



8 April 2021

To: All Public Service Employers

Circular 03/2021: Guidance on Minimum Pension Ages/Compulsory Retirement Ages in the Public Service.

1. Purpose

This Circular brings together relevant information about standard public service retirement ages in one document. This Circular does not replace or amend any existing policy. The purpose of the Circular is to provide a convenient reference document by collating information that already exists in various locations into the one place.

2. Background

Different retirement ages apply to different cohorts of public servants, primarily based on their date of recruitment and these ages are often prescribed by primary or secondary legislation. It is not possible for one document to detail retirement arrangements for each and every category of public servant. This Circular sets out the terms that apply to the majority of public servants (termed standard public servants for the purposes of the Circular).

This document does not include detailed information in relation to groups of public servants with atypical terms. One such group is the “uniformed pension fast accrual” group composed of members of An Garda Síochána, Prison Officers, Firefighters and members of the Permanent Defence Force. Information on retirement ages for members of this group can be obtained from the respective employer, as set out in Paragraph 6 below. Paragraph 7 of the Circular contains an overview of some other groups in the public service which are subject to certain exceptions from the standard retirement terms.

Any public servant who is unsure of his/her minimum pension age or compulsory retirement age should contact his/her employer for clarification.

3. Minimum Pension Age

Minimum pension age is the earliest age at which a public servant is entitled to retire and receive immediate payment of their retirement benefits from their occupational pension scheme without actuarial reduction. It is sometimes referred to as normal retirement age.

Minimum pension age in the public service is generally determined by the date of recruitment of the individual public servant and, for the most part, is provided for in primary legislation and/or in the terms of the public service pension scheme of which the person is a member.

Where a public servant who is vested in their pension scheme resigns from public service employment prior to reaching minimum pension age, their pension benefits are generally preserved and become

payable on application upon reaching the preserved pension age (which for most standard public servants is the same as the relevant minimum pension age).

4. Compulsory Retirement Age

Compulsory retirement age is the age at which a public servant must retire. It is sometimes referred to as mandatory retirement age or upper retirement age.

In general, public servants can continue to work after they reach minimum pension age. Once they reach compulsory retirement age, they must cease working and are entitled to receive their retirement benefits.

Compulsory retirement in the public service is generally determined by the date of recruitment of the individual public servant and, for the most part, is provided for in primary legislation.

5. Relevant Legislation

Details of the main pieces of legislation governing minimum pension age and compulsory retirement age for standard public servants are set out below:

(a) Public Service Superannuation (Age of Retirement) Act 2018

The [Public Service Superannuation \(Age of Retirement\) Act 2018](#) was enacted on 26 December 2018 and came into effect immediately from that date. The Act provides for an increase in the compulsory retirement age of most standard public servants recruited prior to 1 April 2004 to age 70.

A public servant covered by the Act is termed a “relevant public servant” as defined in Section 2 of the Act. The vast majority of pre-1 April 2004 standard public servants are included in the definition of “relevant public servant”.

A “relevant public servant” generally has a minimum pension age of 60, which is prescribed by the terms of his/her pension scheme.

More information can be found in the FAQ document which issued to all Government Departments/Offices on 31 January 2019, following enactment of the Public Service Superannuation (Age of Retirement) Act 2018. A copy of the FAQ document is available [here](#).

(b) Public Service Superannuation (Miscellaneous Provisions) Act 2004

The [Public Service Superannuation \(Miscellaneous Provisions\) Act 2004](#) applies to most public servants recruited between 1 April 2004 and 31 December 2012 and a member of this group is described under the Act as a “new entrant”. The minimum pension age for most standard “new entrant” public servants recruited between 1 April 2004 and 31 December 2012 is age 65 and most members of this group have no compulsory retirement age.

More information can be found in letter to Secretaries General dated 26 March 2004, which issued following enactment of the Public Service Superannuation (Miscellaneous Provisions) Act 2004. A copy of this letter is available [here](#).

(c) Public Service Pensions (Single Scheme and Other Provisions) Act 2012

The [Public Service Pensions \(Single Scheme and Other Provisions\) Act 2012](#) established the Single Public Service Pension Scheme. In general, anyone taking up pensionable public service employment on or after 1 January 2013 is a member of the Single Scheme. The Act provides that most members of the Single Scheme have a minimum pension age consistent with the age of eligibility for the State Pension (Contributory), which on the date of this Circular is age 66, and a compulsory retirement age of 70. A member of this group is generally referred to as a “Single Scheme member”.

More information can be found in D/PER Circular 19/2012: Commencement of the Single Public Service Pension Scheme, which issued to all Government Departments/Offices on 31 December 2012, following enactment of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012. A copy of D/PER Circular 19/2012 is available [here](#).

6. Uniformed Fast Accrual Groups

Certain public servants are required to retire early for operational reasons. These comprise members of An Garda Síochána, Prison Officers, Firefighters and members of the Permanent Defence Force. Collectively this group is sometimes referred to as the “uniformed pension fast accrual” group. The minimum pension age and compulsory retirement age for members of the uniformed pension fast accrual group are lower than for standard public servants. Any queries in this regard should be addressed to the respective employer.

7. Some other Groups with non-standard retirement terms

(a) Members of the Judiciary

The compulsory retirement age of members of the Judiciary and related grades (Master of the High Court, County Registrars etc.) recruited prior to 1 January 2013 is provided for in Court and Court Officers legislation, rather than in the legislation detailed in Paragraph 5 above.

In the case of members of the Judiciary who were appointed prior to 1/1/13 and who are not members of the Single Scheme, the following arrangements apply:

- Judges of the District Court become eligible for their pension benefits at age 65 and must retire at age 70.
- A Judge of the higher Courts becomes eligible for their pension benefits once they have reached the appropriate age. In this instance, the appropriate age is either age 65 or the age at which they attain 15 years’ service, whichever is later. Judges of the higher Courts must retire at age 70.

Members of the Judiciary who are members of the Single Scheme have a minimum pension age consistent with the age of eligibility for the State Pension (Contributory), which on the date of this Circular is age 66, and a compulsory retirement age of 70.

(b) Some Other Exceptions

A very small number of other groups have no compulsory retirement age and are excluded from the compulsory retirement age provisions of the legislation listed in Paragraph 5 above e.g. the President of Ireland and Members of the Houses of the Oireachtas.

This paragraph does not contain an exhaustive list of exceptions. As stated in Paragraph 2, any public servant who is unsure of his/her minimum pension age or compulsory retirement age should contact his/her employer for clarification.

8. Early Access to Retirement Benefits

There are some situations in which public service pension benefits may be paid before the public servant reaches his/her minimum pension age. These are listed below for information, but individual public servants should consult with their employer directly about the options available to them.

- **Cost Neutral Early Retirement (CNER)**
CNER is available to most standard public servants. It allows the public servant to retire earlier than the minimum pension age – usually from a minimum age of 50 or 55, depending on the pension scheme – and receive actuarially reduced benefits.
- **Retirement on Medical Grounds**
In the event of medically certified permanent incapacity for work, it may be possible for a public servant to retire or be retired on the grounds of ill-health at any age.
- **Death**
Most public service pension schemes provide for immediate payment of a gratuity and survivor pension, if applicable, in the case of the death of a member at any age prior to retirement.

9. Circulation

This Circular is addressed to all public service employers. Please make sure the Circular is brought to the attention of all HR and pensions personnel in your Department/Office/organisation and to all HR and pensions personnel of any public service body under the aegis or your Department/Office/organisation. The Circular is also available at <https://www.gov.ie/en/circulars/>

This Circular should be made available to all public service employees.

10. Queries

Queries about this Circular may be pursued as follows:

- Individual public servants with queries should raise them with their employer or with their Shared HR/Pensions/Payroll service, where applicable.
- Employers wishing to raise queries should send them to singleschemequeries@per.gov.ie writing “Circular 03/2021” in the subject line.



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