



# Pension Schemes (Northern Ireland) Act 1993

## 1993 CHAPTER 49

### PART V

#### ANNUAL INCREASES OF PENSIONS IN PAYMENT

#### CHAPTER II

#### GUARANTEED MINIMUM PENSIONS

#### 105 Annual increase of guaranteed minimum pensions.

- (1) Whenever the Secretary of State makes an order under section 109 of the <sup>M1</sup>Pension Schemes Act 1993 specifying a percentage by which there is to be an increase of the rate of that part of guaranteed minimum pensions which is attributable to earnings factors for [<sup>F1</sup>the tax years in the relevant period as defined in that section] for—
  - (a) earners who have attained pensionable age; and
  - (b) widows and widowers,the Department may make a corresponding order for Northern Ireland.
- (2) Where the benefits mentioned in section 42(1) to (7) are not increased on the day on which an order under this section takes effect, the order shall be treated for the purposes of that section as not taking effect until the day on which those benefits are next increased.

#### Textual Amendments

- F1** Words in s. 105(1) substituted (4.2.1997) by [S.I. 1995/3213 \(N.I. 22\)](#), [art. 55](#) (with [art. 118\(5\)\(6\)](#)); [S.R. 1997/37](#), [art. 2](#)

*Status: Point in time view as at 24/02/2003.*

*Changes to legislation: Pension Schemes (Northern Ireland) Act 1993, Chapter II is up to date with all changes known to be in force on or before 15 July 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)*

**Marginal Citations**

**M1** 1993 c. 48.

**106 Requirement as to resources for annual increase of guaranteed minimum pensions.**

- (1) Except as permitted by [<sup>F2</sup>Article 53 of the Pensions (Northern Ireland) Order 1995], the trustees or managers of a scheme may not make an increase in a person’s pension which is required by virtue of section 105 out of money which would otherwise fall to be used for the payment of benefits under the scheme to or in respect of that person unless—
  - (a) the payment is to an earner in respect of the tax year in which he attains pensionable age and the increase is the one required to be made in the next tax year; or
  - (b) the payment is to a person as the widow or widower of an earner who died before attaining pensionable age and is in respect of the tax year in which the person became a widow or widower, and the increase is the one required to be made in the next tax year.

<sup>F3</sup>(2) .....

<sup>F3</sup>(3) .....

<sup>F3</sup>(4) .....

**Textual Amendments**

**F2** Words in s. 106(1) substituted (6.4.1997) by S.I. 1995/3213 (N.I. 22), **art. 53(4)(b)**; S.R. 1997/192, **art. 2(b)**

**F3** S. 106(2)-(4) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 53(4)(a), 168, **Sch. 5 Pt. I** (with art. 118(5)(6)); S.R. 1997/192, **art. 2(b)**

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