

To: All Government Departments / Offices

Dear Personnel Officer

Commencement Orders – Chapter 4 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012 in so far as it relates to pre-existing public service pension schemes

Background

1. As you are aware the [Public Service Pensions \(Single Scheme and Other Provisions\) Act 2012](#) became law on 28 July 2012. The Act provides for a *Single Public Service Pension Scheme* (the “Single Scheme”) for new public servants. It also makes certain other changes affecting pre-existing public service pension arrangements.

2. A number of provisions of the Act, including the Single Scheme itself, do not take effect until the Minister for Public Expenditure and Reform signs a relevant commencement order. In this connection please note that, on foot of recent commencement orders (S.I. Nos. 393 and 413 of 2012), **Chapter 4 (sections 49-54) of Part 2 of the Act (*Provisions Applicable to all Public Service Pension Schemes*) becomes fully operational (in so far as it relates to pre-existing public service pension schemes) as and from 1 November 2012.**

Chapter 4

3. Chapter 4 introduces a 40-year limit on total pensionable service across multiple public service pension schemes, as well as extending the scope of pension abatement. It also contains several provisions designed to support efficient pensions administration (including information-gathering). These provisions are already present in many public service pension schemes and Chapter 4 brings them together in one area of primary legislation. The sections in Chapter 4 are as follows:

- *Section 49 (Duty to give information, etc.)*
- *Section 50 (Use of Personal Public Service Number (PPSN))*
- *Section 51 (Duty to make declarations, etc.)*
- *Section 52 (Abatement and reckoning of pensionable service)*
- *Section 53 (Cesser or reduction of benefit)*
- *Section 54 (Survivor’s entitlement to pension)*

4. Please note:

- The provisions of subsections (6) and (7) of section 52 (*40-year limit on total pensionable service across multiple public service pension schemes*) came into effect on 28 July 2012 (the date the Act became law); the remaining subsections of that section (*covering extension of pension abatement*), come into effect on 1 November 2012.
- All other sections in Chapter 4 (along with the related sections 3 and 5 of the Act) in so far as they relate to pre-existing public service pension schemes, come into effect on 1 November 2012.

Duty to give information, etc. (Section 49)

5. The Act provides that a relevant authority (i.e. a body paying a public service pension) must be supplied with necessary operational and identifying information by a person applying for or in receipt of a pension including:

- a spouse or civil partner applying for or in receipt of a pension in respect of a deceased member;
- a person having care of a child of a deceased member applying for or in receipt of a children's pension;
- a legal personal representative of a deceased member;
- or any person not covered by the foregoing who is applying for or in receipt of a pension.

The Act also allows relevant operational or identifying information to be given to another relevant authority or the Minister.

Use of Personal Public Service Number (PPSN) (section 50)

6. The Act specifies that the PPSN in respect of the person to whom the pension is to be paid shall be supplied by a person applying for or in receipt of a pension.

Duty to make declarations, etc (section 51)

7. The Act provides that any person who:

- takes up employment in a public service body and has an entitlement to retirement benefits or preserved retirement benefits, or has received or is in receipt of retirement benefits under any public service pension scheme, or
- applies for a benefit from a public service pension scheme, or
- is covered by section 52 of the Act (see below) and who applies for a public service pension,

shall provide an appropriate declaration to the relevant authority. A suggested form for use in cases where any such declaration is being sought is attached.

Abatement and reckoning of pensionable service (section 52)

8. The Act enables the extension of pension abatement so that a retiree's public service pension is liable to abatement on re-entering public service employment, even where the new employment is in a different area of the public service. This change applies in those cases where a person with a public service pension in payment takes up a public service post on or after 1 November 2012; a person who took up an appointment in the public service before that date will not be affected by the change while he or she continues to hold that appointment.

Cesser or reduction of benefit (section 53)

9. The Act makes provision for the refusal or reduction of retirement benefits, or for the reduction or non-payment of a contributions refund, where a scheme member was dismissed etc. having been found to have caused a financial loss to a public service body or to the State.

Survivor's entitlement to pension (section 54)

10. The Act limits the payment of multiple survivor's pensions to one individual save in the case where the deceased member was himself or herself entitled to receive more than one public service pension.

11. Please bring this notification to the attention of all employees in your Department/Office, including those on career break, maternity leave or other forms of leave. Please also bring it to the attention of public service agencies / bodies operating under the aegis of your Department.

12. Queries about this notification may be pursued as follows:

- Individual public servants with queries should raise them with their employer;
- Public service agencies/bodies with queries should raise them with their parent Department;
- Departments/Offices with queries can consult the following officials of the Department of Public Expenditure and Reform:

Henry O'Mara - tel: 01-604-5493, email: henry.o'mara@per.gov.ie

Eamonn Robbins - tel: 01-604-5485, email: eamonn.robbins@per.gov.ie

David Owens – tel: 01-604-5755, email: david.owens@per.gov.ie.

John O'Connell
Assistant Secretary
Department of Public Expenditure and Reform
31 October 2012

Declaration

Declaration under Section 51 (Duty to make declarations, etc.) of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012

1. Section 51 (*Duty to make declarations, etc.*) of the *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* requires that:

(1) Any person who-

(a) takes up employment in a public service body, and

(b) either—

(i) has an entitlement to any preserved pension or any preserved lump sum or any other retirement benefit, or

(ii) has received or is in receipt of retirement benefits,

under a pre-existing public service pension scheme of which he or she was or is a member,

shall provide a declaration to that effect to the relevant authority.

(2) Any person who applies for a benefit from a pre-existing public service pension scheme shall make a declaration to the relevant authority concerned of any preserved pension or any preserved lump sum or any other retirement benefit from any other public service pension scheme that he or she is in receipt of or to which he or she has an entitlement.

(3) Any person to whom section 52 (*Abatement and reckoning of pensionable service*) applies shall upon application for a public service pension from any public service body make a declaration to the relevant authority concerned as to whether or not he or she is in receipt of any remuneration from any public service body and provide any relevant information required by the relevant authority for the purposes of that section.

2. I hereby declare that I have (*) / do not have (*delete as appropriate*) entitlement to any of the pension benefits specified above. [To be completed by persons taking up an appointment in the public service.]

Signed: _____

Name (Block Capitals): _____

PPSN: _____

Date: _____

3. I hereby declare that I am (+) / am not (*delete as appropriate*) in receipt of any remuneration (pay) from any public service body. [To be completed by persons applying for a public service pension benefit.]

Signed: _____

Name (Block Capitals): _____

PPSN: _____

Date: _____

(*)(+) Supply details on attached page.

Declaration under Section 51 (Duty to make declarations, etc.) of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012

I hereby declare that I am entitled to the following pension benefit(s) / am in receipt of remuneration from a public service body (*delete as appropriate*), as specified below:

PENSION BENEFIT

Description	
Annual gross pension	
Paying authority	

REMUNERATION

Description	
Annual gross pay	
Paying authority	

Signed: _____

Name (Block Capitals): _____

PPSN: _____

Date: _____