

1976 No. 78

**SOCIAL SECURITY****The Occupational Pensions Board (Contracting-out Certificates)  
Regulations (Northern Ireland) 1976***Made* . . . . . 26th February 1976*Coming into operation* . . . . . 5th April 1976

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 33(5) and (7) of the Social Security Pensions (Northern Ireland) Order 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Occupational Pensions Board (Contracting-out Certificates) Regulations (Northern Ireland) 1976, and shall come into operation on 5th April 1976.

(2) In these regulations—

“the Board” means the Occupational Pensions Board;

“the Certification Regulations” means the Occupational Pension Schemes (Certification of Employments) Regulations (Northern Ireland) 1976(b);

“the Determinations and Review Procedure Regulations” means the Occupational Pensions Board (Determinations and Review Procedure) Regulations 1976(c);

“employer” has the same meaning as in the Certification Regulations;

“scheme” means an occupational pension scheme.

*Board's refusal to give effect to an election*

2.—(1) The Board may refuse to give effect to an election made by an employer with a view to the issue of a contracting-out certificate if they are not satisfied that he has complied with the provisions of regulations 2 to 6 of the Certification Regulations.

(2) The Board may refuse to give effect to an election made by an employer with a view to the variation or surrender of a contracting-out certificate if they are not satisfied that he has complied with the provisions of paragraphs (1) to (5) of regulation 10 of the Certification Regulations, except in a case where the Board have under paragraph (1) of that regulation approved the making of the election without such compliance.

*Effective date of cancellation, variation or surrender of a contracting-out certificate*

3.—(1) The variation or surrender of a contracting-out certificate under regulation 3(5) of the Determinations and Review Procedure Regulations shall have effect from such date as the Board may specify, which may, where the Board consider it appropriate, be earlier than the date of the determination under regulation 3(1) of those regulations, but not earlier than the date from which the certificate had effect.

(2) The date from which the cancellation or variation of a contracting-out certificate under regulation 4(1) of the Determinations and Review Procedure Regulations is to have effect may not be earlier than the date of the cancellation or variation, as the case may be, except in a case where the Board consider that the resources of the scheme have not been maintained at a sufficient level for meeting all claims in respect of guaranteed minimum pensions so far as falling to be met out of those resources, in which case the date may be the latest date on which in the opinion of the Board those resources were maintained at such a sufficient level.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 26th February 1976.

(L.S.)

C. G. Oakes  
Assistant Secretary

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#### EXPLANATORY NOTE

*(This note is not part of the regulations but is intended to indicate their general purport.)*

These regulations which correspond to regulations 2(2), 3(2) and (6) and 4(2) of the Occupational Pensions Board (Determinations and Review Procedure) Regulations 1976 should be read in conjunction with the other provisions of those regulations in so far as they apply to Northern Ireland.

They empower the Occupational Pensions Board to refuse to give effect to an employer's election to contract out or to vary or surrender his contracting-out certificate if they are not satisfied that he has complied with the requirements of the Occupational Pension Schemes (Certification of Employments) Regulations (Northern Ireland) 1976.

In addition, they prescribe circumstances in which the cancellation, variation or surrender of a contracting-out certificate shall have effect from a date earlier than that on which the cancellation, variation or surrender is made.

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This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.