Pension Schemes (Northern Ireland) Act 1993

1993 CHAPTER 49

PART III

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

CHAPTER I

CERTIFICATION

Requirements for certification of occupational pension schemes providing guaranteed minimum pensions

9   Minimum pensions for earners.

(1) Subject to the provisions of this Part, the scheme must—

   (a) provide for the earner to be entitled to a pension under the scheme if he attains pensionable age; and

   (b) contain a rule to the effect that the weekly rate of the pension will be not less than his guaranteed minimum (if any) under sections 10 to 12.

[F1(1A) But a scheme may be amended so as to omit provision of the kind specified in subsection (1)(a) and (b) if the conditions specified in section 20B are satisfied.]

(2) In the case of an earner who is a married woman or widow who is liable to pay primary Class 1 contributions at a reduced rate by virtue of section 19(4) of the M1Social Security Contributions and Benefits (Northern Ireland) Act 1992, subject to the provisions of this Part, the scheme must—

   (a) provide for her to be entitled to a pension under the scheme if she attains pensionable age F2. . .

     (b)   satisfy such other conditions as may be prescribed.

(3) Subject to subsection (4), the scheme must provide for the pension to commence on the date on which the earner attains pensionable age and to continue for his life.

(4) Subject to subsection (5), the scheme may provide for the commencement of the earner's guaranteed minimum pension to be postponed for any period for which he continues in employment after attaining pensionable age.

(5) The scheme must provide for the earner's consent to be required—

     (a)   for any such postponement by virtue of employment to which the scheme does not relate; and

     (b)   for any such postponement after the expiration of five years from the date on which he attains pensionable age.

(6) Equivalent pension benefits for the purposes of the former legislation are not to be regarded as constituting any part of the earner's guaranteed minimum pension.

(7) The benefits referred to in subsection (6) are any to which the earner may be immediately or prospectively entitled in respect of a period of employment which—

     (a)   was for him non-participating employment under that legislation; and

     (b)   was not on its termination the subject of any payment in lieu of contributions;

but subsection (6) excludes only so much of those benefits as had to be provided in order that the employment should for that period be treated as non-participating.

(8) In this section "the former legislation" means Part III of the [M2]National Insurance Act (Northern Ireland) 1966 and the previous corresponding enactments.

Textual Amendments

F1   S. 9(1A) inserted (3.3.2009 for specified purposes, 6.4.2009 in so far as not already in force) by Pensions Act (Northern Ireland) 2008 (c. 1), **ss. 12(1)**, 21(1); S.R. 2009/75, art. 2(a)(b)

F2   Words in s. 9(2)(a) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 19, **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**

Marginal Citations

M1   1992 c. 7.

M2   1966 c. 6 (N.I.).

Status:
Point in time view as at 06/04/2009. This version of this provision has been superseded.

Changes to legislation:
Pension Schemes (Northern Ireland) Act 1993, Section 9 is up to date with all changes known to be in force on or before 19 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.