

**Changes to legislation:** *Superannuation (Northern Ireland) Order 1972, SCHEDULE 3 is up to date with all changes known to be in force on or before 03 March 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## SCHEDULES

### SCHEDULE 3

Articles 9, 11, 12, 19.

#### PROVISIONS WHICH MAY BE INCLUDED IN CERTAIN REGULATIONS

1. Provision as to the means by which the cost of providing the benefits for which the regulations provide is to be defrayed, including provision for the making of contributions or other payments by persons entitled to participate in such benefits and by the employers of those persons or such other persons as may be prescribed by the regulations.

2. Provision for the establishment and administration of superannuation funds, the management and application of the assets of such funds, the amalgamation of all or any of such funds, and the winding up of, or other dealing with, any such fund.

3. Provision for the payment and receipt of transfer values or in lieu thereof for the transfer or receipt of any fund or part of a fund or policy of insurance.

4. Provision for reckoning in respect of a person to whom the regulations apply any service in employment or as the holder of an office (other than service in respect of which benefits are payable under the regulations) as service in respect of which such benefits are payable, either unconditionally or subject to such conditions as may be prescribed by the regulations and either as respects the whole of the service or as respects such fraction thereof as may be so prescribed.  
In this paragraph “employment” includes engagement in any service.

5. Provision for the making by such persons as may be prescribed by the regulations of payments towards the provision (otherwise than under the regulations) of pensions, allowances or gratuities in such cases as may be determined in accordance with the regulations.

6. Provision as to the circumstances in which contributions paid by any person in accordance with the regulations, or any part thereof, may be repaid with or without interest.

7. Provision for securing that where—

- (a) the regulations provide for the payment to or in respect of a person of a pension in consequence of his having become incapacitated, or having died, as a result of an injury sustained, or disease contracted, in circumstances prescribed by the regulations; and
- (b) any damages in respect of the injury, disease or death in consequence of which the pension is paid are recovered by or on behalf of the person to whom the pension is paid,

the amount of any payments made to that person in respect of the pension before the right to or amount of such damages is finally determined, or such part of those payments as may be determined in accordance with the regulations, may be recovered from that person in such circumstances and subject to such conditions as the regulations may provide.

In this paragraph “pension” includes allowance and gratuity.

8. Provision authorising the payment, without probate or other proof of title, of any sum due under the regulations in respect of a person who has died to his personal representatives or such other persons as may be prescribed by the regulations.

9. Provision rendering void any assignment of or charge on, or any agreement to assign or charge, any benefit under the regulations, and provision that on the bankruptcy of a person entitled to such a benefit no part thereof shall pass to any trustee or other person acting on behalf of the creditors

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except in accordance with an order made by a court in pursuance of any statutory provision specified in the regulations.

**10.** Provision for the determination of all questions arising under the regulations and for any decision which falls to be taken by a government department in accordance with the regulations to be final.

**11.** Provision for conferring on such persons as may be prescribed by the regulations such functions as the government department making the regulations considers necessary or expedient for purposes of the regulations.

**12.** Provision repealing or amending any transferred provision where it appears to the government department making the regulations that that provision is inconsistent with, or has become unnecessary or requires modification in consequence of, the regulations.

**13.** Such incidental, supplementary, consequential and transitional provisions as appear to the government department making the regulations to be necessary or expedient.

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**Changes and effects yet to be applied to :**

- Instrument am. (prosp.) by [1998 c. 32 s.74\(1\)Sch.4 para.6](#)