

IRISH UNIVERSITIES ACT, 1908
ACHT CHOLÁISTE PHRÍOMH-SCOILE NA GAILLIMHE, 1929
COLÁISTE NA hOLLSCOILE, GAILLIMH

REACT CLXI
STATUTE CLXI

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ACHT CHOLÁISTE PHRÍOMH-SCOILE NA GAILLIMHE, 1929
UNIVERSITY COLLEGE, GALWAY

STATUTE CLXI

WE, the Governing Body of University College, Galway, under and by virtue of the powers in that behalf conferred on us by the above Acts, DO by this present instrument under the Seal of University College, Galway, make the Statute contained in the Schedule hereto for the general government of the said College.

Given under the Common Seal of University College, Galway, this thirtieth day of April, One Thousand Nine Hundred and Eighty-two.

Present when the Common Seal of University College, Galway, was affixed hereto:

L.S.

Colm Ó hEocha, *Uachtarán*,
Dioraí Ó Coirbhín, *Rúnaí*.

SCHEDULE – STATUTE CLXI

All previous Statutes of University College, Galway, particularly Statutes XVII, XXXVI, LI, LXI, LXVI, LXXII, LXXIV, LXXX, XCVIII, CXIII, shall be read and construed with the alterations, additions and modifications hereinafter set forth.

CHAPTER I

1. The Pension Scheme annexed to Chapter XXV of Statute XVII of University College, Galway, the Pension Scheme contained in the Schedule to Statute LXI of University College, Galway, and the Non-Contributory Pension Scheme for Widows and Orphans contained in Statute LXXIV of University College, Galway, are hereby amended so that the Governing Body subject to conditions approved by the Minister for the Public Service may make arrangements for the payment of contributions from the Funds of any of the said Pension Schemes to the Joint Pension Fund established by Chapter II of this Statute in respect of any person who ceases to be a participant in any of the said Pension Schemes and becomes a participant in the Pension Scheme established by Chapter II of this Statute.

2. Notwithstanding anything contained in any previous Statute of University College, Galway, no person shall on or after the thirtieth day of April, 1982 be admitted as a participant in the Pension Fund established by Chapter XXV of Statute XVII of University College, Galway, or in Pension Fund No. 2 established by Chapter I of Statute LXI of University College, Galway, or in the Non-Contributory Pension

CHAPTER II

1. The Pension Scheme annexed to this Statute is hereby established for the payment of pensions and gratuities on retirement due to age, ill-health or other incapacity from infirmity of mind or body and other benefits to the persons therein referred to in the manner and subject to the conditions set out in detail in Chapter II, Section 7 and Appendix I, Paragraph I of this Statute. The Scheme shall be non-contributory and shall be deemed to form part of this Statute and to be effective for such members of staff and grades of staff and from such date as the Governing Body may determine. Provided that those participants who opt for the provisions of the Contributory Widows' and Children's Pension Plan set forth in Chapter III of this Statute or to whom the said Plan automatically applies shall be required to make the contributions set out in the said Plan.

2. (a) The monies set apart in pursuance of the Pension Scheme established by this Statute shall constitute a Pension Fund to be known as the Joint Pension Fund.

(b) The Joint Pension Fund, augmented as hereinafter provided, shall be used for the purpose of securing the payment of the pensions and other benefits that shall become payable in accordance with the Pension Scheme annexed to this Statute to persons whose remuneration is paid out of the general funds of the College.

(c) Notwithstanding the provisions of Subsections (a) and (b) of this Section, the cost of any increases in pension granted to retired participants or to widows of retired participants shall be payable out of the general funds of the College in accordance with the Rules provided in Appendix I, Paragraph 7 of this Statute.

3. The Governing Body may retain in any Bank account such monies forming all or part of the Joint Pension Fund as they may consider proper and subject thereto shall have power to invest the Joint Pension Fund and to transpose and vary any such investments forming part of the Joint Pension Fund in or upon any stocks, funds, shares, securities, interests in land or other investments of every nature and kind whatsoever and wheresoever situate (whether or not involving liability, whether or not producing income and whether or not authorised by law for the investment of Trust monies) which the Governing Body could make if they were absolutely and beneficially entitled thereto provided that monies shall not be invested outside the State except in so far as is permitted by the Exchange Control regulations.

4. An Actuary shall review the Joint Pension Fund regularly, at such times as the Governing Body shall determine, and submit a report to the Governing Body.

5. Out of the income of the College there shall be paid into the Joint Pension Fund an annual sum which the Governing Body shall deem to be necessary for providing such pension and gratuities as mentioned in this Statute. The provisions of this Section shall not apply to the pensionable stipends, salaries and allowances of persons who have opted or who opt for a Contributory type Pension Scheme under Section 18 of Chapter II of this Statute.

6. The monies so set apart, together with the accruing dividends, interest and other annual produce thereof, shall be used by the College in the first instance for the payment of pensions and gratuities provided for in this Statute and Scheme. Any surplus remaining shall be invested by the College in the manner provided for by Section 3 of this Chapter. The funds so accumulated shall be applied to no other purpose than that of the provision of the pensions, gratuities and other benefits referred to in Section 2 of this Chapter.

7. The Scheme shall be read subject to the following provisions regarding tenure of office and retirement:

(a) (i) The President may hold office until he shall have attained the age of seventy years and shall then retire. He may retire on pension at any time after he shall have attained the age of sixty-five years. He shall give three months' notice of his retirement to the Senate and the Governing Body. The President shall be entitled to reckon as years of service for the purposes of pension and gratuity his years of service as Professor, Lecturer, Officer or Fulltime Staff member in the College in addition to his years of service as President.

(ii) The Secretary-Bursar, the Academic Secretary, the Librarian and each Associate Secretary shall be entitled subject to good conduct and the due fulfilment of his duties to hold office until he shall have attained the age of sixty-five years. After attaining the said age he may be continued in office by the Governing Body from year to year for a period not exceeding five years provided that such further continuance in office is recommended to the Governing Body by the President and is sanctioned by the Governing Body annually.

(iii) Each fulltime Professor and fulltime Associate Professor, and each part-time Professor and part-time Associate Professor whose office is by Statute deemed pensionable, shall subject to good conduct and the due fulfilment of his duties be entitled to hold office until he shall have attained the age of sixty-five years. After attaining the said age he may be continued in office by the Senate of the National University of Ireland for five further years provided that such further continuance in office is recommended to the said Senate by the Governing Body with the approval of the President and is sanctioned annually by the said Senate.

(iv) Each fulltime Lecturer, and each part-time Lecturer whose office is by Statute deemed pensionable, shall subject to good conduct and the due fulfilment of his duties be entitled to hold office for seven years after which he shall be eligible for

reappointment. If reappointed he shall be subject to good conduct and the due fulfilment of his duties be entitled to hold office until he shall have attained the age of sixty-five years and may thereafter be continued in office by the Senate of the National University of Ireland for five further years provided that such further continuance in office is recommended to the said Senate by the Governing Body with the approval of the President and is sanctioned annually by the said Senate.

(v) Each Junior Lecturer who has satisfied the probationary conditions specified for his post shall be entitled subject to good conduct and the due fulfilment of his duties to be retained in the service of the College until he shall have attained the age of sixty-five years. After attaining the said age he may be continued in the service of the College by the Governing Body from year to year for a period not exceeding five years provided that such further continuance is recommended to the Governing Body by the President and is sanctioned by the Governing Body annually.

(vi) The holder of each post mentioned in Paragraphs (i), (ii), (iii), (iv) and (v) of Subsection (a) of this Section shall be entitled to such added years of service for pension purposes as may be counted according to the provisions of Section 13 of this Chapter.

(b) Each member of the Administrative Staff or the Library Staff or the Secretarial/Clerical Staff whose post is deemed pensionable by the Governing Body and who has satisfied the probationary conditions specified for his post shall be entitled subject to good conduct and the due fulfilment of his duties to be retained in the service of the College until he shall have attained the age of sixty-five years. After attaining the said age he may be continued in the service of the College by the Governing Body from year to year for a period not exceeding five years provided that such further continuance is recommended to the Governing Body by the President and is sanctioned by the Governing Body annually.

(c) Each member of the Technical Staff or the Maintenance and Grounds Staff or other Staff of the College whose post is deemed pensionable by the Governing Body and who has satisfied the probationary conditions specified for his post shall be entitled subject to good conduct and the due fulfilment of his duties to be retained in the service of the College until he shall have attained the age of sixty-five years. After attaining the said age he may be continued in the service of the College from year to year for a period not exceeding five years subject to the approval of the appropriate College Authority provided that any period of service after sixty-five years of age shall not count for pension purposes.

8. When calculating the number of years of pensionable service of fulltime statutory officers, there shall be counted in the case of a pensionable fulltime officer who prior to his appointment as a statutory officer served in a fulltime non-statutory capacity in the College the period of such fulltime non-statutory service in addition to

his statutory service provided that the total number of years shall not exceed forty. In the case of each Junior Lecturer and each member of Administrative, Library, Secretarial/Clerical, Technical and Maintenance and Grounds Staff and other servants of the College, years of service for purposes of pension and lump sum or gratuity on retirement or death shall be calculated on completed actual years and any fractions of years on a pro rata basis of fulltime service, subject to a maximum of forty years.

9. The annual pension and the lump sum or gratuity payable on retirement or death of the holder of any post mentioned in Section 7 of this Chapter shall be calculated on his pensionable emoluments as fixed from time to time by Statute in the case of statutory offices or by decision of the Governing Body in the case of the other posts.

10. (a) In the event of a participant of this Scheme ceasing to hold office before age sixty-five due to incapacity by reason of infirmity of mind or body and having by medical evidence satisfied the Governing Body that this incapacity is likely to be permanent, he shall be eligible to receive a pension and lump sum calculated in accordance with the provisions of Paragraph 14 of Appendix I of this Statute.

(b) When calculating the number of years of pensionable service of a participant who has completed five years of pensionable service and who is required to retire in accordance with the provisions of Subsection (a) of this Section, his pensionable service shall be enhanced as follows:—

- (i) A participant with between five and ten years of actual reckonable service at retirement shall be allowed an equivalent amount of added service, such amount of added service not to exceed the difference between the participant's age at retirement and age sixty-five.
- (ii) A participant with between ten and twenty years of actual reckonable service at retirement shall be allowed the more favourable of: (1) the amount of service equal to the difference between actual reckonable service and twenty years, the added service not to exceed the difference between the participant's age at retirement and age sixty-five. (2) Six years and two-hundred and forty-three days, the added service not to exceed the difference between the participant's age at retirement and age sixty, provided that this provision shall not apply to a participant whose age exceeds sixty years at retirement.
- (iii) A participant with more than twenty years of actual reckonable service at retirement shall be allowed to add whichever is the lesser of six years and two-hundred and forty-three days and the difference between his age at retirement and age sixty, provided that this provision shall not apply to a participant whose age exceeds sixty years at retirement.

(c) Other than as provided in this Section, no pension on retirement shall be paid to any person who shall be under sixty-five years of age, save as provided in Paragraph 17 of Appendix I of this Statute.

(d) In calculating the number of years of pensionable service of a participant who is required to retire in accordance with the provisions of Subsection (a) of this Section the provisions of Section 13 of this Chapter shall not apply.

(e) Should the health of a participant who has retired under Subsection (a) of this Section improve, or should he become capable of undertaking remunerative employment, the Governing Body may at its absolute discretion withdraw, suspend or reduce the pension payable.

11. Pensions on retirement, whether on grounds of age, ill-health or other incapacity from infirmity of mind or body shall be payable only after five full years of service.

12. Where leave of absence is granted to a participant by the Governing Body or by the President, the Governing Body may in its absolute discretion determine that such period of leave of absence shall be reckonable in full or in part as pensionable service.

13. For the purpose of computing the pension of any pensionable member of the staff as set out in Subsection (a) of Section 7 of this Chapter on his retirement, the Governing Body shall have power to add to the number of actual years of pensionable service such number of years as the Governing Body in its absolute discretion may think fit, provided that the foregoing power shall be exercised by the Governing Body only in the case of a staff member whose special qualifications and experience prior to joining the College staff have been recognised by resolution of the Governing Body, provided also that the total number of added years for the purposes of pension, together with the number of actual years of pensionable service, shall not exceed forty. In the exercise of such powers, the Governing Body shall add years only in respect of fulltime service of the staff member prior to joining the staff of the College which was not transferred to the College under Section 17 of this Chapter or in respect of which a gratuity or pension or other benefit was not awarded. The number of years added shall not exceed seven.

14. Any children's allowance payable by the College to a participant at date of retirement shall continue to be payable during retirement on the same basis as before retirement. If within one year of retirement of a participant a child is born to him, an allowance shall be payable to him in respect of such child on the same basis as if born before retirement.

15. (a) On the death of a participant before retirement, a gratuity shall be payable to his widow equal to three-eighths of his final salary multiplied by the number of years and any fraction of a year on a pro rata basis of his pensionable service, subject to a minimum gratuity of one year's final salary and a maximum gratuity of one and a half times final year's salary, subject to the provisions of Section 10 of Chapter III of this Statute. If he has no widow, the said gratuity shall be payable to the legal personal representative of the participant.

(b) Should a retired participant, who has been granted a pension or a pension and lump sum die and the total received and receivable by him on foot of the pension and lump sum, if any, is less than the gratuity which would have been granted to his widow or to his legal personal representative if he had died on the date of his retirement, his widow or legal personal representative shall receive a gratuity equal to the deficiency.

(c) On the death of a participant or a retired participant who is not a member of the Contributory Widows' and Children's Pension Plan set forth in Chapter III of this Statute to whom at the time of his death children's allowances were payable by the College, the amount of such allowances shall be doubled and shall be payable to the legal guardian of the children. If after the death of a participant a child is born to him in respect of which, had he lived, he would have been entitled to a child allowance, an allowance shall be payable to the legal guardian of the child at double the normal rate. Where the legal guardian of the child or children is the widow of the participant or retired participant the amount of the allowance or allowances shall be reduced to the normal rate should she remarry.

16. Unless the Governing Body shall otherwise determine, no participant shall have any claims to a retiring allowance by way of pension, lump sum or gratuity in the event of his removal from office for 'good cause', as defined in the Statutes of the University and of the College, or his dismissal for unsatisfactory performance of duties, misconduct or other reason under the terms of his conditions of employment.

17. (a) The College having by order dated 23 September, 1969 of the Minister for Finance been designated an approved organisation under the Superannuation and Pensions Act, 1963, the Governing Body may make such arrangements with regard to the transfer or recognition of pensionable service and to the making or accepting contributions as are provided in Section 4 of the said Act in the case of a participant appointed to a pensionable post in the Civil Service or another approved organisation or in the case of a new participant who has previously held a pensionable post in the Civil Service or in another approved organisation.

(b) Subject to the approval of the Minister for the Environment the Governing Body may make arrangements with regard to the transfer or recognition of pensionable service and to the making or accepting of contributions under the terms of the Local Government (Superannuation) Act, 1956, in the case of a participant appointed to a post which is pensionable under the terms of the said Act or in the case of a new participant who has previously held a post which is pensionable under the terms of the said Act.

(c) The Governing Body subject to conditions approved by the Minister for the Public Service may make arrangements with regard to the transfer or recognition of pensionable service and to the making or accepting of contributions in the case of a participant to whom the terms of Subsections (a) and (b) of this Section do not apply and who

transfers to or from an employment which provides pension rights such that they and the pension rights provided by this Statute are reciprocal generally.

(d) The Governing Body subject to conditions approved by the Minister for the Public Service may make arrangements with regard to the transfer or recognition of pensionable service and to the making or accepting of contributions in the case of a participant who transfers to or from any pension scheme in the College whether such a pension scheme is statutory, non-statutory, contributory or non-contributory.

(e) In calculating any contributions which the Governing Body may make to another organisation under the terms of Subsections (a), (b), (c) and (d) of this Section, account shall not be taken of any years added to pensionable service.

(f) Notwithstanding the provisions of Subsections (a), (b) and (c) of this Section, the Governing Body shall not make a contribution in respect of pensionable service in the College in the case of a participant who transfers to another employment unless his pensionable service in the College has consisted of a continuous period of at least three years.

18. In the event of the appointment to a pensionable post in the College of a person who at the time of his appointment is a member of the Federated Superannuation System for Universities or the Universities Superannuation Scheme or any similar Superannuation Scheme, or who wishes to join such a Scheme, such appointee may elect with the approval of the Governing Body to continue membership of such Contributory Scheme or to join a similar Scheme approved by the Governing Body and in the event of such approval the Governing Body shall pay annually a sum equivalent to ten per cent (or such percentage as the Governing Body may by special resolution decide, not to exceed fifteen per cent) of the annual salary of such appointee into such Scheme to continue part or all of existing benefits where practicable or provide alternative benefits with such Insurance Company as may be agreed with the appointee together with five per cent (or such percentage as the Governing Body may by special resolution decide, not to exceed seven and a half per cent) deducted from the salary of such appointee. Each existing member of staff may elect to become a member of a Contributory Pension Scheme similar to the Federated Superannuation System for Universities and approved by the Governing Body and where such election is made, the Governing Body shall pay annually a sum equivalent to ten per cent (or such percentage as the Governing Body may by special resolution decide, not to exceed fifteen per cent) of the annual salary of such person, together with five per cent (or such percentage as the Governing Body may by special resolution decide, not to exceed seven and a half per cent) deducted from his salary into such scheme. Provided that, in the case of a participant wishing to join the Contributory Scheme who has pensionable service in the College but who has not benefited through a Superannuation Scheme in respect of such service, up to ten years' retrospective contributions may be made by the Governing Body in respect of such service, where such person agrees to make a personal retrospective contribution equal to one-half of the Governing Body contribution.

19. Any expenses which may be incurred in the administration of the Joint Pension Fund, other than cost of investment or variation of investment, shall be defrayed out of the general funds of the College. Any costs of investment or variation of investment shall be paid out of the Joint Pension Fund.

20. The administration of the Pension Scheme shall be under the direction of the Governing Body.

21. The Governing Body subject to conditions approved by the Minister for the Public Service may from time to time revoke or vary the Scheme herein provided and make any substituted or or altered Scheme, but no such revocation or variation shall prejudice any rights acquired under any Scheme theretofore made.

CHAPTER III

Contributory Widows' and Children's Pension Plan

1. The Contributory Widows' and Children's Pension Plan (hereinafter referred to as "the Plan"), shall be deemed to be part of the Pension Scheme established by this Statute, but the benefits of the Plan shall apply only to the participants referred to in Section 2 of this Chapter.

2. This Plan applies to male participants to whom Section 7 of Chapter II applies and as defined in Paragraph I of Appendix I.

3. (a) The widow of a participant who dies before retirement shall be entitled to an annual pension equivalent to the lesser of one one-hundred-and-sixtieth of the participant's final salary multiplied by the number of years and any fraction of a year on a pro rata basis of pensionable service the participant would have had, had he held the pensionable post until he had attained the age of sixty-five years, or one-quarter of the participant's final salary.

(b) The entitlement to the pension specified in Subsection (a) of this Section shall commence one month from the date of death of the participant. In respect of the period between date of death and the date of commencement of pension, the widow shall receive a payment equivalent to one-twelfth of the final salary of the participant, which payment shall be deemed to include any Children's Pensions otherwise payable under Section 8 (a) of this Chapter.

4. (a) The widow of a retired participant shall be entitled to an

annual pension equivalent to the lesser of one one-hundred-and-sixtieth of the salary by reference to which the rate of pension payable to the participant at the date of his death was calculated, multiplied by the number of years and any fraction of a year on a pro rata basis of the participant's pensionable service, or one-quarter of such salary.

(b) The entitlement to the pension specified in Subsection (a) of this Section shall commence one month from the date of death of the retired participant. In respect of the period between date of death and the date of commencement of pension, the widow shall receive a payment equivalent to one-sixth of such annual pension which shall be deemed to include any Children's Pensions otherwise payable under Section 8 (a) of this Chapter.

5. Notwithstanding the provisions of Section 4 (a) of this Chapter the widow of a retired participant who had retired on grounds of incapacity by reason of infirmity of mind or body and who was in receipt of a pension based on reckonable pensionable service of less than forty years shall receive one-half of the pension the retired participant would have received if his retirement pension had been calculated in eightieths and had his potential service from the date of his retirement to age sixty-five years been added to his reckonable service, subject to a maximum pensionable service of forty years.

6. (a) For the purposes of Sections 7, 8 and 9 of this Chapter, 'child' means a legitimate child or step-child of the participant born before the participant's retirement or within one year of his retirement or within one year of his death should he die before retiring. It also means a child legally adopted by a participant who dies before retiring or, in the case of a participant who has retired, a child legally adopted by him prior to his retirement, provided in each case the child is under sixteen years of age or, if pursuing a fulltime course of education, under twenty-one years of age.

(b) Children's Pensions will not be awarded in respect of children whose parent was a widower when he joined the Scheme and who did not remarry while a participant of the Scheme.

(c) A child shall not be eligible for a children's pension in respect of more than one participant. Where there would, apart from this Subsection, be an eligibility for children's pension in respect of more than one participant, the child shall be deemed eligible in respect of one of them in the way which in the opinion of the Governing Body, will give the most favourable overall result for the child.

7. A pension payable in respect of a child may be continued as long as the child is permanently incapacitated by reason of mental or physical infirmity from maintaining himself, and provided the incapacity occurred before he reached the age of sixteen years or, if pursuing a fulltime course of education when the incapacity occurred, before the age of twenty-one years.

8. (a) Where a participant dies and is survived by his widow, the amount of pension payable in respect of each child, subject to a

maximum of three children, shall be the equivalent of one-third of the pension payable to the widow under the provisions of Section 3 (a) or 4 (a) or 5 of this Chapter.

(b) The amount of pension payable in respect of children, where the participant dies and is not survived by his widow, shall be an amount equal to two-thirds of the pension which would have been payable to the widow under the provisions of Section 3 (a) or 4 (a) or 5 of this Chapter, had she lived, in respect of the first child, and one-third of the same pension in respect of the second child.

(c) The pensions payable under this Section shall be for the benefit of all the eligible children of a participant or retired participant and shall be payable to such persons as the Governing Body shall determine.

9. (a) Payment to a widow of a pension in respect of herself and any children shall cease on her remarriage but may at the discretion of the Governing Body be restored on subsequent widowhood or if compassionate grounds for doing so subsequently arise. It shall also cease on cohabitation.

(b) Notwithstanding the provisions of Subsection (a) of this Section, where the widow is still living but her pension has ceased arising out of the terms of said Subsection, any pension payable in respect of a child may be continued at the discretion of the Governing Body and paid on behalf of the child to such person as the Governing Body may designate.

(c) Where the widow is still living and either her pension has ceased in accordance with Subsection (a) of this Section but the pension in respect of a child is being continued or the child at the time of the death of the participant is in the care of some person other than the widow, the Governing Body may at its discretion increase the pension in respect of that child to the pension provided in Section 8 (b) of this Chapter.

10. (a) The following contributions shall be payable by or on behalf of the participants in the Plan:

(i) a deduction of one and a half per cent from annual salary with effect from date of employment or of entry to the Plan;
and

(ii) a deduction of one per cent of the final salary at retirement or death from the lump sum or gratuity payable on retirement or death in respect of each year of pensionable service in which a contribution under Paragraph (i) of this Subsection was not made to the Plan (whether it is pensionable service given prior to entry to the Plan or service transferred under Section 17 of Chapter II of this Statute or service by way of years added under Section 13 of Chapter II of this Statute or notional service granted under the terms of this Plan in respect of the period between the date of death in service or the date of retirement on grounds of incapacity and the date on which the participant would have attained the age of sixty-five years) provided that where the contributions are made under this Paragraph and under Paragraph (i) of this Subsection they shall not be made for a period in

excess of forty years. Where the difference between total reckonable service and the service in respect of which contributions were paid under the provisions of Paragraph (i) of this Subsection is not an exact number of completed years, a contribution shall be payable in respect of the fraction of a year on a pro rata basis. Should there be no lump sum payable on retirement, the deduction shall be made by an appropriate computation of the annual pension payable to the participant, the calculation of such computation to be determined by the Governing Body.

(b) The rates of contribution referred to in Subsection (a) of this Section are subject to increase should an actuarial investigation show that they are insufficient to meet one-half of the cost of the Plan, exclusive of the cost of death gratuities provided in accordance with Section 15 of Chapter II of this Statute.

(c) Contributions are payable in respect of all periods of reckonable pensionable service. If contributions are paid for a period greater than forty years, the contributions for the years preceding the last forty years shall be refunded to the participant on retirement or to his legal personal representative on his death.

(d) Should the wife of a participant die, the contribution paid between the date of his wife's death and the date of retirement shall be refunded subject to the deduction from the refund of any contribution payable in respect of a period of pensionable service prior to entry to the Plan. This provision shall not apply should the participant remarry before his retirement.

(e) Should a participant be unmarried or a widower on entry to the Plan and not marry prior to retirement, the whole of his contribution shall be refunded to him on retirement or to his legal personal representative on his death.

(f) Should a participant leave the service of the College without pension, or should he join the College Contributory Scheme, and the provisions of Chapter II, Section 17 and Chapter IV of this Statute not apply, the terms of this Scheme shall cease to apply to him and he shall receive a refund of contributions, provided his wife is alive at the date of leaving. Should the wife of such a participant have died before he left the service of the College, he shall receive a refund of contributions in respect of the period between the date of death of his wife and the date of leaving subject to a deduction of any contributions due in respect of a period of service prior to his entry to the Plan.

(g) Any refund of contributions shall be subject to such deductions in respect of Income Tax as may be determined by the Revenue Commissioners.

11. Notwithstanding the provisions of Section 10 (d) of this Chapter, the child or children of a participant whose wife dies between the date on which deductions under Section 10 (a) (i) of this Chapter commenced and the date of his retirement shall continue to be eligible for the payment of pension.

12. Pensions shall not be payable in respect of the widow of a participant who marries or remarries after retirement or in respect of a child born more than one year after retirement.

CHAPTER IV

Preservation of Pensions

1. A participant who leaves the service of the College after at least five years' pensionable service, other than by removal for 'good cause' as defined in the Statutes of the College and the University or by dismissal for unsatisfactory performance of duties, misconduct or other reason under the terms of his conditions of employment, and to whom the provisions of Section 10 or Section 17 of Chapter II of this Statute do not apply, shall be entitled to receive a pension and gratuity at the age of sixty-five years or at date of retirement, whichever is the later. Should a former participant be retired due to incapacity from a subsequent employment and the Governing Body determine that his incapacity would have caused his retirement had he been in the employment of the College, the pension may be payable from the date of his retirement.

2. The amount of deferred pension shall be based on actual pensionable service as at the date of leaving and on the final salary as at the same date subject to the salary being increased in accordance with the general salary increases applicable to the post held by the former participant between date of leaving and date of retirement or, if earlier, the date on which he attains sixty-five years. The pension shall be calculated on completed years of service and fractions of years and on salary calculated as aforesaid, and the gratuity on three-eighths of the salary calculated as aforesaid for each completed year, and any fraction of a year on a pro rata basis, of pensionable service.

3. A participant to whom the provisions of this Chapter apply may, on rejoining the employment of the College, forgo his entitlement to a deferred pension and gratuity, whereupon his previous service shall be added to his subsequent service for pension purposes.

4. Any service in respect of which a gratuity or pension or other recompense has already been or may be awarded shall not be taken into account in calculating the amount of a deferred pension or deferred gratuity.

5. (a) A deferred pension and death gratuity may also be payable in respect of the widow and children of a former participant to whom the provisions of this Chapter apply provided that a pension or death gratuity would have been payable had the former participant retired from the service of the College or died while in the service of the College.

(b) The amount of any such deferred pension or death gratuity shall be based on actual pensionable service as at the date of leaving and on the final salary as at the same date, subject to the salary being

increased in accordance with the general salary increases applicable between the date of leaving and the date of death to the post held by the former participant.

(c) The amount of a deferred pension payable in respect of a widow shall be the lesser of one one-hundred-and-sixtieth of the final salary increased as in Subsection (b) of this Section, multiplied by the number of years, and any fraction of a year on a pro rata basis, of actual pensionable service, or one-quarter of such salary.

(d) The amount of a deferred pension payable in respect of a child shall be calculated in accordance with the provisions of Chapter III, Section 8 of this Statute, provided that the terms of this Plan apply to the former participant.

(e) The amount of a deferred death gratuity shall be equal to three-eighths of the final salary increased as in Subsection (b) of this Section, multiplied by the number of years, and any fraction of a year on a pro rata basis, of actual pensionable service.

(f) The provisions relating to review of pensions contained in Appendix I of this Statute shall apply to the pension, gratuity and Widows' and Children's pension referred to in this Chapter. The provisions shall also apply to the former holders of posts named in Section 7 of Chapter II of this Statute which have been abolished.

6. In no case of a deferred pension or deferred gratuity or deferred death gratuity shall years of service be added or enhanced service of any type be taken into account in calculating the amount of such deferred pension or deferred gratuity or deferred death gratuity.

7. The provisions of this Chapter shall apply only in the case of participants who leave the service of the College after the date determined by the Governing Body for its implementation.

CHAPTER V

1. Nothing herein contained shall affect any appointment made, right acquired or act done under any previous Statute of the College.

2. This Statute shall come into operation on the thirtieth day of April, One Thousand Nine Hundred and Eighty-two and may be cited as Statute CLXI, University College, Galway, or Stat. CLXI, Univ. Coll., Galway.

Present when the Common
Seal of University College,
Galway, was affixed hereto:

L.S.

Colm Ó hEocha, *Uachtarán*,
Dioraí Ó Coirbhín, *Rúnaí*.

APPENDIX I

University College, Galway, Pension Scheme

Established under Statute CLXI

Part I

Definitions and General Conditions:

1. Persons to whom the Pension, Gratuity and Widows' and Children's Pension provisions of the Scheme (hereinafter referred to as 'the Scheme') apply.

(a) The Scheme shall apply to all holders of the posts listed in Section 7, Chapter II of this Statute who were appointed to a pensionable position in the College on or after April 30, 1982.

(b) The Scheme shall also apply to holders of the posts listed in Section 7, Chapter II of this Statute who had been appointed to a pensionable position in the College before April 30, 1982 and who signify in writing to the Governing Body of the College on or before December 31, 1982 that they wish to be included in the Scheme. Such holders who opt for the Scheme shall not have any rights to any Pension or Widows' and Children's Pension under any previous Statute. Persons who opt for the Contributory Pension Scheme under Section 18, Chapter II of this Statute shall not have any rights under the Scheme.

(c) Only the category of persons referred to in Subparagraph (a) of this Paragraph and those who signify in writing as prescribed in Subparagraph (b) of this Paragraph shall be regarded as participants of this Scheme (in the Scheme referred to as 'participants').

2. Administration. The Scheme shall be administered by the Governing Body as provided by Section 20, Chapter II of this Statute.

3. 'Widow' means in relation to a participant who dies before retirement the person who was the wife of the participant at the time of his death. In relation to a retired participant, 'widow' means the person who was his wife at the time both of his retirement and of his death.

4. 'Retirement age' means the age of sixty-five years, subject to Section 7 of Chapter II of this Statute and Paragraph 17 of this Appendix.

5. 'Child' means a legitimate child or stepchild of the participant born before the participant's retirement or within one year of his retirement or within one year of his death should he die before retirement or a child legally adopted by a participant before retirement, provided in each case the child is under sixteen years of age or, if pursuing a fulltime course of education, under twenty-one years of age. Children's pensions shall not be awarded in respect of children whose parent was a widower when he joined the Scheme and who did not remarry while a participant of the Scheme.

6. Right of Dismissal or Removal from Office.
Nothing in this Scheme shall affect the power of the President or of the

Governing Body of the College or of the Senate of the National University of Ireland, as the case may be, to suspend, dismiss or remove from office a participant. A participant, other than one removed on medical grounds by reason of incapacity from infirmity of mind or body, who has been dismissed or removed from office shall forfeit all the rights to which he would otherwise have been entitled under the Scheme and neither his widow nor his children shall have any rights under the Scheme.

7. Power to review pensions.

(a) Notwithstanding anything contained herein, the Governing Body shall, subject to the provisions of Subparagraph (c) of this Paragraph, once each year review the pensions payable to retired participants or to widows of former participants or in respect of the children of former participants. The basis on which any such review shall be made shall be that the relativity of a pension to the salary, as on the 1st day of July in each year, attaching to the post on which it was calculated, shall be maintained; any increase awarded as a result of such review shall be payable as from the said 1st day of July. Should a pensionable post be abolished after the retirement or death of the holder the relativity referred to shall be established and maintained as on the 1st day of July of each year with a post or group of posts the salary of which equated to or related to that of the office held by the retired or deceased participant. In any pension review, no account shall be taken of an increase granted to the present holder of a post which is stated to be in consequence of a change of the duties and responsibilities of the said post.

(b) The review referred to in Subparagraph (a) of this Paragraph shall also apply to pensions of persons who are in receipt of insured benefits as a consequence of their membership of a Contributory Pension Scheme referred to in Section 18 of Chapter II of this Statute prior to their retirement and to any pension payable to the widows of such retired members under such Scheme.

(c) The provisions of Subparagraph (a) of this Paragraph shall be amended by Statute in the event of any alteration occurring in the method of reviewing the pensions payable to Civil Servants, and the amendment shall provide for such revised method of reviewing pensions also to apply to the review of pensions payable to retired participants and to the widows of former participants and in respect of the children of former participants, except that such amendment shall not apply in respect of persons who do not opt for the Pension Scheme as instituted by this Statute save in respect of persons referred to in Section 18 of Chapter II of this Statute, nor shall any other improvements in superannuation benefits apply in respect of such persons.

(d) The provisions of Subparagraphs (a), (b) and (c) of this Paragraph shall have effect from April 30, 1982.

8. Payment of Pensions.

Pensions shall be paid by equal monthly instalments in arrears, or by equal weekly instalments in arrears, as decided by the Governing Body.

9. Evidence of Age

It is a condition precedent to the payment of any pension or allowance that evidence of age satisfactory to the Governing Body be furnished to it.

10 Evidence of Status

It is a condition precedent to the payment of any pension or allowance that evidence of existence and of marital status satisfactory to the Governing Body be furnished to it.

PART II

Participant's right to pension and gratuity and the amount thereof.

11. A participant who retires at the retirement age or at an earlier age as provided in Paragraph 16 or 17 of this Appendix, shall be entitled to a pension for the remainder of his life and to a gratuity, the entitlement commencing on the day following his retirement.

12. All service rendered to the College by a participant in a permanent fulltime capacity or in a permanent part-time capacity pensionable by Statute, as well as fulltime continuous service in a temporary or probationary capacity immediately prior to and up to the date of his appointment in a permanent fulltime capacity shall be deemed to be pensionable service. Service of a trainee or apprenticeship nature shall not qualify as pensionable service. Periods of leave of absence, as laid down in Section 12 of Chapter II of this Statute may be deemed by the Governing Body to be pensionable service. Should fulltime or permanent pensionable part-time service be broken, there shall be omitted from the calculation of fulltime or permanent pensionable part-time service any period during which he was not in the service of the College in a permanent fulltime or permanent pensionable part-time capacity. In calculating any pension or gratuity, no credit shall be given for any service to the College in respect of which a gratuity on earlier resignation has been granted or a pension on early retirement has been or may be granted. Part-time service, which is not less than half the equivalent of fulltime service, shall be reckoned on a pro rata basis in the case of a fulltime member of the staff on his retirement or death.

13. Local Authority Service:

Pensionable service includes service which is reckonable for the purposes of the Local Government (Superannuation) Act, 1956, being the period or the aggregate of the periods which is reckonable as pensionable local service, other than any excess of that period or aggregate over twenty years as referred to in Sections 12 (2) and 35 (2) of the said Act. Where a lump sum, allowance or gratuity is paid by a local authority to any person under the provisions of the Local Government (Superannuation) Act, 1956, and in determining the amount thereof any period of pensionable service with the College has been reckoned, the Governing Body of the College shall make the

appropriate refund to the local authority under the provisions of Section 57 (I) of the said Act.

14. The participant's annual pension shall be an annual sum equivalent to one-sixtieth of his final salary multiplied by the number of years, and any fraction of a year on a pro rata basis, of his pensionable service, subject to a maximum of forty years. Should, however, a participant so wish he may elect to receive a lump sum on retirement equal to three-eightieths of his final salary multiplied by the number of years, and any fraction of a year on a pro rata basis, of his pensionable service, subject to a maximum of forty years. The exercise of this option shall be irrevocable and the participant's annual pension shall then be calculated at one-eightieth of his final salary multiplied by the number of years, and any fraction of a year on a pro rata basis, of his pensionable service, subject to a maximum of forty years. The provisions of this Paragraph shall be subject to the provisions of Appendix II of this Statute.

15. A participant must retire at the retiring age as set out in Paragraph 4 of this Appendix save as provided in Paragraphs 16 and 17 of this Appendix.

16. A participant who by virtue of permanent incapacity from infirmity of mind or body in accordance with Section 10 (a) of Chapter II of this Statute must retire shall be entitled to an annual pension and a retiring gratuity calculated in accordance with Paragraph 14 of this Appendix.

17. A participant may at any time within five years of the retirement age retire voluntarily and on so retiring shall receive a pension and gratuity calculated in accordance with Paragraph 14 of this Appendix. Provided that at least three months' notice in writing must be given to the Secretary-Bursar of the College of his intention to so retire, such three months to be exclusive of the months of July, August and September.

18. The Governing Body may require persons who are appointed to fulltime posts in the College after a date to be determined by the Governing Body to furnish such evidence of health as may be satisfactory to the Governing Body.

APPENDIX II

1. Where a participant is fully insured for purposes of the Social Welfare Acts, his annual pension shall be based on his net final salary as defined below.

Net Final Salary

(a) In the case of a participant whose pension is calculated in sixtieths, 'net final salary' shall mean final salary less one and a half times the maximum personal rate of Old Age (Contributory) Pension payable to a man on the last day of paid service.

(b) In the case of a participant who elects to receive a lump sum and have his pension calculated in eightieths, 'net final salary' shall mean final salary less twice the maximum personal rate of Old Age (Contributory) Pension payable to a man on the last day of paid service.

2. Where a participant retires or is retired on medical grounds or after the age of sixty years (sixty-five years in the case of the President) the Governing Body may at its discretion pay a supplementary pension the amount of which shall not exceed the difference between

(a) the pension payable to such participant under this Statute, together with (if Paragraph 3(c)(i) and 3(c)(ii) of this Appendix applies) the personal rate of Invalidity Pension, Unemployment Benefit, Disability Benefit, Retirement Pension or Old Age (Contributory) Pension payable to such participant, and

(b) the pension which would have been payable to him if it had been calculated by reference to final salary instead of net final salary.

3. The supplementary pension shall be payable in respect of any period or periods after retirement during which the pensioner:

(a) is under the age of sixty-five years, and

(b) is not employed, and

(c) (i) fails to qualify for Invalidity Pension, Unemployment Benefit or Disability Benefit where such failure is not due to causes within his own control, or

(ii) qualifies for Invalidity Pension, Unemployment Benefit or Disability Benefit at less than the maximum personal rate due to causes outside his own control, or

(d) is over the age of sixty-five years, and

(e) is not employed, and

(f) (i) fails to qualify for Invalidity Pension, Unemployment Benefit, Retirement Pension or Old Age (Contributory) Pension where such failure is not due to causes within his own control, or

(ii) Qualifies for Invalidity Pension, Unemployment Benefit, Disability Benefit, Retirement Pension or Old Age (Contributory) Pension at less than the maximum personal rate due to causes outside his own control

4. Widows' Pensions:

(a) Benefits:

In the case of widows of participants who were fully insured for the purposes of the Social Welfare Acts, pensions shall be based on final salary (or salary in a case of death in service) less twice the maximum personal rate of Old Age (Contributory) Pension payable to a man on the last day of paid service.

(b) Contributions:

Both contributions during employment and deductions at retirement or death shall be based on salary less twice the maximum personal rate of Old Age (Contributory) Pension.