



Pension Schemes (Northern Ireland) Act 1993

1993 CHAPTER 49

PART XII

SUPPLEMENTARY PROVISIONS

Interpretation

176 General interpretation.

(1) In this Act—

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...

“age”, in relation to any person, shall be construed so that—

- (a) he is over or under a particular age if he has or, as the case may be, has not attained that age;
- (b) he is between two particular ages if he has attained the first but not the second;

“appropriate scheme certificate” and references to an appropriate scheme shall be construed in accordance with section 3;

“the Assembly” means the Northern Ireland Assembly;

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“Category A retirement pension” and “Category B retirement pension” mean the retirement pensions of those descriptions payable under Part II of the ^{M1}Social Security Contributions and Benefits (Northern Ireland) Act 1992;

[^{F3}“civil recovery order” means an order under section 266 of the Proceeds of Crime Act 2002 or an order under section 276 imposing the requirement mentioned in section 277(3).]

“contract of service” has the same meaning as in section 121(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“contracted-out employment” shall be construed in accordance with section 4;

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“contracting-out certificate” and references to a contracted-out scheme and to contracting-out shall be construed in accordance with section 3;

“contributions equivalent premium” has the meaning given in section [F5]51(2);

“the Department” means the Department of Health and Social Services for Northern Ireland;

“the Department of Finance and Personnel” means the Department of Finance and Personnel in Northern Ireland;

“earner” and “earnings” shall be construed in accordance with sections 3, 4 and 112 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“earnings factors” shall be construed in accordance with sections 22 and 23 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

[F6]“EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993, as modified or supplemented from time to time;

“EEA state”, in relation to any time, means—

- (a) a state which at that time is a member State, or
- (b) any other state which at that time is a party to the EEA agreement;]

[F7]“employed earner” and “self-employed earner” have the meanings given by section 2 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;]

“employee” means a person gainfully employed in Northern Ireland either under a contract of service or in an office (including an elective office) with [F8] general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003)] ;

“employer” means—

- (a) in the case of an employed earner employed under a contract of service, his employer;
- (b) in the case of an employed earner employed in an office with emoluments—
 - (i) such person as may be prescribed in relation to that office; or
 - (ii) if no person is prescribed, the government department, public authority or body of persons responsible for paying the emoluments of the office;

“employment” includes any trade, business, profession, office or vocation and “employed” shall be construed accordingly except in the expression “employed earner”;

[F9]“Financial Services Compensation Scheme” means the Financial Services Compensation Scheme referred to in section 213(2) of the Financial Services and Markets Act 2000;.”]

[F10]“the flat rate introduction year” has the meaning given by section 121 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;]

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“government department” includes a department of the government of the United Kingdom;

“guaranteed minimum pension” has the meaning given in section 4(2);

“independent trade union” has the meaning given in Article 2(2) of the M2 Industrial Relations (Northern Ireland) Order 1992;

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“industrial tribunal” means a tribunal established or having effect as if established under ^{F12}Article 3 of the Industrial Tribunals (Northern Ireland) Order 1996];

“the Inland Revenue” means the Commissioners of Inland Revenue;

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“linked qualifying service” has the meaning given in section 174;

“long-term benefit” has the meaning given in section 20(2) of the ^{M3}Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“lower earnings limit” and “upper earnings limit” shall be construed in accordance with section 5 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and “current”, in relation to those limits, means for the time being in force;

“minimum contributions” shall be construed in accordance with sections 39 to 41;

“minimum payment” has the meaning given in section 4(2);

“modifications” includes additions, omissions and amendments;

“money purchase benefits”, in relation to a member of a personal or occupational pension scheme or the ^{F15}widow, widower or surviving civil partner] of a member of such a scheme, means benefits the rate or amount of which is calculated by reference to a payment or payments made by the member or by any other person in respect of the member and ^{F16}which fall within section 176B];

“money purchase contracted-out scheme” has the meaning given in section 4(1)(a)(ii);

^{F17}“money purchase scheme” means a pension scheme under which all the benefits that may be provided are money purchase benefits;]

“National Insurance Fund” means the Northern Ireland National Insurance Fund;

“normal pension age” has the meaning given in section 175;

“occupational pension scheme” has the meaning given in section 1;

^{F18}“overseas arrangement” means a scheme or arrangement which—

- (a) has effect, or is capable of having effect, so as to provide benefits on termination of employment or on death or retirement to or in respect of earners;
- (b) is administered wholly or primarily outside Northern Ireland;
- (c) is not an appropriate scheme; and
- (d) is not an occupational pension scheme;]

^{F19}“pension credit” means a credit under Article 26(1)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 or under section 29(1)(b) of the Welfare Reform and Pensions Act 1999;]

^{F20}“pensionable age”—

- (a) so far as any provisions (other than sections 42 to 44) relate to guaranteed minimum pensions, means the age of 65 in the case of a man and the age of 60 in the case of a woman, and
- (b) in any other case, has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995;]

“pensionable service” has the meaning given in section 66(2);

^{F21}“pension debit” means a debit under Article 26(1)(a) of the Welfare Reform and Pensions (Northern Ireland) Order 1999;]

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“personal pension scheme” has the meaning given in section 1;

“prescribe” means prescribe by regulations;

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“the preservation requirements” has the meaning given in section 65(2);

[^{F24}“the principal appointed day” has the meaning assigned by section 3(2B);]

“primary Class 1 contributions” and “secondary Class 1 contributions” have the same meanings as in section 6 of the ^{M4}Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“protected rights” has the meaning given in section 6;

“public service pension scheme” has the meaning given in section 1;

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“regulations” means regulations made by the Department under this Act;

“the Regulatory Authority” [^{F26}means the Pensions Regulator;

“resources”, in relation to an occupational pension scheme, means the funds out of which the benefits provided by the scheme are payable from time to time, including the proceeds of any policy of insurance taken out, or annuity contract entered into, for the purposes of the scheme;

“rights”, in relation to accrued rights (within the meaning of section 69 ^{F27} . . . or 174) or transfer credits, includes rights to benefit and also options to have benefits paid in a particular form or at a particular time;

[^{F28}“safeguarded rights” has the meaning given in section 64A,]

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“short service benefit” has the meaning given in section 67(2);

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“tax week” means one of the successive periods in a tax year beginning with the first day of that year and every seventh day thereafter, the last day of a tax year (or, in a leap year, the last two days) being treated accordingly as a separate tax week;

“tax year” means the 12 months beginning with 6th April in any year;

“transfer credits” means rights allowed to an earner under the rules of an occupational pension scheme by reference to [^{F31}—

- (a) a transfer to the scheme of, or transfer payment to the trustees or managers of the scheme in respect of, any of his rights (including transfer credits allowed) under another occupational pension scheme or a personal pension scheme, other than rights attributable (directly or indirectly) to a pension credit, or
- (b) a cash transfer sum paid under Chapter 5 of Part IV in respect of him, to the trustees or managers of the scheme;]

[^{F10}“the upper accrual point” has the meaning given by section 121 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;]

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“week” means a period of seven days beginning with Sunday;

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- “^{F33}working life”, in relation to a person, means the period beginning with the tax year in which the person attains the age of 16 and ending with —
- (a) the tax year before the one in which the person attains the age of 65 in the case of a man or 60 in the case of a woman, or
 - (b) if earlier, the tax year before the one in which the person dies.]
- (2) References to employers in the provisions of this Act (other than sections 119 to 123, 153 [^{F34}and 156] (“the excluded provisions”)) are to be treated, in relation to persons within the application of an occupational pension scheme and qualifying or prospectively qualifying for its benefits, as including references to persons who in relation to them and their employment are treated by regulations as being employers for the purposes of those provisions.
 - (3) Subject to any such regulations, references to an employer in any of the provisions of this Act (other than the excluded provisions or ^{F35}... Chapter I of Part IV, Part VIII so far as it applies for the purposes of Chapter I of Part IV, sections ^{F36}... 149(2), 154(1) to (5), 158, 159 ^{F37}... and 171) shall, in relation to an earner employed in an office with emoluments, be construed as references to—
 - (a) such person as may be prescribed in relation to that office; or
 - (b) if no person is prescribed, the government department, public authority or body of persons responsible for paying the emoluments of that office.
 - (4) Regulations may for any purpose of any provision of this Act (other than the excluded provisions or section ^{F38}... 23, 24, 25, 27, 28, 39, 40, 107, 156, 160 or 161) prescribe the persons who are to be regarded as members or prospective members of an occupational pension scheme and as to the times at which and the circumstances in which a person is to be treated as becoming, or as ceasing to be, a member or prospective member.
 - (5) In sections 161 and 162—
 - (a) references to the United Kingdom include references to the territorial waters of the United Kingdom; and
 - (b) references to Northern Ireland include references to the territorial waters of the United Kingdom adjacent to Northern Ireland.
 - (6) Any reference in section 180 or 181 to an order or regulations under this Act includes a reference to an order or regulations made under any provision of an enactment passed after this Act and directed to be construed as one with it; but this subsection applies only so far as a contrary intention is not expressed in the enactment so passed, and shall be without prejudice to the generality of any such direction.
 - (7) The ^{M5}Interpretation Act (Northern Ireland) 1954 shall apply to this Act—
 - (a) as it applies to a Measure of the Assembly;
 - (b) as if any reference in that Act to an enactment or an Act included a reference to this Act.
 - (8) For the purposes of Part III of the ^{M6}Northern Ireland Constitution Act 1973 (validity of Measures of the Assembly, including Orders in Council under the ^{M7}Northern Ireland Act 1974), provisions of this Act which re-enact provisions of such an Order are to be treated as provisions of such an Order.]

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Textual Amendments

- F1** Definition of “accrued rights premium” in s. 176(1) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 66(a)(i), **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F2** Definition of “the Board” in s. 176(1) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 66(a)(i), **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F3** Words in s. 176(1) inserted (24.2.2003) by **Proceeds of Crime Act 2002 (c. 29)**, s. 458(1), **Sch. 11 para. 23(6)**; S.I. 2003/120, **art. 2**, Sch. (with arts. 34) (as amended (20.2.2003) by S.I. 2003/333, **art. 14**)
- F4** Definition of “contracted-out protected rights premium” in s. 176(1) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 66(a)(i), **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F5** Words in the definition of “contributions equivalent premium” in s. 176(1) substituted (6.4.1997) by S.I. 1995/3213 (N.I. 22), **art. 147**, **Sch. 3 para. 66(a)(ii)**; S.R. 1997/192, **art. 2(b)**
- F6** Words in s. 176(1) inserted (26.11.2007) by **The Occupational Pension Schemes (EEA States) Regulations (Northern Ireland) 2007 (S.R. 2007/457)**, regs. 1(1), **2(5)**
- F7** S. 176(1): Definition of “employed earner” 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. 2(b)** (with transitional provisions in **art. 75(1)**); S.R. 2000/133, **art. 2(3)**, **Sch. Pt. II**
- F8** Words in s. 176(1) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by **Income Tax (Earnings and Pensions) Act 2003 (c. 1)**, s. 723, **Sch. 6 para. 223** (with Sch. 7)
- F9** S. 176(1): Definition of “Financial Services Compensation Scheme” inserted (3.7.2002) by **The Financial Services and Markets Act 2000 (Consequential Amendments) Order 2002 (S.I. 2002/1555)** {**art. 22**}
- F10** Words in s. 176(1) inserted (11.2.2008) by **Pensions Act (Northern Ireland) 2008 (c. 1)**, **Sch. 1 para. 35**
- F11** Definition of “equal access requirements” in s. 176(1) repealed (1.1.1996) by S.I. 1995/3213 (N.I. 22), arts. 119, 168, Sch. 1 para. 36(a)(i), **Sch. 5 Pt. I** (with **art. 118(5)(6)**); S.R. 1995/477, **art. 2(b)**, **Sch. Pt. II**
- F12** Words in the definition of “industrial tribunal” in s. 176(1) substituted (24.9.1996) by S.I. 1996/1921 (N.I. 18), arts. 1(2), 26, **Sch. 1 para. 10**
- F13** S. 176(1): definition of “insurance company” repealed (1.12.2001) by S.I. 2001/3649, **arts. 1**, 137(2)
- F14** Definition of “limited revaluation premium” in s. 176(1) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 66(a)(i), **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F15** Words in s. 176(1) substituted (5.12.2005) by **The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 (S.R. 2005/434)**, **Sch. para. 19**
- F16** Words in s. 176(1) substituted (retrospective to 1.1.1997) by **Pensions Act (Northern Ireland) 2012 (c. 3 (N.I.))**, **ss. 27(1)(5)**, 34(3); S.R. 2014/203, **art. 2**
- F17** Definition of “money purchase scheme” in s. 176(1) substituted (19.12.1995) by S.I. 1995/3213 (N.I. 22), **art. 165**, **Sch. 4 para. 13(a)**; S.R. 1995/477, **art. 2(a)**, **Sch. Pt. I**
- F18** S. 176(1): Definition of “overseas arrangement” inserted (1.1.2001) by 2000 c. 4 (N.I.), s. 52, **Sch. 5 Pt. I para. 2(3)** (with s. 66(6)); S.R. 2000/374, **art. 2(c)**, **Sch. Pt. II**
- F19** S. 176(1): Definition of “pension credit” inserted (1.12.2000) by S.I. 1999/3147 (N.I. 11), **art. 74**, **Sch. 9 para. 30(a)**; S.R. 2000/133, **art. 2(3)**, **Sch. Pt. IV**
- F20** Definition of “pensionable age” in s. 176(1) substituted (16.12.1995) by S.I. 1995/3213 (N.I. 22), arts. 1(3)(a), 123, **Sch. 2 Pt. III para. 13**
- F21** S. 176(1): Definition of “pension debit” inserted (1.12.1999 for certain purposes and otherwise 1.12.2000) by S.I. 1999/3147 (N.I. 11), **arts. 1(5)(a)**, 29(5); S.R. 2000/133, **art. 2(3)**, **Sch. Pt. IV**
- F22** Definition of “personal pension protected rights premium” in s. 176(1) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 66(a)(i), **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F23** S. 176(1): Definition of “the prescribed equivalent” repealed (6.4.2000) by 1999 c. 30, s. 88, **Sch. 13 Pt. VII**; S.I. 1999/3420, **art. 4(c)(e)**

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- F24** Definition of “the principal appointed day” in s. 176(1) inserted (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 147, **Sch. 3 para. 66(a)(iii)**; S.R. 1997/192, **art. 2(b)**
- F25** Words in s. 176(1) repealed (6.4.2005 except for the definition of "voluntary contributions requirements", 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. 11**; S.R. 2005/166, art. 2(6), Sch. 1; S.R. 2006/95, art. 2(c), Sch. Pt. 3
- F26** Words in s. 176(1) substituted (6.4.2005) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), arts. 1(2), **6(2)(a)** (with art. 285(5)); S.R. 2005/48, art. 2(7), Sch. Pt. 7
- F27** Word in the definition of “rights” in s. 176(1) 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)**
- F28** S. 176(1): Definition of “safeguarded rights” inserted (1.12.2000) by S.I. 1999/3147 (N.I. 11), art. 74, **Sch. 9 para. 30(b)**; S.R. 2000/133, art. 2(3), **Sch. Pt. IV**
- F29** Definition of “state scheme premium” in s. 176(1) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 66(a)(i), **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F30** Words in s. 176(1) omitted (6.4.2006) by virtue of The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), arts. 1, **8(7)**
- F31** Words in s. 176(1) substituted (6.4.2006) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), art. 1(2), **Sch. 10 para. 26**; S.R. 2005/543, art. 2(6), Sch. Pt. 6
- F32** Definition of “transfer premium” in s. 176(1) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 66(a)(i), **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F33** Words in s. 176(1) substituted (6.4.2005) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), arts. 1(2), **259** (with art. 285(5)); S.R. 2005/48, art. 2(7), Sch. Pt. 7
- F34** Words in s. 176(2) substituted (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 119, **Sch. 1 para. 36(b)** (with art. 118(5)(6)); S.R. 1997/192, **art. 2(b)**
- F35** Words in s. 176(3) 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
- F36** Words in s. 176(3) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 165, 168, Sch. 4 para. 13(b), **Sch. 5 Pt. IV**; S.R. 1997/192, **art. 2(b)**
- F37** Words in s. 176(3) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 66(b), **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F38** Word in s. 176(4) 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

Modifications etc. (not altering text)

- C1** S. 176(1) modified by S.I. 1995/3213 (N.I. 22), **art. 67A(3)** (as substituted (1.11.2005 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)), **arts. 1(2), 239** (with art. 285(5)); S.R. 2005/411, art. 2(5), **Sch. Pt. 2**)

Marginal Citations

- M1** 1992 c. 7.
M2 S.I. 1992/807 (N.I. 5).
M3 1992 c. 7.
M4 1992 c. 7.
M5 1954 c. 33 (N.I.).
M6 1973 c. 36.
M7 1974 c. 28.

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