



Pension Schemes (Northern Ireland) Act 1993

1993 CHAPTER 49

PART IX

MODIFICATION AND WINDING UP OF SCHEMES

Modification

136 Effect of orders under ss. 132 and 135

- (1) An order under paragraph (a) of section 132(1) may enable those exercising any power conferred by the order to exercise it retrospectively (whether or not the power could otherwise be so exercised) and an order under paragraph (b) of that section may modify a scheme retrospectively.
- (2) An order under paragraph (a) of section 135(2) may require persons to exercise a power retrospectively (whether or not the power could otherwise be so exercised), and an order under paragraph (b) or (c) of that section may operate retrospectively.
- (3) In this section “retrospectively” means with effect from a date before that on which the power is exercised or, as the case may be, the order is made, but—
 - (a) in the case of an order under section 132(1), that date shall be such date as may be proposed for the purposes of this subsection by the persons applying for the order; and
 - (b) in the case of an order under section 135(2), that date shall not be a date earlier than the operative date for the requirements.
- (4) In subsection (3)(b) “the operative date for the requirements” means—
 - (a) in the case of the preservation requirements, 5th September 1973;
 - (b) in the case of the voluntary contributions requirements—
 - (i) as respects a personal pension scheme in so far as it is comprised in an annuity contract, 1st July 1988, but otherwise 4th January 1988, and

Status: This is the original version (as it was originally enacted).

- (ii) as respects an occupational pension scheme, 6th April 1988; and
 - (c) in the case of the equal access requirements, 6th April 1978.
- (5) Any modification of a scheme made in pursuance of an order of the Board under section 132(1) or 135(2)(b) or (c) shall be as effective in law as if it had been made under powers conferred by or under the scheme.
- (6) An order under section 132(1) or 135(2)(b) or (c) may be made and complied with in relation to a scheme—
 - (a) notwithstanding any enactment or rule of law, or any rule of the scheme, which would otherwise operate to prevent the modification being made;
 - (b) without regard to any such enactment, rule of law or rule of the scheme as would otherwise require, or might otherwise be taken to require, the implementation of any procedure or the obtaining of any consent, with a view to the making of the modification.