
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 120

The Pensions (2008 Act) (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Provisions) Regulations (Northern Ireland) 2012

PART 2

Amendments coming into operation on 6th April 2012

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

6.—(1) The Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996⁽¹⁾ are amended in accordance with paragraphs (2) to (18).

(2) In regulation 1(2) (interpretation) in the definition of “overseas scheme”⁽²⁾ omit “or (3)”.

(3) In regulation 3(2)(g)(i)⁽³⁾ (notices by employers of intended election) omit “whether the employment would be contracted out by reference to a salary related or money purchase contracted-out scheme and”.

(4) In regulation 6 (information to be included in an election) omit paragraph (4).

(5) In regulation 9(3)(b) (making of elections by employers for the variation or surrender of contracting-out certificates) omit “in the case of a money purchase contracted-out scheme, the protected rights under, or in the case of any other scheme,”.

(6) In regulation 10(1)(a) (special provision with regard to elections for the issue, variation or surrender of certificates where the employment remains contracted out) omit “, or for protected rights, as the case may be,”.

(7) In regulation 16(1)⁽⁴⁾ (requirement to confirm relevant requirements are satisfied) omit subparagraph (b).

(8) Omit regulation 30 (further contracting-out requirements for money purchase contracted-out schemes).

(9) In regulation 31(3)(a)⁽⁵⁾ (deduction of minimum payments from earnings) after “section 38B of the Act” insert “as it had effect immediately prior to the abolition date”.

(10) In regulation 32(1) (minimum payments to be made by employers to trustees)—

(a) for “section 4(1) of the Act” substitute “section 4(1A)⁽⁶⁾ of the Act”;

(1) S.R. 1996 No. 493; relevant amending provisions are S.R. 1997 Nos. 160 and 162, S.R. 1999 No. 486, S.R. 2001 No. 118, S.R. 2002 No. 109, S.R. 2005 No. 568, S.I. 2005/3377, S.I. 2006/744, S.R. 2007 Nos. 185 and 457, S.I. 2008/1903 and S.R. 2009 No. 113

(2) The definition of “overseas scheme” was substituted by regulation 4(2) of S.R. 2007 No. 185 and amended by regulation 6(b) of S.R. 2007 No. 457

(3) Regulation 3(2)(g) was amended by regulation 2(2)(b) of S.R. 2002 No. 109

(4) Regulation 16(1) was amended by regulation 2(5) of S.R. 2002 No. 109

(5) Regulation 31(3) was amended by regulation 2(11)(b) of S.R. 2002 No. 109

(6) Section 4(1A) is inserted by paragraph 3(3) of Schedule 4 to the Pensions Act (Northern Ireland) 2008

- (b) for “employment is contracted out” substitute “employment was contracted out”.
- (11) Omit regulation 39(7) (circumstances in which schemes may change mode of contracting out).
- (12) Omit regulation 40(8) (schemes which may not be contracted out under section 5(3) of the Act).
- (13) In regulation 42(9) (alteration of rules of contracted-out schemes)—
- (a) in paragraph (1) omit “, (2A)”;
 - (b) omit paragraph (2A);
 - (c) in paragraph (2B) for sub-paragraph (c) substitute—
 - “(c) otherwise prevent the scheme from satisfying section 5(2)(10) of the Act.”.
- (14) In regulation 43 (termination of periods of contracted-out employment)—
- (a) in paragraph (3)(a)(iii) omit the words from “or, as the case may be” to the end;
 - (b) in paragraph (5)(a) for “, section 5(2B) rights or protected rights” substitute “or section 5(2B) rights(11)”.
- (15) In regulation 45(2) (approval of arrangements for schemes ceasing to be contracted out) omit “, section 24(2)(b) and (3) of the Act (transfer of protected rights)”.
- (16) In regulation 48 (special provision for overseas schemes) omit paragraph (6).
- (17) In regulation 49 (insolvent schemes)—
- (a) in paragraph (3) omit sub-paragraph (a)(12);
 - (b) in paragraph (4) for sub-paragraph (a)(13) substitute—
 - “(a) in the case of a scheme to which Part IV of the 2005 Order(14) (scheme funding) applies, the cash equivalent of a member’s rights under the scheme shall be determined as if the requirements of Article 201(1) of that Order (the statutory funding objective) were satisfied;”.
- (18) In regulation 62(3) (fixed rate revaluation of guaranteed minimum pensions for early leavers)
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- (a) omit “or section 24 (ways of giving effect to protected rights)”;
 - (b) for “those provisions” substitute “that provision”.

(7) Regulation 39 was amended by regulation 3(2) of [S.R. 1997 No. 162](#) and Article 3(4) of [S.R. 2009 No. 113](#)

(8) Regulation 40 was amended by regulation 3 of [S.R. 2001 No. 118](#) and Article 28(8) of [S.I. 2006/744](#)

(9) Regulation 42 was amended by paragraph 5(8) of the Schedule to [S.R. 1997 No. 160](#)

(10) Section 5(2) was substituted by Article 133(3) of the Pensions (Northern Ireland) Order 1995 ([S.I. 1995/3213 \(N.I. 22\)](#))

(11) The definition of “section 5(2B) rights” was substituted 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](#)

(12) Sub-paragraph (a) was amended by regulation 22(a) of [S.I. 2008/1903](#)

(13) Sub-paragraph (a) was amended by paragraph 8(2) of Schedule 3 to [S.I. 2005/3377](#)

(14) The definition of “the 2005 Order” was inserted by paragraph 1(2)(a) of Schedule 3 to [S.R. 2005 No. 568](#)