

**University College Dublin,  
National University of Ireland, Dublin**

**Statute 10**

**Universities Act, 1997**

**(Introduction in Statute of 2005**

**Pension Scheme)**

WE, the Governing Authority of University College Dublin, National University of Ireland, Dublin, a constituent University of the National University of Ireland, under and by virtue of the powers conferred on us by the above Act, having taken into consideration as respects the statutes for the aforesaid University, the representations by all persons who appeared to us to be interested in the making of statutes for the said University, do by this present instrument under our seal, make the statute hereunto annexed for University College Dublin, National University of Ireland, Dublin.

Given under the Common Seal  
of University College Dublin, National University of Ireland, Dublin,  
the 23<sup>rd</sup> day of March 2010.



Present when the Common Seal of University College Dublin,  
National University of Ireland, Dublin  
was affixed :

Chairperson of the Governing Authority: Dermot Gallagher

President of the University: Hugh Brady

## **STATUTE 10**

### **CHAPTER 1**

The benefits granted to persons who joined the employment of University College, Dublin, National University of Ireland, Dublin (hereinafter called "the University") on or after the first day of January 2005 are to be modified in accordance with revisions introduced for public servants and set out in a letter of 29 November 2004 issued by the Higher Education Authority (a copy of that letter is hereto annexed at APPENDIX 1). Accordingly a new scheme (hereinafter called "the 2005 Pension Scheme") is hereby made, which modifies the provisions of all previous statutes to give effect to such amendments, the amending provisions whereof are hereto annexed as APPENDIX 2 and the entitlement to superannuation benefits of the above mentioned persons shall henceforth derive from the said scheme.

### **CHAPTER 2**

#### **DATE OF COMMENCEMENT**

Chapter 1 will take effect from the date of the approval by the Higher Education Authority (with the consent of the Minister for Education and Science and the Minister for Finance) of the 2005 Pension Scheme currently operating on an administrative basis.

### **CHAPTER 3**

#### **DATE OF ENACTMENT**

Given under the Common Seal of University College Dublin, National University of Ireland, Dublin, the 23<sup>rd</sup> day of March 2010



Present when the Common Seal of University College Dublin, National University of Ireland, Dublin was affixed :

Chairperson of the Governing Authority: Dermot Gallagher

President of the University: Hugh Brady



Higher Education Authority  
An tÚdarás um Ard-Oideachas

Ms Margaret Ramsay  
Director of Personnel  
University College Dublin  
Belfield  
Dublin 4

29 November 2004



Dear Ms. Ramsay,

I refer to the meeting of 27 October in relation to the new superannuation schemes for the universities.

On the basis of discussions with the Department of Finance and the Department of Education and Science, I can convey consent to the introduction, on an administrative basis, of the draft schemes submitted by the universities in so far as they conform to the terms of the model schemes for non-commercial State Bodies. The new scheme will apply to all new staff appointed from 1<sup>st</sup> January 2005.

With regard to the grant of added years to professional technical and specialist civil and public servants, the Commission on Public Service Pensions recommended that schemes of notional added years be abolished and that consideration should be given to the offer of other forms of recruitment incentive. As an interim measure, it was agreed in the context of the Working Group set up by the Government under Sustaining Progress to examine implementation of the Commission's recommendations, that the existing schemes for the award of professional added years would be replaced for new recruits to such posts in the public service by a single scheme. It is intended to introduce this new scheme for pensionable employees recruited or appointed to professional, technical or specialist posts in the public service by competition on or after 1<sup>st</sup> December 2004. This is the only scheme which the Departments are prepared to sanction in respect of members of the universities' new scheme.

On the issue of early retirement actuarially reduced pensions, I understand that this facility will be available public sector wide and I am awaiting more detailed information from the Department of Finance. I understand that circulars on the various reforms will issue shortly and will forward these to you when they become available.

Will we arrange a meeting shortly in relation to the funding of pension schemes.

Yours sincerely

  
Padraic Mellett  
Head of Administration

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## APPENDIX 2

### UNIVERSITY COLLEGE DUBLIN, NATIONAL UNIVERSITY OF IRELAND, DUBLIN, EMPLOYEE SUPERANNUATION SCHEME 2005

University College Dublin, National University of Ireland, Dublin has, pursuant to Section 25(7) of the Universities Act, 1997 and the Fifth Schedule of that Act prepared and submitted to An tÚdarás um Ard-Oideachas a scheme for the granting of superannuation benefits to or in respect of certain of the persons in its employment.

An tÚdarás um Ard-Oideachas, in exercise of the powers conferred on it by Section 25(7) of the Universities Act 1997 and the Fifth Schedule of that Act with the consent of the Minister for Education and of the Minister for Finance, hereby approves the superannuation scheme set out hereunder.

#### 1. CITATION

This Scheme may be cited as the University College Dublin, National University of Ireland, Dublin, Employee Superannuation Scheme (Model Scheme), 2005.

#### 2. COMMENCEMENT

The Scheme shall be deemed to have commenced with effect from the **1<sup>st</sup> January 2005**, which shall be known as the date of commencement.

#### 3. DEFINITIONS

##### 3.1 In this Scheme save where the context otherwise requires:

“Act” means the Public Service Superannuation (Miscellaneous Provisions) Act of 2004 (No. 7 of 2004);

“actual pensionable service” means service as defined in subparagraph 6.1 of this scheme but excluding service which is reckonable under Clauses (d) and (h) or any notional service transferred under Clause (c) of that subparagraph’

“fully insured member” means a member of this Scheme who is, or was before attaining the age of 66, insured for State Pension (Contributory) under the Social Welfare Acts;

“Knock-for-Knock Agreement under the Local Government Superannuation Code” means an agreement under articles 279(9) and 280 of the Local Government (Superannuation) (Consolidation) Scheme, 1998;

“Local Government Superannuation Code” means any scheme or regulation made under the Local Government (Superannuation) Act, 1980 (No. 8 of 1980) other than

the Local Government (Superannuation) (Gratuities) Regulations, 1984 (as amended) or the provisions of Part V of the Local Government (Superannuation) (Consolidation) Scheme, 1998;

“member” means a pensionable employee to whom this Scheme applies;

“Minister” means the Minister for Education;

"new entrant" shall be construed in accordance with section 2 of the Act of 2004;

“part-time employee” means an employee who works less than the standard hours of a comparable employee in a whole-time post;

“Pensions Ombudsman Regulations” means the Pensions Ombudsman Regulations, 2003 (S.I. no. 397 of 2003);

“personal rate” in relation to any Social Welfare benefit, means the rate of such benefit which is payable under the Social Welfare Acts to a single person excluding any increase that is payable on age grounds, or by virtue of the recipient living alone, or in respect of a qualified adult or child dependant, and “*maximum personal rate*” shall be construed accordingly;

“public service pension scheme” has the meaning assigned thereto in subsection 1(1) of the Act;

“reduced rate” in relation to any Social Welfare benefit, means the personal rate of such benefit if that rate is less than the maximum personal rate of State Pension (Contributory);

“Social Welfare Acts” means the Social Welfare Acts 1981 to 2007 including any enactment which amends or extends any or all of those Acts and any regulation, warrant or order made thereunder;

“Social Welfare Benefit” means State Pension (Contributory), Retirement Pension, Invalidity Pension, Disability Benefit or Unemployment Benefit payable under the Social Welfare Acts;

"State Pension (Contributory)" means the contributory old age pension payable under the Social Welfare Acts;

“transfer value payment” means a payment calculated in accordance with such tables as are approved and in such manner as is determined by the Minister for Finance under this scheme, or the Minister for the Environment, Heritage and Local Government under the Local Government Code;

“the University” means the University College Dublin, National University of Ireland, Dublin;

"work-sharer" means a whole-time employee who, under an arrangement which has been approved by the University, works less than the standard hours of the whole-time post;

"years" means a figure determined by the formula  $A + B/365$  where A is the number of completed years in the period in question and B is any number of days additional to a completed year or a number of completed years in that period, and "year" shall be construed accordingly.

#### 4. **MEMBERSHIP**

##### 4.1 For the purposes of this Scheme

- (a) "pensionable employee" means a person who is employed by the University in a pensionable post;
- (b) "pensionable post" means a post with the University which
  - (i) in the case of a post existing on the date of approval of the Scheme, is a post which is declared within three months from the date of approval by resolution of the University to be a pensionable post;
  - (ii) in any other case is a post which is declared in the Conditions of Service attaching to it to be a pensionable post.

##### 4.2 Membership of this Scheme shall not apply to persons

- (a) who are in membership of the University College Dublin, National University of Ireland, Dublin, Pension Plan established by Statute XCVI under seal dated 24 March 1977 and any subsequent amendments.
- (b) in the case of an employee who is not a new entrant, whose actual pensionable service on attaining age 65 would be less than two years, or
- (c) who do not satisfy the University (either at the time of first appointment, or at such time thereafter as the University may determine), that they are free from any physical defect or any disease which may interfere with the proper discharge of their duties, or
- (d) who are under 16 years of age.

##### 4.3 Membership shall be compulsory for all pensionable employees, other than those referred to in paragraph 4.2.

##### 4.4 The University shall decide upon the eligibility for membership of the Scheme. The University shall notify an employee of his or her admission to membership of the Scheme and shall furnish him or her with a copy of the terms of the Scheme.

4.5 A member who is not a new entrant may not continue in membership following the date on which he or she has attained the age of 65.

## 5. PENSIONABLE REMUNERATION

### 5.1 Salary

“Salary” means the annual basic rate of remuneration payable from time to time as lawfully determined or lawfully approved by the University, excluding any sums paid in respect of overtime, commission, gratuity, special fees, travelling allowance, subsistence allowance and the like, the money equivalent of any emolument or benefit in kind (including motor car or other vehicle) or any payment toward or in respect of such emoluments.

### 5.2 Allowances

“Allowances” means such allowances in the nature of pay lawfully determined or lawfully approved by the University, which are designated as pensionable by the University, but excluding any sums paid in respect of overtime, commission, gratuity, special fees, travelling allowance, subsistence allowance and the like, the money equivalent of any emolument or benefit in kind (including motor car or other vehicle) or any payment toward or in respect of such emoluments.

### 5.3 Remuneration

“Remuneration” means the aggregate of salary and allowances.

### 5.4 Net remuneration

“Net remuneration” means the amount by which remuneration exceeds twice the annual maximum personal rate of State Pension (Contributory) payable from time to time to a person who has no adult dependent or qualified children.

### 5.5 Retiring salary

“Retiring salary” means the salary of the member at the date of retirement or death where -

- (a) a member has had the same scale of salary and has been in the same grade for the last three years of his or her pensionable service, or
- (b) a member who is under 62 years of age dies in service, or
- (c) a member retires or is retired on medical grounds before 65 years of age with sufficient potential service to age 65 to avoid averaging.

In any other case retiring salary shall be taken as the total calculated by multiplying by 1/1095 the annual rate of salary appropriate on the last day of pensionable service



for each grade in which the member served during the last three years of pensionable service, and multiplying the result by the number of days of his or her employment in each grade during those years, subject to the retiring salary so taken not exceeding the annual basic rate of salary payable at the time of retirement or death.

#### **5.6 Pensionable allowances**

“Pensionable allowances” means the annual average of any pensionable allowances paid to the member during his or her last three years of pensionable service.

#### **5.7 Pensionable remuneration**

(a) “Pensionable remuneration” means the aggregate of retiring salary and pensionable allowances.

(b) In the calculation of benefits payable on retirement or in accordance with the provisions of paragraph 7.3 to a member who, at retirement, is a part-time employee or a work-sharer, pensionable remuneration shall be deemed to be the pensionable remuneration applicable if he or she were working in a whole-time capacity.

#### **5.8 Net pensionable remuneration**

“Net pensionable remuneration” means the amount by which pensionable remuneration exceeds twice the annual maximum personal rate of State Pension (Contributory) payable on the last day of pensionable service to a person who has no adult dependant or qualified children.

### **6. PENSIONABLE SERVICE**

6.1 Pensionable service shall, subject to a maximum of 40 years and provided that concurrent periods shall be counted only once, be the aggregate of -

- (a) paid service as a pensionable employee given on or after the date of commencement, in respect of which contributions have been paid provided that any period during which a member was or is a part-time employee or a work-sharer shall be reckonable in the proportion which the hours worked bear to comparable whole-time service;
- (b) whole-time paid service with the University prior to the date of commencement in respect of which contributions have been paid;
- (c) service transferred in accordance with arrangements approved by the Minister for Finance and or the Minister for the Environment, Heritage and Local Government.
- (d) in the case of a member whose pensionable service by age 65 would be less than 40 years, extra years of pension credit, subject to limits to be determined by the

University with the approval of the Minister and in consultation with the Minister for Finance, which he or she opts to purchase at full cost to himself or herself on the basis of actuarial tables approved by the Minister for Finance;

- (e) in the case of a member in respect of whom a transfer value in respect of superannuation benefits in a former employment other than employment referred to in paragraphs 6.1(c) of this Scheme is received by the University, such additional service as the amount of the transfer value will purchase on the basis of actuarial tables approved by the Minister for Finance;
  - (f) any periods of paid part-time service equal to 8 hours or more a week given with the University prior to becoming a pensionable employee reckonable in the proportion which the hours worked bear to comparable whole-time service and in respect of which appropriate contributions have been paid;
  - (g) any periods of whole-time temporary service with the University prior to becoming a pensionable employee in respect of which contributions have been paid;
  - (h) such additional period of notional service (to be referred to as “*professional added years*”) as may be granted by the University in accordance with conditions determined by the University with the approval of An tÚdarás um Ard-Oideachas and the consent of the Minister and of the Minister for Finance.
- 6.2 (a) A member who has completed five or more years of actual pensionable service (excluding service reckonable under Clause 6.1(e)) and who retires, or is retired, on medical grounds in accordance with the conditions laid down in paragraph 8.1 of this scheme, may, at the discretion of the University, have a period of notional service (to be referred to as “*ill-health notional service*”) added to his or her pensionable service, provided that the aggregate of pensionable service and ill-health notional service does not exceed 40 years.
- (b) The ill-health notional service shall be calculated on the following basis:
- (i) members whose actual pensionable service (excluding service reckonable under Clause 6.1(e)) is between five and ten years will be allowed an equivalent amount of ill-health notional service, such amount of notional service not to exceed the amount by which the pensionable service he or she would have had if he or she served to age 65 exceeds his or her pensionable service at retirement;
  - (ii) members whose actual pensionable service (excluding service reckonable under Clause 6.1(e)) is between 10 and 20 years will be allowed the more favourable of:
    - (a) an amount of service equal to the period by which 20 years exceeds the said actual pensionable service, the added service not to exceed

the amount by which the pensionable service he or she would have had if he or she served to age 65 exceeds his or her actual pensionable service at retirement, or

(b) 6 years and 243 days, the ill-health notional service not to exceed the amount by which the actual pensionable service he or she would have accrued if he or she served to normal retirement age exceeds actual pensionable service at retirement;

(iii) members with more than 20 years of actual pensionable service (excluding service reckonable under Clause 6.1(e)) at retirement will be allowed to add whichever is the lesser of:

(a) 6 years and 243 days, or

(b) the amount by which the pensionable service he or she would have had if he or she had served to normal retirement age exceeds his or her pensionable service at retirement.

## 7. **BENEFITS**

### 7.1 **Pension**

#### (a) **Calculation for Members recruited after 5 April 1995**

a fully insured member who has completed two years' actual pensionable service and who retires, or is retired, after attaining the age of 60, or in the case of new entrants to the public sector age 65, shall be eligible to receive a pension in accordance with the formula below subject to a maximum of 40 years;

$[A \times C \div 200] + [B \times C \div 80]$ , where

A is that part of the member's pensionable remuneration which is less than or equal to 3.333333 times the current rate of Contributory State Pension

B is any part of the member's pensionable remuneration which is more than 3.333333 times the current rate of Contributory State Pension

C is reckonable service

#### (b) **Calculation for Members recruited before 6 April 1995**

A member who has completed two years' actual pensionable service and who retires, or is retired, after attaining the age of 60 shall be eligible to receive a pension in accordance with the formula below subject to a maximum of 40 years;

(A X B /80) where

- A is pensionable remuneration
- B is reckonable service

**(c) Calculation for Ill Health Retirement**

A member who has completed five years actual pensionable service and who retires, or is retired, before or after reaching the age of 60/65 on medical grounds in accordance with the conditions laid down in paragraph 8.1 of this scheme shall be eligible to receive a pension calculated as in (a) above for fully insured members and as in (b) above for all other members.

**7.2 GRATUITIES**

- (a) A member who has completed at least one year and less than two years' actual pensionable service who retires or is retired on medical grounds in accordance with the conditions laid down in paragraph 8.1, shall be eligible to receive a gratuity of 1/12th of pensionable remuneration for each year of pensionable service.
- (b) A member who has completed between two and five years' actual pensionable service who retires or is retired on medical grounds in accordance with the conditions laid down paragraph 8.1, shall be eligible to receive a gratuity at the rate of 1/12th of pensionable remuneration for each year of pensionable service and, in addition, a gratuity equal to 3/80ths of his or her pensionable remuneration for each year of pensionable service, provided he or she opts in writing to accept such gratuities in lieu of any other benefits for which he or she may be eligible under this scheme.
- (c) A new entrant who has completed two years' actual pensionable service and who retires or is retired after attaining the age of 65 shall be eligible to receive a gratuity at the rate of 3/80ths of pensionable remuneration for each year of pensionable service subject to a maximum of 120/80ths.
- (d) A member who is not a new entrant and has completed two years' actual pensionable service and who retires or is retired after attaining the age of 60 shall be eligible to receive a gratuity at the rate of 3/80ths of pensionable remuneration for each year of pensionable service subject to a maximum of 120/80ths.
- (e) A member who has completed at least five years actual pensionable service and who retires or is retired on medical grounds in accordance with the conditions laid down paragraph 8.1, shall be eligible to receive a gratuity at the rate of 3/80ths of pensionable remuneration for each year of pensionable service subject to a maximum of 120/80ths.
- (f) (i) If a member dies while serving, his or her legal personal representative

shall be eligible to receive the greater of -

- (a) one year of deceased member's pensionable remuneration or
  - (b) the gratuity that would have been payable had the member retired on medical grounds on the date of his or her death.
- (ii) If a former member who has been granted a pension and a gratuity dies and the total paid or payable on foot of the pension (including any amount which would have been payable had the provisions of paragraph 12.4 not applied in his or her case) and gratuity (including any deductions made in respect of non-periodic contributions under the **University College Dublin, National University of Ireland, Dublin Spouses' and Children's Scheme**) is less than the gratuity which could have been granted to his or her legal personal representative if he or she had died on the date of his or her retirement, his or her legal personal representative shall be eligible to receive a gratuity equal to the deficiency.

### 7.3 Preservation of Benefits

(a) Where a member who is a new entrant

- (i) ceases to be a member before age 65 (60 non new entrants) other than in accordance with the conditions laid down paragraph 8.1 after at least two years' actual pensionable service *or*
- (ii) ceases to be a member before age 65 (60 non new entrants) in accordance with the provisions of paragraph 8.1 after at least two years and less than five years actual pensionable service *and* does not opt, in writing, for the benefits of paragraph 7.2 (b),

he or she will, on attaining the age of 65 (60 non new entrants), qualify under this subparagraph for a pension and lump sum payment (which pension and lump sum are in this Scheme referred to as a "*preserved pension*" and "*preserved lump sum*" respectively), provided that

- (i) he or she does not receive any other benefit in respect of that service, and
  - (ii) that service is not reckoned for pension purposes by him or her in another employment under approved arrangements.
- (b) A preserved pension shall be payable to the person concerned on and from his or her attaining the age of 65 (60 non new entrants) on an application being made by him or her in that behalf.
- (c) the amount of a preserved pension shall be the amount which would have been

awarded to the member concerned under paragraph 7.1 of this scheme if he or she had attained age 65 (60 non new entrants) on the date of resignation, as increased by reference to pensions increases granted under paragraph 10 of this Scheme in the interval between the date of resignation and the date on which the member attains age 65 (60 non new entrants).

- (d) If a person referred to in paragraph 7.3 (a) dies before attaining the age of 65 (60 non new entrants), a sum (in this Scheme referred to as a “*preserved death gratuity*”) shall be payable to the person’s legal personal representative by the University in respect of him.
- (e) The amount of a preserved lump sum or preserved gratuity shall be the amount which would have been awarded to the member concerned under paragraph 7.2 of this scheme if he or she had attained age 65 (60 non new entrants) on the date of resignation, as increased by reference to pensions increases granted under paragraph 10 of this Scheme in the interval between the date of resignation and the date
  - (i) on which he or she attains age 65 (60 non new entrants), in the case of a preserved lump sum,
  - or
  - (ii) of his or her death, in the case of a preserved death gratuity.
- (f) A preserved lump sum or preserved death gratuity shall be payable to or in respect of the person concerned on an application being made to the University by him or her at any time after he or she reaches the age of 65 (60 non new entrants) or, in case he or she dies before reaching that age, by his or her legal personal representative.
- (g) A member to whom this subparagraph applies who, on the date of his or her resignation, would be aged 55 (50 non new entrants) or over may apply in writing before the date of resignation or within three months of resignation to have his or her preserved pension and lump sum benefits paid with effect from the date of resignation and if the University agrees, those benefits shall be calculated by reference to the member’s pensionable remuneration at the date of resignation and shall be payable as and from that date, but the amount of each benefit shall be reduced by reference to the member’s age at date of resignation, in accordance with actuarial tables approved by the Minister for Finance.
- (h) The University may at its discretion pay a supplementary pension on the terms and conditions set out in subparagraph 7.5 of this scheme.

#### **7.4 Supplementary Pension**

- (a) Where a person who is in receipt of a pension or a preserved pension under

this scheme is unemployed and due to causes outside his or her own control:

- (i) fails to qualify for Social Welfare benefit or
- (ii) qualifies for Social Welfare benefit at a reduced rate

then for so long as the preconditions set out in this subparagraph are met, the person concerned may, at the discretion of the University, be paid a supplementary pension under this Scheme.

- (b) The amount of a supplementary pension payable pursuant to subparagraph (a) of this paragraph shall be the amount, if any, arrived at by the formula

$$A - (B+C)$$

where

A is the amount of the pension or preserved pension which would be payable to the former member if such pension or preserved pension had been calculated at the rate of 1/80th of his pensionable remuneration for each year of pensionable service, subject to a maximum of 40/80ths,

B is the amount of the pension actually payable to the former member and

C is the annual amount of the reduced rate of the Social Welfare benefit, if any, which is payable to the former member.

## 7.5 RETURN OF CONTRIBUTIONS

In the case of a member who has completed less than two year's actual pensionable service.

- (i) whose membership ceases otherwise than on medical grounds or death and
- (ii) who does not transfer his or her pensionable service under this scheme to another organisation in accordance with arrangements approved by the Minister for the Environment, Heritage and Local Government and/or the Minister for Finance

his or her contributions shall be returned to him or her less an amount equal to any tax liability by the University in respect of such contributions.

## 8. RETIREMENT ON MEDICAL GROUNDS

- 8.1 Where a member retires or is retired on medical grounds, a benefit under paragraphs 7.1 and/or 7.2 of this scheme shall only be paid where the following conditions are met:

- (a) Medical evidence must be supplied, having regard to which the University is satisfied that the member is incapable from infirmity of mind or body of discharging the duties of his or her post and that that infirmity is likely to be permanent. In this connection, the member must, if requested by the University, undergo medical examination by a registered medical practitioner nominated by the University.
- (b) The retirement must be wholly due to the infirmity.
- (c) The infirmity must not have been caused by the member's own fault or negligence.
- (d) The member must not -
  - (i) have made a false declaration about his or her health, or
  - (ii) have suppressed a material fact about his or her healthwhen applying to take up his or her post in the University.

8.2 Where any or all of the above conditions are not met, paragraphs 7.3 or 7.4, as appropriate, shall apply in lieu of benefit under paragraphs 7.1 and/or 7.2.

## 9. **PAYMENT OF PENSION OR PRESERVED PENSION**

Save as is otherwise provided in the scheme, pensions and preserved pensions payable under this Scheme shall be paid weekly or monthly in arrears and shall continue throughout the life of the member.

## 10. **PENSIONS INCREASES**

The University may grant such increases in such pensions and preserved pensions under this Scheme as may be authorised from time to time by the Minister with the consent of the Minister for Finance.

## 11. **CONTRIBUTIONS**

11.1 Every member shall pay a contribution as from the date of entry to the Scheme or from the date he or she took up employment with the University, in the case of a member in the service of the University on the commencement date.

11.2 The contribution for fully insured members is;

- (a) 3.5% of net remuneration and
- (b) 1.5% of remuneration



provided that in the case of a fully insured member who is a part-time employee or a work-sharer, the contributions under sub-clause (a) above shall be calculated in accordance with the formula  $A \times B \div C$ , where

- A* is the amount of the contribution which would be payable by an equivalent whole-time employee,
- B* is the number of hours (excluding overtime) worked by the member concerned, and
- C* is the standard number of hours applicable to an equivalent whole-time post.

- 11.3 Where a member is in receipt of a reduced rate of pay because of absence from employment, the contributions in respect of that period will be calculated by reference to the rate of pay that would be payable to him or her if he or she were not so absent.
- 11.4 An actuarial revaluation of the Scheme may be carried out from time to time if the University so decides and the University retains the right to vary the contributions payable by the members.

## 12. EMPLOYMENT SUBSEQUENT TO RETIREMENT OR RESIGNATION

- 12.1 Where a member whose contributions have been returned to him or her under paragraph 7.6 is re-employed by the University in a pensionable position, his or her previous pensionable service may be reckoned for the purpose of calculating superannuation subsequently, provided he or she refunds to the University the amount of the contributions including interest paid to him or her with compound interest on such amount at a rate to be determined by the Department of Finance from time to time. The University may, at its discretion, agree to accept such refunds by instalments, provided interest on the basis outlined above continues to be paid on the outstanding balance.
- 12.2 Where a member whose contributions have been returned to him or her under paragraph 7.6 subsequently becomes employed in a pensionable position in which his or her previous pensionable service is capable of being reckoned, his or her previous pensionable service may be reckoned for superannuation subsequently, provided he or she refunds the amount of the contributions including interest paid to him or her with compound interest on such amount at a rate to be determined by the Department of Finance from time to time..
- 12.3 If a member who retires or is retired on medical grounds subsequently becomes a pensionable employee and has been awarded a pension and gratuity or gratuity only on initial retirement, pension, where payable, shall be cancelled on his or her re-appointment and his or her previous pensionable service shall be reckoned for the

purposes of calculating pensionable service subsequently but the amount of any gratuity awarded on eventual retirement or death or any payment in accordance with paragraph 7.2 shall be reduced by the amount of the gratuity paid to him or her on initial retirement.

- 12.4 If a pensioner under this Scheme receives payment in respect of employment by the University or by any person or firm resident in the Republic of Ireland and associated with or directly or indirectly controlled by the University no more of the pension or preserved pension shall be paid for any period of receipt of the payment as may be specified by the University than so much as, with the payment, equals the pay which the person would have received in respect of that period if during it he or she
- (a) held the position in which he or she served on the last day of his or her pensionable service, but
  - (b) was remunerated at the rate of pay of which he or she was in receipt on that date (including the money value of apartments, rations or other perquisites in kind subject, however, in case changes have taken place, (or, if the position has ceased to exist would have taken place if it had not ceased to exist), in that rate, to treating that rate as being varied by taking account of so much of those changes as may be specified by the University.

### 13. **CESSER OR REDUCTION OF BENEFIT**

- 13.1 Where a member is dismissed or resigns or otherwise ceases to hold employment and has been guilty of misconduct involving a financial loss to the University or the State, the University may, at its discretion, refuse or reduce any award which might otherwise be payable under paragraph 7 of this Scheme (including a return of contributions under paragraph 7.6) in order to make good such a loss.
- 13.2 The University may, at its discretion, reduce or cease paying a pension awarded under this Scheme if the pensioner has been guilty of misconduct involving a financial loss to the University or the State, in order to make good such a loss.

### 14. **CONDITIONS GOVERNING AWARDS**

#### 14.1 **Declarations**

Payments of pension or preserved pension under this Scheme shall be subject to the making by the pensioner of a relevant declaration in such form and at such time as the University may require.

#### 14.2 **Proof of age**

A member must submit evidence of his or her date of birth on entry into the Scheme or before any payment of benefit can be made.

### 15. **ASSIGNMENTS**

A pension or preserved pension under this Scheme may not be assigned or charged. If the pensioner becomes incapable of giving a receipt for payments due, the University 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 University thinks fit, and the University shall be discharged from all liability in respect of any sum so paid.

## **16. DUPLICATION OF BENEFIT NOT TO BE ALLOWED**

- 16.1 (a) A member shall not be entitled to reckon the same period of time more than once for the purposes of a pension or gratuity, unless in the case of a gratuity, having been entitled to repay such gratuity, he or she has done so.
- (b) A member shall not be entitled to reckon the same period of time both for the purposes of this scheme and also for the purposes of any public service pension scheme.
- 16.2 Where a member's employment with the University ceases (whether on retirement, death or otherwise), benefit under this Scheme shall be reduced by reference to any sum, other than one to which the prior approval of the Minister for Finance had been obtained, which is payable to or in respect of him or her on such cesser, other than under this Scheme, by the University, or under any arrangement (whether by way of insurance or otherwise) to which the University has contributed.

## **17. CONTRIBUTIONS TO CERTAIN ORGANISATIONS**

- 17.1 Where a superannuation award is made by a local authority to any person under the provisions of the Local Government Superannuation Code and in determining the amount of the award any period of pensionable service with the University has been reckoned, the University shall, in the absence of a Knock-for-Knock Agreement under the Local Government Superannuation Code, make a single transfer value payment or a series of contributions to the local authority, as may be agreed between the local authority and the University, and such payment or contributions shall be in accordance with such tables or rates as may be approved by the Minister for the Environment, Heritage and Local Government.
- 17.2 Where under the Local Government Superannuation Code, superannuation contributions are returned by a local authority to a former member of this scheme and the amount includes a sum in respect of contributions paid under this scheme, the University shall, in the absence of a Knock-for-Knock Agreement under the Local Government Superannuation Code, recoup such sum to the local authority.

## **18. APPEALS**

- 18.1 If a member or former member is aggrieved by the failure or refusal of the University to make an award under this Scheme or by the amount of any award (including the award of pension increases) made, he or she may invoke the Internal Disputes

Resolution Procedure and if still not satisfied appeal to the Minister who shall refer the dispute to the Minister for Finance who shall, within three months of the dispute being referred to him or her, issue a determination in accordance with Article 5.1 of the Pensions Ombudsman Regulations 2003 (S.I. no. 397 of 2003).

19. **TERMINATION OR AMENDMENT OF SCHEME**

The University reserves the right to amend or terminate the Scheme at any time, subject to the approval of An tÚdarás um Ard-Oideachas and the concurrence of the Minister and of the Minister for Finance and subject to giving three months' notice of impending changes to members of the Scheme. Benefits secured for a member or former member prior to the date of amendment or termination will not be affected.



**UNIVERSITY COLLEGE DUBLIN, NATIONAL UNIVERSITY OF IRELAND,  
DUBLIN, SPOUSES' AND CHILDREN'S PENSION SCHEME, 2005**

**University College Dublin, National University of Ireland, Dublin, has, pursuant to Section 25(7) of the Universities Act, 1997 and the Fifth Schedule of that Act prepared and submitted to An tÚdarás um Ard-Oideachas a scheme for the granting of superannuation benefits to or in respect of certain of the persons in its employment.**

**An tÚdarás um Ard-Oideachas, in exercise of the powers conferred on it by Section 25(7) of the Universities Act 1997 and the Fifth Schedule of that Act with the consent of the Minister for Education and of the Minister for Finance, hereby approves the superannuation scheme set out hereunder.**

**4. Citation**

This Scheme may be cited as the National University of Ireland, University College Dublin, Dublin, Spouses' and Children's Contributory Pension Scheme, 2007.

**5. Commencement.**

The Scheme will commence with effect from the 1<sup>st</sup> January 2005, which shall be known as the date of commencement.

**6. Definitions**

“actual pensionable service” means service as defined in subparagraph 6.1 of the Main Scheme but excluding service which is reckonable under Clauses (d) and (h) of subparagraph 6.1 of the Main Scheme or any notional service transferred under Clause (c) of that subparagraph;

"adoption order" means an adoption order made under the Adoption Acts, 1952 to 1998;

“Allowances” means such allowances in the nature of pay lawfully determined or lawfully approved by the University, which are designated as pensionable by the University but excluding any sums paid in respect of overtime, commission, gratuity, special fees, travelling allowance, subsistence allowance and the like, the money equivalent of any emolument or benefit in kind (including motor car or other vehicle) or any payment toward or in respect of such emoluments.

"child", subject to paragraph 7.1, means a child or step-child or lawfully adopted child of the deceased, who is -

a person under sixteen years of age, or

a person under twenty-two years of age who is receiving full-time instruction at

any university, college, school or other educational establishment, or

- (c) a person under twenty-two years of age who 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 University for the purposes of this subparagraph, or
- (d) 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 described in any of the foregoing clauses of this subparagraph.

"Children's Pension" has the meaning assigned to it by paragraph 5;

"Contributing Member" means a serving member of the Main Scheme;

"Contributory Survivor's Pension" means contributory survivor's pension payable under the Social Welfare Acts;

"death gratuity" except in the expression "preserved death gratuity" means a gratuity payable in accordance with paragraph 7.2(f)(i) of the Main Scheme;

(a) "deceased's pension" means:-

- (a) in case, otherwise than on retirement on medical grounds, he or she is awarded a pension,
  - (i) in relation to a member who is not fully insured, the amount of such pension, and
  - (ii) in relation to a member who is fully insured, the pension which would have been granted to him or her if it had been calculated by reference to net pensionable remuneration (Spouses' and Children's Scheme) instead of net pensionable remuneration (Main Scheme) at the date of retirement as increased by reference to pension increases granted under paragraph 10 of the Main Scheme during the period between retirement and death;
- (b) in case, on retirement on medical grounds, he or she is awarded a pension, the pension which would have been granted to him or her if it fell to be calculated by reference to -
  - (i) in relation to a member who is not fully insured, his or her pensionable remuneration at the date of

- (a) retirement as increased by reference to pension increases granted under paragraph 10 of the Main Scheme during the period between retirement and death, and
  - (b) the pensionable service which he or she would have had if he or she had served to the age of sixty-five years, and
- (ii) in relation to a member who is fully insured,
  - (a) his or her net pensionable remuneration (Spouses' and Children's Scheme) at the date of retirement as increased by reference to pension increases granted under paragraph 10 of the Main Scheme during the period between retirement and death, and
  - (b) the pensionable service which he or she would have had if he or she had served to the age of sixty-five years;
- (c) in case a preserved pension was in payment to the deceased,
  - (i) in relation to a member who is not fully insured, the amount of such pension, and
  - (ii) in relation to a member who is fully insured, the preserved pension which would have been granted to him or her if it had been calculated by reference to net pensionable remuneration (Spouses and Children's Scheme) instead of net pensionable remuneration (Main Scheme) at the date of resignation as increased by reference to pension increases granted under paragraph 10 of the Main Scheme during the period between resignation and death;
- (d) in case, having resigned with entitlement to a preserved pension, the deceased dies before the age at which the preserved pension became payable or before making application for the preserved pension, an amount equal to –

$$\frac{D \times E}{80}$$

where D is the number of years of pensionable service at the date of resignation, subject to a maximum of 40 years, and E

- 6.3 in relation to a member who is not fully insured, his or her pensionable remuneration at the date of resignation as increased by reference to pension increases granted under paragraph 10 of the Main Scheme during the period between resignation and death, and
- (ii) in relation to a member who is fully insured, his or her net pensionable



remuneration (Spouses' and Children's Scheme) at the date of resignation as increased by reference to pension increases granted under paragraph 10 of the Main Scheme during the period between resignation and death;

- (e) in case he or she dies while serving as a member of the Main Scheme, the pension for which he or she would be eligible if clause (b) of this subparagraph applied to him or her

PROVIDED THAT in the case of a member who is a part-time employee or a work-sharer at the date of retirement on medical grounds or at the date of death, the pension under subparagraph (b) or (e) of this definition of “deceased’s pension” shall be calculated on the assumption that had he or she served to the age of sixty-five years, his or her hours worked would have continued to bear the same proportion to comparable whole-time service as they did immediately prior to the date of retirement on medical grounds or the date of death;

"former member" means a person who was awarded a pension and retirement gratuity or preserved pension and lump sum;

"fully insured" ” means insured for State Pension (Contributory) under the Social Welfare Acts;

“lawfully adopted child” means a child adopted by a member (whether alone or jointly with any other 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. Where a married member applies for an adoption order in respect of a child and dies before the adoption procedure is completed and the child is subsequently adopted by the member's spouse, the child shall, from the date on which the member has custody of him or her, be deemed, for the purposes of this Scheme, to be the member's lawfully adopted child.

“Main Scheme" means the University College Dublin, National University of Ireland, Dublin, **Employee Superannuation Scheme 2005**.

"member" means a person who, pursuant to paragraph 4, is a member of this Scheme;

"Minister" means the Minister for Education;

"net pensionable remuneration (Spouses' and Children's Scheme)" means the amount by which pensionable remuneration exceeds once the rate of Old Age (Contributory) Pension payable on the last day of pensionable service to a person who has no adult dependant or qualified children;

“net pensionable remuneration (Main Scheme)” means the amount by which pensionable

remuneration exceeds twice the annual maximum personal rate of Old Age (Contributory) Pension payable on the last day of pensionable service to a person who has no adult dependant or qualified children;

“part-time employee” means an employee who works less than the standard hours of a comparable employee in a whole-time post;

“Pensionable allowances” means the annual average of any allowances paid to the member during his last three years of pensionable service;

“Pensionable remuneration” means the aggregate of retiring salary and pensionable allowances provided that, in the case of a member who is work-sharing or working part-time at retirement, pensionable remuneration shall be deemed to be the pensionable remuneration applicable in his or her case if he or she were not work-sharing.;

"pensionable service" means service reckonable under paragraph 6.1 of the Main Scheme;

“Remuneration” means the aggregate of salary and allowances;

"retirement gratuity", means a gratuity awarded under the provisions of paragraph 7.2 (c) or 7.2 (d) of the Main Scheme;

"retirement on medical grounds" means retirement in accordance with the provisions of paragraph 8.1 of the Main Scheme on completion of five or more year’s actual pensionable service;

“Retiring salary” means the salary of the member at the date of retirement or death where

-

- (a) a member has had the same scale of salary and has been in the same grade for the last three years of his pensionable service, or
- (b) a member who is under 62 years of age dies in service, or
- (c) a member retires or is retired on medical grounds before 60 years of age with sufficient potential service to age 60 to avoid averaging.

In any other case retiring salary shall be taken as the total calculated by multiplying by 1/1095 the annual rate of salary appropriate on the last day of pensionable service for each grade in which the member served during the last three years of pensionable service, and multiplying the result by the number of days of his employment in each grade during those years, subject to the retiring salary so taken not exceeding the annual basic rate of salary payable at the time of retirement or death;

“Salary” means the annual basic rate of remuneration payable from time to time as lawfully determined or lawfully approved by the University excluding any sums paid in respect of overtime, commission, gratuity, special fees, travelling allowance, subsistence allowance and the like, the money equivalent of any emolument or benefit in kind (including motor car or other vehicle) or any payment toward or in respect of such emoluments;

“Social Welfare Acts” means the Social Welfare Acts 1981 to 2007 including any enactment which amends or extends any or all of those Acts and any regulation, warrant or order made thereunder;

“spouse” means a partner to a marriage recognised by the law of the State as valid;

“spouse’s pension” has the meaning assigned to it by paragraph 5;

"State Pension (Contributory)" means the contributory old age pension payable under the Social Welfare Acts to a single person excluding any increase that is payable on age grounds, or by virtue of the recipient living alone, or in respect of a qualified adult or child dependant;

“the University” means the University College Dublin, National University of Ireland, Dublin;

"work-sharer" means a whole-time employee who, under an arrangement which has been approved by the University, works less than the standard hours of the whole-time post;

“years” means a figure determined by the formula  $A + B/365$  where A is the number of completed years in the period in question and B is any number of days additional to a completed year or a number of completed years in that period, and “*year*” shall be construed accordingly;

#### 4. **Membership**

All members of the Main Scheme shall be members of this scheme.

#### 5. **Power to grant Spouses and Children's Pensions**

Subject to the provisions of this Scheme, the University may, on the death of a contributing or former member (in this Scheme referred to as “the deceased”) to whom or in respect of whom a pension or death gratuity, or preserved pension or preserved death gratuity has been, or is awarded, grant in respect of his or her service-

- (a) where he or she leaves a spouse, a pension to that spouse (hereafter in this Scheme referred to as a "spouse's pension"), and
- (b) where he or she leaves a child or children (whether or not a spouse's, pension is, or may be, granted) a pension for such child or children (in this Scheme referred to as a "children's pension").

## 6. Spouse's Pension

6.1 A spouse's pension shall not be granted or paid under this Scheme -

- (a) if the spouse was at the time of the death of the member cohabiting with a person other than the deceased as man and wife, or
- (b) in respect of any time after the said death when the spouse is remarried or is so cohabiting with any person.

6.2 Notwithstanding paragraph 6.1, where,

- (a) a pension under this Scheme is not granted or ceases under the said paragraph 6.1, and
- (b) at a date subsequent to the date of the marriage or cohabitation by reason of which the pension was withheld or ceased the University is satisfied that the marriage or cohabitation has come to an end, or that there are compassionate grounds for the payment of pension, the University may, if it thinks fit, grant or regrant, as may be appropriate, the pension as from,
  - (i) in case the marriage or cohabitation has come to an end, the date on which the marriage or cohabitation ended,
  - (ii) in any other case, a date not earlier than the date on which the relevant application is received by the University,

provided that, where the spouse is entitled to benefit under this or any other public sector spouses' and children's pension scheme by virtue of the fact that his or her spouse of the second marriage was a member of this or any other such Scheme, a spouse's pension shall not be payable under this scheme unless the spouse's pension payable by virtue of the second marriage is less than the spouse's pension payable under this scheme.

6.3 Subject to paragraph 6.1 a spouse'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.

- 6.4 (a) The rate of a spouse's pension shall be one-half of the rate of the deceased's pension.
- (b) (i) In the case of the death of a contributing or former member who was fully insured, the University may, at its discretion, pay to his or her spouse a supplementary pension, the amount of which shall not exceed the difference between -
- (a) the rate of spouse's pension resulting from the calculation at paragraph 6(4) (a), together with the personal rate of Contributory Survivor's Pension, if any, payable to the spouse, and
  - (b) the rate of spouse's pension which would have resulted from the calculation at paragraph 6(4) (a) if the member had not been fully insured.
- (ii) The supplementary pension shall be payable in respect of any period or periods during which the spouse -
- (a) fails to qualify for Contributory Survivor's Pension where such failure is not due to causes within his or her own control, or
  - (b) qualifies for Contributory Survivor's Pension at less than the maximum personal rate due to causes outside his or her own control.

6.6 Notwithstanding paragraph 6.4, where on the death of a contributing or former member, other than a former member who qualifies for a preserved pension, a spouse's pension becomes payable to his or her spouse, 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 his or her pensionable remuneration.
- (b) in case he or she dies after being granted a pension,
  - (i) in relation to a member who is not fully insured, where the rate of pension payable to him or her on the date of his or her death is greater than the rate of spouse's pension otherwise payable under the Scheme, one twelfth of the said rate of pension,
  - (ii) in relation to a person who is fully insured, where the rate of pension payable to him or her on the date of his or her death, if it had been calculated on the basis of net pensionable remuneration (Spouses' and Children's Scheme) instead of net pensionable remuneration (Main Scheme), is greater than the rate of spouses

pension otherwise payable under this Scheme, one twelfth of the said rate of pension.

provided that the rate as so increased shall be reduced by the rate of any children's pensions payable under this Scheme, and provided also that the amount payable to the spouse under this Scheme in respect of the period of one month commencing on the day immediately following that of the deceased's death may be paid at any time on or after the first day of the said period.

**7. Children's Pensions; Beneficiaries**

- (b) A child shall not be eligible for a children's pension in respect of more than one member.
- (c) Where there would, apart from paragraph 7.1, 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 University, gives the most favourable overall result for the child 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 parent or step-parent of the children if the eligible children are in his or her care, and in case any child in respect of whom a pension is payable is not in such care, the pension will be paid either to the child or to such other person as the University may determine. If the children are in the care of more than one person, different parts of the children's pension will be paid to those persons in such proportions as the University may determine.
- 8.2 In all cases, the pension is to be applied for the benefit of the children for whom it is granted.
- 8.3 A children's pension may be paid only in relation to the period or periods subsequent to the date of death of the deceased.
- 8.4 The rate of children's pension under this Scheme shall be -
  - (a) where the deceased leaves no spouse or, if he or she leaves a spouse and the spouse dies, after his or her death,
    - (i) where there is only one child, one-third of the deceased's pension,
    - (ii) where there are two or more children, a rate in respect of each child equivalent to one-half of the deceased's pension divided by the number of children.
  - (b) subject to paragraph 8.5, where the deceased leaves a spouse,
    - (i) where there are not more than three children, one-sixth of the deceased's pension for each child,
    - (ii) where there are more than three children, a rate in respect of each child

equivalent to one-half of the deceased's pension divided by the number of children.

- 8.5 (a) Where the children of the deceased are at the time of, or at any time after, his or her death in the care of some person other than parent or step-parent, the University may, if it thinks fit, direct that for so long as they are in such care, paragraph 8.4(a) shall apply notwithstanding that the spouse is still alive, and in case the University so directs this subparagraph shall be construed and shall have effect in accordance with the direction.
- (b) Where some but not all of the children of the deceased are at the time of, or at any time after his or her death in the care of a person other than their parent or step-parent, 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 paragraph 8.4(a); provided that the amount of children's pension payable in respect of the deceased person shall not exceed one-half of the rate of the deceased's pension.
- 8.6 Notwithstanding the foregoing provisions of this paragraph, where the deceased leaves a spouse and no spouse's pension is granted to him or her under this Scheme, or, if one is so granted to him or her and it ceases to be paid before his or her death, no pension shall be payable under this Scheme to the children of that spouse as respects any period comprised within the lifetime of the spouse or within the time in respect of which no spouse's pension is payable, as may be appropriate, unless the University in its absolute discretion directs that such a pension shall be so payable, and in case the University gives a direction under this paragraph it may, if it thinks fit, further direct that paragraph 8.5 shall apply as respects any such period.

## 9. **Payment of Pension**

Pensions payable under this Scheme shall be paid monthly or weekly in arrears except that where paragraph 6.5 applies in respect of a deceased member, the University may decide that the amount of pension in respect of the month in question may be paid before the expiry of that month.

## 10. **Periodic Contributions**

- 10.1 The rate of the contribution shall be one and one-half per cent of the amount of the remuneration from time to time payable to him or her (or where he or she is in receipt of reduced remuneration because of absence from employment, of the amount of the remuneration that would be payable to him or her if he or she were not so absent).
- 10.2 The contribution shall be paid in respect of the period commencing on the date of commencement or the date on which he or she becomes a member whichever is the later, and ending when he or she ceases to be a contributing member and at such times and in such

manner as the University may determine.

10.3 No contributions shall be payable under this Scheme by a member for any period which does not constitute pensionable service.

10.4 Contributions payable under this paragraph are in this Scheme referred to as "periodic contributions".

## 11. **Refund of Contributions**

11.1 If a member ceases to be a contributing member other than on death and on so ceasing is not eligible for the grant of a pension and retirement gratuity, or preserved pension and preserved lump sum, then, if his or her pensionable service is not transferred to another organisation or service, the whole of his or her periodic contributions shall be returned to him or her.

11.2 A member who, on ceasing to be a contributing member, has paid periodic contributions for a period in excess of 40 years may have returned to him or her, or, if membership ceases due to death, to his or her legal personal representative, such of those contributions beginning with his or her initial contribution and working forward, as is necessary to secure that the period in respect of which such contributions are paid by him or her without being returned does not exceed 40 years.

11.3 Where any contributions are returned under this paragraph they shall be returned without interest and less an amount equal to any income tax liability of the member in respect of such contributions.

11.4 Where periodic contributions are returned in accordance with this paragraph to a person who subsequently becomes a member of this Scheme, he or she shall refund to the University the amount of the periodic contributions so returned to him or her, together with compound interest on that amount at the rate of six per cent per annum, with half-yearly rests from the date of payment to him or her.

## 12. **Former Members becoming contributing members.**

12.1 Subject to paragraph 12.2, where a former member becomes a contributing member of this Scheme, any entitlement to spouse's pension or children's pension under this Scheme in respect of his or her previous membership shall cease.

12.2 Where a person, on becoming a contributing member of this Scheme, had at any time previously been a member of this Scheme and had paid periodic contributions during such period of membership, the period in respect of which he or she paid such periodic contributions shall be excluded in determining the number of relevant years under paragraph 13(8) provided -

(a) no refund of those contributions is, or was, paid, or



(b) paragraph 11.4 applies.

**13. Non-periodic Contributions**

13.1 Where a member was married 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 and such cesser is due to -

(a) death, or

(b) retirement on pension or resignation with entitlement to a preserved pension,

then, unless the number of relevant years is nil, a contribution under this paragraph shall be payable by way of reduction in the amount of his or her retirement gratuity or death gratuity or preserved lump sum or preserved death gratuity, or in such other manner as the University may require.

13.2 A contribution under this paragraph shall be one per cent of the member's pensionable remuneration multiplied by the number of relevant years.

13.3 Where a contribution under this paragraph is being deducted from a preserved lump sum or preserved death gratuity, the contribution shall be calculated by reference to an amount equal to the member's pensionable remuneration at date of resignation as increased by reference to pension increases granted under paragraph 10 of the Main Scheme in the interval between the date of resignation and the date -

(a) on which he or she attains the age at which the pension would become payable, in the case of a preserved lump sum, or

(b) of his or her death, in the case of a preserved death gratuity.

13.4 Where, subsequent to the date on which a member ceases to be a contributing member, the pension payable to his or her or to his or her spouse (but not the retirement gratuity, death gratuity, preserved lump sum or preserved death gratuity) falls to be increased because of an increase in the pensionable service of the member, the University may adjust the amount of the contribution under this paragraph to take account of the increase.

13.5 At the discretion of the University and subject to conditions specified by the University, a member may elect to pay, over a period of twelve months beginning on a date specified by the University, being a date not earlier than the date of the election, additional contributions equal in each case to the amount of the periodic contributions payable in respect of that period and in case one or more such additional contributions are made, this paragraph shall apply to the person by whom the contribution or contributions is or are made subject to the modification 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 paragraph.

13.6 Where a member, to whom this paragraph applies, gave service otherwise than as a member of the University which is pensionable service under paragraph 6.1 of 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 those contributions were not refunded to him or her, or having been so refunded have been repaid by him or her with appropriate compound interest applied, be excluded in determining the number of relevant years under this paragraph.

13.7 In this paragraph, "the number of relevant years" means -

(a) in the case of a member who being then married, ceases to be a contributing member,

(i) if such cesser is caused otherwise than by death or retirement on medical grounds, the number of years of pensionable service which he or she then had,

(ii) if such cesser is due to death or retirement on medical grounds, the number of years of pensionable service which he or she would have if he or she had served to age 65,

reduced in each case by the number of years if any, for which periodic contributions have been paid by him or her and are not returnable.

(b) in the case of a member who, being then unmarried, ceases to be a contributing member, the number of years of pensionable service which he or she had on the date of termination of his or her last marriage before such cesser, reduced by the number of years if any, for which periodic contributions have been paid by him or her and are not returnable.

13.8 Where a member who is not fully insured is liable for non-periodic contributions and his or her pensionable remuneration includes pensionable allowances he or she will be liable for a deduction of one per cent of the pensionable allowances in respect of each year during which he or she paid periodic contributions up to the date of termination of his or her last marriage before he or she ceased to be a contributing member.

13.9 Where a person to whom paragraph 12.1 applies became a former member by retiring on pension, whether on retirement on medical grounds, or otherwise, then the contribution payable under paragraph 13.2 at the termination of his or her final period of contributing membership shall be reduced by the amount of the contributions paid under paragraph 13.2 when he or she became a former member, provided there was no refund of that

contribution.

13.10 Pensionable service in excess of 40 years shall be left out of account for the purposes of this paragraph.

14. **Marriage of members whose early death is to be foreseen**

Where a member or a former member marries and -

- (a) he or she dies within the year beginning on the date of the marriage, and
- (b) there are no children born of the marriage, and
- (c) the University is of the opinion that his or her death within the year beginning with the date of the marriage was, at that date, to be foreseen by him or her or his or her spouse,

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

15. **Duty to give information and make declaration.**

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

15.2 The spouse of a deceased member shall give to the University such information as is necessary for the proper operation of this Scheme in relation to any application by him or her for a spouse's pension or a pension for the children of that member.

15.3 A person having the care of a child of a deceased member who applies for a children's pension in respect of that child shall give to the University such information as is necessary for the proper operation of this Scheme in relation to that child.

16. **Declarations**

Payment of pension under this Scheme shall be subject to the making by the spouse and where children's pension is not payable to the spouse, the person having the care of the children in question, of a declaration in such form and at such times as the University may determine.

17. **Repayment of pensions overpaid**

If at any time a person receives payments on foot of a pension 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 a person is dead, the legal personal representative of such person, shall pay to the University on demand such payments or excess payments, as may be appropriate, and such payments or excess payments may, in default of payment, be recoverable by the University as a simple contract debt in any court of competent jurisdiction.

**18. Assignments**

Every assignment of, or charge on, and every agreement to assign or charge, a pension under this Scheme shall be void and, on the bankruptcy of any person entitled to a pension under this Scheme, that pension shall not pass to any trustee or other person acting on behalf of the creditors. If the pensioner becomes incapable of giving a receipt for payments due, the University 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 University thinks fit, and the University shall be discharged from all liability in respect of any sum so paid.

**19. Abatement by reference to other benefits**

19.1 Where, either directly or indirectly, the University provides, or helps to provide, or contributes towards, a financial benefit for the spouse and/or children of a member, other than under

- (a) this Scheme, or
- (b) the provisions of the Main Scheme, or
- (c) the Social Welfare Acts, or
- (d) the Social Welfare (Occupational Injuries) Act 1966,

the University shall not make an award under this Scheme unless it is authorised to do so by An tÚdarás um Ard-Oideachas with the consent of the Minister and of the Minister for Finance. In authorising an award in such a case, An tÚdarás um Ard-Oideachas, with the consent of the Minister and of the Minister for Finance, may direct the University to adjust the amount of an award to take such account as he or she considers appropriate of the financial benefit in question.

19.2 Where, arising from the application of paragraph 19.1, an award is not made under this Scheme, the whole of the periodic contributions paid by the member shall be returned to his or her legal personal representative and paragraph 13 of this Scheme will not apply in his or her case.

19.3 Where, arising from the application of paragraph 19.1, the amount of an award is adjusted the University may return to the member's legal personal representative such proportion of the periodic contributions paid by the member as is authorised by An tÚdarás um Ard-Oideachas with the consent of the Minister and of the Minister for

Finance and may make such adjustment in any contribution which would otherwise be due under paragraph 13 of this Scheme as is authorised by An tÚdarás um Ard-Oideachas with the consent of the Minister and of the Minister for Finance.

**20. Increases in Pensions**

The University may grant such increase in such pensions under this Scheme as may be authorised from time to time by An tÚdarás um Ard-Oideachas with the consent of the Minister and of the Minister for Finance

**21. Cesser or Reduction of Benefit**

21.1 Where a member is dismissed or resigns or otherwise ceases to hold employment and has been guilty of misconduct involving a financial loss to the University or the State, the University may, at its discretion, refuse or reduce any award which might otherwise be payable under this Scheme (including a refund of contributions) in order to make good such a loss.

21.2 The University may, at its discretion, reduce or cease paying a pension awarded under this Scheme if the pensioner has been guilty of misconduct involving a financial loss to the University or the State, in order to make good such a loss.

**22. Appeals**

If a person is aggrieved by the failure or refusal of the University to make an award under this Scheme or by the amount of any award (including the award of pension increases) made, he or she may invoke the Internal Disputes Resolution Procedure and if still not satisfied appeal to the Minister who shall refer the dispute to the Minister for Finance who shall, within three months of the dispute being referred to him or her, issue a determination in accordance with Article 5.1 of the Pensions Ombudsman Regulations 2003 (S.I. no. 397 of 2003).

**23. Termination or amendment of Scheme**

The University reserves the right to amend or terminate this Scheme at any time subject to the approval of An tÚdarás um Ard-Oideachas and the concurrence of the Minister and of the Minister for Finance and subject to giving three months' notice of impending changes to members of the Scheme. Benefits secured for or in respect of a member or former member prior to the date of amendment or termination will not be affected.

**GIVEN under the Seal of National University of Ireland, University College  
Dublin, Dublin, on the     day of             200**

**President of National University of Ireland, University College Dublin, Dublin**

**An tÚdarás um Ard-Oideachas hereby approves the above University College Dublin,  
National University of Ireland, Dublin, Employee Superannuation Scheme.**

**Chairman of an tÚdarás um Ard-Oideachas**

**The Minister for Education and Science hereby consents to the giving of the above  
approval.**

**Minister for Education and Science dated this     day of             200**

**The Minister for Finance hereby consents to the giving of the above approval**

**Minister for Finance dated this     day of             200**