



# Pension Schemes (Northern Ireland) Act 1993

## 1993 CHAPTER 49

### PART III

<sup>F1</sup>[<sup>F1</sup>SCHEMES THAT WERE CONTRACTED-OUT ETC.]  
AND EFFECTS ON MEMBERS' STATE SCHEME RIGHTS ...

#### CHAPTER I

[<sup>F1</sup>SCHEMES THAT WERE CONTRACTED-OUT: GUARANTEED  
MINIMUM PENSIONS AND ALTERATION OF SCHEME RULES ETC.]

*[<sup>F1</sup>Guaranteed minimum pensions]*

#### 12 Revaluation of earnings factors for purposes of s. 10: early leavers, etc.

- (1) Subject to subsection (2), for the purpose of section 10(2) the earner's earnings factor for any relevant year (so far as derived as mentioned in that section) shall be taken to be that factor as increased by the same percentage as that prescribed for the increase of that factor by the last order under Article 23 of the <sup>M1</sup>Social Security Pensions (Northern Ireland) Order 1975 or section 130 of the <sup>M2</sup>Social Security Administration (Northern Ireland) Act 1992 to come into operation before the end of the final relevant year.
- (2) [<sup>F1</sup>The scheme may provide that in a case where—
  - (a) an earner was, before the second abolition date, in contracted-out employment by reference to a scheme, and
  - (b) the earner ceases to be in pensionable service under the scheme before the final relevant year,

the earnings factors for that person shall be determined for the purposes of section 10(2) by reference to the last such order to come into operation before the

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**Changes to legislation:** *Pension Schemes (Northern Ireland) Act 1993, Section 12 is up to date with all changes known to be in force on or before 15 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)*

end of the tax year in which the earner ceases to be in pensionable service under the scheme (“the last service tax year”).]

- (3) Where a scheme provides as mentioned in subsection (2) the scheme shall provide for the weekly equivalent mentioned in section 10(2) to be increased by at least [<sup>F2</sup>the prescribed percentage for each relevant year after the last service tax year; and the provisions included by virtue of this subsection may also conform with such additional requirements as may be prescribed]
- (4) Except in such cases or classes of case as may be prescribed, the provision made by virtue of subsections (2) and (3) must be the same for all members of the scheme.
- (5) In this section—
- [<sup>F3</sup>“relevant year” means any tax year in the earner’s working life,]
- [<sup>F4</sup>“final relevant year” means the last tax year in the earner’s working life.]

#### Textual Amendments

- F1** S. 12(2) substituted (6.4.2016) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\), Sch. 13 para. 16](#) (with savings in [S.R. 2016/106](#), arts. 1(1), 2(4))
- F2** Words in s. 12(3) substituted (6.4.1996 for certain purposes only otherwise 6.4.1997) by [S.I. 1995/3213 \(NI 22\)](#), art. 147, Sch. 3 para. 21(a); [S.R. 1996/91](#), art. 2(d), [Sch. Pt. IV](#); [S.R. 1997/192](#), [art. 2\(b\)](#)
- F3** S. 12(5): Definition of “relevant year” substituted (1.12.1999 for certain purposes and otherwise 25.4.2000) by [S.I. 1999/3147 \(N.I. 11\)](#), arts. 1(5)(a), 17, [Sch. 2 para. 3](#) (with transitional provisions in [art. 75\(1\)](#)); [S.R. 2000/133](#), art. 2(3), [Sch. Pt. II](#)
- F4** Definition of “final relevant year” in s. 12(5) substituted (6.4.1997) by [S.I. 1995/3213 \(N.I. 22\)](#), art. 147, [Sch. 3 para. 21\(b\)](#); [S.R. 1997/192](#), [art. 2\(b\)](#)

#### Modifications etc. (not altering text)

- C1** S. 12(1) modified (6.4.1997) by [S.R. 1996/509](#), [reg. 6\(5\)](#)
- C2** S. 12(1)(5) applied (1.11.1995) by [S.R. 1995/389](#), [arts. 4\(1\)\(3\)](#)
- C3** S. 12(1) applied (with modifications) by [S.R. 1996/618](#), reg. 13B(3) (as inserted (6.4.2016) by [The Occupational Pension Schemes \(Schemes that were Contracted-out\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/107\)](#), regs. 1(a), [22\(4\)](#))
- C4** S. 12(2)(3) modified by [S.R. 1996/618](#), reg. 13B(4)(5) (as inserted (6.4.2016) by [The Occupational Pension Schemes \(Schemes that were Contracted-out\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/107\)](#), regs. 1(a), [22\(4\)](#))
- C5** S. 12(3) modified (28.3.1997) by [S.R. 1997/192](#), [art. 3](#) (with [art. 9](#))

#### Marginal Citations

- M1** [S.I. 1975/1503 \(N.I. 15\)](#).
- M2** [1992 c. 8](#).

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