

2015 No. 307 (C. 25)

PENSIONS

**The Pensions (2015 Act) (Commencement No. 1) Order
(Northern Ireland) 2015**

Made - - - -

15th July 2015

The Department for Social Development makes the following Order in exercise of the powers conferred by section 53(1) of the Pensions Act (Northern Ireland) 2015(a).

Citation and interpretation

1.—(1) This Order may be cited as the Pensions (2015 Act) (Commencement No. 1) Order (Northern Ireland) 2015.

(2) In this Order any reference to a numbered section or Schedule is to the section of, or Schedule to, the Pensions Act (Northern Ireland) 2015 bearing that number.

Appointed days

2.—(1) The day appointed for the coming into operation of—

- (a) section 24(2) to (9) (abolition of contracting-out for salary related schemes etc.);
- (b) section 36 (automatic re-enrolment: exceptions where automatic enrolment deferred);
- (c) section 37 (automatic enrolment: powers to create general exceptions);
- (d) section 38 (alternative quality requirements for UK defined benefits schemes);
- (e) section 39 (automatic enrolment: transitional period for hybrid schemes);
- (f) section 41 (unpaid scheme contributions);
- (g) section 42 (power to restrict charges or impose requirements in relation to schemes);
- (h) section 44 (power to require pension levies to be paid in respect of past periods);
- (i) section 45 (prohibition and suspension order: directors of corporate trustees);
- (j) section 47 (maximum period between scheme returns to be 5 years for micro schemes);
- (k) Schedule 12 (state pension amendments), paragraphs 81 and 82(b) and section 23 in so far as it relates to those paragraphs;
- (l) Schedule 14 (power to amend schemes to reflect abolition of contracting-out);
- (m) in Schedule 17 (automatic transfer of pension benefits etc.)—
 - (i) paragraph 14(1) for the purposes only of paragraph 4(1) of Schedule 18 (power to restrict charges or impose requirements in relation to schemes), and
 - (ii) paragraph 19(3) (and paragraph 19(1) in so far as it relates to it) (amendments),

and section 32 in so far as it relates to those paragraphs;

(n) Schedule 18, and

(o) Schedule 19 (prohibition orders: consequential amendments),

is 16th July 2015.

(2) The day appointed for the coming into operation of—

(a) section 2(3) (entitlement to state pension at full or reduced rate);

(b) section 4(2) (entitlement to state pension at transitional rate);

(c) section 8(3), (7) and (8) (choice of lump sum or survivor's pension under section 9 in certain cases);

(d) section 16(1) and (6) (pensioner's option to suspend state pension);

(e) section 17(4) and (5) (effect of pensioner postponing or suspending state pension);

(f) section 18(1) (section 17 supplementary: calculating weeks, overseas residents, etc.);

(g) section 19 (prisoners);

(h) section 22(1) (general definitions etc.);

(i) in Schedule 8 (pension sharing: appropriate weekly rate under section 13), paragraph 4 and section 13(2) in so far as it relates to that paragraph;

(j) in Schedule 10 (pension sharing: appropriate weekly reduction under section 14), paragraph 4 and section 14(2) in so far as it relates to that paragraph;

(k) in Schedule 11 (pension sharing: amendments), paragraph 10 (and paragraph 8 in so far as it relates to it) and section 15 in so far as it relates to those paragraphs, and

(l) in Schedule 15 (option to boost old retirement pensions), paragraph 4 (and paragraph 1 in so far as it relates to it) and section 25 in so far as it relates to those paragraphs,

for the purpose only of authorising the making of regulations, is 16th July 2015.

(3) The day appointed for the coming into operation of section 35 (short service benefit for scheme member with money purchase benefits) is 1st October 2015.

Sealed with the Official Seal of the Department for Social Development on 15th July 2015

(L.S.)

Anne McCleary

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the coming into operation of certain provisions of the Pensions Act (Northern Ireland) 2015 (“the Act”) in accordance with Article 2.

Article 2(1) brings the following provisions of the Act into operation on 16th July 2015—

section 24(2) to (9) and Schedule 14, which gives employers sponsoring contracted-out salary related occupational pension schemes a power to amend the scheme rules to reflect the abolition of contracting-out for these schemes;

sections 36 to 39, which introduce changes to provisions in the Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13 (N.I.)), sections 36 and 37 relate to exceptions from the duties imposed on employers by Part 1 of that Act, sections 38 and 39 relate to those employer duties where the employer provides an occupational pension scheme that produces defined benefits;

section 41, which enables scheme trustees and managers to claim unpaid pension contributions from the Department for Employment and Learning in certain circumstances following the insolvency of the employer;

section 42 and Schedule 18 which relate to the restriction of charges or the imposition of requirements with regard to administration and governance of certain pension schemes;

section 44, which provides a power to make regulations in respect of a requirement to pay pension levies in respect of a past period;

section 45 and Schedule 19 which insert a provision into the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and make consequential amendments to that Order and to the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)) in respect of orders prohibiting certain individuals or companies from being a trustee of a pension scheme;

section 47, which amends Article 58 of the Pensions (Northern Ireland) Order 2005, extending the maximum period between scheme returns from 3 to 5 years in the case of a micro scheme;

paragraphs 81 and 82(b) of Schedule 12 which repeal certain provisions relating to additional state pension and section 23 in so far as it relates to those paragraphs;

paragraph 4 of Schedule 15 which makes a number of amendments to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) to allow for the payment of extra additional State pension to individuals who have made Class 3A voluntary National Insurance contributions to boost their retirement pensions and section 25 in so far as it relates to that paragraph; and

paragraphs 14(1) and 19(3) of Schedule 17 and section 32 in so far as it relates to those paragraphs. Paragraph 14(1) is commenced for the limited purpose of enabling a definition to come into operation only in so far as it is needed for the purposes of paragraph 4(1) of Schedule 18. Paragraph 19(3) amends section 96B(2) of the Pensions Schemes (Northern Ireland) Act 1993 (c.49) (the meaning of scheme rules).

Article 2(2) of the Order brings certain provisions of the Act into operation on 16th July 2015 for the purpose only of authorising the making of regulations.

Article 2(3) of the Order brings into operation section 35 of the Act on 1st October 2015, which makes amendments to section 67 of the Pension Schemes (Northern Ireland) Act 1993, which provides that a member of an occupational pension scheme with entitlement to money purchase benefits has a right to a short service benefit if they have at least 30 days qualifying service. Such a member's entitlement to a refund of contributions (a 'short service refund') is restricted if they leave the scheme. A short service refund will only be payable if the member leaves within 30 days of joining the scheme.

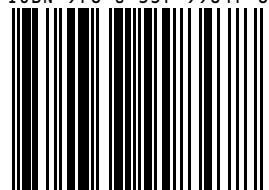
© Crown copyright 2015

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£4.25

N6743 07/2015 456743T 19585

ISBN 978-0-337-99847-8



9 780337 998478