
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 113

The Pensions (2008 Acts) (Consequential Provisions) Order (Northern Ireland) 2009

Amendment of the Occupational Pension Schemes (Contracting-out) Regulations

3.—(1) The Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996⁽¹⁾ shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 1(2) (interpretation) omit the definition of “safeguarded rights”⁽²⁾.

(3) In regulation 23 (requirements for meeting the statutory standard) for paragraph (d)⁽³⁾ substitute—

“(d) must not have regard to any pensions to be provided under the scheme in respect of earners who are not in contracted-out employment;”.

(4) In regulation 39⁽⁴⁾ (circumstances in which schemes may change mode of contracting out)—

(a) in paragraph (1) omit “and any safeguarded rights”;

(b) in paragraph (2) for “, section 5(2B) rights and any safeguarded rights” substitute “and section 5(2B) rights⁽⁵⁾”.

(5) In regulation 63(2)(aa)⁽⁶⁾ (provision of information about guaranteed minimum pensions) for “, protected rights or safeguarded rights” substitute “or protected rights”.

(6) In regulation 73(b)⁽⁷⁾ (transitional arrangements and savings for salary related schemes which have begun winding up before the principal appointed day) omit “and any liabilities in respect of safeguarded rights under section 64A of the Act”.

(7) In regulation 77 (transitional arrangements for schemes contracted out under section 5(2) of the Act to become contracted out under section 5(3) of the Act) for paragraph (3)⁽⁸⁾ substitute—

“(3) Where this regulation applies, sections 46⁽⁹⁾, 48⁽¹⁰⁾ and 49⁽¹¹⁾ of the Act (approval of arrangements for, and supervision of, schemes which cease to be contracted-out) as they apply in relation to the guaranteed minimum pensions provided under the scheme shall be

(1) [S.R. 1996 No. 493](#); relevant amending Regulations are [S.R. 1997 Nos. 160 and 162](#), [S.R. 1999 No. 486](#), [S.R. 2000 No. 336](#) and [S.R. 2002 No. 109](#)

(2) The definition of “safeguarded rights” was inserted by regulation 2(2) of [S.R. 2000 No. 336](#)

(3) Paragraph (d) was amended by regulation 2(4) of [S.R. 2000 No. 336](#)

(4) Regulation 39 was amended by regulation 3(2) of [S.R. 1997 No. 162](#) and regulation 2(5) of [S.R. 2000 No. 336](#)

(5) The definition of “section 5(2B) rights” was inserted by paragraph 5(2) of the Schedule to [S.R. 1997 No. 160](#) and amended by regulation 4(2)(b) of [S.R. 1999 No. 486](#)

(6) Regulation 63(2)(aa) was inserted by regulation 2(15)(b) of [S.R. 2002 No. 109](#)

(7) Regulation 73(b) was amended by regulation 2(6) of [S.R. 2000 No. 336](#)

(8) Paragraph (3) was substituted by regulation 2(7) of [S.R. 2000 No. 336](#)

(9) Section 46 was amended by paragraph 37 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 ([S.I. 1995/3213 \(N.I. 22\)](#)) and paragraph 60 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 ([S.I. 1999/671](#)) and is amended by Part 2 of Schedule 10 to the Pensions (No. 2) Act (Northern Ireland) 2008

(10) Section 48 was amended by paragraph 39 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and is amended by Part 2 of Schedule 10 to the Pensions (No. 2) Act (Northern Ireland) 2008

(11) Section 49 was amended by paragraph 40 of Schedule 3 to the Pensions (Northern Ireland) Order 1995, paragraph 61 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and paragraph 6 of Schedule 10 to the Pensions (Northern Ireland) Order 2005 ([S.I. 2005/255 \(N.I. 1\)](#))

modified so as to have effect as if those pensions were provided under a separate scheme which had ceased to be certified as a contracted-out scheme immediately before the principal appointed day.”.