STATUTORY RULES OF NORTHERN IRELAND

2016 No. 144

PENSIONS

The Occupational and Personal Pension Schemes (Modification of Schemes and Miscellaneous Amendments) Regulations (Northern Ireland) 2016

Made - - - -	*10th March 2016*
Coming into operation	*6th April 2016*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by section 33(1) and (2) of the Pension Schemes (Northern Ireland) Act 1993(**1**), Article 68(2)(e) of the Pensions (Northern Ireland) Order 1995(**2**), and now vested in it(**3**), and Article 236(1) of the Pensions (Northern Ireland) Order 2005(**4**).

Citation and commencement

1. These Regulations may be cited as the Occupational and Personal Pension Schemes (Modification of Schemes and Miscellaneous Amendments) Regulations (Northern Ireland) 2016 and shall come into operation on 6th April 2016.

Amendment of the Occupational Pension Schemes (Modification of Schemes) Regulations

2. After regulation 7B of the Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland) 2006(**5**) (amendment of schemes for adjustment measure) insert—

"**Modification of schemes: revaluation of guaranteed minimum pensions**

7C.—(1) The trustees of a trust scheme may by resolution passed before 6th April 2017 modify the scheme for the purposes of—

(**1**) 1993 c. 49; section 33 was substituted by paragraph 32 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and subsections (1) and (2) were substituted by paragraph 24 of Schedule 13 to the Pensions Act (Northern Ireland) 2015 (c. 5 (N.I.))
(**2**) S.I. 1995/3213 (N.I. 22)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) S.I. 2005/255 (N.I. 1)
(**5**) S.R. 2006 No. 149; regulation 7B was inserted by regulation 13(2) of S.R. 2015 No. 309

(a) revaluing earnings factors for the purposes of section 10(**6**) of the Pension Schemes Act (earner's guaranteed minimum) in accordance with section 12(2) of that Act (revaluation of earnings factors for purposes of section 10: early leavers etc.) as substituted by paragraph 16 of Schedule 13 to the Pensions Act (Northern Ireland) 2015, and

(b) where the scheme contains a rule or provision that would require or permit the increases referred to in section 12(3)(**7**) of the Pension Schemes Act to be applied to an earner whose service in contracted-out employment ceased on the second abolition date with effect from a relevant year before the last service tax year, disapplying that rule or provision to the extent that it does not require or permit such increases.

(2) Modifications made by resolution under paragraph (1)—

(a) must only have effect from 6th April 2016 or such later date as may be specified, and

(b) may have effect from a date before the resolution is passed.

(3) In this regulation—

"contracted-out employment" has the meaning given in section 4(**8**) of the Pension Schemes Act;

"earnings factors" has the meaning given in section 176(1) of the Pension Schemes Act;

"last service tax year" has the meaning given in section 12(2) of the Pension Schemes Act as substituted by paragraph 16 of Schedule 13 to the Pensions Act (Northern Ireland) 2015;

"relevant year" has the meaning given in section 12(5)(**9**) of the Pension Schemes Act;

"the second abolition date" has the meaning given in section 3A(**10**) of the Pension Schemes Act.".

Amendment of the Occupational and Personal Pension Schemes (Consultation by Employers) Regulations

3. In regulation 10(1) of the Occupational and Personal Pension Schemes (Consultation by Employers) Regulations (Northern Ireland) 2006(**11**) (listed changes: exclusions) after sub-paragraph (aa) insert—

"(ab) is made for either or both of the purposes referred to in regulation 7C(1) of the Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland) 2006 (modification of schemes: revaluation of guaranteed minimum pensions);".

(**6**) Section 10 was amended by paragraph 20 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and paragraph 41 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and is amended by paragraph 15 of Schedule 13 to the Pensions Act (Northern Ireland) 2015

(**7**) Section 12(3) was amended by paragraph 21(a) of Schedule 3 to the Pensions (Northern Ireland) Order 1995

(**8**) Section 4 was amended by paragraph 37 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999, paragraph 3 of Schedule 4, and Part 7 of Schedule 6, to the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.)), paragraph 8 of Schedule 7 to the Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13 (N.I.)) and paragraph 2 of Schedule 1 to S.R. 2005 No. 433 and is amended by paragraph 7 of Schedule 13 to the Pensions Act (Northern Ireland) 2015

(**9**) The definition of "relevant year" was substituted by paragraph 3 of Schedule 2 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(**10**) Section 3A is inserted by paragraph 6 of Schedule 13 to the Pensions Act (Northern Ireland) 2015

(**11**) S.R. 2006 No. 48; sub-paragraph (aa) was inserted by regulation 13(1) of S.R. 2015 No. 309