Bille na bPinsean (Déileáil Chomhionann i dtaca le Pinsin i Scéim Sochair Ceirde) (Leasú), 2016

Pensions (Equal Pension Treatment in Occupational Benefit Scheme) (Amendment) Bill 2016

Mar a tionscnaíodh

As initiated

[No. 109 of 2016]

BILLE NA bPINSEAN (DÉILEÁIL CHOMHIONANN I DTACA LE PINSIN I SCÉIM SOCHAIR CEIRDE) (LEASÚ), 2016
PENSIONS (EQUAL PENSION TREATMENT IN OCCUPATIONAL BENEFIT SCHEME) (AMENDMENT) BILL 2016

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Social Welfare (Miscellaneous Provisions) Act 2004 (No. 9)

BILLE NA bPINSEAN (DÉILEÁIL CHOMHIONANN I DTACA LE PINSIN I SCÉIM SOCHAIR CEIRDE) (LEASÚ), 2016
PENSIONS (EQUAL PENSION TREATMENT IN OCCUPATIONAL BENEFIT SCHEME) (AMENDMENT) BILL 2016

Bill

entitled

An Act to amend the provisions of the Pension Act 1990 relative to equal pension treatment in occupational benefit schemes in order to provide for cases where employees who were unable to marry persons of the same sex may be deprived of certain pension benefits, and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Amendment of Part VII of the Pensions Act 1990

1. Part VII ("Equal Pension Treatment in Occupational Benefit Schemes") of the Pensions Act 1990, as substituted by section 22 of the Social Welfare (Miscellaneous Provisions) Act 2004, is amended in section 72 by the insertion of the following as subsection (5):

"(5) (a) Notwithstanding the foregoing provisions of this section, where paragraph (b) applies it shall constitute a breach of the principle of equal pension treatment on the sexual orientation ground for a scheme to fix, as a condition for entitlement to benefits in favour of the employee's spouse or civil partner ("the beneficiary"), a requirement that the employee must have married or entered into civil partnership with the beneficiary before the employee attained a certain age.

(b) This paragraph applies in circumstances where—

(i) on or before the date on which the employee attained the age fixed for the purpose referred to in paragraph (a)—

(I) he or she could not have married the beneficiary by reason of both parties being of the same sex, or

(II) the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 was not in operation and consequently—

(A) he or she could not have entered into a civil partnership with the beneficiary, or

(B) the legal relationship entered into by him or her with the

beneficiary under the law of another jurisdiction would not have been recognised as a civil partnership,

and

(ii) after the employee attained the age so fixed—

(I) he or she married or entered into a civil partnership with the beneficiary within 36 months of it being lawfully possible to do so, or

(II) the legal relationship entered into by him or her with the beneficiary under the law of another jurisdiction was recognised as a civil partnership.”.

Short title, collective citation and construction

2. (1) This Act may be cited as the Pensions (Equal Pension Treatment in Occupational Benefit Schemes) (Amendment) Act 2016.

(2) This Act and the Pensions Acts 1990 to 2015 may be cited together as the Pensions Acts 1990 to 2016 and shall be construed together as one Act.

Bille na bPinsean (Déileáil Chomhionann i dtaca le Pinsin i Scéim Sochair Ceirde) (Leasú), 2016

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú fhorálacha Acht na bPinsean, 1990 i ndáil le déileáil chomhionann i dtaca le pinsin i scéimeanna sochair ceirde d'fhonn socrú a dhéanamh maidir le cásanna ina bhféadfadh sé go gcoinneofaí sochair phinsin áirithe ó fhostaithe nach raibh in ann daoine arb ionann gnéas dóibh a phósadh, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Na Seanadóirí Ivana Bacik, Caoimhín Mac Unfraidh, Gearailt de Nais, Aodhán Ó Riordain a thug isteach,

8 *Nollaig,* 2016

Pensions (Equal Pension Treatment in Occupational Benefit Scheme) (Amendment) Bill 2016

BILL

(as initiated)

entitled

An Act to amend the provisions of the Pension Act 1990 relative to equal pension treatment in occupational benefit schemes in order to provide for cases where employees who were unable to marry persons of the same sex may be deprived of certain pension benefits, and to provide for related matters.

Introduced by Senators Ivana Bacik, Kevin Humphreys, Gerald Nash, Aodhán Ó Riordáin,

8*th December,* 2016

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€1.27

Wt. 79391. 330. 12/16. Essentra. (63051). Gr.30-15.

ISBN 978-1-4064-6083-4