



Pension Schemes (Northern Ireland) Act 1993

1993 CHAPTER 49

PART VII

INSOLVENCY OF EMPLOYERS

CHAPTER II

PAYMENT BY THE DEPARTMENT OF UNPAID SCHEME CONTRIBUTIONS

121 Certification of amounts payable under s. 120 by insolvency officers

- (1) This section applies where one of the officers mentioned in subsection (2) (“the relevant officer”) is acting or has been or is required to be appointed in connection with an employer’s insolvency.
- (2) The officers referred to in subsection (1) are—
 - (a) the official receiver; or
 - (b) any such person as is referred to in paragraph (1) or (2) of Article 3 of the Insolvency (Northern Ireland) Order 1989 (insolvency practitioners), as read with paragraphs (3) and (4) of that Article.
- (3) Subject to subsection (5), where this section applies the Department shall not make any payment under section 120 in respect of unpaid relevant contributions until it has received a statement from the relevant officer of the amount of relevant contributions which appear to have been unpaid on the date on which the employer became insolvent and to remain unpaid; and the relevant officer shall on request by the Department provide it as soon as reasonably practicable with such a statement.
- (4) Subject to subsection (5), an amount shall be taken to be payable, paid or deducted as mentioned in subsection (3)(a) or (c) or (5) of section 120 only if it is so certified by the relevant officer.

Status: This is the original version (as it was originally enacted).

(5) If the Department is satisfied—

- (a) that it does not require a statement under subsection (3) in order to determine the amount of relevant contributions that was unpaid on the date on which the employer became insolvent and remains unpaid, or
- (b) that it does not require a certificate under subsection (4) in order to determine the amounts payable, paid or deducted as mentioned in subsection (3)(a) or (c) or (5) of section 120,

it may make a payment under that section in respect of the contributions in question without having received such a statement or, as the case may be, such a certificate.