

*Status: Point in time view as at 30/06/2012. This version of this part contains provisions that are prospective.*  
*Changes to legislation: Pensions (No. 2) Act (Northern Ireland) 2008, PART 2 is up to date with all changes known to be in force on or before 06 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)*



## 2008 CHAPTER 13

### **PART 2**

#### **SIMPLIFICATION ETC.**

##### *Private pensions*

#### **Abolition of safeguarded rights**

**79** Part 3A of the Pension Schemes Act (safeguarded rights) ceases to have effect.

#### **Revaluation of accrued benefits etc.**

**80.**—(1) Schedule 1, which—

- (a) amends Schedule 2 to the Pension Schemes Act (methods of revaluing accrued pension benefits),
- (b) amends Schedule 6 to the 2005 Order (pension compensation provisions), and
- (c) makes consequential amendments,

has effect.

(2) The amendments made by Parts 1 and 3 of Schedule 1 do not apply in relation to a revaluation period ending before this section comes into operation.

(3) In subsection (2) “revaluation period” has the same meaning as in paragraph 2(2) of Schedule 2 to the Pension Schemes Act.

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#### Commencement Information

- II** S. 80 partly in operation; s. 80 not in operation at Royal Assent see s. 118(1); s. 80 in operation for certain purposes at 6.4.2009 by S.R. 2009/22, **art. 2(2)(c)**; s. 80(1) in operation for certain purposes at 6.4.2009 by S.R. 2009/147, **art. 3**

#### *State pensions etc.*

PROSPECTIVE

#### Consolidation of additional pension

**<sup>F1</sup>81** .....

#### Textual Amendments

- F1** S. 81 never in operation, repealed (16.7.2015) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 81(a)**; S.R. 2015/307, art. 2(1)(k)

PROSPECTIVE

#### Effect of entitlement to guaranteed minimum pension

**<sup>F2</sup>82** .....

#### Textual Amendments

- F2** S. 82 repealed (16.7.2015) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 81(a)**; S.R. 2015/307, art. 2(1)(k)

#### **Additional State Pension etc.: minor and consequential amendments**

**83** Schedule 3 (Additional State Pension etc.: minor and consequential amendments) has effect.

#### Commencement Information

- II** S. 83 in operation at 3.1.2012 for specified purposes by S.R. 2011/441, **art. 2(b)**

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### **State pension credit: extension of assessed income period for those aged 75 or over**

**84.**—(1) Section 9 of the State Pension Credit Act (Northern Ireland) 2002 (c. 14) (duration of assessed income period) is amended as set out in subsections (2) to (4).

(2) For subsection (1) substitute—

“(1) An assessed income period shall (subject to the following subsections) be—

- (a) in the case of a claimant who is under the age of 75 on the day on which the relevant decision takes effect, the period of 5 years beginning with that day;
- (b) in the case of a claimant who is aged 75 or over on that day, an indefinite period beginning with that day.”.

(3) In paragraph (b) of subsection (2), for the words from “may” to “years” substitute “shall specify a period that is shorter than 5 years”.

(4) After subsection (5) add—

“(6) Where—

- (a) an assessed income period is brought to an end by the expiry of a period of 5 years or more, and
- (b) the claimant is aged 80 or over at that time,

the assessed income period shall be treated as not ending at that time but, subject to subsection (4) and provision made under subsection (5), as continuing indefinitely.”.

(5) The amendments made by subsections (2) and (3) apply only where the relevant decision (within the meaning given by section 6(5) of the State Pension Credit Act (Northern Ireland) 2002) takes effect on or after 6th April 2009.

(6) The subsection added by subsection (4) ceases to have effect on 6th April 2014.

### **Contracting-out: abolition of all protected rights**

**85.**—(1) As from the contracting-out abolition date, pension schemes are not required to make special provision in relation to the protected rights of members.

(2) Accordingly—

- (a) the provisions of the Pension Schemes Act within subsection (3) cease to have effect as from that date, and
- (b) sections 21A, 23A and 28A of the Pension Schemes Act (as inserted by paragraphs 9, 10 and 12 of Schedule 4 to the Pensions Act (Northern Ireland) 2008 (c. 1)) are not to have any effect as from that date (in spite of section 13(4) of that Act of 2008).

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(3) The provisions of the Pension Schemes Act within this subsection are—

- (a) section 6 (protected rights and money purchase benefits),
- (b) section 22 (persons who may establish scheme),
- (c) section 23 (identification and valuation of protected rights),
- (d) section 26 (securing of liability for protected rights),
- (e) section 28 (suspension or forfeiture), and
- (f) section 29A (appropriate schemes: “blowing the whistle”).

(4) In this section—

“the contracting-out abolition date” means the day appointed under section 21 of the Pensions Act (Northern Ireland) 2008 for the coming into operation of section 13(1) of that Act (abolition of contracting-out for defined contribution pension schemes), and

“protected rights” has the same meaning as in the Pension Schemes Act (see section 6 of that Act).

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**Commencement Information**

**I3** S. 85 in operation at 6.4.2012 by [S.R. 2012/119](#), **art. 2(a)**

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