

## SCHEDULES

### SCHEDULE 17

#### AUTOMATIC TRANSFER OF PENSION BENEFITS ETC.

#### PART 3

#### INTERPRETATION ETC.

*Interpretation etc.*

**14.—(1)** In this Schedule—

“active member”—

- (a) in relation to an occupational pension scheme, has the meaning given by Article 121(1) of the 1995 Order, and
- (b) in relation to a personal pension scheme, means a member of the scheme in respect of whom contributions are being paid into the scheme;

“automatic transfer scheme” has the meaning given by paragraph 1(2);

“managers”, in relation to a pension scheme (other than a scheme established under a trust), means the persons responsible for the management of the scheme;

“money purchase benefits” has the meaning given by section 176(1) of the Pension Schemes Act;

“money purchase scheme” has the meaning given by section 176(1) of the Pension Schemes Act;

“occupational pension scheme” has the meaning given by section 1 of the Pension Schemes Act;

“pension scheme” means—

- (a) an occupational pension scheme, or
- (b) a personal pension scheme;

“personal pension scheme” has the meaning given by section 1 of the Pension Schemes Act;

“prescribed” means prescribed by regulations made by the Department;

“qualifying member” has the meaning given by paragraph 1(3);

“the Regulator” means the Pensions Regulator;

“transferable benefits”, and references to a person having transferable benefits, are to be read in accordance with paragraph 1(4);

“transferable benefits scheme” has the meaning given by paragraph 1(5);

“transfer notice” means a notice given under regulations made because of paragraph 3;

“work-based pension scheme” means—

- (a) an occupational pension scheme,
- (b) a personal pension scheme where direct payment arrangements (within the meaning of section 107A of the Pension Schemes Act) exist in respect of one or more members of the scheme who are workers, or
- (c) a personal pension scheme which is or has been registered under Article 4 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (stakeholder pension schemes);

“worker” means a person—

- (a) who is a worker for the purposes of Part 1 of the Pensions (No. 2) Act, or
- (b) to whom a provision of Part 1 of that Act applies as if the person were a worker because of a provision of Chapter 7 of that Part;

but for the purposes of paragraph (b), ignore section 74 of that Act.

(2) The Department may by regulations make provision about when contributions to a pension scheme are to be regarded as having ceased for the purposes of paragraph 1(4)(c) or 13(4).

#### *Crown application*

**15.—**(1) This Schedule applies to a pension scheme managed by or on behalf of the Crown as it applies to other pension schemes.

(2) Accordingly, references in this Schedule to a person in the person’s capacity as a trustee or manager of a pension scheme include the Crown, or a person acting on behalf of the Crown, in that capacity.

(3) This Schedule applies to persons employed by or under the Crown as it applies to persons employed by a private person.

#### *Overriding provision*

**16.—**(1) Regulations under this Schedule may provide that specified provisions override any provision of an automatic transfer scheme or transferable benefits scheme to the extent that it conflicts with them.

(2) A “specified provision” is a provision of regulations under this Schedule specified in the regulations for the purposes of this paragraph.

*Other provision relating to regulations under this Schedule*

**17.—**(1) Regulations under this Schedule may amend or otherwise modify any statutory provision (whenever passed or made).

(2) Regulations made because of sub-paragraph (1) may in particular amend section 170(1) of the Pension Schemes Act (levies towards certain expenditure) so as to include expenditure of the Department or the Commissioners for Her Majesty’s Revenue and Customs under the regulations or expenditure of the Secretary of State or the Commissioners for Her Majesty’s Revenue and Customs under regulations under paragraph 9(3) of Schedule 17 to the Pensions Act 2014.

**18.** Before making any regulations under this Schedule, the Department must consult such persons as it considers appropriate, but that duty to consult does not apply to regulations making only provision corresponding to provision contained in regulations made by the Secretary of State in relation to Great Britain.

*Amendments*

**19.—**(1) The Pension Schemes Act is amended as follows.

(2) In section 90(2A) (right to cash equivalent)—

(a) in paragraph (a), after sub-paragraph (vii) insert—

“(viii) regulations made under Schedule 17 to the Pensions Act (Northern Ireland) 2015.”;

(b) in paragraph (b), after sub-paragraph (v) insert—

“(vi) regulations made under paragraph 17 of Schedule 17 to the Pensions Act (Northern Ireland) 2015.”.

(3) In section 96B(2) (meaning of “scheme rules”: occupational pension schemes)—

(a) in paragraph (a), after sub-paragraph (x) insert—

“(xi) regulations made under Schedule 17 to the Pensions Act (Northern Ireland) 2015.”;

(b) in paragraph (b), after sub-paragraph (vii) insert—

“(viii) regulations made under paragraph 16 of Schedule 17 to the Pensions Act (Northern Ireland) 2015.”.

(4) In section 97AI(7) (rights to cash transfer sum and contribution refund: further provisions)—

(a) in paragraph (a), after sub-paragraph (ix) insert—

“(x) regulations made under Schedule 17 to the Pensions Act (Northern Ireland) 2015;”;

(b) in paragraph (b), after sub-paragraph (vii) insert—

“(viii) regulations made under paragraph 17 of Schedule 17 to the Pensions Act (Northern Ireland) 2015.”.

**20.** In Article 233 of the 2005 Order (no indemnification for fines or civil penalties), in paragraph (1)(b)—

(a) for “or section” substitute “, section”;

(b) after “2008” insert “or paragraph 10 of Schedule 17 to the Pensions Act (Northern Ireland) 2015”.