STATUTORY RULES OF NORTHERN IRELAND

# 2012 No. 125

# PENSIONS

## The Occupational Pension Schemes (Contracting-out and Modification of Schemes) (Amendment) Regulations (Northern Ireland) 2012

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| *Made - - - -* | *16th March 2012* |
| *Coming into operation* | *6th April 2012* |

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 12(3) and 177(4) of the Pension Schemes (Northern Ireland) Act 1993(**1**) and Articles 68(2)(e) and 166(3) of the Pensions (Northern Ireland) Order 1995(**2**), and now vested in it(**3**).

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Occupational Pension Schemes (Contracting-out and Modification of Schemes) (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 6th April 2012.

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

### Amendment of the Occupational Pension Schemes (Contracting-out) Regulations

**2.** In regulation 62(2) of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996(**5**) (fixed rate revaluation of guaranteed minimum pensions for early leavers)—

(a) in sub-paragraph (f) after "6th April 2007" insert "but before 6th April 2012";

(b) after sub-paragraph (f) add—

(**1**) 1993 c. 49; section 12(3) was amended by paragraph 21(a) of Schedule 3 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)); *see also* paragraph 3 of Schedule 2 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))
(**2**) S.I. 1995/3213 (N.I. 22)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 1996 No. 493; regulation 62(2) was amended by regulation 2(14) of S.R 2002 No. 109 and regulation 4(3) of S.R. 2007 No. 185

"(g) where that period of service terminates on or after 6th April 2012, 4.75 per cent. compound.".

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

**3.** After regulation 7 of the Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland) 2006(**6**) (modification of schemes: surviving civil partners) insert—

"**Modification of schemes: abolition of protected rights**

**7A.**—(1) The trustees of a trust scheme may by resolution passed before 6th April 2018 modify the scheme for the purposes of removing all or part of a scheme rule which makes special provision in relation to the protected rights of members, and which no longer reflects a statutory provision as a result of the coming into operation of provisions contained within —

(a) section 13(1) of, and Schedule 4 to, the Pensions Act (Northern Ireland) 2008(**7**) (abolition of contracting-out for defined contribution pension schemes);

(b) section 85 of, and Part 3 of Schedule 10 to, the Pensions (No. 2) Act (Northern Ireland) 2008(**8**) (contracting-out: abolition of all protected rights);

(c) the Pensions (2008 Act) (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Provisions) Regulations (Northern Ireland) 2012(**9**), or

(d) the Pensions (2008 No. 2 Act) (Abolition of Protected Rights) (Consequential Provisions) Order (Northern Ireland) 2012(**10**).

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

(a) must only have effect from a date on or after the date of the coming into operation of the provisions specified in paragraph (1)(a) to (d) to which those modifications relate, and

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

(3) A resolution passed under paragraph (1) is without prejudice to a member's money purchase benefits under the scheme (including any payments that become money purchase benefits under section 27(**11**) of the Pension Schemes Act (investment and resources of schemes) on or after 6th April 2012).

(4) In this regulation "protected rights" has the meaning given in section 176(1)(**12**) of the Pension Schemes Act (general interpretation).".

(**6**) S.R. 2006 No. 149 to which there are amendments not relevant to these Regulations
(**7**) 2008 c. 1 (N.I.); Schedule 4 is amended by Parts 2 and 3 of Schedule 10 to the Pensions (No. 2) Act (Northern Ireland) 2008 (2008 c. 13 (N.I.)) and Article 7 of S.R. 2012 No. 124
(**8**) 2008 c. 13 (N.I.)
(**9**) S.R 2012 No. 120
(**10**) S.R 2012 No. 124
(**11**) Section 27 was amended by paragraph 29 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and paragraph 46 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
(**12**) The definition of "protected rights" is amended by Article 4(24)(a) of S.R. 2012 No. 124