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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 91 (C. 4)**

**PENSIONS**

**The Pensions (1995 Order) (Commencement  
No. 2) Order (Northern Ireland) 1996**

*Made - - - - 13th March 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 1(2) of the Pensions (Northern Ireland) Order 1995<sup>(1)</sup> and of all other powers enabling it in that behalf, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Pensions (1995 Order) (Commencement No. 2) Order (Northern Ireland) 1996.

(2) In this Order, “the Order” means the Pensions (Northern Ireland) Order 1995 and references to Articles and numbered Schedules are references to Articles of, and Schedules to, the Order.

**Appointed days**

2. The day appointed for the coming into operation of—

- (a) the provisions of the Order specified in Part I of the Schedule, for the purpose only of authorising the making of orders, is 14th March 1996;
- (b) the provisions of the Order specified in Part II of the Schedule—
  - (i) for the purpose only of authorising the making of regulations, is 14th March 1996, and
  - (ii) for all other purposes, is 6th April 1996;
- (c) the provisions of the Order specified in Part III of the Schedule is 6th April 1996;
- (d) the provisions of the Order specified in Part IV of the Schedule, for the purpose only of authorising the making of regulations, is 6th April 1996;
- (e) Articles 115 (powers to modify Part II of the Order) and 122 (provision supplementary to Article 121), for the purpose only of authorising the making of regulations relating to those provisions of Part II of the Order specified in Part IV of the Schedule, is 6th April 1996;

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- (f) Article 146 (hybrid occupational pension schemes), for the purpose only of authorising the making of regulations, is 1st June 1996;
- (g) Articles 68 (power of trustees to modify schemes by resolution) and 114 (overriding requirements), for the purpose only of any transitional provision contained in regulations made under Articles 16 to 21 (member-nominated trustees and directors), is 6th October 1996;
- (h) Article 133 (new requirements for contracted-out schemes), in so far as it is not already in operation, is 6th April 1997 and such day is designated as the principal appointed day for the purposes of Part IV of the Order.

Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

13th March 1996.

*W. G. Purdy*  
Assistant Secretary

SCHEDULE

Article 2

Part I

Provisions coming into Operation on 14th March 1996  
for the purpose only of Authorising the making of Orders

Provisions of the Order	Subject Matter
Article 134(1) to (4)	State scheme contributions and rebates
Article 135(5)	Minimum contributions towards appropriate personal pension schemes

Part II

Provisions coming into Operation on 14th March 1996 for the purpose only of  
Authorising the Making of Regulations and on 6th April 1996 for all other purposes

Provisions of the Order	Subject Matter
Article 137(2)	Reduction in State benefits for members of money purchase contracted-out schemes and appropriate schemes
Articles 139 to 141	Interim arrangements giving effect to protected rights
Article 143	Discharge of protected rights on winding up: insurance policies

Part III

Provisions coming into Operation on 6th April 1996

Provisions of the Order	Subject Matter
Article 116	Calculations under regulations
Article 117 in so far as it is not already in operation	Consultations about regulations
Article 118 in so far as it is not already in operation	Crown application
Article 120(2)	Meaning of “connected” and “associated” persons
Article 121 in so far as it is not already in operation	Interpretation of Part II of the Order
Article 145	Class 1 contributions where earner in more than one employment

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Provisions of the Order	Subject Matter
Article 166 in so far as it is not already in operation	General provisions concerning orders and regulations
Article 167 in so far as it is not already in operation	Assembly, etc. control of orders and regulations
Schedule 4, paragraph 9 and Article 165 in so far as it relates to that paragraph	Disclosure of information by the Department
In Part III of Schedule 5, the entry relating to section 44(2)(b) and (c) of the Pension Schemes (Northern Ireland) Act 1993(2) and Article 168 in so far as it relates to that entry	Repeals

## Part IV

### Provisions coming into Operation on 6th April 1996 for the purpose only of Authorising the Making of Regulations

Provisions of the Order	Subject Matter
Article 10(2) and (3)	Civil penalties
Articles 16 to 21	Member-nominated trustees and directors
Article 27	Trustee not to be scheme auditor or actuary
Article 32	Decisions by majority of trustees
Article 33	Investment powers: duty of care
Article 35	Investment principles
Article 37	Payment of surplus to employer
Article 38	Power to defer winding up
Article 40	Restriction on employer-related investments
Article 41	Provision of documents for members
Article 47	Professional advisers
Article 49	Receipts, payments and records
Article 50	Resolution of disputes
Article 51	Annual increase in rate of pension
Articles 56 to 61	Minimum funding requirement
Article 67	Restriction on powers to alter schemes
Article 68	Power of trustees to modify schemes by resolution
Article 69	Grounds for applying to Authority for modification orders

Provisions of the Order	Subject Matter
Article 73	Preferential liabilities on winding up
Article 74(2), (3) and (5)(b)	Discharge of liabilities by insurance, etc.
Article 75	Deficiencies in the assets
Article 76	Excess assets on winding up
Article 77	Excess assets remaining after winding up: power to distribute
Articles 85 to 87	Money purchase schemes
Articles 89 to 93	Assignment, forfeiture, bankruptcy, etc.
Article 133	New requirements for contracted-out schemes
Article 134	State scheme contributions and rebates
Article 136	Money purchase and personal pension schemes: verification of ages
Article 137(1)	Reduction in State benefits for members of certified schemes
Article 138	State scheme, etc. premiums and buyback into State scheme
Articles 148 to 150	Transfer values
Article 151 for the purpose only of authorising the making of regulations relating to section 109 of the Pension Schemes Act	Penalties for breach of regulations under the Pension Schemes Act
Schedule 1, paragraph 36(a)(ii) and Article 119 in so far as it relates to that paragraph	Amendments consequential on Part II of the Order
Schedule 3, paragraph 14 (in so far as it relates to sections 7(5)(d), 30(2)(a), 46(4) and 159(6) of the Pension Schemes Act), paragraph 15(a) (in so far as it relates to section 3(1) of that Act) and paragraphs 21(a), 26(b), 27(b), 28, 30, 32, 37(b), 38, 40(c), 41(a), 55, 60(c) and 70 and Article 147 in so far as it relates to the above mentioned paragraphs	Amendments relating to Part IV, etc. of the Order
Schedule 4, paragraphs 6, 7 and 8(c) and (e) and Article 165 in so far as it relates to those paragraphs	General minor and consequential amendments

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order provides for the coming into operation of further provisions of the Pensions (Northern Ireland) Order 1995 (“the Order”) on the following dates—

14th March 1996 for—

the purpose only of authorising the making of orders under the Pension Schemes (Northern Ireland) Act 1993 (“the Pension Schemes Act”) specifying the reduction in the rates of State scheme contributions and the rebates payable in respect of members of contracted-out occupational pension schemes and appropriate personal pension schemes, the purpose only of authorising the making of certain regulations, in particular, under provisions relating to interim arrangements in relation to appropriate personal pension schemes and the discharge of protected rights by money purchase occupational pension schemes;

6th April 1996 for—

the purpose of bringing fully into operation those provisions which were commenced on 14th March 1996 for the purpose only of authorising the making of regulations, provisions relating to the disclosure of information by the Department, the aggregation of earnings in relation to Class 1 contributions and certain other general provisions of the Order,

the purpose only of authorising the making of certain regulations under—

Part II of the Order concerning the regulation of occupational pension schemes,

Part IV of the Order concerning contracting-out,

Part V of the Order concerning transfer values and penalties for breach of regulations under the Pension Schemes Act;

1st June 1996 for—

the purpose only of authorising the making of regulations about contracting-out by hybrid schemes;

6th October 1996 for—

certain provisions relating to member-nominated trustees and directors to come into operation for transitional purposes only;

6th April 1997 for—

Article 133 (new contracting-out requirements), in so far as it is not already in operation, and that day is designated as the principal appointed day for the purposes of Part IV of the Order.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order.)*

The following provisions of the Pensions (Northern Ireland) Order 1995 were brought into operation by the Pensions (1995 Order) (Commencement No. 1) Order (Northern Ireland) 1995 ([S.R. 1995 No. 477 \(C. 11\)](#)) as from the dates shown.

Provision	Date of Commencement
Article 39	1.1.96
Articles 62 to 66 (partially)	19.12.95
	1.1.96
Article 88	19.12.95
Article 114 (partially)	19.12.95
(partially)	1.1.96
Article 117 (partially)	19.12.95
(partially)	1.1.96
Article 118 (partially)	19.12.95
(partially)	1.1.96
Article 119, Sch. 1 (partially)	1.1.96
Article 121 (partially)	19.12.95
(partially)	1.1.96
Article 152	19.12.95
Article 164	19.12.95
Article 165, Sch. 4 (partially)	19.12.95
Article 166 (partially)	19.12.95
(partially)	1.1.96
Article 167 (partially)	19.12.95
(partially)	1.1.96
Article 168, Sch. 5 (partially)	19.12.95
(partially)	1.1.96