



Re-appointment to commissioned rank in the PDF – Pension FAQs

Q.1 What pension scheme terms apply on re-joining?

On re-joining the Permanent Defence Force (PDF), a person's specific occupational pension scheme terms are determined under the relevant legislation based on their public service employment history to date (including from when they left the PDF) e.g.

- whether you were employed in a pensionable job elsewhere in the public service immediately before re-joining the PDF; or
- how long you have been out of public service pensionable employment since retiring from the PDF.

See note below regarding Section 10 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012.

Q.2 What happens a retired officer's existing DF pension on re-appointment to the PDF?

Payment of that pension ceases immediately from the date of re-joining, for the duration of their re-appointment. Payment will resume on the date immediately following final retirement date.

Q.3 What happens to any other civil or public service pension (a) currently in payment to the re-appointee, or (b) that comes into payment during their period of re-employment in the PDF?

In either case, this other pension(s) will automatically be subject to abatement (reduction or suspension as appropriate) under the Public Service Pensions (Single Scheme and Other Provisions) Act 2012. See short Information Note below about pension abatement.

Q.4 What occupational pension scheme will they join on re-appointment?

In general, all new entrants to the public service – including the PDF – who join on or after 1 January 2013 are required to be members of the Single Public Service Pension Scheme. However, in certain limited circumstances, a person who is re-joining the public service may be covered by the appropriate pre-2013 pension scheme – see Examples below.

Q.5 Are there any circumstances in which a retired officer who re-joins the PDF is not enrolled in the Single Scheme?

Yes. This is determined on a case-by-case basis based on their public service employment history to date.

For practical purposes, the main exception is where, on re-joining the public service on or after 1 January 2013, he/she has at some point worked in pensionable (non-Single Scheme) public service employment in the 26 weeks immediately prior to re-appointment e.g. to the PDF.

They will resume membership of the relevant pre-2013 DF pension scheme e.g. post-April 1995 (see Example below).

Q.6 If he/she is re-appointed to the PDF as a member of the Single Scheme, are they in effect now covered by two separate, distinct pension schemes?

Yes. But on re-joining, they are active members of the Single Scheme only.

- Payment of the accrued pre-2013 retirement pension – which has immediately ceased on re-appointment – will resume on final retirement from the PDF (see Question 10 and Example 2 also).
- The provisions of the Single Scheme are fundamentally different to, and completely distinct and separate from, pre-2013 public service pension schemes i.e., they are mutually exclusive. There is no provision to aggregate /amalgamate pre and post-2013 public service pension schemes or transfer benefits between them. Therefore:
 - (a) On re-appointment to the PDF, he/she will accrue 'new' retirement benefits under the Single Scheme only, the vesting period¹ for which is 2 years; and
 - (b) No further subsequent pensionable service or benefits are accrued in respect of the pre-2013 PDF pension, payment of which ceases for the duration of the officer's re-appointment.

Any retirement benefits under the Single Scheme on eventual future retirement from the PDF would normally be payable separate from – and in addition to – any resumed pre-2013 Defence Forces retirement pension (but see Q.10).

¹The *vesting period* for the Single Scheme is 2 years, the minimum length of time you must pay employee contributions into the scheme before becoming eligible for retirement benefits. The vesting period for all personnel who joined the PDF between 1 April 2004 and 31 December 2012 is also 2 years. The vesting period under the 'pre-April 2004' pension schemes is 5 years for commissioned officers.

Q.7 If commissioned without time limitation beyond the 3-year short service commission, will he/she be able to contribute further to their current (pre-2013) DF pension?

That again depends on whether they are a member of the Single Scheme, or of a pre-2013 public service pension scheme, on re-joining.

- If re-joining as a Single Scheme member – **see Example 1** – they will accrue no further subsequent pensionable service under the 'pre-2013' Defence Forces pension schemes.
- If not a Single Scheme member on re-joining – **see Example 2** – they will be able to accrue further pensionable service subject to the rules of their pre-2013 pensions scheme. The usual terms and conditions of that scheme would continue to apply relating to e.g. determination of retiring rank, pensionable pay, maximum retirement benefits, calculation of integrated pension, the '40-year rule' etc.

Q.8 What is the '40-year rule'?

This relates only to pre-2013 public service pension schemes. It does not apply to the Single Pension Scheme.

The 2012 Act provides that where a public servant has accrued pensionable service under one or more pre-2013 public service pension schemes then, in general, no more than an equivalent of 40 years' service (in total) can be taken into account when calculating any retirement benefits under those schemes. In pre-2013 fast accrual schemes generally, an equivalent cap of 30 years' pensionable service applies.

This 40-year cap already applied to service in any one pre-2013 pension scheme, but it was extended across all public service schemes from 28 July 2012. However, retirees already exceeding the 40-year limit on that date do not lose any service accrued up to that point². For example, a person with 42 years' pensionable service on 27 July 2012 retains that service, but they cannot accrue any more pre-2013 reckonable service from any public service employment after that date.

Final decisions about computing (pre-2013) pensionable service under this rule (including the conversion of such fast accrual service for that purpose) are made on a case-by-case basis by DPER. Guidance for PSBs on the operation of the 40-year rule is being formulated by DPER.

Q.9 When does payment of Single Scheme retirement benefits commence?

Single Scheme retirement benefits are payable immediately on retirement from the PDF only if you serve to the *minimum pension age* of 50, and have attained the *vesting period* of 2 years. If you do not serve to age 50, payment is deferred until Contributory State Pension Age.

² See Section 52, subsections (6) and (7), of the 2012 Act.

Q.10 What happens a retired officer's existing (pre-2013) Defence Forces pension on final retirement from PDF?

- Payment of their existing (pre-2013) DF pension will resume again on the date immediately following final retirement date, on an 'uprated' basis, i.e. it will reflect any relevant pension increases that occurred in the meantime.
- However, the combined retirement pensions from both the pre-2013 and Single Scheme would still be subject to abatement in the normal way (under section 52 of the 2012 Act) if he/she later takes up pensionable employment anywhere else in the public service in this State.

Further general information (including pension scheme terms) is set out in the document entitled: "**Terms & Conditions governing the re-commissioning of former officers of the Permanent Defence Force**".

Prior to an offer of re-commissioning, any further queries may be directed to pensions.admin@defence.ie or by phone 091 743900 (9.30 - 1.30 Mon - Fri).

Re-Commissioning of former PDF officers: pension scheme terms applicable on re-joining

Example 1

Retired 'post-5 April 1995' officer who re-joins the PDF more than 26 weeks since retirement on pension from the public service

An officer joined the PDF in January 1996 insured for full PRSI (Class A). Under the 'post-5/4/1995' (pre-April 2004) DF pension scheme, he/she retires in January 2016 on immediate pension, integrated with the Social Insurance system, based on 20 years' pensionable service for the retiring rank of Comdt. Since retiring from the PDF, he/she worked overseas and was not employed in the public service in this State. He/she is re-appointed to the PDF in October 2019, i.e. more than 26 weeks since retiring from the PDF.

Therefore, on re-appointment they automatically become a member of the Single Scheme. He/she is now covered by two completely separate, distinct occupational pension scheme arrangements, and is subject to the respective rules and provisions of each scheme.

(A) Existing (pre-2013) DF retirement pension

- On re-joining the PDF:
 - Their existing 'post-5/4/1995' DF pension ceases payment immediately, but only for the duration of their re-appointment in the PDF.
 - They will accrue no further subsequent pensionable service under the 'pre-2013' Defence Forces pension schemes.
- Where an applicant for re-entry to the public service e.g. PDF, already has an existing entitlement to pre-2013 public service retirement benefits, those benefits remain to be administered under the provisions of the pre-2013 scheme(s). They cannot transfer (aggregate) or import those benefits to/with the Single Scheme and vice versa.
- Following 'final' retirement from the PDF, payment of the pre-2013 Defence Forces retirement pension will resume on an 'uprated' basis i.e. in this example:
 - i. payable at the appropriate rate for a post-5 April 1995 (pre-2004) officer e.g. Comdt. with 20 years pensionable service in the PDF, who was insured for full PRSI (Class A); and
 - ii. adjusted by any public service indexation mechanism operating in the period between resumption of PDF service and final retirement.
- On first retirement, he/she paid their full contribution liability for membership of the pre-2013 Revised Contributory Spouses' and Children's Pension Scheme. In the event of death (i) while serving in the PDF subsequent to re-appointment, or (ii) after final retirement, survivors' pension(s) would be payable to their spouse / civil partner and eligible children under that pre-2013 Scheme.

(B) Single Scheme (staying with Example 1):

- On re-joining the PDF:
 - They will automatically become a member of the Single Pension Scheme for the duration of their re-appointment.

- They will pay the standard 7.5% explicit employee pension contribution from Defence Forces salary – towards personal and survivors’ occupational pension benefits – as applies to pension *fast accrual* Single Scheme occupations.
 - The Personal Pension Contribution (PPC) higher salary/allowances scales for commissioned officers in full PRSI (Class A) again apply.
 - In addition, they are also liable for the lower *Additional Superannuation Contribution* (ASC) payable by Single Scheme public service occupations generally.
 - As full PRSI (Class A) contributors, any future retirement (or survivor’s) pension that accrues after re-appointment will be subject to *integration* with the Social Insurance code, as provided in the Single Scheme.
- Single Scheme benefits – pension and retirement lump sum – are payable immediately on retirement only if serving to age 50 and having attained the vesting period³; otherwise, benefits are deferred to Contributory State Pension age.
 - Any retirement benefits under the Single Scheme on eventual future retirement from the PDF would normally be payable separate from (and in addition to) any resumed pre-2013 Defence Forces retirement pension.
 - However, the combined retirement pensions from both those Schemes would still be subject to abatement in the normal way (under section 52 of the 2012 Act) if he/she later takes up pensionable employment anywhere else in the public service in this State – see short information note below.
 - Death benefits:
 - The member will be covered automatically for survivors’ pension(s) under the Single Scheme. So, in the event of death (i) while serving in the PDF subsequent to re-appointment, or (ii) after final retirement, survivors’ pension(s) would be payable to their spouse / civil partner and eligible children based on accrued pension under the Single Scheme. For clarity, (as provided in section 54 of the 2012 Act), this will not affect any payment of separate survivors’ pension(s) under the pre-2013 Defence Forces pensions schemes.
 - Where a Single Scheme member dies while serving, a Death Gratuity of twice the deceased member’s pensionable remuneration is payable (less any superannuation lump sum paid / payable from a pre-existing public service pension scheme or from the Single Scheme).

Example 2:

Retired ‘post-5 April 1995’ officer who re-joins the PDF within 26 weeks of retirement

An officer joins the PDF in January 2004 insured for full PRSI (Class A). Under the ‘post-5/4/1995’ (pre-April 2004) DF pension scheme arrangements, he/she retires in February 2016 on immediate pension, integrated with the Social Insurance system, based on 12 years’ pensionable service. He/she is re-appointed to the PDF in July 2016, i.e., within 26 weeks of having retired from the PDF. On that basis, he/she:

³ The *vesting period* for the Single Scheme is 2 years, the minimum length of time you must pay employee contributions into the scheme before becoming eligible for retirement benefits. The vesting period for all personnel who joined the PDF between 1 April 2004 and 31 December 2012 is also 2 years. The vesting period under the ‘pre-April 2004’ pension schemes is 5 years for commissioned officers.

- Is deemed not to be a new entrant to the Single Scheme, and resumes membership of the 'post-5/4/1995' PDF pension scheme for officers insured for full PRSI (Class A);
- On re-joining:
 - Their existing DF retirement pension ceases payment immediately, but only for the duration of their re-appointment (see final bullet below (para (iii))).
 - They pay the same standard 6½% explicit employee pension contribution from Defence Forces salary – towards personal and survivors' occupational pension benefits – as already applied during his/her first period of service. On that basis, they again benefit from the Personal Pension Contribution (PPC) higher salary/allowances scales for 'post-5/4/1995' officers.
 - In addition, they are also liable for the rate of *Additional Superannuation Contribution* (ASC) applicable to pre-2013 fast pension accrual public service occupations.
 - They are again liable for full PRSI at PRSI (Class A) rates. Therefore, any future retirement (or survivor's) pension that accrues after re-appointment will continue to be subject to *integration* with the Social Insurance code, in line with standard (pre-2013) public service arrangements.
- On final retirement from the Defence Forces, the first and subsequent periods of pensionable service with the PDF will be combined for the purposes of calculating and payment of revised post-5/4/1995 pension and gratuity entitlements, subject to the following:
 - (i) The various rules of the post-5/4/1995 superannuation arrangements relating to determination of retiring rank, pensionable pay, maximum retirement benefits, calculation of integrated pension, the '40-year rule' etc.; and
 - (ii) The offset (i.e. reduction) from final retirement gratuity, on an 'uprated' basis, of the gratuity already paid to him/her on first retirement⁴ [Note: the other option here would be to repay the first retirement gratuity with compound interest, before re-joining the PDF];

⁴ Their final contribution liability for membership of the S&C Contributory Pension Scheme would be reduced by the uprated amount of the deduction already paid from gratuity awarded on first retirement.

Section 10 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012

This provides that, in general, a person who becomes a pensionable public servant on or after 1 January 2013 will be a member of that Single Scheme.

The 2012 Act is designed to ensure that anyone who already has an employment relationship with the public service immediately preceding that date will **not** be deemed to be a Single Scheme member including:

- pensionable public servants who immediately before 1/1/2013 are absent on leave (paid or unpaid e.g. career break, parental leave etc.) or on secondment (within or outside the State) and who resume working in their public service employment following such leave or secondment on or after that date; or
- a person who takes up a pensionable public service post on or after 1/1/2013, having left a previous pensionable public service post (in which the person was not a Single Scheme member) within 26 weeks prior to taking up the new post.

<http://www.irishstatutebook.ie/eli/2012/act/37/section/10/enacted/en/html#sec10>

Specifically as regards the PDF and subject to the 2012 Act, the following are not regarded as members of the Single Scheme:

- (a) Cadets serving immediately before 1 January 2013 who were subsequently appointed to be officers on completion of their cadetship;
- (b) Officers serving on Short Service Commissions immediately before 1 January 2013 (e.g. Naval Service Watchkeeper, Medical Officer) who, immediately following the period of that commission, were appointed to commissioned rank without limitation as to time;
- (c) Enlisted Personnel serving immediately before 1 January 2013 who are subsequently discharged for the purpose of appointment to commissioned rank (in line or technical appointments) following completion of a Potential Officers' Course (CFRs); and
- (d) Enlisted Personnel serving immediately before 1 January 2013 who are selected for Trainee Technician (or similar) schemes and are discharged for the purpose of re-enlistment (e.g. personnel attending apprenticeship training with FÁS who are required to sign new service undertakings).

For the purpose of the 2012 Act, their "administrative discharge" on or after 1 January 2013 does not affect the continuity of their public service employment or their status as "serving" personnel.

Public service pension abatement

Section 52 of the Public Service Pensions (Single Scheme and other Provisions) Act 2012 provides that where a retired public servant who is in receipt of a public service retirement pension resumes employment anywhere in the public service on or after 1 November 2012, their pension is liable to abatement, that is, cessation or reduction as appropriate. The measure applies across the public service, including the Defence Forces. However, it does not apply in relation to employment with the commercial semi-State bodies or where public service pensioners are employed outside the public service.

Pension abatement in the public service is structured to ensure that a pensioner's combined earnings from their current public service job plus their existing public service retirement pension, does not exceed the current equivalent of pensionable salary from their old public service job. Depending on those variables, the actual impact (if any) from the measure on a person's public service pension will vary from person to person. For example, where a person's combined public service earnings from their current job plus retirement pension are less than the current equivalent of their pensionable earnings from their old job e.g. in the Defence Forces, there is no reduction of pension.

Prior to 1 November 2012, this abatement principle / concept already operated as a standard feature of public service pension schemes generally. However, this was only within individual sectors and bodies where a public service pensioner resumed working in his or her former occupation, e.g. Defence Forces, Garda, Civil Service etc. The 2012 Act extends the principle across and between all sectors, thereby restoring the arrangements that were in place until 1965.

A public service pensioner already in public service employment immediately before 1 November 2012 is not affected by the change while he or she remains in that post/position. However, if their employment status changes after that date, for example, where they secure a new post through promotion with their current public service employer or where they move to a different post or public service body, their pension is subject to abatement in accordance with the legislation.

The Public Service Pensions (Single Scheme and other Provisions) Act 2012 comes under the remit of the Minister for Public Expenditure and Reform.