STATUTORY RULES OF NORTHERN IRELAND

2004 No. 187

PENSIONS

The Occupational Pension Schemes (Winding Up) (Amendment) Regulations (Northern Ireland) 2004

Made - - - -	*21st April 2004*
Coming into operation	*10th May 2004*

The Department for Social Development, in exercise of the powers conferred by sections 93(1) and 177(2) to (4) of the Pension Schemes (Northern Ireland) Act 1993(**1**) and Articles 73(7), 121(8) and 166(1) to (3) of the Pensions (Northern Ireland) Order 1995(**2**), and now vested in it(**3**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Winding Up) (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 10th May 2004.

(2) In these Regulations –

"the Winding Up Regulations" means the Occupational Pension Schemes (Winding Up) Regulations (Northern Ireland) 1996(**4**);

"the transitional period" has the meaning given in regulation 3(2) of the Winding Up Regulations.

(3) For the purposes of these Regulations the time when a scheme begins to be wound up shall be determined in accordance with regulation 2 of the Winding Up Regulations.

(4) The revocations made by regulation 2 and the amendments of the Winding Up Regulations made by regulation 3 have effect only in relation to occupational pension schemes which begin to be wound up on or after the date on which these Regulations come into operation and before the end of the transitional period.

(5) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1993 c. 49
(**2**) S.I. 1995/3213 (N.I. 22); Article 121(8) was inserted by section 45(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) S.R. 1996 No. 621; relevant amending regulations are S.R. 1999 No. 486 and S.R. 2000 No. 335
(**5**) 1954 c. 33 (N.I.)

Revocations

2. In relation to such schemes as are mentioned in regulation 1(4) the following regulations are hereby revoked –

(a) regulation 3(5) of the Winding Up Regulations(**6**);

(b) regulation 4(3) of the Pension Sharing (Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2000(**7**),

and accordingly Article 73(3)(c) of the Pensions (Northern Ireland) Order 1995 has effect as amended only by Article 35(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**8**).

Amendment of the Winding Up Regulations

3. In relation to such schemes as are mentioned in regulation 1(4), regulation 3 of the Winding Up Regulations(**9**) (modification of Article 73) shall be amended in accordance with paragraphs (a) to (d) –

(a) in paragraph (1) for sub-paragraph (b) there shall be substituted the following sub-paragraph –

"(b) in the case of a scheme which begins to be wound up on or after 10th May 2004 and before the expiry of the transitional period, subject to the modifications in paragraphs (5A) to (6);";

(b) after paragraph (4) there shall be inserted the following paragraph –

"(5A) In sub-paragraph (d) of Article 73(3) for "(b) and (c)" there shall be substituted "(aa) and (b)".

(5B) After that sub-paragraph there shall be inserted –

"(e) any liability for increases to pensions referred to in sub-paragraph (c),".";

(c) for paragraph (6) there shall be substituted the following paragraph –

"(6) In the words following sub-paragraph (e) of Article 73(3) (as inserted by paragraph (5B)) for "sub-paragraphs (b) to (d)" there shall be substituted "sub-paragraphs (aa) to (e)".";

(d) for paragraph (8) there shall be substituted the following paragraph –

"(8) In the case of any scheme to which Article 73(3) applies with the modifications mentioned in paragraphs (5A) to (6), regulation 7(3)(b)(iv) of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996(**10**) has effect with the substitution for "(d)" of "(e)".".

(**6**) Regulation 3(5) was amended by regulation 4(3) of S.R. 2000 No. 335
(**7**) S.R. 2000 No. 335, to which there are amendments not relevant to these regulations
(**8**) S.I. 1999/3147 (N.I. 11)
(**9**) Regulation 3 was amended by regulation 9 of S.R. 1999 No. 486 and regulation 4(3) of S.R. 2000 No. 335
(**10**) S.R. 1996 No. 619; regulation 7(3)(b) was amended by paragraph 11(4) of the Schedule to S.R. 1997 No. 160