1994 No. 300

PENSIONS

The Occupational and Personal Pension Schemes (Consequential Amendments) Regulations (Northern Ireland) 1994

Made	*29th July 1994*
Coming into operation . .	*1st September 1994*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by the provisions specified in Schedule 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 Occupational and Personal Pension Schemes (Consequential Amendments) Regulations (Northern Ireland) 1994 and shall come into operation on 1st September 1994.

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

Amendments consequential on the Pension Schemes Act 1993 and the Pension Schemes (Northern Ireland) Act 1993

2. The regulations mentioned in Schedule 2 shall have effect with the amendments specified in that Schedule (which substitute references to provisions of the Pension Schemes Act 1993(**b**) and the Pension Schemes (Northern Ireland) Act 1993(**c**) for references to the corresponding provisions repealed by those Acts and make other amendments consequential on the passing of the Pension Schemes (Northern Ireland) Act 1993).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 29th July 1994.

(L.S.) *W. G. Purdy*
Assistant Secretary

(**a**) 1954 c. 33 (N.I.)
(**b**) 1993 c. 48
(**c**) 1993 c. 49

SCHEDULE 1

PROVISIONS CONFERRING POWERS EXERCISED IN MAKING THESE REGULATIONS

Sections 3(1)(*b*), (6) and (7), 4(3), 5(2), (3)(*a*) and (5)(*a*), 6(2) and (3), 7(5)(*c*), 8(3), 12(4), 13(6), 15(4) and (5), 16, 17, 19(1), (6) and (7), 20(3), 22, 23(3), 24(2)(*a*) and (*b*), (3)(ii), (4) and (5), 25(1)(*b*), (3)(*b*) and (4), 26(1), 27(1), 28, 30(1) and (8), 31(6), 33(6), 35, 39(1), (3) and (4), 40, 41(3), 44(2) and (4), 46(4) and (5), 47(2) and (4), 51(2) to (5), 52(1) and (2), 53(1), (2) and (4), 55(3), 56(7), 57(7) and (11), 58(2), 59(2), 62, 67(6), 69, 70(8), 71(1) and (7), 73(5) and (6), 78, 84(1), 91, 93, 94(1), (2) and (3), 107(1), 108(1), 109(1), (3) and (4), 110, 112, 113, 115(3), 131(1), 132(1), 134(7), 142(4), 149, 150, 152, 156(1), 159(2), (4), (5) and (6), 161(5), 170, 173, 176(1), (3) and (4) and 178 of, and Schedule 1 to, paragraph 5 of Schedule 2 to, and paragraph 17 of Schedule 5 to, the Pension Schemes (Northern Ireland) Act 1993.

SCHEDULE 2 Regulation 2

Amendments consequential on the Pension Schemes Act 1993 and the Pension Schemes (Northern Ireland) Act 1993

Amendment of the Occupational Pension Schemes (Equal Access to Membership) Regulations (Northern Ireland) 1976

1.—(1) The Occupational Pension Schemes (Equal Access to Membership) Regulations (Northern Ireland) 1976(**a**) shall be amended in accordance with sub-paragraphs (2) to (6).

(2) In regulation 1(2) for the definition of "the Order" there shall be substituted the following definition—

" "the Act" means the Pension Schemes (Northern Ireland) Act 1993;".

(3) In regulation 2(1) for "Articles 55 to 58 of the Order" there shall be substituted "section 114 of the Act" and at the end there shall be added "and of the other provisions of the Act as they have effect for the purposes of those requirements".

(4) In regulation 3 for "Article 57 of the Order" there shall be substituted "section 130 of the Act as it has effect for the purposes of the equal access requirements".

(5) In regulation 13(1)(*b*) for "Article 58(4) of the Order" there shall be substituted "section 136(3) of the Act".

(6) In regulation 14(4) for "Paragraphs (2) to (4) of Article 58 of the Order" there shall be substituted "Sections 135(3) and 136(2) to (6) of the Act".

Amendment of the Contracting-out (Transfer) Regulations (Northern Ireland) 1985

2.—(1) The Contracting-out (Transfer) Regulations (Northern Ireland) 1985(**b**) shall be amended in accordance with sub-paragraphs (2) to (12).

(2) In regulation 1(2)—

(*a*) for the definition of "the Pensions Order" there shall be substituted the following definition—

" "the Act" means the Pension Schemes (Northern Ireland) Act 1993;";

(*b*) in the definition of "appropriate personal pension scheme" for "Part II of the Social Security (Northern Ireland) Order 1986(**c**)" there shall be substituted "section 3";

(*c*) in the definition of "appropriate policy" for "Article 53C (4)" there shall be substituted "section 15(4)";

(*d*) in the definition of "protected rights" for the words from "Schedule 1 to the Social Security (Northern Ireland) Order 1986" to the end there shall be substituted "section 6";

(*e*) for the definitions of "Article 50 money purchase scheme" and "Article 50 salary related scheme" there shall be substituted respectively the following definitions—

" "section 49 money purchase scheme" means a scheme which was formerly a money purchase contracted-out scheme and which the

(**a**) S.R. 1976 No. 238
(**b**) S.R. 1985 No. 243; relevant amending regulations are S.R. 1986 No. 342 and S.R. 1987 No. 277
(**c**) S.I. 1986/1888 (N.I. 18)

Occupational Pensions Board are under a duty to supervise in accordance with section 49;

"section 49 salary related scheme" means a scheme which was formerly a contracted-out salary related scheme and which the Occupational Pensions Board are under a duty to supervise in accordance with section 49;";

(*f*) in the definition of "contracted-out salary related scheme" for "Article 34(2)" there shall be substituted "satisfying section 5(2)";

(*g*) in the definition of "overseas scheme" for "by virtue of Article 34" and "Article 50" there shall be substituted respectively "within the meaning of section 3(3)" and "section 49";

(*h*) in the definition of "receiving scheme" for "Article 46" there shall be substituted "section 46";

(*i*) in the definition of "transferring scheme" for "an Article 50" there shall be substituted "a section 49".

(3) For paragraph (3) of regulation 1 there shall be substituted the following paragraph—

"(3) Any reference in these regulations to a numbered Part or section is a reference to the Part or, as the case may be, section of the Act bearing that number.".

(4) In regulations 2, 2A, 2B and 3 and in paragraph 1 of Schedule 1 for "an Article 50" wherever it occurs there shall be substituted "a section 49".

(5) In regulations 2A(1) and 2B(1) for "Article 53C" there shall be substituted "section 15".

(6) In regulation 2A(3) for "Article 37(7)" and "Article 23" there shall be substituted respectively "section 12(2) and (3)" and "section 130 of the Social Security Administration (Northern Ireland) Act 1992(**a**)".

(7) In regulation 3 for "Article 46, Part IV of the Pensions Order", "Article 37(1) and (8)", "Articles 28(2), 37(8), 40(3), 47 and 49", "Articles 28(2), 40(3) and 49" and "Articles 31 and 47" there shall be substituted respectively "section 46, the Act", "sections 10(1) and 12(4)", "sections 4(2), 12(4), 16(6), 155 and Chapter III of Part III", "sections 4(2), 16(6) and 155" and "section 42 and Chapter III of Part III".

(8) In regulation 3A for "Part IV of the Pensions Order", "Article 37(1) and (8)" and "Articles 28(2), 37(8), 40(3) and 49" there shall be substituted respectively "the Act", "sections 10(1) and 12(4)" and "sections 4(2), 12(4), 16(6) and 155".

(9) In Schedule 2—

(*a*) in paragraph 1(*b*) for "Articles 35 and 38" there shall be substituted "sections 9 and 13";

(*b*) in paragraphs 3 and 4 for "Article 37(7)" wherever it occurs there shall be substituted "section 12(2) and (3)";

(*c*) in paragraph 5 for "Article 35 or (as the case may be) 38" there shall be substituted "section 9 or (as the case may be) 13".

(10) In Schedule 2A, in paragraph 1 for "paragraph 14 of Schedule 1A to the Pensions Order" there shall be substituted "section 93".

(**a**) 1992 c. 8

(11) In Schedule 3—

(*a*) for paragraph 1 there shall be substituted the following paragraph—

"1. The definition of "guaranteed minimum pension" in section 4(2) shall have effect as if—

(*a*) after "sections 9 and 13" there were inserted "or with arrangements approved by the Board under section 46, or in compliance with the condition set out in paragraph 1 or, as the case may be, paragraph 5 of Schedule 2 to the Contracting-out (Transfer) Regulations (Northern Ireland) 1985"; and

(*b*) at the end there were added "or, as the case may be, of those arrangements or that condition".";

(*b*) in paragraph 2 for "Article 31" and "paragraph (1)(*b*) of that Article" there shall be substituted respectively "Section 42" and "subsection 1(*b*) of that section";

(*c*) for paragraph 3 there shall be substituted the following paragraph—

"3. Section 10(1) shall have effect as if the reference to employment which is contracted-out by reference to the scheme included a reference to employment in any period of linked qualifying service which was contracted-out by reference to the transferring scheme.";

(*d*) for paragraph 4 there shall be substituted the following paragraph—

"4. Section 12(4) shall have effect as if there were added at the end "but different provision may be made for members as respects accrued rights transferred in accordance with regulations made under section 16(1)".";

(*e*) for paragraph 5 there shall be substituted the following paragraph—

"5. Section 16(6) shall have effect as if after "sections 9 and 13" there were inserted "or with arrangements approved by the Board under section 46, or in compliance with the condition set out in paragraph 1 or, as the case may be, paragraph 5 of Schedule 2 to the Contracting-out (Transfer) Regulations (Northern Ireland) 1985".";

(*f*) in paragraph 6—

(i) for "Article 47" there shall be substituted "Chapter III of Part III";

(ii) in sub-paragraph (*a*) for "paragraphs (1) and (3) of that Article" and "Article 46" there shall be substituted respectively "sections 51(4) and 55(4) and (5)" and "section 46";

(iii) in sub-paragraph (*b*) for "paragraphs (1) and (2) of that Article" and "Article 37(7)", in both places where it occurs, there shall be substituted respectively "sections 51(4)(*c*) and 54(6)(*a*)" and "section 12(2) and (3)";

(iv) in sub-paragraph (*c*) for "paragraph (1) of that Article" there shall be substituted "section 51(5)";

(v) in sub-paragraph (*d*) for "paragraph (1) of that Article" there shall be substituted "section 52(2)" and after "were" there shall be inserted "in the case of a limited revaluation premium";

(vi) in sub-paragraph (*e*) for "sub-paragraphs (*a*) and (*b*) of paragraph (3) of that Article" and "Article 37(7)", in both places where it occurs, there shall be substituted respectively "paragraphs (*a*) and (*b*) of section 55(4)" and "section 12(2) and (3)";

(*g*) for paragraph 7 there shall be substituted the following paragraph—