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STATUTORY INSTRUMENTS

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**1995 No. 3213**

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

**PART V**

**MISCELLANEOUS AND GENERAL**

*Official and public service pensions*

**Equal treatment in relation to official pensions**

**163.**—(1) Section 3 of the Pensions (Increase) Act (Northern Ireland) 1971<sup>(1)</sup> (qualifying conditions for pensions increase) is amended as follows.

(2) In subsection (2)(c), omit “is a woman who”.

(3) In subsection (10)—

(a) for “woman is in receipt of a pension” substitute “person is in receipt of a pension the whole or any part of”, and

(b) for “woman and that pension” substitute “person and that pension and that pension or part”.

(4) In subsection (11)—

(a) for “woman's” substitute “person's”, and

(b) for “woman” substitute “persons,”

and accordingly for “she” substitute “he”.

(5) This Article has effect, and shall be deemed to have had effect, in relation to pensions commencing after 17th May 1990, and in relation to so much of any such pension as is referable to service on or after that date.

**Information about public service schemes**

**164.**—(1) In prescribed circumstances, the appropriate Department may provide information to any prescribed person in connection with the following questions—

(a) whether an individual who during any period—

(i) has been eligible to be an active member of an occupational pension scheme under the Superannuation (Northern Ireland) Order 1972<sup>(2)</sup>, but

(ii) has instead made contributions to a personal pension scheme,

has suffered loss as a result of a contravention which is actionable under section 62 of the Financial Services Act 1986<sup>(3)</sup> (actions for damages in respect of contravention of rules, etc. made under the Act), and

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<sup>(1)</sup> 1971 c. 35 (N.I.).

<sup>(2)</sup> 1972 NI 10.

<sup>(3)</sup> 1986 c. 60.

(b) if so, what payment would need to be made to the occupational scheme in respect of the individual to restore the position to what it would have been if the individual had been an active member of the occupational scheme throughout the period in question, and may impose on that person reasonable fees in respect of administrative expenses incurred in providing that information.

(2) Where—

- (a) such an individual as is mentioned in paragraph (1) is admitted or readmitted as an active member of an occupational pension scheme under the Superannuation (Northern Ireland) Order 1972, or
- (b) a payment is made to the appropriate Department in respect of such an individual for the purpose mentioned in paragraph (1)(b),

that Department may impose on any prescribed person reasonable fees in respect of administrative expenses incurred in connection with the admission, readmission or payment.

(3) References in paragraphs (1) and (2) to the appropriate Department shall be read—

- (a) in the case of an occupational pension scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972(4) (superannuation of civil servants), as references to the Department of Finance and Personnel, or such person as may be prescribed;
- (b) in the case of other occupational pension schemes, as references to such Northern Ireland department as may be designated by the Department of Finance and Personnel as having responsibility for the particular scheme.

(4) In the case of an occupational pension scheme under Article 9 of the Superannuation (Northern Ireland) Order 1972 (superannuation of persons employed in local government, etc.), the references in paragraphs (1) and (2) to the appropriate Department include references to a prescribed person.

(5) In this Article—

“prescribed” means—

- (a) in the case of a scheme made under Article 3 of the Superannuation (Northern Ireland) Order 1972, prescribed by a scheme made by the Department of Finance and Personnel, or
- (b) in any other case, prescribed by regulations made by the appropriate Department, and “active member”, in relation to an occupational pension scheme, has the same meaning as in Part II.