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STATUTE 4
UNIVERSITY COLLEGE DUBLIN,
NATIONAL UNIVERSITY OF IRELAND, DUBLIN

CHAPTER 1

UNIVERSITY COLLEGE, DUBLIN,
NATIONAL UNIVERSITY OF IRELAND, DUBLIN

AMENDMENT OF STATUTE XCVI (96)
OF UNIVERSITY COLLEGE DUBLIN

Statute XCVI of University College Dublin, together with all subsequent statutes affecting the provision of superannuation benefits for the President, the academic staff and the other staff of University College, Dublin, National University of Ireland, Dublin, shall be read and construed with the modifications now set forth.

1. The benefits granted to persons who joined the employment of the University College, Dublin, National University of Ireland, Dublin (hereinafter called "the University") on or after the sixth day of April 1995 are to be modified in accordance with revisions introduced for civil servants and set out in Circular 6/95 issued by the Department of Finance. Such modifications to benefits shall not apply to persons who, immediately prior to appointment, were employed elsewhere in the public sector in a position in respect of which they were paying the Class B, C or D rate of PRSI contribution. Accordingly a new scheme (hereinafter called "the 1995 Contributory Scheme") is hereby made, which modifies the provisions of Chapter I of Statute XCVI to give effect to such amendments, the amending provisions whereof are hereto annexed as APPENDIX I and the entitlement to superannuation benefits of the above mentioned persons shall henceforth derive from the said scheme.

2. The making of the 1995 Contributory Scheme renders it necessary also to adopt a further scheme, similarly modified, for the provision of benefits to spouses and children. Accordingly a new scheme (hereinafter called "the 1995 Contributory Spouses' and Children's Pension Scheme") is hereby made, which modifies the provisions of Chapter II of Statute XCVI, the amending provisions whereof are hereto annexed as APPENDIX II and the entitlement of survivors of the aforesaid persons to benefits arising on their death in the service of, or following retirement from, the University, shall derive from the said scheme.

3. Section 2 of Chapter I of Statute XCVI shall be amended by the addition of the following proviso immediately after the first paragraph thereof and immediately before the existing proviso thereto:

‘provided that certain participants who transferred to the University from other public sector bodies and whose salaries reflect the contributory nature of their previous pension benefits, shall at the discretion of the University, be required to pay contributions towards the cost of their pensions at such rate as shall be determined by the University.’

4. Section 5 of Chapter I of Statute XCVI shall be amended by deleting the first sentence thereof and replacing it with the following:

‘Out of the income of the College, there shall be paid annually (or at more frequent intervals during the year as the University shall decide) into the Joint Pension Fund a sum of the amount of fifteen per cent of the pensionable stipends, salaries and allowances of all persons holding pensionable appointments in the College, or of posts that may become pensionable.’

5. The provisions of Section 12 of Chapter I of Statute XCVI shall not apply in respect of any persons appointed by the University on or after the 1st day of January 2004.

6. With effect from the 15th day of December 2001 the words ‘which is not less than half the equivalent of full-time service,’ shall be deleted from the last paragraph of Section 12 of Part II of Appendix I of Statute XCVI.
7. With effect from the 15th day of December 2001 all references to ‘full-time’ throughout Statute XCVI, with the exception of the reference contained in the last paragraph of Section 12 of Part II of Appendix I thereof, shall be deleted.
8. With effect from the 1st day of June 2002 Section 11 of Chapter I of Statute XCVI shall be deleted and replaced by the following:
 - ‘(a) Pensions on retirement on grounds of age shall be paid only after two full years of service; and
 - (b) Pensions on retirement on grounds of ill-health or other incapacity from infirmity of mind or body shall be paid only after five full years of service.’
9. With effect from the 1st day of June 2002 the words ‘at least five years pensionable service’ in Section 1 of Chapter III of Statute XCVI shall be deleted and replaced by the words ‘at least two years pensionable service’.
10. With effect from the 1st day of June 2002 the words ‘who has completed at least five years pensionable service’ shall be inserted immediately after the words ‘Should a former staff member’ in the last sentence of Section 1 of Chapter III of Statute XCVI.

APPENDIX I

Modifying provisions in respect of persons appointed to a post by the University on or after the sixth day of April 1995.

Statute XCVI of University College Dublin, together with all subsequent statutes affecting the provision of superannuation benefits, shall be read and construed with the modifications now set forth.

1. Insofar as a person appointed to any pensionable position in the University was so appointed on or after the sixth day of April 1995, any pension payable to such person shall fall to be calculated by reference to the pensionable emoluments of that person as fixed in accordance with Section 9 of Statute XCVI, less a deduction not exceeding twice the annual equivalent of the maximum weekly pension (hereinafter called "the Social Welfare Pension") payable to a fully qualified contributor under the Pay Related Social Insurance provisions of the Social Welfare Acts.
2. Subject to Paragraph 4 hereof, benefits preserved in respect of employees who leave the service of the University prior to attaining age 65 shall be computed as at Paragraph 1 hereof, save that the Social Welfare Pension shall be fixed at the amount payable to a fully qualified contributor on the date on which the person left the service of the University.
3. No increase which is payable in respect of the Social Welfare Pension after the date on which the pension payable under this Scheme commences to be paid shall be taken into account in such a manner as would reduce the amount of the pension payable under this Scheme or of any increase in such pension.
4. Any gratuity falling to be paid subject to Section 12 of Chapter I of Statute XCVI on the retirement of any member of staff shall be calculated on the basis of the salary of the member of staff concerned, calculated in

accordance with Section 9 of the said Chapter without any deduction to take account of the Social Welfare Pension.

5. Any gratuity falling to be paid subject to Section 16 of Chapter I of Statute XCVI on the death of a member of staff shall be calculated on the basis of the salary of the member concerned, calculated in accordance with Section 9 of the said Chapter without any deduction to take account of the Social Welfare Pension.

6. Notwithstanding the provisions of Section 2 of Chapter I of Statute XCVI members of staff who are affected by the conditions set out in this Appendix shall pay contributions towards the cost of their pensions at the following rate:
 - (a) 3.5% of their pensionable emoluments as calculated in accordance with Paragraph 1 hereof, and
 - (b) 1.5% of their pensionable emoluments as calculated in accordance with Section 9 of Chapter I of Statute XCVI.

7. Notwithstanding the provisions of Section 5 of Chapter I of Statute XCVI the University shall pay contributions in respect of any members of staff who are affected by the conditions set out in this Appendix equal to twice the contributions being paid by each such member under paragraph 6 hereof.

8. Notwithstanding the provision of Section 1 of Chapter III of Statute XCVI where a member of staff who is affected by the conditions set out in this Appendix
 - (a) leaves the service of the University prior to the 1st day of June 2002 having completed less than 5 years pensionable service; or
 - (b) leaves the service of the University on or after the 1st day of June 2002 having completed less than 2 years pensionable service

his/her contributions paid under paragraph 6 hereof shall be refunded to him/her less an amount equal to any income tax liability deducted by the University in respect of such contributions.

9. Where a person who is in receipt of a pension under this Scheme, and due to causes outside his own control:

(a) fails to qualify for Social Welfare Pension; or

(b) qualifies for Social Welfare Pension at a reduced rate,

then for so long as the preconditions set out in this Paragraph are complied with, the person concerned may, at the discretion of the University, by special resolution of the Governing Authority, be paid a supplementary pension under this Scheme.

In the case of a person referred to at (a) above, the supplementary pension payable comprises the difference between

(i) the amount of the actual pension awarded to that person and

(ii) the amount of the pension which would have been awarded to him/her if that pension had been calculated by reference to the pensionable emoluments of that person as fixed in accordance with Section 9 of Statute XCVI rather than the pensionable emoluments of that person as fixed in accordance with Section 9 of Statute XCVI less a deduction not exceeding twice the annual equivalent of the maximum weekly pension payable to a fully qualified contributor under the Pay Related Social Insurance provisions of the Social Welfare Acts.

In the case of a person referred to at (b) above, the supplementary pension payable comprises the difference between

- (i) the amount of the actual pension awarded to that person plus the amount of the personal rate of Social Insurance benefit or pension payable to him/her and
- (ii) the amount of the pension which would have been awarded to him/her if that pension had been calculated by reference to the pensionable emoluments of that person as fixed in accordance with Section 9 of Statute XCVI rather than the pensionable emoluments of that person as fixed in accordance with Section 9 of Statute XCVI less a deduction not exceeding twice the annual equivalent of the maximum weekly pension payable to a fully qualified contributor under the Pay Related Social Insurance provisions of the Social Welfare Acts.

APPENDIX II

Modifying provisions in respect of persons appointed to a post by the University on or after the sixth day of April 1995.

Statute XCVI of University College Dublin, together with all subsequent statutes affecting the provision of superannuation benefits, shall be read and construed with the modifications now set forth.

1. Insofar as a person appointed to any pensionable position in the University was so appointed on or after the sixth day of April 1995, any pension payable under the provisions of the Scheme set out in Chapter II to the widow, widower or children of such person shall fall to be calculated by reference to the pensionable emoluments of that person as fixed in accordance with Section 9 of Statute XCVI, less a deduction not exceeding the annual equivalent of the maximum weekly pension (hereinafter called "the Social Welfare Pension") payable to a fully qualified contributor under the Pay Related Social Insurance provisions of the Social Welfare Acts.
2. No increase which is payable in respect of the Social Welfare Widow's, Widower's or Children's or Orphans' Pensions after the date on which the pension payable under this Scheme commences to be paid shall be taken into account in such a manner as would reduce the amount of the pension payable under this Scheme or the amount of any increase in such pension.
3. Notwithstanding the provisions of Section 10 of Chapter II of Statute XCVI members of staff who are affected by the conditions set out in this Appendix shall pay contributions towards the cost of their pensions at a rate of 1.5% of their pensionable emoluments as calculated in accordance with Section 9 of Chapter I of Statute XCVI.

CHAPTER 2

Date of Commencement

This statute shall commence on the twenty fifth day of January 2005 and may be cited as Statute 4 of University College Dublin, the National University of Ireland, Dublin.

CHAPTER 3

Date of Enactment

Given under the Common Seal of University College Dublin,
National University of Ireland, Dublin,
the twenty fifth day of January 2005.



Present when the Common Seal of University College Dublin,
National University of Ireland, Dublin
was affixed :

Chairperson of the Governing Authority: Kieran McGowan

Employee of the University: Eamonn Ceannt
Bursar