STATUTORY RULES OF NORTHERN IRELAND

2009 No. 113

PENSIONS

AGE DISCRIMINATION

The Pensions (2008 Acts) (Consequential Provisions) Order (Northern Ireland) 2009

Made - - - -	*16th March 2009*
Coming into operation	*6th April 2009*

The Department for Social Development makes the following Order in exercise of the powers conferred by section 19(1) of the Pensions Act (Northern Ireland) 2008(**1**) and section 114(1) of the Pensions (No. 2) Act (Northern Ireland) 2008(**2**).

Citation and commencement

1. This Order may be cited as the Pensions (2008 Acts) (Consequential Provisions) Order (Northern Ireland) 2009 and shall come into operation on 6th April 2009.

Amendment of the Personal Pension Schemes (Disclosure of Information) Regulations

2.—(1) The Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(**3**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation) omit the definition of "safeguarded rights"(**4**).

(3) In regulation 5 (information to be made available to individuals)—

(a) in paragraph (3)(**5**) omit "or no safeguarded rights";

(b) in paragraph (4)(**6**) omit "or safeguarded rights" in both places where it occurs.

(4) In paragraphs 12 and 13(**7**) of Schedule 1 (basic information about the scheme) omit "or safeguarded rights".

(**1**) 2008 c. 1 (N.I.)
(**2**) 2008 c. 13 (N.I.)
(**3**) S.R. 1987 No. 288; relevant amending Regulations are S.R. 1988 No. 107, 1992 No. 304, 1996 No. 95 and 2000 No. 335
(**4**) The definition of "safeguarded rights" was inserted by regulation 2(2)(c) of S.R. 2000 No. 335
(**5**) Paragraph (3) was amended by regulation 6(c) of S.R. 1988 No. 107, regulation 20(b) of S.R. 1992 No. 304 and regulation 2(3)(a) of S.R. 2000 No. 335
(**6**) Paragraph (4) was amended by regulation 3(3) of S.R. 1996 No. 95 and regulation 2(3)(b) of S.R. 2000 No. 335
(**7**) Paragraphs 12 and 13 were amended by regulation 2(4) of S.R. 2000 No. 335

(5) In paragraphs 4 and 11(**8**) of Schedule 2 (information to be made available to individuals) omit "or safeguarded rights".

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

3.—(1) The Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996(**9**) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 1(2) (interpretation) omit the definition of "safeguarded rights"(**10**).

(3) In regulation 23 (requirements for meeting the statutory standard) for paragraph (d)(**11**) substitute—

"(d) must not have regard to any pensions to be provided under the scheme in respect of earners who are not in contracted-out employment;".

(4) In regulation 39(**12**) (circumstances in which schemes may change mode of contracting out)—

(a) in paragraph (1) omit "and any safeguarded rights";

(b) in paragraph (2) for ", section 5(2B) rights and any safeguarded rights" substitute "and section 5(2B) rights(**13**)".

(5) In regulation 63(2)(aa)(**14**) (provision of information about guaranteed minimum pensions) for ", protected rights or safeguarded rights" substitute "or protected rights".

(6) In regulation 73(b)(**15**) (transitional arrangements and savings for salary related schemes which have begun winding up before the principal appointed day) omit "and any liabilities in respect of safeguarded rights under section 64A of the Act".

(7) In regulation 77 (transitional arrangements for schemes contracted out under section 5(2) of the Act to become contracted out under section 5(3) of the Act) for paragraph (3)(**16**) substitute—

"(3) Where this regulation applies, sections 46(**17**), 48(**18**) and 49(**19**) of the Act (approval of arrangements for, and supervision of, schemes which cease to be contracted-out) as they apply in relation to the guaranteed minimum pensions provided under the scheme shall be modified so as to have effect as if those pensions were provided under a separate scheme which had ceased to be certified as a contracted-out scheme immediately before the principal appointed day.".

(**8**) Paragraphs 4 and 11 were amended by regulation 2(5) of S.R. 2000 No. 335
(**9**) S.R. 1996 No. 493; relevant amending Regulations are S.R. 1997 Nos. 160 and 162, S.R. 1999 No. 486, S.R. 2000 No. 336 and S.R. 2002 No. 109
(**10**) The definition of "safeguarded rights" was inserted by regulation 2(2) of S.R. 2000 No. 336
(**11**) Paragraph (d) was amended by regulation 2(4) of S.R. 2000 No. 336
(**12**) Regulation 39 was amended by regulation 3(2) of S.R. 1997 No. 162 and regulation 2(5) of S.R. 2000 No. 336
(**13**) The definition of "section 5(2B) rights" was inserted by paragraph 5(2) of the Schedule to S.R. 1997 No. 160 and amended by regulation 4(2)(b) of S.R. 1999 No. 486
(**14**) Regulation 63(2)(aa) was inserted by regulation 2(15)(b) of S.R. 2002 No. 109
(**15**) Regulation 73(b) was amended by regulation 2(6) of S.R. 2000 No. 336
(**16**) Paragraph (3) was substituted by regulation 2(7) of S.R. 2000 No. 336
(**17**) Section 46 was amended by paragraph 37 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and paragraph 60 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and is amended by Part 2 of Schedule 10 to the Pensions (No. 2) Act (Northern Ireland) 2008
(**18**) Section 48 was amended by paragraph 39 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and is amended by Part 2 of Schedule 10 to the Pensions (No. 2) Act (Northern Ireland) 2008
(**19**) Section 49 was amended by paragraph 40 of Schedule 3 to the Pensions (Northern Ireland) Order 1995, paragraph 61 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and paragraph 6 of Schedule 10 to the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))

Amendment of the Occupational Pension Schemes (Mixed Benefit Contracted-out Schemes) Regulations

4. In regulation 4 of the Occupational Pension Schemes (Mixed Benefit Contracted-out Schemes) Regulations (Northern Ireland) 1997(**20**) (transfer of guaranteed minimum pensions, section 5(2B) rights and protected rights between parts of a relevant scheme)—

(a) in paragraph (1) omit sub-paragraph (c)(**21**);

(b) in paragraph (2)(**22**)—

(i) omit "or the safeguarded rights of a relevant transferee";

(ii) in sub-paragraph (b) omit "or, as the case may be, the relevant transferee";

(iii) in sub-paragraph (c) for ", section 5(2B) rights or, as the case may be, safeguarded rights" substitute "or section 5(2B) rights";

(c) omit paragraph (3)(**23**).

Amendment of the Occupational Pension Schemes (Disclosure of Information) Regulations

5. In Schedule 2 to the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997(**24**) (information to be made available to individuals)—

(a) in paragraph 6AA(**25**) for paragraph (1) substitute—

"(1) The value of the pension credit member's accrued rights under the scheme at a specified date.";

(b) in paragraph 9(**26**) omit "or safeguarded rights, as the case may be";

(c) in paragraph 10(**27**) omit "or safeguarded rights" in both places where it occurs.

Amendment of the Personal Pension Schemes (Appropriate Schemes) Regulations

6.—(1) The Personal Pension Schemes (Appropriate Schemes) Regulations (Northern Ireland) 1997(**28**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation) after the definition of "pensionable age" add—

""the upper accrual point" has the same meaning as in section 121(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**29**).".

(3) In regulation 8 (applications for the variation of, and to surrender, appropriate scheme certificates)—

(a) in paragraph (2) omit sub-paragraph (c)(**30**) and the word "and" preceding it;

(b) omit paragraph (2A)(**31**).

(4) In regulation 15(7)(e) (calculation or estimation of earnings) for "the upper earnings limit" substitute "the upper accrual point".

(**20**) S.R. 1997 No. 95; relevant amending Regulations are S.R. 2000 No. 336
(**21**) Sub-paragraph (c) was added by regulation 3(a) of S.R. 2000 No. 336
(**22**) Paragraph (2) was amended by regulation 3(b) of S.R. 2000 No. 336
(**23**) Paragraph (3) was added by regulation 3(c) of S.R. 2000 No. 336
(**24**) S.R. 1997 No. 98; relevant amending Regulations are S.R. 2000 No. 335
(**25**) Paragraph 6AA was inserted by regulation 5(4)(b) of S.R. 2000 No. 335
(**26**) Paragraph 9 was amended by regulation 5(4)(d) of S.R. 2000 No. 335
(**27**) Paragraph 10 was amended by regulation 5(4)(e) of S.R. 2000 No. 335
(**28**) S.R. 1997 No. 139; relevant amending Regulations are S.R. 2000 No. 336
(**29**) 1992 c. 7; the definition of "upper accrual point" was inserted by section 10(3) of the Pensions Act (Northern Ireland) 2008 and substituted by section 102(4)(a) of the Pensions (No. 2) Act (Northern Ireland) 2008
(**30**) Sub-paragraph (c) was inserted by regulation 4(a) of S.R. 2000 No. 336
(**31**) Paragraph (2A) was inserted by regulation 4(b) of S.R. 2000 No. 336