1992 No. 157

SOCIAL SECURITY

The State Scheme Premiums (Actuarial Tables) Regulations (Northern Ireland) 1992

Made . . . . . *24th March 1992*

Coming into operation . . *6th April 1993*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 46(7), 46ZA(14), 46A(3) and 47(4) of, and paragraph 6 of Schedule 2 to, the Social Security Pensions (Northern Ireland) Order 1975(**a**) and Article 7(15) of the Social Security (Northern Ireland) Order 1986(**b**) 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 State Scheme Premiums (Actuarial Tables) Regulations (Northern Ireland) 1992, and shall come into operation on 6th April 1993.

(2) In these regulations—

"the 1986 Order" means the Social Security (Northern Ireland) Order 1986;

"the Contracting-out Regulations" means the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985(**c**);

"accrued rights factor" means—

(*a*) in the case of an accrued rights premium, the weekly amount (calculated in accordance with the provisions of Article 46(6)(**d**) of the Pensions Order as modified, in a case to which Article 18(13) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(**e**) applies, by regulation 44 of the

(a) S.I. 1975/1503 (N.I. 15); Article 46ZA was inserted by paragraph 8 of Schedule 2 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)); Article 46A was inserted by paragraph 1 of Schedule 1 to the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)), and paragraph 6 of Schedule 2 was amended by Article 4(11) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)). *See also* Article 2(3)

(b) S.I. 1986/1888 (N.I. 18)

(c) S.R. 1985 No. 259; relevant amending provisions are S.R. 1986 No. 342, S.R. 1987 Nos. 278, 281 and 292 and S.R. 1988 No. 108 and paragraph 18 of Schedule 6 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13))

(d) Article 46(6) was substituted by Article 4(7) of the Social Security (Northern Ireland) Order 1980 and amended by paragraph 4 of Schedule 3 to the Social Security (Northern Ireland) Order 1985 and modified by regulations 41(*c*) and 44 of S.R. 1985 No. 259 and regulation 4(8)(*a*) of S.R. 1987 No. 296

(e) S.I. 1977/610 (N.I. 11); Article 18(13) was amended by paragraph 9 of Schedule 3 to the Social Security (Northern Ireland) Order 1980

Contracting-out Regulations) of the guaranteed minimum pension to which the earner in question had accrued rights under the scheme in question when the event giving rise to the liability for the premium occurred, multiplied by 52;

(*b*) in the case of a pensioner's rights premium, the weekly amount (calculated as mentioned in sub-paragraph (*a*)) of the guaranteed minimum pension of the person in question under the scheme in question when the event giving rise to the liability for the premium occurred, multiplied by 52;

(*c*) in the case of a transfer premium, the weekly amount (calculated without regard to the provisions of Article 46(6) of the Pensions Order) of the guaranteed minimum pension to which the earner in question had accrued rights under the scheme in question when the event giving rise to the liability for the premium occurred, multiplied by 52;

(*d*) in the case of a limited revaluation premium, the weekly amount (calculated, in a case where the scheme has ceased to be contracted-out, in accordance with the provisions of Article 47(3)(**a**) of the Pensions Order) of the guaranteed minimum pension to which the earner in question had accrued rights under the scheme in question when the event giving rise to the liability for the premium occurred, multiplied by 52;

(*e*) in the case of a contracted-out protected rights premium or a personal pension protected rights premium, an amount arrived at by multiplying by 52 the weekly amount of the guaranteed minimum pension to which the person in respect of whom the premium falls to be paid is treated as entitled under any one or more of Article 31(2)(**b**) of the Pensions Order, Article 31(2A)(**c**) of the Pensions Order and Article 6 of the 1986 Order and which derives from the minimum contributions, minimum payments or transfer payments from which the rights whose cash equivalent is included in the premium derive, or, in a case where none of those provisions of the Pensions Order and the 1986 Order yet falls to be applied to him, that part of that guaranteed minimum pension which has so far accrued;

"average market level indicator" has the meaning given in regulation 9;

"the Board" means the Occupational Pensions Board;

(**a**) Article 47(3) was amended by Article 4(8) of the Social Security (Northern Ireland) Order 1980, paragraph 5 of Schedule 3 to the Social Security (Northern Ireland) Order 1985, paragraph 8 of Schedule 8 to the Social Security (Northern Ireland) Order 1986 and paragraph 8 of Schedule 6 to the Social Security (Northern Ireland) Order 1989 and modified by regulation 41(*d*) of S.R. 1985 No. 259 and regulation 4(8)(*b*) of S.R. 1987 No. 296

(**b**) Article 31(2) was amended by paragraph 5(*b*) of Schedule 9 to the Social Security (Northern Ireland) Order 1986 and paragraph 11 of Schedule 1 to the Social Security (Northern Ireland) Order 1989 and modified by regulations 2 to 5 of S.R. 1987 No. 291, regulation 4(3) of S.R. 1987 No. 296 and Articles 6 and 7(9)(*b*) of the Social Security (Northern Ireland) Order 1986

(**c**) Article 31(2A) was inserted by paragraph 4 of Schedule 2 to the Social Security (Northern Ireland) Order 1986 and modified by Article 7(9)(*b*) of that Order

"event giving rise to the liability for the premium" means—

(*a*) in the case of a transfer premium, the election to pay it;

(*b*) in the case of a limited revaluation premium, the termination of the service in contracted-out employment of the person in respect of whom the premium falls to be paid;

(*c*) in the case of an accrued rights premium or a pensioner's rights premium, one of the following events, namely—

(i) the ceasing of the scheme to be contracted-out, or

(ii) the Board's withdrawal of their approval, given under Article 46(1)(**a**) of the Pensions Order, of arrangements made or to be made in relation to the scheme for the preservation or transfer of the accrued rights to guaranteed minimum pensions of, or the liability for the payment of guaranteed minimum pensions to, the person in respect of whom the premium falls to be paid,

if it occurs in such circumstances that immediately thereafter the scheme is not contracted-out, and that person's entitlement or accrued rights to guaranteed minimum pensions under the scheme are not subject to approved arrangements under Article 46(1) of the Pensions Order; and

(*d*) in the case of a contracted-out protected rights premium or a personal pension protected rights premium, one of the following events, namely—

(i) the ceasing of the scheme to be a contracted-out scheme or an appropriate scheme (as the case may be), or

(ii) the Board's withdrawal of their approval, given under Article 46ZA(1)(**b**) of the Pensions Order or Article 7(1) of the 1986 Order (as the case may be), of arrangements made or to be made in relation to the scheme for the preservation or transfer of the protected rights of the person in respect of whom the premium falls to be paid,

if it occurs in such circumstances that immediately thereafter the scheme is not a contracted-out scheme (if an occupational pension scheme), or an appropriate scheme (if it is a personal pension scheme), and that person's protected rights under the scheme are not subject to approved arrangements under Article 46ZA(1) of the Pensions Order or Article 7(1) of the 1986 Order (as the case may be);

"gross dividend yield" means the gross dividend yield applicable to the All-Share Index compiled by the Financial Times, the Institute of Actuaries and the Faculty of Actuaries;

"15-year gross redemption yield" means the gross redemption yield compiled by the Financial Times, the Institute of Actuaries and the Faculty of Actuaries, applicable to 15-year British Government Stocks with high coupons;

(**a**) Article 46(1) was amended by paragraph 7(1) of Schedule 2 to, and paragraph 14 of Schedule 9 to, the Social Security (Northern Ireland) Order 1986 and modified by regulation 30D of S.R. 1985 No. 259

(**b**) Article 46ZA(1) was modified by regulation 22A(10)(*b*) of S.R. 1985 No. 259

"20-year gross redemption yield" means the gross redemption yield compiled by the Financial Times, the Institute of Actuaries and the Faculty of Actuaries, applicable to 20-year British Government Stocks with high coupons;

"15-year index number" means, in relation to any yield falling within one of the range of yields specified in the "Yield per cent." column in Schedule 6, the number shown opposite that range in the "Index number" column in that Schedule;

"20-year index number" means, in relation to any yield falling within one of the range of yields specified in the "Yield per cent." column in Schedule 7, the number shown opposite that range in the "Index number" column in that Schedule;

"market level indicator" has the meaning given in regulation 9;

"monthly market level indicator" has the meaning given in regulation 9;

"scheme" means occupational pension scheme or personal pension scheme, as the case may be;

and other expressions have the same meaning as in the Pensions Order, or, if they have no meaning in that Order, the same meaning as in the 1986 Order.

Accrued rights premiums

2.—(1) For the purpose of calculating the amount of an accrued rights premium, the Department shall apply the actuarial tables in Schedule 1 or the actuarial tables in Schedule 2 in accordance with paragraphs (2) to (4).

(2) In a case where the weekly rate of the guaranteed minimum pension to which the earner in question has accrued rights under the scheme in question does not fall to be determined in accordance with provisions included in the scheme by virtue of Article 37(7)(**a**) of the Pensions Order (revaluation without reference to orders under Article 23(**b**) of the Pensions Order), the Department shall apply the actuarial tables in Schedule 1.

(3) In a case where the weekly rate of the guaranteed minimum pension to which the earner in question has accrued rights under the scheme in question falls to be determined wholly or partly in accordance with provisions included in the scheme by virtue of Article 37(7) of the Pensions Order and the scheme's provisions conform with the additional requirement of regulation 21 of the Contracting-out Regulations the Department shall apply the actuarial tables in Schedule 1.

(4) In any other case the Department shall apply the actuarial tables in Schedule 2.

(**a**) Article 37(7) was amended by paragraph 19(*b*) of Schedule 3 to the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and paragraph 2(1) of Schedule 3 to the Social Security (Northern Ireland) Order 1985 and modified by regulation 41(*b*) of S.R. 1985 No. 259 and regulation 4(6) of S.R. 1987 No. 296

(**b**) Article 23 was amended by paragraph 1 of Schedule 3 to the Social Security (Northern Ireland) Order 1985. *See also* Article 19(1) of the Social Security (Northern Ireland) Order 1986

Transfer premiums

3. For the purpose of calculating the amount of a transfer premium, the Department shall apply, in a case such as is described in regulation 2(2) or (3), the actuarial tables in Schedule 1, and in any other case, the actuarial tables in Schedule 2.

Limited revaluation premiums

4. For the purpose of calculating the amount of a limited revaluation premium, the Department shall apply the actuarial tables in Schedule 3.

Pensioner's rights premiums

5.—(1) For the purpose of calculating the amount of a pensioner's rights premium, the Department shall apply the actuarial tables in Schedule 4 or the actuarial tables in Schedule 5, in accordance with paragraphs (2) to (4).

(2) In a case where the person in question is entitled to receive a guaranteed minimum pension in respect of his own service in contracted-out employment, the Department shall apply the actuarial tables in Schedule 4.

(3) In a case where the person in question is a woman who is entitled to receive a guaranteed minimum pension in respect of her late husband's service in contracted-out employment, the Department shall apply the actuarial tables in Schedule 5.

(4) In a case where the person in question is a man who is entitled to receive a guaranteed minimum pension in respect of his late wife's service in contracted-out employment and the circumstances are such that regulation 30D of the Contracting-out Regulations applies, the Department shall apply the actuarial tables in Schedule 5.

Personal pension protected rights premiums and contracted-out protected rights premiums

6. For the purpose of calculating the cost of providing a guaranteed minimum pension such as is mentioned in Article 7(9) of the 1986 Order in relation to a personal pension protected rights premium or in Article 46ZA(8)(**a**) of the Pensions Order in relation to a contracted-out protected rights premium, the Department shall apply—

(*a*) in a case where the person in respect of whom the premium falls to be paid is the earner to whose protected rights the premium relates and he has not attained pensionable age, the actuarial tables in Schedule 1;

(*b*) in a case where the person in respect of whom the premium falls to be paid is entitled to receive a pension giving effect to his own protected rights, the actuarial tables in Schedule 4;

(*c*) in a case where the person in respect of whom the premium falls to be paid is a woman who is entitled to receive a pension giving effect to her late husband's protected rights, the actuarial tables in Schedule 5; and

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(**a**) Article 46ZA(8) was modified by regulation 22A(10)(*a*) of S.R. 1985 No. 259