1992 No. 92

ELECTRICITY

Electricity (Superannuation Scheme Amendments) Regulations (Northern Ireland) 1992

Made	*5th March 1992*
Coming into operation . .	*1st April 1992*

The Department of Economic Development, in exercise of the powers conferred on it by Article 89 of, and paragraphs 2(1) and (2) and 8 of Schedule 11 to, the Electricity (Northern Ireland) Order 1992(**a**) and of every other power enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Electricity (Superannuation Scheme Amendments) Regulations (Northern Ireland) 1992 and shall come into operation on 1st April 1992.

Interpretation

2. In these Regulations—

"the Rules" means the Rules attached to the Trust Deed as the same have been amended from time to time prior to the coming into operation of these Regulations;

"the Trust Deed" means the Trust Deed made on 11th September 1946 between Northern Ireland Electricity (then called The Electricity Board for Northern Ireland) of the first part Lendrick McMaster of the second part Alexander Wilson Ferguson and Thomas Gregg Christie of the third part and Acheson Finney Hanna and William John Adair of the fourth part varied by an Order dated 1st December 1987 of the High Court of Justice in Northern Ireland.

Amendments to the scheme

3.—(1) The amendments to the scheme specified in Part I of the Schedule shall have effect.

(2) For the expression "the Board", where it occurs in a Clause of or a Rule attached to the Trust Deed referred to in column (1) of Part II of the Schedule, there shall be substituted the expression appearing opposite that reference in column (2) of that Part and consequential grammatical amendments shall be deemed to have been made in the relevant clause or rule.

(a) S.I. 1992/231 (N.I. 1)

(3) In the Schedule any reference to a numbered Clause or Rule is a reference to the clause or rule bearing that number in the Trust Deed and Rules.

Sealed with the Official Seal of the Department of Economic Development on 5th March 1992.

(L.S.) *W. D. Duncan*
Assistant Secretary

SCHEDULE Regulation 3

Amendments to the Scheme

PART I

1. In the second paragraph of Clause 1 the words "with the approval of the Ministry of Finance, and the Ministry of Commerce" shall be deleted.

2. In Clause 2D(2)(*d*) delete the words "(other than the Board)".

3. The following shall be inserted as new Clauses 11, 12 and 13—

" Principal Employer

11. (A) A corporation or firm which succeeds to the business, or to a substantial part of the business, of the Principal Employer in any way (including, without limitation, reconstruction, amalgamation or purchase), or is or becomes the holding company of the Principal Employer, may agree with the Principal Employer to assume its position as Principal Employer under this Trust Deed and the Rules in succession to it, if approval of the Scheme as an Approved Scheme would not be prejudiced.

(B) A change of Principal Employer:

(1) must be effected by a deed executed by the former Principal Employer and the new Principal Employer in which the new Principal Employer agrees with the Trustees and the former Principal Employer to undertake and assume the liabilities, rights and position of the Principal Employer under this Trust Deed and the Rules in succession to the former Principal Employer;

(2) may take effect from the date of that deed or from an earlier or later date;

(3) must take effect only on terms which do not prejudice approval of the Scheme as an Approved Scheme; and

(4) will as from the effective date discharge the former Principal Employer from all its obligations under the Trust Deed and the Rules.

Participation of Associated Employers

12. (A) The Principal Employer may admit to participation in the Scheme as an Associated Employer any corporation or firm which is a holding company or a subsidiary of the Principal Employer, or a subsidiary of a holding company of the Principal Employer, or which succeeds to any part of the business of any of the Employers, or which is in any way associated in business with any of the Employers, if approval of the Scheme as an Approved Scheme would not be prejudiced.

(B) Participation:

(1) must be effected by a deed executed by the proposed Associated Employer and the Principal Employer in which the proposed Associated Employer agrees with the Trustees, the Committee and the Principal Employer to perform and observe the provisions of the Scheme which apply to it from time to time as an Associated Employer;

(2) may be on terms that some only of the provisions of the Scheme, or different provisions, apply to the Associated Employer or to the directors and employees of the Associated Employer (or some of them);

(3) may take effect from the date of that deed or from an earlier or later date and may be for a definite or indefinite period; and

(4) must take effect only on terms which do not prejudice approval of the Scheme as an Approved Scheme.

(C) The participation of an Associated Employer must stop:

(1) on the effective date of any notice given by the Associated Employer, pursuant to Rule 11(F), terminating its liability to pay contributions to the Fund;

(2) if the Associated Employer is a corporation, on an order being made or an effective resolution being passed for its winding up (other than for the purpose of reconstruction or amalgamation) or, if it is a firm, on the firm being dissolved;

(3) if there is a change in the nature or extent of the association of the Associated Employer with the Principal Employer and its continued participation would prejudice approval of the Scheme as an Approved Scheme, on a date agreed to by the Principal Employer, which must not be later than the end of the first complete tax year after that change (or any longer period agreed by the Board of Inland Revenue);

(4) on any date specified in the deed of participation relating to the Associated Employer or on any date specified by the Principal Employer by written notice to the Associated Employer, the Trustees and the Committee.

Amendments to this Trust Deed

13. The provisions of this Trust Deed (including this Clause) may be amended by the Trustees subject to the consent of the Principal Employer

PROVIDED THAT no amendment shall be made which would have the effect of—

(i) altering the main purpose of the Scheme from the provision of pensions for Contributors upon their retirement at a specified age; or

(ii) conflicting with the provisions of the Electricity (Northern Ireland) Order 1992 and the requirements prescribed therein or regulations made thereunder; or

(iii) permitting any moneys to be paid to the Employers unless authorised or required by any enactment from time to time.''.

4. Add the following definitions to Rule 1(A)—

'' ''Associated Employer'' means any corporation or firm (except the Principal Employer) participating in the Scheme;

''Employers'' means the Principal Employer and the Associated Employers. In relation to any employee or former employee or person claiming through him, ''Employer'' means the Employer by which, at the relevant time, he is or was last employed;

"Principal Employer" means

(1) until the Transfer Date, the Board; and

(2) on and after the Transfer Date, Northern Ireland Electricity plc or any other corporation or firm which is for the time being the Principal Employer under Clause 11 of the Trust Deed;

"Transfer Date" means the appointed day under Article 69(3) of the Electricity (Northern Ireland) Order 1992.".

5. In Rule 4 the definition of "Service" shall be amended as follows:—

(*a*) the word "and" after the paragraph numbered "(ii)" shall be deleted;

(*b*) in the paragraph numbered "(iii)" the words "and prior to the Transfer Date" shall be inserted immediately after the phrase "April 1988";

(*c*) the word "and" shall be inserted after the paragraph numbered "(iii)"; and

(*d*) the following shall be added as paragraph (iv):—

"for any period on and after the Transfer Date employment with any of the Employers.".

6. In Rule 11(A) after the word "Contributors" insert the words "in the Service of the Employer".

7. In Rule 11(C) the phrase "it deems to be necessary" shall be deleted and replaced by the following:—

"the Principal Employer deems to be necessary".

8. The following paragraph shall be inserted as Rule 11(F) and the existing paragraph (F) will be designated as (G):—

"(F) An Employer may at any time, by notice in writing to the Trustees, terminate its liability to pay contributions to the Fund. Any notice of termination is without prejudice to any obligation of the Employer to pay contributions to the Fund in respect of any period before the effective date of the notice. On the expiry of any notice the Employer will cease to participate in the Scheme and the provisions of Rule 58(B) will apply.".

9. For Rule 26 substitute the following—

"Transfers out of the Scheme

26. (A) In this Rule:

(*a*) "Group of Beneficiaries" means the beneficiaries to whom a transfer payment made under sub-rule (F) relates;

(*b*) "New Scheme" means an Approved Scheme, a personal pension scheme approved under Chapter IV of Part XIV of the Income and Corporation Taxes Act 1988 or any other fund, scheme or arrangement approved specifically for the purposes of this Rule by the Board of Inland Revenue and also by the Occupational Pensions Board if it is administered primarily or wholly outside the United Kingdom;

(*c*) "transfer payment" can be or include a transfer of assets.

(B) This Rule applies if a beneficiary is or becomes entitled to rights under a New Scheme.