

## SCHEDULE 2

Regulations 14 and 16

## MODIFICATIONS OF PENSIONS LEGISLATION, AND RELEVANT LEGAL REQUIREMENTS FOR THE PURPOSES OF ARTICLE 269

1. In this Schedule, a reference to a section of an Act or Article of an Order includes a reference to any subordinate legislation made or having effect as if made under that section or, as the case may be, that Article.

2. For the purposes of regulations 14 and 16—

- (a) the provisions of pensions legislation which are modified in their application to European members and European survivors of cross-border schemes, and
- (b) the relevant legal requirements for the purposes of Article 269,

are the provisions listed in Table 1.

**Table 1**

<i>Provisions of the 1995 Order</i>	<i>Subject matter</i>
Article 50(1) to (5) and (7)	Resolution of disputes

3. For the purposes of regulations 14 and 16—

- (a) the provisions of pensions legislation which are modified in relation to European members and European survivors of cross-border schemes, other than European members of a cross-border scheme which is a pre-23rd September 2005 scheme who became members of that scheme before the commencement date and European survivors of such members, and
- (b) the relevant legal requirements for the purposes of Article 269,

are the provisions listed in Table 2.

**Table 2**

<i>Provisions of the Pension Schemes Act</i>	<i>Subject matter</i>
Sections 65 to 72, 77 and 78(1)	Preservation of benefit under occupational schemes
Sections 79 to 82(2)	Revaluation of accrued benefits (excluding guaranteed minimum pensions)
Sections 89 to 94, 95(1) to (4A), (7)(a) and (8), 96 and 97(3)	Transfer values

- (1) Section 66 was amended by paragraph 12 of the Schedule to [S.R. 2005 No.434](#); sections 67 and 68 were amended by Article 240 of the Pensions (Northern Ireland) Order 2005; section 69 was amended by paragraph 2(2)(a) of Schedule 2 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I.1999/3147 (N.I. 11)); and section 78 was amended by paragraph 15 of Schedule 1 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))
- (2) Section 79 was amended by paragraph 20 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999; section 80 was amended by paragraph 52 of Schedule 3 to the Pensions (Northern Ireland) Order 1995, Article 258 of the Pensions (Northern Ireland) Order 2005 and paragraph 13 of the Schedule to [S.R. 2005 No. 434](#); and section 81 was amended by paragraph 21 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
- (3) Section 89 was amended by Article 148 of the Pensions (Northern Ireland) Order 1995 and paragraph 22 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999; section 90 was amended by Article 150 of the Pensions (Northern Ireland) Order 1995 and paragraph 24 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and is amended by paragraph 9 of Schedule 10 to the Pensions (Northern Ireland) Order 2005; section 91 was amended by paragraph 5 of Schedule 4 to the Pensions (Northern Ireland) Order 1995, paragraph 4 of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and Article 133 of S.I. 2001/3649; section 92 was amended by paragraph 53 of Schedule 3 to the Pensions (Northern Ireland) Order 1995, paragraph 2(2)(b) of Schedule 2

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<i>Provisions of the Pension Schemes Act</i>	<i>Subject matter</i>
Sections 97AA to 97AI(4)	Early leavers: cash transfer sums and contribution refunds
<i>Provisions of the 1995 Order</i>	<i>Subject matter</i>
Articles 51 to 54(5)	Indexation
Articles 89 to 92(6)	Assignment, forfeiture, bankruptcy, etc.

4. For the purposes of regulation 14, the other provisions of pensions legislation which are modified in their application to European members and European survivors of cross-border schemes are the provisions listed in Table 3.

**Table 3**

<i>Provisions of the Pension Schemes Act</i>	<i>Subject matter</i>
Section 95(7)(b)(7)	Trustees' duties after exercise of option
<i>Provisions of the 1995 Order</i>	<i>Subject matter</i>
Article 50(6)	Resolution of disputes

5. For the purposes of regulation 16, the other relevant legal requirements for the purposes of Article 269 are the provisions listed in Table 4.

**Table 4**

<i>Provisions of the Pension Schemes Act</i>	<i>Subject matter</i>
Sections 5 and 6(8)	General requirements for certification

- and paragraph 25 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and paragraph 14 of the Schedule to [S.R. 2005 No. 434](#); section 93 was amended by paragraph 6 of Schedule 4 to the Pensions (Northern Ireland) Order 1995 and paragraph 5(1) of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; section 94 was amended by paragraph 7 of Schedule 4 to the Pensions (Northern Ireland) Order 1995, paragraph 26 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and paragraph 5(2) of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; section 95 was amended by paragraph 8 of Schedule 4 and Schedule 11 to the Pensions (Northern Ireland) Order 1995; and section 96 was amended by paragraph 27 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
- (4) Sections 97AA to 97AI are inserted by Article 241 of the Pensions (Northern Ireland) Order 2005
- (5) Article 51 was amended by paragraph 40 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, section 47(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and Article 255(2) to (6) of the Pensions (Northern Ireland) Order 2005; Article 51ZA was inserted by Article 255(7) of that Order; Article 51A was inserted by section 47(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; and Article 54 was amended by Article 255(8) of, and Schedule 11 to, the Pensions (Northern Ireland) Order 2005
- (6) Article 89 was amended by paragraph 46 of Schedule 9 and Schedule 10 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, Article 243 of the Pensions (Northern Ireland) Order 2005 and paragraph 24 of the Schedule to [S.R. 2005 No. 434](#); Article 90 was amended by paragraph 47 of Schedule 9 and Schedule 10 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and paragraph 25 of the Schedule to [S.R. 2005 No. 434](#); and Article 91 was amended by paragraph 48 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
- (7) Section 95(7) was inserted by paragraph 8(e) of Schedule 4 to the Pensions (Northern Ireland) Order 1995
- (8) Section 5 was amended by Article 133(3) and (4) of, and paragraph 14 of Schedule 3 and Schedule 5 to, the Pensions (Northern Ireland) Order 1995, paragraph 38 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. [1999/671](#)) and Article 260 of the Pensions (Northern Ireland) Order 2005 and section 6 was amended by Article 29(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999, paragraph 39 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and paragraph 23(2) of Schedule 11 to the Proceeds of Crime Act [2002 \(c. 29\)](#)

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<i>Provisions of the Pension Schemes Act</i>	<i>Subject matter</i>
Sections 8A to 8D <b>(9)</b>	Requirements for certification of occupational pension schemes
Sections 9 to 17 and 19 <b>(10)</b>	Requirements for certification of occupational pension schemes providing guaranteed minimum pensions
Sections 23 to 29 <b>(11)</b>	Requirements for certification of occupational and personal money purchase schemes
Sections 33 and 35 <b>(12)</b>	Alteration of scheme rules after certification
Section 41B <b>(13)</b>	Money purchase and personal pension schemes: verification of ages
Sections 46 and 47 <b>(14)</b>	Approval of arrangements for schemes ceasing to be certified
Sections 48 to 50 <b>(15)</b>	Supervision of formerly certified schemes

- (9) Sections 8A to 8D were inserted by Article 133(5) of the Pensions (Northern Ireland) Order 1995; sections 8A and 8B were amended respectively by paragraphs 3 and 4 of Schedule 1 to [S.R. 2005 No. 433](#) and section 8B was amended by regulation 2 of [S.R. 1997 No. 162](#)
- (10) Section 9 was amended by paragraph 19 of Schedule 3 to the Pensions (Northern Ireland) Order 1999; section 10 was amended by paragraph 20 of Schedule 3 to the Pensions (Northern Ireland) Order 1995, paragraph 41 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and paragraph 23(3) of Schedule 11 to the Proceeds of Crime Act 2002; section 11A was inserted by Article 29(3) of the Welfare Reform and Pensions (Northern Ireland) Order 1999; section 12 was amended by paragraph 21 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and paragraph 3 of Schedule 2 to the Welfare Reform and Pensions (Northern Ireland) Order 1999; section 13 was amended by paragraph 22 of Schedule 3 to the Pensions (Northern Ireland) Order 1995, paragraph 42 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999, paragraph 1 of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and paragraph 5 of Schedule 1 to [S.R. 2005 No. 433](#) and is amended by Article 261(2) of the Pensions (Northern Ireland) Order 2005; section 15 was amended by Article 129 of [S.I. 2001/3649](#) and paragraph 6 of Schedule 1 to [S.R. 2005 No. 433](#); section 16 was amended by paragraph 2(1) of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and paragraph 7 of Schedule 1 to [S.R. 2005 No. 433](#); section 17 is substituted by section 261(1) of the Pensions (Northern Ireland) Order 2005 and paragraph 8 of Schedule 1 to [S.R. 2005 No. 433](#); and section 19 was amended by paragraph 24 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and paragraph 9 of Schedule 1 to [S.R. 2005 No. 433](#)
- (11) Section 24 was amended by paragraph 4 of Schedule 2 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, Articles 139 and 143(2) of, and paragraph 27 of Schedule 3 to, the Pensions (Northern Ireland) Order 1995, paragraphs 2(2) and 3 of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and paragraph 10 of Schedule 1 to [S.R. 2005 No. 433](#) and is amended by Article 261 of the Pensions (Northern Ireland) Order 2005; section 24A was inserted by Article 140 of the Pensions (Northern Ireland) Order 1995 and amended by paragraph 11 of Schedule 1 to [S.R. 2005 No. 433](#); section 25 was amended by Article 141 of, and paragraph 28 of Schedule 3 to, the Pensions (Northern Ireland) Order 1995, Article 130 of [S.I. 2001/3649](#) and paragraph 12 of Schedule 1 to [S.R. 2005 No. 433](#) and is amended by Article 261(7) of the Pensions (Northern Ireland) Order 2005; section 26 was amended by paragraph 45 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999; section 27 was amended by paragraph 29 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and paragraph 46 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999; and section 28A was inserted by Article 143(1) of the Pensions (Northern Ireland) Order 1995 and amended by [S.I. 2002/ 1555](#)
- (12) Section 33 was substituted by paragraph 32 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and amended by paragraph 13 of Schedule 1 to [S.R. 2005 No. 433](#)
- (13) Section 41B was inserted by Article 136 of the Pensions (Northern Ireland) Order 1995 and amended by paragraph 58 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999
- (14) Section 46 was amended by paragraph 37 of Schedule 3 to the Pensions (Northern Ireland) Order 1995, paragraph 60 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and paragraph 18 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and section 47 was amended by paragraph 38 of Schedule 3 to the Pensions (Northern Ireland) Order 1995
- (15) Section 48 was amended by paragraph 39 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and paragraph 19 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999; section 49 was amended by paragraph 40 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and paragraph 61 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999; and section 50 was amended by paragraph 41 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and paragraph 62 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999

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<i>Provisions of the Pension Schemes Act</i>	<i>Subject matter</i>
Sections 51 to 54 and 57 to 59 <b>(16)</b>	State scheme premiums
Sections 64A to 64D <b>(17)</b>	Safeguarded rights
Sections 83 to 88 <b>(18)</b>	Protection of increases in guaranteed minimum pensions (“anti-franking”)
Section 89A(1) to (3) <b>(19)</b>	Salary related schemes: right to statement of entitlement
Sections 105 and 106 <b>(20)</b>	Guaranteed minimum pensions
Sections 125 to 128 <b>(21)</b>	Relationship between requirements and scheme rules
Section 155 <b>(22)</b>	Inalienability of guaranteed minimum pension and protected rights payments
<i>Provisions of the 1999 Order</i>	<i>Subject matter</i>
Articles 12 and 13	Pensions and bankruptcy
Article 37 <b>(23)</b>	Other pension schemes

- (16)** Section 51 was amended by Article 138(1) of, and paragraph 42 of Schedule 3 to, the Pensions (Northern Ireland) Order 1995, paragraph 63 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and paragraph 7(2) of Schedule 2 to the Welfare Reform and Pensions Act 1999 (c. 30); section 52 was amended by paragraph 43 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and paragraph 64 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999; section 53 was amended by paragraph 65 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999; section 54 was amended by paragraph 44 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and paragraph 6(1) of Schedule 5 to the Child Support, Pensions and Social Security Act 2000 (c. 19); section 57 was amended by paragraph 47 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 paragraph 66 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and paragraph 6(2) of Schedule 5 to the Child Support, Pensions and Social Security Act 2000; section 58 was amended by paragraph 48 of Schedule 3 to the Pensions (Northern Ireland) Order 1995; and section 59 was amended by paragraph 49 of Schedule 3 to the Pensions (Northern Ireland) Order 1995, paragraph 67 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and paragraph 6(3) of Schedule 5 to the Child Support, Pensions and Social Security Act 2000
- (17)** Sections 64A to 64D were inserted by Article 33 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and section 64B was amended by paragraph 23(5) of Schedule 11 to the Proceeds of Crime Act 2002
- (18)** Sections 83 to 86 were amended respectively by paragraphs 18 to 21 of Schedule 1 to [S.R. 2005 No. 433](#)
- (19)** Section 89A was inserted by Article 149 of the Pensions (Northern Ireland) Order 1995 and amended by paragraph 23 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
- (20)** Section 105 was amended by Article 55 of the Pensions (Northern Ireland) Order 1995 and paragraph 22 of Schedule 1 to [S.R. 2005 No. 433](#) and section 106 was amended by Article 53(4) of the Pensions (Northern Ireland) Order 1995 and paragraph 23 of Schedule 1 to [S.R. 2005 No. 433](#)
- (21)** Section 125 was amended by paragraph 23 of Schedule 1 to the Pensions (Northern Ireland) Order 1995, paragraph 28 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and paragraph 16 of the Schedule to [S.R. 2005 No. 434](#) and section 128 was amended by paragraph 24 of Schedule 1 to the Pensions (Northern Ireland) Order 1995
- (22)** Section 155 was amended by paragraph 33 of Schedule 1 to the Pensions (Northern Ireland) Order 1995
- (23)** Article 37 was amended by Article 257 of the Pensions (Northern Ireland) Order 2005