



Pension Schemes (Northern Ireland) Act 1993

1993 CHAPTER 49

PART III

CERTIFICATION OF PENSION SCHEMES AND EFFECTS ON MEMBERS' STATE SCHEME RIGHTS AND DUTIES

CHAPTER I

CERTIFICATION

General requirements for certification

6 Protected rights and money purchase benefits.

- (1) Subject to [^{F1}the following provisions of this section], the protected rights of a member of a pension scheme are his rights to money purchase benefits under the scheme.
- (2) If the rules of an occupational pension scheme so provide, a member's protected rights are—
 - (a) his rights under the scheme which derive from the payment of minimum payments [^{F2}and payments under section 38A(3)] together with any payments by the [^{F3}Inland Revenue] to the scheme under Article 9 of the ^{M1}Social Security (Northern Ireland) Order 1986 in respect of the member;
 - (b) any rights of the member to money purchase benefits which derive from protected rights under another occupational pension scheme or under a personal pension scheme which have been the subject of a transfer payment; and
 - (c) such other rights as may be prescribed.
- (3) If the rules of a personal pension scheme so provide, a member's protected rights are—

Status: Point in time view as at 27/04/2005. This version of this provision has been superseded.

Changes to legislation: Pension Schemes (Northern Ireland) Act 1993, Section 6 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) his rights under the scheme which derive from any payment of minimum contributions to the scheme; and
 - (b) any rights of his to money purchase benefits which derive from protected rights under another personal pension scheme or protected rights under an occupational pension scheme which have been the subject of a transfer payment; and
 - (c) such other rights as may be prescribed.
- [^{F4}(4) Where, in the case of a scheme which makes such provision as is mentioned in subsection (2) or (3), a member’s rights under the scheme become subject to a pension debit, his protected rights shall exclude the appropriate percentage of the rights which were his protected rights immediately before the day on which the pension debit arose.
- (5) For the purposes of subsection (4), the appropriate percentage is—
- (a) if the order or provision on which the pension debit depends specifies the percentage value to be transferred, that percentage;
 - (b) if the order or provision on which the pension debit depends specifies an amount to be transferred, the percentage which the appropriate amount for the purposes of paragraph (1) of Article 26 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (lesser of specified amount and cash equivalent of transferor’s benefits) represents of the amount mentioned in paragraph (3) (b) of that Article (cash equivalent of transferor’s benefits).]

[^{F5}(6) Where, in the case of a scheme which makes such provision as is mentioned in subsection (2) or (3), any liability of the scheme in respect of a member’s protected rights ceases by virtue of a civil recovery order, his protected rights are extinguished or reduced accordingly.]

Textual Amendments

- F1** Words in s. 6(1) substituted (1.12.1999 for certain purposes and otherwise 1.12.2000) by S.I. 1999/3147 (N.I. 11), **arts. 1(5)(a), 29(1)(2)**; S.R. 2000/133, art. 2(3), **Sch. Pt. IV**
- F2** Words in s. 6(2)(a) inserted (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 147, **Sch. 3 para. 18**; S.R. 1997/192, **art. 2(b)**
- F3** Words in s. 6(2)(a) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 39**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F4** S. 6(4)(5) added (1.12.1999 for certain purposes and otherwise 1.12.2000) by S.I. 1999/3147 (N.I. 11), **arts. 1(5)(a), 29(1)(2)**; S.R. 2000/133, art. 2(3), **Sch. Pt. IV**
- F5** S. 6(6) inserted (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 23(2)**; S.I. 2003/120, art. 2, **Sch. (with arts. 34)** (as amended (20.2.2003) by S.I. 2003/333, art. 14)

Modifications etc. (not altering text)

- C1** S. 6 modified (27.4.2005) by **The Occupational and Personal Pension Schemes (Pension Liberation) Regulations (Northern Ireland) 2005** (S.R. 2005/193), regs. 1(1), **2(2)**

Marginal Citations

- M1** S.I. 1986/1888 (N.I. 18).

Status:

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