

## 1995 No. 441

## PENSIONS

**The Occupational and Personal Pension Schemes  
(Miscellaneous Amendments No. 2) Regulations  
(Northern Ireland) 1995**

*Made* . . . . . 1st December 1995

*Coming into operation* . . . . . 1st February 1996

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 69(1), (2) and (4), 109(1) and (3) and 149(1) and (2) of the Pension Schemes (Northern Ireland) Act 1993(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 and Personal Pension Schemes (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1995 and shall come into operation on 1st February 1996.

(2) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to a Measure of the Assembly.

*Amendment of the Personal Pension Schemes (Disclosure of Information) Regulations*

2.—(1) After regulation 5 of the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(c) there shall be inserted the following regulation—

*“Member to be informed when contributions not received*

5A. Where the trustees of any scheme have not received a payment of contributions (other than minimum contributions) by the date on or before which it was expected to be made, they shall inform the member concerned in writing before the expiry of 3 months from that date; unless the payment is received by them within that period.”

(2) In relation to any payment of contributions which was expected to be made before the coming into operation of this regulation the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987 shall have effect as if this regulation had not been made.

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(a) 1993 c. 49

(b) 1954 c. 33 (N.I.)

(c) S.R. 1987 No. 288; to which there are amendments not relevant to these regulations

*Amendment of the Occupational Pension Schemes (Preservation of Benefit) Regulations*

3.—(1) The Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1991(a) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 6(1)(b) (means of assuring short service benefit) the words “and the conditions necessary for a discharge under section 77” shall be omitted.

(3) In regulation 9(1)(c) (bought out benefits) the words “and which satisfies the conditions necessary for a discharge under section 77” shall be omitted.

(4) In regulation 12(1)(d) (transfer of member’s accrued rights without consent)—

(a) for “section 69(2)(a)” there shall be substituted “section 69(2)(a)(i)”; and

(b) for the words from “where” to the end there shall be substituted “where the conditions set out in paragraphs (2) and (3) are satisfied.”.

(5) In regulation 21(5)(b)(e) (breaks in pensionable service) the words “and which satisfies the conditions necessary for a discharge under section 77” shall be omitted.

*Revocations*

4. In paragraph 26 of Schedule 2 to the Occupational and Personal Pension Schemes (Consequential Amendments) Regulations (Northern Ireland) 1994(f) sub-paragraphs (7)(b) and the word “and” immediately preceding it, (11) and (21)(c) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 1st December 1995.

(L.S.)

*Leslie Frew*

Assistant Secretary

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- (a) S.R. 1991 No. 37; relevant amending regulations are S.R. 1992 No. 304, S.R. 1993 No. 324 and S.R. 1994 No. 300
- (b) Regulation 6(1) was amended by paragraph 26(7) and (8) of Schedule 2 to S.R. 1994 No. 300
- (c) Regulation 9(1) was amended by paragraph 26(8) and (11) of Schedule 2 to S.R. 1994 No. 300
- (d) Regulation 12 was amended by regulation 35 of S.R. 1992 No. 304, regulation 2 of S.R. 1993 No. 324 and paragraph 26(16) of Schedule 2 to S.R. 1994 No. 300
- (e) Regulation 21(5)(b) was amended by paragraph 26(8) and (21)(c) of Schedule 2 to S.R. 1994 No. 300
- (f) S.R. 1994 No. 300

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

These Regulations make miscellaneous amendments to regulations about occupational and personal pension schemes.

Regulation 2 amends the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987. It inserts a new regulation 5A, which places an obligation on the trustees or managers of a personal pension scheme to inform a member within three months if they do not receive a payment of contributions in respect of him on the due date.

Regulation 3 amends the Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1991. Regulation 3(2), (3) and (5) amends regulations 6(1), 9(1) and 21(5)(b) respectively which relate to the securing of short service benefit (or its alternatives) by an insurance policy or annuity contract. References to the conditions necessary for a discharge under section 77 of the Pension Schemes (Northern Ireland) Act 1993 are removed, so as to restore the effect of those provisions prior to the coming into operation of that Act. Regulation 3(4) amends regulation 12 so that the conditions to be satisfied before a member's rights can be transferred from one occupational pension scheme to another without his consent are the same in a case where a scheme is being wound up as in any other case.

Regulation 4 makes consequential revocations.