

SCHEDULES

SCHEDULE 2

OTHER AMENDMENTS TO DO WITH PARTS 1 AND 2

Pensions (Northern Ireland) Order 1995 (NI 22)

6. The 1995 Order is amended as follows.
7. In Article 37 (payment of surplus to employer) in paragraph (1A)—
 - (a) after “does not apply in the case of” insert “—
(a)”;
(b) at the end insert—
“(b) any payments out of funds held for the purposes of providing collective benefits under the scheme (but see section 24 of the Pension Schemes Act (Northern Ireland) 2016).”.
8. In Article 38 (power to defer winding up), in paragraph (3), for subparagraph (a) (but not the “or” at the end) substitute—
“(a) a scheme under which all the benefits that may be provided are money purchase benefits.”.
9. In Article 51 (annual increase in rate of pension), in paragraph (1)(a)(iii), for “is not a money purchase scheme” substitute “is not a defined contributions scheme”.
10. In Article 51A (restrictions on increase where annuity tied to investments), in paragraph (1), for “money purchase scheme” substitute “defined contributions scheme”.
11. In Article 73 (preferential liabilities on winding up), for paragraph (2) substitute—
“(2) This Article applies to a pension scheme that is—
 - (a) an occupational defined benefits scheme,
 - (b) an occupational shared risk scheme, or
 - (c) an occupational defined contributions scheme,unless paragraph (2A) provides for the scheme to be exempt.
(2A) A scheme is exempt from this Article if it is—

- (a) a scheme under which all the benefits that may be provided are money purchase benefits, or
- (b) a prescribed scheme or a scheme of a prescribed description.”.

12. In Article 75 (employer debt where deficiency in assets on winding up etc), for paragraph (1) substitute—

“(1) This Article applies in relation to a pension scheme that is—

- (a) an occupational defined benefits scheme,
- (b) an occupational shared risk scheme, or
- (c) an occupational defined contributions scheme,

unless paragraph (1A) provides for the scheme to be exempt.

(1A) A scheme is exempt from this Article if it is—

- (a) a scheme under which all the benefits that may be provided are money purchase benefits,
- (b) a scheme under which all the benefits that may be provided are collective benefits,
- (c) a scheme under which all the benefits that may be provided are money purchase benefits or collective benefits, or
- (d) a prescribed scheme or a scheme of a prescribed description.

(1B) Where—

- (a) some of the benefits that may be provided under a scheme are collective benefits and some are not, and
- (b) the scheme does not fall within sub-paragraph (c) or (d) of paragraph (1A),

the scheme is to be treated for the purposes of this Part as two separate schemes, one relating to the collective benefits and the other relating to the other benefits.”.

13.—(1) Article 85 (schedules of payments to money purchase schemes) is amended as follows.

(2) For paragraph (1) substitute—

“(1) This Article applies to an occupational pension scheme that is a scheme under which—

- (a) all the benefits that may be provided are money purchase benefits, or
- (b) all the benefits that may be provided are money purchase benefits or collective benefits,

other than a scheme falling within a prescribed class or description.”.

(3) In paragraph (2)(a), after “members of the scheme” insert “in respect of money purchase benefits”.

(4) In the heading, for “to money purchase schemes” substitute “in respect of money purchase benefits under certain schemes”.

14. For the italic cross-heading above Article 85 substitute “Schemes providing money purchase benefits”.

15. In the heading to Article 86 (schedules of payments to money purchase schemes: supplementary), for “to money purchase schemes” substitute “in respect of money purchase benefits under certain schemes”.

16.—(1) Article 87 (application of further provisions to money purchase schemes) is amended as follows.

(2) In paragraph (1), for “money purchase schemes” substitute “schemes under which all the benefits that may be provided are money purchase benefits and that are schemes”.

(3) In paragraph (2), for “money purchase schemes” substitute “schemes under which all the benefits that may be provided are money purchase benefits”.

17. In Article 121 (interpretation), in paragraph (1), at the appropriate places insert—

““collective benefit” has the meaning given by section 8 of the Pension Schemes Act (Northern Ireland) 2016;”,

““defined benefits scheme” has the meaning given by section 2 of the Pension Schemes Act (Northern Ireland) 2016;”,

““defined contributions scheme” has the meaning given by section 4 of the Pension Schemes Act (Northern Ireland) 2016;”,

““occupational”, in relation to a defined benefits scheme, shared risk scheme or defined contributions scheme, means an occupational pension scheme of that description;”,

““shared risk scheme” has the meaning given by section 3 of the Pension Schemes Act (Northern Ireland) 2016;”.

18.—(1) Article 122 (interpretation of Part 2: supplementary) is amended as follows.

(2) In paragraph (1), for sub-paragraph (a) (but not the “and” at the end) substitute—

“(a) the scheme is not a scheme under which all the benefits that may be provided are money purchase benefits.”.

(3) In paragraph (2), for sub-paragraphs (a) and (b) substitute “under which some but not all of the benefits that may be provided are money purchase benefits”.