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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

**The Pensions (Northern Ireland) Order 2005**

**PART IX**

**MISCELLANEOUS AND SUPPLEMENTARY**

*General*

**Modification of pensions legislation that refers to employers**

**281.**—(1) Regulations may modify any provision of pensions legislation for the purpose of ensuring that it, or another provision of pensions legislation, does not purport to refer to the employer of a self-employed person.

(2) Where a provision of pensions legislation contains a reference to an employer in connection with an occupational pension scheme, regulations may modify the provision, or another provision of pensions legislation, for the purpose of excluding from the reference an employer who is a person—

- (a) who does not participate in the scheme as regards people employed by him, or
- (b) who, as regards people employed by him, participates in the scheme only to a limited extent.

(3) For the purposes of this Article—

- (a) “pensions legislation” means any statutory provision contained in or made by virtue of—
  - (i) the Pension Schemes Act,
  - (ii) Part II of the 1995 Order other than Articles 62 to 66A of that Order (equal treatment),
  - (iii) Part II of the 1999 Order, or
  - (iv) this Order;
- (b) a person is “self-employed” if he is in an employment but is not employed in it by someone else;
- (c) a person who holds an office (including an elective office), and is entitled to remuneration for holding it, shall be taken to be employed by the person responsible for paying the remuneration.

(4) In paragraph (3)(b) “employment” includes any trade, business, profession, office or vocation.