

DÁIL ÉIREANN

AN BILLE LEASA SHÓISIALAIGH 2009 —AN COISTE

SOCIAL WELFARE BILL 2009 —COMMITTEE STAGE

Leasú Breise
Additional Amendments

SECTION 12

Section opposed.

—Róisín Shortall, Olwyn Enright.

NEW SECTIONS

24. In page 13, after line 42, to insert the following new section:

“Priorities on winding up of relevant scheme.

16.—Section 48 (inserted by section 33 of the Pensions (Amendment) Act 2002) of the Principal Act is amended by—

(a) the insertion of the following subsections after subsection (1):

“(1A) Notwithstanding subsection (1), in applying the resources of a relevant scheme that is wound up after the passing of the *Social Welfare and Pensions Act 2009*, or had wound up and had not discharged any of the liabilities of the scheme at the date of the passing of the *Social Welfare and Pensions Act 2009*, the trustees shall discharge the liabilities of the scheme for the following benefits in the following order:

- (a) firstly, all additional benefits secured or granted by way of additional voluntary contributions or a transfer of rights from another scheme to which paragraph 2 of the Third Schedule relates to the extent that the rights to which the transfer relates were originally secured or granted by way of additional voluntary contributions;
- (b) secondly, the benefits (not including post-retirement increases in such benefits) specified in paragraph 1 of the Third Schedule to or in respect of those persons, who, at the date of the winding up of the scheme, were within the categories referred to in that paragraph, to the extent that those benefits have not already been discharged;
- (c) thirdly, the benefits (not including post-retirement increases in such benefits) specified in paragraphs 2, 3 and 4 of the Third Schedule to or in respect of those members of the scheme who, at the date of winding up of the scheme, were within the categories referred to in those paragraphs, to the extent that those benefits have not already been discharged; and

[*NEW SECTIONS*]

- (d) fourthly, the benefits specified in paragraphs 1, 2, 3 and 4 of the Third Schedule to or in respect of those persons and members of the scheme, who at the date of the winding up of the scheme, were within any of the categories referred to in any of those paragraphs, to the extent that those benefits have not already been discharged,

before discharging the liabilities of the scheme for other benefits.

(1B) The liabilities of the scheme in respect of the benefits to which paragraph (d) of subsection (1A) applies shall rank equally between each other and shall be paid in full unless the resources of the scheme are insufficient to meet those liabilities, in which case they shall abate in equal proportions as between each other.”,

and

- (b) the insertion of the following subsections after subsection (4):

“(5) For the purposes of this section, a relevant scheme is wound up on the date of the doing of such act, the happening of such event, or the making of such decision as, under the rules of the scheme, requires that the scheme be wound up, and “date of the winding up” shall, in relation to a relevant scheme, be construed accordingly.

(6) References in the Third Schedule to effective date of the certificate shall, for the purposes of this section, be construed as references to the date of the winding up of the relevant scheme concerned.”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

[This amendment is in substitution for amendment No. 24 on the principal list of amendments dated 28th April, 2009.]

Amendment to Amendment No.24

1. After subsection (1B), to insert the following new subsection:

“(1C) The trustees shall have the power to set limits on the amount that shall be paid out based on the salary of the employee in the event of a winding up.”.

—Olwyn Enright.

26. In page 13, after line 42, to insert the following new section:

“Power to amend relevant scheme.

- 18.—The Principal Act is amended by the insertion of the following section:

“50A.—(1) Subject to this section and section 50, the trustees of a scheme may—

- (a) for the purpose of ensuring that the winding up of the scheme will not be required by reason only of the scheme not having sufficient resources to enable the liabilities of the scheme to be discharged,
- (b) after compliance with regulations (if any) under this section, and
- (c) with the consent of the Board,

[*NEW SECTIONS*]

make such amendments to the scheme as they consider appropriate.

(2) The Minister may make regulations requiring the trustees of a relevant scheme to give notice to the members of the scheme of any proposal to amend the scheme pursuant to this section and to give those members an opportunity to make representations to the trustees of the scheme in relation to the proposal before any amendment to the scheme is made.

(3) Regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary for the purposes of the regulations.

(4) Notwithstanding the rules of a relevant scheme, the consent of the members of the scheme to the amendment of the scheme pursuant to this section shall not be required.

(5) This section shall not operate to limit any power to amend the rules of a relevant scheme, that apart from this section, vests in the trustees of the scheme.”.”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh

Amendment to Amendment No.26

1. In subsection (1), in the ninth line, after the words “consider appropriate” to insert:

"including the power to make reductions on a proportionate basis to the amount that is paid out based on the salaries of the employees."

—Olwyn Enright.