

SCHEDULES

SCHEDULE 13

ABOLITION OF CONTRACTING- OUT FOR SALARY RELATED SCHEMES

PART 2

OTHER STATUTORY PROVISIONS: AMENDMENTS

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

- 47.** The Contributions and Benefits Act is amended as follows.
- 48.** In section 1 (outline of contributory system), in subsection (3), omit the words after paragraph (b).
- 49.** In section 4C (power to make provision in consequence of provision made by virtue of section 4B(2) etc.), in subsection (5), in each of paragraphs (a) and (b) omit the words from “, including” to the end.
- 50.** In section 8 (calculation of primary Class 1 contributions), in subsection (3), omit paragraph (c) and the “and” before it.
- 51.** In section 9 (calculation of secondary Class 1 contributions), in subsection (3), omit paragraph (c) and the “and” before it.
- 52.** In section 20 (descriptions of contributory benefits), in subsection (3), for “(reduction in state scheme contributions and social security benefits for members of certified schemes)” substitute “(reduction in benefits for members of schemes that were contracted-out)”.
- 53.** In Schedule 1 (supplementary provisions relating to national insurance contributions), in paragraph 1, omit sub-paragraphs (2), (3), (6) and (9) to (11).

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

- 54.** The Administration Act is amended as follows.
- 55.** In section 132 (annual up-rating of benefits), in subsection (3A), for “the abolition date (as defined in section 176(1) of the Pensions Act)” substitute “7 June 2012 (the date appointed for the commencement of section 13(1) of the Pensions Act (Northern Ireland) 2008)”.

56. In section 167 (interpretation - general)—
- (a) in the definition of “money purchase contracted-out scheme”, for “section 176A” substitute “section 3B”;
 - (b) in the definition of “personal pension scheme” for “section 176A(6)” substitute “section 3B(6)”.

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

57. The 1995 Order is amended as follows.

58.—(1) Article 51 (annual increase in rate of pension) is amended as follows.

(2) For “the appointed day” (in each place) substitute “6 April 1997”.

(3) For paragraph (8) substitute—

“(8) An occupational pension scheme is a “relevant occupational pension scheme” if—

- (a) it has not, at any time on or after 6 April 1997, been a salary related contracted-out scheme (see section 3B of the Pension Schemes Act), or
- (b) it has, at any time on or after 6 April 1997, been a salary related contracted-out scheme but no person is entitled to receive, or has accrued rights to, benefits under the scheme attributable to a period on or after that day when it was such a scheme.”.

59. In Article 54 (Articles 51 to 53: supplementary), in paragraph (3), omit the definition of “the appointed day”.

60. For Article 69 substitute—

“69 Grounds for applying for modifications: winding up registered schemes

(1) The Authority may, on an application made to them by the trustees of a registered pension scheme which is being wound up, make an order—

- (a) modifying the scheme for the purpose of enabling assets remaining after the liabilities of the scheme have been fully discharged to be distributed to the employer, or
- (b) authorising the trustees to modify the scheme for that purpose.

(2) But the Authority may act under paragraph (1) only if prescribed requirements in relation to the distribution are satisfied.

(3) Regulations may make provision requiring applications under paragraph (1) to meet prescribed requirements.

(4) Regulations may provide that in prescribed circumstances this Article does not apply to schemes falling within a prescribed class or description or applies to them with prescribed modifications.

(5) In this Article “registered pension scheme” means an occupational pension scheme registered under section 153 of the Finance Act 2004 (other than a public service pension scheme).”.

61. In Article 70 (Article 69: supplementary), omit paragraph (3).

62. In Article 71 (effect of orders under Article 69), in paragraph (1)—

(a) for “sub-paragraph (a)” substitute “sub-paragraph (b)”;

(b) for “sub-paragraph (b)” substitute “sub-paragraph (a)”.

63. In Article 72 (modification of public service pension schemes), in paragraph (1), for “Article 69(1)(b)” substitute “Article 69(1)(a)”.

64. Articles 133(1), (3) and (5), 134(3) and (4) and 145 (amendments to do with contracting-out) are repealed.

The Employment Rights (Northern Ireland) Order 1996 (NI 16)

65. The Employment Rights (Northern Ireland) Order 1996 is amended as follows.

66. In Article 35 (note to be included in statement of initial employment particulars), omit paragraph (5).

67. In Article 43 (references to industrial tribunals), in paragraph (3), omit sub-paragraph (a) (including the “and” at the end of it).

The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)

68. The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 is amended as follows.

69.—(1) Section 38 (disclosure of state pension information) is amended as follows.

(2) In subsection (3)(d), omit “which is not contracted-out employment”.

(3) In subsection (11), omit the definition of “contracted-out employment”.

70. Part 2 of Schedule 5 (alternative to anti-franking rules) is repealed.

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

71. In Article 235 of the 2005 Order (pension protection on transfer of employment: form of protection) in paragraph (2)(c), for the words from “time” to the end substitute “time the scheme complies with prescribed requirements”.

The Companies Act 2006 (c. 46)

72. The Companies Act 2006 is amended as follows.

73. In section 140 (interests to be disregarded: employer’s rights of recovery under pension scheme or employee’s share scheme), omit subsection (2).

74. In section 673 (interests to be disregarded in determining whether company has beneficial interest: employer’s charges and other rights of recovery), omit subsection (1)(b).

The Pensions Act (Northern Ireland) 2008 (c. 1)

75. The Pensions Act (Northern Ireland) 2008 is amended as follows.

76.—(1) Section 13 (abolition of contracting-out for defined contribution pension schemes) is amended as follows.

(2) In subsection (1), for “the abolition date” substitute “6 April 2012”.

(3) In subsection (2), omit the definition of “the abolition date”.

(4) In subsection (4), for “the abolition date” (in each place) substitute “6 April 2012”.

77. In section 19 (consequential provision, repeals and revocations), in subsection (5), for “the abolition date (within the meaning of section 13)” substitute “6 April 2012”.

78.—(1) Schedule 4 (abolition of contracting-out for defined contribution pension schemes) is amended as follows.

(2) In paragraphs 60, 61(1), (2)(a) and (b)(i) and (3), 64 and 65(2) for “the abolition date” (in each place) substitute “6 April 2012”.

(3) In paragraph 66 omit the definition of “the abolition date”.

The Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13)

79. The Pensions (No2) Act is amended as follows.

80. For section 21 substitute—

“21 Quality requirement: UK defined benefits schemes

21. A defined benefits scheme that has its main administration in the United Kingdom satisfies the quality requirement in relation to a jobholder if it satisfies the test scheme standard in relation to that jobholder”.

81. In section 22 (test scheme standard), for subsection (2) substitute—

“(2) Subject to subsection (3), the relevant members are J and all active members who are jobholders of the same employer as J.”.