



Pension Schemes (Northern Ireland) Act 1993

1993 CHAPTER 49

PART III

^{F1}[^{F1}SCHEMES THAT WERE CONTRACTED-OUT ETC.]
AND EFFECTS ON MEMBERS' STATE SCHEME RIGHTS ...

CHAPTER I

[^{F1}SCHEMES THAT WERE CONTRACTED-OUT: GUARANTEED
MINIMUM PENSIONS AND ALTERATION OF SCHEME RULES ETC.]

[^{F1}Guaranteed minimum pensions]

16 Transfer of accrued rights.

- (1) Regulations may prescribe circumstances in which and conditions subject to which—
- (a) a transfer of or a transfer payment in respect of—
 - (i) an earner's accrued rights to guaranteed minimum pensions under a [^{F1}scheme that was a] contracted-out scheme;
 - (ii) an earner's accrued rights to pensions under an occupational pension scheme ^{F2}... to the extent that those rights derive from his accrued rights to guaranteed minimum pensions under a [^{F3}scheme that was a] contracted-out scheme; or
 - (iii) the liability for the payment of guaranteed minimum pensions to or in respect of any person who has become entitled to them,may be made by an occupational pension scheme to another such scheme [^{F4}, to a personal pension scheme or to an overseas arrangement];
 - (b) a transfer of or a transfer payment in respect of an earner's accrued rights to guaranteed minimum pensions which are appropriately secured for the

Status: Point in time view as at 08/04/2019.

Changes to legislation: *Pension Schemes (Northern Ireland) Act 1993, Section 16 is up to date with all changes known to be in force on or before 06 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)*

purposes of section 15 may be made to an occupational pension scheme [^{F5}, a personal pension scheme or an overseas arrangement].

- (2) Any such regulations may be made so as to apply to earners who are not in employment at the time of the transfer.
- (3) Regulations under subsection (1) may provide that any provision of this Part (other than sections 14, 15 and 39 to 41, ^{F6} ... so far as they apply to personal pension schemes) or of Chapter III of Part IV or Chapter II of Part V shall have effect, where there has been a transfer to which they apply, subject to such modifications as may be specified in the regulations.
- (4) Regulations under subsection (1) shall have effect in relation to transfers whenever made unless they provide that they are only to have effect in relation to transfers which take place after they come into operation.
- (5) The power conferred by subsection (1) is without prejudice to the generality of section 177(2) or section 17(5) of the ^{M1}Interpretation Act (Northern Ireland) 1954.
- (6) In the provisions mentioned in subsection (3) “accrued rights”, in relation to an earner, means the rights conferring prospective entitlement under the scheme in question to the pensions to be provided for the earner and the earner’s [^{F7}widow, widower or surviving civil partner] in accordance with sections 9 and 13, and references to an earner’s accrued rights to guaranteed minimum pensions shall be construed accordingly.

Textual Amendments

- F1** Words in s. 16(1)(a)(i) inserted (6.4.2016) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\), Sch. 13 para. 18\(a\)](#)
- F2** Words in s. 16(1)(a)(ii) omitted (6.4.2016) by virtue of [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\), Sch. 13 para. 18\(b\)\(i\)](#)
- F3** Words in s. 16(1)(a)(ii) inserted (6.4.2016) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\), Sch. 13 para. 18\(b\)\(ii\)](#)
- F4** Words in s. 16(1)(a) substituted (1.1.2001) by 2000 c. 4 (N.I.), s. 52, [Sch. 5 para. 2\(1\)\(a\)](#) (with s. 66(6)); S.R. 2000/374, art. 2(c), [Sch. Pt. II](#)
- F5** Words in s. 16(1)(b) substituted (1.1.2001) by 2000 c. 4 (N.I.), s. 52, [Sch. 5 para. 2\(1\)\(b\)](#) (with s. 66(6)); S.R. 2000/374, art. 2(c), [Sch. Pt. II](#)
- F6** Words in s. 16(3) omitted (6.4.2015) 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\(d\), 31\(2\)](#)
- F7** Words in s. 16(6) substituted (5.12.2005) by [The Civil Partnership \(Contracted-out Occupational and Appropriate Personal Pension Schemes\) \(Surviving Civil Partners\) Order \(Northern Ireland\) 2005 \(S.R. 2005/433\), art. 1\(3\), Sch. 1 para. 7](#)

Modifications etc. (not altering text)

- C1** S. 16 modified (1.4.2009) by [Local Government Pension Scheme \(Administration\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/33\), regs. 1, 74\(1\)](#)

Marginal Citations

- M1** 1954 c. 33 (N.I.).

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