1987 No. 294

SOCIAL SECURITY

The Personal and Occupational Pension Schemes (Modification of Enactments) Regulations (Northern Ireland) 1987

Made	*10th July 1987*
Coming into operation—	
regulation 3 (2), (4) and (5) and Schedule 6	*6th April 1988*
remainder	*27th July 1987*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 18(1) of the Social Security (Northern Ireland) Order 1986(**a**) 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 (Modification of Enactments) Regulations (Northern Ireland) 1987 and shall come into operation on 27th July 1987, except regulation 3 (2), (4) and (5) and Schedule 6, which shall come into operation on 6th April 1988.

(2) In these regulations "the Order" means the Social Security (Northern Ireland) Order 1986.

Provisions of the Pensions Order relating to occupational pension schemes to apply, subject to modifications, to personal pension schemes

2.—(1) Article 34(2) of the Pensions Order(**b**) (an occupational pension scheme can be contracted-out if specified requirements are satisfied) shall have effect in relation to personal pension schemes as if it provided that, subject to the provisions of Article 4 of the Order and regulations made thereunder, a personal pension scheme can be an appropriate scheme (for the purposes of the Order) only if the rules of the scheme applying to protected rights are framed so as to comply with the requirements of any regulations prescribing the form and content of rules of appropriate schemes and with such other requirements as to form and content (not inconsistent with regulations) as may be imposed by the Occupational Pensions Board as a condition of being an appropriate scheme, either generally or in relation to a particular scheme.

(**a**) S.I. 1986/1888 (N.I. 18)
(**b**) Article 34(2) is amended by paragraph 6 of Schedule 2, and paragraph 7(*a*) of Schedule 9, to the Social Security (Northern Ireland) Order 1986

(2) Paragraphs (1), (2), (2A) and (5) of Article 50 of the Pensions Order(**a**) (supervision by the Occupational Pensions Board of occupational pension schemes which have ceased to be contracted-out) shall have effect in relation to personal pension schemes subject to the modifications specified in Schedule 1.

(3) Article 51 of the Pensions Order(**b**) (alteration of rules of contracted-out schemes) shall have effect in relation to personal pension schemes subject to the modifications specified in paragraphs (4) to (6).

(4) Paragraph (1) of Article 51 shall be so modified as to provide that, where an appropriate scheme certificate has been issued, no alteration of the rules of the relevant appropriate scheme shall be made so as to affect any of the matters dealt with in Schedule 1 to the Order, or so as to cause the scheme to cease to take one, and thereafter to take another, of the forms specified in paragraphs (*a*) to (*c*) of regulation 2 of the Personal Pension Schemes (Appropriate Schemes) Regulations (Northern Ireland) 1987(**c**), unless it is an alteration to which paragraph (1) of Article 51 does not apply or the following conditions are satisfied—

(*a*) the Board have given their consent to the alteration; and

(*b*) (except in so far as the Board in their discretion dispense with satisfaction of this condition) notice of intention to apply for that consent was given in accordance with the requirements specified in paragraph (7) of this regulation,

and that, subject to paragraph (2) of Article 51, an alteration to which paragraph (1) of that Article applies but which does not satisfy those conditions shall be void.

(5) Paragraph (1A) of Article 51 shall have effect as if sub-paragraph (*a*) were omitted.

(6) Paragraph (3) of Article 51 shall be so modified as to provide that Article 51 shall continue in force in relation to a scheme after it has ceased to be appropriate so long as any person has protected rights under the scheme.

(7) The requirements referred to in paragraph (4)(*b*) are—

(*a*) that the notice shall be given in writing to—

(i) any member of the scheme who has protected rights under it, and

(ii) any earner who, jointly with the trustees or managers of the scheme, has given in relation to the scheme a notice under Article 3(9) of the Order which has not been cancelled,

by sending it to his last known address;

(*b*) that it shall specify the name of the scheme;

(*c*) that it shall specify the date on which it is desired that the alteration should have effect, being a date which is at least 3 months later than the date on which the notice is given; and

---

(**a**) Article 50 is amended by paragraph 10 of Schedule 2, and paragraph 15 of Schedule 9, to the Social Security (Northern Ireland) Order 1986

(**b**) Article 51 is amended by paragraph 11 of Schedule 2, and paragraph 16 of Schedule 9, to the Social Security (Northern Ireland) Order 1986

(**c**) S.R. 1987 No. 287

(*d*) that it shall specify the purport of the intended alteration and give an explanation of the effect on the persons to whom the notice is given.

(8) Articles 58A and 58K of the Pensions Order(**a**) shall have effect in relation to personal pension schemes subject to the modifications specified in Schedule 2.

(9) Paragraphs (1), (1A), (3) (except sub-paragraphs (*a*), (*b*), (*d*), (*e*) and (*f*)), (4), (5) (except sub-paragraph (*c*)) and (6) to (10) of Article 60 of the Pensions Order(**b**) (modification and winding-up of schemes by order of the Occupational Pensions Board) shall have effect in relation to personal pension schemes subject to the modifications specified in Schedule 3.

(10) Schedule 1A to the Pensions Order(**c**) shall have effect in relation to personal pension schemes subject to the modifications specified in Schedule 4.

(11) Paragraph 6 of Schedule 2 to the Pensions Order(**d**) shall have effect in relation to personal pension schemes subject to the modifications specified in Schedule 5.

Modification of provisions of the Pensions Order in consequence of Part II of the Order

3.—(1) In consequence of Part II of the Order, the provisions of the Pensions Order specified in paragraphs (2) to (6) shall have effect subject to the modifications mentioned in those paragraphs.

(2) Article 50(1) shall have effect as if, after "person" in sub-paragraph (*b*)(ii) and at the end of the paragraph, there were inserted "(not being a person in respect of whom a premium is not payable by virtue of regulation 17(2A) of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985(**e**))".

(3) Article 60(3)(*c*) shall have effect as if, after "another scheme", there were inserted "(whether another occupational pension scheme or a personal pension scheme)".

(4) Schedule 1A shall have effect subject to the modifications specified in Schedule 6.

(5) Schedule 2 to the Pensions Order shall have effect as if, in paragraph 6(4)(*a*), after "rights to receive such pensions", there were inserted "or, in the case of a contracted-out protected rights premium, for the purpose of extinguishing protected rights and reducing any guaranteed minimum pension to which a person is treated as entitled,".

(**a**) Articles 58A and 58K were inserted by Schedule 2 to the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16))

(**b**) Article 60 is amended by Article 14(11) of, and paragraph 19 of Schedule 9 to, the Social Security (Northern Ireland) Order 1986

(**c**) Schedule 1A was inserted by paragraph 3 of Schedule 1 to the Social Security (Northern Ireland) Order 1985

(**d**) Paragraph 6 was amended by Article 4(11) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))

(**e**) S.R. 1985 No. 259; paragraph (2A) was inserted into regulation 17 by regulation 4(3) of the Occupational Pension Schemes (Contracted-out Protected Rights Premiums) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 281)

(6) Paragraph 6 of Schedule 3(**a**) shall have effect as if there were added, after paragraph (1)(*b*)—

"or

(*c*) a transfer payment in respect of his rights under a personal pension scheme has been made to the scheme,".

Sealed with the Official Seal of the Department of Health and Social Services on 10th July 1987.

(L.S.) *A. N. Burns*
Assistant Secretary

(a) Paragraph 6 is amended by Schedule 6 to the Social Security (Northern Ireland) Order 1985 and Article 12 of the Social Security (Northern Ireland) Order 1986

SCHEDULE 1 Regulation 2(2)

MODIFICATIONS SUBJECT TO WHICH ARTICLE 50 OF THE PENSIONS ORDER IS TO HAVE EFFECT IN RELATION TO PERSONAL PENSION SCHEMES

1. In paragraph (1)—

(*a*) the substitution, for "occupational pension scheme, other than a public service scheme,", of "personal pension scheme";

(*b*) the substitution, for "a contracted-out scheme", of "an appropriate scheme";

(*c*) the substitution, for sub-paragraph (*b*) (both before and after the coming into operation of paragraph 10(*a*) of Schedule 2 to the Order), of the following sub-paragraph—

"(*b*) there has not been a payment of a premium under Article 7 of the Social Security (Northern Ireland) Order 1986 in respect of each person (not being a person in respect of whom a premium is not payable by virtue of regulation 3 of the Personal Pension Schemes (Personal Pension Protected Rights Premiums) Regulations (Northern Ireland) 1987(**a**)) who has protected rights under it or is entitled to any benefit giving effect to protected rights under it;"; and

(*d*) the insertion, at the end, of "(not being a person in respect of whom a premium is not payable by virtue of regulation 3 of the Personal Pension Schemes (Personal Pension Protected Rights Premiums) Regulations (Northern Ireland) 1987)".

2. In paragraph (2), the substitution, for sub-paragraphs (*a*) (both before and after the coming into operation of paragraph 10(*b*) of Schedule 2 to the Order) and (*b*) and the words following them, of "the matters in respect of which, for the purposes of determining whether a personal pension scheme should be or continue to be an appropriate scheme, they are required to be satisfied under paragraph 10 of Schedule 1 to the Social Security (Northern Ireland) Order 1986".

3. In paragraph (2A), the substitution, for the words from "paragraph (1C)" to "paragraph (3) of that Article", of "paragraph (2) of Article 7 of the Social Security (Northern Ireland) Order 1986 which has not been cancelled under paragraph (3) of that Article".

4. In paragraph (5) (both before and after the coming into operation of paragraph 10(*c*) of Schedule 2 to the Order), the substitution, for the words from "Articles" to "43", of "Schedule 1 to the Social Security (Northern Ireland) Order 1986".

SCHEDULE 2 Regulation 2(8)

MODIFICATIONS SUBJECT TO WHICH ARTICLES 58A AND 58K OF THE PENSIONS ORDER ARE TO HAVE EFFECT IN RELATION TO PERSONAL PENSION SCHEMES

1. In Article 58A—

(*a*) the substitution, for the references to an occupational pension scheme and occupational pension schemes, of references to a personal pension scheme and personal pension schemes respectively;

(*b*) the omission of the references to prospective members;

(a) S.R. 1987 No. 289