
STATUTORY INSTRUMENTS

2005 No. 255

The Pensions (Northern Ireland) Order 2005

PART III

THE BOARD OF THE PENSION PROTECTION FUND

CHAPTER 3

PENSION PROTECTION

Ill health pensions

Effect of a review

125^{F1}.—(1) This Article applies where, during an assessment period in relation to an eligible scheme, the Board reviews an ill health pension by virtue of Article 124.

(2)^{F2} Where the conditions of paragraph (3) are satisfied, the Board may determine that the compensation payable in respect of the pension, in a case where the Board assumes responsibility for the scheme, is to be determined in the prescribed manner on and after the relevant date.

(3) The conditions are—

(a)^{F2} that the annual rate of compensation which would be payable under this Part in respect of the pension at the assessment date, if the Board assumed responsibility for the scheme, exceeds the notional reviewed rate of compensation in respect of the pension,

(b) that the Board is satisfied—

(i) that the decision to make the award was made in ignorance of, or was based upon a mistake as to, a material fact relevant to the decision,

(ii) that, at the time that decision was made, the member knew or could reasonably have been expected to know of that fact and that it was relevant to the decision, and

(iii) that, had the trustees or managers known about, or not been mistaken as to, that fact, they could not reasonably have decided to make the award, and

(c) that the Board is not satisfied that the criteria in the admissible rules governing entitlement to early payment of pension on grounds of ill health were satisfied in respect of the member at any time after that decision but before the assessment date.

(4)^{F2} For the purposes of paragraph (2) “the relevant date” means the date during the assessment period on which [^{F3}a determination under Article 127(2)(a) or] a scheme valuation in relation to the scheme becomes binding.

(5) The power to make a decision in respect of the pension under paragraph (2) may only be exercised at a time which falls—

(a)^{F2} during the assessment period but before the time the Board first [^{F4}makes a determination under Article 127(2)(a) or] approves a scheme valuation under Article 128 in relation to the scheme, and

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Changes to legislation: The Pensions (Northern Ireland) Order 2005, Section 125 is up to date with all changes known to be in force on or before 07 September 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)

- (b) within a reasonable period beginning with the assessment date or, where the decision to make the award was made at a later date, that date.
- (6) Regulations made for the purposes of paragraph (2) may, in particular, include provision applying any provision of Schedule 6 with such modifications as may be prescribed.

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| <p>F1 mod. by SR 2005/171</p> <p>F2 mod. by SR 2005/55</p> <p>F3 Words in art. 125(4) inserted (23.7.2012) by Pensions Act (Northern Ireland) 2012 (c. 3), s. 34(3), Sch. 4 para. 3(2); S.R. 2012/265, art. 2(4)(a)(ii)</p> <p>F4 Words in art. 125(5)(a) inserted (23.7.2012) by Pensions Act (Northern Ireland) 2012 (c. 3), s. 34(3), Sch. 4 para. 3(3); S.R. 2012/265, art. 2(4)(a)(ii)</p> |
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