
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 48

**The Pensions (2005 Order) (Commencement
No. 1 and Consequential and Transitional
Provisions) Order (Northern Ireland) 2005**

Consequential amendments, transitional modifications and adaptations

Consequential amendment of the Occupational Pension Schemes (Pensions Compensation Provisions) Regulations

3.—(1) The Occupational Pension Schemes (Pensions Compensation Provisions) Regulations (Northern Ireland) 1997(1) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 5(2) (amount of compensation) –

- (a) in paragraph (2) for the words from “The amount” to “Article 81(3)(a) and (b)” there shall be substituted “The amount or, as the case may be, the aggregate, shall not exceed the aggregate specified in Article 81(3)(3)”;
- (b) paragraph (5) shall be omitted;
- (c) in paragraph (6) for “Article 81(3)(a)” there shall be substituted “Article 81(3)(b)”.

(3) Regulations 3A(4) (protected liabilities – prescribed class of members), 6(5)(d)(5) (payments made in anticipation not to exceed the amount of the protected liabilities), 7(6) (mixed benefit schemes) and 10 (modifications for money purchase schemes) shall be omitted.

Transitional modification

4. Where –

- (a) an application for compensation is made before 25th February 2005 under Article 80 of the 1995 Order (applications for payments), and
- (b) the Pensions Compensation Board has not made a payment by that date under Article 81 of the 1995 Order (amount of compensation),

Article 81 of the 1995 Order shall have effect for the purposes of making that payment as if the amendments made by Article 254(4) of the Order and the amendments made by Article 3(2) were in operation at the time of the application.

(1) S.R. 1997 No. 141, as amended by S.R. 1998 No. 233, S.R. 2001 No. 138 and S.R. 2003 No. 256

(2) Regulation 5 was amended by regulation 2(3) of S.R. 2001 No. 138

(3) Article 81 was amended by Article 16(3) to (6) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I.1999/3147 (N.I. 11)) and is amended by Article 254(4) of the Pensions (Northern Ireland) Order 2005

(4) Regulation 3A was inserted by regulation 2(2) of S.R. 2001 No. 138

(5) Regulation 6(5)(d) was substituted by regulation 2(4) of S.R. 2001 No. 138

(6) Regulation 10 was amended by regulation 2(5) of S.R. 2001 No. 138

Transitional provisions in relation to the Pensions Compensation Board

5.—(1) For the purposes of the provision of information by the Pensions Ombudsman to the Pensions Compensation Board, section 145(6)(7) of the Pension Schemes Act shall have effect until 1st September 2005 as if there were inserted after the end of paragraph (ba) (as substituted by paragraph 21 of Schedule 10 to the Order) –

“(bb) the Pensions Compensation Board.”

(2) The Table in section 154A(1)(8) of the Pension Schemes Act shall have effect until 1st September 2005 as if the entry relating to the Pensions Compensation Board (prior to its substitution by paragraph 21 of Schedule 10 to the Order) remained in place.

Transitional provision and saving in relation to section 170 of the Pension Schemes Act

6. Notwithstanding anything in this Order, section 170(8)(9) of the Pension Schemes Act (levies towards certain expenditure) continues to apply to a levy for which any person was liable by virtue of section 170 of that Act immediately before 1st April 2005, but which has not been paid in full before that date, as it had effect immediately before that date, except that the reference to “the Registrar” shall be read as if it were a reference to “the Regulatory Authority”.

Consequential amendment of the Paternity and Adoption Leave Regulations

7.—(1) The Paternity and Adoption Leave Regulations (Northern Ireland) 2002(10) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 14(2) (incidents of the right to return after paternity leave) for the words from “paragraphs 5” to the end there shall be substituted “paragraphs 5, 5B and 6 of Schedule 5 to the Social Security (Northern Ireland) Order 1989(11) (equal treatment under pension schemes: maternity absence, adoption leave and family leave)”.

(3) In regulation 27(2) (incidents of the right to return from adoption leave) for the words from “paragraphs 5” to the end there shall be substituted “paragraphs 5, 5B and 6 of Schedule 5 to the Social Security (Northern Ireland) Order 1989 (equal treatment under pension schemes: maternity absence, adoption leave and family leave)”.

(7) Section 149(6) was inserted by Article 155(1) of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and amended by paragraph 70(2) of Schedule 5 to the Bank of England Act 1998 (c. 11) and Article 135 of the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649)

(8) Section 154A was inserted by paragraph 9 of Schedule 4 to the Pensions (Northern Ireland) Order 1995 and amended by paragraph 70(3) of Schedule 5 to the Bank of England Act 1998 and paragraph 8 of Schedule 5 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and Article 136 of the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001

(9) Section 170 was substituted by Article 161 of the Pensions (Northern Ireland) Order 1995

(10) S.R. 2002 No. 377; relevant amending regulations are S.R. 2004 No. 116

(11) S.I. 1989/1342 (N.I. 13); paragraphs 5A and 5B are inserted by Article 242 of the Pensions (Northern Ireland) Order 2005