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*Number 15 of 2021*

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**Public Service Pay Act 2021**

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[No. 15.]

*Public Service Pay Act 2021.*

[2021.]

ACTS REFERRED TO

Financial Emergency Measures in the Public Interest (No. 2) Act 2009 (No. 41)

Ministers and Secretaries (Amendment) Act 2011 (No. 10)



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*Number 15 of 2021*

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## **PUBLIC SERVICE PAY ACT 2021**

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An Act to provide for the adjustment of the restrictions, contained in the Financial Emergency Measures in the Public Interest (No. 2) Act 2009, on increasing the remuneration payable to public servants and for that purpose to amend that Act and the Ministers and Secretaries (Amendment) Act 2011; and to provide for related matters.

[5th July, 2021]

**Be it enacted by the Oireachtas as follows:**

### **Definition**

1. In this Act, “Act of 2009” means the Financial Emergency Measures in the Public Interest (No. 2) Act 2009.

### **Amendment of section 4 of Act of 2009**

2. Section 4 of the Act of 2009 is amended—

(a) by the substitution of the following subsection for subsection (2):

“(2) An amendment of a relevant provision amended by section 2 or 2A that would have the effect of increasing the remuneration payable to a public servant may only be made, and shall have such effect—

(a) where—

(i) the amendment is made by the Minister, including where it is made for a purpose referred to in paragraph (b), and

(ii) the relevant provision is not—

(I) a provision of an Act of the Oireachtas, or

(II) a relevant provision that is made under an Act of the Oireachtas, save where that relevant provision is so made by the Minister,

or

(b) where—

(i) the amendment is made by a person (other than the Minister)—

(I) for the purposes of complying with any order of a court in respect of which there is no stay in being, or

(II) for the purposes of complying with any enforceable determination of the Labour Court in respect of which there is no stay in being,

and

(ii) the relevant provision is not—

(I) a provision of an Act of the Oireachtas, or

(II) a relevant provision that is made under an Act of the Oireachtas, save where that relevant provision is so made by the person first-mentioned in subparagraph (i).”,

and

(b) in subsection (3), by the substitution of “subsection (2)(b)(i)” for “subsection (2)”.

#### **Amendment of section 5 of Act of 2009**

3. Section 5 of the Act of 2009 is amended, in subsection (2), by the insertion of “, in respect of a period falling between 1 January 2010 and the date on which the *Public Service Pay Act 2021* comes into operation,” after “pays remuneration to a public servant”.

#### **Amendment of section 16A of Ministers and Secretaries (Amendment) Act 2011**

4. Section 16A of the Ministers and Secretaries (Amendment) Act 2011 is amended—

(a) in subsection (10), by the substitution of “Subject to subsection (10A), this section” for “This section”, and

(b) by the insertion of the following subsection after subsection (10):

“(10A) Where a contract of employment is amended in accordance with section 4(2) of the Financial Emergency Measures in the Public Interest (No. 2) Act 2009—

(a) by the amendment or substitution of an existing term or condition of the contract, or

(b) by the insertion of a new term or condition in the contract,

this section shall not apply to the term or condition as so amended, substituted or inserted, as the case may be.”.

#### **Short title**

5. This Act may be cited as the Public Service Pay Act 2021.