



2016 CHAPTER 1

PART 4

GENERAL

Power to make consequential amendments

48.—(1) The Department may by regulations make provision that is consequential on any provision made by this Act.

(2) Regulations under this section may amend, repeal, revoke or otherwise modify any statutory provision (whenever passed or made).

Regulations

49.—(1) A power to make regulations under this Act is exercisable by the Department.

(2) Subject to the following provisions of this section, any regulations made under this Act are subject to negative resolution.

(3) The first regulations under section 8(3)(b), 9, 10, 11 or 21, or regulations under section 48 that amend, repeal or otherwise modify any relevant statutory provision (whether alone or with other provisions),—

- (a) must be laid before the Assembly after being made; and
- (b) take effect on such date as may be specified in the regulations, but (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon the expiration of a period of six months from that date unless at some time before the expiration of that period the regulations are approved by a resolution of the Assembly.

(4) In this section “relevant statutory provision” means a statutory provision contained in—

- (a) an Act of the Parliament of Northern Ireland;
- (b) an Order in Council under Schedule 1 to the Northern Ireland Act 1974 or the Schedule to the Northern Ireland Act 2000;
- (c) an Act of the Assembly; or
- (d) an Act of the Parliament of the United Kingdom.

(5) Regulations under this Act may include incidental, supplementary, consequential, transitional, transitory or saving provision.

Crown application

50.—(1) In this section “the relevant provisions” means—

- (a) Part 2,
- (b) section 36, and
- (c) section 37.

(2) The relevant provisions apply to a pension scheme managed by or on behalf of the Crown as they apply to other pension schemes.

(3) Accordingly, references in those provisions to a person in the person’s capacity as a trustee or manager of a pension scheme include the Crown, or a person acting on behalf of the Crown, in that capacity.

(4) References in the relevant provisions to a person in the person’s capacity as an employer include the Crown, or a person acting on behalf of the Crown, in that capacity.

(5) Nothing in the relevant provisions applies to Her Majesty in Her private capacity (within the meaning of the Crown Proceedings Act 1947).

Interpretation

51. In this Act—

“the 1995 Order” means the Pensions (Northern Ireland) Order 1995;

“the 2005 Order” means the Pensions (Northern Ireland) Order 2005;

“the Department” means the Department for Social Development;

“the Pension Schemes Act” means the Pension Schemes (Northern Ireland) Act 1993;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Commencement

52.—(1) The following provisions come into operation on the day after this Act receives Royal Assent—

- (a) section 46;
- (b) this Part;
- (c) paragraphs 22, 28, 31 and 33 of Schedule 2 (and section 47 so far as relating to those provisions).

(2) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.

(3) The Department may by order make incidental, supplementary, consequential, transitional, transitory or saving provision in connection with the coming into operation of any provision of this Act.

Short title

53. This Act may be cited as the Pension Schemes Act (Northern Ireland) 2016.