



2008 CHAPTER 13

PART 2

SIMPLIFICATION ETC.

State pensions etc.

Contracting-out: abolition of all protected rights

85.—(1) As from the contracting-out abolition date, pension schemes are not required to make special provision in relation to the protected rights of members.

(2) Accordingly—

- (a) the provisions of the Pension Schemes Act within subsection (3) cease to have effect as from that date, and
- (b) sections 21A, 23A and 28A of the Pension Schemes Act (as inserted by paragraphs 9, 10 and 12 of Schedule 4 to the Pensions Act (Northern Ireland) 2008 (c. 1)) are not to have any effect as from that date (in spite of section 13(4) of that Act of 2008).

(3) The provisions of the Pension Schemes Act within this subsection are—

- (a) section 6 (protected rights and money purchase benefits),
- (b) section 22 (persons who may establish scheme),
- (c) section 23 (identification and valuation of protected rights),
- (d) section 26 (securing of liability for protected rights),
- (e) section 28 (suspension or forfeiture), and
- (f) section 29A (appropriate schemes: “blowing the whistle”).

(4) In this section—

Changes to legislation: *Pensions (No. 2) Act (Northern Ireland) 2008, Section 85 is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes*

“the contracting-out abolition date” means the day appointed under section 21 of the Pensions Act (Northern Ireland) 2008 for the coming into operation of section 13(1) of that Act (abolition of contracting-out for defined contribution pension schemes), and

“protected rights” has the same meaning as in the Pension Schemes Act (see section 6 of that Act).

Commencement Information

II S. 85 in operation at 6.4.2012 by [S.R. 2012/119](#), **art. 2(a)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 24\(1\)\(c\) inserted by 2016 c. 1 \(N.I.\) Sch. 2 para. 39\(2\)\(d\)](#)