STATUTORY RULES OF NORTHERN IRELAND

2013 No. 213

PENSIONS

The Pension Protection Fund and Occupational Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2013

Made - - - -	*29th August 2013*
Coming into operation	*1st October 2013*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 68(2)(e) and 166(1) to (3) of the Pensions (Northern Ireland) Order 1995(**1**), and now vested in it(**2**), and paragraph 25A(1) of Schedule 6 to the Pensions (Northern Ireland) Order 2005(**3**).

Citation and commencement

1. These Regulations may be cited as the Pension Protection Fund and Occupational Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2013 and shall come into operation on 1st October 2013.

Amendment of the Pension Protection Fund (Compensation) Regulations

2. In regulation 2C of the Pension Protection Fund (Compensation) Regulations (Northern Ireland) 2005(**4**) (conditions subject to which periodic and lump sum compensation can be postponed) for paragraph (3) substitute—

"(3) The second condition is that the person must not have received or be receiving—

(a) his pension (including any lump sum entitlement) under the scheme;

(b) any periodic compensation in respect of his rights under the scheme, or

(c) any lump sum compensation in respect of his rights under the scheme.".

(**1**) S.I. 1995/3213 (N.I. 22)
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) S.I. 2005/255 (N.I. 1); paragraph 25A was substituted by paragraph 22 of Schedule 4 to the Pensions Act (Northern Ireland) 2012 (c. 3 (N.I.))
(**4**) S.R. 2005 No. 149; regulation 2C was inserted by regulation 7(4) of S.R. 2013 No. 95

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

3. After regulation 8 of the Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland) 2006(**5**) (modification of schemes: prescribed schemes) insert—

"**Modification of schemes: reduction in the rate of pension**

8A.—(1) The trustees of a scheme which, as at 5th April 2010, permits or otherwise provides for a reduction in the rate of pension taking effect upon a member reaching a specified age, not less than 60 and not more than 65, may by resolution modify the scheme for the purposes of permitting or otherwise providing instead for a reduction, of an equal or differing amount, in the rate of such a member's pension to take effect at any time during the first permitted period.

(2) The trustees of a scheme which, as at 5th April 2010, permits or otherwise provides for a reduction in the rate of pension taking effect upon a member reaching the age of entitlement to state retirement pension, may by resolution modify the scheme for the purposes of permitting or otherwise providing instead for a reduction, of an equal or differing amount, in the rate of such a member's pension to take effect at any time during the second permitted period.

(3) Any modification made under paragraph (2) must have no effect in respect of a pension in payment at the date such modification is made.

(4) A modification under paragraph (1) or (2) may not be made by the trustees unless it is reasonable in consequence of changes to the age at which members reach pensionable age in accordance with paragraph 1(**6**) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (rules for determining pensionable age).

(5) A modification under paragraph (1) or (2) may not be made unless—

(a) the employer in relation to the scheme consents, or

(b) in the case of a scheme where there is more than one employer—

(i) a person nominated by the employers, or otherwise in accordance with the scheme rules, to act as the employers' representative (the "nominee") consents, or

(ii) where there is no such nominee, all of the employers in relation to the scheme consent other than any employer who has waived his right to give such consent.

(6) In this regulation—

"the first permitted period" means the period beginning with the day on which a member reaches the age of 60 and ending with the day on which a member reaches pensionable age in accordance with paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995;

"the second permitted period" means the period beginning with the day on which a member reaches the age of 60 and ending with the day on which a member reaches the age of 65.".

(**5**) S.R. 2006 No. 149 to which there are amendments not relevant to these Regulations

(**6**) Paragraph 1 was amended by paragraph 28 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)), paragraph 8 of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)), paragraph 4 of Schedule 3 to the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.)) (as amended by paragraph 6 of Schedule 1 to the Pensions Act (Northern Ireland) 2012) and section 1 of the Pensions Act (Northern Ireland) 2012