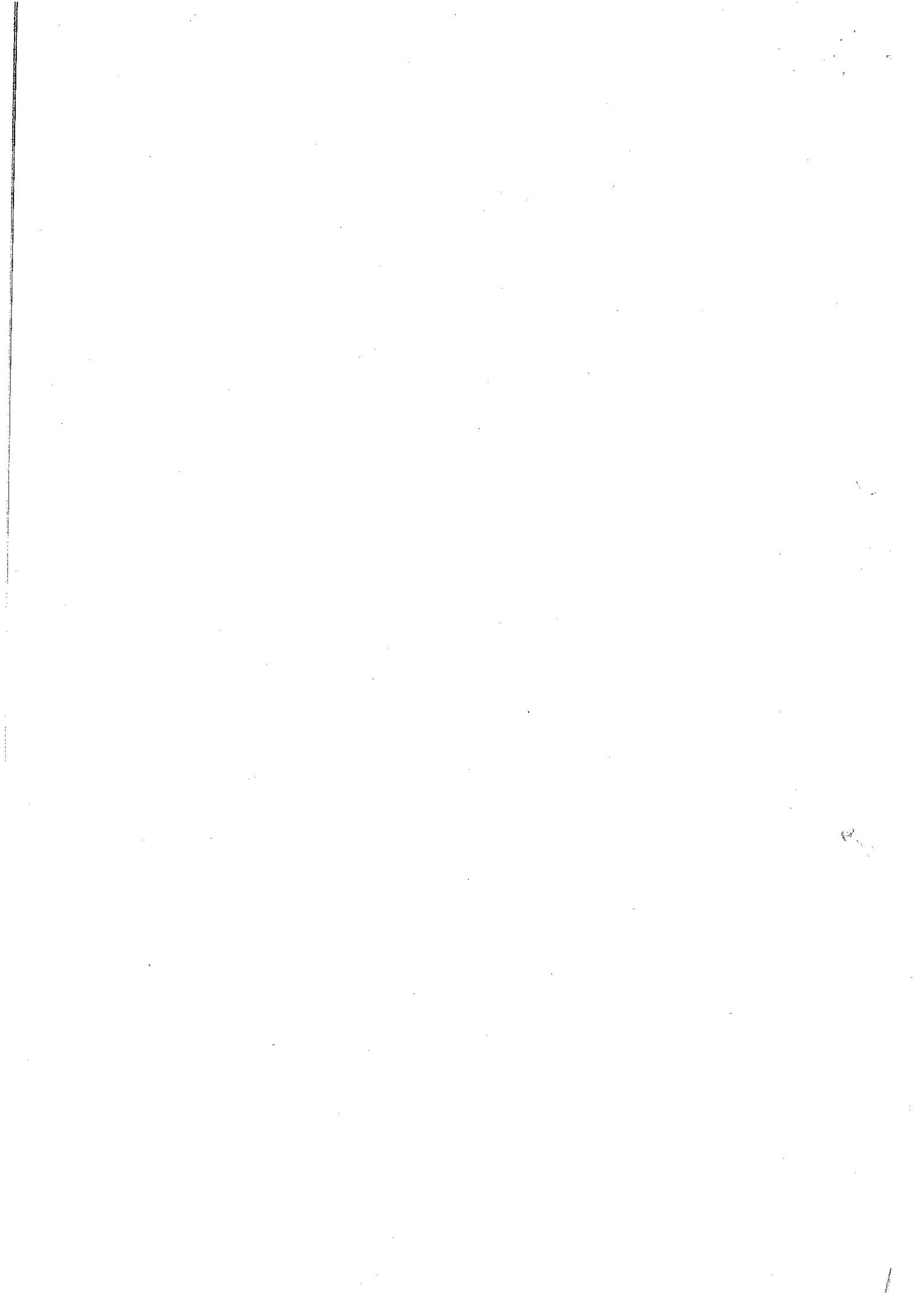


HOUSES AND CHILDREN'S PENSION SCHEME FOR

ACADEMIC, ADMINISTRATIVE AND NON-ACADEMIC

STAFFS IN COLLEGES OF EDUCATION FOR

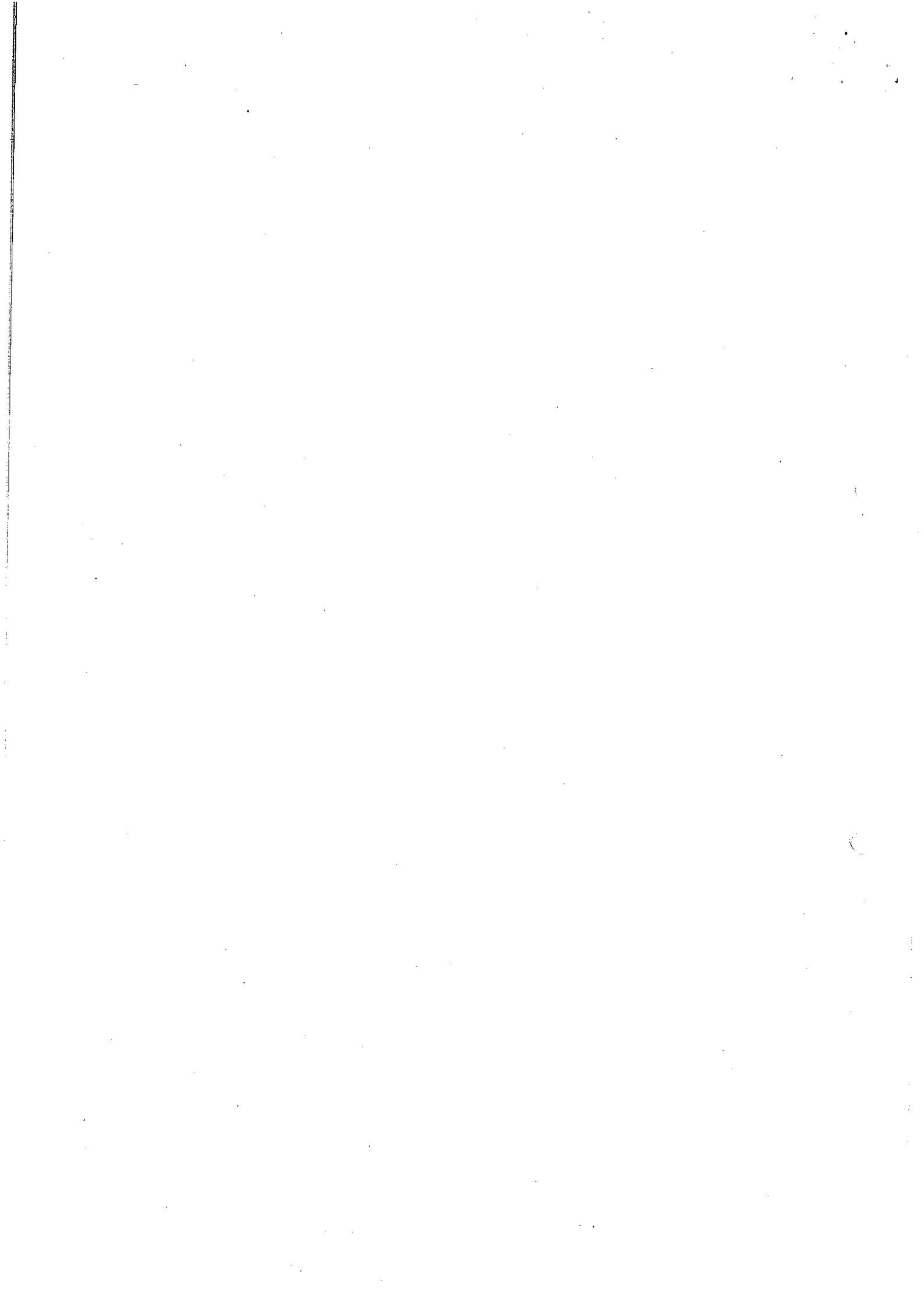
NATIONAL TEACHERS, 1988



COLLEGES OF EDUCATION SPOUSES' AND CHILDREN'S PENSION SCHEME 1988

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SPOUSES' AND CHILDREN'S PENSION SCHEME FOR ACADEMIC,
ADMINISTRATIVE AND NON-ACADEMIC STAFFS IN COLLEGES
OF EDUCATION FOR NATIONAL TEACHERS, 1988

1. TITLE

This Scheme is entitled Spouses' and Children's Contributory Pension Scheme for Academic, Administrative and Non-Academic Staffs in Colleges of Education for National Teachers, 1988 and may be cited as the Colleges of Education Spouses' and Children's Pension Scheme 1988.

2. COMMENCEMENT

2.1 This Scheme shall come into operation on the 1st day of May, 1988, which shall be known as the date of commencement and it shall from that date replace the Contributory Pensions Scheme for the Widows and Children of Training College Professors and Administrators.

2.2 Any award which was made under the Contributory Pensions Scheme for the Widows and Children of Training College Professors and Administrators shall be treated as if it was an award under this Scheme and any provision in this Scheme relating to the cesser, repayment or reduction of any award shall apply to any award under that Scheme as if it had been made under this Scheme.

3. DEFINITIONS

In this Scheme save where the context otherwise requires:

3.1 "the Minister" means the Minister for Education;

- 3.2 "academic staff" means all or any of the following:-
Principal Lecturer, Senior Lecturer 9, Senior Lecturer 7, Lecturer,
Assistant Lecturer, Research Director, Research Fellow, Research
Associate, Statistician/Programmer, Research Assistant, Teacher Coláiste
Móibhí;
- 3.3 "administrative staff" means all or any of the following:
President, Secretary/Bursar, Bursar/Administrator, Registrar, Librarian,
Assistant Librarian, Admissions Officer, Academic Secretary, Research
Administrative Officer, Principal Coláiste Móibhí;
- 3.4 "non-academic staff" means all or any of the following:
Clerical/Secretarial Staff, Catering/Household Staff, Library Staff,
Technical Staff, Security Staff, Maintenance Staff;
- 3.5 "Colleges/College of Education" means all or any of the following:
St. Patrick's College of Education,
Our Lady of Mercy College of Education,
Mary Immaculate College of Education,
The Church of Ireland College of Education,
and this term shall be interchangeable with the term "Training Colleges"
where the context of the Scheme requires;
- 3.6 "the Main Scheme" means the Colleges of Education Pension Scheme for
Academic, Administrative and Non-Academic Staffs in Colleges of
Education for National Teachers, 1988;
- 3.7 "adoption order" means an adoption order made under the Adoption Act,
1952 to 1974;

- 3.8 "child", subject to sub-paragraph 3.8(b) means a legitimate child or step-child of the deceased or a child lawfully adopted by the deceased, who is,
- (a) a person under 16 years of age, or
 - (b) a person under the age of 21 years and is receiving full-time instruction at any university, college, school or other educational establishment, or
 - (c) a person under the age of 21 years and is undergoing full-time instruction or training by any person (in this Scheme referred to as "the employer") for any vocation, profession or trade, being instruction or training approved of by the Minister for the purposes of this Scheme, or
 - (d) a person who is permanently incapacitated by reason of mental or physical infirmity from maintaining himself and who when his permanent incapacity first occurred was a person described in any of the foregoing sub-paragraphs of this definition, provided that in case the person reaches the age of 21 years prior to the 1st day of October, 1978, this definition shall not apply to him during the period beginning on the day of which he reaches that age and ending on 30 September, 1978;
- 3.9 (a) Where, in relation to a person referred to in sub-paragraph 3.8(b) or 3.8(c) of the definition of "child", a break occurs in his full-time instruction or training, then, unless the Minister otherwise directs, he shall, for the duration of such break, be regarded as having ceased to be a child for the purposes of this Scheme;

- (b) The following shall not be regarded as a child within the meaning of this Scheme, namely:
- (i) a person who was not wholly or mainly dependent on a member immediately prior to the member's death,
 - (ii) a person who is married or is cohabiting with another as man or wife, or
 - (iii) a person referred to in sub-paragraph 3.8(c) of the said definition of "child" to, or in respect of whom, emoluments in respect of such instruction or training are payable by, or on behalf of, the employer and which are of such an amount as makes the person self-supporting, provided that if there are compassionate grounds for so doing, the Minister may as regards a person who apart from this sub-paragraph would be such a child direct that notwithstanding this sub-paragraph the person shall, with effect from such date as is specified in the direction, be regarded as being such a child and in case the Minister makes a direction under this sub-paragraph then for so long as the direction is in force this Scheme shall, as regards the person to whom the direction relates, be construed and have effect in accordance with the direction;

3.10 "children's pension" has the meaning assigned to it by paragraph 5;

3.11 "contributing member" means a member of the Main Scheme;

3.12 "death gratuity", except in the expression "preserved death gratuity" means a gratuity payable in respect of a member on his death, under the terms of paragraph 8.2(c)(1) of the main scheme;

3.13 "the deceased" has the meaning assigned to it by paragraph 5;

3.14 "the deceased's pension" means:-

- (a) in case prior to the 1st day of October 1978, he is awarded a pension, the amount of such pension,
- (b) in case, prior to the 1st day of October, 1978, having given at least 5 and not more than 10 years' reckonable service, he retires on a medical certificate, an amount equivalent to one-eightieth of his net pensionable remuneration for each completed year of reckonable service,
- (c) in case prior to the 1st day of October, 1978, he dies while serving as a member of the academic or administrative staff of a College of Education having given at least 5 years' reckonable service, the pension which would have been granted to him if, on the date of death, he retired on a medical certificate and then had the reckonable service which he would have had if he had served to retiring age,
- (d) in case prior to the 1st day of October, 1978, he retires on a medical certificate and either is a person mentioned in sub-paragraph (b) of this definition or was awarded a pension, with effect from the said 1st day of October, the pension which would be granted to him if he then had the reckonable service which he would have had if he had served to retiring age,
- (e) in case on or after the 1st day of October, 1978, otherwise than on retirement on a medical certificate, he is awarded a pension, the amount of such pension,

- (f) in case on or after the 1st day of October, 1978, on retirement on a medical certificate he is awarded a pension the pension which would be granted to him if it fell to be calculated by reference to
- (i) his net pensionable remuneration at the date of retirement, and
 - (ii) the reckonable service which he would have had if he had served to the age of sixty-five years of age,
- (g) in case on or after the 1st day of October, 1978, he dies while serving, the pension for which he would be eligible if sub-paragraph (f) of this definition applied to him,
- (h) in case a preserved pension was in payment to the deceased, the amount of such pension,
- (i) in case having resigned with entitlement to a preserved pension the deceased dies before age 60 or before making application for the preserved pension, an amount equal to:

$$\frac{D X E}{80}$$

where D is the number of years of his reckonable service at date of resignation, subject to a maximum of 40 years, and E is his net pensionable remuneration at date of resignation as increased by reference to pensions increases granted under paragraph 11 of the Colleges of Education Pension Scheme, 1988, during the period between his resignation and death.

3.15 "employer" has the meaning assigned to it by this paragraph;

- 3.16 "former member" means a person who, being then married, retired from the staff of a College of Education and was awarded a pension and lump sum or preserved pension and lump sum;
- 3.17 "lump sum", except in the expression "preserved lump sum", means a lump sum payable to a member on retirement under the terms of paragraph 8.2(a) of the Main Scheme;
- 3.18 "medical certificate" means, in relation to the retirement of any person, a medical certificate having regard to which the Minister is satisfied that the person to whom the certificate relates is incapable from infirmity of mind or body of discharging the duties of his post in the College of Education and that that infirmity is likely to be permanent;
- 3.19 "member" means a person who, pursuant to paragraph 4, is a member of this Scheme;
- 3.20 "net pensionable remuneration" has the meaning assigned to it by paragraph 5.8 of the Main Scheme;
- 3.21 "net remuneration", subject to sub-paragraph 3.31, has the meaning assigned to it by paragraph 5.4 of the Main Scheme;
- 3.22 "pension", except in the expression "preserved pension", means a pension granted under the terms of paragraph 8.1(a) of the Main Scheme;

- 3.23 "periodic contributions" has the meaning assigned to it by sub-paragraph 10.2;
- 3.24 "preserved death gratuity" means a preserved gratuity payable in respect of a former member on his death under the terms of paragraph 8.4(a)(ii) of the Main Scheme;
- 3.25 "preserved lump sum" and "preserved pension" mean respectively a preserved lump sum and preserved pension payable to a former member, under paragraph 8.4(a)(i) of the Main Scheme;
- 3.26 "reckonable service" means service as computed in accordance with paragraph 6 of the Main Scheme;
- 3.27 "retiring age" means age 65 years;
- 3.28 "spouse's pension" has the meaning assigned to it by paragraph 5.
- 3.29 (a) Any reference in this Scheme to an adopted child of a member shall be construed as a reference to a child adopted by him (whether alone or jointly with any other person either in pursuance of an adoption order or in accordance with the law of a country or territory other than the State and recognised by the law of the State as valid) and references to lawfully adopted or to a person by whom another person has been adopted shall be construed accordingly;

(b) Where a married member applies, before the termination of his contributing membership, for an adoption order in respect of a child and dies before the adoption procedure is completed and the child is subsequently adopted by the member's spouse, the child shall, from the date on which the member has custody of him, be deemed, for the purposes of this Scheme, to be the member's duly adopted child;

3.30 In this Scheme, except in paragraph 4 every word importing the masculine gender shall be construed as if it also imported the feminine gender and every word importing the feminine gender shall be construed as if it also imported the masculine gender;

3.31 In this Scheme, where a member is classified for the purposes of Social Welfare Acts as a permanent and pensionable employee in the public service, and is, in consequence, not fully insurable under those Acts,

(a) "net remuneration" shall be construed as meaning "remuneration",
and

(b) "net pensionable remuneration" shall be construed as meaning
"pensionable remuneration"
in relation to that member.

4. MEMBERSHIP AND APPLICATION OF SCHEME

4.1 The following persons shall be members of this Scheme:-

- (a) male members of the Main Scheme who are members of the academic or administrative staff and who
 - (i) were appointed on or after the 1st day of March, 1972, or
 - (ii) having being appointed prior to the 1st day of March, 1972 not later than the 29th day of February, 1972, elected to join this Scheme.
- (b) all other members of the Main Scheme
 - (i) who are appointed on or after the 1st day of May, 1988, or
 - (ii) who, having been appointed prior to the 1st day of May, 1988 elect to join this Scheme not later than the 31st day of May, 1988.

4.2 In the case of:-

- (a) persons referred to in subclause (i) of subparagraph 4.1(b) and
- (b) persons referred to in subclause (ii) of subparagraph 4.1(b) who
 - (i) are male members of the academic or administrative staff or
 - (ii) ceased employment with a College of Education prior to 1st May, 1988.
- (c) any other members of this Scheme who not later than the 31st day of May 1988 so elect, this Scheme shall apply subject to the modifications set out in the Appendix.

5. POWER TO GRANT SPOUSES' AND CHILDREN'S PENSIONS

Subject to the provision of this Scheme, the College shall, on the death of a contributing or former member or a person whose spouse died while he was a contributing member (in this Scheme referred to as "the deceased") to or in respect of whom a pension or death gratuity, or

preserved pension or preserved death gratuity, has been, or is, awarded, grant, in respect of his service -

- (a) where he leaves a spouse, a pension to that spouse (hereafter in this Scheme referred to as a "spouse's pension"), and
- (b) where he had a spouse at any time after this Scheme first applied to him (whether or not the marriage continued until his death and whether or not a spouse's pension is, or can be, granted), a pension for the children of the marriage, and, in the circumstances specified in this Scheme, for other children of his (in this Scheme referred to as a "children's pension");

provided that any marriage of the deceased which takes place after he has ceased to be a contributing member shall not be taken into account for the purposes of this Scheme, and accordingly any references to a marriage, a spouse, the spouse or the children of the deceased shall be construed in accordance with the foregoing.

6. SPOUSES' PENSIONS

- 6.1 A spouse's pension shall not be granted or paid under this Scheme -
 - (a) if the spouse was at the time of the death of the member cohabiting with a man other than the deceased as man and wife, or
 - (b) in respect of any time after the said death when the spouse is remarried or is so cohabiting with any person.

- 6.2 Notwithstanding sub-paragraph 6.1, where,
 - (a) a pension under this Scheme is not granted or ceases under the said sub-paragraph 6.1, and

(b) at a subsequent date to the date of the marriage or cohabitation by reason of which the pension was withheld or ceased the Minister is satisfied that the marriage or cohabitation has come to an end, or that there are compassionate grounds for the payment of the pension, he may, if he thinks fit, grant or regrant, as may be appropriate, the pension as from,

(i) in case the marriage or cohabitation has come to an end, the date on which the marriage or cohabitation ended,

(ii) in any other case, a date not earlier than the date on which the relevant application is received by the Colleges,

provided that this sub-paragraph shall not apply in any case where the spouse is entitled to benefit under this Scheme or any other Public Sector Spouses and Children's Pension Scheme by virtue of the fact that her spouse of the second marriage was a member of this or any other such Scheme.

6.3 Subject to sub-paragraph 6.1, a spouse's pension may be paid for the whole of the period beginning on the death of the deceased and ending with the death of the spouse.

6.4 The rate of a spouse's pension shall be one-half of the rate of the deceased's pension.

6.5 Notwithstanding sub-paragraph 6.4, where on the death on or after the 1st day of October, 1978, of a contributing or former member, other than a former member who qualifies for a preserved pension a spouse's pension becomes payable to his spouse, the rate of that pension may, in respect of the first month after his death, be increased to,

- (a) in case he dies while a contributing member, one-twelfth of the rate of his net pensionable remuneration,
- (b) in case he dies after being granted a pension and the rate of pension payable to him on the date of his death is greater than the rate of spouse's pension otherwise payable under this Scheme, one-twelfth of the said rate of pension,

provided that the rate as so increased shall be reduced by the rate of any children's pensions payable under this Scheme, and provided also that the amount payable to the spouse under this Scheme in respect of the period of one month commencing on the day immediately following that of the deceased's death may be paid at any time on or after the first day of the said period.

7. CHILDREN'S PENSIONS: BENEFICIARIES

7.1 A pension may not be granted under this scheme for a child

- (a) if the deceased remained unmarried during the period commencing on the 1st September, 1971, or, if later, the date on which this Scheme first applied to him, and ending on the date on which he ceased to be a contributing member, or
- (b) if the child was conceived after the deceased ceased to be a contributing member, or
- (c) because he is the adopted child of the deceased, if,
 - (i) the deceased was unmarried throughout the time this Scheme applied to him, or

(ii) he was adopted by the deceased after,

(A) the date of termination of the deceased's last marriage, or

(B) the date on which the deceased ceased to be a contributing member,

whichever was the earlier.

(d) because he is the step child of the deceased, if the deceased's marriage to the child's parent took place after the deceased's last day of reckonable service.

7.2 A child shall not be eligible for a children's pension in respect of more than one member. Where there would, apart from this paragraph, be an eligibility for children's pension in respect of two or more members, the child will count as eligible in respect of one of them in the way which in the opinion of the Minister, gives the most favourable overall result, for the child or children in question.

8. CHILDREN'S PENSIONS: RATE AND MODE OF PAYMENT

8.1 A children's pension under this Scheme will be paid to the relevant member's spouse if the eligible children are in her care, and in case any child in respect of whom the pension is payable is not in such care, the pension will be paid either to the child or to such other person as the Minister may determine. If children are in the care of more than one person different parts of the children's pension will be paid to those persons in such proportions as the Minister may determine. In all cases, the pension is to be applied for the benefit of the children for whom it is granted.

8.2 A children's pension may only be paid in relation to a period subsequent to the death of the deceased.

8.3 The rate of children's pension, under this Scheme shall be

(a) where the deceased leaves no spouse or, if he leaves a spouse and the spouse dies, after her death,

(i) where there is only one child, four-twelfths of the deceased's pension

(ii) where there are two or more children, a rate in respect of each child equivalent to $\frac{F}{G}$ where F is six-twelfths of the deceased's pension and G is the number of children;

(b) subject to sub-paragraph 8.4, where the deceased leaves a spouse,

(i) where there are not more than three children, one-sixth of the deceased's pension for each child;

(ii) where there are more than three children, a rate in respect of each child equivalent to $\frac{X}{Y}$ where X is six-twelfths of the deceased's pension and Y is the number of children.

8.4 (a) Where the children of the deceased are at the time of, or at any time after, his death in the care of some person other than his spouse, the Minister may, if he thinks fit, direct that for so long as they are in such care sub-paragraph 8.3 (a) shall apply notwithstanding that the spouse is still alive, and in case the Minister so directs this sub-paragraph shall be construed and shall have effect in accordance with the direction.

(b) Where some but not all of the children of the deceased are at the time of, or at any time after, his death in the care of a person other than his spouse, the rate of that portion of the children's pension which is payable in respect of the children who are in the care of that person may be calculated by reference to the rates specified in sub-paragraph 8.3 (a) provided that the amount of children's pension payable in respect of a deceased shall not exceed one-half of the deceased's pension.

8.5 Notwithstanding the foregoing provisions of this paragraph, where the deceased leaves a spouse and no spouse's pension is granted to her under this Scheme, or, if one is so granted to her and it ceases to be paid before her death, no children's pension shall be payable under this Scheme as respects any period comprised within the life-time of the spouse or within the time in respect of which no spouse's pension is payable, as may be appropriate, unless the Minister in his absolute discretion directs that such a pension shall be so payable, and in case the Minister gives a direction under this sub-paragraph he may, if he thinks fit, further direct that sub-paragraph 8.4 shall apply as respects any such period.

9. PAYMENT OF PENSION

Pensions payable under this Scheme shall be paid monthly in arrears except that, where sub-paragraph 6.5 applies in respect of a deceased member, the College of Education may decide that the amount of pension in respect of the month in question may be paid before the expiry of that month.

10. PERIODIC CONTRIBUTIONS

10.1 Contributions shall be payable by a member as follows:

(a) the rate of the contribution shall be 1.5% of the amount of the net remuneration from time to time payable to him (or where he is in receipt of reduced remuneration because of absence from employment, of the amount of the net remuneration that would be payable to him if he were not so absent);

(b) the contribution shall be paid in respect of his pay during the period commencing on the 1st day of September, 1971, or the date on which he becomes a member, whichever is the later, and ending when he ceases to be a contributing member, and at such times and in such manner as the College of Education, with the approval of the Minister, may determine.

10.2 Contributions payable under this paragraph are in this Scheme referred to as "periodic contributions".

10.3 No contributions shall be payable under this Scheme by a member for any period which does not constitute reckonable service.

11. REFUND OF CONTRIBUTIONS

11.1 If a member,

(a) ceases to be a contributory member and was unmarried at all times during his membership of this Scheme, or,

(b) being then married ceases to be a contributing member other than on death and on so ceasing is not eligible for the grant of a

pension and lump sum, or preserved pension and preserved lump sum, then if his reckonable service is not transferred for pension purposes to another organisation or service the whole of his periodic contributions shall be returned to him or to his legal personal representative.

11.2 In any case other than a case mentioned in subparagraph (a) or (b) of paragraph (1) of this paragraph, a member on ceasing to be a contributing member may have returned to him, or if his membership ceases due to death, to his legal personal representative, such of those contributions, if any, beginning with his initial contribution and working forward, or, in the case of a member covered by sub-paragraph (b) of this paragraph, his final contribution and working back, as is necessary to secure that the period in respect of which such contributions are paid by him without being returned -

- (a) does not exceed forty years, and
- (b) if he is unmarried when he ceased to be a serving member, does not exceed a period equal to the length of service on the date of his spouse's death.

11.3 Where a married member retires on a medical certificate and his spouse subsequently dies before he attains the age of sixty-five years of age, contributions paid in respect of the period subsequent to the date of his spouse's death will be returned to him.

11.4 Where any contributions are returned under this paragraph they shall be returned without interest.

11.5 Where periodic contributions are returned in accordance with this paragraph to a person who subsequently becomes a member of this Scheme and opts to avail of the provisions of sub-paragraph 14.1 of the main scheme, (which enables the reckoning of prior reckonable service on repayment with interest, of returned contributions), he shall refund to the College of Education the amount of the periodic contributions returned to him, together with compound interest on that amount at a rate equal to that specified in that sub-paragraph with half-yearly rests from the date of payment to him.

12. FORMER MEMBERS BECOMING CONTRIBUTING MEMBERS

12.1 Subject to sub-paragraph 12.2 where a former member becomes a contributing member of this Scheme, any entitlement to spouse's pension or children's pension under this Scheme in respect of his previous membership shall cease.

12.2 Where a person, on becoming a contributing member of this Scheme, had at any time previously been a member of this Scheme and had paid periodic contributions during such period of membership, the period in respect of which he paid such periodic contributions shall be excluded in determining the number of relevant years under sub-paragraph 13.8 provided

- (a) no refund of those contributions is, or was paid, or
- (b) sub-paragraph 11.5 applies.

12.3 Where a person to whom sub-paragraph 12.1 applies became a former member by retiring on pension, whether on a medical certificate, or otherwise,

then the contribution payable under sub-paragraph 13.2 at the termination of his final period of contributing membership shall be reduced by the amount of the contributions paid under that sub-paragraph when he became a former member, provided there was no refund of that contribution.

13. NON-PERIODIC CONTRIBUTIONS

13.1 Where a member was married throughout the period, or for a portion of the period, during which this Scheme applied to him and he ceases to be a contributing member and such cesser is due to,

(i) death, or

(ii) retirement on pension or resignation with entitlement to a preserved pension,

then, unless the number of relevant years is nil, a contribution under this paragraph will be payable by way of reduction in the amount of a member's lump sum or death gratuity or preserved lump sum or preserved death gratuity, or in such other manner as the Minister may require.

13.2 A contribution under this paragraph shall be 1% of the annual amount of the member's net retiring salary multiplied by the number of relevant years.

13.3 Where the contribution is being deducted from a preserved lump sum or preserved death gratuity, the contribution will be calculated by reference to the member's net pensionable remuneration at date of resignation as increased by pension increases granted under paragraph 11

of the Main Scheme during the period between the date of resignation and the date

- (a) on which he attains the age of sixty years, in the case of a preserved lump sum, or
- (b) of his death, in the case of a preserved death gratuity.

13.4 Where, subsequent to the date on which a member ceases to be a contributing member, the pension payable to him or to his spouse falls to be increased otherwise than in accordance with paragraph 11, of the Main Scheme, the Minister may adjust the amount of the contribution under this paragraph to take account of the increase.

13.5 At the discretion of the Minister and subject to conditions specified by him, a member may elect to pay, over a period of twelve months beginning on a date specified by the Minister, being a date not earlier than the date of the election, additional contributions equal in each case to the amount of the periodic contributions payable in respect of that period and in case one or more such additional contributions are made, this paragraph shall apply to the person by whom the contribution or contributions is or are made subject to the following modification, namely, in calculating what is the number of relevant years that number shall be reduced by one for every contribution made by the person under this sub-paragraph.

13.6 Service in excess of 40 years of reckonable service shall be left out of account for the purpose of this paragraph.

13.7 Any reduction effected under this paragraph in the amount of any lump sum shall be left out of account for the purposes of sub-paragraph 8.2(c) (ii) of the Main Scheme (which provides for a supplemental death gratuity in case persons die shortly after becoming eligible for a pension), and, accordingly, the question whether any and, if so, what gratuity may be granted under that paragraph shall be determined as if no such reduction as aforesaid has been or had to be made.

13.8 In this paragraph "the number of relevant years" means-

- (i) in the case of a member who, being then married, ceased to be a contributing member,
 - (A) if such cesser is caused otherwise than by death or retirement on a medical certificate, the number of years of reckonable service which he then had,
 - (B) if such cesser is due to death or to retirement on a medical certificate, the number of years of reckonable service which he would have had if he had served to age 65 reduced in each case by the number of years, if any
 - (i) which are reckonable under paragraph 6.1 (1) of the Main Scheme or
 - (ii) for which periodic contributions have been paid by him and are not returnable.
- (ii) in the case of a member who, being then unmarried, ceases to be a contributing member, the number of years of reckonable service which he had on the date of termination of his last marriage before such cesser, reduced by the number of years, if any,

- (A) which are reckonable under paragraph 6.1(1) of the Main Scheme
- (B) for which periodic contributions have been paid by him and are not returnable.

13.9 Where a member to which this paragraph applies gave service with an organisation other than the Colleges of Education which is reckonable under paragraph 6 of the Main Scheme, any portion of that service during which he paid periodic contributions under a scheme similar to this Scheme may, provided those contributions were not refunded to him, be excluded in determining the number of relevant years under this paragraph.

14. SPECIAL CONTRIBUTIONS ARRANGEMENTS

14.1 This paragraph shall apply to a person referred to in paragraph 4.2 (b) (ii) who ceased employment with a College of Education prior to 1st May, 1988.

14.2 Paragraphs 10 and 13 of this Scheme shall not apply to a person to whom this paragraph applies, and in lieu of the contributions payable under the said paragraphs 10 and 13, such contributing arrangements shall apply to or in respect of the said person as the Minister shall determine with the consent of the Minister for Finance.

15. MARRIAGES OF MEMBERS WHOSE EARLY DEATH IS TO BE FORESEEN

Where a member marries and -

- (a) he dies within the year beginning on the date of the marriage, and
- (b) there are no children born of the marriage, and
- (c) the Minister is of the opinion that his death within the year beginning with the date of the marriage was, at that date, to be foreseen by him or his spouse

for the purposes of this Scheme the marriage may be regarded by the Minister as not having taken place, and in case the marriage is so regarded all necessary adjustments (including, if need be, repayment to the Minister of sums paid in respect of pensions already granted under this Scheme and refunds of contributions made under this Scheme) shall be made accordingly.

16. DUTY TO GIVE INFORMATION AND MAKE DECLARATIONS

- 16.1 A member of this Scheme shall give to the College of Education such information as is necessary for the proper operation of this Scheme in relation to the member.
- 16.2 The legal personal representative of a deceased member shall give to the College of Education such information as is necessary for the proper operation of this Scheme in relation to the spouse or any children of that member.
- 16.3 The spouse of a deceased member shall give to the College of Education such information as is necessary for the proper operation of this Scheme in relation to the spouse or any children of that member.

16.4 A person having the care of a child of a deceased member shall give to the College of Education such information as is necessary for the proper operation of this Scheme in relation to that child.

16.5 Payment of pension under this Scheme shall be subject to making by the spouse or, where children's pension is not payable to the spouse the person having the care of the children in question, of a declaration in such form and at such times as the Minister may determine.

17. REPAYMENT OF PENSIONS OVERPAID

If at any time a person receives payments on foot of a pension or lump sum and such person is not entitled under this Scheme to such payments, or if a person receives payments on foot of a pension or lump sum which exceed those which are appropriate under this Scheme, such person or, in case such a person is dead the personal representative of such person, shall pay to the College of Education on demand such payments or excess payments, as may be appropriate, and such payments or excess payments shall in default of payment be recoverable by the College of Education as a simple contract debt in any court of competent jurisdiction.

18. PENSIONS TO BE INALIENABLE

Every assignment of or charge on, and every agreement to assign or charge, a pension shall be void and on the bankruptcy of any person entitled to a pension the pension shall not pass to any trustee or other person acting on behalf of the creditors. If the pensioner becomes incapable of giving a receipt for payments due, the College of Education

shall have discretion to make such payments in whole or in part to such persons, including the authorities of any institution having care of the pensioner, as the College of Education think fit, and the College shall be discharged from all liability in respect of any sum so paid.

19. ABATEMENT BY REFERENCE TO OTHER BENEFITS

19.1 Where, either directly or indirectly, the Minister provides, or helps to provide, or contributes towards, a financial benefit other than under

- (a) this Scheme or
- (b) paragraph 8 of the Main Scheme,
- (c) the Social Welfare Acts or
- (d) the Social Welfare (Occupational Injuries) Act, 1966,

the Colleges of Education shall not make an award under this Scheme unless they are authorised to do so by the Minister with the consent of the Minister for Finance. In authorising an award in such a case the Minister with the consent of the Minister for Finance may direct the College of Education to adjust the amount of an award to take such account as he considers appropriate of the financial benefit in question.

19.2 Where, arising from sub-paragraph 19.1, an award is not made under this Scheme, the whole of the periodic contributions paid by the member shall be returned to his legal personal representative and paragraph 10 of this Scheme will not apply in his case.

19.3 Where, arising from sub-paragraph 19.1, the amount of an award is adjusted the College of Education may return to the member's legal personal representative such proportion of the periodic

contributions paid by the member as is authorised by the Minister with the consent of the Minister for Finance and may make such adjustment in any contribution which would otherwise be due under paragraph 13 of this Scheme as is authorised by the Minister with the consent of the Minister for Finance.

20. INCREASES IN PENSIONS

The Colleges of Education may grant such increase in such pensions under this Scheme as may be authorised from time to time by the Minister with the consent of the Minister for Finance.

21. FORFEITURE OF PENSION

A pension awarded under this Scheme shall cease to be payable if the pensioner is convicted on indictment of any offence and is sentenced to penal servitude, or to any term of imprisonment with hard labour, or exceeding twelve months, but the College of Education, with the approval of the Minister may at any time, if they think proper, restore the pension either in whole or in part.

22. APPEALS

22.1 If a person is aggrieved by the failure or refusal of the College of Education to make an award under this Scheme or by the amount of any award made, he may appeal to the Minister whose decision on the dispute, to be given with the consent of the Minister for Finance, shall be final.

22.2 An appeal against a failure to make an award shall be made within eight months after the occasion in respect of which the award is claimed and any other appeal shall be made within six months after the decision to make it relates.

23. AMENDMENTS

This Scheme is made with the approval of the Minister and the concurrence of the Minister for Finance and no change therein shall be made without their joint consent.

Appendix

In the case of members referred to in sub paragraph 2.c of paragraph 4, this scheme will apply to such members with the following modifications:-

Paragraph 3

- (1) Delete "legitimate" in the definition of "child" in paragraph 3.8.
- (2) Delete "being then married", in the definition of "former member", in paragraph 3.16.
- (3) Delete "before the termination of his contributing membership" in paragraph 3.10(b).

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Paragraph 5

- (1) Delete "or a person whose spouse died while he was a contributing member" (lines 2 and 3)
- (2) Substitute the following for sub-paragraph (b):-
"(b) where he leaves a child or children (whether or not a spouse's pension is, or may be, granted) a pension for such child or children (in this Scheme referred to as a "children's pension");"
- (3) Delete the proviso.

Paragraph 7

Delete Paragraph (1)

Paragraph 11

(1) Substitute the following for paragraph (1):-

"(1) If a member ceases to be a contributing member other than on death and on so ceasing is not eligible for the grant of a pension and lump-sum, or preserved pension and preserved lump sum, then if his reckonable service is not transferred for pension purposes to another organisation or service, the whole of his periodic contributions shall be returned to him".

(2) Substitute the following for paragraph (2):-

"(2) A member who, on ceasing to be a contributing member, has paid periodic contributions for a period in excess of 24 years may have returned to him, or if his membership ceases due to death, to his legal personal representative, such of those contributions, beginning with his initial contribution and working forward, as is necessary to secure that the period in respect of which such contributions are paid by him without being returned does not exceed 24 years".

(3) Delete paragraph (3).