

**To: All Secretaries General**

26 March 2004

Dear Secretary General

**Public Service Superannuation (Miscellaneous Provisions) Act 2004**

I refer to previous correspondence about the Public Service Superannuation (Miscellaneous Provisions) Bill 2004. The Bill has now been enacted. Its effect is to change the superannuation terms for new entrants to the public service appointed on or after 1 April 2004. A table outlining the changes is attached. The full text of the Act will shortly be available on the Department of Finance website, [www.finance.gov.ie](http://www.finance.gov.ie). The Bill as passed by the Seanad is available on the Houses of the Oireachtas website, [www.gov.ie/oireachtas](http://www.gov.ie/oireachtas). The Bill was not amended by the Dáil.

In summary, the Act

- introduces a minimum age of 50 at which pension may be paid to new entrants to the Permanent Defence Force;
- increases to 55 the minimum age at which pension may be paid to new entrants to the Garda Síochána and the Prison Service; [*the minimum age at which pension may be paid to new entrant fire-fighters remains unchanged at 55*];
- makes 65 the minimum age at which pension may be paid to all other new entrants to the public service;
- increases the compulsory retirement age for new entrants to the Gardaí to 60, (subject to health, fitness and capability conditions); [*the compulsory age for members of the Prison Service remains unchanged at 60; the compulsory age for fire-fighters remains unchanged at 55; the compulsory retirement ages for members of the Permanent Defence Force remain unchanged*];
- provides that all other new entrants to the public service will not be required to retire on grounds of age;
- makes consequential provisions, such as removing penalties for new entrants who serve beyond the age of 65 and providing that fast accrual will not apply to new entrants to certain posts in the fire brigade or the psychiatric services.

As explained in my previous letter (13 March 2004), it is essential for all public service organisations to ensure that new appointees are made fully aware of and are treated in accordance with the revised arrangements. **Accordingly, in the case of staff taking up duty on or after 1 April 2004, you will need to determine, at the outset, whether an employee should be treated as a ‘new entrant’ for the purposes of the Act.** For this purpose, you will need to establish the recent previous public sector employment history (if any) of each new employee. Once that has been established, the potential employee should be given a clear written statement as to which superannuation arrangements apply to him/her. An outline of the type of statement that could be used is attached. This should form part of the offer of appointment so that the person is fully aware of his or her superannuation position before taking up appointment. It should be signed by the new appointee and should remain on the personnel records. Extracts from the Act in relation to the definition of new entrant are enclosed. They should be copied and issued to all those appointed on or after 1 April 2004, along with the other documentation on superannuation.

The definition of “new entrant” is complex. If you or your staff have any difficulties in deciding whether or not a prospective employee is or is not a new entrant (or in relation to any other aspects of the Act), Henry O’Mara (6045493) [henry.o'mara@finance.gov.ie](mailto:henry.o'mara@finance.gov.ie), or Eamonn Robbins (6045485) [eamonn.robbins@finance.gov.ie](mailto:eamonn.robbins@finance.gov.ie), or Sarah or myself will be pleased to assist.

In addition, you will need to ensure that the terms and conditions of any posts advertised by you in the future reflect the provisions of the Act, both in terms of minimum pension ages and the removal of compulsory retirement ages.

An information notice for circulation to all staff serving on 31 March 2004 is also enclosed.

You are asked to bring this letter to the attention of all bodies which are under the aegis of your Department and which fall within the definition of “public service body” as defined in the Act. They will also need to put in place the procedures outlined above. A copy of the letter should also be sent for information to any body which is listed in Schedule 1 of the Act and which is under the aegis of your Department.

We would like to thank you again for the assistance received from the officials in your Department which enabled the Act to be drafted and passed in such a short timeframe.

Yours sincerely

Sarah Kyne/Cloda Ryan (worksharing)  
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**PUBLIC SERVICE SUPERANNUATION (MISCELLANEOUS PROVISIONS) ACT 2004**

**SUMMARY OF CHANGES IN PENSION AGES & SPECIAL TERMS FOR NEW ENTRANTS TO THE PUBLIC SERVICE**

<b>GROUP</b>	<b>TERMS</b>	<b>CURRENT</b>	<b>PROVISIONS IN ACT</b>
<b>CIVIL SERVANTS, NURSES, LOCAL GOVERNMENT STAFF and OTHERS</b>	Earliest age at which pension can be paid <sup>1</sup>	60	<b>65</b>
	Compulsory retirement age	65	<b>None</b>
	<b>Fast accrual</b>	NO	No change
<b>GARDAI</b>	Earliest age at which pension can be paid	50 <i>(subject to 30 years' service)</i>	<b>55</b>
	Compulsory retirement age	57/60/65 <i>(depending on rank/date of appointment)</i>	<b>60</b> <i>(subject to health, fitness &amp; competency certification after age 55)</i>
	<b>Fast accrual</b>	YES	No change
<b>PRISON OFFICERS</b>	Earliest age at which pension can be paid	50 <i>(subject to 30 years' service)</i>	<b>55</b>
	Compulsory retirement age	60	<b>60</b>
	<b>Fast accrual</b>	YES	No change
<b>PSYCHIATRIC NURSES/ CONSULTANTS</b>	Earliest age at which pension can be paid	55	<b>65</b>
	Compulsory retirement age	65	<b>None</b>
	<b>Fast accrual</b> <i>(max benefits after 30 years' service)</i>	YES	<b>Change to standard accrual</b>
<b>TEACHERS</b>	Earliest age at which pension can be paid	55 <i>(subject to 35 years' service)</i>	<b>65</b>
	Compulsory retirement age	65	<b>None</b>
	<b>Fast accrual</b>	NO	No change
<b>FIRE BRIGADE</b>  "Fire-fighters"	Earliest age at which pension can be paid	55	No change
	Compulsory retirement age	55	No change
	<b>Fast accrual</b>	YES	No change
"Officers"	Earliest age at which pension can be paid	55	<b>65</b>
	Compulsory retirement age	65	<b>None</b>
	<b>Fast accrual</b> <i>(max benefits after 30 years' service)</i>	YES	<b>Remove, but uniform accrual will apply</b>

<sup>1</sup> This refers to "established" staff. "Unestablished" staff (eg Services Officers) already have a single retirement age of 65.

<b>GROUP</b>	<b>TERMS</b>	<b>CURRENT</b>	<b>PROVISIONS IN ACT</b>
<b>PERMANENT DEFENCE FORCE</b>	<b>Enlisted Personnel</b>		
	Earliest age at which pension can be paid	After 21 years' service (no age specified)	<b>50</b>
<b>Officers</b>	Compulsory retirement age	60	No change
	<b>Fast Accrual</b> (max benefits after 31 years' service)	YES	<b>Scheme to be made by Mins/Defence &amp; Finance</b>
	Earliest age at which pension can be paid	After 12 years service (no age specified)	<b>50</b>
	Compulsory retirement age	varies	No change
<b>SENATORS, TDs and OFFICE HOLDERS</b>	<b>Fast Accrual</b> (max benefits from 23-24 years' service depending on rank)	YES	<b>Scheme to be made by Mins/Defence &amp; Finance</b>
	Earliest age at which pension can be paid	50	<b>65</b>
	Compulsory retirement age	None	No change
<b>JUDICIARY</b>	<b>Fast Accrual</b>	YES	No change
	Earliest age at which pension can be paid	65 - 70	<b>No change</b>
	Compulsory retirement age	65 - 70	
	<b>Fast Accrual</b>	YES	No change

**OUTLINE OF STATEMENT REGARDING SUPERANNUATION PROVISIONS AND RETIREMENT AGES FOR ALL PEOPLE TAKING UP APPOINTMENT ON OR AFTER 1 APRIL 2004**

The Public Service Superannuation (Miscellaneous Provisions) Act 2004 was passed on 25 March 2004. The Act introduces new superannuation and retirement provisions for new entrants to the public service. The term “new entrant” is defined in Section 2 of the Act. A copy of that Section is attached for your information.

On the basis of the information supplied by you in relation to your previous employment history, you are deemed to be a new entrant. This means that your superannuation position is as follows: *[details should be given outlining the scheme which applies, the rate of contribution, the rate of accrual, the minimum pension age and whether or not a compulsory retirement age applies]*

**OR**

On the basis of the information supplied by you in relation to your previous employment history, you are deemed not to be a new entrant. This means that your superannuation position is as follows: *[details should be given outlining the scheme which applies, the rate of contribution, the rate of accrual, the minimum pension age and whether or not a compulsory retirement age applies]*

**To be signed by appointee**

The implications of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 have been explained to me. A copy of the definition of “new entrant” has been given to me. I have considered that definition and I agree/do not agree with the decision in my case. (If you do not agree with the decision, please state your reasons.)

**INFORMATION NOTICE REGARDING SUPERANNUATION PROVISIONS AND  
RETIREMENT AGES  
FOR ALL STAFF SERVING IN THE PUBLIC SERVICE AS OF 31 MARCH**

The Public Service Superannuation (Miscellaneous Provisions) Act 2004 was passed on 25 March 2004. The Act introduces new superannuation and retirement provisions for **new entrants** to the public service appointed on or after 1 April 2004.

In summary, the Act

- introduces a minimum age of 50 at which pension may be paid to new entrants to the Permanent Defence Force;
- increases to 55 the minimum age at which pension may be paid to new entrants to the Garda Síochána and the Prison Service; [*the minimum age at which pension may be paid to new entrant fire-fighters remains unchanged at 55*];
- makes 65 the minimum age at which pension may be paid to all other new entrants to the public service;
- increases the compulsory retirement age for new entrants to the Gardaí to 60, (subject to health, fitness and capability conditions); [*the compulsory age for members of the Prison Service remains unchanged at 60; the compulsory age for fire-fighters remains unchanged at 55; the compulsory retirement ages for members of the Permanent Defence Force remain unchanged*];
- provides that all other new entrants to the public service will not be required to retire on grounds of age;
- makes consequential provisions, such as removing penalties for new entrants who serve beyond the age of 65 and providing that fast accrual will not apply to new entrants to certain posts in the fire brigade or the psychiatric services.

**Position of serving staff**

The Act does not change the terms and conditions of public servants who are serving on 31 March 2004. Public servants who are serving on that date should, however, note the provisions of section 2(6) of the Act, which deals with the position of serving public servants who subsequently leave the public service.

*2 (6) Where on or after 1 April 2004 a public servant who is not a new entrant ceases to serve in a public service body or in a body to which Schedule 1 relates and does so otherwise than for employment in another public service body or in a body to which Schedule 1 relates, then that person shall, if he or she subsequently applies for an office or position within the public service, be treated as a new entrant in respect of such subsequent service unless he or she takes up appointment—*

- (a) under the same contract of employment, or*
- (b) as a public servant no later than 26 weeks following the last day of service prior to cessation.*

The full text of the Act is available on the Department of Finance website, [www.finance.gov.ie](http://www.finance.gov.ie).