - (i) a special severance gratuity amounting to one-half of his or her annual pay applicable for pension purposes at the date of cesser of office, or
  - (ii) the aggregate of the payments of salary which would have been made to him or her if he or she had continued to serve to the age of sixty-five years,

whichever is the less, and

(2) Where pursuant to section 47 of the Local Government Act, 1991 (No. 11 of 1991), or section 47A of that Act, as inserted by section 1 of the Local Government Act 2000 (No. 25 of 2000), or section 147 of the Local Government Act, 2001 (No. 37 of 2001), a manager who was appointed on or after the coming into operation of this Order and was a public servant, as defined in the Financial Emergency Measures in the Public Interest Act 2010, immediately prior to appointment ceases to hold office before he or she has attained the age of sixty-five years and he or she is not re-appointed to such office or appointed to any other office of manager pursuant to the provisions of the Local Authorities (Officers and Employees) Act, 1926 (No. 39 of 1926), as extended by the provisions of the City and County Management (Amendment) Act, 1955 (No. 12 of 1955), or to an alternative post in a public service body, as defined in the Financial Emergency Measures in the Public Interest Act 2010, at a salary equivalent to a local authority manager the following provisions shall apply:

- (a) if at the date of cesser of office he or she has reached preserved pension age, there shall be granted to him or her a lump sum and allowance with effect from the date he or she ceases to hold office, determined in accordance with article 70 and 71 as amended by article 20 of the Local Government (Superannuation) (Consolidation) (Amendment) Scheme 2007;
- (b) if at the date of cesser of office he or she has not reached preserved pension age there shall be granted to him or her
  - (i) a preserved lump sum and allowance to be payable in accordance with article 77 as amended by article 22 of the Local Government (Superannuation) (Consolidation) (Amendment) Scheme 2007, and
  - (ii) a special severance gratuity amounting to his or her annual pay applicable for pension purposes at the date of cesser of office, or

- (iii) the aggregate of the payments of salary which would have been made to him or her if he or she had continued to serve to preservation age,

whichever is the less.

(3) Where a person to whom the provisions of sub-article (1) or (2) are applied subsequently becomes a registered officer of a local authority—

- (a) the allowance granted to him or her shall cease to be paid with effect from the date he or she becomes such registered officer,
- (b) on or prior to becoming such registered officer there shall be repayable by him or her to the relevant local authority the amount determined by the formula,

$$\frac{A \times B}{C},$$

where—

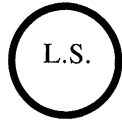
A is the sum of the special severance gratuity granted to him or her under sub-article (1)(c) and the lump sum granted to him or her under sub-article (1)(d),

B is the pensionable remuneration which would have applied to him or her if he or she had ceased to hold office on the date he or she becomes such registered officer, and,

C is the pensionable remuneration which applied to him or her on the date he or she ceased to hold office, and,

- (c) for the purposes of article 62(1)(b) such person shall not be regarded as having received a lump sum and allowance.

(4) This article shall not apply to a manager whose tenure period is extended pursuant to section 47A of the Local Government Act, 1991, as inserted by section 1 of the Local Government Act, 2000, or section 147 of the Local Government Act, 2001, and who ceases to hold office before the expiration of his or her tenure period as so extended.”



GIVEN under my Official Seal,  
26 July 2012.

PHIL HOGAN,  
Minister for the Environment Community and  
Local Government.

The Minister for Public Expenditure and Reform hereby consents to the Local Government (Superannuation) (Consolidation) (Amendment) Scheme 2012.



GIVEN under my Official Seal,  
26 July 2012.

BRENDAN HOWLIN,  
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).*

This Scheme amends the Local Government (Superannuation) (Consolidation) Scheme 1998 to provide for changes in pension entitlements for Managers and Directors of Services appointed on or after the coming into operation of this Order.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

---

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased directly from the  
GOVERNMENT PUBLICATIONS SALE OFFICE  
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,  
or by mail order from  
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,  
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,  
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)  
or through any bookseller.

---

€2.54

