



DÁIL ÉIREANN

**AN BILLE UM AERFOIRT STÁIT (GRÚPA NA SIONAINNE),
2014**

STATE AIRPORTS (SHANNON GROUP) BILL 2014

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

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AN BILLE UM AERFOIRT STÁIT (GRÚPA NA SIONAINNE), 2014 —AN TUARASCÁIL

STATE AIRPORTS (SHANNON GROUP) BILL 2014 —REPORT

Leasuithe Amendments

1. In page 19, lines 1 and 2, to delete “, other than a replacement scheme (within the meaning of section 32A(13) (inserted by *section 34*) of the Act of 1998)”.

—An tAire Iompair, Turasóireachta agus Spóirt.

2. In page 26, line 30, to delete “section 22(3)” and substitute “section 22(4)”.

—An tAire Iompair, Turasóireachta agus Spóirt.

3. In page 28, to delete lines 20 to 38, to delete pages 29 and 30, and in page 31, to delete lines 1 to 33.

—Clare Daly, Timmy Dooley, Dessie Ellis.

4. In page 28, to delete lines 23 to 38, to delete pages 29 and 30, and in page 31, to delete lines 1 to 33 and substitute the following:

“ **Superannuation schemes**

32. (1) A company may establish one or more than one scheme for the granting of superannuation benefits to or in respect of such employees or former employees of the company as it thinks fit (in this section referred to as a ‘New Scheme’) and any such scheme shall be carried out by the company in accordance with its terms.
- (2) Every New Scheme shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under such scheme, and different times and conditions may be fixed in respect of different classes of persons.
- (3) Superannuation benefits granted under a New Scheme to or in respect of a person to whom such scheme applies shall not be less favourable than the superannuation benefits granted to or in respect of that person under the Existing Scheme at the establishment date.
- (4) In determining the superannuation benefits granted to or in respect of a person under a New Scheme any period of service which was a period of reckonable service for the purposes of the Existing Scheme shall be regarded as a period of reckonable service for the purposes of the New Scheme.

- (5) Where a company establishes a New Scheme the Company shall, within 60 days following the establishment date of such scheme, issue a notice in writing to each of those persons to whom the New Scheme concerned relates and, subject to subsections (7) and (8), with effect from the transfer date each such person to whom such New Scheme relates shall become and be a member of that New Scheme and cease to be a member of the Existing Scheme.
- (6) The Company shall be deemed to have issued a notice to a member of the Existing Scheme if it—
 - (a) delivers, or
 - (b) sends by ordinary pre-paid post,the notice to the last known address held by the Company relating to that person.
- (7) A person whose superannuation benefits have come into payment at the establishment date of a New Scheme and to whom a notice is issued pursuant to subsection (5), shall with effect from the transfer date become and be a member of the New Scheme concerned and cease to be a member of the Existing Scheme unless he or she gives written notification to the Company within the period of time specified in the notice (which period shall be not less than 60 days from the date of the issuing of the notice to the person concerned) to the effect that he or she does not wish to become a member of the New Scheme concerned.
- (8) A person to whom subsection (7) relates who notifies the Company in accordance with that subsection that he or she does not wish to become a member of the New Scheme concerned shall remain a member of the Existing Scheme.
- (9) The Company shall notify the trustees of the Existing Scheme of the persons who are to become members of the New Scheme concerned by virtue of subsections (5) and (7).
- (10) The company shall, on the establishment date of a New Scheme, establish a fund, administered by trustees who shall be appointed by the Company, from which superannuation benefits payable under such scheme shall be paid.
- (11) On receipt of notification from the Company pursuant to subsection (9) the trustees of the Existing Scheme shall, as soon as practicable thereafter, determine the amount to be transferred to the New Scheme concerned pursuant to subsection (13), acting on the advice of the actuary of the Existing Scheme.
- (12) The amount determined pursuant to subsection (11) shall be an amount bearing the same proportion to the assets of the Existing Scheme as the liabilities under the Existing Scheme in respect of the members who

by virtue of subsections (5) and (7) become members of the New Scheme concerned bear to the total liabilities under the Existing Scheme.

(13) Subject to subsection (14), as soon as practicable after the determination of the amount to be transferred to the New Scheme concerned pursuant to subsection (11), or as the case may be pursuant to subsection (14), such amount shall be transferred by the trustees of the Existing Scheme to the fund of the New Scheme concerned established pursuant to subsection (10).

(14) Where a dispute arises between any of the following categories:

- (a) the trustees of the Existing Scheme;
- (b) the Company;
- (c) any other company participating in the Existing Scheme;
- (d) the trustees of the New Scheme concerned,

as to the amount to be transferred to the New Scheme concerned, or as to the manner in which it has been calculated, or the liability of the company under subsection (12), the matter may be referred to a person who shall be nominated by the parties to the dispute or if they are unable to agree as to the person to be nominated for that purpose, to a person nominated for that purpose by the President for the time being of the Society of Actuaries in Ireland, following a request in writing to him or her by any one or more of the parties in dispute and a determination on the matter or matters in dispute by the person so nominated shall be binding and final.

(15) Notwithstanding anything contained in any deed of trust or rules relating to the Existing Scheme, the provisions of this Act shall take effect and any such deed or rules shall be construed accordingly.

(16) For the purposes of this section, where a person is in receipt of payment of benefits to which he or she is entitled by virtue of a person's membership of the Existing Scheme (in this subsection referred to as a 'dependant') a reference to a "member" shall be construed as including a reference to such a dependant.

(17) In this section—

'associated company' means a company of which not less than 20 per cent of the issued share capital is owned by the Company or a subsidiary of the Company;

'establishment date' means the date on which a New Scheme is established pursuant to subsection (1);

'Existing Scheme' means the Irish Airlines (General Employees) Superannuation Scheme;

‘New Scheme’ means a superannuation scheme established pursuant to subsection (1);

‘transfer date’ means the date on which the trustees of a New Scheme receive payment of the amount referred to in subsection (13).”.”

—Clare Daly.

5. In page 30, line 23, to delete “that” and substitute “the IAS”.

—An tAire Iompair, Turasóireachta agus Spóirt.

6. In page 30, lines 23 and 24, to delete “he or she had left service” and substitute “his or her service had terminated”.

—An tAire Iompair, Turasóireachta agus Spóirt.

7. In page 30, line 24, to delete “pension” and substitute “benefit”.

—An tAire Iompair, Turasóireachta agus Spóirt.

8. In page 31, lines 8 and 9, to delete “they had left service” and substitute “his or her service had terminated”.

—An tAire Iompair, Turasóireachta agus Spóirt.

9. In page 31, line 10, to delete “pension” and substitute “benefit”.

—An tAire Iompair, Turasóireachta agus Spóirt.

10. In page 31, between lines 21 and 22, to insert the following:

“(2) Where the trustees of the IAS scheme, acting honestly and reasonably, exercise the powers conferred on them under subsection (1)(a), they and the IAS scheme shall be discharged from any obligation to provide benefits attributable to service in the IAS scheme on and after the date of cessation of accrual of benefits.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

11. In page 31, line 22, to delete “(2) Where” and substitute “(3) Where”.

—An tAire Iompair, Turasóireachta agus Spóirt.

12. In page 31, line 29, to delete “(3) In” and substitute “(4) In”.

—An tAire Iompair, Turasóireachta agus Spóirt.

13. In page 31, between lines 30 and 31, to insert the following:

“(5) Where the trustees of the IAS scheme exercise the powers conferred on them under subsection (1)(a), the revaluation of preserved benefits under the IAS scheme in accordance with section 33 of the Pensions Act 1990 shall cease and thereafter no further revaluation of IAS scheme benefits shall occur.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

14. In page 31, to delete lines 31 and 32 and substitute the following:

“(6) Subsections (1) and (5) come into operation on such day or days as the Minister may appoint by order or orders either on the same day or, with reference to a particular subsection, on different days.”.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

15. In page 31, between lines 32 and 33, to insert the following:

“32C. Any proposal to restructure the IAS scheme shall be subject to an appeals mechanism to ensure that—

- (a) deferred members have not been disproportionately impacted in any restructuring arrangement, and
- (b) such appeals mechanism shall be established by regulations that shall also outline the manner by which representatives of deferred members may be selected and recognised for the purpose of the appeal.”.”.

—Dessie Ellis.

16. In page 31, to delete line 33.

—Clare Daly.

17. In page 31, between lines 33 and 34, to insert the following:

“35. Superannuation benefits granted to persons who as members of the Department of Transport and Power were assigned to Aer Rianta under Office Notice 4/68 on 1 April 1969 and the terms and conditions relating to such benefits from the date of retirement of each individual shall not be less favourable to those persons than those to which they were entitled had such persons remained in the employment of the Minister.”.

—Timmy Dooley.

18. In page 31, between lines 33 and 34, to insert the following:

“35. The Air Navigation and Transport (Amendment) Act 1998 is amended by inserting a new section 32A as follows:

“32A. (1) A healthy company or companies under section 32 shall not be allowed to close its pension scheme except where the scheme has reached a minimum 90 per cent funding standard.

(2) For the purposes of this section a healthy company means an employer that—

- (a) has positive net revenues, or
- (b) has a parent company with positive net revenues.”.”.

—Dessie Ellis.

19. In page 39, to delete line 34 and substitute the following:

“(a) stop a person at the airport for the exercise of any of his or her powers under this section;”.

—Clare Daly, Mick Wallace.

20. In page 40, to delete lines 32 to 36.

—Clare Daly, Mick Wallace.

21. In page 40, between lines 38 and 39, to insert the following:

“(v) whom he or she knows to be involved in, or reasonably suspects of being involved in human trafficking, smuggling, kidnapping or other illegal transportation of persons.”.

—Clare Daly, Mick Wallace.

22. In page 41, between lines 24 and 25, to insert the following:

“(d) make appropriate arrangements for the provision of assistance and support to victims of human trafficking, smuggling, kidnapping or other illegal transportation found in the course of a search under this subsection.”.

—Clare Daly, Mick Wallace.

23. In page 41, between lines 38 and 39, to insert the following:

“(9) Where an authorised officer has reasonable grounds for believing that an aircraft at the airport, or its crew or passengers, are engaged in activities, or transporting materials or individuals, that may be in contravention of national and international legal commitments and obligations, or carrying dangerous material or unauthorised weapons, may, without a warrant—

(a) carry out a search of the aircraft to ensure that it is fully in compliance with national and international legal commitments and obligations, and/or

(b) make appropriate enquiries from the crew and/or passengers of the aircraft, and/or

(c) instruct the person in charge of the aircraft to keep the aircraft at the airport pending further investigation by the Garda Síochána.”.

—Clare Daly, Mick Wallace.

24. In page 42, line 16, to delete “An” and substitute “the”.

—An tAire Iompair, Turasóireachta agus Spóirt.

25. In page 47, line 6, to delete “to insert” and substitute “by inserting”.

—An tAire Iompair, Turasóireachta agus Spóirt.

26. In page 50, to delete line 1.

—An tAire Iompair, Turasóireachta agus Spóirt.

27. In page 50, between lines 13 and 14 to insert “and”.

—An tAire Iompair, Turasóireachta agus Spóirt.