STATUTORY RULES OF NORTHERN IRELAND

1996 No. 95

PENSIONS

The Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 1996

Made - - - -	*14th March 1996*
Coming into operation	*6th April 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 24(1A), (4) and (5), 24A(3) and (5), 25(4), 40, 44(2), 109 and 151 of the Pension Schemes (Northern Ireland) Act 1993(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 6th April 1996.

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

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

2. In regulation 40 of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985(**3**) (notifications to the Department) after sub-paragraph (*d*) of paragraph (4A)(**4**) there shall be added the following sub-paragraph—

"(e) where effect has been given by means of an appropriate policy of insurance under section 28A(1)(*a*) or (*b*)(**5**) (discharge of protected rights on winding up: insurance

(**1**) 1993 c. 49; section 24(1A) was inserted by Article 139(3) of the Pensions (Northern Ireland) Order 1995 (S.I.1995/3213 (N.I. 22)); section 24(4) was amended by Article 139(5) of, and paragraph 27(*b*) of Schedule 3 to, that Order; section 24(5) was amended by Article 139(6) of that Order; section 24A was inserted by Article 140 of that Order; section 25(4) was amended by Article 141(4) of that Order; section 44(2) was amended by paragraph 56 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and Article 137(2) of the Pensions (Northern Ireland) Order 1995, and section 151 was amended by paragraph 55 of Schedule 3 to that Order

(**2**) 1954 c. 33 (N.I.)

(**3**) S.R. 1985 No. 259; relevant amending regulations are S.R. 1987 No. 295, S.R. 1988 No. 108 and S.R. 1994 No. 300

(**4**) Paragraph (4A) was inserted by S.R. 1987 No. 295 and amended by S.R. 1988 No. 108

(**5**) Section 28A was inserted by Article 143(1) of the Pensions (Northern Ireland) Order 1995

policies), to identify the member in respect of whom, and the insurance company with which, that policy was taken out or entered into.".

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

3.—(1) The Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(**6**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation) after the definition of "member" there shall be inserted the following definition—

""pensionable age" has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995;".

(3) In regulation 5(4)(*a*) (information to be made available to individuals) for "pensionable age" there shall be substituted "the agreed age at which he is entitled to receive benefits under the scheme or pensionable age, whichever is the earlier".

(4) In paragraph 7 of Schedule 1 after "annuities," there shall be inserted "discharged by the making of payments under an interim arrangement".

Amendment of the Personal and Occupational Pension Schemes (Abatement of Benefit) Regulations

4.—(1) The Personal and Occupational Pension Schemes (Abatement of Benefit) Regulations (Northern Ireland) 1987(**7**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(1)(**8**) (guaranteed minimum pension to which earner's widow or widower is treated as entitled after minimum contributions have been paid) for "reaching pensionable age" in each place where it occurs there shall be substituted "effect is given to his protected rights under section 24(1A), (2)(*a*), (3) or (4)(**9**),".

(3) In regulation 5(1)(**10**) (guaranteed minimum pension to which earner's widow or widower is treated as entitled after minimum payments have been made) for "reaching pensionable age" in each place where it occurs there shall be substituted "effect is given to protected rights (including rights treated as protected rights as a consequence of regulation 6(1)(*c*)(i) of the Occupational Pension Schemes (Discharge of Protected Rights on Winding Up) Regulations (Northern Ireland) 1996(**11**) under section 24(2)(*a*), (3) or (4) or as a consequence of regulations made under Article 142 of the Pensions (Northern Ireland) Order 1995 (extension of interim arrangements for giving effect to protected rights)".

Amendment of the Personal and Occupational Pension Schemes (Protected Rights) Regulations

5.—(1) The Personal and Occupational Pension Schemes (Protected Rights) Regulations (Northern Ireland) 1987(**12**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 1(2) (interpretation)(**13**) after the definition of "pensionable age" there shall be inserted the following definition—

(**6**) S.R. 1987 No. 288; relevant amending regulations are S.R. 1988 No. 107, S.R. 1992 No. 304 and S.R. 1994 No. 300
(**7**) S.R. 1987 No. 291, amended by S.R. 1994 No. 300
(**8**) Regulation 3(1) was amended by S.R. 1994 No. 300
(**9**) Section 24(3) was amended by Article 139(4) of the Pensions (Northern Ireland) Order 1995
(**10**) Regulation 5(1) was amended by S.R. 1994 No. 300
(**11**) S.R. 1996 No. 94
(**12**) S.R. 1987 No. 295; relevant amending regulations are S.R. 1990 No. 203, S.R. 1992 No. 304 and S.R. 1994 No. 300
(**13**) Regulation 1(2) was amended by S.R. 1994 No. 300

""the Protected Rights Regulations" means the Personal and Occupational Pension Schemes (Protected Rights) Regulations 1987(**14**);".

(3) After regulation 5 (circumstances in which and periods for which pension or annuity is to be paid to widow or widower after being paid to member) there shall be inserted—

"**Conditions applying to payments under an interim arrangement**

5A. For the purposes of section 24(1A) (in the case of a personal pension scheme effect may be given to protected rights by the making of payments under an interim arrangement which among other things satisfy such conditions as may be prescribed) the prescribed conditions are that—

(a) payments are to be made to the member throughout the interim period at monthly intervals unless, subject to section 24A(1) (payments to be made at intervals not exceeding twelve months), the member elects for those payments to be made less frequently than by monthly payments;

(b) the interim arrangement provides for the member to be able to elect to terminate the interim arrangement at any time during the interim period; and

(c) the interim arrangement provides for, in the event of the death of an unmarried member or, where section 24A(2) would apply, the death of the widow or widower, the balance of the value of the protected rights to be paid to any person in accordance with directions given by that member, widow or widower in writing, or where no such directions are given, to his or her estate.

Requirements for interim arrangements

5B.—(1) For the purposes of section 24A(3)(*b*) (aggregate amount of payments made to a person under an interim arrangement in each successive period of twelve months must not be less than the prescribed percentage of the annual amount of the annuity which would have been purchasable by him on the relevant reference date) the prescribed percentage is 35 per cent.

(2) For the purposes of section 24A(5)(*a*) (the annual amount of the annuity which would have been purchasable by a person on any date shall be calculated in the prescribed manner) the prescribed manner is—

(a) in the case of payments to be made to a member in respect of protected rights which derive from minimum contributions and other amounts payable to the scheme in respect of any tax year up to and including the tax year 1996-1997, by reference to the current published table prepared by the Government Actuary in accordance with regulation 5B(3)(*a*) of the Protected Rights Regulations(**15**);

(b) in the case of payments to be made to a widow or widower of a member in respect of protected rights which derive from minimum contributions and other amounts payable to the scheme in respect of any tax year up to and including the tax year 1996-1997, by reference to the current published table prepared by the Government Actuary in accordance with regulation 5B(3)(*b*) of the Protected Rights Regulations;

(c) in the case of payments to be made—

(i) to a married member, or

(ii) on the first day of a succeeding period of 3 years beginning with and including the starting date to a member who marries during the interim period,

(**14**) S.I. 1987/1117; relevant amending regulations are S.I. 1994/1062 and S.I. 1996/776
(**15**) Regulation 5B was inserted by S.I. 1996/776