
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 107

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

PART 2

**GENERAL PROVISIONS RELATING TO SCHEMES THAT
WERE SALARY RELATED CONTRACTED-OUT SCHEMES**

Determination that an earner was in contracted-out employment

4.—(1) This regulation applies where—

- (a) an earner (“E”) has been in employment, during a period in which employment of the same description as E’s employment was contracted-out⁽¹⁾, but E’s employment was not (apart from this regulation) contracted-out in relation to E, and
- (b) the Commissioners are satisfied—
 - (i) that the employment was not contracted-out in relation to E solely because E was not, during that period, a member of the relevant scheme⁽²⁾, and
 - (ii) that E, during that period, was not a member of that scheme solely because of inadvertence.

(2) Where this regulation applies, the Commissioners may determine that E was in contracted-out employment by reference to that scheme during that period.

(1) See section 4 of the Pension Schemes (Northern Ireland) Act 1993 as amended by paragraph 7 of Schedule 13 to the Pensions Act (Northern Ireland) 2015

(2) See section 33A(2) of the Pension Schemes (Northern Ireland) Act 1993 as inserted by paragraph 25 of Schedule 13 to the Pensions Act (Northern Ireland) 2015