



Pension Schemes (Northern Ireland) Act 1993

1993 CHAPTER 49

PART XI **N.I.**

GENERAL AND MISCELLANEOUS PROVISIONS

Special classes of earner

161 Application of certain provisions to cases with foreign element. **N.I.**

- (1) Regulations may modify the provisions mentioned in subsection (2) in such manner as the Department [^{F1}or, as the case may be, the Secretary of State] thinks proper, in their application to any person who is, or has been, or is to be—
 - (a) employed on board any ship, vessel, hovercraft or aircraft;
 - (b) outside Northern Ireland at any prescribed time or in any prescribed circumstances; or
 - (c) in prescribed employment in connection with continental shelf operations.
- (2) The provisions referred to in subsection (1) are—
 - (a) [^{F2}Part III], section 107 (and Part VIII and section 149 so far as they have effect for the purposes of section 107), sections 113, 150 and 151 ^{F3}... and sections 156 and 162; and
 - (b) sections 37 and 38, subsections (1), (6) and (7) of section 42 (and subsection (8) of that section so far as it has effect for the purposes of those subsections) and sections 43(2) and (5) and 44.
- (3) Subject to subsection (4), regulations under subsection (1) may in particular provide—
 - (a) for any of those provisions to apply to any such person, notwithstanding that it would not otherwise apply;
 - (b) for any such provision not to apply to any such person, notwithstanding that it would otherwise apply;

Status: Point in time view as at 16/07/2015. This version of this provision has been superseded.

Changes to legislation: Pension Schemes (Northern Ireland) Act 1993, Section 161 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)

- (c) for excepting any such person from the application of any such provision where he neither is domiciled nor has a place of residence in any part of Northern Ireland;
 - (d) for the taking of evidence, for the purposes of the determination of any question arising under any such provision, in a country or territory outside Northern Ireland, by a British consular official or such other person as may be determined in accordance with regulations.
- (4) Subsection (3)(b) does not apply as respects the application of the provisions mentioned in subsection (2)(b) and paragraphs (a), (c) and (d) of subsection (3) do not apply as respects the application of those provisions to such persons as are mentioned in subsection (1) (b) or (c).
- (5) Without prejudice to the generality of section 149(2)(c), regulations may modify Chapter I of Part IV in relation to schemes with any overseas element, that is to say, schemes established, or relating to employment, or with parties domiciled, resident or carrying on business, in any part of the world outside the United Kingdom, or otherwise not confined in their operation to the United Kingdom.
- (6) Chapter II of Part VII and section 153 do not apply—
- (a) to employment where under his [^{F4}worker's contract the worker] ordinarily works outside the territory of the member States, or
 - (b) to employment as master or as a member of the crew of a fishing vessel where the [^{F5}worker] is remunerated only by a share in the profits or gross earnings of the vessel;
- and sections 120 and 121 do not apply to employment as a merchant seaman, but section 137 of the ^{M1}Employment Protection (Consolidation) Act 1978 (power to extend employment protection legislation) applies to Chapter II of Part VII and section 153 as it does to the legislation mentioned in section 137(1)(b) of that Act.
- (7) In this section—
- “continental shelf operations” means any activities which, if paragraphs (a) and (d) of subsection (6) of section 23 of the ^{M2}Oil and Gas (Enterprise) Act 1982 (application of civil law to certain off-shore activities) were omitted, would nevertheless fall within subsection (2) of that section;
- “employment as a merchant seaman” has the meaning given in [^{F6}Article 242(5) of the Employment Rights (Northern Ireland) Order 1996].

[^{F7}“regulations” means regulations made by the Department or, as the case may be, the Secretary of State and “prescribed” shall be construed accordingly.]

Textual Amendments

- F1** Words in s. 161(1) inserted (24.3.1999 for certain purposes and otherwise 1.4.1999) by [S.I. 1999/671](#), arts. 1(2)(b), 3(1), [Sch. 1 para. 72\(2\)](#); [S.R. 1999/149](#), art. 2(c), [Sch. 2](#)
- F2** Words in s. 161(2)(a) substituted (6.4.1997) by [S.I. 1995/3213 \(N.I. 22\)](#), art. 147, [Sch. 3 para. 58](#); [S.R. 1997/192](#), [art. 2\(b\)](#)
- F3** Words in s. 161(2)(a) omitted (6.4.2012) by virtue of [The Pensions \(2008 No. 2 Act\) \(Abolition of Protected Rights\) \(Consequential Provisions\) Order \(Northern Ireland\) 2012 \(S.R. 2012/124\)](#), arts. 1(b), [4\(20\)](#)
- F4** Words in s. 161(6)(a) substituted (16.7.2015) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), [ss. 41\(5\)\(a\)](#), [53\(1\)](#); [S.R. 2015/307](#), art. 2(1)(f)

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- F5** Word in s. 161(6)(b) substituted (16.7.2015) by Pensions Act (Northern Ireland) 2015 (c. 5), **ss. 41(5)(b)**, 53(1); S.R. 2015/307, art. 2(1)(f)
- F6** Words in the definition of “employment as a merchant seaman” in s. 161(7) substituted (24.9.1996) by S.I. 1996/1919 (N.I. 16), arts. 1(2), 255, **Sch. 1** (with 256, **Sch. 2**)
- F7** S. 161(7): Definition of “regulations” added (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 72(3)**; S.R. 1999/149, art. 2(c), **Sch. 2**

Marginal Citations

M1 1978 c. 44.

M2 1982 c. 23.

Status:

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