1989 No. 354

SOCIAL SECURITY

The Occupational Pension Schemes (Transitional Provisions and Savings) Regulations (Northern Ireland) 1989

Made	*25th August 1989*
Coming into operation . .	*28th August 1989*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 31(3) of the Social Security (Northern Ireland) Order 1989(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Occupational Pension Schemes (Transitional Provisions and Savings) Regulations (Northern Ireland) 1989 and shall come into operation on 28th August 1989.

(2) In these regulations "the Order" means the Social Security (Northern Ireland) Order 1989, and terms defined in the Pensions Order have the same meaning.

Savings in respect of amendments to the Pensions Order

2.—(1) If an earner ceased to be in contracted-out employment by reference to an occupational pension scheme other than a money purchase contracted-out scheme before paragraphs 2 and 3 of Schedule 6 to the Order(**b**) came into operation, Articles 43A and 43B of the Pensions Order(**c**) (which deal with the protection of pensions) apply in relation to the earner and the earner's widow or widower as if those paragraphs had not come into operation.

(2) If an earner was in contracted-out employment by reference to an occupational pension scheme other than a money purchase contracted-out scheme immediately before paragraphs 2 and 3 of Schedule 6 to the Order came into operation and—

(**a**) S.I. 1989/1342 (N.I. 13)

(**b**) Paragraphs 2 and 3 of Schedule 6 came into operation on 23rd August 1989 by virtue of Article 1(3) of the Social Security (Northern Ireland) Order 1989

(**c**) Articles 43A and 43B were inserted by Schedule 4 to the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)); Article 43A was amended by Article 8(1) and (2) of, and paragraphs 14 and 15 of Schedule 5 to, and Schedule 6 to, the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)) and by paragraph 7(1)(*d*) of Schedule 2 to, and paragraph 11 of Schedule 9 to, the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)); Article 43B was amended by Article 8(3), (4) and (5) of, and paragraph 16 of Schedule 5 to, and Schedule 6 to, the Social Security (Northern Ireland) Order 1985. *See also* Article 11(4)(*f*) of the Social Security (Northern Ireland) Order 1986

(*a*) the earner ceases to be in contracted-out employment by reference to that scheme after these regulations come into operation but before 1st December 1990; and

(*b*) the earner ceases to be in that contracted-out employment otherwise than by virtue of his attaining pensionable age,

Articles 43A and 43B of the Pensions Order apply in relation to the earner and the earner's widow or widower as if those paragraphs had not come into operation.

Saving in respect of amendments to the 1986 Order

3. Until 1st December 1990, Schedule 1 to the 1986 Order (which sets out the requirements to be satisfied by appropriate personal pension schemes and money purchase contracted-out schemes) shall have effect in relation to a scheme in respect of which there is in force, immediately before these regulations come into operation, an appropriate scheme certificate under Article 4 of that Order or a contracting-out certificate under Article 34(2A) of the Pensions Order(**a**), as if the amendments made to that Schedule by paragraphs 16 and 17 of Schedule 6 to the Order(**b**) had not come into operation.

Sealed with the Official Seal of the Department of Health and Social Services on 25th August 1989.

(L.S.) *A. N. Burns*
Assistant Secretary

(**a**) Article 34(2A) was inserted by paragraph 6(*b*) of Schedule 2 to the Social Security (Northern Ireland) Order 1986

(**b**) Paragraphs 16 and 17 of Schedule 6 came into operation on 23rd August 1989 by virtue of Article 1(3) of the Social Security (Northern Ireland) Order 1989

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations make transitional provisions and savings in connection with the coming into operation of the Social Security (Northern Ireland) Order 1989 (''the Order'').

Paragraphs 2 and 3 of Schedule 6 to the Order make changes to the protection of pensions provisions (sometimes called the ''anti-franking'' provisions) of the Social Security Pensions (Northern Ireland) Order 1975. Regulation 2(1) provides that these changes do not affect pensions for earners, and the widows or widowers of earners, who ceased to be in contracted-out employment before those paragraphs came into operation. Regulation 2(2) provides that the changes do not affect pensions for earners, and the widows or widowers of earners, who were in contracted-out employment when those paragraphs came into operation but who ceased to be in contracted-out employment between the date these regulations come into operation and 1st December 1990.

Paragraphs 16 and 17 of Schedule 6 to the Order make changes to the requirements that must be satisfied by appropriate personal pension schemes and money purchase contracted-out schemes. Regulation 3 allows schemes which already have an appropriate scheme certificate or a contracting-out certificate until 1st December 1990 to amend their rules to comply with the new requirements.

Article 31(3) of the Order, the enabling provision under which these regulations are made, came into operation on 23rd August 1989 by virtue of Article 1(3)(*b*) of the Order.