STATUTORY RULES OF NORTHERN IRELAND

2003 No. 483

PENSIONS

The Election Against Benefits (No. 2) Regulations (Northern Ireland) 2003

Made - - - -	*20th November 2003*
Coming into operation	*19th December 2003*

The Department for Social Development, in exercise of the powers conferred by section 177(4) of, and paragraph 17(2) of Schedule 5 to, the Pension Schemes (Northern Ireland) Act 1993(**1**), and now vested in it(**2**), and of all other powers enabling it in that behalf, after consultation with the Department of Finance and Personnel in accordance with paragraph 17(2) of Schedule 5 to that Act(**3**) and with the consent of the Department of Finance and Personnel in accordance with paragraph 17(4) of Schedule 5 to that Act, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Election Against Benefits (No. 2) Regulations (Northern Ireland) 2003 and shall come into operation on 19th December 2003.

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

Modification of the Superannuation (Miscellaneous Provisions) Act

2.—(1) The Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969(**5**) shall have effect subject to the following modifications.

(2) In section 2A(**6**) –

(a) for "a personal pension election" in each place where it occurs there shall be substituted "an election";

(b) in subsection (1) for paragraph (b) there shall be substituted the following paragraph –

(**1**) 1993 c. 49
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) By virtue of S.R. 1989 No. 65
(**4**) 1954 c. 33 (N.I.)
(**5**) 1969 c. 7 (N.I.)
(**6**) Section 2A was inserted by S.R. 1989 No. 123 and amended by paragraph 4 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

"(b) be entitled at any time to serve on the Department a written notice of election not to be a member of the occupational pension scheme, to take effect on a date not less than one month after the date on which it was served.";

(c) in subsection (3) for "a personal pension" there shall be substituted "an election", and

(d) in subsection (9) –

(i) before the definition of "occupational pension scheme" there shall be inserted the following definition –

""election" means an election made under and in accordance with subsection (1);";

(ii) the definitions of "personal pension scheme" and "personal pension election" shall be omitted.

Modification of the Lands Tribunal and Compensation Act

3.—(1) The Lands Tribunal and Compensation Act (Northern Ireland) 1964(**7**) shall have effect subject to the following modifications.

(2) In section 2A(**8**) –

(a) in subsection (2) the definition of "personal pension scheme" shall be omitted, and

(b) in subsection (3) for paragraph (b) there shall be substituted the following paragraph –

"(b) be entitled at any time to serve on the Lord Chancellor a written notice of election not to be a member of the relevant judicial pension scheme, to take effect on a date not less than one month after the date on which it was served.".

Sealed with the Official Seal of the Department for Social Development on 20th November 2003.

John O'Neill
Senior Officer of the
Department for Social Development

(**7**) 1964 c. 29 (N.I.)
(**8**) Section 2A was inserted by S.R. 1989 No. 124 and amended by paragraph 3 of Schedule 3 to the Pensions (Northern Ireland) Order 1995