
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 192 (C. 10)

PENSIONS

**The Pensions (1995 Order) (Commencement
No. 8) Order (Northern Ireland) 1997**

Made - - - - *28th March 1997*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 1(2) and (5) of the Pensions (Northern Ireland) Order 1995⁽¹⁾ and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Pensions (1995 Order) (Commencement No. 8) Order (Northern Ireland) 1997.

(2) In this Order—

“the Act” means the Pensions Schemes (Northern Ireland) Act 1993⁽²⁾ and references to sections are references to sections of the Act;

“the Authority” means the Occupational Pensions Regulatory Authority;

“the Board” means the Occupational Pensions Board;

“the Order” means the Pensions (Northern Ireland) Order 1995 and references to Articles are references to Articles of the Order;

“the principal appointed day” means 6th April 1997.

Appointed days

2. In so far as they are not already in operation, the day appointed for the coming into operation of—

(a) Article 161, paragraph 13 of Schedule 1 to the Order and Article 119 in so far as it relates to that paragraph, and paragraph 63 of Schedule 3 to the Order and Article 147 in so far as it relates to that paragraph, is 1st April 1997;

(b) all other provisions of the Order, with the exception of—

(i) Articles 48(2) and (7) to (13), 93 and 142;

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

(2) 1993 c. 49

- (ii) paragraph 31 of Schedule 3 and Article 147 in so far as it relates to that paragraph;
 - (iii) the repeal of sections 31 and 32 in Part III of Schedule 5 and Article 168 in so far as it relates to the repeal of those sections,
- is 6th April 1997.

Transitional Adaptions, Modifications and Savings

Revaluation of earnings factors: early leavers

3. Section 12(3) (revaluation of earnings factors: early leavers) shall continue to have effect as if this Order had not come into operation in relation to an earner whose service in contracted-out employment in relation to the scheme in question has terminated before the principal appointed day.

Termination of contracted-out or appropriate scheme status and state scheme premiums

4.—(1) Any function of the Board under section 46 (powers of Board to approve arrangements for scheme ceasing to be certified) which fell to be exercised before the principal appointed day but has not been exercised may be exercised by the Department and, for the purposes of determining the date on which any state scheme premium has become payable, any certificate issued under section 46(2) shall be taken to have had effect from the date specified by the Department.

(2) Subject to paragraph (3), sections 51 to 64, 165(1) and 166(1) (state scheme premiums) shall continue to have effect as if this Order had not come into operation in relation to any state scheme premium which has been paid before the principal appointed day or is payable immediately before that day, and nothing in this Order shall affect the operation of any other provision of the Act or any provision of any other enactment in relation to any such premium.

(3) Any function of the Board in relation to state scheme premiums under the provisions referred to in paragraph (2) falling to be exercised after the principal appointed day shall be exercised by the Department.

Transfer values: extensions granted by the Board

5. Section 95 (trustees' duties after exercise of option) shall have effect in relation to any extension granted or refused by the Board under section 95(4) before the principal appointed day as though it had been granted or refused by the Authority.

Payments to employers

6. For the purposes of—

- (a) any payment to the employer out of funds held for the purposes of a scheme where an application to modify the scheme rules for the purposes of making that payment has been made in accordance with the Occupational Pension Schemes (Modification) Regulations (Northern Ireland) 1990(3) before the principal appointed day; or
- (b) any distribution of excess assets to the employer in relation to a scheme which begins to be wound up before the principal appointed day,

section 104 (no payments to employers from non-complying schemes) shall continue to have effect as if this Order had not come into operation.

(3) [S.R. 1990 No. 379](#); relevant amending regulations are [S.R. 1994 No. 300](#)

Actuarial statements pending the first minimum funding requirements valuation

7. Section 110 (additional documents for members) and regulations 8 and 9 of the Occupational Pensions Schemes (Disclosure of Information) Regulations (Northern Ireland) 1986(4) (actuarial valuations and availability of accounts, statements and other information) shall, in so far as they relate to the actuarial statement, remain in operation in respect of a scheme to which Article 56 applies until such time as the trustees or managers of the scheme are required by regulation 30 of the Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Regulations (Northern Ireland) 1996(5) to obtain the first valuation.

Preservation: determinations of the Board

8. Where, before the principal appointed day, the Board has determined in accordance with section 130 (determination of questions whether schemes conform with requirements) that any provision of Chapter I of Part IV of the Act (the preservation requirements) shall not apply to a scheme, that determination shall continue to have effect as if this Order had not come into operation until there is an alteration to the rules of the scheme relating to any requirement imposed by that provision.

Modification of schemes

9. Nothing in this Order shall affect the operation of sections 132 to 136 (application to modify schemes other than public service schemes) in relation to an application made to the Board before the principal appointed day, and any functions of the Board exercisable after the principal appointed day under those sections as saved by this Article shall be exercised by the Authority.

Minimum payments and minimum contributions payable before the principal appointed day

10. Notwithstanding Article 137(3), section 44 shall remain in operation in respect of minimum payments and minimum contributions paid or payable before the principal appointed day.

Winding up

11.—(1) Articles 73 and 74 (liabilities, etc.) do not apply to any scheme which begins to be wound up before the principal appointed day; and for the purposes of this paragraph the time when a scheme begins to be wound up shall be determined in accordance with regulation 2 of the Occupational Pension Schemes (Winding Up) Regulations (Northern Ireland) 1996(6) (commencement of winding up).

(2) Paragraph 24 of Schedule 3 to the Order shall be modified so as to have effect as if at the end there were added “and for the purposes of this paragraph the time when a scheme begins to be wound up shall be determined in accordance with regulation 2 of the Occupational Pension Schemes (Winding Up) Regulations (Northern Ireland) 1996”.

(3) Section 140 (deficiencies in the assets of a scheme on winding up) shall remain in operation as regards schemes that began to wind up before 19th December 1996 and in respect of debts which arose at any applicable time before the principal appointed day.

(4) S.R. 1986 No. 225; relevant amending regulations are S.R. 1986 No. 319, S.R. 1987 No. 283, S.R. 1988 No. 109, S.R. 1992 No. 304 and S.R. 1994 No. 300

(5) S.R. 1996 No. 570; regulation 30 was amended by regulation 7(8) of S.R. 1997 No. 160

(6) S.R. 1996 No. 621

Schedules of payments to money purchase schemes

12. The trustees or managers of an occupational pension scheme to which Article 85 (schedules of payments to money purchase schemes) applies, shall not be obliged to secure the preparation, maintenance or revision of a payment schedule in respect of any period before the beginning of the first scheme year which begins on or after the principal appointed day and, for the purposes of this Article, “scheme year” has the same meaning as in regulation 1 of the Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997(7).

The National Insurance (Non-participation — Certificates) Regulations 1960 — functions of the Board

13. Any function of the Board under the National Insurance (Non-participation — Certificates) Regulations (Northern Ireland) 1960(8) falling to be exercised on or after the principal appointed day, or which fell to be exercised before that day but which has not been exercised, may be exercised by the Department.

Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

28th March 1997.

John O'Neill
Assistant Secretary

(7) S.R. 1997 No. 94; regulation 1 was amended by regulation 16(2) of S.R. 1997 No. 160

(8) S.R. & O. (N.I.) 1960 No. 22, amended by S.R. & O. (N.I.) 1961 No. 241, S.R. & O. (N.I.) 1963 No. 71, S.R. & O. (N.I.) 1965 No. 11 and S.R. 1983 No. 71

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order provides for the coming into operation of further provisions of the Pensions (Northern Ireland) Order 1995 (“the Order”) on the following dates—

- (a) 1st April 1997 for provisions relating to the levy, the provision of information by the Registrar of Occupational and Personal Pension Schemes and minor amendments to the Pension Schemes (Northern Ireland) Act 1993 (“the Act”), and
- (b) 6th April 1997 for all the remaining provisions of the Order except Articles 42 to 46 (which were repealed by virtue of, and re-enacted in, the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16)), 48(2) and (7) to (13), 93 and 142, paragraph 31 of Schedule 3 and the repeal of sections 31 and 32 of the Act mentioned in Part III of Schedule 5.

This Order also makes transitional adaptations, modifications and savings.

Article 3 makes a saving in respect of the revaluation of earnings factors for early leavers whose service in contracted-out employment terminated before 6th April 1997.

Article 4 makes savings in respect of the termination of contracted-out or appropriate scheme status and state scheme premiums.

Article 5 makes a transitional modification in relation to transfer values and extensions granted or refused by the Occupational Pensions Board (“the Board”).

Article 6 makes transitional savings relating to payments to employers.

Article 7 makes a transitional saving relating to disclosure of actuarial statements to scheme members.

Article 8 makes a transitional saving relating to determinations by the Board in relation to the preservation requirements.

Article 9 makes transitional savings and modifications relating to applications to modify schemes other than public service schemes.

Article 10 makes a transitional saving relating to minimum payments and minimum contributions paid or payable before 6th April 1997.

Article 11 makes transitional savings and modifications relating to winding up.

Article 12 makes a transitional modification in respect of payment schedules for money purchase schemes.

Article 13 provides for the functions of the Board under the National Insurance (Non-participation — Certificates) Regulations (Northern Ireland) 1960 to be exercised by the Department of Health and Social Services.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order.)

The following provisions of the Pensions (Northern Ireland) Order 1995 have been or are being brought into operation as from the dates shown by—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

the Pensions (1995 Order) (Commencement No. 1) Order (Northern Ireland) 1995 (S.R. 1995 No. 477 (C. 11)),
the Pensions (1995 Order) (Commencement No. 2) Order (Northern Ireland) 1996 (S.R. 1996 No. 91 (C. 4)),
the Pensions (1995 Order) (Commencement No. 3) Order (Northern Ireland) 1996 (S.R. 1996 No. 284 (C. 14)),
the Pensions (1995 Order) (Commencement No. 4) Order (Northern Ireland) 1996 (S.R. 1996 No. 307 (C. 18)),
the Pensions (1995 Order) (Commencement No. 5) Order (Northern Ireland) 1996 (S.R. 1996 No. 534 (C. 25)),
the Pensions (1995) Order (Commencement No. 6) Order (Northern Ireland) 1997 (S.R. 1997 No. 37 (C. 3)), and
the Pensions (1995 Order) (Commencement No. 7) Order (Northern Ireland) 1997 (S.R. 1997 No. 136 (C. 7)).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Article 3 (partially)	19.11.96	1996 No. 534 (C. 25)
Article 10 (partially)	6.4.96	1996 No. 91 (C. 4)
	23.7.96	1996 No. 307 (C. 18)
Articles 16 to 21 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 23 (partially)	23.7.96	1996 No. 307 (C. 18)
Article 27 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 32 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 33 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 35 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 37 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 38 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 39	1.1.96	1995 No. 477 (C. 11)
Article 40 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 41 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 47 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 49 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 50 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 51 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 55	4.2.97	1997 No. 37 (C. 3)
Articles 56 to 61 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 62 to 66 (partially)	19.12.95	1995 No. 477 (C. 11)
	1.1.96	1995 No. 477 (C. 11)
Article 67 (partially)	6.4.96	1996 No. 91 (C. 4)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Article 68 (partially)	6.4.96	1996 No. 91 (C. 4)
(partially)	6.10.96	1996 No. 91 (C. 4)
Article 69 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 73 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 74 (partially)	6.4.96	1996 No. 91 (C. 4)
(partially)	19.11.96	1996 No. 534 (C. 25)
Article 75 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 76 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 77 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 79 (partially)	23.7.96	1996 No. 307 (C. 18)
(partially)	8.3.97	1997 No. 136 (C. 7)
Article 80 (partially)	23.7.96	1996 No. 307 (C. 18)
Article 81 (partially)	23.7.96	1996 No. 307 (C. 18)
Article 82 (partially)	23.7.96	1996 No. 307 (C. 18)
Article 83 (partially)	1.8.96	1996 No. 307 (C. 18)
Article 84 (partially)	23.7.96	1996 No. 307 (C. 18)
Articles 85 to 87 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 88	19.12.95	1995 No. 477 (C. 11)
Article 89 to 93 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 94 (partially)	23.7.96	1996 No. 307 (C. 18)
Article 113	23.7.96	1996 No. 307 (C. 18)
Article 114 (partially)	19.12.95	1995 No. 477 (C. 11)
(partially)	1.1.96	1995 No. 477 (C. 11)
(partially)	6.10.96	1996 No. 91 (C. 4)
Article 115 (partially)	6.4.96	1996 No. 91 (C. 4)
	19.11.96	1996 No. 534 (C. 25)
Article 116	6.4.96	1996 No. 91 (C. 4)
Article 117 (partially)	19.12.95	1995 No. 477 (C. 11)
(partially)	1.1.96	1995 No. 477 (C. 11)
	6.4.96	1996 No. 91 (C. 4)
Article 118 (partially)	19.12.95	1995 No. 477 (C. 11)
(partially)	1.1.96	1995 No. 477 (C. 11)
	6.4.96	1996 No. 91 (C. 4)
Article 119, Sch. 1 (partially)	1.1.96	1995 No. 477 (C. 11)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
(partially)	6.4.96	1996 No. 91 (C. 4)
(partially)	19.11.96	1996 No. 534 (C. 25)
Article 120 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 121 (partially)	19.12.95	1995 No. 477 (C. 11)
(partially)	1.1.96	1995 No. 477 (C. 11)
	6.4.96	1996 No. 91 (C. 4)
Article 122 (partially)	6.4.96	1996 No. 91 (C. 4)
(partially)	19.11.96	1996 No. 534 (C. 25)
Article 133 (partially)	6.4.96	1996 No. 91 (C. 4)
	6.4.97	1996 No. 91 (C. 4)
Article 134 (partially)	14.3.96	1996 No. 91 (C. 4)
(partially)	6.4.96	1996 No. 91 (C. 4)
Article 135 (partially)	14.3.96	1996 No. 91 (C. 4)
Article 136 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 137 (partially)	14.3.96	1996 No. 91 (C. 4)
(partially)	6.4.96	1996 No. 91 (C. 4)
Article 138 (partially)	6.4.96	1996 No. 91 (C. 4)
Articles 139 to 141 (partially)	14.3.96	1996 No. 91 (C. 4)
	6.4.96	1996 No. 91 (C. 4)
Article 143 (partially)	14.3.96	1996 No. 91 (C. 4)
	6.4.96	1996 No. 91 (C. 4)
Article 145	6.4.96	1996 No. 91 (C. 4)
Article 146 (partially)	1.6.96	1996 No. 91 (C. 4)
Article 147, Sch. 3 (partially)	6.4.96	1996 No. 91 (C. 4)
(partially)	23.7.96	1996 No. 307 (C. 18)
Articles 148 to 150 (partially)	6.4.96	1996 No. 91 (C. 4)
Article 151 (partially)	6.4.96	1996 No. 91 (C. 4)
(partially)	23.7.96	1996 No. 307 (C. 18)
Article 152	19.12.95	1995 No. 477 (C. 11)
Article 153 (partially)	23.7.96	1996 No. 307 (C. 18)
Article 154 (partially)	23.7.96	1996 No. 307 (C. 18)
Article 156 (partially)	23.7.96	1996 No. 307 (C. 18)
Article 161 (partially)	19.11.96	1996 No. 534 (C. 25)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Article 162 (partially)	17.7.96	1996 No. 284 (C. 14)
	1.8.96	1996 No. 284 (C. 14)
Article 164	19.12.95	1995 No. 477 (C. 11)
Article 165, Sch. 4 (partially)	19.12.95	1995 No. 477 (C. 11)
(partially)	6.4.96	1996 No. 91 (C. 4)
Article 166 (partially)	19.12.95	1995 No. 477 (C. 11)
(partially)	1.1.96	1995 No. 477 (C. 11)
	6.4.96	1996 No. 91 (C. 4)
Article 167 (partially)	19.12.95	1995 No. 477 (C. 11)
(partially)	1.1.96	1995 No. 477 (C. 11)
	6.4.96	1996 No. 91 (C. 4)
Article 168, Sch. 5 (partially)	19.12.95	1995 No. 477 (C. 11)
(partially)	1.1.96	1995 No. 477 (C. 11)
(partially)	6.4.96	1996 No. 91 (C. 4)
(partially)	1.8.96	1996 No. 284 (C. 14)