

Status: Point in time view as at 06/04/2009.

Changes to legislation: Pension Schemes (Northern Ireland) Act 1993, SCHEDULE 2 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Sections 80 and 98(3).

METHODS OF REVALUING ACCRUED PENSION BENEFITS

The final salary method

1 [F1(1) The final salary method is to add to the amount that would be payable but for Chapter 2 of Part 4, or regulations made under it, the additional amount specified in subparagraph (1A), (1B), (1C) or (1D) (whichever applies).

(1A) Where—

- (a) the termination of pensionable service occurs before 1st January 1991, and
- (b) the whole of the member's pensionable service falls on or after 1st January 1985,

the additional amount is the appropriate higher revaluation percentage of the accrued benefit.

(1B) Where—

- (a) the termination of pensionable service occurs before 1st January 1991, and
- (b) some of the member's pensionable service falls before 1st January 1985,

the additional amount is such proportion of the appropriate higher revaluation percentage of the accrued benefit as the member's pensionable service falling on or after 1st January 1985 bears to the member's total pensionable service.

(1C) Where the termination of pensionable service occurs—

- (a) on or after 1st January 1991, but
- (b) before the day on which section 80 of the Pensions (No. 2) Act (Northern Ireland) 2008 comes into operation (“the Pensions Act commencement day”),

the additional amount is the appropriate higher revaluation percentage of the accrued benefit.

(1D) Where the termination of pensionable service occurs on or after the Pensions Act commencement day, the additional amount is the aggregate of—

- (a) the appropriate higher revaluation percentage of so much of the accrued benefit as is attributable to the member's pensionable service falling before the Pensions Act commencement day, and
- (b) the appropriate lower revaluation percentage of so much of the accrued benefit as is attributable to the member's pensionable service falling on or after that day.

(1E) In this paragraph “the accrued benefit” means the amount of the pension or other benefit which on the termination date has accrued to the member or to any other person in respect of the member (excluding any part of that amount which consists of—

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- (a) the member's guaranteed minimum, or
 - (b) the guaranteed minimum of the member's widow, widower or surviving civil partner).
- (2) For the purposes of this paragraph, a member's pensionable service includes any notional pensionable service which is credited to the member by the scheme (“notional service”).
- But notional service shall not be taken into account in determining which of sub-paragraphs (1A), (1B), (1C) and (1D) applies.
- (3) For the purposes of determining the additional amount where sub-paragraph (1B) applies, any notional service shall be taken to have ended immediately before the member's actual pensionable service began.
- (3A) For the purposes of determining the additional amount where sub-paragraph (1D) applies, any notional service shall be treated as falling on or after the Pensions Act commencement day only if, or to the extent that, it is so treated for the purposes of the scheme.]
- (4) Any rule of a scheme the effect of which is that benefit falls to be revalued by reference to any period is to be disregarded in making any calculation required by this method.

Textual Amendments

- F1** Sch. 2 para. 1(1)-(3A) substituted for Sch. 2 para. 1(1)-(3) (6.4.2009) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\), s. 118\(1\), Sch. 1 para. 2](#) (with [ss. 73, 80\(2\)](#)); [S.R. 2009/22, art. 2\(2\)\(c\)](#)

The revaluation percentage and the appropriate revaluation percentage

- 2 (1) Whenever the Secretary of State makes an order under paragraph 2 of Schedule 3 to the ^{M1}Pension Schemes Act 1993 specifying [^{F2}a higher revaluation percentage and a lower revaluation percentage] for each revaluation period within the meaning of that paragraph, the Department may make an order specifying [^{F3}a corresponding higher revaluation percentage and a corresponding lower revaluation percentage] for each revaluation period (as defined in paragraph (2)).
- (2) A period is a “revaluation period”, in relation to each order under this paragraph, if it is a period which—
- (a) begins with 1st January 1986 or with an anniversary of that date falling before the making of the order; and
 - (b) ends with the next day after the making of the order which is 31st December.

[^{F4}(3) In paragraph 1—

“the appropriate higher revaluation percentage” means the higher revaluation percentage specified in the last calendar year before the date on which the member attains normal pension age as the higher revaluation percentage for the revaluation period which is of the same length as the number of complete years in the pre-pension period;

“the appropriate lower revaluation percentage” has a corresponding meaning.]

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Textual Amendments

- F2** Words in Sch. 2 para. 2(1) substituted (6.4.2009) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\)](#), s. 118(1), [Sch. 1 para. 3\(2\)\(a\)](#) (with ss. 73, 80(2)); S.R. 2009/22, art. 2(2)(c)
- F3** Words in Sch. 2 para. 2(1) substituted (6.4.2009) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\)](#), s. 118(1), [Sch. 1 para. 3\(2\)\(b\)](#) (with ss. 73, 80(2)); S.R. 2009/22, art. 2(2)(c)
- F4** Sch. 2 para. 2(3) substituted (6.4.2009) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\)](#), s. 118(1), [Sch. 1 para. 3\(3\)](#) (with ss. 73, 80(2)); S.R. 2009/22, art. 2(2)(c)

Marginal Citations

- M1** 1993 c. 48.

The average salary method

- 3 (1) The average salary method is to revalue the member's salaries as respects the pre-pension period in any way in which they would have been revalued during that period if he had remained in the same pensionable service.
- (2) In this paragraph "salaries" means, subject to sub-paragraph (4), the member's salaries for the period between the date when his pensionable service began and the termination date, or such part of them as was relevant under the scheme to the calculation of the retirement benefits payable under the scheme to him or to any other person in respect of him.
- (3) For the purpose of this paragraph those salaries are to be taken to include—
- (a) any amount which is attributed to them, otherwise than by virtue of this paragraph, as the result of a revaluation for which the rules of the scheme provide; and
 - (b) any amount which is for any reason credited to the member by way of salary notionally earned.
- (4) Where the member's pensionable service ended before 1st January 1991, sub-paragraph (2) shall have effect with the substitution for the words from "means" to "termination date" of the words "means the member's salaries for the period between 1st January 1985 and the termination date".
- (5) For the purposes of the application of this paragraph to a case where a member is credited with an amount by reference to salary notionally earned over a period of time of a particular length, that period shall be taken to have ended immediately before the member's actual pensionable service began.

The flat rate method

- 4 The flat rate method is to revalue the benefits which have accrued to the member as respects the pre-pension period in any way in which they would have been revalued during that period if he had remained in the same pensionable service.

The money purchase method

- 5 (1) Subject to sub-paragraphs (2) and (3), the money purchase method is to apply the investment yield and any bonuses arising from payments made by or on behalf of a member towards providing any pension or other retirement benefit which is payable

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under the scheme to him or to any other person in respect of him in the manner in which they would have been applied if his pensionable service had not terminated.

- (2) The Department may by regulations authorise trustees and managers of occupational pension schemes to deduct from any pension or other retirement benefit provided by virtue of the money purchase method an appropriate amount in respect of the administrative expenses incurred by them in carrying this method into effect.
- (3) The trustees and managers of a personal pension scheme may, when providing a pension or other retirement benefit by virtue of the money purchase method, deduct—
 - (a) the actual administrative expenses of doing so, or
 - (b) the amount of the administrative expenses which would have been incurred in providing a money purchase benefit for the same member if contributions had not ceased to be paid to the scheme in respect of him,

whichever is the less.

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