L.N. 211 of 2004

EUROPEAN UNION ACT, 2003
(ACT NO. V OF 2003)

European Union (Amendment of Pension Laws) Order, 2004

IN virtue of the powers conferred by article 4 of the European Union Act, 2003, the Prime Minister has made the following Order:

Citation and commencement.

1. This Order may be cited as the European Union (Amendment of Pension Laws) Order, 2004, and shall come into force on the 1st May, 2004.

Amendment of the Pensions Regulations. Cap. 93.

2. (1) This article amends the Pension Regulations, included in the Schedule to the Pensions Ordinance, hereinafter in this article referred to as the principal regulations.

Adds new regulations 22 and 23 to the principal regulations.

(2) Immediately after regulations 21 of the principal regulations there shall be added the following new regulations:

"Cross-border payments.

22. Pensions, gratuities and allowances payable under the Pensions Ordinance shall also be payable to the person entitled thereto in other Member States of the European Community net of any taxes and transaction charges in accordance with Article 5 of Council Directive 98/49/EC of the 29th June, 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community.

Information to persons entitled to pension, gratuity or allowance.

23. Where any public officer to whom the Ordinance applies is posted in another Member State of the European Community, such public officer shall be entitled to receive adequate information as to his rights under regulation 22 hereof.".

Amendment of Police Pensions Regulations. Cap. 164.

3. (1) This Article amends the Police Pensions Regulations, included in the Fifth Schedule to the Police Act, hereinafter in this article referred to as the principal regulations.

Adds new regulations 12 and 13 to the principal regulations.

(2) Immediately after regulation 11 of the principal regulations there shall be added the following new regulations:

"Cross-border payments.

12. Pensions, gratuities and allowances payable under these regulations shall also be payable to the person entitled thereto in other Member States of the European Community net of any taxes and transaction charges in accordance with Article 5 of Council Directive 98/49/EC of the 29th June, 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community.

Information to persons entitled to pension.

13. Where any Police officer to whom these regulations apply is posted in another Member State of the European Community, such Police officer shall be entitled to receive adequate information as to his rights under regulation 12 hereof.".

Amendment of the Prisons Act. Cap. 260

4. (1) This article amends the Prisons Act, hereinafter in this Article referred to as the principal Act.

(2) Immediately after article 16 of the principal Act there shall be added the following new articles:

"Cross-border payments.

17. Pensions, gratuities and allowances payable under this Act to any prisons officer shall also be payable to the person entitled thereto in other Member States of the European Community net of any taxes and transaction charges in accordance with Article 5 of Council Directive 98/49/EC of the 29th June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community.

Information to persons entitled to pension, gratuity or allowance.

18. Where any prisons officer is posted in another Member State of the European Community such officer shall be entitled to receive adequate information as to his rights under article 17 of this Act.".

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