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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 107**

**The Occupational Pension Schemes  
(Schemes that were Contracted-out)  
Regulations (Northern Ireland) 2016**

**PART 1  
GENERAL**

**Interpretation**

**2.—(1)** In these Regulations—

“the 1993 Act” means the Pension Schemes (Northern Ireland) Act 1993**(1)**;

“the 1995 Order” means the Pensions (Northern Ireland) Order 1995**(2)**;

“the 1996 Regulations” means the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996**(3)**;

“the 2004 Act” means the Finance Act 2004**(4)**;

“administrator” means the person resident in the United Kingdom having responsibility for the management of an occupational pension scheme or, in the case of an overseas scheme (within the meaning of regulation 6), the person who is appointed in accordance with section 270**(5)** of the 2004 Act;

“the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992**(6)**;

“section 5(2B) rights” are—

(a) rights to the payment of pensions and accrued rights to pensions (other than rights attributable to voluntary contributions) under a scheme that was a salary related contracted-out scheme**(7)**, so far as attributable to an earner’s service in contracted-out employment on or after the principal appointed day**(8)**, and

(b) where a transfer payment has been made (other than a payment made in accordance with regulation 10 of the Contracting-out (Transfer and Transfer Payment) Regulations

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**(1)** 1993 c. 49

**(2)** S.I. 1995/3213 (N.I. 22)

**(3)** S.R. 1996 No. 493

**(4)** 2004 c. 12

**(5)** Section 270 was amended by paragraph 9 of Schedule 7 to the Finance Act 2014 (c. 26)

**(6)** 1992 c. 7

**(7)** See section 3B of the Pension Schemes (Northern Ireland) Act 1993 as inserted by paragraph 6 of Schedule 13 to the Pensions Act (Northern Ireland) 2015

**(8)** See section 176(1) of the Pension Schemes (Northern Ireland) Act 1993 as amended by paragraph 42(9) of Schedule 13 to the Pensions Act (Northern Ireland) 2015 (c. 5 (N.I.))

(Northern Ireland) 1996<sup>(9)</sup> (transfer payments in occupational and personal pension schemes in respect of section 5(2B) rights)) to such a scheme, whether before or after the second abolition date<sup>(10)</sup>, any rights arising under the scheme as a consequence of that payment which are derived directly or indirectly from—

- (i) such rights as are referred to in paragraph (a) under another scheme that was a salary related contracted-out scheme, or
- (ii) protected rights under another occupational pension scheme or under a personal pension scheme attributable to payments or contributions in respect of employment on or after the principal appointed day where that transfer payment was made before the first abolition date<sup>(11)</sup>;

“trustees” in relation to a scheme which is not set up or established under a trust, means the managers or administrators of the scheme.

(2) For the purposes of these Regulations, 2 people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead 2 people of the opposite sex.

(3) For the purposes of these Regulations—

- (a) any person, government department or public authority who, under or by virtue of Part 1 of the Contributions and Benefits Act is, or is to be treated as, the secondary Class 1 contributor, is to be treated as the employer of the earner in respect of whom the Class 1 contributions are payable;
- (b) without prejudice to sub-paragraph (a), there is to be treated as the employer of a self-employed earner to whom a scheme that was a salary related contracted-out scheme applies any person (other than the self-employed earner), government department or public authority who makes or is liable to make payments towards the resources of the scheme in respect of the self-employed earner (either under actual or contingent legal obligation or in the exercise of power conferred, or duty imposed, on a Minister of the Crown, government department or any other person, being a power or duty which extends to the disbursement or allocation of public money).

(4) Subject to paragraphs (5) and (6), the Interpretation Act (Northern Ireland) 1954<sup>(12)</sup> shall apply to these Regulations as it applies to an Act of the Assembly.

(5) Without prejudice to any other method of service authorised under section 24 of the Interpretation Act (Northern Ireland) 1954, the requirement to send any document under these Regulations may be met by sending it by ordinary post.

(6) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

<sup>(9)</sup> S.R. 1996 No. 618; regulation 10 was substituted by regulation 7(4) of S.R. 2012 No. 120 and is amended by regulation 22(3) of these Regulations

<sup>(10)</sup> See section 3A of the Pension Schemes (Northern Ireland) Act 1993 as inserted by paragraph 6 of Schedule 13 to the Pensions Act (Northern Ireland) 2015

<sup>(11)</sup> See section 3A of the Pension Schemes (Northern Ireland) Act 1993 as inserted by paragraph 6 of Schedule 13 to the Pensions Act (Northern Ireland) 2015

<sup>(12)</sup> 1954 c. 33 (N.I.)