Changes to Legislation: as of 17 September 2026, this Act is up to date with all changes known to be in force.

Number 7 *of* 2004

PUBLIC SERVICE SUPERANNUATION (MISCELLANEOUS PROVISIONS) ACT 2004

REVISED

Updated to 2 April 2025

This Revised Act is an administrative consolidation of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), enacted 14 April 2025, and all statutory instruments up to and including the *Policing, Security and Community Safety Act 2024 (Commencement) Order 2025* (S.I. No. 107 of 2025), made 2 April 2025, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 7 *of* 2004

PUBLIC SERVICE SUPERANNUATION (MISCELLANEOUS PROVISIONS) ACT 2004

REVISED

Updated to 2 April 2025

ARRANGEMENT OF SECTIONS

Section

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3. Removal of compulsory retirement age for new entrants to public service.
3A. Age of retirement for relevant public servants.
4. Compulsory retirement age for new entrants to Garda Síochána.
5. Amendment of Superannuation (Prison Officers) Act 1919, etc.
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Consequential Amendments to Act Relating to *Sections 2(7)* and *11(2)*

PART 2

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PART 3

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Superannuation Act 1887	50 & 51 Vict., c. 67
Superannuation Act 1909	9 Edw. 7, c. 10
Superannuation Act 1914	4 & 5 Geo. 5, c. 86
Superannuation Acts 1834 to 1963	
Superannuation (Prison Officers) Act 1919	9 & 10 Geo. 5, c. 67
Vocational Education Act 1930	1930, No. 29

Number 7 *of* 2004

PUBLIC SERVICE SUPERANNUATION (MISCELLANEOUS PROVISIONS) ACT 2004

REVISED

Updated to 2 April 2025

AN ACT TO REMOVE THE COMPULSORY RETIREMENT AGE FOR CERTAIN CATEGORIES OF NEW ENTRANTS INTO THE PUBLIC SERVICE ON OR AFTER 1 APRIL 2004, TO INCREASE THE PENSIONABLE AGE FOR CERTAIN CATEGORIES OF NEW ENTRANTS INTO THE PUBLIC SERVICE FROM THAT DATE, INCLUDING MEMBERS OF EITHER HOUSE OF THE OIREACHTAS AND CERTAIN OFFICE HOLDERS, AND TO MAKE CONSEQUENTIAL PROVISIONS, TO PROVIDE FOR CERTAIN OTHER CATEGORIES OF NEW ENTRANTS, FOR TRANSITIONAL MATTERS AND FOR THE MAKING OF A SCHEME OR SCHEMES FOR THE GRANTING OF SUPERANNUATION BENEFITS TO OR IN RESPECT OF NEW ENTRANTS INTO THE PERMANENT DEFENCE FORCE APPOINTED ON OR AFTER 1 APRIL 2004, AND TO PROVIDE FOR CONNECTED MATTERS. [25*th March* 2004]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Reference to collectively cited *Defence Forces (Pensions) Acts 1932 to 2004* and this Act construed (1.01.2013) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), ss. 5(1) and 7(1)(a), S.I. No. 574 of 2012.

Interpretation (*Part 2*).

5.— (1) ...

"Superannuation Acts" means— ...

(*c*) Defence Forces (Pensions) Acts 1932 to 2004,

...

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

...

Application of certain enactments, etc., restricted.

7.— (1) Other than in accordance with *section 15*, no provision of a pre-existing public service pension scheme shall apply or be applied in respect of the service of a public servant to which the Scheme relates and, accordingly—

(*a*) the Superannuation Acts,

(*b*) ...

shall be read subject to this subsection.

C2 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial*

Functions) Order 2011 (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(*a*) the enactments specified in Schedule 1, and

(*b*) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 7 of 2004	Public Service Superannuation (Miscellaneous Provisions) Act 2004	The whole Act
...	...	...

C3 Application of Act confirmed in certain circumstances (20.05.2008) by *Local Government Services (Corporate Bodies) (Confirmation of Orders) Act 2008* (9/2008), s. 3(4), commenced on enactment.

Confirmation of certain orders under section 3 of Act of 1971.

3.— ...

(4) The Public Service Superannuation (Miscellaneous Provisions) Act 2004 shall, in so far as it applied to an officer, servant, employee or member of the staff of a body established under section 3 of the Act of 1971 immediately before the passing of this Act, continue to so apply after the passing of this Act.

...

C4 Application of Act confirmed in certain circumstances (21.12.2007) by *Health (Miscellaneous Provisions) Act 2007* (42/2007), s. 5(5), commenced on enactment.

Confirmation of certain orders under section 3 of Act of 1961.

5.— ...

(5) The Public Service Superannuation (Miscellaneous Provisions) Act 2004 shall, in so far as it applied to an official, servant, employee or member of the staff of a body established under section

3 of the Act of 1961 immediately before the passing of this Act, continue to so apply after the passing of this Act.

...

Interpretation.

1.—(1) In this Act, except where the context otherwise requires:

F1**[**"Act of 2012" means the Public Service Pensions (Single Scheme and Other Provisions) Act 2012;**]**

"1980 Regulations" means the Civil Service Superannuation Regulations 1980 (S.I. No. 188 of 1980);

"Civil Service" means the Civil Service of the Government and the Civil Service of the State;

"death benefit" means a superannuation benefit payable under a public service pension scheme on the death of the member;

"European Parliament", in relation to membership, means membership in respect of a constituency within the State and includes, in respect of former membership, a former member of the European Assembly in respect of such a constituency;

"health board" means—

(*a*) a health board established under the Health Act 1970,

(*b*) the Eastern Regional Health Authority,

(*c*) an Area Health Board established under the Health (Eastern Regional Health Authority) Act 1999, or

(*d*) the Health Board Executive;

"Minister" means the Minister for Finance;

"new entrant" shall be read in accordance with *section 2*;

"preserved benefit" means, in the case of a public servant who leaves before reaching the age for receipt of a pension, a deferred superannuation benefit which is payable at a date later than the date of the public servant's date of leaving office;

"public servant" means—

(*a*) a person who is employed by a public service body,

(*b*) a member of the Permanent Defence Force,

(*c*) a member of either House of the Oireachtas or a member of the European Parliament,

(*d*) the holder of a qualifying office,

but, subject to *section 2(2)*, does not include—

(i) the President,

(ii) a member of the judiciary,

(iii) the Master of the High Court,

(iv) a taxing master, or

(v) a county registrar;

"public service body" means—

(*a*) the Civil Service,

(*b*) the Garda Síochána,

(*c*) the Permanent Defence Force,

(*d*) a local authority for the purposes of the Local Government Act 2001,

(*e*) a health board,

F2**[**(*f*) an education and training board,**]**

(*g*) a body, other than a body set out in *Schedule 1*—

(i) established by or under any enactment (other than the Companies Acts 1963 to 2003), or

(ii) established under the Companies Acts 1963 to 2003 in pursuance of powers conferred by or under another enactment, and financed wholly or partly by means of moneys provided, or loans made or guaranteed, by a Minister of the Government or the issue of shares held by or on behalf of a Minister of the Government,

and in respect of which a public service pension scheme exists or applies or may be made,

(*h*) any body, other than a body set out in *Schedule 1*, wholly or partly funded out of moneys provided by the Oireachtas or from the Central Fund or the growing produce of that Fund and in respect of which a public service pension scheme exists or applies or may be made,

(*i*) any subsidiary of a body to which *paragraph (d), (e)* or *(g)* relates and in respect of which a public service pension scheme exists or applies or may be made,

and reference to "public service" shall be read accordingly;

"public service pension scheme" means an occupational pension scheme or pension arrangement, by whatever name called, for any part of the public service which—

(*a*) is provided for under the Superannuation Acts 1834 to 1963 or any other enactment to like effect, or

(*b*) is made by a relevant Minister or which has been approved or requires the approval or consent, however expressed, of either or both a relevant Minister and the Minister,

but is not a scheme or arrangement in respect of a body or category of bodies set out in *Schedule 1*;

"qualifying office" has the same meaning as it has in section 13 (inserted by the Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act 1977) of the Ministerial and Parliamentary Offices Act 1938, that is to say—

(*a*) a ministerial office within the meaning of that section as amended by the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1973, or

(*b*) a secretarial office within the meaning of that section as amended by the Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act 1983 and the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001;

"relevant Minister", in relation to a public service pension scheme, means the Minister or Ministers of the Government responsible for the making or approval of, or granting consent to, such scheme;

F1**[**"relevant public servant" means a public servant who is not any of the following:

(*a*) a member of either House of the Oireachtas or a member of the European Parliament;

(*b*) the holder of a qualifying office;

(*c*) a new entrant;

(*d*) a Scheme member;

(*e*) a person to whom, if he or she were a Scheme member, section 13(4) or 26(1) of the Act of 2012 would apply;

(*f*) a person who—

(i) before the coming into operation of section 3 of the Public Service Superannuation (Age of Retirement) Act 2018, retired from a public service body upon or after attaining the age of 65 years, and

(ii) on the coming into operation of that section, is employed by a public service body;

(*g*) a person who is employed by the Central Bank of Ireland; **]**

"retirement benefit" means a superannuation benefit which is payable on retirement or discharge;

F1**[**"Scheme member" has the same meaning as it has in the Act of 2012.**]**

"specified fire brigade employee" means a whole-time employee of a fire authority under the Fire Services Act 1981 whose duties include the attendance at fires and whose conditions of employment, as determined by a local authority under section 158(1)(*b*) of the Local Government Act 2001, require him or her to retire at 55 years of age F3**[**or where a higher age is specified by regulations under section 158(1)(ba) of the Local Government Act 2001, that age**]**;

"subsidiary" means a subsidiary within the meaning of the Companies Act 1963;

"superannuation benefit" means a pension, gratuity or other allowance payable on resignation, retirement, discharge or death to or in respect of a member or former member of a public service pension scheme in accordance with the terms of the scheme.

(2) In this Act—

(*a*) a reference to a section or schedule is a reference to a section of, or schedule to, this Act, unless it is indicated that a reference to some other provision is intended,

(*b*) a reference to a subsection or paragraph is a reference to the subsection or paragraph of the provision in which the reference occurs unless it is indicated that a reference to some other provision is intended.

(3) A reference to another enactment is to that enactment as amended or modified at any time by any enactment.

Annotations

Amendments:

F1 Inserted (26.12.2018) by *Public Service Superannuation (Age of Retirement) Act 2018* (39/2018), s. 2, commenced on enactment.

F2 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 46, S.I. No. 211 of 2013.

F3 Inserted (19.08.2024) by *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), s. 30(a), S.I. No. 400 of 2024.

Modifications (not altering text):

C5 References to "Bord Gáis Éireann" and "The Irish Gas Board" construed (19.06.2014) by *ESB (Electronic Communications Networks) Act 2014* (5/2014), s. 8(2), S.I. No. 286 of 2014.

Change of name of Bord Gáis Éireann to Ervia

8. ...

(2) References in any enactment, statutory instrument, legal proceedings or any other document to Bord Gáis Éireann or The Irish Gas Board shall, on and from the day appointed under *subsection (1)*, be construed as references to Ervia.

C6 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(*a*) the enactments specified in Schedule 1, and

(*b*) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 7 of 2004	Public Service Superannuation (Miscellaneous Provisions) Act 2004	The whole Act

...	...	...

New entrant.

2.—(1) Subject to *subsections (2)* to *(6)*, reference in this Act to "new entrant" means a person who is not serving in a public service body, or a body to which *Schedule 1* relates, on 31 March 2004 but becomes a public servant on or after 1 April 2004.

(2) Where a person is not a public servant (by virtue of the exclusions to "public servant" in *section 1*) but is a person to whom—

(*a*) *paragraph (i)* of those exclusions relates and such person holds, or had held on or before 31 March 2004, the office to which that paragraph relates, or

(*b*) *paragraph (ii), (iii), (iv)* or *(v)* of those exclusions relates and such person holds on 31 March 2004 an office or position to which one of those paragraphs relates or to whom *subsection (3)* would apply if the office or position were that of a public servant within the meaning of this Act,

then, where such person on or after 1 April 2004 becomes a public servant for the purposes of this Act, then that person shall be deemed not to be a new entrant.

(3) Where—

(*a*) a person on 31 March 2004—

(i) stands seconded from the public service to a body not in the public service, either within or outside the State or both, or

(ii) is absent on leave with or without pay from the public service,

and

(*b*) that person is entitled to resume his or her office or position or another office or position within the public service,

then that person shall not be treated as a new entrant if he or she resumes his or her office or position, or takes up another office or position, within the public service on or after 1 April 2004.

(4) Where—

(*a*) a person duly receives a written offer of appointment as a public servant before 1 April 2004 and takes up that offer after that date,

(*b*) a person was serving in a public service body or a body to which *Schedule 1* relates prior to 31 March 2004 and left such an office or position and takes up appointment as a public servant on or after 1 April 2004—

(i) under the same contract of employment, or

(ii) no later than 26 weeks following the last day of service prior to 31 March 2004,

or

(*c*) a person who immediately before 1 April 2004 stood admitted as a trainee Garda to the Garda College at Templemore,

and where—

(I) but for this subsection, *subsection (1)* would apply to him or her, and

(II) where *paragraph (a)* applies, the terms of the offer of appointment would be contravened if *subsection (1)* were to apply,

then, such person shall not be regarded as a new entrant and the provisions applicable to a public servant shall, but only in so far as the application of provisions relating to retirement age and superannuation, as the case may be, apply in the same manner as to a person serving in the public service on 31 March 2004.

(5)(*a*) Where before 1 April 2004 a person was a member of either House of the Oireachtas or the European Parliament, or was a holder of a qualifying office, then such person shall not be regarded as a new entrant for the purposes of any superannuation benefit payable in respect of membership of the Oireachtas or the European Parliament or in respect of any qualifying office.

(*b*) A person who holds or has held the office of Taoiseach shall not be regarded as a new entrant in relation to any superannuation benefit payable in respect of the holding of a qualifying office.

(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.

(7) For the purpose of supplementing *subsection (5)*, the Act referred to in *columns 1* and *2* of *Part 1* of *Schedule 2* is amended to the extent specified in *column 3* of that Part opposite the references to the Act concerned.

Annotations

Modifications (not altering text):

C7 Application of subss. (2), (3) and (4) modified (1.01.2013) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 48(1)(b) and (2), S.I. No. 574 of 2012.

Application of Scheme to certain persons.

48.— (1) Where the Minister considers it appropriate in the circumstances, the Minister may, at his or her discretion, by order set a date or dates beyond which the provisions of either or both—

(*a*) *subsections (3)(b)*, *(4)* and *(5)* of *section 10*, and

(*b*) subsections (3), (4) and (5) of section 2 of the Public Service Superannuation (Miscellaneous Provisions) Act 2004,

shall not apply having regard to—

(i) the orderly cesser of a pre-existing public service pension scheme either generally or in respect of any class or classes of persons, or

(ii) providing for efficiencies in the management and administration of the public service generally or any part of it.

(2) Where an order is made under *subsection (1)* that relates to a person, then nothing in this section shall be read so as to detrimentally affect any entitlements of such person that accrued before the order was made.

Removal of compulsory retirement age for new entrants to public service.

3.—F4**[**(1) A person who is a new entrant to the public service shall not be obliged to retire on age grounds unless—

(*a*) otherwise provided for by this Act, or

(*b*) he or she is a member of the Single Public Service Pension Scheme other than a member of that Scheme who is the President, a member of either House of the Oireachtas or a qualifying office holder for the purposes of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012.**]**

(2) For the purpose of supplementing *subsection (1)* and *section 10*, the Acts referred to in *columns 1* and *2* of *Part 2* of *Schedule 2* are amended to the extent specified in *column 3* of that Part opposite the references to the Act concerned.

Annotations

Amendments:

F4 Substituted (1.01.2013) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 55(a), S.I. No. 574 of 2012.

F5**[**Age of retirement for relevant public servants

3A.—(1) A relevant public servant shall retire from being a public servant at the latest upon attaining the age of 70 years or, where a higher age is prescribed by order under *subsection (2)*, upon attaining that higher age.

(2) Subject to *subsection (3)*, the Minister may, by order, prescribe an age, being higher than 70 years, upon the attainment of which all relevant public servants shall, at the latest, retire.

(3) Before making an order under *subsection (2)*, the Minister shall have regard to—

(*a*) the likely effect of the order on recruitment, promotion and retention of staff in the public service as a whole,

(*b*) the pensionable age applicable at the time of making the order,

(*c*) any evidence of an increase in normal life expectancy in the State made available by the Central Statistics Office from time to time,

(*d*) the likely cost (if any) to the Exchequer that would result from the order,

(*e*) any order made under section 13(2) of the Act of 2012, and

(*f*) such other matters as the Minister considers appropriate.

(4) For the purpose of supplementing *subsection (1)*, the Acts referred to in columns 1 and 2 of *Part 3* of *Schedule 2* are amended to the extent specified in column 3 of that Part opposite the references to the Act concerned.

(5) In *subsection (3)(b)*, "pensionable age" means pensionable age within the meaning of section 2(1) (amended by section 7of the Social Welfare and Pensions Act 2011) of the Social Welfare Consolidation Act 2005.

(6) The Minister shall, within three months of the passing of this Act, prepare and lay before the Oireachtas a report on the public servants who were forced to retire between 6 December 2017 and the commencement of this Act due to reaching the age of 65 years and on potential remedies to assist this cohort of worker.**]**

Annotations

Amendments:

F5 Inserted (26.12.2018) by *Public Service Superannuation (Age of Retirement) Act 2018* (39/2018), s. 3, commenced on enactment.

Editorial Notes:

E1 The section heading is taken from the amending section in the absence of one included in the amendment.

Compulsory retirement age for new entrants to Garda Síochána.

4.—(1) A person who is appointed as a new entrant to the Garda Síochána on or after 1 April 2004 shall cease to be a member—

(*a*) on attaining the age of 55 years, or

(*b*) at a later age up to the age of 60 years F6**[**or such higher age as may be specified by the Minister for Justice, in regulations made under the relevant provision, as the retirement age for the rank of the member**]** subject to the Commissioner of the Garda Síochána being satisfied that the member is fully competent and available to undertake, and fully capable of undertaking, the duties of his or her position as a member of the Garda Síochána.

(2) For the purposes of *subsection (1)(b)* the Commissioner of the Garda Síochána shall require, at such intervals as the Commissioner considers appropriate, certification as to the health and fitness of the member concerned by a medical practitioner nominated by the Commissioner.

(3) For the purposes of *subsections (1)* and *(2)*, where the member concerned is the Commissioner of the Garda Síochána, then references to the Commissioner of the Garda Síochána or to the Commissioner in those subsections shall be read as references to the Minister for Justice, Equality and Law Reform.

F7**[**(4) Nothing in this section shall prevent the appointment, in accordance with the F8**[**Policing, Security and Community Safety Act 2024**]**, F9**[**as a new entrant to the Garda Síochána to the rank of Commissioner of the Garda Síochána or of Deputy Garda Commissioner who has attained the age of 55 years but is under the age of 60 years or such higher age as may be specified by the Minister for Justice, in regulations made under the relevant provision, as the retirement age for the rank concerned**]**.

(5) Where an appointment of a person mentioned in *subsection (4)* is made, then—

(*a*) *subsections (1)(b)*, *(2)* and *(3)* shall apply to the person if the appointment is to the rank of Commissioner of the Garda Síochána, and

(*b*) *subsections (1)(b)* and *(2)* shall apply to the person if the appointment is to the rank of Deputy Garda Commissioner.**]**

F6**[**(6) In this section, "relevant provision" means—

(*a*) until the date on which it is repealed by the coming into operation of section 5 of the Policing, Security and Community Safety Act 2024, section 122(1) of the Garda Síochána Act 2005, and

(*b*) on and from the date referred to in *paragraph (a)*, section 254(1) of the Policing, Security and Community Safety Act 2024.**]**

Annotations

Amendments:

F6 Inserted (2.09.2024) by *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), s. 30(b)(i), (iii), S.I. No. 422 of 2024.

F7 Inserted (7.03.2018) by *Public Service Superannuation (Amendment) Act 2018* (2/2018), s. 1, S.I. No. 67 of 2018.

F8 Substituted (2.04.2025) by *Policing, Security and Community Safety Act 2024* (1/2024), s. 277, S.I. No. 107 of 2025.

F9 Substituted (2.09.2024) by *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), s. 30(b)(ii), S.I. No. 422 of 2024.

Amendment of Superannuation (Prison Officers) Act 1919, etc.

5.—(1) The Superannuation (Prison Officers) Act 1919 is amended by substituting the following for section 1(1)(*a*):

"(*a*) 55 years shall be substituted for 60 years or 65 years, as appropriate, as the age of retirement which without a medical certificate a superannuation allowance may be granted and, accordingly, sections 10 and 11 of the Superannuation Act 1859 (as amended by the *Public Service Superannuation (Miscellaneous Provisions) Act 2004)* shall, in their application to such officers as aforesaid, have effect as if for '60 years' or '65 years' there were substituted '55 years'; but where any such officer, other than an officer who is a new entrant—

(i) is covered by—

(I) the report of Departmental Council, Department of Justice, known as the Agreed Report No. 8/1983 which was signed on behalf of the Staff Side on 21 September 1983 and on behalf of the Official Side on 3 October 1983, or

(II) the report known as the Civil Service Conciliation and Arbitration (Higher) Scheme Conciliation Council Report 1/88 which was adopted on behalf of the Staff Side and on behalf of the Official Side on 16 February 1988,

and

(ii) has in aggregate 30 years' service as such an officer,

then '50 years' shall be so substituted instead of '55 years';

(*aa*) 60 years shall be substituted for 65 years as the age at which preserved benefit (within the meaning of *section 1* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*, other than in so far as it relates to a death benefit) can be paid and, accordingly, section 6 of the Superannuation Act 1909 (as amended by the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) shall, in its application to such officers as aforesaid, have effect as if for '65 years' there were substituted '60 years';".

F10**[**(2) The Superannuation Acts 1834 to 1963 shall have effect in respect of—

(*a*) with effect from 16 February 1988, the class of officers who are prison governors, and

(*b*) with effect from 1 March 2012, the class of officers, who are appointed to the position of Prison Campus Governor by the Minister for Justice and Equality,

subject to the Superannuation (Prison Officers) Act 1919 as if each class of officers concerned had been prescribed under and for the purposes of section 1(1) (as adapted by the Superannuation (Prison Officers) Act 1919, Adaptation Order 1933 (S.R. & O. No. 71 of 1933)) of the Superannuation (Prison Officers) Act 1919.**]**

Annotations

Amendments:

F10 Substituted (1.01.2013) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 55(b), S.I. No. 574 of 2012.

Compulsory retirement age and new entrant fire brigade employees.

6.—*Section 3* shall not apply to a specified fire brigade employee who is a new entrant.

Compulsory retirement age and new entrants to Permanent Defence Force.

7.—*Section 3* shall not apply to new entrants to the Permanent Defence Force other than in respect of new entrants to the Army Nursing Service.

Pension schemes, etc., and new entrants to Permanent Defence Force, etc.

8.—(1) No superannuation benefit shall be granted and no other arrangements shall be entered into for the provision of such benefit to or in respect of a member of the Permanent Defence Force who is a new entrant otherwise than—

(*a*) in accordance with a scheme under this section, or

(*b*) with the consent of the Minister for Defence and the Minister.

(2) The Minister for Defence shall, with the consent of the Minister, make a scheme or schemes for the purposes of granting superannuation benefits to or in respect of members of the Permanent Defence Force appointed on or after 1 April 2004 who are new entrants.

(3) Every scheme made under *subsection (2)* shall, subject to *section 10(2)*, fix the time and conditions of retirement for all members of the Permanent Defence Force to or in respect of whom superannuation benefits are payable under the scheme and different times and conditions may be fixed in respect of different classes of such members.

(4) The Minister for Defence may, with the consent of the Minister, make a scheme amending or revoking a scheme under this section (including a scheme under this subsection).

(5) Every scheme under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme has been laid before it, the scheme shall be annulled accordingly but without prejudice to the validity of anything previously done under that scheme.

Non application to Chaplaincy Service.

9.—This Act does not apply to members of the Chaplaincy Service to the Defence Forces and the provisions of the Defence Forces (Pensions) Acts 1932 to 1975 relating to any such member shall continue to apply as if this Act had not been enacted.

Pensionable age generally.

10.—(1) Subject to *subsections (2)* to *(6)* and *sections 5* and *11*, no superannuation benefit other than death benefits shall be paid in respect of service as a new entrant before he or she reaches the age of 65 years.

(2) Subject to *subsection (6)*—

(*a*) where a member of the Permanent Defence Force other than the Army Nursing Service is a new entrant, then no superannuation benefit shall be paid in

respect of service as a new entrant before he or she reaches the age of 50 years, other than death benefits, and

(*b*) in the case of members of the Army Nursing Service, *subsection (1)* shall apply.

(3) Subject to *subsection (6)*, where a member of the Garda Síochána is a new entrant, no superannuation benefit shall be paid in respect of service as a new entrant before he or she reaches the age of 55 years, other than death benefits.

(4) Subject to *subsection (6)*, nothing in this section shall be read as prohibiting a provision in a public service pension scheme from setting the age at which preserved benefit, other than a death benefit, first becomes payable at an age later than the age at which a retirement benefit is payable.

(5) Subject to *subsection (6)*, where a specified fire brigade employee is a new entrant, no superannuation benefit shall be paid before he or she reaches the age of 55 years, other than death benefits.

F11**[**(6) Nothing in this section shall affect any provision by or under any enactment or public service pension scheme which provides for the award of superannuation benefits at an age earlier than that specified in this section or in the amendments provided for by *Part 2* of *Schedule 2*—

(*a*) on grounds of ill health, or

(*b*) where it is provided for by the provisions of a public service pension scheme, on 31 March 2004, in the case of compulsory cesser of office or position before 65 years of age, or

(*c*) for any other specified purpose under any enactment or public service pension scheme that applies to a new entrant and is approved by the relevant Minister and the Minister after 31 March 2004.**]**

Annotations

Amendments:

F11 Substituted (1.04.2004) by *Civil Service Regulation (Amendment) Act 2005* (18/2005), s. 33(2)(a), commenced as per s. 2(3).

Pensionable age for new entrants to Houses of Oireachtas, etc.

11.—(1) In respect of a new entrant to whom either or both *paragraph (c)* or *(d)* of the definition of "public servant" in *section 1* relates, no superannuation benefit shall be paid before he or she reaches the age of 65 years other than on grounds of ill-health, death or as provided for by *section 10(6)(c)*.

(2) For the purpose of supplementing *subsection (1)*, the Act referred to in *columns 1* and *2* of *Part 1* of *Schedule 2* is amended to the extent specified in *column 3* of that Part opposite the references to the Act concerned.

Accrual rate for pension purposes.

12.—(1) For new entrants to a local authority the provisions of the Local Government (Superannuation) (Consolidation) Scheme 1998 (S.I. No. 455 of 1998) that provide for any excess of a person's service over 20 years to be doubled for superannuation purposes do not apply.

(2) *Subsection (1)* does not apply to a fire brigade employee to whom *section 10(5)* applies.

(3) Section 65 of the Mental Treatment Act 1945 does not apply to new entrants.

Reckoning for superannuation purposes of service after a specified age.

13.—F12**[**(1)**]** Except where otherwise provided for by this Act and subject to accruing a maximum pension as provided for as of 31 March 2004 by or under any enactment or public service pension scheme, any restriction on reckoning of service for superannuation purposes after a person reaches a specified age shall not apply to a new entrant.

F12**[**(2) *Subsection (1)* shall not apply to—

(*a*) a person who is appointed as a member of the Garda Síochána,

(*b*) a specified fire brigade employee,

(*c*) a member of the Permanent Defence Force, or

(*d*) a prison officer (within the meaning of section 26 of the Act of 2012).**]**

Annotations

Amendments:

F12 Section designated as subs. (1) and subs. (2) inserted (19.08.2024) by *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), s. 30(c)(i), (ii), S.I. No. 400 of 2024.

F13**[**Reckoning for superannuation purposes of service by relevant public servants.

13A.—Subject to accruing a maximum pension as provided for by or under any enactment or public service pension scheme, any restriction on reckoning for superannuation purposes of service rendered to a public service body after a person reaches a specified age shall, in the case of a relevant public servant, be read as applying only to service rendered by that person to that body after the age of 70 years or, where a higher age is prescribed by order under *section 3A(2)*, that higher age, subject to any extension provided for in a public service pension scheme made, approved or consented to by the Minister for Education and Skills, with the consent of the Minister.**]**

Annotations

Amendments:

F13 Inserted (26.12.2018) by *Public Service Superannuation (Age of Retirement) Act 2018* (39/2018), s. 4, commenced on enactment.

Editorial Notes:

E2 The section heading is taken from the amending section in the absence of one included in the amendment.

Application to existing pension provisions.

14.—The provisions of every public service pension scheme shall be read subject to this Act and every such scheme shall have effect accordingly.

F14**[**Application to existing retirement provisions.

14A.— The provisions of any public service pension scheme or statutory instrument (within the meaning of the Interpretation Act 2005) that require, or the effect of which is to require, a relevant public servant to retire or cease holding office or employment upon attaining a specified age shall be read, subject to this Act, as requiring the relevant public servant to retire or cease to hold office upon attaining the age of 70 years or, where a higher age is prescribed under *section 3A(2)*, upon attaining that higher age, subject to any extension provided for in any such scheme or instrument as is made, approved or consented to by the Minister for Education and Skills, with the consent of the Minister.**]**

Annotations

Amendments:

F14 Inserted (26.12.2018) by *Public Service Superannuation (Age of Retirement) Act 2018* (39/2018), s. 5, commenced on enactment.

Editorial Notes:

E3 The section heading is taken from the amending section in the absence of one included in the amendment.

Removal of doubts.

15.—Where a doubt, question or dispute arises in the operation of this Act in respect of whether or not a person is or is not a new entrant, then such doubt, question or dispute shall be determined by the Minister.

Short title and collective citation.

16.—(1) This Act may be cited as the Public Service Superannuation (Miscellaneous Provisions) Act 2004.

(2) The Defence Forces (Pensions) Acts 1932 to 1975, this subsection, *sections 8, 9* and *10(2)* and, in so far as it relates to those sections, *section 1* may be cited together as the Defence Forces (Pensions) Acts 1932 to 2004.

Section 1.

SCHEDULE 1

Bodies to which the definition of "Public Service Body" does not apply

1. A body which has an occupational pension scheme or arrangement that is made or may be made under the agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland establishing Implementation Bodies done at Dublin on 8 March 1999.

F15**[**1A. A body corporate established by Act of Parliament before 6 December 1922 that, upon its establishment, was of a commercial character.**]**

2. Aer Lingus Group p.l.c.

3. Aer Rianta c.p.t.

4. Arramara Teoranta.

5. Bord Gáis Éireann.

6. Bord na gCon.

7. Bord na Móna.

8. Córas Iompair Éireann.

9. Coillte Teoranta.

F16**[**9A. EirGrid.**]**

10. Electricity Supply Board.

11. A harbour authority within the meaning of the Harbours Act 1946 or company to which section 7 of the Harbours Act 1996 relates.

12. Horse Racing Ireland.

13. Irish National Stud Company Limited.

14. Irish Aviation Authority.

15. An Post.

16. An Post National Lottery Company.

17. Radio Teilifís Éireann.

18. Railway Procurement Agency.

F15**[**18A. Shannon Group p.l.c.**]**

F15**[**18B. Teilifís na Gaeilge.**]**

F17**[**18C. Uisce Éireann.**]**

19. Voluntary Health Insurance Board.

20. A subsidiary of any body to which this Schedule F18**[**relates.**]**

Annotations

Amendments:

F15 Inserted (26.12.2018) by *Public Service Superannuation (Age of Retirement) Act 2018* (39/2018), s. 6(a), (b), commenced on enactment.

F16 Inserted (1.04.2004) by *Civil Service Regulation (Amendment) Act 2005* (18/2005), s. 33(2)(b)(i), commenced as per s. 2(3).

F17 Inserted (1.01.2023) by *Water Services (Amendment) Act 2022* (39/2022), s. 31 and sch. ref. no. 4, S.I. No. 678 of 2022.

F18 Substituted (1.04.2004) by *Civil Service Regulation (Amendment) Act 2005* (18/2005), s. 33(2)(b)(ii), commenced as per s. 2(3).

Modifications (not altering text):

C8 Reference to Bord na gCon construed (1.10.2020) by *Greyhound Racing Act 2019* (15/2019), s. 8(2), S.I. No. 399 of 2020.

Change of name of Bord na gCon

8. (1) The name of the board (established by section 6 of the Principal Act) the present name of which is Bord na gCon, shall be Rásaíocht Con Éireann.

(2) References in any enactment, statutory instrument or legal proceedings or any other document to Bord na gCon shall, on and from the commencement of this section, be read as references to Rásaíocht Con Éireann.

C9 References to "Aer Rianta" and "Dublin Airport Authority" construed (27.07.2014) by *State Airports (Shannon Group) Act 2014* (27/2014), s. 33(4), commenced on enactment.

Consequential amendments relating to preceding sections

33. ...

(4) A reference in any other enactment or instrument made under an enactment (other than an enactment referred to in this section) to—

(a) Aer Rianta, is to be read as a reference to—

(i) daa,

(ii) Shannon Airport Authority, and

(iii) from the Cork appointed day, Cork Airport Authority,

or any of them, as the case may be, and

(b) Dublin Airport Authority is to be read as a reference to daa.

...

C10 References to "Bord Gáis Éireann" and "The Irish Gas Board" construed (19.06.2014) by *ESB (Electronic Communications Networks) Act 2014* (5/2014), s. 8(2), S.I. No. 286 of 2014.

Change of name of Bord Gáis Éireann to Ervia

8. ...

(2) References in any enactment, statutory instrument, legal proceedings or any other document to Bord Gáis Éireann or The Irish Gas Board shall, on and from the day appointed under *subsection (1)*, be construed as references to Ervia.

Section 2(7) and *Section 11(2)*.

SCHEDULE 2

PART I

CONSEQUENTIAL AMENDMENTS TO ACT RELATING TO *SECTIONS 2(7)* AND *11(2)*

Number and Year	Short Title	Amendment
No. 38 of 1938	Ministerial and Parliamentary Offices Act 1938	Section 13A (inserted by the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992): in subsection (7), to delete paragraph (*b*) (inserted by the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001) and insert the following: "(*b*) Subject to paragraph (*c*), none of the following persons are entitled to a pension under this section— (i) a person who is receiving a severance allowance under Part V of this Act, or (ii) a person who has not reached 65 years of age, other than— (I) a person who was a member of either House of the Oireachtas, or of the European Parliament (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*), prior to 1 April 2004, (II) a person who held the office of Attorney General prior to 1 April 2004, or (III) a person who has held the office of Taoiseach, in which cases the reference to 65 years in this paragraph shall be taken to be a reference to 50 years.". Section 13AA (inserted by the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001): to delete subsection (11) and insert the following: "(11) Except as provided by subsection (12), none of the following persons are entitled to a pension under this section— (*a*) a person who is receiving a severance allowance under Part V of this Act, or (*b*) a person who has not reached 65 years of age, other than— (i) a person who was a member of either House of the Oireachtas, or of the European Parliament (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*), prior to 1 April 2004, (ii) a person who held the office of Attorney General prior to 1 April 2004, or (iii) a person who has held the office of Taoiseach, in which cases the reference to 65 years in this subsection shall be taken to be a reference to 50 years.".

PART 2

CONSEQUENTIAL AMENDMENTS TO ACTS RELATING TO *SECTIONS 3* AND *10*

Section 3 and 10.

Chapter and Regnal Year or Number and Year	Short Title	Amendment
22 Vict., c. 26	Superannuation Act 1859	Section 10 (as amended by the 1980 Regulations): in subsection (1), to delete "who shall be under Sixty Years" and insert "who shall be under 60 years of age or, in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies, under 65 years of age". Section 11: to delete "attained the Age of Sixty Years" and substitute "attained the age of 60 years or, in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies, 65 years".
50 & 51 Vict., c. 67	Superannuation Act 1887	Section 3 (as amended by the 1980 Regulations): in subsection (5) to delete "before attaining sixty years of age" and insert "before attaining 60 years of age or, in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies, 65 years of age"; in subsection (7): (*a*) to delete "he attains sixty years of age" and insert "that person attains 60 years of age or, in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies, 65 years of age", and (*b*) in paragraph (*a*), to delete "sixtieth birthday" and insert "60th birthday or, in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies, 65th birthday"; in subsection (13), in the definition of "the annual salary and emoluments of his office on his last day of reckonable service", to delete "attained sixty years of age" and insert "attained 60 years of age or, in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies, 65 years of age".
9 Edw. 7, c.10	Superannuation Act 1909	Section 1: in the proviso to subsection (2) after "that age" to insert "but this proviso shall not apply in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies". Section 2: in the proviso to subsection (1) after "that age" to insert "but this proviso shall not apply in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies". Section 6 (as amended by the 1980 Regulations): in subsection (1)—

		(*a*) in paragraph (*a*) to delete "having attained sixty years of age" and insert "having attained 60 years of age or, in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies, 65 years of age", (*b*) in paragraph (*b*)(II) to delete "attains sixty years of age" and insert "attains 60 years of age or, in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies, 65 years of age", (*c*) in paragraph (*b*) to delete "attaining sixty years of age" and substitute "attaining the said 60 or 65 years of age, as the case may be,", (*d*) in paragraph (*c*) to delete "attains sixty years of age" and insert "attains 60 years of age or, in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies, 65 years of age" in both places where it occurs, (*e*) in paragraph (*c*)(iv)(I) to delete "had attained sixty years of age" and insert "had attained 60 years of age or, in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies, 65 years of age", (*f*) in paragraph (*d*) to delete "attains sixty years of age" and insert "attains 60 years of age or, in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies, 65 years of age", (*g*) in paragraph (*e*) to delete "attains sixty years of age" and insert "attains 60 years of age or, in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies, 65 years of age" in both places where it occurs.
4 & 5 Geo. 5, c.86	Superannuation Act 1914	Section 4 (as amended by the 1980 Regulations): in subsection (1) to delete "attained sixty years of age" and insert "attained 60 years of age or, in the case of a person to whom *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies, 65 years of age".
No. 46 of 1956	Civil Service Regulation Act 1956	Section 8: to insert the following subsection after subsection (5): "(5A) Subsections (3) and (4) of this section do not apply to a civil servant (other than an officer to whom the Act of 1919 applies) who is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004.".
No. 16 of 1964	Registration of Title Act 1964	Section 9: in subsection (7) after "seventy years" to insert ": but where the Registrar of Titles is a new entrant (within the meaning of the *Public Service Superan-* nuation (Miscellaneous Provisions) Act *2004*) appointed on or after 1 April 2004, then the requirement to retire on grounds of age shall not apply".
No. 1 of 1970	Health Act 1970	Section 19:

		to substitute the following for section 19: "Age limits. 19.—A person who is a per-limits. manent officer of a health board shall cease to be a permanent officer on attaining the age of 65 years, or where a higher age is fixed by order of the Minister, on the person attaining that age: but where the person is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, the requirement to cease to be a permanent officer on grounds of age shall not apply.".
No. 4 of 1978	Medical Practitioners Act 1978	Section 18: to substitute the following for subsection (1): "(1) A person who is a permanent officer of the Council shall cease to be a permanent officer on attaining the age of 65 years, or where a higher age is fixed by order of the Minister, on the person attaining that age: but where the person is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, the requirement to cease to be a permanent officer on grounds of age shall not apply.".
No. 26 of 1980	Ombudsman Act 1980	Section 2: in subsection (3)(*c*) after "67 years" to insert ": but where the person is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, then the requirement to vacate office on grounds of age shall not apply"; in subsection (7) after "Ombudsman" to insert ": but where the person is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, then this subsection shall not apply".
No. 9 of 1985	Dentists Act 1985	Section 18: to substitute the following for subsection (1): "(1) A person who is a permanent officer of the Council shall cease to be a permanent officer on attaining the age of 65 years, or where a higher age is fixed by order of the Minister, on the person attaining that age: but where the person is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, the requirement to cease to be a permanent officer on grounds of age shall not apply.".
No. 18 of 1985	Nurses Act 1985	Section 18: to substitute the following for section 18: "Age limits, etc. 18.—A person who is a per-limits, etc. manent officer of the Board shall cease to be a permanent officer on attaining the age of 65 years: but where the person is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, the requirement to cease to be a permanent officer on grounds of age shall not apply.".

No. 25 of 1988	Data Protection Act 1988	Second Schedule: in paragraph 2(2)(*c*) after "65 years" to insert ": but where the person is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, then the requirement to vacate office on grounds of age shall not apply.".
No. 25 of 1990	Pensions Act 1990	Section 129 (inserted by the Pensions (Amendment) Act 2002): in subsection (4) after "67 years" to insert ": but where the person is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, then the requirement to vacate office on grounds of age shall not apply".
No. 7 of 1992	Environmental Protection Agency Act 1992	Section 21: in subsection (14)(*b*) after "sixty-five years" to insert ": but where the Director General is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, then the requirement to vacate office on the grounds of age shall not apply". Section 24: in subsection (10)(*b*) after "sixty-five years" to insert ": but where the director is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, then the requirement to vacate office on grounds of age shall not apply".
No. 8 of 1993	Comptroller and Auditor General (Amendment) Act 1993	Section 15: in subsection (2) to substitute the following for paragraph (*a*): "(*a*) he has reached the age of 60 years or, where *section 10* of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004* applies to such person, 65 years, or"; in subsection (6) after "65 years" to insert ": but where the person is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, then the requirement to vacate office on grounds of age shall not apply".
No. 13 of 1997	Freedom of Information Act 1997	Second Schedule: in paragraph 2(*c*) after "67 years" to insert ": but where the person is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, then the requirement to vacate office on grounds of age shall not apply".
No. 13 of 1999	Health (Eastern Regional Health Authority) Act 1999	Section 21: in subsection (11) to insert the following for paragraph (*b*): "(*b*) A person who is a member of the staff of the Executive serving in a permanent capacity shall cease to be such a member on attaining the age of 65 years: but where the person is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, the

		requirement to cease to be such a member on grounds of age shall not apply".
No. 14 of 1999	National Disability Authority Act 1999	Section 25: in subsection (5)(*a*) after "whichever is the shorter" to insert ": but where the Director is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, then the requirement to cease holding office, on grounds of age, shall not apply".
No. 30 of 2000	Planning and Development Act 2000	Section 105: in subsection (13)(*b*) after "65 years" to insert ": but where the chairperson is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, then the requirement to vacate office on grounds of age shall not apply". Section 106: in subsection (13)(*b*) after "65 years" to insert ": but where the ordinary member is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, then the requirement to vacate office on grounds of age shall not apply".
No. 22 of 2002	Ombudsman for Children Act 2002	Section 4: in subsection (3)(*c*) after "67 years" to insert ": but where he or she is a new entrant (within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*) appointed on or after 1 April 2004, then the requirement to vacate office on the grounds of age shall not apply".
No. 32 of 2003	Official Languages Act 2003	Second Schedule: in paragraph 2(*c*) of the Irish text after "ar 67 mbliana d'aois a shlánú" to insert ": ach i gcás gur iontrálaí nua é nó í, de réir bhrí an *Achta um Aoisliúntas na Seirbhíse Poiblí (Forálacha Ilghnéitheacha) 2004*, ansin ní bheidh feidhm ag an gceanglas maidir le héirí as oifig ar fhoras aoise"; in paragraph 2(*c*) of the English text after "attaining the age of 67 years" to insert ": but where he or she is a new entrant, within the meaning of the *Public Service Superannuation (Miscellaneous Provisions) Act 2004*, then the requirement to vacate office on grounds of age shall not apply".

F19[PART 3

Section 3A

CONSEQUENTIAL AMENDMENTS TO ACTS RELATING TO SECTION 3A

Number and Year	Short Title	Amendment
No. 46 of 1956	Civil Service Regulation Act 1956	Section 8 is amended by—

		(a) the substitution of the following paragraph for paragraph (b) of subsection (1): "(b) in relation to any other civil servant, 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age.", (b) the deletion of subsection (2), and (c) the deletion of subsection (4).
No. 26 of 1980	Ombudsman Act 1980	Section 2 is amended by— (a) the substitution of the following paragraph for paragraph (c) of subsection (3): "(c) shall in any case vacate the office on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.", and (b) the deletion of subsection (7).
No. 9 of 1985	Dentists Act 1985	Section 18 is amended by— (a) the substitution of the following subsection for subsection (1): "(1) A person who is a permanent officer of the Council shall cease to be a permanent officer on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to cease holding office on grounds of age shall not apply.", and (b) the deletion of subsection (2).
No. 7 of 1992	Environmental Protection Agency Act 1992	Section 21 is amended by the substitution of the following paragraph for paragraph (b) of subsection (14): "(b) The Director General shall vacate the office of Director General on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.".

		Section 24 is amended by the substitution of the following paragraph for paragraph (b) of subsection (10): "(b) A director shall vacate his office of director on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.".
No. 8 of 1993	Comptroller and Auditor General (Amendment) Act 1993	Section 15 is amended in subsection (6) by the substitution of the following paragraph for paragraph (a): "(a) The age of retirement of a person appointed to the office of Comptroller and Auditor General after 1 October 1993 shall be 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.".
No. 14 of 1999	National Disability Authority Act 1999	Section 25 is amended in subsection (5) by the substitution of the following paragraph for paragraph (a): "(a) The Director shall, unless he or she earlier dies, resigns or retires at any stage after attaining the earliest age to retire in accordance with a scheme under section 28 or is earlier removed from office, hold office— (i) for a period not exceeding 7 years, or (ii) for the period from the date of the appointment to the date on which he or she attains the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age, whichever is the shorter but, where the Director is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to cease holding office on grounds of age shall not apply.".
No. 30 of 2000	Planning and Development Act 2000	Section 105 is amended by the substitution of the following paragraph for paragraph (b) of subsection (13): "(b) The chairperson shall vacate the office of chairperson on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the

		requirement to vacate office on grounds of age shall not apply.". Section 106 is amended by the substitution of the following paragraph for paragraph (b) of subsection (13): "(b) A person shall vacate the office of ordinary member on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.".
No. 37 of 2001	Local Government Act 2001	Section 147 is amended in subsection (1)— (a) in paragraph (b) by the substitution of "the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age" for "such age as the Minister specifies by order", and (b) by the insertion of "but, where the person is a new entrant (within the meaning of the aforementioned Act) appointed on or after 1 April 2004, the requirement to cease to hold the employment on grounds of age shall not apply" after "ceases to hold the employment". Section 158 is amended by the deletion of paragraph (c) of subsection (1).
No. 22 of 2002	Ombudsman for Children Act 2002	Section 4 is amended in subsection (3) by the substitution of the following paragraph for paragraph (c): "(c) shall in any case vacate the office on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.".
No. 32 of 2003	Official Languages Act 2003	The Second Schedule is amended in paragraph 2— (a) in the Irish text by the substitution of the following subparagraph for subparagraph (c): "(c)éireoidh sé nó sí as oifig ar chaoi ar bith ar 70 bliain d'aois a shlánú nó, i gcás go bhfordódfar aois is airde ná sin le hordú faoi alt 3A(2) den Acht um Aoisliúntas na Seirbhíse Poiblí (Forálacha Ilghnéitheacha), 2004 chun críocha an Achta sin, ar an aois sin a shlánú ach, i gcás gurb iontrálaí nua an duine (de réir bhrí an Achta sin) arna cheapadh nó arna ceapadh an 1 Aibreán 2004 nó dá éis, ní bheidh feidhm ag an gceanglas maidir le héirí as oifig ar fhoras aoise.", and

		(b) in the English text by the substitution of the following subparagraph for subparagraph (c): "(c) shall in any case vacate the office on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.".
No. 25 of 2007	Medical Practitioners Act 2007	Section 26 is amended by— (a) the substitution of the following subsection for subsection (1): "(1) Subject to subsection (2), a person who is a permanent officer of the Council shall cease to be a permanent officer on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age.", and (b) the deletion of subsection (3).
No. 41 of 2011	Nurses and Midwives Act 2011	Section 30 is amended by— (a) the substitution of the following subsection for subsection (1): "(1) Subject to subsection (2), an employee of the Board (including the chief executive officer) shall cease to be an employee on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age.", and (b) the deletion of subsection (3).
No. 30 of 2014	Freedom of Information Act 2014	Schedule 2 is amended in paragraph 2 by the substitution of the following subparagraph for subparagraph (c): "(c) shall in any case vacate the office on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.".
No. 7 of 2018	Data Protection Act 2018	Section 15(10) is amended by the substitution of the following paragraph for paragraph (d): "(d) cease to be a Commissioner on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but,

		where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to cease to be a Commissioner on grounds of age shall not apply.".**]**

Annotations

Amendments:

F19 Inserted (26.12.2018) by *Public Service Superannuation (Age of Retirement) Act 2018* (39/2018), s. 7 and sch., commenced on enactment.

Number 7 *of* 2004

PUBLIC SERVICE SUPERANNUATION (MISCELLANEOUS PROVISIONS) ACT 2004

REVISED

Updated to 2 April 2025

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Defence Forces (Pensions) Acts 1932 to 2004: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Public Service Superannuation (Miscellaneous Provisions) Act 2004* (7/2004), s. 16(2)). The Acts in this group are:

- *Defence Forces (Pensions) Act 1932* (26/1932)
- *Defence Forces (Pensions) (Amendment) Act 1938* (33/1938)
- *Defence Forces (Pensions) (Amendment) Act 1949* (7/1949)
- *Defence Forces (Pensions) (Amendment) Act 1957* (12/1957)
- *Defence Forces (Pensions) (Amendment) Act 1968* (4/1968) (repealed)
- *Defence Forces (Pensions) (Amendment) Act 1975* (2/1975)
- *Public Service Superannuation (Miscellaneous Provisions) Act 2004* (7/2004), ss. 8, 9, 10(2) and 16(2) and, in so far as it relates to those sections, s. 1

Ministerial and Parliamentary Offices Acts 1938 to 2009: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Companies (Statutory Audits) Act 2018* (22/2018), s. 1(4)). The Acts in this group are:

- *Ministerial and Parliamentary Offices Act 1938* (38/1938)
- *Ministerial and Parliamentary Offices (Amendment) Act 1947* (24/1947) (repealed)
- *Ministerial and Parliamentary Offices (Amendment) Act 1949* (21/1949)
- *Ministerial and Parliamentary Offices (Amendment) Act 1952* (19/1952)
- *Oireachtas (Allowances To Members) and Ministerial and Parliamentary Offices (Amendment) Act 1960* (12/1960), part III
- *Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1964* (14/1964), part III
- *Oireachtas (Allowances To Members) and Ministerial and Parliamentary Offices (Amendment) Act 1968* (22/1968), part III
- *Ministerial and Parliamentary Offices Act 1972* (21/1972)
- *Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1973* (22/1973), part III
- *Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act 1977* (29/1977), part III

- *Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act 1983* (32/1983), in so far as it amends the Ministerial and Parliamentary Offices Acts 1938 to 1977
- *Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992* (3/1992), in so far as it amends the Ministerial and Parliamentary Offices Acts 1938 to 1983
- *Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996* (39/1996), s. 5 and s. 7 other than subs. (2)
- *Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act 1998* (5/1998), in so far as it extends or amends the Ministerial and Parliamentary Offices Acts 1938 to 1996
- *Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001* (30/2001)
- *Public Service Superannuation (Miscellaneous Provisions) Act 2004* (7/2004), s. 11 and sch. 2 part 1
- *Markets in Financial Instruments and Miscellaneous Provisions Act 2007* (37/2007), s. 16
- *Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices Act 2009* (29/2009), other than ss. 2 and 3
- *Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014* (6/2014)
- *Companies (Statutory Audits) Act 2018* (22/2018), s. 69

Public Service Superannuation (Miscellaneous Provisions) Acts 2004 to 2018: this Act is one of a group of Acts included in this collective citation (*Public Service Superannuation (Age of Retirement) Act 2018* (39/2018), s. 9(2)). The Acts in this group are:

- *Public Service Superannuation (Miscellaneous Provisions) Act 2004* (7/2004)
- *Public Service Superannuation (Amendment) Act 2018* (2/2018)
- *Public Service Superannuation (Age of Retirement) Act 2018* (39/2018)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024)
- *Policing, Security and Community Safety Act 2024* (1/2024)
- *Water Services (Amendment) Act 2022* (39/2022)
- *Public Service Superannuation (Age of Retirement) Act 2018* (39/2018)
- *Public Service Superannuation (Amendment) Act 2018* (2/2018)
- *Education and Training Boards Act 2013* (11/2016)
- *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012)

- *Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices Act 2009* (29/2009)
- *Local Government Services (Corporate Bodies) (Confirmation of Orders) Act 2008* (9/2008)
- *Health (Miscellaneous Provisions) Act 2007* (42/2007)
- *Civil Service Regulation (Amendment) Act 2005* (18/2005)

All Acts up to and including *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), enacted 14 April 2025, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)

All statutory instruments up to and including *Policing, Security and Community Safety Act 2024 (Commencement) Order 2025* (S.I. No. 107 of 2025), made 2 April 2025, were considered in the preparation of this revision.