



Pension Schemes (Northern Ireland) Act 1993

1993 CHAPTER 49

PART V

ANNUAL INCREASES OF PENSIONS IN PAYMENT

CHAPTER II

GUARANTEED MINIMUM PENSIONS

105 Annual increase of guaranteed minimum pensions

- (1) Whenever the Secretary of State makes an order under section 109 of the Pension Schemes Act 1993 specifying a percentage by which there is to be an increase of the rate of that part of guaranteed minimum pensions which is attributable to earnings factors for the tax year 1988-89 and subsequent tax years for—
- (a) earners who have attained pensionable age; and
 - (b) widows and widowers,
- the Department may make a corresponding order for Northern Ireland.

- (2) Where the benefits mentioned in section 42(1) to (7) are not increased on the day on which an order under this section takes effect, the order shall be treated for the purposes of that section as not taking effect until the day on which those benefits are next increased.

106 Requirement as to resources for annual increase of guaranteed minimum pensions

- (1) Except as permitted by subsection (2) or (3), the trustees or managers of a scheme may not make an increase in a person's pension which is required by virtue of section 105

Status: This is the original version (as it was originally enacted).

out of money which would otherwise fall to be used for the payment of benefits under the scheme to or in respect of that person unless—

- (a) the payment is to an earner in respect of the tax year in which he attains pensionable age and the increase is the one required to be made in the next tax year; or
 - (b) the payment is to a person as the widow or widower of an earner who died before attaining pensionable age and is in respect of the tax year in which the person became a widow or widower, and the increase is the one required to be made in the next tax year.
- (2) Where in any tax year the trustees or managers of an occupational pension scheme make an increase otherwise than in pursuance of section 105, they may deduct the amount of the increase from any increase which, but for this subsection, they would be required to make under that section in the next tax year.
- (3) Where in any tax year the trustees or managers of a scheme make an increase which is partly made otherwise than in pursuance of section 105, they may deduct the part of the increase so made from any increase which, but for this subsection, they would be required to make under that section in the next year.
- (4) Where by virtue of subsection (2) or (3) guaranteed minimum pensions are not required to be increased in pursuance of section 105, or not by the full amount that they otherwise would be, their amount shall be calculated for any purpose as if they had been increased in pursuance of that section or, as the case may be, by that full amount.