



# **Pensions (No. 2) Act (Northern Ireland) 2008**

## CHAPTER 13

### PENSIONS (NO. 2) ACT (NORTHERN IRELAND) 2008

#### PART 1

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

#### CHAPTER 1

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1. Jobholders

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*Status: This is the original version (as it was originally enacted).*

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PART 1 — REVALUATION OF ACCRUED PENSION BENEFITS

*Amendments to Schedule 2 to the Pension Schemes (Northern Ireland) Act 1993*

1. This Part makes amendments to Schedule 2 to the Pension...
2. In paragraph 1 (the final salary method), for sub-paragraphs (1)...
3. (1) Paragraph 2 (the revaluation percentage and the appropriate revaluation...

PART 2 — REVALUATION OF ACCRUED AMOUNTS ETC.

*Amendments to Schedule 6 to the 2005 Order*

4. This Part makes amendments to Schedule 6 to the 2005...
5. (1) Paragraph 12 (active members who have not attained normal...
6. (1) Paragraph 17 (deferred members who have not attained normal...
7. In paragraph 29 (Board's powers to alter rates of revaluation...

PART 3 — CONSEQUENTIAL AMENDMENTS

8. In Article 51ZA of the 1995 Order (meaning of "the...
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SCHEDULE 2 — ADDITIONAL PENSION CONSOLIDATION

SCHEDULE 3 — ADDITIONAL STATE PENSION ETC.: MINOR AND  
CONSEQUENTIAL AMENDMENTS

*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

1. The Contributions and Benefits Act is amended as follows.
2. In section 21(5A)(c) (contribution conditions) after “5(2)(b) and (4)(a)” insert...
3. In section 39(1) (rate of widowed mother’s allowance and widow’s...
4. (1) Section 39C (rate of widowed parent’s allowance and bereavement...
5. (1) After section 45 (additional pension in Category A retirement...
6. (1) Section 46 (modifications of section 45 for calculating the...
7. In section 48A(4) (Category B retirement pension for married person)—...
8. In section 48B(2) (Category B retirement pension for widows and...
9. (1) Section 48BB (Category B retirement pension: entitlement by reference...
10. In section 48C(4) (Category B retirement pension: general) for “and...
11. In section 51(2) and (3) (Category B retirement pension for...
12. (1) Schedule 4B (additional pension: accrual rates for purposes of...
13. In Schedule 7 (industrial injuries benefits) in paragraph 3(3) after...

*The Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

14. After section 130AA of the Social Security Administration (Northern Ireland)...

*The Pension Schemes (Northern Ireland) Act 1993 (c. 49)*

15. The Pension Schemes Act is amended as follows.
16. (1) Section 42 (effect of entitlement to guaranteed minimum pensions...
17. (1) Section 43 (further provisions concerning entitlement to guaranteed minimum...
18. In section 44(2) (reduced benefits where minimum payments or minimum...
19. In section 45(b) (women, married women and widows) after “42(1),”...



20. In section 160(5) (Crown employment) after “42(1),” insert “42A(2),”.
21. In section 161(2)(b) (cases with a foreign element) after “those...”
22. (1) In section 163(4) (application of provisions relating to social...

SCHEDULE 4 — PENSION COMPENSATION PAYABLE ON  
DISCHARGE OF PENSION COMPENSATION  
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*Introductory*

1. This Schedule applies for the purposes of determining the compensation...

*Interpretation*

2. In this Schedule— “the initial annual rate of compensation” is...

*Pension compensation age*

3. (1) This paragraph applies for the purpose of determining the...

PART 2 — TRANSFEREE ATTAINS PENSION  
COMPENSATION AGE BEFORE OR ON TRANSFER  
DAY

*Compensation payable to transferee*

4. (1) Compensation is payable in accordance with this paragraph where...

*Compensation payable to widow, widower or surviving civil partner*

5. (1) This paragraph applies where— (a) the transferee dies after...

PART 3 — TRANSFEREE ATTAINS PENSION  
COMPENSATION AGE AFTER TRANSFER DAY

*Compensation payable to transferee*

6. (1) Compensation is payable in accordance with this paragraph where...

*Status: This is the original version (as it was originally enacted).*

*Compensation payable to widower, widow or surviving civil partner*

7. (1) This paragraph applies where— (a) the transferee dies after...

*Revaluation*

8. (1) This paragraph applies for the purpose of calculating the...

*Commutation of periodic compensation*

9. (1) A transferee who is entitled to periodic compensation under...

*Early payment of compensation*

10. (1) Regulations may prescribe circumstances in which, and conditions subject...

*Deferral of compensation*

11. (1) Regulations may prescribe circumstances in which, and conditions subject...

*Terminal illness lump sum: eligibility*

12. (1) This paragraph applies where all of the following conditions...

*Terminal illness lump sum: application and evidence*

13. An application for a terminal illness lump sum—

*Terminal illness lump sum: determination of application*

14. (1) The Board must determine an application for a terminal...

*Terminal illness lump sum: effect of successful application*

15. (1) If the Board grants an application for a terminal...

*Terminal illness lump sum: information*

16. (1) Relevant information held by the Department or the Secretary...

**PART 4 — PROVISIONS APPLICABLE IRRESPECTIVE OF AGE OF TRANSFEREE ON TRANSFER DAY**

*Annual increase in periodic compensation*

17. (1) This paragraph provides for annual increases to compensation payable...

*Compensation cap*

18. (1) The Department may by regulations make provision for restricting...

*Compensation in form of dependant's benefits*

19. (1) The Department may by regulations make provision for compensation...

*Board's power to alter rates of revaluation and indexation*

20. (1) The Board may determine the percentage that is to...

SCHEDULE 5 — PENSION COMPENSATION ON DIVORCE ETC.

PART 1 — AMENDMENTS OF THE MATRIMONIAL CAUSES  
(NORTHERN IRELAND) ORDER 1978

1. The Matrimonial Causes (Northern Ireland) Order 1978 (NI 15) is...
2. After Article 23A (pension sharing orders) insert— Pension compensation sharing...
3. After Article 26C (pension sharing orders: apportionment of charges) insert—...
4. (1) Article 27 (matters to which court is to have...
5. In Article 27A(1) (exercise of court's powers in favour of...
6. In Article 27E(9) (the Pension Protection Fund) omit the definition...
7. After Article 27E insert— Attachment of pension compensation (1) This Article applies where, having regard to any PPF...
8. (1) Article 33 (variation, discharge etc. of certain orders for...
9. After Article 42A (appeals relating to pension sharing orders which...

PART 2 — AMENDMENTS OF THE MATRIMONIAL AND  
FAMILY PROCEEDINGS (NORTHERN IRELAND)  
ORDER 1989

10. The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (NI...
11. In Article 21 (orders for financial provision and property adjustment)...
12. In Article 22(7) (matters to which court is to have...
13. (1) Article 25 (application of certain provisions of Part 3...

PART 3 — AMENDMENTS OF THE CIVIL PARTNERSHIP ACT  
2004

14. The Civil Partnership Act 2004 (c. 33) is amended as...
15. After Part 3 of Schedule 15 (pension sharing orders on...

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16. (1) Part 4 of Schedule 15 (matters to which court...
17. (1) Part 6 of Schedule 15 (pension protection fund compensation...
18. (1) Part 10 of Schedule 15 (variation, discharge etc. of...
19. In Part 13 of Schedule 15 (miscellaneous and supplementary) after...
20. (1) In Schedule 17 (financial relief in Northern Ireland after...

#### SCHEDULE 6 — AMENDMENTS OF SCHEDULE 6 TO THE 2005 ORDER

1. Schedule 6 to the 2005 Order (pension compensation provisions) is...
2. In paragraph 3(6), at the end, add “to the scheme”....
3. In paragraph 5(5), at the end, add “to the scheme”....
4. In paragraph 11(8), after paragraph (b) insert—
5. In paragraph 13, after sub-paragraph (3) insert—
6. In paragraph 14(9), after paragraph (a) insert—
7. In paragraph 15(6), after paragraph (a) insert—
8. In paragraph 18, after sub-paragraph (3) insert—
9. In paragraph 19(8), after “This paragraph is subject to—” insert—...
10. In paragraph 21(1) for “15, 18 and 19” substitute “15...
11. For paragraph 21(2)(b) and (c) substitute— (c) for paragraph 15(5)...
12. In paragraph 25(3), after “before that person attains normal pension...
13. After paragraph 25 insert— Deferral of compensation (1) Regulations may prescribe circumstances in which, and conditions subject...
14. After paragraph 25A (inserted by paragraph 13) insert— Terminal illness...
15. In paragraph 33 make the existing provision sub-paragraph (1) and...
16. In paragraph 34(1) after “ill health” insert “or otherwise”.
17. For paragraph 35(2)(a) substitute— (a) in the case of a...
18. For paragraph 35(3) substitute— (3) This sub-paragraph applies to a...

#### SCHEDULE 7 — ADDITIONAL PENSION: CONSEQUENTIAL AMENDMENTS

*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

1. The Contributions and Benefits Act is amended as follows.
2. In section 22 (earnings factors), after subsection (8) add—

3. (1) Section 23 is amended as follows.
4. (1) Section 44A (deemed earnings factors) is amended as follows...
5. In section 44B(2)(a) (deemed earnings factors: 2010–11 onwards), for “the...
6. (1) Paragraph 1 of Schedule 1 (Class 1 contributions where...

*The Pension Schemes (Northern Ireland) Act 1993 (c. 49)*

7. The Pension Schemes Act is amended as follows.
8. (1) Section 4 (meaning of “contracted-out employment” etc.) is amended...
9. In section 8B(7) (contracted-out pension scheme: reference scheme), in the...
10. (1) Section 37 (reduced rates of Class 1 contributions for...
11. (1) In section 38A(1) (reduced rates of Class 1 contributions,...
12. (1) In section 41(1) (personal pensions: amount of minimum contributions),...
13. (1) Paragraph 2 of Schedule 3 (priority in bankruptcy etc.:...

SCHEDULE 8 — CONTRIBUTION NOTICES AND FINANCIAL SUPPORT DIRECTIONS UNDER 2005 ORDER

*Introduction*

1. The 2005 Order is amended as follows.

*Contributions notices: material detriment test*

2. (1) In Article 34(5)(a) (main purpose or one of main...
3. In Article 85(2) (the matters in relation to which the...
4. In Article 91 (standard procedure), after paragraph (1) insert—
5. In Article 288(3) (orders and regulations under Order that are...

*Contribution notices: acting or failing to act otherwise than in good faith*

6. In Article 34(5) (acts or failures to act in relation...

*Whether reasonable for Pensions Regulator to issue contribution notice*

7. (1) Article 34 (contribution notices where avoidance of employer debt)...

*Contribution notices: series of acts or failures to act*

8. (1) In Article 34 (contribution notices where avoidance of employer...

*Status: This is the original version (as it was originally enacted).*

*Contribution notices and financial support directions: bulk transfers*

9. After Article 35 (the sum specified in an Article 34...
10. After Article 39 (financial support directions) insert—  
Financial support directions:...
11. In Article 279(2) (overriding requirements)— (a) after sub-  
paragraph (d) insert—...
12. In Article 288(3) (orders and regulations under Order that are...
13. In Part 4 of Schedule 2 (the reserved regulatory functions...

*Financial support directions: meaning of “insufficiently resourced”*

14. (1) In Article 40(3) (meaning of “insufficiently resourced”), for  
sub-paragraph...

*Effect of amendments made by this Schedule*

15. (1) The amendments made by paragraphs 2, 6 and 7...

*Transitional provision*

16. (1) In the case of the first set of regulations...

**SCHEDULE 9 — INTEREST ON LATE PAYMENT OF LEVIES**

*The Pension Schemes (Northern Ireland) Act 1993 (c. 49)*

1. After section 170 of the Pension Schemes Act (levies  
towards...

*The Pensions (Northern Ireland) Order 2005 (NI 1)*

2. The 2005 Order is amended as follows.
3. After Article 103 (PPF administration levy) insert—  
Administration levy: interest...
4. After Article 164 (calculation, collection and recovery of  
levies) insert—...
5. After Article 171 (fraud compensation levy) insert— Fraud  
compensation levy:...
6. In Article 191 (the PPF Ombudsman) at the end add—...

**SCHEDULE 10 — REPEALS**

**PART 1 — PENSION SCHEME MEMBERSHIP FOR  
JOBHOLDERS**

**PART 2 — SAFEGUARDED RIGHTS**

**PART 3 — CONTRACTING-OUT: ABOLITION OF ALL  
PROTECTED RIGHTS**

**PART 4 — PENSION COMPENSATION**

PART 5 — MISCELLANEOUS  
PART 6 — ADDITIONAL PENSIONS