

S.I. No. 74/1992 - Local Government (Early Retirement and Voluntary Redundancy) (Superannuation) Scheme, 1992.

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LOCAL GOVERNMENT (EARLY RETIREMENT AND VOLUNTARY REDUNDANCY) (SUPERANNUATION) SCHEME, 1992.

The Minister for the Environment, in exercise of the power conferred on him by sections 2 and 5 of the Local Government (Superannuation) Act, 1980 (No. 8 of 1980), with the consent of the Minister for Finance, hereby makes the following Scheme:

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| 1 Short title. | 1. This Scheme may be cited as the Local Government (Early Retirement and Voluntary Redundancy) (Superannuation) Scheme, 1992. |
| 2 Commencement. | 2. This Scheme shall be deemed to have come into force on the 17th day of July, 1987. |
| 3 Interpretation. | 3. (1) In this Scheme:—

"the Purchase Scheme of 1986" means the Local Government (Superannuation) (Purchase) Scheme, 1986 (<u>S.I. No. 421 of 1986</u>);

"the Revision Scheme of 1986" means the Local Government (Superannuation Revision) (Consolidation) Scheme, 1986 (<u>S.I. No. 391 of 1986</u>), as amended;

"the Scheme of 1987" means the <u>Local Government (Superannuation) Act, 1956</u> (Consolidation) Scheme, 1987 (<u>S.I. No. 316 of 1987</u>);

"approved early retirement and voluntary redundancy scheme" means a scheme or arrangements for the cesser of office or employment by officers or employees of a local authority where an early retirement and voluntary redundancy scheme has been approved by the Minister;

"employee" means a person who is appointed or employed, otherwise than as an independent contractor or as an officer, by a local authority;

"established servant" means a pensionable servant or registered employee who is not fully insured; |

"fully insured" means insured for all benefits under the Social Welfare (Consolidation) Act, 1981 (No. 1 of 1981);

"local authority", save in article 17, shall have the meaning assigned to it by paragraph (a) of the definition of "local authority" in section 1 of the Local Government (Superannuation) Act, 1980 (No. 8 of 1980); in article 17 it shall have the meaning assigned to it in section 1 of the Local Government (Superannuation) Act, 1980 and, in addition, shall include a body within the meaning of section 2 (9) of that Act;

"the Minister" means the Minister for the Environment;

"pensionable local service", subject to articles 5 (2) (a), 5 (2) (b) and 5 (2) (ii),—

(a) (i) In relation to a pensionable officer, has the meaning assigned to it in article 9 of the Scheme of 1987,

(ii) in relation to a pensionable servant, has the meaning assigned to it in article 32 of the Scheme of 1987,

(iii) in relation to a registered officer, has the meaning assigned to it in article 9 of the Revision Scheme of 1986, and

(iv) in relation to a registered employee, has the meaning assigned to it in article 33 of the Revision Scheme of 1986, and

(b) includes any period or periods of service which he becomes entitled to reckon under the Local Government (Transfer of Service) Scheme, 1984 (S.I. No. 298 of 1984) and the Purchase Scheme of 1986;

"pensionable officer" means a pensionable officer for the purposes of the Scheme of 1987;

"pensionable remuneration", subject to sub-article (2),

(i) in relation to a pensionable officer, has the meaning assigned to it in article 25 of the Scheme of 1987,

(ii) in relation to a pensionable servant, has the meaning assigned to it in article 44 of the Scheme of 1987,

(iii) in relation to a registered officer, has the meaning assigned to it in article 27 of the Revision Scheme of 1986, and

(iv) in relation to a registered employee, has the meaning assigned to it in article 49 of the Revision Scheme of 1986;

"pensionable servant" means a pensionable servant for the purposes of the Scheme of 1987;

"registered employee" means a registered employee for the purposes of the Revision Scheme of 1986;

"registered officer" means a registered officer for the purposes of the Revision Scheme of 1986;

"service", subject to article 5 (2),—

(i) in relation to a pensionable servant or a registered employee, has the same meaning as pensionable local service, and

(ii) in relation to a pensionable officer or a registered officer, means pensionable local service together with any period added under article 10 of the Scheme of 1987 or article 10 of the Revision Scheme of 1986, as appropriate;

"service day" means a service day for the purposes of the Scheme of 1987 or the Revision Scheme of 1986;

(2) Where a person ceased to hold his office or employment between the 9th day of October, 1987 and the 31st day of December, 1987, both dates inclusive, under an approved early retirement and voluntary redundancy scheme, his salary or wages, as appropriate, shall, for the purposes of determining a lump sum or a short service gratuity, be deemed to be the salary or wages that would have been applicable to him if he had ceased to hold his office or employment on the 1st day of January, 1988, subject to the provisos—

(a) that he was alive on the said 1st day of January, and

(*b*) in relation to a pensionable servant or a registered employee, that the rate of wages applicable to him on the date he ceased to hold his employment was equal to the rate of wages applicable to him on his last service day.

(3) In this Scheme, any reference to an article which is not otherwise identified is a reference to an article of this Scheme.

(4) In this Scheme, any reference to a sub-article which is not otherwise identified is a reference to the sub-article of the provisions in which the reference occurs.

4 Benefits to be granted to persons with at least forty years' pensionable local service.

4. Where a person whose pensionable local service is not less than forty years ceases to hold his office or employment under an approved early retirement and voluntary redundancy scheme, the local authority shall grant him—

(*a*) in relation to a pensionable officer, a lump sum and an allowance determined in a like manner as a lump sum under article 13 and an allowance under article 14 of the Scheme of 1987,

(*b*) in relation to a registered officer, a lump sum and an allowance determined in a like manner as a lump sum under article 14 and an allowance under article 15 of the Revision Scheme of 1986,

(*c*) in relation to an established servant to whom the Scheme of 1987 applies, an allowance determined in a like manner as an allowance under article 34 of the Scheme of 1987,

(*d*) in relation to an established servant to whom the Revision Scheme of 1986 applies, a lump sum and an allowance determined in a like manner as a lump sum under article 37 and an allowance under article 38 (1) of the Revision Scheme of 1986,

(*e*) in relation to a pensionable servant, other than an established servant, an allowance determined in a like manner as an allowance under article 34 of the Scheme of 1987, and

(*f*) in relation to a registered employee, other than an established servant, a lump sum and an allowance determined in a like manner as a lump sum under article 37 and an allowance under article 38 of the Revision Scheme of 1986.

5 Benefits to be granted to pensionable officers, registered officers and established servants with at least five and less than forty years, pensionable local service.

5. (1) Subject to the provisions of sub-article (2) and article 9, where a pensionable officer, registered officer or established servant whose pensionable local service is not less than five years and less than forty years ceases to hold his office or employment under an approved early retirement and voluntary redundancy scheme, the local authority shall grant him—

(*a*) in relation to a pensionable officer, a lump sum and an allowance determined in a like manner as a lump sum under article 13 and an allowance under article 14 of the Scheme of 1987,

(*b*) in relation to a registered officer, a lump sum and an allowance determined in a like manner as a lump sum under article 14 and an allowance under article 15 of the Revision Scheme of 1986,

(*c*) in relation to an established servant to whom the Scheme of 1987 applies, an allowance determined in a like manner as an allowance under article 34 of the Scheme of 1987, and

(*d*) in relation to an established servant to whom the Revision Scheme of 1986 applies, a lump sum and an allowance determined in a like manner as a lump sum under article 37 and an allowance under article 38 (1) of the Revision Scheme of 1986.

(2) The service by reference to which any lump sum or allowance referred to in sub-article (1) falls to be determined shall be increased by the addition of—

(*a*) where pensionable local service (excluding any notional service purchased under the Purchase Scheme of 1986) is not less than twenty years, a period of seven years, and