1988 No. 450

SOCIAL SECURITY

The Personal and Occupational Pension Schemes (Incentive Payments) (Amendment) Regulations (Northern Ireland) 1988

Made . . . . . *21st December 1988*

Coming into operation . . *26th January 1989*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 9(1) of the Social Security (Northern Ireland) Order 1986(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Personal and Occupational Pension Schemes (Incentive Payments) (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation on 26th January 1989.

Amendment of the Personal and Occupational Pension Schemes (Incentive Payments) Regulations (Northern Ireland) 1987

2. Regulation 3 of the Personal and Occupational Pension Schemes (Incentive Payments) Regulations (Northern Ireland) 1987(**b**) shall be amended in accordance with paragraphs (*a*) and (*b*)—

(*a*) in paragraph (2)(*b*) after "the identity of the employer, or" there shall be inserted ", subject to paragraph (2A),"; and

(*b*) after paragraph (2) there shall be inserted the following paragraph—

"(2A) For the purposes of paragraph (2)(*b*) the employment of the earner in question is distinguishable from the employment mentioned in paragraph (2)(*a*) if—

(*a*) throughout the period beginning on 6th April 1988 and ending on the last day of the last tax week in respect of which the payment is claimed it is a condition for admission to membership of the scheme other than the scheme in question that the earner has attained a minimum age or completed a minimum period of service, or both, and on 6th April 1988 the earner in question had not attained that age or completed that period of service; and

(*b*) membership of the scheme in question is open only to earners who do not satisfy that condition or those conditions.".

(**a**) S.I. 1986/1888 (N.I. 18)

(**b**) S.R. 1987 No. 293; to which there are amendments not relevant to these regulations

Sealed with the Official Seal of the Department of Health and Social Services on 21st December 1988.

(L.S.) *P. A. Conliffe*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Regulation 3 of the Personal and Occupational Pension Schemes (Incentive Payments) Regulations (Northern Ireland) 1987 specifies those cases in which an incentive payment under Article 9 of the Social Security (Northern Ireland) Order 1986 is not to be made. Paragraph (2) of that regulation provides that an incentive payment is not to be made if the earner in question or another earner has during any part of the period from 1st January 1986 to 5th April 1993 been in contracted-out employment by reference to another scheme, which employment is indistinguishable from the employment of the earner in question except by reference to the identity of the employer or employee or both.

These regulations insert into the said regulation 3 a new paragraph (2A) which provides that the employment of the earner in question is to be distinguishable from the other employment if on 6th April 1988 the earner in question was ineligible for membership of the other scheme because he had not attained the minimum age or completed the minimum period of service required for membership and membership of the scheme in question is restricted to such earners.