



Pension Schemes (Northern Ireland) Act 1993

1993 CHAPTER 49

PART XII

SUPPLEMENTARY PROVISIONS

Subordinate legislation, etc.

177 Orders and regulations (general provisions).

- (1) [^{F1}Subject to subsection (7)] Any power under this Act to make regulations or orders (except a power of ^{F2}. . . the court to make orders ^{F3}. . .) and the powers to make rules under sections 145(2) and 148(1) shall be exercisable by statutory rule for the purposes of the ^{M1}Statutory Rules (Northern Ireland) Order 1979.
- (2) Where a power conferred by this Act is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes.
- (3) Any power to make regulations or an order for the purposes of any one provision of this Act shall be without prejudice to any power to make regulations or an order for the purposes of any other provision.
- (4) Any power conferred by this Act to make regulations or an order shall include power to make such incidental, supplementary, consequential or transitional provision as appears to the authority making the regulations or order to be expedient for the purposes of the regulations or order.
- (5) Subsection (4) has effect—
 - (a) in its application to regulations and orders made under the following provisions, namely Chapter I of Part IV, Part VIII so far as it applies for the purposes of Chapter I of Part IV, sections ^{F4}. . . 149(2), 154(1) to (5), 158, 159

Status: Point in time view as at 01/09/2021.

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- ^{F5} . . . and 171, with the omission of the words “consequential or transitional”;
and
- (b) in its application to orders made under section 149(8), with the omission of the word “consequential”.
- (6) Any power conferred on the Department by this Act to make any regulations or order (except an order under section 149(8)), where the power is not expressed to be exercisable with the consent of the Department of Finance and Personnel, shall if that Department so directs be exercisable only in conjunction with it.
- (7) [^{F6}Any power conferred on the Secretary of State to make regulations or orders (other than an order under section 162) is exercisable by statutory instrument, and subsections (2) to (4) and section 178(1) apply to regulations or orders made in exercise of any such power of the Secretary of State as they apply to regulations made by the Department.]
- (8) [^{F7}Any power] conferred on the Secretary of State ^{F8} . . . to make regulations [^{F9}or orders] shall if the Treasury so direct be exercisable only in conjunction with them.

Textual Amendments

- F1** Words in s. 177(1) inserted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 75(2)**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F2** Words in s. 177(1) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, **Sch. 3 para. 67(a), Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F3** Words in s. 177(1) omitted (24.3.1999 for certain purposes and otherwise 1.4.1999) by virtue of S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 75(2)**; S.R. 1999/149, art. 2(c), **Sch. 2** and repealed (1.4.1999) by S.I. 1999/671, arts. 1(3), 24(3), **Sch. 9 Pt. I**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F4** Words in s. 177(5)(a) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 168, **Sch. 5 Pt. IV**; S.R. 1997/192, **art. 2(b)**
- F5** Words in s. 177(5)(a) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, **Sch. 3 para. 67(b), Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F6** S. 177(7) substituted (*retrospective* to 1.4.1999) by 1999 c. 30, s. 81, **Sch. 11 para. 27(1)(2)**
- F7** Words in s. 177(8) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 75(4)(a)**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F8** S. 177(8): Words omitted (24.3.1999 for certain purposes and otherwise 1.4.1999) by virtue of S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 75(4)(b)**; S.R. 1999/149, art. 2(c), **Sch. 2** and words “under section 160” repealed (1.4.1999) by virtue of S.I. 1999/671, arts. 1(3), 24(3), **Sch. 9 Pt. I**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F9** Words in s. 177(8) inserted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 75(4)(c)**; S.R. 1999/149, art. 2(c), **Sch. 2**

Modifications etc. (not altering text)

- C1** S. 177(2)-(4)(6) extended (12.2.2001 for specified purposes, otherwise *prosp.*) by 2000 c. 4 (N.I.), s. 52, **Sch. 5 Pt. II para. 15** (with s. 66(6)); S.R. 2000/374, **art. 2(e)** (and art. 2(e)(ii) was omitted by S.R. 2001/141, **art. 3**)

Marginal Citations

- M1** S.I. 1979/1573 (N.I. 12).

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178 Sub-delegation.

(1) Without prejudice to any specific provisions in this Act, a power conferred by this Act to make regulations or an order (other than regulations and orders made under Chapter I of Part IV, Part VIII so far as it applies for the purposes of Chapter I of Part IV, sections 132 to 134, 135(2) and (3), 136, 137, 138(1) to (4), 139, 149(2), 154(1) to (5), 158, 159^{F10} . . . and 171) includes power to provide for a person to exercise a discretion in dealing with any matter.

^{F11}(2)

(3) Regulations under sections ^{F12}... 59(2) [^{F13}and 93(1) [^{F14}, 97AF(1)] and 97I] may provide that the values there mentioned shall be calculated and verified ^{F15}. . .—

- (a) in such manner as may, in the particular case, be approved—
 - (i) by a prescribed person;
 - (ii) by a person with prescribed professional qualifications or experience;
 - or
 - (iii) by a person approved by the Department; or
- (b) in accordance with guidance prepared [^{F16}and revised] by a prescribed body;

^{F17}

Textual Amendments

- F10** Words in s. 178(1) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 68, **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F11** S. 178(2) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 68, **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F12** Words in s. 178(3) omitted (6.4.2012) by virtue of *The Pensions (2008 No. 2 Act) (Abolition of Protected Rights) (Consequential Provisions) Order (Northern Ireland) 2012* (S.R. 2012/124), arts. 1(b), **4(25)**
- F13** Words in s. 178(3) substituted (1.12.2000) by S.I. 1999/3147 (N.I. 11), art. 74, **Sch. 9 para. 31**; S.R. 2000/133, art. 2(3), **Sch. Pt. IV**
- F14** Word in s. 178(3) inserted (15.2.2006 for specified purposes, 6.4.2006 in so far as not already in force) by *The Pensions (Northern Ireland) Order 2005* (S.I. 2005/255 (N.I. 1), art. 1(2), **Sch. 10 para. 27**; S.R. 2005/543, art. 2(6), Sch. Pt. 6; S.R. 2006/45, art. 2(2)
- F15** Words in s. 178(3) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 119, 168, Sch. 1 para. 37(b), **Sch. 5 Pt. I** (with art. 118(5)(6)); S.R. 1997/192, **art. 2(b)**
- F16** Words in s. 178(3)(b) inserted (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 165, **Sch. 4 para. 14**; S.R. 1997/192, **art. 2(b)**
- F17** Words in s. 178(3) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 119, 168, Sch. 1 para. 37(c), **Sch. 5 Pt. I** (with art. 118(5)(6)); S.R. 1997/192, **art. 2(b)**

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Textual Amendments

- F18** S. 179 repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 69, **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**

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180 Consultations about other regulations.

- (1) The power of the Department to make regulations under section 158 shall be exercisable only after consultation with the [^{F19}[^{F20}appropriate regulator] or, if the matter concerns section 464 of the Income and Corporation Taxes Act 1988, the Commissioners of the Inland Revenue]

[^{F21}(1A) “The appropriate regulator” means—

- (a) where the group insurance business to which the regulations relate consists only of activities which are PRA-regulated activities, the Prudential Regulation Authority,
- (b) where the group insurance business to which the regulations relate consists partly of activities which are PRA-regulated activities and partly of other regulated activities, the Prudential Regulation Authority and the Financial Conduct Authority, or
- (c) in any other case, the Financial Conduct Authority.

- (1B) In subsection (1A) “regulated activities” and “PRA-regulated activities” have the same meaning as in the Financial Services and Markets Act 2000.]

[^{F22}(2)

Textual Amendments

F19 Words in s. 180(1) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 138**

F20 Words in s. 180(1) substituted (1.3.2017) by The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, **Sch. para. 9(d)(i)**

F21 S. 180(1A)(1B) inserted (1.3.2017) by The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, **Sch. para. 9(d)(ii)**

F22 S. 180(2) omitted (6.4.2016) by virtue of Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 13 para. 44**

181 Assembly, etc. control of regulations and orders.

- (1) The regulations and orders to which this subsection applies shall be laid before the Assembly after being made and shall take effect on such date as may be specified in the regulations or order, but shall (without prejudice to the validity of anything done thereunder or to the making of new regulations or a new order) cease to have effect upon the expiration of a period of six months from that date unless at some time before the expiration of that period the regulations have, or the order has, been approved by a resolution of the Assembly.
- (2) Subsection (1) applies to regulations made by the Department under section [^{F23}20B(5)][^{F24}, 95(2)(c), 95A(2)(b)], 60(1) [^{F25}or 164(2)] and to orders made by it under section 149(8) [^{F26} and to regulations made by the Department of Finance and Personnel under section 93A(10)] .
- (3) Subsection (1) does not apply to—
- (a) regulations under any provision mentioned in subsection (2) which are to be made for the purpose of consolidating regulations thereby revoked;
 - (b) regulations which, in so far as they are made under any provision mentioned in subsection (2), only replace provisions of previous regulations with new provisions to the same effect.

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- (4) Subject to subsection (6), all regulations and orders made by the Department under this Act (other than regulations or orders to which subsection (1) applies and orders made under section 186) [^{F27} and regulations made by the Department of Finance and Personnel under section 91 or 93B shall] be subject to negative resolution.
- (5) This subsection applies to any regulations or order made under this Act which—
- (a) but for subsection (6), would be subject to negative resolution, and
 - (b) are or is contained in a statutory rule which includes any regulations or order subject to the confirmatory procedure.
- (6) Any regulations or order to which subsection (5) applies shall not be subject to negative resolution, but shall be subject to the confirmatory procedure.
- (7) Subject to subsection (9), regulations made under this Act by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) This subsection applies to any regulations made under this Act which—
- (a) but for subsection (9), would be subject to annulment in pursuance of a resolution of either House of Parliament, and
 - (b) are contained in an instrument which is subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament.
- (9) Any regulations to which subsection (8) applies shall not be subject as mentioned in subsection (8)(a), but shall be subject to the procedure described in subsection (8)(b).
- [^{F28}(9A) A statutory instrument containing provision under section 38, 38B or 41A shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.]
- (10) In this section “the confirmatory procedure” means the procedure described in subsection (1).

Textual Amendments

- F23** Word in s. 181(2) inserted (3.3.2009 for specified purposes, 6.4.2009 in so far as not already in force) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1\)](#), **ss. 12(12), 21(1)**; S.R. 2009/75, art. 2(a)(b)
- F24** Words in s. 181(2) inserted (11.2.2021 for specified purposes) by [Pension Schemes Act 2021 \(c. 1\)](#), s. 131(1)(3)(a), **Sch. 6 para. 4**
- F25** Words in s. 181(2) inserted (23.7.1996 for certain purposes otherwise 6.4.1997) by [S.I. 1995/3213 \(N.I. 22\)](#), **art. 151(2)**; S.R. 1996/307, art. 2(a), **Sch. Pt. I**; S.R. 1997/192, **art. 2(b)**
- F26** Words in s. 181(2) inserted (6.4.2015) by [Pension Schemes Act 2015 \(c. 8\)](#), **ss. 73(2)(a), 89(3)(b)** (with s. 87)
- F27** Words in s. 181(4) substituted (6.4.2015) by [Pension Schemes Act 2015 \(c. 8\)](#), **ss. 73(2)(b), 89(3)(b)** (with s. 87)
- F28** S. 181(9A) inserted (24.3.1999 for certain purposes and otherwise 1.4.1999) by [S.I. 1999/671](#), arts. 1(2)(b), 3(1), **Sch. 1 para. 76**; S.R. 1999/149, art. 2(c), **Sch. 2**

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