
DRAFT STATUTORY INSTRUMENTS

2005 No. (N.I.)

NORTHERN IRELAND

The Pensions (Northern Ireland) Order 2005

Made - - - - 2005

Coming into operation in accordance with Article 1

THE PENSIONS (NORTHERN IRELAND) ORDER 2005

PART I

INTRODUCTORY

1. Title and commencement

Interpretation

2. General interpretation

PART II

THE PENSIONS REGULATOR

General provisions about functions

3. Regulator's functions
4. Regulator's objectives
5. Supplementary powers
6. Transfer of OPRA's functions to the Regulator

The Determinations Panel

7. Functions exercisable by the Determinations Panel

Provision of information, education and assistance

8. Provision of information, education and assistance

New powers in respect of occupational and personal pension schemes

9. Improvement notices
10. Third party notices
11. Injunctions

12. Restitution
13. Power of the Regulator to recover unpaid contributions
14. Pension liberation: interpretation
15. Pension liberation: Court's power to order restitution
16. Pension liberation: restraining orders
17. Pension liberation: repatriation orders

Powers in relation to winding up of occupational pension schemes

18. Powers to wind up occupational pension schemes
19. Freezing orders
20. Consequences of freezing order
21. Period of effect etc. of freezing order
22. Validation of action in contravention of freezing order
23. Effect of determination to wind up scheme on freezing order
24. Effect of winding up order on freezing order
25. Effect of assessment period under Part III on freezing order
26. Power to give a direction where freezing order ceases to have effect
27. Notification of trustees, managers, employers and members
28. Articles 19 to 27: supplementary

Trustees of occupational pension schemes

29. Prohibition orders
30. Suspension orders
31. Appointment of trustees by the Regulator
32. Independent trustees
33. Disqualification

Contribution notices where avoidance of employer debt

34. Contribution notices where avoidance of employer debt
35. The sum specified in an Article 34 contribution notice
36. Content and effect of an Article 34 contribution notice
37. Article 34 contribution notice: relationship with employer debt
38. Article 34 contribution notice: clearance statements

Financial support directions

39. Financial support directions
40. Meaning of "service company" and "insufficiently resourced"
41. Meaning of "financial support"
42. Financial support directions: clearance statements
43. Contribution notices where non-compliance with financial support direction
44. The sum specified in an Article 43 contribution notice
45. Content and effect of an Article 43 contribution notice
46. Article 43 contribution notice: relationship with employer debt
47. Articles 39 to 46: interpretation

Transactions at an undervalue

48. Restoration orders where transactions at an undervalue
49. Restoration orders: supplementary
50. Content and effect of a restoration order
51. Contribution notice where failure to comply with a restoration order

52. Content and effect of an Article 51 contribution notice

Articles 34 to 52: partnerships and limited liability partnerships

53. Articles 34 to 52: partnerships and limited liability partnerships

Applications under the Insolvency Order

54. Regulator's right to apply under Article 367 of the Insolvency Order

Register of schemes

55. Registrable information
56. The register: inspection, provision of information and reports etc.
57. The register: duties of trustees or managers
58. Duty of the Regulator to issue scheme return notices
59. Duty of trustees or managers to provide scheme return
60. Scheme returns: supplementary

Register of prohibited trustees

61. Register of prohibited trustees
62. Accessibility of register of prohibited trustees

Collecting information relevant to the Board

63. Information relevant to the Board
64. Duty to notify the Regulator of certain events

Reporting breaches of the law

65. Duty to report breaches of the law

Reports by skilled persons

66. Reports by skilled persons

Gathering information

67. Provision of information
68. Inspection of premises
69. Inspection of premises in respect of employers' obligations
70. Inspection of premises: powers of inspectors
71. Inspection of premises: supplementary
72. Penalties relating to Articles 67 to 70
73. Warrants
74. Articles 67 to 73: interpretation

Provision of false or misleading information

75. Offences of providing false or misleading information

Use of information

76. Use of information

Disclosure of information

- 77. Restricted information
- 78. Information supplied to the Regulator by corresponding overseas authorities
- 79. Disclosure for facilitating exercise of functions by the Regulator
- 80. Disclosure for facilitating exercise of functions by the Board
- 81. Disclosure for facilitating exercise of functions by other supervisory authorities
- 82. Other permitted disclosures
- 83. Tax information

Reports

- 84. Publishing reports etc.

Codes of practice

- 85. Codes of practice
- 86. Procedure for issue and publication of codes of practice
- 87. Revocation of codes of practice

Exercise of regulatory functions

- 88. The Regulator's procedure in relation to its regulatory functions
- 89. Publication of procedure in relation to regulatory functions
- 90. Application of standard and special procedure
- 91. Standard procedure
- 92. Special procedure: applicable cases
- 93. Special procedure
- 94. Compulsory review
- 95. Duty to have regard to the interests of members etc.
- 96. Powers to vary or revoke orders, notices or directions etc.

The Pensions Regulator Tribunal

- 97. References to the Tribunal
- 98. Appeal on a point of law
- 99. Redetermination etc. by the Tribunal
- 100. Disclosure of information

PART III

THE BOARD OF THE PENSION PROTECTION FUND

CHAPTER 1

THE BOARD

General provision about functions

- 101. Board's functions and supplementary powers etc.

Financial matters

- 102. Grants
- 103. Administration levy

CHAPTER 2

INFORMATION RELATING TO EMPLOYER'S INSOLVENCY ETC.

Insolvency events

- 104. Duty to notify insolvency events in respect of employers
- 105. Insolvency event, insolvency date and insolvency practitioner

Status of scheme

- 106. Insolvency practitioner's duty to issue notices confirming status of scheme
- 107. Approval of notices issued under Article 106

Board's duties

- 108. Board's duty where there is a failure to comply with Article 106
- 109. Binding notices confirming status of scheme

CHAPTER 3

PENSION PROTECTION

Eligible schemes

- 110. Eligible schemes

Circumstances in which Board assumes responsibility for eligible schemes

- 111. Duty to assume responsibility for schemes following insolvency event
- 112. Duty to assume responsibility for schemes following application or notification
- 113. Applications and notifications for the purposes of Article 112
- 114. Board's duty where application or notification received under Article 113
- 115. Protected liabilities

Restrictions on schemes during the assessment period

- 116. Assessment periods
- 117. Admission of new members, payment of contributions etc.
- 118. Directions
- 119. Restrictions on winding up, discharge of liabilities etc.
- 120. Power to validate contraventions of Article 119
- 121. Board to act as creditor of the employer
- 122. Payment of scheme benefits
- 123. Loans to pay scheme benefits

Ill health pensions

- 124. Reviewable ill health pensions
- 125. Effect of a review
- 126. Articles 124 and 125: interpretation

Valuation of assets and liabilities

- 127. Board's obligation to obtain valuation of assets and protected liabilities
- 128. Approval of valuation

129. Binding valuations

Refusal to assume responsibility

- 130. Schemes which become eligible schemes
- 131. New schemes created to replace existing schemes
- 132. Withdrawal following issue of Article 106(4) notice

Cessation of involvement with a scheme

- 133. Circumstances in which Board ceases to be involved with an eligible scheme
- 134. Consequences of the Board ceasing to be involved with a scheme

Reconsideration

- 135. Application for reconsideration
- 136. Duty to assume responsibility following reconsideration

Closed schemes

- 137. Closed schemes

Winding up

- 138. Requirement to wind up schemes with sufficient assets to meet protected liabilities

Provisions applying to closed schemes

- 139. Treatment of closed schemes
- 140. Valuations of closed schemes

Reconsideration of closed schemes

- 141. Applications and notifications where closed schemes have insufficient assets
- 142. Duty to assume responsibility for closed schemes
- 143. Closed schemes: further assessment periods

Assumption of responsibility for a scheme

- 144. Transfer notice
- 145. Effect of Board assuming responsibility for a scheme
- 146. The pension compensation provisions
- 147. Adjustments to be made where the Board assumes responsibility for a scheme
- 148. Postponement of compensation entitlement for the assessment period
- 149. Guaranteed minimum pensions
- 150. Duty to pay scheme benefits unpaid at assessment date etc.
- 151. Modification of Chapter where liabilities discharged during assessment period
- 152. Administration of compensation

Discharge of Board's liabilities

- 153. Discharge of liabilities in respect of compensation

154. Discharge of liabilities in respect of money purchase benefits

Equal treatment

155. Equal treatment

Relationship with fraud compensation regime

156. Relationship with fraud compensation regime

The levies

157. Initial levy
158. Pension protection levies
159. Supplementary provisions about pension protection levies
160. Amounts to be raised by the pension protection levies
161. The levy ceiling
162. Valuations to determine scheme underfunding
163. Pension protection levies during the transitional period
164. Calculation, collection and recovery of levies

CHAPTER 4

FRAUD COMPENSATION

Entitlement to fraud compensation

165. Cases where fraud compensation payments can be made
166. Board's duties in respect of certain applications under Article 165
167. Recovery of value
168. Fraud compensation payments
169. Interim payments
170. Board's powers to make fraud compensation transfer payments

The levy

171. Fraud compensation levy

CHAPTER 5

GATHERING INFORMATION

172. Information to be provided to the Board etc.
173. Notices requiring provision of information
174. Entry of premises
175. Penalties relating to Articles 173 and 174
176. Warrants

Provision of false or misleading information

177. Offence of providing false or misleading information to the Board

Use of information

178. Use of information

Disclosure of information

- 179. Restricted information
- 180. Disclosure for facilitating exercise of functions by the Board
- 181. Disclosure for facilitating exercise of functions by the Regulator
- 182. Disclosure for facilitating exercise of functions by other supervisory authorities
- 183. Other permitted disclosures
- 184. Tax information

Provision of information to members of schemes etc.

- 185. Provision of information to members of schemes etc.

Interpretation

- 186. Articles 172 to 185: interpretation

Reports

- 187. Publishing reports etc.

CHAPTER 6

REVIEWS, APPEALS AND MALADMINISTRATION

Review etc. by the Board

- 188. Meaning of “reviewable matters”
- 189. Review and reconsideration by the Board of reviewable matters
- 190. Investigation by the Board of complaints of maladministration

The PPF Ombudsman

- 191. The PPF Ombudsman

References to the PPF Ombudsman

- 192. Reference of reviewable matter to the PPF Ombudsman
- 193. Investigation by PPF Ombudsman of complaints of maladministration
- 194. Referral of questions of law
- 195. Publishing reports etc.
- 196. Determinations of the PPF Ombudsman
- 197. Obstruction etc. of the PPF Ombudsman

CHAPTER 7

MISCELLANEOUS

Backdating the winding up of eligible schemes

- 198. Backdating the winding up of eligible schemes

Pension sharing

- 199. Pension sharing

PART IV
SCHEME FUNDING

Introductory

200. Pension schemes to which this Part applies

Scheme funding

201. The statutory funding objective
202. Statement of funding principles
203. Actuarial valuations and reports
204. Certification of technical provisions
205. Recovery plan
206. Schedule of contributions
207. Failure to make payments
208. Matters requiring agreement of the employer
209. Matters on which advice of actuary must be obtained
210. Powers of the Regulator

Supplementary provisions

211. Power to modify provisions of this Part
212. Construction as one with the 1995 Order

PART V
FINANCIAL PLANNING FOR RETIREMENT

Retirement planning

213. Supply of housing benefit information
214. Combined pension forecasts

Employee information and advice

215. Information and advice to employees

PART VI
OCCUPATIONAL AND PERSONAL PENSION
SCHEMES: MISCELLANEOUS PROVISIONS

Categories of pension scheme

216. Categories of pension scheme
217. Meaning of employer in Part II of the 1995 Order

Requirements for member-nominated trustees and directors

218. Requirement for member-nominated trustees
219. Requirement for member-nominated directors of corporate trustees
220. Member-nominated trustees and directors: supplementary

Obligations of trustees of occupational pension schemes

221. Investment principles
222. Power to make regulations governing investment by trustees

- 223. Borrowing by trustees
- 224. Requirement for knowledge and understanding: individual trustees
- 225. Requirement for knowledge and understanding: corporate trustees
- 226. Requirement for knowledge and understanding: supplementary

Payment of surplus to employer

- 227. Payment of surplus to employer
- 228. Payment of surplus to employer: transitional power to amend scheme

Restrictions on payment into occupational pension schemes

- 229. UK-based scheme to be trust with effective rules
- 230. Non-European scheme to be trust with UK-resident trustee
- 231. Representative of non-European scheme to be treated as trustee

Activities of occupational pension schemes

- 232. Activities of occupational pension schemes

No indemnification for fines or civil penalties

- 233. No indemnification for fines or civil penalties

Pension protection on transfer of employment

- 234. Conditions for pension protection
- 235. Form of protection

Consultation by employers

- 236. Consultation by employers: occupational pension schemes
- 237. Consultation by employers: personal pension schemes
- 238. Further provisions about regulations relating to consultation

Modification of pension rights

- 239. Modification of subsisting rights

Short service benefit

- 240. Increase in age at which short service benefit must be payable

Early leavers

- 241. Early leavers: cash transfer sums and contribution refunds

Safeguarding pension rights

- 242. Paternity leave and adoption leave
- 243. Inalienability of occupational pension

Voluntary contributions

- 244. Voluntary contributions

Payments by employers

- 245. Payments made by employers to personal pension schemes

246. Payments made by employers and members to occupational pension schemes

Winding up

247. Winding up

Deficiency in assets of certain occupational pension schemes

248. Debt due from the employer when assets insufficient
249. Debt due from the employer in the case of multi-employer schemes

Pension disputes

250. Resolution of disputes

The Pensions Ombudsman

251. Deputy Pensions Ombudsman
252. Jurisdiction
253. Investigations

Pension compensation

254. Amendments relating to the Pensions Compensation Board

Annual increases in rate of pensions

255. Annual increase in rate of certain occupational pensions
256. Annual increase in rate of certain personal pensions
257. Power to increase pensions giving effect to pension credits etc.

Revaluation

258. Exemption from statutory revaluation requirement

Contracting out

259. Meaning of “working life” in Pension Schemes Act
260. Power to prescribe conditions by reference to Inland Revenue approval
261. Restrictions on commutation and age at which benefits may be received

Stakeholder pensions

262. Meaning of “stakeholder pension scheme”

PART VII

CROSS-BORDER ACTIVITIES WITHIN EUROPEAN UNION

UK occupational pension scheme receiving contributions from European employer

263. Occupational pension scheme receiving contributions from European employer
264. General authorisation to accept contributions from European employers
265. Approval in relation to particular European employer
266. Notification of legal requirements of host member State outside United Kingdom

- 267. Duty of trustees or managers to act consistently with law of host member State
- 268. Power of Regulator to require ring-fencing of assets

European occupational pension scheme receiving contributions from UK employer

- 269. Functions of Regulator in relation to institutions administered in other member States

Assistance for other European regulators

- 270. Stopping disposal of assets of institutions administered in other member States

Interpretation

- 271. Interpretation of Part

PART VIII
STATE PENSIONS

Entitlement to more than one pension

- 272. Persons entitled to more than one Category B retirement pension

Deferral of state pension

- 273. Deferral of retirement pensions and shared additional pensions

Miscellaneous

- 274. Disclosure of state pension information

PART IX
MISCELLANEOUS AND SUPPLEMENTARY

Dissolution of existing bodies – information

- 275. Information obtained by the Regulator
- 276. Information obtained by the Board

Electronic working

- 277. Notification and documents in electronic form
- 278. Timing and location of things done electronically

General

- 279. Overriding requirements
- 280. Modification of this Order in relation to certain categories of schemes
- 281. Modification of pensions legislation that refers to employers
- 282. Admissibility of statements
- 283. Protected items
- 284. Liens
- 285. Crown application

Regulations and orders

- 286. Breach of regulations
- 287. Orders and regulations (general provisions)
- 288. Assembly etc. control of orders and regulations
- 289. Consultations about regulations

Miscellaneous and supplementary

- 290. Minor and consequential amendments
 - 291. Repeals
 - 292. Transitional adaptations etc.: section 322(1) of the Pensions Act 2004
 - 293. Power to make further provision in connection with civil partnership
 - 294. Pre-consolidation amendments
- Signature

SCHEDULES

SCHEDULE 1 — THE PENSIONS REGULATOR

PART 1 — DELEGATION

- 1. (1) Subject to sub-paragraph (2), the Regulator may authorise—
 - 2. The Department may make regulations— (a) limiting the extent to...
- PART 2 — FUNDING AND ACCOUNTS
- 3. (1) Section 170 of the Pension Schemes Act (levies towards...

SCHEDULE 2 — THE RESERVED REGULATORY FUNCTIONS

PART 1 — FUNCTIONS UNDER THE PENSION SCHEMES ACT

- 1. The power by direction under section 95(4) to grant an...
- 2. The power by direction under section 97J(2) to extend the...
- 3. The power under regulations made by virtue of section 164(4)...

PART 2 — FUNCTIONS UNDER THE 1995 ORDER

- 4. The power to make an order under Article 3(1) prohibiting...
- 5. The power to make an order under Article 3(3) revoking...
- 6. The power to make an order under Article 4(1) suspending...
- 7. The power to make an order under Article 4(2) extending...
- 8. The power to make an order under Article 4(5) revoking...
- 9. The power to make an order appointing a trustee under...
- 10. The power under Article 9 to exercise by order the...
- 11. The power to require a person to pay a penalty...
- 12. The power to make an order under Article 11 directing...
- 13. The power to give directions to trustees under Article 15....
- 14. The power under Article 29(5) to give a notice waiving...
- 15. The power under Article 30(2) to exercise by order the...
- 16. The power to make an order under Article 67G(2) by...
- 17. The power to make an order under Article 67H(2) prohibiting,...
- 18. The power to make an order under Article 69 authorising...
- 19. The power to make an order under Article 71A modifying...

PART 3 — FUNCTIONS UNDER THE 1999 ORDER

- 20. The power by direction under Article 4(3)(b) to remove a...

PART 4 — FUNCTIONS UNDER THIS ORDER

- 21. The power to make or extend a restraining order under...
- 22. The power to make an order under Article 16(10) permitting...
- 23. The power to make a repatriation order under Article 17....

24. The power to make a freezing order under Article 19....
25. The power to make an order under Article 21(3) extending...
26. The power to make an order under Article 22 validating...
27. The power to make an order under Article 24 directing...
28. The power to make an order under Article 26 giving...
29. The power to make an order under Article 27(3) directing...
30. The power to issue a contribution notice under Article 34....
31. The power to issue a direction under Article 37(4) to...
32. The power to issue a revised contribution notice under Article...
33. The power to issue a financial support direction under Article...
34. The power to issue a contribution notice under Article 43....
35. The power to issue a direction under Article 46(4) to...
36. The power to issue a revised contribution notice under Article...
37. The power to make a restoration order under Article 48....
38. The power to issue a contribution notice under Article 51....
39. The power to issue a notice under Article 66 requiring...
40. The power to make a direction under Article 71(8) extending...
41. The power to make a direction under Article 73(10) extending...
42. The power to make an order under Article 210 modifying...
43. The power to issue a ring-fencing notice under Article 268....
44. The power to vary or revoke under Article 96—

SCHEDULE 3 — RESTRICTED INFORMATION HELD BY THE REGULATOR:
CERTAIN PERMITTED DISCLOSURES TO FACILITATE
EXERCISE OF FUNCTIONS

SCHEDULE 4 — THE BOARD OF THE PENSION PROTECTION FUND

1. (1) Subject to sub-paragraph (2), the Board may authorise—
2. (1) The Board may make arrangements for any of its...
3. (1) Where the Board makes arrangements under paragraph 2(1) for...

SCHEDULE 5 — TRANSFER OF PROPERTY, RIGHTS AND LIABILITIES TO
THE BOARD

1. This Schedule applies where the property, rights and liabilities of...
2. (1) Subject to sub-paragraph (2), the property, rights and liabilities...
3. (1) Without prejudice to the generality of Article 145 and...
4. The transfer is binding on all persons, even if, apart...
5. No person shall have any power, in consequence of the...
6. Any reference in any agreement, document or instrument of any...
7. (1) The Board must take all such steps as may...

SCHEDULE 6 — PENSION COMPENSATION PROVISIONS

Introductory

1. This Schedule applies for the purposes of determining the compensation...
2. In this Schedule references to “the assessment date” are to...

Pensions in payment at assessment date

3. (1) Compensation is payable in accordance with this paragraph where,...
4. (1) This paragraph applies where— (a) the pensioner dies on...

Pension benefits postponed at assessment date

5. (1) Compensation is payable in accordance with this paragraph where...
6. (1) This paragraph applies where the postponed pensioner—
7. (1) Compensation is payable in accordance with this paragraph where...

Active members over normal pension age at assessment date

8. (1) Compensation is payable in accordance with this paragraph where...
9. (1) This paragraph applies where the active member dies on...
10. (1) Compensation is payable in accordance with this paragraph where...

Active members who have not attained normal pension age at assessment date

11. (1) Compensation is payable in accordance with this paragraph where...
12. (1) This paragraph applies for the purposes of paragraph 11(4)(b)...
13. (1) This paragraph applies where the active member dies on...
14. (1) Compensation is payable in accordance with this paragraph where...

Deferred members who have not attained normal pension age at assessment date

15. (1) Compensation is payable in accordance with this paragraph where,...
16. (1) This paragraph applies for the purposes of paragraph 15(4)(b)...
17. (1) This paragraph applies for the purposes of paragraph 15(4)(c)...
18. (1) This paragraph applies where— (a) the deferred member dies...
19. (1) Compensation is payable in accordance with this paragraph where,...

Compensation in respect of scheme right to transfer payment or contribution refund

20. (1) Compensation is payable in accordance with this paragraph where—...

Pension credit members who have not attained normal benefit age at assessment date

21. (1) Paragraphs 15, 18 and 19 apply in relation to...

Survivors who do not meet conditions for scheme benefits at assessment date

22. (1) Compensation is payable in accordance with this paragraph where—...

Compensation in form of dependants' benefits

23. (1) Regulations may provide for compensation to be payable, in...

Commutation of periodic compensation

24. (1) In prescribed circumstances, a person entitled to periodic compensation...

Early payment of compensation

25. (1) Regulations may prescribe circumstances in which, and conditions subject...

Compensation cap

26. (1) Where— (a) a person becomes entitled to relevant compensation...

Increasing the compensation cap in line with earnings

27. Where, pursuant to paragraph 27 of Schedule 7 to the...

Annual increase in periodic compensation

28. (1) This paragraph provides for the increases mentioned in sub-paragraph...

Board's powers to alter rates of revaluation and indexation

29. (1) The Board may determine the percentage that is to...

Department's powers to vary percentage paid as compensation

30. (1) The Department may, on the recommendation of the Board,...

Special provision in relation to certain pensions in payment before the assessment date

31. (1) The powers conferred by this paragraph are exercisable in...

Short periods of service which terminate on commencement of assessment period

32. (1) This paragraph applies to a member of the scheme...

Power to modify Schedule in its application to certain schemes

33. Where the scheme is a prescribed scheme or a scheme...

Normal pension age

34. (1) In this Schedule “normal pension age”, in relation to...

Scheme rules, admissible rules etc.

35. (1) In this Schedule, in relation to the scheme, each...

Accrual rate, pensionable service and pensionable earnings

36. (1) In this Schedule, in relation to a member's entitlement...

Other definitions

37. (1) In this Schedule— “deferred member”, in relation to the...

**SCHEDULE 7 — RESTRICTED INFORMATION HELD BY THE BOARD:
CERTAIN PERMITTED DISCLOSURES TO FACILITATE
EXERCISE OF FUNCTIONS**

SCHEDULE 8 — REVIEWABLE MATTERS

1. The issue of a determination notice under Article 107 approving...
2. The failure to issue a determination notice under Article 107....
3. The issue of, or failure to issue, a notice under...
4. The issue of, or failure to issue—
5. Any direction given under paragraph (2) of Article 118 (directions...
6. The issue of a notice under Article 120(2) (power to...
7. The making of a loan under Article 123(2) (loans to...
8. The failure by the Board to obtain an actuarial valuation...
9. The approval of, or failure to approve, a valuation in...

10. The issue of, or failure to issue, a withdrawal notice...
11. The issue of, or failure to issue, a withdrawal notice...
12. The issue of, or failure to issue, a determination notice...
13. The issue of, or failure to issue, a determination notice...
14. Any direction given under Article 138(7) (directions about winding up...
15. The failure by the Board to give a transfer notice...
16. Any determination by the Board of a person's entitlement to...
17. Any failure by the Board to make a payment required...
18. Any determination by the Board under Article 164(3)(a) (the eligible...
19. The amount of the initial levy or any pension protection...
20. The making of a fraud compensation payment under Article 165(1),...
21. The issue of, or failure to issue, a notice under...
22. Any settlement date determined by the Board under Article 167(2)...
23. Any determination by the Board under Article 167(4) (recovery of...
24. The making of a payment under Article 169(1) (interim payments),...
25. Any term or condition imposed by the Board—
26. Any determination by the Board under Article 169(3)(b) (interim payments)...
27. Any date determined by the Board under Article 170(4) (earliest...
28. Any determination by the Board under Article 170(6) (fraud compensation...
29. Any determination by the Board under Article 171(7)(a) (occupational pension...
30. The amount of any fraud compensation levy payable in respect...

SCHEDULE 9 — DEFERRAL OF RETIREMENT PENSIONS AND SHARED ADDITIONAL PENSIONS

PART 1 — PRINCIPAL AMENDMENTS OF CONTRIBUTIONS AND BENEFITS ACT

1. Schedule 5 to the Contributions and Benefits Act (increase of...
 2. For the heading, substitute “PENSION INCREASE OR LUMP SUM WHERE...
 3. Before paragraph 1 insert— Choice between increase of pension and...
 4. For paragraph 1 (increase of pension where pensioner's entitlement is...
 5. (1) In paragraph 2 (calculation of increment), in sub-paragraph (5)(b),...
 6. After paragraph 2 insert— (1) This paragraph applies where— (a) a person's entitlement to...
 7. (1) After paragraph 3 insert— Lump sum where pensioner's entitlement...
 8. After paragraph 3B (inserted by paragraph 7) insert— Choice between...
 9. (1) Paragraph 4 (increase of pension where pensioner's deceased spouse...
 10. (1) After paragraph 7 insert— Entitlement to lump sum where...
 11. After paragraph 7B (inserted by paragraph 10) insert— Supplementary (1) Any lump sum calculated under paragraph 3B or 7B...
 12. For the heading immediately preceding paragraph 8 substitute “Married couples”...
 13. In paragraph 8 (married couples)— (a) in sub-paragraph (3) for...
 14. After Schedule 5 to the Contributions and Benefits Act insert—...
- ### PART 2 — CONSEQUENTIAL AMENDMENTS
15. ***The Contributions and Benefits Act***
 16. In section 62(1) (graduated retirement benefit)— (a) in paragraph (a),...
 17. In section 121(1) (interpretation of Parts I to VI)—
 18. ***The 1999 Order***
 19. In Article 47, omit paragraph (2) (which amends provisions relating...

20. In Article 49(2) (power to make regulations preserving rights in...
PART 3 — TRANSITIONAL PROVISIONS
21. ***Widowers' entitlement to increase of pension or widowed person's lump sum***
22. ***Transitional provision***

SCHEDULE 10 — MINOR AND CONSEQUENTIAL AMENDMENTS

1. ***The Matrimonial Causes (Northern Ireland) Order 1978 (NI 15)***
2. ***The Companies Order***
3. ***The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (NI 4)***
4. ***The Social Security Administration (Northern Ireland) Act 1992 (c. 8)***
5. ***The Pension Schemes Act***
6. In section 49 (supervision: former contracted-out schemes), after subsection (1B)...
7. (1) Section 52 (provision supplementary to section 51) is amended...
8. In section 57 (deduction of contributions equivalent premium from refund...
9. (1) Section 90 (right to cash equivalent) is amended as...
10. In section 95 (trustees' duties after exercise of option)—
11. In section 97J (time for compliance with transfer notice)—
12. In section 107A (monitoring of employers' payments to personal pension...
13. In section 109 (disclosure of information about schemes to members...
14. After that section insert— Disclosure of information about transfers etc....
15. In section 119 (interpretation of Chapter 2 of Part VII)...
16. In section 120 (duty of Department for Employment and Learning...
17. In section 125(1) (overriding requirements)— (a) for “and IV” substitute...
18. In section 126(b), (extra-statutory requirements), for “or IV” substitute “,...
19. In section 142 (functions of the Pensions Ombudsman)—
20. In section 145 (procedure on investigation by Pensions Ombudsman), in...
21. (1) Section 154A (other disclosures by the Department) is amended...
22. In section 164(4) (penalties for contravention of regulations) after “the...
23. In section 170 (levies)— (a) for subsection (8) substitute—
24. In section 173 (power to make regulations as to the...
25. (1) Section 174 (linked qualifying service) is amended as follows....
26. In section 176(1) (general interpretation), in the definition of “transfer...
27. In section 178(3) (sub-delegation), after “93(1)” insert “, 97AF(1)”.
28. ***The 1995 Order***
29. In Article 4 (suspension orders), in paragraphs (3) and (5)...
30. In Article 7 (appointment of trustees)— (a) in paragraph (1)...
31. In Article 9 (removal and appointment of trustees: property), after...
32. In Article 10 (civil penalties), in paragraph (5)(a) omit “as...
33. In Article 15(4) (failure to comply with Authority's direction) for...
34. In Article 22 (circumstances in which independent trustee provisions apply),...
35. In Article 25 (appointment and powers of independent trustees: further...
36. In Article 26 (insolvency practitioner or official receiver to give...
37. Omit Articles 26A to 26C.
38. In Article 28 (consequences of prohibition on trustee being auditor...
39. In Article 29 (persons disqualified for being trustees), in paragraph...
40. In Article 30 (persons disqualified: consequences)— (a) in paragraph (2),...
41. Omit Article 30A (accessibility of register of disqualified trustees).
42. In Article 32 (decisions of trustees by a majority)—
43. In Article 34 (powers of investment and delegation) in paragraph...

44. (1) Article 38 (power to defer winding up) is amended...
45. In Article 40 (restriction on employer-related investments), in paragraph (4)...
46. In Article 41 (provision of documents for members)—
47. In Article 47 (professional advisers), in paragraphs (3), (8) and...
48. In Article 49 (other responsibilities of trustees, employers, etc.)—
49. In Article 49A (record of winding up decisions) omit paragraph...
50. In Article 68 (power of trustees to modify schemes by...
51. In Article 69 (grounds for applying for modifications)—
52. In Article 71A(4)(d) (power to make provision in relation to...
53. In Article 72A (reports to Authority about winding up) omit...
54. In Article 72C (duty to comply with directions for facilitating...
55. In Article 73 (preferential liabilities on winding up), in paragraph...
56. In Article 76 (excess assets on winding up)—
57. In Article 77 (excess assets remaining after winding up: power...
58. In Article 85 (schedules of payments to money purchase schemes)...
59. In Article 86 (provision supplementary to Article 85) omit paragraph...
60. In Article 87 (application of further provisions to money purchase...
61. In Article 115 (powers to modify Part II of the...
62. In Article 116 (calculations, etc. under regulations: sub-delegation), for “73(3)”...
63. (1) Article 121 (interpretation of Part II) is amended as...
64. ***The Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11)***
65. ***The 1999 Order***
66. In Article 3 (stakeholder pension schemes), in paragraph (6), after...
67. In Article 4 (registration of stakeholder pension schemes)—
68. In Article 9(2)(a) (providing for stakeholder pension schemes to be...
69. In Article 35 (treatment in winding up)—
70. (1) Paragraph 1 of Schedule 1 (application of statutory provisions...
71. (1) Schedule 5 (pension credits: mode of discharge) is amended...

SCHEDULE 11 — REPEALS

Explanatory Note