



Pension Schemes (Northern Ireland) Act 1993

1993 CHAPTER 49

PART XI

GENERAL AND MISCELLANEOUS PROVISIONS

Modification powers

149 Power to modify certain provisions of this Act

- (1) The Department may by regulations direct that Chapters II, III and IV of Part IV and Chapter I of Part V (except section 104) shall have effect, in such cases as it may specify in the regulations, subject to such modifications as it may specify.
- (2) Regulations may modify Chapter I of Part IV—
 - (a) in its application to cases where an earner is for the time being, or has been, employed in pensionable service under, or in contracted-out employment by reference to, different schemes applying to the same employment;
 - (b) in such manner as the Department thinks fit for securing that the preservation requirements include requirements for provision to be made in a scheme as to the preservation of a member's benefit in the event of the scheme being wound up;
 - (c) without prejudice to paragraph (a) or (b), so that the preservation requirements apply with such modifications and exceptions as the Department considers to be necessary for particular cases or classes of case;and regulations under paragraph (a) may relate to service under or, as the case may be, by reference to different schemes at the same time, or at different times.
- (3) Regulations may provide for the equal access requirements to apply, whether to an occupational pension scheme or to terms of employment relating to membership of it, or to both, with such modifications and exceptions as the Department considers necessary for particular cases or classes of case.

Status: This is the original version (as it was originally enacted).

- (4) Subsection (5) of section 114 applies to subsection (3) as if it were in that section.
- (5) The Department may make regulations modifying Chapter I of Part VII, section 125 (so far as it applies to that Chapter) or section 140, in their application—
 - (a) to any occupational pension scheme which applies to earners in employments under different employers;
 - (b) to any occupational pension scheme of which there are no members who are in pensionable service under the scheme;
 - (c) to any case where a partnership is the employer, or one of the employers, in relation to an occupational pension scheme; or
 - (d) in the case of regulations modifying section 140, to any case where the assets and liabilities of the scheme are transferred to another occupational pension scheme.
- (6) Regulations may also provide that sections 115 to 118 and section 125 (so far as it applies to those sections) shall not apply in relation to an occupational pension scheme of a prescribed description.
- (7) Regulations may modify the provisions of section 140 in any manner which the Department thinks appropriate with a view to securing the orderly implementation of those provisions and to obtaining general compliance with them.
- (8) The Department may by order provide that any enactment in Chapter II of Part VII which is specified in the order shall not apply to persons or to employments of such classes as may be prescribed in the order.

In this subsection “employments” has the same meaning as in that Chapter.

150 Application of enactments as respects personal pension schemes

- (1) Regulations may provide that any provision of this Act which relates to occupational pension schemes (other than a provision to which subsection (2) applies) shall have effect in relation to personal pension schemes subject to prescribed modifications.
- (2) This subsection applies to section 62, section 107 so far as it relates to occupational pension schemes (and Part VIII and section 149 so far as they have effect for the purposes of section 107 as it so relates), sections 113, 119 to 123, 151, 153, 156 and 157.