



An Bille um Aoisliúntas na Seirbhíse Poiblí (Aois Scoir), 2018
Public Service Superannuation (Age of Retirement) Bill 2018

Mar a tionscnaíodh

As initiated



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SCHEDULE

ACTS REFERRED TO

Civil Service Regulation Act 1956 (No. 46)
Comptroller and Auditor General (Amendment) Act 1993 (No. 8)
Data Protection Act 2018 (No. 7)
Dentists Act 1985 (No. 9)
Environmental Protection Agency Act 1992 (No. 7)
Freedom of Information Act 2014 (No. 30)
Interpretation Act 2005 (No. 23)
Local Government Act 2001 (No. 37)
Medical Practitioners Act 2007 (No. 25)
National Disability Authority Act 1999 (No. 14)
Nurses and Midwives Act 2011 (No. 41)
Official Languages Act 2003 (No. 32)
Ombudsman Act 1980 (No. 26)
Ombudsman for Children Act 2002 (No. 22)
Planning and Development Act 2000 (No. 30)
Public Service Pensions (Single Scheme and Other Provisions) Act 2012 (No. 37)
Public Service Superannuation (Miscellaneous Provisions) Act 2004 (No. 7)
Public Service Superannuation (Miscellaneous Provisions) Acts 2004 and 2018.
Social Welfare and Pensions Act 2011 (No. 9)
Social Welfare Consolidation Act 2005 (No. 26)



AN BILLE UM AOISLIÚNTAS NA SEIRBHÍSE POIBLÍ (AOIS SCOIR), 2018
PUBLIC SERVICE SUPERANNUATION (AGE OF RETIREMENT) BILL 2018

Bill

entitled

An Act to raise the age at which certain public servants are required to retire; to confer power on the Minister for Public Expenditure and Reform to raise that age by order; for those purposes to amend the Public Service Superannuation (Miscellaneous Provisions) Act 2004 and certain other enactments; and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Definition

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1. In this Act, “Principal Act” means the Public Service Superannuation (Miscellaneous Provisions) Act 2004.

Amendment of section 1 of Principal Act

2. Section 1(1) of the Principal Act is amended by the insertion of the following definitions:

“ ‘Act of 2012’ means the Public Service Pensions (Single Scheme and Other Provisions) Act 2012; 15

‘relevant public servant’ means a public servant who is not any of the following:

- (a) a member of either House of the Oireachtas or a member of the European Parliament;
- (b) the holder of a qualifying office; 20
- (c) a new entrant;
- (d) a Scheme member;
- (e) a person to whom, if he or she were a Scheme member, section 13(4) or 26(1) of the Act of 2012 would apply;
- (f) a person who— 25
 - (i) before the coming into operation of *section 3* of the *Public Service Superannuation (Age of Retirement) Act 2018*, retired from a public service body upon or after attaining the age of 65 years, and
 - (ii) on the coming into operation of that section, is employed by a 30

public service body;

‘Scheme member’ has the same meaning as it has in the Act of 2012;”.

Age of retirement for relevant public servants

3. The Principal Act is amended by the insertion of the following section after section 3:

- “3A. (1) A relevant public servant shall retire from being a public servant at the latest upon attaining the age of 70 years or, where a higher age is prescribed by order under subsection (2), upon attaining that higher age. 5
- (2) Subject to subsection (3), the Minister may, by order, prescribe an age, being higher than 70 years but not higher than 75 years, upon the attainment of which all relevant public servants shall, at the latest, retire. 10
- (3) Before making an order under subsection (2), the Minister shall have regard to—
- (a) the likely effect of the order on recruitment, promotion and retention of staff in the public service as a whole, 15
- (b) the pensionable age applicable at the time of making the order,
- (c) any evidence of an increase in normal life expectancy in the State made available by the Central Statistics Office from time to time,
- (d) the likely cost (if any) to the Exchequer that would result from the order, 20
- (e) any order made under section 13(2) of the Act of 2012, and
- (f) such other matters as the Minister considers appropriate.
- (4) For the purpose of supplementing subsection (1), the Acts referred to in columns 1 and 2 of Part 3 of Schedule 2 are amended to the extent specified in column 3 of that Part opposite the references to the Act concerned. 25
- (5) In subsection (3)(b), ‘pensionable age’ means pensionable age within the meaning of section 2(1) (amended by section 7 of the Social Welfare and Pensions Act 2011) of the Social Welfare Consolidation Act 2005.”. 30

Reckoning for superannuation purposes of service by relevant public servants

4. The Principal Act is amended by the insertion of the following section after section 13:

- “13A. Subject to accruing a maximum pension as provided for by or under any enactment or public service pension scheme, any restriction on reckoning for superannuation purposes of service rendered to a public service body after a person reaches a specified age shall, in the case of a relevant public servant, be read as applying only to service rendered by that person to that body after the age of 70 years or, where a higher age is prescribed 35

by order under section 3A(2), that higher age.”.

Application to existing retirement provisions

5. The Principal Act is amended by the insertion of the following section after section 14:

“14A. The provisions of any statutory instrument (within the meaning of the Interpretation Act 2005) which require, or the effect of which is to require, a person to retire or cease holding office or employment on grounds of age, shall be read subject to this Act and every such statutory instrument shall have effect accordingly.”. 5

Amendment of Schedule 1 to Principal Act

6. Schedule 1 to the Principal Act is amended— 10

(a) by the insertion of the following paragraph after paragraph 1:

“1A. A body corporate established by Act of Parliament before 6 December 1922 that, upon its establishment, was of a commercial character.”,

and

(b) by the insertion of the following paragraphs after paragraph 18: 15

“18A. Shannon Group p.l.c.

18B. Teilifís na Gaeilge.”.

Amendment of Schedule 2 to Principal Act

7. The Principal Act is amended by the insertion of the text set out in the *Schedule* as Part 3 of Schedule 2 to that Act. 20

Short title, collective citation and commencement

8. (1) This Act may be cited as the Public Service Superannuation (Age of Retirement) Act 2018.

(2) This Act shall be included in the collective citation of the Public Service Superannuation (Miscellaneous Provisions) Acts 2004 and 2018. 25

(3) This Act shall come into operation on such day or days as the Minister for Public Expenditure and Reform may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

SCHEDULE

Section 7

“PART 3

SECTION 3A

CONSEQUENTIAL AMENDMENTS TO ACTS RELATION TO SECTION 3A

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| Number and Year | Short Title | Amendment | |
|-----------------|-----------------------------------|---|---|
| No. 46 of 1956 | Civil Service Regulation Act 1956 | <p>Section 8 is amended by—</p> <p>(a) the substitution of the following paragraph for paragraph (b) of subsection (1):</p> <p style="padding-left: 40px;">‘(b) in relation to any other civil servant, 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age.’,</p> <p>(b) the deletion of subsection (2), and</p> <p>(c) the deletion of subsection (4).</p> | <p>10</p> <p>15</p> <p>20</p> <p>25</p> |
| No. 26 of 1980 | Ombudsman Act 1980 | <p>Section 2 is amended by—</p> <p>(a) the substitution of the following paragraph for paragraph (c) of subsection (3):</p> <p style="padding-left: 40px;">‘(c) shall in any case vacate the office on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous</p> | <p>30</p> <p>35</p> <p>40</p> |

| Number and Year | Short Title | Amendment | |
|-----------------|-------------------------------------|---|---|
| | | <p>Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.’,</p> <p style="text-align: center;">and</p> <p>(b) the deletion of subsection (7).</p> | <p>5</p> <p>10</p> <p>15</p> |
| No. 9 of 1985 | Dentists Act 1985 | <p>Section 18 is amended by—</p> <p>(a) the substitution of the following subsection for subsection (1):</p> <p style="padding-left: 40px;">‘(1) A person who is a permanent officer of the Council shall cease to be a permanent officer on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to cease holding office on grounds of age shall not apply.’,</p> <p style="text-align: center;">and</p> <p>(b) the deletion of subsection (2).</p> | <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> |
| No. 7 of 1992 | Environmental Protection Agency Act | Section 21 is amended by the substitution of the following paragraph for paragraph (b) of | 45 |

| Number and Year | Short Title | Amendment |
|-----------------|-------------|--|
| | 1992 | <p data-bbox="761 239 954 271">subsection (14):</p> <p data-bbox="1038 293 1359 1151"> ‘(b) The Director General shall vacate the office of Director General on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.’ </p> <p data-bbox="761 1171 1337 1263">Section 24 is amended by the substitution of the following paragraph for paragraph (b) of subsection (10):</p> <p data-bbox="1038 1285 1353 1993"> ‘(b) A director shall vacate his office of director on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, </p> |

| Number and Year | Short Title | Amendment | |
|-----------------|--|---|----------------------------|
| | | the requirement to vacate office on grounds of age shall not apply.’ | 5 |
| No. 8 of 1993 | Comptroller and Auditor General (Amendment) Act 1993 | <p>Section 15 is amended in subsection (6) by the substitution of the following paragraph for paragraph (a):</p> <p>‘(a) The age of retirement of a person appointed to the office of Comptroller and Auditor General after 1 October 1993 shall be 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.’</p> | 10 15 20 25 30 |
| No. 14 of 1999 | National Disability Authority Act 1999 | Section 25 is amended in subsection (5) by the substitution of the following paragraph for paragraph (a): | 35 |

| Number and Year | Short Title | Amendment |
|-----------------|-------------|---|
| | | <p data-bbox="1038 241 1358 651">‘(a) The Director shall, unless he or she earlier dies, resigns or retires at any stage after attaining the earliest age to retire in accordance with a scheme under section 28 or is earlier removed from office, hold office—</p> <p data-bbox="1086 696 1358 801">(i) for a period not exceeding 7 years, or</p> <p data-bbox="1078 835 1358 1507">(ii) for the period from the date of the appointment to the date on which he or she attains the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age,</p> <p data-bbox="1091 1541 1358 1944">whichever is the shorter but, where the Director is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to cease holding office on grounds of age shall not apply.’</p> |

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| Number and Year | Short Title | Amendment | |
|-----------------|-----------------------------------|---|--|
| No. 30 of 2000 | Planning and Development Act 2000 | <p data-bbox="761 239 1353 338">Section 105 is amended by the substitution of the following paragraph for paragraph (b) of subsection (13):</p> <p data-bbox="1038 376 1353 1234">‘(b) The chairperson shall vacate the office of chairperson on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.’</p> <p data-bbox="761 1249 1353 1348">Section 106 is amended by the substitution of the following paragraph for paragraph (b) of subsection (13):</p> <p data-bbox="1038 1355 1353 1982">‘(b) A person shall vacate the office of ordinary member on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that</p> | <p data-bbox="1394 309 1412 338">5</p> <p data-bbox="1394 528 1428 557">10</p> <p data-bbox="1394 714 1428 743">15</p> <p data-bbox="1394 900 1428 929">20</p> <p data-bbox="1394 1086 1428 1115">25</p> <p data-bbox="1394 1283 1428 1312">30</p> <p data-bbox="1394 1469 1428 1498">35</p> <p data-bbox="1394 1655 1428 1684">40</p> <p data-bbox="1394 1841 1428 1870">45</p> |

| Number and Year | Short Title | Amendment | |
|-----------------|---------------------------------|--|----------------------|
| | | Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.’ | 5 |
| No. 37 of 2001 | Local Government Act 2001 | <p>Section 147 is amended in subsection (1)—</p> <p>(a) in paragraph (b) by the substitution of ‘the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age’ for ‘such age as the Minister specifies by order’, and</p> <p>(b) by the insertion of ‘but, where the person is a new entrant (within the meaning of the aforementioned Act) appointed on or after 1 April 2004, the requirement to cease to hold the employment on grounds of age shall not apply’ after ‘ceases to hold the employment’.</p> <p>Section 158 is amended by the deletion of paragraph (c) of subsection (1).</p> | 10 15 20 25 |
| No. 22 of 2002 | Ombudsman for Children Act 2002 | <p>Section 4 is amended in subsection (3) by the substitution of the following paragraph for paragraph (c):</p> <p>‘(c) shall in any case vacate the office on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a</p> | 30 35 40 45 |

| Number and Year | Short Title | Amendment | |
|-----------------|-----------------------------|---|---|
| | | <p>new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.’.</p> | <p>5 10</p> |
| No. 32 of 2003 | Official Languages Act 2003 | <p>The Second Schedule is amended in paragraph 2—</p> <p>(a) in the Irish text by the substitution of the following subparagraph for subparagraph (c):</p> <p style="padding-left: 40px;">‘(c) éireoidh sé nó sí as oifig ar chaoi ar bith ar 70 bliain d’aois a shlánú nó, i gcás go bhforordófar aois is airde ná sin le hordú faoi alt 3A(2) den Acht um Aoisliúntas na Seirbhíse Poiblí (Forálacha Ilghnéitheacha), 2004 chun críocha an Achta sin, ar an aois sin a shlánú ach, i gcás gurb iontrálaí nua an duine (de réir bhrí an Achta sin) arna cheapadh nó arna ceapadh an 1 Aibreán 2004 nó dá éis, ní bheidh feidhm ag an gceanglas maidir le héirí as oifig ar fhoras aoise.’,</p> <p style="text-align: center;">and</p> <p>(b) in the English text by the substitution of the following subparagraph for subparagraph (c):</p> <p style="padding-left: 40px;">‘(c) shall in any case</p> | <p>15 20 25 30 35 40 45</p> |

| Number and Year | Short Title | Amendment | |
|-----------------|--------------------------------|--|---|
| | | <p style="text-align: right;">vacate the office on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.’.</p> | <p style="text-align: right;">5 10 15 20</p> |
| No. 25 of 2007 | Medical Practitioners Act 2007 | <p>Section 26 is amended by—</p> <p style="text-align: center;">(a) the substitution of the following subsection for subsection (1):</p> <p style="text-align: center;">“(1) Subject to subsection (2), a person who is a permanent officer of the Council shall cease to be a permanent officer on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age.’,</p> <p style="text-align: center;">and</p> <p style="text-align: center;">(b) the deletion of subsection (3).</p> | <p style="text-align: right;">25 30 35 40</p> |
| No. 41 of 2011 | Nurses and Midwives Act 2011 | <p>Section 30 is amended by—</p> <p style="text-align: center;">(a) the substitution of the following subsection for subsection (1):</p> | <p style="text-align: right;">45</p> |

| Number and Year | Short Title | Amendment |
|-----------------|---------------------------------|--|
| | | <p data-bbox="927 241 1353 689">‘(1) Subject to subsection (2), an employee of the Board (including the chief executive officer) shall cease to be an employee on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age.’,</p> <p data-bbox="927 723 975 752">and</p> <p data-bbox="879 775 1286 808">(b) the deletion of subsection (3).</p> |
| No. 30 of 2014 | Freedom of Information Act 2014 | <p data-bbox="762 857 1310 954">Schedule 2 is amended in paragraph 2 by the substitution of the following subparagraph for subparagraph (c):</p> <p data-bbox="1038 1003 1353 1827">‘(c) shall in any case vacate the office on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.’</p> |
| No. 7 of 2018 | Data Protection Act 2018 | <p data-bbox="762 1856 1342 1921">Section 15(10) is amended by the substitution of the following paragraph for paragraph (d):</p> <p data-bbox="1038 1955 1246 1989">‘(d) cease to be a</p> |

| Number and Year | Short Title | Amendment |
|-----------------|-------------|--|
| | | <p>Commissioner on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to cease to be a Commissioner on grounds of age shall not apply.’</p> |

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An Bille um Aoisliúntas na Seirbhíse Poiblí
(Aois Scoir), 2018

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do mhéadú na haoise ag a bhfuil sé de cheangal ar sheirbhísigh phoiblí áirithe dul ar scor; do thabhairt cumhacht don Aire Caiteachais Phoiblí agus Athchóirithe chun an aois sin a mhéadú le hordú; chun na gearróch sin, do leasú an Achta um Aoisliúntas na Seirbhíse Poiblí (Forálacha Ilghnéitheacha), 2004 agus achtacháin áirithe eile; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An Seanadóir Diarmuid Ó Buitiméir a thíolaic thar ceann an Aire Caiteachais Phoiblí agus Athchóirithe,
5 Iúil, 2018

Public Service Superannuation (Age of Retirement) Bill 2018

BILL

(as initiated)

entitled

An Act to raise the age at which certain public servants are required to retire; to confer power on the Minister for Public Expenditure and Reform to raise that age by order; for those purposes to amend the Public Service Superannuation (Miscellaneous Provisions) Act 2004 and certain other enactments; and to provide for related matters.

Presented by Senator Jerry Buttimer on behalf of the Minister for Public Expenditure and Reform,

5th July, 2018

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