

SCHEDULES

SCHEDULE 1

Article 119

Amendments consequential on Part II

The Industrial Relations (Northern Ireland) Order (NI 16)

1. The Industrial Relations (Northern Ireland) Order 1976 is amended as follows.
2. In Article 22D(4) (dismissal on grounds of assertion of statutory right), after sub-paragraph (b) (ii) add—
“or
(iii) the rights conferred by Articles 42, 43, and 46 of the Pensions (Northern Ireland) Order 1995.”.
3. In Article 32(2A) (additional award for failure to comply with Article 31 not to be made), at the end add—
“or
(c) Article 46 of the Pensions (Northern Ireland) Order 1995.”.
4. In Article 33(2) (compensation for unfair dismissal), after “and (b)” insert “of this Order or Article 46 of the Pensions (Northern Ireland) Order 1995”.
5. In Article 34(6) (calculation of basic award), after “and (b)” insert “of this Order or Article 46 of the Pensions (Northern Ireland) Order 1995”.
6. In Article 39(1) (interim relief), in sub-paragraph (b), after “and (b)” insert “of this Order or Article 46 of the Pensions (Northern Ireland) Order 1995”.
7. In Article 39A(1) (procedure on hearing application, etc.), in sub-paragraph (b), after “and (b)” insert “of this Order or Article 46 of the Pensions (Northern Ireland) Order 1995”.
8. In Article 62(1) (conciliation officers), after sub-paragraph (ab) add—
“or
(ac) arising out of a contravention, or alleged contravention, of Article 42, 43 or 46 of the Pensions (Northern Ireland) Order 1995,”.
9. In Article 79 (application to the Crown), in paragraph (1), after “Part IV)” insert “and Articles 42 to 46 of the Pensions (Northern Ireland) Order 1995”.

The Companies (Northern Ireland) Order 1986 (NI 6)

10. In Article 442(1) of the Companies (Northern Ireland) Order 1986 (security of information obtained), after paragraph (df) insert—
“(dg) for the purpose of enabling or assisting the Occupational Pensions Regulatory Authority to discharge their functions under the Pension Schemes (Northern Ireland) Act 1993 or the Pensions (Northern Ireland) Order 1995 or any enactment in force in Great Britain corresponding to either of them,”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Insolvency (Northern Ireland) Order 1989 (NI 19)

11. In Article 283 of the Insolvency (Northern Ireland) Order 1989 (income payments orders)—
- (a) in paragraph (2), after “income of the bankrupt” insert “when taken together with payments to which paragraph (8) applies”, and
 - (b) at the end of paragraph (7), add—
 - “and any payment under a pension scheme but excluding any payment to which paragraph (8) applies.
 - (8) This paragraph applies to—
 - (a) payments by way of guaranteed minimum pension; and
 - (b) payments giving effect to the bankrupt’s protected rights as a member of a pension scheme.
 - (9) In this Article “guaranteed minimum pension” and “protected rights” have the same meaning as in the Pension Schemes (Northern Ireland) Act 1993.”.

The Pension Schemes (Northern Ireland) Act 1993 (c. 49)

12. The Pension Schemes Act is amended as follows.
13. In section 2 (registration), after subsection (2) insert—
 - “(2A) The regulations may make provision for information obtained by or furnished to the Registrar under or for the purposes of this Act to be disclosed to the Regulatory Authority or the Pensions Compensation Board.”.
14. Sections 73 to 76 (assignment, forfeiture, etc. of short service benefit) are repealed.
15. In section 78 (supplementary regulations), for “75” (in both places) substitute “72”.
16. Section 98 to 104 (annual increase in pensions in payment) are repealed.
17. Section 108 (restrictions on investment in employer-related assets) is repealed.
18. Section 110 (documents for members, etc.) is repealed.
19. In section 111(1), omit “or 110(1)(b)”.
20. Section 112 (regulations as to auditors) is repealed.
21. Section 114 (equal access) is repealed.
22. Sections 115 to 118 (independent trustees) are repealed.
23. In section 125 (overriding requirements)—
 - (a) in subsection (1), omit “Chapter I of Part V,” “, sections 115 to 118”, “under Chapter I of Part V or” and from “or 110” to “118”,
 - (b) in subsection (2), for from “, Chapter III” to “section 104)” substitute “and Chapter III of that Part”, and
 - (c) omit subsection (3)(a).
24. In section 128 (bringing schemes into conformity with indirectly-applying requirements), omit “, the equal access requirements”.
25. In section 129(1) (advice of the Board), omit “, the equal access requirements”.
26. In section 130 (determination of questions), omit—
 - (a) in subsection (3), “, the equal access requirements”, and

- (b) in subsection (4), “or the equal access requirements” and “or, as the case may be, section 114(1)”.
- 27.** In section 132(2)(e)(iv) (applications to modify schemes), omit “or the equal access requirements”.
- 28.** In section 135(2) (functions of the Board), omit “, the equal access requirements”.
- 29.** In section 136(4) (effect of orders), omit paragraph (c) and the “and” immediately preceding it.
- 30.** Section 140 (deficiencies in assets on winding up) is repealed.
- 31.** In section 149 (power to modify Act)—
- (a) in subsection (1), omit from “and Chapter I” to “section 104”, and
 - (b) omit subsections (3) to (7).
- 32.** In section 150(1) (application of provisions to personal pension schemes), after “provision of this Act” insert “or of Articles 22 to 26 and 40 of the Pensions (Northern Ireland) Order 1995”.
- 33.** In section 155 (inalienability of certain pensions), after subsection (4) insert—
- “(4A) Where a person—
 - (a) is entitled or prospectively entitled as is mentioned in subsection (1), or
 - (b) is entitled to such rights or to such a payment as is mentioned in subsection (4), - no order shall be made by any court or the Enforcement of Judgments Office the effect of which would be that he would be restrained from receiving anything the assignment of which is or would be made void by either of those subsections.
 - (4B) Subsection (4A) does not prevent the making of an attachment of earnings order under the Judgments Enforcement (Northern Ireland) Order 1981.”.
- 34.** In section 165 (determination of questions by the Department), omit subsections (5) and (6).
- 35.** In section 173 (meaning of “manager”), after “1992” insert “or of Articles 22 to 26 of the Pensions (Northern Ireland) Order 1995”, and omit “or” after “1991”.
- 36.** In section 176 (general interpretation)—
- (a) in subsection (1)—
 - (i) omit the definition of “equal access requirements”, and
 - (ii) after the definition of “regulations” insert—
 - ““the Regulatory Authority” means the Occupational Pension Regulatory Authority;” and
- (b) in subsection (2), for from “, 156” to “requirements” substitute “and 156”.
- 37.** In section 178 (sub-delegation), in subsection (3)—
- (a) for “, 93(1), 100(8) and 140(5)” substitute “and 93(1)”,
 - (b) omit from “or, in the case of” to “determined”, and
 - (c) omit the words following paragraph (b).
- 38.** In Schedule 6 (re-enactment or amendment of certain provisions not in force), omit paragraphs 1 and 3.
- 39.** In Schedule 7 (consequential amendments), omit paragraph 10.