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STATUTORY INSTRUMENTS

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**1995 No. 3213**

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

**PART II**

**OCCUPATIONAL PENSIONS**

*Modification of schemes*

**[<sup>F1</sup>The consent requirements**

**67B.**—(1) References in the subsisting rights provisions to the consent requirements, in respect of a regulated modification, are to be read in accordance with this Article.

(2) The consent requirements apply in the case of an affected member—

- (a) if the modification is a protected modification;
- (b) if it is not a protected modification, unless the actuarial equivalence requirements apply in his case.

(3) The consent requirements consist of—

- (a) the informed consent requirement (see paragraph (4)), and
- (b) the timing requirement (see paragraph (6)).

(4) The informed consent requirement is satisfied in the case of an affected member if before the modification is made—

- (a) the trustees have—
  - (i) given him information in writing adequate to explain the nature of the modification and its effect on him,
  - (ii) notified him in writing that he may make representations to the trustees about the modification,
  - (iii) afforded him a reasonable opportunity to make such representations, and
  - (iv) notified him in writing that the consent requirements apply in his case in respect of the modification, and
- (b) after the trustees have complied with sub-paragraph (a)(i), (ii) and (iv), the affected member has given his consent in writing to the modification.

(5) If—

- (a) the modification is not a protected modification, and
- (b) before the modification is made the trustees notify an affected member in writing that—
  - (i) if he gives his consent to the modification for the purposes of the consent requirements, those requirements apply in his case in respect of the modification, but
  - (ii) otherwise, the actuarial equivalence requirements apply in his case in respect of the modification,

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Pensions (Northern Ireland) Order 1995, Section 67B is up to date with all changes known to be in force on or before 11 April 2024. 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)

the trustees are to be taken to have complied with paragraph (4)(a)(iv) in respect of him.

(6) The timing requirement is satisfied in the case of an affected member if the modification takes effect within a reasonable period after the member has given his consent to the modification in accordance with paragraph (4)(b).]

**F1** Arts. 67, 67A-67I substituted (1.11.2005 for certain purposes, otherwise 6.4.2006) for art. 67 by Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), **arts. 1(2)**, 239; S.R. 2005/411, art. 2(5), **Sch. Pt. 2**

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