



# Pension Schemes (Northern Ireland) Act 1993

## 1993 CHAPTER 49

### PART III

<sup>F1</sup>[<sup>F1</sup>SCHEMES THAT WERE CONTRACTED-OUT ETC.]  
AND EFFECTS ON MEMBERS' STATE SCHEME RIGHTS ...

### CHAPTER I

[<sup>F1</sup>SCHEMES THAT WERE CONTRACTED-OUT: GUARANTEED  
MINIMUM PENSIONS AND ALTERATION OF SCHEME RULES ETC.]

*[<sup>F1</sup>Guaranteed minimum pensions]*

#### 10 Earner's guaranteed minimum.

- [<sup>F1</sup>(1) An earner has a guaranteed minimum in relation to the pension provided by a scheme that was a salary related contracted-out scheme if in any tax week in a relevant year—
- (a) earnings were paid to or for the earner's benefit in respect of employment which was contracted-out by reference to the scheme; and
  - (b) those earnings were in excess of the lower earnings limit for that tax week (or the prescribed equivalent if the earner was paid otherwise than weekly).]
- (2) Subject to section 11(1), the guaranteed minimum shall be the weekly equivalent of an amount equal to the appropriate percentage of the total of the earner's earnings factors for the relevant years, so far as derived from [<sup>F2</sup>excess earnings mentioned in subsection (1)(b)] upon which primary Class 1 contributions have been paid or treated as paid.

*Changes to legislation: Pension Schemes (Northern Ireland) Act 1993, Section 10 is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[<sup>F3</sup>(2A) Where any liability of a scheme in respect of an earner’s guaranteed minimum pension ceases by virtue of a civil recovery order, his guaranteed minimum in relation to the scheme is extinguished or reduced accordingly.]

<sup>F4</sup>(3) .....

(4) Where the amount of a person’s earnings for any period is relevant for any purpose of subsection (1) or (2) and the [<sup>F5</sup>Inland Revenue are] satisfied that records of those earnings have not been maintained or retained or are otherwise unobtainable, [<sup>F6</sup>they] may for that purpose—

- (a) compute, in such manner as [<sup>F6</sup>they][<sup>F7</sup>think] fit, an amount which shall be regarded as the amount of those earnings; or
- (b) take their amount to be such sum as [<sup>F6</sup>they] may specify in the particular case.

(5) In subsection (2) the “appropriate percentage” means—

- (a) in respect of the earner’s earnings factors for any tax year not later than the tax year 1987-88—
  - (i) if the earner was not more than 20 years under pensionable age on 6th April 1978, 1.25 per cent.;
  - (ii) in any other case 25/N per cent.;
- (b) in respect of the earner’s earnings factors for the tax year 1988-89 and for subsequent tax years—
  - (i) if the earner was not more than 20 years under pensionable age on 6th April 1978, 1 per cent.;
  - (ii) in any other case 20/N per cent.;

where N is the number of years in the earner’s working life (assuming he will attain pensionable age) which fall after 5th April 1978.

(6) Regulations may prescribe rules as to the circumstances in which earnings factors are derived from earnings for the purposes of subsection (2).

(7) For the purposes of subsection (2) the weekly equivalent of the amount there mentioned shall be calculated by dividing that amount by 52.

(8) In this section “relevant year” means any tax year in the earner’s working life (not being earlier than the tax year 1978-79 [<sup>F8</sup>or later than tax year ending immediately before the principal appointed day]).

#### Textual Amendments

- F1** S. 10(1) substituted (6.4.2016) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\), Sch. 13 para. 15\(2\)](#)
- F2** Words in s. 10(2) substituted (6.4.2016) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\), Sch. 13 para. 15\(3\)](#)
- F3** S. 10(2A) inserted (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 11 para. 23\(3\); S.I. 2003/120, art. 2, Sch. \(with arts. 34\) \(as amended \(20.2.2003\) by S.I. 2003/333, art. 14\)](#)
- F4** S. 10(3) repealed (6.4.1997) by of [S.I. 1995/3213 \(N.I. 22\) arts. 147, 168, Sch. 3 para. 20\(a\), Sch. 5 Pt. III; S.R. 1997/192, art. 2\(b\)](#)
- F5** Words in s. 10(4) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by [S.I. 1999/671, arts. 1\(2\)\(b\), 3\(1\), Sch. 1 para. 41\(a\); S.R. 1999/149, art. 2\(c\), Sch. 2](#)
- F6** Words in s. 10(4) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by [S.I. 1999/671, arts. 1\(2\)\(b\), 3\(1\), Sch. 1 para. 41\(b\); S.R. 1999/149, art. 2\(c\), Sch. 2](#)

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**Changes to legislation:** Pension Schemes (Northern Ireland) Act 1993, Section 10 is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- F7** Words in s. 10(4)(a) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 41(c)**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F8** Words in s. 10(8) inserted (6.4.1997) by S.I. 1995/3213 (N.I. 22) art. 147, Sch. 3 para. 20(b); S.R. 1997/192, **art. 2(b)**

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**Modifications etc. (not altering text)**

- C1** S. 10 applied (1.11.1995) by S.R. 1995/389, **arts. 4(1)(3)**
- C2** S. 10(1) modified (6.4.1997) by S.R. 1996/509, **reg. 6(4)**
- C3** S. 10(2) modified (1.4.2006) by [The Firefighters Pension Scheme Order \(Northern Ireland\) 2007](#) (S.R. 2007/144), Scheme, art. 79(2)(b)
- C4** S. 10(2) modified (1.4.2006) by [The Firemens Pension Scheme Order \(Northern Ireland\) 2006](#) (S.R. 2006/210), arts. 1(2), **90(2)(a)**
- C5** S. 10(2) modified (1.4.2006) by [The Firemens Pension Scheme Order \(Northern Ireland\) 2006](#) (S.R. 2006/210), arts. 1(2), **90(2)(b)**

**Changes to legislation:**

Pension Schemes (Northern Ireland) Act 1993, Section 10 is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to savings in S.R. 2016/106 for effects of 2015 c. 5 (N.I.), Sch. 13 by [S.R. 2016/162 art. 5](#)
- specified provision(s) savings for effects of 2015 c. 5 (N.I.), Sch. 13 by [S.R. 2016/106 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act power to modify conferred by [S.I. 2005/255 \(N.I.\) art. 281\(3\)\(a\)\(i\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21A inserted by [2008 c. 1 \(N.I.\) Sch. 4 para. 9](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 para. 9 together with the inserted s. 21A were repealed (6.4.2012) by 2008 c. 13 (N.I.), ss. 85(2)(b), 118(1), Sch. 10 Pt. 3 (with s. 73); S.R. 2012/119, art. 2(a)(c))
- s. 21A repealed by [2008 c. 13 \(N.I.\) s. 85\(2\)\(b\) Sch. 10 Pt. 3](#) (This amendment not applied to [legislation.gov.uk](#). This amendment not applied to [legislation.gov.uk](#). Sch. 4 para. 9 together with the inserted s. 21A were repealed (6.4.2012) by 2008 c. 13 (N.I.), ss. 85(2)(b), 118(1), Sch. 10 Pt. 3 (with s. 73); S.R. 2012/119, art. 2(a)(c))
- s. 23A inserted by [2008 c. 1 \(N.I.\) Sch. 4 para. 10](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 para. 10 together with the inserted s. 23A were repealed (6.4.2012) by 2008 c. 13 (N.I.), ss. 85(2)(b), 118(1), Sch. 10 Pt. 3 (with s. 73); S.R. 2012/119, art. 2(a)(c))
- s. 23A repealed by [2008 c. 13 \(N.I.\) s. 85\(2\)\(b\) Sch. 10 Pt. 3](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 para. 10 together with the inserted s. 23A were repealed (6.4.2012) by 2008 c. 13 (N.I.), ss. 85(2)(b), 118(1), Sch. 10 Pt. 3 (with s. 73); S.R. 2012/119, art. 2(a)(c))
- s. 42(1A)(1B) inserted by [2008 c. 13 \(N.I.\) s. 82\(2\)](#)
- s. 42(1A) words substituted by [2012 c. 3 \(N.I.\) Sch. 3 para. 7](#)
- s. 42A inserted by [2008 c. 13 \(N.I.\) s. 82\(3\)](#)
- s. 42A repealed by [2015 c. 5 \(N.I.\) Sch. 12 para. 79](#)
- s. 42A heading words substituted by [2012 c. 3 \(N.I.\) Sch. 3 para. 8\(b\)](#)
- s. 42A(1)(c) words substituted by [2012 c. 3 \(N.I.\) Sch. 3 para. 8\(a\)](#)
- s. 67(1A) inserted by [2016 c. 1 \(N.I.\) s. 39\(2\)\(b\)](#)
- s. 78A inserted by [2016 c. 1 \(N.I.\) Sch. 1 para. 2](#)
- s. 79(1A)-(1AC) substituted for s. 79(1A) by [2016 c. 1 \(N.I.\) Sch. 1 para. 3](#)
- s. 80-80F substituted for s. 80 by [2016 c. 1 \(N.I.\) Sch. 1 para. 4](#)
- s. 81A inserted by [2016 c. 1 \(N.I.\) Sch. 1 para. 5](#)
- s. 82A82B inserted by [2016 c. 1 \(N.I.\) Sch. 1 para. 6](#)
- s. 90(2A)(a)(viii) inserted by [2015 c. 5 \(N.I.\) Sch. 17 para. 19\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 90 already substituted (3.3.2015 for specified purposes, 6.4.2015 in so far as not already in force) by Pension Schemes Act 2015 (c. 8), s. 89(1)(b)(3)(b), Sch. 4 para. 54 (with s. 87))
- s. 90(2A)(a)(ix) inserted by [2015 c. 5 \(N.I.\) Sch. 18 para. 9\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 90 already substituted (3.3.2015 for specified purposes, 6.4.2015 in so far as not already in force) by Pension Schemes Act 2015 (c. 8), s. 89(1)(b)(3)(b), Sch. 4 para. 54 (with s. 87))
- s. 90(2A)(b)(vi) inserted by [2015 c. 5 \(N.I.\) Sch. 17 para. 19\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 90 already substituted (3.3.2015 for specified

- purposes, 6.4.2015 in so far as not already in force) by Pension Schemes Act 2015 (c. 8), s. 89(1)(b)(3)(b), Sch. 4 para. 54 (with s. 87))
- s. 90(2A)(b)(vii) inserted by [2015 c. 5 \(N.I.\) Sch. 18 para. 9\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 90 already substituted (3.3.2015 for specified purposes, 6.4.2015 in so far as not already in force) by Pension Schemes Act 2015 (c. 8), s. 89(1)(b)(3)(b), Sch. 4 para. 54 (with s. 87))
- s. 97AI(7)(a)(x) inserted by [2015 c. 5 \(N.I.\) Sch. 17 para. 19\(4\)\(a\)](#)
- s. 97AI(7)(b)(viii) inserted by [2015 c. 5 \(N.I.\) Sch. 17 para. 19\(4\)\(b\)](#)
- s. 109(4)(4A) substituted for s. 109(4) by [2016 c. 1 \(N.I.\) s. 38\(5\)](#)
- s. 141(4)(5) added by [S.I. 2005/255 \(N.I.\) art. 251](#)
- s. 142(6A) inserted by [S.I. 2005/255 \(N.I.\) Sch. 10 para. 19\(b\)](#)
- s. 170A inserted by [2008 c. 13 \(N.I.\) Sch. 9 para. 1](#)
- s. 172(2)(b)(ii)-(ix) substituted for s. 172(2)(b)(ii) by [2008 c. 1 \(N.I.\) Sch. 4 para. 33](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 33 repealed immediately before the "abolition date" (see [2008 c. 1 \(N.I.\) s. 13](#)) by S.R. 2012/124, art. 7(2))
- Sch. 2 para. A1 inserted by [2016 c. 1 \(N.I.\) Sch. 1 para. 8](#)
- Sch. 2 para. 3A omitted by [2016 c. 1 \(N.I.\) Sch. 1 para. 9](#)