



STATUTORY INSTRUMENTS.

**S.I. No. 39 of 2019**

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OCCUPATIONAL PENSION SCHEMES (FUNDING STANDARD)  
(AMENDMENT) REGULATIONS, 2019

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I, Regina Doherty, Minister for Employment Affairs and Social Protection (as adapted by the Social Protection (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 366 of 2017)), with the consent of the Minister for Public Expenditure and Reform (as adapted by the Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011)), in exercise of the powers conferred on me by sections 5 and 52 of the Pensions Act 1990 (No. 25 of 1990), hereby make the following Regulations:

**Citation and Construction**

1. (1) These Regulations may be cited as the Occupational Pension Schemes (Funding Standard) (Amendment) Regulations 2019.

(2) These Regulations and the Occupational Pension Schemes (Funding Standard) Regulations 1993 to 2014 shall be construed together as one and may be cited as the Occupational Pension Schemes (Funding Standard) Regulations 1993 to 2019.

**Amendment to regulations**

2. The Occupational Pension Schemes (Funding Standard) Regulations, 1993 (S.I. No 419 of 1993), as amended by article 2 of the Occupational Pension Schemes (Funding Standard)(Amendment) Regulations 2014 (S.I. No. 268 of 2014), are amended by substituting the following for Schedule C:

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 15th February, 2019.*

“SCHEDULE C

*Article 6.*

Schemes excluded from the provisions of Part IV of the Act

*PART I*

Agency for Personal Service Overseas Staff Superannuation (No.2) Scheme 1996

Agricultural Colleges Staff Superannuation Scheme 1985

An Bord Bia Superannuation Scheme 1999

An Chomhairle Ealaíon Staff Superannuation (Amendment) Scheme 2009

An tUdarás um Ard-Oideachas (Higher Education Authority) Staff Superannuation Scheme 1980

Bord Iascaigh Mhara Craft and Manual Employees Superannuation Scheme

Bord Iascaigh Mhara Staff Superannuation Scheme 1990

Bord na gCapall Superannuation Scheme 1980

Bord Scannán na hÉireann Superannuation Scheme

Superannuation Provisions listed in Schedule to S.I. No. 525/2009 – Financial Measures (Miscellaneous Provisions) Act 2009 (Fáilte Ireland Contributory Pension and Death Benefits Scheme Fund (formerly known as CERT)) Transfer Order 2009

Chester Beatty Library Staff Superannuation Scheme 1995

Civil Service (Established Staff) Superannuation Acts, 1834 to 1963 and

Superannuation and Pensions Act 1976

Civil Service (Unestablished Staff) — Non-Contributory Pension Scheme for Non-Established State Employees

Coillte Teo No.2 Fund

Colleges of Education Pension Scheme 1954

Colleges of Education Pension Scheme 1988

Combat Poverty Agency Superannuation Scheme 1997

Commission for Taxi Regulation

Competition and Consumer Protection Commission Staff Superannuation Scheme 2016

Competition Authority (Chairman and Members') Superannuation Scheme 1996

Contributory Pension Scheme for Clerical Staff serving in National and Secondary Schools

Contributory Pension Scheme for Non-Teaching Staff of Comprehensive and Community Schools

Contributory Superannuation Scheme for Members of Staff in Special Schemes under the Department of Education 1980. (Now under the aegis of the Department of Justice Equality and Law Reform)

Crafts Council of Ireland Limited Staff Superannuation Scheme 1986

Crisis Pregnancy Agency Employee Superannuation Scheme 2007

Custom House Docks Development Authority Chairman's Superannuation Scheme 1990

Custom House Docks Development Authority Superannuation Scheme 1996

Data Protection Commissioner Superannuation Scheme 1993

Dublin Institute for Advanced Studies Scheme 1947, as amended

Dublin Institute for Advanced Studies Non-Established Employees Scheme 1983

Education Sector Superannuation Scheme 2001

Eircom No.2 Pension Fund

Environmental Research Unit Staff Superannuation Scheme 1993

Enterprise Ireland Superannuation Scheme 2016

Eolas — The Irish Science and Technology Agency Staff Superannuation (Amendment) No.1 Scheme 1994

Eolas — The Irish Science and Technology Agency Staff Superannuation (Amendment) No.2 Scheme 1994

FÁS Superannuation (Amendment) Scheme 2000 in respect of the Director General Dr John Lynch

An Foras Aiseanna Saothair (Closed) Superannuation Scheme 1998

FÁS Superannuation Scheme 1998

Food Safety Authority of Ireland Staff Superannuation Scheme 2000

Foyle Area Pension Amendment Scheme

Health and Social Care Professionals Council Superannuation Scheme  
Industrial Development Agency (Ireland) Superannuation Scheme 2017  
Institiúid Teangeolaíochta Éireann Staff Superannuation Scheme 1986  
Irish Lights Pension Scheme  
Irish Museum of Modern Art Superannuation Scheme  
Irish Sports Council Superannuation Scheme  
Labour Court (Members) Superannuation Scheme 1971 — 1998  
Law Reform Commission Superannuation Scheme 1982  
Lay Land Commissioners Superannuation Scheme 1979  
Legal Aid Board Staff Superannuation Scheme 1981  
Marine Institute Staff Superannuation Scheme 1998  
Moorepark Technology Limited Superannuation Scheme  
National College of Art and Design Staff Superannuation Scheme 1984  
National Concert Hall Company Staff Superannuation Scheme 1987  
National Council for Education Awards Staff Superannuation Scheme 1985  
National Institute for Physical Planning and Construction Research Limited  
(An Foras Forbartha Teoranta) Superannuation Scheme 1975  
National Library of Ireland  
National Milk Agency Staff Superannuation Scheme 1997  
National Museum of Ireland  
National Roads Authority Superannuation Scheme  
National Safety Council Staff Superannuation Scheme 1991  
National Standards Authority of Ireland Superannuation Scheme 1996  
National Treasury Management Agency Pension Scheme  
National University of Ireland Maynooth (Closed) Pension Scheme 2009  
National University of Ireland (Closed) Pension Scheme 2010  
New model Scheme, on Pay As You Go basis, for Stewart's Hospital in  
respect of new entrants with effect from 1 January 2007  
NIHE Dublin Superannuation Scheme 1985  
NIHE Limerick Superannuation Scheme 1982

Nominated Health Agencies Superannuation Scheme 1981 and 1985  
North/South Pension Scheme

Nuclear Energy Board (An Bord Fuinnimh Nuicleigh) Staff Superannuation  
Scheme 1985

Ombudsman Superannuation Scheme 1987

Pension Scheme for the Staff of Colleges of Home Economics 1987

Pension Scheme for the Directors/Deputy Directors in Special Schools under  
the Department of Education and Science (Now under the aegis of the  
Department of Justice, Equality and Law Reform)

Primary School Teachers Pension Scheme 2009

Superannuation Provisions listed in Schedule to S.I. No. 524/2009 - Financial  
Measures (Miscellaneous Provisions) Act 2009 (Regional Tourism Pension  
Scheme Fund) Transfer Order 2009

Restrictive Practices Commission (Members) Superannuation Scheme 1981-  
1986

Road Safety Authority

Salmon Research Agency Pension Scheme

Scéim Aoisliúntas Fhoireann Bhord na Gaeilge 1982

Scéim Aoisliúntas Fhoireann Udarás na Gaeltachta 1991

Science Foundation Ireland Superannuation Scheme 2016

Secondary, Community and Comprehensive School Teachers Pension Scheme  
2009

Shannon Free Airport Development Company Limited (General Employees)  
Superannuation Scheme 1966

Single Public Service Pension Scheme

St Laurence's Hospital Superannuation Scheme 1945

Superannuation (Education) Scheme 2004

Superannuation Scheme for officers employed under the scheme for the  
provision of (Oireachtas) secretarial assistance

Teagasc Staff Superannuation Scheme

Temple Bar Properties Limited Staff Superannuation Scheme 1999

The Central and Regional Fisheries Boards' Staff Superannuation Scheme  
1983

Pension and Superannuation Provisions listed in Schedule to S.I. 285/2010 -

Financial Measures (Miscellaneous Provisions) Act 2009 (The Economic and Social Research Institute) Transfer Order 2010

Pension Scheme for Staff employed in the National Centre for Technology in Education (NCTE) 2010

Superannuation Provisions listed in Schedule to S.I. 284/2010 - Financial Measures (Miscellaneous Provisions) Act 2009 (Institute of Public Administration) Transfer Order 2010

Superannuation Provisions listed in Schedule to S.I. 530/2009 - Financial Measures (Miscellaneous Provisions) Act 2009 (Irish Goods Council Pension Fund) Transfer Order 2009

The Pensions Board Staff Superannuation Scheme 1993

The Royal Irish Academy Staff Scheme 1997

Thomond College of Education Limerick Superannuation Scheme 1984

Tourist Traffic Act 1952 (General Employees) Consolidating and Amending Superannuation Scheme 1992 [Bord Fáilte]

University of Dublin Trinity College (Closed) Pensions Scheme 2009

The superannuation provisions listed in Schedule to S.I. 124/2010 - Financial Measures (Miscellaneous Provisions) Act 2009 (University College Cork - National University of Ireland, Cork) Transfer Order 2010

University College Dublin National University of Ireland, Dublin (Closed) Pension Scheme 2010

National University of Ireland, Galway Ollscoil na hÉireann, Gallimh (Closed) Pensions Scheme 2010

Vocational Teachers' Superannuation Scheme 1998

Voluntary Hospitals (Officers) Superannuation Scheme 1969 (as amended in 1977 and 1995)

Voluntary Hospitals (Non-Officers) Superannuation Scheme 1985 (as amended in 1995)

Workplace Relations Commission Director General Superannuation Scheme 2016

Any defined benefit scheme established under article 7(8) of the Affordable Homes Partnership (Establishment) Order 2005

Any defined benefit scheme established under sections 4 and 5 of schedule 7 of the Central Bank Act 1942 as inserted by the Central Bank and Financial Services Authority of Ireland Act 2004

Any defined benefit scheme established under section 4 of the European Assembly (Irish Representatives) Act 1979

Any defined benefit scheme established under section 5 of the Ombudsman for Children's Act 2002

Any defined benefit scheme established under section 6 of the second schedule of the Official Languages Act 2003

Any defined benefit scheme under section 6A of the Oireachtas (Allowance to Members) Act 1938 (as inserted by section 5 of the Oireachtas (Allowance to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1960

Any defined benefit scheme established under section 9(1)(a) of the Local Government (Planning and Development) Act 1983 or section 119 of the Planning and Development Act 2000

Any defined benefit scheme established under section 11 of the Local Government (Planning and Development) Act 1976 (No.20 of 1976) or section 121 of the Planning and Development Act 2000

Any defined benefit scheme established under section 11 of the Schedule to the Radio and Television Act 1988

Any Defined Benefit Scheme established under section 12 of the Private Security Services Act, 2004

Any defined benefit scheme established under section 13 of the Radiological Protection Act 1991

Any defined benefit scheme established under section 17 of the Sustainable Energy Act 2002

Any defined benefit scheme established under section 14 of the Teaching Council Act 2001

Any defined benefit scheme established under section 15 of the Comhairle Act 2000

Any defined benefit scheme established under section 17 of the Ordnance Survey Ireland Act 2001

Any defined benefit scheme established under section 17 of the Family Support Agency Act 2001

Any defined benefit scheme established under section 20 of the Companies (Auditing and Accounting) Act, 2003

Any defined benefit scheme established under section 20 of the Heritage Act 1995

Any defined benefit scheme established under section 20 of the Human Rights Commission Act 2000

Any defined benefit scheme established under section 21 of the Digital Hub Development Agency Act 2003



Any defined benefit scheme established under section 23 of the Health Act 2004

Any defined benefit scheme established under section 25 of the Grangegorman Development Agency Act 2005

Any defined benefit scheme established under section 25(7) of, and the fifth schedule to the Universities Act 1997

Any defined benefit scheme made under section 27 of the Health Act 2007  
Any defined benefit scheme established under section 28 of the Health Insurance Authority Act 1994

Any defined benefit scheme established under section 28 of the National Disability Authority Act 1999

Any defined benefit scheme established under section 29 of the Western Development Commission Act 1998

Any defined benefit scheme established under section 32 of the Public Health (Tobacco) Act 2002

Any defined benefit scheme established under section 33 of the Environmental Protection Agency Act 1992

Any defined benefit scheme established under section 34 of the Environmental Protection Agency Act 1992

Any defined benefit scheme established under section 35 of the Dublin Docklands Development Authority Act 1997

Any defined benefit scheme made under section 36 of the National Tourism Development Authority Act 2003

Any defined benefit scheme established under section 36 of the Consumer Protection Act 2007

Any defined benefit scheme established under section 40 of the Mental Health Act 2001

Any defined benefit scheme established under section 41 of the Education (Welfare) Act 2000

Any defined benefit scheme established under section 44 of the Competition Act 2002

Any defined benefit scheme established under section 52 of the Qualifications (Education and Training) Act 1999

Any defined benefit scheme established or continuing under section 56 of the Safety, Health and Welfare at Work Act 2005

Any defined benefit scheme established under section 68 of the Personal Injuries Assessment Board Act 2003

Any defined benefit scheme established under section 59 or section 60 of the Sea-Fisheries and Maritime Jurisdiction Act 2006

Any defined benefit scheme established under section 130 of the Pensions Act 1990 (inserted by section 5 of the Pensions (Amendment) Act 2002)

Any defined benefit scheme established under section 163(1) of the Residential Tenancies Act 2004

Any defined benefit scheme established under section 184 and section 239 of the Children Act 2001

Any defined benefit scheme under established and Courts Officers Acts 1926 to 2003

Any defined benefit scheme established under the Defence Forces (Pensions) Acts 1932 to 2004

Any defined benefit scheme established under the Garda Síochána Act 1924, the Police Forces Amalgamation Act 1925 and the Garda Síochána Acts 2005 to 2007

Any defined benefit scheme or regulation made under the Local Government (Superannuation) Act 1980

Any defined benefit scheme established under the Oireachtas (Allowance to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992

Any defined benefit scheme established under the National Treatment Purchase Fund Board(establishment) order 2004

Any defined benefit scheme established under sections 13 and 14 of the Ministerial and Parliamentary Offices Act 1938

## *PART II*

Schemes for the purpose of providing benefits to the spouses and children of members of any of the schemes specified in Part I in the event of the death of a member.”

The Minister for Public Expenditure and Reform consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for  
Public Expenditure and Reform,  
11 February 2019

PASCHAL DONOHOE  
Minister for Public Expenditure and Reform.



GIVEN under the Official Seal of the Minister for  
Employment Affairs and Social Protection,  
12 February 2019

REGINA DOHERTY,  
Minister for Employment Affairs and Social  
Protection.

## EXPLANATORY NOTE

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

These Regulations revise the list of schemes exempt from the funding standard requirements set down in Part IV of the Pensions Act 1990.

The funding standard applies to defined benefit schemes and will ensure that, over a period, sufficient assets are held within the scheme to meet liabilities in the event of the scheme being wound up. Trustees of schemes are required to submit actuarial funding certificates and funding standard reserve certificates to the Pensions Authority at regular intervals for the purpose of certifying whether or not the scheme satisfies the funding standard and funding standard reserve at the effective date.

Provision for exemption from the funding standard and the funding standard reserve requirements is provided for in Section 52 of the Pensions Act 1990.

These regulations provide for the revision of the list of schemes specified in Schedule C of S.I. 419 of 1993 as previously revised by S.I. 268 of 2014.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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