



Circular 3/2021

15 February 2021

To: Ms Anne Marie Hoey, National Director of Human Resources, HSE
CEOs of NCSAs
HR Managers of NCSAs

Recognition of same sex marriages/civil partnerships under Public Service ‘Original’ Spouses’ and Children’s Contributory Pension Schemes

Please find attached Department of Public Expenditure & Reform (DPER) Circular 18/2020 - *Recognition of same sex marriages/civil partnerships under Public Service ‘Original’ Spouses’ and Children’s Contributory Pension Schemes*.

Section 27 of the *Social Welfare, Pensions and Civil Registration Act 2018* (the ‘2018 Act’) inserted a new Part VIIA into the *Pensions Act 1990* to provide for a right of entitlement to pension benefit under occupational pension schemes in respect of same sex couples where the scheme member was unable to enter a marriage or civil partnership prior to reaching a certain age or date of retirement.

DPER Circular 18/2020 advises of the legal obligations arising from Part VIIA of the *Pensions Act 1990*, which applies to same sex couples (one partner being a member of a public service pension scheme) where the individuals concerned entered a same sex marriage or civil partnership after retirement and within three years of enactment of the legislation that enabled them to do so.

The Circular also provides guidance on how to manage cases that are submitted under the legislation.

It is relevant only to the category of individuals named in the legislation, who are either:

- (i) former members of ‘original’ public service spouses’ and children’s (‘S&C’) schemes; or
- (ii) former pensionable public servants who elected not to join an original S&C scheme when the membership option was made available to them.

DPER Circular 18/2020 will not be relevant to members and former members of the ‘revised’ Spouses & Childrens’ schemes nor to the Single Public Service Pension Scheme as both provide for marriages or civil partnerships that are entered into post-retirement.

Queries

All individuals should consult the Personnel (HR) Unit/pension scheme administrators of the public service body with which they were last employed. HSE and S38 Pensions and HR Managers' requests for clarification should be directed to the HSE National Pensions Management Unit.

NCSA Pensions and HR Managers' requests for clarification should be addressed to National_HR_Unit@health.gov.ie.

Circulation

Please bring this circular to the attention of relevant managers and staff of your organisation as appropriate. The HSE is also requested to bring this circular to the attention of relevant Section 38 employers.

Yours sincerely,



Margaret Campbell
Principal Officer
People Pay & Superannuation Unit