

SCHEDULES

SCHEDULE 1

Article 8.

APPLICATION OF THE PENSION SCHEMES ACT AND THE PENSIONS ORDER TO REGISTERED SCHEMES

1.—(1) The provisions specified in sub-paragraph (2) shall apply as if any pension scheme established under a trust which—

- (a) is not an occupational pension scheme; but
- (b) is or has been registered under Article 4,

were an occupational pension scheme.

(2) The provisions are—

Head (a) rep. by 2005 NI 1

(b) the following provisions of Part II of the Pensions Order—

- (i) Articles 3 to 11^{F1} . . . and 15 (supervision by the Authority)^{[F1} except Articles 7(5A) (b), 8(1)(a) and (c) and (2), 11(3A) and (3B) and 15(1)];
- (ii) Articles 27 to^{[F1} 30] (trustees: general);
- (iii) Articles 32 to 36 and 39 (functions of trustees)^{F1} . . . ;
- (iv) Article 41 (functions of trustees or managers);
- ^{[F1}(v) Article 47 (professional advisers);]
- (vi) Article 49 (receipts, payment and records) except paragraphs (5) and (8) to (13);
- (vii) ^{F2}Article 50 (resolution of disputes);
- (viii) Article 68 (power of trustees to modify scheme by resolution) except paragraph (3);
Sub Head (ix) rep. by 2005 NI 1
- (x) Articles 89, 90 and 92 (assignment and forfeiture etc.) except Article 89(5)(d);
Sub Head (xi)#(xiii) rep. by 2005 NI 1
- (xiv) Article 114 (overriding requirements); and
- (xv) Articles 121 and 122 (interpretation). ^{[F3}; and

(c) the following provisions of the Pensions (Northern Ireland) Order 2005—

- (i) Article 2 (interpretation);
- (ii) Article 62 (accessibility of register of prohibited trustees);
- (iii) Chapters 4 and 5 of Part III (fraud compensation and information gathering); and
- (iv) Articles 224 to 226 (requirements for knowledge and understanding).]

(3) Article 47(9) of the Pensions Order (as applied by sub-paragraph (1)) shall have effect as if the reference to any person who is or has been the employer were a reference to any person who, in pursuance of Article 5(5), is or has been required—

- (a) to deduct an employee's contributions to the scheme from his remuneration; and
- (b) to pay them to the trustees or managers of the scheme or to a prescribed person.

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 16 June 2024. 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*

(4) Article 68 of the Pensions Order (as so applied) shall have effect as if the purposes specified in paragraph (2) of that Article included enabling the conditions set out in Article 3 to be fulfilled in relation to the scheme.

(5) Article 121(1) of the Pensions Order^[F1], and Article 2(2) of the Pensions (Northern Ireland) Order 2005,] (as so applied) shall have effect as if the definition of “member” were omitted.

[^{F1}(6) Chapters 4 and 5 of Part III of the Pensions (Northern Ireland) Order 2005 (as so applied) shall have effect with such modifications as the Department may prescribe by regulations.]

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| <p>F1 2005 NI 1</p> <p>F2 prosp. subst. by 2005 NI 1</p> <p>F3 Sch. 1 para. 1(2)(c) and preceding words inserted (30.6.2005 for certain purposes, 1.9.2005 for certain purposes, otherwise 6.4.2006) by Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), arts. 1(2), 290(1), Sch. 10 para. 70(3); S.R. 2005/321, art. 2(12)(16), Sch. Pt. 3; S.R. 2005/411, art. 2(4), Sch. Pt. 1; S.R. 2006/95, art. 2(c), Sch. Pt. 3</p> |
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Paras. 2, 3 rep. by 2005 NI 1

Schedule 2—Amendments

Schedule 3—Amendments

Schedule 4—Amendments

SCHEDULE 5

Article 32.

PENSION CREDITS: MODE OF DISCHARGE

Modifications etc. (not altering text)

- C1** Sch. 5 modified (1.8.2006) by Pension Protection Fund (Pension Sharing) Regulations (Northern Ireland) 2006 (S.R. 2006/282), reg. 2(2)(d)

Funded pension schemes

1.—(1) This paragraph applies to a pension credit which derives from—

- (a) a funded occupational pension scheme, or
- (b) a personal pension scheme.

(2) The trustees or managers of the scheme from which a pension credit to which this paragraph applies derives may discharge their liability in respect of the credit by conferring appropriate rights under that scheme on the person entitled to the credit—

- (a) with his consent, or
- (b) in accordance with regulations made by the Department.

(3) The trustees or managers of the scheme from which a pension credit to which this paragraph applies derives may discharge their liability in respect of the credit by paying the amount of the credit to the person responsible for a qualifying arrangement with a view to acquiring rights under that arrangement for the person entitled to the credit if—

- (a) the qualifying arrangement is not disqualified as a destination for the credit,
- (b) the person responsible for that arrangement is able and willing to accept payment in respect of the credit, and
- (c) payment is made with the consent of the person entitled to the credit, or in accordance with regulations made by the Department.

(4) For the purposes of sub-paragraph (2), no account is to be taken of the consent of the person entitled to the pension credit unless—

- (a) it is given after receipt of notice in writing of an offer to discharge liability in respect of the credit by making a payment under sub-paragraph (3), or
- (b) it is not withdrawn within 7 days of receipt of such notice.

Unfunded public service pension schemes

2.—(1) This paragraph applies to a pension credit which derives from an occupational pension scheme which is—

- (a) not funded, and
- (b) a public service pension scheme.

(2) The trustees or managers of the scheme from which a pension credit to which this paragraph applies derives may discharge their liability in respect of the credit by conferring appropriate rights under that scheme on the person entitled to the credit.

(3) If such a scheme as is mentioned in sub-paragraph (1) is closed to new members, the appropriate authority in relation to that scheme may by regulations specify another public service pension scheme as an alternative to it for the purposes of this paragraph.

(4) Where the trustees or managers of a scheme in relation to which an alternative is specified under sub-paragraph (3) are subject to liability in respect of a pension credit, they may—

- (a) discharge their liability in respect of the credit by securing that appropriate rights are conferred on the person entitled to the credit by the trustees or managers of the alternative scheme, and
- (b) for the purpose of so discharging their liability, require the trustees or managers of the alternative scheme to take such steps as may be required.

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(5) In sub-paragraph (3), “the appropriate authority”, in relation to a public service pension scheme, means such Minister of the Crown or government department as may be designated by the Treasury or the Department of Finance and Personnel as having responsibility for the scheme.

Other unfunded occupational pension schemes

3.—(1) This paragraph applies to a pension credit which derives from an occupational pension scheme which is—

- (a) not funded, and
- (b) not a public service pension scheme.

(2) The trustees or managers of the scheme from which a pension credit to which this paragraph applies derives may discharge their liability in respect of the credit by conferring appropriate rights under that scheme on the person entitled to the credit.

(3) The trustees or managers of the scheme from which a pension credit to which this paragraph applies derives may discharge their liability in respect of the credit by paying the amount of the credit to the person responsible for a qualifying arrangement with a view to acquiring rights under that arrangement for the person entitled to the credit if—

- (a) the qualifying arrangement is not disqualified as a destination for the credit,
- (b) the person responsible for that arrangement is able and willing to accept payment in respect of the credit, and
- (c) payment is made with the consent of the person entitled to the credit, or in accordance with regulations made by the Department.

Other pension arrangements

4.—(1) This paragraph applies to a pension credit which derives from—

- (a) a retirement annuity contract,
- (b) an annuity or insurance policy purchased or transferred for the purpose of giving effect to rights under an occupational pension scheme or a personal pension scheme, or
- (c) an annuity purchased, or entered into, for the purpose of discharging liability in respect of a pension credit.

(2) The person responsible for the pension arrangement from which a pension credit to which this paragraph applies derives may discharge his liability in respect of the credit by paying the amount of the credit to the person responsible for a qualifying arrangement with a view to acquiring rights under that arrangement for the person entitled to the credit if—

- (a) the qualifying arrangement is not disqualified as a destination for the credit,
- (b) the person responsible for that arrangement is able and willing to accept payment in respect of the credit, and
- (c) payment is made with the consent of the person entitled to the credit, or in accordance with regulations made by the Department.

(3) The person responsible for the pension arrangement from which a pension credit to which this paragraph applies derives may discharge his liability in respect of the credit by entering into an annuity contract with the person entitled to the credit if the contract is not disqualified as a destination for the credit.

(4) The person responsible for the pension arrangement from which a pension credit to which this paragraph applies derives may, in such circumstances as the Department may prescribe by

regulations, discharge his liability in respect of the credit by assuming an obligation to provide an annuity for the person entitled to the credit.

(5) In sub-paragraph (1)(c), “pension credit” includes a credit under section 29(1)(b) of the Welfare Reform Act.

Appropriate rights

5. For the purposes of this Schedule, rights conferred on the person entitled to a pension credit are appropriate if—

- (a) they are conferred with effect from, and including, the day on which the order, or provision, under which the credit arises takes effect, and
- (b) their value, when calculated in accordance with regulations made by the Department, equals the amount of the credit.

Qualifying arrangements

6.—(1) The following are qualifying arrangements for the purposes of this Schedule—

- (a) an occupational pension scheme,
- (b) a personal pension scheme,
- (c) an appropriate annuity contract,
- (d) an appropriate policy of insurance, and
- (e) an overseas arrangement within the meaning of the Contracting-out (Transfer and Transfer Payment) Regulations (Northern S.R. 1996/618. Ireland) 1996.

(2) An annuity contract or policy of insurance is appropriate for the purposes of sub-paragraph (1) if, at the time it is entered into or taken out, the^[F4] insurer] with which it is entered into or taken out—

- (a) is carrying on^{F4} . . . long-term insurance business in the United Kingdom ^{F5} . . . , and
- (b) satisfies such requirements as the Department may prescribe by regulations.

^[F4](3) "Insurer" and "long-term insurance business" have the meaning given in section 175A of the Pension Schemes Act.]

<p>F4 SI 2001/3649</p> <p>F5 Words in Sch. 5 para. 6(2)(a) omitted (31.12.2020) by virtue of The Occupational and Personal Pension Schemes (Amendment etc.) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/193), regs. 1, 4(2); 2020 c. 1, Sch. 5 para. 1(1)</p>

Disqualification as destination for pension credit

7.—(1) If a pension credit derives from a pension arrangement which is ^[F6]a registered pension scheme under section 153 of the Finance Act 2004,] an arrangement is disqualified as a destination for the credit unless—

- (a) it is also ^[F7]registered] for those purposes, or
- (b) it satisfies such requirements as the Department may prescribe by regulations.

(2) ^{F8}

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(3) An occupational pension scheme is disqualified as a destination for a pension credit unless the rights to be acquired under the arrangement by the person entitled to the credit are rights whose value, when calculated in accordance with regulations made by the Department, equals the credit.

(4) An annuity contract or insurance policy is disqualified as a destination for a pension credit in such circumstances as the Department may prescribe by regulations.

(5) The requirements which may be prescribed under sub-paragraph (1)(b) include, in particular, requirements of the Inland Revenue.

(6) ^{F9}

F6	Words in Sch. 5 para. 7(1) substituted (6.4.2006) by Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745) , art. 16(5)(a)
F7	Word in Sch. 5 para. 7(1)(a) substituted (6.4.2006) by Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745) , art. 16(5)(b)
F8	Sch. 5 para. 7(2) repealed (6.4.2009) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13) , ss. 116, 118(1), Sch. 10 Pt. 2 ; S.R. 2009/22, art. 2(2)(d)
F9	Sch. 5 para. 7(6) repealed (6.4.2009) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13) , ss. 116, 118(1), Sch. 10 Pt. 2 ; S.R. 2009/22, art. 2(2)(d)

Adjustments to amount of pension credit

8.—(1) If—

- (a) a pension credit derives from an occupational pension scheme,
- (b) the scheme is one to which^{F10} Part IV of the Pensions (Northern Ireland) Order 2005 (scheme funding)] applies,
- (c) the scheme is underfunded on the valuation day, and
- (d) such circumstances as the Department may prescribe by regulations apply,

paragraph 1(3) shall have effect in relation to the credit as if the reference to the amount of the credit were to such lesser amount as may be determined in accordance with regulations made by the Department.

(2) Whether a scheme is underfunded for the purposes of sub-paragraph (1)(c) shall be determined in accordance with regulations made by the Department.

(3) For the purposes of that provision, the valuation day is the day by reference to which the cash equivalent on which the amount of the pension credit depends falls to be calculated.

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9. If—

- (a) a person's shareable rights under a pension arrangement have become subject to a pension debit, and
- (b) the person responsible for the arrangement makes a payment which is referable to those rights without knowing of the pension debit,

this Schedule shall have effect as if the amount of the corresponding pension credit were such lesser amount as may be determined in accordance with regulations made by the Department.

10. The Department may by regulations make provision for paragraph 1(3), 3(3) or 4(2) to have effect, where payment is made after the end of the implementation period for the pension credit,

as if the reference to the amount of the credit were to such larger amount as may be determined in accordance with the regulations.

General

11. Liability in respect of a pension credit shall be treated as discharged if the effect of paragraph 8(1) or 9 is to reduce it to zero.

12. Liability in respect of a pension credit may not be discharged otherwise than in accordance with this Schedule.

13. Regulations under paragraph 5(b) or 7(3) may provide for calculation of the value of rights in accordance with guidance from time to time prepared by a person specified in the regulations.

[^{F11}**13A.** The provisions of this Schedule are subject to—

- (a) Article 73A(3) and (6) of the Pensions Order (prohibition on new members during winding up of scheme: exception for discharge of pension credit derived from the scheme), and
- (b) Article 117(2) and (8) of the Pensions (Northern Ireland) Order 2005 (prohibition on new members during an assessment period in relation to a scheme: exception for discharge of pension credit derived from the scheme).]

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14. In this Schedule—

“funded”, in relation to an occupational pension scheme, means that the scheme meets its liabilities out of a fund accumulated for the purpose during the life of the scheme;

“public service pension scheme” has the same meaning as in the Pension Schemes Act.

Schedule 6—Amendments

Schedule 7—Amendments

Schedule 8—Amendments

Schedule 9—Amendments

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Schedule 10—Repeals

Changes to legislation:

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View outstanding changes

Changes and effects yet to be applied to :

- Sch. 2 para. 4 and cross-heading repealed by [2008 c. 1 \(N.I.\) Sch. 6 Pt. 6](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 5 para. 7(6) word substituted by [2008 c. 1 \(N.I.\) Sch. 4 para. 39\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 7(6) repealed (6.4.2009) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), ss. 116, 118(1), Sch. 10 Pt. 2; S.R. 2009/22, art. 2(2)(d))
- Sch. 5 para. 7(6) words inserted by [2008 c. 1 \(N.I.\) Sch. 4 para. 39\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 7(6) repealed (6.4.2009) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), ss. 116, 118(1), Sch. 10 Pt. 2; S.R. 2009/22, art. 2(2)(d))
- Sch. 5 para. 7(6) words repealed by [2008 c. 1 \(N.I.\) Sch. 4 para. 39\(a\) Sch. 6 Pt. 6](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 7(6) repealed (6.4.2009) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), ss. 116, 118(1), Sch. 10 Pt. 2; S.R. 2009/22, art. 2(2)(d))
- Sch. 5 para. 7(6) words repealed by [2008 c. 1 \(N.I.\) Sch. 6 Pt. 6](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 7(6) repealed (6.4.2009) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), ss. 116, 118(1), Sch. 10 Pt. 2; S.R. 2009/22, art. 2(2)(d))
- Sch. 7 para. 3(2)(3) repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 7 para. 3(4)(b) repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 7 para. 4 repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 7 para. 5(1) repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 7 para. 8(5)-(7) repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 7 para. 13 repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 7 para. 14 repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 7 para. 15 repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 7 para. 15 repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- Sch. 7 para. 9 repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 7 para. 1314 repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 8 para. 19-24 repealed by [2007 c. 2 \(N.I.\) Sch. 8](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 8 para. 25 repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 2](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 8 para. 26 repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 8 para. 27(3) repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))

- Sch. 8 para. 27(5)(6) repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 8 para. 27(4)(5) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- Sch. 8 para. 27(7) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- Sch. 8 para. 27(3)(b) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 8 para. 27(5) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 8 para. 32(2)(c) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 9](#)
- Sch. 9 para. 20(3) omitted by [2016 c. 1 \(N.I.\) Sch. 1 para. 11\(a\)](#)
- Sch. 9 para. 61 repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 9 para. 5556 repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- Sch. 9 para. 58 repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- Sch. 9 para. 59 repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- Sch. 9 para. 61 repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- art. 3(5) word substituted by [2021 c. 1 Sch. 11 para. 15\(1\)\(a\)](#)
- art. 3(5) words inserted by [2021 c. 1 Sch. 11 para. 15\(1\)\(b\)](#)
- art. 35(2A)(a) substituted by [2016 c. 1 \(N.I.\) Sch. 2 para. 19](#)
- art. 54 repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- art. 55 repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- art. 57 repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#)
- art. 58-61 repealed by [2007 c. 2 \(N.I.\) Sch. 8](#)
- art. 64 repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 8](#)
- art. 69(3)(a) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- art. 69(3)(b) repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#)
- art. 69(3)(b) word repealed by [2007 c. 2 \(N.I.\) Sch. 8](#)
- art. 69(3)(d) and word added by [2007 c. 2 \(N.I.\) Sch. 3 para. 12](#)
- art. 73(6)(7) words repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#)