



# Pension Schemes (Northern Ireland) Act 1993

## 1993 CHAPTER 49

### PART III

#### CERTIFICATION OF PENSION SCHEMES AND EFFECTS ON MEMBERS' STATE SCHEME RIGHTS AND DUTIES

### CHAPTER I

#### CERTIFICATION

##### *General requirements for certification*

#### **5 Requirements for certification of schemes: general**

- (1) Subject to subsection (4), an occupational pension scheme can be contracted-out in relation to an earner's employment only if it satisfies subsection (2) or (3).
- (2) An occupational pension scheme satisfies this subsection only if—
  - (a) it complies in all respects with sections 9 to 20 or, in such cases or classes of case as may be prescribed, with those sections as modified by regulations; and
  - (b) the rules of the scheme applying to guaranteed minimum pensions are framed so as to comply with the relevant requirements.
- (3) An occupational pension scheme satisfies this subsection only if—
  - (a) the requirements imposed by or by virtue of sections 18 and 22 to 28 and such other requirements as may be prescribed are satisfied in its case; and
  - (b) the rules of the scheme applying to protected rights are framed so as to comply with the relevant requirements.

- (4) Where there are two or more occupational pension schemes in force in relation to an earner's employment, none of which can by itself be a contracted-out scheme, the Board may, if they think fit, treat them for contracting-out purposes as a single scheme.
- (5) A personal pension scheme can be an appropriate scheme only if—
  - (a) the requirements imposed by or by virtue of sections 22 to 28 and such other requirements as may be prescribed are satisfied in its case; and
  - (b) the rules of the scheme applying to protected rights are framed so as to comply with the relevant requirements.
- (6) In this section "relevant requirements" means—
  - (a) the requirements of any regulations prescribing the form and content of rules of contracted-out or, as the case may be, appropriate schemes; and
  - (b) such other requirements as to form and content (not inconsistent with regulations) as may be imposed by the Board as a condition of contracting-out or, as the case may be, of being an appropriate scheme, either generally or in relation to a particular scheme.