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*Status: Point in time view as at 11/02/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Pensions Act (Northern Ireland) 2008, Paragraph 10. (See end of Document for details)*

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## SCHEDULES

### 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)*

10 After section 23 insert—

**“23A Requirements in relation to giving effect to protected rights**

(1) The rules of the scheme must provide that if, in the case of a member who is married or who has a civil partner, effect is to be given to the protected rights of the member by—

- (a) the provision by the scheme of a pension, or
- (b) the purchase by the scheme of an annuity,

the requirement set out in subsection (2) must be satisfied in relation to the pension or annuity.

(2) The requirement is that, in a case where—

- (a) the member dies while the pension or annuity is payable to him or her, and
- (b) the member is survived by a widow, widower or surviving civil partner (“the survivor”),

the pension or annuity is payable to the survivor in prescribed circumstances and for the prescribed period at an annual rate which at any given time is one-half of the rate at which it would have been payable to the member if the member had been living at that time.

(3) The rules of the scheme must provide that, if effect is to be given to a member's protected rights by the provision of a lump sum, the prescribed conditions must be satisfied.

(4) The rules of the scheme must provide that, if—

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- (a) a member has died without effect being given to his or her protected rights, and
- (b) the member is survived by a widow, widower or surviving civil partner,

effect is to be given to the protected rights in such manner as may be prescribed.”.

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