
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 508

PENSIONS

The Personal Pension Schemes (Appropriate Schemes and Disclosure of Information) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996

Made - - - - 28th October 1996

Coming into operation 6th April 1997

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 39(1) and (3), 41B, 109(1), 177(2) to (4) and 178(1) of the Pension Schemes (Northern Ireland) Act 1993(1) 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 Personal Pension Schemes (Appropriate Schemes and Disclosure of Information) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 6th April 1997.

(2) The Interpretation Act (Northern Ireland) 1954(2) shall apply to these Regulations as it applies to a Measure of the Assembly.

Amendment of the Personal Pension Schemes (Disclosure of Information) Regulations

2.—(1) The Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(3) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 5(2)(4) (information to be made available to individuals) for “paragraphs 1 and 2” there shall be substituted “paragraphs 1, 2 and 12”.

(3) In Schedule 2 (information to be made available to individuals) after paragraph 11 there shall be added—

(1) 1993 c. 49; section 41B was inserted by Article 136 of the Pensions (Northern Ireland) Order 1995 (S.I.1995/3213 (N.I. 22))
(2) 1954 c. 33 (N.I.)
(3) S.R. 1987 No. 288; relevant amending regulations are S.R. 1992 No. 304
(4) Regulation 5(2) was amended by regulation 20(a) of S.R. 1992 No. 304

“12. The date of birth used for determining the appropriate age-related percentage for the purposes of section 41(1) of the Act(5) as disclosed to the trustees by the Department and the name and address of whom to contact should that date of birth be incorrect.”

Amendment of the Personal Pension Schemes (Appropriate Schemes) Regulations

3.—(1) The Personal Pension Schemes (Appropriate Schemes) Regulations (Northern Ireland) 1988(6) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2)(7) (interpretation)—

(a) after the definition of “the Order” there shall be inserted—

““overseas arrangement” means a scheme or arrangement, other than an occupational pension scheme, which—

(a) has effect, or is capable of having effect, so as to provide benefits on termination of employment or on death or retirement to, or in respect of, earners;

(b) is not an appropriate personal pension scheme, and

(c) is administered wholly or primarily outside the United Kingdom;

“overseas scheme” means an occupational pension scheme which is administered wholly or primarily outside the United Kingdom but does not include one which is contracted-out within the meaning of section 3(3)(8) nor one to which section 49(9) applies;”;

(b) for the definition of “pensionable age” there shall be substituted—

““pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995(10);”, and

(c) in the definition of “scheme” after ““occupational pension scheme”” there shall be inserted “, “overseas scheme””.

(3) For regulation 14(11) (circumstances in which minimum contributions are not to be paid to schemes) there shall be substituted—

“14.—(1) Minimum contributions shall not be paid in respect of an earner for the tax year or any part of the tax year in which that earner—

(a) reaches pensionable age, or

(b) dies and in which he would have reached pensionable age.

(2) Where effect has been given to the earner’s protected rights under section 24(12) (ways of giving effect to protected rights), minimum contributions shall not, except as provided by paragraphs (3) to (9), be paid in respect of the period during which the scheme was the earner’s chosen scheme.

(3) Where effect has been given to the earner’s protected rights by the making of a transfer payment to another appropriate scheme which has become the earner’s chosen

(5) Section 41(1) is substituted by Article 135(2) of the Pensions (Northern Ireland) Order 1995

(6) S.R. 1988 No. 34; relevant amending regulations are S.R. 1993 No. 126, S.R. 1994 No. 300 and S.R. 1995 No. 7

(7) Regulation 1(2) was amended by paragraph 19(2) of Schedule 2 to S.R. 1994 No. 300 and regulation 7(a) of S.R. 1995 No. 7

(8) Section 3 is amended by Article 133(1) of, and paragraph 15 of Schedule 3 to, the Pensions (Northern Ireland) Order 1995

(9) Section 49 is amended by paragraph 40 of Schedule 3 to the Pensions (Northern Ireland) Order 1995

(10) S.I. 1995/3213 (N.I. 22)

(11) Regulation 14 was amended by paragraph 19(7) and (10) of Schedule 2 to S.R. 1994 No. 300

(12) Section 24 is amended by Articles 139 and 143(2) of, and paragraph 27 of Schedule 3 to, the Pensions (Northern Ireland) Order 1995

scheme or a money purchase contracted-out scheme, the minimum contributions shall be paid to the trustees or managers of that scheme.

(4) Where effect has been given to the earner's protected rights by the making of a transfer payment to a salary related contracted-out scheme or an overseas scheme or an overseas arrangement and the Department becomes aware, as a consequence of evidence in respect of the earner's age being brought to the Department's attention, that an additional amount of minimum contributions would have been payable had the Department been aware of that evidence, that additional amount of minimum contributions shall be paid to the trustees or managers of that scheme or arrangement.

(5) Where effect has been given to the earner's protected rights by the purchase of an annuity or by the provision by the scheme of a pension, and the amount of the minimum contributions in question is at least 10 times as great as the lower earnings limit for the tax year in which the Department becomes aware that minimum contributions are payable or would be payable, but for paragraph (2), those minimum contributions shall be paid—

- (a) in the case of an annuity, to the insurance company from which the annuity has been purchased, or
- (b) in the case of a pension, to the trustees or managers of the scheme.

(6) Where effect has been given to the earner's protected rights by the purchase of an annuity or by the provision by the scheme of a pension and—

- (a) the circumstances in paragraph (5) do not exist, and
- (b) minimum contributions are payable for the tax year or part of the tax year in which the earner died,

those minimum contributions shall be paid to the earner's widow or widower, or if the earner died unmarried, they may at the Department's discretion be paid to any person.

(7) Where effect has been given to the earner's protected rights by the purchase of an annuity or by the provision by the scheme of a pension and—

- (a) the circumstances in paragraph (5) do not exist, and
- (b) the Department becomes aware, as a consequence of evidence in respect of the earner's age being brought to the Department's attention, that an additional amount of minimum contributions would have been payable had the Department been aware of that evidence,

that additional amount of minimum contributions shall be payable for any tax year or part of a tax year before the tax year in which effect had been given to protected rights to the earner or the earner's widow or widower, or if the earner died unmarried, they may at the Department's discretion be paid to any person.

(8) Where effect has been given to the earner's protected rights by the provision of a lump sum, minimum contributions shall be payable to the earner or the earner's widow or widower, or if the earner died unmarried, they may at the Department's discretion be paid to any person.

(9) Where effect has been given to the earner's protected rights by the making of payments under an interim arrangement and the earner remains an employed earner, minimum contributions shall continue to be payable to the trustees or managers of the earner's chosen scheme.?"

(4) For regulation 17A(13) (calculation of minimum contributions) there shall be substituted—

“**17A.**—(1) For the purposes of determining the appropriate age-related percentage for the purposes of section 41(1), the Department may require an earner to send documentary evidence of his date of birth.

(2) For the purposes of section 41B(2)(b) (disclosure of information held as to the age of an individual by the Department to trustees or managers of an appropriate personal pension scheme and such other persons as may be prescribed) the prescribed person shall be the person who is responsible for administering the scheme.”.

Transitional provision in respect of minimum contributions

4. For the purposes of paying minimum contributions in respect of an employed earner for any period up to and including the tax year 1996-1997, regulation 14 of the Personal Pension Schemes (Appropriate Schemes) Regulations (Northern Ireland) 1988 shall continue to have effect as if regulations 3 and 5 of these Regulations had not come into operation.

Revocations

5. The following provisions are hereby revoked—
- (a) regulation 4 of the Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 1993(**14**);
 - (b) sub-paragraphs (7) and (10), in so far as they relate to regulation 14 of the Personal Pension Schemes (Appropriate Schemes) Regulations (Northern Ireland) 1988, and (13) of paragraph 19 of Schedule 2 to the Occupational and Personal Pension Schemes (Consequential Amendments) Regulations (Northern Ireland) 1994(**15**).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 28th October 1996.

L.S.

John O'Neill
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987 (“the Disclosure Regulations”) and the Personal Pension Schemes (Appropriate Schemes) Regulations (Northern Ireland) 1988 (“the Appropriate Schemes Regulations”).

Regulation 2 amends the Disclosure Regulations so as to require trustees to disclose information, relating to the date of birth used for determining the appropriate age-related percentage, to scheme members.

Regulation 3 amends the Appropriate Schemes Regulations to set out the circumstances in which, except where provided, minimum contributions are not payable to schemes and makes miscellaneous amendments.

Regulation 4 makes transitional provision in the case of the payment of minimum contributions in respect of any period up to and including the tax year 1996-1997.

Regulation 5 makes consequential revocations.

Section 41B of the Pension Schemes (Northern Ireland) Act 1993, one of the enabling provisions under which these Regulations are made, was inserted by Article 136 of the Pensions (Northern Ireland) Order 1995. The Pensions (1995 Order) (Commencement No. 2) Order (Northern Ireland) 1996 (S.R. 1996 No. 91 (C. 4)) provides for the coming into operation of Article 136 on 6th April 1996 for the purpose only of authorising the making of regulations.