

## 1989 No. 123

## PENSIONS

**The Personal Pension Option (No. 2)  
Regulations (Northern Ireland) 1989***Made* . . . . . 31st March 1989*Coming into operation* . . . . . 6th April 1989

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 18(2) of the Social Security (Northern Ireland) Order 1986(a) and of all other powers enabling it in that behalf, after consultation with the Department of Finance and Personnel and the Department of Economic Development in accordance with Article 18(2)(b) of that Order and with the consent of the Department of Finance and Personnel and the Department of Economic Development in accordance with Article 18(4) of that Order, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Personal Pension Option (No. 2) Regulations (Northern Ireland) 1989 and shall come into operation on 6th April 1989.

(2) In these regulations references to a person's eligibility for a pension are, in relation to an office which carries entitlement to a pension, references to such entitlement.

*Modification of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969*

2. The provisions of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969(c) specified in the Schedule shall apply with the modifications specified in that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 31st March 1989.

(L.S.)

A. N. Burns

Assistant Secretary

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

(b) By virtue of the Personal Pensions (Appropriate Authority) (Designation) Order (Northern Ireland) 1989 (S.R. 1989 No. 65)

(c) 1969 c. 7 (N.I.)

The Department of Finance and Personnel hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 31st March 1989.

(L.S.)

*F. P. Smyth*

Assistant Secretary

The Department of Economic Development hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of Economic Development on 31st March 1989.

(L.S.)

*D. C. Gowdy*

Under Secretary

**Provisions of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 applying with modifications**

The provisions of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 shall apply with the following modifications:

1. In section 2(1) after the words "in this section" there shall be inserted "and in section 2A".

2. In section 2 the following paragraph shall be added after paragraph (c) of subsection (6)—

"(d) in relation to the holder of such an office, any reference in section 3A or 11(1A) of that Act to an election under paragraph 7A of Schedule 10 to the Social Security (Northern Ireland) Act 1975 were a reference to an election under section 2A of this Act."

3. After section 2 (Pensions for presidents of the industrial court and industrial tribunals) there shall be inserted the following section—

"2A.—(1) A pensioner shall, while he holds any office—

(a) be deemed to be a member of the occupational pension scheme except during such time as a personal pension election is in force in respect of him; and

(b) be entitled at any time to become a member of a personal pension scheme by serving on the Department a notice in writing identifying the scheme and electing to become a member of it.

(2) A personal pension election

(a) shall take effect not less than three months after the date on which it was served on the Department;

(b) shall, subject to the provisions of subsection (7), be irrevocable; and

(c) shall not cease to be in force by reason only that the person who made it becomes the holder of any office different from the one which he held when he made the election.

(3) While a personal pension is in force in respect of a pensioner, any service of his described in subsection (4) of section 2 shall not be counted as "relevant service" for the purposes of subsection (3) of that section.

(4) A personal pension election shall not affect any superannuation allowance for which its maker was eligible under the occupational pension scheme before the date on which it takes effect.

(5) At any time after a pensioner has made a personal pension election, and while he holds any office, he may apply in writing to the Department requesting admission to the occupational pension scheme.

(6) A person who has made an application under subsection (5) (hereinafter called "the applicant") shall

(a) supply such evidence relating to his health as the Department may reasonably require; and

(b) submit to any medical examination reasonably specified by the Department.

(7) The Department may, if it is satisfied that the applicant is in good health admit him to the occupational pension scheme on a date not less than three months after the date on which the application was served and upon the date of the applicant's admission to that scheme his election shall cease to be in force.

(8) The Department shall notify an applicant of its decision in writing within three months after the date on which the application was served.

(9) In this section—

“occupational pension scheme” means arrangements established by section 2(1) to (5) for the payment of a superannuation allowance to a pensioner;

“Department” means the Department of Economic Development;

“office” means any office specified in section 2(1);

“personal pension scheme” means a scheme in respect of which there is in force a current appropriate scheme certificate issued by the Occupational Pensions Board in accordance with Article 4 of the Social Security (Northern Ireland) Order 1986; and

“personal pension election” means an election made under and in accordance with subsection (1).”

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations modify the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 so as to allow the President of the Industrial Court, the President of the Industrial Tribunals and whole-time Chairmen of Industrial Tribunals to elect to have a personal pension instead of acquiring pension rights under that enactment.

The regulations enable the pension arrangements under the said enactment to comply with the provisions contained in the Social Security (Northern Ireland) Order 1986 which enable members of occupational pension schemes to exercise personal pension options.