STATUTORY RULES OF NORTHERN IRELAND

2017 No. 57

PENSIONS
SOCIAL SECURITY

The Occupational Pension Schemes and Social Security (Schemes that were Contracted-out and Graduated Retirement Benefit) (Miscellaneous Amendments) Regulations (Northern Ireland) 2017

Made - - - -	*15th March 2017*
Coming into operation	*6th April 2017*

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 62(1)(a) and (c) and 171(3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and sections 12(3) and (4), 13(6), 16(1) and (3), 177(2) to (4) and 178(1) of the Pension Schemes (Northern Ireland) Act 1993(**2**), and now vested in it(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational Pension Schemes and Social Security (Schemes that were Contracted-out and Graduated Retirement Benefit) (Miscellaneous Amendments) Regulations (Northern Ireland) 2017 and shall come into operation on 6th April 2017.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1992 c. 7; section 62(1)(a) was amended by paragraph 7(a) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and paragraph 16(a) of Schedule 9 to the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)); section 62(1)(c) was inserted by paragraph 16(b) of Schedule 9 to the Pensions (Northern Ireland) Order 2005 and amended by paragraph 5 of the Schedule to S.R. 2005 No. 434

(**2**) 1993 c. 49; section 12(3) was amended by paragraph 21(a) of Schedule 3 to the Pensions (Northern Ireland) Order 1995; section 13(6) was amended by paragraph 1(3) of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) and paragraph 5(f) of Schedule 1 to S.R. 2005 No. 433; section 16 was amended by paragraph 2 of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, paragraph 7 of Schedule 1 to S.R. 2005 No. 433, Article 31(2) of S.R. 2012 No. 124 and paragraph 18 of Schedule 13 to the Pensions Act (Northern Ireland) 2015 (c. 5 (N.I.)); section 178(1) was amended by Parts 3 and 4 of Schedule 5 to the Pensions (Northern Ireland) Order 1995

(**3**) *See* Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(**4**) 1954 c. 33 (N.I.)

Amendment of the Contracting-out (Transfer and Transfer Payment) Regulations

2. In regulation 13B(1) of the Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996(**5**) (modification of section 12: revaluation after transfer from another scheme) after "This regulation applies" insert "where an earner's service in contracted-out employment ended on the second abolition date(**6**) and".

Amendment of the Social Security (Graduated Retirement Benefit) Regulations

3. In paragraphs 6(2), 10(2), 16(2) and 20(2) of Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations (Northern Ireland) 2005(**7**) (calculating lump sums for the purposes of increasing lump sums in relation to deferred graduated retirement benefit) in the definition of "accrual period" after "Claims and Payments Regulations" insert "or in accordance with regulation 22C(3) or (4)(**8**) of those Regulations".

Amendment of the Occupational Pension Schemes (Schemes that were Contracted-out) Regulations

4.—(1) The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016(**9**) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (interpretation) after the definition of "administrator" insert—

""bereavement support payment" means the benefit described in section 29 of the Pensions Act (Northern Ireland) 2015(**10**) (bereavement support payment);".

(3) In regulation 12(1) (circumstances for the purposes of section 13(6) of the 1993 Act in which widower's or surviving civil partner's guaranteed minimum pension is payable)—

(a) in sub-paragraph (b)(iii) for "Northern Ireland, or" substitute "Northern Ireland;";

(b) after sub-paragraph (c) add—

"(d) the widower or surviving civil partner is entitled to a bereavement support payment by virtue of the earner's contributions, or

(e) the widower or surviving civil partner was entitled to a bereavement support payment by virtue of the earner's contributions but that entitlement came to an end at a time after the widower or surviving civil partner attained the age of 45.".

(4) In regulation 13 (period for the purposes of section 13(6) of the 1993 Act for which widower's or surviving civil partner's guaranteed minimum pension is payable)—

(a) after paragraph (3) insert—

"(3A) Where a pension is payable by virtue of regulation 12(1)(d) but not by virtue of regulation 12(1)(a), (b), (c) or (e), the scheme is to make provision for the pension to be payable for the period during which the circumstances described in regulation 12(1)(d) continue to exist.

(3B) Subject to paragraph (4A), where a pension is payable by virtue of regulation 12(1)(e) but not by virtue of regulation 12(1)(a), (b), (c) or (d), the scheme

(**5**) S.R. 1996 No. 618; regulation 13B was inserted by regulation 22(4) of S.R. 2016 No. 107
(**6**) *See* section 3A of the Pension Schemes (Northern Ireland) Act 1993 as inserted by paragraph 6 of Schedule 13 to the Pensions Act (Northern Ireland) 2015
(**7**) S.R. 2005 No. 121; paragraphs 10 and 20 were amended by regulation 4(5) and (9) of S.R. 2005 No. 541
(**8**) Regulation 22C was inserted by regulation 2(5) of S.R. 2009 No. 409
(**9**) S.R. 2016 No. 107 to which there are amendments not relevant to these Regulations
(**10**) 2015 c. 5 (N.I.)