
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 107

**The Occupational Pension Schemes
(Schemes that were Contracted-out)
Regulations (Northern Ireland) 2016**

PART 3

**ADDITIONAL REQUIREMENTS IN RELATION TO RIGHTS ATTRIBUTABLE
TO CONTRACTED-OUT EMPLOYMENT ON AND AFTER 6TH APRIL 1997**

Alteration of scheme rules

- 8.—**(1) The rules of a scheme may be altered in relation to section 5(2B) rights only if—
- (a) following the alteration, the scheme provides benefits for the earner and for the earner’s widow, widower or surviving civil partner, in respect of the period of pensionable service to which the alteration relates, that are at least equal to the benefits that would have been provided by a reference scheme (within the meaning of section 8B(2)(1) of the 1993 Act as it had effect immediately before the second abolition date);
 - (b) the alteration is one to which the subsisting rights provisions (within the meaning of Article 67(4)(2) of the 1995 Order) do not apply, by virtue of Article 67 of the 1995 Order;
 - (c) the alteration is one that is not a protected modification or a detrimental modification (within the meaning of Article 67A(3) of the 1995 Order) and the requirement in paragraph (2) is met, or
 - (d) the alteration is a detrimental modification (within the meaning of Article 67A of the 1995 Order) and—
 - (i) the actuarial equivalence requirements provided for in Articles 67C and 67D(4) of the 1995 Order are met in relation to the proposed modification of those rights, and
 - (ii) the requirement in paragraph (2) is met.

(2) Subject to paragraph (3), the requirement is that the altered scheme is to provide for a pension to be paid to the earner’s widow, widower or surviving civil partner (referred to in this regulation as the “relevant survivor’s section 5(2B) pension”) that is at least as generous, either as regards the amount of the pension or as regards the circumstances in which it shall be paid, as it would have been before the alteration.

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- (1) Section 8B was inserted by Article 133(5) of the Pensions (Northern Ireland) Order 1995 and is repealed by paragraph 11 of Schedule 13 to the Pensions Act (Northern Ireland) 2015, but saved for certain purposes, *see* S.R. 2016 No. 106
- (2) Article 67 was substituted by Article 239 of the Pensions (Northern Ireland) Order 2005
- (3) Article 67A was inserted by Article 239 of the Pensions (Northern Ireland) Order 2005 and amended by section 66(2) of, and paragraph 75 of Schedule 4 to, the Pension Schemes Act 2015 (c. 8)
- (4) Articles 67C and 67D were inserted by Article 239 of the Pensions (Northern Ireland) Order 2005. Article 67D was amended by paragraph 5 of Schedule 5 to the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.))

Changes to legislation: *There are currently no known outstanding effects for the The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016, Section 8. (See end of Document for details)*

(3) In relation to an earner who is in pensionable service under the scheme immediately before the alteration takes effect, the requirement in paragraph (2) is to be deemed to be satisfied if the relevant survivor's section 5(2B) pension that the scheme would provide in respect of the earner if the earner left pensionable service immediately after the alteration is at least as generous as the relevant survivor's section 5(2B) pension that the scheme would have provided in respect of the earner had the earner left service immediately before the alteration.

Commencement Information

II [Reg. 8](#) in operation at 6.4.2016, see [reg. 1\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016, Section 8.