1987 No. 284

SOCIAL SECURITY

The Occupational Pension Schemes (Qualifying Service — Consequential and Other Provisions) Regulations (Northern Ireland) 1987

Made	*10th July 1987*
Coming into operation . .	*6th April 1988*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 45(4) and 53C(4) and (5) and 60(1A)(*a*) of, and paragraph 20 of Schedule 1A to, paragraph 6 of Schedule 2 to, and paragraphs 9(2) and (3), 21, 22 and 26 of Schedule 3 to, 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, commencement and interpretation

1.—(1) These regulations may be cited as the Occupational Pension Schemes (Qualifying Service — Consequential and Other Provisions) Regulations (Northern Ireland) 1987 and shall come into operation on 6th April 1988.

(2) In these regulations—

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

"the Preservation Regulations" means the Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1984(**c**);

"the Discharge Regulations" means the Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1985(**d**); and

"the Revaluation Regulations" means the Occupational Pension Schemes (Revaluation) Regulations (Northern Ireland) 1985(**e**).

(**a**) S.I. 1975/1503 (N.I. 15); Article 45(4) was amended by paragraph 17 of Schedule 5 to the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)); Article 53C was inserted by paragraph 2 of Schedule 1 to the Social Security (Northern Ireland) Order 1985 and amended by paragraph 17 of Schedule 9 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)); Article 60(1A)(*a*) was inserted by paragraph 19 of Schedule 9 to the Social Security (Northern Ireland) Order 1986; Schedule 1A was inserted by paragraph 3 of Schedule 1 to the Social Security (Northern Ireland) Order 1985 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))

(**b**) S.R. 1985 No. 259; the relevant amending regulations are S.R. 1986 No. 57

(**c**) S.R. 1984 No. 332; the relevant amending regulations are S.R. 1985 No. 353

(**d**) S.R. 1985 No. 356; the relevant amending regulations are S.R. 1986 No. 362

(**e**) S.R. 1985 No. 357; the relevant amending regulations are S.R. 1986 No. 114

Amendment of the Contracting-out Regulations

2.—(1) The Contracting-out Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 18(1)(*d*) "is under the age of 26 or" shall be omitted and for "5" there shall be substituted "2".

(3) In regulation 23(3)(*e*) for "5" there shall be substituted "2".

Amendment of the Preservation Regulations

3.—(1) The Preservation Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 12(4) after sub-paragraph (*a*) there shall be inserted the following sub-paragraph—

"(*aa*) for the alternative mentioned in paragraph (1)(*e*) to be substituted for short service benefit without the member's consent in any case where the conditions specified in paragraph (4A) are satisfied;".

(3) After paragraph (4) of regulation 12 there shall be inserted the following paragraph—

"(4A) The conditions referred to in paragraph (4)(*aa*) are—

(*a*) that the short service benefit is not, and does not include, protected rights (within the meaning given to that expression by Schedule 1 to the Social Security (Northern Ireland) Order 1986, whether or not as modified under Article 34(2B) of the Pensions Order(**a**));

(*b*) that the member has at least 2 years' qualifying service but has not 5 years' qualifying service (within the meaning given to that expression by paragraph 7 of Schedule 3 immediately before the coming into operation of Article 12 of the Social Security (Northern Ireland) Order 1986);

(*c*) that the insurance policy is taken out or the annuity contract entered into more than 12 months after the member's service in relevant employment is terminated;

(*d*) that at least 30 days before the insurance policy is taken out or the annuity contract entered into, the trustees or managers of the scheme have sent by ordinary post to the member at his last known address, or delivered personally to him, a written notice that it is their intention to take it out or enter into it unless, before the date of expiry of the notice or, if it is later, the first anniversary of the date on which the member's service in relevant employment was terminated, the member has made an application (which he has not subsequently withdrawn) to the trustees or managers of the scheme under paragraph 16 of Schedule 1A to the Pensions Order (transfer values);

(*e*) that when the trustees or managers of the scheme enter into an agreement with an insurance company to take out the insurance policy or enter into the annuity contract, the member has not made

(a) Article 34(2B) is inserted by paragraph 6 of Schedule 2 to the Social Security (Northern Ireland) Order 1986