

1986 No. 57

SOCIAL SECURITY

The Occupational Pension Schemes (Contracting-out) (Amendment) Regulations (Northern Ireland) 1986

Made 27th February 1986

Coming into operation 6th April 1986

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 2(4), 40(1) to (1C), 44, 45(4) and (6), 47(1), 48(9A) and 53 of, and paragraph 6 of Schedule 2 to, the Social Security Pensions (Northern Ireland) Order 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Occupational Pension Schemes (Contracting-out) (Amendment) Regulations (Northern Ireland) 1986 and shall come into operation on 6th April 1986.

(2) In these regulations “the principal regulations” means the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985(b).

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with the provisions of this regulation.

(2) After paragraph (1A)(c) of regulation 17 there shall be inserted the following paragraph—

“(1B) For the purposes of Articles 44 and 45 (premium on termination of contracted-out employment) and 47 (premium where guaranteed minimum pension excluded from full revaluation) the prescribed person is—

(a) in a case where the earner’s service in employment which is contracted-out employment by reference to a scheme is terminated before 6th April 1987, the earner’s employer;

(b) in a case where it is terminated on or after 6th April 1987, the trustees of the scheme.”.

(3) In regulation 17(2) for “Articles 44 to 47” there shall be substituted “paragraph (1B)”.

(4) In regulation 17(2)(a) for “(b) to (f)” there shall be substituted “(b) to (e)”.

(5) Regulation 17(2)(f) and the word “and” immediately preceding it are revoked.

(a) S.I. 1975/1503 (N.I. 15); Article 40(1) was substituted, and Articles 40(1A) to (1C) were inserted, by Article 13 of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)); Articles 44, 45(4) and (6) and 47(1) were amended, and Article 48(9A) was inserted, by Article 25(1) of, and paragraphs 17 and 21 of Schedule 5 to, the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)); Article 47(1) was also amended by Article 18(7) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)); and paragraph 6 of Schedule 2 was amended by Article 4(11) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))

(b) S.R. 1985 No. 259; the relevant amending regulations are S.R. 1985 No. 355

(c) Paragraph (1A) was inserted by S.R. 1985 No. 355

(6) In regulation 18(1) for “An employer’s” there shall be substituted “The”.

(7) After regulation 21 there shall be inserted the following regulation—

“Right to recoup limited revaluation premium from transfer payment

21A. For the purposes of Article 48(9A)(b)(ii), which refers to the right to recoup a limited revaluation premium from payments made in respect of an earner’s transfer from one scheme to another, the prescribed case is that—

- (a) the revaluation of the earner’s guaranteed minimum pensions falls to be carried out in accordance with—
 - (i) provisions included in the scheme to which the transfer has been made which are made by virtue of Article 37(7)(a) but which do not conform with the additional requirement specified in paragraph (3), or, as the case may be, paragraph (7) of regulation 21, or
 - (ii) arrangements which are analogous to such provisions; but
- (b) the payments were calculated on the basis that that revaluation would fall to be carried out either—
 - (i) in accordance with provisions which are made by virtue of Article 37(7) and which do conform with the additional requirement specified in paragraph (3), or, as the case may be, (7) of regulation 21, or with arrangements which are analogous to such provisions, or
 - (ii) otherwise than in accordance with provisions which are made by virtue of Article 37(7) or arrangements which are analogous to such provisions.”.

(8) In regulation 22(1)(a) for “an employer” there shall be substituted “the person specified in sub-paragraph (a) or (b), as the case may be, of regulation 17(1B)”.

(9) Regulation 36 is hereby revoked.

(10) In regulation 41(d) for sub-paragraph (ii) there shall be substituted the following sub-paragraph—

- “(ii) in such cases the requirement that the prescribed person shall pay a limited revaluation premium in respect of the earner were a requirement that that premium shall be paid by the employer of the earner in the employment which was contracted-out employment by reference to the scheme from which the transfer of accrued rights referred to in sub-paragraph (i) has been made (in a case where the earner’s service in employment which was contracted-out employment by reference to that scheme is terminated before 6th April 1987), or by the trustees of that scheme (in a case where that service is terminated on or after 6th April 1987) unless, pursuant to arrangements made by that employer (in the former case) or by those trustees (in the latter case), the premium is paid by the trustees of the scheme to which the accrued rights have been transferred, and”.

Amendment of the Contracting-out (Transfer) Regulations (Northern Ireland) 1985

3. In paragraph 6(d) of Schedule 3 to the Contracting-out (Transfer) Regulations (Northern Ireland) 1985(b) for “the earner’s employer” there shall be substituted “the prescribed person”.

(a) Article 37(7) was amended by Article 16 of, and paragraph 19(b) of Schedule 3 to, the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and by Article 6 of, and paragraph 2(1) of Schedule 3 to, the Social Security (Northern Ireland) Order 1985

(b) S.R. 1985 No. 243; to which there are amendments not relevant to the subject matter of these regulations

Sealed with the Official Seal of the Department of Health and Social Services on
27th February 1986.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Regulation 2(2) of these regulations amends the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985 ("the principal regulations") so as to provide that where an earner's service in contracted-out employment by reference to a scheme is terminated on or after 6th April 1987 the person liable to pay any contributions equivalent premium or limited revaluation premium shall be the trustees of the scheme instead of the earner's employer. Regulation 2(7) amends the principal regulations so as to specify the case in which trustees may recoup limited revaluation premiums from transfer payments. The remaining amendments made by these regulations are minor or consequential.

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These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979.

A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.