



# **Pensions Act (Northern Ireland) 2008**

## CHAPTER 1

### PENSIONS ACT (NORTHERN IRELAND) 2008

#### PART 1

#### STATE PENSION

##### *Entitlement to Category A and B retirement pensions*

1. Category A and B retirement pensions: single contribution condition
2. Category B retirement pension: removal of restriction on entitlement

##### *Credits for basic state pension, etc.*

3. Contributions credits for relevant parents and carers

##### *Abolition of adult dependency increases*

4. Category A and C retirement pensions: abolition of adult dependency increases

##### *Up-rating of basic state pension and other benefits*

5. Up-rating of basic pension etc. and standard minimum guarantee by reference to earnings
6. Preservation of link with prices in case of other benefits

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*Additional pension: deemed earnings factors*

7. Deemed earnings factors for purposes of additional pension

*Additional pension: simplification of accrual rates*

8. Additional pension: removal of accrual band from 2010–11
9. Additional pension: simplified accrual rates as from flat rate introduction year
10. Additional pension: upper accrual point

*Increase in state pension age*

11. Increase in pensionable age for men and women

PART 2

OCCUPATIONAL AND PERSONAL PENSION SCHEMES

*Contracting-out*

12. Conversion of guaranteed minimum pensions
13. Abolition of contracting-out for defined contribution pension schemes

*Dispute resolution*

14. Dispute resolution arrangements

*Actuarial guidance*

15. Removal of Department's role in approving actuarial guidance

PART 3

PERSONAL ACCOUNTS DELIVERY AUTHORITY

16. Initial function of the Personal Accounts Delivery Authority
17. Management of the Authority

PART 4

GENERAL

18. Review of operation of Act
19. Consequential etc. provision, repeals and revocations
20. Interpretation
21. Commencement
22. Short title

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## SCHEDULES

### SCHEDULE 1 — STATE PENSION: CONSEQUENTIAL AND RELATED AMENDMENTS

#### PART 1 — CATEGORY A AND B RETIREMENT PENSIONS: SINGLE CONTRIBUTION CONDITION

1. (1) Section 44 of the Contributions and Benefits Act (Category...
2. (1) Section 48A of the Contributions and Benefits Act (Category...
3. (1) Section 48B of the Contributions and Benefits Act (Category...
4. In section 60 of the Contributions and Benefits Act (complete...
5. After section 60 of the Contributions and Benefits Act insert

—...

#### PART 2 — CATEGORY B RETIREMENT PENSION: REMOVAL OF RESTRICTION ON ENTITLEMENT

6. In section 54 of the Contributions and Benefits Act (Category...
7. In section 55 of the Contributions and Benefits Act (pension...
8. In Schedule 5 to the Contributions and Benefits Act (pension...

#### PART 3 — CONTRIBUTIONS CREDITS FOR RELEVANT PARENTS AND CARERS

#### *The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

9. In section 22 of the Contributions and Benefits Act (earnings...
10. In section 172 of the Contributions and Benefits Act (Assembly,...

#### *The Welfare Reform Act (Northern Ireland) 2007 (c. 2)*

11. In Part 1 of Schedule 1 to the Welfare Reform...

#### PART 4 — CATEGORY A AND C RETIREMENT PENSIONS: ABOLITION OF ADULT DEPENDENCY INCREASES

12. In section 30B of the Contributions and Benefits Act (incapacity...
13. In section 78 of the Contributions and Benefits Act (Categories...
14. In section 88 of the Contributions and Benefits Act (increases...
15. In section 89 of the Contributions and Benefits Act (meaning...
16. In section 114 of the Contributions and Benefits Act (persons...

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17. In section 145 of the Contributions and Benefits Act (pensioners'...
18. In Part 4 of Schedule 4 to the Contributions and...  
PART 5 — UP-RATING OF BASIC PENSION ETC. AND  
STANDARD MINIMUM GUARANTEE BY  
REFERENCE TO EARNINGS

*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

19. In Schedule 5 to the Contributions and Benefits Act (pension...
20. In each of paragraphs 5A(3)(a), 6(4)(b) and 6A(2)(b) of that...

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

21. In section 135 of the Administration Act (effect of alteration...
22. In section 135A of that Act (power to anticipate pensions...
23. In section 139 of that Act (effect of alteration in...
24. In section 139A of that Act (effect of alteration of...
25. In section 139B of that Act (effect of alterations affecting...
26. In section 139C of that Act as inserted by the...
27. In section 166 of that Act (Assembly, etc. control of...
28. In Schedule 5 to that Act (regulations not requiring prior...
29. In Schedule 5A to that Act (regulations not requiring prior...  
PART 6 — DEEMED EARNINGS FACTORS FOR PURPOSES OF  
ADDITIONAL PENSION
30. In section 22 of the Contributions and Benefits Act (earnings...
31. (1) Section 44A of the Contributions and Benefits Act  
(deemed...  
PART 7 — ADDITIONAL PENSION: SIMPLIFIED ACCRUAL  
RATES

*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

32. In section 172 of the Contributions and Benefits Act  
(Assembly,...

*The Pension Schemes (Northern Ireland) Act 1993 (c. 49)*

33. In section 8B of the Pension Schemes Act (reference scheme)  
—...
34. In section 37 of that Act (reduced rates of Class...
35. In section 176(1) of that Act (general interpretation) insert in...
36. In Schedule 3 to that Act (priority in bankruptcy, etc.)...  
PART 8 — INCREASE IN PENSIONABLE AGE FOR MEN AND  
WOMEN

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*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

37. In section 38 of the Contributions and Benefits Act (widow's...
38. In section 64 of the Contributions and Benefits Act (entitlement...
39. (1) Section 75 of the Contributions and Benefits Act (disability...
40. In section 145 of the Contributions and Benefits Act (supplementary...

*The State Pension Credit Act (Northern Ireland) 2002 (c. 14)*

41. In section 3 of the State Pension Credit Act (Northern...

SCHEDULE 2 — ADDITIONAL PENSION: SIMPLIFIED ACCRUAL RATES

PART 1 — NEW SCHEDULE 4B TO THE CONTRIBUTIONS AND BENEFITS ACT

1. After Schedule 4A to the Contributions and Benefits Act (additional...

PART 2 — REVALUATION OF FLAT RATE ACCRUAL AMOUNT

2. After section 130A of the Administration Act insert—  
Revaluation of...

PART 3 — CONSEQUENTIAL AND RELATED AMENDMENTS

*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

3. In section 39 of the Contributions and Benefits Act (rate...
4. (1) Section 39C of the Contributions and Benefits Act (rate...
5. (1) Section 44 of the Contributions and Benefits Act (Category...
6. In section 46 of the Contributions and Benefits Act (modification...
7. In section 48A of the Contributions and Benefits Act (rate...
8. In section 48B of the Contributions and Benefits Act (Category...
9. In section 48BB of the Contributions and Benefits Act (Category...
10. In section 48C of the Contributions and Benefits Act (Category...
11. In Schedule 4A to the Contributions and Benefits Act (additional...

SCHEDULE 3 — INCREASE IN PENSIONABLE AGE FOR MEN AND WOMEN

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1. In the heading to Article 123 of the Pensions Order,...
2. In Article 123 of that Order (equalisation of pensionable age)...
3. For the heading for Schedule 2 to that Order substitute...
4. (1) Paragraph 1 of Part 1 of Schedule 2 to...

SCHEDULE 4 — ABOLITION OF CONTRACTING-OUT FOR  
DEFINED CONTRIBUTION PENSION SCHEMES  
PART 1 — AMENDMENTS HAVING EFFECT AS FROM  
ABOLITION DATE

*The Pension Schemes (Northern Ireland) Act 1993 (c. 49)*

1. The Pension Schemes Act has effect subject to the following...
2. (1) Section 3 (issue of contracting-out and appropriate scheme certificates)...
3. (1) Section 4 (definitions of certain terms) is amended as...
4. (1) Section 5 (general requirements for certification of schemes) is...
5. In section 6 (protected rights and money purchase benefits) in...
6. Omit section 8 (determination of basis on which scheme is...
7. In section 16 (transfer of accrued rights) in subsection (3)...
8. For the italic cross-heading before section 22 substitute “ Requirements...
9. Before section 22 (persons who may establish scheme) insert — Requirements...
10. After section 23 insert— Requirements in relation to giving effect...
11. Omit sections 24 to 25 (ways of giving effect to...
12. For section 28A substitute— Discharge of protected rights on winding...
13. (1) Section 29 (tax requirements to prevail over certification requirements)...
14. (1) Section 29A (appropriate schemes: “blowing the whistle”) is amended...
15. (1) Section 30 (cancellation, variation, surrender and refusal of certificates)...
16. (1) Section 34 (alteration of rules of appropriate schemes) is...
17. In section 38A (reduced rates of Class 1 contributions, and...
18. Omit section 38B (determination and alteration of rates of contributions,...
19. In section 39 (payment of minimum contributions to personal pension...
20. Omit section 40 (earner's chosen scheme).
21. In section 41 (amount of minimum contributions) at the end...

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22. Omit section 41A (alteration of rates of minimum contributions under...
23. (1) Section 44A (additional pension and other benefits) is amended...
24. (1) Section 46 (powers of HMRC to approve arrangements for...
25. (1) Section 48 (supervision of schemes which have ceased to...
26. In section 51 (payment of state scheme premiums on termination...
27. In section 64A (safeguarded rights) in subsection (5) in paragraph...
28. In section 83 (general protection principle) in subsection (1) (when...
29. In section 92 (further provisions concerning exercise of option to...
30. (1) Section 152 (information for the purposes of contracting-out) is...
31. In section 159 (exemption of certain schemes from rule against...
32. In section 160 (Crown employment) for subsection (2) substitute—
33. In section 172 (general financial arrangements) in subsection (2) (amounts...
34. (1) Section 176 (general interpretation) is amended as follows.
35. After section 176 insert— Interpretation of references to money purchase...

*The Pensions (Northern Ireland) Order 1995 (NI 22)*

36. (1) Article 146 of the Pensions Order (hybrid occupational pension...

*The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)*

37. In Article 3 of the Welfare Reform and Pensions (Northern...
38. In Article 4 of that Order (registration of stakeholder pension...
39. In Schedule 5 to that Order (pension credits: mode of...

*The Pensions (Northern Ireland) Order 2005 (NI 1)*

40. In Article 234 of the Pensions (Northern Ireland) Order 2005...
- PART 2 — FURTHER AMENDMENTS

*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

41. (1) Section 4C of the Contributions and Benefits Act (power...

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- 42. In section 8 of the Contributions and Benefits Act (calculation...
- 43. In section 9 of the Contributions and Benefits Act (calculation...
- 44. (1) In Schedule 1 to the Contributions and Benefits Act...

*The Pension Schemes (Northern Ireland) Act 1993 (c. 49)*

- 45. The Pension Schemes Act has effect subject to the following...
  - 46. In section 4 (meaning of, among other things, “minimum payment”)...
  - 47. In section 16 (transfer of accrued rights) in subsection (3)...
  - 48. Omit section 27 (investment and resources of schemes).
  - 49. In section 36 (scope of Chapter 2 of Part 3)...
  - 50. Omit section 38A (reduced rates of contributions, and rebates, for...
  - 51. Omit section 39 (payment of minimum contributions to personal pension...
  - 52. Omit section 41 (amount of minimum contributions).
  - 53. Omit section 41B (money purchase and personal pension schemes: verification...
  - 54. In section 46 (powers of HMRC to approve arrangements for...
  - 55. In section 160 (Crown employment) in subsection (2) (employees of...
  - 56. (1) Section 172 (general financial arrangements) is amended as follows....
  - 57. (1) Section 176 (interpretation) is amended as follows.
  - 58. (1) Schedule 1 (certification regulations) is amended as follows.
  - 59. (1) Paragraph 2 of Schedule 3 (priority in bankruptcy, etc.:....
- PART 3 — SAVINGS

*Issue and cancellation etc. of certificates for periods before the abolition date*

- 60. Nothing in the relevant amendments and repeals affects the continued...
- 61. (1) Nothing in the relevant amendments and repeals affects the...
- 62. Nothing in the relevant amendments and repeals affects the continued...
- 63. Nothing in the relevant amendments and repeals affects the continued...



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*Determination of question whether scheme was appropriate scheme*

64. Nothing in the relevant amendments and repeals affects the continued...

*Preservation of earner's chosen scheme*

65. (1) Nothing in the relevant amendments and repeals—

*Interpretation etc.*

66. In this Part— “the abolition date” has the same meaning...

SCHEDULE 5 — REMOVAL OF DEPARTMENT'S ROLE IN APPROVING ACTUARIAL GUIDANCE

*The Insolvency (Northern Ireland) Order 1989 (NI 19)*

1. In Article 315C of the Insolvency (Northern Ireland) Order 1989...
2. In Article 315F of that Order (orders in relation to...

*The Pension Schemes (Northern Ireland) Act 1993 (c. 49)*

3. In section 8A of the Pension Schemes Act (statutory standard...
4. In section 109 of that Act (disclosure of information about...

*The Pensions (Northern Ireland) Order 1995 (NI 22)*

5. In Article 67D of the Pensions Order (actuarial equivalence requirements:...
6. In Article 116 of that Order (regulations may provide for...

*The Pensions (Northern Ireland) Order 2005 (NI 1)*

7. In Article 209 of the Pensions (Northern Ireland) Order 2005...

SCHEDULE 6 — REPEALS AND REVOCATIONS

PART 1 — CATEGORY B RETIREMENT PENSION: REMOVAL OF RESTRICTION ON ENTITLEMENT

PART 2 — CATEGORY A AND C RETIREMENT PENSIONS: ABOLITION OF ADULT DEPENDENCY INCREASES

PART 3 — UP-RATING

PART 4 — ADDITIONAL PENSION: SIMPLIFIED ACCRUAL RATES

PART 5 — INCREASE IN PENSIONABLE AGE

PART 6 — ABOLITION OF CONTRACTING-OUT FOR DEFINED CONTRIBUTION PENSION SCHEMES:

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REPEALS AND REVOCATIONS HAVING EFFECT  
ON ABOLITION DATE

PART 7 — ABOLITION OF CONTRACTING-OUT FOR  
DEFINED CONTRIBUTION PENSION SCHEMES:  
FURTHER REPEALS

PART 8 — REMOVAL OF DEPARTMENT'S ROLE IN  
APPROVING ACTUARIAL GUIDANCE

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