

## SCHEDULES

### SCHEDULE 9

#### CONSEQUENTIAL AMENDMENTS

#### PART I

#### AMENDMENTS CONSEQUENTIAL ON PARTS IV AND V

##### *Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (NI 4)*

1. The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 is amended as follows.

2. For Article 21 there is substituted—

“21. Subject to Article 24, on an application by a party to a marriage for an order for financial relief under this Article, the court may—

(a) make any one or more of the orders which it could make under Part III of the principal Order if a decree of divorce, a decree of nullity of marriage or a decree of judicial separation in respect of the marriage had been granted in Northern Ireland, that is to say—

(i) any order mentioned in Article 25(1) of the principal Order (financial provision orders);

(ii) any order mentioned in Article 26(1) of that Order (property adjustment orders); and

(b) if the marriage has been dissolved or annulled, make one or more orders each of which would, within the meaning of that Part, be a pension sharing order in relation to the marriage.”.

3. In Article 25—

(a) after paragraph (b) there is inserted—

“(ba) Article 26A(3) to (5) (provisions about pension sharing orders in relation to divorce and nullity);

(bb) Article 26B (duty to stay pension sharing orders);

(bc) Article 26C (apportionment of pension sharing charges);” and

(b) at the end there is added—

“(l) Article 42A (appeals relating to pension sharing orders which have taken effect).”.

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

4. The Contributions and Benefits Act has effect subject to the following amendments.

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- 5.—(1) Section 20 is amended as follows.
- (2) In subsection (1), after (f) there is inserted—
- “(fa) shared additional pensions;”.
- (3) In subsection (2), in the definition of “long-term benefit”, after paragraph (d) there is inserted—
- “(e) a shared additional pension;”.
6. In section 21(1), after “41 below” there is inserted “or a shared additional pension under section 55A below”.
7. In section 39(1), (2) and (3), for “45A” there is substituted “45B”.
8. In section 43, at the end there is added—
- “(6) For the purposes of this section, a pension under section 55A below is not a retirement pension.”.
9. In section 48A(4), for “45A” there is substituted “45B”.
10. In section 48B(2) and (3), for “45A” there is substituted “45B”.
11. In section 48C(4), for “45A” there is substituted “45B”.
12. In section 54(1), at the end there is inserted “or to a shared additional pension”.

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

13. The Administration Act has effect subject to the following amendments.
- 14.—(1) Section 135A is amended as follows.
- (2) In subsection (1)(a)(i) after “retirement pension” there is inserted “or shared additional pension”.
- (3) In subsection (2) after “retirement pension” there is inserted “, a shared additional pension”.
15. In section 143(2) after paragraph (a) there is inserted—
- “(aa) any administrative expenses of the Department in supplying information about benefits under Part II of that Act in accordance with regulations under Article 21 of the Welfare Reform and Pensions (Northern Ireland) Order 1999.”.
16. In section 145(5)(b), after “section 143(2)(a)” there is inserted “or (aa)”.

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

17. The Pension Schemes Act has effect subject to the following amendments.
18. In section 46(1)—
- (a) in paragraph (a), at the end there is inserted—
- “(iii) of safeguarded rights under the scheme;”,
- (b) in paragraph (b), after “protected” there is inserted “, or safeguarded”.
- 19.—(1) Section 48 is amended as follows.
- (2) In subsection (2A), at the end there is inserted—
- “(c) any persons who have safeguarded rights under the scheme or are entitled to any benefit giving effect to safeguarded rights under it.”.

(3) In subsection (3)(b), after “protected”, in both places where that word occurs, there is inserted “, or safeguarded.”.

**20.**—(1) Section 79 is amended as follows.

(2) In subsection (1), before “benefits”, in both places, there is inserted “relevant”.

(3) After that subsection there is inserted—

“(1A) The following are relevant benefits for the purposes of subsection (1)—

- (a) any benefits payable otherwise than by virtue of rights which are attributable (directly or indirectly) to a pension credit, and
- (b) in the case of a salary related occupational pension scheme, any benefits payable by virtue of such rights, to the extent that the rights involve the member being credited by the scheme with notional pensionable service.”.

(4) At the end there is added—

“(4) For the purposes of this section, an occupational pension scheme is salary related if—

- (a) it is not a money purchase scheme, and
- (b) it does not fall within a prescribed class.”.

**21.** In section 81, after “69(2)(b)” there is inserted “or 97D(2)(b)”.

**22.** In section 89, after subsection (1) there is inserted—

“(1ZA) In subsection (1), references to accrued rights to benefit do not include rights which are attributable (directly or indirectly) to a pension credit.”.

**23.** In section 89A, after subsection (1) there is inserted—

“(1A) In subsection (1), the reference to benefits which have accrued does not include benefits which are attributable (directly or indirectly) to a pension credit.”.

**24.** In section 90, after subsection (1A) there is inserted—

“(1B) In subsection (1), references to benefits which have accrued do not include benefits which are attributable (directly or indirectly) to a pension credit.”.

**25.** In section 92, there is added at the end—

“(4) Where a member of an occupational pension scheme or a personal pension scheme—

- (a) is entitled to give a notice under section 97F(1) to the trustees or managers of the scheme, or
- (b) would be entitled to do so, but for section 97G(1),

he may not, if the scheme so provides, make an application to them under section 91 unless he also gives them a notice under section 97F(1).”.

**26.**—(1) Section 94 is amended as follows.

(2) In subsection (5)—

- (a) after “part of the” there is inserted “relevant”, and
- (b) for “any of the benefits mentioned in that section” there is substituted “benefits”.

(3) In subsection (8), after “this section” there is inserted—

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““relevant benefits” means any benefits not attributable (directly or indirectly) to a pension credit; and”.

**27.**—(1) Section 96 is amended as follows.

(2) In subsection (1), for “subsection (2)” there is substituted “subsections (2) and (2A)”.

(3) After subsection (2) there is inserted—

“(2A) If the making of the application depended on the giving of a notice under section 97F(1), the application may only be withdrawn if the notice is also withdrawn.”.

**28.**—(1) Section 125 is amended as follows.

(2) In subsection (1), after “Part IV,” there is inserted “Chapters I and II of Part IVA,”.

(3) In subsection (2), for “does” there is substituted “and Chapter II of Part IVA do”.

**29.**—(1) Section 173 is amended as follows.

(2) The words “or of” are omitted.

(3) At the end there is inserted “, Article 27D of the Matrimonial Causes (Northern Ireland) Order 1978 or Part IV or V of the Welfare Reform and Pensions (Northern Ireland) Order 1999”.

**30.** In section 176(1)—

(a) after the definition of “occupational pension scheme” there is inserted—

““pension credit” means a credit under Article 26(1)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 or under section 29(1)(b) of the Welfare Reform and Pensions Act 1999;”,

(b) after the definition of “rights” there is inserted—

““safeguarded rights” has the meaning given in section 64A,”.

**31.** In section 178(3), for “and 93(1)” there is substituted “93(1) and 97I”.

### *Pensions (Northern Ireland) Order 1995 (NI 22)*

**32.** The Pensions Order has effect subject to the following amendments.

**33.** In Article 3(2)(a)—

(a) in head (ii), after “values),” there is inserted “Chapter II of Part IVA (pension credit benefit transfer values)”, and

(b) after that head there is inserted

“or

(iii) the following provisions of the Welfare Reform and Pensions (Northern Ireland) Order 1999: Article 30 (time for discharge of pension credit liability) and Article 42 (information),”.

**34.**—(1) Article 16 is amended as follows.

(2) In paragraphs (1)(a) and (6)(a), before “members” there is inserted “qualifying”.

(3) In paragraph (8)—

(a) after “a”, in the second place where that word occurs, there is inserted “qualifying”,

- (b) for “a member of the scheme”, in the second place where those words occur, there is substituted “such a member”.
- 35.** In Article 17(4)(a), before “members” there is inserted “qualifying”.
- 36.—**(1) Article 18 is amended as follows.
- (2) In paragraphs (1)(a) and (6)(a), before “members” there is inserted “qualifying”.
- (3) In paragraph (7)—
- (a) after “a”, in the second place where that word occurs, there is inserted “qualifying”,
- (b) for “a member of the scheme”, in the second place where those words occur, there is substituted “such a member”.
- 37.** In Article 20(5), after “a”, in the second place where that word occurs, there is inserted “qualifying”.
- 38.** In Article 21(6)—
- (a) after “Article” there is inserted—
- “(a) “qualifying member”, in relation to a trust scheme, means a person who is an active, deferred or pensioner member of the scheme, and
- (b)”,
- and
- (b) before “members” there is inserted “qualifying”.
- 39.—**(1) Article 38 is amended as follows.
- (2) In paragraph (1), for the words from “that the scheme” to the end there is substituted—
- “(a) that the scheme is not for the time being to be wound up but that no new members are to be admitted to it, or
- (b) that the scheme is not for the time being to be wound up but that no new members, except pension credit members, are to be admitted to it.”.
- (3) In paragraph (2), the words from “but” to the end are omitted.
- (4) After that paragraph there is inserted—
- “(2A) Paragraph (2) does not authorise the trustees to determine—
- (a) where there are accrued rights or pension credit rights to any benefit, that the benefit is not to be increased, or
- (b) where the power conferred by that paragraph is exercisable by virtue of a determination under paragraph (1)(b), that members of the scheme may not acquire pension credit rights under it.”.
- 40.** In Article 51(6), after “a pension” there is inserted “which is attributable (directly or indirectly) to a pension credit or”.
- 41.** In Article 53, after paragraph (3) there is inserted—
- “(3A) In paragraphs (1) and (2), the references to a person’s pension do not include any pension which is attributable (directly or indirectly) to a pension credit.”.
- 42.—**(1) Article 67 is amended as follows.
- (2) In paragraph (2), for “or accrued right,” there is substituted “accrued right or pension credit right”.

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- (3) In paragraph (4)(a), for “or accrued rights,” there is substituted “accrued rights or pension credit rights”.
- (4) For paragraph (5) there is substituted—
- “(5) Paragraph (2) does not apply to the exercise of a power—
- (a) for a purpose connected with debits under Article 26(1)(a) of the Welfare Reform and Pensions (Northern Ireland) Order 1999, or
- (b) in a prescribed manner.”.
- 43.** In Article 68(2), for “and” at the end of sub-paragraph (d) there is substituted—
- “(da) to enable the scheme to accommodate persons with pension credits or pension credit rights, and”.
- 44.** In Article 73, after paragraph (3) there is inserted—
- “(3A) No pension or other benefit which is attributable (directly or indirectly) to a pension credit may be regarded for the purposes of paragraph (3)(a) as derived from the payment of voluntary contributions.”.
- 45.** In Article 74(3)(b), at the end there is inserted “or pension credit rights”.
- 46.**—(1) Article 89 is amended as follows.
- (2) In paragraph (1), for the words from “, or has” to “occupational pension scheme” there is substituted “to a pension under an occupational pension scheme or has a right to a future pension under such a scheme”.
- (3) In paragraph (2), for the words from “, or” to “scheme” there is substituted “to a pension under an occupational pension scheme, or right to a future pension under such a scheme,”.
- (4) In paragraph (5)—
- (a) for the words from “, or has” to “scheme” there is substituted “to a pension under an occupational pension scheme, or has a right to a future pension under such a scheme”,
- (b) in sub-paragraph (d), for “accrued right, to pension” there is substituted “right,”, and
- (c) in sub-paragraph (e), for “accrued right, to pension” there is substituted “right”.
- 47.**—(1) Article 90 is amended as follows.
- (2) In paragraph (1), for the words from “, or” to “scheme” there is substituted “to a pension under an occupational pension scheme or a right to a future pension under such a scheme”.
- (3) In paragraph (4), for the words from “person entitled” to “accrued” there is substituted “pensioner, or prospective pensioner”.
- 48.**—(1) Article 91 is amended as follows.
- (2) In paragraph (1), for the words from “, or” to “scheme” there is substituted “to a pension under an occupational pension scheme or right to a future pension under such a scheme”.
- (3) In paragraph (2)—
- (a) for “accrued right to a pension” there is substituted “right”, and
- (b) for “accrued right to a pension under the scheme” there is substituted “right”.
- (4) In paragraph (4), for “accrued right to a pension” there is substituted “right”.
- 49.** In Article 97(2)—

- (a) in sub-paragraph (b), after “values),” there is inserted “Chapter II of Part IVA (pension credit benefit transfer values),”, and
- (b) at the end of that sub-paragraph there is inserted—
  - “(ba) Article 30 (time for discharge of pension credit liability) or 42 (information) of the Welfare Reform and Pensions (Northern Ireland) Order 1999,”.

**50.**—(1) Article 121 is amended as follows.

- (2) In paragraph (1), in the definition of “member”, for “or pensioner” there is substituted “, pensioner or pension credit”.
- (3) In that paragraph, after the definition of “payment schedule” there is inserted—
  - ““pension credit” means a credit under Article 26(1)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 or under section 29(1)(b) of the Welfare Reform and Pensions Act 1999,
  - “pension credit member”, in relation to an occupational pension scheme, means a person who has rights under the scheme which are attributable (directly or indirectly) to a pension credit,
  - “pension credit rights”, in relation to an occupational pension scheme, means rights to future benefits under the scheme which are attributable (directly or indirectly) to a pension credit,”.
- (4) After paragraph (2) there is inserted—
  - “(2A) In paragraph(2)(a), the reference to rights which have accrued to or in respect of the member does not include any rights which are pension credit rights.”.

**51.**—(1) Article 162 is amended as follows.

- (2) In paragraph (4), for “scheme” there is substituted “arrangement”.
- (3) In paragraph (5)(d), for “scheme” there is substituted “arrangement”.

*Welfare Reform and Pensions (Northern Ireland) Order 1999*

**52.** In Article 22 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (charges by pension arrangements in relation to earmarking orders), for “section 23” substitute “section 22A or 23”.