



# Pension Schemes (Northern Ireland) Act 1993

## 1993 CHAPTER 49

### PART VIII

#### RELATIONSHIP BETWEEN REQUIREMENTS AND SCHEME RULES

#### 125 Overriding requirements.

- (1) Subject to subsection (2), the provisions of [<sup>F1</sup>Chapters 2 and 3 of Part 4, Chapters 1 and 2 of Part 4ZA]<sup>F2</sup>Chapters I and II of Part IVA,], <sup>F3</sup> . . . section 106(1) <sup>F3</sup> . . . and any regulations made <sup>F3</sup> . . . under [<sup>F4</sup>any of those Chapters or] section 109 <sup>F3</sup> . . . override any provision of a scheme to which they apply to the extent that it conflicts with them.
- (2) Chapter II of Part IV (as it applies to occupational pension schemes), [<sup>F5</sup>and Chapter III of that Part] do not override a protected provision of a scheme <sup>F6</sup> . . .
- (3) In subsection (2) “protected provision” means—
  - <sup>F7</sup>(a) . . . . .
  - <sup>F8</sup>(b) . . . . .
  - (c) any provision of a scheme which is included in it for the purpose of effecting a transfer of rights or liabilities authorised by regulations under section 16(1);
  - (d) any provision of a scheme to the extent that it deals with commutation, suspension or forfeiture of the whole or part of a pension; and
  - (e) any provision of a scheme whereby, as respects so much of a [<sup>F9</sup>widow's, widower's or surviving civil partner's] pension as exceeds the guaranteed minimum pension—
    - (i) no pension or a pension at a reduced rate is payable if the earner and the [<sup>F10</sup>widow, widower or surviving civil partner married or, as the case may be, formed a civil partnership] not more than six months before the earner's death;

*Status: Point in time view as at 06/04/2015.*

*Changes to legislation: Pension Schemes (Northern Ireland) Act 1993, Section 125 is up to date with all changes known to be in force on or before 29 June 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)*

- (ii) the whole or any part of the pension is not paid to the <sup>[F11]</sup>widow, widower or surviving civil partner], but instead comparable benefits are provided for one or more dependants of the deceased earner; or
  - (iii) no pension, or a pension at a reduced rate, is payable to the <sup>[F11]</sup>widow, widower or surviving civil partner] (or, where a provision such as is mentioned in sub-paragraph (ii) operates, to another dependant of the deceased earner) who was more than ten years younger than the deceased earner.
- (4) For the purposes of the application of Chapter II of Part IV to schemes which are not contracted-out, subsection (3) shall have effect with the omission—
- (a) from paragraph (c), of the words from “authorised” to the end; and
  - (b) from paragraph (e), of the words from “as respects” to “guaranteed minimum pension”.

#### Textual Amendments

- F1** Words in s. 125(1) substituted (6.4.2015) by Pension Schemes Act 2015 (c. 8), s. 89(3)(b), **Sch. 4 para. 69** (with s. 87)
- F2** Words in s. 125(1) inserted (1.12.2000) by S.I. 1999/3147 (N.I. 11), art. 74, **Sch. 9 para. 28(2)**; S.R. 2000/133, art. 2(3), **Sch. Pt. IV**
- F3** Words in s. 125(1) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 119, 168, Sch. 1 para. 23(a), **Sch. 5 Pt. I** (with art. 118(5)(6)); S.R. 1997/192, **art. 2(b)**
- F4** Words in s. 125(1) inserted (6.4.2006) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), art. 1(2), **Sch. 10 para. 17(b)**; S.R. 2006/95, art. 2(c), Sch. Pt. 3
- F5** Words in s. 125(2) substituted (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 119, **Sch. 1 para. 23(b)** (with art. 118(5)(6)); S.R. 1997/192, **art. 2(b)**
- F6** Words in s. 125(2) repealed (6.4.2005) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), art. 1(2), **Sch. 11**; S.R. 2005/166, art. 2(6), Sch. 1
- F7** Words in s. 125(3)(a) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 119, 168, Sch. 1 para. 23(c), **Sch. 5 Pt. I** (with art. 118(5)(6)); S.R. 1997/192, **art. 2(b)**
- F8** S. 125(3)(b) repealed (6.4.2005) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), art. 1(2), **Sch. 11**; S.R. 2005/166, art. 2(6), Sch. 1
- F9** Words in s. 125(3)(e) substituted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 (S.R. 2005/434), art. 1(3), **Sch. para. 16(a)**
- F10** Words in s. 125(3)(e)(i) substituted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 (S.R. 2005/434), art. 1(3), **Sch. para. 16(b)**
- F11** Words in s. 125(3)(e)(ii)(iii) substituted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 (S.R. 2005/434), art. 1(3), **Sch. para. 16(c)**

**Status:**

Point in time view as at 06/04/2015.

**Changes to legislation:**

Pension Schemes (Northern Ireland) Act 1993, Section 125 is up to date with all changes known to be in force on or before 29 June 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.