

1987 No. 282

SOCIAL SECURITY

**The Occupational Pension Schemes (Contracting-out)
(Amendment) Regulations (Northern Ireland) 1987**

Made 10th July 1987

Coming into operation 27th July 1987

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 33(5) of, and paragraph 9 of Schedule 2 to, 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 Pension Schemes (Contracting-out) (Amendment) Regulations (Northern Ireland) 1987 and shall come into operation on 27th July 1987.

(2) In these regulations “the principal regulations” means the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985(b).

Amendment to the principal regulations

2.—(1) The principal regulations shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 3 (notices by employers of intended elections for the issue of contracting-out certificates) for paragraph (4) there shall be substituted the following paragraph—

“(4) A notice may specify a date of expiry—

(a) which is—

- (i) earlier than the date 3 months after, but
 - (ii) not earlier than the date one month after,
- that on which the notice is given; and

(b) which is assented to in writing by all independent trade unions (if any) recognised to any extent for the purpose of collective bargaining in relation to the earners concerned.”.

(3) In regulation 6 (information to be included in an election)—

(a) for paragraph (2)(b) there shall be substituted the following sub-paragraph—

(a) S.I. 1975/1503 (N.I. 15)

(b) S.R. 1985 No. 259; to which there are amendments not relevant to these regulations

- “(b) a statement by the employer that he has, in accordance with regulation 3(1), given the earners mentioned in regulation 3(1)(a) notice of the intention to make the election; and”; and
- (b) in paragraph (2)(c) at the end there shall be added “and its date of expiry”.
- (4) In regulation 10 (making of elections by employers for the variation or surrender of contracting-out certificates) for paragraph (3)(c) there shall be substituted the following sub-paragraph—
- “(c) specify the date of expiry of the notice, which shall be—
- (i) at least 3 months after the date on which the notice is given, or
 - (ii) a shorter period, being at least one month after that date, if that shorter period is assented to in writing by all independent trade unions (if any) recognised to any extent for the purpose of collective bargaining in relation to the earners concerned;”.
- (5) In regulation 38 (conditions in connection with alteration of rules of contracted-out schemes)—
- (a) in paragraph (4)(c) for “approved by the Board and assented to” there shall be substituted “it is a date not earlier than one month from the date of the giving of the notice and it is assented to in writing”; and
- (b) paragraph (4)(d)(i) shall be omitted.

Sealed with the Official Seal of the Department of Health and Social Services on 10th July 1987.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985 ("the principal regulations").

When an employer is giving to earners and others notice that he intends to elect for the issue of a contracting-out certificate, the notice must usually specify a date of expiry at least 3 months after it is given. Regulation 3(4) of the principal regulations provides an exception, and regulation 2(2) of these regulations, by substituting a new paragraph (4), amends the exception. An earlier date is permissible if it is at least one month after the notice is given, and if it is assented to in writing by all independent trade unions (if any) recognised to any extent for the purpose of collective bargaining in relation to the earners concerned. It is no longer necessary to obtain the permission of the Occupational Pensions Board.

Regulation 2(3) amends regulation 6 of the principal regulations so that an election must be accompanied by a statement that the employer has given notices of intention to make the election, but need no longer be accompanied by a copy of the notice.

Regulation 2(4) makes to regulation 10 of the principal regulations, which deals with notices of intention to make elections for the variation or surrender of contracting-out certificates, a similar amendment to that made by regulation 2(2) to regulation 3 of the principal regulations.

Where the consent of the Occupational Pensions Board to an alteration of the rules of a contracted-out scheme is required, the Board may, under regulation 38 of the principal regulations, require notice of the intended alteration to be given to earners and others specifying a date by which representations about matters in the notice may be made to specified persons. Usually the date must not be earlier than 3 months from the date of the giving of the notice. Regulation 2(5) makes to regulation 38 of the principal regulations a similar amendment to that made by regulation 2(2) to regulation 3 of the principal regulations and also removes a requirement that the notice must contain a statement that representations may be made to the Occupational Pensions Board.