

SPOUSES' AND CHILDREN'S CONTRIBUTORY
PENSION SCHEME

THE NATIONAL INSTITUTE FOR HIGHER EDUCATION,
LIMERICK.

SPOUSES' AND CHILDREN'S CONTRIBUTORY PENSION SCHEME

1

NATIONAL INSTITUTE FOR HIGHER EDUCATION, LIMERICK

I, Patrick Cooney, Minister for Education, in accordance with Section 11 of the National Institute for Higher Education, Limerick, Act, 1980 (no 25 of 1980) and with the concurrence of the Minister for the Public Service, hereby approve of the Spouses and Children's Scheme constituted by the regulations hereunder, submitted to me by the National Institute for Higher Education, Limerick.

SPOUSES' AND CHILDREN'S CONTRIBUTORY PENSION SCHEME

1 SHORT TITLE:

This Scheme may be cited as the National Institute for Higher Education, Limerick, Spouses' and Children's Contributory Pension Scheme, 1986.

2 COMMENCEMENT:

This Scheme shall be deemed to have come into force on the 1st January 1980 for male members and 1 September 1984 for female members.

3 INTERPRETATION:

3.1 In this Scheme

3.1.1 "adoption order" means an adoption order made under the Adoption Act, 1952 ((No. 25 of 1952);

3.1.2 "child", subject to sub-paragraph 3.2 (b) of this paragraph, means a legitimate child or step-child of the deceased or a lawfully adopted person who is,

(a) a person under sixteen years of age, or

(b) a person under the age of twenty-one years of age and is receiving full-time instruction at any university, college, school or other educational establishment, or

(c) a person under the age of twenty-one years of age and 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 Governing Body for the purposes of this Scheme, or

(d) a person who is permanently incapacitated by reason of mental or physical infirmity from maintaining himself and who when his permanent incapacity first occurred was a person described in any of the foregoing paragraphs of this definition;

3.1.3 "children's pension" has the meaning assigned to it by paragraph 5;

- 3.1.4 "The Institute" means the National Institute for Higher Education, Limerick;
- 3.1.5 "The Governing Body" means the Governing Body of the National Institute for Higher Education, Limerick;
- 3.1.6 "Minister" means the Minister for Education;
- 3.1.7 "contributing member" means a member who is serving as a pensionable employee of the Institute;
- 3.1.8 "death gratuity", except in the expression "preserved death gratuity", means a gratuity payable on death by virtue of paragraph 12 of the Main Scheme;
- 3.1.9 "the deceased" has the meaning assigned to it by paragraph 5;
- 3.1.10 "the deceased's pension" means:-
- (a) in case, otherwise than on retirement on a medical certificate, he is awarded a pension, the amount of such pension,
 - (b) in case, on retirement on a medical certificate he is awarded a pension, the pension which would be granted to him if it fell to be calculated by reference to
 - (i) his net retiring salary at the date of retirement and
 - (ii) the reckonable service which he would have had if he had served to the age of sixty-five years of age,
 - (c) in case a preserved pension was in payment to the deceased, the amount of such pension,
 - (d) in case of a member having resigned with entitlement to a preserved pension the deceased dies before age 60 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 his reckonable service at date of resignation, subject to a maximum of 40 years, and E is his net retiring salary at date of resignation as increased by reference to pensions increases granted under sub-paragraph 10.6 of the Main Scheme during the period between his resignation and death,
 - (e) in case he dies while serving as a pensionable employee, the pension for which he would be eligible if sub-paragraph (b) of this definition applied to him;

- 3.1.11 "employer" has the meaning assigned to it by this paragraph;
- 3.1.12 "former member" means a person who, being then married, retired from his position as a pensionable employee and was awarded a pension and lump sum or preserved pension and lump sum;
- 3.1.13 "lump sum", except in the expression "preserved lump sum", means a gratuity under paragraph 11 of the Main Scheme;
- 3.1.14 "the Main Scheme" means the National Institute for Higher Education, Limerick, Superannuation Scheme, 1982.
- 3.1.15 "medical certificate" means, in relation to the retirement of any person, a medical certificate having regard to which the Governing Body is satisfied that the person to whom the certificate relates is incapable from infirmity of mind or body of discharging the duties of his office and that that infirmity is likely to be permanent;
- 3.1.16 "member" means a person who, pursuant to paragraph 4, is a member of this Scheme;
- 3.1.17 "net retiring salary" subject to sub-paragraph 3.4 of this paragraph means the amount by which retiring salary exceeds twice the annual equivalent of the maximum personal weekly rate of Social Welfare Old Age (Contributory) Pension payable from time to time to a man who has no adult dependant or qualified children;
- 3.1.18 "net salary" subject to sub-paragraph 3.4 of this paragraph means the amount by which salary exceeds twice the annual equivalent of the maximum personal rate of Social Welfare Old Age (Contributory) Pension payable from time to time to a man who has no adult dependant or qualified children;
- 3.1.19 "pension", except in the expression "preserved pension", means a pension under paragraph 10 of the Main Scheme;
- 3.1.20 "periodic contributions" has the meaning assigned to it by sub-paragraph 10 (3);
- 3.1.21 "preserved death gratuity" means a gratuity payable on death by virtue of paragraph 13 of the Main Scheme;
- 3.1.22 "preserved lump sum" and "preserved pension" mean respectively a lump sum and a pension payable by virtue of paragraph 13 of the Main Scheme;
- 3.1.23 "reckonable service" means service which is reckonable under paragraph 8 of the Main Scheme;
- 3.1.24 "retiring salary" has the meaning assigned to it by paragraph 6 of the Main Scheme;
- 3.1.25 "salary" has the meaning assigned to it by paragraph 5 of the Main Scheme;

3.1.26 "spouse's pension" has the meaning assigned to it by paragraph 5;

3.1.27 words importing the masculine gender shall unless the contrary intention appears, also import the feminine gender.

3.2 (a) Where, in relation to a person referred to in sub paragraph (b) or (c) of the definition of "child" in sub-paragraph 3.1.2 a break occurs in his full-time instruction or training, then unless the Governing Body otherwise directs, he shall, for the duration of such break, be regarded as having ceased to be a child for the purposes of this Scheme.

(b) The following shall not be regarded as a child within the meaning of this Scheme, namely:

- (i) a person who was not wholly or mainly dependent on a member immediately prior to the member's death,
- (ii) a person who is married or is cohabiting with another as man and wife, or
- (iii) a person referred to in sub-paragraph (c) of the said definition of "child" to, or in respect of whom, emoluments in respect of such instruction or training are payable by, or on behalf of, the employer and which are of such an amount as makes the person self-supporting,

provided that if there are compassionate grounds for so doing, the Governing Body may as regards a person who apart from this sub-paragraph would be such a child direct that notwithstanding this sub-paragraph the person shall, with effect from such date as is specified in the direction, be regarded as being such a child and in case the Governing Body makes a direction under this sub-paragraph then for so long as the direction is in force this Scheme shall, as regards the person to whom the direction relates, be construed and have effect in accordance with the direction.

3.3 (a) Any reference in this Scheme to an adopted child of a member shall be construed as a reference to a child adopted by him (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, and references to lawfully adopted or to a person by whom another person has been adopted shall be construed accordingly.

(b) Where a married member applies, before the termination of his contributing membership, 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, be deemed, for the purposes of this Scheme, to be the member's duly adopted child.

3.4 In this Scheme, where a member is classified for the purposes of the Social Welfare Acts as a permanent and pensionable employee in the public service, and is, in consequence, not fully insurable under those Acts,

- (a) "net salary" shall be construed as meaning "salary", and
- (b) "net retiring salary" shall be construed as meaning "retiring salary" in relation to that member.

4 MEMBERS

4.1 All members of the Main Scheme shall be members of this Scheme except female staff appointed to pensionable posts on or before 31 August 1984 and who have opted out of this Scheme.

5 POWER TO GRANT SPOUSES' & CHILDREN'S PENSIONS:

5.1 Subject to the provisions of this Scheme, the Governing Body may, on the death of a contributing or former member or a person who had a spouse and who died while he was a contributing member (in this Scheme referred to as "the deceased") to 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 service -

- (1) where he leaves a spouse, a pension to that spouse (hereafter in this Scheme referred to as a "spouse's" pension), and
- (b) where he had a spouse at any time after this Scheme first applied to him (whether or not the marriage continued until his death and whether or not a spouse's pension, is, or can be, granted), a pension for the children of the marriage, and in the circumstances specified in this Scheme, for other children of his (in this Scheme referred to as a "children's pension");

provided that any marriage of the deceased which takes place after he has ceased to be a contributing member shall not be taken into account for the purposes of this Scheme, and accordingly any reference to a marriage, a spouse or the children of the deceased shall be construed in accordance with the foregoing.

6. SPOUSES' PENSIONS:

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 sub-paragraph 6.1 where,

- (a) a pension under this Scheme is not granted or ceases under the said sub-paragraph 6.1 and
- (b) at a subsequent date to the date of the marriage or cohabitation by reason of which the pension was withheld or ceased the Governing Body is satisfied that the marriage or cohabitation has come to an end, or that there are compassionate grounds for the payment of pension, it 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 Governing Body

provided that this paragraph shall not apply in any case where the spouse is entitled to benefit under this Scheme by virtue of the fact that the spouse of the second marriage was a member of this Scheme.

6.3 Subject to sub-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 The rate of a spouse's pension shall be one-half of the rate of the deceased's pension.

6.5 Notwithstanding sub-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 spouse, the rate of that pension may, in respect of the first month after his death, be increased to,

- (a) in case he dies while a contributing member, one-twelfth of the rate of his net retiring salary,
- (b) in case he dies after being granted a pension and the rate of pension payable to him on the date of his death is greater than the rate of spouse's 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.

CHILDREN'S PENSIONS; BENEFICIARIES.

7.1 A pension may not be granted under this Scheme for a child

- (a) if the deceased remained unmarried during the period commencing on 1 January 1930 or, if later, on the date on which this Scheme first applied to him, and ending on the date on which he ceased to be a contributing member, or
- (b) if the child was conceived after the deceased ceased to be a contributing member, or
- (c) because he is the adopted child of the deceased, if;
 - (i) the deceased was unmarried throughout the time this Scheme applied to him, or
 - (ii) he was adopted by the deceased after,
 - (a) the date of termination of the deceased's last marriage, or
 - (b) the date on which the deceased ceased to be a contributing member,
 whichever was the earlier, or
- (d) because he is the step-child of the deceased and the deceased's marriage to the child's parent took place after the deceased's last day of reckonable service.

7.2 A child shall not be eligible for a children's pension in respect of more than one member. Where there would, apart from this paragraph, 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 Governing Body, gives the most favourable overall result for the child or children 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 relevant member's spouse if the eligible children are in his care, and in case any child in respect of whom the pension is payable is not in such care, the pension will be paid either to the child or to such other person as the Governing Body 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 Governing Body may determine. In all cases, the pension is to be applied for the benefit of the children for whom it is granted.

8.2 A children's pension may only be paid in relation to a period subsequent to the death of the deceased.

8.3 The rate of children's pension under this Scheme shall be

- (a) where the deceased leaves no spouse or, if he leaves a spouse and the spouse dies, after his death,
 - (i) where there is only one child, four-twelfths of the deceased's pension
 - (ii) where there are two or more children, a rate in respect of each child equivalent to F/G , where F is six-twelfths of the deceased's pension and G is the number of children,
- (b) subject to sub-paragraph 8.4 where the deceased leaves a spouse
 - (i) where there are not more than three children, two-twelfths of the deceased's pension for the first child plus two-twelfths for each additional child up to a second additional child,
 - (ii) where there are more than three children, a rate in respect of each child equivalent to X/Y where X is six-twelfths of the deceased's pension and Y is the number of children.

8.4 (a) Where the children of the deceased are at the time of, or at any time after, his death in the care of some person other than his spouse, the Governing Body may, if it thinks fit, direct that for so long as they are in such care sub-paragraph 8.3 (a) shall apply notwithstanding that the spouse is still alive, and in case the Governing Body so directs this paragraph 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 death in the care of a person other than his spouse, 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 sub-paragraph 8.3 (a); provided that the amount of children's pension payable in respect of a deceased shall not exceed one-half of the rate of the deceased's pension.

8.5 Notwithstanding the foregoing provisions of this paragraph, where the deceased leaves a spouse and no spouse's pension is granted to him under this Scheme, or, if one is so granted to him and it ceases to be paid before his death, no children's pension shall be payable under this Scheme as respects any period comprised within the life-time of the spouse or within the time in respect of which no spouse's pension is payable, as may be appropriate, unless the Governing Body in its absolute discretion directs that such a pension shall be so payable, and in case the Governing Body gives a direction under this paragraph it may, if it thinks fit, further direct that sub-paragraph 8.4 shall apply as respects any such period.

9 PAYMENT OF PENSION:

- 9.1 Pensions payable under this Scheme shall be paid monthly in arrears except that, where sub-paragraph 6.5 applies in respect of a deceased member, the Governing Body 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 Contributions shall be payable by a member as follows:-

10.1.1 the rate of the contribution shall be one and one half per cent of the amount of the net salary from time to time payable to him (or where he is in receipt of reduced salary because of absence from employment, of the amount of the net salary that would be payable to him if he were not so absent).

10.1.2 the contribution shall be paid by every member in respect of his pay commencing on 1 January 1980 or the date on which he becomes a member, whichever is the later and ending when he ceases to be a contributing member, and at such times and in such manner as the Governing Body may determine.

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

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

11 REFUND OF CONTRIBUTIONS

11.1 If a member,

- (a) ceases to be a contributing member and was unmarried at all times during his membership of this Scheme, or
- (b) being then married ceases to be a contributing member other than on death and on so ceasing is not eligible for the grant of a pension and lump sum, or preserved pension and preserved lump sum,

then if his reckonable service cannot be transferred for pension purposes to another organisation or service, the whole of his periodic contributions shall be returned to him or to his legal personal representative.

11.2 In any case other than a case mentioned in sub-paragraph (a) or (b) of sub-paragraph 11.1, a member on ceasing to be a contributing member may have returned to him, or if his membership ceases due to death, to his legal personal representative, such of those contributions, if any, beginning with his initial contribution and working forward, or, in the case of a member covered by sub-paragraph (b) of this sub-paragraph, his final contribution and working back, as is necessary to secure that the period in respect of which such contributions are paid by him without being returned

(a) does not exceed forty years, and

(b) if he is unmarried when he ceased to be a contributing member, does not exceed a period equal to the length of service on the date of his spouse's death.

11.3 Where a married member retires on a medical certificate and his spouse subsequently dies before he attains the age of sixty-five years of age, contributions paid in respect of the period subsequent to the date of his spouse's death will be returned to him.

11.4 Where any contributions are returned under this paragraph they shall be returned without interest.

11.5 Where periodic contributions are returned in accordance with this paragraph to a person who subsequently becomes a member of this Scheme and opts to avail of the provisions of paragraph 15 of the Main Scheme (which enables the reckoning of prior reckonable service on repayment, with interest, of returned contributions) he shall refund to the Governing Body the amount of the periodic contributions returned to him, together with compound interest on that amount at a rate equal to that specified in that paragraph with half-yearly rests from the date of payment to him.

12 FORMER MEMBERS BECOMING CONTRIBUTING MEMBERS:

12.1 Subject to sub-paragraph 12.2 of this paragraph, 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 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 paid such periodic contributions shall be excluded in determining the number of relevant years under sub-paragraph 13.9 provided

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

(b) sub-paragraph 11.5 applies

12.3 Where a person to whom sub-paragraph 12.1 of this paragraph applies became a former member by retiring on pension, whether on a medical certificate, or otherwise, then the contribution payable under sub-paragraph 13.2 at the termination of his final period of contributing membership shall be reduced by the amount of the contribution paid under that sub-paragraph when he became a former member, provided there was no refund of that contribution.

13 NON-PERIODIC CONTRIBUTIONS:

13.1 Where a member who was married throughout the period, or for a portion of the period, during which this Scheme applied to him and he ceases to be a contributing member and such ceasing 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 will be payable by way of reduction in the amount of his lump sum or death gratuity or preserved lump sum or preserved death gratuity, or in such other manner as the Governing Body may require.

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

13.3 Where the contribution is being deducted from a preserved lump sum or preserved death gratuity, the contribution will be calculated by reference to an amount equal to that in paragraph 13 of the Main Scheme.

13.4 Where, subsequent to the date on which a member ceases to be a contributing member, the pension payable to him or to his spouse falls to be increased otherwise than in accordance with sub-paragraph 10.6 of the Main Scheme, the Governing Body may adjust the amount of the contribution under this paragraph to take account of the increase.

13.5 At the discretion of the Governing Body and subject to conditions specified by it, a member may elect to pay, over a period of twelve months beginning on a date specified by the Governing Body 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 following modification, namely, 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.

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

13.7 Where a member to whom this paragraph applied gave service otherwise than as an employee of the Governing Body but which is reckonable under paragraph 8 of the Main Scheme, any portion of that service during which he paid periodic contributions under a scheme similar to this Scheme may, provided those contributions were not refunded to him, be excluded in determining the number of relevant years under this paragraph.

13.8 Any reduction effected under this paragraph in the amount of any lump-sum shall be left out of account for the purposes of paragraph 12 of the Main Scheme, (which provides for a supplemental death gratuity in case persons die shortly after becoming eligible for a pension), and, accordingly, the question whether any and, if so, what gratuity may be granted under that paragraph shall be determined as if no such reduction as aforesaid has been or had to be made.

13.9 (a) In this paragraph "the number of relevant years" means -

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

(a) if such cesser is caused otherwise than by death or retirement on a medical certificate, the number of years (any fraction of a year being taken into account on a pro-rata basis) of reckonable service which he then had,

(b) if such cesser is due to death or to retirement on a medical certificate, the number of years (any fraction of a year being taken into account on a pro-rata basis) of reckonable service which he would have had if he had served to age 65,

reduced in each case by the number of years (any fraction of a year being taken into account on a pro-rata basis), if any, for which periodic contributions have been paid by him and are not returnable,

(ii) in the case of a member who, being then unmarried, ceases to be a contributing member, the number of years (any fraction of a year being taken into account on a pro-rata basis) of reckonable service which he had on the date of termination of his last marriage before such cesser, reduced by the number of years (any fraction of a year being taken into account on a pro-rata basis), if any, for which periodic contributions have been paid by him and are not returnable.

(b) Where a member to whom this paragraph applies gave service with an organisation other than the Institute which is reckonable under paragraph 8 of the Main Scheme, any portion of that service during which he paid periodic contributions under a scheme similar to this Scheme may, provided those contributions were not refunded to him, be excluded in determining the number of relevant years under this paragraph.

14. MARRIAGES OF MEMBERS WHOSE EARLY DEATH IS TO BE FORESEEN:

14.1 Where a member marries and -

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

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

15. DUTY TO GIVE INFORMATION AND MAKE DECLARATIONS:

- 15.1 A member of this Scheme shall give to the Governing Body 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 Governing Body such information as is necessary for the proper operation of this Scheme in relation to him or any children of that member.
- 15.3 The legal personal representative of a deceased member shall give to the Governing Body such information as is necessary for the proper operation of this Scheme in relation to the spouse or any children of that member.
- 15.4 A person having the care of a child of a deceased member shall give to the Governing Body such information as is necessary for the proper operation of this Scheme in relation to that child.
- 15.5 Payment of pension under this Scheme shall be subject to the making by the spouse or, 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 Governing Body may determine.

16 REPAYMENT OF PENSIONS OVERPAID:

- 16.1 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 payment 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 personal representative of such person, shall pay to the Governing Body on demand such payments or excess payments, as may be appropriate, and such payments or excess payments shall in default of payment be recoverable by the Governing Body as a simple contract debt in any court of competent jurisdiction.

17 PENSIONS TO BE INALIENABLE:

- 17.1 Every assignment of or charge on, and every agreement to assign or charge, a pension shall be void and on the bankruptcy of any person entitled to a pension the 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 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.

18 ABATEMENT BY REFERENCE TO OTHER BENEFITS:

- 18.1 Where, either directly or indirectly, the Governing Body provides, or helps to provide, or contributes towards, a financial benefit other than under

- (a) this Scheme or
- (b) paragraph 12 of the Main Scheme or
- (c) the Social Welfare Acts or
- (d) the Social Welfare (Occupational Injuries) Act, 1966,

the Governing Body shall not make an award under this Scheme unless they are authorised to do so by the Minister after consultation with the Minister for the Public Service. In authorising an award in such a case the Minister after consultation with the Minister for the Public Service may direct the Governing Body to adjust the amount of an award to take such account as he considers appropriate of the financial benefit in question.

18.2 Where, arising from sub-paragraph 18.1 of this paragraph, an award is not made under this Scheme, the whole of the periodic contributions paid by the member shall be returned to his legal personal representative and paragraph 13 of this Scheme will not apply in his case.

18.3 Where, arising from sub-paragraph 18.1 of this paragraph, the amount of an award is adjusted the Governing Body may return to the member's legal personal representative such proportion of the periodic contributions paid by the member as is authorised by the Minister after consultation with the Minister for the Public Service and may make such adjustment in any contribution which would otherwise be due under paragraph 13 of this Scheme as is authorised by the Minister after consultation with the Minister for the Public Service.

19 INCREASE IN PENSIONS

The Governing Body may grant increases in pensions payable under this Scheme in line with increases in public service pensions approved from time to time by the Minister and the Minister for the Public Service.

20 FORFEITURE OF PENSION

A pension awarded under this Scheme shall cease to be payable if the pensioner is convicted on indictment of any offence and is sentenced to penal servitude, or to any term of imprisonment with hard labour, or exceeding twelve months; but the Governing Body may at any time, if it thinks proper, restore the pension either in whole or in part.

21 APPEALS

21.1 If a 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 made, he may appeal in accordance with Section 11 (5) of the Act.

21.2 An appeal against a failure to make an award shall be made within eight months after the occasion in respect of which the award is claimed and any other appeal shall be made within six months after the decision to which it relates.

22 TERMINATION OR AMENDMENT OF SCHEME

22.1 The Governing Body reserves the right to amend or terminate this Scheme at any time subject to sub-paragraph 22.2 and to the approval of the Minister after consultation with the Minister for the Public Service.

22.2 The benefits secured by a member prior to the date of amendment or termination will not be affected save by agreement.

Given under the official seal of the National Institute for Higher Education, Limerick this 19 day of FEBRUARY 1986.



PAUL QUIGLEY - CHAIRMAN



EDWARD M. WALSH - DIRECTOR

I approve of the foregoing Scheme. Given under my hand this 19th day of March 1986.


PATRICK COONEY
MINISTER FOR EDUCATION

I concur with the Minister for Education in approving the foregoing Scheme. Given under my hand this 19th day of March 1986.



EUAIRE QUINN
MINISTER FOR THE PUBLIC SERVICE