



Pension Schemes (Northern Ireland) Act 1993

1993 CHAPTER 49

PART III **N.I.**

CERTIFICATION OF PENSION SCHEMES AND EFFECTS ON MEMBERS' STATE SCHEME RIGHTS AND DUTIES

CHAPTER III **N.I.**

TERMINATION OF CONTRACTED-OUT OR APPROPRIATE SCHEME STATUS: STATE SCHEME PREMIUMS

Approval of arrangements for schemes ceasing to be certified

46 Powers of Board to approve arrangements for scheme ceasing to be certified. **N.I.**

- (1) In the case of an occupational pension scheme or a personal pension scheme which is or has been certified as a contracted-out or, as the case may be, an appropriate scheme, the [^{F1}Inland Revenue] may, for the event of, or in connection with, its ceasing to be such a scheme, approve any arrangements made or to be made in relation to the scheme, or for its purposes, for the preservation or transfer—
- (a) in the case of an occupational pension scheme other than a money purchase contracted-out scheme—
- (i) of earners' accrued rights to guaranteed minimum pensions under the scheme [^{F2}or accrued rights to pensions under the scheme attributable to their service on or after the principal appointed day,] and;
 - (ii) of the liability for the payment of [^{F3}such pensions] in respect of persons who have then become entitled to receive them;
 - [^{F4}(iii) of safeguarded rights under the scheme;]

Status: Point in time view as at 24/02/2003. This version of this provision has been superseded.

Changes to legislation: Pension Schemes (Northern Ireland) Act 1993, Section 46 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)

- (b) in the case of a money purchase contracted-out scheme or a personal pension scheme, of protected [^{F5}, or safeguarded,] rights under the scheme.
- ^{F6}(1A) The power of the [^{F1}Inland Revenue] to approve arrangements under this section—
- (a) includes power to approve arrangements subject to conditions, and
- (b) may be exercised either generally or in relation to a particular scheme.
- ^{F6}(1B) Arrangements may not be approved under this section unless any prescribed conditions are met]
- (2) If the scheme ceases to be a contracted-out scheme or an appropriate scheme (whether by being wound up or otherwise) and the [^{F1}Inland Revenue] either—
- (a) [^{F7}have] withdrawn [^{F8}their] approval of previously approved arrangements relating to it; or
- (b) [^{F7}have] declined to approve arrangements relating to it, the [^{F1}Inland Revenue] may issue a certificate to that effect.
- (3) A certificate issued under subsection (2)(a) or (b) shall be cancelled by the [^{F1}Inland Revenue] if [^{F9}they subsequently approve] the arrangements.
- (4) Regulations may provide that where the [^{F1}Inland Revenue][^{F10} have] approved arrangements under subsection (1) in respect of an occupational pension scheme (other than a money purchase scheme) any provision of this Part (other than sections 14, 15, 22 to 29 and 39 to 41) or Chapter III of Part IV or Chapter II of Part V shall have effect subject to such modifications as may be specified in the regulations.
- (5) Any such regulations shall have effect in relation to arrangements whenever approved, unless they provide that they are only to have effect in relation to arrangements approved after they come into operation.
- (6) It is hereby declared that an approval of arrangements relating to an occupational pension scheme which is not a money purchase contracted-out scheme may be withdrawn at any time, notwithstanding that the scheme has been wound up.
- ^{F11}(7)

Textual Amendments

- F1** Words in s. 46(1)(1A)(2)-(4) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 60(2)**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F2** Words in s. 46(1)(a)(i) inserted (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 147, **Sch. 3 para. 37(a)(i)**; S.R. 1997/192, **art. 2(b)**
- F3** Words in s. 46(1)(a)(ii) substituted (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 147, **Sch. 3 para. 37(a)(ii)**; S.R. 1997/192, **art. 2(b)**
- F4** S. 46(1)(a)(iii) inserted (1.12.2000) by S.I. 1999/3147 (N.I. 11), art. 74, **Sch. 9 para. 18(a)**; S.R. 2000/133, art. 2(3), **Sch. Pt. IV**
- F5** Words in s. 46(1)(b) inserted (1.12.2000) by S.I. 1999/3147 (N.I. 11), art. 74, **Sch. 9 para. 18(b)**; S.R. 2000/133, art. 2(3), **Sch. Pt. IV**
- F6** S. 46(1A)(1B) inserted (6.4.1996 for certain purposes otherwise 6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 147, **Sch. 3 para. 37(b)**; S.R. 1996/91, art. 2(d), **Sch. Pt. IV**; S.R. 1997/192 art. 2(b)
- F7** Words in s. 46(2)(a)(b) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 60(3)**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F8** Word in s. 46(2)(a) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 60(3)**; S.R. 1999/149, art. 2(c), **Sch. 2**

Status: Point in time view as at 24/02/2003. This version of this provision has been superseded.

Changes to legislation: Pension Schemes (Northern Ireland) Act 1993, Section 46 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)

- F9** Words in s. 46(3) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 60(4)**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F10** Word in s. 46(4) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 60(5)**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F11** S. 46(7) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 37(c), **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**

Modifications etc. (not altering text)

- C1** S. 46 modified (28.3.1997) by S.R. 1997/192, **art. 4(1)** (with art. 9)

Status:

Point in time view as at 24/02/2003. This version of this provision has been superseded.

Changes to legislation:

Pension Schemes (Northern Ireland) Act 1993, Section 46 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.