1990 No. 203

SOCIAL SECURITY

The Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 1990

Made	*1st June 1990*
Coming into operation . .	*27th June 1990*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 33(7), 41(1), 43C(7) and 46A(1) of, paragraphs 12(2A) and 20 of Schedule 1A to, and paragraphs 9(2) and 13(5) of Schedule 3 to, the Social Security Pensions (Northern Ireland) Order 1975(**a**) and Articles 9(1) and 18(1) of, and paragraphs 2, 3 and 9(4) of Schedule 1 to, the Social Security (Northern Ireland) Order 1986(**b**) (including those paragraphs of that Schedule as modified by Article 34(2B) of the Social Security Pensions (Northern Ireland) Order 1975(**a**)) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 1990 and shall come into operation on 27th June 1990.

Amendment of the Occupational Pensions Board (Contracting-out Certificates) Regulations (Northern Ireland) 1976

2. In regulation 3(2) of the Occupational Pensions Board (Contracting-out Certificates) Regulations (Northern Ireland) 1976(**c**) (cases where the Board may cancel a contracting-out certificate with retrospective effect) for sub-paragraph (*c*) there shall be substituted the following sub-paragraphs—

> "(*c*) in a case where the Board discover that the scheme did not satisfy the requirements for being a contracted-out scheme at the date the contracting-out certificate was issued, in which case the date may be the date from which the certificate had effect or any later date; or

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(a) S.I. 1975/1503 (N.I. 15); Article 34(2B) was inserted by paragraph 6(*b*) of Schedule 2 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)); Article 43C was inserted by Schedule 4 to the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)); 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 was amended by paragraph 7(1)(*g*) of Schedule 2 to, and Schedule 10 to, the Social Security (Northern Ireland) Order 1986 and by paragraph 7 of Schedule 6 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)); Schedule 1A was inserted by paragraph 3 of Schedule 1 to the Social Security (Northern Ireland) Order 1985 and paragraph 12(2A) of that Schedule was inserted by paragraph 24(*a*) of Schedule 9 to the Social Security (Northern Ireland) Order 1986. *See also* Article 2(3)

(b) S.I. 1986/1888 (N.I. 18); Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the powers conferred by that Order

(c) S.R. 1976 No. 78; relevant amending regulations are S.R. 1981 No. 32 and S.R. 1987 No. 292

(*d*) in a case where the Board consider that the scheme has ceased to satisfy the requirements for being a contracted-out scheme, in which case the date may be any date not earlier than when, in the Board's opinion, the scheme ceased to satisfy those requirements.''.

Amendment of the Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1984

3.—(1) The Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1984(**a**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 7 (computation of benefit—general) after paragraph (4) there shall be inserted the following paragraph—

''(4A) A scheme may, for the purposes of any calculations made in accordance with paragraph 13(3) of Schedule 3, reckon both the following periods (or neither, but not only one) to the nearest, next highest or next lowest calendar month. The periods referred to are—

(*a*) the period over which, on the assumption referred to in paragraph 13(3)(*a*) of Schedule 3, the credits would have accrued in full; and

(*b*) the period between the time when the credits were awarded and the termination of the member's pensionable service.''.

(3) In regulation 12(1)(*a*) (early benefit as an alternative to short service benefit) for ''smaller than'' there shall be substituted ''the same as, or different in amount from,''.

Amendment of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985

4.—(1) The Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985(**b**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 17A (case in which and condition subject to which transfer premiums may be paid) for ''condition'' in paragraph (1) there shall be substituted ''conditions'' and for paragraph (3) there shall be substituted the following paragraph—

''(3) The conditions referred to in paragraph (1) are that—

(*a*) the trustees of the scheme from which the earner's accrued rights have been transferred have, subject to regulation 18(2), elected to pay a transfer premium; and

(*b*) if the earner's accrued rights have been transferred to a personal pension scheme, the personal pension scheme is not an appropriate scheme.''.

(3) In regulation 31(4) (commutation of pension) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

(**a**) S.R. 1984 No. 332; relevant amending regulations are S.R. 1986 No. 362 and S.R. 1988 No. 109
(**b**) S.R. 1985 No. 259; relevant amending regulations are S.R. 1985 No. 355

"(*b*) in the case of an earner who retires before normal pension age, commutation is not permitted before the date on which benefits become payable to the earner under the scheme's early retirement provisions;".

Amendment of the Occupational Pension Schemes (Revaluation) Regulations (Northern Ireland) 1985

5. For regulation 10 of the Occupational Pension Schemes (Revaluation) Regulations (Northern Ireland) 1985(**a**) (retirement benefits varied at state pension age) there shall be substituted the following regulation—

"*Retirement benefits varied at state pension age*

10.—(1) In a case where a scheme provides that the pension or other retirement benefit payable under the scheme to a member at normal pension age is to be varied at state pension age (that is, age 60 years for a woman or age 65 years for a man), Schedule 1A to the Pensions Order shall have effect subject to the modifications specified in paragraphs (2) and (3) of this regulation.

(2) From the date on which the member attains normal pension age to the date on which the member attains state pension age, the appropriate amount is to be calculated as if D in the formula set out in paragraph 2(2) referred to the amount of the pension or other retirement benefit payable at normal pension age.

(3) On the member's attaining state pension age, the appropriate amount to be added to the pension or other retirement benefit payable to the member after that date is to be calculated using the formula set out in paragraph 2(2) as if D in that formula referred to the amount of the pension or other benefit payable at state pension age.".

Amendment of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1985

6.—(1) Regulation 2A of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1985(**b**) (reduction of the cash equivalent specified in paragraph 12(1) of Schedule 1A) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1) after "pensionable service" in sub-paragraph (*a*) there shall be inserted "commenced before 6th April 1988 and", and for "paragraph (2)" there shall be substituted "paragraph (2) or (3), as appropriate".

(3) For paragraph (2) there shall be substituted the following paragraphs—

"(2) Where the benefits are money purchase benefits, the part referred to in paragraph (1) is the part of those benefits that has accrued to or in respect of the member after 5th April 1988.

(a) S.R. 1985 No. 357; relevant amending regulations are S.R. 1988 No. 109
(b) S.R. 1985 No. 358; relevant amending regulations are S.R. 1987 No. 285 and S.R. 1988 No. 127

(3) Where the benefits are not money purchase benefits, the part referred to in paragraph (1) is the part, or the total of the parts described in the following sub-paragraphs—

(*a*) in the case of benefits that have accrued to or in respect of the member as a result of the member's pensionable service, the part of those benefits that is attributable to the member's pensionable service after 5th April 1988;

(*b*) in the case of any other benefits (for example, transfer credits), the part of those benefits that was credited to the member after 5th April 1988.

(4) Where a member exercises a right to the cash equivalent described in paragraph (1), Articles 43A and 43B (protection of pensions) and Part I of Schedule 1A (revaluation of pensions) are modified so that, for the purposes of those provisions, the benefits to which the cash equivalent related are disregarded and the pensionable service by reference to which those benefits were calculated is excluded from B and C in the formula set out in paragraph 2(2) of that Schedule.''.

Amendment of the Money Purchase Contracted-out Schemes Regulations (Northern Ireland) 1987

7.—(1) The Schedule to the Money Purchase Contracted-out Schemes Regulations (Northern Ireland) 1987(**a**) (permitted investments) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph 1(*a*)(ii) for the words from ''has disclosed in its audited accounts'' to the end there shall be substituted ''is authorised under regulation 5 or 6 of the Friendly Societies (Long Term Insurance Business) Regulations 1987(**b**) to carry on long term business as defined in regulation 2(2) of those regulations''.

(3) In paragraph 4 for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

''(*b*) a pension vehicle as defined in item 14 of the Schedule to the Building Societies (Designation of Qualifying Bodies) Order 1988(**c**) which is associated with a building society as described in section 18(17) of the Building Societies Act 1986(**d**);''.

Amendment of the Personal and Occupational Pension Schemes (Incentive Payments) Regulations (Northern Ireland) 1987

8.—(1) Regulation 3 of the Personal and Occupational Pension Schemes (Incentive Payments) Regulations (Northern Ireland) 1987(**e**) (cases in which payments under Article 9 of the Social Security (Northern Ireland) Order 1986 are not to be made, or are to be made to prescribed persons) shall be amended in accordance with paragraphs (2) and (3).

(2) At the beginning of paragraph (2) there shall be inserted ''Subject to paragraph (2B),''.

(**a**) S.R. 1987 No. 279, amended by S.R. 1988 No. 107
(**b**) S.I. 1987/2132
(**c**) S.I. 1988/1196, to which there are amendments not relevant to these regulations
(**d**) 1986 c. 53
(**e**) S.R. 1987 No. 293; relevant amending regulations are S.R. 1988 No. 450