
STATUTORY INSTRUMENTS

1995 No. No. 3213 (N.I. 22)

NORTHERN IRELAND

The Pensions (Northern Ireland) Order 1995

Made - - - - 13th December 1995

Laid before Parliament 14th December 1995

Coming into operation in accordance with Article 1

THE PENSIONS (NORTHERN IRELAND) ORDER 1995

Part I

Introductory

1. Title and commencement
2. Interpretation

PART II

OCCUPATIONAL PENSIONS

Supervision by the Authority

3. Prohibition orders
4. Suspension orders
5. Removal of trustees: notices
6. Removal or suspension of trustees: consequences
7. Appointment of trustees
8. Appointment of trustees: consequences
9. Removal and appointment of trustees: property
10. Civil penalties
11. Powers to wind up schemes
12. Powers to wind up public service schemes
13. Injunctions
14. Restitution
15. Directions

Member-nominated trustees and directors

16. Requirement for member-nominated trustees
17. Exceptions

Status: This is the original version (as it was originally made).

18. Corporate trustees: member-nominated directors
19. Corporate trustees: exceptions
20. Selection, and eligibility, of member-nominated trustees and directors
21. Member-nominated trustees and directors: supplementary

Independent trustees

22. Circumstances in which following provisions apply
23. Requirement for independent trustee
24. Members' powers to apply to High Court to enforce duty
25. Appointment and powers of independent trustees: further provisions
26. Insolvency practitioner or official receiver to give information to trustees

Trustees: general

27. Trustee not to be auditor or actuary of the scheme
28. Article 27: consequences
29. Persons disqualified for being trustees
30. Persons disqualified: consequences
31. Trustees not to be indemnified for fines or civil penalties

Functions of trustees

32. Decisions by majority
33. Investment powers: duty of care
34. Power of investment and delegation
35. Investment principles
36. Choosing investments
37. Payment of surplus to employer
38. Power to defer winding up
39. Exercise of powers by member trustees

Functions of trustees or managers

40. Restriction on employer-related investments
41. Provision of documents for members

Employee trustees

42. Time off for performance of duties and for training
43. Payment for time off
44. Time limit for proceedings
45. Remedies
46. Right not to suffer detriment in employment or be unfairly dismissed

Advisers

47. Professional advisers
48. "Blowing the whistle"

Receipts, payments and records

49. Other responsibilities of trustees, employers, etc.

Resolution of disputes

50. Resolution of disputes

Indexation

51. Annual increase in rate of pension
52. Restriction on increase where member is under 55
53. Effect of increases above the statutory requirement
54. Articles 51 to 53: supplementary
55. Article 51: end of annual increase in GMP

Minimum funding requirement

56. Minimum funding requirement
57. Valuation and certification of assets and liabilities
58. Schedules of contributions
59. Determination of contributions: supplementary
60. Serious underprovision
61. Articles 56 to 60: supplementary

Equal treatment

62. The equal treatment rule
63. Equal treatment rule: supplementary
64. Equal treatment rule: exceptions
65. Equal treatment rule: consequential alteration of schemes
66. Equal treatment rule: effect on terms of employment, etc.

Modification of schemes

67. Restriction on powers to alter schemes
68. Power of trustees to modify schemes by resolution
69. Grounds for applying for modifications
70. Article 69: supplementary
71. Effect of orders under Article 69
72. Modification of public service pension schemes

Winding up

73. Preferential liabilities on winding up
74. Discharge of liabilities by insurance, etc.
75. Deficiencies in the assets
76. Excess assets on winding up
77. Excess assets remaining after winding up: power to distribute

Decisions of Compensation Board

78. Review of Compensation Board's decisions

The compensation provisions

79. Cases where compensation provisions apply
80. Applications for payments
81. Amount of compensation
82. Payments made in anticipation
83. Surplus funds
84. Modification of compensation provisions

Status: This is the original version (as it was originally made).

Money purchase schemes

- 85. Schedules of payments to money purchase schemes
- 86. Schedules of payments to money purchase schemes: supplementary
- 87. Application of further provisions to money purchase schemes
- 88. Unpaid contributions in cases of insolvency

Assignment, forfeiture, bankruptcy, etc.,

- 89. Inalienability of occupational pension
- 90. Forfeiture, etc.
- 91. Forfeiture by reference to obligation to employer
- 92. Articles 89 to 91: supplementary
- 93. Pension rights of individuals adjudged bankrupt, etc.

Questioning the decisions of the Authority

- 94. Review of decisions
- 95. References and appeals from the Authority

Gathering information: the Authority

- 96. Provision of information: the Authority
- 97. Inspection of premises: the Authority
- 98. Warrants
- 99. Information and inspection: penalties
- 100. Savings for certain privileges, etc.
- 101. Publishing reports: the Authority

Disclosure of information: the Authority

- 102. Restricted information
- 103. Information supplied to the Authority by corresponding overseas authorities
- 104. Disclosure for facilitating discharge of functions by the Authority
- 105. Disclosure for facilitating discharge of functions by other supervisory authorities
- 106. Other permitted disclosures
- 107. Disclosure of information by the Inland Revenue

Gathering information: the Compensation Board

- 108. Provision of information: the Compensation Board
- 109. Information: penalties
- 110. Savings for certain privileges: the Compensation Board
- 111. Publishing reports: the Compensation Board
- 112. Disclosure of information

General

- 113. Breach of regulations
- 114. Overriding requirements
- 115. Powers to modify this Part
- 116. Calculations, etc. under regulations: sub-delegation
- 117. Consultations about regulations
- 118. Crown application
- 119. Consequential amendments

- 120. “Connected” and “associated” persons
- 121. Interpretation of Part II
- 122. Article 121: supplementary

PART III

STATE PENSIONS

- 123. Equalisation of pensionable age and of entitlement to certain benefits
- 124. Enhancement of additional pension, etc. where family credit or disability working allowance paid
- 125. Additional pension: calculation of surpluses
- 126. Contribution conditions
- 127. Up-rating of pensions increased under section 52 of Contributions and Benefits Act
- 128. Graduated retirement benefit
- 129. Extension of Christmas bonus for pensioners
- 130. Contributions paid in error
- 131. Minor amendments

PART IV

CERTIFICATION OF PENSION SCHEMES AND EFFECTS ON MEMBERS' STATE SCHEME RIGHTS AND DUTIES

Introductory

- 132. The “principal appointed day” for Part IV

New certification requirements applying as from the principal appointed day

- 133. New requirements for contracted-out schemes

Reduction in State scheme contributions, payment of rebates and reduction in State scheme benefits

- 134. State scheme contributions and rebates
- 135. Minimum contributions towards appropriate personal pension schemes
- 136. Money purchase and personal pension schemes: verification of ages.
- 137. Reduction in benefits for members of certified schemes

Premiums and return to State scheme

- 138. State scheme, etc. premiums and buyback into State scheme

Protected rights

- 139. Interim arrangements for giving effect to protected rights
- 140. Requirements for interim arrangements
- 141. Interim arrangements: supplementary
- 142. Extension of interim arrangements to occupational pension schemes
- 143. Discharge of protected rights on winding up: insurance policies

Miscellaneous

- 144. Monitoring personal pension schemes
- 145. Earner employed in more than one employment
- 146. Hybrid occupational pension schemes

Status: This is the original version (as it was originally made).

Minor and consequential amendments

147. Minor and consequential amendments related to Articles 133 to 146

PART V

MISCELLANEOUS AND GENERAL

Transfer values

148. Extension of scope of right to cash equivalent
149. Right to guaranteed cash equivalent
150. Right to guaranteed cash equivalent: supplementary

Penalties

151. Breach of regulations under the Pension Schemes Act

Pensions Ombudsman

152. Employment of staff by the Pensions Ombudsman
153. Jurisdiction of Pensions Ombudsman
54. Allowances
155. Disclosing information
156. Interest on late payment of benefit

Modification and winding up of schemes

157. Repeal of sections 132 to 139 of Pension Schemes Act

Personal pensions

158. Annual increase in rate of personal pension
159. Article 158: supplementary
160. Power to reject notice choosing appropriate personal pension scheme

Levy

161. Levy

Pensions on divorce, etc.

162. Pensions on divorce, etc.

Official and public service pensions

163. Equal treatment in relation to official pensions
164. Information about public service schemes

General minor and consequential amendments

165. General minor and consequential amendments

Subordinate legislation, etc.

166. Orders and regulations (general provisions)
167. Assembly, etc. control of orders and regulations
168. Repeals
Signature

SCHEDULES

SCHEDULE 1 — Amendments consequential on Part II

The Industrial Relations (Northern Ireland) Order (NI 16)

1. The Industrial Relations (Northern Ireland) Order 1976 is amended as...
2. In Article 22D(4) (dismissal on grounds of assertion of statutory...
3. In Article 32(2A) (additional award for failure to comply with...
4. In Article 33(2) (compensation for unfair dismissal), after “and (b)”...
5. In Article 34(6) (calculation of basic award), after “and (b)”...
6. In Article 39(1) (interim relief), in sub-paragraph (b), after “and...”
7. In Article 39A(1) (procedure on hearing application, etc.), in sub-paragraph...
8. In Article 62(1) (conciliation officers), after sub-paragraph (ab) add— or...
9. In Article 79 (application to the Crown), in paragraph (1),...

The Companies (Northern Ireland) Order 1986 (NI 6)

10. In Article 442(1) of the Companies (Northern Ireland) Order 1986...

The Insolvency (Northern Ireland) Order 1989 (NI 19)

11. In Article 283 of the Insolvency (Northern Ireland) Order 1989...

The Pension Schemes (Northern Ireland) Act 1993 (c. 49)

12. The Pension Schemes Act is amended as follows.
13. In section 2 (registration), after subsection (2) insert—
14. Sections 73 to 76 (assignment, forfeiture, etc. of short service...
15. In section 78 (supplementary regulations), for “75” (in both places)...
16. Section 98 to 104 (annual increase in pensions in payment)...
17. Section 108 (restrictions on investment in employer-related assets) is repealed...
18. Section 110 (documents for members, etc.) is repealed.
19. In section 111(1), omit “or 110(1)(b)”.
20. Section 112 (regulations as to auditors) is repealed.
21. Section 114 (equal access) is repealed.
22. Sections 115 to 118 (independent trustees) are repealed.
23. In section 125 (overriding requirements)— (a) in subsection (1), omit...
24. In section 128 (bringing schemes into conformity with indirectly-applying requirements),...
25. In section 129(1) (advice of the Board), omit “, the...
26. In section 130 (determination of questions), omit—
27. In section 132(2)(e)(iv) (applications to modify schemes), omit “or the...
28. In section 135(2) (functions of the Board), omit “, the...
29. In section 136(4) (effect of orders), omit paragraph (c) and...
30. Section 140 (deficiencies in assets on winding up) is repealed...
31. In section 149 (power to modify Act)—
32. In section 150(1) (application of provisions to personal pension schemes),...
33. In section 155 (inalienability of certain pensions), after subsection (4)...
34. In section 165 (determination of questions by the Department), omit...
35. In section 173 (meaning of “manager”), after “1992” insert “or...
36. In section 176 (general interpretation)— (a) in subsection (1)—

Status: This is the original version (as it was originally made).

37. In section 178 (sub-delegation), in subsection (3)—
38. In Schedule 6 (re-enactment or amendment of certain provisions not...
39. In Schedule 7 (consequential amendments), omit paragraph 10.

SCHEDULE 2 — EQUALISATION

PART I — PENSIONABLE AGES FOR MEN AND WOMEN

Rules for determining pensionable age

1. The following rules apply for the purposes of the enactments...

Rules

PART II — ENTITLEMENT TO CERTAIN PENSION AND OTHER BENEFITS

Pension increases for dependent spouses

2. (1) For sections 83 and 84 of the Contributions and...

Category B retirement pensions

3. (1) For sections 49 and 50 of the Contributions and...

Home responsibilities protection

4. (1) In paragraph 5 of Schedule 3 to the Contributions...

Additional pension

5. In section 46(2) of the Contributions and Benefits Act (benefits...

Increments

6. (1) In section 54(1) of the Contributions and Benefits Act...

Graduated retirement benefit

7. In section 62(1) of the Contributions and Benefits Act (graduated...

Christmas bonus for pensioners

8. In section 145(4) of that Act (Christmas bonus: supplementary), for...

Part III — Consequential amendments

9. In the Contributions and Benefits Act— (a) in section 121(1)...
10. In section 167(1) of the Administration Act (interpretation), for the...
11. In Article 25 of the Trade Union and Labour Relations...
12. For section 45 of the Pension Schemes Act, including the...
13. In section 176(1) of that Act (interpretation), for the definition...

Pension increases for dependent spouses

14. In the Contributions and Benefits Act— (a) in section 25(6)(c)...
15. In the Social Security (Incapacity for Work) (Northern Ireland) Order...
16. In the Jobseekers (Northern Ireland) Order 1995, in Schedule 2,...
17. Paragraphs 14 to 16 have effect on 6th April 2010....

Category B retirement pensions

- 18. (1) In section 20(1)(f) of the Contributions and Benefits Act...
- 5A (1) Where— (a) a widow or widower (call that person...
- 5A (1) This paragraph applies where W (referred to in paragraph...
- 6. (1) This paragraph applies where W (referred to in paragraph...
- 19. In section 42 of the Pension Schemes Act (effect of...

SCHEDULE 3 — AMENDMENTS RELATING TO PART IV, ETC.

The Country Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

- 1. In section 116A(2) of the Country Courts Act (Northern Ireland)...

The Resident Magistrates' Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.))

- 2. In section 2A(2) of the Resident Magistrates' Pensions Act (Northern...

The Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))

- 3. In section 2A(2) of the Lands Tribunal and Compensation Act...

The Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 (c. 7 (N.I.))

- 4. In section 2A(9) of the Superannuation (Miscellaneous Provisions) Act (Northern...

The Social Security (Northern Ireland) Act 1975 (c. 15)

- 5. In Schedule 10 to the Social Security (Northern Ireland) Act...

The Judicial Pensions Act 1981 (c. 20)

- 6. In section 14A(2) of the Judicial Pensions Act 1981 (modifications...

The Companies (Northern Ireland) Order 1986 (NI 6)

- 7. In Schedule 2 to the Companies (Northern Ireland) Order 1986...

The Income and Corporation Taxes Act 1988 (c. 1)

- 8. In section 649 of the Taxes Act 1988 (minimum contributions...

The Social Security (Northern Ireland) Order 1989 (NI 13)

- 9. In the Social Security (Northern Ireland) Order 1989, omit Article...
- 10. In Schedule 5 to that Order (equal treatment in employment-related...

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

- 11. In Schedule 1 to the Contributions and Benefits Act (supplementary...

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

- 12. (1) The Administration Act is amended as follows.

The Pension Schemes (Northern Ireland) Act 1993 (c. 49)

- 13. The Pension Schemes Act is amended as follows.

Status: This is the original version (as it was originally made).

14. In the provisions listed in the first column of the...
15. In section 3 (issue of certificates)— (a) in subsections (1)...
16. In section 4 (definition of terms)— (a) in subsection (2),...
17. In section 5 (requirements for certification), in subsection (3), omit...
18. In section 6 (protected rights), in subsection (2)(a), after “minimum...
19. In section 9 (minimum pensions for earners), in subsection (2)(a),...
20. In section 10 (earner’s guaranteed minimum)— (a) omit subsection (3),...
21. In section 12 (reevaluation of earnings factors)—
22. In section 13 (minimum pensions for widows and widowers), at...
23. Section 18 (financing of benefits) is repealed.
24. In section 19 (securing of benefits)— (a) omit subsections (1)...
25. Section 20 (sufficiency of resources) is repealed.
26. In section 21 (conditions as to investments, etc.)—
27. In section 24 (ways of giving effect to protected rights)—...
28. In section 25 (the pension and annuity requirements), in subsection...
29. In section 27 (investment and resources of schemes)—
30. In section 30 (cancellation, etc., of certificates)—
31. Sections 31 (surrender, etc: issue of further certificates) and 32...
32. For section 33 substitute— Alteration of rules of contracted-out schemes....
33. In section 34 (alteration of rules of appropriate schemes)—
34. In section 39 (payment of minimum contributions), in subsection (1),...
35. In section 41 (minimum contributions towards personal pension schemes), omit...
36. In section 42(1) (effect of entitlement to guaranteed minimum pensions...
37. In section 46 (powers to approve arrangements for scheme ceasing...
38. In section 47 (calculation of GMPs preserved under approved arrangements),...
39. In section 48 (supervision of schemes which have ceased to...
40. In section 49 (supervision: former contracted-out schemes)—
41. In section 50 (supervision: former appropriate personal pension schemes)—
42. scheme premiums), omit subsections (1) and (3) to (6).
43. In Section 52 (provisions supplementary to section 51)—
44. In section 54 (amount of premiums under section 51), omit...
45. Section 55 (alternative basis for revaluation) is repealed.
46. In section 56 (effect of payment of premiums on rights)—...
47. In section 57 (deduction of contributions equivalent premium from refund...
48. In section 58 (no recovery of premiums from earners)—
49. In section 59 (further provisions concerning calculations relating to premiums)—...
50. Sections 60 to 62 (actuarial tables, former and future earners...
51. In sections 63 and 64 (non-payment of state scheme premiums),...
52. In section 80(5), omit paragraph (b) and the preceding “or”....
53. In section 92 (right to cash equivalent: exercise of options)—...
54. Sections 129 to 131 (advice and determinations as to conformity...
55. In section 151 (requirement to give information to the Department...
56. In section 154 (disclosure of information between government departments)
—
57. In section 160 (Crown employment)— (a) in subsection (1)(b)(i), omit...
58. In section 161 (application of certain provisions to cases with...
59. In section 162(5) (reciprocity with other countries), omit “167, 168”....
60. In section 165 (determinations by the Department)—
61. In section 166 (questions arising in proceedings), in subsection (1)(b),...
62. Sections 167 and 168 (reviews and appeals) are repealed.

63. In section 169 (grants), for “Board” (in both places) substitute...
64. In section 171 (fees), for “either by the Department or...
65. In section 172 (general financial arrangements)— (a) in subsection 2(b)—...
66. In section 176 (general interpretation)— (a) in subsection (1)—
67. In section 177 (orders and regulations)— (a) in subsection (1),...
68. In section 178 (sub-delegation), omit “,167, 168” in subsection (1),...
69. Section 179 (consultation about regulations) is repealed.
70. In Schedule 1 (certification regulations)— (a) in paragraph 2(1), for...
71. In Schedule 3 (Priority in bankruptcy)— (a) in paragraph 3(1),...
72. In Schedule 5 (transitional provisions and savings), omit paragraph 11....

The Pensions Act 1995 (c. 26)

73. In Schedule 5 to the Pensions Act 1995, omit paragraph...

SCHEDULE 4 — GENERAL MINOR AND CONSEQUENTIAL AMENDMENTS

The Judicial Pensions and Retirement Act 1993 (c. 8)

1. In section 13(9) of the Judicial Pensions and Retirement Act...

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

2. In section 170 of the Contributions and Benefits Act, before...

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

3. In section 135 of the Social Security Administration (Northern Ireland)...

The Pension Schemes (Northern Ireland) Act 1993 (c. 49)

4. The Pension Schemes Act is amended as follows.
5. In section 91(1) (ways of taking right to cash equivalent),...
6. In section 93 (calculation of cash equivalents)—
7. In section 94 (variation and loss of rights to cash...
8. In section 95 (trustees' duties after exercise of an option...
9. After section 154, insert— Other disclosures by the Department. (1) The Department may, in spite of any obligation as...
10. In section 160(1)(b)(i) (Crown employment), omit from “132” to “139,”...
11. In section 162(5) (reciprocity with other countries), omit from “132”...
12. In section 172(2)(b)(i) (general financial arrangements), omit from “132” to...
13. In section 176 (general interpretation)— (a) in subsection (1), for...
14. In section 178 (sub-delegation), in subsection (3)(b), after “prepared” insert...
15. In Schedule 7, omit paragraph 35.
16. (1) Schedule 8 (transitory modifications) is amended as follows.

SCHEDULE 5 — Repeals

Part I — Occupational Pensions

Part II — State Pensions, Etc.

Part III — Certification of Pension Schemes, etc.

Part IV — Miscellaneous and General

Explanatory Note