

1988 No. 176

SOCIAL SECURITY

**The Personal Pension Schemes (Miscellaneous Amendments)
Regulations (Northern Ireland) 1988**

Made 10th May 1988

Coming into operation—

regulations 1 and 3 27th May 1988

regulation 2 1st July 1988

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 14(1) of, and paragraphs 2, 3 and 6 of Schedule 1 to, the Social Security (Northern Ireland) Order 1986(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1.—(1) These regulations may be cited as the Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 1988.

(2) These regulations shall come into operation as follows—

(a) this regulation and regulation 3 on 27th May 1988; and

(b) regulation 2 on 1st July 1988.

Amendment of the Pension Schemes (Voluntary Contributions Requirements and Voluntary and Compulsory Membership) Regulations (Northern Ireland) 1987

2. After paragraph (6) of regulation 2 of the Pension Schemes (Voluntary Contributions Requirements and Voluntary and Compulsory Membership) Regulations (Northern Ireland) 1987(b) (exceptions to Article 14(1) of the Social Security (Northern Ireland) Order 1986 — voluntary contribution requirements) there shall be inserted the following paragraph—

“(6A) Article 14(1)(a) and (b) shall not apply to the rules of any scheme which provide that the only contributions payable in respect of a member shall be the minimum contributions payable by the Department in respect of that member under Article 3 if—

(a) the scheme is an appropriate scheme under Article 3(8);

(b) the member to whom the limitation applies is concurrently a member of an occupational pension scheme;

(c) the scheme is currently the member’s chosen scheme under Article 3(9); and

(a) S.I. 1986/1888 (N.I. 18)

(b) S.R. 1987 No. 286; to which there are amendments not relevant to these regulations

- (d) the member has entered into a written agreement with the trustees or managers of the scheme that this regulation shall apply in his case.”.

Amendment of the Personal Pension Schemes (Appropriate Schemes) Regulations (Northern Ireland) 1988

3. The Personal Pension Schemes (Appropriate Schemes) Regulations (Northern Ireland) 1988(a) shall be amended in accordance with paragraphs (a) and (b)—

- (a) in regulation 2 (forms of schemes which may be appropriate schemes)—
- (i) at the beginning of paragraph (1) there shall be inserted “Subject to paragraph (1A) but”,
 - (ii) in paragraph (1)(c) for the words from “or shares in” to the end there shall be substituted “(which expression includes shares in or deposits with a building society as defined in the Building Societies Act 1986(b))”, and
 - (iii) after paragraph (1) there shall be inserted the following paragraph—

“(1A) The requirements of paragraph (1)(c) are satisfied if the rules of the personal pension scheme provide that, at the minimum, there shall be invested in the interest-bearing account any payments or rights which, under paragraph 7(2) of Schedule 1 to the Order or regulation 3 of the Personal and Occupational Pension Schemes (Protected Rights) Regulations (Northern Ireland) 1987(c), are those from which are derived protected rights.”; and
- (b) in regulation 3 (persons who and bodies which may establish schemes)—
- (i) after sub-paragraph (c) of paragraph (3) there shall be inserted the following sub-paragraph—

“(d) subject to paragraph (4), a body corporate which is a subsidiary or holding company of an institution such as is mentioned in sub-paragraph (c) or a subsidiary of the holding company of such an institution (“holding company” and “subsidiary” being construed in accordance with section 736 of the Companies Act 1985(d) or Article 4 of the Companies (Northern Ireland) Order 1986(e)).”, and
 - (ii) after paragraph (3) there shall be inserted the following paragraph—

“(4) Paragraph (3)(d) applies subject to the conditions that the rules of any appropriate scheme established by such a body

(a) S.R. 1988 No. 34

(b) 1986 c. 53

(c) S.R. 1987 No. 295; relevant amending regulations are S.R. 1988 No. 107

(d) 1985 c. 6

(e) S.I. 1986/1032 (N.I. 6)

require that the resources of the scheme be invested with an institution such as is mentioned in paragraph (3)(c), and further provide that the rights arising from such investment, in so far as they are attributable to the contributions made by or on behalf of a member, shall be held by that body on trust for that member.”.

Sealed with the Official Seal of the Department of Health and Social Services on 10th May 1988.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Personal Pension Schemes (Appropriate Schemes) Regulations (Northern Ireland) 1988 to permit a company which is a holding company or a subsidiary, or a subsidiary of the holding company, of an institution authorised under the Banking Act 1987 to establish appropriate personal pension schemes, and to provide that payments to an appropriate personal pension scheme taking the form of investments in an interest-bearing account need be invested in the scheme itself only if they are payments or rights giving rise to protected rights (regulation 3). The Pension Schemes (Voluntary Contributions Requirements and Voluntary and Compulsory Membership) Regulations (Northern Ireland) 1987 are amended so as to exempt an appropriate personal pension scheme from the provisions of Article 14(1)(a) and (b) of the Social Security (Northern Ireland) Order 1986, which prohibits any rule of a pension scheme prohibiting voluntary contributions by a member or limiting the amount of such contributions, in so far as it has rules which provide that if the member is also a member of an occupational pension scheme, and if he has so agreed in writing with the trustees or managers of the personal pension scheme, the only contributions shall be the minimum contributions payable in respect of him by the Department under Article 3 of that Order (regulation 2).