

SCHEDULE 4

Transitional Provisions and Savings

PART 2

Savings

8. Paragraphs 9 to 19 apply to a scheme which—

- (a) is subject to Article 56 of the 1995 Order immediately before the commencement date, and
- (b) becomes subject to Part IV of the Order on that date.

9. Articles 56 and 58 to 60 of the 1995 Order and regulations 15 to 17 and 19 to 27 of, and Schedules 2 and 4 to, the 1996 Regulations continue to apply in relation to the scheme from the commencement date until the date on which the first schedule of contributions under the Order comes into force.

10. Where—

- (a) immediately before the commencement date, the trustees or managers of the scheme were required under Article 57(1)(a) of the 1995 Order and regulation 10 of the 1996 Regulations (time limits for minimum funding valuations) to obtain an actuarial valuation within a period ending on or after the commencement date, and
- (b) they have determined before that date, or determine subsequently, that the valuation should be obtained by reference to an effective date before 22nd September 2005,

those provisions shall apply to the scheme on and after the commencement date in respect of that valuation.

11. Where—

- (a) immediately before the commencement date, the trustees or managers of the scheme were required under Article 57(2)(a) of the 1995 Order to obtain an actuarial valuation within the period specified in Article 57(4)(a) of that Order, and
- (b) they have determined before that date, or determine subsequently, that the valuation should be obtained by reference to an effective date before 22nd September 2005,

those provisions shall apply to the scheme on and after the commencement date in respect of that valuation.

12. Where—

- (a) immediately before the commencement date, the trustees or managers of the scheme were required under Article 57(2)(b) of the 1995 Order to obtain an actuarial valuation by virtue of the occurrence of an event of the kind described in regulation 13 of the 1996 Regulations, and
- (b) they have determined before that date, or determine subsequently, that the valuation should be obtained by reference to an effective date before 22nd September 2005,

those provisions shall apply to the scheme on and after the commencement date in respect of that valuation, subject to the modification that the valuation must be obtained within the period of six months beginning with the date on which the relevant event occurred.

13. Where—

- (a) immediately before the commencement date, the trustees or managers of the scheme were required under Article 41(1)(a) and (2)(c) of the 1995 Order and regulation 30 of the

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1996 Regulations (ongoing actuarial valuations and statements) to obtain an actuarial valuation within a period ending on or after the commencement date, and an accompanying statement in the form set out in Schedule 6 to those Regulations, and

- (b) they have determined before that date, or determine subsequently, that the valuation should be obtained by reference to an effective date before 22nd September 2005,

those provisions shall apply to the scheme on and after the commencement date in respect of that valuation and statement.

14. Where a requirement to obtain a valuation is preserved by any of paragraphs 10 to 13, Article 57(5) to (7) of the 1995 Order, regulations 3 to 9 of the 1996 Regulations and (except in the case to which paragraph 13 applies) regulation 14 of, and Schedule 1 to, those Regulations shall apply in respect of that valuation.

15. Where, immediately before the commencement date, the trustees or managers of the scheme were required under Article 57(1)(b) of the 1995 Order and regulation 18 of the 1996 Regulations (occasional and periodic certification of adequacy of contributions) to obtain annual certificates as to the adequacy of contributions payable towards the scheme, those provisions, Article 57(5) to (7) of that Order and Schedule 3 to those Regulations shall apply to the scheme until the effective date of the first valuation under the Order relating to the scheme.

16. Article 61 of the 1995 Order (supplementary), regulations 2 (interpretation) and 29 of, and Schedule 5 to, the 1996 Regulations (modifications) shall apply, so far as material, on and after the commencement date in relation to the provisions of that Order and those Regulations saved by paragraphs 9 to 15.

17. Where any provision of the 1995 Order or the 1996 Regulations applies to the scheme on or after the commencement date by virtue of this Schedule, any reference to that provision in the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996(1) (“the Contracting-out Regulations”) shall apply in relation to the scheme on and after the commencement date as if—

- (a) in the case of a provision of the 1995 Order, the repeal of that provision by the Order had not come into operation on that date in accordance with the Pensions (2005 Order) (Commencement No. 7) Order (Northern Ireland) 2005(2) (“the Commencement Order”);
- (b) in the case of a provision in the 1996 Regulations, those Regulations had not been revoked by regulation 21, and
- (c) the amendments to the Contracting-out Regulations in paragraph 1 of Schedule 3 had not come into operation.

18. Where any provision of the 1995 Order or the 1996 Regulations applies to the scheme on or after the commencement date by virtue of this Schedule, regulation 4(2) of the Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations (Northern Ireland) 1997(3) shall be taken to include a reference to that provision notwithstanding its repeal by the Order in accordance with the Commencement Order or the revocation of the 1996 Regulations by regulation 21.

19. Any reference to the 1995 Order or the 1996 Regulations in—

- (a) the Occupational Pension Schemes (Winding Up) Regulations (Northern Ireland) 1996(4);

(1) [S.R. 1996 No. 493](#); relevant amending regulations are [S.R. 1997 No. 160](#) and [S.R. 2002 No. 109](#)

(2) [S.R. 2005 No. 543 \(C. 37\)](#)

(3) [S.R. 1997 No. 39](#), to which there are amendments not relevant to these Regulations

(4) [S.R. 1996 No. 621](#), amended by [S.R. 1997 No. 160](#), [S.R. 1999 No. 486](#), [S.R. 2000 No. 335](#), [S.R. 2002 No. 64](#), [S.R. 2004 Nos. 60, 187](#), [S.R. 2005 Nos. 20, 168](#) and [171](#)

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- (b) the Occupational Pension Schemes (Deficiency on Winding Up, etc.) Regulations (Northern Ireland) 1996⁽⁵⁾, or
- (c) the Occupational Pension Schemes (Employer Debt) Regulations (Northern Ireland) 2005⁽⁶⁾,

shall apply to the scheme on and after the commencement date as if, where the reference is to a provision of the 1995 Order, the repeal of that provision by the Order had not come into operation on that date in accordance with the Commencement Order, and, where the reference is to a provision in the 1996 Regulations, those Regulations had not been revoked by regulation 21.

(5) S.R. 1996 No. 585; relevant amending regulations are S.R. 1997 Nos. 160 and 544, S.R. 2002 No. 64, S.R. 2004 No. 60 and S.R. 2005 No. 20

(6) S.R. 2005 No. 168, amended by S.R. 2005 No. 387