

**University of  
Limerick Staff  
Superannuation  
Scheme 2008**

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## *University of Limerick Staff Superannuation Scheme 2008*

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**UNIVERSITY OF LIMERICK**  
**STAFF SUPERANNUATION SCHEME 2008**

The University of Limerick, in exercise of the powers conferred on it by section 25(7) and the Fifth Schedule to the Universities Act 1997 (No. 24 of 1997), with the approval of the Higher Education Authority given with the consent of the Minister for Education and Science and the Minister for Finance, hereby makes the following Scheme.

**1. SHORT TITLE**

This Scheme may be cited as the University of Limerick Staff Superannuation Scheme 2008.

**2. COMMENCEMENT**

The Scheme is deemed to have commenced with effect from the 1st day of January 1980, which shall be known as the date of commencement.

**3. DEFINITIONS**

In this Scheme save where the context otherwise requires:

- 3.1** “*the Act*” means the Public Service Superannuation (Miscellaneous Provisions) Act 2004;
- 3.2** “*actual pensionable service*” means service as defined in subparagraph 6.1 of this Scheme but excluding service which is reckonable under Clauses (c), (f), (g) and (j) or any notional service transferred under Clause (e) of that subparagraph;
- 3.3** “*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;
- 3.4** “*the Governing Body*” means the Governing Body of the University of Limerick;
- 3.5** “*Knock-for-Knock Agreement*” under the Local Government Superannuation Code means an agreement under articles 279(8) and 280 of the Local Government (Superannuation) (Consolidation) Scheme, 1998;
- 3.6** “*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;
- 3.7** “*member*” means a pensionable employee to whom this Scheme applies;

- 3.8** “*Minister*” means the Minister for Education and Science;
- 3.9** “*new entrant*” shall be construed in accordance with section 2 of the Act;
- 3.10** “*part-time employee*” means an employee who works less than the standard hours of a comparable employee in a whole-time post;
- 3.11** “*Pensions Ombudsman Regulations*” means the Pensions Ombudsman Regulations, 2003 (S.I. No. 397 of 2003);
- 3.12** “*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;
- 3.13** “*public service pension scheme*” has the meaning assigned thereto in subsection 1(1) of the Act;
- 3.14** “*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);
- 3.15** “*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.
- 3.16** “*Social Welfare Benefit*” means State Pension (Contributory), State Pension (Transition), Invalidity Pension, Illness Benefit or Jobseeker’s Benefit payable under the Social Welfare Acts;
- 3.17** “*State Pension (Contributory)*” means the State Pension (Contributory) payable under the Social Welfare Acts;
- 3.18** “*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 Superannuation Code;
- 3.19** “*the University*” means the University of Limerick established by University of Limerick Act, 1989;
- 3.20** “*work-sharer*” means a whole-time employee who, under an arrangement which has been approved by the Minister, works less than the standard hours of the whole-time post;
- 3.21** “*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.

## **MEMBERSHIP**

### 4.1 For the purposes of this Scheme

- (a) “*pensionable employee*” means a person who is employed by the Governing Body in a pensionable post or employed by an Associated Employer in a pensionable post
- (b) “*pensionable post*” means a post with the University or an Associated Employer which
  - (i) in the case of a post existing on the 14<sup>th</sup> day of December, is a post which is declared within three months from such date by resolution of the Governing Body to be a pensionable post;
  - (ii) in any other case, is declared in the Conditions of Service attaching to it to be a pensionable post.
- (c) “*Associated Employer*” means (i) Plassey Campus Community or (ii) such other employer as may be specified by the Governing Body for the Purposes of this scheme

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

- (a) who are in membership of a retirement benefit scheme of any body associated with the University, or
- (b) in the case of employees who are not new entrants, whose actual pensionable service on attaining age 65 would be less than five years or, with effect from the 2<sup>nd</sup> day of June 2002, two years, or
- (c) who do not satisfy the Governing Body (either at the time of first appointment, or at such time thereafter as the Governing Body may determine), that they are in good health and 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, or

- (e) who, prior to assuming duty with the University, were members of the Federated Superannuation System for Universities and who opt to remain in that System, and whom the Governing Body may permit to remain outside this Scheme, or
- (f) who, prior to assuming duty with the University, were members of an insured Superannuation Scheme which has been so designed as to enable such members to transfer freely to the Federated Superannuation System for Universities should they so desire, and who opt to remain in that Scheme and whom the Governing Body may permit to remain outside this Scheme, or
- (g) who, prior to assuming duty with the University, were members of an insured Superannuation Scheme which is not acceptable under the Federated Superannuation System for Universities, provided such Scheme is otherwise suitable, and who opt to remain in that Scheme and whom the Governing Body may permit to remain outside this Scheme. (The determination of whether a Scheme is suitable shall be decided upon jointly by the Minister for Finance and the Governing Body).

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

4.4 The Governing Body shall decide upon the eligibility for membership of the Scheme. The Governing Body 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 after the end of the academic year in which he or she has attained the age of 65.

4.6 Full-time employees prior to the 1<sup>st</sup> day of January 1980 will have the option to join the Scheme either on the 1<sup>st</sup> day of January 1980 or on the date on which they became full-time employees. This option must be taken up within 3 months from the date on which it is offered and cannot be reversed.

## 5. **PENSIONABLE REMUNERATION**

### 5.1 **Salary**

“Salary” means the annual basic rate (or the weekly basic rate multiplied by 52.18) of remuneration payable from time to time as lawfully determined or lawfully approved by the Governing Body, 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 Governing Body, which are designated as pensionable by the Governing Body, 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 (multiplied by 52.18 in the case of weekly 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.

**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 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 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 allowances paid to a member –

- (a) if the member has less than 3 years of pensionable service, during his or her pensionable service, or
- (b) if the member has 3 or more years of pensionable service –
  - (i) during his or her last three years of pensionable service, or
  - (ii) as calculated in accordance with Department of Finance Circular 10/2008, dated 19 June 2008,

whichever is more favourable for the member concerned.

**5.7 Pensionable remuneration**

“Pensionable remuneration” means the aggregate of retiring salary and pensionable allowances provided that, in the case of 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, be the aggregate of -

- (a) (i) in the case of members who are new entrants, 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;
- (ii) in the case of members who are not new entrants, paid service as a pensionable employee given on and from the date of commencement, and while the member was under 65 years of age, and 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) actual service which is reckonable under the Local Government Superannuation Code,
- (c) notional service purchased under the provisions of Part V of the Local Government (Superannuation) (Consolidation) Scheme 1998;
- (d) service reckonable in accordance with section 4 of the Superannuation and Pensions Act, 1963;
- (e) service transferred in accordance with arrangements approved by the Minister for Finance and or the Minister for the Environment, Heritage and Local Government;
- (f) in the case of a member whose pensionable service by age 60 or 65, as appropriate, would be less than 40 years, extra years of pension credit, subject to limits to be determined by the Governing Body, 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;

- (g) 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 subparagraphs 6.1(b), 6.1(d) and 6.1(e) of this Scheme, is received by the Governing Body, such additional service as the amount of the transfer value will purchase on the basis of actuarial tables approved by the Minister for Finance.
  - (h) any periods of paid part-time service given with the University prior to becoming a pensionable employee reckonable in accordance with the instructions of the Minister with the consent of the Minister for Finance and in respect of which appropriate contributions have been paid;
  - (i) any periods of whole-time temporary service with the University prior to becoming a pensionable employee in respect of which contributions have been paid;
  - (j) such additional period of notional service (to be referred to as “*professional added years*”) as may be granted by the Governing Body in accordance with conditions determined by the Governing Body with the approval of the Minister and the consent of the Minister for Finance.
- 6.2 (a) A member who has completed five or more years of actual pensionable service 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 Governing Body 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 is between 5 and 10 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 actual 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;
  - (ii) members whose actual pensionable service 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 actual 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 had if he or she had served to age 60 exceeds his or her actual pensionable service at retirement;
- (iii) members with more than 20 years of actual pensionable service 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 actual pensionable service he or she would have had if he or she had served to age 60 exceeds his or her actual pensionable service at retirement.

## 7. BENEFITS

### 7.1 Pension

- (a) A new entrant who has completed two years' actual pensionable service and who retires, or is retired, after attaining the age of 65 years shall be eligible to receive a pension of an amount per annum calculated at the rate of 1/80th of his or her pensionable remuneration for each year of pensionable service, subject to a maximum of 40/80ths or, in the case of a fully insured member, a pension calculated in accordance with the formula

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

A is

- (I) if the member's pensionable remuneration is less than or equal to 3 and 1/3<sup>rd</sup> times the annual maximum personal rate of State Pension (Contributory) payable on the last day of the member's pensionable service, the amount of the member's pensionable remuneration; or
- (II) if the member's pensionable remuneration exceeds 3 and 1/3<sup>rd</sup> times the annual maximum personal rate of State Pension (Contributory) payable on the last day of the member's pensionable service, that part of the member's pensionable remuneration which equals 3 and 1/3<sup>rd</sup> times the said rate of State Pension (Contributory);

B is that part (if any) of the member's pensionable remuneration which exceeds 3 and 1/3<sup>rd</sup> times the annual maximum personal rate of State Pension (Contributory) payable on the last day of the member's pensionable service; and

C is the amount of the member's pensionable service, subject to a maximum of 40 years.

- (b) A member who is not a new entrant and who has completed five years' actual pensionable service or, as respects a member who retires, or is retired, on or after the 2<sup>nd</sup> day of June 2002, two years' actual pensionable service and who retires, or is retired, after attaining the age of 60 years shall be eligible to receive a pension of an amount per annum calculated at the rate of 1/80th of his or her pensionable remuneration for each year of pensionable service, subject to a maximum of 40/80ths or, in the case of a fully insured member,
- (i) as respects any pension payable in respect of a period which ends on or before the 31<sup>st</sup> day of December 2003, a pension of an amount per annum calculated at the rate of 1/80th of his or her net pensionable remuneration and
- (ii) as respects any pension payable in respect of a period which commences on or after the 1<sup>st</sup> day of January 2004, a pension calculated in accordance with the formula

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

A is

- (I) if the member's pensionable remuneration is less than or equal to 3 and 1/3<sup>rd</sup> times the annual maximum personal rate of State Pension (Contributory) payable on the last day of the member's pensionable service, the amount of the member's pensionable remuneration; or
- (II) if the member's pensionable remuneration exceeds 3 and 1/3<sup>rd</sup> times the annual maximum personal rate of State Pension (Contributory) payable on the last day of the member's pensionable service, that part of the member's pensionable remuneration which equals 3 and 1/3<sup>rd</sup> times the said rate of State Pension (Contributory);

B is that part (if any) of the member's pensionable remuneration which exceeds 3 and 1/3<sup>rd</sup> times the annual maximum personal rate of State Pension (Contributory) payable on the last day of the member's pensionable service; and

C is the amount of the member's pensionable service, subject to a maximum of 40 years.

- (c) A member who has completed five years' actual pensionable service and who retires, or is retired, before or after reaching the age of 60 on medical grounds in accordance with the conditions laid down in paragraph 8.1 of this Scheme shall be eligible to receive a pension of an amount per annum calculated at the

rate of 1/80th of his or her pensionable remuneration for each year of pensionable service, subject to a maximum of 40/80ths or, in the case of a fully insured member,

- (i) as respects any pension payable in respect of a period which ends on or before the 31<sup>st</sup> day of December 2003, a pension of an amount per annum calculated at the rate of 1/80th of his or her net pensionable remuneration and
- (ii) as respects any pension payable in respect of a period which commences on or after the 1<sup>st</sup> day of January 2004, a pension calculated in accordance with the formula

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

A is

- (I) if the member's pensionable remuneration is less than or equal to 3 and 1/3<sup>rd</sup> times the annual maximum personal rate of State Pension (Contributory) payable on the last day of the member's pensionable service, the amount of the member's pensionable remuneration; or
- (II) if the member's pensionable remuneration exceeds 3 and 1/3<sup>rd</sup> times the annual maximum personal rate of State Pension (Contributory) payable on the last day of the member's pensionable service, that part of the member's pensionable remuneration which equals 3 and 1/3<sup>rd</sup> times the said rate of State Pension (Contributory);

B is that part (if any) of the member's pensionable remuneration which exceeds 3 and 1/3<sup>rd</sup> times the annual maximum personal rate of State Pension (Contributory) payable on the last day of the member's pensionable service; and

C is the amount of the member's pensionable service, subject to a maximum of 40 years.

## 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 of this Scheme, 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 in paragraph 8.1 of this Scheme, 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 who has completed five years' actual pensionable service or, as respects a member who retires, or is retired, on or after the 2<sup>nd</sup> day of June 2002, 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 retires or is retired on medical grounds in accordance with the conditions laid down in paragraph 8.1 of this Scheme, 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) his or her 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 any scheme made pursuant to section 11 of the National Institute for Higher Education, Limerick, Act, 1980, as amended by the University of Limerick Act, 1989, which provides for the payment of pension benefit to the spouse and children of a member) 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 - New Entrants

- (a) Where a member who is a new entrant

- (i) ceases to be a member before age 65 other than in accordance with the provisions of paragraph 8.1 of this Scheme after at least two years' actual pensionable service *or*
- (ii) ceases to be a member before age 65 in accordance with the provisions of paragraph 8.1 of this Scheme 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, 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

- (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) If a person referred to in subparagraph (a) of this paragraph dies before attaining the age of 65, a sum (in this Scheme referred to as a *preserved death gratuity*) shall be payable to the person's legal personal representative by the Governing Body in respect of him or her.
  - (c) A preserved pension shall be payable to the person concerned on and from his or her attaining the age of 65 on an application being made by him or her in that behalf.
  - (d) 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 Governing Body by him or her at any time after he or she reaches the age of 65 or, in case he or she dies before reaching that age, by his or her legal personal representative.
  - (e) The Governing Body may at its discretion pay a supplementary pension on the terms and conditions set out in subparagraph 7.5 of this Scheme.
  - (f) The amount of a preserved pension shall be the amount which would have been awarded to the member concerned under subparagraph 7.1 of this Scheme if he or she had attained age 65 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.
  - (g) The amount of a preserved lump sum or preserved gratuity shall be the amount which would have been awarded to the member concerned under subparagraph 7.2 of this scheme if he or she had attained age 65 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, in the case of a preserved lump sum, or
  - (ii) of his or her death, in the case of a preserved death gratuity.
- (h) A member to whom this subparagraph applies who, on the date of his or her resignation, would be aged 55 or over may apply in writing before the date of resignation to have his or her preserved pension and lump sum benefits paid with effect from the date of resignation and if the Governing Body 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.

#### 7.4 Preservation of Benefits - Members who are not New Entrants

- (a) Where a member who is not a new entrant
- (i) ceases to be a member before age 60 other than in accordance with the provisions of paragraph 8.1 of this Scheme after at least five years' actual pensionable service or, as respects a person who ceases to be a member on or after the 2<sup>nd</sup> day of June 2002, two years' actual pensionable service *or*
  - (ii) ceases, on or after the 2<sup>nd</sup> day of June 2002, to be a member before age 60 in accordance with the provisions of paragraph 8.1 of this Scheme after at least two years' and less than five years' actual pensionable service *and* does not opt, in writing, for the benefits of subparagraph 7.2 (b),

he or she will, on attaining the age of 60, qualify under this paragraph 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

- (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) If a person referred to in subparagraph (a) of this paragraph dies before attaining the age of 60, a sum (in this Scheme referred to as a "*preserved death gratuity*") shall be payable to the person's legal personal representative by the Governing Body in respect of him or her.

- (c) A preserved pension shall be payable to the person concerned on and from his or her attaining the age of 60 on an application being made by him or her in that behalf.
- (d) 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 Governing Body by him or her at any time after he or she reaches the age of 60 or, in case he or she dies before reaching that age, by his or her legal personal representative.
- (e) The Governing Body may at its discretion pay a supplementary pension on the terms and conditions set out in subparagraph 7.5 of this Scheme.
- (f) The amount of a preserved pension shall be the amount which would have been awarded to the member concerned under subparagraph 7.1 of this Scheme if he or she had attained age 60 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 60.
- (g) The amount of a preserved lump sum or preserved gratuity shall be the amount which would have been awarded to the member concerned under subparagraph 7.2 of this scheme if he or she had attained age 60 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 60, in the case of a preserved lump sum, or
  - (ii) of his or her death, in the case of a preserved death gratuity.
- (h) A member to whom this subparagraph applies who, on the date of his or her resignation, being a date on or after the 1<sup>st</sup> day of April 2004, would be aged 50 or over may apply in writing before the date of resignation to have his or her preserved pension and lump sum benefits paid with effect from the date of resignation and if the Governing Body 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.

## 7.5 **Supplementary Pension**

- (a) Where a person who was a fully insured member is in receipt of a 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 paragraph are complied with, the person concerned may, at the discretion of the Governing Body, 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 which would be payable to the former member under paragraph 7.1 of this Scheme if such pension had been calculated by reference to pensionable remuneration rather than net pensionable remuneration,
- B is the amount of the pension actually payable to the former member under the said paragraph 7.1, and
- C is the annual amount of the reduced rate of the Social Welfare benefit, if any, which is payable to the former member.

## 7.6 Return of contributions

- (a) In the case of a member whose membership ceases because of redundancy and who is not eligible to receive a pension and gratuity under this Scheme, his or her contributions, plus compound interest at such rate per annum as may be specified by the Governing Body with the approval of the Minister and the concurrence of the Minister for Finance with half-yearly rests shall be returned to him or her less an amount equal to any income tax liability by the Governing Body in respect of such contributions. For the purposes of calculating such interest, contributions paid during any six monthly period shall be deemed to have been paid on the last day of such period.
- (b) In the case of a member, other than a person referred to in subparagraph (a) of this paragraph,
  - (i) who has completed less than five years' actual pensionable service or, as respects a person whose membership ceases on or after the 2<sup>nd</sup> day of June 2002, two years' actual pensionable service and
  - (ii) whose membership ceases otherwise than on medical grounds or death and
  - (iii) who does not transfer his or her pensionable service under this Scheme to another organisation in accordance with arrangements approved by

the Minister for Finance or the Minister for the Environment, Heritage and Local Government

his or her contributions, plus compound interest at such rate per annum as may be specified by the Governing Body with the approval of the Minister and the concurrence of the Minister for Finance with half-yearly rests shall be returned to him or her less an amount equal to any income tax liability by the Governing Body in respect of such contributions.

#### **7.7 Abolition of post**

Where a member, who is aged 50 or over, is required to retire because of the abolition of his or her post in the University, he or she may with the approval of the Minister given with the concurrence of the Minister for Finance, be granted pension and gratuity based on his or her actual pensionable service and calculated otherwise than in accordance with subparagraphs 7.1. and 7.2 of this Scheme.

### **8. RETIREMENT ON MEDICAL GROUNDS**

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

- (a) Medical evidence must be supplied, having regard to which the Governing Body 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 Governing Body, undergo medical examination by a registered medical practitioner nominated by the Governing Body.
- (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 health

when applying to take up his or her post in the University.

8.2 Where any or all of the above conditions are not met, subparagraph 7.3 or 7.4, as appropriate, shall apply in lieu of benefit under subparagraph 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 monthly in arrears and shall continue throughout the life of the member.

10. **PENSIONS INCREASES**

The Governing Body 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 shall comprise 5% of remuneration or, in the case of a fully insured member,

(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 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 Governing Body so decides and the Governing Body 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 subparagraph 7.6 is re-employed by the Governing Body 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 Governing Body the amount of the contributions paid to him or her with compound interest on such amount at such rate per annum as may be specified by the Governing Body with the approval of the Minister and the concurrence of the Minister for Finance, with half-yearly rests from the date of payment to him or her. The Governing Body 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 subparagraph 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 paid to him or her with compound interest on such amount at such rate per annum as may be specified by the Governing Body with the approval of the Minister and the concurrence of the Minister for Finance, with half-yearly rests from the date of payment to him or her.
- 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 subparagraph 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
- (a) employment by the Governing Body in a non-pensionable capacity, or
  - (b) employment by any person or firm resident in the Republic of Ireland and associated with or directly or indirectly controlled by the Governing Body,
- 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 Governing Body than so much as, with the payment, equals the pay that the person would have received in respect of that period if during it he or she
- (c) held the position in which he or she served on the last day of his or her pensionable service, but
  - (d) was remunerated at the rate of pay of which he or she was in receipt on that date, subject, however, in case changes have taken place 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 Governing Body.

- 12.5 If a person (other than a person referred to in paragraph 12.4) who is in receipt of a pension under paragraph 7.1 or paragraph 7.3 or 7.4 of this Scheme is re-employed by the Governing Body in a pensionable position,
- (a) payment of the said pension (hereafter referred to as “the original pension”) shall cease to be payable to the person concerned for the duration of his or her re-employment,
  - (b) the reckonable service by reference to which the original pension was calculated shall not be taken into account in determining the person’s eligibility for benefits under this Scheme in respect of his or her re-employment; and
  - (c) if, notwithstanding Clause (b) of this paragraph, the person concerned is eligible for benefits under this Scheme in respect of his or her re-employment, the period of reckonable service in respect of which such benefits are payable shall not exceed the amount arrived at by the formula **40 - PS**, where **PS** is the amount of the reckonable service by reference to which the original pension was calculated.
- 12.6 (a) If a person who is eligible for preserved benefits under paragraph 7.3 or 7.4 of this Scheme is re-employed by the Governing Body in a pensionable position before the said preserved benefits become payable, either
- (i) his or her entitlements under the said paragraph 7.3 or 7.4 shall cease, or
  - (ii) he or she, at any time up to and including the date of subsequent cesser of employment, (or such person's legal personal representative on his or her behalf in the event of his or her death in service), may apply in writing to the Governing Body to be awarded preserved benefits (hereafter referred to as “the original preserved benefits”) under the said paragraph 7.3 or 7.4 in respect of his or her prior service as if he or she had never been re-employed.
- (b) In the case of a person to whom Clause (a)(ii) of this paragraph applies,
- (i) if the person attains normal pension age while he or she is re-employed by the Governing Body, the original preserved benefits shall not become payable to the person until such re-employment ceases,
  - (ii) the reckonable service by reference to which the original preserved benefits are calculated shall not be taken into account in determining the person’s eligibility for benefits under this Scheme in respect of his or her re-employment; and
  - (iii) if, notwithstanding Clause (b)(ii) of this paragraph, the person concerned is eligible for benefits under this Scheme in respect of his or her re-employment, the period of reckonable service in respect of which such benefits are payable shall not exceed the amount arrived at by the formula **40 - PBS**, where **PBS** is the amount of the reckonable service by reference to which the original preserved benefits are calculated.

### **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 Governing Body or the State, the Governing Body 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 subparagraph 7.6) in order to make good such a loss.
- 13.2 The Governing Body 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 Governing Body 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 Governing Body 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 Governing Body 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 Governing Body thinks fit, and the Governing Body 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 other public service pension scheme.
- 16.2 Where a member's employment with the Governing Body 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 Governing Body or under any arrangement (whether by way of insurance or otherwise) to which the Governing Body 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 Governing Body 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 Governing Body, 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 Governing Body shall, in the absence of a Knock-for-Knock Agreement under the Local Government Superannuation Code, recoup such sum to the local authority.

## **18. ALLOCATIONS**

A member may allocate a portion of his or her pension, as from its commencement, in order to provide a pension for his or her spouse or other dependant and any such allocation shall be subject to the provisions of the Superannuation Act, 1956 (No. 38 of 1956) and the regulations made thereunder.

## **19. APPEALS**

If a member or former member is aggrieved by the failure or refusal of the Governing Body 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 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.

## **20. TERMINATION OR AMENDMENT OF SCHEME**

20.1 The Governing Body reserves the right to amend or terminate the Scheme at any time, subject to the approval of the Minister and the concurrence 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.

20.2 The National Institute for Higher Education, Limerick, Superannuation Scheme 1982, as amended by the University of Limerick Superannuation (Amendment) Scheme 1990, is hereby terminated.

