



# **DÁIL ÉIREANN**

---

**AN BILLE UM AOISLIÚNTAS NA SEIRBHÍSE POIBLÍ (AOIS  
SCOIR), 2018**

**PUBLIC SERVICE SUPERANNUATION (AGE OF  
RETIREMENT) BILL 2018**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

---



# DÁIL ÉIREANN

---

## AN BILLE UM AOISLIÚNTAS NA SEIRBHÍSE POIBLÍ (AOIS SCOIR), 2018 —ROGHCHOISTE

## PUBLIC SERVICE SUPERANNUATION (AGE OF RETIREMENT) BILL 2018 —SELECT COMMITTEE

---

### *Leasuithe Amendments*

---

#### SECTION 2

1. In page 3, to delete lines 25 to 30, and in page 4, to delete line 1.

—Jonathan O'Brien.

2. In page 3, to delete lines 25 to 30, and in page 4, to delete line 1 and substitute the following:

“(f) a person who before 6 December 2017 retired from a public service body upon or after attaining the age of 65 year;”.

—Barry Cowen.

3. In page 3, lines 26 and 27, to delete “before the coming into operation of *section 3* of the *Public Service Superannuation (Age of Retirement) Act 2018*,” and substitute “before 5 December 2017,”.

—Clare Daly, Mick Wallace.

4. In page 3, line 30, to delete “of that section” and substitute “of *section 3* of the *Public Service Superannuation (Age of Retirement) Act 2018*”.

—Clare Daly, Mick Wallace.

5. In page 4, between lines 1 and 2, to insert the following:

“(g) a person who is employed by the Central Bank of Ireland;”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

#### SECTION 3

6. In page 4, line 10, to delete “but not higher than 75 years”.

—Jonathan O'Brien.

7. In page 4, to delete line 31 and substitute the following:

“Act 2005.

- (6) The Minister shall, within three months of the passing of this Act, prepare and lay before the Oireachtas a report on the public servants

[SECTION 3]

who were forced to retire between 6 December 2017 and the commencement of this Act due to reaching the age of 65 years and on potential remedies to assist this cohort of worker.”.”.

—Barry Cowen.

SECTION 4

8. In page 5, line 1, after “age” to insert the following:

“, subject to any extension provided for in a public service pension scheme made, approved or consented to by the Minister for Education and Skills, with the consent of the Minister”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

SECTION 5

9. In page 5, lines 4 to 8, to delete all words from and including “The” in line 4 down to and including “accordingly” in line 8 and substitute the following:

“The provisions of any public service pension scheme or statutory instrument (within the meaning of the Interpretation Act 2005) that require, or the effect of which is to require, a relevant public servant to retire or cease holding office or employment upon attaining a specified age shall be read, subject to this Act, as requiring the relevant public servant to retire or cease to hold office upon attaining the age of 70 years or, where a higher age is prescribed under section 3A(2), upon attaining that higher age, subject to any extension provided for in any such scheme or instrument as is made, approved or consented to by the Minister for Education and Skills, with the consent of the Minister”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

SECTION 8

10. In page 5, between lines 20 and 21, to insert the following:

**“Amendment of section 29 of Public Service Pay and Pensions Act 2017**

8. Section 29 of the Public Service Pay and Pensions Act 2017 is amended—

- (a) by the substitution of the following subsection for subsection (1):

“(1) In this Part, ‘pensionable pay’, in relation to a public servant and in respect of a specified period, means—

- (a) basic pay (excluding overtime) due to the public servant in respect of that period, and  
(b) allowances, emoluments or premium pay (or its equivalent) so due to him or her which, by virtue of subsection (2), are treated as pensionable pay,

but does not include the amount of any such basic pay, allowances, emoluments or premium pay (or its equivalent) forgone under any salary sacrifice arrangement specifically approved by the Revenue

[SECTION 8]

Commissioners in relation to the provision to that public servant of an exempt employee benefit.”,

and

(b) by the insertion of the following subsection after subsection (4):

“(5) In this section—

‘Act of 1997’ means the Taxes Consolidation Act 1997;

‘exempt employee benefit’ means a benefit specifically approved by the Revenue Commissioners which is referred to in section 118B(2)(a) (i) or (iii) of the Act of 1997;

‘salary sacrifice arrangement’ has the same meaning as it has in section 118B of the Act of 1997.”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

11. In page 5, after line 29, to insert the following:

- “(4) (a) An order under *subsection (3)* may appoint as a day on which this Act comes into operation, either generally or with reference to any particular purpose or provision, a day that is or is subsequent to 5 July 2018.
- (b) If, in connection with or as a result of the making of an order to which *paragraph (a)* relates, a difficulty arises in bringing a provision of this Act into operation or in relation to the operation of any such provision, the Minister may by regulations under this paragraph do anything which appears to him or her to be necessary or expedient for removing that difficulty, for bringing that provision into operation or for securing or facilitating its operation.
- (c) Regulations under *paragraph (b)* may modify any provision of this Act so far as may be necessary or expedient for carrying such provision into effect for the purposes referred to in that paragraph, but no such regulations shall be made in relation to a provision of this Act after the expiration of 2 years commencing on the day on which the provision came into operation.
- (d) Where regulations are proposed to be made under *paragraph (b)*, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made unless a resolution approving of the draft has been passed by each such House.”.

—Joan Burton.

TITLE

12. In page 3, line 8, after “enactments;” to insert “to amend section 29 of the Public Service Pay and Pensions Act 2017;”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.