Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.

Number 38 *of* 2010

FINANCIAL EMERGENCY MEASURES IN THE PUBLIC INTEREST ACT 2010

REVISED

Updated to 1 January 2023

This Revised Act is an administrative consolidation of the *Financial Emergency Measures in the Public Interest Act 2010*. 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 *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, and all statutory instruments up to and including the *Planning And Development And Foreshore (Amendment) Act 2022 (Commencement) Order 2023* (S.I. No. 1 of 2023), made 9 January 2023, 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 38 *of* 2010

FINANCIAL EMERGENCY MEASURES IN THE PUBLIC INTEREST ACT 2010

REVISED

Updated to 1 January 2023

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.

1A. Application of Act to Central Bank of Ireland.

2. Reduction in public service pension.

2A. Persons becoming pensioners after 29 February 2012: reduction in public service pension.

3. Calculation of public service pension not affected.

4. Obligation on paying authorities to make payments.

5. No power to pay public service pension other than in accordance with *section 2*.

6. Exemption, etc., from operation of *section 2* in certain circumstances.

6A. Duty to give information, etc.

6B. Use of Personal Public Service Number (PPSN).

7. Amendment of section 2 of Act of 2009.

8. Amendment of section 3 of Act of 2009.

9. Amendment of Act of 2009.

10. Annual review and report to Houses of the Oireachtas. *(Repealed)*

11. Regulations.

12. Removal of doubts.

13. Amendment of National Minimum Wage Act 2000.

14. Short title.

SCHEDULE

Bodies to which the definition of "public service body" does not apply

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ACTS REFERRED TO

Companies Acts	
Defence Act 1954	1954, No. 18
Defence (Amendment) Act 2007	2007, No. 24
European Parliament (Irish Constituency Members) Act 2009	2009, No. 17
Financial Emergency Measures in the Public Interest (No. 2) Act 2009	2009, No. 41
Harbours Act 1946	1946, No. 9
Harbours Act 1996	1996, No. 11
Local Government Act 2001	2001, No. 37
Ministerial and Parliamentary Offices Act 1938	1938, No. 38
Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001	2001, No. 33
National Minimum Wage Act 2000	2000, No. 5
Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1973	1973, No. 22
Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act 1977	1977, No. 29
Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act 1983	1983, No. 32
Pensions Act 1990	1990, No. 25
Public Service Superannuation (Miscellaneous Provisions) Act 2004	2004, No. 7
Superannuation Acts 1834 to 1963	
Taxes Consolidation Act 1997	1997, No. 39
Vocational Education Act 1930	1930, No. 29

Number 38 *of* 2010

FINANCIAL EMERGENCY MEASURES IN THE PUBLIC INTEREST ACT 2010

REVISED

Updated to 1 January 2023

AN ACT, IN THE PUBLIC INTEREST, TO PROVIDE FOR THE REDUCTION OF THE AMOUNT OF THE PAYMENT OF PENSION OR OTHER BENEFITS (OTHER THAN LUMP SUMS) PAYABLE TO OR IN RESPECT OF CERTAIN PERSONS WHO ARE OR WERE IN THE PUBLIC SERVICE (INCLUDING FORMER HOLDERS OF CERTAIN OFFICES, MEMBERS AND FORMER MEMBERS OF THE HOUSES OF THE OIREACHTAS AND FORMER MEMBERS OF THE JUDICIARY) UNDER AN OCCUPATIONAL PENSION SCHEME OR PENSION ARRANGEMENT (BY WHATEVER NAME CALLED) WHICH IS PROVIDED FOR UNDER THE SUPERANNUATION ACTS 1834 TO 1963 OR ANY OTHER ENACTMENT OR ADMINISTRATIVE MEASURE TO LIKE EFFECT, OR IS REQUIRED TO BE MADE, APPROVED OF OR CONSENTED TO (HOWEVER EXPRESSED) BY ONE OR MORE THAN ONE MINISTER OF THE GOVERNMENT; TO AMEND THE FINANCIAL EMERGENCY MEASURES IN THE PUBLIC INTEREST (NO. 2) ACT 2009 AND THE NATIONAL MINIMUM WAGE ACT 2000; AND TO PROVIDE FOR RELATED MATTERS.

[22*nd December*, 2010]

WHEREAS a serious disturbance in the economy and a decline in the economic circumstances of the State have occurred and are continuing, which threaten the well-being of the community;

AND WHEREAS as a consequence a serious deterioration in the revenues of the State has occurred and there are significant and increasing State commitments in respect of public service pensions;

AND WHEREAS it is necessary to cut current Exchequer spending substantially to demonstrate that public expenditure is being significantly controlled so as to ensure access to international funding and to improve the State's international competitiveness;

AND WHEREAS the State is availing of financial assistance programmes provided by the European Financial Stabilisation Mechanism and the European Financial Stability Facility and the International Monetary Fund and it is necessary to take the measures in this Act as part of a range of measures provided for in those programmes to address the economic crisis in the State and to restore domestic and international confidence and to prevent a sovereign debt crisis affecting the State;

AND WHEREAS the expenditure on public service pensions is unsustainable and it is necessary to make reductions in payment to ensure that the State has sufficient resources to discharge its commitments and to enable it to provide public services;

AND WHEREAS the burden of a pension-related deductionand a reduction of remuneration has been borne by public servants and it is equitable that public service pensioners should share that burden;

AND WHEREAS the benefit of public service pensions is and will remain, after the enactment of the following Act, significantly and markedly more favourable than those generally available in other employment—

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 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(a), 5 and sch. 1 part 2, in effect as per art. 1(2).

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

...

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. 38 of 2010	Financial Emergency Measures in the Public Interest Act 2010	The whole Act (except section 10)
...	...	...

Editorial Notes:

E1 Previous affecting provision: functions under s. 10 transferred and references to "Department of Finance" and "Minister for Finance" construed (6.07.2011) by *Ministers and Secretaries (Amendment) Act 2011* (10/2011), ss. 9(3), 11, 15(1) and sch. 2 part 2, commenced as per s. 1(2); section 10 repealed (5.06.2013) by *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), s. 12(3)(c), commenced on enactment.

Interpretation.

1.— In this Act—

"Act of 2009" means the Financial Emergency Measures in the Public Interest (No. 2) Act 2009;

F1**[**"aggregation of public service pensions" means the aggregation under *subsection (3)* of *section 2* or *subsection (5)* of *section 2A* of two or more public service pensions payable to a pensioner for the purposes of the application of *subsection (1)* or *(2)* of *section 2* or *subsection (3)* of *section 2A*, as the case may be, in relation to the pensioner;**]**

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

"lump sum" means a lump sum payment or gratuity payable on retirement, at a preserved pension age or on death, under a public service pension scheme;

"Minister" means the Minister for Finance;

"office holder" means—

(*a*) the President,

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

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

(*d*) a member of the judiciary,

(*e*) a military judge appointed under Chapter IVC of Part V of the Defence Act 1954 (as amended by the Defence (Amendment) Act 2007),

(*f*) a member of a local authority within the meaning of the Local Government Act 2001, or

(*g*) a member of the European Parliament for a constituency in the State, being a member who is in receipt of the salary specified in section 2(2) of the European Parliament (Irish Constituency Members) Act 2009;

"paying authority", in relation to a public service pension, means the person or body responsible for making payments of the public service pension under the public service pension scheme concerned, or causing such payments to be made, to or in respect of a public servant or former public servant;

F2**[**"pension adjustment order" means an order under—

(*a*) section 12 of the Family Law Act 1995,

(*b*) section 17 of the Family Law (Divorce) Act 1996,

(*c*) section 121 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, or

(*d*) section 187 of that Act; **]**

"pensioner" F3**[**, subject to *section 2A* (inserted by the Financial Emergency Measures in the Public Interest Act 2013),**]** means a person who—

(*a*) is entitled to payment of a public service pension under a public service pension scheme,

(*b*) has a preserved benefit in a public service pension scheme in respect of which the preserved pension age of the person falls on or before the relevant date, or

(*c*) is a spouse or child of a public servant or former public servant and who becomes entitled to payment of a public service pension as a spouse or child of that public servant or former public servant, as the case may be, under a public service pension scheme at any time after the relevant date but only if that public servant or former public servant, as the case may be, was entitled before that date to payment of a public service pension under a public service pension scheme in respect of service as a public servant from which the entitlement of the spouse or child derives;

"preserved benefit" has the meaning it has in the Public Service Superannuation (Miscellaneous Provisions) Act 2004;

"preserved pension age", in relation to a preserved benefit in a public service pension scheme, means the age of the public servant or former public servant concerned at which the preserved benefit becomes payable to him or her under the scheme;

"public servant" means a person who is employed by, or who holds any office or other position in, a public service body and includes an office holder;

"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*) the National Treasury Management Agency,

(*f*) the Health Service Executive,

(*g*) F4**[**subject to *section 1A*,**]** the Central Bank of Ireland,

F5**[**(*h*) an education and training board,**]**

(*i*) the Economic and Social Research Institute,

(*j*) the Institute of Public Administration,

(*k*) a body (other than a body specified or referred to in the Schedule) established—

(i) by or under an enactment (other than the Companies Acts), or

(ii) under the Companies Acts 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,

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

(*l*) a body (other than a body specified or referred to in the Schedule) that is wholly or partly funded directly or indirectly 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,

(*m*) any subsidiary of, or company controlled (within the meaning given by section 10 of the Taxes Consolidation Act 1997) by, a body to which *paragraph (d), (e), (f), (g), (h), (i), (j), (k)* or *(l)* relates and in respect of which a public service pension scheme exists or applies or may be made;

"public service pension" means a periodic payment of a pension or other benefit by whatever name called, which is not a lump sum, payable to or in respect of a public servant or former public servant under a public service pension scheme;

"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—

(i) the Superannuation Acts 1834 to 1963, or

(ii) any other enactment or administrative measure for the like purpose and to the like effect as those Acts, or

(*b*) is made by a relevant Minister or has been approved or requires the approval or consent, however expressed, of a relevant Minister or the Minister or both of those Ministers of the Government,

F6**[**but, other than a scheme made in respect of the Central Bank of Ireland, does not include**]**—

(i) such a scheme or arrangement—

(I) in respect of a body specified or referred to in the Schedule, or

(II) in respect of a body other than a body specified or referred to in the Schedule that is a relevant scheme within the meaning of section 40 of the Pensions Act 1990 and to which Part IV of, and the Third Schedule to, that Act apply, or

(ii) the scheme entitled the Eircom Superannuation Scheme;

"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 date" means the date specified by the Minister in an order made pursuant to section 3(1)(*b*)(ii) of the Act of 2009;

"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 the giving of consent to, the scheme;

"subsidiary" means a subsidiary within the meaning of the Companies Acts.

Annotations

Amendments:

F1 Substituted (30.11.2015) by *Financial Emergency Measures in the Public Interest Act 2015* (39/2015), s. 6(1)(a), S.I. No. 546 of 2015.

F2 Inserted (28.07.2012) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 68(a), commenced on enactment.

F3 Inserted (5.06.2013) by *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), s. 4, commenced on enactment.

F4 Inserted (1.01.2012) by *Financial Emergency Measures in the Public Interest (Amendment) Act 2011* (39/2011), s. 8(a), S.I. No. 683 of 2011.

F5 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 57, S.I. No. 211 of 2013.

F6 Substituted (1.09.2012) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 68(b), S.I. No. 323 of 2012.

Editorial Notes:

E2 Previous affecting provision: definition of "aggregation of public service pensions" inserted (1.09.2013) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 68(a), S.I. No. 314 of 2013 and amended (5.06.2013) by *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), s. 6(1), commenced on enactment; substituted as per F-note above.

F7[Application of Act to Central Bank of Ireland.

1A.— (1) This Act applies in respect of the Central Bank of Ireland only with its consent, given in writing to the Minister by the Governor of that Bank, and with the consent of the Minister for Finance given in writing to the Minister.

(2) Where the consents referred to in *subsection (1)* have been given to the Minister, the Minister shall cause a notice to that effect to be published in *Iris Oifigiúil* and shall specify in the notice the date from which this Act applies to the persons concerned, which date shall not be earlier than the date on which the last such consent was given. **]**

Annotations

Amendments:

F7 Inserted (1.01.2012) by *Financial Emergency Measures in the Public Interest (Amendment) Act 2011* (39/2011), s. 8(b), S.I. No. 683 of 2011.

F8[Reduction in public service pension.

2.— (1) The annualised amount of a public service pension payable in accordance with his or her entitlement to a person who—

(*a*) is a pensioner, or

(*b*) becomes a pensioner on or at any time before the relevant date or, in the case of a pensioner falling under paragraph (c) of the definition of "pensioner" in *section 1*, at any time after that date,

where the annualised amount payable is not more than €34,132 shall be reduced—

(i) with effect on and from 1 January 2016 and subject to *subparagraphs (ii)* and *(iii)*, in accordance with *Table A* to this subsection,

(ii) with effect on and from 1 January 2017 and subject to *subparagraph (iii)*, in accordance with *Table B* to this subsection, and

(iii) with effect on and from 1 January 2018, in accordance with *Table C* to this subsection.

TABLE A

Annualised amount of public service pension	Reduction
Up to €18,700	Exempt
Any amount over €18,700 but not over €204,000	6 per cent
Any amount over €24,000	9 per cent

TABLE B

Annualised amount of public service pension	Reduction
Up to €26,000	Exempt
Any amount over €26,000	9 per cent

TABLE C

Annualised amount of public service pension	Reduction
Up to €34,132	Exempt

(2) The annualised amount of a public service pension payable in accordance with his or her entitlement to a person who—

(*a*) is a pensioner, or

(*b*) becomes a pensioner on or at any time before the relevant date or, in the case of a pensioner falling under *paragraph (c)* of the definition of "pensioner" in *section 1*, at any time after that date,

where the annualised amount payable is not more than F9**[**€39,000**]** shall be reduced—

(i) with effect on and from 1 January 2016 and subject to F10**[**the following subparagraphs**]**, in accordance with *Table A* to this subsection,

(ii) with effect on and from 1 January 2017 and subject to F11**[**the following subparagraphs**]**, in accordance with *Table B* to this F12**[**subsection,**]**

(iii) with effect on and from 1 January 2018, F13**[**and subject to the following subparagraphs**]** in accordance with *Table C* to this F14**[**subsection,**]**

F15**[**(iv) with effect on and from 1 January 2019 and subject to *subparagraph (v)*, in accordance with *Table D* to this subsection, and

(v) with effect on and from 1 January 2020, in accordance with *Table E* to this subsection.**]**

TABLE A

Annualised amount of public service pension	Reduction
Up to €17,000	Exempt
Any amount over €17,000 but not over €24,000	8 per cent
Any amount over €24,000 but not over €60,000	12 per cent
Any amount over €60,000 but not over €100,000	17 per cent

Any amount over €100,000	28 per cent

TABLE B

Annualised amount of public service pension	Reduction
Up to €22,000	Exempt
Any amount over €22,000 but not over €24,000	3 per cent
Any amount over €24,000 but not over €60,000	12 per cent
Any amount over €60,000 but not over €100,000	17 per cent
Any amount over €100,000	28 per cent

TABLE C

Annualised amount of public service pension	Reduction
Up to €30,000	Exempt
Any amount over €30,000 but not over €24,000	12 per cent
Any amount over €60,000 but not over €100,000	17 per cent
Any amount over €100,000	28 per cent

F16**[**TABLE D

Annualised amount of public service pension	Reduction
Up to €39,000	Exempt
Any amount over €39,000 but not over €60,000	12 per cent
Any amount over €60,000 but not over €100,000	17 per cent
Any amount over €100,000	28 per cent

TABLE E

Annualised amount of public service pension	Reduction
Up to €54,000	Exempt
Any amount over €54,000 but not over €60,000	12 per cent
Any amount over €60,000 but not over €100,000	17 per cent
Any amount over €100,000	28 per cent**]**

(3) If—

(*a*) two or more public service pensions are payable to a person, and

(*b*) the annualised amount of all such pensions payable in accordance with the person's entitlements exceeds €32,500,

all such pensions shall be aggregated for the purposes of the application of *subsections (1)* and *(2)*.

(4) (*a*) Where the application to a pensioner of *subsection (2)* would result in the annualised amount of his or her public service pension being lower than would be the case if he or she had been on a pension specified in *subsection (1)* and that subsection applied to him or her, then *subsection (2)* shall be deemed to operate, in relation to that pensioner, in such a manner and by reference to the provisions of *subsection (1)* (the "relevant provisions"), as will result in his or her pension standing at the highest it would have stood

at, as a result of that operation of *subsection (2)* by reference to the relevant provisions, had he or she been on whichever lower amount of pension produces the most beneficial result for him or her in consequence of the relevant provisions.

(*b*) In this subsection a reference to a subsection or to the provisions of a subsection includes a reference to the Tables in that subsection.

(5) Where a pension adjustment order has been made in relation to a public service pension, the annualised amount of the public service pension shall be reduced under this section before it is paid in accordance with the provisions of the pension adjustment order.

(6) This section has effect notwithstanding—

(*a*) any provision by or under—

(i) any other enactment,

(ii) any statute or other document to like effect of a university or other third level institution,

(iii) any pension scheme or arrangement,

(iv) any circular or instrument or other document, or

(v) any written agreement or contractual arrangement, or

(*b*) any verbal agreement, arrangement or understanding or any expectation.

(7) In this section a reference to the annualised amount of a public service pension payable in accordance with a person's entitlement is a reference to that entitlement not taking into account any reduction imposed by virtue of the operation of this Act whether as enacted or as amended by the Financial Emergency Measures in the Public Interest Act 2013.**]**

Annotations

Amendments:

F8 Substituted (30.11.2015) by *Financial Emergency Measures in the Public Interest Act 2015* (39/2015), s. 6(1)(b), S.I. No. 546 of 2015.

F9 Substituted (1.01.2019) by *Public Service Pay and Pensions Act 2017* (34/2017), s. 25(1)(a), commenced as per subs. (2).

F10 Substituted (1.01.2019) by *Public Service Pay and Pensions Act 2017* (34/2017), s. 25(1)(b), commenced as per subs. (2).

F11 Substituted (1.01.2019) by *Public Service Pay and Pensions Act 2017* (34/2017), s. 25(1)(c), commenced as per subs. (2).

F12 Amended (1.01.2019) by *Public Service Pay and Pensions Act 2017* (34/2017), s. 25(1)(c), commenced as per subs. (2).

F13 Inserted (1.01.2019) by *Public Service Pay and Pensions Act 2017* (34/2017), s. 25(1)(d)(i), commenced as per subs. (2).

F14 Substituted (1.01.2019) by *Public Service Pay and Pensions Act 2017* (34/2017), s. 25(1)(d)(ii), commenced as per subs. (2).

F15 Inserted (1.01.2019) by *Public Service Pay and Pensions Act 2017* (34/2017) s. 25(1)(e), commenced as per subs. (2).

F16 Inserted (1.01.2019) by *Public Service Pay and Pensions Act 2017* (34/2017), s. 25(1)(f), commenced as per subs. (2).

Modifications (not altering text):

C2 Application of section modified (1.02.2016) by *Water Services (No. 2) Act 2013* (50/2013), s. 30, S.I. No. 41 of 2016.

Application of sections 2 and 2A of Financial Emergency Measures in the Public Interest Act 2010

30. (1) Subject to *subsection (2)*, sections 2, 2A, 3, 5 and 6 of the Act of 2010 shall, subject to any necessary modifications, apply to a person who, after the relevant date within the meaning of that Act, becomes entitled to payment of superannuation benefits under a scheme made under *section 28*, in the same manner as it applies to a pensioner within the meaning of that Act.

(2) Subsection (3) of section 2A (inserted by section 5 (5) of the Financial Emergency Measures in the Public Interest Act 2013) of the Act of 2010 shall apply to a person who, not later than—

(*a*) 31 August 2014, or

(*b*) such other date as may be specified in accordance with section 9 (1)(b)(ii) of the Financial Emergency Measures in the Public Interest Act 2013,

becomes entitled to payment of superannuation benefits under a scheme made under section 28—

(i) the aggregate of which exceeds €32,500 a year, or

(ii) the aggregate of which when added to any public service pension within the meaning of the Act of 2010 to which the person is also entitled exceeds €32,500 a year,

and, for that purpose, references in that subsection to relevant (post 29 February 2012) pensioner shall be construed as including references to such a person.

...

Editorial Notes:

E3 Previous affecting provision: subs. (1A) inserted (1.09.2013) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 69, S.I. No. 314 of 2013; substituted (5.06.2013) by *Financial Emergency Measures in the Public Interest Act 2013*; substituted as per F-note above.

E4 Previous affecting provision: subs. (1B) inserted (28.07.2012) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 69, commenced on enactment; substituted as per F-note above.

E5 Previous affecting provision: table substituted (1.01.2012) by *Financial Emergency Measures in the Public Interest (Amendment) Act 2011* (39/2011), s. 9, commenced as per s. 9; substituted (1.07.2013) by *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), s. 5(3); substituted as per F-note above.

F17**[**Persons becoming pensioners after 29 February 2012: reduction in public service pension.

2A.— (1) For the purposes of this section—

(*a*) the definition of "pensioner" in *section 1* shall apply with the modification that references to the relevant date in paragraphs (*b*) and (*c*) of the definition shall be read as references to 31 August 2014 or such other date as may be specified in accordance with section 9(1)(b)(ii) of the Financial Emergency Measures in the Public Interest Act 2013;

(*b*) "relevant (post 29 February 2012) pensioner" means, subject to *subsection (2)*, a person who became a pensioner after 29 February 2012, or becomes such after the passing of the Financial Emergency Measures in the Public Interest Act 2013, but no later than 31 August 2014 or such other date as may be specified in accordance with section 9(1)(b)(ii) of the Financial Emergency Measures in the Public Interest Act 2013 and the annual pension of whom (in either case) exceeds €32,500.

(2) In *subsection (1)*(*b*) the words "but no later than 31 August 2014 or such other date as may be specified in accordance with section 9(1)(b)(ii) of the Financial Emergency Measures in the Public Interest Act 2013" shall be disregarded in the case of a pensioner falling under paragraph (*c*) of the definition in *section 1* of "pensioner", as that definition applies by virtue of *subsection (1)*(*a*).

F18**[**(3) The annualised amount of a public service pension payable in accordance with his or her entitlement to a person who is a relevant (post 29 February 2012) pensioner shall be reduced—

(*a*) with effect on and from 1 January 2016 and subject to paragraphs *(b)* and *(c)*, in accordance with *Table A* to this subsection,

(*b*) with effect on and from 1 January 2017 and subject to paragraph *(c)*, in accordance with *Table B* to this subsection, and

(*c*) with effect on and from 1 January 2018 in accordance with *Table C* to this subsection.

TABLE A

Annualised amount of public service pension	Reduction
Up to €29,300	Exempt
Any amount over €29,300 but not over €60,000	3 per cent
Any amount over €60,000 but not over €100,000	5 per cent
Any amount over €100,000	8 per cent

TABLE B

Annualised amount of public service pension	Reduction
Up to €39,000	Exempt
Any amount over €39,000 but not over €60,000	2 per cent
Any amount over €60,000 but not over €100,000	5 per cent
Any amount over €100,000	8 per cent

TABLE C

Annualised amount of public service pension	Reduction
Up to €60,000	Exempt
Any amount over €60,000 but not over €100,000	F21**[**3 per cent**]**
Any amount over €100,000	F20**[**6 per cent**]** **]**

(4) Where the application to a pensioner of *subsection (3)* F18**[**and the appropriate Table**]** in that subsection would result in the annualised amount of his or her public service pension being reduced to less than €32,500, then that subsection and Table shall only operate to reduce the annualised amount of his or her public service pension to €32,500.

(5) If two or more public service pensions, the annual amount of which, taken together, exceeds €32,500, are payable to a pensioner, all such pensions shall be aggregated for the purposes of applying *subsection (3)* in relation to the pensioner.

(6) Where a pension adjustment order has been made in relation to a public service pension, the annualised amount of the public service pension shall be reduced under this section before it is paid in accordance with the provisions of the pension adjustment.

(7) This section has effect notwithstanding—

(*a*) any provision by or under—

(i) any other enactment,

(ii) any statute or other document to like effect of a university or other third level institution,

(iii) any pension scheme or arrangement,

(iv) any circular or instrument or other document,

(v) any written agreement or contractual arrangement,

or

(*b*) any verbal agreement, arrangement or understanding or any expectation.**]**

Annotations

Amendments:

F17 Inserted (5.06.2013) by *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), s. 5(5), commenced on enactment.

F18 Substituted (30.11.2015) by *Financial Emergency Measures in the Public Interest Act 2015* (39/2015), s. 7(a) and (b), S.I. No. 546 of 2015.

F19 Substituted (1.01.2020) by *Public Services Pay and Pension Act 2017* (34/2017), s. 26(b)(i), commenced as per s. 26(b).

F20 Substituted (1.01.2020) by *Public Services Pay and Pension Act 2017* (34/2017), s. 26(b)(ii), commenced as per s. 26(b).

F21 Substituted (1.01.2019) by *Public Services Pay and Pension Act 2017* (34/2017), s. 26(a), commenced as per s. 26(a).

Modifications (not altering text):

C3 Application of section modified (1.02.2016) by *Water Services (No. 2) Act 2013* (50/2013), s. 30, S.I. No. 41 of 2016.

Application of sections 2 and 2A of Financial Emergency Measures in the Public Interest Act 2010

30. (1) Subject to *subsection (2)*, sections 2, 2A, 3, 5 and 6 of the Act of 2010 shall, subject to any necessary modifications, apply to a person who, after the relevant date within the meaning of that Act, becomes entitled to payment of superannuation benefits under a scheme made under *section 28*, in the same manner as it applies to a pensioner within the meaning of that Act.

(2) Subsection (3) of section 2A (inserted by section 5 (5) of the Financial Emergency Measures in the Public Interest Act 2013) of the Act of 2010 shall apply to a person who, not later than—

(*a*) 31 August 2014, or

(*b*) such other date as may be specified in accordance with section 9 (1)(b)(ii) of the Financial Emergency Measures in the Public Interest Act 2013,

becomes entitled to payment of superannuation benefits under a scheme made under section 28 —

(i) the aggregate of which exceeds €32,500 a year, or

(ii) the aggregate of which when added to any public service pension within the meaning of the Act of 2010 to which the person is also entitled exceeds €32,500 a year,

and, for that purpose, references in that subsection to relevant (post 29 February 2012) pensioner shall be construed as including references to such a person.

...

Editorial Notes:

E6 Previous affecting provision: table C amended (1.01.2019) by *Public Services Pay and Pensions Act 2017* (34/2017) s. 26(a), commenced as per s. 26(a); substituted as per F-note above.

Calculation of public service pension not affected.

F22**[3.**— Nothing in *section 2* or *2A* shall affect the calculation of any public service pension entitlement (including an entitlement to a lump sum and an entitlement to periodic payments of pension or other benefits) of a person who—

(*a*) in the case of *section 2*, is a pensioner or becomes a pensioner on or at any time before the relevant date or, in the case of a pensioner falling under *paragraph (c)* of the definition of "pensioner" in *section 1*, at any time after that date; and

(*b*) in the case of *section 2A*, falls within the definition of "relevant (post 29 February 2012) pensioner" in that section.**]**

Annotations

Amendments:

F22 Substituted (5.06.2013) by *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), s. 6(3), commenced on enactment.

Modifications (not altering text):

C4 Application of section modified (1.02.2016) by *Water Services (No. 2) Act 2013* (50/2013), s. 30, S.I. No. 41 of 2016.

Application of sections 2 and 2A of Financial Emergency Measures in the Public Interest Act 2010

30. (1) Subject to *subsection (2)*, sections 2, 2A, 3, 5 and 6 of the Act of 2010 shall, subject to any necessary modifications, apply to a person who, after the relevant date within the meaning of that Act, becomes entitled to payment of superannuation benefits under a scheme made under *section 28*, in the same manner as it applies to a pensioner within the meaning of that Act.

(2) Subsection (3) of section 2A (inserted by section 5 (5) of the Financial Emergency Measures in the Public Interest Act 2013) of the Act of 2010 shall apply to a person who, not later than—

(*a*) 31 August 2014, or

(*b*) such other date as may be specified in accordance with section 9 (1)(b)(ii) of the Financial Emergency Measures in the Public Interest Act 2013,

becomes entitled to payment of superannuation benefits under a scheme made under section 28 —

(i) the aggregate of which exceeds €32,500 a year, or

(ii) the aggregate of which when added to any public service pension within the meaning of the Act of 2010 to which the person is also entitled exceeds €32,500 a year,

and, for that purpose, references in that subsection to relevant (post 29 February 2012) pensioner shall be construed as including references to such a person.

...

Obligation on paying authorities to make payments.

4.—F23**[**(1) Without prejudice to *subsection (2)*, reductions of public service pensions under *section 2* F24**[**or *2A***]** shall be paid or disposed of as the Minister may direct and, in particular, the Minister may, for the purposes of the aggregation of public service pensions, direct a paying authority—

(*a*) to reduce the annualised amount of a public service pension payable by the paying authority to a pensioner by the total amount of the reduction that applies in relation to the pensioner under *section 2* F24**[**or *2A***]** in respect of all public service pensions payable to him or her, or

(*b*) not to reduce the annualised amount of a public service pension payable by the paying authority to a pensioner in accordance with *section 2* F24**[**or *2A***].]**

(2) Where the amount of any reduction in a public service pension under *section 2* F25**[**or *2A***]** has not been duly paid or disposed of in accordance with a direction of the Minister under *subsection (1)*, the Minister may recover the amount from the paying authority concerned as a simple contract debt in any court of competent jurisdiction.

(3) If a paying authority, having failed or refused to pay or dispose of reductions of public service pensions under *section 2* F25**[**or *2A***]** in accordance with a direction of the Minister under *subsection (1)*, does not do so within 28 days after the service by post by the Minister of a notice on the authority requiring it to do so, the High Court may, on an application made to the Court by the Minister, make an order directing the authority to remit the reductions to the Minister within such time as may be specified in the order.

(4) An order of the High Court under *subsection (3)* may contain such terms and conditions (if any) as to the payment of costs as the Court considers appropriate.

Annotations

Amendments:

F23 Substituted (1.09.2013) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 70, S.I. No. 314 of 2014.

F24 Inserted (5.06.2013) by *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), s. 6(4)(a), commenced on enactment.

F25 Inserted (5.06.2013) *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), s. 6(4)(a), commenced on enactment.

No power to pay public service pension other than in accordance with *section 2*.

5.— (1) Where the amount of a public service pension is reduced by *section 2* F26**[**or *2A*](—

(*a*) a pensioner is not entitled to receive an amount of public service pension greater than the amount so reduced, and

(*b*) F27**[**subject to a direction given by the Minister under *section 4(1)* for the purposes of the aggregation of public service pensions,**]** no paying authority is entitled to pay an amount of public service pension to the pensioner greater than the amount so reduced.

(2) F28**[**Subject to a direction given by the Minister under *section 4(1)* for the purposes of the aggregation of public service pensions, if a paying authority pays to a pensioner**]** an amount of public service pension greater than the amount reduced under *section 2* F26**[**or *2A*](, then—

(*a*) the pensioner shall have no legal entitlement to the overpayment, and

(*b*) the paying authority shall recover the amount of the overpayment from the pensioner, either directly or by a deduction taken from the public service pension subsequently payable to that pensioner or otherwise.

(3) *Subsection (2)* shall not be taken as limiting the liability under statute of any person to account for such overpayment.

(4) Where an overpayment of an amount to which *subsection (2)* relates has not been recovered by the paying authority concerned, the Minister may direct in writing that authority to recover, by a specified date, the amount in accordance with *subsection (2)(b)* and, where that authority fails or refuses to so recover the amount, the Minister may deduct the amount from any grant or vote, or other payment, to that authority out of moneys provided directly or indirectly by the Oireachtas or from the Central Fund or the growing produce of that Fund.

Annotations

Amendments:

F26 Inserted (5.06.2013) by *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), s. 6(4)(b), commenced on enactment.

F27 Inserted (1.09.2013) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 71(a), S.I. No. 314 of 2013.

F28 Substituted (1.09.2013) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 71(b), S.I. No. 314 of 2013.

Modifications (not altering text):

C5 Application of section modified (1.02.2016) by *Water Services (No. 2) Act 2013* (50/2013), s. 30, S.I. No. 41 of 2016.

Application of sections 2 and 2A of Financial Emergency Measures in the Public Interest Act 2010

30. (1) Subject to *subsection (2)*, sections 2, 2A, 3, 5 and 6 of the Act of 2010 shall, subject to any necessary modifications, apply to a person who, after the relevant date within the meaning of that Act, becomes entitled to payment of superannuation benefits under a scheme made under *section 28*, in the same manner as it applies to a pensioner within the meaning of that Act.

(2) Subsection (3) of section 2A (inserted by section 5 (5) of the Financial Emergency Measures in the Public Interest Act 2013) of the Act of 2010 shall apply to a person who, not later than—

(*a*) 31 August 2014, or

(*b*) such other date as may be specified in accordance with section 9 (1)(b)(ii) of the Financial Emergency Measures in the Public Interest Act 2013,

becomes entitled to payment of superannuation benefits under a scheme made under section 28 —

(i) the aggregate of which exceeds €32,500 a year, or

(ii) the aggregate of which when added to any public service pension within the meaning of the Act of 2010 to which the person is also entitled exceeds €32,500 a year,

and, for that purpose, references in that subsection to relevant (post 29 February 2012) pensioner shall be construed as including references to such a person.

...

Exemption, etc., from operation of *section 2* in certain circumstances.

6.— Where the Minister is satisfied that exceptional circumstances exist (because of some particular aspect or condition relating to the public service pension or the public service pension scheme concerned, including the funding of that pension or scheme) in respect of a particular class or group of pensioners and those circumstances materially distinguish that class or group from other classes or groups of pensioners to which *section 2* F29**[**or *2A***]** applies, then, the Minister, if he or she considers it to be just and equitable in all the circumstances to do so, may by direction—

(*a*) exempt that class or group from the operation of *section 2*, either entirely or to such extent as the Minister considers appropriate, or

(*b*) modify the operation of *section 2* F29**[**or *2A***]** to reduce their public service pensions in such manner as the Minister thinks fit, having regard to the nature and degree of the financial burden that would otherwise be borne by that class or group,

and this Act, and any regulations made under this Act, shall be read subject to any such direction.

Annotations

Amendments:

F29 Inserted (5.06.2013) by *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), s. 6(4)(c), commenced on enactment.

Modifications (not altering text):

C6 Application of section modified (1.02.2016) by *Water Services (No. 2) Act 2013* (50/2013), s. 30, S.I. No. 41 of 2016.

Application of sections 2 and 2A of Financial Emergency Measures in the Public Interest Act 2010

30. (1) Subject to *subsection (2)*, sections 2, 2A, 3, 5 and 6 of the Act of 2010 shall, subject to any necessary modifications, apply to a person who, after the relevant date within the meaning of that Act, becomes entitled to payment of superannuation benefits under a scheme made under *section 28*, in the same manner as it applies to a pensioner within the meaning of that Act.

(2) Subsection (3) of section 2A (inserted by section 5 (5) of the Financial Emergency Measures in the Public Interest Act 2013) of the Act of 2010 shall apply to a person who, not later than—

(*a*) 31 August 2014, or

(*b*) such other date as may be specified in accordance with section 9 (1)(b)(ii) of the Financial Emergency Measures in the Public Interest Act 2013,

becomes entitled to payment of superannuation benefits under a scheme made under section 28 —

(i) the aggregate of which exceeds €32,500 a year, or

(ii) the aggregate of which when added to any public service pension within the meaning of the Act of 2010 to which the person is also entitled exceeds €32,500 a year,

and, for that purpose, references in that subsection to relevant (post 29 February 2012) pensioner shall be construed as including references to such a person.

...

F30**[**Duty to give information, etc.

6A. — (1) A pensioner shall, in relation to himself or herself, provide to a paying authority such information as is necessary for the purposes of the aggregation of public service pensions in relation to that pensioner.

(2) Any person, other than a pensioner, who is in receipt (whether in respect of himself, herself or otherwise) of a public service pension, or a part thereof, payable to the pensioner shall provide to a paying authority such information as is necessary for the purposes of the aggregation of public service pensions in relation to that pensioner.

(3) A paying authority may transfer to the Minister or any other paying authority such information that is provided to the paying authority under *subsection (1)* or *(2)*—

(*a*) as the paying authority considers necessary,

(*b*) as may be requested by the Minister, or

(*c*) as may be requested by that other paying authority,

for the purposes of the aggregation of public service pensions in relation to the pensioner concerned.**]**

Annotations

Amendments:

F30 Inserted (28.07.2012) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 72, commenced on enactment.

F31**[**Use of Personal Public Service Number (PPSN).

6B.— (1) A pensioner shall, in relation to a public service pension, supply his or her personal public service number to the paying authority concerned.

(2) A person, other than a pensioner, who is in receipt (whether in respect of himself, herself or otherwise) of a public service pension, or a part thereof, payable to the pensioner shall, in relation to the public service pension, supply the personal public service number of the pensioner to the paying authority concerned.

(3) A paying authority may use the personal public service number of a pensioner as a unique identifier to record information in respect of a public service pension payable to the pensioner and, whenever it transfers information in relation to that pensioner to the Minister or another paying authority, it may use that number which shall, where appropriate, be deemed to have been supplied under *subsection (1)* or *(2)*, as the case may be.

(4) In this section "personal public service number", in relation to a pensioner, has the meaning it has in section 262 of the Social Welfare Consolidation Act 2005.**]**

Annotations

Amendments:

F31 Inserted (28.07.2012) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 73, commenced on enactment.

Amendment of section 2 of Act of 2009.

7.— (1) Section 2 of the Act of 2009 is amended by the insertion of the following subsection after subsection (2):

"(2A) The provisions of subsections (1) and (2) and Table 1 to this section shall, for the purpose of the application of those provisions to the remuneration of the holders of certain offices specified in this subsection, have effect on and from 1 January 2011 as if the reductions provided for in subsection (2) and that Table were as follows and a relevant provision that fixes the remuneration, or any part of the remuneration, of the holders of any of those offices shall be taken to have been so amended with effect on and from that date:

(*a*) in the case of the Taoiseach, a 25 per cent reduction of remuneration in lieu of a reduction of 20 per cent of remuneration;

(*b*) in the case of the Tánaiste, a 19.5 per cent reduction of remuneration in lieu of a reduction of 15 per cent of remuneration; and

(*c*) in the case of a Minister of the Government, a 19.5 per cent reduction of remuneration in lieu of a reduction of 15 per cent of remuneration.".

(2) The reference in Table 1 to section 2 of the Act of 2009 to "Minister" shall be construed as being, and always to have been, a reference to a Minister of the Government.

Amendment of section 3 of Act of 2009.

8.— Section 3 of the Act of 2009 is amended—

(*a*) in subsection (1)(*a*), by the substitution of "in receipt of a pension under a public service pension scheme" for "in receipt of a pension or has a preserved benefit in a public service pension scheme, and",

(*b*) in subsection (1)(*b*), by the substitution of the following for subparagraph (ii):

"(ii) a later date specified by the Minister by order in accordance with subsection (3),

or a person who was at some time before the date specified under subparagraph (ii) a public servant and has a preserved benefit in a public service pension scheme in respect of which the preserved pension age of the person falls on or before that date, and",

(*c*) in subsection (1), by the addition of the following paragraph:

"(*c*) a person who is a spouse or child of a public servant or former public servant and who becomes entitled to payment of a public service pension as a spouse or child of that public servant or former public servant, as the case may be, under a public service pension scheme at any time after the date specified under paragraph (*b*)(ii) but only if that public servant or former public servant, as the case may be, was entitled before that date to payment of a public service pension under a public service pension scheme in respect of service as a public servant from which the entitlement of the spouse or child derives.", and

(*d*) by the addition of the following subsection:

"(4) In this section—

'preserved benefit' has the meaning it has in the Public Service Superannuation (Miscellaneous Provisions) Act 2004;

'preserved pension age', in relation to a preserved benefit in a public service pension scheme, means the age of the public servant or former public servant concerned at which the preserved benefit becomes payable to him or her under the scheme.".

Amendment of Act of 2009.

9.— The Act of 2009 is amended by the insertion of the following section after section 9:

"Restriction on application of direction given by Minister.

9A.— The direction given by the Minister under section 6 in respect of a particular class or group of public servants to whom Table 2 to section 2 applies shall apply only in relation to the remuneration payable to that class or group and shall not apply for the purposes of calculating the pension entitlements (including an entitlement to a lump sum and an entitlement to periodic payments of pension or other benefits) of members of that class or group at any time after the date specified in an order made under section 3(1)(*b*)(ii).".

Annual review and report to Houses of the Oireachtas.

10.— F32**[**...**]**

Annotations

Amendments:

F32 Repealed (5.06.2013) by *Financial Emergency Measures in the Public Interest Act 2013*, s. 12(3)(c), commenced on enactment.

Editorial Notes:

E7 Previous affecting provision: functions under s. 10 transferred and references to "Department of Finance" and "Minister for Finance" construed (6.07.2011) by *Ministers and Secretaries (Amendment) Act 2011* (10/2011), ss. 9(3), 11, 15(1) and sch. 2 part 2, commenced as per s. 1(2); section repealed a per F-note above.

Regulations.

11.— (1) The Minister may make regulations for the purposes of this Act or in consequence of any of its provisions or for the purpose of enabling any provision to have full effect.

(2) Without prejudice to the generality of *subsection (1)*, the Minister may make regulations for the purposes of the calculation, making, collection, disposal and recovery of the reductions of public service pensions under *section 2* F33**[**or *2A***]**.

(3) Regulations made by the Minister under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

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

Annotations

Amendments:

F33 Inserted (5.06.2013) by *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), s. 6(4)(d), commenced on enactment.

Removal of doubts.

F34**[12**.— (1) *Subsection (2)* applies where a doubt, question or dispute arises in the operation of this Act in respect of—

(*a*) whether a person is or is not a person whose public service pension is subject to *section 2* F35**[**or *2A***]**, or

(*b*) a case in which *section 2* F35**[**or *2A***]** applies to a public service pension, the manner in which it so applies, including in circumstances where a pension adjustment order has been made in relation to the public service pension.

(2) The doubt, question or dispute concerned shall—

(*a*) be submitted to the Minister by the paying authority in relation to the public service pension concerned, and

(*b*) be determined by the Minister after consulting such persons (if any) as the Minister considers appropriate in the circumstances,

and the determination of the doubt, question or dispute by the Minister shall be final.**]**

Annotations

Amendments:

F34 Substituted (28.07.2012) by *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 74, commenced on enactment.

F35 Inserted (5.06.2013) by *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), s. 6(4)(e), commenced on enactment.

Amendment of National Minimum Wage Act 2000.

13.— The National Minimum Wage Act 2000 is amended—

(*a*) by the substitution of the following section for section 11:

"11.— (1) The Minister shall, by order, declare a national minimum hourly rate of pay for the purposes of this Act of €7.65.

(2) The Minister may, by order, amend or revoke an order under this section (including an order under this subsection).

(3) The Minister may make an order under subsection (2) whether or not a recommendation under section 12 or 13 has been made.

(4) The Minister shall, for the purpose of deciding whether or not to make an order under subsection (2), take account of the following matters:

(*a*) changes in earnings during the period since the most recent making of an order under this section;

(*b*) changes in currency exchange rates during that period;

(*c*) whether during that period—

(i) unemployment has been increasing or decreasing, and

(ii) employment has been increasing or decreasing;

(*d*) the likely effect that the proposed order will have on—

(i) levels of employment and unemployment,

(ii) the cost of living, and

(iii) national competitiveness; and

(*e*) where a recommendation has been made under section 12 or 13, that recommendation.

(5) The national minimum hourly rate of pay declared by order under this section may include an allowance in respect of board and lodgings, board only or lodgings only at such rates as are specified in the order.",

(*b*) by the substitution, in subsection (2) of section 12, of "(4)" for "(1)",

(*c*) in section 13, by—

(i) the substitution, in subsection (5), of the words "matters specified in paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection (4) of section 11." for "following matters:",

(ii) the deletion, in that subsection, of paragraphs (*a*), (*b*) and (*c*),

(iii) the insertion of the following subsection:

"(5A) A recommendation under subsection (4) or (5) shall not be made after the expiration of 13 weeks from the making of the request under subsection (3).", and

(iv) the substitution, in subsection (7), of "section 11(4)" for "section 11(1)".

Short title.

14.— This Act may be cited as the Financial Emergency Measures in the Public Interest Act 2010.

SCHEDULE

BODIES TO WHICH THE DEFINITION OF "PUBLIC SERVICE BODY" DOES NOT APPLY

1. Any body corporate established by Act of Parliament before 6 December 1922 that, upon its establishment, was of a commercial character.

2. Dublin Airport Authority, public limited company.

3. Cork Airport Authority, public limited company.

4. Shannon Airport Authority, public limited company.

5. Bord Gáis Éireann.

6. Bord na gCon.

7. Bord na Móna.

8. Córas Iompair Éireann.

9. Coillte Teoranta.

10. Electricity Supply Board.

11. Eirgrid.

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

13. Horse Racing Ireland.

14. Irish National Stud Company Limited.

15. Irish Aviation Authority.

16. An Post.

17. An Post National Lottery Company.

18. Radio Teilifís Éireann.

19. Railway Procurement Agency.

20. Teilifís na Gaeilge.

F36**[**20A. Uisce Éireann.**]**

21. Voluntary Health Insurance Board.

22. A subsidiary of a body to which this Schedule relates, including a subsidiary of any such subsidiary.

Annotations

Amendments:

F36 Inserted (1.01.2023) by *Water Services (Amendment) Act 2022* (39/2022), s. 31 and sch. ref. 7, S.I. No. 678 of 2022.

Modifications (not altering text):

C7 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.

C8 Reference to Dublin Airport Authority construed (27.07.2014) by *State Airports (Shannon Group) Act 2014* (27/2014), s. 32(2), commenced on enactment.

Re-naming Dublin Airport Authority as daa

32. (1) Dublin Airport Authority, public limited company, known in the Irish language as Údarás Aerfort Bhaile Átha Cliath, cuideachta phoiblí theoranta shall be re-named as, in the English language, daa, public limited company, and in the Irish language, daa, cuideachta phoiblí theoranta. daa shall amend its memorandum and articles of association to reflect this change of name.

(2) A reference in the Act of 2004 or any other enactment, statutory instrument or any other document or proceedings to Dublin Airport Authority is to be read as a reference to daa.

C9 Reference to Bord Gáis Éireann 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. (1) The name of the body (established by section 7 of the Gas Act 1976) the present name of which is, in the Irish language, Bord Gáis Éireann and, in the English language, The Irish Gas Board, shall, on and from such day as the Minister appoints by order, be Ervia.

(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.

Number 38 *of* 2010

FINANCIAL EMERGENCY MEASURES IN THE PUBLIC INTEREST ACT 2010

REVISED

Updated to 1 January 2023

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

This Act is not collectively cited with any other Act.

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

- *Water Services (Amendment) Act 2022* (39/2022)
- *Greyhound Racing Act 2019* (15/2019)
- *Public Service Pay and Pensions Act 2017* (34/2017)
- *Financial Emergency Measures in the Public Interest Act 2015* (39/2015)
- *State Airports (Shannon Group) Act 2014* (27/2014)
- *ESB (Electronic Communications Networks) Act 2014* (5/2014)

- *Water Services (No. 2) Act 2013* (50/2013)
- *Financial Emergency Measures in the Public Interest Act 2013* (18/2013)
- *Education and Training Boards Act 2013* (11/2013)
- *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012)
- *Financial Emergency Measures in the Public Interest (Amendment) Act 2011* (39/2011)
- *Ministers and Secretaries (Amendment) Act 2011* (10/2011)

All Acts up to and including *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, 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 *Planning And Development And Foreshore (Amendment) Act 2022 (Commencement) Order 2023* (S.I. No. 1 of 2023), made 9 January 2023, were considered in the preparation of this revision.