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STATUTORY INSTRUMENTS

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**1999 No. 3147 (N.I. 11)**

The Welfare Reform and Pensions  
(Northern Ireland) Order 1999 <sup>F1</sup>

*F2*

- - - - - 24th November 1999

**F1** functions transf. by SR 1999/481

**F2** functions transf. by [2005 NI 1](#)

**Modifications etc. (not altering text)**

**C1** Order: certain provisions applied (with modifications) (1.10.2010) by [Employment and Support Allowance \(Transitional Provisions and Housing Benefit\) \(Existing Awards\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/312\)](#), regs. 1, **16**, Sch. 2

PART I

INTRODUCTORY

**Title and commencement**

1.—(1) This Order may be cited as the Welfare Reform and Pensions (Northern Ireland) Order 1999.

(2) Subject to the following provisions of this Article, this Order shall come into operation on such day or days as the Department may by order appoint<sup>F3</sup>.

(3) The following provisions shall come into operation on such day or days as the Lord Chancellor may by order appoint—

- (a) Articles 18, 19 and 20;
- (b) Article 74(1) so far as relating to paragraphs 1 to 3 and 52 of Schedule 9;
- (c) Article 75(3) and (4); and
- (d) Article 76 so far as relating to the entries in Part II of Schedule 10.

(4) The following provisions come into operation on the seventh day after the day on which this Order is made—

- (a) this Article and Article 2;
- (b) Articles 49, 54, 55, 57, 65 and 68;
- (c) Article 67 so far as relating to Part V of Schedule 8;
- (d) Article 69;

**Changes to legislation:** *The Welfare Reform and Pensions (Northern Ireland) Order 1999 is up to date with all changes known to be in force on or before 05 May 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (e) Articles 70 to 73;
- (f) Article 74(1) so far as relating to paragraphs 55 to 59 and 61 of Schedule 9;
- (g) Article 74(2) to (4);
- (h) Article 75(1), (2), (5) and (6).

(5) The following provisions come into operation on the seventh day after the day on which this Order is made, but for the purpose only of the exercise of any power to make regulations—

- (a) Parts II to V;
- (b) Articles 56 and 58;
- (c) Article 67 so far as relating to paragraph 22 of Schedule 8.

**F3** partly exercised by SRs 1999/494; 2000/68, 133, 182, 209, 332; 2001/114, 137, 438; 2002/25, 63; 2003/204

## Interpretation

**2.—(1)** The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Administration Act” means the Social Security Administration (Northern Ireland) Act 1992;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“the Department” means [<sup>F4</sup>the Department for Communities] ;

“government department” means a Northern Ireland department or a department of the government of the United Kingdom;

“the Housing Executive” means the Northern Ireland Housing Executive;

“the Matrimonial Causes Order” means the Matrimonial Causes (Northern Ireland) Order 1978;

“the Pension Schemes Act” means the Pension Schemes (Northern Ireland) Act 1993;

“the Pensions Order” means the Pensions (Northern Ireland) Order 1995;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“the Welfare Reform Act” means the Welfare Reform and 1999 c. Pensions Act 1999.

(3) In this Order, except Articles 1, 74(2) and (3) and 75(1) and (5), and in any statutory provision amended by this Order, references to the coming into operation of any provision of this Order are to its coming into operation otherwise than for the purpose of authorising the making of regulations.

**F4** Words in art. 2(2) substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(3), [Sch. 6 para. 48](#) (with art. 9(2))

## PART II

### STAKEHOLDER PENSION SCHEMES

#### Modifications etc. (not altering text)

- C2** Pt. II (arts. 3-9) power to modify conferred (6.4.2006) by Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), arts. 1(2), 294(d); S.R. 2006/95, art. 2(e), Sch. Pt. 3
- C3** Pt. II (arts. 3-9) power to modify conferred (15.12.2008) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), ss. 115(2)(e), 118(2)(g)

#### Meaning of “stakeholder pension scheme”

**3.—(1)** A pension scheme is a stakeholder pension scheme for the purposes of this Part if it is registered as such a scheme under Article 4 and each of the following is fulfilled, namely—

- (a) the conditions set out in paragraphs (2) [<sup>F5</sup>to (9)] ; and
- (b) such other conditions as may be prescribed.

(2) The first condition is that the scheme is established under a trust or in such other way as may be prescribed.

(3) The second condition is that the provisions made by the instruments establishing the scheme comply with such requirements as may be prescribed.

(4) The third condition is that, subject to such exceptions as may be prescribed, the benefits provided by the scheme are money purchase benefits within the meaning given by section 176 of the Pension Schemes Act.

(5) The fourth condition is that the scheme complies with such requirements as may be prescribed as regards the extent to which, and the circumstances in which—

- (a) any payment made to the scheme [<sup>F6</sup> by, or on behalf or in respect of,] a member of the scheme;
- (b) any income or capital gain arising from the investment of such a payment; or
- (c) the value of rights under the scheme,

may be used to defray the administrative expenses of the scheme, to pay commission or in any other way which does not result in the provision of benefits for or in respect of members.

(6) The fifth condition is that the scheme complies with such of the requirements of regulations under section 109 of the Pension Schemes Act (disclosure of information about schemes to members etc.) as are applicable to it.

(7) The sixth condition is that, subject to such minimum contribution levels and other restrictions as may be prescribed, members of the scheme may make such contributions to the scheme as they think appropriate.

(8) The seventh condition is that <sup>F7</sup> . . . the scheme accepts transfer payments in respect of members' rights under—

- (a) other pension schemes;
- [<sup>F8</sup>(b) contracts and schemes that became registered pension schemes by virtue of paragraph 1(1) (f) of Schedule 36 to the Finance Act 2004;]
- (c) annuities and insurance policies purchased or transferred for the purpose of giving effect to rights under pension schemes; and

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- (d) annuities purchased or entered into for the purpose of discharging liability in respect of pension credits under Article 26(1)(b) or under section 29(1)(b) of the Welfare Reform Act.

[<sup>F9</sup>(9) The eighth condition is that the scheme is a registered pension scheme under section 153 of the Finance Act 2004.]

<sup>F10</sup>(10) .....

<b>F5</b>	Words in art. 3(1)(a) substituted (having effect as from 6.4.2012) by <a href="#">Pensions Act (Northern Ireland) 2008 (c. 1), ss. 13(4), 21(1), Sch. 4 para. 37(a)</a> (with Sch. 4 Pt. 3); S.R. 2012/115, art. 2
<b>F6</b>	<a href="#">2005 NI 1</a>
<b>F7</b>	Words in art. 3(8) omitted (6.4.2006) by virtue of <a href="#">Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), art. 16(2)(a)(i)</a>
<b>F8</b>	Words in art. 3(8)(b) substituted (6.4.2006) by <a href="#">Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), art. 16(2)(a)(ii)</a>
<b>F9</b>	Art. 3(9) substituted (6.4.2006) by <a href="#">Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), art. 16(2)(b)</a>
<b>F10</b>	Art. 3(10) repealed (having effect as from 6.4.2012) by <a href="#">Pensions Act (Northern Ireland) 2008 (c. 1), ss. 13(4), 21(1), Sch. 4 para. 37(b), Sch. 6 Pt. 6</a> (with Sch. 4 Pt. 3); S.R. 2012/115, art. 2

**Registration of stakeholder pension schemes**

4.—(1) The Authority shall keep a register of stakeholder pension schemes.

(2) Subject to paragraph (3), the Authority shall register a pension scheme under this Article if the trustees of the scheme, or any person or persons prescribed in relation to the scheme—

- (a) make an application for the purpose and pay such fee as the Authority may determine; and
- (b) declare that each of the following is fulfilled in relation to the scheme, namely—
  - (i) the conditions set out in paragraphs (2) [<sup>F11</sup>to (9)] of Article 3; and
  - (ii) such other conditions as may be prescribed under paragraph (1) of that Article.

(3) Where the Authority are satisfied on reasonable grounds that any of those conditions is not fulfilled in relation to a pension scheme, the Authority may [<sup>F12</sup>by direction]

- (a) refuse to register the scheme; or
- (b) where the scheme is registered under this Article, remove it from the register.

(4) [<sup>F12</sup>Article 10 of the Pensions Order (civil penalties) applies to any trustee of a pension scheme which is or has been registered under this Article, and] to any person prescribed in relation to such a scheme, if—

- (a) he fails to take all such steps as are reasonable to secure that each of those conditions is fulfilled in relation to the scheme or (as the case may be) while the scheme was so registered he failed to take all such steps as were reasonable to secure that each of those conditions was so fulfilled; or
- (b) where the scheme was registered on his application, any of those conditions was not fulfilled in relation to the scheme at the time of the application.

*Para. (5) rep. by 2005 NI 1*

(6) The Department may by regulations make provision—

- (a) for the register, or extracts from the register, or for copies of the register or of extracts from the register, to be open to inspection by, and
- (b) for copies of the register, or of extracts from it, to be supplied to,

such persons, in such manner, at such times, on payment of such fees, and subject to such other terms and conditions, as may be prescribed.

<b>F11</b>	Words in <a href="#">art. 4(2)(b)(i)</a> substituted (having effect as from 6.4.2012) by <a href="#">Pensions Act (Northern Ireland) 2008 (c. 1)</a> , ss. 13(4), 21(1), <a href="#">Sch. 4 para. 38</a> (with <a href="#">Sch. 4 Pt. 3</a> ); S.R. 2012/115, art. 2
<b>F12</b>	<a href="#">2005 NI 1</a>

**Duty of employers to facilitate access to stakeholder pension schemes**

5.—(1) Except in so far as regulations otherwise provide, it shall be the duty of an employer of relevant employees to comply with <sup>F13</sup>the requirement in paragraph (5)] .

<sup>F14</sup>(1A) A relevant employee, in relation to an employer, is an employee of the employer who, on the relevant date, satisfies the conditions in paragraph (1B).

(1B) The conditions are that—

- (a) the employee is a member of a stakeholder pension scheme;
- (b) the employee made a request under paragraph (5) before the relevant date and that request has not been withdrawn;
- (c) the employee pays contributions (which are deducted in accordance with that request) to the scheme at regular intervals;
- (d) at least one deduction has been made before the relevant date in accordance with that request.

(1C) A person ceases to be a relevant employee—

- (a) on ceasing to be employed by the employer;
- (b) on withdrawing a request under paragraph (5);
- (c) on ceasing to pay contributions at regular intervals.]

<sup>F15</sup>(2) .....

<sup>F15</sup>(3) .....

<sup>F15</sup>(4) .....

(5) The <sup>F16</sup>... requirement is that, subject to such exceptions and qualifications as may be prescribed, the employer shall, if he is requested to do so by a relevant employee <sup>F17</sup>...—

- (a) deduct the employee's contributions to the <sup>F18</sup>stakeholder pension scheme] from his remuneration; and
- (b) pay them to the trustees or managers of the scheme or, if regulations so provide, to a prescribed person.

<sup>F19</sup>(5A) That requirement only applies in relation to a request to make deductions made before the relevant date (whether or not that request is varied after that date).]

<sup>F20</sup>(6) .....

(7) Article 10 of the Pensions Order (civil penalties) applies to an employer who fails to comply with <sup>F21</sup>the requirement] set out above.

(8) An employer is not, <sup>F22</sup>while subject to the requirement in paragraph (5)] , under any duty—

- (a) to make any enquiries, or act on any information, about the scheme for any purpose not connected with—
  - (i) ascertaining whether the scheme is for the time being registered under Article 4,