



Oifig an Stiúirthóra Náisiúnta, Acmhainní Daonna

Feidhmeannacht na Seirbhísí Sláinte

Ospidéal Dr. Steevens'

Baile Átha Cliath 8

Office of the National Director of Human Resources

Health Service Executive

Dr. Steevens' Hospital

Dublin 8

Tel: 01 635 2319 Email: nationalhr@hse.ie

To: Chief Executive Officer
Each National Director
Each Assistant National Director HR
Each Assistant Chief Finance Officer
Each Hospital Group CEO
Each Hospital Group Director of HR
Each Chief Officer CHOs
Each Head of HR CHOs
Head of HR, PCRS
Each CEO Section 38 Agencies
Each HR Manager Section 38 Agencies
Each Employee Relations Manager
Each Group Director of Nursing & Midwifery
Each Group Director of Midwifery
Each Clinical Director
Director National Ambulance Service

From: Anne Marie Hoey, National Director of Human Resources

Date: 18th February 2021

Subject: HR Circular 009/2021 Recognition of same sex marriages/civil partnerships under Public Service 'Original' Spouses' and Children's Contributory Pension Schemes

Dear Colleagues

Please find attached a copy of Department of Health Circular 3/2021 and Department of Public Expenditure and 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.

DPER Circular 18/2020 also provides guidance on how to manage cases that are submitted under the legislation.

DPER Circular 18/2020 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' S&C schemes nor the Single Public Service Pension Scheme as both provide for marriages or civil partnerships that are entered into post-retirement.

Please bring this Circular to the attention of relevant managers and staff within your organisation/area of responsibility who are dealing with superannuation matters.

Queries

Queries from individuals should be referred to local HR/Employee Relations Departments or local Superannuation Units of the public service body with which they were last employed.

Requests for clarification from Pensions and HR managers in the **HSE** should be directed to:

Gerry Mescall, HSE Pensions Standards & Quality Manager – HBS HR Services, Email: gerry.mescall@hse.ie

Requests for clarification from Pensions and HR managers in **Section 38 organisations** should be directed to: Bernie Neary, Pensions Manager VHSS/NHASS, National Pensions Management Unit – HBS HR Services, Email bernie.neary@hse.ie

Yours sincerely



Anne Marie Hoey
National Director of Human Resources



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