

## SCHEDULES

### SCHEDULE 10

Article 290.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Matrimonial Causes (Northern Ireland) Order 1978 (NI 15)*

1. After Article 27D of the Matrimonial Causes (Northern Ireland) Order 1978 (pensions: supplementary) insert—

##### **“The Pension Protection Fund**

**27E.**—(1) The matters to which the court is to have regard under Article 27(2) include—

- (a) in the case of sub-paragraph (a), any PPF compensation to which a party to the marriage is or is likely to be entitled, and
- (b) in the case of sub-paragraph (h), any PPF compensation which, by reason of the dissolution or annulment of the marriage, a party to the marriage will lose the chance of acquiring entitlement to,

and, accordingly, in relation to PPF compensation, Article 27(2)(a) shall have effect as if “in the foreseeable future” were omitted.

(2) Paragraph (3) applies in relation to an order under Article 25 so far as it includes provision made by virtue of Article 27B(4) which—

- (a) imposed requirements on the trustees or managers of an occupational pension scheme for which the Board has assumed responsibility in accordance with Chapter 3 of Part III of the Pensions (Northern Ireland) Order 2005 (pension protection) or any provision in force in Great Britain corresponding to that Chapter, and
- (b) was made before the trustees or managers of the scheme received the transfer notice in relation to the scheme.

(3) The order is to have effect from the time when the trustees or managers of the scheme receive the transfer notice—

- (a) as if, except in prescribed descriptions of case—
  - (i) references in the order to the trustees or managers of the scheme were references to the Board, and
  - (ii) references in the order to any pension or lump sum to which the party with pension rights is or may become entitled under the scheme were references to any PPF compensation to which that person is or may become entitled in respect of the pension or lump sum, and
- (b) subject to such other modifications as may be prescribed.

(4) Paragraph (5) applies to an order under Article 25 if—

- (a) it includes provision made by virtue of Article 27B(7) which requires the party with pension rights to exercise his right of commutation under an occupational pension scheme to any extent, and

- (b) before the requirement is complied with the Board has assumed responsibility for the scheme as mentioned in paragraph (2)(a).
- (5) From the time the trustees or managers of the scheme receive the transfer notice, the order is to have effect with such modifications as may be prescribed.
- (6) Regulations may modify Article 27C as it applies in relation to an occupational pension scheme at any time when there is an assessment period in relation to the scheme.
- (7) Where the court makes a pension sharing order in respect of a person's shareable rights under an occupational pension scheme, or an order which includes provision made by virtue of Article 27B(4) or (7) in relation to such a scheme, the Board subsequently assuming responsibility for the scheme as mentioned in paragraph (2)(a) does not affect—
  - (a) the powers of the court under Article 33 to vary or discharge the order or to suspend or revive any provision of it, or
  - (b) on an appeal, the powers of the appeal court to affirm, reinstate, set aside or vary the order.
- (8) Regulations may make such consequential modifications of any provision of, or made by virtue of, this Part as appear to the Lord Chancellor necessary or expedient to give effect to the provisions of this Article.
- (9) In this Article—
  - “assessment period” means an assessment period within the meaning of Part III of the Pensions (Northern Ireland) Order 2005 (pension protection) (see Articles 116 and 143 of that Order) or an equivalent period under any provision in force in Great Britain corresponding to that Part;
  - “the Board” means the Board of the Pension Protection Fund;
  - “occupational pension scheme” has the same meaning as in the Pension Schemes (Northern Ireland) Act 1993;
  - “prescribed” means prescribed by regulations;
  - “PPF compensation” means compensation payable under Chapter 3 of Part III of the Pensions (Northern Ireland) Order 2005 (pension protection) or any provision in force in Great Britain corresponding to that Chapter;
  - “regulations” means regulations made by the Lord Chancellor;
  - “shareable rights” are rights in relation to which pension sharing is available under Chapter 1 of Part V of the Welfare Reform and Pensions (Northern Ireland) Order 1999 or any provision in force in Great Britain corresponding to that Chapter;
  - “transfer notice” has the same meaning as in Article 144 of the Pensions (Northern Ireland) Order 2005 or any corresponding provision in force in Great Britain.
- (10) Regulations under this Article shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.”.

### *The Companies Order*

2. In Article 442 of the Companies Order (provision for security of information obtained), for paragraph (1)(dg) substitute—

- “(dg) for the purpose of enabling or assisting the Pensions Regulator to discharge the functions conferred on it by or by virtue of the Pension Schemes (Northern Ireland) Act 1993, the Pensions (Northern Ireland) Order 1995, the Welfare Reform and Pensions (Northern Ireland) Order 1999 or the Pensions (Northern Ireland) Order

2005 or any enactment in force in Great Britain corresponding to any of those provisions;

- (dh) for the purpose of enabling or assisting the Board of the Pensions Protection Fund to discharge the functions conferred on it by or by virtue of Part III of the Pensions (Northern Ireland) Order 2005 or any provision in force in Great Britain corresponding to that Part.”.

*The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (NI 4)*

3.—(1) The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 is amended as follows.

(2) In Article 22 (matters to which the court is to have regard in exercising its powers under Article 21)—

(a) in paragraph (3A)—

- (i) in sub-paragraph (a) after “have” insert “and any PPF compensation to which a party to the marriage is or is likely to be entitled,”,  
(ii) for sub-paragraph (b) substitute—

“(b) so far as relating to sub-paragraph (h) of that provision, include—

- (i) any benefits under a pension arrangement which, by reason of the dissolution or annulment of the marriage, a party to the marriage will lose the chance of acquiring, and  
(ii) any PPF compensation which, by reason of the dissolution or annulment of the marriage, a party to the marriage will lose the chance of acquiring entitlement to,” and

(b) in paragraph (7), after sub-paragraph (b) add

“, and

- (c) “PPF compensation” means compensation payable under Chapter 3 of Part III of the Pensions (Northern Ireland) Order 2005 (pension protection) or any provision in force in Great Britain corresponding to that Chapter.”.

(3) In Article 25 (application to orders under Articles 18 and 21 of certain provisions of Part III of the Matrimonial Causes (Northern Ireland) Order 1978), after paragraph (1)(be) insert—

“(bf) Article 27E(2) to (10) (the Pension Protection Fund),”.

*The Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

4. In section 116AA of the Social Security Administration (Northern Ireland) Act 1992 (disclosure of contributions, etc. information by Inland Revenue), in subsection (2)(d), for “Occupational Pensions Regulatory Authority” substitute “Pensions Regulator”.

*The Pension Schemes Act*

5. The Pension Schemes Act is amended as follows.

6. In section 49 (supervision: former contracted-out schemes), after subsection (1B) insert—

“(1C) But where a direction under subsection (1) conflicts with a freezing order made by the Regulatory Authority under Article 19 of the Pensions (Northern Ireland) Order 2005 in relation to the scheme then, during the period for which the freezing order has effect, the direction to the extent that it conflicts with the freezing order—

- (a) is not binding as described in subsection (1), and

(b) is not enforceable as described in subsection (1B).”.

7.—(1) Section 52 (provision supplementary to section 51) is amended as follows.

(2) In subsection (4) for the words from the beginning to “another scheme,” substitute—

“(4) Where under the rules of the scheme, transfer credits have been allowed—

- (a) in respect of the earner’s rights under another scheme, or
- (b) in respect of the earner by reference to the payment of a cash transfer sum (within the meaning of Chapter 5 of Part IV) to the trustees or managers of the scheme by the trustees or managers of another occupational pension scheme,”.

(3) After subsection (7) add—

“(8) Where a premium under section 51 is payable by the Board of the Pension Protection Fund by virtue of a transfer under Article 145 of the Pensions (Northern Ireland) Order 2005 (effect of the Board assuming responsibility for an occupational pension scheme), then, subject to subsection (9), sections 51 to 64 apply with such modifications as may be prescribed in relation to that premium.

(9) A premium under section 51 in respect of an earner ceases to be payable if—

- (a) the liability to pay the premium is transferred to the Board of the Pension Protection Fund by virtue of Article 145 of the Pensions (Northern Ireland) Order 2005, and
- (b) prescribed requirements are met.”.

8. In section 57 (deduction of contributions equivalent premium from refund of scheme contributions), after subsection (9) insert—

“(9A) Where under section 97AH the trustees or managers of an occupational pension scheme may pay a contribution refund to a member of the scheme, the member is to be treated for the purposes of this section as being entitled to the contribution refund.”.

9.—(1) Section 90 (right to cash equivalent) is amended as follows.

(2) In subsection (2), for the definition of “the applicable rules” substitute—

““the applicable rules” means—

- (a) the rules of the scheme, except so far as overridden by a relevant legislative provision;
- (b) the relevant legislative provisions, to the extent that they have effect in relation to the scheme and are not reflected in the rules of the scheme; and
- (c) any provision which the rules of the scheme do not contain but which the scheme must contain if it is to conform with Chapter 1 of Part IV of this Act;”.

(3) After that subsection insert—

“(2A) For the purposes of subsection (2)—

- (a) “relevant legislative provision” means any provision contained in any of the following provisions—
  - (i) Schedule 5 to the Social Security (Northern Ireland) Order 1989 (equal treatment for men and women);
  - (ii) this Chapter or Chapter 2, 3 or 5 or regulations made under this Chapter or any of those Chapters;
  - (iii) Part IVA or regulations made under that Part;
  - (iv) section 106(1);

- (v) Part II of the Pensions (Northern Ireland) Order 1995 (occupational pensions) or orders or regulations made or having effect as if made under that Part;
    - (vi) Article 28 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (pension debits: reduction of benefit);
    - (vii) any provision mentioned in Article 279(2) of the Pensions (Northern Ireland) Order 2005,
  - (b) a relevant legislative provision is to be taken to override any of the provisions of the scheme if, and only if, it does so by virtue of any of the following provisions—
    - (i) paragraph 3 of Schedule 5 to the Social Security (Northern Ireland) Order 1989;
    - (ii) section 125(1);
    - (iii) Article 114(1) of the Pensions (Northern Ireland) Order 1995;
    - (iv) Article 28(4) of the Welfare Reform and Pensions (Northern Ireland) Order 1999;
    - (v) Article 279(1) of the Pensions (Northern Ireland) Order 2005.”.
- 10.** In section 95 (trustees' duties after exercise of option)—
- (a) in subsection (4) after “circumstances,” insert “by direction,” and
  - (b) in subsection (4A) for “in relation to applications for extensions under subsection (4)” substitute “requiring applications for extensions under subsection (4) to meet prescribed requirements”.
- 11.** In section 97J (time for compliance with transfer notice)—
- (a) in subsection (2) after “circumstances,” insert “by direction,” and
  - (b) in subsection (6)(a) for “in relation to applications under subsection (2)” substitute “requiring applications for extensions under subsection (2) to meet prescribed requirements”.
- 12.** In section 107A (monitoring of employers' payments to personal pension schemes) omit subsection (10).
- 13.** In section 109 (disclosure of information about schemes to members etc.), after subsection (2) (d) add—
- “(e) persons of prescribed descriptions.”.
- 14.** After that section insert—
- “Disclosure of information about transfers etc.**
- 109A.** Regulations may provide that, where—
- (a) a payment is made out of an occupational pension scheme to the trustees or managers of another occupational pension scheme, and
  - (b) transfer credits are allowed to a member of that other scheme in respect of the payment,
- the trustees or managers of the first scheme must, in prescribed circumstances and in the prescribed manner, provide to the trustees or managers of the other scheme prescribed information relating to the payment.”.
- 15.** In section 119 (interpretation of Chapter 2 of Part VII) omit—

- (a) the definition of “occupational pension scheme” in subsection (2), and
  - (b) subsection (3).
- 16.** In section 120 (duty of Department for Employment and Learning to pay unpaid contributions), after subsection (5) add—
- “(6) In this section “on his own account”, in relation to an employer, means on his own account but to fund benefits for, or in respect of, one or more employees.”.
- 17.** In section 125(1) (overriding requirements)—
- (a) for “and IV” substitute “, IV and V”; and
  - (b) after “under” insert “any of those Chapters or”.
- 18.** In section 126(b), (extra-statutory requirements), for “or IV” substitute “, IV or V”.
- 19.** In section 142 (functions of the Pensions Ombudsman)—
- (a) for subsection (1)(f) substitute—
    - “(f) any dispute, in relation to a time while Article 22 of the Pensions (Northern Ireland) Order 1995 (circumstances in which the Regulatory Authority may appoint an independent trustee) applies in relation to an occupational pension scheme, between an independent trustee of the scheme appointed under Article 23(1) of that Order and either—
      - (i) other trustees of the scheme, or
      - (ii) former trustees of the scheme who were not independent trustees appointed under Article 23(1) of that Order, and”;
  - (b) after subsection (6) insert—
    - “(6A) For the purposes of subsection (6)(c)—
      - (a) a description of complaint may be framed (in particular) by reference to the person making the complaint or to the scheme concerned (or to both), and
      - (b) a description of dispute may be framed (in particular) by reference to the person referring the dispute or to the scheme concerned (or to both).”, and
    - (c) in subsection (8), in paragraph (a) of the definition of “independent trustee” for the words from “Article 23(1)(b)” to the end substitute “Article 23(1) of the Pensions (Northern Ireland) Order 1995 (appointment of independent trustee by the Regulatory Authority)”.
- 20.** In section 145 (procedure on investigation by Pensions Ombudsman), in subsection (6)—
- (a) for paragraph (b) substitute—
    - “(b) the Board of the Pension Protection Fund,
    - (ba) the Ombudsman for the Board of the Pension Protection Fund,”;
  - (b) at the end add—
    - “(m) a person who, in a member State other than the United Kingdom, has functions corresponding to functions of the Pensions Ombudsman.”.
- 21.**—(1) Section 154A (other disclosures by the Department) is amended as follows.
- (2) In subsection (1), for the words from “any information” to “the Pensions (Northern Ireland) Order 1995” substitute “any regulated information”.
  - (3) In the Table in that subsection—
    - (a) in the entry for the Regulatory Authority in the second column of the Table for the words from “or the” to the end substitute “, the Pensions (Northern Ireland) Order 1995, the

Welfare Reform and Pensions (Northern Ireland) Order 1999 or the Pensions (Northern Ireland) Order 2005 or any enactment in force in Great Britain corresponding to any of them.”, and

(b) for the entry for the Pensions Compensation Board substitute—

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“The Pensions Ombudsman.	Functions conferred by or by virtue of this Act or any enactment in force in Great Britain corresponding to it.
The Board of the Pension Protection Fund.	Functions conferred by or by virtue of Part III of the Pensions (Northern Ireland) Order 2005 or any enactment in force in Great Britain corresponding to that Part.
The Ombudsman for the Board of the Pension Protection Fund.	Functions conferred by or by virtue of Part III of the Pensions (Northern Ireland) Order 2005 or any enactment in force in Great Britain corresponding to that Part.”.

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(4) After that subsection insert—

“(1AA) In subsection (1) “regulated information” means information received by the Department in connection with its functions under—

(a) this Act;

(b) the Pensions (Northern Ireland) Order 1995, or

(c) the Pensions (Northern Ireland) Order 2005 or the Pensions Act 2004,

other than information supplied to it under section 235(2) of, or paragraph 2 of Schedule 10 to, the Pensions Act 2004 (supply of information for retirement purposes etc.).”.

**22.** In section 164(4) (penalties for contravention of regulations) after “the provision” insert “to be required by notice in writing”.

**23.** In section 170 (levies)—

(a) for subsection (8) substitute—

“(8) An amount payable by a person on account of a levy imposed under this section shall be a debt due from him to the Department, and an amount so payable shall be recoverable by the Department accordingly or, if the Department so determines, by the Regulatory Authority on its behalf.”, and

(b) in subsection (9) for “subsections (1) and (4)” substitute “subsection (1)”.

**24.** In section 173 (power to make regulations as to the persons to be regarded as trustees or managers of schemes for certain purposes), in paragraph (b) for “to 26C” substitute “to 26”.

**25.—**(1) Section 174 (linked qualifying service) is amended as follows.

(2) In subsection (1)(a)—

(a) for “the rules of a scheme” substitute “Chapter 4 or 5 of Part IV or under the rules of a scheme”,

(b) for sub-paragraph (i) substitute—

“(i) there was made a transfer of his rights (including any transfer credits allowed) under that scheme, or a transfer payment in respect of those rights, to, or to the

trustees or managers of, another scheme applying to him in the later period of service;”,

(c) for “and” at the end of sub-paragraph (ii), substitute “or”, and

(d) after that sub-paragraph add—

“(iii) a cash equivalent (within the meaning of Chapter 4 of Part IV) or cash transfer sum (within the meaning of Chapter 5 of that Part) was paid in respect of him to the trustees or managers of another scheme applying to him in the later period of service; and”.

(3) In subsection (1)(b), after “second scheme,” insert “or the payment to the trustees or managers of that scheme,”.

**26.** In section 176(1) (general interpretation), in the definition of “transfer credits”, for the words following “by reference to” substitute

- (a) “a transfer to the scheme of, or transfer payment to the trustees or managers of the scheme in respect of, any of his rights (including transfer credits allowed) under another occupational pension scheme or a personal pension scheme, other than rights attributable (directly or indirectly) to a pension credit, or
- (b) a cash transfer sum paid under Chapter 5 of Part IV in respect of him, to the trustees or managers of the scheme;”.

**27.** In section 178(3) (sub-delegation), after “93(1)” insert “, 97AF(1)”.

#### *The 1995 Order*

**28.** The 1995 Order is amended as follows.

**29.** In Article 4 (suspension orders), in paragraphs (3) and (5) for “class” substitute “description”.

**30.** In Article 7 (appointment of trustees)—

- (a) in paragraph (1) omit “a trustee of such a scheme ceases to be a trustee”, and
- (b) in paragraph (2) for “Article 23(1)(b)” in both places substitute “Article 23(1)”.

**31.** In Article 9 (removal and appointment of trustees: property), after “exercise” insert “by order”.

**32.** In Article 10 (civil penalties), in paragraph (5)(a) omit “as a trustee of a trust scheme”.

**33.** In Article 15(4) (failure to comply with Authority’s direction) for “Articles 3 and 10 apply” substitute “Article 10 applies”.

**34.** In Article 22 (circumstances in which independent trustee provisions apply), in paragraphs (1) and (3) for “to 26A”, in each place, substitute “to 26”.

**35.** In Article 25 (appointment and powers of independent trustees: further provisions)—

- (a) in paragraph (1) for “Article 23(1)(b)” substitute “Article 23(1)”,
- (b) in paragraph (2)—
  - (i) after “a scheme” insert “and there is an independent trustee of the scheme appointed under Article 23(1)”, and
  - (ii) omit from “but if” to the end,
- (c) in paragraph (3) for “, no independent trustee of the scheme may” substitute “and there is an independent trustee of the scheme appointed under Article 23(1), the independent trustee may not”, and
- (d) in paragraph (4)—



- (i) for “Article 23(1)(b)” substitute “Article 23(1)”, and
  - (ii) after “person” insert “(within the meaning of Article 23(3))”.
- 36.** In Article 26 (insolvency practitioner or official receiver to give information to trustees), in paragraph (1) after “a scheme” insert “by virtue of paragraph (1) of that Article”.
- 37.** Omit Articles 26A to 26C.
- 38.** In Article 28 (consequences of prohibition on trustee being auditor of scheme etc.) omit paragraph (4).
- 39.** In Article 29 (persons disqualified for being trustees), in paragraph (5) for “class” substitute “description”.
- 40.** In Article 30 (persons disqualified: consequences)—
  - (a) in paragraph (2), after “exercise” insert “by order”, and
  - (b) omit paragraphs (7) and (8).
- 41.** Omit Article 30A (accessibility of register of disqualified trustees).
- 42.** In Article 32 (decisions of trustees by a majority)—
  - (a) in paragraph (4) for “, 16(3)(b) and 25(2)” substitute “and 25(2) and Article 218(6) of the Pensions (Northern Ireland) Order 2005”, and
  - (b) in paragraph (5) for “Articles 3 and 10 apply” substitute “Article 10 applies”.
- 43.** In Article 34 (powers of investment and delegation) in paragraph (1) after “subject to” insert “Article 36(1) and to”.
- 44.**—(1) Article 38 (power to defer winding up) is amended as follows.
  - (2) In paragraph (2)—
    - (a) in sub-paragraph (a) after “scheme” insert “(other than those due to be paid before the determination is made)”, and
    - (b) in sub-paragraph (b) omit “new”.
  - (3) After paragraph (3) add—

“(4) This Article also does not apply in relation to a trust scheme where the trustees are required to wind up, or continue the winding up of, the scheme under Article 138(1) of the Pensions (Northern Ireland) Order 2005 (requirement to wind up certain schemes with sufficient assets to meet protected liabilities).”.
- 45.** In Article 40 (restriction on employer-related investments), in paragraph (4) for “Articles 3 and 10 apply” substitute “Article 10 applies”.
- 46.** In Article 41 (provision of documents for members)—
  - (a) for paragraph (3) substitute—

“(3) The documents referred to in paragraph (1)(b) are—

    - (a) any statement of funding principles prepared or revised under Article 202 of the Pensions (Northern Ireland) Order 2005,
    - (b) any valuation or report prepared by the actuary under Article 203 of that Order,
    - (c) any certificate given by the actuary under Article 204 or 206 of that Order.”, and
  - (b) in paragraph (5B) for “Articles 3 and 10 apply to any trustee, and Article 10 applies” substitute “Article 10 applies to any trustee, and”.

- 47.** In Article 47 (professional advisers), in paragraphs (3), (8) and (11) for “Articles 3 and 10 apply to any trustee, and Article 10 applies” substitute “Article 10 applies to any trustee, and”.
- 48.** In Article 49 (other responsibilities of trustees, employers, etc.)—
- (a) in paragraph (6) for “Articles 3 and 10 apply” substitute “Article 10 applies”, and
  - (b) in paragraph (10)—
    - (i) omit sub-paragraph (a) and the word “and” immediately after it, and
    - (ii) in sub-paragraph (b) for “such steps” substitute “reasonable steps to secure compliance”.
- 49.** In Article 49A (record of winding up decisions) omit paragraph (4).
- 50.** In Article 68 (power of trustees to modify schemes by resolution), in paragraph (2)—
- (a) in sub-paragraph (b), for “Article 16(1) or 17(2)” substitute “Article 218 of the Pensions (Northern Ireland) Order 2005”, and
  - (b) for sub-paragraph (c) substitute—
    - “(c) to enable the scheme to comply with such terms and conditions as may be imposed by the Board of the Pension Protection Fund in relation to any payment made by it under Article 168 or 169 of the Pensions (Northern Ireland) Order 2005,”.
- 51.** In Article 69 (grounds for applying for modifications)—
- (a) in paragraph (2) for “about the manner of dealing with applications under this Article” substitute “requiring applications under this Article to meet prescribed requirements”,
  - (b) in paragraph (3) omit sub-paragraph (a),
  - (c) in paragraph (4)(a) omit “(a) or”, and
  - (d) in paragraph (5)(a) omit “either of” and for “paragraph (3)(a) or (b)” substitute “paragraph (3)(b)”.
- 52.** In Article 71A(4)(d) (power to make provision in relation to applications for the purposes of that Article)—
- (a) for “before such time as may be prescribed” substitute “before an application is made for the purposes of this Article”, and
  - (b) for “an application for the purposes of this Article” substitute “the application”.
- 53.** In Article 72A (reports to Authority about winding up) omit paragraph (9)(a) and the word “and” immediately after it.
- 54.** In Article 72C (duty to comply with directions for facilitating winding up) omit paragraph (2).
- 55.** In Article 73 (preferential liabilities on winding up), in paragraph (6), omit sub-paragraph (a) and the word “and” immediately after it.
- 56.** In Article 76 (excess assets on winding up)—
- (a) in paragraph (3), omit sub-paragraph (c) (but not the word “and” immediately after it),
  - (b) omit paragraph (5), and
  - (c) in paragraph (6), for “Articles 3 and 10 apply” substitute “Article 10 applies”.
- 57.** In Article 77 (excess assets remaining after winding up: power to distribute)—
- (a) omit paragraphs (2) and (3),
  - (b) in paragraph (4)—

- (i) for the words from the beginning to “duty under paragraph (2)” substitute “Where this Article applies—”, and
  - (ii) in sub-paragraph (a) for “those assets” substitute “the undistributed assets”,
  - (c) in paragraph (5), for “Articles 3 and 10 apply” substitute “Article 10 applies”.
- 58.** In Article 85 (schedules of payments to money purchase schemes) omit paragraph (5)(a) and the word “and” immediately after it.
- 59.** In Article 86 (provision supplementary to Article 85) omit paragraph (4)(a) and the word “and” immediately after it.
- 60.** In Article 87 (application of further provisions to money purchase schemes)—
- (a) in paragraph (1)(a)—
    - (i) for “Articles 56 to 60” substitute “Part IV of the Pensions (Northern Ireland) Order 2005”, and
    - (ii) for “those Articles” substitute “that Part”, and
  - (b) in paragraph (2) omit “insolvency”.
- 61.** In Article 115 (powers to modify Part II of the 1995 Order)—
- (a) in paragraph (2) for “to 26C” substitute “to 26”, and
  - (b) omit paragraph (3).
- 62.** In Article 116 (calculations, etc. under regulations: sub-delegation), for “73(3)” substitute “73B(4)(a)”.
- 63.**—(1) Article 121 (interpretation of Part II) is amended as follows.
- (2) In paragraph (1), in the definition of “transfer credits”, for the words following “by reference to” substitute
- (a) “a transfer to the scheme of, or transfer payment to the trustees or managers of the scheme in respect of, any of his rights (including transfer credits allowed) under another occupational pension scheme or a personal pension scheme, other than pension credit rights, or
  - (b) a cash transfer sum paid under Chapter 5 of Part IV of the Pension Schemes Act (early leavers) in respect of him, to the trustees or managers of the scheme,”.
- (3) In paragraph (4), after “(8)” insert “and to Articles 24, 138 and 198 of the Pensions (Northern Ireland) Order 2005”.
- (4) In paragraph (5), after “(8)” insert “and to Articles 138 and 198 of the Pensions (Northern Ireland) Order 2005”.

#### *The Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11)*

**64.** In Article 17 of the Deregulation and Contracting Out (Northern Ireland) Order 1996 (social security: amendments following certain orders), at the end of paragraph (2) add “the Pensions Act 2004”.

#### *The 1999 Order*

**65.** The 1999 Order is amended as follows.

**66.** In Article 3 (stakeholder pension schemes), in paragraph (6), after “members etc.)” insert “and of regulations under Article 214 of the Pensions (Northern Ireland) Order 2005 (combined pension forecasts)”.

**67.** In Article 4 (registration of stakeholder pension schemes)—

- (a) in paragraph (3) after “may” insert “by direction”, and
- (b) in paragraph (4) for the words from “Article 3” to “Order applies” substitute “Article 10 of the Pensions Order (civil penalties) applies to any trustee of a pension scheme which is or has been registered under this Article, and”.

**68.** In Article 9(2)(a) (providing for stakeholder pension schemes to be treated as personal pension schemes), after “is” insert “prescribed or is”.

**69.** In Article 35 (treatment in winding up)—

- (a) in paragraph (2), for “Article 56 of the Pensions Order” substitute “this Article”, and
- (b) after that paragraph insert—
  - “(2A) This Article applies to an occupational pension scheme other than—
  - (a) a money purchase scheme, or
  - (b) a prescribed scheme or a scheme of a prescribed description.”.

**70.**—(1) Paragraph 1 of Schedule 1 (application of statutory provisions relating to occupational trust schemes to certain stakeholder schemes) is amended as follows.

(2) In sub-paragraph (2), in paragraph (b)—

- (a) in sub-paragraph (i) for the words from “except” to the end substitute “except Articles 7(5A)(b), 8(1)(a) and (c) and (2), 11(3A) and (3B) and 15(1)”;
- (b) in sub-paragraph (ii) for “31” substitute “30”;
- (c) in sub-paragraph (iii) omit the words from “except” to the end;
- (d) for sub-paragraph (v) substitute—
  - “(v) Article 47 (professional advisers);”;
- (e) in sub-paragraph (vii) for “Article 50” substitute “Articles 50 to 50B”.

(3) After that paragraph insert

“; and

- (c) the following provisions of the Pensions (Northern Ireland) Order 2005—
  - (i) Article 2 (interpretation);
  - (ii) Article 62 (accessibility of register of prohibited trustees);
  - (iii) Chapters 4 and 5 of Part III (fraud compensation and information gathering); and
  - (iv) Articles 224 to 226 (requirements for knowledge and understanding).”.

(4) In sub-paragraph (5), after “Pensions Order” insert “, and Article 2(2) of the Pensions (Northern Ireland) Order 2005,”.

(5) After sub-paragraph (5) add—

“(6) Chapters 4 and 5 of Part III of the Pensions (Northern Ireland) Order 2005 (as so applied) shall have effect with such modifications as the Department may prescribe by regulations.”.

**71.**—(1) Schedule 5 (pension credits: mode of discharge) is amended as follows.

(2) In paragraph 8(1)(b), for the words from “Article 56” to “related schemes)” substitute “Part IV of the Pensions (Northern Ireland) Order 2005 (scheme funding)”.

(3) After paragraph 13 insert—

“**13A.** The provisions of this Schedule are subject to—

- (a) Article 73A(3) and (6) of the Pensions Order (prohibition on new members during winding up of scheme: exception for discharge of pension credit derived from the scheme), and
- (b) Article 117(2) and (8) of the Pensions (Northern Ireland) Order 2005 (prohibition on new members during an assessment period in relation to a scheme: exception for discharge of pension credit derived from the scheme).”