1984 No. 31

SOCIAL SECURITY

The Occupational Pension Schemes (Contracting-out) (Miscellaneous Provisions) Regulations (Northern Ireland) 1984

Made	*6th February 1984*
Coming into operation . . .	*5th March 1984*

The Department of Health and Social Services, in exercise of the powers conferred on it by section 157(1) of, and Schedule 17 to, the Social Security (Northern Ireland) Act 1975(**a**), Articles 42(2), 45(4), 52 and 53 of, and paragraphs 6(3)(*d*) and 9 of Schedule 2 to, the Social Security Pensions (Northern Ireland) Order 1975(**b**) and Articles 2(2) and 18(9) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(**c**) 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 (Contracting-out) (Miscellaneous Provisions) Regulations (Northern Ireland) 1984 and shall come into operation on 5th March 1984.

(2) In these regulations—

"the Order" means the Social Security Pensions (Northern Ireland) Order 1975;

"the Contracting-out regulations" means the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1976(**d**);

"the 1976 Regulations" means the Contracted-out Employment (Notifications, Premium Payment and Miscellaneous Provisions) Regulations (Northern Ireland) 1976(**e**);

"the 1977 Regulations" means the Contracted-out Employment (Miscellaneous Provisions) Regulations (Northern Ireland) 1977(**f**).

Refund of state scheme premiums

2. The Department shall refund a state scheme premium if the Department is satisfied that it ought to be refunded—

(*a*) where it was paid under Article 44(2), 46(2) or 47(1) of the Order(**g**) and the person in respect of whom it was paid has died, without leaving a widow, on or before the later of the days first mentioned in sub-paragraphs (*a*) and (*b*) respectively of regulation 5(1) of the 1976 Regulations; or

(*b*) where it was paid under Article 44(3) of the Order and there are no accrued rights to guaranteed minimum pensions under the scheme in question in respect of the widow in question.

(**a**) 1975 c. 15; *see* definitions of "prescribe" and "regulations" in Schedule 17. Section 157(1) applies, by virtue of Article 2(3) of the Social Security Pensions (Northern Ireland) Order 1975, to the exercise of certain powers conferred by that Order

(**b**) S.I. 1975/1503 (N.I. 15)

(**c**) S.I. 1977/610 (N.I. 11)

(**d**) S.R. 1976 No. 29; the relevant amending regulations are S.R. 1977 No. 286

(**e**) S.R. 1976 No. 101; the relevant amending regulations are S.R. 1977 No. 286 and S.R. 1978 No. 74

(**f**) S.R. 1977 No. 286

(**g**) Article 47(1) was amended by Article 18(7) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977

Elections to pay contributions equivalent premiums

3. Regulation 4(1) of the 1976 Regulations (exceptions to the employer's obligation under Article 45(4) of the Order not to discriminate between different earners when making or abstaining from making elections to pay contributions equivalent premiums) shall be amended by the addition, after sub-paragraph (*e*), of the following sub-paragraph—

"(*f*) cases where an earner's accrued rights to guaranteed minimum pensions are secured by means of a policy of insurance or annuity contract which satisfies the conditions specified in regulation 2 of the Contracted-out Employment (Miscellaneous Provisions) Regulations (Northern Ireland) 1977:".

Responsible paying authority

4.—(1) The Contracting-out regulations shall be amended by the substitution, for sub-paragraph (*b*) of the definition of "responsible paying authority" in regulation 1(2), of the following sub-paragraph—

"(*b*) in relation to a scheme where the benefits, or so much of the benefits as represents guaranteed minimum pensions, are secured by means of a policy of insurance or annuity contract in accordance with regulation 3, and at least one of the following conditions is fulfilled—

(i) the policy of insurance or annuity contract satisfies the conditions specified in regulation 2 of the Contracted-out Employment (Miscellaneous Provisions) Regulations (Northern Ireland) 1977,

(ii) the policy of insurance is taken out or the annuity contract entered into in accordance with arrangements approved by the Board under Article 46 of the Order(**a**), and

(iii) the scheme is not set up or established under an irrevocable trust,

the insurance company or friendly society with which the policy of insurance is taken out or the contract entered into;".

(2) The 1976 Regulations shall be amended by the substitution, for sub-paragraph (*b*) of the definition of "responsible paying authority" in regulation 1(2), of the following sub-paragraph—

"(*b*) in relation to a scheme where the benefits, or so much of the benefits as represents guaranteed minimum pensions, are secured by means of a policy of insurance or annuity contract in accordance with regulation 3 of the Contracting-out regulations, and at least one of the following conditions is fulfilled—

(i) the policy of insurance or annuity contract satisfies the conditions specified in regulation 2 of the Contracted-out Employment (Miscellaneous Provisions) Regulations (Northern Ireland) 1977,

(ii) the policy of insurance is taken out or the annuity contract entered into in accordance with arrangements approved by the Board under Article 46 of the Order, and

(iii) the scheme is not set up or established under an irrevocable trust,

the insurance company or friendly society with which the policy of insurance is taken out or the contract entered into;".

(**a**) Article 46 was amended by Article 4(7) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))