1987 No. 286

SOCIAL SECURITY

The Pension Schemes (Voluntary Contributions Requirements and Voluntary and Compulsory Membership) Regulations (Northern Ireland) 1987

Made	*10th July 1987*
Coming into operation—	
for the purposes of personal pension schemes	*4th January 1988*
for the purposes of occupational pension schemes	*6th April 1988*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 14(1) and 17(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 Pension Schemes (Voluntary Contributions Requirements and Voluntary and Compulsory Membership) Regulations (Northern Ireland) 1987 and shall come into operation—

(*a*) for the purposes of personal pension schemes on 4th January 1988; and

(*b*) for the purposes of occupational pension schemes on 6th April 1988.

(2) In these regulations—

"normal pension age" and "public service pension scheme" shall be construed in accordance with Article 2(2) of the Pensions Order(**b**);

"pensionable service" and "relevant employment" shall be construed in accordance with Schedule 3 to the Pensions Order;

"scheme" means a personal or occupational pension scheme;

"secondary Class 1 contribution" shall be construed in accordance with section 4 of the principal Act(**c**).

(**a**) S.I. 1986/1888 (N.I. 18)

(**b**) The definition of "public service pension scheme" was amended by Article 5(1) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))

(**c**) Section 4 was amended by paragraph 18(*a*) of Schedule 5 to the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)), Article 3(1) of the Social Security and Family Allowances (Northern Ireland) Order 1976 (S.I. 1976/427 (N.I. 9)), Article 11(2) of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)), Schedule 5 to the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)), Articles 9(1) and (2) and 10 of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)), paragraph 69 of Schedule 9 to the Social Security (Northern Ireland) Order 1986 and Article 2 of the Social Security (Contributions, Re-rating) Order (Northern Ireland) 1987 (S.R. 1987 No. 26)

(3) Any reference in these regulations to a numbered Article is a reference to the Article of the Social Security (Northern Ireland) Order 1986 bearing that number.

Exceptions to Article 14(1)

2.—(1) Article 14(1) (voluntary contributions requirements) shall not apply to the rules of any public service pension scheme unless it is an exempt approved scheme for the purposes of section 21 of the Finance Act 1970(**a**).

(2) Article 14(1) shall not apply to the rules of any personal pension scheme in so far as it is comprised in an annuity contract made before 4th January 1988.

(3) Article 14(1)(*a*) and (*b*) shall not apply to the rules of any scheme in so far as they relate to the payment by a member of any sum as voluntary contributions where that payment would not qualify for relief from tax in accordance with section 21(4) or 22(2) of the Finance Act 1970(**b**).

(4) Article 14(1)(*a*) and (*b*) shall not apply to the rules of any scheme in so far as they provide that a member of the scheme must give the trustees or managers of the scheme notice, of a period not exceeding 12 months, of his intention to pay voluntary contributions at a specified rate or to vary that rate.

(5) Article 14(1)(*a*) and (*b*) shall not apply to the rules of any personal pension scheme in so far as they relate to a member whose rights under the scheme derive only from one or more transfer payments.

(6) Article 14(1)(*a*) and (*b*) shall not apply to the rules of any occupational pension scheme (''the first scheme'') in so far as they relate to a member—

(*a*) in respect of whose current pensionable service the scheme will provide benefit only on his death;

(*b*) whose pensionable service either has not begun or has terminated;

(*c*) who is either within one year of reaching, or has reached, normal pension age; or

(*d*) who is, or is eligible to become, a member of at least one other occupational pension scheme which applies to the same employment as the first scheme and which—

(i) if he is a member of it, complies in relation to him, or, if he is not a member of it, would comply in relation to him if he were, with the voluntary contributions requirements, and

(ii) is not a scheme which, if he is a member of it, falls in relation to him, or, if he is not a member of it, would fall in relation to him if he were, to be regarded as a scheme excepted from the application of Article 14(1)(*a*) and (*b*) by virtue of paragraph (1), (2), (5) or (6)(*a*), (*b*) or (*c*) of this regulation.

(7) Article 14(1)(*b*) shall not apply to the rules of any scheme in so far as they impose, or allow any person to impose, a lower limit on the payment by a member of voluntary contributions in respect of any tax year if that lower limit is not higher than the amount specified in paragraph (8) of this regulation.

(a) 1970 c. 24; section 21 was amended by sections 21(5) and 69(7) of, and Parts I and IV of Schedule 14 to, the Finance Act 1971 (c. 68)

(b) Section 22(2) was amended by section 74(3) of the Finance Act 1972 (c. 41)