



STATUTORY INSTRUMENTS.

S.I. No. 339 of 2023



THE APPROVED HOUSING BODIES REGULATORY AUTHORITY
SUPERANNUATION SCHEME 2023

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1. The Approved Housing Bodies Regulatory Authority, in exercise of the power conferred by Section 19 of the Housing (Regulation of Approved Housing Bodies) Act 2019, with the approval of the Minister for Housing, Local Government and Heritage and given with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, hereby adopt the Rules For Pre-Existing Public Service Pension Scheme Members set out in S.I. No. 582 of 2014 for the purposes of the making of a Superannuation Scheme for the staff (including the Chief Executive) of the Approved Housing Bodies Regulatory Authority, subject to the modifications set out in Article 4.

2. These Rules may be cited as The Approved Housing Bodies Regulatory Authority Superannuation Scheme 2023.

3. This Scheme shall be deemed to have commenced with effect from the day of 1 June 2023 which shall be known as the date of commencement.

4. The modifications referred to in Article 1 are as follows:

Membership

(a) In Article 5 (2) (b), -

“who is not a new entrant and whose actual pensionable service on attaining age 65 would be less than the vesting period, or”

is deleted and the following is inserted in its place—

“who is not a new entrant and whose actual pensionable service on attaining age 70 would be less than the vesting period, or”

(b) In Article 5 (5), -

“A member who is not a new entrant may not continue in membership after having reached the age of 65.”

is deleted and the following is inserted in its place—

“A member who is not a new entrant may not continue in membership after having reached the age of 70.”

Survivor's Pension – Calculation

(c) In Article 29 (3) –

“In the case where the former member dies while in receipt of a pension, other than a pension based on Article 18 (Cost Neutral Early Retirement), a preserved pension or a pension awarded on medical grounds,”

is deleted and the following is inserted in its place –

“In the case where the former member dies while in receipt of a pension, other than a pension based on Article 17 (Cost Neutral Early Retirement), a preserved pension or a pension awarded on medical grounds,”

Appeals

(d) In Article 52 of the Regulations –

“The appeals provisions of the Pensions Act, as amended, and any enactment which amends or extends that Act and any Regulation, Warrant or Order made under that Act shall apply, including the Pensions Ombudsman Regulations.”

is deleted and the following is inserted in its place—

"If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable in pursuance of this scheme, such dispute shall be submitted to the Minister for Housing, Local Government and Heritage, who shall refer it to the Minister for Public Expenditure, National Development Plan Delivery and Reform, whose decision shall be final."

The Minister for Housing, Local Government and Heritage hereby approves of the making of the above Scheme.



GIVEN under my Official Seal,
27 April, 2023.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

The Minister for Public Expenditure, National Development Plan Delivery and Reform hereby consents to the making of the above Scheme.



GIVEN under my Official Seal,
1 June, 2023.

PASCHAL DONOHOE,
Minister for Public Expenditure, National Development
Plan Delivery and Reform.



GIVEN under the Official Seal of the Approved Housing
Bodies Regulatory Authority,
1 June, 2023.

SUSANNA LYONS,
CEO Approved Housing Bodies Regulatory Authority.

EDDIE LEWIS,
Chairperson Approved Housing Bodies Regulatory
Authority.

EXPLANATORY NOTE

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

The purpose of these Regulations is to adopt the Rules set out in the Schedule to the Rules for Pre-existing Public Service Pension Scheme Members Regulations 2014 (S.I. No. 582 of 2014) as a scheme for the granting of superannuation benefits to, or in respect of members, of the staff of the Approved Housing Bodies Regulatory Authority, including the Chief Executive, who are not members of the Single Public Service Pension Scheme.

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