

**PUBLIC SERVICE PENSIONS (SINGLE SCHEME AND  
OTHER PROVISIONS) ACT 2012**

51. — (1) Any person who—

(a) takes up employment in a public service body, and

(b) either—

(i) has an entitlement to any preserved pension or any preserved lump sum or any other retirement benefit, or

(ii) has received or is in receipt of retirement benefits, under the Scheme or a pre-existing public service pension scheme of which he or she was or is a member,

shall provide a declaration to that effect to the relevant authority.

(2) Any person who applies for a benefit from the Scheme or a pre-existing public service pension scheme shall make a declaration to the relevant authority concerned of any preserved pension or any preserved lump sum or any other retirement benefit from any other public service pension scheme that he or she is in receipt of or to which he or she has an entitlement.

(3) Any person to whom *section 52* applies shall upon application for a public service pension from any public service body make a declaration to the relevant authority concerned as to whether or not he or she is in receipt of any remuneration from any public service body and provide any relevant information required by the relevant authority for the purposes of that section.

52. — (1) Where—

(a) a pension is duly payable by a public service body to a person in respect of his or her service as a public servant (in this section referred to as the “pensioner”), and

(b) the pensioner is appointed to a position in respect of which remuneration is paid by a public service body,

then no more of the pension shall be paid, in respect of any specified period of receipt of the remuneration to which *paragraph (b)* relates, than so much as, with that remuneration, equals the pensionable remuneration which the pensioner would have received in respect of that period if, during it, he or she—

(i) held the office, position or employment in which he or she served on the last day of his or her service, but,

(ii) was remunerated—

- (I) at the rate of pensionable remuneration for that office, position or employment on that day, or
- (II) at that rate of pensionable remuneration as amended to take account of so much of any change in that rate from the current rate for that office, position or employment since that day as may be specified by the Minister.

(2) For the purposes of *subsection (1)*—

“current rate for that office” includes, where that office, position or employment has ceased to exist, the rate that would be the current rate for that office, position or employment if it had not ceased to exist;

“pensionable remuneration”, in relation to a member of a pre-existing public service pension scheme, means remuneration which corresponds to pensionable remuneration of a former Scheme member;

“specified period” means specified by the Minister, which may be specified by reference to a period of time or the happening of an event.

(3) Any doubt, question or dispute arising under this section shall be decided by the Minister whose decision thereon shall be final and conclusive.

(4) The Minister may, at his or her discretion waive the application of *subsection (1)* in any particular case, including a case involving a class of person or persons, if the Minister is satisfied that—

(a) persons with particular training and experience are required for particular work in the public service body concerned,

(b) the pensioner has that training and experience, is being employed for that work and is otherwise suitable for employment in all respects, and

(c) it is not practicable to meet that requirement otherwise than by the employment of the pensioner.

(5) Nothing in *section 3* or *subsection (4)* affects any discretion exercised by the Minister under *section 1(2)* of the Pensions (Abatement) Act 1965 in respect of a person where the person continues to hold the position to which the discretion relates.

(6) If pensionable remuneration is being or has been earned under one or more than one pre-existing public service pension scheme in respect of employment by a person as a public servant in one or more than one public service body then, subject to *subsection (7)*, no more than the equivalent of 40 years’ service in total may be taken into account in calculating any pensions or lump sums payable under that scheme or those schemes.

(7) Where before the passing of this Act a person—

(a) is entitled to have reckoned more than the equivalent of 40 years' service in aggregate under pre-existing public service pension schemes when calculating the aggregate of any pensions or lump sums payable under those schemes, and

(b) has accrued more than the equivalent of 40 years' service,

then nothing in *subsection (6)* shall affect such entitlement and that subsection shall apply to him or her as if the reference to the equivalent of 40 years' service were a reference to the service to which *paragraph (b)* relates.

(8) Nothing in this section affects the provisions of the Oireachtas (Allowances to Members) Act 1938, in particular in respect of any person to whom either or both subsection (2) of section 4 and subsection (2) of section 16 of that Act (as amended by the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices Act 2009) applies or apply, as the case may be, and those subsections shall apply to Scheme members to whom the Oireachtas (Allowances to Members) Act 1938 relates.

For the full act please follow the link:

<http://www.irishstatutebook.ie/2012/en/act/pub/0037/index.html>